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FIRST SESSION

SENATE

SATURDAY, *April 24, 1926*

(Legislative day of Monday, April 19, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

SETTLEMENT OF BELGIAN INDEBTEDNESS

Mr. SMOOT. Mr. President, I ask that the unfinished busiiners may be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6774) to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America.

Mr. JOHNSON. Mr. President, will the Senator from Utah yield to me to present a report.

Mr. SMOOT. I yield to the Senator from California.

BOULDER CANYON PROJECT

Mr. JOHNSON. From the Committee on Irrigation and Reclamation I submit a report on the bill (S. 3331) to provide for the protection and development of the lower Colorado River basin, and I ask that the report (Rept. No. 654) be printed.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ASHURST. Mr. President, I hereby respectfully submit my individual views regarding the so-called Boulder Dam bill, and I request that same be printed.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ASHURST. I ask for a specific order for printing the same, as I have attached to my report some exhibits or appendixes. May I secure permission to print the same as other reports from committees are printed?

The VICE PRESIDENT. Without objection, it is so ordered. It will be printed as part 2 of Report No. 654.

Mr. JOHNSON. Does the Senator want to have it printed as a part of the majority report?

Mr. ASHURST. I wish to follow the usual practice. The majority report has been submitted by the Senator from California [Mr. JOHNSON]. Following the practice of the Senate, I have submitted my individual views on the bill.

The VICE PRESIDENT. It will be printed as part 2, but printed separately.

Mr. ASHURST. That is satisfactory.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ASHURST. Mr. President, the Senator from California [Mr. JOHNSON] on yesterday reported the so-called Boulder Dam bill, Senate bill 3331. The Senate Committee on Irrigation and Reclamation, as disclosed by the RECORD of yesterday's proceedings, reported the bill favorably upon a vote of 12 yeas and 3 nays. In the Committee on Irrigation and Reclamation I made the point of order that the Senate committee had no power or authority to consider a bill introduced in the Senate which proposes to "raise revenue" and which thereby contravenes section 7 of Article I of the Constitution of the United States, which section, so far as the same relates to the mooted question, reads as follows:

> All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills. * * *

There was discussion in the Senate Committee on Irrigation and Reclamation on the point of order. The Senate committee, without any vote or affirmative action, apparently reached the conclusion that the committee had no commission to pass upon the constitutionality of such a bill, as the Senate had not called upon this committee for any opinion upon this point. Therefore the committee withheld any action upon this question. It occurs to me that to be fair, and in order that I may not hereafter be deemed to be guilty of laches or delay, I should now serve notice, which I hereby do, that at an appropriate early date I intend to and shall make a point of order against that section or part of the bill, Senate bill S. 3331, the Boulder Canyon Dam bill, which section or provision, in my judgment, proposes to "raise revenue" by authorizing a bond issue, or by authorizing the further issuance and sale of bonds under statutes heretofore enacted.

I shall not at this time enter into a lengthy discussion of this point more than to say that there is, indeed, some expression of the Supreme Court of the United States which tends to support the view that raising money by the sale of Government bonds is not "raising revenue" within the purview of section 7 of Article I of the Constitution. It is also true that the Treasury Department holds that the issuance and sale of Government bonds is not "raising revenue."

Now, with that much underbrush cleared away, and with these frank statements on my part, I assert that neither the Supreme Court of the United States nor the Treasury Department is the eligible authority to pass upon or decide a question of parliamentary practice and privilege of that sort. The Constitution specifically says that there shall be an apportionment every 10 years, but no writ or process known to our law, no writ or process known to our Government or our polity could compel the House of Representatives to pass an apportionment bill.

The Supreme Court might indeed declare that a bill originating in the Senate proposing to issue and sell Government bonds was not "raising revenue," but no writ or process known to our law or our Government could compel the House of Representatives to accept, receive, and consider a bill sent to it by the Senate if the House of Representatives declared that the bill was one for "raising revenue." Indeed, Mr. President, on the question as to whether or not a bill "raises revenue" the House of Representatives is the judge and the final judge. What action this House would take upon this bill were the Senate to send this bill to the House, I have no doubt. Let me refer to the latest precedents upon this point. I now read from volume 54, part 5, CONGRESSIONAL RECORD of the Sixty-fourth Congress, second session. The Senate on March 2, 1917, had under consideration the naval appropriation bill passed by the House and sent to the Senate by the House, and whilst the bill was under consideration in the Senate, after some debate, the Senate added a provision, of which I shall read only the pertinent part:

> That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States, from time to time, such sums as may be necessary to meet expenditures directed by the President from the naval emergency fund and for expediting naval construction as provided in this act, not exceeding $150,000,000, or to reimburse the Treasury for such expenditures, and to prepare and issue therefor bonds of the United States in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe * * *.

The Senate adopted and agreed to that provision as an amendment to the naval appropriation bill, and when the bill with this amendment reached the House the House unanimously returned the bill to the Senate. Remember that this was on the 2d of March, 1917, just a short time before we entered the World War, when every moment was precious, when every motive was present that could induce Members of Congress to hurry and to waive what some might call peccadilloes; the House stood resolutely by the Constitution and refused to surrender its prerogatives. I read now from volume 54, part 5, page 4827, of the CONGRESSIONAL RECORD, Sixty-fourth Congress, second session:

> Mr. FITZGERALD. Mr. Speaker, ever since the beginning of the Republic the House has asserted its prerogative under the Constitution

to originate revenue bills. In my experince in the House upon several occasions the Senate has attempted to incorporate into various bills items providing for the raising of revenue either by taxation or by the issuance of bonds. The one great prerogative of the House of Representatives is the right to originate revenue bills, and however lowly this House has ever descended it has never yet yielded a single iota of that privilege. [Applause.] I hope, in this instance, the vote will be unanimous. It ought to be unanimous, Mr. Speaker, because this action has not been taken by the Senate without warning. Notice was given to those in charge of this bill to-day that this proposed amendment was an infringement of the prerogatives of the House; that it should not be incorporated in the bill; that if incorporated it should be eliminated; and that if it were incorporated in the bill the House would assert its prerogative and return the bill with such a message as is now proposed. In spite of that warning, and regardless of the constitutional provision, the Senate has sent this bill here in defiance of the warning given and in derogation of the rights of the House. There is nothing for us to do except to insist upon our constitutional prerogative and to follow the unbroken precedents of the Republic by sending this bill back to the Senate, so that they may eliminate the provision which infringes upon our privileges.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken.

The SPEAKER. The ayes have it. The vote is unanimous.

Moreover, Mr. President, in January, 1925, whilst the Senate was considering a bill increasing postal salaries and raising postal rates, the Senator from Virginia [Mr. SWANSON] made the point of order against that portion of the bill which proposed to increase the postal rates upon the ground that such was "raising revenue" and that, therefore, the Senate was not the eligible authority to originate such legislation. (See p. 2274 of vol. 66, pt. 3, 68th Cong., 2d sess.)

After discussion on this point, the Senate, by 29 yeas to 50 nays, rejected the point of order and held that the Senate was an eligible authority to originate legislation increasing postal rates and that the increasing of postal rates was not "raising revenue." The bill went to the House of Representatives, and on February 3, 1925, the House of Representatives considered the bill, whereupon Mr. GREEN of Iowa made the following point of order, as shown at page 2941 of volume 66, part 3, Sixty-eighth Congress, second session:

Mr. GREEN of Iowa. Mr. Speaker, I rise to a question of the highest privilege, the privileges of the House, and offer a resolution which has been sent to the Clerk's desk.

The SPEAKER. The gentleman from Iowa offers a resolution, which the Clerk will report.

The Clerk read as follows:

"*Resolved*, That the bill S. 3674, in the opinion of the House, contravenes the first clause of the seventh section of the first article of the Constitution and is an infringement of the privileges of this House, and that the said bill be taken from the Speaker's table and be respectfully returned to the Senate with a message communicating this resolution."

Mr. President, the discussion in the House upon that point was exhaustive and learned. In my opinion every argument that could have been employed was employed. Each side supported its views with vigor, and I invite Senators to read the RECORD of that day, to wit, February 3, 1925. The House of Representatives then and there by a vote of 225 yeas to 153 nays held and decided that to increase postal rates—that is to say, to increase the charges and rates to be paid for the transmission of mail matter—was "raising revenue."

The House had the right, power, and authority to make such a decision, and it did make such a decision. Therefore before the Senate considers a bill of such vast importance as the bill just reported by the able and worthy Senator from California [Mr. JOHNSON] authorizing the issuance and sale of bonds in the sum of approximately $125,000,000, or authorizing the Secretary of the Treasury to issue and sell bonds under laws heretofore enacted, the Senate ought to consider as to whether we have the power to pass such a bill. Surely the Senate does not wish to issue a brutum fulmen—a harmless thunderbolt—by considering a provision which we are not eligible to act upon. I say all this now so that I shall not be charged in the Senate with having waived this point.

Moreover, I repeat I want to clear this discussion of the underbrush. I wish my philosophy of this question made manifest. Whoever discusses questions of law with the senior Senator from California [Mr. JOHNSON] or the junior Senator from California [Mr. SHORTRIDGE] will find himself hard put to answer the arguments they can make, because they are two of the ablest lawyers the State of California has produced.

I am not so vain as to imagine that I can vanquish either of them easily, or at all, unless I am clearly within the law and precedents. So I say again that the Supreme Court has apparently said that to provide for the issuance of bonds is not raising revenue. I say again that the Treasury Department has said that the issuance and sale of bonds is not "raising revenue"; but I also say again that neither the Supreme Court nor the Treasury Department is eligible to pass upon a parliamentary question of this sort. What is "raising revenue" is not so much a juridical question as it is a parliamentary or political question. I repeat that the Constitution requires an apportionment every 10 years; but no writ known to our law can compel the House of Representatives to pass an apportionment bill.

Mr. SHORTRIDGE. Mr. President——

Mr. ASHURST. Let me finish the sentence. No writ known to our law or our Constitution can compel the House of Representatives to accept a bill from the Senate if the House declares the same to be a bill for raising revenue. Now I yield to the Senator from California.

Mr. SHORTRIDGE. Mr. President, I have no doubt my learned friend has profound respect for the decisions of the Supreme Court of the United States.

Mr. ASHURST. I have.

Mr. SHORTRIDGE. We have the legislative department of the Government which enacts laws; we have the executive department which enforces laws; and we have the judicial department to interpret the laws which we enact, and also to interpret the meaning of the supreme law, namely, the Constitution of the United States. If the Supreme Court of the United States, interpreting the Constitution as it bears on this question in an appropriate case before it, should decide that a bill of this character is not one to raise revenue in the sense of that phrase as it appears in the Constitution, should not and would not the Senate, should not and would not the House, bow to and pay due respect to the decision of that high tribunal?

Mr. ASHURST. Does the Senator mean to ask me if such would be a constitutional law?

Mr. SHORTRIDGE. Would not such decision be an authoritative interpretation of the Constitution of the United States by which both Senate and House are bound?

Mr. ASHURST. Mr. President, in my judgment all bills for raising revenue shall originate in the House of Representatives. As a matter of practice, the House of Representatives alone determines whether a bill "raises revenue." Suppose the Senate sends to the House of Representatives a bill which the Senate declares does not raise revenue, but which the House of Representatives declares does raise revenue, I ask the learned Senator, is there any writ or process to compel the House of Representatives to accept such a bill?

Mr. SHORTRIDGE. I grant there is no writ known to the law that can compel the Senate or the House of Representatives to do this or that or the other thing; but we take a solemn oath, recorded yonder and some of us think it is recorded elsewhere, to obey the Constitution of the United States; and when the Supreme Court of the United States in a proper case before it interprets that supreme law, it is the Senator's duty and it is my duty to act accordingly. That is the position I take.

Mr. ASHURST. I do not admit that the Supreme Court has specifically said that; but I am willing, for the purpose of this argument, to say that the Supreme Court has said that the issuance of bonds is not raising revenue; I am willing to go that far to illustrate my point.

Mr. SHORTRIDGE. With great respect for the Senator by that admission, I think he has conceded away his whole case and is out of court, if I may use the language of the forum.

Mr. ASHURST. My point is, the Senate is not the tribunal to determine this question; neither is the Supreme Court; the House of Representatives is the tribunal.

At the proper time, when the bill is up, I shall insist upon my point of order.

Mr. SHORTRIDGE. I am not now going to discuss the merits of the point of order raised or comment on the argument of the Senator. I merely observe that if, as the Senator admits, the Supreme Court has decided the case, then it becomes and is the duty of both the Senate and the House to respect that decision.

Mr. ASHURST. In the committee the Senator from California [Mr. JOHNSON] read a strong case. I am not going to dodge or equivocate; but I say, no matter what the Supreme Court may say—and I say it respectfully—yonder Chamber, the House of Representatives, is the tribunal in which the founders of the Government and its Constitution lodged the authority and power to say what is raising revenue.

Mr. SHORTRIDGE. But the founders of the Constitution did not lodge in the House of Representatives the power to

interpret the Constitution of the United States and determine the point raised by the Senator; they vested the Supreme Court of the United States with that power.

Mr. ASHURST. It did give them that privilege on the question as to what is raising revenue.

Mr. SHORTRIDGE. No; it did not. The Constitution provides that "all bills for raising revenue shall originate in the House of Representatives," but it is within the power of the Supreme Court to interpret the Constitution, and, in a case properly before it, to decide what is and what is not a bill for raising revenue.

Mr. ASHURST. Is there any power in the Supreme Court or any court to compel the House to receive a bill from the Senate which the House says raises revenue?

Mr. SHORTRIDGE. No; there is not; if the House wants to be rebellious and to violate the Constitution, it may do so, but I am not going to do so; this Senate will not do so and the House will never intentionally do so.

Mr. ASHURST. Does the Senator say that the House is rebellious when it unanimously rejects a Senate bill providing for a bond issue at one time and later, only a year ago, after a most exhaustive debate, rejects one of the same nature?

Mr. SHORTRIDGE. Borrowing a word from a friend near by, if the House should act contrary to a plain decision of the Supreme Court, it would be unanimous rebellion.

Mr. ASHURST. "Unanimous rebellions" are the rebellions which succeed.

Mr. JOHNSON Mr. President, I will occupy the time of the Senate for just an instant. The very able Senator from Arizona has quite appropriately suggested a legal proposition upon which he relies in relation to the Boulder Dam project, concerning which the Committee on Irrigation and Reclamation has made a favorable report. That report has been filed this morning. The project, indeed, is the greatest constructive work that has been undertaken legislatively in this generation. Naturally, because of its extraordinary importance, I, of all people on earth, do not wish it halted by any parliamentary situation.

The presentation was made before the committee by the able Senator from Arizona of the point which he has just suggested to the Senate. There it was argued quite elaborately by him—not so elaborately by myself, but, at any rate, I presented the authorities that are extant upon it. The committee, I think, was practically unanimous in the view that it held of the law, although I do not speak by the book in saying that, because there was no vote upon the question. However, the answer to the Senator from Arizona is found in a two-fold aspect, to wit, first, the bill that is now before the Senate and that was favorably reported yesterday eliminates, in my opinion, the original question which was raised by him; and secondly, even if it does not, there is an unbroken line of decisions, which I presented to the committee upon the hearing of the matter, by the Supreme Court of the United States and principles laid down by every text writer, including Justice Story, and by every individual, indeed, who has construed the Constitution, holding that a measure of the sort did not come within the constitutional inhibition.

I grant, of course, that the House on some occasions has insisted upon its prerogative; no less has the Senate insisted upon its prerogative; and when the time shall arrive for the discussion of this matter I shall ask the Senate, if there be any question raised upon the matter at all, to insist upon the prerogative that the Senate has exercised from time immemorial, and to insist that that prerogative shall be observed by the other House. But, sir, I want to say that I apprehend no difficulty with the House of Representatives at all upon this measure. I apprehend no difficulty, because in reality the question that is suggested does not arise upon the bill which has been presented. However, like my friend from Arizona, I leave the matter of the argument upon all of the questions involved until the future time when he shall present his motion formally.

Mr. ASHURST. Mr. President, I ask unanimous consent to include in the CONGRESSIONAL RECORD my individual views on the Boulder Canyon Dam bill. They consist of two galleys of printed matter. I do not desire to have the exhibits printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The views of Mr. ASHURST (Rept. 654, pt. 2) are as follows:

Mr. ASHURST, from the Committee on Irrigation and Reclamation, submitted the following individual view, to accompany S. 3331:

The Colorado River is our most remarkable and dramatic river in its value for irrigation and hydroelectric energy. It combines concentration of fall, sites for power plants, reservoir sites for controlling the river flow, and a vast volume of water for irrigating several million acres of land.

Other rivers may be used, either for irrigation or for hydroelectric power, but no other river in the Western Hemisphere presents such enormous opportunity for the use of its waters for both irrigation and power.

In approaching the problems of a river so pregnant with possibilities for development, it is important that all the factors connected therewith—engineering and economic—should be fully evaluated and that expediency shall play no part therein.

It is the opinion of all experts that there is no surplus water in the Colorado River, therefore in any plan of developing that river extreme care should be exercised so that no practicable potentiality shall be needlessly sacrificed.

There exists now in some sections of the Colorado River Basin a demand for irrigation, hydroelectric power, and flood control, and whilst the development proposed by this bill is dazzling, nevertheless, a visualization of farms, fields, factories, towns, and cities yet to arise of which the Colorado River must be the alimentary canal is equally as important, hence no plan or scheme should be adopted which would forever preclude the possibility of a full use of all the water resources of the river.

Before many years shall have passed the demand for water within the Colorado River Basin will be as great, possibly greater, than the available supply; therefore it would be a tragic blunder were the initial dam placed at a point so far downstream as to preclude construction in the future of other dams or series of dams which will inevitably be necessary higher up the river, and unfortunately that is what the bill S. 3331 proposes to do.

The logical and practical way to develop a river is to begin at its source and work toward its mouth. This bill proposes to reverse this logical and practical order of development.

The elevation of the water surface of the Colorado River at Glen Canyon is 3,127 feet, at Bridge Canyon it is 1,207 feet, and at Boulder Canyon it is 705 feet.

ARIZONA

Ninety-seven per cent of the entire area of the State of Arizona is within and constitutes 43 per cent of the total area of the Colorado River drainage basin.

Arizona contributes about 28 per cent of the waters of the Colorado River.

Of the 6,000,000 firm horsepower of potential hydroelectric energy in the lower basin, seven-eighths thereof is in Arizona, but the Boulder Canyon plan of development would allot to Arizona only an insignificant fraction of this hydroelectric power.

Of the lands in Arizona susceptible of irrigation, all thereof to be irrigated must obtain their water from the Colorado River or its tributaries in Arizona; they have no other waters from which to draw.

The Colorado River enters Arizona from Utah near what is called the Crossing of the Fathers and flows through Arizona for a distance of 330 miles to the Arizona-Nevada State line, in Iceberg Canyon. From this point the river forms the western boundary line of Arizona for a distance of 400 miles to the point where it intersects the boundary line between Arizona and Old Mexico. Arizona furnishes 28 per cent of the waters of the Colorado River.

CALIFORNIA

Only 2½ per cent of the Colorado River drainage basin is in California.

California contributes no water to the Colorado River.

The Boulder Canyon plan of development allots to California 37 per cent of the waters of the Colorado River.

The Boulder Canyon plan allots to California practically all of the hydroelectric power to be generated in the lower basin of the Colorado River.

California has 18,000,000 acres of land irrigable by waters other than by the waters of the Colorado River.

Of potential hydroelectric energy, California has 6,000,000 horsepower which may be developed within her borders on streams other than the Colorado River or its tributaries.

The Boulder Canyon plan allots to California practically all the hydroelectric power developed in Arizona, but California would not permit Arizona to direct the allocation of the hydroelectric power developed on California streams.

It is the opinion of numerous engineers of large ability and vast experience that to place the initial high dam at Boulder Canyon would sacrifice priceless resources of this river inasmuch as a high dam at Boulder Canyon would defeat a comprehensive and systematic plan of maximum development.

A storage dam at Glen Canyon with a diversion dam at Bridge Canyon would achieve precisely what is sought by a dam at Boulder Canyon, viz, flood control, irrigation, hydroelectric power, and domestic water for the cities and towns of southern California; and furthermore, such dams at Glen Canyon and at Bridge Canyon would sacrifice no potentiality of the river.

Attention is directed to the testimony of Mr. O. C. Merrill, executive secretary of the Federal Power Commission (see p. 505, vol. 5, hearings before Senate Committee on Irrigation and Reclamation):

"While the resources of the Colorado River approximate from 4,000,000 to 6,000,000 horsepower, way beyond present-day requirements of the Southwest, and including in the Southwest the southern half of California, there is no reasonable doubt that within the next half century at the outside there will be demand for all the hydroelectric energy that the lower Colorado River at least can supply, and care must, therefore, be taken in any scheme of development of the river to see that we do not sacrifice, unless for outstanding reasons, any future possibilities of power."

It is, of course, true that we should attempt to serve our generation and meet the needs and requirements of our own day, but it is none the less true that we will never be forgiven at the bar of public opinion if in serving our own day and generation we reject a plan for Colorado River development (viz, storage dam at Glen Canyon and diversion dam at Bridge Canyon), which plan if consummated would furnish all the practical results needed and desired by this generation and would at the same time conserve all the natural advantages of this river for those who in the days yet to come are to live in the Colorado River Basin. It is entirely within the realm of practicability to irrigate every acre of land within the Colorado River Basin susceptible of irrigation if science and national welfare, instead of expediency, be allowed to control.

There will be no remorse so poignant as that which will come from a realization, after the expenditure has been made, that in placing the high dam too far down on the river (at Boulder Canyon) a potential empire in the lower basin has been stunted.

The enactment of this bill into law would sentence Arizona to obscurity and render impossible in that State any large development in the future.

This bill, however, with all its vices, is at least free from the vice of hypocrisy. It sedulously and intentionally proposes to sever Arizona's jugular vein.

The bill is intended to be, and is, an attempt to coerce Arizona. One administration unsuccessfully attempted to coerce Arizona into joint statehood with New Mexico. Another administration unsuccessfully attempted to coerce Arizona upon certain provisions of her constitution, and those of the present administration who are attempting by this legislation to coerce Arizona will ultimately discover that they have simply been standing like large locomotives on a sidetrack, without driving rods, wasting their steam in vociferous and futile sibilation.

What abysmal folly to condemn, as this bill does, 200,000 firm horsepower, which is one-third of all the electrical energy proposed to be generated at Boulder Canyon, eternally to the task of lifting 1,500 second-feet of water to a height of 1,730 feet and pumping the same to the cities and towns of southern California for their domestic use, when at no greater cost the same supply of domestic water may be sent to these same cities and towns of southern California by gravity from a diversion dam at Bridge Canyon, and thus save and release for other purposes this enormous quantity of horsepower.

What reckless disregard of the public interests to build a dam at Boulder Canyon, as this bill proposes, which at most could irrigate only 200,000 acres of land in Arizona, whilst the storage dam at Glen Canyon and the diversion dam at Bridge Canyon would irrigate at least 3,000,000 acres of land in Arizona.

What flagrant injustice by placing the dam at Boulder Canyon to doom 3,000,000 acres of land in Arizona perpetually to desert and thereby to irrigate an equal area of land in Mexico.

Respectfully submitted.

HENRY F. ASHURST,
United States Senator from Arizona.

Mr. JOHNSON. Mr. President, inasmuch as the request was made to have printed in the CONGRESSIONAL RECORD the minority views upon the bill that has been reported, may I ask that the same consent be given to printing the majority views in the RECORD as well.

The VICE PRESIDENT. Without objection, it is so ordered.

The report this day submitted by Mr. JOHNSON (No. 654) is as follows:

The Committee on Irrigation and Reclamation, to whom was referred the bill S. 3331, presents the following report recommending the passage of S. 3331:

THE PROJECT GENERALLY

Senate bill 3331, reported favorably by the Committee on Irrigation and Reclamation, is the culmination of many years of technical and scientific research, study, and investigation, and of the efforts of the Federal Government and the various States affected to harness the waters of one of the great rivers of the world. The Colorado River is a unique stream of 1,750 miles in length, the third largest river on the continent. Its drainage area embraces 242,000 square miles in the United States. It rises in the State of Wyoming and flows through that State, Colorado, Utah, and Arizona, and forms part of the boundary between the States of Arizona and Nevada and Arizona and California, and finally discharges into the Gulf of California.

The stream measurements taken over a period of 25 years show an average annual discharge of nearly 17,000,000 acre-feet (this after irrigation depletion above). The run-off varies greatly from year to year. In 1902 it was but 9,110,000 acre-feet. In 1909 it was 25,400,000 acre-feet. The seasonal variation of the river is also sharply marked, the flow ranging from 200,000 cubic feet per second when in flood to as low as 1,250 in low water. The rim of the upper drainage basin of the river is composed largely of high mountain ranges. The melting snows from these ranges and the rainfall increase its volume. The lower portion of the basin is composed of hot, arid plains of low altitude, broken by short mountain groups. The central portion consists of a high plateau, through which the river runs for hundreds of miles in a deep and narrow canyon.

As the river flows rapidly through the canyon region it picks up a tremendous amount of silt, and its average discharge of silt yearly at Yuma is about 110,000 acre-feet, an amount equal in volume to the total excavations by the United States from the Panama Canal.

In its quieter moods the waters of the Colorado River are easily controlled and may be beneficially utilized in the fertile valleys it traverses; but as summer approaches the melting snows often convert this stream into an indescribable raging torrent, which, through the ages, with irresistible force has torn into the high plateaus of Arizona and Nevada and carved out mighty chasms, sometimes even to a depth of 5,000 feet.

The havoc that the river at its flood has wrought, its very destruction of the territory through which its torrents have swept all before it have provided the means for its control and for the beneficial use of its waters now running to waste. Through great deposits of rock the waters have cut, leaving towering perpendicular walls between which dams may be constructed at a minimum of effort and expense. Immense basins have been carved out where its waters can be easily stored. It has distributed the material carried down by its floods over the low-lying lands in the valleys below converting the otherwise barren and worthless desert into highly productive and fertile soil. A menacing and destructive agency in its natural state, the Colorado River but awaits development and control to be one of the great contributing factors to the wealth of the Nation and the happiness of the people of all of the territory of the Southwest. Successive administrations have recognized not only the possibilities of regulation and control of the Colorado River but the necessity for that regulation and control. From the time of President Roosevelt to that of President Coolidge the Federal Government has recognized the problems of the Colorado River and the lands dependent upon it and that these problems, because of their interstate relations and certain of their international aspects, were national in character and a matter of national concern. The present bill embodies the conceded solution of years of painstaking care and thorough study and investigation by the ablest engineers of our country. It seeks not only the control of one of the Nation's great rivers but endeavors to remove the danger and the menace which like a pall have rested upon tens of thousands of American citizens, utilizes what is now waste water for reclamation, irrigation, and domestic use, and ends the intolerable conditions now surrounding the Imperial Valley in its water supply.

The citizens in the Imperial Valley and the territory contiguous thereto have long been praying the Congress for relief from the perilous position in which the Colorado River in its erratic moods has placed them. Imperial County is the southeasterly county of the State of California. It borders upon Mexico. In its conformation physically it is different from any other part of our country, and possibly different from any other part of any other country in the world. The fertile valley, which takes its name from that of the county, is in shape like a saucer. Along the rim of a part of this saucer-shaped land flows the turbulent Colorado River. Beneath is the valley, 250 feet below the level of the sea. The rainfall is negligible, and the wells are in one restricted locality and are of little consequence. It is a natural desert, composed of silt from the river that flows above it and which during the ages has reclaimed the sea. For the Imperial Valley at one time undoubtedly was a part of the Gulf of California, which gradually has been filled by this silt deposit of the Colorado River. The silt constitutes a sand, originally variable and moving, and in its natural state merely a forbidding desert.

One thing, and one thing alone, makes the Imperial Valley possible for productivity and habitation. One thing transforms a hideous desert into a modern paradise, and that one thing is water. From one place, and one place alone, can water be obtained, and that place is the Colorado River. The Colorado is an American stream. It has its source in the United States, as has been related. It is true that it meanders through Mexico and finally finds its outlet in the Gulf of California. But it is an American river, and it is an American river to which Americans in America are entitled first. Each season, because of the silt it carries, its bed rises higher. It is restrained

and controlled by dikes and levees. The height of these levees has been constantly increased until to-day they are built to the danger point and can not be built higher.

Storage above and the regulation of the flow are now recognized as the only means of protection from floods, not only for the Imperial Valley but for a part of Arizona, a part which by reason of its development has become a productive, valuable, and beautiful territory. The flood danger so far as the Imperial Valley is concerned is unlike that which exists in any other part of the United States. In other localities destructive floods may occur with untold losses, and yet the waters subside and the territory affected ultimately recovers. In the Imperial Valley floods mean water entering the basin of the saucer-shaped land with no possible outlet, and then utter annihilation. Millions of dollars have already been expended, not only by the localities affected but by the Federal Government, in the attempt to protect the lower basin of the Colorado River from floods. Levees at times have no sooner been built than they have been washed away. Here, finally, is presented a unified plan for protecting those entitled to protection, for the allocation among the States desiring that allocation of the waters of a great river to which all are entitled, for the eliminating of intolerable conditions by which a fertile and productive part of the United States is dependent for its very life upon water which flows through Mexican territory, and, finally, for converting into a great national asset a wasteful and destructive agency, and by its control reclaiming for homes for Americans hundreds of thousands of acres of land now arid and worthless.

The project contemplates the construction of a large dam and storage reservoir at Boulder or Black Canyon, where the Colorado in its mad moments has prepared a precipitous, perpendicular granite or basalt wall more than 1,600 feet in height. In addition, an all-American canal for the protection of the lands of Imperial and Coachella Valleys is provided for. The canal will extend from the Laguna Dam, near Yuma, to Imperial Valley, a distance of about 60 miles. The dam will be approximately 550 feet in height and will create a water storage of 26,000,000 acre-feet. The dam will furnish sufficient drop to generate 550,000 firm horsepower of electricity, or 1,000,000 horsepower on a 55 per cent load factor.

The magnitude of the proposed Boulder Canyon Dam can only be appreciated by comparison with present existing works of like character. The highest dams now in existence stand from 250 to 350 feet above bedrock, while the Boulder Canyon Dam will consist of a solid concrete structure towering 550 feet above its foundations and braced between solid rock walls. Some of the great reservoirs in the world are the Assuan, of Egypt, with 1,865,000 acre-feet capacity; the Elephant Butte, of New Mexico, and our Reclamation Service, with 2,368,000 acre-feet capacity; and the Gatun Lake, on the Panama Canal, with 4,410,000 acre-feet capacity; while the proposed Boulder Canyon storage will have approximately 26,000,000 acre-feet. If we assume the District of Columbia as a reservoir site and use the total area of the District for the storage of an amount of water which will be stored by this project, the District would be covered to a depth of 535 feet, or within 20 feet of the height of the Washington Monument. If the land alone of the District were thus utilized for the waters stored by the Boulder Dam, the water would be upon the District 677 feet deep, or 120 feet higher than the Washington Monument. The hydroelectric power which will be generated from the contemplated new work will equal 550,000 firm horsepower continuously, with a 1,000,000-horsepower installed capacity—a capacity equal to the total capacity of all the Niagara plants now operating, an installed capacity 50 per cent greater than Muscle Shoals, and with a capacity and firm horsepower six times greater than that contemplated at Muscle Shoals. Careful estimates demonstrate that the Boulder Canyon project will save 23,000,000 barrels of oil yearly, and when it is recalled that the United States Geological Survey warns us that the oil supply of America, at the present rate of consumption, may be completely exhausted in 20 years the importance of this saving can not be overestimated.

And at the beginning and at the end of this report it should be made plain that the entire project will finance itself, that the bill provides no work shall be undertaken and no money expended until the administration has provided for the adequate repayment of every penny that may be expended. The testimony demonstrates conclusively that the money for the work under this bill will be forthcoming, that already it may be provided, and that this tremendous enterprise, one of the greatest of our generation, fraught with such potential possibilities for good and with such incalculable benefit to our people will cost the Federal Government nothing but administrative effort.

PART I. GENERALLY OF THE PROJECT, ITS DEVELOPMENT AND PLAN

PROJECT FINANCIALLY ATTRACTIVE TO GOVERNMENT

From a financial aspect this project is an attractive one to the Government. There is an active market for the power which will be generated at the dam both for commercial purposes and for pumping in connection with a domestic water supply for southern California cities. The Imperial Valley is a proven irrigable area. Established and going districts will be responsible for the cost of the canal. While the Government will in the first instance advance funds for the construction of the works, all advancements will be repaid to the Government within 50 years with interest at 4 per cent per annum. Moreover the bill specifies that no money is to be advanced until the Secretary of the Interior has secured contracts for the delivery of water and for power assuring the Government full repayment of its outlays with interest.

The authorized appropriation is $125,000,000, covering $41,500,000, the estimated cost of the dam; $31,000,000, the estimated cost of the canal; $31,500,000, the estimated cost of a power plant at the dam; and $21,000,000 interest during construction. The last item, however, represents no active appropriation, but is solely for the purpose of returning to the General Treasury interest upon the other $104,000,000 during the period of construction and before the works can begin to yield a return. It is largely a bookkeeping arrangement to fix the amount for which beneficiaries of the project will be charged.

Again, the building of a power plant at the dam is left optional with the Secretary of the Interior. If he elects not to build the plant, but instead to lease the rights to use waters for power generation, the $104,000,000, representing the total cost of the works authorized, will be reduced to $72,500,000, and the item of interest during construction will be correspondingly reduced.

FINANCIAL FEATURES OF BILL PREPARED BY TREASURY DEPARTMENT

Particular consideration has been paid to the financial features of the bill. As they appear they are in the form prepared by the Treasury Department and may therefore be said to be suitable and appropriate both to the carrying out of the project and to the requirements of that department.

PURPOSES OF PROJECT

The project will serve four main purposes:

(1) It will relieve a very serious and ever-present flood danger to the Imperial Valley as well as other sections along the lower river both in Arizona and California. Imperial Valley occupies a sink or basin lying from 100 to 350 feet below the bed of the river. It has no drainage outlet. Hence its flooding means its permanent destruction.

(2) It will end an intolerable situation, under which the Imperial Valley now secures its sole water supply from a canal running for many miles through Mexico, as well as make possible the reclamation of a large area of public lands lying around the rim of the present cultivated section in the valley.

(3) It will conserve flood waters of the river which in addition to providing for irrigation development will make it possible for rapidly growing cities of southern California to secure a domestic water supply from the water thus saved.

(4) It will create a large amount of desirable hydroelectric power, making the project a financially feasible one.

The construction of the dam in addition to providing efficient flood control and making available the flood waters for irrigation and domestic uses will fully regulate the flow of the river. With its flow unregulated the river can not be successfully used as a highway for commerce; in its regulated form it will provide a safe and dependable flow below the dam which can be used by power boats and other small craft. The reservoir created by the dam will be the largest artificial lake in the United States and capable of successful navigation.

PROJECT HAS BEEN FULLY INVESTIGATED

The project has been under consideration for many years. Government agencies have made long and careful investigations respecting its feasibility and necessity. Unusually extensive committee hearings have been had.

The committee has actually visited the region affected by the project and held hearings there. Two years ago the Secretary of the Interior, in a report to Congress on the project, tersely said:

"The Colorado River has been under observation, survey, and study, and the subject of reports to Congress since the close of the Civil War. More than $350,000 have been expended by the Bureau of Reclamation since the Kinkaid Act of May 18, 1920. More than $2,000,000 have been expended by other agencies of the Government. The time has arrived when the Government should decide whether it will proceed to convert this natural menace into a national resource." (Hearings on H. R. 2903, 68th Con., 1st sess., p. 818.)

BOULDER (OR BLACK) CANYON PROPER LOCATION FOR DAM

While there has been some difference of opinion as to the proper site for an initial development on the Colorado River the overwhelming weight of opinion favors the Boulder or Black Canyon site. These two sites are close together and are frequently termed the upper and lower Boulder Canyon sites. A dam at either site will inundate practically the same territory. Natural conditions at this point are extremely favorable for the construction of a great dam at a minimum of cost. An immense natural reservoir site is here available. A development at this point will fully and adequately serve all purposes—flood control, reclamation, domestic water, and power. It is the nearest available site to the power market, an important element from a business or financial standpoint.

As said by Mr. Hoover, Secretary of Commerce:

"I believe the largest group of those who have dealt with the problem, both engineers and business folk, have come to the conclusion that there should be a high dam erected somewhere in the vicinity of Black Canyon. That is known usually as the Boulder Canyon site, but nevertheless it is actually Black Canyon. The dam so erected is proposed to serve the triple purpose of power, flood control, and storage. Perhaps I should state them in a different order—flood control, storage, and power, as power is a by-product of these other works.

"There are theoretical engineering reasons why flood control and storage works should be erected farther up the river and why storage works should be erected farther down the river; and I have not any doubt that given another century of development on the river all these things will be done. The problem that we have to consider, however, is what will serve the next generation in the most economical manner, and we must take capital expenditure and power markets into consideration in determining this. I can conceive the development of probably 15 different dams on the Colorado River, the securing of 6,000,000 or 7,000,000 horsepower; but the only place where there is an economic market for power to-day, at least of any consequence, is in southern California, the economical distance for the most of such dams being too remote for that market. No doubt markets will grow in time so as to warrant the construction of dams all up and down the river. We have to consider here the problem of financing; that in the erection of a dam—or of any works, for that matter—we must make such recovery as we can on the cost, and therefore we must find an immediate market for power. For that reason it seems to me that logic drives us as near to the power market as possible and that it therefore takes us down into the lower canyon." (Hearings on S. Res. 320, 68th Cong., 2d sess., p. 601.)

FEDERAL GOVERNMENT THE PROPER AGENCY TO UNDERTAKE DEVELOPMENT

Because the Colorado River is an interstate and international stream and because of the various conflicting uses of water, such as for flood control, reclamation, and power generation, the Government is the proper and logical agency to undertake this development. It is well equipped for this purpose. The Reclamation Service has had wide experience in large dam construction. For the Government to undertake this work does not mean its going into business in an objectionable sense. Even if the Secretary of the Interior elects to build a power plant at the dam and operate it, this will mean but a very small force of men in the Government service. Again, the economic consequences of a development of this importance are such that the Government should maintain a control greater than can be secured through the usual regulatory processes. Benefits from natural assets of the magnitude here involved should be fairly and widely distributed. This can best be accomplished by the Government taking the initiative, as in the bill provided. This idea was well expressed by the Secretary of the Interior in his report of January 12, 1926, on the project, where he said:

"Interstate and international rights and interests involved, the diversified benefits from the construction of these works, the waiting necessities of cities for increased water supplies, the large development of latent agricultural resources, the protection of those already developed, and the immense industrial benefits which may come from the production of cheap power, which together appear to render the construction and subsequent control of these works a measure of such economic and social importance that no agency but the Federal Government should be intrusted with the protection of rights or distribution of its opportunities. All uses can be coordinated and the fullest benefits realized only by their centralized control." (Hearings on S. Res. 320, 69th Cong., 1st sess., p. 868.)

A similar view was voiced by the President in a telegram to C. C. Teague of date October 7, 1924, in which he said:

"The major purposes of the works to be constructed * * * involve two fundamental questions which must always remain in public control—that is, flood control and the provision of immense water storage necessary to hold the seasonal and annual flow so as to provide for the large reclamation possibilities in both California and Arizona.

"These considerations seem to me to dominate all others and to point logically to the Federal Government as the agency to undertake the construction of a great dam at Boulder Canyon or some other suitable locality. * * *." (Hearings on S. 727, 68th Cong., 2d sess., p. 13.)

This thought was also clearly expressed by the late President Harding in the manuscript of an address which he expected to deliver at San Diego. He was prevented from delivering this address by death. He said:

"Such a gigantic operation may not be accomplished within the resources of the local communities. It is my view, and I believe the accepted view of a large part of our people, that the initial capital for the installation of these engineering works must be provided by the American people as a whole, and truly the American people as a whole benefit from such investment. The addition to our national assets of so productive a unit benefits not alone the local community created by it but also, directly and indirectly, our entire national life. * * * I should, indeed, be proud if during my administration I could participate in the inauguration of this great project by affixing my signature to the proper legislation by Congress through which it might be launched. I should feel that I had some small part in the many thousands of fine American homes that would spring forth from the desert during the course of my lifetime as the result of such an act and in the extension of these fine foundations of our American people." (Hearings, H. R. 2903, 68th Cong., 1st sess., pp. 1884–1885.)

HOW THE PROJECT TOOK FORM

As early as January 12, 1907, President Roosevelt submitted to Congress a message upon the problems of the lower Colorado River, in which he outlined and urged a development which will become a reality upon the completion of the project here authorized. Thus he said:

"The construction work required would be: The main canal, some 60 miles in length, from Laguna Dam into the Imperial Valley; the repair and partial construction of the present distribution system in the valley and its extension to other lands, mainly public; diversion dams and distribution systems in the Colorado River Valley; and provision for supplementing the natural flow of the river by means of such storage reservoirs as may be necessary. This would provide for the complete irrigation of 300,000 acres in the Imperial Valley and for 400,000 acres additional in the United States in the valley of the Colorado in Arizona and California."

(Further investigations, of course, have shown that even President Roosevelt did not grasp the magnitude of irrigation possibilities in the lower Colorado.)

Proceeding in his message, he said:

"The Imperial Valley will never have a safe and adequate supply of water until the main canal extends from the Laguna Dam. At each end this dam is connected with rock bluffs and provides a permanent heading founded on rock for the diversion of the water. Any works built below this point would not be safe from destruction by floods and can not be depended upon for a permanent and reliable supply of water to the valley."

On February 16, 1918, by contract between the Secretary of the Interior and the Imperial irrigation district provision was made for the creation of an all-American canal board to consist of one member named by the Reclamation Service, one by the district, and one by the University of California, such board to investigate the feasibility of an all-American canal. The engineers selected were Dr. Elwood Mead, now Commissioner of Reclamation; W. W. Schlecht; and C. E. Grunsky.

This board reported on July 22, 1919, recommending an all-American canal, and legislation was presented in the Sixty-sixth Congress to carry out its recommendation. Extensive hearings were held. But Congress, not being entirely satisfied with the data available, and particularly because no concrete plan for storage was before it, on May 18, 1920, passed the so-called Kinkaid Act, by which the Secretary of the Interior was directed to make further investigation of the problems of the lower Colorado and report back to Congress his recommendations as to the proper plan of development. An appropriation of $20,000 was made. As investigations proceeded this was supplemented by appropriations from the Imperial irrigation district, Arizona, Los Angeles, Pasadena, and other interested communities, aggregating $171,000.

A preliminary report was completed in the early part of 1921. Public hearings on this were had by the Secretary of the Interior, and on February 28, 1922, his formal report recommending in substance the project here authorized was transmitted to Congress. This report is published as Senate Document 142 of the Sixty-seventh Congress, second session.

Bills were introduced in both Houses to carry out the recommendations of the report and hearings were had.

Passage of legislation (the forerunner of the present bill) was recommended by the Interior Department in a communication to the House Committee on Irrigation on June 14, 1922. (Hearings on H. R. 11449, 67th Cong., 2d sess., p. 4.)

It was again urged by the department in a communication to the House committee on March 17, 1924. (Hearings on H. R. 2903, 68th Cong., 1st sess., p. 818.)

The project was favorably reported on by engineers of the Reclamation Service in February, 1924, in a voluminous report, which has been before this committee and considered by it, but which has not been published. This report contains a wealth of technical data on irrigable areas, various plans of development of the river, cost estimates, and similar data.

On January 12, 1926, the Interior Department again recommended the project in a report, to which reference is herein frequently made. (Hearings on S. Res. 320, 69th Cong., 1st sess., p. 867.)

The financial plan contained in the bill has been approved by the Secretary of the Treasury. (Report to House committee.)

This summary, by no means complete, of the various reports and recommendations upon this project, indicates the great care and long study which it has received from various Government departments and agencies and from congressional committees. It is as a result of all these that the project has taken its present form.

COLORADO RIVER COMPACT

About the time the Interior Department reported to Congress, pursuant to the Kinkaid Act, there was launched a plan to settle water rights on the Colorado River by interstate agreement. The efforts made to consummate such an agreement and the differences and disputes growing out of it have played an important part in the consideration of the project by Congress. Much of the testimony presented before the various committees have had to do with this.

Briefly, a seven-State agreement was signed by representatives of the interested States at Santa Fe, N. Mex., on November 24, 1922. All the States except Arizona promptly ratified this compact. Arizona, however, has thus far refused to ratify, and no assurances have been forthcoming that it will ratify in the immediate future.

In 1925 a six-State ratification of this compact was suggested and the four upper-basin States and the State of Nevada in the lower basin made such a ratification. California consented to the six-State ratification, but made its ratification contingent upon large storage being authorized.

Out of a wealth of discussion and argument over the situation thus created there has been evolved, and the bill contains, a formula or plan by which the present legislation shall become effective only upon a definite and unconditional six-State ratification of this compact being made, supplemented by various protective devices contained in the bill and suggested largely by representatives of upper-basin States. The bill gives congressional approval to a six-State as well as a seven-State ratification of this compact.

This arrangement or plan is objected to by certain groups in the State of Arizona, but the committee has felt that in view of the somewhat uncertain conditions in that State and in view of the urgent necessity for flood relief in the lower Colorado, development should not be allowed to further await action by Arizona.

As said by Mr. Hoover, in testifying before the House committee on March 3, 1926, in favor of the prompt authorization of this project:

"I have felt that the public interest of the people involved is so great that the whole of this enormous work should not be held up because of this last remaining fraction of opposition."

Under the provisions of the bill Arizona may use waters conserved by the development subject to the terms of the compact.

PART II. FLOOD CONTROL AND RIVER REGULATION

THERE IS URGENT NEED FOR FLOOD CONTROL IN THE LOWER COLORADO

One of the important purposes of this bill is to control the floods of the lower Colorado. Danger from flood is serious and is acute. More than 100,000 American citizens are annually subjected to the menace of the river.

In the lower valleys of California and Arizona there are thriving cities and great irrigated areas with property values of $200,000,000 or more, protected from the river only by means of artificial levees. These levees have been raised and extended until further or better protection by that means is virtually impossible.

The dam here authorized, with the consequent large storage, will permit of the regulation and stabilization of the river's flow and completely solve the flood danger. Unless prompt action is taken, any year may witness a flood of very serious and possibly disastrous consequences.

PHYSICAL CONDITIONS

Mr. F. E. Weymouth, formerly chief engineer of the Reclamation Service, in his 1924 report recommending the project, stated in the plain and conservative language of the engineer the physical conditions causing the acute flood menace which exists:

"In its present state of partial development, however, the river is a menace no less than it is a benefit. Each spring the snows accumulated on the mountain slopes of the upper basin melt with the advancing season until by the end of May the lower river has become a raging torrent. This flood usually reaches its peak in May or June, after which it ordinarily subsides; the floods have been known to continue into August.

"Annually the river carries past Yuma an average of 200,000,000 tons of silt. When the river is not in flood, this silt burden is largely carried to the Gulf, but in times of flood when the river spreads beyond its banks, it drops its load of silt not only at its mouth but wherever along its course the velocity of the water is checked. Especially does this deposition of material occur along and near the banks of its low-water channel. These banks are thus built up by successive floods until they hold the waters to such an elevation that the main current of the stream eventually breaks through and finds a new channel in lower ground.

"In the delta region below Yuma, being less restricted by natural lateral barriers, this tendency finds widest scope. Here the river has built a conical fan-shaped ridge cutting off what formerly was the upper end of the Gulf of California. Along the crest of this flat delta ridge runs the river; one slope toward the south terminates at sea level at the present head of the Gulf of California, the other extending northerly on a much steeper slope reaches a depression 250 feet below sea level at the rim of the Salton Sea. The portion of the ancient gulf thus cut off constitutes the Salton Basin, the irrigated area of which, lying largely below sea level along the northward delta slope, is known as Imperial Valley."

Again referring to temporary means adopted by Imperial irrigation district for flood protection the report proceeds:

"Within a few years at the most the silt deposits will raise the elevation of this inner area to a point where the main current of the floods will again be thrown to the west and north, at which time the assaults of the river on the Volcano Lake levee will be renewed with assurance that sooner or later another break into the valley will occur.

"The menace in case of such a break is not limited as at Yuma and above to the loss of crops and improvements and the cutting away of a few or many acres of valuable land, serious as that menace is. Besides all this the greater danger here is that the levee once breached and the river at flood turned into Salton Sea, the steep gradient of its course will induce the cutting through the soft alluvial soil of a gorge in which the flow may not be checked until a large part of the valley has become submerged beneath the waters of an inland sea." (Hearings on H. R. 2903, 68th Cong., 1st sess., pp. 711–712.)

It should further be pointed out that, in addition to destroying crops and damaging lands, the Imperial Valley has the decided disadvantage of being below sea level and having no outlet for the water. Ordinarily the flood waters from any stream finds its way back into the stream as the flood subsides. This is not the case in Imperial Valley. There the flood waters remain in the basin until taken out by the slow process of evaporation.

DANGEROUS SHIFTING CHANNELS

In 1905 the river turned northward from its channel on the crest of the delta and flowed into the Imperial Valley for nearly two years before the break could be closed, thus forming a lake of some 300 square miles known as the Salton Sea. Through heroic efforts on the part of the Southern Pacific Railroad Co., at the request of President Roosevelt, the break was closed in 1907 and the river returned to its channel. The United States then expended approximately $1,000,000 in the building of what is known as the Ockerson Levee to prevent another such disaster as that of 1905. This levee was barely completed, however, when in 1909 the river washed most of it away and turned westward into what is known as Bee River to Volcano Lake, still in Mexican territory, but in a lower depression on the delta. The river flowed on this course for 10 years and was kept there by means of an extensive levee system built by the people of Imperial Valley. By 1919, through its immense silt deposit, the river had filled the bed of Volcano Lake and Bee River to such an extent that it was again flowing on a ridge, and the levees could no longer be made to hold it. The Imperial irrigation district then, at an expense of approximately $700,000, constructed an artificial channel from Bee River to what is known as Pescadaro River and turned the river southerly into a triangular depression between Volcano Lake on the west and the old channel on the east. This is the area referred to by Mr. Weymouth in his report from which quotation is made.

This is the last remaining depression on the delta.

SILT AGGRAVATES FLOOD DANGER

The river has an annual discharge at Yuma of approximately 100,000 acre-feet of silt. This silt greatly aggravates the flood menace. No temporary works can be built to hold it. It was the silt deposit that built the deltaic ridge on which the river now flows. It was the silt deposit that filled the Bee River and Volcano Lake so that the river could no longer be held at that point, and the same silt deposit will quickly fill the depression where the river now flows.

The gradient to the north into Imperial Valley is much greater than that to the south into the Gulf, and when the depression is filled there is no means known which, at any cost within reason, can prevent the river from again flowing into the Imperial Valley.

The dam proposed in this bill will catch and hold the greater part of the silt. Most of the silt finding its way into the delta is from and above the canyon section. If no other dams were provided on the river, the one proposed in this bill would retain all of the silt finding its way into the reservoir for a period of 300 years and for more than 100 years before its storage capacity and usefulness would be seriously interfered with. As other dams are constructed on the river, they will catch and retain the silt, thereby further extending the usefulness of the Boulder Canyon Reservoir.

PAST FLOODS ABOVE IMPERIAL VALLEY

The Colorado River is subject to periods of great floods and great droughts. It has been known to reach a maximum discharge of more than 200,000 cubic feet of water per second and a low flow at the head works of the Imperial system of 1,250 cubic feet of water per second.

This causes extremely serious flood situations all along the lower river. Floods above Imperial Valley, were they not overshadowed by the exceptional flood danger to Imperial Valley, would attract attention and call for remedial measures. In 1916 the water stood 2 feet deep in the streets of the town of Yuma and threatened its destruc-

tion. In 1922 the river inundated a large part of Palo Verde Valley and the water stood several feet deep in the town of Ripley, in that valley, destroying much property and otherwise causing a large amount of damage. Other floods have submerged the Parker Valley and also done serious damage to the city of Needles.

The greatest flood danger, however, is to the Imperial Valley, lying far below the river's channel and with no outlet for flood waters once they enter the valley.

PAST FLOODS THREATENING IMPERIAL VALLEY

In 1914 the Volcano Lake levee was breached and 10,000 cubic feet of water per second flowed through the levee into the Imperial Valley for many days before the levees could be repaired. More serious results were avoided by means of hundreds of men placing bags of earth on top of the levee.

In 1918 the Ockerson Levee, which had been rebuilt by Imperial irrigation district, was breached in two places. The flood water was successfully turned westward to Volcano Lake by other levees, but not until after several thousand acres of land had been inundated and the workmen and a Southern Pacific train marooned. In a course of two days the men were removed, but the train was held until the flood subsided some three months later.

In 1919, before the river was turned into Pescadero Cut, the levees were again breached and 4,000 acres of land inundated before the opening could be closed. The river was so high and the water-soaked earth so soft that maintenance work could not be carried on by the usual means of dumping rock from trains operated for that purpose. This was found to be the case after a locomotive and cars had been lost in the attempt. Numerous smaller breaks have occurred. In 1925, with only 50,000 second-feet of water, the river turned against the levees and in two different places undermined and destroyed them for distances of several hundred feet. These smaller breaks are of annual occurrence, and serious results have been prevented only by constant vigilance. Telephone communication is maintained throughout the entire length of the levees and numerous watchmen are constantly on patrol. Strings of dump cars are kept loaded with rock and locomotives under steam for immediate use.

LEVEE SYSTEM

The Imperial irrigation district has about 78 miles of protective levees in Mexico. The Yuma project has about 30 miles in Arizona and California, and Palo Verde irrigation district has several miles of similar levees for the protection of Palo Verde Valley. These levees are of necessity built of loose silt upon a foundation of similar material. They are faced with rock hauled long distances by dump cars upon standard-gauge tracks maintained on the levees for that purpose. Levees thus constructed afford only partial protection. When the river strikes the levee it is not its overtopping that is so much feared, but the water will quickly eat away the loose material and the levee simply settles down and virtually disappears.

EFFECT OF FLOOD MENACE

Four hundred and sixty thousand acres are now being served with water by the Imperial irrigation district. There is not only the possibility of this land being inundated, but there is a constant knowledge that a comparatively small break in the levee system could destroy irrigation works and cut off water for irrigation and domestic purposes. This creates a constant feeling of uncertainty. Property values are less than half of what its income would justify. Capital for full development can not be had, and where money is obtained it is obtained at an excessive rate of interest. The Federal farm-loan banks refuse to lend any money in Imperial Valley because of these conditions.

The happiness of the people, the security of their property, and the proper development of this highly productive area depend largely upon adequate flood control.

UNANIMITY OF VIEW AS TO FLOOD DANGER AND NEED OF QUICK RELIEF

An outstanding feature of the testimony before the committee was the unanimity of view respecting the existence of the flood danger, its seriousness, urgent need for quick action, and that storage up the river was the solution. Engineers like A. P. Davis, F. E. Weymouth, Gen. George Goethals, and William Mulholland joined with responsible executive officials like Mr. Herbert Hoover in voicing this idea. Admittedly and concededly storage at Boulder Canyon as here authorized will effect the greatest measure of security against the river's floods which may be obtained.

The handling of this flood problem by itself would necessarily mean a heavy and unrecoverable outlay. By caring for it in the manner provided for by this bill the Treasury is saved a very large sum of money. The plan here presented is a practical and businesslike one, having due regard for the integrity of Federal funds and the safeguarding of the general taxpayers.

PART III. RECLAMATION AND ALL-AMERICAN CANAL

RECLAMATION AND ALL-AMERICAN CANAL IN BRIEF

Large storage at Boulder Canyon with its consequent river regulation below will make possible a full development of irrigation potentialities in the United States below the canyon. There are in Arizona, Nevada, and California some 1,500,000 acres of land susceptible of irrigation by the waters conserved by the dam and reservoir. Of this amount 550,000 acres, of which 460,000 acres lie in Imperial Valley, are now irrigated from the river.

The all-American canal will carry a portion of the conserved waters available for irrigation to where they can be used for the irrigation of a large body of these lands. Looked at in a somewhat narrow way it represents a cooperative enterprise between Imperial irrigation district, which serves the present irrigated area in Imperial Valley, the Coachella County water district, a public district embracing in its limits in the Coachella Valley, and the United States as owner of approximately 200,000 acres of public land about the rim of Imperial Valley and about 11,000 acres of Indian lands now without water but possessing the same possibilities of development with water as the fertile lands in the valley. Neither Imperial irrigation district, the Coachella district, nor the United States could afford alone to build a canal from the river. Acting in conjunction, the canal is entirely feasible. For various reasons the Imperial district now desires to augment and stabilize its water supply and is ready to bear its share of the cost of the main canal. Under the plan of the project as expressed in the bill, power, domestic water, and existing irrigation enterprises in effect underwrite and guarantee all costs of the whole development. The result is that the United States as proprietor of public lands will secure a water supply for these lands under exceptionally favorable conditions.

There are, however, other reasons why the all-American canal is a vital part of the development. It will cure an unsatisfactory international situation, which should not be allowed to continue, existent by reason of the present main canal serving Imperial Valley being in Mexico. It will also give the United States a general control over waters conserved by the reservoir essential to guard against overdevelopment of Mexican lands to the detriment of American interests.

CROPS PRODUCED

The area below Boulder Canyon is desert in character, having hot summers and mild winters. The Imperial and Coachella Valleys are essentially a winter garden. During the recent winter from December to March approximately 111,000 carloads of lettuce were shipped out of this valley, and, in addition, vast quantities of peas, spinach, asparagus, summer squash, and many other vegetables were shipped to the eastern markets. In the early spring, tomatoes, cantaloupes, and watermelons are shipped in large quantities. Something over 15,000 carloads of cantaloupes alone were shipped in 1925. Dates, early table grapes, winter strawberries, and many other fruits and vegetables are produced in large quantities for the use of the country at a time when they can not be produced elsewhere. While this class of farming is expensive, under favorable conditions it is highly profitable.

STOCK RAISING

While this region is better known for its fruits and winter gardens, the mild, open winters and abundant winter feed make stock raising, and particularly feeding beef cattle and sheep for the market, desirable and profitable. Many thousands of head of feeder cattle are shipped into the Imperial and Yuma Valleys in the fall of the year and fattened during the winter for the spring market.

DAIRYING

The same condition that makes the feeding of livestock for market profitable makes possible the production of dairy products on a large scale. Imperial Valley alone markets more than 6,000,000 pounds of dairy products per year.

NO COMPETITION

The climatic conditions of the region below Boulder Canyon and Imperial Valley in particular are such that the products are not seriously in competition with other parts of the United States. A very large part of the products of the region can not be produced elsewhere and particularly at the time of year produced there. It produces the winter fruits and vegetables greatly needed in the great centers of population of the United States.

WATER SUPPLY

The only source of water for irrigation and domestic use below Boulder Canyon and including a very large area in Arizona and California is the Colorado River and its tributaries. That section of California, including Palo Verde and Imperial Valleys, must rely wholly upon the main stream of the Colorado River.

The low flow of the river is now completely utilized. Four times in recent years the Imperial Valley, which is supplied from the lowest point of diversion, has taken all of the water from the stream. In 1924 all of the water was taken for about 90 days, and for 76 consecutive days the river was completely dry below the Imperial Valley headgate. During much of this time there was not sufficient water for the needs and at one time only 1,250 cubic feet of water per second was available for the Imperial canal system when at that time the needs were for about 4,000 cubic feet of water per second. The low-water period in the river comes in August, September, and October, at a time when water shortage even of brief duration is disastrous. The

crop loss on account of water shortage in 1924 is estimated at more than $5,000,000. The development in the upper and lower basins of the river is proceeding rapidly and this water shortage is bound to be repeated unless the flood water is stored in a great reservoir as provided for in this bill.

WATER FOR IMPERIAL VALLEY ALL PASSES UNDER THE JURISDICTION OF MEXICO

Between Imperial Valley and the Colorado River there is a low-lying range of sand hills of no considerable elevation but of sufficient elevation that water can not be carried through them without the all-American canal presently referred to. This range of hills extends a few miles below the international boundary line into Mexico.

When the development of the Imperial Valley was first conceived it was thought impossible to undertake the expense of building the all-American canal. The lands had not been proven, settlers in sufficient number had not yet located upon the land and the private company which undertook the development was more interested in profit than in permanency.

It was found that water could be diverted at little expense from the Colorado River on the American side of the international boundary line and carried in an old wash or channel known as the Alamo Channel and thus flow by gravity some 60 miles through Mexico and back into the United States. This channel has from time to time been cleaned and straightened and the banks and sides strengthened so that it has served as a main canal for the Imperial Valley from the beginning to the present time and is still in use. There is no water in Imperial Valley except water carried through this canal. All of the water for irrigation and domestic use must be received in this way. Not only the farms and the farmers are dependent upon this canal but the inhabitants of six incorporated towns ranging in population from about 2,000 to more than 8,000 people are wholly dependent upon it for domestic supply.

MEXICAN CONTRACT

In order to carry the water into Mexico and deliver it back into the United States for the use of American citizens it was found necessary to organize a Mexican corporation for the purpose of receiving the water at the international line, operating the canal system in Mexico and delivering the water to the United States, as Mexico would not permit this to be done by a corporation or political agency of the United States. This Mexican corporation obtained a contract, sometimes referred to as a concession, from the Government of Mexico whereby it was granted the right to receive the water and deliver it back into the United States providing that the lands in Mexico receive from the canal all the water required for use in Mexico, not exceeding one-half of the amount passing through the canal. Under the contract Mexican users pay a consideration to be fixed or approved by the Government of Mexico. The price of water in Mexico is about 85 cents per acre-foot at the main canal, whereas the price in the United States is something over $2 per acre-foot delivered. The cost of delivery is small compared with the great difference in the price of water. In other words, the cost of water to the Mexican farmer has always been very much less than the cost to the American farmer.

OPERATION OF THIS WATER SYSTEM IN A FOREIGN COUNTRY IS UNSATISFACTORY

In the operation of this system under dual control many vexatious questions and problems constantly arise resulting in expense and delays. Duties are to be paid on materials taken into Mexico for operation and maintenance purposes, and different rules and laws are to be complied with. It is self-evident that these conditions will cause differences and misunderstandings which should not be permitted to exist if means can be found to avoid it.

DEVELOPMENT IN MEXICO

Development has constantly proceeded in Mexico to the extent that there was furnished from the main canal in 1925 water to 217,000 acres. The rapid development is more clearly understood by reference to the following table, prepared by the general superintendent of Imperial irrigation district:

Use of water in Mexico	Acres
1908	6,935
1909	9,051
1910	14,920
1911	14,953
1912	21,599
1913	33,761
1914	39,600
1915	41,000
1916	67,500
1917	77,500
1918	118,530
1919	136,580
1920	190,000
1921	120,000
1922	150,000
1923	180,000
1924	185,022
1925	217,000

There are more than 800,000 acres of land in Mexico susceptible of irrigation by gravity from this system. With Mexico constantly extending its use the development in the United States is now arrested, and it is only a matter of time until lands in the United States now irrigated will of necessity be abandoned so that Mexico can be supplied its half of the water. This condition is well expressed by the Secretary of the Interior in his report to this committee on January 12, 1926, where he said:

"The canal now supplies water for the irrigation of over 400,000 acres in California, and irrigators in Mexico at present require water for the irrigation of 200,000 acres. But Mexican irrigators are entitled under this concession to double the volume they are now using, or for enough to irrigate as many acres as are now irrigated in California. That is more water than the unregulated flow of the river will now supply. As the Mexican irrigators are on the upper end of the canal, the pinch of scarcity, when it has come in the past, or when it may come in the future, falls first on irrigators in the United States, which country supplies the water, all the construction cost, and all the money advanced for operation. It is unfair to California irrigators now, and will be even more so after the reservoir is built.

"It is physically possible to irrigate much more than 400,000 acres from this canal in Mexico. If this concession remains in force without any amendment and the canal continues to be used as now, the irrigated area in Mexico will continue to extend. The volume needed to be diverted from the river would be more than the direct flow at the low-water season, and the area irrigated in California would be subject to ruinous uncertainties and loss. If storage is provided a part of the water for the irrigation of lands in Mexico would under this concession have to be supplied from the reservoir, as this canal would be the only means of conveying water to the Imperial Valley, and it can be operated only if the terms of the Mexican concession are complied with."

OPERATION UNDER THE CONCESSION IS NOT SATISFACTORY

This dangerous and highly unsatisfactory arrangement under which the Imperial Valley is now served should not continue. Imperial Valley has grown into a large and substantial community. Sixty thousand or more American citizens now reside in that valley. Within very few years it is likely that this number will be very greatly increased. Much wealth has been produced in this area, and that wealth is constantly increasing. Four hundred and sixty thousand acres of land in the Imperial irrigation district alone is now highly productive, and in course of time there will doubtless be added to this area approximately one-half million acres more. We do not believe that such a community should be made to be dependent upon a foreign government for the very existence of its people and the whole value of its property, regardless of the good faith and stability of that government, when at a reasonable expense its water system can be put wholly under the jurisdiction of the United States. Even under a treaty there would exist a feeling of possible uncertainty which would make capital timid and hold back the development to which these people as American citizens are entitled. We believe the only proper and permanent solution of this water question is the all-American canal.

NOT SUFFICIENT WATER FOR ALL

It is extremely doubtful if there is sufficient water in the river for all land susceptible of irrigation, including lands in Mexico. Because of physical conditions Mexico, under present arrangements, can develop much more rapidly in the future than can the lands in the United States. Its lands are near the river and irrigation work is inexpensive.

If Mexico obtains water for its full development, it seems almost certain that a somewhat similar area in the Colorado River Basin in the United States that otherwise would be reclaimed will forever remain a desert.

With Mexico on the upper end of the canal that serves Imperial Valley, Mexican development will proceed. There will thus be created at the expense of lands in the United States a great community in Mexico, served with water originating in the United States and competing with American farmers.

ALL-AMERICAN CANAL

Senate Document 142, Sixty-seventh Congress, second session, states that the all-American canal will serve 785,400 acres of land in the United States, of which 515,000 acres are in the Imperial irrigation district, 71,800 acres are in Coachella Valley, and 167,000 acres are public lands. This estimate has been looked upon as being very conservative.

None of the public lands or Indian lands can be irrigated from the present canal system or by gravity from any system than can be built without the all-American canal. Under the plan of the project these lands will be appropriately charged under the reclamation law with their proper proportion of the cost of the canal or will be indirectly charged by being taken into the Imperial district (or perhaps a new district embracing Imperial and Coachella will be formed), which in turn will contract with the Secretary of the Interior to return the

cost of the canal in the form of annual payments for water delivered. By combining these uses the expense of water to serve the public Indian lands as well as the lands in existing districts will not be disproportionate to the benefits received. Without such combination it is doubtful if these public or Indian lands will ever be reclaimed. This affords an opportunity to irrigate these lands and at the same time provide a much-needed dependable water supply to all of Imperial and Coachella Valleys on a basis that will guarantee full repayment to the Government with interest. It is an opportunity that the Government, as proprietor of these lands, can not afford to let pass by.

SOLDIER PREFERENCE

The bill provides for preference right of entry on all public lands under the project to honorably discharged soldiers and sailors of the United States.

COST OF THE ALL-AMERICAN CANAL

The cost of the all-American canal, as estimated by the Secretary of the Interior in his report, is $30,773,000, which includes $1,600,000 now being paid by the Imperial irrigation district for the right to connect with and use the Laguna Dam.

PRESENT DIVERSION

The present head works of the Imperial system consists of a delivery gate some 750 feet in length in the west bank of the Colorado River 6,000 feet above the international boundary line. On account of the low lying banks of silt material it has been found impossible to construct and maintain a permanent diversion weir or dam without flooding the Yuma Valley, now highly productive, under the Yuma reclamation project of the United States. About 1915 it was found, by reason of changes in river channel, that water could not be diverted into the Imperial system without some artificial works in the river. The people of the Yuma Valley obtained an injunction against the construction of such works. The necessity of the case was such, however, that since that time temporary works have been put in the river annually by the Imperial irrigation district under a contract with Yuma County Water Users' Association, by the terms of which the Imperial irrigation district assumes full responsibility for any damages which may result to the Yuma County Water Users' Association or anyone else on the Yuma project by reason of such construction, and to guarantee payment the district is required to have executed annually and maintain a surety bond in the amount of $500,000. In addition to this the district agrees to, with all possible dispatch, change its point of diversion to the Laguna Dam and is required to make bi-monthly reports to the War Department as to progress being made.

COACHELLA VALLEY

Special mention should be made of the conditions of the Coachella Valley, lying at the northern end of Imperial Valley. This valley, like Imperial Valley proper, is below the channel of the river and is subject to the river's flood menace. It is not served by the present Imperial system, nor can it be served by this system, being above the level of the main canal. It secures its water supply from wells fed by waters from the mountains lying to the west and north, the drainage area being small. Water levels are constantly going down, and people of that section see facing them in the very near future the necessity of letting their highly productive ranches go back to desert. There are in this valley at least 72,000 acres of fine irrigable lands, 13,000 of which are now under cultivation and are producing crops of the same general character as in the Imperial Valley proper, but reaching the markets usually from one to two weeks earlier. All of this fine land could be irrigated from the all-American canal, in the construction of which lies the only hope of this section.

THE COST OF CANAL WILL BE REPAID

Under the terms of the bill the Secretary of the Interior is authorized to contract for the delivery of water from storage and through the all-American canal and for the sale of power at the dam in an amount sufficient to repay the entire cost of the project to the United States, with 4 per cent interest. The Secretary is not permitted to move until this has all been fully assured. In other words, the whole project, including the all-American canal, will be without expense to the United States.

PART IV. DOMESTIC WATER

DOMESTIC WATER SUPPLY

The construction of the high dam at Boulder or Black Canyon, besides accomplishing the purposes of flood control and reclamation of public lands, and besides making possible the development of a large amount of electrical energy to finance the cost of the works, will, incidentally, enable a large number of cities in southern California to secure a much-needed water supply.

The coastal belt of southern California includes a strip of land from 20 to 60 miles in width, bordering on the Pacific Ocean from Los Angeles to the Mexican boundary, a distance of about 150 miles. It includes the counties of Los Angeles, San Bernardino, Riverside, Orange, and San Diego, south and west of the high mountains. This coastal belt has a population of more than 1,800,000. The present population of Los Angeles County is something over 1,400,000, of which more than 1,000,000 are within the limits of the city of Los Angeles.

The four counties of Los Angeles, San Bernardino, Riverside, and Orange, from the standpoint of ultimate water supply, are a unit. San Diego County is somewhat detached from the others and presents a unit of its own.

As an incident to a remarkable development, the population in this coastal region has increased from 270,000 in 1900 to over 1,800,000 in 1925. In the same period the population of Los Angeles County has grown from 170,000 to 1,425,000 and the population of the city of Los Angeles from 120,000 to more than 1,000,000. The population of Los Angeles has practically doubled in the past five years, having increased about 500,000 since the last Federal census.

The water supply at the coastal belt of southern California is affected by cycles of wet and dry periods, periods of 10 to 12 years, in which the average rainfall and stream flow are below normal, followed by periods of the same duration in which they rise above normal. Owing to increase of population, even average water conditions will leave a shortage of supply in a few years. To meet this situation the cities of that region have been investigating possible sources of additional water supply.

These investigations have shown that about 1,500 second-feet of water for domestic purposes only will be required for these communities, and that the only possible source is the Colorado River. Plans are being formulated to go to that river for such supply. Naturally, the city of Los Angeles, because of its size and wealth has taken the lead. That city has, by an overwhelming vote, recently authorized a bond issue of $2,000,000 for preliminary investigation and construction.

Plans for obtaining water from the Colorado River for southern California cities contemplate an aqueduct about 260 miles in length, and taking water from the River near the town of Blythe, Calif., which is about 150 miles below Boulder Canyon. This aqueduct will cost, according to preliminary estimates, about $150,000,000. Water will have to be lifted by pumping about 1,400 feet in order to surmount an intervening mountain range.

It is proposed to organize a public district embracing Los Angeles, Pasadena, Glendale, and other interested communities to carry through this domestic water project. This district will require for pumping purposes a large block of electrical energy amounting when the aqueduct is operated to full capacity to possibly 250,000 horsepower, thus adding materially to the market for power from the dam.

A high dam creating large storage is essential in order that these cities may obtain the water they need from the Colorado River. It will impound for useful purposes large quantities of flood waters of the river which now annually waste into the sea, and will have the effect of desilting the river flow and thus make it suitable for domestic use.

One of the most serious features of the present water situation in the region where these cities are located is the encroachment of domestic needs on the agricultural supply. The acquisition of a water supply from the Colorado River for these cities, while it does not contemplate irrigation uses, will, incidentally, benefit present agriculture by relieving it from drafts for domestic purposes.

The unquestionable needs of southern California cities for domestic water will assure heavy contributions on account of water stored and delivered and power for pumping purposes to Government revenues from the project.

PART V. POWER

The Federal Government is interested in power on the project from two points of view:

First. As a means by which the great works authorized may be financed without a drain on the National Treasury.

Second. As regards the effect of the creation of this great power supply upon social and economic conditions in the Southwest and in its fair and wise distribution.

In the hearings on the project a mass of testimony was produced bearing upon the market for power. Showings were made as to the future requirements and markets for such power of Los Angeles, Pasadena, Riverside, and other cities of southern California, of the States of Nevada and Arizona, of transcontinental railroads, and the private distributing companies. It was also developed that southern California cities in connection with a greatly needed domestic water supply from the Colorado River would require a large block of the power for pumping purposes.

Although the testimony clearly indicated an ample and waiting market, yet in view of the whole situation the Secretary of the Interior in his report on the bill of January 12, 1926, suggested the following very simple and practicable plan of determining the question of adequacy of such market and thus removing this problem from the field of speculation:

"In order to give assurance before any large expenditure is incurred that the anticipated revenues from this development will be obtained, the bill should contain a provision that before any bonds are issued

and sold and before awarding any contracts for construction the Secretary of the Interior shall secure the execution of contracts with irrigation districts, municipalities, and corporations, on terms to be fixed, for the delivery of all water to be supplied for irrigation, domestic, and municipal uses, and shall obtain definite commitment for the purchase of power from responsible bidders in an amount to insure a sufficient return from this development to repay the money to be expended with interest within a period of 50 years."

This suggestion was cheerfully accepted by the proponents of the legislation, met with the approval of the committee, and is expressed in the bill, section 4 (b) of which provides:

"Before any money is appropriated or any construction work done or contracted for the Secretary of the Interior shall make provision for revenues, by contracts or otherwise, in accordance with the provisions of this act, adequate, in his judgment, to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of the project, of all amounts advanced to the fund under subdivision (b) of section 2, together with interest thereon."

As power at the dam will be cheap power (its estimated sale price at the switchboard of the power plant below the dam is 3 mills per kilowatt-hour), it may be confidently expected that this somewhat unsual and rigorous requirement will promptly be met.

The plan of the Boulder Canyon project as expressed in the bill contemplates allocation of the power or power rights at Boulder Canyon amongst various agencies, including political subdivisions, municipalities, domestic water-supply districts, and private companies.

The evidence clearly indicates that the total power developed at Boulder Canyon will about supply the available waiting market when such power is ready for distribution. There should not be any serious overlapping of applications, and the proper allocation to all agencies in the market for the power should be easily possible without doing injustice to any.

With such a distribution of power or power rights at the dam all danger of monopolization will be avoided, and there will be created a sound competitive condition between these various agencies which will insure the consuming public protection in the form of reasonable rates and good service.

One other point is here entitled to mention. Early in the hearings it was suggested that the bringing in at one time of this great block of power would flood the market and work hardships on private investments. This suggestion was due to lack of understanding of the plans. Power may be made available when the dam reaches the necessary height for power-plant operation and may be gradually increased to the total amount as the dam reaches its maximum height, or approximately during a period of three years. Thus the power will enter the market gradually.

It has been urged by some that a development at Boulder Canyon does not fit in with a comprehensive plan of development of the river. The committee is satisfied that this is not so. Other development may proceed without interference by reason of this project. Secretary Hoover in his testimony regarding the location of the dam declared:

"I do not believe that construction at that point is going to interfere with the systematic development of the Colorado River for storage and power above and below."

Part VI. Financial Soundness of Project

Financial set-up

The Secretary of the Interior, in his report of January 12, 1926, gives his estimate of the financial working of the project as follows:

Capital investment

Estimated cost for—	
26,000,000 acre-foot reservoir	$41,500,000
1,000,000-horsepower development	31,500,000
The all-American canal	31,000,000
Interest during construction on above five years at 4 per cent	21,000,000
Total	125,000,000

Annual operation

Estimated gross revenues from—	
Sale 3,600,000,000 kilowatt-hours' power, at 0.3 cents	$10,800,000
Storage and delivery of water for irrigation and domestic purposes	1,500,000
Total	12,300,000
Estimated fixed annual charges for—	
Operation and maintenance, storage and power	700,000
Operation and maintenance all-American canal	500,000
Interest on $125,000,000, at 4 per cent	5,000,000
Total	6,200,000

Estimated annual surplus, $6,100,000, or thought to be sufficient to repay the entire cost in 25 years.

It will be observed that the allowances he makes for operation and maintenance are extremely liberal. The testimony points to costs being more favorable than thus indicated.

Cost estimates have been carefully made

The cost estimates given by the Secretary of the Interior are the result of long and painstaking studies of that department. Mr. F. E. Weymouth, then chief engineer of the Reclamation Service, under whose personal supervision the major part of the studies were made, testified before the House committee as follows:

"We have on our consulting staff Mr. A. J. Wiley and Mr. Louis Hill, and we have consulted them regularly in reference to this whole problem. We have had several engineering board meetings to consider the various phases of the problem, especially in reference to types of dams and methods of construction and cost of all that sort of thing. They were outside of our regular engineering force."

Asked about the engineers in his organization, he stated:

"Mr. Walker Young, who is present to-day, has had charge of the investigations in Boulder Canyon for about three and a half years. Mr. Young had more to do than anybody else in the actual working out of the detailed designs and estimates, but he at all times had the advice of our chief designing engineer, Mr. J. L. Savage, whose headquarters are now in Denver, and also of the whole designing force of that office.

* * * * * * *

"Mr. Savage has under his charge about 25 or 30 engineers of all kinds. * * * In addition to that we have had the assistance of Mr. Gaylord, who was until very recently our chief electrical engineer, and his assistants, and Mr. Dibble and his assistants. In the study of the water supply the irrigable areas and the control of the river for flood or for power purposes Mr. Debbler, who is here to-day, has made most of those studies.

* * * * * * *

"We had Mr. Ransome, a geologist of the Geological Survey, make a very exhaustive geologic examination and report on the Boulder Canyon reservoir and dam site, and Mr. Jenison, of the Geological Survey, also assisted him. The Bureau of Standards has done a lot of work for the service in testing materials for construction. There is another man that I forgot to mention, a very valuable engineer and geologist, Mr. Homer Hamlin. The most work that has been done, perhaps, was done by Mr. Arthur P. Davis while he was the director of the service.

* * * * * * *

"Well, we have utilized our regular forces a great deal; Mr. James Munn, who was formerly a contractor and is, perhaps, one of the best construction men in the country. We have had his advice, especially in reference to unit costs that we have used in the estimates."

Concerning the advisory board, composed of Mr. Wiley and Mr. Hill, he said:

"We have considered with them each step that we have taken as it came up and it has had their approval." (Hearings on H. R. 2903, 68th Cong., 1st sess., pp. 741–743.)

Return of advances fully assured

The provisions of the bill and the character and solvency of the organizations with which the Secretary will contract assures to the Government full return of the money advanced with interest. It will be no experiment. The Secretary will not be contracting with organizations of doubtful solvency. As to domestic water, as well as power for pumping purposes, his contracts will be with cities or an association of cities with an assessed wealth of well over a billion dollars; irrigation water will be delivered under enforcible contracts to proven and established districts that have been in successful operation for many years; and power, which is the great financial asset of the project, will be sold to such applicants as the State of Nevada, the State of Arizona, the cities of Los Angeles, Pasadena, Riverside, and Glendale, in California, and to strong private corporations like the Southern California Edison Co., operating in southern California. Each of these agencies has expressed intentions of becoming an applicant for power. These contracts will be binding and enforcible, and the Secretary is not permitted to make any expenditures on the project until such contracts are secured.

Part VII. Analysis of Bill

The bill has been very carefully shaped. In its present form it carries the full approval of the Secretary of the Interior. Financial features came from the Treasury Department. Many rather technical provisions intended for the protection of upper-basin States originated with the water commissioners of Colorado, Wyoming, and Utah.

Section 1 states the purposes of the project, to wit:

(a) Controlling the floods and regulating the flow of the lower Colorado River.

(b) Providing for storage and delivery of the waters of the river for reclamation and other beneficial uses and for generation of electrical energy, the last as a means of making the project a self-supporting and financially solvent undertaking.

The section also authorizes the works essential to carry out these purposes, to wit:

(a) A dam at Boulder or Black Canyon in the Colorado River adequate to create a storage of not less than 20,000,000 acre-feet.

(b) An all-American canal for the delivery of water to lands in Imperial and Coachella Valleys.

(c) A power plant at the dam for the generation of electrical energy from the waters discharged from the reservoir created by the dam.

(Section 6 leaves the construction of the power plant optional with the Secretary of the Interior. He may, if he finds it feasible for financial and other reasons, lease the right to use the water thus discharged.)

Section 2 contains the main financial provisions of the bill. It was prepared by the Secretary of the Treasury.

Subdivision (a) establishes a special fund into which all revenues must be paid and from which all expenditures are to come.

Subdivision (b) authorizes the Secretary of the Treasury to advance to the fund up to $125,000,000, from which amount moneys are to be paid back to the General Treasury to cover interest on advancements. Of this amount approximately $21,000,000 is for interest during construction.

Subdivision (c) makes moneys from the fund available for construction and operation and maintenance purposes, upon the usual appropriations being made.

Subdivisions (d) and (e) prescribe the accounting requirements necessary to maintain the integrity of the fund and to charge beneficiaries of the project with retirement of advances and interest, as well as maintenance and operation.

Subdivision (f) authorizes the Secretary of the Treasury to borrow money, if necessary, to meet appropriations to the fund.

Subdivision (g) provides for a retirement, if any, of obligations by payments made by beneficiaries on account of retirement of principal.

Section 3 is the usual technical provision to meet legislative practice, authorizing appropriations to the fund for carrying out the project.

Section 4 (a) requires certain action by interested States affecting water rights before the bill becomes operative.

Section 4 (b) requires full advance financing of the project before any outlays are made.

Section 5 authorizes the Secretary of the Interior to make contracts for storage and delivery of water for irrigation and domestic purposes and for sale of power at switchboard to meet financial requirements of the act.

After the Government has been repaid with interest all of its advancements, charges for use of the dam and works at the dam shall be on such basis as Congress may authorize. The effect of this provision when taken in connection with provisions in section 6 that the title to the dam and works there shall always remain in the Government is to allow the Government to have these great works even after they have been paid for by the beneficiaries.

By this section no attempt is made to segregate charges against different uses of the project. The whole project is considered as a unit, and such segregation is left to the judgment and discretion of the Secretary.

The section outlines briefly some of the requirements respecting sale of power.

(a) Contracts are limited to 50 years.

(b) Provision is made for renewals along the lines provided in the Federal water power act for renewals of licenses.

(c) Prices for electrical energy are to be fixed to meet revenue requirements, and determination of conflicting applications are to be governed by the provisions of Federal water power.

(d) The Secretary of the Interior may require larger agencies securing power to permit smaller agencies to share in transmission lines.

Section 6 requires that water shall be released from the dam, first, in the interest of flood control and river regulation; second, in the interest of irrigation and domestic uses; and, lastly, for power, thus making power a subordinate use. The title to the dam and works at the dam are always to remain in the United States, which will manage and control the same. There is a proviso in this section, however, permitting the Secretary of the Interior either to lease units of the power plant if he elects to construct the power plant or instead of constructing a power plant to lease the privilege of using water discharged for the generation of power. If he pursues either of these alternatives, various provisions of the Federal water power act intended to safeguard the public interest will govern the Secretary.

Section 7: Under section 7 the Secretary of the Interior is authorized in his discretion, when the United States has recouped all of its advancements with interest on account of the entire project, to transfer title to the canal to agencies paying therefor. Lands paying for the canal are given certain privileges to utilize power privileges created by drops in the canal to aid in meeting their obligations toward repayment of the cost of the works.

Section 8 subordinates the project to the terms of the Colorado River compact.

Subdivision (a) requires appropriations of water to be made under the laws of a ratifying State.

Subdivision (b) requires the United States or its licensees to observe the terms of the compact.

Subdivision (c) contemplates the making of a subsidiary compact between Arizona, California, and Nevada for the equitable division of benefits arising from the use of the waters of the river.

Subdivision (d) is a technical provision deemed appropriate by law officers of the Government to permit the United States to take advantage of certain rights granted it in the Arizona constitution.

Section 9 provides for reclamation and settlement of public lands with preference rights given to ex-service men and women.

Charges against this land under the reclamation law will go into the fund provided. It is doubtful if this section will be used to any extent, as the plans of the Interior Department contemplate contracts under section 5 with responsible irrigation agencies, which will make payments for water adequate to meet all financial requirements, and which agencies will, under existing laws, take into their boundaries public lands subject to service from the canal.

Section 10 preserves an existing contract between Imperial irrigation district and the United States by which the former has the right to connect with Laguna Dam. The district has already paid a substantial sum on this contract.

Section 11 contains definitions.

Section 12 approves the Colorado River compact, either upon a seven-State or six-State ratification.

Subdivision (b) of this section makes any rights of the United States to the waters of the Colorado River subordinate to the terms of the compact so approved.

Subdivision (c) requires that all privileges from the United States respecting the public lands shall be impressed with the terms of the compact, to which approval is given in subdivision (a).

Subdivision (d) is merely supplementary to provisions of subdivision (c).

Section 13 declares the act to be a supplement to the reclamation law, which is made to govern where not inconsistent.

In a great project such as this many details may properly be referable to a general law such as the reclamation act.

Section 14 authorizes an appropriation of $250,000 from the fund created for investigations in the upper Colorado River Basin.

Section 15 merely gives a short title for the act.

CONCLUSION

This is a project which should appeal both to the imagination and the hard business sense of the American people. A mighty river now a source of destruction is to be curbed and put to work in the interest of society. The dam will be one of the stupendous engineering works of the world. The reservoir created will be by far the largest artificial body of water in existence and outside of the Great Lakes the largest body of water in the Nation. Lands now desert and worthless will be brought into productivity. New homes will come into being. New wealth will be created.

The people of the Southwest are not asking of the Government this great public improvement as a gift. All they ask is that the Government lend its good offices to make this development possible. Established communities and responsible agencies will bind themselves to return to the Government not merely all moneys expended but all moneys expended with interest. The varied interests concerned with the development make a centralized agency necessary. The Government under the plan of the development assumes this agency. The beneficiaries assume all the financial obligations. Nor is this quite all. After the development is paid for the Government still will retain ownership and control of the dam for such use as the Congress may deem wise and just.

It is a great constructive improvement, not experimental, sound financially, well considered, shaped in the public interest, one the consummation of which will be a source alike of national pride and advantage.

INDORSEMENTS OF PROJECT

Besides numerous indorsements of State organizations and counties, cities, and other organizations of more or less local nature, including the Boulder Dam Association, an organization composed of some 200 public bodies in California, Nevada, and Arizona, it has been indorsed by the following national organizations:

American Farm Bureau Federation.
National Association of Real Estate Boards.
American Legion.
National United Spanish War Veterans.
American Federation of Labor.

IMPEACHMENT OF JUDGE GEORGE W. ENGLISH

The VICE PRESIDENT. The Chair notes the presence of the Senator from Nebraska [Mr. NORRIS] and the Senator from Vermont [Mr. GREENE], who have not taken the required oath in the impeachment proceedings. If there are any other Senators who have not taken the oath required in the impeachment proceedings, will they present themselves at the bar of the Senate and take the oath? The Chair now also notes the presence of the Senator from Alabama [Mr. UNDERWOOD].

Mr. CARAWAY. I wish also to present myself to take the oath, Mr. President.

Mr. GREENE, Mr. NORRIS, Mr. UNDERWOOD, and Mr. CARAWAY advanced to the Vice President's desk, and the Vice President administered to them the following oath:

You do, each of you, solemnly swear that in all things appertaining to the trial of the impeachment of George W. English, district judge of the eastern district of Illinois, now pending, you will do impartial justice, according to the Constitution and laws. So help you God.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 43. An act authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe;

S. 493. An act for the relief of the owner of the steamship *British Isles;*

S. 494. An act for the relief of all owners of cargo aboard the American steamship *Almirante* at the time of her collision with the U. S. S. *Hisko;*

S. 553. An act for the relief of Fred V. Plomteaux;

S. 613. An act for the relief of Archibald L. Macnair;

S. 850. An act for the relief of Robert A. Pickett;

S. 959. An act for the relief of Tena Pettersen;

S. 977. An act for the relief of A. V. Yearsley;

S. 1360. An act for the relief of the estate of William P. Nisbett, sr., deceased;

S. 1481. An act to authorize the President to appoint Capt. Curtis L. Stafford a captain of Cavalry in the Regular Army;

S. 1519. An act for the relief of the P. Dougherty Co.;

S. 1609. An act to increase the pensions of those who have lost limbs or have been totally disabled in the same, or have become totally blind in the military or naval service of the United States;

S. 1803. An act for the relief of Walter W. Price;

S. 1938. An act to issue a patent to John H. Bolton; and

S. 3538. An act authorizing the Secretary of the Interior to pay legal expenses incurred by the Sac and Fox Tribe of Indians of Oklahoma.

The message also announced that the House had passed the bill (S. 2091) for the relief of Florence Proud, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had severally agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to each of the following bills:

H. R. 8190. An act authorizing the construction of a bridge across the Colorado River near Blythe, Calif.;

H. R. 8908. An act granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River;

H. R. 8918. An act authorizing the construction of a bridge across the Mississippi River at or near Louisiana, Mo.;

H. R. 8950. An act granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn.; and

H. R. 9688. An act granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Bay Bridge, Ohio.

The message also announced that the House had passed bills and resolutions of the following titles, in which it requested the concurrence of the Senate:

H. R. 531. An act for the relief of John A. Bingham;

H. R. 815. An act for the relief of O. H. Lipps;

H. R. 894. An act granting jurisdiction to the Court of Claims of the United States;

H. R. 965. An act for the relief of C. B. Wells;

H. R. 1465. An act for the relief of Arthur F. Swanson, and for other purposes;

H. R. 1580. An act authorizing the Secretary of the Interior to sell and patent to David A. Vincent certain lands in Oklahoma;

H. R. 1828. An act for the relief of J. M. Holladay;

H. R. 1961. An act for the relief of B. G. Oosterbaan;

H. R. 2166. An act for the relief of Anthony Mullen;

H. R. 2184. An act for the relief of James Gaynor;

H. R. 2209. An act for the relief of C. T. Kitchen;

H. R. 2210. An act for the relief of R. E. Neumann and wife;

H. R. 2333. An act for the relief of Katherine Rorison;

H. R. 2491. An act for the relief of Gordan A. Dennis;

H. R. 2635. An act for the relief of Mrs. W. H. ReMine;

H. R. 2680. An act for the relief of the estate of Charles M. Underwood;

H. R. 2715. An act for the relief of the widow of W. J. S. Stewart;

H. R. 2724. An act for the relief of A. S. Guffey;

H. R. 2892. An act for the relief of Kenneth A. Rotharmel;

H. R. 2906. An act for the relief of Emile Genireux;

H. R. 2993. An act for the relief of Harry McNeil;

H. R. 2994. An act for the relief of Harry J. Dabel;

H. R. 3064. An act for the relief of Richard H. Beier;

H. R. 3253. An act for the relief of Lieut. Commander Garnet Hulings, United States Navy;

H. R. 3278. An act for the relief of A. S. Rosenthal Co.;

H. R. 3382. An act for the relief of Louis Martin;

H. R. 3625. An act for the relief of John Doyle, alias John Geary;

H. R. 4117. An act for the relief of J. Walter Payne;

H. R. 4119. An act for the relief of Edward R. Ledwell;

H. R. 4124. An act for the relief of the State Bank & Trust Co., of Fayetteville, Tenn.;

H. R. 4158. An act for the relief of Sophie J. Rice;

H. R. 4189. An act for the relief of the Chamber of Commerce of Montgomery, Ala., Jack Thorington, and 39 others;

H. R. 4325. An act to revoke and set aside a discharge without honor, issued to Wade W. Barber, Bancroft, Nebr., October 28, 1899;

H. R. 4902. An act for the relief of Washington County, Ohio, S. C. Kile estate, and Malinda Frye estate;

H. R. 5063. An act for the relief of P. H. Donlon;

H. R. 5293. An act to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920;

H. R. 5341. An act for the relief of Ruphina M. Armentrout;

H. R. 5441. An act for the relief of Geraldine Kester;

H. R. 5486. An act for the relief of Levi Wright;

H. R. 6003. An act for the relief of Charles B. Beck;

H. R. 6080. An act for the relief of J. M. Hedrick;

H. R. 6418. An act to correct the military record of Lester A. Rockwell;

H. R. 6466. An act for the relief of Edward C. Roser;

H. R. 6615. An act for the relief of Noble-Gilbertson Co., a corporation, of Buford, N. Dak.;

H. R. 6696. An act for the relief of Edward J. O'Rourke, as guardian of Katie I. O'Rourke;

H. R. 7027. An act for the relief of J. B. Elliott;

H. R. 7134. An act for the relief of Henry T. Hill;

H. R. 7617. An act to authorize payment to the Pennsylvania Railroad Co., a corporation, for damage to its rolling stock at Raritan Arsenal, Metuchen, N. J., on August 16, 1922;

H. R. 7776. An act for the reimbursement of Emma Pulliam;

H. R. 7809. An act for the relief of H. H. Hinton;

H. R. 7943. An act for the relief of Mrs. G. A. Guenther, mother of the late Gordon Guenther, ensign United States Naval Air Corps;

H. R. 8715. An act to authorize the Secretary of Agriculture to extend and renew for the term of 10 years a lease to the Chicago, Milwaukee & St. Paul Railway Co. of a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, and for a right of way to said tract, for the removal of gravel and ballast material, executed under the authority of the act of Congress approved June 28, 1916;

H. R. 8766. An act for the relief of Edward J. Boyle;

H. R. 8794. An act to credit the accounts of W. W. House, special disbursing agent, Department of Labor;

H. R. 8846. An act for the relief of Cyrus Durey;

H. R. 8896. An act for the relief of Enriqueta Koch v de Jeanneret;

H. R. 9035. An act for the payment of claims for damages to and loss of property, personal injuries, and for other purposes incident to the operation of the Army;

H. R. 9274. An act to release and quitclaim title of certain lands to Holyman Battle and his successors in interest;

H. R. 9775. An act for the relief of Sherman Miles;

H. R. 11446. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. J. Res. 98. Joint resolution for the relief of R. S. Howard Co.; and

H. Con. Res. 23. Concurrent resolution authorizing the printing of the Madison Debates of the Federal Convention and relevant documents in commemoration of the one hundred and fiftieth anniversary of the Declaration of Independence.

ANNIVERSARY OF THE BIRTH OF EDWIN MARKHAM

Mr. COPELAND. Mr. President, yesterday was the anniversary of the birth of Edwin Markham, the poet of the poor and oppressed and a writer on sociological subjects. I ask unanimous consent to have printed in the RECORD a very brief address delivered by the British ambassador on Edwin Mark-

ham at the meeting of the International Longfellow Society, Washington, D. C., February 21, 1926.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF THE RIGHT HON. SIR ESME HOWARD, BRITISH AMBASSADOR, INTRODUCING EDWIN MARKHAM AT THE MEETING OF THE INTERNATIONAL LONGFELLOW SOCIETY, FIRST CONGREGATIONAL CHURCH, WASHINGTON, D. C., TUESDAY AFTERNOON, FEBRUARY 21, 1926

As part of the program of this afternoon it is my agreeable duty to present to you Mr. Edwin Markham, poet of renown and writer on sociology. Mr. Markham is not only conspicuous for the high poetic standard of his verse but also for the fact that like Robert Burns he has worked with his hands, as a shepherd during his boyhood and later as a farmer and blacksmith, and therefore when he wrote his world-renowned poem, The Man with the Hoe, he was writing of something which he knew about from personal experience, and not merely as a sympathizer, who had never gone through the mill himself, might write. That is no doubt the secret of its great success and of the success of many of Mr. Markham's other writings.

Mr. Markham's sympathy, so well expressed, with those who toil and have few of life's pleasures and advantages make him exceptionally the poet of this age, of this century, which will see, we may hope, the emancipation of the workingman to a degree never before dreamt of. Poets of a former age—Byrons, Shelleys, Swinburnes—were enamored of liberty in their own way, but it was of political liberty as an ideal, impalpable thing, as the philosophers and poets of past ages saw it. Mr. Markham goes further and sings of the personal and spiritual liberty which it must now be our aim to find for those who have suffered from the oppression of the life of dull and colorless drudgery which the reign of the nineteenth century industrialism has made too often the common fate of the mass of mankind, even in countries where political liberty has existed for generations.

And so Mr. Markham wrote something that went to the heart of the people when he wrote his Man with the Hoe and addressed the masters, lords, and rulers in all lands, and asked them what account they would give to God of "this handiwork of theirs, this monstrous thing distorted and soul quenched," and asked:

How will you ever straighten up this shape;
Touch it again with immortality;
Give back the upward looking and the light;
Rebuild in it the music and the dream;
Make right the immortal infamies,
Perfidious wrongs, immedicable woes?

The only poem that I can remember that could be in any way compared to this is Elizabeth Barrett Browning's poem The Cry of the Children, which helped so greatly the passage of the first factory acts in England and the emancipation of young children from the serfdom of those days of uncontrolled industrialism.

But Mr. Markham is not only the poet of the poor and the oppressed; he can also understand and unfold for us the joys of the gifts of nature, and I should like, if I may, to read you one poem of his which for me has all the outdoor freshness and the joyful lilt of Swinburne at his best:

AN OLD ROAD

A host of poppies, a flight of swallows;
A flurry of rain, and a wind that follows
Shepherds the leaves in the sheltered hollows,
For the forest is shaken and thinned.

Over my head are the firs for rafter;
The crows blow south, and my heart goes after;
I kiss my hands to the world with laughter—
Is it Aidenn or mystical Ind?

Oh, the whirl of the fields in the windy weather!
How the barley breaks and the blows together!
Oh, glad is the free bird afloat on the heather—
Oh, the whole world is glad of the wind!

PETITION

Mr. JONES of Washington presented a petition of sundry citizens of Spokane, Wash., praying for the passage without amendment of the so-called railway labor bill, which was referred to the Committee on Interstate Commerce.

NATIONAL COUNCIL OF AMERICAN INDIANS

Mr. BAYARD. I ask unanimous consent to present a petition from the National Council of American Indians to the Senate and further ask unanimous consent that it may be printed in the RECORD.

There being no objection, the petition was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Petition of the National Council of American Indians to the Senate of the United States of America assembled, under amendment 1 of the Constitution

"Congress shall make no law * * * abridging * * * the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

To the Senate of the United States of America assembled:

When in the course of human events a civilized state asserts by virtue of an alleged right of discovery the power of preemption in an aboriginal territory, it assumes before the Great Spirit who rules over the destinies of mankind and under the law of nations an obligation for those whose possession it displaces which neither emperors nor sovereign peoples may avoid.

Wherefore since the allegiance of the Indian tribes subject to the sovereignty of the United States was secured by treaties between the United States and the said tribes whose aboriginal rights were guaranteed by the United States in treaties with the sovereignties of Great Britain, France, Spain, Mexico, and Russia; and

Whereas it was by virtue of these solemn treaty compacts which the honorable Senate of the United States alone had power to ratify that the constitutional rights of the Indian inhabitants of the United States vested in them:

Now, therefore, in the exercise of the right of petition guaranteed by the first amendment of the Constitution, the National Council of American Indians, on behalf of the Indian citizens of the United States, addresses that its petition to the Senate of the United States assembled for the redress of their grievances, setting forth and alleging the manifold wrongs that are being done them by the Congress and the Government of the United States in violation of the terms and the spirit of the said treaties and the Constitution of the United States, as follows:

I

THE CONSTITUTIONAL RIGHTS OF THE INDIAN CITIZENS

When the Government of the United States, by virtue of the power conferred upon it by the Articles of Confederation, assumed political jurisdiction over the Indian tribes occupying the territory ceded to the United States in the treaty of peace between the United States and Great Britain, having guaranteed their rights in the said treaty, it adopted the policy of dealing with them as communities politically dependent upon the United States, but independent of the authority of any State. Accordingly, by proclamation of September 22, 1783, it forbade all persons from dealing with the Indian tribes without the express authority and direction of the United States in Congress assembled.

At the time the proclamation of 1783 was published the Indian tribes within the United States were organized in a National Confederacy, which on behalf of the Indians claimed that under the laws of Great Britain the territory the tribes then inhabited was owned by the tribes in common and that no one tribe acting alone could convey any interest in its domain. The Indian National Confederacy, therefore, presented a formal petition to Congress in which it was declared that upon the advice of their late sovereign, His Britannic Majesty, King George III, and the British Government, the Indian tribes were ready and willing to attorn to the sovereignty of the United States, but that they had no power to act separately and that an attempt to deal with them separately would most certainly result in serious trouble, which the Indians were anxious to avoid. Therefore, Congress was urged to kindle one great council fire at which to treat with the Indian National Confederacy and to settle by a general congress all questions between the United States and the Indians.

The Congress of the United States refused, however, to recognize the Indian National Confederacy as a medium through which a common understanding might be had with the Indian tribes of the United States and in the face of a second petition and the solemn protest and warning of the Indian National Confederacy proceeded to negotiate separate treaties with the Six Nations, or the Iroquois League, at Fort Stanwix, N. Y., in 1784, the Wyandottes, Delawares, Chippewas, and Ottawas at Fort McIntosh, Ohio, in 1785, the Cherokee, Choctaw, and Chickasaw Nations at Hopewell, S. C., and the Shawnees on the Miami in 1786, whereby the tribes separately were induced to cede vast tracts of Indian territory out of which Congress desired to create a public domain. Thus, despite the most earnest efforts on the part of the Indians to guard against a certain cause of conflict between them and the new Government, the Congress of the United States adopted a policy which completely ignored the claims of the Indians. Moreover, notwithstanding the proclamation of 1783, the thirteen States continued to deal with the Indian tribes independent of the authority of the United States, so that the Indian tribes found themselves being summoned from time to time to 14 different council fires and, though friendly to the United States and ardently desirous of adjusting all differences with the new sovereignty, knew not to what authority to look. Over and over General Washington counseled the Congress and the States against the folly and the injustice of this course, with the result that when the Constitution was drafted the sole and exclusive

right to regulate commerce with the Indian tribes was expressly conferred in Article I, section 8, upon the Congress of the United States, and by Article I, section 10, the States were forbidden to enter into any treaty, alliance, or confederation, while Article II, section 2, conferred on the President the exclusive power, by and with the advice of the Senate, to make treaties.

The provisions of the Constitution with respect to the treaty-making power were at once interpreted by the Federal Government to include treaties with the Indian tribes, and in the first appropriation act of Congress, or the act of August 20, 1789 (1 Stat. 137), a monetary provision was made for the negotiation of Indian treaties by United States commissioners.

Notwithstanding the clear and express provisions of the Constitution, however, the States continued to deal with the Indians and to preempt the communal lands of Indian tribes through the medium of contracts with individual Indians who had no title to convey, so that on July 22, 1790, upon the repeated protests of the tribes, it became necessary for Congress, at the instance of President Washington, to pass the first so-called Indian intercourse act, or the act of July 22, 1790 (1 Stat. 137), expressly forbidding the States, whatever their right of preemption might be, from entering into a treaty with an Indian tribe. This statutory inhibition was reenacted successively in 1793, 1796, 1799, 1800, 1802, 1834, and 1847, and remains the law of the United States to-day. In 1790 President Washington, after explaining the law, declared in a solemn message to the Indian tribes:

"The General Government will never consent to your being defrauded, but will protect you in all your just rights."

In this pledge of the Nation, made on its behalf by one whom the Indians to-day delight in honoring as "The Great Grandfather," the Indian tribes find their charter of rights. With such a pledge for them no treaties or decisions of the Supreme Court would have been necessary. But as time went on it was soon apparent to the Indians that the other people of the United States were not like themselves, and that the solemn pledge of their great chief was not to be respected by them. Still, the acknowledged and guaranteed property rights of the Indian tribes were ignored by the States and people of the United States, which was inevitably to lead to innumerable wars. The Congress of the United States had by its policy destroyed the power of the Indian National Confederacy to control its members. The tribes had been detached from it and isolated. Yet, as declared by President Harrison, in not one instance did a tribe take to the war-path until every peaceful means of self-protection had been exhausted.

After the great war of the Ohio tribes and the battle of the Fallen Timbers, the great Indian chief, Little Turtle, counseled the western tribes to keep the peace, and appearing before the legislatures of the several States pleaded with them for laws to protect the Indians, and especially to prevent the introduction of the white man's fire-water among them, which was debauching and destroying our people. But the unrestrained encroachments upon their lands continued, and when, in 1802, President Jefferson acquired the Louisiana Territory from France, it was at once proposed in Congress to forcibly remove all the Indians east of the Mississippi to that region. It was then that the great Indian statesman, Tecumseh, no longer obedient to the counsels of Little Turtle, undertook for purely defensive purposes to reorganize the Indian National Confederacy, and to fix a new and definite boundary beyond which the Indian tribes might dwell unmolested.

This, however, was not to be. In the absence of Tecumseh the Indian prophet was provoked into a conflict, and upon the death of Tecumseh all power of cooperation by the tribes vanished forever. A decade of rapine and slaughter then followed which left the Indians of the East utterly defenseless and at the mercy of those who insisted upon taking their remaining lands.

It was now that the Indians, having pleaded in vain to Congress, sought the protection of the Supreme Court of the United States, with the result that in 1823, 1831, and 1832 three great fundamental decisions were handed down by Chief Justice Marshall, which left no doubt as to what were the Indian tribal property rights. That those rights were guaranteed by the several treaties between Great Britain and the United States and protected by the Constitution was expressly declared.

At this time, however, the Government of the United States refused to enforce the mandates of the Supreme Court. Recognizing at last the weakness of the Government which had asserted its sovereignty over them, all the tribes east of the Mississippi, with the exception of the Six Nations, were of necessity compelled to yield up their domains by so-called treaties of cession and migrate to the Indian Territory.

Thus, the State of Georgia had been allowed to nullify the laws of the United States and this course encouraged the people of Alabama to threaten secession rather than submit to laws designed to protect the Indians. In a message to Congress the President stated that only a few Indians remained east of the Mississippi and that the Treasury of the United States had been enriched in one year $11,00,000 through the sale of vacated Indian lands.

Nevertheless, the policy of Congress, in theory at least, at this time was clearly defined with respect to the compensation of the tribes for the land they were forced by circumstances to yield.

Thus, in the report of the Committee on Indian Affairs of the United States House of Representatives, submitted in 1830, dealing with the constitutional right of Congress to take Indian lands, it was said:

"The Indians are paid for their unimproved lands as much as the privilege of hunting and taking game upon them is supposed to be worth, and the Government sells them for what they are worth to the cultivator. * * * Improved lands or small reservations in the States are in general purchased at their full value to the cultivator. To pay an Indian tribe what their ancient hunting grounds are worth to them after the game is fled or destroyed as a mode of appropriating wild lands claimed by Indians has been found more convenient, and certainly it is more agreeable to the forms of justice, as well as more merciful, than to assert the possession of them by the sword. Thus, the practice of buying Indian titles is but the substitute which humanity and expediency have imposed in place of the sword in arriving at the actual enjoyment of property claimed by the right of discovery and sanctioned by the national superiority allowed to the claims of civilized communities over those of savage tribes * * *." (21st Cong., 1st sess., H. Rept. No. 227, Feb. 24, 1830.)

As time went on the United States acquired more and more territory from France, Spain, Great Britain, and Mexico; in each treaty of cession the property rights of the Indian inhabitants were guaranteed in express terms. As declared by the Supreme Court in 1835 in the case of Delassus *v.* United States (9 Pet. 117), their property rights, guaranteed by these treaties, were protected by the Constitution. Nor was it ever assumed that Congress in the exercise of its undoubted plenary political power over the Indian tribes could confiscate their property. Said the Supreme Court in 1866 in the case of the Kansas Indians (5 Wall. 755):

"If they have outlived many things, they have not outlived the protection offered by the Constitution, treaties, and laws of Congress."

In theory only, however, were the rights of the Indians secure. The infringement of their property rights continued ceaselessly under the preemption act of 1842, and the great railway acts and the homestead act of 1862, no adequate provision having been made for the protection of the Indians against the lawless horde of land grabbers that was turned loose by those laws upon their lands. Upon the conclusion of the war between the States, in which the allegiance of the Indians was divided upon the issue of slavery, it was seriously proposed to confiscate the Indian Territory as a penalty for the disloyalty of the Indian adherents to the Confederacy.

The Great Chief of the Nation at this time was President Grant, who, like Presidents Washington, Monroe, and Harrison, was a just man and a friend to the Indians. Like them, he knew that the wars which the Government had waged against our helpless people were unjustifiable, and that the armed force of the Nation had been utilized in response to local political demands as an agency by means of which to despoil them of their lands. He also knew that the so-called Indian treaties, which were in fact seldom authorized by the tribes or voluntary in any real sense, were but another means in the hands of Government agents to the same end. Therefore, he caused to be enacted the statute of March 3, 1871 (16 Stat. 566; R. S. 2079), abolishing Indian treaties and substituting Executive agreements therefor, but expressly providing that no right acquired under an Indian treaty should be invalidated or impaired.

In laying down his great work of emancipating the Indians, President Grant said in his second inaugural address to Congress in 1873:

"Our superiority of strength and advantages of civilization should make us lenient toward the Indian. The wrong inflicted upon him should be taken into account and the balance placed to his credit. The moral view of the question should be considered, and the question asked, can not the Indian be made a useful and productive member of society by proper teaching and treatment? If the effort is made in good faith, we will stand better before the civilized nations of the earth and in our own consciences for having made it."

Such, in brief, has been the history of the Indians from which it is to be seen that they are entitled to the same protection under the Constitution as any other citizens of the United States. Yet, the plain facts of history are that the people of the United States shed their blood without stint to confer the human rights guaranteed to all men by the Constitution upon the negro slaves they imported from the jungles of Africa; at the same time they shed their own blood and that of the Indians to deny to the Indians those same human rights. To-day there are pending in Congress, as we shall show, legislative measures designed for the express purpose of further divesting the Indians of their rights and despoiling them of property which was voluntarily ceded to them at a time when it was believed to possess no value in exchange for what was taken from them by force. These facts we will undertake to establish in any judicial

tribunal to which you may give us access just as we have proved similar ones in the past that are clearly recorded in the decisions of the Supreme Court.

II

THE INDIAN CITIZENS ARE TO-DAY WITHOUT A REMEDY AT LAW FOR THE INVASION OF THEIR CONSTITUTIONAL RIGHTS

Having shown what are the constitutional rights of the Indian citizens, we now propose to show that Congress has denied to the Indian citizens a legal remedy for their wrongs.

By the act of March 3, 1854, Congress created the Court of Claims and conferred on it jurisdiction to hear and determine claims against the United States, but by the act of March 3, 1863, it withdrew therefrom jurisdiction to entertain claims arising out of treaties that were not pending before it on December 1, 1862. (Judicial Code 153, R. S. 1066.)

This general limitation in its application to Indian treaties is most unjust to the Indians. After they had attorned to the sovereignty of the United States and were declared to be dependent communities, the tribes could no more enter into a treaty with the United States than could a State or a subdivision thereof. Plainly, the so-called Indian treaties, being mere engagements between a sovereign State and dependent tribes, were nothing more than contracts, though endowed with a very high degree of solemnity, a fact which was fully recognized by Congress when the making of further treaties was prohibited, and executive agreements were substituted therefor as a medium of dealing with the tribes. Yet, the fact remains that the Court of Claims was left with jurisdiction to adjudicate an executive agreement made on March 4, 1871, though shorn of jurisdiction over what was in fact an executive agreement if the same happened to have been dated March 2, 1871.

The effect of the act of March 3, 1863, was therefore nothing less than to render ineffective the constitutional guaranties, since no remedy for Indian wrongs under agreements made prior to 1863 remained, and to render nugatory the express provision of the act of March 3, 1871, with respect to the sanctity of Indian treaty rights.

Such is the law to-day. Consequently, since Indian citizens possessing rights under a so-called Indian treaty have no legal remedy under the law for their acknowledged constitutional rights, in order to enforce the contractual obligations of the United States, unlike other citizens, they are compelled to resort to lobbies to procure special jurisdictional acts conferring on the Court of Claims jurisdiction to adjudicate their contracts.

Nor are the jurisdictional acts which at great expense and injury to themselves the Indians succeed in procuring more than partially remedial, since it is the policy of Congress to fix in them an arbitrary maximum price that may be recovered under them for the property taken by the United States from the tribes, and to deny interest on this arbitrary value from the time the property was taken, at the same time requiring full credit to be given the United States for all its expenditures on behalf of the owners, even where the expenditures would have been made had their property not been taken. Thus these so-called remedial jurisdictional acts affirmatively deny to the Indians the just compensation to which under the Constitution and the laws of the United States they are entitled, since just compensation includes the fair value of the property taken for the public use with interest thereon until the time of payment when payment is withheld. In other words, ignoring the constitutional right of the Indians to just compensation, by refusing to provide a legal remedy and compelling the Indians to depend upon special jurisdictional acts, Congress enables the guardian Government to take Indian property and pay therefor what it chooses. We do not think that is just.

But the injustice of Congress in providing no legal remedy for the legal injuries suffered by the Indians, and in denying to them the redress guaranteed by the Constitution, is only one injustice that is done the Indian citizens of the United States by Congress.

Until recently they were not free to employ counsel in a proper and economic way. Under section 2103, Revised Statutes, noncitizen Indians could only enter into contracts with attorneys that were approved by the Secretary of the Interior and the Commissioner of Indian Affairs, and the policy of those officers has long been to approve only contracts that provide for the contingent compensation of the attorneys and the bearing of all the expense of the litigation by the attorneys. Such a policy not only makes the attorneys champertous, contrary to the canons of the American Bar Association, but inasmuch as it requires attorneys to finance Indian litigation makes it impossible for the Indians to employ attorneys who can not afford to accept legal business on such terms.

Although Revised Statutes, 2103, is not applicable to Indian citizens, the evil of the old policy is perpetuated by Congress, since the special jurisdictional acts invariably limit the compensation of attorneys to a contingent fee and make no provision for the expense of the litigation.

The evil effects of the necessity of attorneys financing Indian litigation are readily imagined, some of which, including the barratry that it promotes, are among the greatest causes of unrest among the tribal Indians. As a consequence, to-day there is a positive bad odor about Indian litigation which discourages many members of the higher bar from becoming involved in it. Nor are the funds in the hands of the Government to the credit of the Indians available to them for the purpose of employing reputable and able attorneys and financing their litigation.

Plainly, there should be some provision in the law for the utilization of Indian tribal funds in the hands of the Secretary of the Interior for Indian litigation. But we submit that to give an administrative bureau any control over the legal remedies pertaining to the property it is required to administer, by making the use of Indian funds for litigation, or the selection of attorneys subject in any way to its control, is fundamentally unsound, since it violates the principle that a financially responsible agency should not have the power to avoid its own liability even in the most indirect way. The Commissioner of Indian Affairs himself has only recently very properly declared that he would be glad to be rid of all responsibility for contracts between the Indians and their attorneys.

Still another legal disadvantage to which the Indians are subject is the bar of section 1069, Revised Statutes, that section requiring that even those claims which the Indians are free to file in the Court of Claims must be filed within six years from the time the same first accrued. By this means the United States effectually escapes liability to its wards for violations of their rights, since they are seldom advised of their rights in time to enforce them. In other words, by this statute the guardian-trustee in effect nullifies the equitable doctrine that laches may not be invoked against the ward. Inasmuch as the guardianship which Congress continues to assert over our people is only justifiable upon the theory that they are incapable of protecting their property, we submit that it is not just for Congress to hold them to the same degree of responsibility as other people for failing to assert their legal rights, which it was the duty of the guardian Government to do, and by means of a statute of limitations make it possible to convert the property it holds in trust for us.

There are many other unjust discriminations in the law against the Indians with respect to their remedies which can not in good faith be justified, and which it would seem the conscience of Congress would require it to remove upon their being called to its attention. These unjust discriminations, we believe, exist not through design but because of unintentional oversight. Nevertheless, a sweeping reform of the existing law with respect to Indian legal remedies is imperatively necessary if justice is to be done the Indians by affording them the power at law to compel a proper accounting on the part of the guardian Government of its trust.

III

THE CONSTITUTIONAL RIGHTS OF THE INDIAN CITIZENS ARE DENIED AND IGNORED BY THE GUARDIAN GOVERNMENT

It is not necessary to state here what are the obligations of a political guardian. The law of the civilized nations with respect thereto was fully reviewed in a special report to the Secretary of State in 1919 by Alpheus Henry Snow, in a comprehensive work entitled "The Question of Aborigines in the Law of Nations" (Putnam, 1921). Suffice it to say that the principles of an enlightened guardianship as laid down in that work were recognized as applicable to the American Indians by the Department of State in the answer of the United States to the memorial of His Britannic Majesty in the recent case of the Cayuga Indians, decided by the American-British claims arbitration in January, 1926. A guardianship is a trust, and a political no more than a private individual guardian can convert the trust property, whatever control may be exercised over the wards and their property. Yet, the Government of the United States does not hesitate to contend that Congress, in the exercise of its plenary authority over the Indians may dispose of their property as it may see fit without legal liability on the part of the United States, notwithstanding the fact that it has been held over and over by the courts that a property right that has become vested in an Indian may not be repealed by Congress. Thus but recently an assistant to the Attorney General argued in the Circuit Court of the District of Columbia, on behalf of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and the Federal Power Commission, in the case of Super et al. v. Weeks et al., that if Congress converted Indian property there was no legal remedy on the part of the Indians, since the political power of Congress was not subject to judicial control.

Does Congress know that the Department of Justice advocates such principles in the courts of the United States and that the Indian citizens are compelled to expend their substance in combating such contentions?

Your petitioners further call attention to the fact that while this contention was being made by an assistant to the Attorney General in 1924, in the case mentioned, the Solicitor General of the United States was coincidently arguing in the Supreme Court of the United States, on behalf of the United States, precisely the opposite view in the case of the United States v. Title Insurance & Trust Co. (265 U. S. 472).

We do not think it is fair that the Indian citizens should be dealt with by the Department of Justice of the guardian Government in this inconsistent way, yet the case described is typical of the Government's course in dealing with our people, and we can not believe that it has any serious regard for our rights.

For instance, notwithstanding the law prohibiting the making of treaties by a State with an Indian tribe, the State of New York, in 1824, presumed to negotiate a treaty with four chiefs of the St. Regis Tribe whereby the tribe is said to have ceded to the State lands the possession of which was guaranteed to the Indians by a treaty between them and the United States. The State of New York deeded away the lands by State patents, and in 1925 suit was brought in the United States District Court, Northern District of New York, to eject the present occupants, among whom are a number of large corporations. In this suit the State of New York intervened as a defendant and filed a motion to dismiss the bill on the ground that no Federal question was involved and that the plaintiff, being an Indian, was without legal capacity to sue. Whereupon the St. Regis Tribe made formal demand upon the United States, or the guardian Government, through the Secretary of the Interior, to intervene as a party plaintiff on its behalf and thereby not only give the United States undoubted jurisdiction to determine the case on its merits but to protect its own title and carry out the guarantee of its treaty. In opposition to this demand, the assistant attorney general of New York appeared in Washington, and subsequently intervention by the United States was refused, presumably in obedience to the time-worn argument that intervention by it would upset private titles of long standing. Nevertheless, the United States is to-day suing the State of Minnesota in an exactly similar case. In that case it is not asking that private titles be upset but only that the State compensate the Chippewa Tribe for the lands taken by it, which is all that justice requires.

In another case, in which an Indian citizen sought the remedy of injunction in a Federal court against the Secretary of the Interior, after filing a motion to dismiss the bill, the Secretary of the Interior did not hesitate to address a letter to the court requesting it not to render any decision, even if the plaintiff were legally entitled thereto. Thus it is seen that, even where legal rights exist and are established in court, the Government assumes to attempt to set aside the remedies of the law.

We do not propose here to indulge in any assaults upon individuals, who after all are but cogs in the rusty gears of Indian bureaucracy. But over and over the grievances of our people have been presented to the Committees on Indian Affairs, and always the answer is the same. Though their grievances are admitted, they are told that Congress will not pass the laws that are necessary to do them justice unless those laws are approved and advocated by the Government. In this cycle of indifference they find themselves helpless.

And what does the Government of its own motion do for them?

A recent instance affords but a fair example.

There was recently transmitted to the chairmen of the Committees of Congress on Indian Affairs, by the Secretary of the Interior, with the indorsement of the Commissioner of Indian Affairs, a bill introduced in the House of Representatives as H. R. 7826, providing that the reservation courts of Indian offenses should have power to sentence an Indian citizen to jail for six months for such offenses as were not punishable under Federal law, without the presentment or indictment of a grand jury, without trial by jury, or due process of law in any other respect.

The judges of these petty administrative tribunals are laymen appointed upon the authority of the Commissioner of Indian Affairs and receive a stipend of $10 a month. A search of the law of the civilized nations of to-day discloses but one such tribunal in existence and that in French African Congo. The proposed law, we are advised, is unconstitutional in no less than five respects, but it is by such instrumentalities that the guardian Government proposes to civilize its Indian wards.

According to the opinion of Mr. Attorney General Stone, of May 27, 1924, the tribal right of occupancy extends to the exclusive enjoyment of the minerals on the Indian reservations. Nevertheless, there are pending before this Congress bills earnestly supported by the oil interests of the United States which are designed to divest the Indian citizens of their rights in their mineral properties, and these bills have received the unqualified indorsement of the Department of the Interior. In this connection we particularly call the attention of the Senate to the speech of the Hon. JAMES A. FREAR, of Wisconsin, in the House of Representatives, Thursday, March 4, 1926, fully reported in the CONGRESSIONAL RECORD of that date, along with the opinion of the Attorney General. In the said speech much evidence was presented to show that Indian tribes have been charged by the Department of the Interior and the Indian Office with the cost of bridges, highways, and other public works, without their knowledge and consent, and that the said works were not constructed for the benefit of those required to pay for them. Such a practice by the guardian trustee of our funds constitutes, we are advised, nothing less than confiscation of our property.

It has been shown that the Indian citizens of the United States are wholly dependent even for the partial remedy that is sometimes afforded them by special jurisdictional acts for their constitutional rights upon the influence which they are able to exert upon Congress. But under the fiscal policy of the present administration the procuring of remedial acts has become almost impossible, however meritorious a claim may be, for the reason that the Secretary of the Interior and the Commissioner of Indian Affairs are constrained by that policy to oppose all bills in conflict with the fiscal policy of the President. Before a remedial bill is approved by either it must receive the approval of the Director of the Bureau of the Budget, who in turn appears to be governed by a policy that opposes any tax upon the Treasury for the relief of the Indian citizens that is not approved by the President. Such a policy makes justice for the Indian citizens depend not upon the merits of a claim and their constitutional rights, but upon considerations of fiscal economy. Under it the Secretary of the Interior and the Commissioner of Indian Affairs, who are specially charged by law with the administration of the national trust of guardianship over the Indians and their property, are compelled to abandon their obligations at law to the Indian citizens and, in effect, make themselves the guardians of the National Treasury. Moreover, we believe it to be in its practical effect a clear invasion of the prerogatives and the usurpation of the functions of the legislative and judicial departments by the executive department.

Such a policy is defended upon the ground that the Government has plenary authority to dispose of Indian property as it sees fit without recourse on the part of the owners to the courts. Plainly this construction of the law gives to the Government more than plenary authority but absolute authority.

The Government of the United States can have no greater power than was given to it by the people who created it out of their sovereignty. In order to guard against the danger that the central Government would exceed its powers, they wrote into the Constitution of the United States a bill of rights which forbade in express terms the taking of private property without just compensation.

They then divided the Government into three departments—executive, legislative, and judicial. These departments were but the agencies through which government was to be administered. Plainly, if the Government which the people created was expressly forbidden to take private property without just compensation, no one of its agents can do so, since an agent can not possess a power greater than its principal. And it may well be said that when the Constitution expressly conferred upon all those subject to it an inviolable right of property it was necessarily implied that they should have a legal remedy for their rights. Yet by their course both the legislative and executive departments have denied to the Indian citizens of the United States such a remedy, and the fact is that to-day they have not the remedy that is open to alien visitors to the United States.

In view of the facts revealed herein it must be apparent to Congress that without regard to past neglects or to present maladministration of Indian affairs a complete reformation of the Indian system is necessary and that an intelligent scientific study of the Indian problem should, in justice to itself, let alone our people, be made.

IV

THE SOCIAL AND ECONOMIC SITUATION OF THE INDIAN CITIZENS OF THE UNITED STATES

It has been shown what are the legal and practical discriminations existing against the Indian citizens of the United States. We now propose to point out to the Senate their social and economic grievances.

When the United States in 1776 asserted its sovereignty over the ancestors of the Indian citizens of the United States they had no conception of land as property. They conceived of the earth as a mother who provided food for her children. For our people the land was like the air. Being something necessary to the life of mankind, it was not deemed by them to be subject to appropriation by individuals to the exclusion of others. But as population increased and an unlimited area was no longer open to any one tribe the tribal communities were compelled to stabilize more and more, and thus as their range became restricted of necessity they began to cultivate the soil in order to add to the spontaneous fruits of nature. An increasingly permanent tribal occupancy gradually led to a claim or right to possess the tract from which the tribe drew its sustenance, but the conception of an individual title had not yet evolved among the Indians when they came in contact with European society and the individualistic economic order. The tribal title was still a communal title. The individual communist owned nothing. He could convey nothing, transmit nothing of the tribal wealth to his posterity, and the only rights which he or his children possessed were derived not by inheritance but merely from a present membership in the tribe.

The consequence of this order of life, that is, a combination of tribal organization and ownership in common, was marked. The Indian was in every instinct a natural communist, a fact which carried with it certain definite implications.

As pointed out by the Right Rev. Hugh L. Burleson, bishop of South Dakota, an eminent Christian worker among our people who has a deep

and sympathetic understanding of them, few white men have understood Indian nature because they have approached life from a different angle. Said he:

"The angle is this: The Indian thinks in terms of his group. The white man always thinks of himself first and his group last, approaching things from the viewpoint of the individual. The Indian's point of view is that of the group; his relation to and his responsibility for the group. He thinks in group terms. He has a socialized concept of life. Society has been a definite thing to which he was not responsible. The family life and the tribe life have an immediate bearing upon all his actions."

Nevertheless, the law of the United States has affirmatively tended to preserve the aboriginal nature of the Indians, since the Indian tribes were early given a legal status and characterized by the law as domestic communities of the nature of municipal corporations. And though Congress has ever exercised a plenary control over these communities which were declared by the Supreme Court to be dependent upon the United States and subject to the paramount authority of Congress, it has permitted them to regulate their domestic affairs in accordance with their own laws, in so far as possible, while of those laws the courts have consistently taken judicial notice. Not only then has the law of the United States affirmatively tended to preserve the Indian social unit of the tribe, but the aboriginal economic order as well, so that instead of transforming Indian nature it has perpetuated it in all its fundamental characteristics.

In dealing with the Indians, however, Congress has utterly failed to take cognizance of the economic implications of the social organization of the Indians in communities coupled with their system of ownership in common. It has utterly ignored the fact that being communists by nature they are fundamentally different in their outlook upon life from the national society in which it has sought to absorb them, and has not only not prepared them but has encouraged their native incapacity to compete as individuals with that society. Certainly much of the disappointment that has been experienced with the red man, and practically all of the injury that has been done our race, may be traced directly to this fact.

In 1776 there were approximately 180,000 Indian inhabitants east of the Mississippi River. They had been taught by the colonists in the war between Great Britain and France to engage in the conflicts of the white man and tutored in the European art of war. Moreover, no sooner than the American Revolution was proclaimed than their military alliance with the United States was solicited by the Continental Congress. It was only when they rejected this offer of alliance that they were condemned for their participation in the War of American Independence against the United States. Upon the conclusion of that conflict efforts were made at once to dispossess them, despite the guaranties of their property rights contained in the treaty of peace between Great Britain and the United States. By nature, unable without passing through an educative process to transform themselves from communism to the individualistic economic order, the tribal Indians had either to resist these efforts and fight to maintain the only existence they were capable of understanding or perish when the communal property was taken and their tribes dispersed. Tenacious of their lands, the specious plea that they had merited a just punishment now cloaked the lust of the unscrupulous for their property. Despite the fact that for centuries the tribes east of the Mississippi had been domiciled in definite domains and engaged in agricultural pursuits, they were now conveniently represented by the frontiersman as barbarous nomads, without attachment to the soil. The fact that those tribes which had, perforce, adopted a roving mode of life had been uprooted from the soil by the intruding whites was ignored. Thus, in 1784 a celebrated Kentucky editor, speaking for the rising democracy of the West, declared they had no more rights than the buffalo and that their extirpation would do honor to those effecting it. It was to such views—typical of the ever-advancing frontier—that Congress was responsive, so that when the Louisiana Territory was acquired in 1802 the plea to remove the tribes to a region to be carved out of the wilderness of the West and set apart to them as the Indian Territory, approved as it was by President Jefferson, at once found favor. From that time, for the eastern tribes, the handwriting of a dreadful fate was upon the wall.

In the vain hope of saving his people, it was now that Tecumseh proclaimed his philosophy of Indian nationalism founded upon the conception that not only the tribal Indians but the Indian tribes as such owned all the remaining Indian lands in common and that for them to part with their lands meant their certain destruction, in view of their inherent incapacity as individuals. Moreover, his scheme of salvation for his race embodied the holy campaign preached by his brother, The Prophet, for the moral regeneration of our people, who were being debauched by their contacts with the hitherto unknown vices of European civilization.

But Tecumseh was not alone in his efforts to save the race. Like him, many of our chieftains had pleaded from the first for that education which they saw was necessary to transform the Indians from communism and confer upon them capacity to survive in competition with the peoples of Europe. In vain, too, President Washington and Benjamin Franklin, two of the wisest and most just men known to history, urged that education be given the Indians. And in 1820 President Monroe caused to be submitted to Congress the report of the Rev. Jedediah Morse on the condition of the Indian tribes which he had caused to be made to the Secretary of War, in which the duty of Congress was pointed out with irrefutable logic, as follows:

"The Government, according to the law of nations, having jurisdiction over the Indian territory and the exclusive right to dispose of its soil, the whole Indian population is reduced, of necessary consequence, to a dependable situation. They are without the privileges of self-government, except in a limited degree, and without any transferable property. They are ignorant of nearly all the useful branches of human knowledge, of the Bible, and of the only Savior of men therein revealed. They are weak and ready to perish; we are strong, and with the help of God able to support, to comfort, and to save them. In these circumstances the Indians have claims on us of high importance to them and to our own character and reputation as an enlightened, just, and Christian Nation. In return for what they virtually yield, they are undoubtedly entitled to expect from our honor and justice protection in all the rights which they are permitted to retain. They are entitled, as 'children' of the Government, for so we call them, peculiarly related to it, to kind paternal treatment, to justice in all our dealings with them, to education in the useful arts and sciences, and in the principles and duties of our religion. In a word, they have a right to expect and to receive from our civil and religious communities combined that sort of education, in all its branches, which we are accustomed to give to the minority of our own population, and thus to be raised gradually and ultimately to the rank and to the enjoyment of all the rights and privileges of freemen and citizens of the United States. This I conceive to be the precise object of the Government. If we fulfill not these duties, which grow naturally out of our relation to Indians, we can not avoid the imputation of injustice, unkindness, and unfaithfulness to them—our national character must suffer in the estimation of all good men. If we refuse to do the things we have mentioned for the Indians, let us be consistent and cease to call them 'children' and let them cease to address our President as their 'Great Father.' Let us leave to them the unmolested enjoyment of the territories they now possess and give back to them those which we have taken away from them.

* * * * * * *

"As the Government assumes the guardianship of the Indians, and in this relation provides for their proper education, provision also should be made for the exercise of a suitable government and control over them. This Government unquestionably should be in its nature parental—absolute, kind, and mild, such as may be created by a wise union of a well-selected military establishment and an education family. The one possessing the power, the other the softening and qualifying influence, both combined would constitute, to all the purposes requisite, the parental or guardian authority."

It can not be said, therefore, that it was because the duty of Congress was not made plain to it from the first by the more enlightened chieftains of the Nation that our race was neglected. Yet it was 42 years after the United States of America, born in the cradle of human liberty, and offering an asylum to the persecuted peoples of Europe, assumed responsibility for our helpless race before the first appropriation of Congress was made in 1818 for the education of the Indians, and the paltry and wholly inadequate sum of $10,000 then provided underwent no annual increase for many years.

Doomed by half a century of violence and neglect, the fate of the eastern tribes was sealed. Through the tragic ordeal to which the young Republic had subjected them the western tribes were soon to pass. Upon them the preemption law of 1842, the railway acts, and homestead act of 1862 turned loose a horde of ruthless settlers with no provision whatever for the protection of the Indians. It was only after 55 official wars had been waged against the dependent Indian subjects of the United States that President Grant was able at last to stay the Government's mailed hand. But even then, in 1870, he was compelled to adopt the reservation system as the only possible means to save the remnants of the race from complete destruction.

Justifiable as the adoption of that system under the circumstances may have been, it was not conceived by its originator that the reservations provided by Congress were to be utilized as permanent economic prisons for a race on which to keep it incarcerated forever. It was fundamental in President Grant's scheme to save the Indians that in these temporary asylums, where they could be concentrated and protected by the national police, they should be prepared by education to take their place as citizens in the national society.

But how has Congress cooperated in this scheme of enlightening our race?

Sitting Bull and Chief Joseph, the maligned successors of Tecumseh, were but a living protest against a vicarious sacrifice to the reservation system as administered by the Government. One by one Little Turtle, Tecumseh, Black Hawk, Osceola, Sitting Bull, and Chief Joseph fell

martyr to the cause of Indian liberty. The present shackles of the reservations were slowly but surely welded upon their people.

The annual reports of the Commissioner of Indian Affairs give no intimation of the facts. For instance, in the report for the current year it will not appear that recently reservation Indians, without fuel, were compelled to subsist on horseflesh and roots, and that when Government aid for them was sought the past fall it was denied until the National Red Cross investigated the situation. In one tribe, among the most loyal Indian subjects of the United States, 10 per cent of its people were found to be destitute, without adequate food, shelter, and clothing. Is there any wonder that the number of Indians decreased from 403,000 in 1910 to 320,497 in 1924?

Does it do any good, is it any excuse, to say that these Indians are improvident, and that if they had not leased but had cultivated their lands intelligently they would be well provided?

Can the capacity of children to deal with property be assured merely by giving them the property?

When the Government overthrew the aboriginal economic order in which the Indian tribes were self-sufficient, and inclosed the tribes in desert reservations, did it not owe them more than to hand them a hoe and a plow and leave them to become skilled agriculturists?

Is it not only too obvious that justice for our people demands more than reservations and implements and police to see that they are not disturbed in their possessions?

Unless this generation is trained to meet the responsibilities of the life enforced upon it, how is the next to be rendered more competent?

That the reservation system as presently administered is adequate to the needs of our race is refuted by the unescapable fact that, 150 years after the United States assumed responsibility for it of the 162,602 full-blood Indians who remain, only a small part speak the English language. Can any system that has produced such a result at the end of a century and a half be said to be an effective one for the purpose of transforming an aboriginal race and conferring on it the capacity to compete with a hostile economic order?

The limits of time, space, and patience forbid a recital of all the defects of the existing system of the United States with respect to its Indian wards, but in answer to those who would continue it we need only propound three questions.

Are the tribal Indians to be herded like the few remaining buffalo on reservations forever, not even speaking the language of the Nation in the ranks of which they are called upon to shed their blood?

Are they to go on breasting the current of modern progress in this age of steam power and electricity equipped only with an aboriginal paddle and canoe?

If not, what plan has Congress for the eventual emancipation of our race?

We are informed of none save that which has disproven itself.

That the tribal Indians on the reservations have not been rendered self-sustaining and competent to compete in the economic order of the Nation is apparent. Nor will it advance them to teach them to depend upon national charity. That will only destroy the character of the race.

It must be plain, too, that the policy of allotting Indian communal lands in severalty does not promise to solve the Indian economic problem. Experience has shown that the allotment of Indian tribal lands in many cases merely creates an estate for the white man, with the result that many of our people who are lured away from their tribal relations merely fall victim to their own incapacity in the hostile economic society in which they have not been prepared by adequate education and training to compete. Allotment, therefore, in justice to our people, since it is capable of such a result, must be more carefully administered by the guardian whose duty it is to prevent the dissipation of the wards' estate.

Nor do we ask the Senate to accept our judgment as to the necessity for a reformation of the existing governmental system with respect to Indian property.

One of the last remarks attributed to Lincoln, the great American humanitarian, was: "If I survive the existing crisis, I will reform the Indian system." See statement of the Rt. Rev. Henry B. Whipple (9 Minn. Hist. Soc. Collects. (1901), p. 141).

Many years later, in what is commonly conceded to be the most searching and accurate survey of the Government of the United States (The American Commonwealth, revised ed., 1924, p. 88), James Bryce said:

"He [the Secretary of the Interior] is chiefly occupied in the management of the public lands * * * and with the conduct of Indian affairs, a troublesome and unsatisfactory department, which has always been a reproach to the United States, and will apparently continue so till the Indians themselves disappear or become civilized."

The charge is not exaggerated. From the administrative reports of the Department of the Interior for the fiscal year ending June 30, 1914 (1915), Volume I, page 4, the following words of Franklin K. Lane, Secretary of the Interior, are quoted:

"That the Indian is confused in mind as to his status and very much at sea as to our ultimate purpose toward him is not surprising. For a hundred years he has been spun around like a blindfolded child in a game of blind man's bluff. Treated as an enemy at first, overcome, driven from his lands, negotiated with most formally as an independent nation, given by treaty a distinct boundary which was never to be changed 'while water runs and grass grows,' he later found himself pushed beyond that boundary line, negotiated with again, and then set down upon a reservation, half captive, half protégé.

"What could an Indian, simple thinking and direct of mind, make of all this? To us it might give rise to a deprecatory smile. To him it must have seemed the systemized malevolence of a cynical civilization. * * * Manifestly, the Indian has been confused in his thought because we have been confused in ours."

What more is necessary to substantiate our views?

Here, in the language of the executive agent intrusted with the management of Indian affairs, expressed but recently, is a condemnation of the system by which those affairs are managed that is unanswerable. What we have said but supports the declarations of Mr. Lane.

CONCLUSION

In presenting this petition to the Senate of the United States on behalf of the Indian citizens of the United States the National Council of American Indians assumes a responsibility for which it must answer both to the Senate and to the Indian citizens. The justice of its demands is its answer.

The council has but one purpose, the organization of a constructive effort to better the Red Race and make its members better citizens of the United States. These objects it can not attain unless the Indians are accorded the rights essential to racial self-respect and a spirit of loyalty to the United States. It is for that reason alone that it presents their grievances.

The council is well aware that in the laudable effort which it proposes to make it will not have the encouragement of certain agencies of the Government. Fearing the power that comes of union, even now agents of the Government advise the tribes not to join it. The blind support of things as they are is made the one test of loyalty to the United States. Those who do not indorse this idea or that or seek to prove wherein one of them may be wrong, even though the program for the Indians includes their imprisonment and the administration of their estates without due process of law, are branded as malcontents. Such is ever the case in a struggle between progress and the forces of bureaucratic reaction. We know that it is only to be expected that those forces will persist in that diplomacy which proved so effective in breaking up the Indian National Confederacy and which has ever since kept the Indians disrupted. But though there may be malcontents among the Indians the National Council of American Indians will not lend itself to an attack upon anyone or any agency of Government that does not stand in the path of progress. Those who seek to resist legislation designed to benefit the Indians will themselves create the opposition.

Until now our people have been interpreted by an agency or Government that by its own program has shown that it is entirely out of sympathy with them. Against that agency we make but one charge, and that is that it is no different from any other bureaucracy. It was inevitable that it should become inflexible; that in its effort to sustain itself it should have largely forgotten its true purpose—to emancipate the Indians from the guardianship committed to it and thereby render its own function unnecessary.

There are fundamental characteristics of human nature which may be denied but which can not be destroyed. In seeking to overcome the inertia of the present Government we do not attack individuals but a system which we believe must be reformed, and no fear of the temporary loss of favor will deter the council from voicing the legitimate aims and aspirations of our race.

It can not be gainsaid with reason that the Indians have proven their capacity for self-government whenever an opportunity therefor has been afforded them. For nearly a century the so-called Five Civilized Tribes, although uprooted from their immemorial domains and cast into a wilderness, have governed themselves and administered their own estates, sorely beset all the while by hostile influences. During the war between the States our people fought in both armies. Our young men served as police during the turbulent frontier days, loyally supporting the Government even against their own hard-pressed people. Plainly they were deemed trustworthy by the Government that employed them.

In the late war the Indians responded to the call of the country with a unanimity of support in manhood and money unequaled by any other race. Of more than 17,000 who entered the military service, only 212 sought exemption. We were told that it was by virtue of the service of our young men and the blood sacrifice which through them our race made in the common cause of the Nation that national citizenship was conferred upon all native-born Indians. At any rate, the conferring of citizenship upon them was an act on the part of Congress which came of its own volition. It was not solicited by the Indians. Nevertheless, it is by virtue of that citizen-

ship for which Congress determined the fitness of our race that we demand certain things.

We do not pretend to say how all the existing evils with respect to the Indians and Indian affairs are to be corrected, and the Indian problem eventually solved. We do know, however, that our race is entitled to the redress of its grievances and relief from its present intolerable situation; that it is not charity that it requires, nor the overhasty distribution of its estate, but adequate education, practical guidance in the utilization and enjoyment of its property, personal liberty commensurate with the dignity of a free people, and the fair and efficient administration of their estate by the guardian-trustee thereof, and a clarification of the multiplicity of laws dealing with them and their property.

This, then, is our program and one in support of which reason must unite all Indian citizens and their well-wishers.

With these conditions of life assured to them, the Indians who remain and their posterity will take their place in the social and economic life of the Nation just as our young warriors took their place in the embattled ranks of 1917.

We ask the Senate to decide in all fairness if there is anything in such demands that should arouse opposition to our aims; that can justify for us the brand of malcontents which reactionary governmental agents would place upon us.

In the answer of the United States to the memorial of His Britannic Majesty, in the case of the Cayuga Indians, before the American-British Claims Arbitration, the Department of State recently said:

"The right of domain, which vested in a nation the ultimate fee to the land, carried with it the exclusive right of acquiring from the various Indian tribes inhabiting it their rights to the soil, which were considered as limited to a right of use or occupancy of the lands, respectively used by such tribes for their hunting grounds. This limited right of use or occupancy might be lost by the Indian tribes through abandonment or forfeited by their engaging in war against the sovereign, and it might be and in some instaces was extinguished by purchase from the Indians by persons authorized by the sovereign. This dominant right in a sovereign to extinguish the Indian right to use or occupy lands, of which the ultimate fee is in the sovereign, is commonly called the right of preemption. It precludes not only other powers, but also the subjects of the sovereign, without his express authority, from acquiring the Indian right of use or occupancy of lands."

Elsewhere in the same proceeding it was declared:

"It is this example which the United States since they became by their independence the sovereigns of the territory have adopted and organized into a political system. Under that system the Indians residing within the United States are so far independent that they live under their own customs and not under the laws of the United States; that their rights upon the lands where they inhabit or hunt are secured to them by boundaries defined in amicable treaties between the United States and themselves; and that whenever those boundaries are varied it is also by amicable and voluntary treaties by which *they receive from the United States ample compensation for every right they have to the lands ceded by them.*" (Italics added.)

Thus it is seen that the United States has not only pledged itself to the Indians but to its sister nations on their behalf.

Are these solemn international declarations to be given the weight of truth?

Or will the Government go on talking two ways, and tell our people when they call on it for the fulfillment of its pledges that it meant one thing to the Indians and another to others.

Our people speak but one language. They may be ignorant of all the ways and cultures of mankind other than their own, but the language they speak to those with whom they have smoked the peace pipe has but one possible meaning, and in the simple candor of their nature they have never sought to give it another. Untutored in the reservations of governments which speak two languages, they can not love or respect a government that speaks more than one to them. Yet, although they ask for nothing that the Government of the United States has not in its might voluntarily declared belongs to them, when they appeal to the Government it tells them Congress would never pass a bill giving them that much, and it is useless to ask Congress for their own property.

If that much, along with the protection of its laws and the human liberties guaranteed all men by its great writing, the United States will not yield to them, they can only regard its declarations and the decisions of its courts as meaningless, and the citizenship that has been conferred upon them as a sham to increase their liabilities without in fact according them the rights of human beings, much less those of citizens.

A time there was when the protest of our race against injustice was voiced in the war cries that rose from the primeval forest. No less audibly shall this protest resound through the hills and vales of our Fatherland, echoing the far-carrying appeals of justice and reason, never to be silenced until the pledge of the Nation, made to us by the Great Grandfather, and sealed by our blood on the fields of France, is redeemed.

Wherefore, and in view of the distressing situation in which our race finds itself, though endowed with the constitutional rights of citizenship, we humbly petition the Senate and pray that our grievances be considered by the Senate of the United States which ratified all those several treaties into which our people in good faith entered with the United States, and that our grievances set forth herein be brought to the attention of Congress in such a way as will insure their prompt redress.

NATIONAL COUNCIL OF AMERICAN INDIANS,
By GERTRUDE BONNIN, *President.*

REPORTS OF COMMITTEES

Mr. GOODING, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 292) to authorize the Secretary of Agriculture to acquire and maintain dams in the Minnesota National Forest needed for the proper administration of the Government land and timber, reported it with an amendment and submitted a report (No. 655) thereon.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (S. 4018) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the poet, Henry W. Longfellow, reported it without amendment and submitted a report (No. 656) thereon.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 9559) granting certain public lands to the city of Altus, Okla., for reservoir and incidental purposes, reported it without amendment and submitted a report (No. 658) thereon.

Mr. RANSDELL, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3473) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, reported it without amendment and submitted a report (No. 659) thereon.

Mr. BINGHAM, from the Committee on Commerce, to which was referred the bill (S. 3804) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct, maintain, and operate a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg., reported it with amendments and submitted a report (No. 660) thereon.

Mr. MAYFIELD, from the Committee on Interstate Commerce, to which was referred the bill (S. 3889) to amend the interstate commerce act as amended in respect of tolls over certain interstate bridges, reported it without amendment and submitted a report (No. 661) thereon.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 3768) authorizing construction of dam or dams in Neches River, Tex., reported it with amendments and submitted a report (No. 663) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, submitted a report (No. 664) to accompany the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes, heretofore reported by him.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS (for Mr. CAPPER):

A bill (S. 4077) authorizing James L. Borroum and Francis P. Bishop to bring suits in the United States District Court for the State of Kansas for the amount due or claimed to be due to said claimants from the United States by reason of the alleged inefficient and wrongful dipping of tick-infested cattle, and giving said United States District Court for the State of Kansas jurisdiction of said suit or suits; to the Committee on Claims.

By Mr. McKINLEY:

A bill (S. 4078) granting a pension to Abraham Block;

A bill (S. 4079) granting a pension to Michael Harkins;

A bill (S. 4080) granting a pension to Jennie Carpenter;

A bill (S. 4081) granting a pension to John W. Walcott (with accompanying papers);

A bill (S. 4082) granting a pension to Celia A. Reed (with an accompanying paper); and

A bill (S. 4083) granting a pension to Sallie B. Glenn; to the Committee on Pensions.

A bill (S. 4084) for the relief of John W. Pruitt (with accompanying papers); to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 4085) to strengthen the Harrison narcotic act of December 17, 1914, as amended, and for other purposes; to the Committee on Finance.

By Mr. UNDERWOOD:

A bill (S. 4086) to quiet title and possession with respect to certain lands in Baldwin County, Ala.; to the Committee on Public Lands and Surveys.

By Mr. SHORTRIDGE:

A bill (S. 4087) for the relief of William R. Markt; to the Committee on Finance.

By Mr. HARRELD:

A bill (S. 4088) for the relief of A. B. Cameron; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 4089) granting a pension to Rosanna Hoover; to the Committee on Pensions;

A bill (S. 4090) granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes;

A bill (S. 4091) granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes; and

A bill (S. 4092) authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. ODDIE:

A bill (S. 4093) for the relief of Capt. Chauncey Shackford, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. WADSWORTH:

A bill (S. 4094) to amend an act entitled "An act to incorporate the American Social Science Association"; to the Committee on the District of Columbia.

PROTECTION OF MIGRATORY BIRDS

Mr. KING (by request) submitted an amendment intended to be proposed by him to the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, which was ordered to lie on the table and to be printed.

He also submitted the following resolution (S. Res. 209), which was referred to the Committee on Agriculture and Forestry:

Senate Resolution 209

Resolved, That the Secretary of Agriculture is requested to transmit to the Senate all correspondence, files, minutes of conferences, instructions, directions, orders, statements, press releases, propaganda, if any, documents, letters, copies of letters and records in any way relating to the convention for the protection of migratory birds proclaimed December 8, 1916, the migratory bird treaty act approved July 3, 1918, the game refuge public shooting ground bills (S. 2913 and H. R. 745) in the Sixty-eighth Congress, and the game refuge public shooting ground bills (S. 2607 and H. R. 7479) pending in the present Congress, or relating to any legislation promoted, suggested, or approved by the biological survey or in which the biological survey has been interested at any time since it was established, and also the report and findings made by J. R. Williams of the investigation of conditions in the biological survey, including all correspondence and files relating to such investigation, both before and since said report and findings were made, together with all letters, correspondence, orders, directions, and memoranda relating to or in any manner connected with said report and findings since the same was made.

RIO GRANDE BRIDGE, EAGLE PASS, TEX.

Mr. BINGHAM. From the Committee on Commerce I report back favorably, with an amendment in the nature of a substitute, the bill (S. 3135) granting the consent of Congress to the Eagle Pass & Piedras Negras Bridge Co., to construct, maintain, and operate a bridge across the Rio Grande at Eagle Pass, Tex., and an amendment striking out the preamble; and I submit a report (No. 657) thereon.

Mr. SHEPPARD. Mr. President, the bill just reported from the Committee on Commerce by the Senator from Connecticut relates to the construction of a bridge in Texas. I ask unanimous consent that it may be considered at this time.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill.

The amendment of the Committee on Commerce was to strike out all after the enacting clause and insert:

That the Eagle Pass & Piedras Negras Bridge Co., its successors and assigns, alone or in connection with a company operating under sanction of the Mexican authorities on the Mexican side of the Rio Grande, are hereby authorized to erect, maintain, and, if necessary, rebuild a permanent bridge across the Rio Grande at Eagle Pass, Tex., and in the meantime to operate and, if necessary, to rebuild the existing temporary bridge, all to be done in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and with the approval of the proper Mexican authorities.

SEC. 2. That the said Eagle Pass & Piedras Negras Bridge Co., its successors and assigns, shall within 90 days after the completion of the bridge constructed under the authority of this act file with the Secretary of War an itemized statement under oath showing the actual original cost of such bridge and its approaches and appurtenances, which statement shall include any expenditures actually made for engineering and legal services; and any fees, discounts, and other expenditures actually incurred in connection with the financing thereof. Such itemized statements of cost shall be investigated by the Secretary of War at any time within three years after the completion of such bridge, and for that purpose the said Eagle Pass & Piedras Negras Bridge Co., its successors and assigns, in such manner as may be deemed proper, shall make available and accessible all records connected with the construction and financing of such bridge, and the findings of the Secretary of War as to the actual cost of such bridge shall be made a part of the records of the War Department.

SEC. 3. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by the act is hereby granted to the said Eagle Pass & Piedras Negras River Bridge Co., its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage, foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was stricken out.

CLAIMS ARISING FROM SINKING OF STEAMER "NORMAN"

Mr. McKELLAR. Mr. President, I ask unanimous consent for the immediate consideration of Senate bill 2273, Order of Business 600, conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*. I desire to make a statement with reference to the matter.

Last summer there was an engineers' convention in the city of Memphis. While it was there the head of the Government fleet located at Memphis invited these engineers to go on a boat ride on the steam *Norman*. The steamer sank within a short time after they started on the river. An inquiry was had, and it was determined by the board of Army officers who made the investigation that the boat was wholly defective, and that it was gross negligence on the part of the engineering officers to have taken out this party.

All that this bill does is to confer jurisdiction upon the district court at Memphis to try these cases and to ascertain them. I hope there will be no objection to the consideration of the bill. It does not settle anything in the world, except that it gives these people a right to go into court; and I ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. Mr. President, these are cases against the Government, are they?

Mr. McKELLAR. They are cases against the Government.

Mr. SMOOT. Why does not the Senator allow them to go to the Court of Claims, the same as all other cases of that nature?

Mr. McKELLAR. For the reason that it would put the litigants to an immense amount of cost to come all the way to Washington to try the cases when all the proof should be taken in that locality. For that reason the committee have thought it would be better for the cases to be tried in the district court, and they have so reported.

I hope the Senator will permit the bill to be considered, and permit the matter to take that course.

Mr. SMOOT. Mr. President, it seems to me that if we undertake that, all claims against the Government will be presented to the local courts.

Mr. McKELLAR. Oh, no; this is an unusual case. It is a case where the Government has admitted that it has been negligent in the matter; and it is just a question of trying the case before a local court, and saving both the Government and the litigants an immense amount of needless expense.

Mr. KING. Mr. President——

Mr. McKELLAR. I yield to the Senator from Utah.

Mr. KING. I do not ask the Senator to yield. I am going to object. I simply want to make a statement.

Mr. McKELLAR. I hope the Senator will not object. I shall be glad to hear his statement. Perhaps I can clear up something that is in the Senator's mind.

Mr. KING. Mr. President, I regret exceedingly to do so, but I shall feel constrained to object to the consideration of this bill. I want to say to the Senator that it establishes what I regard as a very dangerous precedent. The Attorney General recently has written a letter to the chairman of the Committee on Claims in which he expresses the view that legislation analogous to this would constitute a dangerous precedent. So important, however, do I consider cases of this kind that I brought the principle to the attention of the Committee on the Judiciary. The Committee on the Judiciary appointed a subcommittee to confer with a like committee from the Committee on Claims, in order to formulate, if they deemed proper, legislation that would deal with the question of torts against the Government. I am unwilling now to permit an action for tort to be brought against the Government until we determine the policy which we shall pursue; and I can assure the Senator that the matter is receiving attention.

Mr. McKELLAR. If the Senator will permit me, I will say to him that, as I understand, the committee of which the Senator has spoken has examined into this matter, and it was after such examination that this bill was reported out. I was so informed. I do not see the chairman of the committee here this morning.

Mr. KING. No; I will say to the Senator that the committee has not functioned yet. We have not met. The Senator from Colorado [Mr. MEANS] has been ill, and the Judiciary Committee has been so occupied with prohibition and other things that it has been impossible to get the committee together to consider the bill.

Mr. McKELLAR. The Senator realizes that this is a case where——

Mr. BRUCE. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. BRUCE. The Senator from Tennessee asked for unanimous consent to consider the bill referred to by him. The Senator from Utah [Mr. KING] has repeatedly objected, and he evidently has no intention of changing his mind.

Mr. KING. No; I have not.

Mr. BRUCE. We have very important matters to consider and they should receive our attention.

The VICE PRESIDENT. The bill will go over under objection.

LILLY O. DYER

Mr. BORAH. From the Committee on Foreign Relations I report back favorably, without amendment, the bill (S. 2444) for the relief of Lilly O. Dyer. I call the attention of the junior Senator from California to the bill.

Mr. COPELAND. Mr. President, does the Senator desire to have the measure acted upon?

Mr. BORAH. I merely called the attention of the junior Senator from California to the bill which I reported.

Mr. SHORTRIDGE. Mr. President, I ask unanimous consent for the immediate consideration of the bill. It is to appropriate $4,000 to the widow of the late American consul at Coblenz, Germany. It follows the usual precedents in such cases. There is no objection to the bill and it is favorably reported by the Foreign Relations Committee; so I ask unanimous consent that it be taken up for immediate consideration.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Lilly O. Dyer, widow of the late Francis John Dyer, late American consul at Coblenz, Germany, the sum of $4,000, being one year's salary of her deceased husband, who died of illness incurred while in the Consular Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SETTLEMENT OF BELGIAN INDEBTEDNESS

Mr. SMOOT. I ask that the unfinished business be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6774) to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America.

Mr. SMOOT. Mr. President, an agreement for the settlement of the indebtedness of Belgium to the United States was signed on August 18, 1925. I ask unanimous consent to have printed in the RECORD a copy of that agreement.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

Agreement made the 18th day of August, 1925, at the city of Washington, D. C., between the Government of the Kingdom of Belgium, hereinafter called Belgium, party of the first part, and the Government of the United States of America, hereinafter called the United States, party of the second part

Whereas Belgium is indebted to the United States as of June 15, 1925, upon obligations in the aggregate principal amount of $377,029,570.06, together with interest accrued and unpaid thereon; and

Whereas Belgium desires to fund said indebtedness to the United States, both principal and interest, through the issue of bonds to the United States, and the United States is prepared to accept bonds from Belgium upon the terms and conditions hereinafter set forth;

Now, therefore, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. Amount of indebtedness: The indebtedness is divided into two classes—that incurred prior to November 11, 1918, hereinafter called prearmistice indebtedness, and that incurred subsequent to November 11, 1918, hereafter called postarmistice indebtedness.

(a) The amount of the prearmistice indebtedness to be funded is $171,780,000, which is the principal amount of the obligations of Belgium received by the United States for cash advances made prior to November 11, 1918.

(b) The amount of the postarmistice indebtedness to be funded after allowing for certain cash payments made or to be made by Belgium is $246,000,000, which has been computed as follows:

Principal of obligations for cash advanced	$175,430,808.68	
Accrued and unpaid interest at 4¼ per cent per annum to Dec. 15, 1922	26,314,491.66	
		$201,745,300.34
Principal of obligations for war material sold on credit	29,818,933.39	
Accrued and unpaid interest at 4¼ per cent per annum to Dec. 15, 1922	491,359.24	
		30,310,292.63
Total indebtedness as of Dec. 15, 1922		232,055,592.97
Accrued interest thereon at 3 per cent per annum from Dec. 15, 1922, to June 15, 1925		17,404,169.47
Total indebtedness as of June 15, 1925		249,459,762.44
Deduct:		
Payments on account of interest received between Dec. 15, 1922, and June 15, 1925, on obligations for war material	$3,442,346.20	
Principal payment of $172.01 made Aug. 7, 1923, together with interest thereon at 3 per cent per annum to June 15, 1925	181.58	
		3,442,527.78
Net indebtedness as of June 15, 1925		246,017,234.66
To be paid in cash upon execution of agreement		17,234.66
Total indebtedness to be funded into bonds		246,000,000.00

2. Repayment of principal: (a) In order to provide for the repayment of the prearmistice indebtedness thus to be funded, Belgium will issue to the United States at par bonds of Belgium bearing no interest in the aggregate principal amount of $171,780,000, dated June 15, 1925, and maturing serially on each June 15 in the succeeding years for 62 years, on the several dates and in the amounts fixed in the following schedule:

June 15—		June 15—	
1926	$1,000,000	1933	$2,900,000
1927	1,000,000	1934	2,900,000
1928	1,250,000	1935	2,900,000
1929	1,750,000	1936	2,900,000
1930	2,250,000	1937	2,900,000
1931	2,750,000	1938	2,900,000
1932	2,900,000	1939	2,900,000

June 15—	
1940	$2,900,000
1941	2,900,000
1942	2,900,000
1943	2,900,000
1944	2,900,000
1945	2,900,000
1946	2,900,000
1947	2,900,000
1948	2,900,000
1949	2,900,000
1950	2,900,000
1951	2,900,000
1952	2,900,000
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1955	2,900,000
1956	2,900,000
1957	2,900,000
1958	2,900,000
1959	2,900,000
1960	2,900,000
1961	2,900,000
1962	2,900,000
1963	2,900,000
1964	2,900,000
June 15—	
1965	$2,900,000
1966	2,900,000
1967	2,900,000
1968	2,900,000
1969	2,900,000
1970	2,900,000
1971	2,900,000
1972	2,900,000
1973	2,900,000
1974	2,900,000
1975	2,900,000
1976	2,900,000
1977	2,900,000
1978	2,900,000
1979	2,900,000
1980	2,900,000
1981	2,900,000
1982	2,900,000
1983	2,900,000
1984	2,900,000
1985	2,900,000
1986	2,900,000
1987	2,280,000
Total	171,780,000

(b) In order to provide for the repayment of the postarmistice indebtedness thus to be funded, Belgium will issue to the United States at par bonds of Belgium in the aggregate principal amount of $246,000,000, dated June 15, 1925, and maturing serially on each June 15, in the succeeding years for 62 years, on the several dates and in the amounts fixed in the following schedule:

June 15—	
1926	$1,100,000
1927	1,100,000
1928	1,200,000
1929	1,200,000
1930	1,200,000
1931	1,300,000
1932	1,300,000
1933	1,300,000
1934	1,400,000
1935	1,400,000
1936	1,600,000
1937	1,700,000
1938	1,800,000
1939	1,800,000
1940	1,900,000
1941	1,900,000
1942	2,000,000
1943	2,100,000
1944	2,100,000
1945	2,200,000
1946	2,300,000
1947	2,400,000
1948	2,500,000
1949	2,500,000
1950	2,600,000
1951	2,700,000
1952	2,800,000
1953	2,900,000
1954	3,000,000
1955	3,100,000
1956	3,300,000
1957	3,400,000
June 15—	
1958	$3,500,000
1959	3,600,000
1960	3,700,000
1961	3,800,000
1962	4,000,000
1963	4,100,000
1964	4,300,000
1965	4,400,000
1966	4,600,000
1967	4,700,000
1968	4,900,000
1969	5,100,000
1970	5,300,000
1971	5,400,000
1972	5,600,000
1973	5,800,000
1974	6,000,000
1975	6,300,000
1976	6,600,000
1977	6,800,000
1978	7,000,000
1979	7,200,000
1980	7,500,000
1981	7,800,000
1982	8,100,000
1983	8,400,000
1984	8,600,000
1985	8,900,000
1986	9,300,000
1987	9,600,000
Total	246,000,000

Provided, however, That Belgium, at its option, upon not less than 90 days' advance notice to the United States, may postpone any payment on account of principal falling due as hereinabove provided after June 15, 1935, to any subsequent June 15 or December 15 not more than two years distant from its due date, but only on condition that in case Belgium shall at any time exercise this option as to any payment of principal, the payment falling due in the next succeeding year can not be postponed to any date more than one year distant from the date when it becomes due unless and until the payment previously postponed shall actually have been made, and the payment falling due in the second succeeding year can not be postponed at all unless and until the payment of principal due two years previous thereto shall actually have been made.

3. Form of bonds: All bonds issued or to be issued hereunder to the United States shall be payable to the Government of the United States of America, or order, and shall be signed for Belgium by its ambassador extraordinary and plenipotentiary at Washington, or by its other duly authorized representative. The bonds issued for the prearmistice indebtedness shall be substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit A" and shall be issued in 62 pieces, with maturities and in denominations corresponding to the annual payments hereinabove set forth. The bonds issued for the postarmistice indebtedness shall be substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit B" and shall be issued in 62 pieces, with maturities and in denominations corresponding to the annual payments of principal hereinabove set forth.

4. Payments of interest: All bonds issued for the postarmistice indebtedness shall bear interest from June 15, 1925, payable in the amounts and on the dates set forth in the following schedule:

Dec. 15, 1925	$870,000
June 15, 1926	870,000
Dec. 15, 1926	1,000,000
June 15, 1927	1,000,000
Dec. 15, 1927	1,125,000
June 15, 1928	1,125,000
Dec. 15, 1928	1,250,000
June 15, 1929	$1,250,000
Dec. 15, 1929	1,375,000
June 15, 1930	1,375,000
Dec. 15, 1930	1,625,000
June 15, 1931	1,625,000
Dec. 15, 1931	1,875,000
June 15, 1932	1,875,000
Dec. 15, 1932	2,125,000
June 15, 1933	2,125,000
Dec. 15, 1933	2,375,000
June 15, 1934	2,375,000
Dec. 15, 1934	2,625,000
June 15, 1935	2,625,000

until and including June 15, 1935, and thereafter at the rate of 3½ per cent per annum payable semiannualy on June 15 and December 15 of each year until the principal of said bonds shall have been paid.

5. Method of payment: All bonds issued or to be issued hereunder shall be payable, as to both principal and interest, in United States gold coin of the present standard of value, or, at the option of Belgium, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

All payments, whether in cash or in obligations of the United States, to be made by Belgium on account of the principal of or interest on any bonds issued or to be issued hereunder and held by the United States shall be made at the Treasury of the United States in Washington, or, at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York; and, if in cash, shall be made in funds immediately available on the date of payment, or, if in obligations of the United States, shall be in form acceptable to the Secretary of the Treasury of the United States under the general regulations of the Treasury Department governing transactions in United States obligations.

6. Exemption from taxation: The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes or other public dues, present or future, imposed by or under authority of Belgium or any political or local taxing authority within the Kingdom of Belgium whenever so long as and to the extent that beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Belgium, or (c) a corporation not organized under the laws of Belgium.

7. Payments before maturity: Belgium at its option, on June 15 or December 15 of any year, upon not less than 90 days' advance notice to the United States, may make advance payments in amounts of $1,000 or multiples thereof on account of the principal of any bonds issued or to be issued hereunder and held by the United States. Any such advance payments shall be applied to the principal of such bonds as may be indicated by Belgium at the time of the payment.

8. Exchange for marketable obligations: Belgium will issue to the United States at any time, or from time to time, at the request of the Secretary of the Treasury of the United States, in exchange for any or all of the bonds issued hereunder and held by the United States, definitive engraved bonds in form suitable for sale to the public, in such amounts and denominations as the Secretary of the Treasury of the United States may request, in bearer form, with provision for registration as to principal, and/or in fully registered form, and otherwise on the same terms and conditions as to dates of issue and maturity, rate or rates of interest, if any, exemption from taxation, payment in obligations of the United States issued after April 6, 1917, and the like, as the bonds surrendered on such exchange. Belgium will deliver definitive engraved bonds to the United States in accordance herewith within six months of receiving notice of any such request from the Secretary of the Treasury of the United States, and pending the delivery of the definitive engraved bonds will deliver, at the request of the Secretary of the Treasury of the United States, temporary bonds or interim receipts in form satisfactory to the Secretary of the Treasury of the United States within 30 days of the receipt of such request, all without expense to the United States. The United States, before offering any such bonds or interim receipts for sale in Belgium, will first offer them to Belgium for purchase at par and accrued interest, if any, and Belgium shall likewise have the option, in lieu of issuing any such bonds or interim receipts, to make advance redemption, at par and accrued interest, if any, of a corresponding principal amount of bonds issued hereunder and held by the United States. Belgium agrees that the definitive engraved bonds called for by this paragraph shall contain all such provisions and that it will cause to be promulgated all such rules, regulations, and orders as shall be deemed necessary or desirable by the Secretary of the Treasury of the United States in order to facilitate the sale of the bonds in the United States, in Belgium, or elsewhere, and that if requested by the Secretary of the Treasury of the United States it will use its good offices to secure the listing of the bonds on such stock exchanges as the Secretary of the Treasury of the United States may specify.

9. Cancellation and surrender of obligations: Upon the execution of this agreement, the payment to the United States of cash in the sum of $17,234.66, as provided in subdivision (b) of paragraph 1 of this agreement and the delivery to the United States of the $417,780,000

principal amount of bonds of Belgium to be issued hereunder, together with satisfactory evidence of authority for the execution of this agreement by the representatives of Belgium and for the execution of the bonds to be issued hereunder on behalf of Belgium by its ambassador extraordinary and plenipotentiary at Washington, or by its other duly authorized representative, the United States will cancel and surrender to Belgium, at the Treasury of the United States in Washington, the obligations of Belgium in the principal amount of $377,029,570.06, described in the preamble of this agreement.

10. Notices: Any notice, request, or consent under the hand of the Secretary of the Treasury of the United States shall be deemed and taken as the notice, request, or consent of the United States and shall be sufficient if delivered at the embassy of Belgium at Washington or at the office of the Ministry of Finance in Brussels; and any notice, request, or election from or by Belgium shall be sufficient if delivered to the American Embassy at Brussels or to the Secretary of the Treasury at the Treasury of the United States in Washington. The United States in its discretion may waive any notice required hereunder, but any such waiver shall be in writing and shall not extend to or affect any subsequent notice or impair any right of the United States to require notice hereunder.

11. Compliance with legal requirements: Belgium represents and agrees that the execution and delivery of this agreement have in all respects been duly authorized and that all acts, conditions, and legal formalities which should have been completed prior to the making of this agreement have been completed as required by the laws of Belgium and in conformity therewith.

12. Counterparts: This agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

In witness whereof Belgium has caused this agreement to be executed on its behalf by Baron de Cartier de Marchienne, F. Cattier, E. Francqui, G. Theunis, its special commissioners at Washington, thereunto duly authorized, subject, however, to the approval of the competent authorities of the Kingdom of Belgium, and the United States has likewise caused this agreement to be executed on its behalf by the Secretary of the Treasury, as chairman of the World War Foreign Debt Commission, with the approval of the President, subject, however, to the approval of Congress, pursuant to the act of Congress approved February 9, 1922, as amended by the act of Congress approved February 28, 1923, and as further amended by the act of Congress approved January 21, 1925, all on the day and year first above written.

THE GOVERNMENT OF THE KINGDOM OF BELGIUM,
By BARON DE CARTIER DE MARCHIENNE.
F. CATTIER.
E. FRANCQUI.
G. THEUNIS.
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
(For the World War Foreign Debt Commission),
By A. W. MELLON,
Secretary of the Treasury and Chairman of the Commission.

Approved:

CALVIN COOLIDGE,
President.

EXHIBIT A

(Form of bond)

THE GOVERNMENT OF THE KINGDOM OF BELGIUM

$———. No. ———.

The Government of the Kingdom of Belgium, hereinafter called Belgium, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on June 15, 19—, the sum of ——— dollars ($———). This bond is payable in gold coin of the United States of America of the present standard of value, or, at the option of Belgium, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

This bond is payable without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of Belgium or any political or local taxing authority within the Kingdom of Belgium, whenever, so long as, and to the extent, beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Belgium, or (c) a corporation not organized under the laws of Belgium. This bond is payable at the Treasury of the United States in Washington, D. C., or at the option of the Secretary of the Treasury of the United States at the Federal Reserve Bank of New York.

This bond is issued pursuant to the provisions of subdivision (a) of paragraph 2 of an agreement, dated August 18, 1925, between Belgium and the United States, to which agreement this bond is subject and to which reference is hereby made.

In witness whereof Belgium has caused this bond to be executed in its behalf at the city of Washington, District of Columbia, by its ——— at Washington, thereunto duly authorized, as of June 15, 1925.

THE GOVERNMENT OF THE KINGDOM OF BELGIUM,
By ——— ———.

(Back)

The following amounts have been paid upon the principal amount of this bond.

Date, ———. Amount paid, ———.

EXHIBIT B

(Form of bond)

THE GOVERNMENT OF THE KINGDOM OF BELGIUM

$——— No. ——

The Government of the Kingdom of Belgium, hereinafter called Belgium, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on June 15, ——, the sum of ——— dollars ($———), and to pay as interest upon said principal sum from June 15, 1925, to and including June 15, 1935, so long as the principal of this bond shall be unpaid, on the dates specified in paragraph 4 of the agreement hereinafter referred to, such proportion of the amount of interest specified in said paragraph 4 for the dates therein stated as the principal amount of this bond bears to all bonds on such dates outstanding issued for postarmistice indebtedness under said agreement, and after June 15, 1935, Belgium promises to pay interest hereon at the rate of 3½ per cent per annum, payable semiannually on June 15 and December 15 each year until the principal hereof has been paid. This bond is payable as to both principal and interest in gold coin of the United States of America of the present standard of value, or, at the option of Belgium, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

This bond is payable as to both principal and interest without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of Belgium or any political or local taxing authority within the Kingdom of Belgium, whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States; (b) a person, firm, or association neither domiciled nor ordinarily resident in Belgium; or (c) a corporation not organized under the laws of Belgium. This bond is payable as to both principal and interest at the Treasury of the United States in Washington, D. C., or, at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York.

This bond is issued pursuant to the provisions of subdivision (b) of paragraph 2 of an agreement, dated August 18, 1925, between Belgium and the United States, to which agreement this bond is subject and to which reference is hereby made.

In witness whereof Belgium has caused this bond to be executed in its behalf at the city of Washington, D. C., by ———, at Washington, thereunto duly authorized, as of June 15, 1925.

THE GOVERNMENT OF THE KINGDOM OF BELGIUM,
By ———.

(Back)

The following amounts have been paid upon the principal amount of this bond:

Date, ———. Amount paid, ———.

Mr. SMOOT. In arriving at the settlement the Belgian indebtedness was divided into two parts—the prearmistice indebtedness, consisting of $171,780,000, and the postarmistice indebtedness, consisting of $175,430,808.68, principal amount of obligations held for cash advanced, and $29,818,933.39, principal amount of obligations received for war materials sold on credit. No interest is to be paid on the prearmistice debt. Interest on the postarmistice debt was calculated at 4¼ per cent to December 15, 1922, the effective date of the British settlement, and at 3 per cent from then until June 15, 1925.

Mr. BORAH. Mr. President, is the Senator going to explain why no interest was charged on the prearmistice debt?

Mr. SMOOT. Yes. The principal of the postarmistice debt, funded as of that date, less $17,234.66 paid in cash by Belgium on execution of the agreement, amounted to $246,000,000.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. SMOOT. Yes.

Mr. HARRISON. Does not the Senator think we ought to have a quorum here, as he is just beginning his argument on the Belgian debt settlement?

Mr. SMOOT. Just as the Senator pleases.

Mr. HARRISON. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	King	Reed, Pa.
Bayard	Ferris	La Follette	Sackett
Bingham	Fess	Lenroot	Sheppard
Blease	Frazier	McKellar	Shipstead
Borah	George	McKinley	Shortridge
Bratton	Gillett	McLean	Smoot
Broussard	Goff	McMaster	Stanfield
Bruce	Greene	McNary	Steck
Butler	Hale	Mayfield	Stephens
Caraway	Harreld	Neely	Swanson
Copeland	Harris	Norbeck	Trammell
Couzens	Harrison	Norris	Tyson
Cummins	Heflin	Nye	Underwood
Curtis	Howell	Oddie	Wadsworth
Dale	Johnson	Overman	Warren
Deneen	Jones, N. Mex.	Phipps	Watson
Dill	Jones, Wash.	Pine	Wheeler
Edge	Kendrick	Ransdell	
Edwards	Keyes	Reed, Mo.	

Mr. CURTIS. I desire to announce the absence of my colleague [Mr. CAPPER], on account of illness in his family. I will let this announcement stand for the day.

Mr. PHIPPS. My colleague [Mr. MEANS] is absent, on account of illness. I ask that this announcement stand for the day.

The VICE PRESIDENT. Seventy-four Senators having answered to their names, a quorum is present.

Mr. SMOOT. Mr. President, under the terms of the settlement Belgium is to repay the prearmistice debt, without interest, over a period of 62 years, annual payments commencing June 15, 1926; payments for the first two years to be $1,000,000; the third year, $1,250,000; the fourth year, $1,750,000; the fifth year, $2,250,000; the sixth year, $2,750,000; the seventh through the sixty-first, $2,900,000; the sixty-second, $2,280,000.

The postarmistice indebtedness is to be repaid over a period of 62 years on substantially the same terms as the British settlement, except that during the first 10 years there are fixed certain amounts of interest, payable semiannually, which are less than the interest at the rate of 3 per cent called for under the British settlement.

I ask unanimous consent to insert in the RECORD a statement showing the full schedule of payments on both the prearmistice and postarmistice indebtedness.

The VICE PRESIDENT. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Statement of amounts payable to the United States on account of the proposed refunding bonds to be issued by Belgium on account of its postarmistice debt

Year	Principal	Schedule of annual interest installments to be paid by Belgian Government on refunding bonds in arbitrary amounts for first 10 years, 3½ per cent thereafter	Schedule of annual principal installments to be paid on account of principal	Total annual payments
1	$246,000,000	$1,740,000	$1,100,000	$2,840,000
2	244,900,000	2,000,000	1,100,000	3,100,000
3	243,800,000	2,250,000	1,200,000	3,450,000
4	242,600,000	2,500,000	1,200,000	3,700,000
5	241,400,000	2,750,000	1,200,000	3,950,000
6	240,200,000	3,250,000	1,300,000	4,550,000
7	238,900,000	3,750,000	1,300,000	5,050,000
8	237,600,000	4,250,000	1,300,000	5,550,000
9	236,300,000	4,750,000	1,400,000	6,150,000
10	234,900,000	5,250,000	1,400,000	6,650,000
11	233,500,000	8,172,500	1,600,000	9,772,500
12	231,900,000	8,116,500	1,700,000	9,816,500
13	230,200,000	8,057,000	1,800,000	9,857,000
14	228,400,000	7,994,000	1,800,000	9,794,000
15	226,600,000	7,931,000	1,900,000	9,831,000
16	224,700,000	7,864,500	1,900,000	9,764,500
17	222,800,000	7,798,000	2,000,000	9,798,000
18	220,800,000	7,728,000	2,100,000	9,828,000
19	218,700,000	7,654,500	2,100,000	9,754,500
20	216,600,000	7,581,000	2,200,000	9,781,000
21	214,400,000	7,504,000	2,300,000	9,804,000
22	212,100,000	7,423,500	2,400,000	9,823,500
23	209,700,000	7,339,500	2,500,000	9,839,500
24	207,200,000	7,252,000	2,500,000	9,752,000
25	204,700,000	7,164,500	2,600,000	9,764,500
26	202,100,000	7,073,500	2,700,000	9,773,500
27	199,400,000	6,979,000	2,800,000	9,779,000
28	196,600,000	6,881,000	2,900,000	9,781,000
29	193,700,000	6,779,500	3,000,000	9,779,500
30	$190,700,000	$6,674,500	$3,100,000	$9,774,500
31	187,600,000	6,566,000	3,300,000	9,866,000
32	184,300,000	6,450,500	3,400,000	9,850,500
33	180,900,000	6,331,500	3,500,000	9,831,500
34	177,400,000	6,209,000	3,600,000	9,809,000
35	173,800,000	6,083,000	3,700,000	9,783,000
36	170,100,000	5,953,500	3,800,000	9,753,500
37	166,300,000	5,820,500	4,000,000	9,820,500
38	162,300,000	5,680,500	4,100,000	9,780,500
39	158,200,000	5,537,000	4,300,000	9,837,000
40	153,900,000	5,386,500	4,400,000	9,786,500
41	149,500,000	5,232,500	4,600,000	9,832,500
42	144,900,000	5,071,500	4,700,000	9,771,500
43	140,200,000	4,907,000	4,900,000	9,807,000
44	135,300,000	4,735,500	5,100,000	9,835,500
45	130,200,000	4,557,000	5,300,000	9,857,000
46	124,900,000	4,371,500	5,400,000	9,771,500
47	119,500,000	4,182,500	5,600,000	9,872,500
48	113,900,000	3,986,500	5,800,000	9,786,500
49	108,100,000	3,783,500	6,000,000	9,783,500
50	102,100,000	3,573,500	6,300,000	9,873,500
51	95,800,000	3,353,000	6,600,000	9,953,000
52	89,200,000	3,122,000	6,800,000	9,922,000
53	82,400,000	2,884,000	7,000,000	9,884,000
54	75,400,000	2,639,000	7,200,000	9,839,000
55	68,200,000	2,387,000	7,500,000	9,887,000
56	60,700,000	2,124,500	7,800,000	9,924,500
57	52,900,000	1,851,500	8,100,000	9,951,500
58	44,800,000	1,568,000	8,400,000	9,968,000
59	36,400,000	1,274,000	8,600,000	9,874,000
60	27,800,000	1,973,000	8,900,000	9,873,000
61	18,900,000	661,500	9,300,000	9,961,500
62	9,600,000	336,000	9,600,000	9,936,000
Total		310,050,500	246,000,000	556,050,500

Schedule of annual payments to be made by the Belgian Government on the principal amounts of its prearmistice debt

June 15—		June 15—	
1926	$1,000,000	1958	$2,900,000
1927	1,000,000	1959	2,900,000
1928	1,250,000	1960	2,900,000
1929	1,750,000	1961	2,900,000
1930	2,250,000	1962	2,900,000
1931	2,750,000	1963	2,900,000
1932	2,900,000	1964	2,900,000
1933	2,900,000	1965	2,900,000
1934	2,900,000	1966	2,900,000
1935	2,900,000	1967	2,900,000
1936	2,900,000	1968	2,900,000
1937	2,900,000	1969	2,900,000
1938	2,900,000	1970	2,900,000
1939	2,900,000	1971	2,900,000
1940	2,900,000	1972	2,900,000
1941	2,900,000	1973	2,900,000
1942	2,900,000	1974	2,900,000
1943	2,900,000	1975	2,900,000
1944	2,900,000	1976	2,900,000
1945	2,900,000	1977	2,900,000
1946	2,900,000	1978	2,900,000
1947	2,900,000	1979	2,900,000
1948	2,900,000	1980	2,900,000
1949	2,900,000	1981	2,900,000
1950	2,900,000	1982	2,900,000
1951	2,900,000	1983	2,900,000
1952	2,900,000	1984	2,900,000
1953	2,900,000	1985	2,900,000
1954	2,900,000	1986	2,900,000
1955	2,900,000	1987	2,280,000
1956	2,900,000		
1957	2,900,000	Total	171,780,000

Mr. NORRIS. Mr. President, may I interrupt the Senator there?

Mr. SMOOT. Yes.

Mr. NORRIS. The Senator may cover the question later, but the explanation he has just made with regard to the postarmistice debt is not so concise or plain as that with regard to the other. Does that draw interest under the settlement?

Mr. SMOOT. The postarmistice debt is to draw interest; it is made on approximately the same terms with respect to interest that were inserted in the British settlement.

Mr. NORRIS. The other part of the debt draws no interest?

Mr. SMOOT. It draws no interest and is divided up into 62 payments. I will call attention later to the reasons why that was allowed.

Mr. NORRIS. May I go just a little further? The Senator says the postarmistice debt draws interest at the same rate charged in the British settlement. Does it provide not only for the payment of interest but for the payment of principal also?

Mr. SMOOT. Yes.

Mr. NORRIS. The principal is to be paid in full?

Mr. SMOOT. In full.

Mr. NORRIS. Plus interest?

Mr. SMOOT. Plus the interest.

Mr. NORRIS. The only difference between the settlements, then, is that the prearmistice debt is to be paid without interest over a period of 62 years and the postarmistice debt is to be paid with interest over the period of 62 years. Does that state it correctly?

Mr. SMOOT. It does; and I will state now what the principal is. The principal of the Belgian debt is $417,780,000. Under the agreement the interest we will collect will amount to $310,050,500, making a total of $727,830,500.

Mr. NORRIS. That is the postarmistice debt?

Mr. SMOOT. That is both of them—prearmistice and postarmistice. In other words, the principal of both of the debts is $417,780,000, and all of the payments amount to $727,830,500.

Mr. NORRIS. The total amount of money, then, received from our Government by the Belgian Government was less than $500,000,000 according to that statement.

Mr. SMOOT. Four hundred and seventeen million dollars, including interest to June 15, 1925.

Mr. NORRIS. That was the total amount?

Mr. SMOOT. That was the total amount. I will say this also, that that is not the amount that was advanced by the Government. It was less than that, because $417,000,000 includes interest at the rate of 4¼ per cent to December 15, 1922, and 3 per cent from that date to the date of the settlement.

Mr. WATSON. Mr. President, does the Senator later in his statement show how much of this indebtedness was prearmistice and how much postarmistice?

Mr. SMOOT. Yes; I do.

Mr. WATSON. Let me ask this, then——

Mr. SMOOT. I have already stated the amount of the prearmistice and postarmistice indebtedness.

Mr. WATSON. Are we to get interest on the postarmistice indebtedness immediately or after a lapse of years?

Mr. SMOOT. Immediately.

Mr. WATSON. The 3 per cent immediately?

Mr. SMOOT. On the postarmistice debt the payments for the first 10 years are to be as follows: For the first two years, $1,000,000; the third year, $1,250,000; the fourth year, $1,750,000; the fifth year, $2,250,000; the sixth year, $2,750,000; the seventh, through the sixty-first year, $2,900,000; the sixty-second year, $2,280,000, which makes in all $727,830,500.

I shall turn first to the prearmistice debt. You will recall that at the time of the Peace Conference in Paris, in 1919, Belgium put forward a claim for war damages amounting to $1,000,000,000 in gold, which she insisted should be treated as a prior charge on reparations; that she also claimed that Germany should be required to redeem in gold 6,200,000,000 paper marks forced into circulation in Belgium by Germany during the period of German occupation, these marks being subsequently taken up by the Belgian Government through the issuance of Belgian francs; that she also claimed that France, Great Britain, and the United States should cancel her war debts; that is, all money advanced prior to November 11, 1918. In order to save a serious break at a critical time during the peace negotiations, chiefly at the instance of President Wilson, Belgium was persuaded to reduce her claim for war damages from $1,000,000,000 to $500,000,000 and to put aside her claim for redemption of the 6,200,000,000 marks, on the condition that France, Great Britain, and the United States would forgive her prearmistice debts and would look to Germany for repayment of the amount due. Belgium owed the United States $171,780,000 for prearmistice advances, England about $500,000,000, and France nearly $600,000,000.

On June 16, 1919, M. Clemenceau, President Wilson, and Mr. Lloyd-George signed a letter addressed to the Minister of Foreign Affairs of Belgium to the effect that each would recommend to the appropriate government agency of his Government that upon delivery to the Reparation Commission of bonds of Germany to be used to reimburse the respective Governments for the moneys borrowed by Belgium prior to the armistice, each Government would accept a proportionate share of the bonds, and would thereupon cancel Belgium's obligation to repay the amounts due. The letter signed by the representatives of the three Governments is as follows:

JUNE 16, 1919.

M. HYMANS,

Ministre des Affaires Etrangeres, Hotel Lotti, Paris.

SIR: The reparation clauses of the draft treaty of peace with Germany obligate Germany to make reimbursement of all sums which Belgium has borrowed from the allied and associated governments up to November 11, 1918, on account of the violation by Germany of the treaty of 1839. As evidence of such an obligation Germany is to make a special issue of bonds to be delivered to the Reparation Commission.

Each of the undersigned will recommend to the appropriate governmental agency of his Government that, upon the delivery to the Reparation Commission of such bonds, his Government accept an amount thereof corresponding to the sums which Belgium has borrowed from his Government since the war and up to November 11, 1918, together with interest at 5 per cent unless already included in such sums, in satisfaction of Belgium's obligation on account of such loans, which obligation of Belgium's shall thereupon be canceled.

We are, dear Mr. Minister,

Very truly yours,

G. CLEMENCEAU.
WOODROW WILSON.
D. LLOYD-GEORGE.

The above arrangement was incorporated into article 232 of the treaty of Versailles, which reads as follows:

ART. 232. * * * In accordance with Germany's pledges, already given, as to complete restoration for Belgium, Germany undertakes, in addition to the compensation for damage elsewhere in this part provided for, as a consequence of the violation of the treaty of 1839, to make reimbursement of all sums which Belgium has borrowed from the allied and associated governments up to November 11, 1918, together with interest at the rate of 5 per cent per annum on such sums. This amount shall be determined by the Reparation Commission, and the German Government undertakes thereupon forthwith to make a special issue of bearer bonds to an equivalent amount payable in marks gold on May 1, 1926, or, at the option of the German Government, on the 1st of May in any year up to 1926. Subject to the foregoing, the form of such bonds shall be determined by the Reparation Commission. Such bonds shall be handed over to the Reparation Commission, which has authority to take and acknowledge receipt thereof on behalf of Belgium.

Mr. HARRISON. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. I yield.

Mr. HARRISON. The treaty of Versailles was not ratified by this Government, was it? The Senate of the United States did not ratify the treaty of Versailles?

Mr. SMOOT. It did not.

Mr. HARRISON. The Senator and his colleagues on the commission, according to what I understand from the press and from what the Senator is stating, felt that we were under moral obligation to Belgium and for that reason they were excused from the payment of any interest on the prearmistice debt.

Mr. SMOOT. That was my position. I thought it was a moral obligation at least on the part of the Government.

Mr. HARRISON. That was the position of the American commission, was it not?

Mr. SMOOT. It was.

Mr. HARRISON. And it was because of that moral obligation that they were released from the interest on the prearmistice debt.

Mr. SMOOT. I am going to explain that before I finish what I have to say.

Mr. HARRISON. If there had been no obligation there, would the Senator and his colleagues on the commission have stood for the same thing as they stood for in the British debt settlement?

Mr. SMOOT. We could not have stood for it because Belgium could not have paid it.

Mr. HARRISON. The Senator said that they did not have the ability to pay any more than they have agreed to pay?

Mr. SMOOT. I think it is going to burden them very greatly to pay what they are agreeing to pay.

Mr. HARRISON. What I am trying to get at is whether whatever favorite treatment is accorded to Belgium in this settlement is given because of any moral obligation or because of their ability to pay.

Mr. SMOOT. Of course, the very fact that we had to reduce the payments in the first 10 years speaks for itself, I will say to the Senator.

Mr. HARRISON. As I understand the Senator, if the commissioners had not interpreted this a moral obligation, they would have insisted upon interest upon the prearmistice debt from Belgium.

Mr. SMOOT. If the interest had been insisted upon, the total payments would have been somewhat larger, but not very much larger, I will say to the Senator, because Belgium could not pay more.

Mr. HARRISON. I am not arguing that with the Senator. I merely want to get the position of the American commissioners with reference to the Belgium debt settlement. Of course, if there had been even one-eighth of 1 per cent, it would have been more than we are going to get in the end under the Belgian debt settlement.

Mr. SMOOT. That statement, I think, is not quite correct—one-eighth of 1 per cent. The present value of the settlement is 47 per cent, and that is not on the original amount owing. That is with the interest added up to the date of settlement.

Mr. HARRISON. That is with the interest added on the postarmistice debt?

Mr. SMOOT. Certainly.

Mr. HARRISON. What I am trying to get at is this, and the Senator, I am sure, can answer me on this point, because I am not clear, whether the Senator is clear or not. If there had been nothing attaching because of this moral obligation, the American commissioners would have insisted upon interest upon the prearmistice debt from Belgium, would they not?

Mr. SMOOT. Of course we would, and in order to do that we would have had to reduce the interest upon the postarmistice debt.

Mr. HARRISON. Then we would have obtained more than we are receiving from Belgium had it not been for the interpretation of the commissioners of this moral obligation.

Mr. SMOOT. It might be a little more, I will say to the Senator.

Mr. HARRISON. Why does the Senator say that?

Mr. SMOOT. Because of the fact that the financial condition of Belgium shows that it is going to be all that she can do to make the payments provided for in this agreement, notwithstanding there is no interest imposed upon the prearmistice debt.

Mr. HARRISON. Now, we are getting back to the second proposition. The Senator means the terms of the settlement agreed upon in this matter were based upon the ability of Belgium to pay?

Mr. SMOOT. They were.

Mr. HARRISON. But they might have been able to pay a little more had it not been for this moral obligation?

Mr. SMOOT. Of course, I can only say it might have been, but——

Mr. HARRISON. Does the Senator think Belgium is economically in a worse condition than Italy?

Mr. SMOOT. No; she is not in as bad condition.

Mr. HARRISON. She is not in as bad condition as Italy? Is Belgium economically in as bad condition as Poland?

Mr. SMOOT. Poland has resources that Belgium has not. That is a hard question to answer.

Mr. HARRISON. What is the Senator's opinion with respect to it?

Mr. SMOOT. My opinion is that the amount Poland is owing the United States will be easier for Poland to pay than it will be for Belgium to pay the amount she has obligated herself in this agreement to pay.

Mr. HARRISON. Does that apply also to Czechoslovakia?

Mr. SMOOT. Czechoslovakia is a very rich country, an agricultural country, and not only that, but it has a wonderful industrial condition.

Mr. HARRISON. Then the Senator thinks that Czechoslovakia is in such a condition that she can pay 82 cents on the dollar?

Mr. SMOOT. I am quite sure of it.

Mr. HARRISON. Would the Senator say that he thinks Czechoslovakia can pay 82 cents on the dollar of her debt just as well as Belgium could pay 47 cents on the dollar on her debt?

Mr. SMOOT. My opinion is she can pay it more easily.

Mr. HARRISON. And could possibly pay 82 cents more easily than Italy could pay 27 cents?

Mr. SMOOT. Just as easily as Italy can pay her 27 cents.

Mr. HARRISON. The American commissioners have gone into that proposition with reference to the conditions of these countries and compared them on the question of ability to pay?

Mr. SMOOT. We have. The commissioners did that.

Mr. HARRISON. But going back to the other proposition, the Senator and his comrades would have insisted upon a little better settlement with Belgium had it not been for the moral obligation?

Mr. SMOOT. I say, perhaps it could possibly have been a little more, but I doubt it. I think we got nearly everything we could out of Belgium.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. SMOOT. I yield.

Mr. CARAWAY. All that was given to Belgium, then, was just sympathy?

Mr. SMOOT. I do not know that it was altogether sympathy.

Mr. CARAWAY. I thought it represented something of a moral obligation.

Mr. SMOOT. I think it was a moral obligation.

Mr. CARAWAY. May I ask the Senator another question? Did the commission take into consideration the statement that recently, for the last six or eight months, has been published, with reference to the economic development in Congo to the effect that the entire burden of paying taxes will be taken off of the Kingdom of Belgium?

Mr. SMOOT. I think that statement was given out for the purposes of advertising.

Mr. CARAWAY. Who gave it out?

Mr. SMOOT. I do not know.

Mr. CARAWAY. It came from Belgium, did it not?

Mr. SMOOT. I think it did. The only hope that they have is the development of copper in that country and——

Mr. CARAWAY. There is a very large rubber development, is there not?

Mr. SMOOT. I was just going to add that when the Senator interrupted me. I think, however, from reports we receive, that the rubber production there, if anything, will decrease rather than increase.

Mr. CARAWAY. But as a matter of fact the commission never investigated the possibility of the future developments in the Congo.

Mr. SMOOT. Certainly. In fact, that was taken into consideration when we decided upon her ability to pay.

Mr. HARRISON. Does the Senator feel that we are under any moral obligation due to these letters emanating from Lloyd-George and Clemenceau and Woodrow Wilson to the ambassador from Belgium?

Mr. SMOOT. I have already stated that.

Mr. HARRISON. I did not hear it. Would the Senator mind restating it?

Mr. SMOOT. I can restate it. I did feel that there was some moral obligation.

Mr. HARRISON. The Senator did not feel that he was under any moral obligation to vote for the treaty of Versailles?

Mr. SMOOT. Certainly I did not. I voted against it, as I said the other day.

Mr. BORAH. Mr. President——

Mr. SMOOT. I yield to the Senator from Idaho.

Mr. BORAH. I was called out of the Chamber for a moment. Did the commission allow anything to Belgium by reason of this moral obligation or this agreement, or did they finally settle on the capacity of Belgium to pay?

Mr. SMOOT. It was settled on her capacity to pay. We did, however, as to the prearmistice debt, take into consideration that there was a moral obligation and that that amount should be paid without interest and should be distributed over the 62 years. I have already said, while the Senator was out of the Chamber, that even if we had made the settlement on the two classes of indebtedness and treated them the same it would be next to impossible for Belgium to pay any more than she has paid or agreed to pay in the settlement of the prearmistice debt without any interest.

Mr. BORAH. As a practical proposition the commission would have settled on the same basis if the letters had not been written?

Mr. SMOOT. As I said before, it may be we could have gotten perhaps more, but really I doubt it.

Mr. BORAH. The letters as a practical proposition did not in all probability change the figures at all?

Mr. SMOOT. I think they helped Belgium.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. EDGE. Is it not true that the interest has been waived entirely on the indebtedness owing before the armistice, and the interest on the indebtedness after the armistice is in the neighborhood of 3 per cent? Is not that a rather clear designation of the two considerations, one a moral obligation and the other the ability to pay, when we have waived practically 3

per cent? I do not see how we can subdivide the thing except to take the investigation of the commission. They have been willing to recognize the moral obligation by eliminating all interest up to that time, and after that time they have collected as much as they felt they could, understanding the capacity to pay.

Mr. BORAH. That is not the explanation which the Senator from Utah made.

Mr. SMOOT. I want to say to the Senator that I have stated it just exactly as I understand it to be. I do not think there is very much difference—that is my opinion—between the ultimate result of ability to pay and the settlement we have made, notwithstanding we settled the prearmistice debt without interest and a rate of interest on the postarmistice debt.

Mr. BORAH. The reason why I ask is that I have never understood why those letters were inserted at all, because it has been stated over and over again that the settlement with Belgium was based upon capacity to pay. It would not make any difference whether the letters existed or not, and, of course, the letters could have no effect except to create a moral atmosphere or a moral obligation, if anything.

Mr. WATSON. Mr. President, let me see if I understand the attitude of the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. Just a moment.

Mr. WATSON. As I understand the Senator's attitude, it is that because of the moral obligation that it was felt existed we would relieve Belgium of the payment of any interest on the prearmistice debt; but thereby, because of that fact, taking into consideration Belgium's ability to pay, we could charge a higher rate of interest on the postwar debt; whereas, taking into consideration, again, Belgium's ability to pay, if we had not recognized the moral obligation to relieve the interest on the prearmistice debt we could have charged a rate of interest all along on all of it that would have brought about the payment of the same sum of money. Is that the attitude?

Mr. SMOOT. That is about what happened, I will say to the Senator from Indiana, and that is what I have already stated. I think Belgium wants this recognized. She brought it out; she insisted upon it; and the Debt Commission could not see but that it was proper and right. In the statement which we issued to the public at the time this settlement was made we plainly set forth the situation, and explained why that course was followed. I do not see that it is necessary that I should say anything more than I have already said.

Mr. BORAH. I can understand how Belgium might have some sentiment about the matter and how the Debt Commission might very properly, as a matter of diplomacy in dealing with the situation, recognize it. What I wanted to know, and what I think we are entitled to know, is whether any consideration of dollars and cents was allowed by reason of the fact that this moral obligation existed?

Mr. SMOOT. No. I myself think that the settlement which has been made is all that Belgium could pay. As I said to the Senator from Mississippi [Mr. HARRISON], it might have made just a little difference as to the period of 10 years if the rate was changed during that period, and as to the 20-year period, and so forth, up to 62 years. It may have made a little difference in the end if such an agreement could have been reached, but it would not have amounted to anything to speak of in a settlement between two great governments.

Mr. HARRISON. Then, if I understand the answer of the Senator from Utah to the question propounded by the Senator from Indiana [Mr. WATSON], Belgium was released from the interest on the prearmistice debt because it was felt that there was a moral obligation there; but that was recouped by charging more interest on the postarmistice debt because of having released the interest on the prearmistice debt on account of the moral obligation? Is that the position?

Mr. SMOOT. Mr. President, I do not know why the Senator asks me to repeat what I have already said. Belgium could not have made a settlement paying the rate of interest charged upon the postarmistice debt if it applied also to the prearmistice debt as well. Everybody admits that; everybody who knows the conditions will have to admit it; and I frankly admit it.

Mr. REED of Pennsylvania. Mr. President, evidently the Senator from Utah has a prepared speech on this subject, and I suggest that the Senate will profit by it if we do not interrupt him until he has concluded that which he has prepared to say.

Mr. SMOOT. I will say to the Senate that I am nearly through.

Mr. FESS. Mr. President, I should like to interrupt the Senator.

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. I yield.

Mr. FESS. I understand that Belgium demanded a billion dollars in the way of reparations and also had a claim of about 6,200,000,000 marks to be made good in gold.

Mr. SMOOT. Does the Senator mean gold marks?

Mr. FESS. I mean gold marks to be issued.

Mr. SMOOT. The Senator refers to the paper marks that Germany compelled Belgium to issue at the time Germany was occupying Belgium.

Mr. FESS. Germany was to make them good.

Mr. SMOOT. Belgium felt that she was obliged to redeem those paper marks, notwithstanding she was forced to issue them. In consideration of the agreement made by the three countries to relieve her of the indebtedness that had been advanced by them to Belgium the amount would be paid by Germany.

Mr. FESS. I had understood that upon representations of our own representative in the conference Belgium agreed to cut that demand from a billion dollars to $500,000,000.

Mr. SMOOT. That is correct.

Mr. FESS. And entirely to forego the other requirements as to the 6,200,000,000 marks.

Mr. SMOOT. I will say to the Senator that I have already stated that in the Senator's absence.

Mr. FESS. I did not know that. That is the basis of the obligation, is it not?

Mr. SMOOT. I might say that there are other reasons, which I have already stated, but those two points were the very points that brought about the letters which I have read here from Lloyd-George, Clemenceau, and Woodrow Wilson.

Mr. President, as we all know, France and Great Britain ratified the treaty and the United States did not. The question of the release of Belgium from her obligation to repay the prearmistice advances was submitted to the Senate by President Wilson in a message dated February 22, 1921, a few days before he retired from office. The question was never considered. The man in the street in Belgium always regarded the action of President Wilson as the action of the United States and the failure to carry out the terms of his agreement a breach of good faith.

The commission, of course, took the position that there was no legal obligation upon the United States as a result of President Wilson's agreement. It was plain, however, that Belgium, acting upon the assurances received from him, had waived important rights which otherwise it might have obtained. The commission, therefore, felt that there was weighty moral obligation upon the United States to carry out President Wilson's agreement so far as this could now be done. In its consideration of the prearmistice debt, therefore, the commission had a unique problem which differentiated this portion of the Belgian debt from all other debts due from foreign countries.

You all know what happened to article 232. The treaty was not carried out by Germany. Her failure to pay reparations as therein provided finally resulted in the adoption of the Dawes plan in August, 1924. A few months later, on January 14, 1925, there was signed at Paris an agreement apportioning the Dawes plan receipts among the several countries. Article 4 of this agreement provided as follows:

ARTICLE 4

BELGIAN WAR DEBT

(A) As from the 1st September, 1924, 5 per cent of the total sum available in any year after meeting the charges for the service of the German external loan, 1924, and the charges for costs of commissions; costs of United States Army of Occupation; annuity for arrears of pre-1st May, 1921, Army costs; prior charge for current Army costs; and any other prior charges which may hereafter be agreed shall be applied to the reimbursement of the Belgian war debt as defined in the last paragraph of article 232 of the treaty of Versailles.

(B) The amounts so applied in any year shall be distributed between the powers concerned in proportion to the amount of the debts due to them respectively as at 1st May, 1921. Pending the final settlement of the accounts, France shall receive 46 per cent, Great Britain 42 per cent, and Belgium (by reason of her debt to the United States of America) 12 per cent.

France and Great Britain agreed to accept their proportion of the amounts to be received from Germany in full settlement of Belgium's obligations with respect to her prearmistice debts and Belgium to this extent has been relieved of the debts to these two Governments, and both of them larger debts than she was owing the United States. Under the terms of the Paris agreement the amount applicable to the prearmistice

debt to the United States was to be paid to Belgium and subsequently paid over by Belgium to this country.

The Belgian commission strongly urged that the United States accept in discharge of her prearmistice debt the sums to be received under article 4 of the Paris agreement; that the United States should carry out President Wilson's agreement and relieve Belgium of her obligation, as France and Great Britain has done. The commission, however, refused to accede to this position, and would not consent to the substitution of Germany for Belgium for repayment of the sums due. The commission felt, however, that under all the circumstances the United States should not ask Belgium to repay more than the principal of the prearmistice advances. The schedule of payments referred to above was finally agreed to, Belgium agreeing to make each annual payment in full, irrespective of whether she received any reparations from Germany.

Under article 4 of the Paris agreement the United States has already received $875,839.30. This is to be applied against the first payment due from Belgium on June 15, 1926.

I doubt if there is any Senator who will rise on the floor of the Senate to object to this feature of the Belgian settlement. I need not recall to your minds the glorious rôle played by Belgium at the outbreak of the war. If this valiant nation of 7,000,000 souls had not stood steadfast against the crushing blows of the German military machine, no one knows what the history of Europe and of the world would be to-day. No one can deny that France and Great Britain can less afford to forgive Belgium her prearmistice loans than the United States. They who are owed much larger sums than we have agreed to look only to Germany for payment. We, though morally bound to look only to Germany, have insisted that Belgium remain liable. The difference between the position of the United States and that of France and Great Britain is that if reparation payments cease or are further modified the ultimate recovery of France and Great Britain will be less, while the United States has Belgium's firm agreement to pay the amounts due irrespective of reparations.

As I have stated, the funded principal of the postarmistice debt as of June 15, 1925, amounted to $246,000,000. This amount is to be repaid in substantially the same manner as provided in the British agreement, except that during the first 10 years of the debt-funding period Belgium is not required to pay interest at the rate of 3 per cent per annum, but pays in lieu thereof the following arbitrarily fixed amounts:

1926	$1,740,000
1927	2,000,000
1928	2,250,000
1929	2,500,000
1930	2,750,000
1931	3,250,000
1932	3,750,000
1933	4,250,000
1934	4,750,000
1935	5,250,000

Thereafter Belgium pays interest at the rate of 3½ per cent per annum, as provided in the British agreement. A complete schedule of the payments has already been inserted in the RECORD.

Commencing with the eleventh year the total payments to be made by Belgium each year for the remaining 52 years of the period will be approximately $12,700,000 a year. The adjustment of the earlier payments was made to bring the total annual payments during the first years within Belgium's capacity to pay, and particularly to help her meet her present difficulties in obtaining foreign exchange on account of the unfavorable balance of her commodity trade, the shrinkage in her income from foreign investments, and the lack of other invisible items in amounts sufficient to offset her unfavorable commodity trade balance, and further to aid her in her efforts to balance her budget and place her currency on a sound basis.

For these reasons, Mr. President, I will ask the Senate to confirm and vote for the agreement between the United States and the Kingdom of Belgium.

Mr. OVERMAN. Mr. President, the Senator may have stated this; but if so, I was not here at the time: What proportion of the debt do we get, in percentage?

Mr. SMOOT. Of the original debt, both the prearmistice and the postarmistice debt, we get about 55 per cent, but with interest added at 5 per cent on the original amounts up to the date of the settlement we get 47 per cent of the whole amount.

Mr. SWANSON. Mr. President, I did not favor the Italian settlement because I did not think it was sufficiently just to the American taxpayer. I am earnestly in favor of this settlement. I think it is a generous settlement on the part of the United States and a just one for Belgium.

Of all the nations that were heroic during the late great World War, that followed the pathway of duty with sacrifice and with loss, Belgium takes precedence. Whatever may be said about other nations causing this great world conflict, which destroyed half the wealth of the world, more than 10,000,000 soldiers and 20,000,000 people, Belgium was without fault. The neutrality of her country had been pledged by all the leading belligerents in the war. She was in honor bound to protect that neutrality; and when it was invaded, the pathway of duty was open one way only. The pathway of ease and comfort and profit was the other way. Be it said to the glory of Belgium, that heroically, manfully, with suffering and sacrifice, she followed the pathway of duty; and I, for one, will not bargain and trifle over a settlement with so heroic a nation and so heroic a people.

I would misrepresent my people, who admire the heroism, the courage, the splendid valor, and sacrifice exhibited by Belgium, if I should fail to vote for the ratification of this settlement. After the settlement with Italy I can see no occasion to haggle and refuse to give this settlement to Belgium, which pays twice the proportion of the original debt that will be paid by Italy. If I had had my way, the terms of settlement with Belgium would be more generous than those extended to Italy. No nation suffered more in the Great War; there was no government there; her territory was overridden; yet, during those stormy and tempestuous times she acted with heroism, with courage, and with valor.

There can not be found in the history of the world a nation whose sacrifices and suffering exceeded those endured by Belgium in the last great conflict simply to carry out what she conceived to be her duty. When she went to Versailles she acted generously. She was no stumblingblock there. She was no barrier to peace. At that time and since she has conducted herself in a manner worthy of confidence and worthy of the esteem of the world. I would ill represent my people, I would misrepresent them if I should not consider that I ought to vote for this settlement, and it shall have my earnest and willing support.

Mr. SMOOT. Mr. President, I thank the Senator for his statement.

Mr. FESS. Mr. President, will the Senator yield?

Mr. SMOOT. In just a moment.

Mr. President, I have collected here a mass of information as to the resources of Belgium; as to the burdensome taxes that are placed upon the people; as to the actual cost to the Belgian Government of the wicked and cruel war; but I am not going to take the time now to discuss those things. Some question may arise in the Senate that will require an answer; but I want to say to the Senate that there is an answer to every statement that will be made in opposition to this settlement, and I doubt whether there will be very much opposition to it, for in my opinion the settlement is absolutely just to the United States. From all the study I could give to it, after attending every session that was held by the Debt Commission and hearing the great men of that great country depict the conditions existing there, the suffering that the people went through, and the cruelties that they had to suffer, I came to the conclusion that this settlement ought to bring a lasting friendship between the two nations; and I think that is the feeling of the people of Belgium.

Mr. President, I hope and trust that we may have favorable action upon this settlement. The people of Belgium to-day are struggling with all their might and with every power they have at their command to keep their franc at 5 cents instead of 19 and a fraction. What Belgium wants to do is to stabilize her currency. She wants to have her credit upon such a basis that all the nations of the world dealing with her may feel that they are dealing with a sovereign state whose credit can not be questioned in any way.

Let us not delay this settlement longer. Let us get an early vote upon it. Let us say to the Belgian people: "We consider this a just settlement between the two nations; and if there is any power that we control or have in our hands to help you get back on a stable basis, with your industries moving forward in a successful manner, it will be a great pleasure for the people of the United States to assist in bringing it about."

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. SMOOT. Yes.

Mr. CARAWAY. By the time we get through stabilizing everybody else's credit, will we not have to have somebody help stabilize ours?

Mr. SMOOT. No, Mr. President. With almost all the gold in the world in the United States, we never will come to the time when the currency of the United States is below par.

Mr. CARAWAY. I reckon, then, that we can give away all we have, and still have more than we need.

Mr. SMOOT. I do not think, Mr. President, that we are giving away anything. I feel that we are getting all we can.

Mr. FESS. Mr. President, has the Senator from Utah calculated what the annual payment of interest will be from all the countries with which we have made settlements?

Mr. SMOOT. All that we have made settlements with up to date?

Mr. FESS. Yes.

Mr. SMOOT. I thought I had those figures, but I have not. I have simply the total amount received.

Mr. FESS. I understand that the item in our appropriations to take care of the annual interest is about $833,000,000.

Mr. SMOOT. Oh, the Senator means the amount of interest that we pay?

Mr. FESS. No; I am wondering how much of our annual interest we will be able to cancel by reason of the other governments paying interest to us.

Mr. KING. About $50,000,000 next year.

Mr. FESS. The Senator has not calculated it?

Mr. SMOOT. Will the Senator please ask the question again?

Mr. FESS. I wondered what would be the sum total of the interest paid to us annually by the foreign debtors.

Mr. SMOOT. It will be about $200,000,000, in round numbers. I was going to figure it out in detail, but it is about $200,000,000.

Mr. FESS. While our public debt is $20,000,000,000 now, if we can regard these foreign loans as bills receivable when the settlements are made what will our public debt be after that?

Mr. SMOOT. We have already funded the amount of $7,434,504,000, and the total to be received from those funded debts is $15,200,688,253.93.

Mr. FESS. That is what I want.

Mr. HOWELL. Mr. President, I think I might throw some light upon the question that was asked.

Mr. SMOOT. I will say to the Senator that perhaps it could be put in this way, so as to separate the principal and interest: In other words, the funded debts to which the commission have already agreed amount to $7,434,504,000, including interest, of course, up to the date of the settlement, and the interest to be collected is $7,766,184,253.93, or a total of $15,200,688,253.93, as I stated before.

Mr. FESS. That is what the commission has already recommended; and that leaves France and Greece and what other country—Yugoslavia?

Mr. SMOOT. We have not settled with France and Greece and Yugoslavia.

Mr. HOWELL. Mr. President, I take the liberty of throwing some light upon the question which the Senator asked. We have settled debts running about $7,700,000,000, according to the Treasury balance, and every debt is canceled, and on the basis of the interest we are paying now we have an interest deficit of $106,000,000 per annum. We get nothing but enough to pay the interest that we must pay on the bonds from which these loans were made, but the amount that we get is short $106,000,000, and then every debt is canceled.

Mr. HARRISON. Mr. President, I do not care to delay a vote upon this bill. There are, however, one or two features of it about which I wish to say something.

The Senator from Utah employed much of his speech in the discussion of the letter that was written to the representative of Belgium by Clemenceau, Lloyd-George, and Woodrow Wilson, and he talked of the moral obligation of the United States to show some favored treatment toward Belgium. I feel that there is a moral obligation on the part of the United States toward Belgium. I showed my faith in that by voting for the treaty of Versailles. I do not care what has been said about it, what criticism has been hurled against it, I am still of the opinion that it would have been better for the world if the treaty of Versailles had been ratified by the United States Senate.

Having voted for the ratification of the treaty of Versailles, following those long days of suspense and anxiety, and the persistence upon the part of America's representatives at Versailles in order to obtain what they did obtain, I have a right to say that we are under moral obligation to Belgium. But when the Senator from Utah, and some of his colleagues on the American Debt Commission, and some others in this Chamber, now employ the argument that we are under moral obligation to release Belgium from all interest charges on her prearmistice debt because our representatives made that representation to Belgium during the consideration of the treaty of Versailles, it comes, it seems to me, with poor grace. If they feel now that we are under a moral obligation, why did they not feel that we were under some moral obligation to stand by America's representation at Versailles, when the treaty of Versailles was presented to the Senate, and all of its provisions, including this provision, were being considered?

It was a tragic experience the Senate passed through, and there were scenes then enacted and speeches then made and actions of certain Senators then employed by their votes and otherwise, which reflected no particular credit upon them, and won no glory for America.

I recall, when I was a Member of the other body and served on the Foreign Affairs Committee, that President Wilson, on his first return from abroad, with the first draft of what is known as the covenant of the League of Nations, invited the members of the Foreign Affairs Committee of the House and the Foreign Relations Committee of the Senate to the White House for a conference. I shall never forget the impressions that were made upon me in that meeting. I can see now the members as they sat around in the gold room, with the President in the center.

I recall that of all the members of the Foreign Relations Committee of the Senate who were invited to attend that conference every one attended save the present distinguished chairman of the Foreign Relations Committee. I thought the position then taken by the Senator from Idaho [Mr. BORAH] a very proper position in view of his unyielding conviction. It reflected credit upon him. His answer to the invitation, as I recall now, was to the effect that he was opposed to the League of Nations in any form and that he did not care to embarrass the meeting by being in attendance. His answer was polite and to the point. But there were others there. Every member of the Foreign Relations Committee of the Senate was present that night save the Senator from Idaho [Mr. BORAH].

I recall that the President of the United States, as he had distributed to the various members the original draft of the League of Nations covenant, said:

> Gentlemen, I am here for just a few days. This is the first draft. I do not know whether any of its provisions can be changed. I doubt whether they can. It has been a hard fight to get what is in this covenant. But I want you gentlemen to give me the benefit of your wisdom and your advice and your counsel and to make such suggestions as you like. Let us discuss them here in this family circle, and I will go back, if you agree here upon some added suggestions, and see what can be done.

I recall that four suggestions were made, and they were all that were made. Within a few days the President went back to Europe, and in the covenant of the League of Nations he incorporated the four suggestions which had been made. Yet some of the very Senators who made the suggestions felt no moral obligation to support those things their representative abroad had been able to have incorporated in that covenant.

So when the treaty of Versailles came here it was defeated, and this is the first time some of those distinguished Senators have felt it their duty to appeal to any moral obligation that was in that treaty. It is done now for the first time. What right have you who then spurned it to now hold it high as a moral obligation to pass this measure?

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HARRISON. I yield to the Senator.

Mr. SMOOT. The Senator voted against the reservations, did he not, made to the League of Nations covenant?

Mr. HARRISON. I voted in every possible way on the treaty of Versailles. I first voted to have it without any reservations, and I voted to accept some reservations. I am only sorry now that I did not even vote for the so-called Lodge reservations.

Mr. SMOOT. Did the Senator vote for the Lodge reservations?

Mr. HARRISON. No; I did not. I voted for the treaty of Versailles in its original form.

Mr. SMOOT. That is what I thought.

Mr. HARRISON. What is the Senator trying to get at with me?

Mr. SMOOT. I understood the Senator to say that he voted for all the reservations; that he was in favor of the treaty with all the reservations which had been made. I may have misunderstood the Senator.

Mr. HARRISON. If I did say that, I gave the wrong impression about my position. I would have voted for the reservations if I had thought that was the only way we could have entered the League of Nations. I thought the better plan—and some of my colleagues felt the same way about it—was to vote to stand pat on the treaty in its original form. Consequently we voted against the reservations. If I had believed the only way this Government might ever be permitted to enter the league was through the adoption of the Lodge reservations, I would have voted for them.

If I understood correctly, the Senator from Utah voted for the so-called Lodge reservations?

Mr. SMOOT. I did.

Mr. HARRISON. Is the Senator sorry that he voted for the Lodge reservations?

Mr. SMOOT. I am not.

Mr. HARRISON. Is the Senator sorry that his vote for the Lodge reservations caused the defeat of the League of Nations?

Mr. SMOOT. Am I sorry for what?

Mr. HARRISON. Is the Senator sorry that his vote for the Lodge reservations caused the defeat of the League of Nations?

Mr. SMOOT. I do not say that it did cause the defeat of it. The vote of the Senator from Mississippi did that.

Mr. HARRISON. Then the Senator is really regretful, if he will permit me to follow up the question, that I voted against the Lodge reservations; he wishes I might have voted for the Lodge reservations, so that we would now be in the League of Nations.

Mr. SMOOT. Yes; I think if the Democrats had voted for the Lodge reservations, we would have been in the League of Nations.

Mr. HARRISON. So I understand the Senator to be for the League of Nations now, with the Lodge reservations?

Mr. SMOOT. From what the Senator says, he has changed his mind, and he is sorry he did not vote for the Lodge reservations.

Mr. HARRISON. The Senator is not answering my question at all. Is he sorry now that we are not in the League of Nations, even with the Lodge reservations?

Mr. SMOOT. No; I am not even sorry for that.

Mr. HARRISON. The Senator is glad we are out of it?

Mr. SMOOT. I am.

Mr. HARRISON. So the Senator was practicing a piece of political hypocrisy when he voted for the Lodge reservations, and pretending that he was for the League of Nations, when he was not.

Mr. SMOOT. The Senator is absolutely wrong. Things have developed since then that no one anticipated would develop, which have convinced me that even with the Lodge reservations we would have gained nothing by going into the League of Nations.

Mr. REED of Missouri. Mr. President, did I not warn the Senator that they all would happen? I just call attention to that.

Mr. KING. The Senator from Missouri was a modern Cassandra.

Mr. SMOOT. The Senator did not warn me. I did not need any warning. The Senator warned the Senator from Mississippi.

Mr. REED of Missouri. And I warned all you mild reservationists; you fellows who wanted to be stuck in the transom, halfway in and halfway out, what would happen; and it has happened, and you have changed your minds. I do not know whether my friend from Mississippi has changed his mind or not.

Mr. HARRISON. No; your friend from Mississippi has not changed his mind.

Mr. REED of Missouri. Even two elections will not change the Senator from Mississippi.

Mr. SMOOT. The Senator from Mississippi said he was sorry he did not vote for the Lodge reservations.

Mr. HARRISON. What transpired afterwards of course makes me sorry I did not vote for the Lodge reservations, because if we on this side had voted for the Lodge reservations we would now be in the League of Nations, and, in my opinion, if we had been in it from the beginning and had had the same kind of leadership that we had 8 and 10 years ago, many of the controversies which have arisen would have been settled peaceably and to-day the League of Nations would be even stronger than it is. It would have had a potential effect upon the economic rehabilitation, as well as common understanding throughout Europe.

Mr. SMOOT. The Senator says things have happened. It is because certain things have happened that I would not even want to vote for the League of Nations with the Lodge reservations now.

Mr. HARRISON. If about 10 of us who voted to stand pat upon the League of Nations covenant had accepted the Lodge reservations, we would now be in the League of Nations. The difference between the Senator and myself is that I wish I had done that, so that we would to-day be in the League of Nations. The Senator is sorry he voted for the Lodge reservations and is glad we are still out of the League of Nations. That is the difference between us.

Mr. BORAH. Mr. President, I think the Democrats who refused to vote for the Lodge reservations, and thereby kept us out of the League of Nations, are entitled to a debt of gratitude from the people of the United States.

Mr. HARRISON. I have no doubt about the Senator's views. The Senator has been very consistent; so have the Senator from California [Mr. JOHNSON] and the Senator from Missouri [Mr. REED] on this proposition; but the Senator from Utah—he does not know how the word "consistency" is spelled.

Mr. SMOOT. I am just about as consistent as the Senator from Mississippi.

Mr. HARRISON. The Senator from Mississippi has been consistent, because he started out for the league, is still for the league, and only regrets that he has not the vote and power to make this Government a member of the league.

Mr. SMOOT. No; the Senator is not consistent at all. He voted to keep us out of the league. Now he says he wishes he had voted to get us into the league. That is because of what has happened. What has happened makes me very glad that we did not get into the league in the beginning.

Mr. HARRISON. I can not understand why the Senator says that I voted against the league. The Senator knows that I was one of those who stood by it from the beginning to the end.

Mr. SMOOT. The Senator knew just as well as he knows this very moment that when he voted against the Lodge reservations it was defeating the league.

Mr. HARRISON. No; I did not at that time.

Mr. SMOOT. Yes; the Senator knew that would defeat it.

Mr. HARRISON. I thought at that time that if the Lodge reservations should be incorporated it would defeat our entrance into the league, because I never believed the other nations would accept us with the Lodge reservations. I always thought that the Senator voted for the Lodge reservations in order to defeat and kill the League of Nations. But now we are told that he voted for them because at that time he believed in our going into the league.

Mr. SMOOT. Mr. President, with those reservations I saw no reason why we should not go into the league.

Mr. HARRISON. But the most inconsistent position the Senator has taken is in the consideration of this Belgian debt agreement. He calls on the Senate now to ratify the Belgian debt agreement because we are under moral obligations to the Belgian people to release this interest charge on the prearmistice debt because of the provisions in the treaty of Versailles and the letter the President wrote to the ambassador from Belgium.

Mr. SMOOT. The Belgian Government would never have signed the Versailles treaty unless that provision had been put in it.

Mr. HARRISON. But the Senator helped to kill that provision by his vote in the United States Senate.

Mr. SMOOT. So did the Senator from Mississippi.

Mr. HARRISON. Now he wants the Senate to consider it as a moral obligation.

Mr. SMOOT. The vote of the Senator from Mississippi did kill it.

Mr. HARRISON. I alluded to that merely to show the Senator's political inconsistency. Of course, he said that we might have been able to get a little more out of Belgium if it had not been for this particular condition that entered into it. I am going to vote for the Belgian debt agreement. I do not know whether it is the best settlement that could have been obtained from Belgium or not. I have had more sympathy for Belgium in the consideration of all these debt agreements than I have had for any other European country. Belgium throughout the war stood manfully and heroically, and since the war has given to her allies and given to the United States no trouble, but, on the contrary, a high measure of cooperation. While I had hoped that in all these debt agreements the measure laid down in the settlement with Great Britain would be followed, yet, if there was to be an exception, I was hopeful that it would be with Belgium and with no other country.

Following the settlement with Great Britain, our next agreement was with Belgium, and this exception was made, and because, as the Senator from Utah said, of this representation made by Wilson, Clemenceau, and Lloyd-George to the Belgian representatives, the interest on the prearmistice debt was excused, and the same interest was applied on the postwar debt as was applied in the British debt settlement. So in reference to the Belgian proposition the country was led to believe that the same measure of interest, that the same number of years in which to collect our debt, that practically the same terms—

terms similar in character—were to be imposed on Belgium as were imposed on Great Britain. That was all right. That was very proper. When other little countries made their debt agreements the same rule was followed and similar terms were imposed.

But, following that settlement, within the last few weeks the Senate has been discussing the Italian agreement, which shows that America's commissioners evidently forgot this representation made by Clemenceau, Lloyd-George, and Wilson to Belgium, forgot the part that Belgium played from the beginning of the war until its close, forgot the fine cooperation that was evidenced upon the part of Belgium following the war and up until this good time, forgot the rational manner in which that Government has conducted itself, and the fine spirit of her people, and they say, notwithstanding the fact that we are collecting or intending to collect only about 55 per cent from Belgium, that we are releasing Italy from 73 cents on the dollar. Having in mind what the Senate has done with reference to the Italian debt settlement, giving to Italy $1,500,000,000 out of $2,042,000,000 that she owes us, conceding to her 73 cents out of every dollar, I could not vote against the Belgian debt settlement, which concedes to Belgium only 45 per cent.

As a member of the Finance Committee, while I have not had any facts, nor has any other member of the Finance Committee gleaned any facts from any member of the commission, and it looks like we will not get any facts, yet I have waited in the hope that some one could tell what justification there is, in view of the part that Belgium played in the war and the part that Italy played in the war and the circumstances that surrounded the two Governments in the beginning of the war and during the war and since the war, for an agreement that collects from Belgium 55 per cent and from Italy only 27 per cent? I hope during the discussion of the Belgian debt settlement, as I hope in the matter of the other agreements that are to follow, that the Senator from Utah will give to us some reason why we should exact from Poland 82 cents on the dollar of her debt and collect from Italy only 27 cents on the dollar of her debt. I had hoped that during this discussion, and I still entertain the hope, the Senator would give us some reason why he has conceded to Czechoslovakia and Hungary and Lithuania and the other little countries only 18 cents out of each dollar, while he has conceded to Italy 73 cents out of each dollar.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. HARRISON. I yield.

Mr. DILL. Might it not be that we do not have to loan Belgium so much as we do Italy, and she will have an ability to pay, because Belgium is not trying to keep up an army for imperialistic purposes like Mussolini?

Mr. HARRISON. I had hoped the Senator from Utah would tell us something about the standing armies over there. I serve notice on the Senator from Utah now that when the French debt settlement comes before us, I do not care what the terms are, as one member of the Finance Committee I shall try to hold it before that committee until we get all the facts relating to the ability of France to pay, and at the same time try to elicit from the commissioners the basis for charging these very little countries 82 cents on the dollar and then charging Italy only 27 cents on the dollar and Belgium 55 cents on the dollar. I shall try to get some information that will bear on the ability of those countries to pay.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. HARRISON. I yield.

Mr. CARAWAY. If the Senator is serious about that, he means to keep it in committee always, because if they have any information they are not going to give it out.

Mr. HARRISON. I doubt whether they are going to give us any information.

Mr. CARAWAY. I think, in the first place, they have none.

Mr. HARRISON. I have about reached the conclusion that they have no information. What transpired yesterday has convinced me that one man, and one man alone, has written all of these debt settlements. The papers yesterday were carrying in bold type a story giving the purported terms of the settlement with France, and yet the Senator from Utah, a member of the commission, rose and said that he knew nothing about it, had not seen it, and had not heard anything about the terms. That shows what some of us have been contending in the discussions, that one man wrote the Italian debt settlement. I do not know where his inspiration came from, but I know there was propaganda abroad in the country, a propaganda that no doubt, if the facts could be known, was well financed, backed by the money interests of the country, backed by the bond-holding interests of the country, backed by the copper interests of the country, backed by everyone, perhaps, who had bought some of the Italian bonds that were sold recently by Morgan & Co., and which they saw on day before yesterday rise in value when the Italian debt settlement was ratified by the Senate of the United States.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. HARRISON. Certainly.

Mr. REED of Missouri. The position taken by the Senator with reference to France is absolutely correct; but why should we not delay the settlement of all these matters until we get similar information in regard to all the countries?

Mr. HARRISON. The Senator is exactly right. I voted for the motion of the Senator from Idaho [Mr. BORAH], and yet the Senator from Idaho, the Senator from Missouri, and myself and others who supported it were voted down by a very large majority. As I said yesterday, I do not know what influence, what power, is pressing all of these agreements for such prompt ratification. It was stated when the motion was presented by the Senator from Idaho that the Italian debt settlement and these other settlements were not before the committee for discussion and consideration over 30 minutes. There were no facts given to the Committee on Finance.

Mr. CARAWAY. I would like to say that if the proposed settlements stayed there even that long it was not necessary, because the Debt Commission never imparted enough information to have taken 15 minutes to acquire.

Mr. HARRISON. The Senator from Utah gave to the committee no information. The committee just acted and reported out the settlement agreements. The bills that gave relief in the matter of the reduction of taxes to the American people were considered in the committee for weeks and months. All important legislation receives full consideration of the committees, and yet this tremendous proposal that takes from the American people $1,500,000,000 was reported out of the committee without any consideration or any information given to the members of the committee.

When the Senator from Idaho offered his motion many Senators voted against it. What reason will they assign to their constituents for voting against it in view of the fact that the Committee on Finance gave no consideration to the question at all? What was contemplated by his motion to refer it back to the committee? Was there anything extraordinary in it? Did he ask for any unreasonable terms? He merely said that it should be sent back to the committee for this purpose, and let me read it again:

> That said investigation include an inquiry into the private loans made or to be made to the Italian Government and as to the showing made by the Italian Government to the parties making said loans as to its capacity to meet them.

Why should not the Senate have had that information? Here were the Senator from Pennsylvania [Mr. REED] and the Senator from Utah telling us of the deplorable condition in Italy, and yet, here were Morgan & Co. and other bankers in New York who were attempting to float this $100,000,000 worth of bonds, who were picturing the condition of Italy as wonderful. Here was the American Chamber of Commerce of Italy telling the world how Italy was being restored economically and her conditions rapidly improving.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. HARRISON. I yield to the Senator from Arkansas.

Mr. CARAWAY. Does the Senator from Mississippi believe that the firm of Morgan & Co. loaned Italy $100,000,000 with no more information than the Senate had when it ratified the Italian debt settlement?

Mr. HARRISON. I have not the slightest doubt that Morgan & Co. and the other bankers who sold those bonds investigated Italian conditions to the fullest extent. They are conservative men; they do not go off halfcocked. They are intelligent men; they know what they are about. They are not going to touch any loan if it is not backed up by good and sufficient security. So I rely upon the statements made by those distinguished bankers of New York when they floated that $100,000,000 worth of Italian bonds.

All the Senator from Idaho wanted to do was to have the Committee on Finance investigate the facts upon which those statements made by the New York bankers and published in the newspapers rested.

Mr. CARAWAY. Mr. President, may I interrupt the Senator from Mississippi for just a moment?

Mr. HARRISON. Yes.

Mr. CARAWAY. It is quite apparent, is it not, that Italy deceived either the New York bankers or deceived the Senate?

Mr. HARRISON. Yes; there is no question about that.

The motion of the Senator from Idaho to refer further stated:

That the said private bankers who have made a study of Italy's economic, industrial, and financial conditions be called before the committee to give the committee whatever information they have as to the present capacity of the Italian Government to meet its obligations.

So I must assume that those distinguished Senators who voted against the motion of the Senator from Idaho did not want to obtain the views of those New York bankers in order that we might ascertain the facts upon which they based their published advertisements to sell the bonds. The Senator from Idaho desired further in this motion to refer to the Finance Committee—

That further inquiry and investigation be made as to the present military expenditures of the Italian Government, and also the plans of said Government for an increase of its military expenditures.

Was not the Senate entitled to first-hand information about that matter? Yet Senators here by a large vote denied the request to impose upon the Senate Finance Committee the duty to look into these facts. They knew more about it than did the New York bankers; they choose to rely upon the word of the distinguished chairman of the Committee on Finance [Mr. SMOOT] and the Senator from Pennsylvania [Mr. REED], who when the matter was before the Finance Committee gave the committee no information.

So, Mr. President, in view of the favored treatment which we have given to Italy, I could not vote against this agreement with Belgium. I agree with the Senator from Missouri [Mr. REED] that we ought to know all the facts about all of these debt settlements; and we ought to know the condition of every one of these countries, their military programs, everything connected with them from start to finish; and that information we have not received.

Mr. McKELLAR. Mr. President, will the Senator from Mississippi yield to me?

Mr. HARRISON. Yes; I yield.

Mr. McKELLAR. As I understand, the Senator states that he thinks there are reasons why Belgium ought to have been given favored treatment. I agree with him entirely; I also think there are some reasons why we should give Belgium favored treatment. Yet the Senator from Mississippi announces that he is going to vote to charge the Belgian Government 100 per cent more than has been charged the Italian Government. Looking at it from the standpoint of favored treatment for Belgium, does the Senator think that his vote in favor of this measure will be right in view of what the Senate has done in ratifying the Italian debt settlement?

Mr. HARRISON. I stated before the Senator from Tennessee came into the Chamber that, in view of the action of the Senate in ratifying the Italian debt settlement, which conceded to Italy 73 cents on the dollar, I could not vote against the bill providing for the Belgian settlement, which conceded to Belgium only 45 cents on the dollar. Of course, I have no right to reform the bill, but I should like to see everyone of these agreements sent back to the Finance Committee, as I have stated, in order that we might secure some facts. That, however, can not now be done. We have agreed to a number of these debt settlements. As a Senator, I feel badly when I vote for the ratification of these other lesser agreements, one of them with Rumania, one with Esthonia, another with Czechoslovakia, and another with Latvia, which provide for the collection from every one of those nations of 82 cents on the dollar, which concede to those Governments on their debt settlements only 18 cents, when on Wednesday last the Senate conceded to Italy the high figures of 73 cents on the dollar.

Mr. President, I have said all I desire to say on the subject.

Mr. REED of Missouri. Mr. President, we are here considering the question of canceling some hundreds of millions of dollars of debts with about 12 or 14 Senators in the Chamber, and, as suggested to me by my witty friend from Arkansas [Mr. CARAWAY], nobody entertains the notion they are listening. This is a fitting illustration of the way the public business is being attended to and the money of the people of the United States is being donated to foreign countries. It is a fitting illustration of the decadence of the Senate and of Congress. It is a reinforcement of the argument I made yesterday that there must be a political upheaval, a revolution, in this country to insure that the business of the people shall be attended to properly by those sent here to represent them.

I recognize the fact that the time for argument in this case, argument that will convince, has passed.

Mr. BORAH. Mr. President——

Mr. REED of Missouri. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I should like to ask the chairman of the committee if he expects to have a vote upon this measure this afternoon?

Mr. SMOOT. I should like to have a vote upon it, and then take an adjournment to Monday.

Mr. BORAH. I have no desire to delay the bill, Mr. President, but I wish a yea-and-nay vote upon it.

Mr. SMOOT. I think the Senator is entitled to have a yea-and-nay vote.

Mr. CARAWAY. Mr. President, may I ask why not let us vote on the bill and then discuss it next week? Everybody knows how we are going to vote, and we can just take a day when we have nothing else to do and argue all these foreign debt settlements, because as to them there has been no information given us.

Mr. McKELLAR. Mr. President, on an important matter such as this I think we ought to have a quorum, and I make the point of no quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the roll will be called.

The roll was called, and the following Senators answered to their names:

Ashurst	Edwards	Jones, Wash.	Ransdell
Bayard	Fernald	Kendrick	Reed, Mo.
Bingham	Ferris	King	Reed, Pa.
Blease	Fess	La Follette	Sackett
Borah	Frazier	Lenroot	Sheppard
Bratton	George	McKellar	Shortridge
Broussard	Gillett	McKinley	Smoot
Bruce	Goff	McMaster	Stanfield
Butler	Gooding	McNary	Stephens
Caraway	Hale	Mayfield	Swanson
Copeland	Harris	Neely	Trammell
Couzens	Harrison	Norris	Tyson
Curtis	Heflin	Nye	Wadsworth
Dale	Howell	Oddie	Warren
Deneen	Johnson	Overman	
Edge	Jones, N. Mex.	Pine	

The VICE PRESIDENT. Sixty-two Senators having answered to their names, a quorum is present.

Mr. REED of Missouri. Mr. President, I have seen many strange things happen in this body in the 15 years I have been a Member of it; but the strangest thing I have ever observed is the spectacle of the Senator from Utah [Mr. SMOOT] wrapping the shroud of Woodrow Wilson about him, and endeavoring thereby to give sanctity to his acts.

We are now told that an unauthorized promise or understanding between President Wilson and the representative of Belgium is a sacred thing and ought to be redeemed. It is the first time in all of the history of Woodrow Wilson's eight years of service that the Republican majority have seen fit to give respectability or to add the odor of sanctity to their acts by appealing to Woodrow Wilson as authority. It is only another illustration of the fact that the old maxim was correct that men frequently steal the livery of Heaven in which to perform the offices of the devil.

I have entertained but one opinion in regard to this and similar propositions, and have frequently expressed it upon the floor. It is that this is a Government of the people of the United States; that all power and authority is reserved to the people; that Members of the House of Representatives, Members of the Senate, and occupants of the office of President are only temporary agents, with limited authority; that when they act within the purview of that authority their action is binding and valid; that when they go beyond the purview of that authority their action is a usurpation, is null and void in law and in equity and in morals, and is binding upon no one.

The only authority to loan this money in the first instance was the authority of a law passed by the representatives of the people in Congress assembled and duly signed by the President. Within the four corners of that act is to be found the sole authority to bind the people of the United States. The authority of the President of the United States is bound and circumscribed and measured by the Constitution and statutes of the United States. Within that Constitution and those laws and wheresoever authorized the President may speak. One hair's breadth beyond the border he stands as a single individual, without authority to bind anyone except himself.

I do not know what President Wilson may have said in a private conversation with the representative of Belgium. It is not my province to speak for the dead. His lips are silenced. His tongue is stilled. His brain no longer functions with the brilliancy of thought it once did. I feel that I have the right to protest against ex parte statements being made now with

reference to agreements or understandings arrived at between a living man and a dead man.

That kind of evidence is excluded in the courts of justice in this country, and for the very reason that it is unjust that one shall speak who still can speak when the other party to the transaction lies silent and still in the embraces of death. But if a conversation of the character referred to occurred, it had no binding effect in law or in morals upon the American people. This is a country of delegated powers; and we who speak to-day, as we occupy for a few brief weeks or months these positions we may hold, can not bind our country except as our country has authorized us to bind it. So I protest, in the name of the dust that sleeps in the silent palaces of death, against this outrage perpetuated upon the departed.

Mr. President, early in the session I asked for an examination of the facts relative to these settlements. I have never been able to get a vote. Other Senators have asked for the facts, and have never been able to get a vote. We have asked, among other things, what money of foreign countries is being expended here to interfere with our legislation. We have been denied a vote. We have asked what financial interests have been expending money. We have been denied a vote. This Senate may deny the vote, but if I live I intend to insist that some day this question will be investigated; some day the correspondence will be produced; some day the facts will be known.

I want to know who set in motion the chain of events that results in great mining companies writing to Senators and Congressmen and demanding that they vote for the substantial cancellation of these debts. I want to know who owns those companies, and how much money our votes have put in the purses of those who originated that chain of correspondence. I want to know, sir, how many banks there are in this country that are financially entangled with and are subservient to their financial overlord in New York City, and how much money our votes have put into the coffers of the head financial institutions, and what benefits may have accrued to the subordinates that have been writing to Senators and to Congressmen.

I want to know whether money has been sent across the sea, and how much of it came here to set in motion a chain of influence to affect the foreign policies of the United States of America.

Some day we will know a part at least of the story. I want to know why this committee has not brought to us information as to the facts that it does possess. I want to see the papers, the representations. I, as one of the representatives of a great State of this Union, have the right to see them, and that right has been denied.

Mr. CARAWAY. Mr. President, may I suggest to the Senator, I think it is indulging in a violent presumption that the commissioners had any facts. They have given no evidences of it. I think it is rather harsh to accuse them of withholding something they did not possess.

Mr. REED of Missouri. There never was a parallel of this spectacle. I said yesterday, and I am not going to repeat what I said yesterday other than to say this: The moment the great World War was over there were certain financial interests which set up a clamor for the cancellation of the foreign debts owed to this Government, and those interests were the interests that owned obligations of foreign governments that had been delivered to them, and they did not propose to cancel one of them or reduce the obligations by a penny.

I never expected to see the day when there would be reported into the Senate a bill providing for the cancellation of three-fourths of the Italian debt, and for these other partial cancellations that are presented to us. When we make these arguments we are met with the eloquence of silence. The attitude is that of the prisoner at the bar, who makes no defense because the jury is already fixed.

Mr. BLEASE. Mr. President, will the Senator yield for a question?

Mr. REED of Missouri. Yes.

Mr. BLEASE. The Senator opposed our entrance into the war, of course.

Mr. REED of Missouri. I opposed it up to the time when Germany warned us off the seas, and then I said that, as a self-respecting Nation, we had to go to our defense, and I voted for our entrance into the war.

Mr. BLEASE. That is right. Did the Senator expect to get any of this money back?

Mr. REED of Missouri. When we loaned it?

Mr. BLEASE. Yes.

Mr. REED of Missouri. I thought no honorable nation in the world would repudiate its bond to the United States.

Mr. BLEASE. That is one matter as to which we differed. I never expected we would get it back.

Mr. REED of Missouri. I am more hopeful than my friend from South Carolina.

Mr. BLEASE. I thought, at the time we loaned it, that we were really giving it to them.

Mr. REED of Missouri. If we had been giving this money to them, it would have been a different story. We probably would have given much less. We would have told our people frankly the truth.

Did they give us any money when they came to settle with us? Did they charge us, in some instances, for the soil on which our soldiers stood when they were defending Paris from the almost resistless charge of the German army? Did they charge us for all the food our men consumed? Did they extort the last franc and the last lira, and did we yield to them in almost all instances where there was any substance to the dispute?

Why is it that national honor is to be expected from America and from no other country?

Mr. BLEASE. There is no other country like America.

Mr. REED of Missouri. It has been stated to me that we were charged for the ground in which to lay the bodies of our gallant men who died.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. REED of Missouri. Certainly.

Mr. REED of Pennsylvania. The French Government ceded to us the land on which our military cemeteries are located.

Mr. REED of Missouri. I am glad to know that. The suggestion was made to me by a Senator sitting beside me. I am glad that they ceded us that much ground. So much I am glad to know.

Mr. REED of Pennsylvania. If the Senator will yield again, I think there is no evidence, at least I never could find any, that they ever charged us rental for the trenches, although I have heard that charge made.

Mr. REED of Missouri. I do not think there was a doubt about it. I was informed by an officer who was on the ground and engaged in the business of looking after accounts that they sent us a bill for a bridge we blew up, over which the German Army was advancing to attack the American forces. I think there is not a doubt about that. But I am glad to know about the graveyards.

Mr. President, there has never been such a story written. I think it will never be written again. I think if they want to borrow money they will not get it from the Federal Government, unless time has elapsed until the dust of memory has obliterated the records of this present day.

Mr. President, I unhesitatingly say that between the kind of settlements we are making and canceling these debts I would prefer their cancellation. I would prefer saying to Italy, "Out of the generosity of our hearts, because of our love for Italy, we are going to take the burden that legitimately rests upon the Italian people from their shoulders and we are going to fasten it upon the backs of our own people, and, as we carry the burden for you down the years—the long stretch of years that will run before this debt is paid—when you look across the ocean please at least remember us kindly."

What we are receiving to-day are their imprecations and their curses. They seem to be hard to satisfy. They got up that fight themselves. My opinion is that one country was about as much to blame as another. There was not much difference. There is not very much difference between the people, anyway, whether there was between the governments or not. They got up that fight in pursuance of national policies which had been a part of the national creeds in some instances for two or three hundred years.

I said on yesterday, and repeat very briefly, that their armies were trained, ready for instant action. Their war vessels had been reconditioned, rearmed, and revictualed. For a year of time the British fleet had been mobilized at strategic points. For more than a year of time every intelligent German knew that the order might come at any moment for mobilization. For more than a year of time the very roads through Belgium over which it was known the contending armies would march had been mapped and were clearly designated.

They got up that row among themselves. How did we get into it? Our rights were disregarded by both Great Britain and Germany. The truth might as well be told. When Great Britain sowed the North Sea with automatic mines she violated the law of nations.

Mr. REED of Pennsylvania. And our Government did a very useful and fine and brave service in sowing a lot of mines

across the North Sea and across the Adriatic when we got into the war.

Mr. REED of Missouri. Yes; but we followed a precedent. When Great Britain sowed the North Sea with mines and told America that her vessels must sail within certain channels, and that if they got outside those channels they would be blown to pieces, she violated the law of nations. She did exactly the same thing Germany afterwards did, when Germany said that if we went outside certain lines and channels, she would blow our vessels up by bombs fired from submarines. After that had all been done we helped sow some mines ourselves.

England seized our vessels, seized them illegally, seized them in violation of the law of nations, hauled them into her ports, condemned the vessels, and took the cargoes, contrary to the law of nations. Then England was smart enough, as England is always smart—and I take off my hat to British intelligence regularly—to go around and settle with the private owners of those vessels in this country. But England got the cargoes, and got the vessels illegally.

Then Germany sank some of our vessels. So, because those nations were engaged in that sort of war, we were drawn into it. We had not a solitary interest that we put on paper and put in the proclamations of the President and put into the resolutions of Congress preceding our entrance into the war, except the statement of these outrages that were being perpetrated upon America's representatives on the high seas. Justly and properly we went into this war. We were drawn into it because of the controversies of those nations. If they had had no controversies between themselves, America would have had no controversy with anybody.

Mr. BRUCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. REED of Missouri. I yield.

Mr. BRUCE. Does the Senator from Missouri think Belgium entertained any destructive designs on the peace of Europe?

Mr. REED of Missouri. No; I do not.

Mr. BRUCE. We are dealing with the Belgian debt settlement, are we not?

Mr. REED of Missouri. I am dealing with the whole question. Whether Belgium had ambitious designs or not, if she had them she know full well she could not gratify them except with the aid of the greater nations. How does it affect the question whether Belgium had ambitious designs? We certainly owed no obligation to Belgium. Belgium in fact is a country, not a nation. About one-third of her population is basically German, about one-third basically French, and the balance of other races. Belgium was set up and sustained as a buffer state by certain nations of Europe. She has a fine people. Nearly all that country has fine people in it. But she was there as a buffer state and Germany violated her rights as a buffer state, violated England's rights because England had helped to set up the buffer state, and France had her army amassed on the other side of the border, and according to the best history, crossed the line before a declaration of war.

This settlement is much more commendable than the one we made with Italy. There is nothing in the story of Belgium to indicate that she harbors great and ambitious designs. But what is there in her story that calls upon us to break faith with the American people? What is there in her story that calls on us to cancel a part of the indebtedness, nearly half of the indebtedness due the United States? What is the reason why we should give away our money to a debtor abundantly able to pay?

Why, sir, every one of those European nations is rapidly getting on its feet. The hum of industry is beginning to be heard in every city of Europe. Finances are being rectified and strengthened in every country except the particular countries which are engaged in repudiating their debts in whole or in part and which have injured their own credit. Reports from Germany, some of which I have on my desk, are that Germany's agriculture and Germany's manufacturing industries are improving their position. A few years from now when these nations are upon their feet, when their factories are running at full blast, when they are selling their goods in the markets of the world, does anyone think we will not be obliged to meet their competition? Does anyone think they will not undersell us at every point they can? Does anyone think they will not take from us the markets as rapidly as they are able? Does anyone think they will withdraw in favor of an American merchant selling the goods made by American labor? If he does, he reckons without the facts. When that day comes we will find, sir, that every foot of territory they seized in this war will be so governed that some advantage will go to the merchants and the manufacturers who belong to the country holding in subjection the lands that have been taken over, and that some disadvantage will result to the American who seeks to sell American products there. We will find that they will play the game for all there is in the game. There will be no stepping aside for us. If they could destroy America's markets to-morrow by competition, they would do it. If they could undersell us they would undersell us, and, sir, if we had a war to-morrow any one of them would take sides against us if the interests of their nation lay on that side.

We saddle by this means a debt upon ourselves of billions of dollars, and if we should ever have a conflict with a foreign nation that debt would prove to be a greater enemy of this country than would be whole divisions of foreign armies. I would rather have my country at the beginning of a great war almost without an army and a navy but free from debt, than I would to have a great standing army and a great navy and a great debt, because, sir, in the long run it is the ability to borrow that wins almost every great war. A country with unlimited credit and with modern transportation can set to work and mobilize upon the field of battle the products that come from the Arctic and the Antarctic and from the Equator, can set into action the myriad fingers of the countless peoples of the earth.

She can bring cannon and rifles and guns, airplanes, goods, wares, and merchandise if she has the money, and if she has the credit, she can get the money. Just in proportion as we fasten a debt upon this country and relieve other countries of that debt, just in that proportion do we weaken the United States in any conflict she may have hereafter. That is one reason why I am in favor of not reducing the taxes too rapidly, for the best preparation this country can ever make for emergencies is to pay off her national debt and have an unlimited credit.

But the proposition of debt settlement taken in the aggregate means substantially to deprive us of ten thousand millions of dollars, of credits which ought to be ours to-day and of which we ought to be able to avail ourselves in wiping out the debt. Extend that over a period of 62 years of time? It is a ridiculous proposition. A promise to pay a thousand dollars at the end of a thousand years is not worth the paper and the ink for the writing of the obligation. A promise to pay a thousand dollars at the end of 100 years—I am speaking of it without interest—is not worth the paper and the ink to write it. If money is worth 6 per cent in the market, a promise to pay $1,000 one year from date is worth $940 without interest; a promise to pay $1,000 two years from date without interest is worth $880; a promise to pay $1,000 three years from date without interest is worth $820; a promise to pay $1,000 five years from date without interest is worth $700; and I have not counted in this estimate compound interest upon the interest which ought to be paid. A promise to pay a debt 62 years from now without an adequate rate of interest running with it is cancellation—that is all, plain cancellation. That is what we are doing to-day, canceling European debts, not entirely, but practically, I think, we are doing much more than the figures show. Sixty-two years from now where will these countries be? They may exist as they now exist; they may have been overrun and conquered, or they may have been dissolved in the mutations of time. It was Byron who wrote:

> A king sat on the rocky brow
> Which looks o'er sea-born Salamis;
> And ships, by thousands, lay below,
> And men in nations—all were his!
> He counted them at break of day—
> And when the sun set, where were they?

England is wiser in her day and generation than the children of light.

England proposes to get some money while somebody who is now on earth is yet alive, and she wants her payments in substantial sums from the first; but we will take ours when the dead dust to which we shall be dissolved will have brought forth the flowers and the grasses of forgotten cemeteries. We will get ours, in part, when nearly a century of time has rolled away; when some of the nations will have been dissolved; when wars again shall have destroyed the earth and decimated the ranks of peoples; when financial and social and political revolutions have wrought their glories or brought their wrack and ruin. When they begin to pay substantial sums, my friend who is putting over this deal I trust will be looking down from the bosom of Abraham, for I know he will not be on this earth. Probably he will then be sorry that he ever asked them to pay anything at all, and will look with great

delight on the toil and labor of his own people who wrought and moiled to gain the money he voted to give to the subjects of Italy. When these payments begin to mature on the Italian debt settlement at the rate of $20 on $1,000, it will be, I think, 56 years from now. By that time the great-grandchildren of the Senator from Utah will be pointing back with pride to the fact that their great-great-granddaddy put this Italian settlement over, sitting silent and refusing to defend it or to furnish any information.

Mr. SMOOT. Mr. President, I desire to say that in the beginning of the discussion of these debt settlements I consumed nearly a full day of the time of the Senate in explaining them, but the Senator from Missouri was not then here.

Mr. REED of Missouri. I know the Senator from Utah spoke, but we got no information from him.

Mr. SMOOT. Certainly the Senator from Missouri has not been giving the Senate any information.

Mr. REED of Missouri. I am giving the Senator from Utah food for thought. Whether he can absorb and digest it or not is quite another question. I think he can; I think he can understand me, but "Ephraim is joined to idols; let him alone."

Mr. CARAWAY. I think the Senator from Utah is very hard on the idols.

Mr. REED of Missouri. My good friend from Utah is delightful company in any place. I do not know by what seductive flatteries these foreign gentlemen obtained his ear and suborned his judgment. I am quite sure that he is perfectly sincere, but I do not want him to write my financial policies any more than I would want him to write my policies in many other respects. He has his methods of thought and I have mine; but God save America from men who think in terms of Europeans when they are settling with Europeans.

Is it said that Belgium can not pay this debt? Belgium before the war was one of the wealthiest spots on the earth. She had money loaned all over the United States; she had capital in abundance. She has a people of wonderful industry, who are not afraid to work. Show me a hundred Belgians and I will show you 99 men who are willing to work, to toil, to labor, to save. Is there any pretense that Belgium in a reasonable length of time could not pay this debt? If there is such a pretense, it is a false pretense; it can not be sustained in fact. I have not the slightest doubt in the world that in 10 years' time we shall be selling bonds of American corporations in Belgium to Belgian investors, as we were before the World War. I have not the slightest doubt that every representative of every big bank in this Congress and out of it has heard from his bank and been told how to vote.

Mr. BRUCE. Mr. President, if the Senator from Missouri will allow me to interrupt him, I desire to say in that connection that I have never in my life received one solitary communication asking me to vote one way or the other with reference to these debt settlement measures.

Mr. REED of Missouri. I never said that the Senator from Maryland was the representative of any great bank.

Mr. BRUCE. No; the Senator did not, and he might have added nor of any small bank; but that is a fact. When the Senator says that every Member of Congress has been approached by the representative of some banking concern——

Mr. REED of Missouri. I did not say that.

Mr. BRUCE. That is what I understood the Senator to say.

Mr. REED of Missouri. No; I did not say that. The Senator from Maryland misunderstood me. I said that the representative of every great bank has heard from his bank. The Senator from Maryland does not represent any bank. I acquit the Senator. He is a man who has views upon these international questions that are radically different from mine; but I never challenged his honor or integrity in my life, and I do not expect ever to do so.

Mr. BRUCE. No; the Senator never has done so; and I am glad to say that I am proud to know that I have the good will and respect of the Senator from Missouri.

Mr. REED of Missouri. I did not mean by any insinuation to charge that anybody has been approached in any way that we would call improper; but I do mean to say that the big banks and trust companies of this country, to use the vernacular, have been in this game from the first. I know one of their representatives in the city of St. Louis made a trip to New York and came back in favor of the cancellation of our foreign debts. The same gentleman has been actively advocating these debt settlements and is in very close alliance with the Morgan Co. I do not deny the right of any bank to write to any Member of the Senate, just as I would not deny that right to any other man in the country, but I say that the big banking interests that are allied with the great financial concerns that are engaged in the exploitation of Europe have been active in the interest of this legislation.

You can put this over; you have the votes. All I can do is to stand with those who agree with me and protest. All the American people can do is to utter their protest, but unfortunately they can not speak until you have consummated this bargain, and, when once consummated, it can not be rescinded, for America will not do as other nations have done—make a contract and then come back and ask to rewrite it seven or eight years afterwards.

Let me ask when these nations question our right to insist upon payment, what did their representatives mean when they went to the Treasury Department of this Government and said, "We need $500,000,000 this month; we have not time to write a formal bond; but you write an agreement that we will repay the amount at 5 per cent," and they signed that instrument and certified in substance and effect, "I hereby affirm that I signed this instrument by the authority of my government"? What did they mean? Did they mean any less or any more than will be meant when they sign this new agreement? Why did they come and sign that agreement if they did not intend to keep it?

Then, acting upon the sanctity of that agreement, upon the pledged faith of great and puissant nations, on the honor not of the government itself, but of all the people of the respective States, the Secretary of the Treasury went down to the vaults and took out the money that the American taxpayer had put there—part of his labor, part of his toil, part of his sweat, part of the very agonies of his soul. He turned that money over to the representatives of foreign governments on the strength of the obligations which they had delivered. What did they mean when they did that, and what do they mean now when they say that America is hard on them for asking them to do the thing they agreed to do?

They had their option. They could take the money and agree to pay it back, or they could leave the money alone and make no agreement. They came forward and said, "Upon our honor as a nation we promise to repay this money." Now they redeem that honor by repudiation, and the only interest they pay in full is the interest of hatred and malediction and abuse.

Why, sirs, if we never collected a dollar I would stand here, if I had the control of this matter, and say to them, "Until you admit the sanctity of this obligation, we will deal with you in no respect except to demand payment. When you come here honorably and ask for some reasonable extension of time we will give it to you, we will give to you on as good terms as those which we obtained when we borrowed the money in order to loan it to you; but any other agreement is unthinkable and impossible and will not be entertained."

If I incur their ill will for asking them to do that which they had promised to do, I would take that ill will and I would get it in no greater measure than we will get it anyway.

You can not buy the good will of these people. Although no cause had existed for our entering the war until a few days before we did enter, they have not ceased to heap imprecations upon us because we did not come into the war just when they did, when they were settling their quarrels. You can not satisfy them, sir. If you were to give them this debt to-morrow, I think some of them would say we ought to pay an indemnity upon all of their dead because not so many of our soldiers died as theirs. You can organize in this country and raise vast sums of money and send over there to rebuild their cities, to level the trenches, to replant the crops, and you can embrace them and weep upon their necks, and when you leave their shores they will be denouncing you for not having come sooner or given more.

The thing for America to have done in this matter was to have taken the manly stand that a great nation ought to have taken: "We made a bargain. Come forward and keep your side of this bargain, or stand before the world convicted of bad faith; stand before the world as a repudiationist; stand before the world as a dishonest debtor who denies his note of hand; stand before the world as stands the wretch who stops payment upon the check he has issued, on which check he had received cash from his neighbor; stand before the world as you are, forsworn, with honor stained, with your escutcheon blotted, with your character gone; and then we will deal with the question as the circumstances of the case may demand." But we are in a different atmosphere.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens), the jealousy of a free people ought to be constantly awake.

That is the language of George Washington; but if George Washington were President of the United States to-day he would have to get rid of his Secretary of the Treasury if he had the one that is there now, for against the insidious wiles of

foreign influence he has not been constantly awake; but plus the insidious wiles of foreign influence are the insidious wiles of American capitalists who want to exploit foreign nations for their profit and their emolument.

Mr. President, that is all I care to say this afternoon. We can not appeal from Philip drunk to Philip sober, but we can appeal from the United States Senate to the American people.

Mr. HOWELL. Mr. President, I hold in my hand a statement from the Treasury Department affording the balance standing against Belgium on the Treasury books on the 15th day of June, 1925. It amounts to $483,426,379.27. This was the balance presented to the delegates from Belgium when they visited this country for the purpose of negotiating a settlement of their debt.

I do not know what took place in conference, but I do know that the first thing that was settled was the amount of an initial cancellation requested by Belgium. The United States Debt Commission agreed to an initial cancellation, and the amount thereof in round numbers is $65,629,000, or 13.6 per cent of the entire debt. That was the first step taken in this conference, as it would appear from the documents that have been afforded by the Treasury Department.

Then it was agreed that Belgium should make a cash payment, and that cash payment was $17,000, in round numbers. The remainder of the debt, $417,780,000, is the amount that our Foreign Debt Commission has stated to the country as the amount of the debt of Belgium. What Belgium owed us at that time was the balance on the Treasury books, $483,426,000, not the amount after deducting the initial cancellation which was agreed to by our Debt Commission.

Having proceeded thus far, it is urged that because of President Wilson's promise while in Paris that he would recommend that Belgium should pay nothing in the way of interest upon the pre-war debt, we should recognize that promise; but I call the attention of the Senate to the fact that there were a number of promises of recommendations made by President Wilson when in Paris that the Senate did not see fit to regard with any such sacredness.

That we may clearly understand the situation, I wish to say that having reached this point in the agreement they then proceeded to determine the payments to be made by Belgium, and the rates of interest. Some time ago I asked that the Treasury Department afford me the present value of all the payments to be made by Belgium on a 4¼ per cent basis. From that present worth I proceeded to determine what annuity that present worth would buy on a basis of 4¼ per cent interest. Understand, these are all the payments that Belgium is to make. We find that the annuity that such present worth would purchase is $10,350,000.

In other words, all of the payments which Belgium has agreed to make over the period of 62 years are equal and equivalent to an annuity—assuming money to be worth 4¼ per cent—that is, an annual payment every year for 62 years of but $10,350,000. That is all we are to get. We are not to be paid another dollar. But Belgium's debt as per the Treasury books on the 15th day of June, 1925, was $483,426,000. What interest will this annual payment, this annuity, pay upon this debt? Two and one-tenth per cent; or, to be absolutely accurate—that is, to the nearest hundredth—it is 2.14 per cent.

That is all that Belgium is to pay upon the balance carried on the Treasury books—$483,426,000. She is to pay that for 62 years and then Belgium's debt is canceled. She is relieved of all further liability.

In short, Mr. President, this means not merely that this debt of nearly $500,000,000 is to be canceled. Our people are not only to make that sacrifice, but we are to pay 4¼ per cent upon this debt while Belgium merely pays us 2.1 per cent on the debt.

Four and a quarter per cent annually upon Belgium's debt amounts to $20,546,000. Belgium will pay us $10,350,000 per annum and nothing more. Therefore we must make up the difference between this $20,546,000 and $10,350,000, which is in the neighborhood of $10,000,000 per annum. Therefore for the next 62 years, on a 4¼ per cent basis, we are cancelling Belgium's debt and paying $10,000,000 in an interest deficit every year.

That is the settlement proposed with Belgium. When we consider this settlement in connection with the nation at large, we seem inclined to lose our perspective. There is only one way in which every Senator can realize what this settlement means to his home folks, and that is by considering the loss which this settlement entails upon each State of the Union. When we do that, let each Senator ask himself what he thinks about the factor of sentiment, and its effect upon his people, when it is brought right home to them in dollars and cents.

During the Italian debt settlement debate the junior Senator from Pennsylvania [Mr. REED] expressed a very optimistic view of the future financial operations of the Government. He said he believed we would soon enjoy a rate of interest of 3 per cent upon our Government securities. I do not know that he said soon, but he thought that ultimately we would enjoy a rate of 3 per cent upon our securities; that whereas we are paying 4¼ per cent now, yet some time in the future we possibly would have to pay only 3 per cent. I shall accept that suggestion from the junior Senator from Pennsylvania in connection with some figures which I will now afford.

We can not count on 3 per cent interest in connection with these debts for something over eight years, because the average time which some $8,000,000,000 of our 4¼ per cent bonds will run is in the neighborhood of eight and one-third years. In other words, the Government has not the privilege of refunding these bonds prior to that time, unless the Government goes into the open market and purchases the bonds as an individual would purchase them. Therefore it must be evident that for the next eight years, at least, we must pay 4¼ per cent upon our money, and that is what it will cost in connection with these debts during that period.

If we determine what the interest at 4¼ per cent, less what Belgium pays us, will amount to, compounded for the next eight years, and then assume that our money will cost us but 3 per cent for the remaining 54 years, and calculate our present worth on that basis—let us put the best face on this situation—and what is the result? The loss by this settlement to the American people, without considering interest at all, will be about $767,000,000. With interest, only 4¼ per cent for eight years and 3 per cent thereafter, it will amount to something less than $1,000,000,000.

This is not merely an academic consideration of this matter. If we were not compelled to pay this deficit in interest, if Belgium paid as Belgium promised to pay, we could use that $10,000,000 of interest deficit and buy our own 4½ per cent bonds, or, at a later time, invest it in our 3 per cent bonds, and we would have the equivalent of compound interest upon those interest increments.

As I have pointed out previously upon the floor of the Senate, insurance companies throughout this country guarantee annuities and life policies on the basis of 3½ per cent, compounded semiannually, not annually; and I am talking about compounding annually.

We have indulged so much in talk about hundreds of millions and billions that it does not convey a proper notion of what this means, but I have apportioned this loss among the States, and I propose now to read the statement I have in hand. With interest the loss would be as follows:

Alabama must ultimately lose $22,500,000 on account of this settlement alone. Arizona will lose three and a half million. Arkansas will lose $17,000,000. California will lose $33,000,000; Colorado, $9,000,000; Connecticut, $13,300,000; Delaware, $2,100,000; the District of Columbia, $4,200,000.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Nebraska yield to the Senator from California?

Mr. HOWELL. I yield.

Mr. SHORTRIDGE. How much will California lose by this settlement?

Mr. HOWELL. California will lose $33,000,000 on account of this settlement.

Mr. GILLETT. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. GILLETT. As I understand the Senator, all the States will lose about a billion dollars by this settlement?

Mr. HOWELL. Yes.

Mr. GILLETT. I understand the debt of Belgium to be $500,000,000. If we canceled that whole debt and gave it up, our outside loss would be $500,000,000. Yet by the Senator's ingenuous calculation, by collecting $500,000,000 we are going to lose more than twice that amount. Why would it not be better to cancel the debt entirely and thereby save $500,000,000?

Mr. HOWELL. Mr. President, the junior Senator from Massachusetts has fallen into the error of the Debt Commission. He does not realize, or appreciate, apparently, the fact that to-day we are paying $800,000,000 of interest every year; that we would be relieved of over half of that interest if these nations paid the interest on what they owe us. They are going to pay only part of the interest, and then the total of their debts is to be canceled. That is what I am talking about now. The great trouble that has afflicted the Senate is that many Senators apparently do not appreciate the difference between principal and interest. On a 62-year debt interest is the all-important factor. The principal amounts to little.

Mr. SHORTRIDGE and Mr. EDGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield, and if so, to whom?

Mr. HOWELL. I yield to the Senator from California.

Mr. SHORTRIDGE. Personally, I appreciate the difference between principal and interest, because I have been paying interest about all my life. But are we not to receive ultimately, in some way, at some time, 100 per cent of the amount agreed upon?

Mr. HOWELL. I will state to the Senator, and it will not be contradicted by an official of the Treasury Department, that the annuity equivalent to the total payments of Belgium amount to but $10,000,000 on a 4¼ per cent basis.

Mr. SHORTRIDGE. That is beyond my power of following. They owe us, as of the 15th of June, 1925, a certain sum of money. I believe that is agreed upon. That country has agreed to pay that amount at some time. Is not that so?

Mr. HOWELL. They agree to pay a certain amount every year.

Mr. SHORTRIDGE. They agreed to pay us the principal and a certain amount of interest from time to time. Is not that true?

Mr. HOWELL. They have agreed to pay us not one cent of interest on $171,000,000.

Mr. SHORTRIDGE. I am not talking about that item.

Mr. HOWELL. The Senator is talking about this debt, is he not?

Mr. SHORTRIDGE. They have agreed to pay us the principal and they have agreed to pay us a certain amount of interest.

Mr. HOWELL. They have not agreed to pay any interest whatever on $171,000,000.

Mr. SHORTRIDGE. How much do they owe us now, as of June 15, 1925, if I may ask the Senator?

Mr. HOWELL. They owe us about $483,000,000, according to the Treasury balance.

Mr. SHORTRIDGE. They have agreed to pay us that amount, have they not?

Mr. HOWELL. No, indeed; they have not. That is the trouble.

Mr. SHORTRIDGE. How much are they going to pay us?

Mr. HOWELL. They are going to pay us $10,000,000 a year for 62 years, and that is all.

Mr. SHORTRIDGE. How much will that amount to?

Mr. HOWELL. That is about $620,000,000 without interest. The Senator can figure the interest.

Mr. SHORTRIDGE. That would include, then, the amount presently due, plus something which I call interest. Is not that correct?

Mr. HOWELL. We are paying 4¼ per cent interest now on the $483,000,000, and that amounts to over $20,000,000 a year. All the payments that Belgium will ever make to us amount to but $10,000,000 a year and leave us holding the sack for $10,000,000 a year in interest and the $483,000,000 is to be canceled.

Mr. SHORTRIDGE. Then she does pay some interest.

Mr. HOWELL. She only pays $10,000,000 a year, and then the debt is canceled.

Mr. SHORTRIDGE. When the principal is paid, I suppose the debt will be canceled.

Mr. HOWELL. But the principal is never to be paid under this agreement.

Mr. SHORTRIDGE. Call it interest or call it principal, we get some money from Belgium, do we not?

Mr. HOWELL. We get $10,000,000 a year, and it only amounts to 2.1 per cent interest on the face of the debt, and at the end of the time the debt is canceled.

Mr. SHORTRIDGE. I do not care whether the Senator calls it principal or interest or annuity or any other name that his vocabulary may furnish, we get some money from Belgium.

Mr. HOWELL. But the trouble is that we get so little. That is our trouble.

Mr. SHORTRIDGE. To me it is a very colossal sum.

Mr. HOWELL. It is a colossal sum, but what does the Senator think about the sum she owes us?

Mr. SHORTRIDGE. Of course, she owes us a vast sum of money, and she is going to pay us the principal plus some interest.

Mr. HOWELL. But, as a fact, after she gets done paying California will have paid $33,000,000 on the basis of population.

Mr. SHORTRIDGE. It will be over my dead body if she does. [Laughter.]

Mr. HOWELL. Then I will say to the Senator from California that he might save his body by voting against the agreement which is now before the Senate.

Mr. SHORTRIDGE. California can pay that amount and never know she has done it.

Mr. HOWELL. I realize there is a sentiment, which seems to be very general in the Senate, that we can afford to be, as I have said once before, a Santa Claus to Europe. But so far as my State is concerned, we are meeting the hard problems that confront the agricultural industry, and now I want to state what Nebraska's loss will be. The Senator from California may sneer at a loss of $33,000,000 for his State, but I will say that the loss to the State of Nebraska is important; it will be $12,500,000, and that is a great deal to our farmers.

Mr. EDGE. Mr. President, will the Senator yield at that point?

Mr. HOWELL. Certainly.

Mr. EDGE. I am sure the Senator does not want to mislead with his figures; but upon what basis does he proceed to substantiate a claim that the total amount will approximate $2,000,000,000, considering the difference between the interest we receive and the 4¼ per cent, assuming, as he must if I follow his figures, that the American interest at 4¼ per cent will last for 62 years. Everyone knows that the indebtedness will be paid many years before that. I understand the Senator's table is predicated on that basis. Is not that true?

Mr. HOWELL. I want to ask the Senator from New Jersey this question.

Mr. EDGE. I would first like to have my question answered. Is the Senator's table predicated on the assumption that the 4¼ per cent interest will be paid for 62 years or otherwise?

Mr. HOWELL. My assumption is that we will pay 4¼ per cent interest upon our money, as we now are paying, for the next eight years, and after that I accept the optimistic predictions of the junior Senator from Pennsylvania [Mr. REED] that we will pay only 3 per cent.

Mr. EDGE. The Senator is figuring that we will be paying 4¼ or 3 per cent interest for 62 years, is he not?

Mr. HOWELL. I do not believe we will have our war debt paid off at the end of 62 years.

Mr. EDGE. That is a matter of opinion. I disagree absolutely with the Senator.

Mr. HOWELL. I want to ask the Senator from New Jersey this question. If he goes to a bank and borrows $10,000 for a friend at 6 per cent interest and then he is not repaid the $10,000, but he has to keep on paying the interest, does he think his loss terminates when he pays the principal to the bank? That is the absurdity of the argument. This money is gone forever. If you had it and could invest it, you would have a return upon the money. Such possible return would be part of the loss.

Mr. EDGE. The Senator evades the direct question. I do not like to use the word "evade," but he gives figures which he assumes will receive a great deal of attention and consideration throughout the country. He made the statement that we will lose $10,000,000,000 on the settlement of our debt from Italy of $2,000,000,000, and now he makes the statement that we will lose $2,000,000,000 in the settlement of a debt of only $400,000,000 or $500,000,000. He knows perfectly well as a financier and business man that such an assumption is not warranted by the facts. It is not fair to the country to have any such figures published without a definite protest.

Mr. BORAH. Mr. President, may I ask the Senator from New Jersey a question before he sits down?

Mr. HOWELL. I yield for that purpose.

Mr. BORAH. The Senator assumes that we will pay the present debt of $20,000,000,000 or $21,000,000,000 in 62 years. Has the Senator ever calculated how long it would take to pay the debt if we pay at the same rate we have paid the Civil War debt?

Mr. EDGE. No; but if we were to pay it at the rate we are paying now it would not be far from 40 years, certainly, and probably very much less than that.

Mr. BORAH. Suppose we pay at twice the rate we paid the Civil War debt; it would take us over 200 years to pay it.

Mr. EDGE. Why go back to the Civil War? We are living in the year 1926.

Mr. BORAH. Exactly; but we were living in the year 1914, before the World War came, and we were paying off the Civil War debt at that time, in a period of tremendous prosperity, at a rate which, if we pay at the same rate in the future, will take 200 years to pay.

Mr. EDGE. The Senator is going back 65 years.

Mr. BORAH. I am speaking of 1914, at the rate at which we will pay that debt.

Mr. SMOOT. The Senator knows that the Civil War debt would have been paid years and years ago if it had not been for the basis of issuing currency by the Federal national banks. It is not because we could not have paid it off a quarter of a century or 30 years ago.

Mr. BORAH. Yes; and the influences which kept it there as a basis of issue were, in my opinion, purely selfish interests. The whole system should have been an entirely different proposition, but no one knows what influence will be at work to maintain this debt for the next hundred years.

Mr. EDGE. No one has any right to assume, at least not based on financial or economical fact, that we can not meet this debt in the years to come as well as we have been meeting it in the last year or two.

Mr. BORAH. If we take into consideration the manner in which we paid the debt, the means by which we paid it for the last year or two, and if we can keep it up at the same rate, of course, we would; but we are not going to pay at that rate for the reason that the means which we use, the proceeds which we derive from the sale of property, and so forth, salvage of war, will not be here to use.

Mr. EDGE. One prophecy is as good as another when we deal with the future, so I venture to prophesy that this debt will be entirely discharged before 25 years.

Mr. FESS. Mr. President, will the Senator yield for an interruption?

Mr. HOWELL. Certainly.

Mr. FESS. In the last report of the Secretary of the Treasury, commenting upon the suggestion of deferring the public debt for 62 years, the Secretary of the Treasury said:

> At the present rate of payment, as provided by the sinking fund, the so-called domestic debt, representing money spent by America in the war and amounting at the present time to $8,712,700,000, will be discharged by 1944. The interest to be paid during the intervening period will be $4,042,000,000, which with the principal of $8,712,700,000 will make a total payment of $12,754,700,000 to be made in the next 18½ years.

So that instead of 62 years it is expected it will be discharged in 18 years.

Mr. EDGE. Yet we are receiving a comparison with 62 years.

Mr. BORAH. Mr. President, will the Senator from Ohio give us the items which went into the payment of the amount which we paid upon the national debt in 1921, 1922, 1923, and 1924?

Mr. FESS. One very prominent item was resources from war material which was sold. Another was liquidation of some of the war agencies, like the Grain Commission and the War Finance Commission; but this is on the basis of our present year when we have not had those resources. Those resources have all been dried up. This is now based on customs duties and income taxes and the ordinary taxes. I am rather of the opinion that this statement is correct, and that we will pay the domestic debt off in less than 20 years unless we change our method.

Mr. SMOOT. We have a sinking fund, and an amount for that is compelled to be set aside every year.

Mr. REED of Pennsylvania. In the last 10 months we have retired over $600,000,000 of the public debt, and our receipts during that period from sales of surplus property have been only $17,000,000.

Mr. BORAH. It does not make any difference, as a matter of fact, whether we pay the debt in 20 years or 40 years. There is a debt of $21,000,000,000 to pay. We may tax ourselves to raise revenue and to pay it more readily, but it is there to be paid in some way.

Mr. HOWELL. Mr. President, I desire to call the attention of the Senator from New Jersey to this difference in transactions. If I loan $10,000 and lose it, it is gone. If I take that $10,000 and buy $10,000 worth of Government bonds, I am getting that interest every year. The Senator suggests that after we pay the deficit in interest and it is gone, then we are through with our loss; but if we did not have to pay the deficit we could buy bonds with the money and then we would have a profit. He does not consider the distinction. He insists that when we have paid off the debt then there is no longer any loss, although the transaction may not be closed. If we did not have to pay the debt, we could have used the money; had it out at interest.

Mr. EDGE. The Senator from New Jersey does not say anything of the kind and does not propose to permit the Senator from Nebraska to so quote him. The Senator from New Jersey, I think, quite properly questioned the accuracy of the statement of the Senator from Nebraska when he attempted by his own admission to figure out the loss from interest on the difference between interest paid by our Government on Liberty bonds at 4¼ per cent and the interest received on this settlement and other settlements based on a period of 62 years. If the Senator wants to revise his statement and place the facts in the RECORD based on the settlement of our debt in a reasonable time, which generally is admitted will be done, I have no objection to his statement. It will show a great disparity or difference between the two. There is no doubt about that. No one questions that. But why not do it fairly? Why do it for a period when the Senator very well knows it is not accurate?

Mr. HOWELL. I understood the Senator to suggest that in the neighborhood of 40 years we would pay our debt.

Mr. EDGE. Perhaps less.

Mr. HOWELL. Very well, but the Senator suggested 40 years.

Mr. EDGE. I will admit I am only making a prophesy based upon the best facts at hand. We will probably settle it in very much less than 40 years; I think about 25 years; and if the Senator wants to figure on that basis he will be more nearly accurate.

Mr. HOWELL. I happen to have this calculated on the basis that we pay off the debt in 43 years. I thought probably the question would be raised that we would pay our debt off earlier than 62 years. If we pay our debt in 43 years, our loss on the basis of 4¼ per cent is $1,546,000,000, and all I am talking about here now is an approximate $1,000,000,000 loss. I did not assume 4¼ per cent. I am accepting 3 per cent for 54 years. I am adopting a lower basis. I have taken the most optimistic prophesy that has been offered upon the floor of the Senate respecting our financial transactions in the future. On that basis our loss will be about $1,000,000,000. But if the Senator wants to talk about 43 years for the payment of this debt and 4¼ per cent interest, it will then cost us $1,500,000,000.

Mr. President, it is not necessary to exaggerate, because these sums are so tremendous, the interest we must pay is so enormous, that they are almost staggering. Do Senators realize that at 4¼ per cent, if we could not retire our bonds and they should run for 62 years, our interest charges alone on our debt would amount to $50,000,000,000; and that, if we assume that we gradually pay off that debt so that nothing is owed at the end of the 62 years, our interest charge alone on such a basis will be $25,000,000,000?

The trouble is Senators have not faced the interest question. The British statesmen who came here as members of the commission knew all about it. They knew the fact that on a dollar, at 4¼ per cent interest for 62 years, the interest would amount to nineteen times the principal. They had digested that fact; and every time the members of our commission put forth a proposition they knew exactly what it meant.

Mr. SMOOT. So did the Debt Commission know what it meant.

Mr. HOWELL. The British statesmen fully understood it, and they took advantage of their knowledge. As I have said before, I do not believe the Debt Commission ever knew that their settlement with Italy meant the payment of but 1.1 per cent interest by Italy and cancellation of the principal at the end of that time.

Mr. FESS. Mr. President, will the Senator from Nebraska yield to a specific question in the form of an illustration?

Mr. HOWELL. I yield.

Mr. FESS. Suppose that I borrowed from the Senator from Nebraska $100 to be paid in five years; and the Senator knew my circumstances and tore up the note and did not collect a penny; would he lose a hundred dollars or would he lose a hundred dollars and the interest for five years?

Mr. HOWELL. I would lose $100 by the Senator not paying the principal of the note, but if I had invested that $100 in United States bonds I would have received between $4 and $5 per year for an indefinite period of time.

Mr. FESS. So the Senator's loss would be the $100 that I borrowed with interest for five years? That is the Senator's suggestion?

Mr. HOWELL. Absolutely; and particularly so if I borrowed that money at the bank and had to pay interest every time the interest date came around.

Mr. FESS. That puts an appreciation upon me that I did not myself have.

Mr. NORRIS. Mr. President——

Mr. HOWELL. I yield to my colleague.

Mr. NORRIS. Might I suggest to my colleague that the question put by the Senator from Ohio [Mr. FESS] does not quite, as an illustration, meet, as he said it would, the conditions confronting the country in this debt settlement? The Senator from Ohio should have stated that if the Senator from Nebraska had loaned him $100, and the Senator from Nebraska himself had to borrow the money at 4¼ per cent in order to loan it to the Senator from Ohio, then if the Senator from

Ohio had never paid anything to the Senator from Nebraska the loss of my colleague would not only have been the principal but the interest which he had paid.

Mr. HOWELL. Absolutely, and that is just the situation of the American Government that borrowed the money which was loaned to Belgium. If Belgium does not pay the interest the American people must pay it. Belgium does not pay all the interest; she only pays half of it; and at the end of 62 years we cancel the debt.

Mr. FESS. What does the junior Senator from Nebraska mean by canceling the debt? When they pay $5,000,000, for example, on the principal the first year, that portion of the principal is canceled, and the second year another portion is canceled, and the third year a third portion is canceled, and the last year the total principal is canceled.

Mr. HOWELL. Mr. President, there is only one way to analyze the meaning of this debt settlement. That is to take the total payments, principal and interest, determine their present worth, and then determine what annuity that present worth would buy at prevailing money rates. That is the only way one can analyze and understand clearly the meaning of a debt settlement where the amounts paid each year and the interest rates vary.

One can not appreciate the meaning of this settlement by mere inspection. It is necessary to reduce the payments to a common denominator in order to convey a proper idea to the mind. That is exactly what I have done. Belgium's total payments, interest and principal, is equivalent only to an annuity of about $10,000,000 a year. After Belgium has paid the $10,000,000 a year for 62 years she is through; the debt is canceled.

Mr. FESS. But she will have paid the principal.

Mr. HOWELL. The Senator says she will have paid the principal; but in the meantime we are paying $20,000,000 a year interest on our bonds outstanding from which we obtained the money we loaned to Belgium. If Belgium does not pay us enough to pay that interest and then pay off the bonds, we must make up the difference. She says, "On every million dollars of my debt I will pay you $21,400 a year."

Mr. BORAH. Mr. President, may I give the Senator from Ohio an illustration by referring to an incident which I know actually to have occurred in my State? A man whose personal credit was very good at the bank had a friend who owned a farm. The man on the farm wanted to borrow money to the amount of $12,000 on the farm. The man from whom he desired to borrow the money went to the bank and borrowed $12,000 and agreed to pay interest thereon at the rate of 6 per cent. He loaned it to his friend on the farm, who never paid any principal nor any interest, but the man who had borrowed from the bank had to pay interest for three years at the rate of 6 per cent and had to pay the principal also.

Of course, if the borrower had agreed to pay the lender the principal at the end of three years, and had paid it, the lender would have been in the position in which we now are, but in the meantime he would have been out entirely 6 per cent interest upon $12,000 for the three years. So it would not have been sufficient, so far as he was concerned, to say that he got his principal back, for he was losing 6 per cent interest for three years, in spite of the fact that the man paid back the principal. That is precisely what is happening here. We are losing the interest, notwithstanding the fact that in 62 years the borrower will have paid back the principal.

Mr. HOWELL. Mr. President, some years ago Congress passed an act creating our Debt Commission, and it provided that the Debt Commission should be authorized to settle our foreign debts on a basis of not less than 4¼ per cent interest. We may infer, then, that when our debt commissioners discussed this matter with the Belgian representatives they stated, "We are directed to secure for each $1,000,000 of your debt $42,500 a year interest, and then at the end of a period to be determined you are to pay $1,000,000." What was Belgium's reply ultimately? Belgium replied, "All I will pay you is $21,400 per million for 62 years, and then I will not pay a dollar of the million dollars." That is what she said, and that is the basis on which the settlement was made. This can not be denied. It is the basis upon which this debt has been settled, and our people must foot the bill. We can deal in sentiment here, but the people ultimately are going to deal with the cold facts.

Now, Mr. President, I will continue with the roll of the States and indicate the loss of each. The ultimate loss of Florida alone will be about $9,400,000 on account of this debt settlement with Belgium. The loss of Georgia will be $27,800,000.

Mr. TRAMMELL. Mr. President, will the Senator yield?

Mr. HOWELL. Certainly.

Mr. TRAMMELL. Did the Senator ascertain the loss of Florida based upon the income-tax revenues of the Federal Government from the State of Florida?

Mr. HOWELL. I have not based it upon the income derived by the Federal Government from the respective States but upon population.

Mr. TRAMMELL. I was just going to observe that if the Senator bases his computation upon the revenue collected in the State of Florida, the income-tax revenue increased last year to $30,000,000 while the year previous it was only $15,000,000. So the most recent contribution to the Federal Government by Florida was 100 per cent more last year than during the previous year.

Mr. HOWELL. I realize that some of the Eastern States would show a much greater loss if the computation were based on revenue paid to the Federal Government instead of on population, but I have adopted the basis of population, as it gives some notion of what this loss means to each State.

Mr. TRAMMELL. Upon that basis the loss of the State of Florida would undoubtedly be very largely increased.

Mr. SHORTRIDGE. Mr. President, will the Senator yield in order that I may ask him a question?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. HOWELL. Certainly.

Mr. SHORTRIDGE. Perhaps the question has been asked, but, if so, I did not hear your reply. I was about to ask the Senator how he reached the conclusion that California, for example, will lose such and such a sum or be obliged to pay a given sum. I did not hear his statement as to California.

Mr. HOWELL. I am pleased to make the statement again.

Mr. SHORTRIDGE. We are growing so rapidly in population that it is difficult from day to day to arrive at an exact figure.

Mr. HOWELL. I base the computation on the population figures of the 1920 census.

Mr. SHORTRIDGE. California has probably increased fully a million and a half in population since 1920.

Mr. HOWELL. Then the loss of California will be very much greater.

Mr. SHORTRIDGE. We will be bankrupt pretty soon at that rate, I am afraid; but I am not affrighted by the Senator's theory or prophecy.

Mr. HOWELL. I understood the Senator did not think that $33,000,000 amounted to much for California.

Mr. SHORTRIDGE. It does not amount to much for California.

Mr. HOWELL. It would for my State.

Mr. SHORTRIDGE. I can well imagine that Nebraska would be bankrupt by the loss of such a sum, but my immediate question, in all candor, is, what is the basis or the method of figuring which brings the Senator to the conclusion that Nebraska or New York or California will lose so much money? I understand the Senator to say he has based his figures on population.

Mr. HOWELL. My basis of calculation is this: There is a deficit in interest on a 4¼ per cent basis of about $10,000,000 a year. I have assumed that that deficit will continue for eight and one-third years because, under the terms of our 4¼ per cent war bonds, something like eight or ten billion dollars of bonds will run for a period of about eight and a third years. Therefore, I have assumed that we would at least pay 4¼ per cent interest for the next eight years. In a very optimistic spirit, as I have said before, the junior Senator from Pennsylvania [Mr. REED] prophesied that at some time we will be able to get money at 3 per cent. Therefore, I have assumed that we will have 3 per cent money after eight years. I think it is a violent assumption, but I adopted it.

Mr. SHORTRIDGE. Uncle Sam has the best credit in the world.

Mr. HOWELL. We have the best credit in the world, but the fact is that for the last four years the average rate of interest paid upon our bonds was about 4.4 per cent.

Mr. SHORTRIDGE. But we have refunded at much less than that.

Mr. HOWELL. We have refunded, but, in spite of refunding, I think on the 1st of January the average rate of interest was about 4.18 per cent. So I think if we ever get down to 3 per cent it will be a good many years hence and it will be under very favorable conditions. A situation might arise such that we might have to pay a great deal more.

Mr. SHORTRIDGE. Not if the Republican Party continues in control of the Government.

Mr. HOWELL. Even if the Republican Party shall remain in control of the Government, I am not so optimistic as to believe that we can avoid all the contingencies that may confront nations; so there is a possibility of that character; but, putting the very best face on this matter, then, a computation will indicate that, on the basis of 4¼ per cent interest for the first eight years and 3 per cent thereafter, our loss under this settlement will amount to about $1,000,000,000.

Mr. SHORTRIDGE. And according to the population of States.

Mr. HOWELL. Now, then, distribute this billion of dollars according to population, and we arrive at the figures I have quoted.

Mr. SHORTRIDGE. It is a mere—well, I will not comment upon the Senator's method of calculation.

Mr. HOWELL. I wish to say, Mr. President, that I do not claim that this is more than another point of view upon this subject; but it is a point of view that people at home can understand. They are not used to dealing in billions; but if it is made evident that a certain proportion of this debt is to be paid by them, they will understand that. My State is one of the two States in the Union that has no State debt. We have always avoided a State debt. We seem to have had an abhorrence of a State debt; and now, when the people of my State are confronted with the fact that Congress has saddled upon them this virtual debt, which they must pay—and they will pay their share of it before the end of the 62-year period—they will not regard this $12,400,000 as a matter of no moment. It will mean a serious thing to them.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Nebraska if he desires to conclude to-night, or if it would suit him to have a recess taken now and continue on Monday? Which would he prefer to do?

Mr. HOWELL. I prefer to continue on Monday.

DELAWARE RIVER BRIDGE, BURLINGTON, N. J.

Mr. BINGHAM. Out of order, I ask unanimous consent to report a bridge bill from the Committee on Commerce.

The VICE PRESIDENT. Without objection, the report will be received.

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment Senate bill 4070, granting the consent of Congress for the construction of a bridge across the Delaware River at or near Burlington, N. J., and I submit a report (No. 662) thereon. I call the attention of the Senator from New Jersey [Mr. EDGE] to the report.

Mr. EDGE. Mr. President, this is one of the usual bridge bills, approved by the Departments of Agriculture and of War. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Joseph R. Cheesman, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Delaware River, at a point suitable to the interests of navigation, between the city of Burlington, N. J., and the city of Bristol, Pa., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the said Joseph R. Cheesman, his heirs, legal representatives, and assigns all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by bridge corporations for bridge purposes in the State or States in which such real estate and other property are located upon making just compensation therefor, to be ascertained and paid according to the laws of such State or States; and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State or States.

SEC. 3. The said Joseph R. Cheesman, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

SEC. 4. After the date of completion of such bridge, as determined by the Secretary of War, either the State of New Jersey, the State of Pennsylvania, any political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over and acquired by the States or political subdivisions thereof under the provisions of section 4 of this act, the same may thereafter be operated as a toll bridge; in fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided, the bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The said Joseph R. Cheesman, his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said Joseph R. Cheesman, his heirs, legal representatives, and assigns shall make available to the Secretary of War all of his records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Joseph R. Cheesman, his legal representatives and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS OF THE UNITED STATES

Mr. STANFIELD. Mr. President, I ask unanimous consent to have published in the RECORD a compilation of all of the lands of the United States, showing public lands reserved and unreserved.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

Our forage resources

[From Yearbook, Department of Agriculture, 1923]

(Page 312)

[Figures in million acres]

	Acres	*Per cent*
Total area of the United States	1,937	100.0
Total land area of the United States	1,903	98.25
Total water area of the United States	34	1.75
Total land area of the United States	1,903	100.0
Total land used for forage	1,312	69.0
Total land not used for forage	591	31.0

Our forage resources—Continued

[From Yearbook, Department of Agriculture, 1923]

Total land used for forage		Per cent 100.0	1,312	69.0
Crops for feed		19.6	257	14.0
Total pasture land	Per cent 100.0	80.4	1,055	55.0
Humid improved pasture	5.7	4.6	60	3.0
Humid unimproved pasture	16.2	13.0	171	9.0
Forest cut-over and burned-over pasture	22.5	18.1	237	12.0
Arid and semiarid pasture and grazing lands	55.6	44.7	587	31.0
Total land not used for forage		100.0	591	31.0
Crops for food		12.9	76	4.0
Crops for fiber, etc		5.4	32	2.0
Roads, railroad, cities, farmsteads, and other land not in pasture		40.1	237	12.0
Forest, cut-over, and burned-over land not pastured		46.6	246	13.0

Pasture and range land in the United States classified according to ownership, 1919

(Page 367)

		Per ct.	Acres	Per ct.
Total land area of the United States			1,903	100.0
Total pasture lands of the United States		100.0	1,055	55.0
Total privately owned pasture lands		68.0	718	37.4
Total publicly owned pasture lands		32.0	337	17.6
	Per ct.			
Total privately owned pasture lands	100.0	68.0	718	37.4
Not in farms	47.4	32.2	340	17.7
In farms	52.6	35.8	378	19.7
	Per ct.			
Total publicly owned pasture lands	100.0	32.0	337	17.6
Total Federal owned pasture lands	100.0	88.7	28.4	229	15.6
Public domain	47.2	41.9	13.4	141	7.4
National forests	36.8	32.6	10.4	110	5.7
Indian reservations	16.0	14.2	4.6	48	2.5
Total State owned pasture lands	11.3	3.6	38	2.0

Relative areas of the principal classes of pasture, in farms and not in farms, United States, 1919

(Page 368)

		Acres	P. ct.
Total land area of the United States used for pasture		1,055	100.0
Pasture in farms		378	35.8
Pasture not in farms		677	64.2
	P. ct.		
Pasture in farms	100.0	378	35.8
Unimproved (other than in forest)	60.9	230	21.8
Improved land	18.5	70	6.6
Forest	17.7	67	6.4
Woodland	2.9	11	1.0
Pasture not in farms	100.0	677	64.2
Privately owned	51.0	340	32.2
Publicly owned	49.0	337	32.0
Privately owned	100.0	340	32.2
Grassland	63.5	216	20.4
Forest	29.1	99	9.4
Woodland	7.4	25	2.4
Publicly owned	100.0	337	32.0
Grassland	65.3	220	21.0
Forest	21.4	72	6.8
Woodland	13.3	45	4.2
	Per cent		
Pastures not in farms	100.0	677	64.2
Grassland	100.0	64.4	436	41.4
Privately owned	49.5	31.9	216	20.4
Publicly owned	50.5	32.5	220	21.0
Forest	100.0	25.3	171	16.2
Privately owned	57.9	14.7	99	9.4
Publicly owned	42.1	10.6	72	6.8
Woodland	100.0	10.3	70	6.6
Privately owned	35.7	3.7	25	2.4
Publicly owned	64.3	6.6	45	4.2

Animal units carried by pasture in the United States—Estimated number in the year 1919

[Yearbook, Department of Agriculture, 1923—Our forage resources (p. 369)]

	Million acres	Per cent	Per cent	Acres per animal	Length of season	Number of animals, season		Units carried—year-long equivalent		
						Thousands	Per cent	Thousands	Per cent	Per cent
Total pasture	1,132		100.00					51,996		100.00
Humid grassland	231	100.0	20.40			48,608	100.0	20,639	100.0	51.24
Improved in farms	60	25.9	5.30	2½	6 months	24,000	49.4	12,000	45.0	23.08
Unimproved in farms, east	73	31.6	6.45	5	do	14,600	30.0	7,300	27.4	14.04
Unimproved in farms, west	15	6.5	1.32	10	9 months	1,500	3.1	1,125	4.2	2.17
Privately owned not in farms	70	30.3	6.18	10	do	7,000	14.4	5,250	19.7	10.10
National forest (alpine)	2	.9	.18	6	3 months	333	.7	83	.3	.16
Indian reservations	3	1.3	.26	8	9 months	375	.8	281	1.1	.54
Other publicly owned	8	3.5	.71	10	do	800	1.6	600	2.3	1.15
Semiarid and arid grazing land	587	100.0	51.85			24,509	100.0	17,439	100.0	33.54
Grassland and desert shrub	506	86.2	44.70			22,889	93.4	16,224	93.0	31.20
Pinon-juniper and chaparral woodland (including 30,000,000 acres in national forests)	81	13.8	7.15			1,620	6.6	1,215	7.0	2.34
Grassland and desert shrub	506	86.2	44.70			22,889	93.4	16,224	93.0	31.20
Improved in farms	10	1.7	.88	10	6 months	1,000	4.1	500	2.9	.96
Unimproved in farms	142	24.2	12.55	15	9 months	9,466	38.6	7,100	40.8	13.66
Privately owned not in farms	146	24.9	12.90	20	do	7,300	29.7	5,475	31.4	10.53
National forests	14	2.4	1.23	18	6 months	778	3.2	389	2.2	.75
Indian reservations	38	6.5	3.36	38	yearly	1,000	4.1	1,000	5.7	1.92
Other publicly owned	27	4.6	2.38	27	8 months	1,000	4.1	667	3.8	1.28
Public domain (excluding next item and woodland)	116	19.7	10.25	55	6 months	2,109	8.6	1,054	6	2.03
Mohave-Gila Desert	13	2.2	1.15	55	2 months	236	1	39	.2	.07
Forest and cut-over land	237	100	20.93			10,261	100	5,018	100	9.65
In farms	66.4	28	5.86	20	6 months	3,320	32.4	1,660	33.1	3.19
Privately owned not in farms	95	41.4	8.66	25	do	3,920	38.2	1,960	39.1	3.77
National forests	65	27.4	5.74	24	5½ months	2,708	26.3	1,241	24.7	2.39
Indian reservations	5.6	2.4	.49	24	6 months	233	2.3	117	2.3	.22
State forests	2	.8	.18	25	do	80	.8	40	.8	.08
Temporary crop land pastures	77	100	6.80			18,600	100	2,900	100	5.57
Hay aftermath	24	31.2	2.12	3	1½ months	8,000	43	1,000	34.5	1.92
Stubble fields	45	58.4	3.98	5	2 months	9,000	48.4	1,500	51.7	2.88
Winter grain fields	8	10.4	.70	5	3 months	1,600	8.6	400	13.8	.77

[From United States Forest Service, Forest Service Report on Senate Resolution 311, 1920. Revised to 1922]

Ownership of forest area in the United States, by regions

[Figures in thousand acres]

	Total United States		Total 11 Western States		Total 3 Pacific Coast States		Total 8 Rocky Mountain States		Total 37 Eastern States	
	Area	Per cent	Area	Per cent	Area	Per cent	Area	Per cent	Area	Per cent
Forest area	469,500	100	119,900	100	59,100	100	60,800	100	349,600	100
Per cent	100		25.5		12.6		12.9		74.5	
Federal ownership	89,100	19.0	83,500	69.7	31,800	53.8	51,700	85.0	5,600	1.6
Per cent	100		93.7		35.7		58.0		6.3	
National Forest	81,200	17.3	76,600	63.9	28,300	47.9	48,300	79.4	4,600	1.3
Per cent	100 (91.1)		94.3 (91.7)		34.8 (89.0)		59.5 (93.4)		5.7 (82.1)	
Other	7,900	1.7	6,900	5.8	3,500	5.9	3,400	5.6	1,000	0.3
Per cent	100 (8.9)		87.3 (8.3)		44.3 (11.0)		43.0 (6.6)		12.7 (17.9)	
State and municipal ownership	9,100	1.9	2,900	2.4	1,000	1.7	1,900	3.1	6,200	1.8
Per cent	100		31.9		10.9		20.9		68.1	
Private ownership	371,300	79.1	33,500	27.9	26,300	44.5	7,200	11.9	337,800	96.6
Per cent	100		9.0		7.1		1.9		91.0	
Farm wood lots	150,000	32.0	10,000	8.3	6,500	11.0	3,500	5.8	140,000	40.0
Per cent	100 (40.4)		6.7 (30.0)		4.3 (24.7)		2.3 (48.6)		93.3 (41.4)	
Other	221,300	47.1	23,500	19.6	19,800	33.5	3,700	6.1	197,800	56.6
Per cent	100 (59.6)		10.6 (70.0)		8.9 (75.3)		1.6 (51.4)		89.4 (58.6)	

[Yearbook of the Department of Agriculture, 1923, page 312]

Land area of the United States: 1,903,000,000 acres.

Used for forage: 1,312,000,000 acres; about 69 per cent of the total land area.

Crops for feed: 257,000,000 acres; 14 per cent.

Humid improved pasture: 60,000,000 acres; 3 per cent.

Humid unimproved pasture: 171,000,000 acres; 9 per cent.

Forest, cut-over, and burned-over land pastured: 237,000,000 acres; 12 per cent.

Arid and semiarid pasture and grazing land: 587,000,000 acres; 31 per cent.

Total land used for forage: 1,312,000,000 acres; 69 per cent.

Not used for forage: 591,000,000 acres; about 31 per cent of the total land area.

Crops for food: 76,000,000 acres; 4 per cent.

Crops for fiber, etc.: 32,000,000 acres; 2 per cent.

Roads, railroads, cities, farmsteads, and other land not in pasture: 237,000,000 acres; 12 per cent.

Forest, cut-over, and burned-over land not pastured: 246,000,000 acres; 13 per cent.

Total: 591,000,000 acres; 31 per cent.

About 69 per cent of the total land area of the United States was used in 1919 for the production of forage. Some of this—for instance, the forest land that was pastured—contributed other products than forage. The above statement merely indicates the immensity of the land area required for the support of the Nation's livestock. The 257,000,000 acres producing crops for feed yielded slightly more sustenance than the 1,055,000,000 acres used for pasture. More than half of this pasture is arid western range and nearly a fourth more is forest and cut-over land which in general has a low carrying capacity.

[Yearbook of the Department of Agriculture, 1923, p. 367]

Pasture and range land in the United States classified according to ownership, 1919

[Figures in million acres]

	Acres	Per cent
Privately owned pasture	718	68.0
Publicly owned pasture	337	32.0
Total	1,055	100.0
Privately owned pasture:		
Not in farms	340	47.4
In farms	378	52.6
Total	718	100.0
Publicly owned pasture (including Indian lands):		
Public domain	141	41.9
National forests	110	32.6
Indian reservations	48	14.2
State lands	38	11.3
Total	337	100.0

Over two-thirds of the land used for grazing is privately owned. Of the privately owned grazing land slightly over half is in farms. The privately owned land not in farms includes a vast area in the West, belonging to railroad and lumber companies and to large livestock producers, and a smaller area in the East of forest and cut-over land used for grazing, belonging to lumber companies and individuals. Over 40 per cent of the publicly owned or administered grazing land is in the public domain and 30 per cent more is in the national forests. The Indian lands are not publicly owned, but they are administered by a Government agency.

[Yearbook of the Department of Agriculture, 1923, page 368]

Relative areas of the principal classes of pasture, in farms and not in farms, United States, 1919

[Figures in millions of acres]

	Acres	Per cent
Pasture in farms	378	35.8
Pasture not in farms	677	64.2
Total	1,055	100.0
Pasture in farms:		
Unimproved (other than forest)	230	60.9
Improved land	70	18.5
Forest	67	17.7
Woodland	11	2.9
Total pasture in farms	378	100.0
Pasture not in farms:		
Privately owned	340	51.0
Publicly owned	337	49.0
Total	677	100.0
Pasture not in farms:		
Privately owned—		
Grassland	216	63.5
Forest	99	29.1
Woodland	25	7.4
Total privately owned	340	51.0
Publicly owned—		
Grassland	220	65.3
Forest	72	21.4
Woodland	45	13.3
Total publicly owned	337	49.0
Pasture not in farms:		
Grassland—		
Privately owned	216	49.5
Publicly owned	220	50.5
Total grassland	436	100.0
Forest—		
Privately owned	99	57.9
Publicly owned	72	42.1
Total forest	171	100.0
Woodland—		
Privately owned	25	35.7
Publicly owned	45	64.3
Total woodland	70	100.0

Although pasture land in farms includes only 36 per cent of the total grazing land of the United States, it carries 60 per cent of the total animal units grazed (excluding temporary pasture). Improved pasture is the most productive. It includes only 7 per cent of the total pasture area (in farms and not in farms), but contributes 25 per cent of the total sustenance obtained by grazing. Pasture not in farms is almost equally divided between publicly owned and privately owned land. Nearly two-thirds of each kind is grassland and desert shrub land, and one-third is forest and woodland.

[Yearbook of the Department of Agriculture, 1923, page 369]

TABLE 22.—*Animal units carried by pasture in the United States*[1]

[Estimated number in the year 1919]

	Acres (thousands)	Acres per animal unit and length of season	Number of animal units carried	
			Season (thousands)	Year-long equivalent (thousands)
Humid grassland:				
Improved in farms	60,000	2½ for 6 months	24,000	12,000
Unimproved in farms, East	73,000	5 for 6 months	14,600	7,300
Unimproved in farms, West	15,000	10 for 9 months	1,500	1,125
Privately owned not in farms	70,000	do	7,000	5,250
National forest (alpine)	2,000	6 for 3 months	333	83
Indian reservations	3,000	8 for 9 months	375	281
Other publicly owned	8,000	10 for 9 months	800	600
Total humid grassland	231,000		48,608	26,639
Semiarid and arid grazing land:[2]				
Grassland and desert shrub—				
Improved in farms	10,000	10 for 6 months	1,000	500
Unimproved in farms	142,000	15 for 9 months	9,466	7,100
Privately owned not in farms.	146,000	20 for 9 months	7,300	5,475
National forests	14,000	18 for 6 months	778	389
Indian reservations	38,000	38 for year long	1,000	1,000
Other publicly owned	27,000	27 for 8 months	1,000	667
Public domain (excluding next item and woodland).	116,000	55 for 6 months	2,109	1,054
Mohave-Gila Desert	13,000	55 for 2 months	236	39
Pinon-juniper and chaparral woodland (including 30,000,000 acres in national forests.)[3]	81,000	50 for 9 months	1,620	1,215
Total, semiarid and arid grazing land.	587,000		24,509	17,439
Forest and cut-over land:[4]				
In farms	66,400	20 for 6 months	3,320	1,660
Privately owned not in farms	98,000	25 for 6 months	3,920	1,960
National forests	65,000	24 for 5½ months	2,708	1,241
Indian reservations	5,600	24 for 6 months	233	117
State forests	2,000	25 for 6 months	80	40
Total forest and cut-over land.	237,000		10,261	5,018
Temporary crop land pastures:				
Hay aftermath	24,000	3 for 1½ months	8,000	1,000
Stubble fields[5]	45,000	5 for 2 months	9,000	1,500
Winter grain fields	8,000	5 for 3 months	1,600	400
Total temporary crop land pastures.	77,000		18,600	2,900
Total pasture	1,132,000		(6)	51,996

[1] These estimates, which are subject to change, are based on 1920 and 1910 census statistics; data supplied by the Forest Service, Indian Office, Land Office, and other Federal bureaus; reports of various State commissions; and on correspondence with State officials and others.

[2] It is estimated that at present about 57,000,000 acres of desert are too dry for grazing, but with the development of wells and tanks this area may ultimately be reduced to about 30,000,000 acres. There are also about 20,000,000 acres, mostly in the West, of rocky peaks and rock out-crops unusable for pasture.

[3] The remaining 51,000,000 acres of pinon-juniper and chaparral used for grazing are located in Indian reservations, the public domain, and privately owned land in farms and not in farms. These items, as given in the table, have been correspondingly reduced.

[4] Of the forest, cut-over, and burned-over land, it is estimated 246,000,000 acres are not pastured.

[5] Does not include cornfields pastured off, nor cornstalks grazed, which have been included under crops. See Table 13.

[6] The forage supplied by pasture is, therefore, almost equal to that supplied by all the crops. (Table 12.) In order that responsibility may be placed for these basic estimates, it may be noted that the rations of the various crops and crop products, as measured in tons, required (theoretically) to support an animal unit for one year, were supplied by Mr. Sheets and Mr. Semple, that the resulting tables of feeding value of the crops (Tables 6 to 21) were prepared by Miss Bradshaw under the joint direction of Mr. Vinall and Mr. Baker, and that the estimates of the acreage and carrying capacity of the pastures and range lands (Table 22 above) were prepared by Mr. Baker.

SPEECH OF SENATOR SHIPSTEAD AT CHICAGO, ILL.

Mr. NYE. Mr. President, on St. Patrick's Day, and on the same day that one of our ambassadors was giving a now famous interview, the senior Senator from Minnesota [Mr. SHIPSTEAD] was addressing a gathering in Chicago. In view of the richness of this speech, I ask unanimous consent that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The speech is here printed, as follows:

Senator SHIPSTEAD. Mr. Chairman, ladies, and gentlemen, in the name of the central and basic principle of our Government, I have come here from Washington to ask you to think, to decide, and to act. That principle—the foundation stone of our political life, and the touchstone of our liberty and our welfare—is that the Federal Government is a government of, by, and for the people of the entire Republic acting through their representatives. The people are supreme; they alone have the right to change the structure of the Nation and its policies, provided, always, of course, that they respect and safeguard the inherent rights of the individual. But neither the judiciary nor the Executive may presume to alter, in substance, the constitutional structure or the essential policies of the Nation; nor may the Congress do more than propose such alterations, and then ask the will of the Nation as to their effectuation. Congress is our lawgiver simply because in the complex conditions under which we live, the drawing up of laws and the prescribing of rules must be delegated to a few people; but the laws that Congress enacts are laws, and enjoy force and effect only because they have behind them the mandate and will of the people. A vast amount of political machinery has grown up which fills up the distance between the lawmaking stage and the people who are the final sanction of the law; but in the last analysis, the relation remains unchanged. The people may be negligent or cynical about it, or they may be only spasmodically interested in having their will made effective; the machinery may work badly, or be wholly thrown out of gear; nevertheless, the fact remains that our Government is one of a representative character, and in our people, as a whole, resides the power to determine the form and operation of their Constitution and the nature and direction of their policies.

The Congress comprises two great legislative bodies, one of which provides for direct local representation and the other of which consists of the representatives of the sovereign States that form one Federal Union. The Members of both Houses represent the people, even though they are selected differently and have different powers and duties. The Senate represents the people in their capacity as citizens, each of a separate sovereign State, and, like the rest of the Federal Government, all its powers derive first, last, and always from the people of the sovereign State and the Federal Union.

My friends, if I seem to be insisting upon elementary matters, let me ask you to bear with me patiently, for I am so deeply impressed with the peril in which I feel our fundamental principles to stand that I regard it to be necessary to get down to bedrock. For, ladies and gentlemen, if I am wrong about this policy on which the Senate lately authorized the Executive to embark—this policy of direct and formal intervention in the affairs of Eurasia—then I am wrong about the notions I have as to the fundamental principles of our Government. If I have misunderstood the import, the significance, the very validity of our adhesion to the treaty of Versailles—which in effect is what our participation in the Permanent Court of International Justice means—then I have misunderstood, from childhood on, the elementary and bedrock basis of our whole political organization and the real meaning of our history. And what is true of me is true of you, for nearly everyone within reach of my voice would approve, I feel certain, of the interpretation I ventured to give of the final seat of power in this country. If you and I are right in that interpretation, then it behooves us to consider, and without a moment's delay, whether we can accept without protest the decision of the Senate six weeks ago to arrogate to itself powers it did not possess to authorize acts for which neither itself nor the Executive, to whom it delegated its spurious authorization, ever had the slightest mandate from the people of this Republic.

There are profound constitutional questions involved in this whole issue. I shall not, of course, go into them, here to-night, at the length that was possible on the floor of the Senate. But I feel that one essential part of my message to you must be to ask you to think about the peril in which your control over your Government now exists. The peril is caused by the creation of a new constitutional source of law in this country, a source about which not a word is to be found in the great document of 1787, or any of its amendments. The President of the United States, with the concurrence of a partisan and short-sighted coalition in the Senate, has succeeded in fastening upon our constitutional structure a sort of poisonous fungus, in the form of an external court, which is to interpret and formulate international law and thus provide our domestic courts with a growing portion of their precedents and material.

Men may answer me and say, "Ah, but we reserve explicitly the supremacy of our courts." My reply to that is that if we reserve any such thing, we invite war. There is no alternative. Once in this thing, we are in for good. If I felt that it were a desirable policy, I would be sincere and genuine about it, and I would advocate the acceptance not merely of the treaty that the court is based on, but also the acceptance of the court's compulsory and complete jurisdiction. I would not say, as Mr. Coolidge told us last December, that by going into the court we would get certain advantages without losing any of the advantages to be gained by not going in! But one thing is certain—I would not try the delusion that we could protect the jurisdiction of our domestic courts by any reservations.

Once in the business we should find it utterly impossible to escape complete, even though gradual, submission; and the fact that we had to be driven into making such concessions would not win anyone's gratitude in particular. The reservations would be worth little in the

hands of even a firm and enlightened administration, but in the hands of feeble, uninformed, or deliberately disloyal elements the reservations would disappear like snow under the noonday sun.

How statesmen of Europe feel about our much flaunted reservations may be gathered from a statement of Lord Grey concerning our proposed reservations to the League of Nations. He is quoted as saying:

"Let them come in with reservations; after they are in the reservations will amount to nothing."

Concerning the reservations voted with our resolutions of adherence to the World Court, Lord Shaw, a member of the final court of appeals in Great Britain, is quoted as saying:

"It is unreasonable to suppose that the United States could go on indefinitely claiming the right to interfere in other people's business, and at the same time denying them the right to interfere in hers, which is what the reservation amounts to. Therefore, I imagine the reservation will soon lapse."

It is unusual, my friends, for the defeated minority in either House of the Federal Congress to appeal from the decision. It means time and effort, and I assure you, whatever impressions you may have to the contrary notwithstanding, that only a few of us have surplus energy to devote to the formidable task of a nation-wide appeal to the people. As a rule, when the majority carries through its program, the minority put up with the decision as best they may, and hope for better fortune on another day. I know this to be true, for I often find myself in the minority.

A man retains his convictions, but he accepts the situation because he sees no chance of upsetting it until the people are aroused, and he has to give his attention to the next question that comes up, and not spend his time and energy trying to arouse them. But occasions come when he feels that he must put everything else aside; he must undergo whatever risk or strain there is involved in his spreading the alarm. He must go to the people.

And so the Senators who were opposed to the entrance of the United States into the Permanent Court of International Justice have gone to the people; not merely to the people to whom they are directly answerable—that is, the people of the sovereign States who elected them to the Senate—but also to the people of other States as well. For they felt that this danger which they foresee must be explained to the Nation as a whole. And they have acted spontaneously—not according to a preconcerted plan, but as men whose conception—first, of the nature of our Government; second, of the people's wishes regarding policies; and, third, of the duty they themselves assumed when they took the oath of office as Senators of the United States—leaves them absolutely no alternative!

Ladies and gentlemen, we debated a resolution regarding the so-called World Court for less than 25 days in the Senate. The total amount of time spent by the opponents of this fundamental change in our American national destiny was the equivalent of just seven days of senatorial debating time. This time was spread out through 25 debating days, but the total time consumed by our side was the equivalent of just seven days. We who are opposed to changing America's foreign policy, one to which we have adhered for 140 years with great benefit to our country, were allowed only seven days to defend our position.

They evidently got scared for fear the country would rise against them and their policy and decided it was now or never, and put on cloture and stopped debate, evidently thinking that this would stop the debate of this question for all time. Lincoln said, "No question is settled until it is settled right," and gag rule never has permanently settled any question. Under the rules of the Senate they could stop debate by invoking cloture, but they can not gag the American people.

During the 25 days we had for debating the resolution regarding the World Court the discussion of this subject did not extend over a couple of hours, and much other business received attention. From the very outset a propaganda of prodigious proportions was carried on against our debating the matter at all. A vast amount of rubbish was spread about the country regarding filibusters. For months the press—not all of it, of course, but, unhappily, a number of its most powerful members—was filled with ridicule, menace, and misrepresentation. The picture was repeatedly drawn of "little groups of willful" Senators stubbornly sitting around, day and night, reading poetry or prayers to kill time and suffocate legislation they disliked. Cartoonists showed us with arm loads of books intended to barricade the beneficent purposes of the administration. We delayed the millennium seven days trying to keep America American. What filibuster was there in that?

Amid the din of abuse and falsehood stirred up regarding the alleged delay on the court resolution it became impossible to secure any information from those in charge of the measure. It will amaze you to learn that we never had before us the authentic papers regarding this court at The Hague. We were flooded with ready-made telegrams and speeches and petitions, all worked up by one or two groups, but the administration itself furnished not a single document bearing on the whole proposition. On January 13 I presented a resolution calling for such information as would properly equip the Senate to discuss the question. If the Senate had passed that resolution, we should have had, perhaps by now, sufficient documents of our own, official and authentic in character, and not fed into us by committees in New York City, to warrant our studying the matter. What an undignified spectacle, ladies and gentlemen, of the learned Senators using as the sources of their arguments on behalf of the court resolution miscellaneous printed material, much of it private, practically none of it gathered and sponsored by responsible official agencies of our own Government.

It was not bad enough that we should be denied the exercise of our constitutional duty to examine and explore every aspect of the proposed policy; it was not even enough that we should be denied any documents, material, any records, as much as an authentic copy of the instrument we were trying to discuss; the coalition of administration and Democratic Senators went much farther. They went so far as to change the resolution itself, at the last moment, after they had secured the application of cloture automatically terminating the debate. Thus it came to pass that what we voted on was never debated at all; and what we had debated was only indirectly put to vote.

A substitute resolution, differing in many material respects from the one that had been under discussion, was submitted for vote at the very hour of voting, rigidly fixed beforehand, came upon us. Many who were intently observing what went on in those days have characterized this maneuver as the most discreditable of sharp practice. So, too, should I be inclined to regard it, if I did not know what really lay behind it, and what I know about it only makes me protest more vehemently than ever, and will only stimulate you to more serious thought than ever on this subject, when I return to this episode, as I shall presently, I say to serious thought; but as I said when I began, I am asking you not merely to think about this matter but to decide and to act.

Before I take up the dangers of our position, the alternatives that confront you, and the other aspects of the issue, I ought to tell you in very brief fashion what the court is, what its antecedents are, and what form our relation to it is now intended to take.

As the war was drawing to a close, various groups of people were exceptionally busy preparing for the settlement which was to end it. The great little colonel from Texas, Colonel House, had a group of self-constituted experts gathering material for official use. The Carnegie Endowment for International Peace, presided over and directed by Elihu Root, was engaged not only in assisting in the "war to end all wars" but also in preparing for the peace which would end the war to end all wars. I wish I had time to discuss the origin and record of this strange establishment, as remarkable a perversion of trust as this country ever witnessed.

From 1914 to 1918 it was a veritable flail thrashing the wicked chaff of the Huns, and its enormous revenues—nearly a half million of dollars each year—went out in war propaganda, in sending missions of British and French lecturers over this country, and so on. But the endowment had grandiose plans for ending the peril of future wars; among them was the plan of creating a great international system of courts for public and private issues. This was to be the masterpiece of Mr. Root's contributions to humanity. And there were other organizations, like Mr. Taft's League to Enforce Peace, and so on—all busy with peace plans. One thing they had in common, and perhaps the only one. All of them were originated by the elements that were screaming most loudly for the blood and starvation and enslavement of the enemy. All of them came from the elements that had the lead in the campaign to stir hatred and murderous passions in the hearts of men.

The war ended and the dictation of peace terms—not the negotiation of peace terms—began. Elihu Root, through his influence through the New York Bar Association and other organizations, had a flood of telegrams and letters sent to the conference, and succeeded in getting a provision drafted on to the treaty.

It provided for a commission of jurists to create, subject to the assembly and council of the league, an international tribunal of a permanent court.

The so-called "negotiations" ended, and the treaty was signed. If there were any "negotiations," they certainly were not with the Germans, who were told what and when to sign. The victors in the "war to make the world safe for democracy" did, as a matter of fact, indulge in a great deal of negotiation between themselves, negotiation suitable and appropriate for a "peace without victory." They made a great many deals regarding the colonies and the "liberated" areas, and ships and other loot of the war; and they quarreled among themselves before they could agree on anything. But one thing they certainly did, and did so thoroughly that it is going to require another generation to undo it—they concluded a "peace without victory" for democracy. They intended to create a league of governments which should retain in the hands of the bureaucracies and the military and naval staffs the vast concentration of power which four years of war had made possible. They intended to incorporate in one mutual insurance corporation the political machines of the victorious nations then in power, the statesmen there present, and their aspiring juniors at home. They intended to set bounds to the march of democratic thought—bounds not merely political and military, but legal and scientific. They intended to preserve the situation as they then had it, with half of Europe reduced to the status

of Shantung or Haiti—by monopolizing all the field of international law, and compelling it to come under the jurisdiction of the machinery they were establishing. They intended to organize and unify the entire field of scientific thought and social action and create another tremendous agency for misrepresenting and exploiting the common man and robbing him of the right to democratic self-government.

My friends, I wish I could say that these malign intentions were disappointed. I wish I could record the failure of this conspiracy to cement a "peace without victory" for democracy. But the course of events since 1919 is mournful evidence that these intentions have not been defeated; that the conspiracy may yet have proved successful.

They say that the American flag must go back to Europe because our money is there. It is true our money is there and a good share of it is not coming back. Forty billions of these American dollars were sent to Europe in the name of "peace" to prosecute "A war to end war." A war we were told would bring justice and "peace." This was an experiment in "world cooperation" and "moral leadership" to destroy militarism and establish justice. We destroyed German militarism and then we discovered that that was the only militarism our war-mad pacifists wanted destroyed. When German militarism was destroyed the victors took the German colonies of Africa and Asia, the oil fields of Mesopotamia, and other possessions of the vanquished, and to keep it all increased their military forces and pooled them all into one grand military superdictatorship of the world, the League of Nations.

I beg you to remember this was all done in the name of peace.

We who have so recently been over the course of history ought to remember the danger signals. The war makers always do their work in the name of peace. When Germany, Austria, and Italy formed their triple alliance they did not tell the world that it was a military alliance for the purpose of making war; they said it was an alliance for peace. When England, France, and Russia formed their triple entente they also told the world that it was a peace alliance and not for war. The large armies and navies they were building in the meantime were said to be machinery for peace. Nothing was said to the people about the purposes of these alliances, about the struggle for the trade of the Orient between England and Germany, about the desire of Russia to have her own harbor on warm water, about the desire of France and Italy for more territory. They told their people they were only interested in peace and that they had formed these military alliances in order to prevent war and maintain peace. But the people did not get peace; they got war; and finally we became involved in the war—a war that we were told was to make an end of war; a war that should end militarism; a war that should bring peace. But there is no peace; there is more militarism than ever; there are more governments by dictators than ever before. Still the voice of humanity is clamoring for peace, and can have no peace because those who control their government do not want peace. They want oil wells, coal mines, iron mines, and interest on bonds, land, and mandates to exploit other people.

That is what they got out of the last war. And to protect this loot they formed a grand military alliance to take the place of the little alliances, and pooled their military machinery of battleships, submarines, aeroplanes, and poison gas, under article 10, and because humanity is crying for peace they tell the people this is the machinery of peace.

If this organization is for peace why all this equipment for war? The league is dominated and controlled by the large powers of Europe because they control its board of directors, the Council of the League.

If their war machinery is for defense what country or people do they fear? What people are these large powers afraid of?

This league court is a part of a supergovernment system for the world, a system antidemocratic in character and which aims at a system of imperialistic superdictatorship, displacing constitutional governments in Europe and extending its autocracy over the world.

The League of Nations system is a military alliance organized to maintain the status quo of the last war and by mutual guaranty to protect the territorial possessions acquired by war in Asia and Africa by the governments of Europe.

Article 1, of the statute of the World Court of International Justice states that the court is created as provided for in Article XIV, of the covenant of the League of Nations. After specifying the terms upon which states other than those who are members of the league and those mentioned in the annex might use the league court, the league makes special reservation of the right to cancel or rescind the right to use the court. The statute of the court expressly provides that the right to use the court shall be fixed by the league.

Finally, we have this situation: The league creates the court. It fixes the salaries of the judges. It pays the judges. It provides for the increase of the number of judges. It pays the salaries of the employees of the court. It is the adviser and counselor of the court, not by reason of the statute but by reason of the covenant of the league.

Its judgments and opinions are to be enforced by the league. The league controls the accessibility of the court. No one not a member of the court can use the court other than upon conditions provided for by the league. If the league breaks down the court must go, the same as the State court depends upon the State government. This is its mechanical and legal connection. Spiritually, the union is still more complete.

What is the court to do? When the league brand of international law is completed and is poured into a volume for the court's consumption, will the court then refuse to accept league law as valid law? Looking forward to the expiration of their terms of office and desiring reelection at the hands of the league, will the judges of the court refuse to execute the league's officially developed and revised body of international legal rules?

If they should thus refuse they would be flouting the very body by which they were created, by whose will they live. If, on the other hand, they accept the league's jurisprudence as their authoritative jurisprudence, we shall find ourselves sitting in a court applying rules of law devised by a body of which we are not a member.

In international law there are many conflicts of views and disputed rules. The whole field of international law needs clarification and definition. Such clarification and definition can be furnished in one of only three ways. The first is through general international conferences. This is ruled out because the league has refused to accept it.

The second way is through the league. This surely must be ruled out for us, since we do not belong to the league.

The third way is through the court itself. This is the only way not ruled out by the circumstances which I have mentioned. The whole proposition in its necessarily ultimate form is accordingly this, that the legal rules which are to control the whole international life of mankind and which are to keep democracy in awe and in line are to be devised by 11 men sitting at The Hague and drawing their inspiration from their own ideas and prepossessions.

On December 16, 1920, the assembly of the league breathed life and blessing into the Permanent Court of International Justice. No amount of talk or argument can alter this fact. There and then the court received its formal sanction; and if it has life and vigor to-day it has them only because the league stands back of it. I listened for several weeks to some of the most adroit lawyers in the country argue that the league and the court were not one and the same thing, and that this country could belong to one and not to the other; but after all was said and done they were able to deny neither the origin of the court nor the scope of its business—heretofore all league business. It is the legal department, or general counsel's office, of the mutual aid and benefit society of associated governments, and its business is to furnish legal advice to the board of directors of the organization. It has as much or as little jurisdiction as the board of directors see fit to confer on it.

Elihu Root and the forces he represents intended this court to be one of the most potent agencies in the world for controlling the masses. He said so with almost astonishing frankness, time and time again, in the meetings of his Carnegie Endowment. They planned that the league's greatest contribution should be the consolidation of the world as it stood in 1918, with the bureaucrats intrenched in power, the loot of the war collected around them, and both standing within a magic circle, like the line drawn by Richelieu in Bulwer Lytton's famous drama. The name of that magic circle would be Law. In the name of law he and his associates would bar the way to progress and democratic thought and humane and upright principles. These men who had defiled the very name and essence of a contract between nations by the form and character they had given to the treaty of Versailles were bound, by hook or crook, to tie the United States and its democratic masses to that treaty. If they had to do it by first getting us tied to one of the subordinate documents of the treaty, like the court, they would do it that way.

I am not an isolationist in the proper use of the term. My dear friends, no man or woman who studies the history of this Republic or of any of the Republics of America can be an isolationist. We have been in intimate contact as a people with the peoples of Europe; we have had the most widespread trade and other relations with them from the Revolution throughout the nineteenth century. The legend of our isolation is utterly ridiculous. How could it be otherwise? Who are we but the descendents of Europeans returning the fullest sort of direct sympathy in the Old Continent?

The people of this country were never "isolationists," but they were never in favor of political alliances either of the formal sort, which even our present Secretary of State condemns, or of the informal sort, which he has been so busy trying to complete. We were too well acquainted with the European system during 150 years to want to lose the political insulation our constitutional liberties and the Atlantic Ocean afforded us, for we could see in each successive generation since the achievement of our own independence in 1783 the terrible consequences of the materialistic and remorseless policies of the European state system. Our population was made of successive layers of men and women who fled from or sought to forget the consequences of that system. The Irish, for whom this particular date is a precious recollection, fleeing from a monstrous political and economic oppression; the Germans, seeking to escape the worst consequences of a life

of economic and political hardship; the peoples of northern, eastern, and southern Europe, all anxious to embrace the great opportunity to live lives of economic and political freedom, all willing to die for this opportunity—these people were not individual isolationists, but they wanted their adopted country insulated politically.

That is my point of view. I want peace. I feel that we shall be able to enjoy peace if we mind our own business.

I contend that in the ordinary machinery of negotiation and in the prosecution of a reasonable policy of commercial relations with other countries we can find all the protection that we need. I feel that we do not require any tribunal to assume all the jurisdiction over international law and try to organize and codify it along certain lines. The League of Nations has a committee doing this, a kind of adjunct to the World Court. The league has a committee on intellectual cooperation, which is aiming at some kind of monopolistic control over the higher branches of scientific thought. Within a few months one of the persons closest to the Rockefeller fortune has gone over to Geneva to look over the ground for an international economic academy, which will grind out economic propaganda on a prodigious scale and become an agency of the most sinister sort for the steady poisoning of the minds of our schools, our student body—eventually our citizenship.

My friends, you must not think me overpessimistic. The other day a report came to our Committee on Foreign Relations in the Senate, of which committee I am a member, on the origins of the war. A year or so ago a resolution directed a reference bureau that we have in the Library of Congress to prepare a report on the responsibility for the war. The document was submitted in February. It is of a preliminary character as yet, merely a basis for further examination. But it is enough to justify the pessimism that I am revealing, if you call it such. There was that gigantic struggle into which everyone of even moderate intelligence in Europe could see the continent slipping; everyone knew why it was coming; yet no effective effort was made to cut the alliances and commitments, nor to liquidate the vast financial obligations that made it inevitable.

The same situation is developing to-day. It is coming along slowly, for the world is impoverished and apathetic, and the struggle for the great stakes can not be resumed under such conditions. But the far-seeing fellows who know what they have now and what they want to protect are busy trying to work up links of invisible gold and self-interest which will tie our country to the vast international military machine they have created in the league.

Is there any hope that by going into the court and by going into the league we could elevate and purify and Christianize its practices and its plans? There is no such hope. Our democracy can not speak to other democracies through the machinery of Geneva and The Hague. Our democracy has no hope of reaching other democracies through the cynical and sophisticated bureaucrats of Washington, who have no more democratic feeling in them than a stone. As things look now there is little chance that our participation would do anything more than reinforce the reactionary and bureaucratic and military spirit of the supergovernment of the world called the League of Nations.

If all the perspiration and expense indulged in on behalf of this court had the slightest iota of sincerity back of it, it would have been clear that we have in the The Hague arbitration tribunal, founded in 1899 and 1907, all that would be necessary for the settlement of such disputes. And any other reasonable alternative could have been found. But no, it had to be this court, the league court! They said they wanted to stop war, and the way to do it was to adhere to the court created and supported by the League of Nations. Just how far could this court be used as an instrument for the prevention of war? In the CONGRESSIONAL RECORD for December 19 that point is thoroughly covered by a colloquy between Senator REED of Missouri and Senator WALSH, of Montana. I quote verbatim from the record of that debate:

"Mr. REED of Missouri. Would the Senator be willing to submit the Monroe doctrine to this court?

"Mr. WALSH. Mr. President, I would not submit the Monroe doctrine to the court, and we are under no obligation to submit the Monroe doctrine to the court. * * *

"Mr. REED of Missouri. Then we can not expect Great Britain to submit to this World Court her similar policies, which have to do with her zones of influence throughout the world.

"Mr. WALSH. The Monroe doctrine is not a legal question that would go to the court at all; neither is Great Britain's policy of imperialism a question which would go to the court. * * *

"Mr. REED of Missouri. Then we can say the same thing with reference to the policies of France the same thing with reference to the policies of Russia, and the same thing with reference to the policies of all the rest of them.

"Mr. WALSH. No question of policy goes before the court.

"Mr. REED of Missouri. So we have now eliminated from the consideration of the court every question that is really likely to involve a country in war; for it is only over those great questions that the world goes to war.

"Mr. WALSH. I stated in the first address I made to the Senate substantially the same thing——

"Mr. REED of Missouri. Very well; I thank the Senator.

"Mr. WALSH. I stated that the great international controversies likely to precipitate war are not legal controversies. They are political controversies and do not go before the court at all.

"Mr. REED of Missouri. Exactly so. I say now we have the actual nature of your court, which the propagandists have been telling the world will settle all human disputes, usher in the millennium, and paint the skies of the future with all the rosy dawn tints of the glorious day when God will reign on earth. We have got down now to the admission that not a single question which really will involve the world in war is to go before the world court."

There is the whole thing in a nutshell. That explains the futility of this court as an instrument for the prevention of war. As a matter of fact it is not intended to accomplish anything of the kind. That is what they tell the American people in order to get America to adhere. What, then, is the business of this court? Why, my friends, it is a part of the European system of supergovernment of the world, called the League of Nations. It is as much a part of the supergovernment system, called the League of Nations, as the Supreme Court of the United States is a part of the American system of government. Being a part of that system it must necessarily carry out its part in furthering the proposes for which that system was created, which is, to maintain the status quo to throw the mantle of legality over it and to sanctify the treaty of Versailles and subsequent treaties and to hold that treaties signed by conquered nations at the point of the bayonet are legal and binding, according to international law, and that loot acquired under such treaties has been legally acquired.

The law of conquest is a part of international law. According to this law territory belongs to any nation that has the power to take and keep it. That is the law of the wolf pack, but it is international law, and this is the law that this Court is to sanctify by its decisions. It is part of the system which includes a military alliance controlled and dominated by the larger governments of the world. It is part of the organization of governments which have agreed to carry on war against any nation that refuses to bow to the will of this superdictatorship of the world.

A few minutes ago, I referred to the strange substitution at the last moment of a resolution containing reservations that the Senate had never discussed. It seems that the administration and their Democratic coalitionists found out at the last moment that they were liable to be exposed to sharp criticism from some unexpected quarters; it was quite evident they found their position untenable. It became apparent that the American people were beginning to learn what this proposition really was. It is quite possible they also began to surmise that the resolution and the Harding-Hughes-Coolidge reservations were not in fact what propagandist organizations had induced them to believe. So they ditched the Harding-Hughes-Coolidge reservations and looked about hither and yon for advice as to where they could find new reservations. It was an ignoble performance and incredible in its revelation of the utter lack of broad and independent statesmenlike leaders in our national political life.

But with neither set of reservations did the administration take the trouble to find out how the other countries concerned would receive them. Now while certain governments want us in the league, there are a number of other countries which do not happen to owe us money, and are consequently rather more independent. I have in mind several countries, one of them a great power, that could, and that are not at all unlikely to express themselves with entire frankness on our reservations. Why should other countries consider our reservations binding on them, if their interests collide with ours? I counseled the administration to find out beforehand what the other countries would say about our reservations in my speech of January 13.

I opened my remarks by an appeal to you in the name of the central principle of our Government. I shall close them in its name, asking you to give serious and consecutive thought to the means whereby you can redeem the control of foreign policy from those whose heart is more bound up with vast financial stakes they have acquired in Europe and European colonies and dominions than in steadfast fidelity to our traditions and interests. It is for each of you to think how he may best achieve this redemption. He must question candidates for public office and scrutinize their records; he must act when he has decided. Above all, he must watch the course of events and seek to keep under very careful scrutiny at all times the foreign policy of the administration. He must be willing to voice his opinion and let his Representatives in Washington hear from him promptly and with precise comment. In these days, when foreign lecturers and domestic propagandists have overrun Washington, some contact of this kind with the voters at home is of very real help to a Member of the Senate and the House. We often hear from constituents about their troubles; we seldom hear from them about the state of the Nation as a whole.

It is a critical moment in the life of the Republic. Indeed, it is a period when the question is in the balance whether it will remain a

Republic or become an autocracy bolstered up by bureaucracy and international finance. I am more deeply disturbed about the extent to which men let self-interest come before the Nation's safety than by anything else. I do not refer to mere apathy and cynical indifference to every issue except lower taxes and light wines and beer. I refer to the fact that the people of the country remain apparently supine while their control over their policies and the very structure of their Government is being sapped away; and their failure to prevent it, whether due to indifference or to willingness to sell liberty for a temporary and illusory prosperity, is contaminating their Representatives, for it is a great truth that a country gets no better government, as a long-run proposition, than it deserves, and that those at the top of a people reflect, more or less, the same level of disinterested loyalty and devotion to duty of the people taken as a whole.

My friends, am I unreasonable when I say that if you lose your liberties you will have no ground to lay the blame at the doors of the men in the Senate who fought to preserve for you and your children the heritage of political self-government at home, and political amity with all nations but obligations to none, which Washington and Lincoln and Cleveland bequeathed to us? We have done our best to stem the tide of financial interest and bureaucratic aggression from sweeping over your constitutional liberties, and we have sought to check the seizure and misuse of the international policies of your Government. If the unprecedented and unwarranted resort to cloture had not arbitrarily terminated the debate before we even had information of an elementary sort, we might have won the battle. As it was, an ocean of propaganda and a series of sharp practices gave the administration and the Wilsonian avengers a sort of left-handed victory. There was nothing else for us to do but appeal to the country. This we do, feeling that if our strength holds out we can reach the people as a whole, or enough of them to make the great issue of "Democracy and Constitution" a genuinely live issue for which the people will fight themselves. Democracy and Constitution are the two words I leave with you, and with them constantly before your minds in every aspect, I bid you go forth like the venerable and heroic apostle of Ireland, St. Patrick, and drive from your country's soil the viper of imperialism and the serpent of bureaucracy, masquerading as the agencies of law and order and international peace!

FLORENCE PROUD

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2091) for the relief of Florence Proud, which was, on page 1, line 5, after the word "appropriated" to insert "and in full settlement against the Government."

Mr. SHORTRIDGE. I move that the Senate concur in the House amendment.

The motion was agreed to.

BILL OF RIGHTS CELEBRATION AT WILLIAMSBURG, VA.

The VICE PRESIDENT. In accordance with the provisions of House Concurrent Resolution 22, agreed to by the Senate on the 19th instant, the Chair appoints the Senator from Virginia [Mr. SWANSON], the Senator from Idaho [Mr. BORAH], the Senator from Virginia [Mr. GLASS], the Senator from Connecticut [Mr. BINGHAM], and the Senator from Maryland [Mr. BRUCE] as the members on the part of the Senate of the joint committee to attend the celebration of the one hundred and fiftieth anniversary of the adoption of the so-called Virginia Bill of Rights, to be held at Williamsburg, Va., on June 12, 1926.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by title and referred as indicated below:

H. R. 8715. An act to authorize the Secretary of Agriculture to extend and renew for the term of 10 years a lease to the Chicago, Milwaukee & St. Paul Railway Co. of a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, and for a right of way to said tract, for the removal of gravel and ballast material, executed under the authority of the act of Congress approved June 28, 1916; to the Committee on Agriculture and Forestry.

H. R. 11446. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee on Pensions.

H. R. 1580. An act authorizing the Secretary of the Interior to sell and patent to David A. Vincent certain lands in Oklahoma;

H. R. 6615. An act for the relief of Nohle-Gilbertson Co., a corporation, of Buford, N. Dak.; and

H. R. 9274. An act to release and quitclaim title of certain lands to Holyman Battle and his successors in interest; to the Committee on Public Lands and Surveys.

H. R. 2166. An act for the relief of Anthony Mullen;

H. R. 2491. An act for the relief of Gordan A. Dennis;

H. R. 2906. An act for the relief of Emile Genireux;

H. R. 3064. An act for the relief of Richard H. Beier;

H. R. 3382. An act for the relief of Louis Martin;

H. R. 3625. An act for the relief of John Doyle, alias John Geary;

H. R. 4119. An act for the relief of Edward R. Ledwell;

H. R. 4189. An act for the relief of the Chamber of Commerce of Montgomery, Ala., Jack Thorington, and 39 others;

H. R. 4325. An act to revoke and set aside a discharge without honor, issued to Wade W. Barber, Bancroft, Nebr., October 28, 1899;

H. R. 5293. An act to authorize the President, by and with the advise and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920;

H. R. 5486. An act for the relief of Levi Wright;

H. R. 6418. An act to correct the military record of Lester A. Rockwell; and

H. R. 8766. An act for the relief of Edward J. Boyle; to the Committee on Military Affairs.

H. R. 531. An act for the relief of John A. Bingham;

H. R. 815. An act for the relief of O. H. Lipps;

H. R. 804. An act granting jurisdiction to the Court of Claims of the United States;

H. R. 965. An act for the relief of C. B. Wells;

H. R. 1465. An act for the relief of Arthur F. Swanson, and for other purposes;

H. R. 1828. An act for the relief of J. M. Holladay;

H. R. 1961. An act for the relief of B. G. Oosterbaan;

H. R. 2184. An act for the relief of James Gaynor;

H. R. 2209. An act for the relief of C. T. Kitchen;

H. R. 2210. An act for the relief of R. E. Neumann and wife;

H. R. 2333. An act for the relief of Katherine Rorison;

H. R. 2635. An act for the relief of Mrs. W. H. ReMine;

H. R. 2680. An act for the relief of the estate of Charles M. Underwood;

H. R. 2715. An act for the relief of the widow of W. J. S. Stewart;

H. R. 2724. An act for the relief of A. S. Guffey;

H. R. 2892. An act for the relief of Kenneth A. Rotharmel;

H. R. 2993. An act for the relief of Harry McNeil;

H. R. 2994. An act for the relief of Harry J. Dabel;

H. R. 3253. An act for the relief of Lieut. Commander Garnet Hulings, United States Navy;

H. R. 3278. An act for the relief of A. S. Rosenthal Co.;

H. R. 4117. An act for the relief of J. Walter Payne;

H. R. 4124. An act for the relief of the State Bank & Trust Co. of Fayetteville, Tenn.;

H. R. 4158. An act for the relief of Sophie J. Rice;

H. R. 4902. An act for the relief of Washington County, Ohio, S. C. Kile estate, and Malinda Frye estate;

H. R. 5063. An act for the relief of P. H. Donlon;

H. R. 5341. An act for the relief of Ruphina M. Armentrout;

H. R. 5441. An act for the relief of Geraldine Kester;

H. R. 6003. An act for the relief of Charles B. Beck;

H. R. 6080. An act for the relief of J. M. Hedrick;

H. R. 6466. An act for the relief of Edward C. Roser;

H. R. 6696. An act for the relief of Edward J. O'Rourke, as guardian of Katie I. O'Rourke;

H. R. 7027. An act for the relief of J. B. Elliott;

H. R. 7134. An act for the relief of Henry T. Hill;

H. R. 7617. An act to authorize payment to the Pennsylvania Railroad Co., a corporation, for damage to its rolling stock at Raritan Arsenal, Metuchen, N. J., on August 16, 1922;

H. R. 7776. An act for the reimbursement of Emma Pulliam;

H. R. 7809. An act for the relief of H. H. Hinton;

H. R. 7943. An act for the relief of Mrs. G. A. Guenther, mother of the late Gordon Guenther, ensign, United States Naval Air Corps;

H. R. 8794. An act to credit the accounts of W. W. House, special disbursing agent, Department of Labor;

H. R. 8846. An act for the relief of Cyrus Durey;

H. R. 8896. An act for the relief of Enriqueta Koch v de Jeanneret;

H. R. 9035. An act for the payment of claims for damages to and loss of property, personal injuries, and for other purposes incident to the operation of the Army;

H. R. 9775. An act for the relief of Sherman Miles; and

H. J. Res. 98. Joint resolution for the relief of R. S. Howard Co.; to the Committee on Claims.

PRINTING OF THE MADISON DEBATES

The concurrent resolution (H. Con. Res. 23) authorizing the printing of the Madison Debates of the Federal Convention and

relevant documents in commemoration of the one hundred and fiftieth anniversary of the Declaration of Independence was referred to the Committee on Printing.

RECESS

Mr. SMOOT. I move that the Senate take a recess until 12 o'clock on Monday.

The motion was agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate took a recess until Monday, April 26, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

SUNDAY, *April 25, 1926*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. MCLAUGHLIN of Michigan.

In the absence of the Chaplain, Rev. Dr. Joseph Dawson, of the American University, offered the following prayer:

Our heavenly Father, we come to Thee for comfort in times of sorrow. Thou wilt supply all of our needs and give us grace to bear the heavy burdens of life. The powers of body, mind, and soul come from Thee, and we give them back in service to our country and humanity. We bless Thee for the life of the one whose memory and services we revere to-day. The noble ideals of this life will abide with his coworkers in Congress and the people he represented here. Grant Thy grace in this time of need to the family bereaved, and may they feel that Thou, O Christ, art all they want, more than all in Thee they find. In days of loneliness do Thou, O God, be their companion. May Thy word be hid in the hearts of those who sorrow, assuring them that "In my Father's House are many mansions," and the Christ who spoke these words will at last receive all his followers. We pray for those who remain to carry on the work Thy servant has laid down. May they be guided by those principles of righteousness and patriotism that characterized the life of the one whose works will follow him, so that he being dead may yet speak by his influence and deeds of love to his country. Amen.

The SPEAKER pro tempore. Without objection, the reading of the Journal of the proceedings of Friday, April 23, 1926, will be postponed.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the special order of the day.

THE LATE HON. ARTHUR B. WILLIAMS

The Clerk read as follows:

On motion of Mr. MCLAUGHLIN of Michigan, by unanimous consent—

Ordered, That Sunday, April 25, 1926, at 12 o'clock meridian, be set apart for memorial services on the life, character, and public services of the late Hon. ARTHUR B. WILLIAMS.

Mr. HOOPER. Mr. Speaker, I offer the following resolutions concerning our deceased colleague.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 236

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. ARTHUR B. WILLIAMS, late a Member of this House from the State of Michigan.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Speaker, the third congressional district of Michigan in a few days less than four years lost by death three successive Members of the House of Representatives: William Frankhauser, whose death occurred on May 9, 1921, before taking the oath of office; John M. C. Smith, who died March 30, 1923; and ARTHUR B. WILLIAMS, whose death occurred May 1, 1925. I dare say that this is a record of fatality seldom, if ever, paralleled by any other single congressional district in the history of the Congress.

Three former Members of Congress lie buried in the beautiful country cemetery just outside the limits of the city of Charlotte, Mich.: Edward Samuel Lacey, who served as a Member of the House of Representatives from 1881 to 1885 and was afterwards Comptroller of the Currency; John M. C. Smith, who served from 1911 to 1923; and ARTHUR B. WILLIAMS, who served from June 19, 1923, until his death, all three, at one time or another, having been residents of Charlotte and highly honored and respected by the citizens of that community.

ARTHUR BRUCE WILLIAMS was born January 27, 1872, at Ashland, Ohio, the son of A. M. and Almira E. Williams, and died early in the morning of May 1, 1925, at Johns Hopkins Hospital, Baltimore, Md., where he had gone for an operation and after he was apparently well on the way to recovery.

When Mr. WILLIAMS was 5 years of age the family moved to Michigan, locating on a farm in the township of Brookfield, Eaton County, where he grew up in daily contact with the hard routine of work which was the common lot of the farm boy of the day. He attended the country school and the city schools at Charlotte and afterwards entered Olivet College, where he graduated in the class of 1892 at the early age of 20.

After graduating from Olivet, Mr. WILLIAMS studied law in the office of our former colleague, Hon. John M. C. Smith, at Charlotte, but upon being admitted to practice he located in the adjoining city of Battle Creek, where he continued to live until his death. In 1897 he married Miss Sue M. Wilson, of Charlotte, who survives him.

It was a distinct pleasure and privilege to me to have enjoyed his acquaintance and friendship from early boyhood and to have been more closely associated with him as a Member of the House of Representatives. I knew Mr. WILLIAMS in college, and upon his graduation kept watch of his career with that admiration and interest which an underclassman often has for his seniors in college. From the time of his admission to the bar Mr. WILLIAMS's career was one of constant and progressive success and advancement, and in a few years he was recognized as a leader in his profession in his county and in that section of the State. He was for many years the personal attorney and confidential adviser of Mr. C. W. Post, the organizer of the Postum Cereal Co., and until his death its dominating force. Mr. WILLIAMS was also the general counsel of the corporation and later one of its vice presidents and general managers.

I heard the story many years ago that Mr. WILLIAMS's first acquaintance with Mr. Post came about through a retainer which came to him as a young lawyer to prosecute and collect a claim against Mr. Post. The story was that he made such a favorable impression upon Mr. Post in the handling of that claim, which he prosecuted to a successful conclusion, that soon thereafter Mr. Post retained him as his personal attorney and as the general counsel of the Postum Co.

It is not given to many to make a success in life in more than one calling, but Mr. WILLIAMS made a distinct success in three widely different activities of life. While engaged in the active practice of the law he was a leading lawyer, afterwards a successful and prosperous business man, and, after retiring from business, a distinguished Member of the House of Representatives.

Mr. WILLIAMS was elected to Congress at a special election on June 19, 1923, to fill out the unexpired term of our former colleague, Mr. Smith. He was attracted to public service and, having shortly before withdrawn from the more active participation and management of the affairs of the Postum Co. and his other business activities, he was in a position to devote his time and his talents to it. His friends and the people of the State generally looked upon his election as a distinct asset to Congress. Business people especially were greatly pleased with his election on account of his large business experience and wide acquaintance with business men. At one time he was president of the Michigan Manufacturers' Association. His professional and business experience, together with his character and ability, made him unusually well equipped for valuable and distinguished service in this body. He entered upon his duties here with the same enthusiasm, industry, and ability that had characterized his work in other fields and was soon recognized as one of the abler and more promising Members of the House.

He was assigned to membership on the important Committees on Banking and Currency, on Public Lands, on Roads, and on War Claims, and from the start took an active part in the work of the committees to which he had been assigned both in the committee room and on the floor of the House in the consideration of the bills reported by the committees of which he was a member.

He represented an agricultural district and his interest in the agricultural problem and his desire to do something constructive and helpful toward the solution of that problem led

him early in his congressional experience to the conclusion that cooperative marketing would be of real benefit to the farmers, and he applied himself assiduously to the difficult problem of drafting legislation to bring that about. He consulted with men of prominence and experience who had made a study of farm conditions, made himself an authority upon the subject, and drafted a bill which met with very general commendation. Many of the principles and provisions of his bill were subsequently approved and recommended by the President's commission on agricultural relief.

He had the unusual honor, as a new Member, of being assigned to service on the joint committee of Congress to consider the problems growing out of the Northern Pacific land grant, and he devoted his time and energies to the work of that joint committee after the adjournment of the last Congress up to the time of going to the hospital for his operation. A distinguished Member of the United States Senate, who was associated with him as a member of that joint committee, said to me recently that he had never been associated with anyone who made a more favorable impression upon him that did Mr. WILLIAMS.

I shall not attempt to discuss his character or his life and services in detail. He was a man of exceptional ability, industry, energy, and determination and of spotless character. His private and public life was clean and wholesome and his personal habits above reproach.

As was said by one of the newspapers in his district at the time of his death:

> His work was thorough and complete. It was by that process that he built up his place in law practice and in business—

and I might add it was by that same process that he was gradually building up his place in the Congress of the United States. A few years' service in the House of Representatives would unquestionably have placed him in the front rank of leadership here.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BLACK] is recognized.

Mr. BLACK of Texas. Mr. Speaker and Members of the House, the services of ARTHUR B. WILLIAMS in the House of Representatives were all too brief. He had scarcely gotten under way in his work before death called him. But while in point of time his services were brief they were of a very high character and made a deep impression upon his colleagues.

Those of us who have served in the House for several terms know that even for men of more than ordinary ability it takes time to win recognition. Mr. WILLIAMS's ability was so outstanding that he won early recognition, and during my term of office in the House I do not recall any Member who won the confidence and esteem of his colleagues more quickly than did he.

It was my pleasure to serve with him as a member of the Committee on Banking and Currency of the House throughout his term of service, and I recall that we were appointed to serve together on a subcommittee of our committee to consider a very important bill involving numerous amendments to the national banking act. The bill involved many very technical provisions, and I soon found that Mr. WILLIAMS had a broad and comprehensive and thorough grasp of the whole subject, and that his viewpoint was that, in the enactment of any banking legislation, the important inquiry should be: Will the enactment of the legislation serve the public interest?

He was not a special pleader in politics or in public service. I have no admiration for the man who is a special pleader in politics or public service, who appeals for support to particular classes or groups of our people. I recall a story that was told once, that when Victoria was Queen of England upon one occasion she became angered at Mr. Gladstone because he would not do what she wanted him to do concerning some particular public question, and she said: "Mr. Gladstone, you must remember that I am the Queen of England." Mr. Gladstone replied, "Yes, Your Majesty; I remember that; but you must remember that I represent the people of England."

And that is my conception of the duty of a Representative in Congress—to represent the people, all of them, and not any special class or group of them, and I believe that it can be truly said that ARTHUR B. WILLIAMS measured up to the full standard of that test.

He was a quiet, unassuming, modest man with a passion for service. I never inquired whether he was a man of large wealth and possessions or whether he was a man of small means. That does not matter in the House of Representatives. Whatever faults the House of Representatives may have—and we have our full share of them—it can not be said that one of those faults is a worship of large wealth and possessions. We do not ask in this body anything about a man's wealth or his social position. There is no more democratic body in the world than the House of Representatives. The important inquiries are, Is he honest, is he sincere, is he competent, is he faithful? If these questions can be answered in the affirmative, then the Member's standing in the House is assured. It was because these questions were answered in the affirmative in the case of ARTHUR B. WILLIAMS that he won the confidence and esteem of his colleagues, both on the Democratic and Republican sides.

I recall that the last time I saw him, just before the House adjourned, he seemed to be in good health, and I was astounded when I heard of his sudden death a few weeks later. I was reminded, as we were all reminded, that in the midst of life we are in death. As we older grow we realize that there are but few things that really abide. The most beautiful flower that ever bloomed among the sons of men withers and passes away with the sighings of the wind.

The most majestic oak that ever nodded its defiance to the storm at last decays and falls beneath the merciless stroke of the angry tempest. Men ascend the dizzy heights of fame, and it may be for a time dazzle the eyes of the world, but death steps across their path, lays his icy hand upon them, and without so much as leave to bid farewell they are gone. The fiat of nature is inexorable. There is no appeal from the great law which dooms us to dust, but just as the seeds of death are sown in every man so also are the instincts of immortality. This hope of a future existence has found form and expression as far back as history and tradition go. What means this longing after immortality? This pleasing hope, this fond desire expressed in the poetry and song of the ages? This hope which has been the inspiration of the painter to paint his most beautiful pictures? The inspiration of the sculptor to chisel his finest figures? The inspiration of the poet to sing his sublimest songs?

> 'Tis the divinity that stirs within us;
> 'Tis heaven itself, that points out an hereafter,
> And intimates eternity to man.

There is an old English legend about the calling of the sea. When this occurs on a windless night the sound not only echoes through the houses along the beach, but it is heard many miles away. The superstitious look upon it as a summons to death. Tennyson makes use of this legend in his beautiful poem, Enoch Arden. Says he:

> While Enoch slumber'd, motionless and pale,
> And Miriam watch'd and dozed at intervals,
> There came so loud a calling of the sea
> That all the houses in the haven rang.
> He woke, he rose, he spread his arms abroad,
> Crying with a loud voice, "A sail! a sail!
> I am saved," and so fell back and spoke no more.

I have no doubt that when in this, perhaps, unexpected hour our friend and colleague, ARTHUR B. WILLIAMS, heard the calling of the sea his spirit was able to catch the vision of a sail and that his soul now rests in a peaceful harbor to await the judgment day.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. HOOPER] is recognized.

Mr. HOOPER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by inserting in the RECORD the funeral sermon delivered on the occasion of Mr. WILLIAMS's funeral at Battle Creek, Mich., and such editorials as I may wish to use.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none. The Chair believes it is customary for some one to ask unanimous consent that all who speak have the privilege of extending their remarks. Without objection, it will be so ordered.

There was no objection.

Mr. HOOPER. Mr. Speaker, on the 27th day of April, 1924, Hon. ARTHUR B. WILLIAMS, in whose memory we assemble here to-day, rose in this House on the occasion of the memorial exercises held in honor of his predecessor, Hon. John M. C. Smith. In his opening words he said:

> Having lived during my earlier life in the county where he resided, I was fortunate in having an intimate and cordial acquaintance with John M. C. Smith for more than 30 years. It was in his law office that I studied, and it was from his office that I proceeded to a near-by city to commence the practice of the law.

With the change of a few words I might so begin my address to you. That near-by city to which he proceeded was Battle Creek, Mich.; it was there 30 years ago that I met Mr. WILLIAMS; it was in his law office that I studied; and it was there, as his pupil and his friend, that I commenced the practice of the law. For many years I lived within a few paces of his home, and it was from this long acquaintance that I come to know him better, perhaps, than you who served here with him.

In 1897, newly graduated from high school, I began the study of law in Mr. WILLIAMS's office, and it was as a lawyer I knew him best. Mere boy that I was, I had been associated with him but a few days when I began to feel something of his intellectual power and to tell myself that he was a man who would surely tread the pathway of success and honor. He was a tireless student of the law; but, unlike many successful lawyers, he did not confine his studies to reports and textbooks, but eagerly sought and read whatever he thought would broaden his culture and enlarge his knowledge. He was well fitted by nature for success in the law. He was tall and of distinguished presence; his voice was pleasant and well modulated; he possessed a conciseness and clarity of statement, a concentration of attention upon the subject before him, a capacity for hard work which fitted him as few men are fitted for the arduous work he was called upon to perform. But perhaps the secret of his success was his unyielding, his unquestioned integrity. Associate and opponent, judge and jury, believed in his unswerving honesty. No lawyer can have forensic weapon more powerful than this.

Mr. WILLIAMS rapidly advanced to the front rank of the bar in Michigan. He took part in many of the most important cases tried in southern Michigan during his active practice at the bar. He was the advisor of many great enterprises and wealthy clients, but he gave to the poorer client, many of whom were always seeking his aid, the same courtesy, the same attention, the same ability and learning as he gave to the rich and the influential. He never forgot, in the midst of success, "the short and simple annals of the poor"—annals not unfamiliar to his ears in the days of his youth.

The day came, however, when he was to lay aside the strife and care of a general practitioner of law. The Postum Cereal Co., of Battle Creek, induced him to give up his private practice and to become its general counsel. He did so with reluctance, for he loved the work before court and jury and knew, as Roscoe Conkling once said of himself, that his true place was before 12 men in a jury box. But he entered upon his new duties with the ardor which always marked him in whatever he undertook.

When I was studying in his office he more than once said to me:

> I am going to work toward one end. I want, before I am too old, to give the latter part of my life to public service. I want to be in a position to serve unhampered by my own needs or those of my family. If I can do this, I will consider my life well spent.

He realized his life's ambition. With perfect honor, with the cleanest of hands and heart, the years brought him a day when he could step into great public service. A vacancy occurring in Congress from the third congressional district of Michigan, he was sent by the people to represent them in this body.

In sending Mr. WILLIAMS to Congress our people knew that they were matching him with no unworthy predecessors. Julius C. Burrows, of Kalamazoo; Washington Gardner, of Albion; the greatly beloved John M. C. Smith, of Charlotte; Alfred Milnes, of Coldwater, were but a few of the distinguished men whom our district has sent to Congress. Hon. William Frankhauser, of Hillsdale, though he did not live to take the oath of office as a Member, would have ranked with those whom I have named. Mr. WILLIAMS fully realized this, and so did our district, and in electing him we thought we were sending the one man who would surely carry on most worthily the work of his predecessors.

That he justified our best hopes is now a part of the history of this body. In the brief time that I have been a Member of this House, almost every older Member to whom I have been introduced as the successor of Mr. WILLIAMS has told me of his admiration for my predecessor, of his ability in committee and on the floor, of the general sorrow felt here for his loss. That he would have made for himself a national reputation can not be doubted. He possessed the elements of true greatness; and here in this Hall his essential greatness was making itself manifest when the beckoning finger of the Angel of Death called him away.

The last time I heard Mr. WILLIAMS speak in public was in the summer of 1924, after he had served his first session in this House. He was filled with enthusiasm for his new work; he had nothing but good to say of this body and its entire membership. He had high hopes for a bill which he had introduced for the relief of the farmer, a subject near to his heart, and to which he had given infinite labor and study. He spoke with affection and admiration of many individual Members. He was in the prime of his life, and, as it seemed to us who heard him, of his vigor and promise for the future. He was reelected that fall by a great majority. He was given, if ever a man was given, a vote of confidence by the people of his district. We looked forward to many years of increasingly useful public service upon his part.

These hopes were dashed by the unlooked-for news of his death, following an operation at Baltimore. His body was lovingly borne to the beautiful cemetery at Charlotte, where for all time he will lie among those with whom he spent his youth.

He was able and strong; he had made his own way in life to comparative wealth; he had been greatly honored by those among whom he lived, for those qualities the sum total of which is called success. But better than all this, he was clean and kindly and honest.

> Scarce had he need to cast the pride or slough the dross of earth,
> E'en as he trod that day to God, so walked he from his birth,
> In simpleness and gentleness and honor and clean mirth.

He was devotedly attached to his wife and two little daughters, to his aged and honored father and mother. In his life there was "much to praise, little to be forgiven."

It is no light task to follow in the footsteps of such a man. As his friend of many years, his pupil, his successor in this House, I pray that I may not be unworthy in taking up the work where my friend laid it down.

Mr. Speaker, under leave to extend my remarks in the RECORD I include the following address of the Rev. Frederick H. Bodman at the First Congregational Church at Battle Creek, Mich., at the funeral of our late colleague, and editorials from the Enquirer and News and the Moon-Journal, newspapers of Battle Creek, Mr. WILLIAMS's home city:

SERVICES FOR HON. ARTHUR B. WILLIAMS, CONDUCTED BY REV. FREDERICK H. BODMAN, AT FIRST CONGREGATIONAL CHURCH, BATTLE CREEK, MICH., MONDAY, MAY 4, 1925, AT 2 P. M.

In the following lines a poet gives us a description of life:

> "Hope and despondence, and pleasure and pain
> Are mingled together like sunshine and rain.
> And the smile and the tear, and the song and the dirge
> Still follow each other like surge upon surge."

In all ages amid this interplay and clash of opposing forces, which is life, a Divine Voice has always whispered, "Fear not, for I am with thee. I will never leave thee nor forsake thee. When thou walkest through the waters, I will be with thee; and through the rivers they shall not overflow thee. Lo, I am with you alway, even to the end of the world."

If, in the hoary past men of God spake as they were moved by the Holy Spirit, men of God speak as they are moved by the Holy Spirit to-day. "In no age hath God left Himself without witness." Indeed, history is punctuated at intervals by the appearances of dreamers and seers, poets and prophets, who leave golden and imperishable words for human guidance.

In our day, Longfellow sings: "Life is real! life is earnest! and the grave is not its goal."

Browning says: "My sun sets to rise again."

Tennyson sings: "Life is life evermore. I hope to see my Pilot face to face when I have crossed the bar."

Whittier says:

> "Alas for him who never sees
> The stars shine through his cypress trees—
> Who hath not learned in hours of faith
> The truth, to sense and flesh unknown,
> That life is ever lord of death
> And love can never lose its own."

Oliver Wendell Holmes exclaims:

> "Build thee more stately mansions, O my soul,
> As the swift seasons roll!
> Leave thy low vaulted past!
> Let each new temple, nobler than the last,
> Shut thee from Heaven with a dome more vast,
> Till thou at length art free,
> Leaving thine outgrown shell by life's unresting sea!"

Browning says:

> "Body may slumber, body shall cumber
> Soul flight no more.
> Waft of soul's wing! What lies above?
> Sunshine and love. Sky-blue and spring!
> Body hides! Where? Ferns of all feather,
> Mosses and heather, yours be the care."

In the words of Whittier:

"Well for us all, some sweet hope lies
Deeply buried from human eyes.
And in the hereafter, angels may
Roll the stone from its grave away."

My friends, there are times when language seems inadequate, when words can not be found which express fully the feelings of the heart. At such times we fall back on other symbols. Music—sweet, magic, divine music, such as we have listened to this afternoon—says for us what we can not say for ourselves. Then these flowers, in all the beauty of their color and form, in all the sweetness of their fragrance, speak for us, too. And if they whisper this afternoon of sadness and sympathy and warm, falling tears, they breathe also of hope, and faith, and friendship and love. The friendly sympathy of a whole community goes out in this hour to Mrs. Williams and her daughters and to this father, mother, and brother, and to those other suffering souls. I know I speak for every one in this church and for many outside the church, both near and far, when I say to Mrs. Williams: "May all love, his love unseen but felt, o'ershadow thee, the love of all thy dear ones comfort thee, till God's love set thee by his side again."

In Europe there is a river which has its rise in the Swiss Alps and its outlet in the North Sea. A glacier has moved slowly down into the warm rays of the sun; and drops of water, which had been crystallized and held as prisoners for no one knows what countless millenniums, are at length set free and go running away in possession of their new-found liberty. As the little stream thus formed goes singing on its way, it is reenforced by other little streams which play into it on either side, increasing its energy and its momentum. Soon it becomes a rushing mountain torrent. And as though conscious of its youthful strength and power, it goes leaping and plunging and shouting on its way in a regular riot of unrestrained energy and glee. Follow it and you will witness another transformation. The stream has widened out and slowed down. It is less noisy and demonstrative. It flows now with a certain stateliness and majesty, for it has taken on, at least, the breadth and depth and volume of a great and noble river, bearing upon its bosom the commerce and fleets of mighty nations. And, further on, with a movement still more slackened, it merges itself almost imperceptibly at last in the waters of a mighty sea. Some one has said: "Never a river so weary but comes to the sea at last." Out of the sea originally it came, into the sea finally it goes. And the story of the river is a parable of life.

At first each finite life separates itself from the infinite life as drops of water separate themselves from the glacier. Thus it begins its tiny career. Through the periods of infancy and childhood, influences of many kinds play into it on every side—contributing to its growth, and adding to the sum of its energy, strength, and vitality.

In the period of youth it is noisy, capricious, more or less unrestrained, and irresponsible. But by and by a great change is noticeable. With rising self-consciousness and dawning pride it begins to quiet down, to behave itself with a certain dignity. It is the fateful hour of manhood when it receives upon its youthful but strong shoulders, and thenceforth uncomplainingly carries, the appointed burdens which life has reserved for every soul—burdens of toil and struggle, burdens of care and responsibility, burdens of service and misunderstanding, burdens of disappointment and burdens of grief. And further on, fate willing, it reaches the period of age when, with chastened spirit, with natural force abated and movement decidedly retarded, it returns at last to the source from which it came. From the invisible it came; to the invisible it goes. The Koreans never say of a man "He is dead." They invariably say "He has returned." They take it for granted that because he came he will also go back. Let us say of our friend, "He has returned." And just as when we come into this world, we find our coming anticipated and arranged for, and are received into arms of loving care, let us believe that when we return we shall find an arrangement made for us which is none the less complete.

They can not be where God is not
On any sea or shore.
Whate'er betides, thy love abides,
Our God forevermore!

ARTHUR WILLIAMS began life without property. He ended in affluence. He began at the bottom of the ladder. He ended, politically, up near the top. He began on a farm; he ended in Congress. These are the big outstanding facts in his career, and naturally his friends are proud of the record.

To refer this accomplishment wholly to luck, accident, or external circumstance is completely to misunderstand it. Indeed, no explanation is sufficient which leaves out of account the personal factors of ambition, purpose, application, months and years of incessant and strenuous toil, everlasting persistence, invincible courage, and indomitable will.

So far as circumstances are concerned, it should be noted that they were not always favoring. ARTHUR had largely to make his own way through college, getting an education and by self-denial and special exertions contriving as he went along to pay for it. Then, at periods of his life, his health was none too good, a circumstance which might easily have proved a fatal handicap in the experience of anyone less fortified than he by unconquerable determination.

After college came law and admission to the bar. He opened an office for the practice of his profession in Battle Creek. His ability and success attracted the attention of the late C. W. Post, and in 1911 Mr. WILLIAMS gave up private practice to become legal counsellor of the Postum Cereal Co.

As time passed and the work to be done increased in amount and variety, and as the problems to be solved more and more presented a growing complexity, the natural powers of our friend seemed steadily to grow and develop in order to measure up to them. There was observable a marked increase in the power to concentrate, in the perceptive power, in the power quickly to grasp a situation in all its bearings. There was a marked increase in the power to execute tasks in a masterly fashion. His friends were sometimes surprised at the evidences he gave of a constantly growing capacity, and their fond hopes rose proportionately.

The legal training and practice combined with the broad business experience and the state-wide acquaintance constituted an admirable equipment for the new duties in the political field.

With his election to Congress, it seemed as though the desire to render large, disinterested, and distinguished public service literally possessed him. And it is the general verdict, I find, that in the short time allotted to him he made an auspicious and gratifying beginning. Indeed, the people of Battle Creek and of the third district were coming to look upon their chosen representative in Washington with feelings of pride and were coming to cherish great expectations.

In the midst of the large and pressing duties with which he was beset he was never too busy, nor too tired, to give time and thought and effort to help individuals who desired assistance, even in purely personal and private matters. And those who applied to him in this connection found him kindness and courtesy itself.

The coming of two dear little children into his family circle some years ago produced a marked effect upon his personality—bringing out a different side of his nature—and charming forth, as children do, the tenderer virtues.

ARTHUR WILLIAMS never entered upon a new year with such bright prospects and surrounded by so many loyal, admiring, trusting friends as he had on January 1, 1925. Had fate spared him it is not at all inconceivable that he should have won a seat in the United States Senate.

The difference between the sleeping soul and the soul that is awake, between the soul that is dead and the soul that is alive, is in the fact that the latter clearly sees the larger, higher, nobler life around him and above him, and ceaselessly strives to grow into that larger, higher, nobler life and utilize its opportunities for the service of mankind.

The loss of Mr. WILLIAMS is no less than a public loss. His memory will be cherished in the hearts of his friends. Hail and farewell!

PRAYER

In weakness be Thou our strength. In darkness be Thou our light. Keep burning on the altars of the heart the fires of faith and hope and love. Help us to appreciate the kind offices of religion with its checks and restraints, with its incentives and its inspirations. It is the only thing that gives value and glory and divineness to life.

Bless all homes to-day on which the deep shadow is resting and all hearts that are torn and aching with grief.

"So long Thy power has blessed us
Sure it still will lead us on;
O'er moor and fen, o'er crag and torrent
Till the night is gone.
And with the morn, those angel faces smile
Which we have loved long since
And lost awhile."

Amen.

BENEDICTION

May grace, mercy, and peace from God, the Father, be and abide with us now and evermore. Amen.

COMMITTAL SERVICE, CHARLOTTE, MICH.

I know with what searchings of heart men have always gathered around the new-made graves of their friends, but I hold this to be self-evident that no man ever yet left a friend in a grave. What we leave here is of the earth, earthy. It is the soul's cast-off garment. It is the clod out of which the spark has gone. It is the shell from which the pearl has been gathered.

Jesus said: "Let not your hearts be troubled. In My Father's house are many mansions."

"I can not think that thou art far—
Since near, at need, the angels are;
And when the sunset gates unbar,
Shall I not see thee, waiting, stand
And white against the evening star
The welcome of Thy beckoning hand?"

With this flower, the symbol of the unfolding of an aspiring life, and with this green, the emblem of the immortality of all that which aspires, let us give the body of our dear one to its resting place amid the leaves and grasses and flowers of the field, kissed by the sunshine, watched over by the silent stars of night, and let all be done in the faith that eye hath not seen, that ear hath not heard, that heart hath not conceived the things that God hath prepared for them that love him.

"The Lord bless you and keep you, the Lord make His face to shine upon you and be gracious unto you, the Lord lift up His countenance upon you and give you peace!"

[From the Enquirer and News, Sunday, May 3, 1925]

ARTHUR WILLIAMS

It was evidence of the place he held here among his friends—a greater and a dearer place to him than any which political honors brought him—that the title of "Congressman" was a strange one here and seldom found use against the competition of the universal first-name title by which real friends know their real friends.

Still the appraisals of the loss represented by the news of his death include the fact that the Congressman as well as the first-name friend is gone.

A fine, square, loyal friend to all who rightly knew him; one whose friendship reflected the unusual qualities of his mind and heart—and a Congressman exceptionally gifted with vision to see and ability and purpose to serve the country's great present needs.

In all its aspects the loss is real and it is heavy—heavy alike to the friends who have lost so good a friend and to the city which has lost so good a citizen and to the public interest which has lost so able and active a servant.

The outstanding qualities of ARTHUR WILLIAMS were sincerity, honesty, and purpose. Nothing less than capitalization would fittingly signify the purpose which moved him and caused him to give to every task that came to him the best that he had. He had pride in doing his task well, and he had a very far-reaching understanding of what the task was for. Purpose sent him as a boy from the farm through high school and college. Purpose sent him as a student to a country law office and gave him admission to the bar. Purpose and an exceptional coordination of mental faculties made him the marvel in application and concentration of those who knew him in his early days. Purpose plus ability built for him one of the large law practices of Michigan out of beginnings so humble here that at first the problem of existence was a difficult one.

And so he went on, always knowing a thing that was worth doing, always doing it with exceptional thoroughness and ability, and always directed and regulated by a sincerity and honesty that were part of his subconsciousness.

He became a Congressman through no illusion concerning the privilege of the place, or of the dignity of office holding, but because of the impulse which had moved him forward from boyhood—the belief in his obligation to render constructive service. He often talked this possibility with his friends, as business success came to him and the question of retiring from business or professional activities was considered. He read into the proposition of retirement the question of shirking—and in his whole life ARTHUR WILLIAMS had never shirked. He considered the question abstractly and impersonally: Should a man who has means and special training and experience along useful lines quit responsibilities when he can, or does he owe an obligation to public service? ARTHUR WILLIAMS had decided that such a man owed an obligation to the public.

It is very likely that in measuring up to that obligation he brought about his death. His office hours in Washington knew no limit, and his weeks knew no holidays or rest days. He worked harder for the public than he had, in his mature years, worked for himself or for the businesses that employed him.

It was the opinion of many impartial observers that he had made a place, through a progress almost unprecedented, in Washington. He had become a national influence. It was natural that he should do this. Those who knew his abilities and his purpose knew that he would do what he did.

A very large career in Government was opening up for him; and surely there was, and is, need for him.

It is difficult to understand the decrees of fate which remove so useful a man, so fine a friend, so constructive a citizen, in the very prime of his strength and ability.

This is a sad occasion for Battle Creek. Its reflections bring some compensations, however.

They bring the memory of a fine friendship, built out of fine qualities of manhood, and they bring the inspiration of the example of a man who lived life very earnestly, very devotedly and so doing lived it very well, indeed.

[From the Moon-Journal, Friday, May 1, 1925]

CONGRESSMAN WILLIAMS AND HIS WORK

The community was never less prepared for the shock of a death message than to-day with news of the passing of Congressman ARTHUR B. WILLIAMS at Johns Hopkins Hospital in Baltimore. That Mr. WILLIAMS was ill and had undergone an operation of some seriousness was well understood, but a fatal termination of this experience was not anticipated. Friends of Mr. WILLIAMS in Battle Creek were counting on his spending a large part of his convalescence here, taking it, as a matter of fact, that all he would require was time to recover.

Mr. WILLIAMS's life has been interesting and unusual. A poor boy on an Eaton County farm, he worked his own way through college and obtained his goal, admission to the bar, not without hardships. Then, through affiliation with the late C. W. Post, he not only took on new work, but made good as a business man, as well as attorney, and was not overlooked by Mr. Post in the latter's last hours.

It is not often that a man so comfortably off, from a financial standpoint, is willing to enter the rigorous life of a Congressman, and Mr. WILLIAMS's decision to become a candidate created considerable surprise among his friends. His election to the vacancy at Washington was no easy matter, in view of some exceptional opposition, and it must have been gratifying later, when Mr. WILLIAMS was chosen for a full term as Congressman, for him to note the increased majority.

Mr. WILLIAMS as a Congressman has given exceptional thought and attention to his work, and even those who opposed his selection must admit that he carried brains, as well as energy and good intentions, into the office. There was every reason for believing that greater honors would come to him in natural sequence.

But sickness and death know no compassion, and the fact that a man has become of real service to his community and his country is no obstacle when they strike. It is often very hard to understand why men who serve best are not spared for further service—and this is another instance of what seems like a miscarriage of justice and right. But it is fortunate in many ways that Mr. WILLIAMS was spared until after he had become a national figure. This was the recompense of service. Had death come before he became Congressman from this district, he would have been remembered through the years as a skillful lawyer and an important unit in a successful American industry, as a man who started humbly and acquired that by which so many men measure success, a comfortable financial condition. But now he will be remembered as a man who, at a period of life when he did not need to enter politics as a stepping stone to success, he felt the call for better men at Washington and accepted the challenge. Mr. WILLIAMS has done some good work in Congress—some work that will now stand as his monument. And it is certain that had he lived this work would have developed to an even greater fullness, for Mr. WILLIAMS was mentally equipped to "carry on."

For Mrs. Williams and the family the sympathy of this community will be extended with general unanimity.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon [Mr. SINNOTT].

Mr. SINNOTT. Mr. Speaker and fellow Members, a very deep and sacred sense of the duty, which I feel I owe our deceased colleague, ARTHUR B. WILLIAMS, impels me to attend these memorial exercises and to add a few words in honor of his memory.

I worked many days in committee with him. I feel he made the supreme sacrifice on the field of his congressional labors. He was a member of the Public Lands Committee of the House, of which I had the honor to be chairman.

This committee is not a theater for spectacular display. It offers few avenues for headlines in the metropolitan press. It is a committee that demands most careful attention, most exacting work, if the Nation's patrimony in public lands, in forests, in minerals, and water powers is to be preserved.

The committee as a rule is composed of a majority of western members who have a peculiarly local interest in the problems there considered. Many of the western members, including myself, from a legitimately selfish point of view as well as from a national point of view, desire to have upon this committee a fair representation of what we call eastern membership, and with us any State east of the Mississippi Valley is an eastern State. But as a rule, it has been my experience, the so-called eastern members, after a few days' service upon the committee, often find the tasks there rather tedious and irksome, and frequently view the problems or attend committee meetings in a rather perfunctory manner and leave the solution of these great western problems to the far western members.

There are some notable exceptions to this rule. One notable exception was Mr. LOUIS C. CRAMTON, who, I understand, suggested that Mr. WILLIAMS have a place upon the Public Lands

Committee of the House. Mr. WILLIAMS was another exception to this general rule. Mr. WILLIAMS devoted himself assiduously to the work of the committee. He studied its problems. He was very attentive upon committee meetings and hearings. The fact he was an eastern member, and most of our problems did not immediately concern his district, made no difference with him. He was conscientious in his work. He felt he had a solemn duty, a solemn obligation, and responsibility to represent the Nation in these great problems we were considering. His attention to committee work and his understanding and study of these questions, attracted not only the attention of the committee itself but the attention of the House and the attention of the Speaker in the last Congress. Therefore when a joint resolution was passed directing that a joint committee of the House and of the Senate be appointed to examine into the Northern Pacific land grant, Mr. WILLIAMS was selected as a member of the joint committee, and in selecting him as a Republican member of the joint committee, the Speaker paid him a deserved compliment when he passed over seven Republican members who ranked him upon the committee.

I think his death is due to the intense work and labor with which he took up that great task. It was, indeed, a stupendous task, a stupendous task even for one in good health, in the vigor of early manhood. The investigation embraced some 40,000,000 acres of land, worth all the way from $200,000,000 to $500,000,000 or $600,000,000; 25, or perhaps 30, complicated, often contradictory and ambiguous statutes had to be scrutinized and examined; some 1,000 decisions of the Supreme Court had to be analyzed; 3,000 pages of testimony were taken and the work is not yet concluded.

Into this caldron and maelstrom of controversy our friend, who was not in good health, plunged himself from a solemn, sacred sense of duty. I was chairman of the joint committee; he sat alongside of me on the committee for many weary, weary weeks, sat there when he told me the doctor was advising him from day to day to go to the hospital for relief. He would not go. He wanted to stay upon the committee until certain important facts were developed.

He was particularly fitted, except so far as his health was concerned, for this work. The members of the committee looked upon him as one of their most valued members. We had complications regarding stock transfers, stock manipulations, and two or three enormous railroad mortgage foreclosures.

Mr. WILLIAMS was better fitted than any member of the committee to scrutinize these corporate transfers, these stock transfers, and these foreclosures. Along that line the committee unconsciously—we naturally—deferred to his judgment, because we felt he was a master of that situation, and I do not see how we can ever repair his loss.

If it is ever your occasion to examine this voluminous record in these hearings, you will find that some of the most pertinent facts bearing upon the land grant were developed by Mr. WILLIAMS. We all felt he had the keenest, the most analytical mind upon the committee. He was our best cross-examiner, whether it was the cross-examination of the president of a great railroad stretching from Puget Sound to the Pacific coast; whether it was examining their chief counsel or their subordinates; but in his cross-examinations he was always tactful, considerate, and courteous, even when probing into the most complicated or seemingly suspicious transactions.

I think I voice the sentiment and the thought of all the members of this joint committee, whether upon the Senate or the House side, that in the loss of ARTHUR B. WILLIAMS our joint committee, our Congress, and our country have suffered an irreparable loss. I shall never look upon his like again, and to his spirit I may say—

Well done, thou good and faithful servant.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, for the third time within four years the House of Representatives pauses to pay a tribute of respect to the memory of deceased Representatives in this body from the third congressional district of Michigan. The changes wrought by the grim reaper are swift and startling. This brings home to us the unerring truth that—

As for man, his days are as grass; as a flower of the field, so he flourisheth. For the wind passeth over it, and it is gone; and the place thereof shall know it no more.

Nor does his heavy hand fall always on the aged and feeble, but often upon the strong and middle-aged.

Life is a strange affair after all. Whether we dwell upon the mountain peaks of aspiration, in the valleys of despondency, or in the yesterdays of our sorrows, we understand it not, and the strangest fact of life is death.

ARTHUR B. WILLIAMS was in the prime of his usefulness. I have often heard it said of him that he was a self-made man, and in a way this is true. Born on a farm, he was not of wealth; neither was he of poverty. He came from good stock; his home environment was splendid. As the twig was bent so the tree was inclined. He grew to young manhood amid proper home surroundings; but it was his own initiative that made him succeed, and he acquitted himself well. Working his way through college, he chose law as his profession.

The trials and tribulations of the young attorney were his, but ere long his ability, industry, and integrity attracted the attention of those in his community requiring legal service. He became a good lawyer, and through the law made business connections enabling him to develop into one of the leading business men of Michigan.

I first met him when he was president of the Manufacturers' Association of the State. To that work he gave his usual attention and time, and the organization was stronger and better for his having been its president.

When Mr. WILLIAMS came to Congress our casual acquaintance became more intimate. He was inexperienced in legislative work, but approached the task before him with characteristic frankness and energy, and soon was known as one of the leaders among the new Members in Congress. He was naturally conservative. He believed in his country, its Constitution, and its traditions. The history of the past had with him an important place in shaping the legislative policies for the present. To him it was inconceivable that any class, group, or bloc of our citizens should seek special legislation, which legislation did not fit in the plan which our forefathers had so carefully worked out for the protection and prosperity of all the people.

Politically he was an upstanding Republican, with a fervent belief in the tenets of that party, and he was courageous and fearless in passing upon legislative matters. Men of his stamp and courage are essential to our Republic. The success of representative government depends not only upon the wisdom but also upon the courage of those intrusted with authority.

Mr. WILLIAMS realized that a Representative should be something more than the mere registrar of an apparent public sentiment, and that the people at home wanted a Representative who would think for himself, investigate for himself, and have the courage to do what he believed to be for their best interests, even though they may for the moment have different views. During his short term in Congress he clearly demonstrated that he was not one of those who acted under the impulse of excitement and statements not founded upon facts. ARTHUR B. WILLIAMS always acted conscientiously. The controlling factor with him was right or wrong. I think I can truthfully say that he had no use for the Representative in Congress who gave momentary clamor of an organized minority precedence over well-thought-out economic principles. His highest aim seemed to be to serve his country and all the people of that country, and his vision of legislation was their wants and needs.

He had the respect, the confidence, and the affection of his colleagues on both sides of the Chamber. This was not owing to any arts practiced for popularity; still less to being all things to all men, which was impossible to him. It was wholly due to his character, to the quality of the man. He was of strong character and rigid honesty alike in thought, in word, and in action.

If all the Members of Congress took as seriously the work at hand as did our colleague, the work of this body would be much more intelligently done. As a member of the Committee on Claims he gave to the claim of the humblest citizen, regardless of the amount involved, the same painstaking care and study to which he gave to legislation pending before the great Committee on Banking and Currency, of which he was also a member. We who knew him best know that he was overworked. After the adjournment of Congress on March 4, 1925, he remained in Washington, giving special attention to a committee assignment of vast importance, and labored daily until he entered the hospital for an operation, which he did not feel would prove serious. The end came unexpectedly. He died in the harness. A useful and illustrious legislative career was cut short in the beginning.

In private life he had accumulated a modest fortune, as fortunes are known in the community where he resided; he had retired from active business with the expressed intention of

devoting his remaining days to public service, and in his going his district, his State, and his Nation have lost, not only a good citizen but an able advocate of the fundamental principles of good government. In this body he will linger long in the memory of many men who respected, admired, and loved him.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Speaker, the House of Representatives furnishes to its Members a most interesting and fascinating panorama of changing events and personalities. One of the first personal friendships which I made in the House when I came here in 1919 was that of the Hon. John M. C. Smith, of the third district of Michigan. I do not remember just what it was that brought us early together; but I had for him a very great affection and a much more than ordinary interest. Therefore I was not only surprised but somewhat disappointed when he announced his determination to retire from the House; and then to my further astonishment I learned that his successor to be was a brother of a close personal and political friend and associate of mine in my own congressional district, the Hon. William H. Frankhauser, who was the brother of Mr. E. I. Frankhauser, a member of the city council of Chicago, a prominent lawyer and a man of very high standing in our community. I was thus interested in becoming personally acquainted with Mr. Frankhauser. He passed away before he could present himself before the bar of this House to take the oath of office, and then Mr. Smith was elected to succeed him, and he too soon thereafter passed away suddenly and unexpectedly.

I therefore took a peculiar and special interest in observing his successor, of whom I knew nothing until I saw him on the floor. I did not serve on any committee with him. I merely knew him as a Member of the House. But I was very deeply impressed with his fine personal character, with his devotion to duty, and particularly with his apparent independence of thought and action. I am satisfied he was never swayed by anything of a personal interest. While a loyal partisan member of his party, he followed leadership only because of his own conviction that that leadership was right.

Very early he had the quite unusual experience and privilege in this House of sponsoring a large piece of legislation, an agricultural relief proposal, and of having the opportunity to argue and plead for that legislation on this rostrum. Very few men achieve that distinction so early in their service in the House of Representatives.

I have taken this moment, therefore, Mr. Speaker, because of the peculiar experiences which I have had with reference to the third district of Michigan, to express my deep sorrow and regret that the Hon. ARTHUR B. WILLIAMS was so early taken from his labors in this House, and also to make record of my high admiration of his sincerity, his integrity, his independence of thought and action, and of his high and upright personal life.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan [Mr. VINCENT].

Mr. VINCENT of Michigan. Mr. Speaker, my acquaintance with the Hon. ARTHUR B. WILLIAMS began with our coming to Congress. I had not had the opportunity prior to that time of knowing him. We were sworn in as Members of this body for the first time on the same day, and I think I met him a few days prior to that occurrence. From then on our personal contact, of course, as members of the Michigan delegation was frequent and most cordial.

To my mind one of the greatest personal gratifications that come from having a seat in this body is the opportunity it affords for close acquaintanceship and friendship with the many men of fine character and splendid attainments who appear in the membership of the Congress of the United States; and among the men of that type with whom I have been allowed to come into friendly relations I place ARTHUR B. WILLIAMS among the highest on the list. I admired his personal character, as I knew it from others before I came here. I knew something of his attainments and achievements before I met him. My immediate reaction to him was a feeling of trust, respect, and confidence in him. He seemed to have a personality which drew out that sort of reaction, and upon closer acquaintance and more thorough knowledge of the man, that feeling constantly grew with me.

To my mind he was most unusually well equipped to enter into the work of Congress. Few men before they come here make outstanding successes in more than one career. ARTHUR B. WILLIAMS had made a very great success in the profession of the law, not only in his own city of Battle Creek but throughout the counties of southern Michigan, and had attained a place where he was looked upon as one of the very leading lawyers of that section. A man like me, who has made a more modest success in that same profession in a town of somewhat similar size, can have some appreciation of the intense application, the high character, and the splendid ability which he must have shown in order to reach the place he did reach in the legal profession at his time of life. And then he stepped out of that sphere and entered into the management of one of the greatest business enterprises in southern Michigan, and there again he made a very tremendous success of his business career.

He came here, then, with the success I have spoken of in two dissimilar vocations already achieved, either one of which could be said to have been an adornment of a whole lifetime of active work, and he came, of course, equipped with the experience and knowledge that would be gained from following to a successful conclusion those two dissimiliar careers.

I believe that the eminent work he had done in those two vocations stood him in great stead here in Congress. It was not long before not only our own delegation appreciated his abilities and his character but the whole House came to know of ARTHUR WILLIAMS as an outstanding new Member of this body, and he was always treated with splendid respect because he was entitled to it on the basis of his own worth.

The sort of man, I think, who makes a real success of his career in Congress is the man who can inspire others first with confidence in his sincerity, and then respect for his judgment and knowledge. ARTHUR WILLIAMS, it was patent to the world, was always sincere in every position he took during his public career in this body, and through his former experience and the untiring industry that he gave to the problems that were presented to him he was able to bring to bear a splendid judgment and a fine knowledge of those varied questions.

I am glad it has come to me to be able to have known him and to have had the benefit of his fine example and personality. To me he was a most genial, friendly man, without any overemphasis of those qualities. He had none of the arts of the glad hander; he had none of the ways that we usually associate with those of the self-seeking politician; he had none of the methods that we have come to designate as those of the "live wire" in certain lines of business activities. No; he was a self-respecting, friendly, genial, but upstanding and manly man. This House, I think, is the better for his having come here and the country is the gainer from his having contributed his bit to the Government of his Nation.

It has done my heart good to hear those colleagues of ours from other States, with whom he served on committees, testify to that unflagging and untiring industry of his, which demonstrates that to him a seat in Congress was a call to duty. If ever a man proceeded toward his work in the spirit of a true soldier of the commonweal, it seems to me ARTHUR WILLIAMS was that kind of a man. When he approached the work of his last few weeks with danger to his own life and in opposition, as I know, to the advice of his physicians, he was demonstrating then the core of his life, it seems to me, which was to place duty first of all at whatever cost to himself.

It is no small honor to represent a splendid district like that which he was called upon to represent in the Congress of the United States, but that honor is made much brighter and more worth while because of the manner in which he discharged the duties connected with it. As I said, he achieved two great successes before he came to Congress, and I am sure there would not be a dissenting voice among the membership of this House to the assertion that he had laid the basis of another great career after he came here. He was an honor to Michigan and an honor to the House.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. KETCHAM] is recognized.

Mr. KETCHAM. Mr. Speaker, the span of years is not the true measure of a man's life. To exceed the proverbial three score and ten is indeed a noteworthy accomplishment on the purely physical side, especially when we consider the tremendous pressure under which life is lived in these days, but unless those years are filled with noteworthy achievements the measure of life is not greatly enhanced by a mere extension of its time limits. Within the brief compass of 53 years ARTHUR B. WILLIAMS crowded the achievements and accomplishments of a well-rounded life. It was not my pleasure to have known him as long or intimately as others who have spoken in his honor, but the few years of our acquaintance were crowded with de-

lightful experiences, and I treasure this opportunity to record my appreciation of his splendid personal qualities and to pay tribute to his worth as a man and a citizen.

I first knew of him as one of the leaders in his chosen profession. I first met him while he was connected in an executive capacity with a great manufacturing enterprise in his home city, for whose success he was so largely responsible. Still later I was associated with him in various legislative and public matters during his presidency of the Michigan Manufacturers' Association. My intimate acquaintance with him, however, began at the time of his announcement of his candidacy for a seat in Congress. Due to the fact that our districts adjoined and our home cities are relatively close together, and the citizenship of our respective districts is very similar, it was my privilege to assist him in his first campaign. After his election to Congress he became actively interested in farm legislation, and one of the bills designed to meet the present difficult situation in agriculture was drawn by him and attracted the attention not only of the farm leaders of the country but the great business interests likewise.

From these associations and relationships I gathered some splendid impressions of the character and capacity of our late colleague. He combined in a remarkable degree a well-trained and thoroughly seasoned legal mind with an extraordinary capacity for business administration. It was not strange, therefore, that as the world rates success ARTHUR WILLIAMS had achieved it in a good measure. These very qualities made his service as a Member of Congress noteworthy from the very beginning, and it was always my belief that he would have grown very rapidly in public esteem and that his talents and abilities would have favorably attracted the attention of the citizenship of the whole State of Michigan to a degree that would have naturally called him to higher duties and responsibilities.

He was thoroughly grounded in what I have come to regard as the fundamentals of a capable and conscientious legislator. He was sound in his economic views, patriotic to the highest degree, and exercised the same discriminating judgment in legislative matters as had characterized his successful career at the bar, as an executive, and as a captain of industry. It is a splendid tribute to Mr. WILLIAMS that he answered the call to public duty at a time when the services of men of his caliber and stamp are so much needed in shaping the course that America must take if she is to hold her place of world leadership. From a purely financial standpoint he could have commanded several times his income as a Member of Congress in one of a number of fields, but it was his idea that a man should endeavor to render some measure of public service, even at personal sacrifice, and with this thought in mind he turned his back squarely upon the purely financial inducements that were held out and gave himself unreservedly and whole-heartedly to the service of his country. His ability was recognized at an early date by the leadership of the House and by Cabinet officials, and he was assigned responsibilities not usually given to new Members of Congress. He brought to the discharge of his public duties much of the valuable experience that he had gained in important responsibilities he had previously discharged, and he was quick to grasp the essential features of any proposition brought before him or his committees for consideration, and his judgments were reliable and always commanded the respect of his colleagues.

It is a pleasure to recall the personal satisfaction every member of the Michigan delegation had in the close associations enjoyed with Mr. WILLIAMS as Representative of a great State. No words of mine can add to the splendid delineation of his personal characteristics already presented, but, Mr. Speaker, I simply wish to add my own appreciation of them. The memories of the few short months of our rather intimate association together will never fade. More than this, they will be a continuing inspiration as the years roll on. The career of ARTHUR B. WILLIAMS was not only a matter of pride and satisfaction to hundreds of his intimate friends, but his unusual success and his high record of achievement will be an outstanding example of the possibilities before every normal American boy who is blessed with health, ideals, and ambition. His death came as a great shock to his own people and to his legion of friends throughout the State and the Nation. In a word, his life, though brief when measured by the calendar, was crowded to the limit with worthy achievements, and his name will rank high among those who have wrought conspicuously for the community in which he lived, the district which he served so ably, and the State and Nation which he loved so well.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, I think it is perhaps human to regard ourselves as permanent institutions rather than temporary. It is perhaps well that occasionally the occurrence of death in our midst may serve to emphasize to at least those who are thoughtful that we are very temporary indeed; that life offers to us no limitless opportunities that may safely be frittered away in wasteful fashion, but rather that its term being circumscribed to a brief period the wise man is he who seeks to so plan that life as to make wise use of the time that is granted to him. The greatest problem, then, of life is to know that which is worth while in life, to be able to distinguish and to have the desire for the gold rather than the glitter, for the substance rather than the shadow, for that which is of value rather than that which is worthless.

The career of our late colleague, Hon. ARTHUR B. WILLIAMS, is written now as a success in different lines of human activity, but most of all as a worthwhile human life because he did wisely distinguish, he did seek and hold that which was substantial rather than pursuing the vain shadows. His life was a success because he sought accomplishment rather than acclaim.

I think there is no human experience that is surrounded in greater degree by the multiplying opportunities of both classes than a career in the Congress of the United States. On the one hand, there is constantly the tremendous temptation for selfish aggrandizement, the invitation to pursue that which is worthless but glitters rather than the substantial, the temptations of the newspaper headlines, the acclaim of the moment, the beckoning finger of selfish ambition to something that seems higher in place; and, on the other hand, realizing that in these walls are settled in some degree, at least, questions intimately woven into the very lives of over 100,000,000 people, nay more than that, affecting the whole world population, as this country exerts an influence, if not a leadership, throughout the world, we realize that here there is rich opportunity for self-sacrifice and broad vision. Here there is on the one hand the alluring invitation to selfish aggrandizement and on the other hand the opportunity for service unexcelled anywhere.

Particularly to a man of the natural talents and the qualifying experience, the quality of leadership, that ARTHUR WILLIAMS possessed, would come especially strongly the opportunity for selfish advancement through seeking that which was perhaps sensational, and, on the other hand, the opportunity for real service of self-sacrificing character.

In the time I have been in this House now through the indulgent kindness of a district nearly 14 years, in a period of importance in the history of this Nation and the world unexcelled by any previous period in the life of our Nation, at a time when great problems have come one after another into this Chamber for attention, if not solution, I have seen many men come and remain here a more or less brief period and then go on their way. I can say with entire sincerity that among all the men I have seen in service in this House in that period, I think no man has come here who has in such a brief time of service more fully demonstrated his qualifications for the work, more fully won the respect and confidence of the House, or in fact accomplished more in such a period of service, than did our late colleague.

ARTHUR WILLIAMS on his entry here was placed upon two important committees among others. The Committee on the Public Lands his previous training did not appear to fit him for. His previous experience in life did not touch its problems. The Committee on Banking and Currency his previous career did seem to ideally adapt him for. The thing that is revealing of the real capacity as well as the real desire for service on the part of our late colleague is the fact that he was equally useful upon each of these committees.

The great chairman of the Committee on the Public Lands, the gentleman from Oregon [Mr. SINNOTT], who has spoken to us and who has served many years on that committee and knows the problems of the West fully as well as any man who has served in this House, has testified to the usefulness of Mr. WILLIAMS on that committee and his great service. On the Committee on Banking and Currency he was likewise useful and of importance.

Again, his career had largely been in the affairs of the city, in the industries and the institutions of the city. His district, one of the greatest districts of our great State of Michigan, is equally divided, perhaps, between the industries of the city and those of the country, and in this House, in the brief period he was here, Mr. WILLIAMS, through no effort to seek prominence, but through his desire for service and his natural abilities, came to an acknowledged leadership in the discussion of those problems that affect agriculture, the great basic industry of a large part of his district.

His career was a success elsewhere, it was a success here, because he sought service rather than self-promotion. We, his colleagues, who came to esteem him so highly, found him an ideal associate, sincere in the expression of his views, never seeking to influence his colleagues, but through his capacity and his sincerity always exerting that influence, always willing to cooperate with the other Members from Michigan in that which seemed for the best interests of the State or the Nation, but never seeking unduly to bring others to his point of view. He did exert a great influence in the delegation, and in the years to come, perhaps more or less unconsciously to us, it is inevitable that he will continue to exert upon those of us who had the privilege of serving with him an influence, as we recall the sincerity and ability of his example to us in this House. Valuing accomplishment above acclaim, his life was a success, and his State and Nation have gained thereby.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois [Mr. WILLIAM E. HULL].

Mr. WILLIAM E. HULL. Mr. Speaker and gentlemen, I had no intention of making any remarks when I came here to-day. I came here to honor one of my dearest friends. ARTHUR WILLIAMS and myself entered Congress at the same time. We took up our living quarters in the same hotel, and from the time he started here I was thrown in contact with him every day at our homes. We would spend the evenings together at the hotel, and many times we would exchange cars. I would ride to the Capitol in his car or he would ride in mine. In that way we became very much attached to each other.

I realized very early after my acquaintance with him that he had a great legal mind and great business ability. I also realized I could gain a great deal of valuable information by my conversations with him because of the fact, as you all know, and as he knew, that I have no legal ability and have made no efforts in that direction; that my mind runs strictly from a business man's standpoint, and I look at legislation from a different viewpoint than a lawyer. I look at it altogether differently from the average Congressman, because I have been brought up in a different line of thought. Through my contact with Congressman WILLIAMS I gained a knowledge of what he thought was good legislation from a legal standpoint, and I realize not only from what you gentlemen have said but from my knowledge of men that he certainly had a great legal mind. In addition to that he had a business instinct that was far beyond the average man or Congressman.

As I say, my relations with him became such that I appreciated more than any of the rest of you—because I believe I was thrown in closer contact with him than even his own colleagues in Michigan—what a great and good man he was. I recognized in WILLIAMS a man of great fairness, a man who wanted to do the right thing for the country. I recognized in him a man whose desire was not to make a record for himself but to make a record that would go down in the history of Congress for doing the right thing.

I might mention one thing that would be appropriate to you gentlemen from Michigan, as there seems to be some legislation in which I am interested but in which you are not particularly interested. WILLIAMS, just before I left for Peoria, said to me: "HULL, I want you to give me some data on your bill; I want to study it; I believe you are right." You know that lasts with me more than any other one thing that he could have said to me, and I felt deeply when I learned of WILLIAMS'S death. I felt that WILLIAMS had in his mind a friendship for me that I shall always cherish.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kansas [Mr. STRONG].

Mr. STRONG of Kansas. Mr. Speaker and colleagues, it was my privilege to serve on two committees of this House with Mr. WILLIAMS. On the Banking and Currency Committee he was one of the very valuable members. His knowledge of finance and his wide business experience made him very helpful. In that committee we have nothing of politics. It is a committee only of business—that of trying to formulate legislation to carry out the intention of the Constitution when it delegated to Congress the right to coin money and regulate the value thereof. Based on that authority, given to the Congress by the Constitution, we have built up a great banking system, one which I think is now the best in the world. It has only been a few years since we have inaugurated the Federal reserve system and much study and investigation is required to determine whether or not proposed legislation will be to the best interest of our banking system and the people it serves. Mr. WILLIAMS gave of his abundant knowledge and experience toward helping that committee formulate and decide upon legislation. He soon made himself felt and was looked upon by all his colleagues on the committee as a sound counselor.

He was also a member of the War Claims Committee, of which I am the chairman. His ability as a lawyer made him a most valuable man upon that committee. After each war our committee has a great deal of legislation to pass on, and since the World War it has had hundreds of bills carrying claims running into the millions and millions of dollars referred to it for consideration and favorable or unfavorable report. As the chairman of the committee I soon came to realize that any bill that was referred to the subcommittee on which Mr. WILLIAMS was chairman had a most conscientious and a most earnest investigation as to whether or not it was a just claim against the Government, and when Mr. WILLIAMS said, "I have made an investigation of this claim and I do not think it ought to pass," I well knew he had based his opinion upon a careful study of the facts.

Mr. WILLIAMS and I naturally, through serving on these two committees, came to be very close friends. I admired his great ability, his conscientiousness, and his willingness to perform any necessary task. I remember that once he came into my office with several rather large claims on which he had to pass as a member of the subcommittee. He said to me, "STRONG, do you realize that this is going to take a lot of time and a lot of hard work?" I said, "Yes; and I realize also that the hard work done on this committee does not come to the knowledge of our constituents back in our districts. No one gives any member of this committee credit for the large amount of work that has to be done." "Well," he said, "if I had wanted to do this kind of work, I could have stayed at home and made many times the salary of a Congressman." "We all know that," I said, "but it must be done." His reply was, "You may depend upon my doing it," and he did do it. I do not think that anyone but a chairman charged with the responsibility of reporting to the House only such claims as he can say the Government ought to pay can realize what it is to have upon his committee a man of ability, wide experience, conscientious, and willing to perform the work well.

I remained in Washington for several weeks after the adjournment of the last Congress, and the night before I was to leave for my home I met Congressman WILLIAMS coming into the Wardman Park Hotel. I thought he looked unusually careworn, and I said to him, "WILLIAMS, you look tired." He said, "Yes; I have just to-night finished a hearing on a very important matter, on which I have put a great deal of study and thought and I am tired." And he added, "I must soon go to the hospital for an operation." We stood there and talked for a few minutes. Little did I think when I bade him goodbye that that was to be the last time in this life that I should see my friend; that that was the last time I should ever talk with the man with whom I had been so closely associated, and whom I had come to respect and admire.

I realize with you, my colleagues, that the loss which the membership of this House has suffered in the passing of Mr. WILLIAMS is a great one. Congress needs men of his type. The Nation needs that kind of men in the American Congress, and the people in their Government are poorer by the fact that the Almighty has called him for greater service in a better world of which we have now no knowledge but to which all must pass.

The SPEAKER pro tempore. Will the gentleman from Michigan [Mr. HOOPER] please take the chair?

Mr. HOOPER assumed the chair as Speaker pro tempore.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. MCLAUGHLIN] is recognized.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I had no personal acquaintance with Mr. WILLIAMS until he came to Washington as the Representative of the third district of our State, having been elected to the Sixty-eighth Congress at a special election in June, 1923, to fill the vacancy caused by the death of Hon. J. M. C. Smith, who for many years ably represented that district. I am therefore unable to speak of his early life or of his career as a lawyer and as a business man, except to say that his reputation as an able and successful lawyer extended throughout Michigan, and his prominence as counsel for and officer of the great company with which he was connected made his name widely known to the people of our State.

Mr. WILLIAMS'S election in 1923 brought him to Washington, where he served with us during the sessions of the Sixty-eighth Congress. In November, 1924, he was elected to the Sixty-ninth Congress, and had his life been spared he would have

been with us during its sessions; he passed away May 1, 1924. His committee assignments in the Sixty-eighth Congress were more prominent than is usual with a new Member of the House, but were fully justified by his highly satisfactory service. He had an aptitude for legislative service, and his industry, his training as a lawyer, and his experience in business gave him large influence in committees, also in the House, where his ability as a speaker and the extent and accuracy of his information in respect of all matters of which he spoke attracted favorable attention.

As a member of the Committee on Banking and Currency he took prominent part in framing the bill which proposed many important changes of the law under which national banks are organized and are operating throughout the country, and during the consideration of that bill his speeches were evidence of intimate knowledge of the subject, and his concise, logical statements were of extreme interest and very helpful to the House. He had thus early gained the respect and confidence of its membership, and assured a place of prominence and influence in its deliberations, his ambition to be of outstanding service to his State and to the country would have been realized. His death cut short what gave abundant promise of being a brilliant congressional career.

Our association with Mr. WILLIAMS here, although brief, was long enough to develop a strong and affectionate attachment for him. He was a man of character and ability and of attractive personality. He inspired our confidence and esteem. We deplore his untimely death.

Mr. HUDSON. Mr. Speaker, we pause, as a body of legislators, to pay our tribute to the memory of our deceased colleague and friend, ARTHUR B. WILLIAMS, who represented the third district of Michigan in the Sixty-eighth Congress.

His election to this body came in the matured days of his life. He thus brought to the service of his State and the Nation a trained mind and ripened judgment. With this splendid equipment he quickly took a place of standing in his committee work and was able to render unusual service for one just entering a legislative career. Trained through the active years of a business career to deal with large financial as well as executive problems, he approached the problems of legislation with cool discernment and balanced judgment. While considerate of the opinion of others, he was not to be swept off his feet by mere talk. He demanded the why and wherefore, and with all the arguments before him he drew his own conclusions. This having been done, he was willing to state his position and defend it to all comers. Perhaps this characteristic was due to his early experiences as well as those of his mature life. The necessity of early life developed in him the splendid trait of self-dependence and self-reliance, which, while it made him independent, experience had taught him the necessity of codependence. Thus you found him independent in thought but cooperating in party programs.

Our colleague possessed another outstanding trait, that of dependability. This had made him a success as a business man, banker, and lawyer. It made him respected and honored as a legislator. You knew where you would find him; a regular conservative constructionist. He had no room for sophistry and demagoguery in his program. He built slowly but solidly.

Then, too, he possessed that quality that is called personality. Cultured, refined, possessed of independence of means, he might have easily retired to a life of ease, travel, and relaxation. Instead he caught a vision of possible service, and to that vision he gave himself unstintingly. Had he been spared to his district and State, he would have rendered a distinguished career in our national halls of legislation.

For more than 20 years I was a resident of the third district of Michigan. During that time I knew personally of ARTHUR B. WILLIAMS. He was an upright man in his home, his city, and his business. Men respected, loved, and honored him. In Congress he likewise drew to him not only the men of his own delegation but, without exception, all those who came in contact with him.

We bring our tribute of esteem and affection and grieve at his untimely demise.

Mr. McLAUGHLIN of Michigan resumed the chair as Speaker pro tempore.

The SPEAKER pro tempore. As determined by the House when this meeting was arranged, this was to be its sole business and at its conclusion the House would adjourn. The Chair believes it is proper to state that the House now stands adjourned until to-morrow at 12 o'clock.

Thereupon, at 1 o'clock and 53 minutes p. m., the House adjourned until to-morrow, Monday, April 26, 1926, at 12 o'clock noon.

SENATE

MONDAY, *April 26, 1926*

(Legislative day of Monday, April 19, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	La Follette	Robinson, Ark.
Bayard	Frazier	Lenroot	Sackett
Bingham	George	McKellar	Sheppard
Blease	Gerry	McKinley	Shipstead
Borah	Gillett	McLean	Shortridge
Bratton	Glass	McNary	Smoot
Broussard	Goff	Mayfield	Stanfield
Bruce	Gooding	Means	Steck
Butler	Greene	Metcalf	Stephens
Caraway	Hale	Neely	Swanson
Copeland	Harreld	Norbeck	Trammell
Couzens	Harris	Norris	Underwood
Cummins	Heflin	Nye	Wadsworth
Curtis	Howell	Oddie	Warren
Dale	Johnson	Overman	Watson
Deneen	Jones, N. Mex.	Phipps	Weller
Edge	Jones, Wash.	Pine	Willis
Ernst	Kendrick	Ransdell	
Fernald	Keyes	Reed, Mo.	
Ferris	King	Reed, Pa.	

Mr. CURTIS I desire to announce the absence of my colleague, the junior Senator from Kansas [Mr. CAPPER], on account of illness in his family. I will let this announcement stand for the day.

Mr. STEPHENS. I was requested to announce that the Senator from New Jersey [Mr. EDWARDS] is absent from the city on official business. He is a member of the Board of Visitors at the Naval Academy.

Mr. OVERMAN. I wish to announce that my colleague, the senior Senator from North Carolina [Mr. SIMMONS] is unavoidably absent. I will allow this announcement to stand for the day.

Mr. GERRY. The Senator from Washington [Mr. DILL] is absent on official business of the Senate.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

IMPEACHMENT OF JUDGE GEORGE W. ENGLISH

Mr. ROBINSON of Arkansas. Mr. President, I was necessarily absent from the Senate on Friday and Saturday. I desire to present myself at this time to take the oath required in the impeachment case pending before the Senate.

The VICE PRESIDENT. The Chair notes the presence of the Senator from Rhode Island [Mr. METCALF], who has not taken the required oath in the impeachment proceedings. That Senator, together with any other Senators present who have not taken the oath required in the impeachment proceedings, will please come to the desk and take the oath.

Mr. ERNST, Mr. GLASS, Mr. MEANS, Mr. METCALF, and Mr. ROBINSON of Arkansas advanced to the Vice President's desk, and the Vice President administered to them the following oath:

You do, each of you, solemnly swear that in all things appertaining to the trial of the impeachment of George W. English, district judge of the eastern district of Illinois, now pending, you will do impartial justice, according to the Constitution and laws. So help you God.

PETITIONS AND MEMORIALS

Mr. WARREN presented a telegram, in the nature of a memorial, from the Big Horn Basin Woman's Christian Temperance Union Institute, in session at Lovell, Wyo., protesting against any modification of the prohibition enforcement act, which was referred to the Committee on the Judiciary.

Mr. ROBINSON of Arkansas presented a letter from Mr. C. A. Cobb, editor of the Southern Ruralist, at Atlanta, Ga., relative to the disposition of the Muscle Shoals project, which was ordered to lie on the table.

He also presented a letter from Mr. Albert Stewart, of Alpena Pass, Ark., relative to proposed farm-relief legislation, which was referred to the Committee on Agriculture and Forestry.

He also presented a letter from Mr. Clio Harper, of the Parke-Harper Publishing Co., of Little Rock, Ark., favoring the passage of legislation requiring the registration of all aliens in the United States, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (S. 1921) to give mili-

tary status and discharges to the members of the Russian Railway Service Corps, organized by the War Department under authority of the President of the United States for service during the war with Germany, reported it with an amendment and submitted a report (No. 665) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2039) to establish a department of economics, government, and history at the United States Military Academy at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes" (Rept. No. 667); and

A bill (S. 3080) to authorize payment of expenses of the Washington-Alaska Military Cable & Telegraph System out of receipts of such system as an operating expense (Rept. No. 668).

Mr. WADSWORTH also, from the Committee on Military Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1485) to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies (Rept. 669); and

A bill (S. 2912) to further amend section 125 of the national defense act of June 3, 1916, as amended (Rept. No. 670).

Mr. McNARY, from the Committee on Manufactures, to which was referred the bill (S. 3926) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, reported it without amendment and submitted a report (No. 671) thereon.

RIGHT OF WAY OVER CAMP SHERMAN MILITARY RESERVATION

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 7470) to authorize the Secretary of War to grant to the New York, Chicago & St. Louis Railway Co., its successors or assigns, a perpetual easement for railroad right of way over and upon Camp Sherman Military Reservation in the State of Ohio, and I submit a report (No. 666) thereon. I ask unanimous consent for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS IN NORTH CAROLINA

Mr. OVERMAN. Mr. President, from the Committee on the Judiciary I report back favorably without amendment the bill (S. 4056) to amend section 98 of the Judicial Code as amended. The bill relates to the holding of court in my State and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent for the present consideration of a bill. Is there objection?

There being no objection, the bill was considered as in Committe of the Whole and was read, as follows:

Be it enacted, etc., That section 98 of the Judicial Code, as amended, be amended by adding a new paragraph thereto, as follows:

"That terms of the District Court of the United States for the Western District of North Carolina shall be held in Winston-Salem on the fourth Monday in June and December: *Provided*, That suitable accommodations for holding court at Winston-Salem are furnished free of expense to the United States."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH:

A bill (S. 4095) for the relief of Edward Dubied & Co.; to the Committee on Claims.

Mr. JONES of New Mexico. On behalf of myself and my colleague [Mr. BRATTON] I introduce a bill.

By Mr. JONES of New Mexico:

A bill (S. 4096) to enable the Secretary of the Interior, with the consent of the traditional council or governing body of each Indian pueblo representing a majority of the acreage affected, to provide for the conservation, reclamation, drainage, and irrigation of Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes; to the Committee on Indian Affairs.

By Mr. NORBECK:

A bill (S. 4097) granting an increase of pension to Fannie Bouk; and

A bill (S. 4098) granting an increase of pension to Mrs. Alexander O. Morse; to the Committee on Pensions.

By Mr. DALE:

A bill (S. 4099) granting an increase of pension to Ruth A. Evans; to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 4100) for an act supplemental to the national prohibition act;

A bill (S. 4101) to amend section 2 of the legislative, executive, and judicial appropriation act approved July 31, 1894, as amended by the act of May 31, 1924;

A bill (S. 4102) to amend section 6 of Title II of the act of October 28, 1919, entitled "the national prohibition act," as amended and supplemented;

A bill (S. 4103) to amend the act of June 7, 1918, entitled "An act to require numbering and recording of undocumented vessels"; and

A bill (S. 4104) to amend the act of March 3, 1925, entitled "An act relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the national prohibition act, and for other purposes"; to the Committee on the Judiciary.

By Mr. NEELY:

A bill (S. 4105) granting an increase of pension to Martha L. E. Bromberg; to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 4107) authorizing and directing the Secretary of the Interior to make disposition of certain funds derived from oil wells in Oklahoma where there are no legal claimants; to the Committee on Public Lands and Surveys.

CHANGE OF REFERENCE

On motion of Mr. WADSWORTH, the Committee on Military Affairs was discharged from the further consideration of the joint resolution (H. J. Res. 100) to authorize the Secretary of War to expend not to exceed $125,000 for the protection of Government property adjacent to Lowell Creek, Alaska, and it was referred to the Committee on Appropriations.

AMENDMENT TO CIVIL SERVICE RETIREMENT BILL

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (S. 786) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, which was ordered to lie on the table and to be printed.

PERSONNEL OF THE NATIONAL PROHIBITION SERVICE

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (H. R. 3821) to place under the civil service act the personnel of the Treasury Department authorized by section 38 of the national prohibition act, which was ordered to lie on the table and to be printed.

AMENDMENTS TO PUBLIC BUILDINGS BILL

Mr. BRUCE submitted three amendments intended to be proposed by him to the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, which were ordered to lie on the table and to be printed.

DISPUTES BETWEEN CARRIERS AND THEIR EMPLOYEES

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, which was ordered to lie on the table and to be printed.

COMMITTEE SERVICE

On motion of Mr. ROBINSON of Arkansas, and by unanimous consent, it was—

Ordered, That the junior Senator from Tennessee [Mr. TYSON] be appointed to fill the minority vacancy upon the Committee on Education and Labor, and that the junior Senator from Iowa [Mr. STECK] be appointed to fill the minority vacancy upon the Committee on Pensions.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8830) amending the act entitled "An act providing for a comprehensive development of the park and play-

ground system of the National Capital," approved June 6, 1924.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6556) for the establishment of artificial bathing pools or beaches in the District of Columbia.

SETTLEMENT OF BELGIAN INDEBTEDNESS

Mr. SMOOT. I ask that the unfinished business be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6774) to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America.

Mr. HOWELL. Mr. President, during the course of my remarks on Saturday afternoon last I stated the facts respecting the Belgian debt settlement. I will now restate them.

The total Treasury debit—that is, the balance standing on the books of the Treasury against Belgium as of June 15, 1925—was $483,426,000. The first step taken by the Debt Commission was an initial cancellation in connection with this debt of $65,629,000, or 13.6 per cent thereof, leaving the amount of debt funded as $417,797,000. But, Mr. President, I desire to call the attention of the Senate to the fact that, although this is the sum often stated as the debt due the United States from Belgium, it is not the sum, for the balance carried on the Treasury books as of the date stated is $483,426,000.

As a result of this settlement Belgium has agreed to pay certain amounts each year for 62 years. These amounts are equivalent, on a 4¼ per cent basis, to 62 annual payments of $10,350,000. In short, all that Belgium will ever pay the United States on account of her debt is equivalent to a payment of $10,350,000 a year for 62 years.

What rate of interest is this payment of $10,350,000 a year upon the amount of Belgium's indebtedness? It is 2.1 per cent to the nearest tenth. So Belgium agrees to pay us 2.1 per cent upon this debt for 62 years, and then the debt of $483,426,000 is canceled.

The cancellation of the $483,426,000 does not comprise our only loss, because we are to-day paying 4¼ per cent on some $13,800,000,000 of war bonds outstanding from the proceeds of which, in part, this debt was created, this loan was made. Therefore, while we are paying 4¼ per cent on what Belgium owes us, she merely pays us 2.1 per cent and, in addition, the debt, as I have said, is canceled at the end of 62 years. In short, we must make up every year an interest deficit of more than $10,000,000 on account of this settlement, in addition to the cancellation of the debt.

Mr. President, it is difficult exactly to appreciate what this cancellation means considering it as a lump sum, but if we apportion the loss that will be sustained by the United States as a result of this settlement to each of the States it gives us a clear notion of what it means; it brings it closer home. With that idea in view I have prepared a tabulation that indicates what the loss will amount to for each State of the Union. I have made the calculation upon the basis of population, and have apportioned the loss in accord with the population of each State of the Union. I have adopted the following premises in making this calculation: As I have stated, there are some $13,800,000,000 worth of 4¼ per cent war bonds outstanding. A major portion of these war bonds will run an average time of more than eight years, because under their terms the Government has no right to call them. Therefore, I shall assume that we will pay 4¼ per cent interest, or that money will be worth 4¼ per cent interest for the next eight years, so far as the United States Government is concerned. Then, as I have previously stated, I shall accept the optimistic prediction of the junior Senator from Pennsylvania [Mr. REED] that we shall have 3 per cent money after eight years, and that our loss will merely be based upon 3 per cent money for the remaining 54 years.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Nebraska yield to me?

Mr. HOWELL. I yield.

Mr. REED of Pennsylvania. We have 3 per cent interest on Government loans now. Treasury certificates are selling at better than a 3 per cent basis. On the 15th of June there will be millions of dollars worth of 3 per cent securities coming due.

Mr. HOWELL. Mr. President, for the last four years the average cost of money upon our war bonds has been 4.4 per cent. On the first of the year the cost of our money represented by our war bonds was 4.18 per cent. I am putting the best face on it; I am assuming that we shall pay only 4¼ per cent for the next eight years; I am assuming that thereafter we shall have 3 per cent money, although I think, as I have previously stated, it is a rather violent assumption. Upon that basis, however, Mr. President, I have made this calculation, and I now propose to show what this one settlement will ultimately cost the different States of the Union.

I have made this calculation upon two bases; first, assuming that we lose no interest upon the interest deficits, and then I have made a calculation upon the basis that we would lose interest upon the interest deficits, which must be evident, because if we did not have to pay the interest deficits we could use that money which we obtained from the people and invest it in our outstanding bonds and have the profit therefrom.

In the case of the State of Alabama this one debt will cost, without interest, $16,600,000, and with interest it will cost Alabama $31,349,000. It will cost Arizona, without interest, $2,392,000, and, with interest, $4,497,000. It will cost Arkansas $13,000,000 without interest and $24,000,000 with interest; California, $24,650,000 without interest and $46,342,000 with interest.

Mr. SHORTRIDGE. Mr. President——

Mr. HOWELL. Just a moment. Mr. President, I gave some such data on Saturday afternoon. They were the result of a hurried tabulation made here in the Senate. I was careful that they should not be in excess of the actual facts, but when I recalculated I found that I had given results some 34 per cent too low. I now yield to the Senator from California.

Mr. SHORTRIDGE. Mr. President, I was merely going to observe that on Saturday last the Senator from Nebraska estimated that California would have to pay $33,000,000. I now observe that he has raised the amount to $46,342,000.

Mr. HOWELL. As I have stated, I had made a hurried calculation while sitting in the Senate and was careful not to make the approximations too large, but by a more careful work I have largely exact figures, and for California they are $46,342,000.

Mr. SHORTRIDGE. That is on the theory that the United States will have to continue to pay interest for sixty-odd years on our outstanding bonds. Is not that so?

Mr. HOWELL. That is true.

Mr. SHORTRIDGE. But, of course, manifestly the United States will have paid and redeemed a vast percentage of the present outstanding bonds before that remote date. Is not that so?

Mr. HOWELL. That is true.

Mr. SHORTRIDGE. That upsets the Senator's whole calculation then.

Mr. HOWELL. Mr. President, the total of this debt is $483,000,000, and I have no doubt that that amount of governmental indebtedness will be outstanding at the end of the 62 years. Again I will state to the Senator from California that, if we assume that we pay off our entire war debt in 26 years and, further, that because we do pay that debt entirely off in 26 years, then our loss will end—which is not a fact; but assume that it is—then the cost of California will be ultimately in the neighborhood of $24,000,000 on account of this one debt settlement, provided we pay off in 26 years our entire $19,300,000,000 of war bonds outstanding.

Mr. NORRIS. Mr. President, may I interrupt my colleague there?

Mr. HOWELL. Certainly.

Mr. NORRIS. It is exceedingly interesting, of course, to estimate when we will pay this debt off, but nobody can tell definitely as to that. I may be entirely wrong, but I have no doubt whatever that at the end of 62 years we will still owe more of our war debt than the amount represented by the Belgian debt to us; and, even though we could get money now at a less rate than 4¼ per cent, if we are actually paying 4¼ per cent for any of our war debt equal in amount to the Belgian debt, then my colleague's comparison is apt, and it seems to me it applies perfectly.

The only way to overcome it, as suggested by the Senator from California, would be to show that at a specific time, sooner or later, we would not be paying any interest on any of the debt. If part of our debt should be refunded at 3 per cent, then we would still be owing 4¼ on some other part of it, and there is a part of it now that can not be redeemed until 1947, which represents an amount much greater than the Belgian debt. So we know we are going to pay 4¼ per cent on a large sum even up to that date.

Mr. HOWELL. Mr. President, I wish to make it clear to my colleague that my calculations are based upon the assumption that we will pay 4¼ per cent only for the next 8 years and 3 per cent for the following 54 years.

Mr. NORRIS. My colleague's assumption is too much in favor of the Belgian viewpoint, because, while I have forgotten which one of the issues of Liberty bonds it is, there is one of them that can not be redeemed until 1947. Perhaps it is the

issue of 4 per cent bonds. So that there are going to be some outstanding away beyond the eight years. My colleague has been entirely too lenient in his comparisons.

Mr. HOWELL. Mr. President, the loss to California with interest will be $46,342,000; Colorado, $12,800,000; Connecticut, $19,000,000; Delaware, $2,998,000; the District of Columbia, $5,997,000; Florida, $13,221,000; Georgia, $39,527,000; Idaho, $5,860,000; Illinois, $88,595,000; Indiana, $39,527,000; Iowa, $32,712,000; Kansas, $24,534,000; Kentucky, $32,712,000; Louisiana, $24,534,000; Maine, $10,495,000; Maryland, $20,445,000; Massachusetts, $53,157,000; Michigan, $50,431,000; Minnesota, $32,712,000; Mississippi, $24,534,000; Missouri, $46,342,000; Montana, $7,496,000; Nebraska, $17,719,000; Nevada, $1,090,000; New Hampshire, $5,997,000; New Jersey, $43,616,000; New Mexico, $4,906,000; New York, $141,752,000. This is what the people of New York will ultimately have to pay because of the loss due to this one proposed debt settlement. North Carolina, $35,438,000; North Dakota, $8,859,000.

Mr. FRAZIER. Mr. President, I desire to say that not only do the people of North Dakota lose this amount on this debt, but they also lose on the Italian debt settlement; and more than that, when the panic of 1920 struck the Middle West, the Liberty loan bonds that were held by the farmers especially through that country were sold, and sold at a discount, some of those bonds selling as low as about 82 cents on the dollar. So we not only lose the difference in interest here, but we lost the discount that we took on the Liberty bonds that were sold at that time.

Mr. FESS. Why did you not keep them?

Mr. FRAZIER. We could not keep them, because the Federal Reserve Board brought on a panic that compelled us to sell our Liberty loan bonds and raise every dollar we could to save our farms.

Mr. HOWELL. Mr. President, the loss of North Dakota will be $8,859,000 on account of this Belgian debt settlement alone. North Dakota's loss on account of the Italian debt settlement will be $61,212,000. In other words, taking the two together, they will total about $70,000,000. That is what we are saddling upon the people of this country. This is a measure of what they will ultimately have to pay because of these debt settlements.

The loss in the case of Ohio is $79,054,000; Oklahoma, $27,260,000; Oregon, $10,631,000; Pennsylvania, $118,581,000; Rhode Island, $8,178,000; South Carolina, $23,171,000; South Dakota, $8,725,000; Tennessee, $31,349,000; Texas, $64,061,000; Utah, $6,133,000. The loss is comparatively small for the State of the Senator from Utah. However, it is as much in proportion to population as in the case of the other States. The loss in the case of Vermont is $4,700,000. The loss in the case of Virginia is $31,349,000; Washington, $19,082,000; West Virginia, $20,445,000; Wisconsin, $35,438,000; Wyoming, $2,589,000.

Mr. President, this is the loss, including interest, assuming that we do not pay out our war debt for 62 years. This computation assumes that we will complete paying our war debt in 62 years. Now, Mr. President, let us assume that we pay it by the end of 26 years, and that during the first eight years of the 26 years the rate of interest is 4¼ per cent, and that for the following 18 years it is 3 per cent, then what is the loss with interest? It will be in accord with the figures I now state within about 4 per cent:

If we pay every bit of our war debt of $19,300,000,000 now outstanding in 26 years, and we pay 4¼ per cent interest for the next 8 years and 3 per cent for the 18 years following, the loss to Alabama will be about $16,000,000; Arizona, $2,100,000; Arkansas, about $13,000,000; California, about $24,000,000; Colorado, nearly $7,000,000; Connecticut, about $10,000,000; Delaware, about $1,500,000; the District of Columbia, about $3,190,000; Florida, about $7,000,000; Georgia, about $21,000,000; Idaho, some $3,000,000; Illinois, $47,000,000; Indiana, $21,000,000; Iowa, $17,000,000; Kansas, $13,000,000; Kentucky, $17,000,000; Louisiana, $13,000,000; Maine, about $5,400,000; Maryland, about $10,000,000; Massachusetts, about $28,000,000; Michigan, about $26,000,000; Minnesota, about $17,000,000; Mississippi, some $13,000,000; Missouri, about $24,000,000; Montana, about $3,900,000; Nebraska, about $9,000,000; Nevada, about $500,000; New Hampshire, some $3,000,000; New Jersey, some $23,000,000; New Mexico, about $2,500,000; New York, some $75,000,000; North Carolina, about $18,500,000; North Dakota, about $4,500,000; Ohio, about $42,000,000; Oklahoma, about $14,500,000.

This is the loss, Mr. President, on the basis of 4¼ per cent for 8 years and 3 per cent for 18 years, assuming that we will pay every dollar of the $19,300,000,000 war debt within 26 years. Again, in the case of Oregon, the loss will be about $5,500,000; Pennsylvania, about $63,000,000; Rhode Island, about $4,200,000; South Carolina, about $12,100,000; South Dakota, about $4,500,000; Tennessee, about $16,600,000; Texas, about $34,000,000; Utah, about $3,200,000; Vermont, $2,500,000; Virginia, $16,600,000; Washington, $10,000,000; West Virginia, $10,500,000; Wisconsin, about $18,000,000; and Wyoming, about $1,100,000.

Considering this proposed debt settlement in the most favorable light possible, it means a tremendous loss to the people of these various States.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. HOWELL. Certainly.

Mr. COPELAND. The Senator recognizes that every great business concern in the world pays immense sums of money for advertising to seek to popularize its product, to seek to make friends for the institution manufacturing it. How could the United States make friends more easily or more properly than by contributing something to the rehabilitation of those countries on the other side?

There is a great difference between the purchases made here, for instance, by Italy and the things which we buy from Italy. We sell them twice as much as we buy from them. We are going to make tremendous sums in profits in the 62 years mentioned by the Senator. Our country is not going to lose any great amount, no matter what settlement is made by us; and in the same spirit in which business concerns advertise their wares and seek popularity, it seems to me that we can not disregard that element in considering the settlements with European countries.

Mr. HOWELL. Mr. President, in view of the Senator's statement respecting advertising, if such is the case, does he not think we ought to make the most of the possibilities of the advertising? Does he think we ought to tell the people of Belgium that we consider that they are paying the principal of their debt? Does not the Senator think we ought to say to the people of Belgium "We are canceling your debt, and all you are paying is 2.1 per cent interest"? But, as it is, the statesmen of Belgium can properly urge that Senators on the floor of the United States Senate and the Secretary of the Treasury publicly urge that Belgium is paying her debt. That means but one thing to the people of Belgium. The majority of them do not understand interest and accounting. Tell them the truth, and tell our people the truth—that we are canceling these debts, and that all the Belgian people are doing is helping us out on the interest for the next 62 years to the extent of 2.1 per cent. That is the kind of advertising that might do some good. The kind of advertising we are getting in Europe to-day is the kind of advertising that makes them bitter.

Mr. NORRIS. Mr. President, if it is a good thing for us to advertise in that way, why do we confine it to Belgium and these other people that owe us money? Why do we not pay some money out of the Treasury to some other people, too? We are not giving anything to China or Japan, are we, in this way? If that is the kind of business we are going into, and we are going to buy the good will of the world with money, let us pass it around and let everybody get some of it. If we have so much money, and like to pay taxes so that we will get it, and we are going to buy the good will of our fellow creatures, why confine it to people that owe us?

If it is a good thing, if it is an honorable thing, for the Nation to go out into the world and say, "We will give you some of the money our taxpayers have to toil for and gather together, if you will be good to us," why confine it to a few nations? Why do we pick out a few? It seems to me that it will follow, if we want to be logical, that when we get through giving money at the expense of the American taxpayer to Italy and Belgium, and to a few other countries, we will use that as a precedent, and we will say, "We will buy the good will of other people as well if that is a good procedure," and we will be appropriating money always, to all kinds of people, in order to get them to do business with us. We will give them some money, and they will pay part of it back in business.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. SHIPSTEAD. Why not float another bond issue in order to raise the money to give some of the other nations something so they can buy from us?

Mr. NORRIS. Certainly. Let us float some more bonds, if that is good business, and borrow money at 4¼ per cent from our people and give it to somebody else, and then the people who are engaged in the manufacturing business probably will have a better trade, because those other people will have money with which to buy from them.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New York?

Mr. HOWELL. I yield.

Mr. COPELAND. Is it not strange what a difference a few years can make? I can recall those days during the war when every speaker begged our people to give money, to give until it hurt, and nobody ever said anything about getting it back. But now that the war is over and we have forgotten the patriotic impulses which drove us at that time, we say to each of these countries, "You give us back every dollar you got, no matter how much it hurts, no matter how much it may destroy your productiveness; you give us the money."

I am not seeking to go out and get money and give it away right now, but I think it is a very different thing, considering such a proposal as that made by the senior Senator from Nebraska to buy friendship, contrasted with the fine impulse which would make us say to these people, "You were our allies during the war. We all worked together at that time to win the war, and if we can be good to you now and help you to recover from the terribly devastating effects of the war, thank God it is our privilege, and we have the opportunity and the wealth to do this noble thing." That is the feeling I have.

Mr. NORRIS. Mr. President——

Mr. SHIPSTEAD. Mr. President, will the Senator from Nebraska yield to me for a moment?

Mr. HOWELL. I yield to the Senator from Minnesota, and then will yield to my colleague.

Mr. SHIPSTEAD. The Senator from New York knows very well that if anyone during the war had suggested that that which is taking place here now would take place when the war was over, that we would be asked to cancel these debts, he would have been sent to jail for preaching disloyalty to the Government, accusing the Government of unworthy motives, and of being pro-German.

Mr. COPELAND. I am not sure that I get exactly the point the Senator has in mind.

Mr. SHIPSTEAD. The Senator said that when the war bonds were sold nothing was said to the American people to the effect that they should be paid.

Mr. COPELAND. I repeat that now.

Mr. NORRIS. That is what I want to speak of.

Mr. COPELAND. I never heard any orator during the war say to the people, "You let us have a little money and we will give it back to you after a while. We are going to lend it." That is not what we said.

Mr. NORRIS. Mr. President, will my colleague yield to me now for a moment?

Mr. HOWELL. I yield.

Mr. NORRIS. That is the particular thing to which I wanted to call attention. All of us, I think, without exception, went out over the country begging the people to subscribe to Liberty bonds. I never heard anyone in any of those campaigns make any other suggestion to the people of America but that they were making a good investment. It was said to them, "It will not only help win the war, but it is a good investment. We are loaning some of this money. We are calling on you to give money, earned by your toil and in the sweat of your faces, a part of which money we propose to loan to our allies. They are breaking down. They are going to pay it back. The law on the statute books of the United States provides that they shall pay the same interest we pay. We are not going to make a profit out of them, but you are helping Uncle Sam to loan money to our allies, and the very law that stands now on the statute books provides that they shall pay it back at the same rate of interest we will have to pay under the law." That was the kind of story we told the people. That was the kind of propaganda we put out. We never said to them, "We are going to donate this money. You are to pay this money from your toil and your sweat, and we are going to give it away." Nobody ever made that kind of a proclamation to the people.

Mr. REED of Missouri. Mr. President——

Mr. NORRIS. They all understood it was to be different from that.

Mr. REED of Missouri. Mr. President, I did not want to interrupt the Senator, but I wanted to ask him a question. It is urged here now that we ought to compound this debt with Belgium on the allegation that President Wilson made some sort of promise to the Belgian representative that we would be easy with Belgium. I want to ask the Senator if President Wilson did not by his attitude and manner while we were selling these bonds to the American people to get this money acquiesce in these representations, so that he was a party to the promise that was made to the American people?

Mr. NORRIS. I think so, without any doubt.

Mr. REED of Missouri. And, in addition to that, signed the bill which made it a law that we should collect this money.

Mr. NORRIS. Certainly. President Wilson was in the White House when that statute was passed, before any of these loans were made. The law was enacted at the request of President Wilson's administration. His Secretary of the Treasury, as I remember it, was the official who laid the matter before Congress. We enacted that law in accordance with the request of the administration.

Moreover, in regard to what has been said about President Wilson's letter, if Senators will take the letter itself, they will see that he said that he would recommend to his Government. On the face of the letter he does not claim to have authority to forgive this debt.

Everybody in the civilized world who knows anything about governmental affairs knows that that statute stood on our books here at the time every dollar was paid over to any of those countries. They borrowed it in the face of the statute. The officials came to Congress to get the authority to loan the money. We gave them the authority. We stipulated the conditions upon which it should be loaned. They borrowed it on those conditions. It seems to me that any honest debtor would not want to repudiate his debt, and that if we should say to Belgium what is being said on the floor of the Senate, namely, "We propose to buy your good will and have you love us, and we will give you some money," if they ever did love us, it would be temporary; they would not respect us for getting their affections in that way.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. COPELAND. I do not think it is quite fair for the senior Senator from Nebraska to put the matter quite so crudely as he has put it.

Mr. NORRIS. I did the best I could. I am crude anyway.

Mr. COPELAND. The Senator from Nebraska is not crude. He knows the value of words as well as any man I know of. I am not proposing to buy the friendship of Belgium or of Italy. But I want to go back for just a minute to the start of the discussion. It never was said from the platforms in this country, "We want you to buy our bonds in order that we may lend the money to somebody." It was said, "Your country, America, needs this money, and we want you to let your country have it." There was never any thought on the part of the people that we were going to deal harshly with any nation at the end of the war.

Mr. NORRIS. Was there ever any pretense made that we were going to give the money away? Can the Senator say that? Did he ever hear any orator anywhere, did he ever hear an official, from President Wilson down, say, "Loan us this money. We want to give it to our allies."

Mr. COPELAND. We talked about the buying of cannon, the buying of powder, the building of ships, the feeding of armies, and the maintenance of the great establishments necessary to win the war, and included in that was this appeal for money, not to lend it to anybody; that was not talked about. When the Senator talks about buying friendship, I think that is a very crude and rude way to talk about our late allies. I say again, we could not win the friendship of those countries over there any more speedily or enthusiastically than by helping them at this time, when, God knows, they need it.

Mr. CARAWAY. When did they become our allies? I did not know that we ever had an alliance with any of them.

Mr. COPELAND. We have not any now.

Mr. CARAWAY. We never did have, during the war.

Mr. NORRIS. We will have an alliance with them if we give them our money.

Mr. REED of Missouri. Did the Senator from New York say that it was not represented to the American people that this money would be paid back?

Mr. COPELAND. That is what I said.

Mr. REED of Missouri. I do not like to put in a categorical denial to any statement made by a Senator for whom I have respect—and I have respect for the Senator from New York—but I say that the representation was made millions of times, and it was made first in the statutes of the United States, in which the conditions of the loans were set forth.

Mr. CARAWAY. And for which every Senator voted.

Mr. REED of Missouri. Yes; for which the Senate voted.

Mr. CARAWAY. Every Senator.

Mr. REED of Missouri. All of them, and as I remember, every Member of the House so voted; and the law was signed by the President of the United States. A representation is there in words and in letters and in figures. The representation was made by those who went out to urge our people to buy those bonds, and it was made everywhere and at every time, and on every occasion. The Senator might as well deny that

the sun was in the heavens, as to deny a fact known to practically 113,000,000 people.

Mr. NORRIS. Mr. President——

Mr. REED of Missouri. Let me add, while I am on the floor, that that is not the only representation or partial promise that Mr. Wilson made to which the Congress has paid no attention. Mr. Wilson told the French statesmen expressly that he would try to have ratified the three-power pact, by which the United States and England would agree to stand by France if she were invaded by Germany. He made an express agreement, subject only to the condition that he could not make it himself, that Congress would have to ratify it, an agreement many times more solemn than the alleged agreement now cited. But when that proposition came before the Senate, the Senate exercised its right, and rejected it.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

Mr. HOWELL. I yield.

Mr. SHORTRIDGE. The President of the United States had a perfect right, constitutionally, to say and do what he did.

Mr. REED of Missouri. In that instance.

Mr. SHORTRIDGE. In that instance, even as the Senate had the constitutional power to reject the proposed treaty.

Mr. REED of Missouri. Yes, sir.

Mr. SHORTRIDGE. Why adversely comment on the President of the United States for having made that statement?

Mr. REED of Missouri. I am not adversely commenting. He had the right to make that statement because it was within his constitutional power to recommend treaties. It was not within any constitutional power to say that he would cancel a debt. He could say, as he may have said, "I will recommend this to the legally constituted authority." The point I am making is not any criticism of the President, but I am calling attention to the people who now appeal to the President's representation as a reason why we should compromise this debt, to know why this particular promise of the President is sacred when his other promises and representations were not sacred in their eyes.

Mr. FESS. Mr. President, will the Senator from Missouri yield?

Mr. REED of Missouri. I have not the floor, but I yield, so far as I am concerned.

Mr. HOWELL. I yield to the Senator from Ohio.

Mr. FESS. The Senator stated that the three-power pact was rejected by the Senate. It did not come before the Senate.

Mr. REED of Missouri. Technically it did not. It died in committee. It was cold storaged. It did not have enough vitality to get back to the floor of the Senate even with presidential crutches under it.

[At this point Mr. HOWELL yielded to Mr. DENEEN, who submitted a report which appears at the conclusion of Mr. HOWELL's speech.]

Mr. NORRIS. Mr. President, will my colleague yield further to me?

Mr. HOWELL. Certainly.

Mr. NORRIS. I desire to say in answer to some suggestion made by the Senator from New York about what was said by those who went all over the country to induce people to buy Liberty bonds that in the various drives that were made for the sale of bonds the speeches were much the same. Of course, I can not and do not pretend to speak for all those who went out over the country asking the people to subscribe for bonds. I heard many of their speeches. I read much of the literature that came out. I delivered many addresses myself on the subject. In all that I ever delivered, all that I ever heard, all that I ever read, I never had the first intimation directly or indirectly that any of the money that we loaned to our allies we were not going to have paid back, the same as our people had to pay the Government bonds which we issued here. So far as my knowledge goes I say without any reservation or hesitation that there never was a suggestion made in any of those campaigns, even indirectly, that when the people bought the bonds the Government was going to take the money and give it to any of her allies who were engaged in the war with us.

Personally I remember, and it has occurred to me since the debate has been in progress, that in one address I was delivering to an audience of four or five thousand people I was asked the question out of the audience, after we had made some of those drives. This was during one of the last drives. I referred to the statute that was then on the books providing for the lending of this money to our allies and specifically outlined the statute as I understood it, explaining that it provided explicitly that all such public funds of our Government loaned to any of our allies were loaned on the same terms and at the same rate of interest at which the Government was trying to borrow the money then from those whom I was trying to induce to buy and to part with their money in order to buy. I felt then, and feel now personally, so far as I am concerned, that the representations I made were made in good faith. To some extent I should feel humiliated if I should go back before those same people and have them say, "After you did your best to induce us to part with our money, you went to the Senate and voted to give this public money away while we are still toiling to pay taxes."

Mr. BLEASE. And does not the Senator know, too, that people were called slackers and accused of being disloyal, and that they were actually selling at a sacrifice many of their belongings in order to buy the bonds?

Mr. NORRIS. Yes; without limit.

Mr. BLEASE. And, furthermore, in instances they were even threatened in my State.

Mr. NORRIS. Yes; that occurred sometimes.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ERNST in the chair). Does the Senator from Nebraska yield to the Senator from New York?

Mr. HOWELL. I yield.

Mr. COPELAND. Of course, the Senator in making his addresses as a Member of the Senate was better informed regarding the financial aspect of the situation. In the next place, he spoke to audiences so far removed from the Atlantic Ocean that I suppose there was no fear of submarines. But I want to say I never heard any speaker state, and in the speeches which I made I never made reference to the idea, that we were going to give some money to our friends on the other side which they were going to pay back. We told all the audiences, "We are in the war. We must win the war no matter what sacrifice we make. If need be, the women must give their wedding rings and the men must give everything precious to them, but we must supply the money for our Government which is in need."

The appeal was an appeal to the patriotic impulses of our people. "Give your money because your country needs it." That was the appeal. So far as my people were concerned, hundreds of them never believed that they were going to get back any of the money which they contributed. If need be, they were giving the money as a free gift in order that the war might be won. It was that patriotic thought, Mr. President, which inspired the people where I live to give the money and the people where I live never believed that the folks in Italy and France and Belgium were to be taken by the throat and led up to the captain's desk and told, "You must give us every last dollar you can rake and scrape." Our patriotic impulses, Mr. President, are still with us.

Mr. HOWELL. Mr. President, I have never before heard it suggested that there was any thought or belief on the part of our people that they were giving the money which they subscribed for our Liberty and other war bonds. They were told at the time that these bonds were one of the best investments they could make. Those who were borrowing this money were never given to understand, directly or indirectly, by the Treasury Department or anyone else that our foreign debtors would not have to pay and return these funds. As evidence of that fact the Treasury Department has in its possession the obligations of Belgium, signed by her, some in bond form bearing 5 per cent interest for much of this money and at a less rate of interest for other portions thereof.

I have heard it suggested that we ought to be lenient in demanding a return of the sums loaned in order that other nations might buy from us; but, Mr. President, economically that suggestion is absolutely unsound. Can we afford to furnish money to citizens of foreign nations in order that they may buy from our manufacturers? It might be to the advantage of the manufacturers, but it certainly would not be to the advantage of the great mass of the people of this country; but that is what that argument amounts to. A manufacturer of agricultural implements might easily feel that if he could sell his products abroad, even though the people of this country furnished the money with which those abroad might buy, he would make a profit and at the same time be able to pay his share of the funds supplied foreign sources for such purchases; but such an idea is utterly uneconomic.

In connection with the Belgian debt settlement, as to $171,000,000 of the money loaned, the settlement provides that we are to receive no interest whatever during the 62 years, and it is urged that those terms should be granted Belgium because President Wilson promised to recommend to Congress

that no interest be collected upon that portion of Belgium's indebtedness which was created before the armistice; but, Mr. President, as has been suggested on the floor of the Senate, other recommendations made by President Wilson have not been regarded with any such sacredness. If we are to consider his recommendations with reference to the nonpayment of interest on this $171,000,000 as stated, why not so consider President Wilson's recommendations with reference to the three-pact treaty? France might now on the same ground urge that she should be relieved of certain interest payments on portions of her debt because President Wilson had promised to recommend the three-pact agreement, and that because the Senate refused to ratify it she should receive a consideration in connection with the determination of the amount of her indebtedness that she will have to pay.

Mr. President, I can not feel for a moment that Belgium is entitled to be relieved of interest in connection with this item or in connection with other items of her indebtedness, as is proposed by this settlement. Belgium's payments to the United States are not proportionately so great, according to her ability to pay, as are those made by Great Britain. They are not proportionately so great as are those which are to be made by Italy. I cite as my authority the statements of Secretary of the Treasury Mellon before the Ways and Means Committee of the House of Representatives. He stated that—

the British-American settlement calls for an average annual payment equivalent to 4.6 per cent of the total British budget expenditures; the Belgian settlement 3.5.

Secretary Mellon utilized certain indices for the purpose of comparison as to the burden which these settlements imply. In connection with the first index, namely, budget expenditures, we find that Belgium does not pay within about 25 per cent as much, relatively, as does Great Britain. Secretary Mellon next used as an index foreign trade, and stated that the British settlement calls for an average charge corresponding to 1.9 per cent of the total British foreign trade. This figure is 0.88 per cent in the case of Belgium—less than nine-tenths of 1 per cent.

Again, he uses as an index Great Britain's average annuity, and states that this represents ninety-four one-hundredths per cent of Britain's national income, while in the case of Belgium it represents only eight-tenths of 1 per cent. Then he went on to show that what Italy was required to pay was relatively more than either of those countries is required to pay; yet this settlement provides that Belgium shall not pay one cent of interest upon $171,800,000 of this debt for the entire period.

Mr. KING. Mr. President, will the Senator yield?

Mr. HOWELL. Yes.

Mr. KING. I missed a part of the Senator's statement, and, for information, I should like to ask him a question. My recollection is that the Italian debt settlement, measured by its present value, is approximately 27 per cent?

Mr. HOWELL. It is about 24.6 per cent.

Mr. KING. Applying the same standard and the same method of obtaining present value, what per cent would Belgium pay and what per cent would Great Britain pay under the respective settlements with those nations?

Mr. HOWELL. The percentage of Belgium's payment is 46.5 per cent.

Mr. KING. That is more, measured by the present value, than the payments under the Italian settlement?

Mr. HOWELL. Yes.

Mr. KING. That would be in contravention of the Senator's suggestion, if I understood him accurately.

Mr. HOWELL. But Great Britain's payments are about 80 per cent, and yet we require of Great Britain more in proportion to her budget, to her total foreign trade, and to her total income than we do of Belgium. Why then should we have made such favorable terms in the case of Belgium?

Mr. KING. Mr. President, if I may further trespass upon the time of the Senator from Nebraska, let me say that I have been inclined to think the settlement which we exacted of Great Britain—perhaps I ought not to use the word "exacted"; the settlement which was made with Great Britain—measured by the proposed settlements with the other countries with whom we are dealing, was rather harsh to Great Britain, taking into account especially the fact that she gets nothing from her colonies; that her great dominions, such as Canada, South Africa, Australia, and New Zealand, are absolutely exempted from the payment of any part of the indebtedness. Moreover, under the recent treaty with the Irish Free State, the Free State has no obligation whatever. So the little country, embracing England, Wales, and Scotland, has resting upon it this entire obligation; and therefore, as I have said, I have felt, measured by proposed settlements with the other countries, the British settlement was rather harsh.

But to reply to the Senator's suggestion in regard to Belgium, let me say that there were considerations doubtless which moved the commission—and whether they were proper considerations or whether they were adequate I express no opinion—to make the favorable settlement which has been submitted to us. First, Belgium was caught, so to speak, between the upper and nether millstones; she suffered the inundation of the enemy for the entire period of the war; she had quartered upon her during the entire period of the war a large part of the German Army; she suffered many indignities and outrages and oppressions, to which, of course, the other allied nations were not compelled to submit. Those considerations doubtless influenced the commission, and perhaps properly so, as I think, perhaps, they would have influenced the Senator and myself. If we had been upon the commission we would probably have taken into account the great sufferings that the Belgian people were compelled to endure during the entire period of the war.

Mr. HOWELL. Mr. President, I ask the distinguished Senator from Utah if he thinks that the people of my State would feel that the Senate was justified in imposing upon them on account of these sentimental considerations, a loss which they must pay ultimately amounting to about $18,000,000 because of this one settlement alone? In the case of the Senator's State the loss would be less, amounting to about $7,000,000. It would not be less per inhabitant, but totals less because the population is not so great as it is in my State. That, however, would be the loss on account of this one settlement alone, and, in addition, after my State, for instance, has been saddled by the Italian debt settlement, with a loss which it will ultimately suffer, of $122,000,000, and Utah with a loss of $42,000,000. Add to that the loss that Utah will suffer under this Belgian settlement, and it amounts in the aggregate to nearly $50,000,000. Suppose the Senator should attempt in Utah to saddle such a debt upon the people there, even though it were to be paid over 62 years, what would be their reaction? Yet the distinguished Senator from Utah practically admits that the settlement with Belgium is upon more lenient terms than the settlement with Great Britain, and it is urged that we should make these more lenient terms because President Wilson, when he was in Paris, promised that he would recommend some such thing to Congress.

Mr. President, I do not want to wring from these people anything; but I submit that as all that Belgium ever pays us amounts to but 2.1 per cent on the face of her debt as carried on the Treasury books, and at the end of 62 years that debt is canceled, we are not doing justice for the American people, whatever we may think we are doing by the Belgium people.

Mr. President, we have lost our perspective; and I can not believe that the American people will not ultimately and bitterly resent such action in connection with our trusteeship. The board of directors of any bank would not treat its most favored customer in any such manner. If that customer were solvent, they might say to him: "We will give you all the time you want; but ultimately, if you are able to pay, we want you to pay." But what do we do? We limit the amount of payment that we will receive; we give up our present 5 per cent obligations for new obligations, some bearing no interest whatever, that are not backed up by anything but the same kind of a promise to pay; if Belgium is able to pay us more we will not get a dollar more, and if she is not able to pay us what she has promised we will take less. It is a jug-handled arrangement.

Mr. President, if this settlement is to be approved—and I understand that there are sufficient votes for its approval—we certainly ought to amend it to the extent of giving our Government further advantages without any cost to Belgium.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FESS in the chair). The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Caraway	Fernald	Hale
Bayard	Copeland	Ferris	Harreld
Bingham	Couzens	Fess	Harris
Blease	Cummins	Frazier	Heflin
Borah	Curtis	George	Howell
Bratton	Dale	Gillett	Johnson
Broussard	Deneen	Glass	Jones, N. Mex.
Bruce	Edge	Goff	Jones, Wash.
Butler	Ernst	Gooding	Kendrick

Keyes	Metcalf	Reed, Pa.	Swanson
King	Neely	Robinson, Ark.	Trammell
La Follette	Norris	Sackett	Underwood
Lenroot	Nye	Sheppard	Wadsworth
McKellar	Oddie	Shipstead	Warren
McLean	Overman	Shortridge	Watson
McMaster	Phipps	Smoot	Weller
McNary	Pine	Stanfield	Willis
Mayfield	Ransdell	Steck	
Means	Reed, Mo.	Stephens	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present.

Mr. HOWELL. Mr. President, paragraph 8 of the Belgian settlement reads in part as follows:

Belgium will issue to the United States at any time, or from time to time, at the request of the Secretary of the Treasury of the United States, in exchange for any or all of the bonds issued hereunder and held by the United States, definitive engraved bonds in form suitable for sale to the public, in such amounts and denominations as the Secretary of the Treasury of the United States may request, in bearer form, with provision for registration as to principal, and/or in fully registered form, and otherwise on the same terms and conditions as to dates of issue and maturity, rate or rates of interest, if any, exemption from taxation, payment in obligations of the United States issued after April 6, 1917, and the like, as the bonds surrendered on such exchange. * * * Belgium agrees that the definitive engraved bonds called for by this paragraph shall contain all such provisions and that it will cause to be promulgated all such rules, regulations, and orders as shall be deemed necessary or desirable by the Secretary of the Treasury of the United States in order to facilitate the sale of the bonds in the United States, in Belgium, or elsewhere, and that if requested by the Secretary of the Treasury of the United States it will use its good offices to secure the listing of the bonds on such stock exchanges as the Secretary of the Treasury of the United States may specify.

It must be very evident that it would be utterly impossible to have salable bonds issued so far as $171,000,000 of the indebtedness is concerned, because this amount bears no interest whatever. Those who might buy such bonds would buy them for income, and these bonds would afford no income.

I now propose to offer an amendment which will give the Secretary of the Treasury the contractual right to call upon Belgium to afford these bonds in income form, provided that such transformation shall in nowise affect the amount of money which Belgium will pay in any one year, including principal and interest. Under the circumstances, it must appear that this would be to the advantage of the Government of the United States and not necessarily to the advantage of Belgium in any way. Therefore, I propose to offer an amendment, which I now send to the desk.

The PRESIDING OFFICER. The Senator from Nebraska offers an amendment, which the clerk will report.

The LEGISLATIVE CLERK. On page 1, line 3, after "That," insert a comma and "subject to the modifications set forth in sections 2 and 3,".

Page 5, after line 3, insert two new sections, to read as follows:

SEC. 2. At any time, upon request of the Secretary of the Treasury, the Kingdom of Belgium shall issue to the United States in exchange for any or all of the bonds issued under the settlement specified in section 1 outstanding and remaining unpaid, an amount of bonds equal to the present value at the time of the request of such bonds. Such bonds issued in exchange shall be in bearer form and shall be in such denominations, at such rates of interest, and with such dates of maturity as the Secretary of the Treasury may prescribe, except that the total amounts due in any one year on account of the principal and interest of any such bonds shall not exceed the amounts which would be payable in such year in accordance with the schedules provided in the settlement specified in section 1, plus amounts due thereunder in any prior year and remaining unpaid.

SEC. 3. The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of the Kingdom of Belgium or any political or local taxing authority within the Kingdom of Belgium.

Mr. HOWELL. Mr. President, when the time comes to vote upon the proposed settlement, I shall call up this amendment and may present further views in reference thereto.

I ask permission to insert at this point a table showing the approximate cost to the United States of the proposed settlement apportioned among the various States.

The PRESIDING OFFICER. Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Approximate cost to the United States of proposed Belgium debt settlement apportioned among the various States in proportion to population

[1920 census]

States	Population to nearest 1,000	Proportion of cost without interest	Proportion of cost with interest
Alabama	2,348,000	$16,675,000	$31,349,000
Arizona	334,000	2,392,500	4,497,900
Arkansas	1,752,000	13,050,000	24,534,000
California	3,427,000	24,650,000	46,342,000
Colorado	940,000	6,815,000	12,812,200
Connecticut	1,381,000	10,150,000	19,082,000
Delaware	223,000	1,595,000	2,998,600
District of Columbia	438,000	3,190,000	5,997,200
Florida	968,000	7,032,500	13,221,100
Georgia	2,896,000	21,025,000	39,527,000
Idaho	432,000	3,117,500	5,860,900
Illinois	6,485,000	47,125,000	88,595,000
Indiana	2,930,000	21,025,000	39,527,000
Iowa	2,404,000	17,400,000	32,712,000
Kansas	1,769,000	13,050,000	24,534,000
Kentucky	2,417,000	17,400,000	32,712,000
Louisiana	1,799,000	13,050,000	24,534,000
Maine	768,000	5,582,500	10,495,100
Maryland	1,450,000	10,875,000	20,445,000
Massachusetts	3,852,000	28,275,000	53,157,600
Michigan	3,668,000	26,625,000	50,031,000
Minnesota	2,387,000	17,400,000	32,712,000
Mississippi	1,791,000	13,050,000	24,534,000
Missouri	3,404,000	24,650,000	46,342,000
Montana	549,000	3,987,500	7,496,500
Nebraska	1,296,000	9,425,000	17,719,000
Nevada	77,000	580,000	1,090,400
New Hampshire	443,000	3,190,000	5,997,200
New Jersey	3,156,000	23,200,000	43,616,000
New Mexico	360,000	2,610,000	4,906,800
New York	10,385,000	75,400,000	141,752,000
North Carolina	2,559,000	18,850,000	35,438,000
North Dakota	647,000	4,712,500	8,859,500
Ohio	5,759,000	42,050,000	79,054,000
Oklahoma	2,028,000	14,500,000	27,260,000
Oregon	783,000	5,655,000	10,631,400
Pennsylvania	8,720,000	63,075,000	118,581,000
Rhode Island	604,000	4,350,000	8,178,000
South Carolina	1,684,000	12,325,000	23,171,000
South Dakota	637,000	4,650,000	8,723,200
Tennessee	2,338,000	16,675,000	31,349,000
Texas	4,663,000	34,075,000	64,061,000
Utah	449,000	3,262,500	6,133,500
Vermont	352,000	2,537,500	4,770,500
Virginia	2,309,000	16,675,000	31,349,000
Washington	1,357,000	10,150,000	19,082,000
West Virginia	1,464,000	10,875,000	20,445,000
Wisconsin	2,632,000	18,850,000	35,438,000
Wyoming	194,000	1,377,500	2,589,700

MUSCLE SHOALS

During the delivery of Mr. HOWELL's speech,

Mr. DENEEN. Mr. President, will the Senator from Nebraska yield to me to submit a report?

Mr. HOWELL. I yield for that purpose.

Mr. DENEEN. I ask unanimous consent to file a report of the Joint Committee on Muscle Shoals (Rept. No. 672) and to introduce a bill, as provided in the joint resolution.

Mr. NORRIS. Mr. President, I ask the Senator what is the course he expects to pursue?

Mr. DENEEN. I ask that the bill may go over until to-morrow or go to the calendar.

Mr. NORRIS. I ask that the bill be referred to the Committee on Agriculture and Forestry. I am willing to let it go over until to-morrow, however.

Mr. SMOOT. Mr. President, if this matter is going to lead to any debate at this time, I shall have to object.

Mr. NORRIS. I understood that the action the Senator had in mind would require that the bill should be introduced and go to the calendar. Of course, he can not do that, as I understand the rule.

Mr. DENEEN. It may go over, then, until to-morrow.

Mr. NORRIS. All right.

The VICE PRESIDENT. The Senator desires that the bill be read twice.

Mr. NORRIS. I have no objection to that; but let it lie on the table.

The VICE PRESIDENT. The bill will be considered as having been read twice and will be placed on the calendar.

Mr. DENEEN. The bill will go to the calendar under the rule.

Mr. NORRIS. No; let it lie on the table.

The VICE PRESIDENT. Under the rule the bill goes to the calendar.

Mr. NORRIS. That is what I am objecting to. Under the rule the Senator has introduced the bill. Under the rule it

should go to a committee. If there is any contention about it, I want to have it settled.

Mr. DENEEN. Let it go over until to-morrow.

Mr. HEFLIN. Mr. President, there is objection to having the bill go to a committee, and under the rule I think it would lie on the table to-day if there is objection to permitting it to go to the calendar. The motion of the Senator from Nebraska can come up to-morrow.

Mr. NORRIS. I have no objection to that course, but I do not want the bill to go to the calendar.

The VICE PRESIDENT. The bill is reported from a committee; and under the rule if there is objection, it lies over one day.

Mr. NORRIS. I do not want to interrupt the Belgian debt settlement bill unless it is desired to lay that measure aside. The bill is introduced like any other bill. It is not introduced by a standing committee of the Senate. The bill is introduced by a special joint committee.

The VICE PRESIDENT. The bill is reported under order of the Senate, differing in its status from the ordinary reported bill.

Mr. NORRIS. I do not want action taken at this time. I do not want to be shut off from making the motion if it is going to require it under the Chair's ruling, to refer the bill to a committee. I do not want to enter into any discussion of the matter at the present time unless Senators desire to take up the bill.

The VICE PRESIDENT. The Senator from Nebraska will have the right to make a motion to refer the bill to the committee, but the Chair will rule on the matter now, so that Senators may have it in mind. The Chair holds that under Rule XIV, paragraph 4, this bill, having been reported from a committee, namely, the Joint Committee on Muscle Shoals, should, after its second reading, be placed on the calendar, and, except by unanimous consent, it can not be considered until it has lain over one day. See Rule XXVI, paragraph 2. The Chair thinks that when the bill is before the Senate for consideration a motion to refer the same to a standing committee would, under Rule XXII, be in order and would require a majority vote for adoption.

Mr. NORRIS. I object to the second reading of the bill.

The VICE PRESIDENT. The clerk will read the bill the first time.

The bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes, was read the first time by its title.

Mr. GEORGE. Mr. President, I ask unanimous consent that the bill may lie over without prejudice.

Mr. NORRIS. I think under my objection the bill does lie over until to-morrow.

The VICE PRESIDENT. The bill will lie over until to-morrow.

Mr. HEFLIN. Mr. President, the committee on the part of the Senate is not in entire agreement upon the proposed disposition of Muscle Shoals. I, as one of the members appointed by the Chair, favored the bid made by the Air Nitrate Corporation, backed by the American Cyanamid Co., mainly because that company is already actively engaged in the business of manufacturing fertilizer. I was and am particularly anxious to see that an abundant supply of cheap fertilizer is made at Muscle Shoals, and I felt, for the reason stated, that that could be done better by the company that I have named. I gave notice to the joint committee last Saturday that I would reserve the right to offer that bid as a substitute if I decided to do so when the matter was taken up, and I wish now to simply say that when the bill is taken up for consideration by the Senate I shall present my views in regard to the question.

Mr. McKELLAR subsequently said: Mr. President, I wish to make an inquiry of the Chair. What was done with reference to the Muscle Shoals report? Was it ordered to be printed?

The VICE PRESIDENT. The report will be printed under the rule and will be on the desks of Senators to-morrow.

Mr. McKELLAR. That is what I wished to know. I wanted to know whether we could have copies of the report to-morrow when the matter comes before the Senate for consideration.

CALL OF THE ROLL

Mr. HOWELL, on the conclusion of his speech, suggested the absence of a quorum.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Blease	Broussard	Caraway
Bayard	Borah	Bruce	Copeland
Bingham	Bratton	Butler	Couzens
Cummins	Harreld	Mayfield	Shipstead
Curtis	Harris	Means	Shortridge
Dale	Heflin	Metcalf	Smoot
Deneen	Howell	Neely	Stanfield
Edge	Johnson	Norris	Steck
Ernst	Jones, N. Mex.	Nye	Stephens
Fernald	Jones, Wash.	Oddie	Swanson
Ferris	Kendrick	Overman	Trammell
Fess	Keyes	Phipps	Underwood
Frazier	King	Pine	Wadsworth
George	La Follette	Ransdell	Warren
Gillett	Lenroot	Reed, Mo.	Watson
Glass	McKellar	Reed, Pa.	Weller
Goff	McLean	Robinson, Ark.	Willis
Gooding	McMaster	Sackett	
Hale	McNary	Sheppard	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present.

SETTLEMENT OF BELGIAN INDEBTEDNESS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6774) to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Nebraska [Mr. HOWELL].

Mr. ASHURST. I ask for the yeas and nays.

Mr. SMOOT. I do not want to take any advantage of the Senator from Nebraska. He stated just before closing that when his amendment was brought up for a vote he would like to discuss it. I will send for him, and I hope the vote will not be taken until the Senator from Nebraska returns to the Chamber.

Mr. SHIPSTEAD. May we have the amendment read?

The PRESIDING OFFICER. Without objection, the amendment will be read again.

The Chief Clerk again read Mr. HOWELL'S amendment.

Mr. SMOOT. Mr. President, the Senator from Nebraska has returned to the Chamber, but does not desire to discuss the amendment. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when Mr. CAPPER'S name was called). I desire to announce the absence of my colleague [Mr. CAPPER] on account of illness in his family. If present, he would vote "nay."

Mr. TRAMMELL (when Mr. FLETCHER'S name was called). I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER]. He has a general pair with the junior Senator from Delaware [Mr. DU PONT].

Mr. REED of Pennsylvania (when Mr. PEPPER'S name was called). The senior Senator from Pennsylvania [Mr. PEPPER] is necessarily absent. If he were present, he would vote "nay." He has a general pair with the Senator from South Carolina [Mr. SMITH].

Mr. McKELLAR (when Mr. TYSON'S name was called). The junior Senator from Tennessee [Mr. TYSON] is unavoidably absent. He is paired with the Senator from Ohio [Mr. WILLIS].

Mr. WILLIS (when his name was called). I am paired with the junior Senator from Tennessee [Mr. TYSON]. I transfer that pair to the senior Senator from Vermont [Mr. GREENE] and vote "nay."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce that the Senator from Delaware [Mr. DU PONT], the Senator from Indiana [Mr. ROBINSON], the Senator from Minnesota [Mr. SCHALL], the Senator from Vermont [Mr. GREENE], and the Senator from Arizona [Mr. CAMERON] would, if present, vote "nay."

Mr. OVERMAN. I wish to announce that my colleague, the senior Senator from North Carolina [Mr. SIMMONS], is unavoidably absent. He is paired with the senior Senator from Oklahoma [Mr. HARRELD].

Mr. BROUSSARD. I have a general pair with the senior Senator from New Hampshire [Mr. MOSES]. I understand that he would vote as I intend to vote on this question and I am therefore at liberty to vote. I vote "nay."

Mr. BRATTON. I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. In his absence I withhold my vote.

Mr. ROBINSON of Arkansas. I desire to announce that the Senator from New Jersey [Mr. EDWARDS] and the Senator from Washington [Mr. DILL] are detained on official business of the Senate.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER];

The Senator from Minnesota [Mr. SCHALL] with the Senator from Montana [Mr. WALSH]; and

The Senator from Arizona [Mr. CAMERON] with the Senator from Washington [Mr. DILL].

The result was announced—yeas 21, nays 52, as follows:

YEAS—21

Blease	Heflin	Neely	Shipstead
Borah	Howell	Norris	Stephens
Caraway	Johnson	Nye	Trammell
Couzens	La Follette	Overman	
Frazier	McKellar	Reed, Mo.	
Harris	Mayfield	Sheppard	

NAYS—52

Ashurst	Fernald	Keyes	Robinson, Ark.
Bayard	Ferris	King	Sackett
Bingham	Fess	Lenroot	Shortridge
Broussard	George	McLean	Smoot
Bruce	Gillett	McMaster	Stanfield
Butler	Glass	McNary	Steck
Copeland	Goff	Means	Swanson
Cummins	Gooding	Metcalf	Underwood
Curtis	Hale	Oddie	Wadsworth
Dale	Harreld	Phipps	Warren
Deneen	Jones, N. Mex.	Pine	Watson
Edge	Jones, Wash.	Ransdell	Weller
Ernst	Kendrick	Reed, Pa.	Willis

NOT VOTING—23

Bratton	Fletcher	Norbeck	Smith
Cameron	Gerry	Pepper	Tyson
Capper	Greene	Pittman	Walsh
Dill	Harrison	Robinson, Ind.	Wheeler
du Pont	McKinley	Schall	Williams
Edwards	Moses	Simmons	

So Mr. HOWELL'S amendment was rejected.

Mr. REED of Missouri. Mr. President, the Senator from Utah [Mr. SMOOT], in charge of the bill, has appealed to me to let it come to a vote. I am going to accede to his request after I have made a few brief remarks, and they will be brief if I am not interrupted.

The statement was made on the floor of the Senate this morning by the junior Senator from New York [Mr. COPELAND] that the American people had never been told that if they bought bonds and the money was loaned to Europe, the money would be repaid. Attention was at the time called to the fact that that promise had been made by a solemn act of Congress signed by the President of this Republic. For the benefit of the Senator from New York and his constituency I want to read a part of the language of that act. It is found in section 2, on page 8 of the document I hold in my hand. I do not know whether the Senator from New York has the same act before him or not. I read:

SEC. 2. That for the purpose of more effectually providing for the national security and defense and prosecuting the war, the Secretary of the Treasury, with the approval of the President, is hereby authorized, on behalf of the United States, to establish credits with the United States for any foreign governments then engaged in war with the enemies of the United States—

Let me say that that is the only constitutional peg on which they could hang the proposed loan. I continue reading—

and, to the extent of the credits so established from time to time, the Secretary of the Treasury is hereby authorized to purchase, at par, from such foreign governments respectively their several obligations hereafter issued, bearing such rate or rates of interest, maturing at such date or dates, not later than the bonds of the United States then last issued under the authority of this act, or of such act approved April 24, 1917, and containing such terms and conditions as the Secretary of the Treasury may from time to time determine, or to make advances to or for the account of any such foreign governments and to receive such obligations at par for the amount of any such advances; but the rate or rates of interest borne by any such obligations shall not be less than the highest rate borne by any bonds of the United States which, at the time of the acquisition thereof, shall have been issued under authority of said act approved April 24, 1917, or of this act, and any such obligations shall contain such provisions as the Secretary of the Treasury may from time to time determine for the conversion of a proportionate part of such obligations into obligations bearing a higher rate of interest if bonds of the United States issued under authority of this act shall be converted into other bonds of the United States bearing a higher rate of interest, but the rate of interest in such foreign obligations issued upon such conversion shall not be less than the highest rate of interest borne by such bonds of the United States; and the Secretary of the Treasury with the approval of the President, is hereby authorized to enter into such arrangements from time to time with any such foreign governments as may be necessary or desirable for establishing such credits and for the payment of such obligations of foreign governments before maturity. For the purposes of this section there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $4,000,000,000, and in addition thereto the unexpended balance of the appropriations made by section 2 of said act approved April 24, 1917, or so much thereof as may be necessary: *Provided*, That the authority granted by this section to the Secretary of the Treasury to establish credits for foreign governments, as aforesaid, shall cease upon the termination of the war between the United States and the Imperial German Government.

Then follow provisions for the amendment of the previous act, the act of 1917, and in that behalf this language occurs:

SEC. 3. That the Secretary of the Treasury is hereby authorized, from time to time, to exercise in respect to any obligations of foreign governments acquired under authority of this act or of said act approved April 24, 1917, any privilege of conversion into obligations bearing interest at a higher rate provided for in or pursuant to this act or said act approved April 24, 1917, and to convert any short-time obligations of foreign governments which may have been purchased under the authority of this act or of said act approved April 24, 1917, into long-time obligations of such foreign governments, respectively, maturing not later than the bonds of the United States then last issued under the authority of this act or of said act approved April 24, 1917, as the case may be, and in such form and terms as the Secretary of the Treasury may prescribe; but the rate or rates of interest borne by any such long-time obligations at the time of their acquisition shall not be less than the rate borne by the short-time obligations so converted into such long-time obligations; and, under such terms and conditions as he may from time to time prescribe, to receive payment, on or before maturity, of any obligations of such foreign governments acquired on behalf of the United States under authority of this act or of said act approved April 24, 1917, and, with the approval of the President, to sell any of such obligations (but not at less than the purchase price, with accrued interest unless otherwise hereafter provided by law), and—

I want Senators to hear this—

and to apply the proceeds thereof, and any payments so received from foreign governments on account of the principal of their said obligations, to the redemption or purchase, at not more than par and accrued interest, of any bonds of the United States issued under authority of this act or of said act approved April 24, 1917; and if such bonds can not be so redeemed or purchased the Secretary of the Treasury shall redeem or purchase any other outstanding interest-bearing obligations of the United States which may at such time be subject to redemption or which can be purchased at not more than par and accrued interest.

Mr. President, similar provisions were in the first act, the act of April 24, 1917, and they have run through every act under which every dollar was obtained from the people of the United States and thereafter loaned to European governments. Men can not salve their consciences in this way and "get away with it." We are repudiating our contract made with the American people in those several acts. We are breaking faith with the people who "bled themselves white" to buy our bonds in order that we might loan the money to European countries. Champ Clark once said:

It is mighty easy to be liberal with other people's money.

The verity of that utterance was never better illustrated than in the present case.

Now, just one word in conclusion. What is the motive back of this settlement? In one breath we are told it is generosity, kindliness; that we are extending a "helping hand." That is one argument. But out of the same mouth from which that argument comes, inside of 15 minutes one hears the argument that we have extorted the last pound, shilling, and pence that can be extorted. Either one or the other of those arguments is not true. Let those who propose to perpetrate this infamy upon the helpless absent American taxpayer choose their own ground and pick their own reasons, but let them not say that the American people did not give up their money upon a solemn representation made by acts of Congress, reiterated again and again in the newspapers of the land and by every orator, volunteer or employed, who spoke during the long weary months when our people were borrowing money in order that they might in turn lend it to the Government. When they were producing their little savings, when some of them were going without the necessities of life in order that they might lend their money it was upon the solemn pledged faith of the Congress, upon the solemn pledged faith of the President. Let no one say we are not breaking faith with them to-day.

I do not know whether or not the report which I shall now read is correct. Newspapers nearly always try to get the truth, though sometimes they are in error. However, in the Washington Post of this morning appears this article, being a cable by the Associated Press:

LONDON, April 25.—The Chiasso (Switzerland) correspondent of the Daily Herald, labor organ, claims to be able authoritatively to confirm

the report that the Italian War Office is busily engaged in military preparations. The correspondent understands that urgent instructions have been issued to the army staff to have everything ready for mobilization for June. He reports intense activity among the military divisions stationed on the Adriatic coast.

He quotes as significant a statement published by the newspaper Corriere Padano, which is controlled by Mussolini's friend, Italo Balbo: "Europe must peacefully grant us some colonies or we will sooner or later take them by force. Fascism must cross the frontiers of Italy or perish like an unfulfilled promise."

Again in the same publication appears the following dispatch by the Associated Press:

BASEL, SWITZERLAND, April 25.—Seemingly undisputed master of Italy, Benito Mussolini has in the Italian Tyrol, which before the war was part of Austria, a political problem of so delicate a nature that it will undoubtedly prove a great test of his patience and skill.

In a speech before the Chamber of Deputies in February last, Mussolini declared with reference to Brenner Pass, that "fascist Italy can, if necessary, carry further beyond its tricolor, but never lower it." Now, however, he must by tactful policies seek to win over to Italy some 150,000 persons of German descent who dominate a district which Italy calls the upper Adige, but which the Austrians and Germans call southern Tyrol.

A special correspondent of the Associated Press recently has visited this district and has just returned to Basel. Many persons in the affected district declare that Mussolini has begun wrong, because, contrary to what Austria did to Italian residents of Austria before the war, Mussolini has banned the teaching of German in the elementary schools throughout an immense area occupied for centuries by what are now German minorities.

I cite that in confirmation of the statement I made on Friday or Saturday that Mussolini is seeking to exterminate the German language, German schools, and everything German, although the solemn pledge was made before this German territory was turned over to Italy that such outrages would not be perpetrated and although no similar outrages are being perpetrated upon the Italian subjects of Yugoslavia.

I do not know whether it will be finally demonstrated by the facts of the future that Mussolini is mobilizing for the 1st of June. We would not expect that from a man controlled by ordinary human motives, but can it be said that any man is controlled by ordinary human motives who has given utterance to the statements that have fallen from the lips of this dictator? Can it be said, in view of his history, that the world may not expect at any moment any kind of wrong or outrage at his hands? Yet with this situation acute, with the facts before the Senate, we have taken the necessary action to help him establish his financial credit and to make it possible for him not only to rattle but to draw his sword.

Mr. President, I can not understand the situation in the Senate. When these settlements were first proposed there was tremendous opposition. Some delay occurred, and during that period something happened. When the Senators returned to the consideration of this subject the lines were as thoroughly fixed and adamant as though they had been in that position from all eternity. The line was as immovable as a line of granite. No facts, no arguments seemed to have the slightest effect. What influences outside of the Senate produced this remarkable situation? Whence comes this unusual unanimity of purpose? Why this haste to rush these bills through to consummation? Why, in the case of Italy at least, did not the situation there developed give us pause? Why did we not say we would wait until a condition had developed more satisfactory to our ideas and our ideals? There is some reason for this, and I do not think it is a good reason.

I do not know whether the processes that have been employed will ever be uncovered or not; but when it is possible to produce this unanimity of action to deprive our country of thousands of millions of dollars, I am compelled to regard the situation as most sinister and appalling. I trust that the people of the United States will know what is being done to them, although, singularly enough, the press comments as far as I have seen them are far from sounding the alarm that the importance of this subject and the perfidy of this act demand. But I am very sure the people will ultimately understand; and, so far as I am concerned, I do not hesitate to express the hope that every man who votes for these measures will be defeated when he offers his name for reelection; and, be he Democrat or Republican, so far as my weak efforts are concerned they will be cast against him, and that regardless of the personal friendship or esteem in which I may hold the man. I hope those men will be defeated, as thoroughly covered by an avalanche of indignant ballots as the purposes and motives and methods employed to pass this outrage and to consummate this iniquity are now buried from sight.

Now, so far as I am concerned, the Senate can vote.

Mr. BORAH. Mr. President, I do not desire to discuss this matter. It is apparent that the Senate feels that the ratification of this settlement is the proper thing, and so overwhelmingly that I have no desire to delay a vote; but I desire to take a moment to put in the RECORD an item or two, and then, so far as I am concerned, I shall yield the floor for a vote.

On the 16th of December, 1924, the Premier and Finance Minister of the Kingdom of Belgium wrote a letter to J. P. Morgan & Co. with reference to a loan of $50,000,000.

Mr. REED of Missouri. Mr. President, may I ask the Senator to repeat the date of the letter?

Mr. BORAH. The 16th of December, 1924; and I think I have a correct quotation from that letter. I venture to put it in as a correct quotation.

Among other things, he says:

Economically, Belgium has recovered from the war. Agricultural production is approximately as large as in the years immediately preceding 1914. The production of coal, coke, sugar beets, and other raw materials equals or exceeds that of pre-war years. The output of metallurgical, textile, and glass industries, Belgium's chief industries, has attained or surpassed the pre-war level. For the first nine months of 1924 finished steel production was 27 per cent in excess of the production in the similar period of 1913; while the coal production was 2 per cent larger, and that of coke 21 per cent larger. * * * It is interesting to note that for two years Belgium has had practically no unemployed. * * * One can say that for two years the whole nation has been working.

I do not quote the entire letter, but that is an excerpt from it. The prospectus signed by some 12 or 15 firms of bankers, and sent out by them to their expected customers, contains this statement:

The debt of Belgium on December 31, 1924, consisted of internal loans of 31,836,662,690 francs and external loans amounting, at exchange rates as of that date, to approximately $672,241,695, including all advances by the United States Government. The external debt in the hands of the public, after giving effect to the present bond issue, will be $260,420,000, calling for interest and sinking-fund payments of $25,450,000 per annum.

The Belgian Congo, with an area of about one-third that of the continental United States, is rich in mineral deposits, forests, and agricultural resources. Its copper deposits are among the richest in the world. The output of Union Miniere du Haute Katanga, which is one of the great copper producers of the world, amounted in 1924 to approximately 190,000,000 pounds of copper. The colonial government owns an important interest in this company and in other industrial, mining, and railway enterprises in the Congo, the present market value of its holdings being larger than its total debt on December 31, 1924. The railway and port construction to be financed by a portion of the proceeds of this loan form part of a comprehensive program of the Belgian Government for the provision in the Congo of more adequate transportation facilities, which are expected to aid greatly in opening up the country to more active economic development.

The above bonds are offered for subscription, subject to the conditions stated below, at 98 per cent and accrued interest, to yield over 7.15 per cent to maturity.

This is signed by J. P. Morgan & Co.; First National Bank; Bankers Trust Co.; the Mechanics & Metals National Bank; the Guaranty Co. of New York; the National City Co.; National Bank of Commerce in New York; the Equitable Trust Co.; Lee, Higginson & Co.; and others.

In the report of the National Industrial Conference Board, issued in 1925, at page 83, they give a statement of the comparative tax burdens of the United States and the principal debtor nations. The taxes per capita of the United States in 1913–14 were $22.73; in 1923–24, $45.27. The taxes per capita of Belgium in 1913 were $11.39; in 1923–24, $17.76.

I ask to insert in the RECORD, Mr. President, a statement prepared for me by Mr. McCoy, of the Treasury Department, showing the Belgian settlement on the basis of the English settlement.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. BORAH. I also offer for the RECORD, which I omitted to do the other day, a statement prepared by Mr. McCoy as to the Italian settlement based upon the British settlement.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Belgium

Prearmistice debt (no interest to be paid)		$171,780,000.00
Postarmistice debt:		
Principal—		
(a) Cash advanced		175,430,808.68
(b) War materials sold		29,818,933.39
Total principal		205,249,742.07
Interest, at 4¼ per cent to Dec. 15, 1922—		
Upon (a)	$26,314,491.66	
Upon (b)	491,359.24	
		26,805,850.90
Total		232,055,592.97
Interest at 3 per cent to June 15, 1925		17,404,169.47
Gross debt as of June 15, 1925		249,459,762.44
Deduct payments:		
Interest upon (b), Dec. 15, 1922, to June 15, 1925	$3,442,346.20	
Principal	172.01	
Interest on this at 3 per cent	9.57	
		3,442,527.78
		246,017,234.66
Cash at once		17,234.66
Amount refunded		246,000,000.00

Belgium

Date	Principal outstanding	Interest British base	Interest as agreed
1925	$417,780,000		
1926	415,680,000	$12,533,400	$1,740,000
1927	413,580,000	12,470,400	2,000,000
1928	411,130,000	12,407,400	2,250,000
1929	408,180,000	12,333,900	2,500,000
1930	404,730,000	12,245,400	2,750,000
1931	400,680,000	12,141,900	3,250,000
1932	396,480,000	12,020,400	3,750,000
1933	392,280,000	11,894,400	4,250,000
1934	387,980,000	11,768,400	4,750,000
1935	383,680,000	11,639,400	5,250,000
1936	379,180,000	13,428,800	8,172,500
1937	374,580,000	12,271,300	8,116,500
1938	369,880,000	13,110,300	8,057,000
1939	365,180,000	12,945,800	7,994,000
1940	360,380,000	12,781,300	7,931,000
1941	355,580,000	12,613,300	7,864,500
1942	350,680,000	12,445,300	7,798,000
1943	345,680,000	12,273,800	7,728,000
1944	340,680,000	12,098,800	7,654,500
1945	335,580,000	11,933,800	7,581,000
1946	330,380,000	11,745,300	7,504,000
1947	325,080,000	11,563,300	7,423,500
1948	319,680,000	11,377,800	7,339,500
1949	314,280,000	11,188,800	7,252,000
1950	308,780,000	10,999,800	7,164,500
1951	303,180,000	10,807,300	7,073,500
1952	297,480,000	10,611,300	6,979,000
1953	291,680,000	10,421,800	6,881,000
1954	285,780,000	10,208,800	6,779,500
1955	279,780,000	10,002,300	6,674,500
1956	273,580,000	9,792,300	6,566,000
1957	267,280,000	9,575,300	6,450,500
1958	260,880,000	9,354,800	6,331,500
1959	254,380,000	9,130,800	6,209,000
1960	247,780,000	8,903,300	6,083,000
1961	241,080,000	8,672,300	5,953,500
1962	234,180,000	8,437,800	5,820,500
1963	227,180,000	8,196,300	5,680,500
1964	219,980,000	7,951,300	5,537,000
1965	212,680,000	7,699,300	5,386,500
1966	205,180,000	7,443,800	5,232,500
1967	197,580,000	7,181,300	5,071,500
1968	189,780,000	6,915,300	4,907,000
1969	181,780,000	6,642,300	4,735,500
1970	173,580,000	6,362,300	4,557,000
1971	165,280,000	6,075,300	4,371,500
1972	156,780,000	5,784,800	4,182,500
1973	148,080,000	5,487,300	3,986,500
1974	139,180,000	5,182,800	3,783,500
1975	129,980,000	4,871,300	3,573,500
1976	120,480,000	4,549,300	3,353,000
1977	110,780,000	4,216,800	3,122,000
1978	100,880,000	3,877,300	2,884,000
1979	90,780,000	3,530,800	2,639,000
1980	80,380,000	3,177,300	2,387,000
1981	69,680,000	2,813,300	2,124,500
1982	58,680,000	2,438,800	1,851,500
1983	47,380,000	2,053,800	1,568,000
1984	35,880,000	1,658,300	1,274,000
1985	24,080,000	1,255,800	973,000
1986	11,880,000	842,800	661,500
1987		415,800	336,000
Interest payable in 62 years:			
Plan of British settlement			536,774,100
Plan as agreed upon			310,050,500
Reduction in interest below British plan			[1]226,723,600

[1] Or 42.238 per cent.

Italy

Total debt, principal and accrued interest at 4¼ per cent to Dec. 15, 1922:		
(a) Principal to Nov. 11, 1918		$1,031,000,000.00
(b) Principal after Nov. 11, 1918		617,034,050.90
Total principal		1,648,034,050.90
(a) Interest to Dec. 15, 1922, at 4¼ per cent		160,596,287.98
(b) Interest to Dec. 15, 1922, at 4¼ per cent		91,250,366.81
		251,846,654.79
Total debt as of Dec. 15, 1922		1,899,880,705.69
Interest at 3 per cent to June 15, 1925		142,491,052.93
Gross debt, June 15, 1925		2,042,371,758.62
Deduct payments:		
Principal	$164,852.94	
Interest to June 15, 1925	7,439.34	
		172,292.28
Total debt as of June 15, 1925		2,042,199,466.34
To be paid in cash		199,466.34
To be funded		2,042,000,000.00

The agreement with Italy is not as yet released. The interest to be paid by Italy is as follows:

No interest until June 15, 1930.
One-eighth of 1 per cent from June 15, 1930, to June 15, 1940.
One-fourth of 1 per cent from June 15, 1940, to June 15, 1950.
One-half of 1 per cent from June 15, 1950, to June 15, 1960.
Three-fourths of 1 per cent from June 15, 1960, to June 15, 1970.
One per cent from June 15, 1970, to June 15, 1980.
Two per cent from June 15, 1980, to June 15, 1987.
Interest payable semiannually.

Italian debt

Date	Principal outstanding	Interest, British base	Interest as agreed	Lost in interest
June 15—				
1925	$2,042,000,000			
1926	2,037,000,000	$61,260,000		$61,260,000
1927	2,032,000,000	61,140,000		61,110,000
1928	2,027,000,000	60,960,000		60,960,000
1929	2,022,000,000	60,810,000		60,810,000
1930	2,017,000,000	60,660,000		60,660,000
1931	2,004,900,000	60,540,000	$2,521,250	57,988,750
1932	1,992,700,000	60,147,000	2,506,125	57,640,875
1933	1,980,400,000	59,781,000	2,490,875	57,290,125
1934	1,967,800,000	59,412,000	2,475,500	56,936,500
1935	1,954,800,000	59,034,000	2,459,750	56,574,250
1936	1,941,300,000	68,418,000	2,443,500	65,974,500
1937	1,927,100,000	67,945,500	2,425,625	65,518,875
1938	1,912,500,000	67,448,500	2,408,875	65,039,625
1939	1,897,300,000	66,937,500	2,390,625	64,546,875
1940	1,881,500,000	66,405,500	2,371,625	64,033,875
1941	1,865,100,000	65,852,500	4,703,750	61,148,750
1942	1,848,100,000	65,278,500	4,662,750	60,615,750
1943	1,830,500,000	64,683,500	4,620,250	60,063,250
1944	1,812,200,000	64,067,500	4,576,250	59,491,250
1945	1,793,200,000	63,427,000	4,530,500	58,896,500
1946	1,773,600,000	62,762,000	4,483,000	58,279,000
1947	1,753,600,000	62,076,000	4,434,000	57,642,000
1948	1,733,000,000	61,376,000	4,384,000	56,992,000
1949	1,711,800,000	60,655,000	4,332,500	56,322,500
1950	1,689,800,000	59,913,000	4,279,500	55,633,500
1951	1,666,800,000	59,143,000	8,449,000	50,694,000
1952	1,643,000,000	58,338,000	8,334,000	50,004,000
1953	1,618,400,000	57,506,000	8,215,000	49,290,000
1954	1,593,000,000	56,644,000	8,092,000	48,552,000
1955	1,566,500,000	55,755,000	7,965,000	47,790,000
1956	1,539,000,000	54,827,500	7,832,500	46,995,000
1957	1,510,500,000	53,865,000	7,695,000	46,170,000
1958	1,480,900,000	52,867,500	7,552,500	45,315,000
1959	1,450,400,000	51,831,500	7,404,500	44,427,000
1960	1,418,900,000	50,764,000	7,252,000	43,512,000
1961	1,386,400,000	49,661,500	10,641,750	39,019,750
1962	1,352,900,000	48,524,000	10,398,000	38,126,000
1963	1,318,400,000	47,351,500	10,146,750	37,204,750
1964	1,282,900,000	46,144,000	9,888,000	36,256,000
1965	1,246,400,000	44,901,500	9,621,750	35,279,750
1966	1,208,400,000	43,624,000	9,348,000	34,276,000
1967	1,168,900,000	42,294,000	9,063,000	33,231,000
1968	1,127,400,000	40,911,500	8,766,750	32,144,750
1969	1,083,900,000	39,459,000	8,455,500	31,003,500
1970	1,039,400,000	37,936,500	8,129,250	29,807,250
1971	993,400,000	36,379,000	10,394,000	25,985,000
1972	945,900,000	34,769,000	9,934,000	24,835,000
1973	896,900,000	33,106,500	9,459,000	23,647,500
1974	846,400,000	31,391,500	8,969,000	22,422,500
1975	794,400,000	29,624,000	8,464,000	21,160,000
1976	740,400,000	27,804,000	7,944,000	19,860,000
1977	684,400,000	25,914,000	7,404,000	18,510,000
1978	625,400,000	23,954,000	6,844,000	17,110,000
1979	564,400,000	21,889,000	6,254,000	15,635,000
1980	502,400,000	19,754,000	5,644,000	14,110,000
1981	438,400,000	17,584,000	10,048,000	7,536,000
1982	371,400,000	15,344,000	8,768,000	6,576,000
1983	302,400,000	12,999,000	7,428,000	5,571,000
1984	230,400,000	10,584,000	6,048,000	4,536,000
1985	156,400,000	8,064,000	4,608,000	3,456,000

Italian debt—Continued

Date	Principal outstanding	Interest, British base	Interest as agreed	Lost in interest
June 15—				
1986	$79,400,000	$5,474,000	$3,128,000	$2,346,000
1987		2,779,000	1,588,000	1,191,000
Total		2,930,691,000	365,677,500	2,565,013,500
Interest payable in 62 years:				
Under plan of British settlement				2,930,691,000
Under plan as agreed to				365,677,500
Reduction in interest payments below British plan				[1] 2,565,013,500

[1] Or 87.18 per cent.

Mr. HARRIS. Mr. President, I voted against the Italian debt settlement, and shall vote against this settlement, for two reasons:

In the first place, before my last election, I told the people of my State in addresses I made to the legislature and to the people in every county in the State that I would not vote for the cancellation of any part of the European debts owed our country. I believe that the promises we make our people before our elections should be carried out during our term in the Senate. I consider this our solemn duty and have pursued that course since I have been a Member of this body.

In the next place, Mr. President, no man can tell what the wealth of any country and their ability to pay will be 62 years from now. I grew up in a country devastated by war, our homes destroyed, and few cattle and horses left. In some places we found it difficult to get seed for planting crops. I naturally sympathize with any country that has had a similar experience. I traveled through Italy just after the last war, in March after the armistice in November, and the people of that country were in a hundred times as good condition then as the people of my section after the war of 1861–1865. With immigration restricted and her people staying at home and upbuilding their country, Italy ought to be able to pay all of the debt she owes this country, with interest within 62 years; and I think the other countries ought to be able to do the same thing. Whatever amount we give off the debts owed us by these foreign countries must be saddled on our own people who have had to struggle so hard to make a living since the World War. Many of our people have lost their farms and the savings of a life time, and I do not believe we should burden them with debts which European countries can pay us if we give them time. Think what it means to the people of Georgia for us to relieve Italy of so much of her debt. There are about 3,000,000 people in Georgia and the cost to them of the Italian debt settlement amounts to $127,000,000 without interest—$42 for each person—their proportion of cost with interest will be $273,000,000—$91 for each person. We are giving this to Italy—reducing her debt to such an amount that this amount would be saddled on the people of Georgia alone and a proportionate amount, according to population, on the other States. Georgia has 160 counties and this would mean an additional burden of over $2,000,000 for each county without interest charge and over $4,000,000 cost to the people of Georgia if we charged interest. Feeling as I do that giving European countries such large amounts off their debts to us and saddling these debts on our own people would be unjust and injurious to the people I represent, I can not support any of these debt settlements and I raise my voice in protest against them.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. SMOOT. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. If he were present, he would vote "yea." If at liberty to vote, I should vote "nay." Under the circumstances I withhold my vote.

Mr. BROUSSARD (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES]. On this question he would vote as I intend to vote, and therefore I vote "yea."

Mr. CURTIS (when Mr. CAPPER's name was called). My colleague [Mr. CAPPER] is absent on account of illness in his family. If he were present, he would vote "yea."

Mr. EDGE (when Mr. EDWARDS's name was called). I desire to announce the unavoidable absence of my colleague [Mr. EDWARDS]. If he were present, he would vote "yea."

Mr. WATSON (when Mr. MOSES's name was called). I was requested to announce that the senior Senator from New Hampshire [Mr. MOSES] is detained from the Senate by important business. If present, he would vote "yea."

Mr. REED of Pennsylvania (when Mr. PEPPER's name was called). My colleague [Mr. PEPPER] is necessarily absent today. He has a general pair with the senior Senator from South Carolina [Mr. SMITH]. If present, my colleague would vote "yea."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I desire to announce that my colleague [Mr. SIMMONS] is unavoidably detained from the Senate. He has a general pair with the senior Senator from Oklahoma [Mr. HARRELD].

Mr. McKELLAR (when Mr. TYSON's name was called). My colleague, the junior Senator from Tennessee [Mr. TYSON], is necessarily absent. He has a general pair with the senior Senator from Ohio [Mr. WILLIS].

Mr. WILLIS (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. TYSON]. Upon inquiry I learn that if present he would vote as I intend to vote. I therefore will vote. I vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce the following general pairs:

The junior Senator from Arizona [Mr. CAMERON] with the junior Senator from Washington [Mr. DILL]; and

The junior Senator from Minnesota [Mr. SCHALL] with the senior Senator from Montana [Mr. WALSH].

I also desire to announce that if present the Senator from Arizona [Mr. CAMERON], the Senator from Delaware [Mr. DU PONT], the Senator from Vermont [Mr. GREENE], the Senator from Indiana [Mr. ROBINSON], the Senator from Minnesota [Mr. SCHALL], and the Senator from Missouri [Mr. WILLIAMS] would vote "yea."

Mr. GERRY. I desire to announce that the junior Senator from Washington [Mr. DILL] is absent on official business. If present, he would vote "nay."

I also desire to announce that the senior Senator from Mississippi [Mr. HARRISON] is necessarily absent. If present, he would vote "yea."

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER]. He has a general pair with the junior Senator from Delaware [Mr. DU PONT].

Mr. GERRY. I desire to announce that the senior Senator from Nevada [Mr. PITTMAN] is absent on account of illness.

Mr. HARRELD. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], which I transfer to the senior Senator from Vermont [Mr. GREENE], and vote "yea."

The result was announced—yeas 55, nays 20, as follows:

YEAS—55

Ashurst	Fernald	King	Shortridge
Bayard	Ferris	Lenroot	Smoot
Bingham	Fess	McKinley	Stanfield
Broussard	Gerry	McLean	Steck
Bruce	Gillett	McMaster	Watson
Butler	Glass	McNary	Weller
Copeland	Goff	Means	Willis
Couzens	Gooding	Metcalf	
Cummins	Hale	Norbeck	Swanson
Curtis	Harreld	Oddie	Wadsworth
Dale	Jones, N. Mex.	Overman	Warren
Deneen	Jones, Wash.	Phipps	Reed, Pa.
Edge	Kendrick	Pine	Robinson, Ark.
Ernst	Keyes	Ransdell	Sackett

NAYS—20

Blease	Harris	McKellar	Reed, Mo.
Borah	Heflin	Mayfield	Sheppard
Caraway	Howell	Neely	Shipstead
Frazier	Johnson	Norris	Stephens
George	La Follette	Nye	Trammell

NOT VOTING—21

Bratton	Fletcher	Robinson, Ind.	Walsh
Cameron	Greene	Schall	Wheeler
Capper	Harrison	Simmons	Williams
Dill	Moses	Smith	
du Pont	Pepper	Tyson	
Edwards	Pittman	Underwood	

So the bill was passed.

SETTLEMENT OF LATVIAN INDEBTEDNESS

Mr. SMOOT. Mr. President, I ask that the Senate proceed to the consideration of House bill 6776, to authorize the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SMOOT. Mr. President, the debt settlement with the Republic of Latvia was executed on December 24, 1925, on substantially the same terms as the settlement concluded with Poland. I ask unanimous consent to have printed in the RECORD at the end of my remarks a copy of the agreement, and at this point a copy of the schedule showing the total annual payments on the principal and interest over the debt-funding period.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Statement of amounts payable to the United States on account of the proposed refunding bonds to be issued by Latvia

Years	Principal	Schedule of annual interest installment at 3 per cent for first 10 years; 3½ per cent thereafter	Schedule of annual installments to be paid on account of principal	Total annual payments
1923	$5,775,000	$173,250	$28,000	$201,250
1924	5,747,000	172,410	29,000	201,410
1925	5,718,000	171,540	30,000	201,540
1926	5,688,000	170,640	31,000	201,640
1927	5,657,000	169,710	32,000	201,710
1928	5,625,000	168,750	33,000	201,750
1929	5,592,000	167,760	34,000	201,760
1930	5,558,000	166,740	35,000	201,740
1931	5,523,000	165,690	36,000	201,690
1932	5,487,000	164,610	37,000	201,610
1933	5,450,000	190,750	38,000	228,750
1934	5,412,000	189,420	39,000	228,420
1935	5,373,000	188,055	40,000	228,055
1936	5,333,000	186,655	42,000	228,655
1937	5,291,000	185,185	43,000	228,185
1938	5,248,000	183,680	45,000	228,680
1939	5,203,000	182,105	46,000	228,105
1940	5,157,000	180,495	48,000	228,495
1941	5,109,000	178,815	50,000	228,815
1942	5,059,000	177,065	51,000	228,065
1943	5,008,000	175,280	53,000	228,280
1944	4,955,000	173,425	55,000	228,425
1945	4,900,000	171,500	57,000	228,500
1946	4,843,000	169,505	59,000	228,505
1947	4,784,000	167,440	61,000	228,440
1948	4,723,000	165,305	63,000	228,305
1949	4,660,000	163,100	65,000	228,100
1950	4,595,000	160,825	68,000	228,825
1951	4,527,000	158,445	70,000	228,445
1952	4,457,000	155,995	73,000	228,995
1953	4,384,000	153,440	75,000	228,440
1954	4,309,000	150,815	78,000	228,815
1955	4,231,000	148,085	80,000	228,085
1956	4,151,000	145,285	83,000	228,285
1957	4,068,000	142,380	86,000	228,380
1958	3,982,000	139,370	89,000	228,370
1959	3,893,000	136,255	92,000	228,255
1960	3,801,000	133,035	95,000	228,035
1961	3,706,000	129,710	99,000	228,710
1962	3,607,000	126,245	102,000	228,245
1963	3,505,000	122,675	107,000	229,675
1964	3,398,000	118,930	111,000	229,930
1965	3,287,000	115,045	114,000	229,045
1966	3,173,000	111,055	118,000	229,055
1967	3,055,000	106,925	123,000	229,925
1968	2,932,000	102,620	128,000	230,620
1969	2,804,000	98,140	132,000	230,140
1970	2,672,000	93,520	138,000	231,520
1971	2,534,000	88,690	143,000	231,690
1972	2,391,000	83,685	148,000	231,685
1973	2,243,000	78,505	153,000	231,505
1974	2,090,000	73,150	158,000	231,150
1975	1,932,000	67,620	164,000	231,620
1976	1,768,000	61,880	170,000	231,880
1977	1,598,000	55,930	176,000	231,930
1978	1,422,000	49,770	182,000	231,770
1979	1,240,000	43,400	188,000	231,400
1980	1,052,000	36,820	195,000	231,820
1981	857,000	29,995	202,000	231,995
1982	655,000	22,925	209,000	231,925
1983	446,000	15,610	218,000	233,610
1984	228,000	7,980	228,000	235,980
Total		8,183,635	5,775,000	13,958,635

AUGUST 3, 1925

Mr. SMOOT. Mr. President, the Latvian debt was funded as of December 15, 1922. The principal amount of the obligations of Latvia held by the United States was $5,132,287.14. There was added to this amount interest to December 15, 1922, at 4¼ per cent per annum, aggregating $647,275.62. Latvia paid in cash upon execution of the agreement $4,562.76, leaving a total indebtedness to be funded into bonds of $5,775,000. Latvia pays interest on this amount at the rate of 3 per cent a year for the first 10 years and 3½ per cent thereafter.

Latvia is given the same option regarding the payments during the five years following the execution of the agreement that was given to Poland and Esthonia. Payments during this period aggregate $400,000.

I may add that at this time the present value of the settlement is 80.68 per cent of the indebtedness, with the interest added. In other words, it is a settlement made on terms exactly the same as those of the settlement with England.

Mr. NORRIS. The Senator has not yet stated in his explanation how long this is to run? When will the final payment take place?

Mr. SMOOT. It will run 62 years, the same as the British settlement.

Mr. NORRIS. After paying this interest for 62 years, then the principal will have been paid, will it?

Mr. SMOOT. Every year the interest is to be paid, as well as a part of the principal.

Mr. NORRIS. What is the rate of interest?

Mr. SMOOT. Three per cent for the first 10 years and 3½ per cent for the balance of the period.

Mr. NORRIS. In what respect does it differ from the settlement made with Great Britain?

Mr. SMOOT. It is practically the same.

Mr. OVERMAN. What per cent do we get?

Mr. SMOOT. Eighty and sixty-eight one-hundredths per cent. The amount which will have been paid at the end of the 62 years will be $13,958,635.60. I do not know that there is any necessity to say anything further in regard to this debt, as I understand that no country is expected to pay except along the lines of the settlement with Great Britain.

Mr. REED of Missouri. What are to be the annual payments?

Mr. SMOOT. I have just asked to have them inserted in the RECORD. Beginning with the first year, the interest payment will be $173,250, and the last year it will be $7,980. The payments on the interest grow less with each year, and the payments on the principal grow greater.

As to the principal, the first payment will be $28,000 and the last payment $228,000. In other words, the payments are worked out exactly as the British settlement, and the interest likewise.

Mr. REED of Missouri. I do not want to delay this matter a moment, but I would like to see the agreement. It is not set forth in the bill. I would like to see the document we are about to sign.

Mr. SMOOT. I just asked to have it printed in the RECORD, and I thought Senators could get a copy of it.

Mr. REED of Missouri. When was it printed in the RECORD?

Mr. SMOOT. I just asked to have it printed in the RECORD.

Mr. REED of Missouri. Does the Senator expect us to take action on the bill to-day?

Mr. SMOOT. I thought we would, and on the others, too, because all these small settlements are about the same.

Mr. REED of Missouri. I hope that will not be asked until we have time at least to read the agreement.

Mr. SMOOT. The agreement is exactly the same as that made with Great Britain. The payments are based upon the same schedule, and I think the agreement is almost word for word like that with Great Britain.

Mr. REED of Missouri. I have every confidence in any statement the Senator makes, and what I say is no challenge of his good faith. I want to see an agreement before I put my name to it, and I want to read it, and I want the Senator to let these matters go over until to-morrow, until we can all have a chance to read the document. We have not had the agreement yet. The Senator might be in error in regard to these matters. My statement is no reflection upon the Senator. The sum of money involved is large. Of course, $5,000,000 is getting down to chicken feed in the Senate, because we can give money away in larger bulk than that. But I would like to have this bill go over until we can see the document.

I will say to the Senator that if the settlement is similar to the settlement we made with Great Britain, if there are not other facts or circumstances that are controlling, I shall probably not offer any opposition further than to vote against it. I have always been in favor of a hundred cents on a dollar in keeping faith with the American people, and I am not going to break that faith by voting for any measure that does not carry out the contract we made with the American people when we enacted these laws and they paid the money on the faith of the laws. I think the Senator will save time by letting the bill go over.

Mr. SMOOT. I think so. I will say to the Senator that by means of a message from the President the agreements

have all been sent to the Senate and the House. They have all been printed.

I now ask unanimous consent that there may be printed in the RECORD the agreement of settlement with Czechoslovakia, the agreement of settlement with Esthonia, the agreement of settlement with Latvia, and the agreement of settlement with Rumania, so that they will be in the RECORD to-morrow morning for the use of the Senators.

The VICE PRESIDENT. Without objection, it is so ordered.

The agreements, respectively, are as follows:

Agreement made the 13th day of October, 1925, at the city of Washington, D. C., between the Czechoslovak Republic, hereinafter called Czechoslovakia, party of the first part, and the United States of America, hereinafter called the United States, party of the second part

Whereas the United States now holds certain obligations of Czechoslovakia and there are outstanding open accounts in favor of the United States and claims against the United States which are in dispute; and

Whereas the United States and Czechoslovakia wish to settle the financial differences between the two Governments and/or their agencies and to fix the net amount of the indebtedness of Czechoslovakia to the United States, both principal and interest, as of June 15, 1925, and to fund such indebtedness:

Now therefore in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. Amount of indebtedness: The amount of the indebtedness of Czechoslovakia as of June 15, 1925, is fixed at $115,000,000.

2. Payment: In order to provide for the payment of the indebtedness thus to be funded Czechoslovakia will issue to the United States at par bonds of Czechoslovakia in the aggregate principal amount of $185,071,023.07, dated June 15, 1925, and maturing serially on the several dates and in the amounts fixed in the following schedule:

Dec. 15, 1925	$1,500,000.00	June 15—	
June 15, 1926	1,500,000.00	1949	$1,540,000.00
Dec. 15, 1926	1,500,000.00	1950	1,590,000.00
June 15, 1927	1,500,000.00	1951	1,645,000.00
Dec. 15, 1927	1,500,000.00	1952	1,705,000.00
June 15, 1928	1,500,000.00	1953	1,765,000.00
Dec. 15, 1928	1,500,000.00	1954	1,825,000.00
June 15, 1929	1,500,000.00	1955	1,890,000.00
Dec. 15, 1929	1,500,000.00	1956	1,960,000.00
June 15, 1930	1,500,000.00	1957	2,025,000.00
Dec. 15, 1930	1,500,000.00	1958	2,100,000.00
June 15, 1931	1,500,000.00	1959	2,170,000.00
Dec. 15, 1931	1,500,000.00	1960	2,245,000.00
June 15, 1932	1,500,000.00	1961	2,325,000.00
Dec. 15, 1932	1,500,000.00	1962	2,405,000.00
June 15, 1933	1,500,000.00	1963	2,490,000.00
Dec. 15, 1933	1,500,000.00	1964	2,575,000.00
June 15, 1934	1,500,000.00	1965	2,665,000.00
Dec. 15, 1934	1,500,000.00	1966	2,760,000.00
June 15, 1935	1,500,000.00	1967	2,855,000.00
Dec. 15, 1935	1,500,000.00	1968	2,955,000.00
June 15, 1936	1,500,000.00	1969	3,060,000.00
Dec. 15, 1936	1,500,000.00	1970	3,165,000.00
June 15, 1937	1,500,000.00	1971	3,280,000.00
Dec. 15, 1937	1,500,000.00	1972	3,395,000.00
June 15, 1938	1,500,000.00	1973	3,510,000.00
Dec. 15, 1938	1,500,000.00	1974	3,635,000.00
June 15, 1939	1,500,000.00	1975	3,760,000.00
Dec. 15, 1939	1,500,000.00	1976	3,890,000.00
June 15, 1940	1,500,000.00	1977	4,030,000.00
Dec. 15, 1940	1,500,000.00	1978	4,170,000.00
June 15, 1941	1,500,000.00	1979	4,315,000.00
Dec. 15, 1941	1,500,000.00	1980	4,465,000.00
June 15, 1942	1,500,000.00	1981	4,625,000.00
Dec. 15, 1942	1,500,000.00	1982	4,785,000.00
June 15, 1943	1,500,000.00	1983	4,950,000.00
June 15—		1984	5,125,000.00
1944	1,296,023.07	1985	5,305,000.00
1945	1,340,000.00	1986	5,490,000.00
1946	1,385,000.00	1987	5,685,000.00
1947	1,435,000.00		
1948	1,485,000.00	Total	185,071,023.07

Provided, however, That Czechoslovakia, at its option, upon not less than 90 days' advance notice to the United States, may postpone any payment on account of principal falling due as hereinabove provided after June 15, 1943, to any subsequent June 15 or December 15 not more than two years distant from its due date, but only on condition that in case Czechoslovakia shall at any time exercise this option as to any payment of principal, the payment falling due in the next succeeding year can not be postponed to any date more than one year distant from the date when it becomes due unless and until the payment previously postponed shall actually have been made, and the payment falling due in the second succeeding year can not be postponed at all unless and until the payment of principal due two years previous thereto shall actually have been made.

3. Form of bonds: All bonds issued or to be issued hereunder to the United States shall be payable to the Government of the United States of America, or order, and shall be signed for Czechoslovakia by its Minister of Finance and countersigned by the president of the supreme accounting control office in Prague and likewise countersigned by its envoy extraordinary and minister plenipotentiary at Washington, or by its other duly authorized representative. The bonds issued for the first 36 semiannual payments shall be substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit A," and shall be issued in 36 pieces of the principal amount of $1,500,000 each, maturing serially on December 15, 1925, and semiannually thereafter up to and including June 15, 1943, and shall not bear interest before maturity. The bonds maturing subsequent to June 15, 1943, shall be substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit B" and shall be issued in 44 pieces with maturities and in denominations as hereinabove set forth and shall bear interest at the rate of 3½ per cent per annum from June 15, 1943, payable semiannually on June 15 and December 15 of each year until the principal of such bonds shall be paid.

4. Method of payment: All bonds issued or to be issued hereunder shall be payable, as to both principal and interest, in United States gold coin of the present standard of value, or, at the option of Czechoslovakia, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

All payments, whether in cash or in obligations of the United States, to be made by Czechoslovakia on account of the principal of or interest on any bonds issued or to be issued hereunder and held by the United States, shall be made at the Treasury of the United States in Washington, or, at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York; and if in cash, shall be made in funds immediately available on the date of payment; or if in obligations of the United States, shall be in form acceptable to the Secretary of the Treasury of the United States under the general regulations of the Treasury Department governing transactions in United States obligations.

5. Exemption from taxation: The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for and shall be exempt from any and all taxes or other public dues, present or future, imposed by or under authority of Czechoslovakia or any political or local taxing authority within the Czechoslovak Republic, whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Czechoslovakia, or (c) a corporation not organized under the laws of Czechoslovakia.

6. Payments before maturity: Czechoslovakia, at its option, on June 15 or December 15 of any year, upon not less than 90 days' advance notice to the United States, may make advance payments in amounts of $1,000 or multiples thereof, on account of the principal of any bonds issued or to be issued hereunder and held by the United States. Any such advance payments shall be applied to the principal of such bonds as may be indicated by Czechoslovakia at the time of the payment.

7. Exchange for marketable obligations: Czechoslovakia will issue to the United States at any time, or from time to time, at the request of the Secretary of the Treasury of the United States, in exchange for any or all of the bonds issued hereunder and held by the United States, definitive engraved bonds in form suitable for sale to the public, in such amounts and denominations as the Secretary of the Treasury of the United States may request, in bearer form, with provision for registration as to principal, and/or in fully registered form, and otherwise on the same terms and conditions, as to dates of issue and maturity, rate or rates of interest, if any, exemption from taxation, payment in obligations of the United States issued after April 6, 1917, and the like, as the bonds surrendered on such exchange. Czechoslovakia will deliver definitive engraved bonds to the United States in accordance herewith within six months of receiving notice of any such request from the Secretary of the Treasury of the United States, and pending the delivery of the definitive engraved bonds will deliver, at the request of the Secretary of the Treasury of the United States, temporary bonds or interim receipts in form satisfactory to the Secretary of the Treasury of the United States within 30 days of the receipt of such request, all without expense to the United States. The United States, before offering any such bonds or interim receipts for sale in Czechoslovakia, will first offer them to Czechoslovakia for purchase at par and accrued interest, if any, and Czechoslovakia shall likewise have the option, in lieu of issuing any such bonds or interim receipts, to make advance redemption, at par and accrued interest, if any, of a corresponding principal amount of bonds issued hereunder and held by the United States. Czechoslovakia agrees that the definitive engraved bonds called for by this paragraph shall contain all such provisions, and that it will cause to be promulgated all such rules, regulations, and orders as shall be deemed necessary or desirable by the Secretary of the Treasury of the United States in order to facilitate the sale of the bonds in the United States, in Czechoslovakia, or elsewhere, and that if requested by the Secretary of the Treasury of the United States it will use its good offices to secure the listing of the bonds on such stock exchanges as the Secretary of the Treasury of the United States may specify.

8. Cancellation and surrender of obligations: Upon the execution of this agreement, the delivery to the United States of the $185,071,023.07 principal amount of bonds of Czechoslovakia to be issued hereunder, together with satisfactory evidence of authority for the execution of this agreement by the representatives of Czechoslovakia and

for the execution of the bonds to be issued hereunder, the United States will cancel and surrender to Czechoslovakia at the Treasury of the United States in Washington, the obligations of Czechoslovakia held by the United States, and a satisfaction shall be had of all financial claims existing between the two Governments and/or their agencies.

9. Notices: Any notice, request, or consent under the hand of the Secretary of the Treasury of the United States, shall be deemed and taken as the notice, request, or consent of the United States, and shall be sufficient if delivered at the Legation of Czechoslovakia at Washington or at the office of the Ministry of Finance in Czechoslovakia; and any notice, request, or election from or by Czechoslovakia shall be sufficient if delivered to the American Legation at Prague or to the Secretary of the Treasury at the Treasury of the United States in Washington. The United States in its discretion may waive any notice required hereunder, but any such waiver shall be in writing and shall not extend to or affect any subsequent notice or impair any right of the United States to require notice hereunder.

10. Compliance with legal requirements: Czechoslovakia represents and agrees that the execution and delivery of this agreement have in all respects been duly authorized, and that all acts, conditions, and legal formalities which should have been completed prior to the making of this agreement have been completed as required by the laws of Czechoslovakia and in conformity therewith.

11. Counterparts: This agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

In witness whereof Czechoslovakia has caused this agreement to be executed on its behalf by Dr. Vilém Pospisil, Karel Kucera, and Dr. Karel Brabenec, its plenipotentiaries at Washington, thereunto duly authorized, subject, however, to constitutional ratification in Czechoslovakia, and the United States has likewise caused this agreement to be executed on its behalf by the Secretary of the Treasury, as chairman of the World War Foreign Debt Commission, with the approval of the President, subject, however, to the approval of Congress, pursuant to the act of Congress approved February 9, 1922, as amended by the act of Congress approved February 28, 1923, and as further amended by the act of Congress approved January 21, 1925, all on the day and year first above written.

THE CZECHOSLOVAK REPUBLIC,
By DR. VILÉM POSPISIL.
KAREL KUCERA.
DR. KAREL BRABENEC.
THE UNITED STATES OF AMERICA,
(For the World War Foreign Debt Commission:)
By A. W. MELLON,
Secretary of the Treasury and Chairman of the Commission.

Approved:

CALVIN COOLIDGE, *President.*

EXHIBIT A

(Form of bond)

THE CZECHOSLOVAK REPUBLIC

$1,500,000. No. ——.

The Czechoslovak Republic, hereinafter called Czechoslovakia, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on ——, 19—, the sum of one million five hundred thousand dollars ($1,500,000). This bond is payable in gold coin of the United States of America of the present standard of value, or, at the option of Czechoslovakia, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

This bond is payable without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of Czechoslovakia or any political or local taxing authority within Czechoslovakia whenever, so long as, and to the extent that, beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Czechoslovakia, or (c) a corporation not organized under the laws of Czechoslovakia. This bond is payable at the Treasury of the United States in Washington, D. C., or at the option of the Secretary of the Treasury of the United States at the Federal Reserve Bank of New York.

This bond is issued pursuant to the provisions of paragraph 2 of an agreement dated Ooctober 13, 1925, between Czechoslovakia and the United States, to which agreement this bond is subject and to which reference is hereby made.

In witness whereof Czechoslovakia has caused this bond to be executed in its behalf by its Minister of Finance and countersigned by the President of the Supreme Accounting Control Office in Prague, and likewise countersigned at the city of Washington, D. C., by its —— at Washington, thereunto duly authorized, as of June 15, 1925.

THE CZECHOSLOVAK REPUBLIC,
By —— ——, *Minister of Finance.*

EXHIBIT B

(Form of bond)

THE CZECHOSLOVAK REPUBLIC

$—— No. ——

The Czechoslovak Republic, hereinafter called Czechoslovakia, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on June 15, 19—, the sum of —— dollars ($——), and to pay interest upon said principal sum from June 15, 1943, at the rate of 3½ per cent per annum, payable semiannually on the 15th day of December and June in each year, until the principal hereof has been paid. This bond is payable as to both principal and interest in gold coin of the United States of America of the present standard of value, or, at the option of Czechoslovakia, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

This bond is payable as to both principal and interest without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of Czechoslovakia or any political or local taxing authority within the Czechoslovak Republic whenever, so long as, and to the extent that, beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Czechoslovakia, or (c) a corporation not organized under the laws of Czechoslovakia. This bond is payable as to both principal and interest at the Treasury of the United States in Washington, D. C., or at the option of the Secretary of the Treasury of the United States at the Federal Reserve Bank of New York.

This bond is issued pursuant to the provisions of paragraph 2 of an agreement dated October 13, 1925, between Czechoslovakia and the United States, to which agreement this bond is subject and to which reference is hereby made.

In witness whereof Czechoslovakia has caused this bond to be executed in its behalf by its Minister of Finance and countersigned by the president of the supreme accounting control office in Prague, and likewise countersigned at the city of Washington, D. C., by its —— at Washington, thereunto duly authorized as of June 15, 1925.

THE CZECHOSLOVAK REPUBLIC,
By —— ——, *Minister of Finance.*

Agreement, made the 28th day of October, 1925, at the city of Washington, D. C., between the Republic of Esthonia, hereinafter called Esthonia, party of the first part, and the United States of America, hereinafter called the United States, party of the second part

Whereas Esthonia is indebted to the United States as of December 15, 1922, upon obligations in the aggregate principal amount of $13,999,145.60, together with interest accrued and unpaid thereon; and

Whereas Esthonia desires to fund said indebtedness to the United States, both principal and interest, through the issue of bonds to the United States, and the United States is prepared to accept bonds from Esthonia upon the terms and conditions hereinafter set forth;

Now, therefore, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. Amount of indebtedness: The amount of the indebtedness to be funded, after allowing for cash payments made or to be made by Esthonia and the credit set out below, is $13,830,000, which has been computed as follows:

Principal amount of obligations to be funded	$13,999,145.60
Credit allowed for total loss of cargo on sinking of steamship John Russ, sunk by a mine in Baltic sea	1,932,923.45
	12,066,222.15
Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4¼ per cent a year	1,765,219.73
Total principal and interest accrued and unpaid as of Dec. 15, 1922	13,831,441.88
To be paid in cash by Esthonia upon execution of agreement	1,441.88
Total indebetedness to be funded into bonds	13,830,000.00

2. Repayment of principal: In order to provide for the repayment of the indebtedness thus to be funded Esthonia will issue to the United States at par as of December 15, 1922, bonds of Esthonia in the aggregate principal amount of $13,830,000, dated December 15, 1922, and maturing serially on each December 15 in the succeeding years for 62 years, in the amounts and on the several dates fixed in the following schedule:

Dec. 15—		Dec. 15—	
1923	$82,000	1929	$82,000
1924	71,000	1930	85,000
1925	73,000	1931	88,000
1926	75,000	1932	90,000
1927	78,000	1933	92,000
1928	80,000	1934	95,000

Dec. 15—		Dec. 15—	
1935	$98,000	1961	$240,000
1936	101,000	1962	249,000
1937	105,000	1963	257,000
1938	109,000	1964	266,000
1939	113,000	1965	275,000
1940	$117,000	1966	285,000
1941	121,000	1967	295,000
1942	125,000	1968	305,000
1943	129,000	1969	316,000
1944	134,000	1970	327,000
1945	138,000	1971	339,000
1946	143,000	1972	$350,000
1947	148,000	1973	363,000
1948	153,000	1974	375,000
1949	159,000	1975	388,000
1950	165,000	1976	402,000
1951	170,000	1977	416,000
1952	176,000	1978	431,000
1953	182,000	1979	446,000
1954	189,000	1980	461,000
1955	195,000	1981	477,000
1956	202,000	1982	494,000
1957	$209,000	1983	511,000
1958	217,000	1984	530,000
1959	224,000		
1960	232,000	Total	13,830,000

Provided, however, That Esthonia, at its option upon not less than 90 days' advance notice to the United States, may postpone any payment falling due as hereinabove provided, except those falling due on or before December 15, 1930, hereinafter referred to in paragraph 5 of this agreement, to any subsequent June 15 or December 15 not more than two years distant from its due date, but only on condition that in case Esthonia shall at any time exercise this option as to any payment of principal, the payment falling due in the next succeeding year can not be postponed to any date more than one year distant from the date when it becomes due unless and until the payment previously postponed shall actually have been made, and the payment falling due in the second succeeding year can not be postponed at all unless and until the payment of principal due two years previous thereto shall actually have been made.

3. Form of bond: All bonds issued or to be issued hereunder to the United States shall be payable to the Government of the United States of America, or order shall be issued in such denominations as may be requested by the Secretary of the Treasury of the United States, substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit A," and shall be signed for Esthonia by its envoy extraordinary and minister plenipotentiary at Washington, or by its other duly authorized representative. The $13,830,000 principal amount of bonds first to be issued hereunder shall be issued in 62 pieces in denominations and with maturities corresponding to the annual payments of principal hereinabove set forth.

4. Payment of interest: All bonds issued or to be issued hereunder shall bear interest, payable semiannually on June 15 and December 15 in each year, at the rate of 3 per cent a year from December 15, 1922, to December 15, 1932, and thereafter at the rate of 3½ per cent a year until the principal thereof shall have been paid.

5. Method of payment: All bonds issued or to be issued hereunder shall be payable, as to both principal and interest, in United States gold coin of the present standard of value, or, at the option of Esthonia, upon not less than 30 days' advance notice to the United States in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder: *Provided, however*, That with reference to the payments on account of principal and/or interest falling due hereunder on or before December 15, 1930, Esthonia, at its option, may pay the following amounts on the dates specified:

June 15, 1926	$50,000	June 15, 1929	$125,000
Dec. 15, 1926	50,000	Dec. 15, 1929	125,000
June 15, 1927	75,000	June 15, 1930	150,000
Dec. 15, 1927	75,000	Dec. 15, 1930	150,000
June 15, 1928	100,000		
Dec. 15, 1928	100,000	Total	1,000,000

And the balance, including interest on all overdue payments at the rate of 3 per cent a year from their respective due dates, in bonds of Esthonia, dated December 15, 1930, bearing interest at the rate of 3 per cent a year from December 15, 1930, to December 15, 1932, and thereafter at the rate of 3½ per cent a year until the principal thereof shall have been paid, such bonds to mature serially on December 15 of each year up to and including December 15, 1984, substantially in the manner provided in paragraph 2 of this agreement, and to be substantially similar in other respects to the bonds first to be issued hereunder.

All payments, whether in cash or in obligations of the United States, to be made by Esthonia on account of the principal of or interest on any bonds issued or to be issued hereunder and held by the United States, shall be made at the Treasury of the United States in Washington, or, at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York, and if in cash shall be made in funds immediately available on the date of payment, or if in obligations of the United States shall be in form acceptable to the Secretary of the Treasury of the United States under the general regulations of the Treasury Department governing transactions in United States obligations.

6. Exemption from taxation: The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes or other public dues, present or future, imposed by or under authority of Esthonia or any political or local taxing authority within the Republic of Esthonia, whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Esthonia, or (c) a corporation not organized under the laws of Esthonia.

7. Payments before maturity: Esthonia, at its option, on any interest date or dates, upon not less than 90 days' advance notice to the United States, may make advance payments in amounts of $1,000 or multiples thereof on account of the principal of any bonds issued or to be issued hereunder and held by the United States. Any such advance payments shall first be applied to the principal of any bonds which shall have been issued hereunder on account of principal and/or interest accruing between December 15, 1922, and December 15, 1930, and then to the principal of any other bonds issued hereunder and held by the United States as may be indicated by Esthonia at the time of the payment.

8. Exchange for marketable obligations: Esthonia will issue to the United States at any time, or from time to time, at the request of the Secretary of the Treasury of the United States, in exchange for any or all of the bonds issued or to be issued hereunder and held by the United States, definitive engraved bonds in form suitable for sale to the public, in such amounts and denominations as the Secretary of the Treasury of the United States may request, in bearer form, with provision for registration as to principal, and/or in fully registered form, and otherwise on the same terms and conditions as to dates of issue and maturity, rate or rates of interest, exemption from taxation, payment in obligations of the United States issued after April 6, 1917, and the like as the bonds surrendered on such exchange. Esthonia will deliver definitive engraved bonds to the United States in accordance herewith within six months of receiving notice of any such request from the Secretary of the Treasury of the United States, and pending the delivery of the definitive engraved bonds will deliver, at the request of the Secretary of the Treasury of the United States, temporary bonds or interim receipts in form satisfactory to the Secretary of the Treasury of the United States within 30 days of the receipt of such request, all without expense to the United States. The United States, before offering any such bonds or interim receipts for sale in Esthonia, will first offer them to Esthonia for purchase at par and accrued interest, and Esthonia shall likewise have the option, in lieu of issuing any such bonds or interim receipts, to make advance redemption, at par and accrued interest, of a corresponding principal amount of bonds issued or to be issued hereunder and held by the United States. Esthonia agrees that the definitive engraved bonds called for by this paragraph shall contain all such provisions, and that it will cause to be promulgated all such rules, regulations, and orders as shall be deemed necessary or desirable by the Secretary of the Treasury of the United States in order to facilitate the sale of the bonds in the United States, in Esthonia, or elsewhere, and that if requested by the Secretary of the Treasury of the United States, it will use its good offices to secure the listing of the bonds on such stock exchanges as he may request.

9. Cancellation and surrender of obligations: Upon the execution of this agreement, the payment to the United States of cash in the sum of $1,441.88, as provided in paragraph 1 of this agreement, and the delivery to the United States of the $13,830,000 principal amount of bonds of Esthonia first to be issued hereunder, together with satisfactory evidence of authority for the execution of this agreement and the bonds on behalf of Esthonia by its envoy extraordinary and minister plenipotentiary at Washington, or by its other duly authorized representative, the United States will cancel and surrender to Esthonia, at the Treasury of the United States in Washington, the obligations of Esthonia in the principal amount of $13,999,145.60 described in the preamble to this agreement.

10. Notices: Any notice, request, or consent under the hand of the Secretary of the Treasury of the United States shall be deemed and taken as the notice, request, or consent of the United States, and shall be sufficient if delivered at the Legation of Esthonia at Washington or at the office of the Minister of Finance in Tallinn; and any notice, request, or election from or by Esthonia shall be sufficient if delivered to the American Legation at Tallinn or to the Secretary of the Treasury at the Treasury of the United States in Washington. The United States in its discretion may waive any notice required hereunder, but any such waiver shall be in writing and shall not extend to or affect any subsequent notice or impair any right of the United States to require notice hereunder.

11. Compliance with legal requirements: Esthonia represents and agrees that the execution and delivery of this agreement have in all respects been duly authorized and that all acts, conditions, and legal formalities which should have been completed prior to the making of this agreement and the issuance of bonds hereunder have been completed as required by the laws of Esthonia and in conformity therewith.

12. Counterparts: This agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

In witness whereof Esthonia has caused this agreement to be executed on its behalf by its envoy extraordinary and minister plenipotentiary at Washington, thereunto duly authorized, subject, however, to the approval of the State Assembly, and the United States has likewise caused this agreement to be executed on its behalf by the Secretary of the Treasury, as chairman of the World War Foreign Debt Commission, with the approval of the President, subject, however, to the approval of Congress, pursuant to the act of Congress approved February 9, 1922, as amended by the act of Congress approved February 28, 1923, and as further amended by the act of Congress approved January 21, 1925, all on the day and year first above written.

THE REPUBLIC OF ESTHONIA,
By A. PIIP,
Envoy Extraordinary and Minister Plenipotentiary.
THE UNITED STATES OF AMERICA,
(For the World War Foreign Debt Commission:)
By A. W. MELLON,
Secretary of the Treasury and Chairman of the Commission.

Approved:

CALVIN COOLIDGE, *President.*

EXHIBIT A

(Form of bond)

THE REPUBLIC OF ESTHONIA

$——— No. ——.

The Republic of Esthonia, hereinafter called Esthonia, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on December 15, ——, the sum of ——— dollars ($——), and to pay interest upon said principal sum semiannually of June 15 and December 15 in each year, at the rate of 3 per cent a year from December 15, 1922, to December 15, 1932, and at the rate of 3½ per cent a year thereafter until the principal hereof shall have been paid. This bond is payable as to both principal and interest in gold coin of the United States of America of the present standard of value, or, at the option of Esthonia, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

This bond is payable as to both principal and interest without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of Esthonia or any political or local taxing authority within the Republic of Esthonia, whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Esthonia, or (c) a corporation not organized under the laws of Esthonia. This bond is payable as to both principal and interest at the Treasury of the United States in Washington, D. C., or at the option of the Secretary of the Treasury of the United States at the Federal Reserve Bank of New York.

This bond is issued under an agreement dated October 28, 1925, between Esthonia and the United States, to which this bond is subject and to which reference is hereby made.

In witness whereof Esthonia has caused this bond to be executed in its behalf at the city of Washington, D. C., by its ——— at Washington, thereunto duly authorized, as of December 15, 1922.

THE REPUBLIC OF ESTHONIA,
By ——— ———.

Agreement made the 24th day of September, 1925, at the city of Washington, D. C., between the Government of the Republic of Latvia, hereinafter called Latvia, party of the first part, and the Government of the United States of America, hereinafter called the United States, party of the second part

Whereas Latvia is indebted to the United States as of December 15, 1922, upon obligations in the aggregate principal amount of $5,132,287.14, together with interest accrued and unpaid thereon; and

Whereas Latvia desires to fund said indebtedness to the United States, both principal and interest, through the issue of bonds to the United States, and the United States is prepared to accept bonds from Latvia upon the terms and conditions hereinafter set forth:

Now, therefore, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. Amount of indebtedness: The amount of the indebtedness to be funded, after allowing for cash payments made or to be made by Latvia, is $5,775,000, which has been computed as follows:

Principal amount of obligations to be funded	$5,132,287.14
Interest accrued and unpaid thereon to December 15, 1922, at the rate of 4¼ per cent per annum	647,275.62
Total principal and interest accrued and unpaid as of December 15, 1922	5,779,562.76
To be paid in cash by Latvia upon execution of agreement	$4,562.76
Total indebtedness to be funded into bonds	5,775,000.00

2. Repayment of principal: In order to provide for the repayment of the indebtedness thus to be funded, Latvia will issue to the United States at par, as of December 15, 1922, bonds of Latvia in the aggregate principal amount of $5,775,000, dated December 15, 1922, and maturing serially on each December 15 in the succeeding years for 62 years, in the amounts and on the several dates fixed in the following schedule:

Dec. 15—		Dec. 15—	
1923	$28,000	1955	$80,000
1924	29,000	1956	83,000
1925	30,000	1957	86,000
1926	31,000	1958	89,000
1927	32,000	1959	92,000
1928	33,000	1960	95,000
1929	34,000	1961	99,000
1930	35,000	1962	102,000
1931	36,000	1963	107,000
1932	37,000	1964	111,000
1933	38,000	1965	114,000
1934	39,000	1966	118,000
1935	40,000	1967	123,000
1936	42,000	1968	128,000
1937	43,000	1969	132,000
1938	45,000	1970	138,000
1939	46,000	1971	143,000
1940	48,000	1972	148,000
1941	50,000	1973	153,000
1942	51,000	1974	158,000
1943	53,000	1975	164,000
1944	55,000	1976	170,000
1945	57,000	1977	176,000
1946	59,000	1978	182,000
1947	61,000	1979	188,000
1948	63,000	1980	195,000
1949	65,000	1981	202,000
1950	68,000	1982	209,000
1951	70,000	1983	218,000
1952	73,000	1984	228,000
1953	75,000		
1954	78,000	Total	5,775,000

Provided, however, That Latvia, at its option, upon not less than 90 days' advance notice to the United States, may postpone any payment falling due as hereinabove provided, except those falling due on or before December 15, 1930, hereinafter referred to in paragraph 5 of this agreement, to any subsequent June 15 or December 15 not more than two years distant from its due date, but only on condition that in case Latvia shall at any time exercise this option as to any payment of principal, the payment falling due in the next succeeding year can not be postponed to any date more than one year distant from the date when it becomes due unless and until the payment previously postponed shall actually have been made, and the payment falling due in the second succeeding year can not be postponed at all unless and until the payment of principal due two years previous thereto shall actually have been made.

3. Form of bonds: All bonds issued or to be issued hereunder to the United States shall be payable to the Government of the United States of America, or order, shall be issued in such denominations as may be requested by the Secretary of the Treasury of the United States, substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit A," and shall be signed for Latvia by its envoy extraordinary and minister plenipotentiary at Washington, or by its other duly authorized representative. The $5,775,000 principal amount of bonds first to be issued hereunder shall be issued in 62 pieces in denominations and with maturities corresponding to the annual payments of principal hereinabove set forth.

4. Payment of interest: All bonds issued or to be issued hereunder shall bear interest, payable semiannually on June 15 and December 15 in each year, at the rate of 3 per cent per annum from December 15, 1922, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum until the principal thereof shall have been paid.

5. Method of payment: All bonds issued or to be issued hereunder shall be payable, as to both principal and interest, in United States gold coin of the present standard of value, or, at the option of Latvia, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder: *Provided, however,* That with reference to the payments on account of principal and/or interest falling due hereunder on or before December 15, 1930, Latvia, at its option, may pay the following amounts on the dates specified:

June 15, 1926	$30,000	June 15, 1929	$45,000
Dec. 15, 1926	30,000	Dec. 15, 1929	45,000
June 15, 1927	35,000	June 15, 1930	50,000
Dec. 15, 1927	35,000	Dec. 15, 1930	50,000
June 15, 1928	40,000		
Dec. 15, 1928	40,000	Total	400,000

and the balance, including interest on all overdue payments at the rate of 3 per cent per annum from their respective due dates, in bonds of Latvia dated December 15, 1930, bearing interest at the rate of

3 per cent per annum from December 15, 1930, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum until the principal thereof shall have been paid, such bonds to mature serially on December 15 of each year up to and including December 15, 1984, substantially in the manner provided in paragraph 2 of this agreement, and to be substantially similar in other respects to the bonds first to be issued hereunder.

All payments, whether in cash or in obligations of the United States, to be made by Latvia on account of the principal of or interest on any bonds issued or to be issued hereunder and held by the United States, shall be made at the Treasury of the United States in Washington or, at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York, and if in cash shall be made in funds immediately available on the date of payment, or if in obligations of the United States shall be in form acceptable to the Secretary of the Treasury of the United States under the general regulations of the Treasury Department governing transactions in United States obligations.

6. Exemption from taxation: The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes or other public dues, present or future, imposed by or under authority of Latvia or any political or local taxing authority within the Republic of Latvia, whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Latvia, or (c) a corporation not organized under the laws of Latvia.

7. Payments before maturity: Latvia, at its option, on June 15 or December 15 of any year, upon not less than 90 days' advance notice to the United States, may make advance payments in amounts of $1,000 or multiples thereof on account of the principal of any bonds issued or to be issued hereunder and held by the United States. Any such advance payments shall first be applied to the principal of any bonds which shall have been issued hereunder on account of principal and/or interest accruing between December 15, 1922, and December 15, 1930, and then to the principal of any other bonds issued hereunder and held by the United States, as may be indicated by Latvia at the time of the payment.

8. Exchange for marketable obligations: Latvia will issue to the United States at any time, or from time to time, at the request of the Secretary of the Treasury of the United States, in exchange for any or all of the bonds issued or to be issued hereunder and held by the United States, definitive engraved bonds in form suitable for sale to the public, in such amounts and denominations as the Secretary of the Treasury of the United States may request, in bearer form, with provision for registration as to principal, and/or in fully registered form, and otherwise on the same terms and conditions, as to dates of issue and maturity, rate or rates of interest, exemption from taxation, payment in obligations of the United States issued after April 6, 1917, and the like, as the bonds surrendered on such exchange. Latvia will deliver definitive engraved bonds to the United States in accordance herewith within six months of receiving notice of any such request from the Secretary of the Treasury of the United States, and pending the delivery of the definitive engraved bonds will deliver, at the request of the Secretary of the Treasury of the United States, temporary bonds or interim receipts in form satisfactory to the Secretary of the Treasury of the United States within 30 days of the receipt of such request, all without expense to the United States. The United States, before offering any such bonds or interim receipts for sale in Latvia, will first offer them to Latvia for purchase at par and accrued interest, and Latvia shall likewise have the option, in lieu of issuing any such bonds or interim receipts, to make advance redemption, at par and accrued interest, of a corresponding principal amount of bonds issued or to be issued hereunder and held by the United States. Latvia agrees that the definitive engraved bonds called for by this paragraph shall contain all such rules, regulations, and orders as shall be deemed necessary or desirable by the Secretary of the Treasury of the United States in order to facilitate the sale of the bonds in the United States, in Latvia, or elsewhere, and that if requested by the Secretary of the Treasury of the United States it will use its good offices to secure the listing of the bonds on such stock exchanges as he may request.

9. Cancellation and surrender of obligations: Upon the execution of this agreement the payment to the United States of cash in the sum of $4,562.76 as provided in paragraph 1 of this agreement and the delivery to the United States of the $5,775,000 principal amount of bonds of Latvia first to be issued hereunder, together with satisfactory evidence of authority for the execution of this agreement and the bonds on behalf of Latvia by its envoy extraordinary and minister plenipotentiary at Washington, or by its other duly authorized representative, the United States will cancel and surrender to Latvia, at the Treasury of the United States in Washington, the obligations of Latvia in the principal amount of $5,132,287.14 described in the preamble to this agreement.

10. Notices: Any notice, request, or consent under the hand of the Secretary of the Treasury of the United States shall be deemed and taken as the notice, request, or consent of the United States, and shall be sufficient if delivered at the legation of Latvia at Washington or at the office of the Minister of Finance in Riga; and any notice, request, or election from or by Latvia shall be sufficient if delivered to the American legation at Riga or to the Secretary of the Treasury at the Treasury of the United States in Washington. The United States in its discretion may waive any notice required hereunder, but any such waiver shall be in writing and shall not extend to or affect any subsequent notice or impair any right of the United States to require notice hereunder.

11. Compliance with legal requirements: Latvia represents and agrees that the execution and delivery of this agreement have in all respects been duly authorized and that all acts, conditions, and legal formalities, which should have been completed prior to the making of this agreement and the issuance of bonds hereunder have been completed as required by the laws of Latvia and in conformity therewith.

12. Counterparts: This agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

In witness whereof Latvia has caused this agreement to be executed on its behalf by its envoy extraordinary and minister plenipotentiary at Washington, thereunto duly authorized, subject, however, to the approval of the Saeima, and the United States has likewise caused this agreement to be executed on its behalf by the Secretary of the Treasury, as chairman of the World War Foreign Debt Commission, with the approval of the President, subject, however, to the approval of Congress, pursuant to the act of Congress approved February 9, 1922, as amended by the act of Congress approved February 28, 1923, and as further amended by the act of Congress approved January 21, 1925, all on the day and year first above written.

THE GOVERNMENT OF THE REPUBLIC OF LATVIA,
By LOUIS SEYA,
Envoy Extraordinary and Minister Plenipotentiary.
THE GOVERNMENT OF THE UNITED STATES OF AMERICA,
(For the World War Foreign Debt Commission:)
By A. W. MELLON,
Secretary of the Treasury and Chairman of the Commission.

Approved:

CALVIN COOLIDGE, *President.*

EXHIBIT A

(Form of bond)

THE GOVERNMENT OF THE REPUBLIC OF LATVIA

$——— No. ——.

The Government of the Republic of Latvia, hereinafter called Latvia, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on December 15, ——, the sum of ——— dollars ($———), and to pay interest upon said principal sum semiannually on June 15 and December 15 in each year, at the rate of 3 per cent per annum from December 15, 1922, to December 15, 1932, and at the rate of 3½ per cent per annum thereafter until the principal hereof shall have been paid. This bond is payable as to both principal and interest in gold coin of the United States of America of the present standard of value, or, at the option of Latvia, upon not less than 30 days advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

This bond is payable as to both principal and interest without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of Latvia or any political or local taxing authority within the Republic of Latvia whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Latvia, or (c) a corporation not organized under the laws of Latvia. This bond is payable as to both principal and interest at the Treasury of the United States in Washington, D. C., or at the option of the Secretary of the Treasury of the United States at the Federal Reserve Bank of New York.

This bond is issued under an agreement, dated September 24, 1925, between Latvia and the United States, to which this bond is subject and to which reference is hereby made.

In witness whereof Latvia has caused this bond to be executed in its behalf at the city of Washington, D. C., by its ——— at Washington, thereunto duly authorized, as of December 15, 1922.

THE GOVERNMENT OF THE REPUBLIC OF LATVIA,
By ——— ———.

(Back)

The following amounts have been paid upon the principal amount of this bond:

Date ——— Amount paid ———.

Agreement made the 4th day of December, 1925, at the city of Washington, District of Columbia, between the Kingdom of Rumania, hereinafter called Rumania, party of the first part, and the United States of America, hereinafter called the United States, party of the second part

Whereas Rumania is indebted to the United States, as of June 15, 1925, upon obligations in the aggregate principal amount of $36,128,494.94, together with interest accrued and unpaid thereon; and

Whereas Rumania desires to fund said indebtedness to the United States, both principal and interest, through the issue of bonds to the United States, and the United States is prepared to accept bonds from Rumania upon the terms and conditions hereinafter set forth;

Now, therefore, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. Amount of indebtedness: The amount of the indebtedness to be funded, after allowing for cash payments made or to be made by Rumania and the credit set out below, is $44,590,000, which has been computed as follows:

Principal amount of indebtedness to be funded	$36,128,494.94
Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4¼ per cent a year	5,365,806.08
Total indebtedness as of Dec. 15, 1922	41,494,301.02
Interest accrued and unpaid thereon to June 15, 1925, at the rate of 3 per cent a year	3,112,072.59
	44,606,373.61
Credits allowed by War Department for material, together with interest thereon	11,922.07
Total net indebtedness as of June 15, 1925	44,594,451.54
To be paid in cash upon execution of agreement	4,451.54
Total indebtedness to be funded into bonds	44,590,000.00

2. Payment: In order to provide for the payment of the indebtedness thus to be funded Rumania will issue to the United States at par bonds of Rumania dated June 15, 1925, in the principal amounts and maturing serially on the several dates fixed in the following schedule:

June 15—		June 15—	
1926	$200,000.00	1958	$800,000.00
1927	300,000.00	1959	828,000.00
1928	400,000.00	1960	857,000.00
1929	500,000.00	1961	887,000.00
1930	600,000.00	1962	918,000.00
1931	700,000.00	1963	950,000.00
1932	800,000.00	1964	984,000.00
1933	1,000,000.00	1965	1,018,000.00
1934	1,200,000.00	1966	1,053,000.00
1935	1,400,000.00	1967	1,090,000.00
1936	1,600,000.00	1968	1,129,000.00
1937	1,800,000.00	1969	1,168,000.00
1938	2,000,000.00	1970	1,209,000.00
1939	2,200,000.00	1971	1,252,000.00
1940	430,560.43	1972	1,295,000.00
1941	445,000.00	1973	1,341,000.00
1942	462,000.00	1974	1,387,000.00
1943	478,000.00	1975	1,436,000.00
1944	494,000.00	1976	1,486,000.00
1945	512,000.00	1977	1,539,000.00
1946	529,000.00	1978	1,592,000.00
1947	548,000.00	1979	1,648,000.00
1948	567,000.00	1980	1,706,000.00
1949	587,000.00	1981	1,765,000.00
1950	608,000.00	1982	1,827,000.00
1951	629,000.00	1983	1,891,000.00
1952	651,000.00	1984	1,957,000.00
1953	673,000.00	1985	2,026,000.00
1954	697,000.00	1986	2,097,000.00
1955	722,000.00	1987	2,172,000.00
1956	747,000.00		
1957	773,000.00	Total	66,560,560.43

Provided, however, That Rumania, at its option, upon not less than 90 days' advance notice to the United States, may postpone any payment on account of principal falling due as hereinabove provided after June 15, 1939, to any subsequent June 15 or December 15 not more than two years distant from its due date, but only on condition that in case Rumania shall at any time exercise this option as to any payment of principal, the payment falling due in the next succeeding year can not be postponed to any date more than one year distant from the date when it becomes due unless and until the payment previously postponed shall actually have been made, and the payment falling due in the second succeeding year can not be postponed at all unless and until the payment of principal due two years previous thereto shall actually have been made.

3. Form of bond: All bonds issued or to be issued hereunder to the United States shall be payable to the Government of the United States of America, or order, and shall be signed for Rumania by its envoy extraordinary and minister plenipotentiary at Washington, or by its other duly authorized representative. The bonds issued for the first 14 annual payments shall be substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit A," shall be issued in 14 pieces in the principal amounts fixed in the preceding schedule, maturing annually on June 15 of each year up to and including June 15, 1939, and shall not bear interest before maturity. The bonds maturing subsequent to June 15, 1939, shall be substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit B," and shall be issued in 48 pieces with maturities and in denominations as hereinabove set forth and shall bear interest at the rate of 3½ per cent per annum from June 15, 1939, payable semi-annually on June 15 and December 15 of each year until the principal of such bonds shall be paid.

4. Method of payment: All bonds issued or to be issued hereunder shall be payable, as to both principal and interest, in United States gold coin of the present standard of value, or, at the option of Rumania, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

All payments, whether in cash or in obligations of the United States, to be made by Rumania on account of the principal of or interest on any bonds issued or to be issued hereunder and held by the United States, shall be made at the Treasury of the United States in Washington, or, at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York, and if in cash shall be made in funds immediately available on the date of payment, or if in obligations of the United States shall be in form acceptable to the Secretary of the Treasury of the United States under the general regulations of the Treasury Department governing transactions in United States obligations.

5. Exemption from taxation: The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes or other public dues, present or future, imposed by or under authority of Rumania or any political or local taxing authority within the Kingdom of Rumania, whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Rumania, or (c) a corporation not organized under the laws of Rumania.

6. Payments before maturity: Rumania, at its option, on June 15 or December 15 of any year, upon not less than 90 days' advance notice to the United States, may make advance payments in amounts of $1,000 or multiples thereof, on account of the principal of any bonds issued or to be issued hereunder and held by the United States. Any such advance payments shall be applied to the principal of such bonds as may be indicated by Rumania at the time of the payment.

7. Exchange for marketable obligations: Rumania will issue to the United States at any time, or from time to time, at the request of the Secretary of the Treasury of the United States, in exchange for any or all of the bonds issued hereunder and held by the United States, definitive engraved bonds in form suitable for sale to the public, in such amounts and denominations as the Secretary of the Treasury of the United States may request, in bearer form, with provision for registration as to principal and/or in fully registered form, and otherwise on the same terms and conditions, as to dates of issue and maturity, rate or rates of interest, if any, exemption from taxation, payment in obligations of the United States issued after April 6, 1917, and the like, as the bonds surrendered on such exchange. Rumania will deliver definitive engraved bonds to the United States in accordance herewith within six months of receiving notice of any such request from the Secretary of the Treasury of the United States, and pending the delivery of the definitive engraved bonds will deliver, at the request of the Secretary of the Treasury of the United States, temporary bonds or interim receipts in form satisfactory to the Secretary of the Treasury of the United States within 30 days of the receipt of such request, all without expense to the United States. The United States, before offering any such bonds or interim receipts for sale in Rumania, will first offer them to Rumania for purchase at par and accrued interest, if any, and Rumania shall likewise have the option, in lieu of issuing any such bonds or interim receipts, to make advance redemption, at par and accrued interest, if any, of a corresponding principal amount of bonds issued hereunder and held by the United States. Rumania agrees that the definitive engraved bonds called for by this paragraph shall contain all such provisions and that it will cause to be promulgated all such rules, regulations, and orders as shall be deemed necessary or desirable by the Secretary of the Treasury of the United States in order to facilitate the sale of the bonds in the United States, in Rumania or elsewhere, and that if requested by the Secretary of the Treasury of the United States it will use its good offices to secure the listing of the bonds on such stock exchanges as the Secretary of the Treasury of the United States may specify.

8. Cancellation and surrender of obligations: Upon the execution of this agreement the delivery to the United States of the $66,560,560.43 principal amount of bonds of Rumania to be issued hereunder, together with satisfactory evidence of authority for the execution of this agreement by the representatives of Rumania and for the execution of the bonds to be issued hereunder, the United States will cancel and surrender to Rumania at the Treasury of the United States in Washington the obligations of Rumania held by the United States.

9. Notices: Any notice, request, or consent under the hand of the Secretary of the Treasury of the United States shall be deemed and taken as the notice, request, or consent of the United States and shall be sufficient if delivered at the legation of Rumania at Washington or

at the office of the Ministry of Finance in Rumania; and any notice, request, or election from or by Rumania shall be sufficient if delivered to the American Legation at Bucharest or to the Secretary of the Treasury at the Treasury of the United States in Washington. The United States in its discretion may waive any notice required hereunder, but any such waiver shall be in writing and shall not extend to or affect any subsequent notice or impair any right of the United States to require notice hereunder.

10. Compliance with legal requirements: Rumania represents and agrees that the execution and delivery of this agreement have in all respects been duly authorized and that all acts, conditions, and legal formalities which should have been completed prior to the making of this agreement have been completed as required by the laws of Rumania and in conformity therewith.

11. Counterparts: This agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

In witness whereof Rumania has caused this agreement to be executed on its behalf by N. Titulescu, envoy extraordinary and minister plenipotentiary to his Brittanic Majesty and president of the Rumanian Debt Funding Commission at Washington, thereunto duly authorized, subject, however, to ratification by Rumanian Parliament, and the United States has likewise caused this agreement to be executed on its behalf by the Secretary of the Treasury, as chairman of the World War Foreign Debt Commission, with the approval of the President, subject, however, to the approval of Congress, pursuant to the act of Congress approved February 9, 1922, as amended by the act of Congress approved February 28, 1923, and as further amended by the act of Congress approved January 21, 1925, all on the day and the year first above written.

THE KINGDOM OF RUMANIA,
By N. TITULESCU.
THE UNITED STATES OF AMERICA,
(For the World War Foreign Debt Commission)
By A. W. MELLON,
Secretary of the Treasury and Chairman of the Commission.

Approved:

CALVIN COOLIDGE, *President.*

EXHIBIT A

(Form of bond)

THE KINGDOM OF RUMANIA

$——— No. ——

The Kingdom of Rumania, hereinafter called Rumania, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on June 15, 19—, the sum of ——— dollars ($———). This bond is payable in gold coin of the United States of America of the present standard of value, or, at the option of Rumania, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

This bond is payable without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of Rumania or any political or local taxing authority within Rumania, whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States; (b) a person, firm, or association neither domiciled, nor ordinarily resident in Rumania; or (c) a corporation not organized under the laws of Rumania. This bond is payable at the Treasury of the United States in Washington, D. C., or at the option of the Secretary of the Treasury of the United States at the Federal Reserve Bank of New York.

This bond is issued pursuant to the provisions of paragraph 2 of an agreement dated December 4, 1925, between Rumania and the United States, to which agreement this bond is subject and to which reference is hereby made.

In witness whereof Rumania has caused this bond to be executed in its behalf by its ——————— at the city of Washington, D. C., thereunto duly authorized, as of June 15, 1925.

THE KINGDOM OF RUMANIA,
By ——— ———.

EXHIBIT B

(Form of bond)

THE KINGDOM OF RUMANIA

$——— No. ——

The Kingdom of Rumania, hereinafter called Rumania, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on June 15, 19—, the sum of ——— dollars ($———), and to pay interest upon said principal sum from June 15, 1939, at the rate of 3½ per cent per annum, payable semiannually on the 15th day of December and June in each year, until the principal hereof has been paid. This bond is payable as to both principal and interest in gold coin of the United States of America of the present standard of value, or, at the option of Rumania, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

This bond is payable as to both principal and interest without deduction for and is exempt from any and all taxes and other public dues, present or future, imposed by or under authority of Rumania or any political or local taxing authority within the Kingdom of Rumania, whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Rumania, or (c) a corporation not organized under the laws of Rumania. This bond is payable as to both principal and interest at the Treasury of the United States in Washington, D. C., or at the option of the Secretary of the Treasury of the United States at the Federal Reserve Bank of New York.

This bond is issued pursuant to the provisions of paragraph 2 of an agreement dated December 4, 1925, between Rumania and the United States, to which agreement this bond is subject and to which reference is hereby made.

In witness whereof Rumania has caused this bond to be executed in its behalf by its ——— at the city of Washington, District of Columbia, thereunto duly authorized as of June 15, 1925.

THE KINGDOM OF RUMANIA,
By ——— ———.

Mr. BORAH. Mr. President, to save time, so we may have something more important than the question of settling debts before the Senate, may I inquire if all these settlements now are on the basis of the settlement with Great Britain?

Mr. SMOOT. All of the small ones which I am now offering are virtually on the British basis.

Mr. BORAH. Latvia is a very wealthy country, is it not?

Mr. SMOOT. She does not owe us very much. She is just as able to pay as England, but not more so.

Mr. REED of Missouri. Mr. President, may I ask the Senator whether Latvia has settled her debts to other countries?

Mr. SMOOT. I think the only country she was owing was Great Britain. I do not know whether she has settled that indebtedness or not.

Mr. NORRIS. Mr. President, if the Senator will permit an interruption, there is no doubt but what Latvia has settled all her debts with everybody except us. We are the only easy ones.

Mr. SMOOT. As to every settlement that has been made that we have made thus far, Great Britain has been a little easier than we have been. What Great Britain is trying to do is to get enough money from the other countries to pay the United States what she has agreed to pay us.

Mr. REED of Missouri. Does the Senator say that Great Britain has been easier than we have been?

Mr. SMOOT. Yes.

Mr. REED of Missouri. Does the Senator make that statement in regard to the Italian debt settlement?

Mr. SMOOT. I do.

Mr. REED of Missouri. That shows why I can not trust the Senator, because the Senator's views and mine are so wide apart. I know he thinks that or he would not say so.

Mr. SMOOT. I do not think it; I know it.

Mr. NORRIS. The Senator from Missouri had better see the contract before he signs it.

Mr. REED of Missouri. I have read the British settlement.

Mr. SMOOT. The Senator has read what the newspapers have said about it.

Mr. REED of Missouri. I read what purported to be the exact terms of it.

Mr. SMOOT. I have read the exact terms of it.

Mr. REED of Missouri. Why does not the Senator give us the wealth of information he has in his teeming brain? Why is it, when we go to the only source of information we can reach, to wit, the press, that the Senator intimates that we are derelict in our duty? I offered a resolution long ago to try to get the facts in regard to these matters. The Senator from Idaho [Mr. BORAH] offered another similar resolution. We have been taking recesses from day to day so we could not call up those resolutions.

Mr. SMOOT. I occupied one full day trying to go into every detail of the debt settlements. I think I covered every detail in the settlement.

Mr. REED of Missouri. Exactly.

Mr. SMOOT. I did not feel that it was incumbent upon me to repeat every day what I said upon that occasion.

Mr. REED of Missouri. The Senator did not give us an original document or a copy of an original document. We have seen nothing in the way of the evidence. Just to illustrate why it is necessary for us to see those documents, I take the illustration of the colloquy of a moment ago in which the Senator stated that the British settlement with Italy is not so good a

settlement for Great Britain as we are getting with Italy. That raises a question of differences of opinion. If I were a banker and going to buy these debts, I would pay just exactly twice as much for the British debt as I would for the American debt, dollar for dollar. I think that would be true of any bank in the country.

Mr. SMOOT. I think that the Senator, if he were a banker and using his own money, would not do it. I will say to the Senator that if he will read my speech, he will see the difference between the British settlement with Italy and the American settlement.

Mr. REED of Missouri. Yes; I have read the two settlements and I know the difference. One difference is that the Englishmen get their money in the beginning and we get ours 62 years from now.

Mr. SMOOT. That is a statement easily made.

Mr. REED of Missouri. Let me make it accurately.

Mr. SMOOT. But we will get more money——

Mr. REED of Missouri. The Englishman gets large payments early in the period. We get small payments early in the period. The Englishman gets small payments in the remote part of the period and that is when we get our large payments, so that we do not get the money when we need it, to begin with, and secondly, when we postpone a debt 62 years we almost might as well cancel it.

Mr. NORRIS. Mussolini might change his mind before 62 years.

Mr. SMOOT. We all might change our minds.

Mr. REED of Missouri. Great Britain has $110,000,000 of gold held there as security. I need not discuss that, but it demonstrates the accuracy of what I have said. The Senator tells us to read his speech and we will have all the information there is. I know it is a great reservoir of learning to draw from, but I still insist that we are entitled to know something about the facts in the case so that we may apply our own poor and diminutive intellects to the problem in an independent way.

I want to ask the Senator if it is not a fact that Latvia has paid her debts in full to other countries and has paid them in cash before this?

Mr. SMOOT. No; it is not true. She has made some settlements, but the debts are not paid in full.

Mr. REED of Missouri. How much has she paid in cash to other countries and what are her agreements with other countries? That is not in the Senator's speech.

Mr. SMOOT. No; it is not, and I did not think it was necessary to be in my speech delivered to-day. I thought, it being the same as the British settlement, that there would be no reason for going into detail, because so far as that is concerned Latvia is equally as able to pay as is Great Britain. The terms of our settlement with Latvia are almost identically the same as the terms of our settlement with Great Britain.

Mr. REED of Missouri. We agreed to it when the Senator said he had extorted the last pound we could get. The Senator said it was necessary to do it because of Great Britain's condition. Latvia may be in an entirely different condition and the Senator may not be getting the money that he might get. He asked us to be generous to Great Britain, to be lenient to Great Britain, and he did not pretend then to say that that was to be the yardstick that was to be applied to all of the debt settlements. If he did mean to say it, he has not applied it in the case of Italy and he does not propose to apply it in the case of France. He has not applied it in the case of Belgium. I object to taking Great Britain as the measure and the standard by which to settle these debts whenever there is a discount to be made, and then not taking it when it would mean a much larger payment to the United States.

Mr. SMOOT. We have taken it wherever we could take it, and where we could not take it, it was because it was impossible to do so.

Mr. REED of Missouri. Why not, in some one instance at least, ask some nation to really pay us what they owe us—just one, just for the sake of the experiment, just to see how it would feel once to ask for what is due us?

Mr. SMOOT. Mr. President, at the request of the Senator from Missouri I shall ask that the unfinished business be temporarily laid aside. To-morrow I hope the Senate will proceed to the consideration of the debt settlement bills which are now on the calendar.

Mr. FERNALD. Mr. President, does the Senator make the request that a vote be had to-morrow?

Mr. SMOOT. No; I do not make that request.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

Mr. SMOOT. Mr. President, was my request granted that the various agreements be printed in the RECORD?

The VICE PRESIDENT. It was so ordered.

Mr. HOWELL. Mr. President, I wish to make some remarks with reference to the Latvia debt settlement matter, as it would seem that some Senators propose to take the matter under consideration.

LEGISLATIVE APPROPRIATIONS

Mr. WARREN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 10425) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and the bill is before the Senate.

SETTLEMENT OF LATVIAN INDEBTEDNESS

Mr. HOWELL. Mr. President, as some Senators are taking the matter under consideration before to-morrow I take the liberty of affording certain information which I have gathered in connection with the Latvian debt settlement. I wish Senators might listen to what the Latvian minister stated at the close of the negotiations as contained in a statement issued by the Treasury Department. It was in part as follows:

> By compulsory limitation in state expenditures by an observation of the strictest economy in all departments and an increased taxation the stability of the Latvian currency was achieved. It was still more consolidated by a money reform introducing the gold basis for the currency system. Since 1922 the monetary unit is lats, and hence only the bank of Latvia shall have the right to issue bank notes in lats. As the emissions of the Latvian bank notes are largely covered (about 200 per cent) by gold and stable foreign currencies, the Latvian monetary unit, lats, is now not exposed to fluctuation and is therefore considered as one of the most stable currencies in Europe. * * *

Mr. SHIPSTEAD. Mr. President, will the Senator yield to me for a moment?

Mr. HOWELL. I yield.

Mr. SHIPSTEAD. Mr. President, I simply want to emphasize at this time, upon the statement which has just been made by the junior Senator from Nebraska, the remarkable achievement by the Latvian Government in stabilizing their currency. There is in the history of Europe or in any country in the world no parallel since the war in the stability of the currency of any country in the world to compare with that of Latvia. I want to call attention to the fact that that currency has been stabilized by a government bank. The control of the currency and the money of Latvia is in the government. They have a government that has protected their people against the fluctuation of the currency, against the inflation or deflation that we have experienced in other countries and through which process so many hundreds and thousands and millions of people have been dispossessed of their property. The Government of Latvia is functioning for its people in the control of its currency in a manner that well can be copied by every other government in the world to-day.

Mr. HOWELL. Mr. President, what the Senator from Minnesota has stated is a fact. I now call attention to one of the concluding paragraphs of the statement by the minister to this country from Latvia respecting the Latvian debt settlement. It is as follows:

> Now, Latvia is in a position to meet her international financial obligations. She has paid off her debt to France and Norway and started funding her debt to this country and to Great Britain. Latvia's national debt is about ten or eleven million dollars—

of which nearly $6,000,000 is that due to the United States. In other words, all that Latvia owes as a national debt over and above its funded debt is from four to five million dollars. She has already paid Norway a million and a half dollars; she has already paid France. This is the statement of the Latvian minister following this debt settlement.

Now, let us consider Latvia. Latvia is a little country about the size of West Virginia and is located adjoining Poland on the north. It has a population of about two and a half millions; about the same number as has Alabama, about the same number as Tennessee, about the same number as has Iowa. It has marked natural resources, and yet, Mr. President, its total national debt is but ten or eleven million dollars, including what Latvia owes the United States.

The share on a population basis of each one of the States which I have enumerated of our war debt is $430,000,000, and yet, Mr. President, under this agreement Latvia's debt is canceled.

The debt of Latvia, according to the balance on the Treasury books, was $5,894,000. Whatever took place in the conference, one of the first steps was the initial cancellation of $314,000. That left a balance of some $5,580,000.

On that indebtedness Latvia pays $5,000 in cash and $5,575,000 is refunded. If we include the total payments to be made by Latvia, on the basis of 4¼ per cent, she pays us but 3.7 per cent interest on this debt for 62 years, and then the debt is canceled.

Mr. President, is that fair to the American people? Consider Iowa, a State that has suffered such a serious agricultural and, as a consequence, financial depression. Iowa's share on a population basis of our national debt is $430,000,000. Latvia, with the same population, has a national debt of but $11,000,000, and we cancel about $6,000,000 of it. That is what this settlement means. On what ground is it justified? If the Debt Commission had seen fit to ask Latvia for an additional 2 cents annually for each of her people, Latvia would have paid her debt to us in full with 4¼ per cent interest.

Mr. SHIPSTEAD. Mr. President, will the Senator from Nebraska yield to me?

Mr. HOWELL. I yield.

Mr. SHIPSTEAD. I am sure that Latvia could pay this debt in full; no one with any conception of finances in his head will deny that Latvia can pay her debt in full, just as Rumania can pay her debt in full.

Mr. HOWELL. I have read from the statement of the Latvian minister, which was made immediately after the Debt Commission had effected this settlement, in which he states that their national debt was between $10,000,000 and $11,000,000; that they had paid Norway in full and had paid France in full; but now when they are settling their debt to us our commission cancels the debt.

Mr. SHIPSTEAD. Mr. President, may I interrupt the Senator further?

Mr. HOWELL. Certainly.

Mr. SHIPSTEAD. The Senator must bear in mind that these little countries in Europe, which have balanced their budgets and have stabilized their currency, are well able to pay their debts; but if they should pay their debts to the United States, it would leave the larger countries, such as Great Britain and France and Italy, in a very embarrassing position, in view of the settlements those countries have made with the United States.

Mr. HOWELL. That is the real reason that lies behind this settlement. So with Rumania. Rumania is able to pay her debt to the United States, but it would have embarrassed France in her settlement had she done so. It would have been a bad example.

Mr. SHIPSTEAD. That is absolutely correct.

Mr. HOWELL. Mr. President, this is a routine settlement. The "ability to pay" was not considered for one moment. It is a perfectly absurd settlement. The idea of settling this debt of about $5,900,000 with payments covering 62 years! It is perfectly ridiculous. The Debt Commission can not justify it on any ground. Of course the sum involved is relatively a trifle; it is only five or six million dollars, and what does that matter? That was probably the view taken of it. It, however, illustrates the attitude of mind of the Debt Commission in connection with these settlements; an attitude of mind that would never be tolerated by the board of directors, in the president, or in the cashier of a bank.

There was justification in extending the debt of Great Britain over 62 years, but to extend Latvia's debt of $5,900,000 and then canceling the debt in the end is absolutely absurd.

Mr. SMOOT. Mr. President, did I understand the Senator from Nebraska to say that 2 cents per capita would virtually pay the debt of Latvia?

Mr. HOWELL. I mean to say that had Latvia contributed 2 cents more per capita per annum she could have paid 4¼ per cent upon her debt, and she could have paid the debt in full by the end of that 62-year period. It must, of course, be evident to anybody that the Debt Commission was not able to calculate Latvia's ability to pay down to such a fraction as 2 cents per capita.

Mr. SMOOT. In the case of Latvia, 2 cents per capita would amount to $50,000, I will say to the Senator.

Mr. HOWELL. Yes; and I say that if we had asked Latvia to pay 2 cents more per capita per year the debt could have been paid off in full with 4¼ per cent interest.

Mr. SMOOT. I am willing to admit that the Debt Commission could not figure in the way which the Senator from Nebraska figures.

Mr. HOWELL. Mr. President, I submit that it is unfortunate that the Debt Commission were not able to figure with more perspicacity.

Mr. SMOOT. Of course, I admit that no one on the Debt Commission knew anything about figures.

Mr. HOWELL. I am not urging that; but I will simply say that the Debt Commission was so occupied that somebody settled these debts along routine lines; that is what I mean. I do not think the Senator from Utah had the opportunity or the time to go into this matter, but if he will sit down now and make a calculation he will find that had Latvia actually paid 2 cents more per inhabitant each year she would have paid us in full with 4¼ per cent interest. Now the distinguished Senator intimates that he does not believe these figures.

Mr. SMOOT. No; I say that, with 3 and 3½ per cent interest, she pays 80 per cent of it.

Mr. HOWELL. I beg the Senator's pardon. I did not catch his statement.

Mr. SMOOT. The present value of the Latvian settlement is 80.86 per cent; and I will say frankly to the Senator that the commission took the position, after we had settled with Great Britain, that if another country would settle upon the same basis the commission was glad to make such a settlement. There is no doubt about that.

Mr. HOWELL. That is exactly what I have said. When the commission settled with Great Britain, the debacle began. They said, "We can not ask a smaller nation to pay more relatively than Great Britain." They settled Great Britain's debt on a basis of 3.7 per cent annually for 62 years and then canceled the debt of $4,715,000,000.

Mr. SMOOT. Let me say to the Senator that we might just as well say we had figured it upon the basis of 10 per cent, and then there would not have been value enough in all the world to pay it, and we would have lost more than the value of all the world.

Mr. HOWELL. The absurdity of the statement of the Senator from Utah, as being in point in this connection, is apparent. I have used 4¼ per cent, which is what we are now paying. We are not paying 10 per cent. I am considering facts while the Senator from Utah has to resort to fiction—to 10 per cent. We are paying 4¼ per cent on $13,800,000,000 of our war bonds outstanding.

Mr. SMOOT. I did not indulge in fiction. I was merely making a statement to show how figures could be arranged so as to produce an absolutely absurd result, and in a case such as I have indicated the result would be absurd. Nobody is going to admit that the United States can suffer a loss of more than the value of the world.

Mr. HOWELL. Mr. President, I should like to ask the Senator from Utah if he denies that on a 4¼ per cent basis the equivalent annuity of Great Britain's payment is no more than 3.7 per cent per annum, with nothing paid on the debt?

Mr. SMOOT. Mr. President, if we were to take every dollar and were to lay it aside, not receive a single, solitary cent on it, put it away locked in a box or in a vault or somewhere else, and make no use of it at all to offset some of the Senator's calculations, then his figures would be correct.

Mr. HOWELL. Mr. President, the Senator from Utah is absolutely mistaken.

Mr. SMOOT. Oh, certainly.

Mr. HOWELL. My calculations are based upon the fact that we do make use of the money. I ask the Senator again if he denies the correctness of my statement? He can not deny it, Mr. President; it is a fact beyond question. We have canceled Great Britain's debt, and she pays nothing but 3.7 per cent; yet, Mr. President, officials of this Government will insist that Britain is paying the debt; they tell our people Britain is paying it, and as a consequence the people of Europe believe that we are forcing them to pay the last cent, when we are in reality canceling their debts, and they are not even paying an amount of interest equivalent to that which we are paying upon the money which we borrowed to loan them.

Mr. SMOOT. The officials of Great Britain do not believe anything like that; they know that they have got to pay just what the figures in the settlement have shown. There can not be any question about that. We are not going to lose any money. Even if we had to sell it to-day upon the basis of 4¼ per cent the settlement would amount to over 80 per cent of what they are owing us.

Mr. HOWELL. Mr. President, here is a fact we are confronted with: We are paying 4¼ per cent upon this money. Great Britain does not pay us 4¼ per cent upon her debt. If we take all her payments together, on a 4¼ per cent basis, they are only equal to 3.7 per cent for the 62-year period.

If all of her payments are necessary to pay that rate of interest for 62 years, where and when does she pay anything on the principal?

Mr. SMOOT. She pays something on the principal every single solitary year. I put the figures in the RECORD on a previous occasion when the Senator made a similar statement. She pays so much interest on the principal every year. For the first 10 years she pays a part of the principal and she pays 3½ per cent, and in the following 52 years she pays on the principal so much and she pays 3½ per cent. That is the agreement, and that is what Great Britain will pay.

Mr. HOWELL. Mr. President, I want to ask this question of the Senator from Utah: Is it not a fact that Great Britain does not in any one year pay as much as 4¼ per cent upon the face of her debt as carried on the Treasury books at the time of the settlement?

Mr. SMOOT. Mr. President, I do not know about that as to any particular year, but I do know this——

Mr. HOWELL. Take the most she will ever pay in any one year.

Mr. SMOOT. I do know this: Great Britain acknowledges all of her original debt; she pays 4¼ per cent upon the total amount up to December 15, 1923, and for the following 10 years she pays 3 per cent upon what she is owing, and following that she pays for the balance of the 62 years 3½ per cent; and not only, as I have said, does she pay the interest, but she pays the whole face of the debt which she contracted with the United States. That is what the agreement provides, and that is what Great Britain is going to pay.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. HOWELL. I will yield in just a moment.

Mr. President, I want again to state that it is my memory, and I think I am correct—I thought I had the data here, but I find that I left my British data at the office—that in no year do the total payments to be made by Great Britain of both interest and principal equal 4¼ per cent upon the face of her debt as carried upon the Treasury books, amounting to $4,715,000,000. If that is true, and she never pays the interest in any one year, how and when is she paying us that interest and the principal of her debt?

Mr. SMOOT. Under the agreement, every year from the beginning until the end of the 62 years, she pays one-half of 1 per cent on the principal, which reduces the principal every year by that amount; and going clear down the line for 62 years her principal is paid. The one-half of 1 per cent that is paid upon the principal begins the very first year, and continues until the end of the 62-year period; and in the 62 years, with the reduction that is made each year of one-half of 1 per cent, it pays the principal in full.

Mr. McKELLAR. Mr. President, I desire to have the Senator from Nebraska yield in order that I may ask the Senator from Utah a question about the Latvian debt. Did the Latvian commission ask for a cancellation of 20 per cent of its debt?

Mr. SMOOT. There was no Latvian commission. The Latvian minister here was authorized to make a settlement, and he asked that his country be given as good terms as were given to Great Britain or Poland, either one.

Mr. McKELLAR. Was the request he made in writing? Has the Senator a copy of it?

Mr. SMOOT. No; he came before the commission, and that request was made before the commission. I suppose it is in the minutes of the commission.

Mr. McKELLAR. Did the Latvian minister state why they made a request to have 20 per cent of their debt to this Nation canceled, when they did not ask the other nations to cancel any part of their debts?

Mr. SMOOT. The Latvian nation knew that a settlement had been made with Great Britain, and knew the terms that were given to Great Britain, and the commission followed that settlement in the Latvian case.

Mr. McKELLAR. But the commission did not ask that the debt be settled?

Mr. SMOOT. Why, yes; we asked that the debt be settled, and we requested them to come and settle.

Mr. McKELLAR. I know; but the commission did not ask them to settle the debt for 100 cents on the dollar, as they had agreed to do. Is that correct or not?

Mr. SMOOT. Of course, Mr. President, it is all a question of interest.

Mr. McKELLAR. No; I am just asking whether or not the American Debt Commission asked the representative of Latvia to pay the debt in full.

Mr. SMOOT. The proposition they first made to the commission was the same as the basis on which we settled the Polish debt. They would not pay anything more than that, and we made the settlement upon that basis.

Mr. McKELLAR. On the basis of the Polish debt?

Mr. SMOOT. Virtually; and that is on virtually the same basis as the British settlement.

Mr. McKELLAR. What I am asking is, Did the Debt Commission seek in any way to collect the full amount of the indebtedness from either Latvia or Poland?

Mr. SMOOT. The invitations that were sent out through the State Department stated that they owed so much to the United States, and that we wanted them to send representatives here and make settlements. They came here, they presented their cases, and in no case did they settle for more than the basis of the British settlement.

Mr. McKELLAR. But the Debt Commission did not ask it.

Mr. SMOOT. Oh, yes; we asked for every dollar that they owed, and not only every dollar that they owed but we wanted 5 per cent interest on the original notes.

Mr. McKELLAR. Did the Debt Commission examine into their affairs to find out whether or not they had the capacity to pay all of the debt?

Mr. SMOOT. I do not know that we went into the details. We have their statements showing their incomes and showing their expenses.

Mr. McKELLAR. Was no explanation made of the fact that these countries had paid other nations that they owed dollar for dollar, but were asking for the cancellation of 20 per cent of their debt to the United States?

Mr. SMOOT. Mr. President, we knew just exactly who they paid and what amount they paid. This is the largest amount that was involved.

Mr. McKELLAR. So that really all the Debt Commission asked them was for a settlement on the same basis on which Great Britain had settled?

Mr. SMOOT. No; that is not the case, Mr. President.

Mr. McKELLAR. I should like to have the Senator tell us whether or not they asked for more; and, if it was in writing, will the Senator give it to us?

Mr. SMOOT. I do not know that I can tell the Senator more than I have already told him. We certainly asked them to come here and make that settlement, and told them what they owed us.

Mr. McKELLAR. When the Senator says "that settlement" he means the same settlement that was made with Poland?

Mr. SMOOT. No, no; a settlement of their whole obligation, as we sent a statement of it to them—the principal amount and 5 per cent interest.

Mr. McKELLAR. Was there any writing to that effect? Did the commission write the Latvian Government to come and settle, to send a check for the amount?

Mr. SMOOT. Of course, we knew they could not send a check for the amount.

Mr. McKELLAR. This is not a large amount, and they had settled with other countries. How did the commission know they were not able to settle with this country?

Mr. SMOOT. I know that one of the countries we are trying to settle with now owes only $2,000,000. That is a country in itself, and it could not pay the debt when it fell due here just a few months ago.

Mr. McKELLAR. I do not know about other countries, but, according to the report we have, Latvia is amply able to pay her debts, beyond controversy, and she has paid them to all the other countries. Now, why should we not ask her to pay her entire debt?

Mr. SMOOT. No; that is not the case. Latvia has not paid her debts to all the other countries.

Mr. McKELLAR. She has not?

Mr. SMOOT. No.

Mr. McKELLAR. That was the statement that was made here, and that went without challenge a moment ago.

Mr. SMOOT. Who made the statement?

Mr. McKELLAR. Some Senator made it on the floor of the Senate.

Mr. SMOOT. I did not hear it. The Senator from Nebraska did not make any such statement.

Mr. HOWELL. What is that?

Mr. McKELLAR. That Latvia had paid her other debts.

Mr. HOWELL. Latvia has paid Norway, and she has paid France, according to her minister's statement at the close of the debt settlement, and this statement was issued by the Treasury Department. I have read it in part.

Mr. McKELLAR. In other words, Latvia paid these other countries in full and came over here before our Debt Commission to have one-fifth of her debt canceled.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. To whom does the Senator yield?

Mr. McKELLAR. I am trying to get some information.

Mr. HOWELL. I have the floor.

The PRESIDING OFFICER. The Senator from Nebraska is entitled to the floor.

Mr. HOWELL. I do not know just what the debt was that was owed Norway, or what the debt amounted to that was owed France.

Mr. SMOOT. The debt to Norway was a very small amount.

Mr. HOWELL. But the Latvian minister, in his statement, said that they had paid Norway and France in full, and that Latvia's remaining national debt amounted to but from $10,000,000 to $11,000,000, of which about $5,900,000 was owed to the United States.

Now, Mr. President, I revert to this proposition: I have stated here in connection with the British settlement that in no one year does Great Britain ever pay as much as 4¼ per cent upon her debt to the United States. Four and one-fourth per cent, the rate we are paying upon the major portion of our war bonds, applied to Great Britain's debt would amount to $200,000,000 and over annually. It is my memory—and if I am wrong I ask to be corrected—that the greatest amount that Great Britain pays in any one year is $180,000,000.

Mr. McKELLAR. One hundred and eighty-seven million dollars, as I recollect the figures.

Mr. HOWELL. One hundred and eighty-seven million dollars. Therefore, of course, she could not pay anything upon the principal of her debt, if she paid less than enough to pay 4¼ per cent interest, the interest we are paying. That is the settlement that has been made with Great Britain, and that is the settlement that has been made with Latvia.

Four and one-fourth per cent interest upon Latvia's debt amounts to $250,282 a year, and the greatest amount that is ever paid by Latvia in any one year is $235,980, according to the Treasury statement. Therefore it must be apparent that in the year in which Latvia pays the largest amount—and that is the last year, the sixty-second year—she does not pay 4¼ per cent upon the face of her debt. Of course, she would not have paid 4¼ per cent in any previous year either; and then, as she is relieved of all further payments, is it not evident, without any calculations whatever that on a 4¼ per cent basis, that debt is canceled? Why, of course it is.

Take all the payments together, determine the equivalent annuity, and what does it amount to? Three and seven-tenths per cent upon Latvia's debt. That is all she pays us, and then as nothing more is to be paid, of course the debt is canceled. So on the basis of 4¼ per cent it is canceled, and as I have demonstrated on the basis of 3.7 per cent it is canceled; and yet the Senator will stand here and urge that it is not canceled.

Why not tell the people of Latvia what we are doing for them? Why not tell them we are canceling this debt? Why not say: "We are asking you to pay only 3.7 per cent, whereas we are now paying 4¼ per cent. We are making up the difference out of our pockets. We are not treating you as if we wanted to take the last red cent." But, Mr. President, if any nation of Europe is able to pay us, Latvia is able to pay us. Outside of this debt that she owes us, she only owes from four to five million dollars. She is on a gold basis. She has balanced her budget. She has already paid Norway a million and a half dollars. She has already paid France whatever France has claimed, or whatever they settled for; and all that she owes—two and a half millions of people—is ten or eleven million dollars, $5,900,000 of which is due us. Why should she not pay it? Why should we not ask her to do that much for the people of our country?

I have called the attention of the Senate before to the fact that Tennessee has about the same population as Latvia, and yet Tennessee's share of our war debt is $430,000,000; but in the case of Latvia, owing all told ten or eleven million dollars, we cancel half of that debt, leaving her with a national debt of only about four or five million dollars.

Mr. President, as I have stated before, this does not involve much money; but I insist that it involves more than that. Certainly it throws light upon these settlements, that they are not on a business basis, that the people of this country have not been considered, that somebody else has received primary consideration; and yet if we attempt to amend this bill, if we refuse to accept it, as I understand, the administration, with the administration Senators here, will say: "No; you must take this and take it all just as it is. You can not dot an "i" or cross a "t."

Mr. President, this is a board of directors of the United States; and for this board of directors to tamely acquiesce, under the circumstance, I think is an outrage upon the people of this country.

LEGISLATIVE APPROPRIATIONS

Mr. WARREN. I ask that the appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10425) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I make the usual request, that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. BLEASE. Mr. President, this is a very important bill, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	Lenroot	Reed, Mo.
Bayard	Ferris	McKellar	Reed, Pa.
Bingham	Fess	McKinley	Robinson, Ark.
Blease	Frazier	McMaster	Sackett
Borah	George	McNary	Sheppard
Bratton	Gillett	Mayfield	Shipstead
Broussard	Goff	Metcalf	Smoot
Bruce	Harris	Neely	Steck
Copeland	Heflin	Norris	Swanson
Couzens	Howell	Nye	Trammell
Cummins	Johnson	Oddie	Wadsworth
Curtis	Jones, Wash.	Overman	Warren
Dale	Kendrick	Phipps	Watson
Deneen	Keyes	Pine	Willis
Edge	La Follette	Ransdell	

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum is present. The reading of the bill will be proceeded with.

The Chief Clerk proceeded to read the bill, and read line 6, page 2, the last paragraph read being as follows:

OFFICE OF THE VICE PRESIDENT

Salaries: Secretary to the Vice President, $4,200; assistant clerk, $2,080; clerk, $1,940; messenger, $1,310; in all, $9,530.

Mr. WARREN. I have an amendment to offer at this point.

The PRESIDING OFFICER. The clerk will read the amendment.

The CHIEF CLERK. On page 2, line 5, strike out "messenger, $1,310" and insert in lieu thereof "clerk, $1,830."

The amendment was agreed to.

The next amendment was, on page 2, line 13, to strike out "$5,500" and insert in lieu thereof "$4,500," so as to read:

OFFICE OF THE SECRETARY

Salaries: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of contingent fund of the Senate, $6,500; assistant secretary, Henry M. Rose, $4,500.

Mr. McKELLAR. Mr. President, I want to ask the Senator from Wyoming a question about this item. As I understand it, Mr. Rose is ill, and has been for some time, and is not able physically to attend to his duties here. I think he has been a clerk here for many, many years, has he not?

Mr. WARREN. He has been.

Mr. McKELLAR. Does the Senator think his salary ought to be reduced under the circumstances?

Mr. WARREN. I do.

Mr. McKELLAR. I would like to see the Senate leave that as it is. It seems to me it would be quite hard on him to reduce his salary.

Mr. WARREN. Of course, everyone dislikes to have his own salary cut down; but the situation is this: Mr. Rose, as the Senator has said, has been here a good many years. I was here when he came, and it was a long time ago.

Mr. McKELLAR. I have understood that he has been here over 30 years, and it does seem to me that to cut down his salary while he is ill would be a very great hardship on him. It is a small matter, and I hope the Senator will agree to leave it as it is.

Mr. WARREN. Does the Senator think that in a case like this we should pay $5,500 to a man who, because of ill health, is not able to do his work, rather than pay him $4,500; and meanwhile pay the man who does his own work and Mr.

Rose's work too—really the work of two men—$1,000 less than we pay the man who is not able to do his work?

Mr. McKELLAR. I entirely agree with the Senator as to the second clerk named. I think by all means a change should be made in regard to his salary. We should leave Mr. Rose's salary as it is, and certainly we ought to make Mr. Crockett's salary $5,500. I think that action is due those two gentlemen. They are two of the best officials the Senate ever had, and it does seem to me that Mr. Crockett's salary should be $5,500, and I shall offer an amendment to that effect; but I think the Senate should leave Mr. Rose's salary as it is.

Mr. WARREN. The Senator is proceeding too rapidly. He is a member of the Committee on Appropriations, and perhaps he was present when we arranged all these things.

Mr. McKELLAR. I was not on the subcommittee and did not have anything to do with it. I would not have agreed to this item.

Mr. WARREN. I will say this in regard to the salary of Mr. Rose, that I think we are providing very generously for him, and in the interest of Mr. Rose, too, because if this reduction is made, there will then be no further question, whereas there might be serious question at any time about taking it all away if it were left as it is. I have had Senators ask that we reduce it to $2,500, and to $3,000, but the committee felt that if we should reduce it to $4,500, it would give him enough so that he could live pleasantly and suitably, and if he completely recovers his health—and I hope to God he may—we can restore his present salary.

Mr. ROBINSON of Arkansas. Mr. President, I understand that the committee considered at length the question of the readjustment of a number of these salaries.

Mr. WARREN. It did.

Mr. ROBINSON of Arkansas. The information I have is that the arrangement which has been effected is a satisfactory one to all parties concerned.

Mr. WARREN. It seems to be.

Mr. ROBINSON of Arkansas. Of course, I sympathize with the clerk whose salary is now under consideration, but under all the circumstances I believe the item as carried in the committee amendment is fair and just.

Mr. WARREN. I, too, think it is.

Mr. McKELLAR. If it is satisfactory to Mr. Rose, of course it is satisfactory to me. I have not talked to Mr. Rose about it. But it does not seem to me that we should cut down the salary of a man in the condition in which Mr. Rose is at present. He is getting better every day, and is in the Senate frequently.

Mr. WARREN. This clerk's salary was raised some years ago on my motion, and I have endeavored to be as good a friend to him as if he were a brother or a son. But, charged as I am in a way with the expenditure of the taxpayers' moneys, I can not ask that we should continue men year after year too long at salaries larger than would seem just to the taxpayers, any more than I can feel, on the other hand, that we should not pay those who do the work salaries commensurate with what they should receive.

I wish to say to the Senator from Tennessee that after we get through with these smaller matters I shall present an amendment covering several changes, including the salaries of Mr. Crockett, the Chief Clerk, and others, for the consideration of the Senate.

Mr. BRUCE. Mr. President, may I ask the Senator from Wyoming a question?

Mr. WARREN. Certainly.

Mr. BRUCE. None of the subordinate officers in the office of the Secretary, or connected with committees, and so on, for whom appropriations are made in the bill, are selected as the result of competitive examination, are they?

Mr. WARREN. I do not believe so. Certainly not in any civil-service sense.

Mr. BRUCE. Their offices are all party spoils?

Mr. WARREN. There is no law or custom that applies to the Senate in that regard.

Mr. BRUCE. That is what I supposed. In other words, when the Democratic Party is in power, these officers are altogether or largely Democrats——

Mr. WARREN. May I say to the Senator right there that the changes which I will propose a little later, to conform more nearly to the business of to-day, rather than that of years ago, will apply to those who are accepted by both Democrats and Republicans, those out of the regular line of employment, but selected because of their very valuable services to the Senate. They are on what is called an efficiency roll, and the committee on this side in charge of what is called patronage, and the committee on the other side having charge of patronage, meet from year to year and classify those clerks in some degree. As I have said, those covered in the amendments I shall propose are on the efficiency roll; that is to say, indorsed by both parties.

Mr. BRUCE. I am sure the Senator would do whatever he could under existing conditions to see to it that there are just as few legislative employees as possible, and that they are paid just as reasonable salaries as possible. But I would like to ask the Senator whether he does not believe that a very great sum of money would be saved to the Government if these subordinate employees were selected as the result of competitive examinations, without regard to personal or political considerations?

Mr. WARREN. Mr. President, if the Senator had been a Member of the Senate long ago he would have seen how utterly futile it would be to follow a strictly civil-service plan in selecting the men we require. For instance, when I first came to the Senate we had at the desk almost constantly four, five, or more men. They would alternate in reading, and we did not have one good reader in the entire lot.

At that time Mr. Julius C. Burrows, a Member of the House from Michigan, came over to the Senate and, as they had some pretty good readers then in the House, he blackguarded us about our reading clerks. He told us he knew a man in Michigan whom he would bring down here so that we might try him. We requested him to bring his man here, and I think we proposed the payment of his expenses. He brought Mr. Rose. Those were the days when clerks were getting $1,200 to $1,440, or perhaps $1,800 in a few cases. With the exception, perhaps, of the clerks of the two major Committees on Finance and Appropriations, each of whom received $2,220, that was as much as was paid. Mr. Rose came. We were all in love with him from the first, as we are now, as is shown by the way we are providing for him at the present time. He said he could not come for less than $5,000. We paid him $5,000 for a period of years, when I, myself, moved to increase his salary to $5,500.

In the meantime we had reached the point where we had too much for one man to do. In those days we were a smaller country with a smaller Senate, and, not only that, but we did a business of only half a billion dollars a year, while we are now doing a business amounting to nearly $4,000,000,000 a year. It reached the point where it was necessary to have an assistant. We wanted a good reader. We commenced writing to various places inviting men to come to be tried out for that position. We had them come in considerable numbers. They came from as far as California. They came from away up in the Northwest. Out of the large number who came here and were tried, Mr. Crockett was selected as the one man of all who proved to us, as he has since proven, that he had the strength of two or three ordinary men, has a voice that never fails, and is always on duty. He has been receiving a much smaller salary than he earns.

Mr. BRUCE. It was not my intention to elicit such an elaborate explanation from the Senator from Wyoming, but I am obliged to him all the same for making it. What I have in mind are not the positions that may call for a high degree of technical or special training, and especially not the position occupied by our most admirable and efficient Chief Clerk of the Senate, Mr. Crockett.

Mr. WARREN. May I say that it takes years for these men at the desk to become competent to perform their duties. They have been here for years.

Mr. BRUCE. I grant that, though I think the difficulties in the way of getting thoroughly trained experts under the merit system of appointment are much exaggerated. That is shown by the fact that the Government, of course, as the Senator knows, is in the habit of securing through competitive examinations even chemists and engineers. I recollect that last year when the Muscle Shoals bill was under consideration several Senators laughed to scorn the idea that experts with the requisite degree of special training for the purposes of that bill could be secured under the Federal merit system of appointment; but I called attention to the fact that within recent years there had hardly been a field of technical skill or special training in which the Government had not secured dozens and dozens of office holders through competitive examinations.

But, as I said, I am willing to except from the scope of my question positions mentioned in the pending bill, which the Senator from Wyoming or some other Senator in this body with a similar measure of experience may think to be of such character as to justify dispensing with such examinations. What I ask the Senator is why should not all the clerks, messengers, and other subordinate officers mentioned in this

appropriation bill not be selected as the result of competitive examinations held by the Civil Service Commission of the United States?

Mr. WARREN. Is that the way the Senator employs his personal clerks now in his senatorial office?

Mr. BRUCE. It is not, but I would not have been unwilling for them to have been appointed in that way. I have made a considerable number of subordinate appointments in my life and with few exceptions I have never been satisfied that a single one of them was as good an appointment as would have been made for me under a system of competitive examination. Some time ago I had occasion to make an appointment or two; I will not specify when or under what circumstances. They were made on the recommendations of Congressmen of very high standing; but in several instances they proved to be most unfortunate appointments.

Mr. ASHURST. Mr. President, will the Senator yield to me at that point?

Mr. WARREN. I yield.

Mr. ASHURST. Will the Senator from Maryland indicate by name what official around the Senate is defective or remiss in the performance of his duties and whose successor ought to be chosen by the Civil Service Commission? If he will name one who is defective, I shall be glad to have him do so.

Mr. BRUCE. So far as I know, no Senator has been intentionally remiss in the discharge of his duty when selecting a committee clerk or other legislative subordinate, but the conditions are such that in the absence of some nonpartisan and impersonal system of competitive examination it is impossible to secure, under existing methods, Federal employees of worth equal to that of those who could be secured under the merit system of appointment.

Mr. ASHURST. The Senator from Wyoming has just told us why Mr. Rose and Mr. Crockett were selected after a competitive examination. It is quite significant that when the Democratic Party took charge of the affairs of the Senate in 1913 by a unanimous vote in the caucus those two gentlemen, Messrs. Rose and Crockett, were retained because of their high degree of efficiency.

Mr. BRUCE. I have already said that my remarks have no application to those gentlemen or to any positions that may call for a high degree of technical skill or knowledge. I have said that. I do not want to waste time in repeating it.

Mr. ASHURST. I hope the Senator does not consider it a waste of time to talk to me?

Mr. BRUCE. I do not want to waste the Senator's time.

Mr. ASHURST. Very well; I will sit down then.

Mr. BRUCE. I will come back to the point. I know I am questioning a Member of this body who is held in the very highest esteem because of his long experience here and his ability and everything else that makes a faithful, efficient, and distinguished public servant.

Mr. WARREN. I have the greatest respect and affection for the Senator now speaking.

Mr. BRUCE. I lay aside legislative employees of the character mentioned by the Senator from Wyoming, but I ask him again if there is any reason why mere clerks and messengers attached to committees and the office of Secretary should not be selected under the Federal merit system of appointment as the result of competitive examinations held by the Civil Service Commission.

Mr. WARREN. We would have to have a law enacted for that purpose. We are following the lines laid down by our forefathers and going along fairly well, we think, so that we have been left out of the Budget, left out of the classification list, and so forth, on the ground that we ourselves are the best judges of our employees, and that out of the many we may select on the basis of a system of selection of our own, as we do, we get the best men for the services we have to perform.

Mr. BRUCE. But I know and the Senator knows that it would be entirely competent for Congress, by an act, to provide that its own legislative employees should be selected as the result of competitive examination.

Mr. WARREN. Entirely so.

Mr. ASHURST. Mr. President, allow me to interrupt again for a moment, if I may.

Mr. WARREN. Certainly.

Mr. ASHURST. We hear a great deal about the decadence of Congress. I believe that Congress under the present generation in which we are living reaches just as high a point of efficiency as it did in the past. But we are a coordinate branch of Congress; we are a coordinate branch of the Government. We are one-half of the legislative branch. If we are going to descend so low and become so inefficient that the Senate can not choose its own officials and clerks and doorkeepers, how can we enact laws for the government of 115,000,000 people? If we have not the genius and the clearness of judgment and courage to choose proper officials and proper clerks for ourselves, but must depend on the civil service, then I do think indeed we are rendering a poor service and are unequipped to serve the country at all.

Mr. BRUCE. Being a Senator, I am not any quicker than is the Senator to admit the decadence of the present Congress. I am a little in the position of the man who said that the farther west he went the more satisfied he was that the wise men came from the east.

Mr. CUMMINS. Mr. President, I would like to interrupt just a moment. I am conducting an examination in another room in the Capitol at which there are 25 or 30 people present. Before this paragraph of the appropriation bill is passed over I want to offer an amendment to it. I would like to ask whether it is likely that the bill will be disposed of to-night.

Mr. WARREN. We want to dispose of it to-night. It ought not to take a great length of time.

Mr. BRUCE. I shall be through in a moment or two. Of course, the Senator from Wyoming does not think that merely because our forefathers have been employing the present system for the selection of legislative employees, that is in itself any reason why we should still adhere to that system. Our forefathers, of course, used the sickle and the scythe instead of the highly improved mechanical agencies that we now use for the same purposes.

Mr. McKELLAR. Mr. President, I notice on page 6 there are mentioned clerical assistants to Senators. Would the Senator from Maryland think that clerical assistants to Senators ought to be selected by the Civil Service Commission?

Mr. BRUCE. Indeed I do. I am indebted to the Senator from Tennessee for giving me an opportunity to say that. My own efforts as a Senator to secure employees for my senatorial office proved so unsuccessful in two instances that I finally went to the Civil Service Commission and secured from it one of the best employees that I have ever had.

Mr. McKELLAR. I have not had that experience. I have gotten along fairly well with my own selection of employees. It seems to me that it is a more satisfactory way of selecting those with whom we will be intimately associated in our own offices. It is more desirable to select them ourselves and know exactly what kind of ideas they have and what sort of people they are; and where we select them we do know, but where they are selected for us by the Civil Service Commission they might have views entirely antagonistic to our own. They might have had records that we would not know anything about. The Senator has been particularly fortunate, as I understand it, in going to the Civil Service Commission for clerical help, but I doubt if that would be the experience of all the other Senators in the body. I do not believe it would be.

Mr. BRUCE. The Senator knows that the considerations which he is bringing forward are considerations which, if they had prevailed, would have prevented absolutely the establishment of any such thing as the Federal merit system of appointment at all. He is simply returning to the old idea of political spoils.

Mr. McKELLAR. Suppose the Civil Service Commission sent down to the Senator, if his system were adopted, four clerks who were the strongest prohibitionists in the world and he had them right around him undertaking to undo what he is trying to do on the other side of the question. Would he accept them and would he then approve that plan of selection?

Mr. BRUCE. That is a fair question; but I want just to mention a fact that will possibly illustrate what a very shallow insight the Senator has into my nature. One of my four secretaries is a prohibitionist and is among the best of the four. I will say, moreover, that 12 months hardly ever pass without my receiving a letter from her father, a Methodist clergyman, telling me that he is still praying for me. [Laughter.]

Mr. McKELLAR. I want to commend that father, that Methodist preacher. I, too, am praying for the Senator.

Mr. BRUCE. The Senator should wait until he sees how far the prayers of the clergyman will avail.

Mr. McKELLAR. I hope they will avail a great deal, for it is said that the "prayers of the righteous availeth much." I hope it may be so in this case.

Mr. WARREN. Mr. President, let me say to the Senator from Maryland that I am a supporter of the civil-service system, but I do not believe that we are yet prepared to apply it to the employees of Congress. I do not believe that it need worry the Senator or me, for, if we were so disposed, I doubt if we could by any means secure its adoption in this body or in the other body.

Mr. BRUCE. I am afraid that is true, but, of course, one has always to break ground before he can sow seed. It is a fact that some State legislatures have adopted the merit system of appointment for the selection of their employees. I forget how many have done so, but a considerable number of the State legislatures do select their employees through the agency of a civil-service commission.

Mr. BINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Connecticut?

Mr. BRUCE. I shall be glad to be interrupted by the Senator. I am almost through.

Mr. BINGHAM. I did not mean to interrupt the Senator, but he spoke of certain State legislatures and their attitude toward civil service. Does not the Senator from Maryland believe in responsible party government?

Mr. BRUCE. I do; but I think that responsible party government can be had without filling subordinate offices for partisan reasons. All the higher offices that are concerned with the administration of public policies should be partisan as a matter of course, but I do not think it prejudices party government in the slightest degree for the great mass of the subordinate officeholders to be selected without reference to party considerations.

I think it ought to be a matter of indifference—and, in point of fact, it is a matter of indifference, except where the abuses of the spoils system still survive—whether minor positions in the city of Washington are filled with Democrats or Republicans. Such officeholders have nothing to do with the administration of public policies, and the less partisanship they exhibit the better it is for the public interests.

Mr. BINGHAM. Would not the Senator from Maryland be willing to admit that a large part of the growth of bureaucracy during the past generation has been due to the fact that the Federal employees, not being obliged to be loyal to the political party in power, whichever it may be, but merely to pay a certain amount of attention to their own jobs, are inclined to follow bureaucratic methods rather than to fall in line with the desires of the people as expressed through their representatives and the executives who happen to be in power?

Mr. BRUCE. I do not think so. On the contrary, in spite of the extent to which the system of competitive examinations prevail at Washington, to me one of the most painful things in public life here is the excessive deference paid by the officeholding class here to men who happen for a short time to be clothed with an unusual degree of dignity and power. I do not mean to say that that is true of the great mass of subordinate officeholders, for it is not, because, of course, they are self-respecting and independent; but it is true enough to warrant me in saying that one of the things against which I revolt here is the exaggerated importance which is constantly ascribed by subordinate officeholders to my office as a Senator.

I recall that shortly after I came to Washington I was going up on an elevator over in the Senate Office Building one day when a lady in the elevator indicated her desire to get off at the second floor. The elevator boy did not pay the slightest heed to her request, and when she manifested some surprise—I in the meantime having endeavored to second her inclinations—his reply was that I was a United States Senator and that it was contrary to the rules of the United States Senate that anybody but a Senator should be put off on the second floor when a Senator was on his way to the third floor. That was a shock to me. I am not willing to enjoy any such special privileges merely because I happen, as the poet says, to be "the darling of one short day."

Mr. BLEASE. Suppose the Senator from Maryland should desire to get over from the Senate Office Building to the Senate Chamber in a hurry in order to answer on a roll call?

Mr. BRUCE. That is a very much overstrained contingency.

Mr. CURTIS. Mr. President, I know the Senator from Wyoming [Mr. WARREN] is very anxious to get through with the pending measure which he has in charge, but I do not desire that the Senator from Maryland shall blame the elevator men for the rule to which he has just referred.

Mr. BRUCE. I do not blame the elevator man. I blame the system, the custom, the atmosphere.

Mr. CURTIS. The rule to which the Senator has referred was adopted in order that Senators might get over from their offices in the Senate Office Building in time to attend to the business sessions of the Senate. Should the elevator on which the Senator was a passenger, hurrying to the Senate to answer a roll call, be stopped at every floor to let off other passengers, he might miss getting over to the Senate Chamber to answer a roll call.

Mr. BRUCE. How long does the elevator attendant have to stop to let off a passenger? Irrespective of what the rule or the regulation is I have given instructions to every elevator boy in the Senate Office Building that when a lady, or man for that matter, wishes to get off on the second floor he is not to take me on to the third floor without stopping at the second floor.

Mr. CURTIS. The Senator from Maryland may, of course, do as he pleases about that matter.

Mr. BRUCE. If the practice to which I have referred is the result of a rule, it is a bad rule; it is a rule for which there is no real excuse, and I venture to say that it is rooted far more deeply in the inflated importance attached to the office of a Senator than it is in any real considerations of public convenience or interest.

Mr. WARREN. If the Senator is through, I hope we may now proceed with the bill.

Mr. BRUCE. Mr. President, I will, of course, have to stop if the Senator says so, but I really think that we are getting into quite an interesting field of inquiry.

Mr. WARREN. Yes, but its application at this point is hardly apparent.

Mr. BRUCE. The Senator, of course, has the right to cut me short, and I am willing to be cut short, but I should like to ask him that crucial question again.

Mr. WARREN. I am not going to cut the Senator short, if he desires to proceed.

Mr. BRUCE. I do not desire to proceed at any length, of course; but the idea or notion that any official or officeholder is swollen with arrogance and pride because he is connected with a bureaucracy or because he has come in under the merit system of appointment instead of coming in at the dictation of some political spoilsman is, in my judgment, groundless.

Mr. BINGHAM. Mr. President, the Senator did not catch the point I was trying to make at all. It was not that anyone was swollen with arrogance or pride, but merely that, having his position firmly held without any regard as to whether his views coincided with those of the representatives of the majority of the people of the United States, he followed along the line laid down by the bureau. It has been found repeatedly by those coming into positions in the Cabinet that when they began to reform a bureau in accordance with their political platform and their own political views they were blocked by the attitude of the clerks in the bureau who knew that they could not be discharged except for not attending to their duties.

If the Senator will bear with me for a moment further, in this connection it seems to me not amiss to refer to the record of Connecticut, which has consistently refused to put into effect the civil-service reform system, believing that the party in power must be responsible for the conduct of the government, and that it could not be held responsible for it if it did not have the right to discharge and to appoint employees. The record of Connecticut in that it has not increased taxes as much as other States have done, that it has paid off its debt to a greater exent than other States have done, and that it has functioned admirably in many other directions, is due, in part, to the fact that the hands of the party in power, whether Democratic or Republican, have not been tied by any rules of examination under a civil-service system.

It seems to me that right here in the Senate and in the Senate Office Building we find that the employees who are appointed in accordance with the terms of the pending bill by the party in power are more efficient and more active on their jobs than certain employees who might be mentioned who are so sure of their jobs that they are not as much "on their toes" as are our own employees here.

Mr. BRUCE. Mr. President, I suppose the Senator realizes, of course, that he is simply harking back to the old stock arguments that were made by both Republican and Democratic spoilsmen before the merit system of appointment was adopted by the Federal Government. It seems to me that nothing could be more preposterous, if I may use such a word, than the idea that the success of a State administration, whether Democratic or Republican, depends on whether the great mass of the clerks and messengers are Republicans or Democrats. If I held a high position in the State of Connecticut and was a Republican—or I will say a Democrat, because it does not come to me naturally to imagine myself to be a Republican—and some messenger or clerk were in the discharge of his duties to bring his partisanship in any way conspicuously to my notice I would see that he was properly rebuked.

That is exactly what Mr. Cleveland did when he was President of the United States. He let it be known from one end of the United States to the other that anything in the nature of offensive partisanship on the part of any subordinate officeholder in the service of the Government, Democrat or Republican, would be visited with the proper measure of punishment.

I know the Senator is very largely influenced by that partiality which he entertains for Connecticut and everything

that relates to it and its political organization; and, of course, Connecticut is a very enlightened State, and is in all respects entitled to a high degree of consideration; but, as I say, after all, the arguments which the Senator from Connecticut is bringing forward are arguments which I, along with thousands and hundreds of thousands of other individuals in the United States, had to combat for some 35 or 40 years before we could get them under control.

As I have said, I am merely sowing a little seed that may not germinate for quite a time to come, but, sooner or later, I trust that it will. There is no reason in the world why legislative employees should not be selected without reference to any sectarian, political, or personal considerations. Every employee of the House of Representatives or of the Senate, unless he holds some position that is of a truly special or technical nature, should be selected by the Civil Service Commission; and I venture to say that if the present employees of the two Houses had been selected under that system they would be far fewer in number than they are, and the aggregate of their salaries would be far less than it is, for who can walk the corridors of the House Office Building or the Senate Office Building without realizing that there are large numbers of supernumerary employees in those buildings?

As I understand, the Senator from Connecticut has quite an active function to perform—I do not know whether I am correct in that—in relation to the selection of the Senate employees, and perhaps that is one reason why he naturally feels a little prejudiced in favor of the existing system. Shakespeare tells us, Mr. President, that the "dyer's hand is subdued to what it works in"; and perhaps if the Senator were not connected with some steering committee or patronage committee or other committee created by the majority party in the United States Senate his prepossession in favor of my ideas might be a little stronger.

Mr. BINGHAM. Mr. President, the Senator from Connecticut will say in reply that he has nothing more to say about appointments than has any other Senator, but he would like to point out the fact that notwithstanding his argument is said to resemble those in favor of the old spoils system the State of Connecticut by following the old system—not always appointing Republicans, not always appointing Democrats, or discharging them for political reasons, but keeping them in for efficiency and loyalty to the responsible officers of the Government—has produced a result in its finances and in the way the State is run which merits consideration. It is true that the State of Connecticut has advanced its taxes in the last 10 years less than any other State in the Union.

I say further that Connecticut is one of the very few States in the Union that have to-day virtually paid off their debts, either by sinking fund or by putting a surplus in the Treasury. Those things, I believe, are due to responsible party government; and I do not see how it is possible to have responsible party government when employees are appointed under an examination system rather than under the system which we employ here in the Senate and which is employed in the State of Connecticut.

Mr. BRUCE. Connecticut is, of course, a very prosperous State——

The PRESIDING OFFICER. Does the Senator from Wyoming yield further?

Mr. BRUCE. Mr. President, with due deference to the Chair, I do not see why the Chair should have initiated that inquiry. The Senator from Wyoming was not complaining.

The PRESIDING OFFICER. The Senator from Wyoming has the floor, and the Chair was asking him if he yielded further.

Mr. BRUCE. The Senator from Wyoming was seated when the Presiding Officer made that inquiry.

Mr. WARREN. Is it any discourtesy to the Senator that I was seated?

Mr. BRUCE. No; but I think I have a right to say that when a Member of the Senate yields the floor to another Member of the Senate, even the Presiding Officer, great as is the measure of the dignity with which his office is endowed, has no right to question the right of the Senator who is speaking to address the Senate.

The PRESIDING OFFICER. The Chair will state to the Senator from Maryland that the Senator from Wyoming has the floor and yielded to the Senator from Maryland; and the Chair asked——

Mr. BRUCE. The Senator from Wyoming was seated. He had given his consent to my interruption; and therefore, with great deference and respect, I say the Presiding Officer had no right to say to the Senator from Wyoming what he did.

Just one more question, and I will cease. It is this: I ask the Senator again whether he does not think that if these subordinate offices connected with the legislative service of the Senate were filled without regard to any sectarian considerations, without regard to any party considerations, without regard to any personal considerations, as the result of competitive examinations held by the Civil Service Commission, the number of those employees would be fewer and the appropriations made for their salaries would be less?

Mr. WARREN. I shall have to say to the Senator that I can not entirely agree with him on that point. There might be a portion of the duties of the body that could be performed by those who might be certified to us from day to day; but a great deal of this work requires knowledge and memory of what has happened in times past, especially as regards finances.

Mr. BRUCE. I shall not press the matter any further, and I thank the Senator most cordially for allowing me to interrupt him.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Wisconsin?

Mr. WARREN. I do.

Mr. LENROOT. The Senator from Maryland [Mr. BRUCE] has made some very broad and sweeping statements, alleging very large excess of employees over those that are necessary. As a member of the Committee on Appropriations and also a member of what is known as the patronage committee, I wish to say to the Senator from Maryland that, with the exception of a very few employees on what are known as the old soldiers' roll, so far as our committee is concerned, every one of them is performing a necessary service; and if the Senator from Maryland cares to make a list of those who he thinks are superfluous, I shall be delighted to have him do it.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Maryland?

Mr. WARREN. Yes; I yield.

Mr. BRUCE. I will say to the Senator that I should be delighted if he would give me a list of them all; and, while I have not made any investigation into the matter, I do not doubt at all my ability to demonstrate the fact that there are superfluous employees of this body; and, mind you, I am not casting any reflection on the Senator from Wisconsin. According to my ideas, under the present system of appointment which is nothing, of course, but a form of the old spoils system of appointment, it is impossible for any body of Senators, even if they were all as conscientious and painstaking as the Senator from Wisconsin, not to appoint a certain number of superfluous employees and a certain number of comparatively inefficient ones.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Ohio?

Mr. WARREN. I do.

Mr. WILLIS. I desire to reply very briefly to a suggestion made by the Senator from Maryland, and to ask a question, if I may, of either the Senator from Wyoming or the Senator from Wisconsin—whether he or they think that it would be possible under any civil-service system to secure the type of efficiency and information that is needed on the part of the employees of the Senate? What sort of civil-service examination could be held that would disclose the type of technical information that is possessed by the employees at the desk and by the doorkeepers and other employees of the Senate? My own judgment is that it would not be at all practicable.

Mr. BRUCE. The Senator was not here during all of the present discussion.

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Maryland?

Mr. BRUCE. Will the Senator yield to me for just a moment?

Mr. WARREN. I yield.

Mr. BRUCE. We have all excepted the employees at the desk; so really it seems to me they should not be dragged into this discussion any longer. Aside from them I do say that very thing, because there is no distinction in point of principle or function to be made between our ordinary clerical and ministerial employees and the ordinary clerical and ministerial servants of the Government in the various departments, customhouses, and post offices of the Government—none whatever.

Mr. WARREN. Mr. President, I send to the desk a list of some changes that I am going to ask to have made, in obedience to the direction of the Committee on Appropriations. It seems that when, some two or three years ago, we classified the employees of the various departments, we in a way classi-

fied—and in a very good way, probably—our own employees. So far as Senators' committee clerks and personal clerks are concerned, that classification seems to have been exceedingly satisfactory; but there were some changes in some places where there was a sort of a skip at the time, and these matters have changed somewhat since. So I am going to send in block to the desk the changes that the committee wishes to have made, and I move their adoption.

The PRESIDING OFFICER. The amendments will be stated.

The CHIEF CLERK. On page 2, line 14, strike out "$4,500" where it first occurs and insert in lieu thereof "$5,000."

Mr. McKELLAR. Mr. President, as I understand, that is satisfactory to the employee concerned; but I want to take this occasion to say that I regret that in the arrangement that has been made the amount was not made $5,500. I say that for the reason that I regard the present Chief Clerk, affected by this amendment, as one of the best reading clerks that any legislative body probably ever had. He is a most efficient employee; and I hope that at some early date the committee will see fit to raise his salary to an amount justified by his excellent and efficient services to this body. I do not think I have ever known since I have been in public life any employee who is a better trained, more efficient, or more competent employee than is Mr. Crockett, our Chief Clerk and reading clerk.

Mr. WARREN. Mr. President, if the Senator proposes that change, I shall not contest it.

Mr. McKELLAR. I propose that change right now, then. I ask unanimous consent that the amount be made $5,500 instead of $5,000.

The PRESIDING OFFICER. Is there objection?

Mr. WARREN. Five thousand five hundred dollars instead of $5,000?

Mr. McKELLAR. Yes.

Mr. WARREN. I do not object.

The PRESIDING OFFICER. The Chair hears no objection; and, without objection, the amendment as amended will be agreed to.

May the Chair ask the chairman of the committee whether this is offered as an amendment in block?

Mr. WARREN. That was the first one. I thought it better to run through the amendments and treat them as a whole, but I knew there would be some difference of view on this one.

The PRESIDING OFFICER. The Secretary will state all of the amendments, then.

Mr. McKELLAR. The first one, on page 2, as amended?

The PRESIDING OFFICER. The first one has already been agreed to, as amended.

Mr. McKELLAR. That is all right, then.

The CHIEF CLERK. On page 2, line 14, strike out "$4,500" where it occurs the second time and insert in lieu thereof "$5,000."

The amendment was agreed to.

The CHIEF CLERK. On page 2, line 15, strike out "$3,600" and insert in lieu thereof "$4,200."

The amendment was agreed to.

The CHIEF CLERK. On page 2, line 16, strike out "$3,600" and insert in lieu thereof "$4,200."

The amendment was agreed to.

The CHIEF CLERK. Page 3, line 15, strike out "$1,440" and insert in lieu thereof "$1,520."

The amendment was agreed to.

The CHIEF CLERK. Page 4, line 18, strike out "$1,260" and insert in lieu thereof "$1,520."

The amendment was agreed to.

The CHIEF CLERK. Page 7, line 8, strike out "$1,940" and insert in lieu thereof "$2,400."

The amendment was agreed to.

Mr. BLEASE. Mr. President, I move to strike out, on page 7——

Mr. WARREN. Mr. President, what has been done with the amendments being read at the desk?

Mr. BLEASE. I understood that all those were adopted.

The PRESIDING OFFICER. They have all been agreed to as far as we have gone.

Mr. BLEASE. I simply want to offer an amendment before we leave page 7; that is all.

The PRESIDING OFFICER. The Chair will state that under the agreement amendments from the floor will be offered after the committee amendments are disposed of.

Mr. BLEASE. I understand that; but I desire to give notice now that I wish to offer an amendment on page 7, so that if it is passed over we can go back to it.

The PRESIDING OFFICER. The Senator will have an opportunity to do that. The Secretary will state the rest of the amendments offered by the Senator from Wyoming on behalf of the committee.

The CHIEF CLERK. On page 7, line 14, strike out "$1,520" and insert in lieu thereof "$1,800."

The amendment was agreed to.

The CHIEF CLERK. On page 7, line 14, strike out "five skilled laborers, at $1,310 each" and insert in lieu thereof the following: "four skilled laborers at $1,440 each; skilled laborer, $1,410."

The amendment was agreed to.

The CHIEF CLERK. On page 7, line 18, strike out "$1,010" and insert in lieu thereof "$1,240."

The amendment was agreed to.

The CHIEF CLERK. On page 7, lines 21 and 22, strike out "$2,740" and insert in lieu thereof "$3,300."

The amendment was agreed to.

The CHIEF CLERK. On page 7, line 22, strike out "$1,840" and insert in lieu thereof "$2,240."

The amendment was agreed to.

The CHIEF CLERK. On page 8, line 6, strike out the words "and one wagon master" and in line 5, after the numerals "$2,150," insert: "wagon master, $1,800."

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me? I should like to go back to page 4.

The PRESIDING OFFICER. We have not yet reached page 4.

Mr. REED of Pennsylvania. I thought the Senator from Wyoming had offered all of his amendments.

The PRESIDING OFFICER. He has offered all of the amendments proposed in block, but the committee amendments have not yet been disposed of. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 3, line 1, after the word "laborers," to strike out "three" and insert "four"; in the same line, after the word "each," to strike out "three" and insert "two," and at the end of line 2, after the word "all," to strike out "$101,580" and insert "$100,710," so as to read:

laborers four at $1,140 each, two at $1,010 each, one in stationery room $1,440; in all, $100,710.

The amendment was agreed to.

The next amendment was, under the subhead "Committee employees," on page 5, line 19, after the word "each," to insert a semicolon and "additional clerk, $1,520, in lieu of clerk paid from contingent fund under Senate resolution of July 17, 1914," so as to read:

Post Offices and Post Roads—clerk, $3,300; assistant clerk, $2,460; three assistant clerks, at $1,830 each; additional clerk, $1,520, in lieu of clerk paid from contingent fund under Senate resolution of July 17, 1914.

The amendment was agreed to.

Mr. REED of Pennsylvania. Now we seem to have passed page 4.

Mr. McKELLAR. I understand that the bill is being read for action on the committee amendments first.

Mr. REED of Pennsylvania. I wanted to ask the Senator from Wyoming to explain an item on page 4; but I can go back to that after we finish the committee amendments.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment was, on page 6, at the end of line 12, to change the total appropriation for committee employees from $371,370 to $372,890.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Sergeant at Arms and Doorkeeper," on page 7, line 12, after the word "locksmith," to strike out "$1,770" and insert "$2,100," so as to read "upholsterer and locksmith, $2,100."

The amendment was agreed to.

The next amendment was, on page 7, at the beginning of line 13, to strike out "$1,520" and insert "$1,800," so as to read "cabinetmaker, $1,800."

The amendment was agreed to.

The next amendment was, on page 7, line 13, before the word "each," to strike out "$1,390" and insert "$1,800," so as to read "three carpenters, at $1,800 each."

The amendment was agreed to.

The next amendment was, on page 7, line 19, before the word "at," to strike out "four" and insert "seven," so as to read:

"telephone operators—chief $2,040, seven at $1,200 each, night operator, $1,010."

The amendment was agreed to.

The next amendment was, on page 7, line 26, to change the total appropriation for the office of Sergeant at Arms and Doorkeeper from $196,208.80 to $201,648.80.

The amendment was agreed to.

The next amendment was, under the subhead "Post Office," on page 8, line 7, before the word "riding," to strike out "three" and insert "two," and at the end of line 7 to strike out "$22,230" and insert "$21,010," so as to read:

Salaries: Postmaster, $2,740; chief clerk, $2,150; eight mail carriers and one wagon master, at $1,520 each; two riding pages, at $1,220 each; in all $21,010.

The amendment was agreed to.

The next amendment was, under the subhead "folding room," on page 8, line 9, after the word "salaries," to strike out "superintendent, $2,400; foreman," and insert "foreman," and at the end of line 11, to strike out "$24,740" and insert "$22,340," so as to read:

Salaries: Foreman, $1,940; assistant, $1,730; clerk, $1,520; folders—seven at $1,310 each, seven at $1,140 each; in all, $22,340.

The amendment was agreed to.

Mr. WARREN. Mr. President, I send to the desk an amendment striking out one clerk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, line 22, it is proposed to strike out "two at $2,590 each" and to insert in lieu thereof "one $2,590."

The amendment was agreed to.

Mr. WARREN. Now, Mr. President, on page 3, line 7, I move to strike out "$2,100" and insert "$2,500." An error has been made there.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 3, line 7, it is proposed to strike out "$2,100" and to insert in lieu thereof "$2,500."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, under the heading "Architect of the Capitol, Capitol Building and Grounds," on page 23, line 1, after the word "tackle," to strike out "wages of mechanics and laborers" and to insert "personal and other services," so as to make the paragraph read:

Capitol buildings: For work at the Capitol and for general repairs thereof, including cleaning and repairing works of art, flags, flagstaffs, halyards, and tackle; personal and other services; purchase or exchange, maintenance, and driving of motor-propelled, passenger-carrying office vehicles; and not exceeding $100 for the purchase of technical and necessary reference books and city directory, $70,240.

The amendment was agreed to.

The next amendment was, on page 24, line 12, after the word "Rules," to strike out "$79,413.80" and insert "$89,413.80," so as to make the paragraph read:

Senate Office Building: For maintenance, miscellaneous items and supplies, and for all necessary personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, $89,413.80.

The amendment was agreed to.

The next amendment was, on page 25, line 4, after the words "per annum," to insert "and $300 additional for the maintenance of an automobile for his use"; and at the end of line 11, to strike out "241,871.60" and insert "$244,011.60," so as to make the paragraph read:

Capitol power plant: For lighting, heating, and power for the Capitol, Senate and House Office Buildings, and Congressional Library Building, and the grounds about the same, Coast and Geodetic Survey, the Union Station group of temporary housing, Botanic Garden, Senate garage, House garage, Maltby Building, and folding and storage rooms of the Senate, Government Printing Office, and Washington City post office; pay of superintendent of meters, at the rate of $1,940 per annum and $300 additional for the maintenance of an automobile for his use, who shall inspect all gas and electric meters of the Government in the District of Columbia without additional compensation; for necessary personal and other services; and for materials and labor in connection with the maintenance and operation of the heating, lighting, and power plant and substations connected therewith, $244,011.60.

The amendment was agreed to.

The next amendment was, under the subhead "Library Building and Grounds," on page 27, line 9, after the words "(card division)," to insert a comma and "including repairs to roof, further repairs and replacement of obsolete plumbing in lavatories."

Mr. WARREN. I ask the rejection of that amendment, as it has been found unnecessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 27, at the end of line 12, to strike out "$9,000" and to insert "$12,500," so as to read:

For repairs, miscellaneous supplies, electric and steam apparatus, and all incidental expenses in connection with the mechanical and structural maintenance of said building, including repairs to skylights, gutters, roof, and down spouts; pointing-up open joints in stone walk around the octagon and dome; partitions and grille work to inclose workshops; repairs and replacements of plumbing in lavatories and for ventilation of east south curtain, second story (card division), and completion of waterproofing of vaults over machinery in east cellar of building, $12,500.

The amendment was agreed to.

The next amendment was, under the heading "Botanic Garden," on page 28, after line 23, to insert:

Within 30 days after the approval of this act the Secretary of War is authorized to deliver to the Botanic Garden, without payment therefor, four trucks.

The amendment was agreed to.

The next amendment was, on page 29, line 8, after the word "fiscal," to strike out "year" and to insert "years 1926"; and in line 10, after the word "direct," to insert "including services heretofore employed or rendered," so as to make the paragraph read:

Any unexpended balance of the appropriation of $5,000 "to enable the Joint Committee on the Library to carry out the provisions of the joint resolution entitled 'Joint resolution providing for the procurement of a design for the use of grounds in the vicinity of the Mall by the United States Botanic Garden,' approved January 7, 1925," is reappropriated and made available for the same purposes for the fiscal years 1926 and 1927 for expenditure by contract or otherwise as the joint committee may direct, including services heretofore employed or rendered.

The amendment was agreed to.

The next amendment was, under the heading "Library of Congress, salaries," on page 29, at the end of line 15, to strike out "$514,785," and to insert "$518,585," so as to read:

For the Librarian, chief assistant librarian, and other personal services in accordance with "the classification act of 1923," $518,585.

The amendment was agreed to.

The next amendment was, under the subhead "Library Building," on page 32, at the end of line 8, to strike out "$107,702" and to insert "$112,982," so as to read:

Salaries: For the administrative assistant and disbursing officer and other personal services in accordance with the classification act of 1923, $112,982.

The amendment was agreed to.

The next amendment was, under the heading "Government Printing Office, Office of Public Printer," on page 33, line 3, after the words "Public Printer," to strike out "$6,000" and to insert "$7,500"; in line 4, after the words "Deputy Public Printer," to strike out "$4,500" and to insert "$5,000"; and at the end of line 8, to strike out "$154,453" and to insert "$156,453," so as to make the paragraph read:

Salaries: Public Printer, $7,500; Deputy Public Printer, $5,000; for personal services in accordance with the classification act of 1923, $143,953: *Provided*, That for the purpose of conforming to section 3 of this act this appropriation shall be considered a separate appropriation unit; in all, $156,453.

The amendment was agreed to.

The next amendment was, on page 37, after line 10, to insert:

Payment of not to exceed the contract price of $125,000 for three postal-card presses ordered in fiscal years 1924 and 1925 shall be made upon audit and order of the Joint Committee on Printing; and such audit, order, and payment shall be conclusive and binding upon all parties concerned as to correctness of the account.

The amendment was agreed to.

The next amendment was, on page 39, line 14, after the word "vehicles" to strike out the comma and "and that hereafter" and insert "hereafter," so as to make the section read:

SEC. 2. No part of the funds herein appropriated shall be used for the maintenance or care of private vehicles. Hereafter the Committee on Accounts of the House of Representatives and the Committee to Audit and Control the Contingent Expenses of the Senate, respectively, shall make and issue regulations specifying the classes of articles which may be purchased by or through the stationery rooms of the House and Senate.

The amendment was agreed to.

The PRESIDING OFFICER. This completes the committee amendments.

The reading of the bill was concluded.

Mr. WARREN. I ask that the clerks at the desk be directed to correct the totals in the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PHIPPS. Mr. President, I have been authorized by the committee to present the following amendment, which the clerk will report.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. On page 9, after line 24, insert as a separate paragraph the following:

The Secretary of the Senate is authorized and directed to reimburse from the contingent fund of the Senate one clerk or one assistant clerk to each Senator, or to one clerk or assistant clerk to each committee of the Senate, such amounts as may be necessarily paid by said clerk or assistant clerk for transportation, Pullman charges, and meals en route from Washington, D. C., to the place of residence in the State of the Senator by whom employed, at the time such trip is made, and return therefrom; said reimbursement being hereby expressly limited to one round trip for each regular, extra, or special session of Congress or of the Senate to and from said place of residence, for not to exceed one said clerk or assistant clerk, by the most direct route of travel, on vouchers to be certified by their respective Senators that such travel has been performed and approved by the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, under the provision on page 4, line 10, the assistant clerk of the committee of which I have the honor to be chairman receives only $1,940, as against $2,150 for the assistant clerks of practically all the other committees. There is not in the Capitol a more faithful or efficient employee than this clerk, and, as Senators know, the volume of mail from a State like Pennsylvania is terrific. I ask that that be amended to read "$2,150," so as to put this clerk on a par with the other assistant clerks.

Mr. WARREN. The committee of which the Senator speaks has been put in charge of very much more work than it had formerly. Before we eliminated a number of the Senate committees there was a Committee on Expenditures for each of the executive departments. Upon reorganization of our committees we combined all of the Expenditures Committees into one committee, the one over which my friend the Senator from Pennsylvania presides. What the Senator has said regarding this clerk is true. It seems that through an error this clerk was not given the compensation the Senator has asked to have inserted, and I make no objection to the amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The READING CLERK. On page 4, line 10, to strike out "$1,940" and insert "$2,150."

The amendment was agreed to.

Mr. BORAH. Mr. President, I desire to ask the chairman's consideration of an item on page 3. The salary of the superintendent of the document room is now fixed at $3,500. We all know that is a very important position, and the superintendent is an efficient and accommodating officer. It seems to me, taking into consideration the other salaries which we have established, it would be entirely fair and just to increase this salary to $4,200. I ask the chairman if he will not consider that favorably?

Mr. WARREN. If that had come before the committee, I would have voted for an increase up to $4,000. I do not believe I would go to $4,200.

Mr. BORAH. I ask that it be placed at $4,000.

Mr. WARREN. I make no objection.

The PRESIDING OFFICER. The Senator from Idaho offers an amendment, to strike out, on page 3, line 5, "$3,500" and to insert in lieu thereof "$4,000."

The amendment was agreed to.

Mr. McKELLAR. Mr. President, on page 3, line 5, the first assistant in the document room is given a salary of $2,880. As we all know, Mr. Lambert is a very efficient man, and this amount is not in keeping with what others are receiving for similar services. I ask the chairman of the committee if he will not agree that that may be changed from $2,880 to $3,000.

Mr. WARREN. The committee considered that, and did not agree to it. I could not accept that.

Mr. McKELLAR. Will the Senator accept $3,300?

Mr. WARREN. I do not think we could do anything with that.

Mr. McKELLAR. I offer an amendment that "$2,880" be stricken out and "$3,300" be inserted.

Mr. WARREN. I hope that will not prevail.

On a division, the amendment was rejected.

Mr. McKELLAR. I ask unanimous consent that we increase this to $3,200.

Mr. WARREN. I can not agree to that. The matter was considered, but I have no authority to agree to it. We will have to take that up at some other time.

Mr. McKELLAR. It does not seem exactly fair. We have just increased the salary of the head of the document room to $4,000, and it seems to me that the assistant ought to have a reasonable salary.

Mr. SWANSON. I say in all seriousness that I do not know anybody who works harder or longer hours than the employees in that office.

Mr. WARREN. What was the last suggestion of the Senator from Tennessee?

Mr. McKELLAR. I said $3,200.

Mr. WARREN. I can not agree to that.

Mr. McKELLAR. I will make it $3,000, then.

Mr. BRUCE. Is that satisfactory to the Senator from Wyoming?

Mr. WARREN. Three thousand dollars is all right.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BLEASE. Mr. President, on page 7, line 25, I move to strike out "$3.30" and to insert in lieu thereof "$5."

Something was said a while ago in the discussion of the manner of selecting employees about the rule of the Senate regarding the operation of the elevators in this building and in the office building. I want to say that I yield to no man in being courteous and polite, and since I have been here I have upon several occasions had the elevator boy stop the elevator and put off both men and women at the floors where they desired to alight. Sometimes I have asked women at what floors they wished to get off in order to have the elevator stopped. But I think the rule is a splendid one, because the only roll call I have missed since I have been here I missed on account of the fact that the elevator had to stop at each floor, coming down from the fourth, and I got into the Senate Chamber just after the result of the vote had been announced. I think, therefore, the rule is a good one.

I try to be polite to everybody. If I meet a colored man and he touches his hat to me, I touch my hat back to him. I do not like to have anybody exceed me in politeness, and I never have; but I think it would be very foolish to try to pick my private secretary for me by a Republican Civil Service Commission, and I would not submit to it; that is all. I want to say further that I have four clerks in my office, and every one of them voted for me for United States Senator. If they had not, they would not have been here. I believe strictly in the doctrine of standing by your friends. I believe in competency, too; but I can always find a friend of mine who is just as competent as any other fellow's friend. Therefore I give my friends the jobs at my disposal.

Mr. President, these little boys all work hard. Most of them have mothers, and most of them are almost dependent on their boys. A few days ago one of the little boys was sick, and as his mother was a poor woman the Senators very kindly made up a purse of money and gave it to her.

It seems to me that $5 a day is not too much to pay these little fellows. They want to get an education. I have no doubt but that some of them at least have their eyes on seats in the Senate that some of us are holding. As a matter of fact, one of the greatest Senators this Nation has ever produced started life right here as a little page boy, and came back here as a Senator, and was a great Senator.

This is a small matter, and I do hope that my good friend from Wyoming will do us the favor of allowing the salaries of these little boys to be increased to $5, and some day I will return him the favor in some way.

Mr. WARREN. I have not the power to accept that and I will have to object. I laid the matter before the committee and the committee considered it, but voted against it.

Mr. BLEASE. I beg the Senator's pardon. The amendment the Senator laid before the committee was an amendment to pay them for the year round.

Mr. WARREN. I know; but——

Mr. BLEASE. This is merely to raise them from $3.30 to $5 a day during the session.

Mr. WARREN. Both those matters were considered.

Mr. BLEASE. I move that the amendment be adopted.

Mr. BRUCE. Mr. President, this is just another illustration of the abuses against which I have been raising my voice. That is to say, under this system of appointment everything except the mere consideration of public interest is taken into consideration. Either the desire to promote the good fortune of some political henchmen, or some political friend, or to gratify some passing instinct of sympathy, every reason except the real one on which the determination of public questions ought to be arrived at, has free play. Here we have the highly respected chairman of the Committee on Appropriations telling us that this increase does not meet with his approval, and apparently it has not met with the approval of any member of the committee of which he is the chairman, though I can not speak with perfect confidence about that. Why should we, merely as a matter of sympathy—I will not say maudlin sympathy—make this increase?

Mr. WARREN. It would be useless for us to put the increase on, because we could not carry it through the House.

Mr. BRUCE. I have an appointee of my own, and I should be very glad, under different conditions, to see an addition made to his compensation. If nothing were involved except the instinct of friendliness, I should be glad to see the compensation of all of the boys increased. But it seems to me that under the circumstances we ought to stand by the deliberate views of our own committee, and especially its honored chairman.

Mr. BLEASE. Mr. President, no man holds the Senator from Wyoming or his judgment in higher esteem than I do, personally as well as politically, and otherwise, and he knows that. As for these little boys, I do not know the names of any one of them. Right now, if I were asked to call one of them by name, I could not do it. But I know that $5 is not too much to give them for the service they perform here. They are required to go to school at night, under a compulsory attendance law, and if we expect them to render the kind of service they are required to render, we should pay them a little more.

Mr. WARREN. The Senator offering the amendment is a friend of mine whom I respect very greatly. The boys I love, even if they do not love me; and they may not love me after the proceedings of to-day. But somebody, somewhere, during the consideration of these items has to keep the proportion, and also to keep in mind that there is another body which has something to say about these things. There are pages in the House, as well as in the Senate; this matter has been discussed with Members of the House to some extent, and it would be entirely useless for us to put this amendment on. I hope it will not go into the bill, on that and other accounts. I do not believe we can afford to make the compensation higher than it is now. Of course, years ago it was considerably less than it is now, but they have received raises from time to time.

I ask that the amendment may not prevail.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Carolina [Mr. BLEASE].

On a division, the amendment was rejected.

Mr. WILLIS. Mr. President, the Senator from Wyoming will recall that I spoke to him personally about what I regard as a very trusted and useful employee in the folding room and suggested to him the possibility of an increase in his compensation. Did the committee consider that matter?

Mr. WARREN. It was considered and was unanimously turned down because at this time we had to consider those who were heavily involved with more important matters or more heavily involved, as it would seem in comparison with the compensation they are receiving, and that, therefore, the clerk to whom the Senator refers should wait at least another year.

Mr. WILLIS. The Senator then would not feel inclined to look with favor upon the matter?

Mr. WARREN. I would not. I should have to ask the Senate to vote against it.

Mr. WILLIS. Very well.

The PRESIDING OFFICER. If there are no further amendments to be proposed as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

VISIT TO EUROPE OF CERTAIN MILITARY ORGANIZATIONS

Mr. WADSWORTH. Mr. President, from the Committee on Military Affairs I report back favorably, without amendment, the joint resolution (H. J. Res. 204) authorizing certain military organizations to visit France, England, and Belgium, and I submit a report (No. 673) thereon. I ask unanimous consent for the immediate consideration of the joint resolution.

Mr. TRAMMELL. Mr. President, before consent is granted I would like to know what the joint resolution proposes.

The PRESIDING OFFICER. The joint resolution will be read for information.

The Chief Clerk read the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the Richmond Light Infantry Blues Battalion, of Richmond, Va., the First Company Governor's Foot Guard, of Hartford, Conn., the Second Company Governor's Foot Guard, of New Haven, Conn., and the Putnam Phalanx, of Hartford, Conn., are authorized to accept the invitation to visit France, England, and Belgium during the month of May, 1926, as military organizations of their respective States recognized by the United States, under such conditions as may be imposed by the Governments of the countries aforesaid to be visited.

SEC. 2. That the visits herein authorized shall be without expense to the United States.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSTRUCTION AT MILITARY POSTS

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably, without amendment, the bill (H. R. 10275) authorizing appropriations for construction at military posts, and for other purposes, and I submit a report (No. 674) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection the bill was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $5,770,000 from the net proceeds derived from the sales of surplus War Department real property, including the sale of surplus buildings, deposited in the Treasury, as authorized by the act approved March 12, 1926 (Public, No. 45, 69th Cong.), said sum to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as, in the judgment of the Secretary of War, may be necessary, as follows:

Fort Benning, Ga., continuing of barracks construction, $725,000; Fort Monmouth, N. J., barracks for enlisted personnel, $555,000; Fort Monmouth, N. J., hospital, $100,000; Camp Lewis, Wash., beginning construction of post hospital, $125,000; Fort Sam Houston, Tex., barracks, $500,000; Selfridge Field, Mich., barracks, $570,000; Selfridge Field, Mich., noncommissioned officers' quarters, $180,000; Camp Meade, Md., barracks, $410,000; Fort Bragg, N. C., barracks, $360,000; Fort Humphreys, Va., barracks, $500,000; Camp Devens, Mass., barracks, $500,000; Erie Proving Ground, Ohio, barracks, $47,000; Edgewood Arsenal, Md., officers' quarters, $90,000; United States Disciplinary Barracks, Fort Leavenworth, Kans., hospital, $125,000; Mitchel Field, N. Y., barracks, $287,000; France Field, Panama, officers' quarters and noncommissioned officers' quarters, $139,000; Schofield Barracks, Hawaii, noncommissioned officers' quarters, $72,000; Fort Wadsworth, N. Y., barracks, $285,000; Maxwell Field, Montgomery, Ala., barracks, $130,000; noncommissioned officers' quarters, $70,000: *Provided*, That any unexpended balances or combined unexpended balances of any of the above amounts shall be available interchangeably for appropriation on any of the hospitals or barracks herein authorized.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERNEST F. RILEY

Mr. BLEASE. Mr. President, I have a short statement which I would like to make in order that it may appear in the RECORD, being some questions which I asked of the financial clerk to-day and his answers, as follows:

Question. Was Ernest F. Riley one of the counters in the Brookhart-Steck contest?

Answer. Yes.

Question. When did his services begin?

Answer. July 20, 1925.

Question. When did his services end?

Answer. April 12, 1926.

Question. Was his salary increased during that time?

Answer. No.

Question. When did his services as chief clerk to Senator STECK begin?

Answer. April 24, 1926.

Question. What was his salary as counter?

Answer. $6 per day.

Question. What is his salary as chief clerk to Senator STECK?

Answer. $3,300 per annum.

AMENDMENT OF WAR MINERALS RELIEF ACT

Mr. ODDIE. Mr. President, I ask unanimous consent to take up Calendar No. 482, the bill (S. 3641) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Mr. CURTIS. Let the bill be read.

The Chief Clerk read the bill.

Mr. OVERMAN. Mr. President, it is late in the evening. We ought to have a full attendance of the Senate when we consider a bill of this character. We ought not to be considering any more bills at this time in the evening, and I shall object.

The PRESIDING OFFICER. Objection is made.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 10 minutes p. m.) took a recess until to-morrow, Tuesday, April 27, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, *April 26, 1926*

The House met at 12 o'clock noon.

Rev. G. M. Henderson, pastor Methodist Episcopal Church, Sterling, Colo., offered the following prayer:

Oh God, our Father, we thank Thee this morning as we stand before Thee with bowed heads for the blessings that come to us continually from Thy bountiful hands, for all the loving-kindness and tender mercies that Thou hast continually bestowed upon us. We pray that Thou will bless us this morning in these opening moments. Bless this House, we pray Thee, O Lord, with all the responsibilities that are upon them in these closing days of the session. We pray that Thou wilt bless every one who has special responsibility upon him, those that have the presiding responsibility, and those that have the special work of the committees; and we pray that Thou wilt bless our whole land with all of its influences, every department of our Nation, the executive, legislative, and judicial departments, and every interest and influence of righteousness, and may that which is right always prevail and always be on the throne. May Thy blessing be upon us in all our undertakings as a Nation in the influence of right to the ends of the earth. We ask it in the name of Jesus Christ our Savior and God our Father. Amen.

The Journal of the proceedings of Friday, April 23, and Sunday, April 25, were read and approved.

THE MIXED CLAIMS COMMISSION

Mr. MILLS. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLS. Mr. Speaker, I am very glad, indeed, that the gentleman from Texas has corrected what was obviously a misstatement of the facts, in that he stated that I personally had a large claim against Germany. Germany does not owe me one nickel, nor would the passage of the alien property and mixed claims bill result in the payment to me of a single penny by the Treasury of the United States. What are the facts? Among 2,172 awards, aggregating $134,000,000, made by the Mixed Claims Commission, the Mergenthaler Linotype Co., an American corporation, owned by American citizens, received an award of $249,929.80 for property seized by the German Government in Germany at the outbreak of the war with the United States. I am a stockholder and director of the Mergenthaler Linotype Co.

My ownership of stock in the Mergenthaler Linotype Co. is seven-tenths of 1 per cent of the total stock outstanding, so that if the company should collect the claim in full and distribute every penny of the claim the maximum amount I could receive would be $1,969.94, with interest. That is the maximum amount that I could theoretically receive. As an actuality, even if this claim were paid to-morrow, I would not in all probability receive one penny more from the company than I am receiving to-day in dividends. In fact, from the standpoint of the company, the amount is comparatively small, which you will readily appreciate when I state that the income of the company was approximately $16,000,000 last year. If paid, the claim would simply increase the assets of the company by 1 per cent, and since my interest in the company is seven-tenths of 1 per cent my interest in the undivided assets of the corporation would be increased by seven thousandths of 1 per cent by the payment of this claim.

If this bill were passed, all that it could do would be to increase my interest in the undivided assets of this corporation by seven thousandths of 1 per cent.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. MILLS. And in order to make that assumption you have got to make the further assumption that these claims otherwise would never be paid; that the Dawes agreement will fail and these claimants never receive a payment from the German Government either in 1 year or in 80 years. I now yield.

Mr. GARNER of Texas. If I understand the total capital stock of the company, it was 1 per cent of $250,000, equal to 1 per cent?

Mr. MILLS. The total assets of the company aggregate something over $30,000,000. The claim with interest to April 24 is something over $300,000.

Mr. GARNER of Texas. About 1 per cent. It is 1 per cent.

Mr. MILLS. I will say to the gentleman that when the claim was awarded by the Mixed Claims Commission the company informs me they carried it under accounts receivable, or in other words, that it is already included in the assets of the company in the statement which it issued for its last fiscal year.

Now, as a matter of fact, I knew nothing of this claim when I introduced the bill. The RECORD will show—and my friend from Texas [Mr. GARNER] will bear me out—that as soon as he called the matter to my attention, within an hour, I announced on the floor of the House that I would not participate further in the consideration of the bill.

My action was dictated by a desire to lean over backward. Being a man of some wealth, I am naturally at times the target for demagogic attacks, and I have always endeavored to so conduct myself that even the noisy and insincere demagogue would not have grounds to question my public conduct. [Applause.]

These considerations, my desire at all times to divorce public affairs and private matters, and the welfare of the bill itself, rather than the belief that the small and indirect interest which I had could in any way disqualify me, led me to divorce myself from the bill, which I personally believe to be perfectly sound and meritorious.

Why, gentlemen, if the contention of the gentleman from Texas is correct, any Member who is an officer and stockholder of a bank is disqualified from sitting on the Committee on Banking and Currency or voting on banking bills, particularly those bills which restrict the power of the States to tax national banks. If the gentleman's theory is correct, any stockholder in a railroad is disqualified from voting on the bill now pending, which would lower the rate of interest to be paid by the railroads on loans made by the United States Government. If the gentleman's theory is correct, every Member of this House who served in the Great War with the rank below that of captain was guilty of "legalized theft" when he voted for the adjusted compensation bill. If the theory of my friend from Texas is correct, every Member of this House who owns a farm and is a member of a cooperative society is disqualified from voting on the agricultural relief bill, which I understand will be reported, because it provides for a $100,000,000 fund to be taken from the Treasury of the United States and made available for cooperatives. In fact, if the theory of my friend from Texas is consistently applied—and it will not be consistently applied even by my friend—scores of Members of this House will repeatedly find themselves unable to vote upon most important public measures, with serious detriment to the public business.

Now, it will be urged, of course, that the measures which I give as illustrations deal with a class. So does this bill. The provision of this bill in question which the gentleman from Texas has been attacking, are not for the relief of certain American claimants. They are for the relief of every American citizen, whether a corporation or an individual, who has a claim against the German Government by reason of acts

of that Government during the war period, and which has been or may be adjudicated by the tribunal set up for that purpose.

The truth of the matter is, gentlemen, that there is no wiser rule to be followed in this body other than the rule that it must be left to the individual conscience of every Member as to whether he can with propriety vote on a particular measure or not. [Applause.]

Certainly no man fit to be a Member of this House will allow personal considerations, be they large or small, to influence his attitude on a public question; and I say without hesitation or qualification that I do not believe there is a single Member of this body that that can not be said of with absolute truth. To proceed on any other assumption is to destroy all confidence in this House.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. MILLS. Mr. Speaker, I ask for one minute more.

The SPEAKER. The gentleman from New York asks to proceed for one minute more. Is there objection?

There was no objection.

Mr. MILLS. I believe that the only safe rule for this House or any other legislative body to follow is to place complete faith in the integrity and honor of its own Members, and that in the long run a rule based on such faith will be infinitely more effective than any political censorship that might be established by my friend from Texas or anyone else. [Applause.]

Having obtained permission to extend my remarks, I am extending them by inserting here a brief statement of what appears to be the rule of the House in respect of this question, as established by the precedents.

Rule VIII provides:

> Every Member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question.

In commenting on the effect of this rule, section 650 of the House rules states:

> It has been found impracticable to enforce the provision requiring every Member to vote (V. 5942–5948); and the weight of authority also favors the idea that there is no authority in the House to deprive a Member of the right to vote (V. 5937, 5952, 5959, 5966, 5967). In one or two instances the Speaker has decided that, because of personal interest, a Member should not vote (V. 5955, 5958); but usually the Speaker has held that the Member himself should determine this question (V. 5950, 5951), and one Speaker denied his own power to deprive a Member of the constitutional right to vote (V. 5956). (See also ruling by Speaker Clark, December 22, 1914, RECORD, 3d sess., 63d Cong. p. 615.)

Section 5952 of Volume V of Hinds' Precedents provides:

> Where the subject matter before the House affects a class rather than individuals, the personal interest of Members who belong to the class is not such as to disqualify them from voting.

That case arose in 1874 when a bill affecting the national banking act was under consideration. A point of order was raised that certain Members were stockholders and others officers of national banks and disqualified to vote. Speaker Blaine overruled the point of order.

In Volume V of Hinds' Precedents, section 5955, Speaker Blaine held that an amendment affecting a particular corporation being before the House, a Member who was a shareholder in such corporation should not vote. These two cases illustrate the application of the rule as it was then interpreted. That is, that if a bill is before the House involving an individual railroad corporation, for instance, a Member who is a stockholder in that corporation should not vote, but that if the bill before the House applies to all railroads, then he may vote.

But, under the later practice, Speakers have refused to pass on the question of whether the Member has the right to vote, leaving the matter to the conscience of the Member. Thus, when the bill increasing the salaries of Members of Congress was before the Sixty-eighth Congress, a point of order was made that those Members of the Sixty-eighth Congress, who at that time had been elected Members of the Sixty-ninth Congress, were disqualified from voting. Speaker GILLETT overruled the point of order without an opinion.

The most recent opinion is that of Speaker Champ Clark, on September 22, 1914, Sixty-third Congress, third session, RECORD, page 615, in ruling upon a point of order raised by Mr. Hobson, of Alabama, that certain Members were financially interested in the outcome of the vote on the adoption of the eighteenth amendment. Speaker Clark stated:

> Every Member shall be present within the Hall of the House during its sittings unless excused or necessarily prevented; and shall vote upon each question put, unless he has a direct, personal, pecuniary interest in the event of such question.

It was decided after a bitter wrangle in the House in the case of John Quincy Adams, who came back to the House after he had been President, that he could not make a Member vote unless he wanted to. It has practically been decided by Speaker Blaine in the most elaborate opinion ever rendered on the subject that each Member must decide the thing for himself, whether he is sufficiently interested pecuniarily to prevent his voting. It must affect him directly and personally and not as a member of a class. If it were not so long, the Chair would leave it in full. It arose in this way: They had a bill about national banks before the House and Mr. Hooper of Massachusetts, who was the president of a national bank, voted. Somebody raised the point of order that his vote ought to be stricken from the RECORD. Speaker Blaine made this kind of a ruling of which I will give the substance: That where it affected an individual, he could not vote, but that where it affected a class, he could vote. He cited two different classes, one of which was national banks—a law that affected every national bank in the country, and a great many Members of the House were more or less interested in national banks. Another class he cited was the old soldiers, of whom there were many in the House, and bills were constantly coming up at that time providing for pensions and bounties. He said that nobody would claim that these old soldiers should not be permitted to vote on that kind of a bill. He wound up finally with the suggestion that knowing the fine constitution of the mind of the gentleman from Massachusetts and his high sense of honor, and how jealous he was of his reputation, he would suggest to him whether he would withdraw his vote or not, and he withdrew the vote.

Now, if there was a bill here affecting one institution, if you call it that, the Chair would be inclined to rule that a Member interested in it pecuniarily could not vote, but where it affects a whole class he can vote.

Mr. GARNER of Texas. Mr. Speaker, may I have two minutes in which to insert in the RECORD the rule of the House governing our action in such cases?

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for two minutes to insert in the RECORD the rule referred to.

There was no objection.

Mr. GARNER of Texas. I read from section 1 of Rule VIII:

> Every Member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question.

That has been passed upon by the Speakers of the House of Representatives, and here is the substance in Hinds' Precedents, Volume V, section 5955, page 505, which covers the case:

> A bill affecting a particular corporation being before the House, the Speaker held that a Member directly interested in that corporation as a shareholder had no right to vote.

That is all I care to put in the RECORD at this time. I simply want to show what the rule of the House of Representatives is, and the mere statement of the gentleman from New York [Mr. MILLS] that he has a direct pecuniary interest in this legislation would, under that rule, prevent him from participating in the proceedings on that measure.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 6773. An act to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 10002. An act granting the consent of Congress to H. J. Stannert, Harry Weis, and George W. Rockwell to construct, maintain, and operate a bridge across the Susquehanna River from a point in the city of Sunbury, Northumberland County, to a point in the township of Monroe, in Snyder County, in the State of Pennsylvania; and

H. R. 7093. An act granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River, at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2444. An act for the relief of Lilly O. Dyer;

S. 3135. An act granting consent of Congress to Eagle Pass & Piedras Negras Bridge Co. to construct, maintain, and operate a bridge across the Rio Grande at Eagle Pass, Tex.; and

S. 4070. An act granting consent of Congress for the construction of a bridge across the Delaware River at or near Burlington, N. J.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2091) for the relief of Florence Proud.

The message also announced that the Vice President had appointed Mr. SWANSON, Mr. BORAH, Mr. GLASS, Mr. BINGHAM, and Mr. BRUCE members of the joint committee on the part of the Senate to attend the celebration of the one hundred and fiftieth anniversary of the adoption of the Virginia Bill of Rights, to be held at Williamsburg, Va., on June 12, 1926, in accordance with the provisions of House Concurrent Resolution No. 22.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 6774. An act to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America; and

H. R. 7470. An act to authorize the Secretary of War to grant to the New York, Chicago & St. Louis Railway Co., its successors or assigns, a perpetual easement for railroad right of way over and upon Camp Sherman Military Reservation in the State of Ohio.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2444. An act for the relief of Lilly O. Dyer; to the Committee on Claims.

S. 3135. An act granting the consent of Congress to Eagle Pass & Piedras Negras Bridge Co. to construct, maintain, and operate a bridge across the Rio Grande at Eagle Pass, Tex.; to the Committee on Interstate and Foreign Commerce.

LEAVE TO ADDRESS THE HOUSE

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. TINCHER] may have 30 minutes to speak on the subject of agriculture at the conclusion of the business on the Speaker's table.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that at the conclusion of the business on the Speaker's table the gentleman from Kansas [Mr. TINCHER] may have 30 minutes in which to speak on the subject of agriculture. Is there objection?

Mr. ZIHLMAN. Reserving the right to object, Mr. Speaker, may I ask the gentleman if this is the last day on which District business is to be considered at the present session?

Mr. TILSON. I am not able to tell the gentleman. I am hoping for an early adjournment. If adjournment should come within two weeks, the District Committee would not get another opportunity, but I think the House has been generous with the gentleman's committee and has given it plenty of time to consider its bills, and I believe it will be the disposition of the House to continue to do so?

Mr. BULWINKLE. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. BULWINKLE. Can the gentleman tell me whether the World War veterans' legislation will be brought up before this early adjournment?

Mr. TILSON. I do not know. Mr. Speaker, I renew my request.

Mr. BLANTON. Mr. Speaker, reserving the right to object, will the gentleman yield?

Mr. TILSON. I yield for a question.

Mr. BLANTON. Does not the gentleman think we have already passed about all the good legislation in the District Committee anyhow?

Mr. TILSON. Well, I do not know as to that.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, if the gentleman from Maryland and his committee will only call up those bills which he has a reasonable foundation for believing are in accordance with the feelings of the House, he will get them all through, but the bills reported by his committee which he has good reason to believe are opposed by a large majority of the House he can not expect to get through, and on his program to-day are one or two such bills, and they will delay other bills.

Mr. SEARS of Florida. Mr. Speaker, reserving the right to object, and I am not going to object, because I have never objected to my colleagues having an opportunity to address the House, if I desire five minutes on the income tax, which it is very important should be called to the attention of the House, I was wondering whether the gentleman from Connecticut would permit me to have those five minutes.

Mr. TILSON. I would not have any objection.

The SPEAKER. Is there objection?

Mr. CONNALLY of Texas. Mr. Speaker, reserving the right to object, does the gentleman want the whole 30 minutes for the gentleman from Kansas, or part of it for the gentleman from Iowa, Mr. DICKINSON, and a part of it for the gentleman from Iowa, Mr. HAUGEN?

Mr. TILSON. The gentleman from Iowa [Mr. DICKINSON] can speak for himself. The gentleman from Kansas [Mr. TINCHER] has asked for 30 minutes, and I hope the membership of the House will grant him the privilege of making his speech.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

CREATION OF A BUREAU OF CUSTOMS AND A BUREAU OF PROHIBITION IN THE DEPARTMENT OF THE TREASURY

Mr. SNELL, from the Committee on Rules, presented a privileged resolution (No. 237), which was ordered printed and referred to the House Calendar.

PARK AND PLAYGROUND SYSTEM OF THE NATIONAL CAPITAL

Mr. ZIHLMAN. Mr. Speaker, I call up the conference report on H. R. 8830.

Mr. BLANTON. Will the gentleman yield?

Mr. ZIHLMAN. I will yield if I have the floor.

Mr. BLANTON. The gentleman can call up the conference report at any time. Why does not the gentleman wait and call it up to-morrow? The gentleman has the right to do that in the morning. He can do that and let us utilize this time for the consideration of District business.

Mr. ZIHLMAN. I will say to the gentleman that the House has granted unanimous consent to the gentleman from Kansas [Mr. TINCHER] to address the House for 30 minutes after the conclusion of business on the Speaker's table, and this being a matter on the Speaker's table it precedes that. Mr. Speaker, I call up the conference report.

Mr. BLANTON. The gentleman can call it up to-morrow as a matter of right. Why not let the gentleman from Kansas proceed, then transact District business to-day and call this conference report up and dispose of it to-morrow? You are not going to get many more District days anyway, and you had better utilize all you are going to get.

Mr. ZIHLMAN. Mr. Speaker, I call up the conference report.

The SPEAKER. The gentleman from Maryland calls up a conference report on H. R. 8830, an act providing for a comprehensive development of the park and playground system of the National Capital, which the Clerk will report.

The Clerk read the conference report and statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8830) amending the act entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," approved June 6, 1924, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 3.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same.

F. N. ZIHLMAN,
ERNEST W. GIBSON,
THOS. L. BLANTON,
Managers on the part of the House.

ARTHUR CAPPER,
W. L. JONES,
WILLIAM H. KING,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8830) amending the act entitled "An act providing for a comprehensive development of the park

and playground system of the National Capital," approved June 6, 1924, submit the following detailed statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On No. 1: The bill, as it passed both the House and Senate, provided for the appointment by the President of the United States of four eminent citizens, well qualified and experienced in city planning, to serve without compensation as members of the National Capital Park and Planning Commission, in addition to the officials who are also to serve on the commission. One of the four members thus appointed should be a bona fide resident of the District of Columbia, the bill provided as it passed the House. The Senate amended the bill so that two of the appointees should be from the District, to which amendment the House disagreed. The Senate has receded from its amendment, acknowledging that to require half the appointive personnel to be residents of the District of Columbia would greatly restrict and hamper the President at times in selecting the foremost city-planning experts. Furthermore, inasmuch as practically all of the other seven members of the commission live most of the time in the National Capital, it is apparent that the interests and well-being of the people of the District of Columbia will be adequately represented. The Senate recedes.

On No. 2: The Senate struck from the House bill the provision "and it shall be the duty of each member of the commission to adhere in principle to the official plan of the commission," and, as amended by the Senate, the bill states: "It is the purpose of this act to obtain the maximum amount of cooperation and correlation of effort between the departments, bureaus, and commissions of the Federal and District Governments. To this end plans and records, or copies thereof, shall be made available to the National Capital Park and Planning Commission, when requested."

It is realized that to bind the administrative officials who are members of the commission "to adhere in principle" to the commission's city plan is not only indefinite but might require such officials to violate their oath of office to administer their duties prescribed by Congress according to their own best judgment. It is felt that the complete execution of the city plan evolved by the National Capital Park and Planning Commission can best be effected by the whole-hearted cooperation of the administrative officers who are members of it, and who, under the terms of the bill as amended by the Senate, are required to lay the plans of their own offices, affecting the District of Columbia, before the planning commission when so requested. Any departure by such officers from the general plan of the commission can be adequately dealt with by pressure of public opinion and by act of Congress itself. With this in mind, the House recedes from its disagreement to the amendment of the Senate numbered 2.

On No. 3: The bill as it passed the House provided for the employment of technical experts by the commission "at per diem rates not in excess of those paid for similar services elsewhere and as may be fixed by the said commission" without regard to the salary classification act. The Senate struck out the words "per diem" but now recedes from such amendment, realizing that the per diem basis will tend to prevent permanent and unduly long continued employment of experts when their services may not longer be required. Such employment, in any event, will be limited by the amount of appropriations granted by Congress. Such experts as are required from time to time can best render their occasional service on a per diem basis, and accordingly the Senate recedes from its amendment numbered 3.

FREDERICK N. ZIHLMAN,
ERNEST W. GIBSON,
THOMAS L. BLANTON,
Managers on the Part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

BATHING BEACHES IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 6556) for the establishment of artificial bathing pools or beaches in the District of Columbia, with a Senate amendment, and move to concur in the Senate amendment.

The Clerk read the Senate amendment.

Mr. BLANTON. Mr. Speaker, does not the gentleman think this bill ought to go back to the committee?

Mr. ZIHLMAN. I can not conceive of any objection. The amendment was inserted by one of the southern Senators.

Mr. BLANTON. The gentleman realizes if this bill was signed to-day it could not provide bathing beaches for this summer. This being the case, why can not the bill go back to the committee? We could get it out in plenty of time next winter to provide the beaches for the following summer. I hope the gentleman will not call it up now.

The SPEAKER. The gentleman from Maryland moves to concur in the Senate amendment.

The Senate amendment was agreed to.

FARM RELIEF LEGISLATION

The SPEAKER. The gentleman from Kansas is recognized for 30 minutes. [Applause.]

Mr. TINCHER. Mr. Speaker, perhaps there is no matter before the Congress that is exciting more propaganda at the present time than the subject of farm relief legislation. Both the major parties pledged the people in the last election enactment of farm relief legislation by this Congress. The Committee on Agriculture has held incessant day and night hearings for nearly six weeks on this subject.

There are two bills that will be reported to this House tomorrow. There are three bills to be reported, but two directed to the subject of farm relief. One I would not class with the other two rival bills, because it is really not a rival bill. It affords a form of farm relief prospective in the future with which I am in sympathy, but I do not propose to class it with the competitive measure.

The matter will come before the House in the form of what is known as the Haugen bill with the committee of twenty-two proposition, and in the form of a bill I have introduced myself that has the support of the Secretary of Agriculture and is borrowed from the thoughts of the witnesses as embodied in a great many farm measures, thereby precluding any pride of authorship I might ordinarily have in a bill.

The press and the mails and the telegraph companies are carrying messages to Members of Congress as to the attitude of individuals and organizations over the United States with reference to these bills that are most misleading, because the parties sending the telegrams and issuing the ultimatums and dicta and statements are not familiar with the things that have happened, and I take the floor at this time so that the country may know to some extent the situation and that the membership of this House may begin to contemplate what the issues really are going to be.

I could not in this brief time explain to you all the features of these bills, although I promise you some time later during the debate to analyze paragraph by paragraph the different bills.

The so-called Haugen bill as it started contemplated an equalization fee—it did not bear that name then—it started with the indorsement of the Dickinson bill by certain farm organizations, and the Dickinson bill at the time it received that indorsement carried what is called an equalization fee, whereby the farmers propose to take from the surplus sufficient product and loose it, dump it, or sell it at a loss, to pay any loss there may be by the administration of the act. The committee of twenty-two came here, and before the House committee they started by taking out of that bill corn and recommending a subsidy of $100,000,000 to care for the surplus on corn. Subsequently this same committee appeared before the Senate committee and inserted cotton in the bill, and deferred the time when the equalization fee should apply to cotton for three years, and set up in the bill a subsidy for caring for the surplus of cotton for that time.

Subsequent to this time the Committee on Agriculture of the House had finished the consideration of the bill, and subsequent to the time it was decided to be the policy of that committee to submit this great question to the House in a form they could vote on there have been material changes in it.

The bill as it will come before you does not carry an equalization fee or offer any opportunity to finance itself for two years, and during this period of two years they appropriate, according to the terms of that bill, $375,000,000 out of the Federal Treasury as a subsidy to carry it on for that time.

My reason for mentioning this at this time is that certainly any seriously minded Member of the Congress can but know that if he is for farm relief legislation seriously, and wants such legislation enacted, the Congress can not go home not only until we pass it, but until we pass a new tax measure to raise the money from the American taxpayers, because no one will for one moment anticipate that under the present tax laws we will have a surplus of $375,000,000 to devote to one measure.

Some of you are getting telegrams from so-called farm leaders demanding that you close your eyes to everything else and support this measure. I introduced a bill, as I said. It carried a loan fund. I do not claim for a minute but that some portion of that may be lost, but there is an attempt to safeguard the rights of the Government. That bill has been

characterized by Murphy as "pink pills for pale people." [Laughter.]

Mr. LINTHICUM. Will the gentleman yield?

Mr. TINCHER. I would rather not.

Mr. LINTHICUM. Just a short question. I understand that we reduced taxes by the recent measure $287,000,000, and this would require $375,000,000?

Mr. TINCHER. Three hundred and seventy-five million dollars.

Mr. LINTHICUM. Then we would have to increase the taxes $100,000,000 to meet this measure?

Mr. TINCHER. Yes. Now, as I say, Murphy characterized that measure as "pink pills for pale people." His friend Peek characterized it as ineffective, but when the telegram reached the farmers describing the bill they were given an impression that made them wire back that it was vicious. So if it is "pink pills for pale people" and "vicious" it has many characteristics. [Laughter.]

I wanted to make this speech to call attention to the cold facts. The proposed bill taking $375,000,000 out of the Treasury has not the support of anyone that knows about it. It was written in the nighttime. It was written at the direction of certain lobbyists that were here that misrepresented their people at home when they asked that the changes be made. That is the bill you are getting telegrams to support from people that do not know that it carries a subsidy of $375,000,000.

I do not want to be unfair. We started these hearings, and the first man we heard was a man by the name of Cashman. I do not remember much about him. He disappeared and was not seen after he testified. He testified against the Government subsidy. The second man we heard was a man named Thompson, who is quoted in the Associated Press dispatches this morning as denouncing the bill carrying $100,000,000 loan as a subsidy, but being in favor of $375,000,000 subsidy. I want you to go with me a moment and see what Mr. Thompson really stands for. I want Thompson to find out what they are asking him to stand for. Thompson, appearing before our committee, said that he stood for the resolutions adopted at the Des Moines convention—the resolution adopted by the Federal loan organization in convention assembled—and he would not depart from those instructions, because whenever he did he would have to cease to speak for the great organization that he spoke for. He read to the committee this language:

> We indorse the enactment of a Federal law based on the principle of a farmers' export corporation, providing for the creation of an agency with broad powers for the purpose of so handling the surplus of farm crops that the American producers may receive an American price in the domestic market, and we instruct our officers and representatives to work for the early enactment of such a law founded on sound economic policy and not involving Government subsidy.

If Thompson is correctly quoted by the morning press and the Federal Farm Bureau organization of America has not met since this resolution was adopted, then Thompson has violated the instructions given him by the Federal Farm Bureau.

Mr. KING. What Thompson is this?

Mr. TINCHER. I do not know his full name.

Mr. KING. If it is Sam Thompson, the gentleman is barking up the wrong tree.

Mr. TINCHER. What does the gentleman mean? I am not barking at all.

Mr. KING. I am not saying that the gentleman is barking, but I am saying that the gentleman is up against a substantial citizen of the United States if he is attacking Sam Thompson. I do not know that he is attacking him.

Mr. TINCHER. Did the gentleman understand me to be attacking Sam Thompson? Does it mean attack on a man when you quote him? Is that an attack on Sam Thompson, if that is his name? He stood before our committee and said he was against the Government subsidy, said that his organization had voted against it; that is, had gone on record against it, and that he would not be for it. I am calling attention of that kind of a Federal farm bureau represented here taking it upon themselves to ask Members of Congress to be for a bill that carries a subsidy. I make no personal reflection on Sam Thompson. I do remember him as a very eminent and clever and, as far as I know, a very high-class gentleman.

I want to quote now from the testimony of Mr. Peek, on page 112 of the hearings. I am going to quote only one of Mr. Peek's positions.

Mr. ASWELL. Mr. Speaker, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. ASWELL. Who is Mr. Peek?

Mr. TINCHER. I shall put that into the RECORD if I get leave to extend my remarks. I shall not take time now to do it.

Mr. ASWELL. Then I ask unanimous consent that the gentleman be allowed to insert that in the RECORD.

Mr. TINCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TINCHER. Here is what he said when he was before the committee:

> The farmer does not seek legislation of a paternal nature. He does not ask for a special privilege, a bonus, or a subsidy.

He does not want a subsidy. He emphasizes that; and shortly after that time he signed a written statement asking the Committee on Agriculture to report out a bill carrying a subsidy of $375,000,000. I do not want to spend much time on him, because he does not represent anybody but Mr. Peek.

Governor Hamill, of Iowa, appeared before our committee. He is apparently a man of high standing. He testified against a Government subsidy. He said it would be bad for agriculture. Mr. Cox, representing the Governor of Michigan, and Mr. Murphy testified. Mr. Murphy is the man on whom the burden for all of these organizations fell to give the analysis and the complete testimony. I am not going to quote these men at length, but here is the position of Mr. Murphy before he changed. Here is his own printed testimony that we have on the subject of a subsidy:

> Gentlemen of the committee, I do not represent any farm organization that believes in a subsidy. I do not believe in it myself. That runs counter, undoubtedly, to the views of some of you. I do not believe in a subsidy, and my people do not.

And still, thousands of miles away from the constituency that he claims to represent, he signed a statement asking the chairman of the great Committee on Agriculture to bring in a bill calling for a subsidy of $375,000,000.

Mr. CARTER of Oklahoma. What is the date of his testimony?

Mr. TINCHER. It would take me quite a little bit to look that up, but I think it was some time in February or March; the gentleman can look it up more quickly than I can, and I will hand him the hearings. A right-about change was made. My God! have not the taxpayers of America a right to be considered? Have we not a right to consider the wishes of the farmers at home who sent these gentlemen here with explicit directions as to what they would stand for and what they would not?

Mr. Gray testified before our committee just the other night. I like Mr. Gray. He is a nice, clean young man here in Washington. Now, do not understand that this is an attack on Mr. Gray.

Mr. CARTER of Oklahoma. Does the gentleman mean Mr. Gray Silver?

Mr. TINCHER. No; I mean Mr. Gray, the representative in Washington of the National Farm Bureau of America. He came before the committee supposedly to destroy my bill.

Mr. McFADDEN. Mr. Speaker, if the gentleman will yield, I am confused by his designation of these different farm organizations. The gentleman refers to the Federal Farm Bureau. Does the gentleman mean the American Farm Bureau Federation?

Mr. TINCHER. Yes; and if they keep on they will have to change the name to the American Farm Flexible Bureau. [Laughter.] Mr. Gray came before our committee and testified against my bill. Let me tell you what he said. He said that it was a good bill in so far as it provided for orderly marketing. If that was all its aim and all the Congress could do, namely, to produce orderly marketing, he would be for it; but he would not indorse it, and why? Because it contained an authorization to appropriate $100,000,000 to bring about orderly marketing, which he fears might be lost in loaning it to cooperatives, and thereby it would amount to a subsidy. That was his opposition to the so-called administration measure. That is what he called it, because it had the unqualified indorsement of Secretary Jardine.

The next night, as members refer to it, they had the funeral in our committee of the equalization fee. They deferred it for two years—long enough so that the next Congress could repeal it before it took effect. That night that great committee by a majority vote, following the agreement we had had to let the chairman report his bill in the form he wanted it, abandoned the equalization fee. Did that embarrass Mr. Gray? Oh, no. He flopped from opposing a $100,000,000 subsidy, as his sole reason for opposing the measure, and signed the agreement next morning to support a $375,000,000 subsidy.

We get excited in the committee and we get excited on the floor and we do things hastily, but remember, my colleagues, when you get your telegrams on these measures from home, that the folks at home have not had a chance to do all of the flip-flopping that has happened here in the last six weeks. This bill, they say, and it is true, contemplates saying to a board of 12, "You take this money and whenever the product is below a certain price you go into the market and fix the price." The bill proposes by a certain section to say to this board, "If this product gets beyond the amount of the world price and the tariff, regardless of the situation at home, you are to reduce that price." And still they say that it is not a price-fixing measure. There were two things argued against the bill at first. One was that it was a price-fixing measure and the other that it might involve a subsidy. The answer was that it is not a price-fixing measure, and the farm organizations in America have gone on record in these hearings that they are against any Government subsidy whatever.

Mr. WINGO. Is the gentleman now discussing the Haugen bill?

Mr. TINCHER. Yes. I am calling attention to it a little bit in advance, because everyone is getting the same line of mail that I am. I want the country to know what it is in its latest edition. It has had everything in it. It used to have corn and cotton both, without an equalization fee, and an equalization fee just on bread and meat. Now all the equalization fee is deferred for two years, and the subsidy, which everyone of them testified he was against, is in the bill. What is the attitude of the proponents of the bill?

The equalization fee was formerly called the Peek plan. He claims to have originated the idea. What is his attitude to the farm legislation, my friends? Is it that Congress here assembled will do the very best we can for agriculture? Is that the attitude of the proponents of this bill, or is it something different? I know my friend OLDFIELD on this side of the House is reliable so far as when he says a thing happened you know it did happen. He released a statement last week saying that before a certain Democratic conference, trying, I hope, to help agriculture, Peek appeared before them. Did he demand, according to the statement of Mr. OLDFIELD, to get behind him and help do something for agriculture? No; the demand and the proposition was that if our Democratic friends would get behind him and the twenty-two and beat the Tincher bill, we will be for you. I thank God I know the membership of the House on this side too well to believe that that man—and I will describe Mr. Peek in the extension of my remarks—can induce a great party of this country to play football with a subject like agriculture. Every serious-minded man in this House realizing the situation is in favor to-day of going as far as he can to help the agricultural situation, but we will stay within the bounds of reason and not do something economically unsound and something that will hurt. What we should do should be as Members of Congress and not as members of any political party. What will it avail here if this committee of twenty-two defeat a certain measure if you do not put something in its place, if you could not place something in its stead? The Secretary of Agriculture has said—with his familiarity with the subject of cooperative marketing, his knowledge of the surplus that exists—if they will give him a certain set-up without taking it out of the Treasury that he can remedy the situation. Maybe he can and maybe he can not, but I claim that unless a man has got something that he stands for to offer in its place that it ill behooves a lobbyist or any man pretending to represent any great organization to seek to make a political issue out of that and offer rewards——

Mr. KETCHAM. Will the gentleman yield?

Mr. TINCHER. I will.

Mr. KETCHAM. Will not the gentleman before he completes his remarks call attention to and emphasize the fact that every man who appeared before us agreed as to the necessity of an equalization fee in restricting overproduction.

Mr. TINCHER. Absolutely. Every witness who testified said the legislation would be—that is, those who advocate the equalization fee—a failure without it, because with the furnishing of a Government subsidy it would be possible in this great fertile country of ours to destroy all profits of agriculture by overproduction, and still these same men signed a little statement by which they would have this Congress establish a two-year orgy of overproduction at the expense of the Federal Treasury.

Mr. WINGO. Will the gentleman yield? I have not been able to get a copy of the Haugen bill, but I have a copy of the gentleman's bill (H. R. 11327).

Mr. TINCHER. Yes.

Mr. WINGO. Does the gentleman intend to discuss that bill? I wish he would.

Mr. TINCHER. I explained to the committee I had only 30 minutes, and I would make this talk for the purpose of letting the country understand what is carried in the bill. When I have time in general debate——

Mr. WINGO. One of the provisions—I am talking about the gentleman's bill—sets up a marketing commission and provides $100,000,000.

Mr. TINCHER. What provision?

Mr. WINGO. Subdivision (a), page 8, covering loans to cooperative marketing associations. Now, it says:

(4) To make loans to any cooperative marketing association, or any association created by one or more such cooperative marketing associations to market any agricultural commodity. Such loans may be for such purposes, not in conflict with the intent and purposes of this act, and upon such terms and conditions as the commission may prescribe, subject to the following conditions and limitations:

(a) That in case other or additional provisions for payment are not prescribed by the commission any association receiving a loan shall provide for the payment thereof by imposing a charge, in a manner approved by the commission, on the commodity marketed by or through the association which will, in the judgment of the commission, during a period not exceeding 20 years, repay such loan, including interest thereon.

Mr. TINCHER. We have taken that out of the bill.

Mr. WINGO. If that has been taken out, that is all right.

Mr. TINCHER. As I have said, it is impossible to explain the details of all these bills. One of them attempts—why, it asks for two years' subsidy at $375,000,000. The Secretary of Agriculture says that he can administer with this board and help agriculture; that he believes he can solve the problem, and with the revolving fund of $100,000,000 he does not believe there will be much loss, if any. I want my colleagues, if they will, to read this testimony and the report which will be filed to-morrow.

Mr. RUBEY. Would the gentleman explain to the House how it happened that we reported two bills at once from the Committee on Agriculture?

Mr. TINCHER. Yes; I will do that. There were men on that committee, within the sound of my voice, who were willing to pigeonhole the administration bill, so we decided that we would report them both out and have a vote. I candidly did not believe, considering the sentiment that there was for price fixing in that committee at the time that action was taken for the equalization fee, but that unless I played ball with the boys I could not get my bill out, and I wanted the House to pass upon it.

Mr. RUBEY. Is it not a fact that you had to vote to report out two bills at once in order to get your bill out?

Mr. TINCHER. Yes; but the gentleman did not vote for it, but he voted for the other bill providing for a $375,000,000 subsidy to be taken out of the Treasury. I do not believe any fair-minded Democrat would think you could have gotten any political advantage by shoving that bill of mine into a pigeonhole and not voting it out. I was not in favor of the Haugen bill. I wanted my bill out on the floor, and I voted for both in order to get it out, if that is the charge. [Applause.]

Mr. Speaker, under leave granted me to extend my remarks in the RECORD I am inserting the following:

Perhaps there was never any matter before the Congress concerning which there has been more misrepresentations to the country, and more misunderstanding as to what the Congress is doing and contemplates doing therewith, than concerning the passage of the so-called farm-relief measures. I want to mention a few things so that if these misrepresentations should ever be observed by any person affected, they might get an idea of the effect of telegrams and speeches based entirely upon propaganda. Some rather unfortunate things have happened that put people in the most awkward light, and not all of these things are excusable.

There was a man by the name of Peek, who, I think, claims to be, and might be said to be, the originafor of the thought of levying the equalization tax or fee upon the farmers' products. I think he is one of those that finally agreed to forego that for two years if he could get the remainder of his ideas over and have them financed by the Treasury. It is my understanding that this man has never been what might be termed a "howling success" personally, but he has ability along the line of creating sentiment, and I would term him the champion propagandist connected with this legislation.

One morning there were about six telegrams read to the committee, by the chairman, demanding that the committee vote in a certain way, with reference to the equalization fee, in favor thereof. At that time the bill provided for an equalization fee on just bread and meat, and not on cotton or corn, but those were to be deferred and financed out of

the Public Treasury. The committee, on a motion of Mr. JONES of Texas, decided to answer those telegrams, calling the attention of the senders to the inconsistencies of the bill they were asking us to support, and the inconsistencies of the position they were asking Congress to take. Mr. JONES named the committee to prepare the telegram in reply. He named the chairman of the committee, and Mr. WILLIAMS of Illinois, and myself. Mr. WILLIAMS and I prepared a telegram, and I came on to the floor of the House. Mr. WILLIAMS submitted it to the chairman, who struck out a few words that we had put in the telegram, and in which I think he was entirely right, and to which I had no objection. Mr. WILLIAMS telephoned to me concerning what had happened, I happened to be presiding in the House that day, and I said that it was all right. Subsequently that day Mr. Peek read an amendment to that telegram, over the phone to Mr. WILLIAMS, who was on the floor, and was called to the cloakroom. Mr. Peek read the amendment, which Mr. WILLIAMS said he would not comment on, but said, in terms, that it invited criticism of the bill Mr. TINCHER had introduced the preceding day, and he did not want it to go out as a committee telegram, without submitting it to me. The chairman called my office by phone and learned that I was on the floor of the House. At any rate, I was not consulted any more about that telegram. The chairman of the committee states that he did not write the additional paragraph on the telegram. I never saw it nor heard of it, and Mr. WILLIAMS never saw it, but had it read to him in the manner I have indicated; but it went out over the chairman's signature in that form.

There have been lots of people around the chairman's office during this fight and there is some mystery about who wrote this extra language on the telegram. At any rate no one I know ever saw the language in the telegram except Mr. Peek, who admits that he did read it to Mr. WILLIAMS. He was in bad humor when he talked to me about it, and I did not go into any details. In fact, he threatened me that if I did not quit mentioning him in the committee hearings, that I would be in trouble. I had suggested in the committee that I believer Peek had sent with the committee telegram one of his own. Mr. FULMER, a member of the committee, when Peek came into the room while the matter was up, went over and said something to Peek. I saw Peek nod his head; so, when Mr. FULMER came back, I asked him if Peek did send the telegram accompanying the committee telegram to these people, indicating to them the answer that he wanted. Mr. FULMER said, "Yes," that that was the question he had asked Peek, and Peek admitted he had sent a telegram of his own at the same time the committee telegram was sent. Of course, I do not think that kind of lobbying is to be complimented, at least, but let us see the effects that that kind of lobbying has and how much attention we can pay to the results of that kind of lobbying.

Nebraska has a governor by the name of McMullen, who belongs, as I recall it, to the same political party to which I belong; so I have no prejudice against the gentleman, but the Omaha Sunday Bee of April 18, 1926, contains an ultimatum issued by this Governor of Nebraska to the governors of various other States in which he says:

> Now is the time to strike, and strike hard!

I mention this because the governor is one of the men that get these telegrams in opposition to the bill I introduced. This same newspaper article contains this statement:

> I note by this morning's dispatches that Congressman TINCHER has introduced the administration farm relief bill. It provides for an appointive farm board of six members. It restricts operations of the cooperatives. Both of these provisions are in direct violation of the provisions of the bill drawn by the Federation of Farm Organizations, otherwise known as the Corn Belt committee.
>
> We are unalterably opposed to a board of six members, selected by the President or selected by any other agency than the farmers themselves. It is fundamental to our purpose that any farm board created by the Federal Government be selected by the farm organizations, including the cooperatives, and distributed geographically, so as to give all agricultural sections fair representation.

In another place in this rather long article they say:

> We want a Federal farm board as provided in the Dickinson bill, or no board at all.

Now, let us see what had happened. Some one had telegraphed them that my bill provided for a farm board appointed by the President. What are the facts? The truth will not hurt. The bill I had introduced was denounced by these gentlemen, and the propaganda was started against it based upon that information. The facts are that my bill does no such thing. DICKINSON and I have always been in accord as to the creation of a board, and there is absolutely no difference in the language of the bill he introduced and the one I introduced, in that particular. Still, based on just such misinformation as that, a man named Earl C. Smith disseminated some kind of propaganda over the whole State of Illinois. He says he speaks for 63,000 farmers. He has them say that my bill embodies most objectionable provisions, meaning, of course, the setting up of a board to be appointed by the President and taking that power away from the farmers themselves.

The truth is that Secretary Jardine in his open letter and in his testimony before our committee advocated the board as provided for in Mr. DICKINSON's bill, and provided for in the bill I introduced, and which is different from the board provided for in the so-called committee of twenty-two's bill.

Of course, since all this has happened I suppose these same gentlemen, upon the receipt of telegrams from the same people, will change around and be for deferring the equalization fee for two years, because the Committee on Agriculture requested the lobbyists that are here to file a signed statement with the committee asking that the levying and collecting of an equalization fee on all commodities be deferred for two years before they amended that bill in that way. I was not a party to this; I do not think it makes any difference whether these gentlemen signed a statement or not, and I do not think the fact that they signed a statement, which is in the record and a part of the hearings of the 23d of April, would necessarily mean that they would be in favor of that same thing on the 24th of April, as they have made so many changes here—right-about fronts—that they have been very detrimental to the real friends of the equalization fee. My purpose in mentioning this is that the country and my colleagues in Congress, all the people interested, may know the tactics used and the results obtained by men who are, I may say, lobbying against the administration and administration ideas and relief legislation proposed by the administration and not lobbying or working for some fixed and definite principles. Imagine the attitude of the Governor of Nebraska, no doubt an intelligent man or he would not be governor, being led to believe that the Secretary of Agriculture of his own party had indorsed a plan known as the Tincher bill that conflicted with his theory on the fundamental proposition that the board should be selected by the farmers themselves, which the Tincher bill provides for. Imagine the feelings that those men must have, after that propaganda goes all over the United States and after finding that the statements made to them were absolutely contrary to the facts.

I have nothing but the highest regard for the Illinois Agricultural Association, though I may differ with their leaders, and I am sure that their leaders will not enjoy the situation when they know that the propaganda that they planted, as the Associated Press dispatch says, in 900 township farm bureau meetings against the bill that I have introduced and am sponsoring, was based upon an absolutely false idea as to what the bill contained. If some man were to come to Washington representing a railroad or steamship company or some banking interest, and it was found that he had indulged in the transaction which I have recited before, he would be so discredited with the whole Congress that he could no longer be of any use to his clients. Are not the farmers of America entitled to the truth? Are not they entitled, through their leaders, whether they be elective Congressmen or paid organization leaders, to have the facts? In fact, I believe that this preying upon the supposed ignorance of agriculture is getting to be old-fashioned, and I believe the time is coming in the not far distant future when the good people of this country engaged in agriculture are going to find out that they do not get very much service or very good representation by employing to represent them in any way, by organizations or otherwise, men who have generally been failures in everything they have undertaken.

At this time, as the so-called Haugen bill has been reported by the committee to the House, the strongest witnesses against it, as shown by the record, are the representatives of the Farm Bureau Federation, who have in no uncertain language denounced the provisions of the bill, with reference to the equalization fee and subsidy, stronger than anyone else who has appeared before our committee. However, these Washington lobbyists are busy at this hour, and I have a curiosity to know whether they will be able, in their effort to defeat the administration in passing a sane, sensible law for the benefit of agriculture, to get the great American Farm Bureau Federation to right about face.

A statement was presented at the meeting showing that Chester H. Gray, Washington representative of the American Farm Bureau Federation, had signed a statement which is a part of the record, absolutely reversing the position that the farm bureau had taken in all its testimony, agreeing that the

equalization fee should not be collected for two years. I am told by very reliable members of the Committee on Agriculture that Mr. Gray had said to them at the time he signed this statement that he never hated to sign anything so badly in his life. Personally, I do not understand why he signed it if he did not want to, as every one in Washington and the country knows that the proposition of this subsidy and the equalization fee was denounced by him and by his organization, and that he had no time whatever to consult with the members of that organization before the right-about-face that he has taken.

Another rather important development has been that Peek and Davis have come out in the open and shown their real attitude on farm legislation. Mr. OLDFIELD, chairman of the Democratic National Congressional Committee, issued a statement, which is as follows:

Democratic Members of the House from the farming sections of the country conferred with Chairman W. A. OLDFIELD of the Democratic National Congressional Committee Friday morning in an effort to determine the position their party will take on farm relief legislation.

George N. Peek and Chester C. Davis, representing the committee of 22, urged that the Democrats come out flatly in opposition to the proposed Tincher bill. This measure, they said, was wholly inadequate, asserting that attempts were being made to railroad it through Congress to prevent an adequate bill from going through.

Peek and Davis both asserted it was their opinion that should Democrats refuse to vote for the Tincher measure their organization would back them up.

A committee was appointed by Chairman OLDFIELD to confer with the Democratic members of the House Agricultural Committee and work out a plan, which will be submitted for the approval of the Democrats, and report will be made to a conference to be called next week. Members of the special committee are Representatives RAINEY, Illinois, chairman; NELSON, Missouri; AYRES, Kansas; HASTINGS, Oklahoma; and TAYLOR, Colorado.

What does this mean? Peek and Davis have gone to the Democrats and promised to deliver their organizations to them and their support to them not if they will support a certain measure or principle, but if they will join with them in defeating the administration's farm-relief program, which the executive head of the Department of Agriculture says will solve the problem for the farmer. The recital of facts I have made concerning the manner of lobbying in Washington, of course, is very bad; but when a man like Mr. Peek, claiming to have an interest in the welfare of the farmer, permits himself to have a political conference called and appears before it and a truthful man like Mr. OLDFIELD issues a statement after that conference, saying that he—Peek—asserted the opinion:

That should Democrats refuse to vote for the Tincher measure—

his organization would back them up, certainly discloses the fact that Peek was not here to do the best he could for the farmer, as the members of the Committee on Agriculture have been trying to do, but he is here to destroy, to fight, to make issues, to issue ultimatums and demands, to make combinations. Either Mr. Peek or Mr. Murphy put out the statement to the northwestern papers last week that my bill was "pink pills for pale people." The same papers that carried this story said that Murphy would no doubt run for Congress in his district on the great showing that he and Peek were making in Washington. I would hate to see the majority of the Congress of the country that I love so well made up of organizers or leaders that would have the conception of the rights of agriculture of this country, the existence of which conception is conclusively proven by the statement made by Mr. Peek to the conference mentioned by Mr. OLDFIELD.

Mr. CONNALLY of Texas. Mr. Speaker, I ask that the gentleman may have 10 minutes more.

Mr. TINCHER. I thank the gentleman from Texas. I do not need any more time now.

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent to address the House for five minutes on the income tax bill.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to speak for five minutes on the agricultural bills.

The SPEAKER. The gentleman from Florida asks unanimous consent to address the House for five minutes, and the gentleman from Iowa asks unanimous consent to address the House for five minutes. Is there objection?

Mr. SEARS of Florida. If I can get my five minutes, Mr. Speaker, I do not care.

The SPEAKER. The gentleman from Iowa asks unanimous consent to speak for five minutes——

Mr. HAUGEN. Ten minutes.

The SPEAKER. For 10 minutes. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Iowa is recognized for 10 minutes.

Mr. HAUGEN. Mr. Speaker, our good friend from Kansas [Mr. TINCHER] seems to be much alarmed about a bill that was written by "lobbyists," and he said it was written in the night. The gentleman knows that the Committee on Agriculture directed me as chairman of that committee to draft a bill. I was given only 24 hours and the gentleman from Kansas and others have had all winter to prepare their bills. [Applause.]

My bill was drafted, my friends, in conference with the representatives of the farmers. They are here. They have been here all winter. They have been here at their own expense, and they have given their time to this work.

Oh, gentlemen, is it possible that the farmers may not send their representatives here? They have been knocking at the doors of Congress these three years. Are they not permitted to enter the room of your Committee on Agriculture and present their views? Gentlemen, is it not possible that we may discuss this great proposition without questioning the motives or integrity of anyone? Shall we characterize the representatives of the farmer "lobbyists"? Can we not give them credit for integrity and the best of motives?

My friends, what was the instruction of the committee? To make the draft submitted by the farmers the basis for consideration. It was taken up as the basis for consideration, and the Haugen bill contains all of the provisions of those recommendations with a few additions unanimously agreed to such as would build them up. We did build them up. There you have the farmer's bill, and it will be your pleasure, then, to choose between what the farmers want and what somebody else wants.

Nobody has a higher regard for the Secretary of Agriculture than I have. The gentleman from Kansas has no monopoly of respect for the Secretary. I can safely say that I have been as loyal to the Secretary as any man in this House. I am loyal to him now. There is an honest difference of opinion. I grant it to the Secretary. I grant it to the gentleman from Kansas.

The gentleman from Kansas is much concerned about this subsidy. Oh, think of it, my friends; money to be paid out of the Treasury! He told you that he had a $100,000,000 subsidy in his bill. Why should he be so much concerned about the $25,000,000 to be loaned to cooperatives to provide storehouses and expenses in operations, exactly as they are provided for in the Tincher bill? The chief difference between the two bills, as stated, is that the purpose of one is to loan money, purely a banking proposition. Oh, my friends, we have passed money loaning bills galore. People have been sent all over the country inducing the farmers to borrow money. But still the deplorable conditions exist, and we have no relief.

In my opinion you should give the farmers the desired relief. So, my friends, it is suggested that we shall pass another loaning bill; that is all; not for the purpose of enhancing farmer's price. Read the Secretary's statement, and you will find it is not the purpose to enhance the price, but to stabilize it for the operating period, which I believe is for one year.

The purpose of the other bill is to make the tariff 100 per cent effective; nothing more. Are you for the farmer? Do you believe he is entitled to an increase of price? Oh, how on the platform and on the stump we all have lauded the farmers! They are our friends, and we must have their vote. We have been told about their deplorable condition, and now we must do something for them.

The Tincher bill says the farmers need $100,000,000 now and so we will loan them more money and get them in debt a little deeper, but when it comes to increasing the prices of their commodities, or giving them the benefit of the tariff you have nothing to say, and nothing to offer. Oh, no; you are not for such a bill.

They have talked about the equalization fee. The gentleman knows and everybody knows that the principle of the equalization fee is established in the Haugen bill and it is in it from the beginning to the very last, except that we defer action for two years. And why was it deferred? The producers of cotton appeared before the committee. They have practically a monopoly of cotton. They said, "We believe we can control the market if we can control the surplus. We are for the equalization fee, but there is no tariff on cotton and we believe we have another plan and if you will give us an opportunity and give us three years to experiment without the equalization fee, then we are willing to go right ahead with the other commodities." They asked for three years and they are given two years. So are the others. And in deference to our good friend, the gentleman from Kansas [Mr. TINCHER]—who seems to be

so ready and willing to grant a subsidy—and in deference to many others, we acceded to their terms, and we consented that for two years we would defer the equalization fee.

Let there be no mistake about it. If a loss is incurred in one or the other the loss will come out of the revolving fund, subscribed by the Treasury, and we have nothing to conceal. If during the two years there is a loss in cotton or in any other transaction the loss is paid out of the Treasury. It is exactly as it is in the other bill.

Now my friends talk about subsidy. Oh, my God, I was in hope that no Member of Congress would even raise the question. All of our interests are in common. I think we appreciate that the farmer as a class is the conservative force of this Nation; all wealth springs from mother earth; the farmer is the producer of new wealth. Our interests are in common. We all go up or down together. Have you no interest in him? Read the reports. Take the Attorney General's. What has he to say of increasing farmer bankruptcies? Or read the National Industrial Conference Board's reports on the agricultural situation.

As pointed out by the gentleman from New Jersey, the average annual income of the farmer is $720. He is charged up with $634 for rent, living in his own house, and for fuel, and the food he takes from the farm. So he gets about $100 cash in return for all of his efforts. The average salary of Government employees is $1,650, yet the farmer, with his $20,000 investment, is receiving $100 cash, and $630 in rent and food from the farm.

Oh, my friends, bear in mind not to mention subsidy, because many things can be said about that. Congress took $2,000,000,000 out of the Treasury and turned it over to the railroads; it took $2,800,000,000 out of the Treasury to finance our Shipping Board. Congress made a guaranty to protect the millers from loss, not during the war but after the war. It fixed the minimum price of wheat at $2. A commission fixed it at $2.20, and that became the maximum price. That price brought the farmers at least $2,000,000,000 a year less than they otherwise would have received. The Government made $70,000,000 out of it, and you have that money in the Treasury. We have given a subsidy to various other people, and you say it is a subsidy when you ask for a few hundred million dollars for the farmer, but it is not a subsidy when you ask for billions for others. That is all I care to say, Mr. Speaker. [Applause.]

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Florida asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. SEARS of Florida. Mr. Speaker, during my 11½ years in Congress I have refrained and refused to criticize any department, and I trust what I say to-day will not be taken in the spirit of criticism, because such is not the case.

Saturday night after office hours I received a letter from a constituent of mine and a friend, asking me if I could not get the Tax Board of Appeals to open up his case and let the appeal stand. Thinking there would be no trouble about the matter, I went down to the Tax Board of Appeals, in a friendly capacity, and much to my surprise I found that under sections 374 a and c of the act of 1926 he was out of court.

I want to say that I found Mr. Korner, of the Tax Board of Appeals, and those with whom I have dealt, most courteous and always willing to assist. But what do we find in this case of Mr. Cook, of Orlando, Fla.? On November 2, 1925, a notice was mailed to him that he would have to file his appeal within 60 days. Under the law the 60 days begins to run the day that notice is put in the mails at Washington. The Tax Board of Appeals has ruled, following the advice of their solicitor, that that appeal must be in Washington within the 60 days. Now, what happened in this case? Mr. Cook was out of the city. When he returned his accountant was sick. The very first day that he was out of bed he got him to perfect his appeal and on December 30 he mailed it to Washington. Under ordinary conditions that letter should have reached Washington on January 1 or one day before the 60 days expired, but the Appeal Board claims the letter did not get here until the 2d day of January and, therefore, this man—while it is only a few thousand dollars it means much to him—will have to pay to the Government that to which, perhaps, the Government is not entitled. If the Government is entitled to it he wants to pay it, but he wants his day in court.

I have talked to my colleagues on the Ways and Means Committee, the members on the Republican side and on the Democratic side, and I have talked to my colleagues who are not members of that committee, and they say it was not their intention to have that law so written. The Ways and Means Committee, Mr. Speaker, is now preparing a bill to correct a similar error in the case of ex-service men, and I want to call the attention of the Ways and Means Committee and of this House to the fact that when a man in Michigan places his appeal to the Appeal Board in the mails and turns it over to the Government and the Government through laches, negligence, or inability does not get that appeal here in time, even though it was mailed in time, the Government under the law as construed denies him the right of appeal. I do not believe the Government should punish a constituent living in Michigan, living in Texas, or living in Florida, when he is not to blame and the Government is solely to blame. Those of you who know conditions in Florida know that during the last 12 months the postal conditions have been chaotic, not because the department has not given us all the service they could but because of the overwhelming mail. In this morning's mail I had, perhaps, one dozen letters returned to me that I had mailed out in the last week or 10 days to those whose addresses I had just gotten. Those letters had the addresses on them but they were marked "Unknown."

Let me say, in fairness to the Post Office Department and the postal employees, they have cooperated with me in every way possible, but the mail has simply been to heavy to handle.

I am not blaming the postal employees. They are efficient; but I do say it is unfair for this Government to take advantage of a citizen of this Government and make him pay something that he should not pay when the Government is guilty of the laches, and I sincerely trust and believe that the Ways and Means Committee will take this matter under consideration and see that some relief is given in such cases as the one I have mentioned and, if necessary, introduce and pass a bill or resolution correcting this unfair treatment. Unless this is done the man of small means will, in many cases, be out of court.

Let me again repeat, certainly the Government does not desire to do an injustice to anyone and where an appeal is mailed in time to reach Washington before the expiration of the 60 days the date of mailing should be proof of the intent to file the appeal, and that date should be considered as the date that same reaches Washington.

I am indeed glad to state every member I have talked to agrees with my position on the question, and I am especially glad to state those members of the Ways and Means Committee to whom I have talked agree relief should be granted.

THE SUBMERGED CLASS

Mr. EVANS. Mr. Speaker, I ask unanimous consent to extend my remarks upon the farm situation.

The SPEAKER. Is there objection?

There was no objection.

Mr. EVANS. Mr. Speaker, this Congress is drawing to a close and the newspapers announce the Speaker of the House and the leader of the majority have consulted with the President and return the authorized statement to the House and country that the legislative program is practically complete and we may expect to adjourn at an early date. There is a subject, however, Mr. Speaker, on which the leaders and the press are ominously silent, and that is the question of the need of relief for the agricultural sections of the country. Legislation involving some solution of this most vital problem before the American people languished, and it is the judgment of many of us that such measures as may be proposed will be stifled in committee or reported out too late for enactment.

Both the last national conventions adopted planks in their respective platforms pledging themselves to legislation to this end, but the session is now drawing to a close without the fulfillment of that promise. While certain responsibility rests upon the Democrats, the responsibility of sincere effort and cooperation in this matter—the primary and major responsibility rests upon the Republicans of the House and Senate, they being in the majority and in control of affairs. We on this side of the aisle stand ready and willing to cooperate, and some of us at least will oppose adjournment until such legislation is enacted.

Outside of routine business the entire session has thus far been devoted to the interests of industry. You have reduced industry's taxes. You have given the bankers generous consideration. You have jammed through the Congress the foreign-debt settlements demanded by organized business—nothing for the farmer, but millions for Mussolini. You have completely forgotten the farmer. You have not reduced his taxes. You have not reduced his freight rates. You have not enforced his rights in the packer's decree. You have not reduced the price of fertilizer or the price of any other item entering into

his costs of production. You have not reduced the tariff on the necessities of life he must buy. You have not increased the price of farm products. You have not given the farmer a living wage for his labor. You have not made it possible for him to secure an adequate return on his investments in land and equipment. You have not raised the pitiful standard of living on the American farm. You have not carried out your agreement to place him on a plane of equality with other industry. In short, you have not kept a single promise you made to the farmers in order to win the last two elections.

However unpalatable the statement may be, I am convinced that this administration is not going to legislate for the relief of agriculture.

The President and his majority in Congress are affiliated with manufacturing and big business and love these more than they are interested in farming. For 50 years under Republican administrations the protective-tariff policy has been geared against the farmer. Under this program manufacturing and corporate business has been given a hothouse, artificial growth that has drained the farms of its wealth and its man power. To-day, as a direct result of that scheme of legislation, more than 50 per cent of our population dwell in cities and towns, where crime, immorality, and various problems of congestion arise to vex our Nation. It is not a natural result that our farms should be depleted and abandoned, but rather is the result of a continued, erroneous policy of legislative favoritism. The error and injustice arising from the assumption that manufacturing is the basic industry of America and must be promoted by exorbitant tariff schedules that lay a tribute upon the whole body of consumers of our country for the benefit of the few is largely responsible for the present farm conditions.

According to the Federal farm census of 1920, agriculture had capital assets invested in lands and buildings of $63,000,000,000. By a similar census in 1925 these same assets had slumped to $46,000,000,000, a clear deflation loss of $17,000,000,000.

Likewise the deflation slump on the livestock and personal property during the same five-year period was $3,000,000,000, and an annual loss similar on crops of $2,000,000,000, making a grand total loss of wealth of $30,000,000,000. No other industry has so suffered during that period. While the farmers sustained this loss our national wealth on the whole increased $85,000,000,000, and this took place under a Republican administration with the highest tariff that we have ever endured. Is the Republican administration alarmed about this bankruptcy on the farm? Not at all. What are they proposing to do about it? Reduce these high rates that the American consumer must pay for every necessity? Not at all. The tariff is the "Ark of the covenant," against which no one shall lay his unholy hand.

Under the present régime big corporate business is in the saddle. Protection is rampant and farming and dependent lines are not within the inner circle.

I have endeavored to show by this discussion that while the country in many lines is prosperous the farmer does not share this prosperity. While the farmer is operating on a 60-cent dollar, the corporations, who are riding upon tariff protection, are distributing phenomenal dividends.

The local taxes are very high, and those with visible tangible property like farm land and livestock have no chance of evasion, and hence are unjustly burdened. In addition to the local taxation the farmer pays 28 per cent of the Federal tax bill, and yet only shares 12 per cent of the country's annual income.

I spoke of the farmer's dollar being a 60-cent dollar, and that is what I mean. The dollar of to-day has a purchasing power of only 60 cents compared with 10 years ago. I do not ask you to take my figures for this, but I submit herewith a table issued by the Department of Commerce, which shows the comparative value of the farmer's dollar since 1913:

	Cents		Cents
1913	100	1920	96
1914	105	1921	84
1915	103	1922	89
1916	97	1923	61.3
1917	107	1924	62.4
1918	112	1925	60.3
1919	112		

Notwithstanding the fact that his dollar has shrunk from 100 cents to a trifle more than 60 cents, the price of everything he buys has increased in price from 50 to 100 per cent. Some weeks ago the gentleman from Kansas [Mr. STRONG] inserted in the RECORD a table furnished by the Department of Commerce showing the relative cost of the necessary articles used by the farmer and how much more he must pay now with the cheap farm dollar than he did 10 years ago when his dollar was worth in purchase power 100 cents or more.

Cost of implements	1914	1924
Walking cultivator	$18	$38
Riding cultivator	25	62
1-row lister	36	80
Sulky plow	40	75
3-section harrow	18	41
Mowing machine	45	93
Self-dump hayrake	28	55
Wagon box	16	36
Farm wagon	85	150
Grain drill	85	165
Grain binder	150	225
Walking plow, 14-inch	14	28
Harness, per set	46	75

I am urging relief not alone for farmers but for all consumers; for that forgotten class, that almost submerged class that is trying to make their income meet the bare necessities of life. Of course, I am not speaking for the manufacturers or the ones whose investments lie in the protected industries and control production thereof and fix the price; the authors and supporters of the Fordney-McCumber tariff law speak for that class.

There are those who claim the present tariff law benefits the farmer. It is a bold assertion, but one which the present deplorable condition of the farmer emphatically contradicts. What does investigation disclose? The American Farm Bureau Federation estimates the present tariff costs the farmers, on necessities purchased, an annual sum of $426,000,000 and that the farmers gain, by the same law, $125,000,000. Here is a clear loss of $301,000,000 in which the farmer contributes to the wealth of the manufacturer. Is it any wonder that New England and other manufacturing centers say, "Leave well enough alone; do not tamper with the tariff"? Under the present tariff law for every dollar the farmer gains it costs him $10. The Fair Tariff League, indorsed by many leaders of farm organizations, such as the National Grange, Farm Bureau Federation, and the Farmers' Union, in a statistical summary of the leading agricultural States estimates the present tariff in those States costs the farmers $15 of added costs to $1 gained to the farmer by the operation of this law.

I submit herewith a table taken from a report of the Fair Tariff League, a Republican protective organization, of which H. E. Miles, a Republican protectionist, is president, showing the relative loss and gain to the farmers and the people in 10 agricultural States which are typical of the agricultural sections of the country.

These 10 States have a population of 16,481,000, or one-seventh of the population of the United States. They include 6,540,000 farmers, or one-fifth of our total farm population.

The farmers in these States as producers gain from the tariff $18,152,000. They lose, net, as consumers of products of all sorts, including manufactures, $270,498,000. They lose, net, $15 to $1 of gain—$41 for each man, woman, and child, or $200 per family.

The people of these States, as a whole, lose $666,622,000. They lose, net, $31 to $1 of gain—$44 for each man, woman, and child, or $220 for every family.

Proportion of tariff loss to gain

State	Farmers lose	The State loses
Iowa	$67 to $1 of gain	$140 to $1 of gain.
Minnesota	$5 to $1 of gain	$14 to $1 of gain.
Kansas	$118 to $1 of gain	$300 to $1 of gain.
Nebraska	$17 to $1 of gain	$35 to $1 of gain.
Colorado	$2.50 to $1 of gain	$12 to $1 of gain.
Utah	$2.50 to $1 of gain	$5.50 to $1 of gain.
Washington	$54 to $1 of gain	$94 to $1 of gain.
Oregon	$30 to $1 of gain	$21 to $1 of gain.
Idaho	$8 to $1 of gain	$7 to $1 of gain.
Texas	$267 to $1 of gain	$65 to $1 of gain.

Mr. Speaker, I do not have the figures for the relative loss under this tariff to the farmers or the people of the State of Montana, which I have the honor in part to represent, but the above table shows the loss to the neighboring States, and I leave it to the people of my State to draw their own conclusions as to the relative benefits derived from this law.

Do not misunderstand me, gentlemen; I am not a free trader. I am not opposed to a tariff. I voted for a tariff on wheat, wool, cattle, flax, and a hundred other articles. I am for a tariff that will protect the American people from any unreasonable foreign competition, but it must be a tariff that protects

the producer of raw material equally with the producer of manufactured articles. I am unalterably opposed to the existing tariff law that allows a few thousand tariff barons of New England and the other manufacturing States to extort from the American people billions of money every year.

The woolen schedule in the present tariff law costs the American people at least $350,000,000 annually, of which about $35,000,000 goes to the woolgrower or the producer. The tariff on tweed cloth, from which women's tweed suits are made, adds $4 to the cost of each suit or coat. It is estimated at least 30,000,000 suits or coats are sold annually to American women, which makes an added cost to them of $120,000,000. Every woolen suit of clothes worn by the men in this country is burdened by this tariff to the extent of $6, and that adds $150,000,000 more to the clothing bill of the people, while the woolgrower, in whose interest this tariff law was alleged to have been enacted, gets only $35,000,000.

Mr. Speaker, there is now pending before the House a resolution introduced by myself in the early part of the session exempting from tariff duty all articles imported from foreign countries which are exchanged for American farm products for exportation. I believe the passage of this resolution would largely solve the agricultural problem of this country. It would in a few months deplete the agricultural surplus and thus raise the price to the producer, and it would permit this same producer to purchase a large part of his goods on the same basis that he sells his produce. I quote the resolution:

Resolved, etc., That from and after the passage of this resolution all articles imported from any foreign country into the United States and exchanged for American farm products for exportation shall be admitted free of any tariff or import duty, regardless of whether the exchange is made directly with the producer of such farm products or not; and all laws and parts of laws in conflict with this resolution are hereby repealed.

If you will pass this resolution, you will see farm products begin to move as they have not moved since the close of the war. You will see them advance in price to where the farmers can produce them at a profit. You will see trade and industry stimulated throughout the world. There will come to the American farmers, and incidentally to all the people in the agricultural States, the greatest measure of sound prosperity they have ever enjoyed.

QUALIFICATIONS OF JURORS IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District business, and pending that motion I ask unanimous consent that general debate be confined to the subject matter of the bills and that the time be controlled one-half by the gentleman from Texas and one-half by myself.

Mr. BLANTON. That is agreeable with the exception of limiting it to the subject of the bill. There may be some other matters that Members will want to discuss. This is regular District Day, and under the rules there is open debate, and the gentleman knows that. I would object to that part of the request.

Mr. ZIHLMAN. Then, Mr. Speaker, I modify my request and ask that general debate be confined to District matters.

Mr. BLANTON. All right; there is no objection to that.

Mr. WINGO. Mr. Speaker, reserving the right to object, can the gentleman give us at this time the character of the bills he intends to call up?

Mr. ZIHLMAN. I will say to the gentleman from Arkansas it is my purpose and hope to call up the unfinished business, which is the bill relating to an amendment of the code permitting women to serve on juries; the bill acquiring a small tract of land on Upshur Street; the condemnation of land for a garbage plant in Virginia; the refund of $25,000 to Columbia Hospital; and if we have the time, I would like to call up the bills relating to the fiscal relations of the District of Columbia and the Federal Government; and the bill enlarging the Public Utilities Commission and providing a people's counsel.

Mr. WINGO. The fiscal relations bill would come after the others?

Mr. ZIHLMAN. Yes; I am giving them in their order.

Mr. WINGO. Some of us have some other matters we necessarily have to attend to in the next hour or two, and for that reason I would like to know the order of the bills. As I understand it, the fiscal relations bill, which is of a general character, will come in the latter part of the afternoon.

Mr. ZIHLMAN. Yes; I have read them in the order in which I expect to call them up.

Mr. TILSON. Mr. Speaker, reserving the right to object, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. TILSON. What about the bill (H. R. 7975) to amend the District Code in relation to the law of descent and distribution?

Mr. ZIHLMAN. I expect to call them up in the order I gave them to the gentleman from Arkansas, but I omitted reading that one, and I beg the gentleman's pardon.

Mr. BLANTON. That is a good bill, I will say to the gentleman, and there is no controversy about it.

Mr. TILSON. I have them here in the order in which the gentleman gave them to me.

Mr. WINGO. In what order does the bill come which the gentleman from Connecticut has referred to with respect to descent and distribution? That is a bill of a general nature.

Mr. TILSON. No. 4.

Mr. ZIHLMAN. Yes.

Mr. WINGO. Then it would probably be 3 o'clock before we would reach that bill?

Mr. ZIHLMAN. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of District matters, with Mr. KETCHAM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5823) to amend the Code of Law for the District of Columbia in relation to the qualifications of jurors.

The Clerk read the title of the bill.

Mr. BLANTON. Mr. Chairman, how does general debate stand on this bill? Is it exhausted or not?

The CHAIRMAN. General debate has been concluded on the bill.

Mr. BLANTON and Mr. UNDERHILL rose.

Mr. BLANTON. Mr. Chairman, I want to offer a preferential motion, but I will yield to the gentleman from Massachusetts.

Mr. UNDERHILL. Mr. Chairman, I move to strike out the enacting clause.

Mr. BLANTON. In that connection, Mr. Chairman, I ask unanimous consent that debate on this motion be limited to 20 minutes—10 minutes to the side.

Mr. ZIHLMAN. Mr. Chairman, I call the attention of the committee to the fact that this bill has been considered, general debate has been exhausted, and the House has refused to concur in the action of the committee—and debate is not in order.

Mr. BLANTON. Debate is always in order on a motion to strike out the enacting clause; and I ask, instead of the time being five minutes to the side, it be extended five minutes to the side, because it goes to the fate of the whole bill. I ask unanimous consent that instead of five minutes to the side there be debate on this motion of 10 minutes to the side.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. UNDERHILL. Mr. Chairman, when this bill was up on last District day the House, in Committee of the Whole, agreed to strike out the enacting clause by quite a substantial vote; but later, when the roll of the House was called, that vote was negatived.

Since that time I have looked into the matter more specifically than I had up to that time, and I find there is only a very small minority of women in the District who favor such legislation. The Woman's Party and the Woman's Bar Association are back of this proposition; and, by the way, every member of the Woman's Bar Association is exempt from jury service, and I have heard it stated from authoritative sources that at least one of the members said, "We favor the bill, because we do not have to serve on the jury anyway, and we thought it made no difference to us."

I have also collected a list of jurymen on various cases that have been before the District courts recently. I am not going to read the names of those jurymen for fear I might do an injustice or give offense to some of them. I will simply state in one or two cases there is not a name on the jury list that has an American sound. Undoubtedly they are all citizens, and whether they are naturalized citizens or not makes no difference in this case, but what I want to call your attention to is the fact that the treatment of women and the standards

and methods of living in the country from which most of these men emanate are different from our standards here.

There is not a man in this House who should vote for this proposition unless he is perfectly willing that his wife shall be drawn as a juror to serve with this mixed citizenship that I have presented to you. If you are willing that your wife should be drawn as a juror, sit anywhere from three to six weeks in a trial or trials, then you are in favor of this bill. I will refer you to two trials not long since where the trial was on the docket for at least several weeks, and these jurymen had to be locked up at night. I could refer you to other cases where the jury has been out all night long. I ask you if you are going to impose on other women of this District that responsibility, that onus, that disagreeable duty that you would not think for a moment of insisting or forcing your own wife to perform.

Mr. GILBERT. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. GILBERT. I am not familiar with the laws of this District, but do colored people sit on the jury?

Mr. UNDERHILL. I have not gone into that phase of it, but will state that on the list of jurymen that I have seen I have read the names of "George Washington Jefferson Brown," "Andrew Jackson Cross." I have read the name of "Robert Lee Washington Fairfax Green." I do not know where these men come from or whether they are colored or not.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BLANTON. I yield the gentleman two minutes more.

Mr. UNDERHILL. It may endanger my argument by bringing in the subject of race or the characteristics of these men who would make up the jury, but I do not weaken my case one particle when I say to you that unless you are a henpecked husband, unless you have an absolute fear of a few women who are in the gallery, you are not going to impose upon the decent women of this District so onerous a duty as this will become.

Mr. BLANTON. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLANTON. Is it not a fact that the committee after hearing the arguments when the bill was up before struck out the enacting clause, and only when they asked for a roll call and Members came in without knowing what they were voting on refused to back it up?

Mr. UNDERHILL. That was the result, and in all probability will be the result this time.

Mr. HUDSPETH. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. HUDSPETH. In criminal cases can you separate a jury after the case has been submitted to the jury?

Mr. UNDERHILL. I understand not.

Mr. HUDSPETH. Then I am against this bill.

Mr. UNDERHILL. Yes; and every man who has a decent regard for womanhood should be against it.

Mr. BLANTON. You have a murder case that is on trial now that has been in progress for nearly four weeks.

Mr. UNDERHILL. This is only a question of whether you are going to adopt the policy that the majority of women are against.

Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. McLEOD].

Mr. McLEOD. Mr. Chairman, the principal organization of women in the District of Columbia have gone on record for this bill. The Commissioners of the District of Columbia and the women judges of the District of Columbia are for the bill and feel that it would be a great asset in the conduct of the trial of cases.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. McLEOD. I will.

Mr. CONNALLY of Texas. Is there anything in this bill that allows a woman who insists on serving to serve but excuses those who do not want to serve?

Mr. McLEOD. No.

Mr. CONNALLY of Texas. Does not the gentleman think that he could amend his bill in that way?

Mr. McLEOD. I do not think there is any need of that.

Mr. LaGUARDIA. There is nothing in the law against permitting a citizen called for jury duty to escape the duty if he so desires. It is entirely within the discretion of the court.

Mr. BLANTON. Did I not offer an amendment which would exempt married women and girls under 25, and did not the gentleman vote against it?

Mr. McLEOD. The committee voted against it for the reason that they felt that any judge who wanted to be fair would exercise discretion.

Mr. HUDSPETH. He could not do it under the terms of this bill.

Mr. GILBERT. Mr. Chairman, I would like to ask the gentleman from Michigan a question, and I ask the gentleman from Maryland to yield him more time.

Mr. ZIHLMAN. I yield an additional minute to the gentleman from Michigan.

Mr. GILBERT. The gentleman from Michigan has mentioned my State. It is true that in Kentucky women serve on juries, but we have a way in the South of regulating certain things that they do not regulate in a similar fashion in the North. We do not have that undesirable situation arise in Kentucky. That is why I ask whether colored people sit on juries in the District?

Mr. McLEOD. They do in Michigan.

Mr. GILBERT. I am asking about the District of Columbia.

Mr. BLANTON. Yes; they do. We had a man testify before our committee that he was adjudged insane and that three of the jury were colored men and one of them was asleep all of the time during the hearings.

Mr. JACOBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. McLEOD. Yes.

Mr. JACOBSTEIN. Do I understand the gentleman to say that he is in favor of exempting from service married women and women under 25 years of age?

Mr. McLEOD. No; I am not.

Mr. JACOBSTEIN. Does the gentleman think the judge ought to exempt those women from that service?

Mr. McLEOD. I think he would in a case where it is shown he should.

Mr. JACOBSTEIN. So that the service would be required only of women over 25 years who are single?

Mr. McLEOD. Yes.

Mr. UNDERHILL. If the judge exempted married women and single women under 25 years of age, then who would be left who would be competent and really desirable as jurors?

Mr. McLEOD. Oh, that is not necessarily the case.

Mr. LEA of California. Mr. Chairman, will the gentleman yield?

Mr. McLEOD. Yes.

Mr. LEA of California. Did the gentleman get any complaint from the States where the practice prevails of permitting women on juries against that practice?

Mr. McLEOD. I have never heard of any.

Mr. LEA of California. As a matter of fact, the judge has discretionary power to excuse a woman wherever the circumstances may require.

Mr. McLEOD. That is correct, and that is the reason why no amendment should be offered at this time to take care of that situation.

Mr. LEA of California. Provision is made to accommodate the association of men and women together on juries in California, and there is very little if any complaint against the practice of having women as jurors.

Mr. McLEOD. Mr. Chairman, in conclusion I just wish to say that the States that now have such laws as that proposed in this bill are absolutely satisfied, and they find conditions are much improved over past conditions.

Mr. BLANTON. Mr. Chairman, I yield one minute to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Chairman, in the State of Massachusetts this question has been a controversial subject before the legislature for two or three years. One of the women members of the Massachusetts Legislature, Miss Sylvia Donaldson, has taken the floor at every session when the bill has come up for action and has spoken against it in one of the finest speeches that I have ever listened to or read. She is opposed to women serving on juries. She is a woman who has had large experience and she has been active in public work. She is an elected public official and is held in the highest esteem by all of the people of the State. She is the only woman in Massachusetts who has served as Speaker of the House throughout the whole session. Through her efforts and arguments she has succeeded in defeating this bill in Massachusetts, and I wish that she stood now in my place and could give to you gentlemen her reasons for opposing such a bill.

Mr. BLANTON. Mr. Chairman, the distinguished colleague of the gentleman from Massachusetts [Mrs. ROGERS] is against this bill and voted against it when it was under consideration before. Most of the good women of Washington are not in favor of this bill, with the exception of a few theorists and a few propagandists. The rank and file of the women in Washington are not wanting any jury service.

Mr. McLEOD. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Not now.

Mr. McLEOD. On what does the gentleman base that statement?

Mr. BLANTON. The board of trade is opposed to this bill. It is composed of all of the business men of Washington.

Mr. McLEOD. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. McLEOD. Is the board of trade on record against this bill?

Mr. BLANTON. That is my understanding.

Mr. McLEOD. Where?

Mr. BLANTON. I have been informed by various Members that they are against it.

Mr. McLEOD. But the gentleman knows as a matter of fact that they are not.

Mr. BLANTON. I am told that the chamber of commerce is against this bill, and I have heard that the advisory council of Washington is against the bill. Are you gentlemen going to force this legislation on the people of the District when they do not want it? Are you going to make the married women with little children walk up to the judge and say that they do not want to serve, that they want to go home to their children, and then have the judge tell them that Congress forced this service on them? There are women propagandists in the gallery who are trying to put this over on the people of the District. The judge would probably say to the mother claiming excuse that she had to serve. I think that we ought to strike out the enacting clause and stop this legislation.

Mr. ZIHLMAN. Mr. Chairman, this bill was carefully considered by the subcommittee on the judiciary of the Committee on the District of Columbia. There appeared before that committee the representatives of the women's bar association, the representatives of the Women's National Party, the women judges of the District of Columbia, all advocating the passage of the bill. While not a member of that particular subcommittee, I attended the hearings, and no one appeared in opposition to the bill. There has not been a single protest against the bill received by the committee, and, contrary to the statement made by the gentleman from Texas [Mr. BLANTON], the Citizens' Advisory Council sent to this committee an unqualified indorsement of the bill, signed by the president of the Advisory Council, stating that the women of the District were citizens of the United States and that this is another step toward equal rights for women. I believe the people of the District are in favor of this bill. Ample opportunity has been given to anyone who is opposed to the bill to voice his or her protest before the committee, and not a single protest has been received. The Citizens' Advisory Council, representing citizens of every section and class in this city, has given their unqualified indorsement of this measure, and I insert the letter of the Advisory Council at this point:

CITIZENS' ADVISORY COUNCIL
OF THE DISTRICT OF COLUMBIA,
Washington, D. C., March 3, 1926.

To the COMMITTEE ON THE DISTRICT OF COLUMBIA,
House of Representatives, United States.

Hon. F. N. ZIHLMAN, *Chairman.*

Report on H. R. 5823, Sixty-ninth Congress, first session, entitled "A bill to amend the Code of Law for the District of Columbia in relation to the qualification of jurors"

GENTLEMEN: The Citizens' Advisory Council has had under consideration, at the request of members of the Women's Bar Association, H. R. 5823 to amend the Code of Law for the District of Columbia in relation to the qualifications of jurors and recommends that the bill be approved and enacted into law.

The bill provides that the code for the District of Columbia be amended by adding a new section to the effect that hereafter no person shall be disqualified for service as a juror or jury commissioner by reason of sex and that the provisions of law relating to the qualifications of jurors and exemptions from jury duty shall apply to women as well as to men.

Under the Constitution of the United States women and men are equally citizens. This proposed provision is another recognition that women are coequal with men. The provision is in entire harmony and fully consistent with the Constitution of the United States and laws concerning the status of women. Already there are about 20 States that have similar provision of law.

Respectfully submitted.

CITIZENS' ADVISORY COUNCIL,
By JESSE C. SUTER, *Chairman.*

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. I am wrong. The gentleman from Maryland has such an indorsement, but it is signed March 3. Is it not a fact that they have changed their position since our last action?

Mr. ZIHLMAN. No; I do not think so.

Mr. BLANTON. I am told by a private citizen they are against it.

Mr. UNDERHILL. If the gentleman will yield, how many women are on the citizens' advisory committee?

Mr. ZIHLMAN. I could not answer.

Mr. UNDERHILL. I can. There are five women, and four are opposed to the proposition.

Mr. ZIHLMAN. I will say to the gentleman that every woman who appeared before the subcommittee having this bill under consideration gave it their unqualified approval. Probably Members will recall a provision in this that Judge O'Toole or Judge Sellers, I have forgotten which, stated before the committee that it is the practice in this city to excuse men from jury service who conduct what is called a one-man business. Anyone whose services are indispensable in the conduct of his business is excused from jury service, and I believe we can leave this important matter as to who should go on a jury to the discretion and good judgment of the judges. Now, the House has refused to strike out the enacting clause of the bill and the matter is before it, and I hope the committee will not support the motion of the gentleman from Massachusetts.

Mr. WOODRUFF. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. WOODRUFF. Is it not a fact that in the States where they have the system of women serving on juries that the judges always excuse a woman who wants to be excused? That is the practice in Michigan, where any woman in any instance is excused from serving on a jury against her will.

Mr. ZIHLMAN. I think it is an untenable position to take to say that women are qualified to sit as governors, sit as Members of the House of Representatives, and yet are not qualified to serve on a jury.

Mr. UNDERHILL. I do not think anyone has said she is not competent or qualified, but I want to ask the gentleman this question: Does the gentleman want his wife locked up in a mixed jury over 24 hours on a murder case?

Mr. ZIHLMAN. I will say that in the case of women who are drawn on jury service that will be left to the discretion of the judges. In the States where this law has been in operation—I call attention to the fact this is no new idea, it has been in force and operation in at least eight States in the Union—there has been not a single State where this law has been repealed and——

Mr. UNDERHILL. If that practice is indulged in is not there grave danger to raise up a class of professional jurors among women?

Mr. LAGUARDIA. That exists among the men to-day.

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on the motion to strike out the enacting clause.

The question was taken, and the Chair announced he was in doubt.

Mr. UNDERHILL. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. ZIHLMAN and Mr. UNDERHILL) reported there were—ayes 58, noes 54.

So the motion was agreed to.

Mr. BLANTON. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The motion was agreed to.

Accordingly the committee rose; and Mr. BEGG having assumed the chair as Speaker pro tempore, Mr. KETCHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 5823, had directed him to report the same back with a recommendation that the enacting clause be stricken out.

Mr. BLANTON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on striking out the enacting clause.

The question was taken——

Mr. McLEOD. Mr. Speaker, I ask for a division.

The House again divided; and there were—ayes 57, noes 58.

Mr. BLANTON. Mr. Speaker, I ask for tellers; and pending that I make the point of no quorum—no; I will temporarily ask for tellers.

Mr. LEHLBACH. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER pro tempore. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 130, nays 193, answered "present" 1, not voting 107, as follows:

[Roll No. 80]

YEAS—130

Allen	Drane	Kiefner	Rogers
Allgood	Driver	Kirk	Rutherford
Almon	Edwards	Kunz	Sabath
Andrew	Eslick	Lanham	Sanders, Tex.
Aswell	Evans	Lankford	Sandlin
Bachmann	Fairchild	Larsen	Sears, Fla.
Bacon	Faust	Lazaro	Spearing
Bankhead	Fenn	Lowrey	Steagall
Begg	Foss	Lozier	Stevenson
Bell	Fulmer	McClintic	Stobbs
Black, N. Y.	Gambrill	McDuffie	Strother
Black, Tex.	Gardner, Ind.	McKeown	Sumners, Tex.
Bland	Garner, Tex.	McMillan	Swank
Blanton	Garrett, Tenn.	McReynolds	Taylor, Tenn.
Bowles	Garrett, Tex.	MacGregor	Thomas
Bowling	Gasque	Martin, La.	Tinkham
Box	Gifford	Martin, Mass.	Treadway
Brand, Ga.	Green, Fla.	Mead	Underhill
Browning	Hale	Merritt	Vinson, Ga.
Buchanan	Hare	Milligan	Wainwright
Burdick	Harrison	Montague	Warren
Busby	Hastings	Montgomery	Wason
Canfield	Hayden	Moore, Ky.	Weaver
Carew	Howard	Morrow	Whittington
Carter, Okla.	Huddleston	Newton, Mo.	Williams, Tex.
Chapman	Hudspeth	Oldfield	Wilson, La.
Collier	Hull, Morton D.	Oliver, Ala.	Wilson, Miss.
Collins	Irwin	Parks	Wingo
Connally, Tex.	James	Peery	Woodrum
Crisp	Jeffers	Rankin	Wright
Davis	Johnson, Tex.	Rayburn	Wurzbach
Deal	Jones	Reece	
Dominick	Kemp	Reed, Ark.	

NAYS—193

Abernethy	Fish	Lea, Calif.	Rubey
Ackerman	Fitzgerald, Roy G.	Leatherwood	Schafer
Adkins	Fitzgerald, W. T.	Leavitt	Scott
Andresen	Fletcher	Lehlbach	Shallenberger
Appleby	Fort	Letts	Simmons
Arentz	Free	Linthicum	Sinclair
Arnold	Freeman	Little	Sinnott
Ayres	Fuller	McFadden	Snell
Bacharach	Funk	McLaughlin, Mich.	Somers, N. Y.
Bailey	Furlow	McLeod	Sosnowski
Barbour	Gallivan	McSweeney	Speaks
Beck	Gibson	Magee, N. Y.	Sproul, Ill.
Beedy	Goodwin	Magrady	Stalker
Beers	Gorman	Major	Stedman
Berger	Greenwood	Manlove	Stephens
Bixler	Griest	Mapes	Strong, Kans.
Bloom	Griffin	Menges	Summers, Wash.
Boies	Hadley	Michaelson	Swing
Brand, Ohio	Hall, Ind.	Michener	Taylor, Colo.
Brigham	Hall, N. Dak.	Miller	Taylor, W. Va.
Browne	Hammer	Mooney	Temple
Brumm	Hardy	Moore, Ohio	Thatcher
Burtness	Hawley	Moore Va.	Thompson
Burton	Hersey	Morehead	Thurston
Butler	Hickey	Morgan	Tilson
Cannon	Hill, Md.	Morin	Timberlake
Carpenter	Hill, Wash.	Nelson, Me.	Tolley
Carss	Hoch	Nelson, Mo.	Underwood
Carter, Calif.	Hogg	Newton, Minn.	Upshaw
Chalmers	Hooper	Norton	Valle
Christopherson	Houston	O'Connell, R. I.	Vestal
Clague	Hull, Tenn.	O'Connor, La.	Vincent, Mich.
Colton	Hull, William E.	Oliver, N. Y.	Vinson, Ky.
Connolly, Pa.	Jacobstein	Patterson	Watres
Cooper, Ohio	Jenkins	Peavey	Watson
Cooper, Wis.	Johnson, Ind.	Perkins	Wefald
Coyle	Johnson, Wash.	Pou	Welsh
Cramton	Kahn	Pratt	Wheeler
Crosser	Keller	Purnell	White, Kans.
Crowther	Kelly	Quin	White, Me
Crumpacker	Kendall	Ragon	Whitehead
Curry	Ketcham	Rainey	Williams, Ill.
Davey	Kiess	Ransley	Wolverton
Denison	King	Rathbone	Woodruff
Dickinson, Iowa	Kopp	Reed, N. Y.	Yates
Dickinson, Mo.	Kurtz	Robinson, Iowa.	Zihlman
Dowell	Kvale	Robsion, Ky.	
Elliott	LaGuardia	Romjue	
Ellis	Lampert	Rowbottom	

ANSWERED "PRESENT"—1

Gilbert

NOT VOTING—107

Aldrich	Corning	Frear	Johnson, Ky.
Anthony	Cox	Fredericks	Johnson, S. Dak.
Auf der Heide	Cullen	French	Kearns
Barkley	Darrow	Frothingham	Kerr
Bowman	Davenport	Garber	Kincheloe
Boylan	Dempsey	Glynn	Kindred
Briggs	Dickstein	Golder	Knutson
Britten	Doughton	Goldsborough	Lee, Ga.
Bulwinkle	Douglass	Graham	Lindsay
Byrns	Doyle	Green, Iowa	Lineberger
Campbell	Drewry	Haugen	Luce
Celler	Dyer	Hawes	Lyon
Chindblom	Eaton	Hill, Ala.	McLaughlin, Nebr.
Cleary	Esterly	Holaday	McSwain
Cole	Fisher	Hudson	Madden
Connery	Flaherty	Johnson, Ill.	Magee, Pa.
Mansfield	Quayle	Sproul, Kans.	Tydings
Mills	Ramseyer	Strong, Pa.	Updike
Murphy	Reid, Ill.	Sullivan	Vare
Nelson, Wis.	Rouse	Swartz	Voigt
O'Connell, N. Y.	Sanders, N. Y.	Sweet	Walters
O'Connor, N. Y.	Schneider	Swoope	Weller
Parker	Sears, Nebr.	Taber	Williamson
Perlman	Seger	Taylor, N. J.	Winter
Phillips	Shreve	Tillman	Wood
Porter	Smith	Tincher	Wyant
Prall	Smithwick	Tucker	

So the motion to strike out the enacting clause was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Douglas (for) with Mr. Connery (against).

Until further notice:

Mr. Aldrich with Mr. Hawes.
Mr. Seger with Mr. Barkley.
Mr. Frothingham with Mr. Cleary.
Mr. Green of Iowa with Mr. Drewry.
Mr. Vare with Mr. Lee of Georgia.
Mr. Sweet with Mr. McSwain.
Mr. Shreve with Mr. O'Connell of New York.
Mr. Wood with Mr. Boylan.
Mr. Wyant with Mr. Kindred.
Mr. Magee of Pennsylvania with Mr. Sullivan.
Mr. Phillips with Mr. O'Connor of New York.
Mr. Chindblom with Mr. Cox.
Mr. Strong of Pennsylvania with Mr. Quayle.
Mr. Taylor of New Jersey with Mr. Auf der Heide.
Mr. Reid of Illinois with Lindsay.
Mr. Darrow with Mr. Johnson of Kentucky.
Mr. Eaton with Mr. Cullen.
Mr. Dempsey with Mr. Smithwick.
Mr. French with Mr. Weller.
Mr. Graham with Mr. Kerr.
Mr. Hudson with Mr. Tydings.
Mr. Luce with Mr. Kincheloe.
Mr. Mills with Mr Byrns.
Mr. Madden with Mr. Bulwinkle.
Mr. Wason with Mr. Dickstein.
Mr. Taber with Mr. Corning.
Mr. Anthony with Mr. Doyle.
Mr. Flaherty with Mr. Fisher.
Mr. Glynn with Mr. Hill of Alabama.
Mr. Kearns with Mr. Mansfield.
Mr. Johnson of South Dakota with Mr. Prall.
Mr. McLaughlin of Nebraska with Mr. Tillman.
Mr. Murphy with Mr. Tucker.
Mr. Parker with Mr. Schneider.
Mr. Ramseyer with Mr. Nelson of Wisconsin.
Mr. Dyer with Mr. Frear.
Mr. Smith with Mr. Voigt.
Mr. Golder with Mr. Goldsborough.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BEGG). The Chair refers the bill H. R. 5823 to the Union Calendar.

MUSCLE SHOALS

Mr. MORIN. Mr. Speaker, from the Joint Commission on Muscle Shoals, I submit for printing under the rule the following privileged report, No. 980.

The SPEAKER pro tempore. The gentleman from Pennsylvania submits a privileged report from the Joint Commission on Muscle Shoals.

Mr. LAGUARDIA. Mr. Speaker, I reserve all points of order on the report.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11602) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes.

The SPEAKER pro tempore. Referred to the Union Calendar and ordered printed.

Mr. GARRETT of Tennessee. Mr. Speaker, have points of order been reserved?

The SPEAKER pro tempore. The gentleman from New York [Mr. LAGUARDIA] reserves all points of order.

MUSCLE SHOALS

Mr. JAMES rose.

The SPEAKER. For what purpose does the gentleman from Michigan rise?

Mr. JAMES. On the Muscle Shoals matter the reading clerk said there was one report. I wish to call attention to the fact that in addition to the minority report there is a separate minority report presented by myself.

QUALIFICATIONS OF JURORS IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of bills on the District Calendar.

The SPEAKER pro tempore. The gentleman from Maryland moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consid-

eration of bills on the District Calendar. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. KETCHAM] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of bills on the District Calendar, with Mr. KETCHAM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of business on the District Calendar.

Mr. ZIHLMAN. Mr. Chairman, I call up the bill (H. R. 5823) to amend the Code of Law for the District of Columbia in relation to the qualifications of jurors.

Mr. UNDERHILL. Mr. Chairman, I move to strike out the enacting clause.

Mr. LAGUARDIA. Mr. Chairman, I make the point of order that that motion is dilatory.

Mr. ZIHLMAN. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

Mr. BLANTON. There has not been any debate. I make the point of order.

Mr. UNDERHILL. Mr. Chairman, I move to strike out the enacting clause.

Mr. LAGUARDIA. Mr. Chairman, I make a point of order that the motion of the gentleman from Massachusetts is dilatory.

Mr. BLANTON. There has not been any debate on the bill under the five-minute rule.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Chairman, I move that the enacting clause be stricken out.

Mr. LAGUARDIA. The House has just voted on that motion, and the result has been announced.

Mr. UNDERHILL. I want to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts on the point of order.

Mr. UNDERHILL. Mr. Chairman, with reference to the point of order made by the gentleman from New York [Mr. LAGUARDIA], I do not believe I have to stand in defense of my actions on the floor of this House with regard to the conduct of the business of the House. I have always tried my level best to expedite the business of the House.

On two occasions Members who were present during the discussion of the merits of this question have voted overwhelmingly to strike out the enacting clause. Now, sir, if we are going to have further proceedings, it seems to me that those who were absent and did not hear the arguments, but came here and voted as they usually do with the committee, ought to have the chance and the privilege of hearing the arguments, and at least I ought to have the chance and privilege of presenting arguments against this bill. Man after man came in from the corridors and asked, "How shall we vote on this bill?" And the answer was, "If you want to vote for the women, vote 'No.' If you want to vote against the women vote 'Aye.'" The reverse was the true answer. For 90 per cent of the women of the District of Columbia do not want the burden of jury service. For them you vote "'Yes'; to strike out the enacting clause. If you want to vote against the women of the District, and for a small group of women politicians you vote 'No.'"

Mr. LEHLBACH. Mr. Chairman, I make the point of order that the gentleman from Massachusetts is not speaking in order. The gentleman's motion is dilatory.

The CHAIRMAN. The Chair will hear the gentleman further.

Mr. UNDERHILL. Now, Mr. Chairman, I trust that none of you may have the misfortune or good fortune—whatever way you may look at it—of being obliged to take up a residence in the District of Columbia. The lunatic fringe is ever represented before the District Committee——

Mr. LEHLBACH. Mr. Chairman, I insist on my point of order. The gentleman is discussing the merits of the proposition under the guise of discussing the point of order.

The CHAIRMAN. I think the gentleman's point of order is well taken, and the gentleman will confine himself to the point of order.

Mr. UNDERHILL. I will try to confine myself to the point of order. The point of order, which amounts to a charge, is that the gentleman is dilatory in his tactics. Now, if it is dilatory to try to impress his colleagues with the justice of a measure or of his position when the only chance he has is when they are present and not out in the corridors or over in their offices, then I do not know what dilatory means. I maintain that the gentleman is perfectly in order in making his motion to strike out the enacting clause in order that he may get his views before his colleagues.

The CHAIRMAN. Does the gentleman from New York care to be heard on the point of order?

Mr. LAGUARDIA. Yes. The Committee of the Whole had this bill under consideration and a motion to strike out the enacting clause prevailed. The committee then resolved itself into the House and that motion was defeated. Now, the House has resolved itself into the Committee of the Whole; the chairman of the District of Columbia Committee called up the bill and immediately the gentleman from Massachusetts [Mr. UNDERHILL] moved to strike out the enacting clause.

The chairman will find this language in rule 853:

> When, on Calendar Wednesday, the House disagrees to the recommendation of the Committee of the Whole that the enacting words be stricken out, the House automatically resolves itself into Committee of the Whole for its further consideration. When the bill is thus again taken up in Committee of the Whole it is taken up as unfinished business and is open to amendment, and the motion to strike out the enacting words may be again offered in committee.

But the gentleman has not permitted any intervening motion to be made and has not permitted any discussion of the bill to be had, and although on a vote just recorded by the House of 191 to 125 the House refused to agree to the motion to strike out the enacting clause, the motion is repeated and I submit that it is dilatory.

Mr. UNDERHILL. Mr. Chairman, I accept the gentleman's remarks, as he has made a better justification of my motion than I could make.

Mr. LEHLBACH. Mr. Chairman, if the Chair will hear me, I desire to add just a word to what the gentleman from New York has said on the point of order. I stress the point that a motion which is otherwise in order but is offered for the purpose of delaying the business of the House is not in order, and the description dilatory applies to the present motion of the gentleman from Massachusetts for this reason: It is perfectly obvious, after the action of the committee, its report to the House, the action of the House, and the rereference of the bill back to the Committee of the Whole, that the only purpose and only effect of the motion now made by the gentleman from Massachusetts is to delay the consideration of the bill which, when coupled with the fact that it is within the practical knowledge of everybody in this House that this is the last District day, makes it conclusive to the mind of the Chair and everybody else that it is a dilatory motion and that it ought not to be entertained.

Mr. BLANTON. Will the Chair hear me on the point of order?

The CHAIRMAN. Yes.

Mr. BLANTON. Had this motion been made by the gentleman from Texas, the Chair could well hold that it might be dilatory, because the gentleman from Texas has in certain cases and instances filibustered against certain bad bills; but the gentleman from Massachusetts [Mr. UNDERHILL] has never filibustered in this House; the gentleman from Massachusetts has never made a dilatory motion in this House; the gentleman from Massachusetts has always been for legislation both good and bad in instances; and therefore the charge is not well taken against him.

Mr. CONNALLY of Texas. Mr. Chairman, as I understand the situation the point of order is made that because the House refused to concur in the recommendation that the enacting clause be stricken out it is not now in order again to offer that motion. Is that correct?

The CHAIRMAN. That is correct.

Mr. CONNALLY of Texas. I make the suggestion that it is in order for this reason: Subdivision 7 of Rule XXIII provides as follows:

> A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

The House rereferred this bill to the committee. All that the committee can do when it comes back is either to amend it and pass it or reject it. Now, an amendment——

The CHAIRMAN. The Chair is listening to the gentleman.

Mr. CONNALLY of Texas. The point I make is this: This bill has come back before this committee for its action; all the committee can do is to amend the bill and pass it, or reject it.

If an amendment is offered on the floor, a motion to strike out the enacting clause immediately takes precedence of the amendment. Is the Chair ready to rule——

The CHAIRMAN. The Chair is ready to rule. The Chair will overrule the point of order of the gentleman from New York [Mr. LAGUARDIA] and hold the motion made by the gentleman from Massachusetts [Mr. UNDERHILL] in order.

Mr. UNDERHILL. Mr. Chairman, now I have obtained an audience, by fair means or foul—I do not know which—I would like to repeat what I said heretofore, which has had some effect at least upon the Members present, and that is you are trying to legislate against the good women of the District of Columbia. [Applause.] Furthermore, you are legislating for the women of the District of Columbia as you would not legislate for your own wives and daughters. [Applause.] Third, you are listening to the siren voice of a few self-constituted guardians of the liberties, of the licenses, of women here in the District.

Mr. CONNALLY of Texas. Will the gentleman yield for a question?

Mr. UNDERHILL. I would rather proceed, if I may.

Furthermore, you are shirking all of your duties, and by passing such legislation as this you are allowing the men of the District to shirk their duties. You and the rest of the men throughout this country have got into a way of carrying not only your property and your religion in your wife's name but now you are putting your politics and your jury duty in your wife's name. Is that a fair proposition? Why, she bears your children; she brings them up and gives them a mother's care; she looks after them in school, or, if the mother does not look after them, some teacher looks after them, and the teacher is usually a woman. The only defense of the bill that has been made here is that a good, kind-hearted judge will excuse from jury duty a woman if she is married and has children. Let me ask you in the name of justice who is there left to pass upon the guilt or innocence of the poor man or poor woman who comes before this self-selected professional jury you are going to establish by passing this bill?

If you are going to exempt the school-teachers who take care of the children during the daytime and the mothers who take care of the children during the nighttime and daytime, too, whom have you got left? Why, a few old maids—and they have their place in the community—and a few flappers who undoubtedly are incompetent to sit upon the jury and judge of your innocence or my innocence or of your guilt or my guilt. While you or I might stand it, I would not want my wife or daughter to come before a mixed jury of that kind and character on a charge, no matter how innocent she may be, because the most bitter opponent of woman is woman herself; the severest critic of woman is woman herself; and here in this District with your mixed juries and your murder trials and a woman staying all night long on a mixed jury—well, I can not conceive of such a thing as that. The worst of it all, I want to repeat, is that you are not sincere; you are not consistent; you are not honest with yourself, because there is not a man in this House who will stand on his feet here and state he would be perfectly willing that his wife or his daughter should be locked up with a jury of mixed characters and mixed races in a jury room 24 hours, and I pause for a reply from any one of you on this floor to-day. Would you be willing to agree to such a proposition as that?

Mr. STEPHENS. I will answer the gentleman. We have this law in Ohio——

Mr. UNDERHILL. Will the gentleman just confine himself to whether he would be willing that his wife should sit on a jury of that character?

Mr. STEPHENS. I certainly would; because it is the law in the State of Ohio, and our women there sit on juries, and the law has proven an absolute success.

Mr. UNDERHILL. There you have it exactly. It is the law of the land of the State of Ohio, and no woman, I do not care who she is, if she has a little bit of civic pride, is going to put herself in opposition to the law, or is going to shirk any of the responsibilities which the law places on her shoulders.

Mr. BLANTON. And the women of the District of Columbia do not want it.

Mr. UNDERHILL. And they do not vote.

Mr. ZIHLMAN. Mr. Chairman, I move that all debate on this section now close.

The motion was agreed to.

The CHAIRMAN. The question is on the motion of the gentleman from Massachusetts to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. UNDERHILL) there were—ayes 70, noes 88.

Mr. UNDERHILL. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. ZIHLMAN and Mr. UNDERHILL to act as tellers.

The committee again divided; and the tellers reported that there were—ayes 74, noes 89.

So the motion to strike out the enacting clause was rejected.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 1, line 9, after the word "men," strike out the period, insert a colon, and add the following proviso: "*Provided*, That all mothers of minor children and all unmarried females under the age of 22 years, when demanding, shall be exempt and excused from such jury service."

Mr. ZIHLMAN. I call the Chair's attention to the fact that the motion was to close debate on this section and all amendments thereto.

Mr. BLANTON. That was the first section, including the enacting clause.

The CHAIRMAN. The Chair is of the opinion that debate is closed.

Mr. BLANTON. Will the Chair hear me? The motion was to strike out the enacting clause and that has no reference to the first section of the bill. That was the section that includes the enacting clause.

The CHAIRMAN. There is only one section in the bill. The question is on the amendment offered by the gentleman from Texas.

Mr. BLANTON. I ask unanimous consent for five minutes on my amendment.

Mr. ZIHLMAN. I object.

Mr. BLANTON. You do not want to compel mothers of little children to serve.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

Mr. WINGO. A parliamentary inquiry, Mr. Chairman. Has the bill been read for amendment under the five-minute rule?

The CHAIRMAN. It has.

Mr. WINGO. Does the Chair rule that all debate has been concluded?

Mr. ZIHLMAN. I made the motion following the reading of this section that all debate on the section and amendments thereto be closed.

Mr. WINGO. I followed it closely, and I felt like making a point of order; but I clearly understood that the gentleman's motion was to the question of striking out the enacting clause. I did not make the point of order because the Member who was entitled to five minutes more made the motion. I think the House plainly understood that the closing of debate pertained to striking out the enacting clause.

Mr. ZIHLMAN. This bill has been read for amendment——

Mr. WINGO. Is not this the fact, that before any amendment was offered the preferential motion was made to strike out the enacting clause?

Mr. ZIHLMAN. That is true.

Mr. WINGO. Then, if the gentleman insists on his point of order, and if the Chair sustains it, the practical result will be that by a motion to strike out the enacting clause, and the House adopting the motion, you are closing all debate on the bill, and you will be forbidding all right of discussion on any bona fide amendment that may be offered. It plainly was contrary to the understanding of the House. Such a motion would not have been in order if we had understood it. A point of order would have been made against the motion.

Mr. ZIHLMAN. The bill has been read, and it consists of only one paragraph. The opponents to the bill served notice that they were going to kill time, and the chairman of the committee is endeavoring to ward off dilatory tactics.

Mr. WINGO. I appreciate that, but the gentleman should not blame those who have bona fide amendments that they want to discuss; we ought not to make them victims of the dilatory tactics of gentlemen who do not want the bill at all. I think, as that is the situation, the Chair ought to hold that the motion to close debate only applied to the enacting clause.

The CHAIRMAN. The Chair is of the opinion that his previous announcement was correct and debate is closed. The question is on the amendment of the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 64 ayes and 93 noes.

So the amendment was rejected.

Mr. WINGO. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

At the end of line 9 insert the following proviso: "*Provided*, That such service shall not be compulsory on any woman."

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes on my amendment.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. WINGO. Now, Mr. Chairman, what my amendment does is this. It leaves the bill so that a woman in the District of Columbia is not disqualified for jury service, but such service shall not be compulsory. I have practiced law for a great many years and as a citizen I have observed jury trials. You are not doing women any favor, you are not responding to any sane, sensible, thoughtful, matured demand of womankind when you vote against my amendment and say that in the District of Columbia you shall be compelled, regardless of your household duties, regardless of your condition at times to sit upon a jury for weeks and locked up at nighttime with men. I do not make any exception and say bad men. Where is the man that wants his wife locked up in a jury room with the best man that ever walked the face of the earth all night long and be subjected to the criticism from scandal mongers, inconvenience, and what is obvious to any man who has reached the age of maturity, the distress and inconvenience that might result from such confinement.

Mr. McLEOD. Mr. Chairman, will the gentleman yield?

Mr. WINGO. I regret I can not, as I have only five minutes. I do not object to you gentlemen who want to play politics with women politicians doing so. Play your politics, but do not make it compulsory upon the women who object to being confined in a jury room overnight with men.

Mr. McLEOD. Mr. Chairman, will the gentleman yield?

Mr. WINGO. I have but five minutes, and you have closed the debate. Remove the disqualification, if you want to, and that will satisfy the political demand and still give the woman the right to say, "I stand upon my privilege under the law to excuse myself because I know this trial is going to go on for two or three weeks." If it is a murder case where capital punishment is inflicted, it may be insisted as a matter of right that the jury be locked up, and I do not want to have that confinement with men made compulsory for days and nights and weeks. Gentlemen, do not go crazy, do not allow your sense of decency and of justice to be overridden by a little question of political expediency in an appeal to women's votes. I do not want the vote of a woman who says I shall vote to require my wife, over her protest, to sit on a jury and be locked up at night with any man. [Applause.]

Mr. STEPHENS. Mr. Chairman, I ask unanimous consent to speak for five minutes in opposition to the amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEPHENS. Mr. Chairman and gentlemen, the only reason that I speak on this subject is that in Ohio we have this law which allows women to serve on juries. We went through all of the discussions which we have heard here on the floor against the law allowing them to serve on juries. I might say, first, that I was not in favor of woman suffrage, but now that they have the suffrage they ought to have everything that goes with it.

Mr. UNDERHILL. Have they suffrage in the District?

Mr. STEPHENS. They have.

Mr. UNDERHILL. Suffrage?

Mr. STEPHENS. They have just as much suffrage in the District as the men have.

Mr. UNDERHILL. And that is none.

Mr. STEPHENS. Absolutely. They stand on the same footing as the men, absolutely.

Mr. EDWARDS. Does the Ohio law provide that they may serve on juries or that they shall serve on juries?

Mr. STEPHENS. It is the same law that provides for men.

Mr. EDWARDS. Then, the law compels them to serve? Is that the idea?

Mr. STEPHENS. It compels them to serve if the court so decides, and I want to say that our courts use their discretion and their judgment is used along the line of the amendment offered by the gentleman from Arkansas [Mr. WINGO]. They are not compelled if they have a good excuse.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. Yes.

Mr. BLANTON. Does the gentleman want his daughter 21 years of age to be locked up for a week, night and day, on a jury where there are at least three or four colored men?

Mr. STEPHENS. Oh, the gentleman is stating a very unusual hypothetical situation.

Mr. BLANTON. But there are three or four colored men on every jury drawn in the District of Columbia.

Mr. STEPHENS. The gentleman is stating something now that is very problematical. We have had the experience in Ohio and in Cincinnati, and our best women serve on the juries. They are provided with proper quarters.

Mr. GALLIVAN. And I suppose there are no colored men in Cincinnati anyway?

Mr. STEPHENS. Oh, we have about 10,000 of them.

Mr. ZIHLMAN. Is the gentleman aware that they have a similar law in Arkansas, the State represented by the gentleman who offers the amendment?

Mr. STEPHENS. I do not know.

Mr. ZIHLMAN. I will say for the gentleman's information that they have.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. We have met all of these arguments and all of these objections, and we are getting along first rate.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. My theory is this: They have the right to vote, and they ought to have the rights that go with it.

Mr. WINGO. The gentleman referred to the Arkansas law.

Mr. STEPHENS. I do not know anything about it.

Mr. WINGO. There is not a judge in Arkansas who would get out of the township alive who would require women to sit on the jury under the circumstances I have mentioned, and they do not require it. A woman is not required to serve over her protest in Arkansas as you are trying to require them to serve here, by voting against this amendment.

Mr. STEPHENS. In Ohio they are not required to serve where they give proper excuses.

Mr. WINGO. In other words, you want to pass the buck to the judge.

Mr. STEPHENS. That is where it is usually passed. The buck is passed to the judge in the case of the men.

Mr. WINGO. But a man can not refuse to serve.

Mr. STEPHENS. He can give his excuses.

Mr. WINGO. He has not the right to say, "I object to this because I have to be locked up over night with men."

Mr. STEPHENS. The gentleman should look at the facts as they are.

Mr. HASTINGS. What objection has the gentleman to the amendment offered by the gentleman from Arkansas to make it discretionary? It gives them the right if they want to exercise it.

Mr. WINGO. A judge could not compel them to serve under my amendment. What is the objection to that amendment?

Mr. STEPHENS. In the administration of the law in Ohio the judges use their discretion.

Mr. WINGO. What is the objection to the amendment?

Mr. STEPHENS. If a woman does not want to serve, and she has a family they excuse her.

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time has expired. The question is on the amendment offered by the gentleman from Arkansas.

Mr. GALLIVAN. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

There was no objection; and the Clerk again reported the Wingo amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken, and the Chair announced that the Chair was in doubt.

The committee again divided; and there were—ayes 114, noes 59.

So the amendment was agreed to.

Mr. VINSON of Kentucky. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. VINSON of Kentucky: Page 1, line 9, after the amendment just adopted, insert: "*Provided, however,* That in cases in which the jury must be held together over night the women jurors shall be kept together in charge of a woman bailiff separate and apart from the men."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. VINSON of Kentucky) there were—ayes 64, noes 90.

So the amendment was rejected.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that this bill as amended be laid aside with a favorable recommendation.

The CHAIRMAN. Is there objection? The Chair hears none.

CONVEYANCE OF LAND

Mr. ZIHLMAN. Mr. Chairman, I call up the bill S. 2982.

The CHAIRMAN. The gentleman from Maryland calls up the bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 2982) to provide for the conveyance of certain land owned by the District of Columbia near the corner of Thirteenth and Upshur Streets NW. and the acquisition of certain land by the District of Columbia in exchange for said part to be conveyed, and for other purposes.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Chairman, unless the gentleman from Maryland asks recogniton I ask recognition.

The CHAIRMAN. Does the gentleman from Maryland desire recognition on the bill?

Mr. ZIHLMAN. If the gentleman is going to speak on the bill, I prefer the gentleman from Vermont, who is chairman——

Mr. BLANTON. I am going to take some time under general debate. I ask for recognition.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, on a most important matter concerning the District business and affairs in Washington, I want to read you a brief which has been prepared by one of the most skillful, experienced members of the bar in Washington, a man who for 12 years was Commonwealth attorney in the State of Virginia, a man who for nearly 25 years has been a distinguished member of the Washington bar, and who is now on the legislative committee here of the District Bar Association. I refer to Judge Crandall H. Mackey, whom I requested to prepare a brief on this most important question, and that is whether a Commissioner of the District of Columbia is a Federal officer under the law and the Constitution within the meaning of section 5498, Revised Statutes of the United States.

Mr. BEGG. Will the gentleman yield?

Mr. BLANTON. In just a moment.

Mr. BEGG. I would like to ask a question.

Mr. BLANTON. All right; I yield.

Mr. BEGG. Does not the gentleman think his argument ought to be made to the Judiciary Committee. To-day is District day, and it seems to me it is——

Mr. BLANTON. There is no District question that could be brought out in Congress right now more important than this to the people of the District of Columbia. There will be no question more important than this.

Mr. BEGG. What can we decide even if the gentleman makes a case?

Mr. BLANTON. I want every Member of Congress to know what is in this brief. I want to place it in the RECORD—not quoted and not in 6-point type, because I am going to read it myself—and under the rules I am going to adopt this brief as my own, and I am going to present it in this way so that same will appear as my remarks in 8-point type, in order that you can read it and get the benefit of it. Judge Mackey has given me authority to do that, so it will be in 8-point type and you can read it. If I quoted it, it would be in 6-point type, and then no one could read it. However, everyone will understand that it is really the work of Judge Mackey.

THE DISTRICT COMMISSIONERS ARE UNITED STATES OFFICERS

Commissioner Fenning claims that he is not amenable to the punishment prescribed in section 5498, Revised Statutes, now section 190, United States Criminal Code, for the reason that he is not an officer of the United States but an officer of the municipal government of the District of Columbia. Said section is as follows:

> Every officer of the United States, or person holding any place of trust or profit, or discharging any official function under, or in connection with, any executive department of the Government of the United States, or under the Senate or House of Representatives of the United States, who acts as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means otherwise than in discharge of his proper official duties, aids or assists in the prosecution or support of any such claim, or receives any gratuity or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist or in the consideration of having aided or assisted in the prosecution of such claim shall pay a fine of not more than $5,000 or suffer imprisonment not more than one year, or both.

The District of Columbia is Federal territory created by the Constitution of the United States, and by section 1 of the act of July 16, 1790, its character was defined and declared under the Constitution to be the permanent seat of government. This act made the District of Columbia a body corporation for municipal purposes, "not inconsistent with the Constitution and laws of the United States."

By section 13 of the act of February 21, 1791, the executive power in this municipal corporation was vested in a governor to be appointed by the President with the advice and consent of the Senate to hold office for four years. Congress, on June 11, 1878, United States Statutes at Large, volume 20, page 102, prescribed the District of Columbia should remain a municipal corporation as provided in the act of July 16, 1790, and that the three commissioners provided shall be deemed and taken as officers of such corporation.

The expression "shall be deemed and taken as officers of such corporation" in no wise divests these officers of their character as officers of the United States Government, and is in no wise inconsistent with their character as officers of the United States Government. Congress might have declared that the Secretary of State, the Secretary of the Treasury, and the Secretary of War should be "deemed and taken as officers of the municipal corporation" known as the District of Columbia without in any wise affecting their status as Federal officers. Before setting out a statement of authorities showing that the District Commisisoners are Federal officers it can be shown by reason that they can not be anything else:

First. The District of Columbia is purely Federal territory.

Second. Every officer appointed by virtue of a Federal statute is necessarily a Federal officer.

Third. Congress can not create any office, except a Federal office.

Fourth. Congress can not create any officer except a Federal officer.

Fifth. Congress can not create and has no power to create any municipal government except a Federal municipal government.

Sixth. A commissioner of the District of Columbia can only get in office through appointment by the President of the United States and by confirmation of the Senate.

Seventh. The office that he fills is created by Congress.

Eighth. Under authority of article 2, section 2, of the Constitution of the United States, prescribing how officers of the United States shall be appointed it declares—

> The President shall nominate * * * by and with the advice and consent of the Senate shall appoint ambassadors or public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law.

Ninth. The President can not nominate and by and with the advice and consent of the Senate appoint any person but a Federal officer, and since he appoints by and with the consent of the Senate the three Commissioners of the District of Columbia can not be anything else but Federal officers.

AUTHORITIES

The Supreme Court of the United States in the case of United States *v.* Hartwell (6 Wallace 385–393) laid down the following rules for determining what constituted an officer of the United States:

> An office is a public station, or employment, conferred by the appointment of government. The term embraces the idea of tenure, duration, emolument, and duties.
>
> * * * * * * *
>
> The employment of the defendant was in the public service of the United States. He was appointed pursuant to law, and his compensation was fixed by law. His duties were continuing and permanent, not occasional or temporary. Vacating the office of his superior would not have affected the tenure of his place.

The Supreme Court of the United States in the case of Germaine *v.* United States (99 U. S. 509) makes clear that all offices created by Congress are Federal offices, and all officers appointed by the President by and with the advice of the Senate are Federal officers. The court said that the Constitution for purposes of appointment very clearly divides all its officers into two classes: First, the primary class requires the nomination by the President. But, foreseeing that when officers became numerous and sudden removals necessary this mode might be inconvenient, it was provided that in regard to officers inferior to those especially mentioned, Congress might by law invest their appointment in the President alone, in the courts of law, or in the heads of departments. That all persons who can be said to hold an office under the government about to be established under the Constitution were intended to be included with one or the other of these modes of appointment there can be but little doubt.

This Constitution is the supreme law of the land, and no act of Congress is of any validity which does not rest on authority conferred by that instrument. It is therefore not to be supposed that Congress when enacting a criminal law for the punishment of officers of the United States intends to punish

anyone not appointed in one of these modes. This decision of the Supreme Court of the United States was in the prosecution of a surgeon designated by the Commissioner of Pensions to make periodical examinations of pensioners required by law, and as the Commissioner of Pensions was not the head of the department and the surgeon had no tenure or duration of office he was held not to be an officer of the Government; but this decision holds that if he had been appointed by the President by and with the advice and consent of the Senate, or by the head of one of the departments of the Government with tenure, duration, and emolument, he would have been an officer of the United States. The court said:

> As the defendant here was not appointed by the President or by a code of law it remains to inquire if the Commissioner of Pensions, by whom he was appointed, is the head of a department within the meaning of the Constitution.

The court then decides that the Commissioner of Pensions was not the head of a department of the Government, but was merely the head of a bureau, and that his appointment of contract surgeon did not make the surgeon a Federal officer.

In the case of United States *v.* Hartwell (6 Wallace 385) Hartwell was held to be an officer of the United States because he was appointed by the Acting Secretary of the Treasury, the Treasury being one of the departments of the Government. The act of June 11, 1878, volume 20, page 102, United States Statutes at Large, provides as follows:

> That within 20 days after the approval of this act the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint two persons, who, with an officer of the Corps of Engineers of the United States Army whose lineal rank shall be above that of captain, shall be Commissioners of the District of Columbia; and said commissioner shall, each of them, before entering upon the discharge of his duties take an oath or affirmation to support the Constitution of the United States and to faithfully discharge the duties imposed upon him by law * * * and shall before entering upon the duties of the office, each give bond in the sum of $50,000 with security as is provided by existing law.

The statute then provides that the term of office of each commissioner shall be three years and the salary $5,000. The classification act passed for the purpose of classifying the salaries of Federal employees raises the salary of the Commissioners of the District of Columbia to $7,500 per year. This act is, of course, an act of Congress, and relates only to Federal employees.

From the foregoing it will be seen that the office of commissioner of the District of Columbia is one of tenure, duration, emolument, and duties, the elements which the Supreme Court of the United States said in United States *v.* Hartwell (6 Wall. 385) determined, constituted an officer of the United States. The Commissioners of the District of Columbia are appointed pursuant to law passed by Congress, and their compensation is fixed by law passed by Congress, and the office which they hold is created by Congress, and Congress prescribes that the President, by and with the consent of the Senate, shall make the appointment.

A commissioner of the District of Columbia takes the oath prescribed by Congress for an officer of the United States and gives bond to the United States in the sum of $50,000, and all of the commissioners are just as much Federal officers as if Congress had designated one commissioner only to be appointed, by and with the consent of the Senate, and provided that he was to be an officer of the municipal corporation known as the District of Columbia. Congress might have called in a governor and made him an officer of the municipality. The Governor of Alaska and the Governor of Porto Rico are no more or less a Federal officer, just like the commissioner of the District of Columbia, and is appointed in the same way, namely, by the President and with the consent of the Senate.

The Supreme Court of the United States held in the celebrated case of Marberry *v.* Madison (1 Cranch 137) and in Wise *v.* Withers (3 Cranch 331) that a justice of the peace of the District of Columbia, whose functions were confined to the District of Columbia, was an officer of the United States. The act of June 7, 1878, provided that the President of the United States, by and with the advice and consent of the Senate, should appoint 15 justices of the peace for the Federal municipal corporation known as the District of Columbia, commissioner of deeds, and notaries, and they were all held to be officers of the United States, because they were appointed by the President, by and with the advice and consent of the Senate, in accordance with the power under which Congress creates the office of Commissioners of the District of Columbia, namely, Article II, section 2, of the Constitution prescribes how officers of the United States shall be appointed and vesting their appointment in the President, by and with the advice and consent of the Senate.

Attorney General Garland thus defined the District of Columbia:

> The District of Columbia is a corporate agent through which the United States administers certain executive functions over the locality which includes the National Capital. The chief executive authority is vested in three commissioners.

These commissioners are merely executive officers of the United States and would be such no matter by what name they are called. If Congress were to provide for the appointment of an officer by the President, by and with the consent of the Senate, and in the article Congress expressly declared that such officer was not to be considered an officer of the United States, he would nevertheless be an officer of the United States, because that is the only kind of officer that Congress can provide for and the only kind of officer that the President can appoint by and with the consent of the Senate.

The Attorney General of the United States, in an opinion, volume 28, page 131, rendered in 1910 and addressed to the Secretary of the Interior, held that a commissioner of deeds of the District of Columbia, a municipal corporation, could not prosecute a claim before the Pension Office, because being appointed by the President, by and with the consent of the Senate, made him an officer of the United States. In this opinion the Attorney General said that neither commissioner of deeds, justice of the peace, nor notary public could prosecute a claim against the United States except in the case of a notary public. Congress provided that he was not subject to the provision of section 5498.

The Senate Committee on the District of Columbia, Report 4012, Fifty-ninth Congress, first session, said:

> Notary publics are appointed by the President under the act of Congress approved June 7, 1878, and are therefore under the decision of the United States *v.* Germaine (99 U. S. 509) inferior officers. They are therefore prohibited from practicing before the departments.

In the light of the foregoing it is plain that the designation by Congress of three executive officers to be appointed by the President by and with the consent of the Senate, as commissioners, to be by virtue of their appointment as such, Federal officers, also officers of the municipal corporations, in no wise affects their status as Federal officeholders. The military commissioner, Major Bell, an Engineer officer of the United States Army, is not divested of his character as a Federal officer, by reason of the fact that he is also an officer of that Federal municipal corporation known as the District of Columbia. It is worthy of remark that the courts have held over and over again that the commissioners have no implied powers, and that their powers are strictly held to those delegated by the Congress of the United States. Congress can abolish these offices to-morrow, which is a test and a conclusive test as to whether they are Federal officers, and being created by Congress and capable of abolishment by Congress they could not be anything else but Federal officers.

Mr. Chairman and gentlemen, I shall take up only a few minutes more, if not interrupted, and then I am done. This House passed a recent traffic bill and your attention was called to the fact that for years here the hotels wrongfully have been selling space in front of their hotels and on the sides to taxicabs, the streets belonging to the public. The highest courts have so held. These streets belong to this Government. You passed an amendment to that bill here by an overwhelming vote which declared it the policy of Congress that in front of these hotels in the streets belonged to the people, and that the public interest was attached to it, and you declared a policy against hotels selling public space to taxicabs in the future. True there was no penalty attached, but there was a declaration of policy by Congress.

After that amendment had been passed by this House against hotels selling their space, that bill went to the Senate, and what happened? Mr. Fenning, as the police and traffic commissioner, Mr. Eldridge as his traffic director, Mr. Hesse as his superintendent of police, the managers of the yellow taxicabs and the white and black taxicabs, together with Mr. Edward F. Colladay, who said he appeared for the Willard Hotel as its attorney, and that he appeared for the Hotel Men's Association, and had a hearing in a committee at the other end of the Capitol. Mr. Colladay said he was against this provision, and Mr. Eldridge said that he was against it, that they did not want Congress to pass it, and he referred to the commissioner present to back him up in that assertion, stating that the provision was put in on the House floor and that they had nothing to do with it.

Some one spoke up in the meeting and said, "What do you want done?" Mr. Colladay said, "I want this stricken out." Some one in the committee said, "That is easy." Mr. Colladay said, "If that is easy, I am done." A motion was made to strike it out at the end of the meeting, and out it went.

Mr. HERSEY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HERSEY. Is the gentleman through with his brief on the law?

Mr. BLANTON. Yes.

Mr. HERSEY. You present this brief for some attorney, and you say you present it for him and adopt his view. I would like for the Judiciary Committee to have a little more light. I remember the gentleman from Texas presented an impeachment proceeding and referred it to the committee of which I belong.

Mr. BLANTON. Yes.

Mr. HERSEY. And in your brief you said that there were 15 or 16 justices of the peace in the same position as your commissioner?

Mr. BLANTON. At one time, yes; and notaries public.

Mr. HERSEY. I am speaking of justices of the peace. They are appointed in the same way. While the commissions of the commissioners are for four years, those of the justices are for three years.

Mr. BLANTON. We have police courts now instead of justices of the peace.

Mr. HERSEY. Your brief says the justices of the peace are appointed the same and act the same.

Mr. BLANTON. I said they came within the definition of a Federal officer under the Supreme Court decisions and department's rulings.

Mr. HERSEY. In other words, the situation is this: You ask us to impeach a man who is a municipal officer of this District, and you claim that in case of trouble we could impeach justices of the peace in the same way?

Mr. BLANTON. Yes; if they still existed and attempted to practice before the departments.

Mr. HERSEY. Then every municipal officer appointed by the President and approved by the Senate is subject to impeachment?

Mr. BLANTON. Yes.

Mr. HERSEY. That is your view?

Mr. BLANTON. Yes. Every office provided for by Congress, appointed by the President by and with the advice and consent of the Senate, is an impeachable office.

Mr. HERSEY. I hope you will not start anything against these minor officers.

Mr. BLANTON. No. I am up against about as much as I can handle now. If I had known it was going to require as much work as I am doing to get an investigation and carry it on I might never have raised it except through a sense of duty to the country, for it is working me to death. I will say to the gentleman from Maine that Judge Crandall Mackey dictated that brief in my office to my stenographer last night, Sunday night, until 12 o'clock. That was the kind of service he was giving to the country. And I got home at 1 o'clock a. m.

Mr. HAMMER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HAMMER. I am not a member of your subcommittee, but I heard your statement in this matter. When Mr. Fenning claimed he was not an officer of the United States he based it on the statement that the corporation counsel stated he was not an officer of the United States because he was not entitled to the franking privilege. As I understand the law, the franking privilege is not a personal privilege, but relates to the material going through the mail.

Mr. BLANTON. Yes. There are some Federal officers who are not entitled to the franking privilege.

Mr. HAMMER. Yes. Our clerks have not that privilege and can not write a letter under our name in frankable matter.

Mr. BLANTON. There are some Federal officers appointed by the President and confirmed by the Senate who have not the franking privilege, yet are Federal officers.

Mr. HAMMER. And according to the bill passed last year the commissioners are not now entitled to the franking privilege. I do not know whether they now are or not. I could not understand clearly all that Mr. Fenning said, but he had stated to me privately in another case that the law did restrict him to from 1 to 10 per cent in his charges to lunatics. If that is true, he is not entitled to any commission whatever in a lunatic's case, because you must be able to put your finger upon a statute before you can charge fees of that kind.

Mr. BLANTON. Yes. Now I shall yield the floor in a moment, but for the present I want to get back to this other question.

Mr. HERSEY. The Constitution provides that judges and certain other civil officers may be impeached. Does the gentleman from Texas claim that Mr. Fenning is a civil officer within the meaning of the Constitution?

Mr. BLANTON. Yes.

Mr. HERSEY. You say all officers appointed by the President and confirmed by the Senate are impeachable or can be impeached. I wish the gentleman would distinguish between——

Mr. BLANTON. If the gentleman from Maine will to-morrow read the brief I have just read, I think he will get the point.

Mr. HERSEY. All right.

Mr. BLANTON. Now, I want to call your attention to a few excerpts from the testimony of one of the independent taxicab representatives, who represented, I think, some seventy-odd independents, and testified at that meeting before the Senate committee. He said:

> At the Willard Hotel there are permitted something like 14 to 16 yellow cabs to park in line continuously from the intersection of Fourteenth and F Streets clear down the street to Pennsylvania Avenue or E Street. In other words, that entire street.
>
> Senator NEELY. In other words, they park on Government property?
>
> Mr. FOWLER. Yes, sir.

I read further:

> Senator COPELAND. Has the yellow taxicab, the black and white, or any other been built up and improved in service—I mean in its equipment and number of taxicabs—by reason of these concessions?
>
> Mr. FOWLER. Well, I would say yes, because if I am not seriously mistaken in one of the cases in this District it was brought out before the court of appeals that in one of the hotels alone the hotel company itself derived approximately $80,000 a year?
>
> Senator COPELAND. You mean the hotel association did?
>
> Mr. FOWLER. The hotel itself.
>
> Senator COPELAND. They got a rake-off?
>
> Mr. FOWLER. I understand the hotel gets 10 per cent of the receipts from the business going from the hotel. Naturally the hotels would be desirous of retaining these concessions.

Now, in the light of that assertion, and I want to be fair, if Mr. Fowler's statement is true—and I do not know whether it is or not; it may not be true, but he testified before a committee of the Senate that such was his understanding—if his statement is true and if one hotel here got $80,000 by selling the public street in front of its hotel, belonging to this Government, it was an outrage on the people, and when Mr. Edward F. Colladay, the attorney for the Willard Hotel and other hotels, came before the Senate committee and got that Senate amendment we passed here stricken out of that bill I had the right to criticize him or anybody else who did that against the interests of the whole people.

I want to show you what the business men of the District say about that. Here is the bulletin of the Washington Board of Trade, their principles and policies. Listen to what they say:

> This committee believes that sight-seeing busses have as much right to stands on Pennsylvania Avenue as intercity or any other busses, on account of the width of the street, and that any attempt to place them where strangers can not readily find them, or to force visitors to buy tickets in hotels, with the resultant increased price, is a thrust at the most direct means of advertising the Capital of the United States, which our city possesses.

That is the statement from your business men against that practice. I was supporting this Government and the business men of Washington in demanding that that be stopped by the amendment you passed in this House.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WAINWRIGHT. Is that business still going on?

Mr. BLANTON. Yes; it is going on here every day, and if we do not uphold that amendment, when that bill comes back, it will continue to go on, and all of these hotels are daily selling their space to some particular taxicab company, and they will not let anybody park there. You can not park your own car on Fourteenth Street along that whole block facing the Willard Hotel.

Mr. WAINWRIGHT. On that statement I hope the amendment is adopted.

Mr. BLANTON. Then I hope the gentleman will help us pass it. I had the right to criticize Mr. Edward F. Colladay, and when I did it somebody asked me a question from the floor, Mr. GREEN of Florida, and here is what I said in reply to his question. He asked me if he had not been indicted. I did not say that he had been indicted. I told him all I knew about it, and here is what I told him. I said:

He was charged with forgery and was granted $500 bail, and was discharged on habeas corpus, but finally, on appeal, was remanded back to jail; but later he got his case nolle-prossed.

Now, I am going to show you—and then I am done—that every word of that is true, as shown in this volume containing the judgment of the court. My friend from New York [Mr. FAIRCHILD] did me an injustice when he gave out to the press a statement to the effect that that statement was untrue. I hold in my hand the judgment of the court in that case against said Edward F. Colladay, and I want to read you a few excerpts from it. I read an excerpt from the syllabus, which shows that Mr. Colladay "waived a preliminary examination and was committed to jail in default of bail." You will find that on page 532 of Volume XXIX of the Washington Law Reporter. Now let me read you the following excerpts from the printed decision in this case:

The appellee presented a petition for a writ of habeas corpus to one of the justices of the Supreme Court of this District, stating that he was unlawfully restrained of his liberty by said appellant—

Who was a United States marshal—

to whose custody he had been committed by Samuel C. Mills, a United States commissioner, said commissioner having bound him over to await the action of the grand jury for an alleged offense of forgery under section 5418, Revised Statutes, United States.

Now, I will read a few more excerpts, because the opinion is too long to read it all:

It appears from the affidavit, made before said commissioner, by one William S. Washburn, on January 28, 1901, that the appellee, Edward F. Colladay, is charged substantially with unlawfully designing and intending, by means of fraudulent representations, to be made to the Civil Service Commission, to procure the entry of the name of Katherine C. Masterson upon the list of eligibles for position as a skilled helper in the Government Printing Office, which position was in the classified service of the United States.

* * * * * * *

That said Colladay, to assist said Masterson by procuring her name to be entered on the preferred list, on the 28d day of August, 1900, did cause and procure to be made by her, for presentation to said commission, a certain false paper writing, which is copied in the affidavit, wherein she falsely stated that she had previously been employed as a folder and sewer with the Globe Printing Co., for an aggregate period of two and a half years, for the purpose of defrauding the United States; and by such causing and procuring to be made of such false paper writing, which said Colladay knew to be false, he became a principal in the making thereof for the purpose of defrauding the United States within the meaning of the said section 5418.

* * * * * * *

At the hearing before the commissioner, an examination was waived, and said Colladay was required to give bail for his appearance in the criminal court, in default of which he was committed.

Let me ask the gentleman from New York what that means: "in default of which he was committed"—committed where?

Mr. FAIRCHILD. Of course, the gentleman from Texas knows that in any proceeding where anybody makes an affidavit and causes the arrest of a man the technical term is that he is committed, and the gentleman from Texas also knows that Mr. Colladay was not in jail for one day or for one hour or for one minute or for one second.

Mr. BLANTON. How do I know?

Mr. FAIRCHILD. Because the gentleman from Texas has told me he has investigated the matter thoroughly, and everybody in this House knows what that means—a thorough investigation by the gentleman from Texas.

Mr. BLANTON. The information I have is just opposite to what the gentleman states, but I do not know whether it is correct. The gentleman says he has information that he was not, but I know this: That when I was on the bench of the circuit court for eight years and I committed a man to jail he went to jail. The sheriff did not monkey around with him either.

Mr. FAIRCHILD. The gentleman knows very well that when he was on the bench and he signed a commitment to jail the man would not be committed to jail if a superior-court judge signed a writ of habeas corpus.

Mr. BLANTON. I do not yield further.

Mr. STEVENSON. Will the gentleman yield?

Mr. BLANTON. I will in a minute.

Mr. STEVENSON. I just wanted to make a suggestion right on that point.

Mr. BLANTON. Then I will yield now.

Mr. STEVENSON. I know the gentleman does not want to do anybody an injustice.

Mr. BLANTON. No.

Mr. STEVENSON. When a man desires to sue out a writ of habeas corpus he has to be in custody.

Mr. FAIRCHILD. Of course.

Mr. BLANTON. Yes.

Mr. STEVENSON. And, I take it, the recitation that he was committed and was in the custody of the marshal was in order to conform to that rule.

Mr. FAIRCHILD. Of course, absolutely.

Mr. STEVENSON. I take it for granted that Mr. Colladay could have given bond, but he wanted to get a writ of habeas corpus, and he had to be in custody. That, of course, does not affect the merits of the matter at all.

Mr. FAIRCHILD. Everybody knows that, including the gentleman from Texas.

Mr. BLANTON. I am not yielding to the gentleman from New York [Mr. FAIRCHILD], because he would not agree to my having time to make an explanation, and I have to use the rules of the House to get to make this explanation.

I have read from the decision of the court of appeals here, which is higher than the Supreme Court of the District of Columbia.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. BLANTON. No; because the gentleman has not always been fair with me. Let me now read the following excerpts from this decision in this case against Edward F. Colladay:

On the hearing of the return of the writ of habeas corpus the petitioner was discharged from custody, and from that order the said marshal appealed to this court—

This is the court of appeals. Now listen:

In this case the petitioner had waived a preliminary examination before the United States commissioner, and thereby, in effect, had admitted the truth of the facts stated in the affidavit, or charge made for his arrest.

It is claimed by appellee that to defraud the United States, must mean to deprive it of money, wrongfully, or something of money value; and that a falsehood or trick by which its officers are deceived in the matter of selecting those who are to perform work for it could not be a fraud against the United States.

Listen:

We do not agree to this proposition.

We think the trial court may properly hold that the appellee's alleged conduct, in cooperation with the candidate in this case in making the false statement as to her past experience, constitutes an offense under this section 5440; and that such attempt at deception, if successfully carried out, would defraud the United States within the meaning of the law.

The court says further:

It follows from these views that the order discharging the appellee from custody must be reversed, and the cause remanded, with directions to dismiss the writ of habeas corpus.

Now, I will agree with the gentleman from New York [Mr. FAIRCHILD], as I stated in my first statement, that the gentleman got his nolle prossed, and he did. I was fair with him.

Mr. FAIRCHILD. Will the gentleman yield now?

Mr. BLANTON. In a moment, because the gentleman has not been fair with me.

I want to say if you will get the statement I made and then read these excerpts from this opinion of the highest court here you will see that every word I said was as true as the gospel, based on a judgment that has been in the higher court records for years. I was not trying to mislead anybody, I was not trying to misstate the facts, I was stating them truthfully concerning a man about whom I had been asked a question, and I only referred to him in the first place because he had caused to be stricken from a bill an important amendment passed for the benefit of all the people of the District of Columbia and the Government of the United States, whom I partially represent here in the Congress.

I yield the floor.

Mr. FAIRCHILD. Will the gentleman yield now?

Mr. BLANTON. I am sorry, but I can not yield.

Mr. FAIRCHILD. Oh, of course not.

Mr. ZIHLMAN. Mr. Chairman, I ask that the bill be now read for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to convey to the owner or owners of parcel 84/93, and lot 31, square 2822, or to such party

or parties as said owner or owners shall designate in writing, a part of the parcel numbered for purposes of assessment and taxation as parcel 84/134, owned by the District of Columbia, said part of said parcel to be conveyed by said commissioners being described as follows: Beginning for the same in the south line of Upshur Street, 90 feet wide, at a point distant 56.20 feet west of the west line of Thirteenth Street, 110 feet wide, and running thence along the southerly boundary of said parcel 84/134, south 73° 38′ and 40″, west 181.5 feet; thence leaving said southerly boundary and running north 51.11 feet to the south line of Upshur Street, 90 feet wide; thence with said south line of Upshur Street, east 174.15 feet to the point of beginning, containing 4,450 square feet, as shown on map on file in the office of the surveyor, District of Columbia, and numbered as map 1097: *Provided*, That the owner or owners of said parcel 84/93 and lot 31, square 2822, shall furnish the District of Columbia with a good and sufficient title, in fee simple, free of all encumbrances, to all of the parcel numbered for purposes of assessment and taxation as parcel 84/93, and part of lot 31, square 2822, described as follows: Beginning for the same at the most westerly corner of said lot 31, distant 424.91 feet west of the west line of Thirteenth Street, 110 feet wide, and running thence with the northerly boundary of said lot 31 the following courses and distances: North 62° and 15′, east 147.12 feet; north 73° 38′ and 44″, east 67.07 feet; thence south 87.39 feet to the north line of a public alley 20 feet wide; thence west along the north side of said public alley 194.56 feet to the point of beginning; the total area of the two parts or parcels of land to be conveyed to the District of Columbia being 9,715 square feet, as shown on map on file in the office of the surveyor, District of Columbia, and numbered as map 1097.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the bill S. 2982 may be laid aside with a favorable report.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

REDUCTION OF GARBAGE

Mr. ZIHLMAN. Mr. Chairman, I call up the bill (H. R. 7286) to provide for the acquisition of property in Prince William County, Va., to be used by the District of Columbia for the reduction of garbage.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, there are several Members of the House who wish to speak on this bill but I would suggest that they speak under the five-minute rule and I therefore ask that the bill be now read for amendment.

The Clerk read as follows:

SEC. 2. That in the event that a price can not be agreed upon between said commissioners and the property owners in interest for the purchase of said land or any part thereof, with the improvements thereon existing, then all or such part thereof as is not purchased is hereby declared to be, and the same hereby is, condemned and appropriated to and for the use of the United States of America, to be used, operated, and controlled by it, through the Commissioners of the District of Columbia as its agents, and said commissioners as such agents be, and they hereby are, authorized and directed to take charge and possession, in the name of, for, and by the authority of the United States of America, on the 1st day of July, 1926, of all of the property hereinbefore referred to or described, and to use the same for the reduction of garbage of the District of Columbia.

Mr. GIBSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Vermont offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GIBSON: On page 2, line 16, after the word "America" strike out "on the 1st day of July, 1926," and insert in lieu thereof the following: "within 30 days after the passage of the appropriation to carry into effect the provisions of this act."

Mr. GIBSON. Mr. Chairman, the District of Columbia owns the plant for the reduction of garbage located about 30 miles south of Washington. The plant is located upon land that is leased. The land owned by the Government is valued at about $750,000. The garbage from the city is collected and shipped by train to the garbage-reduction plant. The city derives a revenue of about $250,000 a year from oil extracted from the garbage at a cost of about $179,000, leaving to the District last year a net revenue of $71,000.

I stated that the plant was on leased property. The lease expired last year. It was leased at a rental of $300 a year. The District Commissioners understood that they had in this lease a provision for the renewal of it, but the owners claim that they have not complied with the provisions of the lease, so that there is a question whether the District has a right to further use the land on which the plant is situated. An attempt has been made to arrive at an understanding with the owners but this attempt has failed, so that the District Commissioners come to Congress with this bill.

The bill was submitted to the corporation counsel—in fact, the original bill was drawn by the corporation counsel. A study was made of it after the committee considered the bill and it was submitted to the Attorney General, and the Attorney General's office in connection with the corporation counsel made a study of it.

This amendment that I have offered was submitted by the corporation counsel, who stated that he had been in consultation with the assistant of the Attorney General, and they had agreed to this suggestion, with one other amendment which I will offer later.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. GIBSON. Certainly.

Mr. MOORE of Virginia. In reference to the first section I intended to suggest that the 40 acres of adjacent land contemplated to be acquired ought to be in some way described. There is no description given at all, but on the contrary the Commissioners of the District are allowed to select 40 acres wherever they may prefer—east, west, north, or south of the 25 acres now occupied. I wish to express a doubt as to whether the bill if enacted into law will satisfactorily confer authority to acquire the adjacent 40 acres. But we have passed by section 1.

Take section 2, which the gentleman is now discussing. I should say that the officials to whom he has alluded must have made a very cursory examination to reach the conclusion that it is in proper form.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. MOORE of Virginia. I ask that the gentleman have 5 minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MOORE of Virginia. Section 2 undertakes to condemn the land. I have never understood that a legislative body has a right to condemn. A legislative body determines that the property is necessary and provides in that event that, if it can not be purchased, it may be condemned in an appropriate proceeding. The gentleman has shown me a precedent, an act that was passed some time ago that contained a section similar to this which we are now considering. But I do not believe that any precedent of that sort can overcome the proposition which I have stated, that it is only within the province of Congress to find the necessity and authorize the acquisition and that it can not actually condemn the property.

Mr. CRAMTON. I have examined the bill and found, as it seemed to me, the same difficulty. I believe we have legal authority to condemn the land, but be that as it may I do not deem it wise to authorize administrative officials to take a piece of property in time of peace without any legal proceedings of condemnation. I have examined the bill, and it seems to me that everything that is necessary to be done can be done if section 2 is dropped out.

Mr. MOORE of Virginia. I think so. I have been in very many condemnation cases, and I never knew of a legislative body assuming the power to condemn such as is given by this section. I think if section 2 is stricken out the bill will be much more responsive to the requirements of law.

Mr. GIBSON. Mr. Chairman, as I have already stated, this was drawn by the corporation counsel and was submitted to him after the bill came through the committee. I called the corporation counsel to my office and raised the same objections, practically, that have been raised by the gentleman from Virginia and requested that special study and attention be given to these objections.

The bill was then submitted to the Attorney General of the United States, and the Attorney General and corporation counsel considered these specific objections and came back with only two recommendations of amendment, one of which has already been presented. The committee knew of no safer way than to submit the matter as it did submit it to the corporation counsel and to the Attorney General of the United States. I find that under chapter 67 of volume 40 of public laws, in an act which provides for the collection and disposal of garbage and miscellaneous refuse of the District of Columbia, section 2 is exactly the same as section 2 of this bill. The committee is not insisting upon any form of bill, but only upon a bill that will accomplish the purpose which the District Commissioners

seek to accomplish, namely, to acquire properly and by law the land for this garbage plant.

Mr. MENGES rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MENGES. I wish to talk about this bill.

The CHAIRMAN. Without objection, the gentleman is recognized for five minutes.

Mr. MENGES. Mr. Chairman and gentlemen of the committee, I do not appear before you as a lawyer. I appear before you because this property belongs to one of my constituents. It was leased to what is known as the Washington Chemical Co. in 1900, and on the property was erected a plant that was used for the purpose of manufacturing fertilizer. Later the fertilizer industry was converted into a garbage plant, and the buildings erected thereon were used for garbage reduction. This property, with the consent of the owners, in 1916 was transferred to the District of Columbia and continued to be used for the purpose of incinerating or converting this garbage into useful purposes and has been used for that purpose up to this time. I think I am right in that statement.

The property was leased to the chemical company for a period of 25 years, and later that lease was transferred to the District of Columbia. There is a provision in the lease that if the parties who had leased the land wish the garbage plant or the chemical plant to be removed they should be given a year's notice. The District of Columbia wanted to change this proposition, and the people whom I represent wanted a year's notice to make this change. This notice was not given. Consequently the parties from my district ask that they should be given the same length of notice as the District of Columbia requires, and they refused to sign the lease. Under the conditions, the District of Columbia not only wants to use the 25 acres, but desires to purchase 40 additional acres. The District of Columbia desires to purchase 40 additional acres in connection with the land they are now using. The parties from my district wish to sell the whole of the property to the District of Columbia.

Mr. GIBSON. Mr. Chairman, will the gentleman yield?

Mr. MENGES. Yes.

Mr. GIBSON. Just to get at the facts. The rental of this property is $300 a year?

Mr. MENGES. Yes.

Mr. GIBSON. And the property is assessed for $6 an acre?

Mr. MENGES. Yes.

Mr. GIBSON. And the gentleman's constituents ask $90,000 for the 450 acres?

Mr. MENGES. No; we ask $50,000.

Mr. GIBSON. One hundred dollars an acre?

Mr. MENGES. One hundred and eleven dollars an acre.

Mr. GIBSON. Where it is assessed at $6 an acre?

Mr. MENGES. It is true that the property is assessed at $6 an acre, but the reduction plant that is on the property is valued at $750,000 and is assessed at $8,000 by the State of Virginia, so that the discrepancy between the value of the land and the assessed value of the land is not so great as between the value of the plant and the assessed value of the plant.

Mr. GIBSON. Coming down to a better basis, does the gentleman know of the sale of any land in that vicinity at more than $25 an acre?

Mr. MENGES. Yes; I do. Some distance away, beyond the odor of the reduction plant, similar land sold at $1,500 an acre. I shall get to that.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MENGES. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MENGES. This property consists of 450 acres that my people are willing to sell at $50,000. It is located in the immediate vicinity of the reduction plant. If we are compelled to sell 40 additional acres to the District of Columbia by instituting condemnation proceedings, the rest of the land will be reduced very much in value, because we all know that a reduction plant sends out offensive odors over the immediate vicinity, and it is very objectionable to those whose smelling apparatus is still in good condition. That is the reason we do not want to sell the 40 acres but want to sell the whole 450 acres. The District of Columbia can then send fellows down there to live if it wants who no longer possess a sensitive smelling apparatus. We are anxious to get the District to buy the property as a whole and use it. If the District of Columbia wishes to use the surplus land for an arboretum and put plants there that can endure the smell, well and good. I do not think there is anything unfair about that. We are not trying to compel the District of Columbia to buy the property. We have said that in the event that they do not want to buy it at $50,000 they can move their plant away and go elsewhere and we will take back our property. That is fair enough. We ask that the property be purchased as a whole.

Mr. GIBSON. Mr. Chairman, will the gentleman yield?

Mr. MENGES. Yes.

Mr. GIBSON. We have had the parties together, and I think the gentleman was present at the time we tried to get them to agree, and they would not.

Mr. MENGES. You would not pay our price. That is the trouble.

Mr. GIBSON. The gentleman refers to me. I had nothing to do with it. It is a matter between the District Commissioners and the gentleman's constituents.

Mr. MENGES. I know that, but I do not think the District Commissioner is fair in what he is offering these parties for this property. What do we want? We want to sell the property as a whole and not merely 40 additional acres. We want a fair price for it and we are entitled to a fair price. Not only that but we have a location there that is adapted for the use of the District of Columbia. It is on a railroad over which this garbage may be transported to be incinerated and in a locality where the odor may be confined if they desire to do so. Let the District buy the whole parcel and be done with it. We are not asking an exorbitant price. It is a fair price. I do not think condemnation proceedings ought to be started to compel these people to give away the property on which the District of Columbia has erected a plant and expended $750,000 and from which it is deriving a revenue of $250,000 a year and a net revenue of $71,000—the very best business that the District of Columbia is engaged in at the present time.

Mr. GIBSON. If the gentleman will yield, does not the gentleman think that the interests of his constituents will be better protected by the courts of Virginia?

Mr. MENGES. I want to say to the gentleman that we are not going to permit the District of Columbia—now, I am not threatening you; please do not understand me that way—to institute condemnatory proceedings without taking it to the courts to be decided.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JONES. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentleman of the committee, in view of the fact that my friend's company has gone out of the fertilizer business and into the garbage business I think it proper at this time to call the attention of the committee to a report of the Department of Commerce in connection with the subject of potash, which is used for fertilizing purposes. For the past 50 years the German Government has had a practical monopoly of the potash business, or at least the portion that is sold in this country. We are the world's largest customer. For the last few years the monopoly has been divided between Germany and France. Germany under the old agreement furnished something like 62 per cent and France 37 per cent, but they now have agreements between themselves whereby Germany furnishes about 60 per cent. In furnishing supplies to America these two countries charge the same price to the exact cent on all the different varieties of potash, so that they are able to control the price and eliminate competition. Prior to the war Germany sold 90 per cent of the potash that was used in this country. At the present time Germany and France are selling us about 90 per cent of our supply. More and more this country is finding it necessary to use this commodity. A great deal more is used in the eastern portions of the United States at the present time, because the lands are older and have been in use longer. The necessity for this material, however, increases as the years roll by, and it is going to be found necessary to the newer portions of the country within a few years. So it involves a great question. In the southwestern portions of the United States, especially in western Texas and southeastern New Mexico, there have been recent discoveries of the greatest salt beds in the world. It is estimated to-day that the beds of the Southwest contain millions of tons of rock salt, and practically all rock salt contains potash.

In this territory within 1,200 feet of the surface of the ground there are great beds of something like 1,000 feet intervals that are practically all of potash content. They have sandstone, shale, and limestone, and potash is throughout the strata. It has been determined by the Department of Commerce that this section contains potash in commercial quantities, some as high as 23 per cent, and the department is very anxious to develop it. Of course it requires coring tests in different places in order to determine the value and determine

whether or not it is possible to find it in quantities to justify commercial exploitation. This is practically sure if the quantities are as great as the present experimentation indicates; in fact, all that this country will ever need. During the war we found we were unable to get potash for our needs. Germany controlled most of the potash of the world, and we were compelled practically to do without it.

The Senate has passed a bill providing for a thorough test. That body, in fact, passed a measure at the last session but it failed in the House. I understand that the House Committee will start hearings soon and it is to be hoped that it will be before the House within the next few days. I desire just at this time to call attention to the world conditions in reference to this commodity. Here are some of the prices for the commodity to be sold in America the German and French people have agreed upon between themselves. On muriate of potash the Germans charge $34.55 per ton, contained in bags. Here is the French price of $34.55. That refers only to the potash sold in America. They have recently extended the agreement seven years, and the agreement in effect only applies to America. For sulphate of potash the price is $46.85 per ton on German potash, and the French is $46.85, showing absolute agreement.

In the years to come this country must or should become more and more capable of caring for her own necessities. At any rate it will be wise, if she, in so far as is possible keeps herself from being the victim of world domination in any commodity, especially any commodity that means so much to the success of her rural population.

Mr. MENGES. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CROWTHER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. CROWTHER. Mr. Chairman, I rise in opposition to the pro forma amendment offered by the gentleman from Texas. Mr. Chairman, I am glad to hear from the gentleman from Texas that there is in the offing opportunity for the development of a new infant industry in the United States, namely, the procuring of potash. Of course, I do not know that even the great vision that might come to the gentleman as a result of this great discovery in his great State of Texas might in any way allow him to lean a little toward the policy of a protective tariff. I am afraid not. However——

Mr. JONES rose.

Mr. CROWTHER. Just in a moment. I just want to call the attention of the gentleman to the fact that during the making of the last tariff bill the subject that the gentleman discussed here for a few minutes was touched upon at considerable length by many Members of the House and Senate as to the possibilities of potash production in the United States.

Of course, we could not expect that there would be very much money invested in this enterprise, so long as it is possible to bring the potash at such a greatly reduced price from Europe into this country; and if you will all remember—and I ask the gentleman from Texas [Mr. JONES] particularly to remember—there was no duty placed in the Fordney-McCumber bill on potash, so that at least you can not attribute its high price to the Fordney-McCumber bill, characterized by the Democrats as a vicious, wicked, robber tariff; you can not at least lay that at its door and say that that adds another number to the farmer's ills.

I am very glad of that. But the gentleman from Texas will not have very much development of the potash industry in his district or anywhere else unless the industry is taken care of by the tariff.

What follows? The same condition will follow that always prevails when you remove the tariff on a commodity of that kind. Almost immediately when the protection is taken off a commodity that we are trying to make or develop in this country producers in foreign countries get together and make the price just what they please to the American consumer. If the gentleman will look back at the records, he will see a considerable rise in the price of potash from the very moment that the Fordney-McCumber bill was passed, with potash on the free list.

Now, I say to the gentleman that if he desires this industry to grow and to develop in his district he ought at least go along a little way with us. We believe that the Southern States, many of them, which are benefited by the protective tariff, ought to send Representatives who will go with us all the way on our tariff bills. We are tired of seeing Democrats who kiss us, like Judas, on the cheek when we prepare the rates for their constituents in a tariff bill and then turn their backs on us and vote "No" on the final passage of the bill. [Applause.]

Mr. JONES. Mr. Chairman, it is absolutely impossible for a man to discuss anything in the House when the gentleman from New York [Mr. CROWTHER] is present without his bringing in his test of the Fordney-McCumber tariff law. If it rains too much, he wants to raise the tariff rates. If it rains too little, his remedy is the tariff. If the patient is too fat, his cure is the tariff. If he is too lean, he prescribes increased tariff rates. As a matter of fact, when there is a foreign combination, there exists the same situation abroad that that kind of a law tends to develop in this country—a monopoly. The trouble here is not the question of a tariff, but the trouble is that the short supply of potash is in the hands of those who are in a combination. The French fields in Alsace, which were formerly in Germany, were before the war controlled by Germany, but since the war Alsace is ceded back to France, or a part of it, and now it is France and Germany in a potash agreement. They control the situation; they control the price, notwithstanding potash is on the free list. They have divided the territory in which each one will sell. One will sell in one territory and the other in another; and then they have divided the American territory, which is the principal market, and they determined the price of potash recently. They have been able to do that by virtue of the fact that they absolutely control the situation and do not have any competition.

That situation, of course, will grow much worse as we increase the use of potash; and how a man is able to ring in the Fordney-McCumber Tariff Act on a situation like this is more than I can understand. It is a peculiar argument. The gentleman from New York is continually howling because his gloves factories and other industries do not have more tariff, and yet he says when the tariff is not here the prices are increased. He claims that the increase in the price of potash is due to the fact that we have potash on the free list, and if he is at all logical, why does he not advocate placing his gloves on the free list so that he can get a greater price for them? The gentleman is willing to take any kind of inconsistent position, any absurd kind of logic in order that he may reach the conclusion that he always wants to reach—that the highest form of tariff that he can conceive of will make the best prices and the finest prosperity for the manufacturer and the lowest price to the consumer. He teaches the round or flat system, whichever will lead him to his favorite port. He says that a tariff does not tend to increase prices, and then immediately and in the same breath says the manufacturer must have a tariff to keep out low-priced goods. Some day he is going to run into himself coming around the corner.

The CHAIRMAN. The time of the gentleman from Texas has expired. The question is on agreeing to the amendment offered by the gentleman from Vermont [Mr. GIBSON].

Mr. WINGO. Mr. Chairman, is it possible for me to strike out the last word?

The CHAIRMAN. The Chair thinks all the last words have been stricken out. Without objection, the Clerk will report the amendment offered by the gentleman from Vermont.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WINGO. Mr. Chairman, would the parliamentary situation permit me to address the House for five minutes?

The CHAIRMAN. The Chair certainly would not instruct the gentleman from Arkansas as to that.

Mr. ZIHLMAN. Will not the gentleman wait until we read the next section? It is but a short section.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed at this point for five minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman, I was sitting in the cloakroom, engaged in doing nothing in particular, following the discussion on a possible agreement upon Muscle Shoals, when I heard the dulcet tones of my friend from New York [Mr. CROWTHER]; and I interrupted a very interesting discussion, because I said, "There is a man to whom I always like to listen when he discusses the tariff, and I like to listen to him because I know he is sincere."

He is one of the last of those men who frankly admits what he wants to do and does it. He and Uncle Joe Fordney are the only two men who admit frankly that they belong to one of the four groups on the tariff, although they are followed by a majority of the Republicans, and especially in writing the Fordney-McCumber tariff bill.

Now, Mr. Chairman, I repeat there are four groups. You have one group of men who are free traders. They would not have any tariff at all. At the other extreme is that group, of which my friend from New York [Mr. CROWTHER] is an outstanding leader by reason of his ability, his perseverance, and his convictions. That group believes in an absolute monopolistic tariff. They would not permit anything to come in at all, if they could prevent it, that can be produced in the United States. If I misrepresent my friend I hope he will correct me.

Mr. CROWTHER. If the gentleman will yield, some Members have suggested that I want to build a wall so high that nobody could get in, but the fact is I would like it to be so high that they would keep slipping back while they were trying to get in.

Mr. WINGO. The gentleman is frank. In other words, he takes the broad position, which I can understand, that he is opposed to any foreign products coming in for revenue, for competition, for protection, or anything else. The only kind of protection that suits him is exclusion. Those are the two extremes on the tariff. In between are two other groups who have their philosophy and they are the two major groups, so far as philosophy is concerned.

You have the Democratic group, which says they believe in a tariff for revenue only. Then, you have the orthodox Republican protectionists. They want such rates as will protect the domestic manufacturers against foreign competition. In other words, they want, however much they may have difficulty in arriving at it, to have such a tariff as will, they claim, equalize the difference between the cost of production at home and abroad. That is their pet expression. Those are the four major groups.

Now, strange as it may see—but it is true—we have reached that stage in our country where those two groups can, if they wish, get together. Both of them could be in favor of the same kind of tariff rates, with possibly one point of difference. Both of them would be against the two extremes; the free traders, on the one hand, and these monopolistic tariff men, on the other. The protective tariff men and the men who are in favor of a tariff for revenue only can get together, because the man who is for a tariff for revenue only realizes that the debt of this Nation and that the expenses of this Nation are so great that you have got to have higher tariff rates in order to produce a revenue that will be commensurate with that part of the burden of taxation that ought to be borne through the custom-house, and under such a situation there will flow from such rates a protection that will be be very pleasing to the protective-tariff group.

Now, as one of those who belong to the revenue-only tariff group, the thing I complain of is not that you Republicans are carrying out and putting on the statute books your protective tariff, but the thing I protest against is that while adhering to a philosophy that we can understand—it is a plausible philosophy, even though I do not agree to it—that of the protection theory, you use that as a cloak to put over the philosophy of the top group of the four groups, one of the two extremes, a monopolistic tariff. The Fordney-McCumber tariff law is not a protective tariff law, judged by the standard I name and describe. It is a monopolistic tariff law and an absolute exclusion bill in its major effects.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. CROWTHER. May I ask the gentleman a question?

Mr. WINGO. Certainly.

Mr. CROWTHER. Is it not true that the average ad valorem rates in the Fordney-McCumber law are just a fraction under those that were in the Underwood law?

Mr. WINGO. I can send a man to the penitentiary by the law averages. It depends on what position you are taking. So that does not get you anywhere. The thing we ought to do, according to the tariff which I think is just, and which is the thought of those who recognize that the tariff needs of the Government are so great that you have got to go to the custom-house more largely than you did before—the thing we ought to do, instead of going off with that group of monopolistic manufacturers of New England that dominate the Republican Party, is to be honest, candid, and sincere and keep faith with the people of this country whom you seduce by your protective-tariff policy and confine your rates to absolutely protective rates instead of making monopolistic rates, such as you have made in the existing law.

The gentleman from New York talks about those of us who come from the South; he talks about our not keeping faith and something about Judas. I admit that a man who voted for the Fordney-McCumber tariff bill after having gone out and flimflammed the consumers of this Nation by telling them they wanted only a protective law is an expert in Judaslike action, because he betrayed the men who trusted him on this theory.

Oh, we people of the South are not deceived. You are in power and we are not objecting to your writing your protective tariff, but we do object when you try to flimflam the cotton grower and the wheat grower and all the other men who are producers of a product the price of which is controlled and fixed by a world price, because they have to sell in the open markets of the world, and what we object to is your going to them Judas-like and telling them that they can use the same medicine, this protective tariff medicine, to hoist the prices of their articles up to a point that would suit them when they know you can not do it, and you do not intend to do it, and the cold alternative that faces the wheat grower of the West and the cotton grower of the South is, "Shall I stand here and continue to pay these exorbitant and monopolistic prices under the Fordney-McCumber bill for the necessities of life, or shall I try to lower them by an honest protective tariff," if you want to call it that or as some people might say, one that is a revenue tariff, owing to how you look upon it, so there will not be such a wide spread between the prices of the things they have to buy and the things they produce.

Some of these days my friend from the West, the wheat grower, is going to find out how like Judas you have betrayed him in the House of protection, and turned him over to the monopoly barons.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. CROWTHER. Mr. Chairman, I ask unanimous consent that the gentleman may have one more minute, so that I may ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CROWTHER. I simply want to ask the gentleman from Arkansas if the tariff as it is written is not just as beneficial to the cotton-textile manufacturers of the South as it is to those of the territory labeled New England so constantly?

Mr. WINGO. In other words, the gentleman asks me this question: "Instead of following the consumers and the farmers of your district, why do you not come and join with me in so fixing the tax laws of this Nation that a special few will have an absolute monopoly and prey upon the consumers and the farmers of this Nation?" I say, "No; I decline to do that."

Mr. CROWTHER. I will follow the gentleman's judgment in almost anything but the tariff.

Mr. WINGO. And I am in about the same position with respect to the gentleman.

The Clerk read as follows:

SEC. 3. That in the event the property hereinbefore referred to and described, or any part thereof, is not purchased, and is condemned as herein provided, it shall be the duty of the Attorney General, upon the request of the Commissioners of the District of Columbia, to file, in the name of the United States, appropriate proceedings, and the United States circuit or district courts of the district wherein such real estate is located shall have jurisdiction of proceedings for such condemnation, and appeals may be had from such courts as otherwise provided for by law.

Mr. CRAMTON. Mr. Chairman, what is the parliamentary status? Has section 2 been read?

Mr. ZIHLMAN. It has been read and amended, and we are now considering section 3.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to return to the consideration of section 2. I did not understand the section had been read.

Mr. BLANTON. For what purpose?

Mr. CRAMTON. For the purpose of offering a substitute for it.

Mr. BLANTON. Will the gentleman let us know the nature of his substitute?

Mr. CRAMTON. Yes.

Mr. BLANTON. Mr. Chairman, I do not think the gentleman ought to ask to submit any substitute now. We carefully considered this bill in the committee and reached a unanimous conclusion on it.

Mr. CRAMTON. I will say to the gentleman from Texas I have been in consultation with members of the committee here and they have consented to the amendment.

Mr. BLANTON. Does it suit the chairman or the gentleman from Vermont?

Mr. GIBSON. I will say to the gentleman from Texas——

Mr. BLANTON. If it does, I have no objection.

Mr. GIBSON. I am not thoroughly familiar with the amendment of the gentleman from Michigan, but if the gentleman will state what it is, I will then be very glad to state my position.

Mr. CRAMTON. I will state the nature of the amendment while the request is pending. I was so engaged in consulting with gentlemen I had not noted the stage the bill had reached.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

The CHAIRMAN. Perhaps it would be better if the gentleman preferred his unanimous consent request so that we may have something definite before us.

Mr. CRAMTON. I ask unanimous consent, Mr. Chairman, to return to section 2 for the purpose of offering a substitute section; and if it is desired, I will read the substitute which I wish to offer.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to return to section 2 of the bill in order to submit a substitute. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLER. Mr. Chairman, I reserve the right to object.

Mr. MADDEN. I think we ought to go back to that section.

Mr. KELLER. We passed that section, and the committee has gone into the matter very carefully. It has the O. K. of the attorneys of the District of Columbia and the Department of Justice, which will have to handle this matter.

Mr. MADDEN. This is what is going to happen under the language of the committee——

Mr. KELLER. Mr. Chairman, I do not want to be taken off my feet.

Mr. MADDEN. I am not taking the gentleman off his feet.

Mr. KELLER. I want to express my opinion on this particular bill. I was one of the members of the subcommittee. As I have said, we have gone over this matter, and we have been in consultation with those who are the legal advisers of the District of Columbia.

Mr. MADDEN. They have not the best interests of the District of Columbia at heart.

The CHAIRMAN. The Chair will state that upon the preferring of the unanimous consent request by the gentleman from Michigan [Mr. CRAMTON] the Chair paused after asking if there was objection and heard no objection, and therefore declared that the gentleman would have the opportunity of offering the substitute.

Mr. BLANTON. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is the offering of the substitute by the gentleman from Michigan.

Mr. CRAMTON. Mr. Chairman, I offer the substitute for section 2 which I send to the desk.

Mr. KELLER. With the understanding, Mr. Chairman, that I reserve the right to object to the amendment. I am willing to reserve it until it is read, and if it is satisfactory, all right.

The CHAIRMAN. The Chair will repeat the understanding of the Chair. The gentleman from Michigan rose and preferred his unanimous-consent request. The Chair stated the request and then asked if there was objection. The Chair heard no objection and so stated, and declared that the substitute of the gentleman from Michigan would be in order.

Mr. KELLER. Mr. Chairman, that is not the fact, because I reserved the right to object.

Mr. CRAMTON. Mr. Chairman, let me suggest this: I have no desire to take advantage of any situation, and I did not want anyone else to take any advantage of me. I hope after the amendment is read it will appeal to the gentleman; and if so, there will be no controversy. If it does not, I am even willing to withdraw it, although I am opposed to the bill without the amendment, and, of course, will oppose the bill.

Mr. KELLER. That is all right.

Mr. CRAMTON. Mr. Chairman, I offer the amendment which I send to the desk; and I may say it is my idea this should be a substitute not only for section 2, but sections 3 and 4, which treat of the same subject.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. CRAMTON to section 2 of the bill:

"That in the event the property hereinbefore referred to or any part thereof can not be purchased at a satisfactory price, it shall be the duty of the Attorney General upon the request of the Commissioners of the District of Columbia to institute condemnation proceedings to acquire the land referred to in the State of Virginia in accordance with the laws of said State, the title of said land to be taken directly to and in the name of the United States, but the land so acquired shall be under the jurisdiction of the Commissioners of the District of Columbia as the agents of the United States."

Mr. CRAMTON. In explanation of the amendment, I simply want to say that I am only trying to contribute what I can to get the bill in proper shape. Section 2 as it stands authorizes the commissioners to walk in and take possession of land in the State of Virginia without the preliminaries of condemnation proceedings. I believe that even if it is lawful it is undesirable.

A peculiar situation results from the United States Government attempting to condemn land for the District in an adjacent State. That has been worked out in former statutes, as when we acquired land in Maryland for the Feeble-Minded Home. The act authorized land in Maryland or Virginia to be taken by condemnation proceedings. This amendment that I have suggested is copied from that act, and I hope it will be agreeable to the gentleman from Minnesota, as it was to the committee.

Mr. GIBSON. That is taken from the act that provides for the condemnation of property in Maryland for the Feeble-Minded Home?

Mr. CRAMTON. Yes; they had the option of acquiring property either in Maryland or Virginia.

Mr. GIBSON. Personally I can see no objection to the gentleman's amendment.

Mr. KELLER. Mr. Chairman, I withdraw my objection.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Michigan [Mr. CRAMTON].

The question was taken, and the amendment as a substitute was agreed to.

Mr. CRAMTON. Mr. Chairman, to expedite the matter I ask unanimous consent that sections 3 and 4 of the bill be stricken out without reading. They are covered by the amendment just agreed to.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that sections 3 and 4 of the bill be stricken out without reading. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read section 5 of the bill.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent that the committee amendments may be read in lieu of section 5.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read the committee amendments in lieu of section 5, as follows:

SEC. 5. There is hereby authorized to be appropriated out of the revenues of the District of Columbia such sums as may be necessary to carry out the provisions of this act.

Mr. GIBSON. Mr. Chairman, I offer a substitute for what is now section 3.

The Clerk read as follows:

Page 3, line 22, strike out the whole of lines 22, 23, and 24 and insert in lieu thereof the following:

"SEC. 3. That for the purpose of carrying into effect the provisions of this act such sum as may be necessary is hereby authorized to be appropriated out of the revenues of the District of Columbia and said sum or such amount thereof as may be necessary in the event of condemnation shall be paid into the registry of the court wherein such proceedings are instituted for the satisfaction of all damages awarded, and for expenses of proceedings in condemnation, said fund to be subject to the order of the court."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont.

The question was taken, and the amendment was agreed to.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

Mr. MENGES. Mr. Chairman, in view of the condition of the bill and amendments, and the fact that it affects people who live in my district and who own this property, I make the point of order that there is no quorum present.

Mr. BLANTON. But this is just exactly what the gentleman wants done, except that it does it in a different way. The rights of the gentleman's constituent are protected. This does not interfere with the rights of the gentleman's constituent. He gets a hearing.

Mr. CRAMTON. And I suggest to the gentleman that the bill that he is interested in is temporarily passed. The last

stage does not come until after the committee rises. The gentleman will not lose anything now if he lets them call up another bill.

Mr. MENGES. Very well, Mr. Chairman, I withdraw the point for the present.

LAWS RESPECTING DESCENT AND DISTRIBUTION

Mr. ZIHLMAN. Mr. Chairman, I call up the bill (H. R. 7975) to amend the Code of Law for the District of Columbia in relation to descent and distribution.

The Clerk reported the title of the bill.

Mr. GILBERT. Mr. Chairman, I suggest that the gentleman better lay that bill aside and take up some other, because I have a very comprehensive amendment that I desire to make to it. It is a very important bill, and I have given a great deal of time to it. I want to be heard at some length upon the amendment.

Mr. ZIHLMAN. Very well, Mr. Speaker, I will withdraw the request to have the bill taken up.

Mr. MADDEN. Mr. Chairman, I think I shall make the point of no quorum.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report the bills back to the House with the recommendation that the amendments be agreed to and the bills as amended do pass.

Mr. MADDEN. Mr. Chairman, I withdraw the point of no quorum.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. KETCHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2982) to provide for the conveyance of certain land owned by the District of Columbia near the corner of Thirteenth and Upshur Streets NW., and the acquisition of certain lands by the District of Columbia in exchange for said part to be conveyed, and for other purposes, and had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass; also that the committee had had under consideration the bill (H. R. 5823) to amend the Code of Law of the District of Columbia in relation to the qualifications of jurors, and the bill (H. R. 7286) to provide for the acquisition of property in Prince William County, Va., to be used by the District of Columbia for the reduction of garbage, and had directed him to report these bills back with sundry amendments, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the previous question be considered as ordered on the bills and amendments to final passage.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the previous question be considered as ordered on the bills and amendments to final passage. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, I ask that the vote be taken separately on the women's juror bill.

The SPEAKER. Without objection, the Senate bill 2982 will be considered as having been read a third time and passed and a motion to reconsider the vote by which it was passed laid on the table.

There was no objection.

The SPEAKER. Without objection, the amendments to the bill H. R. 7286 will be considered as agreed to, and the bill as amended as having been engrossed and read a third time, read the third time, and passed.

There was no objection.

The SPEAKER. The gentleman from Texas asks a separate vote on the bill H. R. 5823.

Mr. MENGES rose.

Mr. BEGG. Mr. Speaker, the gentleman from Pennsylvania is on his feet trying to get recognition.

Mr. MENGES. Mr. Speaker, I make the point of order on the passage of the bill H. R. 7286 that there is no quorum present.

The SPEAKER. But the bill has just been announced as having been passed by unanimous consent.

Mr. BEGG. I think the gentleman from Pennsylvania was on his feet.

The SPEAKER. No; no one addressed the Chair. The Chair put the question by unanimous consent, and unanimous consent was granted. The question is on the engrossment and third reading of the bill H. R. 5823.

The bill was ordered to be engrossed and read a third time.

Mr. BLANTON. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER. The engrossed bill is not here.

ENABLING ACTS OF NEW MEXICO AND ARIZONA

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4007) to enable the people of New Mexico to form a constitution and State government and to be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table the bill (H. R. 4007), with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The Clerk read the Senate amendments.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, this comes from the Committee on Public Lands?

Mr. SINNOTT. Yes; and it is agreeable to the author of the bill.

The SPEAKER. Without objection the Senate amendments will be disagreed to, and the Chair appoints the following conferees.

There was no objection.

The Clerk read as follows:

Mr. SINNOTT, Mr. SMITH, and Mr. MORROW.

REREFERENCE OF S. J. RES. 71

The SPEAKER. In regard to Senate Joint Resolution 71, referred to the Committee on Indian Affairs, it appears that both chairmen have agreed that it ought to go to the Committee on Public Lands, and the Chair so rerefers it.

EXTENSION OF REMARKS

Mr. GREEN of Florida. I ask unanimous consent to include in my extension on law enforcement the remarks of the Attorney General of the United States.

The SPEAKER. The gentleman from Florida asks unanimous consent to include in his remarks on law enforcement a letter from the Attorney General of the United States. Is there objection?

Mr. BEGG. Was that the Attorney General of the United States or the attorney general of Florida?

Mr. GREEN of Florida. The United States. The remarks made by the Attorney General before the Women's National Committee on Law Enforcement.

Mr. HILL of Maryland. In Florida?

Mr. GREEN of Florida. In Washington.

Mr. HILL of Maryland. It relates to enforcement in Florida?

Mr. GREEN of Florida. It relates to general law enforcement.

Mr. HILL of Maryland. I shall not object. I think they need it in Florida.

The SPEAKER. The Chair hears no objection.

QUALIFICATIONS OF JURORS IN DISTRICT OF COLUMBIA

Mr. WINGO. Mr. Speaker, do I understand the previous question was ordered on the women jury bill for the District of Columbia?

The SPEAKER. Yes.

Mr. WINGO. Mr. Speaker, I ask unanimous consent that the vote by which my amendment was adopted be reconsidered and that motion lie on the table, if it is going to go over until to-morrow, as I do not want any further threshing out.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the vote by which the amendment of the gentleman from Arkansas was adopted be reconsidered and that motion lie on the table. Is there objection?

Mr. GARRETT of Tennessee. I do not object, but I would like to submit a parliamentary inquiry. The vote would not be to carry the whole matter to the table.

Mr. TILSON. The amendment has been adopted and the bill ordered engrossed.

The SPEAKER. The bill and amendment were ordered to final passage, and the gentleman from Texas demanded a reading of the engrossed copy.

ORDER OF BUSINESS THURSDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Thursday, after the completion of the special orders and the

regular routine business on the Speaker's desk, that any time that may be left may be an additional Consent Calendar day.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on Thursday, after the reading of the Journal and the disposition of routine matters, that it may be in order to call the Consent Calendar. Is there objection?

Mr. CRAMTON. Reserving the right to object, I understand to-morrow's program calls for the Treasury Department reorganization bill?

Mr. TILSON. It does.

Mr. CRAMTON. And there is probably a roll call and time out for several speeches. In the event that business should not be completed to-morrow, will it be permitted to come in on Thursday?

Mr. TILSON. I shall include in my request any unfinished business of to-morrow.

Mr. MOORE of Virginia. Let us know in regard to the proposition of the gentleman——

Mr. TILSON. It is to utilize any time left on Thursday after the completion of the orders already made by making it an additional consent day, the Consent Calendar being very heavy at this time.

Mr. MOORE of Virginia. That does not take in any part of to-morrow.

Mr. TILSON. Not at all.

Mr. MOORE of Virginia. I thought the gentleman suggested a moment ago some disposition of a part of the time to-morrow.

Mr. CRAMTON. I wanted to be sure if the reorganization bill was not completed to-morrow it could come in on Thursday. Now, if I may ask a further question, Does the gentleman's request involve making Thursday suspension day also?

Mr. TILSON. As the request was made it would probably do so. I shall withdraw that part of the request if anyone wishes to object, and make it simply a call of the Consent Calendar.

The SPEAKER. The Chair does not think the request includes suspensions. Is there objection?

Mr. BEGG. Reserving the right to object, I should like to ask the leader if he appreciates that probably every bill for which a rule is to be asked is on that calendar and somebody has got to stand up and object to those all alone? I wonder if he appreciates that. That calendar is loaded with dynamite. I will tell him so in advance.

Mr. TILSON. This calendar ought to be cleared.

Mr. BEGG. I would like to ask the leader, then, if after it is cleared once, after they load it up again with the same stuff, he will ask another day to clear it again?

Mr. TILSON. I will say to the gentleman that it does not take a long time to free the Consent Calendar of objectionable matter.

Mr. BLANTON. Is there any liability of the last five days of next week being used as suspension days?

Mr. TILSON. I am sorry to state that there is no probability of that happening. [Laughter.]

LEAVE OF ABSENCE

Mr. WYANT, by unanimous consent, was granted leave of absence, for five days, on account of a visit to Annapolis.

AGRICULTURAL LEGISLATION

Mr. HOWARD. Mr. Speaker, I ask unanimous consent at the present time to speak for five minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to speak for five minutes. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Speaker, I was very much interested in the very able address delivered to-day by the gentleman from Kansas [Mr. TINCHER].

Now, the gentleman from Kansas either did or did not correctly interpret the sentiment of our western people with reference to agricultural legislation. I can not give you my own views at length in these few moments, but I want to read as a part of my own remarks, and make them my own remarks—in order that they may appear in the body of the RECORD—an editorial which I just now noticed in the great Omaha Bee, the child of Edward Rosewater, one of the greatest Republican editors of our day. The editor of that paper, Ballard Dunn, says in day before yesterday morning's paper in reference to this so-called Tincher bill as follows, under the caption, "Stick to the facts, Mr. TINCHER":

STICK TO THE FACTS, MR. TINCHER

No possible objection can be made to Representative TINCHER making an argument in favor of his bill. He has introduced a measure to provide for the billion-dollar fund to take care of surplus farm products. Explaining it to the House of Representatives he extolled its loan feature. Giving the gratuitous opinion that no bill carrying an equalizing fee could pass the House. Furthermore, he misrepresented the Haugen-Dickinson plan by asserting that it contemplates the dumping of any surplus.

If Mr. TINCHER had followed carefully the arguments made in support of the Haugen-Dickinson plan, he would know that it does not propose to dump any part of the agricultural surplus. What it does propose to do is to facilitate the marketing of any farm product, at home or abroad, on the basis of a stabilized price. Not a fixed price governed by the revolving fund furnished by the United States Treasury. On a price set by the conditions under which the trade is carried on. Preserving the home market to the home producer, enabling him to sell to his own customers without having to meet unfair competition from outsiders. What is sold abroad will be at the price abroad, not dumped, but disposed of in orderly fashion. Exactly what is taking place in other industries to-day under the working of the Webb law.

What the farmers think of the Tincher bill is clear from the expression of the 68,000 dirt farmers represented in the Illinois Agricultural Association. Earl C. Smith, president and spokesman for that group, says the Tincher bill "fails utterly to address the basic problem of agriculture, besides embodying in it most objectionable features."

The farmer does not want to be doped with any more soothing sirup in the form of Government loans. He is not seeking a subsidy for his business. He wants the same sort of treatment that is accorded to the steel, the textile, or any of the other great industries of the land. Tincher's bill will gather the surplus products into great warehouses, to be held there on loans from the Government. Under the plan outlined by the Des Moines conference, the grain and other crops of the United States will be sent to market in orderly fashion. Cooperative groups will control the movement. Prices will be determined on the same basis as are prices for other commodities. And the farmer's affairs will be controlled by farmers.

Call it what you will. The Tincher plan is a soporific, while the other plan is a tonic. The one will soothe, while the other will revive. Farmers are not so much interested in getting help as they are in getting a chance to help themselves. The Omaha Bee is for giving them that chance.

Mr. Speaker and gentlemen of the House, in submitting this to you as not altogether my own doctrine, yet I indorse it. And I want you to know we could not receive any testimony from our western Republican friends that would be more nearly regarded as the gospel testimony than this from the editor of the Omaha Bee with reference to Mr. TINCHER's bill. [Applause.]

Mr. KETCHAM. Mr. Speaker, will the gentleman yield before he sits down?

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. KETCHAM. I ask unanimous consent, Mr. Speaker, that the gentleman may have two minutes more.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KETCHAM. Is the gentleman from Nebraska aware of the fact that the editorial as written was based on the Haugen bill as it was originally introduced, including the equalization fee, which we have all talked about a great deal, and that the bill as reported by the committee does not contain the equalization fee, and therefore so much of the editorial as pertains to that is not pertinent to the situation? I am not now questioning the statements on the so-called Dickinson bill but simply calling attention to the fact of the difference already mentioned between the Tincher bill and the Haugen bill.

Mr. HOWARD. I will say to the gentleman, if I have time, that I am not fully conversant with all the internecine differences in the committee, as between the Haugen-Dickinson folks and the Tincher-Jardine folks, but as a western man, sharing the western views, I sympathize with Mr. HAUGEN and Mr. DICKINSON, knowing that they represent real agricultural communities, while I am unable to sympathize in any degree with Mr. Jardine, whom I have never known to put forth any manner of a public program which did not have the indorsement of the greatest grain gambler in the world, Mr. Armour, and naturally my sympathies run with Mr. HAUGEN and Mr. DICKINSON. [Applause.]

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported the Committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2009. An act for the relief of C. M. Rodefer;

H. R. 6773. An act to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America;

H. R. 7372. An act to amend section 27 of the general leasing act approved February 25, 1920 (41 Stat. L. p. 437);

H. R. 8190. An act authorizing the construction of a bridge across the Colorado River near Blythe, Calif.;

H. R. 9758. An act granting the consent of Congress to the Vicksburg Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Vicksburg, Miss.;

H. R. 9795. An act making appropriations for the Departments of State, and Justice, and for the Judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes;

H. R. 9831. An act to provide for the completion and repair of customs buildings in Porto Rico;

H. R. 9964. An act releasing and granting to the city of Chicago any and all reversionary rights of the United States in and to the streets, alleys, and public grounds in Fort Dearborn addition to Chicago;

H. R. 10164. An act granting the consent of Congress to Cape Girardeau Chamber of Commerce (Inc.), to construct, maintain, and operate a bridge across the Mississippi River at Cape Girardeau, Mo.;

H. J. Res. 149. Joint resolution to provide for membership of the United States in the Central Bureau of the International Map of the World;

H. R. 10351. An act granting the consent of Congress to the Natchez-Vidalia Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Natchez, Miss.;

H. J. Res. 150. Joint resolution to provide for the participation of the United States in a congress to be held in the city of Panama, June, 1926, in commemoration of the centennial of the Pan American Congress which was held in the city of Panama in 1826;

S. 43. An act authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe;

S. 493. An act for the relief of the owner of the steamship *British Isles;*

S. 494. An act for the relief of all owners of cargo aboard the American steamship *Almirante* at the time of her collision with the U. S. S. *Hisko;*

S. 553. An act for the relief of Fred V. Plomteaux;

S. 613. An act for the relief of Archibald L. Macnair;

S. 850. An act for the relief of Robert A. Pickett;

S. 959. An act for the relief of Tena Pettersen;

S. 977. An act for the relief of A. V. Yearsley;

S. 1360. An act for the relief of the estate of William P. Nisbett, sr., deceased;

S. 1486. An act to authorize the Secretary of War to lease to the Bush Terminal Railroad Co. and to the Long Island Railroad use of railway tracks at Army supply base, South Brooklyn, N. Y.;

S. 1481. An act to authorize the President to appoint Capt. Curtis L. Stafford a captain of Cavalry in the Regular Army;

S. 1519. An act for the relief of the P. Dougherty Co.;

S. 1609. An act to increase the pensions of those who have lost limbs, or have been totally disabled in the same, or have become totally blind, in the military or naval service of the United States;

S. 1803. An act for the relief of Walter W. Price;

S. 1938. An act to issue a patent to John H. Bolton;

S. 2368. An act for the relief of Ocean Steamship Co. (Ltd.), a British corporation; and

S. 3538. An act authorizing the Secretary of the Interior to pay legal expenses incurred by the Sac and Fox Tribe of Indians, of Oklahoma.

HOW THE FORDNEY-M'CUMBER TARIFF LAW AFFECTS THE FARMER, LABOR, AND THE AVERAGE BUSINESS MAN

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, by inserting a speech which I made last Saturday evening over the radio.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD by printing therein a speech which he delivered over the radio. Is there objection?

There was no objection.

Mr. CANFIELD. Mr. Speaker, under leave granted to extend my remarks I submit the following:

ADDRESS DELIVERED BY HARRY C. CANFIELD, OF INDIANA, FROM STATION WRC, WASHINGTON, D. C., ON SATURDAY EVENING, APRIL 24, 1926

Ladies and gentlemen, I know you have all enjoyed Mrs. KAHN'S talk; at least, I know I have, for it is always a pleasure to me to hear any good Republican advocating the doctrine she has advocated; and as she has just made a very strong plea for State rights, which is now and always has been one of the principles of the Democratic Party, it has been a real pleasure to me to hear her in the very able argument she has given in favor of State rights and against bureaucratic government.

I consider it a great honor to be granted the privilege of addressing you this evening on the subject of "How the Fordney-McCumber tariff law affects the farmers, laboring men, and the average business men," a question that I feel should be given serious consideration at the present time by everyone.

I have listened with a great deal of interest to some of the speeches made over radio and a number of them made on the floor of the House by those who advocate a high protective tariff, trying to convince their hearers that a high tariff is in the interest of everyone, most of them, however, playing to the farmer.

In my opinion they have absolutely failed. The proof of the pudding is always in the eating, and the results that have been obtained by high tariff have not been satisfactory to the masses.

The facts are, regardless of what the newspapers, controlled by our Republican friends, may say, business is not good in most parts of the country to-day, especially in the farming sections, and the farmers are going through the most depressing times that have ever been known in the history of our country, and while our farmers are in this condition it is absolutely ridiculous to even think of having universal prosperity.

Ever since I can remember our Republican friends have argued that it was necessary to have a high protective tariff to protect American labor, but when we examine the present law we find many schedules that advance the price of the manufactured article more than the manufacturer pays labor altogether, so instead of reducing their labor, as most of them have done since this law was passed, if high tariff is needed to protect American labor under the present law, wages should have been advanced and not reduced.

I am glad to find that some of our labor leaders now realize that this is not true and that what labor needs is a fair tariff and not a highway-robbery tariff, such as we have at the present time. Not a tariff that is absolutely against the interest of everyone in America except the big interests, who are able to control production and thereby through the aid of a high tariff regulate prices.

Strange to say, however, that since labor has begun to realize that high tariff is not in the interest of labor, and those who are benefited by high tariff are not able to control the vote of the laboring man as they formerly did, they have turned their attention to the farmers of our country, and now they are patting him on the back by putting a tariff on some of his products; and what do we find? The emergency tariff bill was passed May 27, 1921, and the Fordney-McCumber tariff law went into effect September 3, 1922, and since that time the purchasing power of the farmer's dollar has been reduced almost one-third; or, in other words, the farmer's dollar will go just two-thirds as far as it would in 1922, when the present much-talked-of tariff law went into effect.

This is what they call helping the farmer, and in one way it is true. They are helping him reduce the purchasing power of his dollar every year, and will continue to do so as long as they are allowed to continue to rob him through a high protective tariff and are not forced to give him something in return.

One proof that our present high tariff works against the interest of the farmer is in the fact that the big interests of the country have reported over $10,000,000,000 in income taxes in the last three years and their capital has practically doubled, while, on the other hand, the farmers' land has declined approximately 27 per cent, which means that the farm lands of the country are worth from $25,000,000,000 to $50,000,000,000 less than they were in 1920, and the farmers who have no other income only what they get from their farms have paid practically no income tax.

As I stated before, the farmers of our country are in worse condition to-day than at any time in our history, and it is high time that our American farmers wake up to the fact that a high protective tariff is not in their interest, and from general reports I feel that they are beginning to realize that tariff on their products is only used as delusion and a snare to hold them in line for the party that believes in a Government of high tariff to protect those who are in position to control production and profit thereby.

This, however, our farmers can not do, and will never be able to do until they have a national cooperative marketing association that can control production and exports, so that we can have an American price and not be controlled by the price of the surplus that we ship abroad.

I am not a free trader. I believe in a fair tariff where it will help to protect our farmers, laboring men, and business men of this country, but I am unalterably against the present high tariff law, which, as I have stated before, deliberately robs the farmers, laboring men, and small business men of the country in the interest of the special-privileged class.

No doubt many of you are saying, "What are we going to do about it?" We know that high tariff is not in the interest of the masses, but Congress has absolutely refused to give the farmers any relief, and until our farmers are given relief there can be no general relief.

That is true, and while we are hearing a good deal about farm relief at the present time, due to the pressure that has come from the West and Northwest, where the farmers are crying desperately for relief, I am very much afraid that we will not get it during this session of Congress, for even though some farm legislation is passed, it will be on the theory that we must bring about equalization by bringing the farmers' value up, forgetting the all-important fact that the only way the farmers' dollar will ever be equal in value to the highly protected interest dollar is not by pyramiding but by enacting a fair tariff law which will reduce the highly protected commodities, then regulate the transportation rates on farm products so the farmer can get his produce to the market without having to pay as much for freight as he receives for what he has to sell, and then by enacting a national farm cooperative marketing bill controlled by the farmers themselves; and while I am not personally in favor of subsidies, with the farmers in the condition they are to-day, I feel that the Government can and should furnish the money to at least provide the machinery for a national farm cooperative association and put it in operation.

But do not expect all of this to be done during this session of Congress, my friends, for if you do you are going to be sadly disappointed, as this would interfere with the special interests, and as it seems to be an unwritten law laid down by this administration to do absolutely nothing that will interfere with the special interests, and as this would equalize not only the farmer's dollar but the laboring man's and average business man's dollar as well, by bringing the value of their dollar up and the value of the dollar of those favored by tariff down this kind of legislation will not be given any consideration during this administration.

The Agriculture Committee has been having hearings on farm legislation for weeks, the farmers have told them what they want, and some of the best economists have told the committee what the farmers must have to relieve the depressed condition in the agricultural sections throughout the country, and at almost the last minute the administration brings in a bill, not what the farmers want, not what the best economists of the country say should be enacted into law to help the farmers, but what might be termed a governmental loaning agency bill, and insist that it be passed. Neither the individual farmers nor the cooperative associations want to borrow any money. They do not want to get into any more debt. What they want is a price for their products so they can get out of debt.

The farm organizations of the country have announced their emphatic disapproval of the administration bill. They say "that chronic economic maladjustment—indefensible disparity in price between what the farmer pays for what he uses and receives for what he produces—has existed for more than six years. This situation resulted from the development as a profound national policy of America's protective system.

"This protection is provided through a series of paternalistic laws such as the Fordney-McCumber Tariff Act; the Esch-Cummins Transportation Act; the acts restricting immigration; the Federal reserve act; the Webb, Edge, and Pomerene Acts; and all regulations and fixing of the price of service by public service corporations. These elaborate schedules of legislative protection for groups compels the American farmer to buy everything that he uses in an American, law-stabilized and protected market on a level of prices more than 100 per cent above those prevailing in 1914. At the same time the farmer is compelled to sell his products for what is offered to him on the basis of a world market in competition with the lowest-paid labor in the world. In spite of the fact that all other American groups are enabled to fix the price of their service and production, the farmers of America can not bargain collectively and can not and do not have anything to say about the price which they will receive for the staple products of America's farms. Farmers can not collectively bargain in stabilizing their prices as the other groups do."

They also say "the farmer should be in a position to secure an American price for that part of his production that is consumed domestically, independent of the world price for the surplus, but it so happens that, inasmuch as the farmers of America produce more of the staple crops than is consumed in America, and inasmuch as farmers have no mechanism through which they may lift the weight of these surpluses from the domestic market, they are compelled to sell their entire products upon the basis of a world market on a level of prices but a little more than 50 per cent of the actual cost of production."

Those of us who have given the agricultural question serious consideration know that these are facts and, beyond the question of a doubt, is the reason our farmers are in their present deplorable condition.

In the legislation proposed by the administration they fail to furnish any mechanism, authority, or funds for the handling of exportable surpluses. There is no provision in the bill they prepare for absorbing losses caused by disposing of the surplus or of handling the surpluses in foreign trade and can not meet the demands of the farmers or give them the relief they justly deserve.

The facts are as I said before, I am very much afraid there will be no farm legislation at this session of Congress, for if it had been the intention of this administration to give our farmers any relief they would have come forward with a program at the beginning of this session of Congress and not just before Congress is ready to adjourn.

If you will remember the tax law which was in the interest of big business or the special class was ready for consideration when Congress convened. This legislation was rushed through Congress and nothing was allowed to stop it, and big business was given what they asked for, but not so with farm legislation, it was brought in when Congress was almost ready to adjourn, and instead of being the kind of legislation our farmers are demanding they are again trying to fool them by giving them not what they want but what this administration wants them to have, which, in my opinion, will fall far short of giving them the relief they justly deserve.

If there is one thing more than another that I would like to impress upon you this evening, my friends, it is that we need a reawakening among the great common people of this country, so that they will see that men are put in office who stand for the principles of Thomas Jefferson, so that this Government of ours can be brought back again to a government of, by, and for the people instead of a government for the special interests as it is at the present time; see that you put men in office that will put forth their efforts to see that laws are passed not only to take care of the special privileged class, but our farmers, laboring men, and small business men as well, so that the purchasing power of their dollar will mean the same as the purchasing power of the dollar of the men who have in the past been benefited by special high-tariff legislation.

I feel that the time has come when the people of this great country of ours should see that we get back to the principles upon which our Government was founded, the principles upon which the grand old Democratic Party has always stood, the principles through which the spirit of Jefferson still lives, and the only principles upon which we can ever expect to again restore this Government of ours to the people themselves.

The endurance and stability of our form of Government has in the past and must in the future depend upon the governmental capacity of our private citizens to govern themselves and not upon the governing power of a great central government such as we have at the present time.

With these facts confronting us, I feel that it is the duty of each and every American citizen to see that our Government is again brought back to a government for all the people so that the principles of the immortal Jefferson may always prevail.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 27, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 27, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Second deficiency bill.

COMMITTEE ON BANKING AND CURRENCY

(2 p. m.)

To amend paragraph (d) of section 14 of the Federal reserve act, as amended to provide for the stabilization of the price level for commodities in general (H. R. 7895).

COMMITTEE ON EDUCATION

(10 a. m.)

To create a commission to be known as the Federal Motion Picture Commission, and defining its powers and duties (H. R. 4094 and H. R. 6233).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

Legislation relative to labor disputes in the coal-mining industry.

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To amend an act entitled "An act to create a juvenile court in and for the District of Columbia (H. R. 7612 and H. R. 6715).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To permit the purchase of naval aircraft engines without advertisements (H. R. 11249).

COMMITTEE ON THE PUBLIC LANDS

(10 a. m.)

For the relief of certain counties in the States of Oregon and Washington, within whose boundaries the revested Oregon & California Railroad Co. grant lands are located (H. R. 11329).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10.30 a. m.)

Proposed bill amending the World War veterans' act with reference to the appointment of guardians.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

472. A letter from the Secretary of State, transmitting a letter to the Secretary of Commerce from Mr. Eugene Baie, general secretary of the International Parliamentary Conference of Commerce, inviting the parliamentarians of this country to be represented at the twelfth plenary assembly of the conference at London in May, 1926; to the Committee on Foreign Affairs.

473. A communication from the President of the United States, transmitting a deficiency estimate of appropriation for the Post Office Department for the fiscal year ended June 30, 1926, $900,453.24, and a supplemental estimate for the fiscal year ending June 30, 1926, $940,000; also a draft of proposed legislation affecting existing appropriations (H. Doc. No. 345); to the Committee on Appropriations and ordered to be printed.

474. A communication from the President of the United States, transmitting a communication from the Postmaster General, submitting an estimate of appropriation in the sum of $760.58 to pay claims which he has adjusted and which require an appropriation for their payment (H. Doc. No. 346); to the Committee on Appropriations and ordered to be printed.

475. A communication from the President of the United States, transmitting a communication from the Secretary of War, submitting an estimate of appropriation in the sum of $334.20 to pay claims which he has adjusted and which require an appropriation for their payment (H. Doc. No. 347); to the Committee on Appropriations and ordered to be printed.

476. A communication from the President of the United States, transmitting a communication from the Secretary of the Treasury, submitting an estimate of appropriation in the sum of $79.02 to pay claims which he has adjusted and which require an appropriation for their payment (H. Doc. No. 348); to the Committee on Appropriations and ordered to be printed.

477. A communication from the President of the United States, transmitting a communication from the Secretary of the Navy, submitting an estimate of appropriation in the sum of $14,516.58 to pay claims which he has adjusted and which require an appropriation for their payment (H. Doc. No. 349); to the Committee on Appropriations and ordered to be printed.

478. A communication from the President of the United States, transmitting an estimate of appropriation in the sum of $9 to pay claim to Said Aasfar for damage to car caused by a collision with an employee of the Department of Agriculture, which has been adjusted and which requires an appropriation for its payment (H. Doc. No. 350); to the Committee on Appropriations and ordered to be printed.

479. A communication from the President of the United States, transmitting a suplemental estimate of appropriation for Department of Agriculture for expenses in connection with third world's poultry congress, Ottawa, Canada, $20,000 for the fiscal year 1927, to remain available until June 30, 1928, and a draft of proposed legislation authorizing the use of $200 of existing appropriation in marking graves of employees who lost their lives while serving the Government (H. Doc. No. 351); to the Committee on Appropriations and ordered to be printed.

480. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1926, to remain available until June 30, 1927, for the Washington-Alaska military cable and telegraph system, $20,000 (H. Doc. No. 352); to the Committee on Appropriations and ordered to be printed.

481. A communication from the President of the United States, transmitting a draft of proposed legislation for the District of Columbia extending the availability of the appropriation of $2,000 for the purchase of furniture and furnishings for the Colored Industrial Home School to June 30, 1927 (H. Doc. No. 353); to the Committee on Appropriations and ordered to be printed.

482. A communication from the President of the United States, transmitting two communications from the Secretary of the Navy, submitting estimates of appropriations in the sum of $2,141.41 to pay claims which he has adjusted, and which require an appropriation for their payment (H. Doc. No. 354); to the Committee on Appropriations and ordered to be printed.

483. A communication from the President of the United States, transmitting two drafts of proposed legislation providing that not to exceed $6,000 of certain appropriations for the Department of Agriculture and the Department of the Interior for the fiscal year ending June 30, 1927, shall be available for the payment of travel, subsistence, supplies, and other expenses of the committee created upon recommendation of the President's committee on outdoor recreation (H. Doc. No. 355); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McLEOD: Committee on the District of Columbia. H. R. 6728. A bill to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes; with amendment (Rept. No. 969). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. H. R. 9055. A bill to regulate the practice of chiropractic; to create a board of chiropractic examiners of the District of Columbia, and to punish persons violating the provisions thereof; without amendment (Rept. No. 970). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNELL: Committee on Rules. H. Res. 237. A resolution providing for the consideration of H. R. 10729, a bill to create a bureau of customs and a bureau of prohibition in the Department of the Treasury; without amendment (Rept. No. 971). Referred to the House Calendar.

Mr. MORIN: Joint Committee on Muscle Shoals. H. R. 11602. A bill to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes; without amendment (Rept. No. 980). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. S. 1729. An act to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood;* without amendment (Rept. No. 986). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. S. 1731. An act to authorize the payment of an indemnity to the Government of Sweden on account of losses sustained by the owners of the Swedish steamship *Olivia* as a result of a collision between it and the U. S. S. *Lake St. Clair;* without amendment (Rept. No. 987). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. S. 1732. An act to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the U. S. Army tug *Britannia;* without amendment (Rept. No. 988). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. S. 1733. An act to authorize the payment of an indemnity to the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masnedsund* as the result of collisions between it and the U. S. S. *Siboney* and the U. S. Army tug *No. 21* at St. Nazaire, France; without amendment (Rept. No. 989). Referred to the Committee of the Whole House on the state of the Union.

Mr. McREYNOLDS: Committee on Foreign Affairs. S. 2822. An act authorizing Rear Admiral Edwin A. Anderson, United States Navy, retired, to accept the silver service tendered by the Government of Panama; without amendment (Rept. No. 990). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. R. 11489. A bill to provide for the deportation of certain aliens, and for other purposes; without amendment (Rept. No. 991). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. R. 11516. A bill to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kenwood;* without amendment (Rept. No. 992). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on Rivers and Harbors. H. R. 11616. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; without amendment (Rept. No. 993). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KNUTSON: Committee on Pensions. H. R. 11601. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; without amendment (Rept. No. 968). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 767. An act for the relief of Annie H. Martin; without amendment (Rept. No. 972). Referred to the Committee of the Whole House.

Mr. SEARS of Nebraska: Committee on Claims. S. 869. An act for the relief of Harry Ross Hubbard; without amendment (Rept. No. 973). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2512. An act to authorize the Comptroller General of the United States to relieve Fred A. Gosnell, former disbursing clerk, Bureau of the Census, and the estate of Richard C. Lappin, former supervisor of the Fourteenth Decennial Census for the Territory of Hawaii and special disbursing agent, in the settlement of certain accounts; without amendment (Rept. No. 974). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 3328. An act for the relief of L. W. Burford; without amendment (Rept. No. 975). Referred to the Committee of the Whole House.

Mr. KELLER: Committee on Claims. H. R. 4323. A bill authorizing the Treasurer of the United States to repay to the Nebraska Buick Co. funds illegally covered into the United States Treasury; without amendment (Rept. No. 976). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on War Claims. H. R. 4842. A bill for the relief of F. G. Alderete; with amendment (Rept. No. 977). Referred to the Committee of the Whole House.

Mr. MORROW: Committee on Claims. H. R. 8278. A bill for the relief of A. B. Cameron; without amendment (Rept. No. 978). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 8331. A bill for the relief of Folkert Coleman, of Port Huron, Mich., and Carey D. Ferguson, collector of customs and special disbursing agent for the Treasury Department at Detroit, Mich.; without amendment (Rept. No. 979). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. H. R. 5056. A bill for the relief of Minnie Bergh Eriksen; without amendment (Rept. No. 981). Referred to the Committee of the Whole House.

Mr. SWOOPE: Committee on War Claims. H. R. 7016. A bill for the relief of Hensler Bros.; without amendment (Rept. No. 982). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. H. R. 10073. A bill for the relief of Adriano Cruceta, a citizen of the Dominican Republic; without amendment (Rept. No. 983). Referred to the Committee of the Whole House.

Mr. SWOOPE: Committee on War Claims. H. R. 10111. A bill for the relief of D. Murray Cummings; with amendment (Rept. No. 984). Referred to the Committee of the Whole House.

Mr. LINTHICUM: Committee on Foreign Affairs. H. J. Res. 154. A joint resolution authorizing the expenditure of certain funds paid to the United States by the Persian Government; with amendment (Rept. No. 985). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A resolution (H. J. Res. 86) for the relief of George Horton; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

A resolution (S. J. Res. 2) for the relief of George Horton; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KNUTSON: A bill (H. R. 11601) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; committed to the Committee of the Whole House.

By Mr. MORIN: A bill (H. R. 11602) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HAUGEN: A bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities; to the Committee on Agriculture.

By Mr. McLEOD: A bill (H. R. 11604) to establish a children's court in and for the District of Columbia, to determine its functions, and for other purposes; to the Committee on the District of Columbia.

By Mr. ASWELL: A bill (H. R. 11605) for establishing a hardwood forestry experimental station and national park near Colfax, La., and for other purposes; to the Committee on Agriculture.

Also, a bill (H. R. 11606) to place the agricultural industry on a sound commercial basis, to encourage national cooperative marketing of farm products, and for other purposes; to the Committee on Agriculture.

By Mr. SANDLIN: A bill (H. R. 11607) granting the consent of Congress to the Red River Parish Bridge Co. (Inc.) to construct a bridge across the Red River at or near the town of Coushatta, in the parish of Red River, in the State of Louisiana; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: A bill (H. R. 11608) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct, maintain, and operate a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOBSTEIN: A bill (H. R. 11609) to amend the Judicial Code for the protection of inventors in the prosecution of claims against the United States Government in the Court of Claims; to the Committee on the Judiciary.

By Mr. DAVILA: A bill (H. R. 11610) to amend and reenact sections 3, 20, 31, 33, and 38 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," as amended by an act approved June 7, 1924, and for the insertion of two new sections in said act between sections 5 and 6 and sections 41 and 42 of said act, to be designated as "5a" and "41a" of said act; to the Committee on Insular Affairs.

Also, a bill (H. R. 11611) to legalize and ratify the internal revenue law of Porto Rico, approved August 20, 1925, and the amendments thereto; to the Committee on Insular Affairs.

By Mr. GREEN of Iowa (by request): A bill (H. R. 11612) to amend an act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes," as amended; to the Committee on Ways and Means.

By Mr. JOHNSON of Indiana: A bill (H. R. 11613) to provide for the study and investigation of battle fields in the United States for commemorative purposes; to the Committee on Military Affairs.

By Mr. McCLINTIC: A bill (H. R. 11614) authorizing and directing the Secretary of the Interior to make disposition of certain funds derived from oil wells in Oklahoma where there are no legal claimants; to the Committee on the Public Lands.

By Mr. MOORE of Virginia: A bill (H. R. 11615) providing for the cession to the State of Virginia of sovereignty over a tract of land located at Battery Cove, near Alexandria, Va., and for the sale thereof by the Secretary of War; to the Committee on Military Affairs.

By Mr. DEMPSEY: A bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works

on rivers and harbors, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. KIESS: A bill (H. R. 11617) to amend and clarify existing laws relating to the powers and duties of the auditor for the Philippine Islands; to the Committee on Insular Affairs.

By Mr. TINCHER: A bill (H. R. 11618) to establish a Federal farm advisory council and a farmers' marketing commission; to aid in the development of major cooperative associations for the marketing of agricultural commodities; to aid in the disposition of surpluses of such commodities, and for other purposes; to the Committee on Agriculture.

By Mr. CRAMTON: Joint resolution (H. J. Res. 234) releasing all claims of the United States in respect to Government-owned equipment loaned to the Burhans-Hagedon Post, No. 197, of the American Legion, at Harbor Beach, Mich., and destroyed by fire; to the Committee on Military Affairs.

By Mr. LAGUARDIA: Joint resolution (H. J. Res. 235) providing for the return of Governors Island, New York Harbor, to the State of New York; to the Committee on Military Affairs.

By Mr. QUIN: Joint resolution (H. J. Res. 236) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867, and 1868, and vesting the right in each State to sue in its own name; to the Committee on the Judiciary.

By Mr. SNELL: Resolution (H. Res. 237) providing for the consideration of H. R. 10729, to create a bureau of customs and a bureau of prohibition in the Department of the Treasury; referred to the House Calendar.

By Mr. CELLER: Resolution (H. Res. 238) providing for an investigation of labor conditions affecting employees rendering domestic service on railroads; to the Committee on Rules.

By Mr. BULWINKLE: Resolution (H. Res. 239) authorizing and directing the Committee on World War Veterans' Legislation to investigate the operations of the guardianship service of the United States Veterans' Bureau, and for other purposes; to the Committee on Rules.

By Mr. JOHNSON of Washington: Resolution (H. Res. 243) for the immediate consideration of H. R. 11489, the deportation bill; to the Committee on Rules.

By Mr. DEMPSEY: Resolution (H. Res. 244) providing for the consideration of H. R. 11616, authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 11619) granting a pension to Isabel Reynolds Hess; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11620) granting an increase of pension to Sophia Margaret Jones; to the Committee on Invalid Pensions.

By Mr. TOLLEY: A bill (H. R. 11621) granting an increase of pension to Catherine E. Bartle; to the Committee on Invalid Pensions.

By Mr. CELLER: A bill (H. R. 11622) for the relief of the owners of the schooner *William Melbourne;* to the Committee on Claims.

By Mr. CORNING: A bill (H. R. 11623) granting an increase of pension to Carrie H. Slingerland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11624) granting an increase of pension to Ella Mandigo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11625) granting an increase of pension to Mary G. Watt; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 11626) granting an increase of pension to Mary M. Honsberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11627) granting an increase of pension to Elizabeth Neider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11628) granting an increase of pension to Caroline Maier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11629) granting an increase of pension to Emma R. Hartline; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 11630) granting an increase of pension to Margie R. Ashbrook; to the Committee on Invalid Pensions.

By Mr. FLAHERTY: A bill (H. R. 11631) for the relief of Charles Lennon; to the Committee on Military Affairs.

By Mr. FOSS: A bill (H. R. 11632) granting a pension to Nora A. Leonard; to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 11633) for the relief of James Piles; to the Committee on Military Affairs.

By Mr. HICKEY: A bill (H. R. 11634) granting an increase of pension to Mollie Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11635) granting an increase of pension to Drusilla A. Corns; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 11636) granting an increase of pension to Mary M. Wood; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 11637) granting an increase of pension to Edward A. Beechwood; to the Committee on Pensions.

By Mr. O'CONNOR of New York: A bill (H. R. 11638) granting an increase of pension to Sarah R. Anderson; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 11639) granting a pension to Hattie Dolaway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11640) granting an increase of pension to Catharine Davis; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 11641) granting an increase of pension to Charlotte Bredenkamp; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 11642) granting a pension to Ellen C. Campfield; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 11643) granting an increase of pension to Elsie Hildebrand; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11644) for the relief of Charles G. Mynatt; to the Committee on Claims.

By Mr. THOMAS: A bill (H. R. 11645) granting a pension to Elisha H. Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11646) granting an increase of pension to Laura J. Madison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11647) granting an increase of pension to Susan C. Crary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11648) authorizing Porter Bros. & Biffle, a copartnership composed of H. L. Porter, N. A. Porter, and J. W. Biffle; Spradling & Porter Bros., a copartnership composed of Royal Spradling, H. L. Porter, and N. A. Porter; Henry Price, Royal Spradling, J. L. Keith, W. T. Brummett; Price & Florence, a copartnership composed of Henry Price and Buster Florence; and G. J. Keith to bring suit against the United States of America in the United States District Court for the Eastern District of Oklahoma, giving said United States District Court for the Eastern District of Oklahoma jurisdiction of said suit for loss and damage sustained by them through the negligent dipping and erroneous certification of tick-infested cattle in the State of Texas by the Bureau of Animal Industry, Department of Agriculture, for loss and damage sustained by them through such negligent dipping and erroneous certification of said cattle by said Bureau of Animal Industry; to the Committee on Claims.

By Mr. THOMPSON: A bill (H. R. 11649) granting an increase of pension to Harmon E. Deck; to the Committee on Pensions.

By Mr. TINKHAM: A bill (H. R. 11650) for the relief of William S. Bartlett; to the Committee on Claims.

By Mr. UNDERHILL: A bill (H. R. 11651) for the relief of the United States marshals for the district of Porto Rico; to the Committee on Claims.

By Mr. VINCENT of Michigan: A bill (H. R. 11652) granting a pension to Mary L. Bell; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11653) granting an increase of pension to Margaret A. Reeves; to the Committee on Invalid Pensions.

By Mr. WINTER: A bill (H. R. 11654) granting an increase of pension to Marian Erhart (formerly spelled Arehart); to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 11655) granting an increase of pension to Ada J. Hague; to the Committee on Invalid Pensions.

By Mr. BEGG: Resolution (H. Res. 240) for the payment of additional compensation to the Sergeant at Arms of the House; to the Committee on Accounts.

By Mr. JOHNSON of Washington: Resolution (H. Res. 241) authorizing additional compensation for the clerk of the Committee on Immigration and Naturalization; to the Committee on Accounts.

By Mr. ROBINSON of Iowa: Resolution (H. Res. 242) authorizing additional compensation to the assistant superintendent of the House document room; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1922. Petition of 52 citizens of Lamar, Barton County, Mo., protesting against House bill 7479, migratory bird refuge bill; to the Committee on Agriculture.

1923. Petition of the Protestant churches of the village of Arcade, N. Y., opposing any modification of the prohibition law; to the Committee on the Judiciary.

1924. By Mr. BIXLER: Petition of C. S. Crawford and other residents of Ridgway, Pa., protesting against any change in the eighteenth amendment and the Volstead law; to the Committee on the Judiciary.

1925. Also, petition of Rev. J. E. Iams and other residents of Johnsonburg, Pa., protesting against any change in the eighteenth amendment and Volstead law; to the Committee on the Judiciary.

1926. Also, petition of members of Bethlehem Lutheran Church, of Ridgway, Pa., protesting against any change in the eighteenth amendment and Volstead law; to the Committee on the Judiciary.

1927. Also, petition of M. P. Shanley and other residents of Ridgway, Pa., protesting against any change in the eighteenth amendment and Volstead law; to the Committee on the Judiciary.

1928. Also, petition of the McKee Reed Missionary Society of the United Presbyterian Church of Oil City, Pa., urging the Sunday rest bill for the District of Columbia (H. R. 10311); to the Committee on the Judiciary.

1929. By Mr. EDWARDS: Petition of the Public Service Commission of the State of Georgia, indorsing and approving the bid of the Muscle Shoals Distributing Co. for Muscle Shoals; to the Committee on Military Affairs.

1930. By Mr. FULLER: Petition of Charles N. Gorham and others, protesting against the passage of the Fitzgerald bill (H. R. 487); to the Committee on the District of Columbia.

1931. Also, petition of J. C. Kline and others, urging early and favorable consideration of the Federal farm board bill; to the Committee on Agriculture.

1932. By Mr. GALLIVAN: Petition of Boston Central Labor Union, P. H. Jennings, secretary and business representative, 987 Washington Street, Boston, Mass., protesting against legislation providing for the fingerprinting and photographing of all noncitizens; to the Committee on Immigration and Naturalization.

1933. By Mr. GARNER of Texas: Memorial of Texas Retail Dry Goods Association, favoring a readjustment of postal rates; to the Committee on the Post Office and Post Roads.

1934. By Mr. JOHNSON of Texas: Petitions of parties opposing modification of the Volstead or national prohibition law, and urging its strict enforcement, to wit, Pastors' Association, of Corsicana, Tex., by Rev. D. A. Chisholm, president, and W. S. Goode, secretary, and Charles E. Bullock and 199 other citizens of Hearne, Tex.; to the Committee on Alcoholic Liquor Traffic.

1935. Also, petitions of individuals and organizations favoring Senate bill 750, to wit, telegram from Dr. J. B. Barnett, J. E. Barnett, B. B. Barron, and Homer T. Wilson, all of Thornton, Tex.; Groesbeck (Tex.) Chamber of Commerce and Advertising Club; Chamber of Commerce of Normangee, Tex.; officials of Texas Travelers' Protective Association (Texas division); and Lumbermen's Association of Texas, by J. C. Dionne, secretary; to the Committee on Interstate and Foreign Commerce.

1936. By Mr. KETCHAM: Petition of 75 residents of Hastings Mich., and vicinity, protesting against House bills 7822 and 7179, Sunday observance bills; to the Committee on the District of Columbia.

1937. By Mr. KINDRED: Petition of the Far Rockaway Auxiliary attached to Post No. 423, favoring bill 10240, the Fitzgerald and the Green bill; to the Committee on World War Veterans' Legislation.

1938. By Mr. LUCE: Petition of Grace Congregational Church, Framingham, Mass., protesting against modification of the Volstead Act; to the Committee on the Judiciary.

1939. By Mr. MORROW: Petition of Woman's Christian Temperance Union, East Las Vegas, N. Mex., protesting against modification of the Volstead Act; to the Committee on the Judiciary.

1940. By Mr. O'CONNELL of New York: Petition of Ralph H. Overbaugh, general attorney of the Western Union Telegraph Co., of New York, opposing the passage of House bill 487, which prevents a financially responsible employer from carrying its own risks under the act; to the Committee on the District of Columbia.

1941. Also, petition of the Workers' Health Bureau of America, located in New York City, favoring the passage of the Fitzgerald bill (H. R. 487), providing workman's compensation to workers employed in the District of Columbia; to the Committee on the District of Columbia.

1942. Also, petition of George Bird Grinnell, of 236 East Fifteenth Street, New York City, favoring the passage of the game refuge and marshland bill (S. 2607 and H. R. 7479); to the Committee on Agriculture.

1943. Also, petition of Miss Katherine W. Smith, of New York City, favoring the passage of the game refuge and marshland conservation bill (H. R. 7479); to the Committee on Agriculture.

1944. Also, petition of the Merchants' Association of New York, favoring the creation of a national police bureau; to the Committee on the Judiciary.

1945. By Mr. TINKHAM: Resolution of the Boston Central Labor Union, protesting against the passage of all bills providing for the registration, finger printing, and photographing of all noncitizens; to the Committee on Immigration and Naturalization.

1946. By Mr. WATSON: Petition of Donald McLeod Post, No. 336, American Legion, North Wales, Pa., favoring the passage of House bills 6381, 7082, and 10240; to the Committee on World War Veterans' Legislation.

1947. Also, petition of Montgomery County L. A. A. C. H., Norristown, Pa., protesting against the Curtis-Reed bill regarding Federal control of education; to the Committee on Education.

1948. By Mr. WELSH: Memorial adopted by the Philadelphia Board of Trade, favoring enactment of House bill 4, to assure compensation for accidental injuries or death of employees in certain occupations in the District of Columbia; to the Committee on the District of Columbia.

SENATE

TUESDAY, *April 27, 1926*

(Legislative day of Monday, April 19, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	Keyes	Ransdell
Bayard	Fess	King	Reed, Mo.
Bingham	Frazier	La Follette	Robinson, Ark.
Blease	George	Lenroot	Sackett
Borah	Gerry	McKellar	Sheppard
Bratton	Gillett	McLean	Shipstead
Broussard	Glass	McMaster	Shortridge
Bruce	Goff	McNary	Simmons
Butler	Gooding	Mayfield	Smoot
Cameron	Greene	Means	Stanfield
Caraway	Hale	Metcalf	Steck
Copeland	Harreld	Neely	Stephens
Couzens	Harris	Norbeck	Swanson
Curtis	Harrison	Norris	Trammell
Dale	Heflin	Nye	Wadsworth
Deneen	Howell	Oddie	Warren
Dill	Johnson	Overman	Watson
Edge	Jones, N. Mex.	Pepper	Weller
Edwards	Jones, Wash.	Phipps	Willis
Ernst	Kendrick	Pine	

Mr. CURTIS. I desire to announce the absence of my colleague [Mr. CAPPER] on account of illness in his family. I will let this announcement stand for the day.

Mr. GERRY. I wish to announce that the junior Senator from Montana [Mr. WHEELER] is necessarily detained from the Chamber. I desire that this announcement shall stand for the day.

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present.

INTERNATIONAL PARLIAMENTARY CONFERENCE OF COMMERCE

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting an invitation for American representation at the forthcoming meeting at London of the International Parliamentary Conference of Commerce, which was referred to the Committee on Foreign Relations.

SESQUICENTENNIAL CELEBRATION AT WILLIAMSBURG, VA.

The VICE PRESIDENT. In appointing Senators SWANSON, BORAH, GLASS, BINGHAM, and BRUCE as the committee on the part of the Senate under House Concurrent Resolution No. 13 a mistake was made and the commitee was named under

House Concurrent Resolution No. 22. The Secretary is directed to make the correction and to name the committee under House Concurrent Resolution No. 13, providing for the observance of May 15, 1926, as the one hundred and fiftieth anniversary of the passage of a resolution by the Virginia Convention of 1776 proposing that Congress make a declaration of independence, and extending to the President and Congress of the United States an invitation to participate in a celebration at Williamsburg, Va.

PETITIONS AND MEMORIALS

Mr. EDWARDS. Mr. President, I send to the desk two resolutions which I ask may be printed in the RECORD and appropriately referred:

There being no objection, the resolutions were ordered to be printed in the RECORD and referred as indicated.

To the Committee on Civil Service:

Hon. EDWARD I. EDWARDS,
Washington, D. C.:

Whereas we are of the firm belief that an adequate and equitable retirement system for employees in the classified civil service of the United States is highly essential in the best interests of efficient Government service; and

Whereas the executives of many departments of the Federal Government have found the existing Federal retirement law to be inadequate to provide for superannuated employees because of the meager annuities paid and high age limits required which has prompted recommendations for liberalization; and

Whereas a bill now pending before Congress exacts increased deductions from the salaries of the employees to 4 per cent which will add approximately $30,000,000 annually to the balance of $52,000,000 now in the retirement fund, thus obviating the necessity for any appropriation by the Government for many years to come: Therefore be it

Resolved, That the officers and members of N. A. L. C. Branch No. 1492 in meeting assembled on April 6, 1926, do hereby petition the Sixty-ninth Congress of the United States to give immediate favorable consideration to the Stanfield-Lehlbach retirement bill S. 786 and H. R. 7 providing for the maximum annuity of $1,200 per annum with optional retirement after 30 years of service at the ages of 60, 62, and 65, and urge that a vote be taken on this measure at an early date before adjournment of Congress.

[SEAL.] GEORGE A. CLARK, *President.*
PERRY G. H. LONG, *Secretary.*

To the Committee on the Judiciary:

FIRST CHURCH OF CHRIST, SCIENTIST,
Hoboken, N. J., April 20, 1926.

Whereas the eighteenth amendment to the Constitution represents the largest step forward toward human freedom from the slavery of drink; and

Whereas the benefits derived are so tangible as to be irrefutable; and

Whereas a fuller enforcement is not only possible but imperative:

Resolved, That we, the board of trustees of First Church of Christ, Scientist, Hoboken, N. J., hereby pledge our fullest moral support toward complete observance of the law and a more efficient administration thereof.

N. M. KESSLER, *Clerk.*

Mr. ROBINSON of Arkansas presented a letter from Mr. Guy Dickinson, of the Big Rock Stone Co., of Little Rock, Ark., requesting that the Veterans' Bureau direct an inspector be assigned to investigate and report on the bill (S. 3985) to convey to the Big Rock Stone Co. a portion of the hospital reservation of the United States Veterans' Hospital No. 78, Fort Roots, Ark., which was referred to the Committee on Finance.

Mr. PEPPER presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of Senate bill 3681, to upbuild the American Merchant Marine in foreign trade, etc., which was referred to the Committee on Commerce.

He also presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of House bill 9498, providing compensation for death or injuries in certain maritime employment, which was referred to the Committee on the Judiciary.

He also presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of House bill 4, being a bill "to assure compensation for accidental injuries or death of employees in certain occupations in the District of Columbia," which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Philadelphia (Pa.) Board of Trade, protesting against the passage of House bill 487, being a bill "creating the District of Columbia insurance fund for the benefit of employees injured and the dependents of employees killed in employment," etc., which was referred to the Committee on the District of Columbia.

GOOD ROADS APPROPRIATIONS

Mr. BLEASE. Mr. President, I have a telegram from Rear Admiral McGowan, State highway commissioner of South Carolina, that I would like to have read in order that it may appear in the RECORD and referred to the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. Without objection, the clerk will read as requested, and the telegram will be referred to the Committee on Post Offices and Post Roads.

The Chief Clerk read as follows:

COLUMBIA, S. C., *April 26, 1926.*

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.:

We are informed that Senate Roads Committee is considering reduction in the Federal-aid appropriation to less than $75,000,000. South Carolina is spending about five million per year of its own money on roads, with several additional millions provided by counties. We get only about one million Federal aid from seventy-five million appropriation, and see no occasion for considering reduction. Federal aid tremendously valuable to this State, particularly in securing a connected system. We could use twice the present amount. Please see that no reduction is made.

SAMUEL MCGOWAN,
Chief Highway Commissioner.

REPORT OF THE CLAIMS COMMITTEE

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 2525) for the relief of Maria Maykovica, reported it with an amendment and submitted a report (No. 676) thereon.

CHANGE OF REFERENCE

Mr. WARREN, from the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 100) to authorize the Secretary of War to expend not to exceed $125,000 for the protection of Government property adjacent to Lowell Creek, Alaska, asked that the committee be discharged from its further consideration and that the joint resolution be referred to the Committee on Territories and Insular Possessions, which was agreed to.

OHIO RIVER BRIDGE NEAR STEUBENVILLE, OHIO

Mr. BINGHAM. Mr. President, from the Committee on Commerce I report back favorably with amendments the bill (H. R. 9348) granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio.

Mr. WILLIS. Mr. President, I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Commerce were, in section 1, page 2, line 3, after the word "act," to strike out "the construction of such bridge shall not be commenced, nor shall any alterations in the plans for the same be made either before or after its completion, until the plans and specifications for the bridge, or for alterations in the plans thereof, have been submitted to the Secretary of War and the Chief of Engineers, and approved by them as being adequate for the volume and weight of traffic that will pass over it"; in section 6, page 5, line 3, after the words "Secretary of," to strike out "agriculture" and insert "war"; in line 8, before the word "may," to strike out "agriculture" and insert "war"; in line 14, before the word "as," to strike out "agriculture" and insert "war"; and in line 15, before the word "mistake" to insert "gross."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WHITE RIVER BRIDGE, ARKANSAS

Mr. BINGHAM. From the Committee on Commerce I report back favorably with an amendment the bill (H. R. 7904) granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of Des Arc, in the county of Prairie, in the State of Arkansas, and I submit a report (No. 675) thereon.

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was to strike out all after the enacting clause and in lieu thereof to insert:

That the consent of Congress is hereby granted to Des Arc Bridge Co., and to its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, between White River and Calhoun Townships, at or near the city of Des Arc, in the county of Prairie, in the State or Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The said Des Arc Bridge Co., and its successors and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

SEC. 3. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Arkansas, any political subdivision thereof within which any part of such bridge is located, or two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase or by condemnation in accordance with the law of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 15 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

SEC. 4. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Arkansas under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 5. The said Des Arc Bridge Co., or its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge, the Secretary of War may investigate the actual cost of such bridge, and for such purpose the Des Arc Bridge Co., its successors and assigns, shall make available to the Secretary of War all of its records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 6. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Des Arc Bridge Co., its successors or assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. ROBINSON of Arkansas. That is the usual amendment to conform with the policy of the committee?

Mr. BINGHAM. It is.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill granting the consent of Congress to Des Arc Bridge Co. and its successors and assigns to construct a bridge across the White River at Des Arc, Ark."

TENNESSEE RIVER BRIDGE, HUMPHREYS AND BENTON COUNTIES, TENN.

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 9505) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden road between Humphreys and Benton Counties, Tenn.

Mr. McKELLAR. Mr. President, I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Commerce were, in section 1, page 2, line 2, after the numerals "1906," to strike out the colon and the proviso "*Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also adequate from the standpoint of the volume and weight of the traffic which will pass over it," and to insert a comma and "and subject to the conditions and limitations contained in this act"; and on the same page, after line 14, to strike out the following paragraph:

If tolls are charged for the use of such bridge, the proceeds therefrom shall be applied for the payment of expenditures necessary to properly maintain, operate, and repair such bridge and its approaches, and to provide a sinking fund for amortizing the cost of constructing the same; and the rates of toll shall be so adjusted as to pay such expenditures and to amortize such cost as early as practicable after the completion of the bridge. For that purpose the State highway department shall keep an accurate and itemized record of the cost of constructing such bridge, the expenditures incurred in maintaining, operating, and repairing the same, and of the daily tolls collected. After a sinking fund sufficient to repay the State of Tennessee for the cost of constructing such bridge has been provided from the tolls thereof, the same shall be maintained and operated as a free bridge.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TENNESSEE RIVER BRIDGE AT SAVANNAH, TENN.

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 9503) granting permission to the State highway commission of the State of Tennessee to construct a bridge across the Tennessee River at Savannah, Hardin County, Tenn., on the Savannah-Selmer road.

Mr. McKELLAR. Mr. President, I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Commerce were, in section 1, page 2, line 1, after the numerals "1906," to strike out the colon and the following proviso: "*Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also adequate from the standpoint of the volume and weight of the traffic which will pass over it," and insert a comma and "and subject to the conditions and limitations contained in this act"; and on the same page, after line 12, to strike out the following paragraph:

If tolls are charged for the use of such bridge, the proceeds therefrom shall be applied for the payment of expenditures necessary to properly maintain, operate, and repair such bridge and its approaches, and to provide a sinking fund for amortizing the cost of constructing the same; and the rates of toll shall be so adjusted as to pay such expenditures and to amortize such cost as early as practicable after the completion of the bridge. For that purpose the State highway

department shall keep an accurate and itemized record of the cost of constructing such bridge, the expenditures incurred in maintaining, operating, and repairing the same, and of the daily tolls collected. After a sinking fund sufficient to repay the State of Tennessee for the cost of constructing such bridge has been provided from the tolls thereof the same shall be maintained and operated as a free bridge.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CUMBERLAND RIVER BRIDGE, TENN.

Mr. BINGHAM. Mr. President, from the Committee on Commerce I report back favorably with amendments the bill (H. R. 9494) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainesboro-Red Boiling Springs road in Jackson County, Tenn.

Mr. McKELLAR. Mr. President, I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, in section 1, page 2, line 2, after the numerals "1906," to strike out the colon and the following proviso: "*Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also adequate from the standpoint of the volume and weight of the traffic which will pass over it," and insert a comma and "and subject to the conditions and limitations contained in this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TENNESSEE RIVER BRIDGE, PERRY AND DECATUR COUNTIES, TENN.

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 9506) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Perry and Decatur Counties, Tenn. I call the bill to the attention of the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Commerce were, in section 1, page 2, line 1, after the numerals "1906," to strike out the colon and the following proviso: "*Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also adequate from the standpoint of the volume and weight of the traffic which will pass over it," and insert a comma and "and subject to the conditions and limitations contained in this act"; and on the same page, after line 13, to strike out the following paragraph:

If tolls are charged for the use of such bridge, the proceeds therefrom shall be applied for the payment of expenditures necessary to properly maintain, operate, and repair such bridge and its approaches, and to provide a sinking fund for amortizing the cost of constructing the same; and the rates of toll shall be so adjusted as to pay such expenditures and to amortize such cost as nearly as practicable after the completion of the bridge. For that purpose the State highway department shall keep an accurate and itemized record of the cost of constructing such bridge, the expenditures incurred in maintaining, operating, and repairing the same, and of the daily tolls collected. After a sinking fund sufficient to repay the State of Tennessee for the cost of constructing such bridge has been provided from the tolls thereof, the same shall be maintained and operated as a free bridge.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEELY:

A bill (S. 4108) granting an increase of pension to Mary F. Laird; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 4109) granting an increase of pension to Katherine Wert (with accompanying papers); to the Committee on Pensions.

By Mr. TRAMMELL:

A bill (S. 4110) providing that freight, express, and passenger rates shall not be increased without authority of the Interstate Commerce Commission and providing that shippers shall be given at lenst 60 days' notice of hearings on application for increase of rates; to the Committee on Interstate Commerce.

A bill (S. 4111) providing for public notice relative to the selection of proposed sites and locations for post offices; to the Committee on Post Offices and Post Roads.

By Mr. FESS:

A joint resolution (S. J. Res. 101) authorizing the Joint Committee on the Library to procure an oil portrait of the late President Warren G. Harding; to the Committee on the Library.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 2982) to provide for the conveyance of certain land owned by the District of Columbia near the corner of Thirteenth and Upshur Streets NW., and the acquisition of certain land by the District of Columbia in exchange for said part to be conveyed, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4007) to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States"; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SINNOTT, Mr. SMITH, and Mr. MORROW were appointed managers on the part of the House at the conference.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 5823. An act to amend the Code of Law for the District of Columbia in relation to the qualifications of jurors; and

H. R. 7286. An act to provide for the acquisition of property in Prince William County, Va., to be used by the District of Columbia for the reduction of garbage, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 13) providing for the observance of May 15, 1926, as the one hundred and fiftieth anniversary of the passage of a resolution by the Virginia Convention of 1776 proposing that Congress make a declaration of independence and extending to the President and Congress of the United States an invitation to participate in a celebration at Williamsburg, Va.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 43. An act authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe;

S. 493. An act for the relief of the owner of the steamship *British Isles*;

S. 494. An act for the relief of all owners of cargo aboard the American steamship *Almirante* at the time of her collision with the U. S. S. *Hisko*;

S. 553. An act for the relief of Fred V. Plomteaux;

S. 613. An act for the relief of Archibald L. Macnair;

S. 850. An act for the relief of Robert A. Pickett;

S. 959. An act for the relief of Tena Pettersen;

S. 977. An act for the relief of A. V. Yearsley;

S. 1360. An act for the relief of the estate of William P. Nisbett, sr., deceased;

S. 1481. An act to authorize the President to appoint Capt. Curtis L. Stafford a captain of Cavalry in the Regular Army;

S. 1486. An act to authorize the Secretary of War to lease to the Bush Terminal Railroad Co. and to the Long Island Railroad use of railway tracks at Army supply base, South Brooklyn, N. Y.;

S. 1519. An act for the relief of the P. Dougherty Co.;

S. 1609. An act to increase the pensions of those who have lost limbs, or have been totally disabled in the same, or have become totally blind in the military or naval service of the United States;

S. 1803. An act for the relief of Walter W. Price;

S. 1938. An act to issue a patent to John H. Bolton;

S. 2368. An act for the relief of Ocean Steamship Co. (Ltd.), a British corporation;

S. 3538. An act authorizing the Secretary of the Interior to pay legal expenses incurred by the Sac and Fox Tribe of Indians of Oklahoma;

H. R. 2009. An act for the relief of C. M. Rodefer;

H. R. 6773. An act to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America;

H. R. 7372. An act to amend section 27 of the general leasing act approved February 25, 1920 (41 Stat. L. p. 437);

H. R. 8190. An act authorizing the construction of a bridge across the Colorado River near Blythe, Calif.;

H. R. 9758. An act granting the consent of Congress to the Vicksburg Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Vicksburg, Miss.;

H. R. 9795. An act making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes;

H. R. 9831. An act to provide for the completion and repair of customs buildings in Porto Rico;

H. R. 9964. An act releasing and granting to the city of Chicago any and all reversionary rights of the United States in and to the streets, alleys, and public grounds in Fort Dearborn addition to Chicago;

H. R. 10164. An act granting the consent of Congress to Cape Girardeau Chamber of Commerce (Inc.), to construct, maintain, and operate a bridge across the Mississippi River at Cape Girardeau, Mo.;

H. R. 10351. An act granting the consent of Congress to the Natchez-Vidalia Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Natchez, Miss.;

H. J. Res. 149. Joint resolution to provide for membership of the United States in the Central Bureau of the International Map of the World; and

H. J. Res. 150. Joint resolution to provide for the participation of the United States in a congress to be held in the city of Panama, June, 1926, in commemoration of the centennial of the Pan American Congress which was held in the city of Panama in 1826;

EXCHANGE OF LANDS IN NEW MEXICO

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 4007) to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES of Washington. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. STANFIELD, Mr. SMOOT, and Mr. JONES of New Mexico conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. PHIPPS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, 19, 21, 25, 26, 29, 30, 33, 34, 35, 36, 37, 38, 39, 63, 64, 68, 70, 71, 72, 75, 88, 89, 95, 103, and 104.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 22, 23, 24, 27, 28, 31, 32, 43, 44, 47, 48, 49, 50, 51, 52, 53, 54, 55, 59, 60, 61, 66, 73, 74, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 90, 91, 92, 93, 94, 96, 97, 98, 106, and 107, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ", and no part of this appropriation shall be available for the compensation of any person giving less than full time from 9 o'clock antemeridian to 4.30 o'clock postmeridian to his official duties"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "Attorney at law, $5,500, and for other"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: " ; in all, $46,120; and no part of this appropriation shall be available for the compensation of any person giving less than full time from 9 o'clock antemeridian to 4.30 o'clock postmeridian to his official duties"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$148,600"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$658,100"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,500"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "except Fourteenth Street extension beyond the southern boundary of Walter Reed Hospital Reservation"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "No part of any appropriation contained in this act shall be available for repairing, resurfacing, or newly paving any street, avenue, or roadway by private contract unless the specifications for such work shall be so prepared as to permit of fair and open competition in paving material as well as in price"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$267,500"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$272,500"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including an assembly hall and gymnasium, $100,000;

and the commissioners are authorized to enter into contract or contracts, as in this act provided, for said addition at a cost not to exceed $400,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,320,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ": *Provided*, That no part of the appropriations herein made shall be expended for the purchase of any site the cost of which shall exceed the full value assessment of such property last made before purchase thereof plus 25 per cent of such assessed value: *Provided further*, That if any of the sites above enumerated can not be purchased under said limitation as to price then any of said moneys remaining unexpended or unobligated by reason of such price limitation may be expended, subject to said limitation as to price, in the purchase of any or all other land authorized to be acquired in the five-year school building program act, approved February 26, 1925 (43 Stat. p. 986).

"The unexpended balance of the appropriation of $154,000 contained in the second deficiency act, fiscal year 1925, on account of the Park View School, is hereby reappropriated for the purchase of school buildings and playground sites authorized to be acquired in the five-year school building program act, approved February 26, 1925 (43 Stat. p. 986)"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "including compensation at the rate of $1,860 per annum for the present assistant property clerk of the police department"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000"; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$145,000 shall be available for expenditure below Benning Bridge and not more than $25,000 shall be available immediately and remain available until July 1, 1928, for the purchase of necessary land above Benning Bridge: *Provided*, That the purchase price of any site or sites acquired hereunder shall not exceed the full value assessment last made before purchase thereof plus 25 per cent of such assessed value"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ": *Provided*, That not more than $150,000 of this appropriation shall be available for the purchase of sites without limitation as to price based on assessed value and that the purchase price to be paid for any site out of the remainder of the appropriation shall not exceed the full value assessment of such property last made before purchase thereof plus 25 per cent of such assessed value"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "The Commissioners of the District of Columbia are directed to increase the scale of water rents in effect in the District of Columbia by 12½ per cent per annum for the fiscal year ending June 30, 1927: *Provided*, That such increase shall remain in effect until otherwise provided by law"; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ": *Provided further*, That no person shall be employed in pursuance of the authority contained in this paragraph for a longer period than nine months in the aggregate during the fiscal year"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 46, 56, 100, 102, 109, and 110.

L. C. PHIPPS,
W. L. JONES,
CARTER GLASS,
JOHN B. KENDRICK,
Managers on the part of the Senate.
FRANK H. FUNK,
ROBERT G. SIMMONS,
GEORGE HOLDEN TINKHAM,
ANTHONY J. GRIFFIN,
ROSS A. COLLINS,
Managers on the part of the House.

The report was agreed to.

PROPERTY OF THE GOVERNMENT

Mr. McKELLAR. Mr. President, I present an editorial which appeared in the Washington Post entitled "Uncle Sam's property." I ask unanimous consent that it may be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, April 20, 1926]

UNCLE SAM'S PROPERTY

The United States Government carries on the biggest business in the world, involving large sums of money and vast amounts of property, both personal and real. Yet the Government, unlike all other enterprises of vast proportions, never takes an account of stock to ascertain exactly or even approximately what its assets are. It knows its liabilities but not its assets, probably because it can add to its income and its assets almost without limit simply by taxing the people.

What is the Government's property? What are its assets? What is the size of its business?

In 1922 the national wealth of the United States was estimated at about $320,800,000,000. Now it is probably something like $350,000,000,000. This includes real estate, livestock, farm property, railways of all sorts, waterworks, private enterprises of a public-utility nature, farm and mine products, jewels, vehicles, gold and silver, etc. The wealth of the United States is said to be more than twice the national wealth of Great Britain and equal to the combined wealth of eight European countries, including Germany, Italy, Belgium, Turkey, and four others.

How much of this national wealth belongs to Uncle Sam? The average citizen sees very little of it outside of the buildings in Washington and post offices and customhouses elsewhere, or in some important harbor where war and other ships are anchored. The ordinary machinery of the Government operates at home and in all climes, yet its vast scope and the wealth and property involved are seldom realized.

Uncle Sam's property, roughly speaking, consists of land, buildings, equipments, forts, guns, ships, airplanes, canals, cash in the Treasury, and bills and notes receivable.

The land on which are located 80 public buildings and groups of buildings in Washington is worth about $35,000,000, it is estimated. The buildings thereon cost approximately $112,700,000. For public purposes they are worth no less now—perhaps between $150,000,000 and $160,000,000. The fixtures and furnishings are estimated to be worth $75,000,000 more.

The property used and occupied by the 10 departments of the Government in different parts of the world is valued at approximately $100,000,000. An inventory never has been taken. Perhaps it is an impossibility.

The property of the War Department, all told, is estimated at approximately $225,000,000—perhaps $250,000,000. This includes artillery, coast defenses, camps, posts and forts, stores, and equipment.

The total assets of the Navy Department on June 30, 1920, were about $2,630,700,000. This figure has not increased since. Perhaps it has decreased because of the scrapping of ships.

The assets of the Departments of Interior, Commerce, and Agriculture are scattered all over the country, indeed all over the world. Outside of Washington the Interior Department has property estimated worth $100,000,000. It has never been scheduled accurately. The property of the Commerce Department is estimated at more than $75,000,000. The Department of Agriculture admits that an inventory is practically out of the question. The assets of the Justice and Labor Departments are comparatively small.

The Post Office Department property is estimated at something like $150,000,000. The land and buildings coming under the Treasury Department are estimated at about $500,000,000.

A conservative estimate of Uncle Sam's assets, real and personal property, ships, forts, canals, equipments, bills receivable, and all the rest is about $20,000,000,000. But why not have an annual accounting so that the figures in the future will not be mere guesses or estimates?

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed acts and joint resolutions of the following titles:

On April 22, 1926:

S. 3031. An act for the relief of George Barrett;

On April 24:

S. 124. An act for the relief of the Davis Construction Co.;

S. 3213. An act to provide for the disposition of moneys of the legally adjudge insane of Alaska who have been cared for by the Secretary of the Interior;

S. 3463. An act to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii; and

S. 3627. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State.

On April 26:

S. 549. An act for the relief of John H. Walker;

S. 2465. An act to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes;

S. 2763. An act to amend section 103 of the Judicial Code as amended;

S. 3287. An act relating to the purchase of quarantine stations from the State of Texas;

S. J. Res. 30. Joint resolution authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence; and

S. J. Res. 91. Joint resolution directing the Secretary of War to allot war trophies to the American Legion Museum.

CARLSBAD CAVERN, N. MEX.

Mr. BRATTON. Mr. President, I have before me an article written by Hon. Carl B. Livingston, of Carlsbad, N. Mex., entitled "Through the Carlsbad Cavern with Jim White." I ask that it may be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

THROUGH THE CARLSBAD CAVERN WITH JIM WHITE

By Carl B. Livingston

"Everybody please step up and write your names on the register," announced Jim White, "so we'll know you're not left when we come out!" Jim is the first explorer and the head guide of the largest cavern in the world—the Carlsbad Cavern of New Mexico. The cavern was made a national monument by the proclamation of President Coolidge about two years ago.

We were waiting a couple of hundred feet down in a great funnel-like pit, the natural opening to the cavern. It was 10 o'clock in the forenoon. Upward was a rim of yellow cliffs and a splotch of turquoise sky; downward was space, eternal darkness, and silence.

The gate slid open and the crowd passed within; the gate closed and was locked with an ominous click—we were severed from the world, with our destinies weighing on Jim White and his staff of guides.

An excursion of phantom shadows, fairy realms, and ghostly stalagmites; giant hallways, skyscraper ceilings, and pits of hell—four hours of which brought us to rest in the huge spaces of the lower chamber.

"We're 3 miles back and 840 feet below the surface," remarked the explorer as he lit a fuse that began to sputter from the end of a magnesium flare. "Course we could go down nearly a thousand and maybe keep a-goin', but—"

Before he could finish the flare burst into a vivid white light like a prolonged flash of lightning. The inky cloud overhead dissolved and we saw the jeweled ceiling high above and the cliff-like walls standing far apart; the flare burnt out and once more depressing darkness closed in close around the cluster of lanterns.

"How did you ever manage to find your way into the lower chamber," I asked.

"Me and Pete Smith," Jim answered, "went off on a rope over the jump off in the big room and landed here in the lower chamber."

This lower chamber is just another colossal room under the big room; but we had reached the "basement" by the safe-and-easy route of the "dude"—through steps down a sinkhole in the floor of the big room. Then a maze of winding passages and alluring hallways had led us into the great open space where we now stood in the middle of the lower chamber.

While the flare was burning, a jump-off had been pointed out as the great, ring-like hole a hundred feet overhead and several hundred feet in diameter. And Jim White and his comrade, Pete Smith, had gone that perilous route.

"Comin' back out on the rope," continued Jim, "I was kinda scared for Pete, because 'long toward the top he sorty kicked and fought the air. We had two ropes hangin' side by side; on one we would pull ourselves up a foot or two at a time, and at the same time the fellows helpin' us on top would jerk up the slack in the one that was tied to us. We made it back out without a scratch.

"But," he added, "before either of us topped out, we both was mighty near all in. And if it'd been another yard or two, I guess we'd a been down here yet."

Jim White is not the explorer with the pith helmet, tight-legged pants, and horn-rimmed glasses—but the genuine article of cowboy tradition. There is a difference between the "high-brow" explorer, with money and prestige as speedsters to fame, and the prowess of the pioneer who blazes the way over new horizons with just nothing, save a step that is true and a light in his eye that knows no fear. There was no crowd of reporters to hang on Jim's every word. Had he failed in his purpose, there would have been none of the soothing ointment of consolation that comes to explorers of position in the shape of "victorious defeat," when they do not succeed. Had Jim been killed, he would not have been a national martyr in the cause of science but just a "durn" fool—he did succeed, though, and the hats are off to him.

Jim White does not talk much, except to a few, and not very often then. And I have it straight that what he says is not "windys" invented to entertain the "dudes," and that there is much else he does not think worth while to mention—incidents that would still be a thrill alongside those of an elephant hunter.

We had heard so much about the cavern we craved some of the simple facts from those who had really done the work, and we drew him out as best we could.

He was a sturdy-lean figure and even drawl. Down in the land of the unreal—of stalagmites and gloom—he sat cross-legged on the ground in the manner of the men of the range country; and while he deftly rolled cigarettes from the "makings" he glanced back over the vista of his life and recounted with little concern experiences that would lay the basis for a new Arabian Nights.

It was learned that a mining company had once conducted extensive operations in removing from the cavern vast deposits of guano in the half-mile section around the entrance.

Said Jim: "Twenty-five years ago I landed the first stick o' lumber upon the hill to build the shacks.

"We always knocked off on Sundays, and when the weather was bad—then was the time we explored! We had a happy-go-lucky bunch, too. Some of the boys used to love to set around all day and play cards, smoke and spit, and cuss until the air was blue. Others didn't seem to get so much of a kick out of it, and a few of them used to go exploring with me."

Sometimes his "pal" Pete went along; other times it was Lige Hill and Henry Samples, who are now guides and "know the cave like a pocket in a shirt and have been on the job ever since they have been yearlings."

"We'd never bite off mor'n we could chaw," was their maxim. Only a little at a time did they explore, and when known landmarks became firmly fixed in mind they would push on farther.

In the early part of our visit we had followed a safe, zigzag trail through a gruesome pit, 150 feet deep, aptly called the "Devil's Den." The walls were so precipitous and irregular that the first attempts, with no trail and without knowing what lay ahead, must have been a horror.

"That was the hardest part o' the whole thing," Jim declared. "Finally I made it across the Devil's Den, and before I went on I made five or six trips across trying to find a better way."

We had next followed for several blocks through a colossal hall whose ceiling often rose so high as to be out of range of even the pocket searchlights. The official survey found the height to be about 300 feet—a ceiling high enough under which to stand a fair-sized skyscraper!

"Long there," Jim related, "we just kinda felt our way as we went. An' I didn't think much about danger until a mile back we run across the skeleton of a man layin' like he'd fell off a big rock. That nearly queered the whole business with me—for a while at least. I thought I'd cut it all out and say I'd seen enough, but all of a sudden I just went on and I found the King's Palace."

What is known as the "King's Palace" was recalled as a series of four great, mystic chambers whose decorations must have been patterned by nature after the myth of fairyland.

"And for a long time I thought the King's Palace was as far as the cave went, but one day while back there we climbed up a steep hill

into that big crack and follered it till it quit, and there was the big room.

"We spent a night and a part of two days wanderin' around over the big room, like bein' turned aloose out in a canyon pasture on one long, dark night with only oil torches for lights. Durin' then we come up on the edge of a bluff, the jump-off, and that was all I'd started in to tell."

"But how did you keep from getting lost?" I asked. "With this," Jim replied, picking up from the floor a piece of rotten string, which he had strung through portions of the cavern years ago as he made his exploration. We remained in appreciative silence, and he resumed, "The guano had been a hundred feet deep around the natural opening, but finally we begin to reach the rocks in the bottom. The works shut down, and everybody blowed up and left, but I kept hangin' on.

"Then I hit on the idea of takin' people through the cave to show 'em the sights, but I never expected to see such a crowd as all o' this!" waving a hand at the throng.

We were informed that miles more of the cavern was then explored; but people who lived right at the entrance did not believe that the cavern was so stupendous a thing. Only a few came to visit what may with propriety be called the "eighth wonder of the world," and not much impression was made on very many of these.

The fuse that set off the rocket of publicity by which the cavern became known is a young man by the name of Ray V. Davis, who came out and took many pictures of the cavern. Some of these photographs came into the hands of a Mr. Robert A. Holley of the United States Land Office, and he made a preliminary survey for the Government. Soon thereafter the cavern came speedily to the attention of others of influence, which resulted in the creation of a national monument.

We had entered the cavern by a tediously long, but safe, stairway through the new natural entrance, which route is "the way de luxe" as compared with the perils of the old entrance. During the mining days the guano had been hoisted out of the cavern through a shaft punched through the roof.

Later for some time the shaft was used as the entrance for tourists. The descent was 180 feet, through sheer space, in a mining bucket on the end of a steel cable.

"But we never did have any accidents around the cave," explained Jim, "except once in the mining days when a drunk man come stumblin' along and fell heels over head into the shaft. I was froze with fear, but the bucket, loaded with filled sacks, happened to be comin' up and was just enterin' the hole in the roof. Then up came the bucket and clingin' on was our friend—when he put his foot on solid ground he shore was sober!"

Having seen a rat scamper across the floor of the big room, I inquired, "Have you ever seen life of any kind as far back as the lower chamber?"

"Yes; and farther, too—we chased a cave cat through this very room less'n a year ago; bones of other little animals have been picked up about as far back as anybody has ever been. It looks like there may be another entrance we don't know anything about."

"What do you consider the strangest thing during your explorations?" another queried.

"A runnin' stream down here in the lower chamber when Pete and me went over the jump-off in 1906. It run till 1907. When we have a few more wet years maybe the stream will start flowing again.

"And once I was walking along through a place in the cave we call Pipe Springs and I bumped into a stalactite; it broke off, and a stream of water gushed out like a hydrant open."

"What was the closest call you ever had?"

"Once, when used to use tourches, I was carryin' some kerosine oil in a gunny sack slung over my shoulder. The oil sprung a leak. Walkin' just behind me was a feller carryin' one of them blazin' torches. The first thing I knew the man let that torch touch the sack, and my pack started goin' up in flames and me tied to it! I had a time breakin' loose from the pack, but I didn't get burnt much.

"Speakin' of bein' excited, a priest that weighed 300 pounds went as far as the Devil's Den, took a look, didn't like the looks o' things, and gave up the trip. That was the days when we pulled 'em up in the bucket. When the priest was about half way up, somethin' happened to the engine, and we had to stop and leave him where he was for a minute or two; then we started to let him back down under perfect control of the brakes, and I could hear him mumblin' somethin' like a prayer.

"It's funny how much alike most people are. In the first part of the cave where there is nothing pretty every crowd hollers, 'Oh, isn't it marvelous!'

"Also nearly everybody asks if I don't think that this cave is connected with every other cave in this part of the country.

"People are imitators—one starts to peckin' on somethin', and then they all will start poundin' on whatever is handy. That's the reason we don't allow any walkin' sticks brought into the cavern, because they get to usein' 'em for clubs.

"People love to write their names. This is strictly agin the rules—to write on the scenery. They don't seem to realize that it took thousands of years for these formations to make.

"In the old days, when we used to let 'em take out a few souvenirs, people was great hands to lug out a lot o' junk to the surface where they would get a look at it and throw it away.

When a crowd starts into the cavern, we always give 'em the once over to see if anybody looks like he might not make the trip. It always makes 'em mad to turn 'em down, and we hate to do it. Some even try to slip through. Once a man with wood feet got by us when we used to use the bucket and shaft. He didn't go far—I found him layin' by the trail near the Devil's Den, and I packed him back out.

A couple of schoolma'ams showed up at the cavern with a dog. To see what he would do, we let him foller 'em through—and he kept right up with the crowd.

While most people are just about alike, some are the other way. Once I took a couple of big fat Jews. They was so lazy that they'd ask to be helped up ever' time they'd set down. After about a half day of tuggin' at them, I got fed up, and said, "Fellers, I'm feelin' kinda queer—I don' know whether I'll ever be able to make it out of here or not!" And you oughta seen them Jews come alive!

Among the queerest that have ever been around here was the scientists. I didn't pay much attention to them at first, but I found that every once in a while they would tell me somethin' that would keep us laughin' for a week.

When we first built the stairway a few people slipped into the cave before we could get the gate up. Up in the big room we run across a feller showin' his girl the cave—he was carryin' a lantern with one mantle broke off and with the other barely danglin' on. And when we asked him, he didn't think anything about fallin' through a sinkhole or perambulatin' off over the jump-off.

"And down here in the lower chamber another man was found wanderin' around by his self. He didn't seem to know that he could have strayed off and got lost in some of the lanes where we do not go for several days and maybe months at a time. That's why we have visitors to register and why we keep the gate locked—we never take a chance on losin' anybody."

It was time to start back out, and the crowd began to move. "Hay-a-a!" Jim called to a group that had started on. "You're goin' the wrong direction—back the other way!

"You see," he added, "how easy it is to get turned around. Who can tell which way is north?"

As many guessed one way as another, and we fully realized the satisfying feeling of safety in having such men as these guides, who know the cavern "like a pocket in a shirt."

While we paused on a hill for a renewal of breath, Jim confided that he had just finished paying out a home by "herding dudes" through the cavern, he had a wife that could cook, and a boy in school. "But little Jim is not to be a cave explorer when he grows up, because the job's too dangerous for what you get out of it, and besides there won't likely be anything left to explore by then."

At last upon the surface, the sinking sun was spreading a panorama in cerise and purple across the heavens. Following Jim, the waiting cars slipped away, one at a time, through the shadows into the desert back to town—Carlsbad—the starting and the ending point, where we left our pilot of the underground to be picked up by the next party with the same curious ideas and funny questions.

SETTLEMENT OF LATVIAN INDEBTEDNESS

Mr. SMOOT. I ask that the Latvian debt settlement bill be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6776) to authorize the settlement of the indebetedness of the Government of the Republic of Latvia to the Government of the United States of America.

Mr. SMOOT. Mr. President, much was made on yesterday in the discussion because of the fact that Latvia had paid her indebtedness to France and Norway in full. I think it is due to the Senate to call attention to the manner in which Latvia paid off her indebtedness to those countries and how she paid it. I think there will be no question about the advantage to Latvia in doing so.

We will first take France. The total indebtedness of Latvia to France was 11,811,372 francs. She paid off in depreciated francs that whole amount, which cost her less than $400,000.

Take Norway. Latvia owed Norway 6,738,127 crowns. She paid off her indebtedness in depreciated crowns at a cost of less than $700,000. She paid France, perhaps, too quickly for her advantage, because if she had waited until to-day and paid France in francs, she would not have paid more than 10 per cent of her original indebtedness to France. As it stands, she paid only about 25 per cent of that indebtedness, because of the fact that she took the advantage of paying those countries in depreciated currency.

Mr. NORRIS. Mr. President, may I interrupt the Senator from Utah?

Mr. SMOOT. Yes.

Mr. NORRIS. But Latvia paid according to her contract.

Mr. SMOOT. Certainly.

Mr. NORRIS. Latvia owed crowns and she paid crowns; she owed francs and she paid francs.

Mr. SMOOT. That is true.

Mr. NORRIS. She proffered a legal tender according to her contract for the payment of her debts.

Mr. SMOOT. It was understood, of course, that the payment to France would be in gold francs, but there was nothing in the contract to that effect, and I will say to the Senator from Nebraska that I myself think that Latvia lived strictly up to the contract.

Mr. NORRIS. Exactly.

Mr. SMOOT. But Latvia took advantage of the situation and paid off the obligation which she originally made with France at 25 per cent of its valuation at the time it was incurred.

Mr. HOWELL. Mr. President, will the Senator from Utah yield to me?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. Yes.

Mr. HOWELL. I should like to ask the Senator from Utah, is it not a fact also that the obligations of Latvia were contracted in depreciated francs?

Mr. SMOOT. I do not remember exactly what the value of the franc was at the time Latvia's obligation was incurred. More than likely at the time the obligation was incurred its value had decreased from perhaps 19.65 cents to about 15 cents. Now the value of the franc is down to 3 cents. Latvia, however, took advantage of the depreciation of the franc at the time she made the settlement, because she did not think the franc was ever going lower than at the time she paid her debt. If she had for a moment thought that the franc was going lower than it was at that time, she would have paid her indebtedness for less than the $400,000, the amount she did then pay to France.

Mr. HOWELL. As a matter of fact, is it not true that at the time Latvia contracted her indebtedness with France the franc was worth about 11 cents?

Mr. SMOOT. No, Mr. President.

Mr. HOWELL. Does the Senator from Utah know just about what date Latvia's indebtedness to France was incurred?

Mr. SMOOT. It was during the year 1918, not later than that, I will say to the Senator. When I was in France two years ago I paid 11 cents for francs.

Mr. HOWELL. But does the Senator know the value of the franc in 1918? What was the franc worth in that year?

Mr. SMOOT. I will say to the Senator that it was higher than 11 cents.

Mr. HOWELL. Does the Senator know what the quotation was?

Mr. SMOOT. I can not say exactly, but I think it was worth about 15 cents.

Mr. HOWELL. The franc depreciated very materially and its value was lower in 1918.

Mr. SMOOT. Does the Senator know what it was worth then?

Mr. HOWELL. My impression is that it was round about 11 or 12 cents.

Mr. NORRIS. Let me ask the Senator what difference does it make what the franc was worth at any time? Latvia contracted a debt and it was payable in francs. She paid it literally according to the contract, as I understand, and no one questions it. It was a perfectly honest deal.

Mr. SMOOT. I am calling attention to this matter because yesterday the idea was attempted to be conveyed to the Senate that Latvia is not treating the United States as she treated Norway.

Mr. NORRIS. She is not.

Mr. SMOOT. And that she is not treating the United States as she treated France.

Mr. NORRIS. She was not.

Mr. SMOOT. Suppose we had a paper money like that of France?

Mr. NORRIS. We did not have; our debt is payable in dollars.

Mr. SMOOT. No; it is payable in gold.

Mr. NORRIS. I do not care whether you call it dollars or cents or gold. The debt Latvia owed to France was payable in francs; she complied with the contract; we could not have any objection to make, and would not make any. There is a difference, it seems to me.

Mr. SMOOT. Very well, let it be said that there is a difference, but I wish to say——

Mr. NORRIS. Everybody can understand what the facts are.

Mr. SMOOT. The reason Latvia paid her debts to France and Norway was because of the fact that she was able almost to secure their practical cancellation. That was the reason she paid them off. She could not do that in the case of her debt to the United States; she can not borrow the money, and she has not the resources with which to pay the United States.

I wanted to say that much, Mr. President, in relation to the statement which was made yesterday.

Mr. REED of Missouri. Mr. President, I think the Senate is about in the humor to give some more money away, and nothing can prevent the consummation so devoutly wished for by the international bankers, by the foreign countries that owe us money, and by the servants and agents and employees of those interests who are Members of Congress. So I do not intend to take very much time this morning in discussing this settlement with Latvia.

I will inquire of the Senator from Utah what is the exact amount of the debt? I had the figures here yesterday, but my papers have been taken awhy.

Mr. SMOOT. The funded debt of Latvia, with interest added, is $5,775,000.

Mr. REED of Missouri. So less than $6,000,000 of the peoples' money is at stake, and what is the use of spending time with a trifle of that sort? Yesterday afternoon we spent about two hours and a half discussing a question of cutting $1,000 per annum from the salary of a man who has worked here faithfully for 30 years. If that measure went through—and I did not wait to see what action was taken—it will be heralded throughout the country as another great triumph of economy, and the next campaign will witness the tall and majestic form of the Senator from Utah, as he stands like Saul among his people towering above the multitude, proclaiming the economy régime of Calvin Coolidge. I can see him now, with tears of sympathy rolling down his face for this clerk who lost his health in the service of the Senate, telling the people of Utah and the remainder of the country how his heart bled for this faithful man, but that, in the interest of economy and following the glorious flag of Calvin Coolidge he had saved the taxpayers $1,000 per annum. However, he will not be saying very much about the billions of money he voted to take from the American people and turn over to foreign nations.

Judging from recent performances, I think once in the past, there must have been a Calvin Coolidge and possibly a Republican Party, because many, many years ago there was an old maxim that comes down to us from the lips of our fathers, telling us about gentlemen who waste at the bunghole and save at the spigot. The Coolidge administration is the finest illustration of a Vermont economist carefully guarding the spigot and the barrel, while not only the bunghole but both heads of the barrel are knocked out that has yet been furnished.

This settlement with Latvia is not only wasteful but idiotic. Let me give attention for the moment to the apology just made by the Senator from Utah [Mr. SMOOT], which was to the effect that Latvia had paid France and Norway in depreciated money, the argument being that if she had paid them in depreciated money she ought not to pay us in anything. In the first place, the argument was punctured by the Senator from Nebraska [Mr. NORRIS] when he asked whether they had not borrowed money that was depreciated.

They borrowed the kind of money from France that France had, and it was depreciated when they borrowed it, and the kind of money that Norway had, and it was depreciated when they borrowed it; and they paid those countries back in the very kind of money which they had agreed to pay, and they paid those nations back in exactly the kind of money used by private debtors in those nations in paying off their creditors and in exactly the kind of money those governments were paying off their debts to their own people. So that little toy balloon that went up this morning, shining with all the attractive colors of one of these balloons that are sold on the street corners and are doctored up to dazzle the eyes of the kiddies as they drive along the street, was punctured, and did not have enough gas in it even to make a good loud report.

But let me tell you why this settlement is idiotic: Because long before the 62 years will have run Latvia will have ceased to be, in all human probability. I would rather have 25 cents on the dollar from Latvia to-day in gold coin of the United States than to have this contract.

Latvia was a province of Russia, and Latvia will be a province of Russia again just as soon as the Russian Government

gets a little stronger and gets ready to reach out its powerful hand and take Latvia in again. By every rule of common sense and by every rule of national life and by every principle of economics Latvia is a part of the great country of Russia. She is so situated that her own economic life and her own prosperity depend upon her amalgamation with Russia. She is so situated that it is necessary to the development of the great Russian people that she should be under the flag of Russia; and no temporary regulation by interested peoples or interested countries outside will ever stand against these great and resistless forces.

This country was born on the 17th day of November, 1917. Its final elections did not take place until April 17, 1920. Its first legislative assembly was organized on May 1, 1920. It is bounded on the north by the Gulf of Riga and Esthonia, and on the east by Russia, and on the south by Lithuania and Poland, and on the west by the Baltic Sea; and Russia will go to the Baltic Sea just as we would go to the Gulf of Mexico if a little fringe of the coast were held by a small and powerless country.

Latvia could not exist a day against Russia's demand—not an hour—if Russia were to see fit to make the demand, unless it were supported and backed by Germany or by France or by Great Britain; and in the course of a few years, in my judgment, it will beyond any doubt be absorbed again into Russia. So that when we extend a debt for 62 years with a country of that kind we to all intents and purposes cancel the debt. They may be presently prosperous; they may presently have some wise statesmen; but Russia will go to the sea. One hundred and eighty million people can not be held back from the water front, and Latvia will disappear.

Mr. President, while I have the floor I want to call attention to the fact that the improvident settlement we made with Italy and some of these other settlements will form a precedent for a demand by Great Britain for a readjustment of her debt.

Mr. SMOOT. Mr. President, I will say to the Senator that Great Britain has already declared that they would not form a precedent. She said she had no objections whatever to our making any kind of a settlement with any country that we chose to make.

Mr. REED of Missouri. Very well. When the Senator says Great Britain has done that, whom does he mean by Great Britain?

Mr. SMOOT. I mean the official head of the British Government.

Mr. REED of Missouri. That may be changed to-morrow; and I am going to call attention to some evidence of the fact that it may be changed very soon.

Let us see. You came in here asking us to approve the British settlement. I protested at that time, and others did the same thing, against settling with Great Britain on any terms except the terms provided in the bills of Congress under which we borrowed the money from the American people. I called attention at that time to the fact that if we were compelled to pay 4¼ per cent interest on this money we got from our people and loaned to Great Britain, and if Great Britain were to pay the interest she is to pay under the contract, and if the interest were compounded, it would mean a loss to the United States of $22,000,000,000. The answer was twofold: First, that we could refund our indebtedness for a less rate of interest than we are now paying—a thing which may happen and which may never happen. The other answer was that we had obtained from Great Britain the last cent she could pay; that economic conditions in Great Britain were bad; that she was burdened with an immense debt; that her people were staggering under its weight, and this was all Great Britain could pay, and we had better take this or we would get nothing. That exact expression was used—that we would get no settlement—and so, under that stress, we voted for the British settlement. I voted against it. Some others voted against it—not very many.

Now we are told that this British debt settlement, exacted from us on the representations I have just referred to, is the high-water mark; that because we made that settlement with Great Britain we have no right to ask any other nation to pay us any greater sum. If that is logical, then I want to know why Great Britain has not a perfect right to turn around to the United States and say, "You exacted from us a certain settlement. You have since settled with other nations that are solvent nations for a less sum, and we demand the same kind of treatment."

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. REED of Missouri. Yes.

Mr. SMOOT. But Great Britain herself has made different settlements with the very countries with which we have made settlements. She recognizes that their situations are different, and she has not demanded the last dollar that they owed her; and she has not settled with any two of them upon the same terms.

Mr. REED of Missouri. What kind of an answer would that be for us to make to this demand of Great Britain? Besides, if you speak of the Italian debt, you know, sir—I have the documents to prove it—that a part of the agreement made with Italy at the time she entered the war was that she was to receive great favors from her allies, and at the time the money was loaned to her by Great Britain there was an understanding that the full amount would not be exacted in return. Great Britain is simply carrying out the agreement she made and paying the price that she agreed to pay Italy for Italy's entrance into the war; and so far as her settlements with other countries are concerned she doubtless has her own reasons for those settlements.

But, Mr. President, we are told that the British Government have informed us that they will not use the settlements we have made with other countries as a reason for demanding a readjustment with us. Two observations with reference to that: How did you come to be talking about that with the British? Had they mentioned it? Had you feared that it would be used as a precedent? And, second, who is the British Government? It has its representatives to-day, but an adverse vote in Parliament may change the British Government to-morrow, and the new British Government will have its own policies.

I presume Winston Churchill is to-day making the speech that is here predicted. I am reading from the Public Ledger of Philadelphia of last Monday morning a cable from London, in which it is stated:

> The budget speech of Winston Churchill, Chancellor of the Exchequer * * * is awaited with the greatest interest because of its promised discussion of the international debts.
>
> His followers will be disappointed if he does not reassert his leadership of the campaign for the ultimate reduction of the European contributions to America.

The statement is made that he has not given out the speech, but that is what he is expected to say. I do not know whether he said it or not. I know that when there is great public pressure in the British Isles upon these men who are already on record against the settlement, we are likely to have exactly that kind of a declaration. But I am not going to be unfair enough to the Senate to say that the statement has been made. I am awaiting news as to that.

Mr. SMOOT. Mr. President, the Senator does not believe England could afford to do that, does he?

Mr. REED of Missouri. I do not think any of these countries can afford to repudiate their debts.

Mr. SMOOT. Particularly England. England has been the creditor nation of the world——

Mr. REED of Missouri. Yes.

Mr. SMOOT. And she has never yet repudiated a bond given by her, and I do not believe she ever will repudiate one.

Mr. REED of Missouri. I hope she will not, and I have frequently had occasion to point to Great Britain as a nation that has a high sense of honor with reference to her financial obligations. I called the Senator's attention to that when he was making the settlement with Great Britain, and told him Great Britain would pay if we insisted. He replied that this was the last dollar we could get from Great Britain, and if we did not make this settlement we would get nothing.

Mr. SMOOT. I did not say we would get nothing in the end.

Mr. REED of Missouri. That we would get no settlement.

Mr. SMOOT. I said we would get no settlement, and I say so again.

Mr. REED of Missouri. Very well. Let us see how keen she was then. We had Great Britain's solemn written obligation, signed, sealed, and delivered, that she would pay back this money dollar for dollar; that she would pay 5 per cent interest; that she would give us the kind of bonds stipulated in our act of Congress. She refused to do it, and the Senator said that if we did not take her terms, we would get no settlement, and now the Senator says she always redeems every obligation.

Mr. SMOOT. I said bonded obligation.

Mr. REED of Missouri. Bonded obligation? What is a bond? "I promise to pay to John Jones $1,000" is a promissory note or a bond, just as the individual sees fit to call it. Both of them are bonds. There is no difference between a bond and a promissory not whatsoever, except that the term "bond" is usually applied to an instrument that runs a considerable length of time, and commonly in this country it is secured in some way. But when issued by a government, it has no security generally but the faith and credit of a people.

There has been a constant insistence in Great Britain that this settlement is improvident, and I shall be surprised if Great Britain does not come forward and say, "You have settled with these other countries upon terms so much better than ours, and we insist upon the right to reform our agreement."

Mr. DILL. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. DILL. I wanted to say just one word in comment about the boast of the Senator from Utah that England never would repudiate her bonds. Of course, if the representatives of the Government of the United States make agreements canceling the bonds or the agreements England has already made, calling them settlements, she does not need to repudiate, but it is in effect a repudiation and nothing else. That is the worst feature of all these settlements. We are enabling these governments to repudiate their bonded obligations which we hold in the Treasury, and say to the world that they have made settlements.

Mr. REED of Missouri. Mr. President, I want to read further from this article in the Public Ledger. It states:

The reported agreement for the payment of the French debt to America gives Mr. Churchill just the ammunition he wants. If it proves correct that the average French payments to America will be $120,000,000, the British are free to increase the annuities they are going to exact from the French.

The British agreement with the French contains the famous "pari passu" clause, whereby the British maintain their rights to collect at the same rate from France as America collects from them. On this basis the British, who have agreed to be satisfied with $62,500,000 yearly, will be in a position to ask for nearly $100,000,000.

The strategy of an early settlement with France is now clear. Mr. Churchill is happily placed at present in that he can ask for the full $100,000,000 and let America bear the onus of his demand, or he can make a great play for French friendship by being more generous than America.

Mr. President, I have before me an article which appeared in the New York American of Monday, April 26, signed by H. H. Stansbury, which reads in part as follows:

British financial observers consider any settlement of the French debt to the United States containing a security clause, written or implied, as a mere gesture to avert a new crisis through loans from American bankers.

Premier Briand informed the Senate and the Paris press unanimously claims the existence of a satisfactory secret understanding to reopen the agreement after ratification should it be found burdensome. The British experts make these points:

1. British skepticism is founded on general knowledge that any agreement not approved by the United States Senate is not binding, and certainly is not binding on the next administration.

You see, Mr. President, the word seems to be out all over the world that there has been really a secret agreement with the French.

Mr. SMOOT. Between England and France?

Mr. REED of Missouri. No; between this country and France.

Mr. SMOOT. I will say to the Senator that there has not been.

Mr. REED of Missouri. I do not think the Senator has been in the agreement. I do not think the Senator has anything to do with these agreements. I think they are made by Mr. Mellon. I think Mr. Mellon tells the boys what to do, and they do it.

Mr. SMOOT. The Senator is wrong there.

Mr. REED of Missouri. This article continues:

2. France has made no move to enforce taxation that will yield the required revenue, although the national wealth is thirteen times greater than Italy's. There is no political figure in sight strong enough to end the tax evasion.

Now, listen to these figures, for we were told that France had an income tax—and she has; but let us see what happens to it:

In 1924 less than 20,000 Frenchmen declared incomes within the scale of $5,000 to $10,000. Less than 10,000 admitted larger incomes.

They have an income tax, but they do not make any income-tax returns.

In a 10-day visit to France, just ended, this correspondent found prosperity everywhere. Farmers and shopkeepers are richer than ever, but are hiding their wealth from tax collectors as of old.

Building operations are going on on a vast scale. The people are well dressed and happy, but lack confidence in their Government.

No gold or silver is in sight, only the greatly depleted paper franc, with nothing behind it.

The London Times observer comments:

"Confidence in the ability and power of France to pay has practically vanished. It is the old story of flying kites which pass from hand to hand, like bills of semibankrupts, to be discounted at higher and higher rates until the crash comes. France wants a Mussolini who will bring an economical administration for the next 10 years."

There is the story. They simply will not pay taxes, and I repeat, when the French debt settlement comes here, I propose to demand that for any concessions we may make France shall cede to us her islands in the West Indies, which constantly menace the United States, and particularly the Panama Canal.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED of Missouri. I yield.

Mr. CARAWAY. Has the Senator any doubt about the French debt settlement already being agreed upon, but that they are pretending that they are having a disagreement, demanding more? Does the Senator really think that is fooling anybody?

Mr. REED of Missouri. Of course I do not want to speculate as to facts, which the Senator from Utah——

Mr. CARAWAY. I do not think the Senator from Utah knows it is settled, but I think it is agreed upon.

Mr. SMOOT. I will say to the Senator——

Mr. REED of Missouri. Of course there has not been a settlement. Nobody has signed on the dotted line.

Mr. CARAWAY. They will do that later on.

Mr. REED of Missouri. But I think there is a pretty fair understanding, or all the world would not have the same impression. Whether there is or is not an understanding, what difference does it make? We know that when the agreement is brought here it will be an agreement which was written by the French.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. REED of Missouri. I yield.

Mr. SHIPSTEAD. The French Government has a monopoly of the sale of tobacco in France. The French Government has a monopoly of the telephone and telegraph systems of France. If the French Government would be willing to transfer those Government monopolies to a corporation of which New York bankers would hold 51 per cent of the stock, does the Senator think that might smooth the way for a settlement with the French Government of the interallied debts?

Mr. REED of Missouri. I think there would still be an accentuated bankers' influence back of any French settlement with this Government. Of course if they were going to get more money, they would be that much more interested.

Mr. SHIPSTEAD. Will the Senator let me ask another question?

Mr. REED of Missouri. Certainly.

Mr. SHIPSTEAD. Does the Senator think that it is possible to have any settlement of these debts without having the bankers in the background?

Mr. REED of Missouri. I think that has been the situation. I think it is the situation to-day as never before. I think the financial interests as completely control this Congress as the financial interests controlled the Congress that licensed and set in motion the first great national bank, which Andrew Jackson afterwards had to destroy. I am not charging and do not charge and do not intimate that the influences are as sinister, but a recent historian has demonstrated that a large percentage of that Congress were stockholders and interested in the very bank they were creating. Since that day when corruption laid its leprous hands upon the throat of Congress, there has never been such a spectacle as we now see of complete subservience to the demands of the great financiers.

Mr. SHIPSTEAD. Mr. President, may I ask the Senator another question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. REED of Missouri. I do.

Mr. SHIPSTEAD. The Senator introduced a resolution asking for an investigation of the forces that have been doing considerable propaganda work in connection with these settlements. There have been charges made that New York bankers have been using these debts as a club upon foreign governments in order to get concessions. We have even heard

that a proposition of a loan of $500,000,000 was under consideration when Caillaux was over here to obtain a settlement for his Government, and that the proposition had something to do with the transfer of the government monopolies of France to corporations controlled by private bankers, and that he refused to consider any settlement of that kind or any loan of that kind on those terms. I would be very anxious to know if the Senator's resolution would not cover that situation. If it is true that Caillaux refused to accept a loan on those conditions I want to take off my hat to him. He acted like a patriot. He acted to preserve the sovereignty of his Government. I would like to know if it is true and if the Senator thinks his resolution would cover that matter.

Mr. REED of Missouri. I think my resolution would cover it, but the trouble is that my resolution is covered. It has been smothered. We have been recessing from day to day, and, I think, largely for the purpose of preventing resolutions of that kind from coming up for consideration. When I offered my resolution present consideration of it was objected to, and it had to go over one day under the rule, and we prevent that day occurring legislatively by recessing instead of adjourning. I have no hope we will get any light. The only light that will come to us streams from the tall pinnacle of Utah. He tells us it is so, and does not tell us why, and we are expected to accept it. I do not challenge his word, but I frequently question his judgment.

Mr. President, I want to call attention to an article in the Washington Herald of April 26. It is a news article by the Universal Service, reading as follows:

The French Parliament must ratify an agreement on American terms for funding France's $4,000,000,000 debt before the American money market will be available for flotation of additional private credits, it was learned on high authority yesterday.

While it is not doubted that Ambassador Berenger will first haggle and then accept counter proposals for substantially larger payments, about to be submitted by the American Debt Commission, his signature alone will not be sufficient to open the coffers of Wall Street.

Only imperative need of a loan—

Now, hear this—

Only imperative need of a loan has driven France to seek a settlement, with her officials waiting at the scratch for a race to the banking offices.

"Inspired" dispatches from Paris within 48 hours, whatever their intent, have served to create an atmosphere of doubt in Washington that Premier Briand will be able to obtain ratification of a satisfactory agreement by Parliament.

With American investors growing distrustful of foreign loans, the belief prevails that a large French issue can not be satisfactorily floated until the debt agreement has actually been accepted by the French Parliament.

The American Debt Commission will meet to-day to agree upon changes France will be asked to make in its original proposal submitted by Berenger last Friday.

The ambassador, it is understood, is ready to submit a supplemental proposal which he discussed with Secretary Mellon during the informal negotiations.

Of course the commissions have not agreed on anything. Just the French statesmen and the American Secretary of the Treasury, Mr. Mellon, have been having conferences, and that is all.

Mr. CARAWAY. I think they will tell the commission some time during the week.

Mr. REED of Missouri. And then the commission will tell us.

Mr. CARAWAY. Oh, no.

Mr. REED of Missouri. They will not tell us what took place. They will tell us what to do.

Here is a statement as to the result:

It anticipates American objections to the amount of payments, and also increases the aggregate amount from the present figure of $6,700,000,000 to above $7,000,000,000.

The initial annual figures ultimately will be increased to $30,000,000 or more, it is understood.

The original Berenger-Briand substitute for Joseph Caillaux's "safeguard" clause also is said to be modified so as to conform more nearly to wishes of the Americans, who have declared themselves unalterably opposed to anything approximating a "contingent" agreement.

Let me ask the Senator from Utah if he has not understood that a conference has taken place between Mr. Mellon and some of the French representatives?

Mr. SMOOT. Does the Senator mean in the way of preliminary discussion?

Mr. REED of Missouri. Yes.

Mr. SMOOT. I think so, but I will also say, in relation to any safety clause referred to in the article which he has just read, that I shall not report any kind of a safety clause in any settlement that we make with France.

Mr. REED of Missouri. I am glad to know that there is one point so vital and so bad that even the Senator from Utah will declare "They shall not pass." I am glad to know that. But the reason for the French settlement and the offers of it and the tenders of it are laid bare in this article. They want to borrow money, and they can not borrow money while the nation stands there branded as a repudiator. If we will but stand firm, this great powerful nation that masses the largest army on earth, that is engaged in conquering foreign peoples and robbing them of their lands, that is creating the greatest fleet of war vessels to sail the air that was ever conceived—this great and powerful nation, this wealthy nation, will pay its debt, and it will pay it, if for no other or better reason, because its credit will be gone until it does pay it, and it can not secure money elsewhere.

Mr. President, there may be others who want to speak on this question and I yield the floor with the full knowledge that there is no fact that could be produced, there is no argument that could be made, there is no appeal that could be uttered that would break the strangle hold the financial institutions of the country have upon the present Congress. Their bidding will be done, and the pity of it all is, though the American people shall repudiate their acts at the next election, as I believe the people will, that the contracts will have been signed, the money will be gone, the billions will be wasted, and the taxpayer of the United States will groan under the heavy burden shifted from European shoulders where it honestly belongs to his shoulders where it is dishonestly placed.

The bill was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered and the Chief Clerk proceeded to call the roll.

Mr. McKELLAR (when Mr. TYSON'S name was called). The junior Senator from Tennessee [Mr. TYSON] is unavoidably absent. He is paired with the Senator from Ohio [Mr. WILLIS].

Mr. WILLIS (when his name was called). On this vote, as has been stated by the senior Senator from Tennessee [Mr. McKELLAR], I am paired with the junior Senator from Tennessee [Mr. TYSON]. Upon inquiry, however, I find that were the junior Senator from Tennessee present he would vote as I intend to vote. Therefore, I feel free to vote. I vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire to announce the absence of my colleague, the junior Senator from Kansas [Mr. CAPPER], on account of illness in his family. Were he present, he would vote "yea."

Mr. BROUSSARD. I am paired with the senior Senator from New Hampshire [Mr. MOSES], who is unavoidably absent. If he were present, he would vote as I intend to vote. Therefore I will vote. I vote "yea."

Mr. BRATTON. I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. If permitted to vote, I should vote "nay."

Mr. GERRY. I desire to announce that the Senator from Nevada [Mr. PITTMAN] is absent on account of illness.

Mr. TRAMMELL. I wish to announce the unavoidable absence of my colleague, the senior Senator from Florida [Mr. FLETCHER]. He is paired with the junior Senator from Delaware [Mr. DU PONT] who is also absent on account of illness.

Mr. JONES of Washington. I desire to announce that the Senator from Delaware [Mr. DU PONT], the Senator from Maine [Mr. FERNALD], the Senator from Vermont [Mr. GREENE], the Senator from Indiana [Mr. ROBINSON], the Senator from Minnesota [Mr. SCHALL], the senior Senator from Pennsylvania [Mr. PEPPER], the junior Senator from Pennsylvania [Mr. REED], and the Senator from Missouri [Mr. WILLIAMS] are necessarily absent, and that, if present, they would vote "yea."

I also desire to announce the following general pairs:

The Senator from Minnesota [Mr. SCHALL] with the Senator from Montana [Mr. WALSH];

The senior Senator from Pennsylvania [Mr. PEPPER] with the senior Senator from South Carolina [Mr. SMITH]; and

The junior Senator from Pennsylvania [Mr. REED] with the senior Senator from Delaware [Mr. BAYARD].

The result was announced—yeas 50, nays 18, as follows:

YEAS—50

Ashurst	Edwards	Keyes	Sackett
Bingham	Ernst	King	Shortridge
Broussard	Ferris	Lenroot	Simmons
Bruce	Fess	McLean	Smoot
Butler	Gerry	McMaster	Stanfield
Cameron	Gillett	McNary	Steck
Caraway	Goff	Means	Wadsworth
Copeland	Hale	Metcalf	Warren
Couzens	Harreld	Oddie	Watson
Curtis	Harrison	Overman	Weller
Dale	Jones, N. Mex.	Phipps	Willis
Deneen	Jones, Wash.	Pine	
Edge	Kendrick	Ransdell	

NAYS—18

Blease	Heflin	Mayfield	Sheppard
Borah	Howell	Neely	Shipstead
Dill	Johnson	Norris	Trammell
Frazier	La Follette	Nye	
Harris	McKellar	Reed, Mo.	

NOT VOTING—28

Bayard	George	Pepper	Stephens
Bratton	Glass	Pittman	Swanson
Capper	Gooding	Reed, Pa.	Tyson
Cummins	Greene	Robinson, Ark.	Underwood
du Pont	McKinley	Robinson, Ind.	Walsh
Fernald	Moses	Schall	Wheeler
Fletcher	Norbeck	Smith	Williams

So the bill was passed, as follows:

Be it enacted, etc., That the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 8, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded, after allowing for cash payments made by Latvia, is $5,775,000, which has been computed as follows:

Principal amount of obligations to be funded	$5,132,287.14
Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4¼ per cent per annum	647,275.62
Total principal and interest accrued and unpaid as of Dec. 15, 1922	5,779,562.76
To be paid in cash by Latvia upon execution of agreement	4,562.76
Total indebtedness to be funded into bonds	5,775,000.00

The principal of the bonds shall be paid in annual installments on December 15 of each year up to and including December 15, 1984, on a fixed schedule, subject to right of the Government of the Republic of Latvia to make such payments in three-year periods. The amount of the first year's installment shall be $28,000, the annual installments to increase until the sixty-second year, the amount of the final installment will be $228,000, the aggregate installments being equal to the total principal of the indebtedness to be funded into bonds.

The Government of the Republic of Latvia shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' advance notice.

Interest on the bonds shall be payable semiannually on June 15 and December 15 of each year at the rate of 3 per cent per annum from December 15, 1922, to December 15, 1932, thereafter at the rate of 3½ per cent per annum until final payment.

The Government of the Republic of Latvia shall have the option, with reference to payments on account of principal and/or interest falling due on or before December 15, 1930, under the terms of the agreement, to make the following payments on the dates specified: June 15, 1926, $30,000; December 15, 1926, $30,000; June 15, 1927, $35,000; December 15, 1927, $35,000; June 15, 1928, $40,000; December 15, 1928, $40,000; June 15, 1929, $45,000; December 15, 1929, $45,000; June 15, 1930, $50,000; December 15, 1930, $50,000; total $400,000, and to pay the balance, including interest on all overdue payments at the rate of 3 per cent per annum in bonds of Latvia, dated December 15, 1930, bearing interest at the rate of 3 per cent per annum from December 15, 1930, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum, such bonds to mature serially on December 15 of each year up to and including December 15, 1984, substantially in the same manner and to be substantially the same in other respects as the bonds of Latvia received at the time of the funding of the indebtedness.

Any payments of interest or of principal may be made at the option of the Republic of Latvia, in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

SETTLEMENT OF ESTHONIAN INDEBTEDNESS

Mr. SMOOT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the bill (H. R. 6775), to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the settlement of the indebtedness of the Republic of Esthonia to the United States of America, made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 7, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded after allowing for the cash payment made by Esthonia and the credit set out below is $13,830,000, which has been computed as follows:

Principal amount of obligations to be funded		$13,999,145.60
Credit allowed for total loss of cargo on sinking of steamship *John Russ*, sunk by a mine in Baltic Sea		1,932,923.45
		12,066,222.15
Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4¼ per cent a year		1,765,219.73
Total principal and interest accrued and unpaid as of Dec. 15, 1922		13,831,441.88
To be paid in cash by Esthonia upon execution of agreement		1,441.88
Total indebtedness to be funded into bonds		13,830,000.00

The principal of the bonds shall be paid in annual installments on December 15 of each year up to and including December 15, 1984, on a fixed schedule, subject to the right of the Republic of Esthonia to make such payments in three-year periods. The amount of the first year's installment shall be $69,000, the annual installments to increase until the sixty-second year. The amount of the final installment will be $530,000, the aggregate installments being equal to the total principal of the indebtedness to be funded into bonds.

The Republic of Esthonia shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' advance notice.

Interest on the bonds shall be payable semiannually on June 15 and December 15 of each year at the rate of 3 per cent per annum from December 15, 1922, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum until final payment.

The Republic of Esthonia shall have the option with reference to payments on account of principal and/or interest falling due on or before December 15, 1930, under the terms of the agreement, to make the following payments on the dates specified: June 15, 1926, $50,000; December 15, 1926, $50,000; June 15, 1927, $75,000; December 15, 1927, $75,000; June 15, 1928, $100,000; December 15, 1928, $100,000; June 15, 1929, $125,000; December 15, 1929, $125,000; June 15, 1930, $150,000; December 15, 1930, $150,000; total, $1,000,000; and to pay the balance, including interest on all overdue payments, at the rate of 3 per cent per annum, in bonds of Esthonia, dated December 15, 1930, bearing interest at the rate of 3 per cent per annum from December 15, 1930, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum, such bonds to mature serially on December 15 of each year up to and including December 15, 1984, substantially in the same manner and to be substantially the same in other respects as the bonds of Esthonia received at the time of the funding of the indebtedness.

Any payment of interest or of principal may be made, at the option of the Republic of Esthonia, in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

Mr. SMOOT. Mr. President, I desire to say just a few brief words in explanation of the bill.

An agreement for the settlement of the Esthonian indebtedness to the United States on substantially the same basis as the settlement made with Poland was signed on October 28, 1925. I ask unanimous consent to have printed in the RECORD a copy of the agreement, together with a copy of a schedule showing the amounts of principal and interest payable annually under the agreement. The agreement with Esthonia has already been printed in the RECORD, but I desire it to appear also in connection with what I have to say, and therefore I ask that it may be reprinted in the RECORD at this point.

The PRESIDING OFFICER. Without objection, the agreement referred to will be printed in the RECORD.

The agreement is as follows:

Agreement, made the 28th day of October, 1925, at the city of Washington, D. C., between the Republic of Esthonia, hereinafter called Esthonia, party of the first part, and the United States of America, hereinafter called the United States, party of the second part

Whereas Esthonia is indebted to the United States as of December 15, 1922, upon obligations in the aggregate principal amount of $13,999,145.60, together with interest accrued and unpaid thereon; and

Whereas Esthonia desires to fund said indebtedness to the United States, both principal and interest, through the issue of bonds to the

United States, and the United States is prepared to accept bonds from Esthonia upon the terms and conditions hereinafter set forth;

Now, therefore, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. Amount of indebtedness: The amount of the indebtedness to be funded, after allowing for cash payments made or to be made by Esthonia and the credit set out below, is $13,830,000, which has been computed as follows:

Principal amount of obligations to be funded		$13,999,145.60
Credit allowed for total loss of cargo on sinking of steamship John Russ, sunk by a mine in Baltic Sea		1,932,923.45
		12,066,222.15
Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4¼ per cent a year		1,765,219.73
Total principal and interest accrued and unpaid as of Dec. 15, 1922		13,831,441.88
To be paid in cash by Esthonia upon execution of agreement		1,441.88
Total indebtedness to be funded into bonds		13,830,000.00

2. Repayment of principal: In order to provide for the repayment of the indebtedness thus to be funded Esthonia will issue to the United States at par as of December 15, 1922, bonds of Esthonia in the aggregate principal amount of $13,830,000, dated December 15, 1922, and maturing serially on each December 15 in the succeeding years for 62 years, in the amounts and on the several dates fixed in the following schedule:

Dec. 15—		Dec. 15—	
1923	$69,000	1955	$195,000
1924	71,000	1956	202,000
1925	73,000	1957	209,000
1926	75,000	1958	217,000
1927	78,000	1959	224,000
1928	80,000	1960	232,000
1929	82,000	1961	240,000
1930	85,000	1962	249,000
1931	88,000	1963	257,000
1932	90,000	1964	266,000
1933	92,000	1965	275,000
1934	95,000	1966	285,000
1935	98,000	1967	295,000
1936	101,000	1968	305,000
1937	105,000	1969	316,000
1938	109,000	1970	327,000
1939	113,000	1971	339,000
1940	117,000	1972	350,000
1941	121,000	1973	363,000
1942	125,000	1974	375,000
1943	129,000	1975	388,000
1944	134,000	1976	402,000
1945	138,000	1977	416,000
1946	143,000	1978	431,000
1947	148,000	1979	446,000
1948	153,000	1980	461,000
1949	159,000	1981	477,000
1950	165,000	1982	494,000
1951	170,000	1983	511,000
1952	176,000	1984	530,000
1953	182,000		
1954	189,000	Total	13,830,000

Provided, however, That Esthonia, at its option upon not less than 90 days' advance notice to the United States, may postpone any payment falling due as hereinabove provided, except those falling due on or before December 15, 1930, hereinafter referred to in paragraph 5 of this agreement, to any subsequent June 15 or December 15 not more than two years distant from its due date, but only on condition that in case Esthonia shall at any time exercise this option as to any payment of principal, the payment falling due in the next succeeding year can not be postponed to any date more than one year distant from the date when it becomes due unless and until the payment previously postponed shall actually have been made, and the payment falling due in the second succeeding year can not be postponed at all unless and until the payment of principal due two years previous thereto shall actually have been made.

3. Form of bond: All bonds issued or to be issued hereunder to the United States shall be payable to the Government of the United States of America, or order shall be issued in such denominations as may be requested by the Secretary of the Treasury of the United States, substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit A," and shall be signed for Esthonia by its envoy extraordinary and minister plenipotentiary at Washington, or by its other duly authorized representative. The $13,830,000 principal amount of bonds first to be issued hereunder shall be issued in 62 pieces in denominations and with maturities corresponding to the annual payments of principal hereinabove set forth.

4. Payment of interest: All bonds issued or to be issued hereunder shall bear interest, payable semiannually on June 15 and December 15 in each year, at the rate of 3 per cent a year from December 15, 1922, to December 15, 1932, and thereafter at the rate of 3½ per cent a year until the principal thereof shall have been paid.

5. Method of payment: All bonds issued or to be issued hereunder shall be payable, as to both principal and interest, in United States gold coin of the present standard of value, or, at the option of Esthonia, upon not less than 30 days' advance notice to the United States in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder: *Provided, however,* That with reference to the payments on account of principal and/or interest falling due hereunder on or before December 15, 1930, Esthonia, at its option, may pay the following amounts on the dates specified:

June 15, 1926	$50,000	June 15, 1929	$125,000
Dec. 15, 1926	50,000	Dec. 15, 1929	125,000
June 15, 1927	75,000	June 15, 1930	150,000
Dec. 15, 1927	75,000	Dec. 15, 1930	150,000
June 15, 1928	100,000		
Dec. 15, 1928	100,000	Total	1,000,000

And the balance, including interest on all overdue payments at the rate of 3 per cent a year from their respective due dates, in bonds of Esthonia, dated December 15, 1930, bearing interest at the rate of 3 per cent a year from December 15, 1930, to December 15, 1932, and thereafter at the rate of 3½ per cent a year until the principal thereof shall have been paid, such bonds to mature serially on December 15 of each year up to and including December 15, 1984, substantially in the manner provided in paragraph 2 of this agreement, and to be substantially similar in other respects to the bonds first to be issued hereunder.

All payments, whether in cash or in obligations of the United States, to be made by Esthonia on account of the principal of or interest on any bonds issued or to be issued hereunder and held by the United States, shall be made at the Treasury of the United States in Washington, or, at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York, and if in cash shall be made in funds immediately available on the date of payment, or if in obligations of the United States shall be in form acceptable to the Secretary of the Treasury of the United States under the general regulations of the Treasury Department governing transactions in United States obligations.

6. Exemption from taxation: The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes or other public dues, present or future, imposed by or under authority of Esthonia or any political or local taxing authority within the Republic of Esthonia, whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association, neither domiciled nor ordinarily resident in Esthonia, or (c) a corporation not organized under the laws of Esthonia.

7. Payments before maturity: Esthonia, at its option, on any interest date or dates, upon not less than 90 days' advance notice to the United States, may make advance payments in amounts of $1,000 or multiples thereof on account of the principal of any bonds issued or to be issued hereunder and held by the United States. Any such advance payments shall first be applied to the principal of any bonds which shall have been issued hereunder on account of principal and/or interest accruing between December 15, 1922, and December 15, 1930, and then to the principal of any other bonds issued hereunder and held by the United States as may be indicated by Esthonia at the time of the payment.

8. Exchange for marketable obligations: Esthonia will issue to the United States at any time, or from time to time, at the request of the Secretary of the Treasury of the United States, in exchange for any or all of the bonds issued or to be issued hereunder and held by the United States, definitive engraved bonds in form suitable for sale to the public, in such amounts and denominations as the Secretary of the Treasury of the United States may request, in bearer form, with provision for registration as to principal, and/or in fully registered form, and otherwise on the same terms and conditions as to dates of issue and maturity, rate or rates of interest, exemption from taxation, payment in obligations of the United States issued after April 6, 1917, and the like as the bonds surrendered on such exchange. Esthonia will deliver definitive engraved bonds to the United States in accordance herewith within six months of receiving notice of any such request from the Secretary of the Treasury of the United States, and pending the delivery of the definitive engraved bonds will deliver, at the request of the Secretary of the Treasury of the United States, temporary bonds or interim receipts in form satisfactory to the Secretary of the Treasury of the United States within 30 days of the receipt of such request, all without expense to the United States. The United States, before offering any such bonds or interim receipts for sale in Esthonia, will first offer them to Esthonia for purchase at par and accrued interest, and Esthonia shall likewise have the option, in lieu of issuing any such bonds or interim receipts, to make advance redemption, at par and accrued interest, of a corresponding principal amount of bonds issued or to be issued hereunder and held by the United States. Esthonia agrees that the definitive engraved bonds called for by this paragraph shall contain all such provisions, and that it will cause to be promulgated all such rules, regulations, and orders as shall be deemed necessary or desirable by the Secretary of the Treasury of the United States in order to facilitate the sale of the bonds in the United States, in Esthonia, or elsewhere, and that if requested by the Secretary of the Treasury of the United States, it will use its good offices to secure the listing of the bonds on such stock exchanges as he may request.

9. Cancellation and surrender of obligations: Upon the execution of this agreement, the payment to the United States of cash in the sum of $1,441.88, as provided in paragraph 1 of this agreement, and the delivery to the United States of the $13,830,000 principal amount of bonds of Esthonia first to be issued hereunder, together with satisfactory evidence of authority for the execution of this agreement and the bonds on behalf of Esthonia by its envoy extraordinary and minister plenipotentiary at Washington, or by its other duly authorized representative, the United States will cancel and surrender to Esthonia, at the Treasury of the United States in Washington, the obligations of Esthonia in the principal amount of $13,999,145.60 described in the preamble to this agreement.

10. Notices: Any notice, request, or consent under the hand of the Secretary of the Treasury of the United States shall be deemed and taken as the notice, request, or consent of the United States, and shall be sufficient if delivered at the legation of Esthonia at Washington or at the office of the Minister of Finance in Tallinn; and any notice, request, or election from or by Esthonia shall be sufficient if delivered to the American legation at Tallinn or to the Secretary of the Treasury at the Treasury of the United States in Washington. The United States in its discretion may waive any notice required hereunder, but any such waiver shall be in writing and shall not extend to or affect any subsequent notice or impair any right of the United States to require notice hereunder.

11. Compliance with legal requirements: Esthonia represents and agrees that the execution and delivery of this agreement have in all respects been duly authorized and that all acts, conditions, and legal formalities which should have been completed prior to the making of this agreement and the issuance of bonds hereunder have been completed as required by the laws of Esthonia and in conformity therewith.

12. Counterparts: This agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

In witness whereof Esthonia has caused this agreement to be executed on its behalf by its envoy extraordinary and minister plenipotentiary at Washington, thereunto duly authorized, subject, however, to the approval of the State Assembly, and the United States has likewise caused this agreement to be executed on its behalf by the Secretary of the Treasury, as chairman of the World War Foreign Debt Commission, with the approval of the President, subject, however, to the approval of Congress, pursuant to the act of Congress approved February 9, 1922, as amended by the act of Congress approved February 28, 1923, and as further amended by the act of Congress approved January 21, 1925, all on the day and year first above written.

THE REPUBLIC OF ESTHONIA,
By A. PIIP,
Envoy Extraordinary and Minister Plenipotentiary.
THE UNITED STATES OF AMERICA,
(For the World War Foreign Debt Commission.)
By A. W. MELLON,
Secretary of the Treasury and Chairman of the Commission.

Approved:

CALVIN COOLIDGE, *President.*

EXHIBIT A

(Form of bond)

THE REPUBLIC OF ESTHONIA

$ ——— No. ——.

The Republic of Esthonia, hereinafter called Esthonia, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on December 15, ——, the sum of ——— dollars ($——), and to pay interest upon said principal sum semiannually of June 15 and December 15 in each year, at the rate of 3 per cent a year from December 15, 1922, to December 15, 1932, and at the rate of 3½ per cent a year thereafter until the principal hereof shall have been paid. This bond is payable as to both principal and interest in gold coin of the United States of America of the present standard of value, or, at the option of Esthonia, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

This bond is payable as to both principal and interest without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of Esthonia or any political or local taxing authority within the Republic of Esthonia, whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Esthonia, or (c) a corporation not organized under the laws of Esthonia. This bond is payable as to both principal and interest at the Treasury of the United States in Washington, D. C., or at the option of the Secretary of the Treasury of the United States at the Federal Reserve Bank of New York.

This bond is issued under an agreement dated October 28, 1925, between Esthonia and the United States, to which this bond is subject and to which reference is hereby made.

In witness whereof Esthonia has caused this bond to be executed in its behalf at the city of Washington, D. C., by its ——— at Washington, thereunto duly authorized, as of December 15, 1922.

THE REPUBLIC OF ESTHONIA,
By ——— ———.

Mr. SMOOT. Mr. President, the principal amount of the obligations funded was $13,999,145.60. Against this amount there was credited $1,932,923.45 on account of the loss of a cargo on the sinking of the steamship *John Russ* when it was struck by a mine in the Baltic Sea in September, 1919. The debt was funded as of December 15, 1922. Interest to that time, calculated at the rate of 4¼ per cent, amounted to $1,765,219.73. This was added to the principal of the debt less the credit referred to. Esthonia paid in cash upon the execution of the agreement $1,441.88, leaving a total indebtedness to be funded into bonds of $13,830,000.

The principal of the indebtedness so funded is to be repaid over a period of 62 years with interest at the rate of 3 per cent per annum for the first 10 years and 3½ per cent per annum thereafter. As in the Polish agreement, Esthonia is permitted to make certain smaller cash payments for the first five years following the execution of the agreement in lieu of the larger payments called for in the schedule submitted. These amounts aggregate $1,000,000. The balance remaining unpaid is refunded at the end of five years at the rates of interest called for in the agreement.

Esthonia as a part of Russia was an ally of the United States in the early days of the Great War. She declared her independence shortly after the Bolshevist revolution in 1917. The country was invaded and devastated by the Germans and later by the Bolshevists. Early in 1919 the American Relief Administration, through Mr. Hoover, came to the aid of her starving people. Great Britain also furnished much assistance. During 1919 Esthonia, acting through her agents in Paris, bought over $12,000,000 worth of our surplus war supplies. When these supplies were purchased the Esthonian Government was virtually without resources and without proper organization. It took what supplies we had to give and was only concerned with getting them as quickly as possible. It had no funds for insurance. While it may be true that technically legal delivery was made to Esthonia before the goods left France, nevertheless, the commission felt that there was some justification in the position taken by the Esthonian representative and that a debt settlement could not be made unless a credit was allowed. It believed that it was best to grant the concession requested and effect a settlement of the debt rather than to postpone a settlement indefinitely. The credit was accordingly authorized by the commission on October 9, 1925.

Mr. President, as I have stated, the principal amount of the obligation was $13,999,145.60. The amount of the indebtedness on June 16, 1925, with the credit already stated, was $13,830,000. The amount to be paid during the 62-year period is $33,331,140, so the present value of the settlement is 80.55 per cent.

Mr. OVERMAN. It is about the same as the settlement with Latvia?

Mr. SMOOT. It is exactly the same as the Polish settlement, with the credit which was given for the loss of the cargo on the ship which was sunk.

Mr. President, if there are any questions desired to be asked, I will be glad to answer them, if possible. If not, I should like to have a vote.

Mr. KING. Mr. President, on the 22d day of March, 1920, I offered a resolution in the Senate calling attention to the revolution in Russia in November, 1917, which placed a bolshevik régime in power in that unhappy country. The resolution referred to the separate governments which had been constituted in Esthonia, Latvia, and Lithuania, and which were preventing Bolshevist usurpations, and each of which was functioning and giving evidence of stability.

I asked in the resolution that the Government of the United States recognize the de facto existence of the governments established and existing in each of said countries. The resolution did not ask that de jure recognition be accorded. Personally I believed that the people residing in Latvia, Esthonia, and Lithuania desired permanent separation from Russia and wished to have governments of their own. However, in deference to the views of some Senators and others in the United States I prepared the resolution so that it would accord with their ideas. In so doing I hoped to obtain support which otherwise, I knew, would not be given the resolution.

Notwithstanding the fact that the inhabitants of these three countries had been under Russian rule and their countries had constituted a part of the great Russian Empire, there were many things which differentiated the Latvians, Esthonians, and Lithuanians from the Slav Empire.

I have no purpose to discuss the origin of the peoples of Latvia, Esthonia, and Lithuania or the differences—ethnological and racial—between them and the Russian people. I believed that the people of these three states were entitled to independence and that with their thrift, industry, culture, education, and moral qualities they would establish and maintain liberal governments and free institutions. I knew something of the virtues, the fine qualities, and national aspirations of the peoples of these States. Their situation during the war had been most tragic. Over their territory had passed invading and retreating armies, and their soil had been baptized with the blood of thousands who died upon sanguinary battle fields.

When Russia abandoned its place as a belligerent in the World War and succumbed to the evil influence of Bolshevism, the inhabitants of Latvia, Esthonia, and Lithuania refused to submit to communistic rule and determined to establish and maintain independent governments founded upon republican lines. It required physical and moral courage to carry out these designs. Years of war had wrought devastation and destruction of life and property. The bolshevik government was a menacing foe and a powerful adversary. There were internal problems, in part political, but largely industrial and economic, which seemed unsolvable and which called for courage and faith of an almost sublime character to meet.

But the people were undaunted by reason of the dangers and difficulties and obstacles in their pathway which had to be surmounted if they were to succeed. They laid the foundations of their respective governments on liberalism and in democracy. They had lived under autocratic government and knew the evils of absolutism. They were inspired by the history of this great Republic and animated by the principles of liberty of which the American people are exponents. Above all, they had courage and confidence in themselves and felt that the time had come to realize their national aspirations and to set up governments under which they might live and work out their own destinies and develop the great and noble qualities with which the peoples of these countries are so richly endowed.

I was anxious that this Republic should be among the first to welcome them into the family of nations. For more than a century the United States has exhibited the deepest interest in all democratic movements, no matter in what land or clime they originated. The efforts of the Central and South American countries to emancipate themselves from Spanish rule evoked not only profound interest but generous and almost exuberant enthusiasm in the United States, and when Greece and other countries of Europe many years ago attempted to achieve independence, the American people in many ways and with unrestrained emotion gave evidence of their desire that success would crown their efforts.

Mr. President, with all the faults of the American people, they are sincerely devoted to liberty and to the triumph of democratic principles. They want not only freedom for the people of this land but they desire the same blessings for peoples of all lands. The American people are profoundly moved when they learn that misfortunes and sorrows have come to other peoples. They are deeply stirred when they learn of oppression and tyranny and famine and flood and tragedy. With all of their materialism, they are idealistic and rejoice in the achievements and victories that come to the inhabitants of the remotest corners of the earth.

The weak and the small nations are as dear to American hearts as are the powerful and the strong. They appreciate the benefits of local self-government and recognize that progress and moral, spiritual, and cultural growth may come to a homogeneous people, even though their numbers may be small.

The American people desire that small States shall have all the rights of large States and that the blessings of liberty shall be the patrimony of all. And so they feel a keen interest in Latvia, Esthonia, and Lithuania, as well as all other nations born as the result of the World War. They feel that the United States is in part responsible for the birth of these States, and look with pride upon their development and unmistakable evidences of stability and uninterrupted progress. Our Government extended loans to them in the early days of their existence, and each of these debtors has exhibited a desire to discharge every obligation and to meet every honorable demand.

I am glad that a settlement has been made with respect to the obligations due from Latvia, Esthonia, and Lithuania to the United States, and shall vote for the settlement presented by the Debt Commission, which has been negotiated with Esthonia and Lithuania, as I voted a few moments ago for the settlement presented which had been entered into with Latvia. It has been my pleasure to know the representatives of these States who have visited our shores and who have spoken for their countries. They have been men of culture and ability. They have been worthy representatives of free peoples and of progressive and democratic States.

I wish for the people of these States abundant prosperity and happiness and also those national blessings which come from the possession and application of the principles of justice and liberty.

Mr. HOWELL. Mr. President, from my knowledge of this debt settlement I feel that the Senate has not been fully informed respecting the amount thereof.

I had asked the Treasury Department for a statement of the balance of this account upon the Treasury books, and I regret to say that the statement did not include all that Esthonia owed the United States.

I happen to have a statement from the Statesman's Year Book which indicates that the debt of Esthonia to the United States at the present time is between $17,000,000 and $18,000,000; and after correcting the statement afforded by the Treasury Department it appears that up to December 15, 1922, the amount of the debt was approximately $16,414,000. However, it will be noted that the settlement is made as of a date four years ago, and as a consequence interest upon the amount of the debt is not included for those four years. However, it will undoubtedly be urged that Esthonia will pay, upon the amount funded, 3 per cent interest for the four years. Nevertheless, the fact that this settlement is made as of a date four years ago, although only concluded last fall, indicates that every means has been sought by the Treasury Department and by the Debt Commission to reduce the apparent amount of this indebtedness to our people.

I found, by investigating this settlement, that there was not included in the statement that had been afforded me by the Treasury Department the value of a cargo of goods sold to Esthonia, amounting to something more than $1,900,000.

Mr. SMOOT. But the Senator did not have to go very far to find it. It is in the President's message that was read; it is in the agreement here, and now it is spoken of to-day. The Treasury Department, so far as I know, never issued a statement on the subject.

Mr. HOWELL. Mr. President, I do not mean to state that the fact that this item had been deducted has not been rendered evident by the statements that have been made; but I do mean to say that the statement afforded me by the Treasury Department as to the balance upon the Treasury books—and I have it in my hand—did not include that $1,900,000. As a consequence, a statement which I have previously made upon the floor of the Senate as to what this settlement means is erroneous.

Mr. SMOOT. What is the principal amount of the obligation to be refunded, if it is not acording to the agreement?

Mr. HOWELL. Mr. President, in answer to the question of the Senator from Utah I will state that the amount afforded me by the Treasury Department, according to a statement which I hold in my hand, as due from Esthonia as of date December 15, 1922, was $14,142,000.

Mr. SMOOT. In every report I have before me and in the President's message it is given as $13,999,145.60.

Mr. HOWELL. Oh, yes, Mr. President; that is what the Dect Commission has asserted in every statement it has made. It has made reference to the amount refunded as if it were the debt owed, but the amount refunded is the actual debt less the initial cancellation made by the Debt Commission.

Mr. SMOOT. No; the Senator is wrong again. The publications specifically state, in every one of them—

> Obligations of foreign governments held by the United States Treasury, together with interest accrued remaining unpaid thereon as of the last interest period prior to or ending with November 15, 1925.

In the agreement here it is exactly the same, and in the report of the Treasury Department it is exactly the same.

Mr. HOWELL. Mr. President, I hand to the Senator from Utah the statement afforded me by the Treasury Department.

Mr. SMOOT. Has the Senator there a letter transmitting it?

Mr. HOWELL. I have not, Mr. President.

Mr. SMOOT. There is a difference here of one hundred and some odd thousand dollars.

Mr. HOWELL. I think the Senator will not deny that that is a statement afforded me by the Treasury Department.

Mr. SMOOT. Of course, this is only on a blank piece of paper. I do not know who prepared it.

Mr. HOWELL. The Senator has beside him an official of the Treasury Department from whom I secured these data, and

I think the Senator will be able to inform himself as to the correctness of my statement.

Mr. SMOOT. Of course, I do not know anything about this, Mr. President. I do know that all the statements that have been made of the obligations, not only in the President's message but in the statement of the Secretary of the Treasury and in the agreements between the United States and the different countries, agree to the very cent.

Mr. HOWELL. The fact is that this is a statement that was afforded me by the Treasury Department. The further fact is that it does not include this cargo to which I have referred, valued at one million nine hundred and some odd thousand dollars. If the cargo were included, and the statements were made on the basis of 5 per cent interest—the interest that Esthonia agreed to pay—the total debt as of the date stated would amount to about $16,414,000.

The first step that was taken by the Debt Commission was to afford Esthonia an initial cancellation of $2,583,000. Then the Debt Commission proceeded to fund the debt upon that basis.

Mr. SIMMONS. Mr. President, may I inquire of the Senator what was the reason for that initial cancellation?

Mr. HOWELL. I will call attention to it in just a moment. It is my purpose to do so in the course of my remarks if the Senator will allow me to proceed. This debt was then funded on this basis: One thousand dollars was to be paid in cash, leaving the amount to be funded as $13,830,000, in round numbers.

As to this initial cancellation, the United States Government afforded Esthonia goods, $500,000 worth of automobiles, trucks, motor cycles, and engineer's tools; $100,000 worth of cigarettes and tobacco; and these, together with other goods, were delivered to Esthonia's representatives. Esthonia shipped them on the British steamer *John Russ*. Esthonia did not insure the cargo, and when the steamer was lost, of course, Esthonia lost the goods. But the Debt Commission concluded that the people of the United States were better able to sustain that loss than Esthonia, and therefore part of this initial cancellation is due to the writing off of that much of Esthonia's debt, all because Esthonia failed to insure a cargo of goods she had purchased and shipped. The remaining portion of the initial cancellation is due to a reduction in the rate of interest from what Esthonia agreed to pay to 4¼ per cent.

Mr. President, if we include every payment made by Esthonia under this debt settlement, determine its present worth, and then determine the annuity which it will purchase on a 4¼ per cent basis, the basis adopted by the Debt Commission, we will find that Esthonia will pay the United States on account of this debt 3.2 per cent interest for 62 years and then the debt of $16,414,000 is to be canceled. Such are the facts respecting the settlement made of this small debt of $16,414,000.

It is not justified. It is not fair to the people of the United States. It is not business. It is a further exhibition of the rôle the Debt Commission has developed for the United States, that of Santa Claus to European nations.

Mr. SIMMONS. Mr. President, do I understand from the Senator that interest is calculated upon the original indebtedness up to the time of the refund by the Debt Commission at 4¼ per cent?

Mr. HOWELL. At 4¼ per cent.

Mr. SIMMONS. Instead of 5 per cent, as provided in the original contract?

Mr. HOWELL. Yes. Then, in addition, they initially canceled the cost of that cargo, a little less than $2,000,000.

Mr. SIMMONS. The Senator says that all the United States Government will receive from Esthonia will be 3.2 per cent from now until the end of the 62 years, and then the principal will be canceled?

Mr. HOWELL. Yes.

Mr. SIMMONS. How does that differ from the Italian settlement, except, as I understand, that they will pay about——

Mr. HOWELL. One and one-tenth per cent.

Mr. SIMMONS. And Esthonia will pay 3.2 per cent?

Mr. HOWELL. Three and two-tenths per cent.

Mr. SIMMONS. That is the difference?

Mr. HOWELL. That is the difference.

The PRESIDING OFFICER. The bill is as in Committee of the Whole and open to amendment. If no amendment is to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. SMOOT. This being an obligation of a foreign country, I had thought we ought to have a yea and nay vote, but I do not know that we must have one; and if there is no question about it, I shall not ask for the yeas and nays.

Mr. HOWELL. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. In his absence, I withold my vote. If permitted to vote, I would vote "nay."

Mr. CURTIS (when Mr. CAPPER's name was called). I desire to announce the absence of my colleague [Mr. CAPPER] on account of illness in his family. If he were present, he would vote "yea."

Mr. WILLIS (when his name was called). I am paired with the junior Senator from Tennessee [Mr. TYSON]. I understand however, that if present he would vote as I expect to vote. I therefore vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce that the junior Senator from Minnesota [Mr. SCHALL] has a general pair with the senior Senator from Montana [Mr. WALSH].

I also desire to announce that the junior Senator from Missouri [Mr. WILLIAMS], the junior Senator from Delaware [Mr. DU PONT], and the junior Senator from Minnesota [Mr. SCHALL], are necessarily absent. If present, they would vote "yea."

Mr. PEPPER. On this question I have a pair with the senior Senator from South Carolina [Mr. SMITH]. I transfer that pair to the senior Senator from Vermont [Mr. GREENE], and vote "yea."

Mr. BROUSSARD. Making the same announcement as to my pair and its transfer as on the previous vote, I vote "yea."

Mr. McKELLAR. I desire to announce the unavoidable absence of my colleague [Mr. TYSON]. He has a general pair with the Senator from Ohio [Mr. WILLIS].

Mr. JONES of New Mexico. I desire to announce the necessary absence of the senior Senator from Rhode Island [Mr. GERRY]. If present, he would vote "yea."

Mr. BAYARD. I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. If he were present, he would vote as I shall vote, and I will therefore vote. I vote "yea."

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER]. He has a pair with the junior Senator from Delaware [Mr. DU PONT].

The result was announced—yeas 51, nays 16, not voting 29, as follows:

YEAS—51

Bayard	Edge	Jones, Wash.	Pine
Bingham	Edwards	Kendrick	Ransdell
Broussard	Ernst	King	Sackett
Bruce	Ferris	Lenroot	Shortridge
Butler	Fess	McLean	Simmons
Cameron	George	McMaster	Smoot
Caraway	Gillett	McNary	Stanfield
Copeland	Goff	Means	Steck
Couzens	Gooding	Metcalf	Swanson
Cummins	Hale	Oddie	Wadsworth
Curtis	Harreld	Overman	Warren
Dale	Harrison	Pepper	Willis
Deneen	Jones, N. Mex.	Phipps	

NAYS—16

Blease	Harris	McKellar	Nye
Borah	Heflin	Mayfield	Sheppard
Dill	Howell	Neely	Shipstead
Frazier	La Follette	Norris	Trammell

NOT VOTING—29

Ashurst	Greene	Reed, Pa.	Walsh
Bratton	Johnson	Robinson, Ark.	Watson
Capper	Keyes	Robinson, Ind.	Weller
du Pont	McKinley	Schall	Wheeler
Fernald	Moses	Smith	Williams
Fletcher	Norbeck	Stephens	
Gerry	Pittman	Tyson	
Glass	Reed, Mo.	Underwood	

So the bill was passed.

BILLS OF INTERPLEADER BY INSURANCE COMPANIES, ETC.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2296) authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader, which were, on page 1, line 5, after the word "any," to insert the following: "casualty company, surety company"; on page 1, line 10, after the word "society," to insert the following: "has in its custody or possession money or property of the value of $500 or more, or"; on page 1, line 11, after the word "issued," to insert the following: "a bond or"; on page 1, line 12, after the word "more," to insert the following: "to the obligee or obligees in such bond or"; on page 2, line 5, after the word "to," to insert the following: "such money or property or the penalty of such bond, or to"; on page 2, line 6, after the word "has," to insert the following: "deposited such money or property or has"; on page 2, line 6, to strike out the word

"thereof" and insert in lieu thereof the following: "of such bond or policy"; on page 2, line 23, after the word "are," to insert the following: "claimants of such money or property, or in case there are"; on page 2, line 24, after the word "beneficiaries," to insert the following: "under any such bond or policy"; on page 3, line 1, after the word "of," to insert the following: "a claimant or"; on page 3, line 1, after the word "deceased," to insert the following: "claimant or"; and on page 3, line 7, after the word "court," where it appears the second time, to insert the following: "on account of such money or property or on such bond or."

Mr. PEPPER. I move that the Senate concur in the amendments made by the House; and since the House has failed to amend the title of the bill so as to make the title conform to the changes in it by the amendments, I offer a concurrent resolution in connection with the motion to concur.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania that the Senate concur in the House amendments.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania submits a concurrent resolution, which will be read.

The concurrent resolution (S. Con. Res. 16) was read, considered by unanimous consent, and agreed to as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be, and he is hereby, authorized and directed, in the enrollment of the bill (S. 2296) authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader, to insert in the title thereof, after the word "authorizing," the following: "casualty companies, surety companies," so that the title, as amended, will read: "An act authorizing casualty companies, surety companies, insurance companies or associations or fraternal or beneficial societies to file bills of interpleader."

SETTLEMENT OF RUMANIAN INDEBTEDNESS

Mr. SMOOT. Mr. President, I ask that the Senate proceed to the consideration of House bill 6772 for the settlement of the indebtedness of Rumania.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6772) to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America.

Mr. SMOOT. Mr. President, on December 4, 1925, an agreement was executed for the funding of the debt of the Kingdom of Rumania. I ask unanimous consent to have printed in the RECORD at this point a copy of that agreement.

The PRESIDING OFFICER. Without objection, the request of the Senator from Utah will be granted, and the agreement will be printed in the RECORD.

The agreement is as follows:

Agreement made the 4th day of December, 1925, at the city of Washington, D. C., between the Kingdom of Rumania, hereinafter called Rumania, party of the first part, and the United States of America, hereinafter called the United States, party of the second part.

Whereas Rumania is indebted to the United States as of June 15, 1925, upon obligations in the aggregate principal amount of $36,128,494.94, together with interest accrued and unpaid thereon; and

Whereas Rumania desires to fund said indebtedness to the United States, both principal and interest, through the issue of bonds to the United States, and the United States is prepared to accept bonds from Rumania upon the terms and conditions hereinafter set forth:

Now, therefore, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. Amount of indebtedness: The amount of the indebtedness to be funded, after allowing for cash payments made or to be made by Rumania and the credit set out below, is $44,590,000, which has been computed as follows:

Principal amount of indebtedness to be funded		$36,128,494.94
Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4¼ per cent a year		5,365,806.08
Total indebtedness as of Dec. 15, 1922		41,494,301.02
Interest accrued and unpaid thereon to June 15, 1925, at the rate of 3 per cent a year		3,112,072.59
		44,606,373.61
Credits allowed by War Department for material, together with interest thereon		11,922.07
Total net indebtedness as of June 15, 1925		44,594,451.54
To be paid in cash upon execution of agreement		4,451.54
Total indebtedness to be funded into bonds		44,590,000.00

2. Payment: In order to provide for the payment of the indebtedness thus to be funded Rumania will issue to the United States at par bonds of Rumania dated June 15, 1925, in the principal amounts and maturing serially on the several dates fixed in the following schedule:

June 15—		June 15—	
1926	$200,000.00	1958	$800,000.00
1927	300,000.00	1959	828,000.00
1928	400,000.00	1960	857,000.00
1929	500,000.00	1961	887,000.00
1930	600,000.00	1962	918,000.00
1931	700,000.00	1963	950,000.00
1932	800,000.00	1964	984,000.00
1933	1,000,000.00	1965	1,018,000.00
1934	1,200,000.00	1966	1,053,000.00
1935	1,400,000.00	1967	1,090,000.00
1936	1,600,000.00	1968	1,129,000.00
1937	1,800,000.00	1969	1,168,000.00
1938	2,000,000.00	1970	1,209,000.00
1939	2,200,000.00	1971	1,252,000.00
1940	430,560.43	1972	1,295,000.00
1941	445,000.00	1973	1,341,000.00
1942	462,000.00	1974	1,387,000.00
1943	478,000.00	1975	1,436,000.00
1944	494,000.00	1976	1,486,000.00
1945	512,000.00	1977	1,539,000.00
1946	529,000.00	1978	1,592,000.00
1947	548,000.00	1979	1,648,000.00
1948	567,000.00	1980	1,706,000.00
1949	587,000.00	1981	1,706,000.00
1950	608,000.00	1982	1,827,000.00
1951	629,000.00	1983	1,891,000.00
1952	651,000.00	1984	1,957,000.00
1953	673,000.00	1985	2,026,000.00
1954	697,000.00	1986	2,097,000.00
1955	722,000.00	1987	2,172,000.00
1956	747,000.00		
1957	773,000.00	Total	66,560,560.43

Provided, however, That Rumania, at its option, upon not less than 90 days' advance notice to the United States, may postpone any payment on account of principal falling due as hereinabove provided after June 15, 1939, to any subsequent June 15 or December 15 not more than two years distant from its due date, but only on condition that in case Rumania shall at any time exercise this option as to any payment of principal, the payment falling due in the next succeeding year can not be postponed to any date more than one year distant from the date when it becomes due unless and until the payment previously postponed shall actually have been made, and the payment falling due in the second succeeding year can not be postponed at all unless and until the payment of principal due two years previous thereto shall actually have been made.

3. Form of bond: All bonds issued or to be issued hereunder to the United States shall be payable to the Government of the United States of America, or order, and shall be signed for Rumania by its envoy extraordinary and minister plenipotentiary at Washington, or by its other duly authorized representative. The bonds issued for the first 14 annual payments shall be substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit A," shall be issued in 14 pieces in the principal amounts fixed in the preceding schedule, maturing annually on June 15 of each year up to and including June 15, 1939, and shall not bear interest before maturity. The bonds maturing subsequent to June 15, 1939, shall be substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit B," and shall be issued in 48 pieces with maturities and in denominations as hereinabove set forth and shall bear interest at the rate of 3½ per cent per annum from June 15, 1939, payable semiannually on June 15 and December 15 of each year until the principal of such bonds shall be paid.

4. Method of payment: All bonds issued or to be issued hereunder shall be payable, as to both principal and interest, in United States gold coin of the present standard of value, or, at the option of Rumania, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

All payments, whether in cash or in obligations of the United States, to be made by Rumania on account of the principal of or interest on any bonds issued or to be issued hereunder and held by the United States, shall be made at the Treasury of the United States in Washington, or, at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York, and if in cash shall be made in funds immediately available on the date of payment, or if in obligations of the United States shall be in form acceptable to the Secretary of the Treasury of the United States under the general regulations of the Treasury Department governing transactions in United States obligations.

5. Exemption from taxation: The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes or other public dues, present or future, imposed by or under authority of Rumania or any political or local taxing authority within the Kingdom of Rumania, whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Rumania, or (c) a corporation not organized under the laws of Rumania.

6. Payments before maturity: Rumania, at its option, on June 15 or December 15 of any year, upon not less than 90 days' advance notice to the United States, may make advance payments in amounts of $1,000 or multiples thereof, on account of the principal of any

bonds issued or to be issued hereunder and held by the United States. Any such advance payments shall be applied to the principal of such bonds as may be indicated by Rumania at the time of the payment.

7. Exchange for marketable obligations: Rumania will issue to the United States at any time, or from time to time, at the request of the Secretary of the Treasury of the United States, in exchange for any or all of the bonds issued hereunder and held by the United States, definitive engraved bonds in form suitable for sale to the public, in such amounts and denominations as the Secretary of the Treasury of the United States may request, in bearer form, with provision for registration as to principal and/or in fully registered form, and otherwise on the same terms and conditions, as to dates of issue and maturity, rate or rates of interest, if any, exemption from taxation, payment in obligations of the United States issued after April 6, 1917, and the like, as the bonds surrendered on such exchange. Rumania will deliver definitive engraved bonds to the United States in accordance herewith within six months of receiving notice of any such request from the Secretary of the Treasury of the United States, and pending the delivery of the definitive engraved bonds will deliver, at the request of the Secretary of the Treasury of the United States, temporary bonds or interim receipts in form satisfactory to the Secretary of the Treasury of the United States within 30 days of the receipt of such request, all without expense to the United States. The United States, before offering any such bonds or interim receipts for sale in Rumania, will first offer them to Rumania for purchase at par and accrued interest, if any, and Rumania shall likewise have the option, in lieu of issuing any such bonds or interim receipts, to make advance redemption, at par and accrued interest, if any, of a corresponding principal amount of bonds issued hereunder and held by the United States. Rumania agrees that the definitive engraved bonds called for by this paragraph shall contain all such provisions, and that it will cause to be promulgated all such rules, regulations, and orders as shall be deemed necessary or desirable by the Secretary of the Treasury of the United States in order to facilitate the sale of the bonds in the United States, in Rumania, or elsewhere, and that if requested by the Secretary of the Treasury of the United States it will use its good offices to secure the listing of the bonds on such stock exchanges as the Secretary of the Treasury of the United States may specify.

8. Cancellation and surrender of obligations: Upon the execution of this agreement the delivery to the United States of the $66,560,560.43 principal amount of bonds of Rumania to be issued hereunder, together with satisfactory evidence of authority for the execution of this agreement by the representatives of Rumania and for the execution of the bonds to be issued hereunder, the United States will cancel and surrender to Rumania at the Treasury of the United States in Washington the obligations of Rumania held by the United States.

9. Notices: Any notice, request, or consent under the hand of the Secretary of the Treasury of the United States shall be deemed and taken as the notice, request, or consent of the United States, and shall be sufficient if delivered at the legation of Rumania at Washington or at the office of the Ministry of Finance in Rumania; and any notice, request, or election from or by Rumania shall be sufficient if delivered to the American legation at Bucharest or to the Secretary of the Treasury at the Treasury of the United States in Washington. The United States, in its discretion, may waive any notice required hereunder, but any such waiver shall be in writing and shall not extend to or affect any subsequent notice or impair any right of the United States to require notice hereunder.

10. Compliance with legal requirements: Rumania represents and agrees that the execution and delivery of this agreement have in all respects been duly authorized and that all acts, conditions, and legal formalities which should have been completed prior to the making of this agreement have been completed as required by the laws of Rumania and in conformity therewith.

11. Counterparts: This agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

In witness whereof Rumania has caused this agreement to be executed on its behalf by N. Titulescu, envoy extraordinary and minister plenipotentiary to his Britannic majesty and president of the Rumanian Debt Funding Commission at Washington, thereunto duly authorized, subject, however, to ratification by Rumanian Parliament, and the United States has likewise caused this agreement to be executed on its behalf by the Secretary of the Treasury, as chairman of the World War Foreign Debt Commission, with the approval of the President, subject, however, to the approval of Congress, pursuant to the act of Congress approved February 9, 1922, as amended by the act of Congress approved February 28, 1923, and as further amended by the act of Congress approved January 21, 1925, all on the day and the year first above written.

THE KINGDOM OF RUMANIA,
By N. TITULESCU.

THE UNITED STATES OF AMERICA,
(For the World War Foreign Debt Commission:)
By A. W. MELLON,
Secretary of the Treasury and Chairman of the Commission.

Approved:
CALVIN COOLIDGE,
President.

EXHIBIT A

(Form of bond)

THE KINGDOM OF RUMANIA

$———. No. ——.

The Kingdom of Rumania, hereinafter called Rumania, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on June 15, 19—, the sum of ——— dollars ($——). This bond is payable in gold coin of the United States of America of the present standard of value, or, at the option of Rumania, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

This bond is payable without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of Rumania or any political or local taxing authority within Rumania, whenever, so long as, and to the extent that, beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Rumania, or (c) a corporation not organized under the laws of Rumania. This bond is payable at the Treasury of the United States in Washington, D. C., or, at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York.

This bond is issued pursuant to the provisions of paragraph 2 of an agreement dated December 4, 1925, between Rumania and the United States, to which agreement this bond is subject, and to which reference is hereby made.

In witness whereof Rumania has caused this bond to be executed in its behalf by its ——— at the city of Washington, D. C., thereunto duly authorized, as of June 15, 1925.

THE KINGDOM OF RUMANIA,
By ——— ———.

EXHIBIT B

(Form of bond)

THE KINGDOM OF RUMANIA

$——— No. ——

The Kingdom of Rumania, hereinafter called Rumania, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on June 15, 19—, the sum of ——— dollars ($——), and to pay interest upon said principal sum from June 15, 1939, at the rate of 3½ per cent per annum, payable semiannually on the 15th day of December and June in each year until the principal hereof has been paid. This bond is payable as to both principal and interest in gold coin of the United States of America of the present standard of value, or, at the option of Rumania, upon not less than 30 days' advance notice to the United States in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

This bond is payable as to both principal and interest without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of Rumania or any political or local taxing authority within the Kingdom of Rumania, whenever, so long as, and to the extent that, beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Rumania, or (c) a corporation not organized under the laws of Rumania. This bond is payable as to both principal and interest at the Treasury of the United States in Washington, D. C., or at the option of the Secretary of the Treasury of the United States at the Federal Reserve Bank of New York.

This bond is issued pursuant to the provisions of paragraph 2 of an agreement dated December 4, 1925, between Rumania and the United States, to which agreement this bond is subject and to which reference is hereby made.

In witness whereof Rumania has caused this bond to be executed in its behalf by its ——— at the city of Washington, D. C., thereunto duly authorized, as of June 15, 1925.

THE KINGDOM OF RUMANIA,
By ——— ———.

Mr. SMOOT. The indebtedness was funded as of June 15, 1925. The principal amount of obligations held by the United States was $36,128,494.94. Interest on this amount, calculated to December 15, 1922, at 4¼ per cent per annum, aggregating $5,365,806.08, was added to the original principal, making the indebtedness as of December 15, 1922, $41,494,301.02. Interest on this amount, calculated at the rate of 3 per cent per annum from December 15, 1922, to June 15, 1925, aggregating $3,112,072.59, was added, making the total debt as of June 15, 1925, $44,606,373.61. Against this amount there were allowed by the War Department certain credits aggregating $11,922.07. Rumania paid in cash upon the execution of the agreement $4,451.54, making the total indebtedness to be funded into bonds $44,590,000.

The principal of the debt so established is to be paid over a period of 62 years with interest at the rate of 3 per cent per annum for the first 10 years and 3½ per cent per annum thereafter. During the first 14 years the following total annual payments are to be paid, the balance of each annuity at the above rate to be funded over the remaining 48 years:

June 15—		June 15—	
1926	$200,000	1931	$700,000
1927	300,000	1932	800,000
1928	400,000	1933	1,000,000
1929	500,000	1934	1,200,000
1930	600,000	1935	1,400,000
June 15—		June 15—	
1936	$1,600,000	1938	$2,000,000
1937	1,800,000	1939	2,200,000

I ask unanimous consent to have printed in the RECORD a schedule showing the total payments of principal and interest to be made each year with the amount deferred during the first 14 years.

The PRESIDING OFFICER. Without objection, the request of the Senator from Utah will be granted and the schedule will be printed in the RECORD.

The schedule is as follows:

Statement of amounts payable to the United States on account of proposed refunding bonds to be issued by Rumania (interest at 3 per cent per annum for first 10 years and 3½ per cent thereafter—all deferred amounts are compounded annually at those rates)

Year	Principal	Annual interest due	Annual principal due	Total amount due annually	Total amount to be paid annually	Amount deferred each year	Value of each deferred amount on fifteenth year
1926	$44,590,000.00	$1,337,700.00	$222,000.00	$1,559,700.00	$200,000.00	$1,359,700.00	$2,035,817.04
1927	44,368,000.00	1,331,040.00	229,000.00	1,560,040.00	300,000.00	1,260,040.00	1,831,651.22
1928	44,139,000.00	1,324,170.00	236,000.00	1,560,170.00	400,000.00	1,160,170.00	1,637,358.25
1929	43,903,000.00	1,317,090.00	243,000.00	1,560,090.00	500,000.00	1,060,090.00	1,452,535.10
1930	43,660,000.00	1,309,800.00	250,000.00	1,559,800.00	600,000.00	959,800.00	1,276,814.66
1931	43,410,000.00	1,302,300.00	258,000.00	1,560,300.00	700,000.00	860,300.00	1,111,117.32
1932	43,152,000.00	1,294,560.00	265,000.00	1,559,560.00	800,000.00	759,560.00	952,433.76
1933	42,887,000.00	1,286,610.00	273,000.00	1,559,610.00	1,000,000.00	559,610.00	681,272.62
1934	42,614,000.00	1,278,420.00	282,000.00	1,560,420.00	1,200,000.00	360,420.00	425,997.58
1935	42,332,000.00	1,269,960.00	290,000.00	1,559,960.00	1,400,000.00	159,960.00	183,557.62
1936	42,042,000.00	1,471,470.00	296,000.00	1,767,470.00	1,600,000.00	167,470.00	185,676.84
1937	41,746,000.00	1,461,110.00	338,890.00	1,800,000.00	1,800,000.00		
1938	41,407,110.00	1,449,248.85	550,751.15	2,000,000.00	2,000,000.00		
1939	40,856,358.85	1,429,972.56	770,027.44	2,200,000.00	2,200,000.00		
	40,086,331.41	18,863,451.41	4,503,668.59	23,367,120.00	14,700,000.00	8,667,120.00	11,774,229.02
Add value of amounts deferred	11,774,229.02						

Year	Principal	Annual interest due	Annual principal due	Total amount to be paid annually
1940	$51,860,560.43	$1,815,119.62	$430,560.43	$2,245,680.05
1941	51,430,000.00	1,800,050.00	445,000.00	2,245,050.00
1942	50,985,000.00	1,784,475.00	462,000.00	2,246,475.00
1943	50,523,000.00	1,768,305.00	478,000.00	2,246,305.00
1944	50,045,000.00	1,751,575.00	494,000.00	2,245,575.00
1945	49,551,000.00	1,734,285.00	512,000.00	2,246,285.00
1946	49,039,000.00	1,716,365.00	529,000.00	2,245,365.00
1947	48,510,000.00	1,697,850.00	548,000.00	2,245,850.00
1948	47,962,000.00	1,678,670.00	567,000.00	2,245,670.00
1949	47,395,000.00	1,658,825.00	587,000.00	2,245,825.00
1950	46,808,000.00	1,638,280.00	608,000.00	2,246,280.00
1951	46,200,000.00	1,617,000.00	629,000.00	2,246,000.00
1952	45,571,000.00	1,594,985.00	651,000.00	2,245,985.00
1953	44,920,000.00	1,572,200.00	673,000.00	2,245,200.00
1954	44,247,000.00	1,548,645.00	697,000.00	2,245,645.00
1955	43,550,000.00	1,524,250.00	722,000.00	2,246,250.00
1956	42,828,000.00	1,498,980.00	747,000.00	2,245,980.00
1957	42,081,000.00	1,472,835.00	773,000.00	2,245,835.00
1958	41,308,000.00	1,445,780.00	800,000.00	2,245,780.00
1959	40,508,000.00	1,417,780.00	828,000.00	2,245,780.00
1960	39,680,000.00	1,388,800.00	857,000.00	2,245,800.00
1961	38,823,000.00	1,358,805.00	887,000.00	2,245,805.00
1962	37,936,000.00	1,327,760.00	918,000.00	2,245,760.00
1963	37,018,000.00	1,295,630.00	950,000.00	2,245,630.00
1964	36,068,000.00	1,262,380.00	984,000.00	2,246,380.00
1965	35,084,000.00	1,227,940.00	1,018,000.00	2,245,940.00
1966	34,066,000.00	1,192,310.00	1,053,000.00	2,245,310.00
1967	33,013,000.00	1,155,455.00	1,090,000.00	2,245,455.00
1968	31,923,000.00	1,117,305.00	1,129,000.00	2,246,305.00
1969	30,794,000.00	1,077,790.00	1,168,000.00	2,245,790.00
1970	29,626,000.00	1,036,910.00	1,209,000.00	2,245,910.00
1971	28,417,000.00	994,595.00	1,252,000.00	2,246,595.00
1972	27,165,000.00	950,775.00	1,295,000.00	2,245,775.00
1973	25,870,000.00	905,450.00	1,341,000.00	2,246,450.00
1974	24,529,000.00	858,515.00	1,387,000.00	2,245,515.00
1975	23,142,000.00	809,970.00	1,436,000.00	2,245,970.00
1976	21,706,000.00	759,710.00	1,486,000.00	2,245,710.00
1977	20,220,000.00	707,700.00	1,539,000.00	2,246,700.00
1978	18,681,000.00	653,833.00	1,592,000.00	2,245,835.00
1979	17,089,000.00	598,115.00	1,648,000.00	2,246,115.00
1980	15,441,000.00	540,435.00	1,706,000.00	2,246,435.00
1981	13,735,000.00	480,725.00	1,765,000.00	2,245,725.00
1982	11,970,000.00	418,950.00	1,827,000.00	2,245,950.00
1983	10,143,000.00	355,005.00	1,891,000.00	2,246,005.00
1984	8,252,000.00	288,820.00	1,957,000.00	2,245,820.00
1985	6,295,000.00	220,325.00	2,026,000.00	2,246,325.00
1986	4,269,000.00	149,415.00	2,097,000.00	2,246,415.00
1987	2,172,000.00	76,020.00	2,172,000.00	2,248,020.00
		55,945,699.62	51,860,560.43	107,806,260.05
Add total amount received first 14 years				14,700,000.00
				122,506,260.05

Mr. SMOOT. The schedule of payments which I have just had set forth in the RECORD was agreed upon to meet the estimated fiscal requirements of the Rumanian Government.

I think, Mr. President, that statement covers the items and the principles of our agreement.

The PRESIDING OFFICER. The bill is as in Committee of the Whole and open to amendment. If there are no amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. NEELY. Let us have the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. If he were present, he would vote as I desire to vote. I shall therefore vote. I vote "yea."

Mr. BRATTON (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. If at liberty to vote, I should vote "nay." Under the circumstances I withhold my vote.

Mr. BROUSSARD (when his name was called). Making the same announcement as heretofore, I vote "yea."

Mr. CURTIS (when Mr. CAPPER's name was called). Repeating the announcement made previously with reference to the absence of my colleague [Mr. CAPPER], I desire to state that if present he would vote "yea."

Mr. PEPPER (when his name was called). On this question I am paired with the senior Senator from South Carolina [Mr. SMITH], which I transfer to the senior Senator from Vermont [Mr. GREENE], and vote "yea."

Mr. McKELLAR (when Mr. TYSON's name was called). The junior Senator from Tennessee [Mr. TYSON] is unavoidably absent from the city. He has a general pair with the senior Senator from Ohio [Mr. WILLIS].

Mr. WILLIS (when his name was called). I am paired with the junior Senator from Tennessee [Mr. TYSON]. I am advised that he would vote as I expect to vote, and I therefore vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Minnesota [Mr. SCHALL] with the Senator from Montana [Mr. WALSH]; and

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Montana [Mr. WHEELER].

I also desire to announce the necessary absence of the Senator from Delaware [Mr. DU PONT], the Senator from Vermont [Mr. GREENE], the Senator from Minnesota [Mr. SCHALL], and

the Senator from Missouri [Mr. WILLIAMS], each of whom would, if present, vote "yea."

Mr. HARRIS. I desire to announce that the Senator from Rhode Island [Mr. GERRY] is necessarily absent. If he were present, he would vote "yea."

The result was announced—yeas 51, nays 16, as follows:

YEAS—51

Bayard	Edwards	King	Sackett
Bingham	Ernst	Lenroot	Shortridge
Broussard	Ferris	McLean	Simmons
Bruce	Fess	McMaster	Smoot
Butler	George	McNary	Stanfield
Cameron	Gillett	Means	Steck
Caraway	Goff	Metcalf	Swanson
Copeland	Gooding	Norbeck	Wadsworth
Couzens	Hale	Oddie	Warren
Curtis	Harreld	Pepper	Watson
Dale	Jones, N. Mex.	Phipps	Weller
Deneen	Jones, Wash.	Pine	Willis
Edge	Kendrick	Robinson, Ark.	

NAYS—16

Blease	Heflin	McKellar	Nye
Dill	Howell	Mayfield	Reed, Mo.
Frazier	Johnson	Neely	Sheppard
Harris	La Follette	Norris	Trammell

NOT VOTING—29

Ashurst	Gerry	Pittman	Tyson
Borah	Glass	Ransdell	Underwood
Bratton	Greene	Reed, Pa.	Walsh
Capper	Harrison	Robinson, Ind.	Wheeler
Cummins	Keyes	Schall	Williams
du Pont	McKinley	Shipstead	
Fernald	Moses	Smith	
Fletcher	Overman	Stephens	

So the bill was passed, as follows:

Be it enacted, etc., That the settlement of the indebtedness of the Kingdom of Rumania to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 5, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded, after allowing for the cash payments made by the Kingdom of Rumania and the credits set out below, is $44,590,000, which has been computed as follows:

Principal amount of indebtedness to be funded		$36,128,494.94
Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4¼ per cent a year		5,365,806.08
Total indebtedness as of Dec. 15, 1922		41,494,301.02
Interest accrued and unpaid thereon to June 15, 1925, at the rate of 3 per cent a year		3,112,072.59
		44,606,373.61
Credits allowed by War Department on material together with interest thereon		11,922.07
Total net indebtedness as of June 15, 1925		44,594,451.54
To be paid in cash upon execution of agreement		4,451.54
Total indebtedness to be funded into bonds		44,590,000.00

The principal amount of the bonds to be delivered to the United States is $66,560,560.43, the increase over the funded indebtedness as of June 15, 1925, being due to the smaller payments during the first 14 years than would have been payable upon the basis of the British-American settlement, this difference being funded over the remaining 48 years, compounded annually, at the rates of 3 per cent per annum up to and including the tenth year and 3½ per cent per annum from the eleventh to the fourteenth year, both inclusive. The principal of the bonds shall be paid in annual installments on June 15 of each year up to and including June 15, 1987, subject to the right of the Kingdom of Rumania, after June 15, 1939, to make such payments in three-year periods. The first 14 annual installments are to be paid without interest on the dates specified and in the following amounts: June 15, 1926, $200,000; June 15, 1927, $300,000; June 15, 1928, $400,000; June 15, 1929, $500,000; June 15, 1930, $600,000; June 15, 1931, $700,000; June 15, 1932, $800,000; June 15, 1933, $1,000,000; June 15, 1934, $1,200,000; June 15, 1935, $1,400,000; June 15, 1936, $1,600,000; June 15, 1937, $1,800,000; June 15, 1938, $2,000,000; June 15, 1939, $2,200,000. The remaining 48 installments are to be paid annually on June 15 of each year, with interest at the rate of 3½ per cent per annum from June 15, 1939, payable semiannually on June 15 and December 15 of each year. The amount of the installment due in the fifteenth year is $430,560.43, the annual installments to increase thereafter until in the sixty-second year the amount of the final installment will be $2,172,000, the aggregate installments being equal to the total face amount of bonds to be delivered, namely, $66,560,560.43.

The Kingdom of Rumania shall have the right to pay off additional amounts of the principal of the bonds on June 15 or December 15 of any year upon not less than 90 days' advance notice.

Any payment of interest or of principal may be made at the option of the Kingdom of Rumania in any obligations of the United States issued after April 6, 1917, such obligations to be taken at par and accrued interest.

Mr. HOWELL obtained the floor.

Mr. SMOOT. Will the Senator from Nebraska permit me to call up the next debt settlement bill, House bill 6777?

Mr. HOWELL. No, Mr. President; not at this time. I desired to have an opportunity to state, for the RECORD at least, the facts respecting the Rumanian debt settlement. It seems that I was denied the privilege when the settlement was under consideration. However, I will admit that it was partly my own fault.

Mr. President, the Senate has just voted to approve the Rumanian debt settlement, and I think the Senate ought to know certain facts which have not been made clear. The amount of the debt as per the Treasury books is not $44,590,000, the amount that has been refunded, but $46,945,000. The debt commission afforded an initial cancellation of $2,351,000.

By whom is this debt owed to the United States and to whom is this cancellation afforded? Rumania, as the result of the World War, doubled her territory and her population. To-day Rumania has a population of about 17,500,000. If Rumania's war debt to-day, as the result of the recent war, were as great as that of the United States in proportion to population, it would be over $3,000,000,000, but her total interest-bearing war debt as the result of the recent war is only about $267,000,000. Yet by our action we have canceled $47,000,000 of that debt.

Mr. President, it was openly stated here in Washington that the Rumanian minister was recalled because he insisted that his Government was capable of paying its debt in full and that it ought to do so; that it ought not even ask for an extension of payments over 62 years. An article appeared in a Washington paper over the signature of one of our leading publicists stating this fact; and I ask unanimous consent to insert in the RECORD that statement, made by Mr. Frederic William Wile.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Without objection, it is so ordered.

The statement is as follows:

Prince Antoine Bibesco's friends in Washington—whose name is legion—have thrown amazing light on the real reasons for the Rumanian minister's recall from the United States. The reasons are directly concerned with the recent Rumanian debt-funding arrangements in Washington. Prince Bibesco wanted his country to pay the United States in cash in full and at once.

According to his friends here, Bibesco contended that the Rumanian treasury was able to do this. It owed America $44,128,000, including principal and accrued interest, compared to the $106,000,000 Rumania owes Great Britain, and the 1,132,000,000 francs it owes France. But M. Titulesco, the Rumanian minister to Great Britain, who conducted the recent negotiations at Washington, was without instructions from Bucharest to effect a cash settlement here.

ANXIOUS TO APPEASE FRANCE

It is understood that the Rumanian Government's objections were based on a desire not to offend France. Not only is Rumania heavily in France's debt, but there are military understandings between the two countries that naturally would deter Rumanian statesmen from doing anything that would cause disagreeable comment at Paris. There was the further consideration in the French mind, of course, that France herself had not yet come to any kind of debt terms with America.

At any rate, M. Titulesco demurred sternly to Prince Bibesco's cash-settlement proposal, and the Bucharest authorities sustained Titulesco's position. It was an open secret in official, diplomatic, and society circles that there was a rift in the Rumanian lute during the negotiations in Washington. The debt mission was quartered at a hotel, and it saw little or nothing of the officials at the legation. There was one formal dinner party, at which the Prince and Princess Bibesco were hosts to their compatriots, but the usual round of entertaining which marked all debt-mission activities in Washington when other countries were conducting them suddenly ceased. The secret, Bibesco's intimates assert, is that which is herein for the first time publicly disclosed.

The Rumanian debt was finally funded for a grand total of $44,590,000, of which some $8,000,000 was unpaid interest. In addition to the money she owes America, Great Britain, and France, Rumania's "interallied" debts include 151,000,000 francs owed Italy and 24,000,000 francs owed Belgium. It is supposed that the Rumanian Government had all of these obligations in mind, though particularly the French debt, when it did not see its way to accede to Prince Bibesco's proposal for a cash settlement with the United States.

Few foreign diplomats stationed at Washington in recent years achieved the widespread popularity acquired by Prince Bibesco and his wife. They have been here since February, 1921—nearly five years. The minister's wife (formerly Elizabeth Asquith, daughter of the one-time Prime Minister of Great Britain and his famous consort, Margot Asquith) is one of the most brilliant intellects that has ever scintillated across the Washington horizon.

Mr. HOWELL. But, Mr. President, notwithstanding Rumania has 17,500,000 people, notwithstanding the fact that she doubled her population and her territory during the war, notwithstanding her interest-bearing war debt is only about $267,000,000, while if it were as great in proportion as is our war debt it would be over $3,000,000,000, we have canceled this debt $47,000,000.

We have afforded Rumania better terms than we afforded Great Britain; we have afforded Rumania better terms than we afforded Latvia; we have afforded Rumania better terms than we afforded Finland; we have afforded Rumania better terms than we afforded Hungary; better terms than we afforded Lithuania; better terms than we afforded Poland.

Mr. President, take all the payments which Rumania is to make during the 62-year period, and you will find they are equal to an annual payment of but 3.4 per cent upon the debt, and then, at the end of 62 years, the debt is canceled.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. HOWELL. I yield.

Mr. SHIPSTEAD. Can the Senator from Nebraska give us any information as to whether or not the commissions of the brokers who arranged these loans for some of the foreign governments have been discounted somewhat on the same basis on which we are discounting the debts due us?

Mr. HOWELL. Of course, Mr. President, those engaged in the placing of international loans are in the business for profit and they do not, as a matter of course, sacrifice their profit.

Mr. SHIPSTEAD. Mr. President, I have, of course, reference to the brokers who got these loans from the Government of the United States for foreign governments. I do not mean brokers who sell bankers' loans.

Mr. HOWELL. I was not aware that any profit of that kind was made by individuals; and if the Senator from Minnesota is familiar with such an instance, I think it would be enlightening to have him state the facts to the Senate.

Mr. SHIPSTEAD. If the resolution which was introduced by the Senator from Missouri [Mr. REED] may come before the Senate and be adopted, I think some information can be presented upon that subject.

Mr. HOWELL. Mr. President, the ratification of this settlement with Rumania by the Senate is an outrage upon the American people. We ought to think of the American people as well as to think of the peoples of Europe. Here is a nation amply able to pay, with great natural resources, with a war debt as a result of the Great War relatively much smaller than the proportionate share of the debt of the United States, of many States of the Union. The proportionate share of one of our States exceeds that of Rumania by six or seven times. Maryland's proportionate share of our debt of $19,300,000,000, on a population basis, is $263,000,000. Maryland has a population of 1,450,000, while Rumania has a population of 17,500,000, and her interest-bearing debt contracted during the war approximates but $267,000,000; yet we are canceling some $47,000,000 of that debt as the result of the action taken by the Senate to-day.

SETTLEMENT OF CZECHOSLOVAKIAN INDEBTEDNESS

Mr. SMOOT. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Order of Business No. 3, being the bill (H. R. 6777) to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America.

The VICE PRESIDENT. Is there objection?

Mr. REED of Missouri. Mr. President, I object.

Mr. SMOOT. Then I move that the Senate proceed to the consideration of House bill 6777.

Mr. REED of Missouri. I raise the question of the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Deneen	Harris	McNary
Bayard	Dill	Harrison	Mayfield
Bingham	Edge	Heflin	Means
Blease	Edwards	Howell	Metcalf
Borah	Ernst	Johnson	Neely
Bratton	Ferris	Jones, N. Mex.	Norris
Broussard	Fess	Jones, Wash.	Nye
Bruce	Frazier	Kendrick	Oddie
Butler	George	King	Overman
Cameron	Gerry	La Follette	Pepper
Caraway	Gillett	Lenroot	Phipps
Copeland	Glass	McKellar	Pine
Couzens	Goff	McKinley	Ransdell
Curtis	Hale	McLean	Reed, Mo.
Dale	Harreld	McMaster	Robinson, Ark.
Sackett	Simmons	Stephens	Warren
Sheppard	Smoot	Swanson	Watson
Shipstead	Stanfield	Trammell	Willis
Shortridge	Steck	Wadsworth	

The VICE PRESIDENT. Seventy-five Senators having answered to their names, a quorum is present.

Mr. SMOOT. Mr. President, the Senator from Nebraska [Mr. HOWELL] advises me that he has some information to collect that he is not yet prepared to present on the Czechoslovakian debt settlement, and asks that it may go over until to-morrow. I have no objection at all to that course. Therefore I withdraw the motion I made to proceed to the consideration of the bill.

Mr. REED of Missouri. Mr. President, I think the request ought to be granted, because the Senator from Nebraska will, I take it, desire to present some figures; but I can not refrain from calling attention to the fact of how well trained Senators are and how useless it is to protest.

When the roll was being called a few minutes ago I heard two Senators upon coming in vote "yea" on a quorum call. They knew their business and what was expected of them so well that as they walked down the aisle, on a mere call for a quorum, they voted "yea."

Mr. NEELY. Mr. President, under the impression, of course, that they were voting to give away more of the American taxpayers' money to some European country.

DISTRICT GARBAGE-REDUCTION PLANT

The VICE PRESIDENT laid before the Senate the bill (H. R. 7286) to provide for the acquisition of property in Prince William County, Va., to be used by the District of Columbia for the reduction of garbage.

Mr. COPELAND. Mr. President, on the 27th of March the Senate passed a bill which was identical in spirit but slightly different in language from the bill which the House has just passed. I move that the votes by which we passed the Senate bill be reconsidered and that we pass in its place the bill just sent over from the House.

Mr. KING. What bill is it?

Mr. COPELAND. It is the bill relative to the garbage-disposal plant over in Prince William County, Va.

Mr. CURTIS. Mr. President, if the other bill has passed the Senate there is no need to recall it.

Mr. COPELAND. It is not identical.

The VICE PRESIDENT. Probably if this bill is passed it will be sufficient.

Mr. CURTIS. If it is not identical, then this bill should go to the committee.

Mr. COPELAND. It is identical in spirit.

The VICE PRESIDENT. Objection is made.

Mr. CURTIS. I ask that the bill go to the committee.

The VICE PRESIDENT. The bill will be referred to the Committee on the District of Columbia.

AMENDMENT OF WAR MINERALS RELIEF ACT

Mr. ODDIE. I ask unanimous consent for the immediate consideration of Senate bill 3641, to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

Mr. BORAH. What is the bill, Mr. President?

Mr. ODDIE. It provides for an amendment to the war minerals relief act.

The VICE PRESIDENT. The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Mines and Mining, with amendments.

Mr. ODDIE. I ask that the bill be read for action on the committee amendments.

The VICE PRESIDENT. The Secretary will read the bill.

The Chief Clerk proceeded to read the bill.

The amendments were, on page 2, line 22, after the word "expended," to insert "or obligations incurred"; on the same page, line 25, before the word "expenditures," to strike out the word "such"; and, on page 3, line 4, after the words "of the," to strike out "said minerals" and insert "necessaries," so as to make the bill read:

Be it enacted, etc., That so much of section 5 of the act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, as reads "that the decision of the said Secretary shall be conclusive and final, subject to the limitations hereinafter provided," and so much of said section 5 as reads "that nothing in this section shall be construed to confer jurisdiction upon any court to entertain a suit against the United States," are hereby repealed.

SEC. 2. That section 2 of the said act is hereby made applicable to claims filed under section 5 of the said act in the same manner and in all respects similar to the application of said section 2 to section 1 of the said act: *Provided, however,* That in cases where final decisions of the Secretary of the Interior have been heretofore rendered said appeal to the Court of Claims shall be made within 90 days after the passage of this act; and in all cases where final decisions of the Secretary of the Interior have not heretofore been rendered, appeals from such decisions to the Court of Claims shall be made within 90 days after such decisions shall have been rendered by said Secretary: *And provided further,* That no acceptance or acquittance by any claimant of or for any settlement made heretofore by the said Secretary shall prevent or estop any appeal to the said Court of Claims, as herein provided for.

SEC. 3. That the Secretary of the Interior is hereby authorized and directed to include in his adjustments and payments in each claim all items of net loss, including moneys expended or obligations incurred for or in connection with the purchase or lease of property and money paid and due to be paid for interest on borrowed capital: *Provided, however,* That in every case in which expenditures were made or obligations incurred they shall be clearly shown to have been so made or incurred in good faith in connection with the production of or in preparation for the production of the necessaries named in the said act, in compliance with governmental demands, request, solicitation, or appeal, as heretofore provided in the said act, as amended.

The amendments were agreed to.

Mr. ODDIE. I ask that the three amendments which I send to the desk, to be known as sections 3, 4, and 5, be considered.

The VICE PRESIDENT. The amendments will be stated.

Mr. KING. Mr. President, will the Senator yield?

Mr. ODDIE. Yes.

Mr. KING. I will ask the Senator if the amendment which he is about to offer is the one which was agreed upon by Mr. Mitchell and the one which was submitted to me by him?

Mr. ODDIE. It is.

Mr. KING. There has been no change in it?

Mr. ODDIE. No change.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senator from Nevada proposes to strike out lines 19 to 25, both inclusive, on page 2, and lines 1 to 7, both inclusive, on page 3, and in lieu thereof to insert the following:

SEC. 3. That the Secretary of the Interior is hereby authorized and directed to reconsider his findings or awards and make an award or additional awards in each claim for such net losses as claimant may have incurred in good faith, and are in justice and equity entitled to, by reason of producing or preparing to produce the necessaries named in said act as amended, in compliance with governmental request, demand, solicitation, or appeal, including moneys expended or obligations incurred for or in connection with the purchase or lease of property and money paid or due to be paid as interest for borrowed capital.

Mr. ODDIE. Mr. President, section 3 was redrafted in order to meet the views of the Secretary of the Interior, in that he felt that the language of section 3 as drawn made it mandatory upon him to pay all items of net loss whether the claimants were or were not in justice and equity entitled to payment for them. As amended section 3 supplies the required safeguards to restrict awards to net losses incurred in good faith and to which claimants are justly and equitably entitled under the provisions of the relief act as amended.

The VICE PRESIDENT. The question is upon agreeing to the amendment offered by the Senator from Nevada.

The amendment was agreed to.

The CHIEF CLERK. It is also proposed to insert a new section, to be known as section 4, and to read as follows:

SEC. 4. If in any claim duly filed under and pursuant to section 5 of "An act to provide relief in cases of contracts connected with the prosecution of the war," approved March 2, 1919, it shall appear that a claimant suffered net losses under said section 5 which were not included in said claim as filed, because not known at the time of filing said claim, such claimant may amend such claim within 30 days from and after the passage of this amendment by including such losses, and the Secretary of the Interior shall adjust the amended claim subject to all the conditions and limitations of this act as amended.

The amendment was agreed to.

The CHIEF CLERK. It is also proposed to add a new section, as follows:

SEC. 5. No claim under this act shall be subject to review or adjustment under section 236 of the Revised Statutes as amended.

The amendment was agreed to.

Mr. PHIPPS. I offer an amendment, which would be a new section, and ask for its consideration.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to add a new section, to be known as section 6, and to read as follows:

SEC. 6. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services a sum greater than $1,000, or, in the case of awards under this act over $10,000 in amount, a sum greater than 10 per cent of such award. Any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a claimant the whole or any part of an award, in excess of the sums due for services rendered, as set forth in this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding $500 or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Mr. KING. Mr. President, I move to strike out the words "at hard labor," and to substitute for "two years" "one year." I think for a misdemeanor the punishment is too severe.

Mr. PHIPPS. I have no objection to that proposed change.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF VETERANS OF THE WORLD WAR

Mr. ASHURST. Mr. President, I supported the bill which has just been passed just as I have supported many other measures proposing to liquidate the World War.

Obviously, we are approaching a time when Members are thinking of adjournment; but I shall oppose an adjournment, and I hope to enlist the support of other Senators in opposing any adjournment unless and until legislation is passed granting the needed relief demanded by the veterans of the World War.

I commend the successful efforts of Members of this Congress to grant proper relief to the business interests of the country, and we are now about to consider the banking bill; but we should not consider an adjournment until we grant the needed legislation to the particular men who saved and preserved the business interests of the country.

There are two bills pending before the Senate Committee on Finance. One is Senate bill 3694, by the Senator from Pennsylvania [Mr. REED], to amend the World War veterans' act of 1924. The other is Senate bill 3695, by Mr. WATSON, to amend the World War adjusted compensation act. Companion bills—that is to say, relatively similar bills—are pending in another branch of Congress. I fear that a legislative "jam" may defeat this needed veterans' legislation. Therefore, from time to time, as opportunity offers, I shall urge that these bills be considered.

I now ask the chairman of the Committee on Finance when we may expect a favorable report on Senate bill 3694 and Senate bill 3695, introduced, respectively, by Senators REED of Pennsylvania and WATSON, of Indiana?

Mr. SMOOT. I expect to call a meeting of the Finance Committee just as soon as these debt settlement bills are out of the way. I know that the subcommittee having the veterans' legislation in charge will meet for the consideration of the relief measures. I do not think the Senate will adjourn until reports have been made from the committee, and the Senate will be asked to agree on whatever measures are reported from the committee.

Mr. ASHURST. In order that Senators may be advised and may know the importance of this veterans' legislation, I ask to have printed in the RECORD at this point reports on the so-called Green bill and the so-called Johnson bill, companion bills to the two Senate bills to which I have referred.

The VICE PRESIDENT. Is there objection?

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

[H. Rept. No. 554, 69th Cong., 1st sess.]

AMENDMENTS TO THE WORLD WAR ADJUSTED COMPENSATION ACT

Mr. GREEN of Iowa, from the Committee on Ways and Means, submitted the following report to accompany H. R. 10277:

The Committee on Ways and Means, to whom was referred the bill (H. R. 10277) to amend the World War adjusted compensation act, having had the same under consideration, report it back to the House without amendment and recommend that the bill do pass.

After an experience of nearly two years under the World War adjusted compensation act it has been found that while in general the act has worked well and been of great benefit to the families and dependents of deceased veterans, there were a large number of cases where parties equally entitled to its benefits were excluded from

the provisions of the act. Among these cases are those where an application for the adjusted compensation credit had been executed by the veteran but not filed before his death. There were also numerous cases where dependency, in fact, existed but, under the circumstances, was difficult to prove in conformity with the language of the original act. There were other cases where the beneficiaries found that the amount actually paid them had been greatly reduced by deductions on account of charges made against the soldier, which in some cases included even items for loss of equipment. Controversies also arose between the Veterans' Bureau and the office of the Comptroller General, which resulted in decisions overruling the Veterans' Bureau in matters that affected the amount to be received by beneficiaries under the act. These decisions were made, as a rule, upon purely technical features, and thereby many persons who would have come within the original purpose of the act as intended by Congress either received much less than was contemplated when it was adopted, or, in some cases, nothing at all.

Without going into detail, it may be said that the main purpose of this bill is to equalize the benefits of the act among the dependents of the veterans and to prevent the disallowance or reduction of claims through mere technicalities. It was not found possible to provide for every isolated case, but it is believed that practically all of those in which substantial injustice exists have been cared for. Some other features have been included for the protection of veterans against loan sharks and the public generally against the issuance of forged certificates. Further on in the report a detailed explanation is given of the changes made in the law by the bill.

The committee applied to the Veterans' Bureau for an estimate as to the cost of the changes made by this measure. The bureau made estimates of the cost of sections 1, 3, 5, and 11, as shown by the table below:

Immediate:	
Sec. 1	$249,526.00
Sec. 3	108,386.21
Sec. 5	8,562.00
Sec. 11	1,996,929.00
Total	2,363,394.21
Future	635,580.00
Grand total	2,998,974.21

But it felt unable to furnish any definite estimate as to the cost of sections 7 and 8, being the provisions of the bill making changes as to the proof of dependency. Great difficulty is found in even making any kind of an estimate as to the cost of these provisions which lessened the proof required in such cases, but after considering all of the data presented to the committee by the bureau it would appear that the ultimate cost of these provisions will be somewhere from $3,000,000 to $9,000,000. This sum will be spread over about two and one-half years, but much of the greater portion of it will be paid in this and the ensuing fiscal year, or, in other words, will immediately become due and will be payable as soon as the account can be determined and checked by the proper officials. The remaining provisions of the bill make no change in expenditures, unless possibly to make some slight reductions thereof in an administrative way. Under the best information now obtainable, an outside figure of the cost of the bill, both immediate and future, will be $12,000,000, and it may be much less.

APPLICATION BY THE VETERAN

The Comptroller General has ruled that where a veteran died after making an application but before it was filed the application is not a valid one. Section 302 of the World War adjusted compensation act has been rewritten by section 1 of the bill to change this ruling so that where a veteran died after making application it may be filed by anyone. The section, as rewritten, also provides that where the Secretary of War or Navy has in his possession a document, no matter how informal, which is found by such Secretary to disclose an intention to claim the benefits of the act on behalf of the veteran and to bear the bona fide signature of the applicant, such document shall be considered a valid application. Subdivision (c) of such section provides that if a veteran has died and payments are being made to his dependents because no application on behalf of the veteran has been submitted to the department, and then a valid application is filed, the payments to dependents shall immediately cease and payments on account of the application of the veteran shall be made to the persons entitled thereto after deducting any amounts already paid to the dependents.

To remove any doubt as to the finality of the determination of the Secretary of War or the Secretary of the Navy concerning the validity of an application or the amount of the adjusted service credit, section 303 of the act has been amended by section 2 of the bill (1) by inserting a requirement that the certificate transmitted by either Secretary to the director shall contain a statement that a valid application has been received, and (2) by removing the requirement in the present law that the facts of record used in preparing the certificate be included in the certificate.

DEDUCTION OF INDEBTEDNESS OF VETERAN TO THE UNITED STATES

Under the present law the Comptroller General has ruled that if the veteran is indebted to the United States, deduction of the amount of such debt shall be made from the adjusted service credit of the veteran.

Section 3 of the bill amends section 308 of the present law so as to prohibit such deductions and makes the amendment retroactive to the time of the original enactment of the act.

If no benefits have been extended in such cases before the passage of the amendatory act, no problem arises. When the case comes up for adjudication the credit will be computed in accordance with the law as amended without deduction for debts, and payment made in accordance with law.

If, however, any payments have already been made, the problem is presented as to how the amendment shall be given effect. Subdivisions (b), (c), (d), and (e) of section 3 of the bill make provision for such cases.

Subdivision (c) provides that if a veteran is alive at the time of the enactment of the amendatory act and the benefits of the act have already been extended to him, then the amount deducted on account of the debt shall be treated as if it were a separate adjusted service credit and the benefits of the act extended in accordance with its terms. For example: If the amount of the debt deduction is $49, the $49 will be paid in a lump sum. If the amount of the debt deduction is $60, an adjusted service certificate will be issued of a face value computed on the basis of an adjusted service credit of $60.

Subdivisions (d) and (e) cover the case where the veteran has died before the enactment of the act and where payments have already been begun or have been completed before the enactment of the amendatory act. For example: If the adjusted service credit after deduction for debt was $100 and the debt deduction was $100, an adjusted service certificate of approximately $300 (the face value of a certificate computed on the basis of the debt deduction) is to be paid to the beneficiary or estate entitled thereto, in addition to the payment of the certificate computed on the basis of the adjusted service credit after making the debt deduction.

FINALITY OF DECISION

Section 4 has for its purpose the conferring on the Secretary of War, the Secretary of the Navy, and the Director of the Veterans' Bureau of final and conclusive authority in all matters arising under their respective jurisdictions. To this end the Comptroller General of the United States is directed to allow credit in the accounts of the disbursing officers of the United States Veterans' Bureau for all payments authorized by the director heretofore or hereafter made for moneys appropriated for carrying out the provisions of the World War adjusted compensation act, as amended, except those covering administrative expense such as salaries, purchases, and travel allowances as covered in section 701 of the World War adjusted compensation act.

The effect of this amendment, while it will not necessitate the removal of the present auditing system maintained by the Comptroller General in the bureau, will be to prohibit the Comptroller General or his agents from disallowing cases upon disagreement with the director in matters of law or fact involved in the interpretation or application of the act, but will not interfere with the right of the Comptroller General to disallow expenditures by disbursing officers not in conformity with instructions of the director. It will also prohibit suits against the Government under such act except as such suits are now allowable in connection with compensation payable under the World War veterans' act, 1924, as amended.

Section 305 of the present law confers upon the Secretary of War and the Secretary of the Navy authority to determine the individuals who are veterans and as to each veteran the amount of his adjusted service credit, and provides that their findings shall not be subject to review by the General Accounting Office. This section is amended by section 4 of the bill so as to leave out the statement as to the conclusiveness of their findings in this respect, such statement being unnecessary in view of the general language of section 310 as proposed by section 4 of the bill.

VETERANS OVER 75 YEARS OF AGE

Section 501 of the law is amended by section 5 of the bill by adding a provision to the effect that veterans who are over 75 years of age at the time of making application may be paid in cash. This provision is necessary because under the American Experience Table of Mortality, which the bureau is required to use, it is impossible to figure an adjusted service certificate on the same basis as 20-year endowment insurance for the reason that the table expires at age 96.

LOAN SHARKS

The attention of the committee has been called to instances where loan sharks have in their possession in some cases large numbers of certificates which they had procured by loaning money to veterans, but these sharks can not be prosecuted because the law imposes no penalty for such practices. Instances also have been cited where a person is named as a beneficiary by the veteran in consideration for making a loan to him. To discourage such practices, section 503

of the act has been amended by section 6 of the bill by making void the naming of any person as a beneficiary in consideration for a loan having been made to the veteran and by making it a misdemeanor for any person to accept assignment of a certificate or to receive a certificate as security for a loan or to loan money to veteran in consideration of the naming by the veteran of any person as beneficiary. This section necessarily does not apply in the case of loans made by banks in conformity with section 502 of the act.

DEPENDENTS

A few clerical changes have been made by section 7 of the bill in section 601 of the act in order to conform to the revised provisions concerning dependency found in section 602.

Section 602 of the act has been entirely rewritten in section 8 of the bill to restate the policy concerning dependency. Any language which might tend to indicate that a showing of dependency upon the veteran is required has been eliminated.

The requirement in respect of dependency of the widow is not materially changed. If she has remarried before making application, or if at the time of the death of the veteran she was living apart from him willfully, she is not entitled to the benefits. Otherwise, upon the showing of marital cohabitation, she is presumed to have been dependent.

A child under 18 at the time of the death of the veteran, or over 18 and before January 2, 1928, incapable of self-support by reason of mental or physical defect, is entitled to the benefits.

A mother or father is entitled to be considered dependent upon a showing of dependency upon anyone before January 2, 1928, and is presumed to be dependent if over 60 years of age before January 2, 1928. A mother is also presumed to be dependent if unmarried. The requirement in the present law of a statement under oath of the dependency in the case of the mother and father has been eliminated.

APPLICATION BY DEPENDENTS

Section 9 of the bill amends section 605 of the act in order to have it correspond in terminology and legal effect with the changes in respect of applications made in section 303.

DEFINITION OF WIDOW

Section 10 of the bill adds a new definition of "widow" to include widower, and is made to correspond with the clerical changes made by section 7.

DEDUCTION OF FIRST 60 DAYS OF SERVICE

Section 1406 of the revenue act of 1918 did not permit payment of the $60 bonus to persons who died in the service. Inasmuch as under the World War adjusted compensation act a deduction of 60 days was made in the computation of the adjusted service credit of all veterans, including those who died in the service, this latter class was consequently discriminated against, and section 11 of the bill removes the discrimination by providing for the payment of $60 in cash to the dependents of any such veteran.

ACCRUED RIGHTS

Because of amendments in the bill changing the basis for determining dependency in many cases, and because of certain retroactive provisions of the bill, section 12 has been added in order to validate all payments made and all applications received under the act and to assure any dependent now receiving the benefits of the act that he will continue to receive such benefits unless a person entitled to a priority in preference can establish dependency. If such person can establish dependency, he receives only the remaining benefits extended by the act.

COUNTERFEITING CERTIFICATES

Section 13 of the bill adds a new penal section to the act to cover forging, counterfeiting, etc., of adjusted service certificates and provides for the use of the Secret Service Division of the Treasury Department to enforce the provisions of this section.

LOST CERTIFICATES

Section 14 of the bill adds a new section to the act to provide for the issuance under bond of a duplicate adjusted service certificate where the director determines that such certificate, without bad faith on the part of the person entitled to payment thereon, has been lost, destroyed, or so defaced as to impair its value to the rightful holder.

[House Report No. 515, Sixty-ninth Congress, first session]

TO AMEND THE WORLD WAR VETERANS' ACT

Mr. JOHNSON of South Dakota, from the Committee on World War Veterans' Legislation, submitted the following report (to accompany H. R. 10240):

The Committee on World War Veterans' Legislation, to whom was referred the bill (H. R. 10240) to amend the World War veterans' act, 1924, having considered the same, report thereon with recommendation that it be passed.

The bill, as now presented, proposes several substantial changes in the law to which the attention of the House of Representatives should be specifically directed. They are:

1. Section 1 of the bill amends section 4 by excepting from its provisions to the effect that all employees shall be subject to the civil service laws and regulations, those persons to be appointed in the United States Veterans' Bureau medical service. This amendment is necessary in order that the permanent medical organization authorized by section 2 of this bill may be accomplished.

2. Section 2 of the bill amends section 10 of the World War veterans' act by authorizing the director to create in the United States Veterans' Bureau a permanent medical organization to be known as the United States Veterans' Bureau medical service. This service is to consist of physicians, dentists, and nurses. The pay and allowances of such persons are practically the same as that provided for officers and nurses in the Medical and Nurse Corps of the Army. The establishment of such a service in the bureau will provide a medical organization which, it has long been felt, is vital to the bureau in administering the benefits of medical, hospital, surgical, and dental treatment, provided by the laws the bureau is administering.

3. Section 2 of the bill further amends section 10 by authorizing the director to hospitalize women veterans entitled to hospitalization under the World War veterans' act in private hospitals. Your committee felt that this was an economic measure for the reason that the number of women entitled to and who require the same is so limited and the diseases with which they are suffering so varied as to make it impracticable to maintain separate institutions for them. Likewise it has been found unsatisfactory to hospitalize women in those hospitals especially adapted and equipped for men patients. The Veterans' Bureau has established a few wards for women in certain of their hospitals. However, it is necessary in most instances for women to travel great distances to reach these few institutions, and many times the same are not equipped to handle the particular disease with which the woman is suffering.

4. Section 2 of the bill also amends section 10 by granting to the director authority to improve, alter, or extend existing facilities, without the approval of the President, where such alteration, improvement, or extension does not materially increase the bed capacity for patients in any hospital. The director under the present law first appears before the President and the Director of the Budget each year in justification of his recommendations that certain alterations, improvements, or extensions are necessary. After approval of the same he then appears before the Appropriations Committees of the House and Senate explaining to such committees the need of the money requested to accomplish these projects. The projects contemplated are clearly indicated in the director's recommendations, both to the President and the congressional committees. It would seem that in view of these facts it is not only unnecessary but administratively unsound to require presidential approval for every minor alteration or repair to be made, appropriations for which have been authorized.

5. Section 2 of the bill adds an additional amendment to section 10 of the act by authorizing the President, in his discretion, to transfer to the jurisdiction of the United States Veterans' Bureau the tuberculosis hospital facilities of the Battle Mountain Sanitarium and the Northwestern Branch of the National Home for Disabled Volunteer Soldiers, and to transfer to the National Home for Disabled Volunteer Soldiers any facilities of the United States Veterans' Bureau not needed for hospital purposes but are suitable for domiciliary purposes. It is believed that the authority to make such transfers is not only in the interest of the veterans of the World War but of the veterans of other wars. At the present time there is needed for hospital purposes by the Veterans' Bureau these additional facilities which your committee believes can be spared at least temporarily by the National Home for Disabled Volunteer Soldiers. No doubt, in time to come, certain facilities of the Veterans' Bureau now needed for hospital purposes will no longer be needed for such purposes and might well be transferred to the jurisdiction of the National Home for Disabled Volunteer Soldiers for domiciliary purposes.

6. Section 3 of the bill amends section 26 of the World War veterans' act by providing that accrued amounts of compensation, insurance, and maintenance and support allowance, which have become payable but have not been paid prior to the death of the person entitled to receive the same, may be paid, instead of to the personal representative as now required by the law, where the combined amounts payable are $1,000 or less, to such person or persons as would, under the laws of the State of residence of the decedent, be entitled to his personal property in case of intestacy. This amendment is in the interest of economic administration of small estates so as to guarantee to the persons entitled to receive the money payment of the same without cost.

7. Section 4 of the bill amends section 28 of the World War veterans' act, which relates to the recovery of payments erroneously made, by providing that when a recovery of a payment made from the United States Government life insurance fund is waived the fund shall be reimbursed to the extent of the recovery waived. These waivers are in order in those cases where the overpayment was without fault of the beneficiary and where it would be against equity or good conscience or would defeat the purposes of the benefits authorized to recover the same. While your committee felt that such recovery should

not be made in this deserving class of cases, nevertheless where the Government life insurance fund, which is a trust fund for the benefit of converted insurance policyholders, is involved, it should not be depleted by the amount waived under this liberal legislation enacted by Congress.

8. Section 5 of the bill adds a new section to Title I of the World War veterans' act, as amended, to be known as section 31, and to provide for reimbursement of beneficiaries hospitalized in Veterans' Bureau hospitals for losses sustained through the destruction of personal effects through fire in bureau hospitals. On several occasions in the past, notably at Gulfport, Miss., and Perryville, Md., fires have occurred in bureau hospitals and personal effects of patients placed in storerooms for safe-keeping during hospitalization have been destroyed. Where the patients themselves carried no insurance on their property the loss was complete and there was no way in which they could be reimbursed by the Government.

9. Section 6 adds a new section to TitleI of the World War veterans' act, as amended, to be known as section 33. The provisions of this amendment authorize the director to maintain courses of instruction for the professional personnel of the bureau and to detail employees to attend the same, and also authorize the director to detail professional personnel to attend courses conducted by other than bureau agencies and to defray the expenses incident to such detail, including transportation. As science advances it becomes necessary for persons in professional pursuits who have long since severed their connections with institutions of research, schools, and colleges to have some contact with institutions of learning whereby they may keep in touch with the developments of their particular branch of work. It is only by the authority conferred upon the director by this section that the professional personnel of the Veterans' Bureau may keep in touch with the advances of science and thus enable the bureau to carry on at the acme of efficiency the function of rehabilitating disabled ex-service men.

10. Section 7 of the bill amends section 200, first, by including among those persons entitled to the benefits of compensation, hospitalization, and medical care women assigned to the Medical Corps of the United States Army who served in base hospitals overseas. The number of women who will be brought in under this amendment is very few. The services they performed with the American Expeditionary Forces were similar to the services of the enlisted personnel at the base hospitals. Their rate of pay was approximately the same as that of the noncommissioned officers, and they were under military jurisdiction and subject to military discipline. The committee believes that, in view of the type of service rendered by this class of women and the fact that some of them have been disabled while engaged in such services, they should be reimbursed in the same manner as the men with whom they served.

11. This section of the bill further amends section 200 by providing that certain specific diseases shall not be held to be the result of willful misconduct because of the nature of the diseases or the manner of their acquirement. Considerable difficulty has arisen in connection with the adjudication of certain claims because of the nature of the diseases with which the claimants are affected. It seems that, in the course of events, presumptions of misconduct have been raised by the very existence of these diseases notwithstanding the fact that in many instances they were innocently acquired as far as the claimant himself is concerned. It is necessary for the claimants in these cases to prove innocent origin. The impossibility of securing such proof can readily be seen, and your committee was of the opinion that these men should not be penalized for their inability to secure definite proof of the absence of misconduct on their part.

12. It further amends section 201, subdivision (1), by providing that the Director of the Veterans' Bureau may allow funeral expenses in those cases in which the veteran dies leaving no assets which in his judgment should be applied to meet the expenses of burial and funeral and the transportation of the body. Heretofore, before payment could be made it has been necessary to show that the veteran left insufficient assets to meet the expense of his burial and funeral, and even then there was payable only the difference between any assets that might have been left and the sum of $100. The committee feels that in cases where the veteran leaves but a small amount of assets, his widow and children should not be required to exhaust this small amount by applying it in payment of funeral expenses, but that the Director of the Veterans' Bureau should be allowed in his discretion to pay the full amount where the assets of the estate are small notwithstanding that they might be sufficient to pay for a $100 burial. The finding of the director in these cases is made conclusive on the General Accounting Office.

13. Section 9 of this bill amends section 202, first, by providing in arrested cases of tuberculosis a minimum rate of compensation of $35 per month for a period of five years. In view of the residual latent disability in cases of tuberculosis and the danger of reactivation, your committee was of the opinion that these men should be allowed a greater amount of compensation than the average case during the period immediately following the time their disability reaches the condition characterized as "arrested." It is during this time that the danger of reactivation is most imminent, and the committee thought that by allowing these men a sufficient amount to permit them to gradually resume their occupations without stress or strain that in the end the purpose of this legislation would be more thoroughly accomplished and an actual saving result to the Government. It is not proposed to make this proviso retroactive.

14. The section further amends section 202 by providing that organic loss of speech shall be held to be permanent and total disability. This amendment covers the cases where shrapnel and similar wounds have completely destroyed the power of speech and in most instances left severe facial disfigurement. The rate of compensation provided for this class is $150 per month. Your committee was of the opinion that this was small compensation for the terrible loss suffered by these individuals.

15. The next amendment has only for its purpose the clarification of the language now in the law and does not in any way affect the law as now written and construed.

16. This section of the bill adds a new proviso by which, where total disability has existed for a period of 12 consecutive months, the claimant shall be rated permanently and totally disabled thereafter so long as total disability continues. This amendment is in line with modern insurance practice of recognizing permanent and total disability as existing where total disability continues for a specified period of time. In some instances insurance companies provide in their insurance contracts that permanent total disability shall be presumed to exist wherever total disability has existed continuously for a period of three months. Your committee felt that this 12-month proviso was eminently fair.

17. The next amendment is in connection with those cases where compensation for mentally incompetent persons without dependents has been reduced. Provision is first made for an increase from $20 to $30 per month. The amount now allowed by the statute has been found to be manifestly inadequate for the furnishing to incompetent patients of clothing and the other necessities of life which are not furnished by the hospitals. Your committee felt that by allowing this $10 per month additional this need would be covered.

18. Provision is also made that upon recovery of such person of his reason, such additional sum shall be paid to him as will equal the total sum by which his compensation has been reduced. The present law provides that upon recovery of reason the disabled person shall be paid an additional amount of $60 per month for each month his compensation was reduced. It was felt that such a veteran was entitled to compensation in an amount equal to the difference between what he would have drawn if his compensation had not been reduced by the provisions of said section rather than the flat rate of $60 additional.

19. The next amendment strikes from the World War veterans' act the provision authorizing reduction of compensation to $40 a month of those veterans maintained by the bureau in institutions, and who are without dependents, after June 30, 1927. The committee felt that the fact that a man was hospitalized by the Government should not work a penalty by causing a reduction in the amount of compensation he would receive. It was also felt that this section would cause many men in need of hospitalization to refuse the same because of the reduction in compensation incident thereto.

20. The next amendment is the elimination of the so-called misconduct clause from the provision for medical care and treatment for those veterans disabled in the service between April 6, 1917, and July 2, 1921, irrespective of compensability.

21. The next amendment provides out-patient treatment for veterans of any war suffering from disability not incurred in the service. The present law grants the right of hospitalization to veterans under the same circumstances. However, there are many instances where veterans could be treated without the necessity of sending them to hospitals, but the present law does not provide for treatment except in hospitals. Your committee felt that by this amendment providing for out-patient treatment, hospitalization will be somewhat curtailed.

22. The same amendment also eliminates the present restrictive date of "1897," making the provision applicable to veterans of all wars without respect to the time of their occurrence. Inasmuch as the Government offers hospitalization, either through the Veterans' Bureau or the National Home for Disabled Volunteer Soldiers, to veterans of any and all wars, it was felt that it would be a saving to the Government to permit hospitalization of all veterans in Veterans' Bureau hospitals. In many instances the Veterans' Bureau hospital is much more conveniently located than the hospitals of the soldiers' homes.

23. The amendment also includes within the hospitalization provisions Spanish-American War nurses, contract surgeons, and contract dentists. The committee felt that the services performed by these three classes of personnel during the Spanish-American War warrant some provision for their care and treatment by the Federal Government.

24. The last amendment to section 202 (10) provides that where veterans hospitalized in Veterans' Bureau hospitals are financially unable to supply themselves with clothing the director may furnish

such clothing as he may deem necessary. In many instances veterans enter Government hospitals in the summer time with no clothing other than that which they are wearing. At the time of their discharge the seasons have changed and their clothing is entirely inadequate to their needs, particularly in those cases where the hospital is located in a different section of the country than the one from which the man was hospitalized. An instance is known where a man was discharged from a Veterans' Bureau hospital in midwinter in a Palm Beach suit and a straw hat.

25. The section further amends the act by providing for hospitalization in other than Government hospitals in the Territories of the United States. The purpose of this amendment is to provide for hospitalization in contract institutions in the Territory of Alaska, from which it is now necessary to transport veterans entitled to hospitalization under the existing law to the United States in order to place them in Government institutions.

26. It further amends the law by providing that prosthetic appliances will be furnished to veterans entitled to the benefits of this particular subdivision if they are unable to supply themselves with the same. At the present time the Veterans' Bureau can furnish these men with such appliances while in hospitals, but after they leave the hospital, should it become necessary to renew or replace them, the bureau is unable to do so unless it is necessary to rehospitalize them.

27. Section 10 of the bill amends section 203 by providing an allowance of $2.65 per day to men undergoing observation or examination by the bureau. This allowance is to be in lieu of reimbursement for loss of wages now authorized by law. In many instances it has been found that farmers, commission merchants, etc., have been unable to secure reimbursement because no actual loss of wages can be shown. The committee felt that all men should be placed on the same footing. Consequently this amendment is recommended.

28. Sections 11 and 12 of the bill repeal sections 206 and 209 of the act, which now contain the time limitation on filing claims and furnishing proof of service connection for disabilities. It was not felt by your committee that a man disabled in the military service should be penalized for delaying the filing of his claim. If he can not show proof of service origin, that is an administrative matter which can be passed upon by the director. If he can show service origin of his disability, either by records in the military service or otherwise, he certainly should not be penalized for his delay.

29. Section 13 of the bill amends section 212 of the World War veterans' act as amended, first, by making the provision with reference to active service and retirement pay retroactive to April 6, 1917. This amendment is for the purpose of permitting payment of compensation from date of release to inactive duty in those cases where men in the Naval Reserve, who, although entitled to approximately $1 a month by reason of being in the reserve, have been denied compensation because they were in receipt of service pay. A provision having a similar purpose was inserted in the June 7, 1924, law, but as it was not made retroactive it did not accomplish what was sought to be done.

30. This section further amends the law by providing that the scale of disability ratings recently adopted shall be applied to those persons who receive compensation for injuries incurred prior to April 6, 1917, or subsequent to July 2, 1921, under the war risk insurance act, as amended, where an accrued right exists. At the present time it is necessary for the bureau to maintain two schedules—one for those men entitled under the World War veterans' act and one for those men entitled under the war risk insurance act. The use of two schedules for rating purposes was thought unwise both by the bureau and your committee. This amendment is recommended to take effect only from the date of the passage of this amendatory act.

31. Section 14 amends section 300 of the act by granting a period of one year for men entering the service in which to apply for insurance. In many instances it is known that men are not thoroughly familiarized with their right to take insurance before the expiration of the 120-day period. It was felt by your committee that this additional period should be allowed.

32. This section of the bill further amends section 300 by validating applications made by members of the reserve forces while in attendance at military or naval training camps. Many of these men, upon application, were granted insurance and are now paying premiums. It is impossible for the bureau to determine just which of the applications received were made by reservists on temporary detail. Under the ruling of the Comptroller General they have been held not entitled to apply. This amendment is for the purpose of guaranteeing to these men who have applied the insurance which has heretofore been granted.

33. The next amendment to section 300 is a proviso granting to members of the Coast Guard the same rights with reference to Government insurance as are now extended to the Army and Navy.

34. Section 15 of the bill extends the time for continuing term insurance to July 2, 1929. This is an extension of three years. Your committee felt that this extension of time should be granted in view of the fact that thousands of men have as yet not been able to successfully readjust themselves to postwar conditions sufficiently to permit them to pay the higher rates for converted insurance.

35. Section 301 is further amended to permit the bureau, where the monthly payment is less than $5, to allow the payments to accumulate without interest and be disbursed annually. The purpose of this amendment is obvious—to avoid a multiplicity of checks for small amounts.

36. Section 16 of the bill amends section 303 of the act to preserve the rights of certain minors and incompetent persons who, although entitled to payments of insurance on March 4, 1925 (the date of the amendment of section 303 to its present form), had been made no award. The committee felt that it was not the intention of the amendment of March 4, 1925, to divest these beneficiaries of their right to insurance simply because there was no running award as of the date of the amendment.

37. Section 17 amends section 304 by extending the time for reinstatement of insurance in the same manner as the extension of time for conversion, to wit, until July 2, 1929. It also provides that where a veteran is unable to pay all premiums in arrears with interest, the amount of such premiums and interest may be established as an indebtedness against the policy and carried as a lien thereon where reinstatement is accomplished within one year of the passage of the amendatory act.

38. Section 18 amends section 305 by providing that insurance revived under the provisions of that section shall not be paid to any persons other than the widow, child, children, dependent mother or father, in the order named. This section is one which revives insurance by the use of uncollected compensation. It is a most liberal provision of the law and it was felt that it should not be permitted to revive insurance where no immediate members of the insured's family were alive to take the same.

39. Section 19 of the bill adds a new section to be known as section 308. It provides that where any person remits a premium in the month immediately following the grace period and is in the required state of health to reinstate his insurance at the time of his remittance, the insurance shall be held to be in force at the date of his death or permanent and total disability. This is to take care of the class of cases where the insured attempted to continue his insurance but death occurred before the designated requirements for reinstatement could be accomplished.

40. Section 20 of the bill adds a new section to the law to be known as section 309. This section permits revival of insurance in cases where the $60 bonus provided by the act of February 24, 1919, was not paid and which if applied to the payment of premiums when due would have equaled or exceeded the same. In view of the fact that this $60 bonus was not paid to the estate of the individuals who died, or to their heirs, it was felt that it should be allowed to apply to payment of insurance premiums if it was sufficient to cover those due at the time of lapse.

41. Section 21 amends section 406 by extending the time of training for those men who are now in training. The extension of time for those in placement training is to January 1, 1927, and for those in institutional training two years after the passage of this act. The committee felt that as these men had embarked on courses of education prescribed for them they should be permitted to finish the same notwithstanding that the general provisions for training provided for termination June 30, 1926.

42. Section 22 of the bill adds a new section to be known as section 506. This amendment provides that the penal provisions of the World War veterans' act shall be applicable to the Philippine Islands. At present the penal provisions of the act are not applicable to the islands named, and it was felt by your committee that in view of the large number of claimants residing there, persons attempting to secure the benefits of the statute should be subject thereto for falsification of records, perjury, etc.

Attached hereto is a letter from Gen. Frank T. Hines, Director United States Veterans' Bureau, estimating the probable cost of the bill.

UNITED STATES VETERANS' BUREAU,
Washington, March 10, 1926.

Hon. ROYAL C. JOHNSON,
Chairman House Committee on
World War Veterans' Legislation,
House of Representatives, Washington, D. C.

MY DEAR MR. JOHNSON: There is submitted herewith for your information annual estimates of the probable cost of the amendments to the World War veterans' act of 1924, as proposed in H. R. 4474 for the next three years. In considering these estimated costs it is to be borne in mind that in several items the actual cost would depend upon the method of administration, and that in certain other items the actual increased cost is problematical, although the figures shown represent the best possible estimate at this time based upon existing records.

	Cost during—		
	First year	Second year	Third year
Sec. 2 amends sec. 10. Based upon the present strength of the Veterans' Bureau personnel of doctors, dentists, and nurses, the estimated net annual cost of a permanent medical service in the U. S. Veterans' Bureau is	$403,500	$403,500	$603,500
Sec. 2 further amending sec. 10, authorizing the director to hospitalize women veterans entitled to hospitalization under the provisions of the act in other than Government hospitals, will cost approximately	32,000	32,000	32,000
This estimate is based upon the percent of men who are hospitalized under sec. 202 (10) to the total male military population, and this per cent is applied to total women veterans.			
Sec. 5 adds sec. 31, which provides for the reimbursement of beneficiaries for any loss of personal effects by fire while hospitalized in Veterans' Bureau hospitals. This cost will not be material, since the fire hazard in veterans' hospitals has been reduced to a minimum, although the retroactive features of this section will apply to 1 case where the known loss was approximately	7,000		
Sec. 6, providing that a new section be added to be known as sec. 33, allows the director at his discretion to provide courses of instruction for professional personnel of the bureau. It is estimated that the cost of this provision will approximate	20,000	20,000	20,000
This estimate is based upon the experience of the Army in providing instruction in professional courses conducted by other than bureau agencies.			
Sec. 7 amends sec. 200 to provide that women assigned to the Medical Corps of the United States who served in base hospitals overseas can receive all benefits of the World War veterans' act. This cost will not be material if the application of the amendment is limited to nurses' aids, dietitians, technicians, and secretaries assigned to base hospitals overseas, in that these groups totaled but 500. Based upon the percentage of total military strength of the Army which is receiving compensation, there results but 25 potential cases to be compensated, which, if compensated at the average rate, would result in an increased annual cost approximating	11,300	11,300	11,300
Sec. 7 further provides that sec. 200 be amended so that no person shall be denied compensation by reason of diseases resulting from willful misconduct. It is estimated that there are approximately 5,109 misconduct cases disallowed and 300 cases on which compensation payments have been discontinued. Payments on these cases approximate $39 a month, resulting in an annual cost of	2,585,700	2,585,700	2,585,700
This estimate does not consider the payment of retroactive compensation nor the cost of increased compensation in those cases where compensation is being paid for service-connected disability, but where the claimant is suffering from a disability resulting from misconduct for which increased compensation will now be paid.			
Sec. 8 amends sec. 201 to provide for the payment of burial expenses for veterans of all wars who die without leaving sufficient assets which in the judgment of the director should be applied to meet the expenses of burial and transportation. It is believed that the regulations issued by the bureau with reference to the payment of burial expenses will in the end result in few more burial awards than are being paid under the existing law. Therefore, it is estimated that the proposed change will have no appreciable effect on the cost of burials as such. It is further believed that there will be a material saving in administrative expenses. During the fiscal year 1924 the cost of burials was $448,578, and the cost of shipment of bodies incident thereto was $45,755. The few new cases which might result would probably be offset by the savings in administrative cost.			
Sec. 9 amends sec. 202 to provide that any ex-service person shown to have had a tuberculous disease of a compensable degree, and who in the judgment of the director has reached a condition of complete arrest, shall receive compensation of not less than $35 a month for a period of five years. There are approximately 15,417 tuberculosis cases rated at less than 50 per cent, and these for the purpose of this estimate are assumed to be arrested, in accordance with rating procedure to date. Payments are now being made on these cases at the rate of $242,919 a month. If these cases were rated at 50 per cent permanent partial, the monthly payment would be $539,595, or a monthly increase of $296,676. The annual increase on this basis would be $3,560,112. There are approximately 7,975 cases on which payments have in the past been made, and which are now rated "less than 10 per cent." To pay these cases $35 a month would cost $3,349,500 a year, and the total annual cost for the payment of $35 a month for tuberculosis cases in the state of complete arrest would approximate $6,909,612. For these cases alone this cost in five years would be approximately $34,648,060. In addition to these cases, the experience of the bureau has shown that approximately 1,000 tuberculosis cases are terminated "less than 10 per cent" each year. The cost of paying these cases which would normally be rated at less than 10 per cent during the next five years will be approximately $3,360,000, which must be added to the cost of $34,548,060, making a total of approximately $37,908,060. Upon the above basis the cost for the first three years for all cases affected would approximate	$7,119,600	$7,749,600	$8,799,000
Sec. 9 further amends sec. 202 to provide for the payment of permanent total compensation in all cases where temporary total compensation has continued for a period of 12 consecutive months. A study of 1,600 temporary total cases indicates that 66⅔ per cent have had a temporary total rating for a period of 1 year or more. Assuming that these 1,600 cases are representative, it is estimated that 16,382 cases now receiving temporary total compensation will be rated on a permanent total basis, thus increasing the average payment from $86.66 to $95.62, there would be a monthly increase for each of these cases of $8.96, resulting in an annual cost of	1,761,396	1,761,396	1,761,396
This does not take into consideration the increased cost of paying insurance awards in these cases which would be rated permanent total.			
Sec. 9 further amends sec. 202 to provide that when a patient has been hospitalized for a period of 6 months, and shall be deemed by the director to be insane, compensation shall be paid at the rate of $30 a month. At present payments are being made at the rate of $20 a month, and very few of these insane patients recover, so that the $10 additional which it is proposed by the amendment to pay will be an added cost in each case. At present there are approximately 5,100 cases on which compensation has been reduced to $20 a month. To increase this compensation at the rate of $10 a month would cost	612,000	612,000	612,000
Sec. 9 further amends sec. 202 to provide that the monthly compensation of veterans hospitalized after June, 1927, shall not be reduced to $40 a month. This will involve no immediate cost, although it was expected that there would be a considerable saving due to this reduction for unmarried men who are hospitalized after June 30, 1927. It is estimated that there will be approximately 12,074 men in hospitals who have no dependents. Deducting from this number the 5,100 insane veterans whose compensation has been reduced to $20, there is left a balance of approximately 6,974 cases. The saving expected on these cases was approximately $600 a year on each case, or a total of $4,184,400, which the elimination of this provision will cost annually		4,184,400	4,184,400
Sec. 202 (10): The extension of outpatient treatment to all veterans will not be an immediate cost, but will make impossible the reduction of outpatient dispensary facilities which would have resulted had these facilities been limited to the treatment of service-connected disabilities.			
The furnishing of prosthetic appliances for veterans entitled to hospitalization under sec. 202 (10) will it is estimated cost approximately	10,000	10,000	10,000

	Cost during—		
	First year	Second year	Third year
Sec. 202 (10) further provides that where nonservice cases are hospitalized and are financially unable to supply themselves with clothing the Government will furnish these beneficiaries with the necessary clothing. The maximum cost of this provision is estimated at $447,000, although for the purpose of estimate this figure is discounted by 50 per cent, producing a final estimated figure of	$220,000	$220,000	$220,000
Sec. 10 amends sec. 202 to provide for a per diem allowance of $2.65 for the period of travel and observation. From a study of 500 cases paid under the existing law which provides that payment shall not exceed $80 a month, although in many cases $10 a day is allowed for short period, the average as the law is now being administered does not exceed $2.65 a day. The administrative cost will be materially lessened, and it is therefore, believed that a small saving will be effected by this provision.			
Sec. 209 is amended so that there will be no time limit for the filing of claims. During 1925, 43,524 claims were filed, and it is estimated that during the fiscal year 1926 approximately 30,108 claims will be filed. Since the passage of the World War veterans' act of 1924, 7,500 cases have been awarded compensation which would have been disallowed had it not been for the 2-year extension allowed under this act. It is expected that at the end of the 2 years approximately 10,000 cases will have been allowed under this extension. This is approximately 13 per cent of the total number of claims filed. Reducing the number of claims filed by the experience over the past 2 years, and using the 13 per cent as the rate of allowance of these claims, and the value of these claims ($23.50 a month) as a cost, it is estimated that the cost resulting from this provision for the next 3 years will be approximately	671,580	1,182,480	1,540,110
There will be added to the total compensation pay roll each year additional cases in decreasing yearly totals. Thus, over and above the cases figured for 1927, which will cost $671,580, there will be brought additional cases in 1928, 1929, etc., at an estimated cost of $510,930, $357,630, etc. From the above it is apparent that the cost of this legislation over the next several years is accumulative, although the extent of such accumulation is dependent upon the duration of the award for the new cases brought in.			
Sec. 15 amends sec. 301 to provide for the continuation of term insurance for a period of 3 years. The chief effect of such a continuation would be the increased cost due to the continued application of sec. 305, assuming that sec. 305 under the present law is not effective subsequent to July 2, 1926. Based upon current experience, the amount of term insurance which might be brought in under sec. 305 by the continuation of the term-insurance provisions for another 3 years is estimated at $105,039,900. Payment on this insurance would continue over approximately 20 years, accumulating each year as follows	5,252,000	10,504,000	15,756,000
Sec. 18 amends sec. 305 by limiting the class of beneficiaries. The above estimate of costs due to the continuation of term insurance through the amendment of sec. 301 can, therefore, be discounted by 45 per cent, with the resultant value of insurance which might be brought in totaling $57,771,945. Through this limitation there results, therefore, a material saving each year as follows	[1]2,362,000	[1]4,724,000	[1]7,086,000
Net cost of extension of term insurance	2,890,000	5,780,000	8,670,000
Sec. 20 amends sec. 309 to provide for the application of the uncollected $60 bonus for the reinstatement of lapsed insurance. It is impossible to estimate the cost of this provision, although it is not believed that a great many cases will be affected.			
Sec. 21 amends sec. 406 to provide for the continuation of 6 months for placement trainees and for 2 years for professional trainees whose courses are not completed prior to July 1, 1926. The estimated cost of this provision is	4,823,995	1,931,920	
Estimated net annual costs	21,168,000	26,483,900	29,049,000

[1]Savings.

It is to be borne in mind that the above estimates include certain costs which are (1) costs for just two years, such as for continuation of training; (2) not immediately effective, such as the elimination of the $40 hospital rate for patients without dependents, which under the present law would commence July 1, 1927; and (3) those which are accumulative in effect; that is, under the provision drawing in additional cases each year. These factors account for the variation in the above indicated annual costs for the first three years, varying from approximately $21,141,000 in the first year upward to $29,029,000 in the third year. All the above estimates are based upon rates resulting from the application of the old rating schedule and do not consider the effect of the new rating schedule.

Very truly yours,

FRANK T. HINES, *Director.*

Mr. KING. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. KING. I am sure the Senator does not mean to convey the idea—and I am asking for information—that the Congress has been derelict in caring for the veterans of the World War. I call the attention of my learned friend to the fact that last year we appropriated nearly $500,000,000 for the Veterans' Bureau, and this year we have already appropriated more than $400,000,000. The amount we appropriated last year was more than was appropriated by Congress in nearly 50 years for the soldiers of the Civil War.

I am sure the Senator will confirm the view that Congress has tried to deal generously with the wounded and those who have suffered disabilities, not only in providing hospitals but in providing very liberal compensation for the injuries which they have sustained. As a member of the Finance Committee, I assure the Senator that any other legislation pending relating to those who have sustained disabilities will have sympathetic consideration.

Mr. BLEASE. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. BLEASE. I would like to ask the Senator from Utah if this money that is being expended is being given to the the ex-service men, or is being paid for high salaries to somebody who is supposed to be looking after the ex-service men.

Mr. KING. I have said upon the floor of the Senate upon two or three occasions that in my opinion the number of employees of the Veterans' Bureau is entirely too large. I think that if the number of employees should be cut 50 per cent and a large number of the salaries should be cut, there would be more money for those who have been injured. My recollection is that the salaries and the administration of the Veterans' Bureau cost last year $45,000,000. I ask permission, if I am in error, to correct that in the RECORD, because I am only speaking from recollection of bills that were before us.

Mr. BLEASE. How much would that leave out of the appropriation for the men who really are in need, and ought to have the money?

Mr. KING. Subtract $45,000,000 from $451,000,000, which was appropriated last year. That is a stupendous sum. That is nearly one-half of the entire amount appropriated for the expenses of the Government before the war. I just mention that to show the liberality and the generosity of Congress in dealing with this important question.

Mr. ASHURST. Certain administrative features of existing law require that amendments should be made. The expense proposed to be added to the present annual appropriation for the Veterans' Bureau would annually aggregate about $29,000,000.

Included in the report on the Johnson bill, which I have inserted in the RECORD, is a copy of a letter from General Hines, Director of the Veterans' Bureau, giving a summary of the estimated expenditures.

NATIONAL BANK BRANCHES

Mr. PEPPER. Mr. President, I ask unanimous consent that we take up and give immediate consideration to House bill 2, to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes.

Mr. STANFIELD. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Oregon?

Mr. PEPPER. I yield.

Mr. STANFIELD. I do not want to object to the Senate taking up that bill, but I would like to ask that the Senator

have it temporarily laid aside, so as to permit me to ask unanimous consent to take up Senate bill 786.

Mr. KING. What is Senate bill 786?

Mr. STANFIELD. It is a bill to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof.

Mr. KING. I do not think we can take that up at present.

Mr. PEPPER. I should be very glad indeed to postpone my request for unanimous consent to the request of the Senator. I am deeply interested in the civil service retirement bill and do not wish to press any other measure ahead of it.

Mr. KING. If the Senator is not enough interested in his own bill to protect it against invasion from without, I will help him protect it. I object.

The VICE PRESIDENT. Is the Senator objecting to the request of the Senator from Oregon, or to that of the Senator from Pennsylvania?

Mr. KING. There was a request made that we proceed to the consideration of the McFadden banking bill.

Mr. DILL. That has not been put.

The VICE PRESIDENT. That request has not been put by the Chair.

Mr. DILL. That bill will take considerable time, and it will lead to a great deal of discussion. It is a bill in which a great many Senators are interested, and if the Senator is going to ask unanimous consent, I think there ought to be a quorum here. I make the point of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McKellar	Sackett
Blease	George	McKinley	Sheppard
Borah	Gerry	McLean	Shipstead
Bratton	Gillett	McMaster	Shortridge
Bruce	Glass	McNary	Simmons
Butler	Hale	Means	Smoot
Cameron	Harreld	Metcalf	Stanfield
Copeland	Harris	Norbeck	Steck
Couzens	Heflin	Nye	Stephens
Curtis	Jones, N. Mex.	Overman	Swanson
Dale	Jones, Wash.	Pepper	Trammell
Deneen	Kendrick	Pine	Wadsworth
Dill	King	Ransdell	Warren
Edge	La Follette	Reed, Mo.	Watson
Ferris	Lenroot	Robinson, Ark.	Willis

Mr. McKELLAR. I desire to announce the unavoidable absence of the junior Senator from Tennessee [Mr. TYSON]. I will let this announcement stand for the remainder of the day.

Mr. HARRIS. I desire to announce that the Senator from Texas [Mr. MAYFIELD], the Senator from West Virginia [Mr. GOFF], and the Senator from Delaware [Mr. BAYARD] are engaged in a committee meeting.

The VICE PRESIDENT. Sixty Senators having answered to their names, a quorum is present.

Mr. PEPPER obtained the floor.

Mr. McNARY. Mr. President, will the Senator yield to me for the purpose of submitting a conference report on the agricultural department supply bill?

Mr. PEPPER. May I ask the Chair whether I correctly understand the situation? I asked unanimous consent to take up Order of Business No. 357, House bill 2. There was interposed the suggestion of no quorum. I should like very much to have my request for unanimous consent disposed of; and if it is given, I shall be glad then to yield to the Senator from Oregon.

The VICE PRESIDENT. The matter before the Senate is the request of the Senator from Pennsylvania for unanimous consent to proceed to the consideration of House bill No. 2. Is there objection?

Mr. DILL. Mr. President, I want to ask the Senator from Pennsylvania a question. I understand that the public buildings bill is the unfinished business, but that this request, if granted, will not displace that bill?

Mr. PEPPER. I answer the Senator by saying that I purposely did not move to take up the bill, because I want to avoid displacing the public buildings bill. I am merely asking unanimous consent for the consideration of the banking bill, subject to the rights of the public buildings bill.

Mr. DILL. With no intention of pressing the banking bill to a conclusion?

Mr. PEPPER. There is no intention on my part of pressing it to a conclusion to the prejudice of legislation with a prior claim.

Mr. LENROOT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. LENROOT. Has the public buildings bill been temporarily laid aside?

The VICE PRESIDENT. It was laid aside temporarily two or three days ago.

Mr. LENROOT. That is still the status of it?

The VICE PRESIDENT. It is.

Mr. BRUCE. Mr. President, if the present application to the Senate for unanimous consent is granted, would it displace the public buildings bill? If so, I object.

The VICE PRESIDENT. The unanimous-consent request of the Senator from Pennsylvania would not displace the public buildings bill.

Mr. BRUCE. Very well.

Mr. SWANSON. The public buildings bill has been temporarily laid aside for several days and has not been taken up again. It can be called up at any time under the unanimous-consent agreement, as I understand it.

Mr. WATSON. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. PEPPER. I yield to the Senator from Indiana.

Mr. WATSON. The next bill on the program is the railroad labor bill, which has the right of way. I have no desire to call it up at this time, because when taken up I want to keep it before the Senate continuously until it shall have been either passed or defeated. I want to inquire of the Senator from Pennsylvania whether he intends to press his measure to the exclusion of the railroad labor bill if and when the proper time comes to take it up?

Mr. PEPPER. No; I merely wish to take advantage of the present opportunity to get the banking bill before the Senate. I recognize that the railway labor bill has a prior right to consideration, and I am glad to say to the Senator from Indiana that if the banking bill is taken up and if while it is before the Senate the railway labor bill is brought forward by him and pressed for consideration, I shall be glad to agree that the banking bill may be temporarily laid aside for that purpose.

Mr. KING. Mr. President, will the Senator from Pennsylvania yield?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Utah?

Mr. PEPPER. I yield.

Mr. KING. As I understood the Senator from Pennsylvania, he just stated to the Senator from Indiana that the railroad labor bill should have the prior right of way over the banking bill. I was wondering by what authority that had been done, whether it was by the steering committee of the Republicans or whether it was through the generosity of the Senator from Pennsylvania?

Mr. PEPPER. I made that statement from this point of view. As I understand it, the order of importance which, by the common consent of the Senate, is given to measures before the Senate is first the public buildings bill, second in point of general importance the railway labor bill, and third the banking bill, and then other great measures with which the Senator is familiar.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. PEPPER. Certainly.

Mr. ROBINSON of Arkansas. I really do not know how the Senator reaches that conclusion. I think he undertook to state the viewpoint of the Senate that one of the great measures which he mentioned would be relegated if the other matter in charge of the Senator from Indiana were brought before the Senate.

Mr. PEPPER. The Senator will not understand me as attempting to express his view. I was indicating merely my own view.

Mr. ROBINSON of Arkansas. But the Senator did express the view of the Senate, or what he understood to be the view of the Senate, and I was wondering how he had arrived at it.

Mr. WATSON. Mr. President, may I make a statement in that regard?

Mr. PEPPER. I yield to the Senator from Indiana.

Mr. WATSON. The majority is responsible for legislation or for the initiation, at all events, of legislation. The majority has a steering committee for the purpose of bringing in measures in accordance with what it deems to be the relative importance of the measures. In accordance with that program, which everybody recognizes, the steering committee brought in the public buildings bill. Then next in order was the railroad labor bill and then the banking bill.

Mr. ROBINSON of Arkansas. The Senator is giving us that information. We had not received it before. What other measures of great importance, if the Senator will kindly inform the

Senate, does he expect to have considered on the program during this session?

Mr. WATSON. The Senator interrogates me, but I am not a member of the steering committee.

Mr. ROBINSON of Arkansas. The Senator is speaking for the steering committee.

Mr. WATSON. Because the steering committee has made this program.

Mr. ROBINSON of Arkansas. The Senator has impliedly criticized the intelligence of Senators who do not know what is the program of the steering committee.

Mr. WATSON. The steering committee has made a report with which we on this side of the aisle are familiar.

Mr. ROBINSON of Arkansas. To whom has the steering committee reported?

Mr. WATSON. To the Republican caucus.

Mr. ROBINSON of Arkansas. Oh, to the Republican caucus.

Mr. WATSON. Certainly; because the Republicans are in the majority and have the right to initiate legislation.

Mr. ROBINSON of Arkansas. The Senator is familiar with the report of the steering committee to the Republican caucus and has given us the advantage of the information that it is proposed to treat the public buildings bill as of first importance, the railway labor bill as of second importance, and the banking bill, in which the Senator from Pennsylvania is interested, as of third importance. Will he go a step further and give the Senate and the country information as to what other measures the steering committee contemplates shall be considered during the present session of Congress?

Mr. WATSON. So far as I know, the steering committee has reported no further than those three bills.

Mr. ROBINSON of Arkansas. That is as far as the steering committee has gone?

Mr. WADSWORTH. Mr. President, with the Senator's permission——

Mr. PEPPER. I yield to the Senator from New York.

Mr. WADSWORTH. The steering committee also suggested for the consideration of the Senate what might be termed the Army Air Service bill.

Mr. ROBINSON of Arkansas. The Senator from New York has contributed valuable additional information regarding the report of the steering committee.

Mr. WATSON. The Senator from New York is chairman of the steering committee.

Mr. ROBINSON of Arkansas. To the chairman of the steering committee I will address my inquiry, with the permission of the Senator from Indiana and the Senator from Pennsylvania.

Mr. PEPPER. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. What further bills of general public interest does the steering committee contemplate asking the Senate to consider during the present session, and when is it anticipated that the program of the steering committee will be consummated and the Senate be able to adjourn sine die?

Mr. WADSWORTH. I can not answer that question.

Mr. ROBINSON of Arkansas. But the Senator can answer the first part of the question?

Mr. WADSWORTH. A great deal of the answer to that question will depend upon the attitude of the minority toward some of the bills and the amount of time they consume in discussing them.

Mr. ROBINSON of Arkansas. It would be interesting to know whether the steering committee, in its machinations and contrivances, has chosen to put forward a so-called farmers' relief bill.

Mr. McNARY. Mr. President——

Mr. ROBINSON of Arkansas. May I inquire if my friend the Senator from Oregon, is a member of the steering committee?

Mr. McNARY. Answering the able Senator from Arkansas, I am not a member of that committee.

Mr. ROBINSON of Arkansas. By what authority does the Senator speak, then? [Laughter.]

Mr. McNARY. I shall impress upon the committee during the week the importance of taking up some farm-relief legislation and having it on the program.

Mr. ROBINSON of Arkansas. Did the Senator say he shall do so?

Mr. McNARY. I shall, but failing to persuade the committee, I shall bring it upon the floor of the Senate, in which event I hope the Senator from Arkansas will aid the Senator from Oregon to bring a farm relief bill before the Senate.

Mr. ROBINSON of Arkansas. Will the Senator take us further into his confidence and tell us what farm relief bill is going to receive the benefaction of his influence with the steering committee?

Mr. McNARY. The Senator from Oregon has reported a farm relief bill, and the report was printed and placed on the desks of Senators this morning, I think. It contemplates the so-called administration plan of a cooperative marketing division in the Department of Agriculture.

Mr. ROBINSON of Arkansas. Is it the Tincher bill or the Haugen bill?

Mr. McNARY. It is a modification of the so-called McNary-Haugen bill. I will say to the Senator from Arkansas that it is an amendment to the cooperative marketing bill now before the Senate. It is on the calendar, and I shall press for the consideration of it during the present session of Congress

Mr. ROBINSON of Arkansas. But the Senator will not do that until he has obtained the permission of the steering committee?

Mr. McNARY. No, indeed; I am going to ask permission; but that permission being denied, I am going to proceed in my own way.

Mr. ROBINSON of Arkansas. Why does not the Senator proceed in his own way, without reference to the steering committee?

Mr. McNARY. I want to be regular as far as I can.

Mr. PEPPER. Mr. President, I should like to remind the Senators of the present status of my request, which is merely——

Mr. BRUCE. Mr. President, will the Senator from Pennsylvania yield?

Mr. PEPPER. I will ask the Senator to permit me to finish the sentence.

Mr. BRUCE. I know that much will be lost if I do not do so.

Mr. PEPPER. About 33 per cent will be lost. Mine will be a very short statement. I have asked unanimous consent that the Senate take up the banking bill, with the understanding that by so doing I am in no way prejudicing the position of the public buildings bill, which is the undisposed of business before the Senate and which has been temporarily laid aside. I have said to the Senator from Indiana [Mr. WATSON] that in the event of long debate upon the banking bill and of the desire upon the part of Senators to take up the railroad labor bill I should agree to have the banking bill laid aside temporarily. Subject to those two statements, I renew my request for unanimous consent that the banking bill be taken up at the present time.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. PEPPER. I yield to the Senator.

Mr. ROBINSON of Arkansas. The Senator from Pennsylvania does not mean to say that he would not consent to have the banking bill laid aside for some other measure if a Senator should ask him to do so?

Mr. PEPPER. I think the Senator from Arkansas is probably always reasonable in the presentation of any request; I have never known him to make an unreasonable request.

Mr. ROBINSON of Arkansas. I may be able to submit a reasonable request to the Senator.

Mr. BRUCE. I object for the present. I should like to ask the Senator from New York [Mr. WADSWORTH] a question with regard to the program of the Republican steering committee. I should like to ask him whether the French spoliation claims bill is a part of the program. It was so at the last session of Congress.

Mr. WADSWORTH. The program of the steering committee, of course, is not complete at this time. It depends upon developments here in connection with measures which will take up our time for a good many days to come.

Mr. BRUCE. Has there been any discussion of the matter?

Mr. WADSWORTH. None whatever. I ask the Senator in turn if the bill is upon the calendar?

Mr. BRUCE. Yes; it is. The Senator from New York will recollect that last year it was made a part of the program of the Republican steering committee, and I trust it will be so this year.

Mr. WADSWORTH. May I say that the program, so called, of course, is always tentative and subject to the approval of the Senate, which has the authority and the power to overturn it at any moment by a majority vote or by a Senator moving to take up some other bill and his motion being agreed to. The program is made up of bills which are already upon the calendar.

Mr. BRUCE. I certainly hope that the French spoliations claims bill will be included in the steering committee's program.

because the President recommended the passage of that bill at the last session of Congress——

Mr. WADSWORTH. I know that.

Mr. BRUCE. And it was placed on the program. I do not see any reason why it should not be placed on the program at this session of Congress.

Mr. CURTIS. Mr. President, will the Senator from Maryland yield to me?

Mr. BRUCE. Yes.

Mr. CURTIS. The Senator from Maryland spoke to me in reference to this bill a few days ago, and I promised the Senator to take up the matter with the steering committee when it again met and that I would bring it to their attention. Since that time the steering committee has not met, and, therefore, the bill has not been brought to their attention.

Mr. BRUCE. The steering committee meets so secretly that it is hard for an ordinary Member of the Senate to keep up with its transactions.

Mr. ROBINSON of Arkansas. I hope there will be no objection to the request of the Senator from Pennsylvania [Mr. PEPPER.]

Mr. BRUCE. I withdraw my objection.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania to proceed to the consideration of House bill No. 2?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, which had been reported from the Committee on Banking and Currency with amendments.

Mr. PEPPER obtained the floor.

Mr. McNARY. Mr. President, will the Senator from Pennsylvania yield to me for the purpose of presenting a conference report?

Mr. PEPPER. Certainly.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

Mr. McNARY. At this time I desire to present a conference report on the agricultural appropriation bill and to ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceed to consider the report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8264) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 28, 37, 41, and 44.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 13, 14, 17, 20, 21, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36, 42, 43, 46, 48, 50, 58, 59, 60, 61, 62, and 63, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,653,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,678,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$750,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,940,653"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,477,763"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,300"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$495,094"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$368,280"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,333,055"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,908,055"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$500,220"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$588,480"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$507,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,016,230"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: On page 50 of the bill, in line 10, strike out the words "this insect" and insert in lieu thereof the words "these insects"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,625,168."; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$775,150"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,421,607"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,746,397"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 54, 55, 56, 57, and 64.

CHAS. L. McNARY,
W. L. JONES,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
Managers on the part of the House.

Mr. McNARY. Mr. President, just a word in explanation of the conference report. The Senate conferees were unable to persuade the House conferees that they should recede and allow a larger sum for the control and eradication of tuberculosis in cattle. It is true the House conferees at the original conference added $550,000 to the item as it had passed the other House. However, it was considerably less money than was placed in the bill by amendment on the floor of the Senate.

It is fair to state that the House conferees were in sympathy with the great work of the eradication of tuberculosis in cattle. They felt, however, that inasmuch as the President did not submit the item to the Budget Bureau for a larger sum, under their rules they could not go further than they had done in the increase of the item. At the time of the meeting of the conferees of the two Houses the chairman of the House conferees gave to the chairman of the conferees on the part of the Senate a statement representing the views of the House, which I desire to have the Secretary read from the desk.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Chief Clerk read as follows:

IN RE APPROPRIATION FOR THE ERADICATION OF BOVINE TUBERCULOSIS

The position of the House conferees is just the same as in the conference. We refuse to agree to any larger appropriation in the absence of a supplemental estimate from the President as a basis therefor.

As the House conferees have agreed to an appropriation of $556,000 in excess of the appropriation already approved by the House, and as the conferees have complete jurisdiction within the limitations of the action of the House and of the Senate, the House conferees feel that no obligation rests upon them to take the question of a larger appropriation back to the House.

It is apparent that a plethora of funds has been made immediately available and that there will be an abundance of funds to run at least until March 4, 1927, when it is to be presumed that a new bill will have been enacted into law.

At the December session conditions can be thoroughly gone into and properly met. The House is as determined as the Senate that no backward step shall be taken in this important work.

Mr. WILLIS. Mr. President, that declaration on the part of the conferees of another body sounds to me much like an ultimatum. I do not like the tone of a statement of that sort. Yet I do not know of anything that the conferees on the part of the Senate or that the Senate can do to obviate the unfortunate situation which arises therefrom.

When this question was before the Senate some time ago I expressed, perhaps at too great length, my views upon the subject. I think it is a mistaken policy, if we are to deal with this question at all in the interest of the public health, that we should deal with it piecemeal. If we are to eradicate tuberculosis by the application of the tuberculin test, it seems to me from every viewpoint, from the viewpoint of economy and the viewpoint of the protection of the health of the public, that work ought to go forward as rapidly as possible and not in this rather slipshod manner so as, in my judgment, ultimately to prevent effectiveness in the work. It was with that idea in view that many of us urged the enlarged appropriation which the Senate made. The Senate increased the appropriation by $2,000,000, but now we are faced with a condition under which apparently we are able to receive an increase of only $550,000.

I do not criticize the conferees on the part of the Senate. I know they were in sympathy with the views of the Senate and did everything they could to secure the enlarged appropriation. I content myself simply by expressing regret that the conferees on the part of the House could not have seen the necessity of this great work, and therefore could not have agreed, as we had hoped they might, to the enlarged appropriation made by the Senate.

Mr. COPELAND. Mr. President, will the Senator from Pennsylvania yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from New York?

Mr. PEPPER. I yield to the Senator from New York.

Mr. COPELAND. Mr. President, I am in the fullest sympathy with everything said by the Senator from Ohio, except that I think I see a ray of hope. If I rightly understood the reading of the statement made by the House conferees, they hold out to us a half promise that at the next session we may obtain more money. May I ask the chairman of the committee if we have not every reason to expect that the committee having charge of agricultural appropriations will at the next session go as far as they have gone this time in securing increased appropriations for this purpose?

Mr. McNARY. I can only express a hope in that direction.

Mr. COPELAND. I think the feeling of the Senate is a very positive one that we desire to have larger appropriations for the purpose of the eradication of bovine tuberculosis.

Mr. McNARY. Much depends upon the attitude of the Director of the Budget.

Mr. COPELAND. Of course I understand that, but I take it that we may expect from the committee all the effort and enthusiasm possible to accelerate action on the part of the Budget?

Mr. McNARY. I think the Senator may.

Mr. COPELAND. Of course, our conferees, Mr. President, have gone as far as they can go, and I think that we appreciate their efforts, but I do hope that at the next session we may have a larger sum appropriated for this very important work.

Mr. LENROOT. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania has the floor. Does the Senator yield to the Senator from Wisconsin?

Mr. PEPPER. I yield to the Senator from Wisconsin.

Mr. LENROOT. I shall take but a moment. I very greatly regret the fact that the Senate conferees were unable to secure any change in the conferenee report from that which was previously submitted. As stated by the chairman of the conference committee and as appears from the statement which was read at the desk, the Senate conferees found themselves absolutely helpless. They were told that the amendment would not be taken back to the House for a vote; they were told that the House conferees would not agree to any increase over that which the last conference agreed to, and therefore there was nothing that the Senate conferees could do except to make the report which has been made.

There is this to be said in answer to the Senator from New York, that the House conferees did state expressly that in December, when the Congress shall again meet, if it shall appear that there is a shortage and a necessity for an additional appropriation they will be very glad to cooperate with us in securing an additional appropriation in a deficiency bill. The only reason why that would not have fully answered the purpose is that with this appropriation the department will make allotments on the 1st of July to the different States, depending upon the size of the appropriation now made, and in some of the States, especially States such as Wisconsin and Illinois, I very much fear the allotments will be exhausted before Congress shall again meet and be able to provide a deficiency appropriation. However, Mr. President, those States are in need and the money is immediately available; it is apparent that the Senate can do nothing further than has been done, and I see, therefore, nothing to do except to agree to the conference report.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Virginia?

Mr. PEPPER. I yield to the Senator from Virginia.

Mr. GLASS. Mr. President, on this point of discussion I wish to say that at some future time when this problem may be dealt with I expect to review before the Senate the whole question of the so-called eradication of bovine tuberculosis, in order that the Senate may vote with more intelligent appreciation of what the whole thing means. This appropriation is not for the eradication of bovine tuberculosis; it is for the compensation of cattle breeders whose property is being destroyed; and, as I have said, at the proper time I intend to review before the Senate the whole problem, in order that Senators may vote with a more intelligent appreciation of what they are voting for than is possible at this time.

Mr. KING. Mr. President, may I ask the Senator from Virginia a question?

Mr. PEPPER. I yield to the Senator from Utah.

Mr. KING. Is it not a fact—and I put it in the interrogative form because of information which has come to me—that in some instances cattle have been destroyed without any rhyme or reason because of the incompetency of so-called experts of the Agricultural Department?

Mr. GLASS. Undoubtedly that is true.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

NATIONAL BANK BRANCHES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as

amended, section 5202 as amended, section 5208 as amended, section 5211 as amended of the Revised Statutes of the United States, and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes.

Mr. PEPPER. Mr. President, I trust that Senators will not ask me further to yield. I am very anxious to present to the Senate some outline considerations respecting House bill 2, and to make such progress as we may in the consideration of that very important measure.

It will be remembered that a bill somewhat like the one now under consideration was before the Senate at the last session of the Congress. It had been passed by the House, had been reported out by the Senate Committee on Banking and Currency, was subjected to some consideration and the occasion of some discussion on the floor, but failed of final action when adjournment was had.

At this session bills substantially similar were introduced into the House and into the Senate. The House bill was passed, was sent to the Senate and referred to the Committee on Banking and Currency, where it received the tentative consideration of a subcommittee, was then considered by the whole committee, and was with unanimity reported out to the Senate with a variety of amendments to which I shall particularly address myself.

Mr. President, there are a great many provisions in the bill which I think give rise to little or no difference of opinion. There are, for example, provisions simplifying the process of consolidation between national banks, or between a State bank and a national bank. There are provisions respecting some of the internal mechanism for the running of the bank, such as the creation of the official position of chairman of the board. There are various provisions which will be found, if enacted, to contribute greatly to the convenience of national bank administration; but the provision around which differences of opinion cluster are the provisions which relate to the much-mooted subject of branch banking.

It will be remembered by the Senate that in a number of States we have a well-defined policy hostile to branch banking. In a number of States we have a policy favorable to branch banking. In others the position of the State is not so clearly defined; but, irrespective of what the State law may be with respect to the right of State institutions to establish their own branches, there is not at the present time any clean-cut provision in the national banking act authorizing a national bank to establish branches even in those States in which State banks are permitted to establish branches and maintain them under the law. The present measure undertakes to establish this formula for the determination of the right of a national bank to establish and maintain a branch.

In the first place, the requirement of the formula is that there must be a State law under which State banks are permitted to have the privilege in question. In the second place, there can be no establishment by national banks of branches outside the limits of the municipality in which the parent bank is situated. In the third place, the provision is made sufficiently flexible to enable a national bank in a State where there is not to-day enabling legislation in favor of State banks to take advantage of such enabling legislation in the future if it happens that the State in question hereafter changes its policy and permits its own institutions to establish branches.

The provision relating to a possible future change of policy on the part of the State is the one about which differences of opinion will be found to exist in the Senate and among bankers. I shall come to a more specific statement about it in a moment.

In order to make a consideration of the branch-banking problem as clear as possible, the Senate committee has undertaken to assemble in a single section all the provisions on branch banking, which in the House bill were scattered through a variety of sections. Senators who study the bill will find that we have carefully culled from all sections the provisions on the subject of branch banking with nothing more than what is equivalent to a cross reference on the subject to a single section; and in that single section we have collated and have attempted to set forth in an orderly way all the provisions which are recommended to the Senate on the subject of branch banking.

I do not think I can more clearly state the views, which I desire to press upon the Senate, than to read the provisions of the section to which I have referred. It is section 7 of the bill; it appears on page 13, and, if adopted, will become section 5155 of the Revised Statutes. The proposed section begins with this sentence:

> The conditions upon which a national banking association may retain or establish and operate a branch or branches are the following:

Then come a series of lettered subdivisions, the first of which is designed to retain as they now exist branches maintained and operated by national banks within the limits of any State. In other words, it is not the purpose of the bill to disturb any condition that exists to-day. The language of the subsection is as follows:

> A national banking association may maintain and operate such branch or branches as it may have in operation at the date of the approval of this act.

We found in the committee, Mr. President, that there was unanimity of view respecting the wisdom of taking existing conditions as they stand respecting branches, not upsetting any branch or requiring its discontinuance, but rather crystallizing the situation as it exists at the date of the approval of the act.

Mr. KING. Mr. President, will the Senator permit a question? I am sorry to interrupt him.

Mr. PEPPER. I shall be glad to yield to the Senator from Utah.

Mr. KING. The Senator doubtless has in mind a certain State, which I shall not name, in which a few institutions have a large number of branch banks. They have acquired them by methods which some people in the State strongly condemn; and some of the conservative and perhaps best bankers of the State disapprove of a condition which would permit a continuance of existing conditions with respect to those banks, and the retention of the large number of banks which they have acquired, or over which they have acquired control. This bill would not interfere at all with but would perpetuate that evil, if it be an evil, would it not? And I express no opinion as to whether or not it is an evil.

Mr. PEPPER. I understand the Senator's question; but let me remind the Senator that the situation to which he refers is one that relates to the State institutions of the State in question. There is no law which authorizes the national banks in the State to which the Senator refers, or in any other, to maintain branches. Those branches to which the Senator has referred are branches that are maintained by State institutions throughout the State in question.

Mr. KING. I was under the impression that at least one, if not two, of the banks which I have in mind were Federal banks.

Mr. SHORTRIDGE. Mr. President——

Mr. PEPPER. If the Senator is referring, as I take it he is, to the State of California—and my assumption on that subject is strengthened by the rising of the Senator from California [Mr. SHORTRIDGE]—I should reply that, to the best of my knowledge, while there may be one or two such branches, yet the state-wide system of branch banking is confined to the State institutions; and I will ask the Senator from California whether I am right or wrong?

Mr. SHORTRIDGE. Mr. President, manifestly the State could not pass any law affecting the national banking associations; but I must have misunderstood the Senator from Pennsylvania in his reply to the Senator from Utah. Subsection (a) of section 7 deals specifically with national banking associations.

Mr. PEPPER. Quite so.

Mr. SHORTRIDGE. I understood the Senator to make reply that there were branch banks maintained by national banking associations in California. I perhaps misunderstood the Senator.

Mr. PEPPER. I was attempting to convey to the Senator from Utah my own impression, which is that the state-wide branch banking to which he refers in the State of California is a system existing under the law of that State, and has to do with branches established and maintained by State banks. Subsection (a) of the section we now have before us deals exclusively with national banks.

Mr. SHORTRIDGE. Yes. Of course, Ohio has a similar system.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. COUZENS. Under the section to which the Senator has just referred would it be possible for national banking associations to establish branches throughout the State of California?

Mr. PEPPER. Mr. President, answering the Senator, I would say that under subsection (a) no authority is given to any institution to establish any branch anywhere. It merely provides that a national banking association may maintain and operate such branch or branches as it may have in operation at the date of the approval of this act.

Mr. COUZENS. Perhaps the Senator did not understand my question, or else I did not state it properly. I was wondering whether the bill provided in any section for the establish-

ment of state-wide national branch banks, such as exist in the case of State banks in the State of California.

Mr. PEPPER. No, Mr. President. With the Senator's indulgence I will defer a more specific answer to his question until I come to the section or subsection that deals with that particular subject. It will be found, then, that there is nothing in this bill which under any circumstances permits national banks to have state-wide branch-banking systems connected with them.

Mr. COUZENS. May I ask the Senator's indulgence further? The Senator says that under subsection (a) any existing branch banks may be perpetuated. Is that correct?

Mr. PEPPER. The exact language is:

A national banking association may maintain and operate such branch or branches as it may have in operation at the date of the approval of this act.

Mr. COUZENS. May I not suggest that that date be made retroactive to prevent the establishment of additional facilities of that kind while this bill is now pending? It occurs to me that if this bill shall not become effective for 30 days or so, national banking associations may establish the sort of banks or branches or paying windows that this section intends to prevent.

Mr. PEPPER. Mr. President, it seems to me that while, of course, the contingency suggested by the Senator is a possible one, it is not likely to occur to any such extent or degree as to give rise to difficulty or trouble. But if, at the time we come to consider amendments, the Senator proposes an amendment on that subject, I for one shall not be disposed to oppose it, although I can not speak for the committee.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. COPELAND. At the present time the Treasury Department would not permit a branch to be established outside of the city where the parent organization existed.

Mr. COUZENS. I am not speaking of branches outside of the city where the parent organization exists, but within, having in mind the establishment of such branches as were established in St. Paul and Minneapolis, which were established, as I understand it, without the consent of the Comptroller of the Currency.

Mr. PEPPER. Subsection (a) deals with the situation as it exists and does recognize the right of national banking associations to maintain the branches which they have, either at the date of the passage of the act as drawn, or, if amended as suggested by the Senator from Michigan, as of the date of its introduction, or of some other date.

Mr. EDGE. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from New Jersey?

Mr. PEPPER. I yield.

Mr. EDGE. Speaking as a member of the subcommittee, may I not ask if that decision was not arrived at because of a conviction on the part of the subcommittee that in preparing this legislation for future control it was somewhat outside of our jurisdiction, in a way, to go back and interfere with existing conditions? If they exist, they exist because they have been permitted to exist, perhaps for different reasons in different sections. But we decided that for us to attempt to review all of those various reasons would be a little beyond the responsibility we had.

Mr. PEPPER. I will merely answer the Senator from New Jersey by pointing out that the difference between the bill as it stands and the suggestion that the Senator from Michigan has made is the difference between the date of the introduction of the measure and the date of its final passage.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Pennsylvania yield to the Senator from Virginia?

Mr. PEPPER. I yield.

Mr. GLASS. Is it not a fact that under a decision of the Supreme Court no national bank may now establish a branch in any State the laws of which prohibit branch banking?

Mr. PEPPER. That is true; but I think the Senator from Michigan has this thought in mind, that the definition of a branch contained in one of the sections of the bill is broad enough to include the so-called teller's window, or something of that sort, which would not be a branch bank within the meaning of the decision of the Supreme Court.

Mr. COUZENS. The Senator from Pennsylvania has correctly stated the idea I intended to express. In other words, by making that section of the act retroactive to a date in the past, I wanted to prevent anyone from opening up any more of those tellers' windows, or whatever you call them, in anticipation of this bill becoming a law, and then having them validated.

Mr. PEPPER. Mr. President, if either as the measure stands or as it may be amended in the way last suggested, we regard subsection (a) as having to do with the conditions as they exist at a fixed time, the next question is that which arises when a consolidation takes place between a State bank and a national bank, or when a State bank is converted into a national bank at a future day, and the State bank thus consolidated or converted has taken advantage of the right given to it by the law of its State to establish and maintain branches. The question will then arise whether the process of consolidation or conversion carries into the consolidated organization the preexisting branches that were maintained, not by the national bank, but by the State bank which is a constituent of the organization.

That is dealt with in subsection (b), and the language of the subsection is this:

If a State bank is hereafter converted into or consolidated with a national banking association, the said association may retain and operate such branches, if any, as were being maintained and operated by said State bank at the date of the approval of this act.

In other words, I am suggesting, on behalf of the committee, that we should deal with existing branches of State banks in the same way that in subsection (a) we have dealt with the existing branches of national banks, namely, that those State branches should be permitted to be maintained and operated, if they are now existing under the local law, when a consolidation shall have taken place between the State bank which maintains and operates them and a national bank.

I call the attention of the Senate to the fact that this provision would validate State branches beyond the limits of a municipality, if those State branches exist beyond the limits of a municipality in conformity with State law. That is not on the theory that the Congress is authorizing national banks to establish upstate branches, but it is recognizing the right of a State bank with upstate branches to bring them into a consolidation with a national bank. We were all of opinion that the policy underlying this act, which was not to disturb conditions that exist, required us to propose such an arrangement as that which I have now outlined.

Mr. KING. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. KING. Of course, if I understand the Senator, if branch banks are permitted in a State now, and a bank has a large number of branches, and subsequent to the passage of this act enters the Federal reserve system, it may not only bring into the system all existing branch banks, but, if there is no law in the State restricting that bank from acquiring further banks, it may bring them also into the system.

Mr. PEPPER. Mr. President, if I rightly understand the Senator's observation, he is correct; but I call attention to the fact that he is now dealing with a proposed amendment to the Federal reserve act, and is speaking of the effect of branch banking provisions upon membership in the Federal reserve system, which is a feature of this bill to which I shall presently address myself. Up to the moment we have been talking about amendments to the national banking act just as if the Federal reserve system did not exist.

Mr. COUZENS. Mr. President——

Mr. PEPPER. I yield.

Mr. COUZENS. The suggestion occurs to me in considering the provision of the section the Senator has just read that a national bank purchasing a State bank with a large number of established branches, and operating thereafter under the national law, would have a considerable advantage over some other national bank which might not thereafter be able to establish branch banks. I do not think of any way of correcting it, but it does occur to me that that possibility exists.

Mr. PEPPER. I think the Senator is undoubtedly right, and I think that further reflection will suggest to him a variety of ways in which inequalities will exist in spite of our efforts to eliminate them. There are situations which are inevitable, where advantage of a situation may be taken with resulting inequalities. But we have done our best by general rule to keep those cases from arising.

Mr. GLASS. Mr. President, that inequality exists now, under the present system.

Mr. PEPPER. It undoubtedly does. The most that can be said in criticism of the pending measure is that we have not changed the existing law in that regard.

Mr. EDGE. Mr. President, enlarging on that thought, as a matter of practical result, as I understand it, there are very few States permitting State banks to have branches outside of

the municipality of the parent bank. There are some. In those States, as has been said by the Senator from Virginia, they already have that privilege, and we can not stop it. That is a matter of their State policy. Therefore, in considering our national banks in competition or in inviting State banks to become a part of the national system, which we naturally want them to do, we can not dictate their State laws.

Mr. COUZENS. Mr. President, the Senator perhaps did not understand me correctly. I recognize the competition as between State banks, with their multitudinous branches, and the national banks without branches. That, I understand, can not be avoided as the law is now. But under this bill there is an attempt to change that, so far as permitting national banking associations to establish banks in the States where branch banks are permitted by the States concerned.

Under the section which the Senator from Pennsylvania has just read competition is created between national banks. I do not say that that is not desirable. I do not say that it perhaps will create an unfavorable condition. But I did want to bring to the attention of the Senate the fact that under that section it is possible for a national bank to buy up a State bank and have a great number of branch banks, perhaps to the detriment of some other national bank which has not bought up a State bank and thereby attained possession of a large number of branches.

Mr. McLEAN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McLEAN. After a State bank gets into the national system they can create no more branch banks, except in the large cities; so that it is rather a limitation after they come in.

Mr. COUZENS. I understand it is limited to the municipality or the city wherein the parent company exists.

Mr. GLASS. Mr. President, may I again state to the Senator from Michigan that just the thing he cites may be done now under the national bank act.

Mr. COUZENS. I do not understand that a national bank now may establish branches.

Mr. GLASS. It may not establish branches, but it may purchase a State bank which has established branches, and retain those branches.

Mr. COUZENS. But only as a holding company and not as a direct branch of the parent company.

Mr. PEPPER. I think the Senator from Michigan is mistaken. Ever since 1865 it has been possible for a national bank to acquire by consolidation a State bank, and if that State bank had branches at the time of the consolidation, to retain them, and they become the out-and-out property of the resulting body.

Mr. COUZENS. Simply by stock holding. Is not that correct?

Mr. PEPPER. No, Mr. President. The process is out-and-out consolidation.

Mr. COUZENS. That is not my understanding. I know in my State they have bought up the stock of a State bank and held the stock and maintained a separate bank.

Mr. GEORGE. That is true; they become the outright branches of the national bank through the consolidation with the State bank, irrespective of the location of the branches.

Mr. PEPPER. That is correct. We are dealing now, not with the process of acquisition of stock ownership and resulting control, but we are dealing with the subject of out-and-out consolidation or conversion, and under the existing law the fact is—and I am sure the Senator from Michigan will find it to be so when he refreshes his recollection—that a national bank consolidating into itself a State bank with branches, may retain those branches with the same force and effect as if it had been authorized to establish them itself. Those branches may be branches existing anywhere under the law of the State in which the State institution is located.

Mr. GLASS. Whereas under the bill now pending, they may not exist anywhere hereafter except within the locality of the parent bank.

Mr. PEPPER. That is true with regard to branches hereafter established.

Mr. GLASS. That is what I said.

Mr. PEPPER. But if the banks exist as offshoots from a State bank, and they exist anywhere in the State, a consolidation may hereafter be effected with a national bank and those up-State branches can be maintained by the consolidated association.

Mr. President, if our first subsection dealt, as it did, with the presently existing branches of national banks, and if our second subsection dealt, as it did, with the consequences of the consolidation in the future or conversion in the future as between a national bank and a State institution having branches, the way is open for the consideration of the third possibility, the third contingency, which is this: What may a national bank, which has no branches to-day and which is not proposing to consolidate with a State bank having branches, do to-morrow or after the passage of the bill in the way of establishing new branches? That is the subject that is dealt with in the third subsection:

> A national banking association may, after the date of the approval of this act, establish and operate new branches within the limits of the city, town, or village in which said association is situated if such establishment and operation are at the time permitted to State banks by the law of the State in question.

In other words, the scheme of the bill is to authorize national banks to stand on a footing of equality of opportunity with State banks so far as concerns branches within the limits of the city, town, or village in which the parent institution is established, and to extend that equality of opportunity to the future as well as to the present, so as to cover the case in which a State which does not now permit its institutions to have branches may hereafter give such permission; and that in the case in which permission is hereafter given by a State to its own institutions to have branches, a national bank in that State may take advantage of the permission thus given so far as concerns the territory included within the limits of the city, town, or village in which the parent is situated.

Right here we come to the feature of the bill which is causing the greatest amount of discussion and the widest range of difference of opinion. In the House the following view prevailed: The House took the view that if the law of the State, as it stands at the date of the approval of this bill, permits State institutions to establish branches, then it would be proper to permit national banks to establish and maintain branches under the bill within the limits of the city, town, or village; but the House was of opinion that in the case of a State which does not, at the date of the passage of this bill, permit its own institutions to have branches, but which hereafter gives that permission by a change in its legislative policy, that national banks under the terms of this bill ought not to be permitted to avail themselves of that future change of policy in the State.

The effect of the so-called Hull amendment is that if, in the State of Pennsylvania, for example, which does not permit State institutions to have branches, a law were to be passed three years from now authorizing State institutions to have branches, the national banks in Pennsylvania could not take advantage of that change of policy by reason of the accidental circumstance that the change was inaugurated after the date of the passage of this bill instead of before it. It has seemed to the committee that to make any such iron-bound provision, crystallizing or freezing the situation as of the date of the passage of the bill, was an unreasonable restriction by Congress on the liberty and action of the State.

There are many minds on the subject of branch banking. I personally am strongly opposed to state-wide branch banking. Just as strongly I am in favor of branch banking within the limits of a municipality. But it seems clear to me that a national bank ought to be permitted to establish a branch within the limits of its own municipality if the State law permits the State institutions to do that thing, irrespective of the date of the enactment of the State law; that there is no logic or reason or sound philosophy in a provision which would give to a national bank, in a State which to-day authorizes State institutions to have branches, authority to establish and maintain a branch within the limits of its own municipality and which would deny a similar privilege to another national bank in the State across the river which indeed authorizes its own institutions to do that thing in question, but gives that authority a little after the date of the passage of this bill instead of a little before it.

The principle upon which we are working is that of giving equality of opportunity to National banks and State banks in the matter of branches within the limits of the municipal area in which the parent national bank is established. Why should we not carry that principle to its logical conclusion and make the determining fact the policy of the State at the time that the national bank wishes to establish a city branch instead of inquiring into the mere question of priority of dates when the State policy was inaugurated?

We have had a great many telegraphic and written protests from able and experienced bankers of the country protesting against the amendment proposed by the Senate committee and incorporated in the bill, which gives that elasticity in the particular I have specified. From the tenor of these communications I am led to believe that most of those who sent them have not clearly understood the effect of the amendments against which they protest. I have yet to find anyone who will

sit down calmly and face the situation as between Congress and a legislating State who will not admit that there is something entirely unreasonable in asking that a national bank, we will say, in the city of Philadelphia may not take advantage of the authority given by this bill to put itself on a footing of equality with State banks having branches in the city of Philadelphia merely because the State of Pennsylvania gives the State banks that authority after the date of the approval of this bill instead of before this bill is enacted into law.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Connecticut?

Mr. PEPPER. I yield.

Mr. McLEAN. If the so-called Hull amendment were adopted would it not be probable, if not inevitable, that many of the national banks now in the system would be compelled to retire and take advantage of the State privileges, and is it not our purpose and should it not be our purpose to so sustain and maintain the Federal reserve system and the national banking system that we may invite State banks into the system and keep the national banks from retiring therefrom?

Mr. PEPPER. Undoubtedly, Mr. President. The question of the Senator from Connecticut draws attention to a policy that is vital. Indeed, the occasion for the legislation is the danger that an increasing number of national banks will withdraw from the system if they are denied a reasonable liberality of action in the matter, when they can get from well-considered State legislation the benefits which we are thinking of denying to them. It would be most unfortunate in the judgment of the committee if we were, by making an arbitrary and it seems to me an unreasonable restriction, to defeat the primary purpose of the legislation.

Mr. EDGE. Mr. President——

Mr. PEPPER. I yield to the Senator from New Jersey.

Mr. EDGE. I simply desire to supplement the Senator's suggestion. As I follow the protests, if we may call them protests, they are mostly predicated on a fear that if we are consistent—that is, if we do permit the same consideration in the future as was proposed by the House bill in the past—we might endanger the passage of the legislation. In other words, they frankly admit by inference that they do not oppose this consistency, but they desire the legislation so earnestly that if it should in any way endanger it they would prefer to have half a loaf than no loaf. I have not seen any objection except that it is better to take half a loaf than to have the legislation defeated.

Mr. GLASS. In other words, the contention has been that the Senate ought not to do the right thing for fear the House would not concur?

Mr. EDGE. Yes; and they would not get more than half the privilege they would like to have.

Mr. GLASS. I assume the Senator from Pennsylvania will cover the point I am now about to suggest. Not only will national banks located in States which do not now permit branch banking be perpetually denied the right to establish branches, but the State institutions in those States which do not now permit branch banking, but which may hereafter permit branch banking, will practically be denied the right to avail themselves of the privilege of their own State statute by being excluded from the Federal reserve system in case they determine to do that thing.

Mr. PEPPER. The Senator from Virginia is right in thinking that it is my intention to address myself to that phase of the subject which has to do with the ninth section of the bill dealing with the relation of the subject of branch banking to membership in the Federal reserve system. But at the present time I want to make as clear as I can the thought that we are dealing with amendments to the national banking act and that so far we have dealt with the branches of the national banks as they at present exist; second, with branches of State banks brought into the national banking system through consolidation or conversion; and, third, by future establishment of branches which, under the terms of the third subsection, can take place only where a State law permits and only within the limits of the municipality in which the parent is situated. The controversy over the Hull amendment relates only to the date of such permission.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from North Carolina?

Mr. PEPPER. I yield.

Mr. OVERMAN. I understand that the Senator does not propose to legislate in regard to State banks, except when they go into the national banking system. Am I correct about that?

Mr. PEPPER. I take it that we can impose the terms for conversion into a national bank or consolidation with a national bank, or we may impose terms, if we think it wise to do so, upon membership of a State institution in the Federal reserve system, even if it retains its identity as a State institution. The three cases that I have put are those which, I think, exhaust the logical possibilities of the establishment of branches so far as amendments to the national banking act are concerned.

It now becomes important to consider the very unusual case of a national bank which to-day maintains a branch or more branches than one, such branches having been established at a time when the State in which the bank is situated permitted the establishment of branches but which State law has since been abrogated. We have the curious situation of a national bank having a branch which is valid to-day because it was valid when established, while no other national bank in the same area can establish a branch because in the interval the State has withdrawn its permission for the establishment of branches by institutions organized under its laws.

Mr. COUZENS. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. PEPPER. I yield.

Mr. COUZENS. Will the Senator from Pennsylvania say what made those banks valid at the time they were established, aside from the fact that branch banks were permitted in the particular State? Was there merely an arbitrary opening of branch banks, or was it done by the approval and consent of the Comptroller of the Currency?

Mr. PEPPER. Mr. President, it is a little hard for me to answer that question because, in the particular case which I have in mind affecting the banks in Minneapolis and St. Paul, a difference of opinion arose between counsel and bankers as to what the limits of the law were at the time those branches were established. I understand the branches were established in Minneapolis in the belief that they were legal and were not established in St. Paul because of the advice that they were not legal.

Mr. COUZENS. Mr. President, will the Senator yield further?

Mr. PEPPER. I yield.

Mr. COUZENS. I should like to ask at that point, did the Comptroller of the Currency take any action when these branches were opened in Minneapolis?

Mr. PEPPER. I am informed, Mr. President, that the branches to which reference has been made were opened under the advice of counsel by the banks themselves without any action on the part of the Comptroller of the Currency.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Minnesota?

Mr. PEPPER. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. The Senator from Pennsylvania in opening his remarks on this particular part of the subject said something about national banks having branches that had been established at a time when branch banks were permitted to operate within a State, but that the laws of the State had since been so changed that they do not now permit the establishment of branch banks.

Mr. PEPPER. If I may interrupt the Senator just for one moment. The Senator has called attention to a confusion in my remarks. I am very much obliged to the Senator for doing so. The case of the Minnesota banks is not one that has to do with a change of legislative policy. The case was accurately stated in the interchange which just took place between the Senator from Michigan [Mr. COUZENS] and myself. There is another State which I had in mind when I began my statement where the statute authorized State banking institutions to establish branches, and advantage of that was taken by national banks to establish similar branches, but that State has repealed that statute and has left a national bank with a branch that was established at the time when the State policy was favorable to branches, and that branch bank continues to exist, although the State policy has been changed.

Mr. SHIPSTEAD. I desire to ask the Senator just one more question in order to clear up the situation. I believe that the Comptroller of the Currency has ruled on the legality from the standpoint of the present law of branches operating in Minneapolis, for, if I am correctly informed, he has requested them to comply with the law by reorganizing either as National or State banks. Can the Senator inform me whether or not I am correct as to that?

Mr. PEPPER. My information is that there has been something in the nature of negotiation or conversation between the banks in question and the office of the Comptroller of the Currency, but the thing has not reached a head. There has been no formal ruling by the Comptroller of the Currency.

Mr. SHIPSTEAD. The Senator, then, does not hold that these branches are operating legally because of the fact that the laws of the State did not specifically prohibit branch banks at the time those branches were established?

Mr. PEPPER. No, Mr. President, I wanted to be sufficiently balanced in my statement to make it possible for the Senator from Minnesota to be all right in St. Paul and also in Minneapolis. His position is perfect in either place so far as any statement of mine is concerned. [Laughter.] No, I have not undertaken to pass on the question of the legality of what was done or of the wisdom of what was left undone. I merely call attention to the fact that at a certain time in history national banks in Minneapolis established branches no doubt in the good-faith belief that they were doing something legal, although they had not the sanction of the Comptroller of the Currency. At the same time it was decided by the banks in St. Paul that they could not legally do that thing. Therefore we have a situation to-day which calls for some kind of treatment. We must do one of the following things: We must either let the law be so framed that the banks in Minneapolis can keep the branches which they have, but that no other national banks in Minneapolis can enjoy the same privilege even in that city, leaving the banks in St. Paul without branches at all, or we must cut off by a surgical operation the branches of the Minneapolis banks that now exist and force equality between the Twin Cities in that regard, or we must let the present banks that have branches in Minneapolis, the other Minneapolis national banks that want to acquire them, establish branches in the city and confer a similar authority upon the banks in St. Paul. One of those three things, it seems to me, we will have to do.

Mr. SHIPSTEAD. Mr. President, does the Senator have in mind this plan as a remedy, namely, that the banks of Minneapolis that are now operating branches contrary to law may have the alternative of reorganizing those branches according to law by putting capital in them and operating them as independent units?

Mr. PEPPER. Mr. President, I was thinking only in terms of the regulation of branch banks. I was not thinking of possible business or intercorporate arrangements by which the same object could be accomplished in another way. It is true, of course, that a national bank or any other bank maintaining branches may cause those colonies to become independent to some extent of the mother country, while at the same time retaining a protecting control through stock ownership or otherwise, but in that event we will be dealing with chain banking rather than with branch banking.

Mr. SHIPSTEAD. Under this proposed law what remedy does the Senator think is afforded for that situation? What will be the effect of this bill upon it?

Mr. PEPPER. If this bill should become a law, and if we are to think exclusively in terms of the "Twin City" situation, it would follow that the situation in St. Paul would remain unchanged and no branches could be established there, but that in Minneapolis national banks not having branches to-day could establish them to the number that such branches are maintained by Minneapolis banks that now operate branches.

Mr. EDGE. That is covered by subsection (d), which the Senator has not yet reached.

Mr. PEPPER. That is covered by subsection (d), which I had reached in the order of my presentation.

Mr. SHIPSTEAD. Is that the sentiment of the Committee on Banking and Currency of the Senate?

Mr. PEPPER. Mr. President, I think I can say that that does not represent the matured judgment of the committee in its application to this particular case. The case which the committee had in mind when this amendment was framed was the case to which I referred awhile ago, where a law under which existing branches had been established had been abrogated, and the committee thought in that kind of a case the branches ought to be permitted to the banks that had not heretofore established them, so as to give equality of competitive conditions between the banks in the same city. I think I am right in saying that the particular case of St. Paul and Minneapolis was brought pointedly to our attention after this particular amendment was framed. I think that when we reach the amendment stage of the discussion of this bill it will be entirely in order to consider some modification of what is here proposed; indeed, personally I think that there ought to be some modification.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Wisconsin.

Mr. LENROOT. I might say that the city of Milwaukee is n the same position as is the city of Minneapolis. If the amendment as proposed should be adopted, it will permit the establishment of 16 additional branches in the city of Milwaukee. There is very great protest against that from my city.

Mr. PEPPER. I realize, Mr. President, the seriousness of the situation to which the Senator from Wisconsin calls attention. I repeat what I said a moment ago, that I think when we reach the amendment stage it will not only be desirable but highly desirable that this particular subsection be modified in such way as the Senate may approve.

Mr. LENROOT. Will the Senator yield once more?

Mr. PEPPER. I am glad to yield to the Senator from Wisconsin.

Mr. LENROOT. Did not the Missouri case settle the question of the legality of branch banks in all the States where the States have prohibitory laws against them?

Mr. PEPPER. I am not able from memory to answer that question. I will avail myself of the presence of the Deputy Comptroller of the Currency to make an inquiry of him on that subject. [A pause.] I am informed, Mr. President, that the decision in question fixed the status of branches established de novo, but did not deal with the legality or illegality of preexisting branches, branches already established.

Mr. LENROOT. Yes; but as I recollect the decision, the same thing was involved; that is, if they were contrary to State law when established there was no authority under the Federal law to establish such branches and the State would have the right to bring an action. In the particular case the branch was established de novo, but the same principle would apply, I think, in other cases.

Mr. PEPPER. I believe that is true. I was merely calling attention to the fact that the case in point was one affecting the establishment of a new branch.

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Wyoming?

Mr. PEPPER. I yield.

Mr. KENDRICK. I was not privileged to hear all the Senator's statement, otherwise the question which I am about to ask might not be necessary. However, as I understand the provisions of the bill, a national bank is not permitted to establish a branch bank outside of the municipality in which the parent institution is located?

Mr. PEPPER. That is true, Mr. President, subject to one modification to which I shall presently call attention; but, speaking generally, no authority is given by this bill to establish a branch of a national bank save within the limits of the municipal community in which the parent is situated.

Mr. KENDRICK. Would a national bank be permitted under this bill to purchase and operate banks already established in other parts of the State as branch institutions?

Mr. PEPPER. Mr. President, this bill makes no change in the existing law on that subject. If the bank at present has the right to acquire the stock of a distant bank and to operate that bank through stock ownership, this bill does not affect its right in that particular. This bill deals only with what are recognized as branches.

Mr. KENDRICK. Under that situation would not the original limitation be entirely useless? Would it not be quite consistent and possible for a national bank that so desired to buy up and operate as many banks already established as it desired?

Mr. PEPPER. Mr. President, we have not undertaken in this measure to change the existing law in regard to the holding by one corporation of stock in other corporations. We are dealing only with the branch-banking problem. Those, as I think the Senator recognizes, are entirely distinct subjects. The disadvantage of branch banking, from the point of view of those who oppose it, is that you are creating a system of absentee banking by which the corporate officers at a given metropolitan center will determine the transactions and policies of distant branches, which are merely scattered offices of the principal institution. The other problem contemplates the maintenance of separate and distinct corporate organizations wherever they happen to be located, and the only nexus or tie to the principal institution is that of voting control through stock ownership. That thing we leave as it stands under the law. We are not attempting to change it. If that is an evil, it must be dealt with by a different scheme of legislation.

Mr. KENDRICK. Mr. President, I believe that that feature of the situation to-day is one that is giving the bankers of the West more apprehension in connection with this bill than any other provision or lack of provision of the bill.

Mr. PEPPER. Mr. President, I agree with the Senator that the situation to which he calls attention is a most serious one. I think the whole subject of chain banking needs to be care-

fully studied, and that possibly there ought to be legislation with respect to it; but I submit that we have an adequate problem for consideration when we deal with branch banking as such, and that perhaps it is just as well not to complicate a reform in one field by simultaneous consideration of a very difficult problem in a slightly different field.

Mr. FESS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Ohio.

Mr. FESS. Was the committee able to clear up our Cleveland situation?

Mr. PEPPER. I am coming to that, Mr. President. That is the subject which I had in mind when, in answer to the first question of the Senator from Wyoming, I said that speaking generally there was a limitation of the right of establishing branches to the boundaries of the municipality, but that there was a specific modification of that in a subsequent clause of the bill. I am coming to that presently.

Mr. LENROOT. Mr. President——

Mr. PEPPER. I yield to the Senator from Wisconsin.

Mr. LENROOT. My question is upon the same point; but, with reference to the query of the Senator from Wyoming and the reply of the Senator from Pennsylvania that this measure dealt only with branch banking, I should like to ask him with regard to the provision about interlocking directorates. It seems to be quite a substantial modification of existing law and does give the opportunity for control of separate banks, wholly irrespective of branch banks.

Mr. PEPPER. Yes; it does, Mr. President, and that is a great and serious question which in our orderly progress we will come to a little later in the bill. If the Senator will permit me, I will postpone further comment upon that until we reach it.

Mr. LENROOT. Very well.

Mr. PEPPER. I shall not weary the Senate by discussing at any length the next subsection, which merely fixes the limits of population in accordance with which the Comptroller of the Currency may determine whether or not a branch is to be permitted under the terms of the act. Instead of having an unrestricted right to establish branches within the limits of a city, regard must be had to the population of the city, and a relation is fixed between the size of the population and the number of branches.

We come, then, to the case that the Senator from Ohio has in mind, and it is a very difficult case to deal with.

Suppose you have a metropolitan area, if I may use that term for want of a better one, which is somewhat larger than the technical corporate boundaries of the city in which the parent bank is situated. Suppose that as an economic and social matter the boundary is nonexistent; that it is only a political boundary; that for business purposes the city is much larger than its limits. Shall we be rigid and permit the establishment of branches only within the political limits as defined by law or shall we allow the establishment of branches within that metropolitan area which in fact exists?

Mr. FESS. If the Senator will permit an interruption——

Mr. PEPPER. I shall be glad to yield.

Mr. FESS. The population of the city of Cleveland proper is about 700,000; and then Lakewood, which is a city of 47,000, is virtually a part of the city of Cleveland. You can not tell where one leaves off and the other begins; and the same thing is true of East Cleveland, a city of about 27,000, and of Cleveland Heights. They have been much concerned about whether under the circumstances a branch could be located in any one of these divisions of the city.

Mr. PEPPER. Mr. President, it is exactly as the Senator from Ohio has said; but let me call his attention and the attention of the Senate to the fact that it is no easy matter to relieve such a situation as he has in mind, because in some other localities that I could mention there is the greatest feeling of apprehension on the part of the suburban institutions lest the metropolitan banks should invade their suburban area and interfere with their business and make them all in the end subject to metropolitan control. So it has seemed to the committee that some such provision as that which we recommend is worthy of the consideration of the Senate as a solution of that difficult problem.

We provide in the next subsection as follows——

Mr. SHIPSTEAD. On what page?

Mr. PEPPER. On page 14, subsection (f) of section 7:

> In cases in which, under the provisions of this section, a national banking association is authorized to establish a branch or branches within the limits of a city, town, or village, the Comptroller of the Currency shall have the discretionary power to authorize the establishment and operation of such branch or branches beyond the boundaries of said city, town, or village as strictly defined by law; but only within the same metropolitan area as that in which the parent bank is situated: *Provided, however,* That he shall in no case authorize such establishment and operation except within the territory of a city, town, or village the corporate limits of which at some point coincide with the corporate limits of the city or town in which the parent bank is situated, when in his discretion he shall determine, after public hearing, that the banking needs of the inhabitants of said contiguous and urban territory require the establishment of such branch or branches; but no branch shall be established under the authority of this section in any part of a State to which right of State banks, under the State law, to establish branches does not extend.

Mr. COUZENS. Mr. President——

Mr. PEPPER. If I may continue just a moment, Mr. President, in other words, the limitation to the boundaries of the city stands as being a limitation to the political boundaries unless the action of the Comptroller of the Currency enlarges the area; and there are definite limitations on his authority to enlarge it. First, he can include only urban territory which is actually contiguous, and that does not include country-wide branch banking. It has to be of a town or village or city which is contiguous, and it has to be only when he has found, after public hearing, that the banking needs of the contiguous territory will be well served by the branches; and, finally, there can be no such establishment unless the State laws permit a similar thing to be done by State banks.

Mr. FESS. Mr. President, will the Senator yield for a further question?

Mr. PEPPER. I will yield to the Senator from Ohio in one moment. I had previously agreed to yield to the Senator from Michigan.

Mr. COUZENS. Mr. President, I think the Senator modified his statement in his last remark. Do I understand that the provision the Senator has just read is not applicable unless the State allows the same thing to be done?

Mr. PEPPER. Yes, sir. The language is this, Mr. President—

> but no branch shall be established under the authority of this section in any part of a State to which right of State banks, under the State law, to establish branches does not extend.

Mr. COUZENS. May I ask the Senator what was the purpose of putting that exception in the bill?

Mr. PEPPER. It is not exactly an exception, Mr. President; it is a limitation.

Mr. COUZENS. Well, it is an exception.

Mr. PEPPER. The thought was that in some States the right to establish branches is limited to the city in which the parent exists. The committee thought that a national bank ought not to have a greater branch-banking privilege in that city than the State bank; and if the State law stops with the limits of the municipality as strictly defined, then the Comptroller of the Currency has no right to allow a national bank to put a branch into the urban territory beyond.

Mr. COUZENS. That is perfectly plain in the bill, is it? It is understood?

Mr. PEPPER. We have tried to make it plain. I do not think we have any pride of opinion about our phraseology.

I now yield to the Senator from Ohio.

Mr. FESS. Mr. President, the Senator's answer to a concrete question will give me what I want. Under the bill could the parent bank in the city of Cleveland establish a branch bank in Lakewood, provided the Comptroller of the Currency would permit it after a public hearing?

Mr. PEPPER. Mr. President, my answer is "yes." I give that answer upon the assumption, which I think is well grounded, that under the State law a State bank in Cleveland could establish a branch within that zone.

Mr. FESS. That is the assumption upon which I am going.

Mr. PEPPER. Upon that assumption, my answer to the Senator's question is that a national bank in Cleveland could establish in the territory that he has specified a branch, provided the Comptroller of the Currency after a public hearing finds that such a thing is necessary to give banking facilities to that community.

Mr. FESS. And the parent bank could establish a branch bank within the limits of the same city, not in urban territory, but within the limits, under the terms of the bill, without the approval of the Comptroller of the Currency. That is the distinction, is it not?

Mr. PEPPER. Yes; that is the distinction, saving this, that within the limits of the city proper, as strictly defined by law, where the population exceeds 100,000, the number of branches that can be established is subject to the discretionary control of the Comptroller of the Currency.

Mr. FESS. If the Senator will permit, I think that is the solution of a very complicated problem that has been the source

of a tremendous amount of opposition in Ohio to the legislation. It appears to me that the bill has removed that objection, so that there is a possibility of establishing a branch, provided the authority, after public hearing, should be convinced that it is justified.

Mr. COPELAND. Is there not another proviso, that that urban territory must be, in its corporate boundary, contiguous to the city where the parent bank is?

Mr. FESS. Yes; that is the case I mentioned; and we have another one in Cincinnati, where the town of Norwood is entirely surrounded by the city limits of Cincinnati, and yet it is a separate municipality.

Mr. PEPPER. There is one correction I wish to make in a statement I made to the Senator from Ohio a moment ago. I referred to the discretionary right of the comptroller to determine the number of branches with reference to population in cities of over 100,000. I should also have called attention to subsection (g), which does give the Comptroller of the Currency a pretty wide discretion over the whole question of branch banking, even within the limits of cities, because it is here provided:

No branch of any national banking association shall be established or moved from one location to another without first obtaining the consent and approval of the Comptroller of the Currency.

Mr. COPELAND. Mr. President, certainly that is a very wise provision, as I see it. Somebody ought to pass upon the propriety of establishing a branch, and the proper official to do it is the Comptroller of the Currency.

Mr. GLASS. As a matter of fact, the comptroller has complete discretion in the matter of establishing a national bank.

Mr. COPELAND. And he should have also as regards the branches of that bank.

STORAGE OF WATERS OF THE PECOS RIVER

Mr. SHEPPARD. Mr. President, I would like to submit a request for unanimous consent, and if it leads to discussion, I shall withdraw it. I ask unanimous consent for the consideration of House bill 3862, to provide for the storage of the waters of the Pecos River. It authorizes the Secretary of the Interior to construct an irrigation project on the Pecos River.

Mr. CURTIS. I do not like to object, but I told several Senators that there would be no business transacted this afternoon except the consideration of the banking bill, and an executive session. I would like to have this bill go over until Senators now absent can be here, because some of them might object to it.

Mr. WILLIS. Mr. President, if the Senator will yield to me, I was about to suggest that we might have some understanding as to when there would be a calendar day. Probably that would help out the Senator from Texas.

Mr. CURTIS. If possible, I want to have a consideration of the calendar day after to-morrow. I want the Senate to take a recess to-night, and to get through with the debt settlement bills to-morrow; then to take an adjournment to-morrow, so that we may have a morning hour and the consideration of the calendar on Thursday.

Mr. WILLIS. Would not that arrangement satisfy the Senator from Texas?

Mr. CURTIS. Mr. President, I withdraw my objection to the request of the Senator from Texas.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The Senator from Texas asks for the immediate consideration of House bill 3862, to provide for the storage of the waters of the Pecos River. Is there objection?

Mr. JONES of Washington. The Senator from New Mexico [Mr. BRATTON] asked me to have the bill go over, if we should reach it on the calendar.

Mr. SHEPPARD. Does the Senator object?

Mr. JONES of Washington. I have to object on behalf of the Senator from New Mexico. He desired that the bill should go over. I have no objection myself.

Mr. SHEPPARD. Unanimous consent had been given for the consideration of this bill.

Mr. CURTIS. I withdraw my consent, because I assured two or three Senators that there would be nothing done this afternoon except the consideration of the banking bill and an executive session.

AGRICULTURAL RELIEF LEGISLATION

Mr. SHIPSTEAD. Mr. President, the morning papers state that there has been an agreement made for the adjournment of Congress on the 15th day of May. I am wondering if the steering committee has made any arrangement for a time when the agricultural bills may be taken up for consideration?

Mr. CURTIS. Mr. President, no agreement of any kind or character relating to adjournment has been made, and no one was authorized to make any such statement. I stated to the Senate the other day that the agricultural bill had not been reported and was not on the calendar at the last meeting of the steering committee. I am not a member of that committee, but I happened to attend the last meeting. I have the assurance of the chairman of the committee that the agricultural bill will be taken up for consideration at the next meeting of the steering committee, which we hope will be this week.

HOUSE BILL REFERRED

The bill (H. R. 5823) to amend the Code of Law for the District of Columbia in relation to the qualifications of jurors was read twice by its title and referred to the Committee on the District of Columbia.

MUSCLE SHOALS

Mr. HEFLIN submitted an amendment intended to be proposed by him to the bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes, which was ordered to lie on the table and to be printed.

CIVIL SERVICE RETIREMENT

Mr. STANFIELD. I ask unanimous consent to have printed in the RECORD at this point a memorandum from the Director of the Bureau of the Budget on proposed changes in the civil service retirement annuity bill now pending.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

BUREAU OF THE BUDGET,
Washington, April 23, 1926.

Memorandum for the President

Bill H. R. 7 and S. 786, both of which propose amendments to the act for retirement of employees in the classified civil service, provide certain changes from existing law with respect to the ages of retirement, increase the maximum annuity to $1,200 per annum, provide for a deduction of 4 per cent from the employees salary, and provide for the computation of the annuity with a divisor of 40. Neither of the bills contains specific authority for the submission of estimates for financing the fund.

I recommend that you give favorable consideration to a bill which will—

(a) Make no change in the retirement ages now prescribed by law, namely, 70, 65, and 62, with an extension period of 4 years for each class.

(b) Limit the maximum annuity to $1,000.

(c) Provide for a deduction of 3½ per cent from employees salary.

(d) Provide for the computation of the annuity with a divisor of 48.

(e) Provide authority for submission of estimates to finance the fund by amending existing law so as to read:

"The Secretary of the Interior shall submit annually to the Bureau of the Budget estimates of the appropriations necessary to finance the civil-service retirement and disability fund and continue this act in full force and effect."

This amendment would make unnecessary any prescription in the law definitely defining how the fund is to be amortized, and would leave the matter of amortization for recommendation by the President to Congress in the Budget.

The Board of Actuaries has estimated $17,815,930 as the annual cost to the Government of the existing law, upon the basis of amortizing accrual liabilities over a period of 30 years. The information which I have would indicate that, upon the same basis of amortization, the annual cost of the plan above recommended will not exceed that figure.

The above recommendation deals with the basic features of the retirement proposals which relate to the cost of retirement. It does not consider other less important provisions of either H. R. 7 or S. 786 proposing changes in existing law that relate chiefly to administrative features.

H. M. LORD,
Director of the Bureau of the Budget.

PACIFIC BRANCH, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

Mr. WADSWORTH. From the Committee on Military Affairs I report back with an amendment the bill (S. 3021) authorizing and empowering the Board of Managers of the National Home for Disabled Volunteer Soldiers to sell and grant approximately 160 acres of land owned by it at the Pacific Branch of said the National Home for Disabled Volunteer Soldiers; to receive the proceeds from said sale and disburse the same for the erection of additional fireproof barracks and other improvements upon the site of said Pacific Branch of the National Home for Disabled Volunteer Soldiers, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Military Affairs was, in section 1, page 1, line 5, after the word "grant," to insert "to the county of Los Angeles, State of California," so as to make the bill read:

Be it enacted, etc., That the Board of Managers of the National Home for Disabled Volunteer Soldiers hereby are authorized and empowered to sell and grant to the county of Los Angeles, State of California, for a sum not less than $1,000,000 cash, the following real property owned by said the National Home for Disabled Volunteer Soldiers: Being a tract of land lying and being situated in the county of Los Angeles, State of California, and being all the real property owned by said the National Home for Disabled Volunteer Soldiers lying east of Sepulveda Boulevard and south of the Soldiers' Cemetery, in said county and State, and comprising approximately 160 acres of land, reserving the use of the wells and pipe lines now established on said 160 acres and used by the Pacific Branch of the National Home for Disabled Volunteer Soldiers in the operation of its plant.

SEC. 2. The Board of Managers of the National Home for Disabled Volunteer Soldiers hereby are authorized and empowered to receive the proceeds of said sale and to disburse the same for the erection of additional fireproof barracks and other improvements on and at the Pacific Branch of the National Home for Disabled Volunteer Soldiers, located at Sawtelle, city of Los Angeles, county of Los Angeles, State of California.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOME LOAN BANKS

Mr. PEPPER. Mr. President, I hold in my hand a copy of a very excellent radio speech made in New York recently by the Senator from Oregon [Mr. STANFIELD] on the subject of home-loan banks. I am sure that it will be interesting to Senators, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, Senator STANFIELD'S radio address was ordered to be printed in the RECORD, as follows:

To my unseen friends it is my privilege to-night, through the courtesy of station WMCA, to broadcast a message concerning the greatest of all institutions in the history of the world, the home.

My message, however, deals with the home as an American institution, its relation to our Government, and the relation of our Government to the home.

The constantly decreasing ranks of home owners in our great Republic in proportion to the constantly increasing population and national wealth is indeed cause for concern. The fact that but a small percentage of our American families to-day own the houses they occupy inspired me to introduce in the United States Senate a bill known as the national home loan bill, providing the machinery for the creation and operation of national home loan banks.

To-day the United States, the richest Nation in the world, possessed of a wealth in gold and resources in excess of that of any other government in the history of nations, is confronted by a real problem, and actually approaching a crisis. A large majority of our salaried or wage-earning people are mere tenants, and only a small per cent own the houses in which they reside.

To meet the growing demands of commerce and industry and of our financial institutions Congress evolved the Federal reserve system, and thereby provided a more liberal and practical system of credits and exchange. The Federal reserve bank notes, issued on the basis of physical value, serve every purpose that gold, silver, gold or silver certificates, United States and national bank notes, or any other kind of national currency services. The Federal Reserve Board is not limited in the issuance of reserve bank notes, and it may supply all the funds required by commerce and industry at a low rate of interest. The business judgment of the Federal Reserve Board is the only governing factor in the matter of credit extension or the issuance of reserve bank notes.

Our Government next came to the rescue of agriculture by the creation of a Federal farm loan bank system. The farmer has been able, through this system, to refund his land loans and refinance on more favorable terms and at lower rates of interest, while the Federal land banks are able to secure all the necessary funds by selling interest-bearing bonds secured by the hypothecation of farm mortgages. This system as first established was broadened and extended by providing for intermediate credit banks. Thus has agriculture been relieved in its financial requirements, and provided with a channel through which it can secure long-time loans and intermediate-time loans, with lower interest charges upon both real estate and chattels.

In the few years that have elapsed since the creation of the Federal land bank and the joint stock land bank, these institutions have loaned throughout the United States on agricultural lands approximately $2,000,000,000. These loans have been a boon to the individual borrower and to national business alike.

The creation of national home loan banks, under the provisions of the proposed bill, would provide the machinery for the financing of residential property investment along much the same general line as that provided for farm property under the provisions of the land-bank system, and thereby bring the possibility of home ownership more nearly to the door of every city dweller in the land. It would eliminate from home financing all unjust and excessive charges, and abolish the system of carrying interest upon the entire principal to the date of the last payment, as now practiced by some loan associations. By the low-interest rate provided, it would furnish an incentive and create in the heart of every working man and woman the ambition to own the house in which they dwell. It would provide the easiest possible terms upon which a home could be purchased consistent with sound business.

The enactment of a law providing for the creation and supervision of banks to make loans on improved residence property would meet a necessity as great as that which brought about the creation of the Federal reserve system and the land and intermediate credit banks. It would be the first recognition by the Congress of the United States of the man in town—the man who works in the factory, the shop, the store, or the bank—the man who absorbs transportation and distribution costs; the man who pays and pays and pays, and whose case is generally dismissed with the admission that he is the "ultimate consumer."

The proposed bill would create in the Treasury Department a national home loan board composed of the Secretary of the Treasury and four commissioners to be appointed by the President of the United States, by and with the advice and consent of the Senate. This board would be vested with power to organize and charter national home loan banks and to exercise general supervisory and regulatory powers thereover. These banks may be organized with not less than 10 natural persons, and with a capital, subscribed and paid in, of not less than the capital required of national banks organized under the national banking act as amended. They may make loans upon improved residential real estate, issue and sell bonds and real-estate mortgages. They will be subject to the same supervision, regulation, and inspection as is exercised by the Government over the commercial national banks and the Federal farm loan banks. Loans would be authorized when secured by mortgages that are first liens on residential real estate occupied or to be occupied by the borrower. These loans may be made for an amount not in excess of 60 per cent of the value of the land and the permanent, insured improvements, but shall in no case exceed $10,000. It is the purpose and intent of this provision to care for those who need such benefits—the man who requires from $500 up to $10,000.

Interest rates are regulated by the national board, and will be as low as practicable, but in no case may the interest charge be more than 2 per cent above the rate paid upon the last bonds issued and sold by the bank. Every mortgage shall contain an agreement providing for the repayment of the loan within a definite period not exceeding 10 years or on an amortization plan by means of a fixed number of monthly installments of sufficient amount to extinguish the loan (principal and interest) within a period of not less than 5 nor more than 15 years. Banks would be chartered by the national home loan board throughout the country in the various States. The number and geographical location of these institutions would be governed by business demand.

The pride of ownership is man's greatest incentive, and it brings out his best qualities. This is in evidence from the cradle to the grave. The baby cries for his rattle; the boy fights for his kiddie car or bicycle; and the girl clings to her doll, and, step by step, this process unfolds until every man and woman feels the great desire for a home—a home and all it means—a home to cherish and to defend.

When the wholesome playday of youth is passed, the thought of self and future, the thought of occupation and position in life, and the thought of home and family possess the soul and mind of every worth-while young man and woman in the land.

Home ownership begets responsibility, and in the home which is presided over by a mother who realizes her duty and cheerfully accepts her responsibility, the children will likewise realize and accept their duties, responsibilities, and obligations. In such an environment, self-respect and proper regard for others and for their rights and welfare becomes a part of the nature and character of the children of that household. Home and mother are the molds which shape the destiny of the child.

Measured in mere dollars, "renting" may sometimes be cheaper than "owning"; but measured by the essentials of home, character, and good citizenship, renting can not be compared with the ownership of a home. Even though the purchaser of a home may have made but the first and a very small payment, the whole scene has changed; the streets seem wider, the sunshine brighter, the grass greener, and the house warmer. The interest of the entire family centers in the home. The ownership of the occupant is apparent from the appearance of the lawn and shrubs.

Better men, better women, better children, and better citizenship are the fruitage of better homes and home ownership. Therefore, making the way easier for our people to secure and pay for homes of their own is one of the biggest things our Government can do. The men and women who bow beneath the burdens of the world are entitled to the best opportunity to secure a home that this Government can provide. It is not paternalism—it is justice.

A system of sound financial relief can be organized under the supervision of the Government that will deliver these people from unnecessary burden—a system that will furnish the opportunity and the inspiration to every man and woman to own his or her home by providing home loans at a very low rate of interest and small installment payments. It would be self-sustaining and not a burden upon our Government.

I believe that the creation of national home-loan banks, as provided in the proposed bill, would promote home ownership and would gradually reverse the existing ratio as between home owners and tenants. I believe that such a system can be established by our Government.

It is a recognized truth that government is the exact counterpart of its people, and it is equally true that people are the exact counterpart of their homes. Better homes will make better people, and better people will make for better government and a stronger nation. The home is the cornerstone upon which civilization has expanded and upon which the nations of the world have been raised. From the dawn of history it has been man's most cherished possession.

The pleasure of possession rests not upon the things we take for granted, such as well-paved streets and the use of the telephone, but upon the possession of those things which are not within everybody's reach as a matter of course.

The working out of a destiny plays an important part in our lives, whether we realize it or not; something to be hoped for; something we may yet work out, helps us all toward the cycle of "contentment." To have all thrust upon us with nothing left for future advancement, no knotty problems to work out, no chance to help make things better, would rob life of much that, while at times it seems dull, yet adds color and character.

I have stressed home ownership, but the mere having of a home is not the end, for in the home must be home-keeping hearts, the family, children, good books, and a leadership that builds for better and truer things.

Good night.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 55 minutes p. m.) took a recess until tomorrow, Wednesday, April 28, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 27 (legislative day of April 19), 1926

FOREIGN SERVICE

TO BE SECRETARIES IN THE DIPLOMATIC SERVICE

Willys R. Peck, of California, now a Foreign Service officer of class 3 and Chinese secretary of the legation at Peking, to be a secretary in the Diplomatic Service of the United States of America.

Paul R. Josselyn, of Iowa, now a Foreign Service officer of class 5 and assistant Chinese secretary of the legation at Peking, to be a secretary in the Diplomatic Service of the United States of America.

Eugene H. Dooman, of New York, now a Foreign Service officer of class 5 and Japanese assistant secretary of the embassy at Tokyo, to be a secretary in the Diplomatic Service of the United States of America.

UNITED STATES MARSHALS

Jesse D. Moore, of New York, to be United States marshal, eastern district of New York. A reappointment, his term expiring April 25, 1926.

Jacob H. Fulmer, of Nevada, to be United States marshal, district of Nevada. A reappointment, his term expiring April 25, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 27 (legislative day of April 19), 1926

APPOINTMENTS BY TRANSFER IN THE ARMY

Mitchell Alonzo Giddens to be second lieutenant, Cavalry.

PROMOTION IN THE ARMY

James Thomas Dismuke to be first lieutenant, Infantry.

Lewis Eugene Snell to be first lieutenant, Field Artillery.

Arnold Hoyer Rich to be first lieutenant, Air Service.

Charles Dawson McAllister to be first lieutenant, Field Artillery.

Vincent Joseph Tanzola to be first lieutenant, Infantry.

Edward Albert Banning to be first lieutenant, Infantry.

Frederic deLannoy Comfort to be first lieutenant, Cavalry.

Henry Laurance Ingham to be first lieutenant, Field Artillery.

POSTMASTERS

MICHIGAN

Charles E. Bassett, Fennville.

William M. Snell, Sault Ste. Marie.

NEW MEXICO

William S. Medcalf, Hope.

PENNSYLVANIA

Helen H. Rodgers, Fredericktown.

Edith M. Phelps, Ludlow.

Wilbur C. Taylor, Port Royal.

Mike Humenik, Slovan.

Kay C. Fuller, Springboro.

WISCONSIN

Emil G. Werner, Pittsville.

HOUSE OF REPRESENTATIVES

TUESDAY, *April 27, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, with the light of the day, renew the sunshine of our spirits and the childhood of our hearts. Remind us that life is redeemed by sacrifice and service. Revive within us the sympathy that feels another's grief, the sweet charity that weaves another's hope, and the love that shares another's gladness. The Lord help us to forgive our enemies and bear no malice. May our faith in God, in man, and in our country always be as shining lights that can not die away. In the name of Jesus our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

DEPORTATION OF ALIENS

Mr. SABATH. Mr. Speaker, I ask unanimous consent that I may have three days in which to file minority views on the bill (H. R. 11489) to provide for the deportation of certain aliens, and for other purposes.

Mr. JOHNSON of Washington. Reserving the right to object, Mr. Speaker, may I ask whether that will interfere with the proceedings to secure a rule and get the bill up?

Mr. SABATH. No; I will not do anything that will delay consideration of the bill.

Mr. JOHNSON of Washington. Then I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill and joint resolution of the following titles.

H. R. 10275. An act authorizing appropriations for construction at military posts, and for other purposes; and

H. J. Res. 204. House joint resolution authorizing certain military organizations to visit France, England, and Belgium.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 4056. An act to amend section 98 of the Judicial Code as amended.

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 10425. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes.

SENATE BILL REFERRED

Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 4056. An act to amend section 98 of the Judicial Code as amended; to the Committee on the Judiciary

CELEBRATION AT WILLIAMSBURG, VA.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Concurrent Resolution 13, providing for the observance of May 15, 1926, as the one hundred and fiftieth anniversary of the passage of a resolution by the Virginia Convention of 1776 proposing that Congress make a declaration of independence, and extending to the President and Congress of the United States an invitation to participate in a celebration at Williamsburg, Va., with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mrs. KAHN. Mr. Speaker, I ask unanimous consent, immediately following the reading of the Journal and the business on the Speaker's table on Thursday, to address the House for 15 minutes on the subject of reapportionment.

The SPEAKER. Is there objection to the request of the gentlewoman from California?

There was no objection.

SOME SOCIALIST BILLS EXPLAINED—A STUDY OF OUR POLITICAL AND ECONOMIC CONDITIONS

The SPEAKER. Under the order of the House, the Chair recognizes the gentleman from Wisconsin [Mr. BERGER] for 30 minutes.

Mr. BERGER. Mr. Speaker and gentlemen, nobody realizes more than I do the peculiar position I hold in this House as the only Socialist in Congress.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. BERGER. Not now.

Mr. STRONG of Kansas. What has become of LAGUARDIA?

Mr. BERGER. Mr. Speaker, I would like to ask unanimous consent to extend and revise my remarks in the RECORD.

Mr. JOHNSON of Washington. The gentleman's own remarks?

Mr. BERGER. My own remarks, of course.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BERGER. I will say again that nobody realizes more than I do the peculiar position I hold in this Congress. I was the first Socialist elected in the Sixty-second Congress in 1910, and it seems to be written in the stars that at least in the beginning not more than one Socialist shall sit in this House.

Whenever the electors of the fifth district of Wisconsin made the mistake of not returning me, then some constituency in New York rectified it by electing a Socialist from there, but we never got further than having one and a half at the same time. [Laughter.] I leave it to the House to judge who the half is. He is a dapper, fearless, fine little gentleman, but at best he is only half of a Socialist. [Laughter.] I am sorry he is not here just now.

I realize that, being alone, I can not pass any legislation. [Applause on the Democratic side.] As a matter of fact, the Democrats, of whom there are a great many more, can not pass any legislation, either [applause on the Republican side], and that the Democrats can not, may be fortunate for the country. [Laughter and applause.]

All I can do is to function as an interpreter—to show to the people, most of whom know absolutely nothing about socialism or socialist theory, what the Socialists would do if they had the power to do it.

SOCIALISM A WORLD POWER

This function I consider exceedingly useful in view of the economic trend in our country and the rapidly growing concentration of wealth, on the one hand, and the decline of the independence of the farmer and the workingman, on the other.

And also important in view of the other fact that socialism has become the greatest power of Europe to-day, and to no small extent also the main bulwark against the threatening despotism of either communism or fascism.

Socialism is the basic idea of the Labor Party of England, which may rule the British realm next year, or sooner, for that matter.

The Socialist Party is the strongest party in France and the largest single party in Germany. Just to show you how important it is to understand the Socialist point of view:

FRENCH SOCIALIST POSITION ON DEBTS IMPORTANT

An interview in the New York World of last Sunday given by Leon Blum, the leader of the Socialists in the Chamber of Deputies of France, states that the French Socialists are absolutely in favor of France paying the debt to the United States without "ifs and ands," and without subterfuge as to reparations from Germany. M. Blum also says he will see to it that there is a guaranty for the French franc similar to the one for the German mark, and that unless that guaranty is furnished the Socialist Party of France will not accept any settlement with the United States.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. BERGER. Not now; the gentleman from Texas can keep his questions until later. After I have made my statement he will be in a position to ask them with a better understanding. Lack of understanding is always the gentleman's greatest fault. [Laughter.]

Since the 140 Socialist members in the Chamber of Deputies are the main props of the present French Government, that declaration of M. Blum means a great deal, because the moment that the French Socialist Party refuses to cooperate with Premier Briand his administration would fall.

Now, the concentration of wealth in this country is going on to an extent that few people realize.

A MEMBER. It has not struck me. [Laughter.]

Mr. BERGER. Nor me either. That is just the trouble. Wealth has reached only a small minority of the people in the United States. Wealth has reached and is being reached only by a minority of 2 per cent. And that is where the danger lies. Later on I may explain where that is bound to lead to.

MY BILLS INTERPRET SOCIALIST AIMS

To interpret the socialist position, I have introduced a number of bills in this House, some of which I shall discuss in the short time I have allotted to me.

These bills will give you gentlemen and the people outside some idea as to our hopes, fears, and ambitions. These bills, in themselves, ought to set at rest any speculation caused in the average man by the fear of the unknown.

All I can do is to introduce bills that show what the Socialists would do as a party if we had the power to do it.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BERGER. I can not yield now, but I shall gladly yield later. I know the gentleman from Illinois does not ask questions like a certain other gentleman—simply to have a chance to talk on my time.

Mr. BLANTON. This is the first time I ever——

Mr. BERGER. I can not yield, and unless I yield I will cut out of my speech any remarks the gentleman from Texas [Mr. BLANTON] may choose to make.

RECOGNITION OF SOVIET GOVERNMENT

One of the bills I introduced pertains to international relations. I introduced on the 17th of December a bill for the recognition of the Russian Soviet Government.

Mr. Speaker, I am a socialist, not a communist.

I want it understood that at the present time there are thousands of socialists imprisoned in Russia. Not only that but among the American names that were put on the proscribed list by Lenin and his committee was my own. These communists held me responsible for communism not making any progress in the United States. That shows you how little they know about America.

BOTH COMMUNISM AND FASCISM ARE WAR BABIES

I realize one thing, however, and you will realize that also. Communism and Fascism are twin brothers. Both communism and Fascism are war babies, the results of the great World War. One of these babies came into the world red-headed. That was the Russian baby. The Italian baby has black hair. Otherwise there is very little difference between the two—on the surface at least.

The reason why our ruling class dislikes the red-haired baby so, is because the Bolsheviki laid violent hands on the sacred rights of property—while the Fascisti just as violently are protecting the "vested rights" of those who have vested rights.

This is probably also one of the reasons why our Government was so willing to grant the Mussolini government such favorable terms for the debt settlement.

Nevertheless, now that American bankers and business men are dining with representatives of Soviet Russia and are taking orders and extending credit to them, our Government may as well recognize that the Soviet Government is here to stay.

Moreover, our Government is usually quick enough to follow the advice and orders of big business. Then why not in this respect?

WHY CAPITALISTS HATE THE RED-HAIRED BABY

Our policy in regard to Russia has been particularly stupid. It soon was clear to all the world that the Government of Russia was at least as solid as any Government in Europe—and more so. Therefore, all the European governments, including the British, recognized the Soviets. Only our national

administration still fools itself with the hope induced by the czarist agents in America that the Soviet Government will soon be overthrown, and refuses recognition.

It is therefore not surprising that one of the czarist organizations in Europe sent resolutions of thanks to our Secretary of State for the encouragement he was offering czarists everywhere.

The political form of government of the Russian people is exclusively the business of the people of Russia, and we have no excuse whatsoever to interfere.

We may not like the Government of Russia at all—undoubtedly the Russians do not like our Government either—but we have no more right to prescribe for the people of Russia the form of government they are to have than the Russians have to tell us what form of government shall be ours.

So much for the moral and political aspects of the question.

I must repeat it: Our policy toward Russia is actually stupid. Really, to any man who is a student of history it sometimes seems a miracle how we are getting along in this world with the many senseless things that our Government has done in the last 10 or 15 years.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. BERGER. Not now.

Mr. JOHNSON of Washington. Just once.

Mr. BERGER. Until I have developed my subject fully, I can not yield. Then I shall be very glad to yield to the illustrious gentleman from Washington, who is the chairman of the Committee on Immigration, although I know I can not convince him.

Now as to the economic side. I am not going to give figures, because that would spoil the speech for the average voter.

AMERICAN PRODUCTION NEEDS RUSSIAN TRADE

Russia undoubtedly can get along without buying machinery and other products from the United States. The Russians can buy them in England and Germany. But our manufacturers—and to a certain extent our workingmen, and even our farmers—are undoubtedly missing the Russian trade.

Moreover, many of our business men are actually dealing with Russia now. And that makes our official stand still more ridiculous.

And nothing can be gained by holding to the untenable position that the Russian people are not entitled to admission in the family of nations because they took possession of some of the private property of American nationals—of the properties of the Harvester Co., the Standard Oil Co., and others. Our own country has done the same thing with the property of German and Austrian nationals, and is still holding the property.

What is really at the bottom of it is that the American capitalist class resents the idea that the Russian people have dared to proclaim the doctrine that if class governments are to exist, a government of workers and peasants is also entitled to a place in the sun.

To make a long story short, the recognition of the Russian Soviet Government would simply be the recognition of an existing fact.

FASCISM—THE BLACK-HAIRED BABY

I have mentioned the Fascisti before.

The American Government has not only recognized the Fascisti government but has gone so far in assisting and protecting Mussolini that it canceled 75 per cent of the Italian indebtedness, simply to favor its protégé, Benito Mussolini.

But why?

Fascism, no more than communism, believes in parliamentary government.

The Fascist and the communist unite in despising representative government and democracy.

There is nothing accidental about this resemblance. It is real.

Fascism and communism have different remedies, but they largely agree in the diagnosis of the disease that democracy has failed during the World War and since.

If democracy had the strength to assert itself everywhere, there would have been no World War. And in their methods both Fascism and communism are alike. Both unhesitatingly suppress free speech and a free press. Mussolini declared that he "will wipe his shoes on the prostrate form of liberty."

So much for their resemblances.

The contrasts are far more numerous, however, and more fundamental than the points of resemblance.

Communism is fiercely international and Fascism is just as fiercely national.

Meanwhile the rest of the world is looking on.

Labor opinion is naturally everywhere strongly anti-Fascist.

The constitutional bourgeoise is disgusted by the ruthless suppression of all opposition.

On the other hand, the tories and the conservatives applaud Fascism. Especially the younger element of the tories in every country tries to build up their own organization on the Fascist model.

The word "Fascism," outside of Italy, is now used to denote all kinds of reactionary activities. In England it means only strikebreaking. In Germany and France, however, it stands for monarchic plotting and even murder.

FASCIST DESPOTS PERSECUTE ALL DISSENTERS

The present Fascisti régime in Italy has taken measures to outlaw, suppress, and persecute all groups within its borders that are not in agreement with the despotic policies and anarchistic methods by which the Fascisti have obtained and now retain power. They have singled out for particular attack the Freemasons, the Catholics, the conservatives, the liberals, the socialists, and the trade unionists.

There are millions of Americans who are affiliated with the organizations of which the groups persecuted in Italy are an international part. They include the Catholics, the Freemasons, and the trade unionists. We have, therefore, a real interest in what steps are taken to injure those groups in Italy, because agitation is created in our own country.

WE SHOULD DEMAND HUMANE TREATMENT FOR MINORITIES

In view of the way we are affected and also considering the fact that our people have practically canceled more than $2,000,000,000 of Italy's indebtedness to the United States, I proposed in a resolution I introduced on January 25, last, that the President be directed to inform the present rulers of Italy that we view with alarm and concern the tyrannical methods that are employed against racial and political minorities in Italy; and also the aspirations of world dominion so repeatedly proclaimed by Benito Mussolini; and that the President use his good offices with the Italian Government to obtain fair and humane treatment for those minorities.

There is nothing unusual about this procedure. We have on a number of occasions used our good offices in exactly the same way. It seemed to me that we could do so again because of the special conditions to which I have called attention.

In doing that the United States would be reaffirming its own faith in democratic ideals and in the principle of equality for racial and political minorities.

I go now from this resolution dealing with an important problem of our international relations to one of domestic concern.

HOW A MONOPOLY IS BORN

The organization of a $2,000,000,000 Food Trust, which would control the products the American people will use from the time it is held by the farmer until it is placed upon the table of the consumer, startled the Nation. When the Bread Trust held the center of the stage I proposed that the Food Trust be acquired and operated as a public utility, and for the appointment of a commission which would determine the value of the property and make compensation therefor to the present owners.

Two plans of meeting the situation created by the organization of this huge monopoly were proposed: One provided for an investigation, and the other, which I presented, provided for Government ownership and operation of the trust.

Investigations are for the most part useless. They have been the rule for a quarter of a century. We have spent $50,000,000 for investigations during the last year. Not only have these investigations proved futile, but the Sherman antitrust law and all the regulations, commissions, and boards have been powerless to either hinder the creation or the growth of the huge monopolies to which 115,000,000 people must pay tribute every day of their lives.

The truth of the matter is that monopoly is the natural result of economic evolution and, therefore, inevitable. Competition leads to concentration of wealth, and finally competition kills competition. The strongest survive and combine, and we have a monopoly.

COMPETITION PASSES AWAY—MONOPOLY PREVAILS

In many industries competition is only a matter of history. In its place we have a monopoly system, which has many advantages, but also a great defect or evil; it gives a few men control of the necessities of life, and they naturally use their power for their own advantage.

If monopoly is inevitable, as it seems to be, then the Nation as a whole should be the monopolist. In the case of the Food Trust, it is surely more desirable that it should be owned by the Government in the interest of all the people than that it

should be managed in the interest of Mr. Ward and his associates.

We are informed that the Bread Trust has dissolved—the probabilities are that it has dissolved in about the same manner as the Standard Oil Trust was dissolved in 1911—simply keeping separate sets of books for the various companies. Thirty-one sets instead of one.

COAL MONOPOLY AS BAD AS BREAD MONOPOLY

If Government ownership and operation of the Food Trust is desirable—it is also desirable and essential for the coal mines and other natural resources, if the people are not to remain at the mercy of a few monopolists.

On Monday, January 18, I introduced a resolution providing for the seizure and operation of the anthracite coal mines.

Now, as on the day of its introduction, I believe that there can be no solution of the coal problem and no possibility of peace in the coal industry until the mines are nationalized.

During the strike, which lasted over five months, the price of anthracite had risen in some places, notably New York, from $14, to $25 and $30 a ton. Coke had gone from $3 to $18, and soft coal from $6 to $16. The people paid for the strike, just as they have paid over and over again for the mines.

The coal industry is ripe for nationalization.

The miners in 1923 proposed a plan for the retirement of the capital by the industry itself. By the substitution of 6 per cent bonds for outstanding capital stock, all existing capital in the coal industry could be retired in 50 years at a cost of 28 cents per ton, while the last official figures indicate a present cost for interest, profit depletion, and depreciation of approximately $1 a ton.

The anthracite-mine owners have within the last 10 years levied against the public the sum of $200,000,000 in inflated valuations, which is charged up against the cost of every ton of coal mined. One dollar in every three carried on the books of the mine owners is water, according to the coal commission.

NATIONALIZATION—OR CHAOS?

It is either nationalization with definite safeguards against bureaucratic management—or chaos. At present a group of 25 men hold undisputed sway over the anthracite industry, upon which most other industries and the welfare of all the people depend.

This is inconsistent with the people's welfare or with democratic principles.

RESTORE AMERICA AS ASYLUM FOR "POLITICAL PROTESTANTS"

The attempted exclusion of Countess Cathcart, which followed close upon the heels of the Government's refusal to admit Countess Karolyi and Mr. Saklatvala, a member of the British Parliament, disclosed the danger of conferring discretionary power upon officials who may exercise it in the way our officials have. I therefore introduced a bill to restore America to the rank of an asylum for political heretics or political protestants.

Even if exclusion of aliens on the ground of indiscretions were to become the settled practice of all governments, many wealthy and prominent Americans would find themselves barred from other countries, including Paris and London. Since every country has its own set of morals, exclusion on that ground would make international business and travel impossible.

And exclusion on the ground that the aliens hold political opinions at variance with those which our officials profess, is an unjustifiable procedure. It means the very opposite of the principle of political asylum our country established and adhered to since this people became a nation. I need only point to the French immigration after the French Revolution and the German and Hungarian immigration in 1849 and 1850—our Government going so far as to send a war vessel to England to bring the Hungarian rebel Louis Kossuth to our shores.

IDEAS WILL SCALE IMMIGRATION WALLS

In our time, when the promotion of international good will is more necessary than ever for the well-being of the peoples of the world, our officials are reversing time-honored policies and are erecting barriers.

The influx of new ideas and new principles could not be stopped in years gone by, when the means of spreading them were poor; it is therefore clear that they can not be kept out by ridiculous exclusion orders and deportation ukases now.

OPEN ARCHIVES TO BARE TRUTH ABOUT WORLD WAR

My resolution requesting the President to call an international conference for the purpose of revising the Versailles treaty in accordance with the 14 points upon which the Germans laid down their arms in 1918, and also to make public all secret documents now in the archives of the allied governments and their associates pertaining to the causes of the war, which was introduced on February 20, hardly needs an explanation.

The World War was based on a million lies. That is admitted to-day not only by neutral statesmen and historians but also by most of the leading statesmen of the World War itself—by Englishmen, Russians, Italians, and Canadians.

The only country where a dense cloud of ignorance still befogs the minds of the people is the United States. Here we are still suffering from the war propaganda—a propaganda which was worse and more thorough here than in any country on God's earth. Great Britain especially had conducted the propaganda for her own case in this country for more than 25 years before the war. It was intensified as the war grew near. Since the so-called peace of Versailles the machinery for spreading lies has been taken over by the French Government.

MANY PEOPLE STILL BELIEVE WAR LIES

So thorough was that propaganda that there are still some people in the United States who believe that it was a war "to make the world safe for democracy," or a war "for liberty," or a war "to abolish militarism," or "to protect Belgium."

But the greatest lie in all that propaganda, the lie which lies at the bottom of all present troubles in the world, is the lie that Germany was the sole cause of the World War. The hellish pact of Versailles rests on that lie.

Without that lie that pact can not exist. Poincaré in France, Lloyd-George in England, and Hughes here have repeatedly admitted that the pact rests upon Germany's guilt.

But what is the truth? Soviet disclosures from the secret archives of the Russian Foreign Office, supplemented by some from the English Foreign Office and also by what had been found by the Germans in Belgium, prove that Germany, instead of having been more guilty than the other powers in starting the war, was in fact far less guilty.

All the world was systematically deceived and continues to be deceived by French propaganda. The fact is that Germany did not wish the war and did not provoke it. The vainglorious Kaiser and the egotistic and stupid ruling class permitted Germany to fall into the trap.

Once that is recognized, as it has already been established, the treaty of Versailles can be revised so as to permit the recovery of Europe, which also means the recovery of the central European market for our farmers. And this is very important to the United States.

A PENSION FOR VETERANS OF INDUSTRY

A bill providing for the pensioning of all wage earners who are without means of support after attaining the age of 60 was introduced by me while Congress was considering an increase in the pensions of Spanish-American War veterans and their dependents. I heartily supported the proposed increase. It passed this House unanimously.

But in doing so I wished to call attention to the fact that the veteran of industry as well as the veteran of war was deserving of consideration in his advanced years.

We pension soldiers because they render service on the field of battle which is dangerous to life and limb. People understand and approve such pensions. But the work of the soldier of industry is much more necessary and for the most part as dangerous as the work of the soldier on the battle field.

There are more people killed in our industries than in our wars and more people injured in industry than in war.

Any worker who has faithfully labored for a meager wage for 20 years or more has created more wealth than a pension in old age can repay. He has earned the right to be taken care of decently in his old age. These workers have made civilization possible for everybody, and especially for the comfortable classes.

It is cruel and unjust to expect those who have lived a life of usefulness, creating wealth for others, to suffer the indignities, the sordidness, and the misery of the poorhouse when too old to work.

The wages most of them receive during the years of their labor are insufficient to enable them to lay anything aside for the days when they will be thrown upon the scrap heap. My old age pension bill is, therefore, a measure of simple justice, and it offers no more than other countries have already done for the veterans of industry.

Under the provisions of the bill the highest amount the Government will pay to any person 60 years of age or over—male or female—will be $8 per week. That will permit an aged couple to receive $16 a week, and thus help keep the family together.

Those having incomes from other sources will have the amount reduced correspondingly. A certain period of citi-

zenship and residence will be required to make one eligible to receive a pension.

ESPIONAGE LAW MUST BE REPEALED

I also introduced a bill to repeal the espionage act which was passed during the war.

The impression prevails that the war-time laws which made it a crime punishable by 20 years in the penitentiary to criticize the war policies of the Wilson administration have been repealed. That impression is wrong. The espionage act is still on the statute books, to be revived the moment war is declared.

The espionage act was the most outrageous measure ever enacted in the United States. Under it 2,000 men and women who dared to exercise their constitutional rights of free speech and fress press were convicted and sentenced to terms up to 20 years. Not a conviction was had of any citizen charged with actual espionage.

That law not only made speaking and writing a crime, but even thinking against war was a crime, for if you thought as others did there was a "meeting of the minds"—and a conspiracy.

The strangest feature of it was that it was enacted by the Democratic Party, which was born of the opposition to the "alien and sedition acts" enacted by the Federalists in 1798. The Republican Party, of course, ably assisted the Democrats in 1917. The old alien and sedition acts were not nearly as vicious, however, as the espionage bill; the maximum penalty for its violation was two years in the old law.

The only purpose of retaining the espionage act on the statute books is to assure financiers and profiteers and patrioteers, whenever it suits their ambitions to push us into the next war just as they pushed us into the last war, that all opposition will be silenced. It will be used in the next war, as it was in the last, not to punish espionage but to stifle all criticism of international murder.

The time to wipe that law off the statute books is now. When war is declared, those advocating its repeal will be subject to a prison sentence of 20 years.

I wish to refer particularly to the immigration question.

PRESENT IMMIGRATION LAW DESTROYS FAMILY

When the present law, which separates families and creates untold hardship among families kept thousands of miles apart, was under consideration, I offered two amendments. One of them was designed to help reunite husbands and wives, even though the husbands may only be declarants. In a speech I made in favor of my amendment, I called attention to the importance of encouraging and making possible the reunion of families, and that failure to do so must result in breaking up an institution more basic than any other—the present family, upon which other institutions rest.

My amendment was rejected, and in spite of the effort that has been made to liberalize the law along the lines I have suggested, it is now certain that the Committee on Immigration and Naturalization is indisposed to even permit a consideration of the question on the floor of this House.

Instead of liberalizing the law, the committee has been considering legislation for the deportation of aliens who have entered the United States without complying with the entrance requirements.

ALIENS WILL BE TREATED AS CRIMINALS

There are just at present several bills pending in the House, some of which would treat every alien as a criminal.

The gentlemen who introduced some of them forget that this country was settled and built up by aliens. Even a member of the oldest white American family can count the generations it has existed in America on the fingers of his hands, and not use all the fingers.

There is, for instance, a bill pending which provides for a compulsory yearly registration of aliens and a payment of a fee of $10 for the first registration and $5 for each subsequent registration.

Every alien is to register with the postmaster of the district where he resides, and removal from one district to another must be recorded on the registration card. The card is to be exhibited whenever demanded by any policeman or any other official designated in that act.

Whenever the physical appearance of an alien changes this must be reported to the postmaster. Presumably, therefore, when an alien gets to be stout or loses weight, or a woman undergoes another physical change, or has her hair bobbed, or a man raises a mustache, or shaves his beard—that must be reported to the postmaster and recorded on the card.

Nor is this all.

In case of war or any other emergency, the President is to have the right to herd them all together and fix the place where they must be—in Tennessee or Louisiana, if he so orders.

Violations of this act are to be punished by a $5,000 fine and two years in the penitentiary, and the culprits are also to be deported. Just imagine this provision in force with a man like A. Mitchell Palmer as Attorney General.

DEMOCRATIC NOMINATION AS A PUNISHMENT

Mr. JOHNSON of Washington. Would they throw a bomb at him?

Mr. BERGER. Maybe he would deserve——

Mr. JOHNSON of Washington. Does the gentleman think he deserved to have a bomb thrown at him, as was done a few years ago?

Mr. BERGER. Would deserve to be made a candidate for President on the Democratic ticket. Do not try to catch me with a question like that, Mr. JOHNSON, please.

Mr. JOHNSON of Washington. The gentleman will see——

Mr. BERGER. I am almost as bright as the gentleman from Washington.

Mr. JOHNSON of Washington. But the gentleman puts the wrong thing in the RECORD.

Mr. BERGER. This is the right thing because it is the humane thing. Permit me to tell you that the immigration which is coming now is probably better than what came to this country in the seventeenth and eighteenth centuries. Besides some religious fanatics, it was the scum of Great Britain and Ireland. Pickpockets, jailbirds, and streetwalkers. White slaves—because this is what the "indentured servants," so called, really were—formed the great bulk even in the eighteenth century. The best immigration came here from 1830 to 1900.

I also think that the suggestion of the Secretary of Labor—who is really a fine man in most respects—that school-teachers should help in the espionage only makes that bad bill so much worse.

And above all, unless a tremendous number of inspectors to enforce the act is set up—something like that which we have for the Volstead Act, only much larger—the law could not be enforced. And just imagine the fruitful field for oppression and graft. Because under this act aliens convicted of violations of the act would immediately be arrested and deported.

The opportunities for graft in this instance would be infinitely greater than either those of income-tax inspectors or prohibition employees.

Moreover, let us not forget that such an inspector could pounce upon any citizen and demand that he give proof of his citizenship.

According to a statement made before the House Committee on Immigration more than one-half of the native-born citizens of the United States are to-day unable to produce any record of their birth. And any citizen who could not produce evidence of his citizenship would be subject to penalties under this act, because he did not register.

JEWS, POLES, AND ITALIANS DESIRABLE IMMIGRANTS

Our entire policy in regard to immigration is foolish. It is stupid tyranny. Our rulers do not say it openly, but the purpose is to keep out Jews, Poles, and Italians.

But the Jews are a bright and useful element.

And as to the Italians, God bless them! They will give American life a touch of art, which we sorely need. And you can not say anything against the Poles. There are no harder working people than the Poles in this country. Just go to the mines of Pennsylvania or the rolling mills of Pittsburgh.

Mr. JOHNSON of Washington rose.

Mr. BERGER. I will answer the gentleman from Washington later on, but I want to develop my theme first.

Mr. JOHNSON of Washington. Let us hire a hall and have it out right. [Laughter.]

Mr. BERGER. Yes; in Milwaukee, Chicago, or New York.

Mr. JOHNSON of Washington. I will share the expense.

Mr. BERGER. Not absolutely necessary; I will gladly pay.

Mr. HOLADAY. Mr. Speaker, will the gentleman yield?

Mr. BERGER. Not now.

Mr. HOLADAY. I would like to be the referee. [Laughter.]

Mr. BERGER. I can not accept this offer. The gentleman is not impartial.

ALIEN PROPERTY ROBBERY SETS RECORD FOR THIEVERY

I have also introduced a bill for the immediate return of all alien property. This is the first time in 300 years, ladies and gentlemen, that a government took hold of private property. There were some examples in the Thirty Years' War in Europe, one of the most ravaging wars that ever took place.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. BERGER. I ask unanimous consent, Mr. Speaker, for 10 minutes more. I do not take much of the time of the House.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to proceed for 10 minutes more. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I would like unanimous consent to follow the gentleman from Illinois [Mr. HOLADAY] for 10 minutes. I have no objection to the leaves that have been granted.

The SPEAKER. The gentleman from Washington [Mr. JOHNSON] asks unanimous consent for 10 minutes following the gentleman from Illinois. Is there objection?

There was no objection.

Mr. BERGER. I therefore introduced a bill providing for the immediate return of all property held by the Alien Property Custodian and for the payment of damages resulting from the seizure.

Never since the Thirty Years' War in the seventeenth century was looting done with such brazenness as it was done in the seizure of private property by our Government in the recent war. And this in the face of the official declaration of November 14, 1917, that "there was no thought of a confiscation of property thus held in trust."

The gentleman from New York [Mr. MILLS] also has a bill to return the property, and I am perfectly willing to have his bill substituted for mine. We differ on most things, but he tries to be fair, and he also knows more about finances than I do.

The objection of the gentleman from Texas [Mr. GARNER] that the restitution of alien property is "a horrible steal" and "legalized theft" must be put down as Democratic rhetoric.

It was often said that the transaction of Uncle Sam in the alien property case was either that of a pirate or of an embezzler. Especially so in view of the Franklin treaty with Prussia in 1785, providing against confiscation of private property in case of war. Franklin procured the following clinching statement to the treaty:

> And it is declared that neither the pretense of war, nor any other pretense whatever, shall be considered as annulling or suspending this and the next preceding article. On the contrary, the state of war is precisely that for which these articles are provided and during which they are to be sacredly observed.

Alexander Hamilton inserted the same provision against confiscation of private property in our treaty with England in 1794. That was the Jay treaty.

ALIEN PROPERTY STEAL LED TO OTHER STEALS

The alien property steal very naturally resulted in other steals. What has already been disclosed about the manner in which this property was handled should be sufficient to send several of the Alien Property Custodians to prison. They have disgraced our country. The property should be returned and damages paid for the seizure, detention, and conversion.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. BERGER. Not now; I will yield later to the gentleman.

Mr. GARNER of Texas. But you ought not to misquote me and make a statement that I never made.

Mr. BERGER. I yield.

Mr. GARNER of Texas. I say to pay American citizens for German debts is a steal. That is $190,000,000. I did not say anything about the return of alien property being a steal. I referred to the German debt.

Mr. BERGER. It would be a steal, one of the biggest steals the world has ever seen, if the Government of the United States would not return that private property to its rightful owners, as the Government of the United States promised to do.

Just before the Government took this property over, on February 8, 1917, the Secretary of State, with the sanction of Woodrow Wilson, then President of the United States, issued the following statement:

> The Government of the United States will scrupulously respect all private rights of its own citizens and of the subjects of foreign states.

That was the time when the Germans and the Austrians were going to remove all their money from the banks and sell all their interests in American business concerns.

And this declaration of President Wilson may be considered even apart from all treaties of the past and the opinions of Thomas Jefferson, Alexander Hamilton, and John Marshall on that very same subject, and may be considered as a pledge of the Government of the United States to take care of that alien property.

RETURN PROPERTY TO RICH AND POOR ALIKE

The contention of the gentleman from Texas [Mr. GARNER] that the Standard Oil Co. would profit by the return of the alien property, because it has a claim for injuries inflicted on it by the Germans during the war, is simply a play on the prejudices of the ignorant, who get the cold shivers whenever the Standard Oil Co. is mentioned. To my mind, the Standard Oil Co. is not worse than any other big oil company in New Jersey, Oklahoma, or Texas. The sum which the Standard Oil Co. will get on its claim is $800,000, while the total sum of the alien property is $327,000,000. The awards of the Mixed Claims Commission total $190,000,000. The accrued interest on that amount may amount to $60,000,000.

If the claim of the Standard Oil Co. for any reason ought not to be paid, it is the duty of the gentleman from Texas to make this clear to the Mixed Claims Commission, which has awarded the claim—or even to this House.

If the Mixed Claims Commission has awarded what those citizens claim, they are entitled to it. I do not care whether it is John D. Rockefeller or E. H. Gary—and neither is a particular friend of mine—who gets the award. As long as his claim is just, he is entitled to payment.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. BERGER. Not now. Let me finish my statement. It was claimed that Mr. Mellon, the Secretary of the Treasury, was interested in five of these companies. Let us suppose he is interested. He has stock in more than 100 companies. Would any award or any judgment that any of these companies receives in a court become invalid because Mr. Mellon owns stock in that company? If that is the case, then the capitalist system would come to an end very quickly, even in Texas.

Mr. STEVENSON. If the Court of Claims awarded a judgment against Germany, have we the right to enforce that judgment against the men who do not owe it?

Mr. BERGER. I am glad the gentleman asked that question.

Mr. STEVENSON. I would be very glad to hear your answer to that.

TAKING PRIVATE PROPERTY TO PAY FOR A COUNTRY'S DEBTS IS WITHOUT PRECEDENT

Mr. BERGER. The alien property in the hands of the custodian does not belong to Germany—it belongs to private persons who are Germans. This is the first time in the history of civilized nations that a government proposes to take property and money from private persons—not from the German state, remember, but from private persons who trusted the pledge of our Government to take care of that property—to pay war claims of its own nationals against Germany.

The World War furnished the first example of that kind in the history of civilized nations, and it is absolutely against all precedent.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. BERGER. No. The gentleman from Texas seldom asks wise questions. [Laughter.]

Mr. BLANTON. I yielded to you.

Mr. STEVENSON. Why should you enforce a judgment against America which is rendered only against Germany?

Mr. BERGER. It is not rendered only against Germany.

Mr. STEVENSON. It is held that Germany is liable for it. I am talking about the judgment.

Mr. BERGER. I repeat, Mr. Speaker, that this money belongs to private citizens. The President of the United States and the Secretary of State solemnly promised they would keep that property as a trust, not for the purpose of paying any damages for which Germany as a country would be held liable but to return it after the war to the rightful owners.

As you know, gentlemen, many of those promises have been broken. This is an old treaty provision, moreover, one which is reinforced by the opinions of men who have been called great in the past—by the opinions of Alexander Hamilton, Thomas Jefferson, and John Marshall. We ought to fulfill that obligation.

Mr. BLANTON. Will the gentleman yield? I yielded to the gentleman.

Mr. BERGER. Go ahead, Mr. BLANTON.

Mr. BLANTON. I want to say that the proposition of the French socialists in France——

Mr. BERGER. We have passed France, Mr. BLANTON.

Mr. BLANTON. To pay what they owe to this Government is the only sensible thing I have heard come from a socialist.

Mr. BERGER. But the gentleman from Texas is a poor judge. That is the trouble with the gentleman from Texas. He does not know what a good thing is when he meets it in

broad daylight. The gentleman is well-meaning and exceedingly industrious, but as for his judgment, God bless him, he has none. [Laughter.]

Mr. JOHNSON of Washington. Is the gentleman going to mention Debs?

Mr. BERGER. No; we had that out before. I have introduced more than a dozen bills, but I can not discuss all of them to-day. However, if you will get me time enough I will discuss every one. I am saying all these things with good will to all and ill will to none, to use a phrase of the immortal Abraham Lincoln.

ADMINISTRATION FAILS IN FULFILLING PLEDGE TO NEGROES

On Friday, April 16, I introduced a bill to make participation in lynchings a Federal offense and to punish both individuals who join such mobs and officials who fail to take proper precautions to prevent lynchings.

The failure of the Republican Party to carry out its platform pledge of 1924 for the enactment "at the earliest possible date of a Federal antilynching law, so that the full influence of the Federal Government may be wielded to exterminate this hideous crime," is one of the major crimes of omission on the part of the Coolidge administration.

With a majority in both Houses of Congress powerful enough to carry out every other policy of the administration—including a tax bill that enables wealth to escape its share of the burdens of taxation—the administration could bring sufficient pressure to bear to have the promise made to the people in 1924 kept. That antilynching plank, like so many others, helped to keep the negro vote in line long enough to enable the Republicans to ride into office. To that extent that plank has served its purpose.

I hope Congress will not adjourn until a genuine effort is made to enact a Federal antilynching law.

Thousands of people are being paid to spy on those of their fellow citizens who may be taking an occasional drink in violation of the eighteenth amendment. The Federal Government is spending many millions of dollars each year to deal with the petty lawlessness involved in this sort of violations. But not an effort is made to punish acts which bring injury and death to people, many of whom are innocent, and all of whom are entitled to protection under our Constitution.

CONGRESS HAS POWER TO PUNISH LYNCHING

It is not only the duty but it is clearly within the power of Congress to enact legislation which will make enforceable the rights guaranteed to the people under the Constitution. In the fifth section of the fourteenth amendment Congress is given the right to enforce constitutional guaranties, and that constitutional provision is broad enough to authorize the enforcement of the law I propose.

My bill goes a step further than the antilynching bills that have been considered in the past. There are teeth in this bill.

A man who joins a mob and proceeds to kill another is a murderer, and ought to be punished in such a way that he will learn to respect the rights of others, and that his friends and neighbors may be deterred from committing a similar offense.

FEDERAL AID TO COMBAT ILLITERACY

I have introduced a bill providing for Federal aid to States in a drive to combat illiteracy. Under its terms the Federal Government will appropriate $2,000,000 each year for the next six years, that appropriation to be apportioned among the various States in proportion to their percentage of illiteracy, and subject to the requirement that each State match the amount appropriated by the Federal Government.

It is surprising that the United States, which was one of the first nations to make elaborate plans to furnish an elementary-school education to all those within its borders, should now compare so unfavorably with other countries in the percentage of illiteracy. In England the percentage of illiteracy is about 1.8, while in the United States for the same class it is in excess of 7 per cent.

In a democracy, where much depends upon the people's ability to read and write, the presence of millions of illiterates is a danger.

Illiteracy is greatest in the South. That explains in a large measure why the Ku-Klux Klan got its start and was able to make such headway in the South. On the other hand, the klan has made little or no headway in Wisconsin, for example, where the percentage of illiteracy was almost negligible until the recent immigration from eastern and southern Europe.

My bill does not remove the problem of education from the State to the Federal Government. Under it education remains a State matter. All the Federal Government would undertake to do would be to encourage the States to increase and improve their educational facilities and thereby reduce illiteracy. The Federal Government, however, has a vital interest in the subject—surely as much as it has in good roads.

My bill does not deprive the States of any rights they now have. They retain full control of their educational facilities. Their only obligation, which they voluntarily assume before acquiring any of the benefits of the Federal appropriation, is to pay an equal sum with the Federal Government for abolishing illiteracy. The States will benefit; the Nation will benefit. The cost to neither will be prohibitive.

PUTTING TEETH INTO FREE SPEECH AMENDMENT

I have also introduced a bill to enforce the first amendment to the Constitution by making it a Federal offense to violate its provisions guaranteeing freedom of speech, of the press, and of assemblage. It makes violations of the amendment a felony punishable by two years' imprisonment or by a fine of $5,000, or both.

Much is being said about putting teeth into the eighteenth amendment. That slogan is being heralded by the Anti-Saloon League and its servants in public office. The Volstead Act had that object in view.

But it has never been suggested by any group of "reformers" to put teeth into the first amendment of our Constitution, which was considered the most important amendment by both Thomas Jefferson and Alexander Hamilton, who otherwise did not agree on very many things.

I regard the first amendment as most essential to the preservation of fundamental rights of Americans. It is also remarkable as being one of the few provisions which instead of limiting the liberty of the citizen extends it. Moreover, I believe that the first amendment can be enforced without trouble if a law is passed for its enforcement.

Of course, I realize that many Americans of to-day are different from those of the eighteenth and nineteenth centuries. American business men to-day worship Mussolini, who brags that he wipes his feet on liberty. Certain wealthy Americans to-day envy Italy, Spain, and Greece their dictators. They find fault with the Russian communists not on account of their methods or because a small oligarchy is ruling Russia, but because Trotzki, Lenin, and their friends have laid hands on property. One hears every day business men deploring the fact that Congress is in session and wishing that Congress would adjourn forever. And such an obedient Congress at that.

Of course, we hear a great deal about Americanism and Americanizing. Capitalist newspapers give prizes for the best essays on the Constitution, even though the most important parts of that Constitution are a dead letter and are to remain so.

Patriotism to-day does not mean the greatest good for the greatest mass, but means military display—flag day, Navy day, defense day.

And democracy to-day means jobs for "deserving Democrats."

If Thomas Jefferson would rise from his grave to-day, the Democratic statesmen of the South would put him into jail immediately as a dangerous radical, since he said that violent revolutions are needed every 25 years to preserve liberty.

NO FREEDOM CAN EXIST WITHOUT FREE SPEECH AND FREE PRESS

As to our Constitution—the right of the people to speak freely, to write freely, and to have the right to assemble for the purpose of discussing their grievances lies at the basis of all other rights.

At this very moment men are held under $30,000 bail at Passaic, N. J., merely because they dared to exercise the right of free speech, even though they exercised it only on a privately owned lot. Free speech has become next to impossible in this country.

And then there is the recent case of the Mercury, a monthly magazine published in New York, and edited by America's foremost critic, Henry L. Mencken. Because it published a story which some prudes thought was immoral but which many people believed was in reality a highly moral lesson by showing up the hypocrisy of some of the yokel towns of the Middle West, its sale was forbidden. When a judge in Boston freed the magazine, the Postmaster General forbade its circulation.

Now, with all due respect to the Postmaster General—I do not believe that he is an absolute judge of either good literature or good morals. He ought therefore to be deprived of the autocratic power that he has of ruining any publication at random if he so chooses. The Postmaster General, like any other mortal, should be compelled to go to the courts and prove his case against the publication before he could stop its circulation. I would give no man living the unlimited censorship over free speech and over free press.

If a publisher of a paper or a magazine has done any wrong—and that has been proved in the court—then the man responsible should bear the consequences and be punished. But con-

sorship of the type we have in this country is the plutocratic devil's own invention, and was nurtured from a little stripling by hypocrisy, crookedness, and cowardice until it grew up and became the big tree of the present day.

It originally started with the Postmaster General, together with the Attorney General, getting the right to deprive papers that contained advertisements of the Louisiana lottery, with which Southern gentlemen tried to recoup their fortunes, of the second-class mailing privilege.

HAVE WE LOST FAITH IN PEOPLE'S RULE?

Mr. Speaker, have the American people lost their faith in democratic institutions? There seems to be less concern here about the loss of civil liberty than in any western European country. There is surely less resistance against Federal, State, and local tyranny. We have truly become a docile people.

Our working class, apart from the farmers, is mostly made up of aliens and semialiens. It is furthermore made up of all kinds of nationalities, races, and religions, who have little love for each other and little coherence with each other. For those reasons the American proletariat is surely the most poorly organized of any working class of any civilized western European country.

Owing to the colonial conditions which still prevail in our country, the standard of living is higher in this country and the living conditions undoubtedly easier, especially since the war has turned Europe into a general poorhouse.

Nevertheless, even the native American worker is satisfied, if he has enough to eat, if he can go to a movie and see a game of baseball or a prize fight occasionally. If, on top of all that, he can also have a cheap automobile, then the goal of his wishes has been reached.

The slogan in our country to-day, like in Rome of antiquity, seems to be "panem et circenses," bread and games.

Mr. Speaker and gentlemen, we have all but stopped immigration—even immigration from Germany, England, and the western countries of Europe, where people on the whole have a higher average education.

What we are trying to do now is to mold all of them into one form, which we proudly call the American mold. And they are all to think alike, and to speak alike, and to act alike. They are all to believe that the present social, political, and economic order is the best that the world has ever produced or ever will produce. And that our Constitution, which was patched up 19 times, is the most perfect and the most sacred document ever received by man since the decalogue.

And we are teaching the young people in the public schools to salute the flag, and to revere the Daughters of the American Revolution, and to believe that George Washington never told a lie.

And at the same time E. H. Gary, the president of the United States Steel Co., is an honorary Fascist and is sighing for a dictator in the United States.

Others of the same type and the same mode of thinking are sighing with him.

And wealth, or the ability to make money, is the only thing that counts in our country to-day.

WHITHER ARE WE BOUND, COLUMBIA?

Mr. Speaker and gentlemen, what is the outcome of this to be? Democracy seems to have lost caste with the older stock of the American people—I say older stock advisedly, because there is no old stock.

Our political life seems to be stagnant. Our parliamentary life is almost extinct. We have only one political party, and that is the plutocratic Republican Party of Pierpont Morgan, Doheny, and company, of which the Democratic Party is but a poor appendage—without any program, without any leadership, without any reason for existence, solely held together by the race question down South.

The world can not stand still, and economic evolution does not stand still. Colonial conditions are disappearing daily more and more in our country. Cheap land is almost gone now. The most dissatisfied class to-day is the farmer class.

What is the outcome to be, then? Will it be communism? Will it be Fascism? As my bills prove, I want neither. But I am afraid future generations may not respect my wishes any more than the present generation does.

Therefore, I say: Columbia quo vadis? Whither goest thou, United States of America?

The SPEAKER. The time of the gentleman from Wisconsin has again expired.

Mr. BERGER. I thank you, one and all, for your kind attention. [Applause.]

The SPEAKER. The gentleman from Illinois [Mr. HOLADAY] is recognized for five minutes.

Mr. HOLADAY. Mr. Speaker, I am surprised to learn from the gentleman from Wisconsin [Mr. BERGER] that the Russian Soviet leaders have been disappointed with his efforts to extend their doctrines in the United States. I feel sure that if they understood the time and effort he has devoted to their interests they would not be disappointed.

Mr. BERGER. But I did not.

Mr. HOLADAY. I will be glad to give him a letter of recommendation to them.

Mr. BERGER. I do not want it and do not need it.

Mr. HOLADAY. The gentleman complains about his inability to secure the enactment of certain legislation he has introduced. I may suggest to the gentleman, after looking over that legislation, that I believe he has made a mistake as to the legislative body into which he has introduced those measures. If he would introduce them into the general soviet assembly of Russia I think they would receive more serious consideration than they receive here. [Applause.]

The gentleman calls our attention to certain bills affecting immigration, and I want to call the attention of the House to this statement. In my experience I have found that persons opposed to the restriction of immigration and to the deportation of undesirable aliens may in nine cases out of ten be properly classified in at least one of the following classes: Class I. Persons belonging to some organization that has for its chief purpose either the overthrow of the present form of government in the United States or the protection of those individuals or organizations favoring the overthrow of our present form of government. [Applause]. Class II. Persons of foreign birth. Class III. Persons representing in some capacity members of Class I or Class II.

While the gentleman from Wisconsin might qualify in more than one of those classes, I want to devote my remarks to his classification in Class I. As a member of that organization known as the American Civil Liberties Union, whose chief purpose is to lend aid and assistance and extend protection to those individuals and to those organizations which have for their chief purpose the overthrow of the present form of government that we have in the United States.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. HOLADAY. I ask the gentleman to wait until I have completed this statement, and then I will yield.

And in order that there may be no misunderstanding, I want to call your attention very briefly to two or three pages of testimony that are a part of the official records of the Committee on Immigration and Naturalization of this House. I read from the RECORD of Thursday, March 25, 1926:

The CHAIRMAN. The committee will be in order. This meeting was called at the request of the officers of the American Civil Liberties Union, 100 Fifth Avenue, New York City. The meeting to-day is called in connection with the hearings on H. R. 3774, introduced by Mr. HOLADAY, a member of this committee, a bill to provide for the deportation of certain aliens.

At this meeting one Allen S. Olmstead, jr., 2301 Packard Building, Philadelphia, Pa., appeared as the representative of the American Civil Liberties Union.

Mr. Olmstead and others, convoyed by the gentleman from Wisconsin [Mr. BERGER], appeared as representatives of the American Civil Liberties Union. Mr. Olmstead testified that he was a member of that organization. While Mr. Olmstead was testifying with reference to certain provisions of the bill dealing with the deportation of alien criminals he testified as follows:

The CHAIRMAN. You think that an alien has a perfect right to come here—preach communism all he wants to and advocate the overthrow of government?

Mr. OLMSTEAD. Yes.

Mr. HOLADAY. Did I understand you to say that an alien has the right to preach anarchy and the overthrow of government?

Mr. OLMSTEAD. Yes.

Mr. HOLADAY. Do you believe that a citizen has that right?

Mr. OLMSTEAD. Yes.

Mr. HOLADAY. How far do you go? Do you believe that the alien or the citizen, or either one of them, can have the right to follow up that preaching with more direct action to overthrow the Government?

Mr. OLMSTEAD. As to that I do not know.

A little later in his testimony Mr. Olmstead testified as follows:

Mr. VINCENT of Michigan. Do you think those anarchists had a right to go up into my State——

Mr. OLMSTEAD. What State is that?

Mr. VINCENT of Michigan. Do you think they had a right to go up there as they did and hold a meeting there among themselves with the

avowed purpose of starting a movement to overthrow the Government of the United States?

Mr. OLMSTEAD. Yes.

That, gentlemen, is the testimony of the official representative of the American Civil Liberties Union. The testimony of Miss Isabelle Kendig, who is their Washington representative, is almost identical. With reference to the principles of the American Civil Liberties Union, she testified as follows:

Miss KENDIG. They stand for free speech, free press, and free assemblage.

Mr. VINCENT of Michigan. And you claim that same right for the alien that you do for the citizen?

Miss KENDIG. Yes. We stand on this broad ground and nothing else. We have taken no stand as an organization on the right of any individual or group of individuals to carry those theories, whatever there is they may hold, into action.

The CHAIRMAN. Do you believe in direct action as a political means?

Miss KENDIG. We have taken no action on that, and so far as I understand it to-day, we stand on those things I have mentioned.

The CHAIRMAN. Have you any views of your own on that subject?

Miss KENDIG. None that I care to give at this time.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. HOLADAY. Yes.

Mr. LaGUARDIA. Does the gentleman know that Miss Kendig is a direct lineal descendant of Benjamin Franklin?

Mr. HOLADAY. I do not know of whom she is a descendant, and I am not so much interested in the ancestors of a man as I am interested in what that man's personal beliefs and theories are. [Applause.]

Mr. BERGER. Will the gentleman yield?

Mr. HOLADAY. I yield.

Mr. BERGER. I happen to know Miss Isabelle Kendig. She is a friend of mine and one of the finest women I ever met. I am pleased to call her one of my friends.

Mr. HOLADAY. Well, I notice the gentleman has a great many friends; in fact, he seems to be an admirer of almost all the people who belong to organizations such as this.

Mr. BERGER. I am.

Mr. WEFALD. Will the gentleman yield?

Mr. HOLADAY. I yield.

Mr. WEFALD. The gentleman from Wisconsin is also a great admirer of the gentleman from New York [Mr. MILLS].

Mr. BERGER. Yes; he is.

Mr. HOLADAY. I understand so.

Let us now for a moment consider the beliefs and principles of the American Civil Liberties Union as developed by the testimony I have read and from the other testimony given at that hearing. Under the guise of free speech they believe that any man, alien or citizen, has the right to preach the overthrow of this Government by force and violence.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. HOLADAY. Will the gentleman wait until I get through? They believe that any man has the right to use any language he desires and to preach the overthrow of this Government by means fair or foul. That is their belief.

In other words, they believe that I may go out and make a speech advocating the assassination of our public officers, advocating the blowing up of our public buildings, advocating anything that I want to advocate that will destroy this Government, and if some poor deluded man listening to my remarks goes out from that meeting and by use of the assassin's bullet strikes down a public official or by the use of bombs demolishes a public building, I am not liable. They say as to whether that man shall be liable for his action is a matter upon which their organization has never taken any official action, and that it is a matter each individual must decide for himself.

The gentleman from Wisconsin states he has introduced a bill that will put a little more humanity into the immigration laws. Under the present law the wife of a citizen and the minor children under 18 years may be allowed to enter. Now, what does the gentleman propose? He proposes to broaden those provisions by providing that any man may come here and bring with him his wife and his children, his father, his mother, his grandparents, his uncles, his cousins, and all of his friends.

Mr. PERLMAN. Will the gentleman yield now?

Mr. HOLADAY. Not for just a moment.

That is what the gentleman proposes, and he proposes that the only qualification that shall be placed upon any man who comes is, first, his physical qualification, and, second, proof that he has never been convicted of a crime before he entered the United States. He proposes that if an alien is admitted and commits murder or commits any crime—he may be a white slaver, a narcotic peddler, he may be anything; but that shall not be grounds for deportation.

The Civil Liberties Union has in its statement of policy what appears to me a somewhat humorous article under the heading "Free speech," as follows:

The fullest freedom of speech should be encouraged by setting aside special places in streets or parks and in the use of public buildings free of charge for public meetings of any sort.

I apprehend if the gentleman from Wisconsin [Mr. BERGER] can secure the enactment of the legislation he has already introduced there will come from Russia and from all over the world a great crowd of anarchists, communists, internationalists——

Mr. PERLMAN. Will the gentleman yield there for a question?

Mr. HOLADAY. And people who believe in every form of government and no form of government, and I think when they have all arrived and hold their convention for the overthrow of this Government, the gentleman from Wisconsin is entitled to be the honorary chairman of that convention.

Mr. SABATH. Will the gentleman yield?

Mr. HOLADAY. Wait just a moment. This meeting, to be held on public property, free of charge, will be for the purpose of devising ways and means to overthrow this Government.

Mr. BERGER. The gentleman has referred to me so often, will he kindly yield for a question?

Mr. HOLADAY. I yield.

Mr. BERGER. Has the gentleman ever been in Hyde Park, London?

Mr. HOLADAY. No; I have never been there.

Mr. BERGER. Well, I have been there. They have a big place there, where they preach everything under the sun, from anarchy down to communism, free love, or that the earth is like a big bowl.

Mr. HOLADAY. And I understand the gentleman wants the same thing here? I thank him for the information.

Mr. BERGER. Oh, no; listen, Mr. HOLADAY. They have just this past week enlarged the territory by about 7 or 10 acres by order of the Government.

Mr. HOLADAY. How many acres will they need here?

H. R. 9562, introduced by the gentleman from Wisconsin [Mr. BERGER], is as follows:

SEC. 39. No alien, if physically fit, shall be excluded from admission into the United States, or be deported after admission, unless found to have been convicted of a felony prior to seeking admission to the United States: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political in its nature.

SEC. 40. All acts or parts of acts inconsistent with the preceding section are hereby repealed.

The effect of this bill, if passed by Congress, will be, in its practical results, the repeal of all our restrictive immigration and deportation laws. Under this bill it is only necessary that a man, seeking to enter the United States, be physically fit and that he has never been convicted of a felony. Having once been admitted to the United States, he can not be deported, irrespective of what his conduct may be.

I do not believe any further explanation as to why the gentleman's bill has not been reported by the Committee on Immigration and Naturalization is necessary. [Applause.]

Mr. JOHNSON of Washington. Mr. Speaker and gentlemen of the House: I doubt if the House of Representatives can spend a more important hour than it is spending to-day in the development of the ideas, through this brief debate, led off by the gentleman from Wisconsin [Mr. BERGER] and followed by the gentleman from Illinois [Mr. HOLADAY]. Slowly we are learning something about those who are back of a great subversive movement going on in this country, and one which is much stronger than many of us realize.

I have not the time to do more than touch one or two of the high places and to mention one or two statements made by the gentleman from Wisconsin.

The printed hearings on the deportation bill, from which hearings you have just heard extracts read, will be ready by Friday. It consists of 300 pages, fully indexed. Every Member should secure a copy, and copies for the libraries in his district. The deportation hearings, from which you have heard extracts, are preliminary to a proper deportation bill which I hope will be up for consideration on this floor very soon; a bill to make more effective the deportation of alien convicts, alien gunmen, alien narcotic peddlers, and alien defectives, feeble-minded, and so on. We want to relieve the penal and other institutions of burdens that should not belong to either State or Nation. I think we will pass that bill. [Applause.] I think it will become a law, and a proper law. [Applause.]

The gentleman from Wisconsin, in discussing registration proposals, said—I quote from the stenographer's transcript, including the colloquy which occurred:

Mr. BERGER. We should make good citizens out of the aliens here, instead of people who resent the tyranny of men who happen to come here before they did. The violations of this act are to be punished by a $5,000 fine and two years in the penitentiary, and they are to be sent back, to be deported, and then imagine a man like Mr. Mitchell Palmer as Attorney General under such a law——

Mr. JOHNSON of Washington. Would they throw a bomb at him?

Mr. BERGER. Maybe he would deserve——

Mr. JOHNSON of Washington. Does the gentleman think he deserved to have a bomb thrown at him as was done a few years ago?

Mr. BERGER. Do not try to catch me with a question here.

Mr. JOHNSON of Washington. The gentleman will see——

Mr. BERGER. I am almost as bright as the gentleman is.

Mr. JOHNSON of Washington. Much brighter, I know, but the gentleman puts the wrong thing in the RECORD.

And so on. The sentences were shot across each other so that the stenographer could not catch the concluding words. Of course, the gentleman does not really mean to go that far, but others do mean to—and go even further, deliberately.

Get a copy of yesterday's New York Times (April 26) and read the column story of the communistic demonstration to the former United States soldier arrested in Hawaii, Walter Turnbull by name, who was sentenced to 20 years for preaching sedition in the Army, and whose sentence was commuted to one year. See what kind of a demonstration they gave him in New York, the greatest alien city in the world. Read how the chairman, in presenting this seditionist, said:

It is good to have some one in the Communist Party here who knows how to handle a machine gun.

The Civil Liberties Union will be on the side of that "free-speech" ex-soldier.

The distinguished gentleman from Wisconsin [Mr. BERGER] interjected a sentence into the closing remarks of the gentleman from Illinois [Mr. HOLADAY] calling attention to the situation at Hyde Park, in London, where everybody may speak. The internationalists claim that they are denied free speech here because they can not speak anywhere and everywhere, whatever and when they please. Suppose two persons with rival views try to speak at the same place at the same hour. Even the Civil Liberties people object to that if it breaks up their meetings.

One difference between the United States and London is that over there in their free-speech demonstrations in Hyde Park, they use the English language exclusively. Over here they speak in all the languages, and demand the right to do so.

We had better listen to what is being said in other languages, and we had better watch what is being printed in type other than English. The bulk of their stuff is against the right to hold and possess property.

Mr. Speaker, there are two kinds of socialists, not only here but everywhere in Europe. The two kinds are known in common language as the "reds" and the "yellows." Of course there are all variations in between.

Mr. BERGER. The right and the left. I would consider it an insult to be called yellow.

Mr. JOHNSON of Washington. Well, let the gentleman be called "left" or "right," but, perhaps, "right." You can designate a man by the paler color—perhaps pink—and that is better. As he advances in the economic scale he gets paler in the socialistic color scale.

In other words, as the socialist advances with the regular order of things in this great country of opportunity, the radicals proceed to expel him, kick him out, forbid him to run for office, and, figuratively speaking, knock his head off. Then he is a "right wing." [Laughter.]

I was pleased during the debate just now to observe that my distinguished friend from Wisconsin [Mr. BERGER] was good-natured, witty, and pleasant. His remarks brought forth laughter and applause. Ah, he has risen in the scale. He has passed the border line of the "red" type of old to the more affluent type; he approaches the parlor type which is more theoretical, more learned, solves world problems. All such become less outspoken—you see, I have read his earlier speeches—except that they seem willing to permit the pernicious ideas of the Third International to be preached to the people of the United States. But they forget that conditions are different here—better than any place in the world.

What is the matter with England to-day and its dole system? There, more than a million and a quarter are on the dole system of 10 shillings a week, and another two millions are living from hand to mouth in pinching poverty. Why? Because England's industrial supremacy is gone. Why? Because of increased manufacturing in Germany, Japan, and the United States. Also because England's population to-day is in the cities, mostly, as a result of their "industrial revolution," which they had more than 100 years ago; caused by inventions, beginning with the use of steam, the invention of the spinning jenny, and the like, which gave them a world lead in manufacturing and made them masters of the world's markets. It is said that 75 per cent of England's population is in the cities and towns.

The rest of Europe is in desperate straits. Why? Because what they need more than a League of Nations to prevent war is a league to provide protection in industry and commerce as between the nations of Europe; to prevent cutthroating in trade and manufacture; and to provide stability in the exchange of kronen, marks, francs, and lira.

Another matter was mentioned by the gentleman from Wisconsin. He said that the immigration to the United States was good up to about the year 1900. Yes, of course it was, and a great part of it has been good since, and we have been able to take care of it through some remarkable political circumstances.

At the very year the gentleman mentioned—1900—we took a census and found that we had 76,000,000 people in the United States, a considerable part of them new immigrants, a much larger part only one generation removed, still a smaller part only two generations removed, and only three or four generations from the 3,000,000 patriots who made war against the mother country, England, in 1776. In 100 years we increased in population fifteen times, while all Europe increased only four times.

Why? Just as the distinguished gentleman says—new country, vast resources, opportunity for all. But what wonderful things have happened? What was our situation in 1900? A few years before that, about 1892, we had the Homestead riots and the attempt to assassinate Frick by the alien anarchist Berkman, whom it took us almost 20 years to deport—I mean almost 20 years after he had served his prison term for that crime. We had Coxey's army; we had come in 1896 to the election of Mr. McKinley as President, who himself was assassinated by the foreign-born anarchist Czolgosz.

We remember McKinley to-day. In his time in Congress we began to see that a protective tariff system of some degree was likely to be a fundamental policy of this Government rather than a political issue. One rarely finds an old-fashioned straight-out free trader nowadays, such as existed when cotton was king in the United States.

We began to build great cities, industry came out of its decline and flourished, so that from 1900, when the census showed us to be 76,000,000 people, we have accepted among us—from that day to this—nearly 18,000,000 alien people. But for the great World War and the quota restriction laws which began in 1921 the number added would have been 30,000,000.

But we actually imposed 18,000,000 on 76,000,000 without strain, until we learned all too late that the melting pot had ceased to work; that socialism, communism, anarchism, bolshevism, and every kind of "ism" had been imported. We invented none of these "isms."

Our sudden advance into substantial industry stepped us 50 years ahead of our national stride, so that we were able to place on the pay roll and take care of the great bulk of the new arrivals, who were coming a million a year. We housed them and were able to give them immediate employment. Industry went faster and faster; quicker and quicker were the natural resources of the country grasped and used; the public lands were homesteaded; the standard of living went higher and higher and is to-day above that of any country in the world. And why? Protective tariff and restriction of immigration. But we had to call a halt on immigration. There had to be a slowing down. More than 50 per cent of our people are in the cities. I think it was somewhere near 52 per cent on the last census. Probably it is 56 or 58 per cent now. Agriculture languishes in the country, while high-paid city labor groans at the retail price of farm products in the city. But neither immigrant nor city laborer goes to the farm. We have a desperate problem there. We will solve it, but not by lowering the tariff. That will destroy our own home market, and will help neither laborer nor farmer. It will bring on a national calamity. But we will solve this problem without advice from Russia or any other socialist or communistic country.

The gentleman from Wisconsin [Mr. BERGER] said that this Government was absolutely stupid in the handling of the Russian situation. I will tell my friend we are stupid only

in the eyes of Russia and Russian sympathizers. We may be slow, but we know what we are doing. [Applause.] Countries which have collapsed from experiments with "isms" can not give us advice. [Applause.]

The good people of the United States realize that from the beginning of the French Revolution until the third Republic a period of 80 years elapsed. The gentleman from Wisconsin thinks we are stupid because we do not join in with whatever kind of government Russia has and wave to and fro as she waves. He says they have nothing to say as to our kind of government, and we should have nothing to say as to what kind of a government they have. But they do try to say what kind of government we shall have. Trotski, in a signed article, recently has been offering us communistic advice. Declined with thanks. [Applause.]

I would like to know why thousands upon thousands of people are standing at the portals of Russia trying to get out of that country and into the United States. They will not go to Canada or Mexico or to Australia, or to any of the few remaining open places on the globe. They must come here to live under what they call a capitalistic government. And when they get here they want to overthrow our Government—because they want the property—and Russians are still plowing with sticks in the interior of Russia for want of the intelligent use of capital.

They want to participate in the affairs of our Government, speak on the street corners, join the Communist Party, get up strikes to be "lessons in communism," to preach antireligion, and all that—in fact, a menace and a danger to our Government before they have even taken out "declarations of intention," which documents may have been all right in the old homestead days, but which is a poor process these days and should be changed.

Mr. PERLMAN. Will the gentleman yield?

Mr. JOHNSON of Washington. For a question; certainly.

Mr. PERLMAN. I have talked with hundreds of Russians that came to this country, and when they came here they came with the intention of subscribing to our laws, and they want no part of Russia.

Mr. JOHNSON of Washington. That is true as to a great many, of course; but anybody who has been in New York at election time has seen these people, either foreign born or the first generation thereafter, marching through the streets, and through the big hotels, by thousands, with banners advocating socialism, anarchism, and bolshevism.

Mr. OLIVER of New York. They all belong to the Republican Party.

Mr. JOHNSON of Washington. They belong to the Socialist Party, and they are boring their way by devious methods into both major parties.

Mr. OLIVER of New York. Tammany believes in a Republican form of Government run by Democrats.

Mr. JOHNSON of Washington. Yes; but they are being bored from within by a new sort of population.

I will say to the gentleman from New York, with all due respect to him and Tammany, that the members of Tammany are trembling in their boots to-day for fear they will be swallowed up by former Russians, former Poles, and former Italians—all, of course, Americans. It is a study in the advancing steps and increasing numbers of immigrants. The Americans of Irish ancestry see the handwriting on the wall. Oh, Tammany! [Laughter.] Even now the Italians in certain States are split down the middle over Fascism and allegiance to Mussolini or allegiance to the United States. Ask them about it. The gentleman from Wisconsin said that there are 2,000 socialists imprisoned in Russia.

Mr. BERGER. About 3,000.

Mr. JOHNSON of Washington. Well, 3,000. That is awful, but let me tell you that 3,000 is not a drop in the bucket as to what has really happened in Russia. During the first two years of the "Dictatorship of the proletariat" 10,000,000 people were killed or starved to death in that country.

In the next four years another 10,000,000 people went to their death through the new kind of government—bolshevism—murder, assassination, and starvation! And the "people"—the peasants—led the lists of those put to death—a million or more of them killed by orders from the dictators of the proletariat. Next in numbers were the workingmen; then the intellectuals, the teachers, priests, and so forth, and then the merchants, and then the bishops of the Russian church. I shall put the exact figures in the RECORD. It is the most appalling thing in all history. The population of Russia has shriveled from about 160,000,000 to 140,000,000, according to Trotski's owned signed statement in the New York Times two or three months ago.

Mr. Speaker and gentlemen, for all the years until recently we were able to take care of those immigrants as they came along, no matter from what country. We had no racial hatred, no religious prejudices. But the pressure to get out of Europe became too great. We had to end the idea of asylum. There is hardly a man or woman—if he serves no selfish interest—to be found in the United States to-day who does not say that the restriction of immigration is right and must continue. [Applause.] Our next step is to clean house with a rational deportation act. [Applause.]

Mr. Speaker, under permission to extend my remarks, I beg to submit a statement in reference to House Joint Resolution 172, "A joint resolution readmitting Eugene V. Debs to the right and privileges of citizenship," and to submit the following sample of a form resolution received by myself and many of our colleagues:

Resolution

DEBS'S CITIZENSHIP

Whereas in all countries except the United States all political prisoners who were sentenced during the war have not only been released but have had all civil rights restored; and

Whereas our own Government, founded in the spirit of political liberty, has demonstrated that spirit in other cases, and even toward the Confederate leaders after the Civil War; and

Whereas in Eugene V. Debs the American people have a man whose strength of character, brilliant gifts, high idealism, and unselfish devotion to the cause of freedom and human progress deserves to be commended rather than punished: Therefore be it

Resolved, That we, the Tacoma Central Labor Council, present these facts to the attention of our Senators and Congressmen and urge that, acting with the fairness that has characterized the best traditions of America, urge Congress to restore to Eugene V. Debs his civil rights; and be it further

Resolved, That we urge upon all our affiliated unions and other progressive and liberal organizations the adoption of the same or similar resolutions.

Dated April 21, 1926, at Tacoma, Wash.

W. T. MORRIS, *President*.

[SEAL.] JOSEPH TAYLOR, *Secretary*.

Mr. Speaker, inasmuch as these resolutions and petitions have been received in considerable number and are being referred to the House Committee on Immigration and Naturalization, to which House Joint Resolution 172 was also referred and tabled, I beg to present a statement more in detail than the one made briefly on this floor a few days ago.

Let me say that Mr. Debs, having been born in the United States, is under the Constitution a citizen of the United States. He did not lose his citizenship by his conviction under section 3 of the espionage act. There is no statute of the United States providing for the forfeiture of citizenship by conviction of crime except for desertion in time of war. A number of statutes providing penalties for specific crimes impose as an additional punishment the forfeiture of office and the prohibition of ever again holding an office under the United States. The statute under which Mr. Debs was convicted does not contain such a penalty. It is believed that the only Federal statute affecting Mr. Debs's rights and privileges is section 1118 of the Revised Statutes as amended, which provides:

* * * no person who has been convicted of a felony shall be enlisted or mustered into the military service.

It is not believed that Mr. Debs is complaining of being denied this privilege, and if Congress wishes to amend this statute it is not within the jurisdiction of the Committee on Immigration and Naturalization.

It therefore appears that the Committee on Immigration and Naturalization, within the field of its jurisdiction under the rules of the House, could not report any bill granting Mr. Debs any rights or privileges of citizenship which he does not now enjoy.

It may be, and probably is true, that under the law of the State of which Mr. Debs is a citizen, he is debarred from voting and from other civil rights since most of the States have laws providing that on conviction of a felony the citizen is debarred from voting, from holding public office under the State, from serving on a jury, and so forth. This is a matter entirely within the control of the State and totally beyond the jurisdiction of Congress. It is believed that the laws of most of the States provide that a pardon of the offense for which convicted restores the civil rights. It is therefore possible that Mr. Debs, by securing a pardon from the President, could, if permitted by the laws of his State, regain his civil rights which have been taken away from him under the laws of that State.

I hope, Mr. Speaker, that those newspapers and societies which are still keeping the matter alive, and particularly those socialist papers which persist in making misstatements, will set their readers right, which, however, they are not likely to do.

Mr. SABATH rose.

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from New York [Mr. JACOBSTEIN].

Mr. JACOBSTEIN. Mr. Speaker and Members of the House, I want to discuss with you to-day the coal situatiton and coal legislation. Instinctively the industries of this country, and especially big business, have usually resisted Government interference of any and all kinds. The railroads resisted Government regulation for 25 years, and it was not until President Roosevelt used the "big stick" that we got effective regulation through the Interstate Commerce Commission. The banking interests of this country opposed the Federal reserve system. Many of the food-preserving concerns of the United States opposed the Federal pure food laws, but I doubt whether the railroads or the banks or the food-preserving plants would want to go back to the time and methods of no regulation by the Federal Government.

So it is with the coal industry. It is opposing Government regulation and supervision. May I remind you that within the last eight years the coal industry has been investigated seven times by some branch or agency of the Federal Government. When a man breaks down in health seven times in eight years and has to be sent to a hospital and his case diagnosed seven times in eight years, naturally we conclude that there is a disease somewhere in his constitution that needs drastic treatment. This industry, both hard and soft coal, which has been examined and reexamined by Government agencies seven times within eight and a half years, must be in an unhealthy, if not diseased, condition. Therefore many of us think, including the President of the United States, the time has arrived where the public through Congress shall take steps to regulate this very important business.

The coal industry partakes of the nature of a public service. I will not say that it is a public utility in the strictly legal or technical sense as is electricity or the railroads or the street-car service, but certainly it is a quasi-public utility.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. JACOBSTEIN. Yes; for a question.

Mr. TREADWAY. In that connection, the gentleman would not say that coal is not a public necessity?

Mr. JACOBSTEIN. Coal is as much a public necessity as the electricity that comes from the coal or the gas that comes from the coal or the transportation dependent on coal; but technically speaking the courts have not held, up to this time, that coal is a public utility.

I want to be perfectly frank in the discussion of this problem.

Mr. PERLMAN. What is the gentleman's opinion of it?

Mr. JACOBSTEIN. My opinion is that so much depends upon the use of coal that coal should be treated from a public point of view just as public utilities are treated, and if it is possible within the law to do so, I would treat it as a public utility. As the gentleman from Massachusetts [Mr. TREADWAY] suggests, it is a public necessity. On this point I will quote from the splendid report of the United States Coal Commission, Volume I, page 1:

> Coal is quite as much a public necessity as gas, street-railway service, or any other service or commodity that has been brought under public regulation.

And again the commission hold—

> the view that a limited natural monopoly like anthracite, held by a relatively small number of individuals, estates, and companies and supplying a necessity of life for millions of our people can not continue to be treated as if it were not affected by a public interest.

Mr. TREADWAY. Just one other question in connection with the gentleman's first remark about big business usually objecting to any regulation. Has not that been again demonstrated in the hearings that have been going on before the Interstate and Foreign Commerce Committee during the last few weeks?

Mr. JACOBSTEIN. Yes; within the last few days. The representative of the soft-coal operators, the National Coal Association (Bituminous), appeared before the Interstate Commerce Committee yesterday and to-day and resisted with all his power the effort of Congress to legislate regarding the coal industry. Labor though in general hostile to legislation was a little more favorably disposed, especially with respect to the fact-finding commission which they recommend; but generally speaking the interests within the business have not come forward with a constructive suggestion for curing the ills of that industry.

Mr. TREADWAY. Have not the representatives of the miners practically taken the same attitude as the representatives of the operators?

Mr. JACOBSTEIN. Not quite.

Mr. TREADWAY. And what they wanted was to be left alone.

Mr. JACOBSTEIN. Generally speaking I should say that your statement is correct. The United Mine Workers Union, however, would favor a fact-finding commission, provided all pertinent and important facts were secured, covering profits, prices, freight rates, capitalization, and all the essential things that go to make up an industry. I think the United Mine Workers of America would accept that portion of my bill and the gentleman's bill and other bills which have been introduced.

My interpretation of the testimony is that the labor union will not resist this type of legislation setting up a fact-finding body which will go to the roots of the evils within the industry. Their representative, Mr. Murray, one of their vice presidents, did say, however, that the union wanted representation on such a fact-finding commission. This, of course, is impractical if not impossible, since the fact-finding agency we want to set up is a permanent bureau constituted of public officials. All the union wants is some definite assurance that the fact-finding body would be fair and get all the essential facts.

Mr. TREADWAY. I do not want to interrupt the gentleman, and I will not again.

Mr. JACOBSTEIN. The gentleman from Massachusetts [Mr. TREADWAY] was one of the first to introduce a coal bill in the preceding and this Congress. I gladly yield to him.

Mr. TREADWAY. The gentleman knows I am interested in the relief of the people. I advocated the calling of an extra session of Congress to deal with coal legislation after the coal commission made its report. In that connection is not that the sort of information we want, all the information possible?

Mr. JACOBSTEIN. Certainly. The bill introduced by the gentleman from Massachusetts and one introduced by myself call for that kind of publicity.

Mr. PERLMAN. Will the gentleman yield?

Mr. JACOBSTEIN. I will.

Mr. PERLMAN. After the fact-finding commission ascertains the facts to which the gentleman referred, what then will be the procedure?

Mr. JACOBSTEIN. If the gentleman will let me proceed just a little bit, I am sure I will touch upon that and other steps which logically follow.

I say first of all the coal industry, with $3,000,000,000 of invested property, has here in Washington a powerful lobby. They have a right to it, but we ought to know they have it. These coal operators are organized. I have been told they have spent as much as a half million dollars a year to spread propaganda throughout the United States to influence legislation. The paid executive secretary of the National Coal Association is the Hon. Harry L. Gandy, a former Member of this House from the State of South Dakota. He is now testifying before the Committee on Interstate and Foreign Commerce. Naturally they are going to resist the legislation which the President of the United States has approved and which some of us have introduced and have been asking to be enacted for the public welfare. It is our problem, and I hope, gentlemen, that with the coming of hot weather we will not allow Babe Ruth and Walter Johnson to entirely distract our attention from this vital problem. We must not forget that another winter is coming, and we may suffer again.

I hope that we have not forgotten that the workers lost $1,000,000 every day in the last strike, and the operators lost $6,000,000 a month during the last strike. The aggregate loss was something like $200,000,000 in those five and a half months of the strike in the hard-coal industry.

Mr. DICKSTEIN. On that point, what about human life and the great amount of terrible suffering from cold during that strike?

Mr. JACOBSTEIN. To say nothing of the physical suffering and ill-health resulting from the inability to get necessary fuel, especially in the Northern States during this long, cold winter. And we are not through paying. I will say to my friend from New York, we are still paying. On nearly every ton of hard coal that is bought in the United States we consumers are paying from 50 to 75 cents a ton more than we paid last year at this date. I have that verified by a letter sent to me by an important official and representative of the operators. They are not giving us the customary spring reduction this season. The customary practice is to give a 50 cents a ton reduction in the

spring in order to get people to buy coal and fill their bins in the summer time. On April 1 the price is usually dropped 50 cents a ton; on May 1, 40 cents; June 1, 30 cents, etc. They are not giving that reduction this year. The mine operators are going to put into their pockets close to $10,000,000 on coal that is going to be purchased between now and August, and this, notwithstanding the fact that the operators said, in effect, to the public, "We will not give labor more wages because we can not raise our prices; the consumers will not stand for it." On February 15, 1926, during the recent strike, Mr. William W. Inglis, chairman of the anthracite operators' negotiating committee, said the following in a newspaper statement:

> We know it can not be done [raise prices]. Even the raise in price of less than $1 that we sought to get to cover the Pinchot 10 per cent wage increase in 1923 could not be maintained. In 1924 we got less for our coal than before the wage increase. The public simply would not pay the price.

But now, seeing that the consumers can stand for it, they are holding us up another 50 to 75 cents a ton. The operators are after "all the traffic will bear."

Mr. TREADWAY. If the gentleman will yield, the gentleman does not want to misstate the exact facts. That 50-cent reduction would not apply through to August?

Mr. JACOBSTEIN. The gentleman from Massachusetts is correct. The spring reduction begins with 50 cents a ton and tapers down 10 cents each month. It averages about 30 cents a ton running to August.

Mr. TREADWAY. But it means about $250,000 at the present time.

Mr. JACOBSTEIN. I thank the gentleman. The operators themselves are going to put back in their pockets several million dollars to help pay the cost of the strike. The public always has paid the cost of these coal strikes. In my home city, Rochester, N. Y., we consumers are paying to-day from 60 cents to 75 cents a ton more than we paid last year at this time for egg, stove, and chestnut sizes of anthracite coal; this notwithstanding the fact that the operators did not increase wages and freight rates have remained the same. The operators claim they were operating at a loss last year, but the report of the United States Treasury Department on the taxes paid by the anthracite companies disproves this alibi. The fact is, the operators are taking advantage of the buyer's fear psychology that there may be a shortage again next season, and hence need no incentive to buy such as is usually given by a reduction in the spring.

Mr. TAYLOR of West Virginia. If the gentleman will permit, the gentleman is speaking of anthracite coal?

Mr. JACOBSTEIN. Yes. Later I will discuss soft coal.

Mr. RAGON. Will the gentleman yield?

Mr. JACOBSTEIN. I will.

Mr. RAGON. I understand the coal operators have been asking these spring prices, which are a reduction from summer and fall prices, for the purpose of inducing the consumers to buy. Now, the gentleman says they are maintaining the same prices during the entire year?

Mr. JACOBSTEIN. Yes; but we do not know what the operators are going to do later on with regard to prices, because when September, October, and November come the consumers will be anxious to fill their bins; but what the operators may ask in the way of prices in September, October, and November the Lord only knows.

Mr. RAGON. Does not the gentleman think the reduced prices they give helps the industry, levels it up?

Mr. JACOBSTEIN. Yes; but they did not do it this spring.

Mr. RAGON. Will not the result be the same? Will not the consumer say, "I will not take this advantage; I will wait until I need the coal"?

Mr. JACOBSTEIN. But the purpose of the lower spring price is to stimulate demand in order to spread production and delivery more regularly throughout the entire year. The public is losing the advantage in price it usually enjoys by cooperating in placing their orders in spring and summer at the lower prices.

For instance, with that strike fresh in my mind, I say to myself, "I do not want to be caught without coal next winter," and so I put in my order now. In this way the operators are taking advantage of that psychology and charging me from 50 to 75 cents a ton more than last year.

Many of the companies made large dividends last year with prices from 50 to 75 cents lower than the prices of to-day. Nobody can doubt this fact, namely, that every consumer in the United States, except in rare exceptions, is paying from 50 to 75 cents more without an increase of wages or an increase of freight rate having intervened.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. WOODRUFF. The gentleman has outlined very clearly how the coal operators expect to be reimbursed for the losses they suffered during the recent strike. They are going to be reimbursed by the maintenance of the present price, and they may advance the price later on beyond what it is now. The operators may recover for their losses, but there is no possible way for the man to recover who works in the mines.

Mr. JACOBSTEIN. What you say is true. The workers lost $1,000,000 a day. They may recover a little bit by virtue of the fact that they may be kept busier filling orders until the industry creates another surplus supply. They can work at steadier time now, to make up the shortage.

Mr. WOODRUFF. But only for a short time?

Mr. JACOBSTEIN. Yes. The workers have lost. They can not recover. The operators are now charging all that the traffic will bear in order to recoup some of their losses. If they can maintain the higher price they will enjoy a permanent benefit from the strike.

Mr. TREADWAY. If the demand gets greater as the winter approaches, without any governmental control of regulation, they can still jack up the price?

Mr. JACOBSTEIN. Yes. There is nothing to prevent the operators from charging another 50 cents per ton, just as there was nothing to prevent them from charging this present price of from 50 to 75 cents more than last year.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield there?

Mr. JACOBSTEIN. Yes.

Mr. MOORE of Virginia. I recognize and everybody recognizes the diseases or evils that exist. What about the remedy? I would like to hear of the remedy.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent now that the time of the gentleman from New York be extended 15 minutes. We have taken at least that much time from him, and he is entitled to make his own statement. I ask that his time be extended 15 minutes.

The SPEAKER pro tempore (Mr. LEHLBACH). The gentleman from Massachusetts asks unanimous consent that the gentleman from New York be given 15 minutes more. Is there objection?

There was no objection.

Mr. JACOBSTEIN. I know you are interested in the remedy to be proposed. I am going to pass over hurriedly, therefore, as the gentleman from Virginia [Mr. MOORE] suggested I do, the diseases that exist in the industry, in order to come to a discussion of the remedy. There is an economic situation in the hard-coal industry which must be recognized. There are mines producing at low cost, and there are other mines producing at high cost, and the low-cost mines are making a lot of money, while the high-cost mines are breaking even and often lose money in normal peace times. What we have got to do is to help create a situation by which we can prevent the low-cost mines from using the high-cost mines to gouge the public and beat down labor standards. This is an economic fact that I want you to get hold of. It is a basic idea to an understanding of the anthracite situation. If you do not cure that economic fact, nothing permanently effective can be done by legislation.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. JACOBSTEIN. Yes, indeed.

Mr. BLACK of Texas. The gentleman probably knows, for example, that the farmer experiences that same difficulty. The farmer who has rich, fertile land, and makes a bale of cotton to the acre, produces very much more cheaply than the farmer who has land that is not fertile and who makes a bale of cotton to every three or four acres; and the same is true in the case of the production of wheat, and in the production of corn.

Mr. JACOBSTEIN. With this difference: The farmer who has low-cost land produces as much as possible in trying to make his land yield the maximum returns. But in the hard-coal industry 70 per cent of the hard coal is produced by less than 10 big companies. They cooperate and the price is uniform for these large "company" mines. The price quoted to-day is a common uniform price. The price quoted for hard coal is that "circular" price that is fixed by these "railroad" companies, less than a dozen in number, located within 500 square miles of territory in the State of Pennsylvania. You have there a semimonopolistic situation which is different from the present agricultural situation. In anthracite we have a concentrated ownership, in a restricted area, and harmonious operation by the few owners as to price.

Mr. BERGER. Mr. Speaker, will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. BERGER. Is it not a fact that the big companies control 75 per cent of the output? Granting this fact, which is an inherent and economic fact, how can the gentleman cure the ills while this fact exists?

Mr. LAGUARDIA rose.

Mr. JACOBSTEIN. I do not want to be discourteous to the gentleman from New York and I will yield to him, but after that I hope to be allowed to proceed in order to reach the remedy.

Mr. LAGUARDIA. Is not the difference between the low-cost and the high-cost mines shown in the wages paid to the miners?

Mr. JACOBSTEIN. No. I am referring to the natural conditions of the mines—mining conditions, natural difference in seams and quality of coal, and so forth.

Mr. LAGUARDIA. You assume that the labor conditions are equal?

Mr. JACOBSTEIN. Yes. It is a 100 per cent union in hard coal. They standardize wage conditions. Every employer pays the same wage. But the fertility of the mine determines the cost of production. The low-cost operator says, "I can not pay you greater wages because I can not increase the price." He means the high-cost operator can not increase the price. So the low-cost mine uses the high-cost mine to keep wages down.

Mr. LAGUARDIA. How does the gentleman account for the harmonious price in all mines without a violation of the antitrust law?

Mr. JACOBSTEIN. No one has yet charged the hard-coal industry with violating the antitrust law—at least, we have not caught them with the goods. It is a fact, however, that the prices are standardized for what we call the railroad coal companies. About 25 per cent is mined by independents, whose prices are higher than the "company" or "railroad" coal.

Mr. LAGUARDIA. In some mysterious way the price is uniform for the coal of the big companies?

Mr. JACOBSTEIN. Yes. Of course, you know that at one time they were all united and tied up with the railroads of the United States, but that combination was dissolved by a decision of the Supreme Court of the United States.

The hard-coal situation has eased up only in so far as a temporary arrangement has been made—a truce, a temporary arrangement by which either party may upset the machinery and we may be faced with another strike next year or the year after. The agreement signed this year, in February, is not a permanent peace treaty. It is a truce. The warring camps are on opposite sides of the hills. There is no assurance of peace in the anthracite industry.

Now, what is the soft-coal situation? Well, the horizon there is also clouded and it is very, very black. As some of you know who live in coal areas, the poor coal miners in Ohio, Illinois, Indiana, and western Pennsylvania are working two and three days a week. You know there is a fight on between the northern soft-coal fields and the southern soft-coal fields. There is a fight between the union and the nonunion fields. I have not the time to elaborate on this, but I am giving you the conclusions.

There are in this country to-day about 200,000 men idle all the time. If you will add up the man power that is idle in the course of a year, it would total 200,000 men at any single day in the year.

That situation is so bad that no less an engineer than Mr. Hoover has declared the coal industry the worst functioning industry in the United States. He had in mind this overproduction, this overdevelopment of the industry, and the lack of machinery used in the mining of coal; he had in mind the fact that there are too many men in the industry and that the whole industry is chaotic and unorganized and characterized by bad management. So Mr. Hoover refers to it as the worst functioning industry in the United States.

The Jacksonville agreement between the miners and the operators expires a year from to-day or, to be exact, March 31 of next year. On March 31 of next year this little agreement which I hold in my hand expires; this agreement signed and ratified by the operators of what is known as the central field in the North and by the United Mine Workers of America expires on March 31. Before that agreement expires they are going to try to get together, and then you have dynamite for an explosion.

There is nothing in this arrangement which makes for peace. On the contrary this agreement has been violated, it is alleged, by several of the largest coal companies in the United States, having arbitrarily reduced wages 33 per cent below the wage scale called for in this agreement. What does that mean? That means that the union operators everywhere are going to ask for a wage reduction to enable them to compete with the nonunion fields of West Virginia, Kentucky, Tennessee, and Alabama. The mine workers, who are not earning too much, are going to resist a wage cut, and we may be faced with one of the greatest strikes this country has ever seen. If you have forgotten what a strike in soft coal means let me tell you this: We had a soft-coal strike in 1922, which tied up a great many industries; it crippled transportation and the price paid by industry in the three months of October, November, and December following the strike was several hundred million dollars, in order to recoup the employers for the loss sustained during that strike of five months in 1922.

Now we here, representing the public, have a responsibility. We ought not to adjourn until we have faced the situation and provided some machinery which will prevent or take care of that emergency when it arises. [Applause.]

The situation was very keen in 1923, and I want to summarize very briefly what some of you have probably forgotten and which has not been adequately presented before the Committee on Interstate and Foreign Commerce. If you will look at President Coolidge's Annual Message to Congress of 1923, you will find that the President practically recommended a fact-finding commission. He said that—

> the ascertainment and publishing of facts would exercise a great influence.

The President of the United States also said that—

> the President should have authority to appoint a commission empowered to deal with whatever emergency situation might arise and to aid in the conciliation and voluntary arbitration of any existing or threatened controversy.

That was in 1923. In 1925 he repeated his recommendations, although not so concretely. Still, he does say that we ought to follow or at least study the recommendations of the coal commission, and the recommendations of the coal commission are the recommendations embodied in several of the bills now before the committee. Only a few weeks ago, I believe on April 3, the spokesman of the White House reported President Coolidge as stating that there should be "legislation which would empower the President to appoint a mediation board in the event of a coal strike or a threatened coal strike and which would provide machinery for coal administration and distribution in the event of a fuel shortage," at this session of Congress. So you have, therefore, three recommendations of President Coolidge, a fact-finding agency and a fact-reporting agency, labor adjustment machinery, with conciliation, voluntary arbitration, and compulsory investigation and, third, to provide machinery for coal administration and distribution of coal in the event of an emergency. All of these remedies are embodied in my bill and some of these recommendations are embodied in a number of bills that have been introduced by several other Members at this session of Congress. I have them all here. I do not remember how many we have, but if you will go over all the bills you will find that these three remedies have been proposed, for the most part, in at least a half dozen bills, and similar bills are pending in the other branch of Congress.

Mr. TREADWAY. Would the gentleman mind an interruption there?

Mr. JACOBSTEIN. No.

Mr. TREADWAY. Has the gentleman in the course of following the hearings before the Interstate and Foreign Commerce Committee found any evidence that would tend to show that those remedies were not perfectly practical and possible to put into execution?

Mr. JACOBSTEIN. Well, of course, it is only fair to the industry to say that labor was there, but the operators have not yet completed their testimony. I do not know what they are going to say, but judging from what they said this morning and yesterday and judging from the reports published by their publicity bureau it is not likely they are going to favor any legislation whatever; rather they are going to resist any effort on the part of Congress to do anything.

Mr. TREADWAY. That is not evidence, at least it is not good evidence or disinterested evidence that the recommendations of the President or the suggestions contained in the gentleman's bill or the bill which I have introduced are not practical and possible.

Mr. JACOBSTEIN. You are correct in what you say. They have made only a legal argument. Of course, they do not want any legislation, but they say even if they did want it or even if Congress should enact it it would be unconstitutional; that you could not get anywhere with it because the Supreme Court would throw it out. That much they have stated.

Mr. TREADWAY. Would it not be just as well to have the Supreme Court pass on the propositions we have proposed rather than take their word for it?

Mr. JACOBSTEIN. I do not think we ought to admit we are going to be beaten in the Supreme Court before we start. Although I am not a lawyer, a decision has come to my attention which will be of great interest to the gentlemen of the House, and I want to quote just a passage from it before passing more particularly into the remedies which have been proposed. In a very famous coal case, United Mine Workers against Coronado Coal Co., the Supreme Court of the United States referred to this question. It is true that in a number of decisions the court had held that coal mining is not interstate commerce, per se, and therefore under the commerce provision we might not be able to do anything. Now listen to this statement from the case just referred to:

> It is clear from these cases [citing a number of cases] that if Congress deems certain recurring practices, though not really a part of interstate commerce, likely to obstruct, restrain, or burden it, it has the power to subject them to national supervision and restraint.

Now, if the English language means anything, it means that practices within an industry, like strikes, lockouts, or any practices within the industry which lead to a shortage of fuel, which make it impossible for the trains to operate efficiently or lead to a national emergency, such situation arising from such practices, empower Congress to act and the President to act. This legal argument is too complicated to admit of a lengthy discussion of it at this time, even if I were qualified to discuss it, but I do want to at least suggest that you do not submit blindly to the proposition that the Supreme Court is going to declare our proposed legislation unconstitutional.

Mr. WATRES. Will the gentleman give the reference to that case?

Mr. JACOBSTEIN. I will put the reference and the citations in the RECORD at this point, namely, Two hundred and fifty-ninth United States Reports, page 344.

Mr. BERGER. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. BERGER. I did not quite understand one of the propositions about the President. You said that the third alternative is for the President to take charge of the distribution of coal in case of an emergency. Did I understand the gentleman correctly?

Mr. JACOBSTEIN. Yes; and with machinery for administration, too.

Mr. BERGER. What does that mean—where is he to take the coal and whose coal is it to be?

Mr. JACOBSTEIN. I will tell the gentleman what it means. First, we ought to have somewhere in Washington an agency—it is not necessary to have an independent bureau, and it might be a part of the Bureau of Mines of the Department of Commerce—which ought to be getting all the facts about the industry. Having all the facts before us as to profits and prices, we would then be in a position to know what we are going to do if we have to take over the mines. I am not saying we should take them over, but if an emergency arises and the workers and the operators can not get together, then we would have this information as a basis for taking over the mines and operating them. I hope both parties—labor and capital—can get together; and the second provision of my bill provides that they be permitted and encouraged to get together alone, aided by the Government; but if an emergency arises, then the President is authorized to take over as much of the mines, as little or as much or all if necessary, and operate them during the emergency for the public welfare. The Government would take them over as it took over the railroads during the war.

Mr. BERGER. Will the gentleman yield again?

Mr. JACOBSTEIN. Yes.

Mr. BERGER. Are the strikers to be compelled to work them?

Mr. JACOBSTEIN. No.

Mr. BERGER. Who is to work them?

Mr. JACOBSTEIN. It would not be necessary for the Government to operate these mines directly or by lease. They could say to the owners, "We will lease these mines to you on certain conditions; we want coal and we want a steady supply of coal; we want an adequate supply of coal at a reasonable price, and we want to see that the wage earners get their proper wage and property its fair return."

Now, the gentleman has asked a second and a very important question—"How are you going to operate the mines, and can you make the workers work?" No; you can not.

Mr. BERGER. I mean the strikers.

Mr. JACOBSTEIN. You can not make the strikers or any other workers in the United States work at the point of bayonets. You can not do that in our country. Thank God! Nobody is advocating compulsory labor; not even compulsory arbitration, I will say to the gentleman from Wisconsin. The miners have a right to quit, but I will say this to the gentleman: I think if all the cards were on the table and the miners knew all about the profits and losses that were being made and that prices were being looked into, freight rates were being examined, and the whole industry being exposed, I think labor would be willing to say to the Government, "We will work until you provide a proper settlement of this dispute."

Mr. BERGER. Will the gentleman yield further?

Mr. JACOBSTEIN. Yes.

Mr. BERGER. The gentleman declared coal to be a public utility.

Mr. JACOBSTEIN. Yes; a quasi public utility.

Mr. BERGER. I absolutely agree with the gentleman. In my State of Wisconsin where progressiveism is blooming, as the gentleman probably knows, and where they have adopted some of our socialist remedies and put sugar and water in them and tried to legislate and to regulate public utilities, we have 62 commissions for the regulation of industry and public utilities, and I will say to the gentleman that every one of them is an absolute failure. I have lived there for 50 years.

Mr. JACOBSTEIN. That proves nothing.

Mr. BERGER. You can not regulate what you do not own.

Mr. JACOBSTEIN. I am not advocating Government ownership or nationalization, and I want to tell my colleague, the gentleman from Wisconsin, if he has not already done so, he ought to read a recent report just gotten out by the Royal Coal Commission of Great Britain. They have a coal problem there, too, not unlike our own. They have studied the question of nationalization and have rejected it as a remedy for the coal problem.

There are economic conditions in the coal industry which can only be cured by the industry itself. I am not claiming that Government regulation or supervision is going to cure all the ills of the industry. I think the ills in this industry, like other ills, have to be cured by those directly responsible, but in the meantime the public ought not to be left unprotected in case of another emergency.

Mr. LAZARO. Will the gentleman yield?

Mr. JACOBSTEIN. I will.

Mr. LAZARO. The gentleman has said that Congress ought not to adjourn without enacting some legislation regulating the coal industry.

Mr. JACOBSTEIN. Yes.

Mr. LAZARO. We have been in session since December. What progress has been made?

Mr. JACOBSTEIN. I have followed it very carefully, and I want to say that the Committee on Interstate and Foreign Commerce has held and is still holding hearings and has been considering coal legislation. I wish they had begun their hearings earlier. I think they should have begun in December.

Mr. LAZARO. Then it is not the fault of Congress.

Mr. JACOBSTEIN. We should have prodded the committee, but everyone here knows they have been working very hard. As I say, I think they should have begun the hearings in December. We have only a few more weeks, and in the closing days we may fail to secure the protective legislation or such as we would have had if the hearings had begun in December. But it is not too late even now.

Mr. PARKER. Will the gentleman yield?

Mr. JACOBSTEIN. Certainly.

Mr. PARKER. Does the gentleman think that we would have got any information that would have been of much use if we had started the hearings while the strike was in progress?

Mr. JACOBSTEIN. I think the hearings should have begun in December and they would not have affected the strike nor would the strike have affected the deliberations of the committee.

Mr. PARKER. Does the gentleman believe that you can pass permanent legislation as effectively during an emergency as you can after the emergency has passed?

Mr. JACOBSTEIN. No; you are right, but I think the deliberations of the committee might have begun earlier. If they had begun three months earlier, to-day we would have had before us a well-thought-out and well-considered and well-prepared piece of legislation.

Mr. PARKER. We began just as soon as the strike was over.

Mr. JACOBSTEIN. The hearings did not begin until the latter part of March or 1st of April.

Mr. TREADWAY. Will the gentleman yield?

Mr. JACOBSTEIN. I will.

Mr. TREADWAY. I want to call the gentleman's attention to the fact that the committee has been at work steadily and

that we have had several times assurances by the chairman that the bill would be reported before adjournment.

Mr. JACOBSTEIN. I congratulate the committee on the earnestness and sincerity of its work. All I wish is that the work had not begun so late. We now have no bill from the committee before us for action. I want to say that it is possible now to take the first step in the three weeks that are left. The committee ought to report a bill in this Congress, even if it is not perfect in every respect. We must make a beginning.

Mr. PARKER. Will the gentleman yield?

Mr. JACOBSTEIN. I will.

Mr. PARKER. It is the intention of the committee to report a bill very soon.

Mr. JACOBSTEIN. I am happy to learn that we have the assurance of the chairman of his hard-working Committee on Interstate and Foreign Commerce that we are going to be called upon to vote or have an opportunity to take the first steps in enacting coal legislation.

Now, if I had more time, I would like to analyze the economic conditions in the hard and soft coal industry. We will never cure the evils in the hard and soft coal industries until we unify these industries. The hard-coal industry has a hard nut to crack because of the high cost of mining in competition with low-cost units. This produces an economic deadlock. We can produce 800,000,000 tons of soft coal and we only need 500,000,000 tons, and that situation is not sound; it is wasteful, and the public is paying the price.

How are you going to cure that? I think there ought to be an opportunity given to the industry to organize itself so that it can work cooperatively, just as we say the farmers ought to work without being dragged into court for violations of the Sherman antitrust law. We will have to do something to unify the coal industry before we can really solve the problem. My plea to you to-day is simply this: I do not want this Congress to adjourn and have the public say that it was suffering from "sleeping sickness." We ought to be wide awake and not have to be awakened by the shock of another strike.

Mr. MOORE of Virginia. And it is clear, is it not, that Congress can enact into law some of the recommendations of the President?

Mr. JACOBSTEIN. Yes; absolutely.

Mr. MOORE of Virginia. So far as the regulations are concerned, the gentleman is debating the great question of whether we can regulate under the authority of the principle declared in the Coronado case, based upon the commerce clause of the Constitution.

Mr. JACOBSTEIN. Yes. Some people have advocated putting it under the "general-welfare" clause of the Constitution, but I would prefer to put it under the "commerce clause." This does affect interstate commerce, and we have a right to protect the people in a great public industry like coal. It is the basic industry of the United States and of all other industrial countries. I think we have that right. The President has recommended it on three separate occasions, and the coal commission in its five-volume report, and having the advice of great legal talent, recommends that which I am now proposing this Congress shall do.

Mr. BLACK of New York. Mr. Speaker, will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. BLACK of New York. The President did not see fit to come into Congress with a concrete plan, just as he did with the tax-reduction plan and with agriculture. This is just as important. He did not consult his legal department on the legality of the situation and did not have his Commerce Department prepare a comprehensive plan.

Mr. JACOBSTEIN. President Coolidge's recommendations in 1923 were more explicit, more concrete, more to the point as a basis for legislation than his recommendations in 1925, but his statement in 1926 clarifies the situation. The President, I think, realizes that the public is entitled to legislation from this Congress. We ought not to pass the buck. The President said during the last strike that he is without authority to act, and we ought not to adjourn before giving him that authority.

Mr. BLACK of New York. But he wants us to adjourn right away.

Mr. JACOBSTEIN. I do not know whether he does or not. I do not breakfast with him.

Mr. BLACK of New York. Ask the gentlemen who were at the breakfast.

Mr. JACOBSTEIN (reading):

> The Committee on Interstate and Foreign Commerce gives us its assurance that they are going to bring legislation into the House dealing with coal.

Mr. BEGG. What concrete plan has the gentleman to offer which he is advocating?

Mr. JACOBSTEIN. I have been setting forth my ideas here for 45 minutes on a number of bills, including my own.

Mr. BEGG. I understand what the gentleman's bill is; but, in a word, what does he want Congress to do?

Mr. JACOBSTEIN. If the gentleman will go back over President Coolidge's recommendation——

Mr. BEGG. But I do not want to know what his recommendations were, but what is the gentleman asking?

Mr. JACOBSTEIN. It will take 45 minutes.

Mr. BEGG. It seems to me that the gentleman ought to tell in a word or two.

Mr. JACOBSTEIN. Three things. We must establish a permanent working fact finding and fact reporting bureau; second, we must establish machinery which will help in the mediation and arbitration of the disputes before the dispute breaks out, with power to investigate and report to the public before a strike is legally declared; and, third, empower the President to operate the mines in case of a real emergency.

Mr. BEGG. What kind of machinery?

Mr. JACOBSTEIN. That is going to take time to explain. I have explained it in my remarks to-day.

Mr. BEGG. Does the gentleman want compulsory arbitration?

Mr. JACOBSTEIN. No. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

UNFINISHED BUSINESS—WOMEN JURORS

Mr. ZIHLMAN. Mr. Speaker, I call up the unfinished business.

The SPEAKER. The unfinished business is the third reading of the bill (H. R. 5823) to amend the Code of Law of the District of Columbia in relation to the qualifications of jurors. The Clerk will report the bill on its third reading.

The bill was read a third time.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BUREAU OF CUSTOMS AND BUREAU OF PROHIBITION, TREASURY DEPARTMENT

Mr. SNELL. Mr. Speaker, I call up House Resolution 237, a privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 237

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10729, a bill to create a bureau of customs and a bureau of prohibition in the Department of the Treasury. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Ways and Means Committee, said bill shall be read for amendment under the five-minute rule. At the conclusion of such consideration the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and all amendments thereto to final passage.

Mr. SNELL. Mr. Speaker, the rule needs very little explanation. It simply provides for the consideration under the general rules of the House, for two hours of general debate, of the bill (H. R. 10729) to create a bureau of customs and a bureau of prohibition in the Department of the Treasury. Its general purpose is a reorganization within the Treasury Department and the creation of a special bureau of customs and a bureau for the enforcement of prohibition. It has been understood for some time that there is a great need for a change in the carrying out and the enforcement of the custom laws of the country, and that certain detail work that is under present law performed by the Secretary of the Treasury himself should be placed in the hands of some bureau commissioner with authority to act in the place of the Secretary of the Treasury. While the bill does not give any additional powers to the Secretary of the Treasury or to anyone in the departments, nor in any way repeals existing law, it does give power to detail such authority to a commissioner of customs.

It is the same way in connection with the enforcement of prohibition. That now is under the Commissioner of Internal Revenue. All that anyone in that position can do is to attend to the collection of taxes in this country. This bill creates a special bureau for the enforcement of prohibition and a commissioner of that bureau who reports direct to the Secretary

of the Treasury. It is expected that these changes will tend toward more efficiency in both of these bureaus and without any material cost to the Government. It is largely a reorganization within the department itself and it is not expected to increase the number of employees in the department. As far as I know, there is no opposition to the consideration of the bill. It comes with a unanimous report from the Committee on Ways and Means, and there is no opposition in the Committee on Rules to its consideration at this time. Does the gentleman from Alabama desire any time?

Mr. BANKHEAD. I would like to have about 10 minutes time.

Mr. HASTINGS. This does not change existing law, but simply the administration of it?

Mr. SNELL. Simply the administration of it, as confined to the Treasury Department. I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker, I yield five minutes of that time to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, and gentlemen of the House, invariably I am opposed to consideration of legislation under a special rule, but to-day I am ready and willing to support the resolution, because I am anxious to give the prohibition department and all the advocates of prohibition such legislation as they desire and which they have appealed for.

It is the law of the land and I believe that the law should be enforced. I have voted for every measure, for every proposition offered ever since the enactment of the Volstead Act, to enable the officials to enforce the law. I realize, Mr. Speaker, and gentlemen of the House, it matters not what legislation we adopt, how much money we expend, that the Volstead Act as it now is on the statute books can not be enforced. These are not my views—they are the views of all clear-minded, well-meaning, sincere men and women who have carefully studied the conditions and who have the interest of our country at heart. Only a few days ago I have noticed that Mrs. Parkhurst, one of the foremost leaders in temperance, as well as Angela Kauffman, the founder and president of the International Narcotic Crusade, is of that opinion that there are thousands of men and women of this Nation voice the same sentiments. I might include here General Andrews, General Butler, and others. Only a few days ago District Attorney Buckner and a great many others whom I listened to, including Mr. Dever, mayor of Chicago, who, for three years honestly tried to enforce the law, and what did he say? He appeared before the Senate committee and stated, "I came to the conclusion that it is absolutely necessary in the interest of the Nation that the Volstead Act should be amended. He made a strong plea for the modification as any "wet" possibly could make it, and he is one of the very few mayors of a large city in the United States that has tried honestly and sincerely to enforce the law.

I feel that it must be conceded by the most extreme prohibitionists that he is an honest and fearless executive, and has endeavored to force the county, State, and Federal agencies to enforce the law. He made it plain to the country that enforcement of the Volstead Act would be at a tremendous cost; namely, at a cost of breaking down all other activities of municipalities and the States and also the Federal Government. I observed that he has with all force at his command tried to impress upon everyone the necessity that something must be done to end the deplorable conditions that prohibition laws have brought about. The Anti-Saloon League have made the people believe in the strongest possible terms that national prohibition would forever eliminate drunkenness, stop crime, empty jails, eliminate causes for divorce, lower the taxes, and that we would have a sane and sober Nation. The last two weeks testimony has been given before the Senate committee which was positive proof that drunkenness had increased, crimes had multiplied, insane asylums, sanitoriums, and hospitals were crowded with drug addicts, the jails overcrowded, and requiring new jails and penal institutions to be enlarged and erected, even in the District of Columbia; that divorces have doubled, and that the cost of living and taxation has nearly trebled, bringing about a general disregard and disrespect not only of the prohibition law but unfortunately of all the laws. These facts can not be truthfully denied by anyone. The adroit and resourceful prohibitionist, realizing this condition—realizing that all that has been claimed for prohibition has failed to materialize—now comes forth with a new claim; namely, that prohibition has brought about prosperity. The fact is that we have prosperity notwithstanding the prohibition law. However, I concede that certain people have prospered under these laws; namely, the illicit manufacturer and the bootlegger on the one hand and the professional prohibitionists on the other hand. Where the professional prohibitionists before prohibition received from $1,500 to $1,800 a year, they are now drawing double, yes treble, that amount. Yes; some are drawing as much as $7,500 a year. They surely have been prospering, but not only they themselves but their friends and all those who have cooperated with them and enabled them to force this unfair, unreasonable legislation upon the country. Of course, there are others that have benefited. There are thousands of jobs that have been created for the prohibition patriots with the Government who are drawing all the way from $2,000 to $10,000 from the Federal Treasury annually. So surely these two classes as well as the still and hip pocket flask manufacturers have and are prospering, but oh, at what a cost to the Nation.

A few days ago Bishop Cannon stated that the wets are responsible for the corruption now prevalent in the United States. The truth is that this vicious prohibition act is responsible for this wave of crime, for the corruption and disregard of all laws. It is conceded by all that human nature can not be changed by law, and consequently the body continues to demand stimulants, and no law will stop it. In view that such beverage can not be secured lawfully, people will get it unlawfully, and as the demand increases booze will be secured by the wealthy and rich class at any price that are in position to pay $10 to $15 a bottle; this means prosperity to those who can supply it. Therefore, the criminal element within our country, the class who formerly were known to the police as pocket and sneak thieves, gunmen, and hold-up men, find it more profitable supplying this beverage than their old and more dangerous trades brought them, and without as great a risk as in their former activities. In other words, prohibition opened easier avenues at a lesser risk to live in luxurious ease for the criminal element and at the same time this lucractive business makes possible the bribing and corrupting of not only policemen, sheriffs, deputies, but prohibition agents, court attachés, and public officials everywhere, and has demoralized the military forces of America and is responsible for the loss of more of America's naval destroyers than our country has lost during the World War; and if there is any doubt in the mind of anyone, let him investigate the record. Therefore, I reiterate it is not the wets, but it is this present obnoxious prohibition act that is responsible for the conditions and corruption now prevalent. By this time you must realize that the great majority of American citizens resent this law, and it must be conceded that you can not enforce a law that has not the approval and sanction of a majority. Whilst our country was at war and all patriotic Americans devoted all their thought and energies how to aid this Nation in securing an early and favorable termination of that great conflict, and while upward of four million citizens and soldiers of this country were fighting abroad for humanity, the independence of nations, and liberties of people, the Anti-Saloon League and other unscrupulous prohibitionists devoted their time to raise funds with which to build up their organization, and with their contemptible propaganda they created false sentiment among the unsuspecting, well-meaning, church-going men and women and thereby succeeded in using them for their nefarious schemes and activities and utilized them to fill their coffers. In this I am substantiated by no less a personage than "Pussyfoot" Johnson, who, in an article, boasts of the underhanded, lying, contemptible activities that were employed by him and his associates. With the funds so collected and the lying propaganda they have taken advantage of conditions and forced through Congress by misrepresentation and by their false promises the amendment to our Constitution, known as the eighteenth amendment, and by their high-handed methods have forced the State legislatures to act without ever giving the American people time to realize what was transpiring. They have made the people believe in the strongest possible terms that the national prohibition act would forever eliminate all evil, which is more a dream than a reality.

Oh, I appreciate that Mr. Wheeler, Doctor Dinwiddie, Bishop Wilson, "Pussyfoot" Johnson, and all other professional prohibition leaders and advocates will ridicule and attack and malign everyone who is courageous enough and advocates any change. The people of the United States realize the intolerable conditions now existing under the prohibition law, and it is beyond question that the majority are in favor of modifying the Volstead Act. Yes; even the repeal of the eighteenth amendment. This is made clearer from day to day. The nation-wide newspaper poll proved this. A few days ago a poll was taken at Yale College which showed the students and professors of that institution were in favor of modification or repeal of the present law by a 5 to 1 majority. Again, the National League of Women Voters in their St. Louis convention, held a few days ago, by a vote of 171 to 79 refused to

approve the present prohibition law. Every day men and women who have made a study of this question, who have tried to enforce the law, such as General Andrews, Mayor Dever, and others, were obliged to concede that the law can not be enforced and something must be done. While the Volstead Act was being forced through Congress assurances have been made that $5,000,000 annually will suffice for the enforcement of the law; to-day you know that the enforcement of the law this year will cost the people of the United States forty millions and, as many have stated, even with an expenditure of one hundred millions and the use of the Army and Navy it will be impossible to enforce it. This is only the cost of the Federal Government itself. Taking into consideration what it costs the municipalities and the States, it will reach the colossal sum of $200,000,000. And, remember, the amount we are now expending is much greater than the entire cost to run our Government in the year 1860. But in view of the sentiment created on the part of the prohibitionists I feel that we for another year should give those who believe the law can be enforced all the aid and all the assistance and all the money that they desire, and I am ready to-day to vote for an additional ten million, twenty million, or twenty-five million dollars if I thought they could bring about an enforcement of the law. I voted for all these appropriations, and I shall continue to do so. I should like to see the law enforced in every section of the land—in my section, in Georgia, Alabama, the Carolinas, and Texas as well—but I believe the moment you actually enforce the law as it should be enforced that moment America will rise en mass and demand a modification of this unreasonable, un-American, unjust, and unfair legislation. That is the reason I shall vote for this legislation and for any legislation that will bring about an enforcement of the law.

Mr. LOWREY. Will the gentleman yield?

Mr. SABATH. I will yield.

Mr. LOWREY. The gentleman says he will vote to enforce the law because the gentleman believes that when it is enforced it will be repealed. Then the gentleman admits he is more against prohibition that would prohibit than one that would not.

Mr. SABATH. I am against prohibition because I believe the legislation has been a curse for the Nation. I am for temperance which will bring about law and order, and I am against this kind of legislation that brings about disorder and general disregard of all laws. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BANKHEAD. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, I shall support this rule because it makes for better enforcement of the prohibition law. I have been here a good long time, Mr. Speaker. I think there are about three gentlemen who outrank me in length of service. I remember conditions in the old régimé quite well. There was a barroom down where the restaurant is now. There were tables around which friends gathered, and you could get almost any kind of a drink—mixed drinks, whisky, wine, and beer.

Mr. CAREW. What is the gentleman smiling at?

Mr. POU. I was reflecting the smile of my good friend, SOL BLOOM. I can not help smiling. After several trials Congress finally voted this barroom out of the Capitol. I think there were almost a dozen barrooms between the Peace Monument and Riggs Hotel, which stood on the site of Keith's Theater. Now, Mr. Speaker, in passing upon this question every man should take a nation-wide view. For one I say deliberately that in my judgment there is no comparison between conditions now and conditions as they were under the old liquor régimé. [Applause.] And while I did not vote for the Volstead law, and while I did not vote to submit the eighteenth amendment to the people of the United States, under no circumstances would I vote for a modification of the Volstead law. [Applause.] We hear a great deal about the loose enforcement of the prohibition law. Because existing prohibition laws are not enforced as they should be we are told these laws must be modified or repealed. By the same process of reasoning the law against homicide should be modified or repealed, for homicide is more prevalent than ever before. By the process of reasoning the law against robbery should be modified or repealed, for robbery is far more prevalent than ever before. Mr. Speaker, I can not understand how gentlemen who are informed can seriously contend that drinking is more prevalent now than under the old system. Take this city, for instance. The man who says there is more drinking in Washington now than under the saloon system must be blind. Because the Nation is by far more prosperous than under the old system the voters of America will be slow to make any change, and, in my judgment, they will never consent to return to the old system. [Applause.] The rank and file of the American people believe in temperance. They know as we all know that constant use of ardent spirits means drunkenness and ruin.

I do not believe I am a fanatic, Mr. Speaker, and I say, after much study of this question, the time has not come when existing laws should be tampered with. Gentlemen who are agitating this question for the purpose of changing the law are wasting their time. [Applause.]

Mr. BANKHEAD. Mr. Speaker, I shall only address the House for a moment. As stated by the chairman of the committee, this rule comes with the unanimous approval of the Committee on Rules, and upon a bill which was reported to us as having the unanimous approval of the Committee on Ways and Means, so that I anticipate there will be no real controversy over the provisions of this bill.

I want to state that while I am for the bill and for the rule, yet since I have found out that my friend from Illinois, Judge SABATH, and some of these other gentlemen here are also supporting it I am beginning to have a little doubt about the propriety of my position on that subject. [Laughter.]

I think, Mr. Speaker, we have in Congress, in both branches, as well as out of Congress, what might be called professional wets and professional drys, men who use that question somewhat in the nature of a vehicle to exploit their own political advantage. I say this without meaning to be offensive to anybody. I represent what might be called a conservative school of thought. I am of the "plain or garden" variety of prohibitionist. I voted for the eighteenth amendment. I voted for the Volstead law and for every other law that has been offered here since that time to support in its full integrity the letter and the spirit of the eighteenth amendment; and I venture the prediction, gentlemen, that, although we are having recently a good deal of agitation of this question, by hearings and by propaganda in the press, on both sides of it, it will be a long, long time in this country before there will be any substantial change or modification either in the spirit of the eighteenth amendment or the Volstead law, which carries it into operation.

I say that because I believe that in the long run, recognizing, as my friend from North Carolina, Judge POU, has suggested, the difficulties of absolute administration of the law in its full integrity in some of the sections of the country, I believe in the long run the sober-minded, the conservative, prudent people of this country, as registered at the polls, voicing their sentiments as to the gentlemen whom they will send here to represent them, they will still be of the abiding conviction and judgment that, taking it by and large, from the standpoint of economics and of morals and of every other phase of the matter that may be considered, on the whole national prohibition, as adequately enforced as may be under all the circumstances of opposition, is the best thing for all the people of America. [Applause.] And holding those views, Mr. Speaker, I am supporting this bill, because it promises a practical and effective administration of this bureau in the Treasury Department that will have charge of the question of enforcement.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. O'CONNOR of New York. The gentleman does not intend to convey the thought that this is either a dry or a wet bill, so called?

Mr. BANKHEAD. Oh, no. I said at the beginning that, because we seemed to have such unanimity of opinion from both these schools of thought, I am beginning to be rather curious as to what the character of this bill is, but, as a matter of fact, there is no controversy about what the bill means. It simply means the reorganization of the Treasury Department Bureau so that this question of enforcement and prohibition may be administered under separate bureaus.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. O'CONNOR of New York. Can the gentleman imagine how anybody can take the floor and advocate the bill and claim they are speaking in behalf of the dry cause?

Mr. BANKHEAD. I think so; yes. I think I am perfectly consistent when I say that the bill provides for the fixing in the Treasury Department, on a status of its own and on responsibilities of its own, this bureau, which shall be directly responsible for the enforcement of the prohibition law. Therefore as a "dry," I say it is consistent with my attitude on that question.

Mr. O'CONNELL of New York. My friend evidently has overlooked the fact that it also refers to the Customs Bureau, which refers to jewelry as well as beverages.

Mr. BANKHEAD. I was not discussing that question.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. CRISP. As an advocate of the bill and as a member of the Committee on Ways and Means that reported the bill favorably, I desire to say to my friend from New York that those who favor it believe it tends to a more efficient enforcement of the prohibition law. [Applause.] That is the object of the bill.

Mr. SABATH. That is the reason I am willing to support it, I will say to the gentleman.

Mr. CRISP. It seeks to establish in one bureau of the department the Prohibition Unit and the Customs Unit, which deals with the importation unlawfully of liquor, and the Coast Guard Unit, which protects the coast, and the whole object of it is to bring about a stricter enforcement of the prohibition law.

Mr. BANKHEAD. Mr. Speaker, I yield 3 minutes, the remainder of my 20 minutes, to the gentleman from New York [Mr. O'CONNOR].

The SPEAKER. The gentleman from New York is recognized for three minutes.

Mr. O'CONNOR of New York. Mr. Speaker, I did not intend to talk on this rule, but there always seems to be hanging over this House a phantom figure labeled "Prohibition." Why, if a man came in with a bill from the Claims Committee and his name was "Prohibition," certain people here would solely, on that account, rush to its support, while some other people might consider that they ought to vote against it.

It is a cowardly attitude to take on either side. As far as this bill is concerned I am willing to vote for or against it, irrespective of my stand on the question of prohibition; but I regret to say now that merely because of the fact that the Prohibition Unit is mentioned in this bill there are a number of men here approaching it as a prohibition measure—men elected to use their judgment and intelligence as Representatives of the American people. What is this thing, prohibition? What is this great bugaboo in this country that has put the fear of God into the hearts of so many men, otherwise strong and courageous?

I shall never hesitate to vote to stop the illegitimate and unlawful sale of liquor, but I say now that the coming in of this resolution under a special rule and the heat accompanying it, shows that you are dealing with a most extraordinary cause, a most unusual question. What other law is there that you put on the statute books, which requires you to come here every week with a new amendment to enforce it, with new and additional machinery to make it effective? Is not just that unusual situation proof that this thing prohibition stands by itself, that it is not like any other law? We hear talk ad nauseam about obeying all the laws and standing for the enforcement of all laws. What other law did we ever have to reinforce and restate? When you deal with this question, gentlemen, you deal with a law in a class by itself. You know it, and you must meet the situation. Try as you will, you can not turn this particular bill into a "wet" and "dry" question. Only cowardice will make you run to cover at the mere mention of the word prohibition. Let us represent our people without any fear of any "sword of Damocles." My idea of the most useless Representative is one who is elected solely because he is "dry" or solely because he is "wet." His election is an insult to our American institutions. There are so many other questions of such vast importance that concern our people.

Some one put in the report accompanying this bill that it is "advocated by the Anti-Saloon League." Imagine that bait! A snare to any cowardly "dry." Why, you all know this bill is advocated by everybody who believes in the reorganization of a department that is not functioning well. But there it is in the report—an attempt to turn this measure into a "dry" bill so that fear will again penetrate some men's hearts. Why, there are thousands of organizations backing this bill, but with this bugaboo hanging over nearly every measure presented here, any question touching prohibition remotely can be turned into an out-and-out prohibition question in this House. Gentlemen, if I come to the conclusion that that device was used to pass this bill or that it was born in the warped and un-American soul of the Anti-Saloon League I would be against it if I stood in a minority of 1—and that even though I started out for it.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SNELL. Mr. Speaker, this debate has taken a somewhat different angle than I expected it would take. This resolution was presented simply for the consideration of a bill which creates two bureaus that can more efficiently handle the Government's business than is being done at the present time, and as far as I am concerned it is neither wet or dry. That is the reason I am for the resolution, and that was the only thing that was taken into consideration in reporting it out at this time. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HAWLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10729) to create a bureau of customs and a bureau of prohibition in the Department of the Treasury.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10729) to create a bureau of customs and a bureau of prohibition in the Department of the Treasury, with Mr. TINCHER in the chair.

The Clerk read the title of the bill.

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Chairman and gentlemen of the House, the purpose of this bill is to effect the reorganization of two divisions of the Government service that are now not functioning well. The bill was introduced after the Bureau of Efficiency had carefully examined into the existing conditions of both the Customs Service and the Prohibition Unit, and to some extent the Coast Guard Service. There is no intent to effect any reorganization of the Coast Guard Service, but there is a reorganization of the two other services.

The Customs Service and the Prohibition Unit have grown up largely by the method of accretion. The Customs Service has been in existence for more than 100 years, but has never been put upon a regularly organized basis. The Prohibition Unit is a development of recent growth and the difficulties in the situation are many. At present the enforcement of prohibition and the narcotic act is under the Commissioner of Internal Revenue. The Commissioner of Internal Revenue, with the collection of the income and excise taxes and the administration of the businesses connected therewith, is already overburdened to an extent that he has no time for the consideration of the matters arising out of these other affairs, and sought to be relieved of this responsibility. He has to sign every order to every agent and every commission. He has no time to investigate as to the necessities of the orders, their propriety, or the qualifications of the agents that are to be appointed. He very earnestly desires to be relieved of this responsibility, for which he has no time to qualify himself to his satisfaction. We propose, then, to adopt the suggestion of the Bureau of Efficiency and create a bureau of customs in place of a division of customs and to have a commissioner of customs in place of a chief of the division of customs. The organization will be much the same as it is now so far as the work in the bureau is concerned and very largely so far as the personnel is concerned. There will be a new officer called the commissioner of customs, who will have a salary of $8,000. The additional cost provided by the bill will be confined to the Customs Service, and that will be about $40,000.

In the Prohibition Unit we create a commissioner of prohibition, with the organization provided in section 2, paragraph (a), the character of the organization being the same in both bureaus.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. JOHNSON of Texas. I notice this language in the report:

> No additional appropriation will be required to carry out the reorganization of the prohibition activities under the provisions of this bill.

That language, I judge, means that there will be no additional cost to the Government to maintain it after it is installed, as well as the installation of this new division.

Mr. HAWLEY. We were told by the officials of the Treasury Department that the only added cost in the bill will be that for the Customs Service, about $40,000, and there will be no added cost for the Prohibition Bureau.

Mr. JOHNSON of Texas. I asked that question because frequently there is a criticism of all laws with reference to the enforcement of the eighteenth amendment on the ground that

they will cost a great deal of money, but this is one which does not cost anything.

Mr. HAWLEY. Not in this latter instance. The enforcement of the customs laws, so far as they relate to the importation of liquor or narcotics, and the work of the Prohibition Unit and the Coast Guard Service, so far as they have to deal with the matter of keeping out illicit liquors and narcotics from the shore side of the country, will be under the direction of an Assistant Secretary of the Treasury, at present General Andrews.

The commissioners will be under his direction and will function according to instructions issued by him. The bill makes the Secretary of the Treasury responsible for the carrying out of all the laws relating to the Customs Service and the Prohibition Service, but gives him authority to delegate these powers to the bureaus and the bureau chiefs named in the bill.

This, in general, is the groundwork of the bill. We do away by explicit language with the present Division of Customs and do away with all the officers in that division. We transfer the employees, the personnel, the books, and papers to the bureau of customs. We do the same thing so far as the Bureau of Prohibition is concerned by transferring out of the office of the Collector of Internal Revenue all the necessary books and papers that are concerned with the prohibition work.

The last provision which I think I need to comment upon is the fact we provide that all the field employees of the Bureau of Prohibition shall be under the civil service. All of the officers of the Bureau of Customs except the commissioner are under the civil service under existing law. All of the officers of the Bureau of Prohibition except the commissioner will be under the civil service under existing law. Only the field officers, therefore, were to be taken care of, and we provide in explicit language that they shall also be under the civil service law at the end of six months, giving the present employees time to qualify, if that is their desire.

Mr. THOMPSON. May I ask whether they have to qualify by an examination?

Mr. HAWLEY. In the regular way.

Mr. THOMPSON. They will not be covered in direct?

Mr. HAWLEY. They will have six months within which to prepare themselves and to qualify for appointment under the civil service law.

Mr. EDWARDS. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. EDWARDS. Does this bill provide for the transfer of somebody as the chief of this bureau or does it leave it open for appointment?

Mr. HAWLEY. The only person who will be appointed in either of the bureaus, the Bureau of Customs or the Bureau of Prohibition, is the commissioner. All the others will be under the civil service.

Mr. EDWARDS. The chief of this bureau will be under the civil service?

Mr. HAWLEY. No; the commissioner of customs and the commissioner of prohibition will be appointed, but all the others will be under the civil service.

Mr. HUDSPETH. Appointed by the Secretary of the Treasury?

Mr. HAWLEY. Yes; appointed by the Secretary of the Treasury.

Mr. BLACK of New York. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. BLACK of New York. Does the gentleman know whether there is any intention by this bill to reorganize General Andrews out of the prohibition service?

Mr. HAWLEY. I have never heard of any such suggestion. I think the gentleman meant to be facetious.

Mr. BLACK of New York. No; I did not mean that facetiously. If the gentleman has not heard about it, I have heard about it and read about it time and again and have heard that it was at the urgency of those who are supporting this bill.

Mr. HAWLEY. There was not anything of that in the hearings.

Mr. CRAMTON. I might suggest, if the gentleman will permit, that General Andrews drafted this bill. That is an answer to the gentleman's question.

Mr. THOMPSON. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. THOMPSON. I want to refer again to this civil-service question. Are these men in the field who are now in the service to have noncompetitive examinations?

Mr. HAWLEY. The field agents will have exactly the same kind of civil-service examination that everybody else has.

Mr. THOMPSON. I mean, will they be given the privilege of a noncompetitive examination or will everybody be brought into the service or does the gentleman know about that?

Mr. HAWLEY. That was not in the evidence.

Mr. LAGUARDIA. If the gentleman will permit, I have an amendment to cover that point.

Mr. THOMPSON. That is a good amendment.

Mr. BACHMANN. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. BACHMANN. We had a bill before the Civil Service Committee along this line, and that bill has passed the House. It put all the men under the civil service from the administrator down. What is the difference between this bill and the bill as originally passed by the House?

Mr. HAWLEY. The question was raised in the committee as to the propriety of including this part of the legislation in this bill. It was not known and could not be known in advance whether the Cramton bill would pass both Houses and become a law or not. So in order to be sure we put in this bill practically the same provision as the Cramton bill. They are not in conflict. If this bill passes, it will not be necessary to pass the Cramton bill; but if this bill should fail, then the Cramton bill, if it passes, would take care of the situation.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. JOHNSON of Texas. As I understand it, we have now in the Treasury Department a Commissioner of Internal Revenue?

Mr. HAWLEY. Yes.

Mr. JOHNSON of Texas. And this bill will create two new commissioners, a commissioner of prohibition and a commissioner of customs, and they will have the same authority with reference to matters under them as the Commissioner of Internal Revenue has with reference to matters in his division?

Mr. HAWLEY. Yes; they will be given charge of their separate bureaus under the direction of the Secretary of the Treasury.

I yield 10 minutes, Mr. Chairman, to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, I desire to call the attention of the chairman of the committee to certain weaknesses in this bill. I want to touch first on the civil-service provision just referred to by the gentleman and to the amendment which was put into the civil service bill when it was before the House.

The House will remember that in 1924 in the President's message he recommended specifically that all field agents should be placed under civil service, referring to the Prohibition Unit. In the President's message of 1925, at this session of Congress, the President made the same recommendation, but modified it somewhat by saying that perhaps the field agents now in the service might be covered in.

I have an amendment that would prevent any of the existing force or those holding temporary appointments, under the bill now before us, from being covered in and requiring everyone to take a competitive examination, and I believe this amendment would carry out the intention of the House.

Now, gentlemen, I want to call the attention of the House to another very important matter. The bill provides a salary of $8,000 for the commissioners. The Government is now paying a very good salary for prohibition administrators and deputy administrators, and I believe that the Government is entitled to all of the time and all of the services of these employees.

A few days ago the prohibition administrator of Pennsylvania stationed in the city of Pittsburgh, Mr. Baird, testified before the Senate committee that he was drawing a salary of $12,000 from a railroad company in addition to his salary as prohibition administrator. I do not believe that it is necessary to argue that a prohibition administrator must be absolutely free from any connection with any transportation company. Our very enforcement law makes it a crime for any officer drawing a salary to draw any other salary from private sources as an official. How can the administrator of prohibition in Pennsylvania enforce the law if he is under a salary of a railroad company engaged in transportation? I want to read the provision of the law applying to officials receiving additional compensation from private sources. It is as follows:

That on and after July 1, 1919, no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States. Any person

violating the terms of this proviso shall be deemed guilty of a misdemeanor—

And so forth.

While there is doubt that the prohibition administrator in Pittsburgh has violated the spirit of this statute, I do not believe he has violated the statute sufficiently to bring him in under the penalty. That is why it is necessary to make the law more definite and more rigid. So the amendment I shall offer at the proper time provides that any prohibition administrator or deputy administrator employed in the Bureau of Prohibition shall give all their time exclusively to the United States Government and shall not engage in any other calling, occupation, or profession or trade and shall not receive a salary from any service other than the regular salary from the Government of the United States.

Now, gentlemen, I submit that is a reasonable, logical amendment to place on this bill in the face of what has happened in the city of Pittsburgh. The administrator testified that personally he saw nothing wrong in receiving a salary of $12,000 from a railroad company. I want to know if the prohibition administrator in Pennsylvania had an agent at the freight stations of his railroad company and also the Pennsylvania Railroad to determine whether the railroads are violating the prohibition law. He must find himself in a very awkward and embarrassing position where he is receiving a salary from the railroad and as a prohibition administrator is receiving $6,000 to enforce the law.

This is the time when you are reorganizing this service and when you are providing for a proper administration of the law, and now is the time to write into the law a provision of this kind so that any employee or administrator or executive officer can not receive any salary or allowance from any source other than that from the United States Government, especially when there are conflicting interests. Every railroad is naturally under the supervision of prohibition-enforcement officers as to the transportation of liquor.

I respectfully submit that every common carrier, every railroad should be under the inspection of the prohibition administrator, and no prohibition administrator can logically perform his duties if he is receiving a salary from a railroad company.

Now, I have another amendment, which I will not discuss at this time.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JOHNSON of Texas. Did I understand that the prohibition administrator in Pennsylvania was on the pay roll of a railroad company?

Mr. LAGUARDIA. He so testified.

Mr. JOHNSON of Texas. In what capacity?

Mr. LAGUARDIA. I do not know; he said he visited the offices of the railroad company three or four times a day and that he worked for the Government 12 to 14 hours a day, and when he gets his rest or sleep I leave to you gentlemen to determine.

Mr. STALKER. Does the gentleman know that this man was drafted by the Prohibition Unit and that they asked the railroad company's permission?

Mr. LAGUARDIA. I never heard of anybody being drafted for a $6,000 job. I am sure the gentleman will not defend a man receiving a salary from a railroad when he is prohibition administrator.

Mr. STALKER. They said they could not secure the man they needed at a salary of $6,000.

Mr. LAGUARDIA. If they could not secure anyone who would enforce prohibition better than Mr. Baird is enforcing it in Pittsburgh, I think we are in a hopeless condition. Let me tell the gentleman that in the city of Pittsburgh at this moment there is a man running for public office who is under two indictments, and the prohibition director in Pittsburgh is not doing anything about it.

Mr. CRAMTON. If the gentleman will allow me, these trials are not before the director. Is it not possible that if the facts are as stated by the gentleman, there may be fault in some other official? The director does not try the cases, even if they are indicted.

Mr. LAGUARDIA. The gentleman is right; but they all work together just now in Pittsburgh. They are all in the same boat. But, gentlemen, do not let us get into arguments on prohibition. Let us stand by the bill before us, which provides for a prohibition unit in the Treasury Department, for the purpose of increasing the efficiency of that unit. My amendment will go a long way toward putting an end to a very bad condition that exists to-day. It is proper to consider whether or not we want men in this service who have no other ties or obligations, who can give their whole time exclusively to the duties of this office and not receive big salaries from other sources and naturally be under obligation to look after the interests of the sources from which they are paid.

Mr. GARNER of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman and gentlemen of the House, I want to occupy your time for a few minutes in connection with this bill. It is appropriate that I follow the gentleman from New York [Mr. LAGUARDIA], because I wish to particularly address my remarks to the question of the civil service, to which he made reference. It is unnecessary for me to say on the floor of the House that I have always favored prohibition. I voted for the eighteenth amendment. I voted for all legislation that had for its purpose the vitalization of that law. I voted for prohibition down in my own home State. I was reared in the eastern portion of Oklahoma in what was formerly the Indian Territory, and we have always had prohibition there. I voted for all other laws that extended prohibition to the District of Columbia and elsewhere where any opportunity was afforded.

It is not my purpose to further discuss that feature in the limited time I have at my disposal, but I want to discuss this so-called civil service provision which is inserted in section 5 of this bill. I say to my friends on the Republican side of the House that it is my honest, sincere judgment that there has never been a time in the last 25 years in this country when the merit system has been at a lower ebb than it is to-day. I have secured a copy of the two platforms of 1924, and I shall insert as a part of my remarks certain portions of them.

The Republican platform states:

> The improvement in the enforcement of the merit system, both by legislative enactment and Executive action since March 4, 1921, has been marked and effective. By Executive order the appointment of presidential postmasters has been placed on the merit basis similar to that applying to the classified service. We favor the classification of postmasters in first, second, and third class post offices and the placing of the prohibition enforcement field force within the classified civil service, without necessarily incorporating all the present personnel.

The Democratic platform of 1924 contains the following:

> We denounce the action of the Republican administration in its violation of the principles of civil service by its partisan removals and manipulation of the eligible lists in the Post Office Department and other governmental departments; by its packing the Civil Service Commission so that that commission became the servile instrument of the administration in its wish to deny to the ex-service men their preferential rights under the law, and the evasion of the requirements of the law with reference to appointments in the departments.
>
> We pledge the Democratic Party faithfully to comply with the spirit as well as the regulations of civil service; to extend its provisions to internal-revenue officers and to other employees of the Government not in executive positions; and to secure to ex-service men preference in such appointments.

A few weeks ago we listened to an extended speech by the gentleman from Texas [Mr. WURZBACH], in which he brought the attention of the House and the country to a most deplorable condition which exists in the State of Texas. The gentleman from Mississippi [Mr. WILSON] in another speech corroborated everything that was said by the gentleman from Texas. Can an administration that will listen to a speech like that of Mr. WURZBACH and not have it investigated and not reply to it lay any claims to being in favor of the civil service? Is anybody on the floor of the House to-day deceived into a belief that if this bill is passed the merit system will actually prevail in the enforcement of the prohibitory law? Let me say to you, gentlemen, that I was amazed after the speech of the gentleman from Texas to read in the press the reputed correspondence between the majority leader and the chairman of the congressional committee, with the national committeeman of Texas, and the State chairman of the Republic Party of Texas, in which a suggestion was made that the matter be left to the Republican National Committee to decide which was in error. Of course, I expected the majority leader [Mr. TILSON] to take the lead in introducing a resolution condemning such action. This was a violation of law. It was not merely the violation of party politics. It is a question in which the whole country is interested. I expected to see the majority leader of the House rise to the occasion and introduce a resolution and demand a searching investigation of the alleged violations of the law going on in Texas, instead of the suggestion of a partisan investigation being made by the National Republican Committee. We should have a real, sincere investigation made by a committee appointed by this House to see whether or not the civil service law has been violated. It should be respected and enforced or repealed. I challenge

any man on either side of this aisle to assert that for the past two years the civil service law has been respected in the second congressional district in Oklahoma. I do not speak with knowledge with reference to other districts. Now, let us talk about the Post Office Department for a minute. There has not been a single Democrat appointed as a fourth-class postmaster in the second congressional district in Oklahoma in two years. The law is not respected, but evaded.

Mr. HAWLEY. Mr. Chairman, I regret to call the attention of the gentleman to the fact that the rule provides that the debate on this bill must be confined to the bill.

Mr. HASTINGS. That is exactly what I am doing, Mr. Chairman. I am commenting on the civil-service section in this bill and telling about how it is being violated. I am bringing to the attention of the House the fact that I think it is absolutely useless to have this section inserted in the bill, because I think it means nothing, and I am giving the reasons why I think it is meaningless.

The CHAIRMAN. The gentleman will proceed in order.

Mr. HASTINGS. Take the rural carriers in the second congressional district in Oklahoma. They are supposed to be under the civil service.

The CHAIRMAN. The Chair will sustain the point of order as to rural carriers in the second congressional district of Oklahoma.

Mr. HASTINGS. Mr. Chairman, I do not wonder that the chairman and those on the Republican side of the House do not want to hear this question debated.

The CHAIRMAN. The gentleman is out of order. The gentleman will suspend. The gentleman must confine his remarks to the bill. The gentleman will proceed in order.

Mr. HASTINGS. I shall discuss this provision of the bill.

Mr. CONNALLY of Texas. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CONNALLY of Texas. Does the Chairman hold that in arguing as to whether or not it is a good thing to adopt civil service in prohibition enforcement it is not in order to argue as to how that same doctrine is applied and enforced in other matters?

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Oregon.

Mr. CONNALLY of Texas. Without any reason whatever?

The CHAIRMAN. No; the Chair sustains it because it is right to sustain it. The gentleman from Oklahoma will proceed in order.

Mr. HASTINGS. Mr. Chairman, I shall proceed as nearly as I can in order and further discuss this section of this bill. I further assert that I know that its administration and enforcement will simply be a farce and will be as meaningless as far as prohibition is concerned as it is and it has been in the other branches of this Government.

The people of the country are entitled to the most efficient service. They believe that a public office is a public trust. They do not believe in the creation of offices to be used as patronage and for the exchange of delegates to party conventions. The people do not favor the retention of a single surplus public officer, and they believe that only those should be retained who are absolutely necessary to administer public affairs.

Many of the good people of the North and East are deceived by the platform expressions of the Republican Party with reference to the civil service. Those who are in closer touch appreciate how insincere the declarations are. The platform plank refers to the improvement in the enforcement of the merit system. If any citizen is deceived into the belief that there is any pretense to the enforcement of the merit system, he should find an opportunity to read the speech of Congressman WURZBACH, a Republican of Texas, in the House of Representatives on March 3, 1926. It is the most scathing arraignment that has been placed in the RECORD in years. It was a carefully prepared speech and went into great detail. It describes the vicious political system in vogue in the South and frankly and boldly charged violations of the civil service law by the post office authorities; that patronage was exchanged for delegates to Republican conventions and that officeholders were assessed and that large sums were collected from prospective appointees. He asserts that it has become a national scandal. He charged that the national committeemen handle one end of the convention delegate system and usually the Postmaster General handles the other end.

He further states:

> It is a spoils system pure and simple, without one redeeming quality. The ordinary spoilsman buys influence with his own money. Under the system I am attacking influence is bought with public office.

He boldly states that the Postmaster General entered into what is in effect a conspiracy to remove the post office in his home town to an inconvenient location through the influence of the State chairman.

He said:

> The power and influence of these patronage politicians in Washington is simply amazing and almost incredible. This is true especially with regard to the Postmaster General and his first assistant.

The speech goes into great detail and shows an utter disregard for the civil service in the State of Texas.

Congressman WILSON of Mississippi, on March 22, 1926, commenting on the speech of Congressman WURZBACH, stated—

> and yet in my State of Mississippi for months some of the most reputable citizens of that great Commonwealth have charged, without fear of successful contradiction, that post offices in the State were sold in the open market, and that the buying and selling of Federal offices in Mississippi is a common practice.

Again, in the same speech, he said:

> And in my State to-day there exists a condition which has no parallel in the history of my Southland since the dark days that followed the Civil War. Not only are Federal positions sold in the open market to the highest bidders, but the control of Federal patronage is almost entirely in the hands of the negroes. God save my country from the sad day when negroes are placed in the seats of the mighty and political control passes into their black hands. [Applause.]

He stated he had introduced a resolution calling for a congressional investigation, but no action could be secured upon it.

A few days after the disclosures of the gentleman from Texas [Mr. WURZBACH] the press contained extended notices of the correspondence carried on between the Republican congressional chairman [Mr. WOOD] and the majority leader [Mr. TILSON] and the national committeeman from Texas, Mr. R. B. Creager, not criticizing the violations of the civil service laws, but urging that the National Republican Committee should support Republican nominees for office in Texas. It was finally suggested that the matter of loyalty of the Republican national committeeman and the State chairman to Republican nominees be submitted to the Republican National Committee for investigation.

It is recognized by every thoughtful person that a far deeper question is involved. Even the gentleman from Texas recognized this when in his speech he said:

> It has passed beyond that stage, however, and has grown into a national scandal.

It has been a great disappointment that the majority leader [Mr. TILSON] should content himself by suggesting that the matter be investigated by the National Republican Committee. I think I express the almost unanimous opinion of the House when I say that it was expected that upon the disclosures hereinabove referred to being made that the majority leader would demand a rigid, thorough, and searching investigation by a congressional committee with power to swear witnesses and report to the Congress whether or not the criminal and civil service laws have been violated not only in the States of Texas and Mississippi but throughout the country generally. No wonder that interruptions were interposed, and points of order were made against the discussion of this question. It reaches a tender spot. Everyone knows that the present administration has no regard whatever for the civil service laws. Immediately after the disclosures by the gentleman from Texas [Mr. WURZBACH] the press reported that the Republican national committeeman from Texas, Mr. Creager, was an honored and invited guest at the White House, which showed the sympathy of the President, but this list did not contain the name of the gentleman from Texas [Mr. WURZBACH]. I again assert that the civil service law is not enforced in Oklahoma. Ex-service men are not given the preference in making appointments. When an eligible list is certified for the appointment of postmasters or rural-route carriers and it contains the name of no partisan an excuse is made to hold another examination, and this is continued until the name of some acceptable partisan appears upon the list, and he is appointed. I fear that this will be the way that this section of this bill will be administered.

I close, as I started, with the statement that in my judgment there has been no more partisan administration, nor one that has had less regard for the civil service law, than the present one.

Mr. HAWLEY. Is the gentleman from Texas ready to yield time?

Mr. CRISP. Mr. Chairman, the gentleman from Texas is out, and he asked me to look after the yielding of time in his

absence. I do not know but one gentleman on this side—I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, in my judgment this proposed "shifting around" is merely creating and enlarging bureaus of the Government and expenses without bringing any promised reform or enforcement. If you were taking away from the Secretary of the Treasury the enforcement of prohibition you would be accomplishing something. We have had the enforcement of prohibition in the hands of Mr. Secretary Mellon ever since the present administration started, and it has never been enforced, and yet in the hope of getting some enforcement my friend from Michigan [Mr. CRAMTON], and probably our good friend Wayne B. Wheeler, is hoping against hope and enlarging Government bureaus without any promise of anything.

Why are you putting the appointment of the Commissioner of Prohibition in the hands of the Secretary of the Treasury by this bill? Do not you know you are not going to get anywhere by it? Is there a man here who foolishly believes that Mr. Secretary Mellon is going to enforce prohibition any stronger with the man he appoints as Commissioner of Prohibition than he is at the present time with General Andrews, whom he appointed? Why do you not put this appointment in the hands of the Chief Executive, upon whose shoulders rests the responsibility of enforcing all the laws of this Nation? Is not the office big enough for the President to appoint? It is one of the most important in the Nation. Why do you not put the real responsibility on the President of the United States?

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. BLANTON. I yield. I see New York is here in full force to-day, but I yield.

Mr. O'CONNOR of New York. Maybe the President does not want it.

Mr. BLANTON. I do not think he does. This bill is shifting great responsibility to an underling, when it is a matter for the President. Ah, the time is coming in this Nation when the American people are going to say to our President that we look to him to enforce the law.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. JOHNSON of Texas. When the gentleman from Oregon was speaking in answer to a question of my colleague from Texas [Mr. HUDSPETH] I understood him to say that the commissioner of customs and commissioner of prohibition were to be appointed by the Secretary of the Treasury with the approval of the Senate. I do not find——

Mr. BLANTON. That is not in the bill. The Senate will have nothing to do with it. Mr. Secretary Mellon will do the appointing and he is a man more interested in the liquor business than any other one man in the United States. Deny that if you will. I pause for the denial; and there is none. He is to appoint the enforcer of prohibition. Ah, it is a farce, and the gentleman from Michigan can squirm as much as he wants to, but he knows I am telling the truth. And the gentleman from Maine knows it. He is for enforcement. There is no more stalwart citizen in the United States back of prohibition and its enforcement than the distinguished gentleman from Maine, and yet he knows we are now indulging in a farce.

Mr. HERSEY. Will the gentleman yield?

Mr. BLANTON. I did not say which gentleman from Maine. [Laughter and applause.] It was not necessary. But the gentleman from Maine is a stalwart prohibitionist and I take off my hat to him, he has done splendid work for prohibition.

Mr. HERSEY. I thank the gentleman for his doubtful compliment, but I wish to assure the gentleman from Texas that the gentleman from Maine has the utmost confidence in the honesty and sincerity of Andrew Mellon. [Applause.]

Mr. BLANTON. I have absolute confidence in his honesty, and business honesty, but——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Let me have two minutes additional.

Mr. CRISP. I yield two minutes to the gentleman.

Mr. BLANTON. The gentleman is hard up to get gentlemen to take time anyhow. [Laughter.] I have confidence in his honesty. I have confidence in his integrity, but I have no confidence whatever in his leaning toward the liquor traffic. And I have no confidence in his intention to enforce prohibition. Why I have confidence in all of these wet New Yorkers here in their honesty and integrity, and yet they have all come down here now to get something for the "wet cause," if they can, out of this legislation. Just exactly like Mr. Mellon is going to do, get all he can for the "wet cause" out of every piece of legislation that is handed to him, because he is a wet. He is the king of wets in the United States.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. BLANTON. Yes; because the gentleman is running with Mr. Mellon in the wet cause.

Mr. O'CONNOR of New York. Will the gentleman tell the New Yorkers just what we should do on this bill?

Mr. BLANTON. I know that most of you will vote just contrary to the way I do on prohibition.

Mr. O'CONNOR of New York. We will take the gentleman's advice sometimes.

Mr. BLANTON. I am one who is going to vote for the bill just because CRAMTON says so. I know it will not do any good, but if I vote against it I would be lined up with the "wet" leadership from New York and with JOHN PHILIP HILL, of Baltimore, and with LAGUARDIA and with other distinguished "wets" in this House, and I do not want to be in their company on a prohibition issue. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HAWLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. CRAMTON].

The CHAIRMAN. The gentleman from Michigan is recognized for 10 minutes.

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, this legislation grows out of the necessity, which has impressed many, for the reorganization of the machinery, first, for the enforcement of prohibition, and next, as suggested by others, for the administration of the customs laws. I will confine my remarks to a discussion of the reorganization of the Prohibition Unit.

Ever since the passage of the Volstead Act there has been a controversy, a difference of opinion, as to the proper place in which to lodge the authority for enforcement. It was two or three years ago that the suggestion was made by me, and embodied in a bill which I introduced, and which became widely known, that the Prohibition Unit be taken out from under the Bureau of Internal Revenue and a new bureau of prohibition created. As the law stands, the enforcement of prohibition as a Federal proposition is in the Bureau of Internal Revenue. As has been said here, the Commissioner of Internal Revenue has a task as great as that of any bureau in the Government, with prohibition omitted; the task of collecting our Federal income tax and Federal revenues.

The first thing, then, to be desired was to get better administration of the tax laws by relieving the Bureau of Internal Revenue of the task of enforcing prohibition. Furthermore, as the situation was two or three years ago, when this proposal was first made, the task of enforcement, so far as the mind of the country was concerned, was in the Commissioner of Prohibition. But that official was not known in the law, and that official had no authority conferred upon him directly by the law. He was an assistant to the Commissioner of Internal Revenue, unnamed in the law. He had no authority except such as was granted to him by the Commissioner of Internal Revenue. He could make no regulation. He could not appoint the men he wanted; men were discharged whom he wanted retained. To go from the Commissioner of Prohibition, where the public placed the responsibility, to the Secretary of the Treasury, where the fullest authority really was, there were four steps, and often they were not completed. The journey was often not completed from the Commissioner of Prohibition to the Commissioner of Internal Revenue, to the Assistant Secretary of the Treasury, to the Secretary of the Treasury. So Commissioner Haynes did not always succeed in getting his desire, his program, through to the Secretary of the Treasury. If so, it was only with a great deal of delay.

So a second idea was to center in one bureau the authority with reference to prohibition as a Federal proposition; to give that the dignity and importance of a bureau, and clothe it in the law with authority. In connection with that was a third important feature to be secured to secure prompt administration.

Mr. JOHNSON of Texas rose.

Mr. CRAMTON. I will be very glad to proceed for a little time, if I may, without interruption. Then later I shall be glad to yield.

The third proposition was, in order to secure prompt administration of the law and effective enforcement, to center in that new bureau all of the authority of the Federal Government with reference to these liquors. Whether for permitted or prohibited uses, it is the same liquor. There are certain permitted uses and certain prohibited uses. Sixty million gallons out under permit, of which over 10 per cent was being diverted to unlawful uses. But those permits were issued over here in the office of the Commissioner of Internal Revenue, while over yonder, in the Bureau of Prohibition, there was the responsibility of checking up on them, and you could not expect sys-

tematic enforcement. So under the proposed measure this administration of both permitted and prohibited liquors and enforcement, in order to see that they were not abused, was centered in one bureau.

Now, that bill was introduced—H. R. 6645—and had long consideration by the Committee on the Judiciary of the House and was favorably reported and passed this House by an overwhelming vote. At that time the only opposition to it that was apparent was from the users of industrial alcohol, who were fearful of the effect if the administration of permits came into the bureau, as proposed. The bill went to the Senate, and there failed at the closing hours of the session by reason of some very active opposition. It was after favorable report of the bill in the Senate that the association opposed to the prohibition amendment first showed its hand, first uncovered its opposition to the bill. In The Minute Man, published by the New Jersey division of that association, it was declared in the issue for December 22, 1924:

> An effort to defeat the so-called Cramton bill in the Senate of the United States will be made by the Association Against the Prohibition Amendment. * * * The association strongly urges its members to write to their Senators demanding their opposition to the Cramton bill.

Whatever effect such protests had, threatened filibuster defeated that bill in the closing hours of the last Congress.

In this Congress the same bill, with very trifling amendments, was introduced by me at the request of General Andrews, and it went to the Committee on the Judiciary. I think the letter of indorsement of that by General Andrews, under date of February 12, in brief form gives as concisely as you will find anywhere the attitude of the Department toward this reorganization proposition. I read his letter:

> TREASURY DEPARTMENT,
> *Washington, February 12,* 26.
>
> Hon. GEORGE S. GRAHAM,
> *Chairman Committee on the Judiciary,*
> *House of Representatives.*
>
> MY DEAR MR. GRAHAM: Replying to your favor of January 16, 1926, as to the attitude of the department in the matter of the Cramton bill, H. R. 394, Mr. CRAMTON submitted this bill at our request, and the department favors its enactment into law. It is considered quite essential to efficiency that the work of the Prohibition Unit be separated from the Bureau of Internal Revenue and placed under the Secretary in an independent bureau organized under a Commissioner of Prohibition, very much as is the Bureau of Internal Revenue under its commissioner.

To the suggestion that this work ought to be in the Treasury Department keep in mind the fact that nowhere else can you secure that close cooperation that is vital between this work and the work of the Customs Service. I read further:

> This facilitates the present Treasury Department organization by which the actvities of the Prohibition Unit, Customs, and the Coast Guard are placed under the supervision of one Assistant Secretary, who may thus coordinate their work so far as it concerns the enforcement of the prohibition laws.
>
> In the meantime the department, wishing to organize a separate bureau for customs as well as a separate bureau for prohibition, has had prepared a bill for this purpose which will be sent to Congress as a department measure and which if enacted into law will serve the same purpose for prohibition but will at the same time have accomplished the much-desired reorganization of customs as well.
>
> Sincerely yours,
>
> L. C. ANDREWS, *Assistant Secretary.*

So you have before you the department measure, therein referred to by General Andrews, covering both of those services, introduced by the gentleman from Iowa [Mr. GREEN], chairman of the Committee on Ways and Means. I have the pleasure here to-day of supporting the bill now before us, under the leadership of the gentleman from Iowa [Mr. GREEN] and indorsed by the unanimous report of the Committee on Ways and Means and apparently having the unanimous support of this House, and which fully carries out the purposes sought by me in H. R. 6645 in the last Congress and H. R. 394 in this Congress. It is highly gratifying to anyone to see an idea work out into that indorsement. This proposal has throughout had the cordial support of all the dry organizations.

Mr. JOHNSON of Texas. Has the gentleman reached the point where he desires to yield for a question?

Mr. CRAMTON. I will yield to the gentleman.

Mr. JOHNSON of Texas. I realize that the gentleman is very loyal in supporting all legislation having for its purpose the enforcement of the prohibition law, and I am in sympathy with such a motive. What I want to inquire about is this: Why is it that the Department of the Treasury rather than the Department of Justice should have jurisdiction over the enforcement of the national prohibition law? That is what I would like to know.

Mr. CRAMTON. The Department of Justice does not enforce, as an administrative proposition, the laws of the country—the pure food act and other laws.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HAWLEY. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. CRAMTON. And the reason I have already given, I think, is sufficient for retaining the administration of the law in the Treasury Department—that it is imperative to have this close cooperation between the Coast Guard, the Customs Bureau, and the Prohibition Unit.

Mr. EDWARDS. Will the gentleman yield to me for a question?

Mr. CRAMTON. Yes.

Mr. EDWARDS. I want to ask the gentleman this question: Does not the gentleman think it would make for efficiency and add strength to the proposition if the commissioner were named by the President rather than by the Secretary of the Treasury?

Mr. CRAMTON. No; I do not; and I will now cover that point. The commissioner should certainly not be confirmed by the Senate. It is a Treasury Department matter, and under the present organization, since we passed the bill in the last Congress, the Treasury Department under Secretary Mellon has gone just as far as it can go without legislation to bring about what Congress was trying to do in H. R. 6645. Instead of having the responsible head, the one the country looks to as responsible, the fourth tail of a row of dominoes, we have General Andrews, an Assistant Secretary of the Treasury, next to the door of the Secretary of the Treasury, and selected by Secretary Mellon on the basis of efficiency. He has made a good record, and I think I have studied it as closely as most anyone, and I say without any fear of contradiction that he has, in his administration of the office, demonstrated his zeal and his capacity and he has been successful. [Applause.] In good faith and zealously he feels his way, and his past record is marked by accomplishments that augur well for his future performance.

I want to remind you that as a result of that reorganization and placing General Andrews in active charge of enforcement and with practically a free hand, treaties were negotiated with Mexico covering smuggling and extradition; the Prohibition Unit has been reorganized; negotiations have proceeded successfully with Canada; the transfer of alcohol control from the Internal Revenue Bureau to the Prohibition Unit has been made effective and has been very salutary in effect. The instructions issued covering the cooperation of the Coast Guard, the collectors of customs, and the Prohibition Unit have aided in stopping smuggling; Coast Guard activities have been highly developed, greatly reducing smuggling and practically eliminating rum row; there has been a Treasury decision eliminating household wine declarations; there has been a Treasury decision arranging for the annual review of all permits; there has been a Treasury decision limiting the use of whisky for the manufacture of patent medicines, and so forth; also the withdrawal of Jamaica ginger and "body-rub" formulas, which was being diverted to beverage purposes; there has been a Treasury decision setting up a new control over sacramental wine; there has been an elimination of formula No. 6 for completely denatured alcohol, some having diverted this for the manufacture of beverages; there have been new permit forms in order to make favorable court action surer; the allowances of medicinal whisky, and so forth, to druggists have been put on a more satisfactory basis; there has been the organization of special alcohol and of special brewery squads for controling these activities; under the leadership of the State Department treaties for smuggling and extradition control have been negotiated with Cuba and should soon be in effect, and the policy of the development of large conspiracy cases has borne quite sensational results.

Mr. KINDRED. Will the gentleman yield?

Mr. CRAMTON. I can not yield now. I want to be courteous, but I want to complete this thought. They have gone as far as they can under the law, but to-day under the law the Commissioner of Internal Revenue must attach his signature to every regulation that is issued. Now, it is not fair to the Commissioner of Internal Revenue to ask him to take that responsibility without an opportunity for examination, and any time he takes to make an examination is time that slows up effective enforcement. This bill, if you pass it, puts an end to that anomalous situation. It takes it out of the hands of the Commissioner of Internal Revenue and puts

it in the hands of the Commissioner of Prohibition, and that commissioner, in the administration of the law in the department, will be associated with two other bureau chiefs, the head of the Coast Guard and the head of the Customs Service, all three of them under one Assistant Secretary of the Treasury, while the Commissioner of Internal Revenue is under another Assistant Secretary. These three bureaus, closely related, are under one Assistant Secretary, who has practically the whole authority of the Secretary delegated to him. In this direction lies efficient cooperation and successful administration.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. HAWLEY. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. CRAMTON. Now, let us be perfectly fair about this thing and not give a man the hardest job in the United States and too hastily criticize him for any mistakes he may make. I say that any man has the right to make a mistake occasionally. We ought to give General Andrews the fullest opportunity to have an efficient organization. Why should not this bureau chief be appointed by the head of the department who has to take the responsibility when he is in actual operation immediately under an Assistant Secretary of the Treasury who is the right hand of the Secretary?

Mr. KINDRED. Will the gentleman yield for just one question?

Mr. CRAMTON. Yes.

Mr. KINDRED. Will the gentleman inform us whether the order issued by General Andrews permitting the sale of 3.75 per cent beer for medicinal purposes is in operation?

Mr. CRAMTON. I can not say, although I think practically so, and I think two permits have been approved. However, I do not want to take the time to discuss those details. I am simply going to appeal to the House to support this legislation, which those who are responsible for enforcement say they need.

After adjournment of Congress last March Secretary Mellon effected the reorganization I have referred to, doing the things we had sought in H. R. 6645, as far as the statutes permitted. Among other things, that reorganization concentrated control over liquors, permitted and prohibited, in the Prohibition Unit, transferring industrial alcohol control from Internal Revenue to the Prohibition Unit. The dangers feared a year ago and two years ago by industries legitimately using industrial alcohol—and those industries are of great importance—have not come to pass, and that seems to be the reason for our harmonious situation here to-day. I have always believed, and now believe, the legitimate use of alcohol will find better service and more consideration under the improved administration we hope for from this bill.

I hope the House, before it adjourns, will find a way to consider other legislation that is demanded by General Andrews and by Secretary Mellon.

General Andrews is asking Congress for this program of legislation—

(1) In addition to bills covering appropriations for the Prohibition Unit, Customs Service, and Coast Guard, including an important personnel bill for the Coast Guard, we have prepared and submitted to Congress proposed legislation as follows for the reorganization of the Prohibition Unit and of the Customs Service, making effective the coordination of customs, Coast Guard, and prohibition for law enforcement under one assistant secretary.

(2) There are seven changes in and additions to the Volstead Act, making its enforcement more efficient.

(3) There are six changes in the narcotic act for the same purpose.

(4) There is a bill containing six new statutes, particularly designed to aid in stopping smuggling.

(5) A supplemental appropriation bill providing for the organization of three new activities, and the development into greater efficiency of three others, thus setting up a machinery which experience has shown will be effective in breaking up the liquor traffic.

(6) There is a bill for the organization of a United States border patrol, prepared in collaboration with the chief coordinator and the Department of Labor.

(7) There is a civil service bill, introduced by Congressman Cramton. This has passed the House, and in the Senate hearings held by the Civil Service Committee and reported favorably before the Senate.

(8) There is a bill for increased penalties introduced in the House by Congressman STALKER. This is still in the Judiciary Committee. No hearings. This bill is particularly important to law enforcement through the increased penalty for "transportation."

(9) I also consider the creation of a considerable group of mobile Federal judges essential to law enforcement, and I also consider essential a law providing for extradition in Federal cases.

We can not and should not criticize Mellon and Andrews if we fail to give them the tools they ask for and which we know they ought to have.

Mr. GARRETT of Texas. Will the gentleman yield for a question?

Mr. CRAMTON. Yes.

Mr. GARRETT of Texas. On the question of the examination under the civil service of these agents who are going to enforce this law, suppose those who take the civil-service examination and pass the examination in every respect are not at all in sympathy with the law, what are you going to do about appointing that kind of personnel?

Mr. CRAMTON. In my judgment, that is one reason we are trying to get away from political appointments that in so large a degree prevailed in the past. We want to secure the appointment of men who are in sympathy with the law.

Mr. GARRETT of Texas. How are you going to find that out? Are you going to ask in your questionnaire so that the applicant must say, "I am for the eighteenth amendment and I am for the Volstead Act and its full enforcement," or are you going to leave that open?

Mr. CRAMTON. The bill that has passed, and this one as well, would place the responsibility for examination on the Civil Service Commission, under such regulations as they would adopt under the civil service law, and the investigation which they would make, I trust, would disclose the fact of whether the man seeking the job is in sympathy with enforcement of the law or not.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HUDSPETH. Will the gentleman from Mississippi yield to me a moment so that I may ask the gentleman from Michigan a question?

Mr. COLLIER. I yield one minute to the gentleman from Texas.

Mr. HUDSPETH. I want to ask the gentleman a question, and I know he is competent to answer it. Under the selection of men to enforce this law by General Andrews, my observation is he has made the appointments without reference to political preferment or recommendation—does this bill take that out of his hands?

Mr. CRAMTON. General Andrews, so far as he could, has made quite a step considering merit rather than politics in the appointments I know of.

Mr. HUDSPETH. I agree with the gentleman.

Mr. CRAMTON. But General Andrews's own statement is, with reference to the civil service bill, that the enactment of a civil service law is very necessary for the good of the service.

Mr. HUDSPETH. He recommends this, then?

Mr. CRAMTON. He recommends the civil-service feature of it very strongly. He wrote me a few weeks ago:

TREASURY DEPARTMENT,
Washington, D. C., February 1, 1926.

Hon. LOUIS C. CRAMTON,
House of Representatives.

MY DEAR MR. CRAMTON: Because of an engagement in New York to-morrow which I can not break, I am unable to accept your invitation to appear before the congressional committee to-morrow in its hearing on the bill to put the Prohibition Unit under civil service. I therefore am writing you my views which you may transmit to the committee if you so desire, informing them also, if you please, that I will be glad to appear before them at a later date if they wish to have me do so.

The longer my experience with this work the more I am convinced that for the long future a civil-service status for the field forces, as well as the clerical forces, would be advantageous for law enforcement. This presupposes that great care will be exercised in selecting men peculiarly qualified for the various kinds of work which have to be done. Its advantages would lie not only in freeing men from any possible obligations to others for their appointment but particularly in putting them into a status where they could be moved from one post of duty to another without argument on account of local affiliation, etc. As our activities for law enforcement develop along lines already inaugurated, I foresee that the field forces will become more and more a concrete Federal force, free from local ties and available to be used at will wherever needed. The Federal force will thus become a clean-cut business organization, actuated by one sole consideration—law enforcement. That this may be brought about, I believe the civil-service status quite essential.

Very truly yours,

L. C. ANDREWS, *Assistant Secretary.*

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. COLLIER. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. OLIVER]. [Applause.]

Mr. OLIVER of New York. Mr. Chairman, I am sorry the committee is not considering a bill to make the Prohibition Commissioner a Cabinet officer, a Cabinet officer who is superior to the Army and the Navy of the country, for after all the prohibition issue seems to be superior to all of the other issues of the country—peace or war, domestic or international. Still we make this commissioner merely a subordinate of the Secretary of the Treasury. If you gentlemen are logical you will make the Prohibition Commissioner President of the United States.

It is the most important law in America to-day, according to you, and yet you smother this man under a Secretary of the Treasury, that you yourselves say is one of the greatest liquor men in the Nation. But I want to tell you this: Put it under your Treasury Department and you still have it under your Anti-Saloon League. It is not under the Secretary of the Treasury at all, and it never was. It was always under the control of Wayne B. Wheeler. Why do you not amend your bill and put this commissioner under the Anti-Saloon League or incorporate the Anti-Saloon League into a department of the Government? [Applause.] You are merely moving the department one flight up.

The whole trouble with your proposition here is, though you may have some kind of thought that this bill will bring a successful administration——

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. OLIVER of New York. Your law is based on tyranny and even a fine man like General Andrews can not succeed.

Certainly I yield to the gentleman.

Mr. SUMMERS of Washington. Would the gentleman suggest that he be appointed by the Governor of New York?

Mr. OLIVER of New York. Yes; I would think the Governor of New York could appoint a very fine temperance commissioner, because New York will never stand for the kind of prohibition that you have. We want a prohibition that does not padlock the liberty of a citizen to the last degree. We want prohibition that is fair and square and considerate of all the local communities, and not a prohibition of one-half per cent, which is not fair.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. OLIVER of New York. Yes.

Mr. O'CONNOR of New York. Is it not a fact the Governor of New York before the repeal of the Mullan-Gage law threatened to remove any district attorney or sheriff who did not enforce the prohibition law?

Mr. OLIVER of New York. He certainly did.

Mr. O'CONNOR of New York. And is it not a fact that he took steps against some of them?

Mr. OLIVER of New York. And not only that, but he had signed a 2.75 beer bill on March 24, 1920, and your Volstead Act repealed it by the decision of the Supreme Court on June 7, 1920. That is what happened in the State of New York.

We are fighting a fight for State sovereignty and we are going to win that fight before we quit, and do not you forget it. [Applause.] You are dealing now with a rebellion of the people of the United States. You are dealing with no small thing, and a rebellion of the people against this law will defeat your commissioner, whether he be under the President or under the Anti-Saloon League or under the Secretary of the Treasury. [Applause.]

Mr. GARNER of Texas. Mr. Chairman, I yield 20 minutes to the gentleman from Georgia [Mr. COX].

Mr. COX. Mr. Chairman and members of the committee, I wish to thank the ranking minority member of the committee reporting this bill for the courtesy of allotting to me so much of the time at his disposal. My physical conditon is such as not to justify me in appearing upon the floor much less taking part in this debate, but I do not want the opportunity to pass of raising my voice in the advocacy of any measure that strengthens the arm of the Government and enables it to carry conviction to the hearts of all the people that its law is supreme.

The purpose of this bill, as has been stated, is to establish in the Treasury Department a bureau of customs and a bureau of prohibition. I wish to address myself specifically to the question of reorganizing the prohibition department. It is believed by those who have given long and close study to the subject that the passage of the bill will dignify the service and will aid in an efficient administration of the law. It will at least put the directing head in positon to direct, giving him greater authority than is now exercised by the head of the Prohibition Unit, which is desirable. I am doubtful, however, if the bill is of that great importance as is claimed by some, but it is a step in the right directon, and because of that fact I am for it. There is other legislation that is needed which to my mind Congress should enact in the interest of better enforcement, but this is the best that can be hoped for at the present session, and its consideration at this time will give the advocates of modification or repeal who put their opposition to the prohibition law upon the ground that it is not enforced an opportunity of showing if this is the real basis of their opposition, for this is proposed legislation in the interest of enforcement.

Opposition to the bill upon the ground that it creates another bureau is somewhat met by the fact that no additional agency of government is created, but the bill simply takes the Prohibition Unit from under the Internal Revenue Collector, who himself is under an Assistant Secretary of the Treasury, and reorganizes it into a bureau under an Assistant Secretary of the Treasury.

Now, upon the subject of prohibition generally I would like to say that I do not by any means subscribe to all that is contended for by the drys, for much that some say is simple and foolish. Neither do I subscribe to much that is contended for by the advocates of repeal or modification, for the greater part of what they say is grossly exaggerated, if not entirely without foundation in fact. I do not believe that the prohibition law is responsible for all that is good in the land. Neither do I believe that it is responsible for all that is bad. In my opinion, based upon experience and study, it is responsible for a great deal that is good and for very little that is bad.

In discussing this subject we should be appreciative of our responsibility to the people of the country to give them the truth as we find it, uncorrupted by prejudice, but this the wets have not shown a willingness to do.

I concede that the law has not been enforced as it should have been. Speaking generally, it has been enforced in a very indifferent manner, though in some localities it has been properly enforced. Much indiscretion has been shown in the carrying out of the law, and much crime has been committed in its name. The sacredness of home and the privacy of person has often been outraged, peaceable and law-abiding people, men, women, and children have been subjected to the greatest kind of indignities by agents of the law. The whole prohibition force has unfortunately been flavored with an element wholly unfit from every standpoint for the discharge of the duties that have been placed upon them. These lawless methods of enforcement sometimes employed by the agents of the law—with which we are more or less familiar—have been responsible for much of the prejudice that we find against the law, and it is senseless to deny that some prejudice does actually exist, and it is not entirely confined to the lawless class of our people or to those ignorant of our traditions or indifferent to our destiny, for many patriotic and right-intentioned people favor repeal, and we get nowhere in impugning their motives or in questioning their loyalty.

Let us take up for a brief discussion the indictment brought against the law by the advocates of repeal. A fair analysis of them will force the conclusion that it is an admitted fact that liquor is an evil and should be dealt with as such, and therefore the most that I shall say will be predicated upon this admitted fact.

It is contended that the majority has never willed that we should have prohibition—that the amendment to the Constitution was unfairly enacted; that the law represents the will of the minority. Let me ask in considering this count if the eighteenth amendment was adopted in any manner different to the adoption of the other amendments to the Constitution? Were not constitutional methods employed in its adoption? What methods should have been used that were not used? Does the law not represent the will of the majority as much so as any other amendment to the Constitution? What sanction should have been given that was not given, and wherein did the minority impose upon the majority?

The further contention is made that the passage of the national prohibition act violated the doctrine of State rights; that intoxicating liquor is not a proper subject matter of Federal legislation; that it is a domestic question so far as it affects the States and should have been left to the several States for solution. I am perfectly frank to admit that the eighteenth amendment did encroach upon the original powers of States, and as an original proposition I question if it should have been adopted, but due to the nature of the evil with which the country had to contend there was abundant justification for it. The Volstead Act, however, violates none of the rights of States. It is simply legislation done in the exercise of ex-

press powers delegated by the States to the General Government. So at this time there can be no question of State rights involved. And I would remind the advocates of repeal that the General Government has always treated liquor as a proper subject matter of legislation. The question of control was involved in the policy of the General Government levying a tax on liquor, and, besides, it was conclusively demonstrated by long and painful experience that the States could not effectively deal with the subject. No State as a unit of government and of a will to outlaw liquor could adequately protect its citizens as against its evils when an adjoining State saw fit to give it a legal status.

No one protests against the General Government legislating with reference to opiates, and certainly fair-minded men are willing to admit that intoxicating liquors fall within this same class. The one may not be as great a menace to the human race as the other, but both are evils that are national in character, and why should not the General Government have exercised its powers in controlling them?

The further contention is made that the law is unfair, inequitable, and unjust; that it favors the rich and discriminates against the poor. Let us see about this. How is it unfair? If it wards off an evil that threatens your welfare, has it been unfair to you? If it removed from your pathway a hidden danger, has it done you a wrong? Is it an inalienable and an undelegated right that every person has to destroy himself? If the law denies you that which will harm you, then it is not unfair and has done you no wrong.

But how does this law favor the rich against the poor? Repealists say that liquor is high, and that only the rich can buy. Let us admit that this is true. Is it a discrimination against the poor? You might procure legal restraint against one seeking to do you an injury, but never against one who meant you no harm. If liquor is an evil and the law denies it to the poor, then there is no discrimination against this preponderating class of our people. The repealists further contend that the law is productive of much crime—theft, arson, murder. How does the taking of liquor from one make of him a thief or murderer? This contention means that conduct which is produced by the fevered and unbalanced brain is orderly and well regulated; whereas that produced by the sober and well-poised mind is disorderly and ill regulated. In other words, that drunkenness makes for law and right conduct, whereas sobriety produces crime of every character.

I admit that there is much crime committed in connection with the law; but is it because of the law, or is it due to the violation of it?

The contention is made that under the law crime has increased, and conditions in my State have been pointed out as proof of this assertion. I would like to say to this House that I have lived in Georgia all my life, and I am pretty well acquainted with conditions from one side of the State to the other, and I come to bear witness of the falsity of this charge. I have had some 24 years' experience in the practice of the law, some less than four years of this time I presided over one of the circuit courts of the State. In my experience I have been connected in different ways with hundreds of capital felony cases, and I tell you Members that of all this number more than 85 per cent of them was the direct result of the excessive use of liquor. Georgia enacted a bone dry law before the Congress passed the Volstead Act. After the enactment of the State law, crime of every character, with the exception of that involving the prohibition law, decreased more than 60 per cent. Since the enactment of the Volstead Act the decrease has reached not less than 75 per cent of that which existed prior to the enactment of the State law. Some days ago I addressed a communication to all of the presiding superior court judges of Georgia, which communication was in the nature of a telegram as follows:

> Clamor for modification of national prohibition law has become livest question of the day. Proponents of modification or repeal insist law complete failure and that it has increased crime throughout the country, including Georgia. Will you not write, giving your views upon effect of law as reflected by business tried in your courts? Will want to make public your answer.

To this message to the 36 superior-court judges in Georgia I have had replies from all but 2, and, with the exception of 2 of those making reply, every one has borne testimony to the efficacy of the law and to its wonderful beneficial effects upon the people of the State. Of the two not expressing themselves, one said that he did not try criminal cases; that he only held court within his own circuit; that he had no experience about the matter and, therefore, was unable to give an opinion. The other in replying said that he could no more tell what effect the national prohibition law has had on crime than he could measure the influence of the tenth commandment on the history of the human race.

Mr. O'CONNOR of New York. Mr. Chairman, are those judges elective officials?

Mr. COX. They are, and that is not to their discredit. The gentleman's question is evidently intended to develop the thought that these replies were prompted by politics rather than by the honest conviction of these officials. I would like to say to the House that there is no State in the Union where the judiciary is cleaner and where it performs a loftier service in the preservation of the Government and all of its institutions than is the case of the State of Georgia. [Applause.]

The argument of the advocates of repeal which has most merit in it is, that the general disregard of this law has engendered a disregard of all laws. I am afraid that there is something in this proposition, but if there is, who is responsible for it? Is it the man who has accepted the law in good faith and has gone about the faithful observance of it? Is it those who are wedded to the idea that the Federal Government encroached upon its subdivisions when it enacted the law? Or is it that same influence which cursed the country for a century who finds that under the operation of the law their business is made less productive of profit?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. GARNER of Texas. Mr. Chairman, I yield the gentleman five minutes more.

Mr. COX. In a speech of a gentleman representing a great State in the other branch of this Congress as reported in the CONGRESSIONAL RECORD of March 4, last, the statement is made that the prohibition law is a vicious statute; that it was passed by a subservient Congress; that for five years it has been poisoning the manhood and the womanhood of America, breaking up homes, contaminating our law-making and enforcement officials, and leaving wreck and ruin within its wake. He said further:

> And are we traitors, because a few of us with stout hearts have the temerity to revolt.

What does he mean by those bold words? Revolt against what? Against the Government in its efforts to enforce the law? What dangerous words are these to fall from the lips of a man in high station and in the forefront of public thought of the country? What kind of revolution would he promote in the interest of breaking down the law? Does he mean organized or disorganized revolt? Does he mean peaceful resistance to the Government, or does he mean resistance by arms?

Another distinguished gentleman, a Representative from the Empire State of the Union, made the statement on the floor of this House recently that what he wanted was his wine and beer. I wonder if giving him his wine and beer would make of him a better Representative and a better citizen. Would giving wine and beer to the unfortunates who reside in the tenement districts of his great city put food on their tables? Would it clothe the naked backs of their children? Would it bring to them now in squalor and distress happiness and contentment? What peculiar virtue is there in wine and beer that it should be given to the people?

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. O'CONNOR of New York. Does the gentleman think he is confining his remarks to the bill?

Mr. COX. Quite as much so as the remarks of the gentleman from New York who addressed the House on the adoption of the rule under which the bill was taken up.

The same proponents of repeal say that what we want is a state of law in this country. In other words, gentlemen of the House, they would repeal this law in order that there may be no violation of it. They say that there is no moral turpitude involved, that the thing is a pest—a nuisance and denial of the personal rights of the individual. I wonder if they would repeal all regulatory measures? If they advocate a repeal of all laws in which there is no moral turpitude involved. They say repeal this law and enact a new one—let the Government handle the whole situation—that we should go back to the old dispensary system, as was employed in some of the States. This very argument is an admission of the right of the Government to legislate with reference to liquor, and if it has the right to say as to how it shall be sold, why has it not the right to say that it shall not be sold at all? All of this talk about personal liberty is something that has no meaning. It is license that they demand, not freedom. They are entitled to no liberty except that which they find within the law.

The law is defective; at least, to me it seems so. I disapprove of the idea of pursuing the man that sells without taking regard of the man that buys. They are partners in the same illegal transaction, for without the buyer there would be no seller. What we need is an aroused public sentiment—one that will encourage all the people to take an honest stand upon this great question.

Mr. BLACK of New York. Will the gentleman yield?

Mr. COX. Gladly.

Mr. BLACK of New York. The gentleman from Georgia, all the gentlemen from Georgia, are good politicians, and I can not see why he would not see administration politics in this bill. The White House hears the people all over the country crying for beer and gives them a piece of cheese in the form of this bill.

Mr. COX. My position is this. If this is a good measure then, as a Democrat, I am for it even though it be sponsored by the staunchest Republican in the House.

Mr. HILL of Maryland. Will the gentleman yield for a question?

Mr. COX. I yield.

Mr. HILL of Maryland. I would like to call the attention of the gentleman to the report of the Commissioner of Internal Revenue.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. COX. May I have two minutes?

Mr. GARNER of Texas. I yield the gentleman two minutes.

Mr. HILL of Maryland. I would like to call the attention of the gentleman to the report of the Commissioner of Internal Revenue for the year ending June 30, 1925, and to the following report of seizures of illicit distilleries and distilling apparatus. In Georgia in that year distilleries 2,824, stills 2,066, still worms 914, fermenters 25,027. I would like to ask the gentleman if he cares to comment on the question of this illicit distilling apparatus of Georgia which he has been describing as being so strongly for prohibition legislation.

Mr. COX. Any Member of the House conversant with the legislative history of the gentleman from Maryland [laughter] who would take the floor in the advocacy of a prohibition measure might well have anticipated the propounding of this identical question by the gentleman.

Mr. HILL of Maryland. What is the gentleman's answer?

Mr. COX. I will say to the gentleman that Georgia recognizes the supremacy of the national law, and that it is a part of the Union. In Georgia the State authorities cooperate with the Federal officers in an effort toward an honest enforcement of all prohibition measures. [Applause.] If the great State that the gentleman represents had anything of a proper appreciation of its obligation in this matter and exercised one-half the diligence that Georgia exercises in the enforcement of this law, I am confident that the percentage as relates to that State would far exceed that which the Commissioner of Internal Revenue has credited to Georgia. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. COX. Will the gentleman yield me a minute to finish answering the question of the gentleman from Maryland?

Mr. GARNER of Texas. I yield the gentleman one additional minute.

Mr. HILL of Maryland. Now, if the gentleman will examine the figures he will find in all the States that had prohibition before the eighteenth amendment there are more violations in the matter of illicit stills in Georgia than any other State. What I wanted to ask the gentleman is this: Does the gentleman think the passage of this legislation will tend to decrease the thousands and thousands of violations of the prohibition act by distilleries in Georgia which have grown since the passage of the Federal act?

Mr. COX. Of course, I think the passage of this bill will aid in the enforcement of the law. If I believed it was an act intended to destroy the law or in any wise weaken it I would oppose the bill; but believing its passage will aid enforcement in Georgia and elsewhere I am for the bill. [Applause.]

Mr. HILL of Maryland. Does the gentleman think this bill will help to decrease the mounting violations of law by the distillers of Georgia? If he does, with my attitude on this bill, I will vote for it.

Mr. COX. If the gentleman is suffering from doubt as to the purpose and intended effect of this bill, I am very glad to relieve him by telling him that it is a prohibition measure.

Complaint is made that you will bankrupt the Treasury in the enforcement of the law; that $25,000,000 is too much to appropriate to this one subject. I would say to those who subscribe to such contentions that from the standpoint of the importance of the question it is a mere bagatelle in comparison with the contribution that they make in support of other agencies of the Government. It will not only take twenty-five million a year to enforce the law as it should be enforced, but it will take a hundred million, and this Government could not better spend the peoples' money that it collects from them than in establishing the authority of the Government in the minds of all people alike.

Are you to listen with a sympathetic ear to those who demand that this Government, representing 115,000,000 people, must yield to the demands of a class which preponderates in its personnel with those who would destroy your Government and all of its institutions in order that they might profit? Speaking for myself individually, I am prepared to favor the appropriation of enough money that will enable the General Government to enforce the law in all the States.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. GARNER of Texas. Mr. Chairman, I yield three minutes, the remainder of my time, to the gentleman from Mississippi [Mr. LOWREY].

The CHAIRMAN. The gentleman from Mississippi is recognized for three minutes.

There was no objection.

Mr. LOWREY. Mr. Chairman and gentlemen of the committee, two or three times on both sides the question has been raised as to whether or not this is a prohibition measure. I rather think that primarily and preeminently it is not a prohibition measure. But when I came into the Hall the gentleman from Illinois [Mr. SABATH] was on the floor discussing this bill, or making a speech supposed to be in discussion of this bill, and making an ardent attack on prohibition; and since then the gentleman from New York [Mr. OLIVER] has done the same thing.

They may have been wrong, or the men on the other side may have been wrong; but I want to say in the few minutes allotted to me a word in answer to a suggestion made by the gentleman from New York [Mr. OLIVER]. He gives notice that the people are in rebellion against the prohibition law, that they are fighting their battle on the eternal principle of State Rights, and that they are going to win.

As a Confederate soldier my father fought a four years' battle on that proposition over 60 years ago. He and his comrades fought bravely and well for a great cause. I am proud of their valor and their fidelity to principle. But, unfortunately for that great cause, the cause of human slavery was all interwoven and tied up with it, and the forces making that fight went down in defeat. The question of human slavery for a time at least condemned that doctrine and seemingly defeated it. The Christian civilization of this country has gone far beyond human slavery. [Applause.] And now, when the cause of the infamous saloon and the liquor traffic are being tied up with the sacred cause of State Rights, it will, in my opinion, go down exactly in the same way. [Applause.]

The Christian civilization of this country has gone clear beyond the saloon, and we shall never go back to the saloon any more than we shall go back to human slavery. [Applause.]

That State Rights plank has long been one of the solidest, the straightest, and the best-seasoned planks in my political platform and in the platform of Southern Democracy, but, as some one has recently suggested, a lot of you fellows from Chicago, Baltimore, New York, and New England have borrowed it and run off with it, and you have allowed it to get so soaking wet that it has warped and almost rotted in places, so that we can hardly stand firmly on it any more. Yet I hope we can get it dried out and cleaned up to such a degree as to make it thoroughly reputable again.

Mr. HAWLEY. Mr. Chairman, I yield one minute to the gentleman from Maryland [Mr. HILL].

The CHAIRMAN. The gentleman from Maryland is recognized for one minute.

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the committee, I see in the pending question nothing that has to do with the great question of prohibition or modification of the Volstead Act. All I see is the question of raising certain salaries and the recoordination of the Treasury Department.

I desire to ask unanimous consent of the House to continue my remarks by including in them Table No. 87, a statement of number of arrests, seizures, and so forth, by prohibition directors and by general prohibition agents during the fiscal year ending June 30, 1925, made up by the Commissioner of Internal Revenue. I desire to put this in especially because it throws light on the situation in the great prohibition State of Georgia.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. EDWARDS. Does the gentleman ask unanimous consent to do that?

Mr. HILL of Maryland. Yes. I ask unanimous consent to put that in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The table is as follows:

TABLE 87.—*Statement of number of arrests, seizures, etc., by Federal prohibition directors, and by general prohibition agents during the fiscal year ended June 30, 1925*

States	Illicit distilleries and distilling apparatus seized				Spirits seized (quantity in wine gallons)	Malt liquor seized (quantity in wine gallons)	Wine seized (quantity in wine gallons)	Cider seized (quantity in wine gallons)	Mash seized (quantity in wine gallons)	Pomace seized (quantity in wine gallons)	Automobiles seized	Value of automobiles seized
	Distilleries	Stills	Still worms	Fermenters								
Alabama	610	793	21	9,806	8,755.75	290.37	518.00		860,613.00		29	$8,460.00
Alaska	2	35	36	1	792.25	1,938.25	451.25		3,098.00		1	200.00
Arizona	119	105	77	303	1,306.10	1,464.08	845.62		82,934.00	930.00	35	16,585.00
Arkansas	135	33	17	1,600	1,938.34	2,103.37	282.38	60.00	74,805.00		19	8,595.00
California	3	396	102		34,681.41	21,345.25	176,893.25	46.00	252,878.00		271	186,910.00
Colorado	5	259	3	675	4,922.57	972.77	5,382.33	1.00	60,751.00	1.00	53	19,120.00
Connecticut	8	22			10,091.00	10,827.00	446.75	4,760.00	305.00		29	25,050.00
Delaware		10	21	90	1,446.50	78,656.00	10.00	28.00	1,015.00		30	30,750.00
Florida	456	743	1,131	11,278	18,688.75	3,387.12	1,461.00		534,842.00		143	37,807.00
Georgia	2,824	2,266	914	25,027	35,431.00	2,243,198.00	231.00	37,633.00	602,025.00		316	113,936.00
Hawaii	61	25	2	510	1,392.16	3,854.73	172.63		19,579.00		7	3,850.00
Idaho	78	116	109	432	1,664.25	784.00	582.50	1,350.00	14,135.00		24	9,315.00
Illinois	170	2,520		40	22,798.86	95,983.13	82,808.29		364,295.00		58	42,000.00
Indiana	6	271	255	230	25,043.50	11,771.00	6,942.00	1.00	88,398.00		34	19,735.00
Iowa		124	129		4,189.81	1,122.00	2,784.50		20,640.00		36	16,275.00
Kansas		78	9		7,045.30	173.00	2,217.00		25,593.00		8	5,400.00
Kentucky	549	580	329	10,238	31,138.40	78,198.11	1,791.00	10.00	343,131.00	200.00	211	74,915.50
Louisiana	30	132	95	1,661	60,572.61	11,197.95	103,515.23		66,329.00		176	73,730.00
Maine					19,967.00	11.25	24.00		800.00		49	7,950.00
District of Columbia and Maryland	719	884	603	10,191	85,085.50	87,474.37	6,539.25	5,892.00	1,264,275.00		490	203,620.00
Massachusetts	16	142	65	220	79,066.00	99,985.50	5,719.00	2,401.00	17,097.00		202	157,430.00
Michigan	7	182	41		3,630.72	119,648.45	2,601.55	443.00	161,926.00		190	83,855.00
Minnesota	120	87	46		55,473.86	2,072.38	3,987.92		126,840.00	1,146.00	50	47,535.00
Mississippi	126	98	87	1,484	6,906.49	1,785.87	339.75		152,965.00		23	10,250.00
Missouri	234	109	81	5	20,319.22	31,497.93	8,905.26	156.00	951,499.00		82	39,110.00
Montana		189	187	761	3,633.99	3,652.49	5,397.50		68,979.00		37	10,860.00
Nebraska		160	120		17,777.50	3,335.00	3,034.00		63,123.00		59	32,475.00
Nevada	38	76	89	385	1,714.53	2,213.39	3,628.62		19,955.00		6	280.00
New Hampshire		10	3		4,477.50	1,190.00	164.75	3,938.00	478.00		110	49,525.00
New Jersey	168	327	265	16	58,732.25	241,349.00	17,736.50	764.00	58,662.00		214	172,600.00
New Mexico	9	97	11	39	1,780.12	11.75	2,428.00	85.00	49,101.00		18	7,200.00
New York	223	105	24	1,306	140,657.00	486,111.00	91,740.00	42,267.00	60,105.00	1,036.00	1,246	735,453.00
North Carolina	839	1,917	686	18,340	18,272.60	1,512,303.00	4,907.50	3,721.00	300,400.00	22,420.00	219	70,520.75
North Dakota	20	193	214	268	1,879.85	677.12	202.60	1,846.00	9,774.00	42.00	25	9,050.00
Ohio	122	35	2		16,004.75	55,123.87	635.20	940.00	53,574.00		151	72,980.00
Oklahoma	341	192	36	4,830	5,229.12	3,166.00	668.24	1,107.00	160,333.00		68	20,350.00
Oregon		116	112	466	2,057.57	536.87	1,070.25	450.00	37,694.00		42	13,050.00
Pennsylvania	26	268	48		78,482.00	1,599,827.25	8,916.75	2,525.00	215,038.00		206	141,105.00
Porto Rico		790	12		3,873.00		1,032.25		112,745.00		14	6,375.00
Rhode Island	1	30	20	168	30,263.50	31,727.25	2,167.37		3,281.00		83	46,555.00
South Carolina	575	551	147	5,388	102,286.00		209.25		401,807.00	2,200.00	64	23,890.00
South Dakota	106	45	47	794	1,839.50	183.75	576.49	2.00	42,298.00		20	8,000.00
Tennessee	1,107	750	428	12,555	13,560.12	107,857.37	1,504.50		906,107.00	800.00	252	73,235.00
Vermont		2			730.63	2,096.00	17.00	50.00	11.00		18	5,650.00
Virginia	1,309	1,109	759	9,029	20,146.23		412.25	4,680.00	814,440.00	18,955.00	165	57,280.00
Texas	363	336	229	3,037	8,534.18	6,194.86	837.48		112,935.00		167	60,026.00
Utah	69	103	73	135	1,849.37	2,515.75	368.87	250.00	29,707.00		8	2,175.00
Washington	88	200	176	870	11,115.39	8,745.12	4,738.66	435.00	128,120.00	66.00	142	50,987.10
West Virginia	162	100	7	900	4,134.75	1,270.36	651.50	100.00	51,264.00		134	50,125.00
Wisconsin	2	107	6	4	4,186.60	61,878.36	961.27	9,600.00	44,088.00		45	32,765.00
Wyoming	171	37	7	1,678	7,233.85	1,889.86	563.24	750.00	44,543.00		18	6,825.00
Total	12,023	17,854	7,850	134,810	1,102,787.65	7,040,537.30	569,921.50	126,291.00	9,823,925.00	47,796.00	6,089	3,010,720.35

Mr. HERSEY. Mr. Chairman, will the gentleman from Oregon yield one more minute to the gentleman from Maryland?

Mr. HAWLEY. Yes; I yield him one additional minute.

Mr. HERSEY. Will the gentleman from Maryland yield?

Mr. HILL of Maryland. Yes; I yield to the gentleman from Maine.

Mr. HERSEY. The gentleman from Maryland has produced a list of arrests and seizures in the State of Georgia. Does not that show, if it shows anything, that the law is being enforced in Georgia?

Mr. HILL of Maryland. I will say to the gentleman that it shows something very interesting. It shows that since national prohibition came into competition with State prohibition in Georgia—and I will ask the attention of the gentleman from Maine, who asked this question—there has been a steadily mounting number of violations of the Federal and State prohibition acts.

I am going to vote for this bill. I feel that this bill is necessary in order to make it apparent that there is no chance to attempt to enforce a law which is obviously impossible of enforcement. [Applause.]

Note, as to conditions in Georgia, what the Atlanta Georgian said on Monday, April 5, 1926:

FIFTY-EIGHT "STEWS" JAILED IN ATLANTA AFTER EASTER IMBIBING

Drunkenness in Atlanta on Easter Sunday reached a new record when 58 persons were arrested on this charge, police records revealed Monday. This number, according to the officers, shades all former records for drunk arrests made in a single day.

On Palm Sunday, a week ago, a total of 48 persons were taken into custody charged with being drunk, bringing the total for the past two Sundays to 106.

Those arrested were released as soon as they had sobered and with the posting of $11 as collateral. The usual fine in such cases is $6 for week days, but an additional $5 is added for being drunk on Sunday.

[Applause.]

Mr. HAWLEY. Mr. Chairman, I yield two minutes to the gentleman from Washington [Mr. SUMMERS].

The CHAIRMAN. The gentleman from Washington is recognized for two minutes.

Mr. SUMMERS of Washington. Mr. Chairman and gentlemen, we who believe in the Constitution of the United States, including the eighteenth amendment, favor this piece of legislation because we believe it will assist in the enforcement of the law.

We are concerned, however, with this provision, which recites that—

The commissioner of prohibition, with the approval of the Secretary of the Treasury, is authorized to appoint such employees in the field service as he may deem necessary, but all appointments of such employees shall be subject to the provisions of the civil service laws.

I think I am not mistaken when I say that General Andrews testified the other day before the Senate committee that he had never taken into consideration, in making any appointment, the attitude of the one whom he was appointing toward the prohibition law, simply relying on his high standard as an enforcer of law, regardless of what the law might be.

When the Civil Service Commission is conducting examinations and procuring an eligible list for postmasters, they take into consideration certain qualifications.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HAWLEY. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. SUMMERS of Washington. Stenographers the same thing, and engineers the same thing; in other words, the peculiar fitness and the ability, considered from every angle, of the one whom they are certifying as being qualified for that particular position. My understanding is that plan will be followed to the letter in determining an eligible list from which appointments in the Prohibition Unit may be made. I will ask the gentleman in charge of the bill whether it is his understanding that the Civil Service Commission is going to take into consideration the absolute fitness, all questions considered, of those whom they recommend for appointment?

Mr. HAWLEY. I suppose they will follow the usual rule and require certain qualifications of all persons who apply for appointment.

Mr. SUMMERS of Washington. That is my understanding.

Mr. HAWLEY. Mr. Chairman, there is no further debate, and I ask that the bill be read for amendment.

The CHAIRMAN. The Clerk will read the bill for amendment.

Mr. GREEN of Florida. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Florida. I desire to offer an amendment to this bill, and I would like to ask when it will be in order to offer such an amendment?

The CHAIRMAN. The bill will be read for amendment by sections.

The Clerk read as follows:

Be it enacted, etc., That there shall be in the Department of the Treasury a bureau to be known as the bureau of customs, a bureau to be known as the bureau of prohibition, a commissioner of customs, and a commissioner of prohibition. The commissioner of customs shall be at the head of the bureau of customs, and the commissioner of prohibition shall be at the head of the bureau of prohibition. The commissioner of customs and the commissioner of prohibition shall be appointed by the Secretary of the Treasury, and each shall receive a salary at the rate of $8,000 per annum.

Mr. GREEN of Florida. Mr. Chairman, I offer an amendment. I move to strike out the words "Secretary of the Treasury" and insert in lieu thereof the words "Secretary of the Navy," in line 11, page 1.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GREEN of Florida: Page 1, line 11, strike out the words "Secretary of the Treasury" and insert in lieu thereof the words "Secretary of the Navy."

Mr. HAWLEY. Mr. Chairman, I make the point of order that the amendment is not germane to the purposes of the bill.

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. GREEN of Florida. Mr. Chairman, I would like to say that we need a good, strong dry man to enforce this law, and Mr. Wilbur, the Secretary of the Navy, is such a man.

The CHAIRMAN. This bill is for the purpose of reorganization in the Treasury Department, so that the amendment is not germane. The point of order is sustained.

The Clerk read as follows:

SEC. 2. (a) The Secretary of the Treasury is authorized to appoint, in each of the bureaus established in section 1, one assistant commissioner, two deputy commissioners, one chief clerk, and such attorneys and other officers and employees as he may deem necessary.

(b) The Secretary of the Treasury is authorized to designate an officer of the bureau of customs to act as commissioner of customs during the absence or disability of the commissioner of customs, or in the event that there is no commissioner of customs; and to designate an officer of the bureau of prohibition to act as commissioner of prohibition during the absence or disability of the commissioner of prohibition, or in the event that there is no commissioner of prohibition.

(c) The personnel of the bureau of customs shall perform such duties as the Secretary of the Treasury or the commissioner of customs may prescribe, and the personnel of the bureau of prohibition shall perform such duties as the Secretary of the Treasury or the commissioner of prohibition may prescribe.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the gentleman in charge of the bill—which is unquestionably the case—whether these employees come under the classified service?

Mr. HAWLEY. Yes.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 5. (a) The Secretary of the Treasury is authorized to transfer to the bureau of prohibition such records, property (including office equipment), and personnel of the office of the Commissioner of Internal Revenue as may be necessary for the exercise by the bureau of prohibition of the functions vested in it.

(b) The commissioner of prohibition, with the approval of the Secretary of the Treasury, is authorized to appoint such employees in the field service as he may deem necessary, but all appointments of such employees shall be made subject to the provisions of the civil service laws, notwithstanding the provisions of section 38 of the national prohibition act, as amended. The term of office of any person who is transferred under this section to the bureau of prohibition, and who was not appointed subject to the provisions of the civil service laws, shall expire upon the expiration of six months from the effective date of this act.

Mr. McKEOWN. Mr. Chairman, I offer an amendment. On page 4, line 18, after the word "laws" insert the following:

Experience as an officer shall be taken into consideration in the grade.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MCKEOWN: Page 4, line 18, after the word "laws" insert the following: "Experience as an officer shall be taken into consideration in the grade."

Mr. CRAMTON. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask that the amendment be again reported.

Mr. McKEOWN. I did not have it prepared but it is to this effect——

The CHAIRMAN. Will the gentleman from Michigan withhold his point of order?

Mr. CRAMTON. I withhold it.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection the Clerk will again report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. MCKEOWN: Page 4, line 18, after the word "laws" insert the words "experience as an officer shall be taken into consideration in the grade."

Mr. CRAMTON. Mr. Chairman, I make the point of order that the amendment is not germane. The sentence which the gentleman is seeking to amend has nothing to do with the appointments which the gentleman has in mind, but only has to do with the expiration of their terms of office.

Mr. McKEOWN. Mr. Chairman, the amendment should be offered in line 13. I made a mistake. I ask unanimous consent to withdraw the amendment and offer another one.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to withdraw his amendment and reoffer it. Is there objection?

There was no objection.

Mr. McKEOWN. Mr. Chairman, it should be inserted in line 13, and the purpose of it is this: Some of the best enforcement officers in the history of the Indian Territory were men who could not read and write. I have in mind an officer whose memory will be revered as long as people live in the southern part of Oklahoma. He is a man to whom the Nation ought to erect a monument, yet he could not read and write. He was a man who went into that Territory as a deputy United States marshal. His name was Bob Nestor, and he was the best officer in that entire country. Another one I can mention was Dick Couch, who was dreaded by the bootleggers of his day.

Gentlemen, you can not make educational qualifications the test of the efficiency of an officer to enforce the prohibition laws. In making these appointments under the civil service the experience of the person who is an applicant for the position ought to have primary consideration. [Applause.] There is no question about that. The mere fact that a man is educated is not going to make him a good officer, because you have to deal with every kind of element. You have to deal with the criminal element. The Indian Territory was dry long before you dreamed of any Volstead Act, and the men who enforced that law, in many instances, were unlettered and unlearned.

but I want to say to their eternal credit that they were brave and dared to enforce the law without fear or favor and made the people respect the law, and the memory of these officers is now respected because they enforced all of the laws, and yet they could not even make up their own reports to the department here at Washington. I say to you, gentlemen, that you ought to make experience as officers the primary test in the appointment of men under the civil service to enforce these laws.

Mr. BLACK of New York. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BLACK of New York. There ought to be another qualification. They ought to know how to order a meal at the Mayflower.

Mr. McKEOWN. The gentleman is treating lightly a serious matter.

Mr. BLACK of New York. They did not treat lightly; they treated pretty heavily, if the gentleman remembers.

Mr. McKEOWN. Well, that kind of law enforcement is not the kind of law enforcement you get from officers who have their hearts and souls in enforcing the law and have respect for the sovereign law of this country. [Applause.]

Mr. GREEN of Florida. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. GREEN of Florida. Does not the gentleman believe that if those men had been dry men instead of wets, like many other prohibition agents, and Mr. Andrews among them, we would have had the law enforced?

Mr. McKEOWN. I think Mr. Andrews is taking care of the situation as best he can under the circumstances.

Mr. BLANTON. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BLANTON. I want to call the gentleman's attention to the fact that right now, up in the gallery, there is from his State one of the dryest men in the United States—Will Rogers—who has just walked out of the gallery, I think.

Mr. McKEOWN. I did not know he was up there. Oklahoma is proud of Will Rogers.

Here is the proposition, gentlemen. The trouble with the enforcement of the prohibition law is that we are not getting down to brass tacks because we are trying theories. I think the law needs to be tested in order to give us a chance to see what is going to be the result, and I think we ought to make experience as an officer one of the principal tests.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CRAMTON. Mr. Chairman, as we have heard the amendment of the gentleman from Oklahoma hurriedly presented to us, I think none of us is sure it fits into the language smoothly. The purpose is entirely all right, but the amendment is entirely unnecessary. I think it is quite undesirable to litter up a statute unnecessarily. The Civil Service Commission in all its examinations, and especially in such an examination as this, gives great weight to training and experience, and they have expressly stated in letters and hearings that as to these examinations, if I recall correctly, as much as 80 or 85 per cent of the weight will go to training and experience, and hence the gentleman's amendment is unnecessary.

The gentleman refers to the fact that the agents in the Indian Territory could not read or write. These agents should be able to smell, anyway, but we do not have to put that in the statute. We can depend on the Civil Service Commission to prescribe the right kind of examination.

Mr. McKEOWN. If the gentleman will yield, I am basing my amendment on my experience in the appointment of narcotic agents, and to enforce the prohibition laws it is necessary that a man should really be fitted for the job, and his educational qualifications have nothing to do with his ability as a law-enforcing officer.

Mr. CRAMTON. It will not be a handicap if he is able to read and write enough to make a report, and, as I have said, 80 or 85 per cent of the weight is to be given to experience and training.

Mr. LEAVITT. Mr. Chairman, I am entirely in sympathy with the purposes of the amendment proposed by the gentleman from Oklahoma, but the fact is that the Civil Service Commission at the present time fills many positions with examinations based largely on experience, and the actual working out of this proposed law will not require that there be a specific statement in the statute.

I consider that the civil-service requirements set forth in this bill constitute one of the strongest features of it. It is essential that any officer charged with the enforcement of the prohibition law shall be removed as far as possible from such political or other pressure as will interfere with the freedom and efficiency of his action. The protection of the civil service, a protection against unjust removal because of political or personal demand, will not mean the perpetuation of inefficiency. There is always a way within the law to get rid of the man who is insubordinate, disloyal, dishonest, or inefficient. There should be no way to get rid of a man because he is an honest and efficient officer, and the civil-service status given enforcement officers by this bill is the best way by which a square deal to all concerned can be guaranteed.

Mr. Chairman, I am in favor of the passage of this bill to create a bureau of customs and a bureau of prohibition in the Department of the Treasury because I am convinced that the strengthening of the organized agencies for the enforcement of the prohibition law will add greatly to the success of the Government to that end. [Applause.]

Mr. HAWLEY. Mr. Chairman, I move to strike out the last two words.

When we were discussing this matter in the committee the question of credit for experience was raised, and we understand the same condition prevails that the gentleman from Michigan [Mr. CRAMTON] stated. We understand such experience is given its proper weight, and it is not necessary to make any specific insertion of such language in the bill.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. GARRETT of Texas. If the gentleman from Michigan is correct in his statement that 80 per cent credit will be given to the experience of men, then there will be no trouble about it, because 75 per cent will pass it; and if they have 80 per cent of experience, they can fail in all other respects, and still they will be all right.

Mr. HAWLEY. I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 4, line 19, add the following new paragraph:

"(c) The commissioner of prohibition, prohibition administrators, and deputy prohibition administrators, and all employees in the bureau of prohibition shall give all of their time exclusively to the United States Government and shall not engage in any other calling, occupation, profession, or trade, and shall not receive any salary, pay, allowance, or honorarium from any source other than their regular salary paid by the United States Government: *Provided*, That this limitation shall not apply to a pension, compensation, or an allowance received from the United States Government."

Mr. LAGUARDIA. Mr. Chairman, I have presented that amendment to the chairman of the committee and to the ranking member on the Democratic side, and I do not care to discuss it.

Mr. CRAMTON. Mr. Chairman, the purpose of the gentleman's amendment, of course, no one will quarrel with; but if we have a proper administration, there will be no occasion for the amendment. I have some fear of some complications that may come if the amendment is adopted. The administrative authorities have not had a chance to examine it and see what the effect would be. It occurs to me, for instance, that a man might have some property interest from which he derives some income, but does not give any time to it except to sign a few papers—I do not know whether that would prevent his receiving any dividend on bank stock or not. Furthermore, suppose an investigator should find it necessary to take private employment in order to get in a position where he could get evidence against a violator. He might be employed as a waiter; he might be employed as a watchman; but whatever the employment it brought him in touch with the place where he was seeking evidence. In any event I do not believe the language is needed in the bill, and in some way I fear it might hamper the administration. I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 16, noes 64.

So the amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Page 4, line 19, strike out the period and insert a semicolon and add the following: "*Provided*, That no person now in the service or temporarily appointed as herein provided shall be covered by the civil service unless he is duly qualified after taking a competitive examination in accordance with the provisions of the civil service laws."

Mr. LAGUARDIA. Mr. Chairman, before my colleague, the gentleman from Michigan, says that this amendment is not necessary I want to state that it is necessary if the committee is on the level on this bill. Let us be perfectly frank—if you want the civil service, this is the way to get civil service. If you are beating around the bush, standing up, and telling the House it is not necessary, as the gentleman from Michigan did on the amendment that was just voted down, which permits the administrator in the city of Pittsburgh to receive a salary from a railroad company, when in doing that he can not enforce the law, let us know it. Every time we offer an amendment that will strengthen the law some prohibitionist stands up and says it is not necessary.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield? I understood the gentleman to say that he had submitted this amendment that was just voted down to the chairman in charge of the bill, and that he had agreed to it.

Mr. LAGUARDIA. He told me that he had no objection.

Mr. HAWLEY. The gentleman from New York submitted the amendment and said that he would make a change in it. He made the change, and I made no comment on it but took it to the gentleman from Michigan.

Mr. GARNER of Texas. It was drawn and well considered, and I know an amendment of a similar nature ought to be put into the law. That is my judgment. The very abuse that the gentleman referred to was called to the attention of the Committee on Ways and Means.

Mr. LAGUARDIA. I want to say in response to the gentleman from Michigan that if a man in the employ of the prohibition director wants to obtain evidence in the manner suggested by him he has to obtain the permission of his superior officer to do so, and if he receives a salary for that while in the employment of the Government, of course, he must turn the money to the Government and account for it. The gentleman from Michigan is not concerned over the boy that goes to work as a waiter to get evidence of a little petty violation, or the man that goes into the brewery and works on a truck; but it is the big fellow in Pittsburgh that the gentleman from Michigan is protecting, a man who is drawing $6,000 as administrator and a salary of $12,000 from a railroad company engaged in transportation of freight and subject to supervision of the prohibition department.

There has not been one report of violation by any railroad in Pennsylvania since this dual-salaried official is in office, and the dry champions get up to protect that condition. It is rotten; it is graft; it is corruption; and the gentleman from Michigan [Mr. CRAMTON] is protecting that condition.

Mr. LOWREY. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. LOWREY. I think the gentleman is right in the main, but here is a thing that ought to be covered in the matter. In my State in the country districts I know there are places where men are needed in this prohibition enforcement, just like deputy sheriffs are needed, but there is not work enough to justify a salary for full time. Yet they are needed for part time. It would be a rather dangerous thing to make it so that a man could not work on a salary elsewhere.

Mr. LAGUARDIA. But there is no such thing as part-time employment in the Prohibition Unit. They are like the post-office employees. A post-office employee can not take other work. When I was in the Immigration Service I was an interpreter and I was considering taking a position to teach night school to help myself along in the law school. I could not do it under the civil service laws. The Commissioner of Immigration would not permit any of us to take employment. That is not what the gentleman from Michigan [Mr. CRAMTON] wants to prevent. He does not care anything about the little fellow who gets a drink in a restaurant. It is the wholesaler, it is the prohibition administrator who is taking a salary from a railroad whom he seeks to protect.

Mr. CRAMTON. Mr. Chairman, I had not intended to say anything upon this amendment, but I think I can not very well avoid it, since the gentleman's remarks have nearly all been a discussion of me and my motives. Further, his discussion has not been to the pending amendment. I think that ought to be discussed. His discussion has been on the amendment which has just been defeated. As to that, I need only say that I do not know who the official is in Pittsburgh and never heard of him and do not know a thing about him.

Mr. LAGUARDIA. There was testimony about it in the Senate committee.

Mr. CRAMTON. The gentleman will let me proceed. I think the gentleman's discussion has been helpful if such a situation exists as he has outlined. I think the publicity he has given may help to correct it.

The pending amendment is that those who are now in the service and who want to be reappointed must take an examination. That language is unnecessary and undesirable, because the section as it stands, drawn by the legislative drafting service, as I understand it, provides, first, that every one hereafter appointed into this service can only be appointed under the civil service law, and second, the terms of office of those now in the service expire in six months. After that time if they get back they will get back as this act provides.

I hope the time has not come in this House when we who are thick and thin supporters at all times in favor of 100 per cent enforcement of the law, which we believe is right and just, shall be lectured, not by recent converts but by those who are not converted as yet to the efficacy of the law. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. GREEN of Florida. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. GREEN of Florida: Page 4, line 19, after the word "act," add the following: "No one shall be employed in prohibition enforcement who advocates a modification of the Volstead law or advocates the sale of light wines and beers."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken; and on a division (demanded by Mr. GREEN of Florida and Mr. BLANTON) there were—ayes 27, noes 58.

So the amendment was rejected.

The Clerk read as follows:

SEC. 6. Any action or decision of the Secretary of the Treasury under the national prohibition act, as amended, or of any officer upon whom the power to take such action or make such decision is conferred, shall be subject to the same review by a court of equity as the action or decision of the Commissioner of Internal Revenue under such act, as amended, prior to the effective date of this act.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 5, after section 6, add the following new section:

"SEC. 7. It shall be the duty of the commissioner of prohibition and all employees in the bureau of prohibition to enforce the provisions of the national prohibition act and to devote their attention, activities and efforts to violations of the act in the traffic, transportation, and sale of alcohol, brandy, whisky, rum, gin, and other spirituous, vinous, or fermented liquor, liquids and compounds and beverages obtained by the alcoholic fermentation of an infusion or decoction of barley malt, cereals, and hops in drinkable water or by the natural fermentation of apple or other fruit, vegetable, or herb juices containing not more than 2.75 per cent of alcohol by volume."

Mr. HAWLEY. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The Chair is ready to rule. The point of order is sustained.

The Clerk concluded the reading of the bill.

Mr. HAWLEY. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TINCHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10729) to create a bureau of customs and a bureau of prohibition in the Department of the Treasury, and had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

Mr. HAWLEY. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken——

Mr. BLANTON. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Texas demands a division.

The House again divided; and there were—ayes 196, noes 4.

So the bill was passed.

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 4007) to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," disagreed to by the House of Representatives had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. STANFIELD, Mr. SMOOT, and Mr. JONES of New Mexico to be the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8264) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes.

ENROLLED BILLS AND RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and resolution of the following titles, when the Speaker signed the same:

H. R. 6556. An act for the establishment of artificial bathing pools or beaches in the District of Columbia;

H. R. 6774. An act to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America;

H. R. 8830. An act amending the act entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," approved June 6, 1924;

H. R. 7470. An act to authorize the Secretary of War to grant to the New York, Chicago & St. Louis Railway Co., its successors or assigns, a perpetual easement for railroad right of way over and upon Camp Sherman Military Reservation in the State of Ohio;

H. R. 10275. An act authorizing appropriations for construction at military posts, and for other purposes;

H. J. Res. 204. Joint resolution authorizing certain military organizations to visit France, England, and Belgium; and

S. 2091. An act for the relief of Florence Proud.

RESIGNATION AS REPRESENTATIVE

The SPEAKER. The Chair lays before the House the following communication.

The Clerk read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 27, 1926.

Hon. NICHOLAS LONGWORTH,
Speaker House of Representatives, Washington, D. C.

SIR: I beg to inform you that I have this day transmitted to the Governor of Missouri my resignation as Representative in Congress of the United States from the eleventh district of Missouri, to take effect as of December 1, 1926.

In my letter to the Governor of Missouri I have explained that the reason for this resignation is that I am filing for both the short and the long term as a candidate for the Democratic nomination for the United States Senate.

I am taking this course so that in the event a special session of Congress is called the district which I represent would have continuous representation and at the same time my notice to the governor will obviate the expense of holding a special election to fill the vacancy which my resignation will cause on that date.

With great respect,

Your obedient servant,

HARRY B. HAWES.

POSTPONEMENT OF A BILL

The SPEAKER. The Senate has passed the bill (H. R. 6536) entitled "An act to amend section 129 of the Judicial Code relating to appeals in admiralty cases" with an amendment. Since the bill S. 989, an identical bill, has already passed the House and has become a law, without objection the House bill will be taken from the Speaker's table with the Senate amendment and be indefinitely postponed.

There was no objection.

CHANGE OF REFERENCE

The SPEAKER. Senate bill 1821 was referred to the Committee on the Public Lands. The Chair understands the chairman of the Committee on the Public Lands and the chairman of the Committee on Mines and Mining have conferred together and think the proper reference should be to the Committee on Mines and Mining, and therefore the Chair refers the bill to that committee.

CONFERENCE REPORT, DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. FUNK. Mr. Speaker, on behalf of the Committee on Appropriations I present a conference report on the bill H. R. 10198 for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1927, and for other purposes.

The SPEAKER. Ordered printed.

LEAVE TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that on Thursday next the gentleman from Mississippi [Mr. BUSBY] may have opportunity to address the House for 30 minutes following the addresses for which orders have been made.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that on Thursday, after the reading of the Journal and the conclusion of business on the Speaker's table and other orders of the House, the gentleman from Mississippi [Mr. BUSBY] may have the privilege of addressing the House for 30 minutes. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, on what date?

Mr. GARRETT of Tennessee. Thursday.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. I have another request to make. I ask unanimous consent that immediately following the address of Mr. BUSBY that the gentleman from Texas [Mr. BOX] may address the House for one hour upon the subject of French spoliation claims.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that at the conclusion of the address of the gentleman from Mississippi [Mr. BUSBY] that the gentleman from Texas [Mr. BOX] may have the privilege of addressing the House for one hour on the subject of French spoliation claims. Is there objection?

Mr. TILSON. Mr. Speaker, reserving the right to object, it seems that we are loading up Thursday pretty heavily. I dislike very much to say "No" to the very distinguished gentleman from Texas, but I was wondering if some other day would not suit the convenience of the gentleman equally well to deliver his speech?

Mr. GARRETT of Tennessee. Of course, we have not the confidence of the steering committee, and I do not know what may be up on Friday.

Mr. TILSON. Suppose it were the Private Calendar. Would not the gentleman's address fit in quite as well?

Mr. BOX. The gentleman from Texas does not desire to displace any pressing matter.

Mr. TILSON. I hope to get up on Thursday the Consent Calendar, which contains important business for many Members of the House, and I should regret very much to use up all of the day in what amounts to general debate.

Mr. BOX. I think that the gentleman's suggestion ought to be met. If my leader and the gentleman from Connecticut can arrange it, I will submit myself to the discretion of the House. I do not want to crowd out the Consent Calendar, but I do want an opportunity to present my views on French spoliation claims.

Mr. TILSON. I shall not object to the request of the gentleman if it applies to Friday, but I feel that I must object to it if it is Thursday.

Mr. CHINDBLOM. May I inquire of the gentleman from Texas whether it is just a discussion of the subject that he contemplates?

Mr. BOX. It is a discussion of the question that may lead to legislation.

Mr. CHINDBLOM. I would be happy if it could lead to legislation on the subject of French spoliations.

Mr. GARRETT of Tennessee. Or it might be a defeat of legislation.

Mr. CHINDBLOM. I would be glad if it would lead to legislation on the question.

Mr. BOX. I do not wish to crowd out the other calendar.

Mr. TILSON. Would the gentleman be satisfied to use 30 minutes?

Mr. BOX. No. I have not heretofore imposed myself on the House.

Mr. TILSON. Then I shall have to object to the request for Thursday.

Mr. GARRETT of Tennessee. Mr. Speaker, I continue the request that I have made for Thursday.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. TILSON. I object to the request for Thursday and ask unanimous consent that the gentleman from Texas may have an hour on Friday, following the reading of the Journal and the disposition of matters on the Speaker's table.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. DENISON. Mr. Speaker, I ask unanimous consent on Friday, following the gentleman from Texas [Mr. Box], I be permitted to address the House for 25 minutes on the subject of bridges and bridge bill legislation.

The SPEAKER. The gentleman from Illinois asks unanimous consent that on Friday, following the gentleman from Texas [Mr. Box], he be permitted to address the House for 25 minutes on the subject of bridges and bridge bills. Is there objection?

Mr. DENISON. I expect to discuss the policies that have been developed by the committees of the House and Senate with reference to the construction of bridges, particularly toll bridges, and explain them, and insert in the RECORD at that time the forms for different kinds of bridges that have been approved by the two committees.

Mr. O'CONNOR of Louisiana rose.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. O'CONNOR of Louisiana. I desire to ask the gentleman a question.

Mr. GARRETT of Tennessee. Yes; I object to the request of the gentleman from Illinois. At least I reserve the right to object until the gentleman answers the question of the gentleman from Louisiana.

Mr. O'CONNOR of Louisiana. I wish to address my question to the majority leader. I wanted to know why the House Committee on War Claims will not report bills passed by the Senate giving relief to persons for claims arising out of Civil War matters. The Congress is acting very generously to European countries, and it appears to me that if we can not be as charitable to our own we should at least be just as generous to these persons who were loyal to the Union cause during the Civil War and who have meritorious claims. The Senate is passing bills, notwithstanding the provisions of the Crawford Act, or Crawford amendment, so called, which can not, of course, be in derogation of the act's powers and duties of subsequent Congresses.

In the South particularly we are embarrassed by the parliamentary situation that exists to-day, though there are many just claims from the North as well. Bills come over from the Senate, and the House Committee on War Claims will not exercise any jurisdiction which they may possess to act upon these bills, and I frankly state to the gentlemen who are listening to me that I think these bills ought to be acted upon.

As I suggested before, we have, with a superlative outburst of generosity, done and are doing splendid things for European nations, and I am in accord with the sentimental movement, though it seems to me we should be as just to those who have proper claims on our own Government, and that the House should act in consonance with the Senate and pass these bills for the relief of persons who were loyal to the Union in the Civil War. We are not asking this relief for persons who followed the lost cause, but we think Congress should attend to and consider the claims of loyal people who favored the Union cause in the Southern States during the Civil War and whose property was taken for war purposes. Will the gentleman from Connecticut answer my question?

Mr. TILSON. I am not on the Committee on War Claims, and therefore can not speak for that committee, but it seems to me this is not the proper time to enter into that.

Mr. STRONG of Kansas. If the gentleman will yield to me, I am chairman of the Committee on War Claims. The Civil War has gone into history now 61 years, and most of the testimony relating to these claims has passed away. The Government, therefore, is not in position to defend itself against these claims, and it seems to the members of the Committee on War Claims that it is time that the statute of limitations should run.

Various procedure has been instigated by the Congress in order to get these claims settled. At the time we established the Southern Claims Commission, and later, the power was granted to send claims to the Court of Claims without the action of Congress: The Bowman Act, granting such authority, was repealed in March, 1911, and the Tucker Act was repealed in March, 1915, and the Committee on War Claims, before I became a member of it in 1919, decided to stop waiving the statute of limitations, upon the theory that these claims had had over 50 years in which to be adjudicated, and that inasmuch as the Government can not procure the testimony to defend itself properly, the statute should run. We have continued to maintain that position.

Because the Senate did pass a few Civil War claims about six or seven weeks ago, pressure has been brought upon my committee to consider those claims. We finally took two weeks for the consideration of the claims and various claimants interviewed different members of the committee urging that the bar be removed and such claims be considered. Finally by an almost unanimous vote the committee determined to maintain its rule and not consider claims that had originated prior to the Spanish-American War.

We have hundreds of claims of the recent war that we do not get time to put through this House. Members all know that it is very hard to get a private claim through the House. There are a great number of claims growing out of the recent war which are demanding attention and ought to be considered while the testimony can be secured. If we defer doing so and begin again to occupy the time of our committee with Civil War claims we will fill the calendar with hundreds of claims from the Civil War and the House would be so prejudiced against us that our committee would not get proper consideration for the just claims which are now pending from the World War.

Mr. O'CONNOR of Louisiana. Will the gentleman permit me to interrupt him?

Mr. STRONG of Kansas. I will be glad to do so.

Mr. O'CONNOR of Louisiana. The situation which the gentleman just referred to, the passing by the Senate of several bills which are presently lodged with the gentleman's committee, is just what caused me to refer to this situation. It is exceedingly embarrassing to have our constituents and friends tell us that the Senate has passed bills which the House will not consider or to compel us to tell them the House will not consider bills which the Senate has passed. Therefore, I wanted some expression which, if it would not clarify the situation, would at least give us a means of apprising our constituents of the exact condition of affairs. In so far as the gentleman's statement is concerned, that these cases are stale, I remember that down in Louisiana, where the civil law prevails, we have "prescription" as a means of acquiring property, and of leasing it—and as a plea may be set up to defeat an action. It is similar to your statute of limitation. But it is a current phrase that "no gentleman would ever plead prescription." In line with that thought, I say no great government like ours, no sovereign country, ought, in my judgment, to set up the plea of staleness against proper, meritorious, and just claims. [Applause.] The sovereign United States ought to pay its debts. The idea that the proof is not good or strong enough would go to the merits and the procedure involved in considering the claim.

Mr. STRONG of Kansas. And just being frank, I think the United States Government has paid hundreds of those claims that it ought never to have paid.

Mr. O'CONNOR of Louisiana. But is that any reason why it should not pay a just one?

Mr. STRONG of Kansas. These claims are now 60 years old, and the Government is not in a position to defend itself against them. In nearly every one of these claims the testimony has passed away, and as chairman of this committee, it is my duty to try to protect the Government, the Treasury, and the taxpayers against the collection of these claims that run into millions of dollars. For me to bring to this House a lot of such claims and have the Members object to them would not help the claimants. They would be turned down and they have been turned down for years. The gentleman would not want me to bring these claims into the House with a favorable report because the Government has no defense to them?

Mr. O'CONNOR of Louisiana. I want to protect the Government from unjust claims but I do not believe we should defeat just claims.

Mr. STRONG of Kansas. We had a claim the other day in which the testimony or proof was made by a witness only 4 years old at the time and the oldest witness was only 9 years old.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. O'CONNOR of New York. There was a claim approved by the Court of Claims, but accidentally it was dropped out of the omnibus bill of 1915, and because it has the words "Civil War" in it the committee will not consider it. Everybody admits it was passed and approved, but because the words "Civil War" are in it you apply that limitation.

Mr. STRONG of Kansas. But if the gentleman will read the decision of the Court of Claims he will find it probably says that this claim is not a legal and equitable claim against the Government.

Mr. O'CONNOR of New York. But the Court of Claims passed it.

Mr. STRONG of Kansas. Let me finish my statement, please. You will find the decision probably says that the claimant has no legal or equitable case against the Government, but because the Congress sent it down to them they find an amount due of so much. It might be well to state that the omnibus bill referred to carried 1,158 claims and cost the taxpayers millions of dollars.

Mr. O'CONNOR of New York. There is no question of proof in that claim. The claim has been approved, but you dropped it out of the omnibus bill by accident.

Mr. STRONG of Kansas. No. That was done before I came to Congress.

Mr. SANDLIN. Mr. Speaker, I ask for the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. DENISON]?

There was no objection.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 28, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 28, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Second deficiency bill.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To authorize the erection of a statue to Henry Clay (H. R. 11278).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10 a. m.)

To provide for the protection and development of the lower Colorado River Basin (H. R. 9826).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States providing for national representation for the people of the District of Columbia (H. J. Res. 208).

COMMITTEE ON POST OFFICES AND POST ROADS

(10 a. m.)

To authorize the Postmaster General to readjust the terms of certain screen-wagon contracts (S. 1930).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

To convey to the city of Oshkosh, Wis., certain Government property (H. R. 11353).

JOINT COMMITTEE ON THE PUBLIC LANDS

(10.30 a. m.)

To investigate the Northern Pacific Railway land grants.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

Legislation relative to labor disputes in the coal-mining industry.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10.30 a. m.)

Proposed bill amending the World War veterans' act with reference to the appointment of guardians.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

484. A communication from the President of the United States, transmitting a supplemental estimate of appropriation under the legislative establishment, Architect of the Capitol, fiscal years 1926 and 1927, in the sum of $69,500 (H. Doc. No. 356); to the Committee on Appropriations and ordered to be printed.

485. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of the Interior, for the fiscal year ending June 30, 1926, amounting to $80,345, and for the fiscal year ending June 30, 1927, $300,000; also drafts of proposed legislation affecting existing appropriations (H. Doc. No. 357); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. TINCHER: Committee on Agriculture. H. R. 11618. A bill to establish a Federal farm advisory council and a farmers' marketing commission; to aid in the development of major cooperative associations for the marketing of agricultural commodities; to aid in the disposition of surpluses of such commodities; and for other purposes; without amendment (Rept. No. 994). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 11603. A bill to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities; without amendment (Rept. No. 1003). Referred to the Committee of the Whole House on the state of the Union.

Mr. ASWELL: Committee on Agriculture. H. R. 11606. A bill to place the agricultural industry on a sound commercial basis, to encourage national cooperative marketing of farm products, and for other purposes; without amendment (Rept. No. 1004). Referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 10605. A bill to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mt. Carmel, Ill.; with an amendment (Rept. No. 1005). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 10771. A bill granting the consent of Congress to the Northern Pacific Railway Co. to construct a bridge across the Mississippi River at Little Falls, Minn.; without amendment (Rept. No. 1006). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 10895. A bill granting the consent of Congress to the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, to construct a bridge across the Mississippi River in the city of Minneapolis, in the State of Minnesota; without amendment (Rept. No. 1007). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 10929. A bill granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct a bridge across the Little Calumet River in Thornton Township, Cook County, Ill.; without amendment (Rept. No. 1008). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 10942. A bill to extend the time for commencing and completing the construction of a bridge across the White River near Augusta, Ark.; with amendment (Rept. No. 1009). Referred to the House Calendar.

Mr. HAWES: Committee on Interstate and Foreign Commerce. H. R. 10975. A bill granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Current River; with amendment (Rept. No. 1010). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 11082. A bill granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct an overhead viaduct across the Mahoning River at Girard, Trumbull County, Ohio; with amendment (Rept. No. 1011). Referred to the House Calendar.

Mr. HAWES: Committee on Interstate and Foreign Commerce. H. R. 11175. A bill granting the consent of Congress to Missouri State Highway Commission to construct a bridge

across Current River; with amendment (Rept. No. 1012). Referred to the House Calendar.

Mr. VINSON of Kentucky: Committee on Military Affairs. S. 2733. An act for the relief of the State of North Carolina; without amendment (Rept. No. 1013). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH: Committee on the Civil Service. S. 3560. An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927; without amendment (Rept. No. 1014). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Committee on Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Navy Department (Rept. No. 1016). Ordered printed.

Mr. HILL of Maryland: Committee on Military Affairs. S. 1480. An act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin-American Republics in military and naval matters; without amendment (Rept. No. 1018). Referred to the Committee of the Whole House on the state of the Union.

Mr. FURLOW: Committee on Military Affairs. S. 1482. An act to authorize the Secretary of War to grant easements in and upon public military reservations and other lands under his control; with amendment (Rept. No. 1019). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Maryland: Committee on Military Affairs. S. 1484. An act to amend section 1, act of March 4, 1909 (sundry civil act), so as to make the Chief of Finance of the Army a member of the board of commissioners of the United States Soldiers' Home; with amendment (Rept. No. 1020). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. S. 104. An act to carry out the decree of the United States District Court for the Eastern District of Pennsylvania in the case of United States of America, owner of the steam dredge *Delaware*, against the steamship *A. A. Raven*, American Transportation Co., claimant, and to pay the amount decreed to be due said company; with amendment (Rept. No. 995). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on War Claims. S. 1903. An act for the relief of Capt. Murray A. Cobb; without amendment (Rept. No. 996). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 1136. A bill for the relief of Richard Weatherston; with amendment (Rept. No. 997). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on War Claims. H. R. 5783. A bill for the relief of Gershon Bros. Co.; with amendment (Rept. No. 998). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 7942. A bill for the relief of James E. Judge, sr.; without amendment (Rept. No. 999). Referred to the Committee of the Whole House.

Mr. SABATH: Committee on Claims. H. R. 8487. A bill for the relief of the heirs of Jacob Thomas; with amendment (Rept. No. 1000). Referred to the Committee of the Whole House.

Mr. SWEET: Committee on War Claims. H. R. 10178. A bill to confer jurisdiction on the Court of Claims to hear and adjudicate the claim of Lester P. Barlow against the United States; with amendment (Rept. No. 1001). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on War Claims. H. R. 10424. A bill to ratify the action of a local board of sales control in respect of a contract between the United States and Max Hagedorn, of LaGrange, Ga.; without amendment (Rept. No. 1002). Referred to the Committee of the Whole House.

Mr. TEMPLE: Committee on Foreign Affairs. S. J. Res. 2. A joint resolution for the relief of George Horton; without amendment (Rept. No. 1015). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 2444) for the relief of Lilly O. Dyer; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

A bill (S. 102) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KNUTSON: A bill (H. R. 11656) forfeiting certain lands heretofore granted to the Minnesota & Manitoba Railroad Co. and providing for the disposal of said forfeited lands to actual settlers; to the Committee on the Public Lands.

By Mr. CARPENTER: A bill (H. R. 11657) to extend the time for the construction of a bridge across the North Branch of the Susquehanna River from the city of Wilkes-Barre to the borough of Dorranceton, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. CHINDBLOM: A bill (H. R. 11658) to amend section 523 of the tariff act of 1922; to the Committee on Ways and Means.

By Mr. HULL of Tennessee: A bill (H. R. 11659) to repeal certain paragraphs and provisions and clauses of the tariff act of 1922; to the Committee on Ways and Means.

By Mr. FREE: A bill (H. R. 11660) authorizing cooperative associations and commercial dealers to enter into agreements for the advertising of farm and food products and to deduct a pro rata amount from the purchase price of said products for such purpose; to the Committee on Agriculture.

By Mr. FREDERICKS: A bill (H. R. 11661) to amend section 3114 of the Revised Statutes of the United States, as amended; to the Committee on Ways and Means.

By Mr. LEAVITT: A bill (H. R. 11662) authorizing an expenditure of tribal funds of the Crow Indians of Montana to employ counsel to represent them in their claims against the United States; to the Committee on Indian Affairs.

By Mr. SOMERS of New York: A bill (H. R. 11663) for the apportionment of Representatives in Congress amongst the several States under subsequent decennial censuses; to the Committee on the Census.

By Mr. LOWREY: Joint resolution (H. J. Res. 238) relating to the use of the metric system of weights and measures in the United States; to the Committee on Coinage, Weights, and Measures.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANFIELD: A bill (H. R. 11664) granting a pension to Helen Ent; to the Committee on Invalid Pensions.

By Mr. CARPENTER: A bill (H. R. 11665) granting a pension to George H. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 11666) granting a pension to Lester P. Bloom; to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 11667) granting an increase of pension to Margaret A. Bloom; to the Committee on Invalid Pensions.

By Mr. CORNING: A bill (H. R. 11668) granting a pension to Amy E. Sagendorf; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 11669) granting an increase of pension to Jennie Smith; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 11670) granting a pension to Ellen J. McConachie; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 11671) granting an increase of pension to Judith Ann Hay; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 11672) for the relief of Asaid Henry; to the Committee on Military Affairs.

By Mr. MORTON D. HULL: A bill (H. R. 11673) granting an increase of pension to Jane H. Zimmerman; to the Committee on Invalid Pensions.

By Mr. KELLER: A bill (H. R. 11674) for the relief of Jens H. Larsen; to the Committee on Claims.

By Mr. LAMPERT: A bill (H. R. 11675) granting an increase of pension to Johanna Dalstrom; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 11676) granting an increase of pension to Hannah E. Pemberton; to the Committee on Invalid Pensions.

By Mr. MACGREGOR: A bill (H. R. 11677) granting a pension to Sarah Cornell; to the Committee on Pensions.

By Mr. McKEOWN: A bill (H. R. 11678) granting a pension to Sarah Gray; to the Committee on Invalid Pensions.

By Mr. McREYNOLDS: A bill (H. R. 11679) for the relief of John W. Bates; to the Committee on Military Affairs.

By Mr. MURPHY: A bill (H. R. 11680) granting an increase of pension to Nancy Kerr; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 11681) granting an increase of pension to Celina P. Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11682) granting an increase of pension to Katherine E. Tarbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11683) granting an increase of pension to Hannah Cull; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11684) granting an increase of pension to Flora L. Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11685) granting an increase of pension to Sarah Jane Patten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11686) granting an increase of pension to Mary La Port; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 11687) granting an increase of pension to Martha Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11688) granting an increase of pension to Mary A. Wait; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11689) granting an increase of pension to Harriet E. Putnam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11690) granting an increase of pension to Mariam Peck West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11691) granting an increase of pension to Emerline Colvin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11692) granting an increase of pension to Helen Rowell; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 11693) granting an increase of pension to Caroline M. Heckman; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 11694) granting a pension to Eugenie C. Brandt; to the Committee on Invalid Pensions.

By Mr. SPROUL of Kansas: A bill (H. R. 11695) granting an increase of pension to Angela Welker; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 11696) granting an increase of pension to Lucy L. L'Amoureux; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11697) granting an increase of pension to Nellie F. Carey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11698) granting an increase of pension to Anna Tharp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11699) granting an increase of pension to Mary A. Ackley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11700) granting an increase of pension to Mary F. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11701) granting an increase of pension to Harriett E. Beary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11702) granting an increase of pension to Etta A. Mayers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11703) granting an increase of pension to Olive Perham; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 11704) granting an increase of pension to Elisa Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11705) granting an increase of pension to Annie Van De Water; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11706) granting an increase of pension to Susan E. Hodges; to the Committee on Pensions.

Also, a bill (H. R. 11707) granting a pension to Lucy Braden; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 11708) granting an increase of pension to Elsie Albaugh; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 11709) for the relief of R. J. Kutzer; to the Committee on Military Affairs.

By Mr. YATES: A bill (H. R. 11710) granting an increase of pension to Sophronia J. Vertrees; to the Committee on Invalid Pensions.

By Mr. CARTER of California: Joint resolution (H. J. Res. 237) to extend the benefits of the World War veterans' act, as amended, to Jerry Tarbot; to the Committee on World War Veterans' Legislation.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1949. By Mr. BEERS: Petition of ministers and members of congregations of churches throughout the eighteenth congressional district of Pennsylvania, protesting against a modification of the Volstead Act; to the Committee on the Judiciary.

1950. By Mr. BRIGGS: Telegram of W. H. Oates and all citizens of Weldon, Tex., urging passage of Senate bill 750; to the Committee on Interstate and Foreign Commerce.

1951. By Mr. CONNERY: Resolution of the Boston Central Labor Union, against all legislation demanding the fingerprinting and photographing of noncitizens of this country; to the Committee on Immigration and Naturalization.

1952. Also, vote of the Mens' Brotherhood, Parker Street Methodist Episcopal Church, Lawrence, Mass., in favor of prohibition; to the Committee on the Judiciary.

1953. Also, resolutions adopted by the Massachusetts modification conference; to the Committee on the Judiciary.

1954. By Mr. FULLER: Petition of Charles B. H. Miller and others, urging support of the Federal farm board bill; to the Committee on Agriculture.

1955. Also, petition of Woman's Missionary Society of the Bethlehem Methodist Episcopal Church, South, Bishopville, S. C., protesting against any modification of the Volstead Act; to the Committee on the Judiciary.

1956. By Mr. GALLIVAN: Petition of E. H. Forbush, director division of ornithology, department of agriculture, statehouse, Boston, Mass., recommending early and favorable consideration of House bill 7479, known as the migratory bird refuge and marsh land conservation act; to the Committee on Agriculture.

1957. By Mr. GARNER of Texas: Memorial of Max Autrey Post, No. 377, of the American Legion, Houston, Tex., favoring passage of legislation for retirement of disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

1958. Also, memorial of Lumbermen's Association of Texas, favoring passage of Senate bill 750 giving to several States exclusive power to authorize new railroad consruction within their respective boundaries; to the Committee on Interstate and Foreign Commerce.

1959. By Mr. GRAHAM: Petition of Philadelphia Board of Trade, opposing House bill 9498, providing compensation for death or injuries in certain maritime employment; to the Committee on the Judiciary.

1960. Also, petition of Philadelphia Board of Trade, favoring enactment of Senate bill 3681, to upbuild the American merchant marine in foreign trade, etc.; to the Committee on the Merchant Marine and Fisheries.

1961. By Mrs. KAHN: Resolution of the San Francisco County Council of the American Legion, favoring the continuance of military training in the schools and colleges of the United States, and also the continuance of the citizen's military training camps; to the Committee on Military Affairs.

1962. By Mr. KINDRED: Petition of the United States Immigration Association of New York, urging the Congress of the United States to pass the Johnson immigration bill readjusting the salary of immigration inspectors; to the Committee on Immigration and Naturalization.

1963. Also, petition of the Northeastern Interstate Bus Owners' Association to the Interstate and Foreign Commerce Committee of the House of Representatives to grant a hearing of the Reed-Bacharach bill as amended; to the Committee on Interstate and Foreign Commerce.

1964. Also, resolution unanimously adopted by the Jamaica Women's Republic Club, Jamaica, New York City, urging passage of Senate bill 786 and House bill 7; to the Committee on the Civil Service.

1965. By Mr. MORROW: Petition of nurses at Fort Bayard, N. Mex., indorsing Fitzgerald and Johnson World War veteran legislation; to the Committee on World War Veterans' Legislation.

1966. By Mr. O'CONNELL of New York: Petition of the Jamaica Women's Republican Club, of Jamaica, Long Island, New York, favoring the passage of the Stanfield-Lehlbach retirement bills (S. 786 and H. R. 7); to the Committee on the Civil Service.

1967. Also, petition of the Fifth Avenue Association, New York City, favoring the passage of Senate bill 1883 to create a national police bureau; to the Committee on the Judiciary.

1968. Also, petition of the United States Immigration Association, Ellis Island, N. Y., urging favorable action of Chairman Johnson's immigration salary readjustments of immigration inspectors; to the Committee on Immigration and Naturalization.

1969. By Mr. ROMJUE: Petition of James Smith, secretary, and Charles Selby, president, of Scotland County, Mo., farmers' meeting, favoring the Dickinson bill; to the Committee on Agriculture.

1970. By Mr. SOMERS of New York: Resolutions adopted by the Lond Island Federation of Women's Clubs, opposing

the passage of the Wadsworth-Perlman bill; to the Committee on Immigration and Naturalization.

1971. Also, resolutions adopted by the Metal Trades Council, Brooklyn, N. Y., urging the passage of Senate bill 786 and House bill 7; to the Committee on the Civil Service.

1972. By Mr. SWING: Petition of certain residents of Hinkley and Barstow, Calif., protesting against the passage of House bill 7179, for the compulsory observance of Sunday for the District of Columbia; to the Committee on the District of Columbia.

1973. Also, petition of certain residents of California, protesting against the passage of House bill 7179, for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

1974. Also, petition of certain residents of San Diego and National City, Calif., protesting against the passage of House bill 7179, for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

1975. Also, petition of certain residents of Ontario, Calif., protesting against the passage of House bill 7179, for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

1976. Also, petition of certain residents of Loma Linda, Calif., protesting against the passage of House bill 7179, for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

1977. Also, petition of certain residents of Riverside, Calif., protesting against the passage of House bill 7179, for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

1978. Also, petition of certain residents of California, protesting against the passage of House bills 7179, 7822, and 10123, for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, *April 28, 1926*

(Legislative day of Monday, April 19, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 10729) to create a bureau of customs and a bureau of prohibition in the Department of the Treasury, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 2091. An act for the relief of Florence Proud;

H. R. 6556. An act for the establishment of artificial bathing pools or beaches in the District of Columbia;

H. R. 6774. An act to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America;

H. R. 7470. An act to authorize the Secretary of War to grant to the New York, Chicago & St. Louis Railway Co., its successors or assigns, a perpetual easement for railroad right of way over and upon Camp Sherman Military Reservation in the State of Ohio;

H. R. 8830. An act amending the act entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," approved June 6, 1924;

H. R. 10275. An act authorizing appropriations for construction at military posts, and for other purposes; and

H. J. Res. 204. Joint resolution authorizing certain military organizations to visit France, England, and Belgium.

SETTLEMENT OF INDEBTEDNESS OF THE CZECHOSLOVAK REPUBLIC

Mr. SMOOT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 6777, the Czechoslovakian debt settlement bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6777) to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America, which was read, as follows:

Be it enacted, etc., That the settlement of the indebtedness of the Czechoslovak Republic to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 6, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The net amount of the indebtedness in settlement of the financial differences between the two Governments and/or their agencies, both principal and interest, is fixed as of June 15, 1925, at $115,000,000.

The principal amount of the bonds to be delivered to the United States is $185,071,023.07, the increase over the funded indebtedness as of June 15, 1925, being due to the smaller payments during the first 18 years than would have been payable upon the basis of the British-American settlement, this difference being funded over the remaining 44 years, compounded annually, at the rates of 3 per cent per annum up to and including the tenth year and 3½ per cent per annum from the eleventh to the eighteenth year, both inclusive. The principal of the bonds shall be paid in semiannual installments on June 15 and December 15 of each year up to and including June 15, 1943, and thereafter in annual installments, subject to the right of the Czechoslovak Republic, after June 15, 1943, to make such payments in three-year periods. The first 36 semiannual installments are to be $1,500,000 each, and are to be paid without interest on June 15 and December 15 of each year. The remaining 44 installments are to be paid annually on June 15 of each year, with interest at the rate of 3½ per cent per annum from June 15, 1943, payable semiannually on June 15 and December 15 of each year. The amount of the installment due in the nineteenth year is $1,296,023.07, the annual installments to increase thereafter until in the sixty-second year the amount of the final installment will be $5,685,000, the aggregate installments being equal to the total face amount of bonds to be delivered, namely, $185,071,023.07.

The Czechoslovak Republic shall have the right to pay off additional amounts of the principal of the bonds on June 15 or December 15 of any year upon not less than 90 days' advance notice.

Any payments of interest or principal may be made at the option of the Czechoslovak Republic in any United States obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

Passed the House of Representatives January 16, 1926.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	Kendrick	Pine
Bayard	Fernald	Keyes	Ransdell
Bingham	Ferris	King	Reed, Mo.
Blease	Fess	La Follette	Reed, Pa.
Borah	Frazier	Lenroot	Robinson, Ark.
Bratton	George	McKellar	Sackett
Broussard	Gerry	McKinley	Sheppard
Bruce	Gillett	McLean	Shipstead
Butler	Glass	McMaster	Shortridge
Cameron	Goff	McNary	Smoot
Caraway	Gooding	Means	Stanfield
Copeland	Greene	Metcalf	Steck
Couzens	Hale	Neely	Stephens
Cummins	Harreld	Norbeck	Swanson
Curtis	Harris	Norris	Trammell
Dale	Harrison	Nye	Wadsworth
Deneen	Howell	Oddie	Warren
Dill	Johnson	Overman	Watson
Edge	Jones, N. Mex.	Pepper	Willis
Edwards	Jones, Wash.	Phipps	

Mr. CURTIS. I desire to announce that my colleague [Mr. CAPPER] is absent on account of illness in his family. I will let this announcement stand for the day.

Mr. McKELLAR. The junior Senator from Tennessee [Mr. TYSON] is unavoidably absent. He has a general pair with the senior Senator from Ohio [Mr. WILLIS]. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present.

SESQUICENTENNIAL OF AMERICAN INDEPENDENCE AND THOMAS JEFFERSON CENTENNIAL COMMISSION

The VICE PRESIDENT. In accordance with the provisions of Senate Joint Resolution 30, authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence, the Chair appoints as members of the commission on the part of the Senate Messrs. COPELAND, CURTIS, FESS, and ROBINSON of Arkansas.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a communication from the clerk of the city council of the city of Chicago, Ill., transmitting copy of a resolution adopted by that body relative to proposed amendment of the national prohibition act, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

CITY OF CHICAGO,
OFFICE OF THE CITY CLERK,
April 26, 1926.

The CLERK, UNITED STATES SENATE,
Washington, D. C.

SIR: At the direction of the city council of the city of Chicago, I transmit herewith a certified copy of a certain resolution adopted by that body on April 21, 1926, in reference to a proposed amendment to the Volstead Act.

Very truly yours,

AL. F. GORMAN, *City Clerk.*

Whereas the national prohibition act to the extent that it prohibits the manufacture of beer and wine is an unwarranted interference with the normal and lawful customs, habits, and manner of living of American citizens; and

Whereas this unwarranted interference has caused resentment and created an era of law breaking, disrespect, and defiance of all laws without parallel in the civilized world; and

Whereas it is daily more evident that all of the law-enforcing machinery of the country—Federal, State, and municipal—is unable to cope with the situation which is threatening the moral fiber of the individual American and the very foundations of the Republic; and

Whereas the public welfare demands that this situation be remedied forthwith to the end that this country may continue to prosper and continue its peaceful and orderly development; and

Whereas recent developments have indicated that enlightened groups of our citizenship, including even those among the most ardent advocates of prohibition, after a careful and thorough study of the effects of the national prohibition act, have reached the conclusion that the present-day evils of the liquor traffic can only be remedied by immediate modification of the national prohibition act to permit the sale of beer and wine; and

Whereas this community of law abiding and patriotic American citizens is overwhelmingly in favor of the reasonable modification of the national prohibition act to the extent of legalizing beer and wine so as to permit the American citizens to resume their former normal habits; and

Whereas the members of this council are the accredited and duly elected representatives of the people of this community and therefore logically entitled to speak for them: Now therefore be it

Resolved, By the city council of the city of Chicago that we do earnestly and sincerely petition the Congress and the President of the United States to take cognizance of the appalling situation which now confronts this country by proceeding forthwith to amend the national prohibition act to make it possible for the people of this country to obtain wine and beer: And be it further

Resolved, That copies of this resolution be transmitted by the clerk to the President of the United States, to the clerk of the Senate, and to the House of Representatives.

STATE OF ILLINOIS,
County of Cook, ss:

I, Al. F. Gorman, city clerk of the city of Chicago, do hereby certify that the above and foregoing is a true and correct copy of the certain resolution adopted by the city council of the city of Chicago at a regular meeting held Wednesday, the 21st day of April, A. D. 1926.

Witness my hand and the corporate seal of the said city of Chicago this 26th day of April, A. D. 1926.

[SEAL.]

AL. F. GORMAN,
City Clerk.

Mr. McMASTER presented four telegrams relative to appropriations for good roads, which were referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

[Western Union telegram]

RAPID CITY, S. DAK., *April 27, 1926.*

Senator W. H. MCMASTER,
Washington, D. C.:

This body earnestly urges that you use every effort possible to prevent Federal aid road appropriation being cut below $75,000,000. We hope you will report favorably on the appropriation bill as passed by the House.

RAPID CITY COMMERCIAL CLUB,
A. C. HUNT, *President.*

[Western Union telegram]

SIOUX FALLS, S. DAK., *April 27, 1926.*

Senator W. H. MCMASTER,
Senate Office Building, Washington, D. C.:

We hope the Senate good roads committee will report favorably on the Federal aid appropriation bill passed by the House, which provides $75,000,000 Federal aid for highways, and urge that you use your best influence to keep appropriation from being cut.

SIOUX FALLS CHAMBER OF COMMERCE.

[Western Union telegram]

MITCHELL, S. DAK., *April 28, 1926.*

Senator W. H. MCMASTER,
Washington, D. C.:

This organization opposed to any reduction in Federal aid appropriation for roads. Trust that you and entire South Dakota delegation will insist on immediate and liberal appropriation.

MITCHELL CHAMBER OF COMMERCE,
By W. H. KING, *Secretary.*

[Western Union telegram]

PIERRE, S. DAK., *April 26, 1926.*

W. H. MCMASTER,
United States Senate, Washington, D. C.:

The South Dakota Highway Commission earnestly hopes there will be no reduction of appropriations of Federal aid for highways. A great system of roads has resulted from the present plan. Any change or curtailment of the great work being done will be a step backward.

SOUTH DAKOTA HIGHWAY COMMISSION.

REPORTS OF COMMITTEES

Mr. MEANS, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 1731) for the relief of John W. King (Rept. No. 677);

A bill (H. R. 1897) for the relief of the heirs of the late Louis F. Meissner (Rept. No. 678);

A bill (H. R. 2011) for the relief of William D. McKeefrey (Rept. No. 679); and

A bill (H. R. 2680) for the relief of the estate of Charles M. Underwood (Rept. No. 680).

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3963) to provide for the protection, development, and utilization of the public lands in Alaska by establishing an adequate system for grazing livestock thereon, reported it with an amendment and submitted a report (No. 681) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 3025) granting a patent to certain lands to Benjamin A. J. Funnemark (Rept. No. 682);

A bill (H. R. 4681) providing for the issuance of patent to the Boyle Commission Co. for block No. 223, town site of Heyburn, Idaho (Rept. No. 683);

A bill (H. R. 5673) authorizing the Secretary of the Interior to issue letters patent to George K. Hughes (Rept. No. 684);

A bill (H. R. 5710) extending the provisions of section 2455 of the United States Revised Statutes to ceded lands of the Fort Hall Indian Reservation (Rept. No. 685); and

A bill (H. R. 6239) to authorize acting registers of United States land offices to administer oaths at any time in public land matters (Rept. No. 686).

Mr. MAYFIELD, from the Committee on Claims, to which were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4017) for the relief of Russell & Tucker, and certain other citizens of the State of Texas (Rept. No. 687);

A bill (S. 4030) authorizing Porter Bros. & Biffle, a copartnership composed of H. L. Porter, N. A. Porter, and J. W. Biffle; Spradling & Porter Bros., a copartnership composed of Royald Spradling, H. L. Porter, and N. A. Porter; Henry Price, Royal Spradling, J. L. Keith, W. T. Brummett; Price & Florence, a copartnership composed of Henry Price and Buster Florence; and G. J. Keith to bring suit against the United States of America in the United States District Court for the Eastern District of Oklahoma, giving said United States District Court for the Eastern District of Oklahoma jurisdiction of said suit for loss and damage sustained by them through the negligent dipping and erroneous certification of tick-infested cattle in the State of Texas by the Bureau of Animal Industry, Department of Agriculture, for loss and

damage sustained by them through such negligent dipping and erroneous certification of said cattle by said Bureau of Animal Industry (Rept. No. 688); and

A bill (S. 4052) authorizing James L. Borroum and Francis P. Bishop to bring suits in the United States District Court for the State of Kansas for the amount due or claimed to be due to said claimants from the United States by reason of the alleged inefficient and wrongful dipping of tick-infested cattle, and giving said United States District Court for the State of Kansas jurisdiction of said suit or suits (Rept. No. 689).

Mr. ERNST, from the Committee on the Judiciary, to which was referred the bill (H. R. 3745) to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code," reported it without amendment and submitted a report (No. 690) thereon.

Mr. CUMMINS, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3444) to amend the act of February 11, 1925, entitled "An act to provide fees to be charged by clerks of the district courts of the United States" (Rept. No. 691); and

A bill (S. 3630) to permit the United States to be made a party defendant in certain cases (Rept. No. 692).

Mr. CUMMINS also, from the Committee on the Judiciary, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 2762) to amend section 77 of the Judicial Code to create a middle district in the State of Georgia (Rept. No. 693); and

A bill (S. 3418) to create an additional judge in the district of Maryland (Rept. No. 694).

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 579) for the relief of the Georgia Cotton Co., reported it without amendment and submitted a report (No. 695) thereon.

Mr. McMASTER, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon:

A bill (S. 586) for the relief of William Smith; and

A bill (S. 3350) authorizing the President to appoint Richard R. Baker, jr., to the position and rank of first lieutenant in the United States Army and immediately retire him with the rank and pay held by him at the time of his discharge.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills:

S. 43. An act authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe;

S. 493. An act for the relief of the owner of the steamship *British Isles;*

S. 494. An act for the relief of all owners of cargo aboard the American steamship *Almirante* at the time of her collision with the U. S. S. *Hisko;*

S. 553. An act for the relief of Fred V. Plomteaux;

S. 613. An act for the relief of Archibald L. Macnair;

S. 850. An act for the relief of Robert A. Pickett;

S. 959. An act for the relief of Tena Pettersen;

S. 977. An act for the relief of A. V. Yearsley;

S. 1360. An act for the relief of the estate of William P. Nisbett, sr., deceased;

S. 1481. An act to authorize the President to appoint Capt. Curtis L. Stafford a captain of Cavalry in the Regular Army;

S. 1486. An act to authorize the Secretary of War to lease to the Bush Terminal Railroad Co. and to the Long Island Railroad use of railway tracks at Army supply base, South Brooklyn, N. Y.;

S. 1519. An act for the relief of the P. Dougherty Co.;

S. 1609. An act to increase the pensions of those who have lost limbs or have been totally disabled in the same, or have become totally blind in the military or naval service of the United States;

S. 1803. An act for the relief of Walter W. Price;

S. 1938. An act to issue a patent to John H. Bolton;

S. 2091. An act for the relief of Florence Proud;

S. 2368. An act for the relief of Ocean Steamship Co. (Ltd.), a British corporation; and

S. 3538. An act authorizing the Secretary of the Interior to pay legal expenses incurred by the Sac and Fox Tribe of Indians of Oklahoma.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOFF:

A bill (S. 4112) granting an increase of pension to Prudence Fogg; to the Committee on Pensions.

By Mr. LENROOT:

A bill (S. 4113) granting a pension to Ella Huddleston; to the Committee on Pensions.

A bill (S. 4114) granting to the Northern Paper Mills, Green Bay, Wis., certain islands in the Menomonee River, Wis.; to the Committee on Public Lands and Surveys.

By Mr. KING (by request):

A bill (S. 4115) to amend an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911, as amended February 7, 1920; to the Committee on Commerce.

By Mr. PEPPER:

A bill (S. 4116) to extend the time for the construction of a bridge across the North Branch of the Susquehanna River from the city of Wilkes-Barre to the borough of Dorranceton, Pa.; to the Committee on Commerce.

By Mr. CARAWAY:

A bill (S. 4117) to extend the times for commencing and completing the construction of a bridge across the White River near Augusta, Ark.; to the Committee on Commerce.

By Mr. REED of Missouri:

A bill (S. 4118) granting a pension to Mary Ellen Powell; and

A bill (S. 4119) granting a pension to Mrs. William M. Spann; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 4120) validating conveyances of alien property; to the Committee on the Judiciary.

By Mr. WADSWORTH:

A bill (S. 4121) for the relief of the Niagara Machine & Tool Works; and

A bill (S. 4122) for the relief of Richard Weatherston; to the Committee on Claims.

By Mr. DILL:

A joint resolution (S. J. Res. 102) proposing an amendment to the Constitution of the United States for a war referendum; and

A joint resolution (S. J. Res. 103) proposing an amendment to the Constitution of the United States relating to election and qualification of judges; to the Committee on the Judiciary.

HOUSE BILL REFERRED

The bill (H. R. 10729) to create a bureau of customs and a bureau of prohibition in the Department of the Treasury was read twice by its title and referred to the Committee on Finance.

PRINTING OF HEARINGS FOR PUBLIC LANDS COMMITTEE

Mr. ODDIE submitted the following resolution (S. Res. 210), which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Committee on Public Lands and Surveys 1,000 additional copies of the hearings by said committee on grazing facilities on public lands, February 15 to March 11, 1926, held in connection with the consideration of the bill (S. 2584) to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, and for other purposes.

SENATOR FROM IOWA

Mr. ERNST submitted the following resolution (S. Res. 211), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for expenses of inquiries and investigations, fiscal year 1926, the sum of $15,000 to Hon. DANIEL F. STECK for all expenses incurred, including attorneys' fees, in assertion of his right to a seat in the Senate resulting from the election in 1924 of a Senator from the State of Iowa.

Mr. ERNST also submitted the following resolution (S. Res. 212), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for expenses of inquiries and investigations, fiscal year 1925, the sum of $10,000 to Hon. Smith W. Brookhart for all expenses incurred, including attorneys' fees, in defense of his right to a seat in the Senate resulting from the contest of the 1924 election of a Senator from the State of Iowa.

PHILIP W. TURNER

Mr. ERNST submitted the following resolution (S. Res. 213), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Philip W. Turner, for expert services as tabulator rendered the Committee on Privileges and Elections during the investigations of the election of Senators from the States of Texas and Iowa, $1,800.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on April 27, 1926, the President had approved and signed the following acts:

S. 2111. An act for the relief of Levin P. Kelly;

S. 2274. An act providing for the promotion of a professor at the United States Military Academy;

S. 2752. An act for the purchase of land as an artillery range at Fort Ethan Allen, Vt.; and

S. 3283. An act to provide for the appointment of Army field clerks and field clerks, Quartermaster Corps, as warrant officers, United States Army.

ERNEST F. RILEY

Mr. BLEASE. Mr. President, I have two letters which I would like to have appear in the RECORD, being letters relative to the matter of the employment of Mr. Ernest F. Riley in connection with senatorial contests.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

APRIL 27, 1926.

Col. EDWIN P. THAYER,
Secretary of the Senate, Washington, D. C.

DEAR MR. THAYER: Inasmuch as you were the gentleman in charge of the Brookhart-Steck recount contest, I am sending this letter to you with a request that you give me the following information concerning Mr. E. F. Riley, who was one of your workers, and who is now secretary to Senator STECK:

From what State was Mr. Riley appointed?

Upon whose recommendation was he appointed?

What was his residence at time of his appointment?

Was he one of Senator STECK's official watchers or counters?

Was it your policy to change counters during the period of time of the recount; and if so, why was Mr. Riley kept continuously while others were dismissed?

Very respectfully,

COLE L. BLEASE.

UNITED STATES SENATE,
OFFICE OF THE SECRETARY,
April 27, 1926.

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In answer to your letter of even date, I have the honor to state that Mr. Ernest F. Riley was appointed by Senator Spencer, chairman of the Committee on Privileges and Elections, first as a counter in the Peddy-Mayfield senatorial contest from the State of Texas, on account of being an invalided overseas veteran, thus following the usual policy of the committee in favoring, wherever possible, service men.

When the Iowa senatorial contest started Senator Spencer continued to be chairman of the above committee and directed the supervisor in charge to again place on the roll the same service men as before. These men, in addition to Mr. Riley, were N. H. Edwards, O. I. Lewis, and Capt. G. W. Weese.

Mr. Riley was not Mr. STECK's official watcher, but was a regular counter.

Counters were not changed during the recount, which was finished August 31, 1925. Mr. Riley was called back to aid, when the attorneys for both parties began the work of going over the contested ballots, for the reason that he was an expert in his work, very dependable and industrious, and an overseas veteran. I am,

Yours respectfully,

EDWIN P. THAYER, *Supervisor.*

PRINTING OF MUSCLE SHOALS BILL

Mr. SACKETT. Mr. President, I ask unanimous consent that Senate bill 4106, the Muscle Shoals bill, may be ordered printed for the information of the Senate. It has not been printed for the reason that it has been read only once.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky?

Mr. McKELLAR. What is the request of the Senator?

Mr. SACKETT. I have asked unanimous consent that Senate bill 4106, the Muscle Shoals bill, be printed for the information of the Senate.

Mr. McKELLAR. I have no objection.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER AL MÉRITO FROM REPUBLIC OF CHILE

Mr. SWANSON. Mr. President, out of order I ask unanimous consent to submit a report from the Committee on Foreign Relations. I report back favorably from that committee the bill (S. 3464) authorizing certain officers of the United States Navy to accept from the Republic of Chile the Order Al Mérito, and I ask for its immediate consideration. It simply authorizes certain officers of the United States Navy to accept from Chile the order of merit conferred upon them as an evidence of appreciation and good will. They visited Chile with the fleet in 1921.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia?

There being no objection, the bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the following-named officers of the United States Navy be, and they are hereby, authorized to accept from the Republic of Chile the Order Al Mérito, of the class hereinafter respectively designated, conferred on them by said Republic in evidence of its appreciation and good will upon the visit, in the year 1921, to that country of the Pacific Fleet, the said officers being then and there with said fleet and holding, respectively, the rank hereinafter indicated, to wit: Admiral Hugh Rodman, first class; Vice Admiral Clarence S. Williams, first class; Rear Admiral J. L. Jayne, first class; Read Admiral J. S. McKean, first class; Capt. C. L. Hussey, first class; Capt. S. E. Moses, first class; Capt. W. V. Pratt, first class; Capt. T. W. Leutze, first class; Capt. E. L. Bennett, first class; Commander W. F. Halsey, jr., first class; Lieut. Commander H. B. Mecleary, first class; Lieut. Commander D. C. Godwin, first class; Lieut. C. W. A. Campbell, second class; Lieut. J. B. Reinburg, jr., second class; and Lieut. J. L. McCrea, second class.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SETTLEMENT OF INDEBTEDNESS OF THE CZECHOSLOVAK REPUBLIC

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6777) to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America.

Mr. SMOOT. Mr. President, on October 13, 1925, a debt funding agreement was executed with the Czechoslovak Republic. I ask unanimous consent to have printed in the RECORD at this point a copy of the agreement.

The VICE PRESIDENT. Without objection it is so ordered.

The agreement is as follows:

Agreement Made the 13th Day of October, 1925, at the City of Washington, D. C., Between the Czechoslovak Republic, Hereinafter Called Czechoslovakia, Party of the First Part, and the United States of America, Hereinafter Called the United States, Party of the Second Part

Whereas the United States now holds certain obligations of Czechoslovakia, and there are outstanding open accounts in favor of the United States and claims against the United States which are in dispute; and

Whereas the United States and Czechoslovakia wish to settle the financial differences between the two Governments and/or their agencies and to fix the net amount of the indebtedness of Czechoslovakia to the United States, both principal and interest, as of June 15, 1925, and to fund such indebtedness: Now, therefore

In consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. Amount of indebtedness: The amount of the indebtedness of Czechoslovakia as of June 15, 1925, is fixed at $115,000,000.

2. Payment: In order to provide for the payment of the indebtedness thus to be funded, Czechoslovakia will issue to the United States at par bonds of Czechoslovakia in the aggregate principal amount of $185,071,023.07, dated June 15, 1925, and maturing serially on the several dates and in the amounts fixed in the following schedule:

Dec. 15, 1925	$1,500,000.00	Dec. 15, 1934	$1,500,000.00
June 15, 1926	1,500,000.00	June 15, 1935	1,500,000.00
Dec. 15, 1926	1,500,000.00	Dec. 15, 1935	1,500,000.00
June 15, 1927	1,500,000.00	June 15, 1936	1,500,000.00
Dec. 15, 1927	1,500,000.00	Dec. 15, 1936	1,500,000.00
June 15, 1928	1,500,000.00	June 15, 1937	1,500,000.00
Dec. 15, 1928	1,500,000.00	Dec. 15, 1937	1,500,000.00
June 15, 1929	1,500,000.00	June 15, 1938	1,500,000.00
Dec. 15, 1929	1,500,000.00	Dec. 15, 1938	1,500,000.00
June 15, 1930	1,500,000.00	June 15, 1939	1,500,000.00
Dec. 15, 1930	1,500,000.00	Dec. 15, 1939	1,500,000.00
June 15, 1931	1,500,000.00	June 15, 1940	1,500,000.00
Dec. 15, 1931	1,500,000.00	Dec. 15, 1940	1,500,000.00
June 15, 1932	1,500,000.00	June 15, 1941	1,500,000.00
Dec. 15, 1932	1,500,000.00	Dec. 15, 1941	1,500,000.00
June 15, 1933	1,500,000.00	June 15, 1942	1,500,000.00
Dec. 15, 1933	1,500,000.00	Dec. 15, 1942	1,500,000.00
June 15, 1934	1,500,000.00	June 15, 1943	1,500,000.00

June 15—		June 15—	
1944	$1,206,023.07	1967	$2,855,000.00
1945	1,340,000.00	1968	2,955,000.00
1946	1,385,000.00	1969	3,060,000.00
1947	1,435,000.00	1970	3,165,000.00
1948	1,485,000.00	1971	3,280,000.00
1949	1,540,000.00	1972	3,395,000.00
1950	1,590,000.00	1973	3,510,000.00
1951	1,645,000.00	1974	3,635,000.00
1952	1,705,000.00	1975	3,760,000.00
1953	1,765,000.00	1976	3,890,000.00
1954	1,825,000.00	1977	4,030,000.00
1955	1,890,000.00	1978	4,170,000.00
1956	1,960,000.00	1979	4,315,000.00
1957	2,025,000.00	1980	4,465,000.00
1958	2,100,000.00	1981	4,625,000.00
1959	2,170,000.00	1982	4,785,000.00
1960	2,245,000.00	1983	4,950,000.00
1961	2,325,000.00	1984	5,125,000.00
1962	2,405,000.00	1985	5,305,000.00
1963	2,490,000.00	1986	5,490,000.00
1964	2,575,000.00	1987	5,685,000.00
1965	2,665,000.00		
1966	2,760,000.00	Total	185,071,023.07

Provided, however, That Czechoslovakia, at its option, upon not less than 90 days' advance notice to the United States, may postpone any payment on account of principal falling due as hereinabove provided after June 15, 1943, to any subsequent June 15 or December 15 not more than two years distant from its due date, but only on condition that in case Czechoslovakia shall at any time exercise this option as to any payment of principal, the payment falling due in the next succeeding year can not be postponed to any date more than one year distant from the date when it becomes due unless and until the payment previously postponed shall actually have been made, and the payment falling due in the second succeeding year can not be postponed at all unless and until the payment of principal due two years previous thereto shall actually have been made.

3. Form of bonds: All bonds issued or to be issued hereunder to the United States shall be payable to the Government of the United States of America, or order, and shall be signed for Czechoslovakia by its Minister of Finance and countersigned by the President of the Supreme Accounting Control Office in Prague and likewise countersigned by its envoy extraordinary and minister plenipotentiary at Washington, or by its other duly authorized representative. The bonds issued for the first 36 semiannual payments shall be substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit A," and shall be issued in 36 pieces of the principal amount of $1,500,000 each maturing serially on December 15, 1925, and semiannually thereafter up to and including June 15, 1943, and shall not bear interest before maturity. The bonds maturing subsequent to June 15, 1943, shall be substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit B," and shall be issued in 44 pieces with maturities and in denominations as hereinabove set forth and shall bear interest at the rate of 3½ per cent per annum from June 15, 1943, payable semiannually on June 15 and December 15 of each year until the principal of such bonds shall be paid.

4. Method of payment: All bonds issued or to be issued hereunder shall be payable, as to both principal and interest, in United States gold coin of the present standard of value, or, at the option of Czechoslovakia, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

All payments, whether in cash or in obligations of the United States, to be made by Czechoslovakia on account of the principal of or interest on any bonds issued or to be issued hereunder and held by the United States, shall be made at the Treasury of the United States in Washington, or, at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York, and if in cash shall be made in funds immediately available on the date of payment, or if in obligations of the United States shall be in form acceptable to the Secretary of the Treasury of the United States under the general regulations of the Treasury Department governing transactions in United States obligations.

5. Exemption from taxation: The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes or other public dues, present or future, imposed by or under authority of Czechoslovakia or any political or local taxing authority within the Czechoslovak Republic, whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Czechoslovakia, or (c) a corporation not organized under the laws of Czechoslovakia.

6. Payments before maturity: Czechoslovakia, at its option, on June 15 or December 15 of any year, upon not less than 90 days' advance notice to the United States, may make advance payments in amounts of $1,000 or multiples thereof, on account of the principal of any bonds issued or to be issued hereunder and held by the United States. Any such advance payments shall be applied to the principal of such bonds as may be indicated by Czechoslovakia at the time of the payment.

7. Exchange for marketable obligations: Czechoslovakia will issue to the United States at any time, or from time to time, at the request of the Secretary of the Treasury of the United States, in exchange for any or all of the bonds issued hereunder and held by the United States, definitive engraved bonds in form suitable for sale to the public, in such amounts and denominations as the Secretary of the Treasury of the United States may request, in bearer form, with provision for registration as to principal, and/or in fully registered form, and otherwise on the same terms and conditions, as to dates of issue and maturity, rate or rates of interest, if any, exemption from taxation, payment in obligations of the United States issued after April 6, 1917, and the like, as the bonds surrendered on such exchange. Czechoslovakia will deliver definitive engraved bonds to the United States in accordance herewith within six months of receiving notice of any such request from the Secretary of the Treasury of the United States, and pending the delivery of the definitive engraved bonds will deliver, at the request of the Secretary of the Treasury of the United States, temporary bonds or interim receipts in form satisfactory to the Secretary of the Treasury of the United States within 30 days of the receipt of such request, all without expense to the United States. The United States, before offering any such bonds or interim receipts for sale in Czechoslovakia, will first offer them to Czechoslovakia for purchase at par and accrued interest, if any, and Czechoslovakia shall likewise have the option, in lieu of issuing any such bonds or interim receipts, to make advance redemption, at par and accrued interest, if any, of a corresponding principal amount of bonds issued hereunder and held by the United States. Czechoslovakia agrees that the definitive engraved bonds called for by this paragraph shall contain all such provisions, and that it will cause to be promulgated all such rules, regulations, and orders as shall be deemed necessary or desirable by the Secretary of the Treasury of the United States in order to facilitate the sale of the bonds in the United States, in Czechoslovakia or elsewhere, and that if requested by the Secretary of the Treasury of the United States, it will use its good offices to secure the listing of the bonds on such stock exchanges as the Secretary of the Treasury of the United States may specify.

8. Cancellation and surrender of obligations: Upon the execution of this agreement, the delivery to the United States of the $185,071,023.07 principal amount of bonds of Czechoslovakia to be issued hereunder, together with satisfactory evidence of authority for the execution of this agreement by the representatives of Czechoslovakia and for the execution of the bonds to be issued hereunder, the United States will cancel and surrender to Czechoslovakia at the Treasury of the United States in Washington the obligations of Czechoslovakia held by the United States and a satisfaction shall be had of all financial claims existing between the two Governments and/or their agencies.

9. Notices: Any notice, request, or consent under the hand of the Secretary of the Treasury of the United States shall be deemed and taken as the notice, request, or consent of the United States, and shall be sufficient if delivered at the Legation of Czechoslovakia at Washington or at the office of the Ministry of Finance in Czechoslovakia; and any notice, request, or election from or by Czechoslovakia shall be sufficient if delivered to the American Legation at Prague or to the Secretary of the Treasury at the Treasury of the United States in Washington. The United States in its discretion may waive any notice required hereunder, but any such waiver shall be in writing and shall not extend to or affect any subsequent notice or impair any right of the United States to require notice hereunder.

10. Compliance with legal requirements: Czechoslovakia represents and agrees that the execution and delivery of this agreement have in all respects been duly authorized and that all acts, conditions, and legal formalities which should have been completed prior to the making of this agreement have been completed as required by the laws of Czechoslovakia and in conformity therewith.

11. Counterparts: This agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

In witness whereof Czechoslovakia has caused this agreement to be executed on its behalf by Dr. Vilém Pospísil, Karel Kucera, and Dr. Karel Brabenec, its plenipotentiaries at Washington, thereunto duly authorized, subject, however, to constitutional ratification in Czechoslovakia, and the United States has likewise caused this agreement to be executed on its behalf by the Secretary of the Treasury, as chairman of the World War Foreign Debt Commission, with the approval of the President, subject, however, to the approval of Congress, pursuant to the act of Congress approved February 9, 1922, as amended by the act of Congress approved February 28, 1923, and as further amended by the act of Congress approved January 21, 1925, all on the day and year first above written.

THE CZECHOSLOVAK REPUBLIC,
By DR. VILÉM POSPÍSIL,
KAREL KUCERA,
DR. KAREL BRABENEC.
THE UNITED STATES OF AMERICA,
(For the World War Foreign Debt Commission:)
By A. W. MELLON,
Secretary of the Treasury and Chairman of the Commission.

Approved:
CALVIN COOLIDGE, *President.*

EXHIBIT A

(Form of bond)

THE CZECHOSLOVAK REPUBLIC

$1,500,000. No. ——

The Czechoslovak Republic, hereinafter called Czechoslovakia, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on ———, 19—, the sum of $1,500,000. This bond is payable in gold coin of the United States of America of the present standard of value, or, at the option of Czechoslovakia, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

This bond is payable without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of Czechoslovakia or any political or local taxing authority within Czechoslovakia, whenever, so long as, and to the extent that, beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Czechoslovakia, or (c) a corporation not organized under the laws of Czechoslovakia. This bond is payable at the Treasury of the United States in Washington, D. C., or at the option of the Secretary of the Treasury of the United States at the Federal Reserve Bank of New York.

This bond is issued pursuant to the provisions of paragraph 2 of an agreement dated October 13, 1925, between Czechoslovakia and the United States, to which agreement this bond is subject and to which reference is hereby made.

In witness whereof Czechoslovakia has caused this bond to be executed in its behalf by its Minister of Finance and countersigned by the president of the supreme accounting control office in Prague and likewise countersigned at the city of Washington, District of Columbia, by its ——— at Washington, thereunto duly authorized, as of June 15, 1925.

THE CZECHOSLOVAK REPUBLIC,

By ——— ———,

Minister of Finance.

EXHIBIT B

(Form of Bond)

THE CZECHOSLOVAK REPUBLIC

$——— No. ——

The Czechoslovak Republic, hereinafter called Czechoslovakia, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on June 15, 19—, the sum of ——— dollars ($———), and to pay interest upon said principal sum from June 15, 1943, at the rate of 3½ per cent per annum, payable semiannually on the 15th day of December and June in each year, until the principal hereof has been paid. This bond is payable as to both principal and interest in gold coin of the United States of America of the present standard of value, or, at the option of Czechoslovakia, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

This bond is payable as to both principal and interest without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of Czechoslovakia or any political or local taxing authority within the Czechoslovak Republic whenever, so long as, and to the extent that, beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Czechoslovakia, or (c) a corporation not organized under the laws of Czechoslovakia. This bond is payable as to both principal and interest at the Treasury of the United States in Washington, D. C., or at the option of the Secretary of the Treasury of the United States at the Federal Reserve Bank of New York.

This bond is issued pursuant to the provisions of paragraph 2 of an agreement dated October 13, 1925, between Czechoslovakia and the United States, to which agreement this bond is subject and to which reference is hereby made.

In witness whereof Czechoslovakia has caused this bond to be executed in its behalf by its Minister of Finance and countersigned by the president of the supreme accounting control office in Prague and likewise countersigned at the city of Washington, D. C., by its ——— at Washington, thereunto duly authorized, as of June 15, 1925.

THE CZECHOSLOVAK REPUBLIC,

By ——— ———,

Minister of Finance.

Mr. SMOOT. The Czechoslovak debt was funded as of June 15, 1925, the amount of the indebtedness as of that date being fixed by the commission at $115,000,000. The Treasury held obligations of Czechoslovakia amounting to $91,879,671.03. There was, in addition, outstanding against Czechoslovakia on the books of the United States Shipping Board Emergency Fleet Corporation and the War Department certain open accounts aggregating $4,991,482.48, this latter amount representing charges in connection with the repatriation of Czechoslovak troops from Siberia. It appeared that there were certain differences between the representatives of the Czechoslovak Government and the Treasury as to the exact amount of the debt owed. The Czechoslovak commission admitted a debt of approximately $80,000,000, which had been verified by their Government, but disputed all indebtedness in excess of that amount. They referred to the open accounts, stating that they had been able to reduce similar charges of the Shipping Board by more than 40 per cent and that they anticipated that a similar reduction could be readily made in the amounts now stated to be due. They suggested that an audit be made of all sums spent and of all vouchers scattered throughout the United States and the Far East and Europe be examined. In order to avoid a delay involved in such an audit and to bring about a prompt settlement of the debt, the two commissions agreed to fix $115,000,000 as the principal amount as of June 15, 1925, this to be taken in settlement of all outstanding claims between the two Governments and/or their agencies. The new principal of the debt is to be paid over a period of 62 years, as in the agreement with Great Britain, Czechoslovakia paying interest at the rate of 3 per cent per annum for the first 10 years and 3½ per cent per annum thereafter. During the first 18 years of the funding period Czechoslovakia is to pay $3,000,000 annually, funding the balance of each annuity at the rates of interest stated, compounded annually, and adding the amount funded to the principal of the debt as at the end of the eighteenth year. I ask unanimous consent to insert in the RECORD a schedule showing the amounts of principal and interest to be paid by Czechoslovakia annually and the amount deferred each year and added to the principal at the end of the eighteenth year.

The VICE PRESIDENT. Without objection, it is so ordered.

The schedule is as follows:

Statements of amounts payable to the United States on account of proposed refunding bonds to be issued by Czechoslovakia (interest at 3 per cent per annum for first 10 years and 3½ per cent thereafter—all deferred amounts are compounded annually at those rates)

Fiscal year	Principal	Annual interest due	Annual principal due	Total amount due annually	Total amount to be paid annually	Amount deferred each year	Value of each deferred amount on nineteenth year
1926	$115,000,000.00	$3,450,000.00	$575,000.00	$4,025,000.00	$3,000,000.00	$1,025,000.00	$1,761,086.23
1927	114,425,000.00	3,432,750.00	595,000.00	4,027,750.00	3,000,000.00	1,027,750.00	1,714,379.79
1928	113,830,000.00	3,414,900.00	610,000.00	4,024,900.00	3,000,000.00	1,024,900.00	1,659,831.06
1929	113,220,000.00	3,396,600.00	630,000.00	4,026,600.00	3,000,000.00	1,026,600.00	1,614,158.83
1930	112,590,000.00	3,377,700.00	645,000.00	4,022,700.00	3,000,000.00	1,022,700.00	1,561,192.58
1931	111,945,000.00	3,358,350.00	665,000.00	4,023,350.00	3,000,000.00	1,023,350.00	1,516,684.65
1932	111,280,000.00	3,338,400.00	690,000.00	4,028,400.00	3,000,000.00	1,028,400.00	1,479,775.62
1933	110,590,000.00	3,317,700.00	710,000.00	4,027,700.00	3,000,000.00	1,027,700.00	1,435,597.46
1934	109,880,000.00	3,296,400.00	730,000.00	4,026,400.00	3,000,000.00	1,026,400.00	1,392,117.93
1935	109,150,000.00	3,274,500.00	750,000.00	4,024,500.00	3,000,000.00	1,024,500.00	1,349,068.77
1936	108,400,000.00	3,794,000.00	770,000.00	4,564,000.00	3,000,000.00	1,564,000.00	1,989,842.79
1937	107,630,000.00	3,767,050.00	795,000.00	4,562,050.00	3,000,000.00	1,562,050.00	1,930,156.21
1938	106,835,000.00	3,739,225.00	825,000.00	4,564,225.00	3,000,000.00	1,564,225.00	1,857,806.57
1939	106,010,000.00	3,710,350.00	855,000.00	4,565,350.00	3,000,000.00	1,565,350.00	1,796,273.56
1940	105,155,000.00	3,680,425.00	885,000.00	4,565,425.00	3,000,000.00	1,565,425.00	1,735,613.34
1941	104,270,000.00	3,649,450.00	915,000.00	4,564,450.00	3,000,000.00	1,564,450.00	1,675,877.95
1942	103,355,000.00	3,617,425.00	945,000.00	4,561,425.00	3,000,000.00	1,562,425.00	1,617,109.87
1943	102,410,000.00	3,584,350.00	980,000.00	4,564,350.00	3,000,000.00	1,564,350.00	1,564,350.00
	101,430,000.00	63,199,575.00	13,570,000.00	76,769,575.00	54,000,000.00	22,769,575.00	20,641,023.07
Add value of amounts deferred	20,641,023.07						

Fiscal year	Principal	Annual interest due	Annual principal due	Total amount to be paid annually
1944	$131,071,023.07	$4,587,485.81	$1,296,023.07	$5,883,508.88
1945	129,775,000.00	4,542,125.00	1,340,000.00	5,882,125.00
1946	128,435,000.00	4,495,225.00	1,385,000.00	5,880,225.00
1947	127,050,000.00	4,446,750.00	1,435,000.00	5,881,750.00
1948	125,615,000.00	4,396,525.00	1,485,000.00	5,881,525.00
1949	124,130,000.00	4,344,550.00	1,540,000.00	5,884,550.00
1950	122,590,000.00	4,290,650.00	1,590,000.00	5,880,650.00
1951	121,000,000.00	4,235,000.00	1,645,000.00	5,880,000.00
1952	119,355,000.00	4,177,425.00	1,705,000.00	5,882,425.00
1953	117,650,000.00	4,117,750.00	1,765,000.00	5,882,750.00
1954	115,885,000.00	4,055,975.00	1,825,000.00	5,880,975.00
1955	114,060,000.00	3,992,100.00	1,890,000.00	5,882,100.00
1956	112,170,000.00	3,925,950.00	1,960,000.00	5,885,950.00
1957	110,210,000.00	3,857,350.00	2,025,000.00	5,882,350.00
1958	108,185,000.00	3,786,475.00	2,100,000.00	5,886,475.00
1959	106,085,000.00	3,712,975.00	2,170,000.00	5,882,975.00
1960	103,915,000.00	3,637,025.00	2,245,000.00	5,882,025.00
1961	101,670,000.00	3,558,450.00	2,325,000.00	5,883,450.00
1962	99,345,000.00	3,477,075.00	2,405,000.00	5,882,075.00
1963	96,940,000.00	3,392,900.00	2,490,000.00	5,882,900.00
1964	94,450,000.00	3,305,750.00	2,575,000.00	5,880,750.00
1965	91,875,000.00	3,215,625.00	2,665,000.00	5,880,625.00
1966	89,210,000.00	3,122,350.00	2,760,000.00	5,882,350.00
1967	86,450,000.00	3,025,750.00	2,855,000.00	5,880,750.00
1968	83,595,000.00	2,925,825.00	2,955,000.00	5,880,825.00
1969	80,640,000.00	2,822,400.00	3,060,000.00	5,882,400.00
1970	77,580,000.00	2,715,300.00	3,165,000.00	5,880,300.00
1971	74,415,000.00	2,604,525.00	3,280,000.00	5,884,525.00
1972	71,135,000.00	2,490,725.00	3,395,000.00	5,884,725.00
1973	67,740,000.00	2,370,900.00	3,510,000.00	5,880,900.00
1974	64,230,000.00	2,248,050.00	3,635,000.00	5,883,050.00
1975	60,595,000.00	2,120,825.00	3,760,000.00	5,880,825.00
1976	56,835,000.00	1,989,225.00	3,890,000.00	5,879,225.00
1977	52,945,000.00	1,853,075.00	4,030,000.00	5,883,075.00
1978	48,915,000.00	1,712,025.00	4,170,000.00	5,882,025.00
1979	44,745,000.00	1,566,075.00	4,315,000.00	5,881,075.00
1980	40,430,000.00	1,415,050.00	4,465,000.00	5,880,050.00
1981	35,965,000.00	1,258,775.00	4,625,000.00	5,883,775.00
1982	31,340,000.00	1,096,900.00	4,785,000.00	5,881,900.00
1983	26,555,000.00	929,425.00	4,950,000.00	5,879,425.00
1984	21,605,000.00	756,175.00	5,125,000.00	5,881,175.00
1985	16,480,000.00	576,800.00	5,305,000.00	5,881,800.00
1986	11,175,000.00	391,125.00	5,490,000.00	5,881,125.00
1987	5,685,000.00	198,975.00	5,685,000.00	5,883,975.00
		127,740,410.81	131,071,023.07	258,811,433.88
Add total amount received first 18 years				54,000,000.00
				$312,811,433.88

Mr. SMOOT. The modification in the payments during the early years were made to meet the estimated requirements of the Czechoslovak Government in connection with payments on account of its indebtedness. In other words, the principal amount of the obligation was $91,887,668.65, the amount of indebtedness on June 15, 1925, was $115,000,000, the total amount of bonds issued was $185,071,023.07, and the total to be paid at the end of 62 years would be $312,811,433.38.

Mr. President, I ask that the Senate place the bill on its passage.

Mr. OVERMAN. Mr. President, did the Senator state the percentage of the settlement?

Mr. SMOOT. It is 74¼ per cent.

Mr. OVERMAN. It is slightly less than the settlement with Latvia?

Mr. SMOOT. It is a little lower than the Latvian settlement, on account of the modifications in the earlier payments.

Mr. HOWELL. Mr. President, the amount due the United States from Czechoslovakia is for money that was loaned Czechoslovakia after the war. This was not a war loan. This was money advanced to Czechoslovakia for the purpose of caring for her people and assisting in establishing her Government. Therefore it is on an entirely different basis from that of a prearmistice debt.

Mr. OVERMAN. Mr. President, I desire to know if the Senator from Utah [Mr. SMOOT] admits that to be the fact?

Mr. SMOOT. About one-third of the indebtedness was incurred for supplies that the Government of the United States sold to Czechoslovakia after the close of the war, just as the United States sold supplies to France and to the other countries. They had a hard time to get rid of the goods. One of the complaints which France is now making is that, instead of getting the $470,000,000 out of goods that we sold her for that amount, she incurred a loss of about $200,000,000 in the transaction.

Mr. HOWELL. Mr. President, all of the money loaned constitutes a postarmistice debt. The total upon the books of the Treasury due from Czechoslovakia as of June 15, 1925, is $123,855,000. The first action of the Debt Commission was to agree to an initial cancellation of $8,855,000; in other words, that amount was wiped out at once. Then they proceeded to fund the remaining debt of $115,000,000, and upon what basis? Czechoslovakia is to pay 3.4 per cent interest for 62 years and then the debt is to be canceled. The payments by Czechoslovakia are not equal relatively to those to be made by Latvia; they are not equal relatively to those to be made by Lithuania. There are only three debts which have thus far been refunded where the nations pay less relatively to the United States on account of their indebtedness than does Czechoslovakia, and that notwithstanding the fact that Czechoslovakia to-day is regarded as one of the most prosperous of the new states in Europe.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Nebraska yield to a question?

Mr. HOWELL. I yield.

Mr. ROBINSON of Arkansas. Has the Senator the figures and can he state the present value of this debt as proposed to be funded, figured at the rate of 4¼ per cent?

Mr. HOWELL. I have not the present value, but I have the percentage of the present value to the total of the debt, and it is 74.25 per cent. But, Mr. President, the people of the United States borrowed this money and loaned it to Czechoslovakia. The people of the United States are paying interest on this borrowed money. On some $13,800,000,000 of our outstanding war bonds we are paying 4¼ per cent, and the major portion thereof must run a period of over eight years. Notwithstanding this fact, the Debt Commission has accepted a payment of 3.4 per cent interest on Czechoslovakia's debt. What is the consequence? The people of this country must make up the difference, and then at the end of the 62 years every dollar of the debt is to be canceled. That is the settlement.

This is the last of the debt settlements which have been before the Senate. Everyone has been canceled. In no case do the nations whose debts are refunded pay anything like the interest that we must pay on our outstanding war bonds. The interest to be paid varies from 1.1 per cent, in the case of Italy, to 2.1 per cent, in the case of Belgium, 3.2 per cent in the case of Esthonia, 3.4 per cent in the case of Rumania and Czechoslovakia, and 3.7 per cent in every other case. Then every debt is canceled.

Mr. President, I ask unanimous consent to insert in the RECORD a statement that will show the proportionate part of the loss due to these debt settlements on a population basis for each of the States of the Union.

The VICE PRESIDENT. Without objection, permission is granted.

The statement is as follows:

STATEMENT

(1) Debt settlements have been recently approved by Congress with Italy, Belgium, Esthonia, Rumania, Czechoslovakia, and Latvia, involving total debts due the United States of $2,826,685,000.

(2) The interest rate the Government was paying the first of this year on nearly $20,000,000,000 of war bonds outstanding averaged 4.18 per cent; some $13,800,000,000 bearing 4¼ per cent, the major portion of which will run an average time of more than eight years.

(3) Under the provisions of these six debt settlements the Government is to receive, all told, the equivalent of 1½ per cent interest for 62 years, and then the debts are to be canceled.

(4) The ultimate loss to be sustained by the Government as a result of these settlements will arise from the cancellation of these debts and the difference in the interest paid on our outstanding bonds and the interest received from the debtor nations.

(5) The following table apportioning the loss among the States of the Union is based upon the following assumptions: First, that money will cost the Government 4¼ per cent for the first eight years and 3 per cent thereafter. Second, that our national debt will be paid off in 62 years.

(6) The table also indicates the loss without adding interest on the annual interest deficits that will be paid by our Government, and with interest added at the rate of 4¼ per cent for the first eight years and 3 per cent thereafter.

Approximate cost to the United States of proposed Belgium, Czechoslovakia, Esthonia, Italy, Latvia, and Rumania debt settlements in proportion to population, 1920 census

States	Population to nearest 1,000	Proportion of cost without interest	Proportion of cost with interest
Alabama	2,348,000	$123,767,776	$256,976,560
Arizona	334,000	17,605,808	36,554,630
Arkansas	1,752,000	92,351,424	191,747,640
California	3,427,000	180,644,024	375,068,015
Colorado	940,000	49,549,280	102,878,300
Connecticut	1,381,000	72,795,272	151,143,545
Delaware	223,000	11,754,776	24,405,235
District of Columbia	438,000	23,087,856	47,936,910
Florida	968,000	51,025,216	105,942,760

Approximate cost to the United States of proposed Belgium, Czechoslovakia, Esthonia, Italy, Latvia, and Rumania debt settlements in proportion to population, 1920 census—Continued

States	Population to nearest 1,000	Proportion of cost without interest	Proportion of cost with interest
Georgia	2,896,000	$152,653,952	$316,952,620
Idaho	432,000	22,771,584	47,278,080
Illinois	6,485,000	341,837,320	709,718,400
Indiana	2,930,000	154,446,160	320,659,200
Iowa	2,404,000	126,719,648	263,093,760
Kansas	1,769,000	93,247,528	193,599,360
Kentucky	2,417,000	127,404,904	264,516,480
Louisiana	1,799,000	94,828,888	196,882,560
Maine	768,000	40,482,816	84,049,920
Maryland	1,450,000	76,432,400	158,688,000
Massachusetts	3,852,000	203,046,624	421,562,880
Michigan	3,668,000	193,347,616	401,425,920
Minnesota	2,387,000	125,823,544	261,233,280
Mississippi	1,791,000	94,407,192	196,007,040
Missouri	3,404,000	179,431,648	372,533,760
Montana	549,000	28,938,888	60,082,560
Nebraska	1,296,000	68,314,752	141,834,240
Nevada	77,000	4,058,824	8,426,880
New Hampshire	443,000	23,351,416	48,481,920
New Jersey	3,156,000	166,359,072	345,392,640
New Mexico	360,000	18,976,320	39,398,400
New York	10,385,000	547,414,120	1,136,534,400
North Carolina	2,559,000	134,890,008	280,056,960
North Dakota	647,000	34,104,664	70,807,680
Ohio	5,759,000	303,568,408	630,264,960
Oklahoma	2,028,000	106,899,936	221,944,320
Oregon	783,000	41,273,496	85,691,520
Pennsylvania	8,720,000	459,648,640	954,316,800
Rhode Island	604,000	31,838,048	66,101,760
South Carolina	1,684,000	88,767,008	184,296,960
South Dakota	637,000	33,577,544	69,713,280
Tennessee	2,338,000	123,240,656	255,870,720
Texas	4,663,000	245,796,056	510,318,720
Utah	449,000	23,667,688	49,138,560
Vermont	352,000	18,554,624	38,522,880
Virginia	2,309,000	121,712,008	252,696,960
Washington	1,357,000	71,530,184	148,510,080
West Virginia	1,464,000	77,170,368	160,220,160
Wisconsin	2,632,000	138,737,984	288,046,080
Wyoming	194,000	10,226,128	21,231,360

Mr. BINGHAM. Mr. President, has the Senator from Nebraska prepared a statement of the loss which would fall on the several States if no debt settlements had been agreed to?

Mr. HOWELL. I have not.

Mr. BINGHAM. Does not the Senator think that it would be very illuminating to know the difference between the loss that would fall upon the States if no debt settlements had been agreed to and the loss as to which the Senator has prepared a statement under the debt settlements?

Mr. HOWELL. Mr. President, I will afford this summation of what has thus far been accomplished by the Debt Commission and the Congress of the United States in approving the debt settlements thus far made: The prearmistice war debts which have been settled amount to $4,684,000,000; the post-armistice debts, those due to loans made following the war, amount to $3,056,000,000. The total of these two classes of debts is $7,740,000,000. The total of the initial cancellations afforded in these 11 debt settlements amounts to $301,000,000. All that has been provided for in the way of cash payments in connection with these settlements is $4,371,000. The amount of the debts funded totals $7,434,000,000.

If, Mr. President, none of these debts were paid our loss would be more than double the loss which I have stated in connection with the various settlements. It has been suggested that inasmuch as these losses appear to be more than the debts themselves, why not wipe out the debts and then we would not have any loss, or, at most, the loss would be limited to the amount of the debts. The reason that the ultimate losses will be more than the amount of the debts is because we had to borrow the money which we loaned, we have to pay interest on the money, and we will continue to pay interest on it, I believe, for many years to come, and possibly for 62 years. When we consider interest in connection with a debt running for 62 years we find that the debt diminishes in importance, interest becoming the great factor, and we have to pay interest.

Mr. SMOOT. Mr. President, on the passage of the bill I ask for the yeas and nays.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. LA FOLLETTE. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. If permitted to vote, I would vote "nay." Under the circumstances, I withhold my vote.

Mr. CURTIS (when Mr. CAPPER'S name was called). I desire to announce the absence of my colleague on account of illness. Were he present, he would vote "yea."

Mr. TRAMMELL (when Mr. FLETCHER'S name was called). I desire to announce the unavoidable absence of my colleague. He has a general pair with the junior Senator from Delaware [Mr. DU PONT].

Mr. PEPPER (when his name was called). I have a pair with the senior Senator from South Carolina [Mr. SMITH]. I transfer that pair to the senior Senator from Maryland [Mr. WELLER], and will vote. I vote "yea."

Mr. WILLIS (when his name was called). I am paired on this question with the junior Senator from Tennessee [Mr. TYSON]. I am advised, however, that he would vote as I expect to vote. I therefore will vote. I vote "yea."

The roll call was concluded.

Mr. BROUSSARD. I am paired with the senior Senator from New Hampshire [Mr. MOSES], who, if present, would vote as I intend to vote. Therefore I feel at liberty to vote. I vote "yea."

Mr. JONES of Washington. I desire to announce that the Senator from Minnesota [Mr. SCHALL] has a general pair with the Senator from Montana [Mr. WALSH].

Mr. GERRY. I desire to announce the necessary absence from the city of the Senator from Montana [Mr. WHEELER].

I also desire to announce that the Senator from Texas [Mr. MAYFIELD] is necessarily detained at the Department of Agriculture. If present, he would vote "nay."

I also desire to announce that the Senator from Alabama [Mr. HEFLIN] and the Senator from Mississippi [Mr. HARRISON] are necessarily absent on official business.

The result was announced—yeas 53, nays 17, as follows:

YEAS—53

Ashurst	Ernst	Lenroot	Robinson, Ark.
Bayard	Fernald	McKinley	Sackett
Bingham	Ferris	McLean	Shortridge
Broussard	Fess	McMaster	Smoot
Bruce	George	McNary	Stanfield
Butler	Gerry	Means	Steck
Cameron	Glass	Metcalf	Swanson
Copeland	Goff	Norbeck	Wadsworth
Couzens	Gooding	Oddie	Warren
Cummins	Hale	Pepper	Watson
Curtis	Jones, N. Mex.	Phipps	Willis
Dale	Jones, Wash.	Pine	
Deneen	Kendrick	Ransdell	
Edwards	Keyes	Reed, Pa.	

NAYS—17

Blease	Howell	Norris	Stephens
Borah	Johnson	Nye	Trammell
Dill	La Follette	Reed, Mo.	
Frazier	McKellar	Sheppard	
Harris	Neely	Shipstead	

NOT VOTING—26

Bratton	Greene	Overman	Underwood
Capper	Harreld	Pittman	Walsh
Caraway	Harrison	Robinson, Ind.	Weller
du Pont	Heflin	Schall	Wheeler
Edge	King	Simmons	Williams
Fletcher	Mayfield	Smith	
Gillett	Moses	Tyson	

So the bill was passed.

INTERNATIONAL LONGFELLOW SOCIETY

Mr. NORBECK. Mr. President, I ask unanimous consent that a letter from Mr. Arthur Charles Jackson, the president of the International Longfellow Society, be printed in the RECORD; also some indorsements by prominent men throughout the land of the project of securing Longfellow's birthplace.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

153 A STREET NE.,
Washington, D. C., April 26, 1926.

Hon. PETER NORBECK,
United States Senate, Washington, D. C.

DEAR SENATOR NORBECK: The International Longfellow Society was incorporated under the laws of Illinois in 1913.

The objects of the society, as stated in its articles of incorporation, are: "To secure and preserve the birthplace of America's greatest poet, Henry W. Longfellow; to collect, exhibit, and preserve printed or other matter and material relating to him; to encourage a world-wide observance of each succeeding anniversary of his birth; to promote the study of his writings and other literature; to honor him and other writers in such ways and by such means as the society may be able."

Many of the most distinguished men and women of the Nation have been, and are now associated with this organization. Theodore Roose-

velt, Woodrow Wilson, General Miles, Rabbi Hirsch, Admiral Dewey, William Dean Howells, Edna Dean Proctor, and Bishop Fallows were honorary presidents, rendering cordial and helpful assistance.

President Coolidge, Chief Justice Taft, Cardinal O'Connell, Cardinal Dougherty, Mrs. Philip North Moore, and Edwin Markham are among the living honorary presidents who have heartily indorsed the plans and work of the society; as have also more than 100 presidents of colleges and governors of States.

More than 1,000 women's clubs, representing Alaska and every State of the Union without exception, have aided the work of the society and are members of it.

The rare old three-story colonial home of 22 rooms where Longfellow was born and which was occupied by members of the family for 40 years was built by the uncle of the poet in 1784. It was secured by the society in 1914, and on October 29 of that year it was impressively dedicated by the Governor of Maine and one of the most distinguished assemblages that ever gathered in the State as an international Longfellow memorial.

All during the intervening years it has been kept open to the public in precisely the same way as Mount Vernon, and in like manner it has become a shrine and place of pilgrimage.

With the advice and cooperation of the Treasury Department, which heartily indorses the plan, Congress is asked to authorize a medal, that from the proceeds of its sale the society may provide for the permanent preservation of the birthplace of the poet and a larger fruition of its work.

The number of medals authorized by the pending bill are not to exceed 500,000. All costs are to be paid by the society, and there is no expense to the Government.

With a knowledge of these facts, no one could have any rational objection, and your active good offices are earnestly requested.

Sincerely yours,

ARTHUR CHARLES JACKSON,
President the International Longfellow Society.

CALVIN COOLIDGE

MY DEAR MR. JACKSON: The President asks me to express his thanks for your notification that he has been selected to honorary presidency of the International Longfellow Society. He is glad to accept that relationship.

Most sincerely yours,

C. B. SLEMP,
Secretary to the President.

WILLIAM H. TAFT

MY DEAR MR. JACKSON: I have your kind letter of September 7, electing me as honorary president of the International Longfellow Society. Because I am interested in the work you have done and are doing in holding high the memory of Longfellow, I value this honor much.

Sincerely yours,

WILLIAM H. TAFT.

CARDINAL O'CONNELL

DEAR MR. JACKSON: I have received your letter of December 29, and I thank you for the honor conferred on me in making me an honorary president of the International Longfellow Society.

From my very earliest years Longfellow has been my favorite poet. Other names in the world of letters may be greater than his, but to me the beautiful simplicity and the religious sentiment of Longfellow's verses have always been a pleasure, and often a consolation.

Added to this is my attachment to the poet's birthplace, Portland, which was my first episcopal see. Frequently, on my walks, I have passed the house where he was born, and it was to my mind a significant landmark.

To all who love beautiful sentiments admirably expressed the works of Longfellow are dear, but they are especially dear to the hearts of Catholics.

At a time when the church was little understood and less appreciated Longfellow, with true religious insight, placed before the reading public the fervor of the church's spirit and the lofty idealism of its mission. His beautiful poems helped to make our faith better understood and appreciated.

His tender sympathy toward the church is beautifully manifested, for example, in such poems as Evangeline, The Legend Beautiful, and in many of his translations of Catholic poems.

It is, therefore, an honor which I deeply appreciate and gladly accept to have been elected an honorary president in the International Longfellow Society, and I shall willingly do what I can to further the purposes for which the society was formed.

Very sincerely yours,

WILLIAM CARDINAL O'CONNELL.

THEODORE ROOSEVELT

Naturally, as every good American should, I take the greatest interest in the success of the work in which you are engaged. I heartily indorse the plan to secure the birthplace of Longfellow as a memorial, and I very gladly accept the position of honorary president in your society.

Sincerely yours,

THEODORE ROOSEVELT.

BISHOP FALLOWS

MY DEAR MR. JACKSON: I am delighted at the prospect of saving the birthplace of Longfellow to the Nation. I have no doubt of the success of the noble enterprise. I am glad to serve as an honorary president.

Very sincerely,

SAMUEL FALLOWS.

EDWIN MARKHAM

MY DEAR MR. JACKSON: I am deeply interested in your project to buy and preserve the birthplace of Longfellow as a national memorial. It ought to become a shrine, a place of pilgrimage. Longfellow stood for the fine old integrities, and this proposed memorial would help to keep them alive in the hearts of the coming generations.

You may call upon me at any time for any help within my power.

Sincerely yours,

EDWIN MARKHAM.

MRS. PHILIP NORTH MOORE

MY DEAR MR. JACKSON: The plan which you have presented concerning a Longfellow memorial meets my sincere approval.

The memory of the poet, his kinship with children, the preservation of the old home, will meet deserved appreciation and support.

Very truly,

EVA PERRY MOORE.

MRS. FREDERICK P. ABBOTT

MY DEAR MR. JACKSON: Believe me, I am deeply interested in the welfare of our great poet's birthplace; and shall be glad to do all in my power for the success of this splendid venture. I am,

Sincerely,

SARAH RIDEOUT ABBOTT.

PUBLIC BUILDINGS

Mr. FERNALD. I ask unanimous consent that House bill 6559, the unfinished business, be laid before the Senate.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum. Some Senators are absent who desire to be here when this bill is taken up.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	Keyes	Pine
Bayard	Fernald	King	Ransdell
Bingham	Ferris	La Follette	Reed, Mo.
Blease	Fess	Lenroot	Reed, Pa.
Borah	Frazier	McKellar	Robinson, Ark.
Bratton	George	McKinley	Sackett
Broussard	Gerry	McLean	Sheppard
Bruce	Gillett	McMaster	Shipstead
Butler	Glass	McNary	Shortridge
Cameron	Goff	Mayfield	Smoot
Caraway	Gooding	Means	Stanfield
Copeland	Hale	Metcalf	Steck
Couzens	Harreld	Neely	Stephens
Cummins	Harris	Norbeck	Swanson
Curtis	Harrison	Norris	Trammell
Dale	Howell	Nye	Warren
Deneen	Johnson	Oddie	Williams
Dill	Jones, N. Mex.	Overman	Willis
Edge	Jones, Wash.	Pepper	
Edwards	Kendrick	Phipps	

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. SHIPSTEAD. Mr. President——

Mr. FERNALD. I yield to the Senator from Minnesota.

SEVENTH INTERNATIONAL DENTAL CONGRESS

Mr. SHIPSTEAD. I ask unanimous consent to submit a report from the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, the report will be received.

Mr. SHIPSTEAD. From the Committee on Foreign Relations I report back favorably, without amendment, House Joint Resolution 209, requesting the President of the United States to invite foreign governments to participate in the Seventh International Dental Congress to be held at Philadelphia, Pa., August 23 to 28, 1926; and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. ROBINSON of Arkansas. Mr. President, as I understand, the joint resolution is reported unanimously by the committee.

Mr. SHIPSTEAD. It is.

Mr. ROBINSON of Arkansas. It carries only a small appropriation of $5,000?

Mr. SHIPSTEAD. Yes.

Mr. ROBINSON of Arkansas. Similar conferences have been held heretofore?

Mr. SHIPSTEAD. Oh, yes; for many years.

The VICE PRESIDENT. The joint resolution is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF TRADING WITH THE ENEMY ACT

Mr. CUMMINS. Mr. President, I send to the desk a conference report. This report was agreed to some days ago. On account of a misapprehension it was recalled from the House of Representatives and again referred to the conference committee. The conference committee has met and has unanimously reported, with a very slight, and I think somewhat, immaterial amendment, its former report. I ask for its immediate consideration.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1226) to amend the trading with the enemy act, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment, so that the said House amendment shall read as follows:

"(3A) An individual who was at such time a citizen or subject of Germany, Austria, Hungary, or Austria-Hungary, or not a citizen or subject of any nation, State, or free city, and that the money or other property concerned was acquired by such individual while a bona fide resident of the United States, and that such individual, on January 1, 1926, and at the time of the return of the money or other property, shall be a bona fide resident of the United States; or

"(3B) Any individual who at such time was not a subject or citizen of Germany, Austria, Hungary, or Austria-Hungary, and who is now a citizen or subject of a neutral or allied country: *Provided, however,* That nothing contained herein shall be construed as limiting or abrogating any existing rights of an individual under the provisions of this act; or."

And the House agree to the same.

ALBERT B. CUMMINS,
WILLIAM H. KING,
WM. E. BORAH,
Managers on the part of the Senate.

JAMES S. PARKER,
JOHN G. COOPER,
CLARENCE F. LEA,
Managers on the part of the House.

Mr. ROBINSON of Arkansas. Mr. President, the disorder that prevails in the Senate is disgusting. It is impossible to hear what business is being transacted, however great may be one's effort to do so. The Senator from Iowa made a statement regarding this conference report, and I tried to hear him, as did other Senators about me. It was a physical impossibility to hear one word he said. I ask the Senator to repeat his explanation. What is the matter before the Senate?

Mr. CUMMINS. This bill is to control the Alien Property Custodian in paying out certain moneys which have been seized or taken by the United States under the war acts.

The conference committee met, and we agreed unanimously on the report. After the agreement had been entered and the message sent to the House of Representatives it was believed by the Senator from Connecticut [Mr. BINGHAM] that there was a misunderstanding with respect to it, and he moved that the report be recalled from the House. That motion was adopted, and the bill again referred to the conference committee. The committee has met and has made a slight addition to its report. The addition made to the report is that this bill shall not affect the rights of claimants under existing law; that is to say, that it shall not prevent the payment by the Alien Property Custodian of sums of money to claimants as authorized by existing law. My own view of the matter is that that is entirely unnecessary. I do not think the bill would have affected the rights of claimants under existing law, but that is the change we made.

Mr. ROBINSON of Arkansas. Is that the only change which was made?

Mr. CUMMINS. That is the only change that was made since the bill was again referred to the committee on conference. We made a very material change in the original report.

Mr. ROBINSON of Arkansas. What was that?

Mr. CUMMINS. The bill provided originally that the sums of money or property which had been acquired by a German citizen while he was a bona fide resident of the United States should not be held by the Alien Property Custodian, but should be returned to such German citizen. The House made this sort of an amendment, that before the money or property could be returned to him it must be shown that he was not only a bona fide resident of the United States when the property was acquired, but that he had made an application or filed a declaration of his intention to become a citizen of the United States.

In conference that provision was changed, and it was provided that if the German citizen were a bona fide resident at the time the property was acquired, and also a bona fide resident on the 1st of January, 1926, he should have a right to prosecute his claim for the return of his property. The Senator from Connecticut, who was interested in the bill, seemed to feel that that provision might interfere with the existing rights of claimants to prosecute their claims before the Alien Property Custodian, and therefore upon a rereference to the committee we added to the report the provision that nothing contained in the bill should be held or construed to interfere with any existing right a claimant had.

Mr. McKELLAR. As I understand it, subsection 3 (b) is left in the bill?

Mr. CUMMINS. That is not changed at all.

Mr. ROBINSON of Arkansas. The conference report is unanimous?

Mr. CUMMINS. It is a unanimous report.

Mr. BINGHAM. Mr. President, as I have been referred to by the Senator from Iowa, I should like to state that the particular case which I had in mind seems to me to be one of very great merit. Under the original bill as passed by the Senate it would have granted relief to a great many cases of this kind. This particular individual had resided in this country for 16 years, had inherited property some few weeks before we entered the war, and resided in this country all through the war. A short time ago he went abroad to endeavor to collect property which he had inherited on the other side.

Mr. FERNALD. Mr. President, I shall have to decline to yield further if this debate is to go on.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

Mr. FERNALD. Mr. President, yesterday, when we took a recess, the Senator from Pennsylvania [Mr. PEPPER] was in the midst of his address on the branch banking bill, and at this time I shall yield to him for a time to complete his speech.

NATIONAL BANK BRANCHES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes.

Mr. PEPPER. Mr. President, I thank the Senator from Maine for his great courtesy. I shall try to be as brief as possible. My purpose is to conclude the explanatory statement I was making yesterday at the time the recess was taken.

It will be remembered by Senators that the features of the bill which were under discussion yesterday particularly related to the branch-banking provisions, and I had discussed so many of the branch-banking provisions as involve modification of the national banking act. I have not touched upon the remaining feature of the branch-banking section of the bill, which I now wish to mention, namely, that which has to do with the proposed amendment of the Federal reserve act.

As this bill passed the House it was provided that a State institution, member of the Federal reserve system, in order to retain its membership, must relinquish branches which it already possessed under the State law outside the limits of the municipality in which the parent is situated. It was further provided that a State bank not a member of the Federal reserve system would have to relinquish its up-State branches in order to become a member of the Federal reserve system.

It has seemed to the Senate committee that these restrictions upon the right of a State institution to retain the branches which the law of the State permits were unreasonable restrictions, and therefore the measure now before the Senate proposes to permit State institutions with existing branches conformable to local law to come into the Federal reserve system or to remain in the Federal reserve system without relinquishing branches outside of municipalities. But it provides that a State institution which has not any such branches on the date of the passage of this act may not thereafter establish such branches outside of the limits of the municipalities and come into the system with its branches.

Mr. OVERMAN. Mr. President, in my State we have one of the largest banks in the South, which is a member of the Federal reserve system.

Mr. KING. Is it a State bank?

Mr. OVERMAN. It is a State bank. It has three or four branches. As I understand, the committee has eliminated from the bill as it passed the House a provision which would require them to relinquish those branches?

Mr. PEPPER. That is correct. We have done precisely the thing the Senator from North Carolina suggests. If the bill as it passed the House were to be enacted into law as the House passed it, it would become necessary for the bank to which the Senator refers either to retire from the Federal reserve system, which is the last thing we want to happen, or relinquish the branches, which are no doubt valuable adjuncts to its business. Therefore we propose to let existing situations stand so far as the Federal reserve system is concerned and to allow State institutions that have branches at the date of the passage of this act conformable with the law of their own State to come in and bring their branches with them, or, if they are already in, to stay in and maintain their branches.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. NORRIS. Carrying the illustration mentioned by the Senator from North Carolina just a little further, and asking entirely for information, suppose there were another State bank in North Carolina that had no branches. Under the Senate committee bill it would be prohibited from establishing any.

Mr. PEPPER. Not quite that. Congress, we take it, would have no power to prohibit State institutions from establishing branches under the law of the State, but it would prohibit those State institutions from coming into the Federal reserve system and bringing those branches with them, if they are established subsequent to the date of the enactment of this bill.

Mr. NORRIS. That does not quite answer my question. I had in view this condition, that in North Carolina, where there is a State bank already a member of the system having several branches in the State of North Carolina, it would have to make no change whatever.

Mr. PEPPER. None.

Mr. NORRIS. Another North Carolina bank already in the system, a competitive member having no branch banks, would not be permitted to remain in the system and establish branch banks, as I understand it.

Mr. PEPPER. That is correct; if the branch banks thus established are beyond the limits of the municipality in which the parent is situated.

Mr. NORRIS. I understand.

Mr. PEPPER. The reason for that is not a desire arbitrarily to limit the activities of State banks under State laws, but since the national banks are compulsory members of the Federal reserve system and since we are not proposing to give them branch-banking privileges outside of the municipal limits and since we are protecting State banks in the branches that they aready have, it seems unfair to let the State banks establish branches in the future under conditions where the national banks can not establish them and yet come into the Federal reserve system or remain in it.

Mr. NORRIS. Still, at the same time would it not be unfair to any other bank not having already established its branches to prohibit it from establishing branch banks when its competitor possessed the privilege by having established the banks prior to coming in? It would put them at just a little disadvantage.

Mr. PEPPER. Yes; it does. I will have to say to the Senator what I said in answer to one or two questions asked yesterday; that undoubtedly the provisions of the bill do result in incidental inequalities of opportunity in quite a number of cases. Our effort has been to reduce those to a minimum. We think the bill reduces those inequalities vastly beyond the point to which they now exist. But I do not attempt to dispute the proposition that section 9 as drawn and as amended by the Senate committee would prevent a State bank not now having branches beyond the limits of a municipality from coming into the Federal reserve system or staying in and at the same time establishing and maintaining up-State branches. It is a very difficult problem to reconcile the two conflicting interests.

The House, when it adopted section 9, went so far as to require State banks of the kind referred to by the Senator from North Carolina, having branches already in existence, to drop those off, cut them off entirely, eliminate them as a condition of staying in the Federal reserve system or coming into it. The Senate committee proposes not to disturb the existing situation, but to make the limitation in the interest of equality and opportunity between State banks and national banks, although in so doing the inequality to which the Senator from Nebraska calls attention undoubtedly will remain.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. METCALF in the chair). Does the Senator from Pennsylvania yield to the Senator from Utah?

Mr. PEPPER. I yield.

Mr. KING. As I understand, however, notwithstanding the restriction just referred to as found in the bill, a State bank now existing or hereafter organized, which does not have any branch banks, might consolidate with some other State bank which has branch banks and thus get the advantage of the branch-banking plan.

Mr. PEPPER. Yes; that is true. That is, we may have two State institutions, one of them with branches under the local law and one of them without. Those two banks may consolidate under the law of the State, and that carries the existing branches to the consolidated concern. That consolidated concern may then, under section 1 of the pending bill, consolidate with a national bank.

Mr. KING. That may continue in future, as well as at the present time.

Mr. PEPPER. Yes; provided always that the branches are branches which are in existence at the date of the passage of the bill.

Mr. REED of Pennsylvania. Mr. President, will my colleague yield to me for a question?

Mr. PEPPER. I gladly yield.

Mr. REED of Pennsylvania. I have the disadvantage not only of an enormous ignorance of this subject but of having been absent yesterday when the Senator explained the bill. I wanted to ask him how it would affect the matter of branch banking in Pennsylvania.

Mr. PEPPER. It will not affect the matter of branch banking in Pennsylvania in any degree whatsoever unless at some future day the State of Pennsylvania were to change its policy on the subject of branch banking and were to permit State institutions to have branches within the limits of the municipality in which the parent institution is situated; or more generally, in that event, and in that event only, national banks situated in cities, towns, and villages where, under the changed policy of the State, State institutions might establish branch banks, would have permission to do the like, putting them on an exact footing of equality with the State institutions in the State.

Mr. REED of Pennsylvania. But that would not give authority in any event to establish branches beyond the municipality in which they were located?

Mr. PEPPER. Under no circumstances. That is to say, even if the State of Pennsylvania were to adopt a state-wide branch-banking policy for State institutions——

Mr. REED of Pennsylvania. Which I think is improbable.

Mr. PEPPER. Which I think is impossible, let us say. Even if that were to happen, the national banks in the cities, towns, and villages of Pennsylvania could not, under the provisions of this bill, do more than establish branches within the limits of the municipality in which they respectively are situated.

Mr. President, in this cursory way I have undertaken to sum up the provisions of the bill that relate particularly to branch banking. I addressed myself first to those because they are the provisions which are most in controversy. I shall conclude my remarks by summarizing as briefly as possible the provisions of the bill which deal with subjects other than branch banking.

Mr. KING. Mr. President, before the Senator proceeds will he yield to me again?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Utah?

Mr. PEPPER. I yield.

Mr. KING. Did the Senator or did the committee attempt to formulate some plan by which, if it is an evil, it could be averted? For instance, in States in which branch banks are permitted a number of member banks have a large number of branch banks now; so many, indeed, as to excite fears and apprehension of wise banking as to the future of those institutions and their subsidiary organizations. Many wise bankers feel that they have gone too far and have gotten top-heavy and that the base is not sufficiently broad to insure safety. Did the Senator or did the committee attempt to formulate some plan by which, without coercion at all, if this be an evil, it might be avoided and steps taken to induce those organizations to shear off some of their appendices and some of those branch banks?

Mr. PEPPER. No. Mr. President, the measure now before the Senate would have no application to such a situation as the Senator from Utah describes, except in this, that a State institution having branches and being a member of the Federal reserve system, or eligible for membership therein, may become a member or retain its membership and still keep the branches that it has; but such an institution could not retain its membership or become a member of the Federal reserve system and establish branches in future.

Mr. KING. But it could consolidate with an existing system or banks which had such branch banks, so that there would then be a larger number of banks under the control of the one system.

Mr. PEPPER. That is true. I do not want to side-step the proposition which the Senator is putting up to me. We recognize the great and serious problem to which he calls attention, but we have not thought that it was wise for us to attempt to deal with that important question of State policy in a measure which is designed to bring about equality of opportunity between national banks and State banks.

Mr. McLEAN. Mr. President, will the Senator yield?

Mr. PEPPER. I gladly yield.

Mr. McLEAN. I will say to the Senator from Utah that as to the condition which he presents, if it now exists, I think it was the feeling of the committee that those banks would be more careful and efficient if they were brought under the supervision of the Federal Reserve Board than if left under State regulation.

Mr. McKELLAR. Mr. President, may I ask the Senator from Pennsylvania a question?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Tennessee?

Mr. PEPPER. I yield.

Mr. McKELLAR. The bill substantially retains the status quo in so far as State banks are concerned; but does it permit them to go into the system?

Mr. PEPPER. Yes.

Mr. McKELLAR. I mean so far as State banks with branches are concerned?

Mr. PEPPER. Yes; it maintains the status quo as respects any State bank which has branches at the date of the passage of the bill conformably with its local law, and enables that State institution with its branches either to come into the Federal reserve system or remain in the system, as the case may be.

Mr. McKELLAR. It does not enlarge the opportunity for creating more branches?

Mr. PEPPER. Not at all.

Mr. HARRELD. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HARRELD. What would be the effect in a case like this: Here is a city that has, we will say, 10 banks. One of those banks has two branch banks. The others have none. Would the other nine banks be permitted under the provisions of the bill to create two branch banks each, to correspond with the bank that has already the two branch banks?

Mr. PEPPER. Is the Senator speaking of 10 State institutions or 10 national banks?

Mr. HARRELD. I am speaking of 10 national banks.

Mr. PEPPER. In the case of national banks, the bill would permit the two national banks which already have branches to establish additional branches within the city within which they are situated, and would permit the other national banks to do the like, the limitation of number of branch banks in the case of branches hereafter established to be dependent upon the population scale which the bill specifies.

Mr. HARRELD. I have particular reference to Milwaukee. I understand that in Milwaukee there are one or two banks that have branch banks in that city. Would the bill permit any other national bank that is organized hereafter in that city to have an equal number of branch banks?

Mr. PEPPER. I thought that the Senator, when he put his question to me, was speaking of a State in which there is a State law permitting State institutions to have branches.

Mr. HARRELD. No; I did not have reference to that situation. I had reference to cases where the national banks now have branch banks.

Mr. PEPPER. The bill does not give to any national banking association the right to establish a branch——

Mr. HARRELD. Suppose they already have it?

Mr. PEPPER. Outside of the limits of the municipality, and only within the limits provided the State law permits such establishment. In the case such as that which arises in Wisconsin and in Minnesota and a few other places where branches exist, the legality of which is disputed, a provision of the bill which was under discussion yesterday would permit the other banks in the Senator's illustration to establish an equal number of branches with the two banks that already have them. But objection has been made to that provision and I personally have expressed my own view to the effect that it would be undesirable to allow, under the legislation of Congress, branches to be established hereafter in a city in a State which does not have a State law permitting State institutions to do that thing. It has been understood, as it were, I think, in the Senate, that when the amendment stage is reached in the discussion of the bill, the case the Senator has in mind and others like it will have to be made the subject of amendatory provision.

Mr. HARRELD. Then after so amended there will be no exception made except where the State law makes it?

Mr. PEPPER. If my view were to prevail, the Senator would accurately state the situation.

Mr. HARRELD. That is what I favor.

Mr. PEPPER. Mr. President, I am very desirous of not trespassing further on the courtesy of the Senator from Maine [Mr. FERNALD], who was good enough to yield to me. Therefore I am going to ask Senators to limit their questions as narrowly as possible, in the hope that I may conclude my summary in a few minutes.

I now address myself to the sections of the bill which deal with subjects other than branch banking. The branch-banking sections are the seventh, eighth, and ninth, and have been dealt with. Section 1 of the bill simplifies the present process of consolidation between State banks and national banks. It introduces no debatable feature.

Section 2 provides that the limited term charters of national banking associations may hereafter be indeterminate, subject to forfeiture for misconduct or to repeal by act of Congress. The advantage of the indeterminate charter is principally to remove from national banks which have long-time trusts to administer a certain handicap in their competition with State institutions, because those with trusts to create hesitate to give long-time trusts or perpetual trust to institutions with short-term charters. It is apparently the unanimous judgment of those who have given most attention to the matter that we run no risk by making the charter indeterminate, because the right of forfeiture is not impinged upon and the power of Congress to repeal is of course in no way fettered.

The second section also deals with the important subject of investment business now done by national banks to a very large extent throughout the country. It regularizes the investment business, gives the power to the Comptroller of the Currency to limit the class of securities in which investment may take place, and limits the total amount of securities of any one issue which a banking association may acquire by purchase. The second section also gives to national banks the right to acquire and hold the stock of safe deposit corporations, so that a national bank may have safety vaults and safe deposit boxes in connection with its institution.

The third section of the proposed act removes an inconvenient restriction which now exists upon the purchase of real estate. It is now provided that real estate may be purchased when needed for the immediate use of the bank. The word "immediate" is stricken out of this bill, because it has been found from experience to be very necessary to give the directors of a bank the right to buy a desirable piece of real estate when it can be had to advantage, even if the use for it is not in the immediate present but only in the near future.

The fourth section regulates the size of the capital of national banking associations in the outlying zones or districts of cities.

The fifth section regulates the existing practice of national banks to declare stock dividends, and makes some wholesome provisions in the way of regularizing that process, but does not change the law in any substantial particular.

Mr. McKELLAR. Mr. President——

Mr. PEPPER. I yield to the Senator from Tennessee.

Mr. McKELLAR. I merely want to ask was there any difference of opinion as to the pending bill, taken as a whole, or was it unanimously reported by the committee?

Mr. PEPPER. I think I can say that the bill was unanimously reported by the committee after a very exhaustive consideration by a subcommittee, of which the Senator from Virginia [Mr. GLASS], the Senator from New Jersey [Mr. EDGE], and I were members. The bill was then debated by the whole committee, and was reported out unanimously in the form in which it now appears on the calendar.

Mr. McKELLAR. I know the bill has been very carefully considered by the committee, and for quite a while, too.

Mr. KING. Mr. President, did the committee consider the question of fixing a higher limit of capital for banks in rural communities, or for banks anywhere, for that matter?

Mr. PEPPER. Mr. President, the bill does not propose to increase the capitalization limit in any case. It relaxes the capitalization limit in some instances in the outlying districts of cities where the needs of the community seem to require the establishment of a bank without insistence upon the size of the capital which is required in the metropolitan districts.

Mr. KING. The Senator from Pennsylvania, of course, knows that there has been a great deal of criticism about the large number of bank failures in the agricultural districts because the capital of many such banks is so small that it is almost impossible for them successfully to function, particularly where there are any frozen assets. So it did seem to me that this was a proper time to increase the minimum amount which should be the capital of any national bank.

Mr. McLEAN. Mr. President——

Mr. PEPPER. I yield to the Senator from Connecticut.

Mr. McLEAN. I will say to the Senator from Utah [Mr. KING] that the last report of the Federal Reserve Board shows that the percentage of failures in the case of State banks is very much larger than in the case of national banks, and the Senator from Utah realizes that State banks can organize with very small capital.

Mr. KING. Mr. President, yes.

Mr. McLEAN. The Senator will see the dilemma we are in if we do not give national banks an opportunity to organize upon about an equal footing with the State banks. It seemed to the committee that it were better to have a small national bank, carefully regulated by the Comptroller of the Currency, and examined two or three times a year, than to leave the whole field to the State banks.

Mr. KING. I had hoped, if the Federal Government fixed a higher limit, the wisdom of that having been demonstrated, that it might be an example which the States would be inclined to follow.

Mr. PEPPER. Mr. President, we have had a rather delicate duty to discharge here. We are trying to give equality of opportunity to the national banks as between themselves and the State banks. We have not undertaken to make far-reaching suggestions of the kind the Senator proposes, because we were afraid that we would embarrass our main propositions if we did so. The thought which the Senator has expressed could very well be made the subject of independent legislative action.

Mr. KING. The Senator knows, if I may interrupt him further, that I offered a resolution, being Senate Resolution 106, which challenges attention to many evils in our present financial and banking system and asks for a comprehensive investigation with a view to reporting legislation that will meet the situation.

Mr. PEPPER. Mr. President, I am familiar with the resolution to which the Senator from Utah refers, and I will say that the testimony taken before the subcommittee, especially that part of the testimony which was given by Mr. Henry Parker Willis, in very large measure is a compliance with the suggestions in the Senator's resolution, and a reference to that testimony will furnish much of the information for which the Senator's resolution calls.

Mr. KING. And I hope, in view of the very able presentation made by Doctor Willis, that the committee may be induced to report another bill at an early date which will measure up to the requirements of the banking necessities of the country.

Mr. PEPPER. Mr. President, if we are encouraged by the reception given to this measure by the Senate, we may venture upon a still further emprise, but at present we have troubles enough of our own.

Mr. President, the sixth section of this bill gives legal status to the position of chairman of the board of directors of national banks which at present exists by custom, but without distinct authority of law.

As I have said, the seventh, eighth, and ninth sections deal with branch banking. The tenth section is a very important section which aims to restate and clarify section 5200 of the Revised Statutes. I shall not enter upon an extended statement in explanation of that section here. Suffice it to say that, as Senators know, under section 5200 there is a 10 per cent limitation on the amount which can be lent by a national banking association to any one customer, but through the years there has grown up a series of exceptions which are left out of account when the 10 per cent comes to be reckoned. The tenth section of the bill undertakes to restate and clarify in the process of restatement all the exceptions to the 10 per cent rule. We hope that it has been done successfully.

Section 11 merely corrects a typographical error that was made in the passage of the Federal farm loan act.

Section 12 clarifies the provisions of existing law applicable to the overcertification by banks of the deposits of depositors.

The thirteenth section is a provision of convenience to allow junior officers of banks to be authorized to verify and transmit reports to the Comptroller of the Currency now required by law and which under existing law must be signed only by the senior officers.

The fourteenth section gives to the Federal reserve banks the right to rediscount eligible paper submitted to them by member banks where such eligible paper complies with the requirements of the rules of the Federal Reserve Board, satisfies the conditions of section 5200, and does not exceed in the case of any one customer the amount to which a member bank is permitted to extend credit to that customer.

Mr. McKELLAR. Mr. President——

Mr. PEPPER. I yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator has already passed section 10, but in looking over that section, which limits the borrowing to 10 per cent in the case of any one individual, apparently the eight exceptions would permit the limitation to be abrogated in one way or another.

Mr. PEPPER. No.

Mr. McKELLAR. The Senator does not think so?

Mr. PEPPER. No, Mr. President; I think the Senator is in error as to that.

Mr. McKELLAR. I should like a statement from the Senator about it.

Mr. PEPPER. The original 10 per cent limitation was a limitation upon the amount of credit that might be extended to a borrower upon the faith of his own personality and solvency. If there were no exceptions expressed in the act, the limitation of 10 per cent would still be applied to loans made to him even if he covered the loans with Liberty bonds in excess of the amount lent to him. These exceptions are attempts to specify the character of security which will be a sufficient guaranty of the safety of the loan made as distinguished from the credit extended to the borrower on the faith of his own personality and solvency.

Mr. McKELLAR. The thought that was running through my mind in looking over the exceptions was this: Suppose that one borrower had borrowed his limit of 10 per cent and then undertook to borrow 50 per cent more upon Liberty bonds; apparently that would be unwise banking, and I was wondering if he would not be permitted to do so under these exceptions.

Mr. PEPPER. Mr. President, I wonder if it would be unwise banking. The bank under those circumstances would depend for the safety of its advance upon the collateral, which, in the case put by the Senator, is Liberty bonds; and the bank would be in precisely the same position in the case of a loan of a given amount to 10 different people on Liberty bonds as in the case of a loan of the aggregate amount on the same number of bonds to one person.

Mr. McKELLAR. I take it there is no doubt about the value of the securities, and, of course, there would be no danger of loss; but it seems to me that that provision was put in the law originally for the purpose of preventing a few borrowers from borrowing all of the money in the bank, or the greater portion of it, and I was wondering whether there ought not to be some limitation. I have not studied the matter as the Senator has studied it, but it occurs to me that it would be unwise banking for so large an amount to be lent even on Liberty bonds.

Mr. PEPPER. Mr. President, the Senator understands that all we have attempted to do is to restate and clarify existing law. These provisions are part of the statutory law of the United States to-day; and I think the Senator, if he were to

take the statute as it exists and the section that is proposed, would agree with us that whether the existing law is wise or unwise, all we have attempted to do is to clarify it and make it certain.

Mr. McKELLAR. These exceptions are now all in existing law?

Mr. PEPPER. That is correct, sir.

Mr. President, the fifteenth section deals only with a criminal provision of the law and makes the crime of theft punishable where the theft is committed by a bank examiner who steals in the course of his examination.

The sixteenth section deals with first-mortgage loans on real estate and extends the life of the loan from one year as at present to an optional period not exceeding five years, and ties the real estate loans of a bank up to a relationship to its savings deposits by providing that the amount which may be lent on improved real estate first-mortgage loans shall not exceed in the aggregate half of the savings deposits of the bank.

The last few sections are the following:

The seventeenth amends the Kern amendment to the Clayton Act and substitutes the provision which I shall briefly describe for the present provision, which prevents persons from being at the same time directors of State banks and national banks where there is substantial competition between them. The substitution that we suggest is to make the test of the dual office holding or employment not the existence or nonexistence of competition, but compatibility with the public interest as determined by the Federal Reserve Board. The reason is that under the law as it at present exists it has been found as a practical matter that rather than surrender the advantage of a certain person on the boards of two banks, the banks deliberately recede from the competitive business which it is the object of the law to insist that they shall engage in. We have had instances before us of a failure to serve the community through reluctance to enter into competition because the result of the competition would be to unseat a common member of two boards; and it has seemed to the committee that it is far wiser to do nothing that hinders the course of commercial competition, but rather to insist that the test shall be compatible with the public interest under the direction of the Federal Reserve Board.

The eighteenth and nineteenth paragraphs are those which make it possible to issue capital stock with a par of less than $100. The reason for that is that the market value of many national-bank stocks is so high as to put them beyond the reach of small investors. It is thought that if we permit shares of capital stock to be issued with a par value of $50, or some other sum less than $100, the purchasing power of the small investor will enable him to acquire stocks which are now beyond his reach, and thus facilitate their freer distribution.

Finally, the twentieth section takes account of the fact that the charters of the Federal reserve banks will in ordinary course expire in a few years; and, being of opinion that the time has come to express confidence in the success and stability of the Federal reserve system, it proposes to give to the Federal reserve banks the same character of indeterminate charter that the national banks have.

Mr. President, this completes the summary statement which I have made; and I take my seat, with renewed thanks to the Senator from Maine.

Mr. KING. Mr. President, two questions before the Senator takes his seat:

Has the Federal Reserve Board expressed any opinion by way of approval or disapproval of the pending measure?

Mr. PEPPER. The Federal Reserve Board has expressed approval of the measure as it is now before the Senate.

Mr. KING. Does it approve of the provision giving the indeterminate charters?

Mr. PEPPER. That has been proposed a number of times by the Federal Reserve Board, and is favored by the board in the form in which it is embodied in this bill.

Mr. KING. Do the Federal Reserve Board and conservative, safe bankers generally approve of the existing law, which, as I understand the Senator's statement—and I was called from the Chamber and did not hear it all—the bill perpetuates; namely, of permitting these long real-estate loans and the use of 50 per cent of the savings upon real-estate loans?

Mr. PEPPER. Mr. President, I answer both questions unhesitatingly in the affirmative. The extension of the period of a loan from one year to five years, in the judgment of wise bankers, makes the loan more liquid, the mortgage more easily salable by assignment, than a short-term loan. There is a better market for a loan well secured with five years to run than for a loan that has only one year to run; and with regard to the other provision, the relation established to the savings deposits of the bank is merely by way of limitation on the amount that can be loaned on mortgage loans. The idea is that as a mortgage loan is less liquid than the ordinary commercial loan, it is proper that a relationship should exist between the amount of it and those deposits of the bank which are not commercial deposits, but partake of the character of savings fund deposits, which are there for long periods of time and are withdrawable only upon ample notice.

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

Mr. FERNALD obtained the floor.

Mr. KING. Mr. President, a number of Senators who are very much interested in the public buildings bill asked me when the Senator from Pennsylvania [Mr. PEPPER] concluded his statement to suggest the absence of a quorum. Accordingly, I do so.

The PRESIDING OFFICER (Mr. COPELAND in the chair). The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	King	Robinson, Ark.
Bayard	Ferris	La Follette	Sackett
Bingham	Fess	Lenroot	Sheppard
Blease	Frazier	McKellar	Shipstead
Bratton	George	McLean	Shortridge
Broussard	Gerry	McMaster	Simmons
Bruce	Gillett	McNary	Smoot
Butler	Goff	Mayfield	Stanfield
Cameron	Gooding	Metcalf	Steck
Caraway	Hale	Neely	Stephens
Copeland	Harreld	Norbeck	Swanson
Couzens	Harris	Norris	Trammell
Cummins	Harrison	Nye	Wadsworth
Curtis	Heflin	Oddie	Warren
Dale	Howell	Overman	Watson
Deneen	Johnson	Pepper	Williams
Dill	Jones, N. Mex.	Phipps	Willis
Edge	Jones, Wash.	Pine	
Edwards	Kendrick	Ransdell	
Ernst	Keyes	Reed, Pa.	

The PRESIDING OFFICER. Seventy-seven Senators having answered to their names, a quorum is present.

CORRECTIONS AFFECTING C. C. GRIGGS

Mr. SMOOT. Mr. President, I have from Mr. C. C. Griggs, chief of the nonmetals valuation section of the Bureau of Internal Revenue, a correction which he desires to have made in the report of the Senate committee investigating the Bureau of Internal Revenue, January 7–12, 1926, affecting him. I ask that it be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. I called this matter to the attention of the senior Senator from Michigan [Mr. COUZENS], chairman of the committee making the report, and he has no objection at all to the correction going into the RECORD.

Mr. BLEASE. Mr. President, it was impossible to hear the request, and I object to it unless I know what it is.

The PRESIDING OFFICER. There will be order in the Chamber.

Mr. SMOOT. Mr. President, Mr. C. C. Griggs, chief of the nonmetals valuation section of the Bureau of Internal Revenue, testified in the hearings before the Senate committee investigating the Bureau of Internal Revenue, January 7–12, 1926. A couple of errors were made, and he desires that those errors be now noted in the RECORD. I have called this matter to the attention of the senior Senator from Michigan [Mr. COUZENS], chairman of the investigating committee, and he has no objection.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Corrections to be made in the report of the Senate committee investigating the Bureau of Internal Revenue, January 7–12, 1926, affecting C. C. Griggs

Page 63. "A value for depletion purposes as of March 1, 1913, was allowed at $1,550,000. This action was taken by Mr. C. C. Griggs, assistant head of the engineering division, over the protest of Mr. J. H. Briggs, valuation engineer."

This statement is incorrect, for Mr. C. C. Griggs was not assistant head of the engineering division at the time the case was settled, but was chief of the nonmetals valuation section. Following procedure in practice in the unit in controversial cases, this case was referred to the head of the division, who, in conference with the taxpayer, settled the case and ordered it closed on this basis. (Celite Products Co., p. 62.)

"The determination of depletion in this case, made by Mr. C. C. Griggs, assistant head of the engineering division, over the protest of Mr. J. H. Briggs, who was assistant chief of the nonmetals section when this case was settled * * *."

As in the Celite Products Co. case, this statement is incorrect, for Mr. Griggs was not assistant head of the engineering division at the time the case was settled, and, as in the above case, this matter was also referred to the head of the division, who ordered it closed on the basis used. (New England Lime Co., p. 13.)

"Memorandum to J. H. Briggs, chief nonmetals valuation section, room 5038," should read, "Memorandum to C. C. Griggs, chief nonmetals valuation section, room 5038" (p. 53, bottom of page).

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

Mr. FERNALD. Mr. President, for two weeks the public buildings bill has been before the Senate on and off. I have endeavored to yield to almost everybody for almost every purpose.

The committee having in charge the order of business placed this public buildings bill for consideration next to the debt settlement bills. Those bills have now been passed, and, having yielded so many times, I hope now to keep this bill before the Senate for consideration until it is finally disposed of.

Two weeks ago, when the bill was first brought into the Senate, I endeavored for two hours and a half to explain as best I could the provisions of the bill. It provides an entirely new method of procedure in the erection of public buildings. There are three different propositions embodied in the bill. I shall very briefly explain them and then endeavor to pass upon the amendments—and they have all been acted on except three—to the final disposition.

The bill carries an authorization of $165,000,000. The first provision makes an authorization of $50,000,000 for the erection of public buildings in the District of Columbia. As there has been no public buildings bill for 13 years, we are naturally far behind in the erection of public buildings here.

The bill provides that the erection of all buildings to be erected in the District of Columbia shall be under the direction of the Public Buildings Commission, which we have had for five years. It was thought best to make that provision, as the members of that commission perhaps understand better than anybody else the conditions in the District.

Further than that, there is here a Fine Arts Commission, and before any building can be erected here it must have the approval of that commission. Inasmuch as a great deal of criticism has been made along these lines, I want to read the names of the members of that Fine Arts Commission. They are all prominent men and at or near the head of every business and profession in which they are engaged. They are:

Charles Moore, chairman, of Detroit, Mich., appointed in 1910, original member. He is a historian, author, and a member of National Park Commission.

James L. Greenleaf, of New York City, appointed in 1918; a landscape architect.

H. Siddons Mowbray, of Washington, Conn., appointed in 1921; a painter; formerly director of Academy of Rome.

Milton B. Medary, jr., of Philadelphia, appointed in 1922; president American Institute of Architects.

William Adams Delano, of New York City, appointed in 1921; architect.

Lorado Taft, of Chicago, appointed in 1925; noted sculptor and writer; author of History of American Sculpture.

Abram Garfield, of Cleveland, Ohio, appointed in 1925; architect of note and a son of President Garfield.

Before these buildings can be erected they must have the approval of the Fine Arts Commission, as well as of the Public Buildings Commission.

The next provision of the bill carries $15,000,000 for the completion of all the buildings which were authorized to be built in 1913. It also gives preference, where buildings are to be erected, to the sites which were purchased at that time.

The last provision of the bill carries $100,000,000 to be used all over the United States wherever an emergency exists.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. FERNALD. I yield.

Mr. OVERMAN. The Senator has read the names of the commission which will have charge of the erection of the buildings in Washington, and I agree that such provision should be made. Now, will the Senator read for the information of the Senate the names of the commission who are to expend this $10,000,000 in the States?

Mr. FERNALD. The Secretary of the Treasury and the Postmaster General are to determine where the buildings which are to be placed in the other places of the United States shall be erected. That was so provided because it is supposed that the Postmaster General is better posted and better qualified to determine where emergencies exist than perhaps any other man.

Of course, this is a new departure. Under the old system for erecting buildings each Congressman and Senator determined for himself where he wanted a building, and it was passed upon in the old log-rolling way. Under this method buildings are to be erected where emergencies exist. Twenty-five million dollars only can be expended each year.

Mr. BLEASE. Before the Senator passes from that, does he not think the Attorney General should be a member of that commission?

Mr. FERNALD. No; I do not think so. I do not know of any reason why the Attorney General, any more than any other member of the Cabinet, should be on the commission.

Mr. BLEASE. On account of questions involving the titles to property and other legal questions which might be involved.

Mr. FERNALD. I think the members of the commission will be able to determine those questions.

Mr. FESS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Ohio?

Mr. FERNALD. I yield.

Mr. FESS. The bill provides that the head of a department is to be consulted in the erection of a building when any of the officers of his department will have space in it, as, for instance, the Attorney General would be consulted where a district court was to be held in a building.

Mr. BLEASE. My inquiry was prompted by the thought that the Attorney General should be on the commission in consideration of the legal status or title to property and any legal questions which might arise. There might be a tie vote, and it might be necessary to have a third man to say where some particular building should be placed.

Mr. FERNALD. We considered that, and we decided that the smaller the commission the more activity we would get, as is usually the rule.

Mr. BLEASE. I believe in that, too.

Mr. OVERMAN. Mr. President, if the Senator will yield, I think it would be perfectly fair to take this out of politics entirely, so that both parties might be represented on the commission, or three parties. I have no reflection to make on the Secretary of the Treasury or the Postmaster General, but with $100,000,000 to expend we should reflect that human nature is the same the world over. We are all human. If this were a Democratic administration, I would want some Republican on the committee, so that everybody would have a square deal.

Mr. FERNALD. I agree with the Senator that we want a square deal, but I should have been just as willing to leave that matter to the senior Senator from Virginia [Mr. GLASS] when he was Secretary of the Treasury as to our present Secretary. I am opposed to large commissions, and I think the fewer we have on the commission the better off we will be. We considered that matter, and it seemed to us that about the best provision we could make was to leave it to those two officers.

The necessity of public buildings is very well understood. We are paying in the city of Washington more than a million dollars rental per year, and that does not begin to cover the cost of the distribution of the employees of the departments. In one department there are 5,270 employees, and they are distributed in a score of buildings. The head of that department has said that he could save nearly a million dollars in salaries by discharging employees, and could get more efficient work, by getting the employees together. In the country at large we are paying $24,000,000 rental for public buildings, and we are going to spend but $25,000,000 a year. It will take a good many years to get caught up with our building program. But these are the facts.

I went over this matter at great length two weeks ago, as Senators will recall, and now, in order that we may proceed as rapidly as possible——

Mr. FESS. Mr. President, will the Senator yield to an interruption? I would like to make one or two comments.

Mr. FERNALD. I am very glad to yield.

Mr. FESS. There are many features of this bill in which I am interested, but the one concerning the public archives building is of most interest to me. I have been urging the housing of these valuable documents ever since I have been in Congress, and about 10 years ago I made a survey of the number of fires which had occurred involving Government buildings. The figures are really startling. In 1873 there were three fires in Government buildings housing important documents. In 1876 there was one, in 1877 there was one, and there was one each year down to 1882, when there were three

fires; in 1883 there were three; there were two fires in 1885 and 1886, seven in 1887, two in 1888 and 1889, nine in 1890, four in 1891, five in 1893, five in 1895, and so on down the line in about the same proportion, until we reached the place where we began to expand, where the departments of the Government occupied more than one building for the same purpose, like the Agricultural Department. Then the fires were very numerous. In 1902 there were 10 fires in Government property. In 1907 there were 15. In 1911 there were 23 fires in Government property. In 1915 there were 19 fires. At one time the Treasury Department had two rooms entirely burned out.

In 1833 the Treasury Department was destroyed. In 1836 the General Post Office was destroyed. In 1843 the powder house of the Navy was burned. In 1851 the Congressional Library was burned. In 1825 the Jefferson collection burned. There were 55,000 volumes in the Jefferson library, which was regarded properly as the finest collection of books anywhere in the United States. The collection was brought here and all but 20,000 of the 55,000 volumes were destroyed in a fire. In 1865 the Smithsonian Institution, or the central portion of it, burned. In 1851 a fire in the Congressional Library destroyed very valuable relics. It is that feature of the buildings here in Washington about which I am so much concerned, because there are titles to property which, if destroyed, could not possibly be replaced, and while we hesitate to expend some money to do it, we would lose here in one fire vastly more than the buildings would cost.

As a suggestion of the importance of the archives protection I find that separate buildings, separate entirely from the State capitol, are supported by New Hampshire, Maryland, Virginia, Wisconsin, Iowa, New York, North Carolina, Minnesota, Illinois, and Michigan. Those States have undertaken the construction of fireproof buildings to protect their valuable documents. Then in the following States there is a portion of the capitol itself set aside for the protection of them: Massachusetts, Rhode Island, Pennsylvania, Connecticut, Alabama, Mississippi, Kentucky, and Tennessee.

Then there are other States, among which my own is included, where there is no special protection at all, and I regret to say that that is true in quite a large number of States. So it appears to me that this one particular phase of the bill ought to appeal to every Senator even from the standpoint of economy if nothing else. For that reason I hope it will be an additional argument for speedy action.

Mr. FERNALD. I thank the Senator.

Mr. NORRIS. Mr. President, may I interrupt the Senator from Maine to make a few observations? I will not do it without the Senator's consent. The Senator from Ohio has made some statements that cause me to recollect something of the past. I will wait if the Senator from Maine would prefer.

Mr. FERNALD. I would prefer to proceed because the Senator from Arkansas [Mr. ROBINSON] wants to address the Senate.

Mr. OVERMAN. Mr. President——

Mr. FERNALD. I yield to the Senator from North Carolina.

Mr. OVERMAN. There are only six Republican Senators in the Chamber at this time, and there is a $160,000,000 bill up for consideration. There are only a few Democrats here. There ought to be a quorum here while we are discussing such an important measure. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Lenroot	Robinson, Ark.
Bayard	Ferris	McKellar	Sackett
Bingham	Fess	McLean	Sheppard
Blease	Gerry	McMaster	Shipstead
Bratton	Gillett	McNary	Shortridge
Broussard	Goff	Mayfield	Simmons
Bruce	Gooding	Metcalf	Smoot
Butler	Hale	Neely	Stanfield
Cameron	Harreld	Norbeck	Steck
Caraway	Harris	Norris	Stephens
Copeland	Harrison	Nye	Swanson
Couzens	Heflin	Oddie	Trammell
Cummins	Jones, N. Mex.	Overman	Wadsworth
Curtis	Jones, Wash.	Pepper	Warren
Dale	Kendrick	Phipps	Williams
Dill	Keyes	Pine	Willis
Edge	King	Ransdell	
Edwards	La Follette	Reed, Pa.	

The PRESIDING OFFICER. Seventy Senators having answered to their names, a quorum is present.

Mr. FERNALD. Mr. President, the first committee amendment not agreed to is on page 2, line 7. I ask that the clerk report the amendment and that it be agreed to.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 7, after the word "purposes" and the comma, insert the following words:

giving preference, where he considers conditions justify such action, to cases where sites for public buildings have been heretofore acquired or authorized to be acquired.

Mr. ROBINSON of Arkansas. Mr. President, I think it entirely practicable——

Mr. NORRIS. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON of Arkansas. I yield.

Mr. NORRIS. I want to make a few observations, if the Senator will permit me, with reference to a question which was brought up by a comment made by the Senator from Ohio [Mr. FESS] in interruption of the Senator from Maine [Mr. FERNALD].

Mr. ROBINSON of Arkansas. I yield to the Senator for that purpose.

Mr. NORRIS. Mr. President, it was very interesting to hear of the various fires that have taken place which have destroyed Government property. In many instances fires took place in Government buildings, and in some instances, I think, in fireproof buildings. But the object of it all is to show, and I am not criticizing that at all, that the Government is in danger of losing valuable property by housing its books and papers and documents at various places in the District.

I remember about 22 or 23 years ago, when I was a Member of the House of Representatives and a member of the Committee on Public Buildings and Grounds, that there was an agitation then to have the Government build a hall of records, a place to keep its archives, just as the Senator from Ohio has argued. It became a common story. There was great propaganda started and the committee of which I was a member had hearings. Those hearings disclosed, as the Senator from Ohio did in a brief way, the great danger that existed, and made us believe that any night we were liable to lose valuable documents and property here in the District of Columbia that would bring about damage and loss that would be absolutely irreparable. I was frightened, Mr. President. I did not sleep nights while the hearings were going on. In my dreams I could see public documents of the Government going up in smoke.

I did everything I could to help expedite the passage of the bill which was then being advocated. It proposed to buy a whole square in what was then out in the country almost, which years afterwards became the location of the present Interior Building. It is a beautiful building, one of the best office buildings that the Government has ever erected anywhere, I think, covering a very large square.

In my innocence I supposed that when we got that bill through in response to the cry that had been going out of the great danger that we were in the very next morning we would see workmen out there erecting an archives building in order to save those records, which, however, are still in danger of being lost by fire; but nothing of that kind occurred. Years went by, and finally, under the administration of Franklin K. Lane, we erected a building on that land which for the money expended is, I think, the best office building we ever erected. It is one of the largest, if not the largest, office building the Government owns anywhere. So the investment, after all, was a good investment; but I never could understand the reason for the existence of that great interest in the Government records and archives, and I never could understand why it immediately died as soon as we purchased the ground on which it was proposed to erect the building. I never did find out anything about it until I looked up the records in order to ascertain who owned the property at the time when we bought it, and then it was all plain. There had been one of the greatest propagandas ever put across to sell to the Government a piece of real estate for what was then more than it was worth.

There is always going to be the danger of having our public documents burned, and it seems to me that now, at a time when we are so deeply interested in trying to economize and save money, is the last time of all when another propaganda should be started to save those documents for fear they may be destroyed by fire.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. ROBINSON of Arkansas. I yield to the Senator from Utah.

Mr. SMOOT. I remember well the circumstances referred to by the Senator from Nebraska [Mr. NORRIS], but I want to call the attention of the Senate to the fact that the danger of the burning of our Government records has increased one

hundredfold since that time. We have now all of the records of all of the income-tax returns in one of these temporary buildings.

Mr. NORRIS. Those returns are always kept secret anyway, and what would be the difference if they should burn up?

Mr. SMOOT. They are not kept secret so far as the Government is concerned; and if they were burned up, there would not be any question as to any further collections at all. They would be gone and no earthly power could replace them.

Mr. DILL. There would not be so many refunds, then.

Mr. SMOOT. But what I am more interested in now than anything else is to get the employees in the District of Columbia as well as the records out of these temporary buildings. In many cases they are now nearly falling down.

Mr. NORRIS. Does the Senator mean the buildings or the employees are falling down? [Laughter.]

Mr. SMOOT. I mean the buildings are falling down. The employees would not fall down, because they do not work hard enough to make them fall down. I doubt whether there is anyone who has ever gone through many of the public buildings in the District of Columbia and is familiar with the situation as it exists to-day who would not approve the building program embraced in this bill as being the best investment that the Government could make.

I agree with the Senator from Nebraska that the building erected for the Interior Department is by long odds the best office building in the District of Columbia, but it is necessary that the Government shall have more such buildings. In my opinion it is necessary that we shall have an absolutely fireproof building in which to store the Government records. The question is not one only of the danger of the destruction of those records by fire, but of their destruction from dampness and improper care. If any Senator will go down here into the damp basement under the Capitol, he can find original papers which when brought out in the light of day almost disintegrate. Stored in that way are some very valuable papers, having to do with the Government from the time of its organization, embracing letters touching practically all the questions in controversy in those days. On one occasion I tried to consult one of those volumes, and, to save my soul, I could not turn a page without having it crumble. What we want is a building that is perfectly dry, in which we can keep such records, so that they will forever be preserved and be of use to the Government.

Mr. ROBINSON of Arkansas. Mr. President——

Mr. WARREN. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Arkansas yield to the Senator from Wyoming?

Mr. ROBINSON of Arkansas. I yield now to the Senator from Wyoming.

Mr. WARREN. Mr. President, I happen to be quite conversant with the circumstances which have been cited in connection with the purchase of the property referred to. I remember the facts surrounding the transaction, and I will say to the Senator from Nebraska that the property was well purchased. The Government obtained it by a cash offer, which had to be accepted within a certain time. It was acquired at a very cheap price, which was much less than it was then considered to be worth.

Mr. NORRIS. But not half of what it was then worth?

Mr. WARREN. It was worth, then, of course, less than it is now, but the property was purchased at that time for a price which was even then very cheap.

Mr. NORRIS. I admit that it was purchased for less than it is worth to-day.

Mr. WARREN. Since that time, I will say—and that was before the Interior Department Building was erected—we have endeavored repeatedly to provide appropriations in order to construct a great archives building in which to house the papers of the Government. In some instances we have not been able to get the consent of the Senate itself to action of that kind, and on other occasions we have not been able to get the House to accept our appropriation amendments for the construction of the archives depository. That is why the building has never been constructed.

I am very content to see here now the pending bill under which buildings may be erected when they are necessary, without being subjected to what may be termed, perhaps, the whim or will of the day as it may be manifested in this body or the other body of Congress.

Personally, on account of my State, I am interested in perhaps a half a dozen buildings which have been appropriated for, but in insufficient sums for present needs. These should be erected; but I have given up waiting for them and am ready now to leave the matter to any department that will take it up and erect the buildings when it is necessary and let it go at that. Hence, I like the bill which is now before us and propose to support it with all the assistance that I can bring to its support.

Mr. ROBINSON of Arkansas. Mr. President, in its present form the Federal buildings bill is open to very serious objection. It is my purpose briefly to point out some of the objections which I think can be corrected by amendments that have either been proposed or that likely will be proposed before the bill shall finally be disposed of.

In the first place, the amendment which has just been read is presented as a requirement that buildings be constructed where sites have already been procured. An examination of the language of the amendment does not justify that conclusion. The language of the amendment leaves it optional with the Secretary of the Treasury whether he will carry out the implied order of Congress heretofore made when it directed the purchase of sites for Federal buildings. The proposed amendment inserts the words:

giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired.

The legal effect of that language, as well as its practical effect, is to authorize the Secretary of the Treasury to review the legislative action and to decide whether, in his own opinion, a building is desirable and necessary where Congress by legislation has already said that it is.

I understand that the Senator from New Mexico [Mr. JONES] will propose an amendment to this language or an amendment to other provisions of the bill, which will relieve it from the objection which every Senator must recognize as pertinent and which inheres in the language reported by the committee, namely, an authorization for a review of the decision made by Congress on a subject clearly within the jurisdiction of the legislative department of the Government.

The effect of this language as proposed is to vest nominally in the Secretary of the Treasury, but actually in some subordinate whose identity will not be disclosed, the power to nullify legislation passed by the Congress of the United States.

It is no answer to that objection to say the Secretary of the Treasury is a great man and that his judgment is better than the judgment of the Congress. No doubt there are many people who believe that, and apparently some Senators believe that is true. Nevertheless, the Congress having already directed the purchase of the sites, the sane and proper thing to do is to go forward with the construction of buildings on them and to refuse to vest the discretion in the Secretary of the Treasury or anyone else as to whether or when they shall be constructed.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. I yield to the Senator from Wisconsin.

Mr. LENROOT. Let me say to the Senator that I do not construe this provision exactly as he does. I want to ask him whether he has considered section 3 in connection with the amendment?

Mr. ROBINSON of Arkansas. No, Mr. President; I have not.

Mr. LENROOT. This preference, as I understand, goes only to point of time in the construction of the buildings.

Mr. ROBINSON of Arkansas. Oh, yes; but, Mr. President——

Mr. LENROOT. And not——

Mr. ROBINSON of Arkansas. Just a moment. The Secretary of the Treasury is authorized to acquire sites and to construct buildings on those sites, and he is limited in the amount of the appropriation that may be expended for the purpose of carrying out existing authorizations.

The plain, practical effect of this legislation as a whole, if it shall be enacted in the language as now proposed, is to give the Secretary of the Treasury absolute discretion in the location of Federal buildings throughout the United States and to give him the power effectually to repeal the authorizations already made, because we all know that the authorization of $150,000,000, considering the limitations that are imposed, is inadequate to carry out a housing program fully justified by existing facts and circumstances. The mere matter of preference of time in the construction of buildings would result in the exhaustion of the appropriation before the sites authorized would be reached.

Mr. LENROOT. Now, will the Senator yield further?

Mr. ROBINSON of Arkansas. The Senator can take his own time to discuss the question. There are other subjects which I wish to discuss. I am morally sure that that is the correct interpretation of this language, and I am morally sure that some

persons intended that it should be. I make the statement after a consideration of the subject, that one of the objects of this bill is to get away from the construction of some buildings that Congress has already either expressly or impliedly authorized and directed to be constructed.

The Constitution of the United States imposes on the Congress the duty and power to make appropriations, but some Members of the Senate and of the House of Representatives are so ready to discredit their own intelligence and capacity that they are willing to abdicate their constitutional duty and function to make appropriations and to vest their power and authority in an executive officer of the Government.

I am not making an attack on the Secretary of the Treasury. If Andrew W. Mellon could withdraw his attention from his 10,000 other duties and personally investigate the proposals that would be presented to his department under this bill, the result might be different from what will occur. The Secretary of the Treasury, however, can give little personal attention to such matters and to such duties as are imposed upon him in this bill. He must of necessity divide that responsibility or delegate it to some subordinate. The inevitable result will be that favoritism will prevail in the location and construction of Federal buildings, and political influence, secret and undefined, will decide where a building is to be located and when it is to be constructed, and that is the reason prompting some Senators to oppose the Swanson amendment.

Let me speak plainly. Give to the Secretary of the Treasury $150,000,000 for the location and construction of public buildings, and let him appoint an unnamed agent under his control and direction to do the actual work, and the appropriation will be corrupted in some instances into a political campaign fund. In close congressional districts leaders in the community will be advised that if they select the right Congressman they will get a public building, and that if they do not it will be found necessary to give priority to other communities. That will be one of the practical effects of this legislation unless it is changed.

I know how the legislation originates. It originates in the criticism and the dissatisfaction that grew out of the old system, which has been characterized as "log-rolling" and "pork-barrel" legislation. It rests upon the theory that Congressmen and Senators either can not intelligently determine where buildings ought to be located, or will unfairly decide such questions. From a practical standpoint it is advantageous to Members of the House and of the Senate to have the selection of sites and the decision of questions of priority in construction determined by some other agency, for the reason that it will relieve Senators and Congressmen of embarrassment; and if the provision can be revised so as to make it certain that public buildings will not be constructed as rewards or denied as penalties for the activities of Congressmen, well and good.

The Swanson amendment would in effect prevent the entering into contracts and the erection of buildings pursuant to contract until after the Appropriations Committee of the Senate had approved the location and construction of buildings proposed by the department. In that way and in other ways that may be proposed the possible injustice and unfairness which is inherent in the proposed change in the method of constructing public buildings may be safeguarded.

Whatever you do and whatever you believe, you can not divest yourselves of the responsibility imposed by that clause of the Constitution which says:

> No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

It is one of the fundamental characteristics of this Government that control over the purse strings is vested in the representatives of the people. Why did the framers of the Constitution provide that revenue bills must originate in the House of Representatives? Why, for a hundred years have we pursued the practice of originating general appropriation bills in the body at the other end of the Capitol? Because until recently there was a fundamental difference in the manner in which Members of the House of Representatives were chosen and the manner in which Members of the Senate were chosen. Members of the House were elected by the votes of the electors in their respective districts, whereas Senators were chosen by the legislatures of the several States; and because of the latter fact the Senate could not originate a bill raising revenue, a bill affecting taxation. Because of that fact the Senate has not first considered appropriation bills before the House of Representatives; and it is of greater importance than appears on the surface that the man who votes the expenditure of public money shall be responsible to a constituency who may retire him if he wastes the public funds.

Another thing, too: The term of office of a Member of the House of Representatives is limited to two years, and under the Constitution certain appropriations can be made only for a period of two years, on the theory that the man who votes away public funds must be held strictly accountable to the people who elect him; and there is sound sense in that reasoning. Men are often ready to spend other people's money without careful scrutiny of the justification for the expenditure; but when one knows that he must account for his expenditures, that he must show that he has made them providently and wisely, he is less likely to commit waste than if he acts under an authority delegated to him and which does not fix direct responsibility upon him.

Congress is vested by the Constitution with control of the purse strings at both ends—at the end where the revenues come in, and at the other end where the expenditures go out. It is not a violation of the Constitution in the legal sense to authorize the expenditure of $150,000,000 for Federal buildings and to give to the Secretary of the Treasury or some other Federal officer the power to spend that fund; but it borders closely upon, if it does not actually cross the line of violating the spirit of the Constitution, which contemplates that Members of Congress shall determine when and where and how public funds shall be expended. The value of the Swanson amendment is that it gives the Congress a veto on the decision of the Secretary of the Treasury.

Mr. President, I know that in controversies between the executive and the legislative departments of the Government the Executive, in our history, has usually had the advantage so far as public opinion is concerned.

No doubt many reasons may be assigned for that fact, but this is not the time for and existing conditions do not justify the modification, except under strictest regard of the powers and functions of the legislative department of the Government.

I read in this morning's press, and Senators read, notably in the Washington Post, which lies before me, a statement which has intimate relationship to this subject, a statement attributed to the President of the United States. He has grown petulent and resentful toward the bureaucracy which prevails in his own administration, and if press reports can be relied upon, he has said to the world this morning that he does not propose to have any more commissions created unless they are under his absolute control.

Of course, we all know that bureaucracy, a somewhat loose and difficult term to define, is an embarrassing, a regrettable, an objectionable phase of modern political institutions. We all know that while we talk about local rights and self-government we have advanced during the last 50 years steadily and unhesitatingly to a centralization of power in Washington, D. C., that would have amazed the founders of this Republic beyond the power to comprehend. But the remedy is not to be found in the President's proposal to give him the right to dominate and dictate the actions of commissions or bureaus.

The statement, which I will incorporate in the RECORD, is from the pen of John Edwin Nevin, and appears in the Washington Post of to-day. Similar statements, some of which have reached my attention, have appeared in numerous other newspapers. I do not think, from the investigation which I have made, that the declaration here attributed to the President that he will veto any bill which creates a commission not under his control, is justified. With that exception, my information is that the statement is correct.

It says, among other things:

> A new policy along this line was enunciated yesterday at the White House. It grows out of the trials that the Executive has had with the various existing organizations based along the lines of the Shipping Board, the Federal Trade Commission, and the Tariff Commission.

Mr. President, whatever achievements these boards may have accomplished have not been due to the fact that they have not been subject to Executive dictation. If the Executive exercised the power of dictation over the Interstate Commerce Commission, as he has attempted to do over the Tariff Commission and over the Shipping Board, no evidence has come to my knowledge which would justify me in the conclusion that the public interest would have been better safeguarded.

The Tariff Commission, according to the evidence, is a pathetic example of inefficiency and incompetency, but it has been due largely, if not entirely, to the readiness with which the Executive, the President of the United States, in notable instances has loaned his influence and yielded his prerogative to

the command or persuasion of those who are directly interested in the proceedings and decisions of the Tariff Commission.

To illustrate, when the Tariff Commission, in the performance of its duty under the law, was considering the sugar schedule, the President tried to induce the commission to lay that subject aside and to take up another, and he was at least partly successful in his efforts. When the question of the right of a member of the commission to serve in a case which involved his own personal interest, and the interests of members of his family, was raised, and when that member of the commission insisted upon the right to pass upon his own qualifications, the President sent him word which the commissioner construed, and which other members of the commission construed, to be a direction to stand firm, to insist upon the right to serve, to perform his duty, and he was assured that the President would stand back of him.

When the Shipping Board refused to accept the dictation of the President, and insisted upon the right to perform its functions under the law, the President grew petulant and indignant, and demanded the resignations of members of the board who would not yield their judgment to his own.

Now there are pending before the Congress at least two proposals respecting the regulation of radio communication. The Senator from Washington [Mr. DILL] has introduced one. A member of the House of Representatives has introduced another. The President says he insists upon the right to control whatever agency Congress may vest with the power to regulate radio communication. With the exercise of that power, the last vestige of facility for publicity of which a minority may avail itself will be absorbed by the majority, and if the President secured the right which he insists upon—to dominate absolutely whatever agency Congress authorizes to regulate radio communication—we may be sure that Coolidge speeches will be given adequate publicity, and in campaign times the speeches of those who support the power that controls the radio will be given adequate publicity, and those who speak for a minority, however just its claim or contention, will have their voices stilled, as they are now with respect to the great majority of the newspapers of the United States.

Whatever be the evils, the remedy is not to concentrate in the White House the authority of complete control. It would be better to disperse that control; not better for the White House, not better for the interests that are served by the White House, but better in the long run for the countless millions who made and who support the institutions of this Republic.

We are told that the Dill bill is not acceptable to the President because it does not recognize the right of the Executive to dominate the activities of the agency contemplated by the bill for the control of radio. I know it may be said, and it may be believed, that under such a measure as the President proposes an effort would be made to do justice and to act fairly; but I know that it is in conflict with recent and more ancient experience to entertain the belief that freedom of opinion and freedom of speech will be promoted by giving the President power to dominate one of the principal agencies of publicity.

Mr. President, I ask permission to have printed in the RECORD the article appearing in this morning's Washington Post to which I have referred.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, April 28, 1926]

PRESIDENT OPPOSES BOARDS NOT UNDER EXECUTIVE CONTROL—NEW POLICY ENUNCIATED AT WHITE HOUSE TO AVOID GROWTH OF BUREAUCRACY—GOVERNMENT TO KEEP REGULATORY POWERS—JUDICIAL OR INTERSTATE COMMERCE REQUIREMENTS ONLY EXCEPTION TO PROPOSAL

By John Edwin Nevin

Regulatory commissions which are not responsible to the President, either directly or through existing departments of the Government, will not receive the approval of President Coolidge from now on.

A new policy along this line was enunciated yesterday at the White House. It grows out of the trials that the Executive has had with the various existing organizations based along the lines of the Shipping Board, the Federal Trade Commission, and the Tariff Commission.

It is not that the independence of organizations of this sort is considered displeasing. It is because it is felt it has developed bureaucracy to an extent that the original plans of Congress did not intend.

Hereafter it is the intention of the President, where judicial or interstate commerce requirements are not involved, to insist that any new regulatory powers shall be lodged directly under an existing department of the Government or the President himself.

Speaking for the President, the White House spokesman yesterday insisted that it is not wise, in the light of past developments, to create any commission to which is assigned complete regulatory powers and which is not made responsive to any Executive power for supervision.

WOULD AVOID BUREAUCRACY

It was pointed out that where there is no jurisdiction by the Executive other than the suggestion that an annual report to Congress is sufficient, the tendency is toward the very essential of bureaucracy, the one thing which the people generally have been opposing for many years. It is understood to be the view of President Coolidge that the Government should keep as far away from such a line of procedure as possible.

In the realm of the courts and regulation of interstate commerce, such a proposal could not hold because of the judicial and semi-judicial powers which they must exert. But where the proposal holds with a view of creating iron-clad restrictions, it is the opinion of the President, as expressed by his spokesman, that he much prefers, and he feels that the people of the country desire that that it be placed under the supervision of some existing department of the Government. That scheme would give a general personal responsibility which would permit those who believed they were aggrieved a right of appeal not now possible without an expensive court action.

In this connection the radio field came under discussion. There are at the present two bills before Congress. One of these, sponsored by Senator C. C. DILL, of Washington, provides for the creation of an independent commission which would have complete authority to issue regulations to control radio in every way and would not be responsible to any department of the Government. There is a second measure, drafted by Representative WALLACE H. WHITE, Jr., of Maine. It creates a separate division under the Department of Commerce which would enjoy the same powers, but which would be directly responsible to the Secretary and, through him, to the President himself.

DILL BILL NOT FAVORED

The Dill bill does not have the indorsement of the administration. It comes within the objections which have been voiced and, if passed, undoubtedly will be vetoed.

The White bill will be approved should it come to the President. It is unlikely, however, according to the best information obtainable yesterday, that there will be any of these bills enacted at the present session.

It is understood that the chief objection of the President to the provisions of the Dill bill is that any commission which has arbitrary control is more or less exposed to private influence and that the radio industry, in its infancy at the present time, should be maintained where it will be possible for the executive branch of the Government to keep a stiff rein on all private interests.

Radio control is developing one of the biggest fights of the present session of Congress, but all of the developments are beneath the surface. Two schools are in evidence. The first would have a commission with absolutely complete powers, which would issue licenses and control the industry along the lines which the Interstate Commerce Commission exerts. The advocates of this plan argue that it is wise to take this new industry and regulate it entirely independent of any other branch of the Government. It is suggested in their behalf that there has been a strangling of radio up to the present time in the interest of the many millions which are invested in the existing communication systems. These organizations, it is contended, are buying up and keeping off the market improvements which would make radio service the greatest means of communication.

OPPOSITE VIEW

Advocates of executive control take the opposite view. They argue that unless there is a Government bureau, responsible at all times to the people through an executive department, it will be impossible to keep down monopoly. And just because the field is so new, with its possibilities only scratched, it is held that the entire powers of the Government should always be available to protect the popular interest.

Because of the controversy that has arisen it is considered unlikely there will be any radio legislation at the present session. In this connection the White House spokesman said yesterday that from now on he will follow the advice of the leaders of the Senate and the House concerning legislation. While there are various measures which the President would like to press, he realizes, it is stated, that it is up to the control in both Houses to determine what can and what can not be accomplished.

It is accepted that it would be worthless to compel attention to any measure which might cause a prolonged debate with the issue as to its passage remaining in doubt. What is wanted, and on this the President and the leaders, who have been in almost daily conference with him for a fortnight, agree, is to determine on what bills action can be secured and then to bring them to the front and keep them there until they finally are disposed of.

Mr. LENROOT. Mr. President, if the Senator from Arkansas really speaks for the Democratic Party in the ideas that he has just expressed, and if there was any considerable likelihood of

his party being placed in power in the near future, then I am frank to say that I could not with any degree of enthusiasm support the pending bill for the reasons given by him. But I have more faith in the Democratic Party than the Senator from Arkansas seems to have, for I do not believe that any administration, Republican or Democratic, would prostitute itself for political purposes to the extent suggested by the Senator from Arkansas.

Mr. ROBINSON of Arkansas. The Senator, then, does not think that is being done by the Tariff Commission now?

Mr. LENROOT. Does the Senator think that the Democrats would do the same thing that he objects to?

Mr. ROBINSON of Arkansas. Whether they would or not is no excuse for the perpetuation of a system that is admittedly wrong, so far as the public is concerned.

Mr. LENROOT. So far as that question is concerned—and that is what I propose to discuss—there is nothing admittedly wrong about it. There are just two questions involved in this legislation, and those are efficiency and economy in government. So far as the committee is concerned, with Democrats and Republicans alike, I will say to the Senator from Arkansas, in the consideration of the bill there was not the slightest intimation of partisanship or political consideration in connection with it. So far as the Republican members of the committee are concerned, there has not been one word privately or otherwise regarding any possible political effect the bill might have.

Mr. President, what is the proposition? We will either adopt some such plan as this or return to the old pork-barrel system of legislation, with omnibus public buildings bills. The Senator from Arkansas described the possibilities of political influence under the present plan, wherein he stated it was possible to say to some city that it would be to their interest in securing a public building to have a Congressman of one political party elected. That is what always happened under the old system, as the Senator well knows. The Senator has served, and so have I, under the old system, where each Member of Congress was told, "You can have one public building in your district." If he were especially influential he could get two.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. LENROOT. In just a moment. Senators would get two or three buildings. There would be no consideration for the necessity of a public building. It was to help the Representative in Congress and the Senator to get reelected to office that the system was carried on. I now yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. The Senator admits the major premise when he asserts the minor one. He says it is true impliedly that my objection to the bill is well grounded, but that the same objection existed to the old system. There is this distinction: That when a Representative in Congress introduced a bill to establish a public building at some place in his district or a Senator at some place in his State he was charged with responsibility for the contemplated expenditure of public funds; but in the pending proposal we are saying to the chief representative of the administration in power, the mightiest political agent in the Government, the Secretary of the Treasury, "You may take $150,000,000 and spend it for public buildings wherever you want to."

Mr. LENROOT. Mr. President, I did not yield for a speech.

Mr. ROBINSON of Arkansas. I thought the Senator did yield.

Mr. LENROOT. Not for a speech.

Mr. ROBINSON of Arkansas. Very well. I have concluded my speech, and I thank the Senator.

Mr. LENROOT. Mr. President, the situation is very simple——

Mr. FESS. Mr. President, will the Senator yield?

Mr. LENROOT. In just a moment. The conditions might be detailed which the Senator admits did exist, and why?

Mr. ROBINSON of Arkansas. Mr. President——

Mr. LENROOT. Because under the old system there was not any responsibility, apparently, upon anybody to have the expenditures made according to public needs.

Mr. ROBINSON of Arkansas. Mr. President, the Senator will not charge me with having made an admission and then deny me the privilege of saying I made no admission nor anything akin to it, and only the most violent stretch of far-fetched imagination, such as that possessed and disclosed by the Senator from Wisconsin, could distort my language into such a meaning.

Mr. LENROOT. We will let the RECORD speak for itself. The Senator has spoken, and the Reporters have taken notes, and my comment will also appear. I shall not change my remarks, and I am sure the Senator from Arkansas will not change his.

Mr. ROBINSON of Arkansas. I do not ask the Senator from Wisconsin to change them. I merely called attention to the fact that I did not make the admission which the Senator contended I had made.

Mr. LENROOT. The distinction is this: Under this plan the Treasury Department will be charged with responsibility to expend the money according to the public needs; and, remember, we are limited, and necessarily so, in the amount of the annual appropriations that can be made.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. LENROOT. I yield.

Mr. ROBINSON of Arkansas. Who does the Senator anticipate will actually perform the function of determining where a building shall be located and when it shall be constructed with reference to claims of priority asserted on behalf of other cities?

Mr. LENROOT. The bill itself provides for that. What will actually happen is that there will be a very complete investigation and report made.

Mr. ROBINSON of Arkansas. By whom?

Mr. LENROOT. By the Treasury Department.

Mr. ROBINSON of Arkansas. But how many employees are there in the Treasury Department? That is the very point. I shall not take much of the Senator's time. The bill imposes responsibility nominally on the Secretary of the Treasury, but anybody, even a United States Senator, ought to know that the Secretary of the Treasury, with all his numerous other duties, can not give much personal attention to the selection of sites for public buildings. He appoints or designates some one subordinate to him to perform that duty. Who does the Senator think will actually perform that duty?

Mr. LENROOT. The Treasury Department will have full and complete reports as to the amount of public business done in each city. It will have also complete reports of the facilities that are existing and of what facilities are necessary efficiently to conduct the public business. With reference to sites, what happens now? Congress does not select the site of a public building. Some one in the Treasury Department has to go out to the city in which a public building is to be located and select and negotiate for the particular site.

Mr. ROBINSON of Arkansas. But he does not determine the city.

Mr. LENROOT. That is true.

Mr. ROBINSON of Arkansas. That is done now by Congress.

Mr. LENROOT. No; he does not; and it is not nearly so difficult to determine the site as it is to determine the city.

Mr. ROBINSON of Arkansas. Let us see about that. The Senator has referred to the fact that the Treasury Department will have adequate reports of the business done by the post offices and the courts in all the various communities. Does that imply, in the Senator's opinion, that buildings should be given priority in the larger communities; that is, in communities where the business is greatest?

Mr. LENROOT. No; not depending upon the size of the community; but there may be just as great an emergency in a city of 10,000 if there be a public building in that city that can only efficiently serve a city of 5,000 as there may be in a city of 5,000,000 where a public building will only accommodate half that number.

Mr. ROBINSON of Arkansas. I agree with the Senator in that statement absolutely. That is one fair statement he has made.

Mr. LENROOT. I am glad we agree upon something.

Mr. ROBINSON of Arkansas. But, as the Senator must admit, there are many cases involving a question of precedence and priority and emergency which will arise from time to time. Some one has to determine the question. It can not be the Secretary of the Treasury, however efficient he might be in the decision of such questions. It must be somebody whom he designates, and that would be a person who has no responsibility to Congress directly and no responsibility to the constituency directly. He may decide the question in any way he pleases. I think it invites all forms of iniquity.

Mr. LENROOT. He is responsible to the Secretary himself.

Mr. ROBINSON of Arkansas. Unless Congress should make it specifically otherwise.

Mr. LENROOT. The only other alternative the Senator suggests is to go back to the old system.

Mr. ROBINSON of Arkansas. I think the Swanson amendment——

Mr. LENROOT. I am in favor of the Senator's amendment, provided——

Mr. ROBINSON of Arkansas. The Senator has brought himself to support my view.

Mr. LENROOT. Provided it is not changed from the agreement that was made the other day between the Senator from Virginia and members of the committee on this side of the aisle.

Mr. ROBINSON of Arkansas. I do not know about any agreement. I am in favor of perfecting the amendment if it needs perfecting. By that I mean to say that nobody has made any agreement with me, and I feel free to vote as I believe is right.

Mr. LENROOT. When the Senator spoke of the Swanson amendment, I assumed he spoke of the amendment agreed upon by the members of the committee.

Mr. ROBINSON of Arkansas. I think that amendment will greatly improve the bill.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. LENROOT. I will yield in just a moment. I want to say to the Senator from Arkansas that it entirely escaped my attention, or at least I had not so construed the bill, that the Secretary would be given authority to enter into contracts to the full extent of $150,000,000.

Mr. ROBINSON of Arkansas. There is no question about that now, is there?

Mr. LENROOT. I think not.

Mr. ROBINSON of Arkansas. The Senator has made a very grave blunder. He did not even know, after he reported the bill with such enthusiasm, that it did give the Secretary power to make contracts involving the expenditure of $150,000,000 without any limit to it at all. That shows the value of the Senator's statement.

Mr. LENROOT. I am perfectly willing to admit that I am guilty where I am in error. We all make slips, even the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Oh, yes; but after so long a study of the subject as reported by the committee giving the Secretary of the Treasury the powers that I have asserted were given to him, the Senator from Wisconsin has just admitted that it needs amendment so that the Secretary can not exercise the power that the Senator voted to give him. He is now for taking back the power that was carried in the bill, yet he originally favored it.

Mr. LENROOT. The question never once came up in the committee of giving to the Secretary the power to make contracts to a greater extent than the appropriations which were made, and I am willing to admit to the Senator that it was overlooked.

Mr. ROBINSON of Arkansas. The Senator tells us that the committee was so careless that it did not know it was actually giving power to the Secretary to contract for $150,000,000, and that they made this authorization without restricting the power of the Secretary in that respect.

Mr. LENROOT. However guilty the committee may be——.

Mr. ROBINSON of Arkansas. It is not a question of guilt; it is a question of carelessness.

Mr. LENROOT. However careless the committee may have been, it was assumed, until our attention was brought to it, that the contract was limited by the amount of the appropriation made each year.

Mr. ROBINSON of Arkansas. The bill had already been reported then, had it not?

Mr. LENROOT. Oh, yes. The Senator may make of it just whatever he chooses.

Mr. ROBINSON of Arkansas. I think it is a good deal.

Mr. BRUCE. Mr. President——

Mr. LENROOT. I yield now to the Senator from Maryland.

Mr. BRUCE. I understood the Senator to say that the Senator from Virginia [Mr. SWANSON] had submitted some amendment to the bill, to which members of the committee on the other side of the Chamber had given their assent. Will the Senator designate what that amendment is? Is it the amendment which reads as follows——

Mr. LENROOT. I can not give the Senator the exact language of it. The effect of it is that no contract shall be made involving a larger obligation than there are moneys in the Treasury at the time of the making of the contract available for the payment of the obligation.

Mr. ROBINSON of Arkansas. That no contract should be made until the money was actually in the Treasury.

Mr. LENROOT. That is right.

Mr. ROBINSON of Arkansas. Will the Senator permit me to ask the Senator from Maryland whether the committee have agreed to accept his amendment, with or without modification?

Mr. BRUCE. No; it has not. I should judge that the disposition of the chairman of the committee was not very friendly. He has never given assent to it, and I am a little afraid that he may not be disposed in a kindly way to do so later on.

Mr. SWANSON. Mr. President, I would like to offer the amendment again. I would like to say in this connection that when the matter was discussed in the committee we had an idea that no contract could be entered into beyond simply an authorization, as is done under Navy and Army bills, but after reading it I reached the conclusion that it was carelessly drawn and that the Secretary of the Treasury would have the right to enter into contracts for the entire amount authorized.

Mr. LENROOT. I am glad the Senator from Virginia is willing to share with me the criticism suggested by the Senator from Arkansas.

Mr. ROBINSON of Arkansas. He admits that he deserves it.

Mr. SWANSON. After examining it carefully I reached the conclusion that there should be a proper amendment which would preclude the Secretary from making any contracts until the money was appropriated, and that no obligations should be approved until the money was in the Treasury to discharge them fully and completely. Under that program, as I understand it, it would be like an authorization under the Budget system, as in the case of the river and harbor bill. The Committee on Rivers and Harbors of the House recommends the authorization, and the Appropriations Committee then has actual control within the authorization to recommend the appropriation of money in the Treasury for that purpose.

The VICE PRESIDENT. Is the Senator offering the amendment or simply asking that it be read?

Mr. LENROOT. I would like to have it read. Has it been changed in any way?

The VICE PRESIDENT. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

Insert after line 7, page 7, the following:

"*Provided*, No contract for the erection or modification of any building or purchase of land authorized by this act shall be entered into until there shall be moneys in the Treasury available for the payment of all obligations arising out of such contract.

"*Provided further*, The foregoing proviso shall not apply to buildings or their modification heretofore provided for by act of Congress."

Mr. SWANSON. I would like to say in this connection that the amendment follows the provision in the bill requiring the Secretary of the Treasury to submit estimates to the Budget, and the Budget will then submit estimates to the Congress of all projects contemplated during the ensuing year.

Mr. LENROOT. I am entirely in accord with and shall support the amendment proposed by the Senator from Virginia.

Mr. SIMMONS. Mr. President, may I ask the Senator from Wisconsin or the Senator from Virginia a question?

Mr. LENROOT. I yield.

Mr. SIMMONS. The amendment relates only to the appropriation of the money needed to carry out the contracts made by the Secretary of the Treasury for the construction of public buildings. The chief objection, or one of the chief objections, I have had to the bill I thought would be overcome by the amendment which was offered by the Senator from Virginia, but I am not quite certain that it does accomplish the object which I had in mind. It has seemed to me that there could be no doubt about the bill as it is presented to the Senate authorizing the Secretary of the Treasury to erect not only these buildings wherever he desires to place them, but to construct whatever kind of buildings he shall see fit to adopt and at whatever price he may see fit to enter into contracts for. While this amendment does propose to give Congress the power to some extent to control the expenditure of the money, the bill leaves the Secretary of the Treasury free to erect any kind of a building that he may see fit to erect. Am I right about that?

Mr. SWANSON. Mr. President, if the Senator from Wisconsin will permit me, I desire to state the effect of the amendment. Under the bill the Appropriations Committee of the Senate is authorized to report appropriations for public buildings under a certain section in the bill to the extent of $100,000,000; that is, the Appropriations Committee is authorized to report appropriations to that amount over a period of five years for the erection of public buildings. The bill in its present form, I think, not merely by implication but almost clearly proposes to give the Secretary of the Treasury the authority to make contracts to the extent of $100,000,000, for which there would be a moral obligation on the part of Congress to make appropriations. If my amendment shall be adopted, the Secre-

tary of the Treasury can make no contracts whatever until the money shall be available as the result of a law passed by Congress to discharge every obligation under such contract.

Mr. SIMMONS. That is what I understand but right there, if the Senator will allow me——

Mr. SWANSON. I will get to the point in the Senator's mind; I will reach it by degrees if the Senator will be content for a moment.

Mr. SIMMONS. Very well.

Mr. SWANSON. The Appropriations Committee could report an appropriation under this amendment, as it does under the river and harbor bill, for instance, of $25,000,000, and leave it to the Secretary of the Treasury to expend the appropriation as he shall see proper. Such an appropriation would have to be reported favorably by the Committee on Appropriations and be indorsed by Congress, or, under my amendment, the Appropriations Committee could report specific appropriations for the erection of specific buildings and limit the expenditure of the appropriation in each case, as the Committee on Public Buildings and Grounds formerly did.

I thought about that phase of it. By providing that the appropriation should be specific as to each building we would simply return to the old system of direct construction, with the power transferred from the Committee on Public Buildings and Grounds to the Appropriations Committee. However, I felt that under my amendment Congress would have control of the matter anyway, so that if the Appropriations Committee and Congress should want to appropriate for a specific building or for a specific site, they would have authority to do so, and if they wanted to make an appropriation of $25,000,000 and leave the expenditure to the Secretary of the Treasury and let him erect buildings under the appropriation they could do that, but the consent of Congress would have to be obtained. My amendment proposes to leave that matter in the first instance entirely to the Appropriations Committee under the Budget system, and then that Congress shall act.

The system would be like that under the river and harbor bill. A specific sum is appropriated for rivers and harbors, but estimates are submitted here, and there is generally inserted in the law, as is proposed in this case, a provision that the money shall be expended for the purpose named in accordance with House Document No. 28, or whatever the number may be. My amendment would do that. If language were inserted here providing for the construction of specific buildings and that the appropriations could not be used except for specific buildings, or according to estimates made, we could not bind a succeeding Congress. The Congress at its session in December could repeal the law, and I thought nothing would be gained by so framing my amendment.

Mr. SIMMONS. Mr. President——

Mr. LENROOT. If I may make a further suggestion, I desire to say that if there is any abuse whatever of the power here proposed to be delegated, Congress in the very next appropriation bill will have the absolute power to stop that abuse by making a specific appropriation or appropriations if it shall see fit to do so.

Mr. SWANSON. I will say to the Senator that under my amendment the Secretary of the Treasury will have to submit estimates for buildings for the next year. He submits those estimates; they go to the Appropriations Committee, and the Appropriations Committee reports them to Congress. If the Secretary of the Treasury shall not be fair, if he shall not be just to all sections of the country, if he shall not apportion public buildings properly, shall allot too much money to one place and too little to another, all Congress will have to do will be to refuse to make the appropriation.

Mr. SIMMONS. I can see that.

Mr. SWANSON. I do not see how a bill drawn otherwise would bind Congress anyway under the Budget system.

Mr. FERNALD. Mr. President, if the Senator from Virginia will allow me merely to read a passage from the bill and the Budget law, it seems to me it will clarify the whole situation.

Mr. SIMMONS. I should be very glad to have the Senator read anything which will clarify the situation, because it has not been clear so far.

Mr. FERNALD. If the Senator will allow me, I will read the fourth section of the pending bill, and then I will read the law establishing the Budget system. I am sure that will clear the whole situation. Section 4 of the pending bill provides:

SEC. 4. The Secretary of the Treasury shall submit annually and from time to time as may be required estimates to the Bureau of the Budget, in accordance with the provisions of the Budget and accounting act, 1921, showing in complete detail the various amounts it is proposed to expend under the authority of this act during the fiscal year for which said estimates are submitted.

The law providing for the Budget system——

Mr. SIMMONS. Does the Senator——

Mr. FERNALD. Let me finish, please.

Mr. SIMMONS. Just a moment. Does the Senator from Maine think that the language he read applies where Congress appropriates a lump sum and puts its expenditure in the hands of the department?

Mr. FERNALD. What I shall now read will answer the Senator's question. The act providing for the Budget accounting system uses almost the Senator's expression as to lump-sum appropriations. It reads in part:

(b) Estimates for lump-sum appropriations contained in the Budget or transmitted under section 203 shall be accompanied by statements showing, in such detail and form as may be necessary to inform Congress, the manner of expenditure of such appropriations and of the corresponding appropriations for the fiscal year in progress and the last completed fiscal year. Such statements shall be in lieu of statements of like character now required by law.

It seems to me that answers the question.

Mr. SIMMONS. Then the Senator thinks under the Budget law that it will be necessary for the Secretary of the Treasury in asking for an appropriation to submit an itemized statement?

Mr. FERNALD. Absolutely.

Mr. SIMMONS. And to indicate the place where he expects to erect a public building?

Mr. FERNALD. Absolutely.

Mr. SIMMONS. And what amount of money he expects to allocate to a particular building?

Mr. FERNALD. I have no doubt of it.

Mr. SWANSON. Mr. President, if the Senator will permit me, under my amendment, as I have said, the proceeding would be the same as that which takes place under the river and harbor bill. My amendment follows the same procedure.

Mr. OVERMAN. Mr. President, will the Senator from Wisconsin yield to me?

Mr. LENROOT. Certainly.

Mr. OVERMAN. I should like to ask a question of the Senator from Wisconsin, who is on the Appropriations Committee with me?

Mr. LENROOT. I am delighted to serve with the Senator on that committee.

Mr. OVERMAN. The Senator from Wisconsin is one of the ablest and best men on the committee and takes as much interest in its work as does any member of the committee.

Mr. LENROOT. I thank the Senator.

Mr. OVERMAN. Suppose an estimate is sent down by the Budget Bureau and nothing is said about a building in Virginia, or about a building in Wisconsin or North Carolina, could the Appropriations Committee have anything to say about that except to make an appropriation for the buildings which had been selected to be located in other portions of the country?

Mr. LENROOT. Yes.

Mr. OVERMAN. What could it say?

Mr. LENROOT. The Committee on Appropriations, if it saw fit and it were entirely within the authorization, could say that there should be so much appropriated for a public building in the city of Richmond, Va., for instance.

Mr. OVERMAN. If there were no Budget estimate for it?

Mr. LENROOT. We are not limited in that respect by the estimate of the Budget.

Mr. OVERMAN. Does the Senator think the Appropriations Committee could provide that a building should be erected at Richmond, Va., under the circumstances I have mentioned?

Mr. LENROOT. So long as our appropriation does not exceed $25,000,000 in any year we can, if we choose, make an appropriation for every single separate public building that is proposed to be constructed. I hope, however, that will never be done, because I do not believe in that system.

Mr. SWANSON. Mr. President, my amendment will prevent a contract being made unless money is available in the Treasury for the construction of the building, and under the Budget system I do not see how we can do otherwise than as my amendment proposes to provide.

Now, let us see what the rules of the Senate require. The Appropriations Committee can only appropriate within the authorization. Any appropriation made within the authorization is in order; the committee has to report it under the rule whether it is estimated for or not.

The pending bill proposes to authorize an appropriation of $100,000,000 for public buildings. Without my amendment the Secretary of the Treasury would possibly have the power to contract for $100,000,000 of public buildings. We want to

eliminate that. So we say that no contract shall be made until the money has been appropriated and is available in the Treasury for it.

Mr. LENROOT. Mr. President, the Senator from North Carolina—and I should like to say of him that I consider him one of the ablest members of the committee and there is never any politics in the Committee on Appropriations, so far as the Senator from North Carolina is concerned—will bear me out, I am sure, in saying that, as frequently happens, when our committee receives an estimate and the head of a department appears before the committee, if the estimate either as to the particular item or the amount to be appropriated does not meet with the view of the committee and the committee acts with reference to its own view, no department has ever refused to carry out that view.

Mr. OVERMAN. If the Senator will allow me to interrupt him, suppose Budget estimates are submitted for the amount of $100,000,000 and some of the States are left out in the apportionment of the money, what would be our power then?

Mr. LENROOT. In that case we would not need to appropriate the full $100,000,000 estimated by the Budget.

Mr. OVERMAN. We need not appropriate any so far as that is concerned.

Mr. LENROOT. Or we could take the estimate up to 75 per cent of the amount and the judgment of the committee upon the balance.

Mr. OVERMAN. Would the committee have the right to provide for any building it pleased?

Mr. LENROOT. Absolutely; there can be no question about that.

Mr. McKELLAR. Mr. President, I wish to ask the Senator about the wording of this amendment known as the Swanson amendment It reads:

Provided, That no contract for the erection or modification of any building or purchase of land authorized by this act shall be entered into until there shall be moneys in the Treasury available for the payment of all obligations arising out of such contract.

It does not say, as has been argued by the Senator from Virginia, and I believe acquiesced in by the Senator from Wisconsin, "until appropriations shall be made."

Mr. LENROOT. That is the only way the money in the Treasury can be expended.

Mr. McKELLAR. I think there is some ambiguity about it. Just what does it mean—until the money shall be available?

Mr. LENROOT. I will be entirely candid with the Senator from Tennessee—and I think I am responsible for that language. I do not want, I will say frankly to the Senator, to have the proposed legislation compel Congress to make specific appropriations for specific buildings. I want Congress to have the right and the power to do so, if the occasion shall arise; but with a provision that no contract shall be made until each building shall have been appropriated for by Congress, then we will have returned to the old pork-barrel system.

Mr. McKELLAR. But why not put it in this way?—

No contract shall be entered into until an appropriation shall be made and available in the Treasury for the payment of such obligations.

Mr. LENROOT. I do not want anything in the bill to compel Congress to make specific appropriations for specific buildings.

Mr. McKELLAR. The language is entirely too general, it seems to me. We all know that there is money available in the Treasury whether we appropriate it or not.

Mr. LENROOT. Oh, no; not at all.

Mr. McKELLAR. It just says "shall be available" here.

Mr. LENROOT. Under the Constitution no money can be paid out of the Treasury except through appropriations duly made therefor.

Mr. McKELLAR. I understand that; but I believe if it is the purpose of the amendment to do what the Senator from Virginia and the Senator from Wisconsin say will be done under the amendment, then it ought to be made clear.

Mr. LENROOT. May I suggest to the Senator from Tennessee, and also the Senator from Virginia, if there is any ambiguity, I would have no objection to the insertion of the words "are made," so as to read "until moneys in the Treasury are made available."

Mr. McKELLAR. I think it ought to be amended.

Mr. SIMMONS. Unless that is done, it is perfectly clear to my mind that under the amendment, if the money happened to be in the Treasury and could be lawfully used for that purpose, the Secretary would not have to wait for the Appropriations Committee to approve of the matter.

Mr. McKELLAR. Not at all. I do not think that was the purpose of the Senator from Virginia in drawing the language.

Mr. SIMMONS. The only thing I had in mind was that we must have liberty to make, as we do in river and harbor bills, lump-sum appropriations, but the power remains to make a specific appropriation.

Mr. McKELLAR. I agree with the Senator about that.

Mr. SWANSON. I amend it; I think that is a good suggestion—

Until moneys in the Treasury are made available for the payment of all obligations arising out of such contract.

Mr. McKELLAR. Does the Senator ask for permission to change it now?

Mr. SWANSON. I have changed it. I have accepted it.

Mr. LENROOT. Mr. President, I desire to give up the floor; but I want to return for a moment to the first objection raised by the Senator from Arkansas [Mr. ROBINSON] regarding the preference—and that is the amendment that is now pending—given to buildings heretofore authorized and where sites have been secured.

Mr. President, there is no thought upon the part of the committee on either side that any power should be lodged in the Secretary of the Treasury to review the authorizations of Congress and revoke or repeal these authorizations, and no such power is given. Section 3 covers that point, and in addition to preserving those authorizations it adds $15,000,000 more to existing authorizations by reason of the increased cost of buildings since those authorizations were made; and the only purpose of this amendment is this:

If this bill becomes a law, we will be limited to appropriations of $15,000,000 each year for public buildings outside the District of Columbia. There are some cases where the need is very, very urgent, such as Florida, which has grown so rapidly; and that is a very good illustration of how the old system would work. Perhaps in Florida there are a half dozen cities in one congressional district that are in dire need of public buildings because of their great growth, and where something ought to be done immediately. The purpose of this amendment is to say to the Secretary: "You shall give first consideration to the authorizations already made"; but if it were made mandatory upon him to build the buildings already authorized, to the exclusion of any other buildings, we would find that in such situations as now exist in Florida nothing whatever could be done to relieve those situations.

Mr. SWANSON. Mr. President, if the Senator will permit me——

Mr. LENROOT. I yield.

Mr. SWANSON. This amendment was offered by me in the committee. The purpose was as follows:

We authorized the expenditure of $15,000,000 to complete the purchase of sites and the erection of buildings heretofore authorized. That is imperative. There are a great many cases where sites have been authorized, and I thought they ought to be given preference. Since 1913 these sites have been authorized, some of them purchased, and the Government has its investment in them. In 1913 some of these places were mining camps where they had five or ten thousand people then, and they have not 500 now. We did not want to make it compulsory in all cases, and it seemed best to leave the authority with the Secretary of the Treasury. We had to leave authority somewhere not to compel the construction of a building where the population and the receipts had decreased so that we would not be justified in having a public building there. Consequently this clause was drawn in that way, which covers all the cases, and would leave it to the Secretary of the Treasury to give preference or not, as he sees fit.

There has been some objection to that from Senators on both sides of the Chamber who had authorizations of sites. It seems to me—and I think the Senator from New Mexico [Mr. JONES] has an amendment that covers a case like that properly—that preference should be given except where the receipts have decreased since 1913. If that is done, it gives a preference to these places except where the receipts have decreased; and I told the Senator from New Mexico that I should be very glad to accept an amendment of that kind which would carry out what we had in view better than this language.

We want to get rid of certain places. I know some places in several States where nobody wants a public building now. The population in these mining camps has disappeared; but where the receipts have increased over what they were before 1913 I can see no objection to that amendment, and the only objection I have heard against it is that it was too broad.

Mr. LENROOT. I should like to ask the Senator from Virginia or the Senator from Maine if he knows how much money that would involve?

Mr. FERNALD: To build on all these sites would require about $23,000,000. The only objection to the amendment of the Senator from New Mexico is this:

We all want to do what he has in mind to do, but it is a very difficult thing to do. His amendment, as I recall, as printed, states that preference shall be given to cases where sites have been acquired or authorized, unless the postal receipts have decreased. Now, in the case of many of these sites perhaps the postal receipts have not decreased at all. They were in mining towns and in towns that anticipated that they were going to be cities, and perhaps they have even now as many people as they had in 1913. In the same State there might be an emergency case; and if the postal receipts of the town where this site was located had not decreased, even though there were no emergency there, under the amendment the Government would be required to build there. I can not quite accept that amendment, because I think there would be very many of those cases.

Mr. SWANSON. I know that it was the intention of the committee when we discussed the matter to carry out authorizations heretofore made first, except that we took this language to make it possible to get rid of these sites where nobody wants a building now. If we had thought of that language, I think we would have put it in at that time. It seems to me that that language really carries out the spirit contemplated by the committee.

Mr. FERNALD. It seemed to me that the Senator's amendment went about as far as we ought to go in that direction. It seems to me that covers it completely. If there is a greater emergency in another town than in the one where the site is, certainly the building should be built there.

Mr. OVERMAN. As the Senator construes it, then, the Swanson amendment will govern not only the spending of the $100,000,000 but the spending of the $15,000,000 for sites? The substance of the Senator's amendment applies to the whole $100,000,000?

Mr. SWANSON. No; the $15,000,000 relates to the authorization of buildings.

Mr. LENROOT. Additional buildings.

Mr. SWANSON. Here is $100,000,000 to be spent. My amendment contemplated that the Treasury Department, in making recommendations to Congress, could give the preference to cases where the sites had been purchased.

Mr. LENROOT. But this is true under the bill as it stands: The $15,000,000 that is authorized to be appropriated each year for buildings outside of the District will cover these buildings as well as buildings authorized under the $150,000,000.

Mr. FERNALD. Yes.

Mr. SWANSON. But this would enable you to go under the $100,000,000, too, and have a preference under it.

Mr. FERNALD. Absolutely.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. LENROOT. Yes.

Mr. HARRISON. Suppose the Secretary of the Treasury, should this legislation pass, dislike a certain Federal building and thought it should be demolished, and that in his opinion another one should be erected on a different site? Would he have authority to do that under this bill?

Mr. LENROOT. Not unless money was appropriated for it.

Mr. HARRISON. If the law was passed and a lump sum, say, of $25,000,000 was appropriated, as under this bill, he would have a right to do that, then, would he?

Mr. LENROOT. He would have a right to do that if it was covered by an estimate and approved by Congress; yes.

Mr. EDGE. Mr. President, I had intended during this afternoon's session to speak on another subject. The hour is growing late, however, and progress apparently is being made on the public buildings bill, and I do not want to stand in the way of any progress, as I am very strongly in favor of the principal provisions of the bill.

Mr. KING. I do not think it will be passed to-day.

Mr. EDGE. I desire to take advantage of this opportunity, however, understanding that it is the purpose to adjourn at the close of this day's session, to make the announcement that immediately after the morning business is concluded to-morrow, or as soon thereafter as I can obtain recognition, I desire to speak on the all-absorbing subject of prohibition, particularly reviewing to some extent the work—the splendid work, I might say—as a result of the public hearings, with some discussion as to possible remedies. I recognize, as I know the Senate does and as I am sure the country does, that it is one of the most important subjects that we are facing; so I should like to have that privilege to-morrow.

Mr. FERNALD. Mr. President, I realize the great importance of the matter on which the Senator wishes to address the Senate. I am wondering if he would not be willing to do it to-night, rather than break into another day.

Mr. EDGE. Mr. President, I would have gladly done so, and I have been waiting to get that opportunity; but it happens that I simply can not do it now because of the hour. I will assure the Senator, so far as my occupying the time to-morrow is concerned, that it will not be beyond half an hour, unless I am interrupted.

Mr. MAYFIELD obtained the floor.

Mr. SIMMONS. Mr. President, I desire to ask the Senator from Maine one question.

Mr. MAYFIELD. Have I the floor?

Mr. SIMMONS. Am I recognized?

The PRESIDING OFFICER (Mr. HARRELD in the chair). The Chair recognized the Senator from Texas.

Mr. SIMMONS. I simply want to ask the Senator from Maine a question.

Mr. MAYFIELD. I yield for that purpose.

Mr. SIMMONS. As I understand this bill, $15,000,000 is authorized to take care of buildings upon sites that have already been purchased or authorized to be purchased.

Mr. FERNALD. The Senator is correct.

Mr. SIMMONS. In addition to the $15,000,000 that is authorized, there is authority to appropriate out of the $150,000,000 annually $25,000,000 more.

Mr. FERNALD. No; not quite that. The $25,000,000 takes in the appropriation under the provision for the District of $10,000,000 a year and $15,000,000 outside.

Mr. SIMMONS. I understand that; but the authorization of the first $15,000,000 is to take care specifically of those cases where sites have been purchased or authorized?

Mr. FERNALD. And the buildings authorized.

Mr. SIMMONS. The $25,000,000 authorized is for new construction?

Mr. FERNALD. Yes.

Mr. LENROOT. No; the $150,000,000.

Mr. FERNALD. The $150,000,000.

Mr. SIMMONS. And then provision is made for an appropriation of $25,000,000 out of that?

Mr. LENROOT. No; that is out of the whole thing.

Mr. SIMMONS. Out of the whole $165,000,000?

Mr. FERNALD. Yes.

Mr. SIMMONS. That includes the first $15,000,000?

Mr. LENROOT. It not only includes the $15,000,000, but it includes authorizations for which no appropriations have been made.

Mr. MAYFIELD. Mr. President, how much does this bill authorize? I will ask that question of the Senator from Maine. What is the total amount of money that this bill authorizes for public buildings?

Mr. FERNALD. $165,000,000.

Mr. MAYFIELD. Where does the Senator get that amount? Section 5 authorizes $150,000,000 in addition to the amount authorized in section 3, which is $15,000,000; but where is there any language in section 3 that authorizes $15,000,000?

Mr. FERNALD. It is there, Mr. President.

Mr. MAYFIELD. I should like to have it pointed out.

Mr. SIMMONS. On line 18, page 6.

Mr. MAYFIELD. Yes; but that language authorizes the Secretary of the Treasury to enter into contracts for the expenditure of not to exceed $15,000,000; but I fail to find any language in that section authorizing the $15,000,000. Where is the language that authorizes it?

Mr. SWANSON. On page 7, section 5.

Mr. MAYFIELD. But section 5 says "$150,000,000."

Mr. SWANSON. "In addition to the amount authorized in section 3 hereof," making $165,000,000.

Mr. MAYFIELD. Section 5 says:

> For the purpose of carrying out the provisions of this act the sum of $150,000,000 * * * is hereby authorized——

Mr. SWANSON. No; "in addition to the amount authorized in section 3 hereof."

Mr. MAYFIELD. Where is the language in section 3 that authorizes $15,000,000?

Mr. McKELLAR. Mr. President, I think the Senator from Texas is right. I think, of course, the manifest purpose of the bill is to authorize it; but the language is not apt.

Mr. MAYFIELD. You say "authorized." I ask some Senator to read the language in section 3 that authorizes $15,000,000.

Mr. LENROOT. Mr. President, that may be right, but if Congress authorizes the making of a contract involving the expenditure of money, it carries an authorization to make an appropriation to pay for it.

Mr. SWANSON. I will read from the bill, page 6, line 16, where it says, "but not yet under contract"—that is, build-

ings not yet under contract—"as may be possible within a total additional limit of cost of $15,000,000."

Mr. MAYFIELD. What is he authorized to do?

Mr. SWANSON. He is authorized to increase the authorization heretofore made for sites and buildings not exceeding $15,000,000. The purchase of the sites has been authorized. The cost of construction and of sites has increased and the Secretary is authorized to add not exceeding $15,000,000 to the authorizations heretofore made.

Mr. MAYFIELD. Does that language authorize the Secretary of the Treasury to disregard the limit heretofore fixed?

Mr. SWANSON. To the extent of $15,000,000.

Mr. MAYFIELD. Where is there any language there that authorizes the $15,000,000?

Mr. SWANSON. The Secretary is directed to construct these buildings, but he can not do that unless he gets authorizations, "as may be possible within a total additional limit of cost of $15,000,000."

Mr. LENROOT. We could easily say by an amendment, "There is hereby authorized to be appropriated," and there would not be any question.

Mr. HARRISON. Mr. President, will the Senator from Texas yield just for a moment before he starts on his speech?

Mr. MAYFIELD. I yield.

Mr. HARRISON. The Senator, as well as the Senate, listended to the very splendid speech of my friend the Senator from Wisconsin [Mr. LENROOT], speaking of the virtues of this manner of authorizing public buildings and condemning the "pork-barrel" method of legislation. Merely that the RECORD may be brightened by what the Senator said in 1913, speaking in behalf of the last public buildings bill, I believe it was passed by the House—when he was then a very influential Member of that body—I desire to recall it to his attention. He was speaking in a different tone at that time. Said Mr. LENROOT, February 27, 1913, as appears on page 4249, volume 49, part 5, of the RECORD:

> Mr. Speaker, I shall vote for the motion, and I want to make one practical suggestion to the membership in reference to it. Laying aside for the moment the question of the merits, it is my deliberate judgment, and I believe it must be the judgment of every other Member of this House who reflects upon it, that unless the motion be adopted this public building bill, with so many meritorious projects in it, will never be spread upon the statute books at all at this session. Now, the merits, whatever they may be, of these buildings in cities having less than $10,000 postal receipts a year may be doubtful enough, I submit, to jeopardize, and, in fact, in my opinion, destroy the many projects whose merit is beyond question.

They were enumerated in the bill. There were hundreds of them. Mr. LENROOT continued:

> Now, Mr. Speaker, there can be no hardship, there can be no unfairness, in adopting this motion, because, as has been repeatedly said, the committee has made the general rule that no buildings will be considered where the receipts are less than $10,000, and, therefore, although there may be some meritorious projects having less receipts, every Member of this House was given to understand in the first instance that he could not secure a building for his district unless the receipts exceeded that amount.

And the omnibus public buildings bill was approved by the House.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. HARRISON. I yield, if the Senator from Texas has no objection.

Mr. LENROOT. I do not see anything inconsistent between the position I then took and that I now take; but if there is, I wish to say to my friend from Mississippi that I have learned something in 13 years, and I am sorry he has not.

Mr. HARRISON. I did not expect the Senator to see anything inconsistent in his position. He was then standing for an omnibus public buildings bill, because there were a good many public buildings for his district at that time provided for in the bill. But now, in order to give Secretary Mellon full power, so that Mr. Mellon can help him out in his campaign for reelection in Wisconsin, he would rather risk Mr. Mellon than risk the Congress of the United States.

Mr. LENROOT. May I say to the Senator that there will be no appropriation under this bill prior to that event taking place?

Mr. HARRISON. The Senator can get promises, though.

Mr. MAYFIELD. Mr. President, the impression has been created that this measure is to run only for six years, and that the entire $165,000,000 which it authorizes the Secretary of the Treasury to expend for public buildings must be expended within that time. That impression arises from the fact that if the Secretary of the Treasury expends the maximum amount he is authorized to spend under the bill he can expend the entire amount within six years, but there is not one word in the measure that requires him to spend the entire amount within six years. He can not spend more than $25,000,000 annually, but he can under the provisions of this bill take 10, 15, 20, or as many years as he may desire to spend the entire amount.

Mr. SWANSON. Does the Senator know any way by which this Congress can pass a law binding some future Congress in the matter of the expenditure of money?

Mr. MAYFIELD. I do not. The impression has also been created that the Secretary of the Treasury is required to construct all of the buildings that were authorized in the public buildings bill of 1913, and a list of the places for which buildings were authorized in that measure was printed in the RECORD of last Friday. It is true the bill limits the amount to be used in the construction of buildings heretofore authorized to $15,000,000, but there is nothing in the bill requiring the Secretary of the Treasury to construct all of the buildings that have been authorized. Under section 3 of the bill he is given full power to say what buildings already authorized shall be constructed and how much money shall be allocated to each building. Let me direct the attention of Senators to lines 12 to 16 of section 3, page 6, of the bill. They are:

> The Secretary of the Treasury is hereby authorized to disregard the limit of cost fixed by Congress for each project, to purchase additional land for enlargement of sites, and to enter into contracts for all or so many of said buildings heretofore authorized to be constructed but not yet under contract as may be possible within a total additional limit of cost of $15,000,000.

Especial attention is directed to the words "or so many," in line 15, and the words "as may be possible," in line 17. The Secretary of the Treasury is not compelled to apportion the expenditure of the $15,000,000 so that all of the buildings heretofore authorized will be constructed, but under the provisions of the bill which I have just read he is empowered to change the limit of cost fixed by Congress for each project and construct within the total additional limit of $15,000,000 "so many buildings as may be possible."

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER (Mr. DALE in the chair). Does the Senator from Texas yield to the Senator from New Mexico?

Mr. MAYFIELD. I yield.

Mr. JONES of New Mexico. I am glad the Senator from Texas has called attention to those provisions of the bill. I think his remarks are quite timely and very clearly expressed. I discovered what I thought was the weakness in that section, and I have already offered a substitute for the entire section which will eliminate the provisions which the Senator from Texas, as I think, so justly criticizes.

Mr. MAYFIELD. I will say that I am familiar with the terms of the amendment proposed by the Senator from New Mexico; and if the Senate will adopt his amendment, the Secretary of the Treasury will then be compelled to construct buildings on sites that have heretofore been purchased, except those sites where the receipts of the post office in a community have decreased since the site was purchased.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MAYFIELD. I yield.

Mr. McKELLAR. In a case where a limit of cost, say, of $300,000 has been established, and only $120,000 has been expended, will the amendment the Senator speaks of as having been offered by the Senator from New Mexicco compel the Secretary of the Treasury to complete the building under the original limit of cost?

Mr. MAYFIELD. Yes; I would think so.

Mr. McKELLAR. Does the Senator from New Mexico understand his amendment to that effect? I have in my own State a case of that kind, where a building was begun and a section of it was built under an appropriation of $120,000, and, as I recollect, the limit of cost fixed was about $240,000. It was about half completed. I am wondering whether under the amendment the Secretary of the Treasury would be compelled to complete that building.

Mr. JONES of New Mexico. Mr. President, under the amendment which I have offered there is no question about that. Those buildings will be mentioned specifically in the amendment, and the one in Athens, Tenn., is specifically mentioned.

Mr. McKELLAR. I refer to one in Memphis, Tenn., also.

Mr. JONES of New Mexico. The Memphis situation I have not in mind.

Mr. McKELLAR. I will call the exact situation to the Senator's attention before the amendment is acted upon.

Mr. JONES of New Mexico. There is nothing in this list, so far as I know, which relates to Memphis, Tenn.

Mr. OVERMAN. Has the Senator mentioned Wilson, N. C.?

Mr. JONES of New Mexico. Yes.

Mr. OVERMAN. What is the limit of cost there?

Mr. JONES of New Mexico. There is no limit of cost under this provision of the amendment.

Mr. OVERMAN. Wilson, N. C., was provided for in 1912. An appropriation was made of $75,000. The city has doubled in size, as have the postal receipts. The Secretary of the Treasury now reports that it will take $200,000 to put up a building on the site which has already been purchased. Will the Senator's amendment enable the Secretary to use more than was authorized by Congress 15 years ago?

Mr. JONES of New Mexico. Indeed it will. That is the purpose of making the additional authorization of $15,000,000.

Mr. OVERMAN. I wanted to understand that.

Mr. SWANSON. The trouble as to Wilson, N. C., which this bill gets rid of, was that there was an authorization of $75,000, and Congress could not appropriate any more than that amount. The building could not be constructed for that sum. The Committee on Appropriations could not exceed the authorization, under the Budget system. Consequently, to get rid of those difficulties, we increased the authorization to $15,000,000 to cover cases like that in Memphis and in Wilson. I think the Secretary of the Treasury can make the contracts. This amendment of mine would not prohibit him from making contracts to the extent of $15,000,000, because they will have been authorized. My limitation on contracts is to take effect where a specific building has not been authorized.

The PRESIDING OFIFCER. Does the Senator from Texas yield further?

Mr. MAYFIELD. Just a little further.

Mr. SWANSON. In some cases we have not been able to handle a project because the Committee on Appropriations could not appropriate any more money than they were authorized to appropriate. They could not construct the buildings under the authorizations, and consequently they were held up. The Committee on Public Buildings and Grounds has not made any further authorizations since 1913. Consequently all these buildings were held up. This bill would take care of cases like that in Memphis and that in Wilson, where the buildings have been authorized, and we provide that the Secretary of the Treasury can make contracts to complete those buildings, and we add the $15,000,000 for the completion of such buildings. Then the Congress will make the appropriations for them. My amendment does not apply to buildings already authorized.

My only objection to the amendment offered by the Senator from New Mexico is that he tries to name the cases. He might leave some out, and then there would be no opportunity to have the buildings completed. This simply increases the authorization and enables the Committee on Appropriations to proceed to complete the buildings.

Mr. FERNALD. I ask the Senator from Texas if he will not yield for a moment. I want to add just a word to what the Senator from Virginia has said. The Senator has explained the whole situation. Because we disregarded the limit of cost is the very reason why these buildings have not been built. There are 65 of them, and they could not be built under the estimates of 1913, and this $15,000,000 will complete all of those authorized.

Mr. MAYFIELD. In reply to the statement of the Senator from Maine, I will say that the bill, as it is now written, gives the Secretary of the Treasury the power, if he chooses to exercise it, to decrease the amount of money to be used in the construction of one building and to increase the amount of money to be used in the construction of another building. If all the buildings heretofore authorized are to be constructed out of the $15,000,000, I ask the Senator from Maine why place the words "or so many as may be possible" in the bill?

Mr. FERNALD. I assume it would be perhaps impossible to get them all completed within the year, but he would probably complete all that it is possible to construct.

Mr. MAYFIELD. It does not say that all that may be possible in one year or two years or three years.

Mr. FERNALD. But we have to leave a little discretion to the good sense and judgment of whoever has the matter in charge.

Mr. MAYFIELD. That is what I complain about in the bill.

Mr. FERNALD. How would the Senator remedy it?

Mr. MAYFIELD. It confers power upon the Secretary of the Treasury to complete the buildings as he wants to complete them.

Mr. FERNALD. We would have to leave the power with somebody, would we not?

Mr. MAYFIELD. That is very true; but we do not have to leave it to him to use the whole amount in one building if he wants to do so. If we are going to pass this kind of a measure, why not say in plain language that the Secretary of the Treasury shall construct the buildings already authorized at an additional cost of not to exceed $15,000,000? Under the provisions of section 3, which I read a few moments ago, the Secretary of the Treasury undoubtedly has the power to increase the cost of construction of a few buildings heretofore authorized so as to consume the entire $15,000,000 and the remaining buildings authorized would not be constructed. The only limitation that the measure places upon the Secretary of the Treasury in the expending of $15,000,000 for the construction of buildings authorized is that he shall not spend more than $5,000,000 of it annually in any one of the States.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. MAYFIELD. I yield.

Mr. SWANSON. If the words "as may be possible" are left out, would that dispose of the Senator's objection to that section?

Mr. MAYFIELD. Yes.

Mr. SWANSON. I see no objection to leaving out those words.

Mr. LENROOT. Mr. President, I would like to ask the Senator a question.

Mr. MAYFIELD. I yield to the Senator from Wisconsin.

Mr. LENROOT. If we leave out the words "as may be possible," then, before the Secretary is authorized to construct another building under the old authorization, must he not find that he can build them all with $15,000,000 additional, and unless he so finds he can not build any of them?

Mr. SMOOT. That is the reason why the words were put in the bill.

Mr. MAYFIELD. I understand exactly why the words were put in there. The power was given to the Secretary to disregard the limit of the cost of construction of buildings heretofore authorized, so that he may build as many as he desires to build and wherever he desires to build them.

Mr. CARAWAY. And no Congressman or Senator could get a building unless the Secretary should feel disposed to let him have it.

Mr. MAYFIELD. That is true. What I am complaining about is the impression that we seek to create by telling Senators that all the buildings heretofore authorized will be constructed out of the $15,000,000.

Mr. SMOOT. Mr. President, there may be some misunderstanding or I may have a misunderstanding myself. For instance, in a little town in my own State there was authorized and an appropriation of $50,000 was made for the construction of a post-office building. That was in 1913. The war came on immediately. Before the plans were prepared prices had increased so that $50,000 would not suffice to construct the building. What did they do? They did not proceed with it at all. The $50,000 is appropriated now. It will cost about $65,000 to construct the building. That extra $15,000 is to come out of the $15,000,000.

Mr. MAYFIELD. But under the terms of the bill the Secretary can take from the amount the entire $50,000, and that is what I am complaining about.

Mr. SMOOT. I think the Senator is mistaken.

Mr. MAYFIELD. He can disregard the limit entirely.

Mr. SMOOT. He would have to do so in order to get the $15,000 extra, and that is what it means. Wherever there is an appropriation already made, for instance, of $50,000 for the construction of a building, and the building could not now be constructed for less than $65,000, he must disregard the limit and pay the contractor $65,000 for the construction of the building. That does not mean that he is to take the $65,000 out of the $15,000,000. It only enables him to take the extra $15,000 out, and that allows him to construct the building for the additional $15,000.

Mr. MAYFIELD. I understand that proposition.

Mr. JONES of New Mexico. Mr. President, will the Senator permit an interruption?

Mr. MAYFIELD. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. Mr. President, will the Senagestion, and I hope the Senator from Utah and the Senator from Maine will bear it in mind. We have been led to believe that with the additional sum of $15,000,000 all these buildings would be constructed. I insist that if that $15,000,000 is not a large enough sum we should make it larger in order that all of the buildings which have been authorized can be constructed, and we should understand that they will be constructed. If the $15,000,000 is not a large enough sum, we should make it larger. But I have been informed

that the additional estimates only amount to about $12,000,000 or $13,000,000.

Mr. SMOOT. I was about to say that the estimates were $13,200,000, but the committee were so careful about it, in order that there would be no failure in finishing all of the authorized buildings for which appropriations had been made, that they made it $15,000,000.

Mr. SWANSON. I fully agree with the Senator. The money ought to be appropriated to complete the authorized buildings that they have waited for so long.

Mr. FERNALD. But there is money enough appropriated. The $15,000,000 will answer the purpose fully.

Mr. SWANSON. I see no objection to striking out the words "as may be possible." What is the use of wrangling over a little term like that? We know that it is all right.

Mr. SMOOT. The only objection I have is that the construction which the Secretary of the Treasury might put on it is that before he could make any contract for any one building he must know exactly what all of them will amount to, and he can move nowhere and take no step until that is done.

Mr. SWANSON. The only thing he can do——

Mr. MAYFIELD. Mr. President, I must decline to yield further. I very much dislike to decline to yield, but I do want to finish with my statement.

The only limitation that the measure places upon the Secretary of the Treasury in the spending of the $15,000,000 for the construction of buildings authorized is that he shall not spend more than $5,000,000 of it annually in any one of the States. He could, therefore, if he desired to do so, under the terms of section 3 of the bill spend the entire $15,000,000 in one year on three buildings heretofore authorized, provided, of course, the buildings were located in different States. If that is not true, I would like to have some Senator point out why it is not. The only limit that is placed upon him is that he shall not spend more than $5,000,000 of it annually in any one of the States, just so he places it in three different States he could spend the entire $15,000,000 on three buildings.

Mr. SWANSON. Mr. President, does the Senator want my reply? He could not spend it unless the Congress by appropriation authorized him to do it.

Mr. MAYFIELD. That is true.

Mr. SWANSON. Congress could authorize him to do it, and if a majority of Congress voted for him to do it, how are we going to prevent it?

Mr. MAYFIELD. The amendment offered by the Senator from Virginia has not been adopted yet by the Senate.

Mr. SWANSON. If it is not adopted, I am not going to vote for the bill.

Mr. MAYFIELD. We will cross that bridge when we get to it. If Senators doubt my interpretation of section 3 of the measure, surely they will not doubt Mr. Wetmore's interpretation of it. Mr. Wetmore is the supervising architect in the Treasury Department and drafted the Elliott bill, which is now before the Senate. Certainly he understood what he was writing when he drafted section 3 of the measure.

I read from page 61 of the hearing on the Elliott bill before the House Committee on Public Buildings and Grounds. Congressman LANHAM, of Texas, was interrogating Mr. Wetmore:

> Mr. LANHAM. Is the latitude given to you under section 3 sufficient to authorize you, with reference to buildings that have already been authorized, to make such modifications as may have been made necessary by a change in conditions since 1913?
>
> Mr. WETMORE. Yes.
>
> Mr. LANHAM. That is, where towns have grown and requirements are different now, I assume in many places, from what they were, have you under the provisions of section 3 sufficient latitude to authorize you to cope with the situation?
>
> Mr. WETMORE. Yes.

There can be no doubt, then, Mr. President, that under that section, according to the interpretation of Mr. Wetmore, who drafted the bill, the Secretary of the Treasury has the power to make such changes as he thinks desirable in the cost of the construction of buildings heretofore authorized, and can expend the entire $15,000,000 in one year on three buildings that have heretofore been authorized just so the buildings are located in different States.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MAYFIELD. I yield.

Mr. McKELLAR. I am quite sure that Mr. Wetmore takes that view, for this reason. In the city of Memphis the sub-post-office building has been authorized and begun. Mr. Wetmore told Congressman FISHER, who represents that district in the House, that the building would be completed under the terms of the bill. I spoke to Mr. Wetmore about it, and Mr. Wetmore does not make any such statement to me. Mr. FISHER said he made that statement to him. I have no doubt that Mr. Wetmore feels that it is entirely in his discretion under the terms of the bill as to whether he will complete that building or not.

I know that Representative FISHER has represented the matter just as it was represented to him, and I recall distinctly that Mr. Wetmore absolutely declined to make any such statement to me.

Mr. JONES of New Mexico. Mr. President, if the Senator from Texas will yield to me for just a moment, I desire to say that I am glad the Senator from Tennessee has called attention to the case of Memphis. That city was left out of the list of cities which the chairman of the committee gave to the Senate the other day as the list of authorized buildings which would be constructed. Memphis was not included in that list. It is, however, included in Document No. 28. In the meantime I hope the chairman of the committee will ascertain from the Treasury Department why Memphis was not included.

Mr. SWANSON. If the Senator from Texas will permit me for a moment, I desire to say that possibly the authorization for Memphis was not included in the act of 1913, but was made subsequent to that act.

Mr. McKELLAR. Memphis was included in Document No. 28 for an expenditure of $210,000.

Mr. SWANSON. The Senator will find some buildings, such as the one at Newark and others, for which authorization was made subsequent to the general public building act of 1913, and, possibly, in making up the estimate Memphis was overlooked.

Mr. McKELLAR. I do not want Memphis to be overlooked.

Mr. SWANSON. Memphis ought not to be overlooked.

Mr. McKELLAR. I am glad to hear the Senator say that, and I do not intend that Memphis shall be overlooked if there is any way in which to prevent it.

Mr. SWANSON. I am satisfied with merely these authorizations no contract can be made, but the Senator is a member of the Appropriations Committee, which will have the final disposition of these matters, and I am satisfied that, with his ability, Memphis will be taken care of.

Mr. McKELLAR. I do not want to let the matter remain in any doubt. I want it to appear in the bill if it is possible to have that done. I hope the Senator from New Mexico will accept an amendment to his amendment which will include my city of Memphis, because I think it is included in Document 28.

Mr. JONES of New Mexico. I may affirm the surmise of the Senator from Virginia [Mr. SWANSON]. The authorization for a subpost office at Memphis was under an act of March 4, 1918, and that may be the reason it was omitted from the list.

Mr. FERNALD. That is the reason.

Mr. JONES of New Mexico. But Memphis is mentioned in this document as authorized, and I see no reason why it should not be included in the bill.

Mr. McKELLAR. I hope the Senator from Maine will accept an amendment to that effect.

Mr. SWANSON. I was satisfied that the omission arose from some cause such as has been stated by the Senator from New Mexico.

Mr. FERNALD. I desire to ask the Senator from Tennessee if there has not been $300,000 or $400,000 already expended on the building in Memphis?

Mr. McKELLAR. Oh, no; there has been expended on the building up to date, I think, about $90,000. The sum of $210,000 has been authorized for Memphis, and I hope that the chairman of the committee will agree that Memphis may be included in the list.

Mr. FERNALD. I will look into the matter, I will say to the Senator from Tennessee.

Mr. MAYFIELD. Mr. President, this bill should not pass the Senate, because it is the rankest kind of discrimination against the 48 States of the Union. The Public Buildings Committee estimated the needs of the District of Columbia to be $50,000,000, and section 5 of the measure takes care of those needs to the full amount. Mr. Wetmore, testifying before the Committee on Public Buildings and Grounds of the House, estimated that it would require something like $325,000,000, even at the old prices of material and labor, to take care of the needs of the 48 States, and yet the Elliott bill, which we are asked to support, authorizes only $100,000,000 for the States.

Attention is also directed to the list of emergency cases filed with the House committee by Mr. Wetmore which he claimed should have first consideration. If this bill becomes a law, the $100,000,000 allocated to the States will be spent on those emergency cases, and that will leave 20 of the States without a dollar, because the emergency cases are confined to only 22 States.

In presenting this bill to the Senate the Senator from Maine [Mr. FERNALD] said:

In the last 13 years the business of the Government, as carried on by the different departments, has increased 100 per cent in the city of Washington, and the public business carried on through the Post Office Department in the country has increased more than 160 per cent.

If that be true, Mr. President, I ask the Senator from Maine why take care of the full and exact needs of the District of Columbia when the business in the District has increased only 100 per cent during the last 13 years, and then take care of less than one-third of the needs of the States, where the business had increased more than 160 per cent during the same length of time? I submit, Mr. President, that if we are going to take care of the full needs of the District of Columbia, we certainly should take care of the exact needs of the States.

Mr. OVERMAN. Mr. President, do I understand that from the testimony which was given before the committee it appears that there are 22 States which will not be provided for at all under the pending bill?

Mr. McKELLAR. That is true according to the list submitted to the House committee by Mr. Wetmore. I will come to that directly.

Mr. OVERMAN. Does the Senator know the names of those 22 States?

Mr. MAYFIELD. I have them here, and I will read them in just a moment.

The distinguished Senator from Maine stated on the floor of the Senate last Friday that he had no list of the buildings proposed to be constructed with the $100,000,000, but that he presumed the $100,000,000 would be spent in the States where emergencies exist. Where do the emergencies exist, Mr. President? Let Mr. Wetmore, who drafted this measure, speak. On pages 63 and 64 of the hearings before the House committee on the Elliott bill will be found a list of the emergency cases that Mr. Wetmore says should be given first consideration. The statement shows that the emergency cases are to be found in the large cities of 20 States, and the total of the list as compiled by Mr. Wetmore amounts to $119,650,000, or nearly $20,000,000 greater than is authorized by the bill. Senators can determine for themselves what States will suffer when the $20,000,000 is lopped off.

Mr. McKELLAR. Mr. President, has the Senator a list of the States there?

Mr. MAYFIELD. Yes, sir; I am coming to that in a moment. I will detain the Senate but a few minutes longer.

According to Mr. Wetmore's statement of emergency cases, which I hold in my hand, six States—New York, Illinois, California, Massachusetts, Pennsylvania, and Connecticut—will receive $72,420,000, leaving $27,580,000 to take care of the emergency cases in 22 other States, and not a dollar of the $100,000,000 will be left for public buildings in the 20 States of Arizona, Colorado, Delaware, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Vermont, Washington, and Wyoming.

I want to ask the 40 Senators, Mr. President, who represent those 20 States in this body if they are going to support a measure that authorizes $165,000,000 for public buildings when their States will not receive a single dollar?

When I vote for a $165,000,000 public buildings bill I want the absolute assurance that Texas will receive the amount to which she is justly entitled—no more and no less. I want something more definite, sir, than the mere filing of a list of emergency cases by the Supervising Architect of the Treasury, notwithstanding the fact that three cities in my State are included in his list as emergency cases. There is no provision in the measure that guarantees that public buildings will be constructed in the three cities of my State listed as emergency cases by Mr. Wetmore; but if the bill absolutely guaranteed that public buildings would be constructed in those three cities in my State, I would still be opposed to it, because, Mr. President, I would not support any measure that treated the rest of my State so unfairly, and that left entirely out of consideration 20 States that contribute their part of taxes to support the General Government.

Mr. SIMMONS. Mr. President, the Senator has referred to the estimate made by Mr. Wetmore. When did he make that estimate and where did he file it?

Mr. MAYFIELD. I will come to that. He made it in January of this year before the House committee, which held extended hearings on this bill. The Senator understands the Senate committee conducted no extensive hearings on the bill.

The argument, Mr. President, presented in support of this measure, not on the floor of the Senate but in the cloakrooms, is, indeed, amusing. Those who favor the passage of the Elliott bill say to the Senators whose States are represented on the emergency list, "You certainly ought to support this bill, because your State is on the emergency list as prepared by Mr. Wetmore, and you will, without doubt, secure a few buildings for your State." Then they say to the Senators whose States are not represented on the emergency list, "The emergency list means absolutely nothing. Support this measure and your State will get its proper share of the buildings." This is the kind of argument, Mr. President, that is being advanced to further the passage of this measure.

Before leaving this phase of the discussion I wish to say that the emergency list to which I have referred was not prepared two years ago, as has been stated by certain Senators, but it was prepared in January of this year by the Supervising Architect of the Treasury, Mr. Wetmore, and submitted at the hearing on the Elliott bill before the House Committee on Public Buildings and Grounds, which took place in the early part of the present year.

How the 40 Senators who have the honor to represent in this tribunal the 20 States that will not receive a dollar of the $100,000,000 can support this measure, I must confess, is beyond my comprehension.

The only limitation, Mr. President, that is placed upon the Secretary of the Treasury by the terms of the bill with respect to expending the $50,000,000 that is authorized for the District of Columbia is the maximum amount of money that he can spend in one year. The measure permits him to spend not more than $10,000,000 annually in the District of Columbia, but contains not one word about the amount that he must annually spend in the District. Therefore it is clear that he can spend the $50,000,000 within five years, or he may not spend one dollar of it because the measure nowhere requires him to spend anything, or he may take years and years to spend the $50,000,000 that is authorized for the District of Columbia.

The only limitation which the bill places upon the Secretary of the Treasury with respect to expending the $100,000,000 authorized for the various States is that he shall not spend more than $5,000,000 annually in any one of the States. The measure does not require him to spend any specific amount in any State, but simply turns over to him the sum of $100,000,000 and confers upon him plenary power to spend that tremendous sum of money anywhere in the 48 States he may desire to spend it, provided he does not spend more than $15,000,000 annually in the States and not more than $5,000,000 annually in any one of the States. Therefore it is evident that under the terms of the bill the Secretary of the Treasury can spend annually in three States $15,000,000 out of the $100,000,000 and limit his expenditures of the entire $100,000,000 to three States, or he could spend the entire $100,000,000 in one State, provided he took 20 years to spend it. Does any Senator want to support a measure that is so loosely drawn and that confers such unrestricted power upon the Secretary of the Treasury?

The chairman of the Senate Committee on Public Buildings and Grounds has stated that the Government is paying annually nearly $1,000,000 in rentals for buildings in the District of Columbia and $23,000,000 in rentals for buildings throughout the States. The United States Government is, therefore, paying annually for rentals for public buildings the stupendous sum of $24,000,000, which is only $1,000,000 less than the yearly appropriation authorized by the pending measure.

We have heard no little about the economy practiced by the present administration. I submit, Mr. President, that if it is economical to construct in the District of Columbia the buildings necessary to take care of the exact needs of the District and thus save the $1,000,000 that the Government is paying in rentals in the District, it is foolish economy not to take care of the needs of the entire country and thus save in rentals 23 times as much as we will save in the District.

Again, Mr. President, if it is a wise policy to confer upon the Secretary of the Treasury the power to determine where public buildings shall be erected throughout the States, why was the District of Columbia made an exception and given a specific authorization of $50,000,000? If we are going to pass a bill of this character, why not give to the Secretary of the Treasury power to say where the entire $165,000,000 that is authorized by the bill shall be expended? But why should such power be conferred upon any Cabinet officer? What has come upon the Congress that it can not pass a public buildings bill that will be fair to all alike? Surely the Secretary of the Treasury can not possibly know more about the needs of the towns and cities in the 48 States than do the 96 Senators and the 435 Members of the House who have the honor of representing those States in the American Congress.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MAYFIELD. I will.

Mr. McKELLAR. Of course, as we all know, the Secretary of the Treasury does not ever indulge in playing politics; but suppose a Secretary of the Treasury did have political inclinations. Does the Senator know of a more potent power in the hands of any one man to take part in congressional or other elections than to have the power given the Secretary of the Treasury under this bill?

Mr. MAYFIELD. I do not.

The determination of the character of a battleship is much more technical than the mere location of a post-office building, but where is the Senator who is willing to confer upon the Secretary of the Navy absolute power to decide the character of a battleship and the number that shall be constructed? What Senator is willing to confer upon the Secretary of War the power to determine the size of our Army? Is there a Senator who would vote for an authorization of $165,000,000 for the Department of the Interior and confer absolute power upon the Secretary of the Interior to spend that stupendous amount of money on reclamation projects wherever he thought it should be expended? There is not a Senator in this Chamber who would vote to confer such power upon any of those Cabinet officers; yet there are Senators who are willing to turn over $165,000,000 to the Secretary of the Treasury and confer upon him complete power to expend that amount of money in constructing public buildings wherever it may please his fancy to build them.

It is true that the old system had its evils; but would it not be far better for us to undertake to correct those evils than to establish a policy that undermines the fundamental principles upon which our Government was created? If bills framed under the old method of locating public buildings were correctly styled "pork barrel" measures, what can be said of the measure that confers upon the Secretary of the Treasury absolute control of the "pork barrel"? If the Elliott bill becomes a law, Secretary Mellon will have more "pork" for distribution in the doubtful States this fall than all of the packers in the United States combined.

Mr. BRUCE. Mr. President, may I ask the Senator from Texas whether that argument would apply with the same force to these District of Columbia projects? There are no Congressmen to be elected from the District of Columbia, of course——

Mr. MAYFIELD. No.

Mr. BRUCE. And there is no reason why any political influence of any kind should be attempted to be exerted in the District of Columbia. Of course, I am interested so far as possible in separating the appropriations that are to go toward the erection of buildings outside of the District of Columbia.

Mr. MAYFIELD. Of course, that argument applies only to the expenditure of the $100,000,000 and not to the District.

This measure should be defeated, Mr. President, because it is not only an abdication of power by the Congress but it places the capstone upon bureaucracy. It destroys the plan that has been followed in authorizing and locating public buildings since the creation of the Republic. We are surrendering the power conferred upon us by the Constitution to establish post offices and are transferring it to the Secretary of the Treasury, where it will be administered by the head of some department or by some bureau chief. If this measure becomes a law, the Committee on Public Buildings and Grounds of the Senate might well be abolished, because it will have no duties to perform. The measure is destructive of a representative form of government. It says to the people that they can not assert their rights through their Representatives in the Congress, but they must seek them on bended knees from a Cabinet officer.

The Elliott measure, Mr. President, lacks only one thing to make it a complete measure of its kind. A section should be added providing that no town or city in the 48 States could have a public building constructed until it first secures from the Secretary of the Treasury "a certificate of public convenience and necessity."

Our Government, Mr. President, has almost become a Government of bureaus and commissions. We had only 14 bureaus in Washington 20 years ago, but to-day we have 94; and if we continue to create these governmental agencies in the future as we have in the past it will not be long until even the domestic affairs of the people will be regulated by a Federal bureau. Already there are 11 officeholders to every 100 taxpayers. It is well to remember, Mr. President, that out of the great army of Government employees only 96 Senators and 435 Congressmen are clothed with official power directly by the people. It is only through us that their voice can be heard. We are the custodians of their liberties, and to our hands have been intrusted their interests and welfare. How recreant will we be to the sacred trust committed unto us if without a struggle we surrender the rights of the people which we have been chosen to assert, and force them to become suppliants at the knee of a Cabinet officer!

We would render a distinct public service, Mr. President, by decentralizing many of the powers of the Federal Government and returning them to the States, because the best government is that which is nearest and closest to the people.

EXECUTIVE SESSION

Mr. FESS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 29, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 28 (legislative day of April 19), 1926

PUBLIC HEALTH SERVICE

Asst. Surg. Fortunat Achilles Troie to be passed assistant surgeon in the Public Health Service, to rank as such from May 13, 1926. This officer has passed the examination required by law and the regulations of the service.

POSTMASTERS

CALIFORNIA

George A. Weishar to be postmaster at Hanford, Calif., in place of G. A. Weishar. Incumbent's commission expires May 2, 1926.

Harry B. Westgate to be postmaster at Pomona, Calif., in place of H. B. Westgate. Incumbent's commission expired April 7, 1926.

FLORIDA

Clayton P. Bishop to be postmaster at Eustis, Fla., in place of C. P. Bishop. Incumbent's commission expires April 29, 1926.

Maggie M. Folsom to be postmaster at Port Tampa City, Fla., in place of M. M. Folsom. Incumbent's commission expired March 2, 1926.

John L. Wall to be postmaster at Summerfield, Fla., in place of J. L. Wall. Incumbent's commission expires April 29, 1926.

Inez Morrison to be postmaster at Barberville, Fla., in place of Clyde Lemmon, resigned.

ILLINOIS

Sidney F. Coffman to be postmaster at Bluford, Ill., in place of S. F. Coffman. Incumbent's commission expires May 3, 1926.

Harry W. Corpe to be postmaster at Colfax, Ill., in place of H. W. Corpe. Incumbent's commission expired March 8, 1926.

Albert E. Meints to be postmaster at East St. Louis, Ill., in place of J. J. Faulkner. Incumbent's commission expired November 8, 1925.

Thomas E. Cahill to be postmaster at Lake Bluff, Ill., in place of T. E. Cahill. Incumbent's commission expires May 3, 1926.

Clare E. Godfrey to be postmaster at Morris, Ill., in place of C. E. Godfrey. Incumbent's commission expires May 3, 1926.

Anthony L. Faletti to be postmaster at Springvalley, Ill., in place of W. H. Burnell. Incumbent's commission expired November 9, 1925.

Joseph M. Donahue to be postmaster at Monticello, Ill., in place of H. P. Harris, deceased.

KENTUCKY

Edgar P. Catron to be postmaster at Junction City, Ky., in place of E. P. Catron. Incumbent's commission expired April 13, 1926.

LOUISIANA

Samuel Y. Watson to be postmaster at Baton Rouge, La., in place of S. Y. Watson. Incumbent's commission expires May 3, 1926.

Agnes Champagne to be postmaster at Raceland, La., in place of Simon Kahn, deceased.

MAINE

Ralph R. Mathews to be postmaster at Berwick, Me., in place of R. R. Mathews. Incumbent's commission expires April 28, 1926.

Everard J. Gove to be postmaster at Biddeford, Me., in place of E. J. Gove. Incumbent's commission expires April 28, 1926.

Doris A. Day to be postmaster at Corinna, Me., in place of D. A. Day. Incumbent's commission expires May 3, 1926.

Willard E. Day to be postmaster at Monmouth, Me., in place of W. E. Day. Incumbent's commission expires April 28, 1926.

Ralph B. Parker to be postmaster at Wells, Me., in place of R. B. Parker. Incumbent's commission expired April 11, 1926.

Charles E. Norton to be postmaster at York Beach, Me., in place of W. C. Hildreth. Incumbent's commission expires April 28, 1926.

MASSACHUSETTS

Harold E. Cairns to be postmaster at Bernardston, Mass., in place of H. E. Cairns. Incumbent's commission expired November 19, 1925.

Helen C. Williams to be postmaster at Beverly Farms, Mass., in place of H. C. Williams. Incumbent's commission expires May 3, 1926.

Frank D. Babcock to be postmaster at Haverhill, Mass., in place of F. D. Babcock. Incumbent's commission expired April 26, 1926.

Benjamin R. Gifford to be postmaster at Woods Hole, Mass., in place of B. R. Gifford. Incumbent's commission expired March 29, 1926.

MICHIGAN

Clifford L. Slocum to be postmaster at Addison, Mich., in place of C. L. Slocum. Incumbent's commission expires April 29, 1926.

William Trebilcock to be postmaster at Ishpeming, Mich., in place of William Trebilcock. Incumbent's commission expires May 3, 1926.

Floyd B. Gates to be postmaster at Mesick, Mich., in place of F. B. Gates. Incumbent's commission expires April 28, 1926.

MINNESOTA

Otto Rakness to be postmaster at Alpha, Minn., in place of Otto Rakness. Incumbent's commission expires May 3, 1926.

Arlie R. Wilder to be postmaster at Amboy, Minn., in place of A. R. Wilder. Incumbent's commission expires May 3, 1926.

Anna E. Miller to be postmaster at Kelliher, Minn., in place of A. E. Miller. Incumbent's commission expires May 3, 1926.

Oliver A. Matson to be postmaster at Kiester, Minn., in place of O. A. Matson. Incumbent's commission expires May 3, 1926.

Archie M. Hayes to be postmaster at McGregor, Minn., in place of A. M. Hayes. Incumbent's commission expires May 3, 1926.

MISSOURI

Herman H. Reick to be postmaster at Independence, Mo., in place of J. L. Martin. Incumbent's commission expired March 8, 1926.

Paul P. Groh to be postmaster at Peculiar, Mo., in place of P. P. Groh. Incumbent's commission expired February 2, 1926.

MONTANA

Arthur T. Ruehrwein to be postmaster at Columbus, Mont., in place of A. T. Ruehrwein. Incumbent's commission expires April 29, 1926.

David Craig to be postmaster at Conrad, Mont., in place of J. R. Farris. Incumbent's commission expired November 23, 1925.

NEBRASKA

Marguerite R. Tiehen to be postmaster at Dawson, Nebr., in place of M. J. Riley. Incumbent's commission expired November 23, 1925.

Walter Nowka to be postmaster at Glenvil, Nebr., in place of G. H. Schmidt. Incumbent's commission expired November 21, 1925.

Cecil E. Mills to be postmaster at Long Pine, Nebr., in place of C. E. Mills. Incumbent's commission expires May 3, 1926.

NEW JERSEY

Nicholas T. Ballentine to be postmaster at Peapack, N. J., in place of N. T. Ballentine. Incumbent's commission expires April 29, 1926.

NEW YORK

Donald M. Dickson to be postmaster at Andes, N. Y., in place of D. M. Dickson. Incumbent's commission expired March 22, 1926.

C. Ransom Phelps to be postmaster at Camden, N. Y., in place of J. D. Davies. Incumbent's commission expired March 7, 1926.

John A. Rapelye to be postmaster at Flushing, N. Y., in place of J. A. Rapelye. Incumbent's commission expires April 28, 1926.

Thomas W. Crane to be postmaster at Locust Valley, N. Y., in place of T. W. Crane. Incumbent's commission expired November 18, 1925.

Charles D. Overacre to be postmaster at Manchester, N. Y., in place of C. D. Overacre. Incumbent's commission expired March 16, 1926.

Henry C. Windeknecht to be postmaster at Rensselaer, N. Y., in place of H. C. Windeknecht. Incumbent's commission expires April 28, 1926.

Richard I. Gates to be postmaster at Redwood, N. Y., in place of R. R. Steacy, deceased.

NORTH CAROLINA

Roger P. Washam to be postmaster at Gastonia, N. C., in place of F. A. Slate, removed.

NORTH DAKOTA

Edward F. Hamilton to be postmaster at Cavalier, N. Dak., in place of E. F. Hamilton. Incumbent's commission expires April 28, 1926.

Fredrich A. Rettke to be postmaster at Niagara, N. Dak., in place of F. A. Rettke. Incumbent's commission expired October 7, 1925.

Bessie G. George to be postmaster at Van Hook, N. Dak., in place of B. G. George. Incumbent's commission expired February 20, 1926.

Cassie Stewart to be postmaster at Dogden, N. Dak., in place of E. E. Cowell, removed.

OHIO

John P. Grassbaugh to be postmaster at Bigprairie, Ohio, in place of J. P. Grassbaugh. Incumbent's commission expires May 3, 1926.

Edwin E. Hayman to be postmaster at Long Bottom, Ohio, in place of E. E. Hayman. Incumbent's commission expired December 15, 1925.

OKLAHOMA

Ceaf W. Ramsey to be postmaster at Beggs, Okla., in place of C. W. Ramsey. Incumbent's commission expires May 3, 1926.

Russell E. Dickerson to be postmaster at Braman, Okla., in place of E. E. Lambdin. Incumbent's commission expired January 21, 1926.

Cosmo Falconer to be postmaster at Cheyenne, Okla., in place of Cosmo Falconer. Incumbent's commission expired April 26, 1926.

Robert R. Sutton to be postmaster at Claremore, Okla., in place of R. R. Sutton. Incumbent's commission expired April 26, 1926.

Earl Ridenour to be postmaster at Hydro, Okla., in place of Earl Ridenour. Incumbent's commission expires May 3, 1926.

Anna Lynde to be postmaster at Okarche, Okla., in place of Anna Lynde. Incumbent's commission expires May 3, 1926.

Lincoln G. Shoop to be postmaster at Perry, Okla., in place of L. G. Shoop. Incumbent's commission expires May 3, 1926.

Hiram H. Snow to be postmaster at Sand Springs, Okla., in place of H. H. Snow. Incumbent's commission expired April 26, 1926.

OREGON

John H. Farrar to be postmaster at Salem, Oreg., in place of J. H. Farrar. Incumbent's commission expires May 2, 1926.

PENNSYLVANIA

Ralph V. Parthemore to be postmaster at High Spire, Pa., in place of R. V. Parthemore. Incumbent's commission expires April 29, 1926.

Frank Heidel to be postmaster at Orbisonia, Pa., in place of W. H. Heeps. Incumbent's commission expired October 20, 1925.

Alice S. Boening to be postmaster at Tobyhanna, Pa., in place of E. A. Fullerton, removed.

SOUTH DAKOTA

Lulu Turner to be postmaster at Ethan, S. Dak., in place of J. L. Donahue. Incumbent's commission expired November 23, 1925.

Benjamin W. Ryan to be postmaster at Kimball, S. Dak., in place of B. W. Ryan. Incumbent's commission expires May 3, 1926.

Richard E. Scadden to be postmaster at White, S. Dak., in place of R. E. Scadden. Incumbent's commission expired February 9, 1926.

TEXAS

Lewis E. Wigton to be postmaster at Alamo, Tex., in place of L. E. Wigton. Incumbent's commission expired February 3, 1926.

Bessie F. Hefley to be postmaster at Cameron, Tex., in place of B. F. Hefley. Incumbent's commission expires April 29, 1926.

William B. McCrary to be postmaster at Cushing, Tex., in place of W. B. McCrary. Incumbent's commission expires April 28, 1926.

William J. Lewis to be postmaster at Itasca, Tex., in place of W. J. Lewis. Incumbent's commission expires April 29, 1926.

Comodore V. Varner to be postmaster at Milford, Tex., in place of C. V. Varner. Incumbent's commission expires April 29, 1926.

William A. Crawford to be postmaster at Pampa, Tex., in place of W. A. Crawford. Incumbent's commission expires April 28, 1926.

Duma McDonald to be postmaster at Santo, Tex., in place of Duma McDonald. Incumbent's commission expired February 6, 1926.

Lee W. Harris to be postmaster at Seymour, Tex., in place of L. W. Harris. Incumbent's commission expires May 3, 1926.

Claude P. Ellis to be postmaster at Spearman, Tex., in place of C. P. Ellis. Incumbent's commission expires May 2, 1926.

John W. White to be postmaster at Uvalde, Tex., in place of J. W. White. Incumbent's commission expires April 28, 1926.

Cyrus W. Odom, jr., to be postmaster at Blackwell, Tex., in place of J. Q. Hanna, resigned.

John W. Waide to be postmaster at Paint Rock, Tex., in place of Bessie Jackson, resigned.

VERMONT

William H. Startup to be postmaster at Proctor, Vt., in place of W. H. Startup. Incumbent's commission expires May 3, 1926.

VIRGINIA

Robert Irby to be postmaster at Appomattox, Va., in place of Robert Irby. Incumbent's commission expires April 28, 1926.

Mary P. Moon to be postmaster at Cartersville, Va., in place of M. P. Moon. Incumbent's commission expires April 28, 1926.

Claibourne W. Beattie to be postmaster at Chilhowie, Va., in place of C. W. Beattie. Incumbent's commission expires April 28, 1926.

Francis P. Landon to be postmaster at Hopewell, Va., in place of F. P. Landon. Incumbent's commission expires April 28, 1926.

Edward M. Blake to be postmaster at Kilmarnock, Va., in place of E. M. Blake. Incumbent's commission expires April 28, 1926.

William P. Nye, jr., to be postmaster at Radford, Va., in place of W. P. Nye, jr. Incumbent's commission expires April 28, 1926.

Laurie D. Marshall to be postmaster at Thaxton, Va., in place of L. D. Marshall. Incumbent's commission expires April 28, 1926.

Frank L. Schofield to be postmaster at University of Richmond, Va., in place of F. L. Schofield. Incumbent's commission expired March 27, 1926.

Harry C. Stouffer to be postmaster at Winchester, Va., in place of H. N. Kern, deceased.

WASHINGTON

Bert L. McCarty to be postmaster at Battle Ground, Wash., in place of B. L. McCarty. Incumbent's commission expires April 28, 1926.

Walter W. Shore to be postmaster at Farmington, Wash., in place of W. W. Shore. Incumbent's commission expires April 28, 1926.

Rees B. Williams to be postmaster at Ilwaco, Wash., in place of R. B. Williams. Incumbent's commission expires April 28, 1926.

Amy E. Ide to be postmaster at Outlook, Wash., in place of A. E. Ide. Incumbent's commission expired April 26, 1926.

Millard E. Meloy to be postmaster at Winlock, Wash., in place of M. E. Meloy. Incumbent's commission expires May 3, 1926.

Herman L. Leeper to be postmaster at Yakima, Wash., in place of H. L. Leeper. Incumbent's commission expired April 20, 1926.

Wayne L. Talkington to be postmaster at Harrington, Wash., in place of A. J. Grant, removed.

WEST VIRGINIA

Jesse H. Petty to be postmaster at Gary, W. Va., in place of J. H. Petty. Incumbent's commission expires May 3, 1926.

Justus E. McCaskey to be postmaster at Paden City, W. Va., in place of J. E. McCaskey. Incumbent's commission expired April 17, 1926.

WISCONSIN

Stanleigh K. Gaveney to be postmaster at Arcadia, Wis., in place of S. K. Gaveney. Incumbent's commission expires April 28, 1926.

Frank E. Shults to be postmaster at Baraboo, Wis., in place of F. E. Shults. Incumbent's commission expires April 28, 1926.

Leslie H. Thayer to be postmaster at Birchwood, Wis., in place of L. H. Thayer. Incumbent's commission expires April 28, 1926.

Arthur C. Bishop to be postmaster at Bloomington, Wis., in place of A. C. Bishop. Incumbent's commission expires May 3, 1926.

Oliver R. Weinandy to be postmaster at Cochrane, Wis., in place of O. R. Weinandy. Incumbent's commission expires April 28, 1926.

William H. Goldthorpe to be postmaster at Cuba City, Wis., in place of W. H. Goldthorpe. Incumbent's commission expires May 3, 1926.

James C. Taylor to be postmaster at Gilman, Wis., in place of J. C. Taylor. Incumbent's commission expires May 3, 1926.

Henry A. Elmer to be postmaster at Maribel, Wis., in place of H. A. Elmer. Incumbent's commission expires April 28, 1926.

Edward Stackman to be postmaster at Ontario, Wis., in place of Edward Stackman. Incumbent's commission expires April 29, 1926.

Alvin E. Hafer to be postmaster at Roberts, Wis., in place of A. E. Hafer. Incumbent's commission expires April 28, 1926.

William R. Homermiller to be postmaster at Tomah, Wis., in place of W. R. Homermiller. Incumbent's commission expires April 28, 1926.

George E. Bogrand to be postmaster at Wausaukee, Wis., in place of G. E. Bogrand. Incumbent's commission expired March 31, 1926.

Daniel Murray to be postmaster at Nashotah, Wis., in place of H. J. Lugner, removed.

Winfield J. Kyes to be postmaster at White Lake, Wis., in place of William Abendschein, resigned.

WYOMING

Evelyn Colburn to be postmaster at Burns, Wyo., in place of Evelyn Colburn. Incumbent's commission expired March 27, 1926.

Ivor Christensen to be postmaster at Hanna, Wyo., in place of Ivor Christensen. Incumbent's commission expired February 2, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 28 (legislative day of April 19), 1926

APPOINTMENTS IN THE ARMY

GENERAL OFFICERS

To be brigadier generals, reserves

Edgar Stilson Jennings.
Milton Atchison Reckord.
Jacob Franklin Wolters.
William Church Davis.

APPOINTMENTS BY TRANSFER IN THE ARMY

Richard Turner Schlosberg to be first lieutenant, Signal Corps.

Henry Alfred Schwarz to be captain, Field Artillery.

Ernest Avner Suttles to be second lieutenant, Infantry.

PROMOTIONS IN THE ARMY

Philip Sheridan Golderman to be colonel, Field Artillery.

Dean Halford to be lieutenant colonel, Infantry.

Ralph Willcox Kingman to be lieutenant colonel, Infantry.

Charles Franklin Eddy to be major, Finance Department.

William Maynard Dixon to be major, Finance Department.

POSTMASTERS

CALIFORNIA

Josephine M. Costar, Greenville.
Bernard G. Larrecou, Menlo Park.

COLORADO

Anna B. Danford, Haswell.
Hugh L. Large, Longmont.
Daniel Vigil, Saguache.
Roy H. Horner, Wiley.

CONNECTICUT

Mary H. Newton, Uncasville.
William M. Logan, West Cheshire.

ILLINOIS

George V. Robinson, Forrest.
Frances Baker, Golconda.
William L. Bauman, Iuka.
Ora C. Baiar, Johnston City.
Herman W. Behrens, Kampsville.
Rola Eubanks, Omaha.
Walter A. Foster, Steward.

John J. Barton, Sublette.
Clara A. Hollow, Trenton.
Russell P. Garrison, Wayne City.
William E. West, Yates City.

INDIANA

William H. Jones, Logansport.
Katheryn L. Huckleberry, Whitestown.

IOWA

Glen M. Reynolds, Irwin.

KANSAS

John L. Lee, Atlanta.
David E. Hill, Nortonville.
Francis B. Brungardt, Victoria.

KENTUCKY

Anna Harris, Prestonsburg.
Thomas D. Tapp, Springfield.

LOUISIANA

Ella Farr Gilliam.

MASSACHUSETTS

Walter L. Burt, Canton.

MICHIGAN

Augustus J. Bills, Grand Ledge.
Wynne C. Garvin, Millington.

MINNESOTA

E. Jay Merry, Fairmont.
Sarah E. Jones, Zimmerman.

MISSISSIPPI

Harry Howe, Shelby.

MISSOURI

Lavinia B. Jones, Pilot Grove.

MONTANA

Gale E. McKain, Eureka.
J. R. Wotring, Warland.

NEBRASKA

Henry J. Steinhausen, Creighton.
Ray H. Surber, Davenport.
James E. Scott, Osmond.
James D. Finley, Sargent.

NEW YORK

Everett H. Axtell, Deposit.
May M. Ferry, Edwards.
William F. Hadley North Bangor.
Raymond C. Green, Sauquoit.
Sarah M. Taylor, Westbury.

NORTH CAROLINA

Richard S. White, sr., Elizabethtown.

OHIO

Ernest C. Ludwig, Anna.
Ray V. Chase, Archbold.
Frederick O. Bates, Bellevue.
James E. Davis, Belmont.
Herbert S. Cannon, Canal Winchester.
George S. Laskey, Custar.
John J. Haines, East Liberty.
Ruth G. McWilliams, Grand Rapids.
Addie F. Hosier, Kingston.
Arthur R. Hurd, Lawndale.
Reinhart W. Kuck, New Bremen.
William M. Freeman, Otway.

OKLAHOMA

Guy E. Reece, Braggs.
Lillie M. Sheel, Burbank.
George Rainey, Enid.
Manford Burk, Hooker.

PENNSYLVANIA

Robert S. Bowman, Berwick.
Elwood S. Rothermel, Fleetwood.
Elwood M. Stover, Kulpsville.
Grant Piper, Petersburg.

SOUTH CAROLINA

William T. Stewart, Camden.

TEXAS

Florence M. Geyer, College Station.
Clarence R. Redden, De Leon.
Charles C. Eppright, Manor.
John C. Beever, Perryton.
Howard F. McWilliams, Queen City.
Thomas B. White, Rogers.
Herman C. Feist, Rowena.
William F. Viereck, Sealy.
Don A. Parkhurst, Tahoka.
John W. Osborne, West Columbia.

UTAH

John A. Israelsen, Hyrum.

VERMONT

Charles H. Austin, Richford.

WASHINGTON

Richard A. McKellar, Cashmere.
Joseph A. Dean, Castlerock.
Joseph F. Lavigne, Cusick.
William R. Wells, Mount Vernon.
Helen M. Purvis, Sumner.

WEST VIRGINIA

Sylvester V. Riggs, St. Marys.

WISCONSIN

Mae F. Harris, Goodman.

WYOMING

W. Leroy Call, Afton.
Chester A. Lindsley, Yellowstone Park.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *April 28, 1926*

The House met at 12 o'clock noon, and was called to order by the Clerk, William Tyler Page, who read the following communication:

APRIL 28, 1926.

I hereby designate Hon. BERTRAND H. SNELL to preside during my absence to-day.

NICHOLAS LONGWORTH.

Mr. SNELL took the chair as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, again Thou hast opened for us the gates of the morning. Where our strength ends Thou dost begin, and where our hope fades Thou dost come. Blessed be Thy holy name. We are grateful that we still have a place in Thy heart and a refuge beneath Thy shadow. Always direct us to put good things to noble uses. Harden in us the heroic qualities of self-denial and may they be emphasized in all our work. Reach through every loss and mark it with Thy sympathy; put forth Thy hand on every gain and bless it for Thy use. Direct our minds and temper them to Thy will. As it is always Thy property to have mercy, we turn to Thee for guidance throughout this day. Abide with us and bless us with that peace which the world can never take away. Amen.

The Journal of the proceedings of yesterday was read and approved.

C. M. FOREE

Mr. GILBERT. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. GILBERT. Mr. Speaker, I wish to announce to Congress and to the country the death of Judge C. M. Foree on Monday night last. It is fitting even in this hour of strenuous legislative activity that we pause to meditate upon the passing of so faithful an employee of the Government of the United States.

For approximately 40 years his services have been conspicuously unselfish, intelligent, and patriotic. He came to Washington with the first Cleveland administration and was always engaged in the Treasury Department. He rapidly rose until he became Comptroller of the Treasury. He was always a loyal Democrat, but so indispensable were his services that he was retained through all of the administrations that followed.

He was born in and always remained a citizen of Shelby County, Ky., the county wherein I live and the district I have the honor to represent. His early life was spent in that beautiful rural section, among the fields of corn and tobacco, among the woodlands of oak and poplar, and among the pastures of waving blue grass, where the humming is not of machines, but of bees, and the noises are not the shrieks of whistles, but the songs of birds.

Like all great men his mind was big, his heart tender, his manner simple. He was the most considerate, most courtly,

and the most gracious man it was ever my pleasure to know. He never occupied a position commensurate with his talents. Places of prominence are often mounted by brass which are never attained by pure gold.

Of none other are Longfellow's oft-repeated lines more aptly spoken:

Lives of great men all remind us,
We can make our lives sublime,
And departing leave behind us
Footprints on the sands of time.

[Applause.]

RADIO ADDRESS—EFFICIENCY AND ECONOMY OF COOLIDGE ADMINISTRATION

Mr. EATON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short speech that I delivered over the radio.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD by printing a speech which he delivered over the radio. Is there objection?

There was no objection.

Mr. EATON. Mr. Speaker, under leave granted to extend my remarks in the RECORD I submit the following speech which I delivered from station WRC Saturday, March 13, 1926:

The program upon which the Democratic Party proposes to go to the people in the elections this fall is now in the process of making.

So far as developed, it seems to consist, first, of an attempt to discredit the administration of President Coolidge, and, second, to array the farmers of the country against the industrial workers on the ground that the Republican tariff is making industry rich while it is making agriculture poor.

The particular charges which Democratic orators lay against the present Republican administration are, first, that Mr. Coolidge neither believes in nor practices economy, and, second, that he is favorably disposed toward American business.

The American sense of humor will appreciate the absurdity of this double-barreled indictment, whatever may be thought of its credibility as a statement of fact.

The obvious answer to the first of these charges is that it would be interesting if true. It parallels in accuracy the essay of a little boy in one of our schools who wrote on the crab. He said, "The crab is a red fish that walks backwards." The boy's teacher made a note on the essay as follows:

"The crab is not a fish, is not red, and does not walk backwards. Otherwise the description contained in the essay is correct."

Mr. Coolidge has impressed his ideas of efficiency and economy so completely upon the country and upon Congress that in the revenue bill passed by the present Congress $380,000,000 of taxes have been lifted from the people in one year. And the most constructive service the Democratic Party has rendered the country in a long time consists in the fact that this notable revenue bill had the strong support of that party in Congress.

Not only is President Coolidge himself the great exemplar of economy and efficiency in Government but he is loyally and enthusiastically supported by the Republican Party in his every plan to cheapen the cost of Government to the taxpayer.

And in addition he is ably assisted in his policies of economy and efficiency by the members of his Cabinet.

Mr. Mellon, whose service to the country is of incalculable value, has just rounded off a long series of extraordinarily brilliant financial achievements by the offering of an issue of refunding bonds at a price above par and bearing interest at 3¾ per cent. The public debt has been reduced since the end of the war by about $6,000,000,000, which has lowered our annual interest charges by $250,000,000.

Mr. Hoover, among many other notable services to the people, has organized a war against waste which is already saving the people of the country at least a billion of dollars a year, and this movement is only well begun.

If this is not economy and efficiency of the most practical kind, what is?

We are living in an economic age. The main problems of government are economic problems. The chief interests of every citizen are economic. The main business of America is business. Under these conditions it is cause for thanksgiving that we have as our Chief Executive a man who understands the economic needs of the people and has the ability, character, and experience to help the people solve their real problems.

Mr. Coolidge now has the support of a Republican Congress. It would be the acme of folly to tie his hands in carrying forward his program of efficiency and economy by electing to the House and Senate an antagonistic majority.

Apart from certain sections of agriculture, our country is at this moment enjoying unparalleled prosperity. We have attained the highest level of comfort and the widest distribution of wealth ever achieved by any society in the history of the world. This is no time to rock the boat. We want to keep what we have got and go on to even better things. And the way to accomplish this is to make sure that Mr. Coolidge has during the remainder of his present term, as he has now, the support and cooperation of a House and Senate in sympathy with his sane, progressive American policies of economy and efficiency.

The attempt which certain Democratic leaders are now making to divide the people of our country into hostile camps is bad economics and worse politics.

There is no doubt that agriculture in America at the present time in several important sections is not on a high level of prosperity, and we know that a depressed agriculture constitutes a real danger to the well-being of society as a whole; but the cure proposed by the Democratic leaders is worse than the disease.

These gentlemen profess to believe that the ills of the farmer are caused by the tariff. They propose to cure the ills of agriculture by destroying the tariff and thus striking a fatal blow at American industry. Instead of lifting agriculture up, they would pull industry down. They would cure a sprained right arm by amputating the sound left arm of the patient. In order to find a market abroad for a comparatively small surplus of the farmers' products they would destroy the great and profitable home market where he sells the bulk of his output.

The tariff is absolutely essential to the continued safety, prosperity, and happiness not only of the industrial sections of our population but of all sections, including the farmer. If we were to throw down the present tariff barriers, our country would be swamped by a flood of commodities produced at starvation wages in all the Old World nations. The great buying power of our people would disappear overnight and agriculture and industry alike would sink into an abyss of ruin, suffering, and despair equaled only by that which has engulfed Europe and Asia.

In 1920 we had 5,000,000 men out of work. The home consumption of the better class of farm products fell off 18 per cent, an amount more than our entire exports. As soon as industry revived and those unemployed got to work again, their consumption of farm products went back to the higher levels.

The tariff is the best friend the farmer has, for it insures him a home market which has the widest and highest buying power of any market in the world.

The tariff, while it safeguards American industry, safeguards the farmer as well. It lays no real burden upon the farmer. Eighty per cent of our imports either come in free or pay a duty to protect the farmers. Eighty-eight per cent of our imports come in free or are luxuries which the farmer does not use or which are protected to help the farmer. Of the remaining 12 per cent of imported goods, the farmer pays his share, which, according to the best economists, affects only about 2 per cent of his total purchases. This means that the tariff lays no appreciable burden on the farmer directly, while assuring to him a great and ever-expanding home market for his products.

It will not solve the farmer's problem to inflame him with suspicion and antagonism toward his brother worker in the industries. It will not help the farmer, but, on the contrary, will add enormously to his distress to destroy our industry by destroying the tariff. Nor will it aid the farmer to put the Government into the business of farming by some theoretical and unsound scheme of price fixing.

The less the farmer has to do with political nostrums and bureaucratic interference with his business the better chance he will have of getting back to the solid ground of prosperity.

There is no doubt that American agriculture over wide areas is suffering from a serious ailment. And up to the present time it is equally true all proposed cures have dealt only with symptoms and not with the cause or causes of the disease.

No progress was ever made in fighting yellow fever until the cause was discovered. Then the disease disappeared.

We need at the present time to institute a comprehensive study of agriculture on its economic side. The troubles of the farmer are troubles of the market, not of the farm. They are economic, not political. They must find an economic remedy. They can not be cured by legislation.

The farmer is receiving from the Department of Agriculture and from the various agricultural colleges substantial aid in solving the technical productive problems of his business. The Government has and will continue to lend its help in his problems of financing. But beyond this the farmer must, as he always has gloried in doing, depend upon his own brains and character. What he needs now and must soon secure is a comprehensive study, by the best economic minds of the Nation, of the whole problem of agriculture, with a view to discovering the great economic laws which govern agriculture as a whole and the real economic causes of agricultural depression. Only upon the results of such a study will it be possible to establish agriculture as a business upon a basis of sound and permanent economic cooperation with the whole economic structure of the Nation and of the world.

SOME FUNDAMENTAL TRUTHS

Mr. GAMBRILL. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a commencement address delivered by my colleague the gentleman from Maryland [Mr. GOLDSBOROUGH] at the commencement exercises of the University of Maryland.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. GAMBRILL. Mr. Speaker, under leave granted to extend my remarks I insert an address by Hon. T. ALAN GOLDSBOROUGH at the commencement exercises of the University of Maryland at College Park, Md., June 9, 1925.

The address is as follows:

ADDRESS BY CONGRESSMAN T. ALAN GOLDSBOROUGH AT THE COMMENCEMENT EXERCISES OF THE UNIVERSITY OF MARYLAND AT COLLEGE PARK, MD., JUNE 9, 1925

This is my first visit to College Park. As a student at Washington College I used to go to Hopkins, St. John's, and Western Maryland quite often, but, as I remember it, the only time the baseball team came to College Park when I was a member, sickness prevented me from accompanying the team. Since then the Maryland Agricultural College, always a very useful institution, has become the great University of Maryland, a source of pride and satisfaction to every citizen of the State, and just as the smaller institution across the bay is glad to see the splendid expansion and usefulness of this institution at College Park, it hopes to continue to give your athletic teams early season practice, especially in basket ball.

One hundred and twenty-three graduates, distributed through courses in agriculture, arts and sciences, engineering, education, economics, and postgraduate work, cover a broad field of educational investigation, and when I received the invitation to come here and speak to the graduates to-day it was very difficult for me to decide just what I could say that might be interesting and of some service.

Right now, and for some time past, there has been a great deal said about the lack of respect which younger people have for their elders, about the self-sufficiency of youth, its impatience of restraint, and comparative lawlessness. There has been, and is now, a justification for this sort of discussion, but, to me, these signs of the times, while right disagreeable symptoms, are incident to a much better period which is being ushered in.

A few nights ago a small boy picked up a book which I have in my library called "Thomas Nast, his period and his pictures." Thomas Nast was the great cartoonist of Harper's Weekly years ago and acquired his reputation chiefly from cartoons he drew concerning the Tweed ring in New York in the late seventies and early eighties of the last century. I expected that the boy's first reaction would be to ask me to explain the pictures, and believing that my explanations would be largely unintelligible to him, I thought his next reaction would be to throw the book down in disgust. I waited, and began to hear chuckles of delight and appreciation. To be sure, he did once or twice ask a question, but a question which required the kind of an answer you give when the question indicates nearly a complete comprehension of the subject matter of the inquiry. Not many years ago I would have been right in my first surmise, but in the last few years young people have acquired a vast amount of general information and it will naturally be some time before they get straightened out to handle it wisely.

When I was a small boy I remember hearing one of the leading citizens in our community—at that time I believe he was a State senator—saying that he opposed labor-saving devices because they took employment away from so many people. I have heard statements of the kind made often since, as also remarks to the effect that general education was a bad thing because when everybody was educated there would be nobody left to perform manual labor. Even as a very young boy I was utterly unable to understand the sort of economic vision involved in such statements, but, happily, very few are left who now do not fully understand that labor-saving devices serve to release human energy and intelligence for useful service, and that real education is the thing which tends to guarantee the very best results of human effort, the recognition and encouragement of human genius, and the discouragement of pretense and demagoguery of every kind.

Last February, in the House of Representatives, General Sherwood, of Ohio, who was first in the House some 50 years ago, in discussing the changes which had taken place in the Government since he first went to Washington, remarked that then there was no Secretary of Agriculture, and consequently the farmers enjoyed a reasonable measure of prosperity. While I suppose what he said was semifacetious, it was at least intended in part to be taken seriously. I can't remember back for 50 years, but I can remember a great deal about the condition of the farmers 35 years ago, when the average farmer and his wife and family, and all of his help enjoyed life by working from the time they could see in the morning until it got too dark to see at night, when the roads over which he had to haul were impassable as compared with the present-day highways, when he thought himself lucky if at the end of the year he was able to pay the interest on his mortgage and keep out of the hands of the paper shaver. It is undoubtedly true that agriculture, encouraged to heavy production during the war, went through a very trying period, and it has taken some time to get back to anything like normal, especially since the tariff act of 1922 compelled the farmer to sell in an open market and buy in a protected market, but I think I see for this basic industry of the world the dawning of a much better day than it has known in all of the years that have passed, a day when the enlarged scope of general information available to the farmer himself will result measurably in controlling production, and when cooperative farming will not only have the same result, but will bridge the gap between producer and consumer to the mutual benefit of both, and gradually shove the various middlemen aside into avenues of useful endeavor.

During the period of readjustment since the war there has been a time when very competent engineers have had difficulty in obtaining employment at anything like adequate salaries, but the end of the period of readjustment is about here. And my opinion, based on conclusions I have reached after talking with the heads of some of the leading engineering concerns of the country, is that for years to come there will be entirely adequate opportunities not only for the practical engineer but for the investigator. The times are demanding men and women who know. Personality will always be effective as long as human nature responds to the things in life that are attractive, but I am glad to be able to say that it is becoming increasingly difficult to cover up lack of knowledge by so-called personality, and that there is and will be an increasing demand for people who have demonstrated that they know what they are doing, whether it be in medicine, law, engineering, agriculture, or any other line of human endeavor.

Now, my dear young friends, this world you are going out in is a mighty fine place. It has taken lots of people a long while to find it out, but I trust this will not be the case with you, because you will find it out some day, and the sooner you do the more years of happiness there will be before you.

Near the beginning of this somewhat rambling speech I think I fussed a little in talking of a tendency among young people which was being right much criticized. What I said was not meant for anybody in particular. As I said before, I don't look upon the tendency as seriously as a great many people do; but if what I have said will result in your using more wisely and with greater happiness to yourself the knowledge you have acquired and will acquire, then, of course, you will forgive me for having mentioned the matter at all.

Now, I am not going to talk very much more. When you get out into the world and begin to rub up against all sorts of economic competition, the natural tendency will be to give an ever-increasing amount of time and attention to your business, whatever it is. That's beyond criticism, except to this extent: If you are going to live a happy life, if you are going to develop in the best way your ability to take care of a business, you must never forget the side of life which does not directly bear upon the question of your daily bread. Mr. George Record Peck, of Chicago, one of the most practical men with whom I have ever come in contact, some years ago delivered an address before a gathering of a few of his friends. In the course of his speech he made use of this language:

"Granting all that can be claimed for lack of time, for the food and clothing to be bought, and the debts to be paid, the truth remains—and I beg you to remember it—the person who allows his mental and spiritual nature to stagnate and decay does so not for want of time but for want of inclination. The farm, the shop, and the office are not such hard masters as we imagine. We yield too easily to their sway and set them up as rulers when they ought to be only servants. There is no vocation—absolutely none—that cuts off entirely the opportunities for intellectual development. The kingdom of light is an especially delightful home for him whose purse is not of sufficient weight to provide a home elsewhere, and a humble cottage in the kingdom can be made to shine with a brightness above palace walls. For my part I would rather have been Charles Lamb than the Duke of Wellington, and his influence in the world is incalculably the greater of the two. And yet he was but a clerk in the India house, poor in pocket but rich beyond measure in his poverty, whose jewels are not in the goldsmith's list. The problem of life is rightly to adjust the prose to the poetry, the sordid to the spiritual, the common and selfish to the high and beneficent, forgetting not that these last are incomparably the more precious. * * * It is because I believe so strongly in the saving power of the intellectual life upon the institutions of society and upon the welfare of individuals that I plead so earnestly for it. The fortunes of science, art, literature, and government are indissolubly linked with it. The centers and shrines of the most potent influences are not the seats of commerce and capital. The village of Concord, where Emerson, Hawthorne, Alcott, and Thoreau lived, was, in their day, and will long continue to be, a greater force in this Nation than New York and Chicago added to

each other. We may rest in the assured faith that whoever may seem to rule, the thinker is and always will be the master."

Nothing is more interesting than to watch the magic of style springing out unexpectedly from the utterances of great men of action, bringing an alien sweetness into the hard world of fact and lending to expressions of business or of duty the glamor of passion or romance. The following is from Sir Walter Raleigh's Letter to Henry, Prince of Wales:

"Your father is called the vicegerent of heaven; while he is good he is the vicegerent of heaven. Shall man have authority from the fountain of good to do evil? No, my prince; let mean and degenerate spirits which want benevolence suppose your power impaired by a disability of doing injuries. If want of power to do ill be an incapacity in a prince, with reverence be it spoken; it is an incapacity he has in common with the Deity. * * * Preserve to your future subjects the divine right of free agents and to your own royal house the divine right of being their benefactors. Believe me, there is no other right can flow from God."

The speech of Queen Elizabeth to her last Parliament contains passages of exquisite beauty, in which a solemn tenderness of cadence mingles with the simple grandeur of the words:

"There is no jewel, be it of never so rich a price, which I prefer before this jewel, I mean your love. For I do more esteem it than any treasure or riches; for that we know how to prize, but love and thanks I count inestimable. And though God hath raised me high, yet this I deem the glory of my crown, that I have reigned with your loves. This makes that I do not so much rejoice that God hath made me a queen, as to be queen over so thankful a people."

In Washington's Farewell Address expressions of great power and significance are phrased with great eloquence and simplicity:

"If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield."

With a remarkable instinct for the use of words, Lincoln knew how to combine the charm of decoration with the most direct force. A single sentence—from the conclusion of the second inaugural—will amply illustrate these qualities:

"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

Finally, if you will permit me, I am going to make one more suggestion. There are certain eternal truths which you and I learned when we were very young. None of you may ever come to doubt their truth, but if such a time should come, look out upon all nature and you will believe again.

"I wonder if the tides of spring
Will always bring me back again;
Mute rapture at the simple thing
Of lilacs blowing in the rain?

"If so, my heart will ever be
Above all fear, for I shall know
There is a greater mystery
Beyond the time when lilacs blow."

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, may I have the attention of the gentleman from Connecticut? What is the program in the House to-morrow, if I may ask?

Mr. TILSON. The Consent Calendar, by special order.

Mr. RAYBURN. And the 15-minute address by the lady from California?

Mr. TILSON. Yes; and 30 minutes by Mr. BUSBY.

Mr. GRAHAM. May I ask the gentleman from Connecticut a question? I was before the Rules Committee last week, and the Rules Committee agreed that we should have two days this week, Wednesday and Thursday, for the consideration of the judges' salary bill, the judicial appointment bill, and the Georgia district bill. We are ready to proceed, but I understand in some manner that has been changed. I would like to know who did it and why they did it.

Mr. TILSON. I will state to the gentleman that unfortunately that program was not brought to the attention of the floor leader.

Mr. BEGG. Let me say that neither the floor leader nor the Rules Committee can do away with Calendar Wednesday.

Mr. GRAHAM. That is true; but Calendar Wednesday has frequently been done away with. There are means of doing it, if that was the real intention of those who expressed the view.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. I yield, if I have any time.

Mr. CONNALLY of Texas. The gentleman knows that Calendar Wednesday can not be disposed of except by a two-thirds vote, and, of course, the Committee on Rules has no power to bring in a rule to do it.

Mr. GRAHAM. I understand that.

Mr. CONNALLY of Texas. The gentleman ought to have interrogated his leader privately, instead of undertaking to do so before the House.

Mr. GRAHAM. Oh, I do not yield to the gentleman for the purpose of being disciplined. [Laughter.] The punished child rarely enjoys the punishment.

Mr. O'CONNELL of New York. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is the call of committees.

Mr. GRAHAM. Mr. Speaker, I understood that there was another reason back of this, and I shall probably ask time to explain what that reason is, if our rule is not carried out.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to proceed for one minute. Is there objection?

Mr. WINGO. Mr. Speaker, I reserve the right to object.

Mr. MOORE of Virginia. Mr. Speaker, I reserve the right to object. I shall not object to this, but if there are any other such requests I shall object.

The SPEAKER pro tempore. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, I think the gentleman from Pennsylvania [Mr. GRAHAM] should be given time. A good many of us are interested in the judiciary program and I think the gentleman from Pennsylvania should be permitted to carry on negotiations in the presence of the House with the present occupant of the chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I ask this time in order to ask a question of the chairman of the Committee on the Judiciary as to the possibility of having the Stalker bill brought to the House in time for the House to give it consideration. The bill has been before that committee for some time, all of last Congress, and all of this.

Mr. GRAHAM. Mr. Speaker, the business of the committee has been proceeding with great diligence and regularity up to this time. We have just finished the hearings on the granting of limited suffrage to the people of the District of Columbia.

Mr. CRAMTON. Is the gentleman in a position——

Mr. GRAHAM. Oh, pardon me, until I have finished, because I would like to consume the gentleman's full minute. [Laughter.]

Mr. CRAMTON. Is the gentleman in a position to give us any reason to hope there will be a report during this Congress on the Stalker bill?

Mr. GRAHAM. I do give the gentleman reason to hope there will be such a report. To paraphrase a little, "Hope crushed to earth will rise again."

CALENDAR WEDNESDAY

The SPEAKER pro tempore. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the Committee on Foreign Affairs.

EDUCATION OF PERSIAN STUDENTS

Mr. PORTER. Mr. Speaker, I call up House Joint Resolution 154, authorizing the expenditure of certain funds paid to the United States by the Persian Government.

The SPEAKER pro tempore. The gentleman from Pennsylvania calls up House Joint Resolution 154, which the Clerk will report.

The Clerk reported the title of the resolution.

Mr. CONNALLY of Texas. Mr. Speaker, I make the point of order that the House should automatically resolve itself into the Committee of the Whole House on the state of the Union.

Mr. BEGG. Mr. Speaker, I make the point of order that this resolution is on the Private Calendar and can not be called up to-day.

The SPEAKER pro tempore. The Chair notices that this is a Private Calendar resolution, and under the rules of the House, which are very specific on a call of committees on Calendar Wednesday, only such bills may be called up as are on the House or Union Calendar. This bill is on the Private Calendar. The Chair does not see how the bill can be called up at this time.

Mr. BLANTON. Mr. Speaker, that was ruled on by Mr. Speaker LONGWORTH on last Calendar Wednesday, and he said the chairman of the committee might call up any bill he wanted to if it has been reported out of his committee.

The SPEAKER pro tempore. The present occupant of the chair does not desire to go against the rules of the House. He is not familiar with any such decision.

Mr. BLANTON. That was on the sugar bill.

Mr. CHINDBLOM. The consideration of a private bill did occur here under very unusual circumstances by unanimous consent; but, of course, unanimous consent should not be given for the consideration of private bills on Calendar Wednesday.

Mr. CONNALLY of Texas. Mr. Speaker, I make the point of order that this is not a private bill and has no business on the Private Calendar. It is a public bill, and appears on its face as a public bill. If it is on the Private Calendar, it has no business there. It ought to be on the Union Calendar.

Mr. O'CONNELL of New York. And I make the further point of order that it was considered in the committee as a public bill.

The SPEAKER pro tempore. Does the gentleman from Ohio desire to be heard?

Mr. BEGG. Mr. Speaker, it is not a question of which calendar this bill ought to be on. It is a question of which calendar it is on. It is on the Private Calendar and on no other calendar. Therefore it can not be called up this morning.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Yes.

Mr. EDWARDS. How does it happen to be on the Private Calendar?

Mr. BEGG. The gentleman will have to consult the Speaker about that.

Mr. EDWARDS. Will the Chair answer how this happens to be on the Private Calendar?

The SPEAKER pro tempore. The Chair supposes that it was referred there by the Speaker of the House. If it is improperly on the Private Calendar, the House could change it; but the question before the Chair at the present time is whether it is properly on the Private Calendar.

Mr. CONNALLY of Texas. On its face it shows that it is a public resolution and not a private resolution.

Mr. FAIRCHILD. On the contrary, it appears on its face that it is a private resolution and not a public resolution.

Mr. CONNALLY of Texas. Mr. Speaker, I make a motion that this bill be stricken from the calendar and placed on the Union Calendar immediately.

Mr. BEGG. Mr. Speaker——

The SPEAKER pro tempore. There is a point of order before the House at the present time which should be considered, perhaps, before any motion would be in order.

Mr. CONNALLY of Texas. This reaches the point of order.

The SPEAKER pro tempore. Will the gentleman withdraw his point of order?

Mr. CONNALLY of Texas. I withdraw the point of order for the time being and make the motion.

The SPEAKER pro tempore. The motion is to transfer the bill from the Private Calendar to the Union Calendar.

Mr. CONNALLY of Texas. Instanter.

Mr. BEGG. Mr. Speaker, I make the point of order that no quorum is present, and we are entitled to have the men here if we are going to discuss this question.

Mr. GARRETT of Tennessee. Does the gentleman want to make that point of order now?

Mr. BEGG. I do not want to make the point of order; certainly I do not. I think it is in the right place.

Mr. GARRETT of Tennessee. Then the gentleman should have renewed the point of order reserved by the gentleman from Texas.

Mr. BEGG. Well, the gentleman withdrew the point of order.

Mr. GARRETT of Tennessee. Why did not the gentleman from Ohio renew it?

Mr. BEGG. Where is the advantage; will the gentleman advise me.

Mr. GARRETT of Tennessee. The gentleman was standing on safe ground.

Mr. BEGG. I think it is on the calendar it belongs on, and why should I make a point of order? It seems to me that is logical.

Mr. FAIRCHILD. Mr. Speaker, I will make a point of order it is on the right calendar and there is nothing, therefore, before the House.

The SPEAKER pro tempore. The Chair understands the gentleman from New York desires to make a point of order against the motion of the gentleman from Texas to transfer it?

Mr. FAIRCHILD. To be sure.

Mr. BANKHEAD. Mr. Speaker, I make the point of order that the gentleman making the point of order of no quorum has presented a constitutional question which must be determined.

The SPEAKER pro tempore. It is evident there is no quorum.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 81]

Abernethy	Green, Iowa	Menges	Sweet
Aldrich	Greenwood	Michaelson	Taber
Anthony	Hammer	Moore, Ohio	Taylor, Colo.
Ayres	Hawes	Morin	Taylor, Tenn.
Bixler	Hudson	Nelson, Wis.	Tucker
Britten	Johnson, Ill.	O'Connor, N. Y.	Tydings
Burtness	Johnson, Ky.	Parks	Updike
Cleary	Johnson, S. Dak.	Peavey	Vare
Connolly, Pa.	Jones	Phillips	Warren
Curry	Kendall	Reed, Ark.	Wefald
Davis	Kerr	Schafer	White, Kans.
Dempsey	Kopp	Sears, Fla.	Wilson, Miss.
Doughton	Lee, Ga.	Shreve	Wood
Doyle	Lineberger	Smithwick	Wursbach
Flaherty	Lyon	Somers, N. Y.	Wyant
Fredericks	McSwain	Strong, Pa.	Yates
Gallivan	Madden	Sullivan	Zihlman
Glynn	Magee, Pa.	Swartz	

The SPEAKER pro tempore. Three hundred and sixty-one Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. FAIRCHILD. Now, Mr. Speaker, I renew my point of order on the motion of the gentleman from Texas [Mr. CONNALLY]. The decision primarily as to the right reference of a bill or resolution rests with the Speaker. The Speaker has decided that this resolution shall be on the Private Calendar. Personally I think that is the proper disposition. Now, I make the point of order that it is for the present Speaker to decide whether the resolution is rightfully on the Private Calendar, and on that I shall be glad to be heard. If the Speaker decides that the resolution is properly on the Private Calendar, then the proper procedure would be, if the gentleman from Texas does not agree with the decision of the Chair, to appeal from the decision of the Chair.

The SPEAKER pro tempore. Let the Chair state the situation as he understands it. The gentleman from Texas moves to transfer House Joint Resolution 154 from the Private Calendar to the Union Calendar, and if the resolution was properly referred that motion is not in order and the gentleman from New York makes the point of order against the motion. That motion will be in order if the resolution was improperly referred, but if properly referred the motion would not be in order. The question now, in discussing the point of order, is whether the resolution originally was properly referred.

Mr. CONNALLY of Texas. Mr. Speaker, I withdraw the motion to transfer for the time being and make the point of order the resolution properly belongs on the Union Calendar.

The SPEAKER pro tempore. The gentleman from Texas withdraws his motion and makes a new point of order that the resolution is improperly on the Private Calendar.

Mr. CONNALLY of Texas. And should be on the Union Calendar.

The SPEAKER pro tempore. Does the gentleman desire to be heard?

Mr. CONNALLY of Texas. Mr. Speaker, it is our contention that the Speaker has authority, if this bill is improperly on the Private Calendar, to transfer it to a different calendar, the one to which it belongs. Mr. Speaker Clark, I believe it was, on January 23, 1918, page 1174, part 2, volume 56, Sixty-fifth Congress, second session, in a similar situation ruled as follows:

The Chair is ready to rule. This is a very close question and in the end—

The question was whether or not a bill was a charge upon the Treasury, and that is the question he referred to when he said it was a very close question—

and in the end it does not make a particle of difference which one of these methods you pursue, whether the bill is on the House Calendar or on the other calendar, and to be absolutely on the safe side and to

guard the rights of the Government in the premises, the Chair decides this particular bill ought to be on the Union Calendar; and he further decides that the House automatically resolves itself into Committee of the Whole House on the state of the Union to consider the bill, with the gentleman from Indiana [Mr. COX] in the chair.

The SPEAKER pro tempore. Will the gentleman yield to the Chair for a moment?

Mr. CONNALLY of Texas. Certainly.

The SPEAKER pro tempore. The Chair agrees with the gentleman that if the bill is on the wrong calendar we have the right to change it to the Union Calendar, the question is whether it is properly referred to the Private Calendar.

Mr. CONNALLY of Texas. This bill, as it comes back from the committee with its report, and the bill together with the views of the minority, under section 2 of Rule XIII, shall be delivered to the Clerk for printing and reference to the proper calendar, under the direction of the Speaker, in accordance with the foregoing clause.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. CONNALLY of Texas. I yield.

Mr. GARRETT of Tennessee. Mr. Speaker, I understood the Chair to state that he agreed with the gentleman from Texas that the bill was not on the proper calendar.

The SPEAKER pro tempore. The Chair said if it was not on the Private Calendar it would be in the province of the Chair to change it.

Mr. BEGG. Mr. Speaker, a parliamentary inquiry.

Mr. CONNALLY of Texas. Mr. Speaker, I do not yield the floor to a parliamentary inquiry. I will yield to the gentleman if he wants to ask a question.

Mr. BEGG. I do not see how the gentleman can prevent a parliamentary inquiry.

Mr. CONNALLY of Texas. The Speaker will protect my rights in that regard.

Mr. BEGG. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes. Since the gentleman puts it on the proper basis of inquiry, the gentleman will yield.

Mr. BEGG. I would like to address my question to the Speaker.

Mr. CONNALLY of Texas. Then I do not yield. I am not the Speaker.

Mr. CHINDBLOM. The time is in the control of the Speaker, not that of the gentleman from Texas [Mr. CONNALLY].

Mr. BEGG. Did I understand the Speaker to make the statement that should he decide that this bill is on the wrong calendar he had it in his power as Speaker to re-refer it? I do not agree with that.

The SPEAKER pro tempore. I think that is in accordance with the precedents of the House.

Mr. BEGG. I think the Chair is in error in that.

Mr. CONNALLY of Texas. That is not the first time the gentleman has been out of accord with the precedents.

Mr. Speaker, paragraph 2 of Rule XIII refers to reports of committees and requires that they shall be delivered to the Clerk for printing and reference to the proper calendar. The report on this bill and the bill which it reports constitute the matter that goes to the Clerk and to the Speaker for reference to the proper calendar.

Mr. FAIRCHILD. Mr. Speaker, will the gentleman yield?

Mr. CONNALLY of Texas. In just a moment.

Whether the bill as originally introduced is a private bill or not, when the committee reported the bill the committee reported an amendment which is distinctly public in its character, and the largest amount of money which is authorized to be appropriated by this bill is authorized to be appropriated for a public purpose and is not private in its character; and our contention is that the report of the committee and the amendments, which are the things which are reported and which are the things which under the rule determine the calendar to which it should be referred, are public in their nature.

Now I yield to the gentleman from New York.

Mr. FAIRCHILD. The gentleman has already answered what I had in mind. Of course, I take issue with the gentleman as to whether the committee can assume jurisdiction by reason of an amendment.

Mr. CONNALLY of Texas. The committee did not assume any jurisdiction that it did not have.

Mr. FAIRCHILD. It seems that the committee has assumed jurisdiction by the amendment put on by the committee.

Mr. CONNALLY of Texas. If this were a private claim bill it should not have been referred originally to the Committee on Foreign Affairs.

Mr. FAIRCHILD. If it was a private bill, it was referred not by the Speaker, but by the Member who introduced it under the rule.

Mr. CONNALLY of Texas. The gentleman is assuming that the rule does not require the Speaker to refer bills. I will read the rule, if the gentleman desires.

Mr. FAIRCHILD. The gentleman can read the rule himself.

Mr. LINTHICUM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINTHICUM. Suppose that in the consideration of this bill, instead of reporting it with two amendments, the committee had stricken out all after the enacting clause and provided that the entire $110,000 should go for the purpose of educating Persian students in the United States. Would that have gone on the Private Calendar or on the Union Calendar?

The SPEAKER pro tempore. It seems to the present occupant of the chair that the original text of the bill must be the controlling feature of the bill, and not the amendments reported by the committee. The Chair will refer the gentleman to Hinds' Precedents, Volume IV, page 250, section 3288:

> A private bill of the House, returned from the Senate with a substitute amendment of a public nature, was held to be a private bill.

Mr. LINTHICUM. This bill, if the Speaker please, was referred to the Foreign Affairs Committee, was considered as a public bill, along with the bill introduced by the gentleman from Pennsylvania [Mr. PORTER], which authorized the entire $110,000 to be allocated for a trust fund for the education of Persian youths in the United States. The committee, after discussion of these two bills, finally concluded to compromise, as you may term it, and decided that $25,000 of this fund should go to the widow, who had not been remunerated in the damages she had personally suffered, and the other $85,000 went to an object of a public nature. In other words, more than three-quarters of it went to a purpose of public nature, while less than one-fourth of it went to an object of a private nature. Does the Speaker propose to rule that because this widow obtained one-fourth and then three-fourths, changing the entire nature of the bill, making it absolutely a public bill and not a private bill, does the Speaker intend to say that when introduced as a private bill and reported as a public bill he would hold that it was a private bill and be placed upon the Private Calendar? It is certainly a matter of public concern.

This House Joint Resolution 154, which by amendment authorizes the payment to Katherine Gillespie Imbrie of $25,000, and authorizes the Secretary of the Treasury to set aside the sum of $85,000 as a student fund for the education in the United States of Persian students. These sums aggregate $110,000, paid by the Persian, and constitutes the expense of the U. S. S. *Trenton*, which brought to America the remains of Robert Whitney Imbrie, vice consul to Persia, who was murdered at Teheran, the capital of that country.

Robert Whitney Imbrie was born here in Washington April 23, 1883; he graduated from George Washington University and received degree of master of law from Yale University in 1906. He practiced law until 1914, except during the year 1911, when he was attached to the Garner scientific and exploring expedition to the African Congo. In 1914 he joined the American Ambulance Corps with the French Army, serving in active sectors during the early part of the war, including that of Verdun in 1916, incidental to which he wrote a book entitled "Behind the Wheel of a War Ambulance." He volunteered for the French expedition based at Saloniki, was later stricken with fever, and returned to the United States. In 1917 he was appointed vice consul of the United States at Petrograd; in December, 1919, he was sent to Viborg, Finland, on the Russian border, and in 1920 assigned to Constantinople where, on December 26, 1922, he was married to Miss Katherine Gillespie, of Boston, Mass., who was directing the Near East Relief orphanage at that place. While assigned to Constantinople he was detailed to Angora, seat of the Turkish National Government; he was special delegate of the United States to the Lausanne conference in 1923, and in the spring of 1924 was assigned as vice consul to Persia, in whose capital, Teheran, he was murdered on July 18, 1924, at about the noon hour, while acting as consul general.

The major was an author and lecturer, a fellow of the Royal Geographical Society of England, and had received 10 decorations in foreign countries.

I was assigned by the chairman of our committee to make this report largely because of my personal acquaintance and familiarity with the life and character of this brilliant young man. He was a man of splendid physique, very highly educated, a graduate of Yale, and a practicing attorney in the city of Baltimore.

It had been my pleasure to recommend him for an appointment to the Department of Justice, but before anything was accomplished he was off for service in the great World War, which had broken out. It was a great surprise to everybody when the wires flashed the information to the civilized globe that America's consul had been brutally murdered in the streets of Teheran, and further details through post-mortem report recorded ghastly wounds about the head, face, and hands, contusions and lacerations over most of his body, and more than 138 wounds, many of them clean-cut, which could only have been produced by swords or some other sharp-edged instrument, indicating at least, if not absolutely proven, that some of them had been inflicted by military officers, they being the only men carrying swords, and by the further fact that admissions were made by the authorities that the military had been prohibited in the use of force in maintaining order.

Imagine the heroism and stability of this young man when he survived these terrible wounds, reached the hospital, where he was being treated and might have survived had it not been that these fiendish religionists were allowed to enter the hospital, even the operating room, and there again attack the consul, who died within a few hours thereafter, at about 3 o'clock of that day.

In the face of this terrible murder and diabolical act the State Department of our Government enters upon its discussion through its minister, since recalled, for indemnities for this terrible outrage not alone upon the person of Imbrie but in total disregard of the respects due our Government through its consul at Teheran. First, it requires indemnity for the vice consul's wife, and without consultation or correspondence with her, and in the face of a telegram requesting that no settlement be made until full facts could be ascertained, the Government fixes the sum of $60,000 for the major, who was receiving in salary and allowances $4,000 and in addition revenues from his writings and other works. And now we have a minority report in which is filed as Exhibit A, and uses a precedent for such settlement the allowances made upon the *Lusitania* claims, claims which originated during the World War by virtue of passage on a British steamship whose Government was at war with the Imperial Government of Germany; on a boat which was liable to be submarined, of which there had been considerable talk. Claims arising out of this submarining during a terrific war are compared by this minority report with that of a claim for the brutal murder of a consul of the United States Government in the capital of a country with which we are at peace.

However, let us look at a few of these allowances and see how large they are even under such circumstances:

Trumbull, Isaac B.: Thirty-three years old and was drawing salaries aggregating $20,000. He left a widow and a daughter, 32 and 13 years old, respectively. The widow was awarded $50,000 and the daughter $25,000.

Mills, Charles Veitch: Thirty-three years old; his wife was 28. The decedent was earning $4,000 and his prospects of advancement were bright. No children. The widow was awarded $40,000.

Brown, William H. H.: Business man, 34 years old, who was earning rather more than $5,000 per year. He left a widow 27 years old and two sons, 4 and 1 year old, respectively. The widow remarried about 3 years after the disaster. Awards: To the widow, $10,000; to the children, $15,000 each.

Billicke, Albert Clay: A business man about 54 years old, who left an estate of $2,706,864. His widow and son and daughter were 49, 13, and 11½ years old. The widow was permanently injured. The widow was awarded $50,000 and the two children $30,000 each.

Stone, Herbert Stuart: Forty-four years old; his widow, 36, and three children, 13, 11, and 10 years old. His earned income was $16,000 a year and his prospects were bright. Awards: To the widow, $50,000; to the children, $15,000, $20,000, and $20,000, respectively.

Adams, Arthur Henry: Forty-six years old and was earning a salary of $13,000 per year. His prospects of advancement were fair. He left a widow and a son 19 years old. His widow was awarded $70,000.

Francis Kellett: Forty-seven years old. Income, $6,500. Widow and son 13 years old. Award: Widow, $30,000; orphan, $15,000.

Arthur R. Foley: Fifty-one years old; salary, $3,120. Widow and daughter 15 years old. Award: Widow, $25,000; orphan, $5,000.

The minority report quotes that this settlement was made with unprecedented dispatch. So it was. It was made so quickly that the widow had not even had time to leave the country with the remains of her husband when she heard through a third party that the matter had been adjusted. Adjusted without knowledge on behalf of the State Department of the physical condition and suffering of this widow, who had personally been attacked four days after the death of her husband on July 22, 1924, seized by the head and grasped by the throat; and that, owing to her weakened condition and these assaults, she, being enciente, gave premature birth to her child and ever since has been in bad physical condition, receiving regular medical attention in hospitals and otherwise and wearing a heavy steel brace all the while.

The second requirement, that is, payment of the expenses of dispatching the U. S. S. *Trenton* to Persia: The United States required of the Persian Government the payment of the expenses of the *Trenton*, which brought back the body of Consul Imbrie to America. This demand was made on July 26, which the Persian Government accepted on July 29, 1924, thereby closing the contract and agreeing to pay the expense whatever it might be. The expense was found to be $110,000. This information was dispatched to the Persian Government on November 9, and then takes place that most remarkable statement, first instigated, as the hearings will show, by Mr. Murray, the American chargé de affairs at Teheran, and adopted by our State Department, to wit:

My Government desires to effect a settlement of this question in a manner that will tend to promote the friendly relations between the two countries. It has, therefore, authorized me to propose that the Persian Government's undertaking in this matter be carried out by the establishment of a trust fund to be utilized for the education of Persian students at institutions of high learning in the United States.

(Signed) CHARLES E. HUGHES.

The Persian Government replied on November 9, 1924, in part as follows:

I also beg to state that the proposal of the great Government of the United States of America that this sum be spent on the sending of Persian students to the United States is appreciated by the authorities of the Imperial Government.

Note that this does not even accept the tender, nor does it even quote for what purpose the students are to be sent to America, showing conclusively that the Persian Government was intent upon discharging its obligation for the payment of $110,000 which it had unequivocally promised to pay without regard and perhaps without care as to what it should be used for. Perhaps the Persian Government thought that the income of some $4,000 was so slight for such a purpose that it was not material. Certainly they might well think so when you realize that not more than two students could be educated yearly on this amount.

Now, what the Foreign Affairs Committee proposes is that $25,000 of this *Trenton* expense fund shall be used to further reimburse Mrs. Imbrie, and that the balance of $85,000 be used to establish this student trust fund. Certainly this is manifestly more than fair to the Persian Government, and should be satisfactory to our own State Department when we realize that it hastily acted and while perhaps technically within its power, certainly it would have been better practice to have consulted Congress in the premises. No part of the fund should really have gone to Persia not for anything connected with that country. It is almost like condoning an offense which was certainly not perpetrated by a merely irresponsible mob, but was, as shown by the hearings, permitted by those in direct command of Persian troops who were supposed to maintain order and upon whose authority and military power Major Imbrie had a right to expect protection not alone as a citizen of a foreign country, but certainly as consul of this great Government of ours. I can see no argument of the minority report against the fairness and justice of this resolution as amended. The real truth is that if this Government treated so lightly the $110,000 *Trenton* expense fund, and if it was of such little moment to a wealthy Government, it should have been given to the widow, who suffered torments and agony, hazard and loss while serving her country as the wife and widow of our consul. [Applause.]

The SPEAKER pro tempore. The only question before the Chair at the present time is whether the resolution was properly referred to the Private Calendar and not whether the resolution is a public resolution or a private resolution at the present time, as the Chair understands it.

Mr. CONNALLY of Texas. Mr. Speaker, I do not know what force this suggestion will have with the Chair, but I do not quite agree with the gentleman who contends that this resolution originally was essentially a private resolution. In the first place, it was referred by the Speaker to the Committee on Foreign Affairs, which does not have general jurisdiction of private claims.

Now, what was this resolution when it was introduced originally? It had to do with the disposition of a fund which arose out of the foreign relations of the United States, and the

Chair must take legislative knowledge—if I may use that term, the Chair not being a judge—of the situation which this resolution presents. The Chair will recall that a vice consul of the United States, located at the capital of Persia, was publicly assaulted and killed by certain Persians. The United States in its public capacity, through the avenues of diplomacy, took up that matter with the Persian Government. We sent a warship to bring back the body of the vice consul, and growing out of that there is pending and uncompleted now an arrangement between the Persian Government and the Government of the United States whereby the Persian Government pays the United States $110,000. The disposition of that fund is contingent upon the passage of this resolution or some similar resolution, and the chief purpose of this legislation is not to pay a private claim to Mrs. Imbrie. That is an incident. The chief character of this legislation is to adjust and settle that international incident, which is still pending between the Government of Persia and the Government of the United States. That is a matter of public character and not of private character.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. FAIRCHILD. Is it not a fact that those who joined in the majority report claimed that by the contract of July, 1924, this matter was a closed matter with the Persian Government and that the money was paid in accordance with that agreement and is in our Treasury to do what we please with it? Is not that the contention of those who joined in the majority report?

Mr. CONNALLY of Texas. I will say to the gentleman from New York that some gentlemen contend that, but the gentleman now on the floor does not contend that.

Mr. FAIRCHILD. Of course, the gentleman from Texas has a right to change his position in the matter, but the whole basis of the majority report is that we can do what we please with that money, because it is our money and is in the Treasury of the United States.

Mr. CONNALLY of Texas. That does not reach the question before the Chair. Mr. Speaker, I submit those considerations.

Mr. BEGG. Mr. Speaker, the resolution as introduced was undoubtedly a private resolution, because there is not a line in it or a word in it of a public character. The fact that the committee added a nongermane amendment to it would not of itself affect the character of the resolution.

I wish to direct the attention of the Chair to Hinds' Precedents, Volume IV, paragraph 3285. I am perfectly willing to concede that there are plenty of bills about which it is very difficult to determine whether or not they are private or public, but I would like to read this precedent to the Chair, if he pleases:

> The line of distinction between public and private bills is so difficult to be defined in many cases that it must rest on the opinion of the Speaker and the details of the bill.

I am perfectly willing to rest this case on both of those provisions, namely, the judgment of the Speaker and the details of the bill, and I submit, as to that last statement, that a committee amendment is not strictly interpreted as a part of a bill. It is the idea or it is the majority view about a provision in a bill to be submitted to the House for incorporation in the bill, and as it stands right now this amendment is not a part of the bill.

> It has been the practice in Parliament, and also in Congress, to consider as private such as are "for the interests of individuals, public companies, or corporations, a parish, city, or county, or other locality.

Now, Mr. Speaker, listen to this language:

> To be a private bill it must not be general in its enactments but for the particular interest or benefit of a person or persons.

Now, I submit, Mr. Speaker, that everything in the body of the resolution is for the benefit of a person, an individual, and even a part of the amendment is for the benefit of persons. So I would not even be willing to concede that the amendment is general.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. O'CONNELL of New York. Suppose we had appropriated the whole $110,000 in this case. Would that alter the gentleman's judgment?

Mr. BEGG. For whom?

Mr. O'CONNELL of New York. For the widow.

Mr. BEGG. Then it certainly would have been a private resolution without any question. It would have been a private resolution, and the gentleman from New York would not argue for one minute that it was a public resolution.

Mr. O'CONNELL of New York. Yes; I would.

Mr. BEGG. And I will say to the gentleman that that is exactly what the introducer of the resolution did do; he gave the beneficiary under this resolution $40,000 as additional compensation for her husband and $70,000 for herself. So the gentleman must admit his error and agree that this is nothing but a private resolution.

Now, I would like to call the Speaker's attention to this: Suppose this resolution were taken up and the House should refuse to adopt the committee amendment? Then the resolution would be left with the beneficiary getting the whole amount of money. Therefore I contend that by no stretch of the imagination can this resolution be held to be anything but a private resolution and not a public resolution.

Mr. BLANTON. Will the gentleman yield?

Mr. BEGG. I will yield.

Mr. BLANTON. Suppose that one of our nationals were to attack the Persian Embassy here in Washington and create damage and there should be a bill introduced, at the instance of the President, to reimburse them for $110,000? Would that be a public bill or a private bill?

Mr. BEGG. There is no similarity at all.

Mr. BLANTON. It is just the reverse of the proposition. This was an American national whose husband was murdered in Persia by Persian nationals.

Mr. BEGG. If the gentleman will permit me to go on——

Mr. BLANTON. And it is a question in which every American citizen is interested.

Mr. BEGG. I will convince the gentleman he is in error. The Persian Government, according to the contention of the proponents of this resolution, has settled the case with the United States and the money to-day is in the United States Treasury.

Mr. BLANTON. By paying $110,000.

Mr. BEGG. And Persia is not interested at all, according to the contention of the proponents of this resolution, with what we do with this $110,000, and it only concerns the United States Congress as to what we shall do with it. Persia by no stretch of the imagination can protest; but, Mr. Speaker, I want to go on with the question a little further.

I would like to read this paragraph from Hinds' Precedents, from the same volume, on page 248:

> Questions have arisen in cases where a single bill has contained provisions relating to a number of persons. An "omnibus claim bill," containing provisions for the payment of many different claimants, but all having claims of the same class and each claimant being specified by name, has been treated as a private bill.

I do not think, Mr. Speaker, it is necessary to go into all of the precedents that can be cited substantiating and supporting the contention that this is a private claim. I will cite the Chair to a decision rendered by the Hon. Joe Walsh, when acting as Chairman or as Speaker. On June 20, 1921, a bill was introduced, H. R. 2861, permitting a Mr. Gandy, of the State of Washington, to overflow some military lands, and the question was raised at that time that it was not a private bill owing to the fact the lands to be overflowed belonged to the Government, and the additional fact there might be some people benefited by that legislation besides Mr. Gandy, and I will cite the Chair to the fact that the distinguished gentleman who was acting as Speaker at that time held that was a private bill in spite of the facts stated because the man receiving the main benefits under the bill was a single individual.

Speaker Cannon has held similarly; and, in fact, Mr. Speaker, I have been unable to find any precedents similar to this where the question has been raised that have held such bills to be of a public nature.

To be public, this proposition in some way would have to affect our international or foreign affairs in some way. In no wise can this resolution affect foreign relations if the contention of the proponents of the resolution is right, namely, that the money is in the Treasury of the United States and the transaction with Persia ended.

Mr. EDWARDS. Will the gentleman yield?

Mr. BEGG. I will be glad to yield to the gentleman.

Mr. EDWARDS. Will not the gentleman admit that the question of the payment of the $85,000 for the purpose stated in the resolution is an international question affecting Persia and the United States?

Mr. BEGG. That money is in the Treasury here.

Mr. EDWARDS. Yes; but the gentleman does not take the position that it was a closed incident when the money was actually paid in, does he?

Mr. BEGG. The gentleman himself is not taking any position on that question. He is only quoting the position that is taken by the proponents of this measure, namely, that the

dealings with Persia are ended, and because they are ended it is no business of the Persian Government what we do with any part of the money paid in.

Mr. EDWARDS. The gentleman from Tennessee [Mr. McREYNOLDS] and myself take the position it was a closed incident when the $110,000 was paid in, and that the State Department had no right to make the provision about the payment of the $110,000 to Persia to educate Persian youths. We are against that, as our minority report shows.

Mr. BEGG. I will say to the gentleman that perhaps it is all right for him to take that position, but that does not affect the point of order.

Mr. EDWARDS. The point I was trying to reach, if the gentleman will indulge me a moment, is that I think clearly the minority report, in which the gentleman himself joins, does raise in this matter an international question and as one affecting our foreign relations.

Mr. BEGG. Mr. Speaker, that is all I have to offer on the point of order.

Mr. JOHNSON of Washington. Will the gentleman yield so that I may make a suggestion?

Mr. BEGG. Yes; I had forgotten for the moment that I promised to yield to the gentleman.

Mr. JOHNSON of Washington. I would like to say that the whole form and purpose of this resolution shows it is private in its character, except the amendment, which in reality is not a part of the resolution but a proposal to be offered to the legislation.

Mr. GIFFORD. Mr. Speaker, I should like to be heard on the matter for just a moment.

The SPEAKER pro tempore. The Chair will be glad to hear the gentleman.

Mr. GIFFORD. I realize, Mr. Speaker, that I may be somewhat out of order, but in a matter of this nature, which is one of deep human interest, it might be well to have opinions expressed by some of us who may not yet have learned the very difficult procedure under the rules of the House in matters of this kind.

If it is necessary for all of us to learn every conceivable rule in order to protect ourselves from our own leaders, it is time for us to inform ourselves exactly as to every possible point of procedure, however difficult that may be. It is possible, but I have always felt that there were already enough Members of the House who were thoroughly informed on the subject of procedure so that the business of the House might be carried on properly and with fairness. In connection with the situation which has arisen here to-day, I think that I should be privileged to say to the Speaker that the intent of the committee should be given serious consideration, especially as the gentleman from Ohio agrees that it is indeed difficult at times to tell whether a bill is a private or a public one. Especially should this be so when the bill has been reported by the committee and no member of that committee dreamed that it should have been on the Private Calendar. Surely the intention was that it should come properly before the House for consideration to-day. Although the gentleman from Ohio laughed yesterday, and said that something was going to happen and he would be giving me the laugh to-day, Heaven knows I want to credit him with acting for the best interests of the House, in which he is an assistant to the Speaker, in what he has intended to do. If the gentleman had only told me, or some other proponent of this legislation, that something of this sort was to be sprung to-day, we might have been prepared to meet his parliamentary objections. I realize that I may well be called to order for not speaking directly to the point of order, but I should like to call attention to the fact——

Mr. BEGG. I certainly am not going to call attention to that, but I would like to ask the gentleman to yield, if he will.

Mr. GIFFORD. I am glad to yield to the gentleman.

Mr. BEGG. The gentleman refers to a little kidding match we had yesterday when the gentleman tried to jolly me about how they were going to beat me to-day and I said, "Come around in the afternoon and tell me how much sympathy you want to waste on me." If there was anything improper about that, I apologize publicly.

The SPEAKER pro tempore. So far as the Chair is concerned, the only thing for him to do is to follow as carefully as he can the precedents and the rules of the House regardless of what he may think of the merits of the matter involved.

Mr. GIFFORD. If, as the gentleman from Ohio says, it is difficult to tell when a bill is by nature private or public and that the Chair must consider its substance, I, as a proponent of this bill—as the one who introduced it—want to call attention to the fact that it is a joint resolution authorizing the expenditure of certain funds paid to the United States by the Persian Government. It is not a bill "for the relief of" some particular person. If it had been presented to the Speaker for assignment and the second page had read "$1,000 to the widow of Robert Imbrie and $109,000 for the public purpose of educating Persian youths," it would certainly have been a bill of a public nature. If it is true in that case, it must be true in this in the form in which the bill has been reported, and it would seem ridiculous to say that it must be placed on the Private Calendar. All of the committee, with the exception of one, or possibly two, came into the House to-day intending to present the bill in the usual Calendar Wednesday manner, and in spite of what the Chair may rule—in case he may feel that it is his duty to rule adversely—I want it fully understood that, as a matter of policy and of human interest, a great act of injustice will have been done if we do not now give Mrs. Imbrie her proper day in court. If the matter is to be delayed to come up some time on the Private Calendar, I shall be sorry. If it is true that the Speaker must consider the details or substance of the bill, I ask him please to consider this: If it read $1,000 as against $109,000, would it not be ridiculous to say that it was a private bill? The difference in the figures does not alter the case.

Mr. MOORE of Virginia. Mr. Speaker, if the Chair will allow me I want to make one or two observations. As I have listened to the precedents read by the gentleman from Ohio, it seems to be conceded that there is a very large discretion left to the Speaker in ruling upon an issue of this character. The point seems to stand out that the Speaker should take into view the major purpose of the legislation. Now, what is the major purpose of this legislation? I do not intend to discuss the merits of the bill, but only to direct the attention of the Speaker to that question.

The occurrence in Persia out of which all this controversy originates has been referred to. After Major Imbrie's death the Persian Government paid over to our Government the sum of $110,000, which went into the Treasury. Later on our Government undertook, without any authority of Congress, to make an arrangement with the Persian Government that the $110,000 should be used for the education of Persian boys in this country.

When the matter reached the committee the committee had to focus its attention on that fact—that the full amount had to be disposed of in some proper and regular manner, and that was the primary matter that was presented to the committee. The committee determined the matter and said $85,000 of the total amount shall be used in that way and the balance of the fund should be used in another way, namely, for reimbursement of Mrs. Imbrie for injuries she sustained.

Mr. BEGG. Will the gentleman yield?

Mr. MOORE of Virginia. I will.

Mr. BEGG. If I understood correctly, the gentleman said that the primary purpose was to decide how we should dispose of $110,000.

Mr. MOORE of Virginia. That is absolutely true so far as the proceedings of the committee are concerned, and no one can read the report in this case without finding it to be the fact.

Mr. BEGG. Will the gentleman permit a question?

Mr. MOORE of Virginia. I will.

Mr. BEGG. Does that $110,000 require action of the House for disposition any more than any other $110,000 that is in the Treasury? We did not have to put it in, and it can not get out without our action.

Mr. MOORE of Virginia. That is a specious question. If the $110,000 was in the Treasury without any contention that an agreement had been made between this Government and Persia with respect to it, he would be right. But the contention was made before the committee, elaborately made, and the details discussed, that a bargain had been made between this Government and the Persian Government as to the use of the $110,000, and that was the fundamental subject we were considering in committee when we dealt with the bill.

Now what was our conclusion. We said here is an international question, we have got to deal with it as an international question, and the House will have to deal with it as an international question—as to what shall be the disposition of the $110,000. We concluded that $85,000 of that money should be used for the education of Persian students and the balance paid to Mrs. Imbrie.

Now, Mr. Speaker, I suggest this: That the Speaker must desire to facilitate the business of this House, and that if the Speaker thinks he has a discretion he will use it in the line of the expeditious transaction of business and will not be bound by any precedent that will have the effect of preventing the House from considering the bill unless the precedent is so binding, is so drastic, is so final, that there is no escape from it.

Mr. CARTER of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. CARTER of Oklahoma. When this resolution went to the committee it evidently was a resolution of a private nature.

Mr. MOORE of Virginia. That is conceded.

Mr. CARTER of Oklahoma. But the committee amended it in such a way that it makes it a resolution of a public nature.

Mr. MOORE of Virgina. Yes; certainly.

Mr. CARTER of Oklahoma. The point made that the amendment can not change the resolution so as to make it either public or private can not be well taken, because the thing that is before the House for consideration is not the resolution as originally introduced, but the resolution with the amendment as proposed by the committee and the report of the committee, so that the matter under consideration is just as much the amendment reported by the committee as the original resolution itself. Therefore if the amendment is of a public nature the resolution must be changed by the committee's report from a private resolution to a public resolution.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. STEVENSON. In reply to what the gentleman has just said, suppose it should come up as a public resolution and then the committee's amendment should be immediately rejected, we would still have a private resolution. If you begin to switch from the original object and scope of the resolution, there is no place to stop, and you will have to stand on it as originally introduced.

Mr. CARTER of Oklahoma. The point is not so much that, but what is before the House for consideration? Is it the resolution as originally introduced, or is it the committee's report making a recommendation that a certain amendment be made to the resolution, and, if so, then certainly if the amendment is of a public nature we have under consideration a resolution of a public nature.

The SPEAKER pro tempore. The Chair is ready to rule. Clause 1 of Rule XIII provides:

> Third. The calendar of the Committee of the Whole House to which shall be referred all bills of a private character.

Under the reference read by the gentleman from Ohio [Mr. BEGG], in section 3285, Hinds' Precedents, Volume IV, we find the following:

> A private bill is a bill for the relief of one or several specified persons, corporations, institutions, etc., and is distinguished from a public bill, which relates to public matters and deals with individuals only by classes.

Also:

> The term "private bill" shall be construed to mean all bills for the relief of private parties, bills granting pensions, and bills removing political disabilities.

The only question before the Chair is the text of the original resolution, not the intent or the purpose of the committee or of anyone else, or what the Chair himself might think in regard to the resolution. It is also necessary for the Chair to follow as carefully as possible the rules and precedents of the House and let nothing else enter into the consideration on an important decision as the one before us. In the original text of the resolution we find the following language:

> That there is hereby authorized to be appropriated the sum of $110,000, etc.

And in subsection (a) the resolution provided that $40,000 of that sum shall go to Katherine Embrie and in subsection (b) that $70,000 shall go to Kathrine Embrie. That is the substance of the bill before us, the balance is committee amendments. If the resolution had been originally introduced with the amendment incorporated as part of the bill the Chair is of opinion that it would have changed the general character of the resolution, but considering the resolution as it is, from the original text, the Chair is constrained to believe that the point of order is well taken against the right of the gentleman from Texas to move at this time to transfer House Joint Resolution 154 to the Union Calendar, on the ground that the original resolution was not erroneously placed on the Private Calendar.

Mr. CONNALLY of Texas. Mr. Speaker, I desire to make a privileged motion, that the House joint resolution now before the House, No. 154, with the amendments, be placed upon the Union Calendar.

Mr. BEGG. Mr. Speaker, I make the point of order that that motion is not in order. There is nothing before the House.

Mr. CONNALLY of Texas. There is something before the House, if the Chair will bear with me a moment, and the gentleman will be composed. Hinds' Precedents, Volume III, page 1087, section 2614, provides:

> A motion to correct an error in referring a bill to the proper calendar presents a question of privilege.
>
> The Chair in an elaborate ruling asked the question as to whether it was a private bill or a public bill, and entertained the motion, and held the motion in order, that it presented a question of privilege.
>
> Then the Chair concludes:
>
> The question is on the motion of the gentleman from New York to change the reference from the Private Calendar to the calendar of the Committee of the Whole House on the state of the Union.

That is exactly this question. The motion of Mr. Payne, of New York, was then agreed to, ayes 62, noes 37, and reading now from section 2615, Hinds' Precedents, Volume III:

> On February 18, 1889, Mr. William H. Hatch, of Missouri, raised the question that the bill (H. R. 11027) defining * * * had been referred to the House Calendar, when it should have been sent to the calendar of the Committee of the Whole House on the state of the Union. Therefore, as a matter of privilege, he moved a correction of the reference, and that the bill take the same place on the proper calendar that it would have had had it been correctly referred at first.
>
> Mr. Samuel J. Randall, of Pennsylvania, made the point of order that such motion did not present a privileged question, and was not in order for consideration at this time.
>
> The Speaker said:
>
> "The question arose in the Forty-sixth Congress as to whether it was a matter of privilege to correct an erroneous reference to a committee, and the then occupant of the chair decided that it was, and the House sustained the decision."
>
> Then the Speaker concluded:
>
> "The gentleman from Missouri moves that the bill be referred to the Committee of the Whole House on the state of the Union as of the date of July 28, 1888, when the House made the improper order, and the Chair put that question to the House."

The SPEAKER pro tempore. Will the gentleman yield to the Chair for a moment.

Mr. CONNALLY of Texas. Yes.

The SPEAKER pro tempore. Under the present ruling of the Chair that the reference is not erroneous, the gentleman would not contend that the motion he now makes is a privileged motion at this time, would he?

Mr. CONNALLY of Texas. Of course. The House is in command of its business. If that sort of doctrine were the rule, the Chair could refuse ever to consider a question of this kind and would decide the matter for himself.

The SPEAKER pro tempore. The question before the Chair originally was whether this was erroneously referred. The Chair, in his opinion, thinks it was not erroneously referred.

Mr. CONNALLY of Texas. But the House might think differently.

The SPEAKER pro tempore. But the gentleman from Texas has not appealed from the decision of the Chair.

Mr. CONNALLY of Texas. No; but I am presenting a motion.

The SPEAKER pro tempore. And under the decision of the Chair just rendered, the Chair is of opinion that the motion is not a privileged motion.

Mr. LINTHICUM. Then, Mr. Speaker, I appeal from the decision of the Chair.

Mr. BEGG. From what decision?

Mr. LINTHICUM. The decision not to refer this bill to the Union Calendar and take it from the Private Calendar.

Mr. BEGG. But I make the point of order that it is too late to appeal from that decision.

The SPEAKER pro tempore. The Chair understood the gentleman's appeal was on the decision of the Chair that the motion of the gentleman from Texas is not a privileged motion at this time.

Mr. GARRETT of Tennessee. Mr. Speaker, as I understand it, the gentleman from Texas made a motion to transfer. The gentleman from Ohio or the gentleman from New York made a point of order that that motion was not in order, and the Chair sustained the point of order.

The SPEAKER pro tempore. The gentleman from Texas withdrew that.

Mr. CONNALLY of Texas. No; I make that now. I think the motion is good.

Mr. FAIRCHILD. Mr. Speaker, I renew the point of order that the motion is not in order, and make the further point of order that the Chair has already decided the question at bar.

Mr. GARRETT of Tennessee. No; I think the gentleman——

Mr. BEGG. Mr. Speaker, I make the point of order that it is not privileged to make that kind of a motion on Calendar Wednesday.

The SPEAKER pro tempore. The Chair has already ruled that the motion made by the gentleman from Texas was not a privileged motion at this time and is not in order. The gentleman from Maryland appeals from the decision of the Chair.

Mr. LINTHICUM. Mr. Speaker, there has been no business between the decision of the Chair and the present time, and I appeal from the decision of the Chair.

The SPEAKER pro tempore. Will the gentleman from New Jersey [Mr. LEHLBACH] take the chair?

The SPEAKER pro tempore (Mr. LEHLBACH). The House will be in order.

Mr. BEGG. Mr. Speaker, I move to lay that motion on the table.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to address the House——

The SPEAKER pro tempore. One moment. The question is, Shall the decision of the Speaker be the decision of the House? And on that question the gentleman from Ohio moves to lay the appeal on the table.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

Mr. BEGG and Mr. MADDEN. Mr. Speaker, I object.

Mr. LINTHICUM. Mr. Speaker, I make a point of order of no quorum. I withdraw that point.

The SPEAKER pro tempore. The question is, Shall the appeal lie on the table?

The question was taken, and the Chair announced that the ayes appeared to have it.

On a division (demanded by Mr. LINTHICUM) there were—ayes 96, noes 49.

Mr. LINTHICUM. Mr. Speaker, it is evidenced by the vote that there is no quorum present, and I make the point of order of no quorum.

The SPEAKER pro tempore. The Chair will count. The gentleman from Maryland makes the point of order that there is no quorum present. Obviously there is no quorum present. The Doorkeeper will close the doors; the Sergeant at Arms will notify absent Members; and the Clerk will call the roll.

The question was taken; and there were—yeas 201, nays 140, answered "present" 2, not voting 88, as follows:

[Roll No. 82]

YEAS—201

Ackerman	Denison	Kahn	Rowbottom
Adkins	Dickinson, Iowa	Keller	Rutherford
Allen	Dowell	Kelly	Sanders, N. Y.
Allgood	Dyer	Ketcham	Sandlin
Almon	Eaton	Kiefner	Schneider
Andresen	Elliott	Kiess	Scott
Andrew	Ellis	Kincheloe	Sears, Nebr.
Appleby	Esterly	King	Seger
Arentz	Fairchild	Kirk	Simmons
Arnold	Faust	Knutson	Sinclair
Bacharach	Fenn	Kopp	Sinnott
Bachmann	Fish	Kurtz	Smith
Bacon	Fitzgerald, Roy G.	LaGuardia	Sosnowski
Bailey	Fitzgerald, W. T.	Lampert	Sproul, Ill.
Bankhead	Fort	Lankford	Stalker
Barbour	Foss	Larsen	Stephens
Beedy	Frear	Lea, Calif.	Stobbs
Begg	Free	Leatherwood	Strong, Kans.
Berger	Freeman	Leavitt	Strother
Black, Tex.	French	Lehlbach	Summers, Wash.
Boies	Frothingham	Letts	Sweet
Bowles	Fuller	Lozier	Swing
Bowman	Furlow	Luce	Taylor, Colo.
Brand, Ga.	Garber	McLaughlin, Mich.	Taylor, W. Va.
Brand, Ohio	Garner, Tex.	McLaughlin, Nebr.	Temple
Brigham	Garrett, Tenn.	MacGregor	Thomas
Britten	Gibson	Madden	Thurston
Browne	Golder	Magee, N. Y.	Tilson
Brumm	Goodwin	Magrady	Timberlake
Burdick	Gorman	Mapes	Tincher
Burtness	Griest	Martin, La.	Tinkham
Burton	Hadley	Michener	Tolley
Busby	Hale	Miller	Vestal
Butler	Hall, Ind.	Mills	Vincent, Mich.
Cannon	Hall, N. Dak.	Montague	Voigt
Carpenter	Hardy	Montgomery	Wainwright
Carter, Calif.	Haugen	Morehead	Walters
Chalmers	Hawley	Morgan	Wason
Chindblom	Hersey	Morrow	Watres
Clague	Hickey	Murphy	Watson
Cole	Hill, Ala.	O'Connell, R. I.	Welsh
Colton	Hoch	Parker	Wheeler
Connolly, Pa.	Hogg	Patterson	White, Kans.
Cooper, Ohio	Holaday	Perlman	Williams, Ill.
Coyle	Hooper	Porter	Williamson
Cramton	Houston	Ramseyer	Wilson, La.
Crisp	Hudspeth	Ransley	Winter
Crowther	James	Reece	Wolverton
Curry	Jenkins	Reed, N. Y.	
Darrow	Johnson, Ind.	Robinson, Iowa	
Davenport	Johnson, Wash.	Robsion, Ky.	

NAYS—140

Aswell	Dominick	Kunz	Ragon
Auf der Heide	Douglass	Kvale	Rainey
Ayres	Drane	Lanham	Rankin
Beck	Drewry	Lazaro	Reed, Ark.
Bell	Edwards	Lindsay	Reid, Ill.
Black, N. Y.	Eslick	Linthicum	Rogers
Bland	Evans	Little	Romjue
Blanton	Fisher	McKeown	Rouse
Bloom	Fletcher	McLeod	Rubey
Bowling	Fulmer	McMillan	Sabath
Box	Gambrill	McReynolds	Sanders, Tex.
Boylan	Gardner, Ind.	McSweeney	Schafer
Briggs	Garrett, Tex.	Major	Shallenberger
Browning	Gasque	Mansfield	Speaks
Buchanan	Gifford	Martin, Mass.	Spearing
Byrns	Gilbert	Mead	Steagall
Canfield	Goldsborough	Mooney	Stedman
Carew	Green, Fla.	Moore, Ky.	Stevenson
Carss	Greenwood	Moore, Va.	Sumners, Tex.
Carter, Okla.	Griffin	Nelson, Me.	Swank
Celler	Hare	Nelson, Mo.	Tillman
Chapman	Harrison	Norton	Tucker
Collier	Hastings	O'Connell, N. Y.	Underwood
Collins	Hayden	O'Connor, La.	Upshaw
Connally, Tex.	Hill, Md.	Oldfield	Valle
Connery	Hill, Wash.	Oliver, Ala.	Vinson, Ga.
Cooper, Wis.	Howard	Oliver, N. Y.	Vinson, Ky.
Corning	Huddleston	Parks	Weaver
Crosser	Hull, Morton D.	Peavey	Wefald
Cullen	Jacobstein	Peery	Weller
Davey	Jeffers	Pou	Whitehead
Davis	Johnson, Tex.	Prall	Whittington
Deal	Jones	Pratt	Williams, Tex.
Dickinson, Mo.	Kemp	Quayle	Woodrum
Dickstein	Kindred	Quin	Zihlman

ANSWERED PRESENT—2

Lowrey	Snell

NOT VOTING—88

Abernethy	Green, Iowa	Menges	Swartz
Aldrich	Hammer	Merritt	Swoope
Anthony	Hawes	Michaelson	Taber
Barkley	Hudson	Milligan	Taylor, N. J.
Beers	Hull, Tenn.	Moore, Ohio	Taylor, Tenn.
Bixler	Hull, William E.	Morin	Thatcher
Bulwinkle	Irwin	Nelson, Wis.	Thompson
Campbell	Johnson, Ill.	Newton, Minn.	Treadway
Christopherson	Johnson, Ky.	Newton, Mo.	Tydings
Cleary	Johnson, S. Dak.	O'Connor, N. Y.	Underhill
Cox	Kearns	Perkins	Updike
Crumpacker	Kendall	Phillips	Vare
Dempsey	Kerr	Purnell	Warren
Doughton	Lee, Ga.	Rathbone	White, Me.
Doyle	Linebergar	Rayburn	Wilson, Miss.
Driver	Lyon	Sears, Fla.	Wingo
Flaherty	McClintic	Shreve	Wood
Fredericks	McDuffie	Smithwick	Woodruff
Funk	McFadden	Somers, N. Y.	Wright
Gallivan	McSwain	Sproul, Kans.	Wurzbach
Glynn	Magee, Pa.	Strong, Pa.	Wyant
Graham	Manlove	Sullivan	Yates

So the motion to lay the appeal on the table was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Green of Iowa (for) with Mr. Tydings (against).
Mr. Treadway (for) with Mr. O'Connor of New York (against).
Mr. Vare (for) with Mr. Milligan (against).
Mr. Strong of Pennsylvania (for) with Mr. Cleary (against).
Mr. Wyant (for) with Mr. Doyle (against).
Mr. Shreve (for) with Mr. Sullivan (against).
Mr. Menges (for) with Mr. Smithwick (against).
Mr. Bixler (for) with Mr. Somers of New York (against).
Mr. Phillips (for) with Mr. Gallivan (against).

General pairs:

Mr. Newton of Missouri with Mr. Warren.
Mr. Beers with Mr. Sears of Florida.
Mr. Graham with Mr. Lee of Georgia.
Mr. Hudson with Mr. Hawes.
Mr. Johnson of South Dakota with Mr. Driver.
Mr. McFadden with Mr. Doughton.
Mr. Johnson of Illinois with Mr. Johnson of Kentucky.
Mr. Kendall with Mr. Lyon.
Mr. Magee of Pennsylvania with Mr. Abernethy.
Mr. Wood with Mr. Wright.
Mr. Underhill with Mr. Bulwinkle.
Mr. Thatcher with Mr. Wingo.
Mr. Rathbone with Mr. Barkley.
Mr. Purnell with Mr. Cox.
Mr. Taylor of New Jersey with Mr. McDuffie.
Mr. Perkins with Mr. Wilson of Mississippi.
Mr. Manlove with Mr. Hammer.
Mr. White of Maine with Mr. Kerr.
Mr. Taber with Mr. Hull of Tennessee.
Mr. Morin with Mr. McClintic.
Mr. Yates with Mr. Rayburn.
Mr. Merritt with Mr. McSwain.
Mr. Crumpacker with Mr. Nelson of Wisconsin.

The result of the vote was announced as above recorded.

Mr. CONNALLY of Texas. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Texas rise?

Mr. CONNALLY of Texas. To get recognition.

The SPEAKER pro tempore. The gentleman will state his purpose.

Mr. CONNALLY of Texas. My purpose is to make a motion that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Texas moves that the House do now adjourn.

The question was taken, and the Chair announced the noes seemed to have it.

Mr. CONNALLY of Texas. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 27, noes 113.

Mr. CONNALLY of Texas. Mr. Speaker, I ask for tellers.

The SPEAKER pro tempore. Thirty-nine gentlemen have risen, not a sufficient number.

Mr. LINTHICUM. Mr. Speaker, I make the point of order of no quorum.

The SPEAKER pro tempore (Mr. SNELL). It does not require a quorum to adjourn.

Mr. CONNALLY of Texas. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Texas rise?

Mr. CONNALLY of Texas. Did not we get tellers?

The SPEAKER pro tempore. There was not a sufficient number.

Mr. CONNALLY of Texas. Mr. Speaker, I ask for the yeas and nays on the motion to adjourn.

The SPEAKER. A sufficient number have arisen. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 81, nays 251, not voting 99, as follows:

[Roll No. 83]

YEAS—81

Allgood	Drewry	Larsen	Rouse
Aswell	Edwards	Lazaro	Rubey
Auf der Heide	Eslick	Linthicum	Rutherford
Bankhead	Fisher	Little	Sanders, Tex.
Barkley	Gardner, Ind.	McClintic	Sandlin
Bell	Garner, Tex.	McDuffie	Shallenberger
Black, Tex.	Garrett, Tex.	McKeown	Spearing
Bland	Gasque	McMillan	Steagall
Blanton	Gilbert	McReynolds	Stedman
Bowling	Goldsborough	Mansfield	Swank
Briggs	Green, Fla.	Martin, La.	Tillman
Browning	Hare	Moore, Ky.	Upshaw
Busby	Hastings	Norton	Vinson, Ga.
Carter, Okla.	Hill, Ala.	O'Connor, La.	Vinson, Ky.
Chapman	Huddleston	Oliver, Ala.	Whittington
Collier	Jeffers	Parks	Williams, Tex.
Collins	Johnson, Tex.	Quin	Wilson, La.
Connally, Tex.	Kemp	Ragon	Wright
Crisp	Kincheloe	Rankin	
Deal	Lanham	Reed, Ark.	
Drane	Lankford	Reid, Ill.	

NAYS—251

Ackerman	Crosser	Harrison	Mapes
Adkins	Crowther	Hawley	Martin, Mass.
Allen	Crumpacker	Hayden	Mead
Almon	Cullen	Hersey	Michener
Andresen	Curry	Hickey	Miller
Andrew	Darrow	Hill, Md.	Montgomery
Anthony	Davenport	Hill, Wash.	Mooney
Appleby	Davey	Hoch	Moore, Va.
Arentz	Davis	Hogg	Morehead
Arnold	Dempsey	Hooper	Morgan
Ayres	Denison	Houston	Morrow
Bacharach	Dickinson, Iowa	Howard	Murphy
Bachmann	Dickinson, Mo.	Hull, Morton D.	Nelson, Mo.
Bacon	Douglass	Hull, William E.	Newton, Minn.
Bailey	Dowell	Jacobstein	Newton, Mo.
Barbour	Driver	James	O'Connell, N. Y.
Beedy	Dyer	Jenkins	O'Connell, R. I.
Begg	Eaton	Johnson, Ind.	Oliver, N. Y.
Berger	Elliott	Johnson, S. Dak.	Patterson
Black, N. Y.	Ellis	Johnson, Wash.	Peavey
Bloom	Esterly	Jones	Prall
Bowles	Evans	Kahn	Pratt
Bowman	Fairchild	Kearns	Quayle
Boylan	Faust	Keller	Rainey
Brand, Ohio	Fenn	Kelly	Ramseyer
Brigham	Fish	Ketcham	Ransley
Britten	Fitzgerald, Roy G.	Kiefner	Reece
Browne	Fitzgerald, W. T.	Kiess	Reed, N. Y.
Brumm	Fletcher	Kindred	Rogers
Buchanan	Fort	King	Romjue
Burdick	Foss	Kirk	Rowbottom
Burtness	Free	Knutson	Sanders, N. Y.
Burton	Freeman	Kopp	Schafer
Butler	French	Kurtz	Schneider
Byrns	Frothingham	Kvale	Scott
Canfield	Fuller	LaGuardia	Seger
Cannon	Furlow	Lampert	Shreve
Carew	Gambrill	Leatherwood	Simmons
Carpenter	Gibson	Leavitt	Sinclair
Carss	Gifford	Lehlbach	Sinnott
Carter, Calif.	Glynn	Lindsay	Smith
Celler	Golder	Lowrey	Snell
Chalmers	Goodwin	Lozier	Sosnowski
Chindblom	Gorman	McLaughlin, Mich.	Speaks
Clague	Graham	McLaughlin, Nebr.	Sproul, Ill.
Cole	Greenwood	McLeod	Sproul, Kans.
Colton	Griest	McSweeney	Stalker
Connery	Griffin	MacGregor	Stephens
Connolly, Pa.	Hadley	Madden	Stobbs
Cooper, Wis.	Hale	Magee, N. Y.	Strong, Kans.
Corning	Hall, Ind.	Magrady	Strother
Coyle	Hall, N. Dak.	Major	Summers, Wash.
Cramton	Hardy	Manlove	Sweet
Swing	Timberlake	Vincent, Mich.	White, Kans.
Swoope	Tincher	Voigt	White, Me.
Taylor, Colo.	Tinkham	Wainwright	Whitehead
Taylor, N. J.	Tolley	Walters	Williams, Ill.
Taylor, W. Va.	Treadway	Wason	Williamson
Temple	Tucker	Watres	Winter
Thatcher	Underhill	Watson	Wolverton
Thomas	Underwood	Weller	Woodruff
Thompson	Vaile	Welsh	Zihlman
Tilson	Vestal	Wheeler	

NOT VOTING—99

Abernethy	Garrett, Tenn.	Merritt	Sears, Nebr.
Aldrich	Green, Iowa	Michaelson	Smithwick
Beck	Hammer	Milligan	Somers, N. Y.
Beers	Haugen	Mills	Stevenson
Bixler	Hawes	Montague	Strong, Pa.
Boies	Holaday	Moore, Ohio	Sullivan
Box	Hudson	Morin	Sumners, Tex.
Brand, Ga.	Hudspeth	Nelson, Me.	Swartz
Bulwinkle	Hull, Tenn.	Nelson, Wis.	Taber
Campbell	Irwin	O'Connor, N. Y.	Taylor, Tenn.
Christopherson	Johnson, Ill.	Oldfield	Thurston
Cleary	Johnson, Ky.	Parker	Tydings
Cooper, Ohio	Kendall	Peery	Updike
Cox	Kerr	Perkins	Vare
Dickstein	Kunz	Perlman	Warren
Dominick	Lea, Calif.	Phillips	Weaver
Doughton	Lee, Ga.	Porter	Wefald
Doyle	Letts	Pou	Wilson, Miss.
Flaherty	Lineberger	Purnell	Wingo
Frear	Luce	Rathbone	Wood
Fredericks	Lyon	Rayburn	Woodrum
Fulmer	McFadden	Robinson, Iowa	Wurzbach
Funk	McSwain	Robsion, Ky.	Wyant
Gallivan	Magee, Pa.	Sabath	Yates
Garber	Menges	Sears, Fla.	

So the motion to adjourn was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Bixler with Mr. Somers of New York.
Mr. Strong of Pennsylvania with Mr. Cleary.
Mr. Wyant with Mr. Doyle.
Mr. Green of Iowa with Mr. Tydings.
Mr. Menges with Mr. Smithwick.
Mr. Vare with Mr. Milligan.
Mr. Phillips with Mr. Gallivan.
Mr. Porter with Mr. Sullivan.
Mr. Moore of Ohio with Mr. Wingo.
Mr. Wood with Mr. Bulwinkle.
Mr. Fredericks with Mr. Perry.
Mr. Taber with Mr. Stevenson.
Mr. Irwin with Mr. Warren.
Mr. Mills with Mr. Dominick.
Mr. Wurzbach with Mr. Garrett of Tennessee.
Mr. Christopherson with Mr. Hudspeth.
Mr. Morin with Mr. Kerr.
Mr. Rathbone with Mr. Lee of Georgia.
Mr. Aldrich with Mr. Montague.
Mr. Cooper of Ohio with Mr. Woodrum.
Mr. Parker with Mr. Brand of Georgia.
Mr. Boise with Mr. Weaver.
Mr. Campbell with Mr. Box.
Mr. Taylor of Tennessee with Mr. Sabath.
Mr. Michaelson with Mr. Pou.
Mr. Perlman with Mr. Fulmer.
Mr. Garber with Mr. Hammer.
Mr. Haugen with Mr. Kunz.
Mr. Letts with Mr. Oldfield.
Mr. Robinson with Mr. Dickstein.
Mr. Thurston with Mr. Hull of Tennessee.
Mr. Flaherty with Mr. Lea of California.
Mr. Holaday with Mr. O'Connor of New York.
Mr. Funk with Mr. Nelson of Wisconsin.
Mr. Robsion with Mr. Wefald.
Mr. Updike with Mr. Frear.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The House refuses to adjourn.

AMERICAN MILITARY MONUMENT IN FRANCE

Mr. FISH. Mr. Speaker, I call up the bill (H. R. 9694) authorizing the erection of a monument in France to commemorate the valiant services of certain American Infantry regiments attached to the French Army.

The SPEAKER pro tempore. The gentleman from New York calls up the bill H. R. 9694. This bill is on the Union Calendar, and automatically the House resolves itself into Committee of the Whole House on the state of the Union for its consideration.

Mr. CONNALLY of Texas. Mr. Speaker, I wish to make a privileged motion. I ask to be recognized.

The SPEAKER pro tempore. What is it?

Mr. CONNALLY of Texas. The privileged motion is this: Under subsection 7 of Rule XXIV, I make the motion that further business under the Calendar Wednesday call be dispensed with. The rule provides as follows:

On Wednesday of each week no business shall be in order except as provided by paragraph 4 of this rule, unless the House by a two-thirds vote on motion to dispense therewith shall otherwise determine.

Being a matter relative to the proceedings and rules of the House and the order of business, I hold that my motion is privileged, and I ask the Chair to sustain it.

Mr. CHINDBLOM. Mr. Speaker, I make the point of order that the motion is not privileged.

Mr. CONNALLY of Texas. The rule provides five minutes' debate on each side.

The SPEAKER pro tempore. In the opinion of the Chair, it is within the province of the committee to call up any bill it has on the calendar. Of course, the gentleman from Texas can raise the question of consideration.

Mr. CONNALLY of Texas. No; I want a ruling on this point, if the Chair pleases, because it is in the rule. The Calendar Wednesday rule provides that on motion this business can be dispensed with, and every Member of the House has the right to test the House on whether or not it cares to proceed further.

Mr. GARNER of Texas. And that has been done a number of times.

Mr. CONNALLY of Texas. Yes.

The SPEAKER pro tempore. In the opinion of the Chair, the motion of the gentleman from New York is of higher privilege than the motion of the gentleman from Texas.

Mr. CONNALLY of Texas. Then, Mr. Speaker, I raise the question of consideration on this bill. The Chair has committed himself on that.

The SPEAKER pro tempore. The question of consideration is always in order.

Mr. CONNALLY of Texas. I make that point.

The SPEAKER pro tempore. The question before the House is, Shall the House consider H. R. 9694, called up by the Committee on Foreign Affairs?

The question was taken; and on a division (demanded by Mr. CONNALLY of Texas) there were—ayes 142, noes 86.

Mr. CONNALLY of Texas. Mr. Speaker, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. FISH and Mr. CONNALLY of Texas.

The House again divided; and the tellers reported that there were—ayes 123, noes 66.

Mr. CONNALLY of Texas. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 224, nays 91, answered "present" 1, not voting 115, as follows:

[Roll No. 84]

YEAS—224

Ackerman	Denison	Kahn	Ransley
Adkins	Dickinson, Iowa	Kearns	Rathbone
Allen	Dickstein	Keller	Reed, N. Y.
Andresen	Douglass	Kelly	Reid, Ill.
Andrew	Dowell	Ketcham	Robinson, Iowa
Appleby	Dyer	Kiefner	Rogers
Arentz	Eaton	Kiess	Rowbottom
Arnold	Elliott	King	Rubey
Auf der Heide	Ellis	Kirk	Sabath
Ayres	Esterly	Knutson	Sanders, N. Y.
Bacharach	Evans	Kopp	Schafer
Bachmann	Fairchild	Kunz	Scott
Bacon	Faust	LaGuardia	Sears, Nebr.
Bailey	Fenn	Lampert	Seger
Barbour	Fish	Lantherwood	Shallenberger
Beck	Fitzgerald, Roy G.	Leavitt	Sinclair
Beedy	Fitzgerald, W. T.	Lehlbach	Sinnott
Begg	Fletcher	Letts	Smith
Berger	Fort	Lindsay	Snell
Black, N. Y.	Foss	Little	Sosnowski
Bloom	Free	Lozier	Speaks
Bowles	Freeman	McFadden	Stalker
Bowman	French	McLaughlin, Mich.	Stephens
Boylan	Frothingham	McLeod	Strong, Kans.
Brand, Ohio	Fuller	McSweeney	Strother
Brigham	Funk	MacGregor	Summers,, Wash.
Browne	Furlow	Madden	Sweet
Brumm	Gibson	Magee, N. Y.	Swing
Burdick	Gifford	Magrady	Swoope
Burtness	Glynn	Major	Taylor, Colo.
Burton	Golder	Manlove	Taylor, N. J.
Butler	Goodwin	Mapes	Taylor, W. Va.
Cannon	Gorman	Martin, Mass.	Temple
Carew	Graham	Mead	Thatcher
Carpenter	Griest	Michener	Thompson
Carss	Griffin	Miller	Thurston
Carter, Calif.	Hadley	Montgomery	Tilson
Celler	Hale	Mooney	Timberlake
Chalmers	Hall, Ind	Morehead	Tinkham
Chindblom	Hardy	Morgan	Tolley
Christopherson	Hawley	Morrow	Treadway
Clague	Hersey	Murphy	Underhill
Cole	Hickey	Nelson, Mo.	Underwood
Colton	Hill, Md.	Newton, Minn.	Vaile
Connery	Hill, Wash.	Newton, Mo.	Vestal
Connolly, Pa.	Hoch	O'Connell, N. Y.	Vincent, Mich.
Cooper, Wis.	Hogg	O'Connell, R. I.	Voigt
Corning	Hooper	Oliver, N. Y.	Wainwright
Coyle	Houston	Patterson	Watres
Cramton	Hull, Morton D.	Peavey	Watson
Crosser	Hull, William E.	Porter	Weller
Crowther	Jacobstein	Prall	Welsh
Crumpacker	James	Pratt	Wheeler
Cullen	Jenkins	Quayle	White, Kans.
Darrow	Johnson, Ind.	Rainey	White, Me.
Davey	Johnson, Wash.	Ramseyer	Wolverton

NAYS—91

Allgood	Drane	Kincheloe	Romjue
Almon	Drewry	Lanham	Rouse
Aswell	Driver	Lankford	Rutherford
Bankhead	Edwards	Larsen	Sanders, Tex.
Bell	Eslick	Lazaro	Sandlin
Black, Tex.	Fisher	Linthicum	Spearing
Bland	Gambrill	Lowrey	Steagall
Blanton	Gardner, Ind.	McClintic	Stedman
Bowling	Garner, Tex.	McDuffie	Stevenson
Box	Garrett, Tex.	McKeown	Swank
Briggs	Gasque	McMillan	Tillman
Browning	Gilbert	McReynolds	Tucker
Buchanan	Goldsborough	Mansfield	Upshaw
Busby	Green, Fla.	Moore, Ky.	Vinson, Ga.
Canfield	Greenwood	Moore, Va.	Vinson, Ky.
Carter, Okla.	Hare	O'Connor, La.	Whitehead
Chapman	Harrison	Oldfield	Whittington
Collins	Hill, Ala.	Parks	Williams, Ill.
Connally, Tex.	Huddleston	Peery	Williams, Tex.
Crisp	Hudspeth	Quin	Wilson, La.
Davis	Johnson, Tex.	Ragon	Wingo
Deal	Jones	Rankin	Wright
Dominick	Kemp	Reed, Ark.	

ANSWERED "PRESENT"—1

Byrns

NOT VOTING—115

Abernethy	Hall, N. Dak.	Menges	Sproul, Kans.
Aldrich	Hammer	Merritt	Stobbs
Anthony	Hastings	Michaelson	Strong, Pa.
Barkley	Haugen	Milligan	Sullivan
Beers	Hawes	Mills	Sumners, Tex.
Bixler	Hayden	Montague	Swartz
Boies	Holaday	Moore, Ohio	Taber
Brand, Ga.	Howard	Morin	Taylor, Tenn.
Britten	Hudson	Nelson, Me.	Thomas
Bulwinkle	Hull, Tenn.	Nelson, Wis.	Tincher
Campbell	Irwin	Norton	Tydings
Cleary	Jeffers	O'Connor, N. Y.	Updike
Collier	Johnson, Ill.	Oliver, Ala.	Vare
Cooper, Ohio	Johnson, Ky.	Parker	Walters
Cox	Johnson, S. Dak.	Perkins	Warren
Curry	Kendall	Perlman	Wason
Davenport	Kerr	Phillips	Weaver
Dempsey	Kindred	Pou	Wefald
Dickinson, Mo.	Kurtz	Purnell	Williamson
Doughton	Kvale	Rayburn	Wilson, Miss.
Doyle	Lea, Calif.	Reece	Winter
Flaherty	Lee, Ga.	Robsion, Ky.	Wood
Frear	Lineberger	Schneider	Woodruff
Fredericks	Luce	Sears, Fla.	Woodrum
Fulmer	Lyon	Shreve	Wurzbach
Gallivan	McLaughlin, Nebr.	Simmons	Wyant
Garber	McSwain	Smithwick	Yates
Garrett, Tenn.	Magee, Pa.	Somers, N. Y.	Zihlman
Green, Iowa	Martin, La.	Sproul, Ill.	

So the consideration of the bill was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. Vare (for) with Mr. Byrns (against).
Mr. Wood (for) with Mr. Bulwinkle (against).
Mr. Bixler (for) with Mr. Milligan (against).
Mr. Mills (for) with Mr. Oliver of Alabama (against).
Mr. Sproul of Kansas (for) with Mr. Hastings (against).
Mr. Williamson (for) with Mr. Howard (against).
Mr. Shreve (for) with Mr. Montague (against).
Mr. Menges (for) with Mr. Taber (against).

Until further notice:

Mr. Sproul of Illinois with Mr. Barkley.
Mr. Aldrich with Mr. Dickinson of Missouri.
Mr. Davenport with Mr. Hayden.
Mr. Wason with Mr. Somers of New York.
Mr. Johnson of South Dakota with Mr. Collier.
Mr. Luce with Mr. Doughton.
Mr. Campbell with Mr. Kindred.
Mr. Anthony with Mr. Martin of Louisiana.
Mr. Britten with Mrs. Norton.
Mr. Moore of Ohio with Mr. Sumners of Texas.
Mr. McLaughlin of Nebraska with Mr. Jeffers.
Mr. Kurtz with Mr. Hull of Tennessee.
Mr. Curry with Mr. Smithwick.
Mr. Taylor of Tennessee with Mr. Sullivan.
Mr. Stobbs with Mr. Nelson of Wisconsin.
Mr. Woodruff with Mr. Kvale.
Mr. Reece with Mr. Schneider.

Mr. BYRNS. Mr. Speaker, I voted nay, but I have a pair with the gentleman from Pennsylvania, Mr. VARE, who would vote yea if he were present. Therefore, I wish to withdraw my vote and be recorded as being present.

The result of the vote was announced as above recorded.

Mr. CONNALLY of Texas rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. CONNALLY of Texas. Mr. Speaker, I move that the House do now adjourn.

Mr. LEHLBACH. Mr. Speaker, I make a point of order against that motion. In the first place, it is obvious that the motion is dilatory; but further than that, when the question of consideration on Calendar Wednesday is favorably decided, the House automatically resolves itself into the Committee of the Whole House for the consideration of the bill. The House is now theoretically in the Committee of the Whole House for the consideration of the bill and will proceed as

the Committee of the Whole House as soon as the physical change of the Speaker leaving the chair and the gentleman designated as chairman assuming the chair is completed. No business of the House can be transacted, because the House resolved itself into the Committee of the Whole House immediately upon the announcement of the affirmative vote on the question of consideration.

Mr. CONNALLY of Texas. Mr. Speaker, until we do get into Committee of the Whole we are not in Committee of the Whole; we are in the House; and being in the House, a motion to adjourn is in order. There has been business transacted since the last motion was made to adjourn; and if what the gentleman says is true, all the proceedings we have just had on the matter of consideration and all that kind of thing were out of order.

The SPEAKER. The Chair understands that a very short time ago the House refused to adjourn. The last vote disclosed the fact the House desires to consider the bill, and under the rules on Calendar Wednesday the House automatically resolves itself into Committee of the Whole House on the state of the Union for its consideration.

Mr. CANNON. Mr. Speaker, I rise to a question of the privilege of the House and present the resolution which I send to the Clerk's desk.

Mr. BEGG. Mr. Speaker, I make the point of order on that that we are in the Committee of the Whole automatically.

Mr. CONNALLY of Texas. The gentleman is the only one who is in the hole.

Mr. LEHLBACH. Mr. Speaker, I suggest to the Chair that the rules preclude any business of any character, privileged or otherwise, intervening between the question of consideration, if the question of consideration is determined, and the resolving of the House into the Committee of the Whole House; that means immediately, without intervening business, privileged or otherwise.

The SPEAKER. The Chair would like to be enlightened as to the matter contained in the resolution. The Clerk will report the resolution, and the Chair will then decide whether it can be offered or not.

Mr. CANNON. Mr. Speaker, may I suggest before the reading of the resolution that under the precedents of the House, with which the Speaker of course is familiar, when a question of the privilege of the House is presented the Speaker, without consulting the nature of the motion or resolution, recognizes the proponent, although a motion has already been made to go into Committee of the Whole.

The SPEAKER. No one knows better than the gentleman from Missouri that questions of privilege have been frequently ruled out of order on Calendar Wednesday. The Chair desires to be acquainted with what the resolution contains and then will decide whether he will entertain the resolution or not. The Clerk will report the resolution.

The Clerk read as follows:

Whereas the Committee on Agriculture has reported simultaneously, with favorable recommendation, the bills H. R. 11603, H. R. 11606, and H. R. 11618, relating to the same subject, having the same purpose, and proposing the enactment of conflicting provisions of law; and

Whereas such action is without precedent, is not in conformity with the practice of this House, and is not authorized under the parliamentary procedure governing the control and conduct of the business of this House; and

Whereas a far-reaching question of parliamentary procedure is involved, and a precedent of this importance should not lightly be established, and it is therefore desirable to determine whether standing committees may report simultaneously for the consideration of the House more than one bill dealing with substantially the same subject matter:

Resolved, That the Speaker be, and he is hereby, authorized and directed to appoint a select committee of five Members of the House to investigate and report not later than April 29, 1926, as to the right of a committee to report with favorable recommendation, under the provisions of the rules, more than one bill on the same subject, having in view the same purpose and proposing conflicting legislative enactments.

Mr. LEHLBACH. Mr. Speaker, I renew my point of order, and I make the further point of order that the resolution does not raise a question of privilege of the House; and even if it did, the only thing the House may now do under the rules is to resolve itself into Committee of the Whole House on the state of the Union.

Mr. CANNON. Mr. Speaker, there are in the last volume of the Precedents of the House, precedents that are so recent I am sure the Speaker needs no citation to them, four separate instances, from the Sixtieth Congress to the Sixty-fourth Congress, in which a question of the privileges of the House has been entertained on Calendar Wednesday and has been entertained after the committee had voted to go into Committee of the Whole House but before the Speaker had left the chair. It is a practice so well established that I am certain it is unnecessary to cite specific precedents.

The SPEAKER. May the Chair ask the gentleman from Missouri whether he considers a question which is alleged to concern the privileges of the House is of higher privilege than one which is a constitutional privilege?

Mr. CANNON. Mr. Speaker, there is no question of constitutional privilege involved here.

The SPEAKER. Precisely not, but the gentleman is well aware of the fact that questions admittedly involving constitutional privilege have not been entertained on Calendar Wednesday.

Mr. CANNON. No Speaker has ever declined to recognize for a question of privilege on Calendar Wednesday.

Mr. BEGG and Mr. SNELL rose.

Mr. SNELL. Mr. Speaker, may I add a word to that?

The SPEAKER. The Chair is prepared to rule. The Chair sustains the point of order, and the Chair further sustains the point of order made against the motion to adjourn, and the House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9694, and the gentleman from New Jersey [Mr. LEHLBACH] will please take the chair.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. Mr. Speaker, I desire to appeal from the decision of the Chair.

Mr. CONNALLY of Texas. By what process did the Chair pick out that particular bill? The rule says that the House shall go into Committee of the Whole House for the consideration of bills reported by the Foreign Affairs Committee. Under what rule does the Chair designate that particular bill and say that the House will resolve itself into the Committee of the Whole House for its consideration?

The SPEAKER. For the simple reason the House by a large majority voted to consider that particular bill. [Applause.]

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9694) authorizing the erection of a monument in France to commemorate the valiant services of certain American Infantry regiments attached to the French Army, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9694, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the American Battle Monuments Commission is hereby authorized and directed to erect near Sechault, France, a suitable monument to commemorate the valiant services of the Three hundred and sixty-ninth, Three hundred and seventy-first, and Three hundred and seventy-second American Infantry Regiments, attached to the French Fourth Army, at a cost not to exceed $30,000, from appropriations heretofore or hereafter appropriated by Congress.

The CHAIRMAN. The gentleman from New York [Mr. FISH] is recognized.

Mr. FISH. Mr. Chairman——

Mr. CONNALLY of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONNALLY of Texas. Those opposed to the bill are entitled to one hour's time?

The CHAIRMAN. Certainly, under the rules.

Mr. CONNALLY of Texas. Well, we want the gentleman from Maryland recognized.

The CHAIRMAN. The Chair recognized the gentleman from New York in support of the bill.

Mr. LINTHICUM. Mr. Chairman, I ask for the time against the bill.

The CHAIRMAN. When the time arrives the Chair will grant recognition in accordance with the rules. He can not promise recognition in advance of the proper time for recognition.

Mr. LINTHICUM. Mr. Chairman, I remember very well that on last Wednesday we did agree upon the time in that way.

The CHAIRMAN. In the House, but not in committee.

Mr. FISH. Mr. Chairman, this bill (H. R. 9694) authorizes the expenditure of $30,000 to erect a monument to commemorate the gallant services of four colored regiments of the pro-

visional Ninety-third Division of the American Expeditionary Forces, and I am glad to see that no Republican in this House voted against the consideration of this bill to-day. [Applause.]

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. FISH. Yes; I yield.

Mr. O'CONNELL of New York. I would also like the gentleman to say that there were some Democrats who voted with him on this proposition.

Mr. FISH. I will be glad to say that some of the Democrats voted in that way, but a great many more who should have voted for its consideration did not so vote.

Mr. GREEN of Florida. And I am glad to say some of them did not vote for it, sir.

Mr. FISH. Mr. Chairman, these colored soldiers, I will say to my friends on the Democratic side of the House, were good enough to be accepted as volunteers in time of war; they were good enough to be drafted; they were good enough to be killed for their country; but they are not good enough to permit the consideration of a bill to commemorate their gallant services. [Applause.]

The four regiments included in the bill are the Three hundred and sixty-ninth, formerly the Fifteenth New York National Guard—and I will say to my Democratic friends that they had white officers, and of these 60 white officers 15 of them were killed on the field of battle. The Three hundred and seventieth was a National Guard regiment from Chicago; the Three hundred and seventy-first a drafted regiment from the South; the Three hundred and seventy-second composed of a separate battalion from Ohio, another from the District of Columbia, and separate companies from Massachusetts, Connecticut, and Maryland. The casualties of these four regiments were 40 per cent of their effectives. I have letters in my pocket from officers who served in the regiment drafted from the South, a white officers' association, and they are for this bill, and I am proud of it. [Applause.]

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. FISH. I will.

Mr. CONNALLY of Texas. Will the gentleman explain why General Pershing, chairman of the battle commission, is against it, and Senator REED on the commission is against it, and why the gentleman from Maryland [Mr. HILL] is opposed to it?

Mr. FISH. I do not think the gentleman from Maryland [Mr. HILL] is opposed to the bill; he is on the floor of the House and can speak for himself. As far as the other gentlemen are concerned, I will answer the question. The Battle Monuments Commission made a rule that no unit under a division should be considered. Therefore these regiments could not be included under that regulation for a battle monument. But the bill was amended after Senator REED had been before the committee. It was given careful consideration. The bill was amended in committee to obviate some of the objections of Senator REED. In order that the appropriation would not be taken out of the battle monuments fund a special authorization of $30,000 was provided for in this bill. Both amendments were made in committee; they were not offered by me, but accepted unanimously by the committee, and I think that answers the statement of the gentleman who wanted to know why we reported the bill. This is the second time in two years, after careful consideration, that this bill has been reported. [Applause.] The Battle Monuments Commission is a creature of Congress, and it is not only right but just that we instruct them to provide a separate monument for the provisional Ninety-third Division.

The four regiments that make up this division served with the French Army. They were understrength, having about 2,500 men in a regiment. Three of the four regiments had their flags decorated with the French croix de guerre. Very few other American regiments had their flags decorated with the French war cross. There was no dispute by the opponents in the committee as to the heroism, gallantry, and courage of the negro fighting soldiers of the provisional Ninety-third Division. [Applause.] The facts were admitted by witnesses before the committee; even the opposition admitted that these four regiments had conducted themselves gallantly on the battle fields of France, and one of these regiments claims that it served in the line longer than any other American regiment.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. FISH. I will.

Mr. COOPER of Wisconsin. I think the gentleman has omitted an important fact as stated to me by a Member sitting by my side. He expressed surprise when I told him that the distinguished gentleman now addressing the House was an officer of one of those regiments. [Applause.]

Mr. FISH. My friends, I would be derelict to the memory of these colored soldiers in my own regiment and the white officers who were killed in that regiment if I did not do everything in my power to see that they got proper recognition. [Applause.]

There were 400,000 negro soldiers in our Army. There are 12,000,000 of colored people in the country, and everyone is interested in seeing that recognition is given to the soldiers of the colored race who made the supreme sacrifice. [Applause.] There were 457 killed and 3,468 wounded in these four regiments out of a battle strength of approximately 10,000 soldiers. With the exception of the First and Second Divisions, there were not many American divisions which had a higher percentage of killed and wounded. All we ask here is to do away with this unjust discrimination against the heroism of negro soldiers and erect this monument in France, which will be for all time an inspiration to patriotism, loyalty, and heroism for all the colored people of America. [Applause.] Mr. Chairman, I reserve the balance of my time and ask the gentleman from Maryland to occupy some of his time.

The CHAIRMAN. The gentleman from Maryland [Mr. LINTHICUM] is recognized.

Mr. LINTHICUM. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. MCREYNOLDS].

Mr. MCREYNOLDS. Mr. Chairman and gentlemen of the committee, I am rather surprised to see an evidence of partisanship that you gentlemen seem to display in reference to the consideration of this matter. [Laughter on the Republican side.] Perhaps I did not know you as well as I thought I did and gave you too great a compliment. For instance, the worthy chairman running to take the chair was a nice spectacle to begin with. I have no reason for any discrimination, no desire for discrimination, and I merely want to call your attention to the facts in this case.

You do not hear the chairman of the Foreign Affairs Committee before you advocating this bill, and if you gentlemen will read the report of Senator REED of Pennsylvania, which we offer in the minority report, you will see that there is no partisanship and you ought not to so consider it.

The gentleman from New York says that he does not want discrimination. Neither do we want discrimination in reference to any American soldier, whatever his color may be, but the passage of this bill would create such a condition. In 1922 a commission was appointed in accordance with an act of Congress for the purpose of laying out plans for the building of these monuments in France. That power was given to this commission, and this commission going to France, going over the battle fields, laying out a plan, should be in a much better position to state where those monuments should be placed than anyone from the floor of this House. I can tell you the reason that this bill is here. It is not so much that the great record that these colored regiments made shall be honored, as it is because the gentleman from New York [Mr. FISH], who introduced this bill, was one of the officers who was with those regiments and was one of the men who wanted to be placed on this commission when Colonel HILL from Maryland was appointed. That is in this record. That is the reason. Discrimination! If you will turn to Senator REED's (of Pennsylvania) testimony you will find the statement from him that if we pass this authorization for appropriation it will affect 25 other organizations.

Tell me that we should make an appropriation of $30,000 for these specific colored regiments when it is not being done for the white regiments! The Sixth Engineers and the Eleventh Engineers were with other armies attached to the British as these were attached to the French. The Eleventh Engineers were working 3 miles behind the lines just before the battle of Cambrai, and when the break came in the British line from the attack of the Germans, these noble soldiers—white soldiers—stood there and defended that line with picks and shovels, and they have received no special recognition, and yet you ask it for these colored regiments.

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. MCREYNOLDS. Yes.

Mr. VAILE. Can the gentleman state from the hearings a case of any other complete division or of a regiment in a division which served with the troops of our allies?

Mr. MCREYNOLDS. I am quoting the testimony of Senator REED. I know that the number of negroes that the gentleman has in his district is influencing his vote.

Mr. VAILE. I have 10 per cent in my district, and I am proud of that 10 per cent; but I am asking the gentleman if he can show a case in this record, not in my district, where there was more than one regiment brigaded with other troops?

Mr. McREYNOLDS. I read from the testimony of Senator REED. On page 12 of the hearings you will find this question and answer:

Mr. HULL. You see no reason because of their color to differentiate by monuments put up to them more than to others?

Senator REED. No; if you do that in this case you ought to do it in 25 other cases.

[Applause on the Democratic side.]

I know that gentlemen on the Republican side want to be fair. I know you gentlemen do not want to vote away the people's money when you have a commission appointed for that purpose, which commission has been on the ground.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. One moment. I quote further from the testimony of Senator REED:

Another thing immediately occurred to us. There were nearly a million men engaged in the actual fighting along the various American fronts. I do not remember how many divisions; I think 30 actual combat divisions. Each of those includes three regiments of artillery, four of infantry, and a regiment of engineers, or a total of eight. Thirty divisions with eight regiments each, means 240 American regimental units which served at the front during the war. Of course we could not put up 240 monuments and have them look like anything unless we spent much more money than Congress could possibly authorize. So we were driven to somewhat the same move that the French and British were driven to with their markers; that is, unless there was a very extraordinary circumstance we should not build a monument to an operation conducted by less than a division; and if there were two or three divisions acting together, we should erect one memorial at some place in their fighting zone which would commemorate the activities of all of them, as in the Argonne.

The plan adopted by this commission about which Senator REED testified shows that they can not afford, even with $3,000,000, to place monuments to regiments, and for that reason they are merely undertaking to mark the divisions. This is in their hands. Why did you create this commission with such men on it as General Pershing, Colonel HILL, and Senator REED? Do you not feel that they, after going upon those battle fields and having been soldiers themselves, interested in a fair deal to all of the soldiers that fought upon those battle fields, are in a better situation to say where these monuments are to be placed than some one who happened to serve with these regiments, who comes on the floor and seeks to pass this bill at least with that personal interest of desiring to memorialize his own regiments. I say to you, Should we not leave it to the commission? These regiments are taken care of, Senator REED tells us, and I beg you gentlemen to look at the report. Within 9 miles of where they fought there is a division monument, and there is a place on this division monument for these three regiments, which is an exception as to regiments, but the gentleman from New York [Mr. FISH] says that that is not satisfactory because it is not close enough. There are other monuments to be erected to divisions which are no closer to where they fought than the recognition proposed for these regiments. So, gentlemen, the American Battle Monument Commission has not shown any discrimination against them; but if this bill is passed, it will be discrimination in their favor. I have no reason to have any feeling against the colored soldiers, and I have none. I respect their valor. I want to give them their rights. I have always stood for their rights, and as their representative I will defend their rights. There are reasons for these attachments, because they live and dwell among us in the South, but there is every reason why we should not discriminate in their favor, which this bill proposes to do, and what I have said is in justice to the American soldier who is white. [Applause on the Democratic side.]

Mr. FISH. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I am proud to be able to say to the men of this House that a majority of my constituents are black men, and I am glad to be here to speak in their behalf. There has never been a time in all America's history when the black man was not in the forefront defending the American flag. [Applause on the Republican side.] There has never been a war in which the Government was engaged that did not find him among the leaders of those who fought to preserve America's honor. I am proud that the gentleman from New York [Mr. FISH], a gallant officer of a colored regiment in the great World War, has had the courage, the patriotism, and the justice to bring to this House this bill, to do honor to these black soldiers who lost their lives upon the battle fields of France. [Applause on the Republican side.] No more distinguished privilege could be accorded to any man than the privilege of standing here to-day to do honor to these men who volunteered to give their lives in defense of their Nation's honor.

In attempting to prevent the enactment of a law to erect a monument in commemoration of the patriotism, the valor, and the bravery of the black soldier on the battle fields of France is but an attempt to humiliate those who gave themselves to their country in the hour of its greatest need. So I say we can not do any more patriotic service here to-day than to vote and speak for the resolution now before the House, prepared and introduced by this gallant soldier from New York, HAM FISH [applause], who led with courage and ability the men in whose honor is proposed this significant, inconsequential sum of $30,000 to erect a monument in their honor in commemoration of the sacrifices they made upon the battle fields of France. [Applause.]

Mr. LINTHICUM. Mr. Chairman, I yield eight minutes to the gentleman from Georgia [Mr. EDWARDS]. [Applause.]

Mr. EDWARDS. Mr. Chairman and members of the committee, it does seem a pity that this matter can not be approached and considered without injecting the race question. Who injected the race question into this debate? The author of this bill, the first dash out of the box in order to rally support through political fear to his measure, raises the "black flag" and every one of you Republicans rally to it because you are afraid you will lose the Negro votes in your districts. This, if carried to its final analysis, is not a discrimination on the part of the American Battle Monuments Commission against these troops, but if you pass this bill it is a discrimination in favor of these regiments against every other regiment, white and colored, that does not also receive special recognition in the way of a monument. Why was the Battle Monuments Commission created? It was created for the purpose of dispassionately and properly marking, out of a spirit of patriotism that welled up in the hearts of the American people, the battle fields and the resting places of the brave men who fell upon the battle fields in France. They were to be considered as American soldiers. I ask you to turn to page 14 of the report and read there who compose this Battle Monuments Commission, that the passage of this bill will slap in the face I think that every one of them are Republicans. I believe that every one of them are from other sections than the South. General Pershing, the man who led our forces and the forces of the Allies, in a certain period of the war, to a magnificent victory, to whom great credit is due, is chairman of this commission. [Applause.]

The facts are that the Battle Monuments Commission, patriotically performing its duty, actuated by a high sense of the obligation we owe to every soldier who lost his life over there, tried to do what they thought was right in allocating these memorials, and they concluded not to put up markers to less than a division, and in no other case is a unit less than a division given a monument by that commission. If this bill passes it will be an exception, and hereafter can be referred to as Mr. FISH's "Jim-Crow Monument." [Applause.] There were approximately 400,000 colored troops in the Army. You take by this bill 30,000 and give them special recognition and you discriminate against the other 370,000 negro troops. And, my friends, worse than that. You discriminate against every white man who sleeps on foreign soil, and against all the white men who were in that great Army of ours. [Applause.] New let us see. In the evidence of Senator REED, who is a member of this commission, he stated that these negro regiments are provided for, and in answer to a question in that regard he said this:

We plan to commemorate the operations of the Second and Thirty-sixth Divisions and these regiments in a monument at Somme-Py. There will be no discrimination against these regiments in favor of the Second Division, but they will be treated the same way. We are planning to spend around $30,000 there and make one monument that is pretty good on the highway leading out from the battle field fought on by the Americans and in the center of this region. We will commemorate them all alike.

Mr. HULL. Does that include the negro regiments?

Senator REED. Yes.

Now, my friends, if we have given these negro regiments the credit which is their due on a divisional monument, why go any further? Why single them out for an additional monument? Our distinguished friend, the author of this bill, is strong enough through his political influence and his political power in this House to get $30,000 for this monument, but I do not believe it is right to say to the millions of white soldiers who went over there and to the other 370,000 colored soldiers, "We give you no special recognition, because you

have no commanding officer in the House to get an appropriation for you." [Applause.] There is no element of justice in it, and the discrimination is against the other soldiers, white and black, instead of against the soldiers for whom Mr. FISH is asking this special monument.

Mr. BEGG. Will the gentleman yield?

Mr. EDWARDS. I am glad to do so.

Mr. BEGG. Is the white division that fought in France to have a monument or not?

Mr. EDWARDS. Yes.

Mr. BEGG. What division were those troops attached to?

Mr. EDWARDS. They were attached to a French division. But Senator REED says that division has a monument, and these negro regiments have been properly and adequately recognized.

Mr. BEGG. Does the Battle Monuments Commission erect monuments to French troops?

Mr. EDWARDS. No. But you will recall the testimony of Senator REED to the effect that these negro regiments are provided for on monuments over there.

Mr. BEGG. How close were they located?

Mr. EDWARDS. Six or seven miles.

Mr. BEGG. Was it not about 10 or 11 miles?

Mr. EDWARDS. Whether it is 6, 7, 10, or 11 miles, Senator REED says they are already adequately provided for.

Mr. BEGG. Does the gentleman think it is providing a monument to put it 10 miles away from where the troops were at all?

Mr. EDWARDS. They are doing it in other cases. I am not in favor of slapping this great commission in the face before they have finished their work. [Applause.] I am in favor of standing by this commission and let it mark the battle fields and erect the monuments in the way it thinks it should be done. It will be a reflection upon this commission to undertake to interfere in its work and by a special act direct that it shall erect a special monument to certain regiments, not because they are American soldiers but because they are negro soldiers. The discrimination is grossly in their favor instead of against them, simply because they are negroes. It will establish a bad precedent and handicap the commission in its work heretofore authorized by Congress. If this measure is enacted, why should not every other regiment, whether white or colored, call on Congress for regimental monuments? They will have the precedent upon which to ask it, and the marking of the French battle fields will become a burlesque.

All glory to the man who is willing to fight and die for America! To every one of this kind, to every brave boy who died for our flag, America owes a great debt of gratitude and his memory should be properly preserved in bronze or stone through all the ages of time. Who can do more than die for his country? That many brave men did and they sleep on a field of glory that will ever be dear to the American heart and to all hearts that love liberty and hate oppression and brutality.

If it were a case of denying these specially favored negro regiments proper recognition on the Nation's monuments in France it would present quite a different question, but that is not the case. They have not been denied the credit, the honor, or the monument recognition, but, to the contrary, they have been placed on monuments, as the hearings show. They are not satisfied with that. They want more. They want more than has been accorded to any other regiment or regiments. They want special recognition and want a special monument to commemorate their service. No one would deny them justice even though they are negroes, but why heap it on simply because they happen to be colored and give them more than their due? That is what this bill proposes. Certain it is their services were no more valuable than that of many other regiments, perhaps not so valuable as a great many, yet we say to the other regiments, "Here sleep our favored heroes." Is it right?

The efficiency of the soldiers was tested out in that war and the white soldiers were by far the best. This has been tested before and proved out the same way. We should avoid all foreign entanglements that would involve us in trouble or war; yet I am convinced that our friendships should be strong with nations made up of our own blood. Everything should be done to insure eternal white supremacy, not only at home but throughout the world, for upon it depends the salvation and preservation of the highest type of human civilization.

I hope that American troops may never be called upon to fight another war on foreign soil, and that we will never again have to fight on foreign soil. As for that matter, I hope and pray we may never have another war. Let it be said, however, forever, to the credit of the American Army, it saved the day and turned the tide for the Allies. Out of what looked like hopeless defeat the American boys brought a glorious victory. They acquitted themselves with credit and brought fresh and added glory to the Stars and Stripes. They saved civilization and won the war, whether our allies wish to give us the credit or not. It was not won by these negro regiments either. There were millions of white troops there who are asking no special recognition. Why should these negro regiments be preferred and specially honored over all the rest of the soldiers who were in that great and victorious Army? There is no reason or excuse for it, and I tell you, with all the emphasis I can command, it should not be done. It is not right. [Applause.]

Mr. LINTHICUM. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. BROWNING].

The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes.

Mr. BROWNING. Mr. Chairman and gentlemen of the committee, I want to disabuse your minds if you think I have any prejudice in this matter against colored soldiers. I have not. But I want to state to you an example of what will occur when this measure becomes a law. It will be a discrimination in favor of these regiments instead of a discrimination against them, and that is what I object to.

For instance, as a member of the One hundred and fourteenth Field Artillery of the Fifty-fifth Field Artillery Brigade of the Thirtieth Division, my regiment fought with seven different divisions in France. We fought none with our own Infantry. We fought in the St. Mihiel with the Eighty-ninth; we fought in the Argonne with the Thirty-seventh and the Thirty-second and others, and in the Woevre sector with the Thirty-third and other divisions. We thought we were performing a pretty good service. But under the present arrangement we do not get any monument. Our names will not occur, because the Thirtieth Division of Infantry, to which we belonged but with which we did not fight, was in Flanders, while we were in another field. We were some 40 or 50 miles away from our division, and we shall be without a single monument; and yet we are not objecting to the present arrangement, because we think this Battle Monument Commission wishes to be fair and is considering the entire Army without partiality or favor.

Let me ask you, in all fairness, why should we pick out individual regiments of other divisions that are in the same shape that mine is in to honor them? I would not pluck one laurel from the brow of the gentleman from New York [Mr. FISH], whom I admire. We elected one of the officers of these very regiments as commander of the Legion last year in Tennessee. We have no prejudice against them at all. But I do contend that it is grossly unfair to the other troops that are not permitted to have their identification in France marked—we think they have performed just as valuable service—and leave the rest of us unmarked. [Applause.]

Now if that is prejudice you will have to make the most of it. I know in my heart that I do not bear any. I serve the colored ex-service men of my district without asking them whether they are white or colored. I have been doing that ever since I have been a Member of Congress, and when one of them writes to me he gets the same consideration for service as if he was white as snow. What will I say to my boys when I get home when they say to me, "Officers of other units in the Expeditionary Forces got monuments," and when they remember the white faces of their comrades who fell around them and are now sleeping on fame's eternal camping ground? Shall I come to you and ask for a monument to those boys? Why not? I protest in the name of the 25 regiments that Senator REED mentioned to you in his testimony that are entitled to the same consideration, and under that condition may I ask that you do not permit your minds to be bent by prejudice and influenced by outside considerations, or your judgments to be abused with the idea that these regiments are being wrongfully treated when the rest of us are in the same shape and are submitting to the generally considered plan of the Battle Monuments Commission because we believe they are better able to handle the situation than we, we not being there?

As one of the Members of this House, however much you may desire to honor the gentleman from New York as I do, I ask you not to discriminate against the rest of us who believe we are entitled to the same consideration while fighting for the same flag. May I admonish you, my colleagues, not to trifle with the sacred memory of the dead by using it as a cheap political expediency? [Applause.]

Mr. LINTHICUM. Mr. Chairman, does the gentleman from New York [Mr. FISH] intend to use some more of his time?

Mr. FISH. I am not quite sure. Go ahead. [Cries of "Vote!"]

Mr. LINTHICUM. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Maryland has 36 minutes remaining, and the gentleman from New York 45 minutes remaining.

Mr. LINTHICUM. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. MOORE].

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. MOORE of Virginia. Mr. Chairman, I should not assume to say anything except for the fact that my name appears on the minority report.

I would like to state that I speak without prejudice of any kind. I entertain no such feeling against the negro. The other day, when there was a bill here with reference to Howard University, I did not hesitate to favor the continued support of that institution. I have never known the time when as a citizen and as a southern man I have hesitated in trying to do full justice to the people of the other race. So I put the race question entirely aside.

My reason for opposing the bill is the reason assigned by the gentleman from Tennessee [Mr. BROWNING], who has just made such an attractive speech, and he assigned the very reason which actuated the Battle Monuments Commission. The question for us to determine is not whether we will do this or that for a particular regiment or against a particular regiment but whether we will follow the Battle Monuments Commission or whether we will supersede the judgment of that commission by our own.

When the question of creating a battle monuments commission was considered, what did we do? We said we would not leave this matter to anyone who might be influenced by any except the most patriotic and disinterested considerations; and so we reported and there was created a bill providing for a commission, not to be appointed by the Congress itself and not to be appointed by the Secretary of War, but to be appointed by the President of the United States.

The President appointed his commission, and I doubt whether he could have made up a stronger and more dependable commission. At the head of that commission is General Pershing. Among its members is one of the strongest men in public life, Senator REED of Pennsylvania. [Applause.] Another member is an intelligent and tender-hearted woman of the city of Chicago, Mrs. Bently, a mother who lost a son in the war. The commission knows the facts far better than we can know them. It has visited the battle fields of Europe more than once since it was created; it has looked over the situation and it has brought back a plan which it says will do full justice to everybody and not discriminate against anybody. Now, shall we say that we know better than General Pershing? Shall we say that we know better than Senator REED? Shall we claim that we are more responsive to meritorious claims than Mrs. Bently and the others, or shall we do what seems to be the reasonable thing—follow the action of the commission and let its conclusions and plans remain undisturbed? [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. LINTHICUM. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. MOORE of Virginia. I would like to say a word further. From the evidence I believe the soldiers of these regiments rendered excellent service. There can be no doubt that their officers served with distinction. I know that the gentleman from New York [Mr. FISH], who is the patron of the bill, came out of the war with a record which no one can challenge and which is in keeping with the record of his people, who, in no struggle which has occurred since this country was first inhabited and since the Government was founded, have in any manner failed in the performance of their duty, but nevertheless, I have been unable to bring myself to the conclusion that we ought to reject the proposals of the Battle Monuments Commission, the President's commission, and undertake to disregard its recommendations. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. LINTHICUM. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. MCKEOWN]. [Applause.]

Mr. MCKEOWN. Mr. Chairman and gentlemen of the committee, the Battle Monuments Commission was created for the purpose of taking this matter entirely out of politics. Now, you come here with this bill and we had just as well talk plainly about it. It is a mere political bill for political purposes. You hope to put the Democrats on record as being opposed to the recognition of the colored soldiers who fought in France. I want to say to you gentlemen that from the State of Oklahoma we sent many colored troops to France who fought valiantly and who made a good record, but I want you to know that they want to be remembered as soldiers of the United States and share the glory of the white soldiers of this country. Why, they would not ask to be pointed out specially on the monuments. You gentlemen complain because we pass Jim Crow laws in the South while they are living, and yet you now come here with a bill to erect a Jim Crow monument after they are dead. [Applause.] Why, gentlemen, they are sharing all the glory that their comrades are sharing, and there is no excuse at all to come in here at this hour and bring this bill in and supplement the work of this commission. I have no prejudice against the negro as a citizen or as a soldier. I want to say to you that there are many of them in my district and they recognize the fact that what they want is justice and fair dealing, and the people in my country treat them fairly and give them every opportunity. They did not go out to fight as negro troops; they went to fight as soldiers of the United States. Old Pushamataha, a great Indian chief, was asked to take his warriors and go out with white troops and fight the Creeks. Pushamataha said to General Jackson:

> My soldiers will go, but you must make them hold up their right hands and swear them in as soldiers of the United States.

And, gentlemen, these negro troops went as soldiers of this great Nation; they followed the flag and many of them died over there on the fields of France, and they are sharing the same glory, no more and no less, than the other soldiers who went over there. Therefore I see no reason why at this late hour we should come here and stir up strife between these people, who are in this country doing the best they can under the circumstances. Oklahoma is one State that has extended to them every benefit of education. We have accepted the benefaction of Mr. Rosenwald, of Chicago, and have built many schoolhouses in addition to what the State has done. And to show you that there is no prejudice in Oklahoma——

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. LINTHICUM. Mr. Chairman, will the gentleman from New York now use some of his time?

Mr. FISH. I do not wish to use any more time now.

Mr. LINTHICUM. How many more speeches has the gentleman?

Mr. FISH. We may have one more; I am not sure.

Mr. CONNALLY of Texas. If the Chair please, it does not seem to me it is quite fair for the gentleman to reserve the greater part of his time and force us to use all the time on this side.

The CHAIRMAN. The gentleman has announced he has only one more speech, and the gentleman is entitled to close the debate.

Mr. LINTHICUM. Mr. Chairman, in connection with the discussion of bill (H. R. 9694) for the erection of a monument to four colored regiments of the provisional Ninety-third Division, of the American Expeditionary Forces in France, I wish to read a question propounded by Mr. CONNALLY and the answer of Senator REED thereto on pages 20 and 21 of the hearings:

> Mr. CONNALLY. I will modify my question a little. I did not mean politically. Have you seen any evidence that any members were influenced by any prejudice against any particular troops or organization, or any particular officer who may have been in command?
>
> Senator REED. I was leading up to that. I wanted to explain first the geography of it and then the politics of it. There is not any politics in it. Now, as to service connection. General Pershing is a regular. Major Price, secretary of the commission, is a regular. Captain Woodside served with a regular division, but he was a civilian soldier, in civilian life before and after the war. Colonel Miller and myself were in the National Army and Colonels Markey and Hill were in the National Guard, so it is a 50-50 proposition as far as that representation goes. I have never seen, on the part of any single member of the commission, the slightest disposition to treat one outfit better than another.
>
> General Pershing has been conspicuously fine about that. To him all American soldiers are Americans, and that is the end of it.

You will observe from that statement that all of these gentlemen are members of the Republican Party. They have adopted a definite and comprehensive system in the erection of these monuments. I wish you could have had time to read Senator REED's testimony before the committee.

I do not know how many men are familiar with the operations on the battle field and the erection of monuments and markers in France. Personally I have not come in contact with any man who seems to grasp the whole situation and to have all the operations on the battle fields of France more in mind than Senator REED of Pennsylvania. He seems to have given this matter very exhaustive study and research, as also has my distinguished colleague, Col. JOHN PHILIP HILL, both of whom are World War veterans and members of the monuments commission.

The system has been outlined in the report of the American Battle Monuments Commission, which is most complete and comprehensive. They are to erect these monuments at certain places. One of them is to be erected at the top of Montfaucon Hill, at a cost, I believe, of $400,000, and when erected can be seen at a distance of 20 miles.

It was from this hill the German Crown Prince watched his troops make the big attack upon Verdun, he having first had erected a concrete tower inclosed in an old building, from which to watch the operations. This hill was taken by the American Army in September, 1918. The town was completely destroyed, and has been taken over by the French Government as a relic of the war never to be rebuilt.

Some 500,000 troops were killed in the operation against Verdun. This monument would commemorate the services of all the men who took part in the Argonne operation and commemorate the greatest battle in American history on foreign soil. Another great monument is to be erected at Montsec, which is located in the center of the St. Mihiel sector. The Germans held this until September, 1918, when the Americans reduced the salient in two days, breaking through it from the two sides, meeting on the second day in the middle, not very far from Montsec. This is the outstanding point in the whole salient, and upon the top of that is to be erected another monument.

A third is to be erected on the prominent hill to the west of Chateau-Thierry, because of the fame of Chateau-Thierry and Belleau Woods. It was the Americans who stopped the spearhead at Belleau Woods, and it was the Americans, with our division of French Moroccan troops, who penetrated the salient at Soissons. There was terrific fighting in the Aisne-Marne operation, though most of us know only Chateau-Thierry; as a matter of fact, the fighting at Chateau-Thierry was only a small part of the great fighting done by the American troops in that locality.

The monument commission has further planned, at a cost of about $1,000,000, to erect a chapel of a religious character, but nonsectarian, in each of the 8 cemeteries, of which there are 6 in France, 1 in Belgium, and 1 in England, near London, a total of 30,400 graves.

These and other constructions will constitute, perhaps, the most wonderful memorials ever erected to soldiers in a great war. It is comprehensive and complete, most beautiful and artistic, and will redound to the glory of the boys who fought and to the country they represented.

It would be poor policy, indeed, to interfere with this plan by the erection of other monuments, not comprehended in the general plan, through the action of Congress in total disregard to the recommendations of the monument commission which Congress created.

Every division and every regiment will be represented upon these monuments. They will be erected along the main highways of France in the battle area, accessible to all tourists by motor or otherwise. The colored regiments mentioned in this bill will be taken care of by the monument to be erected at the town of Somme-Py, about 9 miles distant. There will be no distinction between any of the American soldiers by virtue of race or of color; all will be treated alike; all will be honored as brave, heroic American soldiers fighting under the Stars and Stripes for the principles of the Government which they represented.

On page 25 of the hearings will be found the decree of the French Government of November 18, 1922, relative to the erection of monuments commemorative of the World War. From this decree it will be observed that monuments to be erected in the war area must be subject to the approval of the French Government through its bureaus.

It will be observed by subsection B that the question of the erection of monuments and location is gone into very carefully, and by section 2 of article 2 we find the statement:

> Concerning the monuments mentioned in paragraph B, in principle no monuments will be erected to a unit smaller than a division; diversions from the rule may be allowed in certain cases.

In carrying out the idea of this French decree our monument commission adopted this regulation, about which Major Price, the secretary of the monument commission, had the following to say:

> "No battle-field memorial will be erected to any unit smaller than a division, unless, in the opinion of the commission, its services were of such a distinguished character as to warrant a separate memorial."
>
> If exceptions were made to this regulation, the commission would have to present evidence to the French Government to prove that the services of the unit were of an especially outstanding nature. In the case of the regiments of the Ninety-third Division it would be difficult to prove that their services were more striking than those of the average American regiment.
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> Yesterday, for Colonel FISH, I looked up the casualties of these regiments. Two of them are about the same. One—Colonel FISH's regiment, the Three hundred and seventy-first—had 111 killed and 842 wounded over a period of several months. I also looked up the casualties in the regiments of the First Division in their operations south of Soissons, July 18–23, 1918.
>
> Mr. FISH. You only read off one regiment.
>
> Major PRICE. Yes; and I am only going to read one regiment of the First Division. The casualties of the Twenty-eighth Regiment were the greatest—456 killed and 1,275 wounded in an action lasting five days. The colored regiments had 2,500; they were not full size, and the others had the normal strength of 3,500. Of course, casualties are not always the measure of the performance of a division, but if you compare those casualties, bearing in mind the difference in strength of the regiments, I do not believe you would have a very good case in saying that the performance of the regiments of the Ninety-third Division were above the average.
>
> Mr. FISH. Not only do I say that, but I know that they were above the average. You have to compare it, as I have said consistently, with those casualties of these three regiments, which are probably higher than any except the regiments of the First and Second Divisions, the two who were there longest and had the heaviest fighting, and you have taken the regiments from the First Division.
>
> Major PRICE. Yes; in the five-day operation.
>
> Mr. FISH. The regiments of the First and Second Divisions are not the average; they are the two highest we have in our whole Army.
>
> Major PRICE. What I have just given is in explanation of the commission's action; first, that they have a rule which they have never violated of not allowing or erecting monuments themselves to units smaller than a division, unless the case is exceptional; and second, that in the opinion of the commission they do not consider the performance of these three regiments as being above the average.

To my mind from what Senator REED of Pennsylvania has had to say and that of Major Price, it is conclusive that there is no more reason for the erection of a monument to these regiments than there would be to other individual regiments, whether white or colored.

My second reason for opposing this measure is that I am unalterably opposed to the segregation of our colored regiments from the others. I have in my district many thousands of colored people, all good citizens, many of whom support me in the elections, and others who give me at least their sympathy and do not oppose me; but my colored people have never asked me to see that a "colored monument" was erected to them. They went into this war as American soldiers. [Applause.] They want to be recognized as American soldiers. They do not want to be recognized as colored soldiers or colored troops or colored regiments, but soldiers of the American Army who performed their duty on the battle fields of France just as the white soldiers and the red soldiers performed theirs. They do not want any segregation. The monument commission will expend $3,000,000 for monuments, and so forth. Shall we make it appear that only $30,000 is spent in recognition of our colored soldiers? It would certainly be most uncomplimentary in appearance. They simply want to be recognized as straightforward American soldiers who did their duty and performed valiant services on the battle fields of France.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. LINTHICUM. I yield to the gentleman.

Mr. CARTER of Oklahoma. These men, like all other American soldiers were drafted, were they not?

Mr. LINTHICUM. Some were drafted and some went in voluntarily. They are a splendid lot of colored people.

Mr. CARTER of Oklahoma. I am not disputing that, but the point I want to get at, if the gentleman will permit, is this. Since we have gone into the business of recognizing people by races, how does it come about that a certain class of people in this country known as the American Indian, who was not even a citizen of this country, who volunteered his services during the recent war and fought for a country he was not a citizen of, is not given some recognition? [Applause.]

Mr. LINTHICUM. He is taken care of just as I say the colored soldier ought to be taken care of, as an American soldier who performed his duty and rendered valiant service on the battle fields of France.

Mr. CARTER of Oklahoma. Probably the reason is he can not vote.

Mr. LINTHICUM. I can not answer that; the colored people of Maryland are endowed with all the rights of citizenship and vote regularly. They are a good lot of citizens, just like my colleague, the gentleman from Maryland, Colonel HILL, has in his district. He is a member of this commission, has a like constituency of these people, but I have never yet

had one of them come to me and ask me to advocate a bill erecting a monument to colored soldiers. Many of them have said they wanted to see monuments erected over there at certain places for the American soldier, but never have they said they wanted them to be erected to colored soldiers, segregating them from the great American Army. Who knows what the color of the unknown soldier who sleeps in Arlington Cemetery is? It is enough that he was a patriotic, heroic American soldier who lost his life on the battle field.

I have a reason for being very much indebted to these colored soldiers. When I went to France in 1918 and was returning during the time when ships were subject to submarine warfare one of the colored soldiers came to my cabin and said:

I have come here to see where you are located. If we are submarined, I want to come here and get you out in the event you should be asleep.

The bells rang one night about 2 o'clock, and the first man at my door was this colored soldier looking to see whether I was safe. Fortunately we were not submarined, but he showed his friendship for me as have many of his race. I know the colored people. They have ever been in the employ of my people. We understand them and their wishes and aspirations. Let us defeat this bill and recognize them as do we all those American heroes who fought our battles in France. [Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. FISH. Mr. Chairman, I yield to the gentleman from New York [Mr. WELLER] three minutes.

Mr. WELLER. Mr. Chairman and gentlemen of the committee, I desire to say that I, a Member from the State of New York, am going to support this bill. I know of no more worthy measure that can come before this Congress, even in spite of what has been said and done by those representing the Battle Monuments Commission. We have enough negro soldiers that went to the war to amply justify the erection of a substantial monument in France. In our own city of New York we had the celebrated Fifteenth Regiment, National Guard, New York, organized under the laws of the State of New York, and known as a "colored regiment." That regiment went out manned by white officers, and made a splendid record on the firing line. They were for 20 days consecutively working on the firing line, and they lost approximately 153 men, and during that time, among those 153 men, there were 15 white officers. These men went "west" regardless of anything, in the defense of their country.

I realize that the Battle Monuments Commission has given this matter some consideration, and I realize what has been said about discrimination; but there is no discrimination, and the gentleman from Tennessee, for whom I entertain the highest regard, can place his case before the Battle Monuments Commission, and General Pershing can take his matter up, and there can be an absolute understanding of what can be done for Tennessee and for the regiment and division in which he so conspicuously served.

In addition to the gallant Fifteenth New York, which became the Three hundred and sixty-ninth Regiment, Thirty-fourth Division, American Expeditionary Forces, there were three other colored regiments, all of which were manned by white officers. These regiments have done their work, they have gone to the mat, and they are entitled to recognition. They are entitled to recognition by Congress because there are no more worthy soldiers than are they. They are placed in a peculiar position, where they possibly can not get adequate recognition; and nothing more worthy can be done than to erect this monument to their valor, fidelity, and devotion to the flag.

I want to say to my colleagues on my own side of the House that whenever this monument is erected—let us say 3 miles from Belleau Wood—and you men go back home and look into the faces of the people who work in your fields, serve in your homes, there will be a quickening of your pulse and great satisfaction that in this Congress you have voted to establish this monument. [Applause.]

You will always recognize that what you have done here to-day, in appropriating a perpetual monument and of an amount of money which is comparatively insignificant, will bring you the greatest amount of comfort and pleasure. What we have done is to in a small measure appreciate what the noble men of the southland did for the protection of the democracy of our country. They gave their all! Let us, then, with the mite of the widow, recognize the sacrifice, and in the spirit of the great democracy of the Nation and the inspiration of Abraham Lincoln, do everything in our limited power to give full and adequate recognition not only to the Fifteenth Regiment of New York but to all the 12,000,000 negroes in the United States, that fidelity and loyalty well done will always be accepted as the real test of pure American citizenship.

There is sleeping in the wonderful Arlington Cemetery an unknown soldier—a soldier. Who is he? I care not if he be a Protestant, Catholic, or Jew, white, black, or even an aboriginal red man, but a man he is. Wrapped in the flag of our country as his shroud, a crumbling form, but his spirit—oh, his spirit—the inspiration of 1776 and liberty. It is the same spirit of democracy that actuated Woodrow Wilson to make the fight in 1917 for a better and safer place in which to live and to a full recognition of the political rights which assure us the blessings of liberty and the pursuit of happiness, without regard to race, creed, or color.

Mr. CONNALLY of Texas. Mr. Chairman, I would like to ask the gentleman from New York if he has more than one other speech.

Mr. FISH. I have two speeches of two minutes each.

Mr. CONNALLY of Texas. I think the gentleman from New York ought to finish except one speech. We have only one more speech on this side.

Mr. FISH. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. SOSNOWSKI].

Mr. SOSNOWSKI. Mr. Chairman, no one will question the patriotism and sincerity of the colored people in our national crisis—during the war with Spain, the insurrection in the Philippine Islands, on the Mexican border in pursuit of Villa, and also in the last Great War.

I have soldiered with some of these boys, I have been confined to a hospital with many of them, and I know something about their service; and during this last war, as Federal appeal agent in the selective draft, not a single mammy or colored father came to my office to claim exemption for their boy. This is a worthy cause and it should be supported. We should stop this colored question being used as a political football, take it out and give those people justice and fair play. The sooner we do that the better it will be. Gentlemen speak of other groups. There were no Polish, there were no Italian or other units. I speak as a native American-born citizen. This is a most worthy cause and every man in the House should vote for it. [Applause.]

Mr. FISH. Mr. Chairman, I yield three minutes to the gentleman from Colorado [Mr. VAILE].

Mr. VAILE. Mr. Chairman, the gentleman from Tennessee [Mr. BROWNING] made a very reasonable and appealing statement to us here a few moments ago. I know he captured the sympathy of this whole body when he argued that there were other organizations, small organizations, whose splendid services entitled them to recognition. We agree that his is entitled to the grateful appreciation of the Republic, and there are many others in the same case; but they are not now before us. However, it occurred to me while he was making his remarks to wonder whether if the gentleman from Tennessee had stood here and asked for recognition for his regiment we would have had the spectacle of a two hours' filibuster against the bill, if we would have had the spectacle of a solid alignment of these gentlemen from the South against honoring those white soldiers to whom the gentleman from Tennessee referred. No, gentlemen; the reason for this solid and determined opposition by gentlemen who all preface their remarks by a pious disclaimer of any prejudice is that we propose by this bill to honor American soldiers of the African race.

Mr. O'CONNELL of New York. But there was a worse filibuster on the bill before this, which was equally meritorious, and that filibuster was on the other side of the House.

Mr. VAILE. I regret that filibuster, mostly carried on by two gentlemen with whose views I was not in sympathy, but I can not discuss that in my three minutes.

Mr. ALLGOOD. Why not do away with the monument commission altogether?

Mr. VAILE. I was just about to make a suggestion on that point. There is a reason why this case stands separately from the one referred to by the gentleman from Tennessee. That reason is that these troops in behalf of whom this bill is introduced were substantially a division. They were four regiments. You will remember that I asked the other gentleman from Tennessee [Mr. MCREYNOLDS] if he could tell us of any cases of other troops greater in number than a single regiment which had had the experience that these colored units had of being brigaded with troops of the Allies, and his very conclusive answer was, "Oh, I know why the gentleman is in favor of this bill; it is because of the colored votes in his district"—of course, a perfectly logical answer to my question.

There are about 10 per cent of colored votes in my district. I am proud to say that I have their confidence. They are

Americans who never produced a slacker in war or a bolshevik in peace, but the only difference between the colored people in my district and the colored people in the gentleman's district is that they vote in my district and do not vote in his. [Applause and laughter.]

Mr. McREYNOLDS. Mr. Chairman, will the gentleman yield?

Mr. VAILE. Not just yet. I shall try to do so in a moment. The gentleman could have named some other organizations which were brigaded with our allies. There were those two splendid National Guard divisions, the Twenty-seventh and the Thirtieth, largely composed of southern troops, which were attached throughout the war to the British Army, and whose valor will ever be an inspiration to the volunteer citizen soldiers of the United States who compose our National Guard. Our colleague Mr. WAINWRIGHT, of New York, served as inspector general of the Twenty-seventh Division. That division in one engagement lost a thousand killed and 4,000 wounded. Then there were the Sixth and Eleventh Engineers, whose valiant services have already been referred to in this debate. And there was an aviation instruction center in Italy and a detachment of American aviators there commanded by our colleague Mr. LAGUARDIA, of New York. The gentleman from Minnesota [Mr. FURLOW] served in that detachment, which lost in action 15 of its personnel of 60 members. And there was an American Infantry regiment in Italy also. But, gentlemen of the committee, these organizations have been provided for by the Battle Monuments Commission, the divisions by splendid monuments already authorized and shortly to be erected; the smaller units by appropriate tablets on the monuments. And these memorials will be paid for, of course, out of the battle monuments fund.

Now, here were three regiments, four composing the division—though the service of one was shorter than the others—who spent their whole time brigaded with our allies. A monument 10 or 11 miles away can not do them justice. Their casualties were approximately 50 per cent of their whole personnel. They want and are entitled to a monument near the place where they served. Gentlemen say that we did not put up any monument to the Polish or the Indian or the Italian troops. That was for the simple reason that such soldiers did not constitute separate units. These colored troops did constitute separate units.

Some gentlemen on the Democratic side—and I am not referring to my friend the gentleman from New York [Mr. O'CONNELL] or others like him who believe as I do in granting this just recognition—but some gentlemen on the Democratic side have charged us with partisanship in our advocacy of this bill. Well, the charge comes from those who ought to know, judging from the exhibition we have had here to-day. The gentleman from Tennessee [Mr. McREYNOLDS] has even exposed the partisan prejudice of the gentleman from New York [Mr. FISH] by pointing out to us that of course that gentleman is in favor of this bill. Did not he serve with these colored soldiers! Was not he one of their officers? And that damning fact, he submits, ought to be a reason for defeating this bill.

Well, so be it. I imagine the gentleman from New York will make no attempt to palliate or excuse this offense. If it be partisan to demand rights for your own men, then he must plead guilty to the charge.

And I will plead guilty also. I am frankly partisan in favor of the granting of deserved recognition to brave American soldiers who will have no chance to get it unless it is granted by this bill.

The spectacle of men whose fathers were brought here as slaves, serving the Republic cheerfully, bravely, and uncomplainingly in the cause of liberty is one which does call forth my active partisanship in their favor, and I, like my friend from New York, have no apologies to make for it.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. LINTHICUM. Mr. Chairman, I yield the remainder of my time to the gentleman from Texas [Mr. CONNALLY].

The CHAIRMAN. The gentleman from Texas is recognized for 15 minutes.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, I shall not impugn the motives of any gentleman for his vote on this bill. I am opposed to the passage of the bill for the same reason that I should oppose it if this particular division happened to be composed of white troops instead of colored troops, because it singles out a certain organization and gives it a special recognition above all others. When the Congress some years ago passed a bill establishing the Battle Monuments Commission it gave that commission entire jurisdiction over the erection of all monuments in France and over the matter of the selection of the particular organizations. We vested the commission with complete power as to selection not simply of the site, not simply of the ground upon which the monument was to be erected, but gave that commission power to select the particular engagements and to place at appropriate places monuments and to place thereon the names of the various organizations that participated in such engagements. It is impracticable to erect monuments to all organizations.

That you have had faith in the commission up to this time is evidenced by the fact that no other committee of this House, so far as I know, has ever reported any bill seeking to overturn the action of the Battle Monuments Commission, as this bill proposes to do.

If you are satisfied with reference to its action regarding other divisions and regiments, and other engagements, how is it that this commission is all-wise, is fair and impartial in everything that it does until it fails to erect a monument to the organization to which the gentleman from New York [Mr. FISH] belonged. Is it not remarkable that it should be above criticism in every other respect, and because it fails to single out one organization and give it special consideration it is to be condemned? The gentleman from New York frankly stated before our committee that he had tried to be appointed a member of the Battle Monuments Commission when it was originally formed, but the gentleman from Maryland [Mr. HILL], having some stronger influence with the administration, I suppose, possessing some particular appeal, was appointed on the Battle Monuments Commission and the gentleman from New York [Mr. FISH] was left at home. Of course, it is not unreasonable for the gentleman from New York to think that since he was not on the commission a great mistake in its work has been committed, but the gentleman from New York does not complain of the action of the Battle Monuments Commission in any particular except that it did not erect a monument just where he wanted it erected and just to the particular organization to which he belonged. There are scores of other organizations with records of gallantry on the field of battle, of fine and splendid conduct, who will receive no such recognition as this bill confers on four colored regiments.

Now, I do not say these things unkindly, but it is necessary to understand this bill. Who is this commission? Is this a political commission? Is this a Democratic commission? Some of these gentlemen whose political conceptions never rise above expediency, who are politically color-blind, try to make political capital by charging that some of us who are Democrats compose the opposition. [Laughter.] Who is the commission? The commission is composed of General Pershing, the commander in chief of the Expeditionary Forces [applause], a Republican, a distinguished soldier, and a Republican. General Pershing is a Republican.

Mr. ELLIS. A Missouri Republican.

Mr. CONNALLY of Texas. A Missouri Republican, so the gentleman from Missouri [Mr. ELLIS] says. I wish all the Missouri Republicans in this House would follow the example of General Pershing and oppose this bill as he opposed it as a member of the commission. Who else is there? Senator REED of Pennsylvania. Is he a Democrat? No; he is a very able man and a leading Republican in the United States Senate. He is against this bill. He is a member of the commission. Who else is on it?

The gentleman from Maryland, Col. JOHN PHILIP HILL. He was a soldier overseas. [Applause.] He was a good soldier overseas, and I have not heard him rise upon the floor of this House and demand a separate monument be erected to the organization to which he belonged. He is a Republican.

Mr. O'CONNELL of New York. And a good soldier in the House in a good cause; I will say that, too.

Mr. CONNALLY of Texas. Every member on the Battle Monuments Commission, so far as I know, is a Republican, so there is no politics in the opposition to this bill. Senator REED testified before the committee, the Senator from Pennsylvania, and in answer to a question by me—I asked him if there was any evidence that the Battlefield Monument Commission had any kind of prejudice against these colored soldiers, and he said:

> I was leading up to that. I wanted to explain first the geography of it and then the politics of it. There is not any politics in it.

Then he described the different members of this commission. He said there were no politics in it, that all branches of the service are represented, regulars, volunteers, civilians, and everybody else on this commission. What do you want to do? Here is a commission that has done its duty. Here is a commission of which there is no complaint. Everybody has approved of what it has done except in one particular, and that is because it did not erect a monument and call it "to

the colored troops of which Mr. FISH was an officer." Now I am from the South. Because I am from the South does not create in my heart a prejudice against the colored race. I know the real colored race better than you gentlemen who sit on the other side of the House. [Applause.] I know that the colored race, the real, sturdy, earnest, honest members of the colored race—I am not talking about these professional colored ones that you gentlemen must court and flatter at election time and who are always agitating things of this kind, not the one whose organization the gentleman from Michigan [Mr. SOSNOWSKI] addressed the other night—I am not talking about these professionals. I am talking about the plain, industrious, sensible colored people. They are content to be recognized as American citizens. [Applause.]

They are willing to share in the glory that belongs to all American soldiers regardless of whether they are white or black or yellow or whatnot. But you are not satisfied. Do you know there were 400,000 colored soldiers in the Army in 1918? Do you propose to erect a monument to all of those 400,000 soldiers? No; it is proposed to erect a monument to four regiments, not over 10,000 colored troops. The 390,000 colored troops would have no monument, and the 10,000 colored troops, with which the gentleman from New York [Mr. FISH] was associated, would have a monument and exclude the other 390,000 colored troops. Thirty thousand dollars for four regiments of colored troops, but not one cent for the 390,000 other colored troops; $30,000 for four regiments of colored troops commanded by white officers, but not one cent for colored troops commanded by colored officers.

Now, you are making this colored distinction in this bill. We appropriated $3,000,000 to erect battle monuments in France. When we enacted that bill we did not say, "Erect monuments to white troops." We did not write into that measure, "Erect these monuments to white troops, colored troops, yellow troops, or red troops." We told them to erect those monuments to American soldiers who fought there. [Applause.] And the commission goes out and spends $3,000,000 to erect those monuments, and they recognize these particular organizations, just as they recognize others under the same circumstances.

The testimony of Senator REED is that in this particular area in which they fought there is a battle monument, and the names of those four regiments that you are now legislating upon appear on those monuments. Due credit is given to them for their achievements, and due honor is paid to them for their military record. But you are not content with that. You want to say to the colored troops, "We found you under the flag as American soldiers, but we are going to put a special badge on you. We are going to put a badge on you and erect a monument over there and say, '$3,000,000 for monuments to white troops, and $30,000, or 1 per cent, for monuments to colored troops.'" [Applause.]

That is what you are doing. You are spending $3,000,000 to erect monuments to white troops, and $30,000, or 1 per cent, to erect monuments to colored troops. By providing a special monument to colored troops you imply that all other monuments are to white troops. Heretofore they had a share in them all; now they shall have only one.

Now, but for this bill there would not be that invidious comparison. But for this bill they would all be American soldiers. But you draw the line by this particular legislation when you say, "This monument shall be erected, not to American soldiers, but to colored troops." You are the ones that put the brand of Ham upon this monument. [Applause.]

You want to erect a monument to colored soldiers in France, and you want to make it out of ebony instead of marble. You want to make it black. You want to say to the negroes of this country, "We do not propose that you shall be regarded simply as American soldiers. We are going to put a label on your monument so that those who run may read, 'This is a negro monument.'"

That is what you are doing. We are content to let the negro share the glory of it all. Over at Arlington, the unknown soldier sleeps in glory. I do not know whether that poor broken body that lies there, shrouded in the uniform to which he gave a new luster, wrapped in his country's flag, was that of a black man or of a white man. He was an American soldier. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the American Battle Monuments Commission is hereby authorized and directed to erect near Sechault, France, a suitable monument to commemorate the valiant services of the Three hundred and sixty-ninth, Three hundred and seventy-first, and Three hundred and seventy-second American Infantry Regiments, attached to the French Fourth Army, at a cost not to exceed $30,000, from appropriations heretofore or hereafter appropriated by Congress.

With committee amendments, as follows:

Page 1, line 6, after the word "the," strike out the remainder of the line and all of lines 7 and 8 and the words "French Fourth Army," in line 9, and insert in lieu thereof the words "Ninety-third Division of the American Expeditionary Forces."

On page 2, strike out all of line 1 and the words "by Congress," on line 2, and insert the words "for which an appropriation is hereby authorized."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Maryland is recognized for five minutes.

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the committee, I rise because I have a duty to perform as the representative of this House on the American Battle Monuments Commission. I do not want the impression to go abroad that the American Battle Monuments Commission in arranging to commemorate what the American troops did abroad was in any way actuated by whether a soldier was white or black, or Polish or Italian, of American birth or of foreign birth. [Applause.]

The American Battle Monuments Commission took its commission from you; it received an appropriation of so much money from you, and it perfected a plan of commemoration for all of the divisions. The Ninety-second Division, which was an entirely colored division, which was officered by colored officers, and which was in the Meuse-Argonne offensive with my own division, the Twenty-ninth Division, is not given a separate monument; nor is the Twenty-ninth Division or any individual division given a separate divisional monument. They are commemorated in connection with the sectors in which they served.

I should not take up your time except for this statement which appears in the hearings. Mr. FISH said:

The Three hundred and sixty-ninth was a volunteer regiment from New York; the Three hundred and seventy-second had one battalion from Washington, D. C., one company from Maryland, one company from Massachusetts, one company from Connecticut, and one battalion from Ohio. The Three hundred and seventy-first Regiment was a drafted regiment from the South.

Mr. BEGG. Is it established beyond any question of doubt that the Battle Monuments Commission will not recognize these people?

Mr. FISH. Yes; I have taken it up with them.

Now, in view of that statement, I wish to give you the exact situation from the standpoint of what the Battle Monuments Commission did as far as one of the regiments which is mentioned here, the Three hundred and seventy-second, is concerned.

I served with the District of Columbia colored troops; I served with the Maryland company in Camp McClellan before those colored regiments went abroad, and would I, as a member of the Battle Monuments Commission, discriminate against troops with which I had served, and when, as a matter of fact, I had served with the Maryland colored company for 13 years in the Maryland National Guard? I do not want you to think that the Battle Monuments Commission was actuated by any motive except the motive of trying to commemorate the services of all troops. As a matter of fact, Mr. Chairman and gentlemen, the American Battle Monuments Commission has made ample provision for the commemoration of the splendid work that was done by the Ninety-third Division, and I desire to read to you just what the situation is. Here is a letter which I asked for to-day and received from the secretary of the Battle Monuments Commission:

THE AMERICAN BATTLE MONUMENTS COMMISSION,
OFFICE OF THE SECRETARY,
Washington, April 28, 1926.

Hon. JOHN PHILIP HILL,
House of Representatives, United States,
Washington, D. C.

MY DEAR COLONEL: With reference to your request for a summary of the actions of the commission with regard to commemorating the operations of the Three hundred and sixty-ninth, Three hundred and seventieth, Three hundred and seventy-first, and Three hundred and seventy-second United States Regiments of Infantry (colored) in France during the World War, I have the honor to present the following:

The commission decided on March 17, 1925, after hearings were held in Congress on a bill to erect a separate memorial to these regiments and, as the commission was informed, as a compromise which was agreeable to the sponsors of the bill, to commemorate the work of these regiments by tablets or otherwise on the monuments already approved by the commission for erection in the battle areas of Europe.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. HILL of Maryland. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. HILL of Maryland (reading)—

In carrying out this resolution the regiments mentioned above will be given commemoration in the following:

"For their sector occupation, on the commission's memorial at Nancy, France.

"For their operations near Sechault, France, on the commission's monument, which will include the operations of all American divisions who fought in the Champagne region of France. This monument will be located at a central spot in the area at a site which is yet to be determined, but which will not be more than 10 miles from Sechault.

"For the services of the Three hundred and seventieth Infantry Regiment, in the vicinity of the Chemin des Dames, on the commission's memorial to be erected at Chateau-Thierry, France, which will include commemoration for all American divisions who fought in the Aisne-Marne region."

In this commemoration, to avoid violating the commission's rule that no memorials would be erected to units smaller than a division, it was decided to give these regiments the designation of the division (Ninety-third) under which they were organized, and to make the notations somewhat as follows (using the Three hundred and seventy-first Infantry as an illustration):

"Ninety-third Division (Three hundred and seventy-first Infantry)," then giving the service, with dates.

As you know, the attitude of the commission has always been to treat all American units, as far as commemoration is concerned, in the same classification regardless of color, race, locality from which they came, and previous nationality. The erection of the memorial under consideration would, it is believed, give undue commemoration to units whose work on the battle fields was certainly not better than that of the average American regiment which served in France.

If the inspirational value to the colored race is a matter of consideration, a memorial could better be placed in this country where it would be seen and enjoyed by them.

[Applause.]

The commission has gone definitely on record as favoring the erection of the minimum number of monuments in Europe, and for this reason alone would be against the memorial under consideration.

Very sincerely yours,

X. H. PRICE,
Major, Corps of Engineers, Secretary.

Now, Mr. Chairman, I ask unanimous consent to extend my remarks by printing a statement which the commission has just issued on the whole subject of monuments abroad.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The statement referred to is as follows:

The question of limiting the erection of American memorials on the battle fields of Europe was brought up by General Pershing, the chairman of the American Battle Monuments Commission, at its meeting on March 29. General Pershing expressed himself as greatly concerned that so many American memorials were being planned for erection in Europe, and stated that if something were not done to prevent it he greatly feared that our country would exceed the bounds of good taste in this regard. He pointed out that all American memorials, regardless of whether they were erected by the Government, States, associations, or individuals of this country, were considered by the people of Europe in the same classification. His view is that the plans of the commission contemplate a sufficient number of memorials, and that none should be erected except those planned by the commission, it being the body that represents the Government as a whole.

During the discussion which followed on this question the points given below were brought out:

There are but few French, Belgian, and Italian memorials on these battle fields; and even though the financial situation in these countries were satisfactory, it is improbable that many such memorials would be erected, as the people of continental Europe do not seem to favor them as much as we do in this country.

The battle fields fought over by American troops in Europe have been battle fields all through history, and even during the late war they had in most cases been fought over one or more times by troops of other countries.

The conditions on the battle fields, as outlined above, tend to make even a moderate number of American memorials conspicuous and too many would create an entirely erroneous impression of the American object in erecting them. In this connection it should be considered that our country was fighting during the latter part of the war only and had fewer troops engaged and lighter losses than either France, England, or Italy.

The battle field region of France is one of the most unattractive parts. In the near future, when the evidence of the war have disappeared, this region is not likely to be visited by many tourists and memorials erected there will not be seen. This point has been considered by the commission in planning its memorials, and they will be made sufficiently imposing so that people will have an incentive to make special trips to see them.

There are many ways in which our people could erect memorials to particular units or to State troops, and at the same time assist the people of various places in France associated with our activities.

The commission is inclined to the view that after the Government's memorial project in Europe is completed and after the erection of useful memorial structures in France, such as bridges, public buildings, etc., any additional expression of the gratitude and love for our soldiers can best be shown by memorials erected in the United States, such, for example, as the white doric temple proposed for erection in Washington to commemorate the soldiers from the District of Columbia. These memorials would be seen and enjoyed by the soldiers themselves as well as their families and relatives, and the upkeep will involve no problems.

The policy of the commission with respect to its own project, for which public funds have been authorized, has been to keep the number of memorials down to a minimum and yet commemorate in a suitable way all activities of the American forces in Europe during the World War. This policy has been carried out and additional memorials will not help the commission's project, but will make it unbalanced by commemorating certain units out of proportion to their deeds on the battle fields.

Experience has proven that it is almost impossible to provide proper upkeep for a memorial erected on the battle fields of Europe except through governmental agencies. Many of those now erected give the impression that the people who put them up have forgotten their existence. Memorials of the commission's project will always receive proper care by our War Department, through the European office of the Graves Registration Service.

The above discussion resulted in the commission adopting the following resolution by unanimous vote:

"That the policy of the commission shall be to decline to approve any future plans for memorials in Europe, proposed for erection by States, municipalities, military organizations, or private individuals of the United States, with the exception of memorials that will be useful to the inhabitants of the neighborhood in which they are to be erected, such as bridges, fountains, public buildings, gateways, or other public improvements."

After its adoption this resolution was shown to the President by General Pershing. The President stated that it met with his entire approval.

The above resolution can be made effective because the French and Belgian Governments have agreed not to allow the erection of American memorials in their countries unless these memorials have first been approved by the American Battle Monuments Commission. It is the hope of the commission, however, that those interested will cooperate in carrying out the above resolution, so that the commission will be relieved of the embarrassment of not approving memorials submitted.

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the committee, I have presented these considerations because the American Battle Monuments Commission is a commission appointed without political prejudice and it has not regarded politics in anything it has done.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. NEWTON of Minnesota. The statement was made by the gentleman from Colorado that a monument had been erected to every combat unit of the American Army that had been detached for service with allied troops near the scene of their services with allied troops. Is that correct?

Mr. HILL of Maryland. As yet no monuments have been erected by the commission to any units. I will say to the gentleman that any unit smaller than a division would be commemorated on a divisional monument. They are not erecting small monuments.

Mr. NEWTON of Minnesota. But, as I understand, these constitute divisions?

Mr. HILL of Maryland. These colored regiments do make up a division and they are to be recognized on the divisional monuments in that region.

The pending bill, with the amendments proposed by the Committee on Foreign Affairs, is as follows (matter struck out in brackets, matter inserted in italics):

A bill authorizing the erection of a monument in France to commemorate the valiant services of certain American Infantry regiments attached to the French Army

Be it enacted, etc., That the American Battle Monuments Commission is hereby authorized and directed to erect near Sechault, France, a suitable monument to commemorate the valiant services of the [Three hundred and sixty-ninth, Three hundred and seventy-first, and Three hundred and seventy-second American Infantry Regiments, attached to the French Fourth Army,] *Ninety-third Division of the American Expeditionary Forces*, at a cost not to exceed $30,000, [from appropriations heretofore or hereafter appropriated by Congress] *for which an appropriation is hereby authorized.*

Amend the title so as to read: "A bill authorizing the erection of a monument in France to commemorate the valiant services of the Ninety-third Division of the American Expeditionary Forces."

There is nothing in this bill to indicate that the troops of these regiments were colored troops; nor is there anything in this bill to commemorate the services of the Ninety-second Division, a colored division with colored officers; nor is there anything in this bill to commemorate the war services of any of the 400,000 colored soldiers who served in the American Army, except those in the four specified regiments. The proposed monument is, therefore, at first glance not a monument to the gallant services of the colored troops as such, but only to one special unit.

I am particularly interested in the services of the Three hundred and seventy-second Infantry, one of the units proposed to be commemorated by this bill, composed of a separate battalion from Ohio; one from the District of Columbia, and separate companies from Connecticut, Massachusetts, and Maryland.

The Maryland company was the former First Separate Company of the Maryland National Guard. I served in National Guard maneuvers with them before the war; I served in the same division with them on the Mexican border, and they were part of my own division, the Twenty-ninth, the Blue and Gray Division, in 1917, in Camp McClellan.

The Three hundred and seventy-second Infantry served at various times and at various points on the front as a part of the Thirty-fifth, Sixty-third, and One hundred and fifty-seventh French Divisions. Its battle casualties were 93 killed and 603 wounded, including my friend Sergeant Tydings, of Baltimore, who won the croix de guerre. This regiment attacked and captured the Cotes-des-Observatones (Champagne) on the heights near Sechault. It also attacked the town of Sechault, which I inspected with General Pershing in July, 1924.

Until the discussion arose to-day on this bill, I had thought that the proudest recognition of the service of these regiments was that proposed by the American Battle Monuments Commission; that is, citation on the monument to be erected near Sechault, France, to all the American divisions who fought in the Champagne region of France.

The debate to-day, however, on the question of the commemoration of the Ninety-third Division by this proposed monument, has taken on a larger and broader aspect. The debate here to-day has not been alone on the monument to the Ninety-third Division, but on the broad question of the commemoration of the gallant work of all the colored troops who served in the United States Army in France. I shall therefore vote for this monument, not alone to my colored comrades who fought in the Ninety-third Division, but as a monument to all the colored troops who served their country so well in France. [Applause.]

Mr. FISH. Mr. Chairman, I move that all debate on this bill and all amendments thereto do now close.

Mr. CONNALLY of Texas. Mr. Chairman, a point of order. Has there been any debate under the five-minute rule?

The CHAIRMAN. Yes; there has been. The question is on agreeing to the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were—ayes 124, noes 59.

Mr. CONNALLY of Texas. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. FISH and Mr. CONNALLY of Texas.

The committee again divided; and there were—ayes 124, noes 51.

So the motion was agreed to.

Mr. CONNALLY of Texas. Mr. Chairman, I offer an amendment. On page 1, line 6, strike out all of line 6 after the word "of" and all of lines 7, 8, and 9 and insert the following: "all colored troops."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: Page 1, line 6, after the word "of," strike out the remainder of line 6, all of lines 7, 8, and 9 and insert the words "all colored troops."

Mr. CONNALLY of Texas. Mr. Chairman, is any debate permissible on this amendment?

The CHAIRMAN. No debate is permissible.

The question was taken; and on a division (demanded by Mr. GARRETT of Texas) there were—ayes 42, noes 120.

So the amendment was rejected.

Mr. FISH. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 9694) authorizing the erection of a monument in France to commemorate the valiant services of certain American Infantry regiments attached to the French Army, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

Mr. FISH. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were—ayes 160, noes 62.

So the previous question was ordered.

The amendment was agreed to.

The bill was ordered to be engrossed, read a third time, and was read the third time.

Mr. CONNALLY of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CONNALLY of Texas. I am. [Laughter.]

The SPEAKER. The gentleman from Texas offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. CONNALLY of Texas moves to recommit the bill to the Committee on Foreign Affairs with instructions to that committee to report the same back forthwith with the following amendment:

"Page 1, line 6, after the word 'of,' strike out the remainder of line 6, and all down to the word 'of' in line 9, and insert in lieu thereof the following: 'all colored troops.'"

Mr. BEGG and Mr. CHINDBLOM rose.

Mr. BEGG. Mr. Speaker, I make the point of order the amendment is not germane. You can not include the whole of a group when there is only a special part of the group mentioned.

Mr. MADDEN. Mr. Speaker, I make the further point of order that that amendment was lost just a few moments ago.

Mr. CHINDBLOM. Mr. Speaker, I make the further point of order that the gentleman is seeking to amend an amendment already adopted. We have already by the amendment which has been adopted stricken out lines 6, 7, 8, and 9 and the gentleman is now seeking to amend that amendment.

Mr. CONNALLY of Texas. Oh, no. The rules protect the minority in the privilege of offering one motion to recommit.

Mr. CHINDBLOM. But it must be in order under the rules. You have the right to present one motion to recommit but not any kind of motion.

Mr. CONNALLY of Texas. That is what we are doing—just presenting one.

Mr. BEGG. Mr. Speaker, I would like to direct the attention of the Speaker to the fact that this bill provides a monument for the Ninety-third Division, and it is not in order to include all of them. I make that as an additional point of order.

The SPEAKER. The Chair is ready to rule.

The motion to recommit seeks to add another division to a bill, which as it now stands, the amendment having been adopted by the House, applies only to one. It is a well-known rule of the House that it is not germane to add another subject where there is only one subject before the House. The Chair therefore thinks the point of order is well taken, and he would

be inclined to think that the other point of order is also well taken if he had to rule specifically on that point, inasmuch as the amendment seeks to amend an amendment already adopted by the House.

The Chair therefore sustains the point of order.

The question is on the passage of the bill.

Mr. FISH. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 227, nays 116, answered "present" 1, not voting 87, as follows:

[Roll No. 85]

YEAS—227

Ackerman	Dowell	Kiefner	Rowbottom
Adkins	Dyer	Kiess	Sabath
Allen	Eaton	Kindred	Sanders, N. Y.
Andresen	Elliott	King	Scott
Anthony	Ellis	Knutson	Sears, Nebr.
Appleby	Fairchild	Kopp	Seger
Arentz	Faust	Kunz	Shallenberger
Arnold	Fenn	LaGuardia	Simmons
Ayres	Fish	Lampert	Sinclair
Bacharach	Fitzgerald, Roy G.	Leatherwood	Sinnott
Bachmann	Fitzgerald, W. T.	Leavitt	Smith
Bacon	Fletcher	Lehlbach	Snell
Bailey	Fort	Letts	Sosnowski
Barbour	Foss	Lindsay	Speaks
Beedy	Free	Little	Sproul, Ill.
Begg	Freeman	Luce	Sproul, Kans.
Berger	French	McFadden	Stalker
Black, N. Y.	Frothingham	McLaughlin, Mich.	Stephens
Bloom	Funk	McLeod	Stobbs
Bowles	Furlow	MacGregor	Strong, Kans.
Bowman	Garber	Madden	Strother
Boylan	Gibson	Magee, N. Y.	Summers, Wash.
Brand, Ohio	Gifford	Major	Sweet
Brigham	Glynn	Manlove	Swing
Britten	Golder	Mapes	Taylor, Colo.
Browne	Goodwin	Martin, Mass.	Taylor, N. J.
Burdick	Gorman	Mead	Taylor, Tenn.
Burton	Griest	Michener	Taylor, W. Va.
Butler	Griffin	Miller	Temple
Cannon	Hadley	Mills	Thatcher
Carew	Hale	Montgomery	Thompson
Carter, Calif.	Hall, Ind.	Mooney	Thurston
Celler	Hardy	Morehead	Tilson
Chalmers	Hawley	Morgan	Timberlake
Chindblom	Hersey	Morrow	Tincher
Cole	Hickey	Murphy	Tinkham
Colton	Hill, Md.	Nelson, Me.	Tolley
Connery	Hill, Wash.	Newton, Minn.	Underwood
Connolly, Pa.	Hoch	Newton, Mo.	Vaile
Cooper, Ohio	Hogg	O'Connell, N. Y.	Vestal
Cooper, Wis.	Holaday	O'Connell, R. I.	Vincent, Mich.
Corning	Hooper	O'Connor, N. Y.	Wainwright
Coyle	Houston	Oliver, N. Y.	Walters
Cramton	Hull, Morton D.	Patterson	Watres
Crosser	Hull, William E.	Perlman	Watson
Crowther	Irwin	Prall	Weller
Crumpacker	Jacobstein	Pratt	Welsh
Cullen	James	Purnell	Wheeler
Curry	Jenkins	Quayle	White, Kans.
Darrow	Johnson, Ill.	Rainey	White, Me.
Davenport	Johnson, Ind.	Ramseyer	Williams, Ill.
Davey	Johnson, Wash.	Ransley	Winter
Dempsey	Kahn	Rathbone	Wolverton
Denison	Kearns	Reece	Wood
Dickinson, Iowa	Keller	Reed, N. Y.	Woodruff
Dickstein	Kelly	Robinson, Iowa	Yates
Douglass	Ketcham	Rogers	

NAYS—116

Allgood	Deal	Jones	Rankin
Almon	Dickinson, Mo.	Kemp	Rayburn
Aswell	Dominick	Kincheloe	Reed, Ark.
Auf der Heide	Drane	Lanham	Romjue
Bankhead	Drewry	Lankford	Rouse
Beck	Driver	Larsen	Rubey
Bell	Edwards	Lazaro	Rutherford
Black, Tex.	Eslick	Linthicum	Sanders, Tex.
Bland	Fisher	Lowrey	Sandlin
Blanton	Fulmer	Lozier	Schafer
Bowling	Gambrill	McClintic	Schneider
Box	Gardner, Ind.	McDuffie	Spearing
Brand, Ga.	Garner, Tex.	McKeown	Steagall
Briggs	Garrett, Tenn.	McMillan	Stedman
Browning	Garrett, Tex.	McReynolds	Stevenson
Buchanan	Gasque	Martin, La.	Sumners, Tex.
Bulwinkle	Gilbert	Milligan	Swank
Burtness	Goldsborough	Moore, Ky.	Thomas
Busby	Green, Fla.	Moore, Va.	Tillman
Canfield	Greenwood	Nelson, Mo.	Tucker
Carss	Hare	O'Connor, La.	Upshaw
Carter, Okla.	Harrison	Oldfield	Vinson, Ga.
Chapman	Hastings	Oliver, Ala.	Vinson, Ky.
Collier	Hill, Ala.	Parks	Whitehead
Collins	Huddleston	Peavey	Whittington
Connally, Tex.	Hudspeth	Peery	Williams, Tex.
Cox	Hull, Tenn.	Porter	Wilson, La.
Crisp	Jeffers	Quin	Wingo
Davis	Johnson, Tex.	Ragon	Wright

ANSWERED "PRESENT"—1

Byrns

NOT VOTING—87

Abernethy	Bixler	Christopherson	Esterly
Aldrich	Boies	Clague	Evans
Andrew	Brumm	Cleary	Flaherty
Barkley	Campbell	Doughton	Frear
Beers	Carpenter	Doyle	Fredericks
Fuller	Kvale	Nelson, Wis.	Treadway
Gallivan	Lea, Calif.	Norton	Tydings
Graham	Lee, Ga.	Parker	Underhill
Green, Iowa	Lineberger	Perkins	Updike
Hall, N. Dak.	Lyon	Phillips	Vare
Hammer	McLaughlin, Nebr.	Pou	Volgt
Haugen	McSwain	Reid, Ill.	Warren
Hawes	McSweeney	Robsion, Ky.	Wason
Hayden	Magee, Pa.	Sears, Fla.	Weaver
Howard	Magrady	Shreve	Wefald
Hudson	Mansfield	Smithwick	Williamson
Johnson, Ky.	Menges	Somers, N. Y.	Wilson, Miss.
Johnson, S. Dak.	Merritt	Strong, Pa.	Woodrum
Kendall	Michaelson	Sullivan	Wurzbach
Kerr	Montague	Swartz	Wyant
Kirk	Moore, Ohio	Swoope	Zihlman
Kurtz	Morin	Taber	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Vare (for) with Mr. Byrns (against).
Mr. Treadway (for) with Mr. Montague (against).
Mr. Williamson (for) with Mr. Howard (against).
Mr. Menges (for) with Mr. Taber (against).
Mr. McSweeney (for) with Mr. Mansfield (against).
Mr. Morin (for) with Mr. Woodrum (against).
Mr. Kirk (for) with Mr. Lee of Georgia (against).
Mr. Bixler (for) with Mr. McSwain (against).
Mr. Reid of Illinois (for) with Mr. Wilson of Mississippi (against).

Until further notice:

Mr. Graham with Mr. Barkley.
Mr. Kurtz with Mr. Evans.
Mr. Shreve with Mr. Hammer.
Mr. Perkins with Mr. Kerr.
Mr. Underhill with Mr. Sullivan.
Mr. Carpenter with Mr. Johnson of Kentucky.
Mr. Esterly with Mr. Doughton.
Mr. Johnson of South Dakota with Mr. Hayden.
Mr. Merritt with Mrs. Norton.
Mr. Boies with Mr. Warren.
Mr. Fuller with Mr. Smithwick.
Mr. Moore of Ohio with Mr. Volgt.
Mr. Aldrich with Mr. Kvale.
Mr. Christopherson with Mr. Nelson of Wisconsin.

The result of the vote was announced as above recorded.

On motion of Mr. FISH a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 6772. An act to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America;

H. R. 6775. An act to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America; and

H. R. 6776. An act to authorize the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America.

The message also announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House of Representatives was requested:

H. R. 7904. An act granting the consent of Congress to Des Arc Bridge Co. and its successors and assigns to construct a bridge across the White River at Des Arc, Ark.;

H. R. 9348. An act granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio;

H. R. 9494. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainesboro-Red Boiling Springs road in Jackson County, Tenn.;

H. R. 9503. An act granting permission to the State Highway Commission of the State of Tennessee to construct a bridge across the Tennessee River at Savannah, Hardin County, Tenn., on the Savannah-Selmer road;

H. R. 9505. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden road between Humphreys and Benton Counties, Tenn.; and

H. R. 9506. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Perry and Decatur Counties, Tenn.

The message also announced that the Senate had passed bills and resolution of the following titles in which the concurrence of the House of Representatives was requested:

S. 3641. An act to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended;

S. 3921. An act authorizing and empowering the Board of Managers of the National Home for Disabled Volunteer Sol-

diers to sell and grant approximately 160 acres of land owned by it at the Pacific Branch of said the National Home for Disabled Volunteer Soldiers; to receive the proceeds from said sale and disburse the same for the erection of additional fireproof barracks and other improvements upon the site of said Pacific Branch of the National Home for Disabled Volunteer Soldiers; and

Senate Concurrent Resolution 16

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be, and he is hereby, authorized and directed, in the enrollment of the bill (S. 2296) authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader, to insert in the title thereof after the word "authorizing," the following: "casualty companies, surety companies," so that the title as amended will read: "An act authorizing casualty companies, surety companies, insurance companies, or associations or fraternal or beneficial societies to file bills of interpleader."

The message also announced that the Vice President had appointed Mr. SWANSON, Mr. BORAH, Mr. GLASS, Mr. BINGHAM, and Mr. BRUCE members of the joint committee on the part of the Senate as provided for by House Concurrent Resolution 13 providing for the observance of May 15, 1926, as the one hundred and fiftieth anniversary of the passage of a resolution by the Virginia Convention of 1776 proposing that Congress make a Declaration of Independence, and extending to the President and Congress of the United States an invitation to participate in a celebration at Williamsburg, Va.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2296) authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1226) to amend the trading with the enemy act.

The message also announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 6777. An act to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America; and

H. J. Res. 209. House joint resolution requesting the President of the United States to invite foreign governments to participate in the seventh international dental congress, to be held at Philadelphia, Pa., August 23 to 28, 1926.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3921. An act authorizing and empowering the Board of Managers of the National Home for Disabled Volunteer Soldiers to sell and grant approximately 160 acres of land owned by it at the Pacific branch of said the National Home for Disabled Volunteer Soldiers; to receive the proceeds from said sale and disburse the same for the erection of additional fireproof barracks and other improvements upon the site of said Pacific Branch of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

S. 3641. An act to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended; to the Committee on Mines and Mining.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6775. An act to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America;

H. R. 6776. An act to authorize the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America; and

S. 2982. An act to provide for the conveyance of certain land owned by the District of Columbia near the corner of Thirteenth and Upshur Streets NW. and the acquisition of certain land by the District of Columbia in exchange for said part to be conveyed, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 6773. An act to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America;

H. R. 2009. An act for the relief of C. M. Rodefer;

H. R. 7372. An act to amend section 27 of the general leasing act approved February 25, 1920 (41 Stat. L. p. 437);

H. R. 8190. An act authorizing the construction of a bridge across the Colorado River near Blythe, Calif.;

H. R. 9758. An act granting the consent of Congress to the Vicksburg Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Vicksburg, Miss.;

H. R. 9964. An act releasing and granting to the city of Chicago any and all reversionary rights of the United States in and to the streets, alleys, and public grounds in Fort Dearborn addition to Chicago;

H. R. 9795. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes;

H. R. 9831. An act to provide for the completion and repair of customs buildings in Porto Rico;

H. R. 10164. An act granting the consent of Congress to Cape Girardeau Chamber of Commerce (Inc.) to construct, maintain, and operate a bridge across the Mississippi River at Cape Girardeau, Mo.;

H. R. 10351. An act granting the consent of Congress to the Natchez-Vidalia Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Natchez, Miss.;

H. J. Res. 149. Joint resolution to provide for membership of the United States in the Central Bureau of the International Map of the World;

H. J. Res. 150. Joint resolution to provide for the participation of the United States in a congress to be held in the city of Panama June, 1926, in commemoration of the centennial of the Pan American Congress, which was held in the city of Panama in 1826;

H. R. 10275. An act authorizing appropriations for construction at military posts, and for other purposes;

H. R. 8830. An act amending the act entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," approved June 6, 1924;

H. R. 7470. An act to authorize the Secretary of War to grant to the New York, Chicago & St. Louis Railway Co., its successors or assigns, a perpetual easement for railroad right of way over and upon Camp Sherman Military Reservation in the State of Ohio;

H. R. 6774. An act to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America;

H. R. 6556. An act for the establishment of artificial bathing pools or beaches in the District of Columbia; and

H. J. Res. 204. Joint resolution authorizing certain military organizations to visit France, England, and Belgium.

MONUMENT IN FRANCE TO COLORED AMERICAN INFANTRY REGIMENTS ATTACHED TO THE FRENCH ARMY

Mr. SABATH. Mr. Speaker and gentlemen of the House, this bill authorizes the expenditure of $30,000 to erect a monument in France to commemorate the gallant services of the four colored Infantry regiments comprising the Ninety-third American Division attached to the French Army. The regiments included, New York, formerly known as the Fifteenth New York Infantry; the Three hundred and seventieth, a volunteer regiment from Illinois, formerly the Eighth Illinois; the Three hundred and seventy-first, a drafted regiment; and the Three hundred and seventy-second, composed of a separate battalion from Ohio; one from the District of Columbia, and separate companies from Connecticut, Massachusetts, and Maryland. Three of these regiments had their colors decorated with the French War Cross for gallantry on the field of battle.

The total casualties of these four Infantry regiments, which had a battle strength of approximately 10,000, or 2,500 to a regiment, were 457 killed and 3,468 wounded, or 40 per cent of the effectives. With the exception of the First and Second Divisions, there are not many American divisions which had a higher percentage of killed and wounded. These four regiments were the only American regiments attached to the French Army during the war for administration, supply, and operations, each regiment being assigned to different French divisions.

I have been questioned—yes; criticized—for voting in favor of this bill. I wish to state to these gentlemen as well as the House that the vote I have cast is in line with my policy that I have at all times followed ever since my first term in the

House, namely, equal rights and recognition to all and special privileges to none.

The mere fact this division was composed of colored troops can not and should not detract from their patriotism and bravery, which they have displayed under the most trying conditions. No one has the courage to say that their recognition is undeserved. The only opposition that is raised is raised because of the race of which these regiments have been composed. The record of these regiments entitles them to the grateful recognition of a grateful Republic. As to their services and gallantry, General Pershing stated:

I can not commend too highly the spirit shown among the colored combat troops, who exhibit fine capacity for quick training and eagerness for the most dangerous work.

I deplore that we should find men so prejudiced that would deny the recognition of such splendid service rendered to our country in the hour of need. I have frequently pointed out the splendid loyalty and great service rendered by the foreign born, and what I have said of them is equally true of the colored people of the United States. I am satisfied that any man who is not blinded with prejudice must concede that they have done their part and their share in the winning of the war; they have displayed patriotism, valor, heroism, and bravery that shall not and can not be minimized by anyone.

It is to be deplored that anyone should try to detract from people because of their nationality, race, or religion. I hope that this intolerant spirit of prejudice so often manifested will disappear and that America will treat all on their merits and deserts.

Some gentlemen charged that we who favored this legislation did so for political reasons. I resent these statements and their insinuations. I have voted against discrimination when I did not have a single colored vote in my district. I have some in my district now. But I do not expect to secure their vote, because they vote the Republican ticket, it matters not how unfairly and unreasonably they may be treated by the Republican Party. But unfortunately for them, they continue to follow that party implicitly and blindly. They do so not realizing that the present Republican Party is no longer the party of Lincoln. The Republican Party to-day is the party of special interests and not the party of and for the people. It does not stand for the broad liberal principles that the Republican Party stood for under Lincoln. It stands for discriminatory and prohibitive legislation and at all times against the masses.

Therefore, I have no apology to offer. In fact, I am glad that I voted for this bill. By doing so I have been able to acknowledge the splendid service, loyalty, patriotism, and heroic deeds of these regiments, all of which is a matter of record. I feel that it is our duty at all times to give credit where credit is due. I hope that the day will be fast approaching when prejudice and intolerance will disappear; that good will may prevail, which will make for a happier, more contented, stronger, and more humane country.

THE IMPENDING DISASTER TO AGRICULTURE

Mr. CANNON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from Mr. William Hirth, editor of the Missouri Farmer and chairman of the Corn Belt committee, on the subject of farm relief legislation.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, no measure before this session of Congress has attracted such widespread attention or been the subject of such general interest as the Haugen bill, reported yesterday by the Committee on Agriculture. It is based on several bills under discussion in the committee for the last four months, including the Dickinson bill, and embodies the principles advocated by the representatives of the allied farm organizations who appeared before the committee during the extended hearings on farm-relief legislation.

As the bill has just been introduced and few Members have had opportunity to study it in detail, I am including as an extension of my remarks the following open letter on the subject from Mr. William Hirth, chairman of the Corn Belt committee, which, although written before the last modification of the bill, discusses all objections advanced by opponents of the measure and is the most comprehensive analysis of the bill yet offered:

Hon. CLARENCE CANNON,

House Office Building, Washington, D. C.

DEAR MR. CANNON: Pursuant to the promise I made to you several days ago, I herewith submit my views of the Haugen bill, together with certain other views on the existing status of agriculture.

To begin with, it might be well to focus this great question by asking, "What is really the matter with agriculture; why have farm values shrunk to the almost unbelievable extent of $20,000,000,000 since the close of the World War; why have hundreds of thousands of hard-working farmers lost their homes while several thousand erstwhile splendid country banks have been forced to close their doors?" In a nutshell, the answer is because, on the one hand, farmers are being forced to accept the low world price levels on such commodities as wheat, pork, beef, cotton, barley, rye, etc., while on the other hand they are forced to buy in the most highly protected market in the world, and in a market where wage scales as high or higher than those of the war period reflect themselves in merchandise values, freight rates, etc. Stripped of all surplusage, this is the answer to the above question; this is why agriculture is to-day tottering on the brink of complete collapse.

The ink was hardly dry on the armistice when our great industrial leaders set up a shout for the return of the protective system. They pointed out with good reason that they would not be able to compete against the cheap wage scales of the stricken European nations; and the Fordney-McCumber Act, the highest traiff in the history of the Nation, was the result. In almost the same breath Samuel Gompers announced that organized labor would not only continue to insist upon the wage scales of the war period, but that in many trades it would demand substantial increases, and in addition he asked for protection against an influx of foreign laborers; and the ironclad immigration act was the result. And when industry and labor thus refuse to meet world competition is it fair to compel the farmer to meet it; and after having forced the farmer to do this for seven long, weary years, is it any wonder that the agricultural situation has become a great national tragedy?

Next let us ask, "For what form of relief does the farmer plead; what can Congress do to arrest the collapse of the great farming industry that is now impending?" Merely to supply a governmental device (which the farmer in his present haphazardly organized condition is not able to supply himself) through which the protective tariff can be made as effective for agriculture as it is for industry—a device that will give to the farmer for his toil a dollar of as great purchasing power as the dollar that protected industry and labor force him to pay for merchandise, freight rates, etc.; a dollar that will bring about the "equality for agriculture" to which both the Republican and Democratic platforms solemnly pledged themselves in the last presidential campaign!

Arrived at this point, next let us ask, "What kind of a governmental device will accomplish this end?" Manifestly a device that will prevent the world price on such commodities as wheat, pork, etc., from becoming the governing price in the home markets—a device that will enable us to make the tariff effective, as I have said, in the home markets, meanwhile letting the surplus bring what it will in the world markets; and with reference to cotton, a device that will assist the cooperatives in regulating the supply to the demand in both the foreign and domestic markets.

If the producers of our various surplus farm commodities were thoroughly organized, they would not need to ask Congress for a device of this kind. Then all they would need would be a friendly tariff, based on their average production costs; and with the aid of such a tariff they would experience no serious difficulty in following in the footsteps of our great manufacturing enterprises, which sell such surpluses as they may accumulate from time to time in the most favorable world market. But unorganized as our farmers are at the present time, they are completely helpless in these premises. And there are a number of deep-seated reasons for their lack of organization: First, because we have approximately 6,500,000 farmers in the nation, and to unify such a great body of individuals is within itself a task of gigantic proportions; and this leaves out of account the fact that our agricultural problems are more or less sectional and this renders the matter of organization still more difficult; secondly, the farmer must contend with droughts, floods, insect pestilence, etc., and, therefore, as he sows he never knows what he will reap—unlike the manufacturer, he can not plan his output with exact precision.

In short, the farmer is in truth the "greatest gambler in the world," and in the very nature of things will ever remain so. In the meantime the fact that the farmer does, despite his many handicaps, produce a surplus of certain great necessaries of life should be considered a national blessing, rather than a calamity—for good harvests mean, on the one hand, that our people will be generously fed and clothed, while surpluses mean favorable international trade balances. In this connection one of the astounding things to me in the present situation is the view that certain individuals have of our various agricultural surpluses—the apparent belief that these surpluses present a sort of pestilence which the farmer has wished onto those who are responsible for our governmental policies. And yet in years gone by these surpluses were to our Nation what Samson's flowing locks were to his physical prowess. Before the World War we used our surplus wheat, cotton, pork, etc., to offset our heavy interest payments to Europe, and in this connection I can not do better than to quote from the recent able address of Congressman FORT, of New Jersey, to the effect that

had it not been for our agricultural surpluses from 1910 to 1914 and from 1920 to 1924, "we would have run debtor to the rest of the world at the rate of $1,000,000,000 per year, instead of being a creditor nation at the rate of $870,000,000 per year." And, therefore, why regard these surpluses of the farm as a sort of national calamity—why not realize that more than any other factor they have made ours the dominent financial Nation of the world, and that they are vital if we are to maintain this enviable position in the years to come?

I mention the foregoing especially because in certain quarters the farmer is to-day regarded as a "lame duck" who disturbs our otherwise tranquil situation—a complaining beggar who holds out his tin cup on the doorstep of Congress at a time when the "goose honks high" in the circles of industry and labor and when we are pausing rather nervously on the threshold of an important congressional election. But to those who view agriculture in this light I want to say that the farmer is merely asking that Congress shall not force him to longer meet the world competition that industry and labor have refused to meet.

If some one in Congress should propose absolute free trade for American industry to-day, or that the American laboring man should be content with the wage scales that obtain in European countries, he would be regarded as insane; and yet this is exactly the basis upon which the American farmer has been forced to exist since the close of the World War, except with reference to a few minor commodities of which we do not produce a surplus.

As I have said, what the farmer must have if he is to continue to exist is a governmental device that will assure him of a dollar of equal purchasing power (as against the dollar that industry and labor have made the basis of his production costs) in the home markets, meanwhile letting the surplus bring what it will in the world markets, and this device the bill supported by the farm organizations proposes to create in the following manner:

In the event of its passage the various bona fide farm organizations in each of the 12 Federal land-bank districts shall hold a convention, under the supervision of the Secretary of Agriculture; in such conventions the said bona fide farm organizations shall select four members of a Federal farm advisory council from each such Federal land-bank district, thus creating a Federal farm advisory council of 48 members, who shall serve without pay, except for a per diem of $20 and actual traveling expenses while in attendance upon the not less than two meetings the said council shall hold per year.

Next the said Federal farm advisory council shall nominate three men from each Federal land-bank district, from among whom the President is authorized to appoint one to be a member of a Federal farm board, thus creating a board of 12, of which the Secretary of Agriculture shall be an ex officio member; the members of this board shall reside in the District of Columbia and receive a salary of $10,000 per year and actual traveling expenses.

HANDLING THE SURPLUS

Having been duly brought into being in the above manner, the Federal Farm Board is authorized, if it finds that there is or will be a surplus above domestic requirements, or the requirements for orderly marketing of such basic agricultural commodities as wheat, corn, cotton, cattle, or hogs, to commence operations with respect to them and to enter into agreements with the existing farm and cooperative organizations or processors for the removal or withholding of the surpluses of such commodities from the domestic markets: *Provided further*, That if this is no cooperative association competent to deal with the commodity the board may enter into agreements for the removal or withholding of such surpluses with private agencies, such as grain exporters, cotton exporters, etc.

The first outstanding feature of the Haugen bill is that it proposes immediately to press into service in the handling of the surplus the various existing farm and cooperative organizations.

President Coolidge, while freely confessing that we have a serious agricultural problem, has repeatedly insisted that the soundest method of dealing with this problem is through cooperative devices constructed by the farmer himself, and in this respect the Haugen bill is a conscious effort on the part of the farm leaders of the country to take the President at his word. Also, in this respect these farm leaders are displaying no small degree of sportsmanship. Through the Haugen bill they are saying to Congress, "If you will help us 'make the grade' during the first two years, after that time we will assume the entire burden."

In this connection I want to refer once more to the question which is so often hurled at the farmer, "Why don't you organize so you can protect yourself?" I have already explained the difficulty of unifying 6,500,000 farmers who are scattered between the two seas. But suppose we were in fact organized in this manner at the present time, do those who sneeringly ask this question believe for a single moment that we would lose any time in requiring the distributors of the country to pay us a 100-cent dollar for the products of the farm, and thereby halt the reign of sheriffs' sales and the wrecking of our banks? I call attention to this because I am inclined to doubt the sincerity of some who are constantly taunting the farmer on this score; for why should Congress hesitate to help the farmer do something which he is not able to do by himself, but which the very question implies he would be a fool for not doing if he had the power?

THE PLAN IN ACTION

Now, for the sake of illustration, let us assume that the Haugen bill is enacted into law, that the equalization fee is in effect, and that as we approach a certain year's wheat harvest the proposed Federal farm board finds that we have for market a 700,000,000 bushel wheat crop, or approximately 100,000,000 bushels more than is needed for home consumption: In this case how would it proceed to make the existing wheat tariff of 42 cents per bushel effective with reference to the 600,000,000 bushels needed for domestic consumption? Having had a Treasury fund of $375,000,000 placed at its disposal, it would proceed through the existing wheat cooperatives or millers (and, if necessary, by making additional arrangements with private grain firms) to remove or withhold the 100,000,000 bushels of surplus wheat from the domestic markets, meanwhile guaranteeing to protect the said wheat cooperatives, millers, or private grain firms from loss, as between the world price and the world price plus 42 cents per bushel (the amount of the tariff) in the home markets.

On this basis the board would lose 42 cents per bushel on every bushel of the surplus, and on the total assumed surplus of 100,000,000 bushels it would therefore lose $42,000,000—that is, it would have to be in position to reimburse the exporting cooperatives, millers, or private grain firms who handled this surplus in this amount—and under the provisions of the bill it would proceed to collect what is termed an equalization fee, and by fixing this fee at 8 cents per bushel on the 600,000,000 bushels consumed in the home market it would provide a fund of $48,000,000, or $6,000,000 above the estimated loss on the 100,000,000 surplus. And the same process would apply to any other surplus commodity in which the tariff is a factor.

The next question that suggests itself is, "How would the board proceed to collect the above equalization fee?"—and the answer is, through the millers of the United States, who would simply reflect it back to the wheat producers, through local elevators, grain buyers, etc., for by this means the board would avoid having to deal with some hundreds of thousands of individual wheat growers. To carry out the illustration to its conclusion, suppose that the board found itself confronted with a general world price of $1.25 per bushel at the seaboard. Here is the way the plan would work out: Adding the tariff of 42 cents per bushel to a world price of $1.25 per bushel would give us a gross price of $1.67 per bushel in the home markets, less the 8 cents per bushel equalization fee which the millers of the country would collect for the board—that is, the wheat grower would actually receive $1.59 per bushel for his wheat, assuming it was of standard quality.

Certain critics of the Haugen bill have said that the proposed equalization fee is a "tax on the farmer," and that therefore they are against it; but if by paying an equalization fee of 8 cents per bushel the farmer is placed in positon to put the tariff of 42 cents per bushel in his pocket, will not the wheat growers of the country welcome such a "tax" with unconfined joy?

AS TO CORN, PORK, AND BEEF

With reference to corn, of which we export a negligible quantity and which is largely consumed in the communities in which it is produced, the application of the equalization fee might not be found practical—therefore in maintaining a fair price on this great commodity the board would be compelled to rely largely upon stabilizing the price of pork and beef and upon perhaps from time to time buying and storing appreciable quantities of corn for future consumption. Ordinarily the price of cattle and hogs determine the price of corn. Once in awhile, however, they swing far apart, as is true at the present time, when, because of a greatly lessened hog supply, corn has become a drug on the market. But this is a condition that does not occur often—as a rule the price of cattle and hogs is a fairly dependable barometer for corn, and the board would therefore concern itself chiefly by stabilizing the price of pork and beef and in making the tariff effective with reference to them.

And when the board declares an operating period on pork and beef, it would assess the equalization fee through the packers of the country, just as it would asses it on wheat through the millers of the country, thus again avoiding contact with the individual livestock producers—and the packers in turn would reflect the equalization fee in the price paid to such producers. While testifying before the House Committee on Agriculture several weeks ago I was asked whether there was not danger that the packers might endeavor to "hold up" the board as to the processing margin on an estimated surplus of either pork or beef, and my answer was that I had no fear of this kind.

First. Because our slaughter-plant capacity to-day is considerably in excess of the normal livestock supply and the board would therefore not need to get down upon its hands and knees to any particular packer or group of packers.

Second. Because I do not believe that a reputable packer would care to incur the public censure that would attach to such an effort.

Third. Because I feel certain that every legitimate packer will welcome such a stabilization of prices as would follow in the wake of this act. In short, I do not believe that the board will encounter any difficulty in removing surplus pork or beef from the domestic markets on the basis of the regular wholesale price, plus the loss as against a lower world price, which would be refunded to them through the equalization fee.

WITH REFERENCE TO COTTON

When it comes to cotton, this is a subject upon which I prefer to let the cotton men, who have indorsed this Haugen bill, speak for themselves—and their testimony as given to the committees is available for Members of Congress. However, since we produce approximately 65 per cent of the world's cotton, and since we export approximately 60 per cent of our production, a protective tariff would not be effective, and the activities of the board would therefore consist largely of so financing the movement of cotton that it will be fed into the world market gradually. For years the cotton growers of the South have been forced to dump their cotton on the world market in such a manner that the mills of Europe have been able to practically buy it at their own price—and the history of American agriculture presents no more humiliating indictment. There has hardly been a time during the last hundred years when the cotton growers of the South could not have compelled a fair price for this great vital world commodity had they been in position to practice orderly marketing, had they had the finances to feed it into the world market as it was needed, instead of dumping it as a great white flood direct from the gins. In these premises the recent performance of England with reference to rubber and of Brazil with reference to coffee certainly ought to make us think. In my humble opinion the passage of the Haugen bill will mark the dawn of a new day in the Southland—a day that will help it to become the most dependably prosperous agricultural section of the Nation, rather than a realm in which women and children render thankless toil, to the end that our own people may be comfortably clothed and that the spindles of Europe may continue to be supplied with a grist that is absolutely vital to their existence. Nor should the orderly marketing of cotton necessarily require a vast treasury fund, for there is no reason why a Federal farm board should not have the assistance of powerful banks in financing a crop that is such a vital necessity and which can, without serious deterioration, be warehoused almost indefinitely.

The satire of the existing situation with reference to cotton is graphically revealed in the fact that, while the cotton crop of 1925 was approximately 15 per cent greater than the crop of 1924, its selling value has been more than $100,000,000 less. Certainly there is something utterly grotesque in such a situation—for who can justify a marketing system under which a loaf and a half of bread is decreed to be worth less than one loaf of bread? And should the Haugen bill be defeated through southern votes, it is my firm conviction that the time is not far distant when such Members will be severely called to account by their farmer constituents—and I say this because when I made a plea to the Arkansas Legislature for an export corporation in the winter of 1925 it resulted in both houses passing, without a dissenting vote, a joint and concurrent resolution requesting the Arkansas delegation to support such legislation. The hour when the fortunes of corn and cotton are permanently linked together has arrived, for vastly more important than the minor conflicts which may exist between certain of the agricultural by-products of these sections is the fact that the present situation menaces the existence of the great institution of agriculture itself.

By far the most powerful single factor in the cotton situation is the American Cotton Growers' Exchange, which has approximately 300,000 members scattered through the Southern States and whose leaders recently indorsed the Haugen bill.

THE SHOUT OF "FARMERS DIVIDED"

Ever since the fight was made for the McNary-Haugen bill a favorite hue and cry of those who are opposed to genuine farm relief in and out of Congress has been, "The farmers themselves don't know what they want; they are hopelessly divided among themselves, etc."; and this shout has been raised against the Haugen bill. And this despite the fact that never before have the different farm groups been as nearly in accord back of a specific measure as they are in the present instance. To begin with, the Dickinson bill, the forerunner of the present Haugen bill, had the unqualified indorsement of the big Corn Belt organizations represented by the Corn Belt committee; and these organizations speak for such great farming States as Indiana, Illinois, Missouri, Kansas, Iowa, Nebraska, Minnesota, the Dakotas, and the distant Northwest. In addition this bill also has the support of the chief agricultural leaders of Ohio, Michigan, and Wisconsin. And what do these States represent in the agricultural picture? They represent the greatest wheat, corn, oats, rye, barley, hog, and cattle producing district, not only in America but in the world!

And certainly any measure that has been able to obtain the undivided support of such a vast part of our great agricultural industry should merit profound respect at the hands of Congress. But when some weeks ago the leaders of the American Cotton Growers' Exchange after suggesting certain amendments appeared before the Senate committee on behalf of the measure which the Corn Belt is backing. This brought to its support the great cotton industry of the Southland, and thus for the first time in the history of American agriculture corn and cotton are fighting side by side.

Among the so-called "national" farm organizations that are supporting the Haugen bill are the American Farm Bureau Federation and the Farmers Educational and Cooperative Union. This leaves out of the fold only one national organization of consequence, the National Grange; but the membership of the latter is not heavy in the great wheat, corn, cotton, and livestock producing States.

When the McNary-Haugen bill was under consideration it had the support of Mr. TABER, who is still master of the National Grange, and although he may not openly champion the Haugen bill, I venture the opinion that the National Grange will not lift its hand against its passage. I will go further and prophesy that the leaders of no organization of consequence in the United States that directly represents the farmer will oppose this bill.

Therefore, those who say that the farmers are "hopelessly divided" on this measure do not state the facts; on the contrary, never have the farm leaders of the entire country been as nearly together as they are in the present instance; and those who proceed upon any other theory are apt to be very completely disillusioned after the fall election is over.

NOT A "BULL IN A CHINA SHOP"

I have no doubt that when the debate on the Haugen bill gets under way there will be those who will prophesy all manner of disaster for the proposed Federal farm board; that the task mapped out for it is so "gigantic" that it will be "overwhelmed" and that the suggested revolving fund of $375,000,000 will be "hopelessly inadequate," etc. And yet I share in none of these alarms. In the first place we are justified in assuming that men of the highest ability will be named upon the board, men who not only understand agriculture but men of unquestioned business capacity. And once confronted with the task in hand, why not assume that these men will proceed with caution?

Undoubtedly such a board would immediately direct its attention to three major things—first, to the necessary financing of cotton, which faces an acute situation; second, to the probable wheat crop of the present year; and third, to the outlook for cattle and hogs, which are so closely related to corn. And even so, it might consider the idea of storing quantities of corn out of the present oversupply against a future short crop.

Calling in the cooperative cotton leaders and the Southern bankers who are interested in this great commodity, the board should not encounter much difficulty in mapping out a program of financing that would greatly strengthen the situation of cotton in the world markets.

As to wheat, from present prospects we will produce a good yield, but the probable surplus can not be determined until we get closer to harvesting time; but should we produce a generous domestic crop and a big world crop, then such action as is proposed under this bill becomes imperative if we are to make the 42 cents per bushel wheat tariff effective in the home market and if we are to keep the price from once more slumping far below the American wheat growers' costs of production.

As to the present higher prices for pork and beef, these are the direct result of the tremendous losses which livestock producers sustained during the years following the World War; and now, because of the shortage which is especially manifest with reference to hogs, the pendulum is very apt to swing in the opposite direction, and it will not be surprising if by the end of 1927 and in 1928 we do not see such an increase in the hog supply that the price of packer hogs will once more face a disastrous collapse, and the time to pay attention to this matter is now while the supply is low, rather than when we find ourselves in another flood of overproduction.

The point I make is that the three major problems above mentioned should engage the immediate attention of the proposed farm board, and I repeat that no one has a right to assume that it could not wield a compelling influence with respect to each of them. Furthermore, who has a right to assume that the board would have to rely entirely upon its revolving fund in the matter of financing? Why should not tens of millions of dollars be readily available against warehouse receipts from private banking sources?

Above all I protest against prophesies of disaster in advance, for no one has a right to predict that the kind of board we have in mind would not proceed with caution and that as nearly as possible it will solve one problem at a time.

The interstate commerce act, the Federal reserve act, and all similar Federal agencies have been developed and broadened by degrees—as new bridges have come into view, we have crossed them as best we could. And why not assume that we will be equally successful with the matter in hand? In either case our choice lies between trying to do something or doing nothing—and the latter means the complete collapse of agriculture!

In this connection, let us not forget that in their efforts to "beat back" the nations of Europe must, in sheer self-defense, become as nearly self-sustaining as possible. Slowly but surely the Russian peasant is getting back upon his feet, and the time is not far distant

when the great Siberian wheat fields will once more become a telling factor in the world's wheat marts. And even so, Argentina and other South American countries are becoming a constantly increasing factor in the world's food supply. Therefore, with reasonably favorable world crop conditions we have every right to expect lower world prices rather than higher ones—certainly not a very inviting prospect for the American farmer.

WHAT OF OTHER SURPLUS COMMODITIES?

I shall now consider as briefly as possible certain other questions which may be directed to the Haugen bill, and, first, I want to say that while such commodities as rye, barley, tobacco, etc., are not specifically mentioned among the "basic commodities" in the text of the bill, this does not mean that they are not fully included within its jurisdiction; on the contrary, it is provided that the proposed Federal farm board will assist cooperatives in operating with reference to any surplus commodity that is important to a certain section or State, when, in the judgment of the board, such a commodity requires it, and adequate funds are provided for that purpose. Provision is also made for credit to cooperative associations to finance, if necessary, warehouses and processing plants by loans to be repaid on an amortization plan.

When the existing tariff is not sufficient to maintain a fair domestic price on a given commodity, it is contemplated that the Federal Farm Board will ask Congress to increase the duty in question. The immediate purpose of the bill we are supporting is, however, to make the existing tariff effective, leaving such adjustments as may be necessary to the future.

WHERE EQUALIZATION FEE IS MISCALCULATED

"Suppose the board underestimates the equalization fee necessary to cover the losses on a certain surplus?" The answer to this question is that the board should err on the side of safety—that it should assess a fee that is larger than necessary rather than one that is smaller than necessary, and then reduce the amount of the fee levied against that commodity the following season. In these premises the board will never be able to estimate with absolute precision—and yet it should have no difficulty in arriving at safe approximations which will do no great violence to the producer. If it should collect too little, it is operating from season to season out of the same equalization fund for the commodity, and the loss one year could be made up by a larger fee the year following.

EQUALIZATION FEE ON MEAT PRODUCTS

I have already said that the equalization fee on surplus meat products would be collected through the packers, as it would be through the mills with reference to wheat. As is well known, the slaughtering of meat animals by small butchers is almost a thing of the past, such butchers ordering their dressed meats by express from day to day from the nearest packing-house center. Therefore, it would not be difficult to collect the fee on the lion's share of the Nation's meat consumption through the various wholesale meat packers and distributers.

In the meantime, however, there is no reason why the fee should not be reported by all butchers who do slaughter animals locally, just as drug stores and moving-picture shows are now required to account on their sales to the Treasury Department. It is not contemplated that the fee should apply to animals slaughtered on the farm for family use.

DANGER OF "PACKING CONVENTIONS"

Fear has been expressed in some quarters that certain farm organizations might "pack" the conventions which are to name the advisory council in the different Federal land bank districts. In view of the fact that the Secretary of Agriculture is empowered to name the bona fide farm organizations which may participate in each district and to fix their basis of representation, etc., there should not be serious danger on this score.

AID FARMER HAS RECEIVED

The other day I read a newspaper article which declared that Congress had "done more for the farmer than any other group in the Nation"—and in proof of this it cited free rural mail delivery and the Federal Land and Intermediate Credit Banks, etc. And my answer is that while the farmer deeply appreciates the convenience of free rural mail delivery (which the cities have also), if it should be necessary for him to choose between the continuance of this convenience and receiving fair compensation for his toil and the toil of his family, then he will gladly forego the former. And even so, while the farmer is deeply grateful for the credit facilities which have been extended to him, given a dollar of 100 cents' purchasing power he will have no difficulty in borrowing all the money he needs.

I refer to the above, because no doubt expressions like these will be heard in both the House and Senate. Within recent years Congress has passed the transportation act, which our railroads regard as their magna charta; it has passed a Federal reserve act, which has admittedly given us the greatest banking system in the world; to industry it has given the Fordney-McCumber Act, which has enabled both industry and labor to "fence in" the United States; and with reference to labor the Adamson law and an airtight immigration act also deserves to be taken into account. Therefore, while occasionally Congress has given the farmer a hunk of cake, for which he is duly thankful, the fact remains that it has given the ham and eggs to the other group—and what the farmer wants from now on is a little less cake and more ham and eggs!

AS TO STARTING THE "VICIOUS CIRCLE"

No doubt certain critics of this bill will raise the shout of the so-called "vicious circle," insisting that higher food and cotton prices will lead to a demand for higher wages, and that thus in a little while the farmer will find his dollar as much out of line as before, etc. But I do not think that this argument is sound. For instance, there is no marked difference in the price of a loaf of bread now, when during recent months wheat has sold for nearly $2 per bushel, and what the same loaf cost three years ago, when the farmer received as low as 85 cents per bushel for as good wheat as ever grew out of the ground. As a matter of fact, in most cases our manufacturers and retail distributors can absorb any fair increase in the price of such commodities as wheat, corn, pork, beef, and cotton without throwing the price to the consumer seriously out of line.

The reference I have made to a loaf of bread applies with equal force to a suit of all-wool clothes—whether the approximately 3 pounds of wool which enters into such a suit brought the farmer 50 cents per pound or $1 per pound cuts very little figure in the price of $40 or $50 for which it sells. In other words, the big item in food or clothing is not what the farmer receives for the raw materials but in what is added after it leaves the farmer's hands—in the labor that converts it into the finished product and in the manufacturing, wholesaling, and retailing margins.

Again, unless the farmer is restored to a self-sustaining basis, the time is not far distant when our agricultural surpluses will not only be wiped out, but when we will not produce enough food and clothing to supply the American consumer; and then the consumer will either be forced to pay inordinately high prices, or we will be compelled to become a food-importing Nation. And this, of course, would involve the complete destruction of our agricultural industry. Therefore, will not the consuming public be better off in the end by conceding a living price to the farmer? And, laying all other excuses aside, can any other policy be reconciled with good Americanism; is it not our first duty to give the farmer a "square deal," and then cross other bridges as we come to them?

ENCOURAGING THE "DUMPING" PROCESS

No doubt certain critics of the Haugen bill will charge that when price fluctuations are eliminated and when stabilized prices are established on basic agricultural commodities, that this will lead to wholesale "dumping"; that since there will be no incentive for farmers to hold for a price advance they will all want to sell at the same time. In answer to this objection it is pertinent to suggest that since the close of the World War not 1 farmer in 100 has been in a financial position to hold his grain, cotton, or livestock, had he wished to do so; in short, it would be almost impossible to conceive of a situation that would compel "dumping" to a greater degree than has been enforced through the distressed condition of agriculture during the last seven years.

But even so, there is no reason why, with reference to a commodity such as wheat or cotton, the proposed Federal farm board should not request producers to market their crops gradually—that is, a certain percentage per month, etc. And while it could not hope to enforce such a request in a legal sense, yet that it would have the cooperation of a vast majority of the producers in such an effort, I think, is a safe conclusion. In the Pacific Coast States such a voluntary rule has been in effect for some time with reference to the marketing of livestock, and, according to my information, is working splendidly. Furthermore, with a stabilized price farmers would be in much better position to obtain temporary loans through local banks than they have been during recent years, and this would also help out greatly. In these premises and with respect to other features of an act of this kind, we are safe in assuming that farmers themselves will exercise ordinary intelligence, that they will have the good sense to do those things that will "get their own ox out of the ditch."

TAKING PRESSURE OFF LESSER COMMODITIES

While before the House Committee on Agriculture I was asked by Congressman PURNELL, of Indiana, how the proposed measure would help the canning industry, which cuts considerable figure in his district, and my answer was that while such an industry is not within its jurisdiction, it should nevertheless have an appreciable indirect effect on interests of this kind for the reason that as farmers have abandoned the production of grain, livestock, etc., during recent years they have entered these other lesser fields in a desperate effort to make both ends meet.

For instance, during the last four or five years thousands of Corn Belt farmers, who formerly scorned to "pack a milk pail," have gone into the dairy business, and my prediction is that unless the price of grain, cotton, and livestock are made remunerative in the near future

we are heading in for an overproduction of dairy products. The crying need of the hour is to stabilize our great basic agricultural commodities in line with the farmers' costs of production—and having done this, we will largely remove the menace of overproduction in the lesser commodities.

THE FEAR OF "OVERPRODUCTION"

And now I come to a phase of the subject that is certain to cut much figure in the debate, namely, that the operation of the Haugen bill will inspire a "flood of overproduction." While appearing before both the House and Senate committees I frankly admitted that this is a subject which, in the present distressed condition of agriculture, merits serious consideration. However, I think the first approach to the matter should be from this angle—if a man is starving to death, should we withhold food from him merely on the theory that it might cause him to die of indigestion? Should we not take the chance, meanwhile warning him of the danger?

Certainly the menace of overproduction could not be more adequately safeguarded than it is in the Haugen bill—first, because under its terms the operation of the act will depend very largely upon the existing farm cooperatives, who can most effectively warn their hundreds of thousands of members of this menace! Secondly, beyond doubt the proposed Federal Farm Board, which will directly represent and come up from the producers, will, without delay, take the farmers of the entire country into its confidence and point out to them that the larger the surplus of a given commodity, the larger the equalization fee (when it goes into effect) must necessarily be. Under a direct price-fixing or bounty plan the danger of overproduction would be infinitely greater. But what more certain deterrent could be supplied in these premises than an equalization fee which takes the losses out of the producers own pocket?

Therefore I feel that any Member of Congress who is willing to vote for a genuine relief measure for agriculture will support the Haugen bill because it reduces this menace to a greater degree than would be possible under any other plan that has been suggested.

WILL IT DESTROY THE COOPERATIVES

Perhaps one of the most effective assaults directed against the McNary-Haugen bill was by Congressman VOIGT, of Wisconsin, on the theory that it would "destroy the cooperatives" by removing the incentive for farmers to organize, etc.—and no doubt the same pretext will be lodged against the measure under consideration. And if I believed this were true, as one who has had considerable to do with building up the Missouri Farmers' Association, which is to-day one of the most powerful organizations of its kind in the Nation, the Haugen bill would not have my support—nor would it have the support of the American Farm Bureau Federation, the American Cotton Growers' Exchange, or the Farmers' Educational and Cooperative Union, to say nothing of the support of such outstanding farm leaders as Earl Smith, of the Illinois Agricultural Association; William Settle, of the Indiana Farm Bureau; Charles E. Hearst, of the Iowa Farm Bureau; C. B. Steward, of the Nebraska Farm Bureau; Ralph Snyder, of the Kansas Farm Bureau; nor of J. F. Reed and Senator Thomas Cashman, of the Minnesota Farm Bureau; nor would it have the support of Milo Reno, of the Iowa Farmers' Union; John Tromble, of the Kansas Farmers' Union; H. G. Keeney, of the Nebraska Farmers' Union; or of ex-Congressman James Manahan, and other prominent and able men who speak for the farm organizations of the West and Northwest. And these veterans, the most of whom have grown gray in fighting the battles of the great cooperative movement during the last 20 years, should be fully competent to pass upon this question.

On the contrary, since the Haugen bill proposes to press the existing cooperative machinery into immediate use; and since after two years it must function through them exclusively, it should prove the most powerful stimulus to the cooperative movement that can be imagined—in this respect it is a remarkable challenge to the farmers of the United States to "put their house in order"; and if they fail to take advantage of their opportunity, then they will have only themselves to blame. In fact, I do not mind confessing that my enthusiasm for the Haugen bill is chiefly inspired by the fact that I consider it not merely the only practical relief measure that has been offered, but because I believe that within the next two years it will lead to a great nation-wide farmers' organization, adjusted to our sectional farming needs—and since Congress must always build the tariff wall from behind which a great organization of this kind would operate, the consuming public has nothing to fear.

A TORTURED, FLOUNDERING GIANT

As matters stand, American agriculture represents a tortured, floundering giant who is not unlike Victor Hugo's cannon that became loosed from its moorings in the hold of the ship. When in the winter of 1923 hogs were forced to practically a 6-cent basis, the loss of Corn Belt farmers was so crushing that they sent their brood sows to the stockyards by the tens of thousands—and this led to the lessened hog supply that we are in the midst of at the present time and which, in turn, has banked up a great avalanche of corn that is selling for little more than half its actual production cost.

And now this "vicious circle" is getting ready to repeat itself—with corn a drug on the market on the one hand and with stimulated hog prices (because of the hog shortage) on the other—farmers are rapidly building up their hog-breeding plants and if the situation is left to its own devices the almost certain result will be another overproduction of pork by the end of 1927.

The satire of the existing situation is graphically illustrated by the fact that although the farmers of the country produced 600,000,000 bushels more corn in 1925 than they did in 1924, its actual market value was $300,000,000 less. And likewise although the cotton crop of 1925 was approximately 15 per cent greater than the crop of 1924, it will represent a value of fully $100,000,000 less to the southern planters who grew it—and surely it is a distorted and unnatural situation when the farmer and a kindly nature thus become the victims of their own thrift—surely no law of supply and demand or any other kind of a law will hold that a small production of a vital necessity of life is worth less than a more generous production of that necessity!

THE CITIES WILL "PAY THE FIDDLER"

In the meantime, how much longer will our great industrial centers be able to "speed on their own gas"; how much longer will our mills and factories be able to keep in full-time operation without the normal buying power of the 40,000,000 people who live upon the farm and who are not only the source of the lion's share of the Nation's raw materials but who are absorbing several billions of dollars less in merchandise per year than they would if they were in a wholesomely prosperous condition? Sooner or later our great industrial centers will have to "pay the fiddler"; the rising and setting of the sun is not more certain than this!

During 1925 more than a half million people left the farm. And where are they going? To the cities; and once arrived there they bid for the city man's job. And when men are hungry they are in no mood to split hairs over the number of hours they work or what they are to receive per hour. And in these premises it is high time that our labor leaders were every whit as much concerned over the migration from the farm as they are in keeping out the foreign laborer, for the influx of hundreds of thousands of farm workers to our industrial centers sooner or later means soup houses and bread lines.

THE CONTRIBUTION OF THE FARM

In this connection I quote from the recent address of Congressman FORT:

"The National Industrial Conference Board, with headquarters in New York, numbering among its officers and directors such men as Mr. O'Leary, the president of the Chamber of Commerce of the United States, maintained by the funds of industry, managed by industrial experts, composed of industrial executives, has submitted to the American people its profound conclusion, after one year of continued and earnest study, that the average income of the American farmer for the year 1924 was $736, as contrasted with the average income for transportation workers of $1,570, of $1,250 for manufacturing wage earners, of nearly $1,700 for ministers, of over $2,100 for clerical workers, of $1,650 for Government employees, and even of $1,300 for teachers, whom we have been taught to believe are the lowest paid of our American wage earners."

The following further statement from the authority Mr. FORT has quoted was recently given to the newspapers:

"Agricultural production is so closely interwoven with the general business structure of the Nation, and plays so large a part in national economic life, that there is no individual, no matter what his occupation or place, who would not ultimately be affected by continued agricultural depression, according to statistical data presented in the agricultural report of the National Industrial Conference Board.

"Agriculture, by reason of its fundamental place in national economy, in the view of the board, is the mainstay of general business prosperity, as well as the chief source of food supply.

"The following facts summarize the relations of agriculture to the rest of economic activities and indicate the important place the farm holds in national economy:

"1. The agricultural industry normally buys $6,000,000,000 worth of the goods and services of other industries annually.

"2. The farm supplies the materials upon which depend industries giving employment to nearly half of industrial workers.

"3. It supplies about a fifth of the total tonnage of freight carried by the railroads.

"4. Its products constitute nearly half of the total value of exports.

"5. It pays in taxes one-fifth of the total cost of government in the United States.

"6. Farms and farm property represent more than one-fifth of the total national, tangible wealth and contribute, normally, about one-sixth of the total national income.

"7. Total capital invested in agriculture in 1921 at current values amounted to $65,000,000,000, compared with $44,000,000,000 invested in the manufacturing industries.

"The extent to which the American farmer must meet foreign competition in his home market can be measured by the proportion of competitive items in the list of total agricultural imports during the

year 1925. Out of the total of approximately $1,818,000,000 worth of imported agricultural commodities, $1,056,000,000, or more than half, were of such nature as to be in direct competition with or tending to displace the products of the American farm. They included:

"Animals, approximately $8,800,000 worth; meat, $7,252,000; eggs and egg products, $8,988,000; milk and cream, $10,114,000; butter, $2,646,000; cheese, $17,349,000; animal fats, $637,000; hides and skins, $96,746,000; leather and partly manufactured leather, $36,266,000; miscellaneous animal products, $25,000,000; grains and grain preparations, $26,237,000; fodders and feed, $11,850,000; vegetables and vegetable preparations, $36,244,000; fruits (except bananas), $24,500,000; nuts, $34,283,000; oil seeds, $64,725,000; vegetable oils and fats, $75,000,000; sugar sirups and honey, $266,008,000; seeds, $11,870,000; tobacco, $83,881,000; miscellaneous vegetable products, $5,000,000; cotton, $52,775,000; flax, $3,575,000; straw materials, $3,798,000; wool, $141,976,000.

"While some of these are imported because not produced in the United States in sufficient quantity, this is the case rather because production cost and competitive market prices do not leave sufficient margin to make it pay to produce them in the United States, and not because they could not be produced here in sufficient quantity, the very condition which is responsible in part for the decline of agricultural production in proportion to our population growth."

THE REAL "FLY IN THE OINTMENT"

In presenting the Haugen bill we are not asking that industry and labor shall descend to the distressed level of the farmer—on the contrary, we are entirely willing that industry shall continue to hold fast to the fruits of the protective system and that labor shall continue to enjoy the generous living standard upon which it so vigorously insists—we ask only that the farmer be "taken in on the deal" and that the protective system be made as effective for us as it is for those who fix our production costs. And why are Secretary Jardine and other prominent spokesmen of the administration so persistently unwilling to do this? To a "man up a tree" there can be but one answer—and that is that at heart they do not want the tariff made effective for agriculture—that this is the real "fly in the ointment"—that this is why they are so anxious to concede the shadow of the Haugen bill, without its substance!

SMASHING THE TARIFF

In talking about the farm situation, numerous Democratic Members of Congress have said to me, "The way to equalize the purchasing power of the farmer's dollar is to smash the tariff, rather than to bring him in on the deal," etc. However, while I don't want to discuss this question in a partisan sense, I don't think that this suggestion will stand the test of practical analysis. And I say this, not as a protectionist, but as one who, before the World War, was an adherent of the Democratic position on the tariff. As a matter of fact I wrote the last Democratic platform adopted in Missouri under the old convention system and it contained a severe arraignment of the protective principle.

But there are three reasons, in my opinion, why we can not hope to cure the ills of the farmer by "smashing the tariff"—first, because the Republican Party is in power and therefore will not permit us to do it; secondly, if Democrats were in power both in Congress and in the White House, I doubt very much whether we would have the nerve to "smash the tariff," as some Democrats contend, for so long as the present wide disparity exists between wage scales in the United States and Europe we could not do this without bringing serious distress to labor and also to many industries. Certainly every labor organization, to say nothing of our manufacturers, would vigorously oppose such a policy.

No doubt there are many glaring inequalities in the present tariff that need correction, but the hope of alleviating the ills of the farmer by this method is a most futile one, for long before his dollar can be equalized by this process he will be beyond help. And then there is a third compelling reason why this proposal is not equitable—the farmer has a right to demand a dollar of as nearly the same debt-paying power as when many of his present burdensome debts were created.

In the meantime when a Democratic Member supports the Haugen bill it is not necessary that he should abandon the historic position of his party on the tariff; on the contrary, he can "save his exceptions" on this score, but insist that so long as the farmer is forced to pay heavy tribute to the protective system he should be permitted to share in its benefits, as indeed the sugar growers of the South have insisted on doing for many years. The Member who takes this position will have the gratitude of his farmer constituents, while the one who insists on "smashing the tariff" in order to equalize the farm dollar will have an exceedingly difficult time in convincing them that this can be done in time to avert the impending disaster.

In these premises both the Democratic and Republican national platforms promised "equality for agriculture," and it is now up to both parties to convince the farmers of the United States that they meant what they said.

AGRICULTURE THE "BULWARK" OF THE NATION

In years gone by agriculture has not merely been our "basic industry"; it has been something far greater than this; it has been a conservative "balance of power," which, wanting nothing more than a "square deal" for itself, has exercised a wholesome influence in every realm of our national life. A property owner and a business man, the farmer has always insisted upon the just rights of property, whether in finance, industry, or transportation; he has freely shared in every burden, if, in so doing, he believed that it meant a greater, mightier, and better Nation. And likewise he has rejoiced in the well being of the toilers in shop and factory and was glad if they shared generously in the comforts and blessings of life; among all groups he has been the least selfish, the most willing "to live and let live."

And even now, when farm values have shrunk to the extent of $20,000,000,000, and when with each passing day the great tragedy grows more and more pitiful, the farmer is still wholesome minded. On the other hand, however, his patience has been worn to the breaking point and the hour has come when he demands a "showdown."

In the meantime, as we look into the uncertain future and as our great cities become more and more potential as realms of discontent and radicalism, is it not possible that those who now bask in a feeling of security and who are so unmindful of the farmers' plea, may yet have cause to regret their indifference? If Washington and Jefferson were right in their belief that the well being of the Republic depended chiefly upon a contented husbandry, is it not high time that all thoughtful men took heed to where we are drifting before it is too late? Is it not possible that those in high places who now assume an attitude of "we should worry" will come upon an evil day when their property will need the defense that the farmer has always so willingly given it?

THE "LONG TRAVERSE"

At the conclusion of a statement of several hours' length which I made at a night session of the House and Senate Committees on Agriculture in the winter of 1925 I said that the plight of agriculture reminded me of a custom which is said to have prevailed in the Hudson Bay country years ago. In those times, as the story goes, when a man had committed an offense, either real or imaginary, instead of hanging him or confining him in jail they sent him on what was called the "long traverse"—that is, deprived of food, weapons, blankets, or matches—they started him out across the trackless snows, knowing that if he did not perish of hunger and cold he would be torn to pieces by the timber wolves ere he could reach the next human habitation.

And in a manner little less cruel the other great groups and classes in this wonderful and beautiful Nation of ours sent the American farmer on a "long traverse" shortly after the close of the World War—and does the fact that the element of deliberation is lacking make the process any the less heartless? And the cries of the farmer are growing weaker and weaker; in a little while he won't need any help.

Respectfully submitted.

WILLIAM HIRTH,
Chairman the Corn Belt Committee, Columbia, Mo.

THE FALLING VALUE OF THE FRANC

Mr. ANDREW. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a brief letter on the fall of the franc.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD on the fall of the franc. Is there objection?

There was no objection.

Mr. ANDREW. Mr. Speaker, I have to-day received a remarkable letter from one of the finest types of men that America produces. It presents very earnestly and eloquently a point of view which is shared by many other Americans who love our country and want always to be able to defend her conduct.

The letter follows:

As a lover of my country and of France, I am writing to ask you to tell me the best way I can help in the fight to save the franc. As an American citizen I can and want to contribute $20,000 to the cause.

I saw service in France and I appreciate—as who does not?—her superb sacrifices from which we benefited. I saw her bled white during the war and I have seen those who profited by her sacrifices turn against her. The American Debt Commission seems painfully blunt. It has lost sight not only of American reputation but of American self-interest, for our debt policy will besmirch our name in France for 62 years—three generations.

Now the franc is falling. It has fallen to a point lower than the Italian lira ever reached. It has fallen to the lowest point in history. It must be saved. Already Marshal Foch and Marshal Joffre out of their small salaries of $2,500 have contributed to the fund to save the franc. Everywhere the cry is to be heard. Schools in France have

bought French war bonds and burned them, so that at least part of that obligation would be removed.

President Wilson on April 8, 1917, in a cable to President Poincare, of France, said, "We stand as partners."

Senator THOMAS J. WALSH, of Montana, in July, 1918, introduced a resolution for the observance in this country of the French national holiday on July 14 of that year. On account of the "sublime courage with which the people of France have for nearly four years defended the liberties of the world," said this resolution, "the 14th of July should be observed as a mark of special regard for *our ally*." I italicize "our ally"—that word meant something then.

There are countless acts and declarations of our statesmen to show that at that time, at least when danger was nigh, we fully appreciated what France was doing for us. But not being ready to shed our blood, we lent our money. The humor is grim; but this is blood money to-day.

I have digressed, I fear. However ungenerous our Government may be, it is now open to Americans who disagree with it to do their part. The lovers of France, the lovers of peace, and the far-sighted ones who want America's best interests served should contribute to the fund to save the franc.

I am anxious to subscribe $20,000, but I want to do it anonymously. I do not want my name known to anybody now or at any future time. Appreciating your prompt reply as to the best use for my contribution, I am,

Very sincerely yours,

———— ————.

EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the bill may have leave to revise and extend their remarks.

The SPEAKER. The gentleman from New York asks unanimous consent that all those who have spoken on the bill may have leave to revise and extend their remarks.

Mr. O'CONNOR of New York. Will the gentleman include all Members of the House?

Mr. CONNALLY of Texas. I shall object to that.

The SPEAKER. The gentleman from New York asks unanimous consent that all Members who have spoken on the bill may have leave to revise and extend their remarks.

Mr. CONNALLY of Texas. Reserving the right to object, the gentleman means their own remarks?

Mr. FISH. Yes.

Mr. CONNALLY of Texas. I shall object unless they are their own remarks, without any quotations from various societies and organizations.

The SPEAKER. Is there objection to the request of the gentleman from New York with the understanding that they shall be the Member's own remarks?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARNER of Texas. Mr. Speaker, I understood that the gentleman from New York [Mr. MILLS] wanted to ask unanimous consent in reference to getting time to address the House.

Mr. TILSON. The gentleman from New York spoke to me, and I understood that he was to be here and make the request. He wanted to ask for 15 minutes to-morrow immediately after the special orders. Mr. Speaker, I make the request that the gentleman from New York [Mr. MILLS] may be allowed to address the House for 15 minutes immediately after the special orders to-morrow morning.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that to-morrow morning immediately after the special orders the gentleman from New York [Mr. MILLS] may proceed for 15 minutes. Is there objection?

Mr. GARNER of Texas. Reserving the right to object, I hope the House at the same time will give me permission to address the House for 15 minutes, as I understand the gentleman from New York [Mr. MILLS] will discuss some newspaper reports in which my name appears.

Mr. TILSON. I ask unanimous consent that the gentleman from Texas [Mr. GARNER] may address the House at the conclusion of the address of Mr. MILLS.

The SPEAKER. The gentleman from Connecticut also asks unanimous consent that the gentleman from Texas [Mr. GARNER] may address the House for 15 minutes after the address by the gentleman from New York [Mr. MILLS]. Is there objection to these two requests?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that following the remarks of the gentleman from Texas [Mr. GARNER], the gentleman from Alabama [Mr. STEAGALL] may have permission to proceed for 15 minutes along the line of the subject matter. I do not know about the newspaper reports.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that at the conclusion of the remarks of the gentleman from Texas [Mr. GARNER], the gentleman from Alabama [Mr. STEAGALL] may proceed for 15 minutes. Is there objection?

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object—and I shall not object—I want to say that the Committee on Ways and Means is now holding hearings on that bill, and if they want to appear before the committee they can be heard there.

Mr. GARNER of Texas. I have no objection to the gentleman from New York appearing before the committee, and I have no objection to his appearing before the House.

Mr. CHINDBLOM. And I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

EXTENSION OF REMARKS

Mr. CONNALLY of Texas. Mr. Speaker, I objected to the request of the gentleman from New York [Mr. O'CONNOR], and I now withdraw that objection.

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on this bill.

Mr. TILSON. I have no objection to the gentleman from New York or any other Member extending his remarks.

Mr. O'CONNOR of New York. There are some Members who were not here and could not get sufficient time.

Mr. TILSON. They can come themselves at any time and make a request and there will be no objection.

Mr. O'CONNOR of New York. The importance of the measure is proven by the fact that it has taken nearly a day to pass it, if that is any criterion.

Mr. TILSON. I have no objection to gentlemen extending their remarks.

Mr. O'CONNOR of New York. I am not concerned about it myself.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Thursday, April 29, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 29, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

Legislation relative to labor disputes in the coal-mining industry.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10.30 a. m.)

Proposed bill amending World War veterans' act with reference to the appointment of guardians.

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

Prohibiting any course of military training from being made compulsory as to any student in any educational institution other than a military school, and amending accordingly the act of June 4, 1920, entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice." (H. R. 8538.)

JOINT COMMITTEE ON PUBLIC LANDS

(10.30 a. m.)

To investigate the Northern Pacific land grants.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend the Penal Code (H. R. 5976).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

Authorizing the Postmaster General to establish a uniform system of registration of mail matter (H. R. 8377).

COMMITTEE ON PATENTS

(9.30 a. m.)

To amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union (H. R. 10434).

COMMITTEE ON MINES AND MINING

(10 a. m.)

Authorizing joint investigations by the United States Geological Survey and the Bureau of Soils of the United States Department of Agriculture to determine the location and extent of potash deposits or occurrence in the United States and improved methods of recovering potash therefrom (S. 1821).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

486. A communication from the President of the United States, transmitting a supplemental estimate of appropriations under the legislative establishment, United States Senate, fiscal year 1926, to remain available during the fiscal year 1927, in the sum of $12,000 (H. Doc. No. 358); to the Committee on Appropriations and ordered to be printed.

487. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the Treasury Department to provide for the payment to the Star Insurance Co. in the sum of $70.25, with interest, pursuant to an order of the United States District Court for the Northern District of New York (H. Doc. No. 359); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under causle 2 of Rue XIII,

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 5026. A bill to provide for the construction of 10 vessels for the Coast Guard; without amendment (Rept. No. 1021). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 10973. A bill to readjust the commissioned personnel of the Coast Guard, and for other purposes; without amendment (Rept. No. 1022). Referred to the Committee of the Whole House on the state of the Union.

Mr. GLYNN: Committee on Military Affairs. H. R. 4547. A bill to establish a department of economics, government, and history at the United States Military Academy at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes"; with amendment (Rept. No. 1023). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 9869. A bill to authorize and empower the Secretary of the Treasury to accept a corrective deed to certain real estate in the city of New York for the use of the new post-office building; with amendment (Rept. No. 1024). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 11353. A bill to convey to the city of Oshkosh, Wis., certain Government property; with amendment (Rept. No. 1025). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHEELER: Committee on Military Affairs. H. R. 8592. A bill to further amend section 125 of the national defense act of June 3, 1916, as amended; without amendment (Rept. No. 1028). Referred to the Committee of the Whole House on the state of the Union.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 9178. A bill to amend section 12 of the act approved June 10, 1922, so as to authorize payment of actual expenses for travel under orders in Alaska; without amendment (Rept. No. 1029). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Indiana: Committee on Military Affairs. H. R. 10896. A bill to provide for transfer of jurisdiction over the Conduit Road in the District of Columbia; without amendment (Rept. No. 1030). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPEAKS: Committee on Military Affairs. H. R. 11511. A bill to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes; without amendment (Rept. No. 1031). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. H. J. Res. 226. A joint resolution authorizing the Secretary of War to lend 350 cots, 350 bed sacks, and 700 blankets for the use of the National Custer Memorial Association, at Crow Agency, Mont., at the semicentennial of the Battle of the Little Big Horn, June 24, 25, and 26, 1926; with amendment (Rept. No. 1032). Referred to the Committee of the Whole House on the state of the Union.

Mr. WELSH: Committee on Industrial Arts and Expositions. H. J. Res. 230. A joint resolution authorizing the Treasury Department to participate in the South Jersey Exposition to be held in the city of Camden, N. J., in June, 1926; with amendment (Rept. No. 1033). Referred to the Committee of the Whole House on the state of the Union.

Mr. FROTHINGHAM: Committee on Military Affairs. S. 2298. An act to amend section 3 of the act approved September 14, 1922 (ch. 307, 42 Stat. L. pt. 1, pp. 840-841); without amendment (Rept. No. 1034). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 10931. A bill authorizing construction of dam or dams in Neches River, Tex.; with amendment (Rept. No. 1035). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 11357. A bill extending the time for the completion of the bridge across the Mississippi River, county of Hennepin, Minn., by the city of Minneapolis; with amendment (Rept. No. 1036). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 11657. A bill to extend the time for the construction of a bridge across the North Branch of the Susquehanna River from the city of Wilkes-Barre to the borough of Dorranceton, Pa.; without amendment (Rept. No. 1037). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SWEET: Committee on War Claims. H. R. 1692. A bill for the relief of Agnes De Jardins; without amendment (Rept. No. 1026). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 2165. A bill for the relief of John Magill; with amendment (Rept. No. 1027). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 6087. A bill to reinstate Joe Burton Coursey in the West Point Military Academy; without amendment (Rept. No. 1038). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 11396. A bill for the relief of Lawrence F. Nelson; without amendment (Rept. No. 1039). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 4347) to entitle Edward C. Scovel and Mary C. Scovel to receive the benefits of the act entitled "An act for the retirement of employees in the classified service, and for other purposes," approved May 22, 1920, and the same was referred to the Committee on the Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 11711) to define and limit American citizenship and nationality, to establish a uniform system for the naturalization of aliens throughout the United States, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. BELL: A bill (H. R. 11712) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. WHITTINGTON: A bill (H. R. 11713) to provide for an examination and report on the condition and possible development and reclamation of the swamp lands on the Yazoo, Tallahatchie, and Cold Water Rivers in Mississippi; to the Committee on Irrigation and Reclamation.

By Mr. GAMBRILL: A bill (H. R. 11714) to prevent interference with the use of homing pigeons; to the Committee on the Judiciary.

By Mr. WELLER: A bill (H. R. 11715) to provide the name by which the Board of General Appraisers shall hereafter be designated; to the Committee on Ways and Means.

By Mr. SCHNEIDER: A bill (H. R. 11716) granting to Northern Paper Mills certain islands in the Menominee River; to the Committee on the Public Lands.

By Mr. NEWTON of Missouri: A bill (H. R. 11717) to provide for the payment of the awards of the Mixed Claims Commission the payment of certain claims of German nationals against the United States, and the return to German nationals of property held by the Alien Property Custodian; to the Committee on Ways and Means.

By Mr. BIXLER: A bill (H. R. 11718) granting the consent of Congress to the Commonwealth of Pennsylvania to construct a bridge across the Allegheny River; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD: A bill (H. R. 11719) to authorize the city of Niobrara, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and South Dakota; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 11720) to provide for the appointment of a public administrator for the District of Columbia, to define his duties, and for other purposes; to the Committee on the District of Columbia.

By Mr. BLAND: A bill (H. R. 11721) to provide for the erection of a memorial to commemorate the battle between the *Monitor* and the *Merrimac;* to the Committee on the Library.

By Mr. DEAL: A bill (H. R. 11722) to provide for the erection of a memorial to commemorate the battle between the *Monitor* and the *Merrimac;* to the Committee on the Library.

By Mr. SABATH: Joint resolution (H. J. Res. 239) providing for a thorough investigation into the economic, industrial, and existing conditions of the Island of Porto Rico; to the Committee on Rules.

By Mr. JARRETT: Joint resolution (H. J. Res. 240) authorizing the Secretary of the Interior to call a Pan Pacific conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii; to the Committee on Foreign Affairs.

By Mr. LEATHERWOOD: Resolution (H. Res. 245) requesting the Secretary of the Interior to obtain proposals for the purchase of water for irrigation and the development of power at a dam in the lower Colorado River; to the Committee on Irrigation and Reclamation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 11723) granting a pension to Amanda L. Connelly; to the Committee on Invalid Pensions.

By Mr. BECK: A bill (H. R. 11724) granting a pension to Martha A. Fox; to the Committee on Invalid Pensions.

By Mr. CARPENTER: A bill (H. R. 11725) granting a pension to Lester P. Bloom; to the Committee on Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 11726) granting an increase of pension to Mary J. Epperson; to the Committee on Invalid Pensions.

By Mr. DRIVER: A bill (H. R. 11727) for the relief of the Press Publishing Co., Marianna, Ark.; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 11728) granting a pension to Margarett Parmelee; to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 11729) for the relief of Lawson W. and Sallie A. Rush; to the Committee on Claims.

By Mr. ESTERLY: A bill (H. R. 11730) granting an increase of pension to Mary C. Dennis; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 11731) authorizing the retirement of Frederick E. Phillips as a second lieutenant in the Regular Army; to the Committee on Military Affairs.

By Mr. FAUST: A bill (H. R. 11732) granting an increase of pension to Jefferson C. Dennis; to the Committee on Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 11733) for the relief of Thomas J. Sutton; to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 11734) granting a pension to James Francis Gates; to the Committee on Pensions.

By Mr. FUNK: A bill (H. R. 11735) granting an increase of pension to Susan Hougham; to the Committee on Pensions.

By Mr. GORMAN: A bill (H. R. 11736) for the relief of John Berrian; to the Committee on Military Affairs.

By Mr. HERSEY: A bill (H. R. 11737) granting an increase of pension to Helen F. Thayer; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 11738) granting an increase of pension to Sophia M. Barth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11739) granting an increase of pension to Mary J. Ansell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11740) granting an increase of pension to Ida Milan; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 11741) granting a pension to Mary E. Thompson; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 11742) granting an increase of pension to Anna M. Miller; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 11743) granting a pension to Henrietta Blakeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11744) for the relief of J. H. Muus; to the Committee on Claims.

By Mr. McDUFFIE: A bill (H. R. 11745) authorizing the Court of Claims of the United States to hear and determine the issues involved in the claim or claims of the heirs of Thomas A. Hendricks against the United States of America; to the Committee on the Judiciary.

By Mr. MAJOR: A bill (H. R. 11746) granting an increase of pension to Sarah Gunder; to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: A bill (H. R. 11747) granting a pension to James K. Green; to the Committee on Pensions.

Also, a bill (H. R. 11748) granting a pension to Miles Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11749) granting an increase of pension to Martha J. Hufft; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 11750) to extend the provisions of the United States employees' compensation act of September 7, 1916, as amended, to Andrew D. Ramelli; to the Committee on Claims.

Also, a bill (H. R. 11751) granting a pension to Eleanor S. Bugbee; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 11752) for the relief of Anna Volker; to the Committee on Claims.

By Mr. PARKER: A bill (H. R. 11753) granting an increase of pension to Abbie Hackett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11754) granting an increase of pension to Mary J. Evans; to the Committee on Invalid Pensions.

By Mr. PEAVEY: A bill (H. R. 11755) granting a pension to James Lennan; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 11756) granting an increase of pension to John N. McCreary; to the Committee on Pensions.

By Mr. SMITH: A bill (H. R. 11757) granting a pension to John Hine; to the Committee on Pensions.

By Mr. TABER: A bill (H. R. 11758) granting a pension to Harriet D. Rackham; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11759) granting a pension to Jane Carroll; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 11760) granting an increase of pension to Cerella R. Gisner; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 11761) granting an increase of pension to Pearl Sutton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1979. Petition of the city council of the city of Chicago, asking Congress to amend the prohibition act so that people may obtain beer and wine; to the Committee on the Judiciary.

1980. By Mr. BACON: Petition of the St. Ignatius Holy Name Society, protesting against the action of Mexico in the treatment accorded Catholics; to the Committee on Foreign Affairs.

1981. By Mr. BIXLER: Petition of J. O. Saxman and other residents of Ridgway, Pa., protesting against any change in the eighteenth amendment and the Volstead Act; to the Committee on the Judiciary.

1982. Also, petition from residents of Warren County, Pa., protesting against Sunday observance laws; to the Committee on the Judiciary.

1983. By Mr. FULLER: Petition of the Hartford Fire Insurance Co. opposing the Fitzgerald bill (H. R. 487); to the Committee on the District of Columbia.

1984. Also, petition of H. T. Marshall and others, urging support of the Federal farm board bill; to the Committee on Agriculture.

1985. Also, petition of Walton & Spencer Co., of Chicago, Ill., and the State Bank & Trust Co., of Evanston, urging certain changes in the present postal rates; to the Committee on the Post Office and Post Roads.

1986. By Mr. GALLIVAN: Petition of United States Maimed Soldiers League, J. Orken, secretary, 501 Hurley-Wright Building, Washington, D. C., recommending early and favorable consideration of House bill 3770, which provides for increasing the pensions of those who lost limbs or have been totally disabled in the same, or have become totally blind, in the military or naval service of the Uinted States; to the Committee on Pensions.

1987. By Mr. HICKEY: Resolution unanimously adopted by the membership of the Methodist Episcopal Church, North Judson, Ind., opposing any modification of the present prohibition laws; to the Committee on the Judiciary.

1988. By Mr. LINEBERGER: Petition of Mrs. G. M. Sills and 29 other members of Rural Rest Home at Azusa, Calif., protesting against national religious legislation pending; to the Committee on the District of Columbia.

1989. Also, petition of Mr. H. E. Darby and 15 others, of Azusa, Calif., protesting against national religious legislation pending; to the Committee on the District of Columbia.

1990. By Mr. NEWTON of Minnesota: Resolution submitted by Mr. Peter Yarat relative to immigration; to the Committee on Immigration and Naturalization.

1991. Also, resolution submitted by Mr. Peter Yarat relative to immigration; to the Committee on Immigration and Naturalization.

1992. By Mr. O'CONNELL of New York: Petition of the German Society of Philadelphia, Pa., favoring the passage of Senate bills 2051, 2053, and 2260; to the Committee on Immigration and Naturalization.

1993. By Mr. PATTERSON: Resolution of Gloucester County Pomona Grange, No. 8, Patrons of Husbandry, New Jersey, protesting against the granting free of valuable franchises for motor traffic over the Philadelphia-Camden new bridge; to the Committee on Interstate and Foreign Commerce.

1994. By Mr. ROMJUE: Petition of Lee H. Padget, secretary, and Harry N. Clark, president, of Clark County (Mo.) Farm Organization, pertaining to agriculture; to the Committee on Agriculture.

1995. By Mr. SMITH: Resolution adopted by Medicine Lodge Union Sunday School, Small, Idaho, opposing any modification of the Volstead Act; to the Committee on the Judiciary.

1996. Also, petition signed by 25 residents of Twin Falls, Idaho, against compulsory Sunday observance; to the Committee on the District of Columbia.

1997. By Mr. WATSON: Resolution passed by the Pennsylvania State Fish and Game Protective Association, urging active support of Pennsylvania Representatives in Congress for favorable consideration and passage of the game refuge bill, known as H. R. 7479; to the Committee on Agriculture.

SENATE

THURSDAY, *April 29, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we are the creatures of Thy love and Thou dost certainly care for us and our interests. Sometimes we falter and fail to recognize Thy guidance, but do help us always, and incline our hearts in the way of Thy providence and Thy glory. Remember all for whom we should pray, from the President through all the varied relations of official responsibility, and give unto us more and more the joy of Thy salvation in our Nation's welfare. For Jesus' sake. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, April 19, 1926, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 9694) authorizing the erection of a monument in France to commemorate the valiant services of certain American Infantry regiments attached to the French Army, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2982. An act to provide for the conveyance of certain land owned by the District of Columbia near the corner of Thirteenth and Upshur Streets NW. and the acquisition of certain land by the District of Columbia in exchange for said part to be conveyed, and for other purposes;

H. R. 6775. An act to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America; and

H. R. 6776. An act to authorize the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	La Follette	Sackett
Bayard	Ferris	Lenroot	Sheppard
Bingham	Fess	McKellar	Shipstead
Blease	Frazier	McKinley	Shortridge
Borah	George	McLean	Simmons
Bratton	Gillett	McMaster	Smith
Broussard	Glass	McNary	Smoot
Bruce	Goff	Mayfield	Stanfield
Butler	Gooding	Means	Steck
Cameron	Greene	Metcalf	Stephens
Caraway	Hale	Neely	Swanson
Copeland	Harreld	Norbeck	Trammell
Couzens	Harris	Norris	Underwood
Cummins	Harrison	Nye	Wadsworth
Curtis	Heflin	Oddie	Walsh
Dale	Howell	Overman	Warren
Deneen	Jones, N. Mex.	Phipps	Watson
Dill	Jones, Wash.	Pine	Weller
Edge	Kendrick	Ransdell	Wheeler
Edwards	Keyes	Reed, Mo.	Williams
Ernst	King	Robinson, Ark.	Willis

Mr. CURTIS. My colleague [Mr. CAPPER] is absent on account of illness in his family. I ask that this announcement may stand for the day.

Mr. MCKELLAR. I desire to announce that my colleague the junior Senator from Tennessee [Mr. TYSON] is unavoidably absent from the Senate. He has a general pair with the senior Senator from Ohio [Mr. WILLIS]. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. COPELAND. Mr. President, I present a paper in the nature of a memorial from some of my constituents in New York State protesting against the delay in the passage of the Civil War pension bill, which I ask may lie on the table and be inserted in the RECORD.

There being no objection, the communication was ordered to lie on the table and be printed in the RECORD, as follows:

POUGHKEEPSIE, N. Y., *April 15, 1926.*

HAMILTON FISH, Jr., *Representative.*
ROYAL S. COPELAND, *Senator.*
JAMES W. WADSWORTH, Jr., *Senator.*

DEAR SIR: It is reported here that the bill or bills for the relief of Civil War veterans and their widows have been pigeonholed. I am sure that I express the urgent wish of a large majority of our citizens, including our Society of Friends of Veterans of the Civil War of Dutchess County, in requesting that you actively urge speedy action at this term. The veterans ask, and many of our citizens join with them in an earnest appeal, that their present pensions be given the purchasing value of the pensions on May 1, 1920. Veterans of other wars have very justly been provided for. That our "boys in blue" in their old age and needy conditions should be thrown into the discard is unthinkable. There can be no question of politics. The platforms of both parties have fully recognized the Nation's obligation. It is a matter involving national honor.

Very truly yours,

C. W. H. ARNOLD,
County Judge Dutchess County.
F. J. LOVEJOY,
Treasurer Poughkeepsie Savings Bank.
JOHN J. MYLOD,
Counselor at Law.
JOSEPH A. DAUGHTON,
County Clerk Dutchess County.
GUILFORD DUDLEY,
President Fallkill National Bank.

Mr. COPELAND. I also present a letter in the nature of a petition appealing for the ratification of the so-called Lausanne treaty with Turkey, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the communication was ordered to lie on the table and be printed in the RECORD, as follows:

CONSTANTINOPLE, *April 1, 1926.*

The Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.,
United States of America.

SIR: We, the undersigned representatives of American philanthropic and commercial enterprises operating in Turkey—that is to say, the American citizens most vitally concerned in Turco-American relations—have the honor to set forth below the considerations which cause us to deem indispensable the ratification by the Senate of the United States of the treaty concluded with Turkey at Lausanne, Switzerland, on August 6, 1923.

The considerations which we take the liberty of bringing to your attention are two, and may be expressed as follows:

1. The ratification of the treaty is indispensable to the regularizing of our position before the Turkish law, and the guaranteeing to us of security in our plans for the future conduct and extension of our operations. In the present uncertain circumstances our enterprises are being conducted on a day-to-day basis, and even this is possible only because of the benevolent attitude hitherto assumed toward us by the Turkish authorities, who have consented to apply the more important and immediate provisions of the unratified treaty, pending its final ratification by our Government.

As an example we cite the recent law which was passed in the Grand National Assembly of Turkey, whereby products of countries not having a commercial treaty with Turkey would be subject to 60 per cent increased duty. Because of the favorable attitude toward us taken by the Turkish Government, and which has virtually placed us in the same category as most-favored nations who have ratified the Lausanne treaty, representations through our high commissioner in a purely friendly manner succeeded in obtaining for American products exemption of the increased duty for a period of six months.

However, so long as the treaty remains unratified and its rejection remains a possibility, we can have no assurance as to the future of Turco-American relations, and consequently nothing definite and legal on which to base plans for the future of our organizations.

We feel sure that you will agree that no enterprise can be carried on with even a minimum of satisfaction so long as next week—not to mention next month and next year—is hedged about by a disconcerting uncertainty. Budgets can not be prepared; plans for the repair of equipment can not be made; the acquisition of real property can not be put through; the placing of an ordinary order for goods of American origin becomes a highly speculative proposition, with no definite tariff agreement in force; in a word, every detail of business is beset with difficulties which undermine health and efficiency.

2. The ratification of the treaty is indispensable to the securing to us of full diplomatic and consular protection whenever need therefor arises. As the situation is now, the United States is without official diplomatic representation in Turkey. The United States high commissioner in Turkey is here only by virtue of the good will of the Turkish Government; he can remain here only by cultivating that good will. So long as our interests do not conflict with any policy of the Turkish Government the high commissioner may use his good offices to protect us, or, more accurately, we do not need any protection. Once, however, there is a conflict between our interests and Turkish policy—a contingency which may easily arise at any moment in Turkey or in any other country—the high commissioner will be powerless to protect us, for in the last analysis he is himself nothing but a private individual, and the Turkish Government is under no greater obligation to heed him than to heed us. In other words, our diplomatic representative is at his post by sufferance and not by treaty right, and under these circumstances he naturally can not speak to the Turkish Government as one having authority.

To summarize, failure to ratify the treaty of Lausanne not only fails to assure us normal certainty in the conduct of our current affairs; not only leaves us without the assurance that we shall be treated, in respect to tariff rates and taxes, on the same basis as the nationals of other states enjoying most-favored-nation treatment, but deprives us of the means of communicating any grievances we might have to the local authorities through the normal means provided by international law, namely, a duly accredited diplomatic representative.

We believe that the foregoing rather elementary arguments in favor of ratification, based exclusively as they are upon considerations of advantage to American interests, should have due weight with the Senate and cause it to pause before rejecting this petition, which is signed by the persons who, with their associates, would suffer most intimately if ratification should prove to be a mistake.

We therefore do not admit that any sentimental considerations should be allowed to interfere with our legitimate interests, which are American interests, and the only tangible American interests in Turkey. At the same time we should like to add the following observations:

1. The treaty of Lausanne contains no provision which either expressly or by implication indorses or condones any past, present, or possible future act or policy of any Turkish Government.

2. This treaty contains no provisions which could embarrass any policy with reference to the Republic of Armenia, or Armenians, or any foreign government or race, which the Government of the United States might hereafter deem it expedient to formulate, nor any provision which would interfere in any way with the modification of the frontiers of the Republic aforementioned, if such modification should be found possible and desirable.

3. The treaty was concluded after, not before, the treaty concluded on July 24, 1923, between France, Great Britain, Italy, Japan, Belgium, Rumania, and Greece, on the one hand, and Turkey, on the other hand. It did not, therefore, set the example of abandonment of the capitulations, but merely followed the dictates of necessity and the traditional policy of the United States of following the lead of Europe in the Near East, just as Europe has traditionally followed the lead of the United States in the Caribbean. The treaty secures to American nationals and goods every privilege that is accorded to European nationals and goods by the said treaty of July 24, 1923. In itself the treaty is as comprehensive and complete as any single treaty as yet negotiated between the Republic of Turkey and any foreign state.

4. In addition to Turkey at least two European countries—Italy and Greece—do not recognize the right of their nationals to expatriate themselves without the consent of the state. The Government of Ottoman Empire never conceded this right to its nationals after January 19, 1869, nor did it at any time recognize and accept the American citizenship of its nationals who have become naturalized after January 19, 1869. There is thus no change in the situation existing in this respect in 1914. Moreover, the United States do not permit their nationals to expatriate themselves in time of war, a fact which proves conclusively that, even from the point of view of our own jurisprudence, this right of expatriation is dependent upon the will of the state and may consequently be withdrawn either temporarily or permanently. Is it not illogical to allow a quarrel with a foreign state to interfere with the protection of legitimate American interests, when that quarrel is over a highly debatable point of whether that foreign state may exercise in toto a right which the United States exercise in parte?

In January of this year a petition was sent to the chairman of the Senate Committee on Foreign Relations, bearing the signatures of nearly all the adult Americans in Turkey, and asking that the Senate should ratify the treaty at the earliest possible moment. We repeat this request and urge the ratification of the treaty of Lausanne with Turkey because such ratification is necessary to protection and expansion of American interests of all sorts in this country; because ratification is perfectly consistent with recent and current events in Turkey; and because such ratification will deprive the United States of no opportunity to take full and immediate advantage of any change in the treaty rights of foreign nationals in Turkey which may hereafter occur. We bespeak your vote and influence in favor of ratification at the earliest practicable date.

Respectfully submitted.

J. R. AGNEW,
Manager American Express Co.
CHARLES T. RIGGS,
American Board of Foreign Missions.
ELIZABETH B. MAYSTON
(For American Staff, Young Women's Christian Association).
KATHRYN NEWELL ADAMS,
President Constantinople College for Women.
NELSON J. DAWSON,
Secretary American Chamber of Commerce.
W. H. DAY,
Standard Commercial Trading Corporation.
G. H. HUNTINGTON,
Vice President Robert College.
C. W. CAMPBELL,
Manager Standard Oil Co. of New York.
LEWIS HECK,
Manager Edgar B. Howard, Regd.
H. T. BAKER
(For American Staff, Young Men's Christian Association).
T. B. STERN,
Liggett & Myers Tobacco Co.
P. E. KING,
Lorillard Tobacco Co.

Mr. ROBINSON of Arkansas presented petitions numerously signed by sundry citizens of Garland, Lawrence, Clark, Montgomery, and Pike Counties in the State of Arkansas, favoring the passage of legislation requiring the registration of all aliens, which were referred to the Committee on Immigration.

Mr. WATSON presented papers in the nature of memorials from the department of conservation, division of entomology, of the State of Indiana, protesting against the passage of House bill 39, known as the corn sugar bill, stating objections to the proposed legislation from beekeepers of Indiana, which were referred to the Committee on Interstate Commerce.

Mr. FRAZIER presented the memorial of S. J. Martin and 49 other citizens of Westhope, N. Dak., protesting against any modification of the Volstead Act, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. MEANS (for Mr. CAPPER), from the Committee on Claims, to which was referred the bill (S. 255) for the relief of Rosa E. Plummer, reported it without amendment and submitted a report (No. 696) thereon.

Mr. MEANS also, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 1540) for the relief of Luther H. Phipps (Rept. No. 697); and

A bill (H. R. 1669) for the relief of Neffs' Bank, of McBride, Mich. (Rept. No. 698).

Mr. GOFF, from the Committee on Claims, to which was referred the bill (S. 3715) for the relief of the Harrisburg Real Estate Co., of Harrisburg, Pa., reported it without amendment and submitted a report (No. 699) thereon.

Mr. DENEEN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2090) for the relief of Alfred F. Land (Rept. No. 700); and

A bill (H. R. 5726) for the relief of Jane Coates, widow of Leonard R. Coates (Rept. No. 701).

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 2188) for the relief of G. C. Allen, reported it with amendments and submitted a report (No. 702) thereon.

He also, from the same committee, to which was referred the bill (H. R. 2933) for the relief of H. R. Butcher, reported it without amendment and submitted a report (No. 703) thereon.

He also, from the same committee, to which was referred the bill (S. 100) for the relief of the Union Shipping & Trading Co. (Ltd.), submitted an adverse report (No. 710) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 2094) for the relief of C. P. Dryden, reported it without amendment and submitted a report (No. 704) thereon.

Mr. NYE, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2385) to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property (Rept. No. 705);

A bill (S. 3975) for the relief of the owners of the barge *McIlvane No. 1* (Rept. No. 706); and

A bill (H. R. 3659) for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak. (Rept. No. 707).

Mr. FESS, from the Committee on Printing, to which was referred the concurrent resolution (H. Con. Res. 23) authorizing the printing of the Madison Debates of the Federal Convention and relevant documents in commemoration of the one hundred and fiftieth anniversary of the Declaration of Independence, reported it without amendment and submitted a report (No. 708) thereon.

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 2189) for the relief of W. B. de Yampert, reported it without amendment and submitted a report (No. 709) thereon.

Mr. WILLIS, from the Committee on Commerce, to which was referred the bill (H. R. 3858) to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes, reported it without amendment and submitted a report (No. 711) thereon.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (S. 4059) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes, reported it without amendment and submitted a report (No. 712) thereon.

Mr. HARRELD, from the Committee on Indian Affairs, to which was referred the bill (S. 3039) to provide a water system for the Indians living at the Dresslerville Indian colony near Gardnerville, Nev., reported it without amendment and submitted a report (No. 713) thereon.

He also, from the same committee, to which was referred the bill (S. 3981) to confirm the title to certain lands in the State of Oklahoma to the Sac and Fox Nation or Tribe of Indians, reported it with an amendment and submitted a report (No. 714) thereon.

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (H. R. 10860) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes, reported it with an amendment and submitted a report (No. 715) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MEANS:

A bill (S. 4123) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof; to the Committee on the Judiciary.

By Mr. FRAZIER:

A bill (S. 4124) to amend the World War veterans' act, 1924, approved June 7, 1924, as amended; to the Committee on Finance.

By Mr. DILL:

A bill (S. 4125) to amend section 200 of the World War veterans' act, 1924, as amended; to the Committee on Finance.

By Mr. COPELAND:

A bill (S. 4127) to permit American citizens to take alien property by devise or gift; to the Committee on the Judiciary.

By Mr. BUTLER:

A bill (S. 4128) granting a pension to John Albert Fritz (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4129) granting a pension to Bertha S. Newton; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 4130) to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy; to the Committee on Naval Affairs.

By Mr. BINGHAM:

A joint resolution (S. J. Res. 104) authorizing the Secretary of the Interior to call a Pan Pacific conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii; to the Committee on Territories and Insular Possessions.

REGULATION OF IMPORTATION OF DAIRY PRODUCTS

Mr. LENROOT. I introduce the bill which I send to the desk and ask that it may be read by title and referred to the Committee on Agriculture and Forestry.

The bill (S. 4126) to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health was read twice by its title.

Mr. LENROOT. I ask unanimous consent to make a very brief statement regarding the bill, as it is of very great importance to the dairy industry of the country.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. LENROOT. Mr. President, the purpose of this bill is to require foreign producers of milk and cream to exert as much care with their dairy herds and in producing and handling the milk and cream that they offer for import into the United States as is required of dairy farmers supplying our eastern centers, such as New York City. A few weeks ago I called attention to the distress of our dairy farmers as a result of the flood of imported milk and cream, which in 1925 came into this country in greater volume than ever before. At that time I asked and the Senate voted to direct the United States Tariff Commission to begin immediately a cost-finding investigation, with a view to some changes in the existing tariff rates on milk and cream. Since then leaders of the National Cooperative Milk Producers' Federation have been in conference with me and have pointed out that the farmers whom they represent are required to produce milk and cream under conditions of greater surveillance and stricter sanitary requirements than are required of the farmers in Canada.

The production and handling of milk and cream in the territories supplying our great cities is a very expensive and complicated undertaking, and practically all of the larger centers now have regulations which have put our farmers to great

expense. The farmers generally have cheerfully complied with these requirements, although doing so has added materially to the cost of producing fluid milk and cream. As an instance of this, the dairy farmers in southern Wisconsin within the past few months have been qualifying to meet the rigid tuberculin test which is now enforced for every drop of milk and cream entering the city of Chicago for fluid consumption.

My bill does not set up requirements equal to the strictest now in force in some parts of the United States. I have endeavored to put into it reasonable requirements, taking into consideration the actual condition of the dairy industry. In the main the bill follows the New York State Sanitary Code, but in some respects follows the sanitary code of the city of New York. I feel quite sure that there is in it no requirement which should not be lived up to by every foreign producer or importer of milk and cream.

I have been advised that at the present time the health authorities of the city of New York are having some difficulty in enforcing their regulations because of the failure of the Federal Government to establish comparable sanitary legislation governing imports, in order to protect our citizens. At some points on our border it is easy for persons purchasing imported milk and cream to take the tags off the cans and commingle this product with domestically produced milk and cream which has been produced on farms in the United States under conditions conforming to State and city regulations. In this way the identity of the foreign milk is lost, and it is a difficult matter for health authorities to enforce their standards.

I have been informed that many of the farms in Canada now supplying our eastern markets do not produce milk and cream to compare with the high quality required of our own farmers. This condition gives the Canadian producer an economic advantage over both the eastern milk producer and the western cream producer, who must comply with State and municipal regulations.

Aside from its public-health character, this bill may be considered as emergency relief legislation for our dairy farmers, who are suffering from Canadian milk and cream competition in greater measure than ever before. Last year enough cream came into the United States to have made nearly 23,000,000 pounds of butter. Of course most of this cream was consumed in the liquid state or in making ice cream, but it displaced an equal quantity of American-produced products at a time when our dairy farmers, as well as the producers of less perishable products, are in a period of depression and need every available domestic market for themselves. Dairy leaders have told me repeatedly during the past winter that the prices of dairy products are barely making wages and a small capital return. These people are now entering upon the period of flush production, and Canadian producers are likewise entering upon a flush period. The seasonal condition will intensify the problem of finding markets for our own dairy products.

It may interest the Senate to know that Great Britain is also planning to establish strict import regulations governing the quality of milk imported into the British Isles. I have here a copy of the proposed regulations, and I find that in most respects they are similar to the points covered in my bill.

Mr. President, the bill is very short, and I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That on and after the date on which this act takes effect the importation into the United States of milk and cream is prohibited unless the person by whom such milk or cream is shipped holds a valid permit from the Secretary of Agriculture.

SEC. 2. Milk or cream shall be considered unfit for importation (1) when all cows producing such milk or cream are not healthy and a physical examination of all such cows has not been made within one year previous to such milk being offered for importation; (2) when such milk or cream, if raw, is not produced from cows which have passed a tuberculin test applied by a duly authorized official veterinarian of the United States, or of the country in which such milk or cream is produced, within one year previous to the time of the importation, showing that such cows are free from tuberculosis; (3) when the sanitary conditions of the dairy farm or plant in which such milk or cream is produced or handled do not score at least 70 points out of 100 points according to the methods for scoring as provided by the score cards used by the Bureau of Dairy Industry of the United States Department of Agriculture at the time such dairy farms or plants are scored; (4) in the case of raw milk if the number of bacteria per cubic centimeter exceed 200,000 and in the case of raw cream 750,000, in the case of pasteurized milk if the number of bacteria per cubic centimeter exceed 100,000, and in the case of pasteurized cream 500,000; (5) when the temperature of milk or cream at the time of importation exceeds 50° Fahrenheit.

SEC. 3. The Secretary of Agriculture shall cause such inspections to be made as are necessary to insure that milk and cream are so produced and handled as to comply with the provisions of section 2 of this act, and in all cases when he finds that such milk and/or cream is produced and handled so as not to be unfit for importation under clauses 1, 2, and 3 of section 2 of this act he shall issue to persons making application therefor permits to ship milk and/or cream into the United States: *Provided*, That in lieu of the inspections to be made by or under the direction of the Secretary of Agriculture he may, in his discretion, accept a duly certified statement signed by a duly accredited official of an authorized department of any foreign government that the provisions in clauses 1, 2, and 3 of section 2 of this act have been complied with. Such certificate of the accredited official of an authorized department of any foreign government shall be in the form prescribed by the Secretary of Agriculture, who is hereby authorized and directed to prescribe such form, as well as rules and regulations regulating the issuance of permits to import milk or cream into the United States.

The Secretary of Agriculture is authorized to suspend or revoke any permit for the shipment of milk or cream into the United States when he shall find that the holder thereof has violated this act or any of the regulations made hereunder, or that the milk and/or cream brought by the holder of such permit into the United States is not produced and handled in conformity with or that the quality thereof does not conform to all of the provisions of section 2 of this act.

SEC. 4. It shall be unlawful for any person in the United States to receive milk or cream imported into the United States from the importer thereof unless the person by whom such milk or cream was imported holds a valid permit from the Secretary of Agriculture.

SEC. 5. Any person who knowingly violates any provision of this act shall, in addition to all other penalties prescribed by law, be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 6. There is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated the sum of $50,000 per annum to enable the Secretary of Agriculture to carry out the provisions of this act.

SEC. 7. Any laws or parts of laws inconsistent herewith are hereby repealed.

SEC. 8. Nothing in this act is intended nor shall be construed to affect the powers of any State, or any political subdivision thereof, to regulate the shipment of milk or cream into, or the handling, sale, or other disposition of milk or cream in, such State or political subdivision.

SEC. 9. When used in this act—

(a) The term "person" means an individual, partnership, association, or corporation.

(b) The term "United States" means continental United States.

SEC. 10. This act shall take effect upon the expiration of 90 days from the date of its enactment.

Mr. LENROOT. Mr. President, I ask unanimous consent to insert in the RECORD excerpts from the regulations established by the Public Health Council of the State of New York; also excerpts from the sanitary code, Department of Health of New York City; also a memorandum showing imports of cream and milk into the United States and extracts from an article appearing in a British magazine, The Milk Industry, showing what is now proposed to be done in Great Britain and that the action there proposed to be taken is almost identical with the action that is proposed by the bill which I have introduced.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Excerpts from the sanitary code established by the Public Health Council of the State of New York]

CHAPTER III

MILK AND CREAM

(Including amendments to April 1, 1925)

REGULATION 1. Permit required for sale of milk in municipalities. No corporation, association, firm, or individual shall sell or offer for sale at retail milk or cream in any municipality without a permit from the health officer thereof, which shall be issued subject to such conditions as may be imposed by this code or by the local health officer, except that the local health officer may exempt from the provisions of this regulation persons selling milk from not more than one cow. Such permit shall expire on the 30th day of April, unless another date is designated by the local health board, and shall be renewable on or before such date in each year, and may be revoked at any time for cause by the State commissioner of health or the local health officer after a hearing on due notice. (Amended October 1, 1914, and December 7, 1920.)

Reg. 13. Designations of milk and cream restricted. All milk sold and offered for sale at retail, except milk sold or offered for sale as sour milk under its various designations, shall bear one of the designations provided in this regulation, which constitute the minimum requirements permitted in this State.

No term shall be used to designate the grade or quality of milk or cream which is sold or offered for sale, except:

Certified.
Grade A raw.
Grade A pasteurized.
Grade B raw.
Grade B pasteurized.
Grade C raw.
Grade C pasteurized.

Grade A raw. No milk or cream shall be sold or offered for sale as Grade A raw unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

All cows producing such milk or cream must have been tested at least once during the previous year with tuberculin, and any cow reacting thereto must have been promptly excluded from the herd.

Such milk must not at any time previous to delivery to the consumer contain more than 60,000 bacteria per cubic centimeter, and such cream not more than 300,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State commissioner of health not less than 25 per cent for equipment and not less than 50 per cent for methods.

Such milk and cream must be delivered within 36 hours from the time of milking, unless a shorter time shall be prescribed by the local health authorities.

Such milk and cream must be delivered to consumers only in containers sealed at the dairy or a bottling plant. The caps or tags must be white and contain the term "Grade A raw" in large black type, and the name and address of the dealer.

Grade B pasteurized. No milk or cream shall be sold or offered for sale as Grade B pasteurized unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

All cows producing such milk or cream must be healthy, as disclosed by an annual physical examination.

Such milk or cream before pasteurization must not contain more than 1,500,000 bacteria per cubic centimeter.

Such milk must not at any time after pasteurization and previous to delivery to the consumer contain more than 100,000 bacteria per cubic centimeter, and such cream not more than 500,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State commissioner of health not less than 20 per cent for equipment and not less than 35 per cent for methods.

Such milk must be delivered within 36 hours after pasteurization between April 1 and November 1, and within 48 hours after pasteurization between November 1 and April 1, and such cream within 48 hours after pasteurization, unless a shorter time is prescribed by the local health authorities.

The caps or tags on the containers must be white and contain the term "Grade B pasteurized" in large, bright-green type, and the name of the dealer. (Amended March 4, 1915, October 5, 1915, January 9, 1917, and January 10, 1919.)

[Excerpts from the sanitary code, Department of Health of New York City]

GRADE A MILK

Reg. 50. Bacteria standard: Milk or skimmed milk of this grade and designation shall not contain more than 30,000 bacteria (colonies) per cubic centimeter when delivered to the consumer or at any time after pasteurization. Cream of this grade and designation shall not contain more than 150,000 bacteria (colonies) per cubic centimeter when delivered to the consumer or at any time after pasteurization. No raw milk or raw, skimmed milk produced in or shipped to the city of New York to be pasteurized, and intended to be sold in said city under this grade and designation, shall contain more than 200,000 bacteria (colonies) per cubic centimeter before pasteurization. No raw milk or raw, skimmed milk produced and Pasteurized outside the city of New York and intended to be sold in said city of New York under this grade and designation shall contain more than 100,000 bacteria (colonies) per cubic centimeter at any time before pasteurization. Raw cream of this grade and designation must be produced from milk conforming to the bacteria standard prescribed in such milk in this regulation.

GRADE B, PASTUERIZED

Reg. 79. Bacterial standard: Milk or skimmed milk of this grade and designation shall not contain more than 100,000 bacteria (colonies) per cubic centimeter when delivered to the consumer or at any time after pasteurization. Cream of this grade and designation shall not contain more than 500,000 bacteria (colonies) per cubic centimeter when delivered to the consumer or at any time after pasteurization. No raw milk or raw, skimmed milk produced in or shipped to the city of New York to be pasteurized and intended to be sold in said city under this grade and designation shall contain more than 1,500,000 bacteria (colonies) per cubic centimeter before pasteurization. No raw milk or raw, skimmed milk produced and pasteurized outside of the city of New York and intended to be sold in said city under this grade and designation shall contain more than 300,000 bacteria (colonies) per cubic centimeter at any time before pasteurization. Raw cream of this grade and designation must be produced from milk conforming to the bacteria standard prescribed for such milk in this regulation.

Imports of milk and cream from Canada

[United States Tariff Commission statistics]

	1922	1923	1924	1925	First 3 months 1926
	Gallons	*Gallons*	*Gallons*	*Gallons*	*Gallons*
Milk	2,022,652	4,473,141	5,159,883	7,366,342	1,069,433
Cream	467,789	3,024,663	4,197,528	5,169,196	418,948

In 1925 our total import of milk and cream was from Canada.

The quarter just closed is not representative for 1926 of the rate at which milk and cream came in from Canada, as it comprises the low period of winter production. Last year the heavy imports of milk and cream occurred in the month of July.

One reason for this great increase in imports from Canada may be attributed to the fact that when the Congress passed the tariff act of 1922 the butter-fat basis failed to receive proper recognition as between the tariff rate on butter and the tariff rate on cream. For example, the rate on butter was placed at 8 cents a pound, while the rate on cream was placed at 20 cents a gallon up to 45 per cent butter-fat content. At this rate cream at 40 per cent butter-fat content would be paying a tariff of approximately 6 cents a pound in terms of butter. Recently the President, after an investigation by the Tariff Commission, ordered the tariff on butter to be raised to 12 cents a pound. That will have the effect of widening the margin as between butter and cream from 2 cents to 6 cents per pound.

All imports of milk and cream into the United States

[Source: Bureau of Economics, United States Department of Agriculture]

Month	Milk, sour milk, and buttermilk	Cream
1925—	*Gallons*	*Gallons*
January	228,518	147,263
February	427,902	126,135
March	450,816	180,713
April	426,355	334,417
May	679,618	670,395
June	822,363	854,734
July	1,043,872	749,704
August	827,414	630,639
September	722,311	565,056
October	645,726	430,849
November	571,160	524,136
December	576,078	257,987
Total	7,422,133	5,171,788

Practically all imported from Canada, with a negligible quantity coming in from Denmark, Italy, Norway, and the United Kingdom.

[From The Milk Industry, Vol. VI, No. 10, 1926, p. 83]

(Head office, Temple Avenue, London E. C.)

The imported milk regulations: Important clauses of a draft of order, dated 5th March, proposed to be made by the minister of health.

3. (1) Every sanitary authority shall enforce and execute these regulations and shall keep a register of persons to whom milk imported into their district may be consigned.

(2) Any officer of the sanitary authority duly authorized in that behalf may take a sample of any milk imported into the district.

4. No person shall receive any milk consigned to him from any place outside the British Islands unless he is registered under these regulations by the sanitary authority into whose district the milk is imported.

5. All imported milk shall be in such condition that, on a sample being taken within the district of a sanitary authority, the milk

shall be found to contain not more than 100,000 bacteria per cubic centimeter and to be free from tubercle bacilli.

6. (1) If the sanitary authority are satisfied that any milk imported into their district does not comply with the provisions of these regulations, they may serve upon the person to whom the milk was consigned a notice to appear before them not less than seven days after the date of the notice to show cause why they should not, for reasons to be specified in the notice, remove him from the register, either absolutely or in respect of any specified source of supply; and if he fails to show cause to their satisfaction accordingly they may remove him from the register.

(2) Any person aggrieved by any such decision of the sanitary authority as aforesaid may, within 21 days, appeal to a court of summary jurisdiction and that court may require the sanitary authority not to remove him from the register.

(3) The sanitary authority, or such person as aforesaid, may appeal from the decision of the court of summary jurisdiction to the next practicable court of quarter sessions, and that court may confirm, vary, or reverse the order of the court of summary jurisdiction.

(4) The decision of a sanitary authority to remove any person from the register shall not have effect until the expiration of the time for appeal is brought until the expiration of the time for appeal to a court of summary jurisdiction, nor if any such appeal is brought until the expiration of seven days after the determination thereof; nor if notice of appeal to quarter sessions is given within such seven days until such appeal is finally determined unless such appeal ceases to be prosecuted.

7. A person shall, if so required, give to any officer of a sanitary authority acting in the execution of these regulations all reasonable assistance in his power and shall in relation to anything within his knowledge furnish any such officer with all information he may reasonably require for the purposes of these regulations.

"British Islands" means Great Britain and Ireland, the Channel Islands, and the Isle of Man.

"Imported milk" means milk imported into England or Wales from any place situated outside the British Islands.

Mr. LENROOT. Mr. President, I wish to say further that this bill is not introduced in any spirit of hostility to any other country, but is introduced to require the importers of milk and cream to be put upon the same basis as is required of our own American dairy farmers.

The VICE PRESIDENT. The bill will be referred to the Committee on Agriculture and Forestry.

HOUSE BILL REFERRED

The bill (H. R. 9694) authorizing the erection of a monument in France to commemorate the valiant services of certain American Infantry regiments attached to the French Army was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENT OF PITTMAN SILVER PURCHASE ACT

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (S. 756) directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act, which was ordered to lie on the table and to be printed.

MEMORIAL ADDRESSES ON THE LATE SENATOR LADD

Mr. FRAZIER. I submit the resolution which I send to the desk, and ask that it may be read and considered by unanimous consent.

Mr. CURTIS. Let the resolution be read.

The resolution (S. Res. 214) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Sunday, May 9, 1926, 11 o'clock a. m., be set aside for memorial addresses on the life, character, and public services of the Hon. EDWIN F. LADD, late a Senator from the State of North Dakota.

MUSCLE SHOALS

Mr. DENEEN. Mr. President, I ask unanimous consent that the motion submitted by the Senator from Nebraska [Mr. NORRIS] to refer Senate bill 4106 reported by the Joint Committee on Muscle Shoals may go over until to-morrow.

The VICE PRESIDENT. The Chair lays before the Senate for its second reading Senate bill 4106.

Mr. HEFLIN. Mr. President, I ask the Senator from Illinois if he will not fix an hour to-morrow so that all may know when the matter is to come up.

The VICE PRESIDENT. Under the rule the bill will go to the calendar after its second reading. The second reading is in order at this time.

The bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes, was read the second time by its title.

Mr. NORRIS. Mr. President, the Senator from Illinois has asked unanimous consent that the matter may go over until to-morrow for a second reading, as I understand.

Mr. DENEEN. That is true.

The VICE PRESIDENT. The request for unanimous consent will be considered.

Mr. HEFLIN. I would not want any unanimous consent to interfere with the parliamentary status of the measure. I understand that some Senators who want to be present when the matter comes up can not be here before 3 o'clock to-morrow afternoon.

The VICE PRESIDENT. Is there objection to the request of the Senator from Illinois?

Mr. HEFLIN. I would like to have an hour fixed.

Mr. HARRISON. Mr. President, a parliamentary inquiry. If I understand correctly, the bill goes to the calendar.

The VICE PRESIDENT. It goes to the calendar.

Mr. HARRISON. That is the first thing that must be done. No motion to refer a bill to a committee can be made until the bill goes to the calendar?

The VICE PRESIDENT. Until it goes to the calendar.

Mr. NORRIS. Is it going to be the ruling of the Chair that we will not be allowed to make a motion to send the bill to a committee of the Senate?

The VICE PRESIDENT. The Chair ruled on that question the other day after an examination of the rules. The bill must be on the calendar before a motion to refer to a committee is in order. The bill must take the usual course.

Mr. NORRIS. I understand that before the consideration of the bill it will be in order to make a motion to recommit it. I do not want to delay the matter by letting it come up for consideration and then make the motion, for if my motion should prevail that course would only cause additional delay. What I wanted to do was, when the bill came before the Senate at the beginning, to move to refer it to the Committee on Agriculture and Forestry. If I wait until the bill comes up for consideration then it may be charged against me that I am taking advantage of an opportunity to delay it, and that I do not want to do.

Mr. HARRISON. Mr. President, may I ask the Senator a question? I think everyone understands that the Senator intends to make a motion to refer the bill to the Committee on Agriculture and Forestry.

Mr. NORRIS. That is what I intend to do.

Mr. HARRISON. I suggest to the Senator from Illinois that we fix a certain time to-morrow when the motion of the Senator from Nebraska shall be entered and discussed.

Mr. NORRIS. I am perfectly agreeable to that course.

Mr. McKELLAR. And that no proceedings be taken until that time.

Mr. NORRIS. In accordance with the suggestion made by the Senator from Mississippi I ask unanimous consent, if Senators want a time fixed later than the morning hour, that the bill be held on the table until to-morrow at 3 o'clock, and that at 3 o'clock it shall be in order to make a motion to refer the bill to the committee, and that it shall then be discussed and decided.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska?

Mr. FERNALD. Mr. President, a parliamentary inquiry. If this unanimous-consent request is granted will it displace the public buildings bill as the unfinished business?

The VICE PRESIDENT. If it is done by unanimous consent it will not displace the public buildings bill.

Mr. CURTIS. Mr. President, I would suggest, in order to allow time for the Senator from Maine to have consideration of the public buildings bill, that we agree that when we conclude our business to-day we shall take a recess, which would give the Senator from 12 o'clock until 3 o'clock to-morrow afternoon for the public buildings bill, if we do not get through with it before that time.

Mr. FERNALD. But after 3 o'clock would the public buildings bill be displaced?

Mr. CURTIS. Not by the unanimous-consent agreement.

Mr. HARRISON. If I understand the Senator from Nebraska, he has no objection to the usual rule being followed, and that the bill go to the calendar with the understanding that to-morrow at 3 o'clock his motion will be entered.

Mr. NORRIS. I am not willing to have the bill go to the calendar. I want to make my motion before it is referred to the calendar and while it is before the Senate, as I think I have a right to move with reference to any bill to have it referred to a committee; but the Chair seems to hold otherwise. The Chair holds that under the rule I can not make a motion to refer the bill to a committee, but I am asking unani-

mous consent that I may be allowed to do that before it shall be placed on the calendar. I am willing to fix any time for the presentation of the motion; I do not care when it may be.

The VICE PRESIDENT. A motion to refer the bill is now in order, the bill being before the Senate. The ruling of the Chair was that the motion to refer the bill was not in order before the bill should be before the Senate. The bill has had its second reading and is now before the Senate, and a motion to refer it is in order.

Mr. NORRIS. I have not heard the ruling of the Chair.

The VICE PRESIDENT. The ruling of the Chair was that a motion to refer the bill to a committee could not be made until the bill was before the Senate. The bill is now before the Senate, having had its second reading, and a motion to refer it to a committee is now in order.

Mr. NORRIS. Then I move that the bill be referred to the Committee on Agriculture and Forestry, and I ask unanimous consent that that motion be taken up to-morrow at whatever hour shall be agreeable—say, at 3 o'clock—and that it be then debated.

The VICE PRESIDENT. Is there objection?

Mr. HEFLIN. Mr. President——

Mr. NORRIS. And I further ask unanimous consent that at the time indicated the unfinished business may be temporarily laid aside for the purpose I have indicated.

Mr. HEFLIN. I hardly think that the motion of the Senator from Nebraska would be in order until the bill shall be on the calendar.

The VICE PRESIDENT. The bill has been read the second time, and the motion is in order.

Mr. NORRIS. I do not care whether the bill shall be on the calendar or on the desk.

The VICE PRESIDENT. The bill can be taken up either on motion or by unanimous consent.

Mr. HEFLIN. The Senator from Nebraska, as I understand, makes the request that we agree to consider the motion to-morrow afternoon at 3 o'clock?

Mr. NORRIS. At 3 o'clock.

The VICE PRESIDENT. Is there objection?

Mr. CURTIS. The request includes the understanding that the unfinished business be temporarily laid aside at that time by the Senate.

The VICE PRESIDENT. That will be considered as being a part of the unanimous-consent request. Is there objection? The Chair hears none, and it is so ordered.

SALARIES OF UNITED STATES JUDGES

Mr. REED of Missouri. Mr. President, I ask unanimous consent to proceed to the consideration of Order of Business No. 379, being Senate bill 2858, which is known as the judges' salary bill. I wish to make a preliminary statement. The bill was introduced——

Mr. KING. Mr. President, has the Senator asked unanimous consent for the present consideration of the bill?

Mr. REED of Missouri. I will ask it when I get through with the statement I am going to make, and I know the Senator is going to give his consent; at least, I think he will after I shall have made the statement.

The bill as introduced by myself and reported by the Judiciary Committee fixed the salaries of district judges at $12,500 and of circuit judges at $15,000 a year, and provided corresponding salaries for other judges. The House committee has also had under consideration the subject of the salaries of judges, and that committee has agreed on a bill under which the salaries of circuit judges are put at $12,500 a year and the salaries of district judges at $10,000 a year, both figures being, in my judgment, far below the point that ought to be fixed; but, in view of the situation, if unanimous consent shall be given for the consideration of the bill, I shall move then to strike out all after the enacting clause of the Senate bill and to insert the language of the bill which the committee of the House of Representatives has agreed upon, so that I shall only ask the Senate to grant increases as provided in that bill, under which, as I have said, district judges will get only $10,000 and circuit judges only $12,500.

Mr. SHORTRIDGE. Mr. President——

Mr. REED of Missouri. I ask the Senate to bear in mind that the circuit judges are now practically the court of last resort in nearly all cases. I shall not ask for the larger salaries proposed by the Senate bill, if consent shall be given to consider the measure, and I hope there will be no objection to its consideration.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Missouri yield?

Mr. REED of Missouri. I think the Senator from California [Mr. SHORTRIDGE] asked me to yield first. I will, therefore, yield to him, and then yield to the Senator from Arkansas.

Mr. SHORTRIDGE. I merely rose to make an inquiry. Has any action been taken by the House on the bill? The Committee on the Judiciary has merely reported it, as stated by the Senator from Missouri?

Mr. REED of Missouri. Yes; that is correct.

Mr. SHORTRIDGE. Of course, I hope that the House will never consent to or approve of that report in respect to the point to which the Senator from Missouri has called attention.

Mr. REED of Missouri. If the House shall not do so, so much the better; but I have looked into the matter; the Senator from Kansas [Mr. CURTIS] has made some inquiries; the American Bar Association have made inquiries, and their representative asked me this morning if I would not try to secure the passage of the bill here as recommended by the committee of the House.

Mr. SHORTRIDGE. Mr. President, may I suggest to the Senator and to the Senate would it not be wise on our part, assuming that we favor the figures as they appear in the bill which the Senator from Missouri has introduced, to pass the bill and let it go to the House, and ultimately perhaps in the conference our views will prevail? I do not like to surrender at this stage of the fight, if it be a fight.

Mr. REED of Missouri. That was considered. The Senator from Kentucky [Mr. ERNST], who has been very active in this matter and spent a lot of time last summer in gathering the views of the bar and of the bench of the country, is of the opinion at which I have now reluctantly arrived—that it is this bill or no bill. If we can get consent for its consideration, then I shall present my views very briefly.

I now yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Mr. President, I merely wanted to say that I think the Senator from Missouri and the Senator from Kentucky are taking the right course in suggesting the amendment which the Senator intends to propose if consent is given for the consideration of this bill.

There is unquestionably a demand and a necessity for an increase in judicial salaries. There are, however, a number of Senators who have expressed the opinion that the salaries carried in the Senate amendment as reported are larger than the circumstances justify. I am sure that if consent is given for the consideration of the bill it will pass with the increases contemplated by the amendment which the Senator from Missouri intends to propose, and I hope there will be no objection to the consideration of the bill.

That is all I care to say at this time.

Mr. KING. Mr. President——

Mr. CUMMINS. Mr. President, before the Senator from Missouri yields to the Senator from Utah, will he yield to me for a moment?

Mr. REED of Missouri. I yield.

Mr. CUMMINS. I think the Senator from Missouri should make his statement complete by indicating what increases in compensation are provided for the Supreme Court of the United States and the courts of the District of Columbia and the Court of Customs Appeals, so that we may have the whole matter before any objection is made.

Mr. KING. Mr. President, I will say to the Senator that I was merely going to inquire what changes he proposed to make with respect to the chief justice of the Court of Claims and the other justices.

Mr. BORAH. Mr. President, why not have these proposed amendments printed in some form and bring up the matter again to-morrow? I do not know what changes are proposed. If there are any considerable changes proposed in the way of increase, I am opposed to the bill, but I do not know what the changes are.

Mr. REED of Missouri. I have not any objection to accepting the suggestion of the Senator from Idaho; and, Mr. President, for the purpose of having it printed, I ask unanimous consent that I may now offer as an amendment to Senate bill 2858 the following:

Strike out all after the enacting clause and insert:

That the following salaries shall be paid to the several judges hereinafter mentioned in lieu of the salaries now provided by law, namely:

To the Chief Justice of the Supreme Court of the United States the sum of $20,500 per year, and to each of the Associate Justices thereof the sum of $20,000 per year.

To each of the circuit judges the sum of $12,500 per year.

To each of the district judges the sum of $10,000 per year.

To the presiding judge of the United States Court of Customs Appeals, and to each of the other judges thereof, the sum of $12,500 per year.

To the chief justice of the Court of Appeals of the District of Columbia, and to each of the associate justices thereof, the sum of $12,500 per year.

To the chief justice of the Court of Claims, and to each of the other judges thereof, the sum of $12,500 per year.

To the chief justice of the Supreme Court of the District of Columbia, $10,500 per year, and to each of the associate justices thereof the sum of $10,000 per year.

To each of the members of the Board of General Appraisers, which board functions as the customs trial court, the sum of $10,000 per year.

That all of said salaries shall be paid in monthly installments.

SEC. 2. This act shall take effect on the first day of the first month next following its approval.

I offer that now, if the Vice President and the Senate please, as the amendment. It can be printed in that form and then the Senate can have it for consideration to-morrow.

The VICE PRESIDENT. Without objection, the amendment will be received and printed.

Mr. KING. Mr. President, as I understand the Senator, then, this amendment will be printed and he will renew his request to-morrow?

Mr. REED of Missouri. Yes.

Mr. CURTIS. Mr. President, has the morning business been concluded?

The VICE PRESIDENT. Concurrent and other resolutions are in order.

Mr. REED of Missouri. May I be indulged for just two or three minutes? I shall not undertake to discuss this measure at length, but I should like to make a few suggestions which the Senate can consider.

The salaries proposed here are to be paid to men who occupy positions of the highest and gravest importance. The salaries now paid are insufficient if we expect to retain upon the bench of the United States men competent to perform the high duties devolving upon them. A number of judges have already resigned, and, according to the evidence that has been submitted to us, a considerable additional number will resign, not out of any sense of pique or any desire to enrich themselves, but because they feel that in justice to themselves and their families they must have more compensation; and so we are confronted with a situation which I think is rather alarming as well as very distressing.

These judges are deprived of the right to engage in any way in the practice of their profession. If they take these positions and hold them for life or until retirement, they can not, at the present salaries, particularly in certain parts of the country, more than barely eke out a living. They can not send their children to appropriate schools. In some instances that have come to the attention of the committee the wives of judges have been obliged, while in delicate health, to do the drudgery of housework in order that their children can be kept in school. I know of some instances of this kind personally. The cost of living has enormously advanced since the last increase of salaries. It is becoming a hardship to hold these positions. The compensation of members of the bar has enormously increased. I know of no judge possessing the qualifications that a man occupying that high position should possess who could not make several times his salary by engaging in the practice of his profession.

In my judgment, it is the worst economy that can ever be practiced to pay salaries so low that in the end they will result in an inefficient judiciary. An inefficient judge can increase the expenses of his court to the Government every term of court a great deal more than his entire salary, and he can increase the expense to litigants and the loss to litigants many times the amount of his salary.

It is unjust to ask men of a high order of talent to work as judges for vastly less than they can earn in their profession; and such an injustice in the end is bound to work but one result: The cream of the bar, the abler men of the bar, will not aspire to these positions and will not accept them if tendered.

Why should the United States ask its judiciary to work at salaries less than fairly measure the value of their services? But even if we should insist upon salaries too low, we will pay the price ultimately in inefficient service.

These courts are constantly increasing in their importance to the people. We have laid upon them by legislation in the past few years a multitude of duties which they were not required to perform in past years. Their dockets are crowded. We are compelling them to try prohibition cases, narcotic cases, automobile-theft cases, Mann Act cases, lottery cases, cases where the mails have been used to defraud, and a variety of other litigation has been cast upon them, so that the Supreme Court in its desperation in some way to relieve itself of the enormous burden asked and Congress passed an act which very largely took away the right of appeal as a right and reduced it to a matter of grace to be obtained by certiorari. Accordingly the circuit courts are now to all intents and purposes the great courts of last resort to which the people of the United States must submit questions of property and personal right.

I appeal to the Senate to approach this question not only in a spirit of justice, but as a great practical question. It is one we feel like discussing with some considerable delicacy, but the fact is that as the years are running on we no longer find the leaders of the bar aspiring to these judicial positions. I will not say we no longer find it, but we seldom find it. There may be instances to the contrary.

If we persist in the present policy, this will be the result: We will either get the services of a young man who has not yet established himself in the practice, or we will get the services, speaking broadly, of men who have not succeeded very well in the practice.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to his colleague?

Mr. REED of Missouri. I yield.

Mr. WILLIAMS. Will my colleague kindly tell me what the parliamentary situation is in respect to his bill? Does he offer an amendment?

Mr. REED of Missouri. I have offered as an amendment the bill reported by the House committee, which carries salaries very much lower than those in the bill I introduced in the Senate. I am offering it because the understanding is that the House will be unwilling to pass a bill carrying higher salaries than those its committee reported. I have offered the amendment; the amendment is to be printed; and I hope to take this matter up to-morrow. I have been offering these observations to possibly get some facts before the Senate which some of the Members may not have thought of. The bar associations all over the country, particularly the American Bar Association, have been earnestly working for this bill.

That is all I wanted to say this morning. I shall be glad to-morrow to produce the figures showing exactly how much the raises are in each instance.

THE CALENDAR

Mr. JONES of Washington. Mr. President, I ask unanimous consent that we may proceed to the calendar and consider unobjected bills, beginning at the point where we left off at the last call, Order of Business No. 573.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PROCEEDS OF SCHOOL AND INSTITUTIONAL LANDS IN NEW MEXICO

Mr. BRATTON. Mr. President, I ask unanimous consent that we consider Order of Business No. 556, Senate Joint Resolution 46, giving and granting consent to an amendment to the constitution of the State of New Mexico providing that the moneys derived from the lands heretofore granted or confirmed to that State by Congress may be apportioned to the several objects for which said lands were granted or confirmed in proportion to the number of acres granted for each object, and to the enactment of such laws and regulations as may be necessary to carry the same into effect.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That consent is hereby given and granted to the State of New Mexico and the qualified electors thereof to vote upon and amend the constitution of said State by the adoption of the following amendment proposed by the legislature of said State by Joint Resolution No. 10, passed by its seventh regular session, approved March 20, 1925, to wit:

"ARTICLE XXIV

"APPORTIONMENT OF MONEYS DERIVED FROM STATE LANDS

"All moneys in any manner derived from the lands which have been granted or confirmed to the State by Congress shall be apportioned to the separate funds established for the several objects, including the Eastern Normal University, for which said lands were granted or confirmed in proportion to the number of acres so granted or confirmed for each of said objects."

Consent is further given and granted to said State to enact such laws and establish such rules and regulations as it may deem necessary to carry such constitutional provision into effect should the same be duly adopted.

Mr. WILLIAMS. Mr. President, I am informed by the president of the University of Missouri, who is interested in this joint resolution, as the presidents of other State universities

are, that it contemplates the permission of Congress to enable the State of New Mexico to change its constitution so as to divert funds which are now apportionable and payable to the State university to purposes which possibly are not strictly educational purposes. I have no objection to the Senator from New Mexico having the joint resolution passed, but I would like to have an explanation, so as to know whether the position of these presidents of our State universities is well taken.

Mr. BRATTON. Mr. President, I shall be glad to explain the resolution for the benefit of the Senator from Missouri as well as others.

In the enabling act under which New Mexico was admitted into the Union, four sections of land in each township were granted for common-school purposes. In addition, floating grants of many hundreds of thousands of acres were made to the State for various enumerated purposes.

Mr. WILLIAMS. That amounted to about 12,000,000 acres?

Mr. BRATTON. No; 12,000,000 acres to the common schools. I do not recall the amount to the university. The report shows the exact amount. I do not recall it just now.

It is shown in the report that so much goes to the university, so much to the military institute, so much to the normal school, so much to the penitentiary, so much to the reform schools, and so on. Those lands were considered as nonmineral in character.

The act expressly provided that where any part of the four sections—that is, sections 2, 32, 16, and 36—were mineral in character, other lands should be selected in lieu of them, and that the floating grants should be selected from nonmineral lands belonging to the public domain, contemplating, of course, that the lands should all be nonmineral and all of about the same value, acre for acre.

About two years ago oil was discovered on certain lands belonging to the university. That was a thing not contemplated or expected at the time the grant was made. Consequently it raised the income of the university out of proportion to that contemplated by Congress. So, at the last session of the legislature an amendment to the constitution of the State was proposed in language which I shall read. I should say before I read that the enabling act also provided that the State treasurer should set up a separate fund, corresponding to each grant into which the money from that grant should be placed, and that no money should be transferred from one fund to another. The constitutional amendment proposed provides that all money in any manner derived from any of these lands shall be placed in one fund, and be divided among the several institutions in proportion to the number of acres granted, contemplating that the same proportion that was entertained by Congress at the time the enabling act was passed should be continued in effect and be perpetuated.

It is thought that perhaps oil may be discovered on lands belonging to the common schools, and to the other institutions of the State. In that event still other inequalities beyond what Congress contemplated would be brought into existence.

This constitutional amendment is designed to carry out exactly the proportion and the ratio Congress had in mind at the time the grants were made, and to preserve that equality and to continue that ratio regardless of the various discoveries which may be made. It will be borne in mind that the division is confined to the beneficiaries under the grant, and the division shall be made in proportion to the acres so granted under the original enabling act.

Mr. WILLIAMS. The Senator means that the income hereafter will be apportionable on the same basis that the acreage was apportionable under the act?

Mr. BRATTON. Exactly. The legislature of the State passed this amendment by a vote of approximately 2 to 1, indicating that the people of the State desire to carry out and perpetuate the plan, and the ratio and proportion contemplated in the enabling act.

Mr. WILLIAMS. Is there a compact between the State of New Mexico and the Congress of the United States?

Mr. BRATTON. Yes. The enabling act provided that its terms respecting these lands should be accepted by the State, and they were accepted in the constitution. Consequently the consent of Congress to make this change respecting this trust property is necessary, and that is what the amendment is designed to do.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF UNITED STATES NAVAL RESERVE OFFICERS

Mr. SHORTRIDGE. Mr. President, I ask unanimous consent to take up Order of Business 5559, Senate bill 3480. I do not think the consideration of this bill will delay the regular order. The Committee on Naval Affairs referred the bill to the Navy Department; in turn it was referred to the Bureau of the Budget, and it comes from the committee with a favorable report with an amendment which I very gladly agree to.

Mr. KING. Let the bill be read.

The VICE PRESIDENT. The bill will be reported by title.

The Chief Clerk read the bill by title, as follows:

A bill for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with amendments.

The first amendment of the committee was, on page 1, line 3, to strike out the words "Secretary of the Navy," and to insert in lieu thereof the words "General Accounting Office."

Mr. KING. I have not a copy of the bill in my file, and I would like to have the Senator from California explain the purpose of it, and state the cost to the Government.

Mr. SHORTRIDGE. The purpose of the bill appears in the reply letter of the Secretary of the Navy. I read a portion of the reply, as follows:

During the World War many persons were enrolled in enlisted ratings in the United States Naval Reserve Force and thereafter, without any break in continuity of their reserve service, were given provisional assignments as officers. Subsequently they were disenrolled as officers at the place where their provisional assignments were given them and no mileage was allowed under such circumstances, thereby necessitating the officers concerned to proceed to their homes or places of enrollment at their own expense.

The Navy Department could not legally reimburse these officers for the expenses so incurred by them, because such persons had no legal right to mileage in lieu of the expenses incurred in traveling from their places of disenrollment to their homes or places of enrollment. The law (acts of July 1, 1918, 40 Stat. 712, and March 3, 1901, 31 Stat. 1029; and article 4490, U. S. Navy Regulations) authorizing mileage to officers required that travel should be performed under orders.

That is to say, under the law, technically, the department could not issue the appropriate order for the payment of the mileage involved.

As no travel orders in such cases had been issued to the officers concerned, they could not be considered as having performed the travel in question under orders. Furthermore, as these officers had been disenrolled and were out of the service at the time such travel was performed, they unquestionably did not have the status of officers.

It is impracticable to determine with accuracy the cost of this proposed legislation. Approximately 31,000 reserve officers were released from active service following the World War, and in order to ascertain the cost involved it would be necessary to search the records of each of these officers. The clerical force of the Navy Department is inadequate for this purpose.

This proposed legislation was referred to the Director of the Bureau of the Budget with the information above stated as to cost, and it was further stated that the Navy Department contemplated recommending favorable action on the bill S. 3480, provided it were amended—

Which has been provided in the amendment suggested—

Provided, it were amended so as to provide for the payment of mileage by the General Accounting Office rather than by the Secretary of the Navy, place a time limit of one year within which the travel must have been performed, and limit the application of the bill to officers released from active duty prior to July 1, 1922. Under date of March 5, 1926, the Navy Department was informed that this report would not be in conflict with the financial program of the President.

Thereupon the committee suggested the amendment which appears in the bill. In other words, this bill is to meet a situation brought about by the facts suggested, namely, that under the technical law as it was, these officers did not, when returning to their place of enrollment, technically occupy the status of officers under orders, and hence the relief sought.

Mr. KING. Why was not this matter taken up years ago when the men were separated from the service?

Mr. SHORTRIDGE. Of course, I can not answer that question, unless it be that so many matters have been taken up and perhaps abortive efforts made to get the remedy. I only know that it was brought to my attention, and I introduced the measure, and it has been submitted to all the parties whose duty it was to consider it, with the result indicated. Permit me to add that it is manifestly just; but wisely, I think the department suggested that relief be limited to those who

traveled within the time limit from the place of erroneous disenrollment to the point of enrollment.

Mr. KING. I would like to ask the Senator if the bill which we are now considering applies also to the reserve officers of the Army as well as the Navy, and how many are there in the Army and in the Navy who would come under the terms of the bill?

Mr. SHORTRIDGE. It relates to those specifically mentioned in the bill, but just how many I am not able to answer definitely, nor am I able to answer definitely just how much it would involve in point of money.

Mr. KING. I would like to ask the Senator whether privates in the Army and seamen in the Navy when they are discharged have to pay their way home, or whether the Government of the United States pays their expenses to their respective homes; because if there is any discrimination, I shall be opposed to the bill. I think an officer is no more entitled to this pay than is a private.

Mr. SHORTRIDGE. I fully agree with the statement just made. As to whether they were allowed or not allowed pay, I am not able to answer definitely.

Mr. HALE. They were allowed pay.

Mr. SHORTRIDGE. The chairman of the Committee on Naval Affairs makes answer that they were allowed pay.

Mr. HALE. They were allowed pay to the place of enrollment.

Mr. KING. Why has not the legislation been presented years ago?

Mr. HALE. That I can not tell the Senator. This is the first time the matter has been brought to the attention of the Committee on Naval Affairs.

Mr. KING. Did not the Naval Affairs Committee ascertain the number that were involved?

Mr. HALE. The department letter states as follows:

> It is impracticable to determine with accuracy the cost of this proposed legislation. Approximately 31,000 reserve officers were released from active service following the World War, and in order to ascertain the cost involved it would be necessary to search the records of each of these officers. The clerical force of the Navy Department is inadequate for this purpose.

I would like to say to the Senator that this case involves——

Mr. KING. This is not a case; it is many cases.

Mr. HALE. I should say that the legislation involves men who were enrolled as enlisted men in the Naval Reserves. During the course of the war these men were promoted to officer rank and when they went out at the close of the war they were given transportation only to the place where they were promoted to officer rank, regardless of where that place might be. Under ordinary circumstances when an officer goes out of the service he is given travel orders to the place of his enrollment, but this was not done in the case of some of these men, and therefore the department could not pay their expenses to their homes. If they had stayed on as enlisted men, they would have been entitled to pay to return to their homes. The bill rectifies the matter as to certain enlisted men who were promoted to officer rank and who were not taken care of with reference to travel compensation.

Mr. KING. The explanation given is not satisfactory, but I shall not object. However, I promise Senators that if, upon inquiry, I do not get satisfactory information, I shall move tomorrow to reconsider the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment on page 1, line 3.

The amendment was agreed to.

The next amendments of the Committee on Naval Affairs were, on page 1, line 5, to strike out the word "from" and insert in lieu thereof "within one year from date and"; and on page 2, after the word "enrollment," in line 6, to insert the following proviso:

> *Provided*, That the provisions of this act shall be applicable only to former officers of the United States Naval Reserve Force or United States Marine Corps Reserve who were actually relieved from active duty or disenrolled under honorable conditions prior to July 1, 1922,

So as to make the bill read:

> *Be it enacted, etc.*, That the General Accounting Office is hereby authorized to pay mileage at the rate of 8 cents per mile, computed by the shortest usually traveled route, for travel actually performed within one year from date and place of release from active duty or disenrollment to their homes or places of enrollment, to such former officers of the United States Naval Reserve Force or United States Marine Corps Reserve who have been erroneously released from active service or disenrolled under honorable conditions at places other than their homes or places of enrollment, upon the presentation by such former officers of satisfactory evidence showing that they actually performed such travel to their homes or places of enrollment: *Provided*, That the provisions of this act shall be applicable only to former officers of the United States Naval Reserve Force or United States Marine Corps Reserve who were actually released from active duty or disenrolled under honorable conditions prior to July 1, 1922.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD MURPHY

The bill (S. 3759) authorizing issuance of patent to Richard Murphy was considered as in Committee of the Whole and was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to Richard Murphy patent to the southwest quarter of section 13, in township 8 south of range 15 west, Indian meridian, in Oklahoma, being homestead entry Guthrie 06742.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF EXECUTIVE NOMINATIONS

The resolution (S. Res. 188) to amend paragraph 2 of Rule XXXVIII of the Standing Rules of the Senate relative to nominations was announced as next in order.

Mr. BINGHAM. Let the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

WALTER REED GENERAL HOSPITAL

The bill (S. 2477) to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia, and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 3, line 7, to strike out the word "is" and insert in lieu thereof the word "as"; on page 3, line 13, after the word "cars," to strike out the words "motor busses"; and on page 4, after line 3, to insert a new section as section 5, so as to make the bill read:

> *Be it enacted, etc.*, That, in order to provide for the necessary extensions and additional buildings to be erected at the Walter Reed General Hospital, in the District of Columbia, all public streets, except Fourteenth and Aspen Streets, and all alleys included within the area bounded by Sixteenth Street on the west, Alaska Avenue on the northwest, Fern Street on the north, Georgia Avenue on the east, and Aspen Street, as platted on the official survey map, on the south, be, and the same are hereby, vacated, abandoned, and closed; the portions of the public streets within said area which are hereby abandoned and closed by this act being known as Thirteenth Street, Fifteenth Street, Dahlia Street, Dogwood Street, and Elder Street.
>
> SEC. 2. That under and in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension and widening of Fourteenth Street from Montague Street to the southern boundary of the Walter Reed General Hospital reservation, in accordance with the plan of the permanent system of highways for the District of Columbia: *Provided, however*, That the condemnation jury shall report separately, in its verdict, the damages awarded for all structures within the lines of Fourteenth Street between Montague Street and the southern boundary of the said hospital reservation, and should such verdict show that the total damages, plus the cost and expense of the proceeding, exceed the benefits by a sum of not more than the award for the structures aforesaid, such excess shall be borne by the District of Columbia out of the appropriation herein authorized.
>
> SEC. 3. That when Fourteenth Street shall be opened to the southern boundary of the Walter Reed Hospital Reservation, numbered for the purposes of assessment and taxation as parcel 89 over 7, control and jurisdiction over that part of Fourteenth Street as laid down on the plan of the permanent system of highways of the District of Columbia which lies within the said hospital reservation, shall immediately pass to the Commissioners of the District of Columbia, the same in all respects as other streets and avenues in the District of Columbia: *Provided, however*, That the operation of street railway cars and trucks equipped with solid tires shall not be permitted on Fourteenth Street through the said hospital reservation, and that regulation and control of traffic within the limits of said reservation shall be under

the supervision of the hospital authorities: *And provided further,* That the grade of the street through the hospital reservation shall be subject to the approval of the Secretary of War.

SEC. 4. That there is hereby authorized to be appropriated entirely out of the revenues of the District of Columbia an amount sufficient to pay the necessary cost and expense of the condemnation proceeding taken pursuant hereto and for the payment of the amounts awarded as damages, the amounts assessed as benefits, when collected, to be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia.

SEC. 5. That the plan of the permanent system of highways for the District of Columbia shall be, and the same is hereby, amended so that Aspen Street, between Georgia Avenue and Sixteenth Street NW., as laid down on said plan, shall be shifted southerly so that the north line of said Aspen Street shall be coincident with the south line of said street as laid down on said plan prior to the passage of this act; that the United States, in its own name, through its Attorney General, shall institute condemnation proceedings in accordance with the procedure laid down in Chapter XV of the Code of Law for the District of Columbia for the purpose of acquiring a strip of land 90 feet wide immediately south of and contiguous to the present south line of the Walter Reed General Hospital Reservation, between Georgia Avenue and Sixteenth Street NW.: *Provided,* That upon the conclusion of said proceedings title to the southern 45 feet of said strip of land shall become vested in the District of Columbia for the purposes of a street, the same to constitute the northern one-half of the new Aspen Street between Georgia Avenue and Sixteenth Street NW., and that title to the northern 45 feet of said strip of land shall be vested in the United States as part of the reservation for the Walter Reed General Hospital: *And provided further,* That there is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to pay for all damages and costs in connection with the proceedings authorized under this section.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN OKLAHOMA

The bill (H. R. 9305) to amend section 101 of the Judicial Code, as amended, was considered as in Committee of the Whole.

Mr. HARRELD. Mr. President, the purport of the bill is to change the plan of holding court in certain districts in the State of Oklahoma. I have the permission of the Judiciary Committee to have the bill amended in this particular. On page 2, line 4, in the amendment proposed by the committee, I move to strike out the word "September" and insert the word "November." That is a Senate committee amendment, anyway, and I am asking permission, really, to perfect the language by substituting the word "November" for the word "September," so that the amendment as amended will read: "At Miami on the first Monday in November."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KING. Mr. President, my recollection is that when the bill was being considered by the Judiciary Committee it was understood that no additional districts were being created, no additional expense incurred, and that the Government was not called upon to furnish any additional buildings.

Mr. HARRELD. The Government is asked to furnish nothing at all. The bill provides a different time for holding court and establishes new court towns, establishing one or two additional towns, and provides for the terms of court, but in each case it provides that the quarters shall be furnished by the town in which court is to be held.

Mr. KING. Does the Senator have any assurance that quarters will be furnished?

Mr. HARRELD. Yes; I have, because in this particular case in regard to Miami I already have the action of the county court permitting the court to be held in the county courthouse.

Mr. KING. This is not an entering wedge to secure an appropriation from the Government in a little while for a public building?

Mr. HARRELD. Not any more so than any of the similar bills might be.

Mr. KING. I think all such bills are subject to that objection.

Mr. HARRELD. On the other hand, I believe that as we have more court business we ought to have more court towns and bring the courts nearer to the towns where the business arises.

The VICE PRESIDENT. The next amendment will be stated.

The next amendment of the Committee on the Judiciary was, on page 2, line 7, after the word "Pawhuska," to insert the word "Miami," so as to make the bill read:

Be it enacted, etc., That paragraph 1 of section 101 of the Judicial Code as amended be, and it is hereby, amended to read as follows:

"SEC. 101. The State of Oklahoma is divided into three judicial districts, to be known as the northern, the eastern, and the western districts of Oklahoma. The territory embraced on January 1, 1925, in the counties of Craig, Creek, Delaware, Mayes, Nowata, Okfuskee, Osage, Ottawa, Pawnee, Rogers, Tulsa, and Washington, as they existed on said date, shall constitute the northern district of Oklahoma. Terms of the United States District Court for the Northern District of Oklahoma shall be held at Tulsa on the first Monday in January, at Vinita on the first Monday in March, at Pawhuska on the first Monday in May, at Miami on the first Monday in November, and at Bartlesville on the first Monday in June in each year: *Provided,* That suitable rooms and accommodations for holding court at Pawhuska, Miami, and Bartlesville are furnished free of expense to the United States.

"The eastern district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Adair, Atoka, Bryan, Cherokee, Choctaw, Coal, Carter, Garvin, Grady, Haskell, Hughes, Johnston, Jefferson, Latimer, Le Flore, Love, McClain, Muskogee, McIntosh, McCurtain, Murray, Marshall, Okmulgee, Pittsburg, Pushmataha, Pontotoc, Seminole, Stephens, Sequoyah, and Wagoner. Terms of the district court for the eastern district shall be held at Muskogee on the first Monday in January, at Ada on the first Monday in March, at Okmulgee on the first Monday in April, at Hugo on the second Monday in May, at South McAlester on the first Monday in June, at Ardmore on the first Monday in October, at Chickasha on the first Monday in November, at Poteau on the first Monday in December in each year, and annually at Pauls Valley at such times as may be fixed by the judge of the eastern district: *Provided,* That suitable rooms and accommodations for holding said court at Hugo, Poteau, Ada, Okmulgee, and Pauls Valley are furnished free of expense to the United States.

"The western district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Noble, Oklahoma, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. The terms of the district court for the western district shall be held at Oklahoma City on the first Monday in January, at Enid on the first Monday of March, at Guthrie on the first Monday of May, at Mangum on the first Monday of September, at Lawton on the first Monday of October, and at Woodward on the first Monday of November: *Provided,* That suitable rooms and accommodations for holding court at Mangum are furnished free of expense to the United States: *And provided further,* That the district judge of said district, or in his absence a district judge or a circuit judge assigned to hold court in said district, may postpone or adjourn to a day certain any of said terms by order made in chambers at any other place designated as aforesaid for holding court in said district.

"The clerk of the district court for the northern district shall keep his office at Tulsa; the clerk of the district court for the eastern district shall keep his office at Muskogee and shall maintain an office in charge of a deputy at Ardmore; the clerk for the western district shall keep his office at Guthrie and shall maintain an office in charge of himself or his deputy at Oklahoma City."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NORA B. SHERRIER JOHNSON

The bill (H. R. 2761) for the relief of Nora B. Sherrier Johnson was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That upon the payment therefor at the rate of $1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue a patent, as hereinafter limited, to Nora B. Sherrier Johnson, for the following-described lands: Lots 2, 3, and 4, section 24, township 4 north, range 6 east, Boise meridian, Idaho, containing 78.03 acres, withdrawn in connection with the Boise irrigation project, Idaho: *Provided,* That there be reserved to the United States all oil, coal, or other minerals in the land and the right to prospect for, mine, and remove the same: *Provided further,* That the mineral deposits so reserved shall not be subject to prospect-

ing, location, or patent unless and until restored to disposition under the mining laws by express order of the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY M. PRIDE

The bill (H. R. 2797) for the relief of Mary M. Pride was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the title of Mary M. Pride in and to fractional section 13, township 4 south, range 13 west, Huntsville meridian east of the Chickasaw boundary line, containing 13.08 acres, Colbert County, Ala., be, and the same is hereby, quieted and confirmed, and patent therefor should issue to the said Mary M. Pride upon the payment of $1.25 per acre and the furnishing of a satisfactory abstract of title or other evidence showing that the land is free from adverse claims.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M'MINNVILLE (OREG.) LANDS

The bill (H. R. 8534) to amend an act entitled "An act to authorize the purchase by the city of McMinnville, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co., and revested in the United States by the act approved June 9, 1916," approved February 25, 1919 (40 Stat. p. 1153), was announced as next in order.

Mr. SMOOT. Mr. President, I wish to direct the attention of the Senator from Oregon [Mr. McNARY] to the report of the Secretary of the Interior, in which he says that "attention is called to the fact that the title of the bill does not agree with the amendment proposed in the bill itself, and the title should therefore be changed." Does the Senator intend to make the change, or will he let it go as it is?

Mr. McNARY. Mr. President, I am not at all conversant with the proposed legislation. It is a House bill and was referred to the committee of which my colleague, the junior Senator from Oregon [Mr. STANFIELD], is chairman, and was reported by him.

Mr. SMOOT. The bill may have previously passed the Senate, and in reporting it the committee may have used the former report. In just a moment I shall examine the report and see if that is the case.

Mr. McNARY. Will the Senator from Utah permit the bill to be temporarily passed over?

Mr. SMOOT. It may be that the title has already been changed. I now see that the report was submitted on February 6, and we may return to the bill again.

Mr. McNARY. Very well.

Mr. SMOOT. There is no objection to the passage of the bill if the title is correct. I have no objection to it.

Mr. McNARY. I can see no objection to the bill.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Being objected to, the bill will be temporarily passed over.

LANDS IN COOS COUNTY, OREG.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8817) reserving certain described lands in Coos County, Oreg., as public parks and camps, which was read, as follows:

Be it enacted, etc., That the northeast quarter northwest quarter, lot 1, section 7, township 28 south, range 9 west, the southwest quarter northeast quarter, north half southeast quarter, section 5, township 27 south, range 11 west, the west half southwest quarter, section 5, the south half northwest quarter, section 11, township 28 south, range 11 west, the south half southeast quarter and east half southwest quarter, section 35, township 27 south, range 12 west, Willamette meridian, Coos County, Oreg., formerly a part of the Coos Bay military wagon road grant, subject to valid existing rights and as to lands withdrawn for water-power purposes to all the provisions of the Federal water power act of June 10, 1920 (41 Stat. L. p. 1063), and to the cutting and removable of the merchantable timber on the northeast quarter southwest quarter, section 35, township 27 south, range 12 west, pursuant to a sale thereof heretofore made, be, and the same hereby are, reserved and set apart as public parks and camp sites for recreational purposes and to preserve the rare groves of myrtle trees thereon, such lands to be placed under the care, control, and management of the county court of Coos County, Oreg., in accordance with such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That all the expense of such care, control, and management shall be paid by the said county court.

SEC. 2. The said county court may make necessary rules and regulations governing the use of such lands and may charge such reasonable fees as may be necessary to provide funds for the upkeep, care, and protection of such reserved lands and the myrtle trees thereon, the said regulations and fees chargeable to be approved by the Secretary of the Interior before becoming effective.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE CRIMINAL CODE

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3115) to amend section 220 of the criminal code, which was read, as follows:

Be it enacted, etc., That section 220 of the Criminal Code be amended to read as follows:

"SEC. 220. Whoever shall forge, or counterfeit, or knowingly utter or use any forged or counterfeited postage stamp or revenue stamp of any foreign government shall be fined not more than $500, or imprisoned not more than five years, or both: *Provided, however*, That nothing in this act shall be held to repeal or modify an act entitled 'An act to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates,' approved March 3, 1923."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSOLIDATION OF CARRIERS BY RAILROAD

The bill (S. 3840) to provide for the consolidation of carriers by railroad and the unification of railway properties within the United States was announced as next in order.

Mr. KING and Mr. CUMMINS asked that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

DISTRIBUTION OF SUPREME COURT REPORTS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3841) to provide for the distribution of the Supreme Court Reports and amending section 227 of the Judicial Code, which was read, as follows:

Be it enacted, etc., That section 227 of the Judicial Code is hereby amended to read as follows:

"SEC. 227. The reports provided for in section 225 shall be printed, bound, and issued within eight months after said decisions have been rendered by the Supreme Court, and within said period the Attorney General shall distribute copies of said Supreme Court Reports as follows: To the President, the Justices of the Supreme Court, the judges of the Court of Customs Appeals, the judges of the circuit courts of appeal, the judges of the district courts, the judges of the Court of Claims, and judges of the court of appeals, and of the Supreme Court of the District of Columbia, the judges of the several Territorial courts, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster General, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Solicitor General, the Assistant to the Attorney General, each Assistant Attorney General, each United States district attorney, each Assistant Secretary of each of the executive departments, the Assistant Postmaster General, the Secretary of the Senate for use of the Senate, the Clerk of the House of Representatives for the use of the House of Representatives, the governors of the Territories, the Solicitor for the Department of State, the Treasurer of the United States, the Solicitor of the Treasury, the Comptroller General of the United States, the Assistant Comptroller General, the Comptroller of the Currency, the Director of the Budget, the Assistant Director of the Budget, the Commissioner of Internal Revenue, the Director of the Mint, the Solicitor of the General Accounting Office, each of the chiefs of division in the General Accounting Office, the counsel of the Bureau of the Budget, the Judge Advocate General of the Army; the Chief of Finance, War Department; the Judge Advocate General, Navy Department; the Paymaster General, Navy Department; the Commissioner of Indian Affairs, the Commissioner of the General Land Office, the Commissioner of Pensions, the Commissioner of Patents, the Commissioner of Education, the Commissioner of Navigation, the Commissioner General of Immigration, the Director of Geological Survey, the Director of the Census, the Forester and Chief of Forest Service, Department of Agriculture; the purchasing agent, Post Office Department; the Interstate Commerce Commission, the Federal Trade Commission, the clerk of the Supreme Court of the United States, the marshal of the Supreme Court of the United States, the United States attorney for the District of Columbia, the chairman, United States Shipping Board; the Naval Academy at Annapolis, Md.; the Military Academy at West Point, N. Y.; and the heads of such other executive offices as may be provided by law of equal grade with any of said offices, each 1 copy; to the law library of the Supreme Court, 25 copies; to the law library to the Department of the Interior, 2 copies; to the law library of the Department of Justice, 5 copies; to the law library of the Judge Advocate General of the Army, 2 copies; to the Secretary of the Senate for the use of committees of the Senate, 30 copies; to the Clerk of the House of Representatives for the use

of the committees of the House, 35 copies; to the marshal of the Supreme Court as custodian of the public property used by the court for the use of the justices thereof in the conference room, robing room, and courtroom, 3 copies; to the Secretary of War for the use of the proper courts and officers of the Philippine Islands, 7 copies; to the Secretary of War for military headquarters which now exercise or may hereafter exercise general court-martial jurisdiction, such number, not to exceed in time of peace 25 copies, as the Secretary of War may from time to time specify; and to each of the places where district courts of the United States are now holden, including Hawaii and Porto Rico, 1 copy.

"The Attorney General shall distribute one complete set of said reports and one set of the digests thereof to such executive officers as are entitled to receive said reports under this section and have not already received them; to each United States judge and to each United States district attorney who has not received a set; to each of the places where district courts are now held to which reports have not been distributed, and to each of the places at which a district court may hereafter be held, the edition of said reports and digests to be selected by the judge or officer receiving them: *Provided*, That this act shall not be construed so as to require that reports and digests printed prior to the date of approval of this act shall be furnished to the Secretary of War for military headquarters.

"No distribution of reports and digests under this section shall be made to any place where the court is held in a building not owned by the United States unless there be at such place a United States officer to whose responsible custody they can be committed.

"The clerks of courts (except the Supreme Court) shall in all cases keep the said reports and digests for the use of the courts and of the officers thereof. Said reports and digests shall remain the property of the United States and shall be preserved by the officers above named and by them turned over to their successors in office.

"The Public Printer shall turn over to the Attorney General, upon request, such reports as he may require in order to make the distribution authorized to be made by the Attorney General hereunder."

Mr. CUMMINS. Mr. President, I desire to offer certain amendments to the bill. The bill proposes to authorize the furnishing of the War Department with 18 additional copies of the Supreme Court Reports. Since the bill was reported I have had communications from several of the departments of the Government with regard to additional Supreme Court Reports. The first is from the Interstate Commerce, and I offer an amendment, on page 3, in lines 10 and 11, to strike out the words "the Interstate Commerce," and in line 18, after the semicolon, to insert the words "to the Interstate Commerce Commission, 16 copies." It is perfectly apparent that the Interstate Commerce Commission needs more than the one copy that is now provided in the law for its use.

Mr. KING. What other changes are proposed to be made by the bill in the existing law?

Mr. CUMMINS. The bill as reported provided for 18 additional copies of the Supreme Court Reports for the War Department. I can read the committee report if it shall be thought necessary to do so, but I will state that there is no doubt that additional copies of the reports are needed. So I offer the amendment which I have presented. Of course, I do so without the authority of the committee and on my own responsibility.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Iowa is agreed to.

Mr. CUMMINS. Mr. President, I offer a further amendment to the bill which was suggested by the Secretary of State after the bill was reported. This amendment is to furnish one copy of the reports to the United States Court for China, which is not included in the present law. On page 2, line 4, after the word "courts," I move to insert the words "the United States Court for China." That would authorize the Attorney General to furnish one copy of the Supreme Court Reports to the United States Court for China.

The PRESIDING OFFICER. Without objection, the amendment proposed by the Senator from Iowa is agreed to.

Mr. CUMMINS. I shall offer a still further amendment, but before doing so I will read a letter, which I have received from the Chief Justice of the Supreme Court of the United States. His letter is addressed to me and states:

In Senate bill No. 3841, a bill to provide for the distribution of the Supreme Court Reports, etc., there is on page 4, line 4, a provision to furnish the marshal of the court with three copies of the United States Supreme Court Reports for use in the court room, conference room, and robing room.

That is the present law.

These volumes are in constant use by the members of the court during sessions of the court. Three copies are hardly enough. It would be a great convenience to the court if the number were increased from three to six copies.

I offer an amendment on page 4, line 4, to strike out the word "three" and to insert in lieu thereof the word "six."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. CUMMINS. I desire to offer one further amendment. Since the distribution of the Supreme Court Reports was provided for in the law as it now is we have established the office of legislative counsel for both the House and the Senate. It is known generally as the legislative drafting service. Its members have constant need for copies of the reports of the Supreme Court of the United States. I have a letter from Mr. Frederic P. Lee, legislative counsel of the Senate, and Mr. Beaman, legislative counsel of the House. Both describe the embarrassment which they frequently experience because of not having copies of the Supreme Court Reports. So I propose on page 2, line 15, after the comma, to insert the words "the office of the legislative counsel, Senate branch, the office of the legislative counsel, House branch," giving each of those branches of the service one copy.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. CUMMINS. Those are all of the amendments which I desire to offer.

Mr. SMOOT. Mr. President, nearly every year some of the departments of the Government come before the Appropriations Committee and ask that additional appropriations be made for buying law books, Supreme Court Reports, and so forth, and such appropriations have invariably been granted. I suppose that under the provisions of the law as it now stands the departments are furnished with a certain number of these reports, and the amendments of the Senator from Iowa are going to increase the number.

Mr. CUMMINS. Certainly. The law provides, just guessing roughly, I should say that 100 copies of the Supreme Court Reports shall be distributed in this manner.

Mr. SMOOT. I think provision is made for the distribution of more than that number.

Mr. CUMMINS. Those reports are in the first instance furnished to the Attorney General, and the Attorney General distributes them?

Mr. SMOOT. Yes.

Mr. CUMMINS. These are distributed free, of course, and the expense of doing so is charged to the account of the Attorney General.

Mr. SMOOT. Mr. President, for a number of years—I do not remember how many—in considering appropriations for the Department of Justice, a representative of the department has appeared before the Appropriations Committee of the Senate asking for an additional amount over and above the amount allowed by the House, and we have always given it. I wish to ask the Senator from Iowa, if we pass this bill, will not that same procedure be followed in the future?

Mr. CUMMINS. As a part of the permanent law the Attorney General is furnished with a certain number of copies for distribution to certain departments of the Government. He does not furnish any more than the law provides.

I think the Senator has in mind the appropriations that are made for other law books. There are a great many law books needed in the various departments, especially of a judicial character.

Mr. SMOOT. About $100,000 worth a year.

Mr. CUMMINS. I should think so, and probably it would be better for them if they had more information on legal subjects. This bill, however, does not relate to that subject at all.

Mr. SMOOT. I simply wanted the Senator's opinion, because if we provide for the distribution of the Supreme Court Reports by law, in the future, whenever a request is made for an additional appropriation for that purpose, I shall say, "You had better have the law amended rather than come to the Committee on Appropriations every year."

Mr. CUMMINS. I think the Senator would be justified in doing so because these are simply the reports of the Supreme Court of the United States and they are all that are authorized by law to be distributed.

Mr. KING. Mr. President, I should like to say to the Senator that, in my opinion, we made a great mistake a few years ago in compelling the printing of Supreme Court Reports by the Government. When they were under the control of the court reporter and were printed by private establishments the Government of the United States got them at a less price than it pays now for them and the bar had to pay less than they have to pay now. We also secured them more

promptly, and, as a rule, the arrangement was more satisfactory than the present system. I hope that we will go back to the old system because the Government does not print the reports as expeditiously or sell them as cheaply as under the old system.

Mr. SMOOT. Mr. President, I wish to call my colleague's attention to the fact that the proportionate share of the overhead expense of the Government is charged to the printing of those reports. It reduces the balance of the overhead, and, while it may add a trifle to the cost, so far as the result is concerned, the Government of the United States would have the same expense, outside of the cost of the paper and the setting up of the type, even if the reports were printed outside. Therefore, whatever we make toward paying the overhead expense of the Government because of the change in the method of printing puts us virtually that much ahead.

Mr. KING. I do not understand the logic of my colleague, Mr. President. The point I am making is this——

Mr. SMOOT. I can explain it in this way——

The PRESIDING OFFICER. The Chair desires to call the attention of Senators to the fact that we are proceeding under Rule VIII and under that rule no Senator can speak longer than five minutes or more than once.

Mr. KING. I think I merely asked a question.

Mr. SMOOT. I have not spoken for five minutes.

Mr. President, my colleague will know that any institution producing a hundred books, say, will have the same identical overhead charges as if it produced 200 books. By producing 200 books it could sell them cheaper than if it produced a hundred books, and that of course is in a very small way what happens in the Government Printing Office. We do our own work, and in the end it is very much cheaper for the Government and takes less money from the taxpayers to have them printed there than to have them printed outside.

Mr. KING. Just a word. Mr. President, I will say to my colleague that when the Supreme Court Reports were printed under contract with large private printing establishments, which print thousands and hundreds of thousands of volumes a year, they were printed at less cost than that for which the Government prints them; they were sold to the Government for less than they cost the Government now, and they were sold to the profession at a less cost. I can remember when we obtained the Supreme Court Reports for $1.85 a volume. We are now paying nearly $3, and under the method adopted by the Government I have no doubt that the price will go to $4.

Mr. SMOOT. Mr. President, the cost of everything that is printed is double what it was a few years ago before we adopted the present plan.

Mr. CUMMINS. Mr. President, I only propose to take up time enough to say to the Senator from Utah that a bill is now pending before the Judiciary Committee to revise the law with regard to the printing and publication and sale of the Supreme Court Reports, but we have not been able to agree upon the bill as yet.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DESTRUCTION OF PAID UNITED STATES CHECKS

The bill (H. R. 8034) to authorize the destruction of paid United States checks was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 2, line 8, after the word "preserved," to insert "*Provided further*, That such checks as may be of historic or sentimental interest may also be preserved," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury and the Comptroller General of the United States, respectively, are hereby authorized and directed to cause to be destroyed all United States Government checks and warrants issued by the Secretary of the Treasury, the Postmaster General, the Treasurer and assistant treasurers of the United States, or by disbursing officers and agents of the United States, eight full fiscal years prior to the date of destruction, which checks and warrants have been paid and form the paid-check files of the Treasury Department and of the General Accounting Office wherever stored under their respective control, after all unpaid checks and warrants have been listed as outstanding as now required by law: *Provided*, That such checks and warrants as, in their discretion, respectively, may be deemed necessary in the public interests or the legality of the negotiation of which has been questioned in any material respect by any party in interest may be preserved: *Provided further*, That such checks as may be of historic or sentimental interest may also be preserved.

SEC. 2. All claims on account of any check, checks, warrant, or warrants appearing to have been paid shall be barred if not presented to the General Accounting Office within six years after the date of issuance of the check, checks, warrant, or warrants involved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PUBLIC BUILDINGS AT DECATUR, ALA.

The bill (H. R. 3797) to increase the limit of cost of public building at Decatur, Ala., was announced as next in order.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Objection is made.

Mr. FERNALD. Mr. President, no objection has been made.

Mr. HEFLIN. I hope there will be no objection.

Mr. SMOOT. I want to ask why this bill is here.

Mr. FERNALD. I will explain the matter in less than two minutes.

Mr. SMOOT. I want to say that if we are going to pass such bills as this, I want two or three passed with regard to buildings in my State, where the matter has been pending ever since 1913, with nothing done.

Mr. HEFLIN. I hope the Senator from Utah will listen to my good friend from Maine.

Mr. SMOOT. I will. That is what I rose for—to ask the reason why this bill is here.

Mr. FERNALD. Mr. President, the facts about this bill are these: It comes from my committee. We considered it very carefully.

The Government constructed a building in the city of Decatur, Ala. The plans called for a building two stories high. The war broke out. Material advanced, and the increased cost of labor made it impossible to erect a two-story building, so the plans were changed so as to provide for a one-story building. After they got well under way the public-spirited citizens of Decatur decided that they would put up the money to finish the building and make it a two-story building, such as the Government had planned, because it was necessary; and both stories are now occupied. They put on this second story at a cost of $5,600. We took up the matter with the Treasury Department, and they had no objection to the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 3821) to place under the civil service act the personnel of the Treasury Department authorized by section 38 of the national prohibition act was announced as next in order.

Mr. BRUCE. Mr. President, I desire to offer some observations on that bill when it comes up for consideration by the Senate. I therefore ask that it be passed over.

Mr. HOWELL. I will ask the Senator from Maryland if he will not consent to the consideration of this bill now.

Mr. BRUCE. Indeed I will not. I wish to make some observations on the bill.

The PRESIDING OFFICER. Objection has been made, and the bill will be passed over.

MINNESOTA NATIONAL FOREST

Mr. SHIPSTEAD. I ask unanimous consent for the immediate consideration of Order of Business 670, House bill 292, to authorize the Secretary of Agriculture to acquire and maintain dams in the Minnesota National Forest needed for the proper administration of the Government land and timber.

Mr. SMOOT. We are on the calendar now under a unanimous-consent agreement.

The PRESIDING OFFICER. Unanimous consent is requested for the immediate consideration of Order of Business 670. The Chair will state that under the unanimous-consent agreement we are proceeding on the calendar of unobjected bills, taking them up where we left off before.

ADDITIONAL WING FOR DISTRICT JAIL

The bill (H. R. 10204) providing an additional wing to the District jail was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 1, after the enacting clause, to strike out "that the District Commissioners be authorized and instructed" and to insert "that the Commissioners of the District of Columbia be authorized"; in line

6, after the word "accommodate," to insert "not less than"; and in line 7, after the word "floor," to insert "at a cost not exceeding $300,000," so as to make the bill read:

Be it enacted, etc., That the Commissioners of the District of Columbia be authorized to enter into contracts for the erection of a new dormitory wing of two stories at the District jail to accommodate not less than 100 beds to each floor at a cost not exceeding $300,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COOPERATIVE MARKETING

The bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes, was announced as next in order.

Mr. BAYARD. Let that go over.

Mr. McNARY. Mr. President, the bill now called to the attention of the Senate proposes important legislation granting relief to farmers. It is reported favorably.

Mr. BAYARD. Does the Senator intend to take up this bill now?

Mr. McNARY. If the Senator will just bide a moment——

Mr. BAYARD. I objected. That is the reason why I asked.

Mr. McNARY. I am just making a brief statement. The Senator from Delaware rather anticipated my remarks.

I was going to say that I appreciate that we can not properly consider this measure at this time; but within a week or such a matter I propose to ask that it be made the unfinished business. To-day, of course, I will ask that it go over, on account of the small time remaining between now and the end of the hour.

The PRESIDING OFFICER. The bill will be passed over.

CITY OF LAKELAND, FLA.

The bill (S. 3691) to convey to the city of Lakeland, Fla., certain Government property was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 1, after the word "Florida," to insert "*Provided, however*, That the city of Lakeland shall not have the right to sell or convey the described premises, nor to devote the same to any other than street purposes, and shall not erect thereon any structures or improvements except such as are incidental to such purposes; and in the event that said premises shall not be used for street purposes and cared for and maintained as such, the right, title, and interest of the United States hereby authorized to be conveyed shall revert to the United States," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, empowered and directed to convey by the usual quitclaim deed to the city of Lakeland, Fla., for street purposes and no other, that portion of the present post-office site in said city 5 feet in width and which extends alongside Lemon Street a distance of 122 feet for the purpose of widening said Lemon Street as provided for in the city ordinances of the said city of Lakeland, Fla.: *Provided, however*, That the city of Lakeland shall not have the right to sell or convey the described premises, nor to devote the same to any other than street purposes, and shall not erect thereon any structures or improvements except such as are incidental to such purposes; and in the event that said premises shall not be used for street purposes and cared for and maintained as such, the right, title, and interest of the United States hereby authorized to be conveyed shall revert to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN CENTERVILLE, IOWA

The bill (H. R. 3971) to correct and perfect title to certain lands and portions of lots in Centerville, Iowa, in the United States of America, and authorizing the conveyance of title in certain other lands, and portions of lots adjacent to the United States post-office site in Centerville, Iowa, to the record owners thereof, by the Secretary of the Treasury, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 5353) to amend the act of Congress approved March 4, 1913 (37 Stat. L. p. 876), was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

MONUMENT TO GEN. SIMON BOLIVAR

The bill (S. 2643) to provide for the cooperation of the United States in the erection in the city of Panama of a monument to Gen. Simon Bolivar was announced as next in order.

Mr. KING. Mr. President, the Senator from Ohio [Mr. FESS] will recall that when this bill came up a few days ago one of the Senators objected to its consideration.

Mr. FESS. That was the chairman of the Foreign Relations Committee, the Senator from Idaho [Mr. BORAH]. He informs me that he has no objection.

Mr. KING. The Senator from Idaho, then, is satisfied with it?

Mr. FESS. Yes; he has notified me that there is no objection to it.

Mr. KING. And the Foreign Relations Committee is satisfied?

Mr. FESS. I assume so. I did not talk with any other member of the committee.

Mr. KING. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, to enable the Secretary of State to pay such sum to the Government of Panama as the contribution of the United States toward the erection in the city of Panama of a monument to Gen. Simon Bolivar pursuant to a resolution adopted at the fifth international conference of American States, held at Santiago, Chile, in 1923.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF PACKERS AND STOCKYARDS ACT, 1921

The bill (H. R. 7818) to amend section 304 of an act entitled "An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921, was announced as next in order.

Mr. KING. Let that go over.

Mr. NORBECK. Mr. President, may I say a word?

Mr. KING. Yes; I will withhold my objection.

Mr. NORBECK. The purpose of this bill is to give the Department of Agriculture a trifle more power. They find that under the packers and stockyards act of 1921 they are permitted to designate places where stock may be weighed, but the act has been so construed that they can not designate the agency in St. Paul, which everybody uses, because it is a State agency—the State Warehouse Commission. The whole purpose of this bill is to give them so much additional power that they may designate that State agency at that stockyard to weigh the stock. That is all that is in the bill. It has passed the House and is unanimously recommended by the Senate committee.

Mr. KING. I withdraw the objection.

Mr. BRUCE. Mr. President, I should like to ask a question about the bill. I do not understand why this bill did not go to the Interstate Commerce Committee. It relates to interstate commerce in certain commodities.

Mr. NORBECK. The Agricultural Committee has handled all along the legislation to which this bill refers.

Mr. BRUCE. I do not see why it should handle it. I do not see any difference between transporting chickens and transporting wheat or corn.

Mr. McNARY. Mr. President, the original act providing regulation for the stockyards and packers was referred to the Committee on Agriculture and Forestry. The annual agricultural appropriation bill carries the appropriation for the maintenance and operation of this governmental department. Consequently, all measures that in any way affect the packers and stockyards act go to that committee, having original jurisdiction.

Mr. BRUCE. What is the nature of this bill? I have never had occasion to examine it.

Mr. NORBECK. At the present time the packers and stockyards act gives the Department of Agriculture certain regulatory powers, among which is that of designating the places and the methods by which livestock are weighed. That is for the protection of the public, but it is held that they can not designate a State agency. It happens in St. Paul that the State maintains these weighing equipments, and they can not do official weighing under the present law, but they could if we should pass this bill, and it should meet with the approval of the Department of Agriculture, which it will, but it is optional with them even after we pass the bill.

Mr. BRUCE. Does it just relate to the weighing of livestock and livestock products; dairy products?

Mr. NORBECK. Yes; the places at which they may be weighed, and by whom.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. BRUCE. I make none.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3148) to regulate the manufacture, renovation, and sale of mattresses in the District of Columbia was announced as next in order.

Mr. KING. Mr. President, there are one or two Senators who are not on the floor now who I understand have some questions about this bill. I ask that it be temporarily laid aside until they return.

The PRESIDING OFFICER. The bill will be temporarily passed over.

UNIFORMS FOR DISTRICT POLICEMEN AND FIREMEN

The bill (H. R. 3807) granting relief to the Metropolitan police and to the officers and members of the fire department of the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 1, line 3, after the word "That," to insert "for furnishing"; in line 5, after the word "duty," to strike out "shall be furnished without charge to," and to insert "there is hereby authorized to be appropriated a sum not exceeding $75 per annum for each member of the"; in line 8, after the words "police and," to strike out "to"; and in line 9, after the words "District of Columbia," to insert "to be expended subject to rules and regulations to be prescribed by the Commissioners of the District of Columbia," so as to make the bill read:

Be it enacted, etc., That for furnishing uniforms and all other official equipment prescribed by department regulations as necessary and requisite in the performance of duty there is hereby authorized to be appropriated a sum not exceeding $75 per annum for each member of the Metropolitan police and officers and members of the fire department of the District of Columbia, to be expended subject to rules and regulations to be prescribed by the Commissioners of the District of Columbia.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COMMERCIAL UNION ASSURANCE CO. (LTD.)

The bill (S. 107) for the relief of the Commercial Assurance Co. (Ltd.) was announced as next in order.

Mr. KING. Mr. President, will the Senator from Delaware explain the purposes of this bill, and the cost to the Government?

Mr. BAYARD. Mr. President, this bill is to provide for the reimbursement of an insurance company which insured the Government against the loss of certain Federal securities which were sent through the mails. The securities were put into a registered-mail package, and the sack was robbed out in Kankakee, Ill., in 1922, within a few hours after the shipment. Part of the securities were recovered. The thieves were overtaken and are now spending their time in jail, but the remaining securities set up in the bill have never been presented for payment. They have matured. The Treasury Department was duly notified at the time of the loss, and a stop order was put through all the Federal banks to prevent anybody making application to take down these securities. The Treasury Department approves the bill as to form, and the usual bond is to be given to indemnify the Government in case the securities come up later.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 2, line 16, after "1922," to strike out "maturing" and to insert "matured," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the Commercial Union Assurance Co. (Ltd.), United States Treasury certificates of indebtedness numbered 5496, in the denomination of $5,000, and numbered 22718, 22720, 651, 669, and 671, in the denomination of $1,000 each, series TS-1922, dated September 15, 1921, matured September 15, 1922, with interest from September 15, 1921, to September 15, 1922, at the rate of 5¼ per cent per annum; United States Treasury certificate of indebtedness numbered 3231, in the denomination of $5,000, series TS2-1922, dated November 1, 1921, and matured September 15, 1922, with interest from November 1, 1921, to September 15, 1922, at the rate of 4½ per cent per annum, without presentation of the said certificates of indebtedness or the coupons representing interest thereon from the respective dates of issue to the date of maturity thereof, the certificates of indebtedness having been lost, stolen, or destroyed; and that the Secretary of the Treasury be, and he is hereby, further authorized and directed to redeem, after March 15, 1926, in favor of the Commercial Union Assurance Co. (Ltd.), United States Treasury notes numbered 12645, in the denomination of $10,000, and numbered 49177, 49178, 49179, 49180, and 49181, in the denomination of $1,000 each, series A-1925, dated February 1, 1922, matured March 15, 1925, with interest from February 1, 1922, to March 15, 1925, at the rate of 4¾ per cent per annum, without presentation of the said Treasury notes or the coupons representing interest thereon from February 1, 1922, to March 15, 1925, the notes having been lost, stolen, or destroyed: *Provided*, That the certificates of indebtedness and Treasury notes shall not have been previously presented for payment, and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *And provided further*, That the said Commercial Union Assurance Co. (Ltd.) shall first file in the Treasury Department of the United States a bond or bonds in the penal sum of double the amount of the principal of the said certificates of indebtedness and the interest payable thereon, and of double the amount of the principal of the said Treasury notes and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness and Treasury notes hereinbefore described or the coupons belonging thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the Commercial Union Assurance Co. (Ltd.)."

FIRST NATIONAL BANK OF NEWTON, MASS.

The bill (S. 2938) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. HOWELL. Let that go over.

Mr. BAYARD. Mr. President, will the Senator withhold his objection for a moment in order that I may explain the bill?

Mr. HOWELL. Yes.

Mr. BAYARD. In 1867 there was in Boston a man named Hartwell who was the cashier of the subtreasury of the United States. He robbed the subtreasury of the United States of certain funds in his control at that time. He had a confederate whom he went to when he found he had to pass his accounts with the iden of getting sufficient money back into the subtreasury in Boston to show a proper balance of his books; and through this confederate several banks in and about Boston were robbed with the connivance of their cashiers, the Newton National Bank being one of those banks, so that this money was received by an officer of the Federal Government and put into the Federal Government's vaults, knowing it to be stolen funds.

Thereafter the bank was broken; the Newton National Bank was completely bankrupt; some of the depositors became bankrupt; some of the stockholders of the bank became bankrupt when the proper assessments were made upon them. This claim is to reimburse the Newton National Bank, which is

still a going concern, for the interest on these moneys. It is true that the Government did pay back the principal, but only after suit was brought in the Court of Claims, and the principal of the moneys was finally paid back in 1882.

This is not a case where interest is sought on moneys which the Government had properly obtained. The moneys obtained by the Government in this case were obtained through its own agent, Hartwell, the cashier of the subtreasury there in Boston, as a pure thief, and the Government was accepting stolen funds.

In other words, the Government received stolen moneys, knowing them to be stolen, and kept them, and only gave them up when compelled to do so by legal process. For upward of 14 years the Government kept this property, knowing it was stolen property all the time, and only gave it up under judicial process. This bill is merely to pay the interest on the money held by the Government during that period. That is the purpose of the bill.

I will say one other thing: This bill has four times been favorably reported by the Committee on Claims in the Senate. It has twice passed the Senate in the sum now carried. It has been several times reported favorably in the House, and it has twice passed the House carrying this sum, but never during the same session of Congress has the necessary legislation been passed.

Mr. HOWELL. What was the amount stolen?

Mr. BAYARD. Three hundred and seventy-one thousand and some odd hundred dollars. I will say to the Senator that the interest is at 4½ per cent during the period in which the Government had possession of the money. An examination of the rates at that period discloses that that was the rate the Government was getting on its own money.

Mr. HOWELL. For how many years is the interest figured?

Mr. BAYARD. From 1867 to 1882, when the principal was paid back. The calculation is all made. I do not have it before me, but the calculation was most carefully made. I have been over the figures myself.

Mr. HOWELL. I suggest that it go over, and we can take it up again.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

CLAIMS ARISING FROM THE SINKING OF THE "NORMAN"

The bill (S. 2273) conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman* was announced as next in order.

Mr. KING. Let that go over.

Mr. McKELLAR. The Senator asked that this bill go over before. I hope the Senator will permit the matter to be determined.

Mr. KING. Of course, it is exceedingly unpleasant to me to object to a bill which has so many elements of appeal to one's sympathy.

Mr. McKELLAR. It is not a question of sympathy; it is a question of right. These people were drowned in a Government boat.

Mr. KING. That may be. The contention is that a tort was committed by some person. The bill proposes to establish a policy which has been reported adversely upon by the Attorney General and one which the Government has not yet adopted.

A joint committee has been appointed, to consist of three members of the Judiciary Committee and a similar subcommittee from the Committee on Claims, appointed by the Senator from Colorado [Mr. MEANS], to go into this entire subject. Mr. UNDERHILL, of the House, has reported a bill dealing with the question of torts against the Government, and the whole matter, because it involves a very great question, is being considered and will be considered. I think it would be improper for us to pass a bill now which would commit the Government to a policy which heretofore has been frowned upon by all our predecessors and which is to-day opposed by the Department of Justice. All I ask of the Senator is to let the matter go over until this joint committee, which will function as soon as possible, shall take the matter up and see if it can agree upon some appropriate legislation.

Mr. McKELLAR. Mr. President, I would like to make a statement in reference to this matter. This is the case where the officers of a Government steamer at Memphis invited members of an engineering convention to go down the river upon the steamer. The steamer sank and many lives were lost. It was a Government steamer, and the report was that the Government officials were entirely at fault, that the steamer was not seaworthy and was known not to be so by some at the time.

The Senator says it is against all precedent. I do not know of any precedent better established in this country than that citizens are entitled to a trial of their wrongs in the vicinity in which they were committed. Local self-government is one of the oldest principles of our Government. All this bill would do would be to confer jurisdiction upon the local court to hear and determine these cases. It would not affect any right. If I were asking that claims be allowed on behalf of these people, the Senator's objection would certainly have more merit. Then, I take it, it might be urged that we ought to furnish a tribunal. I thought this was the proper course, and I think it is proper, simply to give the right to these citizens to sue the Government in the locality in which the trouble occurred.

I want to say to the Senate that, so far as waiting on a committee is concerned, if we wait on this committee to establish some arrangement by which these matters can be looked after, justice will be denied these worthy claimants. If the committee now has it in control, the passage of this bill would form no precedent, but would simply secure the enactment of a measure that would do justice in this particular case.

I hope the Senator will withdraw his objection.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. McNARY. I am very much touched by the sympathetic remarks of the Senator from Tennessee; but I thought under the rule when an objection was made we would pass to the next number on the calendar.

Mr. McKELLAR. The Senator from Utah had withdrawn his objection to permit me to make a statement.

Mr. KING. I had not done just that. I stated that I felt constrained to object.

Mr. McNARY. I so understood the Senator.

Mr. KING. I stated that I regretted to do so.

Mr. McKELLAR. Is it in order at this time to move that the Senate proceed to the consideration of the bill?

The PRESIDING OFFICER. Under the unanimous-consent agreement, only unobjected bills were to be considered at this time. Under objection, the bill will be passed over.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10425) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DICKINSON of Iowa, Mr. SUMMERS of Washington, Mr. MURPHY, Mr. TAYLOR of Colorado, and Mr. COLLINS were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8264) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 54, 55, 56, and 57 to the said bill, and that the House had receded from its disagreement to the amendment of the Senate No. 64, and concurred therein with an amendment, in which it requested the concurrence of the Senate.

LEGISLATIVE APPROPRIATIONS

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill 10425, the legislative appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10425) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist on its amendments, accept the invitation of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. SMOOT, Mr. CURTIS, Mr. JONES of New Mexico, and Mr. HARRIS conferees on the part of the Senate.

KATE T. RILEY

The bill (S. 2674) for the relief of Kate T. Riley was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the word "appropriated," to insert the words "and in full settlement against the Government," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Kate T. Riley, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $481, which said sum represents the amount paid to the United States by the said Kate T. Riley to cover the loss of public funds stolen from the money-order division of the post office at Mobile, Ala., on January 12, 1924.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUILDINGS FOR REPRESENTATIVES ABROAD

The bill (H. R. 10200) for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America was announced as next in order.

Mr. KING. That is a rather important bill.

Mr. EDGE. I will be glad to say a word on the bill if necessary. I thought it was pretty well understood.

The PRESIDING OFFICER. Is there objection to its consideration?

Mr. BRATTON. I object.

Mr. EDGE. Will the Senator withhold his objection?

Mr. BRATTON. I withhold the objection.

Mr. EDGE. Mr. President, this bill, while a very important measure, is in the interest of economy. It provides permission to look into the necessity of public buildings abroad, so that our country may be placed in a position somewhat equal to that of other countries of the world in the matter of the housing of its foreign representatives.

I have said the bill was in the interest of economy, because it is clearly proven, as is stated in the report, that if we can concentrate and centralize our activities in some of the capitals in Europe we will save thousands and thousands of dollars.

This bill passed the House without a roll call and has the indorsement of the Secretary of State. At a House hearing it had the indorsement of Secretary Hoover, former Ambassador Davis, and Ambassador Herrick. I can not believe that anyone would really oppose the bill if he understood it.

Mr. WILLIS. Will not the Senator add also that the report of the Committee on Foreign Relations was unanimous?

Mr. EDGE. It is reported unanimously by a subcommittee of the Committee on Foreign Relations.

Mr. BRATTON. I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments, on page 1, line 6, to strike out the words "authorized by" and to insert in lieu thereof the words "made pursuant to"; on page 4, line 24, after the word "therefor," to strike out the words "within the scale of compensation usually paid for like services," and to insert the words "not exceeding in any case 5 per cent of the cost of construction or remodeling of the properties in respect to which said special services are rendered," so as to make the bill read:

Be it enacted, etc., That the Secretary of State is empowered, subject to the direction of the commission hereinafter established, to acquire by purchase or construction in the manner hereinafter provided, within the limits of appropriations made pursuant to this act, in foreign capitals and in other foreign cities, sites and buildings, and to alter, repair, and furnish such buildings for the use of the diplomatic and consular establishments of the United States, or for the purpose of consolidating, to the extent deemed advisable by the commission, within one or more buildings, the embassies, legations, consulates, and other agencies of the United States Government there maintained, which buildings shall be appropriately designated by the commission, and the space in which shall be allotted by the Secretary of State under the direction of the commission among the several agencies of the United States Government.

SEC. 2. (a) There is hereby established a joint commission, to be known as the Foreign Service Buildings Commission, and to be composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, the chairman and the ranking minority member of the Committee on Foreign Relations of the Senate, and the chairman and the ranking minority member of the Committee on Foreign Affairs of the House of Representatives. A member of the commission may continue to serve as a member thereof until his successor has qualified.

(b) It shall be the duty of the commission to consider, formulate, and approve plans and proposals for the acquisition and utilization of the sites and buildings authorized by section 1, and of sites and buildings heretofore acquired or authorized for the use of the diplomatic and consular establishments in foreign countries, including the initial furnishings of such buildings and the initial alteration and repair of purchased buildings and grounds. The commission established by the act entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922," approved March 2, 1921, is hereby abolished.

(c) The commission shall prescribe rules and regulations for carrying into effect the provisions of this act, and shall make an annual report to the Congress.

SEC. 3. Buildings and grounds acquired under this act or heretofore acquired or authorized for the use of the diplomatic and consular establishments in foreign countries may, subject to the direction of the commission, be used, in the case of buildings and grounds for the diplomatic establishment, as Government offices or residences or as such offices and residences; or, in the case of other buildings and grounds, as such offices or such offices and residences. The contracts for all work of construction, alteration, and repair under this act are authorized to be negotiated, the terms of the contracts to be prescribed, and the work to be performed, where necessary, in the judgment of the commission, without regard to such statutory provisions as relate to the negotiation, making, and performance of contracts and performance of work in the United States.

SEC. 4. For the purpose of carrying into effect the provisions of this act there is hereby authorized to be appropriated an amount not exceeding $10,000,000, and the appropriations made pursuant to this authorization shall constitute a fund to be known as the Foreign Service building fund, to remain available until expended. Under this authorization not more than $2,000,000 shall be appropriated for any one year, but within the total authorization provided in this act the Secretary of State, subject to the direction of the commission, may enter into contracts for the acquisition of the buildings and grounds authorized by this act. In the case of the buildings and grounds authorized by this act, after the initial alterations, repairs, and furnishing have been completed, subsequent expenditures for such purposes shall not be made out of the appropriations authorized by this act.

SEC. 5. The Secretary of State is empowered, subject to the direction of the commission, to collect information and to formulate plans for the use of the commission and to supervise and preserve the diplomatic and consular properties of the United States in foreign countries and the properties acquired under this act. In the collection of such information and in the formulation of such plans he may, subject to the direction of the commission, obtain such special architectural or other expert technical services as may be necessary and pay therefor not exceeding in any case 5 per cent of the cost of construction or remodeling of the properties in respect to which said special services are rendered, from such appropriations as Congress may make under this act, without regard to civil service laws or regulations and the provisions of the classification act of 1923.

SEC. 6. The authority granted to acquire sites and buildings by purchase shall, in cases where it is impossible to acquire title, be construed as authority to acquire the property by lease for a term sufficiently long, in the judgment of the commission, to be practically equivalent to the acquisition of title.

SEC. 7. The act entitled "An act providing for the purchase or erection, within certain limits of costs, of embassy, legation, and consular buildings abroad," approved February 17, 1911, is repealed, but such repeal shall not invalidate appropriations already made under the authority of such act.

SEC. 8. This act may be cited as the "Foreign Service buildings act, 1926."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF IMMIGRATION ACT OF 1924

The bill (H. R. 6238) to amend the immigration act of 1924 was announced as next in order.

Mr. KING. Let that go over.

Mr. WADSWORTH. Before the bill is put over will the Senator withhold his objection, that I may offer amendments and have them printed in the CONGRESSIONAL RECORD?

Mr. KING. I am glad to do so.

Mr. WADSWORTH. This bill has been reported by the Committee on Immigration with an amendment, which I presume of course would have to be acted upon before any other amendment. However, I am very anxious that amendments I intend to propose shall be proposed at this time, of course

without prejudice to the committee amendment, in order that it may be printed in the RECORD. I ask unanimous consent to propose amendments at this time, and ask that the proposed amendments be printed in the CONGRESSIONAL RECORD, giving notice at the same time that when this bill is reached, at a time when we can take it up, I intend to propose the amendments I have just sent to the desk.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendments will be printed in the RECORD, and the bill will be passed over.

The amendment is as follows:

Amendments intended to be proposed by Mr. WADSWORTH to the bill (H. R. 6238) to amend the immigration act of 1924, viz:

On page 1, line 6, strike out the words "word 'or'" and all of line 7 and the words "reads as follows" in line 8 and insert in lieu thereof the word "following."

On page 2, at the end of line 2, strike out the period, insert a semicolon, the word "or," and a new subdivision as follows:

"(g) An immigrant who is the wife or the unmarried child under 18 years of age of an alien legally admitted to the United States prior to July 1, 1924, for permanent residence therein, who has declared his intention in the manner provided by law to become a citizen of the United States and still resides therein at the time of the filing of a petition under section 9: *Provided*, That such wives and minor children shall apply at a port of entry of the United States in possession of a valid unexpired nonquota immigration visa secured at any time within one year from the date of the passage of this act: *Provided further*, That the number of such wives and minor children admitted as nonquota immigrants shall not exceed 35,000, the distribution thereof to be apportioned equitably among the various nationalities on the basis of the number of relatives petitioned for by such aliens resident in the United States under rules and regulations to be prescribed by the Secretary of Labor."

BILLS PASSED OVER

The bill (S. 1752) for the relief of the Near East (Inc.) was announced as next in order.

Mr. MEANS. I ask that the bill may go over. I want to read it.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2929) to authorize the refunding of certain certificates of indebtedness issued by carriers in interstate commerce, and for other purposes, was announced as next in order.

Mr. McNARY. The Senator from Idaho [Mr. GOODING] is necessarily absent from the Chamber. I should like to have the bill passed over without prejudice.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

SCHOOL LANDS

The bill (S. 564) confirming in States and Territories titles in lands granted by the United States in aid of common or public schools was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That, subject to the provisions of subdivision (b) of this section, the United States relinquishes to any State or Territory all right, title, and interest of the United States to the lands, irrespective of their character, granted to such State or Territory by numbered sections or otherwise for the support of or in the aid of common or public schools; unless land has been granted to, and/or selected by and certified to, any such State or Territory in lieu of and/or as indemnity land for any land so granted by numbered sections or otherwise, and in that case such relinquishment shall be limited to such indemnity or in lieu lands.

(b) Any lands included within a permanent reservation for national purposes, or subject to valid adverse claims of third parties, are excluded from the provisions of this act; and lands included within any military, Indian, or other reservation, or specifically reserved for water-power purposes, are included within the purposes of this act only from the date of extinguishment of such reservation and the restoration of such land to the public domain.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF CIVIL SERVICE EMPLOYEES

The bill (S. 786) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof was announced as next in order.

Mr. WILLIS. That is a very important bill. I dislike to object to its consideration, but in the three minutes remaining we can not consider it.

The PRESIDING OFFICER. The bill will be passed over.

JURISDICTION OVER THE CONDUIT ROAD

The bill (S. 3790) to provide for transfer of jurisdiction over the Conduit Road, in the District of Columbia, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That jurisdiction and control over the Conduit Road for its full width in the District of Columbia between Foxhall Road and the District line, excepting a strip 19 feet wide within the lines of said road, the center of which is coincident with the center of the water-supply conduit, is hereby transferred from the Secretary of War to the Commissioners of the District of Columbia, and property abutting thereon shall be subject to any and all lawful assessments which may be levied by the said commissioners for public improvements, the same as other private property in the District of Columbia: *Provided*, That all municipal laws and regulations shall apply to the entire width of the said road in the District of Columbia in the same degree that they apply to other streets and highways in the said District.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES of New Mexico. Mr. President, I ask unanimous consent that immediately following the passage of the bill there be inserted in the RECORD the committee report upon the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate Report No. 602, Sixty-ninth Congress, first session]

PROVIDING FOR TRANSFER OF JURISDICTION OVER THE CONDUIT ROAD IN THE DISTRICT OF COLUMBIA

Mr. CAPPER, from the Committee on the District of Columbia, submitted the following report, to accompany S. 3790:

The Committee on the District of Columbia, to whom was referred the bill (S. 3790) to transfer jurisdiction over the Conduit Road in the District, having considered the same, report favorably thereon, with the recommendation that the bill do pass.

The object of the bill is to vest in the District Commissioners full control over the Conduit Road between Foxhall Road and the District line, excepting a strip 19 feet wide within the lines of the road, jurisdiction over which will be retained by the Secretary of War for the maintenance, repair, and protection of the aqueduct tunnel lying thereunder.

At the present time the portion of Conduit Road west of the distributing reservoir is under the jurisdiction and control of the War Department, which has charge of the water-supply system of the District of Columbia. The road was built originally for the purpose of maintaining and repairing the aqueduct, and the cost of maintaining it has been charged against the water revenues of the District of Columbia. Nevertheless it is a public highway, serving a section of the District that is very rapidly developing as a residential district. The War Department, through the United States engineer office, considers that although the Conduit Road is a public highway and is maintained so that extensive traffic can use it, that fact does not warrant the department (solely interested in the water-supply system) in installing sidewalks and other street facilities. These are properly functions of the District government. The commissioners, however, as long as jurisdiction is vested in the Secretary of War, can not levy assessments for public improvements along the road, which is the only one in the District of Columbia except park highways which is not under their control.

The result of this situation is that school children and many other persons are required for a distance of about 2 miles to use the roadway because of the absence of even a cinder path along the road. Pedestrians are constantly in danger of injury, and vehicular traffic is severely impeded. Furthermore, property owners in the vicinity of the Conduit Road are unable to obtain such improvements as electric lights, gas, street lights, sewers, water, and sidewalks.

Because of the strong demand of the many people living near the Conduit Road study has been given by the District Commissioners and city-planning agencies of the Federal and District Governments to the needs of the section which it traverses. If control is vested in the commissioners, as contemplated by this bill, it is planned to establish a center parking 19 feet wide above the conduit, jurisdiction of which will remain vested in the Secretary of War, and to have two 21-foot roadways on either side. There will be space reserved for sidewalks, trees, and public parking, with provision for sewer, water, and other underground connections. Most of the required land can be acquired by dedication, the commissioners believe.

The proposed transfer of control of the road is entirely agreeable to the Secretary of War, as will be noted by reference to his letter of April 12 hereto appended. Also appended and made a part of this report is a letter of the District Commissioners, dated March 30, 1926, approving and recommending the proposed legislation for the reasons stated therein.

WAR DEPARTMENT,
Washington, April 12, 1926.

Hon. ARTHUR CAPPER,
Chairman Committee on the District of Columbia,
Chairman Committee on the District of Columbia,

DEAR SENATOR CAPPER: The receipt is acknowledged of your letter of the 5th instant, requesting my views concerning the bill (S. 3790, 69th Cong., 1st sess.) to provide for transfer of jurisdiction over the Conduit Road in the District of Columbia.

In reply I would state that the transfer of jurisdiction over the Conduit Road to the Commissioners of the District of Columbia as contemplated by this bill is agreeable to the War Department. The 19-foot strip which the bill proposes to reserve to the War Department is believed to be all that will be needed for the maintenance, repair, and protection of the aqueduct tunnel for which the department is responsible.

The Conduit Road is in fact a public highway through a section the development of which is rapidly increasing. The road was built originally for the purpose of maintaining and repairing the aqueduct, and the cost of maintaining it has been charged against the water revenues of the District of Columbia. Since it is at the present time a public highway, it is but fair that it be put on the same basis as the other streets of the city.

I accordingly recommend that the bill be given favorable consideration by Congress.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 30, 1926.

Hon. ARTHUR CAPPER,
Chairman Committee on the District of Columbia,
United States Senate, Washington, D. C.

SIR: The Commissioners of the District of Columbia have the honor to inclose herewith a draft of a bill to provide for transfer of jurisdiction over the Conduit Road in the District of Columbia from the Secretary of War to the commissioners, which they request be introduced during the present session of Congress.

Many requests have been received during the past several years from property owners in the vicinity of the Conduit Road for street improvements, such as sidewalks, lights, etc. School children and other persons are required to use the roadway because of the absence of sidewalks, with the result that pedestrians are constantly subject to injury due to the heavy vehicular traffic on the road.

City-planning agencies of the Federal and District Governments have been studying the matter of providing sidewalks, roadways, sewer and water facilities, lights, and other public improvements along the Conduit Road during the past year, and as a result it is the consensus of opinion that the road should be transferred to the jurisdiction of the commissioners so that a definite plan for its improvement may be adopted and put into effect. At the present time the Conduit Road west of the distributing reservoir is under the jurisdiction and control of the War Department, and the District government is, therefore, without authority to provide the desired improvements.

The United States engineer office, in charge of the Washington Aqueduct, is interested only in the water-supply system. That office holds that although the Conduit Road is a public highway and is maintained so that extensive traffic can use it, that fact does not warrant any attempt to install sidewalks and other street facilities. This is assumed to be a function of the District government.

The proposed plan for the improvement of the Conduit Road contemplates a center parking 19 feet wide, two roadways, each 21 feet wide, and two 30-foot strips between the building lines and the curb lines for sidewalks, tree space, and public parking. This plan provides that the south roadway shall be lower than the north roadway in order to permit of sewer, water, and other underground connections to houses on the south side of the road, which would otherwise be impracticable. The commissioners believe that most of the land required for carrying out the proposed street plan can be acquired by dedication.

It will be noted that the center 19-foot strip within the lines of the road will remain under the jurisdiction of the Secretary of War, so that the War Department will continue to exercise supervision over the water-supply conduits.

By enacting the bill submitted, any doubt as to the validity of assessments against abutting private property incident to public improvements will be entirely dissipated.

The commissioners desire to call attention to the fact that the Conduit Road between the distributing reservoirs and the District line is the only public highway, with the exception of park highways, in the District of Columbia not under their jurisdiction.

The Conduit Road Citizens' Association and other civic and citizens' associations immediately concerned strongly advocate the improvement of the Conduit Road as herein contemplated.

It is the opinion of the commissioners, in view of the rapid development of private property in the vicinity of the Conduit Road, that the time has arrived when this road should be provided with sidewalks, street lights, and other public improvements.

Very respectfully,

BOARD OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
By CUNO H. RUDOLPH, *President.*

COLUMBIA HOSPITAL FOR WOMEN

The bill (S. 2729) to authorize the refund of $25,000 to the Columbia Hospital for Women and Lying-in Asylum was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are authorized and directed to refund to the Columbia Hospital for Women and Lying-in Asylum the sum of $25,000 required to be paid into the Treasury of the United States from the surplus revenues of said hospital under the provisions of the District of Columbia appropriation act approved June 29, 1922, which said amount was so covered into the Treasury of the United States, 60 per cent to the credit of the District of Columbia and 40 per cent to the credit of the United States.

SEC. 2. That there is authorized to be appropriated to carry out the provisions of this act the sum of $25,000, payable 60 per cent from the revenues of the District of Columbia and 40 per cent from any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF REMAINS OF DANIEL F. CRUMP

The bill (S. 3887) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Daniel F. Crump within Glenwood Cemetery was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit for the removal of the remains of the late Daniel F. Crump from one section of Glenwood Cemetery, in the District of Columbia, to another location in said cemetery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SIDNEY LOCK

The bill (S. 2305) to correct the military record of Sidney Lock, was announced as next in order.

Mr. KING. There is an adverse report on the bill, and I move that it be indefinitely postponed.

The motion was agreed to.

BILLS PASSED OVER

The bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and employees, and for other purposes, was announced as next in order.

Mr. WADSWORTH. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3440) to regulate the interstate transportation of black bass, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 95) for the relief of Carlos Tompkins, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ROMUS ARNOLD

The bill (S. 2362) for the relief of Romus Arnold, was announced as next in order.

Mr. WADSWORTH. The bill has an adverse report. I move the adoption of the report, and that the bill be indefinitely postponed.

The motion was agreed to.

PAUL J. MESSER

The bill (S. 3457) providing for the appointment of Paul J. Messer as second lieutenant of Infantry, United States Army, was announced as next in order.

Mr. WADSWORTH. That bill also has an adverse report; I move that the report be agreed to, and the bill be indefinitely postponed.

The motion was agreed to.

JAMES C. BASKIN

The bill (S. 2279) for the relief of James C. Baskin, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

THOMAS G. PEYTON

The bill (S. 3330) for the relief of Thomas G. Peyton was announced as next in order.

Mr. BRUCE. Let that go over.

Mr. TRAMMELL. Will the Senator give me just a moment?

Mr. BRUCE. Certainly.

Mr. TRAMMELL. This is a case in which there was special legislation in regard to reappointments to West Point.

PUBLIC BUILDINGS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 6559.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

THE PROHIBITION LAW

Mr. EDGE. Mr. President, a subcommittee of the Judiciary Committee has concluded public hearings on proposed prohibition legislation.

I am not informed as to the disposition the committee proposes to make of the remedial suggestions before them, although the failure of the Volstead Act was fully established. In fact, it was equally demonstrated we have never had prohibition except in name.

However, in view of the efforts from some quarters to stubbornly defend and in fact to make more drastic existing legislation, notwithstanding the lie it perpetuates, the discriminations it practices, and its disastrous results, I desire at this time to clearly define the situation as I see it.

The defiant demand presented at the close of the hearings by Mr. Wheeler, who preferred to make a speech rather than answer questions, that the law be made more drastic and that constitutional guaranties be still further ignored was coupled with a pathetic appeal that Congress not only refuse modification within the law but also deny a national referendum.

In other words, the people could not be trusted. Their guardians here would bind the shackles a little closer. The public or facts be damned, for we are our brother's keeper. The usual arrogance and bluster, but much tempered as compared to former intolerance.

The facts have been bared. There is no such thing as prohibition, and our opponents are clearly on the defensive. No longer will their highly exaggerated and frequently false claims be accepted. The mask of hypocrisy has been torn away. Advocates of modification are not now styled agents of sin and corruption. The colossal error of writing a police-court stipulation into the Constitution of the country has been fully proven. The public now realizes the miserable collapse of the Volstead Act. They will no longer be submissive under the threat of a moral issue or will they exchange admissions of failure only in whispers.

Most citizens want a temperate condition, but prohibition as decreed by the present law is and always will be impossible. The attempt to foister it has delayed real temperance, which was fast asserting itself. Because of the new habits developed through the bootlegger and home still, the return to sanity may be slow but it must be undertaken and at once.

Do not attempt to fall back on the old canard that violation of the law is confined to the large cities. The testimony proved there were more stills, all illegal, in the corn-growing sections of the country than dives in many of the congested centers.

Volstead Act violation is not sectional. It is universal.

The campaign for common sense and, of course, legal, modification of the impossible and indefensible act is now well developed and thoroughly intrenched, notwithstanding all efforts to misrepresent and befuddle the issue.

Again, as a result of this substantial progress, we are met with the astounding suggestion that any modification would be a nullification of the Constitution. I love a fair fight, but I despise one under the belt. A suggestion or inference of unconstitutionality can not be successfully defended because there is just one tribunal that can declare an amendment to the Volstead Act a nullification of the Constitution, and that tribunal is the Supreme Court of the United States.

Senators or citizens have a perfect right to their opinion, as to what is constitutional or unconstitutional, but there is only one real way to secure a definite answer, and that is by passing amendments and having them reviewed by the Supreme Court.

Likewise, the more recent smoke screen put forward that any modification of the Volstead Act which would be legal under the eighteenth amendment would be unsatisfactory or would not in any way alleviate present intolerable conditions belongs to the class best described by the old proverb, "the wish is father to the thought." Let Congress try it and see. Certainly conditions could not be worse than now.

If the pleas of millions of Americans asking for modification of the Volstead Act by legalizing beers and possibly light wines under broad constitutional interpretation is not sufficiently appealing, then let me refer to the testimony of one of Mr. Wayne Wheeler's star witnesses at the recent hearings.

Hon. Henry Raney, former prohibition attorney general of Ontario, one of the few Canadian Provinces still adhering to so-called prohibition, admitted before the subcommittee that in dry Ontario, wines and beer could be legally manufactured by citizens; further that wine of any strength could be sold in 5-gallon lots.

This system, mind you, was pronounced by Mr. Raney, the dry witness, as a success and beneficial to the health and welfare of the people of Ontario, and was submitted in comparison to Quebec, where even more liberty and governmental distribution exists. The most comprehensive modification bill before Congress to-day does not provide for the liberal treatment the drys thus defend as ideal in Ontario.

In presenting Mr. Raney our dry friends made a valuable contribution to our fight for modification of the Volstead monstrosity.

After this testimony, presented as an argument for prohibition, how can any dry refuse to join us in granting, as far as our Constitution will permit, privileges similar to those they claim have made Canadian prohibition successful. Even our drys do not claim prohibition as provided by the Volstead Act has been successful.

However, an inconsistency such as this means nothing to them. They prefer to stubbornly adhere to theoretical prohibition, and while using Ontario as an illustration of proper control, otherwise they certainly would not have called the witness, refuse to indorse it for the United States, but insist that no modification or relief should ever be applied in this country. This is pure, unadulterated hypocrisy and opposed to the best interests of our citizenship.

I repeat, do not counter with the threadbare argument that our Constitution will not permit. The Supreme Court will take care of that problem. It is for Congress alone to legislate, not to usurp judicial powers as well.

What moral right has anyone here in view of the existing conditions to anyhow deny the privilege the Constitution guaranties?

All this oratory about protecting the Constitution becomes pure bunk when Congress is denying its clear and positive terms.

In these days it seems to make a great deal of difference just what constitutional amendment is under discussion. A few days ago in this Chamber the distinguished Senator from Idaho [Mr. BORAH] apparently approved methods which had been adopted by some of the States in order to, in effect, nullify the guaranty of the fourteenth amendment, but at the same time severely criticized any efforts to liberalize the eighteenth amendment.

Surely if defeating the object of the fourteenth amendment is worthy of congratulation and approval, efforts to legally broaden the present interpretation of the eighteenth amendment, after the disastrous experience we have undergone, would justify cooperation rather than stubborn opposition.

It does not avail to argue the public will not be satisfied with what the Constitution or the Supreme Court permits. For once give the people a chance to decide for themselves. There have been too many self-appointed guardians. We are not a Nation of mollycoddles or dependents. First try it out and then your observations can be based on actual facts—not speculation.

If this remedy fails to bring relief, then in the interest of the country's welfare a more liberal interpretation of the eighteenth amendment or its repeal will be absolutely compelling. If the Supreme Court failed to uphold modification, whether we like it or not, the law will become, as it practically is now, a dead letter.

It is never treason to tell the truth. If it is, make the most of it.

To-day I propose to review all the possible remedies so far suggested. No matter what may be one's individual or personal viewpoint as to the remedy, all must agree that existing conditions surrounding the unsuccessful efforts to enforce the Volstead Act are actually appalling.

No one could have followed the testimony produced under oath at the hearings and reach any other conclusion. Neither could any one in their right senses ever expect to see anything approaching real prohibition established in this or any other country. It is high time to try to secure temperance instead.

I do not propose to-day to review that testimony. It is or soon will be a Government document and accessible to all who want the facts.

Suffice it to draw attention in passing that the deplorable conditions existing were in great part established by the testimony of Government witnesses. For anyone to contend, even with a greatly increased army of sleuths and inspectors, it will be possible in any satisfactory manner to break up the millions of stills and to prevent the millions of gallons of denatured alcohol from illegal use is an insult to intelligence. Smuggling liquors or rum row so-called sinks into insignificance. We are no longer importers. We are actually exporters and on a large scale.

I do not present these facts, Mr. President, in any spirit of pride or pleasure. No citizen can exult over disrespect for law. But the time has arrived when Congress must face these facts and no longer evade one of our most important and sacred responsibilities.

Neither will I take the time to repeat or review the testimony brought out at the hearings of the effect of present conditions on the younger generation; of the undeniable proof that the home still has transferred the saloon to the family circle; of the outrages against society in order to even make a feeble effort to enforce this sumptuary law.

Of course, as was expected, the hearings in many instances produced conflicting testimony, but the fundamental claim of failure was in no way successfully disputed. It is significant also that the ink had hardly dried on some statements made in defense by those who claimed to represent large followings before emphatic denials were registered.

For instance, Professor Fisher, of Yale, made an elaborate claim of beneficent results of the operation of the Volstead Act among college students. Immediately the student body of Yale answered by voting on the question, and by almost 4 to 1 the students and 2 to 1 the faculty of which Professor Fisher is a member stated in effect that the professor did not know what he was talking about; that drinking had actually increased in the university under alleged prohibition. Then representatives of the students appeared at the hearing to emphasize these facts. This incident well illustrates the lack of official authorization on the part of dry witnesses. Surely no one will contend that the students themselves are unfamiliar with the facts.

Again, many sincere women appeared among the witnesses for the drys, purporting to represent in total about all the women in the United States, all with the same general message, demanding perpetuation of the Volstead Act and that it was the most important bit of legislation of the century.

A well-known national organization of women, the National League of Women Voters, holding their annual convention in St. Louis, have since by a vote of 2 to 1 refused to defend prohibition and the Volstead Act, and voted for a general enforcement of all law, which, of course, is approved by every good citizen.

The annual convention of the American Medical Association, held last week in Dallas, Tex., through their board of trustees reiterated their previous demand that the restrictions of alcohol in medical prescriptions as provided by the Volstead Act be eliminated. But Mr. Wheeler says no. The thousands of physicians likewise can not be trusted.

And so these national bodies, practically simultaneously with the prohibition hearings, have frankly expressed their disapproval of the Volstead Act or of testimony in its defense.

To-day, however, as stated, I am going to deal alone with the remedies.

In considering remedies first let me refer to the remedy demanded by those who would not in any way modify the Volstead Act or amend the Constitution. Their solution, in a few words, is better enforcement.

I have no issue with this general demand, but, again, we must face the facts and not be influenced by sentiment or, what is worse, political cowardice.

I repeat it has been definitely proven through the hearings and was generally known before that this law can not be satisfactorily enforced. Any determination to stand stubbornly on that remedy is simply a willingness to continue the farce that has been fully exploded.

True, many more men and many more millions of dollars of the taxpayers' money and an abolition of all constitutional guaranties may temporarily help the situation in this section or in that, but with the existing spirit of protest and challenge justly based upon the unfairness of the Volstead Act, which is contrary to the clear terms of the Constitution, no lasting results will accrue and the problem will not be solved but only postponed, at great national cost and decay. To make the law more drastic will only accentuate this clearly indicated sentiment. Suppose we arrest half our population. Will that satisfy our guardians? But what would be the national advantage or gain?

From a real study of the situation and sincere effort to help find a legislative remedy, I have as is generally known, been convinced that modification of the Volstead Act, necessarily within constitutional limitations, would greatly alleviate the situation and, at any rate, is the first step toward a betterment of conditions.

This is in the interest of common-sense temperance as against theoretical prohibition and practical debauchery.

I recognize the representatives of the drys, so-called, have combated that contention and insist that if legislation is necessary the only remedy is the repeal or modification of the eighteenth amendment.

Now, Mr. President, let me emphasize one point right here. First, we all recognize the problem is with us. I believe we all admit, whatever our viewpoint as to the remedy, that the present situation can not be permitted to continue. Then, Mr. President, if modification would not satisfy or would not alleviate, there is only one remedy left, and that is the repeal or the modification of the eighteenth amendment. Do the drys prefer that remedy, for remedy we must have?

However, I am not prepared to admit the contention of the Senator from Idaho and those who share his views, that the modification of the Volstead Act would not be helpful in this situation. Apparently dry witnesses from Canada, who defend their liberal system, but criticize Government control, likewise disagree.

Do not assume because the Canadian so-called 2.4 beer has been declared unsatisfactory, that a stronger beer would be declared illegal under our Constitution. That beer is much weaker than our 2.75 per cent and we are contending the latter would be legally permissable. Under Federal Judge Soper's decision in the Hill case, the only Federal decision on this point available, there can be no question about it. Of course, a simple amendment to section 29 of the Volstead Act permitting home brewing of beer as it now permits home manufacture of wine and cider and apparently meeting Prohibition Director Andrews's view, would place us nearer in harmony with the Canadian dry system. While our citizens are denied that privilege, Canadian witnesses are, nevertheless, brought over by Mr. Wheeler to impress us with the success of this modification system in Canada. Personally, however, I believe manufacture should be removed from the homes and put under governmental supervision.

The determination to perpetuate this class distinction, with its discrimination as legalized by section 29, was well illustrated by a witness for the drys, Mr. Striving, representing the National Grange, the well-known farmers' organization.

When he was asked if the farmers would agree to have section 29 of the Volstead Act—the section permitting home manufacture of cider and fruit juices to a greater strength than one-half of 1 per cent—repealed, Mr. Striving frankly declared the farmers would oppose such a change. I notice in his summing up Mr. Wheeler conveniently ignored the demand of his witness for a continuation of this class recognition.

When one reads in the California Grape Grower of March 1 that almost 400,000 tons of grapes were produced in 1925, at a value of $23,000,000, as compared with 180,000 tons the year before, one can readily understand the reluctance to waive this privileged discrimination.

However, in the meantime the industrial workers who ask for cereal or malt beverages of equal strength are denied such consideration.

So far as I have been able to follow the testimony of the drys not one solitary witness, with the exception of the frank head of the grange, has defended section 29. Some witnesses when interrogated concerning it expressed lack of knowledge as to its provisions. There is little lack of knowledge to-day as to its provisions and the discrimination it provides.

Defend this inconsistency if you can. If we had half the modification the Wheelerites apparently approve for Canada, there would be little necessity for amendments to the Volstead Act.

The drys will perhaps counter by saying yes, but Mr. Raney opposed Government control of hard liquors. Yes; he did; at the same time he defended all these other liberties denied our citizens. As to Government control of hard liquors, that is another problem or another proposed remedy, and if we are to be impressed by some drys, the only one.

Practically everyone admits the arbitrary one-half of 1 per cent maximum of permitted alcohol in beverages is now indefensible. It has failed in its original object of aiding enforcement as promised by its proponents. It only applies to some beverages. It is a deception on its face, as no one to my knowledge has ever claimed it represented the maximum or even near the maximum of what is intoxicating.

To the contention that all efforts to amend the Volstead Act are in effect methods to nullify the Constitution, it is only necessary to point out that you can not nullify the Constitution by making the Volstead Act properly and fairly interpret the Constitution.

Neither can one successfully contend that an amendment to the Volstead Act permitting alcoholic beverages to the point of "intoxicating in fact" would be either unconstitutional or a nullification of the Constitution.

Neither can anyone with authority contend that a fixed maximum of 2.75 to take the place of one-half of 1 per cent would be unconstitutional; nor that the special privilege in section 29 should not be extended to all beverages. And yet the drys defend this latter contradiction.

The objection raised by opponents of the "nonintoxicating-in-fact" amendment to having courts pass upon violation of the law is a brand new theory to me. I thought we had developed and built up our country through a recognition that courts would be the final arbiter in all such matters. Certainly the court decides all other transgressions or alleged transgressions. Why should the Volstead Act be so sacred that the courts can not pass upon its provisions? They, of course, do now, and the insertion of the "intoxicating-in-fact" limitation would, while giving all citizens all the Constitution permits, simply make it necessary and proper for a jury to determine if a citizen had violated this law just as he would be tried were it alleged he had violated any other law. The effort to place this law in a different category from other laws which deal with crime is one of the outstanding and justified reasons for protest.

In this connection it is well known that the Supreme Court in upholding the constitutionality of the Volstead Act in the Rupert against Caffey case clearly stated that one-half of 1 per cent was, of course, within the limitation of the Constitution, but in no way, shape, form, or manner do they indicate that Congress did not have the power to go beyond that figure. In my judgment, Mr. President, there is entirely too much of a tendency or determination in the Senate to assume the powers of the Supreme Court. May I again emphasize that the Senate or the country will never know how much modification will stand the test of the court until the court has the opportunity to pass upon the same.

Again, decisions of Federal judges reviewing other phases of the Volstead Act can be considered with profit on this particular point. A few moments ago I referred to Judge Soper, of the Baltimore district. This is what he declared to the jury when charging them at the conclusion of the well-known Hill case, referring to section 29:

> Perhaps I might interpolate here that intoxication in this section of the law means what you and I ordinarily understand as average human beings by the word "drunkenness." If this wine was capable of producing drunkenness when taken in sufficient quantities—that is to say, taken in such quantities as it was practically possible for a man to drink—then it was intoxicating.
>
> The Government has offered some testimony here by Doctor Kelly and by Doctor Wiley and others, to the effect that it was intoxicating. I have already cautioned you, I think, that the definition of intoxication given by these two doctors, to the effect that any amount of alcohol produces an effect, therefore a toxic or intoxicating effect, does not satisfy the term "intoxicating" as used in the law.

If this judge was correct in his analysis or definition of what constitutes intoxicating liquor in that it is to be applied to the average person, there can be no reasonable doubt but what the Supreme Court would be much more liberal in its construction than is the letter of the Volstead Act. Of course, whatever the court permitted would not be intoxicating under the law.

Again, Mr. President, in this connection we must recognize the fact that section 29 of the Volstead Act, which was inserted for the purpose of permitting home production of fruit juices and cider, to which I have several times referred, has now been interpreted by the courts, both district and Federal Court of Appeals, to legalize the production in the homes of wines and ciders to the point of being "intoxicating in fact." In other words, the one-half of 1 per cent does not apply in these cases. Therefore the very language I have used in my proposed amendment to the Volstead Act has already been upheld by the Federal court.

Mr. President, these facts are pretty generally known now by the people. They recognize the injustice and inconsistency of the Volstead Act—its arbitrary one-half of 1 per cent limitation in certain cases and its more liberal interpretation in others—and they frankly contend Congress has been unfair to them. With that feeling, how can we wonder at the protest and challenge?

Much has been said in debate and otherwise about the sacredness of the Constitution. There is no room for discussion or differences of opinion as to this assertion; but when reviewing the history of the adoption of the eighteenth amendment, together with these subsequent happenings, let us for the moment consider if we have properly represented the mandate of the people.

They or their legislatures voted to ratify the eighteenth amendment. This amendment prohibits intoxicating beverages, not alcoholic beverages. Congress, however, immediately upon the eighteenth amendment becoming fundamental law proceeded to prohibit alcoholic beverages away below the point of intoxication.

Have we actually revered the Constitution in that action? Have we not invited the very challenge now so apparent? That is why I have been convinced that whatever the results, after the failure of the last seven years, it was the duty of Congress to give to the people what they voted for and to deny them nothing permissible under the clear terms of the eighteenth amendment. The other policy has failed. Do not let us talk about the sacredness of the Constitution when we have denied the public that which the Constitution guarantees. The public have a right to this modification up to legal limits whatever the result.

Let me briefly refer again to the claims that such modification will not help the situation. I diametrically differ with the Senator from Idaho and all others who share his opinion as to the result of such modification.

Apparently many of the drys likewise disagree with the Senator from Idaho in this regard, as by presenting Mr. Raney they have shown approval of greater liberality.

I am convinced, and again my opinion is perhaps just as good or just as bad as is the opinion of the Senator from Idaho, that the Supreme Court would uphold any reasonable modification that Congress would propose.

If I am right in this contention and such reasonable modification would permit a light beer, I have not the slightest question in my mind but what it would take the place in thousands of homes of harmful concoctions and bootleggers' poison. It certainly could not increase the bootleggers' sale.

Of course, it is now history that General Andrews, Director of Prohibition, who through his experience should know more about the situation than any of us, has frankly admitted that a legal light beer properly distributed would contribute relief to his present impossible responsibility of enforcement. Of course, many of our dry friends protested against the truth, but I failed to see any criticism from the press of the land.

In these observations I have not gone into the doubtful field of State jurisdiction, although many States took good care to protect themselves from what they believed an invasion of State rights after the adoption of the fourteenth amendment. I am simply discussing the situation alone from the standpoint of congressional responsibility.

As has so often been explained, any modification of the Volstead Act by Congress does not necessarily force the maximum provided, on any State preferring otherwise. If the 2.75 or the "intoxicating-in-fact" amendments were adopted by Congress, such action would in no way prohibit Kansas or Idaho from maintaining through their State law one-half of 1 per cent, or, as some provide now, no alcohol at all, but it would not permit such States to force their will on other States preferring the Federal maximum as provided by the Federal Constitution and which, I repeat, because of the people's own mandate, should never have been denied.

We have been furnished by the representatives of the Anti-Saloon League with figures which in effect claim that before prohibition approximately 90 per cent of the beverages consumed was malt and cereal. Therefore, it must be perfectly obvious that with the return of a pure legal beverage of this character, even if lighter than some of the strong beers of the old days, it would at least contribute toward the solution we should all sincerely seek.

Much has been said about the return of the saloon. I do not propose to discuss it further than again to draw attention to the fact that pending amendments to the Volstead Act distinctly provide that beverages legalized shall not be drunk on premises where purchased. This, of course, would make the saloon impossible, although dry orators always ignore these

provisions and shout any modification would bring back the saloon. Citizens could legally have a healthy beverage for consumption in their homes rather than to resort to the destructive and illegal subterfuges which everyone realizes now exist.

As bad as were many of the saloons in the old days, it is a very serious question if they were as contaminating as the home still and the home barroom are to-day. At least, children were not permitted in saloons. They, of course, are necessarily and properly in the homes. How can anyone seriously defend this type of home influence as preferable to legalized wholesale production of beverages under Government supervision as to strength and purity and distributed in bulk to purchasers.

Sincere drys have had a rather difficult time to defend the existing law in view of the undenied evidence of the effect on the homes through the development of the still. The perfectly obvious solution is, of course, legalized wholesale manufacture of the maximum-strength beverage permitted under the Constitution.

I have not discussed the possibility of light wines. On December 16, the week after the opening of this Congress, in this Chamber, I addressed the Senate on the subject. By referring to that speech you will find that I questioned the constitutional legality of a wine specified by statute sufficiently strong to generally satisfy. But in my judgment, and in the interest of temperance, the legalizing of beer is much more important. If we are to believe the reports of home-wine production under section 29 of the present Volstead Act, as evidenced by the abnormal increase in the sale of grapes, sufficient homemade wine is anyhow produced to perhaps fill reasonable demands. Understand, under the law such wine, to be illegal, must be proven "intoxicating in fact."

Again, when mentioning this fact, I want to drive home the absolutely indefensible discrimination against beer.

At the hearings a few days ago, officers of labor organizations, representing a large army of industrial workers in this country, pleaded for a beer which could be produced under the Constitution. I am inclined to the opinion that these officials better represent the wishes and desires of these millions of men and women than do some of the guardians who have delegated themselves to represent the laboring man.

The prosperity of the workingman, which seems to have been the main claim for prohibition, has been so often exploded I will refer to it but briefly. Yes; we have been prosperous in spite of the fact we have never had prohibition. The neighboring Provinces of Canada have likewise been prosperous, and most of them have not had prohibition and none have our type of prohibition. In fact, Canada has been to some extent relatively more prosperous than the United States, for recently their dollar has sold at a premium as compared to ours. This empty claim of prosperity because of prohibition is an insult to intelligence. This country has been prosperous because economic conditions have generally made such prosperity possible. With or without prohibition, this result would have been achieved. As a matter of fact, workmen have paid in many cases much more for poisonous substitutes than they formerly paid for beer. In considering reasons for prosperity, it would be much more logical to give credit to present immigration restrictions than prohibition that does not restrict.

The one element in our country to-day where there has been less prosperity is in the large farming sections. Perhaps it is only a small matter, but, nevertheless, I have learned through hundreds of letters from the farmers of the West and Northwest that the reduction in their market for grains since cereal and malt beverages were made illegal has amounted to many millions of dollars.

I have referred only generally to the arguments of the drys purporting to refute the facts previously presented by the other side. Frankly, there seems little to say, because so far as I have been able to follow the hearings not one important item of previous testimony has been successfully refuted and little attempt, in fact, made to do so. People in these days want facts, not opinions. We have given them facts and there must be facts in reply.

I have referred to the Canadian testimony which has presented such an anomaly. In order to attack Government control and distribution of hard liquors, the witnesses were compelled to admit the benefits of modification greater than we are seeking.

Demonstrating the inconsistency of our dry friends was their effort to help their case by filing a numerously signed petition against any modification. At the conclusion of the country-wide newspaper polls when eight or nine million people went to the trouble of expressing their view by cutting out a ballot, filling it in, and spending 2 cents to mail it to the newspaper office, we were met by statements that such a vote was meaningless; that the drys had not bothered to vote. The whole proceeding was scoffed at.

Still, it was a very important matter when a petition purporting to contain 16,000 names against modification was presented by a dry witness to the Judiciary Committee. Eight or nine million voters had no standing. Sixteen thousand names solicited to a petition was weighty evidence of the country's opposition to modification.

And, Mr. President, along this same line comes the question of a national referendum. The drys have been emphatic in their claim that public sentiment in this country has not changed. They know full well if they felt at all confident in that assertion, rather than raise technical objections, they would welcome the national referendum in order to justify their loud boasts. On our side we ask for a national referendum. We welcome the people's verdict.

Even Judge Gary, president of the United States Steel Corporation, whom the drys have so often proudly quoted as favoring prohibition, has recently admitted a national referendum would be advisable. Has his advice now lost its charm?

I would like to see this Congress authorize one with three queries presented to the voters. First, as to their view of a legal modification of the Volstead Act, necessarily within constitutional limitations; second, as to their view as to the modification of or repeal of the eighteenth amendment; third, shall the Volstead Act and eighteenth amendment remain as now or be more drastic?

I recognize this Congress will pass no legislation modifying the Volstead Act, but you must recognize also that this great problem will in the meantime remain unsolved. This invasion of homes; this ruining of the young; this disrespect for law; this wholesale corruption and terrific and uneffective expense will continue until Congress itself fairly and squarely and properly meets the issue.

All right, then, let us get the word from home. I am convinced Congress will never act until that message reaches Washington. We are ready to accept this verdict. Why should not the drys, especially if they are right in their contention that the country is satisfied with the Volstead Act and the eighteenth amendment? This Congress, recognizing the deplorable and intolerable situation existing, will be faithless to its trust if it adjourns without an effort at least to secure information upon which to base future legislation. Are we fearful of this verdict? Do we contend we know better what the people want or should have than they themselves?

Do not meet this demand by a legal quibble—that there is no way to provide for a national referendum. Where there is a will, there is always a way. The Constitution in no manner prohibits it. On the contrary, the Constitution clearly gives Congress power to secure information upon which to base legislation. Perhaps Congress can not make such a referendum compulsory, but you know and I know if this Congress invites the States to provide this information for the use of Congress, every State in the Union will respond to the request. They will be only too willing to do so. In fact, individual States are already doing so on their own account. How much better and more conclusive to have the voters of each State pass on the same identical questions, which a national referendum would provide?

My friends on the other side of this Chamber recall, I am sure, and the country recalls, that the last Democratic National Convention inserted a plank in the platform of the great Democratic Party providing for a national referendum under congressional sanction in order to secure a verdict from the country as to the position to be taken on the League of Nations. Surely the great Democratic Party in ratifying that platform could have had no doubts as to the legality of the procedure.

I have no hesitancy in referring this question to the American people. I have no fear that they will not intelligently pass upon it, and I sincerely trust, following all this agitation and debate on the subject, Congress at least will grant them the opportunity.

In conclusion, permit me to again frankly draw your attention to the situation we are facing. If modification of the Volstead Act will, as has been claimed, be ineffective, then amendment or repeal of the eighteenth amendment is inevitable. I was and am willing to try the compromise. I have in no way changed my view, as expressed last December and expressed to-day, that modification would greatly help solve the problem. In fact, it has been strengthened by the hearings. But if in the view of the majority I am wrong, then that majority can not stand against amendment or repeal of the eighteenth amendment. You can not stand against it, fellow Senators, simply because as it is interpreted it is a failure

and always will be a failure. You can not stand against it simply because you can not ignore the situation which exists to-day and which unfortunately, I believe, will grow worse and worse. More curtailment of liberty will not help. It will simply result in more defiance because the Volstead Act is unwarranted and unjustified under the Constitution. If you do not want to try modification, then you who are representing the drys will drive the country to a repeal of the eighteenth amendment. I repeat I was willing and am still willing to see if the results of modification would not sufficiently alleviate the protest and challenge that the eighteenth amendment might remain.

Perhaps you are right and I am wrong, but we can not stand still.

WARD FOOD PRODUCTS CORPORATION

Mr. LA FOLLETTE. Mr. President, on February 3, 1926, I introduced a resolution (S. Res. 138) providing for an investigation of the Ward Food Products Corporation and all other corporations directly or indirectly controlled by William B. Ward or his associates.

I urged this investigation because, although William B. Ward and his associates had since 1921 been engaged in an unlawful conspiracy to secure monopoly control of the baking industry and establish a Bread Trust, the Department of Justice had not raised a finger to enforce the law and protect the American people.

On February 8, 1926, the Department of Justice filed a petition in the Federal district court at Baltimore charging William B. Ward and his associates with conspiracy in restraint of trade through their control of Ward Food Products Corporation, Ward Baking Corporation, General Baking Corporation, Continental Baking Corporation, and various subsidiaries. The petition asked the court for certain restraining orders directed primarily against the corporate defendants.

This petition, signed by the Attorney General himself, was in effect a severe indictment of the Department of Justice. It showed that this conspiracy to monopolize the Nation's bread had been conceived in 1921 or earlier and described the several mergers and combinations by which during the succeeding years Ward and his associates had established their control of the baking industry. Each of these mergers and combinations had been carried out under the very eyes of the Department of Justice, and yet during all these five years of continuing conspiracy the Department of Justice had not lifted a finger to protect the public or halt the conspirators.

Nevertheless, when the Department of Justice was finally driven into action by the public clamor which followed the incorporation of the two-billion-dollar Ward Food Products Corporation, I welcomed its action in spite of what I publicly declared to be fatal defects in its petition as originally drawn. These defects consisted primarily in the failure to require the individual defendants, William B. Ward and his associates, to divest themselves of control of the several corporations which constituted the Bread Trust. In the decree as finally drawn certain restraints were placed on Ward and his principal coconspirators. Incomplete though these restraints upon the individual defendants are, they are considered by eminent lawyers to be the most valuable part of the decree.

On February 15, 1926, in announcing my intention to withhold action until the Department of Justice had disposed of its case, I declared:

> I serve notice now that if the Department of Justice and the Federal Trade Commission do not prosecute the action which they have instituted vigorously and in good faith I shall amend my resolution to include an investigation of the Federal Trade Commission and the Department of Justice, and press for its adoption.

Since that time that resolution has, at my request, lain on the table.

It appears now from the analysis of the consent decree prepared by Mr. Samuel Untermyer, and from information which has come to me privately, that the Department of Justice and the Federal Trade Commission did not prosecute their case in good faith.

The Continental Baking Corporation, with 106 bakeries producing a billion loaves of bread annually, is the largest unit of the Bread Trust. It is alone large enough to dominate the entire baking industry of the United States. The Department of Justice and the Federal Trade Commission alike charged it with being a combination in restraint of trade, organized in violation of the Sherman and Clayton antitrust laws. The hearings of the Federal Trade Commission developed substantial evidence in support of this charge. It was, as Mr. Untermyer says, "a plain violation of the antitrust law."

And yet under section 13 of the consent degree the charge against the Continental Baking Corporation was dismissed on the ground that a similar charge was being prosecuted against the Continental by the Federal Trade Commission. The court must have been led to believe that the Federal Trade Commission would prosecute this case in good faith. Otherwise, no judge would have agreed to the dismissal of the charge.

But the ink was not dry on the consent decree before the reactionary majority of the Federal Trade Commission abruptly stopped the hearings in the Continental case and dismissed the very complaint which had been the condition for the omission of the Continental from the court's decree.

That act constituted an outrage upon the court and a deliberate betrayal of the public trust, which can not properly be characterized until the complete details have been revealed.

I intend to go to the very bottom of this case and at another time present at length the extraordinary record and actions of the Department of Justice and the Federal Trade Commission in relation to this case from its inception. The side tracking the original investigation of the Bread Trust ordered by the Senate on the motion of the late Senator La Follette, the suppression of the complaint issued by the Federal Trade Commission in April, 1925, against the Continental Baking Corporation, the deceptive reports issued by the majority of the Federal Trade Commission in October, 1925, and the final act of apparent collusion constitute a record which requires some explanation other than mere friendship to big business.

I shall withhold formal action until I have secured certain information regarding the apparent collusion between the Department of Justice and the Federal Trade Commission in connection with the dismissal of the complaint against the Continental Baking Corporation. In the meantime I wish to lay before the Senate for its information a letter of Basil M. Manly, director of the People's Legislative Service, reviewing the principal steps in the Bread Trust conspiracy, and a letter from Samuel Untermyer, the distinguished attorney, analyzing the consent decree from a legal standpoint.

This letter of Mr. Manly is of considerable length, and I shall not at this time detain the Senate by reading it. I do wish to urge upon every Senator that at the first opportunity he read this letter of Mr. Manly, which is a brief résumé of the important occurrences in this case since its inception; and also to read Mr. Untermyer's well-considered analysis of the consent decree itself.

I ask unanimous consent that the two documents referred to be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

APRIL 20, 1926.

Mr. SAMUEL UNTERMYER,

120 Broadway, New York, N. Y.

DEAR MR. UNTERMYER: On January 25, 1926, you suggested in a telegram to Senator THOMAS J. WALSH, of Montana, which appeared in the CONGRESSIONAL RECORD, the necessity for a "broad independent investigation of the nullification of Trade Commission activities and the suppression and jockeying of antitrust law prosecution by the Department of Justice." In this connection I believe your attention should be directed to the actions of the Department of Justice and the Federal Trade Commission in the so-called Bread Trust case.

As I believe you know, the People's Legislative Service has for more than two years been engaged in an attempt to prevent a monopoly of the Nation's bread. Early in 1924 I prepared a report exposing the conspiracy, then in its formative stages, by which the Ward interests were seeking to secure control of the principal baking companies throughout the United States. Attention was directed also to the excessive profits that were being piled upon the manufacture and sale of bread. This report, which was presented to the individual Members of the Senate, resulted in the unanimous adoption, on February 16, 1924, of the La Follette resolution directing a sweeping investigation by the Federal Trade Commission of the entire baking industry.

As you doubtless know, this investigation, although ordered by the Senate, was suppressed by the reactionary majority of the Federal Trade Commission, and the Ward interests were permitted to proceed unrestrained in their conspiracy to secure control of the baking industry. The Department of Justice likewise did not lift a finger to check the formation of the Bread Trust. On December 8, 1925, I presented to the Senate and House of Representatives a memorial setting forth the facts regarding the extent of this monopoly and charging the Federal Trade Commission and the Department of Justice with gross and willful neglect of duty in permitting the formation of this monopoly. The facts presented in this memorial were fully sustained by the petition which the Department of Justice was forced to file on February 8, 1926, after the formation of the $2,000,000,000 Ward

Food Products Corporation had aroused public opinion to a point where it could no longer be ignored. Additional facts confirming my charges were developed by the Federal Trade Commission after it had renewed its complaint against the Continental Baking Corporation on December 19, 1925.

I have given this brief review merely in order that you may have before you the responsible connection which the People's Legislative Service has had with this case from its inception, and also the extent to which its charges have been sustained and vindicated.

I wish now to present to you a brief statement of the facts regarding the extent and character of the Bread Trust so far as they have been revealed, and also such information as I have been able to secure regarding the consent decree recently entered into by the Department of Justice and the Ward interests and the practically simultaneous dismissal by the Federal Trade Commission of its case against the Continental Baking Corporation.

The real Bread Trust consists in the control by William B. Ward and his associates of the three great baking companies—the Ward Baking Corporation, the General Baking Corporation, and the Continental Baking Corporation. Each of these corporations alone is large enough to secure all possible economies resulting from large-scale operations, while together, if they are operated under a common control or with a mere community of interest, they absolutely dominate the baking industry throughout the United States. They have 163 plants, located in every section of the United States, and manufacture approximately 2,000,000,000 loaves of bread a year. From their great central baking plants they serve 10,000 towns and cities.

The authorized and outstanding capital stocks of these corporations are as follows:

	Shares	
	Authorized	Outstanding
Continental Baking Corporation:		
Preferred 8 per cent (nonvoting)	2,000,000	516,694
Class A (voting)	2,000,000	291,365
Class B. (voting)	2,000,000	2,000,000
Total	6,000,000	2,807,059
Ward Baking Corporation:		
Preferred 7 per cent (voting)	500,000	318,415
Class A (voting)	500,000	84,093
Class B (nonvoting except after 8 consecutive dividends)	500,000	500,000
Total	1,500,000	902,508
General Baking Corporation:		
Class A (nonvoting)	[1] 2,000,000	1,045,757
Class B (voting)	5,000,000	4,006,897
Total	7,000,000	5,052,654

[1] Five million shares are authorized by the charter, but 3,000,000 shares of Class A (nonvoting) were ordered canceled by the decree.

The "Big Three" together, therefore, are authorized to issue capital stock to a nominal value of $1,450,000,000 and have outstanding $886,222,100. Against this their balance sheets as of December 26, 1925, show aggregate assets of only $156,840,466. These assets include $21,159,674 for trade-marks, good will, and other similar intangible assets.

Thus it is clear that at least $600,000,000 of the outstanding capital of these baking corporations is "water." This "water" can, of course, be given real value only by maintaining excessive prices for bread. Such profiteering would be impossible if there were effective competition such as the antitrust laws contemplate, or such as is provided by the great cooperative bakeries of England.

The question, therefore, arises how far the consent decree will restore substantial competition in the baking industry and restrain further attempts at complete monopoly.

As a basis for answering this question it is necessary to examine briefly the methods by which William B. Ward and his coconspirators secured and maintained control of the "Big Three" baking corporations. Ward, as you perhaps know, is the son of Robert Boyd Ward, who in 1912 formed the Ward Baking Co., of New York, by merging several independent companies, and thus took the first step toward the creation of a monopoly of the industry. G. G. Barber, chairman of the Continental, has testified that William B. Ward has been carrying out the plans of his father.

The general form and purpose of this conspiracy has been well described in the petition of the Department of Justice in the following language:

"For a number of years last past, and more particularly since 1921, when the defendant, the United Bakeries Corporation, was formed, as hereinafter alleged, it has been the plan and purpose of certain of the defendants hereto, principally the defendants William B. Ward and Howard B. Ward, to bring all, or substantially all, of the wholesale bakeries in the United States under the control of a single gigantic corporation or some other form of common control, and thereby to eliminate all competition between the baking companies so brought under a common control in the sale of bakery products both locally and in interstate trade and commerce; to eliminate all competition between such bakeries in the purchase of ingredients and equipment; and eventually to acquire milling companies, yeast companies, and other producers of such necessary ingredients and equipment." (Petition, p. 11.)

The strategy of Ward in carrying out this plan has been in a sense Napoleonic. He has proceeded by conquest and absorption rather than by the natural processes of expansion. He has maintained his control by placing his trusted lieutenants in strategic positions.

The first aggressive step in the conspiracy was the formation of the United Bakeries Corporation in 1921. Then came the organization of the Ward Baking Corporation of Maryland to take over the Ward Baking Co. of New York, which had been established by his father but was then in control of another branch of the family. Later in the same year, 1924, the Continental Baking Corporation was forced to take over the United Bakeries Corporation and numerous independent companies. In the succeeding year, 1925, Ward secured control of the General Baking Co. of Delaware and formed the General Baking Corporation of Maryland with a nominal capitalization of $1,000,000,000 to take over the old Delaware company and such independents as might be acquired. The final step was the creation, in January, 1926, of Ward Food Products Corporation, with a nominal capitalization of $2,000,000,000, for the purpose of invading other branches of the food industry.

In this connection it may be well to note that there is some reason to believe that this last creation, the Ward Food Products Corporation, was merely a "straw man" set up to draw the fire of the Department of Justice and thus divert attention from the real monopoly which had already been established in the baking industry by securing control of the "Big Three." I direct your attention, for example, to the preposterous provisions in the charter of the Ward Food Products Corporation for the establishment of a form of "Charity trust." I submit that no sane man, particularly no one with Ward's ability as a promoter, would have included such absurd provisions in a corporate charter except for some ulterior motive. It is, of course, impossible to produce substantial evidence regarding Ward's motives, but the complacency with which the destruction of this monster corporation was accepted suggests that it was set up merely to be broken down.

Ward's plan of procedure throughout appears to have been comparatively simple. In each case he set up a holding company with broad charter provisions and the right to issue immense amounts of securities. These securities of the holding company were exchanged for the shares of existing corporations. In some cases, it is true, the plants of independents were acquired by the payment of cash secured through the sale of securities of the holding company, but these were exceptions to the general plan of procedure.

The voting power was generally lodged in the common stock of the holding company. Immediately after the organization of the holding company Ward apparently had the "dummy" directors, provided for in the charter, transfer to him all or at least a majority of the voting stock of the holding company in exchange for some nominal consideration.

Thus, in the case of the Continental Baking Corporation the charter was secured in the State of Maryland on November 6, 1924. On the same day, as is shown by the testimony of G. G. Barber before the Federal Trade Commission (hearings, pp. 61 to 74), all of the class B common stock of the Continental Baking Corporation, consisting of 2,000,000 shares, was transferred to William B. Ward. As only a comparatively small number of shares of the other voting stock (class A) were issued this gave Ward absolute and complete control of the corporation. With this control he was, of course, able to name the entire board of directors and otherwise provide for its operation in accordance with his policies.

The consideration said to have been given in exchange for the transfer of this control of $600,000,000 corporation is interesting and significant. It consisted in the contract to purchase control of the American Baking Co., of St. Louis. This was a small concern with seven bakeries, having a total value of about $2,000,000. Now the contract to purchase the American Baking Co. had already been secured by George B. Smith, as president of the United Bakeries Corporation. This contract was, however, assigned to William B. Ward on November 6 by Smith to be exchanged for all of the class B stock of the Continental, with a nominal value of $200,000,000. On the same day the United Bakeries Corporation was absorbed by the Continental. It is obvious, therefore, that this transfer of the American Baking Co. contract to William B. Ward was merely a method of providing him with something which he could exchange for the 2,000,000 shares of Continental stock.

It would appear from the testimony of Barber that Ward subsequently returned a large part of this class B stock of the Continental and received in exchange equivalent values of preferred and class A stock. The record does not, however, show clearly what became of all

of this stock that has passed through Ward's hands. It is impossible, therefore, to determine exactly how much Continental stock Ward holds at the present time.

It would appear from the statements of the stockholders' committee of the General Baking Corporation, as published in the New York Times of April 14, 1926, that Ward was similarly given the entire 5,000,000 shares of class B common stock of the General Baking Corporation as "compensation for certain agreements or contracts." Thus he was placed in complete control of the General Baking Corporation, because under its charter "the holders of the class A stock shall have no voting power, all rights to vote and all voting power being vested exclusively in the holders of the class B stock." Both in the Continental and in General Baking Corporation Ward thus gained voting control by the "contract" device.

Ward's control of these corporations, originally secured through the practical gift of all or a majority of the voting stock, was easily made permanent by reason of the extraordinary provisions in the charters of all the Ward corporations for boards of directors consisting of only three or five persons. The ease with which Ward could manipulate the initial organization of these corporations is indicated by the following list of "dummy" incorporators and directors:

INCORPORATORS	DIRECTORS
These are said to be clerks in offices of Ward's Baltimore lawyers, at 101 East Fayette Street, Baltimore, Md.	These are all understood to be clerks in office of Ward's New York lawyers.
WARD BAKING CORPORATION	WARD BAKING CORPORATION
George S. Newcomer.	Fred C. Weisser.
Douglas H. Rose.	Oscar J. Heig.
Leslie E. Mihm.	Alexandria W. Jack.
	Clara Nulle.
	Hortense C. Wordeman.
CONTINENTAL BAKING CORPORATION	CONTINENTAL BAKING CORPORATION
E. Horry Frost.	Fred C. Weisser.
Douglas H. Rose.	Oscar J. Heig.
Leslie E. Mihm.	Alexandria W. Jack.
	Clara Nulle.
	Hortense G. Wordeman.
GENERAL BAKING CORPORATION	GENERAL BAKING CORPORATION
E. Horry Frost.	Alexandria W. Jack.
Douglas H. Rose.	Hortense C. Wordeman.
Leslie E. Mihm.	Oscar J. Heig.
WARD FOOD PRODUCTS CORPORATION	WARD FOOD PRODUCTS CORPORATION
Douglas H. Rose, 2d.	Alexandria W. Jack.
E. Horry Frost.	Hortense C. Wordeman.
R. Dorsey Watkins.	Clara Nulle.

It is true that under the consent decree the General Baking Corporation has been required to increase the number of its directors to seven, but it is submitted that this does not substantially alter the situation.

Having thus secured control of these corporations at their inception, Ward filled their boards of directors and their staff of officers with his former lieutenants and subordinates. These were men who had been accustomed to obeying Ward's orders all their lives and who had been shifted around from post to post in his various corporations in accordance with his will. Thus, entirely independent of the extent of Ward's stock ownership, each of these corporations has been and, in my opinion, still is subject to the dictates of William B. Ward.

The chief of these subordinates through whom Ward has controlled and dominated these corporations are George G. Barber, Paul H. Helms, George B. Smith, and his brother, Howard B. Ward. On pages 36 and 37 of the petition of the Department of Justice you will find a statement of the intimate relations which have existed between Ward and these subordinates over a long period of years.

The situation which finally developed as a result of this plan of operation has been well described by the Department of Justice in the following language:

"The defendant, W. B. Ward, is to-day the most powerful single personage connected with the baking industry. Closely allied with Ward are the defendants, Helms and Barber, who have been associated with him for many years and who with Ward constitute a triumviate controlling and directing the fortunes of the baking industry."

In my opinion this constitutes the very heart of the conspiracy. These three men have had control of the three baking operations, which together produce at least 25 per cent of all the bakers' bread of the entire United States and at least 50 per cent of the bread in the principal cities of the Nation. The question is, therefore, how far the power of this triumviate has been broken or restrained by the consent decree, which was accepted by the Department of Justice on April 3, 1926. I therefore request that at your earliest opportunity you should make a thorough examination of this decree in the light of the facts which I have set forth above and the further details contained in the petition of the Department of Justice and give me your opinion whether the monopoly control of the baking industry which has been held by this triumvirate of conspirators has been substantially broken or restrained.

In this connection I feel that I should direct your attention to one phase of this case which seems to me of the utmost importance, not only in its practical aspects, but also as an indication of apparent bad faith and collusion on the part of the Department of Justice and the majority of the Federal Trade Commission. You will note that section 13 of the decree states that the charge against the Continental Baking Corporation is dismissed by the court because it is included also in a complaint filed by the Federal Trade Commission against the Continental Baking Corporation on December 19, 1925. The court was thus apparently lead to dismiss this charge against the Continental on the ground that a similar charge was being vigorously prosecuted against that corporation by the Federal Trade Commission.

Nevertheless, before the ink was dry on the court's decree the Federal Trade Commission by the action of the majority of its commissioners, namely, Commissioners Humphrey, Hunt, and Van Fleet, dismissed the complaint against the Continental Baking Corporation and ordered the hearing in that case to be discontinued. There is every appearance to indicate that the dismissal of this complaint was procured by collusion between the Department of Justice and the majority of the Federal Trade Commission, in which the Attorney General of the United States himself must have participated.

If this be true it would seem that those who participated in the dismissal of the case against the Continental have been guilty of a gross deception of the district court which made itself responsible for the decree and of a breach of public trust which should cause them to forfeit their official positions.

The gravity of the situation involved in the dismissal of the case against the Continental Baking Corporation consists in the fact that this corporation alone is large enough to dominate and control the entire baking industry of the United States. It has 103 baking plants located in every section of the country and manufactures approximately a billion loaves of bread a year. Chairman G. G. Barber in his recent annual report states that the territory served by the Continental includes approximately one-half of the population of the United States. As this presumably does not include rural population it would appear that even a larger percentage of the urban population, which is peculiarly dependent upon bakers' bread, is embraced within the Continental territory. The latest census figures—1919—show the entire capitalization of the bread-baking industry of the country as only $397,000,000; Continental's authorized capitalization of $600,000,000 is therefore big enough to absorb the entire industry, lock, stock, and barrel. Through this one mammoth corporation, therefore, the Ward interests would appear to be left free to carry out their conspiracy to control the bread of the Nation even if there were no other loopholes through which they might escape from the full force and effect of the court's decree.

In this connection it may be noted that an article in the New York Times of April 14, 1926, appears to show that William B. Ward did not in good faith dispose of his holdings of 1,000,000 shares of class B stock of the General Baking Corporation, as recited by the court, and as certified by the Department of Justice. On the contrary, it seems that he turned this million shares back to the General Baking Corporation treasury and at the same time entered into an arrangement with the Chase Securities Corporation by which that corporation, with the connivance of Paul H. Helms, one of Ward's lieutenants and president of the General Baking Corporation, was to secure this 1,000,000 shares of class B stock in exchange for 70,000 shares of class A (nonvoting) stock owned by Ward and sold by him or deposited by him with the Chase Securities Corporation. Would it not seem that if this and other similar arrangements are carried out, it might result in a concealed control of all three companies either by Ward interests or by a banking group in the background?

Attention is also called to the allegation by the stockholders' committee in the New York Times of April 16, 1926, that the four additional members of the board of directors ordered by the court were in fact named by Paul H. Helms and others of Ward's lieutenants. This same stockholders' committee, which is now trying to recover from Ward some $8,500,000 alleged to have been secured by fraud, has also revealed the existence of the Ward Securities Corporation, apparently a personal concern of William B. Ward's, which had not previously been referred to in the proceedings. It would appear that large amounts of Ward's personal holdings have been handled through this personal corporation, perhaps as a means of concealing his ownership and evading income tax.

Thus we have already numerous indications that the decree was secured by collusion but that it is not being observed in good faith.

There is one final phase of this situation upon which I should like your counsel and advice. It is evident that nothing can be gained by bringing further pressure to bear upon the Department of Justice or the Federal Trade Commission. Both of these governmental agencies have for some undisclosed reason acted in bad faith and without regard to the public interest from the very beginning of this proceeding and have forfeited their claim to public confidence by the final betrayal

of their oaths of office through the dismissal of the case against the Continental Baking Corporation. There would also appear to be no way by which I or any other private citizen could effectively appeal to the courts for the correction of this situation. I can see no recourse except to appeal to the Congress of the United States and particularly to the Senate for such action as the legislative branch of the Government may properly take to protect the interests of the American people.

I am therefore appealing to your superior knowledge of the law and the processes of government for counsel in this perplexing situation.

As this session of Congress is nearing its conclusion, I would greatly appreciate your early attention to this problem so that whatever may be done should be done quickly.

With expressions of my high personal regard and esteem, I am,

Faithfully yours,

BASIL M. MANLY, *Director.*

GUGGENHEIMER, UNTERMYER & MARSHALL,
New York, April 27, 1926.

Mr. BASIL M. MANLY,
Director People's Legislative Service,
212 First Street SE., Washington, D. C.

DEAR MR. MANLY: I have before me your very interesting and comprehensive letter of the 20th instant graphically and concisely reciting the history of the organization and development of the "Bread Trust" under the generalship of William B. Ward and his associates culminating in the incorporation by Ward on January 30, 1926, of the Ward Food Products Corporation under the laws of Maryland with the "modest" capital of $2,000,000,000 and the subsequent dissolution of that "straw man" by a consent decree of the United States District Court for the District of Maryland.

This decree, however, significantly fails to deal with the head and front of the offending in the form of the defendant Continental Baking Corporation, to which this extraordinary decree in effect grants almost complete absolution and immunity. There is no precedent for it so far as I am aware.

I am aware of the fact that the People's Legislative Service has been for upward of two years engaged in the praiseworthy effort to prevent a monopoly of the Nation's bread. I recall also that it was you who first exposed this conspiracy on the part of the Ward interests and who directed attention to the excessive profits that were being exacted from the people in the manufacture and sale of bread, and that this exposure resulted in the La Follette resolution of February 16, 1924, directing a sweeping investigation by the Federal Trade Commission of the entire baking industry.

In response to your request for my legal assistance and advice as to the effect of the proceedings heretofore taken, resulting in the so-called "consent decree," and as to what, if any, further proceedings should be instituted to protect the public against the continued violation of the antitrust laws by the defendants named in the decree, I beg to say that I will gladly cooperate in the direction indicated in your letter and would feel bound, as a public duty, to comply with your request to lend every aid in my power toward the purpose you have in mind.

It is manifest that if matters are permitted to rest as left by the decree the public will for all practical purposes be almost as completely at the mercy of the Ward combination as before.

I have examined the mass of records and other documents you have submitted, including the Government's bill of complaint and the consent decree above referred to, the testimony taken before the Trade Commission on the complaint against the Continental Baking Corporation, and have looked into the financial statements and the various stock exchange operations connected with the three companies.

From the testimony taken before the Federal Trade Commission in the case of the Continental Baking Corporation and from the other data that is before me I am satisfied and have no hesitation in advising you that its organization and the acquisition by it of the 106 bakeries that it now owns constitute a plain violation of the antitrust law.

I am also satisfied that the Ward Baking Corporation, the General Baking Corporation, and the United Bakeries Corporation are dominated and controlled by William B. Ward and his associates and that this control accentuates the peril of the people from this source.

I regret to say, and say it with the greatest diffidence, that in my judgment the so-called "consent decree" is largely a smoke screen behind which the Ward interests will be able to continue their monopolistic operations with greater assurance of safety from attack than before this apparently camouflage Government suit was begun. If it were seriously intended to hamper them in that direction, I can not understand the following extraordinary provisions in the decree, Nos. 13 and 14:

"13. It appears that the charge contained in the petition herein that the acquisition and holding by the defendant, the Continental Baking Corporation, of the stocks and other share capital of the alleged competing baking companies is in violation of section 7 of the Clayton Act was included also in a complaint filed by the Federal Trade Commission against the Continental Baking Corporation on December 19, 1925:

"Wherefore the petition is dismissed as to that charge without prejudice to the right of the United States to again raise the issue in any other proceeding."

"14. It is further ordered, adjudged, and decreed that this decree and any of the provisions hereof shall be without prejudice to the rights and interests of the said defendants in any proceedings, civil or criminal, which may hereafter be brought, except that its recitals shall be conclusive in all proceedings brought to enforce an observance of this decree or any part thereof."

Why this "wherefore"? It seems to me the most grotesque sort of a non sequitur. Why should the charges in the Government's complaint against the Continental Baking Corporation, which is by far the most dangerous of the offenders, have been dismissed because a similar complaint against it was then pending before the Federal Trade Commission? If the officials of the Department of Justice had read the testimony before the commission and were intent upon doing their duty they would have insisted above all things upon including in the decree the dissolution and disintegration of the Continental Baking Corporation instead of dismissing the charge against it.

But the most extraordinary provision of that decree is contained in paragraph 14, the effect of which is that instead of the decree being res adjudicata as against all the parties against whom it is entered it is made absolutely worthless in any further proceeding except where the enforcement of the provisions of the decree is directly involved.

I know of no other case in which the Government has permitted a defendant charged with violation of the antitrust laws to consent to a decree which shall be binding upon him only so far as the enforcement of that particular decree is concerned and shall otherwise have no binding force. The detailed charges against the Continental Baking Corporation set forth in the complaint were either true or false. The testimony before the Federal Trade Commission established their truth. If true, why was the complaint dismissed?

I understand also that the ground asserted in the decree upon which the court was induced to dismiss the suit against the Continental Baking Corporation, to wit, that there was another proceeding pending before the Federal Trade Commission, was to all intents and purposes false, in that it had been virtually agreed when the decree was entered that the proceedings against the Continental Baking Corporation before the commission should also be dismissed, and they were in point of fact dismissed at or about the same time.

If this fact was suppressed from the court when it entered the decree, as it manifestly was, since the court would not have dismissed the suit on the ground that there was another proceeding then pending if it had known that the other proceeding had been or was about to be dismissed as part of the arrangement, it amounted to a gross fraud upon the court.

If Ward and his associate defendants in fact virtually dominate and control the Ward Baking Corporation, General Baking Corporation, United Bakeries Corporation, and Continental Baking Corporation, as is made clear by the allegations of the Government's complaint, the dissolution of the Ward Food Products Corporation directed by the decree is of no practical value or avail to the public. It may not be quite as convenient or as lucrative for them for purposes of speculative stock-exchange manipulation to have this control scattered through three or four companies as to have it concentrated in one company, but it is quite as effective from the point of view of throttling competition between the companies that are under one domination.

It is in that aspect that the provisions of the decree enjoining the constituent companies and Ward, Helms, and Barber from acquiring or holding stock in more than one of the companies will be either valuable or worthless. It can be made the most valuable and is perhaps the only valuable feature of the decree, dependent on whether it is rigidly enforced. It is, of course, readily capable of evasion. All that Ward, Helms, and Barber and their allies need do is to exchange stocks, so that one of them controls each company, and then "cooperate" instead of competing. That, however, is no argument against the effectiveness of the decree. The fundamental vice of the decree as I see it is in letting out the Continental, which is in and of itself an illegal combination.

My advice is to attack the action from two angles:

1. To ask the Senate to investigate the circumstances surrounding the entry of the decree, and that if it is found that the Continental Baking Corporation has acquired competing plants in restraint of trade that it direct proceedings to be begun anew against that corporation and those in control of it.

In view of the relation of the Department of Justice and the Federal Trade Commission to the transaction and especially to the entry of this decree, there should be the same insistence upon the selection of independent counsel to conduct the prosecution as was insisted upon in the Doheny and Sinclair cases.

2. Your organization should endeavor to intervene as amicus curiae and to appeal to Judge Soper, who signed this decree to reopen it as to the Continental Baking Corporation and require that the suit be continued as to it. I doubt, however, whether this would be permitted

over the objection of the Department of Justice, and yet it might have the effect of inducing action by Judge Soper on his own behalf. As all parties had joined in requesting this form of decree the court would not ordinarily have been expected to give close scrutiny to the document.

Very truly yours,

SAMUEL UNTERMYER.

Mr. HARRELD. Mr. President, on April 3, 1926, the Attorney General of the United States made a public statement concerning the matter which the Senator from Wisconsin has just been discussing, giving his side of the case. I happen to have it, and I ask unanimous consent that it may be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

COMMENT OF ATTORNEY GENERAL

The full text of the statement of the Attorney General given to the press on April 3, 1926, is as follows:

"The outstanding feature of the decree is the complete dissolution of the Ward Food Products Corporation. That corporation was organized under the laws of Maryland on January 30, 1926, with an authorized capital stock of 20,000,000 shares with a potential value of $2,000,000,000.

"As to that company the decree provides that, within 30 days, it shall be dissolved, all its corporate privileges forfeited, and its charter surrendered to the State of Maryland. Pending its final dissolution the corporation is enjoined from issuing any capital stock, acquiring any property, or transacting any business other than may be necessary to terminate its corporate existence.

"Another important provision relates to changes in the corporate organization and structure of the General Baking Corporation. At its next annual meeting, to be held within one year, it will reduce its authorized capital stock by reducing its class A nonvoting stock from 5,000,000 shares to 2,000,000 shares. Pending such action the corporation is enjoined from issuing any part of the 3,000,000 shares so to be canceled.

"LIQUIDATION BY WARD

"Counsel certify to the court that William B. Ward has completely liquidated his holdings, 1,000,000 shares, in the voting stock of the General Baking Corporation, and this assertion has been verified by Department of Justice accountants. To widen the control of the company the number of its directors is increased from three to seven.

"As the result of the dissolution of the Ward Food Products Corporation and the reorganization of the General Baking Corporation there has been canceled authorized capital stock in the amount of 23,000,000 shares, with a potential value of $2,300,000,000.

"The decree finds that a plan such as described in the petition, if carried into effect, would be violative of both the Sherman law and the Clayton law. It therefore forbids the defendants, both corporate and individual, from directly or indirectly doing any act or thing in furtherance of such a plan, and from forming or joining any like plan for restraining or monopolizing interstate trade and commerce in the future.

"The Ward Baking Corporation, the General Baking Corporation, and the Continental Baking Corporation are each severally enjoined and restrained from acquiring, receiving, holding, or voting, or in any manner exercising control over, the whole or any part of the capital stock of either of the other companies, and from acquiring any of their physical assets.

"SEPARATION OF DIRECTORATES

"In like manner those three companies are enjoined and restrained from having any directors or officers in common. The purpose of this provision is declared in the decree to be to insure to each corporation a direction and management independent of the direction and management of the other corporate defendants.

"Each of the corporate defendants, its officers, directors, agents, and employees, is enjoined from entering into any contracts, agreements, or understandings with any other corporate defendant for joint purchases of materials, supplies, and equipment, or for common prices or common policies in the marketing and sale of their output.

"The corporate defendants also are enjoined from acquiring, directly or indirectly, the whole or any part of the capital stock of any other baking corporation engaged in interstate commerce where the effect may be to substantially lessen competition in such commerce.

"The defendants William B. Ward, George G. Barber, and Paul H. Helms, characterized in the Government's petition as a 'triumvirate controlling and directing the fortunes of the baking industry,' are enjoined from acquiring or holding voting stock in more than one of the corporate defendants, and each is required to dispossess himself of all voting shares in all of the corporate defendants other than the one in which he shall elect to remain a voting shareholder.

"PROCEEDING IS DISMISSED

"The decree recites that, as the charge that the Continental Baking Corporation has acquired the stocks of competing bakeries in violation of section 7 of the Clayton Act, is involved in a proceeding by the Federal Trade Commission begun before the filing of the Government's proceeding, the petition is dismissed as to that charge without prejudice to the right of the United States to raise the issue in any other proceeding.

"The petition also was dismissed without prejudice as to the individual defendants, other than Ward, Barber, and Helms, they being regarded as merely nominal factors in the industry.

"The court retains jurisdiction of the case to enter any further orders that may be necessary or proper in relation to the carrying out of the provisions of this decree, and for the enforcement of strict compliance therewith and the punishment of evasions thereof."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 16) authorizing the Secretary of the Senate, in the enrollment of the bill (S. 2296) authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader, to amend the title.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5701) to designate the times and places of holding terms of the United States District Court for the District of Montana; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GRAHAM, Mr. DYER, and Mr. SUMNERS were appointed managers on the part of the House at the conference.

The message further announced that the House had insisted upon its amendment to the bill (S. 1039) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CHRISTOPHERSON, Mr. MICHENER, and Mr. MONTAGUE were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 46, 56, 100, and 102 to the said bill and concurred therein; and that the House had receded from its disagreement to the amendments of the Senate numbered 109 and 110 and concurred therein each with an amendment, in which it requested the concurrence of the Senate.

THE PROHIBITION LAW

Mr. BRUCE. Mr. President, I am very glad indeed that the Senator from New Jersey [Mr. EDGE] made the comments he did a few minutes ago upon the hearings before the subcommittee of the Judiciary Committee in relation to prohibition. In rising, it is not my purpose to make any observations upon those hearings to-day. Later on, I propose to deal with them, possibly at some little length. I simply desire first of all to call attention to the fact that while those hearings were pending cumulative evidence supporting the case made by us before that subcommittee was steadily being brought to light.

In the first place, during the pendency of those hearings, the fact was stated in the newspapers of Washington, notwithstanding the denial made by our friends, the prohibitionists, that drunkenness was increasing in the leading cities of the United States—that in two days only, upward of 200 persons were arrested in Washington for drunkenness.

Some effort was made in the course of those hearings to discredit the statistics which I and other individuals, inside and outside of this body, have brought forward with respect to the increase in drunkenness in American cities. In that connection all I wish to say is that the table of statistics which I laid before the subcommittee was compiled from letters sent to me by the chiefs of police of all the cities included in my table. I have the original letters of those chiefs of police, and they are open at any time to the inspection of anybody, to the inspection of the Senate or of any Member of the Senate, to the inspection of any prohibitionist or antiprohibitionist in the land. As I

have repeatedly asserted, they show conclusively that ever since the enactment of the Volstead Act arrests for drunkenness have been steadily mounting up and are still mounting up in every city in the land—north, south, east, and west.

Nor is what I have said about the number of arrests in the city of Washington during two days only the only thing that I might cite at this time in illustration of the fact that even while that subcommittee was sitting from day to day, from hour to hour, intolerable scandals and abuses bred by prohibition were still being bred.

Several days ago, when I turned to my copy of the Baltimore Daily Sun—which I can as readily dispense with as I can with the sun that rises above the horizon every morning—the first thing that met my eye was a statement calling attention to the fact that no less than four of the prohibition directors of the State of Wisconsin had been punished or indicted for misconduct.

Mr. LA FOLLETTE. Mr. President, I hope the Senator will make it clear that they were the Federal enforcement officers and not State officers.

Mr. BRUCE. I will. God forbid that I should identify the honorable State of Wisconsin with such a corrupt crew as a large part of the prohibition force charged with the enforcement of prohibition in this land are.

Here is the Associated Press dispatch to which I refer:

MILWAUKEE, WIS., April 27.—Clark M. Perry, former Wisconsin Federal prohibition director, indicted by a United States grand jury on a charge of conspiracy to violate the dry law, is the fourth Wisconsin director to be accused in grand jury charges.

The first Federal director in the State, Joseph Guidice, of Sdnger, was involved in an alleged liquor scandal and was mentioned in a grand jury indictment. He died before the charges were submitted to the court.

Joseph P. O'Neill, Milwaukee, second director, was indicted and served a sentence in the Milwaukee House of Correction. Thomas A. Delaney, of Green Bay, was the next director indicted, and he served a term at Leavenworth.

OTHERS ALSO INDICTED

Perry, the fourth, is accused in connection with the fake robbery of $100,000 worth of whisky from warehouses at Plymouth, Wis.

In other words, it seems to be absolutely impossible for anybody to touch that stick without being tarred. Four prohibition directors in one State, and each one of the four a scamp either originally or because of the corrupting influence of the detestable system of tyrrany and depravity established by prohibition.

As the hearings showed, no less than 875 members of the Prohibition Unit have been dismissed from the service, and the great majority of them for corruption or for downright rascality in some form or other. Of course, I am not saying that all of the members of the Prohibition Unit are persons of that description. That would be doing a gross injustice to many honorable and brave men who also help to make up the Prohibition Unit. Nevertheless, aside from such members of the unit as have been indicted and acquitted and such as have never been detected, no less than 875 have been dismissed from the service for actual misconduct.

Mr. OVERMAN. Mr. President, how could those 875 rascals be appointed to this unit under the Volstead Act? Was there no inquiry into their character or good standing?

Mr. BRUCE. Most of them were appointed directly or indirectly by the Anti-Saloon League. That was shown by the testimony at the hearings to which I have referred. General Andrews testified on that point. Some were named by church organizations, some by the Anti-Saloon League, and, as I understand, some by Wayne B. Wheeler himself. It is no wonder that when the bill proposing to place members of the Prohibition Unit under the civil-service system came up to-day on the call of the calendar I should not have been disposed to let it proceed to its passage without some observations on the depraving influences that its practical workings are likely to exercise.

The Volstead Act was largely the fruit of the abuses of official patronage. When it was under consideration nothing would satisfy Wayne B. Wheeler and his Anti-Saloon League associates except a provision in it excluding field employees of the Prohibition Unit from the scope of the classified service. At that time Wheeler was opposed to the Federal merit system of appointment as an agency for the selection of such field employees. So were his colaborers generally, and for a long time his and their refusal to allow certain members of the Prohibition Unit to be brought within the classified service was kept up by Wheeler and his fellow Anti-Saloon League politicians, notwithstanding the fact that Richard H. Dana, of Boston, the president of the National Civil Service Reform Association, pointed out as with the eye of a prophet what the demoralizing consequences would be of resorting to the old patronage system for prohibition employees and the fact that at every annual meeting for some years the National Civil Service Reform Association protested against the exclusion of members of the Prohibition Unit from the classified service. But now many appointments to the Prohibition Unit under the old spoils system of patronage have become such a stench in the nostrils of the American people that Wheeler and his clients are here asking that the field places in the Prohibition Unit be brought under the provisions of the national civil service laws, laws which I spent some 30 or 40 years of my life upholding.

So strong are my convictions touching the national merit system of appointment that nothing tends to keep me from voting for the pending bill except the feeling that the temptations to which prohibition subjects the public official are so great that even men brought in under the national merit system of appointment might not always be proof against their corrupt solicitations

But, Mr. President, I have wandered far afield. When I rose I had no thought of permitting my utterances to run out into those channels at all. I rose for the single purpose of calling attention to a recent address of the Attorney General of the United States, the Hon. John G. Sargent, in the city of New York, on the subject of prohibition. I do not call attention to this address because there is anything remarkable about it as an address, but because it was delivered by a Cabinet officer. After indulging in the usual prohibition platitudes in his address Mr. Sargent concluded by saying:

If the views I have suggested are sound, can anyone without menacing the safety of society maintain an attitude as to the observance and enforcement of the eighteenth amendment and the Volstead Act different from that he maintains as to the observance and enforcement of the law against counterfeiting, against larceny from the mails, against robbery, and crime generally?

I answer yes! To the mind of a well-balanced, rational man there is no analogy whatever to be suggested between such heinous crimes as counterfeiting and mail robbery or highway robbery and violations of the Volstead Act. The instinct of every respectable, decent man in the land rises up at the thought of any flagitious crime being committed. But if taking an occasional drink is always a crime it is only because man in a moment of folly chooses to call it a crime.

Did anybody ever stop to ask why it is that there is no public opinion among reputable people hostile to the antinarcotic laws of the United States, though thousands and hundreds of thousands, nay millions of reputable people are opposed to prohibition? It is because in the end a narcotic works complete physical and moral degeneration. Consequently, it is a real crime to sell a narcotic to a human being, and a real crime for a human being to use a narcotic. From the Golden Gate to Hell Gate the voice of not one law-abiding, respectable citizen, man or woman, is raised in condemnation of our antinarcotic laws. But, of course, the feeling about the use in moderation of spirits or wine or beer is an absolutely different thing, because they are not narcotics, and millions of human beings can use them from the earliest days of their lives until the last breath leaves their bodies without anything except innocent pleasure and rational enjoyment. Therefore, to try to put drink in the same class with narcotics or anything else of the same opprobrious nature is a thing that defeats its own purpose—a thing that will not go down with the human conscience or the human intellect, that can from its very nature breed only abuse and scandal and violation of the law, that can, as I have said on a previous occasion, have no effect except that of blighting human happiness, debasing human morals, and discrediting human laws. And sad, indeed, it is to reflect that nothing has given a more morbid stimulus to the use of narcotics in this country than prohibition. In 1918, if I can rely upon my memory at this moment, there were some 400 convictions for violations of the antinarcotic laws in the United States, while in 1925 there were some 3,000. If men can not have a legitimate form of physical stimulation, they will resort to a far more ruinous and destructive form of it.

Now, to get back to Mr. Sargent, it is perfectly idle for him or anybody else to appeal to the Federal Constitution in relation to prohibition, as if it were something that like the laws of the Medes and Persians, is not to be changed under any circumstances. A constitution can make just as much of a fool of itself as can a statute. Under ordinary conditions, of course, it is the duty of every one of us to revere every part of the Federal Constitution. The highest duty of the citizen is to obey the Constitution and laws, and, much as I detest prohibition, ever since I have been a Member of this

body I have voted for every appropriation for its enforcement. I even introduced a few days ago into this body a bill creating another Federal judge in the State of Maryland, notwithstanding the fact that the only need for that judge is created by the sequels of prohibition.

As I have said repeatedly, I would despise the President of the United States, I would despise the judges of the Supreme Court and the inferior Federal judges of the land and every other minister of the law if they did not, no matter what might be their personal views with respect to prohibition, discharge their official duty in relation to it faithfully. But, all the same, there are constitutional provisions to which no sensible man can pay his homage. Only a small part of a true law be it remembered is on the statute books. Three-fourths of the efficacy of a law does not reside in the statute book at all but in the human conscience and intellect.

Laws and constitutional provisions are enforceable only so far as they are declaratory of those moral precepts which are inscribed in indelible letters upon the tablets of the human heart, altogether independent of municipal ordinances or constitutional injunctions. And a constitutional provision can become an object of disrespect, of disobedience, almost as readily as can a statute.

What I wish especially to call to the attention of the Attorney General, who is a native of Vermont, is the fact that there was a time when certain provisions of the Federal Constitution were defied, flouted, and scorned by his State. Everybody knows that in the beginning there were guaranties of the institution of slavery in the Federal Constitution. We are all sorry that that was ever the case; we are all glad that those guaranties have passed away with the lapse of time. Far, indeed, be it from me to arouse any feelings engendered by the long fratricidal struggle between the two sections of our country that are now so happily united. Though a southern man by birth and by training and yielding to no one in my admiration of the splendid military genius of the Confederate leaders and the dauntless valor of the men whom they led, I for one am just as much delighted as is any other American in the land, no matter what was his place of nativity, that the Civil War ended exactly as it did.

All the same, there was, as I have said, a time when there were constitutional guaranties of slavery in the Federal Constitution, and when Congress passed a fugitive slave law for the purpose of enforcing the provisions of the Federal Constitution, which declared that it should be the duty of one State to return to another State any slave who had fled from that State. There, you see, was a case for the performance of a plain duty. It was the legal obligation of every State in the land, of every governor in the land, to heed those constitutional guaranties, to help to enforce that fugitive slave law, and yet the time arrived when the fugitive slave law became a dead letter upon the face of the statute book in many of the free States; when judges in the free States would not honor it; when juries in the free States would not honor it; and because the moral impulses of the people of the free States and of a large portion of the people even of the States where slavery existed and the moral impulses of the world outside of the United States had registered their remonstrance against the perpetuation of the institution of slavery.

People talk now about an "underworld," as if there never were an "underworld" before under the provisions of the Federal Constitution, but I venture to remind some of my colleagues of the fact that while the institution of slavery lasted there was an "underworld," too. Some of you have doubtless heard of the "underground railway," by which, in defiance of the Federal Constitution, slaves were railroaded from the South to New England or to Canada.

In other words, in the providence of God, the time had come when those constitutional guaranties of slavery and the fugitive slave law had no binding efficacy and were backed by no real moral sanction so far as the majority of the people of the United States were concerned. The attitude of the people of the free States toward them was the same as that which thousands of American citizens to-day are assuming toward the eighteenth amendment and the Volstead Act.

What did Vermont do while that slavery agitation was under way? In addition to personal liberty acts passed by many other States for the purpose of nullifying the fugitive slave law, in addition to the refusal of governor after governor in the free States, including the Governors of Maine, New York, and Ohio, to deliver up slaves who had fled from their homes, the State of Vermont, the State of Mr. Sargent's nativity, the State of his residence, enacted this law:

> Every person who may have been held as a slave who shall come or who may be brought into this State with the consent of his or her alleged master or mistress, or who shall come or be brought, or shall be in this State, shall be free.

That is to say, no matter what the Federal Constitution said, no matter what Congress said, no matter what any lawgiver or any law said, the slave was to be free; the gyves were to fall from his wrists, the shackles from his ankles; he was to breathe the breath of a free man as soon as he reached the Green Mountains. In other words, the rising moral impulses of a large portion of the people of the United States swept all constitutional barriers away.

You will recollect, Mr. President, that Garrison said, as I recall his language at this moment, that the Federal Constitution was "a league with death and a covenant with hell." The Federal Constitution, mind you, this very Federal Constitution which the Attorney General is holding up to our face! Of course, Garrison was an abolitionist and an extremist, but no less a person than William H. Seward, a true statesman in every sense of the word, also declared that there was a higher law than the Federal Constitution when the country came to deal with the institution of slavery.

Then this act of Vermont goes on to provide further:

> Every person who shall hold, or attempt to hold, in this State, in slavery, as a slave, any free person, in any form or for any time, however short, under the pretense that such person is or has been a slave, shall on conviction thereof be imprisoned in the State prison for a term not less than five year, nor more than 20, and be fined not less than $1,000, nor more than $10,000.

That is to say, the people of Vermont had worked themselves up to the pitch to which the prohibitionists of this body worked themselves up, when one of them said that he believed that some violations of the Volstead Act should be punished with capital punishment; and another that even the making of a little home brew in the home should be classed as a felony; and another, who was led away not by fanaticism but by his glowing declaration, that he for one was prepared to wade—just think of it!—through fire and flame and blood to maintain the constitutional mandates of prohibition.

That is all I have to say. It brings me back, of course, to the declaration that there is no sense in enacting laws or even in adopting constitutional provisions that violate the primal impulses of human nature; that are out of keeping with the constitution of man as he left the plastic hands of God; that seek arbitrarily and artificially and irrationally to make man all over again, and to curb appetites of his that when kept strictly within bounds have not the slightest taint of criminality about them, no matter what the Anti-Saloon League says, no matter what Wayne B. Wheeler says, no matter what any fanatic in this body says.

There are not many such fanatics in this body. Do not make the mistake of exaggerating the number of Senators who are really in sympathy with prohibition. A few days ago when one of my best friends in the Senate said to me as he passed me and another Senator who shares my views:

> There are only two of you antiprohibitionists in this body.

I was tempted to reply: "Yes, but how many would there be if you added to us all the insincere prohibitionists in this body?" We would be in a great majority, and before any considerable amount of time shall elapse we are going to be in a majority anyhow.

When the proposition that we should hold this hearing was made, at first there seemed to be a disposition on the part of practically the entire Judiciary Committee of the Senate to deny us the privilege of a hearing at all; but I am deeply gratified to say that the majority of the committee had too much sense of justice, too much fairness of mind, to be willing to deny us such a hearing. Of course, one member of the committee did hold out from first to last against a hearing, on the ground that we were merely engaged in wet propagandaism. It was the old story. When I am interested in something and want to have a hearing, that is nothing but propaganda; but when you are interested in something and want a hearing, that is an honest search for valuable knowledge and instruction.

I remember what Archbishop Whately said: "Heterodoxy is your doxy, and orthodoxy my doxy."

But we have had our hearing; and it was so destructive of the hollow pretenses of prohibition that I sometimes ask myself whether a little later the fate may not befall us that Jeremy Bentham says often befalls the reformer; that is to say, the fate, like that of the exploding bomb, which is lost to sight in the very ruins that it has wrought.

The prohibition question is to come up in Pennsylvania in a few days now. Next fall there is to be a referendum in the State of New York—a referendum against which the prohibitionists held out until the very last moment of resistance, and

into which they have been finally dragged as reluctantly as a cat is dragged by the tail across a carpet. Unless I am mistaken, the people of New York are too intelligent, to rational, too law-abiding, longer to tolerate such a thing as national prohibition has proved itself to be.

FEDERAL HIGHWAY AID

Mr. PHIPPS. Mr. President, the House has passed a bill, H. R. 9504, covering Federal aid in the construction of roads. This bill includes authorizations under which appropriations totaling $75,000,000 for the fiscal year ending June 30, 1928, and the same sum for the fiscal year ending June 30, 1929, together with 10 per cent of like amounts for the construction of forest roads and trails, will be made available; the bill being identical with the one passed by the Sixty-eighth Congress, excepting that those authorizations applied to the years 1926 and 1927.

Mr. President, only within recent years has the necessity for good roads been brought home to the American people and to the American Congress. During the past century the wonderful development of the railroad forced highway construction into decidedly second place. The roads and trails of the country, on which some progress had been made in our early history, were shamefully neglected, and this can even be said of conditions within the past decade. Do you realize that the original Federal aid law, the Shackleford Act, was passed on July 11, 1916, a little less than 10 years ago, and that for the first year of its operation there was only made available for use throughout the entire United States the sum of $5,000,000? Since that time Congress has become more generous; but even yet there may be those within the sound of my voice, Members of this body, who have not become convinced of the prime importance of this undertaking, and who would advocate that our Government should not spend another cent for that purpose.

Let us examine the results growing out of the contribution of the Federal Government to the upbuilding of highways throughout the country. The amount involved has been comparatively small. I speak advisedly, for the fact is that during the fiscal year 1924 only 2.3 per cent of the total Federal Budget went into highway construction, and this included administrative costs. Moreover, from the date of the establishment of the program until June 30, 1924, the Federal Government collected in taxes on automobiles and accessories more than twice the amount expended on good roads. But let us see what has been accomplished. Has the adoption of the system proved to be a worth-while investment? What beneficial results have been secured? And what may be expected in the future if we continue as we have begun?

Within the past 10 years 171,687 miles of main highways have been constructed or improved with Federal aid. These roads lead across the country from the East to the West, from the North to the South. They run through the principal cities of each State; they traverse the leading agricultural communities; they go from farm to market and from the post office to the home. A 10-mile zone marked off on each side of this Federal-aid system would include the residences of nine-tenths of our population.

What has been done? Let us speak first of the farmer. It is quite generally admitted upon this floor that additional relief for agricultural conditions is still required and that something should be attempted to that end by legislative act. I myself have introduced and am urging the passage of two bills, which are intended to assist the stockman of the West and through him the entire country. I shall be glad to examine carefully any other agricultural-aid proposals that may be brought forward by my colleagues in the Senate or in the House of Representatives. But, Senators, I respectfully submit that Federal highway aid has done more in this direction than any other single act of the National Congress and that to abolish the system at this time would probably be the most disastrous blow that could be dealt the American farmer.

In this connection do not imagine there is any such thing as a "permanent road." That is one of the many delusions on this subject, which exist in the minds of otherwise intelligent men. Highway experts are thoroughly familiar with the fact that all roads, of whatever type of construction, gradually wear out under heavy use and the effect of the elements. Proper maintenance must be started at the instant that construction is completed; and this, as you are aware, is being handled by the States under the present satisfactory arrangement. The States obligate themselves to maintain the Federal-aid roads at their own expense, and they forfeit their allotments for road construction during their failure to keep these highways in good condition. We should also bear in mind that there is much new work of consequence to be undertaken in every section of the country.

But to return to the farmer. Farm-to-market roads are no myth. In these latter years the transportation of agricultural products direct to the market has been made possible by the program of highway construction. Formerly three hauls at least were required—the slow journey to the railroad over unimproved country roads, the trip by train, and the haul to the commission house or retail dealer. But the motor truck has taken the place of the old arrangement. It has proved especially important in the handling of perishables. It has widened the market; for while the railroad is still available for transportation over long distances, the automobile supplies closer communities which heretofore it had not been possible to reach by railroad.

In addition, prompt delivery of rural mails is not only a convenience but a necessity to the modern farmer, who transacts much business by parcel post. He buys in that fashion. He often sells in the same manner. The parcel-post business, which has grown to enormous proportions in the past few years, affords such substantial benefits to the farmer as to justify the expense and effort required on the part of our Government. With our old highways most of the mail deliveries now being made daily would have been utterly impossible, and the few deliveries that could have been made over such poor roads would have proved extremely expensive. Thus, while the Federal-aid system has enabled the Post Office Department to extend its beneficent arm to practically our entire population, instead of merely assisting those in urban centers, it has also permitted the development of these postal facilities at a minimum of expense to the patron of our rural routes and to the taxpayers themselves. Through star routes, which deliver mail from one post office to another, whole towns which do not enjoy railroad facilities have been put on the map from a postal standpoint.

As to the delivery of first-class mail, good roads are also playing an invaluable part in rural sections. And I insist, Mr. President, that wherever possible the man on the farm is just as much entitled to this great convenience, to this helpful service on the part of his Government, as is the city dweller.

This brings us to the next question. What has highway aid done for the inhabitants of large cities? A great deal of what I have just said with reference to farm-to-market roads applies with equal force to our urban population as it does to the agriculturist. The farmer gets a better market because of hard-surfaced highways. The city dweller has the advantage of fresh vegetables; more, better, and cheaper farm products. For short journeys our citizens secure transportation from place to place more quickly, more satisfactorily, and often more economically than in the old days. It has been truly said that the automobile and the railroad train have an entirely different public service to perform, both for freight and passenger traffic. In handling commodities the auto truck acts as a feeder to the railway, while in the case of personal transportation the bus reaches points that can not be reached by train, or when it parallels the railroad makes stops along the way where there are no railway stations. Thus motor and rail transportation supplement each other. Through their proper combination such facilities are being made more generally available, and a great service is being rendered the people of the United States.

Bus transportation has come to stay. Such lines are springing up on all sides and are apparently doing a profitable business. In the opinion of many the time is not far distant when there must be some competent regulation by Government authority, and I understand that a bill for this purpose is now pending before the Interstate Commerce Committee of the Senate. Are Senators aware of the fact that there has just been a consolidation of certain companies which will permit bus travel in this country from coast to coast? I am informed that such automobiles now run from Boston to New York, from New York to Chicago, from Chicago to St. Louis, from St. Louis, to Kansas City, from Kansas City to Denver, and from Denver to Los Angeles. I am pleased to record that in my own State of Colorado such long distance travel was originally instituted, and the first line was run from Denver to Kansas City.

Furthermore, the city dweller, as well as the man in the country, makes much use of our public highways for recreational purposes. Mr. President, I know it was once the fashion to sneer at the man who seeks health or relaxation in his automobile. For many years the motor car was considered altogether a luxury, and even to-day there are those who persist in holding that old idea. Apparently they take the position that the automobile is the rich man's toy, and that the improved road is something to be enjoyed only if it can be afforded after all necessities and comforts of life have been obtained. They seem to feel that we are a Nation of joy riders, and that hard surfaced highways are almost a menace to our present-day civilization rather than an economic necessity.

For my part, I do not hesitate to defend and praise the man who wishes to use our great cross-country routes for recreation or healthful travel. To my mind this is a beneficial and excellent use. Motoring is no longer a hobby of the wealthy by any means. It opens the door to the poor man and the man of moderate income who wishes to escape from his humdrum every-day surroundings, filling our citizens with renewed vigor and giving them a broader outlook on life. Some may scoff if they choose at the tin-can tourist, as he is sometimes called; at the man or woman, in whatever station of life, who uses the automobile to "see America first."

I wish to go on record as stating that motor travel is the leaven which is helping to promote the national welfare, to give our people a better understanding of each other, and to furnish them with first-hand knowledge of varying conditions throughout this, their own country, of our huge natural resources and unbounded national possibilities. Such observations in themselves make men and women better American citizens. They stimulate development of our resources through investment of time, labor, and capital; lead to the adoption of a higher standard of living and to the general enlightenment of all our people. They knit together this Union of inseparable States, for they give the American citizen a national viewpoint. These things, Mr. President, which can not be reckoned in terms of dollars, although they do affect the country's prosperity, these things are made possible by the automobile and the network of improved highways over which it travels.

What has been done through the instrumentality of good roads? Ask the manufacturer, whose products are now distributed and delivered to the consumer in autotrucks over improved highways. This means speedier, cheaper, and better service to the public. I need hardly add that here, again, many of our citizens are vitally interested—the manufacturer, the workman in the factory, the retailer, and the ultimate consumer.

What does Federal highway aid mean from a military standpoint? I need hardly propound this question to Senators who have fresh in their recollections the lessons of the Great War. At that time the railroads did their share; there was no physical breakdown; and yet we know how all transportation suffered because of lack of capacity to handle the load. It was then that the War Department turned to the highway system, making use of such routes as we had to transport munitions and other war supplies from point of manufacture to the seaboard for shipment across the Atlantic. Military authorities are still testing the roads by the movement of troops and supplies so as to know what they may count upon in the event of an emergency.

There is another use of the roads for national defense which is sometimes overlooked. It was succinctly expressed by General Pershing when he appeared before our Post Office Committee in 1921 and said:

> The country road will be of tremendous value in time of war. These roads must be relied upon to obtain the needed food supplies.

Permit me to state that adequate highway transportation is just as important from that standpoint as many direct activities of the War and Navy Departments. Do you know that the United States Bureau of Public Roads recognizes this fact, and that ever since the cooperative work was undertaken all Federal-aid roads are so constructed that the culverts and bridges shall meet the needs and requirements of the Army? The War Department was also consulted as to the greatest national need for defense purposes before the present Federal-aid routes were finally approved.

Senators, I can not impress upon you too strongly that the interests of all our people are interwoven in good roads. I can not repeat too often that here we have one of the few propositions that benefit all our citizens—the farmer, the city dweller, the business man, the manufacturer, the mechanic, the miner, and those in every walk of life. Please remember also that, in the words of Mr. Thomas H. MacDonald, Chief of the Federal Bureau of Public Roads—

> We pay for improved roads whether we have them or not, and we pay less if we have them than if we have not.

In other words, it costs money to move any vehicle over the highways, and that total sum is materially less if those highways are properly improved. It seems to me that we should welcome this opportunity to extend such universal aid to the people of the United States and at the same time to bring about a great public saving in time, effort, and actual money.

But it is asked: How important a part has the United States actually had in the development of our national highways? Has such Federal aid been responsible, to any great extent, for the development within recent years which has accomplished such beneficial results? Let us see. The amount of money actually expended since 1916, while insignificant when compared to the total annual budget, has been more than a drop in the bucket. Appropriations or authorizations by Congress for use until June 30, 1925, total $540,000,000. Practically all of this money has been actually allotted and expended, and in accordance with one of the leading features of the plan, it has been matched dollar for dollar by State appropriations. The only exception is in the case of certain Western States having a large area of unappropriated public lands, on which no Federal taxes are paid, and in that case the proportion of contribution required on the part of the State is reduced accordingly.

This money has been wisely spent in accordance with the conditions under which the road is used. In other words, concrete or macadam is not required in all sections of the country or in every part of a State. In fact, not all highways need to be hard surfaced. The amount of development should depend, of course, upon the needs of the people who travel over the route. For example, the grading and drainage of an unimproved road is not expensive; yet such a highway is often satisfactory and can be maintained by dragging at a minimum of expense. Or a road may be surfaced with hard clay or gravel and withstand a considerable amount of travel, with corresponding benefits to the general public. All these things have been taken into consideration by Federal and State authorities in making expenditure of the taxpayer's money for highway purposes.

In addition, Federal aid has accomplished two results which, in my opinion, far outweigh the amounts actually contributed by the United States for such work in the several States. First, it has established a connected and comprehensive system. It has directed such development in channels where the most good to the greatest number could be obtained. Almost from the start, it was recognized that there are main arteries of travel in each State, running from one large city to another, and feeding the principal local roads of every section of the State. Moreover, there are routes which are also of interstate importance, through routes which are part of a chain joining the principal communities of the Nation and running across the continent. To encourage the improvement of such roads, to prevent the people's money from being dribbled away in small quantities on isolated projects is one of the objects of the Federal-aid program. As Senators know, the greatest possible mileage in the system can only be 7 per cent of the total length of roads in the United States in 1921, according to the provisions of the act itself. Thus, through Federal aid we build highways where they are most needed. Nearly every city of 5,000 population or more is reached by this system, and, as I have heretofore stated, 90 per cent of our people are within 10 miles of a Federal-aid road.

The second beneficial result to which I call attention is also significant. The adoption of this plan has aroused the interest of the State and county authorities generally, so that now, realizing the great benefits of improved roads, they are desirous of expending their allotments of Federal money over the greatest mileage permissible and of improving feeder routes to connect with the main thoroughfares.

This movement has developed into a general road construction program, so that at the present time the contributions of the Federal Government only constitute 8 per cent of the total annual expenditures for highway construction in the entire country.

When this system was first introduced in 1916, 17 of the 48 States had no highway departments, and the fact that everyone of them now maintains such departments illustrates the helpful aid of the Federal good roads law.

Mr. President, there should be no cause to regret that the States have embarked on a program of good-road construction; the only pity is that they were not induced to begin earlier. There remains much to be accomplished, as the development of motor vehicles is still in advance of road improvement and construction. Therefore, the Federal Government should continue to lead the way until all of the States on this continent are bound together with a network of modern highways.

I have established, I think, the inestimable value of good roads from an agricultural, economic, industrial, and military standpoint. I have also shown that Federal aid has been directly responsible for the splendid results obtained in this country during the past 10 years. It has been demonstrated that, to be successful, there must be no weakening of the strong right arm of the Government in this matter, and that the work must be carried to a conclusion with Federal aid, direction, and encouragement. Now, let us consider the objections

which are being urged in some quarters to the continuance of the system. For this plan has its enemies, even in this enlightened day and age. We can not shut our eyes to that fact.

First, there is the constitutional objection. It was originally urged that the United States had no authority under our Constitution to build roadways in the several States or to aid in their construction. That argument has been completely dissipated. The provisions of our Constitution with reference to national powers are definite and clear. One clause in itself justifies this total expenditure of public funds—that which confers the power to build post roads. Everyone of these Federal-aid routes carries the mail, and it can safely be stated that there is not a mile in the entire system which is not a post road. Furthermore, such postal benefits are real and substantial, as I have shown, and adequately answer the constitutional objection which has been raised to the program.

Among other clauses in the Constitution which might properly be applied to this proposition, take, for example, that portion of Article I which authorizes Congress to provide "for the common defense and general welfare of the United States," practically the same language being contained in the preamble. What can be clearer than the fact that the construction of good roads is a wise measure of defense or that it promotes the general welfare? Take, again, the clause which delegates the power "to regulate commerce with foreign nations and among the several States." During the year 1925 the United States Supreme Court handed down three decisions all of which ruled against States which attempted to control commerce over interstate highways, the reason assigned being that such action contravened the commerce clause of our Constitution. The citations are as follows: Michigan Public Utilities Commission *v.* Duke (266 U. S. 571); A. J. Buck *v.* E. B. Kuykendall (267 U. S. 307); and George W. Bush & Sons Co. *v.* William M. Maloy and others, constituting the Public Service Commission of Maryland (267 U. S. 317). But enough has been said to show that Federal highway aid meets all constitutional requirements and that no valid objection can be made against the system on that ground.

A somewhat similar question is involved when it is suggested that this plan, which has been in operation for 10 years, conflicts with State rights. Again the matter of public policy is brought forward, and it is insisted that it is the right as well as the duty of a State to construct, maintain, and improve all the roads within its boundaries. For my part I have become convinced that this is a joint duty and that the matter is too far-reaching from every point of view to place full responsibility either upon the individual States or the Federal Government. If historical precedent is desired, I could quote Thomas Jefferson, the advocate of State rights, who on many occasions urged the use of public money to open roads, rivers, and canals. Or I could point to Alexander Hamilton, the Federalist, who characterized road building as an object well worthy of the national purse and who insisted that to provide roads and bridges was within the direct purview of the Constitution. I could summon as witnesses Henry Clay, John C. Calhoun, and that great expounder of the Constitution himself, Daniel Webster, all of whom, with broad vision and noble foresight, urged cooperative road building between the States and the Central Government.

Besides, as a practical matter, there has been no baneful coercion, no undue influence exerted by the Federal Government upon the States in the selection of highways or the actual performance of the work. I challenge those who object to the system on principle to cite any case of consequence where the State's prerogatives have been assailed or the will of the people thwarted. State highway officials are making no complaint. The bureau has gone about its work in a fair-minded, systematic manner, and there has been nothing capricious or arbitrary in its decisions. In other words, the intent and purpose of the act has been carried out. There has been full cooperation as to the roads selected and the construction work accomplished. Millions have been saved through cooperation and the interchange of practical information. The bureau has encouraged the establishment of testing laboratories in the various States, with the result that the number of States boasting such facilities has increased from 5 to 44 during the past nine years. Truly, both political parties were wise when they included in the national platforms of the last campaign definite pledges for the continuance of the policy of Federal aid.

Now, Mr. President, we come to an objection which I dislike to mention. I do not think it has been voiced on this floor. I hope not. But it has been bandied about in other places, of that we may be sure. Even high officials in a few eastern States have brought forward the argument, and some periodicals printed in the more populous sections of our country have taken up the hue and cry. Briefly, it is that some States are poor; others rich; some States contribute small amounts to the United States Treasury; others pay heavily toward the total sum of Federal expenses; and that it is therefore grossly unfair to tax the older, richer, more populous States for road construction in any other part of the Union. That is the argument, Mr. President, in a nutshell. That is all there is to it. Think of it. The opponents of State aid can not deny that the postal patron is immeasurably benefited; they can not gainsay that the military arm is strengthened in defense; they can not question that interstate commerce is facilitated; they do not contradict what has been said as to substantial benefits obtained by the farmer, the city dweller, the traveler, the manufacturer, and the consumer; in short, by all our citizens. They are forced to admit that all these worth-while results flow from Federal highway aid. All they say is that, notwithstanding these benefits, such appropriations should be forthwith abolished because Colorado, for example, with its expanse of territory, its virgin soil, its huge amount of public lands, its thousands of square miles of national forests and national parks, its potential, but not immediately available, wealth, does not pay as great a Federal tax as the smaller, older, and richer State of Maryland.

Parenthetically I may remark that for the year 1924 Colorado paid in Federal taxes a total of $15,228,037.25, whereas Federal highway aid extended to that State during the same year only amounted to $981,444.53, a ratio of about 16 to 1.

Possibly opponents of the plan may object to stating their argument so baldly. Yet what else can be the purpose of compiling and printing long tables which compare Federal income-tax payments in the several States as against the amount of Federal highway aid received by such States, or other tables showing total revenue payments in each State.

Let us examine this argument for a moment. Let us see how fairly these gentlemen present their case and what reasons they advance for their contention that the West and South are the recipients of special privilege at the expense of the northeastern section of the country. Much is made of the fact that huge income taxes are paid in the East. These tabulations are submitted by the opponents of State aid, and it is said that they afford an excellent basis of comparison, and that from the amount of such taxes paid in each State we can determine the contribution of its people to the expenses of the Federal Government and the proportion, I assume, in which that money should be doled back to the several States. Great emphasis is laid upon this fact—for it is a fact—that the bulk of Federal income taxes is paid in such States as New York and Pennsylvania. The former, for example, should be credited with 28.8 per cent of the total internal revenue collected by the United States, and 15 States in all apparently contribute over 80 per cent of the entire amount received from such sources. But those who advance this argument deliberately shut their eyes to what the Treasury Department itself says about these collections, which is as follows:

> The amounts do not represent, however, what may be called the geographical distribution of income. The figures are compiled from the returns filed in each State. An individual files his income tax return in the collection district in which his legal residence or principal place of business is located, and a corporation files its income tax return in the collection district in which its principal place of business or the principal office or agency is located. Consequently, income reported by an individual or corporation in one State may have been derived from sources in other States. From the foregoing it will be clear that there is no way of ascertaining from the income-tax returns the amount of income earned in the respective States or the amount of tax paid on that basis.

A few examples, in my opinion, completely demolish this argument that income-tax payments determine the amount of contributions made by each community to the Federal Treasury. Take the State of New York. If there is anything to the contention, certainly personal taxes should represent money earned or inherent wealth existing in the Commonwealth itself. Yet one of those personal-tax returns is in the sum of $7,000,000 paid by Mr. Rockefeller, and it seems to me, whatever opponents of State aid may think, that this consists of earnings collected from many sources in many States.

How about corporations which pay their income taxes in New York because their principal office is located there. Here are a few illustrations. The Union Pacific Railroad paid a year or so ago Federal income taxes amounting to $4,500,000, but the road does not earn one cent in that State. Its nearest operating points are half way across the continent, at Omaha, Nebr., and Kansas City, Kans. The Southern Pacific pays $5,000,000 or more in income taxes, but its nearest station is at New Orleans. The United States Steel Corporation pays its tax in New York, but only two of its 145 plants and warehouses are

situated in that State, and its 153,000 stockholders are scattered throughout every State of the Union. There are many other business concerns which make similar payments, and according to those who oppose Federal highway aid such companies can properly claim to be contributing New York money from New York resources to the United States Government. Here are a few names, taken at random from the list. I withhold comment. Senators may judge for themselves as to the fairness of the argument: American Railway Express, American Beet Sugar Co., American Smelting & Refining Co., American Telephone & Telegraph Co., American Tobacco Co., National Biscuit Co., Postum Cereal Co., Sinclair Consolidated Oil Corporation, Utah Copper Co., the Woolworth Co., and the Western Union Telegraph Co.

Why do those who oppose State aid, honest as their intentions are, persist in deceiving themselves and the public? The nub of the matter, the real explanation is, of course, that the natural resources of other States—the mines of Colorado, the oil wells of Wyoming, the wheat fields of Iowa, the cotton plantations of Georgia, the cattle of Idaho, in short the natural and manufactured products of every State—make up, to a large extent, the income tax which the New York man or the New York corporation pays to the United States Government.

Those who advance this fallacious argument go a step further and speak sneeringly of States which are willing to be "subsidized" by the Federal Government. That is what they call this aid—a subsidy. Of course, there is no case on record of any State refusing to accept its proportion of Federal highway aid when available, no matter how wealthy that State might be nor how wrong, in principle, its officials might consider the system; but nevertheless it is insisted that Southern and Western States, these recipients of "special privilege," if you please, are insisting on a wicked subsidy from the Federal Government.

I must remind Senators that, for many other purposes not as useful as good roads, not as universally beneficial in their results, Federal aid has been extended to the States or to certain sections of the country, with little or no protest on the part of those who derive no benefit therefrom. For example, take our annual river and harbor appropriations, including flood control. For the period of 10 years from 1916 to 1925, inclusive—the same length of time during which highway aid has been extended to the States—such river and harbor appropriations have totaled $454,000,000 for expenditure in a limited number of States; whereas the appropriations for good roads, amounting to $540,000,000, were distributed over the entire 48 States of the Union.

I am willing to admit that improvement in our national commerce aids the whole country and therefore the State which I represent, in part, in this body. Yet not one cent for river and harbor work is expended in Colorado, which does not have a single navigable stream within its boundaries or on its borders and is a thousand miles away from the nearest harbor. But good-roads opponents exclaim: "That is entirely different. There is no relation between these measures." On my part I fail to see any difference in principle, and, so far as actual benefits to the public are concerned, any comparison is decidedly in favor of the good-roads program. As to the system itself, there is this distinction, that Federal-aid roads are built on a 50-50 basis, whereas river and harbor work is often done entirely at the expense of the Federal Government. Our opponents can derive little aid or comfort out of that, for again the comparison is in favor of good roads.

Take, again, one single project, which is not included in the above figures. I refer to the Panama Canal, an undertaking which originally cost $379,000,000, much more than half our total Federal-highway expenditures to date. Incidentally the maintenance cost runs over half a million dollars each year. The canal has reduced transportation charges from coast to coast, but it has not helped the rate situation in the Middle West. In fact, it has had the contrary effect and, by reason of the extremely low water rate from the East, has closed Pacific coast markets to many commodities formerly shipped from Colorado, Nebraska, and other States similarly situated. That is a story in itself, which I have discussed in more detail in connection with another legislative proposal, the Gooding long and short haul bill. The point I am now making is that Eastern States, which are now reaping rich benefits because of the shipment of their commodities through the Panama Canal, should be the last to complain about Federal aid to another means of transportation which benefits not only the West and the South, but also the entire country.

But why add illustration upon illustration? The West does not begrudge Federal appropriations for river and harbor improvements or for similar purposes. Doubt has occasionally been expressed as to the practical benefits flowing from certain specific projects, but when the public need is once disclosed western representatives are among the first to approve such expenditures. All we ask, Mr. President, is that States which have themselves received such bounties for lo, these many years, which have grown rich through the development of their natural resources made possible by rivers and harbors and railroads, and through the contributions of the people of all the States, should view our present requirements in the same broad-minded manner and that they should give some heed to the need for a comprehensive highway system throughout the entire country.

At this time in our history, after so much has been accomplished with Federal aid in certain sections of the country, it will hardly do for representatives of those sections to raise pious hands in holy horror at the granting of an alleged subsidy which will be of immeasurable value in the development of natural resources in other portions of our great land.

Mr. President, it should not be necessary for me to state that this is not a sectional question in any sense of the word and that I am not pleading for the West or South as against the East. Neither am I pleading for national rights as against State rights. There is no real question of sectionalism or sovereign rights involved in this issue. To forget State lines in matters of this kind is not only good statesmanship; it is also good business. All must prosper or the whole Nation suffers. That which aids conditions in the agricultural, stock-raising, or mining sections brings increased business to the manufacturing and shipping centers. Factional strife, petty jealousies, and internal discord destroy public confidence in all industrial and agricultural pursuits and spell decay instead of progress.

In this connection, Mr. President, I desire to quote the words of Calvin Coolidge, our great national leader, the apostle of economy:

> No expenditure of public money contributes so much to the national wealth as for building good roads. Highways and reforestation should continue to have the interest and support of the Government.

I ask Senators to consider this country as a whole, to picture to themselves the ever-growing importance of good roads, to visualize our enormous highway needs during the next 10 years, to view this question with the same fairness and broad-mindedness which they have displayed on other issues, and to help in building, for the immediate future, a greater, better, and more glorious United States of America.

Mr. COPELAND. Mr. President, the able Senator from Colorado has made a splendid presentation of the cause of good roads. He has made some references to New York and to the payment of taxes contributed by it. Representing in part that State, I wish to say that my opposition to the good-roads project is on higher ground than the taxes paid and contributed by my State. The Senator from Colorado has really argued that these taxes come from Colorado, from North Carolina, from Nevada, and other States, but the fact remains that about $20,000,000 of the $75,000,000 expended on the good-roads project will be paid by New York. I want to put my opposition, however, on higher ground than the payment of money.

The only excuse that Congress has for the appropriation of money for roads is that clause in the Constitution which gives Congress the power to establish post roads.

Mr. PHIPPS. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield.

Mr. PHIPPS. I endeavored to point out another very clear clause in the Constitution justifying appropriations for good roads—the public-welfare clause.

Mr. COPELAND. But when we talk about the public-welfare clause we are referring to something that has to do with taxation directly, are we not? The general-welfare clause relates to the limitation of the taxing power only, as I understand it.

There was a very interesting discussion and debate in the Constitutional Convention over the question of the addition of the power to establish post roads. The original Congress had power to establish post offices but no reference was made to post roads. When the matter came up in the Constitutional Convention on motion the power to establish post roads was added to the power of Congress to establish post offices; and Doctor Franklin proposed a further amendment, that canals also be added, but the convention smote him hip and thigh. They said, "That is not a proper use of Federal money, because a canal would confer a local benefit."

I am willing to concede that the good-roads project is a perfectly legitimate, lawful undertaking if it provides honestly for a post road, for a through road. I can understand how the direct roads that pass through Colorado and connect the eastern section of the country with the Pacific coast by a direct

route through Colorado are post roads in the sense of the Constitution, and such roads certainly have great military value; but when we talk about the other roads, lateral roads, connecting roads, as being post roads, I think we are going far afield.

I wish to read one quotation from John Randolph Tucker in his work on the Constitution, where he says:

> If there were no roads, they being absolutely necessary to the transmission of mail matter, to make a road under such circumstances would be a fair exercise of power, but to make a road for other purposes and with other intent than for postal purposes under cover of this power would be neither necessary nor proper, but a fraud on the Constitution.

So I have very serious question about the right of Congress to appropriate the large sums which are used by the States for the construction of lateral roads.

In that connection I believe with the President—and the Senator from Colorado has quoted from the President—that these appropriations which are given to the States on a 50-50 basis in many instances lead to extravagances and to local and State taxation which the locality and the State can ill afford to carry.

We are having an enormous increase of taxation in the cities and in the States; taxation there is on the increase all the time, while the Federal taxation, fortunately, is decreasing somewhat by reason of the economies exercised by Congress. However, these are things which we can not afford to disregard, and they have a very important bearing on the question at issue.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. COPELAND. I yield to the Senator from Colorado.

Mr. PHIPPS. With reference to the roads being post roads, I have stated that every mile is used for the purpose of a post road, and I believe that to be literally true. Seven per cent of the length of the roads within the States in the year 1921 is the utmost percentage which can be built with Federal aid. The roads are divided into two classes, primary and secondary. The primary roads must connect with roads of other States as interstate roads. The secondary roads will all eventually connect with the roads from adjoining States, but in the meantime they must connect with the larger communities, the county seats.

As to the clause of the Constitution to which reference was made, I cited the public-welfare clause. That clause, however, is broader than I indicated. It is, to be exact—

> to provide for the common defense, promote the general welfare—

Which is a very broad term.

Are the harbors of the United States improved for the general welfare and the public defense? We make no question when we appropriate for rivers and harbors, for the improvement of which the States, as a rule, do not contribute.

Mr. COPELAND. We do that under a different clause of the Constitution, under the clause giving Congress the power to regulate commerce among the several States.

Mr. PHIPPS. That same clause is quite as applicable to the construction of roads. The Senator must be aware that the interchange of traffic over the through highways has become so great as to make it expedient for the railroads to discontinue some of their trains. In the Post Office Service it is becoming necessary to provide for the hauling of the mails by motor busses in place of the facilities heretofore furnished by the railways, because the railway companies can not keep up their passenger service; they have lost their business to motor trucks and to busses, and there is a great interchange of business already. It is a growing thing; and, as I have stated, it is not only interstate; it is transcontinental. The Senator this summer can buy a ticket from New York and travel by motor bus all the way to Los Angeles or San Francisco and land there, and if he is not satisfied he can go up to Seattle, in Washington.

Mr. COPELAND. Mr. President, the ticket I want to buy is from Washington to Suffern, N. Y. That is the one I want to buy just as soon as possible; but when the Senator makes reference to these lateral lines, and argues that under that post-road clause money can be appropriated, the Senator might just as well say that the Government can build a sidewalk from my front gate up to the front door because the postman uses it. That is not what the founders expected to have done.

I should like to say to the Senator from Colorado and others who are interested in this very worthy project that I believe there should be laid out a plan covering the next 10 years, perhaps, with a well-defined purpose on the part of Congress to build certain through routes which are interstate, which are transcontinental, and expend the money in the construction of those roads. I know what happens in my State: After paying twenty millions for this project we get back five millions. We take that money and appropriate an equal amount of money on the part of the State, and then roads are built. To do our share we issue bonds that extend over a period of 25 or 30 years. We build a road that wears out in 10 years. That road will be reconstructed two or three times before the first set of bonds has been taken care of. The plan leads to extravagances, and in my judgment the whole project of issuing tax-exempt bonds leads to extravagances on the part of localities and States.

So, while there are many advantages, which have been so well presented—and I never heard them better presented than they were by the Senator from Colorado to-day—yet, at the same time, there are evils also which attach to this thing. Before this bill is finally enacted into law I should like to see some plan worked out by which we would know that during the next 10 years there is going to be an appropriation of money for road building where there is continuity, crossing the various States and crossing the continent, so that we may know that we have made a proper use of Federal funds in the building of good roads. Then I will heartily support everything the Senator says about health and about convenience and about military protection and about all the other things.

Mr. OVERMAN. Mr. President, I will ask the Senator to yield to me. I am heartily in sympathy with the Senator in the great speech he has made on this subject; but can the Senator inform us whether there is going to be any legislation on this subject this year?

Mr. PHIPPS. The bill is now before our Committee on Post Offices and Post Roads. It has passed the House. It is the authorization for the fiscal years 1928 and 1929.

Mr. OVERMAN. I understand that; and the Senator's committee is going to report it out?

Mr. PHIPPS. The committee expects to meet for that purpose on next Tuesday. I imagine it will follow what has been done before.

Mr. OVERMAN. Is there any indication that the bill will not pass at this session—that it is not on the program? Has the Senator heard anything of that sort?

Mr. PHIPPS. No; I do not think so. I do not know any reason why it should not pass.

Mr. OVERMAN. I see in the papers the statement that certain measures are not going to pass at this session.

Mr. PHIPPS. But the authorization should be made, and the Congress will have until 1927, at least, to determine whether or not it wants to spend the money.

Mr. OVERMAN. The Senator will not report the bill in time for our Appropriations Committee to make the appropriation?

Mr. PHIPPS. The appropriation for the fiscal year 1927 has been made.

Mr. OVERMAN. I thought the authorization had expired and it was necessary to have an appropriation.

Mr. PHIPPS. No; this is the authorization, so that the Budget may include it in their program for 1928 and 1929.

Mr. OVERMAN. I hope that is so. If there is an authorization now existing, I hope our committee will take it up and make the appropriation; but I understand it is not on the program.

Mr. PHIPPS. Provision has already been made for the coming fiscal year, I will say to the Senator.

Mr. KING. Mr. President, the appropriation bill, as I recall, carries $75,000,000 for the next fiscal year. We have already passed it.

Mr. PHIPPS. That is correct.

Mr. President, while I am on my feet, if I may have the attention of the Senator from New York, I want to say that, not wanting to burden the Senate with too long an argument on this subject, I made no reference to the benefits that flow from the development of these roads, what it means to States like Pennsylvania and Michigan and New York in the manufacture of automobiles and appurtenances, and all of that, and the general impetus that it has given to business, the general increase in business that has occurred all over the country due to the coming of the automobile, which it has only been possible to develop through the building of good roads.

Mr. COPELAND. Mr. President, in reply to the Senator, I desire to say that I am in the heartiest accord with him in this particular matter. If I had my way, I would build a nice, comfortable house, painted white, with green blinds, and with green grass all around it, so that every family in this country could have a beautiful home and so that every baby would be

born in a decent place, but, unfortunately, we can not do that under the law.

Mr. KING. The Senator is thinking of heaven.

Mr. PHIPPS. When the Senator can do it for himself and put that beautiful structure on wheels I hope he will head directly for Colorado and the Rocky Mountains.

ORDER FOR RECESS

Mr. JONES of Washington. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock noon to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order will be entered.

SUSQUEHANNA RIVER BRIDGE

Mr. BINGHAM. Out of order, I ask unanimous consent to submit a report from the Committee on Commerce.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the report will be received.

Mr. BINGHAM. From the Committee on Commerce I report back favorably with an amendment House bill 3794, granting the consent of Congress to the counties of Lancaster and York, in the State of Pennsylvania, to jointly construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa., and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, in section 1, page 2, line 3, after the word "act," to strike out:

The construction of such bridge shall not be commenced, nor shall any alteration in the plans for the same be made either before or after its completion, until the plans and specifications for the bridge or for the alteration in the plans thereof have been submitted to the Secretary of War and Chief of Engineers and approved by them as being adequate for the volume and weight of traffic that will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was read the third time and passed.

PUEBLO INDIAN LANDS

Mr. BRATTON. I ask unanimous consent, out of order, to report a bill from the Committee on Indian Affairs.

The VICE PRESIDENT. Without objection, the report will be received.

Mr. BRATTON. From the Committee on Indian Affairs I report back favorably with amendments Senate bill 3953, to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings; and I submit a report (No. 716) thereon.

Mr. JONES of New Mexico. Mr. President, I ask unanimous consent for the immediate consideration of that bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 8, before the words "in charge," to strike out "agent" and insert "officer"; in the same line, after the word "charge," to insert "for the benefit"; and on page 2, line 6, after the name "New Mexico," to insert a colon and the following proviso: "*Provided also*, That notice of each suit shall at time of filing be served upon the superintendent or other officer in charge of the particular pueblo where the land is situated," so as to make the bill read:

Be it enacted, etc., That lands of the Pueblo Indians of New Mexico, the Indian title to which has not been extinguished, may be condemned for any public purpose and for any purpose for which lands may be condemned under the laws of the State of New Mexico, and the money awarded as damages shall be paid to the superintendent or officer in charge for the benefit of the particular tribe, community, or pueblo holding title to same: *Provided, however*, That the Federal courts of said State of the district within which such lands are located shall have and retain jurisdiction of all proceedings for the condemnation of such lands, and shall conform, as near as may be, to the practice, pleadings, forms, and proceedings existing at the time in like causes in the courts of record of the said State of New Mexico: *Provided also*, That notice of each suit shall at time of filing be served upon the superintendent or other officer in charge of the particular pueblo where the land is situated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PERMANENT ASSOCIATION OF THE INTERNATIONAL ROAD CONGRESSES

Mr. PHIPPS. Mr. President, a day or two ago we had under consideration Senate Joint Resolution No. 62, authorizing this country to join the Permanent Association of the International Road Congresses. Some objection was made at that time on account of the expense that might be involved. I have prepared an amendment limiting to three the number of delegates that may go to any convention at the expense of the Government, and I understand that with that amendment the objection has been removed.

Mr. KING. Is that for an international junket for some persons?

Mr. PHIPPS. Not necessarily. It is hoped to have them meet in the United States the next time. They meet only every two or three years.

The VICE PRESIDENT. Does the Senator ask unanimous consent for the present consideration of the joint resolution?

Mr. PHIPPS. I do.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 62) to authorize the Secretary of Agriculture to accept membership for the United States in the Permanent Association of the International Road Congresses.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senator from Colorado proposes, on lines 6 and 7, to strike out the words "by the maximum number of delegates allowable" and to insert "by three delegates," so as to make the joint resolution read:

Resolved, etc., That the Secretary of Agriculture is authorized and directed to accept membership in the Permanent Association of International Road Congresses and that the United States be represented in that congress by three delegates, and that the Secretary of Agriculture is authorized to expend annually, out of the administrative fund provided by section 21 of the Federal highway act of 1921, the sums necessary to cover the membership fees and such other expenses as may be necessary in maintaining membership in said association.

The amendment was agreed to.

Mr. KING. Mr. President, I desire to ask how much of an appropriation is called for.

Mr. PHIPPS. The joint resolution authorizes the appropriation of $3,000 for the expense of joining. The other amounts would have to be appropriated by the Appropriations Committee from time to time. The State Department would ask authority each time to send delegates. Under the joint resolution the number that may be sent is limited to three. The joint resolution goes to the House after it passes here, of course.

Mr. KING. Is the admission fee $3,000?

Mr. PHIPPS. I think $3,000 will much more than cover it, because it is to be paid in French francs. If we do it quickly it will be reasonably cheap.

Mr. KING. Mr. President, if we should join the League of Nations we would not have to be joining all such organizations and sending representatives to them.

Mr. PHIPPS. It is a question as to whether we will take it all in one dose or take it in small installments.

Mr. KING. We are getting homeopathic doses. We ought to take an allopathic dose.

The VICE PRESIDENT. The joint resolution is before the Senate as in Committee of the Whole and open to further amendment. If there be no further amendment to be proposed, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended, ordered to be engrossed for a third reading, read the third time, and passed.

ROCK CREEK AND POTOMAC PARKWAY COMMISSION

Mr. JONES of Washington. I ask unanimous consent to call up the conference report on the bill relating to the Rock Creek and Potomac Parkway Commission.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4785) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved

March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park, having met, after full and free conference have been unable to agree.

ARTHUR CAPPER,
W. L. JONES,
WILLIAM H. KING,
Managers on the part of the Senate.
F. N. ZIHLMAN,
ERNEST W. GIBSON,
THOMAS L. BLANTON,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

Mr. KING. Mr. President, I move that the Senate recede from the amendment to the House bill; and I desire to say just a word.

The merits of this bill no one can deny. It has received very serious and earnest attention at the hands of the Committee on the District of Columbia. A number of us went over the ground very carefully and reached the conclusion that the various tracts of land referred to in the bill ought to be acquired by the District in order to round out and complete the park plan which had theretofore been entered upon. The only question is as to the distribution or allocation of the amount required to pay for the land.

The Senator from Colorado [Mr. PHIPPS] had one view, which we accepted. The House, or at least the conferees of the House—and I think I betray no confidence in making that statement—absolutely refused to accept the amendment which was made by the Senate. It means that if we do not recede, the bill will fail; and it is too important a bill to fail.

I hope, therefore, that the motion I have made will prevail; because while the bill may not suit everybody, it is the best that can be had under all the circumstances.

Mr. PHIPPS. Mr. President, as the Senator from Utah has said, I was personally interested and active in the handling of this measure. I felt it was only just to the District of Columbia that the Federal Government should pay one-half of the cost of the property to be acquired. As a matter of fact, when a recommendation came from the chairman of the National Park Commission—that may not have been the exact designating name at the time the recommendation was sent, but it was the Secretary of the Treasury of the United States, Mr. Mellon—it was that the moneys be paid out of the Federal Treasury, and not at all out of money of the District of Columbia.

When the matter was first suggested it was stated that it was not in conflict with the financial program, but later on I believe it was stated that unless the money were taken out of District funds the purchase should not be made.

The $600,000 taken out of the District free balance exhausts it. It leaves the District without funds to purchase other desirable park properties. I, for one, feel that the bill, as it passed the Senate, was proper, that the conditions were fair and reasonable when it was adopted by the Senate on the 50-50 basis.

I realize that the conferees on the part of the Senate have exerted their best efforts; they have gone to the utmost limit to secure consent of the Representatives of the House, and have found that impossible. They are probably justified in saying that the attitude of the House is adamant, that it can not be changed, and I do not feel that I should stand in the way of the acquisition of that property. I think it is too important to run the risk of having it go into private hands, where it would be developed and improved to such an extent that it might not remain available for acquisition later. So, I shall make no objection to agreeing to the conference report.

Mr. COPELAND. Mr. President, I think it is utterly unfair that the District should be called upon to make this entire payment. It is a thing which should be divided between the Federal Government and the District. That was presented to the District Committee very strongly by the Senator from Colorado [Mr. PHIPPS]. But in view of his attitude and that of others upon the conference committee, I shall interpose no objection.

Mr. JONES of Washington. Mr. President, this money comes out of a fund created under the 50-50 basis, and I am in hearty accord with the views of the Senator from Colorado and the Senator from New York. But the House conferees were adamant in the matter, and I am satisfied that it would be useless for the Senate to insist further upon its amendment. So, as far as I am concerned, I will accede to the motion of the Senator from Utah.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Utah [Mr. KING] that the Senate recede from its amendment to the House bill.

The motion was agreed to.

DUPLICATE CHECK TO STATE TREASURER OF OHIO

Mr. FESS. Mr. President, I ask unanimous consent to call up Senate bill 2741, a bill for the relief of the State of Ohio. This is a measure covering a case where a check to be sent to the State of Ohio was placed in the mail, but never was delivered. It is the desire of the department to issue a duplicate check.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 3646, as amended, of the Revised Statutes of the United States, the disbursing clerk of the Department of Agriculture is authorized and directed to issue, without the requirement of an indemnity bond, a duplicate of original check No. 966745, drawn October 1, 1923, in favor of "State treasurer of Ohio" for $29,812.78 and lost, stolen, or miscarried in the mails.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECESS

Mr. JONES of Washington. I ask that the unanimous-consent order may be carried out and that the Senate take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Without objection, it is so ordered.

Thereupon, under the order previously made, the Senate (at 4 o'clock and 48 minutes p. m.) took a recess until to-morrow, Friday, April 30, 1926, at 12 o'clock m.

HOUSE OF REPRESENTATIVES

THURSDAY, *April 29, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art the Shepherd of our souls, grant us an abundant measure of Thy liberating peace. We would listen for Thy voice. May it whisper acceptance, assurance, and forgiveness. Make a way for our escape from all temptation, evil desire, and morbid fear. Either shield us from affliction or give us unfailing strength to bear it. May we be mindful that Thou hast dignified us with the power of choice, and for our acts we are responsible in Thy sight. As we sow, so shall we reap. The harvest of to-morrow will be the product of the seed sown to-day. O Lord, help us to sow good seed, that the harvest may be the fruits of joy, peace, obedience, wisdom, and good will. Thus Thy name shall be magnified in human hearts and Thy kingdom hastened throughout the earth. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONFERENCE REPORT—AGRICULTURAL APPROPRIATION BILL

Mr. MAGEE of New York. Mr. Speaker, I call up the conference report on the bill (H. R. 8264) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York calls up a conference report on the agricultural appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement of the conferees.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8264) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 28, 37, 41, and 44.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 13, 14, 17, 20, 21, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36, 42, 43, 46, 48, 50, 58, 59, 60, 61, 62, and 63, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert: "$4,653,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$3,678,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$750,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,940,653"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,477,763"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,300"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$495,094"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$368,280"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,333,055"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,908,055"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$500,220"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$588,480"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$507,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,016,230"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: On page 50 of the bill, in line 10, strike out the words "this insect" and insert in lieu thereof the words "these insects"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,625,168"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$775,150"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,421,607"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,746,397"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 54, 55, 56, 57, and 64.

WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
Managers on the part of the House.

CHAS. L. MCNARY,
W. L. JONES,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8264) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 1: Provides that in unusually meritorious cases of one position in a grade, advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year and then only to the next higher rate, as proposed by the Senate.

On No. 2: Strikes out the language proposed by the Senate providing that the publications entitled "Diseases of the Horse" and "Diseases of Cattle" be distributed through the folding rooms of the Senate and House of Representatives.

On Nos. 3, 4, and 5: Appropriates $99,745, as proposed by the Senate, instead of $95,000, as proposed by the House, for making suitable agricultural exhibits at fairs and expositions, and corrects totals in the bill.

On Nos. 6, 7, 8, and 9, relating to the Weather Bureau: Appropriates $1,787,073, as proposed by the Senate, instead of $1,773,723, as proposed by the House, for field expenses of the Weather Bureau, primarily for the forest fire-weather warning service; appropriates $28,650, as proposed by the Senate, instead of $27,000, as proposed by the House, for traveling expenses, and corrects totals in the bill.

On Nos. 10, 11, and 12, relating to the appropriation for the eradication of tuberculosis in cattle: Appropriates $4,653,000 for the eradication of tuberculosis in cattle, instead of $6,000,000, as proposed by the Senate, and $4,103,000, as proposed by the House; makes $3,678,000 of the appropriation available for the payment of indemnities, instead of $5,025,000, as proposed by the Senate, and $3,128,000, as proposed by the House; and makes $750,000 immediately available, instead of $1,000,000, as proposed by the Senate, and $200,000, as proposed by the House.

On Nos. 13 and 14: Appropriates $350,080, as proposed by the Senate, instead of $342,080, as proposed by the House, for animal husbandry investigations; and makes $60,820, as proposed by the Senate, available for experiments in poultry feeding and breeding, instead of $52,820, as proposed by the House.

On Nos. 15 and 16: Corrects totals in the bill.

On Nos. 17, 18, and 19, relating to the field station at Woodward, Okla.: Inserts the language proposed by the Senate providing for use of funds for repairs and construction of buildings; appropriates $12,300 for the maintenance of the station, instead of $20,000, as proposed by the Senate, and $8,000, as proposed by the House; and corrects a total in the bill.

On Nos. 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, relating to the Bureau of Plant Industry: Appropriates $90,000, as proposed by the Senate, instead of $80,000, as proposed by the House, for investigations of plant diseases; appropriates

$135,325, as proposed by the Senate, instead of $128,325, as proposed by the House, for the investigation of diseases of orchard and other fruits; appropriates $368,280, instead of $383,280, as proposed by the Senate, and $348,280, as proposed by the House, for the eradication and control of the white-pine blister rust; inserts the words "and plant nutrition" and appropriates $50,720 for soil-bacteriology and plant-nutrition investigations, as proposed by the Senate, instead of $33,940, as proposed by the House; appropriates $62,000, as proposed by the Senate, instead of $52,000, as proposed by the House, for soil-fertility investigations; strikes out, in the paragraph appropriating for the investigation of methods of tobacco production, the words "and for plant nutrition investigations," and appropriates $53,220, as proposed by the Senate, instead of $67,000, as proposed by the House; appropriates $159,000, as proposed by the Senate, instead of $154,000, as proposed by the House, for investigations relative to the physiological and relating changes of fruits and vegetables; appropriates $98,000, as proposed by the House, instead of $134,695, as proposed by the Senate, for the purchase, propagation, and distribution of new and rare seeds, and strikes out the language proposed by the Senate providing that not to exceed $36,600 of the appropriation might be expended for the purchase of new and rare seeds and the distribution of same through county agents; corrects totals in the bill.

On Nos. 31, 32, 33, 34, and 35, relating to the Forest Service: Appropriates $40,000, as proposed by the Senate, instead of $25,000, as proposed by the House, for the construction of sanitary facilities on public camp grounds in the national forests; appropriates $403,264, as proposed by the Senate, instead of $383,264, as proposed by the House, for the forest products laboratory at Madison, Wis.; appropriates $250,000, as proposed by the Senate, instead of $232,000, as proposed by the House, for forest experiment stations; and corrects totals in the bill.

On Nos. 36, 37, 38, 39, and 40, relating to the Bureau of Soils: Appropriates $248,215, as proposed by the Senate, instead of $63,215, as proposed by the House, for investigations of fertilizers, to be used in continuing the fixed nitrogen laboratory; appropriates $193,710, as proposed by the House, instead of $198,710, as proposed by the Senate, for soil investigations; corrects totals in the bill; and makes $507,000 available for expenditure for personal services in the District of Columbia, instead of $512,000, as proposed by the Senate, and $322,000, as proposed by the House.

On Nos. 41, 42, 43, 44, 45, 46, 47, 48, and 49, relating to the Bureau of Entomology: Appropriates $255,440, as proposed by the House, instead of $285,440, as proposed by the Senate, for investigations of insects affecting southern field crops; appropriates $186,250, as proposed by the Senate, instead of $182,250, as proposed by the House, for investigations of insects affecting truck crops; appropriates $42,380, as proposed by the Senate, instead of $32,380, as proposed by the House, for investigations and demonstrations in bee culture; strikes out the language proposed by the Senate appropriating $25,000 for a preliminary entomological survey of the salt-marsh areas of the South Atlantic and Gulf States with a view to controlling the breeding of mosquitoes; inserts the language proposed by the Senate amending the paragraph appropriating for preventing the spread of the Japanese beetle, so as to provide for control of the Asiatic beetles, and appropriates $285,000, as proposed by the Senate, instead of $280,000, as proposed by the House, for this purpose; corrects totals in the bill.

On Nos. 50, 51, 52, and 53, relating to the Bureau of Agricultural Economics: Appropriates $353,755, as proposed by the Senate, instead of $348,755, as proposed by the House, for market inspection of perishable products; appropriates $775,150 instead of $789,150, as proposed by the Senate, and $765,150, as proposed by the House, for the market news service; and corrects totals in the bill.

On No. 58: Makes $125,000, as proposed by the Senate, instead of $151,000, as proposed by the House, available for personal services in the District of Columbia in connection with the administration of the packers and stockyards act.

On No. 59: Appropriates $41,610, as proposed by the Senate, instead of $39,610, as proposed by the House, for experiments in dairying and livestock production in western United States.

On Nos. 60, 61, 62, and 63, relating to the appropriations for the construction of forest roads and trails and the Federal-aid highway system: Inserts the language proposed by the Senate instead of the language proposed by the House in the paragraphs making appropriations for the construction of roads to conform with action taken in the passage of the deficiency act of March 3, 1926.

The committee of conference have not agreed upon the following amendments of the Senate:

On Nos. 54, 55, 56, and 57, relating to the Federal Horticultural Board.

On No. 64, the total of the bill.

WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. MAGEE of New York. Mr. Speaker, in connection with the conference report on the Agricultural appropriation bill for the fiscal year 1927, I wish to call attention to the action of the conferees on the part of the House. The total of all estimates submitted for consideration in making up this bill aggregated the sum of $130,016,508. As the bill passed the House it carried the sum of $127,003,528, representing a reduction in the Budget estimates of $3,012,980. The total of the bill as it passed the Senate was $129,404,968, an increase of $2,401,440 over the amount adopted by the House. The total of the bill as agreed to by the conferees is $127,924,573, which is $2,091,935 less than the Budget estimates, $921,045 more than the amount of the bill as it passed the House, and $1,480,395 less than the total of the appropriations as passed by the Senate.

In accounting for the increase of $921,045 over the House bill, I call attention to the following principal increases by bureaus:

Weather Bureau	$15,000
Animal Industry	558,000
Plant Industry	55,000
Forest Service	53,000
Bureau of Soils	185,000
Entomology	19,000
Agricultural economics	15,000
Horticultural Board	10,000

That indicates briefly the action of the managers on the part of the House in the conference on this bill.

Mr. Speaker, I ask that the first amendment in disagreement be reported by the Clerk.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 54: Page 68, line 24, after the word "thereof," insert a semicolon and the following language: "to inspect, under such rules and regulations as the Secretary of Agriculture may prescribe, domestic fresh fruits, vegetables, and seeds and nursery stock and other plants for propagation, when offered for export, and to certify to shippers and interested parties as to the freedom of such products from injurious plant diseases and insect pests according to the sanitary requirements of foreign countries, and to make such reasonable charges and to use such means as may be necessary to accomplish this object."

Mr. MAGEE of New York. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 55: Page 69, line 12, after the word "cotton," insert "and such inspection and certification."

Mr. MAGEE of New York. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 56: Page 69, line 14, strike out the figures "$415,000" and insert in lieu thereof the figures "$425,000."

Mr. MAGEE of New York. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 57: Page 71, line 8, strike out the figures "$795,270" and insert the figures "$805,270."

Mr. MAGEE of New York. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 64: Page 80, line 15, strike out the figures "$127,003,528," and insert in lieu thereof the figures "$129,404,968."

Mr. MAGEE of New York. Mr. Speaker, I move that the House recede and concur with an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. MAGEE of New York moves to recede and concur in amendment No. 64, with an amendment as follows: Strike out the figures inserted by said amendment and insert the following: "$127,924,573."

The SPEAKER. The question is on the motion to recede and concur with an amendment.

The motion was agreed to.

LEGISLATIVE APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10425) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 10425, the legislative appropriation bill, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER appointed the following conferees: Mr. DICKINSON of Iowa, Mr. SUMMERS of Washington, Mr. MURPHY, Mr. TAYLOR of Colorado, and Mr. COLLINS.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 2761. An act for the relief of Nora B. Sherrier Johnson;

H. R. 2797. An act for the relief of Mary M. Pride;

H. R. 3797. An act to increase the limit of cost of public building at Decatur, Ala.;

H. R. 3971. An act to correct and perfect title to certain lands and portions of lots in Centerville, Iowa, in the United States of America, and authorizing the conveyance of title in certain other lands and portions of lots adjacent to the United States post-office site in Centerville, Iowa, to the record owners thereof by the Secretary of the Treasury;

H. R. 7818. An act to amend section 304 of an act entitled "An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921; and

H. R. 8817. An act reserving certain described lands in Coos County, Oreg., as public parks and camp sites.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3464. An act authorizing certain officers of the United States Navy to accept from the Republic of Chile the Order Al Mérito.

The message also announced that the Vice President had appointed Mr. COPELAND, Mr. CURTIS, Mr. FESS, and Mr. ROBINSON of Arkansas members of the commission on the part of the Senate as provided for in Senate Joint Resolution 30, authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence.

SENATE BILL REFERRED

Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3464. An act authorizing certain officers of the United States Navy to accept from the Republic of Chile the Order Al Mérito; to the Committee on Foreign Affairs.

PRIVILEGES OF THE HOUSE

Mr. JOHNSON of Washington. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. Will the gentleman from Washington state his question of privilege?

Mr. JOHNSON of Washington. Mr. Speaker, the question of privilege of the House arises from a habit which Members, including myself, have fallen into, more or less, lately of injecting remarks into the remarks of others, and in particular has to do with the colloquy of the gentleman from Wisconsin [Mr. BERGER] and myself, appearing in the RECORD of April 27.

Mr. Speaker and gentlemen, I dislike to take up the time of the House, and I shall be as brief as possible. I trust all who know me will believe that the last purpose in my mind would be to impugn the motives of another or to, even by inference, suggest what might be in another Member's mind, or what words he might have intended to use in speech.

During the remarks of the Representative from Wisconsin [Mr. BERGER] on April 27, which appears in the RECORD of April 27, on page 8307, a portion of his speech includes a colloquy with myself. You will find in the RECORD of the same day, on pages 8311 and 8312, remarks made by myself on the floor, in which I quoted from his speech a portion of the transcript given me by the stenographers of the House. Mr. BERGER was saying that the violations of a registration bill which he thought might possibly be passed would be punished by a $5,000 fine and two years in the penitentiary; and I would like to inject here and say that while a bill of that kind is before the House Committee on Immigration and Naturalization it has never been considered one hour, one day, or one minute. Mr. BERGER said in his speech:

Just imagine this provision enforced with a man like A. Mitchell Palmer as Attorney General.

I injected there to say:

Would they throw bombs at him?

Mr. BERGER replies to me:

Maybe he would deserve—

And there the colloquy is cut off by my saying:

Does the gentleman think he deserved to have a bomb thrown at him as was done a few years ago?

Now, Mr. BERGER, in printing his speech, carries out, on page 8307, the intent of the sentence by adding words which he may have uttered and probably did, as follows:

Would deserve to be made a candidate for President on the Democratic ticket. Do not try to catch me with a question like that, Mr. JOHNSON, please.

I said something in reply, and that ended the little tiff. The gentleman from Wisconsin [Mr. BERGER] had his sentence well in mind and intended to finish it.

Mr. Speaker, certain rules of the House are intended to preserve order and good feeling. Members who happen to be sitting in the first seats are likely to inject remarks which destroy the intent and prepared effort of what the speaker is trying to say. We have all been victims of that. I have no doubt that Mr. BERGER did mean to carry out the exchange of words with me, and possibly may have done so. Of course the gentleman from Wisconsin [Mr. BERGER] and myself differ on many points. As the gentleman said to me this morning, it depends entirely upon the spectacles through which one looks. I have no personal quarrel with the gentleman from Wisconsin, even though our public differences run back 16 years.

Mr. CONNALLY of Texas. Mr. Speaker, I make the point of order that there is no question of privilege raised by the gentleman.

Mr. JOHNSON of Washington. A minute more, and I will end the statement.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. CONNALLY of Texas. Where is the question of privilege raised here? Is it not a dispute between the gentleman and Mr. BERGER as to what happened on the floor the other day? Does the gentleman mean to say that Mr. BERGER doctored the RECORD?

Mr. JOHNSON of Washington. No; he did not; but he thinks I impugned his motives.

Mr. CONNALLY of Texas. How does this affect the gentleman from Washington?

Mr. JOHNSON of Washington. If I did not make this statement, he would have the right to rise to a question of privilege of the House.

Mr. CONNALLY of Texas. And the gentleman from Washington is trying to beat him to it?

Mr. JOHNSON of Washington. Not necessarily. I desire to be exactly fair. I am making a reference to good order in the House, and I would say in closing that it would be much better

if the seating plan of the House of Representatives could be restored to the plan that existed a dozen or so years ago of having small desks, with each Member at his particular designated seat and identified in that way. [Applause.] The result would be that Members would be in their own seats, exchange of conversation would not be so prevalent, and the tendency which exists now when the attendance is somewhat small for Members to come down front and take the front seats and participate in the debates without waiting for recognition from the Chair. Further, I believe that the Speaker, as well as Members acting as Chairman, should be as severe as possible and refuse to recognize a Member when he jumps up every few minutes on every subject, calls out "Mr. Speaker," and starts to talk full tilt in order to establish his right to the floor.

I would like to see the old idea reestablished of the Presiding Officer asking the question, "For what purpose does the gentleman rise?" That will lead to orderly procedure in this House. [Applause.] I thank the Speaker and the gentlemen.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. FUNK. Mr. Speaker, I call up the conference report on the bill H. R. 10198, the District of Columbia appropriation bill.

The SPEAKER. Does the gentleman desire to make a statement?

Mr. FUNK. Yes; I desire to make a brief statement when the Clerk has read the report.

Mr. CHINDBLOM. I would like to ask that the statement be read in lieu of the report. Is it necessary to read the report?

Mr. FUNK. The report is shorter than the statement.

Mr. CHINDBLOM. Very well.

The SPEAKER. The Clerk will read the report.

The conference report was read.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, 19, 21, 25, 26, 29, 30, 33, 34, 35, 36, 37, 38, 39, 63, 64, 68, 70, 71, 72, 75, 88, 89, 95, 103, and 104.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 22, 23, 24, 27, 28, 31, 32, 43, 44, 47, 48, 49, 50, 51, 52, 53, 54, 55, 59, 60, 61, 66, 73, 74, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 90, 91, 92, 93, 94, 96, 97, 98, 106, and 107, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ", and no part of this appropriation shall be available for the compensation of any person giving less than full time from 9 o'clock antemeridian to 4.30 o'clock postmeridian to his official duties"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "Attorney at law, $5,500, and for other"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "; in all, $46,120; and no part of this appropriation shall be available for the compensation of any person giving less than full time from 9 o'clock antemeridian to 4.30 o'clock postmeridian to his official duties"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$148,600"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum prposed insert "$638,100"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,500"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "except Fourteenth Street extension beyond the southern boundary of Walter Reed Hospital reservation"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment, amended to read as follows: "No part of any appropriation contained in this act shall be available for repairing, resurfacing, or newly paving any street, avenue, or roadway by private contract unless the specifications for such work shall be so prepared as to permit of fair and open competition in paving material as well as in price"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$267,500"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$272,500"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "Including an assembly hall and gymnasium, $100,000; and the commissioners are authorized to enter into contract or contracts, as in this act provided, for said addition at a cost not to exceed $400,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,320,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ": *Provided*, That no part of the appropriations herein made shall be expended for the purchase of any site the cost of which shall exceed the full value assessment of such property last made before purchase thereof plus 25 per cent of such assessed value: *Provided further*, That if any of the sites above enumerated can not be purchased under said limitation as to price then any of said moneys remaining unexpended or unobligated by reason of such price limitation may be expended, subject to said limitation as to price, in the purchase of any or all other land authorized to be acquired in the five-year school building program act, approved February 26, 1925 (43 Stats. p. 986).

"The unexpended balance of the appropriation of $154,000 contained in the second deficiency act, fiscal year 1925, on account of the Park View School, is hereby reappropriated for the purchase of school building and playground sites authorized to be acquired in the five-year school building program act, approved February 26, 1925 (43 Stats. p. 986)."

And the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "Including compensation at the rate of $1,800 per annum for the present assistant property clerk of the police department"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000"; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the follow-

ing: "$145,000 shall be available for expenditure below Benning Bridge and not more than $25,000 shall be available immediately and remain available until July 1, 1928, for the purchase of necessary land above Benning Bridge: *Provided*, That the purchase price of any site or sites acquired hereunder shall not exceed the full value assessment last made before purchase thereof plus 25 per cent of such assessed value"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: " : *Provided*, That not more than $150,000 of this appropriation shall be available for the purchase of sites without limitation as to price based on assessed value and that the purchase price to be paid for any site out of the remainder of the appropriation shall not exceed the full value assessment of such property last made before purchase thereof plus 25 per cent of such assessed value"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "The Commissioners of the District of Columbia are directed to increase the scale of water rents in effect in the District of Columbia by 12½ per cent per annum for the fiscal year ending June 30, 1927: *Provided*, That such increase shall remain in effect until otherwise provided by law"; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided further*, That no person shall be employed in pursuance of the authority contained in this paragraph for a longer period than nine months in the aggregate during the fiscal year"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 46, 56, 100, 102, 109, and 110.

FRANK H. FUNK,
ROBERT G. SIMMONS,
GEORGE HOLDEN TINKHAM,
ANTHONY J. GRIFFIN,
ROSS A. COLLINS,
Managers on the part of the House.

L. C. PHIPPS,
W. L. JONES,
CARTER GLASS,
JOHN B. KENDRICK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: Authorizes the advancement of the entire amount of the Government's contribution to the expenses of the District on July 1, 1926, rather than in 12 monthly installments.

On No. 2: Restores the requirement proposed by the House that persons employed in the corporation counsel's office shall be required to give not less than full time to their official duties, amended by specifying the hours of employment.

On No. 3: Appropriates $7,100 for personal services, coroner's office, as proposed by the Senate, instead of $6,200, as proposed by the House.

On Nos. 4 and 5, relating to the Public Utilities Commission: Restores provision for an attorney-at-law, but with pay at the rate of $5,500 per annum instead of $6,000, as proposed by the House, and restores requirement proposed by the House that persons employed under the Public Utilities Commission shall be required to give not less than full time to their official duties, amended by specifying the hours of employment.

On No. 6: Limits the amount of receipts from reissuing motor-vehicle operators' permits which may be applied to extending the traffic-light system to $350,000, as proposed by the Senate.

On Nos. 7, 8, 9, 78, 79, 86, 87, 93, 94, 96, 97, and 98, relating to charitable items or matters: Changes certain designations to conform with the provisions of the act of March 16, 1926, establishing a board of public welfare, as proposed by the Senate.

On No. 10: Transfers provision for maintenance of telephones in the residences of the superintendent of machinery and the fire marshal.

On Nos. 11 to 20, both inclusive, relating to street improvements: Appropriates $7,600 for paving Oak Street NW., Ogden Street to Sixteenth Street, as proposed by the Senate; strikes out the appropriation of $4,300, proposed by the Senate, for paving Ninth Street NW., Quincy Street to Rock Creek Church Road; strikes out the appropriation of $5,600, proposed by the Senate, for paving Rock Creek Church Road NW., Georgia Avenue to Spring Road; strikes out the appropriation of $7,900, proposed by the House, for paving Nicholson Street NW., west of Colorado Avenue; appropriates $2,000, as proposed by the Senate, for paving Second Street NE., T Street to Rhode Island Avenue; strikes out the appropriation of $7,200, proposed by the House, for paving Franklin Street NE., Sixth Street to Seventh Street; strikes out the appropriation of $14,000, proposed by the House, for paving Cleveland Avenue NW., Cathedral Avenue to Garfield Street; strikes out the appropriation of $15,000, proposed by the House, for grading Audubon Terrace NW., Linnean Avenue to Broad Branch Road; and strikes out the appropriation of $7,000, proposed by the Senate, for grading University Avenue NW., south of Massachusetts Avenue.

On Nos. 21 to 40, both inclusive, relating to street improvements chargeable to the gasoline tax road and street fund: Restores the appropriation of $5,000, proposed by the House, for paving Pennsylvania Avenue (south side) NW., Washington Circle to Twenty-fifth Street; appropriates $74,400 for paving K Street NW., Twelfth Street to Connecticut Avenue, as proposed by the Senate, instead of $55,000 for paving such street from Fourteenth Street to Connecticut Avenue, as proposed by the House; appropriates $8,800, as proposed by the Senate, for paving K Street NW., Connecticut Avenue to Eighteenth Street; strikes out the appropriations of $11,200 and $12,500, proposed by the Senate, for paving on Belmont and Chapin Streets, respectively; strikes out the appropriation of $28,000, proposed by the House, for paving Minnesota Avenue SE., Good Hope Road to Eighteenth Street; appropriates $7,400, as proposed by the Senate, for paving Third Street SE., E Street to Virginia Avenue; strikes out the appropriation of $9,500, proposed by the Senate, for paving Fourteenth Place NE., North Carolina Avenue to D Street; strikes out the appropriation of $8,900, proposed by the Senate, for paving D Street NE., Fourteenth Street to Fifteenth Street; appropriates $4,000 each for paving on Orleans Place and Morton Place NE., as proposed by the Senate; and restores the appropriations, proposed by the House, for paving Thirty-fifth Street, Calvert Street, Varnum Street, Eighteenth Street, Webster Street, Thirteenth Street, and Eleventh Street, including widening, all in the northwest.

On No. 41: Appropriates $12,500 for the condemnation of small park areas instead of $5,000, as proposed by the House, and $15,000, as proposed by the Senate.

On Nos. 42 and 43, relating to the opening, extension, or widening of streets: Permits the extension of Fourteenth Street NW. to the southern boundary of the Walter Reed Hospital Reservation, and makes provision for the payment of awards and expenses under the act approved March 11, 1926, authorizing the widening of First Street between G Street and Myrtle Street NE.

On No. 44: Appropriates $1,000,000, as proposed by the Senate, for repairing streets, including resurfacing, instead of $600,000, as proposed by the House.

On No. 45: Restores the House provision that street paving work shall be open to competition, amended with a view to clarifying the intent.

On No. 47: Corrects the spelling of a word.

On Nos. 48 and 49, relating to bridges: More clearly defines the bridges to be provided with highway guards.

On Nos. 50 and 52, both inclusive, relating to public playgrounds: Provides for the employment of playground directors throughout the year rather than for 10 months and, pursuantly, increases the appropriation proposed by the House for personal services by $6,160.

On No. 53: Limits, as proposed by the Senate, the rates to be paid for electric street lighting to not more than 87½ per cent of rates heretofore established by or in pursuance of law and for electric current for new forms of street lighting to not more than 2 cents per kilowatt-hour.

On No. 54: Makes the appropriation for signal system and telephone system for No. 13 police station house immediately available, as proposed by the Senate.

On No. 55: Appropriates $5,000 for the purchase of sanitary paper towels for use in the public schools, as proposed by the Senate, instead of $2,600, as proposed by the House.

On Nos. 57 to 65, both inclusive, relating to new school buildings: Appropriates $267,500 for the completion of the construction of the Francis Junior High School instead of $275,000, as proposed by the House, and $250,000, as proposed by the Senate; strikes out the appropriation of $200,000, proposed by the House, for continuing the construction of the new building for the McKinley Technical High School; appropriates $200,000, as proposed by the Senate, instead of $300,000, as proposed by the House, toward the construction of an extensible junior high-school building to replace the present Garnet-Patterson School Building; provides for the modification of the plans of the junior high-school building to be erected in Georgetown as the limits of the site may require, as proposed by the Senate; appropriates $100,000, as proposed by the House, instead of $200,000, as proposed by the Senate, for the construction of an addition to the Langley Junior High School, but making the appropriation available for an assembly hall and gymnasium and authorizing a contract or contracts to be entered into involving a total outlay for the addition not in excess of $400,000, as proposed by the Senate; and restores the appropriation of $75,000, proposed by the House, for the construction of a combined gymnasium and assembly hall at each the Petworth and West Schools.

On No. 66: Amends, as proposed by the Senate, the provision dealing with building contracts so as to provide that awards may be made to the lowest "responsible" bidder instead of to the lowest bidder.

On No. 67, relating to the purchase of school building and playground sites: Restores the limitation proposed by the House on the purchase price of sites, removing therefrom the reappropriation of $154,000 on account of the Park View School and reappropriating such sum for the purchase of school building and playground sites without limitation as to price based on assessed value.

On No. 68: Appropriates $12,000, as proposed by the House, instead of $15,000, as proposed by the Senate, for rent of school building, etc.

On No. 69: Provides that the present assistant property clerk of the police department shall be paid a salary at the rate of $1,860 per annum instead of providing for the appointment of such clerk as a sergeant on the Metropolitan police force, as proposed by the House.

On No. 70: Restores the limitation proposed by the House on the purchase price of the site for the fourteenth police precinct station house.

On Nos. 71 and 72, relating to the fire department: Strikes out the proposal of the Senate to appoint the present chief clerk of the fire department a battalion chief engineer in the fire department.

On No. 73: Transfers provision for maintenance of telephones in the residences of the superintendent of machinery, fire department, and the fire marshal to another point in the bill, as proposed by the Senate.

On No. 74: Transfers from another point in the bill, as proposed by the Senate, the provision proposed by the House for the expenses of a committee to consider and report upon the installation of a high-pressure water system in the congested high-value section of the District of Columbia.

On No. 75: Restores the limitation proposed by the House on the purchase price of the site for the fire engine company to be located in the vicinity of Sixteenth Street and Piney Branch Road NW.

On No. 76: Appropriates $84,570, as proposed by the Senate, for personal services, police court, instead of $84,270, as proposed by the House.

On No. 77: Makes the appropriation for expenses in connection with writs of lunacy available for expenses of commitments to the District Training School, as proposed by the Senate.

On No. 80: Appropriates $80,000 for personal services, Board of Public Welfare, instead of $85,080, as proposed by the House, and $75,000, as proposed by the Senate.

On Nos. 81 to 85, inclusive, and No. 91, relating to the division of child welfare: Represents a transfer and redesignation of the appropriations for the Board of Children's Guardians, stricken out by amendment numbered 91, which becomes necessary by reason of the act of March 16, 1926, establishing a Board of Public Welfare, all as proposed by the Senate.

On Nos. 88 and 89, relating to medical charities: Appropriates $8,000 each for Georgetown and George Washington University Hospitals, as proposed by the House, instead of $5,000 each, as proposed by the Senate.

On No. 90: Employs a different style of type in the heading of Gallinger Municipal Hospital items, as proposed by the Senate.

On No. 92: Strikes out the "miscellaneous" heading to certain charity and correctional items, as proposed by the Senate.

On No. 95: Appropriates separately for the National Library for the Blind and the Columbia Polytechnic Institute, as proposed by the House, instead of jointly, as proposed by the Senate.

On No. 99, relating to Anacostia River and Flats: Makes that part of the appropriation for the purchase of land above Benning Bridge available immediately and continues it available until July 1, 1928, and restores the limitation on the purchase price of sites, all as proposed by the House, and restricts the expenditure of the balance of the appropriation to work below Benning Bridge, as proposed by the Senate, instead of making such sum available for expenditure either below or above Benning Bridge, as proposed by the House.

On No. 101, relating to the National Capital Park Commission: Excepts from the limitation on the purchase price of sites proposed by the House, the sum of $150,000, which is made available for the purchase of sites without limitation as to price based on assessed value.

On Nos. 103 to 107, both inclusive, relating to the water service: Strikes out the proposal of the Senate to charge any deficit in water revenues to the combined revenues of the District; establishes the assessment rate for laying service sewers at $3 per linear front foot, as proposed by the House, instead of $1.50 per linear front foot, as proposed by the Senate; provides for an increase in water rents of 12½ per cent, instead of 25 per cent, as proposed by the House, and no increase, as proposed by the Senate; transfers to another point in the bill, as previously explained, provision for expenses of committee in connection with the installation of a high-pressure water system; and appropriates $50,000, as proposed by the Senate, instead of $25,000, as proposed by the House, for the purchase of a site for a new third high-service reservoir, removing the description of the property to be acquired, as proposed by the Senate, and removing the limitation on the purchase price of the site proposed by the House.

On No. 108: Restores the limitation proposed by the House on the duration of temporary employments, extending the time of employment in the aggregate from six to nine months and confining the limitation to other than laborers, skilled laborers, drivers, hostlers, and mechanics.

The committee of conference have not agreed on the following amendments of the Senate:

On No. 46, relating to contractors being required to keep new pavements in repair.

On No. 56, relating to admissions to the public schools without payment of tuition.

On No. 100, relating to the employment of architectural or other professional services in connection with the development of Meridian Hill Park.

On No. 102, relating to the construction of a bird house at the zoological park.

On No. 109, relating to leave of employees and to the submission of estimates for the pay of persons employed for 12 consecutive months or more under certain lump-sum appropriations.

On No. 110, relating to the manner of receipting for salary payments to per diem employees.

FRANK H. FUNK,
ROBERT G. SIMMONS,
GEORGE HOLDEN TINKHAM,
ANTHONY J. GRIFFIN,
ROSS A. COLLINS,
Managers on the part of the House.

Mr. FUNK. Mr. Speaker, I desire to make a brief statement on behalf of the conferees. I am very glad to report that all the differences between the two Houses have been reconciled and that we present herewith a complete report.

We have brought back, in compliance with the House rules, six amendments for separate action by the House, but as to all of these the dispositions I shall propose will accord with agreements reached by the committee of conference.

The bill as it passed the House carried appropriations totaling $33,759,291. This sum was $293,731 below the Budget estimates. As agreed to in conference, including amendment No. 102, in which I later shall recommend concurrence, the bill carries $33,918,571, or $134,451 less than the Budget estimates.

I shall refer briefly to the effect of our action with respect to the more important matters with which the conferees had to deal, taking them in the order in which they occur in the bill.

Amendment No. 1 provides that the amount of Federal aid may be advanced in its entirety on the first day of the fiscal year rather than in monthly installments. Unless this be done we are advised that the District may be confronted with being without funds at certain periods of the year. The House conferees receded on this amendment.

With respect to street improvements—that is, where we make specific provision for paving certain streets—the Senate included provision for 14 items not embraced by the House bill and struck out 13 of the items carried by the House bill. The Senate conferees receded from 7 of the 14 items inserted by the Senate and agreed to the restoration of 8 of the 13 items which the Senate had stricken from the House bill, with the net money result that the bill carries for such objects $18,900 less than when passed by the House.

Amendment No. 42 relates to the indefinite appropriation for paving, extending, or widening streets, which heretofore and in the bill as passed by the House specifically excepted the extension of Fourteenth Street and Piney Branch Road. The Senate amendment proposed the elimination of these exceptions. Fourteenth Street now stops at Montague Street, which is several blocks south of the southern boundary of the Walter Reed Hospital Reservation. There appears to be no reason why Fourteenth Street should not be extended up the southern boundary of the hospital reservation, and the conferees have agreed to an amendment which will make this course possible.

For repairing and resurfacing streets the Senate increased the House allowance from $600,000 to $1,000,000 and the House conferees have agreed to the Senate's action. I probably should say that we were able to do this and hold appropriations down not at the expense of the schools but because it appeared in the light of information supplied to the Senate that no funds would be needed in addition to those already available for continuing during the present year the construction of the McKinley Technical High School, and that an appropriation smaller by $100,000 than proposed by the House would suffice for commencing the erection of a junior high school to replace the present Garnet-Patterson School Building.

Amendments Nos. 45 and 46 relate to street-paving contracts. The Senate agreed to the restoration of the House provision requiring open competition on street-paving work, and I shall propose later to agree to the Senate proposal that street-paving contractors shall be required to keep new pavements laid by them in repair for one year and to bear the cost of repairs occasioned by inferior work or defective materials for a period of five years.

Playgrounds: We have agreed to the Senate proposal that directors of playgrounds shall be employed throughout the year rather than for 10 months, and to the Senate provision for the pay of such directors for the additional 2 months, $6,160 in all.

Amendment No. 53: We have agreed to the Senate proposal limiting the amount which might be paid for electric street lighting to not more than 87½ per cent of rates heretofore established by or in pursuance of law and for payment for electric current for new forms of street lighting to not more than 2 cents per kilowatt hour.

Nonresident pupils: The Senate inserted in the bill the usual provision with respect to admissions to the public schools without the payment of tuition. I shall propose later to concur in the amendment of the Senate.

Amendment No. 67: With respect to the House proposal in connection with land-purchase items for school and playground purposes, as well as acquisitions by the National Capital Park Commission and other lesser land items, that the price paid should not exceed the full value assessment last made before purchase plus 25 per cent of such assessed value, the Senate conferees agreed to the House limitation with respect to the lesser items—that is, sites for police station house, fire-engine house, and in connection with the Anacostia Park project—and by way of compromise it has been agreed to except from the price limitation with respect to school building and playground sites the reappropriation of $154,000 proposed in the House bill for such use, and $150,000 of the appropriation of $600,000 for the National Capital Park Commission, allowing such excepted sums to be applied to the purchase of sites without limitation as to price based on assessed value.

Amendment No. 102: I shall propose later to concur in the Senate amendment appropriating $49,000 toward the construction of a bird house at the Zoo and authorizing contracts for such construction up to $102,000.

Amendment No. 105: In lieu of the 25 per cent increase in the scale of water rents proposed by the House, the conferees have agreed to increase such rents by 12½ per cent.

These comprise the principal items of difference, Mr. Speaker, and if no one wishes to ask me any questions, I shall move the previous question on the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 46: Page 26, after line 13, insert: "In addition to the provision of existing law requiring contractors to keep new pavements in repair for a period of one year from the date of the completion of the work, the Commissioners of the District of Columbia shall further require that where repairs are necessary during the four years following the said one-year period, due to inferior work or defective materials, such repairs shall be made at the expense of the contractor, and the bond furnished by the contractor shall be liable for such expense."

Mr. FUNK. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 56: On page 40, after line 16, insert: "The children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition."

Mr. FUNK. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 100: On page 80, in line 24, after the figures "$15,000," insert: "*Provided further*, That not to exceed $5,000 may be expended by contract or otherwise, for architectural or other professional services without reference to the classification act of 1923 or civil service rules, as approved by the director, in the development of Meridian Hill Park."

Mr. FUNK. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 102, on page 82, after line 18, insert: "For the construction of public exhibition building for birds, $49,000: *Provided*, That the Commissioners of the District of Columbia are authorized to enter into contract or contracts for the completion of said building in accordance with plans and specifications approved by the Regents of the Smithsonian Institution, at a cost not to exceed $102,000."

Mr. FUNK. Mr. Speaker, I move to recede and concur in the Senate amendment.

Mr. CRAMTON. Will the gentleman yield me one minute?

Mr. FUNK. Yes.

Mr. CRAMTON. Mr. Speaker, I have given some attention to District matters in the House, especially appropriations, for a number of years. This is the first year that the gentleman from Illinois [Mr. FUNK] has had charge of the District of Columbia appropriation bill. He has had associated with him three other members, the gentleman from Nebraska [Mr. SIMMONS], the gentleman from New York [Mr. GRIFFIN], and the gentleman from Mississippi [Mr. COLLINS], each of whom is this year in his first year of service on this important subcommittee. I think it is quite notable that it can truthfully be said that there has never been reported to the House a better balanced and a better District bill than the one which this committee brought to the House this year, and there has never come back from conference with the Senate a better conference report than these gentlemen have brought back. Therefore I think they are entitled to the commendation of the House for their good work. [Applause.]

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 109, on page 91, after line 9, insert: "That any person employed under any of the provisions of this act who has been employed for 10 consecutive months or more, shall not be denied the leave of absence with pay for which the law provides: *Provided*, That estimates of appropriations for the District of Columbia shall include provisions for those positions which have been filled continuously for 12 consecutive months or more as regular and not temporary employments, if, in the judgment of the commissioners, such employments will be filled throughout the fiscal year for which the estimates are submitted."

Mr. FUNK. Mr. Speaker, I move to recede and concur in the Senate amendment with an amendment.

The SPEAKER. The gentleman from Illinois moves to recede and concur in the Senate amendment with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. FUNK moves to recede and concur in Senate amendment No. 109, with the following amendment: In lieu of the matter inserted by said amendment insert the following: "That any person employed under any of the provisions of this act who has been employed for 10 consecutive months or more, shall not be denied the leave of absence with pay for which the law provides."

Mr. BYRNS. Will the gentleman yield?

Mr. FUNK. Yes.

Mr. BYRNS. Just what does this amendment mean?

Mr. FUNK. I have a brief statement which I think will explain it.

Mr. BYRNS. I would like to have it explained.

Mr. FUNK. Mr. Speaker, the effect of the amendment which has been read is to continue the practice which has obtained for years of granting leave of absence to per diem employees of the District who have worked for 10 consecutive months or more and who are employed out of various lump-sum appropriations under the provisions of sections 2 and 4 of the bill. This same provision was carried in last year's bill, and it became necessary at that time because the Comptroller General raised the question as to the propriety of granting leave to such employees, because under the language of sections 2 and 4 their employment is authorized "temporarily," although many of them have been on the pay rolls continuously for several years. By reason of the fact that the whole of one class of these so-called temporary employees was provided for specifically in this bill some doubt was entertained by the committee as to whether there was sufficient justification for continuing this leave provision in this bill, and so on motion when the bill was before the House the provision was stricken from the bill. The Senate restored the provision, and the District officials say that without it they are afraid they will get a less efficient type of labor and that they fear it will become necessary to readjust wages to compensate for taking away the leave privilege. The conferees felt that there probably was something in this view, and, moreover, since a very large portion of these employees are carried on the pay roll continuously, there is no reason why they should not be accorded the same leave privileges as other employees of the District and Federal Governments.

Mr. BYRNS. As I understand, this provision, then, applies only to those who are employed on lump-sum rolls?

Mr. FUNK. Yes; it applies to per diem employees.

Mr. BYRNS. And after they have been employed or at work for 10 consecutive months they get leave of absence with pay?

Mr. FUNK. Yes. They get leave at the rate of 15 days per annum. They do not get the 30 days' regular vacation and 30 days' sick leave. They get 15 days' leave with pay.

Mr. BYRNS. Only 15 days?

Mr. FUNK. Yes.

Mr. BYRNS. This does not apply to sick leave?

Mr. FUNK. No.

Mr. BYRNS. And gives them only 15 days annual leave with pay?

Mr. FUNK. That is correct.

Mr. BYRNS. Now, I would like to ask the gentleman this question: Of course the regular employees get 30 days' leave with pay?

Mr. FUNK. They get 30 days' annual leave and 30 days' sick leave; that is, provided they can show the necessity of the sick leave.

Mr. BYRNS. Can the gentleman say whether or not other per diem employees in other branches of the Government, who are employed just as those in the District are employed, are accorded the same privilege, or is this a special privilege given to District employees who are per diem employees? I have no particular objection to this particular amendment, but I do think that the practice of granting annual leave with pay ought to be uniform. I do not think we ought to make fish of one and fowl of the other, and that is the reason why I asked the gentleman the question as to whether this was a privilege that was accorded to other per diem employees of the Government.

I think the gentleman will find in the case of rural carriers, for instance, and probably other employees of the Post Office, they are only allowed 15 days' annual leave with pay after a service of 12 months. Here you propose to give these employees 15 days' annual leave after a service of 10 months. I think it ought to be uniform, and aside from that I have no particular objection to the amendment.

Mr. FUNK. I am advised that all per diem employees throughout the Government service, whether in Washington or elsewhere, are entitled to leave of absence with pay at the rate of 15 days per annum, but the Comptroller General has raised a question about this because the word "temporarily" is incorporated in the language of the authority for the employment of these per diem employees. He thought there should be specific authorization for the leave in view of that language. These employees, I might say to the gentleman, will not be entitled to 15 days' leave at the end of 10 months' service, but only to leave at the rate of 15 days per annum.

Mr. BYRNS. I think these per diem employees, of course, should be upon the same basis as other per diem employees of the Government; and in view of the statement of the gentleman, it seems to me there ought to be no objection.

The SPEAKER. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 110: On page 92, after line 20, insert:

SEC. 7. That in disbursing funds appropriated for the expenses of the government of the District of Columbia the commissioners of said District shall require such form of receipt as evidence of payment as may be deemed sufficient in the opinion of the corporation counsel of said District to give full legal acquittance to the District of Columbia."

Mr. FUNK. Mr. Speaker, I move to recede and concur with an amendment.

The SPEAKER. The gentleman from Illinois moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

In lieu of the matter inserted by said amendment insert the following:

"SEC. 7. Hereafter in the payment of compensation of per diem employees of the government of the District of Columbia a signature by mark duly witnessed by an employee of such District designated for that purpose by the commissioners shall be deemed a full legal acquittance as to such signature."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois.

The motion was agreed to.

BILLS OF INTERPLEADER OF INSURANCE AND CASUALTY COMPANIES

The SPEAKER. Without objection, the Chair will lay before the House Senate Concurrent Resolution 16.

There was no objection.

The Clerk read as follows:

Senate Concurrent Resolution 16

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be, and he is hereby, authorized and directed, in the enrollment of the bill (S. 2296) authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader, to insert in the title thereof, after the word "authorizing," the following: "casualty companies, surety companies," so that the title as amended will read: "An act authorizing casualty companies, surety companies, insurance companies, or associations or fraternal or beneficial societies to file bills of interpleader."

The resolution was agreed to.

THE WORK OF THE HOUSE OF REPRESENTATIVES IN THE SIXTY-NINTH CONGRESS

Mr. MAPES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech of my colleague [Mr. HOOPER] delivered over the radio last night.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. MAPES. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following address delivered last night over the radio by my colleague the gentleman from Michigan [Mr. HOOPER]:

Mr. HOOPER. Ladies and gentlemen, when Speaker LONGWORTH took the oath of office on December 7, 1925, he first assured the membership of the House of Representatives of his intention to administer his parliamentary functions with rigid impartiality. He then spoke of the political functions of his high office and said:

"The political side, to my mind, involves a question of party service. I believe it to be the duty of the Speaker, standing squarely on the platform of his party, to assist, in so far as he properly can, the enactment of legislation in accordance with the declared principles and policies of his party, and, by the same token, to resist the enactment of legislation in violation thereof."

Continuing, he said, "I believe in responsible party government. I regard as among the most beneficent provisions of the Constitution those two which provide for the election of the entire membership of the House of Representatives every second year and for the divorcement of the Congress from the executive branch. Under these provisions, unique among the constitutions of the great nations, it has been proved necessary, if the will of the people, biennially expressed, is to be effectively translated into legislation, that it must be through the medium of one major political party, whose members are united upon basic principles and policies and responsible every two years to their constituencies."

These words, spoken by one second only to the President of the United States in position, power, and influence, are a precise statement of the theory of party government in America. The majority party is responsible, because it is the majority party, for the things done during its administration, whether those things make for good or for evil. The Nation at large accepts this theory and holds the majority party to a strict accountability for all legislation during its tenure of office.

I am to speak briefly of the work done up to this time by the House of Representatives in the Sixty-ninth Congress, in which the Republican Party has had at all times an assured majority. In speaking of its achievements I intend in no way to disparage the fine and hearty cooperation of our Democratic colleagues in all legislation where party issues have not rendered cooperation impossible; and I am sure I voice the unanimous sentiment of my Republican associates when I say that in ability and patriotism the Members of the minority party in the Sixty-ninth Congress have ranked high.

The days of this session of Congress are rapidly drawing to a close. Its work has been rapid. The country must view with approval the speed with which important measures have been debated and enacted into law. I will speak briefly of a few of these measures.

Immediately after the House had been organized it entered upon the work of tax reduction, for which the whole country had long been looking with anxiety. Into the Republican national platform of 1924 there was written:

"Progressive tax reduction should be accomplished through tax reform. It should not be confined to less than 4,000,000 of our citizens who pay direct taxes, but is the right of more than 100,000,000 who are daily paying their taxes indirectly through their living expenses. Congress has in the main confined its work to tax reduction. The matter of tax reform is still unsettled and is equally essential."

Continuing, the platform stated: "We pledge ourselves to the progressive reduction of the taxes of all the people as rapidly as may be done, with due provision for the essential expenditures of the Government, administered with rigid economy, and to place our tax system on a sound, peace-time basis."

To fulfill this pledge the first important act of the House of Representatives was to pass the revenue bill of 1926, which, in substantially the form in which it was introduced, was later passed by the Senate, and which constitutes the most substantial reduction of Federal taxes since the end of the World War. By increasing the exemption of the heads of families from $2,500 to $3,500 and that of single persons from $1,000 to $1,500, more than 2,000,000 persons were relieved entirely from the payment of income taxes. This, of itself, lifts a burden immense in the aggregate from the shoulders of those less able to carry the heavy weight of taxation. And while income taxes upon the great incomes of the Nation have been very considerably reduced, it should be remembered that the small incomes which remain taxable under the law have had their taxes reduced by this law in a vastly greater proportion than the incomes in the higher brackets. Thus Congress has dealt justly with all classes of our citizens. Two million citizens who were taxed under the former law will pay no taxes under the law of 1926. The rest of the tax-paying public will still pay, but in greatly reduced amounts.

The total reduction, as the bill was finally passed, saves to the taxpayers of the Nation the vast total of $388,000,000. Of this amount $165,000,000 are represented by the reduction in income taxes, both individual and corporate, and the balance of $223,000,000 is the result of reduced and repealed taxes, such as the stamp taxes, the tax on automobiles and parts, theater admissions, photographic supplies, and many other of the so-called nuisance taxes.

The removal of the various taxes on income and industry will have a marked effect upon the income of all persons, taxpayers and nontaxpayers. A tax on industry eventually is paid not by him upon whom it is primarily laid, but by his customer. It is indirect, but it is taxation as surely as though it were levied against the consumer by Government authority. The reductions authorized by the law of 1926 should be reflected in a reduced cost of living, which should be felt by the people of the whole Nation. Time will not permit a fuller discussion of the important and far-reaching effects of this law, but the Republican Party, which sponsored it, has redeemed its pledge made in the platform of 1924 and takes just pride in the speed with which its campaign promise of that year was fulfilled.

The settlement of the debts of Belgium, Czechoslovakia, Esthonia, Rumania, Latvia, and Italy was the subject which engrossed the attention of the House of Representatives immediately following the passage of the revenue law. Over but one of these settlements was there any real controversy. A nonpartisan commission, consisting of able members of both our great political parties, after a laborious investigation of the financial affairs of the Kingdom of Italy, recommended a settlement of the debt of that nation to the United States upon terms approved by President Coolidge and his Cabinet. From the report of the commission it was apparent that Italy is in dire financial straits; that she owes to Great Britain approximately the amount of her debt to us; that the scale of living of her people is infinitely lower than that prevailing in our own country; that her people are already taxed to the uttermost; that the prospects of her ever being able to pay the principal of her debt to the United States is beyond human possibility; and that, after long discussion, the settlement accepted by the Italian commission was the very best obtainable.

It was pointed out that if the settlement proposed should not be accepted no further negotiations would avail. No recourse would be left for the collection of the debt other than war, and war, of course, on such a pretext would be unthinkable. In effect, the United States is in the position of many a business man dealing with an insolvent debtor. He may have a judgment and execution against the debtor, but if the debtor has not the money or property to satisfy the debt, there remains but one hope to the creditor—that of compromise upon the best terms obtainable. Such a compromise was approved by a very large majority of the House of Representatives and has been recently approved by the Senate.

In his message to Congress, President Coolidge, referring to these debt settlements, said:

"It is believed that they represent in each instance the best that can be done and the wisest settlement that can be secured. One very important result is the stabilization of foreign currency, making exchange assist rather than embarrass our trade. Wherever sacrifices have been made of money it will be more than amply returned in better understanding and friendship, while in so far as these adjustments will contribute to the financial stability of the debtor countries, to their good order, prosperity, and progress, they represent hope of improved trade relations and mutual contributions to the civilization of the world."

The executive and legislative branches of the Government have, therefore, been in active accord as to these settlements, and we earnestly hope and believe that the country will accept them as the best possible solution of a most difficult and perplexing problem.

The House of Representatives has adopted and the Senate has now before it one of the most important pieces of railroad legislation ever before Congress for consideration. In his last message the President said:

"Labor can make no permanent gains at the cost of the general welfare. All the victories won by organized labor in the past generation have been won through the support of public opinion. The manifest inclination of the managers and employees of the railroads to adopt a policy of action in harmony with these principles marks a new epoch in our industrial life."

In accordance with this "manifest inclination" upon the part of managers and employees the Watson-Parker railroad bill, adopted by a large majority of the House of Representatives, provides directly for the settlement of railroad disputes by conferences between the railroads and their employees, for the establishment of boards of adjustment by roads and employees, for deciding disputes not settled in such conferences, and for the creation of a Federal Board of Mediation, consisting of five members, having authority to intervene in any dispute and mediate between the parties. In case disputes arise which threaten to disrupt the transportation service the President may, by authority of this bill, appoint an emergency board to investigate and report to him. During a period provided by the bill this board would sit and make its investigation, and for 30 days there would be no step taken by either of the conflicting parties to effect a strike or lockout. In other words, it is intended that a certain "cooling time" shall take place, during which the parties may settle their differences without the interposition of the machinery provided by the law.

This law has the approval of both the roads and their employees. It may not be, and probably is not perfect, but it is a long step in the

direction of protecting the three parties to a railroad controversy—the railroads, their employees, and the public—and the leaders of our party hope that it is the forerunner of a better day in our national life, when resort to the strike and the lockout, with all their train of evils, will be but history.

An almost unparalleled incident occurred in the House of Representatives a few days ago when, by a vote unanimous and sweeping, the House ratified the desire of the whole Nation that the veterans of the Spanish war should at last have their wish to be placed on a parity with the veterans of other wars gratified. The Spanish war lasted but a few months, and in the onward sweep of great events its memories had grown a little dim. Yet it was this war which made the United States a world power, which swept almost the last vestage of continental European monarchy from the New World, and which cemented together the once sundered North and South. It gave us the heroic deed of Hobson; it made Theodore Roosevelt a great national figure; it brought gallant Joe Wheeler into the command of men whose fathers he had fought in the War between the States. The soldiers of that splendid volunteer army who came at the call of President McKinley are now in middle life. They have waited quietly and patiently for the recognition which would place them upon a partial equality with the soldiers of other wars; and at last the Nation rejoices with them that their patriotism is given a reward, not adequate indeed, but more in keeping with the traditions of a great Nation that they have received in the past.

If the President signs this bill, which I hope he may see his way clear to do, although it has been in conflict with the financial program of the administration, he will do it with the purpose of doing justice long deferred to the veterans of the Spanish war—not that complete justice which would place them upon an equal footing with the Nation's other veterans, but a justice as complete as the financial situation of the country will now permit.

As to the veterans of the World War, with the memories of that titanic struggle fresh in our minds, it is safe to say that the Congress is ready to enact into law whatever may be necessary for their relief, subject, of course, to the financial program of the administration and to reasonable economy in government. Every man and woman in Congress, Democrat or Republican, feels toward these men a gratitude and a solicitude undiminished by the lapse of time. They re-echo the sentiment of that Civil War orator who said: "I have but one sentiment for the soldiers, living and dead; cheers for the living, tears for the dead."

Prohibition has played a comparatively minor part in the work of the House since it met in December. The House is overwhelmingly dry in sentiment; it would be difficult for the wet forces to furnish 60 votes in support of any antiprohibition proposal. If repeal of the eighteenth amendment or modification of the Volstead law comes in the future, it will be from a Congress of a far different way of thinking than the Sixty-ninth Congress. Whatever discussion takes place on this question is rather for home consumption than with a serious purpose to secure a modification of the existing law. The line of cleavage between wets and drys is not political. A great majority both of the Republicans and Democrats are dry. Debate upon the subject is purely academic. It is literally not an issue.

A mother's aid bill similar to those enacted in 40 States of the Union has been passed by the House for the aid of motherhood in the District of Columbia. This was strongly recommended by the President, and his appeal found a ready response from the House. Another bill, making women eligible to sit as jurors in the District, completes the legislation so far enacted touching the rights and privileges of women.

Bills have been passed changing and liberalizing the national banking laws; changing and bettering the laws relating to bankruptcy; providing for the leasing of Muscle Shoals on terms and conditions favorable both to the development of that remarkable region and to the people of the United States; and, of course, numerous bills covering a vast variety of subjects impossible even to catalogue in a discussion as brief as this must be.

This, roughly speaking, has been the work up to this time of the House of Representatives of the Sixty-ninth Congress. The Congress is Republican; the Republican Party is responsible for its mistakes, if mistakes it has made; it is entitled to the credit of the good accomplished. Most of its work has been done in accordance with the views of our party's great leader, Calvin Coolidge, the latest of that long line of Republican Presidents under whose leadership this Nation has reached a place of prosperity and splendor unrivaled in the history of mankind. Fortunate, indeed, are we to have him to-day as the head of our party and of our Nation, a man in whom the people have that unbounded faith which is the corollary of the unbounded faith he has in them.

AMENDMENT OF BANKRUPTCY LAW

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1039) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereto, and supplementary thereof, insist on the amendments of the House and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection, and the Chair appointed as conferees on the part of the House Messrs. CHRISTOPHERSON, MICHENER, and MONTAGUE.

DISTRICT COURT FOR THE DISTRICT OF MONTANA

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5701) to designate the times and places of holding terms of the United States District Court for the District of Montana, with Senate amendments, disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection, and the Chair appointed as conferees on the part of the House Messrs. GRAHAM, DYER, and SUMNERS of Texas.

INVESTIGATION OF WORLD WAR VETERANS' GUARDIANS

Mr. RANKIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Mississippi rise?

Mr. RANKIN. To propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. In the Committee on World War Veterans' Legislation, in which we are investigating the charges of misconduct with reference to the handling of the guardianships of the insane, disabled World War veterans in the District of Columbia, Mr. Frederick A. Fenning, the guardian for about 75 or 100 of these wards, asked permission to come before that committee and testify. When he did so he signed a written waiver and agreed to submit himself to cross-examination. Now, when it comes to material questions likely to involve misconduct on the part of the guardian, he refuses to answer the questions.

The question has arisen whether or not the chairman of the committee, or the committee itself, has the right to force the witness to answer these questions. My contention has been that the Committee on World War Veterans' Legislation, being a committee of the House, is governed by the rules of the House, and any contempt shown that committee is therefore a contempt of the House, and that we have the same right to proceed against him or any other witness as if he had manifested that contempt to the House of Representatives itself.

Mr. BEGG. Will the gentleman yield right there?

Mr. RANKIN. Yes; I will yield.

Mr. BEGG. Does the gentleman contend that if a man by answering the question would incriminate himself, that a committee of Congress can force him to answer; or, in other words, go further than a court could go?

Mr. RANKIN. Ah, I will say to the gentleman from Ohio [Mr. BEGG] that Mr. Fenning signed a written waiver and agreed to testify whether the questions incriminated him or not.

My contention is that he has no right to come here and make general statements that go into the record and to the press, and then, when we ask him specific questions as to the conduct of this unfortunate business, refuse to answer

Mr. CRAMTON. Mr. Speaker, I make the point of order that this is a matter primarily before the committee before which the matter is pending, and the proper way to have it brought into the House is through the action of that committee.

Mr. RANKIN. Let me say to the gentleman from Michigan [Mr. CRAMTON] that all we want is information, and I would as soon have it from the gentleman from Michigan as from the Chair.

Mr. CRAMTON. The gentleman's case is illustrated by the rejoinder which he makes.

Mr. RANKIN. So is the gentleman's information. I am asking the Chair whether or not we have a right to force this witness to answer questions propounded to him by members of the committee.

Mr. BEGG. Mr. Speaker, I make the point that that is not a parliamentary inquiry.

The SPEAKER. The Chair is in some doubt as to whether it is a proper parliamentary inquiry. Of course, the Chair has no official direct knowledge of any of these proceedings. Is the Chair correctly informed that the witness is a voluntary witness?

Mr. RANKIN. Yes.

The SPEAKER. It would seem to the Chair that where a man appears voluntarily as a witness the committee can not force him to answer. This committee has no power of subpœna, it not having been authorized by the House to subpœna witnesses.

Mr. RANKIN. May I ask the Chair what proceeding would be necessary to procure a proper order to subpœna witnesses in order that we may have the power to force them to answer?

Mr. BEGG. I make the point of order that an inquiry as to how to proceed under the rules of the House is not a parliamentary inquiry.

The SPEAKER. Technically the Chair would not think it was a parliamentary inquiry. The Chair thinks the proper proceeding would be for the committee to pass some sort of resolution and get the consent of the House for it to go further.

Mr. RANKIN. I thank the Chair.

Mr. GRAHAM. Mr. Speaker, with the consent of the House I would like to make a statement that may save the House and various committees a good deal of trouble. We have had on the floor an impeachment of a man in the government of this District. That resolution will be reported out of the committee within the next few days. It seems that there are two other committees conducting some sort of an investigation. I suggest that no committee has the power to institute contempt proceedings unless it is authorized by this House to examine witnesses. Then it can. Now if the gentleman would take into consideration the fact that perhaps the whole matter will have to be merged into one general examination—the presentation by the gentleman from Texas being backed by so many alleged facts that the Committee on the Judiciary will be obliged to report that resolution for the action of the House, and, if so, there ought to be but one proceeding.

Mr. RANKIN. Will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. RANKIN. Of course I am glad to hear the chairman of the Judiciary Committee [Mr. GRAHAM] say that that committee is going to take some action. The Committee on World War Veterans' affairs has to go into this proceeding in order to cure one of the most horrible situations that has ever confronted this Government with reference to the treatment of disabled, insane ex-service men. That is the reason we are going into the question and trying to get to the bottom of it.

Mr. GRAHAM. If I may be further permitted, I would like to say that there is some misapprehension in regard to immunity—that if a man is examined he has to waive, and if not he gains immunity. There is no immunity following the examination of a man before any grand jury, court, or committee of the House or the Senate unless it is connected with the antitrust law or the Interstate Commerce Commission's work and provided for in the laws governing matters before the commission or antitrust proceedings. As to those matters immunity might follow, but in all others the examination and the testimony which a man gives can not be used in any other proceeding against him, but does not prevent prosecution.

Mr. DENISON. Will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. DENISON. The committee has no right to proceed in contempt against a witness, but must report the matter to the House.

Mr. GRAHAM. Certainly; and it must be based on a prior subpœna issued by a committee that has the power to subpœna and examine witnesses bestowed upon it by the House or Senate.

Mr. GILBERT. Mr. Speaker, in the absence of the chairman of the Committee on the District of Columbia, that is making some investigation, I would like to say for the information of the House that that inquiry is being conducted by a subcommittee, and while it necessarily overlaps other investigation our inquiry has relation to conditions now prevailing in the District. Of course we do not want to and will not usurp the functions of the Committee on the Judiciary in its impeachment proceedings.

Mr. GRAHAM. The other, however, is contained in the articles of impeachment submitted by the gentleman from Texas [Mr. BLANTON].

Mr. GILBERT. Some are and some are not.

Mr. DYER. But they are directly involved in the work of the Committee on the Judiciary.

Mr. GRAHAM. Yes.

Mr. RANKIN. We are having hearings on a legislative bill to correct certain conditions which it will require legislation to cure. We are not trying to usurp the functions of the Judiciary Committee or any other committee.

Mr. GILBERT. And we are investigating a reported condition of certain affairs of the District of Columbia.

Mr. GRAHAM. The three committees ought to proceed in unity and complete that work.

Mr. RANKIN. And I will say to the gentleman from Pennsylvania [Mr. GRAHAM] that this witness wrote a letter to the committee and asked of the committee the privilege of appearing before it.

Mr. GRAHAM. That leaves him a voluntary witness, and you have no power to proceed against him for contempt.

Mr. RANKIN. I am not so sure of that.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 10425) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes, disagreed to by the House of Representatives had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had ordered that Mr. WARREN, Mr. SMOOT, Mr. CURTIS, Mr. JONES of New Mexico, and Mr. HARRIS as the conferees on the part of the Senate.

CERTAIN BRIDGE BILLS

By unanimous consent, at the request of Mr. DENISON, the following House bills with Senate amendments thereto were taken from the Speaker's table and the Senate amendments concurred in:

H. R. 10002. An act granting the consent of Congress to H. J. Stannert, Harry Weis, and George W. Rockwell to construct, maintain, and operate a bridge across the Susquehanna River from a point in the city of Sunbury, Northumberland County, to a point in the township of Monroe, Snyder County, in the State of Pennsylvania;

H. R. 7904. An act granting the consent of Congress to Des Arc Bridge Co. and its successors and assigns to construct a bridge across the White River at Des Arc, Ark.;

H. R. 9348. An act granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio;

H. R. 9494. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainesboro-Red Boiling Springs road in Jackson County, Tenn.;

H. R. 9506. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Perry and Decatur Counties, Tenn.;

H. R. 9505. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden road between Humphreys and Benton Counties, Tenn.; and

H. R. 9503. An act granting permission to the State Highway Commission of the State of Tennessee to construct a bridge across the Tennessee River at Savannah, Hardin County, Tenn., on the Savannah-Selmer road.

PRIVILEGE OF THE HOUSE—COMMITTEE ON AGRICULTURE

Mr. CANNON rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. CANNON. Mr. Speaker, I rise to a question of privilege of the House and submit a resolution, which I send to the Clerk's desk and ask to have read.

The SPEAKER. The gentleman from Missouri submits a resolution, which he states is a matter of the privilege of the House, which the Clerk will report.

The Clerk read as follows:

House Resolution 246

Whereas the Committee on Agriculture has reported simultaneously, with favorable recommendation, the bills H. R. 11603, H. R. 11606, and H. R. 11618, relating to the same subject, having the same purpose, and proposing the enactment of conflicting provisions of law; and

Whereas such action is without precedent, is not in conformity with the practice of this House, and is not authorized under the parliamentary procedure governing the control and conduct of the business of this House; and

Whereas a far-reaching question of parliamentary procedure is involved, and a precedent of this importance should not lightly be established, and it is therefore desirable to determine whether standing committees may report simultaneously for the consideration of the House more than one bill dealing with substantially the same subject matter:

Resolved, That the Speaker be, and he is hereby, authorized and directed to appoint a select committee of five Members of the House to investigate and report not later than April 30, 1926, as to the right of a committee to report with favorable recommendation, under the pro-

visions of the rules, more than one bill on the same subject, having in view the same purpose and proposing conflicting legislative enactments.

Mr. MAPES. Mr. Speaker, I make the point of order against the resolution that it is not privileged.

Mr. CANNON. Mr. Speaker, if the Chair has any doubt on the question, I will be very glad to be heard. I feel certain that the Speaker does not entertain any serious doubt on the privilege of the resolution.

The SPEAKER. The Chair is inclined to think that the resolution presents a question of privilege.

Mr. CANNON. Mr. Speaker, I trust that it will be understood that this resolution is not presented in any spirit of captiousness. It is not intended to be either partisan or hypercritical, but is presented merely out of a sincere interest in the maintenance of the integrity of the procedure of the House. We have presented here a situation which is most unusual, one which, if allowed to pass unnoticed, may go further and may have a more drastic effect upon procedure and may complicate more seriously the parliamentary and legislative processes of the House than at first appears.

One of the great committees of this House, departing from the recognized procedure in use for the last 150 years, has reported to the House simultaneously, and with favorable recommendation, three rival bills and asked for a rule for their immediate consideration en bloc.

The committee system is to-day in use in every important parliamentary body in the world. It is indispensable to the practical and effective transaction of any large legislative business. This is especially true of the House of Representatives. Already there have been introduced for this session of the Sixty-ninth Congress approximately 12,000 bills and resolutions, and we may infer that by the close of the Congress there will have been presented for our consideration somewhere between fifteen and twenty thousand bills and resolutions. It is manifestly impossible for any one Member of the House to even read this great mass of bills, much less consider them for enactment. It is a physical impossibility. Therefore it inevitably follows that the House must delegate the consideration of this great mass of proposed legislation to committees appointed for that purpose, and it is the duty and the function of such committees to investigate and study and recommend to the House such disposition as it finds advisable. There is no other practical way for us to dispose of the vast amount of business coming up in each Congress. And whenever a committee fails to do that, fails to recommend some definite action to the House, it is failing to do the very thing for which it was created and for which its members were appointed.

Speaker Reed, one of the greatest Speakers who ever presided over this body, in his authoritative work, Parliamentary Rules, discusses the functions of the committee in a very interesting way. Speaker Reed says, in speaking of the duties of committees, that the committee is the eye, the ear, the hand, and, in many instances, the brains of the House. He goes on to say that, freed from the great inconvenience of numbers, the committee can study a question, obtain full information, and put the proposed legislation into shape for final action by the House. That is the function and duty of a committee as Speaker Reed conceived it; and no one was in his day better qualified, both by ability and experience, to speak upon that or any other parliamentary subject. He goes on to point out inferentially that, even if there were submitted to the House in each Congress a few bills only, bills which one man might with ease consider at his leisure, it would not be advisable to consider them either in the House or in the Committee of the Whole.

The Committee of the House, consisting of 435 Members, is too large, too unwieldly, to consider undigested legislation. A smaller committee is required for that purpose, a compact select body which can sit down around a table and go over proposed legislation at leisure and in detail.

Also, under the committee system as at present constituted such committees have prerogatives which can not be utilized in the House. They may hold hearings, take testimony, receive representatives of interests affected by proposed legislation, inquire, and cross-examine both private persons and public officials, and go into sources of information which from the very nature of the situation are not open to Members sitting in the House or in the Committee of the Whole. For example, and bearing directly on the case in point, the Committee on Agriculture began hearings upon the legislative propositions embodied in these bills some time in January.

The committee have held exhaustive hearings extending over a period of nearly four months. They have been in session practically every legislative day of the last two months. And yet under the special rule for which they have applied, and which they will be given, they expect Members of the House who have had no opportunity to hear witnesses or to examine those who appeared in the hearings, or to otherwise familiarize themselves with the voluminous findings adduced at these hearings, in four days to shape legislation and decide upon questions presented by these bills which members of this committee, experts in this particular class of legislation as they are, have been unable to decide after four months' deliberation.

Mr. BURTNESS. Will the gentleman yield?

Mr. CANNON. I will.

Mr. BURTNESS. As I understand the report that comes from the Committee on Agriculture with reference to these bills, each and every one of the reports recommend that the bills do pass; that is, as a recommendation that all three do pass theoretically coming as the recommendation of the committee.

Mr. CANNON. That is one of the most remarkable features of this unprecedented situation.

Mr. BURTNESS. Has the gentleman given any consideration to what the situation would be if the House acted favorably upon the recommendation of the committee and passed all three bills?

Mr. CANNON. The House, as a matter of fact, usually acts favorably upon the recommendation of its committees. In 95 per cent of the bills taken up by the House for consideration it adopts, with varying amendments, the recommendation of the committee reporting out the bill. It is, therefore, to be inferred that when the Committee on Agriculture reports these bills favorably it expects the House to pass all three. That may be taken to be a violent assumption, but it is no more violent than this departure of the committee from the accustomed procedure of the House. What would be the situation if the House, following its usual custom, should adopt the recommendations of the committee?

There would then be in existence three great governmental agricultural agencies, one consisting of 48 members, one consisting of 36 members, and one consisting of 12 members, with conflicting duties and jurisdictions. There would then be established in the District of Columbia, with offices here in Washington, three great Federal boards with conflicting powers, one of them the Federal farm board, with 12 members at a salary of $10,000 each per annum, another, the national farm board of directors, with 7 members at a salary to be determined by themselves, and still another, the farmers' marketing commission, with 6 members at an annual salary of $12,000 each. Also there would be available three great revolving funds, one of $375,000,000, one of $10,000,000, and a third of $100,000,000—an aggregate amount approximating half a billion dollars under the direct jurisdiction and supervision of the three Federal boards.

Mr. KVALE. Will the gentleman yield?

Mr. CANNON. I will.

Mr. KVALE. That is on the assumption that the White House spokesman will sign all three?

Mr. CANNON. That, of course, is to be inferred from the recommendation of the committee.

Mr. DENISON. Will the gentleman yield? I am very much interested in what the gentleman is saying, and I am asking the gentleman because I know he has given this subject a great deal of study. Is there anything in the rules of the House that prevents any regular committee of the House from reporting two or more bills to the House on the same subject?

Mr. CANNON. The rules of the House do not provide specifically for such contingency, but the complete law of the House is not contained in the rules. The great bulk of the civil law has been gradually formulated from decisions by the courts, from commercial practices and trade customs not embodied in statutory law. So a great and vital part of the law of the House is contained in the practices and precedents, in long-established customs, and interpretative decisions of chairmen and Speakers not found in the body of the rules themselves.

The rules comprise the statutory law, the code of the House. The practices and precedents, constituting the great bulk of our procedure, are equivalent to judicial decisions of the civil law.

In the last session of Congress presided over by Mr. Speaker Cannon, in which he was assisted by Asher Hinds of Maine, the greatest clerk who ever served at the Speaker's table, a committee appointed under a resolution similar to the one offered to-day, reported, after consultation with the Speaker and Mr. Hinds, that there are "procedures as firmly established as any founded upon the written rules of the House."

And again "there are many situations not specifically covered by the written rules which are nevertheless regulated definitely by the procedure which has come down from time im-

memorial and which procedure is essential to the orderly conduct of the business of the House."

Mr. SNELL. Will the gentleman yield right there?

Mr. CANNON. I will.

Mr. SNELL. While I appreciate the force of the statement, in the final analysis coming down to the question of precedents and the actual rule itself, you would have to follow the rule, would you not?

Mr. CANNON. There is no rule. There is neither authorization nor inhibition in the body of the rules. It is one of those immemorial practices which the Sixty-first Congress held to be as much a part of our procedure as the written rules of the House themselves.

It is a practice which has back of it the unbroken custom of 150 years. More than 40 Speakers have presided over this House. Literally hundreds of standing committees have been established, served their time, and disappeared from the rules.

Thousands of the ablest men who ever sat in Congress have presided as chairmen of these committees, and in all this time under no chairman has anyone ever presumed to bring into the House and throw into the Committee of the Whole undigested bills in this unwarranted manner.

Mr. SNELL. Mr. Speaker, will the gentleman yield there?

Mr. CANNON. Yes.

Mr. SNELL. I feel the force of the gentleman's argument, and in large part I agree with him; but the gentleman also understands that we have a provision in the rules whereby you can discharge a committee and bring legislation directly before the House without the consideration of the committees.

Mr. CANNON. You may bring one bill before the House.

Mr. SNELL. That is a way to bring it into the House, so that it is not absolutely necessary to have action by committees. Can the gentleman tell me of any rule specifying how many bills a committee can bring in on a single subject?

Mr. CANNON. There are many practices in the House for which there is no provision in the rules but which by immemorial practice they have become as much a part of the law of the House as if specifically provided in the written rules of the House. The excerpts I have just quoted from a report adopted by a unanimous vote of the House hold precisely that doctrine.

Mr. SNELL. Is it not a fact that these three bills deal with the subject of agriculture in three different, specific ways? They are entirely different bills.

Mr. CANNON. In answer to the gentleman's inquiry, I need only to quote the statement made by the gentleman from Kansas [Mr. TINCHER]—and the gentleman from Kansas is as familiar with this situation and with the purport of these bills as any other Member of the House—the gentleman from Kansas in the speech which he made in the House a few days ago made the statement that these bills are rival bills. He referred to them as competing bills.

Mr. SNELL. But he did not say that they treated agriculture in the same specific way.

Mr. CANNON. He said they were competing bills.

Mr. SNELL. Their object was intended to go in an entirely different direction.

Mr. CANNON. I believe the House is willing to take the word of the gentleman from Kansas on that point.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. CANNON. Yes.

Mr. COOPER of Wisconsin. The gentleman has stated three or four times that the Committee on Agriculture has reported three bills. The report of the majority is the report of the committee, not the report of a minority, no matter how many reports they make.

Mr. CANNON. That is true.

Mr. COOPER of Wisconsin. Does the gentleman say that the majority of the committee or the minority has reported three bills?

Mr. CANNON. It is the custom of committees in reporting bills by direction of the majority to report them without signature. Majority reports are never signed. But minority reports are always signed by those members of the committee submitting them. Each of these three reports is presented without signature and each of them is a majority report. In each instance it is affirmed unconditionally that the committee reports out the bill "with the recommendation that the bill be passed."

Mr. COOPER of Wisconsin. Is there any intimation in these reports or statements that the majority of the committee assumes them?

Mr. CANNON. It is not customary in making a report to state that it is reported out by a majority.

Mr. COOPER of Wisconsin. This ought to be a question of fact, and with all due deference to the judgment of the gentleman, whose opinion I highly respect, if the majority of the committee has reported one bill, that is the bill which legitimately would come before the House, and a motion could be made to substitute either of the other bills. But the majority report of the committee is the report which brings up the bill properly before the House.

Mr. CANNON. No one is more familiar with the procedure of this House than the gentleman from Wisconsin, and no one knows better than he that the House can not delve into the proceedings of a committee not reported to the House.

It can not go back of the committee report. It is not permissible to even discuss on the floor of the House happenings which have transpired in the committee. We must accept the report as submitted to the House by the committee, and in each case this is reported out as a majority report. And, judged by the practice of the House, each of these three bills is reported out by the unanimous vote of the committee. No minority views are submitted.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. CANNON. Yes; I yield to the gentleman from Illinois.

Mr. CHINDBLOM. The gentleman is basing his argument on the practice of the House with reference to the report of the Committee on Agriculture on three rival bills, and he says that the committee has acted in violation of the practice of the House. I would like to ask the gentleman if he is at all familiar with this practice, whether it has not at least occurred at times: A committee makes a report upon a bill. It is filed in the House and goes on the calendar. Subsequently the committee determines that it wants to make changes in the bill which has been reported, but instead of coming into the House and asking for a withdrawal of the bill from the calendar and a rereference to the committee, it proceeds to use the same material, reports a new bill with a new report, and another recommendation that that bill pass. That has occurred. Does the gentleman consider that that raises the same kind of a question?

Mr. CANNON. The gentleman well knows that a committee has three options: It may report out a bill with a favorable recommendation, or it may report out a bill with an unfavorable recommendation, or it may report out a bill with the statement that it has been unable to agree. That applies to any one bill. In the case of the bill to which the gentleman refers, the committee may have, instead of withdrawing one bill, introduced another as a substitute. I am not familiar with the case to which he refers, but I have known instances in which one bill was laid upon the table and another substituted.

Mr. CHINDBLOM. It can not be laid upon the table without the action of the House. The committee can not lay it on the table. But you would have to go through the form of having a vote to lay on the table, showing that two bills are actually before the House, alive on the calendar, and pending in the House.

Mr. CANNON. But, as I stated before, never with the serious intention of the committee that they would be considered. Here it is plainly the intent and recommendation of the committee that the House consider and pass the three bills.

Mr. CHINDBLOM. But how can the intention of the committee be evidenced to the House in any other way than by its action and its report?

Mr. CANNON. By its subsequent report.

Mr. CHINDBLOM. Does the gentleman then believe that the subsequent report shows the intention of the committee to abandon the prior bill?

Mr. CANNON. That has always been the practice of the House. Where that has been true it has invariably been the intention of the committee that the House should consider only the one bill.

Mr. CHINDBLOM. Does the gentleman then believe that in this case, with reference to these reports from the Agricultural Committee, the last bill will mean the abandonment of the prior bills?

Mr. CANNON. No; they are ordered reported simultaneously, and with the simultaneous recommendation that they be passed.

Mr. STEPHENS. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. STEPHENS. The fact is, so far as it comes before the House, that three bills have been reported unanimously by the committee?

Mr. CANNON. Apparently so.

Mr. STEPHENS. There is no other information before the House but what they have reported out three bills, either

unanimously or by a majority of the committee. There is no minority report on them.

Mr. CANNON. As far as the House is permitted to judge that is the method by which they were reported. It is apparent that they were ordered reported out by the unanimous vote of the committee. Of course, we have no official information as to what actually occurred in the committee, and it is entirely possible that there were dissenting votes.

Mr. BURTNESS. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. BURTNESS. Inasmuch as some question has arisen as to the nature of the reports, may I say that I have, for instance, one of the reports in my hand, and it reads as follows, this being the report made by the gentleman from Iowa [Mr. HAUGEN] on H. R. 11603:

> The Committee on Agriculture, to whom was referred the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities, having had the same under consideration, reports favorably thereon without amendment and recommends that the bill do pass.

Now, I have personally examined the other reports, one report made by the gentleman from Kansas [Mr. TINCHER] and another report made by the gentleman from Louisiana [Mr. ASWELL], as I recall it, and each report in the first paragraph thereof has substantially the same language that I have quoted from the Haugen report and pertains, of course, to the particular bill which that individual Member reports, apparently, as far as the report indicates, on behalf of the entire committee.

Mr. CANNON. Apparently that is the only conclusion at which we can logically arrive.

Mr. CHINDBLOM. Will the gentleman yield further?

Mr. CANNON. Yes.

Mr. CHINDBLOM. Perhaps it is the purpose of the committee to go before the distinguished Committee on Rules and make efforts to get rules for each one of these bills, and if they fail to get a rule on one, present another, and then another, and then come into the House and try to substitute a bill for which a rule was not obtained.

Mr. CANNON. It just happens, however, that they have gone before the Committee on Rules and asked for a rule on the three bills, with the provision that they are to be considered simultaneously. [Applause.]

Mr. Speaker, it must be conceded that this action on the part of the committee is most extraordinary. It is without precedent since the organization of the Federal Government. If followed by other committees it would so demoralize the business of the House as to preclude orderly legislation. It is manifestly impossible for the average Member of the House to intelligently pass upon these bills submitted thus unexpectedly without discriminating recommendation.

As evidence of that fact I call attention to the statement to the press made by the gentleman from Connecticut, the majority leader of the House, day before yesterday, in which he said that although he hoped this House would pass some sort of farm relief legislation he was not familiar with the three bills which have been offered; and yesterday the chairman of the Committee on Rules, in discussing the rule which has been asked for by the Committee on Agriculture, said that he was not familiar with the relative merits of the three bills which it is proposed to consider. Now, if these two leaders of the House, equipped by long and distinguished service, do not consider themselves in a position to act upon these bills, how can the average Member be expected, after four days of fevered and partisan discussion, to pass upon them intelligently?

Mr. WEFALD. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. WEFALD. If the majority leader confesses that he is not familiar with the legislation, how can the average Member of the House be expected to become familiar with it?

Mr. CANNON. It is certainly a serious problem.

Mr. CHINDBLOM. The documents were not available until yesterday. The reports were submitted on the 27th, but, of course, were not printed so as to be available until yesterday.

Mr. CANNON. That is all the more reason why the committee which has been discussing this matter for four months, and which should have met last fall when the Committee on Ways and Means met, be asked to go back into conference and report out some definite program of legislation for the action of this House.

Under the circumstances we can not escape the conclusion that the committee is either ceasing to function or is seeking to shirk its constituted duty. In either event the failure of a great committee of the House to follow the recognized customs of the House establishes a precedent which may rise to plague us in future years, and opens the way to drastic changes in House procedure. Certainly, it gives rise to a question of sufficient gravity to at least merit the careful attention and consideration of those interested in the maintenance of the integrity of the procedure of the House.

The mortal temptation which most easily besets those intrusted with the direction of great legislative bodies is to yield to the exigencies of the occasion, to serve for the time the political demands of the hour. But it is most unfortunate for the maintenance of parliamentary law, and doubly unfortunate for legislative leaders who countenance such lapses, however severe the provocation, when that temptation is yielded to. It is a mark of weakness and inefficiency. The crucial test for both law and leaders is the strict observance of the law when that observance is most irksome. It is this ability to maintain unimpaired in the face of political expediency the integrity of recognized procedure that distinguishes a parliamentary body from a legislative mob. There is no other infallible test. I trust the House will on this occasion elect to give this question the attention which its importance merits. [Applause.]

Mr. SNELL. Mr. Speaker, I move that the resolution be referred to the Committee on Rules.

The question was taken, and the motion was agreed to.

APPORTIONMENT OF REPRESENTATIVES

The SPEAKER. Under the order of the House the Chair recognizes the gentlewoman from California [Mrs. KAHN]. [Applause.]

Mrs. KAHN. Mr. Speaker and Members of the House, the first recorded census was the enumeration made by Moses in the wilderness as set forth in the Book of Numbers.

> And the Lord spake unto Moses in the wilderness of Sinai * * * saying, "Take ye the sum of all the congregation of the children of Israel after their families by the house of their fathers with the number of their names every male by their polls."

In 2043 B. C. we have a record of an enumeration by the Emperor Yee in China.

In Rome, for the purpose of dividing the population into classes and groups, enumerations were made every five years, followed by a ceremony of purification or lustration from which these five-year periods were named lustrums, and the word census was derived from censor, the name of the officer in charge of these ceremonies.

In later years only at very irregular intervals and for police purposes more particularly were enumerations made in Continental Europe, and, strange to say, not until 1801 have we any record of an official census being taken in England.

However, when the Constitution of the United States was drawn a very specific and definite mandate that—

> the actual enumeration shall be made within three years after the first meeting of the Congress of the United States and within every subsequent term of 10 years in such manner as they shall by law direct—

was made a part of it.

The direct and declared object of the census has been decided to be—

> to furnish a standard by which Representatives and direct taxes may be apportioned among the several States which may be included in the Union.

The first apportionment was made under the Constitution, but the first apportionment bill was vetoed on the ground of its being unconstitutional. Washington referred the question to his Cabinet; the Cabinet was equally divided—Hamilton and Knox maintaining its constitutionality, while Jefferson and Randolph were of the opposite opinion. The opinion of Jefferson and Randolph prevailed, and Washington signed the veto message as drafted by Jefferson and Randolph.

This was the first exercise of the presidential veto in our history, and Jefferson in his diary says that—

> both in and out of doors it gave pleasure to have at length an instance of the negative being exercised.

Evidently there was at that time some apprehension of the veto power falling into "innocuous desuetude."

Possibly the entire passage from Jefferson's diary concerning the veto may be of interest:

> April 6. The President called on me before breakfast and first introduced some other matters, then fell on the representation bill, which he had now in his possession for the tenth day. * * * He went home, sent for Randolph, the Attorney General, desired him to get Mr. Madison immediately and come to me, and if we three concurred in the opinion that he should negative the bill, he desired to hear nothing more about it, but that we would draw the instrument for him to sign.

They came. Our minds had been before made up. We drew the instrument. Randolph carried it to him and told him we all concurred in it. He walked with him to the door, and, as if he still wished to get off, he said, "And you say you approve of this yourself?" "Yes, sir," says Randolph; "I do upon my honor." He sent it in to the House of Representatives instantly. A few of the hottest friends of the bill expressed passion, but the majority were satisfied, and both in and out of doors it gave pleasure to have at length an instance of the negative being exercised.

Written this 9th day of April.

In the vetoed bill Congress had made the apportionment on the basis of one Representative for each 30,000 population, assigning an additional Representative to each State for which this divisor left a remainder greater than one-half—15,000. The Constitution provided that the number of Representatives should not exceed one for every 30,000. In those eight States which had received Representatives for fractions the number was, of course, in excess of that; and Washington, expressing Jefferson's opinion, held that this limit, one for each 30,000, should be observed for each separate State as well as for the country as a whole. That was one reason for the veto, the other reason given being that there was no one proportion or divisor which applied to the respective numbers of the States that would yield the number and allotment of Representatives apportioned by the bill. The veto message was as follows:

UNITED STATES, *April 5, 1792.*

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES: I have maturely considered the act passed by the two Houses entitled "An act for an apportionment of Representatives among the several States according to the first enumeration," and I return it to your House, wherein it originated, with the following objections:

First. The Constitution has prescribed that Representatives shall be apportioned among the several States according to their respective numbers, and there is no one proportion or divisor which, applied to the respective numbers of the States, will yield the number and allotment of Representatives proposed by the bill.

Second. The Constitution has also provided that the number of Representatives shall not exceed one for every 30,000, which restriction is, by the context and by fair and obvious construction, to be applied to the separate and respective numbers of the States; and the bill has allotted to eight of the States more than one for every 30,000.

G. WASHINGTON.

The bill was not passed over the President's veto.

Later in April a bill was passed, and the rule as determined by this apportionment under that law of 1792 was recognized as permanent and so prevailed until 1842, but not with unanimity; as early as 1832 it was attacked in a report by Daniel Webster in the Senate, and in a speech by Edward Everett in the House, and in 1842 the suggestions made by Webster were incorporated into the reapportionment bill of 1842.

The apportionments of Representatives in Congress under the first six censuses, 1790–1840, inclusive, were made by Congress each by a separate act. The act of 1850 was intended to be permanent and directed the Secretary of the Interior to make the apportionment. The census of 1860 was made under this act, but the apportionments of 1870 and all subsequent censuses have been made by separate acts, and the act of 1850 was repealed by implication and with it the power conferred upon the Secretary of the Interior in this regard.

Every reapportionment, with the exception of that of 1840, has seen the size of the House increase from 65 Members in 1789 to 435 under the act of 1911.

Table showing increase

Census	Date of apportionment act	States	Members	Ratio
	Constitution, 1789	13	65	30,000
1790	Apr. 14, 1792	15	105	33,000
1800	Jan. 14, 1802	16	141	33,000
1810	Dec. 21, 1811	17	181	35,000
1820	Mar. 7, 1822	24	213	40,000
1830	May 22, 1832	24	240	47,700
1840	June 25, 1842	26	223	70,680
1850	May 23, 1850	32	234	93,423
1860	May 23, 1860	34	243	127,381
1870	Feb. 2, 1872	37	293	131,425
1880	Feb. 25, 1882	38	325	151,911
1890	Feb. 7, 1891	44	356	173,901
1900	Jan. 16, 1901	45	386	194,182
1910	Aug. 8, 1911	46	435	211,877

Beginning with the act of apportionment following the census of 1880 Congress adopted the policy of increasing the size of the House, so that under the apportionment no State should lose in representation. Prior to 1880 it was customary to reduce representation whenever necessary. We find under various apportionments 19 States have lost, some in as many as four apportionments, and have never regained.

TABLE SHOWING LOSSES UNDER DIFFERENT APPORTIONMENTS

Eighteen States have in various reapportionments had their representation reduced:

Alabama (10): Reduced from 7 to 6 in 1860.

Connecticut (5): Reduced from 7 to 6 in 1820 and 6 to 4 in 1840.

Delaware (1): Reduced from 2 to 1 in 1820.

Georgia (12): Reduced from 3 to 2 in 1790, 9 to 8 in 1840, and 8 to 7 in 1860.

Kentucky (11): Reduced from 13 to 10 in 1840 and 10 to 9 in 1860.

Maine (4): Reduced from 8 to 7 in 1840, 7 to 6 in 1850, 6 to 5 in 1860, and 5 to 4 in 1880.

Maryland (6): Reduced from 9 to 8 in 1830 and 8 to 6 in 1840.

Massachusetts (16): Reduced from 17 to 13 in 1810, 13 to 12 in 1830, 12 to 10 in 1840, and 11 to 10 in 1860.

New Hampshire (2): Reduced from 6 to 5 in 1830, 5 to 4 in 1840, 4 to 3 in 1850, and 3 to 2 in 1880.

New Jersey (12): Reduced from 6 to 5 in 1840.

New York (43): Reduced from 40 to 34 in 1840, 34 to 33 in 1850, and 33 to 31 in 1860.

North Carolina (10): Reduced from 13 to 9 in 1840, 9 to 8 in 1850, and 8 to 7 in 1860.

Ohio (22): Reduced from 21 to 19 in 1860.

Pennsylvania (36): Reduced from 28 to 24 in 1840 and 25 to 24 in 1860.

South Carolina (7): Reduced from 9 to 7 in 1840, 7 to 6 in 1850, and 6 to 4 in 1860.

Tennessee (10): Reduced from 13 to 11 in 1840, 11 to 10 in 1850, and 10 to 8 in 1860.

Vermont (2): Reduced from 6 to 5 in 1820, 5 to 4 in 1840, 4 to 3 in 1850, and 3 to 2 in 1880.

Virginia (10): Reduced from 23 to 22 in 1820, 22 to 21 in 1830, 21 to 15 in 1840, 15 to 13 in 1850, 13 to 11 in 1860, and 11 to 9 in 1870.

After the apportionment act of June, 1842, which reduced the total membership from 240 to 223, we find 15 States lost, 7 gained, with Virginia and New York each losing 6, which represented the greatest losses; Illinois, jumping from 3 to 7, represented the largest gain.

Thus we see that from 1790 until 1920 a census has been taken each decade to determine the ratio and number of representation, and until 1920 such representation has been so determined.

During the six years that have elapsed since the last census was taken in 1920, Congress has failed to obey the specific duty placed upon it by the Constitution to make a new apportionment under that census. Those who endeavor to justify this plain evasion of the Constitution claim the census of 1920 was not a true indication of the population of the various sections; that as an aftermath of the World War the returning soldiers had drifted into cities and had not returned to the farm; that the census was taken in the winter under trying weather conditions; that enumerators were poorly paid and inefficient. But there never yet has been a census taken that somebody somewhere did not claim it was manifestly unfair. However, the fact remains that the census was taken, and the apportionment under it, according to the Constitution, should have been made. The claim that the agricultural districts will not get a fair representation, that the urban population will far outnumber the rural sections, has been a convincing argument to those representing agricultural districts on which to delay apportionment. But this urban gain and rural loss will be greater in 1930, for, instead of being an aftermath of the war, it has steadily continued, and this shift from country to city is still in progress. Shall the inhabitants of the city be without just representation on that account? While this question is a closed issue at present, the Committee on the Census having voted to take no action this session, the leading newspapers in many parts of the country are asking why during the six years that have elapsed since 1920 has it been impossible to obtain a reapportionment?

There seems to be a widespread opinion that the number of Members in the House should not be increased—that a larger House would be unwieldy—and so on the basis of a membership of 435 we find under the census of 1920, 8 States would gain, 11 would lose. The States of Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Nebraska, Rhode Island, and Vermont each would lose 1, while Missouri would lose 2. The States gaining would be—

California, 3; Connecticut, 1; Michigan, 2; New Jersey, 1; North Carolina, 1; Ohio, 2; Texas, 1; and Washington, 1.

The greatest gain, California, 3; the greatest loss, Missouri, 2.

It has been suggested to let reapportionment go over until after the 1930 census, but that means no change in representation can be made until the election of 1934. Is it fair that the Detroit or Los Angeles districts, of practically a million each, should have but one representative? It is an underlying principle of our Government that the representation shall be proportioned to population. What assurance have we that this will not establish a precedent, and that for years to come no change will be made and large groups be practically unrepresented?

This question is neither political nor sectional—Republican States and Democratic States gain, and Northern and Southern States lose.

The electoral college following the next presidential election will be based upon a census made 18 years before. In case of a close presidential election this might be a very serious matter and might possibly be carried to court to decide the validity of the election, or elect a candidate who, under a different apportionment, would have been defeated. This is neither impossible nor improbable.

Why then should not a reapportionment bill have been passed? It is a constitutional mandate—obligatory and binding—and it is our duty, as I see it, to obey this mandate. [Applause.]

REPUBLICAN POLITICS IN A DEMOCRATIC STATE

The SPEAKER pro tempore (Mr. NEWTON of Minnesota). Under the special order of the House, the Chair recognizes the gentleman from Mississippi [Mr. BUSBY] for 30 minutes.

Mr. BUSBY. Mr. Speaker and Members of the House, since I came over this morning a number of gentlemen have inquired of me the subject on which I proposed to talk. I have responded that I expected to talk on the practices of the Republican Party in an overwhelmingly Democratic State; or in other words, Republican politics in a Democratic State.

On March 9, 1926, I introduced House Resolution 161, relating to Federal patronage selling in Mississippi, which resolution, if it had been adopted by the House, would have required the Attorney General to have transmitted to the House the report of Inspectors Daniel and Blake, which report, with the evidence accompanying it, would have laid open to the public a most shameful situation of post-office selling in Mississippi.

This resolution was privileged under the rules of the House, and it was necessary for the Committee on the Judiciary, to which it was referred, to report the same out of the committee either favorably or adversely within seven days or I could have moved on the floor of the House to discharge the committee. That being done, I could have proceeded to the immediate consideration of the resolution.

What I shall say in regard to the consideration of the resolution by the Committee on the Judiciary I hope you will not consider as in any sense reflecting on that great committee of the House. My office is across the hall from the Committee on the Judiciary—I would say less than 20 feet away. When this resolution was taken up for consideration by the committee the Attorney General was notified and had present one of his assistants, Mr. John Marshall, who informed the committee:

I have not been in the department a year—

And that is not half as long as the Howard case had been there. Mr. Marshall spoke and argued in his statement in behalf of Perry W. Howard, while I, who was only 20 feet away, received no notice that my resolution was being considered. Mr. Marshall's statement was from beginning to end a defense of his colleague in the Department of Justice, Perry W. Howard, both Marshall and Howard being assistants to the Attorney General. The statement of Mr. Marshall, made to the Committee on the Judiciary, on House Resolution 161 shows that he had no information on the subject dealt with by the resolution or that he purposely concealed this information in an effort to deceive and mislead the committee. He told the committee that the complaints against Perry W. Howard had been investigated three times. That much was true, and I will refer to those investigations more at length shortly. He said to the Committee on the Judiciary (p. 2 of hearings):

After reading these reports and interrogating the examiners and Mr. Howard himself I made a report to the Attorney General, in which I recommended that the charges be dismissed and that no action be taken, which recommendation the Attorney General adopted.

He did not tell the committee that many months before he exonerated Howard in his report, that other reports had been made by other assistants to the Attorney General condemning the practice of Howard and recommending that he be fired from the Department of Justice. He did not tell the committee that these reports condemning Howard were carried before the President and that through the negro organizations pressure was brought to bear on Chairman BUTLER and he was called in to intervene and save Howard from being kicked out, as he so richly deserved. Yet I say to you, Members of the House, these things happened, and the evidence of them is covered up in the Department of Justice and in the secret circles of the Republican political organizations, and that party continues to thrive on these disreputable practices.

Mr. Marshall further stated to the committee (p. 2 of hearings):

After that again, however, the United States attorney in the district, the northern district of Mississippi, who was a candidate for reappointment and whom Mr. Howard had refused to indorse, submitted this matter to a grand jury, and again no action was taken, no true bill returned.

That statement was not founded on the semblance of a fact. When pressed by the committee for the source of his information, Mr. Marshall said (p. 4 of hearings):

Mr. HERSEY. Are you authorized to speak for the district attorney who investigated the matter before the grand jury? He is not present.

Mr. MARSHALL. No; he is no longer district attorney.

Mr. HERSEY. How do you speak for him? Did he make a report to your department or anything of that kind?

Mr. MARSHALL. No; we were simply advised that this investigation was made, on the theory that the Attorney General might want to communicate to the United States attorney the fact that the department had investigated and had recommended no such action, but the Attorney General took the position that the United States attorney, having initiated this on his own motion, let him go ahead and see if he could develop anything against Howard.

Mr. HERSEY. What I am getting at is this, Mr. Marshall. It seems as though the district attorney, whoever represented the matter down there locally for the Government, went ahead on his own initiative before the grand jury and presented to the grand jury the evidence that he had on these charges. The grand jury made an investigation and did not report any true bill. Now, what evidence have we of that, this committee?

Mr. MARSHALL. Nothing except my statement.

Mr. HERSEY. Well, now, on what do you base your statement?

Mr. MARSHALL. Well, that was my information at the time, and, of course, Mr. Howard has been a member of our department—I would say that has been six months ago; and if there had been a true bill, we would have certainly known about it affirmatively.

Mr. HERSEY. What the committee wants is some evidence from somebody that knows that there was presented to the grand jury this evidence and that after their investigation they found no bill.

Mr. MARSHALL. I can only reiterate what I have said that I have no further information about that except I know the investigation was made and nothing came of it before the grand jury.

You can easily see from the statement of Marshall that he knew nothing about the subject he proposed to testify on or that he concealed what he knew. From a reading of his whole remarks you can clearly see that the only purpose he had in trying to keep in touch with the district attorney was so as to be in position to call off any prosecution if the district attorney began to "develop anything against Howard."

It so happened that just two days after Marshall had made his statement before the committee I received a letter from Hon. L. E. Oldham, who was the district attorney referred to by Marshall and who served until January 25, 1926, which letter was occasioned by a press report that my resolution had been reported on adversely. District Attorney Oldham's statement is very much at variance with the statement made about him by Marshall. Mr. Oldham said in his letter to me of March 18, 1926, referred to above:

Personally I know that the President, the Attorney General, and Chairman BUTLER, of the National Republican Committee, have been fully advised of this situation. They have known it for months but decline to take any action. It can be proven that the President has referred the matter to the Attorney General at least three times. The Attorney General has been begged, entreated, and implored to either correct this situation or exonerate Perry Howard and his gang of office-selling crooks. The Attorney General does neither, but treats those patriotic citizens demanding decency in the administration with silent contempt.

Knowing Assistant Attorney General John Marshall as I do, his intimacy with Perry Howard, the desperate situation confronting Perry

Howard when a district attorney was appointed recently, the manner in which John Marshall "railroaded" the appointment and confirmation through the Senate, it was amusing to read in this morning's Commercial Appeal that John Marshall appeared before the Judiciary Committee, to which was referred your resolution, as "representing Perry Howard." In my judgment, John Marshall did represent Perry Howard, but in representing Perry Howard he also represented the Attorney General, the Postmaster General, and Senator BUTLER, and not the Department of Justice, which safeguards the rights of the American people, or should—

He further says, and, Members of the House, you must remember that Mr. Oldham is a man who has been on the inside of the Republican Party and is entirely familiar with all of its workings and its political machinery.

Mr. Marshall, page 8 of the hearings, said:

Well, I want to say that in the Mississippi matter, Mr. Congressman, Mr. Oldham, United States attorney, was present when the department went over this investigation of Howard. He had all these facts before him and presented them to the grand jury—or at least he knew all about it.

It must be remembered that he has been a lifelong Republican and has been recognized as such in his native State when the Republican Party has gone down in defeat as well as when it has thrived with success; that he is not one of the type of perennial Republicans who bellow loud and long their fidelity to the Grand Old Party when it has a pie counter to spread before them, but he is a man of principle and integrity; he is a gentleman and is so recognized wherever he is known. No man, whether Democrat or Republican, has ever had aught to say against Lem Oldham. He has never wavered as a standard bearer of the Republican Party, unless he could be said to be wavering now when the corruption of your organization has driven him and many reputable Republicans in my State to a position of waiting until better times, when they can have a more reputable national organization to affiliate with. He further says in his letter to me:

It is not believed that the Attorney General knows just how far into the depths the Department of Justice has been dragged. It is inconceivable that he would permit such a state of affairs.

Two great departments of the Government are involved in this proposed investigation. Neither denies the horrible charges. The Postmaster General, when Perry Howard and his associates are charged by the Postmaster General's own agents with corruption, hastens to give Howard a clean bill of health in a letter distributed by Howard by the thousands—a letter admitting this corruption but winding up with expressions of confidence and fulsome praise of "My dear Mr. Howard."

Mr. Oldham in closing his letter to me says:

You know that I have been a lifelong Republican. Shall continue to be, but do not consider my party loyalty in question because those temporarily in authority permit such conditions as these to exist.

The resolution I introduced was considered by the Committee on the Judiciary only in the light of the testimony given by Mr. Marshall. The committee reported on my resolution adversely. I received a letter from home saying:

Perry W. Howard is mailing thousands of this adverse report to Mississippi and representing it to be a vindication of his course by the Republican organization.

On the 10th day of March, 1926, I spoke at length in the House and gave in detail in my speech the facts as they exist with regard to Perry W. Howard, the negro Republican national committeeman for Mississippi, who holds a high, honored, and lucrative position in the Department of Justice. Howard, as Republican national committeeman for Mississippi, is equal in position and authority to the other 47 individuals who are Republican national committeemen for their respective States. Each of these 48 individuals might be termed the captain for his State in the Republican national organization, and each operates directly under the orders of the general, Mr. BUTLER, chairman of the Republican National Committee. Howard, I am also informed, is president of the Lincoln League of America, a negro association which has for its purpose the political advancement of negroes. It was organized in 1919. I recite these facts to direct your attention to the great political importance to the Republican Party of keeping Howard in good standing in the organization and out of jail for crimes committed.

I told you in my speech of March 10 how Perry W. Howard; the two Redmonds, half brothers of Perry W. Howard; Mhoon, Howard's law partner; the Boozes, E. P. and wife; all negroes and all members, if I am correctly informed, of the Republican organization of Mississippi, banded together in a more condemnable conspiracy than ever a gang of pirates operated on the high seas to systematically make sale of every Federal position that it was possible for them to sell out of which to secure a few dirty dollars. I gave you details then. I repeat now that those details were true; and no man, not even John Marshall, before the committee, questioned the truth of a single statement I made. Do you ask me how I know these things? I will tell you. I have photostatic copies of dozens of affidavits and papers which are on file in the Department of Justice. You Republicans may be surprised to know it, but you still have in the Department of Justice a great many people who are square and who love truth and the integrity of their country more than they do dirty dollars. From them and others I learn the very words of the conversations carried on among all your higher-ups, from the President down, and let me tell you that very few of the higher-ups, if any, in your national organization is free from the stigma of the corruption covered up in this and other like instances has thrown on them. No; I am not going to tell you the names of the persons who have given me the truth about the inside of the situation. They were right in doing so. I stand by the statements I made in my former speech. I reiterate them as true and unquestioned. I defy the Attorney General's department and the Postmaster General's department to lay open the inside facts covered in the investigations and reports of Inspectors V. V. Sugg, formerly of Memphis, Tenn., now of St. Louis, Mo., and Ben. F. Dilts, of Chattanooga, Tenn., made about three or four years ago for the Post Office Department. I defy them to lay open the facts and reports disclosed by the investigations of Post Office Inspectors Colvin and Zimmerman. All these reports have been submitted to the Department of Justice for its consideration. I defy the Department of Justice to lay open the investigation and report made on its behalf by F. J. Blake and T. M. Daniel. I can not take these facts out of the "strong boxes" in which they are kept from the public by these departments. I can not force the House committees, which are overwhelmingly Republican, to make anything but adverse reports on my resolutions, requiring that those investigations with the evidence supporting them be transmitted to the House.

Mr. SCHAFER. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. SCHAFER. Does not the gentleman think, now that the Department of Justice has finished with the persecuting of Senator WHEELER, they may have some funds and some time to go into the situation which the gentleman is discussing?

Mr. BUSBY. I do not think they have very much left of the former appropriation. I notice they spent $61,000 or more in a futile effort to get Senator WHEELER, and I do not know that they have any funds left to use in that particular channel.

I can not compel this House, overwhelmingly Republican as it is, to join hands with me in demanding that these governmental departments disclose the corruption covered up in secret vaults, but I appeal to you, to each of you, without regard to party, for the sake of the decency of public administration and to preserve the integrity and good respect of your party, as well as to free your country from shame and disgrace, to join hands with me and by every proper means on the floor of this House and in the committee help secure some action which will insure relief from this situation.

Somehow I can feel but little hope for favorable action on my resolutions. It could hardly be expected that an organization or political party would voluntarily lay bare and expose to the public a situation which exists by its own creation, which situation, if fully known to the public, could bring nothing to that organization but general condemnation and censure. It is impossible for me to present proof of this situation, even though I have it in hand, because I have not the authority to summon witnesses before the committee nor have I the funds with which to pay their expenses. Then, why should this be done again? It has already been done by special investigators for the Post Office Department and the Department of Justice, when positive, unmistakable, and convincing proof showing guilt was obtained.

This proof was in turn immediately covered up and concealed in the department for which it was obtained. The investigation for the Post Office Department by Inspectors V. V. Sugg and Ben F. Dilts disclosed that Perry W. Howard, the two Redmonds (half brothers of Howard), Mhoon, and the Boozes, with a number of other persons, all were guilty of conspiring and organizing to violate the law and make sales of public patronage in Mississippi. These inspectors were instructed by the Post Office Department not to report the results of their investigations, showing violations of the law by Perry W. Howard and his gang, to the post-office inspectors in charge at the district office at Chattanooga, Tenn., as is always customary except where they want to help shield somebody of wrong-

doing, but the inspectors were directed by the Postmaster General to report direct to the chief inspector at Washington, so that their reports could be handled here and Howard protected. The investigations were made and the facts were fully developed connecting Perry W. Howard with illegal trafficking in patronage then even more closely than he was shown to be connected in later investigations made by Colvin and Zimmerman. These reports, together with the evidence, were referred by the Postmaster General to the Attorney General's office here, and were there pigeonholed and have remained pigeonholed ever since.

The then Federal district attorney for the northern district of Mississippi wanted the facts and these reports, so that he could act and begin prosecution, but the papers and reports were never turned over to him by the Department of Justice. The fact is, they refused to turn them over to him in order to save Perry W. Howard. You ask me where I got this information. I answer, from a post-office inspector who knew what he was talking about.

I received dozens of letters during the past month from people who have told me of these crooked deals, but I can not read all those letters to you, nor can I use these people as witnesses for the reason stated above. Further, it would be a useless thing for me to do if I could do it, because those shielding the patronage sellers do not want to hear them. They know the truth, but refuse to heed it.

I have gone to Government departments and have spoken of the sale of post offices and rural routes and they have replied:

We know that it is being practiced, but can not stop it.

I have talked with Members of Congress on the Republican side and they have said:

We believe you are stating the facts.

But one of them replied:

Don't you people in Mississippi teach hatred toward the Republican Party? Don't you teach the boys who are growing up to have a disrespect and hate for the Republican Party?

He said:

Some of the Members on my side of the House believe that is true, and for that reason they are not disposed to help you relieve your State from its present troubles.

My reply was:

No; we do not teach our people to hold the Republican Party in contempt. Your national organization teaches them that, in so far as the Republican organization in the South is concerned. It teaches them that your party stands for nothing but rotten politics and the disreputable practice of selling patronage and debauching the principles in every conceivable way on which our Government was founded.

I said:

When you put some unscrupulous negro like Perry Howard at the head of your party in Mississippi, or some other equally detestable leader and party spokesman whom you permit, through his organization of negroes and like characters, to abuse and debase every sense of patriotism and every principle of decency, forgetting all love of country and the great things for which our forefathers fought and hoped, the natural impression made on the minds of boys and girls growing into maturity and into citizenship is to abhor with every ounce of energy in them the name of the Republican Party, a party which to them seems not only to stand for, but to foster such indecencies in government. You teach them these things because that is the only kind of a Republican Party that you are presenting to self-respecting people in my State at the present time.

Of course, I understand why you do these things. I understand why your President and his appointed chairman of the Republican National Committee, Mr. BUTLER, stand for and foster these things. They know that the negro vote in certain sections of the country means something to them, and forgetting all principles of decency they bid for it. They know that the electoral votes in Mississippi and in other Southern States can be controlled by Perry W. Howard as president of the Lincoln League of America, and by those aligned with him, and that may mean success or defeat for their favored standard bearer at the Republican National Convention when it comes time to select a candidate for President for their party. That is another reason, and a big reason, why the things to which my resolution related were covered up.

So I say to you again, as I said on a former occasion on the floor of this House, that President Coolidge and Chairman BUTLER are solely responsible for this condition that continues to exist in my State, as well as in other States, because I know that in one day's time they, acting together, could clean up this situation and shear the perpetrators of their power if they were not afraid of the consequences of such an act when it comes time to nominate another Republican candidate for President and if they had any concern for decency of government in those States where they can not hope to receive Republican electoral votes.

What I am asking for is not some underling or subordinate to appear before the committee and make a false report about a thing that he does not care to disclose. I am asking for the reports and the facts themselves; and if they want to be fair, honest, and open, and show the country their sincerity, let them bring up the best evidence, the only evidence which would be admissible in courts—the documents and reports themselves.

Now, in order to get this whole situation squared, I am introducing another resolution, broader than House Resolution 161, as follows:

Resolved, That the Attorney General be, and he is hereby, directed to transmit to the House of Representatives, for its information and guidance in such action as it deems necessary to be taken, the report of F. J. Blake and T. M. Daniel and the reports of V. V. Sugg and of Ben F. Dilts, transmitted to him from the Postmaster General, and all evidence filed with said reports, on the Mississippi patronage abuses charge relating to Perry W. Howard or to any other person or persons.

I presume this resolution will be referred to the Committee on the Judiciary. It is my wish that the committee will report this resolution favorably to the House.

I am also introducing another resolution, as follows:

Resolved, That the Postmaster General be, and he is hereby, directed to transmit to the House of Representatives for its information and guidance in such action as it deems necessary to be taken, any report or reports made to his department by Inspector V. V. Sugg and Inspector Ben F. Dilts, and any report or reports made to his department by Inspectors Colvin and Zimmerman, together with all evidence filed with such report or reports, and any other evidence in his department, touching on the Mississippi patronage-abuses charge relating to Perry W. Howard or to any other person or persons.

I presume this resolution will be referred to the Committee on Post Offices and Post Roads.

I am very much concerned about getting favorable action on these resolutions, because the affairs and honor of my State, Mississippi, are at stake.

Again I appeal to the Members of this House, to all of you without regard to your party affiliation, to everyone who is sincere in proclaiming a love for truth and justice, to every one of you who loves his State, his country, its good name, its national anthems, the flag with its 13 stripes and 48 stars, to do whatever you properly can in the House, on the committees, and among your fellow Members in the lobby and in the cloak room to secure favorable action on these resolutions, so that every star in the flag shall be as clean as every other star and that the brightness of none of them may be dimmed by the base conduct of any political party or any set of individuals. [Applause.]

DISPOSITION OF FUNDS HELD BY ALIEN PROPERTY CUSTODIAN

The SPEAKER pro tempore. Under the special order of the House the Chair recognizes the gentleman from New York [Mr. MILLS] for 15 minutes.

Mr. MILLS. Mr. Speaker and gentlemen of the House, there appeared in the New York World of Wednesday, April 28, an article which ought to be answered, first, because it is untrue; secondly, because it purports to be made on the authority of a Member of this House; and, in the third place, because the time has come to put a stop to attacks on the honor and integrity of public officials when there is no proof whatsoever to support the charges. The only way that I know of to put a stop to that practice is to expose it, and by exposing it subject to public condemnation those who, without just cause, seek to destroy the reputation of others.

I am not here to-day to deny these charges. They are not worthy of denial. I am here to demand proof to sustain them or an honorable retraction. Now, what does this article say?

It says, in the first place:

Reports that Treasury officials are—

And this is in quotation marks—

"cleaning up a million a year" by buying and selling United States bonds with money held in the Treasury for German aliens reached Members of the House to-day.

Representative GARNER said the reports about Treasury officials making big profits out of the German funds came to him from apparently reliable sources.

As Mr. GARNER and Mr. CONNALLY get the reports, it appears to be the practice for those interested to "invest and reinvest the funds in bonds of the United States"—

And this is in quotation marks—

"to buy the bonds at par and to sell them to their friends below par."

* * *

He said the loss incurred by the sale of bonds below par is offset by the interest which has accumulated on bonds which have not been sold, according to his information. * * *

Mr. GARNER has been told that large blocks of Liberty bonds bought below par out of the German fund were turned over to friends, who went back into the market and sold them at par, pocketing the profit, and other bonds were purchased to replace those sold and the transactions repeated.

This is in quotation marks:

"An examination of the Treasury reports will show vast sums have been invested from time to time representing the German funds intrusted to the Treasury Department." * * * If that system has been invoked, it can be easily seen how somebody has been getting rich. * * *

Mr. GARNER is strongly inclined to believe that an investigation of the investments of the German fund in the Treasury will disclose a monumental scandal.

Now, gentlemen, we are not dealing with the Alien Property Custodian. We are dealing with the funds which the Secretary of the Treasury receives from the Alien Property Custodian in cash under the terms of the trading with the enemy act, and which he, under the terms of that act, is instructed to invest and to reinvest.

You will note that, in effect, that article charges:

(1) That the Treasury officials are cleaning up a million a year;

(2) That they buy bonds at par and sell them to their friends below par;

(3) That somebody has been getting rich;

(4) That the gentleman from Texas [Mr. GARNER] believes that an investigation will disclose a monumental scandal; and

(5) That the report comes to the gentleman from Texas from a reliable source.

Let me first take up the last item—that this information comes from a reliable source. There is a man in Washington by the name of Charles B. Brewer, whose past record does not offer any warrant for his reliability, and who happens to bear a personal grudge against the Secretary of the Treasury. This man, Brewer, told the gentleman from Arkansas [Mr. OLDFIELD] that Treasury officials were misappropriating trust funds. As far as I know, he submitted no proof to support the charges. The gentleman from Arkansas [Mr. OLDFIELD] thereupon reported the conversation to the gentleman from Texas [Mr. GARNER], whereupon the gentleman from Texas [Mr. GARNER] proceeded to tell the people of the United States that the United States Treasury officials were looting trust funds at the rate of a million a year.

Gentlemen, this is pretty bad business. If Brewer had taken his story to any newspaper in the United States, they would have thrown it where it belonged, into the waste-paper basket; but when one of the principal leaders of the Democratic Party in the Nation assumes responsibility for these charges, then the newspapers are going to print them, and some people, I am sorry to say, are going to believe them. So much for the reliable sources of information.

As to the fourth item—that the gentleman from Texas is strongly inclined to believe that investigation will disclose a monumental scandal—as to that I express no opinion. The gentleman from Texas these days is so credulous when it comes to believing that some one else is doing wrong that any information, however unimportant and indirect, prompts him to make the most sweeping and grave of charges. He talks of a stupendous steal one week and of a monumental scandal the next, and in neither case is he able to produce one scintilla of evidence to justify such language.

The gentleman from Texas is suffering from a grand larceny complex. [Laughter.] Why, if a child on the street told the gentleman from Texas that the President of the United States had stolen the Washington Monument last night to mark a boundary on his Vermont farm, I have no doubt that he would announce the next morning, without bothering to see whether the Monument was still there, that the Chief Executive was guilty of a monumental steal and demand a congressional investigation. [Laughter.]

As for the first three items—that the Treasury officials are cleaning up a million, that they sell bonds to their friends at a loss, and that somebody has been getting rich, I make the flat assertion that no proof exists to justify such charges, and if the gentleman from Texas has the proof, I challenge him to produce it here and now. It will be no answer to say that the gentleman from Texas does not understand why the account was so active, or why it was necessary to reinvest these funds as frequently as was done. There is no proof of theft to be found there. That is a matter that can readily be explained and will be explained when the Treasury submits to the Committee on Ways and Means a complete record of these transactions. The gentleman from Texas has made himself responsible for the charge that public officials are misappropriating trust funds at the rate of a million a year. That is the charge as to which the country and the officials involved have the right to demand proof or retraction.

Now, what are the facts? The Treasury holds in trust a fund consisting of cash and the proceeds of sales of alien property taken by the Alien Property Custodian, which now aggregates about $180,000,000. The earnings on this fund, both from interest and profits on investments and reinvestments, aggregated on March 4, 1923, the date of the Winslow Act, about $28,000,000. This $28,000,000 is the so-called unallocated interest fund which with its accumulated earnings now amount to about $32,000,000, and is a part of the $180,000,000 mentioned above. Since the date of the Winslow Act all earnings on the fund other than on the unallocated interest fund are paid semiannually to the Alien Property Custodian or held invested for him, and by him distributed in accordance with section 23 of the Winslow Act. When the alien property was taken over during the war the Treasury was authorized to invest and reinvest cash received by the Alien Property Custodian in United States bonds and certificates of indebtedness. In the Senate report of August 15, 1917, on the alien property bill, Mr. RANSDELL said:

By these means enemy property is temporarily conscripted by the Government to finance the Government through investment in these bonds to be paid back to the enemy or otherwise disposed of at the end of the war as Congress shall direct.

In the House report of June 21, 1917, the gentleman from Virginia [Mr. MONTAGUE] said:

Therefore moneys, including checks and drafts payable on demand, held by the custodian must be immediately deposited by him with the Treasurer of the United States, and may in turn be invested and reinvested by the Secretary of the Treasury in the bonds or certificates of the United States under appropriate rules and regulations. * * * Manifestly it is not wise to permit such property to remain idle in the coffers of the Government, therefore its investment and reinvestment is not only sound business policy but a just method of auxiliary warfare, for it is thought that this method of utilizing the moneys and property of the enemy will yield a considerable income and at the same time prevent the enemy from obtaining the benefits of credit based upon such property.

It is therefore the manifest purpose of this act to provide that these funds shall not lie idle but be invested and reinvested by the Treasury so as to yield a profit.

I do not assert this as a fact, because I am not in a position to do so, but I understand that under prior administrations the investments were frequently changed for the purpose of enabling the United States to maintain the market for its securities, and that helped to finance the war, an eminently proper procedure. But I understand further that even during this period the fund as a whole was operated at a net profit beyond the interest earned by reason of investment and reinvestment in the market.

From October 27, 1917, to March 15, 1925, the fund has earned at the rate of 4.48 per cent per annum, whereas if the earnings had been limited to interest alone it would not have earned in excess of 4.25 per cent.

Under the present administration the fund has been operated at a net profit in addition to the interest earned, something which would have been impossible if that fund was being manipulated so as to furnish private profit to officials or to private individuals. In this connection I am informed that during the entire period that the fund has been in existence no sales or purchases have been made except at the price of these securities sold on that day in the open market; and except in the few instances where sales have been made directly to the Treasury for sinking-fund purposes, all sales have been made through the Federal Reserve Bank of New York or some other Federal reserve bank, and all purchases have been made through these banks except where subscriptions for new issues are made direct to the Treasury on the same basis as offered to the public.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. MILLS. Certainly.

Mr. SCHAFER. Who is this man Brewer the gentleman has been talking about? Is he the same gentleman who conducted a number of investigations for the late President Harding?

Mr. MILLS. I do not know whether he conducted a number of investigations for President Harding. I do know that he made certain charges with reference to duplication of bonds, which charges were investigated by a committee of this House, and I do know that his animus against the Secretary of the Treasury is well indicated by the fact that he has a suit pending against the Secretary at the present time.

The sales, therefore, could not have been made below market value without the knowledge and connivance of the Federal reserve banks, who thus would have knowledge of the fraud if they were not actually parties to it.

Just a word now as to reinvestments, because I know that my friend from Texas [Mr. GARNER] is troubled by that feature, and we are going to hear from him.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. MILLS. Certainly.

Mr. STEVENSON. The gentleman has been discussing sales. As the gentleman knows, I was on the committee that went into that pretty fully. We have never yet been able to understand how you can stabilize a market and maintain a market by selling bonds. That is a question we have had under discussion on that committee very frequently. How does the sale of bonds stabilize the market? The gentleman is familiar with that, and he may give us an answer.

Mr. MILLS. I did not make that assertion. I said that the funds were used during the war to support the market.

Mr. STEVENSON. It was largely accounted for in committee because of the fact that they wanted to stabilize the market.

Mr. MILLS. I made the statement that these funds were used during the war to support the market and that I considered that eminently proper.

Mr. STEVENSON. That was the gentleman's statement, but I am stating what was said to the committee as to why they sold so many bonds.

Mr. MILLS. Not having heard that statement, I can not say. As securities in which the fund is invested mature or approach maturity, necessarily reinvestments have to be made, and, again, while I have no information as to this, I personally would consider it entirely proper that these funds should be used to facilitate the refunding operations of the Treasury Department, provided it could be done to the advantage of the fund itself. Moreover, there is no question but that the Treasury has sold these securities and reinvested the funds in other Government securities whenever it was thought to be to the advantage of the fund itself to do so, and in doing so it has simply fulfilled the duty which rests on any public or private trustee of investing the funds in his charge to the best possible advantage.

But the main point to be noted in connection with the charges published in the name of my friend from Texas [Mr. GARNER] is that these investments and reinvestments have been so wisely made, first, to show a definite net earning over and above interest earned, which manifestly would have been impossible if these funds had been manipulated so as to give profits either to private individuals or to public officials.

As the record stands to-day, a definite and specific charge has been published of wrongdoing, and even the amount has been mentioned. It has been said that the Treasury officials are profiting to the extent of $1,000,000 by the misuse of a trust fund. I understand that my friend from Texas [Mr. GARNER] has obtained unanimous consent to address the House for 15 minutes immediately after I conclude. I hope, for the sake of fair play, for the sake of that confidence in their Government on the part of the people which is absolutely necessary if popular institutions are to endure; I hope, for the sake of the honor and the integrity of the men attacked, that the gentleman from Texas [Mr. GARNER] will use those 15 minutes either to furnish proof to substantiate these charges or that he will withdraw them—reminding my friend as courteously as I can of that regard for the reputation of others which every man jealous of his own good name will always observe. [Applause.]

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. GARNER] under a special order for 15 minutes. [Applause.]

Mr. GARNER of Texas. Mr. Speaker and gentlemen of the House, a good lawyer always states the case of the opposition and undertakes to answer it in his opening argument, and the gentleman from New York [Mr. MILLS], of course, undertakes to state my position and answer it at the same time. In the first place, let me say to the membership of the House that I never said—and the New York World report does not purport to say—that I charge any official of the Treasury Department with a profit of a million dollars a year. Let that be understood, because when I make that charge I will have the positive proof of my position to sustain it.

But I did say this, and I think I will be able to demonstrate to the House, that there had been an investment and reinvestment of this fund in the past four years, and how the circumstances indicate somebody had made a million dollars a year out of this fund. Now, what is the situation with reference to this matter? May I say in passing I do not know anything about Mr. Brewer, as I have met him but once. I understand that President Harding had the greatest confidence in his integrity and his ability and gave him a letter and authorized him to investigate the Treasury Department. He did make that investigation under the authority of the President of the United States, a Republican, so I think he is entitled to some consideration before he is condemned by the gentleman from New York. The facts I will give you now were made by a gentleman who does not make many mistakes; and if he does, are not intentional—from Mr. Walter L. Price, minority clerk to the Ways and Means Committee, as good a man as any who works in the Treasury Department, or in the Capitol, or elsewhere. What do we find from the figures of the Treasury Department as shown by this table? We find the Secretary of the Treasury has for investment a trust fund of around $175,000,000 belonging to German aliens.

If you had that trust fund and were authorized to invest in United States bonds, you would go and make the best purchase you could and lay the bonds away for the purpose of taking care of their investment, would you not? That would be the natural thing to do, would it not, to invest—the gentleman Mr. MILLS, shakes his head and says, No, because he manipulates all things that he deals with. The natural and proper thing to have done with this trust fund was to invest it in the best securities available and let it remain until Congress disposed of the trust. The Secretary of the Treasury did not follow this plan and therefore did not earn as much for the trust as it would have otherwise gained. I will say to the gentleman from New York that he has lost more than $5,000,000 that the fund should have had, although earning more than 4 per cent interest. In 1921—these are the figures, and I will give the fiscal years 1922, 1923, 1924, and 1925—if the Secretary of the Treasury had invested that fund in 1921 or 1922, as he was authorized to invest it, he could have bought Liberty bonds at 4¼ for $97.80. Do you challenge that? Nobody denies that statement? In 1924 you could have sold these same Liberty bonds—4¼, running 10 to 20 years—in excess of $102. Now if you invested $175,000,000 that bore 4¼ per cent per annum in 1921 and let them lie in the vault of the Secretary, they would have gained a profit up to date of around $32,000,000 with accrued interest. What do the facts show? The facts show that the investment and reinvestment of this fund since 1921 to 1925 has netted this fund only $18,000,000 in place of $32,000,000 which the trust fund would have earned had it been invested and left alone.

If the Secretary of the Treasury had invested the $160,000,000 trust fund that he had in his possession in the latter part of 1921 or the early part of 1922 in 4¼ per cent third Liberty bonds, the fund would have earned more than 5¼ per cent, because they were worth less than 98 cents on the dollar at that time, and are now worth in excess of $1.02.

With $175,000,000 trust fund, how many bonds has he bought and sold in four years? Can you imagine that the Secretary of the Treasury would have invested and sold more than two or three hundred million dollars in that time? No war, no market to sustain, yet he invested and reinvested to the extent of $2,400,000,000. [Applause.]

Mr. MILLS. Will the gentleman yield?

Mr. GARNER of Texas. Just a moment—I will yield.

Mr. MILLS. Will the gentleman also put in the figures for the four prior years?

Mr. GARNER of Texas. I will. And by the way, Mr. MILLS, under a Democratic administration during times of war, which you say it was right to invest and reinvest to sustain the market, the Democrats in handling this trust made more money out of the trust fund that the Republicans did. [Applause.] You will not deny the statement that in four years, with a trust fund of $175,000,000, the Secretary of the

Treasury deemed it necessary to buy and sell United States bonds to the extent of $2,400,000,000.

What excuse was there for it? Mr. MILLS says you were doing it in order to make money for the Germans. Now, gentlemen, I do not know how the Germans are going to make money by this gambling transaction except out of the American people, and is it very patriotic for the Secretary of the Treasury to take the German trust funds and gamble with it in America to make money out of Americans?

That is what it means, that he took $175,000,000 held in trust by him for the Germans and gambled with it in United States bonds to the extent of $2,400,000,000 in order that he might make money for the German aliens. What the law meant—and every man must realize it—what that law meant was this, that as you invested this alien money in United States bonds, as you accumulated the interest from it, you would again invest that same interest in United States bonds. That was what is meant by the reinvestment and not what the gentleman from New York undertakes to say Congress authorized to be done to the extent of a tremendous gambling transaction.

I am going to be conservative, and I am going to state, in the last four years somebody made $5,000,000 out of the Germans.

Now when I ascertained that fact by the report of the Secretary of the Treasury himself, did I not have the right to tell a newspaper man that somebody had caused the Germans to lose a million a year?

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. GARNER of Texas. I yield.

Mr. MILLS. Will the gentleman put in the RECORD the facts which support that statement?

Mr. GARNER of Texas. I will. I will tell you right now. In 1921 you had $163,000,000 of the Germans' money.

Mr. MILLS. In cash?

Mr. GARNER of Texas. In cash.

Mr. MILLS. The gentleman does not mean to say that.

Mr. GARNER of Texas. I will tell you the exact figures.

Mr. MILLS. It was invested in bonds.

Mr. GARNER of Texas. It was invested in bonds; all right. In 1921 you had it invested in bonds. You sold them in 1921.

Mr. MILLS. All of them?

Mr. GARNER of Texas. No; not all of them; but you sold a great many of them at less than 98 cents on the dollar.

Mr. MILLS. Will the gentleman tell the House what the bonds, sold at 98, had been purchased for?

Mr. GARNER of Texas. I do not know.

Mr. MILLS. I will tell the gentleman that the bonds, sold at 98, were purchased at less than 98, and when sold they were sold at a profit.

Mr. GARNER of Texas. I want to correct the statement I made of $163,000,000. It was $158,000,000. Now, if that $158,000,000 had been left right where it was, you had $158,000,000 in bonds, I will say. I will take your premises.

Mr. MILLS. Or certificates of indebtedness.

Mr. GARNER of Texas. Very well. Take that, too. You could have sold the certificates of indebtedness then. They were at par, and you could have invested it in United States bonds, Liberties, 4¼, at that time, could you not?

Mr. MILLS. Yes.

Mr. GARNER of Texas. Now, you had $158,000,000. You could have invested in third Liberties at 4¼ and kept them in the Treasury. They would have borne interest at 4¼ up to this good hour.

Mr. CAREW. Who got the commission on these sales?

Mr. GARNER of Texas. I do not know who it was.

You would have got a quarter of a cent more than you did on your own admission, and in addition to that your bonds are worth $4 more now than when you bought them. But the Secretary manipulated them. And by the way, it seems strange to me that the gentleman from New York [Mr. MILLS]—and I have great respect for him, but I am beginning to think that he has got some kind of trouble, as he said I had—last Saturday a week the gentleman was cheered on the floor of this House and justly so, in my opinion, when he said to the House of Representatives—and I am going to read it again, because it is good, and it is a sentiment that ought to permeate the heart of every man in this House. Mr. MILLS said:

> Mr. Speaker, when I returned to Washington after an absence of one day my friend from Texas [Mr. GARNER] informed me that in looking over the list of claimants who had received awards from the Mixed Claims Commission and whose claims therefore were covered by the bill H. R. 10820, introduced by me, he found there was a company in which I was a director and stockholder. As soon as he called that matter to my attention I telephoned the office of the company in New York and I found that the information of the gentleman from Texas was correct.
>
> That being so, irrespective of any rule of the House but as a matter of what I consider proper conduct on the part of a Representative, I want to say to the House that I do not care, either in the Ways and Means Committee or on the floor of the House, to participate further in the consideration of that particular bill. [Applause.]

I commended the gentleman at that time. I commend him now. But I want to call attention to a little inconsistency in his performance with reference to that particular bill, if I may, since he has seen proper to refer to me in the way he has. On last Friday week the gentleman from New York [Mr. MILLS] took the floor under the pretense that I had done him an injustice. I do not think it was an injustice, because it was a comparison perfectly legitimate in debate, in my opinion. He took the floor and occupied it for 10 minutes in order that he might make the statement to the House of Representatives that he thought that the legislation referred to was sound. He is still dealing with the House of Representatives, and if I am not mistaken—I hope he will correct me if I am—no longer than to-day he has been conferring with his Republican colleagues on the Committee on Ways and Means, urging them to give immediate consideration to this bill.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. GARNER of Texas. I ask for five minutes more, so the gentleman may make a statement whether that is correct or not.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MILLS. The gentleman's statement is not correct, nor am I urging my colleagues.

Mr. GARNER of Texas. You did confer with them to-day on this bill? Or did you not?

Mr. MILLS. I sat in with them.

Mr. GARNER of Texas. Well, you sat in at the conference. When I sit in I aways take a full hand. I think the gentleman from New York would do the same thing. [Laughter.]

Now, I want to call your attention to the fact that none of these gentlemen over here [pointing to the Republican side] has the stomach for this thing that he has.

None of them have the disposition to come to the Treasury's defense as he does, and do you know the reason why? They have a little bit different conscience from what you have and they can not see it through the same glasses that you and Secretary Mellon see it, because you talk the same language and that language is always in line of high finance. You can not get the Republican leader [Mr. TILSON] to look after it. He did not seem to be offended at this statement in the New York World, but the gentleman from New York [Mr. MILLS] rushes back here, red in the face, saying, "Somebody, TILSON, ought to stop this fellow GARNER from talking libel."

TILSON, I imagine—I did not hear the remark he made to Mr. MILLS, but my imagination gives me the suggestion—said, "You do it, OGDEN." [Laughter.]

I have no desire to do otherwise than to ascertain the facts and lay them before the House of Representatives, but I contend that no man living can defend the policy of the Treasury Department in selling $10,000,000 worth of American bonds belonging to Germans to-day and buying back $10,000,000 more to-morrow, and I think the record will show, if we can get it, that when you sold the bonds at 98 you bought certificates the next day at above par, with the same money, and that might be all right. It is all right, according to Mr. MILLS, but if the trustee were handling my money I would want to change the trustee immediately.

Mr. MILLS. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. MILLS. What did those certificates yield in the way of interest?

Mr. GARNER of Texas. Well, those certificates were turned over in about 40 days.

Mr. MILLS. Well, what did they yield?

Mr. GARNER of Texas. I have no idea and I could not make a calculation because I never looked to see what the investment would yield. But I know the reason for doing it. You wanted an excuse to make another shift through a bond house in 40 days. That is the reason you did it.

Mr. MILLS. I will say to the gentleman that those certificates yielded over 5 per cent—my recollection is between 5 per cent and 6 per cent.

Mr. GARNER of Texas. I am satisfied you would give the German aliens over 5 per cent if you could get a couple of dollars in the way of discount. But you can not explain it. Gentlemen, you can not buy and sell $2,400,000,000 worth of bonds and sell them in the market without giving somebody a commission, can you? Can you do it through the Federal reserve bank without paying some charge for it? I do not buy them so I do not know about it, but I will ask you, Mr. MILLS. You have to pay a commission, do you not?

Mr. MILLS. I will state to the gentleman that I do not know whether the Federal reserve bank, an agency of the United States Government, would charge a commission or not.

Mr. GARNER of Texas. I do not know, either. But if you are going to buy $20,000,000 worth of bonds—United States bonds—and you telegraph to the Federal reserve bank in New York to buy $20,000,000 worth of United States bonds, do you not have to pay something for it? It looks to me as though you would; and if you paid a small commission on $2,400,000,000 in four years somebody gets something, do they not? And I will bet a Democrat did not get a cent of it. [Laughter and applause.] Of course, the gentleman from New York [Mr. MILLS] will say the reason for that is that they did not have any money with which to buy or sell, and I guess that is pretty nearly true. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has again expired.

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent to insert the following tables.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks by inserting some tables. Is there objection?

There was no objection.

The tables are as follows:

Securities purchased and sold or redeemed from funds of Alien Property Custodian

[From annual reports of Secretary of the Treasury]

Year ending June 30—	Purchased	On hand	Sold or redeemed	Amount carried in Treasury
1920	$230,512,000	$101,398,500	$174,668,500	$157,242,000
1921	232,145,500	157,242,000	231,356,500	158,031,000
1922	279,750,000	158,031,000	273,836,000	163,945,000
1923	325,780,500	163,945,000	315,748,500	173,977,000
1924	292,736,950	173,977,000	302,046,950	164,667,000
1925	332,694,000	164,667,000	320,740,500	176,621,500

The report of the Secretary of the Treasury for the fiscal year ending June 30, 1919, carried the Alien Property accounts in this form:

Bonds held in trust for Alien Property Custodian

	Held on June 30, 1918	Deposited	Withdrawn	Held on June 30, 1919
Trust account	$3,064,850.50	$10,493,529.50	$697,360.00	$12,861,020.00
Investment account	----------	129,939,000.00	55,166,000.00	74,773,000.00

The report of the Secretary of the Treasury for fiscal year ending June 30, 1918, apparently does not contain any reference to this matter.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Alabama [Mr. STEAGALL] for 15 minutes, under the special order of the House.

BOND OPERATIONS OF THE TREASURY DEPARTMENT

Mr. STEAGALL. Mr. Speaker and Members of the House, I happened to be a member of the special committee of the House that conducted an investigation of the bond operations of the Treasury Department. During our investigation Mr. Charles B. Brewer, the gentleman whose reliability has been brought into question by the gentleman from New York [Mr. MILLS] appeared as a witness before us. Mr. Brewer was an attorney in the Department of Justice, holding the rank of special assistant to the Attorney General. He had been attorney in the Department of Justice for eight years. For many years prior to this he had been a trusted employee of the Navy Department.

If Members will read the report of the special committee to which I have referred they will find the esteem with which the members of that committee regarded him. I quote from the report:

Mr. Charles B. Brewer had orders from the President to make an investigation of the matter. When the committee was commissioned by Congress to make its investigation Mr. Brewer had a like commission from an executive department. The benefit of his service as counsel to the committee was extended by Attorney General Stone. The committee had the advantage of the knowledge previously paid for by the Government, without which substantial headway during the time allotted would have been an impossibility. His services have been that of an exceptionally devoted and capable public servant.

But we have even a higher indorsement than I can bring even from the special committee.

I desire to read a letter from a former President of the United States:

THE WHITE HOUSE,
Washington, June 30, 1923.

Mr. CHARLES B. BREWER,
Special Assistant to the Attorney General,
Washington, D. C.

MY DEAR MR. BREWER: It is well understood throughout the Treasury and by Secretary Mellon that you are to be permitted to secure all information you desire in making the investigations which have been committed to you. The presentation of this letter to any concern dealing with the Government or with the department will undoubtedly make available to you all necessary opportunity for investigation. If these credentials are not ample please report to me the specific case and a special order will be issued.

Very truly yours,

WARREN G. HARDING.

Here is another letter:

THE WHITE HOUSE,
Washington, January 4, 1923.

Mr. CHARLES B. BREWER,
Department of Justice, Washington, D. C.

MY DEAR MR. BREWER: I am inclosing you herewith a request which I have from the Attorney General for service at your hands. I am very much disposed to oblige the Attorney General in this matter. He has come to have a high regard for your services and he feels that you can be of very great assistance in a matter of deep concern to the Department of Justice. I trust this request will find you so situated that you can give him the service requested without serious interference with the important work you have in hand. I suggest that you report to General Daugherty personally.

Very truly yours,

WARREN G. HARDING.

These letters relate to the man referred to just now by the gentleman from New York [Mr. MILLS]. I do not know what constitutes the basis for the opinion of Mr. Brewer which the gentleman from New York seems to entertain, unless it be some of the official connections which Mr. Brewer had at the time he was a witness before the special committee of the House. If that be the fact, I wish to say that whatever disrepute may properly attach to the name of Mr. Brewer by reason of his former association with officials of the Department of Justice has been removed, because Mr. Brewer is no longer associated with that department of our Government. Notwithstanding the fact that Mr. Brewer had this special work in hand and was assigned to these labors by the President of the United States, a few days after the unfortunate death of President Harding the Attorney General of the United States issued a peremptory order dismissing Mr. Brewer whose services he had so recently commended to President Harding, as shown by the letters just read.

Mr. POU. Was any reason given for his dismissal?

Mr. STEAGALL. None whatsoever, and his dismissal was contrary to law for the reason that he had a civil-service status. When President Coolidge had his attention called to this unjust and high-handed action he overruled the action of the Attorney General and reinstated Mr. Brewer. After the special committee of the House had filed its report supporting Mr. Brewer, the present Attorney General issued another order dismissing Mr. Brewer. When members of the special committee appeared before him to protest this action he stated that he could not undertake to go into the merits of the matter and proceeded to put into effect the order of dismissal prepared by assistants to the former Attorney General.

Whatever anyone may think of Mr. Charles B. Brewer, I want to say that the findings of the special committee were not based upon the testimony of Mr. Brewer. The special committee availed itself of the assistance of Mr. Brewer in developing the facts by the records of the Treasury Department and the testimony of officials of that department, and the findings of the special committee are based upon those disclosures.

Now I wish to discuss the matter of losses sustained by the Treasury Department in its transactions in bonds. I shall not attempt to deal with operations in which alien-property funds were used. The select committee of the House investigated other bond operations conducted by the Treasury Department. Just here let me say that the Ways and Means Committee of the House had stricken from a bill submitted by the Treasury Department the provision giving authority to the Secretary

of the Treasury to buy and sell bonds and limiting Treasury operations to the purchase of bonds. A provision conferring general authority to buy and sell bonds was included in the War Finance Corporation act. Notwithstanding Congress had refused to confer direct authority upon the Treasury Department to resell bonds, Treasury officials entered upon a program of stupendous operations, running into hundreds of millions of dollars, in the buying and selling of bonds in the stock exchange, using the medium of the War Finance Corporation.

My information is that the Treasury Department never attempted to avail itself of the use of the Alien Property Custodian funds in its bond operations until the War Finance Corporation had ceased to function. Members of the House will remember that under the provisions of the War Finance Corporation act that corporation was to go out of business upon the President's proclamation of peace; but the Attorney General furnished an opinion prior to the President's proclamation that the activities of the War Finance Corporation should cease, and it was after the termination of the activities of the War Finance Corporation that the Treasury Department resorted to the use of Alien Property Custodian funds.

But what do we find in the bond operations conducted by the War Finance Corporation? The same story applies to the operations in that connection that has been disclosed by the gentleman from Texas regarding transactions in which funds of the Alien Property Custodian were used.

I want to show you what happened to the Treasury in the operations conducted through the War Finance Corporation.

First. The Treasury Department lost $60,000,000 in buying Victory and third 4¼ bonds, paying as high as $98 per hundred, when other issues of Liberty bonds were selling on the market as low as $86. Why should the Treasury Department throw on the market a vast volume of bonds selling as low as $86 when it was well known that ultimately those identical bonds would have to be repurchased by the Treasury at par? Why not make the money invested in bonds cover the largest amount of outstanding bonds that could be purchased for a given sum? What excuse can be offered for paying $98 per hundred for bonds when a larger amount of bonds could be purchased at $86? It was well known that bonds resold on the market at a low price would eventually come back to the Treasury for redemption at par, and in this connection I want to ask why it should have seemed desirable to boost the price of certain bonds by having the Treasury engage in their purchase and reduce the price of others by having the Treasury sell them? Why should the Treasury by selling operations beat down the price of the lower bonds when most of the small purchasers who bought in response to appeals to their patriotism had their investments in them?

Second. The Treasury sustained a loss of $28,000,000 in interest by reason of the manner in which these bonds were handled by the War Finance Corporation. It was not the custom to go into the market and purchase bonds and immediately deliver them to the Treasury, but the War Finance Corporation kept enormous amounts of bonds always on hand and engaged continually in operations just as was the custom pointed out by the gentleman from Texas in the use of funds of the Alien Property Custodian.

Mr. GARNER of Texas. And as I understand the gentleman in each of those transactions they lost money?

Mr. STEAGALL. According to the very nature of the transactions it was impossible for the Treasury ever to make anything. The best the Treasury could ever do was to take from the War Finance Corporation bonds and pay for them at cost, but every time a loss was sustained it was transferred to the Treasury. In every instance where bonds were sold below par there was a loss to the Treasury because ultimately it was up to the Treasury to redeem all bonds at par. Furthermore, there were numerous transactions where the War Finance Corporation sold bonds for less than what had been paid for them, and in every such case the loss was arbitrarily charged as a part of the cost of bonds remaining on hand which were in turn ultimately sold to the Treasury. There was a loss of $28,000,000 in interest alone, which accrued on bonds held by the War Finance Corporation after purchase before delivery to the Treasury, and a loss of $60,000,000, which came about as I have just explained. In this connection I want to ask—the gentleman from Texas has covered it so well that nothing can be added to what he said, but I will ask how it is possible to stabilize prices by selling the lower bonds and buying the higher—Whoever heard of anybody attempting to support the strength of the market by selling it down?

Mr. STEVENSON. Will the gentleman yield for a suggestion there?

Mr. STEAGALL. In these operations the Treasury Department was using the funds taxed the War Finance Corporation, and that corporation was charged by the Federal Government with stock amounting to $5,000,000 owned by the Government. It may have been right, if Treasury officials desired to do so, to use War Finance Corporation funds to bring about certain conditions in the market for Government bonds; but, as the gentleman from Texas has so well said, I fail to see how any trustee has a moral right to go out and use the funds of his ward except for the benefit of the ward. Now I yield to the gentleman from South Carolina.

Mr. STEVENSON. I simply want to direct the gentleman's attention to the fact that the bonds that needed stabilizing most were those that were lowest, whereas when they bought they bought the highest.

Mr. STEAGALL. Absolutely.

Mr. MILLS. Will the gentleman yield for a question?

Mr. STEAGALL. Yes; I yield to the gentleman from New York.

Mr. MILLS. I would like to ask the gentleman if he does not think that any trustee in charge of investments should sell securities at a time when he thinks it is advantageous and buy securities for his trust when he thinks that is advantageous?

Mr. STEAGALL. Ah, but the gentleman said in his argument as an answer to the insistence that these funds had been held in a way that resulted in a loss to the Alien Property Custodian fund that the purpose of manipulation and speculation by the Treasury Department was to boost American bonds—not to help the funds that belonged to our wards.

Mr. MILLS. During the last administration, not during this administration, I also stated that those operations showed a profit for the trust fund.

Mr. STEAGALL. But the gentleman will remember the use of the Alien Property Custodian funds was not resorted to until after the Democratic administration had gone out.

Mr. MILLS. The gentleman is mistaken. They were resorted to in order to maintain the market during the Democratic administration and very properly so.

Mr. STEAGALL. But they used in that instance the funds of the War Finance Corporation for which they had special authority granted by Congress.

Mr. MILLS. And the Alien Property Custodian fund?

Mr. STEAGALL. That is different from my information, if it is true, but in any event it is immaterial. The Treasury lost $24,000,000 where the price paid for bonds on various dates was above the market price of the bonds.

Mr. GARNER of Texas. And the same kind of transaction had in this instance?

Mr. STEAGALL. Absolutely on all fours with the transactions where funds of the Alien Property Custodian were used. The testimony before the investigating committee of Congress shows without conflict that in practically every transaction where the War Finance Corporation bought bonds and on every transaction where bonds were sold commissions were paid. It is easy to understand that where the sum of $158,000,000 is turned over in transactions that run up to $2,400,000,000 with commissions on every transaction, somebody is going to be made happy.

I want to call attention to something else in connection with these transactions. The managing director of the War Finance Corporation had a bond house in New York which was owned by him individually. That bond house was in process of liquidation and practically out of business when he was made managing director of the War Finance Corporation. One of his first acts after his appointment as managing director of the War Finance Corporation was to revise his bond house in New York. The testimony shows that he sold to his bond house to the extent of $70,000,000 and bought from it to the extent of $10,000,000.

These transactions were conducted by the managing director of the War Finance Corporation in his name as managing director with the bond house in New York which he owned and which was run in the same name. In every transaction where he either bought or sold bonds the managing director of the War Finance Corporation paid commissions to the same person who owned and ran individually the bond house in New York.

A MEMBER. Name him.

Mr. STEAGALL. Some one insists that I name him. I suppose every Member of the House knows that Eugene Meyer, jr., was managing director of the War Finance Corporation. These transactions conducted by Eugene Meyer, jr., managing director of the War Finance Corporation with the bond house of Eugene Meyer, jr., in New York, were covered by bills

with the heading of Eugene Meyer, jr., 14 Wall Street, and approved by Eugene Meyer, jr., managing director of the War Finance Corporation. The books of the War Finance Corporation disclose that commissions were paid covering both purchases and sales. Now, I want to call your attention to something else.

Mr. TILSON. Will the gentleman state what was the date of the transactions that he refers to?

Mr. STEAGALL. The transactions extended over a period of years.

Mr. TILSON. Beginning in war times?

Mr. STEAGALL. Yes; they run back to the time the gentleman is talking about.

The SPEAKER. The gentleman's time is up.

Mr. STEAGALL. I ask for five minutes more.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. STEAGALL. The managing director of the War Finance Corporation began his services under the last Democratic administration, and he is still managing director of the War Finance Corporation. I will say to the gentleman from Connecticut that he was appointed by the present administration immediately upon the disclosures of the congressional investigation, and his name was sent to the Senate at a night session and his confirmation rushed through immediately upon the meeting of the Senate the following day, without consultation with members of the House investigating committee.

Mr. GARNER of Texas. Even if an official of the Democratic administration conducted affairs such as the gentleman described it, the gentleman would condemn it, would he not?

Mr. STEAGALL. Absolutely. I would condemn such practices at any time under any administration, and I hope my resentment would be greater against any evil or corruption exposed under Democratic administration than it would be in the case of a Republican administration.

Now, I want to read to this House some provisions of the law creating the War Finance Corporation:

SEC. 8. No director, officer, attorney, agent, or employee of the corporation shall in any manner, directly or indirectly, participate in the determination of any question affecting his personal interest or the interests of any corporation, partnership, or association in which he is directly or indirectly interested.

And section 300 provides:

That whoever willfully violates any of the provisions of this act, except where a different penalty is provided in this act, shall, under conviction in any court of the United States of competent jurisdiction, be fined not more than $10,000 or imprisoned for not more than one year, or both.

There are other statutes that would cover what the above provisions were intended to accomplish, but so careful were the framers of the War Finance Corporation act to safeguard its administration that the above provisions were specifically incorporated in the act. The purpose was to cover identically the very kind of practices engaged in by the managing director. These violations can not be explained away. It is no answer to claim that profits were not made. The statute by its provisions specifically forecloses all such issues or defenses.

The purpose was not alone to secure fair and impartial administration of the law, but it was intended that officials of the War Finance Corporation should not even subject themselves to suspicion of wrongdoing. There can be no question as to the plain violation of this statute. The acts constituting violations of the statute were disclosed not alone by the books of the War Finance Corporation but by the admissions of the managing director of the War Finance Corporation made as a witness before the congressional investigating committee.

That, gentlemen, gives you some idea of the manner in which the Government's activities in the bond market have been conducted by the Treasury Department through the War Finance Corporation. Bonds were sold in the market below what they cost and, instead of selling them to the Treasury at actual cost, the losses were charged up arbitrarily as a part of the cost of bonds remaining on hand. They were then sold to the Treasury nominally at cost, when in fact the price was arbitrarily fixed to embrace losses that accrued by selling other bonds below cost.

Mr. STEVENSON. Will the gentleman yield?

Mr. STEAGALL. Certainly.

Mr. STEVENSON. It has not been stated plainly whether the Federal bank got commissions on these bond transactions.

Mr. STEAGALL. I will say to the gentleman that all transactions of every sort carried commissions to somebody. That is one reason why the activities grew to embrace such enormous amounts. [Applause.]

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Kansas asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. STRONG of Kansas. Mr. Speaker and gentlemen of the House, I was also a member of the special committee referred to, which was appointed by the Speaker in accordance with a resolution by this House for the purpose of investigating an alleged duplication of Government bonds—a resolution, I think it would be fair to say, brought about at the instigation of Mr. Brewer. After this committee met, the question came up of hiring an investigator, and Mr. Brewer was proposed. I made a careful investigation as to Mr. Brewer's ability and with respect to his experience in such matters. I found that he had come into the Department of Justice under the Wilson administration, I think from the Navy Department; that he had never had much experience either as a lawyer or as an investigator. I was advised that he had made several investigations on behalf of the Department of Justice, the result of which caused indictments to be issued, and when those cases came to trial it was found that the Department of Justice had been misinformed regarding the facts, and the cases were dismissed, the judge very severely criticizing the Department of Justice for having brought them.

I talked with Mr. Brewer and made up my mind that he was a man of very positive prejudices and very apt to follow those prejudices and very prejudiced against the Treasury Department; therefore, I made objection to his being employed as an investigator for the committee. He was not employed until during the vacation of Congress, and when I returned to Washington in the fall I found that he had become the investigator of the committee.

I nevertheless determined to the best of my ability to follow every suggestion that he made of dishonesty in connection with the alleged duplication of bonds or any other transactions where fraud was alleged. I think I leaned forward in my desire to go into the facts. I went down to the Bureau of Printing and Engraving, took a stenographer to record the facts, started with the bond paper as it came into the bureau, and followed it through every process until it became a bond ready for issue, and I found it was counted by different employees in different departments from 20 to 30 times, and I made up my mind that it was practically impossible to have occur a duplication of bonds, although through a failure of the numbering machines there might be a duplication in the numbers of the bonds. We continued carefully to pursue the allegations regarding the duplicate-numbered bonds until it was finally practically abandoned, and then the proposition to which my colleague referred came up—that of the allegation that Mr. Meyer, as the president of the War Finance Corporation, had, through his own bonding house, sold bonds at a profit. That was fully gone into. Remember these alleged transactions were done under a Democratic administration.

Mr. CONNALLY of Texas. What difference does that make? If it is wrong, it is wrong; and if it is right, it is right.

Mr. STRONG of Kansas. If it is wrong, it is wrong; and if it is right, it is right; but I had every reason to scrutinize most carefully anything that Mr. Brewer alleged had been done under the previous Democratic administration, and I mention it simply because I want you to know that if I had any political inclination in the matter it was to go to the bottom of Mr. Brewer's allegations; but when our committee got through with its investigations I was forced to admit that I found no crookedness, nothing to condemn, in the printing of the bonds or the selling of them under the Democratic administration, and I did not hesitate to say so.

I found that Mr. Meyer had been asked by the Democratic Secretary of the Treasury to accept the chairmanship of the War Finance Corporation and to take charge of the stabilizing of the market for the Liberty bonds when they were sold. I found that he had done so over his own objection. I found that he had gone to New York, saw that he could not get the rooms and men to handle the work, and that he said:

I have got a bonding house here that I am just liquidating, because the Government has gone into the bond business, and there is no bond business for the individual, and you can have my outfit; you can have my rooms—

And the Democratic Secretary of the Treasury approved of it, and those operations were conducted in Mr. Meyer's bonding

house; but he made no charge, and every dollar ever paid to a bond broker was accounted for. There was no wrongdoing on the part of Eugene Meyer. I had never met him before. I had to make a report to this House that I thought every transaction was on the level and on the square, and I did so.

Mr. STEAGALL. Mr. Speaker, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. STEAGALL. Is the gentleman familiar with the criminal provision of the War Finance Corporation act which I read a few minutes ago, which makes it unlawful for an official of that corporation to have any dealings or receive any compensation or conduct any transactions with a partnership or corporation with which he is connected?

Mr. STRONG of Kansas. Yes; and this man did not have any transaction of that kind. He did not receive any pay personally. As my friend knows, he proved to the satisfaction of the committee that every commission that was paid through the office went to the bond buyer.

Mr. STEAGALL. What about his bond house in New York City in which he was interested?

Mr. STRONG of Kansas. He never charged a cent for it.

Mr. STEAGALL. Does the law say that he must get a commission before the law is violated?

Mr. STRONG of Kansas. Can not a man turn over to the Government a bonding house for which he makes no charge, that the Government may profit thereby, without his being criminally liable?

Mr. STEAGALL. What is the gentleman's construction of the criminal statute that I read?

Mr. STRONG of Kansas. Why, it is bad.

Mr. CAREW. He says the statute is bad?

Mr. STRONG of Kansas. Oh, no; I say that your construction is bad.

Mr. STEAGALL. I ask what the gentleman's construction is?

Mr. STRONG of Kansas. My construction is that when the statute says a man can not deal in securities for profit and a man does not himself deal in them, but turns his bonding house over to the Government for the Government to deal in them, and he makes no profit, that then he is not liable under the law, and he could not be convicted in any court in the land.

Mr. STEAGALL. Did not the committee have some of the bonds before it in which the numbers were duplicated, and, in fact, a good many of the bonds?

Mr. STRONG of Kansas. It was brought in evidence many times that the numbering machines duplicated numbers on bonds, but it was not shown that the Government issued more bonds than they got the money for. There is a difference between duplicating the number of bonds and duplicate bonds. That is where Mr. Brewer fooled himself, President Harding, and many others.

Now, the only interest I have in the matter is this: I do not want to see this House spend any more money or be misled through an investigation instigated by Mr. Brewer. I do not know much about him, but I studied him carefully when I was upon that committee. I believe if he was told to investigate the most righteous man in the world he would go into that investigation with the idea that that man was guilty, and he would go out and work industriously, because he is an industrious worker, and work hard to get evidence to convince himself that the man was guilty; and although you might offer tons of evidence that showed that the man was innocent, he would not believe it.

Mr. WEFALD. Will the gentleman yield?

Mr. STRONG of Kansas. I will.

Mr. WEFALD. Is that the reason President Harding selected him?

Mr. STRONG of Kansas. It was because he fooled President Harding. He fooled a lot of people and fooled part of our committee, and I do not want this House to waste any more of the people's money by following his imaginations.

Mr. SCHAFER. Will the gentleman yield for a short question?

Mr. STRONG of Kansas. I will.

Mr. SCHAFER. Would he not be a pretty good man for the Department of Justice to send out to investigate WHEELER?

Mr. STRONG of Kansas. I do not know anything about WHEELER. He does not get into this picture with me at all.

The SPEAKER. The time of the gentleman has expired.

Mr. STRONG of Kansas. I ask unanimous consent to proceed for three additional minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. STRONG of Kansas. Now, we spent about $10,000 in our committee. They estimate the Treasury spent over $100,000 for hiring employees to dig up and furnish the information out of its vast records for which we asked. For what purpose? None at all. Nothing has come of it, and nothing will come of it. Now, Mr. Brewer has sued the Secretary of War for a million dollars, and that has gone out of court. He has sued the Secretary of the Treasury for a half million dollars, and that will go out of court. He lost his job with the Department of Justice after our committee went out of existence. He is now around committees of this House starting more investigations. I only want to say to you people, if you want to have an investigation of something, do not hire Mr. Brewer. He will convince you that everybody is guilty, and after you have spent a couple of hundred thousand dollars you will find you have been following rabbit tracks. [Applause.]

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes on this subject.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. TILSON. Mr. Speaker, I hope the gentleman from South Carolina will not insist at this time. We do not care to run on interminably. I dislike very much to deny my friend from South Carolina, but——

Mr. STEVENSON. I will withdraw my request if the gentleman will give me some time within the next week or 10 days.

Mr. TILSON. I shall make every effort to give the gentleman time. I told the gentleman from Tennessee that I would do so, and if the gentleman will let us run along this afternoon on the Consent Calendar I will thank the gentleman from South Carolina very much.

Mr. STEVENSON. Mr. Speaker, I withdraw my request.

CONSENT CALENDAR

The SPEAKER. The Clerk will report the first bill on the Consent Calendar.

LUMMI INDIAN RESERVATION, WASH.

The first bill on the Consent Calendar was the bill (H. R. 61) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HADLEY. Mr. Speaker, I ask that the bill be passed without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 8950. An act granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn.;

H. R. 8908. An act granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River;

H. R. 6777. An act to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America;

H. R. 6772. An act to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America; and

H. J. Res. 209. Joint resolution requesting the President of the United States to invite foreign governments to participate in the Seventh International Dental Congress, to be held at Philadelphia, Pa., August 23 to 28, 1926.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 6775. An act to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America; and

H. R. 6776. An act to authorize the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America.

KAW RESERVATION IN OKLAHOMA

The next business on the Consent Calendar was the bill (H. R. 7083) authorizing the sale and conveyance of certain lands on the Kaw Reservation in Oklahoma.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that this bill be rereferred to the Committee on Indian Affairs. This is on request of the committee.

The SPEAKER. Is there objection to the request of the gentleman from Montana? [After a pause.] The Chair hears none.

ADJUSTMENT OF WATER-RIGHT CHARGES

The next business on the Consent Calendar was the bill (H. R. 10429) to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, to amend subsections E and F of section 4, act approved December 5, 1924, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SMITH. Mr. Speaker, I ask unanimous consent that this bill be passed over and hold its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Idaho. [After a pause.] The Chair hears none.

RETIREMENT FOR THE NURSE CORPS OF THE ARMY AND NAVY

The next business on the Consent Calendar was the bill (H. R. 8953) to provide retirement for the Nurse Corps of the Army and Navy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TILSON. Mr. Speaker, let us have some explanation of this bill.

Mr. BLACK of Texas. The gentleman from Tennessee [Mr. REECE], who is in charge of this bill, stated that he would be unable to be present, but he did agree to certain amendments to the bill which I intend to offer if the bill is considered.

Mr. TILSON. Would the gentleman be willing to let that bill pass over until next Monday without prejudice?

Mr. BLACK of Texas. I have no objection to its being passed over without prejudice.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

CASPER-ALCOVA RECLAMATION PROJECT

The next business on the Consent Calendar was the bill (H. R. 10356) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. I reserve the right to object, Mr. Speaker.

Mr. TAYLOR of Colorado. Reserving the right to object, Mr. Speaker, I desire to say that when this bill came up on the Consent Calendar on the 5th and again on the 19th of this month I requested the author of the bill, the gentleman from Wyoming [Mr. WINTER], to put the matter over pending negotiations concerning it between our two States. I desire to make a brief statement, and, as it is tremendously important to the two sovereign States of Colorado and Wyoming, I am going to make my statement very definite and specific.

This bill provides for the construction of a very large reclamation project, and, as I look upon it, a new project, on the North Platte River in Wyoming. That stream rises in and its waters mostly come from the State of Colorado, largely from my district.

Wyoming and Colorado have had a long, unfortunate, and largely unnecessary controversy over the waters of the North Platte River. Our States were in litigation over that stream for some 12 years. We went to the United States Supreme Court several times, as will appear from volumes 259 and 260 of the United States Supreme Court Reports. We also spent probably over a hundred thousand dollars and finally obtained only very unsatisfactory results.

Then the two States stopped fighting and went to amicably negotiating over the practical use of their respective water rights, the same as all the seven States in the Colorado River Basin have been doing for several years. Colorado is the highest State in the Union. Some 12 or 15 large rivers rise in my district and flow north, east, south, and west into our adjoining States. We have had a quarter of a century of litigation over these water rights.

Colorado and New Mexico entered into an interstate compact over the use of the waters of the La Plata River. That compact was ratified and approved by act of the Sixty-eighth Congress on January 29, 1925, Forty-third United States Statutes, part 1, page 769.

Colorado and Nebraska entered into an interstate compact over the use of the waters of the South Platte River. That compact was ratified and approved by act of this Sixty-ninth Congress on March 8, 1926, and is Public Law No. 37.

Colorado and Wyoming and many of their officials have for some time been and are now investigating and negotiating concerning an interstate compact over the waters of this North Platte River and its tributaries. I am confident we will come to an agreement, because both States want to do right. But for the present and for the mutual benefit and protection of our States, and in order that our respective rights may not be impaired but held in status quo pending the final agreement of such a compact between these States providing for the equitable apportionment and distribution of the waters of that stream and its tributaries, the gentleman from Wyoming, Mr. WINTER, and I, in cooperation with the official water commissioners of our respective States, Mr. Delph E. Carpenter, of Colorado, and Mr. S. G. Hopkins, of Wyoming, have prepared and agreed to a definite amendment to this House bill (H. R. 10356) and to the same Senate bill (S. 3553), or to any other, or whatever bill may be now or at any time hereafter considered on this subject; and I send it to the Clerk's desk to be read into the RECORD and be pending for consideration by the House now or at any other time whenever this matter may be taken up by the House.

This amendment is a formal, official, precedent, interstate agreement solemnly entered into in the utmost good faith to safeguard our respective State water rights and prevent future uncertainties and controversy, and it is expressly understood and agreed that it supersedes all other negotiations and claims concerning these water rights, and shall be controlling and be a binding part of this or any other legislation by Congress upon this subject or upon any use or rights created or to be accrued or appropriated thereunder, until such time as Colorado and Wyoming or Colorado, Wyoming, and Nebraska shall enter into and have approved by Congress of an interstate compact superseding the provisions of this amendment.

I may add that this amendment has been submitted to and unreservedly agreed to and approved by all four of the United States Senators from Colorado and Wyoming.

With that express understanding, Mr. Speaker, the State of Colorado will make no objection to the consideration of this measure.

I send to the Speaker's desk and ask to have read as a part of the RECORD this interstate agreement that we have arrived at concerning the North Platte River.

The SPEAKER. Without objection, the Clerk will report it.

The Clerk read as follows:

Mr. TAYLOR of Colorado offers the following amendment to H. R. 10356 and to S. 3553: At the end of section 1, page 3, insert:

"And provided further—

"(a) That the construction of the project herein authorized and the appropriation, diversion, and use of waters thereby shall not constitute or become the basis of or be asserted as a claim of prior or preferred right to the use of the waters of the North Platte River and its tributaries as against any present or future users of water above the Pathfinder Reservoir, but, with this limitation, that the average annual diversion of waters out of the basin of the North Platte River and its tributaries within the State of Colorado, in addition to diversions from the Laramie River, shall not exceed 30,000 acre-feet per annum without the consent of the States of Nebraska and Wyoming.

"(b) Upon approval by the contracting States and by the Congress of the United States of a compact between the States of Colorado and Wyoming or the States of Colorado, Nebraska, and Wyoming providing for the equitable apportionment and distribution of the waters of the North Platte River and its tributaries, paragraph (a) hereof shall become inoperative and thereafter the rights of the contracting States and of all users of water from said river and its tributaries within said States shall be defined and governed by such compact."

Mr. CRAMTON. Mr. Speaker, I reserve the right to object.

Mr. WINTER. Mr. Speaker, the gentleman from Colorado [Mr. TAYLOR] is correct in regard to these negotiations between the States of Wyoming and Colorado, and I simply want to state further that negotiations of the same character are being carried on between Wyoming and the representatives of the State of Nebraska; and for that reason, no conclusion having been arrived at with the representatives of the State of Nebraska, I desire to ask that this bill be passed over without prejudice and retain its place on the calendar.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next one.

BIRTHPLACE OF HENRY WADSWORTH LONGFELLOW

The next business on the Consent Calendar was the bill (H. R. 8267) to authorize the coinage of copper 1-cent pieces to aid in the preservation of the birthplace of the world's best-loved poet, Henry Wadsworth Longfellow.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, it is rather late in the afternoon. I told the gentleman from Minnesota [Mr. KVALE] I would not object but that I would oppose it on the floor. I think we had better postpone it.

Mr. KVALE. Why object?

Mr. LAGUARDIA. I told the gentleman I would not object but would oppose it on the floor. If I do that, it will prevent other bills from coming up. It can be passed over without prejudice.

Mr. KVALE. Mr. Speaker, I make the request that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

OVERLAND COMMUNICATION ON THE SEWARD PENINSULA, ALASKA

The next business on the Consent Calendar was the resolution (H. J. Res. 73) authorizing the improvement of the system of overland communications on the Seward Peninsula, Alaska.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker——

Mr. CRAMTON. I will object, Mr. Speaker, to save time.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

SURGEONS EMPLOYED ON THE ALASKA RAILROAD

The next business on the Consent Calendar was the resolution (H. J. Res. 96) to authorize the President to pay to surgeons employed on the Alaska Railroad such sums as may be due them under agreement with the Alaskan Engineering Commission or the Alaskan Railroad.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. CRAMTON. I object.

The SPEAKER. Objection is heard. The Clerk will report the next business.

CELEBRATION OF THE INDEPENDECE OF VERMONT AND THE BATTLE OF BENNINGTON

The next business on the Consent Calendar was the resolution (H. J. Res. 176) establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the independence of Vermont and the battle of Bennington, and authorizing an appropriation to be utilized in connection with such observance.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BEGG. I reserve the right to object.

Mr. WELSH. I have an amendment to offer, Mr. Speaker.

Mr. BEGG. If the gentleman will offer his amendment, that will solve it.

Mr. BLANTON. Reserving the right to object, after that amendment has been adopted, will the gentleman assure the House that he will protect the House against any increase of that amount in the other body?

Mr. WELSH. I will say so, as chairman of the committee.

Mr. BLANTON. And that you will not let this resolution go to the other body and be enlarged and brought back in the closing hours of Congress—because we are approaching the closing hours of Congress—when the atmosphere is such that you can not stop conference reports?

Mr. WELSH. That will not be done with my knowledge or consent.

Mr. BEGG. If the gentleman will yield, I think there is another thing that ought to be understood. If he gets this resolution passed, then is he going to come back to the next Congress and ask for a million or two?

Mr. BLANTON. That is just what I was going to ask him about. The distinguished gentleman from Vermont [Mr. BRIGHAM] assured me to-day that would not be done.

Mr. BRIGHAM. We have no intention of asking for any more money.

Mr. BLANTON. And the gentlemen assure us that they will protect this House against any future request for additional funds?

Mr. BRIGHAM. In so far as we are able to do so.

Mr. BLANTON. "In so far as you are able" is an equivocal expression.

Mr. BRIGHAM. I will not introduce any such bill.

Mr. BLANTON. And you will protect us from having that request brought up on the floor?

Mr. BRIGHAM. In so far as we can; yes.

Mr. BLANTON. You will do that?

Mr. BRIGHAM. Yes.

Mr. BLANTON. All right.

The SPEAKER. Is there objection?

Mr. SCHAFER. Reserving the right to object, will the chairman of the committee assure us that he will not come before the House for $1,500,000 or $2,000,000, as he did on the Philadelphia proposition?

Mr. WELSH. After my experience, I will say I will promise. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That there is hereby established a commission to be known as the United States Vermont Sesquicentennial Commission (hereinafter referred to as the commission) and to be composed of nine commissioners, as follows: Three persons to be appointed by the President of the United States, three Senators by the President of the Senate, and three Members of the House of Representatives by the Speaker of the House of Representatives. The commission shall serve without compensation and shall select a chairman and secretary from among their number.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, to be expended by the commission for actual and necessary traveling expenses and subsistence (notwithstanding the provisions of any other act) while discharging its official duties outside the District of Columbia.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, to be utilized in the discretion of the commission for the appropriate participation on the part of the United States in the celebration and observance of the one hundred and fiftieth anniversaries of the independence of Vermont and the Battle of Bennington, to be commemorated in 1927.

Mr. WELSH. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 6, strike out "$4,000" and insert in lieu thereof "$1,000," and strike out all of section 3.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the resolution was passed was laid on the table.

BRIDGE ACROSS THE DELAWARE RIVER

The next business on the Consent Calendar was the bill (H. R. 10001) authorizing the construction of a bridge across the Delaware River at or near Burlington, N. J.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WELSH. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill whether he will consent to an amendment introducing a name in addition to that already in the bill in order to take care of those from Pennsylvania who are interested in this bridge.

Mr. BACHARACH. Mr. Speaker, I am not in a position at this time to suggest that any other names be added. The situation, if I may briefly relate it, is this: That before introducing this bridge bill I consulted the Congressman in whose district the bridge goes across the Delaware River, the gentle-

man from Pennsylvania [Mr. WATSON]. He had no objection to my introducing the bill, so I introduced it. My colleague from Pennsylvania [Mr. WELSH] is from an entirely different district. This bridge does not adjoin his district, but he has suggested that I name a man from Burlington County—which is one of the counties affected—who is a civil engineer. Before introducing the bill I suggested the elimination of any civil engineer as being interested in the construction of such a bridge. For that reason I am opposed to the suggestion made by the gentleman from Pennsylvania. In addition he has the name of some one else who does not reside in the districts affected, either on the Pennsylvania side or the New Jersey side, and for that reason I objected.

The SPEAKER. Is there objection?

Mr. WELSH. Mr. Speaker, I object.

QUALIFICATIONS OF VOTERS IN THE TERRITORY OF ALASKA

The next business on the Consent Calendar was the bill (H. R. 9211) to prescribe certain of the qualifications of voters in the Territory of Alaska, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA and Mr. SCHAFER objected.

LANDS IN THE TOWN OF HENNESSEY, OKLA.

The next business on the Consent Calendar was the bill (H. R. 9496) authorizing the Secretary of the Interior to convey certain lands reserved for park and other purposes in the town of Hennessey, Okla., to said town of Hennessey, Okla.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Oklahoma for what purpose this bill is introduced?

Mr. THOMAS. This bill is for the purpose of selling two tracts of land reserved for park purposes in the town of Hennessey.

Mr. BEGG. Why do we want to sell them?

Mr. THOMAS. This is the reason for the bill. The town of Hennessey was laid out as a Government town site. At the time the town was laid out two tracts were reserved for park purposes. It so happened that these park lands are over some shale beds. The town of Hennessey for years has tried to grow trees and flowers and grass on these little tracts, but they can not grow anything there because the shale comes almost to the top of the ground. The city desires to sell the property and use the proceeds in buying a park site on a small stream that is wooded and timbered and adjacent to the town.

Mr. BEGG. Does not the gentleman think the Government stands to be cheated on that proposition? If the town of Hennessey wants the Government to relinquish this land as a park site, it would appear to me that the proper procedure, protecting the interests of the Government, would be to sell it at public auction and then if the town of Hennessey at public auction bids high enough they get it; if not, somebody else gets it. Would not the gentleman think that was the fair way from the Government standpoint?

Mr. THOMAS. The city of Hennessey desires to sell the property and to take the proceeds to buy other land for a city park.

Mr. BEGG. Certainly; and I do not think that ought to be allowed.

Mr. THOMAS. The land at present is of no benefit to the town.

Mr. BEGG. Suppose the Government were to sell the land and then buy this other land and give it to the town of Hennessey and put the profits in the Treasury. What does the Government owe the town of Hennessey?

Mr. THOMAS. The town of Hennessey would have no objection if the Government would sell this land at public auction and then take the money and buy the park site. They would have no objection to that, but they are willing to relieve the Government of that duty and responsibility by doing it themselves.

Mr. BEGG. I think I shall have to object, I may say to the gentleman, because I can not see where the interests of the Government are protected at all.

Mr. THOMAS. I might say to the gentleman that the Government has no interest in the town site.

Mr. BEGG. Not in the town site, but does not the Government own the land?

Mr. THOMAS. No; it does not. It is reserved for park purposes.

Mr. BEGG. Where did Hennessey get it?

Mr. THOMAS. It was Government land originally, that is true.

Mr. BEGG. And in the reservation is there not a provision that if it ceases to be used as a park the title to the land reverts to the Government? Is not that language in the reservation?

Mr. THOMAS. The town already has some sort of patent to land, but it is not such a patent as to give them power to sell the land outright.

Mr. BEGG. I suggest to the gentleman that he at least have the bill passed over until Monday. I will be glad to talk with him in the meantime, and perhaps I can be persuaded about it.

Mr. JOHNSON of Washington. The Government would be the gainer if it could get rid of any land it may have there.

Mr. BEGG. The whole business?

Mr. JOHNSON of Washington. Yes.

Mr. BEGG. I will say to the gentleman from Washington I notice there is another bill here where it is proposed to pay $500 an acre for some land there.

Mr. JOHNSON of Washington. That may be different kind of land; but, seriously, the Government does not gain anything by hanging on to these small tracts of land that rarely ever fit into any prospective program the Government may have. If the citizens of Hennessey can make use of this land——

Mr. BEGG. The citizens do not want it.

Mr. JOHNSON of Washington. But they want to exchange it.

Mr. BEGG. No; this is not an exchange.

Mr. THOMAS. They are willing to pay the $10 an acre which the law requires.

Mr. JOHNSON of Washington. The Government would be the gainer by that much.

Mr. BEGG. Mr. Speaker, I wish the gentleman would have the bill passed over until Monday.

Mr. CARTER of Oklahoma. I was just going to suggest to the gentleman that I understand the Interior Department has looked very carefully into this bill. I do not know anything about it myself, but I assume they would protect the rights of the Government.

Mr. BEGG. Let us pass it over until Monday.

Mr. HASTINGS. We may not have a consent day Monday.

Mr. BEGG. Yes; I think we will. The leader tells us that the next consent day comes on Monday.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

There was no objection.

SECTION 52 OF THE JUDICIAL CODE

The next business on the Consent Calendar was the bill (H. R. 6252) amending section 52 of the Judicial Code.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have not section 52 of the Judicial Code before me; but how would the court acquire jurisdiction? Is there provision made for publication?

Mr. VESTAL. Publication as to those who live outside the country.

Mr. LAGUARDIA. In a Washington paper?

Mr. VESTAL. Any place the court designates.

Mr. LAGUARDIA. And also personal service outside the jurisdiction?

Mr. VESTAL. Yes; anywhere within the United States.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 52 of the Judicial Code be, and the same is hereby, amended by adding thereto the following:

"And upon the filing of a bill in the Supreme Court of the District of Columbia wherein remedy is sought under section 4915 or section 4918 of the Revised Statutes, without seeking other remedy, if it shall appear that there is an adverse party residing abroad, or adverse parties residing in a plurality of districts not embraced within the same State, the court shall have jurisdiction thereof and writs may be issued against all of the adverse parties with the force and effect and in the manner set forth in this section; provided that writs issued against parties residing abroad pursuant to this section may be served by publication or otherwise as the court shall direct."

With the following committee amendments:

Page 1, line 9, strike out the word "abroad" and insert in lieu thereof the words "in a foreign country."

Page 2, line 1, strike out the word "may" and insert in lieu thereof the words "shall, unless the adverse party or parties voluntarily make appearance."

Page 2, line 5, strike out the word "abroad" and insert in lieu thereof the words "in foreign countries."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

UNITED DAUGHTERS OF THE CONFEDERACY

The next business on the Consent Calendar was the bill (H. R. 1202) granting an extension of patent to the United Daughters of the Confederacy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That a certain design patent issued by the United States Patent Office of date November 8, 1898, being patent No. 29611, is hereby renewed and extended for a period of 14 years from and after the passage of this act, with all the rights and privileges pertaining to the same, being generally known as the insignia of the United Daughters of the Confederacy: *Provided, however*, That no person who has manufactured the design of said patent between the 8th day of November, 1905, and the date of the passage of this act shall be held liable for infringement of this patent by reason of the continued manufacture and sale thereof.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CONTRACT MAIL SERVICE

The next business on the Consent Calendar was the bill (H. R. 9511) authorizing the Postmaster General to remit or change reductions or fines imposed upon the contractors for mail service.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I want to ask the gentleman from Missouri if these fines are limited to small fines.

Mr. BAILEY. Yes; they are small fines. There is no railroad fine or steamboat fine. The highest fine is probably $50, and they run all the way from $2, $5, and $15. It is to get rid of the detail of going through those departments, and this is the way in which it always has been done until recently it has been construed that they did not have the authority.

Mr. LAGUARDIA. This would not authorize the Postmaster General to remit any fines or modify any fines on a railroad or steamship company?

Mr. BAILEY. No.

Mr. LAGUARDIA. Then I have no objection.

Mr. BLANTON. I reserve the right to object, Mr. Speaker. Congress has from time to time provided for penalties in attempts to safeguard the rights of the people. They do not like penalties, and they are coming to Congress from time to time trying to be relieved of them. This is another one of those bills getting out from under the penalty. These penalties safeguard the rights of the people. We ought to keep them in the law and keep them in the regulations of the department. I know it takes three objections on this bill. This bill ought not to come up here under unanimous consent. I hope there will be two more objections, because I am going to object to it. Let us bring it up under proper conditions some time and if it is a good law we can discuss it and pass it. Surely it is of enough importance to be discussed by the membership of the House and not passed by default under such conditions as we now have on the floor. I shall object to it for one.

The SPEAKER. Is there any other objection?

There was no other objection, and the Clerk read the bill, as follows:

Be it enacted, etc., That section 266 of the act of June 8, 1872, chapter 335 (17 Stat. p. 315), Revised Statutes 3962, is amended to read as follows: The Postmaster General may make deductions from the pay of contractors for failure to perform service according to contract and impose fines upon them for other delinquencies, which deductions or fines may be changed or remitted, in his discretion. He may deduct the price of the trip in all cases where the trip is not performed and not exceeding three times the price if the failure be occasioned by the fault of the contractor or carrier.

The SPEAKER. Does the gentleman from Texas desire to be heard?

Mr. BLANTON. I move to strike out the last word. The reading of the bill into the RECORD might becloud the issue, so that one hereafter could not understand what was my objection. This is amending the law. This is to give the Postmaster General the right to remit these penalties. That is the only change in the law. The law is recited, and the only change in it is that it gives him the right to remit the penalties. That is what I object to. I want him to keep the penalties on to safeguard the rights of the people.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

POWER-PLANT BUILDING FOR BUREAU OF STANDARDS

The next business on the Consent Calendar was the bill (H. R. 5358) authorizing the construction by the Secretary of Commerce of a power-plant building on the present site of the Bureau of Standards in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. ELLIOTT. Mr. Speaker, I ask that this bill be passed over without prejudice.

Mr. SCHAFER. Reserving the right to object, I see in the report a letter from the Director of the Budget, who says he has presented the matter to the President, who has instructed him to advise that the legislation proposed is not in conflict with his financial program, providing that the legislation pertaining to the power house and the master track scale will not involve the necessity of any appropriation either during this current or the next fiscal year. If they are not going to make an appropriation during this or the next fiscal year, or until after the presidential election——

Mr. ELLIOTT. I will suggest to the gentleman that that letter was written over a year ago. This bill was reported to the House at the last session of Congress.

Mr. SCHAFER. Does the gentleman think we can be fair to the President in his policy of economy unless we keep this bill on the calendar until after the presidential election?

Mr. BLANTON. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. BLANTON. The gentleman from Indiana has had a recent order from the President to sidetrack this bill, as indicated by his action. He is asking that it go over without prejudice.

Mr. ELLIOTT. And I say to the gentleman from Texas [Mr. BLANTON] that he is just "talking through his hat."

Mr. BLANTON. But the gentleman is asking that it be sidetracked.

Mr. ELLIOTT. The President has not said anything to me about it.

Mr. BLANTON. Why does not the gentleman get it up and pass it?

Mr. ELLIOTT. Why does not the gentleman object to it, if he does not like it?

Mr. BLANTON. I am not objecting to it. The gentleman is asking that it be sidetracked.

Mr. ELLIOTT. No; I have not asked any such thing. I asked that it be passed without prejudice.

Mr. SCHAFER. If objection is not made to its retaining its place on the calendar, will the committee ascertain in the near future whether or not the passage of the bill will conflict with the economy program of the administration?

Mr. ELLIOTT. I understand it will not conflict with any economy program of the President.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

MASTER TRACK SCALE AND TEST DEPOT, BUREAU OF STANDARDS

The next business on the Consent Calendar was the bill (H. R. 5359) authorizing the purchase by the Secretary of Commerce of a site and the construction and equipment of a building thereon for use as a master track scale and test-car depot, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. This bill requires three objectors. Is there objection?

Mr. BEGG. Mr. Speaker, I reserve the right to object, and I do not think I shall object, but I ask the chairman of the Committee on Public Buildings and Grounds what, even if this bill be passed and enacted into law, the Secretary of Commerce can do?

Mr. ELLIOTT. Here is the situation in regard to this master track scale.

Mr. BEGG. I do not care anything about the situation out there, but what can the Secretary of Commerce do? Can he go ahead?

Mr. ELLIOTT. No; he will have to get an appropriation. This is an authorization.

Mr. BEGG. I do not see that there is any authorization about it. If it is an authorization, I have no objection to it. I think it ought to be done. The bill simply authorizes the Secretary of Commerce to go ahead and make a contract for $50,000, and that of itself, in my judgment, does not authorize the Committee on Appropriations in appropriating the money to pay for it. I see the gentleman from Michigan [Mr. CRAMTON] is present. He is a member of the Committee on Appropriations. I ask him if under this language the Committee on Appropriations has any authority to make an appropriation?

Mr. CRAMTON. The bill provides that the Secretary of Commerce is hereby authorized to contract for the purchase of a suitable site and to contract for the construction thereon of a building. That is an authorization for an appropriation.

Mr. BEGG. I have never before heard that language used.

Mr. CRAMTON. Oh, I have come in contact with rulings by the Chair that when there is a law authorizing an official to do a certain thing, that law authorizes an appropriation to do that thing.

Mr. BEGG. I am asking these questions sincerely, because I do not know, but is there a statute on the books prohibiting a Federal official from entering into a contract prior to an appropriation?

Mr. CRAMTON. I think so.

Mr. BEGG. Then we are authorizing the Department of Commerce to violate the law?

Mr. CRAMTON. No. I am not the best judge on this question, but my judgment is that with the passage of this bill his action under it would await an appropriation.

Mr. BEGG. I am raising the question about the language and not questioning the project. I do think it is a serious mistake to enact this sort of language.

Mr. BLANTON. Mr. Speaker, I reserve the right to object. If we pass this bill, then just as soon as it is signed and becomes a law the Secretary of this department can immediately contract for this site, and the gentleman knows it.

Mr. BEGG. I do not believe he can.

Mr. BLANTON. We are authorizing him to contract for a site.

Mr. BEGG. The other law says that he can not.

Mr. BLANTON. He can enter into a contract with an individual that will bind the Government and force the Committee on Appropriations to make the appropriation.

Mr. BEGG. I do not think he can.

Mr. TILSON. If the gentleman's theory is correct, for what amount can he contract?

Mr. BLANTON. Fifty thousand dollars. The bill says that.

Mr. TILSON. It also provides that they shall construct a building. Does the gentleman mean to say that with this authorization he can go ahead without an appropriation and begin the construction of a building that would cost $1,000,000?

Mr. BLANTON. He could sign a contract to-morrow with John Doe for a site down here and agree that this Government would pay John Doe $50,000, and it would be a binding contract against the Government which would be enforcible in our courts.

Mr. ELLIOTT. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ELLIOTT. When he made his contract with John Doe, how would he get the dough to carry out the contract?

Mr. BLANTON. Oh, it is easy to get the dough out of the people's Treasury whenever you have a contract against the Government, and the gentleman would be the first one to come here and say, "Will not the Government make its contract good, after you have passed a bill authorizing the Secretary to make a contract—are you going to go back on your own contract?" He would be the first man to do it, and we would furnish the dough out of the Treasury.

Mr. ELLIOTT. It is my understanding you do not contract with the Government until you have an appropriation to pay for it.

Mr. BLANTON. Of course, you can not stop these bills.

Mr. LaGUARDIA. The most important thing about the bill is that the shipper will have a test car depot and master track scales out in the Middle West, where there is great demand, and not have to be dependent upon railroad scales.

Mr. BLANTON. I am going to object, for one.

Mr. CRAMTON. If the gentleman will withhold his objection, I think an amendment can be made to accomplish what is desired and I think eliminates the gentleman's objection, although I think it is protected. I say that in all deference to the gentleman, because the gentleman has expressed his views, and the contrary are mine. Page 1, line 4, strike out the words "contract for the purchase of" and insert the word "purchase," so it will read "and he is hereby authorized to purchase a suitable site." Thereafter it provides for the construction thereon of a building. That gives authority to purchase the site, and certainly they could not do anything with it until the appropriation is made.

Mr. BLANTON. I think that materially safeguards the people's rights.

Mr. ELLIOTT. I have no objection.

Mr. TAYLOR of Colorado. If the gentleman will permit a question, how many of these bills are on the calendar or before the committee providing for buildings in the District of Columbia, and why could not this building be built out of a portion of the District's money that is supposed to come to it through the general omnibus bill?

Mr. ELLIOTT. I will say this building will not be built in the District of Columbia, but will probably be built in the city of Chicago. That is where it is needed.

Mr. TAYLOR of Colorado. The last building was to be built here, the Bureau of Standards.

Mr. ELLIOTT. That is the only one I know of.

Mr. TAYLOR of Colorado. Will the cost of that building come out of the one-third of the money of the $165,000,000 which the District of Columbia will get out of the Federal Treasury?

Mr. ELLIOTT. Well, I do not know whether it would or not.

Mr. TAYLOR of Colorado. Will it come out of that?

Mr. ELLIOTT. That is not the bill we have got before us. This is a track scale, which is to be built in all probability in the city of Chicago, and there is where they need it worse than anywhere else.

Mr. TAYLOR of Colorado. I am asking generally in regard to putting in individual bills under a separate appropriation and at the same time giving them a share out of the lump sum.

Mr. ELLIOTT. I will say the only building bill that we reported out affecting Washington outside of the general bill is this bill for the building out here of the Bureau of Standards for a power house.

The SPEAKER. Are there three objections to the consideration of this bill?

Mr. BLANTON. Here is one; I object.

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, can the gentleman give information about the site? I notice it is suggested in the report that probably the railroad will furnish the site.

Mr. ELLIOTT. That is my understanding. The Government has owned this track scale since 1918, and had it stored at the navy yard, and it is my understanding that the association of railroads at Chicago have offered a site for this scale, which is probably worth about $62,000, that they have offered it as a gift.

Mr. BLACK of Texas. And the money involved in the bill will be used for the construction of a building to house the scale?

Mr. ELLIOTT. Yes.

The SPEAKER. Are there three objections?

Mr. CRAMTON. I think the gentleman from Texas withdrew his objection.

Mr. BLANTON. Is the gentleman going to offer an amendment?

Mr. CRAMTON. Yes.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized to contract for the purchase of a suitable site, or acquire same by gift or otherwise; and to contract for the construction thereon of a building for a master track scale and test car depot, and for the installation therein of the Bureau of Standards' master track scale; and for the purchase and installation in said building of the necessary equipment for the calibration of railroad track scale test cars, accessories, and related heavy weights and scales at a cost not to exceed $50,000.

That the Secretary of Commerce is hereby further authorized, without regard to civil service laws, rules, or regulations, to employ and obtain such special architectural or other expert technical services in connection with the projects authorized in section 1 hereof as he may deem necessary and shall specially order in writing; and to pay for said services from any appropriations made for the purposes set forth in section 1 hereof, such prices or compensation as he may consider just and reasonable.

Mr. BLANTON. I ask unanimous consent that the last paragraph which is stricken out be considered as read.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The committee amendment was read, as follows:

Page 2, strike out lines 5 to 13, inclusive.

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment:

Page 1, line 4, strike out the words "contract for the purchase of" and insert in lieu thereof the word "purchase."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 1, line 4, strike out the words "contract for the purchase of" and insert in lieu thereof the word "purchase."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

OLDROYD COLLECTION OF LINCOLN RELICS

The next business on the Consent Calendar was the bill (S. 957) for the purchase of the Oldroyd collection of Lincoln relics.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I note that the committee reports in part that this collection is now loaned to the United States Government by the owner. Is this the building in Washington where the Lincoln relics are exhibited and where visitors to Washington must pay an admission fee to view the relics?

Mr. BACON. Yes; that is 516 Tenth Street NW.

Mr. SCHAFER. Who is getting these admission fees?

Mr. BACON. The owner of the collection.

Mr. SCHAFER. Then this statement that the collection is loaned to the Government is not a complete statement of the fact?

Mr. BACON. The Government is providing no installation or custody for it, and it seems reasonable that the owner, who looks after the collection, should be compensated for his services. After all, the fees are very small fees.

Mr. BLANTON. I hope the gentleman from Wisconsin will not object to this bill. This is a most valuable collection, and people from all over the United States come in to see it. The Government owns the building.

Mr. SCHAFER. If the Government buys these relics, will the visitors from all parts of the Nation be compelled to pay an admission fee, as they do now?

Mr. BLANTON. That will depend on what the gentleman from Wisconsin and his colleagues want to do with it when we buy it. The Government ought to buy it.

Mr. SCHAFER. Does the gentleman think that this taking of $50,000 out of the people's Treasury is economy at this time?

Mr. BLANTON. I think that collection is worth $50,000.

Mr. SCHAFER. I shall not object to it upon that statement.

Mr. LAGUARDIA. The gentleman from Wisconsin will not object to anything to perpetuate the memory of Abraham Lincoln.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of State, the Secretary of War, and the Attorney General are hereby designated as a commission with authority, in their discretion, to purchase the Oldroyd collection of Lincoln relics, and that the sum of $50,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to enable the commission to consummate such purchase.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

PURCHASE OF A PAINTING ENTITLED "PEACE"

The next business on the Consent Calendar was the bill (H. R. 3791) to purchase a painting of the several ships of the United States Navy in 1891 and entitled "Peace."

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Joint Committee on the Library of the House of Representatives and Senate be, and is hereby, authorized to purchase from the owners, the heirs of its painter, Walter L. Dean, the oil painting known as "Peace" (which was loaned to the Government 25 years ago and since that time has hung in the Capitol and in the room of the Committee on Naval Affairs) for the sum of $5,000, which sum is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to pay said owners for said painting upon the passage and approval of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

MARKERS ON THE BATTLE FIELD OF WHITE PLAINS, N. Y.

The next business on the Consent Calendar was the bill (H. R. 3990) for the erection of a monument upon the Revolutionary battle field of White Plains, State of New York.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, with the understanding that the committee amendment is going to be agreed to, I shall not object.

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, how much of an appropriation is that?

Mr. BLANTON. Two thousand five hundred dollars.

Mr. SCHAFER. Will the gentleman yield further?

Mr. BLANTON. Yes.

Mr. SCHAFER. This monument is not going to designate certain soldiers as to their racial extraction, is it?

Mr. WAINWRIGHT. No. I think those engaged in that battle were all of one race. It is a Revolutionary battle field. Besides that, there is an amendment to provide for markers, not for a monument. The purpose is to mark the field so that the lines will be preserved, showing the two positions of the Revolutionary Army.

Mr. SCHAFER. There will not be any distinction in the marking as to where certain masses of troops fought?

Mr. WAINWRIGHT. I do not know how you would divide them.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to erect and maintain at some suitable point upon the battle field of White Plains, in the State of New York, a monument to indicate the position of the Revolutionary Army then under the immediate command of General Washington upon that momentous occasion, and to place thereon a suitable inscription.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much of the sum of $10,000 as may be necessary to carry out the provisions of this act.

With committee amendments as follows:

On page 1, line 5, strike out the words "a monument" and insert "tablets or markers."

On page 2, line 3, strike out "$10,000" and insert in lieu thereof "$2,500."

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the title will be amended to conform to the text.

There was no objection.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next one.

USE OF TEMPORARY BUILDINGS BY AMERICAN NATIONAL RED CROSS

The next business on the Consent Calendar was the resolution (S. J. Res. 55) to authorize the American National Red Cross

to continue the use of the temporary buildings now erected on square No. 172, in Washington, D. C.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That authority be, and is hereby, given to the central committee of the American National Red Cross to continue the use of such temporary buildings as are now erected upon square No. 172, in the city of Washington, for the use of the American Red Cross in connection with its work in cooperation with the Government of the United States until such time as hereafter may be designated by Congress: *Provided*, That the United States shall be put to no expense of any kind by reason of the exercise of the authority hereby conferred.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the resolution was passed was laid on the table.

RENO INDIAN COLONY

The next business on the Consent Calendar was the bill (S. 1989) to authorize the Secretary of the Interior to purchase certain land in Nevada to be added to the present site of the Reno Indian colony, and authorizing the appropriation of funds therefor.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, about how much per acre is the Government going to pay for this land?

Mr. BRIGHAM. About $500 per acre.

Mr. SCHAFER. Is that the usual average price in that locality? I ask this question for this reason: I find that thousands of acres of western lands were sold by the Alien Property Custodian for as low as $4, $5, and $6 an acre, and I just want to know whether this is the average price around this locality.

Mr. BRIGHAM. I will say to the gentleman from Wisconsin that this is irrigated land, as I understand it; it is now set in alfalfa and is worth the price which is asked for it, according to the information the committee received. It is very close to Reno, which should make it valuable.

Mr. SCHAFER. And it will go for the benefit of the Indians. It will not take anything away from the Indians?

Mr. BRIGHAM. That is what we understand.

Mr. BLACK of Texas. Mr. Speaker, I ask that this bill go over without prejudice. I want to make some investigation about the value of this land.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

JUDICIAL CODE

The next business on the Consent Calendar was the bill (H. R. 10055) to amend section 77 of the Judicial Code to create a middle district in the State of Georgia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the bill be considered as having been read.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, will the gentleman from Texas assure us that this is a good bill?

Mr. BLANTON. Well, the time for objection is past. The bill contains six pages, and it would take quite a long time to read it even scientifically.

Mr. EDWARDS. I will assure the gentleman from Wisconsin that it is a good bill.

Mr. SCHAFER. I know that the gentleman from Texas has bills of 12 and 14 pages read when he thinks they are bad bills.

Mr. BLANTON. I want to congratulate the gentleman from Wisconsin for taking the place of one of his very distinguished predecessors, Mr. Stafford, who was a very valuable man on this kind of a day.

Mr. SCHAFER. I think I will accept the gentleman's statement.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CRAWFORD W. LONG

The next business on the Consent Calendar was Senate Concurrent Resolution 7, authorizing the acceptance of the statue of Crawford W. Long.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the statue of Crawford W. Long, presented by the State of Georgia, to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious for his distinguished humanitarian service.

Resolved further, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Georgia.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. Will the Chair permit a parliamentary inquiry?

The SPEAKER. Yes.

Mr. BLANTON. When the distinguished gentleman from Massachusetts [Mr. GILLETT] was Speaker, under quite imposing circumstances he received a statue of three women very renowned in the United States, and it was understood that the statue should go into the Hall of Fame. It is now down in the basement of the Capitol full of dust, or it would be if it did not have some one to care for it. When is that statue going to be placed where it belongs? I understand the matter is in the hands of the Speaker.

The SPEAKER. That is not a proper parliamentary inquiry and the Chair does not accept responsibility.

Mr. BLANTON. Could the Chair tell us just what methods should be pursued to get that statue where it belongs?

The SPEAKER. The Chair will make some inquiries.

Mr. GARRETT of Tennessee. Mr. Speaker, if the gentleman will yield, I would suggest that the old Hall of the House of Representatives is reserved by law for the States to send statues to. Unless this statue were sent by a State, under the law I do not think there would be authority to put it in that particular hall.

Mr. BLANTON. I am sure that the Speaker of this House, the distinguished majority leader, and the distinguished minority leader could find some proper place for that statue. It ought to be taken out of the basement and it would be if there were somebody to take up the matter and push it. That is all it needs. It ought not to be in the basement. It ought to be somewhere in this Capitol.

Mr. TILSON. Has the gentleman any suggestion to make?

Mr. BLANTON. I make the suggestion that the Speaker of the House, the majority leader, and the minority leader ought to find some proper place to put it.

Mr. TILSON. The gentleman is acquainted with the Capitol, having been here quite a long while, and can he not make some definite and specific suggestion as to where to place it?

Mr. BLANTON. We found a place for the bust of our distinguished friend from Illinois, Mr. James R. Mann, who was a very valuable Member of this House, and we found a proper place for the bust of Hon. Champ Clark.

Mr. TILSON. Now, can not the gentleman find a place for that statue? That is what I am after now.

Mr. BLANTON. I will find a place for it if the gentleman will put it there.

Mr. TILSON. Let us hear the gentleman's suggestion first.

The resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

TRADING WITH THE ENEMY ACT

Mr. MAPES. Mr. Speaker, at the request of the chairman of the Committee on Interstate and Foreign Commerce, I present a conference report on the bill (S. 1226) to amend the trading with the enemy act for printing under the rule.

The Clerk read the title of the bill.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1226) to amend the trading with the enemy act, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment so that the said House amendment shall read as follows:

"(3 A) An individual who was at such time a citizen or subject of Germany, Austria, Hungary, or Austria-Hungary, or not a citizen or subject of any nation, state, or free city, and that the money or other property concerned was acquired by such individual while a bona fide resident of the United States, and that such individual, on January 1, 1926, and at the time of the return of the money or other property, shall be a bona fide resident of the United States; or

"(3 B) Any individual who at such time was not a subject or citizen of Germany, Austria, Hungary, or Austria-Hungary, and who is now a citizen or subject of a neutral or allied country: *Provided, however*, That nothing contained herein shall be construed as limiting or abrogating any existing rights of an individual under the provisions of this act; or."

And the House agree to the same.

JAMES S. PARKER,
JOHN G. COOPER,
CLARENCE F. LEA,
Managers on the part of the House of Representatives.

ALBERT B. CUMMINS,
WILLIAM H. KING,
WM. E. BORAH,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1226) to amend the trading with the enemy act, submit the following written statement in explanation of the effect of the action agreed upon by the conference and recommended in the accompanying conference report:

The bill as it passed the House provided that in order to be entitled to the return of his property in the custody of the Alien Property Custodian such individual should have declared his intention to become a citizen prior to the passage of the amendment. The conference agreement would eliminate this qualification and substitute a provision that such individual must have been a bona fide resident of the United States on January 1, 1926, in addition to the other conditions specified in the bill. The main object of the amendment is to prevent claimants from qualifying for the return of their property by hereafter taking up their residence in the United States for such purpose.

Paragraph (3 B) was amended by the inclusion of the words "at such time." The time referred to is the time in which the property involved was seized by the Alien Property Custodian. The added language simply makes this language conform to the language of the bill in preceding paragraphs.

JAMES S. PARKER,
JOHN G. COOPER,
CLARENCE F. LEA,
Managers on the part of the House.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

Mr. GARRETT of Tennessee. Will the gentleman withhold that a moment and permit an interrogation?

Mr. TILSON. I withhold it.

Mr. GARRETT of Tennessee. I notice the next bill upon the Consent Calendar is H. R. 10240. This is a bill from the Committee on World War Veterans' Legislation. Of course, it has not been supposed it would come up by unanimous consent now, but I would like to ask the gentleman from Connecticut, in view of the widespread interest in this measure, if he can give the House an idea of when this bill is likely to come up?

Mr. TILSON. No; I can not. There are a number of other things pressing, as the gentleman knows. Next week, for instance, the Committee on Agriculture has a number of bills it wishes to have considered, so that in the immediate future I can not see a place for this bill.

Mr. GARRETT of Tennessee. Is it asking too much of the gentleman to ask him to state whether he can assure the House it will be considered before we adjourn?

Mr. TILSON. I can not say for certain. At any rate, it will require a special rule to bring the bill before the House, and, of course, I can not say whether it will be brought before the House in that way or not. I may say to the gentleman, frankly, that I regard it as too important a bill to be taken up under unanimous consent.

Mr. GARRETT of Tennessee. I did not suppose it would be taken up by unanimous consent. Is there any probability of its being taken up under suspension?

Mr. TILSON. The Speaker passes upon that question in cooperation with other Members of the House, and I do not know whether the Speaker has even considered the matter.

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman from Connecticut says it will take a special rule for this bill. I would like to say that, as one member of the Committee on Rules, I shall very heartily favor a rule for the consideration of this measure.

Mr. BLANTON. Will the gentleman from Connecticut yield for one question or for one suggestion?

Mr. TILSON. Yes.

Mr. BLANTON. If the gentleman puts off the passage of this bill for the World War veterans very much longer, there will not be any necessity for its passage, because most of the disabled World War veterans will be over in St. Elizabeths Hospital.

MIGRATORY BIRD BILL

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the migratory bird bill.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. LaGUARDIA. Mr. Speaker, under leave granted to extend my remarks I want to present to the House certain facts surrounding H. R. 7479, known as the migratory bird bill. The reason that I do so is simply because we are nearing the end of the session, and in the event that during the last days or even the last rush hours of the session this bill should be called up under a rule or under suspension limiting the time of debate I feel it my duty that the membership of the House should be apprised of certain facts and of the unsportsmanlike and selfish purposes urging the passage of this bill.

When the bill was before the House in the Sixty-eighth Congress I voted against it. I did so for the reason that I am strongly and unequivocally in favor of a real bill for the protection of the bird life of this country and that I am unalterably opposed to an unsportsmanlike bill, which, under the guise of a conservation of bird life bill, creates so-called sanctuaries that may be turned into shooting grounds for unsportsmen hunters to slaughter birds.

At the time when H. R. 745 was being read for amendment on Feburary 20, 1925, I said:

> Mr. Chairman, I am moved by conflicting emotions as I follow the debate on this bill. First, I am elated that all birds are to be protected and bird life of America is to be conserved; that grounds and refuges are to be provided for the birds; and then, suddenly, I am brought down to find that we are only feeding the birds and concentrating them on a refuge so that they may be more easily shot. I for one can not understand how it is possible to make a hunting ground out of refuges. The idea seems paradoxical to me. [CONGRESSIONAL RECORD, p. 4286, 68th Cong., 2d sess.]

That is my position to-day. I am now fortified with more proof that convinces me beyond any doubt of the absolute selfish interest of the people who know what is in the bill and who are sponsoring this bill. I do not refer to any of my colleagues in the House, for I sincerely believe that they have been imposed upon. I do not criticize the many splendid men and women and the real sportsmen who are writing in support of the bill. These good people are sincerely in favor of conservation of bird life. They are laboring under a misapprehension as to what is in this bill. My criticism is directed against the lobby, against the men who are sponsoring this bill and seeking the support of the splendid men and women of this country who truly believe in the conservation of bird life, when these lobbyists know that the sole purpose of this bill is not to conserve birds but to slaughter birds and to create a better market for cartridges, powder, and guns.

Let me cite one instance of a letter which I received from the New York Conservation Association (Inc.), who wrote me on April 16, 1926, telling me that their association and

affiliated clubs urgently request my support of the game refuge bill, H. R. 7479. I will read their letter:

NEW YORK CONSERVATION ASSOCIATION (INC.),
OFFICE OF SECRETARY,
April 16, 1926.

Hon. FIORELLO H. LAGUARDIA,
House of Representatives, Washington, D. C.

DEAR MR. LAGUARDIA: This state-wide conservation association for forests, fish, game, and all useful wild life and its affiliated local clubs throughout the State urgently request your support of the game refuge bill (S. 2607, H. R. 7479) which has been favorably reported, to the end that this measure shall become a law early during the session.

The passage of this bill is essential to the preservation of our migratory wild life which is one big essential to the preservation of humanity.

All conservationists, not just hunters, favor the measure and this is true of all classes of citizens who understand the situation.

Thanking you and with assurance of our esteem, we remain,

Yours sincerely,

NEW YORK CONSERVATION ASSOCIATION (INC.),
JAY F. HOOVER, *Secretary.*

This was my reply:

APRIL 19, 1926.

MR. JAY F. HOOVER,
Secretary New York Conservation Association (Inc.),
119 West Tupper Street, Buffalo, N. Y.

DEAR SIR: I have your letter of April 16, 1926, and I note that you are interested in the passage of a bill to prevent the destruction of migratory game in the United States. So am I. But you ask me to support and vote for H. R. 7479. That bill will not do it. Have you seen the bill? It is a bill for the "furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes."

I would suggest that you solicit support of H. R. 10433, which is purely a conservation measure.

Yours very truly,

F. LAGUARDIA.

And I will say in passing that I have sent a similar reply to many other letters which I have received. Here is a typical reply which comes to my letter:

NEW YORK CONSERVATION ASSOCIATION (INC.),
OFFICE OF SECRETARY,
April 29, 1926.

Hon. FIORELLO H. LAGUARDIA,
House of Representatives, Washington, D. C.

DEAR MR. LAGUARDIA: Kindly accept my sincere thanks for your favor of the 19th instant.

Unfortunately, I have not seen a copy of H. R. 10433, but have taken steps to secure same, and will carefully compare its content with H. R. 7479.

With best regards, I remain,

Yours sincerely,

JAY F. HOOVER,
Secretary.

There is no doubt in my mind that support is being obtained for H. R. 7479 by people who are earnestly interested in obtaining a real conservation of bird life law and that the contents and real purpose of H. R. 7479 are not known to them.

In the first place, no shooting should be permitted at any time in any bird sanctuary. The very idea is inconsistent with the purpose of a bird sanctuary and the preservation of bird life. But if H. R. 7479 is to be considered, if shooting is to be permitted in bird sanctuaries, is it unreasonable to ask that a definite bag limit should be written into the law to put a curb on those who want to hunt and whose own sense of decency and sportsmanship knows no limit?

H. R. 10433, a bill "to retard the extermination of migratory game and legitimate sport by the reduction of bag limits and open seasons," was introduced by the distinguished gentleman from Connecticut [Mr. MERRITT] and was referred to the Committee on Agriculture. It provides a reasonable limit readily accepted by every true sportsman, but of course opposed by the manufacturers of ammunition. That bill would limit the bag as follows:

SEC. 14. (a) It shall be unlawful to pursue, hunt, capture, or kill woodcock in any manner or by any means at any time after the date of the passage of this amendatory act and until the expiration of five years from such date.

(b) Until provided by law, it shall be unlawful for any person to capture or kill in any one day more than 15 ducks, in the aggregate, of all kinds; 4 geese, in the aggregate, of all kinds; 4 brant; 15 rails, coot, and gallinules, in the aggregate, of all kinds; 10 blackbellied and golden plovers and greater and lesser yellowlegs, in the aggregate, of all kinds; 15 Wilson snipe or jacksnipe; 15 doves (mourning).

(c) In the event that any person is accompanied or assisted by any other person for hire, the aggregate number of such birds captured or killed by both shall be held to be the number captured or killed by either.

(d) This section shall not be construed as permitting the pursuit, hunting, capture, or killing of migratory birds in violation of any regulation made pursuant to this act.

There is not a sportsman in this country worthy of the name of a sportsman in the American sense of the word who would oppose H. R. 7479 being amended by adding the limitation provided in the Merritt bill. I am certain that not one of the splendid men and women who have written in support of the bill would support H. R. 7479 without a bag limit as provided in the suggested amendment. Only the gun and ammunition makers and their paid agents oppose such a bag limit.

Who are lobbying around Washington stimulating propaganda urging people to write in support of H. R. 7479? It is the American Game Protective Association. And who is the American Game Protective Association? It is an organization controlled by the gun and ammunition interests of the country. Yes; I will concede that there are some true and splendid sportsmen on the membership roll of this association, but I venture to say they do not know the real purpose of this association, what this association is now doing to force the passage of H. R. 7479, and the purpose they hope to obtain in the enactment of that measure into law.

The board of directors of the American Game Protective Association consists of 12 directors, and here are 7 of them:

John Burnham, president American Game Protective Association.
W. E. Keplinger, Peters Cartridge Co.
A. Felix Du Pont, Du Pont Powder Co.
Evans McCarty, United States Cartridge Co.
Frank G. Drew, Winchester Repeating Arms Co.
Frank J. Kahrs, Remington Arms Co.
J. S. Skelly, Hercules Powder Co.

Seven of the 12 naturally control the policy of the association. Seven of them are employees of gun and ammunition factories who devote their time to shaping the policies of the association to the best interests of their employers.

How is this association supported? The last available accurate figures which I could obtain was from the year commencing October, 1920, to September, 1921, and I present them for your consideration:

Net income from—

Winchester Repeating Arms Co	$5,000
E. I. du Pont de Nemours & Co	5,000
Remington Arms Co	5,000
Peters Cartridge Co	1,800
United States Cartridge Co	1,500
Hercules Powder Co	1,000
American Powder Mills	500
Western Cartridge Co	1,000

Twenty thousand eight hundred dollars out of a total of $27,000. Four thousand and fifty dollars of the remaining $6,200 having been taken from the membership, which, as I have stated before, are true sportsmen and not aware of what is going on behind the scenes. Here are some of the expenses paid out of this fund:

Expenses

Salaries	$13,022.92
Traveling expense	1,491.83
Clerical hire	4,730.09
Printed matter	254.23
Clerical hire (charged to game refuge bill)	1,006.50

Apparently most of this money goes to salaries, and I believe that the gentlemen of the House are sufficiently familiar with the gentlemen active in the promotion of the migratory shooting bird bill to know to whom and why the salary is paid.

"Well," it may be stated, "these gun and ammunition plants may be donating this money with altruistic purposes without any selfish interest and should not be critized for their public-spiritedness." When a gun, powder, or ammunition company contributes money for the conservation of bird life it justifies at least a casual inquiry. I made just such an inquiry. I was ready to give these ammunition corporations the benefit of the doubt, and look what I found on my first inquiry:

The president of the American Game Protective Association is John Burnham. In fact, he is the association and its moving spirit. In a letter which Mr. Burnham wrote to one of the very large gun and ammunition companies on June 27, 1922, and incidentally may I say, one of the contributors to the association, Mr. Burnham said:

Both the game and free shooting in this country are in a mighty precarious situation and your business interests to that extent are at stake.

At that time, too, efforts were being made to obtain sanctuaries "for the protection of bird life."

Then, again, on October 24, 1924, when preparations were being made for the passage of the migratory bird bill, which passed the House and was not considered by the Senate in the Sixty-eighth Congress, writing to an ammunition company October 24, 1924, Mr. Burnham, asking for more money, made this startling statement:

I believe that it would not only solve the present situation, but also return to the manufacturers of arms and ammunition a most substantial percentage on the investment.

In another letter to one of the ammunition makers, a contributor to the association and in reference to the bird sanctuary and conservation of bird life bill, Mr. Burnham wrote to his contributor on June 27, 1924, as follows:

The sentimentalists led by Doctor Hornaday are demanding cuts in the bag limits and seasons, which if carried to the logical conclusion means the reduction of shooting opportunities to the vanishing point. Of course, if this happens, the sale of firearms and ammunition will be seriously affected.

I could stop right there. That admission of the selfish purpose, that admission that a bag limit means less sales on ammunition convicts the professional sponsors and the ammunition makers, who with unlimited hypocrisy come before the American Congress with the pretext that they are interested in the conservation of bird life. That alone should justify the adoption of the Merritt bill as an amendment to the migratory bird bill should it be considered by this House at this session.

Here is another one. The same Mr. Burnham of the same association, referring to the same bill with the same purpose in mind, on May 16, 1921, said:

I make this prediction that in one or two years at the most, the peak of your production of both arms and ammunition will pass and be replaced by a downward curve unless the American Game Protective Association is more vigorously supported.

I am for the conservation of bird life, but when I want advice on that subject I refuse to take it from a paid agent of ammunition and gun makers.

The migratory bird bill also provides for the purchase of land to establish these so-called bird sanctuaries. The location of this land, advance knowledge of these sanctuaries is of great importance. It has been stated that Mr. Burnham would be consulted and that he would know in advance where the sanctuaries are to be located and that no location would be made unless it received his approval. I read from an editorial in Forest and Stream of February, 1925:

We have been informed by more than one member of the American Game Protective Association that there is an understanding between Doctor Nelson and Mr. Burnham that no lands are to be purchased or leased for game refuges without consulting with Mr. Burnham.

I naturally inquired of Mr. E. W. Nelson, Chief of the Bureau of Biological Survey of the Department of Agriculture as to the authenticity of the information contained in the paragraph of the editorial just referred to. I received a prompt reply from Mr. Nelson in which he makes a categorical denial of the statement not only in response to my inquiry, but he made it at the time the editorial was written. I read Mr. Nelson's letter:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF BIOLOGICAL SURVEY,
Washington, D. C., April 24, 1926.

Hon. FIORELLO H. LAGUARDIA,
House of Representatives.

DEAR MR. LAGUARDIA: I have your letter of April 22 in which you refer to an editorial in the issue of Forest and Stream for February, 1925.

The assertion that any agreement or understanding exists or ever has existed between John B. Burnham and myself, whereby, should the migratory bird refuge bill pass Congress, no lands would be purchased under its terms until the matter had first been submitted to Mr. Burnham, is a sheer fabrication without the slightest evidence of fact to substantiate it. The purchase of such lands under the terms of this legislation has never been referred to between Mr. Burnham and myself except in the most casual and general way.

On May 17, 1925, soon after the publication of the editorial to which you refer, I sent the following letter to Doctor Bruette, the editor of Forest and Stream:

"On the editorial page of the February number of Forest and Stream appears the following statement:

"'We have been informed by more than one member of the American Game Protective Association that there is an understanding between Doctor Nelson and Mr. Burnham that no lands are to be purchased or leased for game purposes without consulting Mr. Burnham.'

"This has reference to lands that would be purchased should the game refuge public shooting ground bill, recently before Congress, become a law.

"I am writing to deny categorically that any such understanding exists or ever has existed or even been remotely referred to in conversation between Mr. Burnham and myself. This is one of the baseless rumors and misrepresentations which have been circulated apparently for the sole purpose of discrediting the game refuge public shooting grounds bill. I shall be obliged if you will kindly supply me with the names of the members of the American Game Protective Association who you claim supplied you with the information concerning this matter.

"In view of the publicity you have given this false assertion, I request that in fair play you publish this letter in the editorial section of your magazine in order to correct an unjust implication which you have placed upon both Mr. Burnham and myself. Forest and Stream in the past has stood for the right and was noted for its fairness. I trust that it has not lost these desirable qualities."

I received no reply to this letter, and so far as I know Doctor Bruette paid no attention to it.

Sincerely yours,

E. W. NELSON, *Chief of Bureau.*

Now, the question is how did Forest and Stream get the information to base such a statement? Did Forest and Stream make it up? Not at all. This is some of the stuff that the officers of the gun and ammunition companies, who are on the board of directors of the American Game Protective Association, have been handing out. I now quote from a letter written April 14, 1926, by Dr. William A. Bruette, editor of Forest and Stream and sent to Senator William H. King, in which he states:

Your letter of April 8 arrived while I was attending the Isaak Walton League Convention in Chicago.

The statement in my editorial of February, 1925, to the effect that there was a private agreement respecting lands which it was proposed to purchase under the bill then pending was made to me by Mr. Frank J. Kahrs, who was then and is now in the employ of the Remington Arms Co. Mr. Kahrs was his company's representative on the board of the American Game Protective Association. Mr. E. R. Galvin, sales manager of the Du Pont Co., and the representative of his company on the board of the American Game Protective Association, also made the same statement to me. The singular thing about this is that both Mr. Kahrs and Mr. Galvin felt that it was an eminently desirable state of affairs. Mr. Kahrs made his statement to assure me that this understanding between Mr. Burnham and Mr. Nelson assured us that everything would be run all right. Mr. Galvin's only fear seemed to be that something might happen to Mr. Nelson and then the American Game Protective Association had no assurance that they would be able to control the situation. The irregularity of the procedure did not enter into their equation.

I discussed the bill with Mr. Rierson, president of the Remington Arms Co., and submitted my editorial to him before it was published, and certain changes were made in their own writing. In discussing the bill Mr. Rierson agreed with me that this bill had been drawn by men who were either very honest or very dishonest.

Mr. Burnham is either free to deny Mr. Nelson's statement or Mr. Bruette's statement, but he can not deny them both. In either event his position should be explained to the disinterested real sportsmen—not the ammunition makers—who are members of the American Game Protective Association, believing that it is what its name indicates and not knowing that it is an ammunition makers' organization.

Gentlemen, when I was a boy out in Arizona a hunter would shoulder a gun, take to the hills, and hunt game. He had to hunt in the real sense of the word. But can you picture a bird sanctuary fenced in with a stone wall and a line of pikers in close formation advancing into the woods and slaughtering without limit the birds that have been attracted by a sanctuary created by a law passed under the pretext that it will conserve bird life? I feel certain that when the true sportsmen of America learn what is back of this bill they will, to a man and woman, resent it.

If this bill is to pass, gentlemen, let there be no hypocrisy about it. Let it be known as the bird slaughter bill, and at the entrance of these bird-slaughtering grounds replace the figure of the chaste Diana, Goddess of Hunt, with a monument of Peggy Joyce as Queen of the Chase.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I renew my motion that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Friday, April 30, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 30, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Second deficiency bill.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

Proposed bill amending the World War veterans' act with reference to the appointment of guardians.

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To provide for steel cars in the railway post-office service (H. R. 4475).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To amend an act entitled "An act to create a juvenile court in and for the District of Columbia." (H. R. 7612.)

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend paragraph (d) of section 14 of the Federal reserve act as amended to provide for the stabilization of the price level for commodities in general (H. R. 7895).

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

Prohibiting any course of military training from being made compulsory as to any student in any educational institution other than a military school, and amending accordingly the act of June 4, 1920, entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice." (H. R. 8538.)

COMMITTEE ON PATENTS

(9.30 a. m.)

To amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union (H. R. 10434).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

488. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1926, amounting to $92,029.41 (H. Doc. No. 361); to the Committee on Appropriations and ordered to be printed.

489. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the Navy Department for the fiscal year ending June 30, 1926, amounting to $445.92 for the payment of the claim of Anton Kunz (H. Doc. No. 362); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WELSH: Committee on Labor. H. R. 8633. A bill to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases; without amendment (Rept. No. 1040). Referred to the House Calendar.

Mr. SMITH: Committee on Irrigation and Reclamation. S. 3732. An act authorizing an appropriation for the Hillcrest unit of the Boise reclamation project, Idaho; without amendment (Rept. No. 1048). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAYDEN: Committee on Indian Affairs. S. 2817. An act for the relief of Edgar K. Miller; without amendment (Rept. No. 1041). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. H. R. 2190. A bill for the relief of Agnes W. Wilcox; without amendment (Rept. No. 1042). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. H. R. 2328. A bill for the relief of Edith L. Bickford; without amendment (Rept. No. 1043). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. H. R. 3529. A bill for the relief of Genevieve Hendrick; without amendment (Rept. No. 1044). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. H. R. 4263. A bill for the relief of Etelka Bell; without amendment (Rept. No. 1045). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. H. R. 7152. A bill for the relief of Lilly O. Dyer; without amendment (Rept. No. 1046). Referred to the Committee of the Whole House.

Mr. SMITH: Committee on Irrigation and Reclamation. H. R. 11376. A bill to allow credits in the accounts of Anna J. Larson, special fiscal agent, Bureau of Reclamation, Department of the Interior; without amendment (Rept. No. 1047). Referred to the Committee of the Whole House.

Mr. MONTGOMERY: Committee on Indian Affairs. S. 585. An act for the relief of F. E. Romberg; without amendment (Rept. No. 1049). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 608) granting a pension to Lillian Pike, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MORIN: A bill (H. R. 11762) to provide for the sale of uniforms to individuals separated from the military or naval forces of the United States; to the Committee on Military Affairs.

By Mr. TILLMAN: A bill (H. R. 11763) authorizing an appropriation to improve and maintain the Field Kindley Park in the town of Gravette, in the State of Arkansas; to the Committee on Military Affairs.

By Mr. CAREW: A bill (H. R. 11764) to validate devises, bequests, and gifts from alien enemies to American citizens; to the Committee on Interstate and Foreign Commerce.

By Mr. GILBERT: A bill (H. R. 11765) to provide for the collection and publication of statistics of tobacco by the Department of Agriculture; to the Committee on Agriculture.

By Mr. GRAHAM (by request): A bill (H. R. 11766) to require personal bondsmen to file affidavits, etc.; to the Committee on the Judiciary.

Also, a bill (H. R. 11767) to authorize the removal of civil suits of criminal proceedings against officers, agents, and employees of the United States; to the Committee on the Judiciary.

By Mr. TABER: A bill (H. R. 11768) to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health; to the Committee on Agriculture.

By Mr. WELSH: A bill (H. R. 11769) granting the consent of Congress to James L. Baxter, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Delaware River, at a point suitable to the interests of navigation between the city of Burlington, N. J., and the city of Bristol, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Resolution (H. Res. 246) to appoint a committee of five Members of the House to investigate the right of a committee to report bills on the same subject; to the Committee on Rules.

By Mr. BUSBY: Resolution (H. Res. 247) directing the Postmaster General to transmit to the House of Representatives all information concerning the Mississippi patronage charge relating to Perry W. Howard; to the Committee on the Post Office and Post Roads.

Also, resolution (H. Res. 248) directing the Attorney General to transmit to the House of Representatives all information concerning the Mississippi patronage charge relating to Perry W. Howard; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 11770) granting an increase of pension to Catherine Gavagan; to the Committee on Pensions.

Also, a bill (H. R. 11771) for the relief of Nathan Mathews; to the Committee on Claims.

By Mr. BLACK of New York (by request): A bill (H. R. 11772) for the relief of Edward Dubied & Co.; to the Committee on Claims.

By Mr. CRUMPACKER: A bill (H. R. 11773) granting an increase of pension to Anna Guild; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 11774) granting an increase of pension to Deborah Weller; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 11775) granting an increase of pension to Catharine Rowland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11776) granting an increase of pension to Catherine E. Hassler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11777) granting an increase of pension to Agnes F. Gibson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11778) granting an increase of pension to Emma Johnson; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 11779) authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of Thomas M. Rose; to the Committee on Claims.

By Mr. FLAHERTY: A bill (H. R. 11780) granting an increase of pension to Mary A. Powell; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 11781) granting an increase of pension to John L. Mateer; to the Committee on Pensions.

By Mr. GAMBRILL: A bill (H. R. 11782) for the relief of William B. Warder; to the Committee on Claims.

By Mr. GRIFFIN: A bill (H. R. 11783) granting an increase of pension to Anna Maria Buhler; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 11784) granting an increase of pension to Olive A. Torbet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11785) granting an increase of pension to Hattie Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11786) for the relief of William Henry Judson; to the Committee on Military Affairs.

By Mr. HILL of Maryland: A bill (H. R. 11787) for the relief of Morris Pondfield; to the Committee on Claims.

By Mr. KING: A bill (H. R. 11788) granting an increase of pension to Christina N. Parks; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 11789) for the relief of Lewis Brooks; to the Committee on Military Affairs.

By Mr. MAJOR: A bill (H. R. 11790) granting an increase of pension to Lillie C. Ray; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 11791) granting a pension to Ida M. Schotte; to the Committee on Pensions.

By Mr. PARKER: A bill (H. R. 11792) granting an increase of pension to Cynthia M. Byron; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 11793) granting a pension to Edward Tilley; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 11794) granting an increase of pension to Euphema Beasley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11795) granting an increase of pension to Lorinda Wester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11796) granting an increase of pension to Minerva L. Coleman; to the Committee on Invalid Pensions.

By Mr. STROTHER: A bill (H. R. 11797) granting a pension to Anna M. Thornton; to the Committee on Invalid Pensions.

By Mr. SWARTZ: A bill (H. R. 11798) granting a pension to Minnie S. Cadiz; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11799) granting an increase of pension to Louisa Draper; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 11800) granting a pension to Charles H. Van Etten; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 11801) granting a pension to Charles Kuhle; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1998. By Mr. CAREW: Letters explaining bill introduced April 29, 1926, by Mr. CAREW to validate devises, bequests, gifts, etc., by enemy aliens to American citizens; to the Committee on Interstate and Foreign Commerce.

1999. By Mr. FULLER: Petition of Mr. S. Fred Cummings and others, urging support of the Federal farm board bill; to the Committee on Agriculture.

2000. By Mr. KNUTSON: Petition of William A. Patterson, Remer, Minn., and others, protesting against the compulsory Sunday observance; to the Committee on the District of Columbia.

2001. By Mr. KVALE: Memorial of 77 Federal reserve bank members of the State of Minnesota, opposing any legalization of branch banking and urging amendments to promote smooth operation of the Federal reserve system; to the Committee on Banking and Currency.

2002. Also, petition of the Farmer-Labor Association of Minnesota, in biennial convention assembled, urging enactment of adequate relief legislation at this session of Congress which will insure the farmer economic justice; to the Committee on Agriculture.

2003. Also, petition of members of A. B. Post No. 127, American Legion, Hanley Falls, Minn., unanimously urging enactment into law at this session of House bills 10240, 10277, 4548, 10358, and 10426; to the Committee on World War Veterans' Legislation.

2004. Also, petition of members of Sunnyside Farmers' Club, of Kandiyohi County, Minn., urging early construction of the Great Lakes-St. Lawrence deep waterway; to the Committee on Rivers and Harbors.

2005. By Mr. LUCE: Resolution of the Mendon Association of Congregational Churches, urging the effective enforcement of prohibition to strengthen the Volstead Act; to the Committee on Alcoholic Liquor Traffic.

2006. By Mr. O'CONNELL of New York: Petition of the Woodhaven Republican Association, of Woodhaven, Long Island, N. Y., favoring the passage of the Stanfield-Lehlbach retirement bills; to the Committee on the Civil Service.

2007. Also, petition of the Industrial Acceptance Corporation, of New York City, opposing the passage of Senate bill 3511; to the Committee on Interstate and Foreign Commerce.

2008. Also, petition of the A. I. Root Co., of Medina, Ohio, opposing the passage of House bill 39; to the Committee on Interstate and Foreign Commerce.

2009. By Mr. PERKINS: Memorial of the Daughters of the Union Veterans of the Civil War, numbering over 50,000 citizens, earnestly protesting against Confederate memorial upon Stone Mountain in Georgia and also protesting against pensioning of ex-Confederate soldiers by the United States Government; to the Committee on Military Affairs.

2010. By Mr. RANSLEY: Petition of the Philadelphia Board of Trade, opposing House bill 487, the creation in the District of Columbia of an insurance fund for the benefit of employees of the United States Government; to the Committee on the District of Columbia.

2011. By Mr. ROMJUE: Petition of Hannibal Chamber of Commerce, of Hannibal, Mo., urging the passage of the Hawes bill (H. R. 8988); to the Committee on the Judiciary.

SENATE

FRIDAY, *April 30, 1926*

(Legislative day of Thursday, April 29, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McKinley	Shipstead
Bayard	Gillett	McLean	Shortridge
Bingham	Glass	McMaster	Simmons
Blease	Goff	McNary	Smith
Borah	Gooding	Mayfield	Smoot
Bratton	Greene	Means	Stanfield
Broussard	Hale	Metcalf	Steck
Bruce	Harreld	Norbeck	Stephens
Cameron	Harris	Norris	Swanson
Couzens	Harrison	Nye	Trammell
Cummins	Heflin	Oddie	Tyson
Curtis	Howell	Overman	Wadsworth
Dale	Jones, N. Mex.	Phipps	Walsh
Deneen	Jones, Wash.	Pine	Warren
Dill	Kendrick	Ransdell	Watson
Edge	Keyes	Reed, Mo.	Weller
Edwards	King	Reed, Pa.	Wheeler
Fernald	La Follette	Robinson, Ark.	Williams
Ferris	Lenroot	Sackett	Willis
Fess	McKellar	Sheppard	

Mr. CURTIS. I desire to announce that my colleague [Mr. CAPPER] is absent on account of illness in his family. I will let this announcement stand for the day.

Mr. GILLETT. I wish to announce that my colleague [Mr. BUTLER] is necessarily absent to-day on important business.

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present.

ADDITIONAL WING TO DISTRICT JAIL

Mr. JONES of Washington. Mr. President, on yesterday on the call of the calendar the Senate passed the bill (H. R. 10204) providing an additional wing to the District Jail. The commissioners have suggested a very desirable amendment, and I desire to enter a motion to reconsider the votes by which the bill was ordered to a third reading and passed. If the bill has gone to the House, I ask unanimous consent that the House be requested to return the bill to the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES of Washington subsequently said: Mr. President, I find that the bill to which I referred a moment ago, House bill 10204, has not gone to the House. Therefore I move that the Senate reconsider the votes by which the bill was ordered to a third reading and passed.

Mr. ROBINSON of Arkansas. What is the bill?

Mr. JONES of Washington. It is a bill providing an additional wing to the District Jail. The commissioners have suggested an amendment that should have been adopted before we passed the bill.

Mr. ROBINSON of Arkansas. The amendment was not presented to the Senate?

Mr. JONES of Washington. It was not.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington that the Senate reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. JONES of Washington. I desire to offer an amendment to the bill, recommended by the commissioners.

The VICE PRESIDENT. The clerk will report the amendment.

The CHIEF CLERK. On page 1, strike out all after the enacting clause and insert:

That the Commissioners of the District of Columbia be, and they are hereby, authorized to construct an additional building at the District Jail and to rearrange the interior construction of the east wing of the present jail building so as to provide accommodations for not less than 200 additional prisoners, at a total cost not exceeding $300,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 7) for placing the statue of Crawford W. Long in Statuary Hall.

The message also announced that the House had passed without amendment the following bill and joint resolution of the Senate:

S. 957. An act for the purchase of the Oldroyd collection of Lincoln relics; and

S. J. Res. 55. Joint resolution to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172 in Washington, D. C.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 9494. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainesboro-Red Boiling Springs road in Jackson County, Tenn.; and

H. R. 10002. An act granting the consent of Congress to H. J. Stannert, Harry Weis, and George W. Rockwell to construct, maintain, and operate a bridge across the Susquehanna River from a point in the city of Sunbury, Northumberland County, to a point in the township of Monroe, in Snyder County, in the State of Pennsylvania.

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills:

H. R. 7904. An act granting the consent of Congress to Des Arc Bridge Co. and its successors and assigns to construct a bridge across the White River at Des Arc, Ark.;

H. R. 9348. An act granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio;

H. R. 9503. An act granting permission to the State Highway Commission of the State of Tennessee to construct a bridge across the Tennessee River at Savannah, Hardin County, Tenn., on the Savannah-Selmer road;

H. R. 9506. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Perry and Decatur Counties, Tenn.; and

H. R. 9505. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden Road between Humphreys and Benton Counties, Tenn.

The message further announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 3791. An act to purchase a painting of the several ships of the United States Navy in 1891 and entitled "Peace";

H. R. 3990. An act for the erection of a monument upon the Revolutionary battle field of White Plains, State of New York;

H. R. 5359. An act authorizing the purchase by the Secretary of Commerce of a site and the construction and equipment of a building thereon for use as a master track scale and test car depot, and for other purposes;

H. R. 6252. An act amending section 52 of the Judicial Code;

H. R. 9511. An act authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service;

H. R. 10202. An act granting an extension of patent to the United Daughters of the Confederacy; and

H. J. Res. 176. Joint resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversaries of the independence of Vermont and the Battle of Bennington, and authorizing an appropriation to be utilized in connection with such observance.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 6772. An act to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America;

H. R. 6777. An act to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America;

H. R. 8908. An act granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River;

H. R. 8918. An act granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo.;

H. R. 8950. An act granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn.;

H. R. 9688. An act granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Bay Bridge, Ohio; and

H. J. Res. 209. Joint resolution requesting the President of the United States to invite foreign governments to participate in the Seventh International Dental Congress, to be held at Philadelphia, Pa., August 23 to 28, 1926.

GEORGE ROGERS CLARK MEMORIAL LIGHTHOUSE

Mr. FERRIS presented resolutions adopted by the National Society of the Daughters of the American Revolution, in Thirty-fifth Annual Congress assembled, at Washington, D. C., indorsing and approving the bill (H. R. 9644) to authorize the construction of a George Rogers Clark Memorial Lighthouse on the Ohio River at or adjacent to the city of Louisville, Ky., which were referred to the Committee on the Library.

FEDERAL BUILDING PROGRAM

Mr. BRUCE. Mr. President, I would like to have inserted in the RECORD an editorial appearing in the Saturday Evening Post for May 1, 1926, entitled "No more monuments to mediocrity." It is a plea for architectural skill in the construction of buildings for the Federal Government.

There being no objection the editorial was ordered to be printed in the RECORD as follows:

[From the Saturday Evening Post for May 1, 1926]

NO MORE MONUMENTS TO MEDIOCRITY

The new building program of the Federal Government will involve the expenditure of an appropriation of $165,000,000. Nearly a third

of this sum will be employed in and about the city of Washington. This new work is bound to have a far-reaching effect upon the appearance of the city. The type of design established by earlier administrations has given our National Capital many beautiful and distinguished buildings. It seems clear that this type should be perpetuated in the projected work. Recent structures, such as the Lincoln Memorial, the Freer Gallery, the Treasury Annex, and the design for the Arlington Memorial Bridge, have added greatly to the distinction of the city; and in doing so they have placed upon the administrators of the current appropriation a weighty obligation to see that new public works maintain the quality of those already completed.

Those who are anxious to see this ideal carried out in terms of the greatest fitness and architectural beauty note with some apprehension the fact that the Supervising Architect's Office has desired the Civil Service Commission to hold examinations for some 200 additional architects and assistants.

The maximum salary offered is $3,800.

The Supervising Architect appears to be making no effective bid for acknowledged professional eminence or for genius of a high order. No argument should be required to prove that this great and important undertaking should be parceled out among the ablest architects in the country, to the end that the National Government may secure results no less fine and distinguished than those which are being achieved from coast to coast for private interests in the way of railway stations, banking houses, and great office buildings. Nothing less should satisfy any of us whose native pride makes us desire to see Washington the most beautiful and impressive of all world capitals. The lofty standard to which the best American public architecture has attained makes such an ambition possible of realization; but if our dream is to come true it will be because we see to it that our new work reflects the genius of our age and Nation and not their mediocrity.

There are rules and precedents which might make it difficult, if not impossible, for those who will have the spending of the appropriation to avail themselves of the services of those outstanding architects, not in Government employ, who ought to be called upon to prepare plans and drawings for the new work and see that it is keyed into harmony with the old. It is highly important, therefore, that Congress, when making building appropriations, specifically authorize the employment of outside architectural talent, and that executives take advantage of this power to command the services of the most brilliant men in the profession.

Every ugly public building is a monument erected by some architect to his own lack of taste. It is a conspicuous and enduring memorandum of his own blunders, a chronic eyesore for generations of beholders, and a perennial bidder for contemptuous criticism. Neither parsimony nor politics, red tape, nor false economy should be allowed to menace our Capital City with such dour piles of frozen discord. We should not be satisfied even with respectable mediocrity. We ought to strive for a group of buildings conceived in the beauty, touched with the distinction, and informed with the inevitable rightness and authority which genius alone can create.

SENATOR FROM NEW MEXICO

Mr. KING. Mr. President, on behalf of the Senator from Kentucky [Mr. ERNST], chairman of the Committee on Privileges and Elections, I report a resolution, unanimously approved by the Committee on Privileges and Elections, in the matter of the contest of Mr. Bursum against Senator Bratton, of New Mexico. I ask unanimous consent for its immediate consideration.

The resolution (S. Res. 215) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Sam G. Bratton is hereby declared to be a duly elected Senator of the United States from the State of New Mexico for the term of six years, commencing on the 4th day of March, 1925, and is entitled to be seated as such.

Mr. KING. I ask permission to file the report accompanying the resolution (Rept. No. 724).

The VICE PRESIDENT. Without objection, leave is granted.

REPORTS OF COMMITTEES

Mr. TYSON, from the Committee on Military Affairs, to which was referred the bill (S. 3878) to give war-time rank to certain officers on the retired list of the Army, reported it with amendments and submitted a report (No. 720) thereon.

Mr. FRAZIER, from the Committee on Banking and Currency, to which was referred the bill (H. R. 8306) to authorize the coinage of 50-cent pieces in commemoration of the heroism of the fathers and mothers who traversed the Oregon Trail to the far West with great hardship, daring, and loss of life, which not only resulted in adding new States to the Union but earned a well-deserved and imperishable fame for the pioneers; to honor the 20,000 dead that lie buried in unknown graves along 2,000 miles of that great highway of history; to rescue the various important points along the old trail from oblivion; and to commemorate by suitable monuments, memorial or otherwise, the tragic events associated with that emigration—erecting them either along the trail itself or elsewhere, in localities appropriate for the purpose, including the city of Washington, reported it without recommendation and submitted a report (No. 721) thereon.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1050) for the relief of William F. Brockschmidt, reported it with amendments and submitted a report (No. 722) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 8313) to allot living children on the Crow Reservation, Mont., reported it without amendment and submitted a report (No. 723) thereon.

Mr. DILL, from the Committee on Indian Affairs, to which was referred the bill (S. 3958) to provide for the permanent withdrawal of certain lands adjoining the Makah Indian Reservation in Washington for the use and occupancy of the Makah and Quileute Indians, reported it without amendment and submitted a report (No. 725) thereon.

Mr. McNARY, from the Committee on Indian Affairs, to which was referred the bill (S. 3749) to provide for the erection at Burns, Oreg., of a school for the use of the Piute Indian children, reported it with amendments and submitted a report (No. 733) thereon.

PATENTS TO LANDS IN NEW MEXICO

Mr. JONES of New Mexico. I report back favorably with an amendment from the Committee on Public Lands and Surveys the bill (S. 4055) to authorize the Secretary of the Interior to issue patents for lands held under color of title, and I submit a report (No. 717) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, at the end of the bill, after the word "corporation" and before the period, to insert "organized under the laws of the United States or any State or Territory thereof," so as to make the bill read:

Be it enacted, etc., That whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land, not known to be mineral, in the State of New Mexico, not exceeding in the aggregate 160 acres, has or have been held in good faith and in peaceful, adverse possession by a citizen of the United States, his ancestors or grantors, for more than 20 years under claim or color of title, and that valuable improvements have been placed on such land, or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of $1.25 per acre, cause a patent or patents to issue for such land to any such citizen: *Provided*, That where the area or areas so held by any such citizen is in excess of 160 acres the Secretary may determine what particular subdivisions, not exceeding 160 acres in the aggregate, to any such citizen may be patented hereunder: *Provided further*, That the term "citizen" as used herein shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

RED RIVER BRIDGE

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 5691) granting the consent of Congress to Charles L. Moss, A. E. Harris, and T. C. Shattuck, of Duncan, Okla., to construct a bridge across Red River at a point between the States of Texas and Oklahoma where the ninety-eighth meridian crosses said Red River, and I submit a report (No. 718) thereon. I call the attention of the Senator from Oklahoma [Mr. HARRELD] to the bill.

Mr. HARRELD. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. KING. Let it be read.

The bill was read, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments, which were, in section 1, page 2, at the end of line 3, after the numerals "1906," to insert a comma and "and subject to the conditions and limitations contained in this act"; and to strike out sections 2, 3, 4, and 5 in the following words:

SEC. 2. That the said Charles L. Moss, A. E. Harris, and T. C. Shattuck, their heirs, administrators, and assigns, are hereby authorized and empowered to fix and charge just and reasonable tolls for the passage over such bridge of pedestrians, animals, and vehicles

adapted to travel on public highways, and the rates so fixed shall be the legal rates, and the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906.

SEC. 3. That the States of Oklahoma and Texas, or any official agency of either thereof, or any political or other subdivision or subdivisions thereof within or adjoining which such bridge is located, may jointly or severally at any time after 15 years from the completion of such bridge, by agreement or condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation, acquire all right, title, and interest in such bridge and the approaches and appurtenances thereto for the purpose of maintaining and operating such bridge as a free bridge. If such bridge is acquired as aforesaid by condemnation, in determining the measure of damages or compensation to be paid for the same, there shall not be included any credit or allowance for good will, going value, or prospective revenues or profits, but same shall be limited to such an amount not exceeding the original cost thereof as shall represent the fair value of the bridge and its appurtenances at the time of such acquisition. After five years from the date of acquiring such bridge by such State or States or any official agency or agencies thereof, or any political or other subdivision or subdivisions thereof, the same shall be maintained and operated as a free bridge.

SEC. 4. The said Charles L. Moss, A. E. Harris, and T. C. Shattuck, their heirs, administrators, and assigns, shall immediately upon the completion of such bridge file with the State Highway Departments of the States of Oklahoma and Texas an itemized sworn statement of the actual original cost of such bridge and its approaches and appurtenances, including any reasonable actual expenditures for engineering and legal services and any reasonable fees, discounts, and expenditures incurred in connection with the original financing thereof. Such an itemized statement of cost may be investigated by the highway department of either of such States at any time within three years after the completion of such bridge and verified and corrected, and its findings shall be conclusive upon all persons, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

And in lieu thereof to insert the following:

SEC. 2. There is hereby conferred upon the said Charles L. Moss, A. E. Harris, and T. C. Shattuck, their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by bridge corporations for bridge purposes in the State or States in which such real estate and other property are located upon making just compensation therefor, to be ascertained and paid according to the laws of such State or States; and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State or States.

SEC. 3. The said Charles L. Moss, A. E. Harris, and T. C. Shattuck, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

SEC. 4. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Texas, the State of Oklahoma, any political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over and acquired by the States or political subdivisions thereof under the provisions of section 4 of this act, the same may thereafter be operated as a toll bridge; in fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided the bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The said Charles L. Moss, A. E. Harris, and T. C. Shattuck, their heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said Charles L. Moss, A. E. Harris, and T. C. Shattuck, their heirs, legal representatives, and assigns, shall make available to the Secretary of War all of their records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Charles L. Moss, A. E. Harris, and T. C. Shattuck, their heirs, legal representatives, and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage, foreclosure, or otherwise is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ARKANSAS RIVER BRIDGE

Mr. BINGHAM. I report back favorably without amendment from the Committee on Commerce the bill (H. R. 9634) to extend the time for the construction of a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark., and I sumbit a report (No. 719) thereon. I call the attention of the Senator from Arkansas [Mr. ROBINSON] to the bill.

Mr. ROBINSON of Arkansas. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Connecticut.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by Congress, approved March 3, 1925, to be built by the Yell and Pope County bridge district, Dardanelle and Russellville, Ark., across the Arkansas River at or near the city of Dardanelle, in the county of Yell, in the State of Arkansas, are hereby extended one and three years, respectively, from the date of approval hereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENDRICK:

A bill (S. 4131) to provide for clearing, leveling, and preparing land for irrigation on Federal reclamation projects; to the Committee on Irrigation and Reclamation.

By Mr. ODDIE:

A bill (S. 4132) to amend section 1 of the act of June 7, 1924, entitled "An act for the relief of settlers and town-site occupants of certain lands in the Pyramid Lake Indian Reservation, in Nevada, and for other purposes"; to the Committee on Public Lands and Surveys.

By Mr. DILL:

A bill (S. 4133) granting an increase of pension to Belle S. Chaffin; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 4134) granting a pension to Thomas Lamb; and

A bill (S. 4135) granting an increase of pension to Sarah A. Kemp; to the Committee on Pensions.

By Mr. McKINLEY:

A bill (S. 4136) granting an increase of pension to Sophronia J. Vertrees (with an accompanying paper); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 4137) providing for the retirement of Lieut. Commander Henry Emile Quenstedt, United States Naval Reserve Force, as within the provisions of the act approved July 12, 1921; to the Committee on Naval Affairs.

A bill (S. 4138) granting the consent of Congress to the State highway department of Georgia to construct a bridge across the St. Marys River; to the Committee on Commerce.

A bill (S. 4139) for the relief of Margaret Doyle, administratrix of the estate of James Doyle, deceased; to the Committee on Claims.

A bill (S. 4140) granting grade, rank, pay, and allowances of retired warrant officer to Sergt. Otto Krause; to the Committee on Military Affairs.

By Mr. WADSWORTH:

A bill (S. 4141) for the purpose of carrying out the provisions of General Orders, No. 195, War Department, June 29, 1863, for the presentation of medals; to the Committee on Military Affairs.

By Mr. CAMERON:

A bill (S. 4142) authorizing the Secretary of the Interior to lease unallotted lands within the Colorado River Indian Reservation; to the Committee on Indian Affairs.

A bill (S. 4143) to grant 500,000 acres of land to the State of Arizona for the benefit of disabled miners and their dependents; to the Committee on Public Lands and Surveys.

By Mr. McKINLEY:

A joint resolution (S. J. Res. 105) relating to the use of the metric system of weights and measures in the United States; to the Committee on Commerce.

VALUE OF MUSCLE SHOALS TO THE SOUTH

Mr. DILL. I ask unanimous consent to have printed in the Appendix of the RECORD an article written by Judson King, which is entitled "The Value of Muscle Shoals to the South."

The VICE PRESIDENT. Without objection, it is so ordered.

The article referred to is as follows:

[Bulletin No. 104, April 10, 1926]

NATIONAL POPULAR GOVERNMENT LEAGUE,
Washington, D. C.

By Judson King, Director

THE VALUE OF MUSCLE SHOALS TO THE SOUTH

Muscle Shoals has been generating power since September with Army engineers in charge. The Alabama Power Co. has bought this current at 2 mills per kilowatt-hour and sold it at 850 mills, or 8.5 cents, per kilowatt-hour domestic use and at proportionately high rates for power users. Senator McKELLAR estimates the profits thus far at around $3,000,000. It costs 2 mills to send a kilowatt-hour 300 miles. Wilson Dam can supply current to cities, homes, farms, and factories in 14 States within 300 miles from Muscle Shoals.

Electric energy is now being sent successfully as a business and engineering proposition not only 300 miles but as high as 550 miles in the United States to-day. It is certain that future scientific discoveries will lengthen the distance and cheapen the cost.

President Thomas W. Martin, of the Alabama Power Co., in a letter to Senator NORRIS on February 24, 1926, states that the transmission lines of his company are interconnected to supply power in the States of Alabama, Tennessee, Georgia, North and South Carolina, and presently Florida and Mississippi.

He furnished the Senator with a statement of the amount of energy he had purchased from the United States Government at Muscle Shoals. Through the kindness of the office of Major General Taylor, Chief of Engineers of the War Department, I have verified Mr. Martin's figures as correct and been able to bring them up to March 26. Here they are—

Alabama Power Co.

(Wilson Dam—Net generation and charges)

	Net generation, kilowatt-hours per month	Payment to United States Government per month
1925		
September	7,431,000	$14,862
October	10,671,000	21,342
November	12,847,000	25,694
December	13,480,000	29,960
1926		
January	12,321,000	24,642
February	13,717,000	27,434
Mar. 26	14,694,000	29,388
Total	85,161,000	173,322

No blame attaches to Mr. Martin for getting Government current as cheaply as he can nor to the War Department for selling to the only available distributing system on an uncertain short-time contract until the disposition of the shoals is finally decided.

Only 4 units of the Muscle Shoals plant are now operating, as against a total of 18. Engineering opinion differs as to whether the production cost to Uncle Sam will be 2 mills, 4, or 6 mills per kilowatt when the plant is in full operation. Be that as it may, it is certain that there is no sound financial excuse for the people of the South to continue to pay the power companies from 8 to 10 cents per kilowatt-hour for current that costs from 4 to 6 mills at the plant to make and which they might purchase cheaply under the Norris plan.

TRANSMISSION COST 2 MILLS PER KILOWATT-HOUR

Ontario to-day shoots a kilowatt of electricity from Niagara Falls to Windsor, opposite Detroit, 252 line miles (200 miles as the crow flies), for less than 2 mills; and those great engineers, Arthur Powell Davis, former chief engineer of the United States Reclamation Service, and Prof. W. F. Durand, of Leland Stanford University, president of the American Society of Mechanical Engineers, in 1925 testified that it would cost only 2 mills per kilowatt to transmit power approximately 300 miles from the proposed Boulder Canyon Dam in the Colorado River. Muscle Shoals current can be distributed at like cost.

It would be of priceless value to the whole American people if they could know exactly what profits are being made by the Alabama Power Co. on the energy now purchased from the United States Government at 2 mills per kilowatt-hour, and also what the profit would be for 50 years with Muscle Shoals in full operation. But no figure of scientific value can be arrived at because the financial industrial operations of the power companies are so ramified and their systems of bookkeeping intentionally made so complicated, befuddling, and mysterious that no one save a very few insiders know what the actual profits and costs of operation are that are necessary to such an estimate. No engineer or accountant could discover from reports to State utility commissions the factors required. This is one of the most conspicuous points of failure in "regulation" as now practiced. I am too much of a gentleman even to ask Mr. Martin to disclose his valuable business secrets. He would be a prize mutt if he told me so that I could tell you.

It was this difficulty of arriving at exact estimates that no doubt led Senator McKELLAR to state such wide variations in the possible profits of the Alabama Power Co. from Muscle Shoals power to date quoted above. The figures were taken from his speech in the Senate on March 4, CONGRESSIONAL RECORD, page 4707. I quote further:

"The Government got for the power given to the Alabama Power Co. in November $26,000. What does the company get for it? If they sold at 1 cent per kilowatt they would get $130,000 a month * * * at 2 cents it would be $260,000 * * * at 3 cents it would be $390,000 * * *. If they sold it at 4 cents, approximately one-half what they charge their customers, it would be $520,000 a month * * *. If they sold it at 8½ cents, the highest price, they would get $1,105,000 for it. But if we suggest that it sells on the average of only 4 cents, the company would get $6,240,000 a year profit on this business * * *. They have already made, according to the figures General Taylor furnished, something more than $3,000,000 during the six months referred to."

Mr. Earl Sparling, able Washington correspondent of the Scripps-Howard newspapers, in a dispatch to his papers February 26 last, gave some figures which throw another possible sidelight on this perplexing problem. He states that according to figures just made public by the Alabama Public Service Commission "the Alabama Power Co. earned almost 50 cents net income on every dollars' worth of electricity sold in 1925 * * *. The company earned $10,415,887 gross income from the sale of electricity last year. Expenses of operation were only $5,231,461."

$1,347,971,464.80 PROFIT IN 50 YEARS

Muscle Shoals under the Norris plan is worth billions in direct saving on power costs and many more billions as a regulator of private monopoly by competition. Here is a minimum guess on what it is worth to the power combine.

War Department engineers now estimate the yearly power output of Wilson dam in full operation at 700,000,000 kilowatt-hour primary, and 1,490,000,000 kilowatt-hour secondary; total 2,190,000,000 kilowatt-hours.

Engineers of the Giant Power Survey of Pennsylvania report that the electric power utilities of that State sold during 1924 approximately five and one-fourth billion kilowatt-hours for $128,000,000, or approximately 2½ cents per kilowatt-hour. This includes generation, transmission, distribution utilization, and fixed charges and profits. The engineers assert a profit of approximately 4 mills per kilowatt-hour. Generation is by both steam and water.

To be safe let us make the violent assumption that it will cost as much to generate energy at Muscle Shoals by water power alone as in Pennsylvania with both steam and water. Let us cut that 4 mills profit in half and make it 2 mills, to be ultraconservative. A re-

mendous market awaits Muscle Shoals power, and we may assume the plant will be run at full capacity.

2,190,000,000 KILOWATT-HOURS MULTIPLIED BY 2 MILLS EQUAL $4,380,000 YEARLY PROFIT

But interest? Say, at 6 per cent compounded annually $4,380,000 each year for 50 years. To be business-like, we must add that. But to figure it staggered me. Life is short. So I asked my friend, Mr. Geo. D. Lane, the comptometer man on the floor above. He said, "Leave it to me." In less than an hour his demonstrator, Miss Lulu Fike, came down and handed me the figure. It was $1,347,971,464.60.

Figure it out for yourselves what a profit of 4 mills per kilowatt-hour would yield.

Is it not perfectly clear why Mr. Coolidge's friends and political supporters, the big power men, after calm consideration in the light of safe public policy and sound economic principles, are convinced that they and not Uncle Sam should operate Muscle Shoals?

ARMY ENGINEERS EFFICIENT

However, the United States Government has been operating the power plant at Muscle Shoals for eight months. Notwithstanding vociferous propaganda of the National Electric Light Association, many Senators and Representatives, et al., that this Government can do nothing successfully, it is not of record that General Taylor and Major Tyler, engineer in charge of the plant at Muscle Shoals, have done a bad job. In fact, they have done a good job, and I doubt not they would take just as much pleasure in employing their technical skill in behalf of the people of the Southern States as of the Alabama Power Co. As Army men, however, they can say nothing as to their preferences but obey orders of their chief, the President of the United States.

PRESIDENT COOLIDGE VERSUS SENATOR NORRIS

As to the present President of the United States, Mr. Calvin Coolidge, let us remind ourselves that he is personally leading the fight to deliver this magnificent natural resource and a power development that has cost American taxpayers $150,000,000 into private hands for private profit. Whether he gives it to the Power Trust or to some great manufacturing concern makes no difference to the South. The people will still go on paying high rates for electric energy.

As opposed to this policy, Senator GEORGE W. NORRIS is still struggling against terrific odds to keep Muscle Shoals in public possession and permit the cities, the manufacturers, the farmers, and the home owners of the South to purchase their electric energy at cost as in Ontario. His bill, S. 2147, would permit a city like Memphis, for example, if it had its own local distributing system, to run a high-power wire to Muscle Shoals and buy its current wholesale for distribution by itself.

LAND VALUES

Every person in the South who owns a piece of real estate, as well as every business and professional man, if economically wise, will be in favor of public operation of Muscle Shoals. The cheaper the cost of power the more rapidly and surely will manufacturers be attracted, the more swiftly will industrial development proceed, the greater the population will become, and the whole process be properly reflected in the increased value of land. Land values thus soundly created are not of the speculative ruinous kind due to artificially stimulated "booms," and the prosperity thus generated comes to stay.

The rapid industrial development of Los Angeles is substantial and is due to the fact that the municipally owned and operated electric water and power system has furnished manufacturers the cheapest power and water supply to be found in the Southwest. This is the fundamental reason why Los Angeles is outstripping San Francisco as a manufacturing center.

LOW PUBLIC AND HIGH PRIVATE TAX RATES

It becomes therefore pertinent to inquire into the prices consumers would have to pay under the Norris plan or under the continuance of the present system as advocated by President Coolidge. The average citizen is easily fooled by words. Call a thing a "rate" and he will cheerfully pay. Call it a "tax" and he will howl. President Coolidge is a great advocate of tax reduction. He has recently put through a bill which slighty reduces the tax of common folks, but untaxes the big rich to the tune of billions of dollars. His power policy—that of Hoover and the power trust—in effect sanctions the right of the power companies, owned chiefly by the aforesaid big rich, to levy unconscionable private taxes upon the aforesaid common folks for electric service. Senator Norris, however, desires the tax levied for electric service to be the least possible, therefore he favors Muscle Shoals remaining in the hands of the people.

The difference in these two systems of taxation for electric service may be discovered by comparing the rates now paid to private companies in a few of the cities that might be served by Muscle Shoals with what the people of similar cities and towns are paying in Ontario.

The Public Utilities Commission of the District of Columbia reports that 40 kilowatts per month is the average residential consumption of electricity. Taking this as a basis, and applying the rates quoted in the 1924 rate book of the National Electric Light Association, and the 17th (1924) Annual Report of the Ontario Hydroelectric Commission, we get the following results:

Coolidge tax as of existing rates in Southern States, 40 kilowatt-hours per month		*Norris tax as of existing rates in Ontario, 40 kilowatt-hours per month*	
Birmingham, Ala	$3.06	Toronto	$1.05
Mobile, Ala	3.60	Windsor	1.20
Montgomery, Ala	3.02	St. Marys	1.20
Atlanta, Ga	3.15	London	1.15
Augusta, Ga	3.60	St. Thomas	1.15
Columbus, Ga	4.00	Galt	1.02
Macon, Ga	3.60	Woodstock	1.15
Savannah, Ga	3.60	Kitchener	1.15
Jackson, Miss	6.00	Waterloo	1.02
Meridian, Miss	4.56	St. Jacobs	1.38
Columbia, S. C	3.24	Weston	1.02
Greenville, S. C	3.42	Brampton	1.02
Spartanburg, S. C	3.53	Acton	1.20
Charlotte, N. C	3.42	Glencoe	1.56
Knoxville, Tenn	3.96	Woodstock	1.15
Memphis, Tenn	2.88	Preston	1.33
Nashville, Tenn	3.96	Hamilton	1.15
Little Rock, Ark	4.00	Sarnia	1.20
Pine Bluff, Ark	5.40	Stratford	1.20
New Orleans, La	3.63	Windsor	1.20
Pensacola, Fla	4.94	Guelph	1.15
Lexington, Ky	3.24	Dresden	1.20
Louisville, Ky	3.04	Sarnia	1.20
Cincinnati, Ohio	3.20	Windsor	1.20
Evansville, Ind	2.70	Windsor	1.20
E. St. Louis, Ill	3.80	Chatham	1.20
St. Louis, Mo	2.66	Windsor	1.20

A FULLY ELECTRIFIED HOME IN HAMILTON, ONTARIO

But 40 kilowatts per month is only enough electric current to light a house. The average American housewife longs for an electric washing machine, irons, sweeper, electric range for cooking, etc., but "electricity costs too much" and so she gives it up, and contents herself with light only. Muscle Shoals and similar power sites is the answer to this home need, but American women are kept in ignorance of how cheaply electric current can be sold and so think it is not possible for them. But it should be made as available for them as it is now for the women of Ontario, Canada. Let me illustrate.

Rev. J. J. Morton, of Hamilton, Ontario, lives in a 16-room house at 39 Park Street South. The total household consists of 12 persons. The home is managed by his very capable daughter, Miss Winona. Her electrical equipment is as follows:

Thirty-nine lights, sizes 40 to 200 watts (ordinary bulb is 50).
Westinghouse electric range, with four top burners and oven.
Electric washing machine.
Hoover sweeper.
Two-burner hot plate for boiling clothes.
Toaster.
Electric iron.
Grill.

You will note Miss Morton likes lots of light. I surmise she has one of those 200-watt bulbs in her kitchen, and perhaps Doctor Morton has a good-sized one in his study. Women especially will be alive to the amount of cooking, washing, ironing, and sweeping in such a home, and think so much electricity extravagant for a minister's home; but prepare to gasp—it costs Miss Morton only about $50 a year to run all this equipment.

Americans have a good right to doubt the truth of my statement, so in self-defense I reproduce here as nearly as possible on a mimeograph the Reverend Morton's paid bill for the two months ending December 12, 1924. Note that Miss Morton used 884 kilowatt-hours, for which they paid $7.99, a net cost of only 0.0128 cents per kilowatt-hour.

HAMILTON HYDRO ELECTRIC SYSTEM

RESIDENCE ACCOUNT

Date due, December 26.

Rev. J. J. Morton, 39 Park Street, South.

Fixed charge, 3 cents per 100 square feet	$1.32
Consumption at 2 cents per kilowatt-hour	2.64
Consumption at 1 cent per kilowatt-hour	4.92
Gross bill	8.88
Discount, 10 per cent	.89
Net bill	7.99

Meter readings furnished on request.
Last meter reading, December 12, 1924.
Consumption, kilowatt-hours, 624.

I have examined the original bill reproduced and certify that the above is a true copy as showing the amount of electricity used and the price paid.

[SEAL.] MARY V. JUDGE, *Notary Public.*

My commission expires April 15, 1930.

How can it be? Simple enough. The Mortons buy current retail from the city of Hamilton. The city purchases current wholesale from the great Ontario hydroelectric superpower system, which is also publicly owned and operated. The generating plant is at Niagara Falls, Canadian side. The profits of the system, State and municipal, are distributed in the shape of low rates to its owners—the people.

That is, they utilize their own river for their own benefit, just as Senator NORRIS wants Muscle Shoals utilized for the benefit of the people of the Southern States who own the Tennessee River.

SHOULD REVEREND MORTON MOVE TO DIXIE LAND

Now, if Reverend Morton should desire to move from Ontario to Dixie land, I imagine Miss Winona would instantly say: "Father, I shall want to take my electrical equipment along, so please find out about rates in the Southern States."

So let us suppose he should write Senator Thomas Heflin (Democrat now working with Coolidge), of Alabama, "624 kilowatts costs me $7.99 in Ontario, what will it cost in Alabama with the understanding that 300 kilowatts is used for cooking?"

All Senator HEFLIN could do would be to respond to the effect: Dear Doctor Morton: I have consulted the mayor of my home town, Lafayette, and the 1924 rate book of the National Electric Light Association and find as follows: If you were to come to my home town instead of $7.99 it would cost you, $50.88.

In Birmingham they will charge you, $31.89.

And by the same token Senator JOSEPH ROBINSON, of Arkansas, might write: "In Little Rock instead of $7.99 they will charge you $49."

Senator PAT HARRISON, of Mississippi, against the Norris plan, could respond: "In Jackson instead of $7.99 it will cost you $61.79."

Senator BROUSSARD, Democrat, of Louisiana, who voted with Coolidge, could respond:

"DEAR DOCTOR: New Orleans has two electric power companies, and Miss Morton can get the benefits of competition. The Consumers Light & Power Co. will charge her $36.39, instead of $7.99, and the New Orleans Public Service (Inc.) will charge her $36.39."

Senator ERNST, Republican, of Kentucky, could reply: "In Louisville instead of $7.99 it will cost Miss Morton $39.62."

Senator TYSON, Democrat, of Tennessee, who helps Coolidge while his colleague, Senator MCKELLAR, will not, might respond:

"In Knoxville instead of $7.99 it will cost you $27.30; in Nashville, $40.72; in Chattanooga, $18."

Senator OVERMAN, Democrat, of North Carolina, who voted against the Coolidge proposition, might suggest:

In Asheville it would cost you $40.90 instead of $7.99.

Senator SMITH, Democrat, of South Carolina, who believes the South should have the benefit of Muscle Shoals, their own property, and so was against Mr. Coolidge's proposal, could communicate:

In Columbia it will cost you $39.70, and in Greenville $43.63 instead of $7.99.

Senator GEORGE, Democrat, of Georgia, who voted "No" on the Coolidge proposition, could write:

"In Atlanta 624 kilowatts for which you paid $7.99 would cost you $35.43."

Senator FLETCHER, Democrat, of Florida, who voted with Coolidge, could say:

"A publicly owned plant at Jacksonville will do it for $16.85, while a private plant at Pensacola would charge you $63.20 instead of $7.99."

Senator WILLIAMS, Republican, of Missouri, who voted with Coolidge, could advise:

"In St. Louis I find you will have to pay $17.16 instead of $7.99."

Senator MCKINLEY, Republican, of Illinois, who strongly supported the Coolidge proposition, could write:

"In East St. Louis the private company will charge you $24.09. There is a municipally owned plant over in Springfield run by Willis J. Spaulding which will charge you $14.56 instead of $7.99."

Senator WILLIS, Republican, of Ohio, who always supports Coolidge, could answer:

"In Cincinnati your bill would be $22.74 instead of $7.99."

Senator JAMES WATSON of Indiana, Republican leader who voted with Coolidge, might reply:

"In Evansville the cost would be $34.83 instead of $7.99."

SMALL POWER USERS

If the commercial and small power users were aware of the vast sums public operation of Muscle Shoals would save them, it is inconceivable that as intelligent business men they would consent for a moment to the Coolidge-Hoover program.

As a matter of historic fact, it was the small manufacturers and business men of Ontario who started the movement 20 years ago to capture the Canadian Niagara power for themselves and all the people. They succeeded, and to-day have not only the largest but the most efficient and cheapest superpower system in the world.

Their financial success should arrest the attention of men who desire to promote the South because Ontario "Hydro" is a success, despite the false propaganda of the National Electric Light Association, publicity agent for the power trust, which circulated the utterly false and discredited report of William H. Murray in 1922 and are at least sympathetic with if not actively behind the circulation of the equally ridiculous attack on the Ontario system by the late Professor Mavor, which has been sent gratuitously by the thousands to prominent men throughout the South; a book laughed at in Ontario. It is noteworthy that Mavor does not quote electric light and power rates, which is the real point at issue.

Small southern power users will be interested in the following comparison of rates, which I have had especially made for this bulletin by one of the most competent active electrical engineers in the Nation, whose name I can not here disclose for protective reasons.

The installation considered for comparison was a 10-horsepower motor, operating 8 hours per day, 30 days a month, at full load for the entire period, giving as a result 1,560 kilowatt-hours consumed for the month and a peak load of 10 horsepower of 7½ kilowatts.

The rates for the Ontario cities are taken from the seventeenth annual report (1924) of the Hydro Electric Power Commission of Ontario, pages 484–490. The Tennessee rates are derived from the 1924 Rate Book of the National Electric Light Association, pages 419–425.

The Ontario cities are served from the Queenstown hydroelectric plant below Niagara Falls, the Tennessee cities from the great hydroelectric plant of the Tennessee Power Co. at Hales Bar, about 10 miles below Chattanooga on the Tennessee River. The above data is given to meet vague talk and quibbling, and to furnish engineers, accountants, and technical men the exact factors upon which the following figures are based:

Comparative cost of a 10-horsepower motor in Tennessee and Ontario

City	Approximate distance from generating station	Population	Net bill
	Miles		
Chattanooga, Tenn.	10	60,163	80.65
St. Catharine, Ontario	10	21,194	15.56
Nashville, Tenn.	100	121,128	84.44
London, Ontario	100	61,369	21.02
Knoxville, Tenn.	120	88,869	68.76
Windsor, Ontario	200	42,122	28.17

On April 26 the bids for Muscle Shoals now being received by the joint congressional committee will be reported to Congress for action. And the next great battle will begin. It is evident that two great forces are in conflict—the power monopoly as against certain industrial interests which desire to utilize Muscle Shoals for manufacturing purposes only.

In either case the supreme, direct boon which this great plan might be to the southern people will be lost to them. The power crowd will generate low and sell high, as at present. The manufacturers will use the site for themselves.

The Norris plan establishes real competition between the existing Power Trust and the people's own plant. It will give the cities, the farmers, the manufacturers, and everybody the chance to buy power from Uncle Sam at cost and distribute it themselves. That chance alone will bring power rates tumbling all over the South, just as the Cleveland (Ohio) Illuminating Co. sells domestic lighting now at 5 cents per kilowatt hour, instead of 10 cents as it once did, because of the presence of the municipal 3-cent plant, one-quarter its size.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and a joint resolution of the House were severally read twice by title and referred as indicated below:

H. R. 3791. An act to purchase a painting of the several ships of the United States Navy in 1891 and entitled "Peace"; and

H. R. 3990. An act for the erection of a monument upon the Revolutionary battle field of White Plains, State of New York; and

H. J. Res. 176. Joint resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversaries of the independence of Vermont and the battle of Bennington, and authorizing an appropriation to be utilized in connection with such observance; to the Committee on the Library.

H. R. 5359. An act authorizing the purchase by the Secretary of Commerce of a site and the construction and equipment of a building thereon for use as a master track scale and test car depot, and for other purposes; to the Committee on Public Buildings and Grounds.

H. R. 6252. An act amending section 52 of the Judicial Code; to the Committee on the Judiciary.

H. R. 9511. An act authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service; to the Committee on Post Offices and Post Roads.

PROPOSED WALKER RIVER DAM, NEVADA

Mr. ODDIE submitted an amendment intended to be proposed by him to the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev., which was ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1226) to amend the trading with the enemy act.

The message also announced that the House had passed without amendment the following bills of the Senate:

S. 99. An act for the relief of the owner of the lighter *Eastman No. 14;*

S. 113. An act for the relief of the owner of the American barge *Texaco No. 153;*

S. 547. An act for the relief of James W. Laxson;

S. 1131. An act for the relief of James Doherty; and

S. 2338. An act authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army.

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes.

Mr. FERNALD. Mr. President, two weeks ago to-day the public buildings bill was placed before the Senate. It has been the unfinished business for a large part of the time during the past two weeks. During some days the bill has never been mentioned, and other matters which seemed to be of more importance to Senators have been debated. I have endeavored to give every Senator an opportunity to present what seemed to be reasonable legislation.

In the interest of economy I believe the bill ought to have prompt action, consideration, and enactment. It is costing the Government of the United States $70,000 every day for rentals, and every time a lease expires on a rented building the charges are advanced; so that, considering efficiency in the conduct of the public business and the interests of economy all around, I believe every day of delay in the enactment of this proposed legislation is costing the Government $75,000.

Of course, the entire expense can not be relieved immediately by the passage of this measure, but we can, at least, begin to relieve the situation. I am not going to make any speech or remarks in reference to the bill. It has been debated pro and con, by both sides. I am going to ask that we may make some progress to-day and that we agree to the amendment reported by the committee on page 2, line 7.

The VICE PRESIDENT. The amendment referred to by the Senator from Maine will be stated.

The CHIEF CLERK. In section 1, page 2, line 7, after the word "purposes," the Committee on Public Buildings and Grounds propose to insert the words "giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired," so as to read:

That, to enable the Secretary of the Treasury to provide suitable accommodations in the District of Columbia for the executive departments and independent establishments of the Government not under any executive department, and for courthouses, post offices, immigration stations, customhouses, marine hospitals, quarantine stations, and other public buildings of the classes under the control of the Treasury Department in the States, Territories, and possessions of the United States, he is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such sites and additions to sites as he may deem necessary, and to cause to be constructed thereon, and upon lands belonging to the Government conveniently located and available for the purpose (but exclusive of military or naval reservations), adequate and suitable buildings for any of the foregoing purposes, giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired.

Mr. HARRISON. Mr. President, I merely wish to call the attention of the Senate to this remarkable bill and to insert in the bill instead of the words "the Secretary of the Treasury," the name of Mr. Mellon, who will have full charge of the expenditures of the moneys proposed to be appropriated by the bill, of the location of the sites of the proposed buildings, the fixing of their cost, and everything else which is proposed to be done by the bill; in other words, I merely wish to call the attention of the Senate how the bill would read if we would strike out the words "the Secretary of the Treasury," and the personal pronouns referring to him where they occur in the bill, and insert the words "Mr. Mellon." Should that be done, it would very plainly be shown just what authority we are proposing to give one man.

Mr. LENROOT. Mr. President, will the Senator from Mississippi yield to me?

Mr. HARRISON. Not just for the present. I want to finish my statement.

Mr. LENROOT. I hope the Senator will yield at this point.

Mr. HARRISON. I will not yield now. I will yield to the Senator presently.

Mr. President, should the pending bill be amended by the substitution of the name of Mr. Mellon, as I have suggested, it would read as follows:

Be it enacted, etc., That, to enable Mr. Mellon to provide suitable accommodations in the District of Columbia for the executive departments and independent establishments of the Government not under any executive department, and for courthouses, post offices, immigration stations, customhouses, marine hospitals, quarantine stations, and other public buildings of the classes under the control of Mr. Mellon in the States, Territories, and possessions of the United States, Mr. Mellon is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such sites and additions to sites as Mr. Mellon may deem necessary, and to cause to be constructed thereon, and upon lands belonging to the Government conveniently located and available for the purpose (but exclusive of military or naval reservations), adequate and suitable buildings for any of the foregoing purposes, giving preference, where Mr. Mellon considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired, and to enlarge, remodel, and extend existing public buildings under the control of Mr. Mellon, and to purchase buildings, if found to be adequate, adaptable, and suitable for the purposes of this act, together with the sites thereof, and to remodel, enlarge, or extend such buildings and provide proper approaches and other necessary improvements to the sites thereof. When a building is about to be constructed on a site heretofore acquired and such site is found by Mr. Mellon to be unsuitable for its intended purpose, Mr. Mellon is hereby further authorized and empowered to acquire a new site in lieu thereof by purchase, condemnation, exchange, or otherwise, and to dispose of the present site by public sale and to execute the necessary quitclaim deed of conveyance: *Provided,* That in carrying into effect the provisions of this act, in so far as relates to buildings to be used in whole or in part for post-office purposes, Mr. Mellon, under regulations to be prescribed by Mr. Mellon, shall act jointly with the Postmaster General in the selection of towns or cities in which buildings are to be constructed and the selection of sites therein: *Provided further,* That all sketches, plans, and estimates for buildings shall be approved by Mr. Mellon and the head of each executive department who will have officials located in such building.

Mr. Mellon is authorized to carry on the construction work herein authorized by contract, or otherwise, as Mr. Mellon deems most advantageous to the United States, and in case appropriations for projects are made in part only to enter into contracts for the completion in full of each of said projects.

In all cases where the construction of buildings in the District of Columbia, under the provisions of this act, requires the utilization, in the opinion of Mr. Mellon, of contiguous squares as sites thereof, authority is hereby given for closing and vacating such portions of streets as lie between such squares and such alleys as intersect such squares, and the portions of such streets and alleys so closed and vacated shall thereupon become parts of such sites.

SEC. 2. (a) The work of preparing designs and other drawings, estimates, specifications, and awarding of contracts, as well as the supervision of the work authorized under the provisions of this act, shall be performed by the Office of the Supervising Architect, of Mr. Mellon's department, under the direction of Mr. Mellon, except as otherwise provided in this act, but in designing and constructing buildings under the provisions of this act preference shall be given, so far as practicable, to standardized types, and in other cases where possible and appropriate to commercial types modified to meet governmental requirements rather than to buildings of monumental character.

(b) Mr. Mellon is authorized, in his discretion, (1) to procure advisory assistance when deemed advantageous in special cases involving design or engineering features, and (2) to employ, to the extent deemed necessary by Mr. Mellon in connection with the construction of buildings for the Departments of Commerce and Labor, the architects who were successful in competition heretofore held for a building for the then Department of Commerce and Labor, and to pay reasonable compensation for such services.

(c) Mr. Mellon is authorized to employ such additional technical, scientific, and clerical assistance in or under the Office of the Supervising Architect, both in the District of Columbia and in the field, as Mr. Mellon deems necessary, and to fix such rates of compensation therefor as Mr. Mellon deems proper, not, however, in excess of the maximum rates paid for the same or similar service in other departments, such employment to be made in accordance with the civil service laws, rules, and regulations, and to submit to Congress through customary channels estimates for appropriations for compensation for such personal services, and for travel, subsistence, and other expenses involved in making any investigation or survey of building conditions or in the examination of sites which Mr. Mellon may find to be necessary.

SEC. 3. In carrying into effect the provisions of existing law authorizing the acquisition of land for sites or enlargements thereof, and the erection, enlargement, extension, and remodeling of public buildings in the several cities enumerated in Senate Document No. 28, Sixty-eighth Congress, first session, and including public buildings at St. Louis, Mo., authorized by the public buildings act approved March 4, 1913, amended by the act of January 17, 1920, and Newark, N. J., authorized by the public buildings act approved March 4, 1913, amended by the act of August 11, 1913, extension of the Federal building at Utica, N. Y., authorized by the public buildings act approved March 4, 1913, extension of the Federal building at Missoula, Mont., authorized by the public buildings act of March 4, 1913, the additional buildings for the Marine Hospital at Chicago, Ill., authorized by the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes, approved July 19, 1919, and for medical officers' quarters at the marine hospital at Savannah, Ga., authorized by the act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes, approved July 19, 1919, and for the construction of marine-hospital facilities at Detroit, Mich., authorized by the act, Public No. 278, Sixty-eighth Congress, approved June 7, 1924, Mr. Mellon is hereby authorized to disregard the limit of cost fixed by Congress for each project, to purchase additional land for enlargement of sites and to enter into contracts for all or so many of said buildings heretofore authorized to be constructed, but not yet under contract, as may be possible within a total additional limit of cost of $15,000,000: *Provided*, That in constructing the buildings embraced herein Mr. Mellon is authorized, in his discretion, to provide space in such buildings for other activities or branches of the public service not specifically enumerated in the act or acts authorizing the acquisition of the sites, or the construction of the buildings, or both.

SEC. 4. Mr. Mellon shall submit annually and from time to time as may be required estimates to the Bureau of the Budget, in accordance with the provisions of the Budget and Accounting Act, 1921, showing in complete detail the various amounts it is proposed to expend under the authority of this act during the fiscal year for which said estimates are submitted.

SEC. 5. For the purpose of carrying out the provisions of this act the sum of $150,000,000, in addition to the amount authorized in section 3 hereof, is hereby authorized to be appropriated, but under this authorization and from appropriations (exclusive of appropriations made for "remodeling and enlarging public buildings") heretofore made for the acquisition of sites for, or the construction, enlarging, remodeling, or extension of, public buildings under the control of Mr. Mellon, not more than $25,000,000 in the aggregate shall be expended annually: *Provided*, That such amount as is necessary, not to exceed $50,000 000 of the total amount authorized to be expended under the provisions of this act, shall be available for projects in the District of Columbia, and not more than $10,000,000 thereof shall be expended annually: *Provided further*, That expenditures outside the District of Columbia under the provisions of this section shall not exceed the sum of $5,000,000 annually in any one of the States, Territories, or possessions of the United States.

In each of the cities in which a site is to be acquired under the provisions of this act Mr. Mellon shall solicit proposals by public advertisement. Such advertisement shall be published for a period of 20 days in one of the newspapers in said city having the largest circulation for the sale of land suitable for the purpose. Mr. Mellon shall cause the sites offered, and such others as may be found to be suitable or desirable for the purpose, to be examined in person by an agent employed or detailed for the purpose, who shall make written report to Mr. Mellon of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

That in case a site or additions to a site acquired under the provisions of this act contains a building or buildings, Mr. Mellon is hereby authorized, in his discretion, to rent until their removal becomes necessary such of said buildings as may be purchased by the Government, or the land on which the same may be located where the buildings are reserved by the vendors, at a fair rental value, the proceeds thereof to be deposited in the Treasury of the United States, and a report of the proceedings to be submitted to Congress annually.

That, so far as practicable, all buildings constructed, enlarged, or extended under the provisions of this act shall be unexposed to danger of fire from adjacent buildings by an open space of at least 40 feet on each side, including streets and alleys: *Provided*, That Mr. Mellon may, in his discretion, acquire sites on which an open space of the extent hereinbefore specified can not be reserved, and Mr. Mellon is likewise authorized, whenever in Mr. Mellon's judgment such action is necessary and warranted, to reduce the open space about any Federal building heretofore constructed and under the custody and control of Mr. Mellon's department.

In carrying into effect the provisions of this act, if Mr. Mellon deems it to be to the best interests of the Government to construct Federal buildings to take the place of existing Federal buildings, Mr. Mellon is hereby authorized to cause the present buildings to be demolished in order that the sites may be utilized in whole or in part for such buildings, or where in Mr. Mellon's judgment it is more advantageous to construct a Federal building on a different site in the same city, to sell any such building or buildings and the site or sites thereof, at such time and on such terms as Mr. Mellon deems proper, and to convey the same to the respective purchasers thereof by the usual quitclaim deed, and to deposit the proceeds of the sales thereof in the Treasury as miscellaneous receipts.

SEC. 6. The provisions of section 10 of the legislative, executive, and judicial appropriation act for the fiscal year ended June 30, 1920, approved March 1, 1919, relating to the assignment of space in public buildings in the District of Columbia, shall apply to all buildings constructed, extended, or enlarged under the provisions of this act in the District of Columbia, and no land for sites or enlargement of sites therefor shall be acquired or land belonging to the United States be taken for sites or enlargement of sites therefor without prior approval of the commission created by said act of March 1, 1919; no contract shall be let for any building or the enlargement or extension of any building in the District of Columbia, under the provisions of this act without the approval of said commission as to the assignment and general arrangement of space therein; and said commission shall determine the order in which buildings or enlargement of buildings in the District of Columbia under the provisions of this act shall be constructed.

SEC. 7. That Mr. Mellon is hereby further authorized and empowered to cause such survey and investigations of public-building conditions to be made and such data obtained as Mr. Mellon deems necessary properly to carry into effect the provisions of this act.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. HARRISON. I yield to the Senator.

Mr. SIMMONS. Several days ago, when this matter was before the Senate, some question was raised about conferring upon the Secretary of the Treasury the right to purchase such sites and erect such public buildings at such cost as he might designate; and it was thought by a number of us that that was rather too much power to put in the hands of one man. It was stated at that time that should the Swanson amendment be adopted it would restrain the Secretary from buying a site or erecting a public building thereon until an itemized report had been made to the Congress and the money appropriated by the Congress for that specific purpose. That seemed to me at the time to be a fairly good remedy, as it applied to the right of the Secretary to purchase sites and to construct buildings. It would at least leave in the hands of the Congress control and enable them to approve or disapprove of any purchase of sites, the construction of any building, or the price proposed to be paid for any building.

But there is another power given the Secretary of the Treasury in the bill as just read by the Senator from Mississippi which would not be covered, as I see it, by the Swanson amendment. The Secretary of the Treasury is authorized to sell such sites as have already been acquired by the Government, and he is authorized to tear down or to sell such public buildings now owned by the Federal Government as in his opinion are not suitable for the purposes and uses to which they are being put, and to cover into the Treasury the receipts from the sale of these sites and these buildings.

That would confer upon the Secretary the power to sell a site at any price that he might think was justified, and it would confer upon him the power to sell any public building, post-office building, courthouse building, or customhouse building that the Federal Government now owns and cover the money into the Treasury; and under the Swanson amendment the Congress would have no right to interfere with his disposition of these properties at whatever price he might see fit to dispose of them for. I desire to ask the Senator from Maine if I am not correct about that?

Mr. FERNALD. I think the Senator is correct.

Mr. SIMMONS. I desire to ask the Senator what he proposes to do with reference to it, in order that the Congress may have its hands upon this fund, so as to approve or disapprove before the Secretary of the Treasury acts in the sale of a site or in the sale of a building?

We have not heretofore disposed of Government property without Congress having something to say about it. This bill gives the Secretary of the Treasury blanket power to dispose of any building that the Government now owns, anywhere in the United States, if in his judgment it is not quite suited, either as to location or as to construction, for the purposes to which it is dedicated.

Mr. FERNALD. The Secretary of the Treasury doubtless has the authority to sell sites or to exchange property. For instance, in some cities of the United States the Government owns buildings and sites worth at least a million dollars more than it would cost to procure a site and erect a building in a section of the city that would accommodate people better than the present buildings.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Mississippi yield to permit me to ask a question of the Senator from Maine at this point?

Mr. HARRISON. Yes.

Mr. ROBINSON of Arkansas. In nearly every case where a Federal building is located a bitter contest arises as to the selection of the site. The Senator knows that to be the case.

Mr. FERNALD. I do.

Mr. ROBINSON of Arkansas. Does this bill give to the Secretary the power to reopen questions of that character, and to make an exchange of sites?

Mr. SIMMONS. Undoubtedly.

Mr. FERNALD. It does.

Mr. ROBINSON of Arkansas. Does the Senator think that that authority ought to be unlimited and unrestricted?

Mr. FERNALD. In my opinion, in order to make progress and get ahead rapidly in constructing buildings, instead of coming back to Congress and getting authority, in which case it would be necessary to wait a year, authority should be given the Secretary to make those changes.

Mr. SIMMONS. But, if the Senator will pardon me, he is given this authority with reference to sites that have been purchased and upon which no buildings have been constructed. We all know that in the selection of those sites there is frequently very sharp rivalry and contest. Under this bill the Secretary of the Treasury can reopen all of those contests, can readjust the place where the building is to be erected, and the Congress will have nothing to do with it. He can swap one site for another site, and the Congress will have nothing to do with it. He can exchange one building that the Government owns and is now using for public purposes for some other building, and the Congress has nothing to do with it; or he can tear down an existing building and erect a new building, and the Congress has nothing to do with it; or he can sell a building that is already used by the Government—it may be a building of great value. The Secretary may say, as the Senator now says, that that building at the time it was constructed was possibly in a convenient and suitable place, but conditions have changed in that city, and it is no longer in a suitable place for the purpose; and therefore the Secretary of the Treasury is given authority to sell that building at any price that he and the purchaser may agree upon, and the Congress has no voice in saying whether or not that price is adequate, and whether or not that building ought to have been sold. Does the Senator feel that the Secretary ought to be given these broad powers without any restriction whatsoever?

Mr. FERNALD. I feel that he should. I think it is a business proposition.

Mr. SIMMONS. Very well; if the Senator does, then I disagree with the Senator; that is all.

Mr. FERNALD. Yes; that is all. If the Senator desired a post-office building in his State and an exchange of sites, would he want to wait until he could come back to Congress a year from now and then carry it on?

Mr. SIMMONS. Yes.

Mr. FERNALD. I prefer to leave it to somebody who can proceed at once.

Mr. SIMMONS. I think it is a great deal better to wait a year before selling a building for what the Congress might consider an inadequate price. The people of this country have waited and are still waiting for public buildings, and where we already have a public building that we are using and that is reasonably meeting the requirements of the situation I think if that building is to be torn down and another site is to be selected, or if it is to be sold, the Congress ought to have the same voice in that matter that we propose to give it in connection with sites that are to be purchased in the future and buildings that are to be hereafter erected.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. SIMMONS. If the Senator will pardon me just a minute, if the Senator from Maine thinks that it was proper and good public policy to restrain the Secretary's will and discretion with reference to the purchase of sites hereafter or the erection of buildings hereafter, upon what theory or upon what process of reasoning does the Senator object to restraining him from selling sites that have already been purchased by the Government and selling buildings that have already been constructed and are being used by the Government without the Congress having any voice in fixing the prices or determining the question of sale or change in location?

Mr. HARRISON. Mr. President——

Mr. LENROOT. Mr. President, will the Senator yield to me now? He promised to yield to me.

Mr. HARRISON. Yes; I yield to the Senator just for a question.

Mr. LENROOT. I desire to ask the Senator whether, in the review that he made of this bill, he considers the words "Secretary of the Treasury" and "Mr. Mellon" as synonymous.

Mr. HARRISON. Well, at least until this administration goes out on the 4th of March, 1929.

Mr. LENROOT. Then the Senator wishes to modify it in that way, because otherwise he would have to assume that Mr. Mellon will continue to be Secretary of the Treasury until at least 1932.

Mr. HARRISON. The Senator will get enough promises in the coming fall to do the damage, I am afraid.

Mr. President, it has been shown that there is so much opposition to this public buildings bill, it is such a makeshift, that the time of the Senate should not be taken up with it. There are other measures here that are pressing and should be passed, notably the legislation reported out of the Committee on Agriculture and Forestry, known as H. R. 7893, to create a division of cooperative marketing in the Department of Agriculture, and so forth, the farmers' relief measure. So I move that the Senate proceed to the consideration of House bill 7893, Order of Business No. 589, and on that I ask for the yeas and nays.

Mr. OVERMAN. What is the bill?

Mr. HARRISON. The bill creating a division of cooperative marketing in the Department of Agriculture.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi.

Mr. McKELLAR. I call for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. BRUCE. Mr. President——

The Chief Clerk proceeded to call the roll, and called the name of Mr. ASHURST.

Mr. BRUCE. Mr. President, I note the absence of a quorum.

Mr. FESS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. FESS. What is the question before the Senate upon which we are voting?

The VICE PRESIDENT. The motion of the Senator from Mississippi [Mr. HARRISON] that the Senate proceed to the consideration of House bill 7893.

Mr. FERNALD. I suggest the absence of a quorum.

Mr. HARRISON. I ask for the regular order. The roll call has begun, as I understand.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. BRUCE. Mr. President, as I understand, before the roll commenced to be called I invoked the attention of the Chair.

Mr. SMOOT. Is this a quorum call?

The VICE PRESIDENT. No; it is a call of the yeas and nays.

Mr. SMOOT. No one has answered to the roll call, as I understand.

Mr. HARRISON. I ask for the regular order.

The VICE PRESIDENT. No Senator has responded to the roll call.

Mr. SWANSON. Then, Mr. President, as no Senator has answered to his name, the point of order that no quorum is present is in order.

Mr. SMOOT. Yes; always.

The VICE PRESIDENT. The Secretary will call the roll to ascertain the presence of a quorum.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bayard	Frazier	McMaster	Simmons
Bingham	Gillett	McNary	Smith
Blease	Glass	Mayfield	Smoot
Borah	Goff	Means	Stanfield
Bratton	Gooding	Metcalf	Steck
Broussard	Hale	Norbeck	Stephens
Bruce	Harreld	Norris	Swanson
Cameron	Harris	Nye	Trammell
Couzens	Harrison	Oddie	Tyson
Cummins	Heflin	Overman	Underwood
Curtis	Howell	Phipps	Wadsworth
Dale	Jones, N. Mex.	Pine	Walsh
Deneen	Jones, Wash.	Ransdell	Warren
Dill	Keyes	Reed, Mo.	Watson
Edge	King	Reed, Pa.	Wheeler
Edwards	La Follette	Robinson, Ark.	Williams
Ernst	Lenroot	Sackett	Willis
Fernald	McKellar	Sheppard	
Ferris	McKinley	Shipstead	
Fess	McLean	Shortridge	

Mr. MAYFIELD. I desire to announce that the senior Senator from West Virginia [Mr. NEELY] is detained from the Senate on account of sickness.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present. The question is on agreeing to the motion of the Senator from Mississippi [Mr. HARRISON] to proceed to the consideration of House bill 7893.

Mr. LENROOT. Mr. President, I simply want to say a word with reference to the motion. The question is debatable.

Mr. HARRISON. I make the point of order that the roll call is in order.

Mr. LENROOT. A matter is debatable after a roll call has been ordered.

The VICE PRESIDENT. The Senator from Wisconsin is recognized.

Mr. LENROOT. Mr. President, the motion is to displace the public buildings bill and to take up the agricultural bill. No Senator need fear for a moment that the agricultural bill will not be taken up and will not be voted upon at this session. As to the public buildings bill, Senators should understand what would be meant by its displacement. In every State—and I can speak particularly of my own State of Wisconsin—there are buildings as to which there is the most urgent necessity of additional appropriations in order to proceed at all. I notice in the list that, fortunately, perhaps, for the Senator from Mississippi, there are only two small cities in his State that would be affected by this bill. But in nearly every other State there are cities which will be affected, where nothing can be done unless some kind of public buildings bill is passed.

Mr. HARRISON. Mr. President, will the Senator name the places in his State?

Mr. LENROOT. At Madison and Kenosha there is particularly great need because of the remarkable growth of those two cities and where the facilities are utterly inadequate.

Mr. OVERMAN. Mr. President, will the Senator yield.

Mr. LENROOT. I yield.

Mr. OVERMAN. Are there not 22 States in this Union, as appeared in the testimony given before the House committee, which will not receive any help at all under the policy to be adopted under this bill?

Mr. LENROOT. Not that I know of.

Mr. OVERMAN. That was stated by a member of the committee on yesterday.

Mr. LENROOT. Certainly there was no testimony before the Committee on Public Buildings and Grounds of the Senate, of which I am a member, to that effect.

Mr. OVERMAN. Not before the Senate committee, but that committee did not have as extensive hearings as were had before the House committee. There are 22 States, one of which is the sixth largest tax-paying State in the Union in which at certain places the buildings have almost fallen down, and yet they are not even mentioned in the list furnished by the Secretary of the Treasury. Twenty-two States are in that category.

Mr. LENROOT. Let me give some information to the Senator from North Carolina upon that subject. I find that there are 10 cities in the Senator's State which would be affected by this bill.

Mr. OVERMAN. Yes; under that $15,000,000.

Mr. LENROOT. Certainly.

Mr. OVERMAN. Where the sites have been bought, and the amount for the buildings authorized. Certainly they can not build under that amount. That is under the $15,000,000 appropriation. But under the $100,000,000 there are 22 States that will not be recognized at all.

Mr. LENROOT. Mr. President, it was stated specifically before our committee that there had been no determination of any kind reached as to where these buildings were to be located.

Mr. SMOOT. Mr. President, as a further statement I want to say that only yesterday I asked the architect if there was any list, or if they had arrived at any conclusion as to where any of these buildings were to be located, and he said that there had been no conclusion.

Mr. OVERMAN. Mr. President, I understood the Senator to state yesterday that the $100,000,000 would be spent for emergencies in certain great cities.

Mr. LENROOT. May I say to the Senator from North Carolina, as I said yesterday, in my view there may be just as great an emergency, in proportion, in a small city of 10,000 as there is in a city of 1,000,000 population.

Mr. WADSWORTH and Mr. MAYFIELD addressed the Chair.

The VICE PRESIDENT. Does the Senator from Wisconsin yield, and if so, to whom?

Mr. LENROOT. I yield first to the Senator from New York.

Mr. WADSWORTH. I thank the Senator from Wisconsin. The Senator opened his remarks by saying that there was no doubt whatsoever as to the prospect of the Senate taking up for consideration, and voting upon, so-called farm relief legislation. May I merely supplement that statement of his by saying that the majority of the steering committee, at a meeting yesterday, decided to recommend to the members of the majority that the first bill to follow those already recommended shall be the cooperating marketing bill reported by the Senator from Oregon [Mr. MCNARY], and it is the full intention of the majority, at least, to see this farm legislation laid before the Senate in ample time for consideration and to reach a vote.

Mr. MAYFIELD. Mr. President, the Senator from Wisconsin has just stated that there was no evidence before the Senate committee showing where this $100,000,000 would be expended. Of course, that is true, because we had no hearings on the bill.

Mr. LENROOT. No formal hearings, but we did have the Acting Supervising Architect before us.

Mr. MAYFIELD. We got together in an informal way and discussed the bill, but the House committee had extended hearings on it. Mr. Wetmore, the Acting Supervising Architect, drew this bill, and if Senators will consult the hearings, a copy of which I hold in my hand, pages 63 and 64, they will find a list of the places which Mr. Wetmore says are the most urgent, and where he says this $100,000,000 will be expended. That is the old list of two years ago, which has been scaled down and revised to 82 places; and if we add together the amounts set opposite each place in that list, we will see that the total is $119,650,000, whereas the bill authorizes only $100,000,000 for those necessitous cases. Therefore $20,000,000 will have to be lopped off somewhere.

Mr. SMOOT. In answer to what the Senator has said, a request was made of the architect to prepare a list of the post-office buildings all over the United States that were inadequate. This is the list that was prepared months and months ago. The architect did not say this $100,000,000 would be spent on those buildings. He has no right to say that.

Mr. MAYFIELD. Certainly he has no right to say it, but he did say that these are the places which need attention first, and where the first money ought to be expended.

Mr. SMOOT. At the time the survey was made that was true; there is no doubt about it. The architect told me yesterday exactly what that meant. It was made some time ago. There have been changes in the United States to which that would not apply to-day, although at nearly every place mentioned the expenditure of money is necessary, of course.

Mr. MAYFIELD. The Senator says changes have occurred since this list was made. When does the Senator think this list was prepared?

Mr. SMOOT. Some months ago.

Mr. MAYFIELD. It was prepared in January of this year.

Mr. SMOOT. I know that only one post-office building is provided for my State, the amount to be expended being $675,000.

Mr. MAYFIELD. Nine hundred and fifty thousand dollars.

Mr. SMOOT. That is not what is going to happen.

Mr. OVERMAN. Mine is one of the largest tax-paying States in the Union. We have two places there in which there is an emergency, and yet my State is not mentioned in the list. Will that situation be taken care of?

Mr. SMOOT. Under the Swanson amendment which has been offered and which I have no doubt will be agreed to, all the questions then will be discussed here on the floor before ever an appropriation is made.

Mr. OVERMAN. I have no doubt if the Swanson amendment is agreed to it will improve the bill a great deal.

Mr. SMOOT. I have not any doubt about it.

Mr. OVERMAN. Then there will be a scramble before the Appropriations Committee, of which the Senator from Utah is a member, as to where the buildings shall be located and the amount to be appropriated for them. There will be a wild scramble before our committee, and we will have a fight there every year for six years among the 22 States that are not taken care of now.

Mr. SWANSON. Mr. President, will the Senator yield to me?

Mr. LENROOT. I yield.

Mr. SWANSON. To make the matter clear before the Senate I will state that the bill provides $15,000,000 to complete authorizations heretofore made and which have been reduced to 65 in number.

Mr. MAYFIELD. No; 82.

Mr. SWANSON. In 1922 the department began to urge the committee to approve a public buildings bill showing the congestion in the country, showing where there were post offices in all the States where business could not be done, where they could not even rent buildings because they did not have money enough, and where there was, as I said, great congestion. They then submitted a list of 140 buildings in 1922 where the congestion existed. Subsequently business grew in the large cities, and they submitted an additional list of 19 buildings where the congestion was so great that the business was interfered with seriously. That was done on the motion of the Post Office Department and the Treasury Department. That made 159 buildings in 1922.

No bill has been passed touching the matter except that some money has been appropriated to relieve some of the congestion. Some bills were passed authorizing appropriations to rent buildings, and possibly some appropriations were made for the purpose of enlarging buildings. Senators will find on page 62 of the hearings that the Supervising Architect was requested to show which of the 159 buildings included in the 1922 list are so congested now that the public business is being interfered with. Some places have been taken care of and the congestion has ceased there. The list found on page 63 is simply a list in response to a request as to which of the 159 buildings are in the same condition to-day that they were in at that time. That is true, is it not?

Mr. MAYFIELD. That is correct.

Mr. SWANSON. That is simply to show where the congestion had been relieved, some by making an enlargement of the building, some by giving more money to rent additional space. The congestion in the 159 buildings as it existed in 1922 has been reduced to 82 buildings; but there is nothing here to show that those buildings can be taken care of. Such a provision is not carried in the bill. That list is simply a list in response to a request as to the condition of the 159 buildings reported in 1922. That is true, is it not?

Mr. MAYFIELD. Yes. In that list are three cities from my State showing urgent need. The Senator tells me that those three cities will be taken care of, while the Senator from Utah says the list means nothing. Now, which is correct?

Mr. SWANSON. I say that it will depend on the Congress. What is presented to the Congress, for instance, is a list of three cities in the Senator's State where the Post Office Department says business is being interfered with, not only in the cities themselves but with reference to the distribution of mail all through Texas. They report here that in the cities of Dallas, Houston, and Fort Worth, Tex., there has been such a congestion of public business that it is seriously interfered with. That is what they say. They do not propose to appropriate any money for the relief of that situation. I would not vote for a bill that appropriated money simply for those places and similar places. The 149 places have been reduced in number to 82, and that is what the department, on its own motion, states comprises the list of cities where business is seriously congested.

In my State they say there are three cities where business is congested, but they make no appropriation for them. I know full well the congestion in my State will not be removed unless we have new buildings. I know the congestion can not be removed in that respect even when this bill is passed. The question that is presented is whether we can get rid of the congestion in these 82 cities, which comprise the cities where business is congested as was set forth in the list which was furnished in 1922.

My amendment provides that no contract shall be entered into by the department until the money is appropriated. It must be appropriated after approval by the Appropriations Committee. If a Senator wants to get a building in Houston or a building in Virginia or a building in North Carolina, an estimate must be made under the Budget system. It then comes to the Appropriations Committee. The Appropriations Committee then reports the bill to Congress and Congress has to approve it. The $100,000,000 is left absolutely at the disposal of future Congresses or this Congress by future action.

I do not see how we are going to get public buildings in any other way unless we have a specific authorization for the specific purpose. I believe it would take a month or two months to do that. All I know is that if the bill does not pass, the congestion in these various States, which has become almost a public scandal in its interference with business, will continue.

Mr. GOODING. Mr. President, will the Senator from Wisconsin yield to me?

Mr. LENROOT. I yield to the Senator from Idaho.

Mr. GOODING. In order that my vote may be understood on the pending motion to set aside the bill that is now under consideration and to take up in its stead farm legislation, I wish to say, as a member of the steering committee, that last evening a place was given to farm legislation to follow the railroad labor bill, which should come up in the next few days. In the meantime, I want to say there is a series of luncheons being held in the District Committee room, two having already been held and one to be held to-day, to which all Senators are being invited, in order that they may listen to a discussion of the needs of farm legislation with reference to the bill which is now on the calendar as reported by the Senator from Oregon [Mr. McNARY].

I shall be forced to vote against the present motion of the Senator from Mississippi, because I am sure that a great deal of good is going to be done at these meetings. Farm legislation is being discussed by Mr. Davis, who is well known to most Senators, I think. I make this explanation in order that my vote may be understood when the vote is finally taken on the motion of the Senator from Mississippi.

Mr. LENROOT. Mr. President, I want to repeat and emphasize that if the bill does not pass in some form there will be no opportunity whatever for relieving the congestion which exists; there will be no opportunity whatever for securing any appropriation for any public buildings or completing those that have heretofore been authorized. Of course, if Senators wish to be placed in that position, that is their affair.

As I said, the Senator from Mississippi is in a position where he has only two very small cities that are affected, and probably there is no congestion in either of them; but there are at least half of the States of the Union, and I think three-fourths of them, where there is congestion and urgent need for something to be done. What Senators must vote upon is whether we will get some kind of a bill through that will be of some aid, or whether we will do nothing but permit present conditions to continue.

Mr. BRUCE. Mr. President, I merely desire to say that I trust that the motion of the Senator from Mississippi [Mr. HARRISON] will not be sustained. Of course, I know that the Senator feels just as sincere an interest in the welfare of the farmer as I or any other Member of the Senate. But so far as I know his relations to agricultural subjects have not been marked by any such extraordinary degree of zeal as to impel us to believe that his motives in offering his motion are referable solely to an inclination to promote the early enactment of agricultural legislation at this session of Congress. I can only speculate about these motives, and when we enter the field of speculation we very often make some very grave blunders. But I imagine that the motion of the Senator is inspired by his feeling that the improvements which are to be made outside of the District of Columbia under the provisions of the pending bill may be distributed in such a manner as to prejudice the interests of the Democratic Party.

I submit that no such motive as that—and I say it with the utmost deference to the Senator—should be allowed to interfere with the passage of a great measure like this. When we recollect that $15,000,000 of the amount appropriated by the bill will be used for the completion of local public-building projects throughout the United States, which have been already authorized and are matters of the deepest concern to the people of the different communities in which they are to be carried out, and when we recollect further that $100,000,000 of the amount appropriated by the bill is also to be used throughout the United States for the erection of Federal buildings, I say that any party, whether it be the Democratic or the Republican Party, would assume a serious responsibility indeed were it to thwart the expenditure of those sums.

I can not conceive of anything better calculated to excite disappointment and resentment throughout the country than the feeling that the motives which have brought about the shipwreck of the pending bill were not motives of a nature to justify such a motion as that of the Senator from Mississippi. Even if the application of the bill were limited to our national territory outside of the District of Columbia, I say that in my humble judgment the motion of the Senator from Mississippi would be untimely, would be injudicious, not only from a public but from a party point of view. However sincere the intention back of it may be, it is, I venture to say, a misconceived motion.

But, Mr. President, the bill has a far greater significance than any mere local significance. The amendment which I have offered to it and which has proved acceptable to the chairman of the Committee on Public Buildings and Grounds, to the Senator from Utah [Mr. SMOOT] as a member of the Public Buildings Commission, and to the Supervising Architect contemplates nothing less than a return to the original plan designed by L'Enfant and supervised by George Washington and Thomas Jefferson for the development of the city of Washington. Over and over again in the past the vision of

that return has presented itself to the imagination of Congress, only later to fade away into nothingness. The consequence is that some 190 buildings have been either constructed, purchased, or rented north of Pennsylvania Avenue without any real reference to considerations of architectural beauty, indeed without reference even to ready intercommunication between the different offices of the Government or other considerations of practical utility; in other words, the public-building growth of this city has been marked to an almost incredible degree by desultory haphazard, ineffective expansion. But we know how strangely great results are often worked out.

All the conditions relating to some project may appear to be hopelessly adverse; years, even generations, may pass without the splendid dream, the radiant thought which inspired it, obtaining fulfillment; and yet a time may come when, through some combination of felicitous circumstances that seems almost fortuitous an opportunity may arise to make that dream a waking reality, and to convert that thought into an actual visible achievement.

In this manner it has come about that the L'Enfant plan for the development of Washington may be realized almost in all the amplitude of its original conception. Seemingly all opposition to it has died down and all indifference to it has been dissipated. Everyone seems to be favorable to it. The whole psychology of the hour seems to prosper it. The idea underlying my amendment is no new one. So far as I am concerned, its conception has not the slightest claim to originality. I have no interest in it except as an American citizen proud of his country and of its Capital, who can see no reason why, when this great country of ours is the wealthiest and most powerful upon the globe, it should not have the most beautiful Capital upon the globe, including a group of public buildings as handsome and imposing as any that ever shed imperishable renown upon ancient Athens or ancient Rome or made modern Paris or Vienna annually the famed resort of thousands of tourists.

The press is favorable to the amendment which I have proposed and has expressed itself in terms of pointed approbation. It has received the approval of more than one architect of distinction. In other words, the time is ripe for its adoption. At last everything is propitious for the resumption of the plan of L'Enfant and Washington and Jefferson.

Great as Washington and Jefferson were in other respects, in nothing did they exhibit more breadth of vision, more liberality of spirit, a more truly cosmopolitan character than in their anticipation of the future growth of Washington, then little more than a straggling village, almost lost in the woods and quagmires. Just as their vision lifted them up above even the crest of the Alleghanies and brought within the range of their foresight the vast possibilities of the boundless and all but unknown West so it was sufficiently exalted to foretell what sort of Capital the scale of our national magnitude would require as time went on.

It was the idea of L'Enfant that this Capitol should stand here where it stands to-day and that no fewer than 16 avenues leading up to it should reveal through beautiful vistas its noble proportions. Then there was to be that superb Mall, 400 feet wide, with a parkway of 600 feet on each side of it, flanked by public edifices stretching away to a point within a few feet of the present Washington Monument; and then from that point leading off to the White House, which was to be placed where it is now situated and in such a manner that no fewer than seven different avenues were to open up vistas to the eye disclosing it as it was approached.

Of all that wonderful plan little in the way of public buildings and their appurtenances exists to-day but this splendid edifice, the White House, and the open spaces of the projected Mall and parkways which happily still remain open though never improved and adorned as originally intended.

As has already been pointed out, the friends of agricultural legislation need have no fear. For one, I pledge my vote now in support of the proposition that it shall be given the right of way over all other kinds of legislation at this session. Such legislation has been maturing for a long time, and now that it is deemed by its sponsors to be almost fully matured, it is entitled to the speediest and the most deliberate consideration. It has already, as the Senator from New York [Mr. WADSWORTH] has pointed out, been placed upon the program of the steering committee of the majority of this body. There is not the slightest likelihood that it will not receive in every respect the measure of attention that it justly deserves. At this moment, as I am speaking, it is not ready for presentation to us, for the Senator from Idaho [Mr. GOODING] has just stated to us that a conference with regard to it is going on to-day in the room of the Senate Committee on the District of Columbia, and there is reason to believe that this conference may continue throughout to-day and, for all that I know, for a day or so more. So, in the meantime, let us pass the pending bill. It is my sincere belief that if we could get to a vote upon the amendments it would not be long before it would be passed. Therefore, despite the high degree of respect which I entertain for the Senator from Mississippi [Mr. HARRISON], I hope sincerely that his motion will not prevail.

Mr. McNARY obtained the floor.

Mr. NORBECK. Mr. President——

Mr. McNARY. I yield to the Senator from South Dakota.

Mr. NORBECK. Mr. President, I merely wish to make a brief statement. It is my intention to vote against the motion of the Senator from Mississippi, not that I am particularly interested in the public buildings bill, but I am interested in orderly procedure, and I think the pending bill should be allowed to come to a vote. However, what prompts me to speak is the interest of agriculture. I am thoroughly convinced that the better way is to let agricultural relief legislation take its place on the program. We have contended hard for a place for it; a majority of the Senate has agreed that the question shall be taken up in all seriousness and brought to a vote before the close of the session. Yesterday the Republican steering committee, of which I am a member, put it on the preference list. It is the first of the new bills added to the program. It is my judgment, Mr. President, that those who believe in some sane agricultural legislation which will put the farmer's dollar up to par should vote against the pending motion in order that the bills may take their regular course.

Mr. McNARY. Mr. President, there is much to admire in the very earnest interest of my able and distinguished friend, the Senator from Mississippi [Mr. HARRISON], in and his desire to bring about farm-relief legislation at as early a time as possible and in a manner and fashion to do the best for the farmers so far as it can be done by legislation. However, there is no emergency at this time which would justify an effort to set aside the present unfinished business, the public buildings bill, and substitute therefor farm-relief legislation based upon a relief measure which I presented to the Senate a few days ago.

I make that statement in the interest of agriculture. Last week when I proposed certain legislation embodying the report of the Senate Committee on Agriculture I asked for time within which to file a written report. That time was allowed, and on Saturday of last week I was able to submit a report which was published and placed on the desks of Members of the Senate on Monday of this week. Consequently, sufficient time has not been given to Members of the Senate to study this important proposed legislation.

The particular piece of legislation which needs study is contained in the amendment to the main bill, which is designed to create a division of cooperation in the Department of Agriculture. This amendment embraces some of the principles of the old bill known as the McNary-Haugen bill, which was designed to take care of the exportable surpluses in the basic agricultural commodities of the country. It has been much discussed throughout the country.

There have been many modifications of this bill, such as the Dickinson bill, the so-called new Haugen bill, the bill which is sponsored by the Secretary of Agriculture, Mr. Jardine, known as the Tincher bill, all in one way or another embodying the general elements of the old exportable surplus bill, but with modifications and simplifications with which many of us are not conversant.

Beyond that, Mr. President, the House, by a rule made effective a few days ago, decided to give Tuesday, Wednesday, Thursday, and Friday of next week to the discussion and consideration of farmer relief measures. One of those measures is similar to the amendment which I have offered to the bill now pending here known as the cooperative bill, one of which has been proposed by Mr. HAUGEN and another by Mr. TINCHER. The other is a part of the cooperative organization bill known as the Curtis-Aswell bill, and embodies some of the features known as the Yoakum plan.

Four days will be given to discussion of these various bills in the House, one of which, or perhaps a mingling of all, will come to the Senate at this session. We will have the advantage of the House discussion, of the best thought of the House; and we will be able to shorten the time necessary for the consideration of farm-relief measures in the Senate if we have the advantage of the discussion and debate that will ensue in the House.

So, Mr. President, any way we may look at it, and particularly in view of the attitude of the House and of the action of the steering committee yesterday fixing a status for this proposed legislation, I think it would be highly imprudent at this

time to attempt to bring out farm-relief legislation when no one is prepared to discuss it. I think that few members of the committee are in position to do so. I feel, after submitting the report, that should we have the advantage of the discussion in the House and their determination as how to approach this great subject under the three plans afforded, we will have something concrete upon which we may work and will be able to shorten the time necessary for a complete consideration in order to give agriculture that relief to which it is entitled.

For that reason alone, Mr. President, I think it would be very unfortunate if at this time we should attempt to consider here a bill for the relief of agriculture which could not properly be presented and which would displace a bill which is much needed in the country. With the assurance of two great committees on agriculture, of the steering committee and of those who are here of a determination to see that agricultural relief shall be provided this year, no one need be affrighted by the suggestion that we are going to adjourn until we enact farm-relief legislation. There are not enough men in the Senate, Mr. President, or in the House who would have the courage, if I may put it in that way, or who would dare to go home and face their constituencies until they had first given an opportunity to this body and the body at the other end of the Capitol to vote upon some kind of farm legislation. For that reason, and for others which I might mention, I sincerely hope that the motion made by the Senator from Mississippi will be defeated.

Mr. BLEASE. Mr. President, I am as much in favor of farm-relief legislation, I suppose, as any man in this body. My people are as much interested in it as the people of any other State in the Union. I think what the Senator from Oregon [Mr. McNARY] has said is wisdom. I firmly believe that the Haugen bill is unconstitutional. I do not believe the Government has any right to put a tax on cotton such as that bill provides. Conferences are being held daily on agricultural matters; and in my opinion, if we want to get something done in behalf of agriculture, the best way to do it is to get this public buildings bill out of the way.

The Senator from Maine [Mr. FERNALD] has been extremely courteous. I think he has yielded more to other Senators during the consideration of this bill than all the other Members of the Senate put together have yielded at this session; and in order to bring the matter squarely before the Senate, I move to lay the motion of the Senator from Mississippi on the table.

Mr. HARRISON. On that I ask for the yeas and nays.

Mr. NORRIS. I hope the Senator will withhold that motion for just a moment.

Mr. BLEASE. Certainly.

Mr. HARRISON. I should like to get the yeas and nays ordered on the proposition.

Mr. NORRIS. Wait until it comes up again. I will help the Senator get the yeas and nays then.

Mr. HARRISON. It is perfectly fair that there should be a record vote on this proposition. Will not the Senator permit the yeas and nays to be ordered at this time?

Mr. NORRIS. If the Senator from South Carolina withholds his motion, which he has agreed to do, it is not before the Senate. He can make it at any other time.

Mr. BLEASE. I withdraw the motion.

Mr. NORRIS. Mr. President, I regret very much that the Senator from Mississippi [Mr. HARRISON] has made this motion. I think the only effect it can have is perhaps to put in an embarrassing situation some Senators who dislike to vote against the motion because it is a motion to take up one of the things that a great many Senators, at least, are exceedingly anxious to pass.

If it were not known that the bill reported by the Agricultural Committee having in view the relief of agriculture is to be taken up, if it were understood not to be on the program or that any question existed about its being taken up, I should not hesitate to support the Senator's motion; but it is known that the bill is on the program and that it is going to be taken up, and that we are going to dispose of it one way or the other.

At the beginning of the session and later on during the session there was some question about whether that would take place; but those who are opposed to that legislation have conceded that it shall have its place on the program, and the so-called steering committee has put it on the program, and it will follow two other bills that were reported long before that bill was reported and that had been put on the program before this bill was reported from the committee.

As a Senator who has probably listened to more testimony and spent more time on the agricultural question than any other Member of the Senate, I want to say that it seems to me I could not support this motion without, as far as I am concerned, apparently acting in bad faith toward others who do not agree with me on the agricultural situation, but who have laid aside their objection and agreed that this bill shall come up in its proper order, and shall be considered and shall be disposed of. I feel as though I would be breaking faith with them if I did not carry out the existing program, at least until there is some indication that there is bad faith somewhere else; and I do not believe there is.

I am not in favor of this public buildings bill, Mr. President. I expect to vote against it, though not for the reasons that some Senators have given. I am not in favor of the old log-rolling, pork-barrel method of constructing public buildings, and yet at this time I am not in favor of any building bill. I will give my reasons later. But we have gone on with this program, as far as I know, everybody acting with the best of faith. This public buildings bill, backed by a great many Senators who are just as earnest in its advocacy as I am earnest in my desire to do something for agriculture, has been on the calendar since last February. We have been considering it for several days. I hope it will be disposed of soon. It seems to me that it presents a question upon which both sides have a right to be heard and upon which I think we ought to accept the verdict of the Senate. Personally, as I said, I do not expect to vote for it.

To take up at this time the so-called agricultural relief bill that was reported later and is now on the calendar would have a tendency rather to disjoint the proceedings and interfere with the program; and if we are going to jump from one thing to another as we go on we will find that we will not get anywhere. There are many Senators who are honestly opposed to the bill and who will fight it to the best of their ability. If this procedure is to be followed and this bill should now be taken up, it will be followed by similar motions to take up other bills.

Mr. President, as long as those who are opposed to farm-relief legislation will act, as I believe they are now acting in good faith to let us who favor it have it taken up and have a vote on it, I do not believe that we ought to interfere with the program, which, as far as I can see, is fair and square. It seems to me, therefore, that we ought not to stop in the middle of the program and take up something else.

Mr. FERNALD. Mr. President, I want to thank the Senator from Nebraska for his fairness, which he always shows on all matters that come before the Senate. He and I do not always agree, but I am frank to admit that he is always fair.

I want to say to the Senator from South Carolina [Mr. BLEASE], of whom I have become very fond since he came into the Senate—he and I have been together on very many propositions, fighting the World Court and other matters—that in a spirit of fairness I am going to ask him as a friend to withdraw his motion to table the motion of the Senator from Mississippi, because I feel that it might be confusing, and let the vote come on the main issue.

Mr. BLEASE. I withdraw it.

Mr. SWANSON. Mr. President, there is no occasion for the motion made by the Senator from Mississippi. The Senators who are in favor of the public buildings bill ought to vote to keep it before the Senate. We are not bound to pass the bill in its present form. We can amend it. No legislation can be passed unless it is offered to the Senate for amendment. I know that there is congestion in every State. It is useless to talk about trying to relieve the congestion that is interfering with the transaction of public business all over the United States unless the Senate in an orderly way can dispose of a bill providing for the erection of public buildings.

Every member of the committee reserved the right to offer amendments or to vote for any amendment that was put before the Senate, because we have not had a public buildings bill since 1913, and there is a congestion of business all over the country. There is no use in making excuses to the effect that we hope some day to get rid of this congestion. We have an opportunity to have this bill debated; we have an opportunity to have it amended; we have an opportunity to present to the judgment of the Senate the kind of public buildings we favor. If Senators do not favor the bill in its present form, let them offer their amendments, submit their propositions, and let the Senate discuss them and vote on them. There is no occasion for coming in here and filibustering to prevent a public buildings bill being passed to relieve the great congestion that exists in this country, and which has become so serious that even the various departments of the Government for the last eight years have asked Congress to pass a bill to relieve this congestion in various parts of the country.

I hope, therefore, that the motion of the Senator from Mississippi will not prevail.

Mr. SMITH. Mr. President, I hope we will clearly understand the situation. Members of different committees—not alone the Agricultural Committee, but members of other committees, Senators who are deeply interested in trying to solve, as early as may be, this pressing agricultural problem—are at work on it now. The bill which has been reported is a mere skeleton around which they hope to frame a measure that will meet the situation as nearly as may be.

The bill that has been reported out is perhaps not now in the form in which those who are interested in legislation along this line would agree to it. In my opinion there is no danger of Congress adjourning until some action has been taken in reference to this pressing agricultural problem. I know that the Senator from Mississippi [Mr. HARRISON], coming from the State that he does, is just as vitally interested in the proper solution of that question or in a solution that is as nearly correct as we can make it as any other Senator. The solution of this agricultural problem that is before us will not admit of delay without danger.

With that in view, I want to appeal to the Senator from Mississippi not to press his motion to take up for discussion a measure that is not in the form in which we hope to get it when we come to consider it on the floor. Practically all the bills that have been reported are more or less tentative, and we are doing all that we can to get amendments or substitutes that will appeal not only to Congress but to the people at large.

Mr. SIMMONS. Mr. President, do I understand the Senator to say that there is to be a meeting in the near future for the purpose of further considering this bill, and possibly making additional amendments to it?

Mr. SMITH. There will be a meeting called to-morrow, not only of members of the committee but of those who are interested in this problem, to consider the matter seriously in every phase, hoping to get as nearly as may be a correct solution of this acute problem.

Mr. SIMMONS. Mr. President, under those circumstances I join the Senator from South Carolina in the expression of the hope that the Senator from Mississippi will withdraw his motion. It will be embarrassing to many Senators to vote against it. I feel, however, that unless better progress is made than we are now making the situation may soon require a motion to displace some of the things that the steering committee of the majority have placed ahead of this farm-relief measure. If this farm-relief measure is not taken up soon, I am going to vote to displace any matter that may be before the Senate by some farm-relief bill.

Mr. SMITH. Mr. President, I think the Senator from North Carolina has expressed the opinion of a majority of Senators on this floor, that when there shall have been worked out a plan favorable to the majority of those who are charged with the duty of framing farm-relief measures, and such a measure shall have been presented to this body they will vote to supplant the balance of the legislation that may not have been acted upon, though reported by the steering committee. It was for that reason that I rose to ask the Senator from Mississippi if he would not withdraw his motion to substitute the agricultural bill for the public buildings bill, because the public at large, the people in general, are very much in earnest about legislation for farm relief, and if the Senator insists on a vote on his motion it will put a good many Senators in a position they can ill justify, in a way. Yet it is perfectly clear to all that we are going to have ample time for the consideration of agricultural legislation before this session of Congress shall adjourn.

As a last word, all I desire to say is that when the committee shall have perfected an agricultural relief bill and brought it before the Senate no interference with its consideration will be tolerated.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The question is on agreeing to the motion of the Senator from Mississippi to take up House bill 7893, the cooperative marketing bill.

Mr. REED of Missouri. Mr. President, I dislike to be found so often in opposition to the majority of my colleagues, but I think this is an opportune time to say that this public buildings bill in its present form will not be passed until after the most strenuous possible opposition.

The theory on which we have acted so many times in recent years has been that if something ought to be done, any measure relating to that subject matter, whether the measure be sound or unsound, must be voted through, and that those who oppose it are opposed to doing anything of a remedial nature. So a bill is brought in that is unsound, and it is forced on until finally the opposition yields.

This public buildings bill proposes to place the expenditure of $165,000,000 in the hands of a few men who are not members of Congress. Speaking for myself, I will never give my consent to that kind of a bill. I think it entirely unwise that we have since the war adopted the plan, in the matter of river and harbor improvements, of making a general appropriation and leaving the expenditures to the Chief of Engineers. Congress is by that process yielding to executive officers its right, its prerogative, its duty to determine the character and place of expenditure. This bill seems to be an exaggerated illustration of that rule.

If Chicago needs a new courthouse, that question ought to be passed on by Congress, and the amount to be paid out ought to be fixed by Congress. If New York needs a new public building, the same rule should obtain. That rule should never be varied from.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. MAYFIELD. I would like to have the Senator state what, in his opinion, the clause of the Constitution means which says that "Congress shall have power * * * to establish post offices and post roads."

Mr. REED of Missouri. Of course, it means what it says; the language is very clear and plain. But I suppose that Congress has the constitutional right to name an agent and give him a discretionary power as to the particular place where he might locate a post office.

Mr. MAYFIELD. But this measure is an abdication of that power, is it not?

Mr. REED of Missouri. This measure is an abdication of the duty of Congress, in my opinion, for I think it is the duty of Congress, before any considerable sum of money is spent, to itself study the problem and to pass upon it, using its best judgment, instead of transferring the discretionary power to somebody entirely outside of Congress.

Mr. President, we have had enough experience in the last few months to learn something from that experience, if we are capable of learning. We have seen executive officers, without the slightest authority of law except that they have temporarily the control of the purse strings, agree with foreign countries to pay out to them millions of dollars, and when we come to ask those countries to repay—and I speak particularly of Greece—we are confronted with the fact that Greece says, "Your country agreed to loan us $50,000,000, and she loaned us only $15,000,000; hence we will not pay back the fifteen million," when the man who signed the agreement to turn over to Greece $50,000,000 had no more right or authority to do it than any Member of the Senate, or than a justice of the peace at the cross-roads had that right.

We have the spectacle of a commission authorized to go out and settle the debts of foreign countries, and in the bill we passed giving that commission authority, we expressly limited its authority. The commission proceeded to bring us contracts in direct violation of the letter of the statute under which the commission was created, and its settlements have been ratified by the Senate.

Mr. SMOOT. Mr. President, the Senator means that the law provides that unless we get a certain rate and a certain settlement, then we must come to Congress for consent; and that is what the commission did. If we had settled within the limits of the act, of course, the commission had the power to make the settlement. If the rates were not those provided for, then, of course, the commission had to come to Congress to get the approval of the debt settlement; and there has been no settlement which has not been approved by Congress.

Mr. REED of Missouri. Exactly.

SETTLEMENT OF FRENCH INDEBTEDNESS

Mr. McKELLAR. Mr. President, if I may interrupt the Senator, I am not so sure that the Debt Commission had anything to do with it; or am I mistaken about that?

Mr. SMOOT. The Senator is mistaken about it.

Mr. McKELLAR. Newspaper men are wonderful agents for getting facts, and I happen to have in my hand——

Mr. SMOOT. When the facts coincide with what the Senator thinks.

Mr. McKELLAR. No; at all times. I have in my hand a photograph of the negotiators who agreed on the French terms, which appeared in the Washington Post this morning, and I can not find any of the members of the Debt Commission in that photograph except one.

Mr. SMOOT. Senator, that is only a photograph of the men who were there when the agreement was signed.

Mr. McKELLAR. That is the agreement.

Mr. SMOOT. It is the agreement; but the agreement had really been made and printed and given to the public before the photograph was taken.

Mr. McKELLAR. I think if I had been on the commission, I would not have wanted a composite picture. I see only one

member of the Debt Commission shown in this picture. I think I would have liked to be in the picture. I just extend my sympathy to the Senator from Utah, who was not even allowed to get in the picture.

Mr. SMOOT. The Senator from Utah could have been there, but the Senator from Utah does not care anything about having his picture in the paper.

Mr. McKELLAR. I know that. Apparently the Senator from Utah does not care anything about the settlement, because the settlement was made by one member of the commission, and he gives it out to the papers, of course, and the papers publish the fact. I am sure these newspapers have published the fact. I want to extend my very great sympathy to the Senator from Utah and to the other Republican members of the commission and to my Democratic friends on the commission. They were put on the commission; but you may look at the newspaper report of what occurred, and it does not say a word about either the Democratic or the Republican members of the commission. It refers only to the Secretary of the Treasury, Mr. Mellon, who represented the United States.

Mr. SMOOT. I want to say to the Senator that perhaps the settlement which Congress has approved would not have been effected had it not been for some members of the commission.

Mr. McKELLAR. I wish we had had more members of the commission. Perhaps it would have been a better settlement.

Mr. REED of Missouri. Mr. President, I do not think the complaint lies in the mouth of the Senator from Tennessee or within the purview of the American Senate. I think the complaint ought to be made from the other side of the ocean that the distinguished figure of the Senator from Utah did not adorn that picture and raise its general average.

Mr. McKELLAR. I think it would have raised the average. I am frank to say to my friend that I think it would have done so.

Mr. REED of Missouri. Even though the Senator from Utah was not in that picture, he has been given a very distinguished position in the picture the Senate has presented for the last two or three weeks, while the Senate has been canceling the debts of foreign countries to America, a position I am sorry to see him occupy.

Mr. President, the Senator has referred to the act creating the Debt Commission. Let me read it:

Be it enacted, etc., That a World War Foreign Debt Commission is hereby created, consisting of five members, one of whom shall be the Secretary of the Treasury—

It ought to have read "all of whom shall be the Secretary of the Treasury."

Mr. SMOOT. No; the Senator is wrong.

Mr. REED of Missouri. I continue reading:

who shall serve as chairman, and four of whom shall be appointed by the President, by and with the advice and consent of the Senate.

Notice this language:

SEC. 2. That, subject to the approval of the President, the commission created by section 1 is hereby authorized to refund or convert, and to extend the time of payment of the principal or the interest, or both, of any obligation of any foreign Government now held by the United States of America, or any obligation of any foreign Government hereafter received by the United States of America (including obligations held by the United States Grain Corporation, the War Department, the Navy Department, or the American Relief Administration), arising out of the World War, into bonds or other obligations of such foreign Governments in substitution for the bonds or other obligations of such Government now or hereafter held by the United States of America, in such form and of such terms, conditions, date or dates of maturity, and rate or rates of interest, and with such security, if any, as shall be deemed for the best interests of the United States of America: *Provided*, That nothing contained in this act shall be construed to authorize or empower the commission to extend the time of maturity of any such bonds or other obligations due the United States of America by any foreign Government beyond June 15, 1947, or to fix the rate of interest at less than 4¼ per cent per annum: *Provided further*, That when the bond or other obligation of any such Government has been refunded or converted as herein provided, the authority of the commission over such refunded or converted bond or other obligation shall cease.

SEC. 3. That this act shall not be construed to authorize the exchange of bonds or other obligations of any foreign Government for those of any other foreign Government, or cancellation of any part of such indebtedness except through payment thereof.

Mr. SMOOT. Mr. President, I think the Senator will agree that that is about what I stated, that the commission had power only to make settlements according to the law; and if there were any better or different settlements than those provided by law, they had to come to Congress and have the approval of Congress.

Mr. REED of Missouri. They would have to have a new authority.

Mr. SMOOT. That is why we came here. If the debt had been settled according to the law, we would not have had to come here. We would have had to have the signature of the President then, and that is all.

Mr. REED of Missouri. I understand. Now let us look at this authority. Here was a commission created with a specific power to be exercised under specific limitations. What was its business and its only business? What was it called into existence to do? It was to go to these other countries and refund the debts, dollar for dollar, to take such security as it might be able to get, to fix a date of maturity not later than 1947, and to collect not less than 4¼ per cent interest. That is all the business it had. If it could not perform that business, it was not authorized to make some other contract or agree upon some other terms and then come back here and ask Congress to ratify those terms.

It was its business to go to the gentlemen representing the foreign countries and say, "Here is our commission of authority. We can only do this. We can extend the time of your payments; we can take security; but your obligations which you give us in lieu of those we now hold must be equal in amount with those which we are about to surrender. They must bear 4¼ per cent interest. This is the warrant of our authority. We were created for no other purpose. We have no other business. We were not created to negotiate anything but these limited matters of time of payment and security."

When they went outside of that authority they were mere interlopers; they were assuming a right to negotiate that never was given them; they were assuming in a sense to morally bind this country when they had not been authorized to do a single thing of that kind. There is no clause here——

Mr. SMOOT. There is no moral obligation, because every country understood, and the representatives of every country understood, that not only did Congress have to agree to the settlement, but their own country would have to agree to it before the contract could be executed. That has been the case in every settlement.

Mr. REED of Missouri. I understand all that. There is no clause in the act which said something like this: "*Provided further*, That if the commission can not settle upon the terms aforesaid, they shall then secure such proposition of settlement as they may be able to secure and report that settlement to Congress." The intent of Congress was to say to those foreign nations, "This is the mark Congress fixes. This commission has no business outside of the bounds and limits we have fixed. We send them to you to negotiate this kind of a settlement and they have no business to talk about any other kind of a settlement."

Mr. SMOOT. I am quite sure the Senator would never have supported a proviso of that kind.

Mr. REED of Missouri. No; I would not.

Mr. SMOOT. Nor would I. That would have been simply an invitation to all countries beforehand to understand that they need not settle upon the original terms, but that America expected them to get whatever terms they wanted.

Mr. REED of Missouri. The Senator fortifies my argument. Congress did not intend to give the commission any such authority. Congress not only would not write it in the bill, but by its exclusion from the bill Congress in effect said to the commission, "You have no right, sirs, to begin negotiating on any other basis than that. You are the agents and that is all, and Congress does not authorize you to make any other kind of a settlement. You are our agents to present our demands, and there your authority ceases."

Mr. SMOOT. Congress has had the right to say, "We will not agree to the settlement that was made."

Mr. REED of Missouri. What the commission did was to go outside of the authority that was granted to them, entirely outside of it. The Senator said to me a moment ago upon the floor of the Senate that he did not think Congress would put in the law a clause giving the commission the right to negotiate outside the terms of the bill.

Mr. SMOOT. That would have been simply notice to all foreign countries—not that it would have made any difference at all.

Mr. REED of Missouri. If Congress would not give the commission the right, why did the commission usurp the right?

Mr. SMOOT. We have not usurped any right at all.

Mr. REED of Missouri. Why did the commission presume to do it?

Mr. SMOOT. We made a settlement and we came to Congress and said, "Will you agree to this settlement?" All Congress has to do is to say "no," and that would end it.

Mr. REED of Missouri. The commission made a settlement. That is just what they did. They made a settlement. The Senator said that the Congress would not have written in the act the power or authority for the commission to make that settlement, but he went on and made the settlement in defiance of the will of Congress, and he made it as a settlement without any authority on earth. Having in that way involved our country, he comes back to the Senate and says, "We are your commission. You appointed us to do one thing. We have done an entirely different thing. Yet we are your commission to do that which you never authorized us as a commission to do." The Senator had no more right to make this agreement than I have the right to go out and make it. There was nothing written in the law authorizing him to make it, to talk about it, to negotiate it. He was appointed for a specific purpose, and when he went outside that purpose he went as denuded of authority and of right as any Member of the Senate, as any citizen of the United States.

Mr. SMOOT. That would be true if it were binding upon the United States or any foreign country, but it was not binding on Congress, nor was it binding on any foreign country until Congress and the similar authority in the foreign country had agreed to the proposition.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED of Missouri. I yield.

Mr. BORAH. If the Senator from Utah is correct in his construction of the statute, it is eminently unfair to proceed along the line of argument which we had when the Italian debt settlement was before the Senate, because the argument made was that our commission had made a settlement and that we could not afford to reject the judgment of our commission.

Mr. SMOOT. The Senator does not say that I made any such statement. I never made it, I did not believe it, and I do not believe it now. I am quite sure it is not possible.

Mr. BORAH. Then let us understand that when we are discussing the French settlement we will have no argument to the effect that we must not reject the proceedings of our commission. The fact is that they have acted wholly outside of the statute. That will be conceded. It will have no binding effect until the Congress acts upon it. If the Congress is to act upon it de novo, we ought not to be confronted with the argument that we are overturning an authorized commission.

Mr. SMOOT. If the French settlement or any other settlement had been made according to the terms of the act, the commission would not have had to come back to Congress for its approval. All that we would have required would have been an agreement upon the terms provided in the act and then the signature of the President. Congress would have had nothing whatever to do with it. The only reason why the commission came back to Congress was because under the act itself there was no authority to make other terms of settlement. That happened with Great Britain, the first one we settled with, and with every settlement made up to this time.

Mr. BORAH. I would suggest that it is true, as I understand, that the commission acted wholly outside of its authority under the statute. The only thing that we have before us now is a mere suggestion upon the part of the commission for our consideration. We are considering it aside from the prestige and binding effect of an authorized commission.

Mr. REED of Missouri. Mr. President, let us follow this line of thought a moment. I appoint an agent to go and buy a cow. I tell him how much he shall pay for the cow. The individual whom I appoint as an agent to buy a cow for me, and who is my agent for that purpose alone, goes out and agrees to buy a farm. Then he comes back to me and says, "As your agent I have agreed to buy this farm, and now you ought to take it." What would the Senator say about that sort of an agent?

But the case here is much stronger than that, and I do not propose to let anybody get away from the main fact if I can help it. Congress knew that there was an agitation in foreign countries to repudiate or cut down their indebtedness; that there was an agitation in foreign countries to cut down the interest upon their indebtedness. With that knowledge, Congress enacted a law. Congress wanted to put an end to any such contention on the part of any foreign nation and to serve notice upon all of them that if they settled their debts and obtained the benefit of the extension of time, they must give their obligations for the full amount they owed the United States with interest at 4¼ per cent. The debates of that time will bear out the statement I have just made and will clearly show this to have been the expressed purpose of Congress.

Therefore we picked out five men. We said to them, "Here is the commission which is your warrant of authority; so long as you act in pursuance of the authority we have granted, you are a commission for that purpose, and that purpose only." When the commission went outside of that authority, it no longer was a commission; it no longer had any warrant of authority; it was the case of five individuals presuming on their own authority and in their own right to sit down and negotiate in the name of the United States a contract which the commission was never authorized even to talk about. It is a piece of superlative insolence. It is so devoid of all common decency that similar conduct would bring a blush of shame to the brazen cheek of a first-class orthodox devil. I am astounded to find men commissioned by the Congress of the United States to do a certain thing having the temerity to do an entirely different and wholly unauthorized act, and then seek to excuse it by saying, "Well, we brought back this thing we were not authorized to do at all, but which we agreed upon in so far as we could bind the United States, and now you must accept it, because we were your commissioners." They were our commissioners for one thing and they did another thing, and then and thereupon they ceased to be our commissioners.

There has never been a man authorized to represent the United States yet who has sat down and even talked these matters over, because the Senator from Utah and his associates on the commission were without authority. They had no more right, I repeat, to enter upon these negotiations than five Senators about me had the right to proceed with such negotiations. I have the right to go out unauthorized and negotiate; that is a simple right that I might assume; but I would bind nobody. The Debt Commission had exactly the same kind of right when they went outside the bounds and limits and measures that Congress had staked out to confine their authority. This is an old illustration of the fact that whenever you give authority of any kind to human beings you may count on those human beings usurping other authority and doing other acts. Yet Senators come in here and say—and it has been said not once but many times; it has been the spinal column of the argument produced in favor of these debt-settlement measures—that a duly authorized commission acting within the purview of its authority had sat down and made the best bargain it could make, and that representing this Government it had agreed to the settlements in so far as it was possible for a commission to agree; hence, having thus proceeded and bound our Government, it is the duty of Congress to ratify the agreements.

It is a monstrous proposition. I might as well go out tomorrow and promise somebody that the United States Senate will do a certain thing. As long as I sit in my seat and act within the limits the Constitution has fixed to my authority I have the right to bind by my vote, as far as my vote goes, the people of the United States, but when I go a hair's breadth beyond the bounds of my authority, I am a private citizen, and if I seek to bind my Government I am an usurper or an attempted usurper.

Mr. President, I did not intend to say a word about this matter to-day, but as I have read and reread this warrant of authority which we issued my indignation has been rising until I find it impossible to restrain speech.

Why did members of the commission not come back here and say, "These nations refuse these terms, and we, on the part of the United States, have rejected their propositions, because they do not come within the limits Congress fixed"; and then let Congress proceed to act upon the question as its wisdom might dictate? They did not do that. They said, "This rope is long enough so that we can wander at large; we will make a contract and bring it back and then let us see what Congress will do in refusing to ratify our act." Senators have stood here and argued day after day that the commission had acted. The commission did not act, for the commission was never created for the purpose of any such action. We have the instance of five gentlemen proceeding in their own right, and in no other right, and assuming to represent the United States in these negotiations, when they were utterly without authority to represent the United States in the way that they pretended to represent them.

Mr. FRAZIER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from North Dakota?

Mr. REED of Missouri. I do.

Mr. FRAZIER. I wish to ask the Senator if, according to press reports of this morning, the French debt settlement

has not already been signed and agreed to and that it is practically up to the Senate to adopt it?

Mr. REED of Missouri. So we are told; and I recall only two days ago, when the press stated that the French settlement had been agreed upon, my friend from Utah [Mr. SMOOT] rose in his seat, and, as I remember, said there had been no agreement whatever.

Mr. SMOOT. And there had not been.

Mr. REED of Missouri. And we were led to believe there had not been any negotiations that had brought matters to a head, and yet in a moment, in the twinkling of an eye, after the ratification of the Belgian debt settlement, it appears that the entire proposition has been agreed upon.

Mr. SMOOT. There have been a good many meetings since then.

Mr. REED of Missouri. How many meetings could there have been in the last 24 hours?

Mr. SMOOT. It is not a question of 24 hours.

Mr. REED of Missouri. Does the Senator mean to tell us now that this question of the French debt settlement was an open question——

Mr. SMOOT. I certainly do.

Mr. REED of Missouri. And that within a few hours of time the Debt Commission suddenly agreed upon the settlement of a $4,000,000,000 claim; that that all happened in a few moments; that it was not substantially agreed upon before?

Mr. SMOOT. No; it was not agreed upon before.

Mr. REED of Missouri. Was it not substantially agreed upon?

Mr. SMOOT. I think there is a great deal of difference between the French offer and what has now been agreed upon.

Mr. REED of Missouri. When did they change their offer to that which we now have—at what hour of the day and what day?

Mr. KING. Or what hour of the night?

Mr. REED of Missouri. Yes; or of the night?

Mr. SMOOT. I know as far back as Monday we held a meeting and there was no agreement reached at that meeting.

Mr. REED of Missouri. How near were you to a meeting of minds?

Mr. SMOOT. There was an insistence upon a security clause at the time and the payments were very much less than as provided for in the agreement subsequently reached.

Mr. REED of Missouri. Had not that all been talked over and had not the French substantially agreed that they were going to yield upon it?

Mr. SMOOT. No, Mr. President, they had not; and the French did not know what the outcome would be until——

Mr. REED of Missouri. Then what was the miraculous thing that changed their mind so quickly?

Mr. SMOOT. I wish to say, so far as I am concerned, that I would not agree to the proposition, and so stated at the meeting of the commission. The French ambassador could not consent to the agreement that has since been reached, but had to cable to his Government before ever he could agree to it. He came over here with a proposal which he said he was authorized to make, but it was quite a different proposal from the agreement which has been reached.

Mr. McKELLAR. When was the last meeting of the commission; yesterday?

Mr. SMOOT. We had a meeting yesterday, when the agreement was finally reached.

Mr. REED of Missouri. Where and how long did it take?

Mr. SMOOT. On yesterday the meeting did not occupy as long a time as the preceding meeting.

Mr. REED of Missouri. That does not help us any. How long did it take? We do not know how long the other meetings were.

Mr. SMOOT. Yesterday it did not take very long, because we had made a proposition to the French representative and told him exactly what we would do and what we would not do. That was cabled to the French Government, and the French Government yesterday cabled to the French ambassador here, so that all the ambassador had to do was to say that he was authorized to make the settlement.

Mr. REED of Missouri. Still I want to know how long this interesting meeting lasted when the Debt Commission settled an indebtedness of $4,000,000,000?

Mr. SMOOT. We have had three or four meetings, I will say to the Senator.

Mr. REED of Missouri. I am asking about the last one. How long did the last one take?

Mr. SMOOT. I think we met at 9.30 o'clock in the morning at the last meeting and got out some time in the afternoon.

Mr. REED of Missouri. When was that meeting held?

Mr. SMOOT. The last meeting at which we made a proposition was on Monday, April 26.

Mr. REED of Missouri. I am asking about the last meeting which the commission held.

Mr. SMOOT. That was on yesterday.

Mr. REED of Missouri. How long did that meeting last?

Mr. SMOOT. Just long enough for the French ambassador to say that he accepted the proposition we made.

Mr. REED of Missouri. Where was that meeting held?

Mr. SMOOT. In the Treasury Department.

Mr. REED of Missouri. The Senator did not tell us when we were discussing this question the other day that the American commission had made a definite proposition.

Mr. SMOOT. We had not made it at that time.

Mr. REED of Missouri. When was the meeting at which the proposition was made?

Mr. SMOOT. It was on the 26th of April.

Mr. REED of Missouri. And we have been debating this question since the 26th of April.

Mr. SMOOT. The question of the French settlement arose here when we were discussing either the Italian or the Belgian debt settlement bill—for the moment I forget which—and that was before April 26.

Mr. REED of Missouri. The debate has been proceeding every day here. We have been debating this question every day.

Mr. SMOOT. The Senator can try to impeach my word here if he wishes——

Mr. REED of Missouri. I am not trying to impeach the Senator's word; I am merely trying to have the specific facts.

Mr. SMOOT. I have given the Senator the specific facts, and he is not satisfied.

Mr. REED of Missouri. No; the Senator has not been very specific.

Mr. SMOOT. Monday was April 26, was it not?

Mr. REED of Missouri. Yes.

Mr. SMOOT. Monday was the day the final offer was made by the American commission to the French ambassador.

Mr. REED of Missouri. But the Senator never told the Senate that when we were discussing the other debt settlement bills.

Mr. SMOOT. Because of the fact that the question has not come up since Monday. I did not know whether the French Government would accept it or not, and no one else knew; but yesterday the French ambassador received a cablegram, and we were called together yesterday afternoon.

Mr. REED of Missouri. Now, is not this a fair statement of the case——

Mr. SMOOT. It is not fair unless it is exactly in accord with the facts as they exist. I have told the Senator the facts.

Mr. REED of Missouri. Wait until I make my statement before the Senator repudiates it as unfair. Is not this a fair statement of the case: That two or three days ago a newspaper article was produced here saying that a settlement of the French debt had been agreed upon?

Mr. SMOOT. That was before the 26th of April.

Mr. REED of Missouri. Very well—and that that statement was repudiated by the Senator?

Mr. SMOOT. I ask the Senator to get the RECORD now and see whether the newspaper report as to the settlement of the French debt is the same as the settlement which has since been made. That newspaper report stated that the first yearly payment was $25,000,000, while under the settlement it is $30,000,000; that report said that the largest annual payment would be $100,000,000, while the settlement provides that the largest payment shall be $125,000,000; that newspaper report said that there was a security clause in the agreement, while in the settlement made there is no security clause whatever.

Mr. REED of Missouri. Yes; but the point is that when that article was read here it was denied that there was any settlement.

Mr. SMOOT. And there had been no settlement.

Mr. REED of Missouri. Very well. Now, how many times subsequently to that on the floor was the charge made that a settlement had been substantially agreed upon, and how often were we given to understand that the French debt was still a matter that had not been settled and that nobody knew how it would ultimately be settled?

Mr. SMOOT. Whenever I made the statement, Mr. President, it was absolutely true. The final proposition was made, as I say, on Monday, April 26, and I have a record of it here, and I can read it to the Senator if he desires. From that time until yesterday there was no word from France, and the ambassador had no authority to say that they would accept it until yesterday, and he gave notice yesterday.

Mr. REED of Missouri. But the ambassador and the American representatives of themselves had agreed upon a proposition, provided the ambassador could get authority from his country to accept it.

Mr. SMOOT. He could not agree. He said he would present that proposition to his government.

Mr. REED of Missouri. Exactly; but he could agree just as much as you could.

Mr. SMOOT. Certainly.

Mr. REED of Missouri. Each of the two sides had to go back to a primal authority, and you had agreed on your part that you would ratify a settlement of a certain character, and he had agreed on his part that he would ratify it, provided in each case you could get authority from your principals to make that kind of a settlement.

Mr. SMOOT. That is true.

Mr. REED of Missouri. Mr. President, no such statement as that has been made to the Senate before. We were all given to understand that this French debt settlement was up in the air.

Mr. SMOOT. It was.

Mr. REED of Missouri. We did not know whether we would ever get a settlement or not. There have been more secret negotiations going on in this matter than were condemned by Woodrow Wilson in all the denunciations that he ever made of all the secret treaties of all the ages that are past. We have had nothing but secret negotiations, and secrets have been kept even from this body.

Mr. President, I want to serve notice now that as far as I am concerned I expect the Finance Committee to examine every paper and every document and every bit of correspondence relating to the French debt, and the minutes, if there are minutes, of every meeting, and to report here, so that we may know what these negotiations have been, and that until that is done I think there will be some difficulty in ratifying this French debt settlement.

Mr. HARRISON. Mr. President, will the Senator from Missouri yield for a moment?

Mr. REED of Missouri. I yield.

Mr. HARRISON. Will the Senator from Utah give us assurance as the chairman of the Finance Committee, that he will cooperate with those Members who desire to make a thorough investigation into this problem in getting all the papers and all the facts and letting the matter stay in the committee until they do get the facts, and get such facts that the committee can compare the capacity of Italy to pay with that of France, so that we may know what reasons prompted a settlement on the basis of 26 cents on the dollar with Italy and on the basis of 50 cents on the dollar with France? Will the Senator allow us to investigate the settlement with Czechoslovakia and the conditions over there and her ability to pay, so that we can understand and get the reason why the commission permitted Italy to pay us only 26 cents on the dollar and Czechoslovakia 82 cents on the dollar?

Mr. SMOOT. That will be entirely in the hands of the committee, Mr. President.

Mr. HARRISON. What will be the chairman's position?

Mr. SMOOT. I have no objection whatever to asking the Secretary of the Treasury to furnish everything affecting the French debt settlement.

Mr. HARRISON. The Senator wants to ask the Secretary of the Treasury. It looks as though the Senator can not get anybody in his head except the Secretary of the Treasury. If, in order to get the facts, it is necessary to go beyond the Secretary of the Treasury, will not the Senator cooperate with us?

Mr. SMOOT. When we get into the committee the committee will decide that question.

Mr. HARRISON. But the Senator has not told me or the Senator from Missouri whether he will cooperate with us in the matter.

Mr. SMOOT. I do not know what the Senator means by "cooperate." I am not going to cooperate in any way to hold up this settlement until after the adjournment of Congress. I will say that.

Mr. HARRISON. I will say to the Senator that I do not think there will be any desire upon the part of anybody to hold the matter in the committee longer than is required to get the facts.

Mr. SMOOT. It is better for me to make no promises, Mr. President. When we get in the committee the committee can say what it wants to do.

Mr. HARRISON. The reason why I asked the Senator the question is this: Here is the debt settlement on the table. It has been referred to-day to the committee. We can ask for reconsideration of that action and ask that instructions be issued to the committee to follow out a certain line of investigation. Of course, there is no need for that if the Senator will cooperate with us in trying to give us all the facts.

Mr. SMOOT. All I say is that I do not think there is any question but that the Treasury Department will furnish all the information they have regarding the matter, as well as the Commerce Department and the State Department.

Mr. SIMMONS. But, Mr. President, if the Senator will pardon me, the Senator from Utah does not mean that he would insist upon restricting the investigation to such information as we may get from the Secretary of the Treasury, does he? Here is a settlement involving $2,000,000,000.

Mr. REED of Missouri. Four billions.

Mr. SIMMONS. The Government surrenders two billions, one-half of its debt. That settlement is reported to the Senate. It is referred to the Finance Committee for its consideration and investigation; and the Senator, as chairman of the committee, certainly would not insist here on the floor of the Senate upon restricting the investigation by the committee.

Mr. SMOOT. If the Senator wants anybody to come before the committee and give evidence, I do not think any member of the committee will object to it.

Mr. SIMMONS. It may be that the minority would be entirely satisfied with the testimony that might be obtained through the Treasury Department, and it may be that it would not be so satisfied; and an investigation of this sort, to advise the Senate with reference to a transaction of this amount, certainly ought not to be restricted in any way whatever. Of course, nobody would want to prolong the discussion unnecessarily. I think the Senator from Utah will agree that the minority Senators have not shown any such disposition as that; but there ought to be a thorough investigation of this matter.

Mr. SMOOT. The Senator knows that the chairman of the committee has in no way, shape, or form ever undertaken to restrict the hearings.

Mr. SIMMONS. I do not say that he has; but the Senator has given utterance to some views here that indicate that he is not willing that the committee should investigate, except to get information through the Treasury Department.

Mr. SMOOT. Oh, no!

Mr. SIMMONS. I think the Senator probably spoke rather hastily about that.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED of Missouri. I do.

Mr. HARRISON. I desire to ask the Senator from Utah, in speaking of that meeting this morning, whether all of the members of the American commission were present?

Mr. SMOOT. Does the Senator mean yesterday afternoon?

Mr. HARRISON. Yes; when the final touches were put upon the French debt settlement.

Mr. SMOOT. They were all present with the exception, I think, of Secretary Hoover.

Mr. HARRISON. Was Secretary Kellogg present?

Mr. SMOOT. Secretary Kellogg did not stop there. He had to leave.

Mr. HARRISON. He just passed by? It was a sort of flag station?

Mr. SMOOT. He had to leave; but I will say to the Senator that all the other members were there except Secretary Hoover.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED of Missouri. I do.

Mr. KING. I want to express my amazement at the suggestion made by the Senator from Mississippi that Secretary Mellon could not and would not furnish all the information desired upon all subjects relating to the Government. The Senator ought to know that in the primary election which is now being conducted in Pennsylvania the cry has been shifted which was the slogan in the last Republican campaign, "Stand by Coolidge!" And the cry now is, "Stand by Mellon!" Mellon seems to be the head and front of the administration, and the guide and director of the administration. He, without any authority or suggestion from Congress, prepared a bill to dispose of our debts to and from Germany, and he has directed these negotiations; and there can be a change of front overnight, and Mr. Mellon can agree upon the French debt or any other debt without consultation with the commission or with Congress. The Senator from Mississippi seems to have lost sight of the powerful figure which to-day is dominating the Republican Party.

Mr. REED of Missouri. Mr. President, I have in my hand the Washington Times of this afternoon, and my eye caught this article while this interesting discussion has been going on. I want to read it:

PARIS, April 30.—The French cabinet met to-day and definitely approved the debt settlement reached in Washington.

The cabinet studied the terms of the agreement which Ambassador Berenger signed, and though it is reported that there was some criticism of it, it was learned that the cabinet gave its approval to the accord.

Raoul Peret, French Minister of Finance, however, described the settlement report from Washington as "premature."

Peret indicated the possibility even yet of sending new instructions to Ambassador Berenger, who had acted for France in the debt negotiations with the United States.

It was reported in well-informed circles that Berenger exceeded his instructions.

"Such figures would certainly have been called astronomical by the Anglo-Saxon press if imposed upon vanquished Germany," the nationalist organ, Gaulois, said to-day. "No person of good sense on either side of the Atlantic can believe that such a Draconian agreement will be supported by six generations of Frenchmen."

In other words, they intend to repudiate it hereafter.

L'Action Francaise, the royalist newspaper, published the reports under a headline reading, "Agreement reached, and what an agreement!"

Mr. SMOOT. They are all opposed to it.

Mr. REED of Missouri. Mr. President, I started to talk about the public buildings bill, and the fact that it proposed to vest the authority not in Congress but in those outside of Congress to expend this large sum of money; and that led to a discussion of this question, as illustrative of the fact that gentlemen clothed with a little brief authority are quite willing to extend it in accordance with their own ambitions and wishes. The article I have just read throws some light upon the attitude of France. So far as I am concerned, and going back now to the public buildings bill, that bill might as well go back to a committee and have written into it the necessary clauses retaining for Congress the right to control the disposition of this money; otherwise, it is going to have a rather rocky road to travel.

Mr. BORAH. Mr. President, I am not going to detain the Senate more than a moment. I presume when this matter comes before the Committee on Finance the real problem will be to determine France's capacity to pay. I take it that this settlement was based upon that principle, the same as the Italian settlement and the other settlements we have disposed of. It seems to me, Mr. President, that we have confined our investigations to too narrow a sphere in determining this question of capacity to pay.

I ask the members of the committee to give some attention to an article which lately appeared in the English Review, written by the former Premier of France, M. Caillaux. In discussing France's present financial condition, and her ability or capacity to meet her debts, he has some suggestions to make which, it seems to me, are worthy of our consideration and investigation. This article appears in the English Review of February 26, and I quote a paragraph or two:

To understand how France has reached the delicate situation—I will not put it more strongly than that—in which she finds herself, one must bear in mind the defects of one of the greatest qualities of the Gallic race. The extraordinary ability of the Frenchman to save has been justly praised; but people have failed to notice that this very hunger for economy renders him who is affected by it so careful of his private interests that he is tempted to ignore the interests of the State.

The financial and economic history of France bears witness to the coexistence of an uninterrupted process of private saving with a tendency toward carelessness in the administration of the funds of the community.

The old monarchy of France was never able to free itself from its perennial financial embarrassments save by the abuse of the rights of its creditors.

The efforts of the statesmen of the Republic who favored a serious effort to amortize the debt met with stubborn opposition. It would be necessary, whispered the public, to increase taxation to the detriment of private incomes. What was the use of that? Let things continue as they were. The future would take care of itself. A counsel of weakness which, nevertheless, had the support of the public.

The French people, not having formed in peace time the habit of financial self-sacrifice, allowed themselves to be easily persuaded by the men at the head (who lacked the courage to tell them the brutal truth) that, to meet the cost of the war, it would be sufficient to borrow, that taxes would be increased, if it were necessary later on.

A vast indebtedness was thus piled up—the French debt grew from thirty milliards to five hundred and fifty milliards of francs—without its service being guaranteed by a corresponding increase of taxation.

Even then the situation would not have been so serious if, at the end of the war, the simple, but energetic decision necessary to the situation had been taken. Unfortunately, the country was merely provided with a formula which it was pleased to use as "eye wash": "Germany will pay."

Why, then, submit to heavy taxation? Were not our enemies under the obligation to meet the expenses of the reconstruction of the liberated districts of France? Were they not obliged—thanks to the intervention of the British negotiators at the peace treaty—to assume the payment of pensions to the victims of the war? Thus were two categories of payments—and important categories—eliminated. One could afford to borrow to repair the ruins wrought by the cataclysm and to pay for the damage caused to the people and to their possessions. There was nothing inconvenient in that. Germany would repay. She was going to make over colossal sums. Mr. Lloyd-George like Mr. Klotz, Lord Cunliffe like M. Loucheur, had guaranteed it. The German payments, according to these gentlemen, would be so huge that there was no need to bother about expense. From beyond the Rhine showers of gold would fall over France.

This is the ex-Premier of France writing:

Thus, caught in a snare of childish optimism, the nation paid little or no attention to the growth of a public debt which doubled in the postwar period between 1919 to 1924. From one hundred and fifty milliards it went to three hundred milliards of francs.

What he says is that the present financial plight of France is due to the fact that never in her history, and particularly since the beginning of the war, or since the war, have they been willing to lay the taxes upon their people which they should have justly laid under all the circumstances. Then on page 168 he says:

First of all, there is the debt. It amounts to three hundred milliards of francs—a terrifying total. But it must not be forgotten that it is a question of paper francs. In gold francs it is only sixty milliards; that is to say, to only twice the pre-war debt.

State bankruptcy, you will say. An insidious bankruptcy, brought on by the establishment of a fictitious relationship between paper money and gold money. That may be so. One can not deny what is evident. On the other hand, it is useless to ignore the fact that when great tempests fall upon a people there must be victims. To save the nation, one must resign oneself to individual suffering, when a long series of mistakes have caused such suffering to be inevitable.

Then, Professor Sarolea, writing upon the same subject, says:

The causes of the collapse of the franc are not economic, and the collapse could easily have been avoided.

Indeed, if the problem of the franc had been mainly economic, it would have been solved long ago. For France is by no means ruined. So far from being ruined, the peasant class, who are still the majority of the French nation, are more prosperous than they ever were before the war. They have been able to buy up millions of acres. Hundreds of thousands of petty farmers have recently become peasant proprietors. Their standard of living has enormously improved. On any market day in any important agricultural town you may witness a strange spectacle, which before the war would have been undreamed of—the spectacle, namely, of scores of farmers coming to the market place in their motor cars.

In view of this abounding prosperity, why has it been impossible for the French Minister of Finance to extract from a thriving peasant class an amount of taxation sufficient to balance the national budget? The reasons are, each one of them, political and moral.

I do not read it all, but pass over some parts, because I trust those who are interested in the subject will have time to read it all.

1. In the first place, the whole fiscal policy of successive French Governments since the armistice has been deflected by the golden mirage, and has been dominated by the sinister delusion, of the German indemnity—a delusion which I may claim to have been the first European publicist to denounce six years ago in the columns of the "Scotsman." That delusion has been an insuperable obstacle to any sound financial policy. Why should the French Government have troubled to put order in their finances, when the Germans were going to pay the bill? The most extravagant expenditure, the most criminal peculations and speculations were met with the cynical reply: "C'est le boche qui paiera!"

2. In the second place, an agricultural community is temperamentally much more refractory to taxation than an industrial community. Such has been the case in Poland and in Germany, such was the case in Imperial Rome, when the whole burden of taxation fell on the "curiales," or middle class. Such was also the case under the old French monarchy. For the difficulties of the French tax gatherer are not of to-day. Even in the palmy days of the monarchy a despotic government found it so difficult to collect its taxes that it had to intrust the impossible task to a special class of money lenders.

The French peasant has indeed an infinite capacity of thrift. But he will not save in order to pay his taxes; he will only save in order to buy a cow or a piece of land.

4. In the fourth place no French Government is either strong enough or stable enough to enforce unpopular measures. French parties are too divided, and political majorities are too uncertain. Even if the majorities were large and if the Government were strong, such a strong Government would still have to depend on the votes of the peasants. Even then it could not afford to alienate its constituencies. No democratic government is prepared to commit political suicide.

We have inquired into the main causes of the collapse of the Franc and of the financial troubles of the French Government, and we have proved that those causes are obviously political and moral rather than economic.

Mr. President, I presume we are all agreed—at least it can be well established—that France at the present time is the most prosperous nation in Europe and has been enjoying that prosperity for the last three or four years. If we are in a position where we are unable to collect more than 50 cents on the dollar, it is due to the fact that the French citizen has refused to pay taxes in accordance with the obligations which rested upon him, in view of the condition, financial and economic, which confronted his country. The American taxpayer is to take care of the taxes which the French citizens refuse to pay. That is established from the lips and out of the mouth of the ex-Premier of France himself.

AFFAIRS ON THE MEXICAN BORDER

Mr. KING. Mr. President, a few weeks ago I offered a resolution which was referred to the Committee on Immigration, calling for an investigation of the conduct of immigration officials and agents along the Mexican border. The resolution particularly asked for an investigation in regard to the murder of General Torres and the connection of the immigration officials therewith. I denounced the death of Torres as a cowardly murder, and, in effect, that either the immigration officials in Washington or the immigration agents upon the Mexican border were in part responsible for his death.

Before briefly referring to the subject matter of the resolution, I desire to make an observation growing out of the criticisms appearing from time to time in various newspapers of the action of Congress in conducting investigations of executive departments and agencies and of various officials of the Government.

Undoubtedly there is not a little resentment upon the part of some executive officials and some executive agencies because Congress has had the courage, in the discharge of an imperative duty, to institute a number of investigations. In my opinion, Congress has been derelict in not instituting more investigations and in not more carefully scrutinizing the conduct of executive officials and instrumentalities. Bureaucracy in every country and in every age has tended toward maladministration, inefficiency, and oftentimes corruption. Executive and administrative bureaus, agencies, and officials have always been inclined—and it is human nature—to usurp authority and to arrogate to themselves a status of superiority and power, which is against the best interests of the people and constitutes an insidious but powerful attack upon the Government itself. And every student of our Government, particularly during the past 25 years, must reach the conclusion that the malady which has afflicted executive officials and agencies in the past, and in other Governments, affects to-day this Nation and the bureaus and officials of executive departments.

I only repeat when I say that it is the history of ages that executive departments become autocratic. They incline to absolutism and impinge upon the rights of individuals as well as upon the rights of local self-government. The attention of Congress and of the country is often challenged to the intolerant, autocratic, capricious, and oftentimes illegal course of bureaus and officials connected with the Government. The same is true in State governments and in municipalities. Municipal bodies, as well as State legislatures, are frequently called upon to make searching investigations in regard to the conduct of municipal and State organizations and administrative bodies. Even where executive officials are close to the people and their activities bring them into daily contact with the people, nevertheless there are many transgressions by them, and the people are often called upon to rebuke them for their oppressive and illegal conduct.

In business institutions, no matter how diligent those in charge may be and how perfect their administrative organizations may be, there are many injustices practiced by employees and irregularities and crimes by searching investigations are often brought to light. The executive department is not a water-tight compartment in the ship of state which may not be examined by the legislative branch of the Government. Congress taxes the people and makes appropriations to maintain the Government. It is the duty of Congress to see how the money is spent, whether the agencies which it sets up—executive and administrative—are efficient, competent, and honest, and to that end the responsibility rests upon Congress to frequently investigate all executive and administrative organizations in the Government.

It is believed by many that during the war the Department of Justice and the Department of Labor dealt harshly and sometimes illegally with aliens, and subjected them to treatment not warranted and not to be defended. Recently Congress investigated the Department of Justice, and the condition found therein by many patriotic people was regarded as unclean and rotten. The result of the investigation brought about the separation of the Attorney General, Mr. Daugherty, from his high position. There was an investigation which incidentally involved the Secretary of the Navy, and he departed from his high position. The investigation of the Secretary of the Navy and the oil reserves revealed conditions that were shocking to the American people and led to the prompt separation of the Secretary of the Navy from his important and exalted position.

An investigation was made of the Bureau of Internal Revenue, which revealed a situation calling for immediate reform. A searching investigation of the Veterans' Bureau was conducted by the Senator from Pennsylvania [Mr. REED] and former Senator Walsh, of Massachusetts. They exposed evils, transgressions, and wrongs and abuses in that bureau which shocked the people and brought about some needed reforms. The Shipping Board has been investigated from time to time, and the unsatisfactory condition of that organization, together with its waste, extravagance, and incompetency, has aroused the American people to demand a radical change in the administration of that agency of the Government.

I could enumerate many investigations conducted by committees of Congress, both special committees and standing committees, which have proved of incalculable benefit to the country.

Senators know that most of the important bills introduced require investigation before suitable measures can be prepared. Before the Committees on Immigration of the House and Senate could frame the existing immigration law, protracted hearings were imperatively required. Hearings are now being conducted which show a situation in the Virgin Islands demanding relief. An investigation of the American occupancy of Haiti was conducted a few years ago which revealed that the United States, without justification, had taken possession of the government of a friendly nation, and military forces of the United States, even at the time of the investigation, were in absolute control of the government, and were subjecting the people to a rigid and oppressive military rule. And I might add in parenthesis that the condition, with some modifications, exists to this very hour.

Mr. President, there should be a searching investigation made of the Immigration Service. It has many hundreds of agents and employees scattered throughout the country, many of whom are efficient and honorable, but some of whom are tyrannous, bureaucratic, incompetent, and utterly unworthy of the positions which they occupy.

Many persons who are here lawfully, or who have wittingly or unwittingly infracted some unimportant regulation or rule of the Immigration Bureau, are being pursued and watched, and oftentimes arrested and subjected to an offensive and oppressive treatment. And I might add that in many cases I believe their arrests have been illegal and their attempted deportation wholly without justification.

But I return to the matter to which I referred in the opening sentence of my remarks. The resolution which I offered is pending before the Immigration Committee. Hearings were had upon two different occasions but not concluded. The evidence thus far adduced in my opinion conclusively proves that Mr. William Hanson, the immigration agent, committed a great wrong and that the immigration officials in Washington acted arbitrarily and unjustly, if not illegally, in dealing with the case of General Torres, and that their course resulted in the surrender of General Torres to Mexican military authorities, who promptly executed him.

The evidence showed that General Torres was a political refugee, that his arrest was not warranted, and that his deportation was in contravention of every rule of humanity, if not a violation of law. Mr. Hanson, the immigration agent in charge, acted in a devious, illegal, and cowardly manner, and upon his head must lay heavily the death of General Torres. He knew that General Torres had been promised 60 days by the department within which he might arrange to depart from the United States. He knew from the information in his possession, and the officials in Washington knew, from the statements made to them by a reputable attorney who represented General Torres, that if he were deported he would be promptly

executed without trial by the military authorities of the Mexican Government.

Captain Hanson testified before the committee, and his own words, in my opinion, convict him of oppressive and illegal acts and ought to have brought about his immediate dishonorable discharge from the service. I note by yesterday's paper that he has resigned, doubtless because of this investigation and because he knew that if a full investigation were made his conduct in other respects would call for admonition.

Mr. President, information has been brought to my attention which shows that the conditions along the border from the Pacific coast to the Gulf of Mexico demands investigation. Some of the agents and representatives of the Department of Justice, according to the information which I have received, have abused their trust and have played into the hands of the Mexican Government. And some of the immigration officials have apparently been more concerned in aiding the Mexican Government than they have been in properly protecting the rights of aliens who were in the United States.

Mr. President, I call attention to the case of Alberlardo Henojosa, which I think I referred to at the time I offered the resolution now before the committee. He was illegally taken from the United States and promptly executed by the military authorities of Mexico. I have a letter from Capt. Frank Hammer, of Texas, head of the Texas Rangers, and a man of ability and integrity, in which he refers to this case. He states that—

this man was a political refugee from Mexico and was arrested at Rio Grande City, Tex., some time after the middle of July, 1925, by Lucio Guerra, deputy sheriff of Starr County, Tex., at the request of Captain Hanson. A few days later General Garcia, military commander of the district of Nuevo Laredo, Mexico, asked for permission to come to the American side of the river for the purpose of going to Brownsville, there to cross back into Mexico and inspect the military posts between Matamoras and Nuevo Laredo on the Mexican side.

The VICE PRESIDENT. The hour of 3 o'clock having arrived, the Senate will consider the motion of the Senator from Nebraska [Mr. NORRIS] to refer to the Committee on Agriculture and Forestry the so-called Muscle Shoals bill, House bill 4106.

Mr. KING. Mr. President, I shall conclude in a few minutes, and hope the Senator from Nebraska will pardon me.

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah for that purpose?

Mr. NORRIS. I yield.

Mr. KING. The letter continues:

General Garcia stated that the reason why he wanted to travel on the American side was that the roads in Mexico were bad. Permission was granted him by the collector of the customs, Mr. Roy Campbell. Upon reaching the town of Romo General Garcia was met by Immigration Inspectors Jesse Perez and B. C. Durham, who had in custody Henojosa. Henojosa was turned over to General Garcia and six Mexican soldiers who accompanied him on the trip, and who were armed, and was taken across the river at this point. At the time Henojosa was surrendered to General Garcia and his men, which occurred on American soil, Henojosa got down on his knees and begged to be shot rather than to be taken across the river and be shot, which request was denied him.

This affair shows that there was a conspiracy previously entered into between Captain Hanson—

Who was the head of the American immigration service upon the border—

and General Garcia, all of which was denied in Washington by Hanson. The two immigration inspectors mentioned were working under Hanson's orders, and will so testify. Other witnesses in the case are the American consul, Walsh, Roy Campbell, collector of customs at Laredo, and Mr. Kahn, deputy collector of customs.

* * * * * * * * *

This deportation occurred at Romo, Tex., 14 miles west of Rio Grande City, on the 25th day of July, 1925, at 5 p. m. Mexicans and Americans alike are very indignant and are hoping that a thorough investigation will be had.

There are other statements in this letter which I shall not read, but will hand the letter to the chairman of the Committee on Immigration and ask that it be considered in connection with the investigation not yet concluded.

Mr. President, I protest against this cowardly, inhuman, and illegal conduct upon the part of officials of our Government. No department of the Government has attempted to defend the officials of the Immigration Service who surrendered General Torres illegally and in violation of a written promise to men who were eagerly waiting to take his life. I protest against the course of the officials who conspired with General Garcia, the head of the military district of Nuevo Laredo, Mexico, and who permitted him with his armed soldiers to come into the United States and take an unoffending political refugee from American soil back into Mexico for execution and without trial.

Inspectors Jesse Perez and B. C. Durham should be immediately removed. Indeed, I am not sure that they ought not to be prosecuted. They knew, or must have known, that when they delivered Alberlardo Henojosa to General Garcia and his armed band who had entered the United States for the purpose of going to Brownsville and back into Mexico to inspect military forts that this unfortunate man would be killed.

They knew it to a certainty when Henojosa begged that he be shot upon American soil rather than be dragged back to Mexico, there to be foully murdered. And yet these American officials connived at the deceptive and cowardly course of Mexican military officials. Can it be said that they did not connive at the death of this man?

Mr. President, this matter is of more importance than some think. I promise the Senate that it will not end until justice has been done and all the facts have been revealed. I am unwilling that the United States should rest under the imputation of having violated the law of nations as well as the laws of humanity, as the facts in the cases to which I have referred indicate was done. Our Government should promptly punish all parties who were connected in any manner with the murder of Torres and Henojosa and show by its course its abhorrence and detestation of their acts and conduct.

I protest against the conduct of these agents and officials in seizing political refugees who sought an asylum upon American soil and delivered them into the hands of military forces of a foreign country who were thirsting for their blood and who immediately after receiving them shot them down like dogs.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Nebraska permit me to make a brief reply to the Senator from Utah?

Mr. NORRIS. I yield to the Senator from Pennsylvania for that purpose.

Mr. REED of Pennsylvania. Mr. President, I agree fully with the Senator from Utah in his denunciation of the slaughter of this Mexican as a wicked murder, but I think that it ought to be said in defense of our own Department of State and Department of Labor that very definite instructions have been issued to all of our immigration officials on the Mexican border that no political refugee, however illegal may be his entry, is to be deported to Mexico if he claims asylum here. He can only be deported to some other country than Mexico. The departments have definite orders out that such refugees shall not be sent back to be murdered in Mexico.

In this particular case——

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. REED of Pennsylvania. Certainly.

Mr. KING. Does the Senator refer to the Torres case or the Henojosa case?

Mr. REED of Pennsylvania. I am referring to the Torres case, which is the only one with which I am familiar. In the Torres case I do not pretend to say whether Captain Hanson had any private arrangements with Mexicans or not, because I do not know about it. In fairness to him I must say that it did not seem to me to be proved at the hearings.

Mr. KING. Mr. President, will the Senator permit me to interrupt him again?

Mr. REED of Pennsylvania. I yield.

Mr. KING. The letters which I have, and witnesses are named who will testify to it, show that compensation was paid Mr. Hanson and that the statement was published in a newspaper that his land in a certain province has been returned to him.

Mr. REED of Pennsylvania. We had a newspaper clipping showing that it had been and we had him saying it had not been, and I did not feel that I could vote to convict him on that showing. But there is this fact that ought to be borne in mind. There was given to the American immigration authorities a copy of a telegram purporting to be signed by the President of Mexico himself, asserting that this man was not a political refugee, but was a murderer and a bandit. There was evidence, I do not know whether worthy or not, but evidence furnished the American authorities, that the man had been guilty of no less than two train wrecks, in which Americans as well as Mexicans were killed. The assurance given by the American officials that this man would not be regarded as a political offender was false from all that we can learn. He was not given a fair trial. He was given a drumhead court-martial at best and he was shot down wantonly, without any opportunity to present his side of the case.

For what the Mexicans did I have not a word of defense, but I do want it to appear in the RECORD that both our State Department and our Labor Department have tried to avoid such incidents and have sent very definite orders against the deportation to Mexico of political offenders.

Mr. KING. Mr. President, I acquit the State Department of any complicity in the outrages mentioned. Secretary Kellogg, as soon as his attention had been called by Ambassador Sheffield to the murder of Torres, addressed a letter to the Immigration Service, which, as I construe it, was a rebuke, or at least was an admonition against a repetition of such conduct.

The information which I have reveals that General Torres was a farmer that, during the military operations in Mexico when Obregon was seeking power, was an officer in Obregon's military forces. After Obregon was elected President, he resigned from the army and returned to private life. Later, when there was civil war, he joined the forces of de la Huerta and held a high military position. He had many soldiers under his command, and, of course, was operating under a superior military commander.

Torres with a portion of his forces was ordered to intercept trains which were conveying munitions of war, principally rifles, cartridges, and pistols. With the trains there were also troops. He carried out his orders, and captured the trains and the munitions which were being transported. Undoubtedly some of the soldiers accompanying the train were killed. Calles, of course, can not forgive Torres. My recollection is that Calles barely escaped from the forces commanded by Torres, and the trains which were captured were carrying munitions to supply the military forces supporting Calles.

Unfortunately, in Mexico the rules of civilized warfare are not always observed. Often the defeated forces are regarded as bandits and the victorious forces too often seek vengeance upon the officers who fall into their hands, who led the vanquished armies. Of course, we can not defend these practices. If Calles had been defeated and fled to the United States, I would have been as earnest in defending him as a political refugee as I would be in defending any of the followers of de la Huerta. My position is that our Government can not tolerate the actions of its agents and officials who seize persons who come to our shores, whether they come legally or illegally, for the purpose of surrendering them to foreign governments, when it is known they would be promptly executed.

MUSCLE SHOALS

The VICE PRESIDENT. The question is on the motion of the Senator from Nebraska [Mr. NORRIS] to refer to the Committee on Agriculture and Forestry the so-called Muscle Shoals bill, Senate bill 4106.

Mr. NORRIS. Mr. President, in order that we may understand fully the parliamentary situation let me state briefly that the motion which I have made to refer to the Committee on Agriculture and Forestry the bill reported by the Senator from Illinois [Mr. DENEEN] comes about as a result of the passage of what was known as House Concurrent Resolution No. 4 several weeks ago by virtue of which a special committee was appointed to receive bids for Muscle Shoals. In accordance with that resolution the committee received bids and had some hearings, and, as authorized and directed, made a report to the Senate, or at least a part of the report was made. I understand the minority part of the report was never presented by the committee and has never been printed.

The chairman of that joint committee, the Senator from Illinois [Mr. DENEEN], reported a bill which in effect leases Muscle Shoals and the property owned by the Government in that vicinity to a corporation or to two corporations named in the bill. My motion is to refer the bill to the Committee on Agriculture and Forestry.

The bill itself to which this motion applies, in referring to the method of its introduction, reads as follows:

> April 19 (calendar day, April 26), 1926—Mr. DENEEN, from the Joint Committee on Muscle Shoals, reported the following bill; which was read the first time.
>
> April 19 (calendar day, April 28), 1926—Ordered to be printed.

The only effect of the pending motion, should it be agreed to, would be to refer that bill to the Committee on Agriculture and Forestry. The bill has not been reported by any committee of the Senate; it has not been referred to a committee; and there has been no opportunity for general hearings which usually take place when bills of this importance are before the various committees for consideration.

I myself was very much surprised that anyone should for a moment contend that the bill should not be referred to a committee; and I was surprised recently to learn of the change of attitude of a number of Senators, who explained to me their position at the time the original concurrent resolution was pending for the appointment of this committee, who now feel that the bill ought not to be referred to a committee, although at that time they expressed themselves very freely that under the rules and precedents of the Senate whatever bill should be introduced, if there were one, would, of course, be referred to the committee.

I think there is no contention but that the proper committee to which this bill should be referred is the Committee on Agriculture and Forestry, for that committee has handled all of the bills and resolutions pertaining to the Muscle Shoals question. So I am not going to discuss the question as to whether the Committee on Agriculture and Forestry would be the proper committee to which the bill should be referred, unless some Senator shall raise the question, but I do not believe that the question will be raised.

Mr. President, I know of no instance where such a course as is now proposed has been taken. To be fair, I wish at the beginning to read the original concurrent resolution as it was adopted, or that part of it which has a bearing, if any part has a bearing, on the question. House Concurrent Resolution No. 4, which authorized the appointment of this committee, contains the following language:

> The committee is authorized and directed to conduct negotiations for a lease or leases (but no lease or leases shall be recommended which do not guarantee and safeguard the production of nitrates and other fertilizer ingredients mixed or unmixed primarily as hereinafter provided) of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., for the production of nitrates primarily and incidentally for power purposes, such power to be equitably distributed between the communities and States to which it may be properly transported, in order to serve national defense, agriculture, and industrial purposes, and upon terms which so far as possible shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session, except that the lease or leases shall be for a period not to exceed 50 years.
>
> Said committee shall have leave to report its findings and recommendations, together with a bill or joint resolution for the purpose of carrying them into effect—

Now, note this: It was sought by those who framed the original resolution—and it was framed in the House of Representatives and not in the Senate—to give any bill that might be presented a special privilege when it came into the House. They recognized the fact that they had so to provide in the resolution as originally framed or that the bill would not possess that privilege; so the original resolution provided—

> which bill or joint resolution shall, in the House, have the status that is provided for measures enumerated in clause 56 of Rule XI: *Provided*, That the committee shall report to Congress not later than April 26, 1926: *And provided further*, That the committee in making its report shall file for the information of the Senate and House of Representatives a true copy of all proposals submitted to it in the conduct of such negotiations.

Under that authority the joint committee submits its report to the Senate and to the House. The resolution provides what shall be done with the report and the bill in the House. It gives them a parliamentary standing under a rule—and I once before read the rule to the Senate—which in effect provides that when the measure gets into the House the bill shall go to the Committee of the Whole House.

No such attempt was made to control the reference of the bill in the Senate. It comes here under the general rule of the Senate. I believe, as I think 99 per cent of the membership thought, that, without any question, when the bill was introduced it would automatically be referred to the Committee on Agriculture and Forestry, but I am not trying now to take any advantage of a technicality. The Chair thought otherwise; the Vice President ruled that under the rules of the Senate the bill went to the calendar; that this bill, coming from the joint committee, would not follow the ordinary course and go to the committee, but would go directly to the calendar. An appeal might have been taken from that ruling, but it seemed to me that it could be reached perhaps better by making a motion to refer the bill to the committee, which motion would be in order, regardless of the rule of the Senate. Any bill, I take it, is always subject to the action of the Senate on a motion to refer it to a committee to which the mover of the motion may desire to have it referred.

That is the condition we are in at the present time. We have this bill, which so far as anything on its face is concerned is practically the same as any other bill introduced by any Member of this body. Its caption reads:

Mr. DENEEN, from the Joint Committee on Muscle Shoals, reported the following bill, which was read the first time.

And so forth.

Mr. President, this very day we have had a similar thing occur in the Senate. A report on the French debt settlement, which was negotiated pursuant to a law passed by Congress providing for a commission to settle it, was sent here and was referred to the Committee on Finance, and properly so. Bills providing for the Italian debt settlement, the English debt settlement, and for seven or eight other debt settlements with foreign governments, were all referred in the same way to a standing committee of the Senate with this exception.

The bills which have been passed in reference to foreign debt settlements were all House bills; but in some cases a similar and identical Senate bill had been introduced, referred to the Committee on Finance, reported from that committee, and placed on the calendar, and when the House bill came over here we considered the House bill, under that parliamentary situation, without having it referred to the committee, because a similar measure had been acted upon by a committee of the Senate. So, for practical purposes, it can be said that in every one of these instances, which are practically similar to the case in hand, although the debt commission law did not say anything about reporting a bill but did provide for a report—and this bill is only a part of the report—in every instance we have taken a course just the contrary to the course that it is now proposed to take as to this particular measure.

Two or three years ago when the agricultural situation began to be acute, it will be remembered there was a concurrent or, perhaps, a joint resolution, at least, however, a concurrent resolution introduced in the House and the Senate authorizing the appointment of a joint committee to make an investigation as to the condition of agriculture and report back to the Senate and to the House recommendations for the relief of the agricultural situation. When that bill came in here it was regularly referred to the Committee on Agriculture and Forestry, and it was reported back from that committee. I have a memorandum of the different steps which were taken in connection with that bill here on my desk and can give the dates, if necessary, when the different steps were taken. It passed the House; it passed the Senate, and, in accordance with its terms, a joint committee was appointed, five from the Senate and five from the House. They held extended hearings, went into the agricultural situation in considerable detail, and submitted a report. A member of that joint committee—I think it was the Senator from Wisconsin [Mr. LENROOT]—introduced a bill when the report came back here for the purpose of carrying out the recommendations of the joint committee. No one questioned what should be done with that bill. When it was introduced it was regularly referred to the proper standing committee of the Senate.

It will be remembered that during a Congress which sat several years ago a joint committee on reforestation was appointed. I am not sure whether it was a joint committee or whether it was merely a Senate committee; but, at any rate, the Senator from Oregon [Mr. MCNARY], who will take this up more in detail, was chairman of the committee. They went over the country and made quite extensive investigations in various localities, and they reported a bill. They had the bill referred to that joint committee. It came up in the Senate, and it is interesting—and I think the Senator from Oregon will read some of the discussion that took place—to note that unanimously it was agreed that the proper thing to do with that bill was to refer it to the Committee on Agriculture and Forestry, which had jurisdiction of the subject; and it was so done by unanimous agreement when the question came before the Senate.

Now it is proposed to take a different course; now it is proposed that in this particular instance the bill introduced by this joint committee or its chairman shall not be referred to the committee. Incidentally, not all the committee joined in reporting the bill. It is an impossibility for a Member of the House to introduce a bill in the Senate, although certain Members of the House are members of the joint committee, just as is the Senator from Illinois. The Senator from Illinois, although given the honor of being elected chairman of the joint committee, has no more authority, no more power on the joint committee than has any Member of the House who is also a member of the joint committee. A Member of the House on that joint committee could not introduce a bill here. Suppose the members of the joint committee did not agree and some of them wanted a different bill, as is the fact in this case. A Member of the House, who is also a member of the joint committee, is opposed to the report and opposed to this bill. He can not introduce his bill here; he is not a Member of this body. That will have to be done by somebody else. He could come before a standing committee, as is often done: he could come before the Agricultural Committee, if this bill were referred to that committee, and say, "I have a different bill; I want to present it to this committee as a substitute." He is denied that right. He ought to have the same privilege as has the Senator from Illinois, who happens to be a Member of this body instead of the other one. This privilege is denied him; he is denied any hearing.

Mr. President, this bill proposes—and it seems to me to be an outrageous proposition—to lease for 50 years the property of the Government on which the taxpayers' money to the extent of $150,000,000, in round numbers, has been expended, without ever having a single opportunity for anybody to come before a committee of this body and protest.

Nowhere has any citizen of the country or any official of the Government been given any opportunity to appear and protest against this proposed legislation or to ask for any modification. I do not believe that ever before in the history of our Government has such a course been pursued.

It is said that there have been hearings. I understand that there have been; but, Mr. President, they have been held in secret, behind closed doors. I am not speaking of this in complaint. I am not finding fault with the joint committee for acting in this way. I am simply stating the facts. They were negotiating. They were trying to get bids. They were trying to get the best bids they could. I do not want anybody to get the idea that I am now offering any criticism of anything they have done. I am assuming that they did the best they could; and they could negotiate better in secret, perhaps. At least, that is the way they thought; that is the way they did. They carried on these negotiations earnestly and zealously and ably for several days behind closed doors. They come out now and say: "Here is a bill," and they introduce it, and the Senate has said, through the ruling of its Vice President, "This bill goes to the calendar, and it will be taken up to-morrow and passed," without a hearing ever being granted to anybody.

I am not now offering any criticism of the bill. It may be found to be a good bill, holy and righteous, without a flaw; but we are legislating now, if we take this course, without reference to a standing committee of one of the most important matters that have come before Congress in many and many a day.

Not only that, Mr. President, but even what hearings took place behind closed doors are still secret. Not a syllable has been published; not a word has been given to the public; not a sentence has been disclosed outside of the secret chambers of the committee room. I know that some Senators say: "We have had this subject up many times; we are getting tired of it," and there is a lot in that. I know that we have had it up many times. We have been up and down for two or three years on the question, and especially the committee that has had it in charge, and has viewed it from all angles; but here comes a new one. Here comes one that has never seen the light of day, and you are going to say: "We will brush aside every consideration that has ever been given to this subject by the Committee on Agriculture and Forestry in all its hearings," which have been public, and, I think everybody will concede, fair. No man has been denied, no corporation has been denied, no partnership has been denied the right to be heard, and heard without limitation, before the committee.

Scientific men have discussed the question of fertilizer through many, many pages of those hearings. Much information has been given to the public, and particularly to the members of the committee and Members of the Senate who have studied the hearings; and yet, when you had all that before you, you appointed another committee to make some further investigation. That shows that you wanted light. That shows that you were not satisfied. That shows that there was something else about it that you wanted to know about; and I am not complaining of it. It was an educational proposition. That has been done—done in secret—and now you propose to take the result of secret deliberations, in the face of all the contrary action that we have been taking in the past, and put this bill on its passage without any Senator having a right to look into those hearings to see what is the reason for this provision or that provision; and Senators are denied so far even the right to see or have printed the minority views.

I was told by the member of that committee who presented the minority views that he wanted them printed with the majority report; that they were in the hands of a member of the joint committee on the very day the majority report was made, although they did not get to the Senate until after the report had actually been made, a few minutes or an hour or such a matter afterward, and they were never presented to the Senate for printing. They could have been presented that day and printed in accordance with the usual custom where there are minority views—printed together—or the time could

have been extended, as we ordinarily extend it for some one to present his views. But the man who had the minority views was a Member of the House, denied the right to stand up here and ask for permission to have his views printed, and yet he was a member of the joint committee, clothed with the same authority and the same responsibility as the Senate members of the joint committee.

Mr. SMITH. Mr. President, may I ask the Senator why the minority report was not printed by some action of the Senate, in view of the fact that this was a joint committee, the result of whose work was alike pertinent both to the Senate and to the House?

Mr. NORRIS. I am going to see if I can not get it printed myself.

Mr. HEFLIN. Mr. President, will the Senator yield to me?

Mr. NORRIS. Yes; I yield to the Senator.

Mr. HEFLIN. I was a member of the joint committee and I reserved the right to file a minority report or to offer the bid that I supported as a substitute. I chose to offer it as a substitute, and it has been printed, and is now in the Senate for that purpose. Mr. JAMES, a Congressman from Michigan, a Member of the House, filed a minority report. He did not support either one of the bids at the final meeting of the committee, although he had been favorable to the one that I supported up to that time. He filed his minority report in the House. If I had filed my report it would have been printed with the majority report. That is the way the committee felt about it. This report which has been filed can be obtained, and every Senator can have a copy of the report as Mr. JAMES filed it and as it has been printed in the House. There is no question about that.

Read the majority report and read the minority report and the hearings that we took. A stenographic report of the hearings is here, and if anyone wants to have them printed they can be printed, and every Senator can read them; but so far as sending this bill back to the Committee on Agriculture and Forestry is concerned, the Senate ought not to do it. There is not anything in any of these reports requiring any such thing. The only things involved are the 50-year lease, the making of fertilizer in time of peace and nitrates in time of war, the amount of money to be paid per horsepower, the building of Dam No. 3 and Cove Creek Dam in the bid I supported, and the leaving out of these dams in the other bid.

What is there complicated about that that requires hearings in the Committee on Agriculture and Forestry over which the Senator from Nebraska presides and over which he delights to sit when he has hearings on Muscle Shoals especially? I want the Senate, for the sake of the Senator from Nebraska himself, to deliver him and deliver us from him with Muscle Shoals.

Mr. NORRIS. Mr. President, the Senator, himself a member of that committee, can be delivered at any time. He does not need to stay there. He does not need to listen. He is so well posted on all this stuff that he has heard in secret, that has been denied to everybody else, that he does not need to attend the Agricultural Committee.

Mr. HEFLIN. I have to be there to watch the Senator. [Laughter.]

Mr. NORRIS. If I had nobody else to watch me except the Senator from Alabama, I want to tell you that I could commit all kinds of depredations and never get caught. [Laughter.]

Mr. HEFLIN. I confess that the Senator is better trained in that than I am. [Laughter.]

Mr. NORRIS. Mr. President, no one has ever complained, as far as I know, in connection with this Muscle Shoals matter, about any mistreatment in the Committee on Agriculture and Forestry. If there is anyone who thinks he has been mistreated or knows of anyone who thinks he has been mistreated, if it is known by any Senator, I should like to have him get up right now and interrupt me and tell me who it was and when it was and all about it.

I believe that the Committee on Agriculture and Forestry patiently for several years off and on at different times have listened with deep interest to all the questions involved in Muscle Shoals; and they are not simple. The question as to what shall be done with this power is an interesting and a fundamental question. After all, Mr. President, it reaches into every home and every fireside of the South. It comes into the home life of every kitchen in Alabama and the adjoining States. It has an effect upon every manufacturing establishment of that vicinity, and, in so far as it is a precedent, of the entire country, and even of the world. I believe that the possibilities of the Tennessee River in the development of cheap electricity, if properly handled, are surpassed nowhere else on earth. There is for the people in that vicinity, in that country all through the South, an opportunity, through the use of this great development that the taxpayers of the country have paid for, to give an exhibition of comfort and happiness in the home that has never before been presented to the American people.

This is not a little, idle thing, as the Senator from Alabama has just said, in which nothing is involved except making fertilizer and power. There is very much involved in both of those propositions; and the question of fertilizer is a scientific one, one about which nearly all the great chemists of the United States have testified before the Agricultural Committee, one on which I presume somebody has testified in the secret hearings of this joint committee; but they have brought out a fertilizer proposition that the member of the committee making a minority report says is a fake. We may all agree, when we go into it, that it is a good thing; but the place to go into it is to let men who are qualified to testify on the chemical properties involved in the fertilizer proposition testify in the open, before the world, before a committee of the Senate, and have the testimony printed and laid upon the desks of Senators.

That has not been done. It is not proposed to do it. Personally, I do not believe—and I draw my conclusions from the testimony of experts—that it is a physical possibility under the present knowledge with regard to fertilizer to take the great power of Muscle Shoals and economically convert it into fertilizer—not at a price that will even compete with the present price of fertilizer. This joint committee, however, would have us believe otherwise. Perhaps within these few days they have discovered something new. If they have, let us see it in the light of day. If they have, let us let the sunlight of publicity fall upon it. Take it before the committee. In all the trials and tribulations that the Agricultural Committee have had they have never yet closed the doors when they were taking testimony. They have never yet asked the Senate to pass upon their recommendations based upon testimony taken in secret. They have said: "Here is the testimony. We have preserved it. We have printed it. Look at it and draw your own conclusions, as we had to do." That is what I ask now and nothing else.

An intimation was made by the Senator from Alabama that because I happened to be the chairman of the Committee on Agriculture at present I wanted to sit and hear these things. I want to say to Senators that nothing induces me to make this motion except an honest belief that it is my official duty to make it.

I have listened for months to testimony, some of it unimportant, some of it irrelevant, but volumes of it of deep interest. I went into the question without a preconceived idea as to what should be done with Muscle Shoals. I went into the question without knowing what it cost to make fertilizer. I went into the question without knowing what I believe I have learned, that as the production of fertilizer has advanced and becomes better understood, cheapened by new invention, the tendency has been for years to use less and less power in getting together the ingredients necessary to make fertilizer, particularly in the extraction of nitrogen from the atmosphere, until now, although I am not an expert, yet I have no hesitation in saying that the evidence demonstrates that as we improve and cheapen the method of making fertilizer we are eliminating the consideration of the power question.

I have always criticized the attempt to utilize the power down there as unnecessary. It ought to be used for turning the countless wheels of industry; it ought to be used to act as a servant in the house and help the housewives of the country instead of being useless and not bringing any comfort or happiness to human beings.

I realize that great miracles sometimes happen. May be one has happened, and this joint committee may have discovered a new scientific method, something entirely new, and they may have it covered in this bill. I hope they have. I want to say that there is no man on earth who would be more delighted than I to see the production of fertilizer cheapened, because I realize its importance, its growing importance. That is one of the things I learned in the discussion before the Committee on Agriculture. But let that be true or not, why should not this bill go to a committee the same as other bills, so that we could have a hearing? We should have certain parts of this bill analyzed by experts in the open. All kinds of charges have come to me as to what happened behind those closed doors, which I shall not try to repeat. I think many of them, perhaps all of them, were exaggerated. You never can do a thing in secret and not have exaggerated reports going out, the committee not agreeing when they get through, and one member of the committee saying that, as far as fertilizer is concerned, the bill is a fake—and he is an honored Member of the House; he is not a new Member in the Muscle Shoals proposition. He

was considering Muscle Shoals before some of the Senate Members on the joint committee were even Members of Congress.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McKELLAR. I want to call the Senator's attention to section 5 of the proposed power company bill on this very subject. It is short and reads as follows:

> The fertilizer company will offer for sale the fertilizer so produced to farmers, cooperative purchasing organizations of farmers, or associations of farmers, and to others. The fertilizer company agrees that it will manufacture and sell fertilizer at cost plus 8 per cent profit; cost to include all costs entering into the operation and maintenance of the leased premises and fertilizer plants, the manufacture, storage, sale, and distribution of fertilizer and including power at cost to the power company, 6 per cent on capital invested by the fertilizer company, less depreciation, and 7½ per cent depreciation annually on the plants erected by the fertilizer company. Cost will be ascertained annually by competent auditors and selling prices approved for the following year based on the cost of the previous year.

The question I desire to ask the Senator is this: From his study of the cost of producing synthetic nitrogen, as it is covered by this bill, can it be done in competition with the Chilean nitrate organization, when we include this 21½ per cent in the cost price?

Mr. NORRIS. Of course, it is only an opinion I express, but I have no hesitancy in saying that it can not be done. I may be wrong. During the few months I have been studying this some man may have discovered something new and can do it. I will hail him with joy if he has. I am only giving my opinion from several years' study of the question.

I had not intended, I do not intend, to discuss this bill in any detail now.

Mr. HEFLIN. Mr. President, before the Senator goes from that——

Mr. NORRIS. I yield.

Mr. HEFLIN. I understood the Senator to declare himself at the outset in favor of a synthetic process and to state that it was much cheaper than the other, which it is; and that very little power would be required to make fertilizer by that process. If the synthetic process is cheaper than the cyanamid process, as some claim it is, does not the Senator think that the fertilizer thus produced would be cheaper?

Mr. NORRIS. Mr. President, I have a hope in human progress. I have a belief that we are going to cheapen the production of fertilizer. I think that day is coming. The most promising field is through the synthetic process. It is not through the cyanamid process, the one we have in nitrate plant No. 2.

That is out of date now. But we have not reached that time yet. The manufacturer of fertilizer has been cheapened within the last few years. It has gone down somewhat since we have been investigating Muscle Shoals. But it has not reached the point to which it must go so that it will be cheaper than it is now in the market. I think that time is coming. Maybe the wish is father of the thought.

I did not expect to discuss the production of fertilizer to-day, but there are very few people, in my judgment, in our country, particularly in my section of the country—and I come from a section of the country that does not use much fertilizer—who realize the value of it, who realize that the world itself is confronted with a very important proposition in the manufacture of fertilizer. We must have more fertilizer, and to get more fertilizer we must have cheaper fertilizer. My way of getting at increased production would be to have experimentation. We can not expect private individuals to experiment in order to cheapen the production, so much as we expect the Government to enter that field. It is, in my opinion, a very proper governmental activity, and in the bill I introduced and tried to have passed, I provided for the widest experimentation in the fertilizer field down at Muscle Shoals that has ever been undertaken in the civilized world.

I would spend Government money on it. I am willing to take money out of the Treasury to pay for such experimentation. We have some of the best men in the world engaged in that work. A man now working for the Government at a modest salary is referred to by all the scientific men, the chemists, practically of the world, for some of the inventions he has made that have cheapened the production of fertilizer. I have gone through their laboratories, where there were dozens of expert chemists working, making various kinds of experiments. They do not know that they will succeed. They may lose the money they put into it.

If we are to be honest about it, let us face the situation as it is. But it is worthy of investigation. That is a proper way to spend the people's money in an effort to see if we can not improve and cheapen fertilizer. Something may happen not now known to us and to the scientific world that may bring it about in another way, but as far as the scientific men can see to-day, what we have to do is to experiment, and continue to experiment, until we are able to cheapen it. We know, for instance, that nitrogen is all around and about us in abundance, and the soil beneath our feet is suffering for it. The thing to do is to take it from one place and put it in the soil, where the roots of the plants can get the benefit of it.

Mr. President, the Committee on Agriculture has not promised any revolution. We do not promise anything except that we will try to do the best we can. We do not promise that we can cut the price of fertilizer in two, as has been so often asserted in favor of bids in the past, always, I think, without foundation. But if we want to reach the right conclusion, let us go about it in a way that will give some promise of bringing results.

I do not want to give away this vast and valuable property of our Government to somebody to make a lot of nitrates, when the cost of making them would be so high they could not be used after they were made. There are men who want to keep this power out of use, who would be glad to use it to operate plant No. 2, which will produce 40,000 tons of nitrogen a year. It would take most of the water power there to do that. But what would be done with the nitrogen produced there? It would cost so much it could not be used for fertilizer. It could never be done, except in time of war, when we needed explosives, when the cost was a secondary consideration.

We might just as well tell the farmers to begin with that there is nothing in it for them; that it will not cheapen fertilizer. I take it the Senate does not want to subsidize anybody. You could say, "We will give you this water power. Take it for nothing, but make as much fertilizer as you can and sell it below the present cost," and they could do it. They would lose on fertilizer, but make it up on water power. That could be done. But does anybody want to legislate in that way? If we are going to subsidize the production of fertilizer, we must do it on a gigantic scale, and subsidize it so that all the farmers of the country will be able to get the benefit of it. It would take a thousand Muscle Shoals to do that. So I take it that Senators do not want to subsidize anybody. There are those who would be glad to do it, and it would have this effect, that it would keep the water power out of use and enable existing power companies to keep the control that they already have.

I would like to dissociate a consideration of the merits of this proposition from the simple fact that under our practice and under a fair method of reaching good legislation this bill ought to be referred to a committee. If there is any Member of the Senate who thinks it ought to go to some other committee than the Committee on Agriculture, I will not offer any objection. I did not when the discussion started. I knew it would be an awful task. I feared it was going to be a thankless one, and I knew I did not know very much about it, except that I knew it was gigantic in proportions. I said on the floor of the Senate that I was perfectly willing that it should go to some other committee. I suggested that the original bill be sent to the Committee on Military Affairs, to which committee it has been sent in the House. I am willing that it should go to that committee now. I am not looking for a job. I have more than I can tend to now, and so has the committee. If this bill goes to the committee we will have to lay aside some other things that we ought to do.

We are very crowded with work, it is true. But for heaven's sake, Senators, in an important matter like this, after we have gone this far, after we have given the time and attention we have, let us not give it away now on a report that is made in secret and without any evidence, without any opportunity for anybody to be heard. It seems to me it would bring on to us a scandal in the years to come. It would be said, "You gave away this valuable property on a secret report, on secret evidence, on hearings held behind closed doors. You never permitted a citizen of the United States to come before a regular committee to protest." Let us see if anybody did protest before the committee. I am going to read a copy of a letter directed to the joint committee by several representatives of farm organizations:

APRIL 24, 1926.

Senator CHAS. S. DENEEN,
Chairman Joint Committee on Muscle Shoals,
Washington, D. C.:

It is with genuine regret that we confess our inability to contribute to your committee a worth while opinion or comment with reference

to the pending bids for Muscle Shoals—and this because gentlemen who we were advised represent the leading bidders have refused to impart to us any information whatsoever, while even the Department of Agriculture had impressed upon us that such facts as it possesses are inviolate. And while as ordinary farmers we may not have the capacity to understand the why's and wherefore's of all this mystery and secrecy, we are nevertheless duly awed by its existence.

We realized in the beginning that any investigation that we might make at this late day would, of necessity, be most imperfect—and yet we had hoped that, without disclosing the intimate details, the various bidders would be willing to discuss their proposals with us in such general terms as would enable us to at least form a surface opinion of some value. In these premises we respectfully submit to your commission the following observations:

First. That the maintenance and rehabilitation of soil fertility is a matter of the most profound concern to the future of American agriculture.

Second. That Muscle Shoals was built for the express purpose of supplying of ammunition in time of war and cheap fertilizer for the farmers of the United States in time of peace.

Third. We submit that Congress should guard with extreme care the disposition of this, one of the greatest natural resources still in its possession.

Our inability to obtain even the slightest information concerning this great project has only sharpened our interest in it, and we will therefore no doubt address a general comment concerning it to Congress when the report of your honorable committee has been made public.

Respectfully submitted.

WILLIAM HIRTH,
Chairman Corn Belt Committee.
C. O. MOSER,
General Manager American Cotton Growers' Association.
W. H. SETTLE,
President Indiana Farm Bureau.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. HEFLIN. These gentlemen were all invited to appear and did appear before the committee. Those who desired to do so testified. The other representatives of farm bureaus and organizations stated that they had received copies of the bids from the power companies, from all the companies who made bids, and these gentlemen could have obtained the bids just as the others did if they had desired them. We had no request from them on the subject, I believe, until the last day that we were in session, when we were considering the two bids which we had determined were the best in the lot.

Mr. NORRIS. If representatives of the farm organizations appeared, it will, of course, show in the hearings, none of which have been printed, all of which are secret now. As to whether these gentlemen have taken the proper course or not I leave with the Senate. I do not know. I am reading what they said. I am reading the communication they sent to the committee. I am not saying that the committee did wrong in the matter. I do not know. None of us know. At least the opportunity ought to be given to men like this to be heard at length and to consider in detail every proposition, and the place to hear them is before the standing committee of the Senate where the bill ought to be referred.

Mr. President, since the Senator from Oregon [Mr. MCNARY] has entered the Chamber, I will say I have referred to action taken in a committee of which the Senator was chairman. I had not given any of the details, but have stated to the Senate that I thought the Senator from Oregon would give them when he came into the Chamber.

Mr. HEFLIN. Mr. President, this matter has been discussed so much that I am not going to take time to go into it in detail. It has been before the Congress for about 10 years. Hearings before the Committee on Agriculture and Forestry, running into the thousands of pages, are there available to any Senator who wants to peruse the volumes.

The Senator from Nebraska [Mr. NORRIS] has just returned from a trip to Muscle Shoals in my State. He has been visiting down there in the garden spot of the world. He had a most delightful time down there. While he was there he outlined his plans as to the things he proposed to do when he returned to Washington. I have on my desk a local newspaper in which they give some statements from the Senator. One was that when he returned to Washington the first fight he would make would be to have the bid, whatever it was, referred to the Committee on Agriculture and Forestry, and, if he failed in that, he had been gathering up data sufficient to enable him to filibuster for about three weeks and that he would undertake to prevent action at this session of Congress.

Mr. NORRIS. Mr. President, let me interrupt the Senator. Will he yield?

Mr. HEFLIN. I yield.

Mr. NORRIS. Does the Senator state to the Senate that I said that as a matter of fact?

Mr. HEFLIN. I did not say the Senator said it.

Mr. NORRIS. I want to be sure whether the Senator said that I made that statement. I have no objection to his repeating anything that comes from somebody else, but if he is going to make the statement that I said something I want to know whether he is saying that I said it.

Mr. HEFLIN. I did not hear the Senator say it. If I had heard it, I certainly would say so.

Mr. NORRIS. Yes; of course the Senator would, and if I had said it then I would say it now, too.

Mr. HEFLIN. I will just read it for the edification——

Mr. NORRIS. What is the Senator reading?

Mr. HEFLIN. I am reading from the Florence Times-News.

Mr. NORRIS. And the Senator is going to say, is he, that whatever that article says is what I said, and that I did say it? I want to say to the Senator that any statement that I said if I failed to get this bill referred to the committee I would filibuster and prevent action is absolutely without any foundation whatever. With that statement, he can read anything he pleases.

Mr. HEFLIN. I am glad to hear the Senator say that, but the statement was so in keeping with the Senator's conduct on all occasions heretofore that it impressed me that it was the truth.

Mr. NORRIS. I deny that also. I do not know whether the simple statement of the Senator from Alabama ought to bring a denial, but in this case I will make one.

Mr. HEFLIN. The statement of the Senator from Alabama is the truth regarding the things that he talks about here, and in particular when he speaks of the Senator from Nebraska, and it does not make very much difference what he says. The Senator from Nebraska wants this bill referred to the Committee on Agriculture and Forestry. I think his purpose in it is to kill it and to prevent action at this session of Congress. The Senator is at liberty to pursue the course he sees fit to pursue, but he must not impugn the motives of other Senators and Members of the House because they do not agree with him. The dilly-dallying tactics the Senator has indulged in have favored the power companies from the outset. There are more ways to serve the Power Trust than by standing up and openly championing their cause. It can be done by indirection. It can be done by various movements, parliamentary and otherwise. The result of the action of the Senator from Nebraska has been exactly what the Power Trust want. They have not wanted action in the Senate and in the House upon this bill, and the action of the Senator from Nebraska has resulted in no action being taken. That is exactly what they wanted. The Senator is here now at his same old tricks, pleading to have the measure committed to his committee on Agriculture and Forestry, where it can be entombed and never see the light of day in this session of Congress. I do not think a majority of the Senators will consider for a moment the matter of being led into the trap of the innocent-appearing Senator from Nebraska.

Mr. NORRIS. Mr. President——

Mr. HEFLIN. I yield to the Senator from Nebraska.

Mr. NORRIS. The proposition now before the Senate in regard to the bill is to give Muscle Shoals to the power company. If I have been so wicked in trying to give it to the power company, here is my opportunity to give it to them by just joining with the Senator from Alabama, and they would have it.

Mr. HEFLIN. All right, let us see about that. Let us analyze that proposition for a moment. The Alabama Power Co. in my State have this property leased now, and they are not paying very much for it. It would be to their interest to have no action, because the bid, which I do not now support, which is reported by the majority, which requires more pay at their hands, and they would naturally rather have, as anybody would, the situation that now exists than to have one that would be created under the new bid. If the Senator can succeed in preventing action at this session, they will continue in control for eight months for a pittance, whereas if either one of the bids reported shall be adopted, they will have more to pay and there will be fertilizer arrangements tied in the transaction. That is the difference in the situation.

Mr. NORRIS. As I understand the Senator, then, the Alabama Power Co. is anxious to have the bid rejected.

Mr. HEFLIN. No; I do not think so.

Mr. NORRIS. From what the Senator said it would be to their interest to have it rejected.

Mr. HEFLIN. I said that they would, naturally, rather have it not acted on at this session of Congress, as the matter now stands, because if the majority report is adopted then 13 southern companies tied together will have the property and not one. If I were the one who had it and could hold it for eight months more by paying no more than is now being received by the Government, I would not object to having it remain in my individual hands for eight months more. With the Senator from Nebraska pursuing this course, he is playing right into the hands of those who have it now. If this bill, reported by a majority of the committee, can be amended, and it can be, and, supported, it may be, by a large majority of the Senate, a strong fertilizer provision can be inserted in it, and if Dam No. 3 can be provided for, and power distributed at a reasonable rate to the consumer, I would under those conditions support it. Then, if we could all get behind it and make the bid what we want it to be we can dispose of Muscle Shoals, as the President wants done and as Congress wants done and as everybody in the country wants done, except the distinguished and able Senator from Nebraska. God only knows what he would do if he did not have Muscle Shoals to hug to his bosom. [Laughter.]

Mr. McKELLAR. Mr. President, will the Senator from Alabama yield to me?

Mr. HEFLIN. I yield to the Senator.

Mr. McKELLAR. The Senator from Alabama says that everybody is in favor of it except the Senator from Nebraska. He may be correct about that; but I saw an item in a Tennessee newspaper a day or two ago to the effect that the mayors and the aldermen of the cities of Tuscumbia, Sheffield, and Florence had wired protests to the Senator from Alabama and his colleague [Mr. UNDERWOOD] against turning this project over to the power companies. Was that correct or not?

Mr. HEFLIN. Some of those gentlemen did that in the outset, but other gentlemen there who are against the bid as it now stands, say that if the amendment which I have on my desk regarding the production of fertilizer and another relative to Dam No. 3 can be put into this measure they would like for me and my colleague to support it.

Mr. NORRIS. Mr. President——

Mr. HEFLIN. That dam is down near the State of the Senator from Tennessee, and Dam No. 3 means much to the navigation of the Tennessee River.

Mr. McKELLAR. But it is not in this bill.

Mr. HEFLIN. And some of the companies in the Senator's State are included in the Southern Power Co.'s bid, which I did not support, but I have no prejudice against any of them. If that bid can be made the best bid—and some Senators here who have read it tell me that they think it is the best bid that has ever been offered; that it is much better than the Ford bid—so I repeat that if we can make it what we want it by amending it, I am going to support it.

Mr. NORRIS. Mr. President, I want to ask the Senator a question about amending it.

Mr. HEFLIN. Yes.

Mr. NORRIS. I think the question involves a practical proposition. The bill, as I understand, accepts a bid. Now, if we can amend the bill it will have to be with the consent of the other party, will it not?

Mr. HEFLIN. Certainly.

Mr. NORRIS. So that if there shall be any amendment added to the bill we will have to have the assurance that it will be agreeable to the persons who submitted the bid. We will have to have an understanding of that kind, or we ought to have at least, before we act on any amendment?

Mr. HEFLIN. I said when the concurrent resolution was in this body for consideration that if amendments were offered the bidder could be consulted, and if he consented to them the bill could be amended after it came back here. That is the opinion of all of those with whom I have talked. I myself have no doubt about it. There is no use on earth of sending the bill to the Committee on Agriculture and Forestry. The Senator from Nebraska is becoming so generous now that he is willing, if Senators do not think the bill should go to the Committee on Agriculture and Forestry, to send it to any old committee, whether such committee has any jurisdiction over it or not or whether it will consider it or not. He is in favor of anything to get the bill out of the Senate Chamber.

However, the high-sounding phrases which the Senator is quoted as having uttered down at Muscle Shoals about what he was going to do are very amusing, Mr. President. I have a letter from a distinguished gentleman down there. He is mayor of one of the towns of which the Senator from Tennessee [Mr. McKELLAR] spoke. He tells about some of the conversations that our good friend from Nebraska had when he was visiting Muscle Shoals, riding around with the officials of the Alabama Power Co., basking in the sunshine of their splendid hospitality [laughter], his face wreathed in smiles of calm magnificence, perfectly satisfied and content, riding over the boulevards and out on the splendid highways, having a good time. He hurried back here, getting here the very night we made our report, armed and equipped for battle. He is ready to proceed. The newspaper to which I have referred said the Senator from Nebraska was going to make the motion to refer the bill to the committee of which he was chairman. Well, he has done it. That much of the newspaper report is true. Then, the newspaper stated that the Senator from Nebraska was going to filibuster against the measure. The Senator said that was not true. Now we shall see when we get the measure up for actual consideration whether or not that is true. The Senator from Nebraska may think now that that is not true; he may think now that he will not filibuster; but I know how he loves the name of Muscle Shoals; I know how fascinated and charmed he is by the very suggestion of Muscle Shoals; I know how reluctant he is to give it up; and, Mr. President, when the opportunity comes to him finally to make one more speech and to plead that the bill shall go to his committee, I do not think he will be able to resist the temptation.

Mr. NORRIS. Mr. President, will the Senator from Alabama yield there?

Mr. HEFLIN. Yes, sir.

Mr. NORRIS. The question which the Senator is discussing is not whether or not I am going to filibuster, but whether I said to the people of Alabama that I was going to filibuster. I hope the Senator from Alabama will give me credit for having sufficient intelligence that even if I were thoroughly permeated with the idea of filibustering I would not go down and tell about it in advance. What I said was that I never told anybody that I was going to filibuster. The fact that I later on may filibuster, let us say, is not proof that I said in advance that I was going to do it. That is the only point I am making.

Mr. HEFLIN. I knew the Senator from Nebraska was going to back off from that.

Mr. NORRIS. No; I am not backing off from it. I may commence to filibuster to-morrow; I do not know.

Mr. HEFLIN. As soon as I mention Muscle Shoals, the Senator from Nebraska rises to interrupt, and says that he might commence to filibuster to-morrow, that he loves Muscle Shoals, and hates to see it go. He does, too, Mr. President; he has shed copious tears over this subject, enough tears to form a river deep enough and broad enough to wet the wheels of every power company in the Nation.

I have here a letter which I received from a distinguished citizen down there regarding the visit of the Senator from Nebraska. The writer says—and I hope the Senator from Nebraska did not say this—

> I am informed that he said that he knew that President Coolidge had sent for Ford and that while Ford was a guest at the White House had promised to give him Muscle Shoals if he would not become a candidate for President.

"Lord God of hosts, be with us yet." [Laughter.]

Oh, what a difference just a few drinks make—not drinks [laughter]; what I mean is what a difference a little distance makes! [Laughter.]

> 'Tis distance lends enchantment to the view.

I am talking now about the Senator's interview. President Coolidge trafficking on Muscle Shoals with Henry Ford and promising to give him Muscle Shoals to keep him from running for President! Is not that interesting? The writer of the letter quotes the Senator as talking along that line. I wonder if he did.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HEFLIN. Yes.

Mr. WHEELER. The Senator does not believe, does he, that the Senator from Nebraska made any such statement as that?

Mr. HEFLIN. I am sorry the Senator from Montana feels called on to try to make a denial for the Senator from Nebraska when that Senator is sitting right in front of me and is amply able to make his own denial; and, with all due deference to my good friend, I think he is able to do it as well or better than the Senator from Montana can do it for him.

Mr. WHEELER. There is no doubt about that; but I am just asking the Senator, who made the statement as if he believed it——

Mr. HEFLIN. No; I am not expressing any belief.

Mr. WHEELER. I am asking the Senator if he believes it?

Mr. HEFLIN. I am not expressing beliefs; I am reading from a letter, and the Senator from Nebraska is sitting in the Chamber. He knows whether he said it or not. It seems to me that I have heard something like that before somewhere around here. The Senator from Nebraska knows whether he said it or not.

Now, Mr. President, let me give the history of this legislation in a nutshell. The House passed the Ford bill years ago; it died in the Senate. The Underwood bill passed, went to conference, and the conference report was never acted on. The President appointed a commission to go down and see if it could dispose of Muscle Shoals, and that commission failed. He then asked Congress to raise a commission of its own, three Members from each branch of Congress, and for them to go out and advertise and solicit bids and negotiate if they could. For six weeks we sat, morning, afternoon, and night. We wired and wrote to everybody that we thought would be interested. We sent them copies of the resolution, copies of the Ford bill. Gentlemen came down and submitted their bids. We went over them and had taken down the statements which we thought should be taken down. They have been typewritten. They can be printed; nobody objects to that; I have not the slightest objection to it. The bids are here; they are stated in plain English. The report explains them, and Senators are competent to know what the provisions of the bill are when they are read from the Clerk's desk and discussed in this body without ever taking up the time to refer it back to the Committee on Agriculture for hearings.

Why should we have any further hearing? The main questions involved are a 50-year lease, the matter of making nitrates for the Government in time of war—and both bids provide for that—and making fertilizer in time of peace, and both bids provide for that. The bid that I favor proposes to make 20,000 tons of fixed nitrogen and 40,000 tons, provided the Government will build Dam No. 3 and Cove Creek Dam and let them amortize it and pay for it as Ford agreed to pay for Dam No. 3. In that event they will make 40,000 tons. Then the southern companies came in, amended their bid, and agreed to make 40,000 tons outright, without reference to Dam No. 3 or Cove Creek Dam. That is the situation. They agreed to pay $20 a horsepower. All that is set out in the report. I have given Senators, in substance, what is in these bids. What is there complicated about that that would require the bill to be sent to a committee?

Senators, I wish to say this before I close: We are reaching the end of the session of Congress; the President wants this question disposed of; we would all like to dispose of it. God knows I would like to be done with it. However much it may pain the Senator from Nebraska to give up the pleasure of hearing the charming name of Muscle Shoals, I want to see it taken out of his presence; it will be good for him. He has worried over it a great deal; I think he is worried about us, too. At times I think he has had the hallucination that if anything should happen to him the country would go to the bow wows; he hardly knows what would happen if he should chance to pass out. Muscle Shoals! The newspapers down there reported that the Senator said, "I will try to have the bill referred to my committee; and if I fail, I will indulge in filibustering tactics." The Senator says he did not make either one of those statements, but he has already moved to refer the bill to his committee, and it remains to be seen whether he will filibuster or not.

There are others of us who have studied this question. The project is located in my State; I am on the committee; I do not want the bill referred back to the Committee on Agriculture. There is no valid reason for sending it there. I think I know what would happen if it should go there. I think the Senator would begin to call in people to be heard, and when we asked to close the hearing and hurry the bill back to the Senate he would say, "We ought not to stop the hearing so long as anybody wants to be heard." I know the Senator; I served with him in the House of Representatives; I have served with him here; and I have been on the committee with him. He is a very valuable legislator in many respects, but when it comes to Muscle Shoals he is as blind as a bat. [Laughter.]

If I can I want to take this thing away from him. It will be good for his health. I want to see him smile again as he used to, before he felt that on his back was the burden of the world. [Laughter.] I want to see him smile and step lightly around here, and I am going to do this for his good. I do not want to see him assume the attitude of a man who was in the asylum when a number of ladies and gentlemen went there to visit the place and said, "We would like to go through the institution." A gentleman, with long hair and a rather distinguished look, who was standing there, said, "I will be delighted to show you around." So he took them through the institution, and as they were proceeding they saw a man at a window standing in a rather dramatic pose, as if he were about to speak to some one outside, and they asked "Who is that"? He replied, "He is a nut who came in here on account of some invention that he was trying to put over; he slipped a cog on that subject." They went on and found another man sitting at a table writing as fast as he could, with his pen flying across the pages, and they asked, "Who is he?" Their escort replied, "He thinks he is Lord Byron; he is working on Childe Harold's Pilgrimage." They went on further, and they saw another man standing up with one hand in the breast of his Prince Albert, gesticulating with the other and working his lips as he looked about, and they asked, "Who is he?" Their escort replied, "He thinks he is Daniel Webster making a speech in the Senate." They went along a little farther and they saw a man dictating to two or three imaginary stenographers, and they said, "Pray, tell us who this man is?" and their escort said, "He is the craziest one of 'em all. He thinks he is Cæsar, but he is not; I myself am Cæsar. [Laughter.]

Mr. President, there is other legislation pending here which ought to be considered, and I do not want to delay the Senate in its consideration of other measures. This matter ought to be disposed of this afternoon, and I move to lay upon the table the motion of the Senator from Nebraska.

Mr. NORRIS. On that I ask for the yeas and nays.

Mr. McKELLAR. I suggest the absence of a quorum.

Mr. McNARY. Mr. President——

Mr. McKELLAR. I suggested the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Shortridge
Bingham	Frazier	McNary	Simmons
Blease	Gillett	Mayfield	Smith
Borah	Goff	Means	Smoot
Bratton	Gooding	Metcalf	Stanfield
Broussard	Hale	Norbeck	Steck
Bruce	Harreld	Norris	Stephens
Cameron	Harrison	Nye	Swanson
Couzens	Heflin	Oddie	Trammell
Cummins	Howell	Overman	Tyson
Curtis	Jones, N. Mex.	Phipps	Underwood
Dale	Jones, Wash.	Pine	Walsh
Deneen	Kendrick	Ransdell	Warren
Dill	Keyes	Reed, Pa.	Watson
Edge	King	Robinson, Ark.	Weller
Ernst	La Follette	Sackett	Wheeler
Fernald	Lenroot	Sheppard	Williams
Ferris	McKellar	Shipstead	Willis

The VICE PRESIDENT. Seventy-two Senators having answered to their names, a quorum is present.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. A motion to lay on the table is not debatable. Does the Senator rise to debate the question?

Mr. McNARY. I ask the attention of the able and amusing Senator from Alabama [Mr. HEFLIN]. I appeal to his sense of justice. After delivering a merrymaking speech here of some length, I do not think it is fair to attempt to cut off debate by making a motion to lay on the table.

I have a very few brief remarks to make, not with respect to the merits of these proposals but with respect to the parliamentary situation and the precedents that have been heretofore established by the Senate, and in all fairness I certainly should have an opportunity to do that.

Mr. HEFLIN. Mr. President, I want to say frankly to my friend the able and distinguished Senator from Oregon—for I am his friend—that information has come to me that an effort is going to be made to carry this matter over through tomorrow and not let us get action even on the matter of referring the bill until Monday. We can not afford to permit that. The Senator from Nebraska occupied the floor longer than I did. The Senator from Tennessee interrupted him, and then I made a brief speech and moved to lay his motion on the table.

I think nine-tenths of the Senators here indorse that motion. A dozen Senators have told me since that they were glad I made it—Senators on both sides. I would love to withdraw it at the request of my good friend, but he can make his statement just as well after the motion is voted upon.

Mr. McNARY. That would be true if I were to speak to the merits of this proposal; but the remarks I desire to make go to the question of what has been the practice and procedure of the Senate in cases of pure analogy.

Mr. HEFLIN. That would not do any good, Mr. President. I believe that a majority of this body is determined to do its best to get action at this session of Congress. We want to get action in concert with the other body.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. The Chair understands that the Senator does not withdraw his motion.

Mr. HEFLIN. For that reason I can not withdraw the motion.

Mr. NORRIS. I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on the motion of the Senator from Alabama [Mr. HEFLIN] to lay on the table the motion of the Senator from Nebraska [Mr. NORRIS]. On that question the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. If at liberty to vote, I should vote "nay," and the junior Senator from Indiana would vote "yea." Under the circumstances, I withhold my vote.

Mr. BROUSSARD (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES], who is unavoidably absent. I understand that if present he would vote as I intend to vote. Therefore I vote "yea."

Mr. FERRIS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PEPPER]. Not knowing how he would vote on this question, I withhold my vote.

Mr. TRAMMELL (when Mr. FLETCHER'S name was called). I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER]. He has a general pair with the junior Senator from Delaware [Mr. DU PONT].

Mr. NORBECK (when his name was called). On this question I have a pair with the junior Senator from Arkansas [Mr. CARAWAY]. If he were present, he would vote "yea." If at liberty to vote, I should vote "nay."

Mr. PHIPPS (when his name was called). I have a pair with the junior Senator from Georgia [Mr. GEORGE], which I transfer to the senior Senator from Vermont [Mr. GREENE], and will vote. I vote "yea."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. BAYARD]. If he were present, he would vote as I intend to vote, and therefore I will vote. I vote "yea."

Mr. ROBINSON of Arkansas (when his name was called). I have a pair with the Senator from New York [Mr. WADSWORTH]. I am informed that if he were present he would vote as I intend to vote, and therefore I will vote. I vote "yea."

The roll call was concluded.

Mr. McKELLAR. The senior Senator from Missouri [Mr. REED] is necessarily absent. If he were present, he would vote "nay."

Mr. MAYFIELD. The senior Senator from West Virginia [Mr. NEELY] is detained from the Senate on account of illness.

Mr. BRATTON. I transfer my pair with the junior Senator from Indiana [Mr. ROBINSON] to the senior Senator from Missouri [Mr. REED] and will vote. I vote "nay."

Mr. ROBINSON of Arkansas. I desire to announce the absence of the Senator from Nevada [Mr. PITTMAN] on account of illness.

I also desire to announce that the Senator from New Jersey [Mr. EDWARDS] is necessarily absent. If present, he would vote "yea."

Mr. JONES of Washington. I wish to announce that the Senator from Massachusetts [Mr. BUTLER] is paired with the Senator from New York [Mr. COPELAND]. If present, the Senator from Massachusetts would vote "yea," and the Senator from New York would vote "nay."

The result was announced—yeas 39, nays 31, as follows:

YEAS—39

Bingham	Gillett	Oddie	Stephens
Broussard	Goff	Phipps	Swanson
Bruce	Hale	Pine	Tyson
Curtis	Harris	Ransdell	Underwood
Dale	Harrison	Reed, Pa.	Warren
Deneen	Heflin	Robinson, Ark.	Watson
Edge	Kendrick	Sackett	Weller
Ernst	Keyes	Shortridge	Williams
Fernald	Means	Smoot	Willis
Fess	Metcalf	Steck	

NAYS—31

Ashurst	Frazier	Lenroot	Sheppard
Blease	Gooding	McKellar	Shipstead
Borah	Harreld	McMaster	Simmons
Bratton	Howell	McNary	Smith
Cameron	Jones, N. Mex.	Mayfield	Stanfield
Couzens	Jones, Wash.	Norris	Walsh
Cummins	King	Nye	Wheeler
Dill	La Follette	Overman	

NOT VOTING—26

Bayard	Caraway	Edwards	George
Butler	Copeland	Ferris	Gerry
Capper	du Pont	Fletcher	Glass
Greene	Moses	Pittman	Trammell
Johnson	Neely	Reed, Mo.	Wadsworth
McKinley	Norbeck	Robinson, Ind.	
McLean	Pepper	Schall	

So Mr. NORRIS's motion to refer the bill to the Committee on Agriculture and Forestry was laid on the table.

Mr. DENEEN. Mr. President, I desire to file the minority views from the Joint Committee on Muscle Shoals. When the majority report was presented the minority views had not been prepared, and I file them for the information of the Senate.

The VICE PRESIDENT. The minority views will be received and printed as part 2 of Report No. 672.

Mr. DENEEN. I submit a resolution for printing 5,000 copies of the report on Muscle Shoals accompanying the bill.

The resolution (S. Res. 216) was read, as follows:

Resolved, That 5,000 additional copies of Senate Report No. 672, accompanying the bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes, be printed for the use of the Senate document room.

Mr. McKELLAR. Does that include the minority views?

Mr. DENEEN. Yes; it will include the minority views.

Mr. McKELLAR. It is understood that both reports will be printed together. I have no objection under that assurance.

Mr. DENEEN. I have no objection to that. The resolution will include the printing of 5,000 copies of the minority views, to be attached to the majority report. The majority report has been printed. To-morrow I shall introduce a resolution for the printing of the testimony.

Mr. McKELLAR. If both reports are included, I have no objection. I ask that the words "together with the minority views" be inserted in the resolution.

Mr. DENEEN. Very well; I accept the modification.

The resolution as modified was agreed to, as follows:

Resolved, That 5,000 additional copies of Senate Report No. 672, accompanying the bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes, together with the minority views, be printed for the use of the Senate document room.

SETTLEMENT OF INDEBTEDNESS OF THE FRENCH REPUBLIC
(S. DOC. NO. 102)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying document, referred to the Committee on Finance and ordered to be printed:

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement dated April 29, 1926, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the French Republic to the United States of America. The agreement was approved by me on April 29, 1926, subject to the approval of Congress, pursuant to authority conferred by act approved February 9, 1922, as amended by act approved February 28, 1923, and as further amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments, and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *April 30, 1926.*

PROPOSED PHILIPPINE MISSION

The VICE PRESIDENT laid before the Senate the following communication from the Secretary of the Treasury, which was read and ordered to lie on the table:

TREASURY DEPARTMENT,
Washington, April 29, 1926.

THE PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: I have to acknowledge receipt of Senate Resolution No. 106, requesting the Secretary of the Treasury to advise the Senate as to whether or not any funds in the Treasury are available under any existing appropriation act for the payment of the expenses of an investigation of conditions in the Philippine Islands by Carmi Thompson, Esq., of Ohio, recently reported to have been appointed by the President of the United States to make such investigation.

In reply, you are informed that the Treasury knows of no funds under any existing appropriation act available for this purpose. As the Treasury has no information on this subject, and as it is one that

presumably would come under the jurisdiction of the War Department, it is suggested that information relating thereto possibly may be obtained from the Secretary of War.

Respectfully,

A. W. MELLON,
Secretary of the Treasury.

Mr. KING subsequently said: Mr. President, I note that in response to a resolution which I offered a few days ago, asking the Secretary of the Treasury to inform us whether the President had any funds available for the sending of a roving commission to the Philippine Islands, headed by Carmi Thompson, he replies that no funds whatever are available in the Treasury Department for that purpose. The letter which has just been transmitted by the Secretary indicates that possibly the War Department may have some such funds. Accordingly, I shall offer a resolution to see if we can find whether, in some of the departments or in some bureau, there are funds available for this roving commission.

DISTRICT OF COLUMBIA APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives on certain amendments of the Senate to House bill 10198, the District of Columbia appropriation bill, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES,
April 29, 1926.

Resolved, That the House recedes from its disagreement to the amendments of the Senate Nos. 46, 56, 100, and 102 to the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes, and concurs therein.

That the House recedes from its disagreement to the amendment of the Senate No. 109, and concurs therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

That any person employed under any of the provisions of this act who has been employed for 10 consecutive months or more shall not be denied the leave of absence with pay for which the law provides.

That the House recedes from its disagreement to the amendment of the Senate No. 110, and concurs therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following.

SEC. 7. Hereafter in the payment of compensation of per diem employees of the government of the District of Columbia a signature by mark duly witnessed by an employee of such District designated for that purpose by the commissioners, shall be deemed a full legal acquittance as to such signature.

Mr. PHIPPS. The House conferees, under the rule of the House, asked for action on certain amendments. I will say that they are merely textual in form and clarify the language in a few cases without changing the meaning of the amendments that the Senate placed in the bill. I move that the Senate agree to the amendments of the House to the amendments of the Senate Nos. 109 and 110.

The motion was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills:

H. R. 2761. An act for the relief of Nora B. Sherrier Johnson;

H. R. 2797. An act for the relief of Mary M. Pride;

H. R. 3797. An act to increase the limit of cost of public building at Decatur, Ala.;

H. R. 3971. An act to correct and perfect title to certain lands and portions of lots in Centerville, Iowa, in the United States of America, and authorizing the conveyance of title in certain other lands and portions of lots adjacent to the United States post-office site in Centerville, Iowa, to the record owners thereof, by the Secretary of the Treasury;

H. R. 7904. An act granting the consent of Congress to Des Arc Bridge Co. and its successors and assigns to construct a bridge across the White River at Des Arc, Ark.;

H. R. 7818. An act to amend section 304 of an act entitled "An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921;

H. R. 8817. An act reserving certain described lands in Coos County, Oreg., as public parks and camp sites;

H. R. 9348. An act granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio;

H. R. 9494. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainesboro-Red Boiling Springs road in Jackson County, Tenn.;

H. R. 9503. An act granting permission to the State Highway Commission of the State of Tennessee to construct a bridge across the Tennessee River at Savannah, Hardin County, Tenn., on the Savannah-Selmer road;

H. R. 9505. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden road between Humphreys and Benton Counties, Tenn.;

H. R. 9506. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Perry and Decatur Counties, Tenn.;

H. R. 10002. An act granting the consent of Congress to H. J. Stannert, Harry Weis, and George W. Rockwell to construct, maintain, and operate a bridge across the Susquehanna River from a point in the city of Sunbury, Northumberland County, to a point in the township of Monroe, in Snyder County, in the State of Pennsylvania; and

S. 2296. An act authorizing insurance companies or associations, or fraternal or beneficial societies to file bills of interpleader.

COURTS IN MONTANA

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5701) to designate the times and places of holding terms of the United States District Court for the District of Montana, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WALSH. I move that the Senate insist upon its amendments disagreed to by the House, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. GILLETT, Mr. GOFF, and Mr. WALSH conferees on the part of the Senate.

MISSISSIPPI RIVER BRIDGES

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9460) granting the consent of Congress to the highway department of the State of Minnesota to reconstruct a bridge across the Mississippi River between the city of Anoka, in Anoka County, and Champlin, in Hennepin County, Minn., and I submit a report (No. 726) thereon.

Mr. SHIPSTEAD. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9596) to extend the time for the construction of a bridge across the Mississippi River in the county of Aitkin, Minn., and I submit a report (No. 727) thereon.

Mr. SHIPSTEAD. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BINGHAM From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10121) to revive and reenact the act entitled "An act granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River," approved January 31, 1923, and I submit a report (No. 728) thereon.

Mr. SHIPSTEAD. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 10470) granting the consent of Congress to the city of Little Falls, Minn., to construct a bridge across the Mississippi River at or

near the southeast corner of lot 3, section 34, township 41 north, range 32 west, and I submit a report (No. 730) thereon.

Mr. SHIPSTEAD. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 2, line 2, after the numerals "1906," to strike out the comma and the following words: "and subject to the conditions and limitations contained in this act. The construction of such bridge shall not be commenced, nor shall any alteration in the plans for the same be made either before or after its completion, until the plans and specifications for the bridge or for the alteration in the plans thereof have been submitted to the Secretary of War and Chief of Engineers and approved by them as being adequate for the volume and weight of traffic that will pass over it," and to strike out section 2 in the following words:

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the city of Little Falls, its successors and assigns, and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ALLEGHENY RIVER BRIDGE

Mr. BINGHAM. From the Committee on Commerce I report back favorably with an amendment the bill (H. R. 10246) to authorize the commissioners of McKean County, Pa., or their successors in office, to construct a bridge across the Allegheny River at a certain location where a highway known as State Highway Route No. 211 crosses said river at a location within the limits of the borough of Eldred or not distant more than one-half mile north of said borough of Eldred, McKean County, Pa., and I submit a report (No. 731) thereon.

Mr. REED of Pennsylvania. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, on page 2, line 7, after the numerals "1906," to strike out the colon and the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also adequate from the standpoint of the volume and weight of the traffic which will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

OHIO RIVER BRIDGE

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 10169) granting the consent of Congress to the Gallia County Ohio River Bridge Co. and its successors and assigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio, and I submit a report (No. 732) thereon.

Mr. WILLIS. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 2, line 3, after the word "act," to strike out the following:

The construction of such bridge shall not be commenced, nor shall any alterations in the plans for the same be made either before or after its completion, until the plans and specifications for the bridge, or for alterations in the plans thereof, have been submitted to the Secretary of War and the Chief of Engineers and approved by them as being adequate for the volume and weight of traffic that will pass over it.

On page 2, line 22, after the word "therefor," to strike out "may be had in any court of competent jurisdiction in such State" and insert "shall be the same as in the condemnation and expropriation of property in such State"; on page 5, line 1, after the words "Secretary of," to strike out "Agriculture" and insert "War"; in line 6, after the words "Secretary of," to strike out "Agriculture" and insert "War"; and in line 12, after the words "Secretary of," to strike out "Agriculture" and insert "War."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

ROCK RIVER BRIDGE, WIS.

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9393) to extend the time for the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin, and I submit a report (No. 729) thereon.

Mr. LA FOLLETTE. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PORTRAIT OF THE LATE PRESIDENT HARDING

Mr. FESS. From the Committee on the Library, I report back favorably without amendment the joint resolution (S. J. Res. 101) authorizing the Joint Committee on the Library to procure an oil portrait of the late President Warren G. Harding, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read, as follows:

Resolved, etc., That the Joint Committee on the Library is hereby authorized to procure an oil portrait of the late President Warren G. Harding for the Executive Mansion, at a cost not to exceed $2,500.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF CHIPPEWA INDIANS OF MINNESOTA

Mr. HARRELD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 178) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2; and the House agree to the same.

J. W. HARRELD,
RALPH H. CAMERON,
JOHN B. KENDRICK,
Managers on the part of the Senate.

SCOTT LEAVITT,
W. H. SPROUL,
CARL HAYDEN,
Managers on the part of the House.

Mr. KING. Mr. President, I would like to ask the Senator from Oklahoma if the conference report which has just been read includes or excludes an item of $346,000 concerning which there has been some controversy?

Mr. HARRELD. It did not deal with that at all. The only point in controversy was a limitation on the amount of fees which should be paid to attorneys. This is the Chippewa jurisdictional bill.

Mr. KING. I would like to ask the Senator if there is some bill in conference involving that question. I have had a number of communications in regard to it.

Mr. HARRELD. I do not recall the matter.

Mr. KING. Is there a bill pending which involves an item of $346,000, to which the Indians are very much opposed?

Mr. HARRELD. Involving the Chippewa Indians?

Mr. KING. I am not sure.

Mr. HARRELD. The Senator refers to the Bratton bill, I think.

Mr. KING. I am not sure as to that. Letters came to me this morning mentioning the matter, and I have had no time to examine into the question.

Mr. HARRELD. I do not recall any such bill.

Mr. KING. If it had been included in this report, I did not want it to pass without comment.

The report was agreed to.

ADDRESS OF SENATOR SIMEON D. FESS

Mr. HALE. Mr. President, I ask unanimous consent that there be printed in the RECORD an address made by the junior Senator from Ohio [Mr. FESS] at the Republican State Convention in Portland, Me., on April 6 of this year.

The VICE PRESIDENT. Is there objection?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. Chairman and ladies and gentlemen of the convention, the problems before the country to-day are largely due to conditions growing out of war.

Our part in the World War was under the direction of the Democratic Party, which was then in control and which by experience and attitude toward business integrity was not the best fitted to conduct such an undertaking in the most systematic or businesslike manner.

Such a convulsion as the World War at best would tax the best brain and leadership of the country, and even then many unfortunate mistakes would be made. These would be inevitable under such stress as provoked by the world's greatest convulsion. It is not important to dwell upon these mistakes. It is sufficient to recognize their commission and to correct them if possible.

The war brought its complications and peace its problems. The American people recognized both, and it was but natural for them to turn to the party of constructive business integrity for the work of readjustment.

When the Republican Party took full control in 1921 it found a public debt which, in 1914 was $973,000,000, had gone to $26,500,000,000, or an increase of more than 2,500 per cent. It found its annual interest charge ascend from $40,000,000 to $1,125,000,000. It found a tax burden which had been a fraction beyond a billion a year, all told, increased to five and one-half billion. It found its additional current obligations in the form of the unfunded or floating debt of three billions, carried by the banks at the expense of productive industry. Of the enormous funded loans, it had to meet the Victory loan of over four billion by May 20, 1923, which was due at that time, and in addition to the foregoing it had to meet the three-fourths of a billion dollars in war-savings stamps.

Government financing under the present Secretary of the Treasury commends itself as an unusual achievement. Aside from the current obligations which had to be met by heavy taxation, these Government obligations, in the form of the floating debt, war savings stamps, and Victory notes, presented the problem of meeting charges by 1923 of more than seven and one-half billion dollars. Three billion of this was the unfunded obligations which the Wilson administration had hoped might be cared for by revenue derived from war liquidations. To bridge it over the banks were asked to carry this enormous burden for the Government, which borrowed for from 3 to 6 months, with privilege of renewal if not paid. Of course, the payment could not be made, and the burden to the banks continued up to the time the present Secretary took charge of the finances.

The effect of this hand-to-mouth financial policy of financing was serious, with definite results. This item alone deprived industry of three billion cash, equivalent to at least $7,000,000,000 of commercial credit. The immediate result was to starve industry for want of capital. The liquid assets which normally would flow to productive industry were frozen and banking became difficult. Interest rates scaled high, rediscount rates went higher, money became tight, industry was paralyzed, and widespread dislocations with dire consequences were ominous.

As enterprise slowed down when it did not entirely close, affecting all the basic industries, especially those of heavy investment of capital and large employment of labor, such as manufacturing, mining, and transportation, unemployment increased to an alarming extent, until at least 5,000,000 workers were without labor and general suffering reached much of our population.

The direct effect was displayed in an almost fatal decline of all values, and especially those in the security market. Even Liberty bonds, which should be the best security in the world, struck the low level of 84. This one item was the very best barometer of the unfortunate situation produced by this policy of Government financing, which called for definite and immediate relief.

The immediate problem of the Treasury therefore was to release at least this $7,000,000,000 of commercial credit for industry now tied up by the Government. The Secretary sought the plan of transferring these obligations from the banks to the investment public. In case the public could and would absorb them in the purchase of short-term certificates, so maturing as to enable the Government to either pay or refund when due, the tied-up assets of the banks would be released, and then the banks could supply that amount of capital for industry.

He at first offered a block of one-half billion three-year certificates at 5¾ per cent. Fortunately, the public immediately absorbed them by a large oversubscription. The same result was realized with the next half billion. He continued to offer and the public continued to oversubscribe, even at as low a rate as 4¼ per cent, until the entire floating or unfunded debt of three billion was cared for.

The results of this financing were speedy and definite. Banking became easier, interest rates declined, rediscount rates fell from 7½ in time to less than 5, capital began to flow into investment, industry at once began to revive, unemployment began to decline and in time entirely disappeared, general values appreciated, Government obligations (Liberty bonds) went to par, and the Nation's business integrity was again on a sound and substantial foundation.

This policy revealed a hitherto unknown power of our investment public, and its marked success induced the Secretary of the Treasury to proceed to convert the $4,050,000,000 Victory notes falling due May 20, 1923, in a similar manner.

It was apparent that only a small portion of this vast obligation could be paid, and the amount was too great to be refunded in a lump sum without serious interruption to the industrial progress upon which the Nation had entered. His proposal therefore was to offer small blocks maturing at convenient periods, at the time fixed for income-tax payments, and as a further inducement to the public he allowed the acceptance of Victory notes in payment of taxes.

By October 31, 1923, he had successfully issued four series of certificates of indebtedness ranging from 4 to 4½ amounting to nearly one billion, to be exact, $941,013,500. He had issued nine series of Treasury notes ranging from 4¼ to 5¾, totaling $4,050,432,000. The first two issues matured June 15 and September 15, 1924. The next three matured March 15, June 15, and December 15, 1925; the next two matured March 15 and September 15, 1926, and the last two March 15 and December 15, 1927.

This entire issue was completed by May 15, 1923, a few days before the maturity of the Victory loan. Instead of the Government facing obligations of $7,500,000,000, due May 2, which it could not possibly pay, under the guidance of the Treasury all this vast sum was cared for by retiring a portion of it, funding that part known as the floating debt, and refunding the balance of it at a comparatively low rate of interest, resulting in a substantial saving for the Government, and at periods of maturity to avoid future confusion to the Treasury. This accomplished, operations to refund in similar manner the over three billion third Liberty loan due in 1928 are now proceeding, with about one-third of it already cared for. While figures are dry and financial discussions are generally uninteresting, there is no eloquence superior to the plain recital of the operations of the Treasury.

From 1921 to 1926 is time enough to estimate fairly well the wisdom of the policy. During that time the Government has not only balanced its Budget but it has reduced the public debt almost $5,000,000,000, with a perpetual annual saving of $225,000,000 of interest. This reduction could be made possible only by the policy of rigid economy of the administration led by the President and supported by Congress. During this period three separate measures of tax reduction were enacted, 1922, 1924, and 1926, totaling $1,622,000,000, or an annual saving at the rate of over $4,000,000 per day.

The prodigious operations of the Treasury, at once bewildering because of their dimensions and brilliant because of their success, are shown by the statement of the Secretary, for example, in his report of 1923:

"During the fiscal year of 1923 bonds, notes, and certificates of indebtedness amounting to $7,057,189,860 were issued against cash receipts and bonds, notes, and certificates of indebtedness amounting to $7,323,073,300 were discharged by payment."

The last report of the Treasury (1925) shows the wonderful position of the finances of the Government. The Secretary, commenting upon debt reduction, states:

"At the present rate of payment as provided in the sinking fund, the so-called domestic debt, representing money spent by America in the war, and amounting at the present time to $8,712,700,000, will be discharged by 1944, which, including interest, will make total payments of $12,754,700,000 to be made in the next 18½ years."

The outstanding significance of these operations is the tremendous financial reserve ability of the American people. These offerings were made to the public, and each of the more than dozen were oversubscribed. The last $400,000,000 of the Victory notes was oversubscribed by almost a billion dollars.

Another fact of great importance was the ease with which the transactions were completed. It was so skillfully handled that business was not in the least interrupted, as is the usual result, while, on the contrary, scarcely any but those conversant with financial transactions even knew they were being made.

This ability is also shown in the security markets. Twenty-five years ago there were not over 4,400,000 shareholders in American corporations. To-day there are not less than 14,400,000. Last year 43,850,127 depositors held over $23,000,000,000 in the savings banks of the United States. Total wages and salaries paid last year exceeded $40,000,000,000—a mere suggestion of the reserve power of American labor. The movement toward popular ownership of utilities, both public and corporate, is one of the most significant of modern life and promises well for minimizing the perennial controversies between labor and capital.

Large credit must be given to the financial genius directing it. He knows the problem and has the solution. He has the complete confidence of the business world because of his economically

sound viewpoint. This enables him to mobilize the financial ability of the public which he has accomplished.

This ability, so wonderfully exemplified in his achievements, is the basis of the fiercest criticisms of a type of Democratic politicians in their charge that "big business" has taken control of the administration. The Government is a big business and never was administered in a bigger and better way, doing equal justice to all without regard to big or little interests and with a wider and more general distribution of wealth in which more people have a share than has yet been enjoyed in the history of civilization.

While the outstanding achievements of the Treasury so far as the public will judge it will always be the refunding operations and the reduction of the public debt, the greatest achievement was in the service rendered to relieve the people of the Nation from the general industrial depression with its wide-spread suffering. When the Treasury transferred to the investment public the obligations representing the floating debt, up to that time carried by the banks, which obligations had absorbed the banks' liquid assets and had inevitably starved industry, resulting in an army of unemployed, it relieved the banks and thereby released their frozen assets and made possible commercial credit of billions of dollars which at once flowed to productive industry and solved the problem of unemployment as well as Government credit.

This administration thus pointed the way for the industrial revival which in five years has placed the Nation in its strongest financial and industrial position. In no period of our history have the basic industries, save agriculture in those States where war liquidation has not yet been completed, been placed on a sounder basis. Capital is fully invested, labor is generally employed at higher wages and under better conditions with a better spirit in both labor and capital than at any previous period. There is also a closer relation between production and consumption thus minimizing the surplus problem of overproduction and avoiding the periodic depression of other years.

One of the important assets of sound government financing is the element of stability which replaces the haphazard method by a scientific method of business. This stability in industry relieves business as a mere venture by giving it a substantial character of more or less certainty. Under such circumstances capital has an easy flow, opening the way for our banking resources to seek profitable investment, and making possible the fullest employment of labor—steady and at a high level of wages.

To-day the transportation facilities of the country, a good barometer of business conditions, are taxed almost to their capacity. The traffic handled is the largest in volume, the most expeditious in movement, the safest in transit, the cheapest in transportation, and the most efficient in service in our history.

The mining and manufacturing situation is on a stable basis, with consumption keeping pace with production, which avoids the serious consequences of the surplus problem.

Investments, both governmental and industrial, are ranging on levels above par, and general transactions indicate confidence as well as stability in the investment market.

While the cost of living ranges high, it is due to an increasing scale of wages, which has risen higher than the cost of living. Compared with pre-war times the scale of wages has increased 237.9 per cent, while the cost of living has increased 177.9 per cent. There appears to be a better feeling between labor and capital growing out of a better understanding, and hence fewer strikes and less consequent loss and suffering from labor troubles.

Whatever else is desired from the administration of the Nation's affairs, nothing is more important than the prosperity of its people. When all the forces of normal production and consumption flow in normal channels, capital can find investment in productive industry by employing the labor of the country at a wage scale to maintain the proper standard of living of all classes. This latter must be assured in order to insure a consumption where the articles of production may be marketed.

The agriculturist is most interested in finding this market for that portion of his production not needed for his own consumption. The nonagricultural population is his chief consumer. The great industries employing millions of labor and paying out billions of wages absorb 95 per cent of the farmers' production.

The breaking down or even the crippling of this power is immediately reflected in the loss to the food producer, who will be denied the power to sell his surplus to secure the necessary funds to care for his annual expenses. The greatest service that can be rendered to the farmer is to supply this market at home.

Wherever legislation can economically assist in building up a consumptive power in the American people, such legislation will be reflected in the returns to the farmer; hence the importance of the American protective system. Wherever legislation can assist in securing a greater share of the price paid by the consumer by assuring better facilities for marketing, such legislation is warranted; hence the importance of cooperative marketing. But any proposal not based on the principles of sound economy should be avoided, as it only defers the day of reckoning. Economic ills must be met by economic remedies. Any attempt to meet them by statutory enactment will end in disaster for all concerned. Here is the greatest danger confronting the industry of the farm.

Agriculture is not only basic but is the one all essential, without which the people could not subsist. Its future is assured if guided along sound lines free from politics. Its normal processes were interrupted by war; its speculative dealings almost uprooted its fundamental principles; evil results from such conditions and practices can not be cured by statutes. Future payments on land sales at inflated prices dependent upon the production from the farm is a problem to be met by sound economy, a problem that will not and can not yield to legislative remedies. If agriculture will be given a chance to readjust on economic lines, undisturbed by political considerations, it will soon be on a solid basis. Any makeshift legislation will only defer the day of reckoning with aggravated results.

As one aid to American industry our foreign trade has reached enormous proportions. Foreign business increased from six billions of dollars in 1924 to six billions eight hundred millions in 1925. This was a gain of eleven hundred million over 1923 and over five billion beyond pre-war days.

It is reported that our present total foreign holdings will amount to $10,400,000,000, an increase for the year of over twelve hundred millions.

In passing, it is proper to say that the stability of Europe through her economic recovery is due to our leadership displayed in the Dawes commission plan, now in operation.

Judged by the character of the problem, aggravated by the disastrous dislocations, complicated by the vast national and international interests, strained by age-long and deep-seated national prejudices, the speedy adjustments of serious interruptions, the complete restoration of confidence and stability, the reorganization of the vast machinery of industry upon a sound economic basis, these achievements present a series of accomplishments that challenge the record to find an equal, since character rests upon a record rather than a prospectus, something accomplished rather than something promised. It is well to note other problems and their solution.

The foreign loans problem was another financial transaction that taxed the Nation's ability and patience. During and immediately after the war our country loaned to 20 foreign nations the prodigious sum of $9,600,000,000, which, with interest at 4¼ per cent to 1922, amounted to $12,200,000,000. President Wilson urged these loans as necessary to win the war.

No payments, either of principal or interest, were made and no step taken to settle a basis upon which such payments would be made until after the inauguration of President Harding, when a debt commission was created and negotiations were begun. Britain's case was first taken up. She owed $4,600,000,000. All talk of cancellation which had been vocal in Europe since the close of the war was waved aside. The principal must be paid in full. It was decided to give her 62 years in which to pay it.

A concession of a lower rate of interest was made by charging 3 per cent the first 10 years and 3½ per cent the 52 years remaining, totaling principal and interest $11,100,000,000, the most stupendous transaction of history. This settlement was based upon 100 per cent payment of the principal, and about 78 per cent of interest, if we use 4¼ per cent as a basis.

All other settlements up to date are substantially the same except Belgium and Italy. Belgium demanded, when the treaty of Versailles was signed, $1,000,000,000 reparations, and the forced issue of 6,200,000,000 marks, during German occupation, redeemed. Belgium was induced by President Wilson, Lloyd George, and Clemenceau to reduce reparations to $500,000,000 and entirely forego the redemption of the marks. As an inducement, she was to be exempted from the payment of interest on the prearmistice loans. Our loan was $171,000,000. Upon that the settlement charges no interest. The postarmistice loan with interest at 4¼ per cent to December 15, 1922, amounts to $246,000,000. Upon this amount Belgium pays at same rates as Britain.

With Italy, the settlement required 100 per cent of the principal paid. But in interest, great concession was made. On an average for the 62 years, she pays only 1.1 per cent. The basis of this settlement took the financial situation into consideration. Italy is about one-half the size of France with almost as large a population. She has no colonies and received only 10 per cent of the spoils of war. Her agricultural facilities are not enough to supply her food necessities. Her raw materials are silk, water power, and labor. She has no coal to speak of, while we mine 42 per cent of all the coal mined in the world. She has no iron, while we have 54 per cent of the world's production. She has no cotton, while we have 69 per cent of the world's production. She has no copper, while we have 47 per cent of it. She has no petroleum, while we produce 62 per cent of the world's production. Her wealth is variously estimated at from $22,000,000,000 to $35,000,000,000.

Ours approaches $400,000,000,000. Our annual income is estimated to be three times her total wealth. She suffers the heaviest taxation of any nation in Europe. She produces to the best of her ability and

cuts all expenses to the bone in order to balance her budget. She has reduced her army far below what other European nations have done.

This Nation as a creditor considered all these elements and definitely decided that its wisest course was to deal upon the basis of ability to pay. If a debtor is pushed beyond that limit, bankruptcy or repudiation will follow. It was neither wise nor just to either America or Italy to compel such alternative.

When within the next few weeks the administration will have completed these settlements, and so far as a nation can go in such matters as collecting debts from sovereign countries, will begin to receive annual payments upon the principal and such amounts of interest as have been agreed upon, the country's public debt will be reduced to the degree of annual payments upon principal and its annual charge of interest, which this year is $833,000,000, can be reduced by the amount of interest paid. This achievement will not only secure to our own people relief, but it will go far toward greater stabilization of the European countries.

The war condition in Europe stimulated European immigration to such an extent that the administration was moved to meet that serious problem by further restrictive immigration legislation. We have now definitely adopted the wise course to close the gates except to such immigrants as will be desirable, and to all who will complicate our problems of government, our industrial organization, and our permanency of employment of labor.

To insure the continuous growth and expansion of our home market must ever be the purpose of our people. Our prime concern as a commercial power is to insure the fullest investment of capital in productive industry, employing American labor upon a scale of wages to maintain an American standard of living. To this end we have restored the protective tariff system, with the largest collection of customs dues in our history, the greatest volume of foreign trade, and a scale of domestic production never excelled.

The World War inevitably brought its international complications with our former associates as well as with our enemies. The list of more than 60 treaties between this and other governments make up the record of international adjustments. Outstanding in this program is the Washington conference in 1921, which in three months did more for the peace of the world than has been done in three centuries before.

It reduced the burdens of war taxation by limiting armament on the sea. It lessened the chances for war by ending naval rivalry by the 5-5-3 pact. It set up the machinery for peaceful settlement of future disputes on the Pacific through the four-power treaty. In addition to these results, it committed nine powers to the integrity of China, to the open-door policy in the Orient, to the cancellation of the Anglo-Japanese alliance, and to the return of Shantung to China.

This conference is pronounced by the best thought of Europe and America as the most far-reaching work for world peace yet achieved.

The continued disintegration of Europe, her deranged currencies, and prohibitive foreign exchanges forestalled all promise of economic recovery. The inevitable estrangement of Britain and France, driven farther apart by economic forces, led to our proposal for an international commission of survey, which after the lapse of a year finally resulted in the Dawes Commission. The plan recommended was accepted and is now in operation, with great promise of permanent stability.

The next normal step was the adherence to the World Court as the very best plan yet proposed to find a judicial process for settling international differences rather than resort to war.

Our people are sincerely anxious to reduce war to the minimum. They want their Government to lead in the further reduction of land armament. Without waiting for other nations, the United States proceeded at once after the war to reduce the American Army to the minimum. It invites Europe to take the same course, and had much to do with the preliminary steps into the Locarno conference. To-day no country is more anxious to see the Locarno spirit become regnant throughout Europe than the United States.

It would be difficult to produce a better record of leadership in international readjustments than has crowned the efforts of the United States since 1921. In all history no nation has ever reached such eminent position before the nations of the world.

Quite naturally the high position reached by this Republic, especially as a creditor, has caused more or less jealousy, if not bitterness, in some quarters among debtor countries. Even these concede to the United States the most potent force in civilization. At no time and in no place has business enterprise reached such dimensions. At no time nor at any place has wealth been so generally distributed. In no country at no time has home ownership been so much enjoyed by such a vast percentage of the people of a nation. At no time and in no place have the toilers of a nation emerged from the lowlands into such planes of independent influence and power as here in America.

At no time nor in any place has such equality of opportunity been exercised and enjoyed with such amazing popular results as here in America, where the employees of to-day become the employers of to-morrow, where the follower of one decade becomes the leader of the next, where preferment rests upon merit and solid worth with small regard for race, color, or previous condition. The crowning glory of our history is in the emphasis we place upon ability and service. From such we recruit our leadership in all lines of usefulness. They come from the backwoods of Kentucky, from the towpaths on the canal, from the countrysides in Vermont.

May I congratulate all America, and especially New England, on her leadership in the White House. The country has never had her course more clearly charted nor her pilot more steady handed than to-day. A mind unconfused by the nostrum vender, a courage undaunted by political threats, an integrity unsullied by partisan assaults, a character unaffected by personal innuendo—Calvin Coolidge is to-day entrenched in the hearts of the American public with a confidence never surpassed in the political history of America. As the leader of a great political party in the greatest country in history, measured by past accomplishments, present administration, and future possibilites, he is easily the most widely trusted, the most ardently supported, and the most powerful figure in the world to-day. Under his leadership the Nation is and will conserve its priceless privileges first announced in the Declaration of Independence and guaranteed by the Constitution of the United States.

Under his guidance our fundamental institutions of government will be secure against any and all antigovernment agencies, without the loss of our fundamental liberties of speech, of the press, of assembly, and of religion.

With the stupendous progress of our material wealth the Nation is keeping pace in its intellectual and moral development and in those spirtual elements which must always lie at the foundation of real greatness.

Believing, as I do, that that party is the best that best serves the country, I congratulate this convention and the people of Maine, yes, the entire country, upon the achievement of the Republican Party, and especially the stupendous success since the war and at the present hour under the leadership of that New England product, this commonsense citizen, Calvin Coolidge.

COMMERCIAL POSSIBILITIES IN THE SOUTH

Mr. BLEASE. Mr. President, I have an article written by Hon. R. Goodwyn Rhett, former mayor of Charleston, S. C., and a prominent citizen of my State, on "South Atlantic prospects." It is quite a historical article, and I ask to have it printed in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the News and Courier, Charleston, S. C., Thursday, April 29, 1926]

R. GOODWYN RHETT STRESSES SOUTH ATLANTIC PROSPECTS—COMMERCIAL POSSIBILITIES ARE DISCUSSED BY CHARLESTON BANKER AT CONVENTION OF THE FOREIGN TRADE COUNCIL

By R. Goodwyn Rhett, president People's First National Bank, Charleston

In order that you may acquire a clear understanding of the remarkable possibilities of the South Atlantic in national foreign trade I shall have to take you back somewhat into the history of this coast. From the story you will learn why our ports, which once enjoyed so commanding a position in America's foreign trade, became in a comparatively short time a negligible factor in it. You also will learn of the forces which brought this decline about and how finally and only recently the last of them has been overcome; and you will, too, appreciate the reason why there is now such rapidly spreading faith in the future of this territory in relation to the economic life of the United States. In doing this I shall generally speak of Charleston and her back country, because I am more familiar with her past and present, but her history in respect to foreign commerce is practically the history of all of her sister ports on the South Atlantic, save those of lower Florida, and with minor modifications is the history of the entire coast.

During the colonial period, when the thirteen States along the Atlantic coast which formed this Union still constituted the frontiers of America to the European settlers, no part of these frontiers was more attractive than this southern section of it, and no part of that section more prosperous than the coastal country of the Carolinas and Georgia.

CHARLESTON IN 1773

Josiah Quincy, of Boston, visiting Charleston in 1773, gives his impression of the city in the following entry upon his journal:

"This town makes a most beautiful appearance as you come up to it and in many respects a magnificent one. The numbers of shipping far surpassed all I have seen in Boston. I can only say in general that in grandeur, splendor, buildings, decoration, equipages, shipping, and, indeed, in almost everything it far surpasses all I have ever seen or ever expect to see in America."

DeBrahm, surveyor of the southern district of North America, says of it in the same year:

"The city of Charleston is in every respect the most eminent and by far the richest city in the southern district of North America. * * * The annual export of Carolina rice amounts to above 100,000 barills of neat rice, worth in Carolina £275,000, next to which is indigo,

whose exportation comprehends no less than 600,000 weight, worth in Carolina £150,000, and the whole annual exportation may be valued at £637,000."

A truly magnificent total from local products for that early period. For nearly three-quarters of a century that commerce grew and prospered, and you may well wonder why these notable achievements should have since dwindled to practically nothing. The story is not without interest and may be quickly told.

In the early days of the Colonies, negro slaves were introduced into almost all of them. Their importation soon grew to large proportions in the southern Colonies against vain protests made by most of these Colonies to Great Britain.

While the pecuniary advantages of slave labor in the cultivation of rice, indigo, cotton, and tobacco were recognized, the menace which the rapid increase of the Negro race began to assume was fully appreciated by many southern statesmen, and, it will be remembered, repeated efforts were made to check it.

Now, at the time of the adoption of the Constitution, Delaware, Maryland, and Virginia constituted the "Black Belt," where four-sevenths of the slaves were located. But not long after the formation of the Union the "Black Belt" began to shift southward and southwestward to the cotton fields—to the cultivation of which this labor was peculiarly well adapted.

During all of the first half of the nineteenth century the South continued to prosper, and a large part of her surplus income was invested in slave labor for the better and wider cultivation of her crops. Even as late as 1850 the census placed Georgia first among all the States in the Union in her personal property assessed for taxation, with Massachusetts second, South Carolina third, Alabama fourth, and New York fifth.

At that time the taxable value of the slaves in the South, who produced most of her cotton and tobacco, is reckoned at not less than $1,000,000,000.

STEAM RAILROAD ERA

On the other hand, the economic story of the Eastern and Middle States is a very different one. Conditions there were not suitable for negro labor and much of it was in time transferred to the cotton States. In the early days of the Union the thoughts and energies of the North Atlantic States turned more and more to manufacture and shipping and also to finance. They invested their surplus incomes in buildings and machinery and their progress was equally rapid and in some respects more so. Their financial resources soon grew to large proportions, their per capita circulation about 1840 being something like $9, to less than one-fourth of that amount in the South and West. Moreover, they early turned their attention to the problems of transportation as is admirably described by Prof. William E. Dodd, of the University of Chicago, in his "Expansion and Conflict," as follows:

"The masters of this region were reaching out for the commerce of the West through the Erie Canal, which made northern and central Ohio the hinterland of New York; through the Baltimore & Ohio Railroad and the Chesapeake & Ohio Canal, which were aimed at western Virginia and the Ohio Valley. The shipping interests of New England and New York did the same for the South, whose millions of bales of cotton all went North or to Europe in eastern-made and eastern-owned vessels. And while these enterprising leaders sought to control the commerce of the country, they also knitted together their own towns and river valleys by canals and turnpikes."

Then it was that they laid the foundation of that complete control of the finances and the transportation of the country through which in later years the South Atlantic section was to suffer sorely and its ports to be cut off completely from foreign commerce, save in the products of its soil in the immediate vicinity of these ports and in the fertilizer materials necessary to grow its crops.

It was in 1828 that the locomotive appeared and the steam railway began to revolutionize land transportation. Men of vision here at once sensed the importance of promptly utilizing these new highways, and one of the earliest railroads constructed in the country ran from Charleston to the Savannah River opposite Augusta, 136 miles away, but there unfortunately it was halted for many years. Senator Robert Y. Hayne, who divided with Calhoun the political prestige of South Carolina at that time, conceived the idea of extending the road from Branchville to Columbia, both in this State, and thence through the Piedmont district of it through North Carolina into Tennessee and Kentucky, in order to connect up with that growing section and thus to establish a great trade artery between them and this port. As he himself expresses it:

WHERE PROFITS SHRANK

"The imports from Tennessee and Kentucky into South Carolina and Georgia amount to millions, but instead of their being paid for in foreign goods imported directly into Charleston and Savannah in exchange for our own cotton and rice we pay for them in gold or silver or in bills upon the North, thereby losing entirely the profit on the importation and thereby embarrass our merchants by the operation. Now, if we only had the means of transporting these goods by railway to the West everything would be changed. Not only would we pay for western production consumed by the South in foreign goods received in exchange for our own produce, but we should be able to supply a large portion of the western country with all the goods now obtained by them from abroad, receiving in exchange their products to be distributed in southern ships through the world."

Unfortunately for Charleston, for South Carolina, and for the entire coast section this vision was never realized. Calhoun threw his influence for the construction of the road westward through Georgia. But while the people of North Carolina and Tennessee were clamoring for its construction to the Northwest, offering ample aid to that end, the people of Georgia never permitted a bridge to be built over the Savannah River at Augusta until 1853, over 20 years after the railroad reached its shores, and so Charleston never did acquire any trade route to and from the West.

In the meantime the East and Middle Atlantic States, as far south as Cape Hatteras, had been busy connecting up the interior of the country with their ports and their factories, which they were all the time expanding. A vast change now began to take place, the extent and consequences of which were not at all appreciated by the Southeast. This failure of the South Atlantic ports to establish any direct trade arteries into the Northwest accentuated the diverse interests of the two sections, and had the effect of concentrating the slaves into the southern section to a still greater degree and of confining the energies of its people more and more exclusively to agriculture.

Had this railway projected by Hayne been constructed at that time who can doubt that the cotton factories of the Piedmont sections of North and South Carolina would have been built many decades earlier than they were built and that the water powers of all that section would have been converted into use for manufacture of numerous kinds long before the Civil War; and who can say that this might not even have led to a peaceful solution of the vital problems which were driving the two sections further and further apart.

Now, it is not possible for you to understand why this section, so prosperous for a century and more—why ports on this coast, so alive with commerce up to 1860—have lagged behind the coast and ports to the north of us without some understanding of the consequences of the Civil War. And let me say that, despite the suffering and loss sustained by the South from that war, there is no regret here now over the result of it. No portion of the United States to-day is prouder of the Nation born of that struggle, of its achievements and its splendid ideals, and none is more ready and eager to contribute of its blood and treasure for the maintenance and perpetuation of these ideals than is this very section of it.

MAGNITUDE OF DISASTER

It is very difficult for those who were not in the South during the Civil War and for 10 years thereafter to realize the full extent of the disaster which overwhelmed her people. Not only were fields laid waste and thousands upon thousands of buildings destroyed, while the vast investments in slaves were wiped out of existence, but the political franchise, suddenly thrust upon these ignorant negroes without any preparation for it—without any understanding of its responsibilities—soon placed the government of the South in the hands of negro demagogues and of unscrupulous white carpetbaggers who invaded her territory solely for the purpose of plunder. During those 10 years the South was very naturally shunned by all save despoilers.

Capital studiously avoided her except for exploitation. Hundreds of thousands of her young men were driven into other parts of the country. But those who were left doggedly took up the task of extricating her from the hands of those who were literally strangling her of giving intelligent direction to the ignorant mass of negroes totally unaccustomed to self-control of rebuilding her industries and recultivating her fields; of educating her people, white and black; and out of her own shattered resources restoring her former prosperity.

The progress of the South since 1876, when the reconstruction era ended, has been almost incredible to those unfamiliar with the marvelous resources of the country and unacquainted with the indomitable spirit of her people who would not be denied their place in the Nation. Writers from all parts of the United States have told and retold that story in the daily press and magazines and I do not propose to repeat it here.

But in this wonderful progress Charleston and the other South Atlantic ports, until recently, have not shared to the extent which was naturally to be expected of them and the reason for this lies largely in the failure to realize Hayne's vision in 1832 and the consequences which naturally ensued.

HAMPERED BY VOTES

When the short railways of this section began to be grouped into systems, these systems were all found to run north and south along the coast—the Southern, the Atlantic Coast Line, and the Seaboard Air Line—while their control and management was dictated from the North. The East and West systems were all located above North Carolina. The rates to Atlantic ports north of Hatteras from all the country west of the Blue Ridge and Allegheny Mountains were practically the same, and to these rates the constal systems above referred

to added their local rates into all the territory bordering the South Atlantic.

This rate structure completely shut out the ports on the South Atlantic from any participation in foreign commerce to and from the territory beyond their immediate environment and confined that commerce to the cotton, lumber, and naval stores at their doors for export, and to fertilizer materials to be used in their factories for import. Let me illustrate:

Cincinnati is 706 miles by rail from Charleston.

Cincinnati is 757 miles by rail from New York.

Cincinnati is 1,299 miles by rail from St. John, New Brunswick.

Cincinnati is 1,573 miles by rail from Halifax, Nova Scotia.

Before the World War the sixth-class rate from Cincinnati to these various ports was as follows:

To Charleston, 46 cents per 100 pounds.

To New York, 21½ cents per 100 pounds.

To St. John, New Brunswick, 21½ cents per 100 pounds.

To Halifax, Nova Scotia, 22½ cents per 100 pounds.

Here we find a rate of 46 cents per 100 pounds for a distance of 706 miles to one Atlantic port against a rate of 22½ cents per 100 pounds for a distance of 1,573 miles to another Atlantic port.

Now, the rail rates from the interior of the country to all the Pacific ports were and are practically the same, no matter what the distance; and in like manner the rail rates from the Middle West were and are practically alike to all the ports North of Hatteras even as far as Halifax—as we have seen in the bove illustration—irrespective of distance, but the coast south of Hatteras and the ports located there were absolutely proscribed. For years these South Atlantic ports fought this outrageous discrimination without avail, until the World War brought it to the attention of the United States Government, when its War Department began shipping products from the Middle West to the port terminals at Charleston and would not countenance paying over twice the freight rate from Cincinnati to Charleston, a distance of 706 miles, as it was paying from Cincinnati to New York, a distance of 757 miles. And so it was that this coast for the first time was placed on a parity with the North Atlantic.

SOUTH ATLANTIC WINS

Subsequent to the war, when the railroads were turned back to their owners, an effort was made to restore the old injustice. All of the South Atlantic ports promptly joined in an effort to defeat that move. Each port contributed 25 of its leading citizens to a pilgrimage to the Middle West where the consequences to them in times of congestion at the Northern ports, and the general injustice to this coast, was explained in city after city—a splendid cooperative effort that bore fruit. The Interstate Commerce Commission refused the request and has continued to recognize the rights of the southeast Atlantic to an equal chance for its upbuilding. To-day we are enjoying the same rates to all these territories as our neighboring ports to the North and already the effect is marked upon this whole coastal section.

Several years ago a conference of the steamship owners and operators along the Atlantic and Gulf coasts of America was held for the purpose of agreeing upon ocean rates to Europe. Under the domination of the North Atlantic steamship companies, acquiesced in by the Shipping Board, a differential of 7½ cents for 100 pounds was placed against this coast, and 15 cents per 100 pounds against the Gulf coast. This, of course, made shipments from the interior via the South Atlantic and Gulf ports to Europe impracticable. In reply to vigorous protests, the difference in distance was cited as the justification, but it soon became apparent that this plea was untenable because the difference between the distance from Boston to Liverpool and the distance from Baltimore to Liverpool (430 miles), both enjoying the same rates, was very much greater than the difference between the distance from Baltimore to Liverpool and the distance from Charleston to Liverpool (135 miles), where 7½ cents were added to the ocean rate.

Moreover, all the North Atlantic ports were given equal rates to all portions of Europe, including the Mediterranean, irrespective of the difference in distances, and New York had the same rates to Habana as Savannah, although the distance in the latter case was less than one-half the distance in the former case. Now that injustice has also been rectified and the South Atlantic ports for the first time in a half century have a real opportunity of taking their proper place in the foreign commerce of the country. The increase in commerce through these ports in the last two years clearly forecasts the results which must follow in larger and larger measure; e. g., Charleston's foreign trade jumped from $19,500,000 in 1922 to $43,500,000 in 1925, and it is the same story with Savannah, Jacksonville, Wilmington, and Brunswick. In fact, the increase is even greater in some of them.

DEEP WATER AT CHARLESTON

In recent years the harbors along this coast have been deepened to meet the deepening drafts of vessels, and you will find that Charleston is now in a position to admit the largest and deepest draft freight vessels constructed and all but the largest of passenger liners; and the other ports to the north and south of her are practically similarly situated.

In the matter of terminals, each port along this coast has made extraordinary efforts to furnish itself with the very best of facilities. A few years ago Charleston bought from the railways a large portion of her own water front and erected city terminals there with all modern appliances for handling materials economically and rapidly. Moreover, the Government during the World War erected port terminals on the Cooper River with a storage capacity of 1,500,000 square feet and a frontage of half a mile. The terminal warehouses are divided into compartments with fireproof walls and equipped with sprinklers throughout, giving the lowest of insurance rates. The railroads all turn into the port terminals before they reach the congested city district. The connection between the cars and the ships is made without delay, while the delivery from the one to the other is handled at an unusually small cost.

A southern banker told me several weeks ago that he had heard one of the leading business men of New York in an address before one of her commercial bodies predict that the competition which that port was going to feel most in the next two decades would come from the South Atlantic. You can now understand the reason why. And this opening up of new avenues of foreign trade through this coast is going to constitute an important factor in placing many of our industries in a better position to meet, as well as relieve congestion in foreign competition in foreign fields, northern ports at certain periods.

SANTEE CANAL PROJECT

There are many ports of the world where branches of factories on this coast would be enabled to deliver merchandise much cheaper than they can do at present. In fact, the opportunities in the field of industry in this section have become as inviting as those in foreign trade. The country in the vicinities of these ports, stretching back to the mountains, presents a most attractive field for the establishment of innumerable industries. The climate is mild and salubrious, the mortality rate being among the lowest in the whole United States. The cost of living is cheap in comparison with the more congested sections of the country. The opportunity for outdoor recreation is open all the year round, while improved roads now everywhere to be found in this territory add much to that opportunity. They also give to industry the facilities which in this day they must have to live and prosper.

Already the textile mill industry is centering in the Carolinas and north Georgia, and not altogether because of the proximity of the cotton field, for many of these mills bring in their cotton from fields hundreds of miles away, but because of the cheap water power, of the salubrious climate—winter and summer—and of the greater comforts and pleasures which may be secured by employees at a small cost. Living being cheaper, healthier, and more accessible to recreation, labor is content with less compensation because that compensation procures so much more for them.

Already over 50 per cent of the electrical energy produced in the South is derived from water-driven generators, and some of the largest water powers have yet to be developed and put into operation, such as the great water power at Muscle Shoals, now awaiting a lessee.

Several years ago an investigation was instituted into the practicability of securing a large water power at the very doors of Charleston. The Foundation Co., of New York, has recently reported a project for the development of a water power from the Santee River second only to that of Muscle Shoals, and at a cost far below the average cost of the water powers of the country, and the Government has just approved the plans necessary for its installation, i. e., impounding the waters of that river into a lake covering some 50,000 acres of land—principally swamps, I am glad to say.

Who would have dreamed a few years ago that the waters of the Santee could be impounded with a 75-foot fall and give us a great water power 20 miles from the port terminals on Cooper River? And yet that development is now, we understand, about to take place.

As I said in opening this address, I am speaking almost exclusively of Charleston and South Carolina because I am more familiar with that city and State, but the other cities on the South Atlantic have a similar story to tell both with respect to their ports and their magnificent back country. Each in its own way has been recently preparing for the tide of commerce and industry which is now rising and daily gathering strength and each is confidently facing the future.

SERVICES BY WATER

Already regular steamer services have been established from these ports to Europe, the West Indies, South America, the Pacific coast, and the Far East. It is only by regular sailings upon which exporters and importers can depend that commerce can grow to any proportions, and these are now being established to an ever-widening foreign field. It is always an uphill task to change the trend of traffic. No shipper wants to make a move from a service he has found reliable, even at the saving of some expense, to one upon the permanency of which any doubts are cast, and so it will take time and much advertising to establish complete confidence in these services, most of which are only of recent origin;

but the progress already made has been phenomenal and the final outcome can not be doubted.

It is most opportune that this convention, composed of the leaders of industry from all sections of these United States, seeking closer and more economic connection with foreign markets, should visit Charleston at this juncture, so that its members may see for themselves the wonderful opportunities which are opened up to them in this the last frontier in America; for by the Civil War, the era of negro domination and the rate of discrimination above described, this coast, which a century and a half ago, constituted one of the most inviting and progressive of the earliest frontiers in America, has for a half a century been almost obliterated from the view of leaders of industry as a land of opportunity. With the breaking down of these barriers it is again thrown open to American enterprise, and never was there a more inviting field to that enterprise in its westward march of progress to the Pacific than is now opened up on this return march to the South Atlantic.

For many years the climate and attractions of Florida were advertised with meager results. In spite of the magnificent hotels erected there to attract the winter tourists and the splendid trains put in the service, the progress was slow in comparison with Lower California. At last the attention of the country was caught and for three years the trek to Florida has surpassed that which followed the gold discoveries in California.

The boom in that State is said to be passing, but, however that may be, the most remarkable development in the history of the country has taken place there and the eyes of America have not only been opened to the glories of that State but to those of all this coastal section, and to the marvelous opportunities that lie here for both industry and commerce. The march of progress for half a century after the Civil War was everywhere heralded to be westward. It has now definitely turned back to the southeast—"the last of American frontiers"—and to-day the land of highest promise in all its vast and rich territory.

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

Mr. FERNALD. Mr. President, I desire to say that for two weeks I have been giving away on every proposition to every Senator who might have anything to present. I feel that the time has now come for action on the public buildings bill. Beginning to-morrow at noon I shall endeavor to keep the bill before the Senate until final action is taken on it one way or another.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 5 minutes p. m.) took a recess until to-morrow, Saturday, May 1, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 30 (legislative day of April 29), 1926

APPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

Brig. Gen. John Joseph Garrity, Illinois National Guard, to be brigadier general, Reserve, from April 24, 1926.

APPOINTMENT IN THE REGULAR ARMY

CHAPLAINS

Rev. James Hugh O'Neill, of Montana, to be chaplain with the rank of first lieutenant, with rank from April 24, 1926.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

SIGNAL CORPS

First Lieut. William James Daw, Field Artillery, with rank from July 1, 1920.

PROMOTION IN THE REGULAR ARMY

TO BE MAJOR

Capt. Richard LeRoy Cave, Finance Department, from April 22, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 30 (legislative day of April 29), 1926

DIPLOMATIC AND CONSULAR SERVICE

TO BE SECRETARY

Willys R. Peck.
Paul R. Josselyn.
Eugene H. Dooman.

PROMOTIONS IN THE NAVY

TO BE COMMANDER

John F. McClain.

TO BE LIEUTENANTS

Kenneth C. Hawkins.
Tighlman H. Bunch, jr.
Stanley J. Michael.
Frank H. Conant, 2d.
Samuel Gregory.

TO BE LIEUTENANTS (JUNIOR GRADE)

Omer A. Kneeland.
John G. Mercer.
George D. Cooper.
Daniel B. Candler, jr.

TO BE PASSED ASSISTANT PAYMASTER

Edwin A. Eddiegorde.

POSTMASTERS

GEORGIA

Vennie M. Jones, Lavonia.

MINNESOTA

G. Harriet Payne, Bertha.

NEW JERSEY

Eva H. Ketcham, Belvidere.
John Boyd, Greystone Park.
Peter A. Greiner, jr., Woodbridge.

WEST VIRGINIA

Jesse H. Petty, Gary.
Justus E. McCaskey, Paden City.

HOUSE OF REPRESENTATIVES

FRIDAY, *April 30, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Gracious Lord and Master, do Thou give us grace and courage that our lives may approach Thine in charity and unselfishness. Lift us all to the high level where we may make new discoveries of Thy wisdom and truth. We would draw near to Thee and ask for that guidance that would inspire us with courage, patience, and dignity to meet the duties which are ours. Do Thou quicken every impulse of our breasts, that in all our intercourse with our fellows we may hallow Thy name and so fulfill the law of the prophets. Help us to heed these convictions and ideals until we come unto the stature of Him who came that we might have the more abundant life. In His name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that at the conclusion of the special order to-day the House, as in Committee of the Whole, may consider unobjected bills on the Private Calendar, beginning at the point where we left off the last day on which the Private Calendar was considered.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that to-day, after the conclusion of the special order adopted by the House, it shall be in order to consider bills on the Private Calendar unobjected to in the House, as in Committee of the Whole, beginning at the star on the calendar. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I trust that that will be agreeable to all gentlemen. I understand that we are to have a day when contested bills will be considered. It strikes me that it will be all right to go along with the unobjected bills to-day.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT OVER

Mr. TILSON. Mr. Speaker, on account of important engagements by a number of the Members of the House to-morrow I ask unanimous consent that when the House adjourns to-day it adjourn to meet on next Monday.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

There was no objection.

FRENCH SPOLIATION CLAIMS

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from Texas [Mr. BOX] for one hour.

Mr. BOX. Mr. Speaker and gentlemen of the House, there has been pending before Congress for many years a group of private claims called the French spoliation claims. They are pending in one branch of Congress now, and sooner or later

probably will be presented to this House. I doubt if there will be a favorable report on them by the Committee on Claims at this session, but they may come before the House. The amount involved is large and their disposition involves questions so important that I wish to have the attention of the House while I undertake to present some considerations bearing on what should be the attitude of the Committee on Claims and of the House toward these claims.

The printed matter pertaining to these claims would fill several large volumes. They and others controlled by the same considerations amount to millions of dollars. The transactions involved are interwoven with many years of naval, diplomatic, and legislative history, an understanding of which is necessary to a correct conclusion concerning the claims. A speaker with better powers of analysis and statement than mine would need several hours to properly present them. Having but a fraction of the needed time, I ask, in the interest of their proper consideration, that I be not interrupted until I shall have finished a general view of the questions involved.

ORIGIN AND HISTORY

It is not claimed that the United States committed the depredations or did the wrongs out of which these claims grew. They originated in spoliations committed by France prior to the 30th day of September, 1800. Though the young Nation protested, at that time it was not able to prevent the depredations; nor was it strong enough to force the wrongdoers to pay for them. The youngest of the claims is more than 125 years old.

We have had many claims of various kinds against France, England, Spain, and other nations, including Germany. When the holders of such claims fail to collect them from foreign countries, they often find a pretextfor trying to collect them from their own Government.

That was true of the claims against Spain. It is the case here now, and will almost certainly develop in connection with claims our nationals now have against Germany.

Great as are these claims in number and amount, and difficult as it is to give an accurate description applicable to all of them, they can, in a measure, be segregated from a still greater mass of French spoliation claims by remembering they are not the spoliation claims covered by our treaty of 1802 with France; nor are they the spoliation claims paid wholly or in part under our treaty with Spain in 1819, which grew out of the acts of France. Neither are they those wholly or in part paid under our treaty of 1831 with France.

These claims arose from alleged detentions, captures, condemnations, and confiscations committed by France prior to September 30, 1800. They are included in the act of January 20, 1885, making a kind of limited reference of certain unestablished French spoliation claims to the Court of Claims under a restriction reciting that the United States was not committing itself to their payment. That act contained, among other restrictions, the following:

Provided, That the provisions of this act shall not extend to such claims as were embraced in the convention between the United States and the French Republic concluded on the 30th day of April, 1803.

Nor to such claims growing out of the acts of France as were allowed and paid, in whole or in part, under the provisions of the treaty between the United States and Spain concluded on the 22d day of February, 1819.

Nor to such claims as were allowed, in whole or in part, under the provisions of the treaty between the United States and France concluded on the 4th day of July, 1831. * * *

They have become so old, because the Government has, in the face of insidious, powerful, and determined insistence, extending through more than a century and a quarter, never committed itself to their payment. In opposing them I unworthily represent the views which have prevailed with our Government for a century and a quarter. It is true that some like them were paid 20 or 30 years ago under amendments to bills put on in the last days of the sessions by the Senate and inserted in conference reports by Senate conferees, usually over the opposition of House conferees; but this was done after all the men who knew the facts concerning them had passed from the stage, the remote descendants of the claimants or their assignees had time to create much tradition, and three or four generations of statesmen had come to flounder with the uncertainties involved.

In the haze of this remote time, facts, uncertain and controverted from the first, have become more confused. Self-serving propaganda and tradition have caused much fiction to sound like fact and made to appear plausible what was originally so plainly wrong that it was rejected by the generations of statesmen who, during 80 years, heard and denied the claims.

Since it is not pretended that the United States, or anyone in its service, or by its authority, committed the spoils complained of, it is plain that no moral or equitable obligation to pay them rests upon the Nation, unless it has in some way brought that obligation upon itself since the claims originated.

THEIR CONSIDERATION BY THE COURT OF CLAIMS

It is urged that since these demands have been referred to the Court of Claims for consideration, the question of their merit has been settled and the duty of the Government to pay them adjudicated; that by referring them to the Court of Claims the Government committed itself to their payment, if the report should advise favorably. If that contention is sound, those who resist their payment now and those who have refused payment for the last 40 years since they were referred to that court are and have been wrong.

They were referred in a restricted, noncommittal way to the Court of Claims 41 years ago, and yet these claims, and probably many others, remain unpaid. These, or some of them, were before this House 15 years ago, when the Committee on Claims determined against their validity and reported a committee amendment striking them from an omnibus claims bill in which the Senate had inserted them. After a thorough discussion in this House on February 18 and 19, 1911, on motion of Mr. Mann, of Illinois, carried by a vote of more than 2 to 1, the enacting clause was stricken from the bill on which the Senate had placed them. Hon. Claude Kitchin, the ranking minority member of the Committee on Claims, and Hon. James R. Mann, majority leader, led in the opposition to their payment. Neither they nor the House felt bound by the advisory report of the Court of Claims.

The act of January 20, 1885, referring them to the Court of Claims made that court as to them a kind of special master, whose report was to be only advisory for Congress. They were not examined under that court's general jurisdiction. This House has repeatedly refused to recognize the validity of these claims since then.

Discussing this class of claims the Supreme Court of the District of Columbia in Gardner *v.* Clarke (20 D. C. Rep. (9 Mackey, 267)) said:

Congress submitted these claims to the Court of Claims for its advice as to the law and the facts, but expressly reserved the right to follow or disregard the court's advice as they might think proper. And that Congress declined to follow the advice of the court, to its full extent, is perfectly apparent.

During all of the last 20 years the Government has refused to pay them, just as it rejected them during the 90 years up to when President Arthur became the first President to recommend their payment.

Eleven years after their reference, President Cleveland vetoed a bunch of them, which had been submitted and reported favorably in the same manner, thereby showing that he did not feel bound by the court's recommendation, and Congress refused to pass them over his veto. As a result of efforts made at hundreds of sessions since their origin, and scores of sessions since their reference, four bills providing for some of them were attached to other bills by the Senate and skidded through the House in the congestion and confusion of the closing days and hours of sessions, when consideration of them was impossible. This was done March 3, 1891, March 1, 1899, May 20, 1902, and February 24, 1905. Three of these acts, as well as the act of limited reference in 1885, were passed by hold-over sessions of the House, that is, the sessions held after the general election and in the expiring days of Congress. In none of these cases was there any fair opportunity for the House to pass on the merits of them. In all of the other several instances, when the House acted after their reference having a chance to review them, it refused to approve the advisory findings of the Court of Claims. Therefore, when we treat them, not as judgments but as open for full consideration on their merits, we are only doing what has usually been done by the House when it had a chance to know what it was doing.

The very terms of the act of reference stipulate that the reports should be only advisory.

The Court of Claims and the Supreme Court have both so held. The language of Chief Justice Fuller in speaking of them is:

These advisory conclusions having been reported to Congress—

And so forth.

The Court of Claims said in the case of the ship *Concord* (27 Cls. Rept. 142):

The reports in spoliation cases are not judgments and are to be taken as merely advisory.

In the case of Blagge *v.* Balch (162 U. S. 439) the unanimous opinion of the Supreme Court, expressed by Chief Justice Fuller, declares that—

> The claims were allowed to be brought before the Court of Claims, but that court was not permitted to go to judgment. (162 U. S. 457, 40 L. Ed. p. 1016.)

The same thing has been held by other courts. See Gardner *v.* Clarke (9 Mackey (20 D. C. Rep.), p. 266 (middle), p. 269 (near top)).

Under the general jurisdiction of the Court of Claims the United States always has, and the claimants in many cases have, a right of appeal to the Supreme Court. (Sec. 107, Rev. Stat.) No right of appeal to the Supreme Court was given in these cases. Appeal is to Congress, and Congress is now considering the question upon its merits throughout, just as contemplated by the limited act of reference.

In the Gray case, the first and leading case before it, the Court of Claims said:

> So peculiar a jurisdiction was probably never before conferred upon a strictly judicial tribunal. (Gray, administrator, *v.* U. S., French Spoliation Opinions (p. 27).)

The court in that case declared:

> That the defendants, as well as the claimants, have reserved to them an appeal not in regular line of judicial procedure to the Supreme Court of the United States, but back again to that body—

Meaning Congress.

That the advisory reports made by the Court of Claims are not binding upon Congress is shown by its action for the last 20 years, during which it has declined to pay them, and by the action of President Cleveland in 1896 in vetoing an appropriation bill on which they had been attached near the end of the session. The same is shown by the statement of the Supreme Court that the reports are merely advisory, and by the statements of that court and the Court of Claims that these findings are not judgments, the declaration of the Court of Claims that the appeal lies to Congress rather than to the Supreme Court, where appeals from that court usually go, and its declaration that such an arrangement is peculiar. The language of the act of reference makes this plain, saying:

> Such findings and report of the court shall be taken to be merely advisory as to the law and facts found and shall not conclude either the claimant or Congress * * * and nothing in this act shall be construed as committing the United States to the payment of any such claims.

Nothing could more explicitly state that the United States was not to be bound by the report of the Court of Claims. It was contemplated and carefully stated that it was making no commitment to pay them. The whole question as to the existence of an obligation of the United States to pay them is open to Congress. This makes it our duty to examine them.

HAS THE UNITED STATES COLLECTED OR HELD ANY MONEY FOR CLAIMANTS OF THIS CLASS

It has been blandly asserted that the United States, having collected from France money with which to settle these claims, has refused to settle them. There is no foundation for that statement; and though I have read of the discussion of these claims covering a period of 100 years, more or less, I do not remember to have ever seen it in print or in reports, arguments, or the CONGRESSIONAL RECORD until recently. I repeat that it is incorrect.

Payments were made out of the purchase price of Louisiana under the treaty of 1803, but claims dealt with in that treaty are expressly excluded from the claims now being dealt with by the act of January 20, 1885, undertaking to segregate these claims for the purpose of dealing with them. Moreover, all of the $3,750,000 out of the purchase price of Louisiana which the United States retained to be applied to claims of American citizens against France, except a trifling remnant of some $11,000, or less than three-tenths of 1 per cent of it, was paid out to claimants. See the History of the Public Debt Report of the Tenth Census, 1880, dealing with the public debt of the United States, pages 83 and 84.

The next batch of French spoliation claims for which collection was made amounted to some $5,000,000. Spain had participated with France in these spoliations to such an extent that the United States held her responsible for damages in that amount and collected that sum as the purchase price of Florida. None of the claims now in question were covered by the Florida purchase treaty, which is shown by the clause in the act of January 20, 1885, expressly so declaring. Moreover, the funds made available by that transaction were paid to claimants whose rights had first been determined by a commission set up for the purpose.

Claimants received 91⅔ per cent of the principal of their claims, interest excluded, because the money would go no further. (See American State Papers, Foreign Relations, pp. 798 and 799.) That adjudication and settlement barred all further demand on those claims. (1 Peters p. 212.)

Mr. GARBER. Those amounts were assumed as voluntary contracts, were they not?

Mr. BOX. Yes; those amounts were and have been distributed.

When we come to the spoliations treaty between the United States and France, concluded on the 4th day of July, 1831, we find that that settlement was made for a group of claims from which these are excluded as expressly provided in the act of January 20, 1885. These claims were adjudicated by a commission set up under the act of July 13, 1832, which created the commission for the purpose, appropriated for them and ordered payment made. (See 4 U. S. Stat. L. pp. 474–475, secs. 6 and 7.)

These three sets of claims thus far discussed are all excluded under the act of January 20, 1885, from the claims now being considered, and all the money, unless it be some utterly insignificant dribbles of remnants, made available by these treaties, has been distributed by the United States Government, as in decency and good faith it would, of course, have done.

The only class of French spoliation claims outside of these three groups thus described are those of the class now being dealt with. They are the ones described in the act of 1885 and which I tried to describe at the beginning of my statement.

In all of the history of the country extending from our Declaration of Independence for a period of 75 years there were only these four groups—the three mentioned in the three treaties to which I have referred, and this group not covered by these treaties, excluded from them and described in the act of January 20, 1885. But there have been no payments or provisions made for claims by France outside of the three treaties mentioned. Therefore, there have been none for this group of claims.

In dealing with the same class of French spoliation claims with which we are dealing now, the Supreme Court of the District of Columbia, in 9 Mackey (20 D. C. Reports) page 267, said:

> The United States did not receive any money to be applied to these claims of its injured citizens and did not stipulate, as in the treaty with Spain, to assume and pay the claims. * * *

This recital that the United States neither made a collection on this particular group of claims nor assumed to pay them is correct. It will be verified by any competent inquirer who takes upon himself the labor to wade through the vast literature of the history of these transactions and learn the truth.

HAVE THEY A RIGHT TO PAYMENT ON ANY OTHER GROUND?

As the spoliations were committed by France in spite of the protest of our Government, those who urge Congress to pay them have the burden of showing that the United States has taken that obligation upon itself. In all that I have heard and read, pro and con, only four grounds have been mentioned as bases for a claim of national liability for this damage. One is that the United States has collected the money and dishonestly withheld it. This I have shown to be untrue. Another is approvingly quoted by the Court of Claims in the Gray case cited above, which cited a British House of Lords' opinion, in which it is said:

> That if the subject of a country is spoliated by a foreign government, he is entitled to redress through the means of his own government. But if from weakness, timidity, or any other cause on the part of his own government no redress is obtained from the foreign one, then he has a claim against his own country. (De Bode *v.* The Queen, 3 Clark's House of Lords, p. 464.)

This is not the only ground, nor does it appear to be the principal one relied upon, but this proposition is often cited in support of these demands. It is that the mere failure of a government to collect just claims of its nationals against a foreign government makes it liable for the claims. That would make the United States owe these claims because it did not compel France to pay them. If this doctrine is accepted by Congress, the United States must pay all just claims of its nationals against other countries where it fails to make the foreign governments pay them. That would make the Nation liable on all just claims by our oil companies and other nationals against Mexico unless we compel Mexico to pay them.

If a country repudiated its obligations or destroyed its government, as Russia did, the United States would be liable on all claims of its nationals against such a government. Under this doctrine, where a country violated the peace of the world

and overwhelmed itself with just indemnities, as Germany did, the United States would either have to collect them regardless of the disturbance of world peace and like consequences, or be itself bound to pay them.

Here let me remark that in my judgment preparations are now being made for the ultimate presentation of claims against Germany for spoliations committed against American nationals before the war.

If often happens that a nation becomes involved in internal and external disturbances for a long period, like France had from 1775 to 1815, during which it would have an accumulation of indemnity claims which it could not pay. France pleaded that very defense against some of our demands such as these. Germany created enough indemnity demands against her to make their payment impossible. Does a little country like Belgium, which can not force payment, or a new and comparatively weak one, like the United States was during the first 25 years of its career, become liable for any or all the outrageous wrongs committed against its commerce by its inability to prevent them or to compel compensation for them?

This proposition is unsound, because it would lay upon weaker countries damages done by other stronger ones to its nationals. It is a dangerous doctrine for this House to seem to tolerate now, because it would pave the way for a demand that we pay for Germany's injuries to American nationals, including insurance companies, whose risk and liabilities were increased by German depredations. The property of German nationals is held by our Alien Property Custodian. If we should conclude to surrender that property to German nationals, notwithstanding the treaty under which it is held, our successors here will be troubled by these German claims, amounting to hundreds of millions of dollars, for the next century and a quarter.

Feeling sure that this House will not accept liability for these claims on this ground, I pass to other grounds urged in their favor.

When these claims were before the Senate Committee on Claims in 1924 it was stated—

> We in the treaty of 1800 arrived at this conclusion, that the United States would relieve France of her obligations to our citizens; in other words, that we would take those obligations to our citizens upon our own shoulders. (Senate hearings, 1924, p. 2.)

This was repeated inferentially in the statement that the claims—

> * * * had been assumed by the United States Government, which agreed to pay it. (Senate hearings, 1924, p. 5.)

The gentleman from Oregon [Mr. HAWLEY] recently made the same statement on this floor.

These and many similar things indicating that the United States had entered into some treaty obligation to discharge these claims have been said by the advocates of their payment, but the United States made no such agreement.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. BOX. I would like to yield to the gentleman, but I will ask him to excuse me. I shall be glad to yield later on if I have the time

The United States did agree with Spain in 1819 to apply certain moneys which it was paying to Spain for Florida to the satisfaction of some of Spain's obligations to our citizens on account of French spoliations. It agreed with France in 1803 to apply some of the money which France was receiving for Louisiana to the payment of certain French spoliation claims held by our citizens, but the United States entered into no treaty stipulation for the payment of any of the claims now before us. It is difficult to argue a negative proposition, but if some gentleman will find and present to me or to the House a treaty stipulation obligating the United States to pay any of the claims of this class, I will withdraw my opposition and enter in the RECORD a confession of my error.

I do not know how, in such an event, I would account for the fact that during all of the first 85 years following the treaty of 1800 none of our illustrious Presidents, all of whom—especially all of the earlier ones—knew all those conditions and knew what our treaties were concerning them, but nevertheless failed to recommend to Congress the making of appropriations and other provisions for the payment of these claims. It would be, in fact, an outstanding, regrettable national repudiation of an obligation under conditions which have many times permitted payment. It would be a dishonorable and deeply humiliating blot on the records of a long line of great men, including many of our best, and on the Government during a period of more than 80 years, if such a treaty has existed and has been disregarded to the injury of our citizens. There was and is no such treaty stipulation.

The only argument for the payment of these claims worthy of consideration is that an obligation is raised by implication from what was done. An implied obligation is just as much a legal obligation as a written one. It is just as binding in courts and upon the consciences of honorable men. If there is a reasonably, plainly implied obligation to pay these claims, it should bind us, because an implied obligation rests as much upon right as any written agreement.

Before discussing the grounds on which men have sought to base an obligation, I want to read what the Supreme Court of the United States, to which no appeal of these cases was permitted, has said about them in a case which went before it in a totally different proceeding, but in which they found it necessary to consider the foundation of these claims, because some of the funds then in litigation were involved in questions depending on the grounds of these claims. Chief Justice Fuller, speaking for the whole court in Blagge *v.* Balch (162 U. S. p. 457), said:

> It is important in arriving at a conclusion [on the question then before the court] to refer to the view taken by Congress in respect of the ground of the appropriations as indicated by its action.
>
> Notwithstanding repeated attempts at legislation, acts in two instances being defeated by the interposition of a veto, no bill had become a law during more than 80 years which recognized an obligation to indemnify arising out of the treaty of 1800, and the history of the controversy shows that there was a difference of opinion as to the effect of that treaty. * * * Under the act of January 20, 1885, the claims were allowed to be brought before the Court of Claims, but the court was not permitted to go to judgment. The legislative department reserved the final determination in regard to them itself, and carefully guarded against any committal of the United States to their payment. And by the act of March 3, 1891, a payment was only to be made according to the proviso. We think that payments thus prescribed to be made were purposely brought within the category of payments by way of gratuity, payments as of grace and not of right.

If our treaty of 1800 created an implied obligation on the United States to pay these claims, it was a matter of right; in such event the claimants had a right to payment, but the Supreme Court unanimously held that they had no such right.

But let us look at the facts on which it is attempted to base this implied obligation. The time at my disposal will permit but a brief view.

The treaty with France of September 30, 1800, ratified and proclaimed December 21, 1801, is the only one about which there can be any controversy. We had treaties with France made in 1778 which France claimed we had broken. That nation had conducted a war against our Navy and commerce against which we interposed a defensive war, in which we made many captures of French vessels and other property. The United States had claims against France on its own national account and on account of its citizens. France had the same two classes of claims against the United States. Diplomatic relations between the two countries had been severed. Congress, with the approval of the President, canceled our treaties with France and authorized war on the French Navy and commerce. (Acts July 7 and 9, 1798.) It began the organization of an army and made General Washington lieutenant general and commander in chief. In speaking of one of these measures, Edward Livingston, who opposed it, said:

> Let no man flatter himself that the vote which has been given is not a declaration of war. Gentlemen know that this is the case. (Gray case, p. 44.)

There was mutual war between the two nations, involving the navies and maritime commerce of both. That war arose over such spoliations as these and resulted in more spoliations. The convention between the two after such war obliterated all claims not provided for or reserved in the settlement or revived by subsequent agreement.

General Washington, in accepting a commission as lieutenant general and commander in chief of the American armies being organized for this very war between France and the United States, in a letter to President Adams, under date of July 17, 1798, a few days after Mr. Livingston had used the language quoted above, speaking of the conduct of France, said:

> * * * Their disregard of solemn treaties and the law of nations; their war upon our defenseless commerce; their treatment of our ministers of peace; and their demands, amounting to tribute, could not fail to excite in me corresponding sentiments, etc.

In an official opinion rendered August 21, 1798, Attorney General Charles Lee said:

> Having taken into consideration the act of the French Republic relative to the United States and the laws of Congress passed at the

last session, it is my opinion that there exists not only an actual maritime war between France and the United States, but a maritime war authorized by both nations. Consequently France is our enemy; and to aid, assist, and abet that nation in her maritime warfare will be treason in a citizen or any other person within the United States not commissioned under France. (1 Opinions Attorney General, p. 84.)

The Supreme Court of the United States, in Bas *v.* Tingy (4 Dallas p. 37), followed by many other cases, held that during the period in question there was such a state of war between France and the United States as entitled Tingy, commander of the armed ship *Ganges*, to libel the American ship *Eliza*, commanded by Bas, for salvage after the *Eliza* had been captured by the French and later recaptured by the *Ganges*. His right to such salvage depended on the existence of such a state of war between France and the United States as authorized France to capture the *Eliza*, and therefore authorized the commander of another American vessel to recapture her from France and claim compensation from the American owners thereof. The Supreme Court decided this proposition in the affirmative. These seem to be explicit decisions by the Supreme Court of the United States that there was such a war between the United States and France as was unlimited on the seas and invoked the laws of sea warfare.

When I first began the investigation of these claims I wondered why those who contrived the acts of the last days of the last session of the Forty-eighth Congress and of the Arthur administration denied the Supreme Court appellate jurisdiction to review these findings. I am now compelled to adopt the view that two things probably entered into it:

First. Those who were unwilling to commit the Government to the payment of these claims, being careful to avoid such commitment, avoided the appearance of the degree of obligation which a judgment of the Supreme Court might seem to impose.

Second. Those who were seeking to collect these demands and were contriving the act of 1885 with a view to procuring its passage and perchance collecting the claims did not want the cases to go to the Supreme Court of the United States, because the Court of Claims would have to decide the question as to whether or not there was a war between the United States and France, and the opinion of the Supreme Court of the United States, in harmony with the opinion of the Attorney General and with the declaration of General Washington and that of Mr. Livingston, lay across the path of those who were trying to pilot these claimants to the Treasury.

John Bassett Moore, in his work on International Law, volume 6, page 1009, says:

It is generally laid down by publicists that claims which form the ground or cause of war perish with it unless they are provided for in the treaty of peace.

President Polk, in a message dealing with claims of our citizens against Mexico, said:

A state of war abrogates treaties previously existing between the belligerents, and a treaty of peace puts an end to all claims for indemnity for tortious acts committed under the authority of one government against the citizens or subjects of another unless they are provided for in its stipulations.

Secretary Day, concerning a claim for certain land against Canada or England, said:

A failure to insert it in a stipulation preserving such claims had the effect of rendering them inadmissible as subjects of further diplomatic acts.

Whichever view we take as to whether the situation existing between the United States and France during this period did or did not constitute war, we must see that the question whether there was such a war raised a controversy which seriously embarrassed our ministers to France and our Government in its efforts to collect these indemnities.

Another insuperable difficulty which confronted the American negotiators with France in their efforts to collect these claims was the fact that many, if not all, the claimants had failed to prosecute their claims through the tribunals of France to the court of last resort. The rule requiring that is stated in Wharton's International Law, volume 2, page 676, in the following language:

But it may be safely asserted that this responsibility can only arise in a proceeding when the foreigner, being duly notified, shall have made a full and bona fide though unavailing defense and, if necessary, shall have carried his case to the tribunal of last resort. If, after having made such appeal, he shall have been unable to obtain justice, then, and then only, can demand be, with propriety, made upon the Government.

John Bassett Moore states the same proposition, saying:

A citizen of the United States residing in Canada, whose property there situate has been destroyed and pillaged by British troops, must first seek redress from the tribunals of the country under whose laws he would settle, and until this remedy has been exhausted he is not entitled to intervention of the Department of State. (Moore's Int. Law, vol. 6, p. 658.)

Both these high authorities sustain this proposition by quoting many statements by American Secretaries of State, showing that we have, since the beginning of the Nation's history, applied that rule and recognized its application by other nations. There are exceptions to it where the countries and their governments are backward, or the courts are incompetent or corrupt, but, of course, there was no chance to get France to waive this rule on the ground that she was unenlightened or her courts unreliable. I have been able to think of no means by which our ministers to France, seeking to collect these claims, could have overcome this single difficulty.

Article 4 of the treaty negotiated in 1803 by which France ceded us Louisiana and agreed that 20,000,000 francs of the price might be applied on the claims of our citizens, contained the following provision:

It is expressly agreed that the preceding articles shall comprehend no debts but such as are due to citizens of the United States, who have been and are yet creditors of France, for supplies, for embargoes, and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention, eighth Vendemiaire, ninth year (September 30, 1800). (Treaties and Conventions, etc., Malloy, vol. 1, p. 514.)

This declaration of Mr. Livingston, of General Washington, and many similar declarations—the official opinion of the Attorney General and the decisions of the Supreme Court of the United States, that a state of war existed, if not accepted as conclusive of that fact, do show a serious controversy as to whether or not such a state of war existed and whether a treaty of peace such as was made between France and us in 1800 did not settle all these claims, except such as were reserved under it or revived by subsequent agreement, not as a matter of bargaining, but by the operation of international law upon a state of facts which the United States could not avoid.

Then, in addition to that, is the question just pointed out, arising from the failure of the claimants to prosecute their cases to the highest courts of France. These embarrassments, coupled with the weakness of our country under the conditions then prevailing, brought our negotiators and those of France to a standstill, and made it impossible for our Government to collect the claims. It tried faithfully and with persistence to collect them and failed as to these.

I have been unable to find anything to indicate that the United States ministers bargained away the claims of its citizens in consideration of the release of the United States from certain claims which France had against her as a nation. If they did that, they violated the instructions given by Secretary of State Pickering, approved by President John Adams, on their departure to France for the purpose of negotiating this treaty. I read from those instructions:

At the opening of the negotiation you will inform the French ministers that the United States expect from France as an indispensable condition of the treaty a stipulation to make the citizens of the United States full compensation for all losses and damages which they shall have sustained by reason of irregular or illegal captures or condemnation of their vessels and other property under color of authority or commissions from the French Republic or its agents. (2 Foreign Relations, pt. 2, p. 302.)

The only instructions pertaining to the mutual cancellation and waiving of claims is in the following language:

If, however, the French Government should desire to waive its national claims, you may do the like on the part of the United States. Doubtless the claims of the latter would exceed those of the former; but to avoid multiplying subjects of dispute and because national claims may probably be less definite than those of individuals, and consequently more difficult to adjust, national claims may on both sides be relinquished. (2 State Papers, pp. 301–302.)

In the printed copy of these instructions, contained in volume 2 of American State Papers (Foreign Relations, pt. 2), the words "national" and "individuals," wherever they appear, are in italics, showing the original underscoring of the words, and that it was intended that our ministers should differentiate between national claims and the claims of citizens.

The advocates of these claims in trying to show a bargain between the two countries by which we surrendered the claims of our citizens in consideration of France surrendering its claim against us as a Nation overlook the fact that the United States had a claim against France as a nation which President Adams said to our ministers in the above instructions was greater than France's claim against us. The surrender of that national claim in cancellation of France's national claim against us would have been a sufficient consideration, carrying no obligation to pay these private claims.

Moreover, to say that we recognize that France had a claim against us as a Nation and that we paid it by surrendering the claims of our citizens would place upon the United States a deep stain of dishonor. The basis of France's claim against us was that we had repudiated our national obligation under the treaty of 1778. France was seeking to hold us liable in damages on the claim that we had treated our convention as a scrap of paper. The United States has never admitted that. We, the remote grandsons of the fathers, may now confess that dishonor on them, but they never did it. To have paid it would have been a confession of it. To have paid it in consideration of the cancellation of the claims of our citizens would have been to confess our failure to keep our obligations to France, and to betray our citizens by selling their property to settle a debt brought upon this Nation by dishonor. You have to conclude that we owed damages for treaty breaking in order to create the fiction of a consideration received by the United States in return for the surrender of its citizens' claims. I am unwilling to confess that dishonor. I am unwilling to confess the further dishonor which would result from its existence and the failure of any President for 85 years thereafter to recommend the settlement of these claims. All the earlier ones knew the facts intimately and could not honorably have ignored such an obligation if it existed.

To admit its existence now is to admit dishonorable action by the Nation in the first instance, aggravated by a willful failure by the Presidents and by the Government, who knew of it, to repair the shameful injustice done.

Such an injustice would have been willful. In two of President Jefferson's messages, written within 10 years after the treaty of 1800, he mentions a prospective surplus in the Treasury of the United States.

So large a Treasury surplus did accumulate during the administration of President Jackson that it was distributed among the States. These abundances of money in the National Treasury developed while such leaders as Jefferson, Monroe, and John Quincy Adams participated actively in national affairs.

The American ministers to France not only were without authority to bargain away the claims of citizens but they did not undertake to do so.

Article 2 of the treaty of September 30, 1800, contains the following:

> The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of February 6, 1778, the treaty of amity and commerce of the same date, and the convention of November 14, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon there points the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows. (Art. 2, Treaties and Conventions, vol. 1, p. 497.)

This merely recited the fact that the parties could not agree about certain classes of indemnities, including these. Thereafter the Senate amended the treaty by striking out this article and inserting one in its place, making the life of the treaty eight years. There was no bargain or evidence of bargaining away American claims in that amendment. The American ministers would not confess liability for damages for treaty breaking and France would not confess liability on claims of this class, and that was all there was to it. When Napoleon, in his own presumptuous, rough-shod manner, ratified the treaty thus amended, he made the following notation upon it:

> *Provided*, That by this retrenchment the two states renounce the respective pretentions, which are the object of the said article. (Treaties and Conventions, vol. 1, p. 505.)

This does not indicate that American claims were bargained away. The article making the treaty run for eight years remained in it. That with Napoleon's notation does indicate that these demands should not be pressed during the eight years during which the treaty should run. France, being unable to collect indemnities from the United States and the United States unable to collect any of this class from France, neither one was to press them during that period.

The United States had failed to compel payment for this class of spoliations, or for national damages claimed of France, and France had failed to collect her claims against the United States, but there was no indication of an offset. Can it be contended that because France did not succeed in compelling the United States to pay the damages France claimed on account of alleged treaty breaking, the United States became obligated to pay our citizens the damages done by France?

The construction placed on this treaty by those concerned at the time of its negotiation is almost, if not quite, as enlightening as the instructions under which it was negotiated. The treaty was made during President Adams's administration and finally submitted to the Senate for ratification by his successor and political antagonist, President Jefferson. There was no such political association between these gentlemen as would have tempted President Jefferson to have been unduly liberal and favorable in stating the effect of the treaty made by his predecessor and political opponent. President Jefferson's first message to Congress, on December 8, 1801, at the beginning of the session, a few days before the Senate received and finally passed upon this treaty, gave the presidential view of its effect in the following language:

> A cessation of irregularities which had afflicted the commerce of neutral nations, and of the irregularities and injuries produced by them, can not but add to this confidence and strengthen at the same time the hopes that wrongs committed on unoffending friends, under a pressure of circumstances, will now be reviewed with candor, and will be considered as founding just claims of retribution for the past and new assurances for the future.

This language does not name this particular treaty, but this was the only treaty to which it could have referred. It refers to the settlement of which this treaty was a leading part.

You will see that President Jefferson, who had considered the treaty and submitted it to the Senate, held the view that the—

> wrongs committed—

would—

> now be reviewed with candor and * * * be considered as founding just claims of retribution for the past.

Instead of an abandonment of private claims and foreclosure of their discussion, he understood it as opening the way for "retribution."

In simple truth the treaty of 1800, ratified finally in 1801, contained no bargain for the surrender of our citizens' claims in consideration for the renunciation of France's national claims. It had merely stated the inability of the parties to agree. The Senate had eliminated that statement and made the treaty to run for eight years, without mentioning the agreement or settling it, and leaving it open for future negotiations unless the fact of war had concluded it except as to claims revived by subsequent agreement.

Napoleon in his own presumptuous manner denounced the claims of both countries as "pretentions." Whatever that treaty did was in force for only eight years, and Jefferson's hope that peace would pave the way for negotiations and retribution was well founded, for claims against France continued to be pressed thereafter.

French spoliation claims arising before September 30, 1800, and claims arising immediately thereafter, and others arising under Napoleon's Berlin decree, and others like it, and claims of every class piled up continuously to an enormous amount.

Many were settled under the treaty of 1803 concluded within 16 months after Jefferson's message quoted above. Many other claims on account of French spoliations were settled under the treaty with Spain of 1819, by which we purchased Florida. Under the treaty of 1803 we purchased Louisiana and insisted on having some 20,000,000 francs, or $3,750,000, of the price paid on claims held by our citizens. Under the treaty of 1819 with Spain, which was the result of some 20 years' negotiations in efforts to collect French spoliation claims of the same period as these, we purchased Florida and insisted on having some 25,000,000 francs, the price of Florida, applied on the payment of French spoliation claims for which we held Spain liable jointly with France, because she had permitted her nationals, ports, and tribunals to be used in cooperation with France in the commission of the spoliations.

Still the United States continued to press France for the payment of spoliation claims. The two countries came to a rupture of diplomatic relations during President Jackson's administration over such demands made by us, and in 1831 France made another treaty providing for the payment of 20,000,000 francs on American claims. All of the money which France and Spain paid under these treaties for the benefit of our nationals was, of course, promptly paid to our citizens, and if there had been

either a written or an implied obligation to pay these claims, they, too, would have long ago been paid.

During this long period France had been in the midst of several wars and made several changes of government. She had dethroned her old kings, gone through the French Revolution, with its reign of terror, then had the rule of the Directory, after which came Napoleon's career and years of war, which were immediately followed by the reestablishment of the old line of French kings.

The representatives of France pleaded that their government was unable to pay such a volume of claims, and was not rightfully chargeable with what preceding governments had done.

Albert Gallatin, our minister to Paris in 1816, wrote to Mr. Monroe, then Secretary of State, that Richelieu, in behalf of France, had said to him:

> That it was absolutely impossible for the present government of France to make compensation for the whole mass of injustice done by the former governments; that the whole territory, if sold, would not suffice for that object. (Writings, Albert Gallatin, vol. 2, p. 15.)

But during all this disturbed period until 1831 the United States was still pressing for the settlement of claims. Growing stronger as the years passed, it collected yet more of them. Our Government in those days of comparative weakness collected every just claim it was possible to collect. No sound principle of law, of justice, or duty made the United States liable to these claimants merely because she failed to collect all of them from France. Our Government entered into no treaty stipulation to pay them. No implied obligation to pay them is shown. The record sustains all of these propositions.

The fact that they were not long ago paid by the worthy and capable men who directed the Government during that and several succeeding generations creates a compelling presumption against them.

These men had their attention called to these claims. They knew the affairs of the Nation in their time; believed in keeping the public faith, preserving the public credit, and protecting the rights of their people. They were neither inattentive, uninformed, or dishonest. These claimants now ask us to correct alleged wrongs which could have been perpetrated only through the neglect, ignorance, or dishonesty of the founders and all their noble successors, including our splendid predecessors who have refused to pay them for 125 years.

Among those who led in the prevailing opposition to these measures during recent years were Hon. Claude Kitchin, Hon. J. R. Mann, and Hon. Joseph G. Cannon. Mr. Mann made the motion to strike out the enacting clause of the bill which carried them, which the House did on February 19, 1911. Uncle Joe Cannon said of them once during recent years:

> I have from Congress to Congress, with what little power I have, opposed these claims. I believed then and believe now they ought never to have been paid.

Though, as a member of the conference committee, he supported a conference report in which the Senate had inserted some of them. The House has rejected them again and again, even after they were passed on, in this specially provided and protected way, by the Court of Claims.

Among the Texans who led in the opposition to them were Hon. S. W. T. Lanham, father of our colleague, FRITZ G. LANHAM, and long a distinguished Member of this House, a member of the Committee on Claims and later Governor of Texas. They were vigorously opposed by Hon. John H. Reagan, long a leading Member of this House and a Member of the Senate from Texas.

THE FATHERS REJECTED THEM

John Adams, who was President when the treaty of 1800 was made, knew our foreign affairs, was from New England, whence most of these ships went; but he called nobody's attention to the obligation which these claimants assert.

Thomas Jefferson was our representative at Paris, Secretary of State under Washington, President when the treaty of 1800 was finally accepted and proclaimed, and in 1803 when a treaty with France, dealing largely with claims against France, was made and ratified. He, like his predecessors, failed to recognize any obligation such as is claimed here.

James Madison was Secretary of State under Jefferson, had intimate familiarity with all these matters, and was President for eight years next after Jefferson. The theory on which these claims are pressed is that he, too, was indifferent or obtuse, or dishonest; for he failed to remind Congress of any such obligation as the interest of these claimants causes them to assert. The House voted 21 for and 48 against claims of this class during Jefferson's administration. (RECORD, February 26, 1802, p 604.)

Monroe was one of our representatives at Paris when the treaty of 1803, dealing largely with French spoliation claims, was made. He was Secretary of State under Madison and was President for eight years, extending from 1817 to 1825. Only neglect, or ignorance, or dishonesty could have prompted him to ignore such an obligation, if any existed such as these claimants in their own interest now pretend. During Monroe's administration the House voted 4 for and 41 against claims of this class. (RECORD, January 10, 1823, p. 104.) In the "era of good feeling" which Monroe's administration inaugurated, an influential President such as he was, if he had favored these claims, could certainly have influenced more than four Members to vote for them. This is almost as significant as his failure to recommend their payment in any message.

John Quincy Adams was with his father, John Adams, when the treaties of 1778 were being negotiated. He was assistant secretary to the American mission to Paris when our treaty of peace was made there in 1783. He was in our Foreign Service much of the time thereafter; was in the Senate in 1803 when Jefferson's treaty providing for the purchase of Louisiana and the settlement of many spoliation claims was ratified. He was Secretary of State under Monroe, and then was President for four years, from 1825 to 1829. A man of method, well acquainted with all our foreign affairs, scrupulous in matters of obligation, courageous enough to be willing to be unpopular for his convictions, yet he saw no such obligation as this, though these claims arose principally from New England, toward which he was not unfriendly.

The same was true of all our great and near great Presidents for 85 years after the treaty of 1800 was made. Twice in that long period the persistent efforts of these claimants caused the passage of favorable bills through the House. During 150 to 200 sessions Congress rejected them by nonaction or adverse action. During this period two Congresses had acted favorably; but President Polk promptly vetoed the first and President Pierce the second. Both vetoes were sustained.

Thereafter Congress continued to decline to pay them, until in 1885, after Vice President Arthur had become President through the death of President Garfield, after his party had refused to nominate him, and after the country had passed the Government into the hands of the opposing party, in the last days of his administration and of an expiring Congress there was this half-hearted, restricted, noncommittal reference of these claims to the Court of Claims, with carefully guarded caution against commitment in their favor.

No Congress has paid any of these claims during the last 20 years, notwithstanding the court had reported favorably on them. Congress has continually declined to do so, and has several times positively refused to do so.

President Cleveland vetoed them in 1896 and thus became the third President to veto them. In that instance, as in both the preceding ones, Congress refused to pay them over the President's veto.

After these careful, well-informed, conscientious statesmen of the first and second generations after these transactions occurred, and their successors for many decades, have either declined to recognize such an obligation or have rebuked the assertion of it, what right have we to say that they were indifferent or ignorant or disregardful of the obligations of the Nation and the rights of its citizens?

On four occasions between 1885 and 1905 at or near the close of sessions, usually in the dying hours of an expiring Congress, the Senate has succeeded in getting provisions for the payment of such of these claims as had then been inserted into appropriation bills, usually through conference reports. These cover about 20 years after the limited reference to the Court of Claims. The first was passed on March 3, 1891; the second March 1, 1899; the third May 20, 1902; and the fourth March 3, 1905.

The act of reference required that all claims be filed within two years, but it fixed no limitations of time within which evidence could be offered or report made. These appropriation bills, added by the Senate through conference reports and adopted by the House, as stated, covered all cases reported up to that time, so far as I can ascertain, and every claimant had then had 20 years after the limited reference within which to prove his claim. That was ample time for them to make proof if the facts existed, but another 20 years have come and gone and they are still scraping up support for their claims.

If they are all ever settled, the last of them will be trailing with troops of German spoliation claims and others like them. Like pension claims for the War of 1812 still being paid, they hang on forever. Lobbyists promoting the German spoliation claims will be hanging around Congress when we have all been

in our graves 100 years, if the Nation still stands, which God grant.

Time itself should be treated as having settled the controversy as to the payment of these claims. Mr. Bayard, Secretary of State, is quoted in John Bassett Moore's work on International Law as saying:

It must be remembered that statutes of limitation are simply formal expressions of a great principle of peace which is at the foundation not only of our own Government but all other systems of civilized jurisprudence. It is good for society that there should come a period when litigation to assert alleged rights should cease, and this principle, which thus limits litigation when wrongs are old and evidence faded, is as essential to the administration of justice as is the principle that sustains litigation when wrongs are recent and evidence fresh. (Vol. 6, p. 1005.)

Mr. Moore further quotes one of the commissioners passing on Venezuela claims as saying:

Great lapse of time is known to produce certain inevitable results, among which are the destruction or the obscuration of evidence, by which the equality of the parties is disturbed or destroyed, and as a consequence renders the accomplishment of exact or even approximate justice impossible. Time itself is an unwritten statute of repose. (Moore's International Law, vol. 6, p. 1006.)

The discussion of these claims presents a striking example of the mass of tradition, misunderstanding, fiction, and falsehood which self-interest can create and the amount of truth which can be lost in the thickening haze which surrounds transactions as they recede into the distant past.

In the Senate hearings on these claims of March 20, 1924 (p. 10), Mr. Scattergood, representing one of the big insurance companies interested, said:

Mr. SCATTERGOOD. There has never been an adverse report, or even a minority report, made on the subject of the French spoliation claims since their reference to the Court of Claims on the facts and law.

On February 18 and 19, 1911, an adverse report on claims of this class, probably some of these claims, was made by the House committee to the House while Mr. Scattergood was in Washington looking after them. Indeed, he was sitting in the gallery while this adverse report was under a continued discussion for two or three days, as shown by the CONGRESSIONAL RECORD of February 19, 1911, from which I read:

Mr. SHACKLEFORD. I will say to the gentleman from North Carolina that he [Mr. Scattergood] is sitting in the gallery, and has been sitting there for the past week.

Mr. KITCHIN. He ought to sit there. He is interested, and ought to stay there and see that the House looks after his company's interest. * * * (RECORD, February 19, 1911, p. 2886.)

As I understand it, this is the Mr. Scattergood who has written a history of these French spoliation claims from which men frequently quote as authority.

Statements that the United States had collected money for these claimants and withheld it from them, and that it assumed them and had refused to keep its obligation, would not have been made but for the confusion, tradition, fading memories, and obscuring records of men. Under such conditions tradition and fiction accumulate, and the facts are confused, obscured, and forgotten.

The principle recognized in statutes of limitation and systems of equity is not based alone on the neglect of litigants.

It recognizes the existence of just such situations as we have here, in which controversies, parties, opportunities, and tribunals have existed for successive generations, carrying the responsibility of adjudications which could have been made by them and can not be made by men of remote generations.

If we did not have our present imperfect information indicating that no injustice has been done; if we did not know, as we do, that capable, conscientious, courageous men administering our Government had declined to recognize any obligation of payment, sound policy would require that, after a century and a quarter, we presume that the claimants were able to present their cases, that capable men considered them, and that the refusal to recognize them was justified.

In vetoing an appropriation of public lands to pay these claims in 1846, 80 years nearer the time and transactions in which they originated, President Polk said:

I can perceive no legal or equitable ground on which this appropriation can rest.

President Pierce looked into them with care from a viewpoint 75 years nearer than ours. He found that the United States not only did not agree to waive these claims, but that—

The zeal and intelligence with which the claims of our citizens against France were prosecuted appear in the diplomatic correspondence of the three years next succeeding the convention of 1800.

President Pierce further said:

It has been gratifying to me, in tracing the history of these claims, to find that ample evidence exists to refute an accusation which would impeach the purity, the justice, and the magnanimity of the illustrious men who guided and controlled the early destinies of the Republic.

Many of these are underwriter and insurance-company claims. The underwriters and insurers knew the times and conditions under which they fixed and collected premiums to cover the risks of losses which they deliberately assumed.

The high premiums paid proved that they knew of these risks. If they did not know of the danger, they have no right to ask us to grant them gratuities out of the Public Treasury to compensate for their failure to use good sense in business. They fixed and collected premiums to cover the risk, plus overhead charges, plus a profit. Therefore they had no loss except such as they deliberately took the risk of suffering for the sake of the profit promised. If they did not collect such premiums, their loss resulted from their own folly.

President Cleveland in vetoing an appropriation for claims of this class in 1896, among many other conclusive reasons given, presented this one, saying:

In the long list of beneficiaries who are provided for in the bill now before me on account of these claims, 152 represent the owners of ships and their cargoes and 186 those who lost as insurers of such vessels or cargoes.

Those insurers, by the terms of their policies, undertook and agreed "to bear and take upon themselves all risks and perils of the seas, men-of-war, fire, enemies, rovers, thieves, jettison, letters of mart and countermart, surprisals, takings at sea, arrests, restraints, and detainments of all kings, princes, or people of what nation, condition, or quality whatsoever."

The premiums received on these policies were large, and the losses were precisely those within the contemplation of the insurers. It is well known that the business of insurance is entered upon with the expectation that the premiums received will pay all losses and yield a profit to the insurance in addition; and yet, without any showing that the business did not result in a profit to these insurance claimants, it is proposed that the Government shall indemnify them against the precise risks they undertook, notwithstanding the fact that the money appropriated is not to be paid except—

by way of gratuity—payments as of grace and not of right.

The Supreme Court of the United States having by a unanimous opinion held that appropriations for these claims were mere gratuities not based on any claim of right, it is idle to talk of "subrogation." Subrogation is the placing of one where he is vested with rights of another, but the Supreme Court has held that these claims are based on no right. The remote assignees or other successors of the original claimants, while asking the Government to waive all legal rights and grant them mere gratuities not based on right, inconsistently try to invoke a strained and unnatural construction of subrogation notwithstanding there are no rights to which they can be substituted.

Mr. Speaker, for these reasons and for others which time will not permit me to state I protest against the payment of these claims. They amount to many millions of dollars. The end of them and their kind is not in sight. Others like them growing out of other transactions, and especially those out of the spoliations committed by Germany, can and probably will be presented hereafter with more plausible support than these have. [Applause.]

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the following title:

H. R. 4785. An act to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park.

The message also announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House of Representatives was requested:

H. R. 3807. An act granting relief to the Metropolitan police and to the officers and members of the fire department of the District of Columbia;

H. R. 3794. An act granting the consent of Congress to the counties of Lancaster and York, in the State of Pennsylvania, to jointly construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.;

H. R. 8034. An act to authorize the destruction of paid United States checks;

H. R. 9305. An act to amend section 101 of the Judicial Code as amended; and

H. R. 10200. An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 107. An act for the relief of the Commercial Union Assurance Co. (Ltd.);

S. 564. An act confirming in States and Territories title to lands granted by the United States in the aid of common or public schools;

S. 2477. An act to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia; and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street;

S. 2643. An act to provide for the cooperation of the United States in the erection in the city of Panama of a monument to Gen. Simon Bolivar;

S. 2674. An act for the relief of Kate T. Riley;

S. 2729. An act to authorize the refund of $25,000 to the Columbia Hospital for Women and Lying-in Asylum;

S. 2741. An act for the relief of the State of Ohio;

S. 3115. An act to amend section 220 of the Criminal Code;

S. 3480. An act for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment;

S. 3691. An act to convey to the city of Lakeland, Fla., certain Government property;

S. 3759. An act authorizing issuance of patent to Richard Murphy;

S. 3790. An act to provide for transfer of jurisdiction over the Conduit Road in the District of Columbia;

S. 3841. An act to provide for the distribution of the Supreme Court Reports and amending section 227 of the Judicial Code;

S. 3887. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Daniel F. Crump within Glenwood Cemetery;

S. 3953. An act to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings;

S. J. Res. 46. Joint resolution giving and granting consent to an amendment to the constitution of the State of New Mexico providing that the moneys derived from the lands heretofore granted or confirmed to that State by Congress may be apportioned to the several objects for which said lands were granted or confirmed in proportion to the number of acres granted for each object, and to the enactment of such laws and regulations as may be necessary to carry the same into effect; and

S. J. Res. 62. Joint resolution to authorize the Secretary of Agriculture to accept membership for the United States in the Permanent Association of the International Road Congresses.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On April 23, 1926:

H. R. 3624. An act for the relief of Hannah Parker;

H. R. 5012. An act to legalize a pier into the Atlantic Ocean at the foot of Rehobeth Avenue, Rehobeth Beach, Del.; and

H. R. 8192. An act authorizing the designation of postmasters by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers, for performance of authorized service on power boat and star routes in Alaska.

On April 24, 1926:

H. R. 9685. An act providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia;

H. R. 6874. An act for the relief of James Madison Brown; and

H. R. 5858. An act for the relief of Charles Ritzel.

On April 26, 1926:

H. R. 120. An act fixing the fees of jurors and witnesses in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico, and the Supreme Court of the District of Columbia.

On April 28, 1926:

H. R. 6773. An act to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

On April 29, 1926:

H. J. Res. 204. Joint resolution authorizing certain military organizations to visit France, England, and Belgium; and

H. R. 9795. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 107. An act for the relief of the Commercial Union Assurance Co. (Ltd.); to the Committee on Claims.

S. 564. An act confirming in States and Territories title to lands granted by the United States in the aid of common or public schools; to the Committee on the Public Lands.

S. 2477. An act to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia; and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street; to the Committee on the District of Columbia.

S. 2643. An act to provide for the cooperation of the United States in the erection in the city of Panama of a monument to Gen. Simon Bolivar; to the Committee on Foreign Affairs.

S. 2729. An act to authorize the refund of $25,000 to the Columbia Hospital for Women and Lying-in Asylum; to the Committee on the District of Columbia.

S. 2741. An act for the relief of the State of Ohio; to the Committee on Claims.

S. 3480. An act for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment; to the Committee on Naval Affairs.

S. 3691. An act to convey to the city of Lakeland, Fla., certain Government property; to the Committee on Public Buildings and Grounds.

S. 3759. An act authorizing issuance of patent to Richard Murphy; to the Committee on the Public Lands.

S. 3841. An act to provide for the distribution of the Supreme Court reports and amending section 227 of the Judicial Code; to the Committee on the Judiciary.

S. 3887. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Daniel F. Crump within Glenwood Cemetery; to the Committee on the District of Columbia.

S. 3953. An act to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings; to the Committee on Indian Affairs.

S. J. Res. 46. Joint resolution giving and granting consent to an amendment to the constitution of the State of New Mexico providing that the moneys derived from the lands heretofore granted or confirmed to that State by Congress may be apportioned to the several objects for which said lands were granted or confirmed in proportion to the number of acres granted for each object, and to the enactment of such laws and regulations as may be necessary to carry the same into effect; to the Committee on the Public Lands.

S. J. Res. 62. Joint resolution to authorize the Secretary of Agriculture to accept membership for the United States in the Permanent Association of the International Road Congresses; to the Committee on Foreign Affairs.

FEDERAL FARM BOARD

Mr. SNELL. Mr. Speaker, I submit a privileged report from the Committee on Rules providing for the consideration of the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural products.

The Clerk reported the title of the resolution.

Mr. SNELL. Mr. Speaker, in this connection it is expected to call up this rule for the consideration of agricultural legis-

lation immediately after the disposition of business on the Speaker's table on next Tuesday.

The SPEAKER pro tempore (Mr. CHINDBLOM). The report of the Committee on Rules is referred to the House Calendar.

AMENDMENT OF THE TRADING WITH THE ENEMY ACT

Mr. PARKER. Mr. Speaker, I call up the conference report on the bill (S. 1226) to amend the trading with the enemy act.

The SPEAKER pro tempore. The gentleman from New York calls up a conference report, which the Clerk will report.

The Clerk reported the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1226) entitled "An act to amend the trading with the enemy act," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment so that the said House amendment shall read as follows:

"(3A) An individual who was at such time a citizen or subject of Germany, Austria, Hungary, or Austria-Hungary, or not a citizen or subject of any nation, state, or free city, and that the money or other property concerned was acquired by such individual while a bona fide resident of the United States, and that such individual, on January 1, 1926, and at the time of the return of the money or other property, shall be a bona fide resident of the United States; or

"(3B) Any individual who at such time was not a subject or citizen of Germany, Austria, Hungary, or Austria-Hungary, and who is now a citizen or subject of a neutral or allied country, or."

And the House agree to the same.

JAMES S. PARKER,
JOHN G. COOPER,
CLARENCE F. LEA,
Managers on the part of the House.

ALBERT B. CUMMINS,
WILLIAM H. KING,
WM. E. BORAH,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1226) to amend the trading with the enemy act submit the following written statement in explanation of the effect of the action agreed upon by the conference and recommended in the accompanying conference report:

The bill as it passed the House provided that in order to be entitled to the return of his property in the custody of the Alien Property Custodian such individual should have declared his intention to become a citizen prior to the passage of the amendment. The conference agreement would eliminate this qualification and substitute a provision that such individual must have been a bona fide resident of the United States on January 1, 1926, in addition to the other conditions specified in the bill. The main object of the amendment is to prevent claimants from qualifying for the return of their property by hereafter taking up their residence in the United States for such purpose.

Paragraph (3B) was amended by the inclusion of the words "at such time." The time referred to is the time in which the property involved was seized by the Alien Property Custodian. The added language simply makes this language conform to the language of the bill in preceding paragraphs.

JAMES S. PARKER,
JOHN G. COOPER,
CLARENCE F. LEA,
Managers on the part of the House.

Mr. PARKER. Mr. Speaker, I move the adoption of the conference report.

The motion was agreed to.

On motion of Mr. PARKER, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

THE POSTAL SERVICE

Mr. ARNOLD. Mr. Speaker, on Wednesday last, the 28th of April, I delivered a speech over the radio, WCAP, on the question of the Postal Service. I ask unanimous consent to extend my remarks in the RECORD by inserting that speech.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. ARNOLD. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I submit the following speech:

The postal service of the American Government is the greatest public utility service in the world. There is no other department of our Government that comes so directly in contact with every man, woman, and child of this country. The founders of the American Republic, recognizing that the intelligence of the people in a republican form of government is of prime necessity, made provision that the postal system should be a strict governmental agency, so that the dissemination of information should be uniform without restraint and at the least possible expense to all citizens alike.

The postal system transports intelligence by correspondence, by newspapers, by magazines. It transports money through its money-order department; it acts as a banker for thousands of its citizens; and is the commercial artery for barter and exchange of various commodities through the parcel-post system. Without the means of communication of written intelligence the business life of America would be paralyzed. The wisdom of our forefathers is once more demonstrated in making it a strictly governmental agency so that nothing can destroy its functioning so long as the power of the Government itself exists.

The small fourth-class post office in the country store in the remotest sections of the country, with its crude surroundings and furnishings, offers essentially the same service as the city post office with its granite exterior, its tiled floors, marble counters, and luxurious appointments.

From each and every post office in the country lines of communication radiate and extend to every other section of the country and into international channels reaching throughout the civilized world. For 2 cents the patron of the most obscure office may have his message delivered without regard to distance within the United States and its possessions as expeditiously and safely as the patron of the largest office, and receive communications by the same source from every section of the country. Yes; its contact is closer yet. Through the city, village, and rural carriers this service is extended to the home, office, and place of business of millions of individual patrons with like benefits and privileges of those dealing direct with a post office. Rural free delivery alone brings this service to the homes of 30,500,000 individuals. This direct door-to-door service, extensive and widely scattered as it is, has no counterpart in any nation in the world.

A brief historical reference might be of interest. While postal service was in use to a limited extent in colonial times, it first took form under American Government in July, 1775, when the Continental Congress established a constitutional post office, with Benjamin Franklin as the first Postmaster General. The resolution of the Continental Congress providing this service reads: "Communication of intelligence with frequency and dispatch from one post to another of this extensive continent is essentially requisite to its safety."

Star routes were early created by contracts for carrying the mails on routes other than established post routes to the lowest bidder. Bids for this service were indicated by three stars to symbolize celerity, certainty, and security; hence the name "star route" prevailing to-day.

In March, 1829, under President Jackson's administration, the Postmaster General was first made a member of the President's Cabinet. Mail was first carried by steam railways in 1834. The period following 1836 was one of transition from stage coach to railway transportation. Primitive and crude at first, a bid for railway service stipulated the department must reduce the required rate of speed to 11 miles an hour.

Postage stamps first came into use in 1840. Postmasters printed their own stamps and sold them for use by patrons to indicate prepayment of postage. Seven years later an act of Congress authorized their official use. In 1855 prepayment became compulsory. During all this time the cost of carriage was based on distance.

Free delivery for cities was undertaken in 1863. Special delivery was established in 1885. In 1896 an experiment in rural free delivery was made with three routes in West Virginia. Rural free delivery is now thoroughly entrenched in popular favor.

The Constitution provides that Congress shall have power "to establish post offices and post roads." This has been construed as authority for building roads throughout the country for the purpose of extending mail facilities. Under this constitutional authority the Government has built many roads for the transportation of the mails; built and fostered a great system of canals before the advent of the railway; built and maintained the first railroad in the country; and later Government aid in the construction of post roads took the form of land grants for transcontinental and other railway lines. It is rather interesting to note that formerly every road and means of travel and communication existed primarily for the Postal Service.

This constitutional provision is the authority for our present system of Federal aid to States, under which the Government is now appor-

tioning $75,000,000 a year to the States for the construction of improved highways within their borders.

For the marvelous growth and development of the postal system credit is due largely to the competency and efficiency of the postal employees. The postal clerk, the carrier, city, rural, and village, and the railway postal employee, by devotion to duty, courtesy, and efficiency, have made the Postal Service the most popular service of all governmental agencies. All the directing genius in the world would be of no avail to accomplish the results attained but for this loyalty and efficiency upon the part of those who actually handle the mail and perform the services of the Post Office Department.

The growth and development of the postal system of the country has been marvelous. It is interesting to note that during the entire history of the postal system of this country the volume of business and receipts and expenditures have practically doubled every 10 years with clockwork regularity. But few people realize the magnitude of the business at the present time and the efficiency of the service. During the fiscal year 1925, there was a total of 17,758,358,993 pieces, exclusive of registered mail, distributed and redistributed by railway postal clerks, with a percentage of correct distribution and redistribution of 99.994.

Second-class matter consisting of newspapers and periodicals amounting to 1,417,491,573 pounds were handled. The revenue derived from the Postal Service in 1925 aggregated $599,591,477.59, an increase of 4.65 per cent over 1924, while the expenditures during the same time aggregated $639,281,647.99.

There are 45,395 rural routes in operation to-day, with an aggregate length of 1,257,779 miles. One-half of the country roads are traveled by rural or star route carriers and serve 80 per cent of the rural population of the country.

The demand of the public has ever been for speedy and expeditious delivery, and the Government has been quick to seize on all methods of transportation that would eliminate the element of time as far as practicable. With that end in view, on the 15th of May, 1918, the Post Office Department, in cooperation with the War Department, made an experiment in air mail. While that service is yet in its infancy, it is developing rapidly and successfully. A number of air-mail lines have been established and are maintained with a degree of regularity highly gratifying. These air-mail routes include a transcontinental route. The westbound schedule from New York to San Francisco, a distance of 2,665 miles, is 34 hours and 20 minutes. This includes stops at 15 stations for service and exchange of mail. The schedule for the eastbound trip is 29 hours and 15 minutes, the difference due to the fact that the prevailing winds from the West help the eastward flight and correspondingly retard the westward flight. The percentage of air-service performance with reference to schedule is 96. Air-mail service from New York to San Francisco has reduced delivery time to one-third the time required by railway service.

The work of the Joint Postal Commission directed by Congress to ascertain the cost of carrying and handling the several classes of mail matter and the performance of various services, begun in 1921, was completed in December, 1924.

During the last Congress there was a salary readjustment for postal employees and a temporary readjustment of postal rates. Temporary, due to the fact that the Congress did not have at hand sufficient definite information on which to base permanent postal rates. By act of Congress of February 28, 1925, the Postmaster General was authorized to continue the work of ascertaining the revenue derived from and the cost of carrying and handling the several classes of mail matter and to report the results annually as far as practicable. A special joint subcommittee of the two Houses of Congress was likewise created and directed to hold hearings and to report by bill "its recommendations for a permanent schedule of postal rates."

This subcommittee held extensive hearings in various parts of the country with a view to obtaining definite and reliable information from users of various classes of the mails on which to base a schedule of permanent postal rates, and is now engaged in gathering statistical information along this line. It has not yet reported, and the indications are that it will not have its report ready so that the information will be available for the use of the committee at this session of Congress in drafting a permanent schedule of postal rates.

The schedule of rates adopted at the last session of Congress contains many inaccuracies and is an injustice to users of some classes of mail. It should be remedied and corrected as soon as it can possibly be done. A study of the hearings and reports with an analysis of all available information should enable Congress to work out and enact into law a fair and equitable readjustment of postal rates.

VOTES FOR ORGANIZED LABOR

Mr. EVANS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of my vote on certain labor questions in the House.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. EVANS. Mr. Speaker, the question of a man's vote in the House of Representatives is often a matter of interest to his constituents. Recently Frank Morrison, secretary of the American Federation of Labor, made a tabulation covering 45 measures of vital importance to organized labor considered in this House in the past 12 years:

On 44 roll calls the vote of the gentleman from Montana [Mr. EVANS] was considered favorable to labor. On one it was considered unfavorable.

A synopsis of the bills are given below. The notations "favorable" or "unfavorable" indicate the verdict of the American Federation of Labor as expressed by Mr. Morrison, secretary:

HOW EVANS VOTED

April 21, 1913: Rule to consider sundry civil bill with antitrust provisos favoring labor; favorable.

February 4, 1914: Motion to strike out literacy test, immigration restriction bill with literacy test; favorable.

February 4, 1914: Final vote immigration restriction bill with literacy test; favorable.

April 17, 1914: Increase appropriation for Children's Bureau; favorable.

October 8, 1914: Conference report Clayton antitrust bill; favorable.

January 15, 1915: Conference report immigration restriction bill; favorable.

February 4, 1915: Immigration restriction over President's veto; favorable.

February 15, 1915: Palmer child labor bill; favorable.

SIXTY-FOURTH CONGRESS

February 2, 1916: Keating child labor bill; favorable.

March 14, 1916: Borland amendment to increase hours of service of Government employees; favorable.

March 24, 1916: Rule to consider immigration restriction bill; favorable.

March 30, 1916: Recommit and strike out literacy test, immigration restriction bill; favorable.

March 30, 1916: Final passage immigration restriction bill; favorable.

July 12, 1916: Federal employees' compensation for injuries; favorable.

December 16, 1916: Increase in wages for Government employees; favorable.

December 21, 1916: Borland amendment to increase hours of service of Government employees; favorable.

January 8, 1917: Increase in wages of employees of Agricultural Department; favorable.

February 1, 1917: Immigration restriction over the President's veto; favorable.

February 15, 1917: Increase in wages for Indian Bureau employees; favorable.

May 13, 1918: Borland amendment to increase hours of Government employees; favorable.

June 19, 1918: Naval appropriation bill prohibiting bonuses; favorable.

June 26, 1918: Borland amendment to increase hours of service of Government employees; unfavorable.

June 27, 1918: Naval appropriation bill prohibiting bonuses; favorable.

July 1, 1918: Borland amendment to increase hours of service of Government employees over the President's veto; favorable.

September 24, 1918: Final passage of Nolan $8 minimum wage bill; favorable.

SIXTY-SIXTH CONGRESS

May 21, 1919: Woman suffrage; favorable.

July 1, 1919: Appropriation for United States Employment Bureau, Department of Labor; favorable.

July 16, 1919: Minimum wage bill, objectionable amendment by Good; favorable.

July 17, 1919: Vocational Educational Board, motion by Good to reduce appropriation; favorable.

July 17, 1919: Final passage of the sundry civil bill after being vetoed by President because of small appropriation for Vocational Education Board; favorable.

July 22, 1919: Final passage Nolan $8 minimum wage bill; favorable.

October 17, 1919: Vocational rehabilitation of cripples in industry; favorable.

October 27, 1919: Motion to reduce increase to fire department employees of District of Columbia; favorable.

November 17, 1919: Esch railroad bill, Anderson amendment favored by railroad organizations; favorable.

February 21, 1920: Cummins-Esch railroad bill, motion to recommit conference report and strike out antilabor and other objectionable provisions; favorable.

March 23, 1920: Naval appropriation bill, amendment by Hull of Iowa prohibiting use of appropriation to conduct stop-watch and bonus systems; favorable.

April 30, 1920: Retirement bill, objectionable motion excluding members of organized labor from benefits; favorable.

April 30, 1920: Final passage of the civil service retirement bill; favorable.

SIXTY-EIGHTH CONGRESS

April 12, 1924: Passage of immigration restriction bill; favorable.

April 26, 1924: Passage of child labor amendment to the Constitution of the United States; favorable.

May 5, 1924: To discharge the Interstate Commerce Committee from consideration of the Howell-Barkley railroad bill; favorable.

May 19, 1924: Motion to concur in obnoxious commendation of Committee of the Whole to strike out enacting clause in Howell-Barkley railroad bill; favorable.

June 6, 1924: Acceptance of conference report on postal employees' wage increase bill with Cable corrupt practices amendment; favorable.

SIXTY-NINTH CONGRESS

March 1, 1926: Bill abolishing the Railroad Labor Board and providing for collective bargaining; favorable.

Favorable to labor	44
Unfavorable to labor	1
Total	45

BRIDGES OVER NAVIGABLE WATERS OF THE UNITED STATES

The SPEAKER pro tempore. Under the previous order, the gentleman from Illinois [Mr. DENISON] is recognized for 25 minutes.

Mr. DENISON. Mr. Speaker, the subject of the construction of bridges over the navigable waters of the United States has become one of great importance to the entire country. Its importance has become more apparent with the recent development of the highway systems of the country. It has become a national problem with the increased expenditures of funds from the Federal Treasury in aid of the States in the construction of improved roads. The people of the entire country have been awakened to the importance of improved highways, and the States and counties all over the country are bonding themselves heavily for the construction of hard roads. This has been encouraged by Federal legislation providing funds from the Federal Treasury to aid and encourage the States in the construction of improved roads. There has already been appropriated from the Federal Treasury in recent years some $493,300,000 to aid the States in the construction of improved roads, and under existing law we are appropriating and distributing to the States $75,000,000 annually for that purpose. With this improvement in the highways has come a general demand for improved methods of crossing the navigable waters of the country. The people using the highways for travel and for the transportation of freight are not satisfied with the delays and the expense and the dangers connected with antiquated ferries. There is a demand from all over the country for improved, substantial, and safe bridges over the rivers and other navigable waters of the country.

This has made necessary a very great increase in the enactment of Federal legislation granting the consent of Congress for the construction of bridges. Recent discussions in other legislative bodies indicate, I think, a lack of understanding of some of the fundamental principles underlying the source and the extent of the jurisdiction of the Federal Government in connection with such matters and afford me an excuse for asking your permission to offer a few observations in connection with this subject.

First. Let me say just a word about the jurisdiction of the Federal Government over the navigable waters of the United States.

Under the common law of England, title to the land under all navigable waters was in the sovereign in trust for the public and this title gave to the sovereign exclusive right to regulate all commerce on the navigable waters of the realm. That doctrine applied in the British colonies in this country, and the exclusive right to regulate commerce on the navigable waters of the colonies was in the British Government. At first the navigable waters were held to be confined to the tide waters, but later by analogy, the principle was extended by the courts to include all of the navigable rivers of the interior, as well as those affected by the tide waters.

When the American colonies declared and won their independence the different States became themselves sovereign governments and succeeded to all of the sovereign rights that had theretofore belonged to the Crown, including the rights over the navigable waterways within their respective boundaries. When, therefore, the representatives of the different States met in the constitutional convention in 1787, the States possessed and exercised the sovereign right of controlling and regulating commerce on all their navigable waterways.

By section 8 of Article I of the Constitution the States surrendered to the Federal Government the right to regulate commerce with foreign nations and among the several States. This is the source and the only source of all the power that the Federal Government now has over the navigable waterways of the United States. The source and the extent of this power of the Federal Government have been given judicial interpretation and declaration in innumerable cases that are found in the reported decisions. And the law is well settled that by the commerce clause of the Constitution the States surrendered and the Federal Government received plenary power to regulate commerce among the States and with foreign nations, and that power includes the right to improve all the navigable waterways of the United States and regulate the commerce thereon.

It is also well settled that where Congress has assumed and exercises its jurisdiction over a navigable waterway within a State the State can not enact any law which would conflict with the Federal jurisdiction so exercised. But it is also well settled that Congress and the State legislatures have concurrent jurisdiction over the improvement of navigable waterways within the States. While the States surrendered to the Federal Government this power to regulate the navigable waterways and the commerce thereon, yet until Congress acts in the exercise of that power the States themselves have the right to improve and otherwise regulate the navigable waters and the commerce thereon within their respective borders, and after Congress has acted in the exercise of its power the States may still act so long as the exercise of their powers does not conflict with the action of the Federal Government.

Some of the courts state the jurisdictional question in substantially the following form:

All rights over the navigable waterways within a particular State not surrendered to the Federal Government by the commerce clause of the Constitution are retained by the State government; but it is the exercise and not the mere possession of the powers conferred upon the Federal Government that limits the freedom of action by the State. Jurisdiction over the navigable waterways within the State is concurrent in the State and Federal Government, but that of the Federal Government, when exercised, is supreme. No action can be taken by the State which conflicts with any action taken by the Federal Government, and any action taken by the State is subject to change or nullification by any subsequent action that may be taken by the Federal Government in the exercise of its supreme jurisdiction.

The cases of Cooley *v.* Board of Wardens (13 How. 299) and Covington Bridge Co. *v.* Kentucky (154 U. S. 204) clearly state these principles. The Minnesota Rate case (230 U. S. 352) assert the same doctrine with reference to the regulation of commerce on railroads.

In Gould on Waters, third edition, page 80, the author says:

Under the Constitution of the United States a State has the right, if its legislation does not conflict with the action of Congress upon the same subject, to authorize bridges and dams across the navigable waters within its limits; to license wharves, piers, and docks intruding upon such waters; to establish harbor lines to which wharves may be extended; to prescribe the places and manner in which vessels may lie in a harbor, what lights they are to carry at night, or what course they shall pursue in navigating a river; to pass reasonable quarantine and inspection laws, and pilotage, or port regulations; to regulate harbor beacons, buoys, salvage, and similar matters of a local and limited nature; to improve the navigability of its waters, and to authorize the collection of tolls in consideration of such improvements.

In Cummings *v.* Chicago (188 U. S. 410) the Supreme Court, through Mr. Justice Harlan, said, speaking of the Calumet River, which is also in the city of Chicago:

Calumet River, it must be remembered, is entirely within the limits of Illinois, and the authority of the State over it is plenary, subject only to such action as Congress may take in execution of its power under the Constitution to regulate commerce among the several States. That authority has been exercised by the State ever since it was admitted into the Union upon an equal footing with the original States.

In the case of Willson *v.* The Blackbird Creek Marsh Co. (2 Peters, 245), a case involving the authority of a State legislature to authorize a dam to be built across a navigable creek, the Supreme Court, through Mr. Justice Marshall, said:

The act of assembly by which the plaintiffs were authorized to construct their dam shows plainly that this is one of those many creeks passing through a deep, level marsh adjoining the Delaware, up which the tide flows for some distance. The value of the property on its banks must be enhanced by excluding the water from the marsh, and the health of the inhabitants probably improved.

Measures calculated to produce these objects, provided they do not come into collision with the powers of the General Government, are

undoubtedly within those which are reserved to the States. But the measure authorized by this act stops a navigable creek and must be supposed to abridge the rights of those who have been accustomed to use it. But this abridgement, unless it comes to conflict with the Constitution or a law of the United States, is an affair between the government of Delaware and its citizens, of which this court can take no cognizance.

The counsel for the plaintiffs in error insist that it comes in conflict with the power of the United States "to regulate commerce with foreign nations and among the several States."

If Congress has passed any act which bore upon the case, any act in execution of the power to regulate commerce, the object of which was to control State legislation over those small navigable creeks into which the tide flows, and which abound throughout the lower country of the Middle and Southern States, we should feel not much difficulty in saying that a State law coming in conflict with such act would be void. But Congress has passed no such act. The repugnancy of the law of Delaware to the Constitution is placed entirely on its repugnancy to the power to regulate commerce with foreign nations and among the several States, a power which has not been so exercised as to affect the question.

We do not think that the act empowering the Blackbird Creek Marsh Co. to place a dam across the creek can, under all the circumstances of the case, be considered as repugnant to the power to regulate commerce in its dormant state or as being in conflict with any law passed on the subject.

Many more cases might be cited which affirm the power of the State to regulate, improve, or even destroy the navigable character of a waterway within its borders unless Congress has exercised jurisdiction over the particular waterway in question. In the case of Huse *v.* Glover (15 Fed. Rep. 292) the court, speaking through Mr. Justice Harlan, said:

The doctrines of the adjudged cases sustain the authority of this State—there being no act of Congress forbidding it—to construct locks and dams upon the Illinois River. Her avowed object in so doing was to improve the navigation of that river and effect a reduction of freights to the headwaters of Lake Michigan and to the Mississippi River. The mode and extent of such improvement, in the absence of national legislation, based upon the power of Congress to regulate commerce, was for her determination. Her discretion in such matters is not to be controlled by the courts so long as Congress does not interfere.

And when that case went to the Supreme Court, that court, speaking through Mr. Justice Field (119 U. S. 543), said:

The State is interested in the domestic as well as in the interstate and foreign commerce conducted on the Illinois River, and to increase its facilities and thus augment its growth it has full power. It is only when in the judgment of Congress its action is deemed to encroach upon the navigation of the river as a means of interstate and foreign commerce that that body may interfere and control or supersede it. If in the opinion of the State greater benefit would result to her commerce by the improvements made than by leaving the river in its natural state—and on that point the State must necessarily determine for itself—it may authorize them, although increased inconvenience and expense may thereby result to the business of individuals. The private inconvenience must yield to the public good. The opening of a new highway or the improvement of an old one, the building of a railroad, and many other works in which the public is interested may materially diminish business in certain quarters and increase it in others, yet for the loss resulting the sufferers have no legal ground of complaint. How the highways of a State, whether on land or by water, shall be best improved for the public good is a matter for State determination, subject always to the right of Congress to interpose in the cases mentioned. (Spooner *v.* McConnell, 1 McLean, 337; Kellogg *v.* Union Co., 12 Conn. 7; Thames Bank *v.* Lovell, 18 Conn. 500; S. C. 46 Am. Dec. 332; McReynolds *v.* Smallhouse, 8 Bush. 447.)

It is clear from these cases, and others that might be cited, that so long as the right of the Federal Government to regulate navigable waterways within a State, conferred by the commerce clause of the Constitution, lies dormant the States may act for that purpose and to such extent as they choose, and after the Federal Government acts in the exercise of the power conferred upon it the States may still act in the exercise of their concurrent jurisdiction, but their action must not conflict with the action of the Federal Government.

Now, in the act of September 19, 1890, Twenty-sixth Statutes, chapter 907, section 7, page 454, Congress assumed jurisdiction over all navigable waterways in the following language:

SEC. 7. That it shall not be lawful to build any wharf, pier, dolphin, boom, dam, weir, breakwater, bulkhead, jetty, or structure of any kind outside established harbor lines, or in any navigable waters of the United States where no harbor lines are or may be established, without the permission of the Secretary of War, in any port, roadstead, haven, harbor, navigable river, or other waters of the United States, in such manner as shall obstruct or impair navigation, commerce, or anchorage of said waters, and it shall not be lawful hereafter to commence the construction of any bridge, bridge draw, bridge piers and abutments, causeway, or other works over or in any port, road, roadstead, haven, harbor, navigable river, or navigable waters of the United States under any act of the legislative assembly of any State until the location and plan of such bridge or other works have been submitted to and approved by the Secretary of War, or to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of the channel of said navigable water of the United States unless approved and authorized by the Secretary of War: *Provided*, That this section shall not apply to any bridge, bridge draw, bridge piers and abutments the construction of which has been heretofore duly authorized by law, or be so construed as to authorize the construction of any bridge, drawbridge, bridge piers and abutments, or other works under an act of the legislature of any State over or in any stream, port, roadstead, haven, or harbor, or other navigable water not wholly within the limits of such State.

And by the subsequent act of March 3, 1899, Thirtieth Statutes, chapter 425, section 9, page 1151, Congress further exercised its jurisdiction over navigable waterways by the following language:

SEC. 9. That it shall not be lawful to construct or commence the construction of any bridge, dam, dike, or causeway over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for the same shall have been submitted to and approved by the Chief of Engineers and by the Secretary of War: *Provided*, That such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Chief of Engineers and by the Secretary of War before construction is commenced: *And provided further*, That when plans for any bridge or other structure have been approved by the Chief of Engineers and by the Secretary of War, it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War.

In the case of Economy Light & Power Co. *v.* United States of America (256 U. S. 113), the Government sought to enjoin the power company from constructing a dam in the Des Plaines River, Ill., and the question involved was whether or not the Des Plaines River was a navigable waterway of the United States, and, if so, what was the effect of the provisions of these acts of Congress just quoted. In the opinion the court said:

Since it (the Des Plaines River) is a natural interstate waterway, it is within the power of Congress to improve it at the public expense; and it is not difficult to believe that many other streams are in like condition and require only the exertion of Federal control to make them again important avenues of commerce among the States. If they are to be abandoned, it is for Congress, not the courts, so to declare. The policy of Congress is clearly evidenced in the act of 1899, and, in the present case at least, nothing remains but to give effect to it.

This case, which is one of the latest and leading cases, makes it clear, first, that it is within the power of Congress to abandon a navigable waterway if it does not think it wise to expend public funds to improve it; and, second, that by the acts of September 19, 1890, and March 3, 1899, just quoted, Congress has declared its policy and exercised its jurisdiction over navigable waterways conferred by the commerce clause of the Constitution.

In People *v.* Metropolitan Railway Co. (285 Ill. 246) the question arose as to whether or not, by the acts of September 19, 1890, and of March 3, 1899, Congress assumed exclusive jurisdiction over all the navigable waterways of the country and thereby deprived the States of any further right of control over them. In that case the people of the State of Illinois sought to compel the railway company to remove a certain bridge across the South Branch of the Chicago River on the ground that it had become an obstruction to commerce. After citing the case of the Lake Shore & Michigan Southern Railway Co. *v.* Ohio (165 U. S. 365), where the Supreme Court held that the State of Ohio still had the right to compel the removal of a bridge unlawfully constructed across a navigable stream, the court said:

If the act of 1890 did not affect the power of the State to require the removal of an obstruction placed in the stream unlawfully, we do not see how it could affect the authority of the State to require the removal of a structure lawfully placed in a navigable stream, but which has since, because of changed conditions, become an unreasonable obstruction. The subsequent amendatory acts of Congress, including

section 18 of the act of March 3, 1899, do not restrict or encroach upon the power the State had, previous to those enactments, been authorized to exercise. Conceding Congress has the power to take sole and exclusive jurisdiction over navigable waters wholly within a State, it has not done so.

It is clear from the decisions cited and others that might be cited that the States and the Federal Government have concurrent jurisdiction over navigable waters within their borders; but that under the Constitution the power of the Federal Government is supreme and exclusive when the Federal Government chooses to act to the extent of its power. It is not the power of the Federal Government but the exercise thereof that determines the rights of a State to legislate or to act with reference to the control of the navigable waters within its borders. Whatever is done by the State in the exercise of control over the navigable waters within its borders must be in conformity with the laws of the Federal Government, and State laws must give way if they conflict in any way with any subsequent exercise of jurisdiction by the Federal Congress.

In Gilman *v.* Philadelphia (3 Wall. 713), the Supreme Court said that the navigable waters of the United States are the public property of the Nation and subject to all the requisite regulations by Congress.

In Gibbons *v.* Ogden (9 Wheat. 189) it was said that the power of the Federal Government over navigable waters is complete in itself and may be exercised to the utmost extent and acknowledges no limitations other than are prescribed in the Constitution.

It is, therefore, in the exercise of this supreme and exclusive jurisdiction over navigable waters that Congress from time to time grants its consent for the construction, maintenance, and operation of bridges over the navigable waters. It is an exercise of sovereignty and is in the nature of a franchise, and in making the grant the sovereign power may put such conditions to the franchise granted as it chooses without violating any constitutional limitations.

Congress has the unlimited power to determine whether or not a bridge may or may not be built over a navigable waterway, and having the full power to consent or to withhold its consent, Congress may impose any proper terms as a condition of its consent.

By the act of March 3, 1899, Congress declared that it should be unlawful to construct any bridge or other structure mentioned in the act over any navigable waters of the United States until the consent of Congress had first been obtained, and until the plans therefor had been submitted to and approved by the Chief of Engineers and the Secretary of War. And in the same act Congress provided that when the navigable portion of the waterway was wholly within the borders of a single State, bridges or other structures over the same might be constructed with the approval of the State legislature, subject to the limitation that the plans and specifications had to likewise be submitted to the Chief of Engineers and the Secretary of War and be approved by them. But where the navigable portion of the waterway does not lie wholly within the borders of a single State, it is still necessary to first obtain the consent of Congress before any bridge can be built over it.

Mr. SINNOTT. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. SINNOTT. The gentleman has referred to navigable waters within a State. Does he mean an intrastate stream or an interstate stream? Is there not a distinction between a stream flowing from one State into the other and a stream or body of water which is wholly within the confines of a State?

Mr. DENISON. If the body of water is wholly within a State and is not connected in any way with the ocean or with another State, it is not a navigable waterway of the United States, but is merely a navigable waterway of the State. The Federal Government gets jurisdiction over it by reason of the fact that it can be used in the transportation of commerce between the States, or with foreign nations.

Mr. SINNOTT. Is it the gentleman's opinion that the Federal Government has no jurisdiction over a navigable lake wholly within the State?

Mr. DENISON. I think the Federal Government has no jurisdiction over it, if it can not be used in connection with foreign commerce, or as a means of transportation between different States.

Mr. ALMON. If there is, for instance, such a lake as referred to by the gentleman from Oregon, that makes connection complete in interstate commerce, then would not it come within the jurisdiction of the cases to which the gentleman referred?

Mr. DENISON. Well, the Federal Government would have jurisdiction over a lake or any waterway in any State if it has been or can be used for commerce between two or more States.

Mr. MAPES. Will the gentleman yield?

Mr. DENISON. I will yield to the gentleman from Michigan.

Mr. MAPES. Does the gentleman think that the Federal Government can by failure to exercise its right over navigable waters lose any right or authority to do so? Can the States acquire any vested interest by reason of any action which they may take over navigable waters as against the Federal Government whenever it sees fit to take action? That is, would failure to act prevent the Federal Government from exercising complete and exclusive jurisdiction?

Mr. DENISON. No; the power of the Federal Government over navigable waters is plenary and absolute, and its failure to act does not forfeit any of its jurisdiction; it can at any time act and its act supersedes any act of any State legislature.

Mr. MAPES. Abrogates any act any State legislature may have taken, no matter how long before it was taken?

Mr. DENISON. That is true; and that principle is stated in a number of decisions of the courts of the country.

Mr. BRIGGS. Will the gentleman yield?

Mr. DENISON. I will.

Mr. BRIGGS. Does the gentleman know why that distinction was made that when navigable waters were wholly within the State all that was necessary was to get the consent of the Chief of Engineers and Secretary of War, while if it happened to be interstate, it was necessary to come to Congress?

Mr. DENISON. No; that distinction was made by an act of Congress which provides that where the navigable portion of the river lies wholly within the borders of a single State the bridge can be built by getting the consent and approval of the State legislature and also by getting the approval of the Chief of Engineers and the Secretary of War; but where the navigable portion of the river does not lie wholly within the State the party must get the consent of Congress, and the plans must be approved by the Chief of Engineers and Secretary of War.

Mr. BRIGGS. I was wondering why that distinction. For instance, suppose a stream was an interstate stream connecting two States. The legislatures of both consented. With the approval of the Secretary of War and Chief of Engineers that would be ordinarily sufficient where the navigable portion is wholly within the State rather than come to Congress for one of these small bridge bills.

Mr. DENISON. That bill was passed by Congress in 1899, and I am unable to tell my friend from Texas just what actuated Members of Congress in making that distinction. I was merely calling attention to the fact that the distinction was made at that time.

The act of March 23, 1906, is generally referred to as the general bridge law. By that act Congress provided the general law which should govern the construction of bridges over navigable waterways. Provision was made therein for the submission of all plans and specifications to the Secretary of War and the Chief of Engineers for their approval, various conditions and limitations were specified as a condition and a limitation on the grant by Congress of its consent to the construction of any bridge over any of the navigable waterways of the United States. And it was provided that where Congress consents for the construction of a bridge, it should be commenced within one year and completed within three years or the right to construct it should be null and void; and since the passage of that act, wherever Congress has consented to the construction of a bridge over any of the navigable waterways of the United States, such bills have always contained the provision that Congress granted its consent subject to and in accordance with the provisions of the act of March 23, 1906.

What constitutes a navigable waterway is a question of fact. That fact is determined in the first instance by the Secretary of War and Chief of Engineers. The courts of the country have in repeated decisions held that the question of whether or not a river or other body of water was a navigable waterway was a question of fact to be determined by the history of and the particular conditions connected with such waterway. The office of the Chief of Engineers of the Army is in possession of all historical and physical data connected with the waterways of the country. And from this information he determines in the first instance whether or not a particular waterway is a navigable waterway of the United States. If his conclusion should be questioned in court, the court would, in a proper proceeding, determine from the facts presented to it whether or not the conclusion of the Chief of Engineers was correct and whether or not the stream was in fact a navigable waterway. Whether a particular river is a navigable waterway does not depend upon its navigability. If it has at any

time in the past been used as a highway for the transportation of persons or property, however crude the method of transportation might have been, it is a navigable waterway; and if such transportation extends or is capable of extending beyond the limits of a single State, it is a navigable waterway of the United States. (The Daniel Ball, 10 Wall. 557.)

In some instances the upper reaches of some of our rivers, which were used in pioneer days by the early settlers who traveled and transported their goods in canoes, have been declared by the courts for that reason to be navigable waters of the United States. If rivers have in times past been used for the floating of logs or for other crude forms of transportation, they may be properly classed as navigable waterways of the United States. And Congress has jealously guarded and protected such waterways because there is always the possibility of their improvement and development into modern means of transportation.

The extraordinary growth in sentiment for improved highways in recent years resulting from the rapid increase in all forms of motor transportation has brought about a pyramiding of expenditures by the States for the improvement of their highways. This has resulted naturally in decreasing the capacity of the States and counties to raise funds necessary for the construction of improved bridges. The people are insisting upon the construction of improved roads, and many of the States have exhausted their borrowing power in order to raise funds for that purpose. For this reason the States and municipalities are often unable to raise funds to construct improved bridges, and this is particularly true with reference to navigable waters that form the boundary lines between different States. There are very few instances where the States themselves are willing to or can raise the funds to construct expensive bridges over interstate rivers.

The result of that situation has been that private capital has in recent years been more and more invited and urged to invest in the construction of bridges over interstate and other rivers and such bridges must of necessity be toll bridges. With the improvement in our highways and the tremendous growth of travel by automobile and of transportation by bus and truck the demand and the necessity for better bridges has accordingly increased; and in quite recent years it has been demonstrated that toll bridges when located at strategic points on any through system of highways are very profitable investments. It was shown at a recent hearing of your committee that until the last two or three years investment bankers would not handle bridge bonds and other securities, whereas now private capital is ready and willing to invest in such ventures, and investment bankers are anxious to secure bridge bonds for their clients.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DENISON. I ask for five additional minutes.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to proceed for five minutes longer. Is there objection? [After a pause.] The Chair hears none.

Mr. DENISON. The Committee on Interstate and Foreign Commerce of the House has, through its subcommittee on bridges, been carefully investigating and studying this whole subject for the past year. It has been realized that additional general legislation will soon be necessary to properly regulate the construction of toll bridges over the navigable waterways of the country. But this is a new subject. It is impossible to legislate wisely on such a subject until a definite policy can be determined, based on longer experience and observation. It is hoped that sufficient data soon can be gathered, from the actual experience of bridge builders and from observation and study of toll bridges, to enable the committees of the House and the Senate to agree upon a policy and enact that policy into general legislation. Until then it will be necessary to safeguard the interests of the public as best we can by inserting in each individual bridge bill those provisions which Congress thinks should be inserted for that purpose.

The Committee on Interstate and Foreign Commerce has reached certain conclusions as to the policy that we believe ought to govern Congress in granting franchises for the construction of toll bridges over our navigable waterways. That policy includes the following principles, stated briefly:

First. The highways of the country ought to be free. Tolls should be avoided wherever possible. And just as the old turnpikes or toll roads have been displaced by improved free highways, ferries and toll bridges ought to be displaced by free bridges as soon as possible.

Second. By the act of July 11, 1916:

An act to provide that the United States shall aid the States in the construction of post roads, and for other purposes.

Congress said in section 9 thereof "that all highways constructed or reconstructed under the provisions of this act shall be free from tolls of all kinds." And the term "highways" was defined in section 2 of that act as including "bridges." Thus in its Federal aid legislation, Congress has declared its policy for free highways and has prohibited the expenditure of Federal-aid funds upon any highway upon which tolls were collected. Therefore bridges built over any of the navigable waterways of this country, which connect with or form a link in, or which will connect with or form a link in, any of the systems of Federal-aid highways, are or will be a part of the Federal-aid system, and if such bridges are toll bridges Federal funds can not be expended on the roads approaching them. For that reason the Bureau of Roads of the Department of Agriculture has recommended that Congress withhold its consent for the construction of any bridge that will connect with or form a link in the system of Federal-aid highways for any State, unless there is included in the legislation granting the franchise suitable provisions for eventually making the bridge free of tolls. Your Committee on Interstate and Foreign Commerce fully approves that policy.

Third. While it is and ought to be the policy of Congress to secure free bridges wherever possible, we must recognize the fact that the States and counties and cities are often unable to construct suitable bridges over their navigable waters by the sale of bonds or by the taxing power, and this is especially true as to interstate waterways; that public sentiment is now demanding the abolition of antiquated ferries and the construction of improved and safe bridges, and that until the time comes when the States or counties or cities can and will construct free bridges by the sale of bonds or the power of taxation, private capital ought to be not only allowed to construct toll bridges but ought to be encouraged to do so.

Fourth. When franchises are granted to private persons or corporations to construct toll bridges with private capital, they should be allowed a fair opportunity to amortize their investments and realize reasonable profits from the tolls.

Fifth. Experience has shown that where toll bridges are constructed at key positions on through highways systems, they are very profitable and pay for themselves from the tolls in a very few years, and as travel and commerce on the highways increase such bridges become more and more valuable by reason of their established earning power and their prospective profits; and in such cases, if the State or county or city in which they are located desire to purchase or condemn them in order to make them free, they can not do so under the general condemnation laws except by paying the owners for this enormous added value based upon earning power and prospective profits. Thus the public is exploited by being required to pay for this added value which the public itself has given to such structures. Your committee believes that such conditions should be prevented by proper conditions or limitations when the franchises for the construction of such bridges are granted.

Sixth. Therefore the committee has concluded that when Congress grants its consent to private persons or corporations to construct a toll bridge over navigable waters, the franchise should contain, first, a recapture provision giving to the State or States or the counties or cities in which the bridge may be located the right to take over or acquire the bridge by purchase or condemnation at any time upon paying the owners the full value thereof; second, a further provision that if the State, county, or city is unable or does not choose to exercise that privilege until after a certain term of years from the completion of the bridge, they should thereafter have the right to acquire the bridge by purchase or by condemnation upon the payment of limited damages or compensation, the rules for which should be stated in the franchise as a condition thereof and should exclude from consideration going value, earning power, or prospective revenues or profits, and should limit the damages to the actual value of the physical structure at the time it is taken over. The number of years after which this limited measure of damages would apply should vary from 5 to 25 years, depending upon the cost of the bridge, its location, and the probable amount of travel that would pass over it, and would be fixed at such a number as in the judgment of the committee would afford the owners a reasonable opportunity to recover their capital invested and earn a reasonable profit thereon.

Seventh. The committee further believes that all bridges over navigable waters of the United States ought to ultimately become free, or substantially so, whether they are built by private persons or corporations or by municipalities or States. Neither private capital nor municipalities should be allowed to permanently operate toll bridges for profits. Therefore, when Congress hereafter grants its consent to a State, county, or

city, or to two States, counties, or cities to construct a toll bridge over a navigable waterway of the United States the franchise should contain a provision that the tolls should be so adjusted as to provide a fund sufficient, as far as possible, to pay for the cost of maintaining, repairing, and operating the bridge, and to provide a sinking fund sufficient to amortize the cost of the bridge as soon as possible under reasonable charges, but within a period of not to exceed from 15 to 30 years as circumstances may require; and that thereafter the bridge should be operated either free of tolls, or the tolls should be so reduced as to provide a fund of not to exceed the amount necessary to maintain, repair, and operate the bridge.

Your committee further believes that this same policy of ultimately securing free bridges should apply where toll bridges are recaptured or taken over by the States, counties, or cities. We believe that private capital ought to be encouraged to invest in the construction of bridges, and that the public interest ought to be protected by reserving in the franchises the right of the public to recapture the bridge; but that this right ought to be given to the State, county, or city, not merely for the purpose of allowing public ownership of the bridge, but for the purpose of ultimately making the bridge free. Therefore, where Congress grants its consent to private persons or corporations to construct a toll bridge and gives to the State, county, or city in which the same is located the right to take over or acquire such bridge under a limited measure of damages, the franchise should further provide that as soon as the capital invested in them by the State, county, or city and all necessary expenditures can be recovered back from the tolls collected, such bridge should thereafter be made free. Your committee believes that where the States themselves construct or acquire toll bridges they will amortize their investment as soon as possible and as a matter of public policy will thereafter make them free. But counties and municipalities have in many instances claimed the right to operate toll bridges after their costs have been amortized and used the proceeds of the tolls for other municipal purposes. Such a plan of taxing the traveling public or commerce on the highways should, in the judgment of your committee, be prevented by appropriate provisions in the bill granting the franchise.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DOWELL. I ask unanimous consent that the gentleman's time be extended for five minutes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. DOWELL. Now, will the gentleman yield for a question?

Mr. DENISON. I will yield.

Mr. DOWELL. There have been a number of these bridges provided for in the past. Did any of the bills contain the provisions suggested by the gentleman in reference to the authority to collect tolls?

Mr. DENISON. They have all contained these provisions since an agreement has been reached between the committees of the House and Senate.

Mr. DOWELL. Have all bridge bills contained these provisions at this session of Congress?

Mr. DENISON. All have except where there was an act of Congress passed some years ago granting consent and this Congress merely passed a bill extending the time to begin and complete the bridge.

Mr. DOWELL. And hereafter——

Mr. DENISON. And hereafter, as far as the committee of the House is authorized to control the matter, bridge bills will contain these provisions I have just been discussing.

Mr. ALMON. Will the gentleman yield?

Mr. DENISON. I will.

Mr. ALMON. If a bridge is built by private capital over a navigable stream, a toll bridge, who regulates the toll of that bridge?

Mr. DENISON. The owner of the bridge can regulate the tolls and fix them as he chooses; but it is always subject to regulation by the Chief of Engineers and the Secretary of War, and if the owner of the bridge makes the toll unreasonably high so that there is complaint, the Secretary of War has authority to make an investigation, and if necessary he can reduce the tolls.

Mr. SINNOTT. Will the gentleman yield?

Mr. DENISON. I will.

Mr. SINNOTT. The gentleman believes that these toll bridges will be taken over by the cities, counties, or States?

Mr. DENISON. I think it may become desirable.

Mr. SINNOTT. Does the gentleman think it would be wise to have inserted in the bill some provision giving the cities, counties, or the States some say in the construction of bridges that they are eventually to pay for?

Mr. DENISON. I do not think that would be practical, because we do not know that they will ever take them over, and it would not be fair to the owner of the bridge to require him to submit plans to be approved by somebody who has no interest in it at that time.

Mr. SINNOTT. Well, they have an ultimate interest in it, and it seems to me they should be consulted in some way and be given some voice in the matter.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. CANNON. Will the gentleman insert in his remarks the standard forms he refers to, adopted by the committee?

Mr. DENISON. Yes. I shall do that. Now, let me continue my discussion.

Eighth. The right to collect tolls for the use of a bridge located on a public highway is a franchise which no one can possess and enjoy without express legislative authority. (Elliott on Roads and Streets, Vol. I, page 57; Covington Draw Bridge Co. *v.* Shepard, 21 Howard 112.)

I may state that in my judgment this country has a great many toll bridges whose owners are illegally collecting tolls, because Congress did not in the franchise confer the right to collect tolls. That applies, of course, only to interstate bridges.

Generally speaking, the States have passed general laws granting the right to individuals or bridge companies to construct or operate toll bridges over rivers within their borders. Until Congress acts upon that subject there is no objection to such State legislation. The general bridge law of March 23, 1906, provides that where tolls are collected they shall be just and reasonable and may be changed at any time and from time to time by the Secretary of War. Subject to that regulation by the Federal Government, State legislation is sufficient, generally speaking, for toll-bridge franchises, where the bridge is located wholly within the State. Therefore the committee does not deem it necessary for Congress to grant the right to collect tolls on such bridges.

But it is different where the bridge is located on an interstate waterway. The States have no constitutional power to grant the right to collect tolls on such a bridge. That question was very fully considered by the Supreme Court in the case of Cincinnati Bridge Co. *v.* Commonwealth of Kentucky (154 U. S. 204).

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois may have time enough to conclude the reading of the manuscript address which he has prepared.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that the gentleman from Illinois may have time enough to conclude the reading of the manuscript address which he has prepared. Is there objection?

Mr. DENISON. I shall not take over 10 minutes.

Mr. BEEDY. Reserving the right to object, Mr. Speaker, there are gentlemen here waiting for their turn under the Private Calendar. I do not want to be discourteous to the gentleman from Illinois, but can he not extend his remarks in the RECORD?

Mr. DOWELL. Mr. Speaker, this is a very important matter. I think the House should hear the gentleman from Illinois. It will only require a few moments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. WOODRUFF. Reserving the right to object, I think the gentleman ought to ask for a definite amount of time. He has been going on now about 15 minutes longer than he requested originally.

Mr. BANKHEAD. Mr. Speaker, I was not aware, when I made the request, that there was such a pressure for consideration. I limit my request to another 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. DENISON. I am very much obliged to the gentleman. I will not ask for any further time for myself, I am sure.

The SPEAKER pro tempore. The gentleman is recognized for 10 minutes more.

Mr. DENISON. The authorities were reviewed by the Supreme Court in that case and the principle involved was definitely settled.

It was there held that travel or traffic going over an interstate bridge is interstate commerce and is subject to regulation by Congress only. The Federal Government alone can grant the right to collect tolls on a bridge over an interstate waterway.

Congress has not yet passed any general legislation for that purpose. Therefore where applications are made to Congress for its consent to construct toll bridges over interstate waterways, it is necessary that the bills contain specific provisions authorizing the collection of tolls.

For the present the committee believes that it is in accordance with sound policy and the public interest to allow State laws governing the granting of franchises for toll bridges within the States to control, subject, of course, to such regulation as the Federal Government has provided in the act of March 23, 1906, which gives the Secretary of War the right to fix the tolls in a proper case; and it is unnecessary to have a Federal grant of power to collect tolls on such bridges.

Eighth. Many of the States do not have general laws giving the right to private persons or corporations to condemn private property for the purpose of constructing a bridge over navigable waters that form their boundary lines. Very often it is necessary for a bridge company to have the right of eminent domain in order to secure title to the necessary lands for bridge approaches. Therefore the committee feels that in granting to private persons or corporations the right to construct interstate bridges, the bill should contain provisions expressly granting the right to condemn lands and other property needed for the construction of the bridge. In the case of Luxton v. North River Bridge Co. (153 U. S. 525), the power of Congress to grant the right of eminent domain to a bridge company was considered by the Supreme Court. In that case Congress created a private corporation and granted it the right to construct a bridge and approaches across the North River and expressly conferred upon the corporation the power of eminent domain in order to enable it to secure the necessary lands and other property for its approaches. The Supreme Court held that was within the power of Congress and was a proper exercise of its power.

Ninth. On November 23, 1886, Attorney General Garland made a ruling to the Secretary of War (vol. 18, Attorney General's Reports, p. 512), in which he held that a bridge franchise can not be assigned without the express consent of Congress to do so; that the terms "heirs and assigns" usually inserted in bridge bills, bear simply the common law interpretation of words of limitation to the estate granted, and are not sufficient to give the holder of a bridge franchise the right to assign it to other parties, and this view has been sustained by the courts.

Therefore the committee thinks that bills granting the consent of Congress, particularly to private persons and corporations, should contain express provisions giving the right to assign, transfer, and otherwise convey the franchise.

The committee has expressed these principles and policies in a set of forms for the various kinds of bridges that are being constructed to-day and for which Members will be asked to secure legislation. They have been very carefully considered and I shall ask permission to insert them in the RECORD as a part of my remarks. They include the following kinds of bridges:

1. An ordinary railroad bridge.
2. A free highway bridge, intrastate.
3. A free highway bridge, interstate.
4. A municipally owned toll bridge, intrastate.
5. A State bridge, intrastate.
6. A privately owned toll bridge, intrastate.
7. A municipally owned toll bridge, interstate.
8. A privately owned toll bridge, interstate.
9. A privately owned bridge, international.

Mr. Speaker, I shall ask permission to insert, following my remarks, the different forms of these bridge bills.

Mr. BRIGGS. They are the forms that have been agreed upon between the House and the Senate committees?

Mr. DENISON. Yes; substantially. We have had repeated conferences on the subject, and these forms have in substance been agreed upon.

Mr. BLANTON. That will be most valuable information to us all.

Mr. DENISON. Yes. Members can use these forms and draft their own bridge bills.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DENISON. Until quite recent years it was the settled doctrine that the only jurisdiction Congress had with reference to bridges was based on the right under the commerce clause of the Constitution to regulate commerce on the waterway over which the bridge was constructed. But now the Federal courts are recognizing the interstate character of the highways themselves, although located wholly within the boundaries of a single State. When Congress entered upon the policy of appropriating funds from the Federal Treasury to improve rural post roads and to encourage the States in the construction of through highways we took the first step toward assuming jurisdiction over the highways themselves as avenues of interstate commerce.

And it must be apparent to everyone that if we continue forward in the policy of the Federal Government appropriating, and the States accepting, funds from the Federal Treasury for the improvement of the highways of the country, such highways will more and more assume an interstate character and be used more and more for interstate traffic and transportation. In the case of United States against Babcock, decided in the District Court of the United States for the District of Indiana, and affirmed in the United States Court of Appeals for the Seventh Circuit on December 9, 1925, the defendant was enjoined from cutting a drainage ditch through the Lincoln Highway, which he was permitted to do under the statutes of the State of Indiana, except under conditions which would restore the highway for the safe use of the public, on the ground that it was used for interstate traffic and for carrying United States mails.

In granting the injunction the district court said:

> Lincoln Highway is now, and for a long time prior to the beginning of the drainage proceedings was, a national trunk highway connecting the city of Washington, in the District of Columbia, with the city of San Francisco, Calif.; is a rural post road through Allen County, Ind.; is in constant use in interstate commerce and traffic; and is, in fact, fit for and subject to being used by the United States Government for military purposes.
>
> * * * It is not necessary in this decision to decide whose duty it is to repair the highway. That may properly be left to the State courts. It is only necessary to decide for the purpose of this action that no one, whether acting under private contract or under an order from a State court, has the right to destroy this national highway, which is used in interstate traffic and for carrying the mails, without first providing for the proper replacement of that part of the pavement which it is proposed to destroy.

Other recent cases in which the courts have discussed and recognized the interstate character of highways are the Michigan Public Utilities Commission *v.* Coral W. Duke (266 U. S. 571); A. J. Buck *v.* E. V. Kuykendall, director of public works of the State of Washington (267 U. S. 307); George W. Bush & Sons Co. *v.* William M. Malloy, and others (267 U. S. 317). In Buck against Kuykendall, the Supreme Court held an act of the State of Washington, placing certain restrictions on the use of its highways, to be a regulation not of the use of its highways but of interstate commerce on the highways, that the effect of the statute upon interstate commerce was not merely to burden it but to obstruct it; and the court held that such State action is forbidden by the commerce clause of the Constitution.

The court further significantly said—

> it also defeats the purpose of Congress expressed in the legislation giving Federal aid for the construction of interstate highways.

In the case of Bush Co. against Malloy the Supreme Court said:

> The Federal aid legislation is of significance, not because of the aid given by the United States for the construction of a particular highway, but because those facts make clear the purpose of Congress that State highways shall be open to interstate commerce.

These decisions and others that might be cited show clearly that the Federal courts now recognize not only the interstate character of traffic on the highways but the interstate character of the highways themselves. This is the result of Federal aid legislation for the construction of the highways and for the improvement of post roads, and from the interstate character of the traffic on the highways which their improvement is encouraging and increasing.

So that it may now be said that the Federal Government has jurisdiction over the construction of toll bridges over the navigable waters of the country not only because of commerce on the waterways but because of the commerce on the highways as well. And when Congress grants its consent for the construction of a toll bridge over its navigable waters and which is located on or connects with any part of the system of Federal aid highways, it is a franchise which may directly affect interstate commerce, both on the water and the highway, and Congress may attach to the grant any conditions or limitations which it thinks proper to protect such commerce and promote the public welfare.

Members desiring to file bridge bills will know of course whether the bridge is to be a railroad or a highway bridge, whether it is to be a free or toll bridge, whether it is to be constructed by private individuals or by a municipality, whether

it is to be constructed over an intrastate, interstate, or international waterway; by using the appropriate form the bill will meet the approval of the House committee and, I think, of the Senate committee.

Mr. CRUMPACKER. Mr. Speaker, will the gentleman yield for a question right there?

Mr. DENISON. I will.

Mr. CRUMPACKER. Why would it not be advisable in the case of a State bridge to delegate some authority to the highway commission to sit in on the consideration of the bridge?

Mr. DENISON. I will say to the gentleman from Oregon that I do not think we should delegate our authority to anyone. We ought not to give the State highway departments the right to veto bridge bills that we decide to pass. In other words, we ought not to resign our jurisdiction over bridges to the State highway departments. [Applause.]

Following are the forms I referred to:

No. 1

(Form for railroad bridge)

A bill granting the consent of Congress to ——— to construct, maintain, and operate a railroad bridge across the ——— River

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the consent of Congress is hereby granted to ———, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the ——— River at a point suitable to the interests of navigation between ——— and ———, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to ———, its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

No. 2

(Form for free highway bridge, intrastate)

A bill granting the consent of Congress to ——— to construct, maintain, and operate a free highway bridge across the ——— River

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to ———, its successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across the ——— River at a point suitable to the interests of navigation, between ——— and ———, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to ———, its successors and assigns, and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

No. 3

(Form for free highway bridge, interstate)

A bill granting the consent of Congress to ——— to construct, maintain, and operate a free highway bridge across the ——— River

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to ———, its successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across the ——— River at a point suitable to the interests of navigation, between ——— and ———, in accordance with the provisions of an act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to ———, its successors and assigns, and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. There is hereby conferred upon ———, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is located, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

No. 4

(Form for municipally owned bridge, intrastate)

A bill granting the consent of Congress to ———, its successors and assigns, to construct, maintain, and operate a bridge across the ——— River

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to ———, its successors, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the ——— River at a point suitable to the interests of navigation between ——— and ———, in accordance with the provisions of an act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed — years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

No. 5

(Form for State bridge, intrastate)

A bill granting the consent of Congress to the State of ———, to construct, maintain, and operate a bridge across the ——— River

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of ——— or (the highway department of the State of ———), to construct, maintain, and operate a bridge and approaches thereto across the ——— River, at a point suitable to the interests of navigation between ——— and ———, in accordance with the provisions of an act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

No. 6

(Form for privately owned toll bridge, intrastate)

A bill granting the consent of Congress to ———, its successors and assigns, to construct, maintain, and operate a bridge across the ——— River

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to ———, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the ——— River at a point suitable to the interests of navigation between ——— and ———, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of ———, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interests in real property necessary therefor, by purchase or condemnation in accordance with the laws of such State governing the

acquisition of private property for public purposes by condemnation. If at any time after the expiration of — years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of ——— under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed — years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The ———, its successors, and assigns shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion cost. The Secretary of War may at any time within three years after the completion of such bridge investigate the actual cost of constructing the same, and for such purpose the said ———, its successors, and assigns shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War, as to the actual original cost of the bridge, shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to ———, its successors, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

No. 7

(Form for municipally owned toll bridge, intrastate)

A bill granting the consent of Congress to ———, its successors and assigns, to construct, maintain, and operate a bridge across the ——— River

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to ———, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the ——— River at a point suitable to the interests of navigation between ——— and ———, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon ———, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property in such State.

SEC. 3. The said ———, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed — years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

No. 8

(Form for privately owned toll bridge, interstate)

A bill granting the consent of Congress to ———, its successors and assigns, to construct, maintain, and operate a bridge across the ——— River

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to ———, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the ——— River at a point suitable to the interests of navigation between ——— and ———, in accordance with the provisions of the act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon ———, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said ———, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of ———, the State of ———, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of — years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed — years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The ———, its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same and for such purpose the said ———, its successors and assigns shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to ———, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

No. 9

(Form for toll bridge, international)

A bill granting the consent of Congress to ———, its successors and assigns, to construct, maintain, and operate a bridge across the ——— River

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to ———, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the ——— River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation between ——— and ———, in accordance with the provisions of the act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the approval of the proper authorities in ———.

SEC. 2. There is hereby conferred upon ———, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of ——— needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of ———, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said ———, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and in accordance with any laws of ——— applicable thereto, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to ———, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

PRIVATE CALENDAR

The SPEAKER pro tempore. The next order of business under the unanimous-consent agreement is the call of the Private Calendar at the place where we stopped last time in the consideration of bills to which there is no objection.

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to return to Calendar Nos. 137 and 138, bills on the Private Calendar. Those bills were objected to by the gentleman from Texas [Mr. BLACK] the last time the Private Calendar was heard. He is satisfied now with regard to two of them.

The SPEAKER pro tempore. Before that request is put, the Chair is advised that No. 197 was called at the last session, and the call will begin with Calendar No. 198.

Mr. STRONG of Kansas. I ask unanimous consent, Mr. Speaker, to return to Private Calendar Nos. 137 and 138.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to return to Private Calendar Nos. 137 and 138. Is there objection?

Mr. BEEDY. Reserving the right to object, Mr. Speaker, are we now considering these bills unobjected to on the Private Calendar in the House as in Committee of the Whole?

The SPEAKER pro tempore. Yes; in the Committee of the Whole, under the order adopted this morning.

Mr. BLANTON. Mr. Speaker, reserving the right to object, what would be the attitude of the gentleman from Maine if the introducers of each one of these 15 bills should make this same request?

Mr. UNDERHILL. The gentleman is only asking to return to the consideration of two bills.

Mr. BLANTON. But suppose others should make the same request? What would be the attitude of the gentleman from Maine on that?

Mr. BEEDY. I would not permit 15 bills to be taken up when these other Members, who have never had a chance, are here waiting, but I do not feel like objecting under these circumstances.

Mr. STRONG of Kansas. These are two bills reported by the committee of which I am the chairman.

Mr. BLANTON. What do the bills provide?

Mr. STRONG of Kansas. One of them is for the relief of a man who had a contract with the Government regarding the preparation of pictures which were used during the war.

Mr. BLANTON. How much does that involve?

Mr. BLACK of Texas. If the gentleman will yield, I will explain. The reason I objected to that particular bill on the last Private Calendar day was because it involved two items, one of $11,644.14, which was the actual cost of the production of the films which were turned over to the War Department and which the War Department used, and the other item was for $4,775.83, which Mr. Brennan lost in an effort to market the films himself. I did not think he should be allowed the latter amount; that the Government was in no way responsible for this loss; and it has been agreed that an amendment shall be offered and agreed to reducing the amount by $4,775.83, which will bring the bill down to $11,644.14, which was the actual amount expended in the production of the films which the War Department used.

Mr. BLANTON. I am for that bill. Now, what does the other one involve?

Mr. STRONG of Kansas. The other bill is where our Navy Department took a house in Europe, rented it, cleared out the owner's furniture, used the house as an office, stored the furniture, and the house was burned down. It was used by Admiral Sims and without the owner's consent. The furniture was destroyed.

Mr. BLANTON. How much does that bill involve?

Mr. STRONG of Kansas. About £2,000.

Mr. BLANTON. That is about $10,000?

Mr. STRONG of Kansas. A little less than $10,000.

Mr. WOODRUFF. What kind of a house was this?

Mr. STRONG of Kansas. It was a large estate and the amount has been appraised by an Army board.

Mr. BLANTON. Was it not insured?

Mr. STRONG of Kansas. Credit was given for the insurance the man carried. It was a house commandeered by Admiral Sims for use as an office.

Mr. WOODRUFF. Without the consent of the owner?

Mr. STRONG of Kansas. Yes.

Mr. BLACK of Texas. Mr. Speaker, still further reserving the right to object, in further reference to the agreement we have made about this amendment to the Brennan bill, I would like also to get an assurance from the gentleman from Kansas that he will insist on the amendment and protect the rights of the House in this amendment when the bill goes to the Senate. In other words, we are only agreeing to $11,644.14.

Mr. STRONG of Kansas. I will say to my friend that while I think the whole bill is absolutely just, I will certainly keep faith with the House in the matter.

The SPEAKER pro tempore. Is there objection to returning to Nos. 137 and 138 on the Private Calendar?

There was no objection.

PERMISSION TO FILE VIEWS

Mr. FORT. Mr. Speaker, I ask unanimous consent to file views on the Haugen bill, No. 11603, and have until midnight to-morrow to file them.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that he have leave until midnight to-morrow to file his own views upon the so-called Haugen bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will call Calendar No. 137.

ULRIC O. THYNNE

The first business on the Private Calendar was the bill (H. R. 3446) for the relief of Ulric O. Thynne.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ulric O. Thynne, of London, England, the equivalent of £2,010 4s. 5d. in United States money, as reimbursement for damages to building known as No. 30, Grosvenor Gardens, London, S. W. 1, England, owned by him, and for damage to and destruction of furniture and furnishings therein while under lease to the Navy Department from July 16, 1917, to December 19, 1919.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LESLIE WARNICK BRENNAN

The next business on the Private Calendar was the bill (H. R. 2237) for the relief of Leslie Warnick Brennan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Leslie Warnick Brennan the sum of $16,419.97, being the amount expended by him in taking and distributing motion pictures used by the War Department in instruction during the World War.

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Strike out the figures "$16,419.97" in line 6 and insert the figures "$11,644.14."

Mr. BLACK of Texas. Mr. Speaker, this is the amendment which has been agreed upon by the gentleman from New York [Mr. DAVENPORT], who introduced the bill, and the Committee on War Claims that reported out the bill.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH L. RAHM

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to return to No. 148 on the calendar, a bill (H. R. 7429) for the relief of Joseph L. Rahm. This bill was passed over at the last Private Calendar day upon the request of Mr. BLACK of Texas, who has since studied the bill and now has no objection to offer.

Mr. UNDERHILL. Mr. Speaker, I hate very much to do it, but we must stop this somewhere, and I object.

CHESTER A. ROTHWELL

The next business on the Private Calendar was the bill (H. R. 9984) authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. There is a similar Senate bill upon the calendar, and without objection the Senate bill will be substituted and considered in lieu of the House bill.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army, in the grade, and in the position on the promotion list, provided by the next to last paragraph of section 24a of the national defense act of June 3, 1916, as amended by the act of June 4, 1920: *Provided*, That said Chester A. Rothwell shall not by the passage of this act be entitled to any back pay or allowances of any kind: *Provided further*, That nothing contained in this act shall operate to increase the number of officers in the Regular Army now authorized by law.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

HAROLD HOLST

The next business on the Private Calendar was the bill (H. R. 1718) for the relief of Harold Holst.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws Harold Holst, late of the United States Marine Corps on the U. S. S. *Sabine*, United States Navy, shall be held and considered to have been honorably discharged from the United States Navy, to date from October 31, 1862: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GUSTAVO TEGERA GUEVARA

The next business on the Private Calendar was the bill (H. R. 3952) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Gustavo Tegera Guevara, a citizen of Venezuela.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ARENTZ. Reserving the right to object, may I ask the gentleman from Ohio [Mr. STEPHENS] how this man happened to be signaled out for appointment by the Secretary of State?

Mr. STEPHENS. He was signaled out as an applicant for appointment at Annapolis, like a great many others who have been chosen from the different countries, the Netherlands, Cuba, and South American countries. His Government has made application through its secretary of state to our Secretary of State.

Mr. ARENTZ. That is what I wanted to find out.

Mr. STEPHENS. They have made the application to admit this student at Annapolis without any cost to the Government of the United States.

Mr. ARENTZ. All I wanted to find out was whether his Government applied to our Government. That satisfies me and I withdraw any objection.

Mr. STEPHENS. That is my understanding. His Government applied to our Government and it passed through the hands of the Secretary of State and was approved by the Secretary of the Navy and by the committee.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to permit Mr. Gustavo Tegera Guevara, a citizen of Venezuela, to receive instruction at the United States Naval Academy at Annapolis: *Provided*, That no expense shall be caused to the United States thereby, and that the said Gustavo Tegera Guevara shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and that the said Gustavo Tegera Guevara shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or conduct and so recommended by the academic board.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2761. An act for the relief of Nora B. Sherrier Johnson;

H. R. 2797. An act for the relief of Mary M. Pride;

H. R. 3797. An act to increase the limit of cost of public building at Decatur, Ala.;

H. R. 3971. An act to correct and perfect title to certain lands and portions of lots in Centerville, Iowa, in the United States of America, and authorizing the conveyance of title in certain other lands, and portions of lots adjacent to the United States post-office site in Centerville, Iowa, to the record owners thereof, by the Secretary of the Treasury;

H. R. 7818. An act to amend section 304 of an act entitled "An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921;

H. R. 7904. An act granting the consent of Congress to Des Arc Bridge Co. and its successors and assigns to construct a bridge across the White River at Des Arc, Ark.;

H. R. 8817. An act reserving certain described lands in Coos County, Oreg., as public parks and camp sites;

H. R. 9348. An act granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio;

H. R. 9494. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainesboro-Red Boiling Springs road in Jackson County, Tenn.;

H. R. 9506. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Perry and Decatur Counties, Tenn.;

H. R. 9503. An act granting permission to the State Highway Commission of the State of Tennessee to construct a bridge across the Tennessee River at Savannah, Hardin County, Tenn., on the Savannah-Selmer road;

H. R. 9505. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden road between Humphreys and Benton Counties, Tenn.;

H. R. 10002. An act granting the consent of Congress to H. J. Stannert, Harry Weis, and George W. Rockwell to construct, maintain, and operate a bridge across the Susquehanna River from a point in the city of Sunbury, Northumberland County, to a point in the township of Monroe, in Snyder County, in the State of Pennsylvania; and

S. 2296. An act authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader.

F. A. TRAUT

The next business on the Private Calendar was the bill (H. R. 7217) to authorize Capt. F. A. Traut, United States Navy, to accept a decoration from the King of Denmark known as the Order of Dannebrog.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I objected to this bill the other day, but there is an occasion that is to be pulled off in the city to-morrow, and if I continue the objection it might affect the outcome of what is going to happen. Under the circumstances I feel compelled to withdraw my objection.

Mr. UNDERHILL. The bill the gentleman objected to is on the previous page of the calendar rather than this bill. The gentleman did not object to this bill.

Mr. BLANTON. It is a bill of the same character.

Mr. UNDERHILL. Will the gentleman be courteous enough to withdraw his objection to the other bill?

Mr. BLANTON. Under the circumstances, I will do so.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Capt. F. A. Traut, of the United States Navy, be, and he is hereby, authorized to accept from the King of Denmark a decoration known as the Order of Dannebrog, which was bestowed upon him by King Christian when the U. S. S. *Utah* was on a cruise in European waters.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

LOUIS NEMECK

The next business on the Private Calendar was the bill (H. R. 5085) a bill to remove the charge of desertion from and correct the naval record of Louis Nemec, otherwise known as Louis Nemeck.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to review the naval record of Louis Nemec, otherwise known as Louis Nemeck, late boatswain's mate, second class, United States Navy, assigned to U. S. S. *Richmond, Hartford, Vermont, Buffalo, Kearsarge, Hancock, Buffalo, Cleveland, Monterey, Albany,* and receiving ship at Mare Island, and remove the charge of desertion now standing against him, and to grant him an honorable discharge from said service, and to change the records so that his name will appear thereon from his first enlistment to his final discharge, as Louis Nemeck.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

AUTHORIZING CERTAIN OFFICERS TO ACCEPT DECORATIONS FROM THE REPUBLIC OF CHILE

Mr. COYLE. Mr. Speaker, in view of the courteous withdrawal of objection by the gentleman from Texas [Mr. BLANTON] to Calendar No. 197, may I ask unanimous consent to go back and consider that at the present time?

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to return to Calendar No. 197. Is there objection?

There was no objection.

The Clerk read the title of the bill, as follows:

A bill (H. R. 9319) to authorize certain officers of the United States Navy to accept from the Republic of Chile the order of merit, first class, and the order of merit, second class.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Rear Admiral William C. Cole, Capt. Yancey S. Williams, and Capt. Joseph K. Taussig, all of the United States Navy, be, and they are hereby, authorized to accept from the Republic of Chile the order of merit, first class, and that Lieut. Commander Marshall Collins, of the United States Navy, be, and he is hereby, authorized to accept from the Republic of Chile the order of merit, second class, which have been tendered to each of said officers, through the Department of State, in appreciation of services rendered the said Republic of Chile.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOSIAH OGDEN HOFFMAN

The next business on the Private Calendar was the bill H. R. 10238, a bill for the relief of Josiah Ogden Hoffman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint Josiah Ogden Hoffman, formerly lieutenant commander in the United States Navy, a lieutenant commander in the United States Navy and place him upon the retired list of the Navy with the retired pay and allowance of that grade: *Provided*, That a duly constituted naval retiring board finds that the said Josiah Ogden Hoffman incurred physical disability incident to the service in time of war: *Provided further*, That no back pay, allowances, or emoluments shall become due as a result of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

HARRY L. ROGERS

The next bill on the Private Calendar was the bill S. 37, an act for the relief of First Lieut. Harry L. Rogers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Harry L. Rogers, jr., first lieutenant, Infantry, United States Army, out of any money in the Treasury not otherwise

appropriated, the sum of $700, as reimbursement for the loss sustained by him as commanding officer of the Twenty-fifth Recruit Company, Fort Slocum, N. Y., when such amount was stolen on or about April 1, 1921, by his company clerk, who immediately thereafter deserted.

With the following committee amendment:

In line 6, strike out the figures "$700" and insert in lieu thereof "$902.63."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JAMES W. LAXSON

The next business of the Private Calendar was the bill (S. 547) for the relief of James W. Laxson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $182 to James W. Laxson for a refund covering timber taken from his homestead entry.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JAMES DOHERTY

The next business on the Private Calendar was the bill (S. 1131) for the relief of James Doherty.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,250 to James Doherty, of Metaline Falls, Wash., for the destruction of his residence and household effects by fire while being occupied by employees of the Bureau of Public Roads, Department of Agriculture.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CREDITS IN ACCOUNTS OF CERTAIN DISBURSING OFFICERS, DEPARTMENT OF THE INTERIOR

The next business on the Private Calendar was the bill (S. 2993) to allow credits in the accounts of certain disbursing officers in the Department of the Interior.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Texas objects.

Mr. MAPES. Mr. Speaker, will the gentleman withhold his objection.

Mr. BLANTON. Certainly; I reserve my objection.

Mr. MAPES. Mr. Speaker, this bill is recommended by the Department of the Interior and approved by the Director of the Budget, Mr. Lord. It is necessary because of a technical ruling of the Comptroller General. The transactions involved were acted on in one form or another by the Committee on Appropriations of the House of Representatives during two or three sessions of Congress. It is a technical matter. It relates to the action of a deceased former disbursing officer in the Department of the Interior, a man who was in the department for upward of 50 years, who grew up in the department and was gradually promoted from a messenger until he became a disbursing officer. He was highly honored and respected as a citizen of the District, and had the respect of everyone with whom he came in contact. I do not know what the gentleman's objection is, but my information is that this was a man of the highest character and standing in the community and in the department.

Mr. BLANTON. Mr. Speaker, under my reservation I desire to let the gentleman from Michigan know what I have in mind, because I want to be perfectly fair to him and to my colleagues. I have been investigating a good many departments of the Government. We are making appropriations in lump sums. I have found out from investigations that I have made that the longer a man has been in a department, and the more honored he appears to be, does not have any effect whatever upon his state of mind sometimes when he imagines that both the department and the money that we turn over to him belong to him and not to the Government.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. It is true that this man had been a long time in the department.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. UNDERHILL. I rise to say to the gentleman and to others that in justice to the Members who have matters on this calendar objection should be made or not made, and no reservations of objection should be made.

Mr. BLANTON. Mr. Speaker, I should let my colleague from Michigan [Mr. MAPES] know what is in my mind. I do not want him to think I am arbitrarily objecting without some good reason.

Mr. UNDERHILL. But, Mr. Speaker, these gentlemen will have an opportunity to fight this out at some later time.

Mr. BLANTON. I know, but here is a man who was short in his accounts.

Mr. MAPES. Oh, no.

Mr. BLANTON. Well, certain claims of his had been disallowed by law, and the disallowances amount to $35,150. That is a pretty good big sum of money.

Mr. STEPHENS. Is that a shortage?

Mr. BLANTON. Disallowances, claims that he thinks he should be credited with, and the law says he should not. Now he wants to come in here and pass a law and have these disallowances become a law, so that his account may be credited with that much.

Mr. MAPES. Mr. Speaker, the gentleman from Texas has served as a judge. If he misconstrued a law as judge and gave a judgment to one of the parties in his court, does he think it would be fair to him or to anyone else to require him to pay that judgment where the money had been received by another party?

Mr. BLANTON. But this is not a misconstruction of law. This is an effort to get around the law.

Mr. MAPES. Oh, no.

Mr. BLANTON. This bill seeks to enact a law that will do away with something that is now a law.

Mr. MAPES. But the Secretary of the Interior says that the law was otherwise interpreted for several years, and the Committee on Appropriations so interpreted it.

Mr. BLANTON. I hate to object to this bill, but it should not be passed by default under unanimous consent. We ought to have time to discuss it. Thirty-five thousand four hundred and fifty dollars is a large enough sum of money to discuss here on the floor and let Members know the merits of the case. As long as I am here I am going to raise my feeble voice against letting such bills as this go through by default.

Mr. MAPES. But $35,450 is not a sufficient sum to warrant doing an injustice to anybody by this great Government.

Mr. BLANTON. If the man has been done an injustice to the extent of $35,000, it is a large enough matter for the Committee on Rules to grant a rule on. I object.

The SPEAKER pro tempore. The gentleman from Texas objects.

CAPT. GEORGE G. SEIBELS

The next business on the Private Calendar was the bill (H. R. 912) to authorize the Secretary of the Treasury to reimburse Capt. George G. Seibels, United States Navy, the sum of $170, money stolen belonging to the United States from the said Capt. George G. Seibels while in the discharge of his duties and paid into the Treasury of the United States by him.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Capt. George G. Seibels, Supply Corps, United States Navy, out of any funds not otherwise appropriated, the sum of $170, said sum being the amount of restitution made by the said Capt. George G. Seibels out of his private funds on account of money stolen from weekly pay envelopes without collusion on the part of said Capt. George G. Seibels, which funds had been prepared in pay envelopes and extracted therefrom by party or parties unknown to claimant.

With the following committee amendments:

Page 2, line 1, at the beginning of the line, insert the words "Supply Corps, United States Navy."

Page 2, line 4, after the word "Seibels," insert the words "Supply Corps, United States Navy."

The amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of Capt. George G. Seibels, Supply Corps, United States Navy."

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN MILTON PEW

The next business on the Private Calendar was the bill (H. R. 1538) for the relief of John Milton Pew.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Milton Pew the sum of $152.63 to reimburse him for cash advanced to pay forest-fire fighters employed by the United States Forest Service during a fire in San Jacinto Mountains, Calif., which occurred in October, 1922.

The committee amendment was read as follows:

Page 1, line 5, strike out "$152.63" and insert "$114."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CARROLL MOTOR CO.

The next business on the Private Calendar was the bill (H. R. 4677) for the relief of the Carroll Motor Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ARENTZ. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Florida is here. I would like to ask the gentleman from Massachusetts as to the reference in the bill to a certified check. I desire to know what is the amount of the check.

Mr. UNDERHILL. The amount of the check——

Mr. ARENTZ. It does not show in the report at all what the check was or when it was tendered.

Mr. UNDERHILL. The case was so clear the prohibition officer took the property of this man and disposed of it without notifying him, and perhaps without their knowledge. It is so similar to many other bills of a similar character that——

Mr. ARENTZ. It speaks of the check being tendered, at the bottom of the bill, as follows:

Although said company tendered payment to the Government in the form of a certified check, which was cashed by the Government.

Nowhere in the report does it show there was a check tendered and cashed by the Government. Now, if there was a check tendered and cashed by the Government, what was the amount and when was it tendered to the Government?

Mr. UNDERHILL (reading)—

The basis of the claim of the Carroll Motor Co. is a balance of $864.29 of the total purchase price of $1,257.17 which Saulsbury agreed to pay the motor company for the automobile, which remained unpaid at the time of the seizure. After the seizure the automobile was appraised at $700 for the purpose of release under section 26 of the national prohibition act.

Mr. MORROW. Will the gentleman let me explain that. The check was tendered by the company in payment to the Government. This is an automobile upon which the company had never parted title, and the number had been changed upon it and it was sold.

Mr. ARENTZ. That does not answer the question as to the amount of the check which the Government cashed. I want to know in regard to that, and I see it in the bill. If the bill is not correct, let us change it so that it is correct. It says at the bottom of page 1 of the bill—

said company tendered payment to the Government in the form of a certified check, which was cashed by the Government.

Mr. MORROW. It speaks of it in the bill.

Mr. ARENTZ. But not in the report.

Mr. MORROW. The amount of the claim is $700.

Mr. ARENTZ. Well, what I am talking about is the check which the Government cashed, which appears in the bill, and I think we had better not pass this bill until we find out about this check, because I would like to know what it is, amount, and so forth.

Mr. BULWINKLE. If the gentleman will withhold his objection——

Mr. UNDERHILL. If it will expedite the matter, I will offer an amendment that all after the comma in line 11 be stricken out of the bill.

Mr. ARENTZ. If the committee has not gone over the bill sufficiently——

Mr. HUDSON. Mr. Speaker, I rise to object.

Mr. MORROW. Mr. Speaker, I ask that the bill be passed over without prejudice.

The SPEAKER pro tempore. There is no question of passing over the bill without prejudice, because it will remain on the calendar even if there were objection.

CRANE CO.

The next business on the Private Calendar was the bill (H. R. 8345) for the relief of Crane Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, reserving the right to object for the purpose of asking a question. Is the gentleman from Illinois here? Will the gentleman from Massachusetts please inform me? I notice there were two authorizations here—one of $20,000 and one of $12,000—and that despite that limit which was placed in the authorizations, the officers who have had this construction in charge at Fort Sill waked up afterwards to find out that they had permitted themselves to obligate the Government to an amount nearly $4,000 in excess of the authorization. Is not this a pretty loose way of doing business? Do we make these authorizations and place limits on the amounts to be expended without any purpose? Those limitations having been disregarded, either willfully or negligently, shall we then come in and O. K. everything that is done? If we care to do that, why place any limitation in the first place? Were there some exceptional circumstances surrounding this case which would justify us in overlooking a failure to keep within the amount authorized?

Mr. CARPENTER. I think it was due to a different construction placed on the Revised Statutes. You will notice on the report, first page, it is stated:

The War Department was of the opinion that the claim being for material actually used by the Government, and as the same was used in remodeling a building rather than new construction there appeared to be no violation of section 1136, Revised Statutes, and recommended payment of the same. However, the General Accounting Office held that payment was prohibited by section 1136, Revised Statutes, above noted, and upon review by the Comptroller General, dated August 27, 1924, the case was gone into at length and the settlement of the General Accounting Office sustained.

So then they approved of this payment, but the Comptroller General did not approve it.

Mr. BEEDY. That does not answer my question. Mr. Speaker, I ask that this bill be passed over without prejudice until the gentleman from Illinois can be heard to enlighten us further.

Mr. BLANTON. I reserve the right to object, Mr. Speaker.

Mr. BEEDY. I ask that it be passed over without prejudice until the gentleman from Illinois can be here and explain it.

Mr. BLANTON. The Attorney General says it is not a good bill and should not be passed. The gentleman can ask unanimous consent to have it passed over, Mr. Speaker.

Mr. BEEDY. Mr. Speaker, I ask unanimous consent that it be passed over without prejudice.

Mr. HILL of Maryland. Mr. Speaker, if there is objection to the bill, it still retains its place?

The SPEAKER pro tempore. Yes. The order of the House is to consider bills that are not objected to. The Chair thinks that when there is no objection to the consideration of a bill it has the right to be considered.

Mr. BLANTON. The gentleman from Maine asks unanimous consent to pass it over.

Mr. BEEDY. That has been the procedure heretofore. I understood that when we objected to a bill that took it off the calendar. But it seems that is not the case. I therefore object.

The SPEAKER pro tempore. This bill is on the Consent Calendar.

Mr. BLANTON. The gentleman from Maine objected.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRANK A. BARTLING

The next business on the Private Calendar was the bill (H. R. 9938) for the relief of Frank A. Bartling.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STEPHENS. I reserve the right to object, Mr. Speaker, in order to find out what the bill is about.

Mr. UNDERHILL. This is a matter that comes up frequently. The Post Office Department is authorized to settle for losses by burglary up to $10,000, but all claims above $10,000 must be reported back to Congress. Consequently, if it is $10,050 it has to come before Congress. In this case the amount is $12,040. This is the only tribunal in which these burglary cases can be settled.

Mr. STEPHENS. I understand that. Seeing that it is a post-office case, I object.

Mr. UNDERHILL. The gentleman is not going to take the time to require us to defend all of these bills?

Mr. STEPHENS. I feel that the bill that I presented here had as much merit as any of these other bills. It was a post-office robbery. I was not given even the chance to explain it.

Mr. UNDERHILL. Mr. Speaker, I call for the regular order.

The SPEAKER pro tempore. The regular order is, Is there objection?

Mr. STEPHENS. I object.

Mr. UNDERHILL. Mr. Speaker, may I simply say that is an unreasonable position for the gentleman from Ohio to take. I do not think it will result in his getting any better consideration for his bill later on.

Mr. STEPHENS. I do not believe it will get any better consideration for my bill. I am not doing this with any purpose of showing that there is any feeling against this committee.

Mr. UNDERHILL. The committee considers it so.

Mr. STEPHENS. The committee has no right to consider it so.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS. Yes.

Mr. BLANTON. In this particular case the inspector says he went there, found the safe broken open, found the windows broken open, found the locks open, and the papers scattered all over the floor; and the Postmaster General writes a letter to this Congress and asks us to pay the claim. In that kind of a case I do not feel like objecting.

Mr. STEPHENS. I will reserve my right to object and ask that later on by unanimous consent the bill that I brought up may be considered.

Mr. BLANTON. The gentleman can not make two requests at once.

Mr. MOREHEAD. This is the first claim I ever had.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. STEPHENS. Mr. Speaker, may I make a unanimous consent request?

The SPEAKER pro tempore. The Chair will say that under orderly procedure we should continue the consideration of this bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Frank A. Bartling, postmaster at Nebraska City, Nebr., in the sum of $12,441.25, due to the United States on account of money and postage stamps stolen from the safe of the post office at Nebraska City, Nebr., when burglarized on the 24th of September, 1924.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOEL O. CLORE

Mr. STEPHENS. Mr. Speaker, I ask unanimous consent that we return to No. 106 on the Private Calendar.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to return to Private Calendar No. 106. Is there objection?

Mr. BLANTON. Mr. Speaker, personally there is nothing the gentleman from Ohio could ask me to do for him that I would not do personally, but this is a bill that is an entirely different kind of a bill, in some respects, from the one we have just passed. There are things about this bill which ought to be discussed. It is a tremendously big bill. It involves a tremendously big sum of money.

Mr. STEPHENS. Not as much as was involved in the bill we just passed.

Mr. BEEDY. If the gentleman from Texas will yield, I want to repeat what the gentleman from Texas said, that I will do anything for the gentleman from Ohio personally. I am not going to object to returning to it, but I want to say it is entirely different from the bill we just passed. There are some objectionable features about it.

Mr. STEPHENS. I do not agree with the gentleman, and I ask permission to present it to the House right now.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent, without passing on the question of whether or not we shall return to the consideration of this bill, that the gentleman from Ohio may have five minutes in which to present this matter to the House, and then let us pass on whether or not we will return to it, so as to give the gentleman a chance to be heard.

The SPEAKER pro tempore. The gentleman from Texas reserves the right to object, and asks unanimous consent that the gentleman from Ohio be permitted to proceed on the bill for five minutes. Is there objection?

There was no objection.

Mr. STEPHENS. Mr. Speaker and gentlemen, this bill is a bill similar to the one we just passed with the exception that the amount involved is a little over $8,000. The post office in Cincinnati, Ohio, was robbed in 1921. The booths were out in the corridor of the post-office building. They were wooden booths; they had no top to them, and during the noon hour, while the clerk was out at luncheon, this robbery took place. The clerk had been in the service for over 31 years, a man by the name of Vickery, who was then 56 years of age, and he had given splendid service. At noon he went out to get luncheon and was gone 19 minutes. When he came back he found the safe had been opened and money and stamps taken from the safe and from the counter amounting to a little over $8,000. It was in the corridor, where people were passing by the hundreds every minute or two.

They had a watchman in the corridor to watch these booths out in the corridor, and right across from the corridor were windows where men were working and dealing with the public. It had been the custom for years for the clerk to go out and get his luncheon and come back, and it was during that time the office was robbed. The first inspector who reported on the case reported that they could not lay the blame particularly on anyone, but that the post-office clerk was careless; that he was careless because rule 361 provides that you must lock up your safe whenever you go out of the room and lock up everything in the safe. The clerk raised the question that he had been in the service for 31 years and had never seen this rule; in other words, he had not locked his safe when he went out to luncheon, and therefore a question of carelessness on his part might have been raised. The matter went through all of the departments of the Post Office Department, and the Postmaster General decided that he would not assume the responsibility of passing upon this but would leave it to Congress, because he could not tell what the Comptroller General's opinion would be if he passed upon it and allowed the amount. They notified the surety of this clerk and ordered him to pay the amount that was stolen. The surety answered and set up all of the particulars, holding that the clerk was not careless and that if there was anyone careless it was the Government, by placing the booths out in this corridor. The booths in the meantime were provided with better facilities for protection, and now they have been removed from the corridors entirely and taken into the post-office inclosure, showing that there must have been a certain amount of carelessness upon the part of the Government in placing the booths out there. Of course they did not know there was going to be a robbery. You never know until these things happen, and they come unexpectedly.

It is a case of absolute robbery, and it would be very hard to establish negligence or carelessness on the part of the clerk. But this is for the benefit of the postmaster. The postmaster is held responsible for the shortage. The postmaster's business amounted to over $3,000,000 every year. They are holding or will hold him responsible for the theft.

Mr. BEGG. Will the gentleman yield there?

Mr. STEPHENS. I want to say to the committee that Postmaster Clore was one of the best citizens of Cincinnati. He died about two months ago, and if this is not allowed they will hold Postmaster Clore's estate good for it.

Mr. BEGG. Will the gentleman yield there?

Mr. STEPHENS. Yes.

Mr. BEGG. As I understand it, they are holding the postmaster responsible for this liability, and even if the liability

was due to the carelessness or the negligence on the part of a clerk the postmaster had nothing to say about the selection or the appointment of that clerk.

Mr. STEPHENS. Nothing whatever.

Mr. BEGG. The Government picked out the clerk.

Mr. STEPHENS. Yes; and the money will come out of the widow's estate, if there is any. That is the situation with respect to the bill.

The SPEAKER pro tempore. Is there objection to returning to the consideration of the bill?

Mr. BLANTON. I reserve the right to object, Mr. Speaker. What says the gentleman from Maine?

Mr. BEEDY. If the gentleman from Texas will permit, if we are going to return to it, I am ready to discuss the bill. If we are going to discuss it before we return to it, I will do that; but I understood that this time was given to the gentleman from Ohio, and I have not interrupted him because I wanted him to be uninterrupted during his five minutes.

Mr. BLANTON. And the gentleman is going to be on the watch if we do return to it?

Mr. BEEDY. I want to return to it if the gentleman wants to do that, because I have given the case a good deal of study.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry. If we grant this unanimous-consent request, then we will return to the bill and there will be an opportunity for the gentleman from Maine to either object or to allow it to go by.

The SPEAKER pro tempore. The present order will merely permit returning to the bill.

Mr. McKEOWN. Mr. Chairman, it seems to me it is unfair to the rest of the Members to be constantly returning to these bills. I think as much of the gentleman from Ohio as any man in the House, but I will be forced to object if it is going to take up any considerable amount of time.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 3432) for the relief of Joel C. Clore.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, reserving the right to object, I want to say to the gentleman from Ohio and the Members of the House that this case is entirely different from the case which we have just passed, although it is true the amount involved is somewhat similar. In the Ohio case the post office was open in the middle of the day, and the clerk in charge of these funds, whose selection the postmaster has nothing to do with—I grant that, but it is not pertinent to the issue here I think you will agree with me when I have finished—went out to his lunch. He had been in the service 32 years. He was gone 19 minutes. When he came back this money and and the stamps had been taken. He claimed he actually did go out of that booth and that he passed two men who were there in the corridors and could have observed him. They were working there as employees in the building. They said he never did go out, or that they never saw him leave that booth. The inspector said that Vickery, who was in charge of the missing property, was efficient enough, but that he had been so long in the service—32 years—that he had evidenced a failure to appreciate the value of the property intrusted to his care or to exercise the degree of care imposed upon him by the law and the postal regulations in the custody of this property.

I am stressing this case because only last week we had a case here involving $30,000 where there was evidence of negligence, and I objected to it. A day or two later we got a hurry-up message from the Postal Department to the effect there had been complicity by the postmaster himself in the robbery in order to cover up his own deficit. Thirty thousand dollars was saved the Government by not being too ready to approve these bills. Here I give you clear evidence of negligence.

Mr. BLANTON. Will the gentleman yield?

Mr. BEEDY. I yield.

Mr. BLANTON. The gentleman has shown a good case against this bill. Because his floor manager comes from Ohio and is in favor of this Ohio postmaster—what is the gentleman from Maine going to do about it?

Mr. STEPHENS. That statement of the gentleman is not correct.

Mr. BLANTON. Is the gentleman going to stand hitched or give way.

Mr. BEEDY. So far as I am concerned no floor manager has me in charge and nobody claims to have me in charge. I am doing my duty, but the gentleman from Ohio has evidently resented it and has been unwilling to be fair about it, although I am trying to be fair to him now.

Mr. STEPHENS. I resent that remark of the gentleman.

Mr. BEEDY. The gentleman said we were passing over the matter without giving him a hearing. Now, the gentleman has had his hearing and I want to call your attention to the negligence in the case.

This clerk, so far as his care of the property was concerned, stated that in 32 years he never knew there was such a rule as rule No. 316 in the postal regulations; that these postal regulations were never called to his attention, and yet the testimony shows that every year the regulations were called to the attention of employees. I did not like that statement of Mr. Vickery's. I do not believe it to be the fact.

The inspector said there were numerous statements made by this man in his defense that were not in accordance with the facts, and the inspector spoke rather strongly against this man. I am now talking about Vickery.

Mr. BULWINKLE. But not against the postmaster.

Mr. BEEDY. Because Vickery and his bondsmen are liable and responsible. He did not lock the safes, he did not lock the money drawer, and he is not sure that he even closed the door that went into this booth.

Mr. BLANTON. What is the gentleman trying to do—trying to get up his courage?

Mr. BEEDY. He says he thinks he heard the lock click. All he did was to shut this door leading into this booth that was accessible to everybody around there. He will not say whether the door was actually locked when he left the booth. If there can be any clearer evidence of negligence than that in any case I want to know it.

Here is another point involved. This man Vickery was represented by bondsmen. The postal authorities alleged that Vickery was careless and then made a demand upon the bondsmen, and the bondsmen—the Fidelity & Surety Co.—answered and said they would not make the losses good.

The inspector said that the bonding company's denials of liability were not meritorious, and yet I find that although the Government could reimburse itself by proceeding against the bonding company, the moment they made a demand there was legislation brought into the House, and the department tells me the suit against the bonding company is being held up until they find out whether we are going to vote that the Government sustain its own loss. What is the use of having bonds in these cases unless we proceed to enforce our rights under them. I am going to satisfy the gentleman from Ohio that I have nothing against him, but that I know something about the facts in this case. I want the suit to proceed against the bonding company, and then if we have not a good case and want to do an act of charity we may properly proceed to consider a bill for the relief of the postmaster.

Mr. STEPHENS. Why does not the gentleman object to the same thing in these other cases?

Mr. BEEDY. Because they are not on the same footing. There is no claim that there was any negligence by anybody in the last case. Mr. Speaker, I object.

HEWSON L. PEEKE

The next business on the Private Calendar was the bill (H. R. 8602) for the relief of Hewson L. Peeke.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. STEPHENS. I reserve the right to object; I would like to find out what the bill is about.

Mr. UNDERHILL. It is set forth in the report, and the report says that this man was injured by a skylight falling on him. He had to go to the hospital and have his head sewed up. He has made a claim for $500 and we cut it down to $100.

Mr. STEPHENS. I withdraw my objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $500 to Hewson L. Peeke, in full of all claims he may have against the Government for injuries received by him in the United States customhouse building at Sandusky, Ohio.

With the following committee amendment:

In line 6 strike out the figures "$500" and insert in lieu thereof "$100."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JAMES HAWKINS

The next business on the Private Calendar was the bill (H. R. 4258) to credit the accounts of James Hawkins, special disbursing agent, Department of Labor.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

JOHN ROOKS

The next business on the Private Calendar was the bill (H. R. 10160) for the relief of John Rooks.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BEEDY. Reserving the right to object, may I ask somebody what the usual method of appointing these officers is? I see that he was given a recess appointment and they forgot his appointment terminated on the adjournment of Congress and he was given a court appointment, which he has held right along. I do not understand what the necessity is for this bill nor what the usual method of appointing officers is.

Mr. UNDERHILL. I do not know that I do, but Attorney General Sargent requested me to introduce and support the inclosed bill. This man was appointed, given a recess appointment. The fact that it was a recess appointment was overlooked, and he continued to perform the duties of the office.

Mr. BEEDY. Was it a court recess or a congressional recess appointment?

Mr. UNDERHILL. I do not know, but it must have been a recess of Congress. He had to be appointed by Federal authority.

Mr. BEEDY. Then it says he was appointed by the court. Who appointed him? My thought was that this man was appointed regularly and probably was a good fellow, and when it was brought to the attention of the Attorney General he said "fix him up."

Mr. BULWINKLE. Oh, no; the recess appointment was made.

Mr. BEEDY. By whom?

Mr. BULWINKLE. By the President, but for some reason or other his name failed to be sent into the Senate for confirmation at the next session. The Comptroller General held it up. That is in the letter.

Mr. BEEDY. Mr. Speaker, I withdraw my objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized to allow payments covering the salary of John Rooks for services actually rendered as United States marshal for the district of South Dakota from June 8, 1924, to October 30, 1925, inclusive.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

W. F. MORGAREIDGE

The next business on the Private Calendar was the bill (H. R. 816) for the relief of W. F. Morgareidge.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to W. F. Morgareidge, formerly postmaster at Moscow, Idaho, the sum of $364.30, which amount was paid by the said W. F. Morgareidge to cover loss of war-savings stamps and thrift stamps in the amount of the face value of $364.30, charged to the postmaster at Moscow, Idaho, and shipped by him in October, 1918, to the postmaster at Potlatch, Idaho, no record appearing that the said stamps were received by the postmaster to whom sent.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A. T. MARIX

The next business on the Private Calendar was the bill (S. 2086) for the relief of A. T. Marix.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, I reserve the right to object, while I ask the gentleman from Massachusetts or somebody else some questions about the bill.

Mr. BLACK of Texas. Mr. Speaker, it seems that there is no one present who can give us any information on the bill, and I shall object.

Mr. STEPHENS. Mr. Speaker, I can give the gentleman what little information I have.

Mr. BLACK of Texas. If the gentleman wishes to explain the matter, I withdraw the objection temporarily.

Mr. BEEDY. There is no legal liability here, of course. The statement in the report appealed to me that inasmuch as this man neglected to endeavor to save his own property and looked first to the saving of Government papers, we ought to waive any question of legal liability and do what is right by him, but I have an itemized list here of his losses, and I am wondering how he figures up $2,300.

Mr. BLACK of Texas. Mr. Speaker, we may as well understand one another about claims of this kind. The gentleman from Maine [Mr. BEEDY] correctly states that there is no legal liability in this case, and here we undertake to reimburse this claimant for private apparel to the extent of more than $2,000. There is a soldier in my district who lost $40 or $50 worth of personal property in the Army, and he could collect only for a very small part of it, because the authorities said they were not articles that he was authorized to have under military law. Yet here an effort is being made to pass a bill to reimburse an officer for $2,300 worth of wearing apparel that he lost in a hotel, which the United States Government had nothing to do with.

Mr. BLANTON. When he admits he saved a great many of his effects himself.

Mr. BLACK of Texas. A bill like this would certainly have to be reduced a great deal before I shall consent to its passage.

Mr. BEEDY. I call attention to an item for five women's evening slippers at $14 a pair.

Mr. BLANTON. Mr. Speaker, I object.

MAJ. JOHN D. GOULD, QUARTERMASTER CORPS

The next business on the Private Calendar was the bill (H. R. 2676) to allow and credit the accounts of Maj. John D. Gould, Quartermaster Corps, with $1,646.86, representing various shortages and suspended vouchers in his accounts as disbursing officer during the late war.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. ARENTZ. Mr. Speaker, will the gentleman withhold that for a moment until I can find out his reason for objecting?

Mr. BLANTON. I want to look up one or two matters in respect to it.

Mr. CHINDBLOM. Mr. Speaker, a moment ago the question was raised about passing over bills on this calendar without prejudice. There can be no such thing on this call.

The SPEAKER. The Chair thinks the gentleman is correct.

Mr. BLANTON. I ask that the bill be not considered at this time.

The SPEAKER. That can be done by objection.

Mr. BLANTON. I have understood that one can do anything by unanimous consent within the rules.

The SPEAKER. The Chair does not think that anything can be done here except by objection. The question is, Shall the bill be immediately considered?

Mr. BLANTON. Mr. Speaker, I object. The bill will stay on the calendar.

GEORGE TURNER

The next business on the Private Calendar was the bill (H. R. 5627) for the relief of George Turner.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of money heretofore paid by the United States to George Turner, of Spokane, Wash., as salary for his services as counsel for the United States before the International Joint Commission on Boundary Waters for the months of July, August, September, and October, 1922, amounting to the total sum of $1,666.64, may be retained by the said George Turner as legal counsel for the said services, disregarding any question which may have been raised as to the validity of said payments, and all disbursing and accounting officers of the Government are hereby released from any liability or alleged liability on account of said payments.

SEC. 2. That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $699.93, to be paid to the said George Turner by the proper disbursing officers of the Government as compensation to him for his serv-

ices as counsel of the said international joint commission for the month of November, 1922, and his expenses necessarily incurred in going from Spokane, Wash., to the city of Washington, and returning to Spokane upon the duties imposed upon him as counsel of the said commission in accordance with the account of the said expenses filed with the Department of State by the said George Turner.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOHN FERRELL

The next business on the Private Calendar was the bill (H. R. 2229) to reimburse John Ferrell.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I make the point of order against the committee amendment, in that it authorizes the Secretary of the Interior to pay certain moneys out of the Treasury. The Secretary of the Interior has nothing to do with it.

The SPEAKER. The gentleman directs his objection to the amendment. He can not properly do so at this time because the amendment is not now pending. The question is, Shall the bill be considered?

Mr. BLANTON. I shall not object to the consideration of the bill.

Mr. ARENTZ. Mr. Speaker, it is my intention to offer an amendment changing the Secretary of the Interior to the Secretary of the Treasury.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $487.11 to John Ferrell, to reimburse him for the payment of a judgment obtained in the courts of Utah while he was an employee in the Indian Service on the Uintah Indian Reservation, Utah, upon a claim for which the United States was liable.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $585.20 to cover a judgment obtained against John Ferrell in the courts of Utah for an act committed in the course of his duty while an employee of the Indian Service on the Uintah Reservation, Utah, for which the United States was responsible: *Provided*, That said sum may be used to reimburse Mr. Ferrell for such part of the judgment as he has paid and for payment to the proper parties of the balance."

Mr. COLTON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COLTON: Page 1, line 10, of the committee amendment, strike out the word "Interior" and insert the word "Treasury."

The SPEAKER. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of John Ferrell."

A motion to reconsider the vote by which the bill was passed was laid on the table.

READJUSTMENT OF WATER CHARGES AND CONSTRUCTION CHARGES ON RECLAMATION PROJECTS

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Mr. Speaker, there is a possibility at an early day that the bill (H. R. 10429) for the adjustment of certain water-right charges, and so forth, may come before the House. There are certain amendments I may have to suggest in reference to it, and I should like to place them in the RECORD at this point, so any gentlemen interested in these amendments may have an opportunity to familiarize themselves with them, and I ask unanimous consent to extend my remarks by placing those amendments in the RECORD.

The SPEAKER. Is there objection?

Mr. ARENTZ. Mr. Speaker, reserving the right to object, may I ask whether these amendments are about the same as the ones offered to the committee and adopted by the committee or different ones? The committee has agreed to them, and all the amendments the gentleman has offered to it, and I hope the gentleman is going to ask the House to pass the bill, as it should be passed, and we accept the amendments. As one member of the committee I hope so.

Mr. CRAMTON. I do not understand that they were entirely accepted, but what I am putting in is along the line of that to which the gentleman refers.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. The amendments I suggest are as follows:

(a) In section 41, in lines 18 and 19, on page 27 of the bill, strike out the words "in any manner found by the Secretary of the Interior to be feasible." This language is surplusage unless it is intended to give the Secretary authority without reference to existing law.

(b) In section 41, lines 20 to 24, strike out this proviso:

And provided further, That any surplus water temporarily available may be furnished upon a rental basis for use on lands excluded from the project under this section, on terms and conditions to be approved by the Secretary of the Interior.

(c) Page 28, line 17, strike out the word "charges."

(d) Page 28, lines 22 to 24, strike out the words "or some competent board to be appointed by him, whose findings shall be subject to his approval."

The duty is an administrative one which should be performed by the Secretary through the existing machinery of the Reclamation Service. Our experience with special boards is proven costly in H. R. 10429.

(e) Page 29, lines 7 to 10, strike out "or such other charges as may be fixed by the Secretary of the Interior the advance payment of which may be required, in the discretion of the said Secretary," and insert in lieu thereof "in advance."

(f) Page 29, line 19, after the word "entries," insert the words "under water right."

(g) Page 29, line 21, after the word "other," insert the word "public."

(h) Page 29, line 23, after the word "credit," insert "under public land laws."

(i) Page 30, line 10, after the word "specified," insert "in lieu of the lands eliminated."

(j) Strike out sections 45 to 50, inclusive, and insert in lieu thereof the following:

SEC. 45. The Secretary of the Interior is hereby authorized, in his discretion, to amend any existing water-right contract to the extent necessary to carry out the provisions of this act upon request of the holder of such contract. The Secretary of the Interior, as a condition precedent to the amendment of any existing water-right contract, shall require the execution of a contract by a water-users' association or irrigation district whereby such association or irrigation district shall be required to pay to the United States, without regard to default in the payment of charges against any individual farm unit or tract of irrigable land, the entire charges against all productive lands remaining in the project after the permanently unproductive lands shall have been eliminated and the charges against temporarily unproductive areas shall have been suspended in the manner and to the extent authorized and directed by this act.

The Secretary is authorized, in his discretion, upon request of individual water users or districts, and upon performance of the condition precedent above set forth, to amend any existing water-right contract to provide for increase in the time for payment of construction charges, which have not then accrued, to the extent that may be necessary under the conditions in each case, subject to the limitation that there shall be allowed for repayment not more than 40 years from the date the first payment matured under the original contract, and also to extend the time for payment of operation and maintenance on water-rental charges due and unpaid for such period as in his judgment may be necessary, not exceeding five years, the charges so extended to bear interest payable annually at the rate of 6 per cent per annum until paid, and to contract for the payment of the construction charges then due and unpaid within such term of years as the Secretary may find to be necessary, with interest payable annually at the rate of 6 per cent per annum until paid.

The decision of the Secretary as to the necessity for amending any such contract shall be conclusive.

SEC. 46. No part of any sum hereafter appropriated for any new project or new division of a project shall be expended for construction purposes until a contract or contracts in form approved by the Sec-

retary of the Interior shall have been made with an irrigation district or irrigation districts organized under State law providing for payment by the district or districts of the cost of constructing, operating, and maintaining the works during the time they are in control of the United States, such cost of constructing to be repaid within such terms of years as the Secretary may find to be necessary, in any event not more than 40 years from the date of public notice hereinafter referred to, and the execution of said contract or contracts shall have been confirmed by a decree of a court of competent jurisdiction. Prior to or in connection with the settlement and development of each of these projects the Secretary of the Interior is authorized, in his discretion, to enter into agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers. Such contract or contracts with irrigation districts hereinbefore referred to shall further provide that all irrigable land held in private ownership by any one owner in excess of 160 irrigable acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the Secretary on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior; and that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall carry the right to receive water unless and until the purchase price involved in such sale is approved by the Secretary of the Interior, and that upon proof of fraudulent representation as to the true consideration involved in such sales the Secretary of the Interior is authorized to cancel the water rights attaching to the land involved in such fraudulent sales: *Provided further*, That the operation and maintenance charges on account of lands in said projects and divisions shall be paid annually in advance not later than March 1. It shall be the duty of the Secretary of the Interior to give public notice when water is actually available, and the operation and maintenance charges payable to the United States for the first year after such public notice shall be transferred to and paid as a part of the construction payment.

SEC. 47. Subsections E, F, and L of section 4, act approved December 5, 1924 (43 Stat. L. p. 701), are hereby repealed.

SEC. 48. The purpose of this act is the rehabilitation of the several reclamation projects and the insuring of their future success by placing them upon a sound operative and business basis, and the Secretary of the Interior is directed to administer this act to these ends.

SEC. 49. Pending the execution of any contract under this act or the Interior Department appropriation act for the fiscal year 1927, the Secretary is authorized, in his discretion and when convinced that action looking to execution of contract is being expedited in good faith, to deliver water during the irrigation season of 1926 to the irrigation district, water users' association, or water-right applicant affected, notwithstanding delinquency in the payment of water-right charges which under the law applicable would render such irrigation district, water users' association, or water-right applicant ineligible to receive water.

SEC. 50. The adjustments under sections 1 to 40, inclusive, of this act are declared to be an incident of the operation of the "reclamation law," a final adjudication on the projects and divisions named in such sections under the authority contained in subsection K, section 4, of the act approved December 5, 1924 (43 Stat. p. 701), and shall not hereafter be construed to be the basis of reimbursement to the "reclamation fund" from the general fund of the Treasury or by the diversion to the "reclamation fund" of revenue of the United States not now required by law to be credited to such "reclamation fund."

In large part the changes proposed in sections 45, 46, and 47 are a regrouping to make the situation perfectly clear and unambiguous. Section 45, as I propose, deals with the authority of the Secretary to make a new contract with an old project; the first paragraph dealing with the readjustment authorized in sections 1 to 40; the second paragraph dealing with extension of time for payment of construction charges not accrued; and the third paragraph dealing with extension of accrued charges in the same terms provided in Senate amendment 31 to the Interior Department appropriation bill recently adopted by both Senate and House.

Section 46 deals with construction charges and other matters affecting all new projects hereafter built, in the same language as the Senate and House have recently approved in the Interior Department bill in connection with the Owyhee, Vale, Baker, and Sun River projects, except to omit the mandatory construction sentence.

Section 47 provides for repeal of those subsections of the fact finding law that are superseded by sections 45 and 46.

As to section 48, it sets forth the purpose of the act and directs the Secretary to so administer the law as to accomplish that, but does not give the wide-open grant of indefinite, ambiguous authority found in the committee draft. The first part of the committee section 48 is not needed, as sections 45 and 46 do not require the district to take over the operation of the project as a condition precedent to relief.

Section 50 is to protect the Treasury from any possible claim in the future for reimbursement to the reclamation fund of the amounts wiped off in the readjustment, and also declares the adjudication final.

COMMANDER ALBERT NEWTON PARK, JR.

The next business on the Private Calendar was the bill (H. R. 10177) for the relief of Commander Albert Newton Park, jr.

The Clerk read the title of the bill.

Mr. BEEDY. Mr. Speaker, I notice that the act of June 30, 1914, creating the grade of acting chaplain, provides that before receiving a commission in the Navy as acting chaplain, in addition to establishing satisfactorily by examination his fitness to perform the duties of a chaplain, he must have had three years' sea service on board ship. Now, the beneficiary under this bill did not have three years' sea service, but was on shore during part of that time. I want to ask the gentleman what he is going to do about others who have just fallen short of the three years' sea service, who are going to come in here and ask us to jump them ahead on the list of eligibles for appointment?

Mr. CRISP. Mr. Speaker, I am glad the gentleman from Maine asked the question, and when he has the facts in the case I am sure he will think Commander Parks rendered a more hazardous and valuable service for the one year in question than he would have rendered had he been at sea. The gentleman correctly states the law. Commander Albert Parks—of course he was not commander at the time—but he was appointed as acting chaplain and served on ship two years He was then taken from the ship and sent to France with the marines, and he served from February 25, 1918, to March 6, 1919, as chaplain with the marines in the Second Division in France, serving during that third year on the battle front. I want to state to my friend during that time for gallantry on the field of battle, under fire of the enemy, he received the croix de guerre and the fourragère, both of France, the navy cross, and was recommended for the distinguished-service cross. He was cited by Generals Pershing and Lejeune for distinguished and exceptional gallantry, for administering to dying men on the battle front. He was in the following major engagements with the Second Division: Aisne-Marne, St. Mihiel, and the Meuse Argonne and the following defensive operations: Soissons, Marbache, Champagne (Blanc Mont), and was in the Army of Occupation of Germany.

This bill simply gives him credit for the year's land service while he served with the marines on the battle front in France that he would have received had he spent the third year on a ship. The bill does not require any money; it only advances him nine points higher in his rank as chaplain in the Navy.

Mr. BEEDY. That is a splendid record and I am glad I brought the facts before the House. I wonder if the others who are similarly deserving ought not to be provided for?

Mr. CRISP. I will say to my friend from Maine, I think there are a few other officers who were of this type. I do not think they participated on the battle front in France, but as to that I can not answer. General Lejeune was the one who drafted this bill. He is much interested in it, for he desires justice done this brave and gallant officer. I was his shipmate for three months last summer. He is a credit to the Navy.

Mr. BEEDY. Let me ask the gentleman this question: He feels this is such an exceptional case it would not open the door to numerous other cases who would wish to come in and be jumped into higher rank?

Mr. CRISP. I think if any officer went through what this officer went through, he is certainly entitled to credit as much as if he had had service with the fleet at sea for a year. This bill simply corrects a gross injustice done this splendid officer.

Mr. BEEDY. I agree with the gentleman.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in order to give Commander Albert Newton Park, jr., Chaplain Corps, United States Navy, now a chaplain in the United States Navy, the place he would have held in the list of chaplains of the Navy had his services as chaplain with the Fourth Brigade, United States Marines, in the American Expeditionary Forces from February 25, 1918, to March 6, 1919, been sea service on board

ship instead of shore service overseas, he shall hereafter rank next after William Wytche Elder in the list of chaplains of the Navy: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

OWNER OF THE LIGHTER "EASTMAN NO. 14"

The next business on the Private Calendar was the bill (S. 99) for the relief of the owner of the lighter *Eastman No. 14*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the claim of Franklin P. Eastman, owner of the lighter *Eastman No. 14*, against the United States of America for damages alleged to have been caused by a collision on November 26, 1918, between the said lighter *Eastman No. 14* and the U. S. S. *Wakulla*, at the Thirty-first Street Pier, Brooklyn, N. Y., while the said steamship *Wakulla* was owned by the United States of America and was being operated in its naval transport service, may be sued for by the said Franklin P. Eastman in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of Franklin P. Eastman, or against Franklin P. Eastman in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court; and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months from the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

AMERICAN BARGE "TEXACO, NO. 153"

The next business on the Private Calendar was the bill (S. 113) for the relief of the owner of the American barge *Texaco, No. 153*.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the Texas Co. owner of the American barge *Texaco No. 153*, against the United States of America for damages alleged to have been caused by collision between said vessel and the United States Coast Guard steam tug *No. 84*, on or about the 4th day of November, 1919, at or near the dock of the Texas Co., at Bayonne, N. J., may be sued for by the said the Texas Co. in the District Court of the United States for the District of New Jersey, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said American barge *Texaco No. 153*, or against the owner of the said American barge *Texaco No. 153* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next one.

HORACE G. KNOWLES

The next business on the Private Calendar was the bill (S. 978) for the relief of Horace G. Knowles.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $7,296.49 to Horace G. Knowles as salary for the period of March 30, 1909, to July 30, 1909, during which period he was commissioned as a minister of the United States to Nicaragua and was all that whole period under instructions to await orders of the State Department.

With a committee amendment, as follows:

On page 1, line 5, strike out the figures "$7,296.49" and insert "$1,066.67."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next one.

SUPPRESSING FOREST FIRES IN MONTANA

The next business on the Private Calendar was the bill (S. 1047) to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919.

The title of the bill was read.

The SPEAKER pro tempore (Mr. MAPES). Is there objection to the present consideration of this bill?

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, this claim involves $26,000, and it may be that it ought to pass, but I would like to have some further time in which to study some of these items.

Mr. EVANS. I am sure the gentleman will find the bill meritorious. I will take a few moments now to explain it, if the gentleman desires.

Mr. BLACK of Texas. For example, there is one item for fire fighting on 684 acres of land, and the total amount charged is $6,685. That is more than $10 an acre to fight a fire. That seems to me to be an excessive amount for fighting fire.

Mr. EVANS. Where is that?

Mr. BLACK of Texas. Page 5 of the report.

Mr. KELLER. I think the gentleman is mistaken. That was to prevent the fire from spreading over a larger area.

Mr. BLACK of Texas. The cost of fighting fire on 475 acres was $4,792.

Mr. LEAVITT. The cost of fighting a forest fire depends on the location of it and the time and the expense of getting a crew and supplies to it. This fire was in a rather inaccessible part of the mountain country in Montana, and the cost is not for just the time spent at the fire, but also to cover the transportation of supplies and men.

Mr. EVANS. The cost of putting out that fire was $1.01 per acre.

Mr. BLACK of Texas. The last item is for 10,343 acres, at a cost of $10,445. The cost of fighting some of these fires averaged about $10 an acre. Unless the gentleman will agree to an amendment of this kind, such as I will suggest, I would not be willing to let these amounts go without further investigation. I suggest to strike out all of the bill after the enacting clause and direct the Comptroller General—

to ascertain and audit all sums of money spent in the State of Montana in the suppression of forest fires on Government land during the year 1919, and report the same back to the Congress, and that the Secretary of the Treasury be authorized and directed to pay these said amounts.

In other words, as I say, I would not be willing to let these amounts pass at this time unless we can have an audit from the Comptroller General.

Mr. BEEDY. I was out of the Hall when this bill was called up. I gave quite a lot of study to this bill last evening, and I had an idea similar to that which the gentleman from Texas [Mr. BLACK] suggests ought to be carried out, because I find nothing in this report on which I could justify my action

in voting for it if I were questioned as to why I voted for such an amount of money to be paid for fighting fire on this acreage other than in accordance with an itemized statement.

Mr. EVANS. Of course, the gentleman will recognize that a fire covering only a tenth of an acre might involve buildings on it and cost many thousand dollars to put out. These people paid this money out because the Government of the United States had made no provision to fight fire upon its own holdings.

Mr. BEEDY. The number of acres multiplied by $1.01 seems to be the average in some cases and $10 an acre in others. Approximately all that area of land was swept by fire? What was the process of settlement of claims similar to these? We ought to take the number of acres actually burned over and take the figures of some expert as to the cost per acre. I find nothing like that in this report.

Mr. EVANS. Of course, that would be an impossibility.

Mr. SNELL. I will say to the gentleman from Maine, having had some experience with such fires, that you could not make any such computation as that.

Mr. EVANS. As suggested by the gentleman from New York, you could not get at the claim in that way.

Mr. HUDSON. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is, Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I object.

F. JOSEPH CHATTERTON

The next business on the Private Calendar was the bill (H. R. 1594) for the relief of F. Joseph Chatterton.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, with the understanding that the amendment is to be adopted, I shall not object.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay the sum of $12,500 to F. Joseph Chatterton, of New Haven, Conn., in compensation for injuries sustained May 17, 1922, in the city of New Haven, Conn., when struck by a United States Army motor cycle.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. Joseph Chatterton, of New Haven, Conn., the sum of $2,467.77, in full settlement against the Government for injuries sustained May 17, 1922, when struck by a United States motor cycle."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ESTATE OF JAMES H. GRAHAM

The next business on the Private Calendar was the bill (H. R. 3691) for the relief of the estate of James H. Graham.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask my colleague a question. What was in this automobile when it was taken over?

Mr. WURZBACH. You mean when it was captured?

Mr. BLANTON. Yes.

Mr. WURZBACH. I think the report shows that there was some whisky or liquor in it.

Mr. BLANTON. Why should it not have been confiscated under the law?

Mr. WURZBACH. I do not think the gentleman from Texas understands the bill. Doctor Graham, a reputable physician of San Antonio, during August, 1920, had his automobile stolen. He knew nothing about its whereabouts for a year. It developed that some time in the latter part of August this automobile was captured by customs officers along the border about 300 miles from San Antonio and either the thief or some one to whom the thief had sold the car used it for an unlawful purpose.

Mr. BLANTON. It was not the doctor's whisky?

Mr. WURZBACH. Oh, no.

Mr. BLANTON. One of my constituents drove his car down through San Antonio and on down to Laredo and bought a bottle of mescal and while coming back through San Antonio he had his car confiscated, and they did not give it back to him. I have not filed any claim for him.

Mr. UNDERHILL. I did not know the gentleman had any such constituents.

Mr. BLANTON. Well, I have.

Mr. WURZBACH. I was going to say that I have a different kind of constituency than my colleague.

Mr. BLANTON. So this doctor was wholly blameless?

Mr. WURZBACH. Absolutely.

Mr. HUDSPETH. I understand this was good liquor and not mescal, which the gentleman states his constituent bought.

Mr. WURZBACH. I do not know anything about that.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, to the estate of James H. Graham the sum of $700, representing the net proceeds of the sale of an automobile stolen from said James H. Graham, which was seized by United States customs officials and sold by the United States marshal of the southern district of Texas upon order of the court.

With the following committee amendment:

Page 1, line 6, strike out "$700" and insert in lieu thereof "$664.13."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

IVY L. MERRILL

The next business on the Private Calendar was the bill (H. R. 5652) for the relief of Ivy L. Merrill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, the House will consider Senate bill 2818, of similar import, and the House bill will be laid on the table.

Mr. BLANTON. The Senate bill is for the same amount?

Mr. UNDERHILL. The Senate bill is identically the same.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the money in the Treasury not otherwise appropriated, to Ivy L. Merrill a quarter-blood Pottawatomie Indian, the sum of $500 in full compensation for permanent and lasting injuries received, without negligence on her part, while in the employ of the Government as a civil-service employee at the Shawnee Indian School in Pottawatomie County, Okla.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry. Ought not the language to be "out of any money in the Treasury," instead of "out of the money in the Treasury"?

The SPEAKER pro tempore. The House bill reads "out of any money in the Treasury."

Mr. BLANTON. But there is a mistake in the language of the Senate bill. It is not in proper form because it contains this language: "Out of the money in the Treasury." It ought to be "out of any money in the Treasury."

Mr. UNDERHILL. Mr. Speaker, I move that the word "any" be substituted for the word "the."

Mr. HASTINGS. Mr. Speaker, you are considering a Senate bill?

The SPEAKER pro tempore. Yes.

Mr. HASTINGS. If this amendment is made, it will require the bill to go back to the Senate?

Mr. BLANTON. It would be better to have it corrected.

Mr. HASTINGS. Of course, I grant that the wording suggested is the better form.

The SPEAKER pro tempore. Without objection, the word "any" will be substituted for the word "the."

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ADDISON B. M'KINLEY

The next business on the Private Calendar was the bill (H. R. 6405) for the relief of Addison B. McKinley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I reserve the right to object. It looks to me as though there is a close question about this claim.

Mr. UNDERHILL. I will agree it is somewhat close, but I think a study of the report will show that the Government or its agents were liable in this case. As a matter of fact, the man having charge, the superior of this man, was disciplined severely by the department later on.

Mr. BLACK of Texas. It is true the Government owned the airplane, but it was not in Government service at that time.

Mr. UNDERHILL. The superior officer of this man gave permission to him to fly during this funeral and the plane crashed. Therefore, it seems to me the Government's agents are positively liable.

Mr. BEEDY. Will the gentleman yield to me?

Mr. BLACK of Texas. Yes.

Mr. BEEDY. Let me ask the gentleman from Massachusetts: If Mr. A, who has no authority to grant certain permission, grants that permission to Mr. B, and during the course of that permission B commits damage, will the gentleman tell me what liability there is on the part of the principal?

Mr. UNDERHILL. I am at a loss how to answer the gentleman, not being a lawyer; and furthermore I must insist that the committee in its judgment, following out precedent, does not consider itself a court of law.

Mr. BLACK of Texas. I think the gentleman is quite right about that.

Mr. UNDERHILL. It must take the equities of the situation into consideration. For the information of the House I just want to tell you where I got that idea. It was down in Judge Crutchfield's court in Richmond, Va., and a young man from Manchester came there in the trial of a case. Judge Crutchfield decided thus and so and the young man turned to the desk behind him and lifted a large volume and turned to the judge to cite him some case which was considered in that volume. The judge said to him, in his delicious southern drawl, "Young man, you are a stranger in this court. If you want to read that book, you will find a nice, quiet, cool, little place upstairs where you will not be disturbed, and you might just as well understand now as later that this is a court of equity and not a court of law." So, following the precedent established by that wonderful jurist in Richmond, Va., I have taken that same attitude on the Committee on Claims.

Mr. BLACK of Texas. Let me say to the gentleman I think we ought to assume a liberal view, of course, but not a rash one. While I think this is a close question, I do not intend to object, although I have some doubt. I think we ought to be very careful not to overpay in a case of this kind. This is a small cottage and it is proposed to pay $6,000, and from the nature of cottages of this size or as this one is described to be, it seems to me that $6,000 is an excessive amount.

Mr. UNDERHILL. It would be a rather poor cottage you could build now for $6,000.

Mr. ARENTZ. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. ARENTZ. I have often seen this cottage and I know where Mr. McKinley lives, although I do not know him personally. I know the man who was killed by the airplane accident a few days before, and I know that Mr. Blanchfield, the flyer, flew over the procession carrying the body and scattered flowers over the grave of this intrepid flyer. On his return from the graveyard he was flying too low and went into a tail spin, could not come out of it, and dropped down on top of Mr. McKinley's house. The house was built by Mr. McKinley, who is a carpenter. It was worth fully $5,000. It was fully furnished. Mr. McKinley has a family and this represents the savings of his lifetime. The superior officer of the flyer gave him permission to fly and he did so. The flight was in an airplane that was used for carrying mail.

Mr. BLANTON. Will the gentleman yield?

Mr. ARENTZ. Yes; I yield.

Mr. BLANTON. And the evidence shows there were only three rooms injured, one living room, one dining room, and the kitchen. Now, that is a pretty good price for three rooms.

Mr. ARENTZ. I will say to the gentleman from Texas, the building was totally destroyed.

Mr. BLANTON. But the evidence says three rooms were injured; the living room, dining room, and kitchen.

Mr. ARENTZ. I saw the building and it was entirely destroyed.

Mr. BLANTON. What are we going to do—take your word or take the report?

Mr. ARENTZ. Well, I hope you will take my word.

Mr. BLANTON. Of course, I do not mean to cast any reflection on the gentleman's word, but here is the report. What are we going to go by?

Mr. BEEDY. If the gentleman will yield, let us be accurate about it. The report says that the bathroom and two bedrooms were left standing, but will have to be torn down. The living room, dining room, and kitchen were entirely destroyed.

Mr. BLANTON. That is what I said—three rooms destroyed, the living room, dining room, and kitchen.

Mr. BEEDY. The foundation, the basement, the furnace, and the lumber were saved.

Mr. DEAL. Regular order, Mr. Speaker.

Mr. BEEDY. I do not find anything in the evidence here to base this $6,000 upon, and I think the amount ought to be reduced.

Mr. BLANTON. Will the gentleman permit an amendment cutting this amount down?

Mr. ARENTZ. I do not think it should be amended.

Mr. BLANTON. One thousand dollars a room is a tremendous price.

Mr. ARENTZ. This man has waited quite a while now and I hope the gentleman will not object.

Mr. BLANTON. If the gentleman will accept $1,000 a room——

The SPEAKER pro tempore (Mr. MAPES). The regular order is called for.

Mr. BLANTON. I shall object if the regular order is called for.

Mr. ARENTZ. Will not the gentleman withhold that a moment and let us see what we can do about this?

Mr. BLANTON. I would not object if the gentleman would not give him more than $1,000 a room.

Mr. BEEDY. I would suggest to the gentleman from Texas that if we say $1,000 a room there would be some question whether we mean the rooms left standing and partially injured or only those wholly destroyed.

Mr. BLANTON. I mean the living room, dining room, and kitchen.

Mr. DEAL. Regular order, Mr. Speaker.

Mr. BLANTON. I object.

ROBERT F. YEAMAN

The next business on the Private Calendar was the bill (H. R. 7304) to compensate Robert F. Yeaman for the loss of certain carpenter tools which was incurred by reason of a fire in the Government area at Old Hickory ordnance depot.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Robert F. Yeaman, out of any money not otherwise appropriated, the sum of $217.70, the value in full of carpenter tools belonging to the said Yeaman and which were destroyed by fire in the Government area at Old Hickory depot on the 4th day of August, 1924.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NEW YORK CANAL & GREAT LAKES CORPORATION

The next business on the Private Calendar was the bill (H. R. 7678) for the relief of the New York Canal & Great Lakes Corporation, owners of the steamer *Monroe* and barge *209*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the New York Canal & Great Lakes Corporation, owners of the steamer *Monroe* and *Barge 209*, the sum of $10,749, as reimbursement for damages sustained by the steamer *Monroe* and *Barge 209* when the United States submarine *N–3* collided with the said steamer *Monroe* and *Barge 209*.

With the following committee amendment:

In line 7 strike out the figures "$10,749" and insert in lieu thereof "$9,599."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GALEN L. TAIT

The next business on the Private Calendar was the bill (H. R. 8033) to authorize the general accounting officers of the

United States to allow credit to Galen L. Tait, collector and disbursing agent, district of Maryland, for payments of travel and subsistence expenses made on properly certified and approved vouchers.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

Mr. HILL of Maryland. Will the gentleman withhold his objection for a moment?

Mr. BLANTON. If the gentleman wants to make a statement I will do so, but I am backing up the general accounting officer 100 per cent.

Mr. HILL of Maryland. Mr. Speaker, I want to say that on April 3 a similar bill (S. 2907) passed the Senate. This is to reimburse the collector of internal revenue for the district of Maryland, Mr. Tait, for travel and subsistence he paid to H. Clay Powell, one of his agents, while serving in the District of Columbia, which is under the collector of internal revenue for the Maryland district, which apparently was not authorized by law. The matter has been passed on by the accounting office and approved by the Senate. I hope the gentleman will withdraw his objection.

Mr. BLANTON. I am backing up the general accounting officer.

Mr. UNDERHILL. If the gentleman will yield, the gentleman from Texas has made one or two objections on that ground and I think he is under a misconception. The General Accounting Office makes objection to these bills on legal technicalities, not that he objects or questions the merits of the bill. He is simply debarred from indorsing the bill because there is a legal technicality.

Mr. BLANTON. Does the gentleman from Massachusetts say that this is nothing but a legal technicality?

Mr. UNDERHILL. I do.

Mr. BLANTON. The gentleman looked on this as a meritorious bill?

Mr. UNDERHILL. Yes; it is in the report.

Mr. BLANTON. What does the gentleman think about it personally?

Mr. UNDERHILL. I have looked into the bill personally and I believe it is a just bill.

Mr. BLANTON. I will take the gentleman's opinion of it and withdraw my objection.

Mr. HILL of Maryland. I am obliged to the gentleman from Texas.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to substitute an identical Senate bill S. 2907 for the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the general accounting officers of the United States be, and they are hereby, authorized and directed to allow credit in settlement of the accounts of Galen L. Tait, collector and disbursing agent, district of Maryland, for payments of travel and subsistence expenses in the sum of $1,640.16 made to Deputy Collector of Internal Revenue H. Clay Powell for the district of Maryland, on properly certified and approved vouchers, without fraud or negligence on his part.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. HILL of Maryland. Mr. Speaker, I want to thank again the gentleman from Texas [Mr. BLANTON] for withdrawing his objection. If the consideration of this bill had been prevented to-day it might not have had another chance for passage during this session, and I therefore left the hearings before the Military Affairs Committee in order to watch it.

The report on the House bill (H. R. 8033) gives all the facts concerning the Senate bill, and is as follows:

(Report to accompany H. R. 8033)

The Committee on Claims, to whom was referred the bill (H. R. 8033) to authorize the general accounting officers of the United States to allow credit to Galen L. Tait, collector and disbursing agent, district of Maryland, for payments of travel and subsistence expenses made on properly certified and approved vouchers, having considered the same, report thereon with a recommendation that it do pass.

Attached herewith is a letter from the Secretary of the Treasury giving the facts in the case and which is made a part of this report.

FEBRUARY 25, 1926.

Hon. CHARLES L. UNDERHILL,
Chairman Committee on Claims,
House of Representatives.

MY DEAR MR. UNDERHILL: Reference is made to your communication of February 3, 1926, inclosing copy of bill (H. R. 8033) for the relief of Galen L. Tait, now pending before your committee. You request that there be forwarded for the use of your committee all papers, or copies of same, on file in this department relating to the claim with an opinion as to its merits.

The bill authorizes and directs the General Accounting Office to allow credit for $1,640.16 to cover disallowances due to payments made by Hon. Galen L. Tait, collector of internal revenue, Baltimore, Md., to Deputy Collector of Internal Revenue H. Clay Powell for subsistence expenses paid on properly certified and approved vouchers without fraud or negligence on his part.

Mr. Powell accepted employment as a deputy collector in the collection district of Maryland with the understanding he would be assigned to the Salisbury division, near his home. He was assigned as chief of division and demonstrated exceptional capacity in grasping the work of directing deputy collectors in the collection of delinquent taxes, and because of this Collector Tait also placed the Washington division under the charge of Deputy Powell, with the understanding his post of duty would be retained at Salisbury and he would be allowed the usual subsistence charges when traveling on official business away from that place. On account of Deputy Powell's qualifications it was the wish of Collector Tait that he continue in charge of the Washington division in addition to the Salisbury division, with post of duty at the latter place, which arrangement saved the salary of one chief of division. The Commissioner of Internal Revenue approved Collector Tait's arrangement for the management of both divisions by Deputy Powell, and, accordingly, Collector Tait and the administrative officers of the Bureau of Internal Revenue considered that when Deputy Powell was on official business away from Salisbury, whether in Washington or other places within the collection district of Maryland, he was entitled to reimbursement for the usual subsistence charges.

It appears the Commissioner of Internal Revenue, in approving Collector Tait's arrangement under which it was necessary for Deputy Powell to spend most of his time at Washington on travel allowances, was acting under a misconception of his authority in accordance with a ruling of the Comptroller General, and therefore credits for payments made by Collector Tait to Deputy Powell for subsistence charges at Washington have been withheld by the General Accounting Office, and unless Collector Tait secures legislative relief he will be required to pay $1,640.16 into the Treasury from his personal funds.

It would be a hardship as well as unfair to require Collector Tait to reimburse the Government for payments he thought legally made in view of the circumstances cited; therefore, this department considers the claim for legislative relief very meritorious, and earnestly urges that the bill be favorably reported by your committee for passage by the House.

Respectfully,

A. W. MELLON,
Secretary of the Treasury.

Mr. HILL of Maryland. I also want to thank the chairman of the Claims Committee, Mr. UNDERHILL.

FREDERICK C. MATTHEWS

The next business on the Private Calendar was the bill (H. R. 2136) for the relief of Lieut. Frederick C. Matthews.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow and credit in the accounts of former Lieut. Frederick C. Matthews, disbursing officer of the American Expeditionary Forces, the sum of $1,465.33, representing amounts erroneously paid, through misinterpretation of the law, certain officers for commutation of quarters for their dependent sisters and certain shortages in his accounts for the months of October and December, 1918.

With the following committee amendment:

In line 7 strike out the figures "$1,465.33" and in lieu thereof insert the figures "$324.85."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

A motion to reconsider was laid on the table.

JOSEPH L. RAHM

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to return to Calendar No. 148 (H. R. 7429) for the relief of Joseph L. Rahm.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to return to H. R. 7429. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, we would like to know what it is.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Joseph L. Rahm, formerly captain in the Dental Corps of the Army of the United States, before a retiring board, to inquire whether at the time of his honorable discharge, December 15, 1922, he was incapacitated for active service and whether such incapacity was the result of an incident of service, and whether said discharge should have been made, and upon the result of such inquiry the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said Joseph L. Rahm a captain in the Dental Corps and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided*, That the said Joseph L. Rahm shall not be entitled to any back pay or allowances.

The SPEAKER pro tempore. Is there objection to returning to this bill?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time. was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOSEPH R. HEBBLETHWAITE

The next business on the Private Calendar was the bill (H. R. 4376) to allow and credit the account of Joseph R. Hebblethwaite, formerly captain, Quartermaster Corps, United States Army, the sum of $237.90, disallowed by the Comptroller General of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. Why was not the Comptroller General's report upon this bill placed in the report of the committee?

Mr. STRONG of Kansas. We did not have any report from the Comptroller General.

Mr. BLANTON. Oh, yes; the Comptroller General reported adversely against this bill.

Mr. STRONG of Kansas. I think not.

Mr. BLANTON. I think so, because I happen to know it. He turned this claim down, and the report does not show any statement from the Comptroller General.

Mr. STRONG of Kansas. We wrote to the War Department for the facts in the matter and their recommendation in respect to them.

Mr. BLANTON. The gentleman from Kansas knows, if he has kept up with the matter, that there has been an attempt for two years by the War Department to override the Comptroller General.

Mr. STRONG of Kansas. I do not know that.

Mr. BLANTON. I do. I know it specifically. There has been an effort on the part of the Navy Department to override the Comptroller General, and there is a bill pending here now that the steering committee has stopped the passage of, which would take away from the Comptroller General the power to supervise and audit the accounts of the War Department and the Navy Department.

Mr. STRONG of Kansas. I assure the gentleman that whether the proposition that the Comptroller General has ever considered this case or not has never been brought up to our committee. This bill came to the committee and we took it up with the War Department. We find that this fund is charged against this officer's account, for funds he himself did not have personally anything to do with, and after investigation the War Department recommended that the matter ought to be cleared up.

Mr. BLANTON. I object, Mr. Speaker, because I want to get the report of the Comptroller General.

HARRISBURG REAL ESTATE CO.

The next business on the Private Calendar was the bill (H. R. 6482) for the relief of the Harrisburg Real Estate Co., of Harrisburg, Pa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, I reserve the right to object.

Mr. BLANTON. It amounts to $32,000.

Mr. BEEDY. Yes. To save time and to put the case in a nutshell, if the gentleman from Kansas will accept an amendment making the amount $26,000, which would be 6 per cent on the $185,000 bond issue, which this real estate company had to pay while they were waiting for the purchase money to be appropriated by the Congress, I shall not object to the consideration of the bill; but when they extorted from this Government such an exorbitant rental that the Government refrained from renewing the lease because it was so exorbitant, and where subsequently they sold the land to the Government for a good price, I do not think this company should ask us to allow them an extra $32,000. If they will accept 6 per cent interest, which they had to pay upon the bond issue—approximately $26,000—I shall not object. Otherwise I shall object.

Mr. STRONG of Kansas. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. BEEDY. Certainly.

Mr. STRONG of Kansas. The proposition is this: It has nothing to do with their bond issue.

Mr. BEEDY. What has nothing to do with their bond issue?

Mr. STRONG of Kansas. The bond issue has nothing to do with the amount the gentleman calculated on this claim.

Mr. BEEDY. Oh, yes; on page 3 of the report it is stated that the amounts you are allowing amount to approximately 6 per cent on the issue of the $135,000 of bonds, plus the taxes.

Mr. STRONG of Kansas. That is just what they sold it for. This land is sold for that amount of money.

Mr. BEEDY. No; they sold it for two hundred and fifty thousand dollars and odd.

Mr. STRONG of Kansas. But they had to take out the taxes. They sold that to the Government. The Government took possession and held it for two years four months and four days after they agreed on the price, and there is no dispute about the agreement. They agreed to buy this land and to pay this amount of money. They took possession and held the property for two years, and this is only 6 per cent on the amount the Government agreed to pay.

Mr. BEEDY. I have gone into it very carefully; and if the gentleman will accept an amendment to make the amount $26,000, I shall not object. Otherwise, I shall.

Mr. STRONG of Kansas. I am here as the acting chairman of the committee. The Members who introduced the bill are not here, and I can not voluntarily waive their rights in the matter.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, I object.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 9634. An act to extend the time for the construction of a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.

The message also announced that the Senate had passed with amendment the bill (H. R. 10204) providing an additional wing to the District Jail, in which the concurrence of the House of Representatives was requested.

CHESTER G. MAYO

The next business on the Private Calendar was the bill (H. R. 3628) for the relief of Commander Chester G. Mayo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to allow the sum of $115 in settlement of the accounts of Commander Chester G. Mayo, Supply Corps, United States Navy, this sum being the amount paid by the said Commander Mayo on account of floral wreaths purchased in connection with the funerals of the late Congressmen Lemuel P. Padgett, Daniel J. Riordan, and James R. Mann, and disallowed by the General Accounting Office.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ROY W. SAAM

The next business on the Private Calendar was the bill (H. R. 6015) to correct the Marine Corps record of Roy W. Saam.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in the administration of all laws conferring rights, privileges, or benefits upon active, retired, or honorably dis-

charged members of the Marine Corps, the enlistment on August 7, 1918, at Parris Island, S. C., and the honorable discharge on December 30, 1919, at Marine Barracks, navy yard, Philadelphia, Pa., from the Marine Corps, of one John Smith, of Seattle, Wash., shall be held and considered to have been the enlistment and honorable discharge of Roy W. Saam, of Rochester, Mich., born at Washington, Mich., such John Smith and such Roy W. Saam being one and the same person.

SEC. 2. The Secretary of the Navy shall amend the Marine Corps record now in the name of such John Smith so as to show that the enlistment of such John Smith was in reality the enlistment of such Roy W. Saam, and shall issue an honorable discharge to such Roy W. Saam, in his true name, covering such enlistment and discharge.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CHARLES D. BAYLIS

The next business on the Private Calendar was the bill (H. R. 6149) for the relief of Charles D. Baylis, first lieutenant, United States Marine Corps.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I notice this bill calls for the payment of $2,569.14, and the Secretary of the Navy recommends $1,732.14, and states that is the audited amount of loss. I was wondering why the committee did not accept the statement and suggest a committee amendment to conform with the Secretary's recommendation?

Mr. STEPHENS. I think the committee did, but through some oversight they accepted the amount of the bill.

Mr. BLACK of Texas. If the gentleman will agree to an amendment reducing the amount of the bill to $1,732.14, I shall not object.

Mr. STEPHENS. I think that was the understanding of the committee.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That there is appropriated out of any money in the Treasury not otherwise appropriated, to be paid to Charles D. Baylis, first lieutenant, United States Marine Corps, $2,569.14, to compensate him for loss and damage to household goods, clothing, and other personal effects, while the same were being transported on the United States naval tug *Genesee* from Olongapo to Cavite, P. I., during the summer of 1922.

Mr. BLACK of Texas. Mr. Speaker, I offer the following amendment: Line 5, page 1, strike out the figures "$2,569.14" and insert the figures "$1,732.14."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: In line 5, strike out the figures "$2,569.14" and insert in lieu thereof the figures "$1,732.14."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EMANUEL XUIEREB

The next business on the Private Calendar was the bill (H. R. 7395) for the relief of Emanuel Xuiereb.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of $1,750, to reimburse Emanuel Xuiereb, employed lately as overseer of civilian employees and now as chief mechanic at the United States Naval Hospital, Canacao, P. I., for the loss of private funds in the form of Liberty bonds, consisting of one bond of the second issue in the amount of $500, one bond of the third issue in the amount of $250, one bond of the fourth issue in the amount of $500, and one Victory bond in the amount of $500, which the said Emanuel Xuiereb had placed in the safe in the office of the commanding officer at the United States Naval Hospital, Canacao, P. I., for safekeeping and which were stolen therefrom some time prior to January 6, 1922, by some unknown person or persons.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WALTER STANLEY HAAS

The next business on the Private Calendar was the joint resolution (H. J. Res. 9) granting permission to Walter Stanley Haas, lieutenant commander, United States Navy, to accept a decoration bestowed upon him by the Government of Ecuador.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved, etc., That Walter Stanley Haas, lieutenant commander, United States Navy, be authorized to accept diploma and decoration known as the second-class "Abdon Calderon" star conferred upon him by executive decree of the Government of Ecuador, upon the occasion of the visit of a squadron of United States submarines to Ecuador, of which he was the commanding officer, in May, 1921.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

MERRITT W. BLAIR

The next business on the Private Calendar was the bill (H. R. 9371) for the relief of Merritt W. Blair, of Abbott, Harding County, N. Mex., or his transferees.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That Merritt W. Blair, his successors or assigns, be, and are hereby, authorized to select and to receive patent for not to exceed 80 acres of land to be selected from the unappropriated, unreserved, nonmineral, surveyed public lands of the United States, the land selected to be in lieu of and not to exceed in value the land erroneously patented to said Merritt W. Blair on January 27, 1922, under homestead entry Clayton 024795, all interest under the said patent dated January 27, 1922, to be reconveyed to the United States by a duly executed and recorded quitclaim deed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ARCHIE EGGLESTON

The next business on the Private Calendar was the bill (H. R. 4414) for the relief of Archie Eggleston, an Indian on the former Isabella Reservation, Mich.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That there is authorized to be appropriated the sum of $2,000, or so much thereof as may be necessary, from any funds in the United States Treasury not otherwise appropriated, to enable the Secretary of the Interior to purchase for the use of Archie Eggleston, of Isabella County, Mich., a tract of land not to exceed 40 acres, in full compensation to said Eggleston for the tract allotted and patented to his deceased father, Daniel Joseph Eggleston, pursuant to the treaty of October 18, 1864 (14 Stat. L. 657), which tract was awarded to Allen Hart by decree of the court October 29, 1925, in the District Court of the United States for the Eastern District of Michigan, Northern Division, in equity case No. 60: *Provided*, That the title be acquired by Archie Eggleston for any land that may be purchased for his benefit under authority of this act shall be of the form prescribed by the treaty of October 18, 1864, supra, and contain restrictions against alienation unless with the consent of the Secretary of the Interior.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AUTHORIZING SALE OF PUBLIC LAND IN BAY COUNTY, FLA., TO P. C. BLACK

The next business on the Private Calendar was the bill (H. R. 8937) permitting the sale of lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, in Bay County, Fla., to P. C. Black.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama—I am a little suspicious about Florida land transactions at the present time. As far as I can see, here is a man who bought two lots of land, and here is a statement that I do not quite understand. They say it was afterwards found that it shrunk somewhat in size, and probably lot 9 was supposed to be originally included. Of course, that could not be, because it was clearly stated that this man bought lots 2 and 3, and he got just what he bought. Now why should we sell him lot 9 at a reduced price?

Mr. STEAGALL. Did the gentleman read the statement of the Secretary of the Interior?

Mr. BEEDY. Yes. That is what he says about it. I am not satisfied.

Mr. STEAGALL. There is a longer letter from the Secretary of the Interior, received when this bill was reported before, which goes more in detail with regard to the history of this transaction.

Mr. BEEDY. Would the gentleman from Alabama mind my objecting to it now, so that I can have a chance to look into it?

Mr. STEAGALL. I hope the gentleman will not insist on delaying it, for this reason: As a matter of fact, this man is out, and he got under this survey only 16 and a fraction acres.

Mr. BEEDY. How many acres are contained in the lot?

Mr. STEAGALL. I do not know exactly what amount is included in each lot.

Mr. BEEDY. Did this man buy something and pay for something which he afterwards found he did not get?

Mr. STEAGALL. Yes; unquestionably. It is short 18 acres and a fraction, while this bill permits him only to have 16 acres and a fraction.

Mr. ARENTZ. May I say to the gentleman that we discussed this bill in the Committee on the Public Lands, and I think it has merit. I hope the gentleman from Maine will withdraw his reservation of an objection.

Mr. BEEDY. I withdraw the reservation.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell to P. C. Black lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, Tallahassee meridian, in Bay County, Fla., at the rate of $1.25 per acre.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

VIRGINIA STRICKLAND

The next business on the Private Calendar was the bill (H. R. 10109) for the relief of Virginia Strickland.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon widows of honorably discharged soldiers, Orrin F. Strickland, late of Company D, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 26th day of December, 1864: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

AILING R. MAISH

The next business on the Private Calendar was the bill (H. R. 9019) for the relief of Ailing R. Maish.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Ailing R. Maish, who was a member of Company M, Seventeenth United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 4th day of March, 1903: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

ACQUISITION OF BUILDINGS IN FOREIGN COUNTRIES

Mr. PORTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10200, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10200) for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, has the gentleman from Pennsylvania consulted with the minority members of the Committee on Foreign Affairs or the ranking member?

Mr. PORTER. Yes; in a general way. These amendments are extremely minor.

Mr. LINTHICUM. Yes. These amendments are satisfactory.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to concur in the Senate amendments. Is there objection?

There was no objection.

JUDICIAL DISTRICTS IN OKLAHOMA

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9305, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9305) to amend section 101 of the Judicial Code, as amended.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. SUMMERS of Washington, for to-day, on account of official business.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—SETTLEMENT OF THE INDEBTEDNESS OF THE FRENCH REPUBLIC TO THE UNITED STATES OF AMERICA (S. DOC. NO. 102)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Ways and Means and ordered printed:

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement dated April 29, 1926, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the French Republic to the United States of America. The agreement was approved by me on April 29, 1926, subject to the approval of Congress, pursuant to authority conferred by act approved February 9, 1922, as amended by act approved February 28, 1923, and as further amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *April 30, 1926.*

CONFERENCE REPORT—ROCK CREEK AND POTOMAC PARKWAY COMMISSION

The SPEAKER. The Chair lays before the House conference report on the bill H. R. 4785, which the Clerk will report.

The Clerk read as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4785) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park having met, after full and free conference have been unable to agree.

F. N. ZIHLMAN,
ERNEST W. GIBSON,
THOMAS L. BLANTON,
Managers on the part of the House.

ARTHUR CAPPER,
W. L. JONES,
WILLIAM H. KING,
Managers on the part of the Senate.

The report was agreed to.

PRIVATE CALENDAR—MARTIN L. DUFFY

The next business on the Private Calendar was the bill (H. R. 1392) for the relief of Martin L. Duffy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Martin L. Duffy, who served as a private in the Hospital Corps of the United States Army from November 17, 1898, to December 7, 1899, shall hereafter be held to have been honorably discharged from service in the military forces of the United States on December 7, 1899, and shall be eligible to enjoy all rights, privileges, and benefits conferred by law upon enlisted men honorably discharged from such service: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

DANIEL C. DARROCH

The next business on the Private Calendar was the bill (H. R. 3664) to correct the military record of Daniel C. Darroch.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension and homestead laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Daniel C. Darroch shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, Fifty-first Indiana Volunteer Infantry: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendment:

Line 9, after the word "Infantry," insert "on September 15, 1863."

Mr. BLACK of Texas. Mr. Speaker, I move to strike out the proviso in the bill and insert:

Provided, That no back pay, pension, or bounty shall accrue prior to the passage of this act.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: In line 9, after the figures "1863," strike out the proviso and insert: "*Provided*, That no back pay, pension, or bounty shall accrue prior to the passage of this act."

The amendment was agreed to.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CYRUS S. ANDREWS

The next business on the Private Calendar was the bill (H. R. 5606) for the relief of Cyrus S. Andrews.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Cyrus S. Andrews, who was a private in Company H, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 26th day of June, 1865: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

Mr. ARENTZ. Mr. Speaker, I think the proviso should be the same as in similar bills we have passed; that instead of the wording of the present bill we should insert:

Provided, That no back pay, pension, or bounty shall accrue prior to the passage of this act.

The SPEAKER. The gentleman from Nevada offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ARENTZ: In line 10, strike out the proviso and insert in lieu thereof the following: "*Provided*, That no back pay, pension, or bounty shall accrue prior to the passage of this act."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

RACHEL THOMAS

The next business on the Private Calendar was the bill (H. R. 5786) for the relief of Rachel Thomas, widow of William Thomas, deceased.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William Thomas, deceased, who was a member of Company A, Fifth United States Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 23d day of June, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

WILLIAM SMITH

The next business on the Private Calendar was the bill (H. R. 6654) for the relief of William Smith.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows, and dependent relatives William Smith, late of Company D, Sixty-sixth Regiment New York Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the — day of ———, anno Domini 186—: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

With the following committee amendment:

In line 10, strike out "the — day of ———, anno Domini 186—," and insert "November 4, 1864."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOHN RALSTON

The next business on the Private Calendar was the bill (H. R. 7874) to correct the military record of John Ralston.

The Clerk read as follows:

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John Ralston, who was a member of Company B, Ninety-eighth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 23d day of December, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WALTER KENT, JR.

The next business on the Private Calendar was the bill (H. R. 7024) for the relief of Walter Kent, jr.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 to Walter Kent, jr., in full compensation against the Government for damages sustained as the result of an accident caused by an Army truck.

With the following committee amendment:

In line 5, strike out "$3,000" and insert in lieu thereof "$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM J. NAGEL

The next business on the Private Calendar was the bill (H. R. 7522) for the relief of William J. Nagel.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit to the account of William J. Nagel, former postmaster at Detroit, Mich., the sum of $177.55, being the amount of a deficit which existed due to the misappropriation of funds in said office for which he was in no way responsible and without fault or negligence on his part, and for which amount his account was debited.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN G. HOHL

The next business on the Private Calendar was the bill (H. R. 7523) for the relief of John G. Hohl.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to pay to John G. Hohl, postal savings clerk, Detroit, Mich., the sum of $50, being the amount of a wrong payment on postal savings certificate, which was not due to any negligence on his part, and for which his salary has been debited.

With the following committee amendment:

Line 3, strike out the words "That the Postmaster General is authorized and directed to pay," and insert "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HARRISBURG REAL ESTATE CO., HARRISBURG, PA.

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to return to Calendar No. 236, H. R. 6482, a bill for the relief of the Harrisburg Real Estate Co., of Harrisburg, Pa.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I ask that the bill be reported so that we may know what it is.

The Clerk read as follows:

Be it enacted, etc., That in order to pay the Harrisburg Real Estate Co., of Harrisburg, Pa., reasonable compensation for the use and occupation by the United States, from December 6, 1920, to April 10, 1923, of a tract of 397.22 acres of land in lower Swatara Township, Dauphin County, Pa., used by the War Department during said period, there is authorized to be appropriated from the Treasury out of any sums not otherwise appropriated the sum of $32,370.90.

Mr. BLANTON. Mr. Speaker, the gentleman from Maine [Mr. BEEDY] made a very reasonable request when he asked that this bill be reduced to $26,000. If the gentleman will agree to that, I shall not object.

Mr. STRONG of Kansas. Will the gentleman wait just a moment?

Mr. BLANTON. The gentleman seems to have talked the gentleman from Maine out of that nearly $9,000, and I do not think he should have done it. I think the gentleman from Maine is doing splendid service here. You may criticize him for doing it, but he is doing it for the benefit of the people.

Mr. STRONG of Kansas. Just one moment. This is not a claim in which I have any interest except as chairman of the committee.

Mr. BLANTON. I object, Mr. Speaker, unless the gentleman will agree to the amendment suggested by the gentleman from Maine.

Mr. STRONG of Kansas. Will the gentleman from Texas withhold his objection a moment?

Mr. BLANTON. Certainly.

Mr. STRONG of Kansas. The basis of this claim is this: The Government took possession of this land and agreed on the purchase price, and the purchase price was the amount of the bonds on the land.

Mr. BLANTON. And one-half of the cattlemen in Kansas and in Texas were absolutely ruined during the war, and you have never reimbursed them at all.

Mr. STRONG of Kansas. This has nothing to do with their claims. This is only for the amount of the bonds plus the taxes and interest. There is no profit in this at all.

Mr. BLANTON. I am backing the gentleman from Maine.

Mr. STRONG of Kansas. I have explained it to the gentleman from Maine, and the gentleman has withdrawn his objection.

Mr. BEEDY. I will say to the gentleman from Texas, if the gentleman from Kansas will permit me, that inasmuch as this company originally charged an exorbitant rental for this land under the lease, so exorbitant that the Government could not renew the lease, and then entered into negotiations for the purchase of this land, presumably at a price satisfactory to the company, it would only be fair for them now to deduct something from what they are perhaps morally entitled to for the last three years, and even up the scale. The gentleman from Kansas, however, assures me that this was given special consideration by the committee and that this is property owned by a fairgrounds association; that it is not a real estate speculation by a land company, and that the Government, unable to pay for this land, nevertheless took possession of it, had its buildings on it, used it for three years, and the owners had to pay 6 per cent interest on the bonds of $185,000 plus the taxes, which made up the $32,000.

Mr. BLANTON. The gentleman from Maine has had a change of heart——

Mr. BEEDY. I do not want to be unreasonable. I simply want to try to do what is right by every Member of the House and what is for the best interests of the people.

Mr. BLANTON. I regard a $32,000 bill of this character, upon which the gentleman had an amendment proposing a reduction of $9,000, which was legitimate——

Mr. BEEDY. A reduction of $6,000. Thirty-two thousand dollars less $26,000 means a reduction of $6,000.

Mr. BLANTON. It is nearly $7,000, and I believe a bill of that character ought not to come up under these circumstances and be passed by default. I am sorry to do it, but I must object.

NATALIE SUMMERS

The next business on the Private Calendar was the bill (H. R. 9135) for the relief of Natalie Summers.

The Clerk read the title to the bill.

The SPEAKER. Is there objection to the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Natalie Summers, of the city of Washington, D. C., out of any money in the Treasury not otherwise appropriated, the sum of $506.67, the amount paid by Natalie Summers as premium which she was required to pay on her bond as administratrix of her deceased husband, Maddin Summers, formerly American consul general at Moscow, Russia, and who died at his post of duty in 1918, on funds belonging to the United States and which came into her possession as administratrix and for which she has duly accounted to the United States Government.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MAJOR HARRY L. PETTUS

The next business on the Private Calendar was the bill (H. R. 9237) to reopen, allow, and credit $1,545 in the accounts of Maj. Harry L. Pettus, Quartermaster Corps (now deceased), for memorial tablet in the Army War College, as authorized by the act of March 4, 1923, and certify the same to Congress, and to reimburse the United States Fidelity & Guaranty Co. the amount paid by that surety company to the Government to settle said accounts.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to reopen the accounts of Maj. Harry L. Pettus, Quartermaster Corps (now deceased), for services and materials in cutting and setting one granite memorial tablet in the Army War College, and allow credit in the sum of $1,545 in settlement of said accounts in accordance with the act (Private, No. 266, 67th Cong.) approved March 4, 1923; and be it further enacted that the sum of $1,545 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to reimburse the United States Fidelity & Guaranty Co., surety on the official bond of Maj. Harry L. Pettus, being the amount paid by said surety company to the Government on account of the disallowances previously made in Major Pettus's account.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BELLE H. WALKER

The next business on the Private Calendar was the bill (S. 453) for the relief of Belle H. Walker, widow of Frank H. Walker, deceased, and Frank E. Smith.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, this bill, I see, involves $48,000. The report covers 18 pages. For that reason I would like more time to study the bill, and I object.

STEAMSHIP "BASSE INDRE"

The next business on the Private Calendar was the bill (S. 530) for the relief of the owners of the steamship *Basse Indre* and all owners of cargo laden aboard said vessel at the time of her collision with the steamship *Housatonic*.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claims of the owners of the steamship *Basse Indre* and the claims of all owners of various shipments of merchandise which were laden on board of the steamship *Basse Indre*, at the time hereinafter mentioned, against the United States of America for damages alleged to have been caused by collision between the steamship *Basse Indre* and the steamship *Housatonic* on the 23d day of May, 1919, in the Bay of Biscay, may be sued for by the said owners of the steamship *Basse Indre* and by the said owners of cargo in the District Court of the United States for the Southern District of New York sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suits and to enter judgments or decrees for the amounts of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of said steamship *Basse Indre* and in favor of the said owners of various shipments of merchandise which were laden on board of the steamship *Basse Indre*, or against the owners of said steamship *Basse Indre*, and the said owners of various shipments of merchandise which were laden on board of the steamship *Basse Indre* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notices of the suits shall be given to the Attorney General of the United States as may be provided by orders of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suits shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS JEFFERSON SHROPSHIRE

The next business on the Private Calendar was the bill (H. R. 2255) for the relief of Thomas Jefferson Shropshire.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Thomas Jefferson Shropshire, who was a private in Company C, One hundred and seventeenth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 22d day of January, 1863: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

RANDOLPH FOSTER WILLIAMSON

The next business on the Private Calendar was the bill (H. R. 3378) for the relief of Randolph Foster Williamson.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Randolph Foster Williamson shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Tenth Regiment Indiana Volunteer Infantry: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. BLACK of Texas. Mr. Speaker, I move to strike out the proviso and insert in lieu thereof "Provided that no bounty, pay, or allowances shall be held to accrue prior to the passage of this act."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment of Mr. BLACK of Texas: In line 9, strike out the proviso and insert provided that no bounty, back pay, or allowances shall be held to accrue prior to the passage of this act.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MORAN TOWING & TRANSPORTATION CO.

The next business on the Private Calendar was the bill (H. R. 4580) for the relief of the Moran Towing & Transportation Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the Moran Towing & Transportation Co., New York City, the sum of $340.86, out of any money in the Treasury not otherwise appropriated, as reimbursement for the actual expenses of the tug *Susan A. Moran*, incurred when such tug was ordered by the War Department to perform services on February 11, 18, and 19, 1919, and was forced to remain idle because weather conditions prevented performance on the part of such department.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THEODORE W. GOLDIN

The next business on the Private Calendar was the bill (H. R. 5275) for the relief of Theodore W. Goldin.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Theodore W. Goldin shall hereafter be held and considered to have been honorably discharged from Troop G, Seventh Regiment United States Cavalry, November 13, 1877: *Provided, however*, That no pension shall accrue prior to the passage of this act.

With the following committee amendments:

Line 7, after the word "pension" insert "back pay, or bounty."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

T. LUTHER PINDER

The next business on the Private Calendar was the bill (H. R. 5332) for the relief of T. Luther Pinder.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, reserving the right to object, I find nothing in the report that shows how the sum of $8,000 as the cost of the replacement of this launch was arrived at. There are some statements about its costing him $8,000 to replace it.

Mr. UNDERHILL. The sum originally was $9,500.

Mr. BEEDY. But $1,500 is for loss of profits, and it is said that the cost of replacement was $8,000. Where is the evidence here on which we in this committee can proceed to an intelligent conclusion?

Mr. UNDERHILL. I suppose that the value of a boat is easily ascertained.

Mr. BEEDY. There is no statement here that it was ever appraised, or if so, by whom.

Mr. UNDERHILL. Every one of these boats is taxed. They have to be appraised in order to be taxed. I suppose they took the tax value of the boat.

Mr. BEEDY. I do not want to be captious, I want to help rather than to hinder, but it seems to me that if we, who are working on this Private Calendar, are to be effective in our attempts to assist, we ought to have evidence to work on. I should like to know who appraised the boat, who gives anything in the way of facts to show that $8,000 is a reasonable cost for the replacement of the craft.

Mr. UNDERHILL. The only thing that I can say is the opinion that $8,000 for the pilot boat is a reasonable compensation. We cut out any amount they may claim as profits or loss of profits. We never consider that in the committee, but if the gentleman desires to wait until that can be ascertained directly or indirectly, I am willing to let the matter go.

Mr. BLACK of Texas. Mr. Speaker, F. C. Billard, commandant, in his statement to the Treasury Department, on page 3 of the report, says:

The sum of $8,000 for the replacement of the pilot boat *No. 7*, together with the sum of $1,500, as compensation for the loss of her services until she can be replaced, would be a reasonable compensation and would be acceptable to the owner of the boat.

I presume they made some inquiries as to the value of the boat.

Mr. BEEDY. I have no doubt; but we do not know how he arrives at his conclusion.

Mr. BLACK of Texas. I do not know how we could find much better evidence than the opinion of an officer who is thoroughly familiar with vessels of this kind.

Mr. BEEDY. I know Admiral Billard personally, and I have great confidence not only in his judgment but in his integrity. That matter in the report escaped my attention. I withdraw my objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to T. Luther Pinder, of Monroe County, Fla., the sum of $9,500, out of any money in the Treasury not otherwise appropriated, as compensation for the total loss of the pilot boat *No. 7* (*Eola*), caused by being set on fire by the drifting Coast Guard harbor launch *AB-3* (*Cossack*) on the morning of May 9, 1925, in the harbor of Key West, Fla.

With the following committee amendment:

Line 5, strike out the figures "$9,500" and insert "$8,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HENRY A. KESSEL CO. (INC.)

The next business on the Private Calendar was the bill (H. R. 7306) to extend the time for execution of proceedings authorized under Private Law No. 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.)

The Clerk read the title of the bill.

Mr. DEAL. Mr. Speaker, I ask unanimous consent to substitute for this bill the bill S. 2848, an identical bill, which has already passed the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Virginia to substitute the Senate bill for the House bill?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ARENTZ. Mr. Speaker, I reserve the right to object to the consideration of the bill. I feel that these parties have slept on their rights.

Mr. UNDERHILL. Mr. Speaker, if the gentleman will permit, these parties did not sleep on their rights. This bill was passed in a preceding Congress, and through the illness of the secretary of the gentleman from Virginia [Mr. DEAL] the people were not notified that the legislation had been passed. The gentleman from Virginia feels keenly that his office is largely to blame for this situation. In consequence of that the committee has taken a different attitude with reference to these concerns who do sleep on their rights, and has granted to the Member from Virginia this legislation which we feel he is entitled to.

Mr. ARENTZ. In view of what the gentleman has stated, I withdraw my objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That an extension of not more than four months from the date of the passage of this bill, for the time for institution of the proceedings authorized under Private Law 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.), be, and is hereby, authorized.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The bill H. R. 7306, of similar title, was laid on the table.

JOHN E. LUBY

The next business on the Private Calendar was the bill (H. R. 7403) for the relief of John E. Luby, of New Bedford, Mass.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the money in the Treasury not otherwise appropriated, to John E. Luby, of New Bedford, Mass., formerly an employee of the Bureau of Lighthouses, Department of Commerce, serving on the United States Lighthouse Service lightship *No. 58*, the sum of $85, the sum being in full payment for the losses suffered by said employee by loss of personal property used and reasonably necessary in connection with his official duties on said lightship, which was lost on Nantucket South Shoals December 11, 1905.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NEIL MULLANE

The next business on the Private Calendar was the bill (H. R. 7524) for the relief of Neil Mullane.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to pay to Neil Mullane, postal savings clerk, Detroit, Mich.,

the sum of $50, being the amount of a wrong payment on postal savings certificate, which was not due to any negligence on his part, and for which his salary has been debited.

The committee amendment was read as follows:

In line 3, strike out "that the Postmaster General is authorized and directed to pay" and insert in lieu thereof "that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEWIS J. BURSHIA

The next business on the Private Calendar was the bill (H. R. 8564) for the relief of Lewis J. Burshia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLACK of Texas. Mr. Speaker, at present I object until I see about this. I will reserve the right to object if the gentlemen wants to make a brief statement, but I would like to look into this claim a little further.

Mr. LEAVITT. I will make a brief statement.

Mr. BLACK of Texas. I think I shall object and let it go over.

The SPEAKER. Objection is heard.

GAGNON & CO. (INC.)

The next business on the Private Calendar was the bill (H. R. 8486) for the relief of Gagnon & Co. (Inc.).

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money not otherwise appropriated, the sum of $3,592 to Gagnon & Co. (Inc.), in full compensation for the erection of a school building at Crow Agency, Mont., in 1915–16.

The committee amendment was read, as follows:

Page 1, line 3, strike out "that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money" and insert in lieu thereof "that there is hereby authorized to be appropriated out of any moneys in the Treasury."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

REBECCA R. SEVIER

The next business on the Private Calendar was the bill (H. R. 1537) for the relief of Rebecca R. Sevier.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, is this the old Sevier claim?

Mr. SWING. I do not think this claim has ever been before the Congress before.

Mr. BLANTON. It is not the old Sevier heir claim?

Mr. SWING. No, sir; it is not.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon widows of honorably discharged soldiers, Valentine J. Sevier, who was a private in Company A, One hundred and twenty-second Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 30th day of January, 1865: *Provided*, That no bounty, pay, or allowance shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN J. WATERS

The next business on the Private Calendar was the bill (H. R. 1983) for the relief of John J. Waters.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws John J. Waters shall be hereafter held and considered to have been honorably discharged from the military service of the United States as a private of Company E, Second Regiment Michigan Volunteer Cavalry, on February 4, 1863: *Provided*, That no back pension, back pay, or back allowance shall accrue by virtue of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE ADAMS

The next business on the Private Calendar was the bill (H. R. 4614) to correct the military record of George Adams.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion against George Adams, formerly of Company G, Forty-fourth Regiment Indiana Volunteer Infantry, and grant him an honorable discharge.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George Adams, who was a member of Company G, Forty-fourth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 13th day of August, 1865: *Provided*, That no bounty back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present.

Mr. TILSON. I hope the gentleman from Texas will withhold that.

Mr. BLANTON. For how long?

Mr. TILSON. Just until 5 o'clock. It is now 4.55.

Mr. BLANTON. I will withhold it, Mr. Speaker.

The SPEAKER. The Clerk will report the next bill.

WILLIAM J. BODIFORD

The next business on the Private Calendar was the bill (H. R. 6143) to correct the military record of William J. Bodiford.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ARENTZ. Reserving the right to object, Mr. Speaker, may I ask the gentleman from South Carolina [Mr. GASQUE] a question?

Mr. GASQUE. Certainly.

Mr. ARENTZ. It appears that this man Bodiford joined the Army for duty at Manning, S. C., and later joined his command at Columbus, S. C., and on September 12, 1898, deserted his company and then returned after that, and fought bravely during the rest of the campaign. If he got an honorable discharge at the end of his service, why is it necessary to go back and clear up his dishonorable discharge, which he does not appear to have had previous to this time?

Mr. GASQUE. It appears that under the pension law he is not entitled to a pension on account of having a charge of desertion recorded against him.

Mr. ARENTZ. Even if he got an honorable discharge afterwards?

Mr. GASQUE. Yes, even if he got an honorable discharge afterwards.

Mr. ARENTZ. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to correct the military record of William J. Bodiford, late of Company I, Second Regiment South Carolina Volunteer Infantry, by having the charge of desertion removed.

With a committee amendment, as follows:

Strike out all after the enacting clause, and insert:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William J. Bodiford, who was a member of Company I, Second Regiment South Carolina Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on September 12, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

PHILIP A. HERTZ

The next business on the Private Calendar was the bill (H. R. 6790) for the relief of Philip A. Hertz.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BEEDY. Mr. Speaker, I move to substitute the Senate bill, S. 2124, No. 361 on the Private Calendar.

The SPEAKER. The gentleman from Maine asks unanimous consent to substitute the Senate bill 2124 in lieu of the House bill 6790. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Philip A. Hertz, who was a member of Company H, Sixty-first Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 18th day of July, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the similar House bill will be laid on the table.

There was no objection.

A motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

CHIPPEWA INDIANS OF MINNESOTA

Mr. LEAVITT. Mr. Speaker, I present for printing, under the rule, the conference report on the bill (H. R. 178) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 178) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims.

The SPEAKER. Ordered printed.

BRIDGE ACROSS ELIZABETH RIVER, VA.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7093), with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to call up the bill H. R. 7093, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 7093) granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubbard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River, at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. DENISON, Mr. BURTNESS, and Mr. PARKS.

BRIDGE ACROSS THE SUSQUEHANNA RIVER

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table (H. R. 3794), granting the consent of Congress to the counties of Lancaster and York, in the State of Pennsylvania, to jointly construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa., and agree to the Senate amendment.

The Senate amendment was read.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to ask the gentleman from Illinois whether this is the final settlement of the old disturbance that has been going on so long over this bridge?

Mr. DENISON. This is a final settlement, I think.

BILL FOR THE RELIEF OF CAPT. JOSEPH L. RAHM

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. R. 7429, which passed the House this afternoon.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD on H. R. 7429. Is there objection?

There was no objection.

Mr. THATCHER. Mr. Speaker and Members of the House, I desire to submit a statement in behalf of the bill for the relief of Joseph L. Rahm, H. R. 7429. The bill provides as follows:

A bill (H. R. 7429) for the relief of Joseph L. Rahm

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Joseph L. Rahm, formerly captain in the Dental Corps of the Army of the United States, before a retiring board to inquire whether at the time of his honorable discharge, December 15, 1922, he was incapacitated for active service and whether such incapacity was the result of an incident of service and whether said discharge should have been made, and upon the result of such inquiry the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said Joseph L. Rahm a captain in the Dental Corps and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided*, That the said Joseph L. Rahm shall not be entitled to any back pay or allowances.

The purpose of the measure is set forth therein.

Doctor Rahm, a Kentuckian, and graduate dentist, was appointed dental surgeon in the Medical Department of the United States Regular Army with rank of first lieutenant on September 17, 1917; he was promoted to a captaincy in the Dental Corps of the Army on October 4, 1918, which appointment was accepted by him May 5, 1919. Certain reductions took place in the Army and he was honorably discharged therefrom with rank of captain on December 15, 1922. He thus had more than five years of service. Soon after his appointment as first lieutenant he was sent to the medical officers' training camp at Fort Oglethorpe, Ga. On September 9, 1918, he was sent to France and was there assigned to duty in the care of the wounded at Base Hospital No. 34 in France. After the armistice—November 11, 1918—he was transferred to Evacuation Hospital No. 36 in France, serving there until March 19, 1919, when he volunteered for service with the north Russian transportation expedition, made necessary because of the urgent need of the allied forces in north Russia for experienced railroad men, with proper medical and other aids, to operate the railroad lines taken over from the Bolsheviki. The President of the United States was authorized to recruit two companies of American railroad men from various transportation corps units in France to be sent to north Russia to operate in conjunction with and under the British command on the Murmansk front, so that the line of communications to Soroka might be kept open, and Archangel, on the White Sea, might not be isolated during the closed-port season.

Captain Rahm, upon volunteering for this service, was detailed to accompany the expedition, and arrived in north Russia in April, 1919, when the thermometer was 40° below zero. He suffered severely from the cold and from lack of food. In

Russia his dental office was in a box car; he slept in this car, and worked from the base section to the battle front.

The track was very rough, and proper rest on the railroad was impossible. He did a great deal of dental work for the Allied troops, French, British, Italians, Canadians, and Serbs. In a railroad wreck in Russia, Captain Rahm sustained severe injuries, whereby his right kidney was loosened, and from that day to the present moment, as a result of these injuries, he has passed blood. He was returned to France on August 5, 1919, and placed in charge of the dental section of the segregation camp at Brest, where he was overworked, caring for syphilitic cases. In December, 1919, he was transferred to the United States, and after a few months was sent on detached service to Yuma, Ariz., perhaps the hottest portion of the United States, in contrast to the previous season spent in the frigid regions of north Russia. In Russia and later in France he worked at his dental chair when he should have been in the hospital as a patient. Because of the hardships to which he was thus exposed Captain Rahm developed incipient tuberculosis.

Touching these injuries see, in the report of the House Committee on Military Affairs, the statements of Captain Rahm; Maj. C. W. Phillips, Medical Corps, United States Army; Dr. Irwin Abell, of Louisville, Ky.; Maj. E. J. Farrow, Medical Corps, United States Army; Henry H. Reeder, special contract surgeon, Medical Corps, United States Army; and of other physicians and surgeons within and without the Medical Corps of the Army.

Because of the displaced kidney, Captain Rahm was particularly incapacitated to pursue in any sustained or adequate way his work as a dentist. Before his discharge from the Army, agreeably to sections 1245 to 1274, as amended, of the Revised Statutes of the United States, he made formal application in writing on two different occasions for examination before an Army retiring board to determine whether or not he was entitled, because of his physical infirmities induced in the line of his Army service, to be retired with the rank of and pay of captain. Notwithstanding these requests, such examination was denied him by his superiors in the Army, and on December 15, 1922, he was given an honorable discharge, but without any such examination.

Since his discharge was thus made the War Department has ruled that under the law no examination of Captain Rahm can now be made by the indicated retiring board. It therefore appears that only by the passage of a relief act of the instant character can such examination be ordered.

The Army surgeon, at the time of Captain Rahm's discharge from the Army, stated that upon a careful physical examination he found that Captain Rahm had a much thickened pleura in the upper half of his right lung; that his right kidney was movable as far down as the iliac fossa; that such wound, injury, or disease would likely result in death or disability; that same resulted in the line of duty in the military service of the United States; and that in view of his occupation Captain Rahm was 40 per cent disabled. See the statement of Doctor Reeder, special contract surgeon, Medical Corps, United States Army, on page 6 of the House committee report. See also the committee report for the other facts which I have just indicated.

In view of all of which it seems to me that Captain Rahm's superiors in the Army were unjust and arbitrary in their refusal to grant him the privilege of a formal examination by an appropriate retiring board as provided for in the statutes referred to. If such examination had resulted unfavorably to his request for retirement as captain, no harm could have resulted to the United States, and the question would have been finally settled. If, on the other hand, such retiring board had determined that the applicant was entitled to retirement with the rank and pay of captain, because of his injuries sustained in line of military service in behalf of his country, then justice would have been accorded him.

The proposed measure simply authorizes the appearance of Captain Rahm before a formal retiring board, which will make a careful physical examination to determine in a final and conclusive way the character and extent of the applicant's disabilities incurred in line of his military service; and if the result of such examination is to the effect that these disabilities, at the time of his discharge from the Army, entitled the applicant to be retired with the pay and rank of captain of the Regular Army, then the President is authorized to nominate and appoint the applicant, by and with the advice and consent of the Senate, as a captain in the Dental Corps, and place him on the retired list of the Army with the same privileges and retired pay as are now, or may hereafter be, provided by law or regulation for officers of the Regular Army: *Provided, however*, That the applicant shall not be entitled to any back pay or allowances.

Certainly those who serve the Nation's flag should be treated with justice and consideration. The present bill is necessary in order that its beneficiary, an American citizen who served his country and the allied forces under conditions of the most trying character, may receive the simple justice to which under the laws of our country he is entitled.

PERMISSION TO ADDRESS THE HOUSE

Mr. CONNALLY of Texas. Mr. Speaker, I would like to inquire of the majority leader whether he would be willing to permit me to have 15 minutes on Monday in which to address the House?

Mr. TILSON. I should not care to have any time taken from the Unanimous Consent Calendar. It is a pretty heavy calendar and I would prefer that the gentleman ask for time on some other day than Monday.

Mr. CONNALLY of Texas. The consideration of farm relief comes on Tuesday, does it not?

Mr. TILSON. Yes.

Mr. CONNALLY of Texas. Will the gentleman, before we commence the consideration of farm relief, give me 15 minutes?

Mr. TILSON. I do not know whether there would be any objection to that or not. Of course, I will conform to the wishes of the House.

Mr. CONNALLY of Texas. Of course, if the gentleman desires to object——

Mr. TILSON. I shall not object.

Mr. CONNALLY of Texas. Then, Mr. Speaker, I ask unanimous consent that on Tuesday next, after the disposition of business on the Speaker's table, I be allowed to address the House for 15 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent that on Tuesday next, after the reading of the Journal and the disposition of business on the Speaker's table, he be allowed to address the House for 15 minutes. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object—and, of course, I shall not object—I think it proper to call attention to the form of the rule which has been agreed upon. I do not know, but did the gentleman from New York [Mr. SNELL] report it to-day?

Mr. CHINDBLOM. Yes.

Mr. GARRETT of Tennessee. It provides for four days of debate. It provides for no fixed number of hours but simply provides for four days of general debate to be confined, of course, to the bill.

Mr. CHINDBLOM. Is the gentleman's speech going to be on farm relief?

Mr. CONNALLY of Texas. No.

Mr. CHINDBLOM. On some other relief—Democratic relief?

Mr. CONNALLY of Texas. I will say that I did not want to ask for any time during general debate on farm relief, because my remarks will not be on that subject.

Mr. CHINDBLOM. The gentleman does not care to disclose his subject?

Mr. CONNALLY of Texas. I will say it is with reference to the Alien Property Custodian's office.

Mr. CHINDBLOM. That is a form of relief.

Mr. CONNALLY of Texas. I have no disposition to conceal the nature of my remarks.

Mr. BEGG. Mr. Speaker, reserving the right to object, I want to make this statement, which seems to me very potent. This farm relief is, perhaps, the most interesting subject now before the House, and is of great interest to both sides. I question whether the gentleman himself would want to take the responsibility of consuming a part of that time.

Mr. CONNALLY of Texas. That is exactly why the gentleman did not seek time under general debate on farm relief. I do not desire at this time to talk on that subject. Of course, if there is going to be objection, I will not press my request.

Mr. BEGG. I am not going to object, but it does not seem to me the House should set aside four days for general debate on farm relief legislation and then everybody hesitate to object to Members getting unanimous consent to take part of that time. If we are going to have four days of general debate on farm relief legislation, we ought to have it.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p. m.) the House, under its previous order, adjourned until Monday, May 3, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 1, 1926, as reported to the floor leader by clerks of the various committees:

COMMITTEE ON IRRIGATION AND RECLAMATION

(10 a. m.)

To provide for the protection and development of the lower Colorado River basin (H. R. 9826).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

To authorize the erection of a statue to Henry Clay (H. R. 11278).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10 a. m.)

To relieve United States district judges from signing an order admitting, denying, or dismissing each petition for naturalization (H. R. 6755).

Scheduled for May 3, 1926

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Second deficiency bill.

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

Requesting the President to propose the calling of a third Hague conference for the codification of international law (H. J. Res. 221).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

Legislation relative to labor disputes in the coal-mining industry.

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To provide for the payment of amounts expended in the construction and maintenance of a hangar and flying field for the use of the Air Mail Service (H. R. 4326).

For the relief of the persons or companies who advanced money or materials for the construction and maintenance of an air-mail hangar at Salt Lake City, Utah, for the Post Office Department (H. R. 4642).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

490. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1926, to remain available until June 30, 1927, for subsistence of the Army, $1,999,390 (H. Doc. No. 363); to the Committee on Appropriations and ordered to be printed.

491. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year ending June 30, 1926, to continue available until June 30, 1928, for the expenses of a conference on education, reclamation, and recreation to be held at Honolulu, Hawaii, during April and May, 1927, $20,000 (H. Doc. No. 364); to the Committee on Appropriations and ordered to be printed.

492. A letter from the Secretary of the Navy, transmitting a report of claims arising out of damages to private property due to the operation of naval aircraft, which was ascertained, adjusted, determined, and paid by the department during the fiscal year ending June 30, 1925, from the appropriation "Aviation, Navy, 1925"; to the Committee on Expenditures in the Navy Department.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 249. A resolution providing for consideration of H. R. 11603, a bill to establish a Federal farm broad to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities; without amendment (Rept. No. 1051). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. S. 2730. An act to amend section 1155 of an act entitled "An act to establish a code of law for the District of Columbia"; without amendment (Rept. No. 1055). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. H. R. 11277. A bill to provide for the incorporation of nonprofit, nonsecret associations of a national character, formed for patriotic and for professional purposes in the District of Columbia; with amendment (Rept. No. 1056). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SWOOPE: Committee on War Claims. H. R. 11586. A bill for the relief of Fannie B. Armstrong; without amendment (Rept. No. 1052). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 7680. A bill to provide for the reappointment of Maj. Chauncey S. McNeill, subject to certain conditions; without amendment (Rept. No. 1054). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from consideration of the bill (H. R. 4210) granting an increase of pension to Cora Shoemaker, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLIOTT: A bill (H. R. 11802) to authorize the transfer to the jurisdiction of the United States Botanic Garden of a certain portion of the Anacostia Park for use as a tree nursery; to the Committee on Public Buildings and Grounds.

By Mr. CURRY: A bill (H. R. 11803) to authorize the incorporated town of Juneau, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes; to the Committee on the Territories.

By Mr. BLOOM: A bill (H. R. 11804) authorizing the extension of the park system of the District of Columbia; to the Committee on the District of Columbia.

By Mr. HILL of Washington: A bill (H. R. 11805) authorizing investigation of the right of Okanogan County, Wash., to the payment of taxes on Indian lands; to the Committee on Indian Affairs.

By Mr. MARTIN of Massachusetts: Joint resolution (H. J. Res. 241) authorizing the expenditure of certain funds paid to the United States by the Persian Government; to the Committee on Foreign Affairs.

By Mr. CURRY: Joint resolution (H. J. Res. 243) for the relief of special disbursing agents of the Alaska Engineering Commission or of the Alaska Railroad; to the Committee on the Territories.

By Mr. SNELL: Resolution (H. Res. 249) providing for consideration of H. R. 11603 to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities; committed to the House Calendar.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 11806) granting an increase of pension to William S. Newman; to the Committee on Pensions.

By Mr. BEGG: A bill (H. R. 11807) granting a pension to Ida M. Spencer; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 11808) granting an increase of pension to Sarah J. Garlin; to the Committee on Invalid Pensions.

By Mr. BYRNS: A bill (H. R. 11809) for the relief of Dr. Stanley R. Teachout; to the Committee on Claims.

By Mr. CARTER of Oklahoma: A bill (H. R. 11810) for the relief of Douglas C. Mitchell; to the Committee on Military Affairs.

By Mr. CHRISTOPHERSON: A bill (H. R. 11811) granting a pension to Rosa S. Weston; to the Committee on Invalid Pensions.

By Mr. COLLINS: A bill (H. R. 11812) to authorize the Secretary of the Interior to sell to the legal heirs of W. H. McCarty and Sallie McGee McCarty the south half of the south half of section 9, township 15 north, range 1 east, Choctaw Meridian, Holmes County, Miss.; to the Committee on Public Lands.

By Mr. CURRY: A bill (H. R. 11813) granting a pension to Emma Carr; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 11814) for the relief of R. J. Graff, former ensign, Supply Corps, United States Naval Reserve Force; to the Committee on Naval Affairs.

By Mr. EATON: A bill (H. R. 11815) granting an increase of pension to Mary E. Runyon; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 11816) granting an increase of pension to Annie Downs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11817) granting an increase of pension to Elizabeth A. Harbach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11818) granting an increase of pension to Ida V. Hain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11819) granting an increase of pension to Isabella Hain; to the Committee on Invalid Pensions.

By Mr. HALL of Indiana: A bill (H. R. 11820) granting an annuity to Clyde L. West; to the Committee on Military Affairs.

By Mr. HASTINGS: A bill (H. R. 11821) granting a pension to Nancy J. Rider; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 11822) granting an increase of pension to Frances Decker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11823) granting a pension to Helen M. Holt; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11824) granting a pension to Charles Guthridge; to the Committee on Invalid Pensions.

By Mr. KIRK: A bill (H. R. 11825) granting an increase of pension to Dury M. Craft; to the Committee on Pensions.

By Mr. MENGES: A bill (H. R. 11826) granting an increase of pension to Mary J. Markley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11827) granting an increase of pension to Carrie Good; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11828) granting an increase of pension to Annie Malehorn; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 11829) for the relief of Frank E. Ridgely, deceased; to the Committee on Military Affairs.

By Mr. SCHAFER: A bill (H. R. 11830) granting an increase of pension to Annie Felzen; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 11831) granting an increase of pension to Margaret J. Gray; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 11832) granting an increase of pension to Cecile A. Campbell; to the Committee on Pensions.

Also, a bill (H. R. 11833) granting an increase of pension to Martha A. Shute; to the Committee on Invalid Pensions.

By Mr. WILSON of Mississippi: A bill (H. R. 11834) for the relief of Marion F. Blackwell; to the Committee on Claims.

By Mr. ZIHLMAN: A bill (H. R. 11835) granting an increase of pension to Lizzie Crane; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: Joint resolution (H. J. Res. 242) releasing all claims of the United States in respect to Government-owned equipment loaned to the John Ohlinger Post, No. 547, of the American Legion, at Portsmouth, Iowa, and destroyed by fire; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2012. By Mr. BOYLAN: Resolutions of the German Society of Pennsylvania, contributing for the relief of distressed Germans in the State of Pennsylvania; also in favor of liberalization of immigration law; to the Committee on Immigration and Naturalization.

2013. Also, petition of St. Ignatius Holy Name Society, Hicksville, Long Island, in favor of resolution introduced by Mr. BOYLAN relative to Mexico; to the Committee on Foreign Affairs.

2014. Also, petition of University of Illinois, Urbana, Ill., in opposition to passage of bill which will make it impossible for the University of Illinois or any other college or university to require military training of its students; to the Committee on Military Affairs.

2015. By Mr. GALLIVAN: Petition of Pere Marquette Council, Knights of Columbus, South Boston, Mass., Arthur J. O'Keefe, grand knight, protesting against the unwarranted and inhuman interference in religious worship on the part of the Government of Mexico; to the Committee on Foreign Affairs.

2016. By Mr. HOOPER: Petition of Mrs. Glenn Peterson and 20 other residents of Eaton County, Mich., protesting against the passage of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

2017. By Mr. O'CONNELL of New York: Petition of the Columbia Wax Products Co., of Woodhaven, Long Island, N. Y., favoring the passage of House bill 8119; to the Committee on the Judiciary.

2018. By Mr. ROMJUE: Petition of J. T. Magee, L. E. Duss, C. O. West, and others in favor of agricultural relief and the Dickinson bill; to the Committee on Agriculture.

2019. By Mr. STRONG of Pennsylvania: Petition of Assembly 12, of the Catholic Slovak Sokol, Punxsutawney, Pa., in reference to the alien seamen bill; to the Committee on Immigration and Naturalization.

2020. By Mr. THATCHER: Resolutions adopted by the National Society of the Daughters of the American Revolution on April 23, 1926, indorsing and approving House bill 9644, providing for the erection at or near the Falls of the Ohio River, at Louisville, Ky., of a George Rogers Clark memorial lighthouse; to the Committee on the Library.

SENATE

SATURDAY, *May 1, 1926*

(Legislative day of Thursday, April 29, 1926)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. HARRISON obtained the floor.

Mr. CURTIS. Mr. President, will the Senator from Mississippi yield?

Mr. HARRISON. I yield.

Mr. CURTIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McKellar	Shortridge
Bayard	Gillett	McKinley	Simmons
Bingham	Glass	McLean	Smith
Blease	Goff	McMaster	Smoot
Borah	Gooding	McNary	Stanfield
Bratton	Greene	Mayfield	Stephens
Broussard	Hale	Metcalf	Swanson
Bruce	Harreld	Norbeck	Trammell
Butler	Harris	Norris	Tyson
Cameron	Harrison	Nye	Underwood
Couzens	Heflin	Oddie	Walsh
Cummins	Howell	Overman	Warren
Curtis	Jones, N. Mex.	Phipps	Watson
Dale	Jones, Wash.	Pine	Wheeler
Deneen	Kendrick	Reed, Pa.	Williams
Dill	Keyes	Robinson, Ark.	Willis
Fernald	King	Sackett	
Ferris	La Follette	Sheppard	
Fess	Lenroot	Shipstead	

Mr. CURTIS. I desire to announce the absence of my colleague [Mr. CAPPER] on account of illness in his family. I will let this announcement stand for the day.

Mr. JONES of Washington. I was requested to announce that the Senator from New Jersey [Mr. EDGE] is absent on account of illness.

The VICE PRESIDENT. Seventy-three Senators having answered to their names, a quorum is present.

ENROLLED BILLS SIGNED

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H. R. 2761. An act for the relief of Nora B. Sherrier Johnson;

H. R. 2797. An act for the relief of Mary M. Pride;

H. R. 3797. An act to increase the limit of cost of public building at Decatur, Ala.;

H. R. 3971. An act to correct and perfect title to certain lands and portions of lots in Centerville, Iowa, in the United States of America, and authorizing the conveyance of title in certain other lands and portions of lots adjacent to the United States post-office site in Centerville, Iowa, to the record owners thereof, by the Secretary of the Treasury;

H. R. 7904. An act granting the consent of Congress to Des Arc Bridge Co. and its successors and assigns to construct a bridge across the White River at Des Arc, Ark.;

H. R. 7818. An act to amend section 304 of an act entitled "An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921;

H. R. 8817. An act reserving certain described lands in Coos County, Oreg., as public parks and camp sites;

H. R. 9348. An act granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio;

H. R. 9494. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainesboro-Red Boiling Spring road in Jackson County, Tenn.;

H. R. 9503. An act granting permission to the State Highway Commission of the State of Tennessee to construct a bridge across the Tennessee River at Savannah, Hardin County, Tenn., on the Savannah-Selmer road;

H. R. 9505. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden road between Humphreys and Benton Counties, Tenn.;

H. R. 9506. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Perry and Decatur Counties, Tenn.;

H. R. 10002. An act granting the consent of Congress to H. J. Stannert, Harry Weis, and George W. Rockwell to construct, maintain, and operate a bridge across the Susquehanna River from a point in the city of Sunbury, Northumberland County, to a point in the township of Monroe, in Snyder County, in the State of Pennsylvania; and

S. 2296. An act authorizing insurance companies or associations, or fraternal or beneficial societies to file bills of interpleader.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 530. An act for the relief of the owners of the steamship *Basse Indre* and all owners of cargo laden aboard said vessel at the time of her collision with the steamship *Housatonic;*

S. 2907. An act to authorize the general accounting officers of the United States to allow credit to Galen L. Tait, collector and disbursing agent, District of Maryland, for payments of travel and subsistence expenses made on properly certified and approved vouchers;

S. 2124. An act for the relief of Philip Hertz (Philip Herz); and

S. 2848. An act to extend the time for institution of proceedings authorized under Private Law No. 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.).

The message also announced that the House had passed the following bills of the Senate severally with an amendment, in which it requested the concurrence of the Senate:

S. 37. An act for the relief of First Lieut. Harry L. Rogers, jr.;

S. 978. An act for the relief of Horace G. Knowles; and

S. 2818. An act for the relief of Ivy L. Merrill.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3794) granting the consent of Congress to the counties of Lancaster and York, in the State of Pennsylvania, to jointly construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills:

H. R. 9305. An act to amend section 101 of the Judicial Code, as amended; and

H. R. 10200. An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7093) granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River, at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DENISON, Mr. BURTNESS, and Mr. PARKS were appointed managers on the part of the House at the conference.

The message also announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 816. An act for the relief of W. F. Morgareidge;

H. R. 912. An act for the relief of Capt. George G. Seibels, Supply Corps, United States Navy;

H. R. 1392. An act for the relief of Martin L. Duffy;

H. R. 1537. An act for the relief of Rebecca R. Sevier;

H. R. 1538. An act for the relief of John Milton Pew;

H. R. 1594. An act for the relief of F. Joseph Chatterton;

H. R. 1718. An act for the relief of Harold Holst;

H. R. 1983. An act for the relief of John J. Waters;

H. R. 2136. An act for the relief of Lieut. Frederick C. Matthews;

H. R. 2229. An act for the relief of John Ferrell;

H. R. 2237. An act for the relief of Leslie Warnick Brennan;

H. R. 2255. An act for the relief of Thomas Jefferson Shropshire;

H. R. 3378. An act for the relief of Randolph Foster Williamson, deceased;

H. R. 3446. An act for the relief of Ulric O. Thynne;

H. R. 3628. An act for the relief of Commander Chester G. Mayo;

H. R. 3664. An act to correct the military record of Daniel C. Darroch;

H. R. 3691. An act for the relief of the estate of James H. Graham;

H. R. 3952. An act authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Gustavo Tegera Guevara, a citizen of Venezuela;

H. R. 4414. An act for the relief of Archie Eggleston, an Indian of the former Isabella Reservation, Mich.;

H. R. 4580. An act for the relief of the Moran Towing & Transportation Co.;

H. R. 4614. An act to correct the military record of George Adams;

H. R. 5085. An act to remove the charge of desertion from and correct the naval record of Louis Nemec, otherwise known as Louis Nemeck;

H. R. 5275. An act for the relief of Theodore W. Goldin;

H. R. 5332. An act for the relief of T. Luther Pinder;

H. R. 5606. An act for the relief of Cyrus S. Andrews;

H. R. 5627. An act for the relief of George Turner;

H. R. 5786. An act for the relief of Rachel Thomas, widow of William Thomas, deceased;

H. R. 6015. An act to correct the Marine Corps record of Roy W. Saam;

H. R. 6143. An act to correct the military record of William J. Bodiford;

H. R. 6149. An act for the relief of Charles D. Baylis, first lieutenant, United States Marine Corps;

H. R. 6654. An act for the relief of William Smith;

H. R. 7024. An act for the relief of Walter Kent, jr.;

H. R. 7217. An act to authorize Capt. F. A. Traut, United States Navy, to accept a decoration from the King of Denmark known as the "Order of Dannebrog";

H. R. 7304. An act to compensate Robert F. Yeaman for the loss of certain carpenter tools which was incurred by reason of a fire in the Government area at Old Hickory Ordnance Depot;

H. R. 7395. An act for the relief of Emanuel Xuereb;

H. R. 7403. An act for the relief of John E. Luby, of New Bedford, Mass.;

H. R. 7429. An act for the relief of Joseph L. Rahm;

H. R. 7522. An act for the relief of William J. Nagel;

H. R. 7523. An act for the relief of John G. Hohl;

H. R. 7524. An act for the relief of Neil Mullane;

H. R. 7678. An act for the relief of the New York Canal & Great Lakes Corporation, owners of the steamer *Monroe* and barge *209;*

H. R. 7874. An act to correct the military record of John Ralston;

H. R. 8486. An act for the relief of Gagnon & Co. (Inc.);

H. R. 8602. An act for the relief of Hewson L. Peeke;

H. R. 8937. An act permitting the sale of lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, in Bay County, Fla., to P. C. Black;

H. R. 9019. An act for the relief of Ailing R. Maish;

H. R. 9135. An act for the relief of Natalie Summers;

H. R. 9237. An act to reopen, allow, and credit $1,545 in the accounts of Maj. Harry L. Pettus, Quartermaster Corps (now deceased), for memorial tablet in the Army War College, as authorized by the act of March 4, 1923, and certify the same to Congress, and to reimburse the United States Fidelity & Guaranty Co. the amount paid by that surety company to the Government to settle said accounts;

H. R. 9319. An act to authorize certain officers of the United States Navy to accept from the Republic of Chile the order of merit, first class, and the order of merit, second class;

H. R. 9371. An act for the relief of Merritt W. Blair, of Abbott, Harding County, N. Mex., or his transferees;

H. R. 9938. An act for the relief of Frank A. Bartling;

H. R. 10109. An act for the relief of Virginia Strickland;

H. R. 10160. An act for the relief of John Rooks;

H. R. 10177. An act for the relief of Commander Albert Newton Park, jr.;

H. R. 10238. An act for the relief of Josiah Ogden Hoffman; and

H. J. Res. 9. Joint resolution granting permission to Walter Stanley Haas, lieutenant commander, United States Navy, to accept a decoration bestowed upon him by the Government of Ecuador.

PETITION AND MEMORIAL

Mr. JONES of Washington presented a petition of sundry citizens of Thurston County, Wash., praying for the passage of legislation granting increased pensions to veterans of the Civil War, their widows and dependents, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Seattle, Wash., remonstrating against any amendment of the national prohibition act, which was referred to the Committee on the Judiciary.

THE PHILIPPINES

Mr. KING. Mr. President, I am just in receipt of 13 additional resolutions, adopted by provincial boards and municipal councils of the Philippine Islands. On March 25 I submitted a total of 80; on April 9, an additional 16; and on April 17, 14 more, which, added to the 13 now presented, will make a total of 123 resolutions from Philippine provincial boards, municipal councils, and Filipino organizations.

The resolutions are in favor of measures which I have introduced and which are now pending before the Committee on Territories and Insular Possessions, providing for immediate independence of the Filipinos and for the withdrawal of American troops from the Philippine Islands.

I ask that the following resolutions be noted in the RECORD and referred to the Committee on Territories and Insular Possessions and added to those now on file with said committee.

The VICE PRESIDENT. Without objection, it is so ordered.

Under the order the resolutions of the following provincial and municipal boards and councils were referred to the Committee on Territories and Insular Possessions:

The Provincial Government of Pangasinan, Lingayen, P. I.
The Provincial Government of Romblon, Romblon, P. I.
The Municipal Council of Laua-An, Province of Antique, P. I.
The Municipal Council of Buguey, Province of Cagayan, P. I.
The Municipal Council of Tuao, Province of Cagayan, P. I.
The Municipal Council of Lidlidda, Province of Ilocos Sur, P. I.
The Municipal Council of Misamis, Province of Misamis, P. I.
The Municipal Council of Sagay, Province of Misamis, P. I.
The Municipal Council of Malasiqui, Province of Pangasinan, P. I.
The Municipal Council of Urbiztondo, Province of Pangasinan, P. I.
The Municipal Council of Cajidiocan, Province of Romblon, P. I.
The Municipal Council of Llorente, Province of Samar, P. I.
The Municipal Council of Zumarraga, Province of Samar, P. I.

REPORTS OF COMMITTEES

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 4799) to approve act 235 of the Session Laws of 1923 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island and county of Maui, Territory of Hawaii," reported it without amendment and submitted a report (No. 735) thereon; and

A bill (S. 3928) authorizing the designation of an ex officio commissioner for Alaska for each of the executive departments of the United States, and for other purposes (Rept. No. 742).

Mr. BINGHAM, from the Committee on Military Affairs, to which was referred the bill (H. R. 7036) for the relief of John R. Anderson, reported it without amendment and submitted a report (No. 736) thereon.

Mr. CAMERON, from the Committee on Military Affairs, to which was referred the bill (S. 2081) placing certain noncommissioned officers in the first grade, reported it without amendment and submitted a report (No. 737) thereon.

Mr. McMASTER, from the Committee on Military Affairs, to which was referred the bill (H. R. 534) to remove the charge of desertion from the record of Benjamin S. McHenry, reported it without amendment and submitted a report (No. 738) thereon.

Mr. PINE, from the Committee on Military Affairs, to which was referred the bill (S. 2312) for the relief of Franklin Gum, reported it with an amendment and submitted a report (No. 739) thereon.

He also, from the same committee, to which was referred the bill (H. R. 949) for the relief of John H. Cowley, reported it without amendment and submitted a report (No. 740) thereon.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (H. R. 8815) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 741) thereon.

FOX RIVER BRIDGE, ILLINOIS

Mr. BINGHAM. From the Committee on Commerce I report back favorably with an amendment the bill (H. R. 10244) to extend the time for the construction of a bridge across the Fox River, in the State of Illinois, on State Road No. 18, connecting the villages of Yorkville and Bristol, in said county, and I submit a report (No. 734) thereon.

Mr. McKINLEY. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, on page 1, line 11, after the word "hereof," to strike out the colon and the following proviso: "*Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also adequate from the standpoint of the volume and weight of the traffic which will pass over it," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress, approved February 16, 1924, to be built by the State of Illinois across the Fox River at a point suitable to the interests of navigation in the county of Kendall and State of Illinois, on the spur of State Road No. 18, connecting the villages of Yorkville and Bristol, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRELD:

A bill (S. 4144) for the relief of George W. Roberts (with accompanying papers); to the Committee on Military Affairs.

By Mr. CUMMINS:

A bill (S. 4145) granting a pension to Martha Callentine (with accompanying papers);

A bill (S. 4146) granting an increase of pension to Mary J. Milligan (with accompanying papers); and

A bill (S. 4147) granting an increase of pension to Martha E. Edwards (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 4148) for the relief of Anna Laguee; to the Committee on Claims.

By Mr. HEFLIN:

A bill (S. 4149) to relinquish the title of the United States to the land in the claim of Thomas Durnford, situate in the county of Baldwin, State of Alabama; to the Committee on Public Lands and Surveys.

By Mr. BRUCE:

A bill (S. 4150) for the relief of Maude J. Booth (with an accompanying paper); and

A bill (S. 4151) to reopen, allow, and credit $1,545 in the accounts of Maj. Harry L. Pettus, Quartermaster Corps (now deceased), for memorial tablet in the Army War College, as authorized by the act of March 4, 1923, and certify the same to Congress, and to reimburse the United States Fidelity & Guaranty Co. the amount paid by that surety company to the

Government to settle said accounts (with an accompanying paper); to the Committee on Claims.

By Mr. CAMERON:

A bill (S. 4152) to authorize oil and gas mining leases upon unallotted lands within Executive order Indian reservations, and for other purposes; to the Committee on Indian Affairs.

ELIZABETH RIVER BRIDGE, VIRGINIA

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 7093) granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River, at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BINGHAM. I move that the Senate insist upon its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. JONES of Washington, Mr. COUZENS, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD conferees on the part of the Senate.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives on certain amendments of the Senate to House bill 8264, the Agricultural Department appropriation bill, as follows:

IN THE HOUSE OF REPRESENTATIVES,
April 29, 1926.

Resolved, That the House recedes from its disagreement to the amendments of the Senate Nos. 54, 55, 56, and 57 to the bill (H. R. 8264) entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes," and concurs therein.

That the House recedes from its disagreement to the amendment of the Senate No. 64, and concurs therein with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$127,924,573."

Mr. McNARY. I move that the Senate agree to the amendment of the House to the amendment of the Senate No. 64.

The motion was agreed to.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved the following acts:

On April 30, 1926:

S. 1481. An act to authorize the President to appoint Capt. Curtis L. Stafford a captain of Cavalry in the Regular Army;

S. 1938. An act to issue patent to John H. Bolton;

S. 850. An act for the relief of Robert A. Pickett; and

S. 1486. An act to authorize the Secretary of War to lease to the Bush Terminal Railroad Co. and to the Long Island Railroad use of railway tracks at Army supply base, South Brooklyn, N. Y.

On May 1, 1926:

S. 493. An act for the relief of the owners of the steamship *British Isles;*

S. 494. An act for the relief of all owners of cargo aboard the American steamship *Almirante* at the time of her collision with the U. S. S. *Hisko;*

S. 1519. An act for the relief of the P. Dougherty Co.; and

S. 2368. An act for the relief of Ocean Steamship Co. (Ltd.), a British corporation.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution of the House were severally read twice by title and referred as indicated below:

H. R. 4414. An act for the relief of Archie Eggleston, an Indian of the former Isabella Reservation, Mich.;

H. R. 8937. An act permitting the sale of lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, in Bay County, Fla., to P. C. Black; and

H. R. 9371. An act for the relief of Merritt W. Blair, of Abbott, Harding County, N. Mex., or his transferees; to the Committee on Public Lands and Surveys.

H. R. 3952. An act authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Gustavo Tegera Guevara, a citizen of Venezuela;

H. R. 5085. An act to remove the charge of desertion from and correct the naval record of Louis Nemec, otherwise known as Louis Nemeck;

H. R. 6015. An act to correct the Marine Corps record of Roy W. Saam;

H. R. 7217. An act to authorize Capt. F. A. Traut, United States Navy, to accept a decoration from the King of Denmark known as the "Order of Dannebrog";

H. R. 9319. An act to authorize certain officers of the United States Navy to accept from the Republic of Chile the order of merit, first class, and the order of merit, second class;

H. R. 10177. An act for the relief of Commander Albert Newton Park, jr.;

H. R. 10238. An act for the relief of Josiah Ogden Hoffman; and

H. J. Res. 9. Joint resolution granting permission to Walter Stanley Haas, lieutenant commander, United States Navy, to accept a decoration bestowed upon him by the Government of Ecuador; to the Committee on Naval Affairs.

H. R. 1392. An act for the relief of Martin L. Duffy;

H. R. 1537. An act for the relief of Rebecca R. Sevier;

H. R. 1718. An act for the relief of Harold Holst;

H. R. 1983. An act for the relief of John J. Waters;

H. R. 2255. An act for the relief of Thomas Jefferson Shropshire;

H. R. 3378. An act for the relief of Randolph Foster Williamson;

H. R. 3664. An act to correct the military record of Daniel C. Darroch;

H. R. 4614. An act to correct the military record of George Adams;

H. R. 5275. An act for the relief of Theodore W. Goldin;

H. R. 5606. An act for the relief of Cyrus S. Andrews;

H. R. 5786. An act for the relief of Rachel Thomas, widow of William Thomas, deceased;

H. R. 6143. An act to correct the military record of William J. Bodiford;

H. R. 6654. An act for the relief of William Smith;

H. R. 7429. An act for the relief of Joseph L. Rahm;

H. R. 7874. An act to correct the military record of John Ralston;

H. R. 9019. An act for the relief of Ailing R. Maish; and

H. R. 10109. An act for the relief of Virginia Strickland; to the Committee on Military Affairs.

H. R. 816. An act for the relief of W. F. Morgareidge;

H. R. 912. An act for the relief of Capt. George G. Seibels, Supply Corps, United States Navy;

H. R. 1538. An act for the relief of John Milton Pew;

H. R. 1594. An act for the relief of F. Joseph Chatterton;

H. R. 2136. An act for the relief of Lieut. Frederick C. Matthews;

H. R. 2229. An act for the relief of John Ferrell;

H. R. 2237. An act for the relief of Leslie Warnick Brennan;

H. R. 3446. An act for the relief of Ulric O. Thynne;

H. R. 3628. An act for the relief of Commander Chester G. Mayo;

H. R. 3691. An act for the relief of the estate of James H. Graham;

H. R. 4580. An act for the relief of the Moran Towing & Transportation Co.;

H. R. 5332. An act for the relief of T. Luther Pinder;

H. R. 5627. An act for the relief of George Turner;

H. R. 6149. An act for the relief of Charles D. Baylis, first lieutenant, United States Marine Corps;

H. R. 7024. An act for the relief of Walter Kent, jr.;

H. R. 7304. An act to compensate Robert F. Yeaman for the loss of certain carpenter tools which was incurred by reason of a fire in the Government area at Old Hickory Ordnance Depot;

H. R. 7395. An act for the relief of Emanuel Xuereb;

H. R. 7403. An act for the relief of John E. Luby, of New Bedford, Mass.;

H. R. 7522. An act for the relief of William J. Nagel;

H. R. 7523. An act for the relief of John G. Hohl;

H. R. 7524. An act for the relief of Neil Mullane;

H. R. 7678. An act for the relief of the New York Canal & Great Lakes Corporation, owners of the steamer *Monroe* and barge *209;*

H. R. 8486. An act for the relief of Gagnon & Co. (Inc.);

H. R. 8602. An act for the relief of Hewson L. Peeke;

H. R. 9135. An act for the relief of Natalie Summers;

H. R. 9237. An act to reopen, allow, and credit $1,545 in the accounts of Maj. Harry L. Pettus, Quartermaster Corps (now deceased), for memorial tablet in the Army War College, as authorized by the act of March 4, 1923, and certify the same to Congress and to reimburse the United States Fidelity & Guaranty Co. the amount paid by that surety company to the Government to settle said accounts;

H. R. 9938. An act for the relief of Frank A. Bartling; and
H. R. 10160. An act for the relief of John Rooks; to the Committee on Claims.

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

Mr. HARRISON. Mr. President, I want to discuss briefly the public buildings bill, but before I begin to discuss its various parts I wish to say that on yesterday I offered a motion to take up House bill 7893, which was reported from the Committee on Agriculture and Forestry, relating to the creation of a division of cooperative marketing in the Department of Agriculture and having, of course, to do with farm organizations.

Mr. President, I am one of those who believe that there ought to be farm legislation at this time, although we might differ as to the provisions which the bill should finally carry. Those who have been apparently very much interested in farm legislation expressed themselves yesterday to the effect that they were hopeful that my motion would not be pressed. The Senator from Idaho [Mr. GOODING] told of the splendid dinners that are taking place each day, at which Senators are getting plenty to eat and discussing the farm-legislation question. The Senator from Oregon [Mr. MCNARY], who has been in charge of the proposed legislation, thought it was best not to bring it up at this particular time. No voice was lifted on the other side of the Chamber asking for the legislation to be pressed at this particular time.

We did gather some expressions from certain leaders on the other side of the aisle to the effect that it is on the legislative program that farm-relief legislation will be considered. Of course, if the English impeachment trial should take longer than some Senators expect and other questions that are before the Senate and coming before the Senate should take up the time of the Senate so that we will get in a legislative jam, and Senators with opposition back home desirous of returning to present their claims for reelection should press for a final adjournment and we should get no legislation dealing with the farm problem, then those Senators who are opposed to my motion to take up at this time the matter of farm legislation can explain it to their constituents. However, because of the expressions touching this matter, I am going to withdraw the motion for the present, with the consent of the Senate.

The VICE PRESIDENT. The Senator from Mississippi withdraws his motion, and, without objection, the order for the yeas and nays will be rescinded.

Mr. HARRISON. Mr. President, in regard to the pending public buildings bill, the Senator from Wisconsin [Mr. LENROOT], who is taking a lively interest in that bill, as well as in other legislation which, in part, affects his constituency at this particular time, has stated that the pending bill provides the best and the only way to remove the congestion of Government business in many of the post offices of the country and that it would be a backward step to return to the old "pork-barrel" method of making appropriations for the erection of post offices. I called the attention of the Senate the other day to a speech which had been made by the Senator from Wisconsin when he was a Member of the House of Representatives in support of one of those old "pork barrel" bills. I believe in those "pork barrel" bills and the method in which they formerly passed Congress. I never become frightened because some people in the country, editorial writers or others, characterize a piece of legislation carrying appropriations for the erection of post offices as "pork-barrel" legislation or because they may characterize river and harbor measures as "pork-barrel" legislation. That never frightened me, and I am not frightened now because some one may say that to return to the old system would be a backward step. Mr. President, it was the system that was conceived by the fathers; it was the system that has been followed by the Congress of the United States from the beginning in making appropriations for the purchase of sites and the erection thereon of public buildings. The projects were always proceeded with under very good rules and regulations, and I do not know that any great harm came to the taxpayers of the country by virtue of that method.

I believe that Senators and Members of the House of Representatives have a duty to perform for their constituency; I believe in representative government; I am against bureaucracy in government. I believe that, as to my State, I know better than Mr. Cox, or Mr. Wetmore, or Mr. Mellon, the Secretary of the Treasury, may know what towns or cities need public buildings or river and harbor improvements. Evidently a majority of the Senate, and certainly a majority of the House of Representatives, believe that Mr. Mellon can perform that function better than they can. Mr. President, when this Congress, day by day and little by little, surrenders its rights it destroys the representative character of government. I can not conceive of any bill that ties itself to bureaucracy and makes a more complete surrender of congressional and representative government than the pending public buildings bill.

I am not against a public buildings bill. Indeed, I believe that the amount of the appropriation that is proposed to be authorized by the pending measure is too small, for Mr. Wetmore, representing the Treasury Department, stated that, in order to meet the exigencies of the hour and to procure sufficient sites and to erect a sufficient number of buildings to take care of the needs of the Government at this time, it would require an appropriation of $325,000,000. I would vote to-day for the authorization of an appropriation of $325,000,000 to erect the necessary post-office buildings in this country. So my opposition to the pending measure is not based on the amount which it is sought to be authorized to be appropriated or because of any building program. My opposition to the bill is because it involves a surrender of the function that we are called upon to perform here as Senators for our States and for the American people.

Ten years ago no one would have conceived the idea that the Congress of the United States would delegate to one man in this Government the right to expend $150,000,000 and to select sites for public buildings all over this country wherever he chose without fixing a limitation as to the amount that the site was to cost, and would delegate to him the right to erect public buildings wherever he chose in the country, without limitation as to the cost of those buildings, giving to one officer of the Government the right to go to any place in the United States and cause a site already acquired to be sold, giving to one official in an executive department the right to go to any city in the United States where there is now a public building and sell it and demolish it if he chooses without consultation with anybody. To me such a proposition seems preposterous.

So this bill proposes—and if I am wrong in the assertion, I want my friend, the Senator from Maine [Mr. FERNALD], to contradict me—to give to Mr. Mellon the power to expend $100,000,000 and to select any site he chooses in the United States for a post office. He may pay for that site whatever he chooses, except that he can not spend over $5,000,000 in any one State in any one year. The bill proposes to give to him, as I have stated, the right to erect public buildings at any place in the United States with this $100,000,000 without any limitation as to the cost of a particular building. It provides that he may sell any public building in the United States if he desires to do so; that he may go into the District of Columbia and close any street that it may be necessary to utilize in the construction of a public building which he may choose to erect under the provisions of the bill. He does not have to consult the Commissioners of the District of Columbia even as to closing up alleys or closing up streets and abolishing them. There never was such power given to any executive officer in all the history of this Government.

Senators refer to the old method of providing for public buildings as being "pork-barrel" legislation. This is a "Mellon patch" bill, and from the way my good friend from Virginia [Mr. SWANSON] has been parading around and championing this particular measure and working as the right-hand lieutenant of my friend from Maine [Mr. FERNALD] he must have his eye on a very luscious and large melon in the patch. The only guards at this "Mellon patch," with all its wonderful melons, are Mr. Cox, of the Treasury Department, Mr. Mellon, and Mr. Wetmore. Of course my friend from Virginia, when he visits this patch to get his melon or his three or more melons, as the case may be, will not consult with Mr. Mellon; he must go to Mr. Cox. But when my friend from Indiana [Mr. WATSON], who is one of the pillars upon which rests the great Republican Party, and who has a great contest on this year in the State of Indiana, visits it he will not consult with Mr. Cox or Mr. Wetmore, but he will go to Mr. Mellon. I can picture my friend from Indiana during September and October when he goes to one of the cities in Indiana which has been trying to get a public building for 15 years or more and is asked, "What did you do about it?" He will say, "I went up to see Andy, and I talked to Andy about it. You know he has all the power to provide for the construction of these buildings. He can select the sites, and he can choose the places where they will be erected, and I will tell you what Andy told me. Andy said, 'Now, JIM, I know you have a hard fight on your hands, and I know the conditions, and you just tell those people I am going to take care of you. Do not let that get into the newspapers, but whisper it around in the ears of the chief politicians in the particular cities.'" I imagine that some of my other friends, notably the distinguished Senator from Ohio,

will consult with Andy, and when he reaches some town in his State——

Mr. WATSON. Mr. President——

Mr. HARRISON. I yield to my friend from Indiana.

Mr. WATSON. I dislike very much to interfere with the beautiful picture which my friend is drawing, but it may interest him to know that for the State of Indiana there is no appropriation whatever contained in this bill.

Mr. HARRISON. No; that is the trouble. The Senator is going to vote for it, although it does not provide for a single building in Indiana. My friend from Indiana has been trying to get a public building at Bicknell, Ind. What is he going to say to the people of Bicknell when he votes for this $165,000,000 authorization and the news goes out to those people who have been striving for years to get a public building that their city is not provided for? What will be his response?

Mr. WATSON. Mr. President——

Mr. HARRISON. I will ask the Senator to wait a moment until I finish. The Senator has been making an effort to secure a public building for East Chicago. No building is provided for that place in this bill. Linton, in his State, wants a public building; Monticello, in his State, has asked for a public building; Sullivan, from which place comes my friend Mr. Will Hays, who is helping the Senator all he can in his primary fight in Indiana, wants a public building? What is the Senator going to say to the people of Sullivan about this bill? The people of Warsaw, Ind., have been making an effort to get a public building; the people of Whiting have been making a similar effort, and so have the people of Hammond. Hammond has grown and is growing very rapidly; they need a public building there. The pending bill does not take care of any of those places, and the Senator knows when he votes for this bill that it is impossible for Hammond to be taken care of if the recommendation of Mr. Wetmore before the House committee shall be followed. South Bend has made an effort to secure a public building, and so has Vincennes, where my friend Bill Cullop lived, and so has Plymouth. These are places in Indiana which have been striving to secure public buildings, and my friend from Indiana admits that in the authorization contained in the pending bill none of them is provided for. I can not understand how he is going to explain to those people that he delegated his right as a Senator here to demand of the Public Buildings Committee that they follow the old-established custom of bringing in a bill based on postal receipts and on population and treating every place alike, enumerating the cities and the places where public buildings should be erected, when he voted for a bill such as this, which does not provide for any such policy. Now I yield to my friend.

Mr. WATSON. Mr. President, in the first place, if an emergency exists anywhere in Indiana under the provisions of this bill and I can so persuade the Secretary of the Treasury, I might secure an appropriation. In the next place, if this bill shall not be passed, then none will be passed, and, if it were possible to pass one containing all the appropriations that all the Senators and Representatives should like to have made, it would take a billion dollars.

Mr. HARRISON. It would take $325,000,000, according to the statement Mr. Wetmore made to the House committee.

Mr. WATSON. Oh, we could use that much in Indiana right now, I will say to my friend.

Mr. HARRISON. But Indiana, under the provisions of this bill, does not get anything.

Mr. WATSON. Fort Wayne should have a public building; but no public buildings will be provided for if this bill shall not be passed. I want to do the practical thing, I will say to my friend, and I think the passage of the pending bill is the practical thing, and that is why I support it.

Mr. HARRISON. Does the Senator know that a list has been compiled of the cities where this money is going to be expended; that it was presented to the House Public Buildings and Grounds Committee, and that to erect buildings in the 82 places therein enumerated it will cost $119,000,000. Indiana is not provided for in that list; there are only about 20 States that are provided for in it and $72,000,000 out of the $100,000,000 will go into six States of the Union. So the Senator is voting for this measure with his eyes wide open.

The Senator had long experience in the House of Representatives and he has been here for a long time——

Mr. FERNALD. Mr. President——

Mr. HARRISON. I will ask the Senator to wait a moment, and then I will yield to him. The Senator from Indiana was a Member of the House when a number of public building bills were considered. I will ask him if the Committee on Public Buildings and Grounds did not look at these questions then in a practical way? Are there not some men in Congress who are just as practical as Andy Mellon? Did not the committee in those instances stipulate the amount of postal receipts that any city or town must have in order to obtain a site or a public building? Did they not have a rule, and did they not follow it, that a city must have a population of a certain amount before it could get a public building? It would be easy to follow the same procedure here. It might take a little more of the time of the distinguished members of the Public Buildings and Grounds Committees in the Senate and the House to do that, but they could do it. No! The reason why they do not do it is because you want to surrender your power here as representatives of the American people and give it to the Secretary of the Treasury because maybe, forsooth, you think you can whisper into his ear and have him veto these buildings and get something for yourselves.

I will admit that the Secretary does not have to buy these sites; he does not have to build the buildings enumerated here, to which I have just called the attention of the Senate. He can veto all that. There is nothing binding on him; but that is what he presented to the committee through Mr. Wetmore, and that is the list we will get.

Mr. WILLIAMS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. HARRISON. Yes; I yield to the Senator.

Mr. WILLIAMS. May I ask the Senator whether he has discussed the thing that the Senate and the House are losing? What is the legislative power that we lose? Why is not this purely an administrative matter?

Mr. HARRISON. When the Senator from Missouri has been here a little while longer—which I fear he will not be—he will find that his State is getting something.

Mr. WILLIAMS. I think that is not a fair answer.

Mr. HARRISON. Missouri does not get anything under this bill unless Mr. Mellon wants to go back upon what he has said to the committee, through Mr. Wetmore, and give to the Senator something to help him out in his political campaign in Missouri.

Mr. WILLIAMS. Suppose Missouri does not get anything out of this bill?

Mr. HARRISON. Then the Senator will be satisfied, will he?

Mr. WILLIAMS. I think this is an administrative matter, and not a legislative matter.

Mr. HARRISON. The Senator can tell his constituency, then, that he is satisfied if Missouri does not get anything.

Mr. WILLIAMS. I did not understand that it was a political matter, Mr. President.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. HARRISON. Yes; I yield to the Senator from Texas.

Mr. MAYFIELD. The Public Buildings Commission ascertained that the exact needs of the District of Columbia were $50,000,000, and this bill authorizes that amount for the District. In other words, the bill takes care of the full and exact needs of the District. Mr. Wetmore, testifying before the House committee, estimated that it would take $325,000,000 to take care of the exact needs of the 48 States. Upon what theory can any Senator support this bill, which authorizes an amount that will take care of the exact needs of the District and will take care of only about one-third of the needs of the various States?

Mr. HARRISON. Here is Iowa, for instance.

Mr. BRUCE. Mr. President——

Mr. HARRISON. I hope the Senator will let me proceed.

Mr. BRUCE. I certainly will.

Mr. HARRISON. I just want to follow this line of thought. Here is Iowa. Iowa is entitled to something under this public-buildings proposition. They have a great State out there. They have a great Senator from that State on the other side, and we have a great Senator from that State on this side; and they are entitled to get some of the melons out of this Mellon patch. If they follow the recommendations of Wetmore, Iowa will not get one cent. There is not a site provided for. There is not a building provided for. The $119,000,000 will go somewhere else. But the Senator has been alert. He has been trying to get some public buildings for certain cities and towns in Iowa. He has made an exceptional effort to do it. Why, here is what he is trying to do:

At Albion they want a public building; at Clarion; at Dubuque they need one badly; at Eldora; at Hamburg; at Hampton; at Independence; at Marengo; at Mason City; at Newton; at Oelwein. Oelwein is entitled to one. Oelwein will be treated badly if it does not get one. Any place that is even named Oelwein is entitled to a public building. There is Osage; there is Osceola; there is Waverly; there is Winterset; there is

Marshalltown; and yet if this bill passes, none of those places can be taken care of unless Mr. Mellon countermands what Mr. Wetmore told the Public Buildings and Grounds Committee of the House of Representatives.

Mr. FERNALD. Mr. President, will the Senator yield a moment?

Mr. HARRISON. Yes; I yield to the Senator.

Mr. FERNALD. The Senator means to say that these places will not get any buildings unless an emergency exists there. If there is an emergency, they will get buildings.

Mr. HARRISON. I did not express myself very well.

Mr. BORAH. Mr. President——

Mr. HARRISON. I yield to the Senator from Idaho.

Mr. BORAH. I am not so much interested in the particular places; but who decides whether there is an emergency?

Mr. HARRISON. Mr. Mellon.

Mr. FERNALD. And the Postmaster General.

Mr. HARRISON. Why, when the Postmaster General consults with Mr. Mellon he has to consult with him under the rules and regulations of Andy Mellon. Those are the provisions of the bill; and he does not consult with the Postmaster General with reference to how much the building is to cost. He consults with him only with reference to the places and with reference to the plans of the particular buildings. The Postmaster General might say that a building was needed at Winterset that would cost $250,000. Andy might say, "No, Harry; you can not get at that place more than $25,000;" and then when the Postmaster General answered him back in that way he would have to do it under such rules and regulations as Mr. Mellon prescribed.

Mr. BORAH. Mr. President, may I ask the Senator what limitations, if any, there are in the bill on the discretion of the Secretary of the Treasury?

Mr. HARRISON. There is no limitation upon the Secretary of the Treasury except that he can not spend in any one year more than $5,000,000 of this $100,000,000 fund in any one State. That is about the only limit placed upon his discretion.

Mr. SMOOT. Mr. President, of course the Senator knows that if the Swanson amendment is agreed to that will make an entire change, because the Congress will have to appropriate the money; and the Senator knows very well that at that time we will know exactly what buildings are to be erected, and when, and at what cost.

Mr. HARRISON. We have heard much of the Swanson amendment in this discussion. What is the Swanson amendment? Let us finish that proposition right now. The Swanson amendment provides that no contract can be entered into by the Secretary of the Treasury, either for the purchase of a site or for the erection of a building, until the moneys are in hand in the Treasury; that is all. There is nothing in the Swanson amendment that will prevent the Secretary of the Treasury from promising my friend from Utah that he is going to build a building at a certain place in his State.

Mr. SWANSON. Mr. President, will the Senator permit me?

Mr. HARRISON. Let me finish, then I will yield, if the Senator will wait just a minute. That is the Swanson amendment. It is contended upon the part of my friend, the author of that amendment, and other Senators that because of the provision in this bill touching the Budget, the Secretary of the Treasury must give to the Budget and the Budget must transmit to Congress the details as to how this money is going to be expended.

I do not care if he furnishes the details to the Budget Bureau. I do not care if the Budget transmits them to the Appropriations Committee. There is nothing in the bill that says that the Secretary of the Treasury must spend the money in that way. There is nothing that says he must spend a cent in that way. There is no compelling clause there at all; and I contradict the proposition, I deny the assertion, that the provision touching the Budget will compel the Congress of the United States to make appropriations according to the amounts specified for this site and for that public building.

Mr. SMOOT. Mr. President——

Mr. HARRISON. One moment. What you should do is to make it clear, and I hope that an amendment of that kind will be agreed to.

Mr. SMOOT. Mr. President——

Mr. HARRISON. Wait a minute, and then I am going to tell the Senator something, if he will just allow me to do so. You know, that is hard to do. What the Swanson amendment should do is to go one step farther and remove any ambiguity in the wording of this proposed measure, and say that the Secretary of the Treasury shall not contract for the purchase of any site or the erection of any building, first, until the moneys are in hand, and, secondly, until the Congress has been given a list of places where sites are to be located, with limits of cost for the sites, and a list of places where buildings are to be erected, with limits of cost on those buildings, and that the money so appropriated shall be used for that purpose. That will help your bill.

Mr. SMOOT. Mr. President, that would be the old plan.

Mr. HARRISON. The Senator does not want to go to the old plan because he thinks he will get more out of this plan.

Mr. SMOOT. No, Mr. President.

Mr. HARRISON. The Senator gets $50,000,000 here for the District that he has been laboring to get for many years.

Mr. SMOOT. Does the Senator object to that?

Mr. HARRISON. No; I am for that provision, but I think there ought to be some restriction. I do not believe we ought to tell the Secretary of the Treasury to go ahead and build with this $50,000,000 in the District of Columbia whatever buildings he chooses.

Mr. SMOOT. He can not do that.

Mr. HARRISON. Yes; he can. The bill does not state what buildings he has to erect in the District of Columbia. It does not put any limitation of cost on the buildings. Is there anything wrong in having the Committee on Appropriations specify and particularize the limit of cost of these sites and the limit of cost of these buildings, so that somebody must follow in the straight and narrow path?

Mr. SMOOT. If the Director of the Budget, with the consent of the President, sends to the Appropriations Committee, either of the House or of the Senate, an estimate for a certain building, and under that estimate the exact amount asked for is appropriated—and Congress would not appropriate any more—does the Senator think that same money, then, could be spent for the erection of some other building?

Mr. HARRISON. Why, of course it can be spent in that way unless you particularize the exact amount.

Mr. SMOOT. Does the Senator believe it would be spent for some other building?

Mr. HARRISON. Yes; I think it might be spent for some other building. I do not like to answer that question, but I think it might be spent for some other building.

Mr. SMOOT. Such a thing is unthinkable.

Mr. HARRISON. The Senator says it is unthinkable. Now, let us see what will happen. We pass this legislation authorizing $25,000,000, say, to be appropriated for these buildings outside the District of Columbia, and outside of section 3. It is presented to the Appropriations Committee. Under the authority of law there, Mr. Mellon can spend that $25,000,000 wherever he pleases. The Senator does not deny that. He can spend it all on sites if he wants to. He can spend it all on buildings if he wants to. The Senator does not deny that, does he? Now, the Senator says that because the Secretary can present to the Director of the Budget a list of places where he expects to spend this money, and he sends it up to Congress, the Secretary of the Treasury is bound to spend it in just that way.

Mr. SMOOT. I have not any doubt but that he will. I think he is morally bound to do so.

Mr. HARRISON. If that is the case, why does the Senator object, then, to an amendment such as I have suggested that will clarify the proposition and carry out that idea exactly?

Mr. SMOOT. Mr. President, I do not think the Members of the House or the Members of the Senate know exactly what the buildings will cost.

Mr. HARRISON. When will they know?

Mr. SMOOT. They will know after an examination has been made, a report has been made, and the Budget sends up the amount.

Mr. HARRISON. Wait a minute; let me get that. The Senator says that they do not know now, but that they will know when the Bureau of the Budget sends in its estimate and when the Appropriations Committee makes the appropriations. Then they will know. Then why can not the appropriations Committee, when they pass this public-buildings appropriation of $25,000,000, specify and particularize where that $25,000,000 is going to be expended, according to the Budget Bureau that sent it in?

Mr. SMOOT. The Senator does not think that can be done in this bill, does he?

Mr. HARRISON. We can amend it so that it will carry out that idea.

Mr. SMOOT. I do not think so, Mr. President. If we want to get any buildings under way, we could not do it.

Mr. HARRISON. That would not delay the proposition. The committee can bring in the appropriation before we finish the session. There are some Senators so anxious to get back

to their States in order to take care of their elections that they want to adjourn this session of Congress too quickly. I hope Congress will stay here until it gets through with the people's business.

Mr. SMOOT. I hope so, too.

Mr. HARRISON. If this bill shall become a law, the committee can report out an appropriation. Call it the "public-buildings appropriation." Particularize. There will be no delay. We will not have to wait until next year to get the post-office buildings.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. SWANSON. The Senator has manifested a great deal of zeal against this bill and more zeal than knowledge as to its contents as proposed to be amended.

Mr. HARRISON. I ascribe to the Senator all knowledge on this proposition.

Mr. SWANSON. I hope I have more than the Senator has displayed in the discussion of it.

Mr. HARRISON. The Senator has the support——

Mr. SWANSON. The Senator has the support of Mr. BUSBY, from his State, who introduced a bill with six or seven little items in it and brought it to me to offer as a substitute for this bill, which I would not do.

Mr. HARRISON. I have not offered it.

Mr. SWANSON. No; but that is the source of the Senator's opposition and clamor against it. He brought that bill over here under which Mississippi would get about twice as much as any other State.

Mr. HARRISON. Mr. President, I decline to yield. I am opposed to this bill. The Senator was not in the Senate at the time I made the statement of fact upon which my opposition is based. I am opposed to it on the theory that it is a surrender of the rights of Congress. I know the fight made by the Congressman from my State, and by the Congressman from Texas, and by Mr. TAYLOR, a Republican Congressman from Tennessee. They fought for certain propositions. I think they were absolutely right in making that fight. I want to see a public buildings bill pass. I stated that a while ago, while the Senator was out. I will vote for a $200,000,000 authorization if the Senator will restrict the appropriations and carry it out along the lines I have suggested.

Mr. SWANSON. Here is what the Senator wants to have done, and he can see that it is absolutely impossible, if we get down to what Congress can do. Under the amendment I have offered—and if it is not adopted I shall oppose the bill—no authority can be exercised by the Secretary of the Treasury until Congress authorizes him to do so by an act of Congress.

Mr. HARRISON. No contract can be made.

Mr. SWANSON. No contract can be made or any obligation entered into.

Mr. HARRISON. It does not say anything about any promises being made.

Mr. SWANSON. What is the result of that? He can not make a contract. All this bill would do, as amended, would be to authorize the expenditure of a hundred million dollars to be spent in the country for public buildings. It directs that estimates be made by the department and sent to the Appropriations Committee, as all appropriations must go through the Appropriations Committee. That committee can then pursue one of two courses. It can appropriate specifically for buildings by name, and sites by name, no more and no less. Or it can do as it does with river and harbor bills, appropriate $25,000,000 or $15,000,000 for items and estimates contained in document numbered so and so, which means that the money, $25,000,000, is available to complete those plans. They can not go outside of those. Under a river and harbor bill Congress has never given authority to the engineers to go and spend the money before it is authorized and estimated for in estimates furnished to the Appropriations Committee. If this amendment shall be adopted, that is what would be done.

The Senator wants to go further and say that the Appropriations Committee itself can not make the authorization except for a specific plan. Even if that were to be put in this bill, we could not control the action of future Congresses. At any time the Appropriations Committee can recommend or Congress can appropriate a lump sum, and we can not prevent a future Congress from doing that. There is no way in which one Congress can bind another. All we can do is to provide that no contract shall be made for a site or for a building or for any modification of a building until the money is available in the Treasury for that purpose.

Mr. BORAH. Mr. President, what can the Secretary do prior to the time the appropriation is made?

Mr. SWANSON. He can not do a thing but make estimates and submit them for the consideration of Congress through the Appropriations Committees, as the Chief of Engineers does in connection with river and harbor improvements.

Mr. BORAH. He selects the sites on which he wants the buildings erected?

Mr. SWANSON. Where he makes his recommendation.

Mr. BORAH. Is that selection binding upon us?

Mr. SWANSON. Not at all; not even remotely. It is not binding in the slightest. It is simply a recommendation, showing the necessity for the building, and recommending that Congress appropriate the money. Section 4 simply directs him to make the estimates. My amendment provides that no obligation can be incurred under any contract whatsoever until the money is made available by Congress.

Mr. BORAH. Does this bill amount to nothing more than an authorization to the Secretary of the Treasury to make recommendations?

Mr. SWANSON. That is all it amounts to, and authorizes the Appropriations Committee to appropriate $100,000,000; except this, that there are buildings which have been authorized, and we lack $15,000,000 for their completion. I suppose $41,000,000 has been authorized, but the buildings can not be completed. We increase that by $15,000,000, which makes it a little over $50,000,000 for buildings already authorized.

Mr. SMOOT. And appropriated for.

Mr. SWANSON. The appropriations have not been sufficient to complete them, and this would complete the work.

Mr. BORAH. Then, as a matter of fact, this bill, so far as providing for buildings is concerned, does nothing.

Mr. SWANSON. It does nothing except authorize the Committee on Appropriations to report to Congress under the authorization.

Mr. BORAH. It will do nothing until the next session of Congress——

Mr. SWANSON. No; if the Senator will permit me, this is the situation: The Appropriations Committee can not appropriate for buildings until there is an authorization. Under the Budget system the Appropriations Committee is limited in making appropriations to those cases where authorizations have been made. This bill authorizes the Appropriations Committee to report a bill back to Congress for specific buildings, if they want to, within the authorization, not exceeding the $25,000,000 for buildings for which authorizations are made. All the Public Buildings Committee amounts to to-day is an authorization committee. This bill, with my amendment added, gives the Secretary of the Treasury no authority whatsoever except to make recommendations and estimates to the Bureau of the Budget.

Mr. BORAH. I think I understand the proposition. It is that, so far as this Congress is concerned, our legislation will consist of nothing more than authorizing the Secretary of the Treasury to make recommendations.

Mr. SWANSON. Except as to buildings already authorized and appropriated for. If the Appropriations Committee report a bill two weeks or three weeks from now, it will be in order for them to recommend an authorization.

Mr. KING. Of $100,000,000.

Mr. SWANSON. They could; $25,000,000 a year. The Appropriations Committee could meet later under this authorization and recommend an appropriation of $25,000,000 for next year, commencing the 1st of July. The Committee on Appropriations can do nothing, under the Budget system, until an authorization has been made, and that is all this is.

Mr. BORAH. Is it contemplated that we will do anything at this session?

Mr. SWANSON. I do not know. The Senator can ask the Committee on Appropriations.

Mr. FERNALD. I think I can answer the question. If we are able to pass this bill in a reasonable time, the Committee on Appropriations might pass upon it, and we ought to do something at this session of Congress, right away, within two weeks.

Mr. BORAH. May I ask those who are in charge of the program on this side of the Chamber if it is contemplated that there will be anything further done until after the election?

Mr. SMOOT. There is one more appropriation bill to be passed—the general deficiency appropriation bill. If this bill becomes a law and the Budget Bureau recommends any amount up to $25,000,000 for public buildings, it will be put in that bill. We have to put in the $15,000,000 to take care of buildings now authorized, because there was an insufficient appropriation in the past. They will be appropriated for in the deficiency appropriation bill. The question as to further appropriations, beyond the $15,000,000, will depend entirely on whether this

bill becomes a law, and whether an estimate comes through the regular channels for buildings up to the amount of $25,000,000.

Mr. BORAH. Is it contemplated that that will be done?

Mr. SMOOT. I will say to the Senator that my understanding is that it will be done; but I have no promises to that effect.

Mr. OVERMAN. Did I understand the Senator to say that the Appropriations Committee would take care of some of these buildings at this session?

Mr. SMOOT. I say that I have no promises to that effect.

Mr. OVERMAN. Is that the policy?

Mr. SMOOT. We have to take care of the $15,000,000, and if estimates come to Congress for any amount up to the $25,000,000 provided for in this bill, then I think more than likely they will be provided for in the deficiency bill, too. But I know of no definite plan for that to be done, justifying me in saying to the Senator that it would be done.

Mr. OVERMAN. I understood the Senator to say to me the other day that if this bill does become a law the Appropriations Committee will not be bound by the Budget but can put in any buildings they think they want; that they are not bound by the Budget. Therefore, we will have a great scramble.

Mr. SMOOT. Oh, yes; they are bound.

Mr. GLASS. They are not bound by the Budget, nor is Congress bound by the Budget.

Mr. OVERMAN. I wanted to get that statement in the RECORD.

Mr. SMOOT. The Senator knows that, as members of the committee, we make appropriations——

Mr. OVERMAN. I know, and I want the Senator to say for the RECORD that we can take in any other buildings that we please, notwithstanding what Secretary Mellon may recommend or what the Budget may recommend.

Mr. SMOOT. Under the rules of the Senate, if there has been no estimate made for an item by the Budget, and no bill has been passed by Congress authorizing the expenditure for that purpose, then a point of order can be made against it.

Mr. OVERMAN. This being an authorization, no point of order could be made.

Mr. SMOOT. I rather think that is correct.

Mr. LENROOT. As a member of the Committee on Appropriations, I would like to give to the Senator from North Carolina my understanding of the situation, because it will come before us later.

Mr. OVERMAN. I want to hear the Senator. I want to have an understanding before that committee meets.

Mr. LENROOT. My view is——

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Mississippi yield; and if so, to whom?

Mr. HARRISON. I yield to the Senator from Wisconsin.

Mr. LENROOT. If this bill passes in its present form, the Committee on Appropriations may accept or reject any Budget estimates that have been made, but if the committee reports a bill, no amendment can be offered upon the floor inserting an item which has not been estimated for. But there is this to be said, I think—and I want to be entirely candid: As the bill now stands, I think Congress is delegating to the Secretary of the Treasury and to the Postmaster General the selection of cities in which public buildings shall be erected. I do not believe it would be within the jurisdiction of the Committee on Appropriations, if those authorities had not designated a city, to put that city into a bill. But they can reject any city which has been selected or recommended.

Mr. GLASS. Mr. President, the Senator does not exactly mean that no amendment providing for a building may be offered upon the floor?

Mr. LENROOT. Not exceeding the estimate.

Mr. GLASS. The Senator means that any proposal of that sort would be subject to a point of order.

Mr. LENROOT. Yes.

Mr. GLASS. Unless the Senate pleases to adopt it.

Mr. LENROOT. Oh, yes.

Mr. HARRISON. Mr. President, I want to get clearly the position of the Senator from Virginia on one proposition. Suppose we pass this bill now and it becomes a law, and we stay here for two or three weeks longer; and suppose we desire to pass an appropriation bill to carry out this $25,000,000 authorization. The Secretary of the Treasury makes his recommendation, and sends in the Budget recommendation also, and the matter goes to the Committee on Appropriations. I take it the Appropriations Committee—and I am propounding this question to the members of the committee—would recommend the appropriation of the sum of $25,000,000, without particularizing, without specializing, the places or without any limit of cost.

Mr. SWANSON. If the Senator will permit me there, the Appropriations Committee could report for specific places and for specific sums and sites.

Mr. HARRISON. Does the Senator favor that plan?

Mr. SWANSON. I would rather have this handled as river and harbor improvements are handled, having an estimate made for certain sites and certain buildings. In the improvement of rivers and harbors we generally appropriate a lump sum to carry out the recommendations or estimates made in document so-and-so. Then, if one takes a little less than has been estimated for, what is left over is applied to the completion of the entire program outlined. I think that would be a better course to pursue with public buildings.

Mr. HARRISON. Why is there any objection to clarifying that particular proposition?

Mr. SWANSON. I have no objection.

Mr. HARRISON. The Senator is speaking against the suggestion I made.

Mr. SWANSON. I say there is nothing we can do, because every Congress can do what it pleases. This Congress can not bind a future Congress. It is left to them to determine what they will do. I do not see how we could pass a statute now that would bind a Congress six years hence.

Mr. HARRISON. Mr. President, I have not said anything about this Congress being able to bind some other Congress. We can write into the bill a provision that the appropriations when made shall particularize and specialize and limit the cost. That is not making the appropriation. That is writing in the law that the Appropriations Committee shall have no right to go beyond a certain limit.

Mr. SWANSON. The only difference between the Senator's contention and mine is that mine leaves it to the Appropriations Committee to do what they think wise. They can make it specific, or they can make a lump-sum appropriation.

Mr. HARRISON. We could control them if we wrote it into the law.

Mr. SWANSON. We can only control them so far as authorizations are concerned under the Budget system. Even if we say they shall not appropriate except specifically, I do not see how we could prevent a future Congress from appropriating a lump sum of $25,000,000.

Mr. HARRISON. I can not follow the Senator in that reasoning.

Mr. SWANSON. I do not see how in an authorization we can control the Appropriations Committee as to how the amount shall be appropriated.

Mr. HARRISON. Suppose, then, the appropriation should come in as a $25,000,000 lump sum. Is there anything which a month from now would prevent the Secretary of the Treasury from changing his opinion as to the expenditure of two or three million dollars of that sum and applying it to places other than those mentioned by the Budget?

Mr. SWANSON. If they made a lump-sum appropriation of $25,000,000 to be expended by the Secretary of the Treasury for the construction of public buildings, he would have absolute authority to do it, but the Congress would have to give its approval. Congress would have to pass a bill of approval. The Appropriations Committee could say that he could have it in a specific sum.

Mr. HARRISON. We could appropriate more than $25,000,000 then, because of the way the language of the bill reads now.

Mr. SWANSON. They could say how the $25,000,000 should be expended.

Mr. HARRISON. Why not determine it in the legislation that is now before us?

Mr. SWANSON. If that could be done, I have no objection.

Mr. HARRISON. What is the objection of the Senator from Maine to that proposition?

Mr. FERNALD. I would have to see the proposition in writing so that I could study it. It has been expressed in several different ways. In the first place, everything to be passed on by the Comptroller of the Currency must be done in a certain way. We have had some trouble with other appropriations that have been made in the past. I assume this can be cared for in the way the Senator has expressed it. I am inclined to think there will be no trouble in getting together upon a proposition of that kind, but I would want to see it fully stated in writing so that I could examine it carefully.

Mr. SWANSON. I have an idea that the best way to handle an appropriation for sites, buildings, and modifications is in the way we handle the river and harbor items. I believe the

river and harbor legislation has given very general satisfaction. The estimates are submitted to the Committee on Commerce and they conclude what they want to expend, and Congress generally makes the appropriations to carry out that plan.

Mr. HARRISON. The appropriations that Congress make for river and harbor improvements are on an estimate of the board of Army engineers. If that board says that they must spend $50,000,000 this year, the Congress gives them that sum. They have nowhere else to spend that $50,000,000 except according to the estimate that has been made by the Board of Army Engineers and ratified by the Congress of the United States.

Mr. LENROOT. But maintenance is the largest item in the river and harbor bill.

Mr. HARRISON. It must be expended upon the projects that have been adopted in the usual form.

Mr. LENROOT. But they could do the same thing there that the Senator says could be done here.

Mr. HARRISON. They could not go out and spend any money on some project that had never been adopted.

Mr. SWANSON. The estimates can be sent here for public buildings and sites next year under the Budget system. The amount to be spent could be determined, just like it is determined in the estimate of the Board of Army Engineers. We will say that it takes $25,000,000. The Appropriations Committee reports to Congress. Congress can provide that it shall be expended according to the estimates. I think that could be done in this case. I think they could add estimates to it. I differ with the Senator with reference to that matter.

Mr. LENROOT. They could add estimates, but the selections would have to be made by the department.

Mr. SWANSON. That is a law, I think, which has already been enacted. We appropriate an amount of money for the construction of a building. It takes $66,000 to complete the building, but we have only appropriated $65,000. The department can not make a contract for that building under those circumstances. Its construction is delayed until Congress increases the appropriation $1,000. My idea is to follow the river and harbor plan.

Mr. LENROOT. Mr. President, will the Senator from Mississippi yield to me?

Mr. HARRISON. I yield.

Mr. LENROOT. I am frank to say that my objection to having specific appropriations which may be offered upon the floor of the Senate is that when the department has acted and when the Committee on Appropriations has acted and there is only so much money which can be expended, I would not like to give any Senator the opportunity to rise in his place and say, "If we can not get an appropriation for the village of Podunk, in my State, we can not have any bill."

Mr. HARRISON. The Senator, of course, is putting it strongly, but he said that a Senator could not offer an amendment on the floor of the Senate, after the Appropriations Committee had acted, which would exceed the estimate of the Bureau of the Budget.

Mr. LENROOT. The Senator knows that it is the fact.

Mr. HARRISON. I understand that. In other words, it would make no difference what the Appropriations Committee had done in turning down a proposition that was the best one for them, a Senator's right would be taken completely away from him because he could not offer an amendment on the floor at all.

Mr. LENROOT. No more than he could on any other appropriation bill.

Mr. HARRISON. But we can at least see that the bill specifies and particularizes where the money shall be spent.

Mr. LENROOT. Now, upon that point let me say just a word. The Senator is not a member of the Committee on Appropriations, although I think the Senator has worked on the agricultural appropriation bill, has he not?

Mr. HARRISON. Yes.

Mr. LENROOT. The Senator knows that there is not a heading in the agricultural appropriation bill that does not contain a lump-sum appropriation.

Mr. HARRISON. Oh, well, Mr. President——

Mr. LENROOT. Let me finish. The Senator knows that they make their estimates, and if the committee allows an item the money must be spent for that purpose. For instance, the Senator had a mosquito item, which he proposed on a bill; and if that had stayed in the bill and if we had increased the appropriation $25,000 because of the Senator's representation, it would have been a matter of bad faith upon the part of the Department of Agriculture to use that $25,000 for some other purpose.

Mr. HARRISON. I can understand that, but the Senator is wrong. When we appropriate $25,000,000, we have given full authority under which the Secretary of the Treasury can continue to perform. If he can not, what is the use of writing all these powers in the bill that are now in it?

Mr. LENROOT. He can not do it except as the estimates have been made and the money appropriated.

Mr. HARRISON. If that is the Senator's contention, what objection has he to making that proposition plain? Here is the wording of the bill on which he bases that assertion:

> The Secretary of the Treasury shall submit annually and from time to time as may be required estimates to the Bureau of the Budget, in accordance with the provisions of the Budget and accounting act, 1921, showing in complete detail the various amounts—

Understand that, the various amounts—

> it is proposed to spend under the authority of this act during the fiscal year for which said estimates are submitted.

He could come in and ask for $25,000,000 and say that he wanted to spend $5,000,000 for sites and that he wanted to spend $20,000,000 for the erection of public buildings, and he might think that under the law that is all he must do. I want to make it clear. I know what the Senator's contention is, but I want to make it clear and sure that the Secretary of the Treasury must lay the details before Congress, that Congress must approve those details, both as to limit of cost and location of buildings.

Mr. SWANSON. Right at that point is where my amendment would come in, providing that no contract for site or modification or erection of a building shall be made until the money has been made available.

Mr. HARRISON. But after he gets his $25,000,000 annually then he can do as he pleases.

Mr. LENROOT. Let me say to the Senator that I certainly would have no objection to an amendment he would suggest to the paragraph he is now reading——

Mr. HARRISON. I am not suggesting any radical proposition.

Mr. LENROOT. Let me finish—requiring the Secretary of the Treasury to make estimates as to the specific cases or specific buildings or specific sites.

Mr. HARRISON. And that the appropriations when made on those estimates shall be followed out. I can not understand why there should be any objection to a proposition like that.

Mr. SWANSON. That does not amount to anything for the simple reason that the Appropriations Committee and Congress would have to approve of it in the end. I do not see how one Congress can bind another Congress five years from now and tell it how to carry out any particular project.

Mr. HARRISON. I asked the legislative draftsman to put in proper language just what I wanted, and he prepared the amendment to which I have referred. It is not complicated, and Senators seem to understand my purpose and object. Why should there be any objection to a proposition like that?

Mr. ROBINSON of Arkansas. Is there objection to it? I accept the amendment. [Laughter.]

Mr. LENROOT. I would like to understand if it is the Senator's idea, if his amendment were adopted, that any Senator then might rise in his place and offer an amendment providing for another building somewhere that has not been considered by any committee?

Mr. HARRISON. The Senator misconstrues what I have said. I voted against the rule that the Senator and others on his side of the Chamber put on us here which took away from us certain rights with reference to offering amendments. I think that the rule ought to be rescinded. I voted against it then, and I am against it now. I am not contending for that. I am merely contending that when we make this lump-sum appropriation of $25,000,000 we shall specify and particularize where the money is going to be spent and how much is going to each place. I am not contending for the right, when it comes here on the floor, to offer an amendment that is contrary to the rules, because the rules take care of that proposition.

Mr. LENROOT. I think, perhaps, we can get together on that proposition.

Mr. FERNALD. It is very similar to the Swanson amendment, and I have not any doubt we can get together on it.

Mr. HARRISON. The Swanson amendment goes very far and is a very splendid thing, because the Secretary of the Treasury should not control where the money should go, but it does seem to me the other proposition ought to be agreed to without any difficulty whatever. While I am very much opposed to this proposition as a whole, as I have said, I think that the expenditure of the appropriations and the selection of the places should not be left entirely to the discretion of the

Secretary of the Treasury. For instance, it has been improved in one respect by putting on the $25,000,000 a limitation of $5,000,000 annually going to any one State. That has been done. That is a very good thing itself. But it does seem to me that we ought to give something to the smaller States. According to the estimates furnished by Mr. Wetmore, we have 82 places which will cost around $117,000,000, which is $17,000,000 more than is being authorized. In other words, there are about 20 States being taken care of, and $72,000,000 of the whole amount is being given to about 6 of those States. Why can we not agree on an amendment respecting these appropriations on a basis of population and area?

I appreciate the fact that when we base the equalization of these amounts on population alone we are doing an injustice to the smaller States out in the Southwest, but when we say that one-third of it shall be based on population of the State, one-third on the area of the State, and one-third on the amount of the wealth of the State as shown by the census of 1920, we arrange the proposition in a way that will equalize the appropriations among the various States.

Mr. SMOOT. Has the Senator any figures to show what the result of such a distribution would be?

Mr. HARRISON. No; I have not. I think it would be rather fair if distributed in that way though.

Mr. SMOOT. Of course we would not want to do a thing that would be unfair.

Mr. HARRISON. May I ask the Senator a question? I may say that in the House of Representatives this bill was brought up, as the Senator knows, under a suspension of the rules. There were 20 amendments to be offered, but under a suspension of the rules they could not offer an amendment, so none was presented. However, the big fight over there was relative to the question of population. Now, will not the Senators who are friendly to this proposed legislation take that under advisement and see if we can not work out something on the basis of a third and a third and a third, if that is right, or on the basis of half and a half?

Then, in reference to the other proposition, if the wording does not cure the difficulty, let the wording be properly arranged, and perhaps we can get together on this measure and hasten action on the bill.

Mr. FERNALD. I shall be very glad to take that under advisement. Of course, that matter has not been considered at all by the committee. We have considered the matter from the standpoint of population, but that, of course, would be an exceedingly unfair proposal.

Mr. HARRISON. I agree with the Senator that if it were put wholly on a basis of population it would be unfair to the smaller cities.

Mr. FERNALD. Of course, New York and Pennsylvania would get about one-third of the entire appropriation and Nevada would not get anything.

Mr. HARRISON. Under the system as proposed those States would get practically all, as the Senator knows.

Mr. SWANSON. The amendment proposed by the Senator from Mississippi ought to follow my amendment, because the amendment does not prevent contracts being entered into. I think the vicious part of the bill is the provision allowing the Secretary of the Treasury to contract to the extent of $100,000,000 for the erection of public buildings before appropriations shall have been made. I have no objection to the Senator's amendment following the amendment which I have offered, which prevents contracts from being made until the money shall be available.

Mr. HARRISON. My amendment was intended to follow the amendment of the Senator from Virginia.

Mr. SMOOT. It would be impracticable to prevent contracts being made. The Secretary of the Treasury has to make contracts for the construction of buildings before he can know what amount of appropriation to ask for. I refer to final action. If we shall prevent that being done, I do not see how the work is going to proceed.

Mr. SWANSON. The department does not object to my amendment, as I understand.

Mr. SMOOT. I have no objection to the Senator's amendment.

Mr. SWANSON. My proposition is that after the money is available in the Treasury the Secretary of the Treasury may enter into obligations. I see no objection to that.

Mr. HARRELD. I desire to offer an amendment to the pending bill, and I ask that it may be read.

Mr. HARRISON. I still have the floor.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. HARRELD. I thought the Senator from Mississippi had yielded the floor.

Mr. SMOOT. Mr. President, just a moment. I would have no objection to the Senator's amendment at all if what he suggests could be done in the regular ordinary practice. For instance, I do not think we are going to take out of this appropriation the first year the full amount of the contract price for a building, we will say, in New York, which might cost $5,000,000 or so. I do not think that will be done; I do not think that would be the proper thing to do. In fact, should we do that we would have all the money tied up in a short time.

I think the appropriations ought to be made every year for the amount that is going to be expended and for no more. If we undertake to do anything more than that, we shall find ourselves shortly with all the money appropriated, but a contract must be made before it is known what appropriation is needed.

Mr. SWANSON. I understand the department does not object to my amendment.

Mr. SMOOT. I want to agree to anything at all that is in reason, and that will afford protection to the rights of the States in which buildings are to be erected; I think the Senator from Mississippi and I have the same thought as to that, but I would not want to have a provision added to the bill under which it will be impossible to go to work and enter into contracts unless the full amount shall be appropriated, because in that event we would find ourselves with the whole amount appropriated in a very short time.

Mr. HARRISON. Mr. President, did the Senator from Virginia contemplate merely the contracting for a particular amount? For instance, I will explain to the Senator, here in the District of Columbia some building may cost $10,000,000 or $15,000,000, and under this bill we could not appropriate that much for a single year.

Mr. SMOOT. It would be impossible.

Mr. HARRISON. That would not apply outside of the District of Columbia.

Mr. SMOOT. It would apply in some places, I am quite sure. I wish to accomplish the same object the Senator is trying to attain, but I want the bill so worded that we will not find ourselves with our hands tied so that the work of construction can not proceed.

Mr. HARRISON. I suggest to the Senator from Maine that it looks as if all want to try to get together as nearly as possible on these various proposals, and probably we could do it off the floor of the Senate better than we can here on the floor of the Senate, and agree upon some amendment.

Mr. FERNALD. Let me make this suggestion——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Maine?

Mr. HARRISON. I yield.

Mr. FERNALD. There is a very important business transaction going on this afternoon at 2.30 o'clock and a great many Senators will necessarily be absent. Let me suggest that the Senator from Mississippi, the Senator from Virginia, and the Senator from Wisconsin get together with the committee and consider this question, and I am sure we can agree on a satisfactory amendment. We all want to accomplish the same object; we want to safeguard this bill in every possible way and still enable the work to be carried on. I am anxious that the construction of some of these buildings shall be commenced this summer, and I think that ought to be done. I expect next year to secure a much larger appropriation. Now let me suggest to the Senators that they meet on Monday, get together on these amendments, and that the Senate vote on the bill and on the amendments that may then be pending on Monday afternoon, say, at 5 o'clock. That would give ample time, and, I think, we ought to be able to do that.

Mr. HARRISON. I will say to the Senator that, so far as I am concerned, I am going to vote against this plan of making an authorization, but if the amendment suggested shall be added to the bill, I shall have nothing further to say in opposition to it. I shall not, however, vote for the bill, because I am against the policy.

Mr. FERNALD. That is all right; but the Senator has no objection to having it acted upon?

Mr. HARRISON. I have no objection to a vote upon the bill at a certain time if an amendment carrying out the suggestions which have been made shall be incorporated in it. The Senator will not have any trouble about passing this bill if such an amendment shall be incorporated in it.

Mr. SWANSON. I suggest that we take a recess now until 12 o'clock to-morrow. I am satisfied that we will finally reach an agreement as to this bill that will be entirely practicable.

Mr. BRUCE. Mr. President, I should like to know what the proposition is?

Mr. FERNALD. I suggested that there seems to be very little trouble about agreeing upon the amendment which has been suggested by the Senator from Mississippi. It will be necessary to make some changes in it before taking action. My suggestion was that the Senator from Mississippi, the Senator from Virginia, and the Senator from Wisconsin, and the Senator from Ohio meet with the committee on Monday; that we get together on these amendments, and that on Monday, at not later than 5 o'clock, a vote be taken upon the bill and all amendments thereto, or beginning, say, at 2 o'clock.

Mr. BRUCE. I do not know what the amendment is; it has not been printed, as I understand.

Mr. SWANSON. Mr. President, the only objection to that would be that it is predicated on the idea that we shall get together, but if we shall not get together there might be a suggestion that there was a misunderstanding or a breach of faith. To speak frankly and candidly—and whether we say so or not, the press knows it—we all want to go out to the ball game this afternoon. It is a game between the Republicans and Democrats of the House, and the money derived therefrom will go to a very commendable enterprise. So we all want to go, and I suggest that we take a recess now until 12 o'clock on Monday.

Mr. BORAH. We ought to consider the calendar on Monday.

Mr. CURTIS. Mr. President, let me remind the Senate that the impeachment court will sit on Monday to receive the plea of Judge English. So I suggest that when we conclude our business this afternoon we adjourn until 12 o'clock on Monday. We can then proceed with the impeachment trial for a few minutes—it will not take long—and after that shall have been done consider the calendar until 2 o'clock.

Mr. SWANSON. I am satisfied if we take an adjournment as indicated we will get this bill through. Most of the opposition on this side of the Chamber is inspired by an effort to put the bill in a shape which will be fair and just.

Mr. FERNALD. There seems to be a disposition on the part of many Senators that we shall go on this afternoon.

Mr. HARRELD. Mr. President, before the Senate adjourns or takes a recess—and I am not opposing such action—I should like to offer an amendment and have it read. I wish also to announce that I intend to speak on the amendment before the bill shall come to a vote.

The PRESIDING OFFICER. Without objection, on the request of the Senator from Oklahoma, the amendment proposed by him will be read.

The LEGISLATIVE CLERK. On page 3, line 8, after the word "building," it is proposed to insert the following:

Provided further, That in determining where the funds herein provided for shall be expended the Secretary of the Treasury or other executive officer having the power hereunder to make such determination shall make a new and comprehensive survey of the needs of the Government in this behalf and consider each and every application or request therefor from any city, town, and community, and in making such determination he shall have due regard to the comparative necessities of the various cities, towns, and communities, and such determination shall be made without regard to any lists, information, or data already made up or assembled.

Mr. FERNALD. The Senator, I understand, does not offer the amendment to be considered at this time?

Mr. HARRELD. No; I merely offer it in order that it may be pending, and I ask that it may be printed.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from Oklahoma will be printed and lie on the table.

AMENDMENT OF THE RULES

Mr. JONES of Washington. Mr. President, out of order, I ask permission to give a notice of an amendment intended to be proposed by me to the rules of the Senate, and I ask that it may be read.

The PRESIDING OFFICER. The notice will be read:

The legislative clerk read the notice submitted by Mr. JONES of Washington, as follows:

I hereby give notice that on Monday, May 3, or as soon thereafter as possible, I will propose the following amendment to Rule XIX of the Senate Rules, relating to debate:

Add to said rule a paragraph to be numbered 7, as follows:

"7. Debate shall be confined to the subject matter under consideration, and all points of order relating thereto shall be decided by the Chair without debate. Upon an appeal from a decision of the Chair upon any such point of order no Senator shall speak more than once or longer than 10 minutes."

The PRESIDING OFFICER. The notice will lie over for consideration.

FORMS FOR BRIDGE BILLS

Mr. BINGHAM. Mr. President, I desire to call the attention of the Senate to the very able speech which was delivered in the House of Representatives yesterday by Mr. DENISON, chairman of the subcommittee on bridges of the House Committee on Interstate and Foreign Commerce. In that speech Mr. DENISON, who is a very able and distinguished lawyer, has set forth his researches with regard to the right of the Federal Government to control bridges over navigable streams and the policy as to the charging of tolls on such bridges. In connection with his speech he has printed in the RECORD nine forms for different types of bridges, as follows:

A form for an ordinary railroad bridge; a form for a privately owned free highway bridge of intrastate character; a form for a privately owned free highway bridge of interstate character; a form for a municipally owned toll bridge, intrastate; a form for a State-owned highway bridge, intrastate; a form for a privately owned toll bridge, intrastate; a form for a municipally owned toll bridge, interstate; a form for a privately owned toll bridge, interstate; and a form for a privately owned bridge, international.

It will be noted that these forms are the result of a prolonged series of conferences between the Senate committee and the House committee having jurisdiction over bridge bills. The forms will be of such advantage to those Senators who are interested in securing authorizations for bridges in their States that I recommend them to their consideration.

I also ask unanimous consent, Mr. President, that the nine forms as just listed by me may be printed as a public document in lieu of the Senate document ordered to be printed some time ago under the title of "New bridge policy of the Senate Committee on Commerce." I believe that the printing of these nine forms in a public document will be of great benefit to all Senators who desire to introduce bills which will meet with no opposition either in the Senate Committee on Commerce or in the Committee on Interstate and Foreign Commerce of the House.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. Mr. President, I understand the Senator merely wants the forms printed for the use of the House and Senate and not for distribution?

Mr. SMOOT. If printed as a public document, there will be 1,487 copies.

Mr. CURTIS. I have no objection.

Mr. SMOOT. I should like to inquire of the Senator from Connecticut if the request for the printing of the other forms as a public document was granted and the document was printed? If they have not been printed, an order ought to be made now rescinding the previous order, because we do not want two public documents on the same subject, for there would be a conflict in making requests for the document.

Mr. BINGHAM. I will say to the Senator that, unfortunately, owing to a misunderstanding between two committees of conference and owing to the fact that the House was anxious to get certain bills passed and, therefore, made certain concessions, the Senate committee supposed that certain forms had been agreed upon, and thereupon, at the request of the Senator from Virginia and the Senator from Wisconsin, a Senate document was printed containing four forms. It developed later, as the Senator will remember, from a number of conferences requested on the bridge bills, the House committee was unwilling to agree to certain claims of the Senate committee, particularly claims with regard to the protection of the State rights, and it was after prolonged conferences that these forms were adopted. It will be noted in these forms that the privilege of a State with regard to a bridge entirely within its borders to make it a toll bridge or any other kind of a bridge is fully protected.

The privilege of a municipality or subdivision of a State to continue a bridge as a toll bridge indefinitely has been guarded against. Unfortunately, the Senate document, which I think the Senator now has in his hands, has been printed; and it is necessary to cancel that document and to issue a new document giving the nine forms presented to the House yesterday by Mr. DENISON.

Mr. SMOOT. Yes; I think that is the proper thing to do.

The PRESIDING OFFICER. Without objection, it will be so ordered.

THE PROHIBITION LAW

Mr. BRUCE. Mr. President, I desire to announce that the Senator from Michigan [Mr. FERRIS] proposes to address the Senate at the opening hour on Tuesday.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn, the adjournment being until Monday at 12 o'clock.

The motion was agreed to; and (at 1 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, May 3, 1926, at 12 o'clock meridian.

SENATE

MONDAY, *May 3, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our heavenly Father, in Thy good providence Thou hast permitted us to meet once again to enter upon the duties appointed. We humbly beseech Thee for Thy guidance this day, so that in all the proceedings the spirit of happy cooperation may be in evidence and the high purposes of our Nation so managed that Thy glory shall be advanced and each one shall feel that duty has been well performed. We ask in Jesus' name. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday, April 29, 1926, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MUSCLE SHOALS

Mr. NORRIS. Mr. President, I want to prefer a unanimous-consent request. I ask unanimous consent that the minority report of the joint committee on Muscle Shoals be printed and that the evidence taken at the hearings of the joint committee be printed for the use of the Senate.

Mr. CURTIS. Mr. President, I understood that that question was to be submitted to-day by the chairman of the joint committee. I wish the Senator from Nebraska would withhold his request until the Senator from Illinois [Mr. DENEEN] is in the Chamber.

Mr. NORRIS. Very well; I will let it go until then. If the chairman of the committee is to submit the request, let that course be taken. It ought to have been done long ago. I withdraw the request for the present.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Keyes	Sackett
Bayard	Ferris	King	Schall
Bingham	Fess	La Follette	Sheppard
Blease	Fletcher	Lenroot	Shipstead
Borah	Frazier	McKellar	Shortridge
Bratton	George	McKinley	Simmons
Broussard	Gillett	McLean	Smith
Bruce	Glass	McMaster	Smoot
Butler	Goff	McNary	Stanfield
Cameron	Gooding	Mayfield	Steck
Caraway	Greene	Means	Stephens
Copeland	Hale	Metcalf	Swanson
Couzens	Harreld	Moses	Trammell
Cummins	Harris	Neely	Tyson
Curtis	Harrison	Norbeck	Walsh
Dale	Heflin	Norris	Warren
Deneen	Howell	Nye	Watson
Dill	Johnson	Overman	Weller
Edge	Jones, N. Mex.	Phipps	Wheeler
Edwards	Jones, Wash.	Ransdell	Williams
Ernst	Kendrick	Reed, Pa.	Willis

Mr. CURTIS. I desire to announce that my colleague [Mr. CAPPER] is absent on account of illness in his family. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on May 1, 1926, the President had approved and signed the following acts:

S. 43. An act authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe;

S. 959. An act for the relief of Tena Pettersen;

S. 977. An act for the relief of A. V. Yearsley;

S. 1360. An act for the relief of the estate of William P. Nisbett, sr., deceased;

S. 1803. An act for the relief of Walter W. Price;

S. 2982. An act to provide for the conveyance of certain land owned by the District of Columbia near the corner of Thirteenth and Upshur Streets NW. and the acquisition of certain land by the District of Columbia in exchange for said part to be conveyed, and for other purposes; and

S. 3538. An act authorizing the Secretary of the Interior to pay legal expenses incurred by the Sac and Fox Tribe of Indians of Oklahoma.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a list of documents and files of papers in the Patent Office not needed or useful in the transaction of current business and having no permanent value or historic interest, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. BUTLER and Mr. SMITH members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Mr. FESS presented a resolution of the council of the city of Conneaut, Ohio, favoring the erection of a Federal building in that city, which was referred to the Committee on Public Buildings and Grounds.

Mr. REED of Pennsylvania presented a petition of sundry citizens of Beaver County, Pa., praying for such an amendment to the Constitution of the United States as "shall suitably acknowledge Almighty God as the source of all authority and power in civil government, the Lord Jesus Christ as the ruler of nations, and His revealed will as of supreme authority in national affairs," which was referred to the Committee on the Judiciary.

Mr. GOODING. Mr. President, I am in receipt of a telegram this morning from a farm organization in my State in which they favor the Haugen bill and oppose the Tincher bill. I ask that the telegram may be referred to the Committee on Agriculture and Forestry and printed in the RECORD.

There being no objection, the telegram was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

MOSCOW, IDAHO, *May 2, 1926.*

Senator FRANK R. GOODING,
Washington, D. C.:

Farmers had meeting to-day. Large attendance. All favor Haugen bill for farm relief. Opposed to Tincher bill. Individual letters to Haugen and Jardine are being mailed.

IDAHO EXPORT COMMERCE LEAGUE,
GEORGE SIEVERS, *Secretary.*

Mr. JOHNSON. I ask leave to have printed in the RECORD and referred to the Military Committee a telegram from the president of the University of California, relating to two bills which are now pending.

There being no objection, the telegram was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

BERKELEY, CALIF., *April 28, 1926.*

Hon. HIRAM JOHNSON,
United States Senate, Washington, D. C.:

I have just learned about Frazier Senate bill 3746 and Welsh House bill 8538. These bills, if passed, would automatically abolish compulsory military training in University of California and many other land-grant colleges. Such a result would be regarded by the president and regents of the University of California and by the overwhelming majority of California citizens as exceedingly unfortunate. This university charges to its students of California residence only from one-fifth to one-twentieth of the cost of services rendered in their behalf by the university, and in partial return for the nearly free education service all able-bodied students in the university are required to take military training through two years, amounting to a total of about 120 hours of active service in all. The claim of pacifists and others that this military training makes students desire the coming of war is all bosh. Recently, when addressing our regiment containing 1,800 men, I definitely invited any member of regiment whose training had created within him a desire for war to hold up his hand; no hand was raised. Military training in our colleges is not only desirable as preparation for defense of country in case of need, but it prepares men to command successfully other men in the ordinary affairs of life, and there are other similar advantages.

WILLIAM WALLACE CAMPBELL, *President.*

REPORTS OF COMMITTEES

Mr. PHIPPS, from the Committee on Education and Labor, to which was referred the bill (H. R. 7555) to authorize for the fiscal years ending June 30, 1928, and June 30, 1929, appropriations for carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23,

1921, reported it with amendments and submitted a report (No. 745) thereon.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (S. 248) for the relief of the Central National Bank, Ellsworth, Kans., reported it without amendment and submitted a report (No. 746) thereon.

RIO GRANDE RIVER BRIDGES, TEXAS

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 9346) granting the consent of Congress to the construction of a bridge across the Rio Grande, and I submit a report (No. 743) thereon.

Mr. SHEPPARD. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Commerce were, in section 1, page 2, line 9, before the word "such," to insert "and subject to the conditions and limitations of this act," and to strike out section 2 in the following words: "Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved," and to insert the following additional sections:

SEC. 2. That the said El Paso Electric Co. and the El Paso & Juarez Traction Co., its successors or assigns, shall within 90 days after the completion of the bridge constructed under the authority of this act file with the Secretary of War an itemized statement under oath showing the actual original cost of such bridge and its approaches and appurtenances, which statement shall include any expenditures actually made for engineering and legal services; and any fees, discounts, and other expenditures actually incurred in connection with the financing thereof. Such itemized statements of cost shall be investigated by the Secretary of War at any time within three years after the completion of such bridge, and for that purpose the said El Paso Electric Co. and the El Paso & Juarez Traction Co., its successors or assigns, in such manner as may be deemed proper, shall make available and accessible all records connected with the construction and financing of such bridge, and the findings of the Secretary of War as to the actual cost of such bridge shall be made a part of the records of the War Department.

SEC. 3. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said El Paso Electric Co. and to the El Paso & Juarez Traction Co., its successors or assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 4034) granting the consent of Congress to Texas-Coahuila Bridge Co. for construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico, and I submit a report (No. 744) thereon.

Mr. SHEPPARD. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill.

The amendments of the Committee on Commerce were, in section 1, page 1, line 11, after the numerals "1906" to insert a comma and "and subject to the conditions and limitations of this act," and on page 2, to strike out section 2 in the following words: "Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved," and to insert the following additional sections:

SEC. 2. That the said Texas-Coahuila Bridge Co., its successors or assigns, shall within 90 days after the completion of the bridge constructed under the authority of this act file with the Secretary of War an itemized statement under oath showing the actual original cost of such bridge and its approaches and appurtenances, which statement shall include any expenditures actually made for engineering and legal services; and any fees, discounts, and other expenditures actually incurred in connection with the financing thereof. Such itemized statements of cost shall be investigated by the Secretary of War at any time within three years after the completion of such bridge, and for that purpose the said Texas-Coahuila Bridge Co., its successors or assigns, in such manner as may be deemed proper, shall make available and accessible all records connected with the construction and financing of such bridge, and the findings of the Secretary of War as to the actual cost of such bridge shall be made a part of the records of the War Department.

SEC. 3. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Texas-Coahuila Bridge Co., its successors or assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage, foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on May 1, 1926, that committee presented to the President of the United States the enrolled bill (S. 2296) authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FESS:

A bill (S. 4153) to provide for enlarging and relocating the United States Botanic Garden, and for other purposes; to the Committee on the Library.

By Mr. JONES of Washington:

A bill (S. 4154) to grant to the city of Seattle, in the State of Washington, certain rights of way for water-main tunnel purposes over and across the reservation for the old and new locations of the Lake Washington Canal; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 4155) to authorize the settlement of the indebtedness of the French Republic to the United States of America; to the Committee on Finance.

By Mr. ERNST:

A bill (S. 4157) providing for a mine-rescue station and equipment at Hazard, Ky.; to the Committee on Mines and Mining.

By Mr. WILLIS:

A bill (S. 4158) authorizing the President to reappoint John Marvin Wright (formerly an officer in the Corps of Engineers, United States Army) an officer in the Corps of Engineers, United States Army; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 4159) to rearrange and reconstruct the Senate wing of the Capitol; to the Committee on Appropriations.

REGULATION OF RADIO COMMUNICATIONS

Mr. DILL. I ask unanimous consent to introduce and have referred to the Committee on Interstate Commerce the so-called White radio bill as it has been reconstructed by the Committee on Interstate Commerce.

The bill (S. 4156) for the regulation of radio communications, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

AMENDMENT TO PUBLIC BUILDINGS BILL

Mr. BLEASE submitted an amendment intended to be proposed by him to the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, which was ordered to lie on the table and to be printed.

REFORM OF FEDERAL PROCEDURE

Mr. SHEPPARD. I ask unanimous consent to have published as a Senate document a very able address by the senior Senator from Montana [Mr. WALSH] before the Tri-State Bar Association at Texarkana, Ark.-Tex., on April 23.

The VICE PRESIDENT. Without objection, it is so ordered.

AMERICAN AND CANADIAN FREIGHT RATES ON GRAIN

Mr. WHEELER. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Washington Farmer of April 29, 1926, relative to the freight rates on grain in the United States and Canada.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIGH UNITED STATES FREIGHT RATES WOULD HAVE COST CANADIAN WHEAT GROWERS $30,000,000 IN 1925

In preceding articles in the Farmer we showed beyond contradiction that freight rates on grain on the American western rails are much higher than on the western Canadian roads for the same service.

Mile for mile the freight rates on eastbound grain are just twice as high on the American lines; and on westbound grain shipments the farmers of the prairie Provinces of Canada enjoy rates that are only 60 per cent of those that the American roads charge our western farmers.

The Canadian Government is claiming credit for that preferential treatment of its farmers. Its information bureau at Ottawa sends the Farmer the following statement of figures presented to the Canadian Parliament by Hon. James A. Robb, Minister of Finance:

"An interesting comparison of freight rates charged in the United States and Canada was made in the Canadian Parliament a few days ago. A question was asked as to the amount of grain and grain products hauled by the Canadian Pacific Railway in western Canada in the calendar year 1925. Hon. James A. Robb, Minister of Finance, in reply, presented figures showing that in 1925 the railway in question hauled 5,873,286 tons of grain and grain products to Vancouver.

"The question included this clause: 'What additional total gross revenues would have been earned had this traffic been carried under existing rates on similar traffic in the United States?' The answer was approximately $17,926,271.

"As freight rates are an important factor in determining the price paid to the farmer for his products, it is apparent that the farmers of western Canada in 1925 received nearly $18,000,000 more for their grain and grain products shipped over the Canadian Pacific Railway than they would have received if they had been paying United States freight rates.

"During the same period the Canadian Pacific Railways hauled 4,510,052 tons to the head of the Lakes and 473,778 tons to Vancouver. Counting the quantities handled on both roads the Canadian farmer saved in freight rates, as compared with a similar amount of business over American roads, more than $30,000,000."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the following concurrent resolution (H. Con. Res. 24), in which it requested the concurrence of the Senate.

Resolved by the House of Representatives (the Senate concurring), That the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8771) to extend the time for commencing and completing the construction of a bridge across the Detroit River within or near the city limits of Detroit, Mich., be recommitted to the committee of conference.

FOREIGN-DEBT SETTLEMENTS

Mr. SMOOT. Mr. President, last Friday the Senator from Missouri [Mr. REED] bitterly criticized the action of the World War Foreign Debt Commission.

Mr. KING. Mr. President, will my colleague yield? The Senator from Missouri is not here. If my colleague is going to make any comment on the speech of the Senator from Missouri, I hope he will wait until that Senator is in the Chamber.

Mr. SMOOT. I am not going to comment at all. His remarks were made in the Senate, and I simply want to make a correction. He charged the commission with the usurpation of power that was not given to them by the Congress. I notice in his speech the following statement:

I do not propose to let anybody get away from the main fact if I can help it. Congress knew that there was an agitation in foreign countries to repudiate or cut down their indebtedness; that there was an agitation in foreign countries to cut down the interest upon their indebtedness. With that knowledge, Congress enacted a law. Congress wanted to put an end to any such contention on the part of any foreign nation and to serve notice upon all of them that if they settled their debts and obtained the benefit of the extension of time, they must give their obligations for the full amount they owed the United States with interest at 4¼ per cent. The debates of that time will bear out the statement I have just made and will clearly show this to have been the expressed purpose of Congress.

Therefore we picked out five men. We said to them, "Here is the commission which is your warrant of authority; so long as you act in pursuance of the authority we have granted, you are a commission for that purpose, and that purpose only." When the commission went outside of that authority, it no longer was a commission; it no longer had any warrant of authority; it was the case of five individuals presuming on their own authority and in their own right to sit down and negotiate in the name of the United States a contract which the commission was never authorized even to talk about. It is a piece of superlative insolence. It is so devoid of all common decency that similar conduct would bring a blush of shame to the brazen cheek of a first-class orthodox devil.

There is no need for me to read any further, but for the information of the Senate I want to call attention to the act which was approved February 28, 1923, amending the act of February 9, 1922, the act to which the Senator from Missouri refers. The latter act amended the act of February 9, 1922, so as to read, and the following authority was given to the commission:

For the first five years one-half the interest may be deferred and added to the principal, bonds to be issued therefor similar to those of the original issue.

This had reference to the British debt settlement.

Any payment of interest or of principal may be made in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest—is hereby approved and authorized, and settlements with other governments indebted to the United States are hereby authorized to be made upon such terms as the commission, created by the act approved February 9, 1922, may believe to be just, subject to the approval of the Congress by act or joint resolution.

SEC. 2. That the first section of the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, is amended to read as follows:

"That a World War Foreign Debt Commission is hereby created consisting of eight members, one of whom shall be the Secretary of the Treasury, who shall serve as chairman, and seven of whom shall be appointed by the President, by and with the advice and consent of the Senate. Not more than four members so appointed shall be from the same political party."

Mr President, when this question came up on Friday I had forgotten the details of the act amending the act of February 9, 1922. I simply present this matter for the RECORD this morning in order that the country and the Senate may see that the World War Foreign Debt Commission have assumed no authority other than that granted them by the act of Congress

Mr. HARRISON. Mr. President, may I ask the Senator a question before he takes his seat?

Mr. SMOOT. Certainly.

Mr. HARRISON. When does the Senator propose to ask the Finance Committee to take up the French debt settlement?

Mr. SMOOT. My proposition was to take it up immediately after the House had passed the bill or acted upon it.

Mr. HARRISON. May I ask the chairman of the Finance Committee if he will have any objection to holding open sessions for the consideration of the French debt settlement?

Mr. SMOOT. The Senator is a member of the Committee on Finance, and he knows that the practice of the committee as to open sessions or closed sessions is left entirely with the committee. If the committtee desire open sessions and they so order it, there will be open sessions.

Mr. HARRISON. The Senator from Utah did not understand my question. I asked him if he would cooperate with those of us who wanted to have open sessions in the effort to secure open sessions.

Mr. SMOOT. The Senator from Mississippi had better wait until we see what is the character of the hearings in the other House before he himself even will say that he is going to favor open hearings.

Mr. HARRISON. I can not understand how the action of the House of Representatives should influence me in the slightest degree. There are certain facts that we desire to ascertain. We want to have the matter fully discussed here upon the floor of the Senate, as were the other debt-settlement measures, and it seems to me we ought to have open sessions touching the French debt settlement.

Mr. SMOOT. If the House of Representatives should have complete hearings and should go into the details of the matter, I do not think the Senator from Mississippi would desire that the Senate should then go over the same ground. That has not been the practice of committees generally, of the Finance Committee, or any other committee of the Senate.

Mr. HARRISON. No; I should not want to go over the same ground, but it seems to me that the Senate will expect the Finance Committee to go fully into the question.

Mr. SMOOT. I think there will be hearings which will be satisfactory to the Senator.

AMENDMENT OF THE RULES

Mr. JONES of Washington. Mr. President, pursuant to notice which I gave on last Saturday, I desire to offer an

amendment to the rules, and I ask that it may be printed and lie on the table.

Mr. NEELY. I ask for the reading of the amendment to the rules proposed by the senior Senator from Washington [Mr. JONES].

The resolution (S. Res. 217) was read and ordered to lie on the table, as follows:

Resolved, That Rule XIX of the Standing Rules of the Senate be, and it is hereby, amended by adding thereto a new paragraph, to be No. 7, as follows:

"7. Debate shall be confined to the subject matter under consideration, and all points of order relating thereto shall be decided by the Chair without debate. Upon an appeal from a decision of the Chair upon any such point of order no Senator shall speak more than once or longer than 10 minutes."

AGRICULTURAL RELIEF LEGISLATION

Mr. WILLIS. Mr. President, there has been much discussion in both branches of Congress relative to the subject of agricultural relief. Undoubtedly there will be more of such discussion before final adjournment. So I ask permission in that connection to have printed in the RECORD a letter which I send to the desk from the president of the Ohio Farm Bureau Federation undertaking to set forth the views of that organization touching agricultural relief.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE OHIO FARM BUREAU FEDERATION,
Columbus, Ohio, May 1, 1926.

Hon. FRANK B. WILLIS,
Senate Office Building, Washington, D. C.

DEAR SENATOR: Knowing you will be busy on considering relief legislation along with many other of your legislative duties next week, would just like to again recite to you the position which our Ohio Farm Bureau group has taken, which is:

They favored the establishment of a division of cooperative marketing as originally outlined in the Haugen bill, but have been opposed to impractical equalization fees, such as was presented in the Dickinson bill. We believe this is equally true of the present Haugen bill.

The Federation is on record as definitely opposing governmental subsidies and price fixing.

Just attended a meeting of representatives of the Mid-West Farm Bureau presidents and secretaries, and the division of opinion was sufficient that they failed to pass any resolution indorsing the present Haugen bill. I also have a wire from one member of the legislative committee of the American Farm Bureau, in which he says the Haugen bill is not in accord with their resolution, and they can not approve it. He also urged Mid-West leaders to accept the principles of the Capper-Tincher bill in place of the equalization fee, as an amendment to the bill supported by farmer organizations.

As you know, our agriculture in Ohio is widely diversified with our large dairy interests, and we are not interested in the way of a few States, who only have certain specific types of grain crops.

* * * * * * *

Very truly yours,

L. B. PALMER, *President.*

HORACE G. KNOWLES

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 978) for the relief of Horace G. Knowles, which was, on page 1, line 5, to strike out "$7,296.49" and to insert in lieu thereof "$1,666.67."

Mr. MEANS. I move that the Senate disagree to the amendment of the House of Representatives, ask for a conference with the House on the disagreeing votes of the two Houses, thereon, and that the Vice President appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. MEANS, Mr. STANFIELD, and Mr. BAYARD conferees on the part of the Senate.

THE CALENDAR

The VICE PRESIDENT. There being no further morning business, the calendar under Rule VIII is in order.

Mr. CAMERON. I suggest that we begin the call of the calendar where it was left off when last before the Senate.

The VICE PRESIDENT. Is there objection?

Mr. SHEPPARD. I object, Mr. President.

The VICE PRESIDENT. Objection is made, and the Secretary will begin the call of the calendar with the first order of business.

BILLS PASSED OVER

The bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, was announced as first in order.

Mr. JONES of Washington. Let that bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1824) for the relief of R. E. Swartz, W. J. Collier, and others was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2526) to extend the time for the refunding of taxes erroneously collected from certain estates was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

COMMANDER WALTER H. ALLEN, UNITED STATES NAVY

The bill (S. 2336) to reimburse Commander Walter H. Allen, civil engineer, United States Navy, for losses sustained while carrying out his duties, was announced as next in order.

Mr. OVERMAN. Mr. President, in as much as that bill has been adversely reported from the Committee on Claims, I move that it be indefinitely postponed.

The motion was agreed to.

BILLS PASSED OVER

The bill (S. 1859) for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1929) to provide home care for dependent children of the District of Columbia was announced as next in order.

Mr. COPELAND. Mr. President, my colleague [Mr. WADSWORTH] desires to be present when that bill is considered. Therefore, I ask that it may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory-bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as next in order.

Mr. WARREN. I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

TOMB OF UNKNOWN SOLDIER

The joint resolution (S. J. Res. 51) providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery was announced as next in order.

Mr. KING. I ask that the joint resolution go over.

Mr. FESS. Mr. President, a parliamentary inquiry. Are we operating now under Rule VIII?

The VICE PRESIDENT. The Senate is proceeding with the consideration of the calendar under Rule VIII.

Mr. FESS. Was objection made to Order of Business 198, being Senate Joint Resolution 51?

The VICE PRESIDENT. Objection was made.

Mr. KING. I objected.

Mr. FESS. May I ask the Senator whether we may have an opportunity soon to consider the joint resolution under Rule VIII and discuss it and vote on it?

Mr. KING. Mr. President, of course I am only one out of this large body. So far as I am concerned, I am opposed to the joint resolution, but I have no objection if a reasonable time may be given for its consideration to having it taken up, but obviously it can not be considered under the five-minute rule.

Mr. FESS. I do not want to consume time when other Senators desire to have the bills on the calendar considered——

The VICE PRESIDENT. The Chair will remind the Senator that at half past 12 o'clock the Senate will convene as a court of impeachment.

Mr. FESS. Very well, then I will not move to take up the bill at this time.

BILLS PASSED OVER

The bill (H. R. 306) to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended, was announced as next in order.

Mr. REED of Pennsylvania. I ask that the bill may be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 756) directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918,

commonly known as the Pittman Act, was announced as next in order.

Mr. BRATTON. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2808) to amend section 24 of the interstate commerce act, as amended, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1897) to reinstate John B. Gray as a lieutenant commander in the United States Coast Guard was announced as next in order.

Mr. BINGHAM. Mr. President, I ask that that bill be passed over without prejudice to be returned to later after the managers of the impeachment trial on the part of the House shall have returned to their Chamber.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill (S. 3321) to increase the efficiency of the Air Service, United States Army, was announced as next in order.

Mr. KING. I understood that that bill had gone over.

Mr. BINGHAM. That was the bill to which I referred, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2306) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill be passed over.

The bill (H. R. 7906) granting pensions and increase of pensions to certain soldiers and sailors in the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 491) for the allowance of certain claims for extra labor above the legal day of 8 hours at certain navy yards certified by the Court of Claims, was announced as next in order.

Mr. COPELAND. I ask that that bill go over to-day.

The VICE PRESIDENT. The bill will be passed over.

HUNTER-BROWN CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1304) for the relief of Hunter-Brown Co., which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Hunter-Brown Co., of Chattanooga, Tenn., the sum of $1,198.08 as settlement in full for loss incurred through failure of the War Department to receive 192 cords of wood delivered by the Hunter-Brown Co. at Camp Forest, Ga., under the terms of a contract with the War Department entitled "Quartermaster Corps contract," which represents the sum of the amount agreed to be paid for the wood so delivered and expenses incurred by the Hunter-Brown Co. by reason of delayed delivery occasioned by the refusal of the agents of the War Department to receive the shipments of wood and in prosecuting its claim for the payment of the contract price, the War Department having since refused to approve or settle such claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEES OF DISTRICT RECORDER OF DEEDS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2981) to amend section 553 of the Code of Law of the District of Columbia, which was read, as follows:

Be it enacted, etc., That section 553 of the Code of Law for the District of Columbia be, and the same is hereby, amended by striking out the following clause, namely, "certified to by the Supreme Court of the District of Columbia, or by one of its justices appointed by it for that purpose, and," so that said section will read as follows:

SEC. 553. Salary; surplus to be paid into the Treasury: The Recorder of Deeds of the District of Columbia shall not retain of the fees and emoluments of his office for his personal compensation over and above his necessary clerk hire and the incidental expenses of his office, to be audited and allowed by the proper accounting officer of the Treasury, a sum exceeding $4,000 a year or exceeding that rate for any time less than a year; and the surplus of such fees and emoluments shall be paid into the Treasury to the credit of the District of Columbia: *Provided*, That the number of clerks and others employed in the office of the recorder of deeds shall not be increased, except that additional copyists may be employed for temporary service as the necessities of the office may require, nor shall the salary or compensation of clerks and others be increased beyond the salaries or compensation paid during the fiscal year 1901, to take effect with this code, and the salary of the deputy recorder of deeds shall be $2,500 per annum, to be paid out of the fees and emoluments of said office of recorder of deeds.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS OF SOLDIERS OF SPANISH AND OTHER WARS

The bill (S. 3300) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, for the China relief expedition, certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes was announced as next in order.

Mr. NORBECK. This is a duplicate of a bill which has passed both the House and the Senate and been signed by the President. I, therefore, move that it be indefinitely postponed.

The motion was agreed to.

TRUTH IN FABRICS

The bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

NATIONAL ARBORETUM

The bill (S. 1640) authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, an amendment has been suggested with respect to this bill, but it has not been perfected, and I ask that the bill be temporarily laid aside.

Mr. HARRISON. Will not the Senator permit the bill to be passed even at the amount that was originally put in the bill so that no increase will be made?

Mr. KING. I think the bill had better go over.

Mr. WARREN. Mr. President, I wish to appeal to the Senator to allow the bill to be considered at this time.

Mr. KING. I have asked that the bill go over.

The VICE PRESIDENT. At the request of the Senator from Utah the bill will be passed over.

NATIONAL BANK BRANCHES

The bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, was announced as next in order.

Mr. SMOOT. Mr. President, that bill can not be considered under the five-minute rule, and I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

MARTHA E. BRACE

The bill (S. 3259) authorizing the enrollment of Martha E. Brace as a Kiowa Indian and directing issuance of patent in fee to certain lands was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I ask that the bill go over.

Mr. HARRELD. Mr. President, I hope the Senator will withdraw his objection.

Mr. LA FOLLETTE. I ask that the bill go over without prejudice. I will consult with the Senator concerning the bill.

Mr. HARRELD. I wish to offer an amendment striking out two of the names and leaving in the bill the name of Martha E. Brace.

Mr. LA FOLLETTE. Let it go over for the present. I ask that it go over without prejudice.

Mr. HARRELD. Very well.

The VICE PRESIDENT. The bill will be passed over without prejudice.

BILLS PASSED OVER

The bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose

of conserving the navigability of navigable rivers," as amended, was announced as next in order.

Mr. KING and Mr. BLEASE asked that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2858) to fix the salaries of certain judges of the United States was announced as next in order.

Mr. KING. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

WATERS OF PECOS RIVER

The bill (H. R. 3862) to provide for the storage of the waters of the Pecos River was announced as next in order.

Mr. JONES of New Mexico. I ask that that bill go over.

Mr. SHEPPARD. Mr. President, I move that the Senate proceed with the consideration of House bill 3862, notwithstanding the objection.

Mr. LENROOT. That can not be done.

The VICE PRESIDENT. The Chair will suggest that the hour of 12.30 has about arrived.

Mr. LENROOT. This is Monday morning and the morning hour is not as yet over.

The VICE PRESIDENT. There is only one minute more remaining before the Senate, sitting as a court of impeachment, will convene.

Mr. SHEPPARD. Mr. President, I am willing to let the motion be pending when we return to the calendar. I have a right to make the motion. The bill has been on the calendar for more than six weeks, and I think it ought to be disposed of.

The VICE PRESIDENT. The question is on the motion of the Senator from Texas that the Senate proceed to the consideration of House bill 3862.

Mr. LENROOT. Mr. President, are we not still in the morning hour?

The VICE PRESIDENT. The Senate is considering the calendar under Rule VIII.

Mr. LENROOT. But we are still in the morning hour, and, under Rule VIII, that can not be done.

IMPEACHMENT OF JUDGE GEORGE W. ENGLISH

The VICE PRESIDENT (at 12 o'clock and 30 minutes p. m.). The hour of 12.30 o'clock has arrived, to which the Senate, sitting as a court of impeachment in the case of George W. English, United States district judge for the eastern district of Illinois, adjourned. The Sergeant at Arms will make proclamation.

The Sergeant at Arms made proclamation, as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silence on pain of imprisonment while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against George W. English, United States district judge for the eastern district of Illinois.

The VICE PRESIDENT. The Secretary will now call the names of those Senators who have not been sworn in, and such of those Senators as are now present in the Chamber will advance to the desk and take the oath.

Mr. BUTLER, Mr. EDWARDS, Mr. FLETCHER, Mr. MOSES, Mr. SCHALL, Mr. SIMMONS, Mr. SMITH, and Mr. WALSH advanced to the area in front of the Secretary's desk, and the Vice President administered to them the following oath:

You do, each of you, solemnly swear that in all things appertaining to the trial of the impeachment of George W. English, United States district judge for the eastern district of Illinois, now pending, you will do impartial justice, according to the Constitution and laws. So help you God.

At 12 o'clock and 32 minutes p. m. the managers on the part of the House of Representatives—with the exception of Mr. Manager MOORE—were announced, and they were conducted by the Assistant Doorkeeper to the seats assigned them in the area in front of the Secretary's desk.

The VICE PRESIDENT. The Sergeant at Arms will notify the counsel for the respondent.

Judge George W. English, the respondent, and Mr. William M. Acton, Mr. Edward C. Kramer, and Mr. W. F. Zumbrunn, counsel for the respondent, entered the Chamber and were conducted to the seats provided for them in the area in front of the Secretary's desk.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the last session of the Senate while sitting for the trial of the impeachment of George W. English.

The Journal of the proceedings of the Senate sitting as a court on the calendar day of Friday, April 23, 1926, was read.

The VICE PRESIDENT. The Secretary will read the return of the Sergeant at Arms to the summons directed to be served.

The Chief Clerk read as follows:

SENATE OF THE UNITED STATES,
OFFICE OF THE SERGEANT AT ARMS.

The foregoing writ of summons, addressed to George W. English, and the foregoing precept, addressed to me, were duly served upon the said George W. English by delivering to and leaving with him true and attested copies of the same at his chambers in the Federal Building, East St. Louis, Ill., on Monday, the 26th day of April, 1926, at 9 o'clock and 55 minutes in the forenoon of that day.

JOHN J. MCGRAIN,
Deputy Sergeant at Arms, United States Senate.

The VICE PRESIDENT. The Secretary will now administer to the Deputy Sergeant at Arms an oath in support of the truth of his return.

The Chief Clerk administered the following oath:

You, John J. McGrain, Deputy Sergeant at Arms of the Senate of the United States, do solemnly swear that the return made by you upon the process issued on the 23d day of April, 1926, by the Senate of the United States against George W. English is truly made, and that you have performed such service as therein described. So help you God.

Mr. JOHN J. MCGRAIN. I do so swear.

The VICE PRESIDENT. The Sergeant at Arms will make proclamation.

The Sergeant at Arms made proclamation as follows:

George W. English! George W. English! George W. English, district judge of the United States for the eastern district of Illinois! Appear and answer to the articles of impeachment exhibited by the House of Representatives against you.

The VICE PRESIDENT. Counsel for the respondent are informed that the Senate is now sitting for the trial of George W. English, district judge of the United States for the eastern district of Illinois, upon the articles of impeachment exhibited by the House of Representatives, and will hear his answer thereto.

Mr. ACTON. Mr. President.

The VICE PRESIDENT. Mr. Counsel.

Mr. ACTON. The respondent is here in person and by counsel, and enters a formal appearance, which I will hand to the Secretary, and ask that it be read.

The VICE PRESIDENT. The Secretary will read the appearance.

The Chief Clerk read as follows:

In the Senate of the United States sitting as a court of impeachment

United States *v.* George W. English

The respondent, George W. English, having been served with a summons requiring him to appear before the Senate of the United States at their Chamber in the city of Washington on Monday, May 3, at 12.30 o'clock in the afternoon, to answer certain articles of impeachment presented against him by the House of Representatives of the United States, now appears in his proper person, and also by his counsel, who are instructed by this respondent to inform the Senate that the respondent is ready to file his answer to said articles of impeachment at this time.

Dated May 3, 1926.

GEORGE W. ENGLISH.

WILLIAM M. ACTON,
EDWARD C. KRAMER,
W. F. ZUMBRUNN,
Counsel for Respondent.

Mr. ZUMBRUNN. Mr. President——

The VICE PRESIDENT. Mr. Counsel.

Mr. ZUMBRUNN. The respondent presents his answer, and, if agreeable to the Senate, would like to have it read from the Secretary's desk.

The VICE PRESIDENT. The Secretary will read the answer.

The Chief Clerk read as follows:

ANSWER OF JUDGE ENGLISH

In the Senate of the United States sitting as a court of impeachment

United States *v.* George W. English

ANSWER OF THE SAID GEORGE W. ENGLISH TO THE ARTICLES OF IMPEACHMENT EXHIBITED AGAINST HIM BY THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES

And now comes George W. English, and makes answer to the Articles of Impeachment exhibited against him by the House of Representatives of the United States, and says:

ANSWER TO ARTICLE I

For answer to the first article, the respondent says:

(1) That the first article does not set forth anything which, if true, constitutes an impeachable offense, or a high crime and misdemeanor as defined in the Constitution of the United States, and that therefore, the Senate, sitting as a court of im-

peachment, should not further entertain the charge contained in said first article.

(2) Not waiving, but insisting upon the foregoing objection to the first article, but being unwilling to appear to admit even by implication the truth of the charge attempted to be made in said article, the respondent denies that he has been guilty of the tyranny or oppression or misbehavior therein alleged, and denies that he has been guilty of a tyrannous or oppressive course of conduct and misbehavior, whereby he has brought the administration of justice in said district in the court of which he is judge into disrepute, which falls under the constitutional provisions as ground for impeachment and removal from office.

(3) The respondent avers in reference to the alleged disbarment of Thomas M. Webb, that prior to June 30, 1922, a man by the name of John Gardner, commonly known as "Dressed-up Johnny," was placed upon trial in the District Court over which respondent presided at East St. Louis, Illinois, charged with robbing a Post Office, and one of the witnesses by whom the Government expected to connect the said John Gardner with said robbery refused to testify as the District Attorney had expected, and for that reason there was no evidence against the defendant to submit to the jury, and it became the duty of the respondent, and he did, direct the jury to find the defendant not guilty. The respondent had, at that time, information that a criminal charge was pending against the said John Gardner in another part of the State of Illinois, and that the authorities there desired the said John Gardner held until they had an opportunity to come and arrest him. And the respondent being willing to give said authorities an opportunity so to do, under the rule of law that a prisoner may be held without a warrant for a reasonable time to permit him to be taken into custody for a crime charged as announced in Re: Thaw, 209 Fed. 56, Day vs. Keim, Sheriff, 2 Fed. (2nd Ser.) 966, and Burton vs. N. Y. C. R. Co. 245 U. S. 315, 62 L. Ed. 314, ordered said John Gardner held until the further order of the court. The state authorities failing to arrive within a reasonable length of time thereafter, the respondent ordered the bailiff of the court to bring said John Gardner into court, so that he might be discharged. And thereupon, the bailiff notified respondent that said John Gardner had been released on a writ of Habeas Corpus issued out of the City Court of East St. Louis, Illinois. Respondent ,then made an investigation and from such investigation believed that Thomas M. Webb, with knowledge that said John Gardner was held under the orders of the Federal Court, had filed a petition in the state court and procured his discharge and transportation across the Mississippi River into the State of Missouri, and in such action had concealed from the Judge of said City Court the fact that the said John Gardner was held under the orders of respondent's court.

The respondent learning these facts, directed the clerk of his court to notify the said Thomas M. Webb to appear in court for the purpose of having said Thomas M. Webb explain his action in said matter. When the said Thomas M. Webb complied with the notice of said Clerk and appeared in court, the following, in substance, occurred:

"Judge ENGLISH. Mr. T. M. Webb, I had notice sent to you which doubtless you received in an informal way for the purpose of not making it appear that there was in any wise an attempt made to humiliate you regardless of what might have been said of such notice to come here at 9.30 this morning.

"I wish to advise you the purpose of that notice was to advise you I require at your hands a full statement of facts of every act and every word that you performed and said in connection with the release of United States Prisoner John Gardner, alias 'Dressed-up Johnny,' on May 8, 1922, from the East St. Louis jail, and who was at that time a prisoner of the United States.

"I have no inclination at this time to listen to any statement you have to make, hence I require at your hands a full and detailed written statement of everything that transpired within your knowledge or by your advice or consent and what knowledge you may have had relative to each particular from the time of your connection until his final transportation across the river out of the jurisdiction of this court.

"In doing this I want to verify certain information that I have already received, which of itself is of a most reliable character and in doing this I would suggest that you, as I would do if I were in your place, in my mind I would go back in my past life, in my memory where my self-respect was at a great advantage over the present condition and from that time make a complete investigation of myself, of my conduct and of my thoughts and regard for the tribunal which has granted you the privilege of practicing your profession which you so ably have done and so enable you to tell the story as it is in your mind. This may be of your own choice, however, as to time. Until you shall have filed that story with the clerk of this court, and the same has been by me verified you will be suspended from practicing your profession in this court. That is all I have to say to you, Mr. Webb.

"Mr. WEBB. That is perfectly all right. I will file a full and complete statement within a few days.

"Judge ENGLISH. Take all the time you desire."

The said Thomas M. Webb, within about ten days, filed a written statement of his actions in the mattér, and denied that he had any knowledge that said Gardner was being held under the orders of the Federal Court when he procured his discharge, and at the next term of said Federal Court, held at East St. Louis, the respondent ordered that the said Thomas M. Webb be restored to practice in said court. That during said period the said Thomas M. Webb was not disbarred but only suspended from practice.

In these transactions, the respondent did not act with any personal hatred or ill will toward the said Thomas M. Webb, but did what was done by him only because he believed from the information he had that the said Thomas M. Webb was in contempt of court by securing the release of a prisoner that respondent had ordered held, by concealing the fact from the state court, which, if true, would have been a contempt under the law as announced by the Supreme Court of Illinois in the case of People vs. Eugene McCaffrey, 316 Ill. 166.

(4) The respondent avers, in reference to the disbarment of Charles A. Karch, that prior to the said disbarment the said Charles A. Karch, both in and out of court, conducted himself in a contemptuous, insolent and defiant manner toward the respondent, and was guilty of making scurrilous remarks about the respondent and using insulting language about the respondent to the officers of said court, and to other persons in attendance upon said court, and was guilty of offensive and unbecoming conduct toward the respondent as the presiding Judge of said court.

The respondent further avers that the conduct of the said Charles A. Karch toward the respondent was of such nature that it was injurious to said court and tended to lower its dignity and seriously interfere with the administration of justice in said court.

The respondent further avers that the conduct of the said Charles A. Karch, on the day that the disbarment in question took place, was of an offensive and threatening character, and was injurious to said court, and was of such character as to require and justify action by the respondent as the presiding Judge of said court; that the respondent entered the said order of disbarment on account of the offensive and threatening conduct of the said Charles A. Karch taking place in open court; that said order was entered while the said Charles A. Karch was present and after the respondent had explained to the said Charles A. Karch why said order was being entered; that said order was entered by the respondent for the sole purpose of preserving the dignity and decorum of said court, and that if any mistake was made in said matter, it was an error in procedure and was not done corruptly and does not constitute an impeachable offense.

The respondent further avers that the only reason he had for refusing to hear causes in which the said Charles A. Karch was an attorney or solicitor was because he had fears that he might unconsciously be prejudiced against the clients represented by the said Charles A. Karch.

The respondent further avers that the practice of the said Charles A. Karch in said court was confined almost wholly to the defense of persons charged with criminal offenses and that no injury would be done to the said Charles A. Karch, or his clients, by allowing those cases to be tried by Judge Walter C. Lindley, the other Judge of said District.

(5) With reference to the allegation concerning the sheriffs and states attorneys and Mayor of Wamac, wherein it is alleged that the respondent, on the first day of August, 1922, unlawfully and deceitfully issued a summons from the District Court of the United States and had the same served by the Marshal of said District, summoning the said Sheriffs and States Attorneys and Mayor of Wamac to appear before him in an imaginary case of United States against one Gourley and one Daggett, when in truth and in fact, no such case was then and there pending in said court, and in placing the said state officials and Mayor of Wamac in the jury box and then improperly conducting himself with reference to said officials, the respondent denies that on the first day of August, 1922, he unlawfully and deceitfully issued a summons from the said District Court of the United States and had the same served by the Marshal of said District, summoning the said Sheriffs and States Attorneys and Mayor of Wamac to appear before him in an imaginary case of United States *v.* one Gourley and

one Daggett, when no such case was pending in said court, and denies that he placed said officials in the jury box and then in a loud angry voice, used improper, profane and indecent language toward said officials, and denies that he denounced said officials as alleged, and denied that he did unlawfully, improperly, oppressively or tyrannically threaten to remove said officials from their said respective offices; and denies that he addressed them, using obscene and profane language, as alleged, but on the contrary avers the facts to be that there was on said day pending in the District Court of the United States for the Eastern District of Illinois, a certain criminal contempt proceedings filed by the United States Attorney for the Eastern District of Illinois, for and on behalf of the United States of America, against the said Gourley and the said Daggett, for the violation of a certain injunction theretofore issued by said court, and that said case was for hearing upon said day, and that the said States Attorneys and Sheriffs and the said Mayor of Wamac appeared in the District Court of the United States for the Eastern District of Illinois on said day, in response to subpœnas duly and regularly issued by the Clerk of said Court upon the præcipe of the United States Attorney for the Eastern District of Illinois, and served upon said Sheriffs, States Attorneys and the said Mayor of Wamac, commanding them to appear in said court on said day to testify in the said case then pending of United States *v.* said Gourley and said Daggett; that the said case of United States *v.* said Gourley and said Daggett was called for hearing upon said day in said court and was continued until the September term of said court, to be held in the City of Danville, Illinois, in said District, whereupon a recess of said court was had, and this respondent retired to his chambers adjoining the court room. While in his said chambers this respondent was advised that the said Sheriffs, States Attorneys and Mayor of Wamac were in the court room. This respondent had been advised by a Deputy United States Marshal and others that conditions in and around the Village of Wamac were such that there was danger of destruction of property and loss of life; that he had also been advised that one employe of the Illinois Central Railroad Company, while peacefully proceeding to his work for said company, had been shot and killed; that the killing of said employe was involved in the contempt proceeding against the said Gourley and the said Daggett, then pending in said court, and that the said Gourley and Daggett had been commissioned by certain officials as Deputy Sheriffs and policemen and claimed that they had shot at and killed the said employe in the discharge of their duties as such; that Wamac, Illinois, where is located large and extensive shops of the Illinois Central Railroad Company, is a small village located in the three counties of Clinton, Marion and Washington in the State of Illinois, and is only a few miles distant from the City of Herrin, Illinois, where prior to this time riots had existed, a number of people had been killed and almost a state of civil war had been prevalent; that this respondent was fearful that under the conditions then prevailing at Wamac, Illinois, unless prompt and vigorous measures were taken by officers charged with enforcing the law, a similar situation would and might exist in the Village of Wamac. This respondent, being aware that the States Attorneys, Sheriffs and the Mayor of Wamac were present in the court room (having requested them to remain therein), re-entered the court room, while the said court was yet in recess and was not in actual session, and asked the said States Attorneys, Sheriffs and Mayor of Wamac, for convenience, to take seats in the jury box, and then and there in substance made the following statement to them:

"You have out there a condition of civil war which seems apparently beyond the control of the present force as it is exercising its duty. You gentlemen may not realize the responsibility that is resting upon you and each of you, and I hope to be able to advise you to the extent that you wake up to the situation and assist in, if not take over wholly, the protection of life and property out there in that community. There was a man killed by one of the men who has been commissioned as a deputy sheriff by one of you gentlemen, and, also, by another man who was acting as marshal or chief of police, or as a member of the police force of the village of Wamac. You men are responsible to the people of the State of Illinois for the trust that is reposed in you. You have not, so far as I know, been guilty of any act of commission, but your guilt, if any at all, must be one of omission, but omission, if indulged in to a sufficient extent, becomes equal to an act of commission. The State's attorneys are the principal and chief law officers of the counties and upon them devolves the responsibility of issuing or having issued all writs of prohibition of violations of the law. The sheriffs are the ministerial officers, and it is their duty to serve such writs and to apprehend all alleged offenders.

"A failure to do any ofthose things amounts to an act of commission. You men seem to be asleep, but I hope to wake you up to a realization of what your duties and responsiblities are. Some men who are elected to office, for fear of offending their constituency, are oblivious to their duties and refuse, for fear of offending, to do their duty. If any of you men come within that class, your constituents did a damned poor job when they elected you."

And to the Mayor of Wamac he made the following statement:

"The blood of this man who was killed in your city is upon your hands, because you had deputized men whom you knew were not attempting to enforce the law, but were seeking to foil those who would perform their daily labor and earn their bread in the sweat of their faces. I have been in responsible positions more or less during my entire active life, and I know what it means to enforce the law. I have been invested by the Government of the United States with the responsibility of administering the law as I see best, and, as it is required at my hands, I shall perform that full measure of duty if it costs me my life. God Almighty gave me a strong physical body, a fair mind, and a good intent to perform, and I will do this to the full limit of my power. If you men refuse, that is your responsibility. If you get in the way and obstruct, I will see that the orders of this court are obeyed and fulfilled if it takes 1,000 men as special officers of this court.

"I will send them out there and see that life and property are protected, and if you gentlemen get in the way you will be treated exactly as any other offenders might be. You have, as I have said to you gentlemen, a state of civil war out there; you are to-day threatened with a mob of 1,000 or more men from Herrin, only 50 or 60 miles away, where they have only in the past three months demonstrated what a mob will do in the massacre of twenty-odd people. If that comes about, gentlemen, no one knows what will be the result. You men and many others may leave your wives widows and your children orphans. That has been the experience of the past few months in this adjoining community. I am going to prevent that if God gives me power to enforce the law. It is up to you, gentlemen. If you have got the nerve, the willingness, the guts, or whatever you are a mind to call it, get on the side lines and assist, if you will not take the lead."

This respondent further avers that afterwards the said case of the United States v. said Gourley and said Daggett was tried in the United States District Court for the Eastern District of Illinois, at a session thereof held in the City of Cairo, Illinois, during the following October, before the Honorable Walter C. Lindley, Associate Judge of said District, and a jury, and the said Gourley and the said Daggett were convicted on account of the matters and things with which they were charged, and were, by the said Walter C Lindley, Judge of said court, sentenced to imprisonment in jail on account thereof.

This respondent says that he did talk vigorously and earnestly to said States Attorneys, said Sheriffs and the said Mayor of Wamac; that he did believe at the time that they were not fully discharging their duties as officials of the State of Illinois; that his only purpose in talking to the said States Attorneys, Sheriffs and the Mayor of Wamac was to impress upon them the responsibilities resting upon them as such officials, and to prevent destruction of property, to prevent further loss of life, and to prevent a repetition of the Herrin massacre in Wamac and vicinity.

(6) This respondent avers in reference to the allegation that on the 8th day of May, 1922, in the trial of the case of United States v. Hall, wherein it is alleged he stated that if he told the jurors that a man was guilty and they did not find him guilty, he would send them to jail, that he did not at any time or place make such a statement, and avers the facts to be that in the trial of criminal cases he always refrained from expressing his opinion as to the guilt or innocence of a defendant on trial, but left that question to be determined by the jury, unless the question was submitted to him on motion as a matter of law, and in the trial of other cases he absolutely refrained from making any comment as to the weight of the evidence, but always left that question to be determined by the jury from the evidence in the case.

(7) The respondent avers, in reference to the allegation as to Michael L. Munie and Samuel A. O'Neal, that he did not, on the 15th day of August, 1922, nor at any other time, wilfully, unlawfully, tyrannically or oppressively summon the said Michael L. Munie and the said Samuel A. O'Neal, or either of them, to appear before him at his office, court or any other place. And the respondent denies that he did, at any time, when the said Munie and the said O'Neal were before him, wilfully, unlawfully, tyrannically or oppressively, with anger and abusive

language, attempt to coerce and threaten them as members of the press from truthfully publishing the facts in relation to the disbarment of Charles A. Karch.

The respondent further denies that he ever, at any time or place, used the power of his office tyrannically or in violation of the freedom of the press guaranteed by the Constitution.

The respondent further denies that he did, at any time or place, forbid, under threats of imprisonment, the said Munie and the said O'Neal, or either of them, to publish the facts in relation to the disbarment of the said Charles A. Karch.

(8) The respondent avers, in reference to the allegation as to Joseph Maguire, that he did not, on the 15th day of August, 1922, or at any other time, summon the said Joseph Maguire to appear before him, and did not threaten the said Joseph Maguire with imprisonment for having printed in his paper an editorial from the columns of the Post-Dispatch, and did not threaten the said Joseph Maguire with imprisonment for having printed certain hand bills as in said Article alleged, but with reference to said matter avers the facts to be that a complaint was filed against Chas. McMillan, J. C. Bell, H. Pabst, W. E. Kelley, J. M. Anderson and O. L. Etherton, charging them with having violated the said injunction issued by the respondent by distributing and circulating certain hand bills among the striking employees of the Illinois Central Railroad Company and other people, located at Carbondale, Illinois; that the said hand bill that the said parties were charged with distributing and circulating was in words and figures as follows, to-wit:

"NOTICE TO THE PUBLIC

NAMES OF MEN ASSISTING THE ILLINOIS CENTRAL, AT CARBONDALE, ILLINOIS, AND BY THEIR ACTIONS INJURING THE CITIZENS AND TAXPAYERS OF THIS COMMUNITY

Names

H. E. Exby, 334 Walnut St., Traveling Engineer.
Paul M. Sorgen, 309 W. Oak St., Boiler Foreman.
Lloyd Walker, 201 N. Springer St.
Orin Graff, 201 N. Normal Ave., Mach. Gang Forem.
J. A. Golliher, 417 W. Jackson St., Car Foreman.
J. G. Jenkins, 401 N. Normal Ave., Pick Foreman.

A recent opinion of the U. S. Labor Board that Supervising Forces on the railroads should not be compelled to do the work of the striking employees leads us to believe their action in assisting the Company is voluntarily.

PUBLICITY COMMITTEE APPROVED BY FEDERATED SHOP CRAFTS."

That the said Joseph Maguire was subpœnaed as a witness in said cause; that the said cause came up for hearing before the respondent at Danville, Illinois; that upon said hearing, the respondent heard the statement of the said Joseph Maguire with reference to the printing of said hand bills; that during the hearing upon said charge the respondent did make some inquiries of the said Joseph Maguire with reference to the printing of the said editorial and made some statement to the said Joseph Maguire with reference to the truthfulness of said editorial, and warned the said Joseph Maguire that the publication of such matter might do great harm, but at no time during said hearing did this respondent threaten the said Joseph Maguire with punishment of any kind or character whatsoever.

Wherefore, the respondent denies that he was or is guilty of a course of conduct tryannous or oppressive, and denies that he was or is guilty of misbehavior in his said office as Judge, and denies that he was or is guilty of a misdemeanor in his said office as Judge, as charged in said Article I, and further denies that he is guilty of or has done the acts and things charged against him in said Article, and therefore, asks that he be discharged of all matters and things alleged against him in said Article I.

ANSWER TO ARTICLE II

For answer to the second article, the respondent says:

(1) That the second article does not set forth anything which, if true, constitutes an impeachable offense, or a high crime and misdemeanor as defined in the Constitution of the United States, and that therefore, the Senate, sitting as a court of impeachment, should not further entertain the charge contained in the second article.

(2) Not waiving, but insisting upon the foregoing objection to Article II, but being unwilling to appear to admit even by implication the truth of the charge attempted to be made in said Article, the respondent denies that he has been guilty of a course of improper and unlawful conduct as said Judge, and denies that his course of conduct as such Judge has been filled with partiality and favoritism, resulting in the creation of a combination to control and manage, in collusion with Charles B. Thomas, Referee in Bankruptcy in and for the Eastern District of Illinois for their own interests and profits and that of the relatives and friends of the respondent and of said Referee in Bankruptcy, as alleged in said Article.

(3) With reference to the appointment of Charles B. Thomas as sole Referee in Bankruptcy in said District, the respondent avers that from the organization of the Eastern District of Illinois up to the time of the appointment of respondent as Judge of said court, there never has been but one Referee in Bankruptcy in said District, notwithstanding that said District, from its organization, has comprised 45 counties and has a large volume of business in bankruptcy, and the respondent avers that shortly after he was appointed Judge of said District that he did appoint Charles B. Thomas, Referee in Bankruptcy of said District, and avers that the said Charles B. Thomas had formerly been a County Judge of one of the counties in said District, and had held said office by vote of the people in said county for two successive terms of four years each, and that the respondent had full confidence in the legal ability and industry of the said Charles B. Thomas and appointed him as such Referee in Bankrutcy because he was of the opinion that the said Charles B. Thomas would make an efficient, competent and faithful Referee in Bankruptcy; that it is true that the respondent as Judge as aforesaid did create a rule of said court in reference to the powers and duties of the Referee in Bankruptcy of said court, as alleged in said Article, but the respondent avers that said rule was not made with any intention to favor and prefer the said Charles B. Thomas as in said Article alleged, but on the contrary said rule was lawfully made under authority of the General Bankruptcy Act of the United States for the proper and prompt administration of estates in bankruptcy, and that said rule is not an unusual one, but is substantially the same as the rules of other courts with reference to Referees in Bankruptcy.

Further answering said Article, the respondent denies that said amendments of the rules of said court were then and there made with the intent to favor and prefer said Thomas, and the respondent denies that said amendments were made for the improper personal and financial benefit of this respondent, or his friends and family, and that if the said amendments to said rules were improperly used by the said Charles B. Thomas for his benefit, or the benefit of his friends or family, it was done without the knowledge or consent or acquiescence of this respondent.

Further answering said article, the respondent denies that the said Charles B. Thomas built up and had a large lucrative practice in said court on account of any favoritism shown said Charles B. Thomas by this respondent.

Further answering said Article, the respondent admits that the said Charles B. Thomas did rent and furnish a suite of rooms and offices in East St. Louis, but avers that the same were necessary for the proper administration of the office of said Referee in Bankruptcy, and avers that so far as the respondent is advised the said rooms were rented at a reasonable price, and the action of said Referee in Bankruptcy in that regard was not unusual or extraordinary but is the same that is found in most districts of the United States for the proper administration of estates in bankruptcy, and denies that said rooms were rented in pursuance of any unlawful combination between said Referee in Bankruptcy and the respondent as in said Article alleged; that it is true the Referee in Bankruptcy employed a large number of clerks and stenographers, but the respondent avers that such clerks and stenographers were reasonably necessary for the proper administration of the bankruptcy estates in the hands of said Referee in Bankruptcy.

Further answering said Article, the respondent denies that the said Referee in Bankruptcy employed the said George W. English, Jr., son of the respondent, at a large compensation and salary, but avers the facts to be with reference to the employment of the said George W. English, Jr., that the said George W. English, Jr. was not employed by said Referee in Bankruptcy at the expense of any of the bankruptcy estates in charge of said Referee in Bankruptcy, but avers that at the time the said George W. English, Jr. was in the office of said Referee in Bankruptcy, he was a student in a law school and was only in the office of said Referee during his vacation periods. This respondent avers that he is informed that while the said George W. English, Jr. was in said Referee in Bankruptcy's office, during said vacation periods, he did some work for said Referee in Bankruptcy in the administration of bankruptcy estates, and was paid some compensation for said work, but that said compensation was paid by said Referee in Bankruptcy personally.

Further answering said Article, the respondent avers that it is true that said Referee in Bankruptcy did appoint the said M. H. Thomas, a son of the Referee in Bankruptcy, and D. S. Ledbetter and C. P. Wiedeman, sons-in-law of said

Referee in Bankruptcy, as Trustees and Receivers in some of the estates in bankruptcy, but the respondent avers that such appointments were made only in small bankruptcy estates where the creditors did not exercise their right to appoint a trustee.

The respondent further avers that it is usual and ordinary, in all districts, for the Referee in Bankruptcy to have a comparatively small number of persons who are willing to act as receiver or trustee in small bankruptcy estates where the creditors do not appoint.

Further answering said Article, the respondent denies that the said Charles B. Thomas, Referee in Bankruptcy, did confer upon said persons appointments as trustees, receivers and masters in estates in bankruptcy with the knowledge, consent or approval of this respondent, and denies that the said Referee in Bankruptcy paid to said persons large salaries, fees and commissions with the consent of the respondent.

Further answering said Article, the respondent denies that in order to carry out and make effective an improper and unlawful organization, as alleged in said Article, that this respondent appointed Herman P. Frizzell, United States Commissioner in and for said Eastern District of Illinois, and denies that the said Herman P. Frizzell did receive from the said Charles B. Thomas, Referee in Bankruptcy, large and valuable fees, commissions, salaries, appointments as trustee, receiver and master of estates in bankruptcy with the knowledge and consent of the respondent, as in said Article alleged, but on the contrary avers that he appointed the said Herman P. Frizzell United States Commissioner, because he believed the said Herman P. Frizzell to be fully qualified to fill the said office of United States Commissioner, and avers that so far as he knows the said Herman P. Frizzell did discharge his duties as such Commissioner in an efficient manner.

Further answering said Article, the respondent denies that he, at any time, permitted the said Charles B. Thomas, Referee in Bankruptcy, to appear as attorney and counsel before said Commissioner Frizzell in divers and sundry criminal cases, as in said Article alleged.

Further answering said Article, the respondent denies that for the purpose of carrying out the unlawful and improper combination mentioned in said Article, the respondent did improperly and unlawfully consent and approve of the appointment by said Referee in Bankruptcy, said Charles B. Thomas, of one Oscar Hooker as Chief Clerk in said office of said Referee in Bankruptcy, as in said Article alleged, and denies that the said Oscar Hooker did receive from the said Charles B. Thomas, Referee in Bankruptcy, large and valuable fees, salaries, appointments as trustee, receiver and master, and as attorney for trustees and receivers in bankruptcy estates with the consent or knowledge of the respondent.

Further answering said Article, the respondent denies that he did improperly allow and permit the said Oscar Hooker, as the agent of a Bonding Company, to furnish surety bonds for the persons mentioned in said Article.

Further answering said Article, the respondent denies that he did improperly and unlawfully allow the said Charles B. Thomas, Referee in Bankruptcy, to organize and incorporate from his said office force and employes, a corporation known as the Government Sales Corporation, for the purpose mentioned in said Article, and denies that said corporation was formed or managed with the knowledge or consent of the respondent.

Further answering said Article, the respondent denies that he did wilfully, improperly or unlawfully take advantage of his official position as Judge, and did aid the said Charles B. Thomas, Referee in Bankruptcy, in the establishment, maintenance and operation of an unlawful and improper organization for the purpose of obtaining improper and unlawful personal gain and profits for the respondent and his family and friends, as mentioned in said Article.

Further answering said Article, the respondent avers that the said matters and things charged in said Article, as done by said Charles B. Thomas, as Referee in Bankruptcy, and to which it is charged the respondent gave his consent and approval, did not, in any wise or for any purpose, come before the respondent as Judge of said court for judicial action or otherwise, and that the respondent did not take any jurisdiction of said matters as Judge of said court.

Further answering said Article, the respondent avers that he did not combine or conspire with the said Charles B. Thomas, Referee in Bankruptcy, in any way as to any of the matters and things alleged in said Article, but on the contrary the respondent avers that he appointed the said Charles B. Thomas, Referee in Bankruptcy, because of his confidence in his ability to properly discharge the duties of his office, and therefore, in the usual course of things the attention of the respondent was not directed to the details of the office of said Referee in Bankruptcy, and the respondent did not, in fact, have any knowledge of any irregularity therein, if such existed, and there was, at no time, no petition for revision or review filed in the office of respondent as such Judge that brought to his attention any improper act or conduct or ruling of the Referee in Bankruptcy in the administration of the office of said Referee in Bankruptcy in regard to the matters and things alleged in said Article.

Wherefore, respondent denies that he was or is guilty of a course of conduct constituting misbehavior as said Judge, and denies that he was or is guilty of a misdemeanor in said office of Judge, as alleged in said Article, and further denies that he is guilty of or has done the acts and things charged against him in said Article, and therefore, asks that he be discharged of all matters and things alleged against him in said Article II.

ANSWER TO ARTICLE III

For answer to the third article, the respondent says:

(1) That the third article does not set forth anything which, if true, constitutes an impeachable offense, or a high crime and misdemeanor as defined in the Constitution of the United States, and that therefore, the Senate, sitting as a court of impeachment, should not further entertain the charge contained in the third article.

(2) Not waiving, but insisting upon the foregoing objection to Article III, but being unwilling to appear to admit even by implication the truth of the charge attempted to be made in said Article, the respondent denies that he corruptly extended partiality and favoritism in the matters in said Article set forth, to Charles B. Thomas, and denies that the conduct of the respondent brought the administration of justice into discredit and disrepute and degraded the dignity of the court and destroyed the confidence of the public in its integrity, as in said Article alleged.

(3) The respondent avers in reference to the case of East St. Louis & Suburban Company et al. v. Alton, Granite & St. Louis Traction Company, that the allegations in said Article do not fully state the facts with reference to said suit; that the facts connected with said suit, so far as they relate to the actions of the respondent are substantially as follows:

That a bill was filed for the appointment of Receivers for said company in the District Court of the United States for the Eastern District of Illinois; that the parties filing said bill requested the respondent to appoint F. E. Allen, a resident of the City of St. Louis and State of Missouri, and W. H. Sawyer, a resident of the City of Columbus in the State of Ohio, as Receivers for said defendant company; that on account of the said Allen and Sawyer being non-residents of said district, the respondent did not deem it wise to appoint persons who resided outside the jurisdiction of the court as receivers in said cause, and the respondent suggested that if both of the persons who were to be appointed receivers resided outside the jurisdiction of the court, that they should have someone in whom the court had confidence, and who resided within the jurisdiction of the court, as an assistant to, or an attorney for the receivers; that with the understanding that the said persons proposed for receivers would secure such an assistant or attorney, the court appointed the said Allen and Sawyer temporary receivers, and said temporary receivers appointed the said Charles B. Thomas as attorney for them under the order of the court permitting them to employ an attorney or attorneys, and that the salary of said Thomas was fixed at $200.00 per month. That afterwards, on an application to make the appointment of said receivers permanent, that the salary of said Thomas was fixed at $300.00 per month as attorney and $500.00 per month for his services in assisting said receivers, said salaries to be retroactive from the first day of October, 1920.

Further answering said Article, the respondent avers that the said parties had agreed upon said compensation, and in the petition filed in said court asking that the said Allen and Sawyer be made permanent receivers in said cause, set forth the salaries to be paid to the said Charles B. Thomas as said attorney for and assistant to said receivers, and said petition asked that said allowance be so made, and upon a showing made by said parties that said allowances would be reasonable compensation to be paid to the said Charles B. Thomas, said order was entered by the respondent.

Further answering said Article, the respondent denies that there was anything illegal or improper in making said appointments and fixing said compensation, and denies that the appointment of the said Charles B. Thomas in said matter was improperly, corruptly or unlawfully made by the respondent, and denies that the fixing of the compensation of the said Charles B. Thomas in said matter was improperly, corruptly or unlawfully done by the respondent.

Further answering said Article, the respondent denies that the appointment of the said Charles B. Thomas in said matter was made by this respondent with the intent to wrongfully and unlawfully prefer and show partiality and favoritism to the said Charles B. Thomas, and denies that at the time said appointments were made that the respondent was under obligations, either financial or otherwise, to the said Charles B. Thomas.

(4) The respondent avers in reference to the case of Handelsman v. Chicago Fuel Company, that the allegations as contained in said Article, with reference to said suit, do not fully state the facts with reference to said suit; that the facts connected with said suit, so far as they relate to the actions of the respondent, are substantially as follows:

That the appointment of the said Charles B. Thomas as one of the receivers in said suit was made by Judge Walter C. Lindley, one of the Judges of the Eastern District of Illinois, and not by the respondent, as alleged in said Article; that after the appointment of the said Charles B. Thomas as one of the receivers in said suit was made by Judge Lindley, that the respondent did enter an order fixing the salary of the said Charles B. Thomas and his co-receiver, William E. Weber, of Chicago, Illinois, at $1,000.00 each per month; that the said fees for said receivers were fixed upon motion duly made in court by the parties interested in the proceedings, and that the order fixing said compensation, presented to the respondent for approval, showed that said parties had agreed upon said compensation.

Further answering said Article, the respondent avers that he did enter an order in said cause appointing Herman P. Frizzell, attorney for said receivers in said cause, and fixed his compensation at $200.00 per month, and avers that he made said appointment and fixed said compensation at the request of the parties connected with said suit, and avers that all of the matters connected with the appointment of the said Herman P. Frizzell and the fixing of the compensation of said receivers and said Herman P. Frizzell as attorney, were presented to the respondent in the usual course of the administration of said estate, and considering the magnitude of the estate and the work to be done that said orders were usual and proper.

Further answering said article, the respondent denies that he did improperly and unlawfully make said appointment of said attorney and fix the compensation of said receivers and said attorney as alleged in said Article, and denies that the compensation of said receivers and said attorney and the appointment of said attorney were improperly and unlawfully done, and denies that said action was taken by the respondent for the purpose of preferring the said Charles B. Thomas as alleged in said Article.

(5) The respondent avers in reference to the suit of Heuffman et al v. Hawkins Mortgage Company that he was duly assigned by the Senior Judge of the Circuit Court of Appeals of the Seventh Circuit, to hold the Federal Court at Indianapolis, Indiana, on account of the absence of the regular Judge of that court; that the respondent was called from his vacation at a summer resort in the State of Michigan to Indianapolis to act upon a petition for an injunctive order to prevent the waste and disposition of assets of said alleged bankrupt before there had been an adjudication of bankruptcy against it on an involuntary petition that was then pending in said court; that when he reached Indianapolis he found Charles B. Thomas there as one of the attorneys appearing with several other attorneys, representing the petitioner for said injunctive order; that there was no objection made to the said Charles B. Thomas appearing as an attorney in said matter, and the existence of the Federal statute that prohibits Referees in Bankruptcy from appearing as attorney did not occur to the respondent, and no question was raised by anyone connected with said matter then being heard by the respondent as to the right of the said Charles B. Thomas to appear as an attorney in said case; that the respondent did not know that the said Charles B. Thomas had been employed in said matter until he appeared in court that day before him, neither did the respondent know anything about the fee that was to be paid the said Charles B. Thomas in said matter.

Further answering said Article, the respondent avers that he discharged his duties on that occasion in absolute good faith and according to the law as he then and now understands it, without any favoritism or partiality toward the said Charles B. Thomas.

(6) The respondent avers, in reference to the suspension of the jail sentence of F. J. Skye, that an application was presented to him by the said Charles B. Thomas as attorney for said Skye, to set aside and vacate the jail sentence imposed by him against the said F. J. Skye in said cause on account of the physical condition and health of the said Skye; that said application was supported by affidavits from two practicing physicians residing in the City of East St. Louis, who stated in their affidavits that the condition of the health of the said Skye was such that imprisonment would probably prove fatal to his life; that upon said application being so made and supported by said affidavits, the respondent entered an order staying the jail sentence imposed upon the said Skye; that afterwards, the Assistant United States District Attorney, who appeared for the Government in said matter, called up said matter in open court and stated to the court that the Government was anxious to dispose of said application, and called the court's attention to two additional affidavits that had been filed in said cause supporting the application of said Skye to have said prison sentence vacated and set aside; that it was stated in said additional affidavits that the condition of the health of said Skye was such that imprisonment might prove fatal to him. That upon said statement being made by said Assistant United States District Attorney, the respondent asked the said Assistant United States District Attorney what he knew about the said affidavits, and he stated to the respondent that the affidavits were made by reputable physicians, and said Assistant United States District Attorney stated to the respondent that he had nothing to refute or contradict the statements contained in said affidavits; that upon said statement being so made by said Assistant United States District Attorney, the respondent entered an order vacating such jail sentence imposed against said Skye. The respondent avers that in entering said order vacating said jail sentence he acted in good faith upon the facts stated in said affidavits and upon the statements made by said Assistant United States District Attorney and upon the law as he understood it to exist in such cases.

The respondent avers that he entered said order after the said Skye had paid the fine of $500.00 imposed against him in said cause.

The respondent avers that he never, at any time before said order was entered vacating said jail sentence, knew anything about the fee that was to be paid by the said Skye to the said Charles B. Thomas.

Respondent further avers that he acted in said cause as he felt it was his duty to do as a matter of humanity and without any intent upon his part to favor the said Charles B. Thomas.

(7) The respondent avers in reference to the case of Hamilton v. Egyptian Coal & Mining Company, that he did not arbitrarily and unlawfully and without notice remove from office the duly appointed receiver in said cause, with the intent to favor the said C. B. Thomas as alleged in said Article, but avers that he appointed the said Charles B. Thomas receiver at the request of the parties in interest in said cause.

Further answering said Article, the respondent denies that said appointment was made with intent to favor the said Charles B. Thomas, and denies that the said appointment was made because he was under great obligations, financial and otherwise, to the said Charles B. Thomas as alleged in said Article, but avers that the appointment of the said Charles B. Thomas as receiver in said cause was made in absolute good faith.

(8) The respondent avers, in reference to the case of Wallace v. Shedd Coal & Mining Company, that he did not arbitrarily remove F. D. Borah (mentioned in said Article as F. D. Bernard) as receiver, but avers the fact to be that the said F. D. Borah resigned as receiver in said cause in open court, and that at the request of the parties in interest the respondent appointed the said Charles B. Thomas successor receiver in said cause.

Further answering said Article, the respondent denies that he improperly appointed the said Charles B. Thomas receiver in said cause in place of the said F. D. Borah, as alleged in said Article, and denies that the appointment of the said Charles B. Thomas was made with intent to corruptly prefer the said Charles B. Thomas, as alleged in said Article, and denies that the appointment of the said Charles B. Thomas as receiver in said cause was made on account of any obligations of the respondent to the said Charles B. Thomas, as alleged in said Article, but avers that the appointment of the said Charles B. Thomas was made in absolute good faith.

(9) The respondent avers, in reference to the case of Ritchie v. Southern Gem Coal Corporation, that he appointed the said Charles B. Thomas receiver in said cause only upon the request of the parties in interest in said cause.

Further answering said Article, the respondent admits that he fixed the salary of the said Charles B. Thomas and his co-receiver at $1,000.00 each per month, but avers that the

property involved was great and the fees fixed were the usual and customary fees in such cases.

Further answering said Article, the respondent denies that he had knowledge that the said Charles B. Thomas, in the discharge of his duties as receiver in said cause, was neglecting his duties as Referee in Bankruptcy, as alleged in said Article.

(10) Respondent denies that he did wrongfully, improperly and unlawfully receive $1435.00 from Charles B. Thomas as alleged in said Article, but avers the fact to be that the son of the respondent exchanged an old automobile of the respondent for a new one without any knowledge of the respondent and at a time when the respondent was sick, and that the said Charles B. Thomas advanced the difference on the purchase price of the new car in the sum of $1435.00, and that afterwards, when the respondent learned the amount advanced by the said Thomas in the exchange of said cars, the respondent repaid said Thomas said amount.

Further answering said Article, the respondent denies that he received and accepted from the said Charles B. Thomas the said sum of $1435.00, or any other sum of money as a return, or in recognition of favoritism or partiality extended to the said Charles B. Thomas, and denies that in the discharge of his duties as Judge, he did ever, at any time, for consideration or otherwise, ever extend any favoritism or partiality to the said Charles B. Thomas.

(11) The respondent denies that he, as Judge of said court, approved a report of the Receivers in the Southern Gem Coal Corporation matter, with knowledge that the said Charles B. Thomas was neglecting his duties as Referee in Bankruptcy, as in said Article alleged.

Further answering said Article, the respondent denies that he re-appointed the said Charles B. Thomas Referee in Bankruptcy, knowing at the time that the said Charles B. Thomas had neglected his duties as Referee in Bankruptcy.

Further answering said Article, the respondent avers that at the time he approved the report of the receivers in the Southern Gem Coal Corporation matter, referred to in said Article, no question arose as to whether or not the said Charles B. Thomas, one of the said receivers, was neglecting his duties as referee in Bankruptcy, and avers that such question could not have properly come up in said matter for consideration.

Further answering said Article, the respondent avers that he never, at any time, had any knowledge that the said Charles B. Thomas neglected his duties as Referee in Bankruptcy, and further avers that the question of whether or not the said Charles B. Thomas was discharging his duties as Referee in Bankruptcy was never presented to the respondent, as Judge of said court, either formally or otherwise.

(12) The respondent further avers in reference to all the matters and things alleged in said Article III, that he did not as to any of said matters act dishonestly or corruptly, or with any intent to prefer or favor the said Charles B. Thomas, but that in all matters wherein said Thomas was appointed as attorney for receivers, or as receiver, the appointment was made at the request of the parties in interest, and in the usual and ordinary administration of said matters in the court over which respondent was presiding, and without any improper or wrongful intent on the part of the respondent.

Wherefore, the respondent denies that he was or is guilty of misbehavior as Judge as charged in said Article III, and denies that he was or is guilty of misdemeanor in said office of Judge as alleged in said Article III, and further denies that he is guilty of or has done the acts and things charged against him in said Article, and therefore, asks that he be discharged of all matters and things alleged against him in said Article III.

ANSWER TO ARTICLE IV

For answer to the fourth article, the respondent says:

(1) That the fourth article does not set forth anything which, if true, constitutes an impeachable offense, or a high crime and misdemeanor as defined in the Constitution of the United States, and that therefore, the Senate, sitting as a court of impeachment, should not further entertain the charge contained in the fourth article.

(2) Not waiving, but insisting upon the foregoing objection to Article IV, but being unwilling to appear to admit even by implication the truth of the charge attempted to be made in said Article, the respondent denies that he did, in conjunction with Charles B. Thomas, Referee in Bankruptcy, corruptly and improperly handle and control the deposits in bankruptcy estates or other funds under his control in said court, by depositing, transferring and using said funds for pecuniary benefit of himself and said Thomas and thus prostitute his official power and influence for the purpose of securing benefits for himself and family and said Thomas and his family, as in said Article alleged.

Further answering said Article, the respondent denies that he ever, at any time, received any profit or benefit through the deposits of bankruptcy funds, or other funds under his control as Judge of said court.

(3) The respondent admits that he did, on or about December 1918, designate the First State Bank of Coulterville, Illinois, to be a United States depository of bankruptcy funds within said District, and he admits that J. E. Carlton, one of the stockholders and directors of said bank, was a brother-in-law of the respondent, and that afterwards, the respondent purchased and owned 21 out of 250 shares of the capital stock of said bank, but the respondent denies that the said appointment was made improperly or unlawfully, and denies that it was corruptly made, and denies that said bank was to be the sole United States depository of bankruptcy funds within said District, as alleged in said Article, but on the contrary states that said bank was a safe and sound banking institution, absolutely solvent, and that a proper and sufficient bond was taken to secure the safety of all bankruptcy funds placed therein, and that in fact, all of the bankruptcy funds placed in said depository were safely protected and accounted for by said depository.

Further answering said complaint, the respondent denies that any one transacting business with the Referee in Bankruptcy was ever inconvenienced in any wise on account of the location of said bank.

(4) The respondent, in reference to the case of Sanders v. Southern Traction Company, denies that he did willfully and unlawfully order and decree that the sum of $100,000.00 derived from the sale of property of said Southern Traction Company should be deposited in the Merchants State Bank of Centralia, Illinois, a United States depository of bankruptcy funds, said deposit to draw no interest, and denies that said deposit was made in said bank for the benefit of himself or for his personal gain and profit, and denies that said deposit was made for the personal gain and profit, or for the benefit of his family and friends, as in said Article alleged; and denies that the said deposit made in said bank was to the great scandal of his said office as Judge, as alleged in said Article; and denies that said deposit made in said bank tended to bring the administration of justice in said court in distrust and contempt as in said Article alleged.

Further answering said Article, the respondent admits that at the time said order for said deposit was made, he did own a small amount of the capital stock of said bank, but avers that the said ownership of said capital stock was so small that his part of the possible earnings of said bank by reason of said deposit being made in it was of practically no consequence, and that his small ownership in the capital stock of said bank did not influence him one way or another in making the order for said deposit, but said order was made for other reasons altogether.

Further answering said Article, the respondent avers that there was nothing improper, irregular or unlawful in ordering said deposit to be made in said bank.

(5) The respondent avers, in reference to the transactions with the Drovers National Bank in East St. Louis, that it is not true that he made any agreement whatsoever with the officers of said bank for the employment of his son, Farris English, in said bank, and neither did he subscribe for ten shares of capital stock in said bank, but that on the contrary the said Charles B. Thomas personally made whatever arrangements were made with said bank and did so without the knowledge or consent of the respondent.

Further answering said Article, the respondent avers that the said Charles B. Thomas did procure ten shares of stock to be issued by said bank in the name of the respondent, but that the same was done without the knowledge or consent of the respondent, and when the respondent learned that said ten shares of capital stock had been issued in his name, he refused to accept said stock, and at the request of the said Charles B. Thomas, he endorsed the certificate for said stock, so that the same could be transferred to the said Charles B. Thomas, or to some other person.

Further answering said Article, the respondent admits that he entered an order designating said Bank to be a Government depository of bankruptcy funds, but denies that he entered said order in pursuance of any agreement that his son, Farris English, was to be employed as Cashier at said bank, as in said Article alleged, and denies that he became a depositor in said bank in pursuance of the agreement alleged, and stated in said Article, and denies that he caused 17 transfers of bankruptcy funds to be made from the Union Trust Company to said Drovers National Bank, as alleged in said Article.

Further answering said Article, the respondent denies that he received pay for the said ten shares of stock, and also for

the stock of his son, Farris English, as in said Article alleged, and denies that he did any act or thing as Judge of said court, with reference to the said Drovers National Bank, with a wrongful and unlawful intent to use the influence of his said office as Judge for his personal gain and profit, as in said Article alleged, and denies that he did anything as Judge of said court in connection with said bank for an unlawful or improper and personal gain of his family and friends as in said Article alleged.

(6) The respondent avers, in reference to the employment of his son, Farris English, by the Union Trust Company, that he did not make any agreement with said Trust Company that if it would employ his said son at a salary in the sum of $200.00 per month, or at any other salary, that he would cause to be removed from the Drovers National Bank bankruptcy funds deposited there, and have the same deposited with the said Union Trust Company, and neither did the respondent make any agreement with said Trust Company that it should pay interest on said bankruptcy funds at the rate of 3% on the month balance to his said son.

Further answering said Article, the respondent admits that his said son was employed by said bank, and that after his said son had been employed in said bank for several months, that the said bank did pay to his said son 3% on said bankruptcy deposits, but the respondent avers that he had no knowledge of the payment of said interest until sometime after his son had left the employment of said bank, and that the payment of said interest to his said son was without the knowledge or consent of the respondent.

Further answering said Article, the respondent denies that any bankruptcy funds were withdrawn from the Drovers National Bank and deposited with the said Union Trust Company, under an agreement in which the respondent took part, as in said Article alleged.

Further answering said Article, the respondent denies that he used his influence in said matter as Judge for his unlawful or improper personal gain, and denies that he used his influence in said matter as Judge for the unlawful and improper profit and gain of himself, his family and friends, as in said Article alleged.

(7) The respondent, in reference to the said Merchants State Bank of Centralia becoming a Government depository of bankruptcy funds, admits that he did enter an order designating the said Merchants State Bank of Centralia, Illinois, as a depository of bankruptcy funds, but denies that said order was improperly made, and denies that said order was made because he was a stockholder in said bank, but avers that the same was made because said bank was a safe institution and gave a good and sufficient bond for the protection of the bankruptcy funds, as required by law, and for other good and sufficient reasons.

(8) The respondent admits that he and the said Charles B. Thomas did borrow money from the said Merchants State Bank of Centralia, and admits that said loans were renewed from time to time by them.

Further answering said Article, the respondent avers that said loans were made to him and the said Charles B. Thomas separately; that they had no joint loans at said bank.

Further answering said Article, the respondent denies that there was any improper or unlawful action in the procurement of said loans, and avers that interest at the lawful statutory rate in Illinois was paid to said bank for all money borrowed from said bank by the respondent.

Further answering said Article, the respondent admits that he did borrow a sum of money from said bank aggregating about the amount mentioned in said Article, but avers that the greater portion of said money was borrowed from said bank for the purchase of a home for respondent in the City of East St. Louis, Illinois; that at the time respondent purchased said home he gave to said bank a note for the purchase price of said home, and offered, at the time, to execute a mortgage upon said home to secure the payment of said note; that the said bank offered to and did make said loan on the personal note of the respondent with his wife as surety and by respondent taking out additional life insurance.

Further answering said Article the respondent admits that the said Charles B. Thomas did borrow from said bank, without security, a sum of money aggregating about the amount mentioned in said Article, but the respondent denies that said loans were made by reason of the use of the official influence of the respondent and the said Charles B. Thomas, as alleged in said Article.

Further answering said Article, the respondent denies that he had anything whatsoever to do with the loans made by said bank to the said Charles B. Thomas.

Further answering said Article, the respondent avers that after he was elected a directetor of said bank and discovered the aggregate amount of loans made to the said Charles B. Thomas by said bank without security, that he objected to said loans and demanded that they be collected and that the bank did at once take steps to collect said loans from the said Charles B. Thomas, and did collect the same with all interest due thereon.

Further answering said Article, the respondent denies that he and the said Charles B. Thomas acting in concert with the officers and directors of said bank borrowed sums of money equal to all of the surplus, assets and capital of said bank at a low rate of interest and without security as alleged in said Article.

Further answering said Article, this respondent alleges that he has paid all of the money borrowed by him from said bank, with interest thereon, except the sum of $1,400.00 which he still owes to said bank.

Further answering said Article, the respondent avers that he lived in the City of Centralia, Illinois, before his appointment as Judge of said District Court; that he was well acquainted with the officers and directors of said bank, and that the officers and directors of said bank had sufficient confidence in him to make the said loans mentioned in said Article as the same were made to him.

Further answering said Article, the respondent denies that he was guilty of any kind of corruption whatsoever in borrowing said money from said bank.

Wherefore, the respondent denies that he was or is guilty of a course of conduct constituting misbehavior as Judge of said court, as in said Article alleged, and denies that he was and is guilty of a misdemeanor in office as in said Article alleged, and further denies that he is guilty of or has done the acts and things charged against him in said Article, and therefore, asks that he be discharged of all matters and things alleged against him in said Article IV.

ANSWER TO ARTICLE V

For answer to the fifth article, the respondent says:

(1) That the fifth article does not set forth anything which, if true, constitutes an impeachable offense, or a high crime and misdemeanor as defined in the Constitution of the United States, and that therefore, the Senate, sitting as a court of impeachment, should not further entertain the charge contained in said fifth article.

(2) Not waiving, but insisting upon the foregoing objection to the fifth article, but being unwilling to appear to admit even by implication the truth of the charge attempted to be made in said article, the respondent admits that on the 3rd day of May, 1918, he was duly appointed Judge of the United States District Court for the Eastern District of Illinois, and has held such office to the present day, but denies that during said time he has repeatedly treated members of the bar in a manner coarse, indecent, arbitrary and tyrannically, and denies that he has so conducted himself in court and from the bench as to oppress and hinder members of the bar in the faithful discharge of their sworn duties to their clients, and to deprive such clients of their rights to appear and be protected in their liberty and property by counsel, as in said Article alleged, and denies that he has conducted himself in a manner to bring the administration of justice in said court into contempt and disgrace and to the great scandal and reproach of said court, as in said Article alleged.

(3) The respondent denies that during his said term of office and while acting as such Judge he did disregard the authority of the laws and wickedly meaning and intending so to do, did refuse to allow parties lawfully in said court the benefit of trial by jury, contrary to his said trust and duty as a Judge of said District Court, and against the laws of the United States as in said Article alleged.

(4) The respondent denies that during his said term of office and when acting as such judge he conducted himself in said court in making decisions and orders in actions pending before him so as to excite fear and distrust and to inspire a widespread belief that causes were not decided in said court according to their merits but were decided with partiality and prejudice and favoritism to certain individuals, and to one Charles B. Thomas, as in said Article alleged, but on the contrary the respondent denies that he ever showed partiality or favoritism to the said Charles B. Thomas, or to anyone else, and avers that during his said entire period of office that said Thomas represented defendants in ten criminal cases, in which there were jury trials, and in eight of them the clients of said Thomas were convicted.

The respondent further avers that during said time the said Thomas appeared and represented defendants in twenty-five criminal cases, in which there were pleas of guilty entered, and that the sentences imposed by the respondent upon the clients of the said Thomas upon said pleas were similar to those entered in other cases under like facts and conditions, and that there were no favors shown to the clients of the said Thomas in said causes.

(5) The respondent denies that during his said term of office he acted improperly or unlawfully or with any intent to favor or prefer Charles B. Thomas in the matter of appointments, rulings and decrees as in said Article alleged.

(6) The respondent denies that he ever did, while acting as Judge of said court, and from the bench and in open court, interfere with and usurp the authority, power and privileges of the sovereign State of Illinois, as in said Article alleged, and denies that he ever did, while acting as said Judge, usurp the rights and powers of said State over its state officials, as in said Article alleged, and denies that he ever did, while acting as said Judge, set at naught the constitutional rights of said sovereign State of Illinois, as in said Article alleged, and denies that he ever did, while acting as such Judge, do any of the matters and things charged in said Article, to the great prejudice and scandal of the cause of justice and of his said court, and the rights of the people to have and receive due process of law, as in said Article alleged.

Further answering said Article, the respondent with reference to said alleged acts of usurpation, states the facts to be that during the summer of 1922, there was a general Shopmen's strike of employees of the various railroads in this country; that there were a number of shops located within the Eastern District of Illinois, where great disturbances took place on account of said strike, particularly at Mattoon, Illinois, at Centralia and Wamac, Illinois, at Mounds, Illinois, and other points within said District; that the conditions at Centralia and Wamac, Illinois, were of an aggravated and serious nature; that the shops of the Illinois Central Railroad Company are located in the Village of Wamac, which is situated in the three counties of Washington, Marion and Clinton, adjacent to the corporate limits of the said City of Centralia; that a great number of striking employees of said Illinois Central Railroad Company resided in the Village of Wamac and the City of Centralia: that upon a bill properly filed in the court of said Eastern District of Illinois, the respondent had issued an injunction for the purpose of preventing the destruction of property, the protection of the lives and limbs of employes working for railroad companies, and to permit the operation of the railroads located within said Eastern District in the discharge of their obligations to the public as common carriers, and in the transportation of the mails of the United States; that the said City of Centralia and Village of Wamac are located but a short distance from the City of Herrin, Illinois, where there had recently been one of the greatest outbursts of lawlessness and anarchy, resulting in the destruction of property and loss of life, that had ever occurred in the history of this nation.

That during said outburst great tyranny reigned and many lives were lost and there was such a complete breakdown of law that the matter had gotten beyond the control of the local authorities.

That during said strike at the shops of the said Illinois Central Railroad Company in said Village of Wamac, the President of the Board of Trustees of said Village (referred to in said Articles as the Mayor of Wamac) was in entire and complete sympathy with the said striking employes and had appointed striking employes of said Village ostensibly for the purpose of maintaining order in said Village during said strike, and some of said striking employes had been appointed Deputy Sheriffs ostensibly for the purpose of preserving order in said Village of Wamac, and said City of Centralia, during said strike; that in truth said deputized officers made no effort to protect property and the lives and limbs of employes of said railroad, but were only engaged in giving aid and assistance to said striking employes; that while said strike was so in progress and while a number of the employes of said Illinois Central Railroad Company were entering the shops and grounds of said Railroad Company in an automobile for the purpose of pursuing their duties as employes of said Railroad Company, the said deputized officers shot at and into said automobile in which said employes were riding and killed one of said employes; that a complaint was filed in said District Court charging said deputized officers, strikers and others with the violation of said injunction; that prior to and at the time said complaint was filed in said court, the respondent had received information from officers of said court that the strike at said Village of Wamac and said City of Centralia had reached such proportions that great disorder was likely to occur, and in which in all ordinary probabilities, would be great loss of life, and that said officials had received information that there was rumor and talk that a large mob was coming from the said City of Herrin to assist said strikers.

The respondent avers that it was under this situation that he felt it was his duty to instruct the United States District Attorney to have the Sheriffs and States Attorneys of the three counties hereinabove mentioned, and the so-called Mayor of the Village of Wamac, subpoenaed in said cause, so that said officials might be interrogated as to the situation that existed in said Village of Wamac and City of Centralia, with reference to said strike, and so that the respondent might ascertain whether said officials were discharging their duties in preserving law and order at said City of Centralia and Village of Wamac during said strike, and to urge upon said officials to assist the respondent in maintaining law and order at said place; that it was for these purposes and these purposes only that the respondent requested that said officials be subpoenaed in said cause; that in his action in said matter he did not usurp the authority of the State of Illinois, or any right of power over said state officials, but merely presented to said officials the critical situation that prevailed in said Village of Wamac and City of Centralia, and impressed upon said officials their duties as state officers to assist the respondent as Judge of said court in protecting property and preserving life in the section of the state where said disorder prevailed.

(7) The respondent denies that during his term of office he did attempt to secure the approval, cooperation and assistance of Judge Walter C. Lindley, an Associate Judge of said District, by suggesting to Judge Lindley that he appoint a son of the respondent to receiverships and other appointments in said district, in consideration that the respondent would appoint to like positions a cousin of said Lindley as in said Article alleged.

(8) The respondent denies that during his term of office, at divers times and places, he did, while serving as said Judge, seek from the Missouri Pacific Railway Company, employment for his son, George W. English, Jr., to the scandal and disrepute of said court and the administration of justice therein, as in said Article alleged, but avers the facts with reference to seeking said employment, to be as follows: That in conversation with Mr. J. L. Howell, the General Attorney of the Terminal Railroad Association of St. Louis, with whom the respondent had had a long acquaintance, and who was an intimate friend of respondent, and with whom respondent was in the habit of talking over his private and family affairs, stated to the said Howell that his son had recently graduated from law school and passed the examination for the bar in the State of Illinois, and was very anxious to secure a position with some railroad company where he could pursue his profession, and without any effort or intention of securing a position with the railroad by which the said J. L. Howell was employed, stated to the said Howell that he would like for him to aid his son in securing such a position; that in this conversation the said J. L. Howell stated to the respondent that he was well acquainted with the General Counsel of the Missouri Pacific Railway Company; that it was a company of large and extended mileage, and it might be that respondent's son could secure a position with this company, and offered to go with the respondent to the office of the General Counsel of said Missouri Pacific Railway Company and ascertain whether or not such a position could be secured, and that as a result of said conversation the respondent, in company with the said J. L. Howell, did call upon the General Counsel of said Missouri Pacific Railway Company; that in calling upon said General Counsel of said railroad, the respondent did not expect his said son to be employed by said railroad in the State of Illinois, but expected him to be employed, if at all, in the General offices of said company located in the City of St. Louis and State of Missouri.

The respondent further avers that in seeking said employment for his said son he acted in good faith, with only an honest desire to enable his son to procure employment in his chosen profession, without any corrupt or ulterior motives whatsoever.

Wherefore, the respondent denies that he was or is guilty of misbehavior as Judge of said court, and was or is guilty of a misdemeanor in office, as in said Article V alleged, and further denies that he is guilty of or has done the acts and things against him in said Article charged, and therefore, asks that he be discharged of all matters and things alleged against him in said Article V.

AND NOW the respondent, further answering each and all of said Articles, denies all and singular each and every allegation in said Articles, wherein it is alleged that the respondent, while in the discharge of his duties as Judge of said

court, did knowingly and wilfully act corruptly, wrongfully or unlawfully, or act with partiality, or did any act or thing for his own benefit, or for the benefit of his friends and members of his family, or anyone else, and denies that he did any act or thing that did or had a tendency to bring said court, over which the respondent presided, into scandal and disrepute, or to in any wise injure the administration of justice in said court, and denies that he did any act or thing constituting misbehavior on his part as a Judge of said court, and denies that he did any act or thing amounting to a misdemeanor in office while Judge of said court, but on the contrary avers that he, at all times, discharged his duties as Judge of said court honestly, conscientiously and without partiality and according to law, to the best of his ability.

Respondent further avers that the people residing within said Eastern District of Illinois, who desire that all the laws of which said court has jurisdiction be enforced and upheld, were and are well satisfied with the manner in which the respondent discharged his duties as Judge of said court, and further avers that all good law abiding people residing within said District, who desire to have all the laws of which said court has jurisdiction enforced and upheld, irrespective of their likes or dislikes of such laws, have held and do now hold the court over which the respondent has presided in high esteem, and all such persons do now believe that the respondent has discharged his duties faithfully and well.

The respondent, further answering said Articles, avers that whatever mistakes he may have made as Judge of said court have been honestly made and amount to mere errors on his part and not to intentional wrongs.

Respondent, therefore, asks that he be discharged of all matters and things alleged against him in said Articles.

GEORGE W. ENGLISH,
Respondent.

WILLIAM M. ACTON,
FRANK T. O'HAIR,
RUDOLPH J. KRAMER,
BRUCE A. CAMPBELL,
EDWARD C. KRAMER,
W. F. ZUMBRUM,
DAN MCGLYNN,
Counsel for Respondent.

Mr. CUMMINS. Mr. President, I present an order for which I ask immediate consideration.

The order was read, considered by unanimous consent, and agreed to as follows:

Ordered, That the Secretary of the Senate communicate to the House of Representatives an attested copy of the answer of George W. English, district judge of the United States for the eastern district of Illinois, to the articles of impeachment.

Mr. CUMMINS. I present now a further order and ask for its immediate consideration.

The order was read, considered by unanimous consent, and agreed to as follows:

Ordered, That the answer of the respondent, George W. English, district judge of the United States for the eastern district of Illinois, to the articles of impeachment exhibited against him by the House of Representatives be printed for the use of the Senate sitting in the trial of said impeachment.

Mr. CUMMINS. I present the following order which I ask the clerk to read, and I then ask for its immediate consideration.

The order was read, considered by unanimous consent, and agreed to as follows:

Ordered, That the managers on the part of the House be allowed until the 5th day of May, 1926, at 12.30 o'clock in the afternoon, to present a replication, or other pleading, of the House of Representatives to the answer of the respondent. That any subsequent pleadings, either on the part of the managers or of the respondent, shall be filed with the Secretary of the Senate, of which notice shall be given to the House of Representatives and the respondent, respectively, so that all pleadings shall be closed on or before the 10th day of May, 1926.

Mr. CUMMINS. Mr. President, if neither the managers nor counsel for the respondent have any further suggestion to make at this time, I move that the Senate, sitting for the trial of the impeachment of George W. English, do now adjourn until Wednesday next at 12.30 p. m.

Mr. REED of Missouri. Before anything else is done I desire to inquire whether the managers on the part of the House have been consulted with reference to the time in which a replication is to be filed and if the time is agreeable to them.

Mr. CUMMINS. I offered the order after consultation with the managers.

The VICE PRESIDENT. The question is on the motion of the Senator from Iowa.

The motion was agreed to; and (at 2 o'clock and 5 minutes p. m.) the Senate sitting as a court of impeachment adjourned until Wednesday, May 5, 1926, at 12.30 o'clock p. m.

The managers on the part of the House, the counsel for the respondent, and the respondent retired from the Chamber.

The VICE PRESIDENT. The Senate resumes legislative session.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 99. An act for the relief of the owner of the lighter *Eastman No. 14;*

S. 113. An act for the relief of the owner of the American barge *Texaco No. 153;*

S. 530. An act for the relief of the owners of the steamship *Basse Indre* and all owners of cargo laden aboard said vessel at the time of her collision with the steamship *Housatonic;*

S. 547. An act for the relief of James W. Laxson;

S. 957. An act for the purchase of the Oldroyd collection of Lincoln relics;

S. 1131. An act for the relief of James Doherty;

S. 1226. An act to amend the trading with the enemy act;

S. 2124. An act for the relief of Philip Hertz (Philip Herz);

S. 2338. An act authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army;

S. 2848. An act to extend the time for institution of proceedings authorized under Private Law No. 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.);

S. 2907. An act to authorize the general accounting officers of the United States to allow credit to Galen L. Tait, collector and disbursing agent, district of Maryland, for payments of travel and subsistence expenses made on properly certified and approved vouchers;

H. R. 3794. An act granting the consent of Congress to the counties of Lancaster and York, in the State of Pennsylvania, to jointly construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, and the borough of Columbia, in Lancaster County, Pa.;

H. R. 4785. An act to enable the Rock Creek Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park;

H. R. 9305. An act to amend section 101 of the Judicial Code, as amended;

H. R. 9393. An act to extend the time for the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin;

H. R. 9460. An act granting the consent of Congress to the highway department of the State of Minnesota to reconstruct a bridge across the Mississippi River between the city of Anoka, in Anoka County, and Champlin, in Hennepin County, Minn.;

H. R. 9596. An act to extend the time for the construction of a bridge across the Mississippi River in the county of Aitkin, Minn.;

H. R. 9634. An act to extend the time for the construction of a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.;

H. R. 10121. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River," approved January 31, 1923;

H. R. 10200. An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America; and

S. J. Res. 55. Joint resolution to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172, in Washington, D. C.

PUBLIC BUILDINGS

Mr. FERNALD. I ask that the unfinished business be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

Mr. FERNALD. Mr. President, on Saturday it was suggested that those who had some opposition to the public buildings bill should meet with the members of the committee and endeavor to iron out their differences. We had a meeting this morning and were able to come to an understanding which I think will be quite agreeable to all those who have up to this time in any way opposed the bill.

The matter immediately before the Senate is the consideration of the committee amendment on page 2, line 7, and I ask that it may be agreed to at this time.

Mr. BRATTON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Keyes	Schall
Bayard	Ferris	King	Sheppard
Bingham	Fess	La Follette	Shipstead
Blease	Fletcher	Lenroot	Shortridge
Bratton	Frazier	McKellar	Simmons
Broussard	George	McLean	Smith
Bruce	Gillett	McNary	Smoot
Butler	Glass	Mayfield	Stanfield
Cameron	Goff	Means	Steck
Caraway	Gooding	Metcalf	Stephens
Copeland	Hale	Moses	Swanson
Couzens	Harreld	Neely	Trammell
Cummins	Harris	Norris	Tyson
Curtis	Harrison	Nye	Walsh
Dale	Heflin	Overman	Warren
Deneen	Howell	Phipps	Watson
Dill	Johnson	Ransdell	Wheeler
Edge	Jones, N. Mex.	Reed, Pa.	Williams
Edwards	Jones, Wash.	Sackett	Willis

The PRESIDENT pro tempore. Seventy-six Senators having answered to their names, a quorum is present. The clerk will state the pending amendment.

The LEGISLATIVE CLERK. In section 1, page 2, line 7, after the word "purposes," the Committee on Public Buildings and Grounds propose to insert the words "giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired," so as to read:

That, to enable the Secretary of the Treasury to provide suitable accommodations in the District of Columbia for the executive departments and independent establishments of the Government not under any executive department, and for courthouses, post offices, immigration stations, customhouses, marine hospitals, quarantine stations, and other public buildings of the classes under the control of the Treasury Department in the States, Territories, and possessions of the United States, he is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such sites and additions to sites as he may deem necessary, and to cause to be constructed thereon, and upon lands belonging to the Government conveniently located and available for the purpose (but exclusive of military or naval reservations), adequate and suitable buildings for any of the foregoing purposes, giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. FERNALD. On page 2, line 22, I move to insert the words "except in the case of exchange."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Maine will be stated.

Mr. SMOOT. After what word does the Senator from Maine propose to insert the amendment?

Mr. FERNALD. After the word "and" where it first occurs in line 22, page 2. I send the amendment to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Maine will be stated.

The LEGISLATIVE CLERK. On page 2, line 22, after the word "and" where it first occurs, it is proposed to insert the words "except in the case of exchange."

Mr. KING. I should like to have an explanation of the amendment.

Mr. FERNALD. Does the Senator from Utah refer to the amendment which has just been stated?

Mr. KING. Yes. I desire to know whether the amendment as now offered by the Senator from Maine is agreeable to the Senator from Virginia [Mr. SWANSON]?

Mr. FERNALD. The Senator from Utah was not present when I just stated that the Senator from Mississippi [Mr. HARRISON], the Senator from Virginia [Mr. SWANSON], and the Senator from Tennessee [Mr. MCKELLAR] met with me this morning and the form of the bill was agreed to with the amendments which I am about to offer.

I am about to offer another amendment concerning which we had an understanding this morning after the one just offered shall have been agreed to.

Mr. SMITH. Mr. President, I desire that the Secretary shall read the context so that we may understand the meaning of the amendment.

The PRESIDENT pro tempore. The Clerk will read as requested.

The legislative clerk read as follows:

When a building is about to be constructed on a site heretofore acquired and such site is found by the Secretary of the Treasury to be unsuitable for its intended purpose, he is hereby further authorized and empowered to acquire a new site in lieu thereof by purchase, condemnation, exchange, or otherwise, and, except in the case of exchange, to dispose of the present site by public sale and to execute the necessary quitclaim deed of conveyance.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Maine on behalf of the committee.

The amendment was agreed to.

Mr. FERNALD. There was an agreement this morning on the amendment which I now send to the desk to come in on page 3, line 12.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Maine will be stated.

The LEGISLATIVE CLERK. On page 3, line 12, after the word "States," it is proposed to strike out all down to and including the word "projects" in line 14.

Mr. MCKELLAR. What is the insertion?

Mr. WARREN. I ask that the paragraph may be read as proposed to be amended.

Mr. FERNALD. The amendment just came to me from the legislative expert, and I have not had an opportunity to read it, but other Senators have.

The PRESIDENT pro tempore. The proposed amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 12, it is proposed to strike out the words——

Mr. WARREN. May the reading not commence at the beginning of the paragraph?

The PRESIDENT pro tempore. Is it the desire of the Senator from Wyoming to understand the effect the amendment will have on the bill as proposed to be amended?

Mr. WARREN. Yes.

The LEGISLATIVE CLERK. On page 3, line 12, after the word "States," it is proposed to strike out the words "and in case appropriations for projects are made in part only, to enter into contracts for the completion in full of each of said projects," so as to read:

The Secretary of the Treasury is authorized to carry on the construction work herein authorized by contract, or otherwise, as he deems most advantageous to the United States.

The PRESIDENT pro tempore. The question is on the amendment proposed by the committee.

Mr. SIMMONS. Mr. President, I understand there are two distinct amendments. One is on page 3, line 12, to strike out the words—

and in case appropriations for projects are made in part only, to enter into contracts for the completion in full of each of said projects.

That amendment has no reference to anything except that particular item. The next amendment comes in on page 7, not on page 2, and is an entirely distinct amendment.

Mr. FERNALD. That is right, I will say to the Senator. I repeat the amendment just came to me and I have not had an opportunity to read it.

Mr. SMITH. Mr. President, may I ask the chairman of the committee if the proposed amendment which has just been read simply affects the paragraph extending from line 9 to line 13 by striking out all after the word "States" and inserting nothing else in lieu of the portion stricken out?

Mr. SIMMONS. That is the effect of the amendment which has just been stated.

Mr. LENROOT. Mr. President, may I state that the reason for the amendment is, if the portion proposed to be stricken out should remain in the bill, it would be in conflict with the next amendment that is to be submitted?

Mr. SMITH. The Senator refers to another amendment that is to be proposed?

Mr. LENROOT. Yes. Let us have the other amendment reported, so that we may get the connection.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, beginning in line 12, it is proposed to strike out the words—

and in case appropriations for projects are made in part only, to enter into contracts for the completion in full of each of said projects.

Mr. FESS. Now let us have the next amendment read for information.

Mr. SMITH. I ask that the next amendment, to come in on page 7, may be read, so that we can see its application.

The LEGISLATIVE CLERK. On page 7, line 7, after the word "submitted," it is proposed to insert the words:

Which shall include a statement of the location of buildings proposed to be erected, together with a limit of cost for the same: *Provided*, That in submitting such estimates the Secretary of the Treasury shall allocate the amounts proposed to be expended to the different States where buildings are found by him to be necessary in such a manner as to distribute the same fairly on the basis of area, population, and postal receipts: *Provided further*, That, unless specifically authorized in the act making appropriations for public buildings, no contract for the construction, enlarging, remodeling, or extension of any building, or for the purchase of land authorized by this act, shall be entered into until moneys in the Treasury shall be made available for the payment of all obligations arising out of such contract, and unless the said act making appropriations for buildings shall otherwise specifically provide, appropriations shall be made and expended by the Secretary of the Treasury in accordance with the estimates submitted by the Bureau of the Budget: *Provided further*, That the foregoing proviso shall not apply to buildings or their modification heretofore provided for by act of Congress.

Mr. SMOOT. I should like to ask the Senator from Wisconsin a question.

Mr. McKELLAR. The Senator will recall that that covers section 5, and not section 3.

Mr. SMOOT. I am aware of that. I will read a portion of the amendment. It provides in part—

That, unless specifically authorized in the act making appropriation for public buildings, no contract for the construction, enlarging, remodeling, or extension of any building, or for the purchase of land authorized by this act, shall be entered into until moneys in the Treasury shall be made available for the payment of all obligations arising out of such contract.

Mr. LENROOT. That is one situation.

Mr. SMOOT. I wish to ask a question as to just what would be the result of this wording, so that we may all understand its effect. Suppose a building should cost a million dollars. In that event, do I understand that there must be money in the Treasury to the extent of a million dollars before anything may be done or any contract made?

Mr. LENROOT. Unless the appropriation act makes a different provision, which the Committee on Appropriations will be authorized to do.

Mr. SMOOT. In other words, if the amount required is a million dollars, and if only a hundred thousand dollars shall be needed for the one year, then they can go on with that hundred thousand dollars if authorized?

Mr. LENROOT. Yes; and make a contract for the full million dollars.

Mr. SMOOT. And make a contract for the full million dollars?

Mr. OVERMAN. Mr. President, I hope the Senator from Wisconsin, who seems to be familiar with this amendment, will explain it thoroughly, so that Senators will know exactly what they are doing when they vote upon it.

Mr. LENROOT. I shall be glad to do so.

Mr. FESS. Is not the first part of the amendment the amendment which was offered by the Senator from Virginia [Mr. SWANSON]?

Mr. SMOOT. It is a modified amendment.

Mr. LENROOT. Mr. President, let me say, in the first instance, that this amendment does represents a compromise which is not entirely satisfactory to anybody. I believe frankness compels me to say that. Yet it does meet the objections which have been made by the opponents of this bill to a very large extent, and, on the other hand, it does preserve also, to a very large extent, the original principles of the bill.

In the first place, as the Senators know——

Mr. SIMMONS. Mr. President, before the Senator undertakes to explain the amendment I should like to ask him a question.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. LENROOT. Yes.

Mr. SIMMONS. I should like to ask the Senator whether the amendment covers another situation which seems to me to arise under the language of the bill, and which I think is entitled to consideration. That amendment only deals, as I understand it, with appropriations for the construction, remodeling, and extension of buildings. There is another provision in the bill which authorizes the Secretary of the Treasury arbitrarily to determine whether a public building located in a city or town is upon the most eligible site, and if he shall decide that it is not, and shall determine that it should be at another point, he is authorized to sell the old site and the old building for such price as he may see fit and cover the proceeds into the Treasury. This amendment does not deal with that situation at all.

Mr. LENROOT. It does not.

Mr. SWANSON. If the Senator will permit me——

Mr. SIMMONS. Let me finish my statement, and then I will be very glad to yield. Here is the provision to which I refer. It is on page 9, beginning in line 15:

In carrying into effect the provisions of this act, if the Secretary of the Treasury deems it to be to the best interests of the Government to construct Federal buildings to take the place of existing Federal buildings, he is hereby authorized to cause the present buildings to be demolished, in order that the sites may be utilized in whole or in part for such buildings, or where in his judgment it is more advantageous to construct a Federal building on a different site in the same city, to sell any such building or buildings and the site or sites thereof, at such time and on such terms as he deems proper, and to convey the same to the respective purchasers thereof by the usual quitclaim deed, and to deposit the proceeds of the sales thereof in the Treasury as miscellaneous receipts.

There the Secretary of the Treasury is given blanket authority, if he determines a site is not a proper one or an existing building is not adequate, to sell the site and building at a price fixed by himself, and to deposit the proceeds in the Federal Treasury as miscellaneous receipts. What I desire to suggest to the Senator is this: Does he not think, under those circumstances, that the Secretary of the Treasury should, at least, be required to advertise for bids or to call for competitive bids, and that where a building already existing is sold under this provision the money arising from that sale should be allocated to the construction of a new building?

Mr. LENROOT. Mr. President, in reply to the Senator I will say that, in the first place, I do not think there could be any possible abuse of this power upon the part of the Secretary, because he can only exercise it where he determines that another public building should be built in the same city in a different location. He can not go on with that public building unless Congress appropriates the money for that purpose; and it would be extremely unlikely that he would ever sell a public building until another public building had already been provided for.

So far as advertising for bids is concerned, I personally should not have the slightest objection to that requirement.

So far as crediting the amount to the appropriation is concerned, there is an amendment—if the chairman of the committee has it, I should like to have him read it at this point—already adopted, not crediting the amount to the building, and it ought not to be so, because one case was brought to our attention where the site alone is worth something like a million dollars more than it would cost to purchase a new site and erect an ample building. The Senator's suggestion would require putting up a building at a much greater cost than the city needed if it so happened that they sold the old site and the old building for a larger sum than was necessary to provide the new ones; but this amendment provides as follows:

and to charge against the total sum of $150,000,000 hereinbefore authorized only the respective net excess cost, if any, over and above the proceeds of such sales, of providing such new sites and buildings.

Mr. SIMMONS. What amendment is that?

Mr. LENROOT. That is an amendment that has already been adopted; so that, while it is not given credit, the $150,000,000 authorization is extended by whatever the excess is between the cost of the building and the amount realized from the sale.

Mr. SIMMONS. Then I understand the Senator as saying that he thinks that under this amendment, which he says has already been adopted—my attention was not called to it at the time it was adopted—the proceeds of the sale of a public building, where the site was to be changed and a new building erected, would be used for the construction of the new building?

Mr. LENROOT. No; I do not mean that, but I mean that the excess there would not be a charge against the authorization in this bill.

Mr. SIMMONS. It would become a part of the general fund?

Mr. LENROOT. Yes.

Mr. SIMMONS. But the point I was making was this: Where the Secretary of the Treasury decides that he will sell one building and erect another one in the town I do not see why he should not be authorized, when he sells that building, to go on with the other building, using that particular money.

Mr. LENROOT. The Senator, I am sure, is very familiar with the contest that we had—I was a Member of the other body then, but both Houses felt alike about it—where the policy was adopted, and it has been pursued ever since, not to permit any department of the Government to take the proceeds of sales of Government property and use it in its own department without reappropriation by Congress.

Mr. SIMMONS. But the Congress can, by appropriate action, appropriate that money for the construction of the new building.

Mr. LENROOT. Certainly.

Mr. SIMMONS. That is what I propose.

Mr. LENROOT. Under the bill as it stands Congress would have exactly that power.

Mr. SIMMONS. I will examine the amendment to which the Senator refers; and if it accomplishes that purpose, I am satisfied.

Mr. LENROOT. But there would have to be an appropriation by Congress.

Mr. SMITH and Mr. OVERMAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. LENROOT. I yield first to the Senator from South Carolina.

Mr. SMITH. Following out the suggestion made by the Senator from North Carolina [Mr. SIMMONS], would it not be competent for us to provide that where an appropriation has been made for the construction or renewal of a building existing in a certain State or in a certain city in the disposition of the old building, in case a new site is to be purchased and a new building is to be erected, so much as is necessary of the proceeds from the sale of the old building is appropriated, whether it takes it all or whether it does not take it all? Could we not so word it that in case the amount realized from the sale is not adequate it will be applied toward the cost of the new building, and in case there is an excess so much thereof as is authorized in the act is appropriated for the construction of the building, so that the town will not stand in danger of losing what it already has to provide for the new building? It seems to me we could word it so that we would appropriate out of the sale a sufficient amount, if it was in excess of the amount required, or all of it, with an additional amount, for the construction of a new building within that city.

Mr. LENROOT. We can do that now under the bill.

Mr. SMITH. I say, it seems to me it would be helpful if we could put that in the bill. I understood what the Senator said a moment ago, that if there was an excess over the appropriation from the sale of the old building, it would be covered back into the Treasury in addition to the $165,000,000, so that it would not be lost to the public-buildings fund, no matter what it amounted to, and could be utilized to carry out whatever authorization was made for the construction of these buildings; but I think it would be very helpful to the bill if we could, as the Senator from North Carolina indicates, make a direct appropriation, in case of the authorization, of the funds arising from the sale.

Mr. LENROOT. We can; but I am sure the Senator does not want to have Congress, in an authorization bill, make any kind of appropriations.

Mr. SMITH. No; I do not think that is necessary; but my point was that in case of authorization, if a sale should take place, we could make provision when we came to appropriate that the proceeds from that sale should be expended within the locality of the authorization.

Mr. McKELLAR. It seems to me that would be a very doubtful method of appropriating. We ought to make these appropriations directly.

Mr. LENROOT. All that would appeal to the committee when the estimates come in and appropriations are made, of course. That, however, is an entirely distinct matter from the amendment that is now pending; and if we might dispose of that first, I think we could get together upon the other matter.

Mr. KING. Mr. President, let me ask the Senator a question, in view of the question of the Senator from South Carolina. In case of the sale of ground already owned by the Government which when it was purchased it was believed would be the site upon which a building would be constructed, if it is now sold for a sum considerably in excess of what is needed for a site which is more desirable, why should the proceeds be covered into the $165,000,000 fund? Why should it not go into the Treasury, so that the aggregate appropriation is only $165,000,000?

Mr. LENROOT. That is where it does go, except that where there is an excess—that is, where we can get more public buildings under the $150,000,000 authorization by reason of a larger sum being received and it does not involve any additional expense upon the Treasury—we extend the authorization by just that much, but there is no greater charge upon the Treasury than $150,000,000.

Mr. OVERMAN. Mr. President, I dislike to go on with this matter, but a question occurs to me right here, if the Senator will pardon me. We have this situation in my State: We have a building that we could sell probably for enough money to buy another site and put up another building because of its being located in the center of a town. Could that be taken care of in the appropriation?

Mr. LENROOT. It would have to be appropriated for.

Mr. OVERMAN. I understand that it would have to be appropriated for, but would the Secretary be authorized to do that by certifying to the committee that this could be done and we would appropriate the amount we received for the building?

Mr. LENROOT. Oh, yes; you could do it.

Mr. SMOOT. There are half a dozen similar cases in the United States that I know about.

Mr. FESS. Mr. President, will the Senator yield for the statement of a concrete presentation?

Mr. LENROOT. Yes.

Mr. FESS. The city of Toledo has an old building, monumental in character, but the city has grown clear away from it; and it is right down in the heart of the city, where the business makes it a very valuable property, but not for a post office. In fact, it is now a mere branch of the post-office building. It can be sold to-day for business purposes for a tremendous amount of money, far in excess of the purchase price of another site, and probably in excess of the complete cost of construction of an entire new building with a great deal better facilities. While I should be very glad to see the power given to the Secretary of the Treasury to sell that building for business purposes and take the proceeds of it to buy the new site and erect a new building, yet the policy of the Government is not to give that blanket authority. It is rather to sell the building and turn the money back into the Treasury, and then, by a separate act, purchase the other site and erect a new building. I do not believe Congress would be willing to give that blanket authority.

Mr. SIMMONS. Does the Senator think, therefore, that Congress should give the Secretary of the Treasury blanket authority to sell that property at any price that he sees fit?

Mr. FESS. We have already passed a bill, both in the Senate and in the House, giving the Secretary of the Treasury authority to sell it in this particular case.

Mr. SIMMONS. To sell it without public or competitive bids?

Mr. FESS. He would not sell it without public bids, but——

Mr. SIMMONS. He can if he wants to.

Mr. FESS. I think he can; yes; unless there is a general law on the subject.

Mr. LENROOT. I am not sure about the general statute.

Mr. FESS. Unless the general statute would forbid it.

Mr. SIMMONS. Unless there is a general statute, I think it would be very bad legislation.

Mr. LENROOT. When we get to that, if the Senator will propose an amendment on the subject, I am perfectly willing to have it adopted.

Mr. SIMMONS. Yes; I will.

Mr. McKELLAR. I think it should be amended.

Mr. LENROOT. Now, if I may get back to the amendment, which is a compromise, reached this morning, this amendment covers three distinct propositions.

The first one is the proposition so strenuously urged by opponents of the bill that Congress itself should designate each city in which a building is to be erected under this $150,000,000 appropriation. The bill as it now stands does provide for estimates being made by the Secretary of the Treasury of the buildings and land proposed to be purchased during the next fiscal year. The first amendment merely enlarges the direction to the Secretary in the submission of those estimates, by adding, at the end of line 7, the following:

Which shall include a statement of the location of the buildings proposed to be erected, together with a limit of cost for the same.

That is, if this amendment is adopted, the Secretary of the Treasury or the Budget must submit estimates stating the cities in which it is proposed to erect buildings out of the appropriation asked for, and also the limit of cost for each building.

Then, the next proposition is in the form of a proviso:

Provided, That in submitting such estimates the Secretary of the Treasury shall allocate the amounts proposed to be expended to the different States where buildings are found by him to be necessary in such a manner as to fairly distribute the same on the basis of area, population, and postal receipts.

The pending amendment, offered by the Senator from Mississippi [Mr. HARRISON], provided a mandatory distribution of this $100,000,000—$50,000,000 being in the District of Columbia—the $100,000,000 to be distributed upon the combined basis of population, area, and postal receipts, was it?

Mr. McKELLAR. It is population and area; but as agreed upon it includes population, area, and postal receipts.

Mr. LENROOT. No; I mean the Harrison amendment.

Mr. McKELLAR. I am speaking of that; but the amendment agreed upon provides for three—population, area, and postal receipts.

Mr. LENROOT. The distinction between this compromise and the amendment of the Senator from Mississippi is that it would require the Secretary of the Treasury to allocate money for buildings in a State whether there was any need for buildings in that State or not. We have avoided that by this compromise, which provides that it must be distributed only in States where the Secretary has found and determined that additional public buildings are necessary, and as between those towns where he has found it necessary to erect public buildings, the amendment provides that he must allocate his estimates fairly, based upon population, area, and postal receipts.

Mr. SMITH. That is, within the States where he finds there is a necessity for new buildings?

Mr. LENROOT. Yes.

Mr. SMITH. It has left him the discretion to find what States do need buildings?

Mr. LENROOT. Exactly.

Mr. SMITH. And then the money shall be allocated equitably among them.

Mr. LENROOT. Yes. The next provision is a substitute for what is known as the Swanson amendment. It will be remembered that the Swanson amendment provided that the Secretary of the Treasury should have no authority to enter into any contract for the construction or modification of a public building where all of the obligations arising out of the making of that contract could not be met out of moneys available in the Treasury at the time the contract was made. It was brought to the attention of the committee, and other Senators who met with the committee this morning, that there may be cases where it would be very desirable to make an appropriation, say, of a million dollars, for the completion of a public building costing probably $3,000,000, but that with the Swanson amendment that would never happen, and all the money to complete a building would have to be in the Treasury before anything could be done.

With the amendment as it is now written, the prohibition still exists, but the Committee on Appropriations in reporting a bill may provide—and the committee is given authority to provide—that in the case of a city where they do not expect to complete the building within the following fiscal year we may appropriate, say, a million dollars, and authorize the making of a contract for the completion of the building at a future time.

Mr. McKELLAR. This compromise amendment goes a step further. All of these appropriations have to be made upon estimates sent in by the Budget.

Mr. LENROOT. I am coming to that. That is the next provision. I think this fully meets the suggestion made by the Senator from Utah, and I think it also fully complies with the motive the Senator from Virginia had in offering his original amendment.

Mr. SMITH. In that connection, when the Senator speaks of making an appropriation of a million dollars for a project which may ultimately take $3,000,000, is it contemplated that all the legislation for public buildings that may be authorized will have come within the $100,000,000?

Mr. LENROOT. Except as to the amendment with reference to the sale of sites and the sale of buildings.

Mr. SMITH. All appropriations and authorizations in the immediate future will have to come within the limit of the $100,000,000?

Mr. LENROOT. With the further limitation of an expenditure of only $25,000,000 each year.

Mr. SMITH. And that there can not be allocated amongst all the States more than $25,000,000 for projects?

Mr. LENROOT. As a matter of fact, that will be only $15,000,000.

Mr. McKELLAR. Fifteen million among the States and ten million in the District of Columbia.

Mr. LENROOT. The next provision is a continuation of the same proviso and reads:

And unless the said act making appropriation for public buildings shall otherwise specifically provide, appropriations shall be made, and expended by the Secretary of the Treasury, in accordance with the estimates submitted by the Bureau of the Budget.

It was contended by opponents of the bill that Congress itself should specify each building, and, of course, that would get us back to the old system. There is no avoiding that if we are to handle the matter in that way. But we have met that situation by providing that the estimates made by the Budget must be followed by the Secretary of the Treasury unless the act making appropriations shall otherwise provide. That is to say, the Budget estimate is to be adopted by Congress except where Congress itself may make a different provision, thereby obviating the necessity of Congress itself appropriating separately and specifically for each public building.

The last proviso is the same as the proviso of the Swanson amendment, providing that nothing herein provided shall affect section 3.

Mr. OVERMAN. It does not affect the appropriation of $15,000,000 where the sites have been purchased and authorizations already made?

Mr. LENROOT. No.

Mr. SIMMONS. Mr. President, I would like to ask the Senator one question about this matter. This provision in the amendment just read, for the distribution of this fund upon the basis of area, population, and postal receipts, does not remedy the situation that was presented here the other day of twenty-odd States which probably would get nothing at all during the life of this bill.

As I understand the Senator's explanation, no part of this fund would be allocated to any State unless it should be found that there was an emergency condition within that State. If there is no emergency requirement in a particular State, it gets nothing. Is that not true under this amendment?

Mr. LENROOT. I would hardly say "emergency," but there is a hundred million dollar authorization, and the Treasury Department no doubt will make a survey of the entire country, of each State in it, having in mind that for the next six years they will be limited to an expenditure of $25,000,000 a year, a total of $150,000,000, only $100,000,000 of which can be expended outside of the District of Columbia. I take it for granted that in making that survey the Treasury Department will determine where the greatest emergencies exist, and I want to repeat that that does not necessarily involve the size of a post office or the size of a town, because there may be an urgency in a small town proportionate to that which exists in a very large city.

Mr. SIMMONS. But if there is no urgent case reported from a particular State, it would get no part of the money?

Mr. LENROOT. It would get no part.

Mr. SMOOT. There would be no necessity for it.

Mr. SIMMONS. I was addressing that question to the situation that was developed here, I think, on Saturday, at the conclusion of the very able speech of the Senator from Texas. It appeared that the supervising architect had filed a statement with the committee in which he reported that there were emergency conditions in certain States.

Mr. McKELLAR. Twenty-seven.

Mr. SIMMONS. In 27 States; and that the amount of money that would be required to provide for those emergency situations in those States would absorb this $100,000,000 and leave nothing for the other States.

Mr. SWANSON. Mr. President, will the Senator permit me to interrupt right there?

Mr. SIMMONS. Certainly.

Mr. SWANSON. I want to make this correction. There is no report that that includes all the emergencies. The Senator will remember, if he has read the hearings, that in 1922 there were 140 cities in which, according to the Postmaster General, there was a congestion of business, and he said that they were interfered with by not having post-office facilities. A few months after that 19 other cities were recommended as being in a condition of distress on account of a congestion of business, making 159 in 1922. Since that time some of those cities have been provided for, and when the hearing was held in the House, Mr. WOODRUM, from Virginia, asked the Super-

vising Architect which of those 159 cities had already been provided for. He asked:

> You say some have been provided for and some have not. Name those, out of this list of 159, that have not been provided for since 1920 where congestion exists.

He did not intimate that there were not others. In response to that request by Mr. WOODRUM, a Member of Congress from Virginia, this list of 82 was brought up, showing that the others had been provided for by Congress since 1922. That was not equivalent to saying that nothing else was needed. All that was asked was as to which of the 159 buildings had already been provided for. It was found that 82 had not been provided for.

Mr. SMOOT. Just as I stated on the floor of the Senate the other day——

Mr. SIMMONS. I am not talking about buildings that have already been erected. Whether they have been justly distributed or not I do not know, but we are providing a hundred million dollar fund for the purpose of erecting public buildings in the future, and it does appear that in all probability, if this fund is to be distributed upon the basis of the most urgent need, some twenty-odd States of this Union will get no part of this fund.

Mr. SWANSON. Let me ask the Senator this question: If there were 159 cities named in 1922, and all of them but 82 have already been provided for, why should not the others be provided for?

Mr. SIMMONS. It is futile to say that the needs of these 20 cities that are to be left out have already been provided for.

Mr. MOSES. How many of the 82 are in Virginia?

Mr. SWANSON. I think there are two in Virginia.

Mr. MOSES. What amount is carried for those?

Mr. SWANSON. I forget. It will be shown here. There are two in Virginia, which were reported and not provided for, which have not been provided for since 1922. If the Senator will simply listen, he will see that this amendment, to which everybody has agreed, provides that the Secretary shall submit through the Budget a list of places where emergencies exist to-day, large cities, small cities, and all; that they shall be submitted in an estimate naming the places and stating the amounts and the buildings. When that submission is made, it goes to the Appropriations Committee. Then this amendment authorizes that committee to do one of two things. First, they can report out a bill authorizing a contract for one or two years, and making the money immediately available. Then it provides that that money shall be distributed according to population, area, and postal receipts. Those estimates shall be so made and brought to Congress. Then it is provided that any appropriation that is made in a lump sum, unless otherwise provided by Congress, shall be distributed according to those estimates.

Mr. MOSES. What is meant by "population"? Does it mean the population of the places in the States or the population of the States?

Mr. SWANSON. The population of the State, the area of the State, and the postal receipts of the State.

Mr. FESS. Mr. President, will the Senator yield?

Mr. SWANSON. Yes.

Mr. FESS Should not the provision in the amendment on page 7, at the bottom of the page, where it limits expenditures to $5,000,000, go out now, in view of this amendment?

Mr. SWANSON. That becomes unimportant, except so far as making appropriations and giving preferences is concerned. It does not amount to much.

The proposed amendment contemplates the method that was provided when I was on the committee that fixed up the distribution of funds for roads. We were here nearly two months trying to agree on a method for the distribution of the fund. We finally provided that it should be divided one-third on area, one-third on population, and one-third on mileage of rural delivery routes and star routes in the State as of the 1st of February of the year for which the distribution was made. That has worked satisfactorily.

Mr. MOSES. That produced a great deal of injustice, because it omitted the tax payments by a lot of States.

Mr. SWANSON. The internal revenue tax on cigars, tobacco, and cigarettes is collected in all the large cities in my State, but the taxes are paid by the people who smoke the cigarettes and cigars. Consequently it is impossible to determine that amount.

Mr. MOSES. Does not Virginia get credit for those payments?

Mr SWANSON. Credit does not go in legislation. The wealth of it is collected elsewhere. It is impossible to determine on that basis. Now, I will go further. The bill takes care of the emergency. If we were to appropriate $200,000,000 or $300,000,000 it would force buildings in States where there is no necessity for them. With only $100,000,000 appropriated, everybody admits that in every State in the Union that there is an emergency existing, and it is an amount that ought to be divided among all the States according to the amount of emergency which exists.

Mr. SIMMONS. But this distribution is not made among all the States of the United States. It is only made among those States where the department has found and reported that there is an emergency.

Mr. SWANSON. Where does the Senator find language in the bill that does that?

Mr. SIMMONS. I find it in the amendment.

Mr. SWANSON. The amendment simply says the Secretary shall submit a list. That is simply a report showing the buildings which have been left out and uncompleted since 1922.

Mr. JONES of New Mexico. Mr. President, I think I may make a suggestion which will probably meet the approval of the Senator from North Carolina. I have an amendment to the amendment which is now before the Senate making this further proviso:

> *Provided*, That at least one building shall be constructed or commenced annually in each State having a post office with receipts more than $10,000 during the preceding year for which no public building has been provided.

The purpose of that is to secure for each State at least one building during each year so long as there is a community where the postal receipts amount to $10,000 a year, and where there is no provision made or where no public building has been provided for.

It seems to me that would in a measure take care of just what the Senator from North Carolina has in mind. If I have been able to read these estimates from the Treasury Department aright, there are 22 States in the Union which will have no public buildings constructed under this measure.

Mr. SIMMONS. And the amendment will not change that situation probably.

Mr. JONES of New Mexico. I do not believe that situation is right. So long as any State has a post office with postal receipts at such an amount, a community making that return and no public building provided, it at least ought to have one building each year. I offer this as an amendment to the amendment.

Mr. SIMMONS. Mr. President, the Senator from Virginia said, and said very correctly it is true, that there is not a State in the Union that does not need additional public buildings. It is true that not 27 alone need them, but every State in the Union needs them. If the fund were to be distributed among the States upon the basis of area, population, and postal receipts there could be no objection to it, but that is not the character of the amendment. Let me read what the amendment does provide:

> That in submitting such estimates the Secretary of the Treasury shall allocate the amount proposed to be expended to the different States where the buildings are found by him to be necessary.

If he finds buildings necessary, then this provision with regard to distribution applies, but if he finds that a State does not need a public building, then the provision does not apply to that State, and that State gets nothing.

Mr. SWANSON. He is not compelled to make the estimate if he does not think they need it.

Mr. SIMMONS. But I find that the Supervising Architect has filed a report with a committee of the House in which he states that there are emergency conditions in 27 States which would absorb all of this $100,000,000 and leave nothing for the other 22. This amendment does not change that situation at all. It simply provides that in those 27 States, where he finds there is necessity for a public building—an emergency, if we want to use as strong a term as that—then the distribution is to be made according to area, population, and postal receipts.

Mr. MAYFIELD. Mr. President——

The PRESIDING OFFICER (Mr. BRATTON in the chair). Does the Senator from North Carolina yield to the Senator from Texas?

Mr. SIMMONS. I yield.

Mr. MAYFIELD. The Senator states that the list of emergency cases filed by Mr. Wetmore before the House committee will absorb the entire $100,000,000. I call his attention to the fact that the sums contained in that list amount to $119,650,000. Therefore nearly $20,000,000 will have to be lopped off somewhere.

Mr. SIMMONS. That makes the case only the stronger.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. SIMMONS. I yield.

Mr. ASHURST. I would invite the attention of the Senator respectfully to the amendment proposed by the Senator from New Mexico [Mr. JONES] which, as I heard the same read, deals precisely with the vice which the Senator from North Carolina is pointing out. If the Senator will bear with me, I will ask that the amendment be read at this time, in order that we may ascertain if it does not deal with the situation.

Mr. SIMMONS. Undoubtedly it does. I heard the amendment read. Undoubtedly it does, not adequately or effectively, but it does to an extent deal with the situation.

Mr. ASHURST. It is the best that may be done, I think.

Mr. SIMMONS. I should hope, before the compromise proposed by the Senator from Wisconsin is adopted, that the amendment of the Senator from New Mexico will be adopted.

Mr. SWANSON. Mr. President, I do not see how anybody could object to it. The whole trouble arises in some people's minds——

Mr. ASHURST. Mr. President, will the Senator from Virginia yield to me just a moment?

Mr. SWANSON. I yield.

Mr. ASHURST. The Senator from Virginia rose and said that the amendment provides thus and so. What I want to know is this: Is it true that, under the Senator's amendment, there would be 27 States which would not have a public building?

Mr. SWANSON. No; not a word of that is true.

Mr. ASHURST. What is the truth about it?

Mr. SWANSON. There is nothing in it, and the Senator can not find anything in the bill that will do it. I will explain it.

Mr. ASHURST. Then, how long will it take to explain the explanation?

Mr. SWANSON. I do not know. If the Senator does not listen and continues to talk, it would take an eternity.

There are 82 buildings that were included in a statement made by the Treasury Department in response to an inquiry as to the buildings in which business was congested in 1922 that had not been provided for. They did not send that list here voluntarily. In 1922 they stated there were 159 buildings in all the States that were congested and where business was interfered with. Some of them have been provided for by appropriations, some of them have had buildings erected, and they were discussing how many there were remaining of the 159. They were told that all but 82 had either had the congestion relieved or provided for, and at the request of a Member of Congress in the House they sent this list of 82 buildings. That is all they had left out of the congested condition of 1922.

The Senator from North Carolina has the idea that the appropriation for the emergency is limited. It is not at all. There is nothing in the bill which does that. That stands as a statement of what is left that was not taken care of out of the 159 buildings. The amendment under section 4 directs that the Bureau of the Budget shall at least annually, or from time to time, send to Congress estimates where they think there ought to be public buildings and where the conditions are such as to justify such a course. They send those names in. They do not send in the 82. The condition with respect to some of the 82 might be changed by appropriations made during this session. They send in an estimate that goes to the Appropriations Committee, giving a list of places where there is a demand for public buildings.

Mr. SMITH. Mr. President, may I ask the Senator a question?

Mr. SWANSON. I yield.

Mr. SMITH. About how much is it estimated would be necessary to complete the 82?

Mr. SWANSON. It would take about $117,000,000.

Mr. SMITH. That means, if the Senator will pardon me, that there is already before the Congress and the public an emergency or a necessity already specified to the extent of 82 buildings that will take $17,000,000 more than we have proposed to appropriate.

Mr. SWANSON. With this exception, that there may have been some buildings in the list of 82 that might be more of an emergency now than those which were included in the list of 159 buildings. Very frequently, as time goes on, population increases, and we have a big increase in business in a particular section. This list was given in 1922, four years ago, when the emergency existed as they then stated. The list which is now presented is what is remaining out of those 159. These 82 places have not been provided for. The others were provided for during the four years, and the emergency does not exist there now.

Mr. SMITH. The point I am making is that we start out with a handicap of 82 already declared emergencies.

Mr. SWANSON. All right; it is a remnant left of an emergency that existed in 1922. That does not add any additional emergency. It has not added an additional emergency. Nobody has asked the department to give us a list of the buildings and places where the present emergency exists. All that was requested of them was to give us a list of those which have not been taken care of since 1922. The amendment simply directs the Secretary to send to Congress an estimate each year showing where the emergency exists and the need for public buildings. When that list comes to Congress it is left to Congress and the department as to what they will do with it. In making the estimate the Secretary has to distribute it among the States where the emergency exists in proportion to the population, in proportion to size, and in proportion to postal receipts. If there is an emergency which exists in this country, it must be taken care of in that way.

The list which was sent up showed the emergency which existed in 1922, and the subsequent list shows those which were not taken care of as they existed at that time. The Secretary would be permitted to make his estimate in that way where the emergency exists at the time. Consequently, if there is a State where an emergency exists, and it was not included in the list of 82, he would have to consider that situation in proportion to population area and postal receipts.

Mr. SMITH. If the Senator will allow me just a moment——

Mr. SWANSON. I yield.

Mr. SMITH. The whole appropriation is based upon an emergency already existing. We start out with whatever was left from the 115, or whatever the number was that had been provided for in the last four years. The emergency as to the 82 buildings which has been pointed out will by all processes of reasoning have not become less acute but more acute, because it was acute four years ago and it certainly is more acute now. This proposed amendment, based upon emergency needs and providing that the Secretary of the Treasury shall apportion the money according to the emergency will compel him to start with the presumption that, unless somebody overlooked something four years ago, subsequent to 1922 a condition has developed that puts some other State or some other place on the same plane with these 82. Then it is left to his discretion as to whether or not he will say that those cases are more emergent than are the present 82 cases.

Mr. SWANSON. No. If the Senator will permit me, those 82 cases continue to be emergency cases, and since 22 other cases have arisen there are emergencies not embraced in the 82. What does this amendment propose to do? This amendment provides that in submitting his estimates the Secretary of the Treasury shall consider emergencies outside of those 82 cases and shall allocate the amounts recommended in his estimates to the different States according to population, area, and postal receipts.

Mr. SMITH. Mr. President, then, the Senator from Virginia will not pretend to deny that the Secretary of the Treasury will have to discriminate against an already existing and declared emergency?

Mr. SWANSON. It is simply required that there shall be an emergency. When an emergency exists, whether it is in the 22 States or not, preference is given in the division of the money to the States according to the basis suggested. It is made perfectly clear, I think, that it is not intended that the Secretary of the Treasury shall consider only the 82 places. I do not see any other way by which we can get rid of the difficulty with respect to the 82 places.

Mr. ASHURST. Mr. President, will the Senator yield for a moment?

Mr. SWANSON. Yes.

Mr. ASHURST. I am for the Senator's amendment; I do not wish to be considered as hostile to it; but I do think that instead of being weakened it will be much improved by the amendment of the Senator from New Mexico.

Mr. SWANSON. I have no objection to that amendment. I think each State ought to have one building, in any event, and certainly it is probable that the capitals of the various States need increased facilities.

Mr. SMITH. I should like to call the Senator's attention to the fact that the proposed amendment of the Senator from New Mexico would certainly alleviate what would otherwise be an intolerable condition, namely, that 22 States are to be ignored because of emergencies which exist in other States.

Mr. SWANSON. If the Senator will permit me, the way the 22 States would get in under this amendment, if they have an emergency—and it does not have to be an acute emergency—would be that in making his estimates the Secretary of the Treasury would have to divide the money among the States according to the three factors named. It is made plain that it is the intention of Congress, clearly expressed, to distribute the appropriations under the estimates among all the States.

Mr. SIMMONS. I suppose that the States about which the Senator is now talking as not included are covered by the $15,000,000 authorization, but not by the $100,000,000 authorization?

Mr. SWANSON. Some of them are.

Mr. SIMMONS. Most of them are.

Mr. SWANSON. We have authorized certain buildings, but have not appropriated sufficient funds to complete them, and it is proposed now to authorize an additional $15,000,000 to complete buildings heretofore authorized.

Mr. SIMMONS. Are they the buildings which the Senator is now trying to cover under his amendment?

Mr. SWANSON. No; the amendment does not apply to section 3; the buildings there provided for will be completed anyway. The amendment applies to the $100,000,000 authorization, which, it is said, otherwise will go to the 82 buildings.

Mr. SIMMONS. They are to be completed out of the $15,000,000 fund?

Mr. SWANSON. The 82 buildings?

Mr. SIMMONS. No; not the 82 buildings, but those that the Senator has been talking about?

Mr. SWANSON. This amendment applies to the $100,000,000 authorization which the Senator says must be dedicated to the 82 buildings, but I say it is not limited to them. The amendment leaves it to emergency cases distributed all over the States according to the factors mentioned.

Mr. SIMMONS. Mr. President, if the Senator is correct about it, I have not understood the amendment. I have understood that the $100,000,000 which we are authorizing to be appropriated in section 5 is to be dedicated to the purchase of new sites and the construction of new buildings. In another section we have appropriated $15,000,000 to take care of cases where the Government has already acquired sites and commenced the construction of buildings. They do not need to be brought in under the emergency clause of this amendment; they are taken care of by a separate provision of the bill. The projects which are to receive the benefit of the emergency provision of the amendment are projects that are to be hereafter undertaken for which we are authorizing an appropriation of $100,000,000.

The 82 emergency cases referred to by the Senator from Texas had relation to new construction, to the purchase of new sites, to be provided for under the $100,000,000 authorization. Should the emergency list stand and be hereafter acted upon by the department, if one of those sites happens to be included in that list, then the State in which it is located will get the benefit of this distribution between the States; but if it happens that there has been no such site purchased and no report as to the necessity of a site or the necessity for a building in a State has been made, then that State will not get any benefit from this distribution.

Mr. SWANSON. Will the Senator let me explain it?

Mr. SIMMONS. The Senator has already explained it.

Mr. SWANSON. Just on that point, I will ask the Senator to read the amendment.

Mr. SIMMONS. I have read it so many times I do not want to read it again.

Mr. SWANSON. I am sure the Senator does not wish to misrepresent the amendment.

Mr. SIMMONS. No; I will read just what it says. It comes in on page 7, line 7:

> Strike out the period and insert in lieu thereof a comma and the following: "which shall include a statement of the location of buildings proposed to be erected, together with a limit of cost for the same: *Provided*, That in submitting estimates the Secretary of the Treasury shall allocate the amounts proposed to be expended to the different States where buildings are found by him to be necessary."

Mr. SWANSON. It reads, as the Senator will note, "are found" and not "have been found."

Mr. SIMMONS. "Are found" to be necessary at the time he makes his report. If a building is found to be necessary in a State, then this follows:

> in such manner as to distribute the same fairly on the basis of area, population, and postal receipts.

But only in those States where he finds there is a necessity for a public building. We all know, Mr. President, the money is not sufficient to go around and give every State any considerable amount of it.

Mr. SWANSON. There is an emergency in many places due to the congestion of business. In one month from now, under the provision the Senator has read, the Secretary of the Treasury would be directed through the Budget to send to Congress an estimate which would show where emergencies exist in the country. In making that estimate, after ascertaining the need of the various States on account of crowded and inadequate quarters, he would have to divide the estimate fairly among the States according to the three factors mentioned. We would not want, when emergencies exist all over the country, to have buildings constructed where there is no need for them.

Mr. SIMMONS. Let me suggest this possibility——

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Georgia?

Mr. SWANSON. I yield.

Mr. GEORGE. Let me ask the Senator from Virginia a question. I have not been here during the entire discussion of this bill. Is it left absolutely in the discretion of the Secretary of the Treasury to determine where emergencies exist?

Mr. SWANSON. He determines that matter in making the estimates, but the making of the appropriation is left to Congress. That is the course that is usually followed. He is not compelled to make estimates for places where additional facilities are not needed. It is left to his judgment.

Mr. GEORGE. Is there no restriction on that at all?

Mr. SWANSON. Yes; in making his estimates as to places where he considers there is a need he must distribute the amounts according to the three factors mentioned. When the estimates come here, as in the case of estimates for river and harbor improvements, Congress may either adopt the estimates or it may add to them.

Mr. GEORGE. I should like to know if, in the first instance, the Secretary of the Treasury is given unrestrained discretion as to the selection of the places where post offices and other buildings shall be constructed?

Mr. SWANSON. Under the amendment he will not have nearly so much discretion as in the original bill. I do not see how we could say that he shall recommend that a building is needed at some place when he does not think it is needed.

Mr. GEORGE. I take it, then, that the Secretary has the right, in the first instance, to say what States need buildings?

Mr. SWANSON. He has the right to say what States or places need buildings, and after he decides on the States which need them he must make his estimates, dividing among the States the amount for that year according to population, and so forth.

Mr. GEORGE. But that is after he has made the selection of the States?

Mr. SWANSON. Yes.

Mr. SIMMONS. Mr. President——

Mr. GEORGE. I should like to ask, further, if the Senator from North Carolina will pardon me, how is he to determine where buildings are needed?

Mr. SWANSON. He will have to determine, for instance, whether an existing customhouse is crowded; he will have to determine whether an existing hospital is crowded; he will have to determine whether the business in a given post office is congested, and whether that office needs additional facilities. The Postmaster General and the Secretary of Commerce have been submitting estimates here for some time on their own motion; they make their recommendations; but I know of no way we can compel them to determine whether a post office is needed or not. However, after the Secretary of the Treasury determines that a building is needed and makes an estimate, then the amount is divided among the various States.

Mr. GEORGE. May I ask the Senator another question?

Mr. SWANSON. Certainly.

Mr. GEORGE. Is he to make these estimates because of the necessity of the States, or is he to have regard for the condition of the Treasury?

Mr. SWANSON. He is to make the estimates in a business way, according to the needs of the service. As in the case of the ordinary Budget estimates when they come here, they will go to the Appropriations Committee and the Appropriations Committee will act on those estimates. If the committee approves, it will recommend the appropriation.

Mr. SIMMONS. Mr. President, under the bill the Senate is given some control over these recommendations through the Committee on Appropriations. The Committee on Appropriations must appropriate if it approves; but if it disapproves, the function of the Committee on Appropriations is exhausted. Does the Senator mean to say if the Committee on Appropriations disapproves a recommendation for a site in a particular State that it can select another site and determine how much should be appropriated for the construction of a building on that other site?

Mr. SWANSON. If the Senator will read the amendment, he will see that when the estimates come in and a lump sum of money is appropriated, it is distributed according to the estimates, if the Senate approves them, but if the Senate disap-

proves them, it can make an appropriation and specify its expenditure as it sees proper.

Mr. SIMMONS. It can refuse to make an appropriation; it can appropriate a different amount than that called for by the estimate; but if it declines to make the appropriation for the whole sum or for a modified amount of that sum, it can not select another site.

Mr. SWANSON. Oh, yes, it can; absolutely.

Mr. SIMMONS. Where is the authority for it to select another site?

Mr. SWANSON. Where is the authority that prohibits it?

Mr. SIMMONS. The authority to make the appropriation comes from the Budget report, and the Budget report is based upon the estimate of the Treasury Department. The question that is presented to the Appropriations Committee is whether it will appropriate the money for the buildings suggested, for the erection of a post-office building, say, at a specific place——

Mr. SWANSON. The Senator is mistaken.

Mr. SIMMONS. Or the purchase of a site at a particular place.

Mr. SWANSON. If the Senator will permit me, the Appropriations Committee can recommend an appropriation within the authorization; it can not do so now, because nothing has been authorized, but under this bill it is authorized to appropriate $100,000,000; that is the authorization.

Mr. SIMMONS. There is no question about the right of the committee to recommend an appropriation.

Mr. SWANSON. It has the right to recommend an appropriation; it can recommend the appropriation if it sees proper on the estimates submitted by the Treasury for this purpose. It can change the estimates, modify them, increase or decrease them.

Mr. SIMMONS. Could they change the building which they authorize for that State to another town?

Mr. SWANSON. Another town in that State?

Mr. SIMMONS. Yes.

Mr. SWANSON. I think they could.

Mr. SIMMONS. And fix the cost of a building that was necessary and suitable for another town?

Mr. SWANSON. I think so.

Mr. SIMMONS. I am satisfied myself, unless there is some express language on the subject, that the Appropriations Committee would have only a negative right as to whether or not it would adopt a project. It might modify it; but when it turns down one proposition it can not select another site in that State or another place for the location of a public building.

Mr. SMITH. Mr. President, is it not the Senator's understanding, under the language of this amendment, that the committee can only act on the matter submitted to it, either to reject or to accept it?

Mr. SIMMONS. I think so.

Mr. SMITH. What power has it to name any other place, or to increase a specific appropriation or decrease it, or use any discretion as to whether or not the emergency declared by the Budget exists?

Mr. SIMMONS. Certainly, the committee could not do it unless the Secretary of the Treasury and the Budget committee make another recommendation covering another site and the cost of erecting the building at that other site.

Mr. SWANSON. The language is:

> And unless the said act making appropriations for public buildings shall otherwise specifically provide, appropriations shall be made and expended by the Secretary of the Treasury in accordance with the estimates submitted by the Bureau of the Budget.

What does that mean? It means that if we simply make a lump-sum appropriation the money shall be expended according to the estimates, but it means that by special appropriations we can do otherwise.

Mr. SIMMONS. The Senator does not mean to say that the Appropriations Committee might throw aside all the estimates of the Treasury Department and the Budget and make a new public buildings bill. The Senator does not mean to say that.

Mr. SWANSON. I do, within the authorization of $100,000,000.

Mr. SIMMONS. Then, if they can not do that, they can not change the sites as so recommended.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. SIMMONS. I yield.

Mr. CARAWAY. That is legislation, is it not?

Mr. SIMMONS. Why, of course it is legislation.

Mr. CARAWAY. And the rules prohibit the Appropriations Committee from legislating.

Mr. SIMMONS. Undoubtedly. The only power they have over it is the power of approval or rejection; that is all.

Mr. MAYFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Texas?

Mr. SIMMONS. I yield.

Mr. MAYFIELD. The Public Buildings Commission found that the exact and complete needs of the District of Columbia could be taken care of for $50,000,000. Of course, emergencies exist in the District, and emergencies exist in every State in the Union; but what justice is there in taking care of 100 per cent of the needs of the District and taking care of only 32½ per cent of the needs of the States?

Mr. Wetmore testified before the House committee that it would take at least $325,000,000 to take care of the needs of the various States, even at the old prices of material and labor; and yet, while authorizing only $100,000,000 for the needs of the 48 States, which is taking care of only 32½ per cent of their needs, we authorize $50,000,000 for the needs of the District, which takes care of 100 per cent of the needs of the District.

I have not any objection to taking care of 100 per cent of the needs of the District. That is all right; but if we are going to do that, why should we not take care of 100 per cent of the needs of the various States?

Mr. SIMMONS. The Senator from Texas has given a great deal of intelligent study to this matter, and has made one of the strongest speeches that I have heard in the Senate in many a day in opposition to it. I desire to ask him if he believes that the $15,000,000 that is now authorized in this bill to be expended in any one year to take care of the needs outside of the District of Columbia will go much further than to take care of the annual development of the business of the Government?

Mr. MAYFIELD. I do not. Certainly I do not.

Mr. SIMMONS. We are over 10 years behind in the construction of public buildings in this country. We have not appropriated for that purpose since 1913, more than 10 years ago. During that period this country has experienced an unparalleled development in every line of business and of economic, industrial, and commercial activities. Great necessity for additional construction has been created for homes, for commerce, for industry, during that period of time; and to meet that condition individual capital in this country has been spending at the rate of billions of dollars a year during these 10 years, and has not yet caught up with the shortage of building in this country, either in homes or in industry.

Mr. JONES of New Mexico. Mr. President, as confirmatory of what the Senator has just been saying, I desire to call the Senator's attention to page 23 of the hearings before the House committee which had this bill under consideration. It is there stated that in 19 cities where there are public buildings now the buildings are inadequate, and in order to put them in condition to serve the public efficiently it will require in those 19 cities $49,560,000. To make additions to the buildings already in existence in those 19 cities it will take $49,560,000——

Mr. SMITH. Nearly one-half the appropriation.

Mr. JONES of New Mexico. Which shows the progress that the country has made, and the inadequacy of the bill under consideration to meet the exigencies of the occasion.

Mr. SIMMONS. Mr. President, the capital employed in this great construction work to meet these emergency requirements has not been cash withdrawn from the business; it has been done with borrowed money. This great building program has been financed largely through the utilization of credit wisely employed to supply the facilities needed for the economical and successful conduct of business. It was an investment which lent itself to economy in business. It was not extravagance; it was not waste, though the expenditure was heavy; it was the right sort of economy. There is a kind of economy that is rank waste, and there is a kind of economy that is beneficial and helpful.

That the Government of the United States has not been doing its duty during these years, and the result of that dereliction is conclusively established by the fact, admitted in this case, that it is now paying annually in rentals for the buildings which it must have in order to conduct the business of the country $24,000,000. That is the amount of rental tolls imposed upon the United States Government by its failure to discharge its duty to erect public buildings as necessity requires, just as the business interests of the country have done. If they did not have the cash, then they did it upon a credit basis. That is the toll that we have paid. Now, what amount is $24,000,000 the interest upon, calculated at the rate the Government would have to pay? I have not made the calculation, but I should imagine that it would be the interest upon at least $750,000,000.

Mr. MAYFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Texas.

Mr. SIMMONS. Yes.

Mr. MAYFIELD. Since we are paying annually $1,000,000 rental in the District and $23,000,000 rental in the States, making a total of $24,000,000 that we are paying annually, and in this bill we only authorize $25,000,000 annually, then the truth of the matter is that we are only authorizing a million dollars a year for public buildings.

Mr. SIMMONS. Exactly; but the point I am making is that the rentals we are paying now are the interest, according to the Government rates, on at least $750,000,000.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Wisconsin?

Mr. SIMMONS. Yes.

Mr. LENROOT. The Senator must remember that a very large percentage of that $24,000,000 is made up of light, heat, and janitor service outside the District of Columbia.

Mr. SIMMONS. Yes; and if the Government had its own buildings, it would probably not have to pay such high prices for those items. It is a part of the furnishing of the buildings which the Government rents, and the owners who rent to the Government these buildings see to it that they get ample profit upon the lights, janitor service, and everything of that sort, as well as upon the real estate which they lease to the Government.

Mr. LENROOT. I will say to the Senator that there are some instances—not many, I am glad to say, but there are some instances—where it has cost the Government more to run a public building, saying nothing of the capital investment, than it cost to rent private buildings.

Mr. SIMMONS. The logic of the Senator's statement would be that it is to the interest of the Government to rent its buildings instead of to own its buildings. I do not agree to that at all.

Mr. LENROOT. No; it all depends upon the necessity of the particular case.

Mr. SIMMONS. I think as a business proposition it is just as much to the interest of the Government to own the buildings in which to transact its business as it is to the interest of a private individual or corporation to own the buildings required for his or its business. More than that, I believe that if the Government owned its own buildings, instead of having them scattered all over the District of Columbia and outside of the District, the business of the Government would be done at very much less cost and upon a more economical and efficient basis.

Mr. CARAWAY. Mr. President, may I make a suggestion to the Senator?

Mr. SIMMONS. Yes.

Mr. CARAWAY. It is very much more to the interest of the Government to own its own buildings away from the District of Columbia, because necessarily the parties from whom it rents must add to the rental, if they are going to get an adequate return, the taxes paid, and the property goes off the tax list immediately if the Government owns its own buildings. The Government does not pay taxes on its buildings.

Mr. SIMMONS. Yes.

Mr. CARAWAY. That would be an item of economy. Of course, here in the District of Columbia the Government contributes to the general expenses of the District.

Mr. SIMMONS. Mr. President, the authorization of this $15,000,000 is trifling with a big problem. It is trifling with a business emergency of the most urgent character. Why can we not meet this situation boldly and as a great and powerful and rich Nation ought to meet it? Why must we be tinkering with it in this petty, miserly way? Fifteen million dollars annually—not enough to keep up with the growing demands of the public business—is all this bill proposes, and why? Because this administration is under the urge of a penny-wise and pound-foolish policy.

It is said that if there is a larger appropriation than is provided for in this bill, there will be a deficit in the Treasury.

Mr. LENROOT. Mr. President, has not the policy of the administration been limited and determined by Congress itself in providing the revenues that may be spent?

Mr. SIMMONS. I am not particularly blaming the President for this matter. I am blaming Congress for being forced into or lending itself to the miserly theories of economy which have under this administration become a fad in pretense and which in application more frequently than otherwise result in waste instead of saving.

Mr. LENROOT. Should not the Congress provide the revenues if it is to encourage these expenditures?

Mr. SIMMONS. Yes; the Congress should, Mr. President, and that was the point I was going to make. It may be that we can not appropriate more than $25,000,000 for public buildings in the District and outside of the District without impinging to some extent upon the surplus, and it may be that this and some other appropriations which may be made during this session of Congress will result in overreaching the revenues of the Government for 1927. I do not know about that. I am not discussing that. But I say that it is the duty of the Government to provide the means for the speedy erection of these buildings which it needs for the conduct of its business; that it should adopt the same policy with respect to that matter that private business in this country has adopted since the war, and we should meet the demands in something like an adequate way. That is what I am insisting. How shall we do it, if we can not do it within the limits of revenue now provided by our revenue legislation?

A proposition has recently been made to the Congress with reference to the German indebtedness to citizens of this Government, an indebtedness incurred by our enemy in arms during the war, an indebtedness for wrongs and injustice and cruelties perpetrated by the German Government against our citizens; yea, an indebtedness created in part by the cruel and ruthless assassination of the passengers and crew—men, women, and children—of the *Lusitania*. A proposition has been made to this Congress to raise the money with which to pay that indebtedness owing to American citizens by Germany, and the backbone of that proposition is that the United States Government shall issue $250,000,000 of United States bonds and with that money of the taxpayers of this country pay off this German indebtedness to American citizens.

That to me monstrous proposition seems to have the approval of the administration. It is as rank a proposition for the issuing of Government bonds as was ever made to a people upon the face of the earth and, as I said, my understanding is that the administration approves that proposal. We are not too poor, our credit has not been too much strained, but that Mr. Coolidge—the economical Mr. Coolidge—and his Secretary of the Treasury, can approve a proposition to issue $250,000,000 of bonds, to be paid for by the taxpayers of this country, with very little probability of ever getting much if any of it back from Germany.

I heard the Senator from Virginia [Mr. SWANSON], who is very thoroughly familiar with the Dawes plan, and all the methods of financing these particular propositions, say that there was no provision by which this Government would ever get back from Germany more than bare interest upon that $250,000,000, and that that part of the plan would not begin to operate for some years to come.

Mr. President, if this Government can afford to issue bonds for such a purpose, surely it can when confronted with this accumulated and constantly growing shortage in housing room in which to transact its public business and escape the extravagant rental charges it is having to pay, can afford to pledge its credit and finance, if need be, an adequate building program to meet this urgent public emergency by the issuance of Government bonds.

Mr. President, it would take probably three or four hundred million dollars of bonds to erect such buildings as are now absolutely necessary for the transaction of the public business. But the Government would save in doing that. It would be a process not of extravagance but of economy. It is our public duty to do it. The reasons which impel it are as strong as any business reasons which can be addressed to the mind of Congress or of the administration. Why should we not do it?

Mr. President, we find our administration exceedingly liberal toward our allies in the war. We find them giving up millions of the people's money because our allies are in distress and unable, it is claimed, to meet their obligations to us, to help them get upon their feet, to help them put their fiscal affairs upon business principles, but we balk at the suggestion of a few hundred million dollars to put our business upon a basis of economy, businesslike efficiency.

We give our allies 62 years in which to pay their indebtedness, but we are so anxious to get rid of our public debts here in this country that the Secretary of the Treasury will hear nothing except that we shall pay our debts in 20 years.

The emergency, according to the mind of the Secretary of the Treasury, is so great that every consideration must yield to the necessity of this speedy paying off the national debt.

I want to have our national debt paid off, but I do not want to have it paid off so fast that we can not in the meantime do those things which good sense, good reason, and good business policy require that we should do. I would rather the debt should remain a little bit longer, and if necessary be increased, in order that we may get the money with which to do now and

not 10 or 20 years hence what ought to be done as a matter of ordinary economy in the immediate construction of necessary public buildings.

By this bill we are to appropriate $15,000,000 for the next six years, just enough to meet probably the business expansion of the Government during that time. Six years will take us to 1932, and it will have been nearly 20 years since we really appropriated any money to catch up with the buildings which ought to have been constructed during the period between 1913 and this time. It is postponing the catching up, the meeting of a manifest business requirement, to the detriment of economy and efficiency in Government, for six years longer, and all under the false plea of economy.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from North Carolina yield to the Senator from New York?

Mr. SIMMONS. I yield.

Mr. COPELAND. Is it not remarkable that the Secretary of the Treasury has been such a poor guesser regarding the receipts under the income tax law?

Mr. SIMMONS. Yes. He is not going to have a deficit; he is going to have a surplus.

Mr. COPELAND. Does not the Senator consider that a very remarkable situation, that the Secretary of the Treasury has so utterly failed to prophesy what the conditions will be?

Mr. SIMMONS. The Secretary of the Treasury, when we were preparing the last revenue bill, was exceedingly apprehensive that there would not be enough money to meet the requirements for the fiscal year 1926, and he thought there would be a deficit. The estimates he presented showed that there would probably be a deficit. Yet during the first six months of the operation of the new law the Treasury Department found that the amount realized was $100,000,000 in excess of the estimate.

Mr. COPELAND. Does the Senator recall the great apprehension of the Secretary of the Treasury as to what would happen if we passed the bonus bill, how the country would go to the demnition bow wows?

Mr. SIMMONS. I remember very distinctly that when the Secretary made his estimates in 1924 he said we could reduce the debt somewhere about $325,000,000, provided we did not pass the bonus bill. He said that if we passed the bonus bill we could not make any reduction at all. We passed the bonus bill, and we made the reductions, and two years after that we had a bigger surplus than we had before.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. SIMMONS. I yield.

Mr. LENROOT. Might I suggest that the reason for that is that there was even greater prosperity under a Republican administration than Mr. Mellon anticipated?

Mr. SIMMONS. Mr. President, if we take the bank failures in this country and some other indexes of the business situation, we will see that while there is "prosperity" in certain Government by favored lines of business; there is hard luck and distress in other lines of business.

I recognize the fact that under a high protective tariff, aided by trust combinations, enabling the beneficiaries of Government privileges to fix the prices of their products as high as they please, just so they keep within the limits of the sky-high tariff wall, they have been prosperous.

The Secretary of the Treasury knew of that prosperity, whatever it was, when he was making his estimates, as well as he knows it now. But while that part of our population which fixes its own prices has prospered, and always will prosper as long as the other part of the population is able to meet their demands and pay their prices, that process is, with relentless fate, impoverishing 40 to 45 per cent of our less fortunate population. Forty per cent of the population of this country, represented by agriculture, is not prosperous. Agriculture is almost on its bended knees to the Congress and to the administration to-day begging for succor from a condition of bankruptcy and ruin which confronts them.

The standard of prices for what they make to sell is not the boasted American standard. And theirs is not the boasted American standard of living—such as the Republicans so loudly demand for those its legislation is designed to favor and foster. They can not combine here. They can not do those things which the industries may do in order to sustain their profits and to create an artificial market here in the United States, an artificial market such as never was before created in the world, applying to their products, but not applying to agricultural products. The farmers are in distress. They are not making money. They are not prospering because, Mr. President, they not only have to pay for everything that they do not produce the high artificial prices of tariff and trust combinations cooperating and coordinating the one with the other, but they get the world prices against which those industries protect themselves. They have to meet the higher costs of labor production of what they make to sell and highly artificial prices for the things which they do not produce, but have to buy.

There is no balanced prosperity in the country. If there is an artificial prosperity such as Senators on the other side of the Chamber boast about, then I say to them that it is a prosperity that is fraught with danger. It is a prosperity which rests upon the basis of one-half of the population upon a high level of price and profit while the other half is upon the basis of abnormally low level of price and profit. It may continue for a while, but it can not endure for long without disastrous consequences. If this condition is not speedily remedied it will mean not only bankruptcy and ruin to that unfortunate part of our people who can not and does not participate in these profits, in these benefits, in these bounties, and in these subsidies.

Mr. CARAWAY. Mr. President, may I suggest to the Senator that while there may be some talk about this prosperity, Doheny said that he found prosperity under the Republican administration which caused him to become a Republican.

Mr. SIMMONS. I do not doubt that. All the men who are like him in exploiting the people of the country not only found protection under the wing of the Republican party, but they found prosperity.

Mr. CARAWAY. Yes; protection and prosperity.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. SIMMONS. I yield.

Mr. LENROOT. Was not the greatest blow that agriculture ever received in the history of the United States received under the last Democratic administration?

Mr. SIMMONS. No; under the last Democratic administration agriculture in this country was more profitable than it had been in any like period of our history. I speak from knowledge in my section of the country. I say that during the Wilson administration there was the greatest average of prosperity that had ever existed among the farmers in any similar period of years in our history.

Mr. LENROOT. Does the Senator remember what happened to agriculture in the latter part of 1920?

Mr. SIMMONS. Yes; I remember. That was a governmental action which resulted disastrously to the farmer undoubtedly and disastrously to some other people as well as the farmer. I am not minimizing that condition. I condemn that with as much indignation and vigor as the Senator from Wisconsin can condemn it. I suffered myself many thousands of dollars as the result of it in my own farming operations.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. SIMMONS. Certainly.

Mr. KING. I may say to the Senator from Wisconsin that at the time he mentions the Republicans were in control of the legislative branch.

Mr. LENROOT. We did not control the Federal Reserve Board, which was responsible wholly for the action that was taken.

Mr. CARAWAY. And everyone of the Senator's colleagues voted for Mr. Harding.

Mr. SIMMONS. I have no doubt that at the time the order was made the governor of the Federal Reserve Board, Mr. Harding, was one of the rankest Republican sympathizers in the country.

Mr. CARAWAY. He was more than a sympathizer.

Mr. SMOOT. But the Senator from North Carolina recommended him for appointment, did he not?

Mr. SIMMONS. No. A man can change after getting an appointment, especially when he thinks that a quick change will mean a continuance in his job.

Mr. SMOOT. The Senator was responsible for his appointment.

Mr. SIMMONS. No; I was not responsible.

Mr. SMOOT. Oh, now, Senator!

Mr. SIMMONS. He was appointed by Mr. Wilson, no doubt.

Mr. SMOOT. Upon the recommendation of the Senator from North Carolina.

Mr. SIMMONS. Oh, I think not. But before he committed this crime he had fallen under Republican influences and had himself become a Republican.

Mr. SMOOT. The whole board was Democratic. All of them fell under the same influence.

Mr. SIMMONS. A wit down in my State once said that when a North Carolina Democrat had committed some mean act he at once joined the Republican Party.

But, Mr. President, I have gotten away from the subject which I undertook to discuss.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. SIMMONS. I yield.

Mr. McKELLAR. The Senator was asked by the Senator from Wisconsin [Mr. LENROOT] if the price of farm products was not lower during the Democratic administration. I want to ask the Senator if it is not true that farm products, taken as a whole, and taking the entire period of the Wilson administration of eight years, had a higher average than during any other eight years in the history of the country?

Mr. SMOOT. Oh, but the war was on then. The war made the high prices.

Mr. McKELLAR. It does not make any difference. We had a war, it is true, but without regard to the war, during the eight years of the Wilson administration farm products were higher in price than during any other eight years in the history of the country.

Mr. SMOOT. Outside of the war period, the Senator is entirely mistaken. The fact that there was a war saved the Democratic Party.

Mr. CARAWAY. If the Senator from Utah has his way, there will be a war among the farmers in the Northwest this year.

Mr. SMOOT. The Senator is speaking for me, but I would rather speak for myself.

Mr. CARAWAY. The Senator does not do it so well.

Mr. SMOOT. I could not satisfy the Senator, but I know what my position is better than he knows it.

Mr. CARAWAY. When it comes to giving away our money, the Senator knows our position perhaps better than I do; but we are talking about the farmers now, and the Senator does not know so much about them.

Mr. SMOOT. I know just as much about a farmer and will go just as far in the matter of legislation that will be of real benefit to the farmers.

Mr. CARAWAY. Then the Senator has had a wonderful change of heart.

Mr. SMOOT. The Senator from Arkansas does not know how changes come over me.

Mr. SIMMONS. The Senator from Arkansas does not know the Senator from Utah. He does not know how he can change his position as election approaches.

Mr. SMOOT. I have known the Senator from North Carolina to do that so often that I may have followed his example, if I made any change at all.

Mr. SIMMONS. Mr. President, I did not rise for the purpose and nothing was further from my mind than to get into this kind of discussion. True, however, my fundamental objection to the public buildings bill as proposed by the majority party has been its utter inadequacy in dealing with this great and important problem of government and business. I have been opposed to the bill upon that fundamental ground. But I have not seen any disposition on the part of the majority party to do anything to relieve the situation. They still insist upon treating it with homeopathic remedies, and I suppose we might as well make up our minds to the fact that that is all the money we are going to get for this purpose at this time. Therefore I have been disposed, and am disposed now, to get the bill, if possible, in such form that I can support it, although it is trifling in the amount which it appropriates. Such a policy is, as I before said, not economy; it is waste. That is the character of most of the economy stuff we hear emanating from certain high sources in the Government—petty, trifling economy, which means waste.

Mr. CARAWAY. The Senator from North Carolina has no doubt noted with what liberality the Senator from Utah will give our money to a foreigner and how niggardly he is when we come to deal with our own people.

Mr. SIMMONS. That is just what I said a little while ago.

Mr. CARAWAY. It will bear saying twice.

Mr. SIMMONS. It will bear saying a dozen times.

Mr. CARAWAY. In other words, the Senator from Utah will give all of our money to the foreigner, but none to the American farmer.

Mr. SMOOT. The Senator from Utah will collect every dollar he can and not throw all of it away. Every dollar that can be collected the Senator from Utah is perfectly willing to collect, but he is not willing to take the position that he will not collect anything.

Mr. CARAWAY. If that is all the Senator could collect, he could never make a living as a collection agent.

Mr. SIMMONS. I want to point out one trouble about the bill as it exists. Notwithstanding what the diligent and alert Senator from Virginia [Mr. SWANSON] said about it, I think we are by this compromise amendment simply appropriating for the construction of buildings in a few States in this country. It has been said that Mr. Wetmore, the Supervising Architect, had reported that there was an emergency in 27 States which had absorbed the building fund and leaves nothing for the other States. That is bad enough, but the bill is so framed that it can be made, if somebody desires to make it, infinitely worse. If this distribution according to population and area and postal receipts is to be made only in States where an emergency is proclaimed, is it not apparent to Senators that if it is desired to confine the construction of public buildings to a few great cities in the country such as New York, Boston, Philadelphia, Chicago, Richmond, Cleveland, Detroit, and so on, picking out half a dozen big States in the Union that require a very large sum of money in order to buy sites and construct adequate public buildings, and by approving and recommending those dozen or more States where these great cities are situated as emergency cases and confining the finding of a necessity as required by this amendment to those States, then this pro rata division would take place only between those few States and not between 27 States.

There is a persistent rumor and suspicion that there is a scheme already formulated or in process of incubation to use the larger part of this building fund in the big cities of the country. Have we not in this bill made smooth and easy the way by which this may be accomplished?

The only thing necessary to accomplish this result would be to declare an emergency for expensive buildings in those States in which these great cities are located and the distribution of the fund would be on the basis of that great population, area, and receipts. I do not say that that would happen, but why should we deliberately enact legislation which opens the doors to such a possibility? Ordinarily we put up the bars pretty well. Ordinarily we provide in bills of this character against any such undesirable and unfair consequences as that, why fail to do it in this bill?

There is one provision to which I called attention earlier in the day that allows the Secretary of the Treasury to decide definitely that a site here in Washington, for instance, or anywhere else in the United States is not thought by the Secretary of the Treasury to be a proper site for a public building, or that an existing building is not suitable for the transaction of the Government's business, or that the town has grown away from it, and the public convenience would be served if it were located at another point; we give the Secretary the right arbitrarily to do what? To sell both site and building at a price and upon terms fixed by himself, without Congress retaining any control whatever either as to price or terms. He may give a deed for the property and put the money into the Treasury. We are trying by this compromise amendment to exercise some control over the action of the Secretary of the Treasury with reference to the purchase of new sites and erection of new buildings. Why, when we do that, do we give him arbitrary and unlimited power to relocate a building in a city, to sell the site, to sell the building, and to erect another public building somewhere else, without any provision by which Congress can restrain his arbitrary will?

It seems to me that that suggestion should address itself to the Senator in charge of this bill and to other members of the committee; but they do not seem to have any apprehension about it at all. I think it is a dangerous power to commit without restrictions to any person. There are one or more cities in my own State to-day in which it is claimed that the Government building there is not desirably located; perhaps the sites have become too valuable for the purpose to which they are devoted and so on. In such a case, to say to the Secretary of the Treasury you may sell that building and that site and fix the price, fix the terms of the sale, and put the money into the Treasury, and that is the end of it, is conferring on him too great a power. There is not even a provision for a public sale or for competitive bids.

Why this looseness? Does it characterize the legislation of this body as a rule? Have we ever been so reckless in investing one individual with supreme power over things of the greatest consequence and importance and value as was provided in the pending bill before it was amended? There is nothing like it in the history of legislation in this country; and, Mr. President, if it had not been checked, it would have been another of those dangerous inroads that are being made upon the balance of power which the forefathers thought so important between the three coordinate branches of the Government.

There was nothing that they guarded with such jealousy, there was nothing that they framed with such care and foresight, as the partitioning of the powers of Government between the three great coordinate branches of the Government. There

was nothing of which they were so jealous as the possibility of one of those branches invading and infringing upon the functions and powers of another.

Mr. President, I remember the time in the Senate when there was a severe condemnation of the principle of lump-sum appropriations. For many years they were permitted in the departments until they became a great abuse. Undue power was vested in bureaus and departments of the executive branch, and we had to change the system. We did change it, and we required specific appropriations.

Then, Mr. President, in river and harbor legislation up to the time of the World War we were always very particular that Congress should keep in its control the funds appropriated for river and harbor improvements for the purpose of having them distributed equitably among the people of this country through their Representatives in Congress and in order to enable the people to say something about where the river and harbor work should be inaugurated and how much should be expended upon it.

The war came on and since then we have been appropriating in lump sums $50,000,000 a year for river and harbor work. Senators may say that thereby we got away from the old "pork-barrel" system. Mr. President, we may have gotten away from the old "pork-barrel" method, but I tell the Senate, that as the result of my own investigation, I think that money has not been spent as wisely and as judiciously, as equitably, and as effectively as it would have been under the old method.

Under the pretext of abolishing the so-called "pork-barrel" system what did we do? We immeasurably strengthened the influence of the War Department or that division of the War Department which has charge of river and harbor improvements. We diminished immensely the power and influence of a Representative in Congress over these improvement projects. Now we propose to do the same thing in connection with public buildings. The Secretary of the Treasury—and that is what it means, for the little interference on the part of the Postmaster General does not amount to a row of pins—is to have placed in his hands $165,000,000, to be spent just as he sees fit, and he is to pay such prices as he may see fit to pay. Some Senators say that such a plan is more in the interest of the people of the country than to allow the Representatives of the people to determine how the money shall be spent, where a post-office building shall be erected, and how much money shall be paid for it.

Mr. President, if we had granted the unlimited power as proposed in the bill as it came from the majority of the committee, we would have transferred to the Treasury Department one of the most powerful and valued functions of legislation. The power of the purse is the power that controls. Whenever Congress shall surrender its control over the purse strings of the Government, then Congress will have surrendered to whatever department it transfers that control and power a legislative function, and it will strengthen that branch of our Government greatly to the injury and discredit of the legislative branch of the Government.

As Senators know, the people have fallen into the habit of speaking lightly of the Senate and lightly of the House of Representatives and referring in laudatory terms of the Executive and the forces that surround him. The cause for the decline of Congress in public esteem and confidence is very largely due to our constant yielding to the Executive department and our constant surrender to it power and functions distinctly belonging to Congress. The people ought to have contempt for us if we have not the strength and the power and the resource to hold on to those great and important and essential functions and powers which the framers of our system of government reposed in our hands. When we show ourselves unfit and unworthy of the confidence that has thus been reposed in us, the people very naturally feel contempt for us; they feel that we have become by our own volition and voluntary act subservient to the will of the Executive department and thus betray the people we represent and trample under the Constitution.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. SIMMONS. I yield the floor.

Mr. REED of Missouri. I merely wanted to make a suggestion. The Senator referred to the brake that might be placed on the expenditure of this money by the discretion that might be exercised by a Postmaster General, the final decision to be in the hands of the Secretary of the Treasury. I merely wanted to call attention to the fact—and I mean no personal reference to the present Postmaster General—that if left to a Postmaster General it is generally left to a "lame duck" who is no longer able to hold a seat and to have a voice in the Congress of the United States; and if left to a Secretary of the Treasury it is generally left to a man who could not be elected to any office in any township of the United States. So when we yield the discretion of Congress as a body to these individuals we have a somewhat startling proposition put before us. I did not mean to interrupt the Senator from North Carolina.

Mr. SIMMONS. I thank the Senator for the elaboration of the thought that was in my mind.

JUDICIAL SALARIES

Mr. REED of Missouri. Mr. President, I wish to ask unanimous consent for the consideration of the so-called judges' salary bill. We have heretofore had the bill under consideration in the Senate; it has been amended, as I explained the other day, and I wish now to ask the chairman of the Committee on Public Buildings and Grounds, who is in charge of the unfinished business, to allow me to ask for the consideration of the judges' salary bill.

Mr. FERNALD. Mr. President, I shall have to object. The unfinished business has been before the Senate for three weeks, and I have yielded for the consideration of a number of measures, including on one occasion the bill to which the Senator from Missouri refers, with the understanding that it could be disposed of during that afternoon. I am certain that the consideration of the judges' salary bill will occupy considerable time.

Mr. REED of Missouri. I do not think it will take five minutes.

Mr. FERNALD. I fear it will probably take as much time as will be required to dispose of the unfinished business.

Mr. REED of Missouri. I do not think that it will take more than a few moments. If it shall, I will withdraw the request.

Mr. FERNALD. If it may be passed in 15 minutes, I will ask unanimous consent that the public buildings bill may be laid aside for that length of time in order that the judges' salary bill may be considered.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. I suggest that the Senator say not more than 15 minutes.

Mr. FERNALD. I will say, then, not more than 15 minutes.

Mr. REED of Missouri. Mr. President, I have explained this bill. The salaries have been reduced to the amounts that the House committee has recommended, very much lower than the bill that was reported by the Judiciary Committee; and the reduction has been made because the understanding is that otherwise it would be difficult to secure the enactment of the bill by the House at this session of Congress. It fixes the salaries of the district judges at $10,000 a year. They ought to have $15,000. It fixes the salaries of the circuit judges—who are now practically the judges of the courts of last resort in this country, because of the recent change in our law—at $12,500 a year; the salaries of the Associate Justices of the Supreme Court at $20,000; and the salary of the Chief Justice of the United States at $20,500. The bill has been discussed here by those who have been opposed to it, and I think all opposition is withdrawn upon the whole bill.

Mr. KING. Mr. President, I shall feel constrained to call for a quorum. I know that the Senator from Idaho [Mr. BORAH] is opposed to the bill, and I think he ought to be here.

Mr. REED of Missouri. I do not think he is opposed to this bill.

Mr. KING. I think he is.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Simmons
Bingham	Fess	McMaster	Smith
Blease	Frazier	McNary	Smoot
Borah	George	Mayfield	Stanfield
Bratton	Goff	Means	Steck
Broussard	Gooding	Metcalf	Stephens
Bruce	Hale	Moses	Swanson
Butler	Harreld	Neely	Trammell
Cameron	Harris	Norris	Tyson
Caraway	Harrison	Nye	Walsh
Copeland	Heflin	Overman	Warren
Couzens	Johnson	Phipps	Watson
Curtis	Jones, N. Mex.	Reed, Mo.	Wheeler
Deneen	Jones, Wash.	Reed, Pa.	Williams
Dill	Keyes	Sackett	Willis
Edwards	King	Sheppard	
Ernst	La Follette	Shipstead	
Fernald	Lenroot	Shortridge	

The VICE PRESIDENT. Sixty-nine Senators having answered to their names, a quorum is present. Is there objection to the request of the Senator from Missouri [Mr. REED]?

Mr. KING. Let the request be stated.

The VICE PRESIDENT. The request is that 15 minutes be taken from the consideration of the public buildings bill and devoted to Senate bill 2858.

Mr. KING. I have no objection to devoting the residue of the 15 minutes to the consideration of this bill.

The VICE PRESIDENT. The quorum call does not come out of the 15 minutes.

Mr. KING. I object to the passage of the bill, and have some observations to make, and I hope others will have observations to make in opposition to it. I will say to the Senator that it can not be passed in 15 minutes.

The VICE PRESIDENT. Is there objection?

Mr. REED of Missouri. Mr. President, I had hoped that everybody would be content with this modified bill. Under the circumstances, if the bill is going to provoke discussion, I can not ask the Senator in charge of the public buildings bill to lay it aside. I will, therefore, withdraw my request.

Mr. FERNALD. I thank the Senator.

Mr. REED of Missouri. I give notice, however, that as soon as the public buildings bill is disposed of I shall move to proceed to the consideration of this bill.

Mr. WATSON. I must object to that. That is not the program.

Mr. SMOOT. The Senator can give notice.

Mr. WATSON. Oh, of course, he can give notice. I have no objection to the Senator giving notice.

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes.

Mr. COPELAND. Mr. President, may I ask the Senator from Maine, in charge of the public buildings bill, whether an improvement of the Capitol Building would be included in the purposes of his bill?

Mr. FERNALD. The Capitol and the immediately adjacent public buildings are in charge of the Architect of the Capitol, as I understand.

Mr. SMOOT. Does the Senator refer to the administration of them?

Mr. COPELAND. No. Suppose it were proposed to remodel this building and put it in contact with the outside world, as it ought to be. Would that be done with funds raised under this bill?

Mr. FERNALD. No.

Mr. SMOOT. It would not. That would have to have a direct appropriation.

Mr. COPELAND. By what committee would it be considered?

Mr. SMOOT. The Appropriations Committee; and the only other appropriation bill that is coming through the House and the Senate for the present year is the second deficiency appropriation bill.

Mr. COPELAND. Suppose I were to present a bill to remodel this Chamber?

Mr. SMOOT. In order that a point of order would not lie against it the Senator would have to get an estimate from the Budget for the amount.

Mr. COPELAND. To what committee would the bill be referred?

Mr. SMOOT. It would go to the Appropriations Committee.

Mr. COPELAND. Not to the Committee on Rules?

Mr. SMOOT. Oh, no.

Mr. COPELAND. It is my purpose some time soon to present such a bill, according to the plans which were drawn last year by Carrere & Hastings. I think it is a shame to see men in this Chamber sicken and suffer as they do.

Mr. SMOOT. Why say a shame? Why does not the Senator say a crime?

Mr. COPELAND. All right; I will say a crime. For once I am in full agreement with the Senator from Utah on a matter of health. Ordinarily he just laughs when I talk about health; but I think it is a crime the way Senators have suffered this winter.

Mr. SMOOT. I am feeling it myself.

Mr. COPELAND. I hope the Senator will suffer just enough so that he will vote for the bill when I present it.

Mr. SMOOT. Mr. President, we have had up for 20 years, to my knowledge, the question of fixing up this Chamber. I think the time has arrived when we ought to do it and not talk about it any more.

Mr. REED of Missouri. Let us add it to this bill.

Mr. SMOOT. If the Senator will introduce a bill and have it go to one of the committees and have the committee report it out, then, of course, we can put it on a bill on the floor of the Senate.

Mr. COPELAND. Out of order, may I present such a bill now?

Mr. FERNALD. No; not now.

Mr. President, before my amendment is acted upon, referring to the section on page 3, line 12, after the word "States," I move to strike out the next two and a half lines:

and in case appropriations for projects are made in part only, to enter into contracts for the completion in full of each of said projects.

Mr. JONES of New Mexico. What is the amendment?

The VICE PRESIDENT. On page 3, line 12, to strike out all after the word "States" through the word "projects" in line 14. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FERNALD. Then on page 7 there is an amendment that has been passed over.

The CHIEF CLERK. The committee amendment on page 7 was passed over on the request of the senior Senator from Mississippi [Mr. HARRISON]. In line 22, after the word "annually," it is proposed to insert a colon and the words:

Provided further, That expenditures outside the District of Columbia under the provisions of this section shall not exceed the sum of $5,000,000 annually in any one of the States, Territories, or possessions of the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the amendment offered by the Senator from Maine on behalf of the committee.

The CHIEF CLERK. On page 7, line 7, it is proposed to strike out the period and insert in lieu thereof a comma and the following:

which shall include a statement of the location of the buildings proposed to be erected, together with a limit of cost for the same: *Provided*, That in submitting such estimates the Secretary of the Treasury shall allocate the amounts proposed to be expended to the different States where buildings are found by him to be necessary in such a manner as to distribute the same fairly on the basis of area, population, and postal receipts: *Provided further*, That unless specifically authorized in the act making appropriations for public buildings, no contract for the construction, enlarging, remodeling, or extension of any building or for the purchase of land authorized by this act shall be entered into until moneys in the Treasury shall be made available for the payment of all obligations arising out of such contract, and unless the said act making appropriations for public buildings shall otherwise specifically provide, appropriations shall be made and expended by the Secretary of the Treasury in accordance with the estimates submitted by the Bureau of the Budget: *Provided further*, That the foregoing proviso shall not apply to buildings or their modification heretofore provided for by act of Congress.

Following the word "Congress," and before the period, the Senator from New Mexico [Mr. JONES] offers the following proviso:

: *Provided further*, That at least one building shall be constructed or commenced annually in each State having a post office with receipts of more than $10,000 during the last preceding year, for which no public building has been provided.

Mr. FERNALD. Mr. President, I can not accept that amendment to the amendment. This is an emergency bill. Public buildings are to be erected in States where it is necessary to have them, and it may be that it will be necessary in every State. They could not be built in one year, anyway, because with the $15,000,000 to be expended, it is not possible to build where the authorization has already been made. It would be unworkable, unfair, and impossible. I must resist this amendment to the amendment.

Mr. JONES of New Mexico. Mr. President, so far as providing for emergencies is concerned, this bill will not provide for all the emergencies in any event. Just a while ago I called attention to the fact that emergencies exist in 19 cities now which have public buildings, and where they want substantially $50,000,000 more to make additions to the buildings which they have now.

It is also estimated that 140 other cities with no buildings have emergencies. They want buildings. Many others, in addition to those 19 cities, want additions to buildings.

I submit that there is not a State in this Union where the people of the State do not feel that there is an emergency in the State. Take my own State, broad geographically, with a sparse population. We have communities there which are interested in a public building, and there is not the slightest intimation that they will ever get a building under this bill, with the exception of my home town, for which a building was authorized in 1913.

What about the other small cities, which are developing and growing? They are pleading for public buildings. I have introduced bills, I think, for five or six different cities in the State. Under this bill not one of them will have a ghost of a chance to get a building. So, by consenting to this bill, I would be practically saying that in my State for five years there should not be another public building. I do not think that is right. I am told that under the estimates given in the House hearings there are 22 States not even thought of by the Treasury Department in this whole program. Is that right?

I just heard the remark made that the best thing to do is to kill this bill and get a decent bill. I do not want to do that. I want to meet Senators halfway, but I do want to make an appeal for the 22 States which are not in the minds of the Treasury Department now. Out of this $100,000,000 why should they not have something? They think emergencies exist within their borders.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. I yield.

Mr. WALSH. Has the Senator a list of those States?

Mr. JONES of New Mexico. They were listed here the other day. I suppose the chairman of the committee could conveniently refer to them; but a list of those where it is expected to use this money was given and put into the RECORD.

Mr. WALSH. I saw the list of those referred to by the department in the testimony. That gives the names of places in which buildings are to be constructed. I wanted to know if a list of those States in which no buildings are to be constructed is available.

Mr. JONES of New Mexico. It was brought out in the debate here the other day. The names of the places were given. Mr. Wetmore, of the Treasury Department, went before the committee of the House and was asked if they had made up a list of the cities where they expected to use this $100,000,000. He said they had. That list showed that those buildings would require something over $119,000,000, and that list left out 22 States of the Union. The junior Senator from Texas [Mr. MAYFIELD] discussed this matter at great length the other day in a very able way, and that point clearly appeared. That is just the situation.

Mr. President, I do not know what the disposition of Senators may be. If they can impose this matter upon the smaller States, I suppose we shall have to bear it; but I want to ask them whether in all fairness they think it is proper. There is not a State in the Union that should not have at least one building a year. The country is growing. The people are demanding these facilities, and this Federal Government of ours wants to be doing something for the States, wants to make itself felt in them, wants its citizens to feel that the Federal Government is looking after the necessities of the situation.

It is true that in some of the States the congestion may not be so great as in others; but I submit there is an emergency in each State of the Union.

Mr. FERNALD. Mr. President, I think I can accept his amendment, if the Senator will agree to a slight change in it; at least, we can let it go to conference. I can not see anything very bad about it. I suggest that where it says "shall be constructed or commenced" he make it read "shall be estimated." Use the word "estimated."

Mr. JONES of New Mexico. I accept the suggestion of the chairman of the committee as quite proper. I think that is the way it ought to be done.

Mr. FERNALD. I think that is proper. I appreciate the great interest the Senator has shown.

Mr. JONES of New Mexico. I change my amendment accordingly.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. TRAMMELL. Mr. President, I would like to ask the Senator from New Mexico if this estimate is to be made for each year.

Mr. JONES of New Mexico. For each year.

Mr. TRAMMELL. In other words, the Senator contemplates that in every State, during the life of this appropriation, there shall be at least four new buildings commenced?

Mr. JONES of New Mexico. During the life of the bill?

Mr. TRAMMELL. Yes.

Mr. JONES of New Mexico. Once a year for four years.

Mr. TRAMMELL. That means that there shall be four new buildings commenced in every State?

Mr. JONES of New Mexico. Yes; not less than that number.

Mr. TRAMMELL. And the only prerequisite is for the post office to have receipts of at least $10,000?

Mr. JONES of New Mexico. Yes.

Mr. TRAMMELL. Mr. President, of course I would like to see all the States represented, but it does seem to me that in some States there will be a great many towns of two or three or five thousand population with post offices, and in many other States there will be cities of fifteen or twenty thousand population without post-office buildings.

Mr. FERNALD. Mr. President, under the original amendment offered by the Senator from New Mexico that would have been possible, but under the amendment as modified nothing of that kind could happen. Under the original amendment, if a site were in a small town and there was an emergency in the same State in a much larger town, the Government could not build where the emergency existed until they had built in the other town. I think that is cleared up very well by the modification.

Mr. TRAMMELL. Mr. President, I desire to make a few remarks before this amendment is voted on.

I think that Senators, generally speaking, can not determine the effect of the plan for the selection of sites under this amendment. It provides that the selection shall be based upon the receipts of post offices, upon the land area, and upon the population of the State. I suppose the purpose and object is to have the States treated alike, to take the State as the unit, regardless of the needs and demands of the Government business in the States generally.

Senators may talk about the old "pork-barrel" methods of selecting sites and designating sites. The only difference is that under this amendment you merely change the policy of the "pork-barrel" system. That is all you are doing. You are selecting the State as the unit, instead of, as heretofore, passing upon the towns and the cities respectively. You say now that we are going to distribute this so as to satisfy and please our constituents back home, and we select the State as the unit, instead of trying to pass upon the merits of cities and towns, respectively, in the States.

I do not agree with that idea. I do not believe the matter can properly be placed upon a basis where the State is the unit, so that it will work fairly and equitably for all of the cities and towns in the Union. Doubtless Senators will support this amendment, thinking that their States will get as much as or more than other States, but when it is worked out in actual operation it will be ascertained that they perhaps will be mistaken and their States will not receive as much as they have hoped.

In the State of Florida, of course, we have had a very marvelous growth and development, and prior to 13 years ago, when the Government discontinued making appropriations for particular towns and cities, in my State we had not received appropriations for public buildings commensurate with the appropriations that had gone to the cities and towns of many of the other States, many of the older States in the Union. Even 13 years ago we had a good many towns and cities in the State with four or five thousand population that had no Government buildings, and when I have traveled through older States of the Union I often found Government buildings in towns of 2,500 and 3,000 population.

Even in 1913 in the State of Florida we were behind in the appropriations for buildings based upon the question of the size of the towns and the receipts of the post offices, respectively. That discrimination has become more glaring and very materially accentuated during an era of 10 years of unprecedented prosperity in Florida. Yet if we are to base the proposition upon population in a State where population has doubled in the last six or seven years, and where there has been an increase of 30 or 40 per cent in the last two or three years, of course, we should go back to the census of some three years ago. I do not know whether the bill provides for the application of the last Federal census or the last State census, but if it provides that we shall go back to the last Federal census to be based upon a population in the State of Florida of something like 900,000, when to-day, as a matter of fact, we have probably 1,600,000 or 1,800,000 population, it would be wholly unfair.

Then when we come to the question of area in the State, that is a wonderful basis for the distribution of funds for the

purpose of public buildings for public needs. Of course, when we are dealing with the good-roads situation, then we are considering a system of highways. Highways cover all the land and extend from place to place, but Government post offices are not analogous to the matter of public highways. The Government buildings should be erected for the purpose of taking care of Government business. Private individuals erect buildings to take care of business in a particular locality. A private concern that had operations in 15 or 20 States in the Union would take care of the needs of the respective localities and where the needs demanded a new building that new building would be furnished. They would not erect a new building in a town of 2,500 or 3,000 population where they were getting along very well, and neglect another city of 15,000 or 20,000 population where the business was six or eight times what it was in a smaller place. The amendment contemplates such an arrangement as that.

In my State we have some buildings that have been estimated for. The city of Jacksonville was estimated for in 1922, I believe. There is a great emergency there and we presumed that under the estimate of the architect we would get a building in Jacksonville. We ought to have one there. The business has far outgrown the capacity of the building which was put up there some 25 or 30 years ago. Then there is the city of Tampa where there is almost as urgent demand for a Government building, a city that doubled its population in the last four years, a city that had the greatest percentage increase in postal receipts, I think, of any city in the whole United States during the past year. There is the city of Miama, where the congestion is almost beyond comprehension unless one has been there to see it. At Palm Beach, with 20,000 population, there is no Government building. At Clearwater, a town of 15,000 or 17,000, there is no public building At Daytona Beach, with 15,000 population, there is no Government building. At Fort Myers, with about 12,000 to 14,000 population, there is no Government building.

If we are to pass upon the question of emergency, and not of post-office receipts and a few things like that, of course, we would naturally get a number of buildings in our State. We can not expect, under the appropriation proposed, to get a building for all of those places. But under the provision that is proposed to be adopted in the bill, based upon the distribution estimated at about the same proportion as the good-roads appropriation, what would Florida get? Florida, out of $75,000,000 appropriated for the good roads department, gets a little over $1,000,000. Based upon that plan we would get in the State of Florida $1,400,000 or $1,500,000 for public buildings, which would be absolutely absurd and ridiculous, considering the needs and demands of the State and considering the growth and increase in post-office receipts and the prospect of future needs and demands.

Mr. FESS. Mr. President, will the Senator yield?

Mr. TRAMMELL. I yield.

Mr. FESS. The amendment that is proposed is based upon postal receipts.

Mr. TRAMMELL. That is only one element of the consideration. That represents one-third of the proposition.

Mr. FESS. That is one of the items. Area and post-office receipts are very easily ascertained. The only objection the Senator had, I understood, was to the question of determining the population, because of not knowing which census would be taken.

Mr. TRAMMELL. That is one element, of course.

Mr. FESS. Two of the elements are certain.

Mr. TRAMMELL. If we are to make an appropriation for the purpose of one building in a State and are to take care of the building needs of the entire State in that way, it would be a little different, but the whole policy heretofore has been to try to consider the demands and needs of the particular post office. I submit that in the State of Florida we have 15 or 20 places which would be entitled to a Government building to-day even if we adopted the old policy that was followed years ago. In size and in receipts I dare say there are at least 20 places that would have buildings to-day even under the old policy that used to be pursued years ago. We are not making a sufficient appropriation to take care of the demands throughout the country, but it is proposed to adopt a policy here which, if literally followed, will not operate so as to ascertain the needs of the particular locality at all except to the extent of one or two buildings.

Florida, on the question of area, might fare better than other States. I think we have 56,000 square miles, though many people do not know it, while there are some other States larger in population that have a very much smaller area.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. TRAMMELL. I yield.

Mr. LENROOT. I think it is true that Florida will suffer under the amendment, but I call attention to the fact that Senators on his side of the aisle forced us to accept the amendment.

Mr. TRAMMELL. I thank the Senator for the suggestion. I think a good many of them though are going to be very sadly disappointed when we get through. They will not get as much as they think they will get even with that kind of an amendment. Of course, if we adopt the proposition offered by the Senator from New Mexico, it would mean four new buildings, if the fund would provide for them, that would have to be provided in every State within the period of the appropriation.

If that is true, we will have some States in the Union that will get an appropriation for a post-office building in some little town of 2,500 or 3,000 population doing a business of only $10,000 in the way of receipts, because that is what is provided for in the bill, and we will have a great many large cities and towns scattered throughout the country, with probably 10,000 to 20,000 population, with absolutely no provision whatever for a public building. In addition to that, we will have a great many other places, even large cities, with a public building at the present time very much overcrowded and congested, not able to take care of the public business, that will have no funds allotted whatever for enlargement. We will have that condition, too. I am opposed to the amendment.

Mr. LENROOT. I would like to say to the Senator that under the amendment of the Senator from New Mexico it is absolutely certain that Jacksonville can never get a public building. It is impossible.

Mr. TRAMMELL. I am very apprehensive that it will have that effect on the places in Florida and in other States in the Union. I speak for Florida because I know the conditions better there. It would deprive some of the most urgent cases in the whole country of getting any assistance whatever. That is my opinion as to the amendment.

Mr. JONES of New Mexico. Mr. President, I would like to say a word in answer to the prophecy of the Senator from Wisconsin. The statement of the Senator was very positive that if my amendment were adopted they would get no post-office building at Jacksonville, Fla. I would like to know by what authority that statement is made?

Mr. LENROOT. Because the estimate is for $2,000,000 for a post-office building at Jacksonville, and if it is necessary to have one public building commenced each year in the State of Florida, with the other amendments providing that the fund must be apportioned on the basis of population, area, and postal receipts, it would be impossible under the appropriation to appropriate as much as $2,000,000 to any one city in a State.

Mr. McKELLAR. We could appropriate a little less sum for Jacksonville and distribute the other part of it proportionately. It is not absolutely obligatory that Jacksonville should have a building.

Mr. JONES of New Mexico. That is the way it seemed to me.

Mr. LENROOT. That is what I meant, that there was not money enough to go around.

Mr. JONES of New Mexico. If we assume a building of that kind, I think the Senator is right.

Mr. TRAMMELL. The conditions and the congestion in Jacksonville, as in many other cities in my State, comprise a greater emergency than exists at some other places. Why should not Jacksonville have recognition? If there is a greater emergency at Jacksonville than at some other place, why should not they have recognition?

Mr. JONES of New Mexico. If I may say a word to the Senator from Florida, has the Senator from Florida any assurance, if the amendment is not agreed to, that Jacksonville will ever get a post-office building?

Mr. TRAMMELL. I have no assurance whatever.

Mr. JONES of New Mexico. Absolutely none; and I am trying to provide that the Senator shall get in his State at least one building a year. Aside from the amendment, he has no assurance that he will get any.

Mr. TRAMMELL. I take it for granted that the officers administering the law will exercise some sense of fairness and justice, and, knowing the conditions in my State, I certainly feel that we would get a reasonable number of buildings.

Mr. JONES of New Mexico. It is quite apparent that in the country there are emergencies calling for at least $450,000,000 worth of public buildings. As I said a while ago, it is shown here that 19 States which already have public buildings are in dire distress for additions amounting to practically $50,000,000,

one-half of the whole appropriation proposed to be made in this bill. The great trouble is that the $100,000,000 ought to be $400,000,000. Then we could get something done consistent with the public needs. I would like to remind the Senator from Florida that without my amendment he has no assurance of getting anything in his State.

Mr. TRAMMELL. I think I would get more than I would without the amendment.

Mr. REED of Missouri. Mr. President, if we are to call reasonable convenience an emergency or lack of reasonable convenience an emergency, then there are many emergencies. If we do not repeal or modify the Volstead Act and some other acts we shall need the whole $165,000,000 to enlarge our jails and penitentiaries, and that would be the only real emergency which I think confronts us.

Mr. CARAWAY. If the Senator will let me name those who are to go into the new additions, I will be willing to vote for his proposition.

Mr. REED of Missouri. I will do that if I may be permitted to add just one amendment.

Mr. CARAWAY. The Senator wants to save himself and fellow jurors.

Mr. REED of Missouri. I would like to amend merely to add one additional name.

Mr. President, so far as post offices are concerned, there is no emergency in the real meaning of that term in the English language. Emergency is something of an unexpected character that has suddenly arisen; a sudden or unexpected happening, an unforeseen occurrence or condition, is the best definition. There is an emergency with reference to Federal prisons; there is an emergency in reference to jails; but those are not what we are proposing to erect under this bill. Federal prisoners now are regularly farmed out to county jails where the most abominable and fearful conditions exist. They are sent there because there is not any room in the regular prisons and penitentiaries to receive them. There is not any emergency about post offices.

Let us translate this into plain English. Undoubtedly the Federal Government could, if it practiced reasonable economy, build some post offices and possibly save a small amount of money, although I very much doubt that. I question whether there is a city in the United States where quarters can not be rented at a less rental than the interest on the money which would be expended for the erection of a public building. Nevertheless I do not say that ought to end all desire for public buildings. This bill can not be supported on the ground of either emergency or economy. Let us put it in plain English. Everybody who represents a State would like to have some fine public buildings in the principal cities of his State. So we have a clamor here between Senators as to whether their respective States are going to get their particular share, not upon the ground of existing emergency and existing necessity, for Senators admit the conditions are entirely different in various localities, but because they say, "We have the right to have our share; as these benefits are distributed, we insist we shall have a proportion of them in our respective States." So that, after all, we get down, as was said by the Senator from North Carolina [Mr. SIMMONS] and as has been said by others, to a question of "pork barrel," if we may use that ugly term. Each man as this barrel is rolled out, after it has been carefully headed in, wants to be sure that his piece of "pork" is inside; and yet, Mr. President, there is nothing wrong and there never has been anything wrong when we were erecting public buildings on insisting that they shall not all be put in one part of the country. I am simply discussing the question from the idea so often advanced that these bills are "pork barrel" bills in the sense that every man wants his State to have its share of the benefits. It is a "pork barrel" bill, and every one of these bills have been "pork barrel" bills in that sense, and in no other sense.

However, I want to say to Senators that I do not care how many amendments they may add to the bill, they are not going to get their "pork." If they pass this bill as it is drawn, with these amendments, they will get just as much as somebody who happens to be Secretary of the Treasury sees fit to give them; and if he does not give it to them, what are they going to do about it and how are they going to remedy it? We may lay down our rules and regulations, but what do they amount to? Take this amendment which reads:

Provided, That in submitting such estimates the Secretary of the Treasury shall allocate the amounts proposed to be expended to the different States where buildings are found by him to be necessary in such a manner as to distribute the same fairly on the basis of area, population, and postal receipts.

Suppose he does not do it? He is the man who decides; his ipse dixit is a finality. By this bill Senators are simply saying to the Secretary of the Treasury, "Here are $165,000,000; go out and spend the money." It is as ridiculous as it would be for Congress to assemble the first of the year and ask the Director of the Budget how much money the Government needed to run itself next year, and to pass a lump-sum appropriation and say to the President—it would be exactly the same thing in principle—"Spend whatever you please on the Army, spend whatever you please on the Navy, spend whatever you please on public buildings." We are abdicating our duty; we are passing our judgment over to another.

Mr. MAYFIELD. Mr. President, will the Senator from Missouri yield to me?

Mr. REED of Missouri. Yes.

Mr. MAYFIELD. In that connection I desire to direct the Senator's attention to lines 24 and 25, on page 2, and to lines 1, 2, 3, 4, and a part of line 5, on page 3. Beginning in line 24 at the bottom of page 2, the bill reads:

That in carrying into effect the provisions of this act, in so far as relates to buildings to be used in whole or in part for post-office purposes, the Secretary of the Treasury, under regulations to be prescribed by him, shall act jointly with the Postmaster General in the selection of towns or cities in which buildings are to be constructed and the selection of sites therein.

Does not that conflict with the proposed amendment?

Mr. REED of Missouri. Oh, I think it conflicts with the proposed amendment; but that is a different theme from the one I am discussing.

Mr. LENROOT. Mr. President, will the Senator from Missouri yield to me?

Mr. REED of Missouri. I shall get through very much quicker if I do not yield; but I will yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to ask the Senator a question. I should like to know why the Senator says that under the amendment the money will be handed over to the Secretary of the Treasury to be expended where and as he sees fit? The amendment provides that the money can only be expended in accordance with estimates given.

Mr. REED of Missouri. Certainly; and there will be estimates given for scores of places.

Mr. LENROOT. But the Secretary of the Treasury can not estimate for more than $25,000,000.

Mr. REED of Missouri. But after the estimate shall have been passed up to him he will pick out the places where he says he wants to erect buildings.

Mr. LENROOT. But this is a Budget estimate.

Mr. REED of Missouri. I understand that. I am coming to the matter of the Budget pretty soon.

I discussed a moment ago the question of the check there was by virtue of the Postmaster General having something to say as to this matter. When will the Senate learn, when will the country learn that by appointing a man to office and giving him a title we are not conferring upon him all manner of wisdom and all kinds of a sense of justice? We see a man run for Congress, and the people defeat him; he can not get the indorsement of even a single congressional district. When he was on the floor of the Senate and had that indorsement no man hesitated to challenge his judgment; no man thought of saying to him, "You can act for the House of Representatives and speak for it." Another man is rejected for the Senate. When he is on the floor of the Senate the Senate did not think of meeting and passing a resolution saying, "Senator John Jones can hereafter speak for the Senate." On the contrary, we challenge his judgment and his opinion every minute. But let him be defeated; let the people put the brand of their disapproval upon his acts; then put him in an office with a big title, and we are willing immediately to turn over to him the functions and powers and duties of both branches of Congress. It is absurdity raised to the *n*th power. I do not want to make it personal. I am a personal friend of the present Postmaster General. He served here in the Senate, and we were just like two brothers—two brothers who never agreed on anything except when we went down to order a meal together. "Further the deponent sayeth not." [Laughter.]

But the State of Indiana is now represented by another man who succeeded the successor of the present Postmaster General. We would not think to-day of saying to the two Senators from Indiana, genial and brilliant as they both are, "Sit down and write this bill and present it and we will O. K. it; you distribute this money; we will give you the power to do it." We would say, "That will not do." They might want to do it in

the fairest way in the world, but they might make mistakes. They might put it all in Indiana.

Mr. WATSON. That would not be a mistake.

Mr. REED of Missouri. Perhaps it would not be a mistake, as the Senator from Indiana suggests. So the utter absurdity of turning over $165,000,000 to be expended under the supervision of the Secretary of the Treasury and the Postmaster General ought to be manifest.

Moreover, who is going to be Postmaster General six months, a year, or two years from now? Who is going to be Secretary of the Treasury? If we had implicit confidence in both of the incumbents of those offices, we do not know who they will be even day after to-morrow. We do not know to whom we are turning this money over. There may be a political upheaval in this country, and we might get men into those offices whom the present Members of the Senate would not want to trust in any business transaction. We will not get new men, I suppose, until there has been another election, and yet it might happen that the incumbent of the White House and the distinguished Vice President might both be removed from this sphere of earthly action. We would all weep if that took place, and we would regard it as a great national calamity, of course; but here is a proposition that lasts for five years, and we do not know who will be Secretary of the Treasury; we do not know who will be Postmaster General, during that entire period. We do not know who will be Postmaster General. We do not know what the incumbents will do, and of course we can not know what their successors may do.

This whole bill is wrong, and rotten wrong. It is drawn on the wrong principle. The right thing to do is to bring in a post-office bill with estimates and figures that have been gone over carefully by a committee, an ascertainment made of the amount that ought to be appropriated to Philadelphia and New York and Chicago and St. Louis and Jacksonville and these other cities of the United States, and then let the Congress say, in view of the facts, what ought to be done; not turn it over to somebody else and say, "Here is so much money; go and use it."

Then we have another provision in this bill against which I protest, as I have always protested, and that is a proposition that these matters have first to be O. K'd and passed upon by the Director of the Budget.

I shall never cease to be thankful for the fact that I voted against the creation of any Budget master, of any man who was to infringe to the slightest degree upon the constitutional power of Congress, against setting up a man to tell the Congress, which represents all the people of the United States, what it can do and what it can not do. The long story of the ages is that men have gained their liberties through the enlargement of parliamentary right, and that parliamentary right and power have been gained because Parliament exercised the right of fixing the budget and saying to the Crown, "You shall" or "You shall not"; by saying to the Crown, "You can have money" or "You can not have it." So it was grounded in the British constitution and it was inscribed in the American Constitution that the control of the purse strings of this Nation should be vested not even in Senators, but that all revenue bills—which has been construed to mean all supply bills—should originate in the House of Representatives; and why?

The Senator from Wisconsin shakes his head.

Mr. LENROOT. The Senator does not mean to say that an appropriation can not originate in the Senate; does he?

Mr. REED of Missouri. No; I say it has been construed to mean that supply bills, the source of the money, shall originate in the House of Representatives.

That power was put in the House of Representatives because it was closer to the people than the Senate was. It was put there in order that the people could constantly control, in the last analysis, every act of government by refusing to levy taxes and vote supplies; and yet we proceeded to allow the Executive to name a single man who probably has not a personal acquaintance with one-tenth of the body of Congress, and to give to him a power which is to a large extent a veto upon the powers of Congress; and I do not believe, sir, first and last, that he has saved a 5-cent nickel to the people of the United States.

Mr. McKELLAR. On the contrary, he has cost the people of this country enormous sums of money.

Mr. REED of Missouri. Time and time again he has made allowances here for appropriations that in the wisdom of the committees of Congress were found to be too great, and we have cut them down; and yet you put into this very amendment the language—

and unless the said act making appropriations for public buildings shall otherwise specifically provide, appropriations shall be made, and expended by the Secretary of the Treasury, in accordance with the estimates submitted by the Bureau of the Budget.

The Bureau of the Budget is not elected by the people of the United States. It is not a constitutional office. It is a mere individual named by a President and set up there to control the most important power that is vested in Congress under the Constitution of the United States.

Following that miserable line of surrender, we have from time to time been making these lump-sum appropriations. As was well said by the Senator from North Carolina, we began that policy during the war. It was excusable then; but the initial step, as I remember, was on the river and harbor bill. What was the situation? We recognized the fact that we could afford to expend no new moneys on river and harbor improvements. All that we could do would be to keep the works on rivers and harbors from going to utter waste. Nobody could tell where the disintegration would set in or what disaster would sweep away parts of the works in different sections of the country; and so we placed in the hands of the Chief of Engineers a sum of money to be expended when and where he pleased, with the understanding that he would use it for the purpose of preserving works instead of building new ones.

Having made that departure during the war, we have foolishly continued it to some extent since. This bill, however, is the first one I have heard of in which it is proposed to inject into the policy of public buildings the doctrine that we will allow these public buildings to be erected at the will, practically—that will be the practical effect of it—of one man who happens to be Secretary of the Treasury.

The thing to do is to beat this bill and let a bill be written and brought in here along sound lines, telling the Congress what is proposed to be done in each instance, and letting the Congress pass upon each of the important items. Then Congress will be directing the work of spending the public money, instead of some agency of the administration giving the direction which it is the duty of Congress to lay down.

You may undertake to pass this bill with the idea that somebody wants a post-office building in his State and somebody else wants one in his. Two or three of the projects named in this bill and recognized are in my State; but I am not going to let the desire to get that money control my judgment or my acts for a moment.

Then it was said here a moment ago by some one: "If you do not get this money now, and get what you can get now, how do you know you are ever going to get any?"

That is a strange argument to make in the Senate. The presumption is that the Congress of the United States in the future will have as much sense and as much patriotism as this Congress or its predecessors. The presumption is that future Congresses or this Congress while in session will do their duty, and, if it is necessary to have public buildings, will provide the means for getting them. The doctrine injected in here that we must take this bill or take nothing is a false doctrine. Congress is a continuing body. It exists from time to time; and if this bill is defeated every man with an ounce of brains knows that that will not end the public-building program of this country. You can still get public buildings, and you can still find plenty of men to support them in the hope that they will get a building in their particular city or their particular State. I do not like to put the argument on that base ground, however.

I assume that Congress will do its duty in the future, and that if this bill goes back to the committee, where it ought to go, and the proper bill is brought in, it can be passed at this session of Congress; but let us know what we are doing, and not surrender our rights and our duties to an individual and allow him to do as he pleases.

A dozen disputes have started on the floor in the last few minutes in regard to where this money will be expended and how it will be expended. Pass this bill and you will have those disputes before you during all of the time. You will take them up to the Secretary of the Treasury and try to argue them out, and he will do what somebody under him tells him to do, and you will come back here without any remedy. He will put these buildings just where he wants to put them. Of course, there are the broad lines of the law, and he will get inside of them. Then come the broad lines of his discretion, and he will exercise it; and he will exercise it much as he has exercised his discretion in the past. The South and the West will not get any the best of it.

So, Mr. President, I am opposed to the whole measure.

Mr. FERNALD. Mr. President, if it is desired to debate the bill or the amendments further, I should be inclined to move a recess at this time; but if this amendment as amended could be accepted to-night, I should be glad to have that done.

The VICE PRESIDENT. The question is on the amendment of the Senator from Maine as modified.

The amendment as modified was agreed to.

ORDER FOR RECESS

Mr. JONES of Washington. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and that order will be made.

DETROIT RIVER BRIDGE, MICHIGAN

The VICE PRESIDENT laid before the Senate a concurrent resolution of the House of Representatives (H. Con. Res. 24), which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8771) to extend the time for commencing and completing the construction of a bridge across the Detroit River within or near the city limits of Detroit, Mich., be recommitted to the committee of conference.

Mr. BINGHAM. I ask that the concurrent resolution of the House may be considered and agreed to.

The concurrent resolution was considered by unanimous consent and agreed to.

LEGISLATIVE APPROPRIATIONS

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10425) "making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 39 and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 46, 47, 48, 50, 51, 52, and 54, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert: "one at $2,590, one at $1,800"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$102,620"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,600"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,400"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,060"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 45 and 53.

F. E. WARREN,
REED SMOOT,
CHARLES CURTIS,
A. A. JONES,
WM. J. HARRIS,
Managers on the part of the Senate.

L. J. DICKINSON,
JOHN W. SUMMERS,
FRANK MURPHY,
ROSS A. COLLINS,
Managers on the part of the House.

The report was agreed to.

APPOINTMENT OF ADDITIONAL JUDGE IN DISTRICT OF MARYLAND

Mr. BRUCE. Mr. President, if there is no objection, I should like to ask the Senate to take up for immediate consideration Order of Business 696, Senate bill 3418, to create an additional judge in the district of Maryland.

Mr. KING. I hope the Senator will not do that.

Mr. BRUCE. I will say that this is a bill for the better enforcement of the Volstead Act and therefore I trust it will meet universal approval.

Mr. KING. I hope the Senator will not make that request.

Mr. McKELLAR. Mr. President, if this is a bill for the better enforcement of the Volstead Act—and I understand that it is—I think it applies to a place where it needs enforcement, and I hope the bill will be passed.

Mr. BRUCE. The bill has been reported favorably by the Senate Judiciary Committee after fullest consideration.

Mr. KING. Mr. President, I want to say to the Senator that a number of Senators have left with the assurance that not another bill would be taken up to-night.

Mr. BRUCE. There is not the slightest opposition to this bill.

Mr. KING. The trouble is that if we take up this bill some one else will want to have another bill taken up.

Mr. BRUCE. The same course was followed the other day when a bill was passed providing for an extra judge for the western district of New York.

Mr. KING. I shall not object, but I want to be recorded as voting against the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 4, after the word "authorized," to strike out the words "and directed," so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an additional judge of the district court of the United States for the district of Maryland, who shall reside in said district, and whose compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

SEC. 2. That this act shall take effect immediately.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill to create an additional judge for the district of Maryland."

RECESS

Mr. JONES of Washington. If there is nothing further, I ask that the unanimous-consent order be carried out and that the Senate take a recess until to-morrow at 12 o'clock.

The VICE PRESIDENT. Without objection, it is so ordered.

Thereupon the Senate (at 5 o'clock and 50 minutes p. m.), under the order previously entered, took a recess until to-morrow, Tuesday, May 4, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, *May 3, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord and the Father of us all, in the deepest recesses of our breasts may we know that Thou art our Father, full of grace and truth. How we thank Thee to-day for the bright springtime. The orchards are budding, the fields are promising, the flowers are blooming, the birds are singing, the waters are rippling, and on upland and lowland the sunlight is smiling and promise is everywhere. We praise Thee for our old world house; may we treat it well and wisely. Make us to feel its power and glory. Bless our spirits with all that our eyes behold and keep them in tune with the glad, glad springtime. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Friday, April 30, 1926, was read and approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. LAGUARDIA. Mr. Speaker, I rise to a question of personal privilege.

Mr. BLANTON. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Texas makes the point of order that no quorum is present. Evidently there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 86]

Adkins	Goldsborough	Madden	Shreve
Aldrich	Gorman	Magee, Pa.	Sinclair
Auf der Heide	Graham	Magrady	Strong, Pa.
Berger	Griffin	Mead	Sullivan
Boylan	Hall, N. Dak.	Merritt	Swartz
Britten	Haugen	Michaelson	Swoope
Brumm	Hawes	Moore, Ohio	Treadway
Canfield	Houston	Morin	Tucker
Celler	Johnson, Ill.	Nelson, Wis.	Tydings
Cleary	Johnson, Ky.	Newton, Minn.	Updike
Connolly, Pa.	Kendall	Newton, Mo.	Vare
Cooper, Ohio	Kincheloe	O'Connell, N. Y.	Voigt
Coyle	Kindred	O'Connor, N. Y.	Wainwright
Cullen	Lea, Calif.	Peavey	Walters
Dickstein	Lee, Ga.	Perlman	Warren
Doyle	Lindsay	Phillips	Watson
Esterly	Lineberger	Prall	Wefald
Flaherty	Linthicum	Pratt	Weller
Fredericks	Lowrey	Quayle	Welsh
Gallivan	Lyon	Ransley	White, Me.
Gifford	McFadden	Reid, Ill.	Yates
Gilbert	McKeown	Schafer	Zihlman
Golder	McSwain	Sears, Fla.	

The SPEAKER. Three hundred and forty Members have answered to their names. A quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The gentleman from New York will state his question of personal privilege.

Mr. LAGUARDIA. Mr. Speaker, on March 24 of this year, during the present session of Congress, I made certain statements on the floor of this House in reference to the enforcement of law in the State of Ohio and in the State of Indiana. Since then there have been some informal statements made to the press, and on my return to my office this morning I found what purports to be a subpœna duces tecum addressed to me calling on me to respond on the 5th of May, 1926, before the United States court in the city of Indianapolis, in violation of my privileges as a Member of this House and in violation of the protection of the House guaranteed under the Constitution of the United States.

The SPEAKER. The gentleman from New York is recognized.

Mr. LAGUARDIA. Mr. Speaker and gentlemen of the House, on March 24, 1926, time was given me under general debate, and I brought to the attention of the House what I considered to be misconduct on the part of an agent in the employ of the Department of Justice, and what I considered to be laches on the part of Federal officials in the city of Indianapolis.

I charged that the Department of Justice agent, while in the employ of the Department of Justice, and having investigated the case and after a trial and conviction, a proper conviction, and while the defendants were in jail, had conspired and had obtained liquor certificates of the prisoners, had offered them for sale in New York, and they were afterwards sold in the State of Ohio.

First. There was a denial that any such certificates existed. Then that any sale was made, and a statement was prepared of 10 pages, sent to me and to other Members of Congress, which statement appears in the form of a letter in the RECORD of April 14, 1926, and was extended under unanimous consent obtained by the gentleman from Michigan [Mr. HUDSON].

In the statement given to the Cincinnati Post on March 30, 1926, Mr. Breitenstein stated that he was preparing this statement for Mr. Dodge, the former Department of Justice agent charged with obtaining the certificates. Mr. Breitenstein was preparing Dodge's statement. He says so himself.

Later on, after my disclosure on the floor of the House, Mr. Matt Hinkle, of Cleveland, a gentleman of standing, a gentleman whose word can be taken—and I made no charge against him—admitted that he purchased the certificates as a broker from Breitenstein, the attorney for Dodge and the attorney for the lady through whom, in the conspiracy, these certificates were obtained. I made certain charges of conspiracy between the Department of Justice agent, the wife of the prisoner, and others. I made certain charges concerning the Department of Justice agent and the wife of the prisoner, which were categorically denied by the former Department of Justice agent. I want to state that I have here certified copies of testimony taken in an examination before trial. These witnesses were examined by former Judge Oppenheimer, of the city of Cincinnati, who stands as high in the profession as any lawyer in the country. The affidavits are of Vernon R. Chombley, of Cincinnati, Ohio; Carlos Clapper, night clerk in the Hollenden Hotel, Cleveland; Fred Yockey, night houseman, Hollenden Hotel, Cleveland; Joseph Fausz, carpenter, of 23 West Sixth Street, Newport, Ky., who was doing work in Remus's home; Mrs. Emma Schrauder, 947 Fairbanks Avenue, mother of three children, who was employed in the family of Mr. and Mrs. Remus; Edward J. Sweeney, of Detroit, Mich. Also two agents of the Department of Justice who investigated the hotel incident, and their report was made to the department. There is here also the testimony of Blanch Watson, of 1808 Greenup Street, Covington, Ky., and Alice Delehanty, of 34 East Fifteenth Street, Covington, Ky.

The reason that I did not put these affidavits into the RECORD at the time this denial came in is simply that the very character of the material contained in them Members of the House do not want in the CONGRESSIONAL RECORD, but I told the House that I had these certified copies, and here they are.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. What the House I imagine is most concerned in now is the attempt on the part of a court, in violation of the statute, to interfere with the gentleman from New York in his representative capacity as a Member of this body. We would like to hear from the gentleman on that.

Mr. LAGUARDIA. Mr. Speaker, on page 6175 of the RECORD of March 24, 1926, I made this charge:

> Shortly after the conviction of Mr. Remus the United States Government, through the Prohibition Department, seized the Squibb distillery at Lawrenceburg, Ind., and removed therefrom 1,500 cases of bonded whisky to Indianapolis, Ind., and stored said whisky in the Federal building in Indianapolis. The whisky was seized and my information is that it was ordered destroyed. An appeal was taken against the seizure, and naturally the whisky was held pending the appeal in the United States Circuit Court of Appeals for the Seventh Circuit. I believe the appeal has been or is about to be argued in a few days. In the meantime 350 cases of this liquor has mysteriously disappeared. This matter was investigated by a reputable representative of one of the largest newspapers in the Middle West and the officials confirm that the shortage existed.

That is my charge. I charged that 350 cases of liquor lawfully seized under the control and in the possessions of the Federal officials and in storage in the Federal building at Indianapolis, Ind., had been removed while in the custody of these officials. Three hundred and thirty cases are missing, not 350. I took the matter up with the Treasury Department, and I received one of the most stupid, silly letters I have ever received in 22 years of public life. I took the matter up with the Department of Justice, and here is the confirmation from the Department of Justice, and I ask the Clerk to read this in my time.

The SPEAKER. Without objection, the Clerk will read.

There was no objection, and the Clerk read as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 9, 1926.

Hon. FIORELLO H. LAGUARDIA,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Permit me to acknowledge receipt of your letter of March 31, 1926, making inquiry as to the present situation with reference to the stock of liquor seized in the Squibbs Distillery case. This matter has just been investigated by one of the department's examiners.

The report of the examiner indicates:

(1) That the case was docketed as United States against 950, more or less, and 600, more or less, or a total of 1,550 cases of 12 quart bottles each, etc.

(2) That the return on the monition, dated January 11, 1923, based on a rough count made at night while the property was being loaded in freight cars at Lawrenceburg Ind., showed 1,467 cases for shipment to Indianapolis, where they were stored in the Federal building.

(3) That a supplemental and accurate return based on a careful inventory, dated July 28, 1923, showed—

Cases containing 12 quart bottles	1,445
Case containing 2 quart bottles	1
Case containing 4 quart bottles	1
Case containing 10 quart bottles	1
Case containing 7 quart bottles	1
Case containing 9 quart bottles	1
Case containing 4 quart bottles	1
Cases empty	2
Total cases	1,453

(4) On July 28, 1923, a final decree ordering the quantity of liquor described above to be destroyed was issued, but a certified copy was not furnished the marshal, it being withheld on account of an appeal to the circuit court of appeals. The marshal being aware of the issuance of the decree, without waiting for a certified copy thereof, proceeded with the destruction of the liquor, but, upon advice from the chief deputy clerk to desist, promptly did so. The marshal is unable to state the quantity destroyed, but a number of cases containing empty bottles were found by the examiner.

(5) The papers in the case, on file in the clerk's office, show a report by Marshal Meredith and Robert V. Fessler, at that time carpenter in the Federal building at Indianapolis, Ind., on July 21, 1924, to the effect that the lock on the door to the whisky room in the basement on that building had been tampered with.

(6) That on January 6, 1925, formal notice was given by Marshal Meredith to the United States attorney that the lower whisky room had seal broken and he had placed a new lock on same with seal.

(7) On May 16, 1925, Ira C. Foxworthy made affidavit "that the boards had been moved at the lower whisky room" (p. 5).

(8) The inventory was carefully made by Examiner Signaigo and the marshal, assisted by four Federal prisoners. The figures in detail are shown on pages 7 and 8 of the report and are summarized by the examiner as follows:

Total number of cases in basement of Federal building	619
Total number of cases in room on second floor Federal building	504
Total number of cases in custody of United States marshal	1,123

The number chargeable apparently is 1,453, or a difference of 330 cases.

The department has not yet been able to fix responsibility for the disappearance of some 330 cases of liquor and is still engaged in an investigation of the matter.

A copy of the examiner's report was forwarded to the United States attorney at Indianapolis, Ind., advising him that the report disclosed that a considerable quantity of liquor held by the marshal under court order had disappeared while in his custody. He was instructed to review all the facts and to obtain such other information as was possible, and if he felt that the situation warranted criminal action against any person or persons he was to take steps to that end immediately.

Very truly yours,

JOHN G. SARGENT,
Attorney General.

Mr. LaGUARDIA. The Department of Justice having verified my charges, my duty is terminated, and the matter now is entirely in the hands of that department.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. KING. I am just wondering whether the gentleman from New York is expecting to file other impeachment charges. The gentleman knows that we are now in the specialty business of impeaching.

Mr. LaGUARDIA. If any Government official had knowledge that this liquor was being removed while in his custody, he ought to be impeached. [Applause.]

Mr. KING. Yes; and we are ready to do it.

Mr. LaGUARDIA. I made the charge that a certain number of cases were missing, and I stated on the floor of the House that this was a matter that was published in the newspapers, and my charge has been confirmed by an inspection made on the orders of the Attorney General. Knowledge of the breaking of the doors was brought to the officials in accordance with the letter of the Attorney General back in 1925. This liquor was taken in 1923. So I say to the gentleman from Illinois [Mr. KING] that there is some official in Indianapolis who had knowledge that this liquor was unlawfully removed. It is not anything new, but this is what I found on my desk to-day, and I ask the Clerk to read it.

The SPEAKER. Without objection, the Clerk will read.

There was no objection, and the Clerk read as follows:

SUBPŒNA TICKET—DUCES TECUM, DISTRICT OF COLUMBIA

To FIORELLO H. LaGUARDIA,
Room 150, House Office Building:

By virtue of a subpœna issued out of the United States court you are required to be and appear before the said court at Indianapolis at 9 o'clock a. m. on the 5th day of May, 1926, then and there to testify on behalf of the United States in the case of United States grand jury and not to depart without leave.

If you fail to obey such subpœna, you may be fined and imprisoned, as the court may direct.

E. C. SNYDER, *United States Marshal.*

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. BLANTON. What the gentleman said, he said from this floor of the House of Representatives of the United States of America in his representative capacity as a Representative from the State of New York.

Mr. LaGUARDIA. Exactly.

Mr. BLANTON. And as I understand it, the law prevents anyone from questioning any Representative concerning any matter that he has stated from the floor of the House.

Mr. LaGUARDIA. That is correct.

Mr. BLANTON. In any other place in the United States.

Mr. LaGUARDIA. But I submit, gentlemen, that my words and my statement are so clear as to the source of my information and as to the extent of my information, subsequently verified by the Department of Justice, that there is no justification for the issuance of this subpœna. After I made my charges I conferred with the Attorney General of the United States, and I told him what I had, and I told him that political pressure and bootleg influence would be used to prevent the prosecution of these officials. This subpœna comes now; and the bootleggers of Indiana, seemingly in harmony with the bootleggers of Pennsylvania, must feel highly elated if I can be taken from my work, because they know that in a few days I am going to come before this House and give the House some facts on the close connection between the bootleggers and Federal officials. [Applause.]

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. BLANTON. In order to be in Indianapolis on the 5th day of May at 9 o'clock a. m., the gentleman would have to leave Washington to-morrow morning, which is the 4th day of May, 1926; and it is well known here in Washington and elsewhere that the Congress of the United States will still be in session on May 4 and May 5, and for a number of days thereafter, and if the gentleman obeyed that subpœna it would take him from his place in this House of Representatives, in which the law protects him at any and all times when Congress is in session. Is not that the case?

Mr. LaGUARDIA. Yes.

Mr. BLANTON. I do not agree with the gentleman on the liquor question. He and I are diametrically opposed on that question, but I am behind him as one Member of Congress out of 435 in backing him up in his rights here as a Representative of this Nation. [Applause.]

Mr. LaGUARDIA. But whether we differ on the liquor law or what should be the law, the gentleman must agree with me that as long as it is the law it must be enforced.

Mr. BLANTON. Yes, sir. I agree with the gentleman on that.

Mr. LaGUARDIA. Public officials have to stop bootlegging; that is my contention. I stated to the officials the source of my knowledge. I state now in the presence of this House that if this House wants me to go and testify, then pass a resolution to that effect in accordance with the precedents, and I will go to Indianapolis or any place in the world and state what I know. It is just a mathematical proposition. I said there were 350 cases missing. The Department of Justice has counted them and find there are 330 cases missing. I have done all I can do. My duties are ended in presenting this matter to the attention of the country. I am not a prosecuting officer; I am a legislator. Now, in justice to the Department of Justice——

Mr. DENISON. Was it a subpœna duces tecum?

Mr. LaGUARDIA. Yes. I want to say frankly if the man who drew that subpœna is a lawyer I am a baseball player and qualified to play on your team. [Laughter.]

Mr. BLANTON. Will the gentleman yield?

Mr. LaGUARDIA. I will.

Mr. BLANTON. What I think the gentleman ought to do is to introduce now in his time a resolution here on the floor, and I think the House ought to pass it, to notify that court that the gentleman from New York has other duties of importance as a Representative which will preclude him from attending any court in Indianapolis. That is what this House ought to do.

Mr. HOLADAY. Will the gentleman yield?

Mr. LaGUARDIA. I will.

Mr. HOLADAY. Is it the gentleman's understanding that a Member of the House is not subject to a subpœna?

Mr. HOWARD. Will the gentleman yield?

Mr. LaGUARDIA. Let me answer the question.

The Constitution so provides and the precedents of the House have so held:

On May 6, 1846, Mr. George C. Dromgoole, of Virginia, rising to a question of privilege, stated that his colleague, Mr. George W. Hopkins, of Virginia, had been summoned to attend as a witness before the Circuit Court of the United States for the District of Columbia. The rule of the Manual forbade a Member to waive his privilege without leave of the House. Therefore Mr. Dromgoole offered this resolution:

"*Resolved*, That any Member of this House who has been, or may be, summoned to attend as a witness before the Circuit Court of the United States for the District of Columbia, now sitting in the city of Washington, has the leave of this House, during the present session, to attend as a witness in said court, if he shall think proper to do so."

The words "if he shall think proper to do so" were added at the suggestion of Mr. Robert Winthrop, of Massachusetts, who favored the assertion of the House's privileges to the fullest extent.

Then, again, the matter came up on March 7, 1876, where Members of the House had testified:

The House decided that the summons of the court to Members to attend and testify constitutes a breach of privilege, and directed them to disregard the mandate.

Mr. ALLGOOD. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. ALLGOOD. It is up to the House to say whether or not. I would like to know what the gentleman himself wishes.

Mr. LAGUARDIA. I have stated to the House the information which I had. I have stated the sources of my information. This is nothing new. I have never been in Indianapolis in my life except to pass through on two or three occasions. This has been going on for two years. There is no justification; the subpœna is only to annoy a Member of this House. They know exactly what I know. The Department of Justice knows what I know, because I conferred with the Attorney General. My statement is clear and unequivocal in the RECORD. There is no justification in the world for that subpœna.

Mr. BLACK of New York. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. BLACK of New York. Maybe it is these affidavits the court would like to get hold of. It may be useful in the prosecution of the case.

Mr. LAGUARDIA. Well——

Mr. BLACK of New York. The gentleman does not believe the gentleman has any further competent evidence in regard to the matter. It is nothing but say-so and could not be used?

Mr. LAGUARDIA. They know that.

Mr. BLANTON. If the gentleman will yield, the privileges of the House are higher than court privileges. If the Indianapolis courts can summon Members, some other courts over the country could summon Members—take them away from the House, and we would be unable to have a quorum.

I think the privilege of the House is higher than the gentleman's privilege. If the Indianapolis court could summon the gentleman, some other courts all over the country could summon the other Members from this floor here, and we would not have a quorum. The rules of this House provide that we shall have a privilege here. We are entitled to have the presence of the New York Member here at all times during the session of the House, and the privilege of the House is higher than that of the gentleman.

Mr. WINGO. I suppose there is no dispute that, first, a Member of Congress can not be questioned about his utterances on the floor at any other place. That is in the Constitution. I also suppose, second, that a court can not compel the attendance of a Member of Congress while the Congress is in session. But the gentleman from New York, I think, does not want to get himself in this position or get the House into assuming the position that because a man is a Member of Congress and the Congress is in session he should not cooperate in the administration of justice. If he has knowledge of facts, and is a competent witness against crooks for violating the criminal law, it occurs to me it might be the better part of wisdom to waive that protection against being compelled to attend court while Congress in in session, and if he has knowledge of any fraud going on, as a competent witness, I think the grand jury is a better forum than the House of Representatives in order to assist in apprehending those criminals and punishing them.

Mr. LAGUARDIA. I understand the gentleman from Arkansas has been a prosecuting attorney in his home county. He knows that an officer of the Department of Justice has means of knowing what knowledge a witness has before calling him before the grand jury, and only if he is an unwilling witness and will not cooperate will they serve a subpœna upon him. The Department of Justice has accurate knowledge of what evidence I have.

Mr. WINGO. Of course, we know what rights we have; but if I were in the gentleman's shoes, I should say to the court, "I have given you all the information I have; but if it is suggested by the district attorney that I am a competent witness against any criminal, I shall be glad to waive my right as a Member of Congress and, as a citizen, am willing to perform that duty."

Mr. LAGUARDIA. The Department of Justice has every bit of information I have and has verified my charge.

Mr. WINGO. Here is what I want to get at. I must assume that the Department of Justice is honest. I must assume that no court will willfully violate the constitutional rights of this House. I must assume that when that subpœna was issued to the gentleman it was either issued without recognizing the rights of the gentleman or it was issued on the ground that the gentleman has information and is a material witness. I think the rights of the House would be better conserved if the gentleman would give the court information of the facts concerning which he has already given the information he has; and if the court is convinced that he has other evidence, he will give it.

Mr. STEPHENS. I question if the gentleman has the right to go even if he wanted to without first asking the privilege of the House to go. That is the question I raise; he would not have a right even on his own motion or desire to go and answer the summons without first asking the permission of the House; and if the House gave him that privilege and that right to go, well and good, because this is a privilege of the House, not an individual privilege.

Mr. LAGUARDIA. I stated when I first got the floor what I knew, and I stated that if this House, in the light of what I know and what I stated, believes that I should go to Indianapolis to testify, I will go.

Mr. STEPHENS. If it is the gentleman's personal desire to go, it is his prerogative then, I believe, to ask permission to go.

Mr. LAGUARDIA. But I said also that I did not believe this subpœna is issued in good faith. I stated all I knew in my first statement in the House. I followed it up in a conference with the Attorney General. The Attorney General has written a letter verifying the count. I simply stated that 350 cases of liquor were missing from the Federal building and that has been verified.

Mr. WINGO. If it is the gentleman's belief that the Department of Justice is not acting in good faith, that is another proposition. But I am submitting this: If I had been subpœnaed, as the gentleman from New York has been subpœnaed, I would take the steps I have mentioned. If the grand jury tried to question my individual right to make the statements I have made on the floor I would say, "Gentlemen, you can not do that. If you find I have knowledge of my own that is pertinent to this proceeding, I will be willing to testify, but I will not allow you to attempt to bullyrag me and take me from the floor of the House." The court will say to the grand jury, "You can not question this man about things he has said on the floor." The judge would make the grand jury submit to the court the question which the gentleman refused to answer. If the grand jury violated his privilege and sought to question something he said on the floor, the judge would say, "That violates the gentleman's privilege."

Suppose they asked the gentleman the question, "Were you present, or did any of these men admit to you that they had committed this offense?" If they do, a man who wanted to shield a criminal could be charged with bad faith. He could be charged with bad faith if he had gotten up on the floor of the House and told us of a murder that he saw and then refused to go before the grand jury to testify in regard to the murder. That would be carrying the matter to an extreme.

Mr. STEPHENS. The gentleman would not have the right to answer this subpœna, even if he wanted to go, without first asking the permission of this House to grant him that right.

Mr. BLANTON. Mr. Speaker, will the gentleman yield on that?

Mr. STEPHENS. If you want to answer that subpœna, you will have to get the consent of this House to go. You can not go on your own account.

Mr. WINGO. On what provision of the Constitution does the gentleman base that?

Mr. LAGUARDIA. It is the privilege of the House.

Mr. WINGO. The privilege of the House is that the gentleman is not to be questioned elsewhere as to his utterances on this floor, but the privilege of the House is not that a Member of the House walking down Pennsylvania Avenue and seeing a murder, can come upon the floor and tell us about it, and then when he is subpœnaed to testify, say, "No; you can not make me testify because that is a violation of the privileges of this House." The privilege of this House is to protect itself so that there may be free discussion of public matters and not shield criminals in the commission of crime.

Mr. LAGUARDIA. But the gentleman does not believe that is this case at all, does he?

Mr. WINGO. I do not know what the facts are.

Mr. LAGUARDIA. The gentleman has heard them.

Mr. WINGO. No; I do not know what the facts are. I do not know what information the gentleman has that would be proper testimony for a grand jury. I assume the district attorney wants his testimony in good faith.

Mr. TINCHER and Mr. BLANTON rose.

The SPEAKER. Does the gentleman yield, and if so, to whom?

Mr. LAGUARDIA. I yield first to the gentleman from Kansas.

Mr. TINCHER. As I understand the gentleman he has been served with a subpœna. The precedents of the House are that if the gentleman should care to attend that session of the court he would have to ask the consent of the House to attend, but, as I understand, the gentleman does not care to attend for the reason that he has stated on the floor of the House all the information he has, which is not competent testimony, but, in a degree, hearsay testimony. The gentleman is a lawyer and knows whether his testimony would be competent. Now, the gentleman stated this morning that he was going to disclose some other facts. Are they facts which would be material or competent testimony in this hearing?

Mr. LAGUARDIA. No; not in this hearing; of course not.

Mr. TINCHER. Then there is not anything very complicated about this matter?

Mr. LAGUARDIA. Not at all.

Mr. TINCHER. The gentleman does not care to violate any of the privileges of this House, but if the gentleman wanted to go he could get the consent of the House to go and give his testimony.

Mr. LAGUARDIA. That would be so if I had any competent testimony. I have stated all of the facts, and my charges have been verified by the Department of Justice, so I am through.

Mr. TINCHER. The gentleman did not have any direct information in the first instance, but based his charges on information?

Mr. LAGUARDIA. Yes; on information, of course.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. The gentleman from Ohio is correct. The gentleman from New York can not leave this House without the permission of the House when we are in session. When a relative dies no Member can go to the funeral lawfully without first getting the permission of this House to leave.

Mr. COOPER of Wisconsin. Will the gentleman yield to me?

Mr. LAGUARDIA. I yield to my colleague from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Speaker, in my judgment, Jefferson in his Manual very clearly gives the reason why, in view of the circumstances in which this subpœna was issued, the gentleman from New York should not go to Indianapolis to testify. The Constitution, says Mr. Jefferson, provides that—

> They [the Senators and Representatives] shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses and in going to and returning from the same.

Mr. Jefferson then proceeds to interpret that provision of the Constitution. He says:

> This privilege from arrest—
>
> Except for treason, felony, and breach of the peace—
>
> privileges, of course, against all process the disobedience to which is punishable by an attachment of the person; as a subpœna ad respondendum, or testificandum, or a summons on a jury.

Now, the gentleman from New York has been served with a subpœna ad testificandum; and Jefferson expressly says that the constitutional privilege against arrest applies to all process the disobedience to which is punishable by an attachment of the person for contempt, and that a subpœna ad testificandum is such a process. That exactly covers the case before us. Mr. Jefferson then goes on to give the reason for so interpreting this provision of the Constitution.

> And with reason, because a Member has superior duties to perform in another place. When a Representative is withdrawn from his seat by summons the 40,000 people whom he represents lose their voice in debate and vote, as they do on his voluntary absence; when a Senator is withdrawn by summons, his State loses half its voice in debate and vote, as it does on his voluntary absence. The enormous disparity of evil admits of no comparison.

Now, mark how Mr. Jefferson differs from my friend, the gentleman from Arkansas [Mr. WINGO].

In the opinion of the great father of the party of which the gentleman from Arkansas is a distinguished member, it is the duty of the gentleman from New York to stay here and represent the constituency which chose him to speak and vote for them on this floor. [Applause.] Jefferson declares that the enormous disparity of the evil of the taking away of the gentleman from New York from his official duties as a national legislator and the evil of his disobedience to a subpœna ad testificandum "admits of no comparison"; and that an evil not to be tolerated is the subpœnaing of men away from their legislative duties; because if a subpœna can take my friend from New York away to Indianapolis, other subpœnas can take a majority of this House away on any bill pending before it and thus enact or defeat legislation. Jefferson and not the gentleman from Arkansas, it seems to me, has set forth the philosophy which should obtain in this case. [Applause.]

Mr. BEEDY. Will the gentleman yield to me?

Mr. LAGUARDIA. Yes.

Mr. BEEDY. The gentleman has referred to some affidavits which he has here. Do those affidavits contain proof of the facts which the gentleman has referred to in his former statements on the floor of the House?

Mr. LAGUARDIA. They are a part of a court record now.

Mr. BEEDY. Do they contain proof of the very facts that the gentleman has referred to?

Mr. LAGUARDIA. No; it is a collateral issue.

Mr. BEEDY. And, to keep the record straight, they are not the original affidavits?

Mr. LAGUARDIA. No; they are certified copies.

Mr. SNELL. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SNELL. Does not this thing really narrow itself down to this: If the gentleman wanted to go he could go, and if he does not want to go he can stay here and pay no attention to the subpœna?

Mr. LAGUARDIA. I could not go without the permission of the House, as I understand the precedents of the House and the law.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. The law is, as the gentleman from Wisconsin [Mr. COOPER] has well said, that the courts have no right to summon the gentleman. Now, when a court does summon a Member during a session of the House, is the House going to sit quietly by and let the court do that, or are we going to let the court know it has exceeded its authority in summoning a Member away from this body when the House is in session. I think this House ought to notify that court that it is in contempt of the House.

Mr. LAGUARDIA. Mr. Speaker, I do not want to take up any more time of the House, and in closing——

Mr. OLIVER of Alabama. Will the gentleman yield to me?

Mr. LAGUARDIA. I yield.

Mr. OLIVER of Alabama. It occurs to me we should differentiate between the Department of Justice and the court. We should likewise bear in mind the duties of a grand jury. What a grand jury does is seldom, if ever, known to the court until after it reports, and it seems to me what the gentleman should do is to call the attention of the judge of the court to the issuance of this subpœna. The judge of the court can correct any miscarriage of justice by the grand jury, in my opinion.

Mr. LAGUARDIA. I want to show the subpœna to the gentleman. The subpœna does not state any court. It is defective even in that respect.

Mr. OLIVER of Alabama. I understand that.

Mr. LAGUARDIA. I assume it is the district court.

Mr. OLIVER of Alabama. But the grand jury is empaneled by the district court, and, of course, the judge of the district court, when the matter is called to his attention, would at once set the district attorney right.

Mr. LAGUARDIA. Gentlemen, in closing, I simply want to state what I have stated four or five times in the course of my statement; I have given all the facts I have to this House and to the Department of Justice. The Department of Justice has verified my charge. If there is anyone in the Department of Justice here in Washington who will state to me that I have information or that my information is competent and a grand jury wants to hear me, I will come before this House and ask permission to go; but I refuse to be hauled around and snatched away from my work here by something that has no merit, something that has no foundation and no justification whatever. The charge which I have made as to the number of cases missing has been verified by the Department of Justice.

Mr. COX and Mr. TEMPLE and Mr. HUDSON rose.

Mr. COX. Will the gentleman yield for just one question?

Mr. LAGUARDIA. Yes.

Mr. COX. Does not the gentleman think it would be establishing a very bad precedent for a Member of this House to claim privilege and to decline to answer a summons of a court that is undertaking to investigate a transaction which the gentleman has condemned upon the floor? Certainly, would it not be a mistake, in view of the position the gentleman takes and the House takes to the effect that this liquor law should be enforced?

Mr. LAGUARDIA. Does the gentleman know that the charges which I have made have been verified?

Mr. COX. I grant you that.

Mr. LAGUARDIA. Now, what other information have I? I have no other information other than that which has been verified.

Mr. COX. I grant you that possibly from your viewpoint you have no information that you might give the grand jury, but should it not be left to the court to determine as to whether or not the information that the gentleman might be in position to give would, after all, be relevant and pertinent to the question under investigation?

Mr. LAGUARDIA. I can not obey that subpœna without the permission of this House.

Mr. SABATH. The fact is the gentleman from New York is of the opinion and belief that he has been subpœnaed merely for the purpose of annoying him.

Mr. LAGUARDIA. Exactly.

Mr. SABATH. And the gentleman honestly believes that the Department of Justice or the district attorney is in possession of all the evidence and all the proof that the gentleman from New York has or can possibly secure?

Mr. LAGUARDIA. Yes; and I will say that there is not a person in the Department of Justice here in Washington from the Attorney General down who will say I have information to give or that my presence in Indianapolis is required.

Mr. SABATH. And this is done simply for the purpose of annoying the gentleman?

Mr. TEMPLE. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. TEMPLE. The gentleman has said he has not the right to go, even if he wished to go, without the permission of the House. Does the gentleman ask permission of the House to go?

Mr. LAGUARDIA. Under this state of facts I do not.

Mr. TEMPLE. Then it seems to me no action by the House is necessary.

Mr. LAGUARDIA. I want to say to my colleague that if any Member of the House introduces a resolution granting me permission to go I will not resist it.

Mr. BUTLER. But does the gentleman sincerely desire to respond to the subpœna?

Mr. LAGUARDIA. I have no information I can give them; why I should desire to respond?

Mr. BUTLER. Then let the gentleman decline to respond to the subpœna and the House will take care of the gentleman when the time comes. [Applause.]

Mr. HUDSON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HUDSON. Is it not a fact that without doubt the grand jury, under the direction of the United States district attorney, was not ignorant of the fact that the gentleman did not have to answer this subpœna? They probably knew that the gentleman did not have to answer this subpœna unless he wanted to, but they have put this up to the gentleman so that if the gentleman has information, they give him a legal status before the grand jury in order to bring it there.

Mr. LAGUARDIA. They do not have to give me a legal status.

Mr. HUDSON. And they knew it was up to the gentleman to ask permission of the House and that the gentleman did not have to go. Is not that the status?

Mr. LAGUARDIA. No; I believe there is not a gentleman on the grand jury who knows that FIORELLO H. LAGUARDIA mentioned in this subpœna is a Member of the House of Representatives. I do not believe there is a member of this grand jury who knows what is back of this subpœna, or perhaps do not even know that it has been issued.

Mr. HUDSON. Of course, they do, and they put it up to the gentleman.

Mr. LAGUARDIA. The grand jury is composed of 24 reputable gentlemen and they do not know what is back of this.

I thank you, gentlemen. [Applause.]

Mr. BUTLER. Just assume the responsibility and do not respond.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 9460. An act granting the consent of Congress to the highway department of the State of Minnesota to reconstruct a bridge across the Mississippi River between the city of Anoka, in Anoka County, and Champlin, in Hennepin County, Minn.;

H. R. 9596. An act to extend the time for the construction of a bridge across the Mississippi River in the county of Aitkin, Minn.;

H. R. 10121. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River," approved January 31, 1923; and

H. R. 9393. An act to extend the time for the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 10244. An act to extend the time for the construction of a bridge across the Fox River in the State of Illinois on State Road No. 18, connecting the villages of Yorkville and Bristol in said county;

H. R. 5691. An act granting the consent of Congress to Charles L. Moss, A. E. Harris, and T. C. Shattuck, of Duncan, Okla., to construct a bridge across Red River at a point between the States of Texas and Oklahoma where the ninety-eighth meridian crosses said Red River;

H. R. 10169. An act granting the consent of Congress to the Gallia County Ohio River Bridge Co. and its successors and assigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio;

H. R. 10246. An act to authorize the commissioners of McKean County, Pa., or their successors in office to construct a bridge across the Allegheny River at a certain location where a highway known as State Highway Route No. 211 crosses said river at a location within the limits of the Borough of Eldred or not distant more than one-half mile north of said Borough of Eldred, McKean County, Pa.; and

H. R. 10470. An act granting the consent of Congress to the city of Little Falls, Minn., to construct a bridge across the Mississippi River at or near the southeast corner of lot 3, section 34, township 41 north, range 32 west.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 7093) granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had ordered Mr. JONES of Washington, Mr. COUZENS, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 178) entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims."

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 5701) entitled "An act to designate the times and places of holding terms of the United States District Court for the District of Montana, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had ordered Mr. GILLETT, Mr. GOFF, and Mr. WALSH as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate No. 64 to the bill (H. R. 8264) entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes."

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate Nos. 109 and 110 to the bill (H. R. 10198) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes."

The message also announced that the Senate had passed S. J. Res. 101, authorizing the Joint Committee on the Library to procure an oil portrait of the late President Warren G. Harding, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4055. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 978) entitled "An act for the relief of Horace G. Knowles," had requested a conference with the House on the disagreeing votes of the two Houses thereon, and had ordered Mr. MEANS,

Mr. STANFIELD, and Mr. BAYARD as the conferees on the part of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

On April 30, 1926:

H. J. Res. 209. Joint resolution requesting the President of the United States to invite foreign governments to participate in the Seventh International Dental Congress to be held at Philadelphia, Pa., August 23 to 28, 1926;

H. R. 6772. An act to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America;

H. R. 6777. An act to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America;

H. R. 9688. An act granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay, at or near Bay Bridge, Ohio;

H. R. 8908. An act granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River;

H. R. 8950. An act granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn.; and

H. R. 8918. An act granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo.

On May 1, 1926:

H. R. 2761. An act for the relief of Nora B. Sherrier Johnson;

H. R. 10002. An act granting the consent of Congress to H. J. Stannert, Harry Weis, and George W. Rockwell to construct, maintain, and operate a bridge across the Susquehanna River from a point in the city of Sunbury, Northumberland County, to a point in the township of Monroe, in Snyder County, in the State of Pennsylvania;

H. R. 9506. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Perry and Decatur Counties, Tenn.;

H. R. 9505. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden road between Humphreys and Benton Counties, Tenn.;

H. R. 9503. An act granting the permission to the State Highway Commission of the State of Tennessee to construct a bridge across the Tennessee River at Savannah, Hardin County, Tenn., on the Savannah-Selmer road;

H. R. 9494. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainsboro-Red Boiling Springs road in Jackson County, Tenn.;

H. R. 9348. An act granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio;

H. R. 7904. An act granting the consent of Congress to Des Arc Bridge Co., and its successors and assigns, to construct a bridge across the White River at Des Arc, Ark.;

H. R. 7818. An act to amend section 304 of an act entitled "An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921;

H. R. 3797. An act to increase the limit of cost of public building at Decatur, Ala.;

H. R. 3971. An act to correct and perfect title to certain lands and portions of lots in Centerville, Iowa, in the United States of America, and authorizing the conveyance of title in certain other lands and portions of lots adjacent to the United States post-office site in Centerville, Iowa, to the record owners thereof by the Secretary of the Treasury;

H. R. 2797. An act for the relief of Mary M. Pride; and

H. R. 8817. An act reserving certain described lands in Coos County, Oreg., as public parks and camp sites.

BRAVE 13-YEAR-OLD BOY SAVES FATHER'S LIFE

Mr. HOLADAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in reference to an act of bravery of a 13-year-old boy in my district.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HOLADAY. Mr. Speaker, I wish to relate a story of the heroism of a 13-year-old boy who saved his father's life at the risk of his own.

The accuracy of this account is vouched for by Mrs. W. C. Evans, Rev. W. J. Schuitemo, Chester S. Berry, superintendent of schools; and W. M. Cutler, banker, all of Rankin, Vermilion County, Ill.

Eugene Laursen, 13 years old, the son of Mr. and Mrs. L. M. Laursen, natives of Denmark, lives on a farm adjoining Rankin, Vermilion County, Ill.

The boy helps his father with the chores, and also delivers milk, night and morning, before and after school. It happened that on the evening of February 9 this year, Mr. Laursen, taking a pitchfork, went to the barn to release a vicious bull. He drove him out then turned his cows into the barn preparatory to milking time.

As the last cow passed in, the barn door blew shut, thereby leaving Mr. Laursen on the outside facing the door. Before he could open it the bull charged down upon him, struck him in the back, knocking him down, the pitchfork falling to the ground. It was done so quickly that Mr. Laursen was taken unawares. Screaming loudly to his son, Mr. Laursen tried to get up but the animal struck him in the side, felling him to the ground.

Eugene, who was tying up the cows in their stalls, heard his father's call, and fearing he was in danger, ran quickly to his rescue. He immediately took in the situation, picked up the pitchfork and started toward the angry bull who, having had some experiences with this weapon before, backed away.

Before he could make another charge—as his angry looks and impatient pawing of the ground betokened—Eugene opened the door and his father painfully crawled into the barn and lay down on the straw, and the door was closed. The boy then ran to the house and, using the telephone, summoned a neighbor to carry his father to the house and then called a physician. Both came promptly.

Eugene then went to summon his mother, who was engaged with a committee at the Presbyterian Church six blocks away. He ran at top speed and arrived, crying and broken-hearted, thinking his father mortally wounded. He and his mother were taken home as fast as an automobile could get them there and found the physician and neighbor attending to the wounded father and husband, who was unconscious.

Mr. Laursen was in a critical condition for several days, but owing to good medical skill and careful nursing he is improving slowly and will recover.

Eugene is very modest about his part of the incident, but is very happy that he got there in time to save his father from a worse fate.

MUSIC LICENSE FEES

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of music license fees.

The SPEAKER. Is there objection?

There was no objection.

Mr. MACGREGOR. Mr. Speaker, greed is one of the worst passions of mankind. It is especially repellant when it touches the arts. Music, the expression of the soul, should not be besmirched by ghoulish hands. Greed leads the sordid money grabber to subordinate all that is fine in life to gross materialism.

We all believe that the author and composer should receive compensation for his thought and effort and that he should be protected by law, but it is inconceivable that this desire upon the part of Congress should be made the means of building up a supermonopoly that in the main benefits not the poor composer but in fact makes him the wage slave of a group of money makers.

Ninety per cent of the popular music of the United States is controlled by an organization known as the American Society of Composers, Authors, and Publishers. It is located in New York City. It is composed of music publishers and some composers of music. The society is organized for the purpose of exacting tribute from every motion-picture theater, radio broadcasting station, hotel dance hall, cabaret, and every other public place of amusement or entertainment in the United States.

Before any of the music owned or controlled by the society can be played in any place in the United States where an admission fee is charged, or where the music can be construed to be used for profit, a license must be procured from the

society. To the end that none shall escape, the country is divided into zones and an agent or representative placed in charge of each zone. The agent maintains surveillance over all places in his particular territory where music may possibly be used. If he finds a place where music is used and no license has been obtained, the offender is served with notice that the copyright law has been violated and that the offender must pay to the society damages in the minimum sum of $250. I understand that the agent receives 50 per cent of the amount collected. A piano player in a small movie theater may play a bar of the controlled music. If the theater is not licensed, the owner is immediately met with a demand for $250. Perhaps the owner of the theater does not know that he has to have a license. Perhaps he does not know that the particular piece of music is controlled by the society. Perhaps he does not know that the pianist or organist did play any part of the controlled music. That makes no difference. He is in for the $2.50.

All manner of subterfuges are used to catch offenders.

I recently had a letter from a musician, in which he stated that he was playing in a hotel; that the orchestra was directed to use only noncopyrighted music. A couple of diners protested to the proprietor about popular music not being played. He demurred at first to directing the orchestra to play popular music, knowing of the action of the society, but he finally yielded, and directed the orchestra to comply with the wishes of the ostensible guests. Next day he was notified to pay the penalty and discovered that the seeming guests were spies of the society. This musician claims that 10,000 musicians in the country have been thrown out of work because the hotels will not submit to the demands of the society.

There is no limit under the law to the lengths to which the society may go in the matter of license charge. The maximum fee now charged for a moving-picture theater is 10 cents per seat per year, but there is nothing to prevent the charge being a dollar or $2 per seat. In fact, it has been intimated that it is the intention of the society to materially raise the rate.

It is easy to see that this is a damnable situation. Congress never intended to create a monopoly such as this. It is unfair to the public and unfair to the composer. All composers worth while will soon be at the mercy of the music publishers, who are the backbone of the organization. They will be compelled to sell their copyrights for a pittance, and the music publishers will have a monopoly that will reach into every nook and corner of the country and a golden stream will flow constantly into their treasury.

My interest in this proposition is dictated in a large measure by my desire to protect the people of the Nation against the continual effort to reap millions of profits from the humble poor of the country who are vitally concerned in keeping within reach of their purses the great educational and amusement facilities of the moving-picture theater. The rapid development of the motion-picture theater is one of the marvels of the age. It has brought within the reach of the ordinary citizen a form of entertainment and education that has undoubtedly wrought a greater change in the world than any other single factor. To-day there are in the United States more than 20,000 movies. They have a seating capacity of 20,000,000 people and the weekly attendance reaches the tremendous figures of 130,000,000. When one puts these figures against the total population of the United States, about 115,000,000, one can appreciate to some extent the important part that the movie plays in the lives of the people of the country, and how essential it is that it be preserved and protected from parasites that seek to feed and wax fat upon this institution of the common people.

The majority of the 20,000 movies are in the small towns and outlying sections of cities. They are operated upon a small margin of profit. It is essential to their success that the admission price shall be maintained at a minimum. If the price of admission gets beyond the means of the ordinary citizen the theater must close its doors. Think what that would mean to the millions of people who are now able to enjoy the privilege afforded by this moderate price form of entertainment and education. It would be a disaster to the country.

Those seeking to perpetuate the unfair music license fee for motion-picture theaters and the license fee generally are blinding the eyes of Congress to the true issue. No one denies the necessity of protecting the composer of music and giving him for a definite period of time the sole rights to the product of his brain.

The real issue has always been carefully concealed by the American Society of Composers, Authors, and Publishers. In every argument before Congress they have assumed that the theater men were opposing copyright protection and then would present to Congress very forceful arguments in favor of copyright protection.

The real issue is the unfair advantage that this society has taken of the legitimate provisions of the copyright law, whereby by acquiring one little property right in all music it is the only entity in America to-day that has the right to perform music in public and any place of amusement the existence of which depends entirely or partially upon the performance of music, must acquire this right from this organization.

What the American Society of Composers, Authors, and Publishers is fighting for in every hearing before Congress is the right to perpetuate this supermonopoly. I call it a supermonopoly because the copyright law already grants the individual composer a monopoly, and this society, by acquiring the public-performance right to every composer's music, has built up a tremendous supermonopoly, which to-day is actually in control of all popular American music.

All their cry for protection, after the hypocritical features are eliminated, amounts to this: That they will use every effort to protect and legalize their right to acquire, administer, and monopolize public-performance rights to all American music. Never was there such a brazen monopoly with such power for harm.

So helpless have the victims of this monopoly been that they have offered no serious resistance to its growth, with the result that to-day the American Society of Composers, Authors, and Publishers—a high-sounding name, but really a screen for a very materialistic monopoly and control of American music—is now brazenly proceeding to further strengthen its power. The proposed revision of the copyright act that has been introduced in Congress at this session strengthens the copyright monopoly in many ways, but most dramatically by extending the period of copyright protection from the 28-year period with renewal in force to the period of the life of the composer and 50 years after his death. The society is urging the passage of this bill in the name of protection for the creator and weeps crocodile tears over the needs of the poor composer for additional protection.

Despite this hypocritical stand it can not help showing its true colors under cover. It to-day is signing up all worthwhile composers under an iron-clad contract, which gives to the society the sole ownership to the public performance rights, not only to all music now in existence but also to all music which they will create during the next five years.

This society is using the legitimate sympathy of Congress for the composer to build for themselves a supermonopoly with which to take millions in toll from the masses of the people to whom the moving-picture theater has become such a great source of recreation and education.

The moving-picture theater, especially, should not be made the prey of the monopolists who, under cover of the copyright act, seek to build a supermonopoly upon the protection afforded the author of music. Congress should not be misled by specious appeals. The author should be protected. He is entitled to it, but Congress should not permit him to be used as a catspaw to draw chestnuts out of the fire for a parasitic monopolist.

Mr. DENISON. Mr. Speaker, on H. R. 8771 the enrolling clerk discovered an error in the conference report. I ask unanimous consent that the proceedings by which the conference report on the bill H. R. 8771 was agreed to be vacated in order that the error may be corrected.

The SPEAKER. The Clerk will report the title.

The Clerk read the title to the bill, as follows:

A bill (H. R. 8771) to extend the time for commencing and completing the construction of a bridge across the Detroit River within or near the city limits of Detroit, Mich.

The SPEAKER. The gentleman from Illinois asks unanimous consent to vacate the proceedings by which the conference report was agreed to in order to correct an error. Is there objection?

There was no objection.

ROAD ON THE LUMMI INDIAN RESERVATION

The SPEAKER. This is consent day, and the Clerk will call the Consent Calendar.

The first business on the Consent Calendar was the bill (H. R. 61) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. HADLEY. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 4785. An act to enable the Rock Creek Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park;

H. R. 3794. An act granting the consent of Congress to the counties of Lancaster and York, in the State of Pennsylvania, to jointly construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.;

H. R. 9305. An act to amend section 101 of the Judicial Code as amended;

H. R. 9393. An act to extend the time for the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin;

H. R. 9460. An act granting the consent of Congress to the highway department of the State of Minnesota to reconstruct a bridge across the Mississippi River between the city of Anoka, in Anoka County, and Champlin, in Hennepin County, Minn.;

H. R. 9596. An act to extend the time for the construction of a bridge across the Mississippi River in the county of Aitkin, Minn.;

H. R. 9634. An act to extend the time for the construction of a bridge across the Arkansas River, at or near the city of Dardanelle, Yell County, Ark.;

H. R. 10121. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River," approved January 31, 1923;

H. R. 10200. An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America;

S. 99. An act for the relief of the owner of the lighter *Eastman No. 14;*

S. 113. An act for the relief of the owner of the American barge *Texaco No. 153;*

S. 530. An act for the relief of the owners of the steamship *Basse Indre* and all owners of cargo laden aboard said vessel at the time of her collision with the steamship *Housatonic;*

S. 547. An act for the relief of James W. Laxson;

S. 957. An act for the purchase of the Oldroyd collection of Lincoln relics;

S. 1131. An act for the relief of James Doherty;

S. 1226. An act to amend the trading with the enemy act;

S. 2124. An act for the relief of Philip Hertz (Philip Herz);

S. 2338. An act authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army;

S. 2848. An act to extend the time for institution of proceedings authorized under Private Law No. 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.);

S. 2907. An act to authorize the general accounting officers of the United States to allow credit to Galen L. Tait, collector and disbursing agent, district of Maryland, for payments of travel and subsistence expenses made on properly certified and approved vouchers; and

S. J. Res. 55. Joint resolution to authorize the American National Red Cross to continue the use of temporary buildings, now erected on square No. 172, in Washington, D. C.

SENATE BILL AND JOINT RESOLUTION REFERRED

Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated:

S. 4055. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title; to the Committee on the Public Lands.

S. J. Res. 101. Joint resolution authorizing the Joint Committee on the Library to procure an oil portrait of the late President Warren G. Harding; to the Committee on the Library.

FEDERAL IRRIGATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 10429) to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, to amend subsections e and f of section 4, act approved December 5, 1924, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. SMITH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

NURSE CORPS OF THE ARMY AND NAVY

The next business on the Consent Calendar was the bill (H. R. 8953) to provide retirement for the Nurse Corps of the Army and Navy.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BEGG. Reserving the right to object, it is my understanding that there was an error, or a wide difference of opinion, as to the cost of this measure, and that perhaps we could get more accurate figures in regard to the future if this is passed over.

Mr. BLANTON. Before the gentleman does that, will the gentleman yield?

Mr. BEGG. Yes.

Mr. BLANTON. This is a most important bill, especially to the nurses. The gentleman realizes that this bill ought to pass before Congress adjourns.

Mr. BEGG. Perhaps it will pass.

Mr. BLANTON. Unless it goes over to the Senate now there will not be much prospect of it passing before adjournment.

Mr. BEGG. The gentleman can answer that question as well as I can.

Mr. BLANTON. The gentleman is assisting on the formation of a program.

Mr. BEGG. There is no dispute as to the importance of the bill, and I have no disposition to in any way hinder the passage of the bill.

Mr. BLANTON. Is there any reason why it should not pass now?

Mr. BEGG. I have just explained the reason.

Mr. REECE. If the gentleman will yield, I want to say that the cost of this legislation has been very accurately determined. There was a misunderstanding as to what the cost would be at the end of 10 years, but it has been computed that the cost at the expiration of 10 years is about $79,000 a year.

Mr. BEGG. How much up to that time?

Mr. REECE. The first year it would be only $11,000.

Mr. BEGG. The gentleman should have shown me the figures earlier. I have seen an estimate that the first year would cost from $14,000 to $16,000, and running up to $30,000 or over in 10 years.

Mrs. KAHN. If the gentleman will yield, I have the figures here. The first year the cost would be $8,289; and on the tenth year, providing the whole 56 nurses in both Army and Navy are eligible for retirement, and provided they all live—the tenth year would cost $79,836. The accumulated total for 10 years, providing the 56 nurses lived for 10 years, would be in the neighborhood of $330,000.

Mr. BEGG. Will the lady yield?

Mrs. KAHN. Certainly.

Mr. BEGG. Does not the lady agree with me that perhaps it would be better to bring it up on Calendar Wednesday?

Mrs. KAHN. I am perfectly willing to have it brought up on Calendar Wednesday.

Mr. REECE. It is expected that the Air Service bill might be brought up on that day, which would again postpone this measure.

Mr. BEGG. I do not think there is anything quite so important as this on Calendar Wednesday.

Mr. BLANTON. I understand there will be no Calendar Wednesday.

Mr. HILL of Alabama. It has been agreed to take up the air bill on Calendar Wednesday.

Mr. HILL of Maryland. Mr. Speaker, I hope the gentleman will not object, because the bill will not have a chance to be taken up on Wednesday.

Mr. BLANTON. The gentleman from Ohio will have plenty of time to investigate between now and the time the bill reaches the Senate. Let us pass it now and send it over there.

Mr. BEGG. Mr. Speaker, I have asked unanimous consent that the bill may be passed over without prejudice. I hesitate to object to the consideration of the bill. I insist upon the regular order.

Mr. BLANTON. If the lady from California wants this bill to pass, she better not agree to have this go over.

The SPEAKER. The gentleman from Ohio asks unanimous consent to have the bill passed over without prejudice. Is there objection?

There was no objection.

DIVERSION OF THE WATERS OF THE NORTH PLATTE RIVER

The next business on the Consent Calendar was the bill (H. R. 10356) to provide for the storage for diversion of the

waters of the North Platte River and construction of the Casper-Alcova reclamation project.

The Clerk read the title of the bill.

Mr. WINTER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice and retain its place on the calendar, and at the same time I make the same request in respect to Senate 3553, an identical bill.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that House bill 10356 and an identical Senate bill, 3553, be passed over without prejudice and retain their places on the calendar. Is there objection?

There was no objection.

BIRTHPLACE OF HENRY WADSWORTH LONGFELLOW

The next business on the Consent Calendar was the bill (H. R. 8267) to authorize the coinage of copper 1-cent pieces to aid the preservation of the birthplace of the world's best-loved poet, Henry Wadsworth Longfellow.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, I should like to have some information with respect to the birthplace of Mr. Longfellow. His home in Portland, Me., is adequately provided for, and I have heard some rather disquieting rumors with regard to his birthplace and where this money will be spent and who will get the benefit of it.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

PARK IN HENNESSEY, OKLA.

The next business on the Consent Calendar was the bill (H. R. 9496) authorizing the Secretary of the Interior to convey certain lands reserved for park and other purposes in the town of Hennessey, Okla., to said town of Hennessey, Okla.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to convey by quitclaim deed to the town of Hennessey, Kingfisher County, Okla., two tracts of land; one embracing 2½ acres heretofore reserved for park purposes, said tract being located in the northeast corner of the southeast quarter of the northwest quarter of section 24, township 19 north, range 7, W. I. M., of Shade's addition to said town of Hennessey, Okla., and being known as the south half of block 7 and the north half of block 8 of said Shade's addition; also a tract of land embracing 2½ acres heretofore reserved for park purposes located in the west part of block 35, between Fourth and Fifth Streets, in the northwest quarter of the southwest quarter of section 24, township 19 north, range 7, W. I. M., and in Thompson's addition to said town of Hennessey, Okla.: *Provided*, That the said town of Hennessey shall pay the sum of $10 per acre for such lands herein authorized to be conveyed.

With the following committee amendments:

Page 1, line 4, strike out "quitclaim deed" and insert "patent not containing the reservation required by section 22 of the act of May 2, 1890 (26 Stats. p. 91).

Page 1, line 9, after the word "park," insert "school, and other public."

Page 2, line 1, strike out the word "northeast" and insert the word "northwest."

Page 2, line 7, after the word "park," insert the words "school, and other public."

Page 2, line 9, strike out the word "northwest" and insert "northeast."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill authorizing the Secretary of the Interior to convey certain lands reserved for park and other purposes in the town of Hennessey, Okla., to said town of Hennessey, Okla."

A motion to reconsider the vote by which the bill was passed was laid on the table.

POWER PLANT BUILDING, BUREAU OF STANDARDS

The next business on the Consent Calendar was the bill (H. R. 5358) authorizing the construction by the Secretary of Commerce of a power-plant building on the present site of the Bureau of Standards in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I reserve the right to object.

Mr. BLANTON. I object.

Mr. BLACK of Texas. I object.

Mr. SCHAFER. I reserve the right to object until I find out whether this appropriation squares with the economy program of the administration. Mr. Speaker, I object.

The SPEAKER. Three Members have objected The Clerk will call the next bill.

PURCHASE OF CERTAIN LANDS FOR RENO INDIAN COLONY

The next business on the Consent Calendar was the bill (S. 1989) to authorize the Secretary of the Interior to purchase certain land in Nevada to be added to the present site of the Reno Indian colony, and authorizing the appropriation of funds therefor.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to purchase a certain described tract of land containing approximately 8.42 acres, situated in section 7, township 19 north, range 20 east, Mount Diablo meridian, in Nevada; the proper description and area of said tract to be definitely determined by metes and bounds: *Provided*, That the said land when purchased shall be added to and become a part of the site for the Reno Indian colony heretofore purchased by the Government: *Provided further*, That the sum of $4,300 is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, said appropriation, or so much thereof as may be needed, to be used in purchasing the tract of land hereinbefore described.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WORLD WAR VETERANS' ACT

The next business on the Consent Calendar was the bill (H. R. 10240) to amend the World War veterans' act, 1924.

The Clerk read the title of the bill.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. LaGUARDIA. Mr. Speaker, can the gentleman tell us when we may expect the bill to be considered?

Mr. BLANTON. Mr. Speaker, I object to the request of the gentleman from South Dakota.

Mr. JOHNSON of South Dakota. I think the bill will be considered in about 10 days or two weeks.

Mr. LaGUARDIA. The gentleman knows that in the last hours of Congress we passed this bill, that it went to the Senate, and when it came back the gentleman did not recognize his own child. I think we ought to consider this bill now and pass it and send it to the other end of the Capitol.

Mr. BLANTON. Mr. Speaker, I object to the request of the gentleman from South Dakota that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Texas objects.

Mr. BULWINKLE. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BULWINKLE. Will the gentleman withhold his objection?

Mr. BLANTON. I think we ought to pass this now.

Mr. BULWINKLE. Will the gentleman withhold his objection for just a minute?

Mr. BLANTON. We can discuss this under the bill. Nobody will object to this bill. It is an important bill and ought to be passed. I do not think the gentleman's side is going to object to it.

Mr. BULWINKLE. I think the gentleman will change his mind after he has heard the discussion.

Mr. LaGUARDIA. If we do not pass it now, there is great danger that it will never pass this Congress.

Mr. BLANTON. Certainly it ought to be passed, and it ought to be amended in one very important particular in behalf of the veterans. Mr. Speaker, is the gentleman in favor of shutting this bill off and not passing it?

Mr. BULWINKLE. Will the gentleman let me state what I am in favor of before he demands anything?

Mr. BLANTON. Mr. Speaker, I reserve the right to object just that I may have one minute in which to make a statement. This bill seeks to grant some relief to World War veterans. There is pending now legislation that would grant relief to other veterans afflicted with tuberculosis.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. BLANTON. They ought to have that relief now and not wait until Congress adjourns. I object to the putting off of this bill.

The SPEAKER. Objection is heard. Is there objection to the consideration of the bill?

Mr. TILSON. Mr. Speaker, this is too important a bill to come up to-day, and I hope the gentleman will wait until another consent day, and therefore I will have to object to its consideration to-day.

Mr. BULWINKLE. If the gentleman will withhold his objection, can the gentleman tell us when we will take up this bill?

Mr. TILSON. No; I can not.

Mr. BULWINKLE. I want to say to the gentleman that the chairman of the committee, from instructions somewhere, came before the committee last Friday, and we amended many of the features of this bill with the understanding that the new bill would be up on the floor of the House to-day.

Mr. TILSON. But it is not up on the floor to-day.

Mr. BULWINKLE. That is what I wanted to find out—why it is not up.

Mr. JOHNSON of South Dakota. Mr. Speaker, I know the bill (H. R. 10240) in its amended form, containing provision for training; containing very vital insurance provisions and many others, will be passed by this House within a short time. There is no fight on it in the Senate. The tubercular provision to which the gentleman has referred will be taken care of by the order of the Veterans' Bureau through the rating table with a 25 per cent minimum or $25 a month to arrested tubercular cases and the rating increasing dependent upon the degree of disability of the person afflicted. I would not ask bill 10240 be passed to-day if I did not feel absolutely certain that this legislation introduced in a new form would pass the House and Senate, be enacted into law, and signed by the President before this Congress adjourns.

Mr. BULWINKLE. Could not the gentleman agree, then, we take up this new bill to-day by substituting it for this other bill, striking out all after the enacting clause?

Mr. JOHNSON of South Dakota. The chairman can not make such an agreement, because the bill is not ready to be introduced in its new form to the House, but will have to come before the Veterans' Committee for action.

Mr. SCHAFER. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. SCHAFER. How much will the new bill cost approximately in comparison with the bill which is now on the calendar?

Mr. JOHNSON of South Dakota. It will cost about $10,000,000. To it would necessarily be added the amount that will be necessary to take care of the tubercular cases.

Mr. SCHAFER. In reference to the regulations made in reference to the rating schedules to take care of the tubercular cases, has it definitely been assured that the regulations will be amended? I ask the question for this reason: The regulations made by the Veterans' Bureau made the effective date of these rating schedules January 1, 1926. The language of the law of June 7, 1924, clearly provides for the effective date to be the date of the act, June 7, 1924. In fact, interpretatfons of other sections make the same determination as to the effective date.

Mr. JOHNSON of South Dakota. The gentleman states the law correctly.

Mr. BROWNING. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. BROWNING. The chairman stated this would cost $10,000,000. Does he mean the House to understand that it would be $10,000,000 increase over the present expenditures of the bill for the last year for the Veterans' Bureau?

Mr. JOHNSON of South Dakota. It would mean that under the statutes the cost would be about $10,000,000.

Mr. BROWNING. But it would be some $28,000,000 or $30,000,000 less if the bill passes.

Mr. JOHNSON of South Dakota. That might be true, there being such drastic reduction in the personnel of the Veterans' Bureau.

Mr. BROWNING. But also in the vocational training, which cost $38,000,000 last year, but would cost only $4,000,000 this year.

Mr. JOHNSON of South Dakota. The cost of vocational training would be a little less than it was last year.

Mr. BROWNING. It would be the difference between $38,000,000 and $4,000,000.

Mr. JOHNSON of South Dakota. It would be less.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. BLANTON. There are several hundred tubercular veterans now who are denied relief because it is claimed that their affliction was not of service origin and did not come within the time limit. Does the legislation that the gentleman proposes to bring in and pass carry an extension of time in which it would be considered to be of service origin?

Mr. JOHNSON of South Dakota. No; it does not.

Mr. BLANTON. We ought to take care of these veterans who are afflicted with tuberculosis, regardless of the time when it had developed.

Mr. LAGUARDIA. Especially when they are gassed.

Mr. BLANTON. Yes; especially when they are gassed and it developed later.

Mr. JEFFERS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. JEFFERS. The gentleman stated that this revamped bill, which he calls a new bill, will be brought up for action in the House in a very short time. In what way will that be brought up?

Mr. JOHNSON of South Dakota. It will be brought up in a way to which the chairman of the committee does not agree, to wit, by suspension of the rules. The chairman of the committee is going to bring it up in the way he can get it up.

Mr. JEFFERS. Does the gentleman recall that members of the committee, including the chairman, last year and the year before that assured the House that he would get this bill up here and let the House have a shot at it, not under suspension of the rules? I hope the leaders of the House will arrange some way to get this bill up in a regular way, and not under suspension of the rules. We have emasculated it repeatedly and emasculated it down to the last point, and I think it will be a shame if it is brought up here again under suspension of the rules.

Mr. JOHNSON of South Dakota. I want to say to the gentleman from Alabama that I know he and the chairman are in absolute accord on that point. But it is necessary to get what legislation we can for the veterans, and the chairman thinks it is his duty to do it.

Mr. BULWINKLE. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Certainly.

Mr. BULWINKLE. Is it not true that at least one major operation has been performed on this bill?

Mr. JOHNSON of South Dakota. It is true that one major operation has been performed on this bill. It would take care of training, insurance, and of tuberculars.

Mr. BULWINKLE. Oh, no; it does not take care of the tuberculars.

Mr. JOHNSON of South Dakota. That would be done by the rating table. It does not go as far as I would have it go.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, who was it who said he would object?

Mr. TILSON. I said I would object unless it was allowed to go over without prejudice.

Mr. BLANTON. You did object?

Mr. TILSON. I objected to its going through by unanimous consent.

The SPEAKER. The Clerk will report the next bill.

GRAND CANYON NATIONAL PARK

The next business on the Consent Calendar was the bill (S. 3595) to authorize the exchange of certain patented lands in the Grand Canyon National Park for certain Government lands in said park.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the owner of the land described as the northeast quarter of the northwest quarter of section 17, township 30 north, range 4 east, Gila and Salt River meridian, Arizona, containing 40 acres, more or less, and that portion of lot No. 2 of section 17, township 30 north, range 4 east, Gila and Salt River meridian, Arizona, lying west of the east line of a right of way of a proposed road, described as follows: Beginning at a point on the south line of said section 17, 800 feet west of the quarter section corner of said section 17; thence north 24 degrees 45 minutes west, 500 feet; thence north 14 degrees 45 minutes west, 500 feet; thence north 13 degrees 5 minutes west, 831 feet to the intersection of the west line of the northeast quarter of the southwest quarter of said section 17; thence south 1,748 feet

on the east line of the west half of the southwest quarter of said section 17 to the south line of said section 17; thence east along said south line 523.5 feet to the point of beginning, containing 8.9 acres, more or less, all within the Grand Canyon National Park, is hereby permitted and authorized to convey the fee simpe title to said land to the United States of America, and select in lieu of said land above described the Government land within the area described as follows: Beginning at a point on the south line of section 17, township 30 north, range 4 east, Gila and Salt River meridian, Arizona, approximately 870 feet east of the south quarter section corner of said section 17, which point is south of a point just east of the east bank of a draw on the south rim of the Grand Canyon; thence north approximately 550 feet to said point on the south rim of the Grand Canyon; thence northwesterly along the south rim of the Grand Canyon approximately 4,810 feet to its intersection with the east line of the southeast quarter of the northwest quarter of said section 17; thence south on the north and south center line of said section 17 approximately 3,775 feet to the south line of said section 17; thence east along said south line of said section 17 approximately 870 feet to the point of beginning, containing 25.8 acres, more or less, and the Secretary of the Interior is hereby authorized, empowered, and directed to accept a duly executed grant deed from said owner conveying said owner's land above described to the United States of America, and upon acceptance of such grant deed to cause to be issued and delivered to said owner a patent conveying absolutely to said owner the Government land above described: *Provided, however,* That the lands so conveyed by said owner shall become and be a part of the Grand Canyon National Park and be subject to all laws and regulations relating to said park.

SEC. 2. Upon the completion of the exchange authorized by the preceding section hereof there shall be, and is hereby, relinquished and quitclaimed to said owner any right, title, and interest that the United States of America may have in and to the now existing road over other land of said owner in the Grand Canyon National Park, the center line of said road being described as follows: Beginning at a point approximately at the south quarter section corner of section 17, township 30 north, range 4 east, Gila and Salt River meridian, Arizona, thence north 10 degrees 11 minutes west, 500 feet; thence north 36 degrees 6 minutes west, 145 feet; thence north 42 degrees 16 minutes west, 1,700 feet to the east line of the west half of the west half of said section 17.

Mr. SCHAFER. Mr. Speaker, I move to strike out the last word, and ask unanimous consent to speak out of order for five minutes.

The SPEAKER pro tempore (Mr. SNELL). The gentleman from Wisconsin asks unanimous consent to speak out of order for five minutes. Is there objection?

Mr. TILSON. What is so important that you must interrupt the consideration of the Unanimous Consent Calendar to speak out of order?

Mr. SCHAFER. Something so important that it affects 4,000,000 veterans of the World War. I think this is the proper time to give consideration to that matter.

Mr. TILSON. This is not the proper time, and I object.

Mr. SCHAFER. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of no quorum. The Chair will count.

Mr. SCHAFER. I will withdraw that point of order, Mr. Speaker.

The SPEAKER pro tempore. A quorum is present. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will call the next bill.

BATTLE FIELD OF STONES RIVER, TENN.

The next business on the Consent Calendar was the bill (H. R. 6246) to establish a national military park at the battle field of Stones River, Tenn.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BEGG. I object.

The SPEAKER pro tempore. The gentleman from Ohio objects.

Mr. DAVIS. Mr. Speaker, will the gentleman from Ohio reserve his objection? I would like to make a statement.

Mr. BEGG. Briefly. I reserve it, Mr. Speaker.

Mr. DAVIS. Mr. Speaker and gentlemen, this is a very important bill and one of widespread national interest. The battle of Stones River, or Murfreesboro, was one of the most important battles of the Civil War, and that battle field is the most important one which has not yet been made into a national park or monument. The campaign in that immediate vicinity continued for 10 days, and the battle proper lasted for 4 days, during which there were 80,000 men engaged. There were 16,000 casualties, including several hundred commissioned officers killed and several hundred more wounded.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. DAVIS. I yield.

Mr. BEGG. Who has recommended this officially? Does the Government Park Service recommend this?

Mr. DAVIS. Well, I will say to the gentleman from Ohio that it did not go to that service, but a much more comprehensive bill than this one, providing for the acquirement of the entire 3,100 acres in the battle field, was favorably reported by a previous Military Affairs Committee of the House, and at the time it was pending I am informed it was approved by the War Department; it was unanimously indorsed by the Grand Army of the Republic in national convention at Buffalo, and by the United Confederate Veterans in national convention at Richmond, and there are on file with the committee petitions urging the passage of the bill from 100 Grand Army of the Republic camps in 14 States and 62 United Confederate Veterans camps in 15 States. While it is true that this time the War Department did not approve the bill because the Budget Director withheld his approval, yet I want to call attention to what the Secretary of War does say with respect to this proposal. In the first place, in a letter to the chairman of the Committee on Military Affairs he explains that about a year ago the Secretary of War, upon the suggestion of the Military Affairs Committee of the Senate, appointed a committee of the historical division of the War College to make a thorough investigation of all these matters. They made a comprehensive and exhaustive investigation and they classified all of the battles of the different wars in the order of their historic and military importance. They placed three battles in class I—to wit, the Battle of Gettysburg, the Battle of Shiloh, and the Battles of Chickamaugua and Chattanooga combined as one battle—and those battle fields have long since been made into national military parks comprehensive enough to include all of the acreage embraced in those battles.

Then they placed in class IIa the Battle of Murfreesboro, and the Quartermaster General, who has charge of those matters in the War Department, told me he considered that the Battle of Murfreesboro at Stones River stood at the top of class IIa. Now, two other battles in class IIa, Guilford Courthouse and Vicksburg, have already been made into great national military parks. The Battle of Murfreesboro, according to the classification of the War Department, is in line for treatment of this kind. In this letter of the Secretary of War, class IIa is described as follows:

> Battles of such great military and historic interest as to warrant locating and indicating the battle lines of the forces engaged by a series of markers or tablets, but not necessarily by memorial monuments.

Then the Secretary of War makes this further statement, after describing the classifications and policy of the War Department and the fact that the Budget Director withheld his approval from the standpoint of economy:

> On the other hand, the logical recommendation of the War Department under its approved policy would be, if not in conflict with the President's financial program, to have a commission survey and study the battle field of Stones River with a view of preserving the lines of the engaged forces by a series of markers or tablets which, together with the existing Stones River National Cemetery and the Hazen Monument Reservations, might be maintained in perpetuity by the Federal Government.

In that connection I want to state, gentlemen, that there are nearly 8,000 Union soldiers buried on that battle field. That has been made into a national cemetery; a substantial stone fence incloses the cemetery, which contains 20 acres, and there are markers for all those who are buried there, and there is a superintendent living on the ground in a handsome stone residence. My bill provides that this superintendent shall also have supervision over this proposed military park.

Mr. REECE. Will the gentleman yield?

Mr. DAVIS. Yes.

Mr. REECE. As a matter of fact, since the superintendent is there on the ground now to care for the cemetery the additional cost of maintaining this park would be very small?

Mr. DAVIS. Yes; the gentleman is correct. The superintendent of the cemetery is there, under the supervision of the War Department, on a salary, and this bill provides for no annual expense of maintenance but simply provides that he shall likewise be superintendent of the park. Then the idea is that the War Department could designate some guides, such

as you have at Gettysburg, who could show visitors over the battle field and charge them a nominal fee, which would come out of the visitors and not out of the Government.

Now, another feature about it is this: There pass directly through the center of this battle field three great national highways, the Dixie Highway, which starts in Michigan, goes down through Chicago, through Nashville, through this battle field, through Murfreesboro, and on to Florida; then the Jackson Highway, which starts in Michigan, goes to Cleveland, Ohio, through Ohio and Kentucky, through Nashville, through this battle field, through Murfreesboro, and by way of Muscle Shoals to New Orleans; then there is the Memphis-Bristol Highway, which goes from the eastern end to the western end of Tennessee and which joins at Memphis and Knoxville with the Lee Highway, which is a great national highway extending from the East to the Pacific coast. Fortunately, these three highways coincide between Nashville and Murfreesboro and go directly through this battle field. There are hundreds of tourists and others who pass over them in cars every day, so that it would undoubtedly be one of the most accessible and one of the most visited battle fields in the entire country.

Most of the soldiers engaged on the Union side were from the Middle West. There were soldiers engaged in this battle from a majority of the States of the Union, including a large number from Illinois, Indiana, Ohio, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Missouri, Kentucky, and so forth.

One thing that has aroused recent interest is that people from these sections passing over the highway going south have repeatedly stopped in large numbers in Murfreesboro, explained that they had a father or a grandfather or an uncle in this battle, and have asked for some one who could show them over the battle field. There is nobody who can do it, and most of it is now in farm lands. This is another reason why it ought to be preserved now. There are numerous trenches and gun pits and breastworks of various kinds comprising natural monuments, but many of them are in farm fields and are gradually being defaced by cultivation. They ought to be preserved not only from the standpoint of sentiment, but from the standpoint of military and historic interest, and, as I have shown, the War Department would be for favorable treatment but for the fact they can not approve it without the approval of the Budget Director. However, that is a matter for the Congress to determine.

It is not a large appropriation. It is a matter of tremendous importance, and it is of such great importance that the Committee on Military Affairs of the House in two different Congresses has recommended it, and I would be pleased if all of you would take the time to read the report of this committee.

I sincerely hope the gentleman from Ohio [Mr. BEGG], by reason of the widespread and well-justified interest in this project and by reason of the fact that there were several regiments from his own State that participated in this battle and by reason of the fact that some of the soldiers from his State, as well as from the States of most of the gentlemen here, are buried in the cemetery on that battle field, will agree with me that this battle ought to be commemorated in the proper way.

Mr. REECE. Will the gentleman yield?

Mr. DAVIS. I yield to the gentleman with pleasure.

Mr. REECE. If it had not been for the victory at Stones River, the Battle of Chattanooga and the Battle of Chickamaugua would never have occurred.

Mr. DAVIS. That is true.

Mr. REECE. That is, if the Union forces had not won the victory at Stones River, in all probability those two battles would never have occurred.

Mr. DAVIS. The gentleman is correct. It was a very important battle for the reason it was a decisive battle.

Mr. REECE. And I may say here that the uncle of the gentleman on my left, Mr. MCLAUGHLIN of Michigan, has a photograph on which is inscribed—

Saved the left flank at Stones River.

Mr. DAVIS. I would like to direct your attention to a few words that were embraced in an article that appeared in the National Tribune and the Stars and Stripes, published in Washington, which is an organ of the Veterans of All Wars, and consequently could not be partial to this particular war or this particular battle. This article, which appeared last year, is a very vivid and correct description of the battle. Now, listen to what they say about the importance of it:

The Battle of Stones River was one of the bloodiest battles of the war. It was one of the greatest expositions of American manhood, courage, valor, and patriotism. If it should stand alone, it would eclipse thousands of battles in Europe which have changed history and made and unmade nations. It was more desperately contested than Waterloo or any of the battles in the Crimea of which oppressed Europe rang. It was not exceeded in valor and fortitude by any battle of the Great War.

Toward the last of December, 1862, Rosecrans started out with any army of 42,000 of the choicest young men in the West. He was to go to Murfreesboro, attack, and, if possible, destroy an army of almost exactly equal numbers, commanded by General Bragg. There is no criticism nor commendation too high for the management of the men previous to the battle. Rosecrans had an army of splendid material, and he organized it for the contest with high skill. He had men who were willing to fight and who were anxious to do all they could for the preservation of the Union. They had no other thought * * *.

The two armies met on the last days of December in the gloomy cedar thickets around Murfreesboro. There ensued a sanguinary contest between the manhood of the North and the manhood of the South. Everything that man could do was done by both sides. Early on the morning of December 29, when Rosecrans was preparing to strike a savage blow at Bragg's army, Bragg anticipated him by turning, at frightful cost of life, Rosecrans's right flank. The history of the fighting in the cedars equals, if it does not surpass, anything in history. For four days the struggle went on. The cedars were whipped into mangled brushwood by the terrible storms of bullets which Confederates and Union men poured into one another. The carnage was simply something beyond any precedent in the history of war. Rosecrans's right flank was driven back until he was in great danger of being cut off from his line of retreat at Nashville.

Every step of 3 miles of the battle ground was marked by the corpses of the slain and broken arms and equipment and the blood-stained clothing of those who had fallen. For two days the stubborn Army of the Cumberland, which never knew defeat, began to recover itself and repair the losses which it had endured. On that and the next day it began to recover ground, to repulse with great slaughter the attacks of the Confederates upon them, and finally to turn Bragg's right flank, after tearing it to pieces with 58 massed cannon. The next day General Bragg decided to retreat.

I wish to thank the gentleman from Ohio [Mr. BEGG] for reserving his point of order, and I hope that after the explanation I have made of these very salient facts he may see proper to withdraw his point.

Mr. BEGG. I will say that the gentleman has made a very fine explanation, and if there was anything in persuasion, he would certainly have persuaded me, but there are other things connected with this matter, and while I hate to do it, it must be passed over. Anything that requires $100,000 as an initial proposition ought to have some discussion.

Mr. DAVIS. Will the gentleman withhold his point and let me prefer a unanimous-consent request?

Mr. BEGG. Yes; I would be delighted if the gentleman would.

Mr. DAVIS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

BRIDGE ACROSS THE DETROIT RIVER

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of a concurrent resolution, which I send to the desk.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 24

Resolved by the House of Representatives (the Senate concurring), That the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8771) to extend the time for commencing and completing the construction of a bridge across the Detroit River within or near the city limits of Detroit, Mich., be recommitted to the committee of conference.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The resolution was agreed to.

BRIDGE ACROSS THE OHIO RIVER BETWEEN VANDERBURG COUNTY, IND., AND HENDERSON COUNTY, KY.

The next business on the Consent Calendar was the bill (H. R. 10352) to extend the time for constructing a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge authorized by the act of Congress approved June 7, 1924, to be built by the Commonwealth of Kentucky and the State of Indiana across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky., are hereby extended one year and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

That the times for commencing and completing the construction of a bridge authorized by act of Congress approved June 7, 1924, to be built by the Commonwealth of Kentucky and the State of Indiana across the Ohio River from a point in Vanderburg County, Ind., to a point in Henderson County, Ky., which have heretofore been extended by act of Congress approved March 3, 1925, are hereby further extended one and three years, respectively, from the date of approval hereof, and subject to the conditions and limitations contained in this act. The construction of such bridge shall not be commenced, nor shall any alteration in such bridge be made either before or after its completion, until plans and specifications for such construction or alteration have been submitted to the Secretary of War and the Chief of Engineers and approved by them as being adequate from the standpoint of the volume and weight of traffic which will pass over it.

SEC. 2. The said States of Indiana and Kentucky are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WORLD WAR VETERANS' ACT OF 1924

The next business on the Consent Calendar was the bill (H. R. 10772) to amend the World War veterans' act of 1924.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mrs. ROGERS. Mr. Speaker, I ask unanimous consent to address the House for three minutes on this bill.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the lady have five minutes, under the circumstances.

The SPEAKER pro tempore. The lady is recognized.

Mrs. ROGERS. Mr. Speaker and Members of the House, I earnestly hope that this legislation comprised in my own bill H. R. 10772, and in the Johnson bill will be passed. I know that Members of the House do not realize the number of our veterans who have not as yet been given justice. The Government wants to take care of our men, but in many circumstances has failed by reason of laws passed by Congress and by regulations of the Veterans' Bureau. Death will take its toll of service men and women if we do not pass legislation for their benefit. [Applause.] Death waits for no man or no woman. It does not even wait for Congress.

I can not believe for one minute that this Congress that has been so generous to the taxpayers will be ungenerous to our disabled service men and women.

Congress sent our men to fight nine years ago, and I think a good many of the men are still here who voted to send our boys to France. They knew when they voted to send them there that many would never return, and that many would come back to live a life far worse than death; live in pain and sickness and horrible mutilations. If this bill is not passed, many men will die. Our sick veterans can not afford to be sick, can not afford to be taken care of in our hospitals if they have not the money to care for their families while they are ill. H. R. 10772 will do justice to some of the men who have chronic diseases that the doctors feel should be given service connection, but who have not been able to secure affidavits to that effect.

Mr. BLANTON. Will the lady yield?

Mrs. ROGERS. Certainly.

Mr. BLANTON. I do not know of a single Democrat in the House of Representatives who is against this bill. Let us take it up and pass it. It is a good bill. It is needed by the disabled veterans. Does the lady know why it should not be passed?

Mrs. ROGERS. I do not.

Mr. BLANTON. I do not see why it should not be passed.

Mrs. ROGERS. I do not believe it will cost $500,000 a year. I do not see why anyone should object to giving service connection even when there is not absolute proof. We all know that, in many instances, when a doctor does not know what is the matter with a man he is apt to say that he is a constitutional psycopath—and therefore can not be given compensation. This bill will just give our disabled men and women their chance to regain their health; some cases will be cured, which will mean economy of money as well as economy of life.

Mr. LAGUARDIA. Will the lady yield?

Mrs. ROGERS. Certainly.

Mr. LAGUARDIA. These boys were sound when they were taken into the Army, and they went through all the hardships of war; and now, when they have tuberculosis or other diseases, is it not a fair presumption that the result of the disability is connected with service, although there may not be medical proof of it?

Mrs. ROGERS. I think that should be the presumption. I know how prevalent the flu was in camp as well as in hospitals. I nursed in a hospital myself, and I know of the men dying there seven and nine a day or a night, and I know that men have disabilities now as a result of that flu. I know how difficult it was in hospitals even in this country—the work was so great—to keep a record of every case. Many of the records in France were lost. Does it not seem outrageous that there is a limit of time to the filing of claims of these veterans? There is no limit in the Pension Bureau. Why should we not pass a law removing the time limit for filing claims? Congress passed a law last year preventing men from filing their claims for disabilities after January of this year. The Johnson bill should pass for this reason, if for no other.

Before I close I want to tell you one reason why I think the pending legislation for our disabled men should be passed. We promised to train them. Many of them have not completed their training or will not have completed their training by June of this year. Is it fair to take these men out of training, take away from them a chance to receive their degree in colleges and schools? It will be hard for them to obtain employment without these degrees.

To illustrate what I mean, I will tell you the story of Carl Bronner, a boy who not only gave both of his eyes for us, but who gave both of his hands for us. His eyes are gone; he is blind and handless; and he will graduate in June—if he is well—this month from the Maryland Law School. When he started his law course he had only an eighth-grade education. His average mark has been 92 in his studies. It was not enough for this boy to lose both eyes and both hands, but last year for three months he had sleeping sickness. Can you not see the justice of extending the training for these men who have done what seems to me almost an impossible thing in securing and nearly completing their training? I beg of you not to harden your hearts to these men and women. We have not taken all of the care of our service women that we ought to. Just give them their chance. You would if you had seen them as I have seen them for the last nine years, and, God willing, I am going to work for them for the rest of my life. [Applause.]

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, to make a statement. I appreciate——

Mr. BLANTON. Mr. Speaker, I demand the regular order.

Mr. BEGG. Mr. Speaker, if the gentleman from Texas is so ungentlemanly as to do that, he may go ahead and do it.

Mr. BLANTON. The gentleman from Ohio knows that he is unparliamentary when he says that.

Mr. BEGG. Can not anybody make a statement in this House without the gentleman from Texas butting in? He could not even keep still and let the lady from Massachusetts [Mrs. ROGERS] make a statement, and I think it is about time for somebody in the House to say something about the gentleman from Texas butting in.

Mr. BLANTON. Mr. Speaker, I am going to demand the regular order.

Mr. BEGG. Mr. Speaker, I ask unanimous consent that I may be permitted to speak for two minutes.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Reserving the right to object——

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Texas objects. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I object.

DIVERSION OF THE WATERS OF THE NORTH PLATTE RIVER

The next business on the Consent Calendar was the bill (S. 3553) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project.

The Clerk read the title of the bill.

The SPEAKER pro tempore. That bill has already been passed over without prejudice.

GENERAL LAND OFFICE RECORDS

The next business on the Consent Calendar was the bill (H. R. 10859) to provide for the transfer of certain records of the General Land Office to States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, I started to say a moment ago in respect to the objection I made regarding the bill of the lady from Massachusetts [Mrs. ROGERS]——

Mr. BLANTON. Mr. Speaker, I demand the regular order.

Mr. BEGG. That the Veterans' Committee is now considering relief legislation for the veterans, and I believe it is a mistake to undertake to legislate piecemeal.

Mr. BLANTON. Mr. Speaker, I demand the regular order.

Mr. TREADWAY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The regular order is, Is there objection to the present consideration of this bill?

Mr. TREADWAY. Mr. Speaker, a parliamentary inquiry.

Mr. BEGG. Mr. Speaker, I want to know what bill it is.

Mr. TREADWAY. Mr. Speaker, the gentleman from Ohio [Mr. BEGG] had the floor and my inquiry is whether the gentleman from Texas [Mr. BLANTON] can take him off the floor by a demand in his time for the regular order. Let us know where we stand with the gentleman from Texas.

The SPEAKER pro tempore. The Chair understands that that is permissible. In the opinion of the Chair a Member has the right to demand the regular order. The regular order in this instance is, Is there objection to the present consideration of the bill?

Mr. BEGG. I have no objection to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever the last United States land office in any State has been or hereafter may be abolished the Secretary of the Interior be, and he is hereby, authorized to transfer to the State within which such United States land office was or is situated such transcripts, documents, and records of the office aforesaid as may not be required for use of the United States and which the State may desire to preserve.

SEC. 2. That when the public surveys in any State have been so far completed that in the opinion of the Secretary of the Interior it is no longer necessary to maintain a public survey office in said State, he may turn over to the State the field notes, maps, plats, records, and all other papers appertaining to land titles in such public survey office that may not be needed by the United States and which the State may elect to receive.

SEC. 3. The transcripts, documents, records, field notes, maps, plats, and other papers mentioned in sections 1 and 2 of this act shall in no case be turned over to the authorities in any State until such State has provided by law for the reception and safekeeping of same as public records, and for the allowance of free access to the same by the authorities of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PREVENTION OF FRAUD, ETC., BEFORE UNITED STATES PATENT OFFICE

The next business on the Consent Calendar was the bill (H. R. 10735) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

Mr. VESTAL. Mr. Speaker, I hope the gentleman will withhold his objection for a moment.

Mr. BLANTON. Mr. Speaker, the gentleman from Indiana, the whip of the House, asks me to reserve the objection. I do reserve my objection.

Mr. VESTAL. Mr. Speaker, if the gentleman expects to object, I do not want to take up any time.

Mr. BLANTON. I expect to object, and I do object.

FIXING TOTAL INDEBTEDNESS OF SUBDIVISIONS OF HAWAII

The next business on the Consent Calendar was the bill (H. R. 6535) to amend so much of section 55 of the Hawaiian organic act as amended by the Hawaiian homes commission act, approved July 9, 1921.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That so much of section 55 of the Hawaiian organic act, as amended by the Hawaiian homes commission act, approved July 9, 1921, which reads: "and the total indebtedness of any such subdivision shall not at any time be extended beyond 3 per cent of such assessed value of property in the subdivision," be amended to read as follows: "and the total indebtedness of any such subdivision shall not at any time be extended beyond 5 per cent of such assessed value of property in the subdivision."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL MILITARY PARK AT AND NEAR FREDERICKSBURG, VA.

The next business on the Consent Calendar was the bill (H. R. 9045) to establish a national military park at and near Fredericksburg, Va.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLAND. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none.

ADDITION TO ABSAROKEE AND GALLATIN NATIONAL FORESTS AND YELLOWSTONE NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 10733) to made additions to the Absarokee and Gallatin National Forests and the Yellowstone National Park and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That as a means of providing within township 8 south, ranges 7 and 8 east, and township 9 south, ranges 7, 8, and 9 east, Montana principal meridian, the winter range and winter feed facilities indispensable for the adequate and proper protection, preservation, and propagation of the elk, antelope, and other game animals of the Yellowstone National Park and adjacent lands, the Secretary of the Interior, in his discretion, and subject to the limitation hereinafter prescribed, may, and is hereby, authorized to perform the following acts:

(a) Accept and deposit in a special fund in the Treasury, and expend for the acquisition of land as herein authorized, private funds donated for such purpose.

(b) Acquire by purchase, or by acceptance of donations or bequests, such lands in private or State ownership within the townships above described as he may deem necessary to carry out the purpose of this act: *Provided*, That all lands acquired hereunder by purchase, donation, bequest, or exchange shall not be subject to location and entry under the mining laws of the United States, nor shall the act of June 11, 1906, authorizing homestead entries in national forests, be applicable to the lands thus acquired.

(c) Accept in behalf of the United States title to any lands held in private or State ownership within the townships above described and in exchange therefor to patent to the person or State conveying such lands not to exceed an equal value of unappropriated unreserved public land in the State of Montana, surveyed and nonmineral in character.

SEC. 2. That the Secretary of the Interior be, and is hereby, authorized in his discretion to accept, on behalf of the United States, title to any lands held in private or State ownership within the townships herein above described, and in exchange therefor may patent not to exceed an equal value of national forest land in the State of Montana, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove not to exceed an equal value of timber within the national forests of said State, the values in each case to be determined by the Secretary of the Interior and the Secretary of Agriculture jointly: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week

for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in exchange shall be cut and removed from national forests under the laws and regulations relating to the national forests and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.

SEC. 3. That reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the lands conveyed, may be made by the owner or owners thereof in lands conveyed to the United States under the provisions of this act. Where such reservations are made the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of the Interior or the Secretary of Agriculture, whichever may be responsible for the handling and use of the land as provided in this act: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of land conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

SEC. 4. That, subject to all valid existing claims and entries under the land laws of the United States, all unreserved and unappropriated public lands of the United States situated east of the Yellowstone River, in townships 8 and 9 south, ranges 7, 8, and 9 east, Montana principal meridian, State of Montana, are hereby added to and made parts of the Absarokee National Forest, subject to all laws and regulations relating to the national forests, and the east bank of the Yellowstone River is hereby established as the western boundary of said Absarokee National Forest in the townships above described.

SEC. 5. That, subject to all valid existing claims and entries under the land laws of the United States, all unreserved and unappropriated public lands of the United States situated west of the Yellowstone River, in townships 8 and 9 south, ranges 7 and 8 east, Montana principal meridian, State of Montana, are hereby added to and made parts of the Gallatin National Forest, subject to all laws and regulations relating to the national forests, and the east bank of the Yellowstone River is hereby established as the eastern boundary of said Gallatin National Forest in the townships above described.

SEC. 6. That the President of the United States is hereby authorized, in his discretion, to add by Executive proclamation to Yellowstone National Park any or all of the lands within a certain territory or tract in township 9 south, ranges 7 and 8 east, Montana principal meridian, to wit: Beginning at a point on the north line of said Yellowstone National Park where said line crosses the divide between Reese Creek and Mol Heron Creek, thence northeasterly along said divide to the junction of said divide with the branch divide north and west of Reese Creek; thence along said branch divide in a northeasterly and easterly direction around the drainage of Reese Creek to the Yellowstone River; thence southerly and southeasterly along the west bank of the Yellowstone River to the line marking the western limits of the town of Gardiner, Mont.; thence south on said town-limits line to the northern boundary of Yellowstone National Park; thence west along the north boundary of Yellowstone National Park to the point of beginning, which are unreserved and unappropriated lands of the United States or which may be acquired by the United States under the provisions of this act, within the territory described in this section, subject, however, to all valid existing claims and to reservations such as are authorized by section 3 of this act; but, with the exception of valid existing claims, no land so added to Yellowstone National Park shall be subject to entry under the mining laws of the United States: *Provided*, That the Secretary of the Interior for such lands as are added to Yellowstone National Park may provide by rules and regulations for the management and use of the added lands as may in his discretion be necessary to accomplish the purposes of this act.

SEC. 7. That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $150,000: *Provided*, That the total expenditures from the appropriations hereby authorized to carry out the purposes of this act shall not exceed the combined total of the sums contributed by private or other agencies under the provisions of clause (a) of section 1 and the appraised values of lands donated or bequeathed under the provisions of clause (b) of section 1 of this act.

The committee amendments were read as follows:

Page 2, beginning in line 11, after the word "act," strike out the colon and all the remainder of lines 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23.

Page 4, line 17, after the word "Montana," insert "and any land acquired under the provisions of this act."

Page 4, line 19, strike out "Absarokee," insert "Absaroka."

Page 4, line 22, strike out "Absarokee" and insert "Absaroka."

Page 5, line 4, after the word "Montana," insert "and any land acquired under the provisions of this act."

Page 6, line 4, after the word "are," strike out "unreserved and."

Page 4, line 16, after the word "act," insert "*And provided further*, That the lands of the United States within the area described in section 1 of this act shall not be subject to location and entry under the mining laws of the United States nor the act of June 11, 1906, authorizing homestead entries in national forests."

Page 6, line 22, strike out section 7.

Amend the title.

The committee amendments were agreed to.

Mr. LEAVITT. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 6, line 17, after the words "United States," insert "acquired by donation or purchase."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Amend the title so as to read: "A bill to make additions to the Absaroka and Gallatin National Forests, and the Yellowstone National Park, and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes."

A motion to reconsider the vote by which the bill was passed was laid on the table.

ASSISTANTS TO THE SECRETARY OF LABOR

The next business on the Consent Calendar was the bill (S. 3662) creating the offices of assistants to the Secretary of Labor.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BOX. Mr. Speaker, I object.

Mr. JOHNSON of Washington. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. JOHNSON of Washington. I ask the gentleman if he will withhold that objection and reserve it for a minute. Is that Calendar No. 371?

Mr. BOX. Yes.

The SPEAKER pro tempore. Does the gentleman withhold?

Mr. BOX. The only point about it is if I withhold for the gentleman to present an argument in favor of the bill, then I would have to withhold for some one against the bill, and it is not fair for the Consent Calendar.

Mr. JOHNSON of Washington. Just for three minutes.

Mr. BOX. I can not do that unless it can be open to general discussion.

The SPEAKER pro tempore. Objection is made.

Mr. JOHNSON of Washington. I ask unanimous consent that the bill retain its place on the calendar.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. BOX. I object.

The SPEAKER pro tempore. Objection is heard.

RELIEF OF MILITARY PERSONS IN MILITARY SERVICE DURING WAR EMERGENCY, ETC.

The next business on the Consent Calendar was the bill (H. R. 4001) to relieve persons in the military and naval services of the United States during the war emergency period from claims for overpayment at that time not involving fraud.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, who is the author of the bill?

Mr. ANDREW. I am.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, does this relieve the bondsmen of these people?

Mr. ANDREW. Not at all. This bill, I will say, has been on the calendar for a couple of years, but has been held up by one accident and another. It has the indorsement of the War Department, the Navy Department, the Veterans' Bureau, and the Budget Bureau. The Comptroller General in going over the accounts of the veterans is continually discovering overpayments received at that time in perfectly good faith and has attempted to check up these veterans eight years after the war and make returns to the Treasury what they received at that time. He tries to do it in four or five different ways. Sometimes he institutes suits against these men in court if they have returned to civil life. If they are still in the Army

or Navy he asks the War and Navy Departments to hold up their current pay. At other times he has instructed the Veterans' Bureau to withhold the compensation to which they are entitled for wounds and disabilities. Sometimes he asks the Veterans' Bureau to check against their adjustment compensation. When he does that it is a check against the adjusted-service credit, and it really reduces the insurance of these veterans two and one-half times as much.

Mr. BLANTON. Does this attempt to relieve any officer of shortage in accounts?

Mr. ANDREW. Not at all.

Mr. BLANTON. It is only the service men?

Mr. ANDREW. Yes; only during the war period, and only overpayments for pay and allowances received in good faith and without fraud.

Mr. BLANTON. And it will not set aside any shortage of any officer in his accounts?

Mr. ANDREW. No.

Mr. LaGUARDIA. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all payments of pay or allowances to persons in the military and naval services of the United States received in good faith and without fraud on the part of the payee during the war emergency period extending from April 6, 1917, to July 2, 1921, are hereby validated, notwithstanding any overpayments which may have been subsequently discovered therein: *Provided*, That this act shall not be construed as authorizing reimbursement of any moneys which may have been collected by, or refunded to, the United States on account of duplicate payments of either pay or allowances.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BATTLE FIELD OF PEA RIDGE, ARKANSAS

The next business on the Consent Calendar was the bill (H. R. 9636) to provide for the inspection of the battle field of Pea Ridge, Ark.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

SEC. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Pea Ridge, Ark., and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Pea Ridge, Ark., in order to ascertain the feasibility of preserving and marking for historical and professional military study such field. The commission shall submit a report of its findings to the Secretary of War not later than December 1, 1926.

SEC. 4. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000, in order to carry out the provisions of this act.

With committee amendments, as follows:

Page 2, line 13, after the word "findings," insert "and an itemized statement of its expenses."

And on page 2, line 18, after the figures "$3,000," insert "or such part thereof as may be necessary."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. TILLMAN. Mr. Speaker, I shall thank my colleagues to pass this bill, which is as follows:

Be it enacted, etc., That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

SEC. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Pea Ridge, Ark., and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Pea Ridge, Ark., in order to ascertain the feasibility of preserving and marking for historical and professional military study such field. The commission shall submit a report of its findings to the Secretary of War not later than December 1, 1926.

SEC. 4. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000, in order to carry out the provisions of this act.

I submit also some data below, which I want preserved in the record, and which I know will be interesting:

STORY OF BATTLE OF PEA RIDGE, MARCH 6, 7, AND 8, 1862

Officers of Pea Ridge National Park Association: Capt. C. L. Pickens, president, Pea Ridge; J. M. Putman, vice president, Pea Ridge; Mrs. Elliott R. Berry, secretary, Bentonville; Claude Duty, assistant secretary, Rogers; Roland D. Judd, executive secretary, Rogers; and J. S. Elder, treasurer, Rogers.

Executive committee: Capt. C. L. Pickens, Pea Ridge, Ark.; J. M. Putman, Pea Ridge, Ark.; J. S. Elder, Rogers, Ark.; Claude Duty, Rogers, Ark.; Roland D. Judd, Rogers, Ark.; Mrs. Elliott R. Berry, Bentonville, Ark.; E. C. Pickens, Bentonville, Ark.; and Frank P. Harris, Bentonville, Ark.

A bill has been introduced in Congress to appropriate $50,000 for the purchase of 240 acres of the tract of land on which the Battle of Pea Ridge or Elk Horn Tavern was fought, including Elk Horn Tavern, the acreage to be determined by the Secretary of War, to be perpetually dedicated as a national park.

Scene of an important battle of the war between the States, Pea Ridge or Elkhorn battle ground, has gone down in history, song, and story as a historic spot worthy of the expenditure of public funds that it may be perpetuated as a national park, a creditable monument to the valiant wearers of the blue and gray whose lifeblood was poured out here in worthy defense of their honest opinions.

For many years southern people of this section have planned for its perpetuation as a southern memorial park, hoping to raise the necessary funds through private subscriptions. But to these loyal sons of the Southland and their new friends and neighbors from "up North," who have long since become a vital part of the progress and patriotism of these Ozark highlands, has come a greater vision.

Boys of the present generation, North and South sons and grandsons of the men who wore the Blue and Gray, have gone out shoulder to shoulder to meet a common enemy, to die, if necessary, in the cause of world freedom and humanity. With a courage and enthusiasm well worthy of their sires, they went forth to battle under a common flag, the Stars and Stripes, and to-day many of them sleep side by side in Flanders field, even as tens of thousands of the boys of the "sixties" who wore the Blue and Gray have slept side by side for more than half a century, their sacred dust mingling together in the soil of a reunited country.

And so it seems fitting indeed that the battle field of Pea Ridge, where 26,000 Northern and Southern boys heroically fought, and many died, for a principle as they saw it, should be taken over by our common Government and preserved until time shall be no more, a lasting tribute to them and inspiration of patriotism to the coming generations.

BRIEF OUTLINE OF BATTLE OF PEA RIDGE OR ELKHORN TAVERN

Of the many battles of the Civil War in the West, the one fought at Pea Ridge, Benton County, Ark., deserves first rank, both in magnitude and important results. Until this battle there had been doubt as to whether the Union would hold Missouri or the Confederacy

get possession of it. Both armies made a great effort in the State from the beginning of hostilities to the time of the battle of Wilson Creek, August 3, 1861. This battle was followed by a temporary lull in the Federal operations, caused by charges against John C. Fremont, the Federal commander of the Southwest. General Sterling Price, commander of the Missouri State troops, desired to take advantage of this and strike a decisive blow in Missouri for the Confederacy and then take the war into Illinois. To this end he earnestly sought the cooperation of Gen. Ben McCulloch, in charge of the Arkansas, Texas, and Louisiana troops. The latter, however, acting under the instructions of the Confederate Government, the policy of which was to act only on the defensive, could not be induced to join Price in such an undertaking. The removal of Fremont and the appointment of Samuel R. Curtis to succeed him led to active operations against the Confederate Army in Missouri in the early part of 1862.

Price, then at Springfield, unable to induce McCulloch to join him in Missouri, retired into Arkansas closely pursued by Curtis, to join forces with McCulloch. On February 18, 1862, his rear guard, under Gen. James Rains, repulsed Curtis's advance guard near the present village of Avoca, with a loss to the latter of nearly one hundred. This repulse checked the Federal Army, and Curtis took up a strong position on the eminence just above Brightwater.

The Confederates continued south; the Federals, for the purpose of foraging and taking observations, sent out detachments as follows: The Third and Fourth Divisions, with which was Curtis, to Cross Hollows, near Monte Ne; the First and Second, under General Sigel, to Bentonville; General Asboth, with a cavalry force to Osage Springs, from which, on the 23d, he made a dash into Fayetteville, and planted the Union flag on the courthouse; Colonel Schaefer, to Osage Mills to grind grain for the troops; Major Conrad, to Maysville; Major Mezaros, to Pineville, Mo.; and Colonel Vandever, to Huntsville. On March 1, Col. Jeff Davis's Division moved from Cross Hollows to its former position above Brightwater in anticipation of an attack from the south. At the same time Sigel moved from Bentonville to McKissicks Spring, near Centerton.

Meanwhile Price and McCulloch united their forces in the Boston mountains, northeast of Van Buren, over which Van Dorn had been given the chief command. A council of war was held to discuss the advisability of a move against Curtis. In this council McCulloch advised against such a move on the ground that the Confederate Army lacked discipline and trained commanders, and should take some time to train for emergencies. Van Dorn, however, decided on an early attack on the Federals, while their army was divided; and, on March 3, with General Price's troops in the lead, General McCulloch's next, and General Albert Pike's Indian Brigade in the rear, he began a forced march northward by way of Fayetteville, Elm Springs, and Bentonville, to Pea Ridge.

Sigel, before daylight on the 6th, learning that the Confederates were near, sent General Asboth and Colonel Osterhaus in advance with the main part of the Third and Fourth Divisions to the camp above Brightwater, he remaining behind with 600 men and a battery of six pieces to cover up the rear. There was skirmish fighting all along the way from Bentonville to the crossing of the Pea Ridge-Rogers Road on Sugar Creek. Here Sigel went up the creek, and Van Dorn leaving his wagon train with General Green and his division to protect it, and to prevent the retreat of the Federals down the creek in case of defeat, advanced along the Bentonville and Washburn Road to the northwest end of Elk Horn Mountain; and thence, during the night and early morning, to a point north of Elk Horn Tavern. He planned to reach this point by daylight, but owing to the cutting of trees across the road by Colonel Dodge's Iowa regiment, he did not reach it until 10 a. m. In the early morning McCulloch countermarched to the southwest end of Elk Horn Mountain facing south. Van Dorn went with Price to the rear. Some of his enemies aver that this was done because he thought that this part of the army would get the honor for his expected victory.

The Federal Army during the night of the 6th rested in line of battle on the high hill north from Brightwater, General Asboth on the extreme right, Colonel Osterhaus on his left, Colonel Davis next, and Colonel Carr on the extreme left, facing south, as they expected the attack from that direction.

Learning on the morning of the 7th that the Confederates were in his rear, General Curtis, after consulting with his division commanders at Pratt's store, had them face about and ordered Colonel Carr to take position at Elk Horn Tavern, with General Asboth and his division as his aid; and Colonel Osterhaus to take Colonel Bussey with the cavalry (except the Third Illinois) and three pieces of Elbert's Battery, and with a brigade of Infantry and another battery from Sigel's command, and with Colonel Davis and his division as aid to march by Leetown to meet the Confederates' right under McCulloch. Thus both armies were divided and all communications were cut off between the two wings of the Confederates. Curtis, however, made his headquarters between the two wings of his army, near Pratt's store, and kept up communications with both.

The battle opened on the west side, with McCulloch's army at the southwest point of Elk Horn Mountain and the Federals west and a little north of Little Round Mountain, Davis at the foot of the mountain, and Osterhaus's extending west of the mountain for nearly a mile. For hours the fighting was fierce, each side contesting every inch of ground. The Federals were gradually forced back for nearly a mile, when, in the afternoon, McCulloch, and a little later his successor, McIntosh, fell in a charge against Osterhaus and Davis; and about the same time and not far from the same place Herbert, next in rank to McIntosh, and a number of his officers and men were captured by the Twenty-sixth Illinois Cavalry, under Captain Smith, and the Forty-fourth Illinois Infantry, under Captain Russell. Thus, by the close of the day the Confederate right on the west, deprived of its chief commanders, and having been without water throughout the day, abandoned that part of the field, falling back to Twelve Corners Spring and church. Colonel Drew, with his Indian regiment, retreated toward Bentonville, while Colonel Greer, with such of McCulloch's army as he could get together, marched during the night around Elk Horn Mountain and united his forces with those of Price.

While fortune frowned on the Confederate right on the 7th, she smiled on the left. Van Dorn and Price drove back the brigade of Vandever from its position northwest of the tavern and that of Dodge southeast, together with the reinforcements sent them, and got possession of the tavern, capturing men, guns, and horses and forcing the retreating Federals to take shelter in the woods and behind fences for defense in case of another attack. The approaching night and the wearied condition of the Confederates prevented their following up this success. The left of the Federals rested during the night near the foot of Elk Horn Mountain, and the right a short distance east of Pratt's store, facing the advancing Confederates.

On the morning of the 8th the Federal Army was arranged in a line running northeast and southeast, to the south and west of the tavern, Ashboth being on the left near the mountain. Osterhaus was in the center and Davis on the right, Carr occupying a retired position to the rear of Davis's right and in front of Pratt's store, the whole facing northeast. The Confederates fronted the Federals, and were arranged as follows: Little on the right, fronting Ashboth and Osterhaus; Rains and Frost next on the left; Hill and Greer next; and Gates's Cavalry on the extreme left. The Federals had placed their artillery in positions favorable for effective work, and the battle opened on the 8th with heavy cannonading. The Confederates made a determined effort to hold the spur of the mountain above the tavern, which they had captured, but the effective fire of Elbert's and Hoffman's batteries forced them to abandon the position. At the same time the Federal right made an advance on the Confederate left, and for a time there was desperate fighting by both sides. Before noon the Confederate Army gave way and began an orderly retreat on the Van Winkle Road toward Huntsville.

Van Dorn has been severely censured by his own soldiers for this retreat, as it has been told by a member of Curtis's staff and also by one of his couriers that Curtis had just ordered a retreat, but had yielded to the requests of Siegel and Davis for 30 minutes more time. It is just to Van Dorn, however, to say that his supply of ammunition was almost exhausted, and he had been unable to communicate with Green's ordnance train for the necessary supplies. Green had sent Colonel George north by way of Big Sugar Creek, to go to the rear of Van Dorn, but before he arrived he was met by couriers, who informed him that Van Dorn was retreating, and for him to get away with the supplies as fast as possible.

The result of the Pea Ridge Battle was far-reaching, as it saved Missouri to the Union and defeated Price and Van Dorn's project to capture St. Louis and take the war into Illinois.

The effective Union force in this battle was 10,550, commanded by Brig. Gen. Samuel R. Curtis. Their loss was 1,384 killed, captured, and wounded. The aggregate Confederate force was 16,202, including Albert Price's brigade of Indians, 1,800 in number. General Green's division, however, took no part in the battle. The Confederate loss was about 1,300.

On the battle field, near Elk Horn Tavern, are two monuments, on the pedestal of one of which are the following inscriptions:

On the north: "Gen. W. G. Slack, of Missouri";
On the west: "Gen. Ben McCulloch, of Texas";
On the South: "Gen. James McIntosh, of Arkansas"; and
On the east: "To the brave Confederates who fell on this field March 7 and 8, 1862."

On the marble block beneath is inscribed the following:

"Oh, give me a land where the ruins are spread,
And the living tread light on the hearts of the dead;
Yes, give me a land that is blest by the dust,
And bright with the deeds of downtrodden just.

"Oh, give me the land with a grave in each spot,
And names in the grave that shall not be forgot.
Yes, give me the land of the wreck and the tomb;
There is grandeur in graves, there is glory in gloom.

"The graves of our dead, with green overgrown,
May yet form the footstool of Liberty's throne,
And each single wreck in the warpath of might
Shall yet be a rock in the temple of right."

Near by is another monument with a handshake inscribed on its side, representing the united and friendly North and South.

The SPEAKER pro tempore. The Clerk will report the next bill.

ANACOSTIA PARK

The next business on the Consent Calendar was the bill (S. 2853) to authorize the transfer to the jurisdiction of the Commissioners of the District of Columbia of a certain portion of the Anacostia Park for use as a tree nursery.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, how much of Anacostia Park is going to be transferred?

Mr. ELLIOTT. Nine acres. It is a tract across the river. The bill transfers jurisdiction. The fact is they are raising trees on this land now.

Mr. BLANTON. This bill is all right. I want to ask the gentleman about an amendment.

Mr. SCHAFER. Mr. Speaker, I withdraw my reservation.

Mr. BLANTON. Is the gentleman from Indiana going to offer an amendment to transfer that 9 acres between this piece of land and the sewer to the Botanic Garden?

Mr. ELLIOTT. I introduced a bill for that purpose the other day, and it can come up in the regular way.

Mr. BLANTON. It is a little strip?

Mr. ELLIOTT. Yes. I have no objection to putting it on, but it would take some time to prepare an amendment.

Mr. BLANTON. I have an amendment prepared.

Mr. ELLIOTT. If you have one prepared, all right.

Mr. BLANTON. I have.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Director of Public Buildings and Public Parks of the National Capital is hereby authorized and directed to transfer to the jurisdiction of the Commissioners of the District of Columbia the following-described United States land, being a part of Anacostia Park, for use as a tree nursery, viz: Beginning at the northeast corner of parcel 239/1 (sewage disposal plant), thence running with the northern line of said parcel, south 88 degrees 35 minutes 30 seconds west, 152.39 feet to the southeast corner of that part of section B assigned to the Army Air Service, and shown by map on file in the United States Engineer Department designated "File B-38-66," and dated March 14, 1921; thence running with the eastern line of said portion of section B north 0 degrees 5 minutes 29 seconds east 1,234.25 feet to intersect the outer face of the sea wall on the left bank of the Anacostia River, said point of intersection being the northeast corner of the aforementioned portion of section B as assigned to the Army Air Service; thence leaving said portion and running with the outer face of the said sea wall, and deflecting to the right with the arc of a circle the radius of which is 696.2 feet, northeasterly 581.96 feet to a point of tangency; thence still with said outer face south 71 degrees 52 minutes 54 seconds east 521.52 feet, more or less; thence leaving the said sea wall and running due south 1,598 feet, more or less, to intersect the original high-water line of the Anacostia River; thence with said line north 63 degrees 11 minutes west 167.61 feet, north 56 degrees 9 minutes west 109.13 feet, north 57 degrees 56 minutes west 95.86 feet, north 46 degrees 38 minutes west 173.47 feet, north 47 degrees 31 minutes west 139.57 feet, north 63 degrees 47 minutes west 83.82 feet, south 89 degrees 56 minutes west 155.05 feet, north 82 degrees 31 minutes west 127.56 feet to the eastern line of the above-mentioned parcel 239/1; thence with said eastern line north 18 degrees 2 minutes east 19.91 feet to the beginning, containing 34.5 acres, more or less, all as shown by survey book 59, page 152, of the records of the office of the surveyor, District of Columbia.

Mr. BLANTON. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. BLANTON. At the end of the bill strike out the period, insert a colon, and add the following proviso, to wit:

Provided further, That said director is authorized and directed to transfer to the Director of the Botanic Garden—

Mr. BEGG. Mr. Speaker, I make the point of order that the amendment should be in writing.

Mr. BLANTON. Let me have a moment. I will put it in writing. I thought the gentleman from Indiana had it ready.

Mr. BEGG. Regular order!

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to pass that bill over temporarily and return to it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan that the bill be passed over temporarily and returned to?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next one.

LANDS OF THE SAC AND FOX INDIANS IN OKLAHOMA

The next business on the Consent Calendar was the bill (H. R. 10610) to confirm the title to certain lands in the State of Oklahoma to the Sac and Fox Nation or Tribe of Indians.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the title to the southwest quarter and the south half of the northwest quarter of section 15; the east half of the southeast quarter of section 16; and the northwest quarter and north half of the northeast quarter and the north half of the southwest quarter of section 22, all in township 14 north, range 6 east, Lincoln County, Okla., be, and the same is hereby, confirmed to the Sac and Fox Nation or Tribe of Indians unconditionally.

With the following committee amendment:

In line 8, after the word "Oklahoma," insert "with the buildings and all improvements thereon."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

COMPENSATION OF FOURTH-CLASS POSTMASTERS

The next business on the Consent Calendar was the bill (H. R. 11084) to amend the act of February 28, 1925, fixing the compensation of fourth-class postmasters.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of February 28, 1925 (43 Stat. p. 1054), fixing the compensation of fourth-class postmasters, is amended to read as follows:

"The compensation of postmasters of the fourth class shall be fixed upon the basis of the whole of the box rents collected at their offices and commissions upon the amount of canceled postage-due stamps and on postage stamps, stamped envelopes, postal cards, stamps on registry, insured, and collect-on-delivery matter, canceled, on matter actually mailed at their offices, except the stamps affixed to pay the fees for special delivery and special handling services, and on that part of the value of the stamps on the mail for transportation by air mail, canceled at their offices, equal to the postage which would be required on such mail at the regular domestic rates, and on the amount of newspaper and periodical postage collected in money, and on the postage collected in money on identical pieces of third and fourth class matter mailed under the provisions of the act of April 28, 1904, without postage stamps affixed, and on postage collected in money on matter of the first class mailed under provisions of the act of April 24, 1920, without postage stamps affixed, and on amounts received from waste paper, dead newspapers, printed matter, and twine sold, at the following rates, namely:

"On the first $75 or less per quarter the postmaster shall be allowed 160 per cent on the amount; on the next $100 or less per quarter, 85 per cent; and on all the balance, 75 per cent, the same to be ascertained and allowed by the General Accounting Office in the settlement of the accounts of such postmasters upon their sworn quarterly returns: *Provided*, That in adjusting the quarterly compensation of postmasters of the fourth class the General Accounting Office shall allow such compensation as may be shown by the quarterly returns to be due, not exceeding $275 for the quarter ending September 30, not exceeding $550 for the two quarters ending December 31, not exceeding $825 for the three quarters ending March 31, and not exceeding $1,100 for the whole fiscal year, exclusive of money-order commissions: *Provided further*, That whenever during the fiscal year there occurs or is created a change in the postmastership of an office of the fourth class, by death or otherwise, the outgoing postmaster shall receive in the final settlement of his account all his earned compensation for that part of the fiscal year which he has served, but in no case shall such compensation amount to more than such a sum as is determined by taking such a fractional part of $1,100 as the time he has served in that fiscal year is to the whole fiscal year: *Provided further*, That when the total compensation of any postmaster at a post office of the fourth class for the calendar year shall amount to $1,100, exclusive of commissions

on money orders issued, and the receipts of such post office for the same period shall aggregate as much as $1,500, the office shall be assigned to its proper class on July 1 following and the salary of the postmaster fixed according to the receipts: *And provided further,* That whenever unusual conditions prevail the Postmaster General, in his discretion, may advance any post office from the fourth class to the appropriate class indicated by the receipts of the preceding quarter, notwithstanding the proviso which requires the compensation of fourth-class postmasters to reach $1,100 for the calendar year, exclusive of commissions on money-order business, and that the receipts of such post office for the same period shall aggregate as much as $1,500 before such advancement is made: *And provided further,* That when the Postmaster General has exercised the authority herein granted he shall, whenever the receipts are no longer sufficient to justify retaining such post office in the class to which it has been advanced, reduced the grade of such office to the appropriate class indicated by its receipts for the last preceding quarter."

With the following committee amendments:

Page 1, line 10, after the word "registry," insert the words "matter, including stamps to cover return receipts."

In line 4 on page 2, after the word "delivery," insert the word "service," and in the same line, after the word "handling," strike out the word "services" and insert the word "service."

On page 3, line 6, after the word "of," insert "three cents commission on each," and after the words "money order" in line 7 strike out the word "commissions" and insert in lieu thereof the word "issued."

In line 19 on page 3 strike out the words "commissions on money orders" and insert the words "three cents commission on each money order."

On page 4, in line 6, strike out the word "commissions" and insert the word "commission," and after the word "on" insert the word "each."

In line 7, after the word "order," strike out the word "business" and insert the word "issued."

The SPEAKER pro tempore. Will the gentleman from Iowa give us some information in regard to the word "reduced" in line 13, page 4? Is that the proper word, or should the word be "reduce"?

Mr. RAMSEYER. Mr. Speaker, the word should be "reduce." It is "reduce" in existing law.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ANACOSTIA PARK

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to return to Senate bill 2853, an act to authorize the transfer to the jurisdiction of the Commissioners of the District of Columbia of a certain portion of the Anacostia Park for use as a tree nursery.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimus consent to return to Senate bill 2853. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the bill strike out the period, insert a colon, and add the following: "*Provided further,* That said director be, and he is hereby, authorized and directed to transfer jurisdiction to the Director of the Botanic Garden that plat of land containing about 9 acres lying and being situated between the above-described tract and the sewer, and which is now used by said Botanic Garden for tree nurseries."

Mr. BEGG. Mr. Speaker, I make the point of order that that is an entirely different proposition and is not germane to the bill.

Mr. BLANTON. Mr. Speaker, will the Chair hear me for a moment on the point of order?

The SPEAKER pro tempore. Does the gentleman from Ohio desire to be heard on the point of order?

Mr. BEGG. Mr. Speaker, the only thing to say is that it brings in an entirely different proposition than the one considered in the bill and a different piece of land.

The SPEAKER pro tempore. Does the gentleman from Texas desire to be heard on the point of order?

Mr. BLANTON. I just want to be heard for a moment.

This is a matter in which I have no interest at all. The Director of the Botanic Garden brought this matter to the attention of the chairman and the chairman agreed that it ought to be done. He is now using this little plat of ground and has been using it for a long time as a tree nursery. He is raising trees there for distribution in Ohio, in New Jersey, in New York, in Indiana, and all over the United States for the benefit of the public. He asked me not to make a point of order against it, and I agreed I would not, because it was a matter of such public importance. I told him that when the chairman brought it up I would not make a point of order against it. Now, Mr. Speaker, this bill proposes two substantive propositions, and for that reason a third one is in order. It provides for two different propositions already in the bill, and the Chair is familiar with the rule that where two substantive propositions are provided for in a bill another one will be in order.

Under the circumstances, if the gentleman from Ohio wants to strike this out, all right, although it is a matter that concerns every State in the Union and the Botanic Gardens more than anybody else.

The SPEAKER pro tempore. In the opinion of the Chair this is a new proposition, not germane to the bill, and the point of order is therefore sustained.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PAYMENT OF RENTAL FOR TERMINAL RAILWAY POST-OFFICE PREMISES

The next business on the Consent Calendar was the bill (H. R. 3842) authorizing the Postmaster General to make monthly payment of rental for terminal railway post-office premises under lease.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the report would indicate that the only change in this bill is from the quarterly payment plan to a monthly payment plan. I want to call the gentleman's attention, however, to the last clause in the bill which says for a term not exceeding 20 years. Is not this new matter?

Mr. KELLY. No; Mr. Speaker, that is the present law. The limit of the lease is not exceeding 20 years at present. The only change made by this bill is to permit the payment for terminal offices by monthly payments instead of quarterly payments.

Mr. LAGUARDIA. Are the railroads pressing for monthly payments?

Mr. KELLY. The railroad terminal offices should be put on the same basis as the post offices which are now paid monthly.

Mr. LAGUARDIA. Will there be a saving or some additional cost?

Mr. KELLY. This will mean a saving to the Government by reason of a lesser rental.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, there should be an amendment to the form of the bill, which the gentleman from Illinois [Mr. SPROUL] has agreed to accept. I assume it will be acceptable to the gentleman from Pennsylvania?

Mr. KELLY. Yes; Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the act approved April 24, 1920 (41 Stat. p. 580), is amended as follows:

"That the Postmaster General is hereby authorized to make monthly payment of rental for terminal railway post-office premises under lease."

With the following committee amendment:

Strike out lines 5, 6, and 7 and insert in lieu thereof the following: "*Provided,* That hereafter the Postmaster General may, in the disbursement of the appropriation for such purposes, apply a part thereof to the purpose of leasing premises for the use of terminal railway post offices at a reasonable annual rental, to be paid monthly, for a term not exceeding 20 years."

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer an amendment, which I send to the desk.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Strike out, on page 1, lines 3 and 4, and insert in lieu thereof the following: "That the proviso attached to the appropriation available for rental of space for terminal railway post offices in the Post Office appropriation act, approved April 24, 1920 (41 Stat. p. 580), is amended by striking out the word 'quarterly' and inserting in lieu thereof the word 'monthly,' so that the said proviso will read as follows."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AUTHORIZING CERTAIN INDIAN TRIBES TO PRESENT THEIR CLAIMS TO THE COURT OF CLAIMS

The next business on the Consent Calendar was the bill (H. R. 9270) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to present their claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, we have of late been very freely sending to the Court of Claims a great number of omnibus Indian claim propositions. A recent hearing before the Committee on Appropriations shows that the Comptroller General's office wants $150,000 a year for the next five years to take care of the demands made on that office by the Indian claims that have already been sent to the court. Only so many can consult to advantage the necessary records at any one time. The force that is organized to care for the claims that have been sent to the court is as large as can at one time make use of these books, and, as I have said, that force will be engaged for five years on the claims that have already been sent to the court.

So there is a physical side to it. There is also a legal, financial side. These bills are being drawn in such wide-open language as to the character of the transactions that are to be reviewed, and so framed in some cases as to negative the rights of the Government, so that I believe the Congress ought to proceed hereafter with more care than they have in the recent past.

Mr. HILL of Washington. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HILL of Washington. This particular bill is made to conform with certain suggestions that the Bureau of Indian Affairs has made as to specifications, so we have set out the particular grounds and have not made it a blanket proposition, so that you might take in the whole world. I understand other bills have not conformed with that suggestion, but we have conformed with it in these particular bills.

Mr. CRAMTON. I am speaking now generally on the question, and some of these bills have been so drawn and the reports have been so drawn by another body as to possibly negative some protection the Government ought to have.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. Yes; I yield.

Mr. LEAVITT. It should be stated in behalf of the House Committee on Indian Affairs, Mr. Speaker, that the loose form of drawing these bills is not being followed here. We have worked out a form of bill in cooperation with the Bureau of Indian Affairs which calls for the specifying of certain treaties and acts of Congress under which these actions can be brought. In the Sixty-eighth Congress and in the past, general bills were introduced and reported out of the committee and enacted, but the House Committee has adopted an entirely different program and policy and is specifying the causes of action and holding the matter down to a much more limited field in order to secure favorable consideration here in the House and to meet objections made on the floor.

Mr. CRAMTON. Let me say further, Mr. Speaker, that I have a list of 17 such laws recently passed with reference to claims that are now in process of adjudication. The claims that have now been filed aggregate a total of $408,000,000 as principal, to which is to be added claims for interest for the Sioux Indians to the amount of $750,000,000 additional—over a billion dollars is involved. No one has any idea that if the rights of the Government are properly safeguarded there is any considerable fraction of that amount due to the Indians.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. LEAVITT. The Committee on Indian Affairs agrees that a part of the difficulty and misunderstanding comes from the action of certain firms of attorneys in filing unreasonable claims and making it appear that we are cooperating in trying to get unreasonable sums. On the other hand it must be remembered that there are just claims still to be carried to the Court of Claims by different Indian tribes.

This is a matter that has to do with the life and death of many old Indians. I have had Indians at the point of death ask me to get these things done before they died so that they will get the benefit. We must be fair and just.

Mr. CRAMTON. I want to suggest that the gentleman is right when he speaks of difficulties that come through firms of attorneys who dig up these matters and present them, and arouse in the Indians a feeling that they have got something coming to them. If the Committee on Indian Affairs, the bureau, or Congress do not bow down to them and give them everything they ask for they go out over the reservations reviling the administration of Indian affairs. And as a result we are getting the Court of Claims and the Indian Bureau so clogged up with claims that have only a small percentage of basis in fact that the real claim, the real justice due the Indians, can not be secured. These claims that are more or less of a shadow are getting in the way of the real substance.

Now, this particular claim before us comes here with an unfavorable report from the department, recommending that the bill do not receive favorable consideration. The Director of the Budget has advised against it. So this bill especially should be objected to. I feel that two things are true: First, because the congestion that already exists as the result of so many bills having passed recently is so great we ought not to pass any more of these claims bills, except possibly where there is a very clear showing that there is actually something due the Indians, and second, that we ought not to pass these bills in the House except by consideration and a hearing in keeping with their great financial importance, and not pass them on this calendar.

Mr. LEAVITT. Will the gentleman consent that this go over for consideration on another calendar?

Mr. CRAMTON. I have taken a little time to present my ideas because it is my expectation to object to all these Indian claims on the Unanimous-Consent Calendar. An objection here does not prejudice it being heard on some other calendar.

Mr. LEAVITT. It looks better in the RECORD if it goes over without prejudice.

Mr. CRAMTON. I am willing to make it easier, but I expect to object.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

WAKEFIELD NATIONAL MEMORIAL ASSOCIATION

The next business on the Consent Calendar was the bill (H. R. 10131) granting the consent of Congress to the Wakefield National Memorial Association to build, upon Government-owned land at Wakefield, Westmoreland County, Va., a replica of the house in which George Washington was born, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That permission is hereby given to the Wakefield National Memorial Association, of Washington, D. C., a corporation created by and existing under the laws of the State of Virginia, its successors and assigns, to build, operate, and maintain upon the plot of ground owned by the United States at Wakefield, Westmoreland County, Va., a replica, as nearly as may be practicable, of the house in which George Washington was born, to be used and occupied in such manner and for such purposes in preserving the memory of George Washington as may be appropriate: *Provided*, That the size and location of the area to be set aside for improvement by said association shall be determined by the Secretary of War: *And provided*, That the plans for the building herein authorized and for the landscape treatment and development of the grounds before being carried into effect shall receive the approval of the Fine Arts Commission and the Secretary of War: *And provided*, That no work shall be commenced until the Secretary of War has been assured that funds are available for the completion of the work herein authorized: *And provided further*, That the operation, maintenance, care, charging of fees, and any other function carried on by the said association within the area set aside for its use, shall be subject to the supervision of the Secretary of War, and in accordance with such regulations as the said Secretary may promulgate.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

SEQUOIA NATIONAL PARK, CALIF.

The next business on the Consent Calendar was the bill (H. R. 9387) to revise the boundary of the Sequoia National Park, Calif., and to change the name of that park to Roosevelt-Sequoia National Park.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill.

Mr. HASTINGS. Mr. Speaker, reserving the right to object, permit me to ask the author of the bill if he would have any objection to an amendment striking out that part of it which would change the name of the park. Sequoyah was one of the original great Americans. He was the inventor of the Cherokee alphabet. The State of Oklahoma has had his bust placed out here in the Hall of Fame. I am a great admirer of former President Roosevelt. He was a great American. In order that his name may live he does not need to have the name of this park divided between himself and Sequoyah. I do not have any objection to the further consideration of the bill provided the gentleman who is the author of the bill will not insist upon changing the name of the park to make it Roosevelt-Sequoia. I am sure if ex-President Roosevelt himself were alive, being an admirer of the original Americans, as he was, if he were consulted in respect to the bill he would not want to have the name of this park divided with that of his own.

Mr. BARBOUR. Mr. Speaker, the proposal to name this park the Roosevelt-Sequoia National Park did not originate with me. It came from certain organizations who sought by this means to honor the name of Theodore Roosevelt as a great conservationist and a lover of nature. I think what my friend from Oklahoma [Mr. HASTINGS] said about honoring the name of Roosevelt might equally be said about honoring the name of Sequoyah. The park itself is not named after the Indian Sequoyah, but, as I understand it, the name was first given to the big trees known as the Sequoia, which grow in this park and which are characteristic of this section of California, arbitrarily by a German botanist who was a great admirer of the Cherokee Indian Sequoyah. There is no connection between the park and the Indian chief Sequoyah. The park takes its name from the tree. The name is spelled differently.

The name of the Indian chief is spelled S-e-q-u-o-y-a-h, while the name of the tree and the park is spelled S-e-q-u-o-i-a. We went into this subject pretty carefully two or three years ago when a bill was under consideration, and at that time, if I remember correctly, the gentleman from Oklahoma [Mr. HASTINGS] did not object to the bill because we retained the name Sequoia. The first proposal was to call the park the Roosevelt National Park, and as a sort of compromise we agreed upon the name "Roosevelt-Sequoia." As I recall, at that time that was acceptable to the gentleman from Oklahoma and to others who were desirous of perpetuating the name of the great Indian Sequoyah in this connection.

Mr. HASTINGS. Mr. Speaker, I gather from what the gentleman has said that he will not consent to this amendment retaining the name of the park, Sequoia. The truth is, as the gentleman has announced upon the floor, the name of the tree was named after the Indian Sequoyah.

Mr. BARBOUR. Arbitrarily, but there is no connection between the two.

Mr. HASTINGS. And of course the name originally goes back to Sequoyah. I am not going to consent to the consideration of this bill on this calendar. Much as I regret to do it, I shall be compelled to object unless the gentleman will agree to an amendment striking out in line 4 on page 1 the words:

Are hereby changed as follows, and that the park hereafter be designated the Roosevelt-Sequoia National Park in honor of Theodore Roosevelt, late President of the United States.

This will retain the name Sequoia.

Also that the title be amended to read:

To revise the boundary of the Sequoia National Park, Calif.

If the gentleman will consent to strike that part of the bill out, I shall agree to have it considered at this time, but if not I am compelled to object.

Mr. BARBOUR. Let me refresh the gentleman's memory. It was proposed first to drop the name of Sequoia and call it the Roosevelt National Park. The gentleman from Oklahoma and others who were admirers of the great Indian Sequoyah objected to that, and after consideration it was agreed that as a compromise we should retain the name of Sequoia and call it the Roosevelt-Sequoia park. The last time the bill was under consideration my recollection is very clear that the gentleman from Oklahoma asked the question whether we proposed to retain the name Sequoia in the name of the park, and it was understood at that time that the park would be known as the Roosevelt-Sequoia National Park.

Mr. HASTINGS. Will the gentleman ask unanimous consent that the bill be passed over without prejudice

Mr. BARBOUR. If the gentleman is determined to object, it does not leave me much choice in the matter. He does not make a very magnanimous offer.

Mr. HASTINGS. As much as I regret to do so, if the gentleman will not make that request, of course I shall object to its present consideration.

Mr. BARBOUR. Mr. Speaker, I shall take the gentleman's objection.

The SPEAKER pro tempore. Objection is heard.

SUBSISTENCE EXPENSES FOR CIVILIAN OFFICERS AND EMPLOYEES

The next business on the Consent Calendar was the bill (H. R. 7589) to prescribe a uniform allowance to officers and employees in all services of the United States while traveling and on temporary duty on official business, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

GRAND CANYON NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 9916) to revise the boundaries of Grand Canyon National Park in the State of Arizona, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the boundary of the Grand Canyon National Park is hereby changed so as to read as follows:

Beginning at a point on the present south boundary of Grand Canyon National Park, being the northeast corner of township 30 north, range 1 east, of the Gila and Salt River meridian, Arizona; thence westerly along north line of said township to the northwest corner of section 1, said township; thence northerly along west line of section 36, township 31 north, range 1 east, to a point one-half mile south of the center line of the Supai Road survey as mapped and staked by the Bureau of Public Roads during the field season of 1925; thence in a northwesterly direction following a line, which maintains a uniform distance one-half mile south and west of the center line of said road survey, to its intersection with the projected section line between what probably will be when surveyed sections 9 and 16, township 32 north, range 2 west; thence westerly along projected section lines through probable townships 32 north, ranges 2, 3, and 4 west, to its intersection with the upper west rim of Havasu (Cataract) Canyon; thence northwesterly along said upper west rim, crossing Hualapai Canyon to Wescogame Point and continuing northwesterly along said upper rim to Watahomigie Point; thence due north along the top of a ridge a distance of approximately three-fourths of a mile to the point of said ridge, the elevation of which is given as 4,865 feet; thence northwesterly, crossing Beaver Canyon, to Yumtheska Point and continuing northwesterly, following the lower rim of Yumtheska Point, crossing the projected range line between ranges 4 and 5 west to the divide west of Havasu Creek; thence northerly along said divide to the north bank of the Colorado River; thence northeasterly along said bank to the divide immediately west of Tapeats Creek; thence northeasterly along said divide, including the entire drainage area on the north side of Tapetas Creek to the point at which this divide touches the ledge of cross-bedded sandstone, generally known as the Coconino sandstone; thence southerly along said sandstone ledge to its junction with the Gila and Salt River meridian; thence southerly along the Gila and Salt River meridian to the northwest corner of what will probably be when surveyed section 18, township 34 north, range 1 east; thence easterly along projected section lines to the northeast corner of what will probably be when surveyed section 14, township 34 north, range 2 east; thence southerly along projected section line to the southeast corner of said section 14; thence easterly along projected section lines, a distance of approximately 6 miles to a point on the divide between South Canyon and Thompson Canyon; thence southeasterly along said divide, including the entire drainage area of Thompson Canyon and Neal Spring Canyon, to the intersection with the upper rim of the Grand Canyon; thence easterly along the main hydrographic divide north of Nankoweap Creek and Little Nankoweap Canyon to its intersection with the Colorado River, approximately at the mouth of Little Nankoweap Canyon; thence due east across the Colorado River to the east bank of the Colorado River; thence southeasterly along said bank to the north bank of Little Colorado River; thence easterly along said bank of Little Colorado River to its intersection with what probably will be when surveyed the east line of section 32, township 33 north, range 6 east, or the east line of section 5, township 32 north, range 6 east; thence southerly along projected section lines to the northeast corner of what probably will be when surveyed section 8, township 30 north, range 6 east; thence westerly along projected section lines to the southwest corner of what probably will be when surveyed section 6, township 30 north, range 5 east; thence southerly to the northeast corner of section 13, township 30 north, range 4 east; thence westerly to the northwest corner of said section 13; thence southerly to the southwest corner

of said section 13; thence westerly along section lines to a point 950 feet west of the northeast corner of section 22, said township; thence due south a distance of 1,320 feet to a point on the south line of the north tier of forties of said section 22; thence westerly to the west line of said section 22; thence southerly along said west line to the southwest corner of said section 22; thence westerly along section lines to the southwest corner of section 19, township 30 north, range 4 east; thence northerly to the northwest corner of said section 19; thence westerly to the southwest corner of section 14, township 30 north, range 3 east; thence northerly to the northwest corner of said section 14; thence westerly on section lines to the southwest corner of section 12, township 30 north, range 2 east; thence northerly along section lines to the north line of said township 30 north, range 2 east; thence westerly along said north township line to the place of beginning; and all of those lands lying within the boundary line above described are hereby included in and made a part of the Grand Canyon National Park; and all of those lands excluded from the present Grand Canyon National Park are hereby included in and made a part of the contiguous national forests, subject to all national forest laws and regulations.

SEC. 2. That the provisions of the act of February 26, 1919, entitled "An act to establish the Grand Canyon National Park in the State of Arizona"; the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes"; and all acts supplementary to and amendatory of said acts are made applicable to and extended over the lands hereby added to the park: *Provided*, That the provisions of the act of June 10, 1920, entitled "An act to create a Federal Power Commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," shall not apply to or extend over such lands.

Mr. CHINDBLOM. Mr. Speaker, I move to strike out the last word in order to ask a question. Can anybody say how much land is taken out of the park service and added to the National Forest Service by this bill?

Mr. HAYDEN. The exchanges are about equally balanced. About the same area is taken out of the Grand Canyon National Park and added to the forest reserve as is taken out of the forest and added to the park.

Mr. CHINDBLOM. I do not know just what amount would be needed for park purposes. It seems any amount of land might be needed for park purposes if it had natural scenery.

Mr. HAYDEN. The bill establishing the Grand Canyon National Park provided that the gorge of the Grand Canyon, which is of the highest scenic value, and a sufficient area on each rim for a proper road system be included in the park. In the administration of the park the boundary as originally established was found to be improperly located along the north rim, so that it was impossible to keep the road system within the park without adding some land from the Kaibab National Forest. The eliminations on the south boundary are made for the purpose of convenience of administration. The original boundary followed an old road that wandered across the county. The new boundary line will be a half mile south of a direct road which has been surveyed by the Bureau of Public Roads. Certain other sections of land are taken into the park to provide for a road out to a point which overlooks the junction of the Little Colorado and the Colorado River.

Mr. CHINDBLOM. How much land has been taken for park area?

Mr. HAYDEN. The exact figures are printed in the hearing. The area in each instance is not large when compared to the total area of the Grand Canyon National Park.

Mr. LAGUARDIA. My understanding is that no part was taken away from the park if it had any scenic value at all.

Mr. HAYDEN. That is a correct statement of the facts.

Mr. ARENTZ. If the gentleman will permit, the only part taken from the park area is of small proportion erroneously surveyed at the southwest corner. All the land on the north rim to be added to the park was taken from the Forest Service in order to make better facilities for handling traffic and better camp sites where there was water, and so forth. Other than that there is no change.

Mr. CHINDBLOM. The reason I made the inquiry was that I did not see how anybody can be injured by retaining land in a park area. Why take any out of the park area at all if it has any scenic value? Why not let it remain in the park?

Mr. ARENTZ. We do not want any private enterprise in a park of this nature. You do not want any private enterprise in the park unless under park supervision. It is practically a piece of ground erroneously surveyed that might have been used heretofore for some other purpose. It is a piece that ought to be eliminated.

Mr. HAYDEN. There are no private lands involved in the eliminations from the park. The new boundaries as agreed upon are entirely satisfactory both to the National Park Service and the United States Forest Service.

Mr. CHINDBLOM. My inquiry was prompted only by a desire to ascertain that we are not reducing our park areas or forest areas in any amount only to be ultimately available for private purposes.

Mr. LAGUARDIA. As one member of the Public Lands Committee, I can give assurance I am watching that.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HOUSE MEMBERS OF SESQUICENTENNIAL COMMISSION

The SPEAKER. Pursuant to the Senate Joint Resolution (S. J. Res. No. 30) creating a commission to the Sesquicentennial of National Independence, the Chair appoints as members of that commission Mr. TILSON, Mr. GARRETT of Tennessee, Mr. BACON, and Mr. MOORE of Virginia.

NINETIETH BIRTHDAY OF FORMER SPEAKER CANNON

Mr. BRITTEN. Mr. Speaker, I desire to make a unanimous-consent request that on Friday, May 7, after the reading of the Journal and the disposing of matters on the Speaker's table, 15 minutes be set aside for the commemoration of the 90th birthday of Uncle Joe Cannon.

The SPEAKER. The gentleman from Illinois asks unanimous consent that on Friday, May 7, after the reading of the Journal and the disposal of matters on the Speaker's table, 15 minutes be set aside for the commemoration of the 90th birthday of former Speaker Cannon.

Mr. CHINDBLOM. I would like to add to that request that the gentleman from Illinois [Mr. BRITTEN] may have charge of the arrangement of the program.

Mr. BRITTEN. It will not be necessary.

The SPEAKER. Is there objection?

There was no objection.

PRINTING OF ADDRESSES ON THE DEATH OF WILLIAM JENNINGS BRYAN

Mr. SHALLENBERGER. Mr. Speaker, I ask unanimous consent that the document ordered printed by the House containing the addresses delivered in the House on the death of William Jennings Bryan may be printed with illustrations.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the document containing the addresses delivered in the House on the death of William Jennings Bryan may be printed with illustrations. Is there objection?

There was no objection.

DEATH OF WILLIAM EASTIN ENGLISH

Mr. WOOD. Mr. Speaker, I regret to announce to the House the death of William Eastin English, of Indianapolis, a former Member of this House, and the son of William H. English, who in 1880 was the nominee on the Democratic national ticket for Vice President.

William Eastin English died Thursday, April 29, 1926. He was born on November 3, 1851, was admitted to the bar in 1872, and served in the House of Representatives in the Forty-eighth Congress from May 22, 1884, to March 4, 1885. He declined a renomination. He participated in the Spanish-American War.

His father, William Hayden English, was born August 27, 1822, and served as a member of this House in the Thirty-third, Thirty-fourth, Thirty-fifth, and Thirty-sixth Congresses, covering a period extending from March 4, 1853, to March 3, 1861. He died February 7, 1896.

The SPEAKER. The Clerk will report the next bill.

MOUNT RAINIER NATIONAL PARK, WASH.

The next business on the Consent Calendar was the bill (H. R. 10126) to revise the boundary of the Mount Rainier National Park, in the State of Washington, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the boundary of the Mount Rainier National Park is hereby changed so as to read as follows: Beginning at park boundary monument No. 1, established on the east line of section 4, township 17 north, range 7 east, Willamette meridian, by a survey of the boundaries of Mount Rainier National Park, Wash., by the General Land Office, plat dated April 17, 1909; thence southerly along the present west park boundary line as established by said survey, being the midtownship line of range 7 east, to its intersection with the south bank of Nisqually River; thence easterly along said bank

to its intersection with the present south park boundary line at a point east of park boundary monument No. 28, as established by said survey, being the township line between townships 14 and 15 north; thence easterly along said south park boundary line to park boundary monument No. 45, being the northwest corner of section 4, township 14 north, range 10 east, Willamette meridian; thence southerly along the west line of said section to the west quarter corner of said section; thence easterly along the midsection line of said section to the east line of said section; thence northerly along the said east line to park boundary monument No. 47; thence northerly along the present east park boundary line to park boundary monument No. 59, as established by said survey, being the midtownship line of range 10 east; thence due north to the south bank of White River; thence northeasterly along said bank to a point due east of park boundary monument No. 67; thence due west to said monument No. 67; thence westerly along the present north park boundary line, as established by said survey, being the township line between townships 17 and 18 north, to its intersection with the north bank of Carbon River; thence westerly along said bank to a point due north of park boundary monument No. 1; thence due south to place of beginning; and all of those lands lying within the boundary above described are hereby included in and made a part of the Mount Rainier National Park; and all of those lands of the present Mount Rainier National Park excluded from the park are hereby included in and made a part of the Rainier National Forest, subject to all national forest laws and regulations.

SEC. 2. That the provisions of the act of March 2, 1899, entitled "An act to set aside a portion of certain lands in the State of Washington, now known as the 'Pacific Forest Reserve,' as a public park, to be known as the 'Mount Rainier National Park,'" the act of June 10, 1916, entitled "An act to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes," the act of August 25, 1916, entitled "An act to establish a national-park service, and for other purposes," and all acts supplementary to and amendatory of said acts are made applicable to and extended over the lands hereby added to the park: *Provided*, That the provisions of the act of June 10, 1920, entitled "An act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," shall not apply to or extend over such lands.

With committee amendments, as follows:

Page 2, line 7, strike out the following language: "park boundary monument No. 45, being the northwest corner of section 4, township 14 north, range 10 east, Willamette meridian; thence southerly along the west line of said section to the west quarter corner of said section; thence easterly along the midsection line of said section to the east line of said section; thence northerly along the said east line to park boundary monument No. 47," and insert "the southeast corner of the present park boundary."

Mr. CHINDBLOM. Mr. Speaker, I want to ask the gentleman from New York [Mr. LAGUARDIA] what does this do to the national park?

Mr. JOHNSON of Washington. I can answer that question. This bill changes the boundary so as to follow the contour of the country in order to aid road building. The region is highly mountainous. This legislation enlarges the park a great deal. It is expedient not to have the roads running outside of the reservation.

Mr. CHINDBLOM. It enlarges to park area?

Mr. JOHNSON of Washington. Yes.

Mr. CHINDBLOM. I am for it.

Mr. JOHNSON of Washington. It will cost the Government a great deal of money in the course of time to look after them all.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

ADDRESS OF PRESIDENT COOLIDGE TO THE BOY SCOUTS

Mr. CHALMERS. Mr. Speaker, I ask unanimous consent to insert in the RECORD the address delivered on May 1 by the President to the Boy Scouts of America.

The SPEAKER. The gentleman from Ohio [Mr. CHALMERS] asks unanimous consent to insert in the RECORD the address delivered by the President to the Boy Scouts of America. Is there objection?

There was no objection.

Following is the address referred to:

ADDRESS OF PRESIDENT COOLIDGE BEFORE THE NATIONAL COUNCIL OF THE BOY SCOUTS OF AMERICA

Members of the National Council of the Boy Scouts of America, the strength and hope of civilization lies in its power to adapt itself to changing circumstances. Development and character are not passive accomplishments. They can be secured only through action. The strengthening of the physical body, the sharpening of the senses, the quickening of the intellect, are all the result of that mighty effort which we call the struggle for existence. Down through the ages it was carried on for the most part in the open, out in the fields, along the streams, and over the surface of the sea. It was there that mankind met the great struggle which has been waged with the forces of nature. We are what that struggle has made us. When the race ceases to be engaged in that great strength-giving effort the race will not be what it is now—it will change to something else. These age-old activities or their equivalent are vital to a continuation of human development. They are invaluable in the growth and training of youth.

Towns and cities and industrial life are very recent and modern acquirements. Such an environment did not contribute to the making of the race, nor was it bred in the lap of present-day luxury. It was born of adversity and nurtured by necessity. Though the environment has greatly changed, human nature has not changed. If the same natural life in the open requiring something of the same struggle, surrounded by the same elements of adversity and necessity, is gradually passing away in the experience of the great mass of the people; if the old struggle with nature no longer goes on; if the usual environment has been very largely changed, it becomes exceedingly necessary that an artificial environment be created to supply the necessary process for a continuation of the development and character of the race. The cinder track must be substituted for the chase.

Art therefore has been brought in to take the place of nature. One of the great efforts in that direction is represented by the Boy Scout movement. It was founded in the United States in 1910. In September of that year the organization was given a great impetus by the visit of the man whom we are delighted to honor this evening, Sir Robert Baden-Powell. This distinguished British general is now known all over the world as the originator of this idea. That it has been introduced into almost every civilized country must be to him a constant source of great gratification. The first annual meeting was held in the East Room of the White House in February, 1911, when President Taft made an address, and each of his successors has been pleased to serve as the honorary president of the association. It has been dignified by a Federal charter granted by the Congress to the Boy Scouts of America in 1916, and thereby ranks in the popular mind with the only two other organizations which have been similarly honored, the Red Cross and the American Legion.

The Boy Scouts have been fortunate in enlisting the interest of prominent men of our country to serve as the active head of the organization. For the current year that position was held by no less a figure than the late James J. Storrow. His untimely taking off was a sad experience to all of us who knew him. I cherished him personally as a friend. I admired him for the broad public spirit that he always exhibited. Amid all the varied and exacting activities as one of our foremost business men, he yet found time to devote his thought and energy and personal attention to the advancement of this movement. His memory will constantly bring to us all that sentiment which he uttered in the New Year's message that he gave to the scouts, in expressing the hope that it might bring "A more vivid realization that it is the spirit and the spiritual sides of life that count."

The more I have studied this movement, its inception, purposes, organization, and principles, the more I have been impressed. Not only is it based on the fundamental rules of right thinking and acting, but it seems to embrace in its code almost every virtue needed in the personal and social life of mankind. It is a wonderful instrument for good. It is an inspiration to you whose duty and privilege it is to widen its horizon and extend its influence. If every boy in the United States between the ages of 12 and 17 could be placed under the wholesome influences of the scout program and should live up to the scout oath and rules, we would hear fewer pessimistic words as to the future of our Nation.

The boy on becoming a scout binds himself on his honor to do his best, as the oath reads:

"1. To do my duty to God and my country, and to obey the scout law.

"2. To help other people at all times.

"3. To keep myself physically strong, mentally awake, and morally straight."

The 12 articles in these scout laws are not prohibitions, but obligations; affirmative rules of conduct. Members must promise to be

trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent. How comprehensive this list! What a formula for developing moral and spiritual character! What an opportunity for splendid service in working to strengthen their observance by all scouts and to extend their influence to all boys eligible for membership! It would be a perfect world if everyone exemplified these virtues in daily life.

Acting under these principles, remarkable progress has been made. Since 1910 3,000,000 boys in the United States have been scouts—one out of every seven eligible. Who can estimate the physical, mental, and spiritual force that would have been added to our national life during this period if the other six also had been scouts?

On January 1, 1926, there was an enrollment of nearly 600,000 boys, directed by 165,000 volunteer leaders and divided among 23,000 troops. Such is the field that has been cultivated. The great need now is for more leaders, inspired for service and properly equipped to carry out the program. It is estimated that 1,000,000 additional boys could be enrolled immediately if adequate leadership could be provided. We can not do too much honor to the 500,000 men who in the past 16 years have given freely of their time and energy as scout masters and assistant scout masters. Such service is service to God and to country. The efforts to get more devoted volunteers and to find and train those fitted and willing to make this their life work is worthy of the most complete success.

Because the principles of this movement are affirmative I believe they are sound. The boy may not be merely passive in his allegiance to righteousness. He must be an active force in his home, his church, and his community. Too few people have a clear realization of the real purposes of the Boy Scouts. In the popular mind the program is arranged for play, for recreation is designed solely to utilize the spare time of the boy in such a way that he may develop physically while engaged in pleasurable pursuits. This is but a faint conception, one almost wholly misleading. The program is a means to an end. Its fundamental object is to use modern environment in character building and training for citizenship.

Character is what a person is; it represents the aggregate of distinctive mental and moral qualities belonging to an individual or a race. Good character means a mental and moral fiber of high order, one which may be woven into the fabric of the community and State, going to make a great nation—great in the broadest meaning of that word.

The organization of the scouts is particularly suitable for a representative democracy such as ours, where our institutions rest on the theory of self-government and public functions are exercised through delegated authority. The boys are taught to practice the basic virtues and principles of right living and to act for themselves in accordance with such virtues and principles. They learn self-direction and self-control.

The organization is not intended to take the place of the home or religion, but to supplement and cooperate with those important factors in our national life. We hear much talk of the decline in the influence of religion, of the loosening of the home ties, of the lack of discipline—all tending to break down reverence and respect for the laws of God and of man. Such thought as I have been able to give to the subject and such observations as have come within my experience have convinced me that there is no substitute for the influences of the home and of religion. These take hold of the innermost nature of the individual and play a very dominant part in the formation of personality and character. This most necessary and most valuable service has to be performed by the parents, or it is not performed at all. It is the root of the family life. Nothing else can ever take its place. These duties can be performed by foster parents with partial success, but any attempt on the part of the Government to function in these directions breaks down almost entirely. The Boy Scout movement can never be a success as a substitute but only as an ally of strict parental control and family life under religious influences. Parents can not shift their responsibility. If they fail to exercise proper control, nobody else can do it for them.

The last item in the scout "duodecalogue" is impressive. It declares that a scout shall be reverent. "He is reverent toward God," the paragraph reads. "He is faithful in his religious duty—respects the convictions of others in matters of custom and religion." In the past I have declared my conviction that our Government rests upon religion; that religion is the source from which we derive our reverence for truth and justice, for equality and liberty, and for the rights of mankind. So wisely and liberally is the Boy Scout movement designed that the various religious denominations have found it a most helpful agency in arousing and maintaining interest in the work of their various societies. This has helped to emphasize in the minds of youth the importance of teaching our boys to respect the religious opinions and social customs of others.

The scout theory takes a boy at an age when he is apt to get ensnared in the complexities and false values of our latter-day life, and it turns his attention toward the simple, the natural, the genuine. It provides a program for the utilization of his spare time outside his home and school and church duties. While ofttimes recreational, it is in the best sense constructive. It aims to give a useful outlet for the abundant energies of the boy, to have valuable knowledge follow innate curiosity, to develop skill and self-reliance—the power to bring things to pass—by teaching one how to use both the hand and the head. In the city-bred boy is developed love for the country, a realization of what nature means, of its power to heal the wounds and to soothe the frayed nerves incident to modern civilization. He learns that in the woods and on the hillside, on the plain, and by the stream, he has a chance to think upon the eternal veritics, to get a clarity of vision—a chance which the confusion and speed of city life too often renders difficult, if not impossible, of attainment. There is a very real value in implanting this idea in our boys. When they take up the burdens of manhood they may be led to return to the simple life for periods of physical, mental, and spiritual refreshment and reinvigoration.

Scouting very definitely teaches that rewards come only after achievement through personal effort and self-discipline. The boy enters as a tenderfoot. As he develops he becomes a second-class scout and then a first-class scout. Still there is before him the opportunity, in accordance with ability and hard work, to advance and get merit badges for proficiency in some 70 subjects pertaining to the arts, trades, and sciences. It is interesting to learn that in the year 1925, 195,000 merit badges were awarded as compared with 140,000 in 1924. Twenty-one such awards make the boy an "eagle scout," the highest rank. Not only does one learn to do things, but in many instances he learns what he can do best. He is guided to his life work. Vocational experts will tell you in dollars and cents what this means to society where so often much valuable time and effort is wasted by the young before they have tested, proven, and trained their individual powers.

The boy learns "to be prepared." This is the motto of the scouts. They are prepared to take their proper place in life, prepared to meet any unusual situation arising in their personal or civic relations. The scout is taught to be courageous and self-sacrificing. Individually he must do one good deed each day. He is made to understand that he is a part of organized society; that he owes an obligation to that society. Among the many activities in which the scouts have rendered public service are those for the protection of birds and wild life generally, for the conservation of natural resources, reforestation, for carrying out the "Safety first" idea. They have taken part in campaigns for church cooperation, in drives against harmful literature, and the promotion of an interest in wholesome, worth-while reading. In many communities they have cooperated with the police and fire departments. In some instances they have studied the machinery of government by temporary and volunteer participation in the city and State administration. During the war they helped in the Liberty-loan campaigns, and more recently they have assisted in "Get-out-the-vote" movements.

All of this is exceedingly practical. It provides a method both for the trainfng of youth and adapting him to modern life. The age-old principle of education through action and character through effort is well exemplified, but in addition the very valuable element has been added of a training for community life. It has been necessary for society to discard some of its old individualistic tendencies and promote a larger liberty and a more abundant life by cooperative effort. This theory has been developed under the principle of the division of labor, but the division of labor fails completely if any one of the divisions ceases to function.

It is well that boys should learn that lesson at an early age. Very soon they will be engaged in carrying on the work of the world. Some will enter the field of transportation, some of banking, some of industry, some of agriculture; some will be in the public service, in the police department, in the fire department, in the Post Office Department, in the health department. The public welfare, success, and prosperity of the Nation will depend upon the proper coordination of all these various efforts and upon each loyally performing the service undertaken. It will no longer do for those who have assumed the obligation to society of carrying on these different functions to say that as a body they are absolutely free and independent and responsible to no one but themselves. The public interest is greater than the interest of any one of these groups, and it is absolutely necessary that this interest be made supreme. But there is just as great a necessity on the part of the public to see that each of these groups is justly treated. Otherwise government and society will be thrown into chaos. On each one of us rests a moral obligation to do our share of the world's work. We have no right to refuse.

The training of the Boy Scouts fits them to an early realization of this great principle and adapts them in habits and thoughts and life to its observances. We know too well what fortune overtakes those who attempt to live in opposition to these standards. They become at once rightfully and truly branded as outlaws. However much they may boast of their freedom from all restraints and their disregard of all conventionalities of society, they are immediately the recognized foes of their brethren. Their short existence is lived under greater and greater restrictions, in terror of the law, in flight from arrest, or in imprisonment. Instead of gaining freedom, they become the slaves of their own evil doing, realising the scriptural assertion that they who

sin are the servants of sin and that the wages of sin is death. The Boy Scout movement has been instituted in order that the youth, instead of falling under the domination of habits and actions that lead only to destruction, may come under the discipline of a training that leads to eternal life. They learn that they secure freedom and prosperity by observing the law.

This is but one of the many organizations that are working for good in our country. Some of them have a racial basis, some a denominational basis. All of them in their essence are patriotic and religious. Their steady growth and widening influence go very far to justify our faith in the abiding fitness of things. We can not deny that there are evil forces all about us, but a critical examination of what is going on in the world can not fail to justify the belief that wherever these powers of evil may be located, however great may be their apparent extent, they are not realities, and somewhere there is developing an even greater power of good by which they will be overcome.

We need a greater faith in the strength of right living. We need a greater faith in the power of righteousness. These are the realities which do not pass away. On these everlasting principles rests the movement of the Boy Scouts of America. It is one of the growing institutions by which our country is working out the fulfillment of an eternal promise.

The SPEAKER. The Clerk will report the next bill.

MORONGO INDIAN RESERVATION

The next business on the Consent Calendar was the bill (S. 2702) to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there are hereby withdrawn from settlement, entry, or other disposition under the laws of the United States, the following-described lands in the State of California, namely, the north half of the southwest quarter of section 16, the southeast quarter of section 19, and the north half of the southwest quarter of section 29, township 2 south, range 2 east of San Bernardino meridian, and said lands are hereby set apart as a reservation for the use of the Indians of the Morongo Indian Reservation, the same to be added to and become a part of that reservation.

With a committee amendment as follows:

Page 1, line 7, strike out the words "and the north half of the southwest quarter of section 29."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

OIL AND GAS MINING LEASES ON CERTAIN INDIAN RESERVATIONS

The next business on the Consent Calendar was the bill (H. R. 9133) to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HAYDEN. I ask unanimous consent, Mr. Speaker, that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Arizona asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

WATER SUPPLY AT DRESSLERVILLE INDIAN COLONY

The next business on the Consent Calendar was the bill (H. R. 9730) to provide for an adequate water-supply system at the Dresslerville Indian Colony.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to establish, operate, and maintain at the Dresslerville Indian Colony, in the State of Nevada, a water-supply system for the purpose of providing the Indians of such colony with an adequate supply of water for domestic and garden use, and such Secretary may, in connection with the establishment of such system, accept the gratuitous services of the Indians of such colony. There is hereby authorized to be appropriated the sum of $5,500, or so much thereof as may be necessary, for the establishment of such water-supply system.

With a committee amendment, as follows:

On page 2, line 1, after the word "appropriated," insert the words "out of any money in the Treasury not otherwise appropriated."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

PORTO RICO

The next business on the Consent Calendar was the bill (H. R. 11204) exempting from the provisions of the immigration act of 1924 certain Spanish subjects residents of Porto Rico on April 11, 1899.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That all Spanish subjects who on April 11, 1899 (whether adults or minors), were bona fide residents of Porto Rico or adjacent islands which comprised the Province of Puerto Rico, and who, in conformity with Article IX of the treaty between the United States and Spain of April 11, 1899, have preserved their allegiance to the Crown of Spain, may be admitted into Porto Rico without regard to the provisions of the immigration act of 1924, except section 23.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

DISTRIBUTION OF THE SUPREME COURT REPORTS

The next business on the Consent Calendar was the bill (H. R. 10701) to provide for the distribution of the Supreme Court Reports and amending section 227 of the Judicial Code.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? The bill requires three objections.

Mr. LAGUARDIA and Mr. SCHAFER objected.

Mr. CHRISTOPHERSON. Mr. Speaker, the gentleman from Pennsylvania [Mr. GRAHAM], who is in charge of this bill, is unavoidably absent, and therefore I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

MESA GRANDE RESERVATION

The next business on the Consent Calendar was the bill (S. 2706) to provide for the reservation of certain land in California for the Indians of the Mesa Grande Reservation, known also as Santa Ysabel Reservation No. 1.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby withdrawn from settlement, entry, or disposition under the laws of the United States and set apart and reserved for the occupancy and use of the Indians of the Mesa Grande Reservation, known also as Santa Ysabel Reservation No. 1, a tract of land in the State of California, particularly described as the west half of the southwest quarter of section 11, township 12 south, range 2 east of San Bernardino meridian, containing 80 acres, the same to be added to and become a part of said Indian reservation.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

DEPOSIT AND EXPENDITURE OF VARIOUS REVENUES OF THE INDIAN SERVICE

The next business on the Consent Calendar was the bill (H. R. 11171) to authorize the deposit and expenditure of various revenues of the Indian Service as Indian moneys, proceeds of labor.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, may we have an explanation of the bill?

Mr. LEAVITT. This simply authorizes the disposition of moneys that for a good many years have been used in this way for the benefit of the Indians, but the comptroller has held that as a matter of law there should be an authorization for doing it.

Mr. CHINDBLOM. Is the legislation made necessary by a ruling of the Comptroller General?

Mr. LEAVITT. Yes. This is simply making a law which authorizes the doing of a thing that has been done for years.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter all miscellaneous revenues derived from Indian reservations, agencies, and schools, which are not required by existing law to be otherwise disposed of, shall be covered into the Treasury of the United States under the caption "Indian moneys, proceeds of labor," and are hereby made available for expenditure, in the discretion of the Secretary of the Interior, for the benefit of the Indian tribes, agencies, and schools on whose behalf they are collected, subject, however, to the limitations as to tribal funds, imposed by section 27 of the act of May 18, 1916 (39 Stat. L. p. 159).

SEC. 2. The act of March 3, 1883 (22 Stat. L. p. 590), and the act of March 2, 1887 (24 Stat. L. p. 463), are hereby amended in accordance with the foregoing.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

PRINTING OF ADDITIONAL COPIES OF HEARINGS BEFORE THE COMMITTEE ON IMMIGRATION AND NATURALIZATION

Mr. JOHNSON of Washington. Mr. Speaker, I ask for the present consideration of a privileged resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Washington asks for the present consideration of a privileged resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 250

Resolved, That in accordance with paragraph 3 of section 2 of the printing act, approved March 1, 1907, the Committee on Immigration and Naturalization of the House of Representatives be, and is hereby, authorized and empowered to have printed 2,500 additional copies of the hearings held before said committee of the Sixty-ninth Congress, first session, on bills relating to deportation of alien criminals, gunmen, narcotic dealers, defectives, etc.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

COMMISSIONER OF RECLAMATION

The next business on the Consent Calendar was the bill (S. 1170) to provide for the appointment of a commissioner of reclamation, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

ENLISTED RESERVE CORPS

The next business on the Consent Calendar was the bill (H. R. 10385) to amend section 55 of the national defense act, June 3, 1916, as amended, relating to the Enlisted Reserve Corps.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. This increases the age from 35 years to 45 years, does it not? I object.

Mr. JAMES. Mr. Speaker, will the gentleman from Texas withhold his objection?

Mr. BLANTON. Gladly, if the gentleman wants to make a statement.

Mr. JAMES. The only new language in this bill is on page 2, line 14—

except that for original enlistments in railway operating units the maximum age limit shall be 45 years.

Mr. BLANTON. It permits men in that particular branch to enlist in the Reserve Corps up to 45 years of age?

Mr. JAMES. Yes; and the War Department states that this is necessary in order to get highly skilled men. In a good many cases the men are over 35 years of age; they want to get these men in the Reserve Corps, and in order to get highly skilled men it is necessary to raise the age limit.

Mr. BLANTON. But I noticed during the war that they got a good many of them under 26 and 27 years of age, highly skilled men, and I do not think we ought to just keep raising this age limit up to 45 years.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. JAMES. I yield.

Mr. LAGUARDIA. This is what is happening to our Reserve Corps: It is beginning to get top heavy, and if you are going to increase the age limit, then you are going to have a superannuated Reserve Corps which will not be of any value in case of an emergency.

Mr. BLANTON. When a man gets about 45 years of age he begins to get a bay window on him——

Mr. LAGUARDIA. And wants to be a colonel.

Mr. BLANTON. And bay windows do not go with good service.

Mr. JAMES. How old is the gentleman from Texas?

Mr. BLANTON. I have one myself.

Mr. JAMES. Neither the gentleman nor myself is at all decrepit.

Mr. BLANTON. No; but I would rather be 35.

Mr. JAMES. I hope the gentleman from Texas will withdraw his objection.

Mr. BLANTON. I object, Mr. Speaker.

PHILIPPINE SCOUTS

The next business on the Consent Calendar was the bill (S. 2658) to authorize the Secretary of War to fix all allowances for enlisted men of the Philippine Scouts; to validate certain payments for travel pay, commutation of quarters, heat, light, etc., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the last sentence of the second paragraph of section 36 of the act entitled "An act to increase the efficiency of the permanent Military Establishment of the United States," approved February 2, 1901 (31 Stat. L. p. 757), be, and the same is hereby, amended to read as follows:

"The pay and allowances of whatever nature and kind to be authorized for the enlisted men of the Philippine Scouts shall be fixed by the Secretary of War and shall not exceed or be of other classes than those now or which may hereafter be authorized by law for enlisted men of the Regular Army: *Provided*, That payments of travel pay and of commutation of quarters, heat, and light heretofore made to enlisted men of the Philippine Scouts, if not in excess of those authorized at the time for enlisted men of the Regular Army, be, and the same are hereby, validated: *And provided further*, That any such payments of travel pay and commutation of quarters, heat, and light which have been collected back from enlisted men of the Philippine Scouts to whom originally paid shall be refunded to them."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EMPLOYEES' COMPENSATION ACT

The next business on the Consent Calendar was the bill (H. R. 11325) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I reserve the right to object. I notice this amendment would involve an expense of something like $700,000, and I think it is entirely too important a bill to be considered under unanimous consent, so I object.

Mr. UNDERHILL. Will the gentleman withhold his objection for a moment?

Mr. BLACK of Texas. Yes; I withhold it.

Mr. UNDERHILL. I want to make the suggestion under this reservation that a clause be added to this bill which positively states it shall not be retroactive in any instance. Unless you do so there will be immediately a thousand special bills introduced in Congress to raise the rates.

Mr. BLACK of Texas. Also, this is really a very important bill. It amends several sections of the employees' compensation act.

Mr. UNDERHILL. I recognize that fact, and that ought to be added when it is reached.

Mr. BLACK of Texas. It ought not to come up under unanimous consent; so I object, Mr. Speaker.

PUBLICATION OF THE DECLARATION OF INDEPENDENCE

The next business on the Consent Calendar was the bill (H. R. 11202) to provide for the preparation, printing, and distribution of pamphlets containing the Declaration of Independence, with certain biographical sketches and explanatory matter.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ARENTZ. I reserve the right to object, Mr. Speaker, in order to ask the gentleman from Minnesota [Mr. KVALE] a question. It seems to me about a week ago there was a bill passed for the publication of the Declaration of Independence as well as the Constitution of the United States and other pamphlets. I just want to ask if this is not a similar request, and will it not cover similar publications?

Mr. KVALE. No; the other bill was simply for the printing of a few copies.

Mr. ARENTZ. That bill provided for 10 copies for each Representative in Congress as well as copies for others in addition to that.

Mr. KVALE. Those are to be books, and will contain the debates. These are just pamphlets.

Mr. ARENTZ. What will it cost?

Mr. KVALE. Not to exceed $3,000 all together, and this has the approval of the Director of the Budget as well as the Secretary of the Interior.

Mr. ARENTZ. I withdraw my objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in commemoration of the one hundred and fiftieth anniversary of the adoption of the Declaration of Independence, the Bureau of Education of the Department of the Interior shall prepare and have printed at the Government Printing Office a pamphlet containing the Declaration of Independence, with a brief summary of the historical events preceding and resulting in its creation, a short biographical sketch of each of the principal characters involved in the struggle for independence, and such other educational matter as may be deemed appropriate. The Bureau of Education shall distribute one copy of such pamphlet to every public or private school, college, or university in the United States or any Territory or possession of the United States, and the Superintendent of Documents shall, upon application therefor, sell such pamphlet to any individual, organization, or institution for 5 cents a copy, or, if ordered in lots of 100 copies or more, for 1 cent a copy.

SEC. 2. There shall be distributed through the folding rooms of the Senate and House of Representatives, respectively, 300 copies of such pamphlet to each Senator and 150 copies to each Representative, Delegate, and Resident Commissioner.

SEC. 3. There is hereby authorized to be appropriated the sum of $3,000, or so much thereof as may be necessary to carry out the provisions of this act.

With the following committee amendments:

Page 2, line 6, after the words "United States" strike out the remainder of line 6 and all of lines 7, 8, 9, and 10.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COMMISSIONER OF RECLAMATION

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent that the bill (S. 1170) to provide for the appointment of a commissioner of reclamation, and for other purposes, No. 395 on the calendar, objected to by my colleague from Texas [Mr. BLANTON] retain its place on the calendar without prejudice.

The SPEAKER. Is there objection?

There was no objection.

EXPENDITURE FROM THE FORT PECK 4 PER CENT FUND

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 60) authorizing expenditures from the Fort Peck 4 per cent fund for visit of tribal delegates to Washington.

The Clerk read the title to the resolution.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That the sum of $5,000 is hereby authorized to be expended out of the Fort Peck 4 per cent fund, created under the act of May 30, 1908 (35 Stat L. p. 558), and held in trust by the United States, such sum to be available until expended, to enable the Secretary of the Interior to pay the necessary expenses incurred in connection with visits to Washington, D. C., by delegations of the Assiniboine and Sioux Indians of the Fort Peck Indian Reservation, when authorized or approved by the Secretary of the Interior, for the purpose of conferring with attorneys, presenting claims, appearing before committees of Congress, and attending to other tribal matters of such Indians.

With the following committee amendments:

Page 1, line 3, strike out the word "expended" and insert the word "appropriated."

Page 1, line 11, after the word "when," insert the words "duly elected and."

Page 1, line 11, strike out the word "or" and insert the words "by councils of said Indians and."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the bill was laid on the table.

ENLISTED RESERVE CORPS

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to return to Calendar No. 396, H. R. 10385, to amend section 55 of the national defense act of June 3, 1916, as amended relating to Enlisted Reserve Corps.

The SPEAKER. The gentleman from Maryland asks unanimous consent to return to Calendar No. 396. Is there objection?

Mr. BLANTON. It will still be subject to objection.

Mr. HILL of Maryland. I will say that the present age limit in the reserve corps is 35 years. The Secretary of War is very anxious to obtain the services in the reserve corps of certain experienced railroad men between the ages of 35 and 45 and therefore he has asked that the limit of enlistment in the reserve corps be raised from 35 to 45.

Mr. BLANTON. Will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. BLANTON. While the gentleman was in France the War Department tried to get us to draft boys 18 years old and we tried to get the War Department to take them up to 45 before they took boys under 21. But the War Department said they did not want them 45 years old, did not want them 40 years old, they wanted school boys 18 years of age, and when we were forced under the demand to grant them boys 18 years of age we wisely provided that they should stay in school until the Government needed them. While the gentleman was in France there were 60,000 boys here 18 years of age in school in uniform.

Mr. HILL of Maryland. The War Department has evidently learned from experience and now is advocating just what the gentleman is advocating.

Mr. BLANTON. After a man has become 40 years old the gentleman will find that he begins to take on a bay window. I object.

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent that the bill retain its place on the calendar.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the bill retain its place on the calendar. Is there objection?

There was no objection.

Mr. CHRISTOPHERSON. Mr. Speaker, I ask unanimous consent that the bill 11325, just objected to, Calendar No. 398, retain its place on the calendar.

The SPEAKER. The gentleman asks unanimous consent that Calendar No. 398, recently objected to, retain its place on the calendar. Is there objection?

Mr. LAGUARDIA. I shall not object this time, but if any more requests for bills to retain their place on the calendar are made, I shall object to them; because if they retain their places on the calendar we will never finish the work.

CITIZEN BAND OF POTTAWATOMIE INDIANS IN OKLAHOMA

The next business on the Consent Calendar was the bill (S. 1963) authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. I object.

THE ASSINIBOINE INDIANS

The next business on the Consent Calendar was the bill (S. 2141) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. I will reserve the right to object.

Mr. LEAVITT. This is a jurisdictional bill which has been given careful study by the Committee on Indian Affairs. I am informed by the gentleman from Michigan that he objects in order to give further study to it.

Mr. CRAMTON. My objection is based now on the general objection to these claims bills. If there is something special that entitles this to consideration, I will make a study of it before it is reached again on the calendar.

Mr. LEAVITT. I will state that this is the case with this bill and also with the one relating to the Crow Indians.

Mr. CRAMTON. I object.

MERCHANTABLE TIMBER ON TRIBAL LANDS, KLAMATH INDIAN RESERVATION, OREG.

The next business on the Consent Calendar was the bill (S. 2717) to reserve the merchantable timber on all tribal lands within the Klamath Indian Reservation in Oregon hereafter allotted, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the merchantable timber on all tribal lands within the Klamath Indian Reservation in Oregon hereafter allotted under existing laws be, and the same is hereby, reserved for the benefit of the members of the Klamath Tribe and other Indians having rights on that reservation: *Provided*, That the trust patents issued for such allotments shall contain a clause reserving to the United States the right to cut and market such merchantable timber, the proceeds to be disposed of in accordance with existing statutes and regulations: *Provided further*, That, when the merchantable timber has been removed from the lands so allotted, the title to such timber as remains shall thereupon pass to the respective allottees, their heirs, or assigns.

Mr. SINNOTT. Mr. Speaker, I was not aware that this bill was coming up at this time, and I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: At the end of the bill, page 2, line 4, after the word "assigns," insert: "*Provided*, That nothing in this act shall be held to affect the lands now involved in any suits or causes of action now pending in any court."

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. CHINDBLOM. Does the gentleman mean causes of action or actions?

Mr. SINNOTT. Any suit or action.

Mr. CHINDBLOM. That would be better, because, of course, a cause of action is a right of action before a proceeding is begun.

Mr. LEAVITT. Mr. Speaker, there is no objection to the amendment on the part of the committee.

Mr. HASTINGS. Mr. Speaker, let us have the amendment again reported.

Mr. SINNOTT. Mr. Speaker, I ask that the amendment be modified in accordance with the suggestion of the gentleman from Illinois.

The SPEAKER. Without objection, the Clerk will again report the modified amendment.

The Clerk read as follows:

Modified amendment offered by Mr. SINNOTT: At the end of the bill insert: "*Provided*, That nothing in this act shall be held to affect the lands now involved in any suits or actions now pending in any court."

The amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIMS OF CROW TRIBE OF INDIANS

The next business on the Consent Calendar was the bill (S. 2868) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgments in claims that the Crow Tribe of Indians may have against the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I reserve the right to object.

Mr. LEAVITT. Mr. Speaker, this is another jurisdictional bill that has had very careful consideration by the Committee on Indian Affairs. Is the gentleman going to object?

Mr. CRAMTON. I am.

Mr. LEAVITT. Then I ask unanimous consent, Mr. Speaker, that this bill, S. 2868, and the bills S. 1963 and S. 2141, be passed over without prejudice and retain their place on the calendar.

The SPEAKER. The gentleman from Montana asks unanimous consent that the bills S. 1963, S. 2141, and S. 2868 be passed over without prejudice. Is there objection?

There was no objection.

CONDEMNATION OF LANDS OF PUEBLO INDIANS, NEW MEXICO

The next business on the Consent Calendar was the bill (H. R. 11201) to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object. What is the bill about?

Mr. MORROW. Mr. Speaker, this is a bill to permit the State laws to be applied in the condemning of lands of the Pueblo Indians for right of way for a railroad across the Indian land. In 1923 the railroad company secured from the Interior Department the right to construct a railroad, filed their maps, paid the Indians for the right of way. They put their own money into the investment. Now, they wish to refund the road's indebtedness and to float bonds upon the same. The attorney for the Indians says that the Interior Department did not have authority to grant the right of way. The Indians have had their money. These people have about $2,000,000 invested. They want this law in order to permit the condemnation under the laws of the State of New Mexico, so that they can secure their right of way and proceed.

Mr. LAGUARDIA. Does the gentleman say that the Indians are trying to put something over on the railroad?

Mr. MORROW. Not at all.

Mr. LAGUARDIA. If they do, it will be the first time in the history of the country that they have been able to do it.

Mr. MORROW. Not at all. The Indians are entirely taken care of in the bill. They have been paid for their land. The attorney for the Indians says that the title to the land is still in the United States and that it requires an act of Congress to grant the railroad company a right of way. The railroad has been constructed, and it is in operation. They are refunding it to issue bonds to proceed further and take care of private capital that they have invested, and this is simply giving them authority that the title to the right of way shall be confirmed, so that there will be no question raised in regard to the bonds.

Mr. LAGUARDIA. I am not concerned with the railroads. Are the interests of the Indians protected?

Mr. MORROW. Yes.

Mr. CHINDBLOM. Is not this a case where the attorneys for the bondholders are teaching the attorneys for the railroad company something about the right to convey these lands?

Mr. MORROW. Perhaps that is true.

Mr. LEAVITT. Mr. Speaker, I will state in behalf of the Committee on Indian Affairs that the rights of the Indians are very fully taken care of; that the existence of this road is of very great value and a necessity to them in the development of their country; but that a technicality has arisen through this being an Executive-order Indian reservation, requiring that the right to grant this right of way shall be cleared up through the passage of this legislation.

Mr. LAGUARDIA. There is no doubt in my mind the interests of the railroad are safeguarded, but I was a little bit concerned, being from New York, as to the rights of the Indians being preserved.

Mr. LEAVITT. The rights of the Indians are equally well taken care of.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, this railroad was built on Indian territory with the consent of the Federal Government?

Mr. LEAVITT. Yes; and the Indians were compensated.

Mr. SCHAFER. What was the approximate amount of compensation paid to the Indians by the railroad corporation?

Mr. LEAVITT. I can not give that.

Mr. MORROW. Three thousand dollars, and 5 miles constructed, just for the right of way.

Mr. SCHAFER. What railroad?

Mr. MORROW. It is known as the Northwestern, simply a timber railroad.

Mr. SCHAFER. Then the railroad company only paid these Indians $3,000 for a right of way upon which they built 60 miles of railroad track?

Mr. MORROW. It was just across the reservation.

Mr. SCHAFER. I do not think we should legalize the validity of giving this right of way.

Mr. MORROW. There are only 5 miles of railroad on the reservation.

Mr. SCHAFER. I ask unanimous consent that the bill be passed over without prejudice——

Mr. LEAVITT. Will the gentleman withhold that?

The SPEAKER. Is there objection?

Mr. LEAVITT. Will the gentleman withhold that?

Mr. SCHAFER. Will the gentleman assure me the Indians are properly protected?

Mr. LEAVITT. Absolutely.

Mr. SCHAFER. I withdraw the objection.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to substitute the bill S. 3953, an almost identical bill, the only difference being that it provides notice shall be given the superintendent of the Indian reservation on the ground rather than the Secretary of the Interior. There is no difference except that.

The SPEAKER. The gentleman from Montana asks unanimous consent to substitute the bill S. 3953. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

An act (S. 3953) to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings.

Be it enacted, etc., That lands of the Pueblo Indians of New Mexico, the Indian title to which has not been extinguished, may be condemned for any public purpose and for any purpose for which lands may be condemned under the laws of the State of New Mexico, and the money awarded as damages shall be paid to the superintendent or officer in charge for the benefit of the particular tribe, community, or pueblo holding title to same: *Provided, however,* That the Federal courts of said State of the district within which such lands are located shall have and retain jurisdiction of all proceedings for the condemnation of such lands, and shall conform, as near as may be, to the practice, pleadings, forms, and proceedings existing at the time in like causes in the courts of record of the said State of New Mexico: *Provided also,* That notice of each suit shall at time of filing be served upon the superintendent or other officer in charge of the particular pueblo where the land is situated.

The bill was ordered to be a read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The House bill of similar tenor was laid on the table.

CONFERENCE REPORT, LEGISLATIVE APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I present a conference report on the legislative appropriation bill for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10425) making appropriations for the legislative branch of the Government.

The SPEAKER. Ordered printed.

ADJUSTMENT OF WATER-RIGHT CHARGES

Mr. SMITH. Mr. Speaker, I move that the rules be suspended and the House consider and pass the bill (H. R. 10429) with the amendments adopted by the committee.

The SPEAKER. The gentleman from Idaho moves that the rules be suspended and pass the bill (H. R. 10429) with the amendments adopted by the committee. Is a second demanded?

Mr. SCHAFER. What is the bill?

Mr. CRAMTON. Mr. Speaker, I demand a second.

Mr. SMITH. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Idaho is recognized for 20 minutes and the gentleman from Michigan for 20 minutes. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10429) to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, to amend subsections E and F of section 4, act approved December 5, 1924, and for other purposes.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby empowered and directed to make, under subsection K, section 4, act of December 5, 1924 (43 Stat. L. p. 701), in connection with the irrigation projects hereinafter named, adjustment of water-right charges standing upon the records of said projects as of June 30, 1925, as follows:

BELLE FOURCHE PROJECT, SOUTH DAKOTA

SEC. 2. There shall be deducted from the total cost of said project the following sums:

(1) Three hundred and fifty-five thousand eight hundred and nine dollars, or such an amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) One thousand two hundred and eight acres permanently unproductive because of topography steep and rough heretofore eliminated;

(b) Six thousand eight hundred and ninety-seven acres permanently unproductive because of topography steep and rough; based on present land classification.

(2) One hundred and nineteen thousand six hundred and six dollars on account of operation and maintenance deficit prior to reclamation extension act of 1914.

(3) Twelve thousand and thirty-six dollars on account of error or mistake representing Johnson Creek lateral storage investigations and Nine Mile location surveys as shown on page 14 of House Document No. 201, Sixty-ninth Congress, first session.

SEC. 3. All payments upon construction charges shall be suspended against the following lands:

(a) Ten thousand five hundred acres temporarily unproductive for lack of fertility in the soil, seepage, and excessive alkali salts;

(b) Six thousand eight hundred and ninety-five acres, Willow Creek lands awaiting further developments, temporarily unproductive;

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and shown in the table on page 14 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60 of said document.

BOISE PROJECT, IDAHO

SEC. 4. All payments upon construction charges shall be suspended against the following lands:

(a) Two thousand nine hundred and ninety acres, Arrowrock division, temporarily unproductive for lack of fertility in the soil and being water-logged;

(b) Four hundred and eight acres, Arrowrock division, Nampa and Meridian district, temporarily unproductive for lack of fertility in the soil, being water-logged;

(c) Two thousand six hundred and fifty acres, Arrowrock division, temporarily unproductive because of light, sandy soil that blows easily; and

(d) Three hundred and eighty-eight acres, Arrowrock division, temporarily unproductive because of porous soil difficult to irrigate.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 15 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60 of said document.

CARLSBAD PROJECT, NEW MEXICO

SEC. 5. There shall be deducted from the total cost of the said project the sum of $374,885.69, on account of error and mistake in providing for additional storage in Lake McMillan Reservoir as follows:

(1) Acquisition of flowage rights required for additional storage rights of way, and expenses incidental thereto, $164,383.62.

(2) For additional and incidental construction required for said additional storage, $210,502.07, as follows:

(a) Preliminary surveys, etc., $6,718.62.

(b) Extra dam construction, $89,153.13.

(c) Holes in reservoir bottom, $2,379.52.

(d) Spillway No. 1, $49,549.80.

(e) Spillway No. 2, $62,701.

SEC. 6. All payments upon construction charges shall be suspended against the following lands: One thousand and five acres temporarily unproductive for lack of fertility in the soil because of seepage and alkalinity; all as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 17 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60 of said document.

GRAND VALLEY PROJECT, COLORADO

SEC. 7. There shall be deducted from the total cost of said project the following sums:

Seven hundred and sixty thousand six hundred and twenty-eight dollars, or such an amount as represents the construction costs as found by the Secretary of the Interior against the following lands:

(a) Nine thousand one hundred and seven acres permanently unproductive for lack of fertility in the soil, shallow soil, alkalinity, and unfavorable topography.

(b) One thousand six hundred and fifty acres, West End Extension, permanently unproductive because of unfavorable topography, shallow soil, and alkalinity.

SEC. 8. When construction charges are announced for the productive lands of the project all payments of construction charges shall be suspended against the following lands:

(a) Seven thousand one hundred and fifty acres temporarily unproductive for lack of fertility in the soil, seepage, and alkalinity.

(b) Eleven thousand eight hundred and sixty-three acres of productive lands temporarily unproductive because no construction thus far of the Garfield pumping division, or of the Loma siphon land extension, or any other means of reclaiming the same, and there being no present demand for these unirrigated lands.

All as shown by classification heretofore made under the supervision of the board of survey and adjustments and shown in the table on page 19 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60, said document.

HUNTLEY PROJECT, MONTANA

SEC. 9. There shall be deducted from the total cost of said project the following sums:

(1) Forty-six thousand nine hundred and eighty-seven dollars, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Four hundred and four acres, Pryor division, permanently unproductive because eroded and marginal to the river.

(b) Four hundred and twenty-seven acres, Eastern and Fly Creek divisions, permanently unproductive for lack of fertility in the soil.

(2) Eighty-one thousand three hundred and fifty-four dollars on account of operation and maintenance deficit prior to reclamation extension act of 1914.

The Secretary is further directed to assume as a definite loss such sums as in his judgment may be just and proper in connection with moneys expended for experiments with reclamation on alkali lands, and costs in excess of contracted returns, such total not to exceed $41,000.

SEC. 10. All payments upon construction charges shall be suspended against the following lands:

(a) Eleven thousand one hundred and seventy acres, Pryor division, temporarily unproductive, being gumbo and alkali soil;

(b) One thousand three hundred and thirty-six acres, Pryor division, temporarily unproductive, being private lands unpledged;

(c) Nine hundred and seventy acres, Eastern and Fly Creek divisions, temporarily unproductive, seeped.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 21 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60 of said document.

KING HILL PROJECT, IDAHO

SEC. 11. There shall be deducted from the total cost of said project the following sum:

(1) Five hundred and thirty-one thousand nine hundred and fifty-eight dollars, or such amounts as represent actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Seven hundred and ten acres permanently unproductive, being not susceptible of improvement because of lack of fertility in the soil;

(b) Three thousand seven hundred and sixty-four acres on account of inadequate water supply, porous soil, and gravelly subsoil.

SEC. 12. All payments upon construction charges shall be suspended against the following lands:

(a) One thousand eight hundred and ninety-eight acres, on account of probably insufficient water supply, porous soil, and sandy and porous subsoil;

(b) Five hundred and sixteen acres included in town sites and suspended areas.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 23 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60 of said document.

KLAMATH PROJECT, OREGON

SEC. 13. There shall be deducted from the total cost of said project the following sum:

(1) One thousand five hundred and eighty-seven dollars, or such amounts as may be actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Thirty-eight acres main divisions, Klamath irrigation district, permanently unproductive for lack of fertility in the soil.

SEC. 14. All payments upon construction charges shall be suspended against the following lands:

(a) Five hundred and seventeen acres, main division, Klamath irrigation district, temporarily unproductive for lack of fertility in the soil;

(b) One hundred and twenty-nine acres, Horsefly irrigation district, temporarily unproductive for lack of fertility in the soil;

(c) Eighty-three acres, Langell Valley irrigation district temporarily unproductive for lack of fertility in the soil.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments, as shown in the table on page 27 of said Document 201, as checked and modified as recommended in "General recommendations" Nos. 2 and 4, page 60, of said Document 201.

SEC. 15. The Secretary is further authorized and directed when announcement is made of the construction charges for the Tule Lake division of this project to take into consideration the recommendation of the board on page 26 of said Document 201, that a loss to the reclamation fund will ultimately ensue on this division and also a probable loss of $34,000 from lands of the Horsefly irrigation district by reason of the construction of the Gerber Reservoir, and he is further authorized and directed to deduct from the cost of said division the sum of $234,407, as recommended by the Board of Survey and Adjustments on page 26 of said document, and to fix and allocate the construction cost per acre in accordance with the findings and recommendations of the said board on page 26 of said document. The construction charge against the area in this division now under contract shall also be adjusted accordingly: *Provided*, That the construction charges shall in no event exceed a just and equitable charge against the Tule Lake division, based on the value of water for irrigation under the economic conditions prevailing, notwithstanding such charges may not return the full cost of construction.

SEC. 16. Nothing in this act shall be held to affect or prejudice the claims of the Klamath irrigation district or the State of Oregon in any suit or action now or hereafter instituted to set aside that certain contract between the United States and the California-Oregon Power Co., dated February 24, 1917, together with all contracts or modifications thereof, and to set aside or cancel the sale made by the United States of the so-called Ankeny and Keno Canals and the lands embraced in the rights of way thereof in the year 1923 to the said California-Oregon Power Co.

LOWER YELLOWSTONE PROJECT, MONTANA-NORTH DAKOTA

SEC. 17. There shall be deducted from the total cost of said project the following sum:

(1) Three hundred and eighty-two thousand two hundred and fifty-four dollars, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Five hundred and seventy-four acres permanently unproductive on account of right of way of the Great Northern Railway.

(b) Seven hundred and eighty-eight acres permanently unproductive, embracing town sites.

(c) Six thousand and seventy-seven acres on account of error in original estimate of irrigable area.

SEC. 18. All payments upon construction charges shall be suspended against the following lands:

(a) Five hundred acres temporarily unproductive because of damage by erosion.

(b) Two thousand eight hundred acres temporarily unproductive because water-logged.

(c) Seven thousand one hundred and eighty-eight acres temporarily unproductive because of forest covering and rough topography.

(d) Three hundred and thirteen acres temporarily unproductive because located in United States reserves.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 28 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60 of said document.

MILK RIVER PROJECT, MONTANA

SEC. 19. There shall be deducted from the total cost of said project the following sums:

(1) One hundred thousand nine hundred and seventy-eight dollars, or such amount as represents the construction costs as found by the Secretary of the Interior, against the following lands:

(a) One thousand seven hundred and seventy acres permanently unproductive for lack of fertility in the soil.

(2) One hundred and forty-five thousand and fifty-four dollars on account of error or mistake, representing unused St. Mary East Canal and measuring St. Mary waters as shown on page 31 of said Document 201.

(3) Nine hundred and twenty-nine thousand two hundred and twelve dollars, major work unused as shown on page 31 of said Document No. 201.

(4) Seven hundred and thirty-five thousand nine hundred and forty-five dollars, major and minor works unused as shown on page 31 of said Document No. 201.

SEC. 20. When the construction charges are announced for the productive lands of the project all payments of construction charges shall be suspended against the following lands:

(a) Twenty-three thousand five hundred acres temporarily unproductive for lack of fertility in the soil.

(b) Nine thousand four hundred and thirty acres temporarily unproductive because of inadequate storage and refractory soils.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and shown in the table on page 31 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60, of said document.

MINIDOKA PROJECT, IDAHO

SEC. 21. There shall be deducted from the total cost of said project the following sum:

(1) Nine thousand one hundred and seventy-two dollars, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) One hundred and seventy-eight acres, Gravity division, permanently unproductive for lack of fertility in the soil;

(b) Thirty-eight acre, South Side pumping division, permanently unproductive for lack of fertility in the soil and impregnated with alkali.

SEC. 22. All payments upon construction charges shall be suspended against the following lands:

(a) One thousand six hundred and thirty-four acres, Gravity division, temporarily unproductive because water-logged and for lack of fertility in the soil;

(b) Nine hundred and twenty acres, Gravity division, temporarily unproductive because of inadequate water supply and of porous soil;

(c) Five hundred and twenty-five acres, Gravity division, temporarily unproductive because of "blow soil";

(d) One hundred and ninety-seven acres, South Side pumping division, temporarily unproductive for lack of fertility in the soil and because water-logged.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 33 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60, of said document.

NEWLANDS PROJECT, NEVADA

SEC. 23. There shall be deducted from the total cost of said project the following sums:

(1) Four million three hundred and ninety-six thousand seven hundred and nine dollars, or such amount as represents actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Four hundred and four acres permanently unproductive for lack of fertility in the soil;

(b) Fifty thousand acres on account of inadequate water supply; major works unused;

(c) Thirty-two thousand five hundred and eighty-two acres on account of inadequate water supply; major and minor works unused.

(2) One hundred and thirty-nine thousand six hundred and eighty-seven dollars for operation and maintenance deficit prior to reclamation extension act of 1914;

(3) Eighty-two thousand two hundred and twenty-one dollars, Truckee River water-right adjudication;

(4) Seventy-one thousand six hundred and five dollars, expense pumping at Lake Tahoe and Truckee Canals, less amount recovered from sale of power;

(5) One hundred and ninety-six thousand five hundred and seventy-five dollars on account of error or mistake covering various items due chiefly to lesser irrigable area than contemplated;

(6) Eight hundred and eighty-four thousand nine hundred and ninety-eight dollars on account of error or mistake, being aggregate shortage of returns because of low acre charges in the early contracts, allowing also for surcharge on 934 acres of land

SEC. 24. All payments upon construction charges shall be suspended against the following lands:

(a) Four thousand four hundred and fourteen acres temporarily unproductive for lack of fertility in the soil;

(b) Ten thousand six hundred and ninety-four acres public and private lands uncontracted at present.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 37 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60, of said document.

NORTH PLATTE PROJECT, NEBRASKA-WYOMING

SEC. 25. There shall be deducted from the total cost of said project the following sums:

INTERSTATE DIVISION

(1) Thirty-six thousand two hundred and fifty dollars, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Five hundred and thirty-two acres permanently unproductive for lack of fertility in the soil.

(2) Twenty-three thousand seven hundred and fifty-one dollars and fifty-nine cents on account of error or mistake in charging the cost of secondary investigations to this division.

FORT LARAMIE DIVISION

(1) Twenty-two thousand six hundred and eighty dollars on account of error or mistake in charging the cost of secondary investigations to this division.

NORTHPORT DIVISION

(1) Three thousand four hundred and twenty-five dollars on account of error or mistake in charging the cost of secondary investigations to this division.

SEC. 26. All payments upon construction charges shall be suspended against the following lands:

INTERSTATE DIVISION

(a) Twenty-five thousand three hundred and ninety-nine acres temporarily unproductive for lack of fertility in the soil, being partly seeped and partly blown sand;

(b) Five hundred and fifteen acres temporarily unproductive, being unclassified land.

FORT LARAMIE DIVISION

(a) Seven thousand six hundred and sixty-five acres temporarily unproductive for lack of fertility in the soil.

NORTHPORT DIVISION

(a) Two thousand five hundred and fifty-five acres temporarily unproductive for lack of fertility in the soil.

All as shown by classification heretofore made under the supervision of the board of survey and adjustments and as shown in the tables on pages 39 and 40 of said Document 201, as revised and as checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60 of said document.

OKANOGAN PROJECT, WASHINGTON

SEC. 27. There shall be deducted from the total cost of said project the following sums:

(1) Two hundred and twenty-seven thousand seven hundred and eighty-three dollars, or such an amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Two thousand three hundred and fifty-four acres permanently unproductive on account of sandy soil;

(b) Six acres, Duck Lake feeder canal right of way, permanently unproductive on account of other physical causes.

(2) Four hundred and ninety-two thousand nine hundred and seventeen dollars on account of error or mistake in charging the cost of examination, surveys, construction, and purchase in connection with the following items: Colville extension, power plants Nos. 1 and 2, Salmon Lake Reservoir, power plant No. 3, transmission line, pumping plant at Riverside, and sandy land water rights.

SEC. 28. All payments upon construction charges shall be suspended against the following lands:

(a) Fifty-seven acres temporarily unproductive because of sandy soil;

(b) Twenty-nine acres temporarily unproductive because of seepage.

SEC. 29. The sum of $89,708.22, representing the total cost of works described below, shall be suspended and treated as a probable loss until the question of a permanent project water supply is settled, and if such works are then abandoned the Secretary of the Interior is authorized to deduct the sum named from the total cost of the project. The works are (1) Robinson Flat pumping plant, (2) Duck Lake pumping plant, (3) Salmon Lake pumping plant, (4) Government wells Nos. 1 and 2, and (5) private wells and pumping plant.

All as shown by classification heretofore made under the supervision of the board of survey and adjustments, as shown in the tables on page 42 of said Document 201, subject to checking and modification as recommended in "General recommendations" Nos. 2 and 4, on page 60 of said document.

RIO GRANDE PROJECT, NEW MEXICO-TEXAS

SEC. 30. There shall be deducted from the total cost of said project the following sum:

(a) Thirty-one thousand six hundred and sixty-one dollars and thirty-five cents on account of error or mistake in charging the costs of the

following items against said project: Operation and maintenance deficit (El Paso County water improvement district No. 1); Farm unit survey, Leasburg division (Elephant Butte irrigation district), 50 per cent of $14,530; Palomas Valley, farm unit survey; Palomas Valley, canal survey; Palomas Valley, flood protection and drainage; Palomas Valley, percentage cost of general investigations charged; San Luis Valley, drainage investigations.

All as shown in the table on page 45 of said Document 201 as revised and subject to checking and modification as recommended in "General recommendations" on pages 60 and 61 of said document.

(b) The Secretary of the Interior is hereby authorized to credit on the contract dated January 17, 1920, as supplemented by contract of October 12, 1922, between the United States and the El Paso County water improvement district No. 1, the sum of $350,000, or such portion thereof as in the opinion of the Secretary of the Interior may be necessary and is actually expended in the investigation and construction of necessary works to be built at the expense of said district as a part of the Rio Grande project for the protection of its water supply encroached upon by diversions made from the Rio Grande for use in Mexico. The amounts expended by said district shall be credited upon the said contracts of January 17, 1920, and October 12, 1922, between the United States and the district to the extent of construction charges payable annually by the district to the United States under the contracts mentioned, the first credit to be applied the year in which the funds, or a portion thereof, within above limitation, are expended. Thereafter such credits shall continue until all cost so incurred by the district shall have been absorbed. During the years credits are so applied no payments shall be required on the part of said district under its contracts mentioned. The total indebtedness under said contracts shall be reduced to the extent of expenditures made hereunder.

SHOSHONE PROJECT, WYOMING-MONTANA

SEC. 31. There shall be deducted from the total cost of said project the following sums:

(1) One million six hundred seventy-seven thousand and six hundred thirty dollars, or such amount as represents actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Four thousand and eleven acres, Garland division, permanently unproductive for lack of fertility in the soil;

(b) Eighteen thousand three hundred and twenty-four acres, Frannie division, permanently unproductive for lack of fertility in the soil.

(2) (a) Twenty-one thousand three hundred and seventy-three dollars on account of operation and maintenance deficit prior to reclamation extension act of 1914.

(b) Sixteen thousand six hundred and sixty-three dollars on account of operation and maintenance deficit prior to reclamation extension act of 1914 (Frannie division).

SEC. 32. All payments upon construction charges shall be suspended against the following lands:

(a) Three thousand seven hundred and nine acres, Garland division, temporarily unproductive for lack of fertility in the soil;

(b) Three thousand three hundred and fifty-three acres, Frannie division, temporarily unproductive for lack of fertility in the soil.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 47 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60, of said document.

(c) Five hundred and twenty-four acres on account of having been abandoned.

SUN RIVER PROJECT, MONTANA

SEC. 33. There shall be deducted from the total cost of said project the following sums:

(1) Seventy-nine thousand six hundred and forty-nine dollars, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Nine hundred and sixty-two acres, Fort Shaw division, permanently unproductive for lack of fertility in the soil, nonirrigable and nonarable;

(b) One hundred and five acres, Fort Shaw division, permanently unproductive because inaccessible by erosion and floods;

(c) One thousand two hundred and thirty-three acres, Fort Shaw division, permanently unproductive because flooded and eroded.

(2) Eleven thousand seven hundred and thirty-four dollars because of error or mistake on account of adjustment losses.

(3) Thirty-four thousand one hundred and forty-eight dollars, operation and maintenance deficit prior to the reclamation extension act of 1914.

SEC. 34. All payments upon construction charges shall be suspended against the following lands:

(a) Two thousand five hundred and eighteen acres, Fort Shaw division, temporarily unproductive, subscribed; water-logged;

(b) One thousand two hundred and ninety-two acres, Fort Shaw division, temporarily unproductive, unentered, and unsubscribed.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 49 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60, of said document.

UMATILLA PROJECT, OREGON

SEC. 35. There shall be deducted from the total cost of said project the following sums:

(1) Four hundred and ninety thousand three hundred and ninety dollars, or such an amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Two thousand five hundred and seventy-five acres permanently unproductive for lack of fertility in the soil, not susceptible of improvement;

(b) Two thousand two hundred and fifty-five acres permanently unproductive because of porous soil, gravelly subsoil.

(2) Three hundred and eighty-eight thousand four hundred and forty-eight dollars on account of error or mistake—excluded from district repayments on account of faulty construction.

(3) Sixteen thousand seven hundred and eleven dollars on account of error or mistake; loss on Hermiston district lands.

(4) Ninety-one thousand and eighty-three dollars on account of operation and maintenance deficit prior to reclamation extension act of 1914.

WEST DIVISION

(1) Five thousand seven hundred and three dollars, or such an amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Fifty-nine acres permanently unproductive for lack of fertility in the soil, not susceptible of improvement.

(2) Two hundred and fifty-two dollars on account of error or mistake representing shortage of contracted returns from 54 acres under water-right applications.

(3) The water rights formerly appurtenant to all permanently unproductive lands on the Umatilla project shall be available to the remaining lands without added cost to the water users.

SEC. 36. All payments upon construction charges shall be suspended against the following lands:

EAST DIVISION

(a) Six hundred and ten acres temporarily unproductive for lack of fertility in the soil because of water-logging;

(b) Five hundred and thirty acres representing in amount $37,100 and described as probable loss on Hermiston district lands.

WEST DIVISION

(a) Three thousand four hundred and twenty-two acres temporarily unproductive because of inadequate water supply;

(b) Five hundred and ninety-five acres temporarily unproductive because of water-logging.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments, as shown in the tables on page 52 of said Document 201, as revised and as checked and modified as recommended in "General recommendations" Nos. 2 and 4, on page 60 of said document.

UNCOMPAHGRE PROJECT, COLORADO

SEC. 37. There shall be deducted from the total cost of the said project the following sums:

(1) One million three hundred and eighteen thousand and fifty-six dollars, or such an amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Four hundred and thirty-nine acres permanently unproductive for lack of fertility in the soil;

(b) Twenty-four thousand nine hundred and eighteen acres permanently unproductive because of an inadequate water supply.

(2) Forty-seven thousand three hundred and seventy-one dollars on account of error or mistake representing deductions recommended and covered in contract of May 7, 1918, between the United States and the Uncompahgre Valley Water Users' Association. The total thus to be deducted from the project cost shall be charged off as a permanent loss to the reclamation fund.

SEC. 38. All payments upon construction charges shall be suspended against the following lands:

(a) Seventeen thousand acres temporarily unproductive because water-logged;

(b) Five thousand six hundred and twenty-nine acres temporarily unproductive because of rolling and uneven topography;

(c) Five thousand acres temporarily unproductive because of alkalinity;

(d) The water rights formerly appurtenant to the permanently unproductive lands shall be available to the remaining land on said project without added cost to the water users, because of the Gunnison Tunnel not yet being completed and there being an inadequate water supply.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and shown in the table on

page 55 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60 of said document.

YAKIMA PROJECT, WASHINGTON

SEC. 39. There shall be deducted from the total cost of said project the following sum:

Three thousand and sixty-eight dollars, or such an amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

Fifty-nine acres, Sunnyside division, permanently unproductive because of shallow soil overlying rock.

SEC. 40. All payments upon construction charges shall be suspended against the following lands:

(a) One thousand eight hundred and forty-nine acres, Sunnyside division, temporarily unproductive, being either water-logged, alkalied, rough, steep, shallow soil overlying hardpan, or difficult to subdue.

(b) Three thousand and thirty-two acres, Tieton division, permanently unproductive because of shallow, poor soil with rough topography.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and shown on page 57 of said Document 201, checked and modified as outlined in "General recommendations," Nos. 2 and 4, page 60 of said document.

ADMINISTRATIVE PROVISIONS

SEC. 41. All lands found by the classification to be permanently unproductive shall be excluded from the project and no water shall be delivered to them after the date of such exclusion unless and until they are restored to the project. Except as herein otherwise provided, the water right formerly appurtenant to such permanently unproductive lands shall be disposed of by the United States under the reclamation law: *Provided*, That the water users on the project shall have a preference right to the use of the water: *And provided further*, That any surplus water temporarily available may be furnished upon a rental basis for use on lands excluded from the project under this section, on terms and conditions to be approved by the Secretary of the Interior.

SEC. 42. The construction charges heretofore paid on permanently unproductive lands excluded from the project shall be applied as a credit on charges due or to become due on any remaining irrigable land covered by the same water-right contract or land taken in exchange as provided in section 44 of this act. If the charges so paid exceed the amount of all water-right charges due and unpaid, plus the construction charges not yet due, the balance shall be paid in cash to the holder of the water-right contract covering the land so excluded or to the irrigation district affected; which in turn shall be charged with the responsibility of making suitable adjustment with the landowners involved. Should all the irrigable lands of a water-right applicant be excluded from the project as permanently unproductive and no exchange be made as provided in section 44 hereof, the total construction charges heretofore paid, less any accrued charges on account of operation and maintenance, shall be refunded in cash, the water-right contract shall be canceled, and all liens on account of water-right charges shall be released.

SEC. 43. The payment of all construction charges against said areas temporarily unproductive shall remain suspended until the Secretary of the Interior shall declare them to be possessed of sufficient productive power properly to be placed in a paying class, whereupon payment of construction charges against such areas shall be resumed or shall begin as the case may be. While said lands are so classified as temporarily unproductive and the construction charges against them are suspended, water for irrigation purposes may be furnished upon payment of the usual operation and maintenance charges, or such other charges as may be fixed by the Secretary of the Interior the advance payment of which may be required, in the discretion of the said Secretary. Should said lands temporarily classed as unproductive, or any of them, in the future be found by the Secretary of the Interior to be permanently unproductive, the charges against them shall be charged off as a permanent loss to the reclamation fund and they shall thereupon be treated in the same manner as other permanently unproductive lands as provided in this act.

SEC. 44. Settlers who have unpatented entries under any of the public land laws embracing lands which have been eliminated from the project, or whose entries under water rights have been so reduced that the remaining area is insufficient to support a family, shall be entitled to exchange their entries for other public lands within the same project or any other existing Federal reclamation project, with credit under the homestead laws for residence improvement, and cultivation made or performed by them upon their original entries and with credit upon the new entry for any construction charges paid upon or in connection with the original entry: *Provided*, That when satisfactory final proof has been made on the original entry it shall not be necessary to submit final proof upon the lieu entry. Any entryman whose entry or farm unit is reduced by the elimination of permanently unproductive land shall be entitled to enter an equal amount of available public land on the same project contiguous to or in the vicinity of the farm unit reduced by elimination, with all credits in this section hereinbefore specified in lieu of the lands eliminated. Owners of private lands so eliminated from the project may, subject to the approval of the Secretary of the Interior, and free from all encumbrances, relinquish and convey to the United States lands so owned and held by them, not exceeding an area of 160 acres, and select an equal area of vacant public land within the irrigable area of the same or any other Federal reclamation project, with credit upon the construction costs of the lands selected to the extent and in the amount paid upon or in connection with their relinquished lands, and the Secretary of the Interior is hereby authorized to revise and consolidate farm units, so far as this may be made necessary or advisable, with a view to carrying out the provisions of this section: *Provided*, That the rights extended under this section shall not be assignable: *And provided further*, That in administering the provisions of this section and section 42 the Secretary of the Interior shall take into consideration the rights and interests of lien holders as to him may seem just and equitable: *Provided further*, That where two entrymen apply for the same farm unit under the exchange provisions of this section only one of whom is an ex-service man, as defined by the joint resolution of January 21, 1922 (42 Stat. p. 358), the ex-service man shall have a preference in making such exchange.

SEC. 45. The Secretary of the Interior is hereby authorized, in his discretion, to amend any existing water-right contract to the extent necessary to carry out the provisions of this act, upon request of the holder of such contract. The Secretary of the Interior, as a condition precedent to the amendment of any existing water-right contract, shall require the execution of a contract by a water-users' association or irrigation district whereby such association or irrigation district shall be required to pay to the United States, without regard to default in the payment of charges against any individual farm unit or tract of irrigable land, the entire charges against all productive lands remaining in the project after the permanently unproductive lands shall have been eliminated and the charges against temporarily unproductive areas shall have been suspended in the manner and to the extent authorized and directed by this act.

The Secretary is authorized, in his discretion, upon request of individual water users or districts, and upon performance of the condition precedent above set forth, to amend any existing water-right contract to provide for increase in the time for payment of construction charges, which have not then accrued, to the extent that may be necessary under the conditions in each case, subject to the limitation that there shall be allowed for repayment not more than 40 years from the date the first payment matured under the original contract, and also to extend the time for payment of operation and maintenance or water rental charges due and unpaid for such period as in his judgment may be necessary not exceeding five years, the charges so extended to bear interest payable annually at the rate of 6 per cent per annum until paid, and to contract for the payment of the construction charges then due and unpaid within such term of years as the Secretary may find to be necessary, with interest payable annually at the rate of 6 per cent per annum until paid.

The Secretary is further authorized, in his discretion, to grant the relief provided for in section 4, act of December 5, 1924 (43 Stat. L. p. 701), to any of the projects mentioned in this act, without requiring such project to take over the care, operation, and maintenance of the project works.

The decision of the Secretary as to the necessity for amending any such contract shall be conclusive: *Provided*, That nothing in this act shall prevent the execution of any contract heretofore negotiated or in connection with which negotiations have been heretofore opened in good faith, or which may be hereafter opened in good faith, under the act approved December 5, 1924 (43 Stat. L. p. 701), and which shall be executed on or before January 1, 1927, unless the water users affected elect to have the contract governed by this section.

SEC. 46. No part of any sum hereafter appropriated for any new project or new division of a project shall be expended for construction purposes until a contract or contracts, in form approved by the Secretary of the Interior, shall have been made with an irrigation district or irrigation districts organized under State law providing for payment by the district or districts of the cost of constructing, operating, and maintaining the works during the time they are in control of the United States, such cost of constructing to be repaid within such terms of years as the Secretary may find to be necessary, in any event not more than 40 years from the date of public notice hereinafter referred to, and the execution of said contract or contracts shall have been confirmed by a decree of a court of competent jurisdiction. Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized, in his discretion, to enter into agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers. Such contract or contracts with irrigation districts hereinbefore referred to shall further provide that all irrigable land held in private ownership by any one owner in excess of 160 irrigable acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the Secretary on the basis of its actual

bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior; and that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall carry the right to receive water unless and until the purchase price involved in such sale is approved by the Secretary of the Interior, and that upon proof of fraudulent representation as to the true consideration involved in such sales the Secretary of the Interior is authorized to cancel the water rights attaching to the land involved in such fraudulent sales: *Provided further*, That the operation and maintenance charges on account of lands in said projects and divisions shall be paid annually in advance not later than March 1. It shall be the duty of the Secretary of the Interior to give public notice when water is actually available, and the operation and maintenance charges payable to the United States for the first year after such public notice shall be transferred to and paid as a part of the construction payment.

SEC. 47. Subsections E, F, and L of section 4, act approved December 5, 1924 (43 Stat. L. p. 701), are hereby repealed, except as herein otherwise provided.

SEC. 48. The purpose of this act is the rehabilitation of the several reclamation projects and the insuring of their future success by placing them upon a sound operative and business basis, and the Secretary of the Interior is directed to administer this act to those ends.

SEC. 49. Pending the execution of any contract under this act, or the Interior Department appropriation act for the fiscal year 1927, or the said act of December 5, 1924, the Secretary is authorized, in his discretion and when convinced that action looking to execution of contract is being expedited in good faith, to deliver water during the irrigation season of 1926 to the irrigation district, water users' association, or water-right applicant affected, notwithstanding delinquency in the payment of water-right charges which under the law applicable would render such irrigation district, water users' association, or water-right applicant ineligible to receive water.

SEC. 50. The adjustments under sections 1 to 40, inclusive, of this act are declared to be an incident of the operation of the "reclamation law," a final adjudication on the projects and divisions named in such sections under the authority contained in subsection K, section 4, of the act approved December 5, 1924 (43 Stat. p. 701), and shall not hereafter be construed to be the basis of reimbursement to the "reclamation fund" from the general fund of the Treasury or by the diversion to the "reclamation fund" of revenue of the United States not now required by law to be credited to such "reclamation fund."

Mr. SMITH. Mr. Speaker, this legislation is made necessary because of the financial difficulties which the farmers on the Government irrigation projects have encountered during the last few years.

It was disclosed two years ago by an examination made by what is known as the fact finding commission, appointed by the President, whose members traveled over the western country and visited these projects, that there is a great deal of land on these projects that is not susceptible of irrigation, but under the law the farmers upon those projects are required to pay back the entire cost of construction. In some instances, if that law is enforced, it would be necessary for the farmers to obligate themselves to pay $200 or $250 per acre for water rights on lands that are not worth $100.

This legislation was suggested by the Secretary of the Interior, and the bill was drawn under his direction and submitted to the chairman of the Committee on Irrigation and Reclamation for introduction. The Committee on Irrigation and Reclamation have been holding hearings on the bill for several weeks and have had before us the Commissioner of Reclamation, and have gone over all the various details with the minutest care.

The legislation is based upon the report of the board of adjustment and survey, appointed by the Secretary of the Interior under authority of the act of December 1, 1924, and was printed as House Document 201.

It is of the greatest importance to the farmers upon these reclamation projects that this legislation be enacted without delay. Under its provisions they will be able to establish themselves more firmly on the land and to pay back the cost of the reclamation of their land, which will relieve them of paying back the entire cost of the projects, a great portion of which in many instances can not possibly be farmed.

Mr. Speaker, I reserve the balance of my time.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. SMITH. Yes.

Mr. CHINDBLOM. May we be reasonably certain that all the projects are included?

Mr. SMITH. Some projects do not need any legislative relief.

Mr. CHINDBLOM. I want to have it made certain that neither body will find it necessary to add a big number to it.

Mr. CRAMTON. Mr. Speaker, I would like the gentleman to yield in order to emphasize the point made by the gentleman from Illinois.

Mr. SMITH. I yield to the gentleman.

Mr. CRAMTON. The matter involved in this bill is, as the gentleman from Idaho [Mr. SMITH] has stated, of very great importance, of course, to the system of reclamation projects. As to the necessity for the action here proposed, I have not agreed with others as to that necessity as an economic proposition. As an administrative proposition I agree entirely with the gentleman from Idaho.

First, there was appointed the fact finders' board or committee. They recommended that certain charge offs and adjustments be made on the various projects. Then, under the authority of law the adjustment board was created and has made a recommendation which has come here with the approval of the department. By reason of the fact that these recommendations have been heralded all over the projects and the water users have been led to believe that this program would be carried out, it becomes an administrative necessity that the program be carried out, and hence I am more or less reluctantly acquiescing in the passage of the bill. I do earnestly insist, if we are ever going to do it, on doing it soon.

As I understand it, the report of the committee recommends very substantially the adjustments that have been recommended by the adjustment board which made the survey—recommends the changes that the people on the projects have been led to believe would be made in their obligations to the Government.

Now, it is being passed through the House as an emergency measure. If it passes at all, it ought to pass soon, so that the work of readjustment can go forward. It is being passed through the House under suspension of the rules, where a two-thirds majority is required, because it is felt to be an emergency measure; and it is being acquiesced in by many of us because the committee has followed so substantially the recommendations of the administrative officers.

Now, it occurs to me that when the bill goes to another body it ought to be treated there as your committee has treated it and as the House is treating it, as an adjustment in accordance with the recommendations of the administrative officers, and not be made a vehicle of carrying out any favors to any particular projects that might appeal to any member of that body.

When the bill passes the other body and comes back, treated in that way, of course it speedily goes on its way to the President. But I join with the gentleman from Illinois [Mr. CHINDBLOM] in the desire to know how the gentleman from Idaho and his colleagues who are likely to be conferees will be likely to regard a bill that came back loaded down with favors to individual projects—of course, favors not recommended by the board. And before the gentleman answers, so that he can have the picture all before him, let me suggest this: As the gentleman is well aware, if the bill should come back in an overloaded form, and, of course, in the closing days of the session delays are fatal, one objection would prevent that bill from going to conference; it could not go to conference until a rule could be secured. In these days we are being so buried with rules that there might be some doubt about the bill getting to conference. In view of all these things, what would the gentleman say to the House as to the likelihood of this bill being loaded down in another body?

Mr. SMITH. I will say to the gentleman that we have anticipated the possibility of the bill being amended in the Senate. I have interviewed most of the western Senators, and I think my colleagues from the West have also interviewed them, and we feel quite certain that there will be no amendment adopted in the Senate Committee on Irrigation and Reclamation nor on the floor of the Senate. In any event, we certainly will do what we can, in view of the emergency and the absolute necessity of getting this legislation through, to discourage the placing of amendments on the bill in the Senate.

Mr. CRAMTON. If the gentleman will yield further, of course, the gentleman's statement does not apply to an amendment that is a correction of language or a minor provision that might, perhaps, even take care of a situation such as prevails on the Bellefourche project. But there is one more question I would like to ask. This is being presented as an adjustment of all of these projects, a correction of all the mistakes the Government is alleged to have made. I do not admit the Government made all the mistakes claimed, but, be that as it may, it is an adjustment, after boards have gone out with a brass band and invited people to come in and complain. Now,

is the House to understand definitely that this is the final adjustment and that in the next Congress and thereafter we will not have another bill to wipe off some more charges?

Mr. SMITH. I think, Mr. Speaker, that the committee has taken care of all of the possible need of legislation for further adjustment. The report which has been made is very comprehensive, having been prepared by experts who visited various projects, and the legislation is based on this report.

Mr. CRAMTON. And it is the feeling of the gentleman and his colleagues, who are so much interested in it, that this is a final adjudication of these very vexing questions?

Mr. SMITH. Yes; in fact we have inserted a section in the bill that covers that point.

Mr. ARENTZ. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. ARENTZ. I think the gentleman from Idaho can state positively that with very, very few exceptions the recommendations of the board have been followed; that nowhere have we loaded up this bill, but we fought this thing out for months and we have heard everyone we could get in touch with who could tell us something about this proposition and the provisions of the bill. If there have been any changes or any fighting over this bill, it has been over minor provisions in the bill, executive in nature, and, I think, if the Senate of the United States is going to make any changes in this bill it will be along some definite line of thought regarding the provisions and nothing else, and I think the Senate has the right, if they so desire, to change the provisions of this bill to conform with their ideas as to what reclamation should be in the future, and I hope that in some respects the Senate will change the provisions of this bill so as to make it equitable and right for every one of these reclamation projects.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. SMITH. Yes; I yield.

Mr. WILLIAMSON. There has been a change made in section 48 or what is now section 49. I do not know what the effect of this new language is, but if my information is correct as to the changes that have been made in section 49, they may prove quite serious for the Bellefourche irrigation project, and so far as I am concerned, unless it is taken care of, I shall make an attempt to have it cared for in the Senate.

Mr. SMITH. I think the gentleman will find that it is just as favorable as the provision which was eliminated; it is simply a change in phraseology, but intended to accomplish the very identical thing which the original provision was to accomplish.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. SHALLENBERGER. This legislation, as I understand it, is made necessary because of the joint liability of the landowners on a project as the law is at present?

Mr. SMITH. Yes.

Mr. SHALLENBERGER. Would new projects which are to be established under the law be bound by this joint liability?

Mr. SMITH. Wherever they have organized an irrigation district they would have a joint liability; but only land that is productive is now being taken into irrigation districts, so that the settlers on these projects which are organized into districts would not have to pay any more than for the land they can actually utilize.

Mr. SHALLENBERGER. So that if new projects were to be instituted each individual property owner would be liable only for his share?

Mr. SMITH. When an irrigation district is organized the district is liable as a district and the settlers have a joint liability.

Mr. SHALLENBERGER. And this would simply relieve them from the present law, but not institute any new law?

Mr. SMITH. That is correct.

Mr. CHINDBLOM. In view of the questions I asked, and which were very ably and illuminatingly discussed by the gentleman from Michigan, I want to say for myself, and perhaps for some others, that we do not pretend to know much about the details of this legislation. It is comprehensive and it looks to us to be very generous to men who have had not only contractual but legal relations with the Government, and, perhaps, with one another. We are accepting this bill largely upon faith; we are accepting it upon our confidence in the chairman of the committee, the gentleman who now has the floor, and his associates, and for myself I am perfectly willing to accept this bill in that spirit and to that extent, but if it should be very much enlarged and come back here in very different form I do not want my vote to-day to be at all binding upon myself or to prevent my using whatever little influence I may have against the bill if it should come back here in very different form.

Mr. ARNOLD. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. ARNOLD. What is the amount of the charge-off carried in this bill?

Mr. SMITH. The total amount would be about $28,000,000, but there is a possibility of about half of that coming back because the land which is not included may later be found to be productive, so that it will then come back into the project and bear its proportionate share of the cost.

Mr. ARNOLD. And what period of time does this cover?

Mr. SMITH. About 22 years since the projects were first undertaken.

Mr. ARNOLD. And this represents the first charge-off since these projects were organized?

Mr. SMITH. Yes. We have spent over $200,000,000 and this represents what you might call a charge off or an adjustment over a period of nearly a quarter of a century.

Mr. ARNOLD. And provision is made so that if any of this land comes back into any of these projects it is taken up?

Mr. SMITH. Yes; and the money will come back into the reclamation fund. The charges on a part of the land are suspended and on other land where we know it can not be utilized they are charged off.

Mr. HUDSPETH. Will the gentleman from Idaho yield, so that I may ask the gentleman from Michigan [Mr. CRAMTON] a question in the gentleman's time?

Mr. SMITH. I yield.

Mr. HUDSPETH. I would like to ask the gentleman from Michigan a question relative to his amendment about new projects reading:

> Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized, in his discretion, to enter into agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers.

The gentleman does not understand by that amendment the Secretary has the power to require a State to guarantee the bonds of an irrigation district in regard to new projects?

Mr. CRAMTON. The language is the same language, as the gentleman knows, that the House and Senate, after a very careful discussion, have agreed upon in the Interior Department appropriation bill with respect to certain new proposed projects, the Vale, Owyhee, Baker, and Sun River.

Mr. HUDSPETH. This will only require cooperation by the States in assisting to secure proper settlers.

Mr. CRAMTON. The language is the same as set forth there and is not mandatory. It does not require the Secretary to get any agreement. It does authorize him to make about any kind of agreement he can induce the State to make with him.

Mr. HUDSPETH. But not to the extent of forcing a State to guarantee the bonds issued.

Mr. CRAMTON. The purpose of the section is not to force the State, but it is to authorize, when the time comes for opening up these projects to settlement, the Secretary to come to an agreement with the State as to settlement and development. The State has an established agency, probably, for settlement, and there ought to be close liaison. As to how much further they could go, I do think the language authorizes the Secretary to make any kind of agreement he can succeed in making.

Mr. HUDSPETH. It certainly would not be contemplated under the language——

Mr. SINNOTT. Will the gentleman yield so I may ask a question of the gentleman from Michigan?

Mr. HUDSPETH. I would like to first finish my question.

Mr. SINNOTT. My question is right along the line of the gentleman's question.

Mr. HUDSPETH. It certainly is not contemplated under that language that he could require the States to guarantee the bonds of an irrigation district.

Mr. CRAMTON. I will state my purpose in connection with the language. The language, in fact, was first suggested in the Senate committee by Senator MCNARY, of Oregon, in substantially this shape. It is not my thought it is to be used to require the States to do such a thing as the gentleman suggests, but it is broad enough to authorize the Secretary to make about any kind of an agreement for cooperation he can secure.

Mr. SINNOTT. Will the gentleman from Michigan yield there?

Mr. CRAMTON. If the gentleman from Idaho does not mind.

Mr. SINNOTT. I understand the language in the bill regarding settlement is identical with the language in the Interior Department bill, and that it is not a condition precedent to the expenditure of money on the construction of a new project.

Mr. CRAMTON. Particular pains were taken in connection with the four new projects in the Interior Department bill to make the language so it would not be a condition precedent to expenditure for construction, and the purpose in putting it in this bill identical with the language carried in the Interior Department bill is to have hereafter a law uniform as to all new projects. I thank the gentleman from Idaho.

Mr. SMITH. I reserve the balance of my time and yield to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Speaker and Members, to enact this bill into law will make it possible to apply the principles of common sense, business judgment, and justice to the situation on 19 of the 25 existing Federal reclamation projects of the West. Four of these 19 projects are in the district I have the honor to represent in Congress, more in number and greater in area than within the district of any other Member. I state this fact only to convince you that in the repeated visits I have made to all of these four projects I have had opportunity to study and to learn something of the situation and to acquire a basis for judgment as to the needs. I know the people on these projects, and I give you here and now the pledge of those splendid men and women that if you will give them this legislation as a foundation for reasonable and just contracts, they will match square dealing with square dealing, and redeem their just obligations. Fears to the contrary here expressed are not well founded, because this bill is intended to remove the causes of those difficulties which have existed in the past. I pledge you the good faith of my people.

The situation of the 4 projects in my district is fairly characteristic of all the 19 involved. I have visited several of the others. What I say about my own will apply generally, if not in particular, to all.

Briefly, and there is not time in the limited debate under a suspension of the rules for a full statement, experience of the past 15 or 20 years has proven that the lands on these projects must be divided into three groups. They are those which can be profitably irrigated and which are productive now; those which can be irrigated so far as physical features are concerned, but which are not productive and profitable under present conditions though they may become so in the future; and those which are definitely known and proven to be permanently unproductive for various reasons of soil conditions or topography.

Of course, it is only those lands now irrigable and productive which can pay at this time the costs of construction and operation and maintenance. The problem with regard to such lands is to determine what is the proper and just charge against them, enter into fair contracts with the people on such lands, in consideration of these conditions and in accordance with their ability to pay, and expect of them that the obligations will be met. They will meet that sort of a contract willingly and in good spirit.

The charges against lands temporarily unproductive should be placed in a suspended account for collection under fair terms whenever these lands can be brought under irrigated cultivation. That is not only just, but it is good business sense, and a procedure which will ultimately bring in very considerable sums.

The debt against lands definitely proven to be unproductive must be canceled and charged as a loss against the reclamation fund. Neither this debt nor that against temporarily unproductive lands can hang like a millstone around the necks of the water users on the productive lands without bringing them finally to ruin.

With this bill enacted and these steps taken the reclamation projects of the West will prosper and succeed.

For the Huntley project in my district it is provided:

HUNTLEY PROJECT, MONTANA

There shall be deducted from the total cost of said project the following sums:

(1) Forty-six thousand nine hundred and eighty-seven dollars, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Four hundred and four acres, Pryor division, permanently unproductive because eroded and marginal to the river;

(b) Four hundred and twenty-seven acres, Eastern and Fly Creek divisions, permanently unproductive for lack of fertility in the soil.

(2) Eighty-one thousand three hundred and fifty-four dollars on account of operation and maintenance deficit prior to reclamation extension act of 1914.

The Secretary is further directed to assume as a definite loss such sums as in his judgment may be just and proper in connection with moneys expended for experiments with reclamation on alkali lands, and costs in excess of contracted returns, such total not to exceed $41,000.

All payments upon construction charges shall be suspended against the following lands:

(a) Eleven thousand one hundred and seventy acres, Pryor division, temporarily unproductive, being gumbo and alkali soil;

(b) One thousand three hundred and thirty-six acres, Pryor division, temporarily unproductive, being private lands unpledged;

(c) Nine hundred and seventy acres, Eastern and Fly Creek divisions, temporarily unproductive, seeped.

For the lower Yellowstone project the provisions are:

LOWER YELLOWSTONE PROJECT, MONTANA-NORTH DAKOTA

SEC. 17. There shall be deducted from the total cost of said project the following sum:

(1) Three hundred and eighty-two thousand two hundred and fifty-four dollars, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Five hundred and seventy-four acres permanently unproductive on account of right of way of the Great Northern Railway;

(b) Seven hundred and eighty-eight acres permanently unproductive, embracing town sites;

(c) Six thousand and seventy-seven acres on account of error in original estimate of irrigable area.

SEC. 18. All payments upon construction charges shall be suspended against the following lands:

(a) Five hundred acres temporarily unproductive because of damage by erosion;

(b) Two thousand eight hundred acres temporarily unproductive because water-logged;

(c) Seven thousand one hundred and eighty-eight acres temporarily unproductive because of forest covering and rough topography;

(d) Three hundred and thirteen acres temporarily unproductive because located in United States reserves.

For the Milk River project the following is provided:

MILK RIVER PROJECT, MONTANA

SEC. 19. There shall be deducted from the total cost of said project the following sums:

(1) One hundred thousand nine hundred and seventy-eight dollars, or such an amount as represents the construction costs as found by the Secretary of the Interior against the following lands:

(a) One thousand seven hundred and seventy acres permanently unproductive for lack of fertility in the soil.

(2) One hundred and forty-five thousand and fifty-four dollars on account of error or mistake, representing unused St. Mary East Canal and measuring St. Mary waters as shown on page 31 of said Document 201.

(3) Nine hundred and twenty-nine thousand two hundred and twelve dollars, major work unused as shown on page 31 of said Document No. 201.

(4) Seven hundred and thirty-five thousand nine hundred and forty-five dollars, major and minor works unused as shown on page 31 of said Document No. 201.

SEC. 20. When the construction charges are announced for the productive lands of the project all payments of construction charges shall be suspended against the following lands:

(a) Twenty-three thousand five hundred acres temporarily unproductive for lack of fertility in the soil;

(b) Nine thousand four hundred and thirty acres temporarily unproductive because of inadequate storage and refractory soils.

The provisions for the Sun River project have to do with the Fort Shaw division, as follows:

SUN RIVER PROJECT, MONTANA

SEC. 33. There shall be deducted from the total cost of said project the following sums:

(1) Seventy-nine thousand six hundred and forty-nine dollars, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Nine hundred and sixty-two acres, Fort Shaw division, permanently unproductive for lack of fertility in the soil, nonirrigable and nonarable;

(b) One hundred and five acres, Fort Shaw division, permanently unproductive because inaccessible by erosion and floods;

(c) One thousand two hundred and thirty-three acres, Fort Shaw division, permanently unproductive because flooded and eroded.

(2) Eleven thousand seven hundred and thirty-four dollars because of error or mistake on account of adjustment losses.

(3) Thirty-four thousand one hundred and forty-eight dollars, operation and maintenance deficit prior to the reclamation extension act of 1914.

SEC. 34. All payments upon construction charges shall be suspended against the following lands:

(a) Two thousand five hundred and eighteen acres, Fort Shaw division, temporarily unproductive, subscribed; water-logged;

(b) One thousand two hundred and ninety-two acres, Fort Shaw division, temporarily unproductive, unentered, and unsubscribed.

There are certain general provisions in the bill which apply to all and which I will not repeat in detail, but they are intended to allow fair procedure for the entering into of suitable contracts.

As a member of the Committee on Irrigation and Reclamation I have had a close touch with this matter from the beginning. The bill we are considering embodies in general the provisions of four individual bills I introduced earlier in the session with regard to the four projects in my district. Great credit should be given to the President and to the Department of the Interior for the leadership and cooperation they have given in bringing this legislation into its final form. The work of the fact-finding commission sent out by the President and the Secretary of the Interior to ascertain the situation and that of the boards of survey and adjustments which were in the field last year have made possible a broad understanding of the problem and of its proper solution. Behind this bill there is the accumulated and combined knowledge of most of those who have studied the existing problem carefully and in a constructive way, and I assure you, Mr. Speaker and Members of the House, that its passage and enactment into law will be a step far forward in the permanent development of the West and toward the success and happiness of the people on these projects. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Idaho to suspend the rules and pass the bill with amendments.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PUBLIC HEALTH SERVICE HOSPITAL, DETROIT, MICH.

Mr. McLEOD. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9875) to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes, approved June 7, 1924, be amended to read as follows:

"That the Secretary of the Treasury be, and he hereby is, authorized and directed to transfer to the Department of Commerce for lighthouse purposes that portion of the United States marine hospital reservation at Detroit, Mich., together with the improvements thereon, described as follows: Beginning at the northwest corner of the present marine hospital reservation, on Jefferson Avenue, and running thence in a northeasterly direction along the southerly side of said Jefferson Avenue, 55 feet to a point; thence in a southeasterly direction 150 feet to a point; thence southwesterly a distance of 55 feet to a point in the westerly boundary line of said marine hospital site; and thence with said westerly boundary in a northwesterly direction a distance of 150 feet to the place of beginning.

SEC. 2. The Secretary of the Treasury is also authorized and directed to transfer from the Treasury Department to the Department of Commerce, for a lighthouse depot, all of the unused portion of the United States post-office and courthouse property at Key West, Fla., now in use for lighthouse purposes. And the Secretary of the Treasury is further authorized and directed, upon completion and occupancy of the new Federal building upon the site heretofore acquired for the purpose at Key West, Fla., to transfer the old Federal building and site thereof to the Department of Commerce for the use of the Lighthouse Service, which site is described as follows: Commencing at the corner of the post-office site at the intersection of Front Street and the projection of the northerly line of Greene Street; running thence in a northerly direction with the west line of Front Street a distance of approximately 101.5 feet to a point; thence in a northwesterly direction a distance of approximately 77 feet, to the corner of the Treasury Department iron fence between the said post-office site and the navy depot; thence with a line of said iron fence in a southwesterly direction a distance of approximately 44 feet to the north wall of said post-office building; thence with the line of said north wall of the post-office building in a westerly direction a distance of approximately 22 feet to the Treasury Department iron fence; thence in a northwesterly direction along the line of said fence, following a curve having a radius of approximately 23.2 feet, a distance of approximately 24.2 feet to a point; thence following the line of said iron fence in a westerly direction a distance of approximately 17 feet to a point; thence along the line of said fence in a northwesterly direction a distance of approximately 5 feet to a point; thence along the line of said fence in a westerly direction a distance of approximately 55 feet to a point; thence in a southerly direction following a line parallel with the west line of Front Street, a distance of 150 feet to a point; thence in an easterly direction following a line parallel to and approximately 15 feet distant from the north line of the lighthouse blacksmith shop, a distance of 15 feet to a point; thence in a southerly direction along a line parallel with the west line of Front Street, a distance of approximately 95 feet to a point in the projection of the north line of Greene Street; thence in a northeasterly direction along the said projected north line of Greene Street a distance of approximately 208 feet to the point of beginning.

SEC. 3. That the Secretary of Commerce be, and he hereby is, authorized and directed to transfer to the Treasury Department, in exchange for the unused portion of the United States post-office and courthouse property at Key West, Fla., and that portion of the marine hospital reservation at Detroit, Mich., hereinbefore referred to, for a new marine hospital site, a tract of approximately 5½ acres at Windmill Point, Detroit, Mich., including submerged land, now being used for lighthouse purposes, reserving sites for aids to navigation and the necessary rights of way in such locations as the Commissioner of Lighthouses may select.

SEC. 4. The proceeds derived from the sale of the remainder of the present United States marine hospital reservation at Detroit, Mich., is hereby made available for the construction of buildings on the so-called Windmill Point site when transferred as above provided.

The SPEAKER. Is a second demanded?

Mr. SCHAFER. I demand a second.

Mr. McLEOD. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. McLEOD. Mr. Speaker, this bill which I introduced has the approval of the Treasury Department and the Department of Commerce. It merely authorizes the transfer of land from one department to the other. The feature of the bill that I am mostly interested in is the section having to do with two parcels of land located in Michigan. The bill that was introduced and acted upon in the last Congress known as public act 278 will be satisfactorily workable if this bill is enacted. Detroit will have a much-needed Government hospital. Many of you will recall that the bill I have referred to that is now law provided for the sale of the present marine hospital site in Detroit, Mich., and the money derived therefrom to be used for a new hospital building. The present hospital in Detroit houses but 60 beds. The money that can be derived from the sale of this hospital will provide an addition to accommodate more than 200 beds.

The transfer of the land as provided in this bill will be a small section of the present marine hospital land in Detroit for a 5-acre piece of land known as the Windmill Point property. Several units in the future could be constructed on this new proposed land. It is agreeable to both departments interested in it. It is approved by both Secretaries, and I have heard no opposition up to the present time.

I will say, further, that as soon as the bill is enacted the present marine hospital in Detroit will be sold and immediate construction started.

Mr. SCHAFER. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. SCHAFER. Will sufficient funds be received from the sale of the present marine hospital to complete the new hospital which will be built? Will we be called upon for additional funds hereafter?

Mr. McLEOD. The Public Health Service has assured the chairman of the Public Buildings and Grounds Committee that there will be in the vicinity of $365,000 obtained which will be a sufficient amount of money to complete possibly the first unit.

Mr. SCHAFER. Will the Veterans' Bureau have authority to hospitalize their beneficiaries in the new hospital building?

Mr. McLEOD. Absolutely.

Mr. CRAMTON. Will the gentleman yield?

Mr. McLEOD. I will.

Mr. CRAMTON. I understand the principal purpose of this bill is to provide a transfer of some lands now owned by the Government and not in use out at Windmill Point—with which I am familiar—and transfer it so that the site for the new hospital will cost nothing?

Mr. McLEOD. That is correct.

Mr. CRAMTON. And all the money from the sale of the present hospital will be available for construction purposes on the new one?

Mr. McLEOD. Yes.

Mr. ELLIOTT. As I understand the provisions of this bill, all that it does is this: There is a piece of ground that the Department of Commerce has jurisdiction over, which the Treasury Department wants for the purpose of providing a site to construct this hospital. The Treasury Department has jurisdiction over a small tract of land at Detroit and another at Key West, Fla., which the Department of Commerce wants for lighthouse purposes, and this bill simply authorizes the switch in jurisdiction of these three pieces of land. The hospital matter was all adjudicated in the bill passed at the last Congress.

Mr. McLEOD. That is correct. For the further information of the House I would like to read into the RECORD a letter addressed to the Speaker of the House, dated December 18, 1925, by the Secretary of the Treasury, Mr. Mellon. It is as follows:

TREASURY DEPARTMENT,
Washington, December 18, 1925.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: There is transmitted herewith a draft of legislation to amend the act of Congress "authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., etc., approved June 7, 1924, so as to authorize the Secretary of the Treasury to transfer to the Department of Commerce for lighthouse purposes a portion of the marine hospital reservation at Detroit, Mich., and a portion of the United States post-office and courthouse property at Key West, Fla., in exchange for a new marine hospital site; also to authorize the Secretary of the Treasury to construct a new marine hospital thereon.

Both the Secretary of Commerce and the Surgeon General of the United States Public Health Service approve of the above action, and I have the honor to request the appropriate legislation be enacted providing for the transfer, etc., as set forth in said draft of bill.

Respectfully,

A. W. MELLON,
Secretary of the Treasury.

Mr. Speaker, I yield back the balance of my time.

Mr. SCHAFER. Mr. Speaker, I demanded a second so that I could have an opportunity to go over the bill. I am in favor of the bill, and unless some other Member wishes to speak in opposition to it, I yield back the balance of my time.

The SPEAKER. The question is on the motion of the gentleman from Michigan to suspend the rules and pass the bill.

The question was taken, and two-thirds having voted in favor thereof the rules were suspended and the bill was passed.

CLAIMS OF CHIPPEWA INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the conference report upon the bill (H. R. 178) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims.

The SPEAKER. The gentleman from Montana calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 178) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2.

And the Senate agree to the same.

SCOTT LEAVITT,
W. H. SPROUL,
CARL HAYDEN,
Managers on the part of the House.

J. W. HARRELD,
RALPH H. CAMERON,
JOHN B. KENDRICK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 178) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: The House agrees to the amendment of the Senate which provides that the attorneys shall be paid out of the funds to the credit of the Indians.

On No. 2: The House agrees to the Senate amendment which changes a reference from section 5 to the proper reference to section 6 of the bill.

On No. 3: The Senate recedes from its disagreement to the language passed by the House.

SCOTT LEAVITT,
W. H. SPROUL,
CARL HAYDEN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. CRAMTON. Mr. Speaker, as I understand it, the great matter in disagreement was as to the amount of the fees that should be granted the attorneys. The Senate provision was placed at a very high figure, and the House provision carried a reasonable limit. As I understand it, the Senate has yielded and has accepted the House provision.

Mr. LEAVITT. The Senate yielded and accepted the provision as it passed the House. There are two separate bands of Chippewas involved. The bill allows each one to hire a set of attorneys and pay them at the rate of $6,000 a year for five years, with an additional percentage of 5 per cent, not to exceed $40,000, to be divided between the two sets of attorneys.

Mr. CRAMTON. That would be $20,000 for each tribe, in addition to the annual salary?

Mr. LEAVITT. Yes.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

AMENDMENT TO WAR VETERANS' ACT

Mrs. ROGERS. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS. Mr. Speaker, as the gentleman from Ohio [Mr. BEGG] was not allowed to ask me a question or to make a statement, I think in all fairness I should say that the gentleman from Ohio [Mr. BEGG] has been working with me to secure the passage of this bill, and I know he is deeply interested in it. I am not satisfied myself with the figures that the Veterans' Bureau has sent me in regard to the cost of the bill, and I am working with the Veterans' Bureau to secure better figures. In justice to the gentleman from Ohio and to secure the passage later of this bill, which I think is an extremely just measure, I think I should make this statement. [Applause.]

ADJUSTMENT OF WATER-RIGHT CHARGES

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the bill H. R. 10429.

The SPEAKER. Is there objection?

There was no objection.

Mr. MORROW. Mr. Speaker, under consent given me to extend my remarks upon H. R. 10429, a bill to adjust water-right charges and to grant other relief upon Federal irrigation projects and to amend subsections E and F of section 4 of the act approved December 5, 1924, and for other purposes.

The bill has for its purpose the readjustment of irrigation projects under the control of the Government, so that in the future the settlers thereon may be more secure in the cost of the land and have a definite and fixed policy of paying back to the Government the cost of reclaiming this land, the money advanced through the reclamation funds of the Government.

The bill provides for the fixing of a definite policy by the Secretary of the Interior and the bringing of these projects into an adjustment of their indebtedness due the Government, so that each water user knows definitely just what he owes and what his term of payment is; what he must pay back to the Government annually; in other words, it gives to the water user a definite contract to meet.

Much credit must be given to the present Secretary of the Interior for his efforts to place all Government reclamation projects upon a sound financial basis, and after this adjustment of the mistakes and the charge off that this bill carries, the projects thus adjusted should, by Government management, see that the water users thereunder meet the conditions sought for in the enactment of this legislation.

This law also has for its purpose the requirement that the States take an interest in the future development and settlement of the reclamation projects, toward a more permanent class of farmers, as the success of the projects mean permanency of growth for the States.

Reclamation has become a great factor in the development of what is called the arid West. By the application of water, systematically applied by means of storage, reservoirs, ditches, and canals, the soil can be made to yield beneficial returns, greater in production than is produced in the rain-belt district.

The total crop value from irrigated lands in 1923 was $63,046,300; the total irrigable acreage was 1,718,400 acres. The acreage cropped was 1,170,870 acres; the average annual crop return per acre was $55; average cost per acre in construction charge, $116; the present constructed irrigation works are capable of serving almost double the acreage now cropped; $200,000,000 has been expended by the Government reclamation service during the past 24 years; the act known as the reclamation act was passed June 17, 1902, and set aside the receipts from the sale of public land in the public land States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming; the money thus derived to be used for the construction of dams, and canals for irrigation; the additional funds from revenue derived from minerals upon public lands have made up the total Government fund.

Of this sum $60,000,000 have been repaid to the Government, at the rate of $4,000,000 per year. It is the purpose of the Government to keep this in a revolving fund, so that new irrigation projects may be developed as the needs of the Government require.

This sum of $200,000,000 for irrigation has brought about the development of farms and towns to a property value of $600,000,000.

An article prepared by John Dwight Neale, January, 1926, gives the following data as to the development brought about by reclamation during the past 23 years:

Fifty power units have been built and are operated by the various enterprises; 142,707,502 kilowatt-hours of electrical energy were produced by these plants in the season of 1923–24, of which 82,200,012 kilowatt-hours were sold to cities, power companies, and farmers at wholesale for the sum of $1,011,662.74, and the remainder of such electrical energy was used by the various enterprises where produced in irrigation or for other purposes.

Other figures, denoting social as well as economic progress, also show what has taken place during the past 23 years on these enterprises.

One hundred and twenty-seven thousand six hundred and fifty-four people living on 34,000 farms and 337,873 people residing in 206 towns on these projects is one accomplishment of the United States Reclamation Service.

Six hundred and nine schools, 621 churches, 157 banks, with about $11,000,000 in capital and $106,537,203 in deposits by 214,298 depositors, are other national assets which the Reclamation Service has had a definite part in creating.

How many public or private enterprises requiring large capital investment initiated over a period of 22 years can now show an annual return of 32 per cent on the investment in dollar products alone, with increased property values of $550,000,000 or 275 per cent on the total capital employed for the period, to say nothing of the advantages to industry and commerce and in political prestige which these new settlements and values give to Western America?

One million, seven hundred and thirteen thousand acres of "desert" made into "farms" is no mean achievement for a public, private, or corporate agency. Some mistakes were initially made, due to a new field of endeavor by our Government, but to those who know the details of this undertaking it seems a marvel that there were so few.

The mistakes made were largely by the engineers of the Government, who did not understand the cost of construction and of reclaiming of the land thereunder.

The legislation just passed seeks to correct these mistakes and to remove a heavy burden imposed upon the water users now upon these projects.

The mistakes, however, were a mere trifle, as a great development of the western country has resulted, and when we consider the enormous amounts the Government has appropriated for the construction of rivers and harbors in the eastern portion of the United States. The latter expenditures have not yet been repaid to the Government, except indirectly in what benefits may accrue in better harbor facilities. Compare this expenditure with the returns from the irrigation enterprises, fostered under reclamation control, and the result is that the whole Nation has been benefited.

The great bulk of the reclamation fund—in fact, we can safely say 90 per cent of the same—has come from the revenue of lands and minerals in the Western States and which should properly belong to the States themselves.

In time the money will be returned to the Government; it is being returned now twofold, in the development it has brought to the Nation. The Federal Government has expanded approximately $1,130,610,000 on river and harbor improvements; this expenditure has not yet ceased.

The passage of H. R. 10429 has had thus far the support of practically the whole Congress, showing the desire that these funds, which in the future will be wisely used, should be now used for the purposes intended under the acts heretofore passed and under the law just passed in the House.

I now refer to two New Mexico projects included in this bill. Upon my appointment as a member of the Committee on Irrigation and Reclamation, to fill the vacancy caused by the death of the Hon. John E. Raker, I found that the New Mexico projects had not been included in the adjustments as set forth in House Document No. 201.

I immediately took steps to see that these projects were included, and especially the Carlsbad project, which had not received consideration in providing for proper storage, as promised by the Government upon taking over of this project in 1905.

The Carlsbad project, New Mexico, has asked for an adjustment of $374,885.69, on account of the mistake made in providing for additional storage in Lake McMillan, the same being a loss in that amount to the water users upon the project. The engineers who passed upon this project in behalf of the Government filed what they termed a confidential report for the benefit of the then owners, and also for the chief engineer of the Reclamation Service, under date of August 31, 1925, which report contained this statement:

We wish to impress upon you the fact that this report is for the confidential use of your company.

W. H. SANDERS,
GEORGE Y. WISNER,
MORRIS BIEN,
B. M. HALL,
Consulting Engineers.
WILLIAM REED,
District Engineer.

The report, in part, was as follows:

The McMillan Reservoir, which has served to supply the small amount of storage rendering possible the irrigation of 15,000 acres, is underlaid by gypsum beds. This gypsum, dissolved by the action of the stored waters, has caused a large number of sink holes through which considerable quantities of water have been lost. The investigations indicate that a considerable percentage of this leakage is not recovered for use in the system. These leakage conditions have become worse in the last few months. Consequently this reservoir can not be relied upon for permanent storage so far as the conditions are now understood. It may, however, serve for temporary or auxiliary storage. Considerable work is required to replace the gates and spillway in serviceable condition.

The necessary reconstruction and repairs for the irrigation of 20,000 acres depending upon the storage to be had from Lake McMillan may be placed at $450,000 as a safe estimate.

A careful consideration of the agricultural conditions brings the board to the conclusion that a charge of $30 per acre without maintenance is all that should be placed upon the land.

Upon this basis it appears to the board that the extreme price which can be paid for the entire irrigation plant and property of the Pecos Irrigation Co., including right of way, reservoir sites, claims to water, existing canals, laterals, structures, buildings, etc., excluding only the irrigable lands owned by the company and the canal known as the Hagerman Land Improvement Co.'s canal on the east side of the river heading in section 11, township 23 south, range 28 east, is $150,000. It will be necessary also for the company to sign the usual contracts providing for the disposition of its lands in tracts not exceeding 160 acres, so that the same may become subject to the provisions of the reclamation act.

This sum is regarded as the present value of the plant, although the expense of construction has been much greater.

The full development of this project would provide for the irrigation of 40,000 acres of first and second class land, involving the use of what is known as Reservoir No. 3, with a capacity of 65,000 acre-feet.

The right of way for Reservoir No. 3 was approved by the Secretary of the Interior under the act of March 3, 1891, in favor of the Pecos Irrigation & Improvement Co., a predecessor of the Pecos Irrigation Co.

We therefore recommend:

1. That the necessary borings at the site of the Avalon Dam and of Reservoir No. 3 be completed at the earliest possible date.

2. That the Pecos Irrigation Co. be asked to inform the Reclamation Service before September 30, 1905, whether it will transfer its entire

irrigation plant to the United States for the sum of $150,000, as herein stated.

3. That if the company agrees to a sale at such a price, the 20,000-acre project herein outlined be at once taken up, so that water may be furnished for irrigation at the earliest possible date.

4. That if Reservoir No. 3 shall be found suitable for storage, the 40,000-acre project be taken up for construction.

5. That if the Pecos Irrigation Co. refuses to make a sale at the sum mentioned, all work on the project shall cease.

Upon the filing of the above report the Reclamation Service took over the project from the private owners and the same went under operation under the Reclamation Service of the Government in the year 1906.

The construction of Reservoir No. 3, as outlined in their report, and the irrigation of 40,000 acres of land, still remains for the Government to complete that part of the contract or to supply sufficient storage for the 25,000 acres now in cultivation, and for which the Government has thus far failed to supply the necessary storage, as will be seen from the department's own report for a series of years. It clearly establishes the production loss in value for the years in which shortage of water occurred. The department says:

Despite the fact of the lack of an ample supply of water, fairly good crop-value returns have been secured, as will be noted from the following crop values included in reports for a series of years.

1919	$106.04
1920	47.75
1921	42.53
1922	53.41
1923	78.70
1924	97.10
1925	62.69

The above figures reveal the fact that certain years, in which the rainfall did not assist the water storage in the reservoir, the crop was cut in value from one-third to one-half. This is very apparent in the years 1924 and 1925, the value in 1924 being $97.10, and in 1925 only $62.69 per acre; a loss of $34.41, or more than one-third of the value per acre.

The charge off heretofore mentioned being almost one-half of the indebtedness now owed the Government at least offers some encouragement to the water users upon the project to prepare for the report of the engineers who have been selected by the Secretary of the Interior at the request of both Carlsbad and Fort Sumner to secure an additional water supply, whether it be at the Alamogordo site, to supply Fort Sumner upon its acreage and to meet the shortage of supply at present in the Carlsbad project, or at site No. 3, selected at the time of the original taking over of the project upon the report of the Government engineers.

That two reservoirs should be built, one at Alamogordo site to supply the necessary storage for 20,000 acres of land, and one at No. 3 site, selected; a reservoir should be completed there to take care of an additional supply of water needed for the present acreage and to increase the same, so that the waters of the State may be used beneficially. The climatic conditions are good, the soil and the crop returns are not surpassed by other localities now within the Reclamation Service. The State and its Representatives in Congress must work to that end.

The Board of Survey and Adjustments in reporting upon the Carlsbad project, March 21, 1925, report as follows:

Your board believes that in order to protect the investment of the Federal Government in the Carlsbad project, to insure a regular continuance of repayments of construction charges to the Federal Government, to prevent losses to settlers on the project on account of their investment in improvements of lands under the project, and to insure the continued prosperity of settlers on the projects immediate action, or at least as prompt action as possible, is necessary. Therefore we are submitting a preliminary report, which will later be supplemented by a fuller and more complete report.

There are 25,040 acres of land under cultivation on the Carlsbad project. The crop returns for the year 1924 were estimated at $2,239,908, an average value per acre of $97.10; the average value per acre for the five years, 1920 to 1924, was $64.60. The average value per acre for the years 1907 to 1924 was $49.28.

There is every indication that if sufficient water can be furnished to this project it will continue to be prosperous, continue to make repayment of construction charges regularly and promptly, and that the settlers will be able to improve their homes and further realize on their investment.

The Pecos River makes a comparatively sharp turn to the southwest just above McMillan Dam. The bend of the river is close to a high bluff, which extends for a mile or two along the edge of the reservoir. The face of this bluff is made up of a heavy stratus of gypsum. The waters of the reservoir have followed the cracks and seams in the gypsum and have dissolved out so much of this material that underground channels, through which water flows freely, have developed.

At the present time the normal flow of the Pecos River above Lake McMillan is approximately 40 second-feet. The loss from Lake McMillan through these underground channels in the gypsum stratus equals the inflow from the river. Apparently this loss through the channels in the gypsum stratum would be very much increased—at least doubled, and possibly trebled—if the inflow from the river were sufficient to raise the level of the water in the reservoir. At the present time the storage in the reservoir is approximately one-half the maximum capacity. That storage can not be increased and the water held for any considerable time because of leakage through the gypsum stratum.

A serious situation confronts this project created by the rapidly silting up and leakage from the main storage reservoir (Lake McMillan), and the ultimate failure of the project is certain unless additional storage is provided at an early date.

The committee recommends:

1. An expert engineering survey to secure additional feasible storage.
2. The plan of repayment provided by resolution No. 23.
3. The provisions of resolution No. 12 should be enforced.

The Rio Grande project, New Mexico and Texas, is compelled to expend $350,000 in building a canal upon the American side of the Rio Grande River to protect the American water users in their supply of water from that river.

The Mexican Government has permitted Mexican water users to encroach upon the waters of the Rio Grande in excess of the water right guaranteed by treaty, that is, 60,000 acre-feet, the acreage having been increased from that which was allowed, 5,000 acres, and it is being increased from year to year.

The bill as passed has afforded some relief to the two projects in the State of New Mexico. The Government is directly charged with securing a sufficient storage reservoir to meet the needs of the Carlsbad project.

The reclamation fund should be so used as to give each State from which the fund is derived an equal part of that fund. This is especially true where climatic, soil, market, and water-supply conditions will insure the repayment to the Government.

It is stated that this is a revolving fund, to be used indefinitely to develop the arid States and bring into cultivation millions of acres of land that will be productive, to provide the future food supply of the Nation. This is unquestionably true; but it is also very evident that if the best results are to be derived the handling of these funds should be kept out of politics and be used in a strictly business way under the control of the best possible business minds, men trained in the use of public funds. Results satisfactory to the Government and to the settler will thus be secured. It should not be used as a political fund switched to the doubtful Western States where the political party may need a Senator.

In conclusion let me say that it is from the tillers of the soil that the best citizens spring. The West is doing its share in that respect.

BRIDGE ACROSS THE DETROIT RIVER

Mr. DENISON. Mr. Speaker, I present a conference report for printing under the rules on the bill H. R. 8771, to extend the time for commencing and completing the construction of a bridge across the Detroit River within or near the limits of the city of Detroit, Mich.

PATRIOTIC PARADE IN ATLANTA, GA.

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, upon what subject?

Mr. UPSHAW. Let the gentleman wait and find out, in all good humor.

Mr. SCHAFER. I think the gentleman should state on what subject when he makes that request.

Mr. UPSHAW. I wish to read a telegram concerning a patriotic parade in the city of Atlanta, yesterday.

Mr. SCHAFER. I shall not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. UPSHAW. I ask unanimous consent to extend my remarks in the RECORD by including therein also some vital communications defending the good name of the city of Atlanta.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. UPSHAW. Mr. Speaker and Members of the House, it will be remembered that on the 4th of last March I made a speech in Congress dealing with the nullifiers and defenders of our national prohibition law. During that address I took occasion to refer to certain prejudicial reports concerning law vio-

lations in Georgia and read certain telegrams from Governor Walker and two prominent religious leaders, which declared conditions under prohibition far better than they used to be during the old barroom days.

One of the gentlemen to whom I had wired for an expression as to the general situation was Gov. M. B. Wellborn, of the Federal reserve bank in Atlanta. Disappointed in not hearing from him in time to use what I honestly suppose would be a favorable message, I was still more disappointed and surprised when, a few days after my speech, the gentleman from Massachusetts [Mr. TINKHAM] walked out on the floor and began to read a letter from Mr. Wellborn, directed to me, the original of which I had never received. Wishing to be absolutely fair both to Mr. Wellborn and to Mr. TINKHAM, I suspended judgment and could only say to the representatives of the press, who asked me about it—and some of whom seemed a bit skeptical when I told them that the letter had never reached me—that I must wait for the original letter that had evidently been lost in the mail before I could make any comment. When, however, Mr. Wellborn told Mr. TINKHAM over the telephone that his letter was authoritative I felt constrained to wire Mr. Wellborn, with whom I had been on cordial terms for a number of years, that I counted it very unfortunate that such a damaging report concerning the good name of Atlanta and the State of Georgia should be given out by way of Boston. While I do not question Mr. Wellborn's honesty, the letters which follow, and which were called out as a general protest against his published letter, prove that he is just as mistaken as he is honest in his general estimate of prohibition conditions. Mr. Wellborn's delayed letter finally reached me at Atlanta, where I was called by telegram to attend a protest rally at the chamber of commerce.

The following telegrams and letters come from some of the noblest, religious, educational, and business leaders in all the South—people in close touch with actual conditions. They are not bitter—they simply reveal a spirit of real sorrow because of this unjust estimate, as they see it, from this financial leader in high position. But inasmuch as Mr. Wellborn's letter was given such wide publicity, I felt it only just to my people and section to give the other side of the subject. It seems to me that these interpretations of the law, as they see it, give incontestable evidence concerning the success of prohibition in Georgia:

[Telegrams]

FROM TWO CHURCH LEADERS

ATLANTA, GA., *March 8, 1926.*

Hon. WILLIAM D. UPSHAW,
Washington, D. C.:

Better class of citizens almost unanimous. Prohibition vast blessing, morally, financially, and every way. Proof; we keep sending you back to Congress. Open barrooms would bring hell back.

MARVIN WILLIAMS,
Wesley Memorial Pastor.
W. T. HUNNICUTT,
Presiding Elder.

FROM WOMEN CITIZENS

ATLANTA, GA., *March 13, 1926.*

Alleged letter of M. B. Wellborn, of Atlanta, to Representative TINKHAM, of Massachusetts, is deplored by thousands of citizens of Atlanta who never see nor taste liquor of any kind. It is true that much crime and distress have been occasioned in Atlanta, as elsewhere, from disobedience to the eighteenth amendment, but that is no argument against the law. The lack of patriotism of men and women who are determined at any cost to have that which poisons the mind and which deadens moral and spiritual consciousness for decency and godliness and which causes them to think as birds of a feather who will flock together that all other people of Atlanta are of the stripe and caliber of themselves is the cause of the lawlessness that exists not only in Atlanta but throughout the Nation. The law-abiding population is thinking for the best interest of city, State, and Nation, and this great mass of people are determined that the eighteenth amendment shall not only remain intact but that the law shall be enforced. This is the ultimatum of patriotism.

Mrs. J. E. ANDREWS,
President Civic Council of Women of Atlanta.

FROM GREAT EDUCATORS

ATLANTA, GA., *March 13, 1926.*

Resolutions from interdenominational state-wide Bible conference at Baptist Tabernacle should reach you; also wires from Judges Ernest Konts, T. O. Hathcock, Mrs. Patterson, President R. C. Sharpe, and myself. Sharpe says:

"The people of our section of Georgia under the present law are controlling whisky better than ever in our history. I was born and raised at Waleska, in Cherokee, a mountain county of north Georgia, and to my certain knowledge the above statement is true as to the facts of the present situation.

"R. C. SHARPE,
"President of Reinhardt College."

My message is as follows: Born in Atlanta and reared in Georgia; I have been an itinerant Methodist preacher for over 25 years in the North Georgia Conference, always observing closely moral and religious affairs in my native city and State. The last five years I have traveled everywhere in Georgia. From this long-sustained, widespread, and intimate observation I do not hesitate to say Mr. Wellborn's statement is a singular misjudgment of the facts as they are. Of course, the prohibition law, like all other laws, is violated by criminals, but the moral good sense that made this law will see that it is enforced. Just as Mr. Wellborn is surprised at his fellow Georgians for legislating the near beer law out of existence, so now he is fated to learn that the immense majority of the citizens of his adopted State differ from him regarding the present prohibition situation in Georgia. Wishing you full success in your gallant fight and at all times subject to your command.

ELAM F. DEMPSEY,
Secretary Methodist Board of Education.

FROM GREAT MASS MEETING

ATLANTA, GA., *March 13, 1926.*

Hon. WILLIAM D. UPSHAW,
Washington, D. C.:

The great Interdenominational Bible Conference in session in the Baptist Tabernacle, Atlanta, Ga., read with great concern the letter in the morning papers supposed to have been written by M. B. Wellborn, governor of Atlanta Federal Reserve Bank. We respectfully deny his statement that in this section "nearly every family has whisky in their home" and that "drinking is almost universal in Atlanta and throughout Georgia." We believe he has ground to mention the spirit of lawlessness in connection with prohibition, but we also believe it is such an attitude as his that gives rise to this lawlessness. We remember that only recently Mr. Wellborn took a stand for an open Sunday for Atlanta. His position in this was repudiated by the best citizens of the city. We regret that a man occupying his position should lend his pen to the enemies of sobriety and good government.

WILL H. HOUGHTON,
Pastor Baptist Tabernacle and Bible Conference Director.

A KEEN SUGGESTION

ATLANTA, GA., *March 11, 1926.*

Movement should be started in Congress to abolish law against murder because it is violated and poorly enforced in America. And for the same reason laws against highwaymen should be repealed or modified. Should expect solid support from those favoring repeal or modification of liquor laws on same grounds.

J. R. SMITH,
Real Estate and Joint Proprietor Smith-Higgins Department Store.

FROM AN UPRIGHT JUDGE

ATLANTA, GA., *March 12, 1926.*

Supposed letter from M. B. Wellborn remarkable for its misinformation. It does not represent the opinion of the great majority of our citizens. Practically all ministers, social workers, superintendents of schools, and large manufacturers and mercantile establishments testify to great benefits of prohibition. Atlanta is law-abiding, sober, prosperous, and happy, with the exception of a small minority who have always violated the law. Prohibition has revealed these, and they are getting their just penalties in our courts.

JUDGE T. O. HATHCOCK,
Courthouse, Atlanta, Ga.

FROM GEORGIA'S GOVERNOR

ATLANTA, GA., *March 3, 1926.*

Referring to statement as to drunkenness and crime in Atlanta and Georgia, the real facts are that drunkenness has steadily decreased in all walks of life, save, perhaps, the wealthy society folks in cities. There is practically no sentiment in Georgia for change in the prohibition laws. An ambitious young lawyer here announces for light wines and beer, but he admits that he has no hope of winning. If any definite facts are desired, the record shows that on last Christmas Eve, the day of greatest relaxation in the South, there was not a single arrest for drunkenness and not one prisoner confined in the city of Brunswick, a port city. A light wine and beer bill was introduced in the Georgia House of Representatives two years ago. On the following day a reso-

lution was introduced in the senate deprecating the agitation of the subject, and this resolution was passed by unanimous vote.

CLIFFORD WALKER, *Governor.*

As the result of the wholesome sensation and protest which followed the publication of the Wellborn letter and the so-called "straw votes" held by many newspapers over America, and largely inspired by the wonderful speeches of Rev. Gifford Gordon, the great Australian preacher, patriot, orator, and Christian statesman, among the student and civic bodies in Atlanta, a great protest parade was staged on Sunday, May 2, and the following telegram from Dr. Marvin Williams, the dynamic pastor of Wesley Memorial Church, was read in Congress the following day:

"HOLD FAST, AMERICA" PARADE—TELEGRAM TELLING OF ATLANTA'S RINGING ANSWER

ATLANTA, GA., *May 2, 1926.*

Hon. WM. D. UPSHAW,
Washington, D. C.:

Outpouring of floats, banners, slogans, and marching youths amazing spectacle. Every vote in Atlanta wet newspaper poll more than matched by live young men and women and such slogans as "How about us, Mr. Wellborn?" "If you want a poll, count us." "They slandered us in Washington" applauded all the way. Limited to ages 14 to 35. Over 10,000 in line. Speeches rang with protest of youths that they neither voted, acted, nor thought wet. Official slogan "Hold fast, America."

MARVIN WILLIAMS,
Pastor Wesley Memorial Church
and Chairman "Hold Fast, America" Parade.

OTHER "DRY" ECHOES FROM GEORGIA

The following letters from civic, religious, and commercial leaders give honest echoes from actual conditions among Georgia's worthy and regnant ideals. They reveal the heart of Georgia to the outside world, so long and so often misled by "wet" propaganda in the metropolitan press:

FROM A SCHOLARLY CHRISTIAN LAWYER

ATLANTA, GA., *March 25, 1926.*

Hon. W. D. UPSHAW,
Washington, D. C.

DEAR MR. UPSHAW: I would like to have you give some publicity, not on my own account but for the sake of the cause, to that portion of my letter to you which suggests that the present trouble about prohibition is due to the "temporary reaction we are no doubt now feeling before our Nation can turn around in the new direction, from drunkenness to sobriety and from debauchery to sanity," and my reference to the tumult that was caused by the Ephesian idol makers.

I may say that I believe, too, that I stated the truth when I affirmed that the crime in America is just a part of the general crime wave everywhere throughout the earth.

My friend, the world traveler, a man of learning and truth, told me that he found less of the evidences of this crime wave in Scotland than anywhere else, and be it remembered that Scotland is the land of strict Sunday observance and the home of so-called "blue laws."

I am, yours very truly,

ERNEST C. KONTZ.

RECORDER DURING OLD SALOON DAYS

ATLANTA, GA., *March 13, 1926.*

Hon. W. D. UPSHAW,
Member of Congress, Washington, D. C.

MY DEAR MR. UPSHAW: I was recorder of the city of Atlanta during the régime of open barrooms, both for the sale of spirituous and also for the sale of malt liquors only, and have been a resident of Atlanta for more than 50 years continuously.

Prior to national prohibition drunkenness, as in every other part of the country, was common.

Under local option in Atlanta prior to State prohibition one had only to go to adjoining towns; under State prohibition one had only to cross the near-by State line to get unlimited quantities of intoxicants, the shipment of which was protected by the Federal laws covering interstate commerce.

As recorder, in my annual report I said that barrooms appear as "sores on the body politic," and this they were.

It is now, as I understand, proposed to legalize the sale of wines and beer, and I suppose that no one doubts that a very large percentage of these would surreptitiously be purveyors of whisky, as were some of the beer dealers at a time when whisky could not be legally purchased.

Of course, in a city as large as Atlanta there is undoubtedly some drunkenness, as there is, of course, in the small hamlet or the remote backwoods; but, comparatively speaking, drunkenness is largely eliminated. I go about generally and come in contact with people of all classes, and I say with utmost frankness that I do not recall when I have seen a drunken person beyond a few cases, conspicuous by the rarity, of hilarious devotees of some athletic sports—probably one or two among thousands—and of these I am satisfied that something like a dozen at the various games, where the aggregate attendance, I should say, was not less than 100,000.

I most earnestly take issue with Mr. Wellborn, as I did when recently he advocated the so-called liberalizing of the Sabbath Day. I have not the figures before me, but on general information and belief I am confident that the number of drunks reaching the courts of Atlanta, now under prohibition, in a city nearing a population of 300,000, are not as many as there were when, under barrooms, our population was not one-third as large.

And it should not be forgotten that national prohibition is new, revolutionary, if you please. The sudden stoppage of a traffic which had been practically unrestricted since the beginning of time, however beneficent that stoppage, can but produce a temporary reaction, which reaction we are no doubt now feeling, before our Nation can turn around in the new direction, from drunkenness to sobriety and from debauchery to sanity; and as those who in Ephesus got their living by making idols, objected to the people being taught that "there be no gods," and cried out in their impotent protest, "Great is Diana of the Ephesians." I suppose that there are none so blind as not to see that our "turn" is being impeded by the propaganda and the manipulations and the money of those whose gain is affected by the lessened consumption of the stuff by the enforcement of the law of the land.

AMERICA—THE WORLD'S HOPE

They say that the crime wave in our land is the result of prohibition, disregarding the fact that the same crime wave is sweeping over every land, a dark shadow everywhere visible, following the Great War, whether manifested by the banditry of China or the conditions in Russia. I need not mention each of the other nations of the earth, all of whom are crying aloud in the travail of a new birth. This I state not only from the general information which is common knowledge but from conversation with a broad-minded and upright world traveler who found the same conditions in other lands, from Australia, through Asia and Europe, as well as across our own great land, and says that in looking for remedies the people everywhere are recognizing the curse of drink and are looking to us, and particularly to American prohibition; looking with hope and fear, planning that if we win this fight, they will themselves apply the same remedy; that if we fail, hope has fled. Can you wonder, then, that the demon of drink, knowing that he is making, in some sense, his last stand, should, as did the devils that were cast out, tear the wretched victims before they left?

Georgia was a prohibition State under its British charter to the trustees. The children of our schools all over Georgia are being taught the injurious effects of intoxicating liquors, which now, to say the least, is inconvenient to secure. A good illustration of the effect in Atlanta of the law, as it is, is the statement made to me by a reputable barber in the center of the city, at a point where large numbers of men congregate, that heretofore, particularly at Christmas times, a considerable number of men came into the place drinking, and some—an ever decreasing number since prohibition—came in to drink from flasks behind a screen; but that during the last Christmas season, though he was continuously on duty, he saw not a single drunken man, nor any drinking in his place.

Very few, if any, of the people among us who drink whisky, want beer or wines. They are not drinking whisky as a substitute, and taking wines and beer from under the ban would not decrease the consumption of "raw lightning."

Very few abstainers are taking any part in this straw ballot farce, and consequently the so-called vote can signify nothing to Congress.

Much that I have here written may be said to be opinion and argument only. As to its value, one should know something of my qualifications, and for anyone who may be interested, I suggest that there is a concise sketch of myself in "Who's who," and personally, I believe that I know whereof I affirm. You may make such use as you see proper of this communication.

ERNEST C. KONTZ.

A HUNDRED DRUNKS THEN TO ONE NOW

And Dr. J. H. Coin, one of the most scholarly and patriotic citizens in Atlanta, made the following reply in the Atlanta Constitution:

EDITOR THE CONSTITUTION:

There is a letter in the Constitution this morning, written to Congressman UPSHAW by M. B. Wellborn, governor of the Atlanta Federal Reserve Bank, anent the mooted prohibition question. I believe Mr. Wellborn meant to tell the truth, but for misstatement of facts and misleading inferences he could hardly have made it worse, had he tried.

He says the beer saloons sold beer "exclusively," when every man who knows anything about it knows that every one of them sold whisky. "They were well conducted and no drunkenness or excessive drinking resulted," when every man who knows enough to write about

it knows that these dens were festering sores and there were a hundred drunken men on the streets then to one at the present time; that they were wide-open whisky joints and were put out of business because it was utterly impossible to prevent whisky selling in a beer saloon.

Mr. Wellborn says he has seen very little improvement in business. He certainly knows little about the savings banks. Maybe he is not expected to know about the millions spent for dry goods and groceries, which formerly went for whisky over bars of beer saloons, but he certainly should know something about the banking business. "The eighteenth amendment has developed the ubiquitous bootlegger, which did not prevail before," goes on Mr. Wellborn. "Ubiquitous" means existing everywhere. I have lived in six States and I know he has existed in every one of these for 40 years.

Such wild statements as Mr. Wellborn makes—absolutely foreign to facts—are the things which have disquieted the country and put a false face on prohibition. With all due respect to Mr. Wellborn, he is "talking through his hat."

J. H. COIN,
8 Glenwood Drive, Atlanta, Ga.

FROM HONORED BROTHER OF BISHOP WARREN A. CANDLER AND ASA G. CANDLER

VILLA RICA, GA., *March 13, 1926.*

Hon. W. D. UPSHAW,
Washington, D. C.

MY DEAR MR. UPSHAW: I want to thank you for the firm stand you are taking for good government, morality, and Christianity. The liquor crowd are getting desperate. Their propaganda is misleading. Any prisoner can prove his innocence if you allow him to choose his jury. I would suppose this community would be an average one. When I was a boy and up to 1875 liquor was sold in Villa Rica in six houses. Every Saturday there would be from 25 to 75 men drunk and always some fighting. In my recollection there were 8 men killed, and in every instance the man killed or the murderer was drunk. As we all know drunkenness then was not illegal. Only those who disturbed the peace were arrested. Now all drunken men are supposed to be arrested. Hence their assertion that there are more arrests under present law than before.

Until prohibition Villa Rica had only one church building and no schoolhouse. Now there are six good church buildings and a $40,000 school building, two banks, one cotton and oil mill, with a paid-up capital of $225,000. I have not seen a dozen drunken men in Villa Rica in 10 years.

"Light wines" would be only an opening wedge. I am absolutely opposed to making, selling, or drinking liquor. It is one of Satan's tools to destroy body and soul, and all who advocate it are his emissaries.

Yours truly,

W. B. CANDLER.

FROM JUDGE PATTERSON, ONE OF GEORGIA'S PRISON COMMISSIONERS

THE PRISON COMMISSION OF GEORGIA,
Atlanta, March 13, 1926.

Hon. W. D. UPSHAW, M. C.,
Washington, D. C.

DEAR MR. UPSHAW: I am writing you concerning the controversy that is raging over the prohibition enforcement problem, especially concerning the letter of M. B. Wellborn, governor of the Federal reserve bank. I am surprised that a man so generally conservative as Governor Wellborn should make some of the statements he does in his letter to you. Of course, we all know there are violations of the prohibition law; indeed, there are entirely too many; but to say that conditions are worse now than they were when we had barrooms is absurd, and no man who observes conditions carefully and who is at all careful of his statements would make such a statement. There may be a good deal of drinking now, but to say that practically every person drinks and keeps whisky in his house is untrue. I imagine a great many people do keep it in their homes, but they constitute but a small per cent of the total population. When we had barrooms in Atlanta and other cities and small towns in Georgia, drunkenness was so prevalent among the negroes that it was unsafe for a lady to be on the business streets on Saturdays, especially Saturday afternoons. The highways on Saturdays were unsafe for travelers because the buggies and wagons loaded with drinking and drunken negroes, cursing and shooting their pistols along the highways, especially on Saturday afternoons, when they were returning to their homes from town, which made it really unsafe to be on the highway or even to live on it.

To make the bald statement he does, that arrests for public drunkenness have increased under prohibition, is not borne out by the facts, as there is very little public drunkenness on the streets at this time, and, too, the police would arrest a person now they would not have noticed when we had barrooms, because such conditions were so general. Atlanta is now almost double in size since we had barrooms, and yet I dare say there is not one-tenth the whisky sold or consumed in Atlanta as at that time, especially among the working classes and the negroes. I admit that there is a class of comparative leisure who stimulate themselves by indulging in drink, but the people who are really most affected by drinking and who can least afford this indulgence, have almost eliminated this habit. Crime that is attributable to drunkenness has very largely decreased in Georgia under prohibition.

Very truly yours,

T. E. PATTERSON,
Prison Commissioner.

PROHIBITION PUTTING COURTS OUT OF BUSINESS

BAXLEY, GA., *March 13, 1926.*

Hon. WILLIAM D. UPSHAW,
Washington, D. C.

DEAR BROTHER UPSHAW: I am reading the CONGRESSIONAL RECORD and note the onslaughts the "wets" are making on prohibition. Then Mr. M. B. Wellborn, Governor of the Federal Reserve Bank, Atlanta, has jumped into the fray with a stack of painful misrepresentations of conditions in Georgia. Mr. Wellborn does not go about over the State of Georgia enough to have a reliable opinion about the conditions. He also gives as his reasons for believing that liquor is used in Georgia among many classes of people high and low, the fact that he sees accounts of crimes in the newspapers. He ought to know that it is not the accounts given in newspapers of crimes that indicate the increase or decrease in crime, but it is the dockets of the courts. It is a known fact that the dockets of the courts all over the State of Georgia show a marked and continual decrease in crime. Under the 2 quart law and the near-beer régime it took two solid weeks of court in our county twice a year to dispose of the felony cases, while the grand jury was occupied for weeks returning true bills in large numbers. This week our superior court finished its business at the end of two days, and not a felony case returned by the grand jury. This is not only true of Appling County, but is true of the entire Brunswick circuit, and the prohibition law is ruining the business of the lawyers to the extent that a large per cent of them have moved to Florida.

Mr. Wellborn is business man enough to know that the prices of articles of commerce are regulated by the law of supply and demand. Under this law it is evident that whisky is very scarce in Georgia from the fact that rotten moonshine liquor is priced at from $3 to $5 per quart and European red liquor can not be bought in Georgia for less than $8 to $10 per quart. Under the 2 quart law and the near-beer régime people in Georgia could buy whisky at $1 per quart for red liquor and moonshine had to sell for less to justify its existence. It could be bought at $1 to $1.50 per gallon. If whisky is so plentiful at present, ask Mr. TINKHAM and Mr. HILL to explain these high prices?

You keep up your fight against them with all the power of your mighty soul and you will find the State of Georgia solidly behind you in your fight. I can show you scores, hundreds, and even thousands of young men about 20 years of age who never saw a barroom and have to look into the dictionaries to find the meaning of the word saloon.

I have traveled over the State of Georgia and get in closer contact with the people of this State than does Mr. Wellborn. I can say for the city of Atlanta itself that it is an infinitely safer city to live in and to visit now than it was during the whisky régime. A few years ago under the whisky régime the lower streets of Atlanta were dangerous to pass through, but now where the old saloon was we find clothing and shoe stores. The common people are unable to buy whisky on account of the high price. The rich people who drink it will soon die out, and a few more first-class funerals of rich drinkers—God pity their souls!—will completely free our fair State from this nefarious illegal traffic.

Truly your friend,

H. J. LAWRENCE.

FOR PROHIBITION 105 PER CENT

SOUTHWEST GEORGIA REAL ESTATE CO.,
Blakely, Ga., March 16, 1926.

Hon. W. D. UPSHAW,
Congressman, Washington, D. C.

DEAR MR. UPSHAW: You are not our Congressman, but you are ours after all—you are a Georgia Congressman.

Just writing you a line to say that this section of the State is with you all the way. We are for prohibition in this section 105 per cent.

Wish we could vote for you ever time in Early County.

We are reading all you have to say in Congress. Our friend, Mr. Wellborn, says he could not see any difference in business in Georgia under prohibition; the next day the Atlanta Constitution, quoting the savings banks, say the savings have increased 10 per cent for the last year only.

Good luck to you at all times.

Yours sincerely,

W. L. RHODES.

TONS OF HEARSAY

Hon. W. D. UPSHAW,
Washington, D. C.

DEAR SIR: Mr. Wellborn gives you a few ounces of information and acres and tons of hearsay. Such a thing is ridiculous for a man of his supposed calibre. He tells what he hears instead of what he knows. I have traveled 6,000 miles since the passage of the bone dry law as Sunday school secretary of the North Georgia Wesleyan Methodist Conference, also as pastor of churches in different parts of the State, traveling on the Seaboard, Southern, Georgia, and other railroads. I have seen only three men drunk enough to stagger and a half dozen that seemed to be drinking. I do not know how much liquor is sold, but drunkness do not stalk the streets and alarm the highways as it did under barroom sway.

J. T. ACREE,
Union Point, Ga.

Reference.

S. H. SIBLEY,
Judge Federal Court of Georgia.

"TAKING CHANCES ON POISON LIQUOR"

ATLANTA, GA., *March 12, 1926.*

Hon. WILLIAM D. UPSHAW,
Congressman, Fifth District, Georgia,
Washington, D. C.

DEAR MR. UPSHAW: I certainly disagree with the alleged statements in a letter made public to-day by the Hon. H. B. Wellborn, of the Federal Reserve Bank of Atlanta. I wish to assure you that you find very little liquor drinking in Atlanta; therefore drinking is not universal in Atlanta, and each year it is decreasing. It is almost impossible to obtain "good" whisky, and even our friends who do drink do so with fear and anxiety, as they know that they are taking a chance on poison liquor. What we need is a strict enforcement of the prohibition law all over the country. This Republic and our present form of government will fail if we can not enforce our constitutional laws. Please place my name on your mailing list for the CONGRESSIONAL RECORD. I desire to keep posted on the issues of the day.

Sincerely yours,

A. A. BAUMSTARK.

NOT A DRUNKEN MAN IN TWO YEARS

CAIRO, GA., *March 12, 1925.*

Hon. W. D. UPSHAW,
Atlanta, Ga.

DEAR SIR: I notice in to-day's papers what purports to be a letter from M. B. Wellborn, of Atlanta, on the prohibition question. Among other things, Wellborn states that "I may say that from what I learn, drinking is almost universal in Atlanta and in every other town in Georgia and throughout the South." I do not know from what source Mr. Wellborn gets his information, but I do know that no such condition as he describes prevails in Cairo, or Grady County, or any of the other counties contiguous thereto.

When we had open barrooms here, by 2 o'clock on Saturday afternoon the town was a drunken mob. And I did not dare let my wife or children go out on the streets. Then the barrooms were closed and conditions were much better. Soon, however, what was supposed to be a near-beer saloon was opened in our town. While it lasted there were plenty of drunks. We got rid of it, and we have had a decent town ever since.

I have not seen a drunken man on our streets in two years, and no one in this town wants any beer saloon, which is only a screen for a regular barroom. Oh, I know that once in a while a little whisky is made surreptiously and will continue for a while. But there is no more bootleg whisky in Grady County now than was here when we had open barrooms.

Congressman Cox, who a few years ago was our superior court judge, will, I'm sure, vouch for the accuracy of the above statements. Besides, during the 37 years I have been engaged in the practice of medicine, I've made 15 trips to New York for post-graduate training. When I went there first, late in the afternoon the East Side was a drunken mob, from about sunset until midnight.

And the women and children were half starved and half clad. But since the saloons were closed the picture is altogether different. During a six weeks' stay in New York in the summer of 1923 and 1924 I saw one drunken man each time. And the women and children were as a rule well clad, well kept, and happy. If men of the Wellborn type would use their influence to bring about law enforcement and a moral uplift instead of trying to destroy and break down they would be more appreciated, and the country would be better off.

Go right ahead with your fight against the brewers and barkeepers, for the people in the smaller cities, towns, and country are with you. And I firmly believe that no man now living will ever again see an open barroom in the United States.

Yours sincerely,

W. N. WALKER, M. D.

[Telegram—Night letter]

FROM THE GEORGIA WHIRLWIND PROHIBITION ORATOR, MRS. MARY HARRIS ARMOR

EASTMAN, GA., *March 11, 1926.*

Hon. WILL D. UPSHAW,
Member of Congress, Washington, D. C.:

Wellborn greatly mistaken when he pictures conditions worse than they were in the old saloon days. I have covered Georgia in recent years from the mountains to the sea, and I know that drinking and crime in general have greatly decreased, and they would be getting better still if all men in high positions of influence would use that influence in supporting instead of trying to pull down our prohibition law. Mr. Wellborn is absolutely wrong in declaring that there is liquor in almost every home. This may be so in what is called high society life, but the overwhelming majority of the homes of the plain, God-fearing people of Georgia have nothing to do with liquor. Prohibition has been a godsend to Georgia and the whole country.

MARY HARRIS ARMOR,
President Georgia Woman's Christian Temperance Union.

Mr. SCHAFER. Mr. Speaker, this parade in Atlanta did not indicate the position of these people on the subject of the consumption for beverage purposes of Coca-Cola, which is manufactured in Atlanta, Ga., did it?

Mr. UPSHAW. The parade was dealing with law and order, to uphold the Constitution of the United States. E pluribus unum.

THE GRAIN SITUATION

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the grain situation.

The SPEAKER. Is there objection?

There was no objection.

Mr. SINCLAIR. Mr. Speaker and Members of the House: Quite aside and distinct from the general question of agricultural relief legislation is one of vital importance to the wheat growers of the nation, and particularly to those in the spring wheat area. For many years, there has been widespread dissatisfaction among wheat growers because of the manner in which the grain standards have worked out in actual practice. The wheat raiser has felt, and rightly, that the real value of his grain, as sold on the terminal market, was not reflected back to him in the price paid at the local station. The present grades take no account of the protein content, although for more than a decade millers and bakers have done so. The grain trade, ever alert to its own advantage, has initiated protein tests as a regular step in the purchase of grain. The Federal Government, under whose supervision wheat grading is conducted, has taken no corresponding action on behalf of the farmer. With the intention of remedying this situation, on December 12, 1925, I introduced the following bill in Congress (H. R. 5241):

A bill to authorize the Secretary of Agriculture to make protein tests of wheat

Be it enacted, etc., That the Secretary of Agriculture is authorized and directed to determine and report to any producer of wheat, upon request and without delay, the protein content of any wheat submitted by such producer for such determination and report.

SEC. 2. In executing the functions imposed upon him by this act, the Secretary of Agriculture is authorized to designate laboratories, in such convenient localities in the wheat-producing sections of the United States as he deems practicable, conducted by or under the supervision of any agricultural experiment station, agricultural college, extension division, or agricultural department or agency of any State, at which such tests as may be necessary may be made.

SEC. 3. The Secretary of Agriculture is authorized to prescribe such regulations as may be necessary to carry out the provisions of this act.

The purpose of this measure is to authorize the Secretary of Agriculture to make protein tests of wheat. He is directed to make the test and to report the protein content of any wheat submitted to him by producers; and in order to facilitate this work he is authorized to designate such laboratories in convenient locations of the wheat-growing sections of the United States as he may deem practical or necessary in carrying out the provisions of the act. In so far as I have been able to learn, this is the first attempt made in Congress to include by law the steps necessary to make protein laboratory tests available to farmers before they sell their wheat. This information will be of greater value to producers in commanding the highest price for their wheat than any other step in the process of grading.

EXPERIMENTS BY THE LATE SENATOR LADD

As early as 1914 the late Senator Edwin F. Ladd, of North Dakota, then at the head of the chemistry department of the

North Dakota Agricultural College, published a statement setting forth the baking test as the best way of determining the true value of wheat. In that bulletin he demonstrated by the results of actual milling and baking experiments carried on in the experimental flour mill at the college that the gluten content of wheat is by far the most important factor that enters into a determination of its real value. The ultimate purpose of raising wheat is to furnish human food. Bread is the universal food. Consequently the wheat that will produce the greatest number of loaves of bread is the most valuable, not only because it furnishes the most food per unit but because the flour will make more bread, and is therefore commercially more profitable to the baker.

In subsequent bulletins published by Doctor Ladd he clearly proved and substantiated his earlier position on this question. In the winter of 1917, following the disastrous black-rust crop of 1916, he proved conclusively that the farmers of North Dakota actually lost over 70 cents a bushel on the wheat marketed that year by reason of the grading system practiced by the grain exchanges. The wheat was low in starch content and consequently light in test weight. It was, however, correspondingly high in protein content. The protein or gluten of wheat is the first part of the berry to develop or reach maturity. The starch develops last, a week or 10 days before ripening. Hence the fully rounded and fully matured kernels contain more starch in proportion to weight than the lighter ones. Black rust arrests development in wheat within a short time after it attacks the plant, and the grain ripens at the particular stage of development that it has attained when hit by the blight. The earlier it strikes, the lighter will be the test weight of the product. But the percentage of protein to weight will be much higher. Therefore, other influences being equal, 50-pound wheat of the same type and character will contain a higher percentage of protein than 60-pound wheat.

1916 WHEAT CROP, HIGH IN PROTEIN, NETTED SMALL RETURNS TO FARMERS

This was precisely what the buyers and millers discovered in regard to the 1916 spring wheat crop. The test weight was so low as to fall far below the weight prescribed in the regular grades. It was no grade stuff and there was such a wide variation in the "no grades" that the buyers invented classes in that group, such as "Feed wheat A, B, C, and D." This was the standard used in buying the entire crop of over 40,000,000 bushels, and resulted in enormous profits to millers, with corresponding loss to the wheat raisers.

In a lesser degree the same variations in the flour-making qualities of wheat may be noted in normal years. The protein content may vary greatly in different sections of the wheat area in a given year, or from year to year. In 1924 the average for North Dakota was lower than for 1925, ranging from 9½ to 15 per cent. This variation in protein is reflected in price. Sometimes the price fluctuation has been from 5 cents a bushel discount to 75 cents a bushel premium over the future or option price on that grade. It was repeatedly shown in the hearings before the House Committee on Agriculture several years ago on the bill to amend the grades that the same grades of spring wheat sold on the Minneapolis market brought a variation in price from 2 to 40 cents per bushel. These grades are determined largely by test weight. If the wheat is clean and bright and weighs 58 pounds to the bushel, it is graded No. 1 in the class or subclass to which it belongs, the weight being the chief determining factor. And yet there may be as much as 44 cents difference in milling value in two samples of wheat of the same grade. Further, it is frequently found that No. 3 or No. 4 wheat will be worth as much for milling as No. 1. This occurs so often that in actual sales to millers little attention is paid to grade, but almost without exception the miller buys on sample. That is, he tests it for its protein content and then decides what he will pay as the result of that test. He does not rely, as to its value, on the grade given it by the Federal inspectors.

In the practical marketing of wheat the producer is always at a disadvantage. He is always forced to sell on a grade determined largely by test weight, and yet the dealer, if he sells to the miller, invariably deals on a basis of value arrived at by the protein test. This tends to increase the spread or handling charges between the local and terminal markets and to reduce the price paid to the producer. Without a knowledge of the real milling value of his wheat the farmer is in no position to demand the price that his product is worth. He does not know what would be a fair price. It is not surprising, therefore, that he is greatly dissatisfied with marketing conditions when he finds, as was the case on June 15, 1921, that nine cars of No. 1 wheat sold for less than nine cars of No. 2 and two cars of No. 3 on the Minneapolis market on that date. In fact, similar transactions may be noted almost any day at the terminal markets of the country. It is the practice of these central markets to buy wheat almost wholly on the milling qualities of the samples and not upon the grades as determined by the grain-inspection department. This custom has become so regular that it is surprising that the protein value has not been considered before this as a grading factor.

PRESENT GRADING SYSTEM UNFAIR TO BOTH PRODUCERS AND CONSUMERS

The present procedure has worked greatly to the advantage of the large milling and grain corporations. The small dealer or miller, the farmer, and the general public are not able to employ a staff of experts to determine the component elements of the grain purchased. The large corporation can do this. Consequently it has advance information and a great advantage over the smaller competitor in the selection and purchase of its supply of wheat.

The inevitable result is to centralize more and more the milling industry. Perhaps this is one important reason why so many small country mills have ceased to exist. However, centralization of the milling industry and the elimination of the country miller do not constitute the greatest injury to the general public. It can not be denied that the profits resulting from the advantage to the large grain corporation and miller are not shared by either the producer or the consumer. The price of flour is fixed by the average cost of manufacture. The large operator has a distinct advantage, and as competition weakens he more easily maintains his prices. This partially accounts for the fact that a drop in the price of wheat from $1.85 per bushel to $1.10 is not reflected in any corresponding reduction in the price of bread. The price of bread is consistently held at the higher price level of wheat. The only beneficiary under the present system is the middleman. Obviously, it would be to the advantage of both producer and consumer that just and equitable grading should be had on the farmer's wheat.

REMEDY SUGGESTED

My bill H. R. 5249 does not go far enough in recognition of the protein content as an important factor in determining the value of wheat. It should go much further. Since the Federal Government, in effect, does the inspection and grading of wheat, and establishes the grades, it should also, for the protection of the producer, make the protein tests. That would make available to the farmer the most important information he needs to have as to the value of his product. He already knows the weight and quality of his wheat, whether it is clean, dry, and bright, and he can pretty accurately estimate the dockage and foreign material. It is quite impossible for him to ascertain the gluten or protein content, yet this one factor alone may influence the price to a far greater degree than all of the others. The Federal Government has set up machinery and established standards for the grading of wheat, but has entirely ignored the most important step in reaching a correct valuation. It is absolutely essential to farmers that the Federal Government undertake the protein tests.

These tests are now being made by the grain trade in State and commercial laboratories. Minnesota is making protein tests for every carload of grain shipped to her terminals. She is also imposing her own inspection of grades. If not satisfied with the results of the inspection, shippers can appeal to the Federal authorities. They have no such appeal from the protein tests, and can not have until the Federal Government comes to their aid. The essential need now is for a uniform system of protein testing with an authorized certificate of content. The Federal Government should make these determinations whenever an appeal is asked. The producer has the right to expect and to receive the benefit and protection of this service from the Federal Government as long as it practically supervises the entire grain grading system. While my bill is not mandatory as regards the acceptance of the findings of the Federal laboratories in cases of appeal or dispute between parties to contracts, it is inconceivable that these decisions would not prevail. Rather than open up the whole question of amending the wheat grades, it seems to me advisable to establish the service of the protein tests first in order to demonstrate the practical feasibility of this method of insuring to the farmer the full value of his wheat. I am firmly convinced that protein and gluten tests should be made a factor in deciding wheat grades. We will be taking only the first step to that end in passing this bill.

H. R. 5241 was submitted to the Department of Agriculture with a view to obtaining its approval and support. I regret to state, however, that the Secretary was of the opinion that the proposed legislation would merely set up another agency for the determination of protein in wheat in addition to the several State and commercial laboratories now performing that func-

tion, which, he observes, are meeting the present demand. I do not agree with this opinion. Throughout my State it is impossible for farmers to have these tests made outside of the terminal markets, and these tests are made in laboratories in which the producer can have little or no confidence. He has good reason for his doubts.

It is but natural that the tests may be influenced by the buyers who are most interested, and who maintain the laboratories. As a matter of fact, on numerous occasions widely different results have been obtained in making tests from the same load of wheat. This has occurred so often that farmers have become skeptical and dissatisfied. It is therefore imperative that a Government authority be established which will make the tests, and in which farmers can have full confidence. With but little expense, laboratories can operate at convenient points in the wheat-growing area, at agricultural colleges, normal schools, through county agents, and so forth.

VIEWS OF AN EMINENT AUTHORITY

Dr. Carl L. Alsberg, director of the Food Research Institute, Stanford University, Calif., has recently published a wonderfully illuminating study on the subject of "Protein Content: A neglected factor in wheat grades," from which I quote briefly:

It is always easier to point out defects than to suggest remedies. And so it is for the protein factor in evaluating wheat. Given a properly equipped laboratory and an adequately trained personnel, the determination of protein in wheat presents no difficulties. There are laboratories in which two low-salaried men make as many as 150 analyses in a day. Where large numbers of analyses are required, they can be made cheaply, expeditiously, and accurately. However, the present method of determining protein can not be employed at country elevators. Having the analysis made after the grain has been sold to the country elevator and has arrived at the terminal market would not always help the farmer. What is badly needed is a test that will do for protein what the Babcock test does for butter fat in milk and cream.

Meanwhile, even if the test is not made until the wheat has arrived at the terminal market, much is to be gained by making protein content a factor in grading. Though the price warranted by the quality is not always reflected back to the wheat grower, the advantages are great. All the world could then know in any given year from what towns and counties the high-protein wheat was coming. This would tend to reflect premiums back to the farmer. Those who shipped on consignment would be more likely than at present to get the prices to which they might be entitled.

Consignors might send samples for analysis in advance of shipment and receive a report before arrival of the car at the terminal market, being thus in a stronger bargaining position. The Canadian method of selling grain to a country elevator, "subject to inspector's grade and dockage," so modified as to be "subject to grade, dockage, and protein analysis," might become general. According to this method the farmer stores his grain in the country elevator, and at the same time the elevator manager and the farmer take a joint sample, seal it, and send it to the Government inspector for grading. When the official report on the grade is received, the farmer may sell to the country elevator, ship, or continue storage, settlement being made on the grade given on the official certificate. Such a system is already in process of evolution in the United States. It would surely reflect back the premium to the farmer. The country buyer need not be hurt thereby, since the protein contents of two parcels of wheat are additive when they are mixed. The introduction of a protein factor in the grading would stimulate the producer to bend his efforts to the securing of high-protein wheat as well as high yields. In the soft winter wheat area much could be accomplished in this direction. With the shortage of high-protein wheats that recurs from time to time and the permanent shortage that will arise in the future with population growth this is a most important matter. The addition of a protein factor to the basis of the country's wheat standards is important not merely as an act of justice to the quality producers and to the lesser millers but also as an important element of the country's national policy in providing for the future.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. BANKHEAD, for 10 days, on account of important business.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 4, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 4, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend paragraph (d) of section 14 of the Federal reserve act, as amended to provide for the stabilization of the price level for commodities in general (H. R. 7895).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

Legislation relative to labor disputes in the coal-mining industry.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10.30 a. m.)

Proposed bill amending the World War veterans' act with reference to the appointment of guardians.

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To amend the act creating the juvenile court in the District of Columbia (H. R. 7612).

COMMITTEE ON EDUCATION

(10 a. m.)

To create a commission to be known as the Federal motion-picture commission (H. R. 4094 and 6233).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

Requesting the President to propose the calling of a third Hague conference for the codification of international law (H. J. Res. 221).

COMMITTEE ON INSULAR AFFAIRS

(10 a. m.)

To amend and reenact sections 3, 20, 31, 33, and 38 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," as amended by an act approved June 7, 1924, and for the insertion of two new sections in said act between sections 5 and 6 and sections 41 and 42 of said act, to be designated as "5a" and "41a" of said act (H. R. 11611).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To permit the purchase of naval aircraft and aircraft engines without advertisement (H. R. 11249).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To amend the act of February 28, 1925, fixing the compensation of employees in post offices (H. R. 3840).

To reduce night work in the Postal Service (H. R. 5697 and 9004).

To reduce night work in post offices (H. R. 8112).

COMMITTEE ON RULES

(10.30 a. m.)

Making eligible for retirement under certain conditions officers and former officers of the World War, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War (H. R. 4548).

To provide for the deportation of certain aliens (H. R. 11489).

To provide a permanent government for the Virgin Islands of the United States.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

493. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1926 for the Department of Labor for the refund of $500 furnished as security on a bond that Magdalina Pons Roca, a native of Cuba, admitted temporarily to the United States, should not become a public charge (H. Doc. No. 365); to the Committee on Appropriations and ordered to be printed.

494. A communication from the President of the United States, transmitting a supplemental estimate of appropriation under the legislative establishment, United States Senate, fiscal year 1926, in the sum of $3,000 (H. Doc. No. 366); to the Committee on Appropriations and ordered to be printed.

495. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1926, to remain available until June 30, 1927, for acquisition of land for a target range at Fort Ethan Allen, Vt., $200,000 (H. Doc. No. 367); to the Committee on Appropriations and ordered to be printed.

496. A communication from the President of the United States, transmitting a draft of proposed legislation affecting an existing appropriation for the settlement of a claim of $30.50, adjusted and determined by the Department of Commerce under the provisions of the act of June 5, 1920 (H. Doc. No. 368); to the Committee on Appropriations and ordered to be printed.

497. A letter from the Acting Secretary of Commerce, transmitting a list of papers in the Patent Office which have no value in the transaction of business in that office; to the Committee on the Distribution of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clase 2 of Rule XIII,

Mr. WURZBACH: Committee on Military Affairs. S. 96. An act to amend the national defense act approved June 3, 1916, as amended by the act of June 4, 1920, relating to retirement; without amendment (Rept. No. 1057). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPEAKS: Committee on Military Affairs. S. 2828. An act to provide for forfeiture of pay of persons in the military and naval services of the United States who are absent from duty on account of the direct effects of the intemperate use of alcoholic liquor or habit-forming drugs or because of venereal disease; without amendment (Rept. No. 1058). Referred to the Committee of the Whole House on the state of the Union.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 7903. A bill to authorize the Secretary of War to sell a portion of the Fort Ringgold Military Reservation, Tex., to Rio Grande City Railway Co.; with amendment (Rept. No. 1059). Referred to the Committee of the Whole House on the state of the Union.

Mr. McFADDEN: Committee on Banking and Currency. H. R. 9268. A bill to amend the agricultural credits act of 1923; without amendment (Rept. No. 1063). Referred to the House Calendar.

Mr. McFADDEN: Committee on Banking and Currency. H. R. 9269. A bill to amend paragraph 2 of section 7 of the farm loan act; with amendment (Rept. No. 1064). Referred to the House Calendar.

Mr. McFADDEN: Committee on Banking and Currency. S. 2606. An act to prohibit offering for sale as Federal farm loan bonds any securities not issued under the terms of the farm loan act, to limit the use of the words "Federal," "United States," or "reserve," or a combination of such words, to prohibit false advertising, and for other purposes; without amendment (Rept. No. 1065). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. VINSON of Kentucky: Committee on Military Affairs. H. R. 6017. A bill for the relief of Fred R. Nugent; without amendment (Rept. No. 1060). Referred to the Committee of the Whole House.

Mr. STEPHENS: Committee on Naval Affairs. S. 2955. An act for the relief of Chaplain A. E. Stone, United States Navy; without amendment (Rept. No. 1061). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 4553. A bill authorizing the President to restore Commander George M. Baum, United States Navy, to a place on the list of commanders of the Navy to rank next after Commander Walter Albert Smead, United States Navy; with amendment (Rept. No. 1066). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 9433. A bill for the relief of Alexander Edward Metz; without amendment (Rept. No. 1067). Referred to the Committee of the Whole House.

Mr. GAMBRILL: Committee on Naval Affairs. H. R. 10622. A bill granting six months' pay to Vincentia V. Irwin; without amendment (Rept. No. 1068). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 11836) to establish a bureau of school hygiene in the health department of the District of Columbia; to the Committee on the District of Columbia.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 11837) granting the consent of Congress to the Kansas, Nebraska, and Dakota Highway Association to construct, maintain, and operate a free highway bridge across the Missouri River; to the Committee on Interstate and Foreign Commerce.

By Mr. HICKEY: A bill (H. R. 11838) to authorize the erection in South Bend, Ind., of a statue of Schuyler Colfax; to the Committee on the Library.

By Mr. STALKER: A bill (H. R. 11839) to authorize the opening of a street from Georgia Avenue to Ninth Street NW., through squares 2875 and 2877, and for other purposes; to the Committee on the District of Columbia.

By Mr. VESTAL: A bill (H. R. 11840) to amend section 129 of the Judicial Code, allowing an appeal in a patent suit from a decree which is final except for the ordering of an accounting; to the Committee on Patents.

By Mr. KELLY: A bill (H. R. 11841) to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound; to the Committee on the Post Office and Post Roads.

By Mr. SUTHERLAND: A bill (H. R. 11842) to amend an act entitled "An act to define and punish crimes in the District of Alaska, and to provide a code of criminal procedure for the District," approved March 3, 1899, as amended; to the Committee on the Territories.

Also, a bill (H. R. 11843) to authorize the incorporated town of Fairbanks, Alaska, to issue bonds for the purchasing, construction, and maintenance of an electric light and power plant, telephone system, pumping station, and repairs to the water front, and for other purposes; to the Committee on the Territories.

By Mr. VESTAL: A bill (H. R. 11844) providing for the extension of the time limitation under which patents were issued in the case of persons who served in the armed forces of the United States during the World War; to the Committee on Patents.

By Mr. LUCE: A bill (H. R. 11845) to provide for enlarging and relocating the United States Botanic Garden, and for other purposes; to the Committee on the Library.

By Mr. DAVILA: A bill (H. R. 11846) to amend and reenact sections 20, 31, 33, and 38 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," as amended by an act approved June 7, 1924, and for the insertion of two new sections in said act between sections 5 and 6 and sections 41 and 42 of said act, to be designated as "5a" and "41a" of said act; to the Committee on Insular Affairs.

By Mr. FAIRCHILD: A bill (H. R. 11847) to amend section 200 of the World War veterans' act of 1924; to the Committee on World War Veterans' Legislation.

By Mr. BURTON: A bill (H. R. 11848) to authorize the settlement of the indebtedness of the French Republic to the United States of America; to the Committee on Ways and Means.

By Mr. SUTHERLAND: A bill (H. R. 11849) to provide for the protection, development, and utilization of the public lands in Alaska by establishing an adequate system for grazing livestock thereon; to the Committee on the Public Lands.

By Mr. MILLER: A bill (H. R. 11850) to grant to the city of Seattle, in the State of Washington, certain rights of way for water-main tunnel purposes over and across the reservations for the old and new locations of the Lake Washington Canal; to the Committee on Military Affairs.

By Mr. EVANS: Joint resolution (H. J. Res. 244) authorizing an appropriation for a monument to Leif Erickson; to the Committee on the Library.

By Mr. JOHNSON of Washington: Resolution (H. Res. 250) to authorize the Committee on Immigration and Naturalization of the House to print additional copies of its hearings on bills relating to deportation of alien criminals; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACK of Texas: A bill (H. R. 11851) granting an increase of pension to Nancy M. Buster; to the Committee on Invalid Pensions.

By Mr. BOX: A bill (H. R. 11852) for the relief of M. Tillery and Mrs. V. D. Tillery; to the Committee on Claims.

By Mr. CANFIELD: A bill (H. R. 11853) granting an increase of pension to Mary A. Elwell; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 11854) granting an increase of pension to Millie A. Pettigrew; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 11855) granting an increase of pension to Margaret J. Belvel; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 11856) granting an increase of pension to Amanda Cleaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11857) granting an increase of pension to Rebecca C. Betz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11858) granting an increase of pension to Elizabeth P. Graeff; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 11859) granting a pension to Amanda Park; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 11860) granting an increase of pension to Nancy T. Tyler; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 11861) granting a pension to Margaret E. Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11862) granting a pension to James Johnston; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 11863) granting an increase of pension to Frances S. Stewart; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 11864) granting a pension to Anna R. Menning; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 11865) granting an increase of pension to Mary Livingston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11866) granting an increase of pension to Mary C. Wilkins; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 11867) granting an increase of pension to Lucelia Reeser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11868) granting an increase of pension to Amelia M. Butler; to the Committee on Invalid Pensions.

By Mr. McLEOD: A bill (H. R. 11869) granting a pension to Jane Manley; to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 11870) for the relief of certain officers of the Air Service of the United States Army on account of funds expended by them in connection with the American round-the-world flight; to the Committee on Military Affairs.

By Mr. MEAD: A bill (H. R. 11871) granting an increase of pension to Frederike Jones; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 11872) granting an increase of pension to Laura R. Simmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11873) granting an increase of pension to Emma E. Rockwell; to the Committee on Invalid Pensions.

By Mr. O'CONNELL of New York: A bill (H. R. 11874) for the relief of Stephen Schmeiser, sr.; to the Committee on Claims.

By Mr. PURNELL: A bill (H. R. 11875) granting an increase of pension to Harley Hesler; to the Committee on Pensions.

Also, a bill (H. R. 11876) granting an increase of pension to Eliza C. Bell; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 11877) authorizing the President to reappoint John Marvin Wright, formerly an officer in the Corps of Engineers, United States Army, an officer in the Corps of Engineers, United States Army; to the Committee on Military Affairs.

By Mr. SANDERS of New York: A bill (H. R. 11878) granting an increase of pension to Ellen Thompson; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 11879) granting an increase of pension to Laura W. Adams; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 11880) granting a pension to Abbie M. Bell; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 11881) granting an increase of pension to Minnie M. Nelson; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 11882) to validate certain payments made by Lieut. Col. Earl Patterson; to the Committee on Military Affairs.

By Mr. VINSON of Kentucky: A bill (H. R. 11883) granting an increase of pension to Nannie L. Craig; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 11884) providing for the examination and survey of Port Aransas, Tex.; to the Committee on Rivers and Harbors.

By Mr. ZIHLMAN: A bill (H. R. 11885) granting an increase of pension to Charlotte M. Kifer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2021. By Mr. BARBOUR: Resolutions adopted by Los Angeles district, California Federation of Women's Clubs, indorsing House bills 8821 and 9497, which affect the California Indians; to the Committee on Indian Affairs.

2022. By Mr. CARSS: Petition by 383 residents of Duluth, Minn., against compulsory Sunday observance; to the Committee on the District of Columbia.

2023. Also, resolution by the Farmer-Labor Association of Minnesota, demanding that Congress pass some adequate farm relief measure that will insure to the farmers economic justice; to the Committee on Agriculture.

2024. Also, resolution by Chisholm Sportsmen's Club, of Chisholm, Minn., urging passage of House bill 71, the black bass bill; to the Committee on the Merchant Marine and Fisheries.

2025. Also, petition by 13 residents of Ball Club, Minn., against compulsory Sunday observance; to the Committee on the District of Columbia.

2026. By Mr. CONNERY: Resolution of the Woman's Relief Corps of Boston, favoring the bill to increase the pension of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2027. By Mr. FRENCH: Petition of citizens of Weiser, State of Idaho, against compulsory Sunday observance; to the Committee on the District of Columbia.

2028. By Mr. FULLER: Petition of the Illinois Agricultural Association, and others, urging support of the Federal farm board bill; to the Committee on Agriculture.

2029. By Mr. GALLIVAN: Petition of James P. Parker, 43 Kilby Street, Boston, Mass., recommending early and favorable consideration of House bill 7479, known as the migratory bird refuge and marsh land conservation bill; to the Committee on Agriculture.

2030. By Mrs. KAHN: Petition of 14 citizens of San Francisco, against compulsory Sunday observance; to the Committee on the District of Columbia.

2031. By Mr. MEAD: Petition of John M. Satterfield, president American Savings Bank, in support of House bill 8708, to authorize the Secretary of the Treasury to extend the indebtedness of railroads under certain conditions, etc.; to the Committee on Interstate and Foreign Commerce.

2032. By Mr. MONTAGUE: Petition of East Hanover Presbytery of the Presbyterian Church of the United States, protesting against any modification of the prohibition laws; to the Committee on the Judiciary.

2033. Also, memorial of Richmond, Va., Chamber of Commerce, in opposition to Senate bill 2808, providing for regional appointment of interstate commerce commissioners; to the Committee on Interstate and Foreign Commerce.

2034. By Mr. MORROW: Petition of colored citizens of Vado, N. Mex., indorsing the prohibition act; to the Committee on the Judiciary.

2035. By Mr. O'CONNELL of New York: Petition of the National Industrial Traffic League of Chicago, Ill., that it indorses any movement that will make proper accounting of these special services of the Post Office Department which are performed for the public welfare; to the Committee on the Post Office and Post Roads.

2036. Also, petition of H. Kohnstamm & Co. (Inc.), of New York City, opposing the passage of Senate bill 4102; to the Committee on the Judiciary.

2037. Also, petition of Robert S. Allyn, president Brooklyn Chapter Reserve Officers' Association, opposing the passage of the Welch bill (H. R. 8532); to the Committee on Military Affairs.

2038. Also, petition of the Woman's Relief Corps, No. 113, auxiliary to N. S. Ford Post, No. 161, Department of New York, Grand Army of the Republic, favoring the passage of

the bill for the increase of Civil War veterans and widows pensions; to the Committee on Invalid Pensions.

2039. Also, petition of Walter Scott Perry, director of Pratt Institute, Brooklyn, N. Y., favoring the passage of House bill 10, the metric system; to the Committee on Coinage, Weights, and Measures.

2040. Also, petition of National Customs Association, of Chicago, Ill., favoring the passage of House bill 7, the retirement bill; to the Committee on the Civil Service.

2041. Also, petition of R. J. Hickson, of New York City, favoring the passage of the Mills bill, providing for the return of former alien property; to the Committee on Ways and Means.

2042. By Mr. PHILLIPS: Petition of 74 citizens of Beaver County, Pa., asking for the acknowledgement of the authority of Christ and the law of God in the Constitution of the United States; to the Committee on the Judiciary.

2043. By Mr. SINCLAIR: Petition of 41 residents of Reeder, N. Dak., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2044. Mr. STRONG of Pennsylvania: Petition of Indiana Woman's Relief Corps, No. 70, Indiana, Pa., in favor of legislation to increase the rates of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2045. By Mr. SWING: Petition of certain residents of San Diego, Calif., protesting against the passage of House bills 7179, 10123, 7822, and 10311, for compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

2046. Also, petition of certain residents of Ontario, Calif., protesting against the passage of House bill 7179, for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

SENATE

TUESDAY, *May 4, 1926*

(Legislative day of Monday, May 3, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. FERRIS obtained the floor.

Mr. FESS. Mr. President, will the Senator yield?

Mr. FERRIS. I yield.

Mr. FESS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Lenroot	Shipstead
Bayard	Fletcher	McKellar	Shortridge
Bingham	Frazier	McMaster	Simmons
Blease	George	McNary	Smith
Borah	Gillett	Mayfield	Smoot
Bratton	Glass	Means	Stanfield
Broussard	Goff	Metcalf	Steck
Bruce	Gooding	Moses	Stephens
Butler	Greene	Neely	Swanson
Cameron	Hale	Norbeck	Trammell
Caraway	Harreld	Norris	Tyson
Copeland	Harris	Nye	Underwood
Couzens	Harrison	Oddie	Walsh
Cummins	Heflin	Overman	Warren
Curtis	Howell	Phipps	Watson
Deneen	Johnson	Ransdell	Weller
Dill	Jones, N. Mex.	Reed, Mo.	Wheeler
Edwards	Jones, Wash.	Reed, Pa.	Williams
Ernst	Keyes	Sackett	Willis
Fernald	King	Schall	
Ferris	La Follette	Sheppard	

Mr. EDWARDS. I desire to announce that my colleague, the senior Senator from New Jersey [Mr. EDGE], is detained from the Senate by illness.

Mr. CURTIS. I wish to announce that my colleague [Mr. CAPPER] is absent owing to illness in his family. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

PUBLIC BUILDINGS

Mr. FERNALD. Mr. President, will the Senator from Michigan yield to me to present a request for unanimous consent?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Maine?

Mr. FERRIS. I yield.

Mr. FERNALD. I ask unanimous consent that when the vote is taken on the passage of House bill 6559, the public buildings bill, it be taken by yeas and nays.

The VICE PRESIDENT. Is there objection?

Mr. MOSES. What is the request?

The VICE PRESIDENT. The unanimous-consent request is that when the vote is taken on the passage of the public buildings bill, it shall be by yeas and nays. Is there objection?

Mr. ASHURST. Mr. President, I never heard such a request before. I should like to understand it.

The VICE PRESIDENT. It is a demand for the yeas and nays.

Mr. REED of Missouri. The way to settle that question is not by unanimous consent, but, under the rule, to ask now for the yeas and nays and let them be ordered.

Mr. FERNALD. I do make that request now, but when the vote is taken I want to have it taken by yeas and nays.

Mr. ASHURST. I am obliged to object to that, because it might set a precedent that would be very questionable. When the time comes the yeas and nays will be ordered.

The VICE PRESIDENT. It is not in order to demand the yeas and nays at this time, but it is in order to enter into a unanimous-consent agreement that when the vote is taken it shall be taken by yeas and nays. Is there objection?

Mr. ASHURST. I object.

Mr. FERNALD. Will the Senator from Michigan allow me one moment?

Mr. HEFLIN. Mr. President, as the Senator from Michigan [Mr. FERRIS] desires to address the Senate and has already yielded to several Senators, I suggest that he ought to be permitted to proceed with his speech.

Mr. FERNALD. Very well.

PAN PACIFIC CONFERENCE ON EDUCATION, ETC.

Mr. BINGHAM. Mr. President, will the Senator from Michigan yield to me to present a joint resolution?

Mr. FERRIS. I yield for that purpose.

Mr. BINGHAM. If it leads to any debate, I shall not press it. From the Committee on Territories and Insular Possessions I report back favorably without amendment the joint resolution (S. J. Res. 104) authorizing the Secretary of the Interior to call a Pan Pacific conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii, and I submit a report (No. 747) thereon. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. CURTIS. I would like to understand what it provides. Does it provide for a commission?

Mr. BINGHAM. It does not provide for a commission. It authorizes the holding of a conference to be called by the Secretary of the Interior and to enable him to invite representatives from other governments on the Pacific. It also authorizes the appropriation of $20,000 toward the expenses of the conference.

Mr. CURTIS. I ask that the joint resolution go over for the present.

The VICE PRESIDENT. Objection is made, and the joint resolution goes to the calendar.

PETITIONS AND MEMORIALS

Mr. WARREN presented the memorial of Reliance (Wyo.) Lodge, Slovene National Benefit Society, remonstrating against the enactment of proposed legislation providing for the registration of aliens, which was referred to the Committee on Immigration.

Mr. WILLIS presented papers in the nature of petitions signed by approximately 600 citizens of Granville, Ohio, "demanding the removal from public office of every man who in any manner fails in his duty of securing strict enforcement of every measure looking to giving full force and effect to the eighteenth amendment, and likewise demanding the strengthening of our laws in every manner calculated to secure the benefits of said eighteenth amendment for every citizen," which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. FESS, from the Committee on the Library, to which was referred the bill (S. 4153) to provide for enlarging and relocating the United States Botanic Garden, and for other purposes, reported it without amendment and submitted a report (No. 748) thereon.

Mr. McNARY, from the Committee on Irrigation and Reclamation, to which was referred the bill (H. R. 7819) to cancel water-right charges and release liens on the Buford-Trenton and Williston irrigation projects, North Dakota, and for other purposes, reported it without amendment.

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which was referred the joint resolution (H. J. Res. 139) authorizing the construction of a Government dock or wharf at Juneau, Alaska, reported it without amendment and submitted a report (No. 749) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 99. An act for the relief of the owner of the lighter *Eastman No. 14;*

S. 113. An act for the relief of the owner of the American barge *Texaco No. 153;*

S. 530. An act for the relief of the owners of the steamship *Basse Indre* and all owners of cargo laden aboard said vessel at the time of her collision with the steamship *Housatonic;*

S. 547. An act for the relief of James W. Laxson;

S. 957. An act for the purchase of the Oldroyd collection of Lincoln relics;

S. 1131. An act for the relief of James Doherty;

S. 1226. An act to amend the trading with the enemy act;

S. 2124. An act for the relief of Philip Hertz (Philip Herz);

S. 2338. An act authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army;

S. 2848. An act to extend the time for institution of proceedings authorized under Private Law No. 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.);

S. 2907. An act to authorize the general accounting officers of the United States to allow credit to Galen L. Tait, collector and disbursing agent, district of Maryland, for payments of travel and subsistence expenses made on properly certified and approved vouchers; and

S. J. Res. 55. Joint resolution to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172, in Washington, D. C.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LENROOT:

A bill (S. 4160) granting a pension to Catherine Lansworth; to the Committee on Pensions.

By Mr. ERNST:

A bill (S. 4161) to authorize the erection of a Veterans' Bureau hospital in the State of Kentucky and to authorize the appropriation therefor; to the Committee on Public Buildings and Grounds.

A bill (S. 4162) to amend section 83 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. DILL:

A bill (S. 4163) granting an increase of pension to Frank Johnson; to the Committee on Pensions.

By Mr. REED of Missouri:

A bill (S. 4164) granting a pension to Laura Mitchell; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 4165) granting an increase of pension to George W. Crawford; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 4166) for the relief of the surviving daughters of James W. Scully; to the Committee on Claims.

A bill (S. 4167) to enforce conformity to State laws on Sunday observance at Government military reservations; to the Committee on Military Affairs.

By Mr. BRUCE:

A bill (S. 4168) for the relief of the United States Fidelity & Guaranty Co. (with an accompanying paper); to the Committee on Claims.

THE PROHIBITION LAW

Mr. FERRIS. Mr. President, 60 or more years ago I was a boy on a hill farm of 100 acres in Tioga County, N. Y. During haying and harvesting father was obliged to employ several helpers. I can recall, without any special effort, hearing these prospective helpers ask my father this question: "Do you furnish good whisky to your helpers regularly?" By the way, all whisky in those days was good. There was not the slightest temptation to adulterate it. This question was a prevailing question. Here and there a farmer would not agree to furnish whisky, and he always found it more or less difficult to secure helpers. My father always answered in the affirmative, and fulfilled his promises.

His instructions to me were very specific. He said: "Bring the jug into the hay field at 10 o'clock and give to every man whatever he sees fit to drink. Then hide the jug. At 3 o'clock bring forth the jug and furnish the men with more whisky." No drinks were given to the helpers in the morning, or at noon, or at the close of the day.

In order that the picture may be complete, permit me to say that all the grass was cut with a hand scythe, spread with an ordinary fork, raked with a hand rake, and drawn to the barn on a long sled.

The whisky was bought at the grocery store for 25 cents a gallon. This was before the Civil War was well under way, before the Government put a tax upon liquors. There were no saloons because there was no opportunity for making a profit on whisky that could be purchased at the grocery store for 25 cents a gallon. Even the dry goods stores kept a barrel of whisky for those customers who felt that they needed that kind of refreshment. When the preacher called, father never failed to extend to him the courtesy involved in offering him a drink. Not all of the preachers indulged; not all of the members of the community indulged. At barn raisings and at logging bees whisky was an essential to the success of the undertaking.

Mr. REED of Missouri. Mr. President, I do not want to interrupt the Senator, but what date in history was this golden age which he has just described?

Mr. FERRIS. I will say that this golden age was about the Civil War time. I am sure the Senator from Missouri is well informed along that line.

No doubt some of the listening Senators will ask, "Was there a large amount of drunkenness at that time?" This is an exceedingly difficult question to answer with any degree of accuracy. My observations aroused in me—a boy—a wholesome fear of the consequences of using whisky as it was then used. I soon learned that among the neighbors were those who indulged to excess, and that among the young people at dances and celebrations drunkenness was frequent. My father for 20 or 30 years was an advocate of moderate drinking. He said that any man who could not take a drink of whisky and then let it alone was a fool. To use a modern term, he was an antiprohibitionist. Notwithstanding his positive declaration, I concluded to let the stuff alone. Even my boyhood observations taught me that there was no particular benefit to be derived from the use of intoxicating liquors. Its use, as I saw it, was fraught with danger. With me this was not a mere Sunday-school sentiment; my attitude grew out of my actual observations.

Mr. President, I do not need to go into details as to the origin of the American saloon. The story is familiar to every Senator. The saloon yielded large profits, like bootlegging. It was a money-making scheme, and so long as human nature remains what it is, money making will be indulged in, whether it is in conformity to law or in violation of law. The liquor traffic grew to such magnitude that it commanded not only the attention of the common people but aroused the attention of men engaged in our great industries. So far as I know there is not a man living in the United States to-day who would deliberately advocate a return to the American saloon.

It is worth while to very briefly consider some of the reasons for banishing the American saloon. For half a century the preachers, church workers, and teachers fought the American saloon. I wish to call the attention of the Senate to their chief objective. There was no question as to the increase in crime; there was no question as to the hardships that were imposed upon mothers and children. Again and again the picture was painted in vivid colors of how homes were devastated; of how women and children were deprived of the necessaries of life because of the dissolute habits of the head of the family.

In this great battle there was another question raised that was of supreme importance, namely, the effects of alcohol upon the human system. The medical profession made valuable contributions. It was maintained by some advocates of the moderate use of alcohol that alcohol had a food value. To-day many physicians believe that it has a food value, but it is of comparatively little importance except in the treatment of certain diseases. These same physicians do not recommend alcohol as a factor in the daily food consumption. I am also quite safe in asserting that alcohol is classed with the poisons.

Out of this controversy grew the educational movement for the nonuse of alcohol in any form, except possibly as a medicine. It is true that physicians use poisons as constituting one group of their remedies. This educational program was inaugurated in all of the States of the Union. The laws of the different States required that textbooks on physiology and hygiene should contain a certain amount of information concerning the effects on the human body of the use of alcohol and other narcotics. Year in and year out, in connection with the antisaloon movement and other movements against John Barleycorn, the educational movement was tremendously important.

Mr. President, there is not any question about the wonderful influence that this educational movement had upon the minds

of American citizens. It is safe to say that the majority of them were convinced that there could be no valid argument for the use of alcohol in any form, except for medicinal use, and I maintain that at this particular time the question of the effects of alcohol upon the human system should be revived. I have yet to find any change in the attitude of scientists and conservers of health on the effects of alcohol on the human system.

I do not maintain that this educational crusade was the only factor in eliminating the American saloon. Heads of industry were not slow to discover that the American saloon was the arch enemy of their enterprises, and thousands of employers who used alcoholic liquor, either moderately or immoderately, voted dry in the antisaloon movement because they believed that the prosperity of their enterprises would be conserved by banishing the saloon. They preferred to have employees who were sober five or six days in the week; in fact, they insisted upon it. It would be exceedingly difficult to estimate the tremendous power exerted by this influence in making the United States dry. There is not a Senator present who has not made observations along this line and been forced to recognize the power of industrial influence. Even the railroad managers of this country and of Canada were obliged during the reign of the saloon to make certain rules and regulations with reference to their employees. They recognized the fact that if the protection of life and property was to be maintained they must have sober engineers, sober conductors, and sober brakemen. The industrial world recognized the vital importance of employing men who could exercise sufficient self-control as practically to let liquor alone. Mr. President, these are not idle speculations; they all come within the experience of the majority of our citizenry.

For several decades prior to the enactment of the eighteenth amendment the question of "Why narcotics?" occupied the consideration of the best men and women in America. Some of the so-called wets have, consciously or unconsciously, declined to give this question any consideration, because narcotics have been in use for centuries by almost every nation on the face of the earth. They assumed, as did John Fiske, the historian, that there is a natural demand for narcotics. They unhesitatingly assumed that human nature can not be changed. This is an exceedingly dangerous assumption. If we accept the scientists' account of man's rise from savagery to barbarism and from barbarism to civilization, we must admit that human nature has changed. If human nature can not be changed, the function of the school, the college, and the university is seriously limited. The American citizen is the last man on earth to admit that the story of his own country does not prove conclusively that human nature can be changed.

In this wonderful age, when there is practicaly no limit to man's inventive power, no limit to his manipulation of things, that he should be helpless in the matter of self-organization, self-control, and individual progress is not a logical assumption.

For two or three decades prior to the enactment of the eighteenth amendment scientists, sociologists, and educators have made a careful study of the effects of alcohol on the human system. It was demonstrated to their satisfaction that the best interests of the individual were not conserved by the use of alcohol, even in small doses. Eugene Lyman Fisk, in 1917, in his book entitled "Alcohol: Its Relation to Human Efficiency," says:

> In a strictly scientific sense, of course, no drinking is moderate that causes any injury to the body, however slight, or that in any way impairs the efficiency of the mind or body. If alcohol in the smallest doses usually taken produces injurious effects and in any way lessens the efficiency of the body, then there is no such thing as moderate drinking. The question, Does moderate drinking shorten life? is a contradiction in terms. The logical form of the question is, Does alcohol in the smallest quantities customarily used as a beverage shorten life, impair the efficiency of the human body, or in any way adversely affect the mind, character, or career of the user?

Eugene Lyman Fisk appealed to the information that life-insurance companies have to offer. Just how the wets can disregard the overwhelming testimony of the life-insurance companies is a mystery to me.

THE EFFECT OF ALCOHOL UPON LONGEVITY

Mr. President, in 1922 the New York Life Insurance Co. issued a study of life-insurance statistics prepared by Oscar H. Rogers, medical director. Life-insurance companies are cold-blooded in their choice of risks. Sentiment is never a factor in their considerations. I quote the following:

> Besides this valuable information, we have another group of facts brought out in the so-called medico-actuarial mortality investigation, 1909–1914, which was participated in by the principal life companies of the United States and Canada. These companies, 43 in number, carried on their books during the period under investigation, 1885–1908, inclusive, more than 90 per cent of the total old-line insurance in force in these countries. There were not far from 6,000,000 lives subjected to analysis in this investigation, and the results obtained probably give a quite accurate picture of the facts as they apply to various categories of insured lives. In addition to these sources of information, several important contributions on the subject have appeared, notably those of Doctor McMahon, of the Manufacturers' Life, and Doctor Dwight, of the New England Mutual, in 1911, of Doctor Lounsberry, of the Security Mutual, in 1913, of Doctor Porter, of the Mutual Life, in 1915, of Doctor Weisse, of the Mutual Life, in 1921. To all of these we shall have occasion to refer.

I am not going to worry Senators with a detailed report of the different insurance companies, but, in order that Senators may understand clearly that these studies are not superficial and uncertain, I do wish to state that the experience of the United Kingdom Temperance and General Provident Institution covers a period of 45 years; the Sceptre Life Assurance Co., 27 years; the Scottish Temperance Life, 25 years; the Manufacturers' Life, 9 years; and the New England Mutual Life, 60 years. The study of these statistics shows clearly what it costs to insure free drinkers. I quote further from this report:

WHAT IT COSTS TO INSURE FREE DRINKERS

> With regard to the group of free, daily users in the medico-actuarial, it will be noticed that the members of the class, 11,323 in number, showed in the period under observation 608 deaths where 374 deaths were expected, an excess of 324 deaths and a probable loss to the life companies of about $650,000. These risks were, no doubt, presented to the companies in such favorable terms as to overcome in the minds of the selectors the well-founded prejudice against risks of this sort. As to the conservative or quite moderate daily users, there were about 30,700 of these with 1,460 expected deaths and 1,725 actual deaths, an excess of 265 deaths and a probable financial loss of about $530,000.

Mr. President, I also quote the cost of insuring excessive users:

> We have still to determine from our statistics whether the occasional excessive use of alcohol has any effect on longevity. Classes 17, 19, and 20 of the mortality investigation are of the utmost value here. A glance at the tables is sufficient. Here are 13,500 lives of persons who used alcohol to excess occasionally. The excesses were neither frequent nor prolonged. In some cases a number of years had elapsed since the last excess and yet, as a rule, the mortality was as high in one group as in another, among those who had been reformed for a number of years as among those who had only recently discontinued the use of alcohol. It is as if the drug had permanently damaged those lives. It is noteworthy that the attempt of the companies to insure these 13,500 lives was financially not very successful. There were 535 expected deaths and 745 actual deaths, an excess of 210 deaths, a loss of about $420,000. The discussion of the effects of alcohol upon longevity would hardly be complete without some reference to the mortality experience among persons engaged in the manufacture or sale of alcoholic beverages. The medico-actuarial mortality investigation in its study of occupations included some of those engaged in the trade in alcoholics. There were rather more than 60,000 of these lives investigated with expected deaths 3,179, actual 4,495, an excess of 1,316 deaths, a mortality of 141 per cent. The probable financial loss from insuring those 60,000 lives must have been somewhere in the neighborhood of $2,500,000. This loss occurred in spite of every effort on the part of the companies to prevent it. It was well known when these persons were insured that the occupations were unhealthful and accordingly, the risks must have been selected with the utmost care. Fortunately, all of the losses referred to above were borne by many companies and spread over a good many years. If this were not so, the financial results would have been a very serious matter. As it is, they are only mentioned to give a clearer idea of the extent to which attempts to insure risks have proven a financial burden to the business of life insurance.

Mr. President, I also quote from a conclusion arrived at through these investigations:

> The evidence before us is conclusive that the so-called Anstie's limit of 1½ ounces or three tablespoonfuls of alcohol a day is far too liberal. Indeed, there appears to be no limit within which alcohol may be entirely harmless. It is as if there were a direct relation between the amount of alcohol used and the amount of damage done to the body. The evidence is strong also, that the damage done persists a long time after it has been discontinued. Anyone who uses alcohol now, or has used it in the past, is a less desirable risk, all other things being equal, than a total abstainer and his undesirability is in proportion to the freedom with which he used the drug.

Mr. President, the statement of Doctor McMahon, of the Manufacturers' Life, is unequivocal:

Doctor McMahon concludes his paper in this way: "What is more significant than anything else is the fact that a critical examination of the experience of every company, separately classifying its risks, reveals the fact that in every year and at all ages, wherever a considerable number of lives are under observation, the mortality is much lower among abstainers than it is among nonabstainers."

So far as I know there is not a reputable old-line insurance company that does not discriminate against excessive users. No man, young or of middle age, ever contemplated becoming a drunkard. The moderate drinker when he begins the moderate use of alcoholic beverages has a righteous contempt for the drunkard. The truth of the matter is thousands of moderate drinkers are playing with hell fire. There is no escape from this conclusion.

To my mind this settles the question conclusively as to whether light wines, beer, or alcohol in any form can, under normal circumstances, improve the health and vigor of the user. Many of the so-called wets advocate the moderate use of alcoholic beverages. If the insurance companies are correct in their conclusions—and they are, beyond a shadow of a doubt—then any program for permitting even the moderate use of these beverages is detrimental to the public welfare.

I wish to be absolutely fair in my use of life-insurance statistics. On April 20, 1926, I received a letter from Louis I. Dublin, statistician for the Metropolitan Life Insurance Co., together with bulletin No. 1, bearing date of January, 1926. Instead of quoting from the bulletin, I quote from Mr. Dublin's dictated statement:

During the first quarter of this year 168 deaths from alcoholism were recorded among 17,000,000 industrial policyholders of the Metropolitan Life Insurance Co. This is equivalent to a death rate of 3.9 per 100,000, which is the highest registered for this disease during any three months' period since 1917. These figures may be compared with 121 deaths and a death rate of 3 during the same quarter of last year. This represents a rise of 30 per cent. For the first three months of 1924 the rate was 2.9.

Deaths from cirrhosis of the liver, which is closely associated with alcoholism, numbered 314, with a rate of 7.3 per 100,000. This may be compared with 278 deaths and a rate of 6.9 for the corresponding quarter of 1925. For the same three months of 1924 deaths numbered 241, and the rate was 6.4.

Since January 1, 1922, a period of 4 years and 3 months, 1,825 deaths were charged to alcoholism among Metropolitan industrial policyholders. Of these, 1,804 occurred among approximately 16,000,000 persons residing in the United States, and only 21 among approximately 1,000,000 Canadians insured in the company's industrial department.

There were five deaths from wood and denatured alcohol poisoning, which is the same number recorded during the first quarter of last year.

Mr. President, while this enforces the contention that our prohibition laws are not enforced, it only confirms our conclusion as to the disastrous effects of the excessive use of alcoholic beverages.

Millions are spent annually in the attempt to improve sanitary conditions. We boast of having conquered yellow fever; we boast of having conquered the ravages of smallpox; we boast of having increased the longevity of the American people. It is conceded, however, that the mortality rate for disease in middle life has not been lessened to any large extent, but millions of babies have been saved, and thus the general average has been radically changed. Just because the prohibition laws are violated, as loyal American citizens we can not afford to disregard the future welfare of American youth. The advocates of moderate drinking, consciously or unconsciously, make a ruthless attack upon the physical welfare of American youth.

Mr. President, why do the wets invariably deplore the former existence of the American saloon? No doubt they are willing to recognize that the destruction of the physical man was one of the dire consequences of the American saloon. The nation-wide educational movement for temperance had to do primarily with the welfare of youth.

One serious delusion that the wets cling to is the delusion that we are in dire straits in the matter of law enforcement and that we are justified in tearing down the walls that have been erected for the purpose of protecting American youth. Their claims are wide of the mark; they have attributed the tremendous increase in crime, if there is such an increase, to the eighteenth amendment and the Volstead Act. Any careful study of crime will reveal the fact that the attempt to enforce the Volstead Act is only one of the crime-producing factors. I could listen with some patience to the advocates of light wines and beer if their policy were not involved with the making of better citizens and, in my judgment, with the question of whether alcohol in any form is beneficial to the human system, or even harmless, and when I say this I am not condemning the use of alcohol by physicians in the treatment of disease. Alcohol is a narcotic, and physicians use several narcotics in the treatment of disease; but even the medical profession is free to acknowledge that even before the eighteenth amendment was adopted physicians were using much less alcohol in the treatment of disease than in former years. The best physicians realize that most narcotics when used have a tendency to arouse a morbid appetite, having a tendency to carry the user into the maelstrom of destruction.

Mr. President, I wish it were possible to force into the open the real backers of the wet movement. There are many conscientious citizens who are advocating light wines and beer. They are so disappointed over the results of the Volstead Act that they are angry and ready to beat a retreat. Question. Can the American people knowingly adopt any policy that has a distinct tendency to lower the health and vigor of the American people? It seems to me that the position of the "wets" is that "I want what I want, and it is not my business to worry over the welfare of my neighbor." That has been the policy of many men and women all the way down the line of the development of civilization.

The wets would have us believe that home brewing is to be prevented by permitting the use of light wines and beer. What real evidence can they offer to verify this prediction? Home brewing has been carried on all along down through the history of the American people and no doubt will continue, to a greater or less extent, to the very end of this Republic.

Mr. President, I will be recognized as a schoolmaster, and consequently the plea I make for education will not command the attention it should command. During the last 50 years and prior to the enactment of the eighteenth amendment the American people had carried on a campaign of education that produced results. The drys are to be censured severely for having lain down on their job. When the eighteenth amendment and the Volstead Act were passed, it was thought by many of the drys that their work was done. They trusted too much to law, which without enforcement is of little or no value. If there was occasion for a campaign of education in 1900, 1905, 1910, 1915, there is even greater occasion for it now, because in our crime problem we have the cry that light wines and beer is one factor involved in the solution of it. If anything will save the American Republic or any other nation on the globe, it is education, and I refer to the kind of education which begins in the American home and then is wedded to the public school.

The kind of education that is now going on through the propaganda of the wets is pernicious and destructive in the extreme. In education personal contact has a magnetic value. If men who claim to be law-abiding citizens are ever ready to ridicule sane living and total abstinence from alcoholic liquors and to violate the law themselves, then the force of sane education is nullified. Possibly the wets are bent on illustrating by their own conduct that the moderate use of alcoholic liquors is beneficial to the health of mankind. In my judgment, the majority of the wets know better. The truth of the matter is that the wets are angry and are practicing a selfish and destructive philosophy.

ATTITUDE OF THE MEDICAL PROFESSION TOWARD ALCOHOL

I quote from a Manual of Pharmacology and its Applications to Therapeutics and Toxicology, by Torald Sollmann, M. D., professor of pharmacology and materia medica in the school of medicine of Western Reserve University, Cleveland, second edition, 1922, as follows:

A still more potent objection to considering alcohol as a generally useful food lies in its toxic action, especially its psychical effects. Alcohol should, therefore, be employed as a food only when a sufficient supply of energy can not be obtained from an ordinary diet; as, for instance, in digestive disturbances, or when the demands on the organisms are unusually large, as in fever.

Concerning the habitual or moderate user of alcohol, the same author says:

It may be considered as probable that a certain amount of alcohol (variable in individual cases) may be taken daily without any demonstrable permanently injurious effect. But it stands equally certain that it is as indispensable to the organism as nicotine or caffein, and that it must be looked upon purely as a luxury. The injury done by such use of alcohol lies chiefly in the fact that it is so apt to lead to the use of immoderate amounts.

Mr. President, I further quote from A Textbook of Pharmacology and Therapeutics or the Action of Drugs in Health and Disease, by Arthur R. Cushny, M. A., M. D., LL. D., F. R. S., professor materia medica and pharmacology in the University of Edinburgh; formerly professor of materia medica and therapeutics in the University of Michigan, and later in the University of London, eighth edition, 1924.

I am confident that the medical profession holds Arthur R. Cushny in high esteem; in fact, if there is an authority in materia medica and pharmacology Cushny is that authority. He states with reference to the influence of infection:

Persons addicted to the use of alcohol are known to show less resistance to acute disease and in operations accompanied by shock than more temperate individuals, and in very intemperate cases the prognosis must be guarded in an attack which would ordinarily be accompanied with little danger. This has been confirmed by a large number of experiments on animals which were subjected to large doses of alcohol and then inoculated with pathogenic germs.

Under "Therapeutic uses" I quote the following:

The action which lends alcohol its value in therapeutics is not its stimulant but its narcotic action, which allays the anxiety and distress of the patient, promotes rest and sleep, and thus aids toward healing, or at the worst renders illness more tolerable. Small quantities of other narcotics might be substituted for alcohol, but none of them perhaps excel it in producing that spirit of hopefulness and restful confidence which contributes so much to recovery.

Mr. President, I could quote from many other authorities. My primary object is to make it clear to United States Senators and others that alcohol in any form is a dangerous narcotic; and in discussing the merits of prohibition we can not, as rational Senators, disregard the evidence furnished by the medical profession. I am sure that I can state, without fear of contradiction, that these quotations are fairly representative of the views of the medical profession. I am aware that physicians still differ widely in the matter of prescribing alcohol in disease. After all, the medical profession is not unmindful of the tremendous danger involved in even the moderate use of alcohol in any form.

REPUDIATION OF THE CONSTITUTION

Mr. President, the several wet bills now pending are an attempt to repudiate the Constitution of the United States. I do not maintain that this is the intention of the framers of these bills. I do maintain, however, that the passing of these bills would be in effect a repudiation. In my judgment, nothing more dangerous could be undertaken by the United States Congress. The framers of these bills have a perfect right to ask that the eighteenth amendment be nullified, and it can only be nullified in the way it was enacted. Why not be frank about the matter and meet the real demand squarely? I can do no better than to quote from the recent speech of the senior Senator from Idaho [Mr. BORAH]:

Mr. President, it is no part of the duty of a citizen to ferret out means by which to escape from the terms of the Constitution. It is no part of good citizenship, in my judgment, when citizens find in the Constitution a provision which they do not like, to see how far they can possibly go toward evading it or nullifying it without getting within the inhibition which the courts might lay upon them. So long as the provision is there, instead of seeking means to evade it, it is the duty of the citizens of the United States to find means to enforce it. If the means do not exist at this time, if the law is not sufficient and efficient, and if the power behind the law is not sufficient to enforce it, then, instead of finding means by which to evade it, it is our duty, and the obligation rests upon us, to find more effective means by which to make the Constitution effective. Change it if you will; rewrite it again if you may; but so long as it is there it is the duty of every loyal citizen to see to its enforcement.

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Of course, the constituency for which they were politically speaking understands that "light wines and beer" mean intoxicating liquor. All this disturbance and all this debate are not for the purpose of securing nonintoxicating liquor. The people who are insisting upon this change are not insisting upon the change for the purpose of getting more nonintoxicating liquor. What they understand is that they are to secure intoxicating liquor; that wines and beer such as will give them their intoxicating drinks are to be allowed. We have a great political party, one of the dominant parties in the country, actually passing resolutions petitioning the Congress of the United States to violate or connive at the violation of the Constitution of the United States and doing it for sheer political expediency.

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What we are seeking to do, as I understand it, is to readjust the situation so as to satisfy, if possible, the country against persistent insistence upon a change of the prohibition law. If we fix it at a percentage which does not give intoxicating liquor, it will solve nothing. On the other hand, if we do fix it at a percentage which will give intoxicating drinks, we will have violated the Constitution.

Mr. President, in my judgment there are two classes who are eager to have the eighteenth amendment repealed and the Volstead Act nullified. Prior to the enactment of the eighteenth amendment the manufacturers of beer and distilled liquors were a power in politics. They constantly violated the laws that were then enacted. Again and again, as the antisaloon sentiment made progress, the saloonkeepers and brewers were warned that they were on the road to self-destruction. The best citizens of this country condemned their disregard for law and their utter lack of civic morality. There was hardly any mentionable crime that they would not indulge in in order to increase the traffic. The same class of men are now untiring in their efforts to destroy the Volstead law. They do not constitute any considerable portion of the citizens of America. They entertain the same motives, the same purposes, that the bootlegger practices. Nothing can be said in their favor. They contribute to immorality and crime day in and day out; they also influence our legislation and corrupt the political forces in our cities and States. They have not been converted; they are the same vultures in 1926 that they were in 1910.

Mr. President, to my amazement we now have this group of vultures supported, consciously or unconsciously, by a class of men that occupy prominent positions and who see nothing but the violations of the Volstead Act. They utterly ignore the fundamentals of health and the human tendencies that are as old as civilization. It is a deplorable fact that so-called good men have joined this dangerous army of antiprohibitionists, who speak of alcohol and other narcotics as necessities of life and promoters of happiness. In my judgment the man who advocates a surrender to one's instincts is on dangerous ground; yes, on perilous ground. Every fair-minded man knows that every human being possesses instincts, or the remnants of instincts, which, if allowed to run wild, would destroy the individual and human civilization. The truth of the matter is, nearly all narcotics are indulged in for the purpose of shunting mental and physical irritations. It is the lazy man's way of trying to rid himself of the disagreeable. The advocates of light wines and beer recognize the fact that they are to be used for the purpose of producing a fictitious peace of mind—a fictitious escape from legitimate life responsibilities. There is no more harmful philosophy expounded to-day than the philosophy of self-gratification.

The antiprohibitionists have gone crazy over what is called personal liberty, personal freedom. None of these antiprohibitionists want to see the return of the American saloon. Why not? If the light wines and beer had the virtues that they so strenuously advocate, why not give the utmost freedom to their use? The truth of the matter is the very fact that they oppose the saloon is the conclusive argument that they recognize the dangers of this particular narcotic called alcohol. They know very well that a beer or wine that is not intoxicating will not satisfy the craving that they maintain exists for securing ease and peace of mind. They seem to forget that even when they had the American saloon there was a certain amount of bootlegging. They forget that the saloon that tried to obey the laws of the State could not secure its share of the spoils. In my judgment the so-called group of wets, some of whom are doubtless conscientious in their attempt to destroy the Volstead Act, unhesitatingly violate the Volstead Act and rejoice in it.

American youth is influenced quite as much by public opinion and example as by the laws of the State. I charge them with aiding and abetting lawbreaking in this country. I can not come to any other conclusion. I think I was not unlike other boys. For the outstanding citizens I had the profoundest respect and, consciously or unconsciously, imitated them. How any American citizen who has pledged himself to support the Constitution can violate and rejoice in its violation is more than I am capable of understanding. Furthermore, it must be clearly understood that the wets are not presenting a program that will benefit the morals of youth, that will elevate citizenship, that will work for higher regard for law enforcement. The truth of the matter is the whole philosophy of the wets is contained in the statement, "I want what I want."

Mr. President, the drys are not free from criticism. In my judgment at the time of the enactment of the eighteenth amendment temperance had reached its maximum point. For 50 years an educational campaign had been carried on, and the youth had some appreciation of the dangers involved in the use of alcohol in any form. They could look about them and see neighbors and friends who entertained the same regard. When the eighteenth amendment was adopted the dry forces lessened their enthusiasm. They thought that their problem was solved. But the problem of self-control, of regulating one's instincts and impulses, can never be solved entirely by law. The educational process in the home, in the school, in the church, and in the State must ever be kept in mind.

The wets seem to forget that there exist other influences than the eighteenth amendment and the Volstead Act in the matter of law violations. This is a prosperous age; this is the

age of money making. This is the age in which the impulses of man are driving toward ease and comfort and moral laxness. Some statesman or philosopher will yet make an analysis of crime and its causes in America. Even Great Britain, with her free use of alcoholic liquors, is floundering in the same ditch that we are in. Other countries might be cited. The consequences of the World War have not yet passed. The destruction of life and property was not the only disaster that the world suffered. We had four years of emotional debauch, and as a consequence the attitude of men and women toward life has been changed. It will take centuries to overcome the emotional convulsions that the nations have gone through.

Therefore, it is no time for advocates of law and order to lie down and surrender their only program of hope. Education is the world's beacon light. If the drys will awaken from their Rip Van Winkle sleep and return to their former methods of educating American youth, we shall have a larger respect for law enforcement. It is to be regretted that they can not have the united support of the wets in securing the enforcement of the prohibition laws now on our statute books. This is, indeed, a pathetic situation. The so-called progressive wets should unite with the drys in an attempt to enforce the Volstead Act. We do not expect them to do this.

Mr. President, the investigation that has been carried on by the Committee on the Judiciary is, in my judgment, fortunate. I do not deplore the investigation. Let us have more light, but let us try to be rational beings; let us try to consider the welfare of all concerned instead of a class. I believe in the sanity of the American people. I believe that this investigation will awaken the American people to a realization of the critical condition we are now in. The toll of more than a half century must not be snuffed out. The work of educating American youth in habits of right living is an imperative aim for the home, the school, the church, the State, and the Nation.

Mr. President, in summarizing I wish to state that I am in agreement with the wet Senators who have declared the prohibition issue to be the greatest issue that ever came before the United States Congress. I have alluded to the half-century battle in America against the liquor traffic. There can be no difference of opinion as to the terrible destruction wrought by the liquor traffic in the United States. I have attempted to show that the eighteenth amendment and the Volstead Act became a part of our law through a long educational crusade, and I wish to repeat that this crusade was against alcohol as a narcotic, as being injurious to human welfare. No one denies that if alcohol could be used in light wines and beer and other beverages in moderation, of course, the results would be much less injurious. But the medical profession and the life insurance companies, and the industries of this country recognize that the moderate use of alcohol leads, in thousands and tens of thousands of instances, to its immoderate use.

I have pointed out that it is a libel on human nature to contend that there is any natural demand for alcoholic beverages. No form of psychology could be more unscientific and pernicious and more disastrous in its teachings than this doctrine. I have also maintained that human nature does change, and it is the province of civilization to make changes in human nature for the better in every way possible. I have also hinted that the liquor traffic is in absolute violation of sound economics. The question of personal freedom is subordinated to the interests of all of the people all of the time.

I hardly think that a wet would give any other answer than the answer a dry would give to the questions: When and under what circumstances does the moderate use of alcohol increase the personal efficiency of the user? When and under what circumstances does the moderate use of alcoholic beverages make the user keener in his moral discernment? When and under what circumstances does the moderate use of alcohol make a man a safer railroad engineer, or a safer automobile driver, a better expert in any line of manual effort? When and under what circumstances does the moderate use of alcohol as a beverage increase the proficiency of any professional man? When and under what circumstances does the moderate use of alcoholic beverages make for law and order?

You will observe that I have used the expression "moderate use." Every American citizen knows that there is tremendous danger of passing from the moderate use of alcoholic beverages to the excessive use of those beverages. The wets propose a plan for turning the United States Government into one great saloonkeeper. If we are to have light wines and beer somebody must dispense them, and if this is left to the Government we open the way for a final return to the American saloon. Many members of the old-time liquor-traffic gang are enthusiastically assisting the so-called respectable wets in making prohibition a political issue. Why not frankly admit that their efforts are for legalizing the liquor traffic? In this connection I quote the last paragraph of an editorial from the Washington Evening Star of Sunday, April 25, as follows:

> The indictment against the law as the cause of its own defiance and violation is the shrewd device of interests that seek the restoration of the liquor traffic in all its vileness and strength of political influence.

No country, no State has found a method of distributing light wines and beer so that the dangers of the return of the old-time saloon would not face us constantly. Furthermore, I wonder that the wets do not occasionally give a little more attention to the great organizations of women, the great organizations of American youth, the great organizations of the churches in handling this matter. These different organizations are exerting themselves heroically to help American youth, and why should the so-called patriotic wets hesitate to practice a little self-denial and join the drys in the battle for the enforcement of law?

I believe that with an enlightened public sentiment the Volstead Act can be enforced. America is potentially and practically the greatest country in the world. America occupies a unique position in the affairs of the whole world. Her position is one of conceded leadership. Will she at this critical hour surrender her power and obligation to make America safe for American youth?

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that, pursuant to the joint resolution (S. J. Res. 30) authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence, etc., the Speaker of the House had appointed Mr. TILSON, Mr. GARRETT of Tennessee, Mr. BACON, and Mr. MOORE of Virginia members of the commission on the part of the House.

The message also announced that the House had passed without amendment the following bills of the Senate:

S. 1989. An act to authorize the Secretary of the Interior to purchase certain land in Nevada to be added to the present site of the Reno Indian colony, and authorizing the appropriation of funds therefor;

S. 2658. An act to authorize the Secretary of War to fix all allowances for enlisted men of the Philippine Scouts, to validate certain payments for travel pay, commutation of quarters, heat, light, etc., and for other purposes;

S. 2706. An act to provide for the reservation of certain land in California for the Indians of the Mesa Grande Reservation, known also as Santa Ysabel Reservation No. 1;

S. 2853. An act to authorize the transfer to the jurisdiction of the Commissioners of the District of Columbia of a certain portion of the Anacostia Park for use as a tree nursery;

S. 3595. An act to authorize the exchange of certain patented lands in the Grand Canyon National Park for certain Government lands in said park; and

S. 3953. An act to provide for the condemnation of lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings.

The message further announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 2702. An act to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation; and

S. 2717. An act to reserve the merchantable timber on all tribal lands within the Klamath Indian Reservation in Oregon hereafter allotted, and for other purposes.

The message also announced that the House had passed the joint resolution (S. J. Res. 60) authorizing expenditures from the Fort Peck 4 per cent fund for visits of tribal delegates to Washington, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 178) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 3842. An act authorizing the Postmaster General to make monthly payment of rental for terminal railway post-office premises under lease;

H. R. 9875. An act to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924;

H. R. 9916. An act to revise the boundary of the Grand Canyon National Park in the State of Arizona, and for other purposes;

H. R. 10055. An act to amend section 77 of the Judicial Code to create a middle district in the State of Georgia, and for other purposes;

H. R. 10131. An act granting the consent of Congress to the Wakefield National Memorial Association to build, upon Government-owned land at Wakefield, Westmoreland County, Va., a replica of the house in which George Washington was born, and for other purposes;

H. R. 10733. An act to make additions to the Absaroka and Gallatin National Forests and the Yellowstone National Park, and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes; and

H. R. 11202. An act to provide for the preparation, printing, and distribution of pamphlets containing the Declaration of Independence, with certain biographical sketches and explanatory matter.

PROHIBITION

Mr. SHEPPARD. Mr. President, I have made brief selections from the statements of leading business and professional men and educators of the United States in behalf of national prohibition in this country after they had observed its operation for more than half a decade. These statements are from men who, according to their own published assertions, are dry in personal habit as well as theory, and constitute a wonderful tribute to prohibition.

J. E. Edgerton, Memphis, Tenn., president of the National Association of Manufacturers, said that the abnormal lawlessness of the time could not be attributed to prohibition; that except for prohibition the situation would be infinitely worse.

Eugene N. Foss, Boston, Mass., former Governor of Massachusetts, said that as a manufacturer and large employer of labor he saw daily the great benefits accruing to the workingman and his family from prohibition.

J. J. Phoenix, Delavan, Wis., president of the Bradley Knitting Co., with plants at Milwaukee, New York, Chicago, Atlanta, Detroit, San Francisco, and Honolulu, said that the benefits of prohibition had so far exceeded the expectation of its friends that there seemed to be no question as to its economic value.

Dr. Eugene Lyman Fisk, New York, N. Y., medical instructor, Life Extension Institute, said that prohibition had brought about an extraordinarily low death rate, a lowered sickness rate, and increased savings accounts.

William A. Vawter, 2d, Benton Harbor, Mich., Baker-Vawter Co., said that prohibition was a splendid thing for both moral and economic reasons.

H. L. Paddock, Fulton, N. Y., president Oswego Falls Corporation, a consolidation of the Oswego Falls Pulp & Paper Co., the Skeneatles Paper Co., and the Sealight Co., said that the men employed by this corporation were much steadier and more reliable and had more money to supply their families with their various needs as a result of prohibition.

R. H. Scott, Lansing, Mich., president Reo Motor Car Co., said that the employees of that organization were steadier and were better and more dependable in every way since the advent of prohibition.

Dr. Haven Emerson, New York, N. Y., of the department of health administration, College of Physicians and Surgeons, Columbia University, said that with the exception of the benefits from the application of sanitary science nothing in this country had so directly improved health and contributed to the reduction of preventable deaths as had prohibition; that economic and health returns in terms of lives and self-support appeared to justify fully the great social experiment to which the country had by unmistakable majorities committed itself.

Lewis Jerome Johnson, Cambridge, Mass., professor civil engineering, Harvard University, said that his conviction for prohibition was strengthened by the tactics of such of the defeated opposition as were countenancing the principle that one is at liberty to break the law and ridicule law enforcement if the law does not happen to meet one's approval; that such tactics should encourage the law-abiding to increased vigor in the demand for law enforcement not only for the sake of completing the suppression of the liquor traffic but for the still deeper purpose of effectively rebuking a most sinister kind of lawlessness; that more emphasis should be placed on the fact that prohibition rests in the last analysis on the necessity for it as a means of saving the sober from the many evil consequences to them of other people's alcoholism; that among the consequences were personal dangers from drunken husbands and fathers, from drunken operators of automobiles and other machinery, and also the political dangers from larger masses of more or less alcoholized voters; that the nondrinker has a personal liberty to life and the pursuit of happiness which takes precedence over the desire of individuals to drink alcoholic liquors.

William T. Foster, Newton, Mass., director Pollak Foundation for Economic Research, said that prohibition was a boon to women and children.

Carl R. Gray, Omaha, Nebr., president Union Pacific Railway system, said that national prohibition laws had been a great aid to his company in enforcing rule against drinking among employees.

B. R. Hieronymous, Springfield, Ill., chairman of the board, Illinois National Bank, said that he had been a close observer of the effects of our prohibition laws in city, State, and Nation; that in Springfield, a manufacturing city of 60,000, there had been a remarkable increase in the number of savings accounts from among the working people; that mothers by the hundreds, with children, now had the satisfaction of watching a savings account grow to provide for a rainy day instead of knowing that it had been spent in a saloon; that in his judgment the country would never return to the licensed selling of liquor in any form.

J. P. Reeves, Chicago, Ill., treasurer Chicago & Eastern Illinois Railway Co., said that the eighteenth amendment was an epochal step for American welfare.

W. T. Thompson, Lincoln, Nebr., former attorney general of Nebraska and former Solicitor of the United States Treasury, said that there was less poverty, crime, and lawlessness and more thrift, domestic happiness, and right living among our people under prohibition than under high license and the saloon; that prohibitory laws had been and are being enforced as surely and effectively as any of the penal statutes of Nebraska or of the United States.

M. M. McCall, Opelika, Ala., president National Bank of Opelika, for 22 years treasurer and manager of Opelika Cotton Mills, said that improvement along moral and economic lines had been very marked, so far as his observation went; that he could not see how anyone favoring better living conditions could possibly favor any slackening of our prohibition laws.

F. E. Swift, Auburn, N. Y., president National Bank of Auburn, said that in his locality great benefits had been derived from the prohibition law; that bank deposits had steadily increased, especially savings deposits; that property in his city, especially business property, had advanced rapidly in value, and rents had advanced very materially; that this had happened although about 125 saloons were closed by prohibition, and although it was predicted that as a result grass would soon be growing in the streets; that it was true that a crime wave was sweeping over the country, and he often wondered what conditions would have been if liquor had been sold as freely as in the past; that he thought it would have been Hades personified.

Judge Arthur J. Dunton, Bath, Me., attorney at law, said that he was more than ever convinced that absolute prohibition was the only sensible and satisfactory way to deal with the liquor traffic; that while in his locality there had been a very good enforcement of the State prohibitory law before the advent of national prohibition, it had made the enforcement of the State law a little less difficult and more effective to have no legalized sale of liquor in neighboring States, although there were still many miles of Canadian border which had to be looked after; that world-wide prohibition must be our aim now as well as the strengthening and retention of the present law.

Rockwell D. Hunt, Los Angeles, Calif., dean of graduate school and professor of economics, University of Southern California, said that the beneficial results of prohibition were being felt on all sides; that millions had actually foresworn drink, and, best of all, a generation would rise that knew not the saloon and whose children will not know the taint of alcohol; that sobriety would add both strength and virtue to the Nation.

Otis N. Pierce, New Bedford, Mass., president Grinnell Manufacturing Corporation, said that as an employer he knew prohibition was a great benefit to the laboring class.

William S. U'Ren, Portland, Oreg., attorney, said that he was more convinced than ever that prohibition was altogether practicable, morally right, and economically profitable for the whole people; that in Oregon the prohibition laws were more popular

and more effectively enforced than the license liquor regulation laws ever were.

W. H. Cowdery, Cleveland, Ohio, president American Fork & Hoe Co., said that he was confirmed in his expectations of good results to be derived by both employers and employees from prohibition laws; that no more visits to homes of employees had to be made on Monday mornings to hasten attendance at the shop; that employees who formerly wasted a portion of their wages in drink were better workmen, not liable to be agitators, and better husbands, fathers, and citizens.

W. E. Mack, Niagara Falls, N. Y., superintendent of service, the Carborundum Co., said that prohibition in the United States was right, that it was out of the question to expect a law making as great a change as prohibition contemplated to produce all the desired results in a few years.

James Schermerhorn, Detroit, Mich., editor Detroit Times, said that prohibition was a war-time picture of Uncle Sam at his best; that his features reflected the exaltation of spirit springing from the country's critical hour; that he looked the real patriot that he was ready to renounce and conserve for democracy's sake; that he was willing to remain sober, to save and to surrender self at home, while millions of young countrymen stood to lose all on the firing line; that other likenesses for which the Nation sat from 1917 to 1919 had been taken down in the gallery of glory or had developed flaws; that critics who had always held the portraiture to be "too good to be true" insisted Uncle Sam should sit again, declaring he would look more like himself if he were less abstemious; that the prohibition colors, however, had been put on to stay and would take on greater glory as the years went by; that we should all rejoice that this prideful Nation posed when it did, upborne by the consciousness that it was doing the best thing for victory and for humanity; that those who were never for this sublime study of Uncle Sam sober were not for it now; that they were poor losers, punk sports, as poor and punk as they ever accused the "narrow, fanatical, puritanical teetotalers" of being; that they did not want the majority to rule unless it ruled their way; that prohibition was more than a benefaction to home and family and labor and industry and production; that it was a test as to whether we had a pulpit and press consecrated to the collective will of the people, whether we had public officials and courts so "unawed by influence," so "unbribed by gain" that they would be unalterably true to their pledged honor. Mr. Schermerhorn next asked if fealty to the Constitution was to go deeper than our cellars or higher than our highballs, if patriotism was above thirst, Old Glory above the gullet, "E Pluribus Unum" above the esophagus. He added that the answer was forewritten in the sacrifices this Nation had already made to preserve the instrument of government declared to be "the greatest piece of work ever struck off by the brain and purpose of man"; that if England liked the spectacle of mothers reeling from her "pubs," or if France was complacent over a state sipping while it was slipping, that was their business; that America, sober, could face all the rest of the world sodden, and press forward magnificently, sanguine, and unashamed.

L. P. Hollis, Greenville, S. C., superintendent Parker school district, said his work for the past 20 years had been altogether with the cotton-mill operatives of the South, and he could testify that prohibition had been a great thing for them.

David D. Lupton, Philadelphia, Pa., vice president David Lupton's Sons Co., said that he had followed the cause of prohibition since its adoption, and could state frankly and positively that it was the best piece of legislation that possibly could have been accomplished for the moral and physical welfare of our people; that he was more strongly than ever in favor of prohibition and the Volstead Act; that being in close touch with the working people he knew the blessings that had come to them through prohibition.

James K. Risk, treasurer and general manager Daily Cream Separator Co., Lebanon, Ind., said that he believed more strongly in prohibition than ever before; that in his opinion statistics would show that there were more workingmen buying, building, and owning homes than at any time in the history of the Government; that the great masses of the American people were sober and law-abiding; that the lawless class and the idle rich were responsible for the crime going on, due to the bootleg traffic; that national prohibition was the greatest economic advance in the history of our Nation.

John W. Sibley, general sales manager Birmingham Clay Products Co., Birmingham, Ala., said that financial reports of the banks throughout the South showed the economic value of prohibition.

R. B. Benjamin, Chicago, Ill., of the Benjamin Electric Manufacturing Co., of Chicago, New York, San Francisco, Toronto, London, said that he was of the firm belief that on the whole our country was far better off under prohibition.

Walter A. Rogers, Chicago, Ill., president Bates & Rogers Construction Co., said that prohibition was a great economic and moral benefit to the country.

H. A. Moses, Mittineague, Mass., president Strathmore Paper Co., said that prohibition was of greater economic and moral value than could be estimated; that it was gaining increased support in most sections despite propaganda to the contrary.

D. Seltzer, Bellevue, Ohio, vice president and general manager Ohio Cultivator Co., said that prohibition was best for the country and the workingman, that if the question were tested the United States would adopt prohibition by a greater majority than ever.

J. D. Eggleston, Hampden-Sidney, Va., president Hampden-Sidney College, said that there had been a steady lessening of the drink evil under prohibition, that he did not favor State and National prohibition, preferring the slower process of education, but when prohibition laws were passed he obeyed and had continued to obey them, that he was perfectly willing to practice any self-denial in refraining from wine, beer, or juleps for the general good.

Courtenay Guild, Boston, Mass., of Curtis, Guild & Co., publishers of the Commercial Bulletin, said that prohibition had brought far better conditions than he had supposed possible in so short a time.

Simon Casady, Des Moines, Iowa, president Central State Bank, said that he was more strongly for prohibition than ever.

Bird W. Spencer, Passaic, N. J., president Peoples Bank & Trust Co., said that he was strengthened in the belief that laboring men had for the most part given up drinking liquor and were better for it.

John M. Young, Williamsport, Pa., president Sweet's Steel Co., said that it was hardly to be expected that a change so radical in our social relations as was prohibition, and affecting so much invested capital, could be effected without the hardest kind of a fight; that this we were experiencing; that the widest publicity was being given to every violation of prohibition laws; that naturally the relative good would come up at times for analysis; that infractions came in large part from an older portion of the community who resented the enforced deprivation and felt the denial involved; that the younger element, however, was growing up without the saloons, fully impressed with the unlawfulness in getting drink and the fearful consequences attaching to the use of vile substitutes so much in evidence; that we were not a nation of lawbreakers; that gradually but steadily law observance was gaining and temptations were diminishing; that as to loss of personal liberty this did not apply any more properly to the Volstead law than to the narcotic law; that the good in prohibition so far predominated that he was still firm in the faith.

B. F. Nelson, of Minneapolis, Minn., treasurer B. F. Nelson Manufacturing Co., said that the rapid progress of our country was due to the eighteenth amendment to a large extent.

J. B. Johnson, of Minneapolis, Minn., dean college of science, literature, and the arts, University of Minnesota, said that the absence of the saloon was an inestimable boon to the younger generation.

W. H. Thomas, Los Angeles, Calif., attorney and judge, said that national prohibition in the United States was the greatest single piece of reform ever undertaken by any nation.

Newton Doremus, Red Bank, N. J., president Land & Loan Co., said that he was for prohibition and wanted more efficient enforcement, so that women and children might have still better living conditions.

Fernando Sanford, Palo Alto, Calif., professor emeritus, Stanford University, said that he doubted national prohibition at first, but these doubts had been long since removed.

John Fahnline, Sharon, Pa., former manager Driggs-Seabury Ordnance Co., said that he favored prohibition; quoted Stonewall Jackson as saying that liquor was more dangerous than the guns of the enemy; and said further that in accidents in steel works chances were 99 per cent against recovery by men using liquor.

Clarence H. Kelsey, New York, N. Y., chairman Title Guarantee & Trust Co., said that the so-called respectable people who violate the prohibition law were not going to pull down society with them, but would be replaced by men and women of vigor and character, who would come up from the people, creating a better society, sober and obedient to law.

Max F. Meyer, Columbia, Mo., professor of psychology, University of Missouri, said that prohibition would gradually cover the world.

B. B. Comer, Birmingham, Ala., president Avondale Cotton Mills, former governor of, and United States Senator from, Alabama, said that the accomplishments of prohibition were wonderful; that among them were home building, savings-bank

increases, use of automobile, the passing of squalor, poverty, and mendicancy.

A. J. Wurts, Pittsburgh, Pa., professor of research, Carnegie Institute of Technology, said that utter selfishness was at the bottom of the fight against prohibition; that the United States in supporting prohibition was conducting a great battle for the good of the world.

Edward Ellery, Schenectady, N. Y., dean of faculty, Union College, said that no principle, scientific or social, was ever perfectly applied in initial stages; that in some instances perfect application was never attained; that defects in application did not invalidate the principle nor relieve men from responsibility in an effort to apply it; that prohibition violations were to be expected but would grow less.

Henry S. Dulaney, Baltimore, Md., said that every day prohibition was proving a great blessing to the country.

J. S. Baker, Evansville, Wis., president Baker Manufacturing Co., said that people had more automobiles, better furnished homes, more saved in stocks, bonds, and bank deposits than before country went dry.

A. B. Bryant, Gardner, Mass., president First National Bank, said that the eighteenth amendment was the greatest piece of moral legislation ever enacted in this country.

Charles A. Lory, Fort Collins, Colo., president State Agricultural College, said that he had known mining camps, farming communities, and educational centers under open saloon and under prohibition, and that the latter condition was far superior; that the people would never want to go back to the condition preceding prohibition.

John S. Bradley, Portland, Oreg., vice president and manager Bradley Logging Co., said that he was unchanged for prohibition and that the great majority of the American people would support strict law enforcement.

H. F. Coppes, Nappanee, Ind., of Coppes Bros. & Zook, said that despite adverse propaganda sound American opinion was increasing in favor of prohibition.

Andrew M. Soule, Athens, Ga., president State College of Agriculture and Mechanic Arts, said that more people were constantly arrayed on the side of prohibition; that whisky was the primal curse of humanity.

R. T. Jones, Canton, Ga., president and treasurer Canton Cotton Mills, said that nothing had brought greater blessings than prohibition.

Ralph W. Harbison, Pittsburgh, Pa., of Harbison Refractories Co., said that he was more convinced than ever of the economic necessity of prohibition.

A. H. Hale, Manchester, N. H., president First National Bank, said that it would be a crime against humanity to change the prohibition law materially.

Charles L. Huston, Montrose, Pa., vice president Lukens Steel Co. (located at Coatesville, Pa.), said that prohibition was worth all it had cost the country in saving men from the temptation of the legalized liquor traffic.

Amos P. Wilder, New Haven, Conn., associate editor, Journal-Courier, saw that American prohibition was logical, imperative, righteous, and inevitable; that it had a background of ages of woe and violence, culminating in a last half century of arrogance when drink, scorning petty triumphs of individuals, family, and community wreckage, suffering, and death reached over to stranglehold the Republic itself; that the brewing and distilling interests at last had politics in such complete control in city, town, and crossroads that a citizen who dared aggressively to oppose it could not have been elected dog warden if its representatives turned thumbs down; that it was then that the efforts of the patient, self-sacrificing, negligible, prayerful remnant through the century superadded to the wearisome, daily recital in the newspapers of tragedy, vice, crime, and death flowered in a day; that the minds of men had been made ready; that every college class had recounted its bright spirits quenched in the liquid fury; that every village had had a fresh murder, often of loved ones crazy with rum; that every club had been marching periodically to the cemetery with bodies wrecked under the guise of good cheer; that every business concern had had its black stars, every profession its lost hopes, almost every roof having concealed a disaster; that the family that could count three generations without one drunkard was an exception; that it was not strange that the citizens rose up in their might; that they had been convinced at last that habit-forming alcohol was too powerful to be permitted longer in the social life of the people; that if rum was a good thing he would despair of the enforcement of prohibition; that science, an agency of truth, said it was bad and truth could not fail; that it was unscientific to question whether enforcement could succeed; that it was an inquiry of weakness and unfaith, and was un-American; that if you said the law was not enforced to-day his reply was that it would be to-morrow; that when truth was on foot the stars in their courses fought for it; that we had already seen the indignation of the Nation over the shameless, insulting bootlegging of a British knight; that irrespective of their personal attitude toward enforcement citizens cried out and it was stopped; that good things would come to America by reason of this adventure of faith, this declaration of prohibition, this super announcement to humanity; that this first nailing up on the bulletin board of the nations that alcohol is officially tabooed in the land to which 40 nations are sending their sons and daughters had made the United States splendid in their eyes; that it meant industrial supremacy; that better, we had blazed the way in the gloomiest forest in which the children of man ever wandered, comparable only to the insanity of war, on which the thoughts and resolves of good men and women were now no less riveted; that he deplored bootlegging in certain cities, but did not despair; that he believed in the capacity of the American people to solve their problems, not forgetting that great problems demanded time and involved much circumstance; that it was not a small subject to which the citizens had put their hands; that it was nothing less than the changing of the drink of the people; that some men might be depressed by local occurrences and even unfavorable trends, but that as an engineer digs patiently on through the mountain, concerned only that he is pointed right, so those convinced that God is good and rum is bad and that man is never content except as he is climbing up the mountain side will work on; that prohibition was rightly called a great moral issue, like slavery; that administrative sides were less important than they seemed; that unless one had faith enforcement was not a matter in which his opinion was of value; that ridding civilization of alcoholic drink was too epochal, too majestic for human calculation for men's doubts and fears; that in a sense it had passed from out their hands; that there were hidden permanent, spiritual factors which did not lend themselves to quarterly reports; that the public mind had finally got the idea that this country was to function without drink and without drunkards; that it opened the visions of a better humanity to think that our people, so many of them foreign, were in process of being educated to such a prophetic ideal.

L. C. Mandeville, Carrollton, Ga., banker and president of cotton mills, said that the Volstead Act was the best legislation ever enacted for this country; that it was not 100 per cent enforced, and neither was any other law; that it had been months, perhaps years, since he had seen anyone under the influence of liquor in his home city (Carrollton), whereas in the day of saloons no lady dared to go on the streets on public days for fear of being insulted; that he believed the next generation will hardly know what whisky was.

Joseph Sailer, Philadelphia, Pa., practicing physician, said that he was impressed with the favorable results of prohibition; that he noticed these results particularly in his hospital work, pneumonia being no longer as common or as severe as before prohibition.

A. S. Warthin, Ann Arbor, Mich., professor of pathology, University of Michigan, Ann Arbor, Mich., said that he was more than ever in favor of prohibition and believed that it had been of greatest value to the working people throughout the country; that women and children had benefited particularly; that he had traveled much through the smaller towns of the north-central portion of the country, and in conversation with business men, physicians, and school-teachers found that in the smaller towns there was unanimity of opinion that there was less poverty, less disease, and less crime resulting from alcoholism; that working people had more money to spend, were spending it upon their houses, and living in greater comfort on money saved that formerly went to the saloon keeper; that incidents like the following had impressed themselves upon his mind: While sitting on the observation platform of a train running through southern Idaho the train stopped at a little village for some time. Two trainmen on the rear platform were discussing prohibition, and one of them, pointing to this little village, said, "Not a single woman in this town would vote to give up prohibition. Husbands bring their checks home instead of turning them in at the saloon, and every family in the town is better off than in the old days"; that he had heard sentiments of this kind so frequently repeated in the smaller towns that he thought their truth must be accepted; that the people were uniformly better off for prohibition; that he believed bootlegging lawlessness was decreasing; that in the last three years he had not seen a single drunken man on the streets in the daytime, and that was certainly a great improvement over old times; that while in England the previous summer he had been struck by the frequency of drunken

men and women there; that conditions there made a most unpleasant impression on him in contrast with conditions at home.

J. Hammond Smith, Pittsburgh, Pa., of the engineer department, University of Pittsburgh, said that prohibition was working as well as could be expected; that it promoted clean living, clean politics, higher efficiency in industry and as a Nation.

John Walton, Frankford, Philadelphia, of Jacob W. Walton Sons, said that he was unalterably in sympathy with the eighteenth amendment and the enforcement—Volstead—act; that the public mind was gradually putting the group breaking the laws of the land in the class where they belong.

Raymond Robins, Chicago, Ill., social worker and economist, said that he was more in favor of prohibition than when the eighteenth amendment was passed; that experience showed that, with the saloon outlawed and liquor traffic made a crime, social, economic, and moral gains for public welfare were overwhelming.

George F. Bovard, Los Angeles, Calif., president emeritus, University of Southern California, says that he believed most heartily in the eighteenth amendment; that it had been of great benefit to the United States economically and in every other way; that he was an American citizen, and believed, therefore, in the rigid enforcement of the law.

I now desire to turn briefly to another phase of prohibition which has not received, perhaps, the attention it merits.

Mr. President, the construction by man of agencies of progress from his material environment is one of the explanations, one of the glories, and one of the hopes of civilization. Among these agencies industrial alcohol occupies a position of essential importance. It is a chemical compound whose source for widest commercial use may be found in the fermented and distilled juices of practically all vegetable substances that may be utilized for food. The production of industrial alcohol from vegetable substances not employed for food and its synthetic creation from calcium carbide and from the coal and coke-oven gases, while promising much, have had as yet but a limited development outside the laboratory and the study.

Fermented alcohol and alcohol distilled in addition to fermentation had been used in the preparation of beverages and so-called medicines thousands of years before the possibilities of alcohol in industry were seriously noticed. About the middle of the nineteenth century the value of alcohol as an industrial commodity was becoming so apparent that a demand arose in Great Britain for the remission of the taxes on it when so employed. This was the first impressive evidence of the conflict between alcohol as a beverage drug—habit-forming; seductive; menacing to character, health, and strength; wrecker of homes, ambitions, reputations, and careers; subjected to the heaviest taxation in nearly every country—and alcohol as an article of such supreme usefulness, in a commercial and industrial sense, as to constitute one of the indispensables of modern society.

The demand for the recognition of industrial alcohol in Great Britain resulted in the removal by Parliament in 1855 of the tax on alcohol when employed for manufacturing purposes and when mixed with a certain amount of wood naphtha. Such was the natural lawlessness of the beverage alcohol traffic that it was necessary to add the denaturant, wood naphtha, to make as difficult as possible the use of the tax-free product for beverage purposes. To-day hundreds of formulas for the addition of various denaturants have been devised throughout the world, the character and method of denaturation varying with the character of the article to be produced.

Still further precautions in the shape of special permits and official supervision during manufacture were necessary to prevent the beverage trade from acquiring in some elusive way the tax-free article and thus defeating the Government, the Treasury, and the law. However difficult the process, the trade could nearly always find some method of resolving the denatured product into potable form. The step taken in Great Britain in 1855 was followed by similar action on the part of the Netherlands in 1865, France in 1872, Germany in 1879, Austria in 1888, Italy in 1889, Norway in 1891, Switzerland in 1893, Belgium in 1896, the United States in 1906. A growing appreciation of the value of alcohol in nonbeverage capacities had found illustration in the appointment by the United States Congress of a Joint Select Committee on Alcohol in Manufactures and Arts, in 1896, and in the selection by the English Parliament of an industrial alcohol committee in 1905. The reports of these committees did much to acquaint the world with the actual and potential functions of alcohol as an article of industry. The United States law of 1906, which became effective January 1, 1907, was our first act allowing alcohol to be withdrawn tax-free from bonded warehouses for service in industry and art and for light, heat, and power, so denatured by mixture with other substances as to be unfit for drinking and for medicine. In 1913 came another act permitting alcohol to be made tax-free solely for denaturation, and sanctioning its employment in both industry and medicine. About 1,000,000 gallons represented the quantity denatured for industry in 1907 under the pioneer act of 1906, while anywhere from 5,000,000 to 7,000,000 gallons, according to the estimate of a prominent chemist, continued to be employed in industry under the old conditions; that is, the payment of the beverage tax without any obligation to denature. Established concerns were slow to adopt the new privilege involving unfamiliar formulas and practices. They awoke rapidly, however, to the worth of the privilege, especially with the working out by the Government of denaturing formulas adapted to their products. Observe the contrast between 1907 and 1924 and 1925. Approximately 71,000,000 gallons of industrial alcohol were made in the United States in 1924, 87,000,000 gallons in 1925, the manufacture, sale, importation, and exportation of intoxicating liquors for beverage purposes having been prohibited by the constitutional amendment of 1919, otherwise known as the eighteenth amendment.

The district attorney from New York, Mr. Buckner, stated in the course of the recent hearings that 60,000,000 gallons of industrial alcohol were being diverted into the drink traffic in recent years. He missed the truth by nearly 50,000,000 gallons. The testimony of the chemical expert in the Prohibition Bureau was that the maximum amount of industrial alcohol that could probably have been illegally diverted last year was about 13,000,000 gallons.

The title of the Volstead Act, passed by Congress in 1919 for the enforcement of the eighteenth amendment, illustrates this change. It reads that the purpose of the Volstead Act is to prohibit intoxicating beverages, to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its employment in scientific research and in the development of fuel, dye, and other lawful industries. Few people associate that expressed purpose with the Volstead Act. The eighteenth amendment and the Volstead Act mark a turning point in the economic history of the world, the suppression, so far as the United States is concerned, of alcohol as a legalized intoxicant and its promotion as an industrial material of almost universal importance. Its uses in the latter respect are numbered by the thousands.

Alcohol is an important constituent of chloroform, chloral, and ether, and a number of local anesthetics. As a solvent and preservative in the native, undrinkable state, it is an essential in medicine and pharmacy. It is employed in the production of aspirin, bromide, solid medical extracts, liniments and lotions, antiseptics, disinfectants, deodorants, surgical dressings, capsules and other medicinal appliances, preservatives for specimens in hospitals, adhesive preparations, material for ligatures, iodoform, strychnine, neosalvarsan, iodine or bromine containing fats for medicinal purposes, synthetic camphor, dental alloy, embalming fluid, insecticides, and of an antiseptic, sterilizing, and bathing preparation for use by visiting nurse associations, public nursing associations, clinics, and dispensaries. With its clean, smokeless flame it makes an ideal heat for small stoves in the nursery, the sick room, for the camp, the picnic, the kit of the casual traveler, the tourist, the sportsman.

It operates as a preservative of specimens in museums and laboratories, and is in this and other ways employed for educational, analytic, and scientific purposes.

It is an element in the creation of artificial silk, whose commercial advent is one of the romances of the time, the annual output being valued at hundreds of millions, the selling price bringing this attractive article of dress and of many other practical capacities within general reach. It is an essential in the great dye and fertilizer industries.

It is required in making hats, a half gallon to every dozen, forming a solution that enables hats to hold their shape.

It functions in the making of celluloid, pyralin, and like substances, brushes, cements, enamel, glass, japans, pastes, imitation leather, mucilage, paraffin, pepsin, plumbing material, tannic acid, water colors, perfumes, toilet waters.

It is an element in the production of cattle medicines, sheep dips, photographic films, plates, and papers, steel pens, real silk, crêpe, embroidery, artificial flowers, compasses, spirit levels, thermometers, barometers, inks, and collodion.

It is used in dyeing and cleaning operations, in the finishing of rubber goods and silk ribbons, in textile printing, including print calicoes, and so forth, in the polishing of jewelry and machinery of all kinds, in making coal-tar colors and their by-products, in feeding gas lamps, and in developing electrode plates for electric accumulators.

It is a component in the production of oilcloths, linoleum, soap, smokeless powders, explosives, electric-lamp filaments, electric cables, incandescent mantles, rubber, soldering fluxes, paints, varnishes, stains, flavoring extracts, in extracting valuable medicinal material such as quinine from roots, barks, and so forth, in removing carbon deposits from cylinders of internal-combustion engines.

As a power fuel it is utilized in Germany and France for the operation of stationary and traction engines in farming areas. It comes in this connection from the potato in Germany, the sugar beet in France, resulting in by-products for fertilizer, a general advance in local values, and in the saving of culls and waste.

Under certain conditions it is already a rival for gasoline in motor-car engines. Prof. V. B. Lewes tells us that when the Russian invasion of Galicia during the World War deprived Germany of her petrol (gasoline) supply every motor in the German Empire was adapted to the use of alcohol. It is stated on high authority that in engines specially designed—that is, with larger passageways, and so forth—the rate of consumption per unit of power is the same for both alcohol and gasoline. In engines of the present type gasoline develops more power per gallon, although this is in some degree offset by the more complete combustion of alcohol, its resulting cleanliness and smaller likelihood of clogging cylinder valves and spark plugs. This same authority states further that alcohol engines suitable for motor vehicles will doubtless be evolved; that it is mainly a question of cheapening the cost of alcohol.

As an illuminant alcohol has many desirable uses, and likewise as a source of heat for other industrial operations besides the production of power.

This review is incomplete, but it will indicate the tremendous scope of this commodity. Industrial alcohol touches our civilization at almost every point, facilitating the conquest of nature for the advancement and the prosperity of mankind. The demand for it as a legitimate industrial substance is without limit, its field of further utility without measure. How any individual could permit an appetite for intoxicants to aid in creating a clandestine market which diverts alcohol from so many beneficent functions as an article of industry can be attributed only to a lack of knowledge or of a sound and righteous view of human affairs. What a tribute to the sinister power of alcohol as the basis of a mere drink lies in the fact that a barrel in form for industrial use is worth from $250 to $300; in form for bootleg whisky approximately $4,000. Thus the craving for an intoxicant on the one hand and the lure of enormous gain on the other combine to create the criminal calling of the bootlegger, the moonshiner, the rum runner, and the go-betweens who connect them with the consumers, many of whom occupy high places in society and business, but who are nevertheless abettors of crime, and combine further to make necessary such rigid supervision of the manufacture of alcohol for desirable purposes as to interfere with its efficient conduct and advancement.

Scientific experiments before the advent of prohibition had shown that an alcoholic beverage taken in moderate quantity affected the most delicate tissues of the brain, the power of coordinating perception with muscular action. The brutality, criminality, drunkenness, unhappiness, and ruin which accompanied persistent indulgence in beverage alcohol, the pernicious associations surrounding the saloon, offended and aroused the moral sense of the American people.

Prohibition is a step forward and upward, an advance in the process of altering environment for human benefit, in the reduction of chaos to cosmos; in all of which science, the moral sense, and the law are working hand in hand.

PUBLIC BUILDINGS

Mr. FERNALD and Mr. BRUCE addressed the Chair.

The PRESIDING OFFICER (Mr. FRAZIER in the chair). The Senator from Maine.

Mr. FERNALD. I ask that the public buildings bill be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

Mr. FERNALD. Mr. President, on yesterday those who had been opposing the public buildings bill met with the members of the Committee on Public Buildings and we came to an agreement on an amendment that seemed to be quite satisfactory. Inasmuch as the bill has been before the Senate for nearly three weeks and the individual amendments which have been offered by Senators are not obstructive, and I think can be readily disposed of, I had hoped we might make some progress this afternoon with the bill, and I ask that those amendments be now considered.

THE PROHIBITION LAW

Mr. BRUCE. Mr. President, I think that the time has come in this prohibition discussion when the antiprohibitionist might well say to the prohibitionist, as our first mother said to our first father:

> While yet we live, scarce one short hour perhaps,
> Between us two let there be peace.

In other words, it seems to me that our friends the prohibitionists and ourselves in the Senate might declare at least a brief truce, so that the general business of this body may proceed without further interruption by the discussion of the great issue between us.

For a long time it seemed hard to awaken any active interest on the part of the prohibitionist Members of this body in anything that we might say in relation to the subject of prohibition. But now give but the slightest fillip to the cheek of one of them, and up he jumps, like a nervous, sensitive horse from his bed in his stall, and produces long lists of employers who believe that prohibition has been a good thing for their employees, or advances in some other way the old, trite, threadbare platitudes.

It is apparent that for the time being the Senate has become a little weary of incessant presentation of the prohibition controversy. Why the sensitiveness of our prohibition friends to what we say with reference to prohibition should so suddenly become so acute I can not understand, unless it is because of the fact, admitted by the Senator from Michigan [Mr. FERRIS], that prohibition is in a critical condition.

They know that the tide of public opinion is swinging with tremendous force against them. Let me recommend to them that instead of making incessant speeches on the floor of the Senate touching prohibition, they adopt the policy of acquiescing in one of the propositions that we have made that there should be a popular referendum, either some state-wide referendum or some nation-wide referendum, on the subject of prohibition As soon, however, as the word "referendum" is mentioned to a prohibitionist he shrinks from it as a certain personage, who, to say the least, is not a saint, shrinks from holy water.

The Senator from New Jersey [Mr. EDGE] has proposed that there should be a nation-wide referendum upon the subject of prohibition. That would test the question as to whether the majority of the people of this country do or do not favor it. And yet, of course, that suggestion is not met with the slightest degree of countenance by the prohibitionist Members of Congress.

In the State of New York the legislature has made provision for a popular referendum upon the subject of prohibition this fall. Were the prohibitionists of the State inclined to enter into a trial of strength with us in that State? No. By every means in their power they sought to prevent the legislative provision for a referendum at the autumnal election in the State of New York from being enacted, and now they are mustering, with the aid of the Anti-Saloon League and its ramifications, all their forces for the purpose of inducing Governor Smith, of the State of New York, to veto the act which provided for that referendum. Indeed, they propose to go even further. Apparently, if the governor does sign the act which provides for a referendum on the subject of prohibition in the State of New York, they propose to go into the courts in an effort to restrain the public authorities of that State by injunction from submitting the question of prohibition to the electors of the State of New York.

We welcome a contest of strength at any time upon the subject of national prohibition. We believe that the majority of the people of the United States have come to see that it is merely a hatchery of detestable abuses and scandals, a deadly enemy of human morality, and a prolific parent of crime in all its manifestations. Let them enter the popular lists, and we have not the slightest fear of what the outcome would be.

Just think of the Senator from Texas [Mr. SHEPPARD], with due respect to him, having wasted his time by reading extracts from letters written by employers throughout the country certifying that in their opinion prohibition is a good thing. I could go to a single legislative district of the city of Baltimore and get many times more such certificates of a counter nature, and that without employing, as the Senator from Texas undoubtedly did, the aid of the Anti-Saloon League in procuring letters.

Mr. SHEPPARD. Mr. President, the Anti-Saloon League had nothing to do with this speech at all. I made the compilations myself from statements that I saw in public print.

Mr. BRUCE. Statements that the Senator saw published?

Mr. SHEPPARD. Yes.

Mr. BRUCE. But those published statements, I presume, had all been gleaned by the Anti-Saloon League?

Mr. SHEPPARD. Not at all.

Mr. BRUCE. Or by some of its collateral agencies?

Mr. SHEPPARD. No; no one connected with the Anti-Saloon League had anything to do with anything in my speech.

Mr. BRUCE. I did not mean your speech, but by whom, pray, were those letters collected on which the speech of the Senators from Texas was based?

Mr. SHEPPARD. They were statements published in the Manufacturers' Record.

Mr. BRUCE. Yes; precisely. I thank the Senator from Texas for bringing that fact to my knowledge. I had the pleasure a short time ago of running to earth one statement of that journal which obtained wide currency throughout the country.

Mr. SHEPPARD. But these are quotations from people whose names and addresses are given. They are not statements of the Manufacturers' Record, but statements which were published in the Manufacturers' Record. It is easy to determine whether they are accurate or not.

Mr. BRUCE. I suppose those statements were statements that were published, say, in the year 1922 or the year 1925, were they not?

Mr. SHEPPARD. In 1925, about 8 or 10 months ago.

Mr. BRUCE. If the record has obtained more letters it is because their former statement was so completely riddled that it has been compelled to procure later letters which will be riddled, I have not the slightest doubt, as time goes on.

Mr. SHEPPARD. The statements speak for themselves.

Mr. BRUCE. As the famous English statesman Canning once said, "There is nothing so fallacious as facts except figures," that is to say, until figures are subjected to the proper degree of analysis.

For several years the Manufacturers' Record had made the statement that it obtained replies from some 1,000 manufacturers and professional men in the United States with reference to their views on the subject of prohibition, and that of all the persons who wrote those replies only 7 per cent expressed themselves as being in favor of light wines and beer. That statement was afterwards subjected to criticism by Mr. E. C. Horst, a prominent citizen of the State of California, in these words:

The memorial—

There had been a memorial to Congress before the adoption of the eighteenth amendment by the individuals from whom the replies were obtained by the Manufacturers' Record—

The memorial is said to number	1,000
The memorial is short of 1,000 by	432
The memorial is signed by	568

Such is the value of the arithmetic of the Manufacturers' Record of the city of Baltimore.

Of these 568 who signed the memorial there were only 216 who voted in the final referendum of the Manufacturers' Record, and of those 216 only 88 were manufacturers or business men; the remaining 122 were professional men not engaged in manufacturing or trading. The Manufacturers' Record of 1922 published replies from 438 people, while the Manufacturers' Record of 1925 published replies from only 215; that is to say, that 223 of the 438 people that favored prohibition in 1922 did not reply to the editor of the Manufacturers' Record when he asked them for dry indorsements in 1925.

I might add that the Daily Commercial News of San Francisco wrote to 844 of the advertisers in the issue of the Manufacturers' Record in which its statement had appeared. What was the result? It has been set forth in these words:

Nay, more, moved by the wish to probe the conditions surrounding the claims of the Manufacturers' Record to the very bottom, the Daily Commercial News, of San Francisco, obtained signed statements from all the 844 advertisers whose names appeared in the issue of the Record in which only 7 per cent of the first replies received by the Record were said to have favored wine and beer. The result of the probe is published in the issue of the News for Wednesday, February 17, 1926, in these words:

"These 844 advertisers are scattered throughout the United States. One-fourth of the total number are in the Southern States, of whom 48 per cent responded, and of these 60 to 61 per cent replied over their signatures that they were in favor of legalising light wine and 2¾ per cent beer; and 63 to 65 per cent of the votes state that most of their employees are in favor of legalizing beer and light wine. In the East, Central, and Middle Atlantic States the percentages in favor of legalising light wine and beer are still higher."

Now with that statement of the Manufacturers' Record so completely exploded as it has been, what reason have we to believe that any subsequent statements on its part about the views of employers of labor may not be as little entitled to credence as its first statement? The idea of a score or a hundred or so of statements obtained from individuals scattered throughout the length and breadth of a land of 120,000,000 people about some matter of public opinion being of any real final value is untenable. With great respect there is nothing that the Senator from Texas reminds me of so much as a child who might take up in his palm a handful of dust and say, "Look, I have the whole earth in my grasp."

So much for what was said by the Senator from Texas. I do not believe that there is any occasion for me to deny his claim that in industrial relations, at any rate, alcohol is used for a thousand and one useful purposes. There is no one in the Senate for whom I entertain a higher respect than I do for the Senator from Texas, not only because of his ability and fidelity to his convictions and his eminent moral worth, but because, if he will permit me to say so, of his most attractive personal and social qualities. But I do think that he makes the mistake that so many men are making at the present time of reaching out after sublimated, superfine moral effects when all the elementary obligations of the individual to himself and to society of a moral nature are being so lamentably violated. Never was crime as rampant in the history of the United States as it is at this hour.

Of course, I know it would be mere special pleading to ascribe the whole volume of that crime to prohibition, though I do believe that its existence is to a very great extent referable to the disrespect for law begotten by prohibition. Only a few days ago I called attention to the fact that in one city of the United States of only 170,000 people there had been nearly as many murders in a single year as there had been in all England, Scotland, and Wales, with their population of 38,000,000.

Would it not be better for us, instead of setting up impossible standards of morality, to see whether we can not bring human society in this country back to some sort of proper appreciation of the old primal, fundamental, moral obligations of the individual? The trouble about the prohibitionist is, as I have more than once said, in the words of Keats, that he is "a ship headed for an impossible shore," and in his fanatical eagerness to reach that "impossible shore" he overlooks the old, immemorial beacons and landmarks of human morality.

If I did not entertain such a high opinion of the Senator from Michigan [Mr. FERRIS], I would deride his suggestion that a man who uses spirits or wine moderately is "playing with hell fire." I am not quite so old as he is, but I am old enough for my mind to go back to that period just after the Civil War, of which he spoke, when I was a boy in southern Virginia and an inmate of an old typical southern Virginia home. My father had six sons. He drank a mint julep every day of his life. Not to be deprived of it in the wintertime he even grew in his greenhouse in the winter the mint with which to make it.

A more temperate man never existed. No individual from his youth to the last day of his life ever saw him abuse spirits or wine in the slightest degree; but there was always a decanter of whisky on his sideboard, and not infrequently there was a bottle of wine on his table at dinner. That home I can truthfully say, I think, was the home of temperance and of every other sterling domestic virtue. My father had six sons. Every one of them drank a little spirits and water or a glass or a glass and a half of wine when he felt like doing so; but not a single one of them was ever intemperate in the slightest degree, whatever else their sins or shortcomings may have been. And, of course, that home was merely one of thousands and hundreds of thousands of sober, moral Christian homes throughout this mighty land of ours.

I will say further that the morality of the community in which that home was will, in my humble judgment, more than favorably compare with any social conditions anywhere in the United States to-day. It was not until I was at least 22 years of age that I ever saw a woman under the influence of liquor, and I shall never forget the horror that passed through my frame when I saw for the first time such a woman; nor until prohibition came in did I ever hear of such a thing as a young girl or a young boy or a child under the influence of liquor. But now the police department of Washington has recently reported that drunkenness on the part of children in that city has increased upward of 500 per cent since the enactment of the Volstead Act; and President Nicholson, of the Anti-Saloon League, was reported in the newspapers of this city a year or so ago as saying at a convention of the Anti-Saloon

League in this city that it had to be admitted that drinking among women was rapidly increasing.

Let me say further, Mr. President, that in the community in which my childhood was passed, notwithstanding the fact that there was no prohibitory measure of any kind in force in it, such a thing as a domestic scandal was almost unknown in any white family.

I can not recall one single, solitary instance in the neighborhood in which my father lived of a married couple being divorced. Husbands and wives took their vow of fidelity at the altar—and it was, indeed a vow—pledging them to live in loving wedlock with each other until death did them part. Yet here to-day the Senator from Texas and the Senator from Michigan are holding up to us the duty of obeying or attempting to obey an utterly impracticable and visionary law, when throughout the United States the decline of the domestic virtues is so advanced that there is one divorce for every seven and five-tenths marriages. I may mention, though, with no intent to discredit the splendid State represented by the Senator from Texas in this body, that, if statements which I have recently read are correct, in Texas—where prohibition is supposed to have kindled the deepest hatred of drink in the human heart—there is one divorce for every three marriages. Many years ago, when there was a great deal of excitement in this country over the struggle of the Greeks for independence, as John Randolph of Roanoke was descending the steps that led up to the home of a friend of his in southern Virginia who was an earnest sympathizer with the Greek cause, he had called to his attention a little group of ragged negroes. Whereupon he turned to the mistress of the house, who had followed him to the door, and said, "Madam, the Greeks are at your door." So I say to the Senator from Texas, "The Greeks are at your door," and I might, in view of the disgraceful laxity of the nuptial tie throughout the United States, say the same thing of every State of the Union.

Everywhere in this land there has been, in one degree or another, this decadence of the old-fashioned domestic virtues, this apparent inability to live up to the old elementary obligations of human character. Had we better not try to attain moral standards which are attainable and to correct social abuses and crimes which are corrigible before we endeavor, to use the language of the distinguished Senator from Idaho [Mr. BORAH] the other day, to wade through fire and blood because some Americans still insist upon taking a drink, notwithstanding the fact that they are told that it is just as evil, just as flagitious, just as criminal to do that as it is to commit murder or to commit rape or to set a dwelling house on fire, or to do something else that is a real crime and not a mere artificial, overstrained creation of human fanaticism?

It seems to me that the Senator from Michigan spent a good deal of time on some propositions that he need not have discussed at all if he had only asked us to admit them. I admit that ice is cold; I admit that boiling water is hot; I admit any other perfectly well-established fact connected with the physical universe; and therefore, of course, I have no hesitation in admitting that, if drunk to excess, drink makes men drunk, and that if men continue to get drunk often enough and long enough they will debase themselves and finally bring themselves to moral destruction and ruin. But the Senator from Michigan might as well have said that the human race should abstain from the infinite joy and happiness of legitimate love because illicit love breeds madness and moral disaster and death. There is no sensation, no appetite, no craving of this warm integument of flesh with which we are clothed that is not susceptible to abuse.

Personally I feel that I have some right to speak upon this subject. A very small measure, indeed, would hold all the spirits that I have drunk in the last 25 years—a quart measure, I should say. Beyond drinking a glass or a glass and a half of wine, I never drink at all; and I can truly say that I abhor drunkenness as much as I do prohibition. But, as I have intimated, all human inclinations, all human desires, all human appetites tend to extremes; and if you propose to undertake to root out a perfectly natural human instinct, like that of drink, then I say you might as well take hold of man as Apollo took hold of Marsyas and strip him of his entire natural skin from head to foot.

The Senator from Michigan and the Senator from Texas seem to think that man, like a shoe in a modern shoe shop, can be made all over while the customer waits.

Mr. REED of Missouri. Without regard to the size of the feet.

Mr. BRUCE. Absolutely, without regard to the size of the feet; indeed, without regard to any rational standard of any kind, as I see it. "Sic volo, sic jubeo"—that is the principle that runs through their views about prohibition, it seems to me, so far as any principle runs through them at all.

In connection with the Senator's statement that a man who uses liquor in moderation is playing with hell-fire, the Senator [Mr. FERRIS], of course, brought forward quite a mass of statistics to show that alcohol works some highly deleterious results to the human constitution. Why, of course, it does if drunk to excess; but observations of that sort are beside the mark. What the Senator from Michigan should have done when he went to those insurance companies was to ascertain whether deaths from alcoholism in this country had diminished or increased since the enactment of the Volstead Act; and, take my word for it—I have been counsel for many years for an insurance company; not a great one, but the largest in the community in which I live—and if there is anything in this transitory, uncertain world upon which you can rely it is insurance figures based upon tables of human mortality. Only a few days ago, as the Senator from Missouri [Mr. REED], at any rate, knows, I had occasion to call attention to a letter which I had received from the Metropolitan Life Insurance Co. of the United States, which has some 17,000,000 industrial policyholders, as to the effect of prohibition upon human mortality. Let me quote my words for the sake of written conciseness:

> The Metropolitan Life Insurance Co., which has 17,000,000 industrial policyholders, writes me that between 1917 and 1920, the year that the Volstead Act went into effect, there was a decided downward trend in deaths among its policyholders from alcoholism, but that since 1920 there has been an upward trend; the figure for 1925—2.9 deaths per 100,000 policyholders—being nearly five times the figure for 1920, six-tenths of 1 per cent.

In that statement we not only have, of course, the most convincing proof of the extent to which prohibition has promoted human mortality throughout the United States, but the most convincing proof also that along with that increasing human mortality must have gone all the terrible social consequences of every description that follow in the train of general and augmenting drunkenness.

But it is time for me to bring these desultory observations to an end. I only wish to say, in conclusion, that so far as I can see there is nothing whatever to justify the belief that there is likely to be any improvement, do what the punitive power of the Federal Government may, in the demoralizing, depraving, scandalous consequences which have flowed from prohibition. When General Andrews was on the stand the other day before the subcommittee of the Senate Judiciary Committee he admitted that he was able to intercept only about 5 per cent of all the liquor that is smuggled into this country. Think of that! Only 5 per cent, notwithstanding the fact that he is the commander, as I recollect, of a flotilla of some 400 ships off the Atlantic coast endeavoring to intercept the influx of liquor into this country. He also admitted that the number of stills and distilling and fermenting apparatuses of one sort or another that he had succeeded in capturing, with all his spies and roughnecks, was only 10 per cent of the illicit distilleries, stills, and the like that were in this country; and in that connection there was brought out the further fact that last year, 1925, no less than 172,000 distilleries, stills, and so forth, were seized in the United States, some 70 per cent of which were seized in half a dozen or so Southern States.

What reasonable hope, therefore, is there of any real alteration in existing conditions? And if there is none, is not the best thing for us to do to extricate ourselves from the morass of prohibition and to get out again upon the open highroad that leads to temperance?

Every man knows that when the eighteenth amendment was adopted the people of this country were becoming more and more temperate. The volume of liquor that was being drunk was as large, perhaps, as ever, but men were learning more and more how to drink in a moderate and self-restrained way. Of course, when I speak of an increase in self-restraint I am speaking of the progress of human civilization, because, after all, increasing human civilization is nothing but increasing human self-restraint.

Something has been said here to-day about the impropriety of seeking to circumvent the eighteenth amendment. What is there illicit, what is there illegitimate, what is there unlawful, in finding any lawful escape from the trammels of any oppressive legislative enactment or any oppressive constitutional provision? If 2.75 per cent beer is lawful, is not repugnant to the provisions of the eighteenth amendment, let the people of the United States have 2.75 per cent beer. General Andrews testified the other day that to let them have a nonintoxicating

beer would promote both law enforcement and human temperance. Then let them have it!

The idea seems to have found lodgment in the mind of the Senator from Texas [Mr. SHEPPARD] that this cry for light wines and beer contemplates as a matter of course some kind of rank intoxicant. Such an idea is utterly unjustified. A few days ago I wrote to a gentleman who was formerly the principal brewer, perhaps, in the city of Baltimore, and asked him what the alcoholic content of the beer that he had sold was; and what do you suppose it was when sold by the cask, sold by the barrel, sold by thousands if not hundreds of thousands of barrels? Three to three and a half per cent! Why the ordinary gratuitous allowance that that brewer made to every driver of one of his brewery wagons was 16 glasses of beer a day, and certainly no such amount of beer would have been allowed by him to the driver of a brewery wagon if it could not have been safely allowed.

No; if we can find a lawful way of untwisting these gyves from the human wrist, of liberating the human ankles from these hateful shackles, even to a limited extent, let us find it. But it so happens that I am not one of those who would stop merely at the modification of the Volstead Act. I have brought in an amendment to the eighteenth amendment to the Federal Constitution, because while I may not live to see it adopted, though I rather think that I shall, I feel sure that the time will not be long postponed when not only will the Volstead Act be modified but the Constitution of the United States will be so amended as to bring the people of this country back to sanity, back to the old standards of sound, robust, and attainable morality, and away from the vain, visionary, unworkable conceptions of human duty which have done such dire injury to human character in our time.

Having said this much, let me say just this in conclusion to my prohibition friends in this body. I think that they ought to let us antiprohibitionists alone now. We want to attend to some other business at this session of the Congress besides prohibition. They should content themselves with the old scriptural saying quoted by the Senator from Missouri [Mr. REED] here a few days ago:

> Ephraim is joined to idols, let him alone.

But so long as they do not let Ephraim alone, they may be assured that Ephraim is going to come back at them with all the repercussion at his command.

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

Mr. COUZENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	La Follette	Sheppard
Bayard	Ferris	Lenroot	Shipstead
Bingham	Fess	McKellar	Shortridge
Blease	Fletcher	McMaster	Simmons
Borah	Frazier	McNary	Smith
Bratton	George	Mayfield	Smoot
Broussard	Gillett	Means	Stanfield
Bruce	Glass	Metcalf	Steck
Butler	Goff	Moses	Stephens
Cameron	Gooding	Neely	Swanson
Caraway	Hale	Norbeck	Trammell
Copeland	Harreld	Norris	Tyson
Couzens	Harris	Nye	Walsh
Cummins	Harrison	Oddie	Warren
Curtis	Heflin	Overman	Watson
Dale	Howell	Phipps	Weller
Deneen	Jones, N. Mex.	Ransdell	Wheeler
Dill	Jones, Wash.	Reed, Mo.	Willis
Edwards	Keyes	Reed, Pa.	
Ernst	King	Sackett	

Mr. HARRIS. I was requested to announce that the Senator from Missouri [Mr. WILLIAMS] and the Senator from California [Mr. JOHNSON] are necessarily absent on business of the Senate before the Committee on Commerce.

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. MOSES. Mr. President, I offer the following amendment, which I ask the clerk to read. I ask the attention of the Senator from Maine while it is being read.

The VICE PRESIDENT. The amendment will be read.

The CHIEF CLERK. On page 3, after line 23, insert the following proviso:

> *: Provided*, That immediate provision shall be made from the funds made available by this act for the erection in the city of Washington of a building for the use and occupancy of the Supreme Court of the United States in accordance with the sketches prepared by the late Henry Bacon and now on file in the office of the Architect of the Capitol.

Mr. MOSES. I hope the Senator from Maine will permit this amendment to go to conference, at any rate.

Mr. FERNALD. The Senator from Maine would be very glad to have it go to conference, but I want first of all——

Mr. LENROOT. There are no funds made available under this act.

Mr. MOSES. Whenever they are made available they will be available under this act.

Mr. LENROOT. That may be true, but I do not think the needs of the city of Washington should be subordinated to the necessity for a new building for the Supreme Court.

Mr. MOSES. If Senators want to continue the present congested situation in the Senate wing of the Capitol, as a consequence of which we have to give up valuable space in our own Office Building for the use of judges of the court, and with the court constantly pressing us for more room in this building, when we are unable to furnish committee rooms for our own committees in the Senate wing of the Capitol, that is for the Senate to determine.

There is another situation to which I want to call attention in this connection. The court heretofore has clung somewhat tenaciously to its present quarters. The court now is desirous of having for itself a building commodious enough to enable it to transact its business. They do not now have that, as is shown by the constant pressure for more room here and more room in the Senate Office Building.

Mr. LENROOT. May I suggest to the Senator that I think anything of that kind should be taken care of by a separate bill, and should not be included in this bill?

Mr. MOSES. If $50,000,000 is to be expended on public buildings in the city of Washington, I think it is entirely competent for the Senate to express itself in some manner as to how it shall be expended, particularly when the expenditure means so much to the Senate itself.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Montana?

Mr. MOSES. I yield.

Mr. WALSH. I wish the Senator from New Hampshire would go into a little more detail about the plan of a building for the Supreme Court. I understood that one of the plans considered was for a judicial department building, which would house the Department of Justice, as well as the Supreme Court, and possibly the law library.

Mr. MOSES. It is very true that one proposal was to that effect. The Supreme Court, however, takes the position that the Department of Justice is appearing before it as a litigant, and that therefore they should not be occupying joint quarters. That is one basis of objection. The Supreme Court also has some feeling with reference to its own dignity as a separate department of the Government, and feels that if it is to be housed other than it is housed now, it should be given the consideration of a building for itself.

Mr. WALSH. It seems to me that a question of that kind ought to be rather carefully considered by the Congress of the United States as a separate proposition. A hall of justice is the ordinary building in most capitals, which affords quarters for the courts, as well as housing for the department which corresponds to our Department of Justice. The idea that the Supreme Court would be in any wise affected by the fact that the Department of Justice was under the same roof seems to me rather tenuous.

Mr. MOSES. What the Senator has said about the housing of the courts in foreign capitals is true in Rome, it is true in Brussels, I think it is not true in Paris, it certainly is not true in London, and in my opinion, in view of the constitutional division of powers of this Government, it ought not to be true in Washington.

As for consideration, it certainly can not be that Senators have not discussed this question, certainly among themselves. It has not been discussed on the floor, because no earlier opportunity has arisen.

Mr. WALSH. At any rate, it seems to me it is a question which ought to be debated at some length.

Mr. MOSES. I am entirely willing that it shall be debated, and I want to present this question as a purely practical matter for the Senate to consider. It is a Senate amendment. Of course, if the House refuses to accede to it, I suppose the matter will be ended for the present. But I want Senators to know something about the physical conditions under which the court and the Senate are doing their work.

It may be true, and probably is, that I know more about this matter than any other Senator, because one of my duties is the

assigning of rooms in the Capitol and in the Senate Office Building, and the pressure from year to year for rooms for Senators and for the Supreme Court is increasing to such an extent that it will presently be necessary to take some affirmative action to care for the situation which already has arisen and which will be increasingly acute as the years go on.

The situation to-day is that practically one-third of all the cubic contents of the Senate wing of the Capitol is given over to the Supreme Court. We have not rooms in this building for the committees of the Senate. There are some committees of the Senate, notably the committee over which the senior Senator from Maine [Mr. FERNALD] presides, which have no committee rooms of their own at all, because of the pressure for space in the Office Building and here. The Senator from Montana well knows that the pressure from Senators for added accommodations in the Office Building is tremendous. With the increase in the number of secretaries allotted to each Senator it becomes almost physically impossible for the work of a Senator, even though he may not be a chairman, to be carried on in two rooms, because there is not space enough for the clerks. Even with the definition of "emergency," as presented here yesterday by the Senator from Missouri through the medium of the dictionary, it seems to me that this amendment covers a real emergency with reference to accommodations for public servants in the city of Washington.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. MOSES. I yield.

Mr. SWANSON. I fully concur in what the Senator from New Hampshire has said. I was chairman of the Committee on Public Buildings and Grounds for several years, and consulted with members of the Supreme Court in reference to their having rooms in the proposed building for the Department of Justice, to be located opposite the Treasury, for which we bought the land. A bill was prepared and referred to the committee, under which they were to be housed in the building we proposed erecting on that site. Justice White did not wish to leave the Capitol, and for that reason the plan was abandoned.

I think it is only proper that arrangements should be made by which we could have more room where attorneys could be accommodated and the court could be housed. The present quarters are very inconvenient for counsel, who come from all over the United States, and have to put up with accommodations which are not at all adequate.

I sympathize with the sentiment entertained by members of the court that they ought to have a separate building for the housing of the Supreme Court. The largest litigant they have before the court is the Department of Justice. They feel in that situation that they ought not to be housed with the largest and most important litigant before their court. I do not think such a situation would affect the court in the slightest, but a court naturally likes to have the feeling that they are separated and not in close contact with litigants whose cases are more numerous before the court than those of any other litigants.

I think the feeling of some of the members of the Supreme Court with whom I have talked is that, if they have a building, it ought to be a separate building for a coordinate branch of the Government. I think that in the vicinity of the Capitol there could easily be erected a building that would be an ornament as well as a model building to house the greatest court in the world, as I feel the Supreme Court of the United States is. People have an idea that the Supreme Court, as well as different other courts, are more or less influenced by being brought in daily contact with litigants. I think the members of the Supreme Court properly entertain a feeling that they would not like to be put in the Department of Justice building, where their convenience would be dependent upon the Department of Justice, and while the Department of Justice is an almost continuous litigant in the court.

I concur with the Senator from New Hampshire that we ought to have a separate building for the Supreme Court worthy of its dignity and worthy of the great court that it is. If Senators will go through their quarters and accommodations here in the Capitol, as I have done, and see the accommodations for counsel coming here from all over the country, the rooms where they must wait for the trial and argument of their cases, they will readily concur in the opinion that both for the convenience of the Senate and for the convenience of the court a special building should be constructed for the Supreme Court. I believe that as a coordinate branch of the Government they are entitled to a separate building.

Mr. SMOOT. Mr. President——

Mr. MOSES. I yield to the Senator from Utah.

Mr. SMOOT. I wanted to ask the Senator from Virginia if he thinks we ought to adopt such an amendment on the pending bill?

Mr. SWANSON. I have not read the amendment. What is it?

Mr. SMOOT. It provides for the erection of a building for the housing of the Supreme Court.

Mr. SWANSON. To be frank, I think a proper housing of the Supreme Court would relieve the Senate of its congestion and would relieve the court of its inconvenience. They have no rooms in which the judges may study; they have no good places for conferences. I do not believe there is a department of the Government anywhere in the United States where there is a greater necessity for a good, substantial, comfortable building than exists for the Supreme Court.

Mr. SMOOT. I am quite sure the Senator has not made a fair examination or given careful consideration to the question, or I do not think he would have made that statement. In the Department of Justice Building to-day we have 110,000 square feet. We are using every foot of space in the hallways. The clerks are packed in like sardines in many of the buildings. The department ought to have a building. There is no question about it. We have those employees in temporary buildings, as I said the other day, that are liable to fall down at any time. The Supreme Court is not suffering, nor are Senators suffering as those people are.

Mr. MOSES. Oh, yes, they are; they tell me so every day.

Mr. SWANSON. I am a member of the building commission. The Senator from Utah knows that we can lease for the Department of Justice or any of the departments, whenever they get too crowded, an additional building and let the subordinate clerks go out, or let some of the different bureaus go somewhere and lease a building; but nobody has ever contemplated leasing a building and scattering the Supreme Court. There are members of the court who have only one little room in which to study. It seems to me that of the $50,000,000, so far as I am concerned, the best use that could be made of a part of that money would be to erect a building for the Supreme Court.

Mr. SMOOT. That matter can be studied afterwards. I do not think we ought to begin now in this bill to designate what buildings shall be erected. I think it is a mistake. There is only $10,000,000 available the first year. We have to make our arrangements accordingly. I think if the Senate has confidence in its building commission, it should leave the matter to that commission to decide what is most needed. I recognize the fact that we ought to have a building for the Supreme Court, and we will have it ultimately; but, in my opinion, there are other needs greater than those of the Supreme Court which call for the erection of buildings at a very early date.

Mr. SWANSON. Mr. President——

Mr. MOSES. I yield again to the Senator from Virginia.

Mr. SWANSON. The Supreme Court has been modest; it has been diffident; it has not been clamorous like other departments, always insisting on a building. The members of the court have been patient and long-suffering. They have not embarrassed Senators. I got them to give up a room for me once when I had to have a room. I had a little more persistency and they had a little more modesty. I feel that these nine Justices are entitled to our serious consideration. They have been most considerate, most patient, and the most long-suffering of anybody that has ever been housed by the Government.

Mr. MOSES. I want to add to that——

Mr. SWANSON. Now is the time to arrange for a building for the Supreme Court.

Mr. MOSES. Now, Mr. President, I am going to take the floor myself, since I possess it, to say, in addition to what the Senator from Virginia has said, that by way of comparison of the court with any of the executive departments there are five members of the Supreme Court who at their own expense are providing quarters in which they do their work, namely, in their houses, far distant from the library and from the court-room. Of the other four justices, some are taken care of in the office building and others have not more than one room in the Capitol, and no place where their stenographer can work aside from the one room in which the Justice himself is required to do his work.

Mr. SMOOT. The Senator knows that they would have offices at home, whether they had two or three rooms down here or not.

Mr. MOSES. No; I do not know that at all.

Mr. SMOOT. I have heard them say so. I know very well that is what they would do, because that is where they do their work at night. When the court is in session, there are no men in the District of Columbia who work any harder than do the

Justices of the Supreme Court. They have to work at night. They take their work home at night, and would do it no matter what might happen in the way of getting larger quarters, because they have told me so themselves.

Mr. MOSES. I do not know what confidences were exchanged between the Justices of the Supreme Court and the Senator from Utah, but I do know the representations which the Chief Justice and other members of the court have made to me with reference to this amendment.

Mr. SMOOT. They need the building.

Mr. MOSES. I know the pressure for room here in the Capitol and in the office building is becoming yearly more intense. Some provision must be made for the Justices of the Supreme Court. The Senator has said we can do it at a later time. We have been told that ever since the matter has been under consideration. I do not want to wait for the millennium. I want to have the Senate make some move toward self-assertion.

Mr. ASHURST. Mr. President——

Mr. MOSES. I yield now to the Senator from Arizona.

Mr. SMOOT. We will have only $10,000,000 the first year out of which could come the money for the construction of the building.

Mr. MOSES. We are going to have some small portion of it devoted to this purpose for the relief of the Supreme Court, as well as for the relief of the Senate, in my opinion.

Mr. ASHURST. Mr. President, I rise to speak briefly for the amendment. I think it is an appropriate amendment. We know that members of the Supreme Court have been subjected more or less to embarrassment because of the lack of space.

Let us not forget that we are only one-half of the legislative government; the House is one-half of the legislative branch. But the Supreme Court is one-third of the Government. It is the judicial department. It can not make an appropriation. It seems to me on a question of this sort that the doctrine of noblesse oblige ought to move us to give the Supreme Court of the United States proper quarters when we know they have not at this time adequate quarters.

Consider for a moment. I should, at this time, be before the Committee on Indian Affairs of the Senate. That is a committee which each year handles millions of dollars' worth of property. Through the courtesy of the chairman of the Committee on Privileges and Elections we have borrowed that committee's room, and the Committee on Indian Affairs sits at this moment in the room of the Committee on Privileges and Elections. Moreover, if the amendment should be adopted and agreed to by Congress, it would be five years before the building would be ready for occupancy by the Supreme Court of the United States. Am I correct?

Mr. MOSES. I am not sure that it would be five years, but it would be two or three years at the earliest.

Mr. ASHURST. I venture the assertion it would be four years, at least.

Mr. BRUCE, Mr. SWANSON, Mr. FERNALD, and Mr. LENROOT addressed the Chair.

The VICE PRESIDENT. Does the Senator from New Hampshire yield; and if so, to whom?

Mr. MOSES. I yield again to the Senator from Virginia.

Mr. SWANSON. It seems to me the amendment ought to pass if we leave out the words "in accordance with the sketches prepared by the late Henry Bacon and now on file in the office of the Architect of the Capitol." We have not examined those plans. That provision would be compulsory. Then the amendment would read:

Provided, That immediate provision shall be made from the funds made available under this act for the erection in the city of Washington of a building for the use and occupancy of the Supreme Court of the United States.

Mr. MOSES. I have no objection to accepting the suggestion of the Senator from Virginia.

Mr. SWANSON. The reason why I think the Senate ought to agree to the amendment is that there will be $10,000,000 available this year. The Senator from Utah [Mr. SMOOT] is on the commission, and I am on the commission, while the rest of the members are executive officers and not connected with the Supreme Court. Unless we get some provision of this sort, I do not believe that in five years we will ever get a building for them. I think the Senate should properly express a desire that a part of the $50,000,000 should be expended for this purpose.

Mr. MOSES. Allow me to accept the suggestion of the Senator from Virginia and modify my amendment accordingly.

I merely wish to say with regard to the sketches made by Mr. Bacon that in my opinion they constitute one of the finest pieces of work that Mr. Bacon ever did, comparable in every way with the Lincoln Memorial. I can not believe that any commission looking at the sketches will consider seriously the acceptance of any other design.

Mr. PHIPPS. Mr. President, will the Senator yield to me?

Mr. MOSES. I yield to the Senator from Colorado.

Mr. PHIPPS. I desire to call attention to the fact that the Committee on Education and Labor has no committee room of its own, nor has the Committee on Irrigation and Reclamation. Both committees have been active, particularly the latter committee. We have had to borrow a room for our meetings. We have held meetings almost every week during the entire session of Congress.

Mr. MOSES. Mr. President, I now yield the floor to the chairman of the Committee on Public Buildings and Grounds.

The VICE PRESIDENT. The Chair recognizes the Senator from Maine [Mr. FERNALD].

SEVERAL SENATORS. Vote!

Mr. FERNALD. We shall vote very promptly, I assure Senators.

Mr. President, I wish merely to call the attention of Senators to the fact that in 13 years there has been no public building erected in the city of Washington. During that time the Government employees have increased in number from 39,000 to 62,000. We have young men and women working down here under the most uncomfortable, insanitary conditions. First of all, I believe they should be relieved.

I have no objection to erecting a building for the Supreme Court of the United States, though I know nothing about the necessity for such a building. I simply know that the court is well housed and is comfortable where it is; that its number has not increased in the past 13 years. The court is just as well off now as it was 13 years ago. When the time comes when we can expend money for that purpose I shall be quite willing that a building shall be erected for the Supreme Court; but it does seem to me inopportune now to offer this amendment and to suggest that the first money we expend for public buildings shall be used for that purpose.

Mr. SMOOT. Mr. President, just a word. I do not know where it is proposed to locate the building for the Supreme Court, but, in my opinion, it ought to be located somewhere near the Library of Congress. Should that be the case, if we adopt the amendment proposed by the Senator from Maryland [Mr. BRUCE], providing that no building shall be erected north of Pennsylvania Avenue, it would then be necessary to erect the Supreme Court building quite a distance away from the Library of Congress. I do not think we ought to adopt such a plan without some further consideration. The Senator from Missouri [Mr. REED] asks whether there is a clause in the bill to the effect I have stated? I think there will be such an amendment adopted, and I therefore feel as though I ought to call attention to the situation I have indicated which would arise from the adoption of such an amendment. If there is an intention of erecting a Supreme Court building near the Library of Congress, it is not possible that it shall be south of Pennsylvania Avenue.

Mr. SWANSON. Mr. President, if the Senator from Utah will permit me to make a suggestion, I desire to say that an exception could be very easily made in any amendment which may be adopted excepting the building for the Supreme Court from its operation.

Mr. SMOOT. Of course no such amendment has yet been adopted to the bill, but the Senator from Maryland [Mr. BRUCE] is very deeply interested in the matter; the amendment has already been drawn; it is now in such shape that I think it will be satisfactory to the Senate; and should the amendment be adopted in its present form, the Supreme Court building can not be erected where I think it should be, near the Library of Congress.

Mr. SWANSON. If it is satisfactory, the Senate can very properly adopt the amendment of the Senator from Maryland excluding therefrom the building for the Supreme Court, which I admit should be located somewhere near the Library of Congress.

Mr. BRUCE. Mr. President, I desire to ask the Senator from Virginia, does he think it absolutely indispensable that the Supreme Court building should be erected near the Library of Congress? It seems to me that a very good site for such a building could be found south of Pennsylvania Avenue, say, at the foot of the Capitol grounds, which would be of easy access to the Library of Congress.

Mr. SWANSON. I do not see why, if the amendment of the Senator from Maryland shall be adopted, there should not be liberty to locate a building for the Supreme Court up here near the Capitol.

Mr. BRUCE. In that case we should not have that splendid building as a part of the proposed group of Government buildings south of Pennsylvania Avenue.

Mr. SWANSON. It might be a part of the group of buildings on Capitol Hill that will be more magnificent than any on the Mall.

Mr. FERNALD. Mr. President, will the Senator from Maryland yield to me for just a moment?

Mr. BRUCE. Yes.

Mr. FERNALD. We have had about 20 amendments offered to the bill, many of which are still pending. We have gone very carefully into the amendment which is about to be offered by the Senator from Maryland [Mr. BRUCE]. There has been much opposition to erecting buildings in certain portions of the city. The members of the Public Buildings Commission, the Senator from Maryland, and myself have agreed on this amendment. It would throw the bill entirely out of balance now if we should undertake to erect a building in another part or section of the city. I hope the proposition to do so will not be agreed to.

Mr. BRUCE. Mr. President, I desire to ask the Senator from New Hampshire whether the members of the Supreme Court have expressed any desire to have a new building?

Mr. MOSES. Yes; they have done so very emphatically.

Mr. FERNALD. I want to say, Mr. President, that they have never spoken to me about it. I am chairman of the Public Buildings Committee, and yet nothing has even been heard about it, so far as the Committee on Public Buildings and Grounds is concerned. The Supreme Court has a room which is nearly half as large as is this Chamber. I realize that it would be admirable for every Senator to have a room as large as that occupied by the Supreme Court, but I think we get along very comfortably, and so far as my committee is concerned we have plenty of room.

Mr. BRUCE. Mr. President, may I ask the Senator from New Hampshire whether he has read my proposed amendment to the bill?

Mr. MOSES. Yes.

Mr. BRUCE. Then the Senator does not think there is anything in the amendment that could not be reconciled with his proposition?

Mr. MOSES. I read the amendment of the Senator from Maryland when it was first presented. My understanding of the Senator's amendment is that all new Government buildings are to be located south of Pennsylvania Avenue.

Mr. BRUCE. I except, of course, the Government Printing Office Building and the Government warehouse. Of course, it would not be proper that the Government warehouse should be south of Pennsylvania Avenue.

Mr. FERNALD. Shall we proceed to vote?

Mr. MOSES. The friends of the bill are filibustering against it.

Mr. BRUCE. I had not quite concluded.

The VICE PRESIDENT. The Senator from Maryland has the floor.

Mr. KING rose.

Mr. BRUCE. Will the Senator from Utah excuse me for just a moment?

Mr. KING. I beg pardon; the Senator from Maryland has the floor.

Mr. BRUCE. I wish to ask the Senator from New Hampshire [Mr. MOSES] would he have any objection to the Supreme Court Building being located at the head of the Mall south of Pennsylvania Avenue?

Mr. MOSES. Personally I would not; but I am not a member of the commission that is to locate the building.

Mr. BRUCE. But the Senator has given the matter thought.

Mr. MOSES. If my amendment shall be agreed to, as I very much hope it may, and as I have every reason to believe it will be, the Senator from Maryland can readily perfect his amendment by excepting the building for the Supreme Court.

Mr. BRUCE. Unless the Senator makes some change in his amendment it will not conflict with my amendment; and the Supreme Court building would simply have to be located down on the Mall.

Mr. MOSES. If it is desired to place it much nearer to the Library, that would necessitate a change.

Mr. BRUCE. In that case the Senate would have to adopt a clause of exception in my amendment, because my amendment contemplates the idea that the whole $50,000,000 shall be expended south of Pennsylvania Avenue in conformity with the L'Enfant plan, except such amount as may be necessary to provide an extension for the Government Printing Office Building and to erect a Government warehouse.

Mr. WARREN. Mr. President, I assume the Senator from Maryland is alluding to the property directly opposite the Willard Hotel, between the Mall and Pennsylvania Avenue, which we purchased a number of years ago for a Department of Justice building. That property now belongs to the Government, and, after a competition, as I recall, plans were drawn for a building to be located there. Those plans are in existence now, I understand, but have been filed away somewhere. Once or twice—and I remember especially one occasion—an effort has been made on the part of the Senate to have the Government buy all the property between the Mall and Pennsylvania Avenue which the Government did not already possess.

Mr. BRUCE. I will say to the Senator from Wyoming my amendment does not undertake to state where any public building which is to be erected with this $50,000,000 appropriation shall be erected south of Pennsylvania Avenue; it simply undertakes to provide that the whole sum of $50,000,000 which is to be expended in the purchase of sites and the erection of additional public buildings in the city of Washington shall be expended south of Pennsylvania Avenue.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, when we purchased the property opposite the Willard Hotel it was the intention to erect on that property a building for the Interstate Commerce Commission, a building for the Department of Justice, and, as I recall, for the Department of Commerce. The Supreme Court was not considered at all then, because Chief Justice White was opposed to the court going there.

Mr. SMOOT. Mr. President, we also bought the block just south of the one opposite the Willard Hotel; the Government owns both of those blocks; and it was the intention to utilize that property, as has been said, by erecting thereon a Department of Justice building. That was many years ago, but nothing has been done.

Mr. OVERMAN. That is right.

SEVERAL SENATORS. Vote!

Mr. LENROOT. Mr. President, I doubt very much whether Senators realize the position in which they will place themselves by voting for this amendment. I wonder how many Senators have been down on the Mall and in the temporary buildings located there and have observed the conditions under which the Government clerks work in those buildings? As the Senator from Utah has stated, they are packed in there like sardines; and yet Senators are eager to adopt this amendment, although, if it shall be adopted, by their votes they will practically be saying, "While we have loudly proclaimed our interest in the Federal employees, when it comes to the question of their health and the sanitary conditions under which they work, those considerations have no weight with us compared to our own convenience as Senators." That is the proposition, because if this amendment shall be adopted nothing can be done for the next two or three years to alleviate the conditions under which these clerks work. That is all I wish to say, Mr. President.

Mr. BORAH. Mr. President, if the Senator from Wisconsin has concluded.

Mr. LENROOT. I am through.

Mr. BORAH. I should like to say that I do not know how the Supreme Court feels about this matter now, but it has not been so very long since the Supreme Court was very much opposed to moving out of the Capitol Building. I will inquire if the Supreme Court has expressed itself in any way.

Mr. MOSES. I will say to the Senator that certainly seven members of the Supreme Court, including the Chief Justice, have expressed themselves to me very vigorously in the hope that this amendment would be agreed to.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New Hampshire as modified.

Mr. BRUCE. Mr. President, I should like to ask a question of the Senator from New Hampshire. Has any estimate been made of the probable cost of the building for the Supreme Court?

Mr. MOSES. It is my impression, Mr. President, from information which I obtained from the Architect of the Capitol, after an examination of the sketches of Mr. Bacon that the building would probably cost from a million and a half to two million dollars. It will not be a very large building, but it will be a very beautiful building.

Mr. SMOOT. That estimate was made some years ago. It will cost more than that to erect that building now.

Mr. MOSES. I have just accepted an amendment which takes out Henry Bacon's plan, so that the Senator from Utah, being on the commission, may have erected a cheaper one if he wishes.

Mr. KING. Mr. President, there seems to be great eagerness upon the part of Senators to support the amendment offered by the Senator from New Hampshire [Mr. MOSES]. The repeated cries for a "vote" indicate that any opposition will not

be accorded a very cordial reception. Nevertheless, I feel constrained to express my opposition to the amendment.

Intrinsically, the proposition to construct a building for the Supreme Court may have merit, but I do not think the matter has received sufficient consideration in connection with the pending bill to warrant Congress in requiring the diversion of a portion of the appropriation which will be available for the next fiscal year in order that the construction of such an edifice may be speedily entered upon.

In my opinion, the matter should receive further consideration and the committee reporting the pending measure should have an opportunity to make full and exhaustive investigation into the matter. I am advised that the committee reporting this bill did not consider the proposition to utilize any part of the $50,000,000 to be expended for public buildings in the District of Columbia in the erection of a Supreme Court building. They considered pressing needs, and did not include within this category the construction of a building for the purpose just mentioned.

While we would like to see the Supreme Court in a suitable building, I believe that the necessity for an immediate appropriation is not so great as indicated by the Senator from New Hampshire. Undoubtedly Congress will within a few years appropriate a sufficient sum to erect a beautiful and commodious structure for the Supreme Court. It may be that the building so erected will be sufficiently large to house other departments or agencies of the Government. I think further thought should be given to the matter before determining upon the kind of building and all of the uses to which it will be put.

Speaking for myself, I can not say that the Department of Justice or some other Federal agency should not be housed in the same building, provided primarily for the Supreme Court.

The Senator from New Hampshire has suggested that the Supreme Court and the Department of Justice ought not to occupy the same building. His intention is that the Supreme Court, representing the judicial branch of the Government, ought to be removed from any part of the executive branch of the Government. In substantially all States of the Union, the State capitols house the legislature, the supreme court, and the important executive offices. I have never heard it suggested that this course interfered with the freedom or action of either branch of the Government. To my mind, the argument of the Senator is not sound.

Obviously, this amendment, if adopted, will call for a further appropriation, and instead of there being $50,000,000 expended in the District of Columbia, it may be $55,000,000.

Mr. President, I know that opposition to appropriations does not meet with much favor in this Chamber. We are "cheerful spenders of the public money." A distinguished statesman has said that he has always been "a cheerful spender of the people's money." I hope I shall not be guilty of unparliamentary language when I say that the same charge can be laid at the door of many persons in public life. It is so easy to vote money out of the Public Treasury. It is pleasing to the people to have large sums expended in their States and in their local districts. It adds much to the popularity of a Senator or Congressman if he can obtain large appropriations for his State or district. It matters not that the money taken out of the Treasury must be first put into the Treasury, and that the moneys appropriated by Congress are taken by burdensome taxation from the people throughout the various States.

Moreover, in the process of collecting the money from the people, and putting it into the Federal Treasury, and then taking it out of the Treasury and sending it back to the people from whose pockets it was taken, a very considerable part of it is absorbed, wasted, destroyed. Perhaps I should not say "destroyed," because the collection and spending furnish jobs for tens of thousands of Federal employees and necessitate the creation of numerous bureaus and Federal agencies.

Mr. President, in my opinion, the Budget Bureau in its report to this Congress, asked for larger appropriations than the situation called for. I need not tell Senators that the recommendations of the Budget Bureau are the recommendations of the President of the United States. If my position is correct that the needs of the Government do not call for the enormous sums recommended by the President for the next fiscal year, obviously the President can not claim to be the apostle of economy.

I note that the President a few days ago expressed disapproval of the action of Congress in passing a pension bill carrying approximately $20,000,000 for the next fiscal year. I might add in passing that the appropriations for the coming year which will be made by this Congress for pensions and for ex-service men will reach the stupendous sum of between seven and eight hundred millions of dollars. And yet there are some who say that Congress is not generous enough in dealing with persons who have served in the military and naval forces of the United States.

Mr. President, I think many of the American people have lost their perspective and fail to appreciate the functions of the Federal Government. There is a mania for spending. This is the day of the spendthrift. It is the day of borrowing as well as spending. Cities, counties, school districts, States, and the Federal Government, with the tremendous taxes which they impose, borrow hundreds of millions annually. The burdens which we are imposing upon this and succeeding generations by improvident, unwise, irrational, and hysterical borrowing will arrest economic advancement and bring industrial and political problems most difficult of solution.

Bankruptcy comes to municipal, State, and National Governments as it does to individuals, and it is a sad spectacle to witness a bankrupt State or an insolvent nation. Happy is the country whose taxes constitute not more than 8 per cent of the national earnings. Unfortunate is the nation required to extract from its people from 12 to 25 per cent of the gross income of all the people.

I referred to the position taken by the President in connection with the recent pension bill which passed Congress. I think he would have been more convincing in his advocacy of economy if he had vetoed the measure which in effect he condemned. The President has a constitutional duty and he should exercise the veto power when he believes that legislation is unwise or improper.

Mr. REED of Missouri. But he said he would sign that bill, did he not?

Mr. KING. The President did sign it after delivering a homily on economy. With the views which his statement indicates he entertains the President would have been more consistent if he had vetoed the bill. In so doing, if I may be permitted to criticize the Executive, he would have more truly exemplified his asseverations of devotion to economy in public affairs.

Mr. President, as we draw nearer the close of this session I believe we are less inclined to oppose appropriations. Hundreds, if not thousands, of measures are offered in Congress calling for enormous appropriations, and almost daily we pass bills which will take large sums from the Treasury. It is seldom that opposition is offered to measures carrying appropriations, and those who do interpose objections do not receive encouragement either in or outside of Congress.

Mr. President, it has been said by some cynical person that to secure public favor one should always vote to reduce taxes and always support appropriation bills. The expenses of administering the Government are increasing instead of diminishing. Last week the number of Federal employees exceeded those of the preceding week, and next year there will be more Federal employees than there are this year. It seems as if Federal economy is a lost art and that the curve of expenditure will continue to rise and not fall. In my opinion, Congress can do no greater service at the present time than to abolish scores of bureaus, agencies, and executive instrumentalities, and separate from the public service at least fifty to one hundred thousand employees. This could be done without injury to the public service, or in any manner impairing efficiency in governmental activities. Indeed, some persons believe it would improve the public service. The taxpayers will be relieved of a heavy burden and the evils of bureaucratic surveillance, interference, and oppression materially reduced.

Every appropriation bill should be examined in the most minute manner and not a single penny appropriated that is not imperatively needed for the discharge by the Federal Government of those responsibilities which the Constitution places upon it. Instead of expanding its authority it should restrict it, instead of seeking opportunities for further Federal activities it should announce its purpose to withdraw from fields which should be occupied by individuals and the States.

Mr. President, this is a time when there should be genuine economy and not loud protestations in favor of economy. There have been too many undeserved panegyrics and eulogies pronounced by executive officials and by sycophantic followers and adherents of the administration upon the so-called "economies" of the present administration. I believe the bill before us carries too large an authorization. One hundred and fifty millions of dollars is too much to be appropriated or authorized for public buildings at this time.

A few days ago I examined with considerable care the appropriation bills passed during the present session. They total several billions of dollars. And before we adjourn another deficiency bill will be presented which will carry hundreds of millions of dollars. In addition to the direct appropriations Congress has passed measures authorizing appropriations ag-

gregating hundreds of millions of dollars, which will have to be met by direct appropriations within a short time.

There are still pending before committees and upon the House and Senate calendars a very large number of bills, which call for appropriations of between three hundred and five hundred millions of dollars. Congress will perhaps remain in session for another month or perhaps six weeks, and during that period additional measures will be introduced and affirmatively acted upon by committees, which will call for further appropriations, the aggregate amount of which it is not possible to now determine.

Mr. SMOOT. Mr. President, will my colleague yield to me for a moment?

Mr. KING. I yield.

Mr. SMOOT. I went over the bill carefully the other night and ascertained that if we appropriate all that is asked for there will be $360,000,000 more appropriated at this session of Congress.

Mr. KING. I have no doubt as to the accuracy of my colleague's statement.

Mr. REED of Missouri. Mr. President——

Mr. KING. I yield to the Senator from Missouri.

Mr. REED of Missouri. I want to suggest that we might cash the Italian bonds and get out of all of our difficulties.

Mr. KING. Mr. President, taxation is a serious matter. It means the laying of the heavy hand of the Government upon the property of individuals. It is robbery to tax an individual one penny more than is just. The Government has no right, morally or legally, to tax either the rich or the poor, except for the purpose of meeting the legitimate expenses of the Government. If the Government is profligate and wasteful, if it embarks upon enterprises and projects beyond its constitutional powers, it has no right to tax the people to meet its expenditures incurred in such undertakings or projects.

Economy and still greater economy is required in the public service. The legislative branch of the Government should be the bulwark and protector of the people. Executive departments in all governments have been extravagant and uneconomical departments have wasted billions in appropriations. Senators and Congressmen are elected by the people. They should defend the people and prevent executive encroachments and oppressive taxation. The watchword of Congress should now be "retrenchment and reform in all branches of the Government."

SEVERAL SENATORS. Vote!

Mr. NORRIS. Mr. President, I have taken up a great deal of time on this bill, but still I hope that Senators will bear with me while I add a few more words to the various contributions I have heretofore offered.

Reluctantly I have been brought to the conclusion that I must vote against this bill, though not for the reasons which have been given by some of the Senators who have opposed it, and yet some of the reasons that have been given have impressed me very greatly.

I am not satisfied with the old so-called log-rolling method of passing an omnibus public buildings bill. I think it is subject to very serious objection and ought not to be resorted to, so that I am not opposing this bill because I am in any way in love with the methods that have been used heretofore; and yet it would seem to me, from listening to objections that have been made to this bill, that it does not fully meet the situation. Perhaps with the so-called Swanson amendment added many of the evils that have been predicted will be avoided. My objection to it, Mr. President, is that we ought not to pass any public buildings bill at the present time. My objection is based entirely upon economy. I do not believe we can afford at the present time to incur this additional governmental expense.

I know that we need more public buildings. This bill will not come anywhere near supplying the real necessities; but we have been donating to five or six foreign governments debts that they owe us, by which the taxation that must be levied upon American citizens will be increased. We have given to our European friends most of the indebtedness which they owe us. We have been increasing the burdens of the American taxpayers by relieving the taxpayers of Italy, of Latvia, of Yugoslavia, of Belgium, of Great Britain, and we will soon relieve the French taxpayers from the payment of several billions of dollars that we will saddle on our own people. So we ought to ask our folks to live in their old buildings a little while longer, to toil along a little further and bear the burdens that they have, because we have assumed the burdens of the world, as far as taxation is concerned.

The construction of these buildings is desirable. I wish we could construct a building for the Supreme Court—a monumental building, a beautiful building—but we ought to take into consideration once in a while the welfare of the American taxpayer.

I have not had an interview with the President recently, and I suppose, technically speaking, I can not speak for him here; but I am satisfied that the President is opposed to this bill. This talk about the administration being for it must be wrong. The President is for economy; and I want to read to the Senate what has been referred to by the junior Senator from Utah [Mr. KING], or a part of it, the lecture that he gave to the country about economy, calling the attention of Congress to the fact that we had about reached the limit and that we must stop appropriating more money. Therefore, I feel that I am very happy to be in complete accord with the President in his economy program.

The President said, in the statement referred to by the Senator from Utah:

> It has been necessary for me to delay approving the bill—

He referred to the pension bill, which passed the Senate unanimously, I think, and had the approval of all—

> increasing the pensions of the Spanish war veterans and their dependents, not because of any lack of sympathy with the objects of the bill, but on account of the Government financing which it involved. I have recognized that those connected with the Spanish war have always held a position of inequality, so far as Government bounty is concerned, compared with those connected with other wars. It can not be denied that they are entitled to be placed on a higher rate of pensions than they are now receiving, if others are entitled to what the Government is doing for them.
>
> According to the best estimates that can be secured, the results of the present financial year, which ends June 30, will show a moderate surplus. This can be used to meet moderate expenditures that are not continuing in their nature but require but one appropriation. For the next fiscal year present indications show a deficit of a little over $21,000,000. When the requirements of the Spanish war pension bill of nearly $19,000,000 are added, that deficit becomes $40,000,000. This bill calls for continuing appropriations, once it becomes law, and each Budget must be made with a recommendation for sufficient funds to pay these additional pensions.

So we are going to be confronted next year with a deficit of more than $40,000,000 from appropriations already made.

Let me read the conclusion of the President's very apt remarks:

> Having made the wise decision of keeping down expenditures in order that taxes may be reduced, that policy must be continued by constant and reiterated effort. The alternative is well known and perfectly apparent to everybody. If we now increase our annual expenditures by large amounts, the inevitable result will be a necessity for the Congress to impose additional taxes—

Think of that—additional taxes!—

> through the passage of a new tax bill.

Just ponder that in your minds! I am reading from the wise words of the President of the United States. Confronted with a deficit the next fiscal year of $40,000,000, here we are talking about erecting monumental buildings for the Supreme Court and others!

Continuing, the President says:

> It is for that reason that it is necessary to maintain the principle of Government economy.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. KING. The Senator stated that the vote for the pension bill which he has referred to was unanimous. I was not in the Chamber when the vote was taken, having been called to an important committee meeting. If I had been present, I should have been constrained to vote against the bill. It contained certain provisions which I did not approve of. Some of the rates established were not fair, and the foundation of the bill in some respects was not just.

Mr. NORRIS. I am glad to have the Senator's contribution. I assumed that everybody was for the bill. I think the President is right in the comment that he has made on it. I was sorry that he even hesitated about signing it, because I think it was a just and a fair bill.

Coming back again, however, to the point where I was interrupted, with a deficit next year of $40,000,000, and with the President saying to us, "If you increase appropriations now, we are going to have a new tax bill," do you remember, Mr. President, when that tax bill was before Congress how we cut it down? Do you remember how those with incomes of more than a million dollars were granted governmental gratuities?

Are we going by our recklessness now to get back to a point where we will have to tax the millionaire incomes? Think of it! Just ponder it over in your minds a few moments. We may have to go back and repeal that law which forgave the inheritance taxes to the dead millionaires. We may have to take back some of the gratuity that we gave to the Duke estate and other similar estates, amounting in the aggregate to $85,000,000 that we ordered paid back to dead millionaires, who had such large estates when they died that the taxes amounted to such a huge sum that Congress has returned the money to them; and now we are going to face another tax bill, says the President!

Of course, Mr. President, when this bill is passed the President will veto it. He hesitated to sign the pension bill for the Spanish War soldiers not because they did not deserve the money that was provided there but because we did not have the money to pay them, and because we were faced with additional taxation measures. Now, we are coming with a bill to construct public buildings, to construct beautiful buildings—something desirable in ordinary times, when we can get rid of some of these war burdens that have been left upon our shoulders—and do you suppose for a moment that he will sign such a bill when he hesitated about signing such a very meritorious bill as the one to which I have referred? And if you should pass it over his veto, then, as he very properly warns you, you are going to be faced with the proposition of taxing somebody, and we know whom it will have to be.

We can not contribute of the American taxpayers' money to pay back taxes that have been collected from rich men's estates; we can not continue to give of our taxpayers' money to the taxpayers of all the countries in Europe without increasing taxation. Therefore, we ought to call a halt now, follow the President, and be economical. We should not pass this bill, even though it has merit in it, I concede, because we do need the buildings; but we have not the money, and we can not get the money without making some of the fellows with a whole lot of money go down in their pockets and dig up, which, of course, we do not want to do. They would not like it if we did.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Hampshire as modified.

Mr. FERNALD. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. I believe he would vote as I shall vote on this question. I vote "nay."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Oklahoma [Mr. PINE] with the Senator from Mississippi [Mr. HARRISON]; and

The Senator from New York [Mr. WADSWORTH] with the Senator from Arkansas [Mr. ROBINSON].

Mr. WALSH. I desire to announce that the Senator from Nevada [Mr. PITTMAN] is detained by illness and that the Senator from Wyoming [Mr. KENDRICK] is detained on public business. If present, the Senator from Wyoming would vote "nay."

Mr. BRATTON. I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. I understand that if he were present he would vote as I shall vote, and I vote "nay."

Mr. FERRIS (after having voted in the negative). I have a pair with the senior Senator from Pennsylvania [Mr. PEPPER]. Not being able to ascertain how he would vote if he were present, I withdraw my vote.

Mr. STEPHENS (after having voted in the negative). I am paired with the senior Senator from New Jersey [Mr. EDGE]. Not knowing how he would vote if present, I withdraw my vote.

Mr. GLASS. May I inquire whether the senior Senator from Connecticut [Mr. MCLEAN] has been recorded as voting?

The VICE PRESIDENT. He has not voted.

Mr. GLASS. I have a general pair with that Senator, and in his absence I withhold my vote.

Mr. GILLETT. I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the senior Senator from Vermont [Mr. GREENE] and vote "nay."

Mr. EDWARDS. I desire to announce that the senior Senator from New Jersey [Mr. EDGE] is absent on account of illness.

The result was announced—yeas 22, nays 50, as follows:

YEAS—22

Ashurst	Blease	Dale	McNary
Bayard	Butler	Deneen	Means
Bingham	Copeland	Goff	Moses
Oddie	Reed, Mo.	Simmons	Swanson
Overman	Reed, Pa.	Smith	
Phipps	Shortridge	Stanfield	

NAYS—50

Borah	Frazier	La Follette	Shipstead
Bratton	George	Lenroot	Smoot
Broussard	Gillett	McKellar	Steck
Bruce	Gooding	McMaster	Trammell
Cameron	Hale	Mayfield	Tyson
Caraway	Harreld	Metcalf	Walsh
Cummins	Harris	Neely	Warren
Dill	Heflin	Norbeck	Watson
Edwards	Howell	Norris	Weller
Ernst	Jones, N. Mex.	Nye	Wheeler
Fernald	Jones, Wash.	Ransdell	Willis
Fess	Keyes	Sackett	
Fletcher	King	Sheppard	

NOT VOTING—24

Capper	Gerry	McKinley	Robinson, Ind.
Couzens	Glass	McLean	Schall
Curtis	Greene	Pepper	Stephens
du Pont	Harrison	Pine	Underwood
Edge	Johnson	Pittman	Wadsworth
Ferris	Kendrick	Robinson, Ark.	Williams

So Mr. MOSES's amendment was rejected.

Mr. JONES of New Mexico. Mr. President, I desire to offer an amendment. I may state to Senators that some question may arise as to the effect of certain language in the amendment. I have added some language to the amendment since it was printed, and have corrected a few copies of the printed amendment so as to contain the language I have added. I will ask the pages to distribute the copies to those who are interested in the amendment.

Mr. SMOOT. May we have the amendment read at this time?

Mr. JONES of New Mexico. The amendment may be read now.

The VICE PRESIDENT. The clerk will read the amendment.

The CHIEF CLERK. Strike out section 3, line 11, appearing on pages 5 and 6, and insert:

SEC. 3. The Secretary of the Treasury is hereby directed to carry into effect the provisions of existing law authorizing the acquisition of land for sites or enlargements thereof, and the erection, enlargement, extension, and remodeling of public buildings thereon in the following cities: Juneau, Alaska; Globe, Ariz.; Prescott, Ark.; Red Bluff and San Pedro, Calif.; Durango, Colo.; Branford and Putnam, Conn.; Marianna, Fla.; West Point, Ga.; Coeur d'Alene and Sandpoint, Idaho; Batavia, Metropolis, Mount Carmel, and Paxton, Ill.; Des Moines, Iowa; Shelbyville, Ky.; Caribou and Fort Fairfield, Me.; Leominster, Malden, Newburyport, Southbridge, Waltham, and Winchester, Mass.; Wyandotte, Mich.; Montevideo, Minn.; Central City, Nebr.; Fallon and Goldfield, Nev.; Bayonne, East Orange, Millville, and Montclair, N. J.; East Las Vegas, N. Mex.; Fort Plain, Long Island City, Syracuse, and Yonkers, N. Y.; Wilson, N. C.; Jamestown, N. Dak.; Akron, Fremont, and Wilmington, Ohio; Donora, Lewistown, McKees Rocks, Olyphant, Sayre, Tamaqua, Tarentum, and Waynesburg, Pa.; Lancaster, S. C.; Chamberlain, S. Dak.; Athens, Tenn.; Seattle, Wash.; Williamson, W. Va.; Madison and Tomah, Wis.; Buffalo and Cody, Wyo.; St. Louis, Mo.; Newark, N. J.; Utica, N. Y.; Missoula, Mont.; additional buildings for the marine hospital at Chicago, Ill.; medical officers' quarters at the marine hospital at Savannah, Ga.; construction of marine hospital facilities at Detroit, Mich. The Secretary of the Treasury is hereby authorized to disregard the limit of cost fixed by Congress for each of said projects, to purchase additional land for enlargement of sites, and for such purposes to expend in addition to the amounts heretofore appropriated such additional sums of money for each of said projects as he shall deem advisable, not exceeding in the aggregate $15,000,000: *Provided*, That in constructing the buildings embraced herein the Secretary of the Treasury is authorized, in his discretion, to provide space in such buildings for other activities or branches of the public service not specifically enumerated in the act or acts authorizing the acquisition of the sites, or the construction of the buildings, or both.

Mr. FERNALD. Mr. President, the main part of that amendment is entirely agreeable to me as chairman of the committee. As to one clause, I am not certain that I shall agree to it until I have an opportunity to make a comparison. Senators will recall that when lump-sum appropriations are made for buildings the Comptroller of the Currency insists that all the buildings must be constructed before any money can be drawn. Let me read the language of the bill. I am not certain that the Senator has it in his amendment. On page 6, beginning at the end of line 11, the bill provides that—

The Secretary of the Treasury is hereby authorized to disregard the limit of cost fixed by Congress for each project, to purchase additional land for enlargement of sites, and to enter into contracts for all or so many of said buildings heretofore authorized to be constructed.

That language is necessary in order to get the appropriations past the Comptroller of the Currency. I do not know whether it is in the Senator's amendment or not.

Mr. JONES of New Mexico. That is just the reason why I amended the amendment which I had tendered originally and why I had it circulated among the Members of the Senate. If the chairman of the committee will look at the end of the amendment as now drawn, I think he will find language which is quite ample to cover the point which the Senator from Maine has in mind.

Mr. FERNALD. I am very glad to have the amendment specifying the different towns and cities. It clears the situation, and that, I understand, is the proposition that I discussed with the Senator last week.

Mr. SMITH. Mr. President, may I ask the Senator a question?

Mr. JONES of New Mexico. I yield.

Mr. SMITH. Were the buildings or sites of the project as enumerated here taken from Senate Document No. 28?

Mr. JONES of New Mexico. Another Senator or two made inquiry regarding the same matter, and I shall be glad to make a statement.

Mr. WARREN. Mr. President, may I ask the Senator a question?

Mr. JONES of New Mexico. I yield to the Senator from Wyoming.

Mr. WARREN. I notice the list of buildings and sites. I introduced early in the session a bill carrying these projects and others which then remained to be built. In other words, taking Public Document No. 28 I found that some of them had been built, so that the bill which I introduced, but which I have not at hand now, covered all of those that had not been taken care of. Has the Senator seen that bill, or has he obtained from the Treasury the list of buildings involved in that particular bill less those that have been constructed in the meantime?

Mr. JONES of New Mexico. Mr. President, perhaps I had better answer one question at a time, if I may be permitted to do so. I desire to state in answer to those questions that the list of cities was made up from a list furnished to the Senate by the chairman of the committee. It was stated by the chairman of the committee that those were the cities where they expected to have buildings constructed to use the additional appropriation of $15,000,000. He gave to the Senate this list of those cities, and I took them from his statement. He said that he had had that list verified by the Treasury Department. I desire to state that there are two or three cases mentioned in Senate Document 28 which are not included in this list.

Mr. OVERMAN. There are a good many.

Mr. FERNALD. The list I gave the Senator is on page 65 of the hearings, and I find by comparison that there are two or three buildings left out.

Mr. SMOOT. There are a number of them left out.

Mr. STEPHENS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Mississippi?

Mr. JONES of New Mexico. I yield.

Mr. STEPHENS. I would like to direct the attention of the Senator from New Mexico to this proposition. Section 3 of the bill under consideration provides that $15,000,000 may be expended for acquiring land for sites or enlargements thereof, and the erection, enlargement, extension, and remodeling of public buildings in the several cities enumerated in Senate Document No. 28. That language includes two cities in the State of Mississippi. But under the amendment offered by the Senator from New Mexico those cities are omitted. I understood from the Senator all along that it was his purpose to include every city which was included originally in the bill. I want to ask him now whether it is his purpose to provide by the amendment that the State of Mississippi shall not have any advantage whatever of this $15,000,000.

Mr. JONES of New Mexico. It was to make clear just what the Senator is now inquiring about that I prepared the amendment as I did. That was one reason which entered into the preparation of the amendment. Under section 3 as contained in the bill it is not made certain that all of the buildings provided for in Document 28 would be constructed. I wanted to make it clear that certain buildings would be constructed and thought that we ought to make definite the language of the bill. If Senators will kindly——

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

Mr. JONES of New Mexico. I have two or three questions to answer now, and I would like to have an opportunity to answer them in order. I shall be glad to cover the entire field before the debate is closed, but I would like to make a statement in my own time, if I may, as to why the amendment was prepared.

The bill contains this provision as it originally came from the committee:

> In carrying into effect the provisions of existing law authorizing the acquisition of land for sites or enlargements thereof, and the erection, enlargement, extension, and remodeling of public buildings in the several cities enumerated in Senate Document No. 28, Sixty-eighth Congress, first session, and including public buildings at—

It then mentions five or six buildings which were provided for in acts subsequent to the act of 1913 and then proceeds to provide that in such cases—

> the Secretary of the Treasury is hereby authorized to disregard the limit of cost fixed by Congress for each project, to purchase additional land for enlargement of sites, and to enter into contracts for all or so many of said buildings heretofore authorized to be constructed, but not yet under contract, as may be possible within a total additional limit of cost of $15,000,000.

Under that language the Secretary of the Treasury was authorized to leave out any of the buildings enumerated in Document 28 which he might see fit to omit. It was to make sure that buildings in certain localities would be constructed under this section of the bill that I prepared the amendment. I asked the chairman of the committee what cities would be cared for under the provision. He read into the RECORD a list of them, and that list appears in the CONGRESSIONAL RECORD of April 16, beginning on page 7572.

Mr. FERNALD. Mr. President, if the Senator will yield a moment I will say that I find I was in error in the list. The Senator has it exactly as it was reported to me, but evidently it was a list of the reestimated projects. Document 28 carries the same towns that the Senator has given. I beg the Senator's pardon. Document 28 is the correct source of information.

Mr. SMOOT. Will the Senator allow me to explain Document 28 to him?

Mr. JONES of New Mexico. I think I understand Document 28 pretty well, and I will refer to it.

Mr. SMOOT. The list that the Senator has in his amendment is not the list in Document 28.

Mr. JONES of New Mexico. I understand that.

Mr. SMOOT. Those places taken from Document 28 really have been reestimated for. Let me call the Senator's attention to the cities here which I mentioned where there is an appropriation for the building and where it falls short. The bill as originally introduced would take care of such a building. I will take my own State of Utah, because I am familiar with it. I could take North Carolina or almost any State, but I will take Utah because I am familiar with it. Utah is not mentioned in the Senator's amendment at all, but at Nephi there was $5,000 appropriated for the purchase of a site and the site was purchased, but there is no appropriation for the building. The estimated cost was $65,000 for the building, and that is included in the $15,000,000. Then take the town of Vernal. There was an appropriation of $50,000. Of that sum $4,750 was for the purchase of a site, and it was purchased. That left $45,250 for the building, but the estimated cost was $130,250, leaving a balance of $85,000 that was to be paid out of the $15,000,000. The Senator's amendment has only taken care of the reestimated items and he will find that it does not compare with the original list.

Mr. WARREN. Mr. President, I wish to have read at the desk just one paragraph bearing on this matter. I am not against the Senator's amendment, but, in view of what he states, I am a little afraid he will fall short. I would like to have this paragraph read.

The VICE PRESIDENT. The clerk will read as requested.

The CHIEF CLERK. Reading from page 72 of the hearings:

> It says that the Secretary of the Treasury is hereby authorized "to enter into contracts for all or so many of said buildings heretofore authorized to be constructed, but not yet under contract, as may be possible within a total additional limit of cost of $15,000,000."
>
> Mr. LANHAM. That $15,000,000 will be sufficient to cover that?
>
> Mr. WETMORE. It is sufficient to cover that; yes. That qualification was put in there because of the ruling of the Comptroller General. I am not speaking now of the present Comptroller General, but it has been the settled rule of that office for years that wherever an appropriation is made by Congress in a lump sum to do a certain enumerated number of things, they must all be done, or none; and if we had this language without any qualification in there and if we could get 63 out of those 64 buildings under contract and could not get the sixty-fourth under contract, we would have no right to spend any of the money, so that we have done two things. We have put in this qualification to save us in the event of any fall-down anywhere,

and we have included more than $1,000,000 in excess of the amount that my office estimates is necessary in order to do that work. Somebody might say, "Why do you not say, outright, to do all of this?" That is the reason.

Mr. WARREN. The only point there is——

Mr. JONES of New Mexico. I understand the point, and it is a point which I intended to raise. It is the very point which caused me to prepare this amendment to the amendment. I had the changes made so that Senators could have a copy of the amendment in front of them to construe the language which is now in the amendment. It is my contention, if the Senator from Wyoming will permit me, that the language which I have used obviates the criticism which has just been made as to lump-sum appropriations generally and is intended specifically to meet that criticism.

Mr. WARREN. Mr. President, the present Comptroller General has made rulings upon other appropriations and other transactions directly the opposite to that; that is to say, the buildings would all have to be contracted for by name before a single one could be contracted for. On the other hand, where there was an appropriation, say, of $11,000,000 or $15,000,000 to cover all of such contracts, they can be covered at any time, and all but one of the buildings may be contracted for to-day, and then at the next session the one left out would be taken care of.

That is the point I make. The Senator may be right, but he is not quite in accord with the rulings that have been made by the present Comptroller General.

Mr. JONES of New Mexico. Mr. President, if the Senator from Wyoming will critically observe the language of my amendment, I feel quite sure he will reach a different conclusion. The language of the amendment does not provide for a lump-sum appropriation for a group of buildings; that is not it at all. If Senators will listen, I will read the amendment.

Mr. CARAWAY. Mr. President, before the Senator from New Mexico reads the amendment, may I interrupt him?

Mr. JONES of New Mexico. I hope I may answer the question now while it is fresh in the minds of the Senators, who are all interested in it, of course, and I think it is vital that it should be answered. The point raised by the chairman of the Committee on Appropriations is important, and I trust that Senators will have before them a copy of my amendment and observe the language of the amendment at the bottom of page 2. Here is what the amendment provides: In the first place, the Secretary is directed to erect certain buildings for which appropriations have already been made. That is one sentence, and that ends that sentence. Now comes another provision, which reads as follows:

> The Secretary of the Treasury is hereby authorized to disregard the limit of cost fixed by Congress for each of said projects, to purchase additional land for enlargement of sites, and for such purposes to expend, in addition to the amounts heretofore appropriated, such additional sums of money for each of said projects as he shall deem advisable, not exceeding in the aggregate $15,000,000:

I submit that under that language the Secretary of the Treasury would decide as to project A, for instance, how much additional money was necessary to complete it and allocate to that project a specific sum of money. That transaction is then closed. Then he can take up another one if he wants to allocate another amount, but, of course, when he gets through with his allocations he can not have exceeded $15,000,000.

No criticism has been made of the language which I have used in the amendment, so far as I know, and there has been no analysis of that language that I know of, but I think, if I am able at all to determine what language means, that it does meet the criticism which has been made by the Comptroller General as to lump-sum appropriations for an aggregate number of projects.

Mr. SMOOT. That is not at all the criticism that I have made.

Mr. JONES of New Mexico. Let us dispose of one point at a time. Then do I understand that the Senator from Utah agrees that the point raised by the Senator from Wyoming is covered by the language of the amendment?

Mr. SMOOT. Yes; as to the cities named in the amendment.

Mr. JONES of New Mexico. That is what I wanted to cover. If that is acceptable to Senators as an answer to the question raised by the Senator from Wyoming, we can proceed to something else.

Mr. BROUSSARD. Mr. President, will the Senator from New Mexico yield to me for a moment?

Mr. SHORTRIDGE. Mr. President, on that same point I should like to ask the Senator a question.

Mr. JONES of New Mexico. On that same point I will be glad to yield for any further criticism. The Senator from Louisiana first rose and I yield to him.

Mr. BROUSSARD. I wanted to make an inquiry of the Senator from New Mexico. The Senator has stated, as I understand, that the list of buildings in Document 28 embraces those which should be named.

Mr. JONES of New Mexico. If the Senator will pardon me, the question of what cities should be named, I shall be glad to take up in just a moment.

Mr. BROUSSARD. Very well.

Mr. JONES of New Mexico. Now, I yield to the Senator from California.

Mr. SHORTRIDGE. Do I understand the Senator from New Mexico, then, to construe the language found in his proposed amendment to mean that the Secretary of the Treasury must proceed to carry out the legislation with respect to all these severally named buildings?

Mr. JONES of New Mexico. That is the purpose of the amendment.

Mr. SHORTRIDGE. And that he may not, under this language, abandon or fail to proceed to carry out previous legislation?

Mr. JONES of New Mexico. That is the purpose of the amendment.

Mr. SHORTRIDGE. And that if he delays in the carrying out of any particular project as applied to a particular city it will not affect the progress of construction with respect to other cities?

Mr. JONES of New Mexico. That is precisely my understanding, and that was the very purpose of my adding this language by way of an amendment to the amendment.

Mr. SHORTRIDGE. In other words, the time is not of the essence of the matter, speaking in legal parlance.

Mr. JONES of New Mexico. Not at all.

Mr. SHORTRIDGE. That is the Secretary of the Treasury may, for good reason, defer action in respect to one city in order to carry on the work in another city.

Mr. JONES of New Mexico. The work with respect to one building will not interfere with the work regarding another building.

Mr. SMOOT and Mr. OVERMAN addressed the Chair.

Mr. JONES of New Mexico. I will yield, first, to the Senator from Utah and then I will yield to the Senator from North Carolina.

Mr. SMOOT. I have no objection to the wording of the amendment which the Senator from New Mexico has read, but I do have objection to naming the cities.

Mr. FERNALD. I understand the Senator is willing to strike out the names of the cities and to insert in lieu thereof "Document No. 28"?

Mr. JONES of New Mexico. I am quite willing to put in the name of any city that any Senator can say should be put in contained in Document 28.

Mr. FERNALD. Then I suggest that "Document No. 28" be put in instead of the list of cities.

Mr. SMOOT. That instead of the names of the cities put in "Document 28." That covers all of the cases of every kind wherever there has been a site purchased and an appropriation made, but no building has been erected because of the shortage of funds. They are all covered; and not only that but the $15,000,000 appropriation will complete them all, and, if the estimates are correct, there will be over a million dollars left.

Mr. SMITH. I have Senate Document No. 28 before me, and I should like to ask the Senator from Utah, what is the total amount yet to be appropriated to carry out the provisions of the law with respect to all these projects?

Mr. SMOOT. The estimate is $13,800,000. That will provide for everything included in Document 28.

Mr. SMITH. And complete the buildings?

Mr. SMOOT. And complete them; but $15,000,000 was appropriated because we thought perhaps there might be some building which would cost a little more on account of some local condition, and it was considered desirable to be on the safe side and insure the completion of every building mentioned in Document 28.

Mr. SMITH. Mr. President, if I may be permitted a further interruption, let me say that I like the language of the amendment better than the language of section 3, which goes on to say:

> The Secretary of the Treasury is hereby authorized to disregard the limit of cost fixed by Congress for each project, to purchase additional land for enlargement of sites, and to enter into contract for all or so many of said buildings heretofore authorized to be constructed—

And so forth. That, I understand, is stricken out by the amendment. I had an amendment prepared to cover that, but the proposition of the Senator from New Mexico makes it mandatory upon the Secretary to complete those buildings which have already been authorized and for some of which certain amounts have been appropriated; so that, if the Senator from Utah is correct, I would prefer to have the amendment amended by striking out the enumeration of the cities and substituting "Document 28."

Mr. FERNALD. Yes; and a little more than that should be added. There are some cities which are not mentioned in Document 28 that should be included.

Mr. SMOOT. They are enumerated in section 3.

Mr. FERNALD. They are enumerated in the bill.

Mr. SHORTRIDGE. Mr. President, will the Senator from Maine have the goodness to bear in mind that there are Senators on this side of the Chamber who are really interested in the bill but who can not hear the colloquy?

Mr. JONES of New Mexico. Mr. President, I yielded to the Senator from Utah for a question, and he has asked it, and we understand what it is. I promised next to yield to the Senator from North Carolina.

Mr. OVERMAN. Mr. President, I was merely going to add to what the Senator from Utah has said, that if we substitute "Senate Document No. 28," that will include four places in my State. It will include Wilson, which is specifically named in the amendment. A building will certainly be erected at Wilson, and if the words "Senate Document No. 28" be substituted, they may all be erected, because they come within the limit of cost of $15,000,000.

Mr. JONES of New Mexico. Now I yield to the Senator from Louisiana.

Mr. BROUSSARD. Mr. President, I merely wish to make an observation in addition before the Senator proceeds. I understand that the $15,000,000 will more than cover all the projects which have been authorized but not completed because of lack of sufficient appropriations. There are a few cities in my State not mentioned in the amendment of the Senator, and, of course, I want the buildings in those cities completed. So I should prefer that the words "Senate Document 28" be substituted for the language now in the amendment, because that document covers all the cities.

Mr. FERNALD. Mr. President, will the Senator yield to me?

Mr. JONES of New Mexico. I yield to the chairman of the committee.

Mr. FERNALD. Section 3 must be very carefully guarded. I wish to read it. Senators will see that several cities are mentioned that are not mentioned in the amendment of the Senator from New Mexico. I wish to read section 3 because we must provide for these other buildings. It is as follows:

SEC. 3. In carrying into effect the provisions of existing law authorizing the acquisition of land for sites or enlargements thereof, and the erection, enlargement, extension, and remodeling of public buildings in the several cities enumerated in Senate Document No. 28, Sixty-eighth Congress, first session, and including public buildings at St. Louis, Mo., authorized by the public buildings act approved March 4, 1913, amended by the act of January 17, 1920, and Newark, N. J., authorized by the public buildings act approved March 4, 1913, amended by the act of August 11, 1913, extension of the Federal building at Utica, N. Y., authorized by the public buildings act approved March 4, 1913, extension of the Federal building at Missoula, Mont., authorized by the public buildings act of March 4, 1913, the additional buildings for the marine hospital at Chicago, Ill., authorized by the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes, approved July 19, 1919, and for medical officers' quarters at the marine hospital at Savannah, Ga., authorized by the act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes, approved July 19, 1919, and for the construction of marine hospital facilities at Detroit, Mich.—

And so forth. All those would be left out of the Senator's amendment.

Mr. SMITH. Mr. President, let me ask the Senator a question.

Mr. JONES of New Mexico. Mr. President, I have the floor; and if Senators will kindly permit me to some extent to direct the debate, I will be obliged. If the Senator from Maine, the chairman of the committee, will turn to page 2, line 16, of my amendment, he will find there in about six lines I have taken care of all those buildings which require half a page in the bill as originally reported. By the language of the amendment beginning in line 16, after the word "Wyoming," down to and including line 20 and one word in line 21, all those places are taken care of.

Mr. FERNALD. Now, if the Senator will permit me a question——

Mr. JONES of New Mexico. Yes.

Mr. FERNALD. By mentioning Document No. 28 and in addition the places which the Senator has named in his amendment everything would be covered.

Mr. JONES of New Mexico. My purpose in naming these cities was twofold; first, to make specific the cities where the buildings are to be constructed; and, second, to make the law itself complete. I suppose that Congress has from time to time referred to some outside document, but Senate Document No. 28 is not known to the people of the country. If we shall pass this bill, simply referring to Senate Document No. 28 for a list of the cities where buildings are to be constructed, the country at large will know nothing about it; they will not know what it means.

I submit that when this bill is passed it should be complete enough in itself so that any citizen may take it in his hand and determine whether or not he is to have a building in his town. That is the objection I made to referring to the document as Document No. 28.

Mr. BROUSSARD. Mr. President——

Mr. JONES of New Mexico. In just a moment. If there are any places left out of this list through a misunderstanding which the chairman of the committee had with the Treasury Department, we can easily correct the list. It is here before us. We can check this list. There is not any trouble about that. Then when it is done we will know precisely what we may expect under section 3 of this bill.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. JONES of New Mexico. I promised to yield to the Senator from Louisiana. Then I will yield to the Senator from Arkansas.

Mr. CARAWAY. It makes no difference. After the Senator has yielded to him, I should like to make a suggestion.

Mr. BROUSSARD. Mr. President, I wish to call the Senator's attention to the fact that Louisiana has no buildings in this bill, but Document 28 carries Morgan City and Thibodaux.

Mr. JONES of New Mexico. Here is the trouble: It was represented here that a number of these buildings had been constructed. I remember the Senator from Virginia [Mr. SWANSON] and the chairman of the committee for a considerable length of time iterating and reiterating the fact that a number of the buildings referred to in Document 28 had been constructed. That was the statement made here at the time by each one of them. I wanted to know what buildings had not been constructed, and so we called upon the chairman of the committee to make a statement as to that. He made the statement, and the list which is included in my amendment corresponds precisely to the information which the chairman of the committee then had. I observe, on looking at Document 28, with respect to Louisiana, that one site was authorized at Morgan City, and that site was acquired under date of December 7, 1921. It was acquired under the act of 1913, I suppose; but on December 7, 1921, that site was acquired, and there never was an appropriation of any money for a building there, and therefore that place could not come within this provision. It would not be built under the language of the original act, because no building was authorized in that place.

As to the other case, I think the Senator from Louisiana is quite right about that, and it should be included in this list. In that case the site was acquired in 1918, and the cost of the building and site was to be $50,000, and there is left a balance of $45,000, and the Treasury Department estimates that it will take an increased amount of $15,000 to construct the building; and I shall be glad to include that in this amendment.

Mr. SWANSON. Mr. President, will the Senator yield to me?

Mr. JONES of New Mexico. I promised to yield to the Senator from Arkansas.

Mr. CARAWAY. Mr. President, the only thing I wanted to suggest to the Senator was that I am afraid that under the pretty well-known principle of law that the enumeration of certain items or certain places excludes all those not enumerated, the Senator's amendment would exclude every place not named, and therefore it would exclude three places in my State that were included in Document 28.

Mr. JONES of New Mexico. Just let me see as to that. In the State of Arkansas there are three places where sites and buildings were authorized. The sites have been purchased, except that in one case the site was donated, and one of those places is included in the list which I have here, but two of them are not included.

Mr. OVERMAN. Let me ask the Senator about North Carolina, if the Senator will turn to that. There are Edenton,

Lenoir, Lumberton, Mount Olive, and Mount Airy. Sites have been purchased in all but one place.

Mr. JONES of New Mexico. I may state with regard to those places in North Carolina that there were only two places where buildings were authorized to be constructed. They were Thomasville and Wilson. In this list Wilson is included, but for some reason Thomasville is not included.

Mr. OVERMAN. That building has just been completed.

Mr. JONES of New Mexico. That is in accord with the impression I got from the Senator from Virginia that a lot of these buildings had been completed.

Mr. OVERMAN. They will not use the money if they have been completed. They will have that much more money, then, than we expected. If we have $15,000,000 under this bill, and some of the buildings have been completed, we will have just that much more.

Mr. JONES of New Mexico. But that was the statement made here, and that is why I assumed that those not in this list had been constructed.

Mr. OVERMAN. No.

Mr. JONES of New Mexico. I received that information from the chairman of the committee.

Mr. SWANSON. Mr. President, if the Senator will permit me——

Mr. JONES of New Mexico. I yield to the Senator.

Mr. SWANSON. It does seem to me that the Senator ought not to insist on this amendment. With the modification that he makes I do not see any effect that is obtained by naming the places. The Senator has offered this amendment to make it imperative that all of these buildings should be constructed.

Mr. JONES of New Mexico. Yes.

Mr. SWANSON. Now he has had to modify that on account of the ruling of the Comptroller General that each one had to be separate.

Mr. JONES of New Mexico. No; that part of it is not modified.

Mr. SWANSON. The only reason the Senator gives is that it would let people know what is proposed to be done. If this amendment is adopted and any building included in Document 28 that is entitled to be constructed under section 3 is not named, it is eliminated.

Mr. JONES of New Mexico. Absolutely.

Mr. SWANSON. It does seem to me that we ought to rely on the naming in Document 28, which we all have legislated for, and not put it in the language of somebody who has gone over the list when we see that some buildings are left out.

Mr. JONES of New Mexico. Mr. President, if Senators prefer that to naming those places, I am quite willing to do that. If they will simply accept the first and last parts of my amendment and refer to Document 28, while I can not say that I have no objection to that, for I have, still, if it will satisfy more Senators, I am willing to concede that much.

Mr. SWANSON. Let Document 28 continue as naming the places.

Mr. JONES of New Mexico. I am willing to make Document 28 part of this amendment of mine for a description of the places where buildings are to be constructed.

Mr. SWANSON. What is the difference between the Senator's modified amendment and the way the matter now stands?

Mr. JONES of New Mexico. There is a vast difference, as the Senator will see if he will observe the language which is used in the amendment. If it is thought best to refer to that, it is my judgment that we had better go through Document 28 and find out just what cities are entitled to have buildings constructed at this time under section 3 and name them. That is my humble judgment about it. I think it is a poor way of framing legislation to refer to some document which the public does not have. I think we ought to name the cities in the law.

Mr. SHORTRIDGE. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from California.

Mr. SHORTRIDGE. I should like to suggest to the Senator that by his amendment he seems to have limited the cities in California to Red Bluff and San Pedro, two of our cities. In Document 28 other and additional cities are mentioned.

Mr. JONES of New Mexico. No; I agree with the suggestion just made by the Senator from Wisconsin, that if we are going to use Document 28 there is no necessity for naming any cities in the amendment; and unless we name all the cities in the amendment we are not carrying out what we intend to do. I am willing to adopt either plan. It was not the naming of them specifically that caused my concern, but it was the language which permitted the Secretary of the Treasury to leave out any of them.

Mr. SMOOT. If they are named in Document 28 he can not leave them out.

Mr. JONES of New Mexico. That is true. I think it can be done in that way. We can name Document 28 instead of naming the cities if we care to, but I suggest that it is a poor way of framing laws.

Mr. SHORTRIDGE. But I assume that the Senator will agree with me that if we set out just two cities we do in the very nature of things exclude all others.

Mr. JONES of New Mexico. Oh, there is no question about that; and it was the thought that the list here included all these cities.

Mr. SHORTRIDGE. Manifestly it does not.

Mr. JONES of New Mexico. We wanted to exclude all others, because it was assumed that they had been constructed or something of that sort. It now appears quite plain, and the chairman of the committee so states, that the list which he gave to the Senate was not complete. He, of course, had no intention to mislead anybody. It was simply lack of information furnished by the Treasury Department.

Mr. LENROOT. Mr. President, will the Senator yield? I should like to clear up one thing, because I want to be entirely fair with the Senate.

Mr. JONES of New Mexico. I yield.

Mr. LENROOT. Section 3 as it stands authorizes the completion of all buildings named in Document 28 which have been authorized to be constructed and appropriations made therefor; but because of the increased cost the amount appropriated is not sufficient, and we give $15,000,000 for the purpose of completing all such buildings as have been authorized. That is section 3 as it stands.

Mr. SWANSON. That is true. Everybody, I think, understands that.

Mr. LENROOT. But there are some cities named in Document 28——

Mr. SWANSON. Where simply sites are purchased.

Mr. LENROOT. Exactly.

Mr. SWANSON. My amendment is offered to give those places preference over other places.

Mr. JONES of New Mexico. Permit me to answer the Senator from Wisconsin. If the Senator from Wisconsin will just read the latter part of section 3 as presented by the committee, he will find that there is a very wide difference.

Mr. LENROOT. Oh, I am not speaking of the difference. I am speaking of what buildings could be included under section 3.

Mr. JONES of New Mexico. Oh, yes; I intended to include them.

Mr. SWANSON. Under section 3 no building is completed where only a site is purchased. That has been iterated and reiterated.

Mr. JONES of New Mexico. Yes; that is the purpose of it.

Mr. SWANSON. The Senator has made some mistakes in listing the places where a site has been purchased and an authorization rather than an appropriation has been made for the construction of the building. When he first offered his amendment I suggested that it was better to include the places named in Document 28 where the sites had been purchased and the buildings authorized which section 3 completes. The only difference between the Senator's amendment and the provision contained in section 3 as proposed by the committee is that the committee amendment says "such as he may see proper," which would leave the Secretary a discretion as to whether or not he would complete some of them. The Senator's amendment says that all of them must be completed, but to be divided to the different projects as they see proper, which would eliminate one of the Comptroller General's statements. I can see no objection to having it modified as he has it.

Mr. LENROOT. There is one other distinction. One is an authorization, and the Senator's amendment is a direction.

Mr. SWANSON. No.

Mr. SMOOT. Yes; it is.

Mr. JONES of New Mexico. Yes; that is in the first part of the amendment. One is an authorization and the other is a direction.

Mr. SWANSON. I did not see that. Where is it?

Mr. LENROOT. That is in line 2.

Mr. SWANSON. I do not know why that is necessary. If you will leave out the direction, then the latter part of the Senator's amendment will compel each project to be divided up.

Mr. JONES of New Mexico. I think so, too; but I can not see the objection to using the word "directed."

Mr. LENROOT. It is just a question of policy. If this amendment should be adopted, not one dollar could be appro-

priated next year for any buildings except those that have heretofore been authorized.

Mr. JONES of New Mexico. No, Mr. President; this is a provision which deals only with these buildings which have already been authorized.

Mr. SWANSON. If the Senator will permit, as I suggested, if we take out the word "direct" and put in the word "authorized," we will compel him to spend this $15,000,000 on these buildings and consume all the money, and practically leave no balance. He says he can construct them for $12,500,000; but the Senate would direct him to spend all this money on these buildings.

Mr. JONES of New Mexico. Mr. President——

Mr. SWANSON. Suppose we find he can do it for $10,000,000 as well?

Mr. JONES of New Mexico. I do not direct him to spend the $15,000,000. The Senator has not read the amendment with care.

Mr. LENROOT. I am assuming they will cost $15,000,000. Under the Senator's amendment, then, not one dollar could be appropriated for any other purpose than for the buildings set out in Document No. 28.

Mr. JONES of New Mexico. None of this $15,000,000 could be used for any other purpose.

Mr. LENROOT. We have the other limitation of $15,000,000 in another section.

Mr. JONES of New Mexico. That $15,000,000 in another section is for buildings aside from these.

Mr. LENROOT. Oh, no; it is not.

Mr. JONES of New Mexico. I so understood.

Mr. LENROOT. The Senator is mistaken.

Mr. JONES of New Mexico. I certainly so understood it. I will ask the chairman of the committee——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). It is impossible for the reporter to make a record of the debate unless Senators will address the Chair and obtain the floor.

Mr. FERNALD. Mr. President, I was very glad to accept the Senator's amendment yesterday, but I would like to have him withdraw it——

Mr. LENROOT. There was some colloquy——

Mr. FERNALD. I did not hear it.

Mr. LENROOT. I made the statement that the aggregate amount of appropriations which the Appropriations Committee could report in any one year, including these buildings, as well as those enumerated in the other part of the bill, must be not to exceed $25,000,000.

Mr. FERNALD. Absolutely; that is right.

Mr. JONES of New Mexico. Mr. President——

Mr. LENROOT. And $10,000,000 of that must be expended in the District of Columbia, leaving $15,000,000 for the outside.

Mr. JONES of New Mexico. I think the Senate has wholly failed to comprehend. Is there a Senator here who has understood that for the first year no buildings would be commenced or provided for except those referred to in Document 28?

Mr. SIMMONS and Mr. LENROOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Mexico yield; and if so, to whom?

Mr. JONES of New Mexico. I yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, as I have understood this bill from the beginning, the Senator's amendment points out the real difficulty and the injustices of the bill as framed by the committee. The bill as framed by the committee permits only $15,000,000 to be used in any one year outside of the District of Columbia. A part of that $15,000,000 may be used for the construction of buildings on sites that have already been acquired. A part of it may be used for the construction of buildings on sites hereafter to be acquired. But the cost of the construction in one year, both of buildings on sites heretofore acquired and those on sites hereafter to be acquired, can not exceed $15,000,000. That is the limit of expenditure in any year, both for constructing buildings on sites that have been acquired and those constructed on sites hereafter to be purchased. The Senator's amendment, as I see it, would require as much of this $15,000,000 as is necessary to finish the buildings on sites heretofore acquired to be used for that purpose, leaving not a dollar to be appropriated for buildings on sites hereafter to be acquired, if it shall take the whole $15,000,000.

On the other hand, if the bill should pass as it came from the committee, it would be within the power of the Secretary of the Treasury, if he saw fit, not to use a dollar of this money for the purpose of constructing a building on a site already acquired, until the last year. He could use the $15,000,000 every year for the construction of new buildings on new sites, and postpone the use of the $15,000,000 appropriated for sites already acquired until the last year provided under this bill.

Mr. LENROOT. Provided Congress agreed to it. Congress would have to agree to it.

Mr. SIMMONS. Of course, always provided that Congress agreed to it. That is the trouble about the bill. The Senator's amendment provides for the use of the money the first year on practically all the sites heretofore acquired. The bill is so drawn that, if it should pass, the Secretary of the Treasury would not be required to use any of the money for the construction of the buildings on old sites until the last year of the six years in which this fund is to be appropriated and employed.

Mr. JONES of New Mexico. I am very grateful to the Senator from Wisconsin for calling attention to the point which he has raised. If he is correct about it, I am sure the Senate does not understand this bill. I have been here all during the debate on this bill, and the chairman of the committee and the senior member of the minority of the committee have repeatedly said to the Senate that the buildings already authorized are taken care of in section 3——

Mr. LENROOT. They are.

Mr. JONES of New Mexico. That there is another fund of $150,000,000, $50,000,000 of which shall be expended in the District of Columbia and the other $100,000,000 outside the District of Columbia. Ever since we have been discussing this bill at all, those were the things referred to, that there is $100,000,000 for buildings outside the District, $50,000,000 for those inside, and $15,000,000 provided to take care of buildings heretofore authorized.

Mr. LENROOT. That is correct.

Mr. JONES of New Mexico. Now we are told that the first year there is to be nothing expended on the outside at all except for buildings already authorized.

Mr. LENROOT. Under the Senator's amendment that would be true.

Mr. JONES of New Mexico. If the bill means that the first $15,000,000 can be used for the construction of buildings other than those referred to in section 3, I want to know when the buildings in section 3 are going to be constructed.

Mr. SIMMONS. That is exactly what I said. Under the bill they may not be constructed, if the Secretary of the Treasury so decides, for six years.

Mr. JONES of New Mexico. It was in order to be absolutely sure that these buildings would be constructed that I offered my amendment. They have been authorized now for 13 years. Why should they not be constructed? If this bill does not make arrangements for their immediate construction, I say that the bill can not be justified.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. I gladly yield.

Mr. LENROOT. The possibilities are exactly as stated by the Senator from North Carolina, but what would actually happen would be that the vast majority of these buildings enumerated in section 3 would be estimated for and appropriations would be made, but not necessarily the whole amount appropriated the first year, because there would be some other emergencies not covered by section 3 that would be taken care of ahead of some buildings enumerated in Document No. 28. But Congress would control the situation, because they must appropriate and appropriate upon estimates.

Mr. SIMMONS. That is the only hope in case this bill shall be passed, as it came from the committee, that Congress would control it. As I had worked it out in my mind, I had about concluded that the Secretary of the Treasury would determine to allot a certain amount of the $15,000,000 for the construction of buildings on old sites and another amount of it for the construction of buildings on new sites, dividing the money up, and that Congress might be satisfied with that division. But under the bill, as it came from the committee, if the Secretary of the Treasury sees fit and Congress does not restrain him not to spend a dollar of this money on sites that have already been purchased until the last year, he can do it.

I am rather inclined to think that the Senator's amendment is more just in that particular than the committee bill. The Senator provides, substantially, that, before any part of this money shall be spent for the purchase of new sites and the construction thereon of new buildings, the buildings shall be constructed upon sites that have already been acquired. That would be the effect of the Senator's amendment, undoubtedly. I think we ought to know exactly what will be the effect of it and whether we desire to go that far.

I believe it would probably be better if we had a provision directing the Secretary of the Treasury to apply a certain part of this $15,000,000 for sites already purchased and apply

another part of it for the construction of buildings on sites hereafter to be purchased.

Mr. JONES of New Mexico. Mr. President, if I have been in error about this, I want to know it, and I think the Senate ought to know it. It has been my understanding——

The PRESIDING OFFICER. Just a moment. There is so much conversation going on in the Chamber that it is impossible for the Chair to hear what the Senator is saying. The Senate will be in order.

Mr. JONES of New Mexico. Mr. President, it has been my understanding that the $15,000,000 referred to in section 3 was a separate fund to take care of a specific matter, and that that should be done regardless of the workings of the bill otherwise; that there would be $100,000,000 used, beginning with the operation of the law, outside of the city of Washington, and $50,000,000 in the city of Washington; that as soon as this bill passed there would be authority for an appropriation of $15,000,000 to be used specifically for the completion of the buildings heretofore authorized. The thought had never occurred to me that that $15,000,000 would not be available for that specific purpose.

Mr. SWANSON. Mr. President, if the Senator will permit me——

Mr. LENROOT. Will the Senator yield to me?

Mr. JONES of New Mexico. The Senator from Virginia rose first.

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. JONES of New Mexico. I yield to the Senator from Virginia.

Mr. SWANSON. My understanding—and a reading of the bill ought to make it clear—is that $15,000,000 is an authorization for the completion of buildings where sites have been purchased and buildings have been authorized.

Mr. JONES of New Mexico. May I ask the Senator from Virginia when it is intended that the $15,000,000 shall become available for that purpose?

Mr. SWANSON. If the Senator will read the provision on page 7 of the bill, which enumerates all these different appropriations, he will find that it specifically says that not more than $25,000,000 in the aggregate shall be expended annually. That means that the Secretary of the Treasury can proceed to contract for all the buildings provided for, as I understand it, under the $15,000,000 authorization, but not more than $15,000,000 can be appropriated annually for all the purposes of this bill, as I understand it.

Mr. FESS. In other words, we could appropriate the $15,000,000 the first year and apply it to these authorized buildings.

Mr. SWANSON. No; the Secretary can enter into contracts. It is left to Congress to determine the amount of the appropriation, which shall not be more than $25,000,000. We could appropriate $25,000,000, $10,000,000 of which would go to the District, and $15,000,000 outside.

Mr. JONES of New Mexico. I will state to the Senator from Virginia very plainly what I thought the bill meant, and that is why I have been trying to put it in shape so it would pass the Senate. I thought it meant that the $15,000,000 would be provided to complete buildings heretofore authorized, and that that should be a thing separate and apart from anything else, and I think every Senator here within the sound of my voice understood it that way.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. I yield.

Mr. LENROOT. If the Senator will read to refresh his recollection he will find that section 5 is so worded that I do not see how he could have been so misled. It reads:

> For the purpose of carrying out the provisions of this act the sum of $150,000,000, in addition to the amount authorized in section 3 hereof, is hereby authorized to be appropriated, but under this authorization and from appropriations * * * heretofore made for the acquisition of sites for, or the construction, enlarging, remodeling, or extension of, public buildings under the control of the Treasury Department, not more than $25,000,000 in the aggregate shall be expended annually.

Mr. JONES of New Mexico. I quite agree that I did not read it with the care I should have taken, and that I have been depending on discussion here on the floor of the Senate. But that was my understanding, and it was only upon that understanding that I have attempted to support the bill. If this thing fails, I think the bill should fail.

Mr. FESS. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Ohio.

Mr. FESS. When the measure was before the Senate in the last session providing $50,000,000 for the District and nothing for buildings outside of the District, an amendment was offered by the senior Senator from Florida [Mr. FLETCHER] giving sufficient authorization to take care of those authorized buildings. When the new bill was introduced at this session Senators had that in mind, and made provision for $100,000,000 for buildings outside of the District and $50,000,000 in the District, and then added a provision to take care of the other items and estimated that $15,000,000 would do it.

Mr. JONES of New Mexico. That is my understanding, but that the $15,000,000 for the buildings heretofore authorized was a thing separate and apart.

Mr. SMITH. That was my understanding, too.

Mr. JONES of New Mexico. I understood it was separate and apart from the $150,000,000 program; that the rest of the bill took care of the $150,000,000 program, and that the $15,000,000 was to become available at once for the completion of those buildings mentioned in Document No. 28. That was my understanding.

Mr. SMITH. Why can we not amend the bill now to make that the fact rather than have it jeopardized by the language now used?

Mr. FESS. Under the language of the bill the $10,000,000, which may be expended in the District the first year, and $15,000,000 to complete the authorized buildings, would make $25,000,000, and we would get immediate construction of the authorized buildings.

Mr. SIMMONS. The Senator is altogether wrong about that. I think the impression in the Senate up to this time has been just that of the Senator from New Mexico. I think it has been the prevailing opinion that the $15,000,000 would be at once available and could be used for the construction of such buildings as were to be erected on sites already acquired, and that in addition to that there would be available $15,000,000 for the construction of new buildings. That is clearly not so. When I stated to the Senator from South Carolina a little while ago that that was not true I think he changed his attitude toward the bill altogether.

It is true that the $15,000,000 is in addition to the $150,000,000. It will go for the purpose of making up the aggregate amount, but for the purpose of the appropriation annually the two are linked together, and of the $150,000,000, which we are to appropriate for public buildings, only $15,000,000 can be used in any one year outside of the District of Columbia. The question is how much of that $15,000,000 will be used for the old buildings and how much will be used for the new buildings. That is a matter which we have apparently left to the Secretary of the Treasury, subject, of course, to the action of Congress in approving or disapproving the appropriation of the money for that specific purpose.

Mr. JONES of New Mexico. It was that matter that I wanted to settle by the amendment which I have proposed.

Mr. SIMMONS. The Senator would settle it if the amendment were agreed to, undoubtedly. The old buildings would have to be constructed before the new buildings were constructed.

Mr. JONES of New Mexico. I would like to suggest to the chairman of the committee that I am sure it was understood that the $15,000,000 and the buildings heretofore authorized were to be considered separate and apart from the $150,000,000 program. If it is not that way, I do not think the bill ought to pass. I suggest to the chairman of the committee that the latter part of the bill referred to just a while ago by the Senator from Wisconsin be changed so as to except from the limit of the appropriation of $25,000,000 the $15,000,000 referred to in section 3 of the bill.

Mr. CURTIS. Mr. President, I want to ask the Senator if he does not think it is possible that we can reach some agreement on the matter. It seems probable that we can settle the question in some way. May we not let the measure go over until to-morrow at some hour, and in the meantime the Senator from New Mexico and others can get together and see if they can not reach an agreement.

Mr. SMITH. Mr. President, I do not think there is anyone here who does not desire to have the bill put in proper shape. There is an earnest effort, apparently, to accomplish that purpose. I think we should have an agreement that we shall devote ourselves entirely to this matter and when we reach the proper conclusion then vote on it. I would dislike to be estopped from perfecting the bill by any agreement of limitation as to time. If there is any disposition to filibuster or any disposition to delay it because somebody wants to vote against it, I am not aware of it. I do not think anyone desires to vote against the bill if we can get it in proper shape.

Mr. CURTIS. I am perfectly satisfied that that is true. I know there is no effort being made to filibuster; but the bill

has been before the Senate for several weeks. I think, perhaps, more can be done by having Senators get together outside of the Senate Chamber than by discussing it on the floor. It may be discussed on the floor after they have reached an agreement. I wonder if we could not have a unanimous-consent agreement that if the bill is not passed by the usual time for an adjournment or a recess to-morrow afternoon we shall have a night session to-morrow for the purpose of completing the consideration of the bill. That would give everybody ample time to discuss it.

Mr. SMITH. Could we not have some understanding that no other business shall come before the Senate after the bill is placed before the Senate to-morrow? Surely Senators could forego making speeches on the Volstead Act or something else during the consideration of this bill, at least until we have disposed of it. Could we not have an agreement that we shall devote to-morrow to this bill alone?

Mr. FERNALD. Senators will recall that there was some difference of opinion among Senators on the other side of the aisle and myself, and that we got together yesterday and agreed on a compromise amendment which was entirely satisfactory. I am sure that we can get together on this proposition. I wish we might agree by unanimous consent that we would, beginning to-morrow at 12 o'clock, consider the bill and debate it until 5 o'clock and then vote on the bill.

Mr. SMITH. And confine our discussion only to the bill itself.

Mr. FERNALD. Yes.

Mr. LENROOT. Mr. President, I ask unanimous consent that until the bill is disposed of, either by passage or recommittal or otherwise, debate shall be confined to the bill.

Mr. BRUCE. Mr. President, I will call attention to the fact that there are a great many amendments pending.

Mr. LENROOT. But until we dispose of the bill let us confine debate to the bill. There is no proposal to limit debate.

Mr. BROUSSARD. Is it possible to enter into this unanimous-consent agreement before we have a quorum call?

Mr. FESS. That rule applies only to an agreement for a final vote.

Mr. LENROOT. This is not fixing a time to vote; it is merely providing that until the bill is disposed of we shall confine discussion to the bill itself.

The PRESIDING OFFICER. Does the Senator from Wisconsin desire that the unanimous-consent request be placed before the Senate?

Mr. LENROOT. I do.

Mr. OVERMAN. Mr. President, I suggest that the Senators who have been talking so much about the pending amendment, the chairman of the committee [Mr. FERNALD], the Senator from Wisconsin [Mr. LENROOT], the Senator from New Mexico [Mr. JONES], and the Senator from North Carolina [Mr. SIMMONS] get together and see if they can iron out the proposition so that they will all agree to it. They have different views upon it, but are all trying to arrive at the same object. I believe they could prepare an amendment that would be satisfactory to everybody.

The PRESIDING OFFICER. The Chair must ask Senators to take their seats. It is impossible to know who has the floor, and it is impossible for the Official Reporter to report the debate properly. [After a pause.] The Senator from New Mexico has the floor.

Mr. JONES of New Mexico. Does the Senator from Wisconsin desire to have his unanimous-consent request submitted?

Mr. LENROOT. I would like to renew the request, and I will restate it. It is that when the bill is before the Senate and until it shall be disposed of, debate shall be confined to the bill.

Mr. NEELY. Mr. President, I offer as an amendment to the unanimous-consent proposal, that no Senator shall speak more than once or for more than one hour during the course of the debate.

Mr. LENROOT. Not more than once? There are a number of amendments to be offered.

Mr. NEELY. Not more than once and not longer than one hour on the bill, and not more than once and not longer than 10 minutes on each amendment.

Mr. JONES of New Mexico. If there were any disposition to filibuster, I would agree to the request of the Senator from West Virginia.

Mr. BROUSSARD. I have an amendment to offer, which I am sure will take more than 10 minutes to explain.

Mr. FERNALD. Let us complete this arrangement if we can. If the Senator from New Mexico [Mr. JONES], the Senator from North Carolina [Mr. SIMMONS], the Senator from Wisconsin [Mr. LENROOT], and the Senator from Ohio [Mr. FESS] will meet at my office, 250 Senate Office Building, to-morrow morning at 10 o'clock we will try to come to some agreement, as we did with reference to the amendment which was adopted yesterday.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement proposed by the Senator from Wisconsin as amended by the Senator from West Virginia?

Mr. SHORTRIDGE. Yes; there is objection.

Mr. SMITH. I do not think the Senator from West Virginia understands the situation, because if we confine ourselves to a discussion of the bill no one ought to be limited. I think we can get through very much more quickly if we let each one say what he desires to say, because the spirit that is actuating all of us is to try to get the bill as nearly in proper shape as possible. If we enter into the agreement just as the Senator from Wisconsin put it, I am sure that to-morrow we will bring about the final disposition of the bill.

Mr. NEELY. I fully understand the situation. I had hoped that we might get a vote on the bill some time between now and the middle of the summer. If it will expedite matters, however, to withdraw my proposed amendment to the request of the Senator from Wisconsin, I will withdraw it.

The PRESIDING OFFICER. The Chair understands that the amendment proposed by the Senator from West Virginia has been withdrawn. Is there objection to the unanimous-consent request submitted by the Senator from Wisconsin [Mr. LENROOT]? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4001. An act to relieve persons in the military and naval services of the United States during the war emergency period from claims for overpayment at that time not involving fraud;

H. R. 6535. An act to amend so much of section 55 of the Hawaiian organic act as amended by the Hawaiian homes commission act, approved July 9, 1921;

H. R. 9496. An act authorizing the Secretary of the Interior to convey certain lands reserved for park and other purposes in the town of Hennessey, Okla., to said town of Hennessey, Okla.;

H. R. 9636. An act to provide for the inspection of the battle field of Pea Ridge, Ark.;

H. R. 9730. An act to provide for an adequate water-supply system at the Dresslerville Indian Colony;

H. R. 10126. An act to revise the boundary of the Mount Rainier National Park in the State of Washington, and for other purposes;

H. R. 10352. An act to extend the time for constructing a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.;

H. R. 10610. An act to confirm the title to certain lands in the State of Oklahoma to the Sac and Fox Nation or Tribe of Indians;

H. R. 10859. An act to provide for the transfer of certain records of the General Land Office to States, and for other purposes;

H. R. 11084. An act to amend the act of February 28, 1925, fixing the compensation of fourth-class postmasters;

H. R. 11171. An act to authorize the deposit and expenditure of various revenues of the Indian Service as Indian moneys, proceeds of labor; and

H. R. 11204. An act exempting from the provisions of the immigration act of 1924 certain Spanish subjects residents of Porto Rico on April 11, 1899.

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred as indicated below:

H. R. 6535. An act to amend so much of section 55 of the Hawaiian organic act as amended by the Hawaiian homes commission act, approved July 9, 1921; to the Committee on Territories and Insular Possessions.

H. R. 11202. An act to provide for the preparation, printing, and distribution of pamphlets containing the Declaration of Independence, with certain biographical sketches and explanatory matter; to the Committee on Printing.

H. R. 9875. An act to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States Marine Hospital Reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service,

and for other purposes," approved June 7, 1924; to the Committee on Public Buildings and Grounds.

H. R. 10352. An act to extend the time for constructing a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.; to the Committee on Commerce.

H. R. 11204. An act exempting from the provisions of the immigration act of 1924 certain Spanish subjects residents of Porto Rico on April 11, 1899; to the Committee on Immigration.

H. R. 3842. An act authorizing the Postmaster General to make monthly payment of rental for terminal railway post-office premises under lease; and

H. R. 11084. An act to amend the act of February 28, 1925, fixing the compensation of fourth-class postmasters; to the Committee on Post Offices and Post Roads.

H. R. 4001. An act to relieve persons in the military and naval services of the United States during the war emergency period from claims for overpayment at that time not involving fraud;

H. R. 9636. An act to provide for the inspection of the battle field of Pea Ridge, Ark.; and

H. R. 10131. An act granting the consent of Congress to the Wakefield National Memorial Association to build upon Government-owned land at Wakefield, Westmoreland County, Va., a replica of the house in which George Washington was born, and for other purposes; to the Committee on Military Affairs.

H. R. 9496. An act authorizing the Secretary of the Interior to convey certain lands reserved for park and other purposes in the town of Hennessey, Okla., to said town of Hennessey, Okla.;

H. R. 9916. An act to revise the boundary of the Grand Canyon National Park in the State of Arizona, and for other purposes;

H. R. 10126. An act to revise the boundary of the Mount Rainier National Park in the State of Washington, and for other purposes;

H. R. 10733. An act to make additions to the Absaroka and Gallatin National Forests and the Yellowstone National Park, and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes; and

H. R. 10859. An act to provide for the transfer of certain records of the General Land Office to States, and for other purposes; to the Committee on Public Lands and Surveys.

ADDITIONAL JUDICIAL DISTRICT IN GEORGIA

The bill (H. R. 10055) to amend section 77 of the Judicial Code to create a middle district in the State of Georgia, and for other purposes, was read twice by its title.

Mr. GEORGE. Mr. President, I ask unanimous consent that the bill just read may be substituted for Order of Business 698, being the bill (S. 2762) to amend section 77 of the Judicial Code to create a middle district in the State of Georgia.

Mr. CURTIS. Are the bills identical?

Mr. GEORGE. They are not identical. The Senate bill on the calendar, however, has been considered by the Judiciary Committee and unanimously recommended for passage. If my request to substitute the House bill for the Senate bill shall be granted, I desire to ask unanimous consent for the present consideration of the House bill.

The PRESIDING OFFICER. Unanimous consent is requested that House bill 10055 be substituted for Senate bill 2762, and that the House bill may be immediately considered. Is there objection?

Mr. BRUCE. Mr. President, I should like to know the subject matter of the bill.

The PRESIDING OFFICER. The Secretary will again read the bill by title.

The CHIEF CLERK. A bill (H. R. 10055) to amend section 77 of the Judicial Code to create a middle district in the State of Georgia, and for other purposes.

Mr. BRUCE. Very well; I have no objection to the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GEORGE. I move to strike out all after the enacting clause of the bill and to insert what I send to the desk, being the amendment reported to the Senate bill by the Committee on the Judiciary with slight modifications.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia will be stated.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and to insert:

That section 77 of the Judicial Code as amended is amended to read as follows:

"SEC. 77. (a) The State of Georgia is divided in three judicial districts, to be known as the northern, middle, and southern districts of Georgia.

"(b) The northern district shall include three divisions, constituted as follows: The Gainesville division, which shall include the territory embraced on January 1, 1925, in the counties of Banks, Barrow, Dawson, Forsyth, Habersham, Hall, Jackson, Lumpkin, Rabun, Stephens, Towns, Union, and White; the Atlanta division, which shall include the territory embraced on such date in the counties of Campbell, Carroll, Cherokee, Clayton, Cobb, Coweta, Dekalb, Douglas, Fannin, Fayette, Fulton, Gilmer, Gwinnett, Heard, Henry, Milton, Newton, Pickens, Rockdale, Spalding, and Troup; and the Rome division, which shall include the territory embraced on such date in the counties of Bartow, Catoosa, Chattooga, Dade, Floyd, Gordon, Haralson, Murray, Paulding, Polk, Walker, and Whitfield.

"(c) Terms of the district court for the Gainesville division shall be held at Gainesville on the fourth Mondays in April and November; for the Atlanta division at Atlanta on the second Monday in March and the first Monday in October; and for the Rome division at Rome on the third Mondays in May and November.

"(d) The middle district shall include six divisions, constituted as follows: The Athens division, which shall include the territory embraced on January 1, 1925, in the counties of Clarke, Elbert, Franklin, Greene, Hart, Madison, Morgan, Oconee, Oglethorpe, and Walton; the Macon division, which shall include the territory embraced on such date in the counties of Baldwin, Bibb, Bleckley, Butts, Crawford, Hancock, Houston, Jasper, Jones, Lamar, Monroe, Peach, Pike, Pulaski, Putnam, Twiggs, Upson, Washington, and Wilkinson; the Columbus division, which shall include the territory embraced on such date in the counties of Chattahoochee, Clay, Harris, Marion, Meriwether, Muscogee, Quitman, Randolph, Stewart, Talbot, and Taylor; the Americus division, which shall include the territory embraced on such date in the counties of Crisp, Dooly, Lee, Macon, Schley, Sumter, Terrell, Webster, and Wilcox; the Albany division, which shall include the territory embraced on such date in the counties of Baker, Calhoun, Decatur, Dougherty, Early, Grady, Miller, Mitchell, Seminole, Turner, and Worth; and the Valdosta division, which shall include the territory embraced on such date in the counties of Berrien, Brooke, Colquitt, Cook, Echols, Irwin, Lanier, Lowndes, Thomas, and Tift.

"(e) The terms of the district court for the Athens division shall be held at Athens on the first Mondays in June and December; for the Macon division at Macon on the first Mondays in May and November; for the Columbus division at Columbus on the first Mondays in March and September; for the Americus division at Americus on the second Mondays in February and June: *Provided*, That suitable rooms and accommodations are furnished for holding court at Americus free of cost to the Government until a public building shall have been erected or put into proper condition for such purpose in said city; for the Albany division at Albany on the first Mondays in April and October; and for the Valdosta division at Valdosta on the third Mondays in March and September.

"(f) The southern district shall include four divisions, to be constituted as follows: The Augusta division, which shall include the territory embraced on January 1, 1925, in the counties of Burke, Columbia, Glascock, Jefferson, Lincoln, McDuffie, Richmond, Taliaferro, Warren, and Wilkes; the Dublin division, which shall include the territory embraced on such date in the counties of Dodge, Emanuel, Jeff Davis, Johnson, Laurens, Montgomery, Telfair, Toombs, Treutlen, and Wheeler; the Savannah division, which shall include the territory embraced on such date in the counties of Bryan, Bulloch, Candler, Chatham, Effingham, Evans, Jenkins, Liberty, Long, McIntosh, Screven, and Tattnall; and the Waycross division, which shall include the territory embraced on such date in the counties of Appling, Atkinson, Bacon, Ben Hill, Brantley, Camden, Charlton, Clinch, Coffee, Glynn, Pierce, Ware, and Wayne.

"(g) The terms of the district court for the Augusta division shall be held at Augusta on the first Monday in April and the third Monday in November; for the Dublin division at Dublin on the third Mondays in January and June: *Provided*, That suitable rooms and accommodations are furnished for holding court at Dublin, free of cost to the Government, until public building shall have been erected or put into proper condition for such purpose in said city; for the Savannah division at Savannah on the second Tuesdays in February, May, August, and November; and for the Waycross division at Waycross on the second Mondays in June and December: *Provided*, That suitable rooms and accommodations are furnished for holding court at Waycross, free of cost to the Government, until public building shall have been erected or put into proper condition for such purposes in said city."

SEC. 2. (a) The district judges for the northern and southern districts of Georgia in office immediately prior to passage of this act shall be the district judges for such districts as constituted by this act; and the district attorneys and marshals for the northern and southern districts of Georgia in office just immediately prior to the passage of this act shall be during the remainder of their present terms of office

the district attorneys and marshals for such districts as constituted by this act.

(b) The President is authorized to appoint, by and with advice and consent of the Senate, for the United States District Court for the Middle District of Georgia, a district judge who shall reside in such district, a district attorney, and a marshal.

(c) The clerk of the court for each of said districts shall maintain an office, in charge of himself or a deputy, in the respective divisions of the district, and the offices for such court shall be kept open at all times for transaction of business of the court.

SEC. 3. The following acts are repealed:

1. The act entitled "An act to amend section 77 of an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911," approved March 4, 1913;

2. The act entitled "An act to place Barrow County, Ga., in the eastern division of the northern district of Georgia," approved March 3, 1915; and

3. The act entitled "An act to place Candler, Jenkins, and Evans Counties, Ga., in the eastern division of the southern district of Georgia, and to place Bacon and Thomas Counties, Ga., in the southwestern division of the southern district of Georgia," approved March 3, 1915.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

On motion of Mr. GEORGE, the bill (S. 2762) to amend section 77 of the Judicial Code to create a middle district in the State of Georgia was indefinitely postponed.

REMISSION OF FINES IMPOSED ON MAIL CONTRACTORS

Mr. MOSES. Out of order, I ask unanimous consent to make a report from the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. MOSES. From the Committee on Post Offices and Post Roads I report favorably without amendment the bill (H. R. 9511) authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service. I ask unanimous consent for the present consideration of the bill.

Mr. KING rose.

Mr. MOSES. Before the Senator from Utah interposes, I will say that the bill is designed to take care of a situation in the Post Office Department. The Comptroller General has denied the right of the Postmaster General to remit penalties and fines which have been imposed upon mail contractors and carriers when they have been imposed through no fault of the penalized person. As a typical instance, as is shown in the House report accompanying the bill, a carrier was penalized in a sum of something like $13, through the error of a postmaster in making his return. The postmaster reported the fact that the carrier did not perform his duty on a given day, which was true, but the postmaster did not also report that the carrier had furnished a substitute, the carrier himself being sick. It is to take care of cases like that wherein the Comptroller General has refused to sign the orders of the Postmaster General remitting these fines or reimbursing the persons who have been penalized. The language of the proposed statute is such that the Treasury is wholly safeguarded with reference to these payments.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. Mr. President, let me ask the Senator from New Hampshire a question. I should like to ask the Senator whether there is any limitation in the bill upon the power of the Post Office Department to remit such fines; that is to say, may the department remit any penalty as it may please?

Mr. MOSES. No; it may remit only penalties of the kind that are imposed for reputed failure to perform under a contract. The Senator from Utah knew perfectly well, because in his own State there are numerous instances of the star-route contractors, for example——

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Kansas?

Mr. MOSES. I yield.

Mr. CURTIS. I desire to suggest that if this measure is going to give rise to any debate or the consumption of more time, I shall have to insist on my motion.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. KING. I shall not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 266 of the act of June 8, 1872, chapter 335 (17 Stat. p. 315), Revised Statutes 3962, so as to read as follows: "The Postmaster General may make deductions from the pay of contractors for failure to perform service according to contract and impose fines upon them for other delinquencies, which deductions or fines may be changed or remitted, in his discretion. He may deduct the price of the trip in all cases where the trip is not performed and not exceeding three times the price if the failure be occasioned by the fault of the contractor or carrier."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DETERIORATED AND UNSERVICEABLE AMMUNITION

Mr. CAMERON. I ask unanimous consent for the present consideration of the bill (S. 3163) to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes, which is on the calendar, having been favorably reported from the Committee on Military Affairs by the Senator from New York [Mr. WADSWORTH].

Mr. BRUCE. I should like to know the subject matter of the bill for which the Senator from Arizona asks for consideration.

The PRESIDING OFFICER. Will the Senator permit the Chair to lay before the Senate the amendments of the House of Representatives to a Senate joint resolution?

Mr. CAMERON. Certainly.

VISIT OF TRIBAL DELEGATES TO WASHINGTON

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 60) authorizing expenditures from the Fort Peck 4 per cent fund for visits of tribal delegates to Washington, which were, on page 1, line 3, to strike out "expended" and to insert "appropriated"; on page 1, line 11, after "when," to insert "duly elected and"; and on page 1, line 11, to strike out "or" and to insert "by councils of said Indians and."

Mr. WHEELER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

EXECUTIVE SESSION

Mr. CURTIS. Mr. President, we should transact such business when other Senators are here. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, May 5, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 4 (legislative day of May 3), 1926

UNITED STATES ATTORNEYS

Philip H. Mecom, of Louisiana, to be United States attorney, western district of Louisiana. A reappointment, his term having expired.

Louis H. Breuer, of Missouri, to be United States attorney, eastern district of Missouri, vice Allen Curry, resigned.

Olaf Eidem, of South Dakota, to be United States attorney, district of South Dakota, vice S. Wesley Clark, whose term has expired.

PROMOTIONS IN THE NAVY

Lieut. Frank D. Wagner to be a lieutenant commander in the Navy, from the 19th day of January, 1926.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, from the 7th day of June, 1925:

Edwin A. J. Poehlmann.

Gordon A. Patterson.

Lieut. (Junior Grade) Frederick R. Buse to be a lieutenant in the Navy, from the 19th day of October, 1925.

Lieut. (Junior Grade) Perley E. Pendleton to be a lieutenant in the Navy, from the 1st day of December, 1925.

Lieut. (Junior Grade) Khem W. Palmer to be a lieutenant in the Navy, from the 16th day of January, 1926.

The following-named ensigns to be lieutenants (junior grade) in the Navy, from the 3d day of June, 1925:

Robert P. McDonald.

James M. Ross.

Chief Gunner Edward S. Tucker to be a chief electrician in the Navy, to rank with but after ensign, from the 3d day of February, 1914.

Chief Gunner William T. McNiff to be a chief electrician in the Navy, to rank with but after ensign, from the 16th day of January, 1915.

Chief Gunner William A. Vick to be a chief electrician in the Navy, to rank with but after ensign, from the 13th day of January, 1919.

Chief Gunner John M. Kirkpatrick to be a chief electrician in the Navy, to rank with but after ensign, from the 7th day of March, 1922.

Chief Gunner Howard S. Raber to be a chief electrician in the Navy, to rank with but after ensign, from the 10th day of January, 1923.

Chief Gunner Arthur F. Murphy to be a chief electrician in the Navy, to rank with but after ensign, from the 20th day of May, 1924.

Chief Gunner Merle E. Rothenburg to be a chief radio electrician in the Navy, to rank with but after ensign, from the 24th day of September, 1923.

Chief Gunner Edgar W. Mallory to be a chief radio electrician in the Navy, to rank with but after ensign, from the 20th day of May, 1924.

Chief Gunner Harrison H. Blevins to be a chief radio electrician in the Navy, to rank with but after ensign, from the 20th day of December, 1924.

Machinist Edo S. Carfolite to be a chief machinist in the Navy, to rank with but after ensign, from the 2d day of July, 1923.

Gunner John Larsen to be a chief gunner in the Navy, to rank with but after ensign, from the 20th day of May, 1924.

Lieut. (Junior Grade) Harry H. Deringer to be a lieutenant in the Navy from the 7th day of June, 1925.

Surg. John B. Kaufman to be a medical inspector in the Navy, with the rank of commander, from the 24th day of January, 1926.

POSTMASTERS

ALABAMA

Charlie S. Robbins to be postmaster at Good Water, Ala., in place of C. S. Robbins. Incumbent's commission expires May 4, 1926.

ARKANSAS

George E. Owen to be postmaster at Conway, Ark., in place of G. E. Owen. Incumbent's commission expires May 5, 1926.

Homer H. Goodman to be postmaster at Cotter, Ark., in place of H. H. Goodman. Incumbent's commission expires May 5, 1926.

Addie Gilbert to be postmaster at Decatur, Ark., in place of Addie Gilbert. Incumbent's commission expires May 5, 1926.

Rosse G. Roberts to be postmaster at Fulton, Ark., in place of R. G. Roberts. Incumbent's commission expires May 5, 1926.

Fred H. Price to be postmaster at Gurdon, Ark., in place of F. H. Price. Incumbent's commission expires May 5, 1926.

Patrick F. Maskell to be postmaster at Hartman, Ark., in place of P. F. Maskell. Incumbent's commission expires May 5, 1926.

John I. Barnes to be postmaster at Leslie, Ark., in place of J. I. Barnes. Incumbent's commission expires May 5, 1926.

James H. Bass to be postmaster at Marvell, Ark., in place of J. H. Bass. Incumbent's commission expires May 5, 1926.

Robert B. Landers to be postmaster at Melbourne, Ark., in place of R. B. Landers. Incumbent's commission expires May 5, 1926.

Carl J. Lauderdale to be postmaster at Stamps, Ark., in place of C. J. Lauderdale. Incumbent's commission expires May 5, 1926.

William H. Taylor to be postmaster at Van Buren, Ark., in place of W. H. Taylor. Incumbent's commission expires May 5, 1926.

Lela L. Henderson to be postmaster at Waldron, Ark., in place of L. L. Henderson. Incumbent's commission expires May 5, 1926.

Charles W. Burford to be postmaster at Wilmar, Ark., in place of C. W. Burford. Incumbent's commission expires May 5, 1926.

CALIFORNIA

Edna J. Keeran to be postmaster at Princeton, Calif., in place of E. J. Keeran. Incumbent's commission expires May 5, 1926.

William L. McLaughlin to be postmaster at Sanger, Calif., in place of W. L. McLaughlin. Incumbent's commission expires May 5, 1926.

COLORADO

Alice M. Payne to be postmaster at Hudson, Colo., in place of A. M. Payne. Incumbent's commission expired January 17, 1926.

CONNECTICUT

Oliver M. Bristol to be postmaster at Durham, Conn., in place of O. M. Bristol. Incumbent's commission expired April 4, 1926.

FLORIDA

Thomas S. McNicol to be postmaster at Hollywood, Fla., in place of C. M. James, resigned.

Warren G. Ross to be postmaster at Leesburg, Fla., in place of J. F. Stunkel, deceased.

GEORGIA

Horace T. George to be postmaster at Eatonton, Ga., in place of J. D. Watterson. Incumbent's commission expired December 22, 1925.

Jessie I. Crichton to be postmaster at Fort Benning, Ga., in place of J. I. Crichton. Incumbent's commission expired March 14, 1926.

Mary D. Shearouse to be postmaster at Guyton, Ga., in place of M. D. Shearouse. Incumbent's commission expired November 21, 1925.

Sarah K. Scovill to be postmaster at Oglethorpe, Ga., in place of S. K. Scovill. Incumbent's commission expired February 20, 1924.

Leila B. Tart to be postmaster at Oliver, Ga., in place of L. B. Tart. Incumbent's commission expired February 13, 1926.

Joel F. Fountain to be postmaster at Ray City, Ga., in place of J. F. Fountain. Incumbent's commission expired June 4, 1924.

James M. Wright to be postmaster at Screven, Ga., in place of J. M. Wright. Incumbent's commission expired January 17, 1926.

John D. Baston to be postmaster at Thomson, Ga., in place of J. D. Baston. Incumbent's commission expired February 9, 1926.

Lavonia L. Mathis to be postmaster at Warm Springs, Ga., in place of L. L. Mathis. Incumbent's commission expired April 18, 1926.

Wilson S. Williams to be postmaster at Woodbury, Ga., in place of W. S. Williams. Incumbent's commission expired April 4, 1926.

Eben B. Smith to be postmaster at Wrens, Ga., in place of E. B. Smith. Incumbent's commission expired February 20, 1926.

Robert Barron to be postmaster at Zebulon, Ga., in place of Robert Barron. Incumbent's commission expired December 14, 1925.

Edward B. Miller to be postmaster at Calhoun, Ga., in place of F. L. Dyar, deceased.

Simon T. Brewton to be postmaster at Claxton, Ga., in place of W. L. Newton, not commissioned.

George D. Appleby to be postmaster at Jefferson, Ga., in place of A. R. Williamson, resigned.

John L. Wilson to be postmaster at Locust Grove, Ga., in place of J. S. Brown, resigned.

IDAHO

Rose J. Hamacher to be postmaster at Spirit Lake, Idaho, in place of R. J. Hamacher. Incumbent's commission expires May 6, 1926.

ILLINOIS

May S. Williams to be postmaster at Hanover, Ill., in place of M. S. Williams. Incumbent's commission expired April 21, 1926.

Eber E. Bassett to be postmaster at West McHenry, Ill., in place of E. E. Bassett. Incumbent's commission expired February 24, 1926.

Henry E. Burns to be postmaster at Chester, Ill., in place of J. M. Tindall, deceased.

INDIANA

Josiah J. Hostetler to be postmaster at Shipshewana, Ind., in place of J. J. Hostetler. Incumbent's commission expires May 4, 1926.

KANSAS

Charles Friskel to be postmaster at Frontenac, Kans., in place of Charles Friskel. Incumbent's commission expired April 17, 1926.

Ella J. Starr to be postmaster at Scott City, Kans., in place of E. J. Starr. Incumbent's commission expires May 5, 1926.

KENTUCKY

Clarence Neighbors to be postmaster at Bowling Green, Ky., in place of Clarence Neighbors. Incumbent's commission expires May 6, 1926.

Yaman Watkins to be postmaster at Clarkson, Ky., in place of Yaman Watkins. Incumbent's commission expired May 3, 1926.

Ira W. See to be postmaster at Louisa, Ky., in place of I. W. See. Incumbent's commission expires May 6, 1926.

Willie G. Thornbury to be postmaster at Munfordville, Ky., in place of W. G. Thornbury. Incumbent's commission expires May 6, 1926.

Marvin L. Whitnell to be postmaster at Murray, Ky., in place of M. L. Whitnell. Incumbent's commission expires May 6, 1926.

LOUISIANA

Albert Boudreaux to be postmaster at Thibodaux, La., in place of Albert Boudreaux. Incumbent's commission expired November 8, 1925.

MARYLAND

Stewart Rodamer to be postmaster at Grantsville, Md., in place of Stewart Rodamer. Incumbent's commission expires May 6, 1926.

MICHIGAN

Eugene E. Hubbard to be postmaster at Hudsonville, Mich., in place of E. E. Hubbard. Incumbent's commission expires May 4, 1926.

MISSISSIPPI

Preston C. Lewis to be postmaster at Aberdeen, Miss., in place of P. C. Lewis. Incumbent's commission expired February 22, 1926.

MISSOURI

Ferd D. Lahmeyer to be postmaster at Bland, Mo., in place of F. D. Lahmeyer. Incumbent's commission expires May 4, 1926.

Florence Gilkeson to be postmaster at Garden City, Mo., in place of Florence Gilkeson. Incumbent's commission expired April 17, 1926.

Taylor Fisher to be postmaster at New Franklin, Mo., in place of Taylor Fisher. Incumbent's commission expired March 8, 1926.

NEBRASKA

Bertha J. Widener to be postmaster at Kennard, Nebr., in place of B. J. Widener. Incumbent's commission expires May 5, 1926.

NEW JERSEY

Milton A. Whyard to be postmaster at Englewood, N. J., in place of M. A. Whyard. Incumbent's commission expired March 31, 1926.

NEW YORK

John E. Gubb to be postmaster at Batavia, N. Y., in place of J. E. Gubb. Incumbent's commission expired April 25, 1926.

Clarence F. Dilcher to be postmaster at Elba, N. Y., in place of C. F. Dilcher. Incumbent's commission expired August 17, 1925.

Sylvester P. Shea to be postmaster at Freeport, N. Y., in place of S. P. Shea. Incumbent's commission expired November 23, 1925.

Philip I. Brust to be postmaster at Medina, N. Y., in place of P. I. Brust. Incumbent's commission expired April 25, 1926.

Earl V. Jenks to be postmaster at Perry, N. Y., in place of E. V. Jenks. Incumbent's commission expired January 20, 1926.

NORTH DAKOTA

Mary B. Engbrecht to be postmaster at Goldenvalley, N. Dak., in place of M. B. Engbrecht. Incumbent's commission expired April 25, 1926.

OHIO

Harry E. Hawley to be postmaster at Mansfield, Ohio, in place of W. S. Bradford, deceased.

OKLAHOMA

Bert A. Hawley to be postmaster at Leedey, Okla., in place of B. A. Hawley. Incumbent's commission expires May 4, 1926.

OREGON

Newton A. Perry to be postmaster at North Portland, Oreg., in place of N. A. Perry. Incumbent's commission expires May 4, 1926.

PENNSYLVANIA

D. Guy Hollinger to be postmaster at Hanover, Pa., in place of D. G. Hollinger. Incumbent's commission expires May 5, 1926.

Henry N. Hoff to be postmaster at Mount Wolf, Pa., in place of H. N. Hoff. Incumbent's commission expired March 7, 1926.

Edward N. Dubs to be postmaster at New Hope, Pa., in place of E. N. Dubs. Incumbent's commission expires May 6, 1926.

TENNESSEE

Arthur B. McCay to be postmaster at Copperhill, Tenn., in place of A. B. McCay. Incumbent's commission expires May 5, 1926.

Grant L. Landiss to be postmaster at Cumberland City, Tenn., in place of G. L. Landiss. Incumbent's commission expires May 5, 1926.

TEXAS

Roy B. Nichols to be postmaster at Houston, Tex., in place of R. B. Nichols. Incumbent's commission expired April 28, 1926.

Lucy A. Carhart to be postmaster at South San Antonio, Tex., in place of L. A. Carhart. Incumbent's commission expires May 5, 1926.

UTAH

Claude C. McGee to be postmaster at Lewiston, Utah, in place of C. C. McGee. Incumbent's commission expires May 5, 1926.

VERMONT

Burton L. Hard to be postmaster at Arlington, Vt., in place of B. L. Hard. Incumbent's commission expired March 7, 1926.

VIRGINIA

Mary C. Lewis to be postmaster at Fort Eustis, Va., in place of M. C. Lewis. Incumbent's commission expires May 6, 1926.

P. Edgar Lineburg to be postmaster at Stephens City, Va., in place of P. E. Lineburg. Incumbent's commission expires May 6, 1926.

WASHINGTON

Carl J. Gunderson to be postmaster at East Stanwood, Wash., in place of C. J. Gunderson. Incumbent's commission expires May 4, 1926.

Nelson J. Craigue to be postmaster at Everett, Wash., in place of J. M. Vernon. Incumbent's commission expired January 20, 1926.

Ray E. Simons to be postmaster at Leavenworth, Wash., in place of R. E. Simons. Incumbent's commission expires May 4, 1926.

WEST VIRGINIA

Shirley H. Mitchell to be postmaster at Elizabeth, W. Va., in place of S. H. Mitchell. Incumbent's commission expires May 5, 1926.

Clifford S. Musser to be postmaster at Shepherdstown, W. Va., in place of C. S. Musser. Incumbent's commission expired April 29, 1926.

WISCONSIN

William H. Howard to be postmaster at Altoona, Wis., in place of W. H. Howard. Incumbent's commission expired May 3, 1926.

George E. Grob to be postmaster at Auburndale, Wis., in place of G. E. Grob. Incumbent's commission expired April 7, 1926.

Leslie D. Jenkins to be postmaster at Bagley, Wis., in place of L. D. Jenkins. Incumbent's commission expired April 13, 1926.

Nels O. Neprud to be postmaster at Coon Valley, Wis., in place of N. O. Neprud. Incumbent's commission expired April 28, 1926.

Donald C. McDowell to be postmaster at Soldiers Grove, Wis., in place of D. C. McDowell. Incumbent's commission expired March 31, 1926.

Charles A. Arnot to be postmaster at South Wayne, Wis., in place of C. A. Arnot. Incumbent's commission expired February 15, 1926.

WYOMING

Elmer W. Ace to be postmaster at Green River, Wyo., in place of E. W. Ace. Incumbent's commission expires May 4, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 4 (legislative day of May 3), 1926

POSTMASTERS

GEORGIA

Hardy L. Holland, Register.

ILLINOIS

Sidney F. Coffman, Bluford.
Harry W. Corpe, Colfax.
Albert E. Meints, East St. Louis.
Thomas E. Cahill, Lake Bluff.

Joseph M. Donahue, Monticello.
Clare E. Godfrey, Morris.
Anthony L. Faletti, Springvalley.

KENTUCKY

Edgar P. Catron, Junction City.

LOUISIANA

Samuel Y. Watson, Baton Rouge.
Agnes Champagne, Raceland.

MAINE

Ralph R. Mathews, Berwick.
Everard J. Gove, Biddeford.
Doris A. Day, Corinna.
Willard E. Day, Monmouth.
Ralph B. Parker, Wells.
Charles E. Norton, York Beach.

MASSACHUSETTS

Harold E. Cairns, Bernardston.
Helen C. Williams, Beverly Farms.
Frank D. Babcock, Haverhill.
Benjamin R. Gifford, Woods Hole.

MICHIGAN

Clifford L. Slocum, Addison.
William Trebilcock, Ishpeming.
Floyd B. Gates, Mesick.

MISSOURI

Herman H. Reick, Independence.
Paul P. Groh, Peculiar.

MONTANA

Arthur T. Ruehrwein, Columbus.
David Craig, Conrad.

NEW YORK

Donald M. Dickson, Andes.
C. Ransom Phelps, Camden.
John A. Rapelye, Flushing.
Thomas W. Crane, Locust Valley.
Charles D. Overacre, Manchester.
Richard I. Gates, Redwood.
Henry C. Windeknecht, Rensselaer.

NORTH DAKOTA

Theodore H. Scholz, Beulah.
Edward F. Hamilton, Cavalier.
Cassie Stewart, Dogden.
Fredrich A. Rettke, Niagara.
Bessie G. George, Van Hook.

OHIO

John P. Grassbaugh, Bigprairie.
Edwin E. Hayman, Long Bottom.

OKLAHOMA

Ceaf W. Ramsey, Beggs.
Russell E. Dickerson, Braman.
Cosmo Falconer, Cheyenne.
Robert R. Sutton, Claremore.
Earl Ridenour, Hydro.
Anna Lynde, Okarche.
Lincoln G. Shoop, Perry.
Hiram H. Snow, Sand Springs.

PENNSYLVANIA

Albert S. Leiby, Bath.
Mabel M. Myer, Ronks.
Herman Raithel, Smithton.

SOUTH DAKOTA

Lester W. Button, Bradley.
Emma Peterson, Draper.
Lulu Turner, Ethan.
Paul W. Lambert, Fairfax.
Benjamin W. Ryan, Kimball.
William H. James, Martin.
Richard E. Scadden, White.

VIRGINIA

Robert Irby, Appomattox.
Mary P. Moon, Cartersville.
Albert H. Zollinger, Chase City.
Claibourne W. Beattie, Chilhowie.
Francis P. Landon, Hopewell.
Edward M. Blake, Kilmarnock.
Paul E. Haden, Palmyra.
William P. Nye, jr., Radford.
Laurie D. Marshall, Thaxton.
Frank L. Schofield, University of Richmond.
Jessie H. Cox, Washington.
Herbert T. Thomas, Williamsburg.
Harry C. Stouffer, Winchester.

WISCONSIN

Stanleigh K. Gaveney, Arcadia.
Frank E. Shults, Baraboo.
Leslie H. Thayer, Birchwood.
Arthur C. Bishop, Bloomington.
Oliver R. Weinandy, Cochrane.
William H. Goldthorpe, Cuba City.
James C. Taylor, Gilman.
Henry A. Elmer, Maribel.
Edward Stackman, Ontario.
Alvin E. Hafer, Roberts.
William R. Homermiller, Tomah.
George E. Bogrand, Wausaukee.
Winfield J. Kyes, White Lake.

WYOMING

Evelyn Colburn, Burns.
Ivor Christensen, Hanna.

HOUSE OF REPRESENTATIVES

TUESDAY, *May 4, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, hear our prayer in the name of Him who brought life and immortality to light! Broaden, deepen, and make clearer the understanding between all men. May right and truth, mercy and justice dominate the world over. Where there is disorder, may order prevail and organized society be recognized. Where lawlessness runs riot, may righteous authority and the strong arm of the law assert themselves. Oh, may all evidences of class hatred, racial prejudice, and un-Christian distinctions soon pass into utter oblivion and men to men shall brothers be the world over. Day by day may we be engaged in building characters that shall endure the test of time and leave to this old earth a record worthy of emulation. While our lives are very brief, may they be very sacred and of great value to all who are to come after. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10425) entitled "An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes."

The message also announced that the Senate had passed with amendments bill (H. R. 9346) granting the consent of Congress to the construction of a bridge across the Rio Grande, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3418. An act to create an additional judge in the district of Maryland; and

S. 2981. An act to amend section 553 of the Code of Law for the District of Columbia.

S. 1304. An act for the relief of Hunter-Brown Co.

The message also announced that the Vice President had appointed Mr. BUTLER and Mr. SMITH members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Commerce.

The message also announced that the Senate had agreed to House Concurrent Resolution No. 24 of the following title:

Resolved by the House of Representatives (the Senate concurring), That the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8771) to extend the time for commencing and completing the construction of a bridge across the Detroit River within or near the city limits of Detroit, Mich., be recommitted to the Committee on Commerce.

The message also announced that the Senate had passed the following order:

Ordered, That the Secretary of the Senate communicate to the House of Representatives an attested copy of the answer of George W. English, district judge of the United States for the eastern district of Illinois, to the articles of impeachment.

Which was referred to the managers on the part of the House.

The message also announced that the Senate had passed with amendments the bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 4034. An act granting the consent of Congress to Texas-Coahuila Bridge Co. for construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico.

IMPEACHMENT OF JUDGE ENGLISH

Mr. MICHENER. Mr. Speaker, I am directed by the managers on the part of the House to say that the managers were furnished on yesterday with a copy of the answer of George W. English, judge of the United States Court for the Eastern District of Illinois, to the articles of impeachment presented to the Senate against him. The managers have considered said answer and have directed me to present to the House the replication, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the replication.

The Clerk read as follows:

Replication of the House of Representatives of the United States of America to the answer of George W. English, judge of the District Court of the United States for the Eastern District of Illinois, to the articles of impeachment exhibited against him by the House of Representatives of the United States of America:

The House of Representatives of the United States of America, having considered the several answers of George W. English, judge of the District Court of the United States for the Eastern District of Illinois, to the several articles of impeachment against him by them exhibited in the name of themselves and of all the people of the United States, and reserving to themselves all advantages of exception to the insufficiency, irrelevancy, and impertinency of his answer to each and all of the several articles of impeachment so exhibited against the said George W. English, judge as aforesaid, do say:

(1) That the said articles do severally set forth impeachable offenses, misbehaviors, and misdemeanors as defined in the Constitution of the United States, and that the same are proper to be answered unto by the said George W. English, judge as aforesaid, and sufficient to be entertained and adjudicated by the Senate sitting as a court of impeachment.

(2) That the said House of Representatives of the United States of America do deny each and every averment in said several answers, or either of them, which denies or traverses the acts, intents, misbehaviors, or misdemeanors charged against the said George W. English in said articles of impeachment, or either of them, and for replication to said answers do say that said George W. English, judge of the District Court of the United States for the Eastern District of Illinois, is guilty of the misbehaviors and misdemeanors charged in said articles, and that the House of Representatives are ready to prove the same.

Mr. MICHENER. Mr. Speaker, I move the adoption of the replication.

The question was taken, and the replication was adopted.

Mr. MICHENER. Mr. Speaker, I move the adoption of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 251

Resolved, That a message be sent to the Senate by the Clerk of the House informing the Senate that the House of Representatives has adopted a replication to the answer of George W. English, judge of the District Court of the United States for the Eastern District of Illinois, to the articles of impeachment exhibited against him, and that the same will be presented to the Senate by the managers on the part of the House; and also that the managers have authority to file with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they shall deem necessary.

The question was taken, and the resolution was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PERMISSION TO A COMMITTEE TO SIT DURING THE SESSIONS

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that for the balance of this week the Committee on Veterans' Legislation be authorized to hold committee sessions during the sessions of the House, commencing to-day.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that for the rest of the week, commencing to-day, the Committee on Veterans' Legislation be authorized to sit during the sessions of the House. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, Mr. Speaker, is that request made on behalf of the committee?

Mr. JOHNSON of South Dakota. It is a unanimous request made by the committee.

Mr. BLANTON. Reserving the right to object, Mr. Speaker, the press stated yesterday that the Committee on Veterans' Legislation, by a full vote, with the exception of three members, directed the chairman to take certain action, and the chairman stated that he refused to obey the committee. Is there any truth in that report?

Mr. JOHNSON of South Dakota. There certainly is. The chairman did refuse.

Mr. BLANTON. What is the use of the committee sitting if the chairman is not going to take the action that the committee requires?

Mr. JOHNSON of South Dakota. As much use as there is in the gentleman talking.

Mr. BLANTON. As much use as there will be if the gentleman is able to manage it.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE ADOPTION OF THE VIRGINIA BILL OF RIGHTS

The SPEAKER. Pursuant to House Concurrent Resolution 22, the Chair appoints Messrs. HULL of Tennessee, LINTHICUM, FROTHINGHAM, PEERY, and STROTHER as members of the joint committee to attend the celebration of the one hundred and fiftieth anniversary of the adoption of the Virginia Bill of Rights.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE VIRGINIA RESOLUTION TOUCHING A DECLARATION OF INDEPENDENCE

The SPEAKER. Pursuant to House Concurrent Resolution No. 13, the Chair appoints Messrs. TEMPLE, MILLS, STOBBS, MCSWEENEY, and TUCKER as members on the part of the House of the committee to participate in the observance of the one hundred and fiftieth anniversary of the Virginia resolution instructing her representatives in the Continental Congress to propose a declaration of independence.

ALIEN PROPERTY CUSTODIAN

The SPEAKER. The Chair recognizes the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, for some time I have had pending before the Committee on Rules a resolution proposing an investigation of the affairs of the Alien Property Custodian. As gentlemen are aware, under the trading with the enemy act this agency has had at one time or another several hundred million dollars of alien property. Under the Winslow Act a very considerable amount of that property was returned to enemy aliens or to other persons who were entitled to receive it under that act. There is now in the custody of the custodian something like $250,000,000 to $275,000,000 worth of property, as I recall it.

Gentlemen will recall that a Federal grand jury in New York a year ago or a year and a half ago found an indictment against a former Alien Property Custodian, charging the former Alien Property Custodian with malfeasance in office or with conspiring with a number of other parties to deliver unlawfully to certain interests property in what is called the American Metals Co. case, alleged to be owned by Germans but claimed to have belonged to Swiss interests.

Now, it was charged in that grand-jury investigation that not only had the Alien Property Custodian himself violated the law, but that he had conspired with a number of other persons to violate the law, and among the parties participating in that conspiracy was a man by the name of John T. King, of Connecticut, who as a part of his spoils received a very considerable sum of money for his share in the conspiracy. He was granted immunity, as I recall the situation now, as the price of his testimony against the former custodian and others alleged to be implicated in the conspiracy. But a short time ago another Federal grand jury indicted the same John T. King, not for the conspiracy itself, because the Federal Government gave him immunity, but for fraud in connection with his income tax, wherein he failed to return as a part of his income some $40,000 as taxes on a much larger sum which he is alleged to have received as the price of his guilt in the conspiracy in which the Alien Property Custodian was said to be involved.

Now, gentlemen, it may be said that the courts are investigating those matters and that the Congress ought not to intervene. Of course, the House ought not to do anything that would

in any wise impede the regular, orderly processes of the courts. But here is a fund which Congress has said is a particular trust fund, not of the executive department, not of the judiciary department, but of the Congress.

The trading with the enemy act provided that the custodian should hold the funds and the property in his charge until what time? Until the Congress of the United States should make disposition of those funds or should direct the disposition of those funds. So it is my contention that it is the particular function and the particular duty of the Congress to see that those funds are honestly administered, that they are faithfully preserved, and that they are efficiently handled, because they are in a very real sense in the custody of the Congress of the United States. If there has been wrongdoing sufficient for a Federal grand jury on two different occasions to find indictments in connection with the administration of the alien property fund, there ought to be at least sufficient cause for the House of Representatives, through its appropriate agency, an appropriate committee, to investigate not simply those transactions of which the court has, perhaps, already assumed jurisdiction, but to investigate other transactions in the Alien Property Custodian's office, with a view to determining whether or not the trusts have been faithfully executed, and whether or not the officers charged with this solemn responsibility have been true to the faith which Congress has reposed in them.

A few days ago there was a debate on the floor of this House between the gentleman from New York [Mr. MILLS] and the gentleman from Texas [Mr. GARNER] with reference to the investment and reinvestment by the Secretary of the Treasury of Alien Property Custodian funds which, under section 12, I believe it is, of the trading with the enemy act, are deposited with the Treasury, with the power to invest or reinvest. The gentleman from Texas pointed out that with a cash fund of about $175,000,000 the Secretary of the Treasury had purchased something like $1,200,000,000 worth of securities.

Mr. HUDSPETH. Two billion four hundred million dollars.

Mr. CONNALLY of Texas. Well, he bought that many and sold that many, which made in the aggregate $2,400,000,000. He sold about $1,200,000,000; and, of course, then bought something like $1,200,000,000, aggregating in the total transactions $2,400,000,000. I have had occasion since that time to investigate some of the evidence that was submitted to the select committee appointed in the Sixty-eighth Congress to investigate the dealings of the Treasury with reference to duplicated bonds known as the McFadden committee, I believe it was. The gentleman from South Carolina [Mr. STEVENSON], the gentleman from Alabama [Mr. STEAGALL], the gentleman from Illinois [Mr. KING], and others were members of that committee. The hearings of that committee were never printed. They were delivered to the Clerk of this House, and a few days ago, after some difficulty, I was able to secure those reports for the purpose of inspecting them, and I want to call the attention of the House to just a few instances with reference to the sale and purchase of Government securities by the Secretary of the Treasury. The facts submitted are taken from a report of the Federal Reserve Bank of New York to the committee.

I find that on the 6th day of January, 1922, from the 6th to the 16th, the Secretary of the Treasury sold $23,670,000 worth of United States second 4¼'s and third 4¼ bonds, with maturity dates varying from 1928 to 1924. They were sold at rates varying from $97.70 to $98.20. Mind you, now, that was the 6th to the 16th of January, 1922. Those were sales. Now, from January 12 to the 16th of the same year the Secretary of the Treasury bought $21,508,500 worth of certificates of indebtedness of Series A and Series TM3 at rates of from $100.15 to $100.17 bearing interest at the rate of 5 and 5½ per cent.

Gentlemen will note that the bonds which were sold were sold at more than $2 below par, with long maturity dates, whereas the certificates of indebtedness which were bought at a little more than par. Oh, but gentlemen say the higher interest rates were the inducing motive; that the certificates of indebtedness were purchased at rates of interest of 5 and 5½ per cent. That is true. But let us see when they matured. These certificates of indebtedness matured in February and March of 1922. They ran from 30 to 60 days, and the difference in the interest at 5 and 5½ per cent and the interest rate which the bonds were bearing, which was 4¼ per cent, was a mere trifle; that difference for 30 or 60 days was a trifle.

Naturally the query arises in one's mind: Why buy securities maturing within a short period of time like that and in order to do so sell obligations with long maturities at something more than $2 below par? I do not know why that was done. One of the purposes of my investigation, as I propose to amend it, will be to appoint a committee to find out why that was done. I see the gentleman from New York [Mr. MILLS] making copious notes there at the table, and I assume the gentleman has at hand an explanation as to why that occurred, but I respectfully submit that we can not try out these questions here on the floor of the House; that we ought to have a committee, with an auditor, so that these matters may be handled accurately, carefully, and comprehensively, and that is what I am contending by the introduction of my proposed resolution—that a committee of this House, as the agent of the House, conduct a fair, impartial, and thorough investigation of this subject.

On May 18, 1922, the Treasury sold $1,620,000 worth of second 4¼'s, bearing interest at 4¼ per cent, with maturity in 1942, at from $99.62 to $99.64, below par. On the same date the Treasury bought $4,637,000 worth of certificates of indebtedness, due one month later, or due on the 15th of June, and bearing the same rate of 4¼ per cent interest. They bought them on the 18th of May, and they were due on the 15th of June, and they were bought at 100\frac{3}{32}$, above par. Why sell long-term bonds bearing 4¼ per cent below par and buy short-term certificates with rate of 4¼ per cent above par, unless the purpose was to influence the market instead of "investing" the funds? There may have been some reason and some necessity as to why the Treasury should have sold securities below par and bought other securities above par. If there was, let it be shown. Why sell securities that were well invested and buy others soon to mature? On February 16, 1922, the Treasury bought $26,000,000, par value, certificates of indebtedness of 1922 at $100.33, when on the 16th of February the Treasury could have bought securities of the United States second 4¼ per cent, maturing in 1942, at 96.68. If the purpose was to invest these funds, why not buy the cheaper long-term bonds?

On September 18, 26, and 30, 1922, the Treasury bought $28,500,000 worth of certificates of indebtedness at par, due September 15, 1923, and bearing interest of 3¾ per cent. At those dates the Treasury could have bought second, 4¼ per cent, maturing 1942, at from 99.70 to 100.06.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and ask for two additional minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to revise and extend his remarks and to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, I shall not ask for more time at this time, because I know how anxious the House is to proceed with other matters. But I have asked consent to put in the RECORD other particular instances of similar transactions, which I have found in the proceedings of the bond committee.

Mr. McCLINTIC. Will the gentleman yield for a short question?

Mr. CONNALLY of Texas. Yes.

Mr. McCLINTIC. Is it not a fact that all the way through, when they sold or bought bonds, a commission was paid to some house?

Mr. CONNALLY of Texas. I do not know about that as to every case, I will say to the gentleman. Of course, I assume that somebody got a commission, but I can not say as to every case. Bond brokers are not in business for pleasure.

Mr. JACOBSTEIN. Will the gentleman yield for a question?

Mr. CONNALLY of Texas. Yes.

Mr. JACOBSTEIN. Would not this whole thing be obviated if we returned this property?

Mr. CONNALLY of Texas. No; I do not think so. It would not be obviated if we returned the property, because if anybody has gotten anything improperly, you have robbed the beneficiaries of this trust or the Government, as the case may be, depending upon what the Congress may finally do in the premises.

But, gentlemen of the House, my contention is—and I propose to change my resolution to make it sufficiently comprehensive—this House should appoint a select committee to investigate the doings of the Alien Property Custodian's office in all of its angles, and especially the action of the Treasury with relation to the investment and reinvestment of Alien Property Custodian funds and the purchase and sale of securities from the beginning to the present time. It is the duty of the Congress to see that that fund is honestly and faithfully and efficiently administered, and no one but the Congress has the power to do that.

I respectfully call these matters to the attention of the House in the hope that the Rules Committee will see fit to report my resolution. [Applause.]

Mr. Speaker, this question can not be answered by a denunciation of Mr. Charles B. Brewer, former Assistant Attorney General and adviser to the bond committee, from whose investigations these facts were developed. It is not a sufficient answer to facts to express the enmity of Secretary Mellon for Mr. Brewer. I have only met Mr. Brewer recently, but for years have known him by reputation as a man of integrity and industry and devotion to duty. Under leave granted me I place in the RECORD the following tabulation:

Sample transactions in alien property trust funds by the Treasury

[From reports by Federal reserve bank, New York, on request to Select Committee of Congress on Duplication, Sale, etc., of Liberty Bonds and now on file in office of the Clerk of the House]

Date of transaction	Par amount	Rate	Kind of United States security	Maturity date	Interest
1922					P. ct
Jan 6–16, sold	$23,670,000	97.70–98.20	Second 4¼'s and third 4½'s.	1942 and 1928	4¼
Jan 12–16, bought	21,508,500	100.15–110.17	A1922 (p. 213) and TM-31922 (p. 213).	Feb. 16 and Mar. 15, 1922.	5–5¼
May 18, sold	1,620,000	99.64–99.62	Second 4¼'s	1942	4¼
May 18, bought	4,637,000	100⅛	TJ2 1922 (p. 205).	June 15, 1922	4¼
Feb. 16, bought	26,000,000	100.33	Various certificates.	Mar. 15 to Sept. 15, 1922.	------
Feb. 16, could buy	----------	96.68	Second 4¼'s	Nov. 15, 1942	------
Sept. 18, 26, and 30, bought.	28,500,000	100.00	TS 1923 (p. 212).	Sept. 15, 1923	3¾
Same, could buy	----------	99.70–100.06	Second 4¼'s	Nov. 15, 1942	4¼
Oct. 3, bought	2,000,000	100.00	TS 1923 (p. 212).	Sept. 15, 1923	3¾
Oct. 3, could buy	----------	99.72	Second 4¼'s	Nov. 15, 1942	4¼
Oct. 16, bought	3,800,000	100.00	TS 1923 (p. 212).	Sept. 15, 1923	3¾
Oct. 16, could buy	----------	99.18	Second 4¼'s	Nov. 15, 1942	4¼

THE MERCHANT AND THE FEDERAL RESERVE

Mr. WINGO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing in the RECORD a short interview with Mr. James Simpson, president of Marshall Field & Co., which appears in the current issue of Nation's Business, entitled "The merchant and the Federal reserve."

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The interview is as follows:

[From the Nation's Business, May, 1926]

THE MERCHANT AND THE FEDERAL RESERVE—FORREST CRISSEY INTERVIEWS JAMES SIMPSON, PRESIDENT MARSHALL FIELD & CO., TO GET A MERCHANT'S VIEWS ON OUR FINANCIAL STRUCTURE

In a small Texas town recently a significant little drama was enacted. A political spellbinder of the soap-box species committed oratorical assault upon the Federal reserve bank system, left his audience of farmers and ranchers cheering his courage in attacking the citadel of the money interests, and drove away for the next town in an automobile of power and speed.

His hearers were evidently convinced that the Federal reserve system was a device of Wall Street cunningly contrived to extract higher interest rates from the common people—farmers, laborers, mechanics, and small-town merchants and professional men. And he would have left that impression undisturbed had not the president of the local bank happened to have heard the talk and to have been shrewd and courageous enough to administer a homely but effective antidote to the men who had absorbed the oratorical poison.

DRIVING A GOOD CAR

"Boys," he said, "that's a good car he's driving."

"You bet," came the quick response from a leading rancher. "I know. Got one myself."

"Ever burn out one of its bearings?" questioned the banker.

"Yes; and it cost me $200," was the laughing answer.

"What did the garage men tell you caused the trouble?" pursued the banker.

"Stoppage in the oiling system. Said something about contraction and expansion. But that was all Choctaw to me."

"You've said a mouthful, Bill!" declared the banker. "If there's anybody in this crowd that thinks he knows more about contraction and expansion than Bill does, let him lift his hat."

Not a hat left its owner's head, but a discontented hired man shot out the question:

"What's that got to do with the Federal reserve system?"

"Everything," promptly answered the banker. "Contraction and expansion are all there is to it. Only instead of oil and metal it's a case of money and business. You all admit you don't know anything about contraction and expansion. How many of you think you know anything about the Federal reserve bank system, except what this trick talker has just told you? Not one—that's honest.

"Boys, there wasn't one word of truth in all he handed you. Now cross your fingers or touch wood while I tell you that if every one of you burns out a bearing driving home your automobile will get just what would happen to business every now and then without the Federal reserve bank system. Meeting the forces of expansion and contraction with just the right amount of give and take is exactly as important to keep the money machinery of this country running smoothly as the feeding of oil to the joints and bearings of an automobile is to its running. Now, I've got to get back to the bank and lend several of you enough money to carry you. That I'm able to do simply because of the Federal reserve bank system. And I'll take time there to explain the why of it to any man who really wants to know."

This incident is as meaty as an egg. While the country banker's homely comparison was little short of an inspiration, the significant feature of the soap-box drama is that the average citizen knows as little of the Federal reserve bank system as he does of the intricate mechanism of his automobile and its provisions for relieving the pinches of expansion and contraction; that politicians are trading on popular ignorance concerning this system to create prejudice against it to inspire belief in their own shrewdness.

GUARDS AGAINST SOAP-BOX PERIL

The only protection against this soap-box peril to the most constructive financial measure created by Congress in 60 years is to reach the general public with a clear and simple explanation of what the Federal reserve bank system is and does. Nothing else is needed.

There are two reasons why most citizens know little or nothing about the Federal reserve bank. Only bankers do business with it; the ordinary business man has no direct contact with it. To him it is a name only, about which he is ready to believe almost anything told him by the political vendors of economic gold bricks and cure-alls. Meantime his home banker is lending him money on his crops, his cattle, or the output of his factory, which could not be lent him if the local bank were not able to rediscount his note with the Federal reserve bank.

James Simpson, president of Marshall Field & Co., is not, and has never been, a banker, but he is a member of the board of directors of the Federal reserve bank in Chicago. These two facts should qualify him to speak with singular impartiality and authority on what the Federal reserve bank is and what it does for the business of the country; to see its operations and their results from the viewpoint of the merchant, the business man.

"My sincere conviction," declares Mr. Simpson, "is that the Federal reserve act has proved itself to be the most constructive and beneficial piece of financial legislation enacted by Congress since the national bank act of 1863. It has, in my opinion, done more to prevent panics, stabilize business conditions, lower interest rates, and create confidence in continued business tranquility than any other national measure since the Civil War. And yet it is altogether too generally unappreciated, because its operation, like that of many of the greatest and most beneficient forces of nature, is not seen by the great mass of those whom it best serves.

A SATISFACTORY MEASURE

"The existence of this remarkable device for equalizing the play between expansion and contraction is, in great measure, responsible for the present highly satisfactory outlook. Not for 10 years have the fundamental factors of the economic situation of this country been so satisfactory as they are now. Production and consumption are to-day in better balance than they have been for years. This means real prosperity.

"The ups and downs of the business cycle used to be abrupt and severe. A period of apparent prosperity would come to a sudden close in a situation of acute business strain and crisis, with interest rates abnormally high. Prices of commodities and securities would fall off sharply and business become dull or stagnant. There would follow a slow and painful recovery.

"Repeated experiences of this kind inevitably produced a sensitive and jumpy state of nerves on the part of all business men. Every keen and thoughtful observer of business conditions will, I think, bear me out in the statement that this highly nervous and apprehensive condition is not nearly so acute to-day as it was 10 years ago. Something has happened to soothe and steady the nerves of business.

"That something is the operation of the Federal reserve system.

"Before its creation, in this period of expansion and contraction, the business of the country was without a shock absorber and received the full force of the jolt; it burned out bearings in individual business everywhere because there were no available means of meeting the sharp emergencies of expansion and contraction. Experienced and able men, of broad vision, sound, economic understanding, and rare courage, undertook the task of meeting such emergencies through the creation of a financial shock absorber, an equalizer available at any time and is

any part of our country regardless of whether the pinch was local, sectional, or national.

"This financial mechanism has proved itself remarkably mobile and effective. In proof of this, remember that we have not had a real business panic since the World War and that if anything on earth is to be depended upon to throw the financial machinery of the country out of gear it is a war of great magnitude. True, there have been some derangements, but recovery from them has been orderly and expeditious.

"Other countries having no equivalent to our Federal reserve system have suffered disastrously. Personally I am convinced that our own country would have had serious financial trouble had it not been for the protective influence of the Federal reserve system.

"I am not inferring that this system is a cure-all for business ills of every kind; but I do believe that money panics, at least, are virtually a thing of the past and that acute commercial crises will have great difficulty in developing the scope and severity of those which left their scars upon the face of our business history—all this mainly due to the protective stabilizing and resuscitating influence of the Federal reserve system.

"Briefly, that system is composed of the reserve board at Washington and 12 reserve banks, with their 23 branches, covering the entire country. The reserve board is not an operative body, but supervises the reserve banks and coordinates them into an effective national system. The Secretary of the Treasury and the Comptroller of the Currency are ex officio members. Its six members, appointed by the President, represent fairly the industrial, commercial, agricultural, and financial interests of the country. The former occupations of the present members were: Merchant, farmer, banker, lawyer, economist, publisher.

NOT GOVERNMENT INSTITUTIONS

"These banks are not Government institutions, but private corporations whose stock is owned by the member banks. Their dividends are limited to 6 per cent. All National banks are members of the reserve bank of their district, as are many State banks and trust companies. These member banks elect six directors, and the Federal Reserve Board appoints three.

"What, then, does the reserve system do? It enables the local member bank to operate more safely and more freely, thus making it possible for this bank in turn to grant better accommodations to its customer. Let us take a concrete case. A merchant in Nebraska buys a bill of goods in Chicago. In order to take advantage of the discount, he goes to his bank to borrow on his note for 60 days. Now, the bank may not have funds of its own to loan at that particular moment. It may be the season of planting or moving the crops or high business activity, and all of its resources may be employed.

"The bank, however, can take this customer's note to the Federal reserve bank of its district and secure funds by rediscounting it. The proceeds it loans to the merchant, who is able to discount his bills and protect his credit. Without the reserve bank to rediscount the local bank's paper the latter would many times find itself 'loaned up' with money tight and confidence in future impaired.

BIG BANK MAY NOT HAVE FUNDS

"The wholesaler or manufacturer from which this merchant bought may likewise have occasion to borrow, and his bank, though a large city institution, may not have funds with which to accommodate him. But if the wholesaler or manufacturer has good commercial paper arising out of the production, sale, or marketing of goods and maturing within 90 days, his banker can rediscount it at his reserve bank and thus secure funds with which to make the loan. In this way each secures an accommodation needed.

"In a similar way every class of business is accommodated. The cattleman in Texas, the exporter in Philadelphia, the lumberman in Seattle, the packer in Chicago, the planter in Georgia, or the implement maker in Moline, if a responsible business man in good financial standing with his bank, can borrow upon his paper, provided it arises out of the production, sale, or marketing of goods and falls due within a specified time. Loans to farmers, planters, or cattlemen, including the raising and marketing of livestock, may be discounted if the paper falls due within nine months. United States Government bonds or notes are also acceptable as security if the loan is for not more than 90 days.

"In much the same way reserve banks in one part of the country may need at times to borrow from reserve banks in other parts of the country. Industrial districts with surplus funds often loan to agricultural districts. In this manner an individual may borrow from his bank, and this bank in turn borrow from a Federal reserve bank, and the latter borrow from other Federal reserve banks. All the credit resources of the country are thus pooled together, making them vastly stronger and more available than when each bank had to depend upon its own resources and look out always for itself. The 12 reserve banks now form our ultimate reservoir of credit.

"Now consider another great service to business in the power of reserve banks to issue currency. In making a loan, the borrower may want the proceeds in deposit credit or in currency with which to meet pay rolls. Federal reserve banks have the power to issue Federal reserve notes, redeemable in gold. But they must set aside security, dollar for dollar, against such notes.

"The security may be short-time business paper or gold, or both, the former representing loans for the production or distribution of goods or farm products or loans upon United States Government securities. This process of rediscounting does not lead to inflation or unhealthy expansion of credits, because no one can get loans, either currency or deposit credits, who does not possess good, sound collateral, upon which loans can be safely made.

SOUND LOANS

"A farmer may have sold his wheat or a merchant his goods, and as long as loans are made upon such evidence of tangible wealth, they are sound. The volume of notes put out by the reserve banks depends upon the needs of the member banks, and these needs, in turn, upon those of their customers. Customers' needs arise out of actual business transactions. The volume of notes thus rises or contracts with the actual requirements of legitimate business.

"It is not to the interest of anybody to make credit terms so 'easy' that they become unsound; but it is to the interest of the country, on the other hand, that deposits in a solvent bank be available when wanted. This is vital and this is what we now have. There is no reason, therefore, ever to expect another money panic like that of 1907.

STABILIZING INTEREST RATES

"Another decided advantage of the reserve system of banking is in stabilizing interest rates. These rates are indicators of credit conditions. As the reserve system makes assets quickly available in response to credit needs, so it has done away with panic interest rates. Even seasonal variations in interest rates are not nearly so pronounced as they used to be.

The demand for funds at crop-moving times does not bring a sharp advance in interest rates, as used to be the case. Actually, the tendency has been in the direction of somewhat lower rates for business money and somewhat higher rates for stock-exchange money.

"In much the same way the spread of interest rates between the eastern and western parts of the country has been greatly reduced. The actual rate charged at any given time depends in part upon local conditions, such as risks involved, time of getting loan repaid, and expenses of doing business. These conditions still exist. But the barriers which hindered the surplus funds in one part of the country from finding employment in other parts have been broken down and the spread in interest rates reduced.

SPREAD IN RATES ELIMINATED

"The spread in interest rates on short and long maturities has been almost eliminated. This is to the advantage of country borrowers and also enables banks generally to adjust their reserve positions so as to serve better all business interests.

"To sum up, the Federal reserve system has the following outstanding advantages over the old uncoordinated method of banking:

"(1) Pools the credit resources of the country.

"(2) Provides elasticity in the currency.

"(3) Stabilizes interest rates and lessens seasonal fluctuations.

"(4) Eliminates any money strains due to inability to get credit, though having sound collateral.

"(5) Promotes better general conditions and greater market stability, thereby giving greater assurance of future obligations.

"(6) Coordinates local independent banks controlled by local men and capital into a nation-wide system (with pooled resources).

"(7) Gives little banks and big banks same relative standing either in western Texas or in Wall Street. Each has the rights of its class and is on perfect equality with every other bank of its size.

"This not only makes for efficiency and economy, but for a genuinely democratic American banking system. The reserve system has proven so far a good servant of the whole people. Its strength and soundness a source of safety to all. The net result has been a firm foundation of stability and confidence."

ALIEN PROPERTY CUSTODIAN

Mr. MILLS. Mr. Speaker, I ask unanimous consent to address the House for seven minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MILLS. Mr. Speaker and gentlemen of the House, I am glad that the extravagant charges of last week that some one was making, first, $1,000,000 a year and then $5,000,000 a year out of this alien-property fund, have been boiled down to the few questions which the gentleman from Texas [Mr. CONNALLY] has just submitted to the House of why it was desirable to sell some long-time securities from time to time and buy short time ones. Fortunately the explanation of these transactions is so simple that if all my friend from Texas wants is an explanation, I think he will readily recognize that no investigation is necessary.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MILLS. Yes.

Mr. CONNALLY of Texas. What the gentleman from Texas would really like is an explanation from the people who did this and not the gentleman from New York. I think they would know better, probably.

Mr. MILLS. They unquestionably would know a lot more than I do.

Mr. CONNALLY of Texas. I do not mean to underrate the gentleman's intelligence or his information, but I would just rather hear the witnesses themselves.

Mr. MILLS. The first assumption that this is an inactive fund, first made by the gentleman from Texas, Mr. GARNER, and then by the gentleman from Texas, Mr. CONNALLY, is a mistaken one. This is a very active fund in the sense that deposits are continually being made and withdrawals are being continually made. For instance, in 1918 the deposits aggregated approximately $65,000,000 and the withdrawals that year only $90,000; the following year the deposits were $85,000,000, the withdrawals $10,000,000; the following year deposits $35,000,000 and the withdrawals $18,000,000; the following year deposits $15,000,000 and withdrawals $27,000,000; the following year deposits $11,000,000 and withdrawals $22,000,000; the following year deposits $18,000,000 and withdrawals $26,000,000; the following year deposits $17,000,000 and withdrawals $15,000,000.

This was the situation. The Alien Property Custodian was constantly depositing at intervals millions of dollars with the Treasury to be invested, and at the same time on the shortest of notice he was withdrawing millions of dollars. In other words, if the Alien Property Custodian had to pay out $2,000,000—and the amount ran one year as high as $26,000,000—he would send word to the Treasury Department to pay from the fund $2,000,000. That is the first they would hear of it.

In order to meet these large demands on short notice and to handle so active a fund, what was essential? Of course, that the funds should be kept as liquid as possible, and what did that mean, gentlemen? That meant the fund should be kept invested in short-time securities, whose value does not fluctuate very widely.

When the present administration took control it found that that had been the practice of the preceding administration and it continued the practice, recognizing its soundness.

Now, the gentleman from Texas [Mr. GARNER] made much of the turnover, and if you had listened to the gentleman from Texas you would have believed he was dealing exclusively with long-term securities. The gentleman seemed to think that not one nickel was invested in certificates of indebtedness or in Government notes. As a matter of fact, during the entire period of the fund, which is nine years, only $230,000,000 of long-time securities were purchased, and sold to the amount of $233,000,000. That is the turnover in long-time securities. The balance of the turnover is in short-time securities, and, of course, there had to be a rapid turnover, since those certificates ran only for one, three, and six months' periods. Nothing very complicated, nothing very suspicious about all that, and that is exactly what happened.

Mr. GARNER of Texas. Will the gentleman yield for a question?

Mr. MILLS. Why, of course.

Mr. GARNER of Texas. Would the gentleman, then, be willing for the resolution of my colleague, the gentleman from Texas [Mr. CONNALLY], to go through in order to have an investigation of the buying and selling of these certificates by the Treasury Department?

Mr. MILLS. I am going to answer that perfectly frankly. So far as the Alien Property Custodian's office is concerned, I know very little about that situation, and whether it should be investigated or not is a matter for the proper committee to determine. In so far as these particular transactions are concerned, I want to say to the gentleman from Texas—and I know he will not mind my frankness—he offered a resolution which was adopted by the Ways and Means Committee asking for all this information. The Treasury tells me that they have got to go back for nine years, through hundreds and thousands of individual items; and not only that, these purchases and sales were made through the Federal reserve banks all over the country, and they have got to ask the Federal reserve banks to go through their books and dig out their individual sales and purchase slips for a period of nine years. They tell me it can not be done short of 60 days; that it can not be done without the expenditure of a good deal of money. I say to the gentleman I think it is absolutely wrong to waste the taxpayers' money for that kind of investigation when any man with ordinary business sense, by looking over these transactions, can satisfy himself that there is nothing improper about them.

Of course, we all know that these suggestions came from Mr. Brewer. Mr. Brewer wants another job and an opportunity to satisfy his personal animus. My distinguished friend from Texas thought he might find a political issue, and what he would like to do is to engage in a fishing expedition at the expense of the taxpayers, in the hope, no matter how remote, that he may dig up a little campaign material. I am unalterably opposed to using the taxpayers' money for that kind of a purpose. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. MILLS. I ask for two minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. MILLS. Now I want to say a word about the commissions. The commission on the purchase of these $232,000,000 of bonds was one thirty-second of 1 per cent—the lowest rate paid—and the Federal reserve bank, being the fiscal agent of the Government, did not charge any commission. On the certificates for indebtedness I am informed that no commission is paid.

Finally, gentlemen, let me call your attention to this fact, that on the bonds purchased, that is to say, $232,000,000, approximately, and those that were sold, $233,000,000, approximately, the long-term transactions, the profit was $1,262,886. My friend from Texas said if we had had all this money in cash in 1921—which we did not—and we had invested every bit of it in third Liberty bonds and held it, neglecting, of course, that we did not have the cash, but securities already purchased, that we were constantly receiving money and constantly paying it out, if we had locked up the bonds they would have appreciated so much in value that we would have made $36,000,000.

Of course, every one of his premises was unfounded; but even if they were well founded could you criticize the judgment of those who made the investment? The gentleman from Texas and every man knows that back in 1921 if you would have bought any security and had wisdom enough to put it away and sold it in February of this year you would have made a fortune. Did the gentleman from Texas do it? If he did he is a very rich man to-day. Anyone's hindsight is better than his foresight. But when a trustee prudently and intelligently makes investments over the whole period of time that show a reasonable profit, when it is shown that he never bought a bond that he did not sell at a profit, is it a fair criticism to say that if he had held the bond longer the market would have gone up and he would have made more money; and then, having made that criticism, to go a step further and charge, because he did not make a bigger profit, some one was making millions of dollars out of the trust fund? I leave that to the intelligence and fairness of the House. [Applause.]

I ask unanimous consent to insert the two tables in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The tables are as follows:

Alien Property Custodian deposits and withdrawals from trusts

	Aggregate deposits	Aggregate withdrawals
Oct. 27, 1917, to Dec. 31, 1918	$65,185,150.28	$90,971.35
Jan. 1, 1919, to Dec. 31, 1919	85,417,362.81	10,193,499.53
Jan. 1, 1920, to Dec. 31, 1920	35,898,700.18	18,482,778.67
Jan. 1, 1921, to Dec. 31, 1921	15,691,481.14	27,342,898.06
Jan. 1, 1922, to Mar. 3, 1923	11,164,755.05	8,744,866.49
Mar. 4, 1923, to Mar. 14, 1924	15,041,305.77	22,057,694.43
Mar. 15, 1924, to Mar. 14, 1925	18,596,125.59	26,033,778.52
Mar. 15, 1925, to Mar. 15, 1926	16,919,872.27	15,224,696.18
Total	263,914,753.09	128,171,183.23

Total bonds purchased for alien property investment account that have been sold

	Face amount	Principal cost	Proceeds of principal when sold
Second 4¼'s	$14,830,000.00	$14,457,649.60	$14,538,787.28
Third 4¼'s	49,034,000.00	48,000,856.83	48,325,514.49
Do	24,266,950.00	24,462,498.22	24,777,194.84
Do	10,000,000.00	10,144,687.50	10,144,687.50
Treasury 4¼'s	42,314,000.00	42,340,437.33	42,433,435.62
Do	9,365,000.00	9,847,159.40	9,852,600.09
Fourth 4¼'s	25,000,000.00	24,953,125.00	25,176,949.14
Do	18,249,000.00	18,007,704.07	18,626,634.38
Treasury 4's	35,000,000.00	35,000,000.00	35,195,859.38
Do	4,000,000.00	4,019,658.46	4,028,000.00
Total	232,058,950.00	231,833,776.41	233,096,662.63
Profit on sales to date		1,262,886.22	

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1304. An act for the relief of Hunter-Brown Co.; to the Committee on War Claims.

S. 2981. An act to amend section 553 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

S. 3418. An act to create an additional judge in the district of Maryland; to the Committee on the Judiciary.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 9460. An act granting the consent of Congress to the highway department of the State of Minnesota to reconstruct a bridge across the Mississippi River between the city of Anoka, in Anoka County, and Champlin, in Hennepin County, Minn.;

H. R. 9596. An act to extend the time for the construction of a bridge across the Mississippi River in the county of Aitkin, Minn.;

H. R. 9393. An act to extend the time for the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin;

H. R. 10200. An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America;

H. R. 10121. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River," approved January 31, 1923;

H. R. 9634. An act to extend the time for the construction of a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.;

H. R. 9305. An act to amend paragraph 1 of section 101 of the Judicial Code as amended;

H. R. 4785. An act to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park; and

H. R. 3794. An act granting the consent of Congress to the counties of Lancaster and York, in the State of Pennsylvania, to jointly construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.

FEDERAL FARM LOAN AND SURPLUS CONTROL BILL

Mr. SNELL. Mr. Speaker, I call up House Resolution 249, being a privileged resolution from the Committee on Rules, and pending the reading of that resolution I would like to ask the gentleman from North Carolina how much time is desired for debate.

Mr. POU. I think we can get along with 30 minutes on a side.

Mr. SNELL. Mr. Speaker, I ask unanimous consent that the discussion on the resolution be limited to one hour, one-half to be controlled by the gentleman from North Carolina [Mr. POU] and one-half by myself, and at the conclusion of the debate the previous question may be considered as ordered on the resolution.

The SPEAKER. The gentleman from New York asks unanimous consent that debate on the resolution be limited to one hour, one-half to be controlled by himself and one-half by the gentleman from North Carolina and at the conclusion the previous question may be considered as ordered. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

House Resolution 249

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11603) entitled "A bill to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities." After general debate, which shall continue not to exceed four days, one-third of the time to be controlled by the gentleman from Iowa, Mr. HAUGEN, one-third of the time to be controlled by the gentleman from Kansas, Mr. TINCHER, and one-third of the time to be controlled by the gentleman from Louisiana, Mr. ASWELL, the bill H. R. 11603 shall be read for amendment under the five-minute rule. After the reading of such bill for amendment it shall be in order to offer H. R. 11618 (Tincher bill) or H. R. 11606 (Aswell bill) as a substitute for H. R. 11603, or H. R. 11606 for H. R. 11618, or vice versa, notwithstanding the provisions of clause 7 of Rule XVI. At the conclusion of the reading of the bill the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage.

Mr. SNELL. Mr. Speaker, the rule just read by the Clerk is somewhat different from the average rule presented by the Rules Committee. Let me say in the beginning that I do not want this rule to be considered as a precedent. The Rules Committee has gone further in trying to meet the wishes of the Agricultural Committee than it has ever done since I have been a Member of this House. We have gone further than I think the committee would do on a report from any other committee in the House. We have done it because each Member is deeply interested in agriculture, recognize it as a basic industry, and we are willing and anxious to do everything in our power to aid in passing legislation that will be a definite benefit to the agricultural interests of the country. It was for this reason that we have gone beyond the ordinary precedents in drafting this rule for the consideration of this legislation.

The rule first provides for four days of general debate. The chairman of the committee suggested that even that was not long enough, but we told him that after the debate started there would probably be no objection to the House sitting later at night, if so desired, and thereby giving more time than is generally given under four days of general debate. The control of the time for the debate is to be divided three ways. The reason that is done is because there are three distinct propositions to be presented to the House in connection with this legislation. One proposition is known as the Haugen bill, and the gentleman from Iowa [Mr. HAUGEN] will control one-third of the time. Another proposition is known as the Aswell bill, and the gentleman from Louisiana [Mr. ASWELL] will control one-third of the time, and the other proposition is known as the Tincher bill, and the gentleman from Kansas [Mr. TINCHER] is to control one-third of the time. After the conclusion of general debate the Haugen bill (H. R. 11603) is to be read for amendment under the five-minute rule. After the conclusion of that reading it will be in order to offer as a substitute for the Haugen bill either the Tincher bill or the Aswell bill. If, for instance, the Tincher bill should be adopted as a substitute for the Haugen bill, it would also be further in order to offer the Aswell bill as a substitute for the Tincher bill, or vice versa. Either one of these can be a substitute for the other, and during the time that the substitute bills are before the House each one of them will be open to amendment, although the substitutes will not be read section by section for amendment. Yet any germane amendment may be offered to either one of them at any time while it is before the House.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. CHINDBLOM. It will be possible then to have three bills pending at the same time?

Mr. SNELL. If both of the substitutes are offered, it might be possible to have parts of all three bills before the House at the same time, but it is hoped that one substitute will be disposed of before the other is offered.

Mr. CHINDBLOM. What then would be the situation with reference to perfecting amendments to the last substitute? Would they be in order?

Mr. SNELL. It is intended to be pretty liberal in construing the question of degree of amendment. We intend as far as we can provide for it that any germane amendment will be in order to either one of the substitutes while that substitute is before the House.

Mr. CHINDBLOM. Of course, perfecting amendments are in order to the bill for which the substitute is being offered, but the last bill will not be in that situation.

Mr. SNELL. We intended to have each substitute considered in the same manner as far as germane amendments are concerned.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. TILSON. Is not this the fact, that the first so-called Haugen bill will be read all the way through for amendment?

Mr SNELL. That is correct.

Mr. TILSON. While that is pending, any germane amendment to that bill will be in order. That having been completed, then either of the other two bills may be offered as a substitute, and while it is pending as a substitute it will be open to any germane amendment to the particular bill which has been offered and is being considered as a substitute.

Mr. SNELL. That is exactly it, as I understand it.

Mr. TILSON. It having been completed, then the other may be offered, and while that is pending it will be open to amendment.

Mr. SNELL. That is it exactly.

Mr. TILSON. But the gentleman does not mean that at any time during the consideration one can propose amendments to any one of the three bills.

Mr. SNELL. I said after the substitute was offered, then that individual substitute will be open to any germane amendment.

Mr. CHINDBLOM. But if the second substitute becomes subject to amendment, that is in violation of the rule, is it not?

Mr. SNELL. Technically that might be so construed, but in this instance we intend to give each substitute an even chance and open the second substitute to amendment the same as the first. That is our desire.

Mr. CHINDBLOM. As I understand it, the abrogation of clause 7 of Rule XVI, relates only to the question of germaneness.

Mr. SNELL. It relates only to the question of germaneness when you offer one bill as a substitute for the other.

Mr. CHINDBLOM. It does not relate to the question of amendments in the third degree?

Mr. SNELL. No.

Mr. CHINDBLOM. But you are likely to have that on your second substitute bill.

Mr. SNELL. No; it does not refer to that.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. SNELL. First, let me clear up this other proposition. Only germane amendments can be offered to the substitute. Germaneness is not considered when you are offering a substitute to the Haugen bill, for instance. At that time the rule of germaneness does not apply.

Mr. CHINDBLOM. First the Haugen bill is offered, and then, we will say, the Tincher bill.

Mr. SNELL. It could be.

Mr. CHINDBLOM. And then the Aswell bill as a second substitute. If we can offer amendments to the Aswell bill, then we are going beyond the ordinary rule in respect to amendments.

Mr. SNELL. We appreciate that, but it is necessary under these unusual conditions we are now dealing with.

Mr. CHINDBLOM. But the rule does not cover that.

Mr. SNELL. We tried to make it cover that, and we hope it will be so construed; that is, not raise question of third degree amendments on the second substitute.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. DOWELL. As I understand the rule, the substitute will be in the form of an entire bill, with an enacting clause. That will be offered as a substitute and will be treated under that rule as a substitute during its consideration.

Mr. SNELL. Yes.

Mr. DOWELL. Then, when the bill goes to the House, if that is adopted as a substitute it will then be disposed of as an amendment to the original bill, being a substitute, even though it does carry an independent enacting clause.

Mr. SNELL. That is the way the committee construed that.

Mr. DOWELL. Will the gentleman yield?

Mr. SNELL. That is what we intended to carry out. I yield to the gentleman from North Dakota.

Mr. BURTNESS. My understanding is, so far as the Haugen bill is concerned it will be read and perfected in the same way as if these other bills were not made in order?

Mr. SNELL. Exactly.

Mr. BURTNESS. Entirely perfected before either of these other bills can be offered as a substitute?

Mr. SNELL. Yes, sir.

Mr. BURTNESS. Now, as to offering either of these bills as a substitute, I take it from the rule it is in the discretion of the Chair as to the matter of recognition as to which one of these two bills—the Tincher bill or the Aswell bill—may be offered first.

Mr. SNELL. That is, if there is any contention between the two that would be within the discretion of the Chair to recognize.

Mr. BURTNESS. After one is offered as a substitute, do I understand this rule to mean that the second of these proposed substitute bills is to be offered as a substitute for that bill which has been proposed as the first substitute, or to be offered as a substitute for the Haugen bill, or either?

Mr. SNELL. Just a minute to see if I can explain. Say the Tincher bill is offered as a substitute for the Haugen bill. While before the House anyone would have an opportunity to offer any amendment they desired to that bill, and then the vote would come upon the question of substitution of the Tincher bill for the Haugen bill.

Mr. BURTNESS. While that is pending could not some one offer the Aswell bill as a substitute for the Tincher bill?

Mr. SNELL. This is an important matter, Mr. Speaker, and I want to try to get it straightened out. The understanding that we had in mind was this: That if one of these other bills was offered as a substitute for the one under consideration the vote would come on that substitution first; say, for instance, the Tincher bill was offered first as a substitute to the Haugen bill and the House accepted it, then you could offer the Aswell bill as a substitute for the Tincher bill; or if the Tincher bill was voted down, then you could offer the Aswell bill as a substitute for the Haugen bill. That is our understanding and what we are trying to provide for.

Mr. BLACK of New York. Will the gentleman yield?

Mr. SNELL. I will.

Mr. BLACK of New York. I just wanted to know who controls the time in opposition to this mess?

Mr. SNELL. I can not answer the gentleman, and it is not a fair question.

Mr. BLACK of New York. Does the gentleman mean to say that the Committee on Rules have not provided for time for opposition to this mess?

Mr. SNELL. There will be ample opportunity given to the gentleman to oppose any bill.

Mr. BLACK of New York. I am talking about time. The gentleman comes in with a rule setting forth who is to control the time. Those gentlemen are in favor of these bills, and the gentleman has made no provision for time for those in opposition, any man who may be in general opposition.

Mr. SNELL. The gentleman named in the resolution will divide the time equally and fairly, and so stated before the Committee on Rules. Mr. TINCHER will give half of his time to those in opposition and so will the other gentlemen, and it was so distinctly stated, and there will be no trouble in getting reasonable time in opposition.

Mr. JONES. Will the gentleman yield?

Mr. SNELL. I will.

Mr. JONES. I could not quite hear the gentleman's reply. Suppose the Tincher bill was offered as a substitute and accepted. Would it be in order to offer the Aswell bill as a further substitute?

Mr. SNELL. Exactly, as I stated.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. SNELL. I will.

Mr. CARTER of Oklahoma. It would not be in order until all perfecting amendments had been disposed of in reference to the Tincher bill, would it? Would not the Tincher bill be fully amended and perfected before the Aswell bill would be in order?

Mr. SNELL. It could be offered at that time; any amendment would be in order to the Tincher bill while that bill was before the House.

Mr. CARTER of Oklahoma. Suppose two Members rise to offer an amendment, one to offer an amendment to perfect the Tincher substitute, and the other rises to offer the Aswell bill as a substitute. Which will have preference?

Mr. SNELL. The one perfecting the Tincher bill.

Mr. KINCHELOE. Will the gentleman yield?

Mr. SNELL. I will.

Mr. KINCHELOE. I know what has been the intention on the part of the Agricultural Committee when we had the bill up. The rule is very clear now, that after the Haugen bill has been perfected under the five-minute rule it will be in order to offer as a substitute the Tincher bill or the Aswell bill?

Mr. SNELL. Yes.

Mr. KINCHELOE. The gentleman says it will be in order to offer an amendment to perfect the substitute?

Mr. SNELL. It is pretty hard, when you have three propositions before the House, to cover every single contingency that could arise. But that was the intention of the committee, that if the Tincher bill was offered first that would be open to germane amendments to perfect it. Then it would be in order to offer the Aswell bill as a substitute for that, and while this bill was before the House it would be open to germane amendments.

Mr. KINCHELOE. It was a question whether it would be in order to offer it as a substitute or as an amendment. Suppose the Tincher substitute was offered first and the Aswell substitute is then offered and some one undertakes to offer an

amendment to the Aswell substitute. Would not that be under the rule a violation of clause 7 of Rule XVI, in as much as it would be an amendment in the third degree?

Mr. SNELL. Clause 7 of Rule XVI has nothing to do with degree amendments that deals with germaneness. If you are offering an amendment to either substitute or the main bill, it must be germane. The question of germaneness is not taken into consideration only when you are offering a whole bill as a substitute for another whole bill, as is specially provided in this rule.

Mr. KINCHELOE. I could see where it would not be an amendment to the third degree if one bill was offered as a substitute for the Haugen bill, for instance.

Mr. SNELL. We expected that there would be a wide-open opportunity for amendment on each of these substitutes.

Mr. KINCHELOE. I wondered whether the rule itself covered it.

Mr. SNELL. It is pretty hard to cover every one of these contingencies by a general rule, but the intention is to give ample opportunity to amend either or both substitutes.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Certainly.

Mr. CRISP. Under this report this is an unusual proceeding.

Mr. SNELL. It is.

Mr. CRISP. And it is the intention of the Rules Committee to give the House an opportunity to consider each one of the three bills, and when one is offered as a substitute for the purpose of amendment it is to be treated as an original bill, and any germane amendment could be offered to it, and would not the Chair, in view of the unusual procedure, in view of the fact that this rule is changing the rules of the House in many respects as to the consideration of this measure—would not the Chair be authorized to treat each one of these substitutes when amendments were offered as an original bill, and not hold them down as amendments under the third degree?

Mr. SNELL. That was the understanding, that the Chairman would be very liberal in receiving amendments to substitutes and, in fact, treat them as original bills.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield there?

Mr. SNELL. Yes.

Mr. NEWTON of Minnesota. Assuming that the Tincher bill is offered and is accepted as a substitute for the Haugen bill, that means, then, that the Tincher bill will be subject to amendment, paragraph by paragraph, just as if it were the original construction?

Mr. SNELL. It is not the idea to read it paragraph by paragraph, but anyone can offer a germane amendment to any paragraph while it is under consideration.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. CANNON. I am much interested in the statement made by the gentleman from Georgia [Mr. CRISP], and agreed to by the gentleman from New York [Mr. SNELL], two of the ablest parliamentarians in the House, to the effect that the Tincher bill and the Aswell bill, because this, as an unusual proceeding, will be considered as original texts when offered as substitutes, although there is no provision to that effect in the resolution before us? Would this not be in direct conflict with the precedents, which hold that the intention of the House, as expressed in debate at the time a rule is adopted, has nothing to do with the interpretation of the rule, but that the Chair must interpret it in accordance with its express terms as adopted by the House?

Mr. SNELL. I think that as a general statement is true, but we are here trying to meet an unusual condition and are obliged to go out of the ordinary some to meet it. There are several things in connection with this rule that must not be too strictly construed. I do not want to depart from the normal procedure of the House any more than the gentleman from Missouri, but we are up against a condition and must meet it. I would not want this to go down as a precedent, for the Committee on Rules to bring in a rule of this character, but I believe it is as good a rule as you could have to meet the conditions confronting us, and we were all anxious to do all we could for the benefit of agriculture.

Mr. CANNON. Will the gentleman yield further?

Mr. SNELL. Yes; I yield to the gentleman from Missouri.

Mr. CANNON. Upon what rule or practice of the House does the gentleman base the assumption that because this is a unique and unusual proceeding we are to proceed in a manner not provided in the resolution itself when it becomes effective?

Mr. SNELL. I would not want to agree that we did adopt an entirely new practice. But, of course, if there was a rule to cover this procedure, we would not have to bring in a new one. It is our duty as far as possible to meet conditions as we find them and solve them so as to facilitate the business of the House and carry out the wishes of the House. I believe we have done this in this rule.

Mr. CANNON. It has been stated both by the gentleman from New York and the gentleman from Georgia that when the bills authorized to be considered as substitutes come up, they will be considered as original texts. I do not find in the resolution under consideration any provision warranting that procedure.

Mr. SNELL. Well, in rules of this character it is pretty hard to provide for every emergency that an experienced parliamentarian like yourself could imagine, but we have covered everything as best we could and not make the rule too long or too cumbersome.

Mr. CANNON. I hope the gentleman does not contend that the Chair, when this question arises later, after the adoption of the rule, would be warranted in holding in order any procedure not specifically provided for in the rule itself?

Mr. SNELL. That is a pretty hard question to answer just now.

Mr. CANNON. The Chairman would certainly be confined to the rule itself in passing upon any point of order which might be raised. Has it not always been the invariable practice to interpret a special rule strictly? It is a departure from the general rules of the House, and instead of interpreting a special rule broadly, has it not been the universal practice to interpret such rules strictly?

Mr. SNELL. I think that is true. But in this situation I think the Chairman will be fairly generous in construing the rule.

Mr. CARTER of Oklahoma. The rule does not provide for an amendment to the third degree?

Mr. SNELL. It does not provide that, it is true.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield again?

Mr. SNELL. Yes.

Mr. NEWTON of Minnesota. Referring to my inquiry a little while ago, if the substitute which is accepted by the House is not to be read for amendment as an original would be, it would mean that as soon as the substitute has been considered and there has been five minutes' debate on this substitute, then it would be possible to make a motion to close debate, whereupon discussion of the bill would practically cease?

Mr. SNELL. That would be a possibility, but the gentlemen in charge of these different substitutes do not desire to do that. Each one of them wants to have his own substitute fully and freely discussed before the Members of the House.

Mr. NEWTON of Minnesota. Will the gentleman yield further?

Mr. SNELL. Yes.

Mr. NEWTON of Minnesota. You have three bills differing greatly from each other. They are very important and they involve a lot of questions with which we are not greatly familiar, so it seems to me it would be much better if there could be a way whereby these bills could be read for amendment just as if you would read the original bill.

Mr. SNELL. We have considered all of those problems and we consider the way provided in the rule to be fair and equitable to each bill.

Mr. NEWTON of Minnesota. I admit the gentleman has had a difficult task.

Mr. BLANTON. Will the gentleman yield to me?

Mr. SNELL. Yes.

Mr. BLANTON. I have received 25 telegrams sent to me collect. [Laughter.]

Mr. SNELL. The gentleman does not hold the Committee on Rules responsible for that?

Mr. BLANTON. But I will state that I have refused payment on them. What I want to ask the gentleman is this: They are all in favor of one of these bills?

Mr. WEFALD. Which one?

Mr. BLANTON. Will this public sentiment which has been created by somebody at somebody's expense be a more controlling influence over the Chair than the gentleman's implied deductions concerning his rule?

Mr. SNELL. I can not answer that.

Mr. CANNON. Will the gentleman from New York permit me to ask the gentleman from Texas a question?

Mr. SNELL. Yes.

Mr. CANNON. I wish to ask the gentleman from Texas what bill the telegrams advocate.

Mr. BLANTON. They all advocated a certain bill which I do not want to advertise right now.

Mr. KETCHAM. Will the gentleman yield to me?

Mr. SNELL. Yes.

Mr. KETCHAM. Will the gentleman give his attention to this situation? Suppose we proceeded under the rule and had completed general debate and had read the Haugen bill for amendment, then the question comes on a substitute. I am not particular which bill you use for the sake of illustration, but what I want to know is this: When, in the judgment of the gentleman, will the vote come on the substitute? Must it come before we have had an opportunity to perfect the bill which we seek to substitute?

Mr. SNELL. It is intended to give absolutely open opportunity to perfect the substitute.

Mr. KETCHAM. Before a vote is taken on the question of substitution?

Mr. SNELL. Yes.

Mr. BLACK of New York. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. BLACK of New York. Suppose the Committee of the Whole adopts the same procedure as that adopted by the Committee on Agriculture and reports the three bills to the House? Then what is going to happen?

Mr. SNELL. That is up to the House, and I can not answer as to that.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. CHINDBLOM. Of course, it is impossible to forestall every possible contingency, but what would happen if the enacting clause were stricken out? Then there could be no consideration of the substitute?

Mr. SNELL. If the House does not want to consider agriculture, let it strike out the enacting clause. It is up to the House. We can not provide everything in a rule to meet every possible action on the part of the House.

Mr. CHINDBLOM. I concede that; but would the House then go ahead and consider the Tincher bill or the Aswell bill?

Mr. SNELL. This is my construction as to that: If the House should strike out the enacting clause, the bill would go back on the calendar and be re-referred to the committee, and there would be no more consideration at the present time.

Mr. HASTINGS. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. HASTINGS. As I understand, after the Haugen bill has been considered and all amendments have been voted upon, then one of the other bills may be offered as a substitute?

Mr. SNELL. It may be.

Mr. HASTINGS. And, as I understand, that bill must be perfected and all amendments offered to the bill offered as a substitute before it is voted on as a substitute?

Mr. SNELL. That is correct.

Mr. HASTINGS. And an amendment, if it were adopted as a substitute, would not be in order to that substitute after it was adopted?

Mr. SNELL. No, sir.

Mr. WEFALD. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. WEFALD. The gentleman stated he was not very proud of this rule?

Mr. SNELL. I am not proud of what we are trying to do, but the rule in itself is all right.

Mr. WEFALD. Would not the gentleman go a step further and say he is rather ashamed of this rule?

Mr. SNELL. No; I would not. I said we did the best we could under the circumstances and conditions confronting us.

Mr. GARRETT of Tennessee. Will the gentleman yield to me?

Mr. SNELL. Yes.

Mr. GARRETT of Tennessee. In view of the question asked by the gentleman from Minnesota [Mr. WEFALD] as to whether we are ashamed of the rule, would the gentleman be kind enough to make a suggestion as to a rule which the Rules Committee would not be ashamed of or that he would not be ashamed of?

Mr. WEFALD. Is the gentleman's question directed to me?

Mr. GARRETT of Tennessee. Yes. Can the gentleman suggest a rule to meet the conditions existing in the House?

Mr. WEFALD. I want to say, Mr. Speaker, that I should think they ought to be able to find a rule among the rules that have been in practice here during the last 150 years that would fit this occasion.

Mr. SNELL. Mr. Speaker, I reserve the balance of my time. [Applause.]

The SPEAKER pro tempore. The gentleman has used 26 minutes. The gentleman from North Carolina [Mr. POU] is recognized.

Mr. POU. Mr. Speaker, inasmuch as the House is now called upon to consider one of the most serious problems that any legislative body can be called upon to consider, it would be well to take this situation in a serious manner. The attitude of the minority of the Committee on Rules arose out of a desire not only not to throw obstacles in the way of the consideration of farm-relief legislation but to be helpful, if possible.

The rule is a most unusual rule. I regret that the great Committee on Agriculture was compelled to come to the Committee on Rules without deciding upon any policy. I regret that the Committee on Agriculture requested the Committee on Rules to give the House of Representatives opportunity to consider three measures which are diametrically opposed to each other in some respects.

This whole situation, Mr. Speaker, arose out of the policy of one political party in parceling out favors at the expense of the Treasury of all the people. The result of such policy now comes home to plague you. What a vain situation we are dealing with here, when one knows the history of this legislation and when one considers the possibilities of the future! If I am correct in my appraisal, the one of these three particular measures which is going to get the largest vote does not stand any more chance of becoming a law than I have of being elected Governor of Kamchatka, and yet the chairman of the Rules Committee was questioned for almost a half hour about this particular measure and also two other measures, when everybody knows there is only one of them that stands any chance of becoming a law.

Mr. QUIN. I would like to ask the gentleman why he makes that statement—that if one of these bills passes this body it can not become a law?

Mr. POU. I am undertaking the rôle of a prophet. Yes; I am prophesying. I do not believe the gentleman himself thinks that the Haugen bill, for instance, stands a chance to become a law if it is passed by the House and by the Senate.

Mr. QUIN. Why could it not? I am going to vote for that bill and put it on the President's shoulders. [Applause.]

Mr. POU. This unusual rule is the answer of the party in power to the Macedonian cry, "Help us." The Haugen bill is offered as a panacea to depressed agriculture in a few States, but the bill has some vicious provisions in it. It creates a subsidy pure and simple. If it should pass, some temporary relief might come to the wheat grower and corn grower, but that relief would only last while the subsidy lasted. Before I could ever vote for the Haugen bill I must first vote for a high protective tariff. [Applause.]

The parceling out of favors is coming back to plague you now. By this bill you attempt to override economic law. You would take money out of the Treasury to help one class of the community at the expense of all the people.

Mr. Speaker, the situation with which we are called upon to deal is the culmination of a policy of conferring special privilege on the few at the expense of all the people which has been practiced for two generations, whenever the Republican Party has been in complete control. You have protected the manufacturer against competition. You have conferred upon the manufacturer privilege he has no right to expect. By forcing the farmer to buy in a protected market you have taught him a lesson he was somewhat slow to learn, but which at last he has learned.

The effect of a prohibitive tariff is practically the same as the effect of a direct subsidy. The farmer can not understand why the manufacturer must be the recipient of special favor while he must work out his own salvation without any help whatsoever. The farmer produces the necessities of life. He produces food and clothing for the Nation, but he must buy in a protected market while certainly his surplus is disposed of in a market where world conditions fix prices.

Laboring against unfair discrimination, it is not surprising that agriculture should languish. Certainly there is a reason. Many industries in the Nation are prospering. Bank deposits have mounted higher and higher. It can hardly be said that there is scarcity of money, and yet in the midst of much prosperity agriculture is sick.

You can not restore agriculture to health by providing a subsidy. You may afford slight temporary relief, but unless you intend to make your subsidy permanent the disaster you will invite in the end will be far greater than any disaster which is threatened to-day.

Equal opportunity to every citizen, to every industry; special privilege to no citizen or industry.

The depression we all would remove if we could is caused by a violation of this just principle.

A square deal for every citizen, for every industry. No citizen has a right to expect more than a square deal, and every citizen has a right to expect nothing less than a square deal.

You gentlemen who come from the cotton-growing section had better read this bill a good many times before you vote for it and go back to your constituents, because the basis of that bill is not sound.

I said that gentlemen who come from the cotton-growing sections had better read this bill very carefully before they vote for it, because in order to ascertain the selling price of a commodity you first take the prevailing price and add to that the protective tariff on ordinary white cotton, plus transportation cost, but as two-thirds of the cotton crop is exported and as there is no protective tariff on ordinary short-staple cotton it is hard to see how any benefit can come to the cotton producer by way of increased price. For my part I will not stand here and see the cotton farmer of the South handed a gold brick without protesting against it and without warning against it.

Why, our farmers are large purchasers of some of the very commodities the price of which is going to be increased by the Haugen bill. I believe that bill will put up the price of wheat approximately 50 cents per bushel and will advance the price of corn; but it will not help the cotton farmer a particle, but, on the contrary, will increase the price he is forced to pay for some of the necessities he is forced to buy. I think my State purchases, or perhaps, I should say, uses, some 8,000,000 bushels of wheat annually. Therefore this bill in order to raise the subsidy will impose a tax of $4,000,000 annually upon the people of North Carolina.

Mr. RUBEY. Will the gentleman yield?

Mr. POU. Not just now, please. I will yield in a moment.

I could not support such a measure unless I belonged to a political party that believed in parceling out special privileges [applause]; that believed in helping one man or one class at the expense of all the people. You are handing to the cotton farmers of the Nation a gold brick; you are handing to the tobacco farmer a gold brick; you are asking us to support a measure here which is vicious in its provisions and will not only be of no benefit to the people in the cotton-growing sections of the Nation but will add to their expense. Those who are thinking of supporting this bill will do well to consider the great army of consumers. The price of bread will certainly be advanced, and there are many millions who must have bread. Mr. Speaker, any price-fixing measure is wrong in principle, and the Haugen bill is certainly a price-fixing bill.

Now, Mr. Speaker, I have said about all I care to say with respect to this legislation, but I must say this in concluding. The gentleman from New York said this rule was not to be taken as a precedent. The truth is, it is such a peculiar rule, so unusual, it ought to be put in a museum somewhere as a curiosity. [Laughter and applause.] As I have said, it appears to be the answer to the cry of half a dozen States for help. God knows I, for one, would be glad to help the corn grower and the wheat grower, but in my effort to help I must be careful not to do great injustice to the American people. Now, Mr. Speaker, if a great committee can shift responsibility by asking the Committee on Rules to give preferential status to three measures, then the question may be properly asked, What do you have committees for? [Applause.]

For one, I am willing to stay here the balance of the summer, if necessary, in order to deal with this question in a proper way; but we will never solve the problem by imposing subsidies, and it should not be forgotten that the cotton farmer may be forced to pay a fee on every bale of cotton produced while receiving no benefit by advance in price. I do not say this is probable, but I do say it is possible. In any event, I can not see how the cotton farmers of the Nation can reasonably expect advance in price.

Mr. Speaker, this rule responds to the request of the Committee on Agriculture.

Mr. KINCHELOE. Will the gentleman yield?

Mr. POU. Yes.

Mr. KINCHELOE. I want to say to the gentleman it was not the unanimous request of the Committee on Agriculture by any means.

Mr. POU. I am glad to hear that. It seems to me the Committee on Agriculture might properly ask that the three bills be sent back for its consideration, and hold some additional meetings, and bring in a measure here that is logical—one which does not violate economic law—and we will sit here, if necessary, until the August dog days in order to give such measure consideration. Gentlemen, if you think the farmers of America are going to accept this rule and the three measures, made in order as a fair answer to the cry for help, in my humble judgment, you are woefully mistaken, particularly when we know that only one of these measures stands any chance to become a law. Even if the other two were passed by the House and the Senate, we would merely be doing a vain thing. What we would do would amount to nothing more than a meaningless gesture. [Applause.]

I reserve the remainder of my time, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from North Carolina has used 10 minutes.

Mr. POU. Mr. Speaker, I yield the remainder of my time to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I do not propose at this time to enter into any discussion of the merits of the legislation. This rule grows out of the inability of either a political or a numerical majority of the Committee on Agriculture to agree upon any legislative proposition that they would recommend to the House.

The committee did recommend that three bills be placed before the House for consideration, the Haugen bill, the Tincher bill, and the Aswell bill. It seemed to be the sentiment of those Members of the House outside the Committee on Agriculture, with whom I was able to consult, that this recommendation of the Committee on Agriculture should be carried out and that these three measures should be brought before the House primarily for consideration, together with such germane amendments as may be offered to them from time to time. I do not want to get into any technical discussion as to when it will be in order to offer this or that amendment. The Committee on Rules, responding to what was clearly the wish of the Committee on Agriculture, in so far as they made any recommendation at all about considering any legislation and in responding to what seemed to be a sentiment expressed by other Members of the House, agreed upon this rule to meet this peculiar and unusual situation.

If representative government is reflective of the popular sentiment, I do not know what sort of a situation we are in in regard to agricultural legislation. [Laughter.] If a majority of 21 men found themselves wholly unable to get up any sort of a proposition that they could report to the House and then the Committee on Rules to which the next appeal was taken—and that was merely a matter for procedure—found themselves unable to agree, in so far as they tried to discuss the merits of agricultural legislation—and that was not very much—well, it just remains to be seen what 435 Members can do with the proposition. [Laughter.] We have the rule here, and the House has its opportunity. I trust that something will work out for the benefit of the people. [Applause.]

Mr. SNELL. Mr. Speaker, I yield four minutes to the gentleman from Louisiana [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Speaker and gentlemen of the House, there seems to be some confusion as to the meaning of this rule. Now, let me say a word about the rule, and if you will listen to me, I think I can make plain what the rule does, and, owing to the limited time that I have, I am not going to yield for any questions.

This rule makes in order the consideration of the Haugen bill. The rule does not make in order three bills, as some allege, but one bill, and that is the Haugen bill. Whatever you get through the Committee of the Whole will be the Haugen bill. This bill may be changed by amendments and substitutes beyond recognition, but when reported to the House it will still be H. R. 11603, the Haugen bill.

One change this rule makes in the rules of the House is at the place where the Tincher bill and Aswell bill may be offered as substitutes. Under the rules of the House, after the reading of the first section of a bill a Member who has a substitute for the entire bill under consideration may offer that substitute. He moves to strike out the first section, offers this substitute, and at the same time gives notice that if the substitute carries he will move to strike out the other sections of the pending bill as they are read. Under this rule it is made in order to offer the substitutes, to wit, the Tincher bill and the Aswell bill, at the end of the reading of the Haugen bill for amendment under the five-minute rule instead of after the reading of the first section.

The object of the rule is to give this House in Committee of the Whole the opportunity to consider the Haugen bill under the five-minute rule, perfect it, and then at the conclusion of the reading of the Haugen bill under the five-minute rule either one of the other two bills can be offered as a substitute. While either the Tincher bill or Aswell bill is pending as a substitute it will be subject to amendment under the rules of the House the same as if the substitute had been offered at the end of the first section instead of at the end of the bill as this rule provides.

The second change this rule makes in the rules of the House is that it makes the Tincher bill and the Aswell bill in order as substitutes notwithstanding the rule as to germaneness.

This in brief is the sum and substance of the rule. The rule as I understand it is simple and clear and insures careful and full consideration of this farm-relief legislation.

Now, a few words in conclusion why the House should adopt the rule to consider farm-relief legislation. Two years ago I supported the McNary-Haugen bill, and I still believe that if that bill had been enacted into law it would have restored agriculture to its pre-war prosperity and on an economic parity with industry and labor. On December 10, 1923, Secretary of Agriculture Wallace, in his report, called attention to the distressful condition of agriculture. We from the agricultural sections of the country knew of that distress, but the report of the Secretary of Agriculture did not seem to impress the business and industrial sections of the country.

Since that time the National Industrial Conference Board, of New York, composed entirely of representatives of industry, has made a careful and thorough survey of the farm situation. Many of the findings of this board are set out in the report accompanying the Haugen bill, and I ask every Member of this House to acquaint himself with the findings of this board as set out in the Haugen report. On page 9, under the heading "Works on narrow margin," I read the following paragraphs:

Actual earnings of the farmer in 1924 in return for his labor are computed by the board at $730, on the average, as against average earnings of $1,256 per wage earner in the manufacturing industries, in the same year average earnings of $1,572 by transportation workers, $2,141 earned by clerical workers, and average of $1,678 earned by ministers, $1,295 by teachers, about $1,650 by Government employees, and an average of $1,415 per worker in all groups other than farmers.

The food, fuel, and housing supplied by the farm the board's report appraises at about $630 per year, which leaves the average farmer a cash income of about $100 out of the $730 earned by his labor during the year 1924. An average return of about $400 is allowed on the capital invested, making the total average cash income per farmer operator about $500 a year. Since the cost of food and clothing purchased by the average farm family during the year runs to about $475, the average farm income is only slightly more than enough to purchase the necessities of life.

The report also calls attention to the per capita income of farmers as compared with the incomes of other workers, bank failures in agricultural States, the increase of farm bankruptcies, and the tremendous increase of farm indebtedness.

I wish to quote further from this report, beginning at the bottom of page 11, under the heading "Farm values below pre-war":

The total value of all farm property in 1913 was $45,227,000,000; in 1920, $79,607,000,000; and in 1925, $59,154,000,000. Reduced to terms of 1913 purchasing power, however, the total value of all farm property in 1925 was only equal to $38,188,000,000 of 1913 purchasing power. In other words, all farm property in the United States in 1925 had only 84.4 per cent of its purchasing power in 1913.

Farm lands in the United States as a whole have an actual exchange value or purchasing power approximately 20 per cent less than the purchasing power of the same land in 1910, according to comparative figures from the United States Bureau of Census for 1910 and 1925.

Farm lands of the 12 North Central States had an exchange value in 1925 of only 78.96 per cent of their 1910 purchasing power. The extreme case was found in Indiana, where the census figures show the 1925 farm-land purchasing power to be only 61.25 per cent of the purchasing power of the same land 15 years ago.

The purchasing power of farm lands of other States in the North Central group in 1925 compared with 1910 (based on Bureau of Census figures), is given as follows:

Iowa	90.07	Kansas	76.41
Missouri	69.71	Ohio	64.56
North Dakota	71.28	Illinois	71.10
South Dakota	85.27	Wisconsin	85.07
Nebraska	84.36	Michigan	80.04

Even the minority report makes this concession—

American agriculture is not prosperous, and a continuance of its lack of prosperity will jeopardize the entire economic structure of American life, and possibly result in reducing the farmers to peasantry.

This is the picture of the condition of American agriculture that is presented to you not by the farmers but by trained investigators, who are not directly interested in agriculture. I am for the Haugen bill. However, the question now directly before you is not whether you are for or against the Haugen bill but whether you will adopt this rule in order to give the House an opportunity to consider farm-relief legislation. Farm-relief legislation is imperative and I, for one, am ready to stay here as long as it is necessary to bring about an equitable and a just solution of this great national problem. [Applause.]

Mr. SNELL. Mr. Speaker, I ask for a vote on the resolution.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11603, with Mr. MAPES in the chair.

The Clerk read the title of the bill.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Under the rule the Chair recognizes the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Chairman, the principles and objects of the proposed bill are the same as those in numerous bills referred to the committee and the farmers' export bill and the McNary-Haugen bill reported to the House in the Sixty-eighth Congress, with the exception that the name of the supervising Government agency is changed to a Federal farm board instead of farmers' export corporation, as in the export corporation bill, and instead of the United States export corporation, as in the McNary-Haugen bill.

Nominations of members of the board are to be made by cooperative associations and farm organizations. It is thus made a 100 per cent farmers' proposition.

It calls for an appropriation of $375,000,000 instead of $200,000,000 and authority to borrow ten times that amount as provided in the McNary-Haugen bill.

It makes the tariff 100 per cent effective to the farmers, while the McNary-Haugen bill, if enacted into law, would have made the ratio price effective.

Its purpose is to overcome the continued economic depression in our basic industry, agriculture; to encourage and to restore normal and better conditions among the one-third of our people who live on the farms, and thus to promote prosperity, progress, and happiness, not only to agriculture but to labor and other deserving activities, in order that we may have the fullest development of every worthy and legitimate enterprise.

Believing all Members, regardless of their political affiliations, to be sincere in their advocacy of the principles and policies which they support, this is not a time to quarrel or to question the motives of anybody. Quite the contrary. Although economic conditions have in a degree improved, it still requires the united and best efforts of all to reconstruct our prosperity on a basis of equality and to get back to normal and better circumstances. So what I have to say is not to quarrel or to question the good judgment or motives of anybody but candidly and in a frank manner to offer a few observations and to express my personal views upon the all-important subject of farm relief legislation and to suggest a remedy which, I believe, if enacted into law will afford material relief.

First. What is the farmers' most serious trouble? Why the continued depression in agriculture? It is not due to short yield or crop failures or to unfavorable weather and climatic conditions, nor is it due to bad management, extravagance, or idleness, nor to the farmers' lack of industry intelligently applied. All agree they have carried on their pursuits with as much vigor and energy as ever. The causes are, of course, many—the unwarranted sudden deflation policy, the continuing high cost of farm production, high transportation rates, high rates of taxes, and many other factors which time does not permit me to discuss in detail.

In my opinion the most serious handicap to overcome is the disparity in prices between agricultural commodities and other commodities, as shown by the low prices which the farmer receives for his commodities as compared with the price he pays for what he has to buy to operate his farm successfully. The purchasing power of the farmer's commodities is not on a parity with the purchasing power of the products of industry. All with experience will agree that in many instances the purchasing power of agricultural commodities is less than one-half of its pre-war purchasing power.

A number of years back, in my section of the country, corn sold at from 25 cents to 50 cents a bushel and occasionally as high as 60 cents. Wagons sold at $35 to $50, binders from $110 to $125. Generally 100 bushels of corn would buy a wagon and 200 to 250 bushels of corn would buy a binder. The current price of corn is from 25 cents to 50 cents. Wagons sell at around $135, binders at around $230. It now requires around 250 bushels of corn to pay for a wagon and from 400 to 500 bushels to pay for a binder. The same is true in purchasing other implements and clothing and most of the things the farmer has to buy. Wages and taxes have more than doubled, and so all along the line.

Undoubtedly the depressed economic conditions in agriculture are very largely due to the inequality in prices between agricultural commodities and other commodities, which has resulted in an inadequate return to the farmer for his labor and capital invested.

First. It is largely due to the exportable surplus of certain agricultural commodities, by which the price at home is made dependent upon world prices and is lowered by reason of unsettled world conditions and lower cost of production in foreign countries; in other words, it is due to the unfortunate fact that the price obtained for the surplus determines the price of the whole production.

Second. It is due to the inability of the farmers to organize, to pool their whole production so as to market their commodities as the market requires them, and thus control the price so as to receive full benefit of the tariff protection as organized industry does. Our growers of cotton are in the singular position of producing and exporting over 60 per cent of the world cotton exports, yet without legislation of this character they must remain powerless to influence the world cotton price.

It is generally conceded in the case of the producer of a commodity of which there is a large exportable surplus that in the absence of an organization vested with power to pool its whole production or to curtail output, the prices obtained for the exportable surplus determine the prices of its whole production. On the other hand, an organization which has a monopoly or is vested with power to pool its whole production is able to sell part of its production for domestic consumption at the world's price plus the tariff and transportation charges incidental to the importation of the competitive article. Organized industry which has a monopoly or power to restrict production is able to determine the price of its product, or if it produces an exportable surplus, under a protective tariff system it is able to sell a part of its product in the domestic market for domestic consumption at the world price plus the tariff and cost of importation, and to sell its surplus at the world price level in competition with the surplus production of other countries, without affecting the domestic price. Thus it materially advances the average price of the whole production, the average price being the domestic price less the discount occasioned by the lower price of the surplus.

On the other hand, with six and one-third million farmers scattered over this broad land, many of them more than 3,000 miles apart, unorganized as they are, restricted production or pooling of their surplus production necessary in order to take the benefit of our protective tariff seems out of the question without further legislation and cooperation. It has been tried. Many most excellent men have given their time and money in an honest effort to effect organizations to pool the whole production. Everyone that attempted this, so far as I know, has given up in despair. Millions of dollars have been expended without accomplishing the desired results.

The same is true as to the curtailment of production. Even if curtailment of production were possible, it would be unwise, unhuman, and un-American to do so. We boast of the fact that we rank among the greatest agricultural nations; we take pride in the fact that during the World War we were in position to supply the needed food not only to our own people but to the valiant men at the front. We are characterized as the food basket of the world; we are blessed with rich and productive soil, rain, and sunshine; we are charged with the grave responsibility of producing food. Shall we shirk the responsibility and bring the danger of starvation not only to our own loved people, but to millions of others throughout the world?

Gentlemen, it is unbelievable that anyone could harbor the idea. Even if it were deemed wise to curtail production, it would, of course, be beyond the control of Congress or the producer. No; unfavorable weather and climatic conditions, the corn borer, the chinch bug, grasshoppers, rain and sunshine, and numerous other factors would have much to do in determining the yield. Providence must be taken into consideration.

Furthermore, it would be economically unsound. About one-half of the American people live in the rural districts. Of that number upward of 7,000,000 farmers employ a large number of wage earners, which, together with the members of the family, make up a total of more than 31,000,000, tilling upward of 7,000,000 farms, producing annually approximately one-third of the world production of wheat or agricultural commodities. The farmers furnish on an average about one-half of our total export. One year they furnished as high as 84 per cent. It is clear that without the industry and success of our farmer the balance of trade, now in our favor, would turn into an adverse balance to be paid in gold. As a result, our gold reserve would disappear. American exchange, now at par, would, as in other countries, go below par and thus deflate our currency and further deflate the purchasing power of labor and all commodities.

Our farm production in the past has been our greatest national blessing. It has helped feed the world; it contributed more than any other thing to winning the late war. Surely a nation as great as ours can devise a better, sounder way to protect agriculture than to force down farm production in the face of the needs of the world, and of a constantly increasing national population.

No; rather than to curtail production we should, as in the past, continue our appropriations to encourage and protect production. Shall it be said that the hundreds of millions of dollars appropriated in support of our Department of Agriculture in promoting irrigation and in various ways to maintain production shall be discontinued? No; my friends, to do so would be a mistake. Yet it makes it necessary for us to meet a critical condition of farm inequality growing out of that policy.

As a result of the farmers' inability to organize, to effect a 100 per cent pool, and to market their commodities as organized industry does, they sell their exportable surplus on the world market in competition with the producers of the world and the price obtained for the exportable surplus determines the price of their whole production. As a result, the farmer tilling his $75 or $200 an acre land, producing on an average about 14 bushels to the acre, sells his wheat, produced at high cost, in Liverpool in competition with the Canadian wheat growers, growing their wheat on their new farms, rich in production, and selling at $5 to $40 an acre at times, producing as high as 40 to 60 bushels to the acre. Farmers in the corn belt, tilling their $200 or $300 an acre farm, whenever they produce a considerable exportable surplus of corn and cattle, sell in competition with the surplus corn and cattle of Argentina, produced by underpaid labor on its low price and rich soil.

The question is, How can the unjust disparity, the inequality in price between agricultural commodities and other commodities be overcome? It is a simple matter. There is nothing complicated about that, nothing unjust, unusual, or paternalistic about it. If the six and one-third million farmers are unable to effect a 100 per cent pool and to finance a market agency necessary to accomplish the desired results, why let us do as was done in the establishment of the Federal reserve banking system and in other instances—create and finance a Federal agency and clothe it with power to help producers to market agricultural commodities, as organized industry does, selling part for domestic consumption at the American price level and part abroad at the world price. In other words, market the farmers' commodities so as to make the protective tariff effective to the farmers as provided in the proposed bill. There is another way in which prices can be equalized. If the prices of certain commodities are high because of organized industry, restricted production, or pooling to boost the prices, all that is necessary to equalize them with farm prices is to stop such practices, and thus lower the price of high-priced commodities. But is it not far better to make it possible for the farmers to organize to pool their whole surplus production and market it as organized industry does, and thus bring the average price up to the level of other products? In order to accomplish that, if it were possible for all farmers to establish the 100 per cent pool, no legislation would be required. We have a law permitting collective bargaining by farmers. That was made legal by one of the first amendments to the food control act, and after the food control act expired at the termination of the war, the Capper-Volstead Act, permitting collective bargaining by the farmers, was enacted, but, as before stated, the farmers are not able to organize at 100 per cent pool. The chances are that they may never be able to effect an organization to that extent. Yet anything short of a 100 per cent pool and the establishment of an embargo or an adjustment of the tariff to eliminate foreign production, the desired results can not be obtained.

For example, assuming the wheat crop to be 800,000,000 bushels—700,000,000 bushels required for domestic consumption and 100,000,000 bushels available for export—and the Winnipeg price—it representing the world price—to be $1, and if 50 per cent of the growers should attempt to pool their whole production and to advance the price of their 50 per cent production, or 400,000,000 bushels, to cover the 42-cent tariff and 8-cent transportation to port of entry, nonmembers would, of course, take advantage and sell their 400,000,000 bushels at $1.50, the maximum price. The pool would have the domestic market for only 300,000,000 bushels and would be compelled to sell 100,000,000 bushels on the world market at $1 a bushel, or at a loss of $50,000,000, to be distributed over the 400,000,000 bushels, or 12½ cents a bushel, which would net the pool $1.37½. On the other hand, in case of a 100 per cent pool the loss would be only one-half of the 12½ cents, or 6¼ cents.

In order to accomplish the desired results, of course, an embargo or adjustment of the tariff would be required. Otherwise, if the Winnipeg market should drop 20 cents a bushel, naturally the American millers would purchase and grind the Canadian wheat, and as a result the pool might find itself long on wheat and short on cash. Hence, a 100 per cent pool and an embargo or adjustment of tariff are required. Without the two the desired results can not be obtained. The two go hand in hand. If a 100 per cent pool and adjustment of tariff can not be accomplished the remedy would be, when prices of agricultural commodities are low and the prices of other commodities are high because of our protective-tariff system and restricted-immigration policy, to equalize prices through the adjustment or repeal of our protective tariff and immigration laws. If the prices of commodities are high because of a high wage scale or the high rate of duty, all that is necessary is to adjust or repeal our immigration and protective tariff laws. If so, the prices will go down. If the gates are thrown wide open to foreign production and labor, prices will drop.

We would then be on the level with other nations. There is no question about that. Personally, I am absolutely opposed to any such procedure. Billions of dollars of debts were incurred on the inflated basis. In my opinion debts thus contracted should be liquidated on the same basis. For instance, if a farmer now purchasing a binder at the current inflated prices gives his note for $230, with the current price of corn at 50 cents, it would require 450 bushels of corn to pay for the binder. If the price of corn is deflated, together with other commodities, 50 per cent, it would require 900 bushels to pay the farmer's note, which to me seems unjust and unfair. Personally, I believe in restricted immigration and in a protective tariff system, one just and fair to all concerned, one to encourage American industry and to benefit labor, one that will result in the common good of all the people, and legislation to make our immigration and tariff laws effective so far as possible to labor and every worthy and deserving industry, in order that we may have the fullest development of every worthy and legitimate enterprise.

I am in favor of redeeming my party platform. Lest we forget, it may be well to refresh our memory as to pledges made to the farmers in the last election. I read from the Republican platform:

> We recognize that agricultural activities are still struggling with adverse conditions that have brought deep distress. We pledge the party to take whatever steps are necessary to bring back a balanced condition between agriculture, industry, and labor, which was destroyed by the Democratic Party through an unfortunate administration of legislation passed as war measures.

Republicans, shall we now take the step necessary to bring back a balanced condition in agriculture, industry, and labor as promised? In the preceding paragraph we declared that we were faced with a fundamental national problem, and that the prosperity and welfare of the Nation as a whole was dependent upon the prosperity and welfare of our agricultural population.

It again declared:

> The crux of the problem from the standpoint of the farmer is the net profit he received after his outlay.

And again:

> We promise every assistance in the reorganization of the marketing system on sounder and more economical lines, and where diversification is needed, Government assistance during the period of transition.

If further evidence is required as to the continued economic depression in agriculture, I would refer you to Secretary Wallace's report, the National Industrial Conference report, and the Attorney General's report. Shall our pledge be made good? Shall we fulfill our promise to give every assistance?

> We favor adequate tariff protection to such of our agricultural products as are threatened by foreign competition.

The bill does not undertake to amend any particular schedule. Section 18 provides that upon the finding of facts the President shall by proclamation declare it to be unlawful to import into the United States competitive agricultural commodities except under such regulations and subject to such limitations and exceptions as the President may prescribe, which would, if enacted into law, make good the promise in respect to the tariff.

Again:

> The Republican Party pledges itself to the development of measures which will place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success.

The purchasing power of agricultural commodities in many instances is no more than 50 cents as compared with the 100 cents of the products of industry.

Again, shall we redeem our pledge to place the agricultural interests of America, as promised, on a basis of equality with other industries to insure its prosperity and success? The proposed bill will, if enacted, make the tariff 100 per cent effective to the farmer and restore the parity of agricultural commodities and other commodities, and will in a large degree, if not in whole, redeem our pledges made to the farmer.

In this connection may I call the Democratic platform pledges to the attention of my good Democratic friends:

> During the four years of Republican government the economic condition of the American farmer has changed from comfort to bankruptcy, with all its attendant miseries. The chief causes for this are * * *.

My Democratic friends, are you in favor of redeeming your pledges recorded in paragraphs (e), (f), and (g)?

> (e) To stimulate by every proper governmental activity the progress of the cooperative marketing movement and the establishment of an export marketing corporation or commission in order that the exportable surplus may not establish the price of the whole crop.
>
> (f) To secure for the farmer credits suitable for his needs.
>
> (g) By the establishment of these policies and others naturally supplementary thereto to reduce the margin between that the producer receives for his products and the consumer has to pay for his supplies, to the end that we secure an equality for agriculture.

In my opinion, it can be accomplished by the enactment of the proposed bill.

The bill creates and finances a Federal farm board, referred to as the "board."

Section 1 (p. 1) declares the policy of Congress.

Section 2 (p. 2) creates a Federal farm advisory council, referred to as the "council," to consist of four members from each of the 12 land-bank districts, to be elected by the farm organizations of each district.

(b) The Secretary of Agriculture shall fix the date and prescribe the regulations under which conventions are to be held. The first convention to be held 45 days after the passage of the act.

(c) Term of office, one year.

(d) The members of the council shall serve without salary, except $20 per diem and expenses.

Section 3 (p. 4). Duties of council:

(1) Shall meet and organize.

(2) Nominate to the President three individuals from each of the Federal land bank districts.

(3) Meet thereafter at least once in each year.

(4) Nominate to fill a vacancy.

(5) Submit to the board recommendations to help carry out the act.

Section 4 (p. 5). Federal farm board:

(a) To be established in the Department of Agriculture. To be composed of 12 members, one from each Federal land bank district, appointed by the President, by and with the consent of the Senate, from the individuals nominated by the council.

Section 5 (p. 5). Qualifications of the members of the board.—Terms of office: Four for two years, four for four years, and four for six years.

Members shall be citizens of the United States and shall not actively engage in other business. Salary, $10,000 and necessary traveling expenses.

(g) Recess appointments may draw salaries.

Section 6 (p. 7) confers the general and usual powers on the board.

Mr. TINCHER. Mr. Chairman, will the gentleman yield there?

Mr. HAUGEN. Yes; I am perfectly willing to yield.

Mr. TINCHER. I just wanted to ask how many does that make in the council that is provided for?

Mr. HAUGEN. Twelve districts, and the Secretary of Agriculture. Oh, there are forty-eight.

Mr. TINCHER. They get $20 a day and expenses, and they are in session all the time if they want to be?

Mr. HAUGEN. Oh, no; they meet once a year.

Mr. TINCHER. They meet whenever they want to?

Mr. HAUGEN. They meet at least once in each year at a time and place designated by the Secretary of Agriculture or upon a petition signed by a majority of the members of the council at a time and place designated therein.

Mr. BURTNESS. Is not the language similar in that respect to the language in the Tincher bill?

Mr. TINCHER. No. The Tincher bill does not provide for a continuous Congress. It can not be for one year without being called together. It does not say by 40 men or 30 men who come here of their own volition or for all the year round. I say that with no disrespect to the gentleman from Iowa, but for the information of the gentleman who says the language is the same.

Mr. HAUGEN. Section 7 grants special powers and imposes certain duties, such as the meetings of the board at the call of the Secretary of Agriculture, the chairman, or a majority of the members, and securing and disseminating information.

CONTROL AND DISPOSITION OF SURPLUS

Section 8 of the bill relates to the control and disposition of the surplus of cotton, wheat, corn, butter, cattle, and swine (defined as "basic agricultural commodities"), and the food products of wheat, corn, cattle, and swine. Except for the dissemination of information and the furnishing of recommendations, the principal method of control will be by agreements between the board and private agencies. The board can not enter into such agreements until, as a result of its investigations, it has determined the existence of the conditions enumerated in detail in subdivision (c). The operations of the board may be commenced upon any basic commodity, and will continue until terminated by the board.

During its operations the board will assist producers, by entering into agreements under which the board will pay losses, costs, and charges arising out of the purchase, storage, sale, or other disposition of the commodity or its food products, or out of contracts therefor. The transactions must be in accordance with the terms and conditions of the agreement. Profits arising out of the transactions will be paid to the board and will be deposited in the proper equalization fund. The board may make advances out of the equalization fund for the commodity in order to finance the transactions.

Agreements will be made with the cooperative associations engaged in handling the commodity or with a corporation or association created by them, or with persons engaged in processing the commodity, or with other agencies if the board is of opinion that there is no cooperative association capable of carrying out the agreement.

Protection against undue enhancement of price and excessive losses is provided under subdivision (f).

Section 9 (p. 13) provides for an equalization fee as a regulation of commerce.

Section 10 (p. 13) defines how the board shall estimate the amount of the fee.

Section 11 (p. 14) provides for the payment and collection of equalization fees after two years on the processing or the sale under such regulations as the board may prescribe upon the processing or the sale.

Section 12 (p. 15) provides for an equalization fund for the basic agricultural commodities but limits advances from the revolving fund for cotton to $100,000,000; and other equalization funds for other basic commodities to $250,000,000. Advances from the revolving fund bear interest at 4¼ per cent. That is to say, that if the board advances money to cooperatives or organizations the board collects interest at 4¼ per cent. In other words, money drawn from the Treasury bears interest at 4¼ per cent.

All losses incurred the first two years are absorbed by the revolving fund subscribed by the Treasury.

Section 13 (p. 17). Control of surplus of other commodities:

(a) Provides for advances to cooperative associations handling agricultural commodities other than basic agricultural commodities to assist in orderly marketing; and

(b) To finance ownership of plants and facilities.

(c) Interest at 4¼ per cent.

(d) Advances under this section not to exceed $25,000,000.

Section 14 (p. 19) requires at least an annual audit of the books and accounts of the board by such auditors as the President or the board may direct, and requires that the report of the auditors be included in the board's annual report to the Congress.

Section 15 (p. 19) provides for cooperation with governmental departments.

Section 16 (p. 20) defines "processing," "sale," "person," "United States," and "cooperative associations."

Section 16 defines certain of the terms used throughout the bill. The definition of the terms "processing" and "sale" are particularly important, inasmuch as they relate to the collection of the fee. For example, in the case of wheat, if the board determines that the most practical point for the collection of the fee is at the processing point, the fee will be collected upon the milling of the wheat for market or the first processing in any manner for market (other than cleaning or drying) of wheat not so milled, after the board has begun its operations in respect of wheat; or in the event that the fee is to be paid upon the sale, it will be collected upon the first sale or other disposition in the United States of wheat for milling or other processing for market, for resale, or for delivery by a common carrier, after the beginning of the operations, and upon the processing, after the beginning of operations, of any wheat if not acquired in pursuance of any such sale. Under this provision it will be noted that the fee will be collected upon stocks on hand at the time of the beginning of operations. It will be noted that all of the sales which are a step in placing the commodity in commerce will bear their burden, and that only those transactions where the cost of collection would exceed the amount collected are exempt. Transfers to cooperative associations for the purpose of sale on account of the transferor are exempt because the fee will be paid upon the sale by the association. Protection is afforded in the case of sales under contracts entered into at a time when a particular fee is payable or at a time when no fee is payable.

Section 17 (p. 22). Revolving fund. Authorization to be appropriated at $375,000,000. The Secretary of the Treasury shall deposit in the revolving fund such amounts as the board from time to time deems necessary.

No specific provision for repayments to the Treasury.

(b) Three hundred thousand dollars for expenses in the administration.

Section 18 (p. 23) authorizes the President to establish an embargo and that on and after the day following the establishment of the embargo it shall be unlawful to import into the United States any such commodities, except under such regulations subject to such limitations and exceptions as the President may prescribe, which is the same provided in other laws.

Section 20 (p. 24). Short title: This act may be cited as the "Federal farm board act of 1926."

Mr. CRISP. Mr. Chairman, may I ask the gentleman a question?

Mr. HAUGEN. Yes.

Mr. CRISP. Does the bill place any limitation on the amount of the equalization fee which this board can levy?

Mr. HAUGEN. No; but it is easily estimated.

Mr. CRISP. But it does not limit the amount?

Mr. HAUGEN. No. If there should be a production of 800,000,000 bushels of wheat and export of 100,000,000 bushels and the price advanced 50 cents there might be a loss of $50,000,000, and that $50,000,000 would be distributed over the total production. That is an easy matter to determine. It must estimate the production, and then estimate the surplus, and price, and the equalization fee.

Mr. HARE. Will the equalization fee attach to the surplus or to the entire production?

Mr. HAUGEN. Oh, no. This is on the first sale or on the processing. It does not seem possible to reach all of them, but as I say, first sale or processing.

Mr. BLACK of New York. Will the gentleman tell us what effect this bill will have—if it is not a price-fixing bill—on the cost of food in the domestic market?

Mr. HAUGEN. What effect it would have?

Mr. BLACK of New York. Yes. Would it raise the price of food?

Mr. HAUGEN. There is no denying the adding to the price. As the gentleman knows—and I think he has reference to bread particularly—the wheat entering into the production of a pound of bread is only 2 cents. You are paying about 12 cents now. The price is generally the same, whether the price of wheat is $1.50 or $2. It is practically the same.

But to be frank with the gentleman, we assume that it will raise the cost of living; but I refer you to Mr. Wallace, who

represents, I believe, the largest labor organization. He said, "What does it profit us if we can get meat at 10 cents a pound if we have not the 10 cents?" What the consumer is interested in to-day and what he will be more interested in in the near future is whether he will be drawing his pay check. Two years ago the representatives of the labor organizations appeared before the committee. They said, "We are willing to pay the increased cost," and called to the committee's attention the fact that 6,000,000 of them were walking the streets. They said they would rather pay a cent more for a loaf of bread than to be walking the streets.

Mr. MANLOVE. The gentleman said "farm organizations." Did he not mean labor organizations?

Mr. HAUGEN. Yes.

Mr. BLACK of New York. It is harder to get 15 cents than 10 cents. That is what the consumer is up against. Would it not be within the power of the retailer to raise the price higher?

Mr. HAUGEN. That is a marketing proposition.

Mr. BLACK of New York. Do you think the other bill would have the same effect as yours; that it would have a tendency to raise the prices?

Mr. HAUGEN. The question here is, "Are you going to do something for the farmer"? The wage earner gets the benefit of the protective tariff laws and the immigration laws, and we simply ask that the farmer be placed on a parity with the others.

Mr. MANLOVE. In order to keep the record straight, the gentleman said two years ago there were 6,000,000 men out of employment. The gentleman means five years ago, does he not?

Mr. HAUGEN. Well, I think it was in February, 1924, that they appeared before the committee. I will tell you why they were out of employment. Previous to that, oats in my section of the country were selling at 16 cents and corn at 19 cents. The American farmer represents 35 per cent of the purchasing power. Naturally, if the purchasing power is reduced 35 per cent, what happens? Thirty-five per cent of the mills and factories close, and when 35 per cent of the mills and factories are closed that means that 35 per cent of labor has to be stricken from the pay roll unless they go on part time and distribute employment among them. It is an old story, gentlemen. Our interests are in common. Recent experience has demonstrated with absolute finality that the progress and happiness of our people and the growth of our Nation depend upon the success of the tillers of the soil. [Applause.]

Talk to me, my friends, about this condition. Is it necessary for me to call attention to the condition? I refer you to the report made by the National Industrial Conference Board printed on pages 8 and 9 of the report:

The National Industrial Conference Board of New York, an authoritative research institution, has just completed a year's exhaustive study of the agricultural situation. The following facts from the conference board's report, as given to the press, strikingly summarize the important place the farm holds in our national economy:

"(1) The agricultural industry normally buys $6,000,000,000 worth of the goods and services of other industries annually.

"(2) The farm supplies the materials upon which depend industries giving employment to nearly half of our industrial workers.

"(3) It supplies about a fifth of the total tonnage of freight carried by the railroads.

"(4) Its products constitute nearly half of the total value of our exports.

"(5) It pays in taxes one-fifth of the total cost of Government in the United States.

"(6) Our farms and farm property represent more than one-fifth of our total national tangible wealth and contribute normally about one-sixth of the total national income.

"(7) The total capital invested in agriculture in 1921 at current values amounted to $65,000,000,000, as compared with $44,000,000,000 invested in the manufacturing industries.

"(8) With the rapid development of our industrial production, and the increasing pressure for foreign and domestic markets, the purchasing power of the farming population, which buys about one-sixth of the value of our total manufacturing production, may become the determining factor in industrial and business prosperity.

"(9) The great dependence of our industries on the basic materials furnished by agriculture demands the maintenance of an adequate and well-balanced agricultural production, lest we become dependent on foreign countries for such materials necessary to our industries and economic life.

"(10) Inasmuch as the farming population constitutes nearly one-third of our total population, it is a vast reservoir of future citizens, and justly claiming weighty consideration in the management of the affairs of the Nation."

FARM CROP PURCHASING POWER

The National Industrial Conference Board has set forth in a chart issued in May, 1924, the purchasing power of seven cash crops measured in terms of farm value per acre rather than price per bushel, and of farm price per pound of livestock. Farm prices are compared with prices of a selected list of articles bought by the farmer using 1914 as 100.

For the four years, 1920 to 1923, inclusive, the purchasing power was as follows:

Beef cattle	51.75	Oats	48.50
Swine	62	Barley	49.25
Wheat	45	Rye	40.25
Corn	57		

This study has not been developed through 1924 and 1925, but relative exchange value of farm crops has remained so low that in most sections farmers have fallen steadily behind. While there have been price improvements in certain crops, they have not only failed to offset past disadvantages, but have failed on the whole to balance the continuing one.

ECONOMIC STATUS DECLINING

The conference board strikingly illustrates the inequality of the farmer's economic position as compared with that of persons engaged in other occupations by the fact that the farmers, for every dollar of national income received by workers in other activities, receive less than one-half dollar per capita. The farmer's economic status, according to this authority, has shown a progressively declining tendency since 1900, except during the war years. In 1900 the farmer received 46 cents for every dollar of national income received by persons of other occupations; in 1910, 41 cents; 1920, 39 cents. Indications are that his share has not materially increased since.

FARMER PAYS MORE, GETS LESS

The same authority points out that the farmer's weakened position in meeting foreign competition at home and abroad has resulted from a tendency of his expenses to rise more rapidly than the prices he receives for his products. Overhead capital costs, including all taxes and interest charges of farming, which rose less than 60 per cent from 1880 to 1900, increased about 100 per cent from 1900 to 1910 and nearly 600 per cent between 1900 and 1920. Farm labor costs in the 20 years increased 90 per cent. Operating costs per unit of production, covering all materials and products of other industries purchased by the farmer, practically unchanged between 1880 and 1900, rose 116 per cent between 1900 and 1920. Combined costs per unit of product rose over 300 per cent in these 20 years. But wholesale prices of farm products increased only 120 per cent during the same time.

HIS INCOME DWINDLES

The conference board finds that the return on the total capital invested in agriculture, including the value of the food, fuel, and shelter supplied by the farm, during the five years prior to the war averaged 5½ per cent, but during the five years since 1920 averaged only 4 per cent, and the net return on the individual farm operator's investment only 2 per cent.

WORKS ON NARROW MARGIN

Actual earnings of the farmer in 1924 in return for his labor are computed by the board at $730 on the average, as against average earnings of $1,256 per wage earner in the manufacturing industries in the same year, average earnings of $1,572 by transportation workers, $2,141 earned by clerical workers, an average of $1,678 earned by ministers, $1,295 by teachers, about $1,650 by Government employees, and an average of $1,415 per worker in all groups other than farmers.

The food, fuel, and housing supplied by the farm the board's report appraises at about $630 per year, which leaves the average farmer a cash income of about $100 out of the $730 earned by his labor during the year 1924. An average return of about $400 is allowed on the capital invested, making the total average cash income per farmer operator about $500 a year. Since the cost of food and clothing purchased by the average farm family during the year runs to about $475, the average farm income is only slightly more than enough to purchase the necessities of life.

They report that the farmer receives $730 for his labor, and debit him with $630 for food, fuel, and housing, mind you, off his own farm, living in his own house. That means he has $100 left. The farmer is credited with 2 per cent, and he pays 6 per cent on any indebtedness he may have, and they allow him only 2 per cent, or $400, while, as a matter of fact, he is entitled to $1,200. That is what he is entitled to if he pays interest on his investment. If so, he is entitled to $1,200, and pays $475 for food and clothing and receives $100 in cash over food, fuel, and housing supplied by the farm. He

goes into the hole every year. Do you wonder that the banks carrying farm paper are closing their doors? They have the assets, but they are frozen with farm paper, and they can not realize on it. As a result they are compelled to close their doors. I call your attention to Secretary Wallace's report and I call your attention to the Attorney General's report. Of the 39,328 cases filed in bankruptcy during the fiscal year ending June, 1925, 7,854 are classed as farmers, approximately 20 per cent of all cases. As you know, many of those who fail do not go into bankruptcy, so you can easily double the number.

Mr. HARE. Will the gentleman yield further?

Mr. HAUGEN. Yes.

Mr. HARE. I am very much interested in the gentleman's speech, but I want to get this clear in my mind with reference to the equalization fee. Suppose we make 800,000,000 bushels of wheat and it appears that 200,000,000 bushels will be surplus.

Mr. HAUGEN. For export; yes.

Mr. HARE. Will the equalization fee only attach to the 200,000,000 bushels or also to the 600,000,000 bushels?

Mr. HAUGEN. It will attach to the first sale or processing, as the board may determine.

Mr. HARE. It will attach to the 600,000,000 bushels as well?

Mr. HAUGEN. Yes. It does not matter. It might be attached to the 600,000,000 bushels, but the smaller the volume attached the greater the fee; so, whenever it is feasible, attach it to all and distribute it among all.

Mr. HARE. Suppose we make 15,000,000 bales of cotton and we are going to export 6,000,000 of them. Will the tax apply to the 6,000,000 bales or to the 15,000,000 bales?

Mr. HAUGEN. There is no tariff on cotton.

Mr. HARE. Well, I am talking about the equalization tax.

Mr. HAUGEN. The equalization fee is to equalize expenses. The cotton provision is for orderly marketing. Cotton is an entirely different proposition. There is no importing of cotton, and all that the cotton provision provides for is to assist in the orderly marketing of cotton, to store, hold, and sell it at the most advantageous time.

Mr. HARE. I do not think the gentleman understands me. The equalization fee is what I want to get at. Will it attach to the 15,000,000 bales or to the 6,000,000 bales?

Mr. HAUGEN. All of it; the first sale or at the gin.

Mr. SNELL. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. SNELL. The gentlemen, of course, appreciates the fact that the dairy farmers of New York and New England have had a very serious time in the last few years. What is there in this bill that would be of aid and assistance to them, and which would take care of their situation at the present time?

Mr. HAUGEN. I will give the gentleman the figures. I think I have them right here, because I called for them this morning. They are not getting the benefit of the tariff now. At times they get 3 or 4 cents a pound. If this bill were in force to-day you would get about 13 cents a pound more than you are getting.

Mr. SNELL. What article is the gentleman talking about?

Mr. HAUGEN. I am talking about butter. The gentleman is interested in butter?

Mr. SNELL. I am.

Mr. HAUGEN. And I want to explain what the bill will do for butter. I included butter in the bill because I wanted to help those people. They were left out in the McNary-Haugen Bill, I am sorry to say, at the suggestion of a number of people from the gentleman's own State. I never could understand why those people over there, the dairy people, should continue to sell their butter at 10 cents a pound below what they were entitled to. But they have been doing that, when, if this bill had passed two years ago, the dairy people would have received about 10 cents a pound more for their butter the last two years. They will receive the increase under this bill. If we pass this bill, they will get it, and if not, it is denied to them; that is all. What it will do for butter, it will do for the other commodities.

Mr. SNELL. Will the gentleman just state to me, definitely, so I can explain it to my farmer friends, how this bill will raise the price of butter 10 cents.

Mr. HAUGEN. Let me explain it in this way. The board will enter into an agreement with cooperatives first, and if not with cooperatives, with others, to market the butter to make the protective tariff effective to the producer, that is, the world price plus the protective tariff and transportation. The bill states that whenever the price is materially below the domestic price, the board can then enter into an agreement with cooperative associations to assist in removing or withholding the surplus to pay losses, costs, etc. If the world price and domestic price is the same it would enter into an agreement to assist in merchandising it at the world price plus the tariff of 12 cents and the transportation of, I believe, about 1 cent.

Mr. SNELL. There is very little butter exported. Most of it is consumed here, and we have a tariff on it now of 12 cents a pound. I do not quite get clear in my own mind how we are going to raise the price of butter 10 cents, and I wish the gentleman would tell me just how that is to be done.

Mr. HAUGEN. The board will contract with these people.

Mr. SNELL. With whom are you going to contract?

Mr. HAUGEN. With cooperatives. If there are no cooperatives that can carry out the contract, then the board will contract with others and enter into similar agreements to purchase and sell.

Mr. SNELL. Do I understand that these cooperative associations will purchase our butter at 10 cents per pound more than we are getting for it now?

Mr. HAUGEN. Yes; if 10 cents is required to make the tariff 100 per cent effective to the producer.

Mr. SNELL. We have a tariff now of 12 cents, but your bill will raise the price 10 cents per pound?

Mr. MILLS. Will the gentleman yield?

Mr. SNELL. I wish the gentleman would first finish explaining this proposition to me.

Mr. HAUGEN. I find I have not the figures here, but I will get them later and put them in the RECORD; also include wheat, corn, cattle, pork, and beef.

Mr. SNELL. I wish the gentleman would simply tell me in a practical way how that is done.

Mr. HAUGEN. The dairy people are not getting the benefit of the tariff.

Mr. SNELL. Why not?

Mr. HAUGEN. In order to get the benefit of the tariff, you are entitled to the world price plus the tariff and the cost of importation. That is what you are entitled to. The tariff is 12 cents and the cost of importation is 1 cent, so you are entitled to 13 cents above the Liverpool or other world-market price. Take, for instance, wheat. Wheat in Canada is $1 a bushel. The wheat growers here are entitled to a tariff of 42 cents and about 3 cents for transportation to the port of entry, or 45 cents above the Winnipeg market price. That is what he is entitled to, but he has not been getting that.

Mr. SNELL. I understand that, but our people do not raise wheat. They raise butter, and if the gentleman can tell me how he is going to raise the price of butter——

Mr. HAUGEN. The same thing applies to butter.

Mr. SNELL. I wish the gentleman would explain it to me so that I may explain it to the farmers in my own section how this would affect the price of butter. I wish the gentleman would give me a concrete example. I am looking for information.

Mr. HAUGEN. I have not the figures here, but I will insert them in the RECORD at this point of my remarks:

WHEAT

Cash closing prices at Minneapolis and Winnipeg markets for No. 1 dark northern at Minneapolis and No. 1 northern at Winnipeg, according to Foreign Crops and Markets, issued by the Department of Agriculture March 29, 1926, the second table on page 413. For the years 1923 and 1924 the Winnipeg price was from 11 cents to 39 cents below the Minneapolis price:

	Minneapolis	Winnipeg
July, 1923	$1.17	$1.06 or 11 cents below.
October, 1923	1.35	96 cents, or 39 cents below.
June, 1924	1.31	$1.12, or 19 cents below.
For the year 1924–25:		
July, 1924	1.43	$1.35, or 8 cents below.
August, 1924	1.41	$1.42, or 1 cent above.
October, 1924	1.54	$1.60, or 6 cents above.
May, 1925	1.73	$1.82, or 9 cents above.
June, 1925	1.69	$1.71, or 2 cents above.
For the year 1925–26:		
July, 1925	1.66	$1.62, or 4 cents below.
August, 1925	1.67	$1.67, the same.
September, 1925	1.68	$1.38, or 20 cents below.
October, 1925	1.56	$1.27, or 29 cents below.
November, 1925	1.64	$1.42, or 22 cents below.
December, 1925	1.76	$1.57, or 19 cents below.
January, 1926	1.78	$1.56, or 22 cents below.
February, 1926	1.72	$1.55, or 17 cents below.
March, 1926	1.64	$1.48, or 16 cents below.

Note the fluctuations in prices for the year 1923–24. The Winnipeg price was below the Minneapolis price, ranging from 11 to 39 cents per bushel.

For the year 1924–25, in one month the Winnipeg price was 8 cents below the Minneapolis price, and for the remaining months ranged from 1 to 9 cents above the Minneapolis price.

For the current year, 1925–26, the prices were the same in August; in July the Winnipeg price was 4 cents below the Minneapolis price, September 20 cents below, October 29 cents below, November 22 cents below, December 19 cents below, January 22 cents below, February 17 cents below, and March 16 cents below.

In other words, during the year 1923–24, the tariff was effective to an extent ranging from 11 to 39 cents per bushel on the best grades of spring wheat, and was not equally effective on other kinds and grades of wheat. And during the year 1924–25 the tariff was not effective except in the month of July, 1924, when it was effective to the extent of 8 cents. And for the current year, 1925–26, the tariff was effective to an extent ranging from 4 to 29 cents per bushel.

If the proposed bill to make the protective tariff effective to the farmer had been in force for the year 1924–25, the wheat growers, under our protective tariff law, would have been entitled to the 42 cents tariff plus the transportation costs to the port of entry, say from 3 to 5 cents per bushel, or an approximate total of 45 cents in excess of the Winnipeg price. They would have received for the month of July, 1924, 37 cents; for August, 1924, 46 cents; for September, 1924, 48 cents; for October, 1924, 51 cents; for November, 1924, 50 cents; for December, 1924, 41 cents; for January, 1925, 42 cents; for February, 1925, 46 cents; for March, 1925, 42 cents; for April, 1925, 41 cents; for May, 1925, 54 cents; and for June, 1925, 47 cents above what they received, minus the equalization fee.

For the current year, 1925–26, they would have received for July, 1925, 41 cents; for August, 1925, 45 cents; for September, 1925, 25 cents; for October, 1925, 16 cents; for November, 1925, 23 cents; for December, 1925, 26 cents; for January, 1926, 23 cents; for February, 1926, 28 cents; and for March, 1926, 29 cents, or an average of about 30 cents a bushel above the prices they received, minus the equalization fee. We have exported during the nine months of this season, 1925–26, 79,000,000 bushels of wheat, including flour, and have imported 13,000,000 bushels of wheat, including flour, making a net export of 66,000,000 bushels. The net exports for 1925 were 252,000,000 bushels and for 1924, 128,000,000 bushels, bringing an average for the three years of approximately 155,000,000 bushels. This year's crop is estimated to be about 669,000,000 bushels, but we will assume it to be 700,000,000, which would leave about 100,000,000 bushels available for export. If the bill had been in force, and assuming that the total crop had been marketed, the producer would have received a profit of 30 cents a bushel on 600,000,000 bushels, or $180,000,000, minus 30 cents a bushel on the 100,000,000 bushels exported—$30,000,000—or a net profit of $150,000,000, or 21.4 cents per bushel.

CORN

The average production of corn is about 3,000,000,000 bushels. The net exportable surplus of corn, including corn meal, for 1924 is reported at approximately 23,000,000 bushels, for 1925 approximately 5,000,000 bushels, and for the nine months of this year approximately 18,000,000 bushels. If the bill had been in force for the current season, 1925–26, the corn grower would have received the Argentine price, which is about 75 cents including the export duty, plus the 15 cents tariff and the cost of transportation to the port of entry, say about 9 cents, or a total of 99 cents instead of prices ranging from 74 to 86 cents, an average of 75 cents, an increase in price of 24 cents per bushel, minus the equalization fee of 25 to 27 cents a bushel on the exportable surplus of 20,000,000 bushels, or $5,000,000 to be distributed over the total production of 3,000,000,000 bushels, or one-sixth cent per bushel, making the profit approximately 24⅚ cents per bushel.

CATTLE

[See page 4, "Meat Production, Consumption, and Foreign Trade in United States"]

The export of cattle and hogs is an insignificant amount.

The world and domestic prices of cattle and beef are not available.

Beef slaughtered, 1925

	Pounds.
Production	7,146,000,000
Exports	39,000,000
Imports	17,000,000
Net exports	22,000,000

If the bill had been in operation the cattleman would have received the world price plus the tariff, which is 3 cents a pound, plus the transportation to the port of entry, minus the equalization fee on 22,000,000 pounds if an embargo had been established, or about three-tenths of 1 per cent of the total production of 7,146,000,000 pounds as measured by slaughter, which would be a negligible amount.

Pork, 1925

[See page 7, "Meat Production, Consumption, and Foreign Trade in United States"]

	Production	Exports	Net imports
	Pounds	*Pounds*	*Pounds*
Pork	9,210,000,000	549,000,000	8,000,000
Lard	2,221,000,000	719,000,000	None.
Total	11,431,000,000	1,268,000,000	8,000,000

Net exportable surplus of pork and lard is 1,260,000,000 pounds.

If the bill had been in operation the hog raiser would have received the world price plus the tariff, which is one-half cent on swine, three-fourths cent on fresh pork, 1 cent on lard, and 4 cents on lard compounds and substitutes, plus the transportation to the port of entry, minus the equalization fee on the exportable surplus if an embargo had been established.

Butter

	Production	Exports	Imports	Net imports	Net exports
	Pounds	*Pounds*	*Pounds*	*Pounds*	*Pounds*
1924	2,000,000,000	5,425,000	29,466,000	24,041,000	
1925	2,000,000,000	8,384,000	7,189,000		1,195,000

The production of butter by 17 important countries, including the United States, is around 5,000,000,000 pounds, of which the United States produces about two-fifths, or 2,000,000,000 pounds.

The average London price in 1925 was 45 cents, and if the bill had been in operation the dairy industry would have received the London price of 45 cents, plus the tariff of 12 cents and the cost of transportation to the port of entry, say 1 cent, or a total of 58 cents, instead of the New York price of 45.4 cents, a net gain of 12.6 cents over the price received.

The average London price for the current year, 1926, was 41 cents, and if the bill had been in operation the dairy industry would have received the 41 cents plus the tariff and transportation charges totaling 13 cents, or 54 cents instead of the New York price of 39 cents, a net gain of 15 cents over the price received minus equalization fee.

The average Copenhagen price in 1925 was 42 cents, and if the bill had been in operation the dairy industry would have received the 42 cents plus the tariff and transportation charges totaling 13 cents, or 55 cents instead of the New York price of 45.4 cents, a net gain of 9.6 cents over the price received.

The average Copenhagen price for the current year, 1926, was 39 cents, and if the bill had been in operation the dairy industry would have received the 39 cents plus the tariff and transportation charges totaling 13 cents, or 52 cents instead of the New York price of 39 cents, a net gain of 13 cents over the price received.

My friends, I must close. I appreciate——

Mr. WINGO. Will the gentleman yield? I want to get some information. I do not know which one of these bills I shall favor because I have not completed a study and analysis of them. I am seeking information.

Mr. HAUGEN. Yes; I yield.

Mr. WINGO. I am, of course, especially interested in cotton. As I understand it, the provision with reference to cotton is at the top of page 11, setting out what the board can do.

Mr. HAUGEN. Yes.

Mr. WINGO. If the board finds there is a surplus that is apt to depress the market, then it can commence its operation.

Mr. HAUGEN. Yes.

Mr. WINGO. The board, after it commences its operations, the bill provides, reading from line 3, page 11—

shall assist producers of cotton in controlling the quantity in excess of the requirements for orderly marketing.

Mr. HAUGEN. Yes.

Mr. WINGO. Now, on the next page I find the provisions with reference to the contracts.

Mr. HAUGEN. You have reference to the commodities outside of cotton——

Mr. WINGO. As I understand it, the way they intend——

Mr. HAUGEN. I will explain it to the gentleman in one minute. Here we have a basic commodity——

Mr. WINGO. I can not understand how on earth my friend can imagine what is in my mind. I would like to get some information on a specific matter.

Mr. HAUGEN. I think I know what the gentleman has in mind, because he started to read that particular section. We define the basic commodities and we provide for an equalization fee after two years. For the first two years the Federal Government or the United States Treasury pays the expenses or losses, if there are any. After two years the farmer pays them. After two years equalization fees are to be withheld. The equalization fees are deferred for two years.

Now, with respect to the cotton growers, we assist them in the orderly marketing of their commodity, which means that at the time of harvesting instead of placing it all on the markets the board will finance them and they will hold it and distribute it throughout the year, undoubtedly to their own advantage. Now, there is no tariff on cotton, and you produce now, I believe, about one-half of the world's production, as I recall it. You can control the cotton situation. That can not be done as well with a large exportable surplus of a commodity. The cotton provision is there exactly as it was suggested by the people interested in the growing of cotton.

Mr. WINGO. If the gentleman will permit me to ask my question——

Mr. HAUGEN. They have had experience, and I am willing to leave it to them to determine how it should be done.

Mr. WINGO. The gentleman is talking about one thing and I was going to ask him a question about an entirely different matter.

Mr. HAUGEN. I was answering the gentleman.

Mr. WINGO. I wanted to get down to the mechanics of the proposition. The bill authorizes them——

Mr. HAUGEN. Please do not take all my time.

Mr. WINGO. If the gentleman will just let me ask the question instead of making a speech——

Mr. HAUGEN. Instead of making a speech, ask the question and we will get along better.

Mr. WINGO. The gentleman interrupted me. I was not making a speech. The gentleman is the one who made the stump speech. If the gentleman had permitted me to ask my question, we would have been through by now. To get back to my question, on page 11 is where you confer the only authority they have in assisting the cotton growers, and that is the language reading:

> And shall assist producers of cotton in controlling the quantity in excess of the requirements for orderly marketing.

I presume, of course, that is to be done by aiding them in financing the holding and the warehousing of cotton.

Mr. HAUGEN. Yes.

Mr. WINGO. And they do that under contracts. On page 12 I find the provision with reference to contracts, and the cotton cooperative marketing associations can not make a contract unless authorized by the board, I infer from paragraph 2 of subdivision (f) on page 12.

Mr. HAUGEN. Yes.

Mr. WINGO. Then subdivision 1 of paragraph (f) provides:

> No payment of losses shall be made unless the purchase or contract for the purchase is made at a price which in the opinion of the board is not in excess of a fair and reasonable price.

Now, will this be the operation of the Cotton Cooperative Association? Will they go to the board and ask for authority to buy up the surplus at a certain price?

Mr. HAUGEN. Well, some discretion will have to be left to the board.

Mr. WINGO. Is that contemplated—will they come to the board for authority to enter into a general contract, or will they have to come to the board to approve each specific contract?

Mr. HAUGEN. If the board is composed of men of business they will conduct it in a businesslike way.

Mr. WINGO. The gentleman does not understand my question. I am assuming that the board will conduct it in a businesslike way, but the point I want to get is, Will the Cotton Cooperative Association have to come to the board on each specific contract or will they have authority for a general contract for the surplus at a price fixed and approved by the board?

Mr. HAUGEN. Yes; contracts as approved by the board.

Mr. WINGO. The gentleman may think so.

Mr. HAUGEN. I doubt if anybody would think that they would have to come back to the board for each specific single contract. They would not have to come to the board on every single bale of cotton.

Mr. WINGO. I never asked the gentleman any such silly question as that.

Mr. HAUGEN. The Cotton Cooperative Association and the board will determine that.

Mr. WINGO. I am asking the gentleman in good faith to get his opinion—I want to support the gentleman's bill if I can understand it. Is it contemplated by the bill——

Mr. HAUGEN. It is fair to assume that the board will be made up of business men and that it will conduct its affairs in a business way, and it may limit the contract to a certain number of bales—I can not answer the question of what would be in the mind of the board or what it, in its discretion, might do.

Mr. WINGO. I am not asking that. Does the gentleman think that in the beginning of the transactions the board would state to the cooperative association, "You go out and buy all the surplus in your territory at a price not exceeding so much"?

Mr. HAUGEN. I will tell you what I would do if I was on the board—I would say we have the ratio price, that is a fair and reasonable price.

Mr. WINGO. Well, say that 35 cents is a fair price; would they say you are authorized to go out into the territory and buy it at that price?

Mr. HAUGEN. The ratio price is now approximately 20 cents, and the current market price is 16 cents. Hence, cotton is selling to-day from 4 to 5 cents less than what you might receive if the bill had been passed two years ago. Do you want to delay it any longer?

Mr. WINGO. I am not arguing with the gentleman. Cotton was not in your bill two years ago.

Mr. HAUGEN. Now, I must close. Let me say I appreciate that all laws enacted are not perfect in all their details but, nevertheless, we are entitled to just laws and an honest administration of such laws. We can not afford to be contented with anything less. Legislation not to deprive an individual or corporation of a single dollar or interest honestly acquired, but legislation always proceeding in an honorable and dignified manner, with a spirit of fairness, and just to all concerned, legislation not in accord with the views of those who have no respect for law and order or property rights, but legislation to promote progress, prosperity, and happiness to all worthy and deserving people in every community, in order that we may have the fullest development of every worthy and legitimate enterprise. I am aware of the fact that in recent years Congress has enacted into law, with few exceptions, every suggestion made having for its object to improve economic conditions, especially our basic industry, agriculture. As evidence of that we have Colonel Bryan's statement, who is reported to have stated that the Sixty-seventh Congress had accomplished more for the farmers than any Congress in 50 years.

All laws passed may not be perfect in all their details, but they are on the statute books at the suggestions of the representatives of various farm groups, and I believe every one is helpful to the producer in bringing about the desired results. Be that as it may, the fact that beneficial laws have been enacted is no excuse for anybody to refuse to put his shoulder to the wheel in an honest effort to further improve our economic conditions, especially in agriculture. All agree that upon agriculture rests the whole structure. Recent experience has demonstrated with absolute finality that the stability, growth, and greatness of our Nation, the progress, prosperity, and happiness of our people, is dependent upon the success, the prosperity, of the tillers of the soil. As a class the farmers are the most conservative force of our Nation. All wealth springs from mother earth. The farmer is the producer of new wealth.

All take a just and pardonable pride in our Nation's growth and greatness, in the fact that we are living in this age of marvelous expansion, and are moving forward with a mighty pace; that the wheels of industry are moving; that progress, prosperity, and happiness is very much in evidence. All feel it their duty, regardless of occupation or prejudice, to strive to benefit this country, to relieve the distressed, to give honest and thoughtful consideration in securing full benefit of our natural resources, for the development of mechanical appliances, for the skill and genius of American labor, to see that nobody is imposed upon, that all are given adequate protection against any invasion on the part of unscrupulous and dishonest interests, in order that we might have the fullest development of every worthy and legitimate interest.

O my friends, who are the opponents of this bill? I call your attention to and shall include in my remarks the statement of Mr. F. W. Murphy, who is president of the Board of American Council of Agriculture and member of the Corn Belt

Agricultural Legislative Committee, printed on page 1269, serial C, part 15, hearings on April 13, 1926:

In this connection it is proper to inquire just who are these grain exporters, how important are they that they should be weighed against the interests of two and one-half million farmers whose welfare is served by this legislation.

Fortunately, the information needed to answer this inquiry is at hand. The Federal Trade Commission, on May 16, 1922, published volume 1 of its study of grain exporting, dealing particularly with "Interrelations and profits of grain exporters." From this study we learn that there were only 90 companies which in 1921 exported any wheat whatsoever, and only 36 companies that handled as much as a million bushels of wheat each. Of these 36 companies, only 18 are American, while 18 were wholly foreign or were controlled by foreign stockholders. Forty-six per cent of the total wheat exported in that year was exported by foreign companies. Of the first three companies in volume of wheat exports for 1921 an English company stood at the head; a French company came second; and in third place stood a concern largely dominated by Belgian capital.

At the head of the list of American wheat exporters—fourth in total volume of exports—came Julius Barnes. It is interesting to note that Mr. Barnes, in addition to heading the Barnes-Ames Co., controls eight other subsidiary corporations, according to the Federal Trade Commission—the Barnes-Irwin Co., the Barnes-Jackson Co., the Barnes-Pizasek Co., the Itasca Elevator Co., the Neil Grain Co., Smyth-Barnes & Co. (this Mr. Barnes operates as an English concern), the Zenith Grain Co. (Canadian), and the Nye & Jenks Grain Co.

Just to give a clearer picture of the way the Barnes influence spreads throughout the grain-marketing structure in this and other countries, it is interesting to note that, according to the Federal Trade Commission, Mr. Barnes controls in addition to those enumerated above nine other companies subsidiary to the Nye & Jenks Grain Co. These are the Trans-Atlantic Brokerage & Export Co., New York; Rialto Elevator Co., Milwaukee, Wis.; Independent Grain & Lumber Co., Mason City, Iowa; Nye-Schneider Fowler Grain Co., Omaha, Nebr.; Central Grain-eries Co., Lincoln, Nebr.; Nebraska Elevator Co., Lincoln, Nebr.; Thresher Fuller Grain Co., Kansas City, Mo.; Nye & Jenks Co., Minneapolis, Minn.; and the Nye-Schneider Jenks Co., Omaha, Nebr.

Here we have a picture of the grain-exporting situation. Nearly half our export wheat handled by foreign concerns, and only a handful of Americans engaged in the grain-exporting business at best. This is the group whose interests Congress is asked to consider as more important than the interests of millions of farmers.

In conclusion, it may be stated authoritatively that the farm organizations supporting this legislation will welcome the constructive assistance of the millers or their national federation in providing that the pending measure conform to the principles laid down in this State. The farm organizations believe that interests of the millers are fully protected under the measure which they have submitted. But if that is not the case, they will cooperate in supporting amendments to provide for equitable operations under the board.

Also statement of Joe Plummer, Akron, Colo., appointed by the Governor of Colorado and selected by a committee of representatives of 10 different farm organizations and business men and bankers of the State of Colorado, on pages 1016 and 1017 of Serial C, part 14 of the hearings, on April 6, 1926:

First I want to read from Secretary Quinn of the National Grain Dealers' Association his Denver speech delivered on the 24th of February, I think—I might be mistaken about the date, but I think it was about that time, before the National Grain Dealers' Association. This is taken from the Price Current Grain Reporter, published in Chicago, Ill., by E. C. Van Arsdell.

Now, we do not care to burden the record with all of this editorial, for he is just laying a foundation to bring out these startling remarks, or they seem that way to us people who make our living on the farm, and this seems to be the point that the gentleman was leading up to, and I want to mention that the committee thought that what he seems to be assuming is the responsibility of controlling legislation here two years ago, and they are assuming, as will be shown in this next quotation, that they are going to do the same thing this year.

The statements are as follows:

"There are not more than 15,000 to 16,000 grain dealers in this country, but there are 7,000,000 farmers, besides the farmers' wives, and the politicians are always going where the votes are.

"When the McNary-Haugen bill was introduced, a canvass of the House showed enough votes to pass it, with 95 to spare. The National Grain Dealers' Association got busy, grain men gave freely of their time, and we had from 5 to 15 men in Washington all through the danger period. We met in the morning, and each man was assigned to see certain Congressmen. In the evening each man reported the results of his interview.

"Before the vote was called every Congressman had been thoroughly canvassed, and we estimated that we had the bill beaten by a vote of 75. The following day's returns showed that it was beaten by 78.

"That is what an association can do.

"Many bills to help the farmers are now before Congress, but there is only one that is really dangerous and that it is necessary to beat. This bill seeks to dispose of the surplus grain by a complicated governmental agency. It would appoint a Federal farm advisory council from the 12 different farm reserve banks, each bank selecting from one to five. On this council there might be only 12 or there might be 60."

There is a little misinformation, I believe, in that.

Then this is from "Who's Who in the Grain Trade," issue of March 4, and the same can be said of this editor, that they have laid the foundation, and the concluding statement is this—and, as we understand, this is a warning to the grain trade:

"You remember what happened to the McNary-Haugen bill once the people realized its unsoundness. That will be the fate of the Dickinson bill. It may be reported out of committee, but that is only the beginning of its long journey toward the statute books.

"It may be necessary for your association to call upon all its members, direct and affiliated, for assistance in the fight before Congress. If the Dickinson bill is reported out, and indications point to its serious consideration by the House, then it will be up to you to do your duty.

"You will be kept posted, and when President Horner issues the call for your aid, you will be expected to respond, as you did when the McNary-Haugen bill was snowed under. You are duly bound to fight such legislation from the standpoint of patriotism as well as your own self-interest."

Now, gentlemen, that is all, unless there is some question that some Congressman wants to propound.

Mr. TINCHER. Did you say who wrote that article in the big paper you had there?

Mr. PLUMMER. This is in this paper, supposed to be a copy of Secretary Quinn's speech.

Mr. KINCHELOE. Who is he?

Mr. PLUMMER. Secretary of the National Grain Dealer's Exchange.

Mr. ADKINS. What paper is it in?

Mr. PLUMMER. It is in the Price Current Grain Reporter, dated at Chicago, Ill.

Mr. TINCHER. I supported the McNary-Haugen bill all the way through, and I never knew how it happened that this occurred before. [Laughter.]

Mr. RUBEY. I might say this, that every letter that I get opposed to this Dickinson bill is either from some miller or somebody that deals in grain.

Mr. PLUMMER. I think that will account for these letters coming from millers, and partly because the miller is misinformed.

I was not in Washington two years ago. I was in Akron. There were three different times when grain men went through our town. They were all over the country. They tried to get ads in our papers, but they could not. They left stacks of what they called accurate information on the surplus legislation. We called them "misfacts," but they were left there, to be handed out over the country to the people, to the farmers, and to the business men, and wherever they could get into the papers, the local papers of Colorado, they did. Our papers are fairly well sold to the farmers' organizations, to our commodity marketing associations, and the great per cent of them did, like the papers in our town, turned them down, and they only got into a few papers over the State.

Many of the gentlemen referred to are in the city now. They boast of the fact that they defeated this bill two years ago. They were here in great numbers. Are we going to line up with those people? I might also call your attention to the Federal Trade Commission's report. There you will find the report of the exporters' practices, and there you will find the picture and the opposition and their activities and objects.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. BLACK of New York. What effect will this bill have on the commodity exchanges, the grain exchange, and the cotton exchange?

Mr. HAUGEN. I think it will have some effect upon them. They seem to be lined up in opposition to it, but let me tell you a word about those exchanges. I take it that we are all familiar with the fluctuating prices. You all recall that Secretary Jardine caused an investigation to be made for the purpose of starting a prosecution, and as a result the Board of Trade of Chicago acknowledged its guilt and promised to be good, and to set up a committee on business practices and to instruct its board of directors to limit the fluctuation in the market price of futures, which, I understand, was limited to 5 per cent, so when wheat is $1.50 a bushel the price can only be dropped seven and a half cents in any one day. They have

acknowledged their guilt. What has happened since? We still have fluctuations, notwithstanding the limitations.

Talk about price fixing. Who determines the price to-day? Will anybody contend that supply and demand has anything to do with the price of wheat? It frequently fluctuates 10 or 20 cents in a month, although supply and the demand are exactly the same. Examine the market reports. Frequently we are one day 12 cents a bushel below Liverpool and in a few days we are 12 cents above. It has nothing to do with the matter of supply and demand. Some one determines the prices. If this bill is a price-fixing bill, would you rather leave the price fixing to the gamblers than to the board? We did have a section in the bill giving the board power to purchase and sell, but in view of the opposition to it the section was stricken from the bill, and all that can be done under this bill is simply to supervise or to enter into an agreement to assist in marketing it.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. LOZIER. Answering the suggestion of the gentleman from New York with reference to butter, is it not true that the butter interests have contended for a year that the present tariff is inadequate and ineffective, and under section 18 of this bill would it not be possible to exclude and preclude the importation of butter?

Mr. HAUGEN. Yes.

Mr. LOZIER. And in that way automatically increase the domestic price?

Mr. HAUGEN. Of course. The bill would not be operative unless it contained that provision. This gives the President authority to make it unlawful to import any commodity except under certain regulations and subject to such limitations and exceptions as the President may prescribe.

Mr. LOZIER. And that would tend to increase the domestic price?

Mr. HAUGEN. Yes. Gentlemen, the tariff was advanced 4 cents, but butter went down 4 cents. That is how the tariff is operating.

Mr. O'CONNELL of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. O'CONNELL of Rhode Island. I listened to the gentleman's interesting address very carefully, and I gathered from his remarks that one of the principal causes of the farmer's present plight is the fact that he has to pay so much more for all the implements that he uses than he did years ago.

Mr. HAUGEN. Yes.

Mr. O'CONNELL of Rhode Island. And I deduce from that that the gentleman's conclusion is that the tariff is largely responsible for that condition. Am I correct?

Mr. HAUGEN. The tariff and immigration laws have had much to do with the inequality in prices.

Mr. O'CONNELL of Rhode Island. Both.

Mr. HAUGEN. Yes; open the doors wide to foreign production and labor, the price will go down. It will be down on a level with the other countries. I am not for that I believe in a protective tariff, that is, one that will protect American industry and labor; one that is for the common good of all the people, and I would rather put the prices up in order to equalize prices than to bring the prices down. I have been a supporter of our immigration laws. I have as much interest in labor as anyone in this House. I started to work for wages at the age of 9, and I worked my way along, not on an eight-hour schedule, but much of the time 16 hours a day, and I believe I have some appreciation of the services of the wage earners. I am as much for them as anyone in this House. I have conferred with them. I do not know of any objection by them to this bill. They were the first ones with whom I conferred. I said, "Here, we have a bill and evidently this is going to raise the cost of living, but are you willing to stand for that, and in their patriotic and broad-minded manner expressed approval. You will find the testimony of the representatives of numerous labor organizations in our hearings of the Sixty-eighth Congress, and Mr. Wallace appeared again this year, a part of the testimony of whom I shall append.

Mr. O'CONNELL of Rhode Island. But the gentleman's mature conclusion, as I understand it, is that if we want to help the farmer we have got to make the tariff apply to the farmer exactly as it does to industry to-day. Is that correct?

Mr. HAUGEN. Organized industry.

Mr. O'CONNELL of Rhode Island. In other words, if the present tariff is wrong——

Mr. HAUGEN. No; not at all; that is not it.

Mr. REED of New York. Will the gentleman yield for a brief question?

Mr. HAUGEN. Yes, sir.

Mr. REED of New York. The gentleman spoke about the tariff being increased on butter and the price going down. Is it not a fact the cause of that was that there was no tariff on cream and it is being shipped into this country and being manufactured into butter?

Mr. HAUGEN. Bootlegged cream, they call it?

Mr. REED of New York. Is it not true cream is being shipped in?

Mr. HAUGEN. I understand it is butter mixed with cream and imported as cream.

Mr. HUDSPETH. Will the gentleman yield?

Mr. HAUGEN. I will.

Mr. HUDSPETH. The gentleman in his bill has cattle and hogs?

Mr. HAUGEN. Yes.

Mr. HUDSPETH. What are you going to do for the cattle and hog men in this bill?

Mr. HAUGEN. I think there is evidence——

Mr. HUDSPETH. I understand Mr. Murphy was a witness before the gentleman's committee representing the Federal Farm Bureau or some farm bureau?

Mr. HAUGEN. He represents all the farm organizations here.

Mr. TINCHER. Farm organizations?

Mr. HAUGEN. As I understand it.

Mr. HUDSPETH. Does the gentleman agree with the testimony given by Mr. Murphy before the committee? Does the gentleman indorse that testimony?

Mr. HAUGEN. I do not recall just what it was.

Mr. HUDSPETH. He stated this in response to questions by the gentleman from Kansas [Mr. TINCHER]. He asked, "You are going to levy an equalization fee on hogs?" "Yes." "Does that mean you are going to raise the price of hogs?" "Not at all." "What do you mean," said the gentleman from Kansas. "We are going to stabilize the hog price." The gentleman from Kansas wanted to know "what you are going to do with the equalization fee you leave on hogs?" He said, "We are going to take it off and buy corn." Now, in regard to fattened cattle, say, in Kansas. "Are you going to levy an equalization fee on cattle?" "Yes." "Do you intend to raise the price of cattle?" "No." "What are you going to do?" "I am going to take that equalization fee levied on cattle and use it to buy corn." Now, I want to ask is that the purpose of the bill? I am asking for information. I have not studied the bill.

Mr. HAUGEN. That is the other bill.

Mr. HUDSPETH. It is the bill Mr. Murphy was testifying about.

Mr. HAUGEN. No; that was on the bill, eliminating corn from the equalization provision.

Mr. HUDSPETH. I just wanted to find out.

Mr. HAUGEN. Gentlemen, I thank you. [Applause.]

TESTIMONY OF LABOR REPRESENTATIVES

Representatives of practically every labor organization appeared before the committee. I quote from hearings before my committee:

STATEMENT OF MR. EDGAR WALLACE, REPRESENTING THE AMERICAN FEDERATION OF LABOR

Mr. WALLACE. Mr. Chairman, when I appeared here about a year or a little over a year ago there was some 5,000,000 workingmen walking the streets. We considered then that the reason for the depression in the industries was the fact that the farmers were not getting prices for their products and consequently were unable to buy.

* * * * * * *

We fear that this condition of comparative steady employment is only temporary, that just as long as that great group of the people of our country, the producing people of our country, are underpaid for their labor (for that is what it amounts to), when they are not getting a fair price for their products, prosperity is just for a time and can not last.

We believe it is only enlightened selfishness to say that this great, big portion of the citizenry be placed in the position where they can feel safe. * * *

Mr. WALLACE. Yes; we recognize that if the farmer gets a better price we will have to pay it; that is, we will have to pay our share of it.

* * * * * * *

When they determined to deflate they hit the farmers hard, and the farmer found himself helpless, because he had no economic organization. When it came to the miners, the miners said, "Maybe you will; we will give you a scrap," and they did.

* * * * * * *

Mr. WALLACE. A cause probably of raising the price of things that we have to buy; yet we are for that, recognizing the farmers as our

best customers. What does it profit us if we can get meat for 10 cents a pound if we haven't the 10 cents?

* * * * * * *

The farmers are our customers; when they have no money we can not work. We are the farmers' customers; when we can not buy, their foodstuffs pile up and lose in value. Hence, I think it is to the interest of all the workers—and I want to say that the condition of the workers is not improving.

* * * * * * *

I can not see any hope for improvement, except the farmers can buy. Those are the people on whom we depend.

* * * * * * *

Now, Mr. Chairman, I do not see any difference in confiscating a farmer's product by force or forcing upon him confiscatory prices that will have the same effect. The danger is, and I know that in certain places it is now taking effect, that the farmer here may also let his fields lie fallow and not raise the foodstuffs that are needed by the entire country.

* * * * * * *

STATEMENT OF MR. ROBERT FECHNER, REPRESENTING THE INTERNATIONAL ASSOCIATION OF MACHINISTS

Mr. FECHNER. Our general executive board is in session here in Washington, which is the headquarters of our organization at the present time, and President William H. Johnston called the attention of the board members to the reports which have been recently received on the subject, and the board felt that we were sufficiently concerned in the matter to take official recognition of the situation. We did so, and after giving due consideration to the entire matter we have officially recorded ourselves as supporting in principle at least the provisions of this pending legislation.

* * * * * * *

We feel that the farmer is entitled to a sufficient price to justify him in continuing the operation of his farm, just as well as transportation or any other industry is entitled to a fair return on their investment or the activity of those who are engaged in these other lines, and we are convinced that if anything can be done by the Congress to help bring about that condition, it will be reflected in all other lines.

* * * * * * *

No; I certainly hope Congress will not stand still. That is what I am here for, to urge that something be done, and I am sure that the committee can formulate some plan.

* * * * * * *

We believe that if we can get some relief for the farmers and get things started on the farms, it is going to be reflected along all lines and that the mechanics will benefit just as well as the farmers. We are very anxious that at least an effort be made to afford that relief.

* * * * * * *

We do believe that the workers must have a living wage and that the farmers must also get a price for their product that will enable them to live and to continue to operate their farms; and it is that principle that we want to see preserved.

STATEMENT OF MR. ARTHUR J. LOVELL, VICE PRESIDENT AND LEGISLATIVE REPRESENTATIVE, BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN, WASHINGTON, D. C.

Mr. LOVELL. Mr. Chairman and gentlemen of the committee, I have the honor to represent the Brotherhood of Locomotive Firemen and Enginemen, one of the railroad transportation organizations, in support of this measure, which is the preferred measure of the farmers for marketing their crops. During the last Congress I appeared before your committee in support of a bill similar to the one introduced at this session.

Our organization is on record in favor of such legislation on behalf of the farmers.

* * * * * * *

Now, the farmer is entitled to some consideration, some help, and this bill in our opinion will give him some betterment of conditions. The farm is absolutely essential.

* * * * * * *

We are not in affiliation with any farm organization; we are not affiliated with the American Federation of Labor. These four railroad brotherhoods are independent. We are a fraternal insurance organization. We are very old. Our organization has been more than half a century in existence.

STATEMENT OF MR. W. M. CLARK, VICE PRESIDENT AND NATIONAL LEGISLATIVE REPRESENTATIVE, ORDER OF RAILWAY CONDUCTORS; ALSO REPRESENTING THE BROTHERHOOD OF RAILROAD TRAINMEN, WASHINGTON, D. C.

Mr. CLARK. I am vice president and national legislative representative of the Order of Railway Conductors, and also represent the Brotherhood of Railroad Trainmen. A year ago our organization and other organizations went on record as favoring a bill that would benefit the farmer and a bill with which the farmers were in accord. As far as we are concerned, we are not wedded to any particular bill or language, if it benefits the farmer, because that is what we are trying to do.

The testimony of these excellent gentlemen speaks for itself and should satisfy all as to the attitude of labor toward legislation along the line suggested in this bill.

STATEMENT OF MR. EDGAR WALLACE, WASHINGTON, D. C., REPRESENTING THE AMERICAN FEDERATION OF LABOR

Mr. WALLACE. Mr. Chairman and gentlemen, I come here with some hesitation to reiterate the statement that I presented before this committee when the Sinclair-Ladd bill was under discussion, the Little bill was under discussion, and the Sinclair-Norris bill was under discussion. Now, I am appearing in favor of the McNary-Haugen bill, with very little real knowledge as to what might be the effect, the detailed effect of this bill if enacted into law. The organization that I represent recognizes that this bill provides for unprecedented action of the part of Congress to aid the farmers of the country. It is our opinion that there is an unprecedented situation to be met. If in this country there was a pestilence in some sections that threatened the entire country, we would not hesitate to take some drastic action in order to meet the emergency. The workingman of the country realized that lopsided prosperity can not continue for any great length of time. With great numbers of our citizenry threatened with ruin, facing ruin, the rest of us can not continue prosperous for any great length of time.

The farmers were crushed, first by the economic power of the bankers, who sought to deflate the commodities of the country in order to inflate the value of the dollar. The pressure was brought to bear first upon the farmers, and effectively upon the farmers because they had no organization competent to meet the organization of the bankers.

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Mr. RUBEY. I understand you are in favor of the McNary-Haugen bill?

Mr. WALLACE. I am in favor of any bill, including the McNary-Haugen bill, that will help the farmers out of their present trouble.

Mr. JOHNSON. Do you folks feel that this is one of the real, necessary measures that Congress should pass at this session?

Mr. WALLACE. We believe it should not only be passed at this session, but just as early as possible; we read every day of banks failing in the Northwest as a reflection of the condition of the farmers there, and that can not continue long until it is going to affect the whole economic organization of the country.

Mr. JOHNSON. What is your opinion about the rest of the labor organizations other than those you are now speaking for?

Mr. WALLACE. I represent possibly 5,000,000 workers. The rest of the labor organizations, the only ones that I know of that are not in the American Federation of Labor, are the railroad organizations, and I believe they are absolutely in sympathy. I can not speak for them directly.

STATEMENT OF EDGAR WALLACE, REPRESENTING THE AMERICAN FEDERATION OF LABOR, APRIL 10, 1926

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Mr. WALLACE. Mr. Chairman, I appeared before this committee several times, and in each instance I made this statement, that, representing the workers of the country, we feel a common interest with the farmers of the country, because when they are prosperous we get along nicely, and when they are bankrupt or when they are suffering from depression we also feel that depression; and whether the organized farmers feel that community of interest or not, we feel it.

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Now, in the past I have said that I had no special bill to present or to favor. In this instance I come before you in favor of this committee draft, I do not know by whom introduced, or whether it is the committee itself as a whole or as a majority that favors this draft.

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Mr. KINCHELOE. It is the bill, Mr. Wallace, that the Corn Belt people have submitted to us.

Mr. WALLACE. Well, it is in favor of that bill, that proposed bill, that I now appear.

It seems to me, gentlemen, that the trouble with the farmer is not that the average price of his commodities as sold to the consumer is not high enough. The trouble seems to be that at the time the farmer must sell, he finds the market flooded, prices depressed. Now, here is a measure that is favored by the overwhelming majority of the farmers' organizations.

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Now, here is a plan that has been formulated by the organizations of the farmers. I do not see how it can injure any other classes of people in this country. It is unusual legislation, if you will, but there is an unusual condition confronting us.

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Now, gentlemen, the American Federation of Labor is in favor of this bill, and asks that it be enacted into law. I do not know that I have anything more to say, unless the gentlemen would wish to question me as to anything that has been offered here.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. I yield to a member of the Committee on Agriculture [Mr. FORT] one hour. [Applause.]

Mr. FORT. Mr. Chairman and gentlemen of the committee, there is no dispute among the members of the Committee on Agriculture and I believe little or none among the Members of the House as to the existence of a real agricultural problem. It would be folly in the face of the evidence that has been submitted before our committee to deny that American agriculture does not to-day occupy the same relative position in our economic structure that agriculture has occupied in the past and should occupy as a matter of permanent national policy.

Agriculture is undoubtedly the most basic of all industries. It is undoubtedly the one upon which all other industries and all other conditions of life directly pivot, and because that is the fact any problem that affects agriculture becomes in its nature and essence a national problem, and because it is a national problem one which is entitled to the most serious consideration of this House. It is not necessary to go further in pointing out its absolute interrelation with all other national interests than to carry a little further the figures which the chairman of the committee has just cited. He has spoken of the fact there is something over 6,000,000 farmers. A difference of $100 a year in the income of the American farmer, therefore, across the whole group increases the purchasing power of American citizens $600,000,000. You can not throw into the purchasing power of our people that sum of money without a complete stimulation that will be felt through every industry. Consequently it is our duty here, my friends, if there be a way to assist in raising the income of the American farmer without complete economic dislocation of the rest of the Nation to give him that aid.

It is also a fact, I think, that his situation is less acute this year than it has been in recent years; and if that be true, this is the Congress that should legislate upon agriculture, because the time to legislate on the agricultural or any other problem is not when it is most acute, is not when the pressure of emergency brings the danger of unsound legislation, but at a time when the conditions permit serious and sober consideration of the problem.

SHIFTING PROPAGANDA

The trouble has been, however—and with all due respect to the witnesses who have appeared before the Committee on Agriculture—the trouble has been that the discussion before our committee, and the discussion before the people of our country, has turned almost entirely upon the question of what somebody or other wants, and not upon the question of what is best for the farmer and best for the United States of America. The members of the committee have been bombarded with propaganda—propaganda that has shifted day after day in its position, propaganda whose whole direction and purpose has been to persuade us that some farm organization somewhere demanded a particular piece of legislation. That propaganda has shifted completely in its position in the last two or three months; for example, from the time when we were bombarded from the South with suggestions condemning the imposition of any type of equalization fee to the position in the last month, when they want some kind of legislation with an equalization fee imposed.

Mr. FULMER. Mr. Chairman, will the gentleman yield?

Mr. FORT. Yes.

Mr. FULMER. The gentleman stated he had evidence of that propaganda?

Mr. FORT. Doctor ASWELL put it in the hearing, showing opposition to this equalization fee in the South.

Mr. FULMER. Doctor ASWELL inserted a letter from one of his constituents, and in doing that he admitted that he did not know anything about it.

Mr. FORT. I do not have that part of the hearings here, but I remember there was evidence on the subject.

We have an economic situation to solve. It is not a political question; it is not a question on which the Members of this House should be guided by political motives; but unfortunately it is not a question where the various propagandists who have appeared have given us any real guide as to the action we should take.

If I desired to take the time here to-day I could show you that witness after witness who has appeared before our committee has urged and insisted one day upon one course of action, as wanted by the farm organizations of America, and has almost overnight shifted the entire position. Time after time that has happened on details and fundamentals of this legislation, until the time has now come when it can not be said by any spokesman for any farm organization, in my humble opinion, that he knows what the people back home really do want in this legislation, because none of them knows what is in it.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield there?

Mr. FORT. Yes.

Mr. KINCHELOE. The gentleman has spoken of the various groups that have come before our committee. Is it not a fact that the Dickinson bill provided for an equalization fee on basic commodities, and no appropriation out of the Treasury? That is one. Next, the Corn Belt people came here and wanted an appropriation of $100,000,000 out of the Treasury and no equalization fee on corn. Finally the cotton people appeared, and they wanted an appropriation provided out of the Treasury, with no equalization fee on cotton and no equalization fee on corn, and in the next hour the same people came and asked that an equalization fee be provided for two years hence?

Mr. FORT. That is a picture of some of the shifts, but there were many others also.

Mr. RUBEY. Mr. Chairman, will the gentleman yield, so that I may answer the gentleman?

Mr. FORT. I do not want to yield my time for a controversy between two other Members.

DISCUSSION OF PRICE LEVEL

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. FORT. Yes.

Mr. MILLS. I wonder if the gentleman from New Jersey can enlighten me as to the fundamental principle behind the Haugen bill? Two years ago we had before this House a bill which was based, as I then understood it, on the fact that the price of agricultural products lagged materially below the general price level, and a bill was presented intended to bring the price of farm products up to the general level. Now, I want to ask the gentleman whether it is not a fact that to-day agricultural prices are approximately on the general price level or within two or three points?

Mr. FORT. The last statement issued by the Department of Labor, I believe, so indicated, but I have not had the opportunity to analyze that statement.

Mr. MILLS. Well, I will say to the gentleman that I have here a table for the month of March, 1926, and I find that the all-commodity index number is 151.5; that that for grain is 1.52 and for livestock and poultry—and that is the only one substantially below—is 1.34; that of other farm products is 1.48; meat, 1.50; butter, cheese, and milk, 1.48; and other foods, 1.54. I want to ask the gentleman just this question: Assuming that the farm prices are about on the general level, what purpose can this bill serve unless it is intended to force agricultural prices above the general commodities?

Mr. FORT. As to the question that the gentleman has asked, if he will permit, I will prefer to handle that a little later in what I have got to say. I think the purpose to which he refers is the purpose of the bill.

Mr. MILLS. Will the gentleman permit me, then, to put this table in the RECORD at this point?

Mr. FORT. I have no objection.

The table is as follows:

Price index numbers of the Bureau of Labor Statistics

[Monthly average for 1913=100]

Group	Post-war high point	Post-war low point	1924 low point	March, 1925	March, 1926
Grains	319	110	118	180	152
Livestock and poultry	230	94	104	144	134
Other farm products	289	115	164	168	148
Meats	209	118	120	157	150
Butter, cheese, and milk	214	115	120	158	148
Other foods	301	136	143	163	154
Boots and shoes	304	179	181	186	186
Cotton goods	357	144	183	185	167
Woolen and worsted goods	336	169	206	220	201
Silk	422	140	140	160	162
Anthracite coal	232	154	215	222	232
Bituminous coal	472	190	200	196	200
Other fuel, and lighting	268	119	122	150	146
Iron and steel	233	120	139	145	136
Nonferrous metals	145	80	95	108	109
Lumber	373	151	173	193	189
Brick	295	199	210	208	206
Structural steel	213	96	126	139	129
Other building materials	226	149	164	167	163
Chemicals	219	109	118	126	118
Fertilizer materials	235	94	94	107	115
Drugs, etc	205	160	176	180	182
Furniture	259	144	152	150	144
Furnishings	329	213	231	235	230

Price index numbers of the Bureau of Labor Statistics—Continued

Group	Post-war high point	Post-war low point	1924 low point	March, 1925	March, 1926
Cattle feed	267	94	108	127	113
Leather	341	131	131	153	140
Paper and pulp	342	151	162	158	180
Other miscellaneous	145	88	88	107	112
All commodities	247	138	144.6	161	151.5

Mr. JACOBSTEIN. Will the gentleman yield with regard to those statistics?

Mr. FORT. Yes.

Mr. JACOBSTEIN. I will ask the gentleman from New York this question: Is it fair to compare the price of all commodities with agricultural commodities? Is it not fairer to compare nonagricultural commodities with agricultural commodities?

Mr. MILLS. Well, I will say to the gentleman that the table will not only include the all-commodities index numbers but individual index numbers.

Mr. JACOBSTEIN. But you should not compare the price of all commodities with agricultural commodities; you should compare nonagricultural commodities with agricultural commodities.

Mr. BURTNESS. In other words, it is a question of the purchasing power of farm products and the products which the farmer must buy. That is the material thing rather than the cost of living of laborers or something of that kind.

Mr. MILLS. But this is what I am pointing out: That two years ago the Haugen bill was based on the general index number because at that time agricultural prices were below the general level, but now that they have risen, the principle of the index number has been discarded entirely and we have adopted some new principle.

Mr. KINCHELOE. Will the gentleman yield?

Mr. FORT. I will.

Mr. KINCHELOE. Will the gentleman also put in the RECORD the increased cost to the farmer of manufactured products under the Fordney-McCumber tariff bill?

Mr. FORT. If the gentleman pleases, I do not want to get into a tariff argument in the middle of my speech; but the gentleman knows I do not agree with his views on the tariff.

Mr. STEVENSON. I have just read the gentleman's minority report. In that report he touches on a question about which I take it for granted he can give us some light, and that is this question: Where is there any authority in the Constitution for levying a tax on any of the producers of this country in order to raise the price of any product? That is a question which I think is the real meat of this proposition.

Mr. FORT. If the gentleman will permit, I do not want to occupy the floor too long, but I think I will get to these matters a little later if I am permitted.

A PROBLEM OF MARKETING

As it seems to me, gentlemen of the House, we are concerned in this legislation and in this problem with what is purely a marketing problem. The difficulties of the American farmer, which I still believe to be existent difficulties, despite the apparent contradiction in the Labor Department statistics, are difficulties that have come from one of two marketing troubles. One of those troubles is the disposition of what might be called seasonal or sectional surpluses of perishable commodities, and the other is the disposition of export surpluses or surpluses beyond the possibility of domestic consumption. The disposition of products is a marketing problem. In order to have a market you must have three factors. You must have something to sell and you must have somebody who will buy. Those buyers are of two classes—the necessitous buyer, who has got to have what you want to sell, and the buyer who is interested only at a price. And in the third place, you have got to have some kind of an organization through which to market.

In order to clear this discussion from the propaganda of the hearings for the benefit of the House, I am going to take up in detail the position of the six products or commodities which the Haugen bill calls basic agricultural commodities.

COTTON

The first of those is cotton. Now, what is the problem we have got to solve in cotton? In the first place, we always raise more cotton than we can use in this country. At the low point of our production we use—that is, when we produce only 8,000,000 bales—about 75 per cent in this country. At the high point of our production, 16,000,000 bales, such as we had last year, we use probably 65 per cent for export and 35 per cent in this country. It therefore is a product which can not be controlled in any way whatever through the handling of the domestic price. In the second place, cotton is not merely an article of clothing. It is a food article. This bill completely overlooks and neglects to touch upon the fact that cottonseed is a substitute for lard; a substitute for butter; a substitute for vegetable oils of other types; a fertilizer; a cattle feed, in which it is a substitute for corn, and is, of course, a seed for a new crop. Therefore, no consideration of cotton that omits cottonseed can possibly reach the cotton problem.

Cotton is, of course, preservable. Over a five-year period we universally raise eleven and a half million bales of cotton on practically the same acreage, but during that five-year period we will have some years of 8,000,000 bales and some years of 16,000,000 bales. But averaging over a period of years it comes out just about to what the world wants or eleven and a half million bales.

There is one other factor in cotton, and that is that recently there has been discovered and developed the fact that considerable marginal lands are in existence which can easily be brought into profitable production of cotton that are not now so used. Therefore, any stimulation of the price of cotton may mean the stimulation of cotton production. If the world will only take eleven and a half million bales a year on a five-year average, we can not have a further stimulation of cotton production—certainly not without a resulting decline in price.

WHEAT

Now, then, we have wheat. Wheat is also a crop of which we always produce some surplus. Some years the surplus is as low as 40,000,000 or 50,000,000 bushels, and some years it is as high as 400,000,000 bushels. Our acreage in wheat has gone in the last 10 years from 47,000,000 acres up to 75,000,000 acres and back to 52,000,000 acres. In other words, we have demonstrated in the last 10 years that we have 23,000,000 acres more land in the United States available for the growing of wheat than we are now using.

Wheat is a world crop. Its price is determined by world market conditions; it is not determined exclusively by domestic market conditions. And, strangely enough, the entire surplus of wheat in all producing nations, despite great local fluctuations, comes out with remarkable uniformity at about 700,000,000 bushels a year.

Before the Great War Russia and Rumania supplied from 200,000,000 to 230,000,000 bushels, while last year they supplied 21,000,000 bushels. Any program for the handling of wheat must face the possibility of the return of Russia and Rumania to the exporting wheat nations of the world. The fact that before the war we had a world export and import trade in wheat of about 700,000,000 bushels and that that entire export trade, despite the loss of Russian and Rumanian wheat, has been made up in the last 10 years from other exporting countries is significant of what can happen to wheat if it is not handled intelligently.

We exported before the war from this country only about 110,000,000 bushels of wheat a year. We have exported since the war in the neighborhood of 230,000,000 to 250,000,000 bushels of wheat, and in that same period Canada has increased its export from 95,000,000 bushels to in the neighborhood of 191,000,000 bushels. In other words, the world has made up for the loss of the Russian and Rumanian wheat chiefly by increased production in the United States and Canada. But do not let us forget, in any solution we contemplate, that neither Russia nor Rumania is permanently out of the world market; and do not let us forget that these figures indicate that year by year the world takes 700,000,000 bushels from somebody, and it will not take any more. That is the total demand and somehow the world supplies it.

There are other factors in the wheat situation that have to be considered, grades and things of that sort, which I am not going to trouble the House with at this time.

The next basic commodity is corn, and that is quite different.

Mr. BURTNESS. Will the gentleman yield before he leaves the wheat proposition?

Mr. FORT. Yes.

Mr. BURTNESS. The fact you have brought out with reference to the export surplus in various crops and the fact that the world at large will take only 700,000,000 bushels of wheat, I take it, emphasizes the danger that the wheat farmer of the United States is confronted with whenever the time comes that Russia and Rumania will again provide to the world the surplus which they have ordinarily provided.

Mr. FORT. There is a danger there.

Mr. BURTNESS. And in that danger, is it not true, assuming a fairly good world price and assuming also a fairly good domestic crop of wheat, of both the winter and the spring

varieties, we could very easily see in the next crop season, or in the second crop season from now, wheat selling, if the world conditions are solely to be the controlling factor, at 50 cents or 60 cents or 75 cents per bushel instead of $1.25 a bushel or thereabouts to the farmer, as it is doing now?

Mr. FORT. I think that figure is a little low, but something of that nature might easily happen with anything to stimulate American production.

Mr. BURTNESS. If that is so, and if the world price should be decreased to 75 cents or 80 cents, or something of that sort, is it unfair to say to the American consumer of wheat that he is to pay the American farmer who produces the wheat this world price plus that figure which Congress has said represents the difference in the cost of producing wheat within the United States and abroad, namely, the amount of the tariff?

Mr. FORT. I would rather comment on that a little later also, as I intended to do. However, I will say to the gentleman that in what I am saying on wheat I am trying to emphasize that any program that we here adopt must not be a program to further stimulate American wheat production.

Mr. BURTNESS. I appreciate that point, and it occurred to me that the picture the gentleman drew as to world conditions is the strongest kind of argument for trying to find something now to protect the American farmer in the future from being absolutely driven out of existence by those world conditions.

Mr. LOZIER. Will the gentleman yield for a question?

Mr. FORT. I prefer not at this point. I may cover all these questions a little later, if the gentleman will permit. If not, I will be glad to yield.

CORN AND LIVESTOCK

On corn we have an entirely different status. Corn is a crop that has varied from 2,400,000,000 bushels up to 3,200,000,000 bushels on relatively the same acreage, but it is a crop as to which no real export surplus does or ever can exist, because there is no export market for American corn.

Our normal export of corn, even on a 3,000,000,000-bushel crop, will not run over 30,000,000 bushels, or 1 per cent of the crop.

There is a second distinction in corn, and that is, it is not a food but is a feed crop. Only about 6 per cent of our corn is manufactured for human consumption or otherwise directly goes to the human body. The balance is fed to cattle and hogs, and the market price of the commodity is dependent upon the population of cattle and hogs. Without a sufficient population of animals, corn prices can not be maintained. With too great a production of corn, even with a normal cattle population, corn prices can not be maintained, and the excess corn above the amount of the cattle requirements is bound to become an economically useless product unless we can find what we do not now have—a foreign market for that corn.

The next thing we have in this bill is swine. Now, there is another funny situation. Our swine are only partially exported. In 1923 our packers turned out something over 10,200,000,000 pounds of pork and pork products. Of that, about 3,500,000,000 was in fresh pork and we exported the whole of 12,000,000 out of that. On the other hand, 2,000,000,000 was in lard and we exported over 1,000,000,000. Our total export was less than 2,000,000,000 pounds out of over 10,000,000,000.

There is another interesting thing in the pork situation, and that is that the per capita consumption of pork had been going ahead year by year for the last 10 or 12 years until last year. In 1917 we only used 55 pounds of pork per capita, and we worked up to 86.3 pounds in 1924. Last year we went down to 77 pounds or a loss of 9 pounds in one year. Why? Because the price of pork went up $3.60 a hundred on the average and the price of beef the same year only went up 40 cents a hundred, and these statistics, which I do not want to cumber the RECORD with, and which go back to 1907, indicate this as the regular procedure. In other words, the domestic consumption of pork and beef shifts from year to year, from one commodity to the other as the price shifts.

They are practically interchangeable products in our people's diet.

The next commodity we have is beef. Now, beef is nonexportable almost absolutely. In 1923 we produced 4,800,000,000 pounds and only exported about 30,000,000 pounds out of the whole lot. All the rest was consumed here. There is another thing that bothers the solution of the cattle problem that we are confronted with, and that is the hide factor. If we are only going to handle, as the legislation contemplates, the food products of cattle, we have nearly 600,000,000 pounds of hides from beef cattle. We only export about 25,000,000 pounds of hides. Their value is somewhere between 8 and 17 per cent of the entire value of the meat in the animal, varying each year according to beef and hide prices.

Mr. WILLIAMSON. Would not a tariff on hides solve the hide problem?

Mr. FORT. Yes; but handling the price of cattle only through the handling of the food products of the cattle is the point that seems impossible to me.

BUTTER AND OTHER PRODUCTS

Now, the other basic commodity is butter. We did not have a word about butter in any of these headings. I never heard a word about beef. Butter suddenly appeared in the bill three days before it was reported from the committee. I have had to do a lot of digging on my own hook for most of the statistics. I mention this to show you how much more concerned we have been as to who would vote for or against it than we have been of the economic side. [Laughter.]

We had a butter production in 1923 of 1,300,000,000 pounds, out of which we exported 5,800,000 pounds, and the rest was consumed here.

There is another thing about butter, and that is not in the hearings, either. You know if you raise the price of butter, fluid milk is going into butter. Fluid milk is going into butter unless you raise the price of milk. The legislation does not talk about milk; it does not go into that. The minute you raise the price of butter, everybody that has a cow is going to make butter.

Mr. KINCHELOE. The gentleman is right that butter was not mentioned at all, but the gentleman does not mean to leave the imputation that butter was put in the bill for the purpose of getting the support of the Wisconsin delegation, all or most of whom voted against the original McNary-Haugen bill.

Mr. FORT. I am not making any implications except the bare statement of fact.

Now, this legislation has nothing about rye or cottonseed. We are not going to do anything with potatoes; we are not going to regulate anything about fruits and vegetables.

Let me tell you something about fruit and vegetables, rye and potatoes. The American people to-day are consuming their greatest volume of food—greater than 25 years ago. Yet, in 1907 we consumed 179 pounds of meat and lard, and in 1925 we consumed only 165 pounds of meat and lard, or a decrease of 14 pounds per capita of meat products. In 1904 we consumed 5.4 bushels of wheat per capita and in 1925 we consumed 4.3 bushels of wheat per capita. What has happened? The food habits of the American people are changing. They are changing and will continue to change, as the pork and beef products figures show, whenever price differentials make substitutions advantageous.

THREE BILLS BEFORE CONGRESS

Now, then, with all of these conditions confronting the committee for the preparation of legislation, we have laid on the altar of the House three bills. [Laughter.] We have done that because, frankly, I do not believe the majority of the committee favored any one of the bills. But, as I said earlier, this Congress owes a duty to the country to give the country some farm legislation. If we, as servants of the House, can not do the job, we will have to turn it back to the boss.

Now, what are these three bills? There is first the bill introduced by the gentleman from Louisiana [Mr. ASWELL] which I think he will concede is in no sense a relief measure for the present existing bad conditions. It is a bill that looks toward the creation, through a well-worked-out plan, of a complete organization of the farmers, working from the top down through, setting up a Government corporation which is to organize and with the aid of Government funds set up an interstate and then a State and then a local cooperative organization for the marketing of products.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. FORT. Yes.

Mr. ASWELL. It is not a Government board.

Mr. FORT. I said a Government corporation.

Mr. ASWELL. It is a farmer-controlled corporation.

Mr. FORT. Yes; but it is a Government corporation set up under a Federal charter.

Mr. ASWELL. That is right.

Mr. FORT. The act incorporates certain men to organize this proposition.

Then we have the bill introduced by the gentleman from Kansas [Mr. TINCHER], which attempts without change in the existing structure, except in minor details, of the marketing processes of America, to smooth out the kinks in that marketing and to adequately finance the farm-owned and farm-controlled cooperative marketing associations which in many instances have been highly successful and in others have not been—largely, perhaps, through want of capital—which leaves the conduct of the business of farming entirely in the hands of the farmer as it is to-day, and which is intended to offer

to the cooperative marketing associations the financial strength which those who know and believe in those organizations think and feel is their chief need.

Then we have the other measure, concerning which you have already been addressed, which was introduced by the gentleman from Iowa [Mr. HAUGEN]. That proposes a completely new organization of the industry of agriculture. It proposes that that organization shall be instituted, operated, managed, controlled, and financed by the Government of the United States. It proposes in lieu of the suggestion of the bills of the gentleman from Louisiana, and the gentleman from Kansas, practically to force every American farmer to become a cooperator, whether he wants to or not, in the maintenance of the carrying of his crops. It proposes a definite price-fixing structure. It proposes a continuing Government operation. It proposes a subsidy for the first two years and a tax thereafter upon the farmer. I want to say right here that it is very timely, it seems to me, that this House should be discussing a subsidy bill this week with the example of Great Britain and the effect of her subsidy program in our eyes. [Applause.] It proposes a complete domination of the agricultural industry of America, and by that I mean not alone the farming of America, but every food trade, manufacturing or otherwise.

COMMON VICE IN PROPOSED LEGISLATION

To me all three of these bills have one vice in common, and that I want to speak on before going into a detailed consideration. I made the same mistake myself in a bill which I introduced in this House, and the only excuse I have is that I took it from some other proposed legislation, and that I did not think it through. All of these bills in one form or another—probably least in the case of the bill of the gentleman from Louisiana [Mr. ASWELL]—call for the election or selection of Government or quasi-Government officials by farm organizations.

I say to you, gentlemen, as I understand the scheme of the present Government of Russia, it is in part that that Government concedes to the representatives of particular crafts or groups in the population the right to dominate branches of the Government. I know of no legislation upon the books of this country to-day that confers upon farmers or labor or capital the right to pick the men who shall control the Government's relation to any industry, and I hope and pray that there never will be any. Our institutions were not founded for that purpose. If we have reached a point where the American people as a whole have become so moved by sectional considerations and selfish prejudice that we can not trust the whole people to do justice to any group, then our institutions have failed. If we have reached the point where we can not trust the President of the United States to appoint boards able and adequate to handle the problems with which they are vested, then we need a new form of constitutional government. Whichever of these measures meets the approval of the House, I hope it will be so amended before it is passed as to reindicate to the people of America and the world that our faith in our institutions, that our faith in our people themselves, is not destroyed.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. FORT. Yes.

Mr. BURTNESS. I appreciate the gentleman's argument, and as far as I am concerned would have no objection to such an amendment, but, after all, are the provisions included in all these bills to which the gentleman has referred any different from the provisions in many of our State laws? For instance, where the governor may be limited in the appointment of certain officials, quasi-public officials, by recommendations made to him by various associations. For instance, in some States take guaranty fund commissions, which are to be appointed out of a list of eligibles furnished by the bankers' association.

Mr. FORT. We do not have anything of that kind in our State, so I do not know.

Mr. BURTNESS. In other States bar examiners are appointed out of lists furnished by the bar associations. Can the gentleman distinguish those situations from the ones involved in these three proposed bills?

Mr. FORT. I can. I can distinguish them, first, by the Constitution of the United States.

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FORT. Yes.

Mr. DICKINSON of Iowa. Is there not a direct parallel in the matter of the selection of the board of directors of the different Federal reserve banks from the bankers of the various districts selected by the banks themselves? Is not that along the same line we are suggesting here, that the farmer should have the right to have something to say about the class of men to be appointed to their board?

Mr. FORT. I do not know the details of that, but I do know that in that case the bankers who do the selecting are the stockholders in the Federal reserve bank of the district.

Mr. STEVENSON. I was just about to direct the gentleman's attention to that answer. The banks are the stockholders of the Federal reserve bank, and, therefore, as stockholders they have a right to choose these officials.

Mr. DICKINSON of Iowa. The facts are these: Would it be better to have the banking concerns select their own men or would it be better to have the President of the United States appoint these directors that are really acting under the Federal Reserve Board centralized here in Washington?

Mr. FORT. The President of the United States appoints without reservation the officials of the governing board, does he not?

Mr. DICKINSON of Iowa. With the exception they have certain qualifications, particularly the one who represents agriculture on the board.

Mr. FORT. I am not as familiar with the details as I should be and I can only say in that connection that at least you will grant me exemption in reference to any such legislation. I was not here when it was enacted.

Mr. RAYBURN. If the gentleman will permit, there is only one commission or board in the Government on all fours with this and that is the Labor Board of the interstate commerce act, and it has utterly failed. [Applause.]

Mr. FORT. That board represented labor and capital, represented both sides, as I understand.

Mr. DICKINSON of Iowa. I suggest in reply to the gentleman from Texas there is no parallel, because there you have a divided board selected of different groups, groups of railroad men, and here you have a group only——

Mr. STEVENSON. As a matter of fact as to the agricultural member of the Federal Reserve Board, the appointment of that member was explicitly in the President of the United States, and all he has got to do is to appoint a man with an agricultural mind.

Mr. FORT. I want to say, if the House will permit, there are two main reasons I rely upon on this point. The first is the language of the Constitution of the United States. In section 2, clause 2, of Article II, there is conferred upon the President of the United States in the following language the appointive power:

> And he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Now, what is the proposal of this legislation to which I am referring? To vest in the members of certain farm organizations the power to elect an advisory council, to vest in that advisory council when elected the power to hand to the President of the United States three names from which he must appoint one as a member of the Federal Farm Board from each Federal land bank district under one bill and, under the other, 18 names from which he must choose 6 commodity experts. I say to this House I believe that provision in both bills to be unconstitutional, and, if it be not unconstitutional, so contrary to the fundamental conceptions of our Nation and our institutions as to be unworthy of being now for the first time put into law. And in the second place, from the standpoint of the farmer himself and of all other interests in the Nation, I do not believe that the farmer will be as well served by a body entirely of his own selection as he will by a body that has some touch with the consuming end of the Nation, some touch with the financial and industrial ends which are essential in their interrelationship with the problem.

Mr. BURTNESS. Will the gentleman yield?

Mr. FORT. I have only a few minutes left, and I have a great deal I would like to say.

SEVERAL MEMBERS. Go ahead.

Mr. BURTNESS. This is relative to the argument on this point.

Mr. FORT. I am sorry I can not yield. I would like to do so.

Now, gentlemen, there are two bills presented that are relief measures. I do not so class the bill of the gentleman from Louisiana. As a matter of fact, I do not regard the bill of the gentleman from Louisiana as necessarily exclusive of the bill of the gentleman from Kansas.

Mr. ASWELL. The gentleman stated he did not regard my bill as a relief measure. Does the gentleman mean in regard to permanent relief?

WHEAT UNDER THE HAUGEN BILL

Mr. FORT. I mean relief for any emergency now existing. It will not aid the cooperatives of the southern part of the country, whose attitude has changed lately with their need of funds. Now, those two bills are the bill introduced by the chairman of the committee and the bill introduced by the gentleman from Kansas. I want to take up the bill introduced by the chairman of the committee first. In the first place, gentlemen, as I read the bill, as I have already said, it completely revolutionizes the business of agriculture in all its branches, down to the reaching of the ultimate consumer. It does not attempt merely to deal with food in its raw shape or with cotton in its raw shape, but it contemplates, permits, and necessarily must be operated by contract with the processors of commodities. We are therefore, in the guise of agricultural-relief legislation, being asked by this bill, practically speaking, to confer upon a Federal board power to mix into every manufacturing industry in the United States which in any remote degree touches the products of agriculture.

Let us take wheat. The bill specifically provides that the board shall or may—it said "shall," and I can fairly say that in the committee I suggested the amendment of "shall" to "may," because I did not want to see it too bad. It says:

The board may enter into agreement with cooperative associations engaged in handling such basic agricultural commodity or its food products, or with a corporation or association created by one or more of such cooperative associations, or with persons engaged in processing such basic agricultural commodity or its food products.

Now, remember the picture I gave you of wheat. The witnesses before the committee told us that they did not want to export any more wheat than they have to, but to export flour and keep the mill feeds at home. I think probably that is a fairly sound policy if it can be done at all. They say that the way they are going to do that is by making contracts with the millers.

Well, the first draft of this bill had in it that they would make those contracts, and that the contract would contain a provision that the losses and expenses would be paid for out of the equalization fund, and that the profits would have to be turned over to the corporation. It was suggested to the witnesses by some members of the committee and finally by a witness—and the only witness, by the way, who appeared on behalf of the millers—that that was really asking the millers to operate pro bono publico. And then the proponents of this bill said, "We do not expect them to do that, of course; they have to have a profit." So this last version of the bill provides that the equalization fund shall be used to pay losses, costs, and charges, and for the payment—if they make any money—the payment into the fund of profits after deducting the costs and charges. So it clearly contemplates that this board that they are going to set up is going to take over the milling of wheat in America and pay a profit to the millers.

Now, they can not take over only the export wheat. That is impossible, particularly if they are going to keep the mill feed here, because it is going to be rather difficult to do any accounting that will differentiate the general milling operations, the general advertising expenses, the general overhead of the miller, from the amount that is properly applicable to the 7,262,401 barrels, or whatever it may be, that may happen to go into export. It can not be worked. It has either got to be done by giving a contract for a fixed profit for every barrel of flour that the miller turns out——

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. TINCHER. Mr. Chairman, I yield to the gentleman one hour. [Applause.]

The CHAIRMAN. Without objection, the gentleman from New Jersey is recognized for an additional hour——

Mr. FORT. Which he hopes he will not use. But that is the wheat situation. Gentlemen, you can all see it. They can not just make a contract for the export wheat. It is too much intermingled with all the operations of the mill. Many of these millers have spent millions of dollars to advertise their products abroad. It is a perfectly proper item of overhead, for which they should have recognition in any such arrangement.

LIVESTOCK UNDER THE HAUGEN BILL

What do we get when we get to cattle? Well, I told you that in beef we exported only less than 30,000,000 pounds out of 4,800,000,000. Then we have 579,000,000 pounds of hides to do something with, and this bill talks only about food products. Are they going to ask the American packer to buy beef cattle under contract with them at a price that they fix later on in the bill as the world price plus the tariff and transportation, whatever that may be, in which he has got to figure the value of the hide? Are they going to ask him to take the gamble on a part of it unless they give him a pretty good profit on the rest? Will he do it? Would you? Would I? We would not. And then out of the 10,000,000,000 pounds of pork that he handles, he is going to export 2,000,000,000 pounds according to present export figures. Of that a whole billion is lard, and he is going to export only 12,000,000 pounds of fresh pork. How are you going to work out an equation of price between the whole animal and the export item under those conditions?

I have tried, and I am perfectly willing to hear a suggestion from any Member of this House as to how it can be done. Nobody suggested any way to the committee. I do not hear anybody suggesting any way to the House. There is only one way, and that is to take over the business of the pork and beef packers and give them a profit to operate, and you can not do it under the power of eminent domain, either.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. FORT. Yes.

Mr. HUDSPETH. Has any witness appeared before your committee and advocated the placing of cattle under this bill?

Mr. FORT. No one except the representatives of the Farm Bureau Federation, who claimed to represent men who were in favor of it.

Mr. HUDSPETH. Did anyone appear from the Southwestern Cattle Association, the largest association of the kind in the world?

Mr. FORT. I do not recall who they spoke for. I got tired hearing them speak about whom they represented. [Laughter.]

Mr. HUDSPETH. Was there anybody there who appeared for the American Stock Raisers' Association?

Mr. FORT. No.

Mr. MILLS. Does the gentleman mean to say that under the terms of this bill this board can pay out of the $375,000,000 directly to the packers to reimburse the packers for their services?

Mr. FORT. Their profits. They charge for services even where there is a loss.

Mr. MILLS. This bill applies not only to the cooperative associations?

Mr. FORT. No.

Mr. MILLS. This fund could be expended on packers?

Mr. FORT. On contracts with packers and millers.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. FORT. Yes.

Mr. NEWTON of Minnesota. Have any packers appeared in opposition to this bill?

Mr. FORT. Not a packer. There was one representative of the millers, and he had two complaints, and both have been cured in the bill as finally introduced. [Laughter.]

Mr. MILLS. The suggestion made by the gentleman as to the packers might account for their absence.

Mr. FORT. I think the record will show that several times I said the hearings should be kept open to hear the opponents of the bill. I thought at first there would be somebody who would kick. Nobody came.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. FORT. Yes.

Mr. JACOBSTEIN. I have waited anxiously to hear what constructive suggestions the gentleman had to offer.

Mr. FORT. I will do that if the gentleman has patience with me.

Mr. NELSON of Missouri. May I ask the gentleman a question?

Mr. FORT. Yes.

Mr. NELSON of Missouri. Did any packers appear in behalf of the bill?

Mr. FORT. No, sir.

Mr. ADKINS. Mr. Chairman, will the gentleman yield?

Mr. FORT. Yes; I yield.

Mr. ADKINS. I understand that this board, if it should find that frozen meat was selling at a lower price at Liverpool, less the tariff, there would be some agency that would go on the market and buy until the price did reach the tariff-wall price?

Mr. FORT. Well, they might do that.

Mr. ADKINS. And that is what the bill provides?

Mr. FORT. Well, in a way.

Mr. ADKINS. Is there anything complicated about that, when they could go there and buy this and export it at a loss?

Mr. FORT. But there is also the live animal, if the gentleman from Illinois will pardon me. What about the live animal?

Mr. ADKINS. The same thing applies to the live animal.

Mr. FORT. But somebody has got to process the live animal. I could quote to the gentleman, and I think he can find it in the

hearings, that both the chairman of the Corn Belt committee and several other witnesses conceded that this plan was unworkable, except under a contract with the packers to process.

Mr. ADKINS. You leave it to this board, and they will make it work.

Mr. KINCHELOE. Will the gentleman yield?

Mr. FORT. Yes.

Mr. KINCHELOE. Under the provisions of this Haugen bill the only way to dispose of the exportable surplus of swine is through the processed stuff.

Mr. FORT. I was coming to that.

Mr. KINCHELOE. And the only agency that this board would have to process is the packers, and the packers can charge their own price or not process it.

Mr. FORT. That applies, if the gentleman from Kentucky pleases, to pork, but not to beef. We have no exportable surplus of beef now, and we do not export any.

Mr. KINCHELOE. But the same thing would apply if we did have it?

Mr. FORT. Yes. But on pork somebody has got to take care of the losses incurred in selling lard abroad which has been made out of swine that cost more money in this country, by virtue of the operations of this bill, than swine cost abroad.

Mr. KINCHELOE. In answer to the gentleman from Illinois, there is nothing complex about it. The packer would demand his price and get it.

Mr. FORT. And the bill permits it.

Mr. KINCHELOE. And, therefore, they are not here opposing it.

Mr. HAUGEN. Will the gentleman yield?

Mr. FORT. Yes.

Mr. HAUGEN. The gentleman from New York seems to be very much alarmed about paying the packers for services rendered, and that possibly there might be a profit added to it. On that account he seems to fear there is danger of being held up. Now, if such a contract can not be made, of course, they could export the live animal, could they not?

Mr. FORT. They could in competition and take the loss, I suppose, if a satisfactory processing contract were not made.

Mr. HAUGEN. The gentleman does not consider it fair that the packers should process the animals without expense?

Mr. FORT. I do not. I am perfectly prepared to agree that they ought to have a profit, and they would have to have it; but I want the House to understand that this is what they are getting out of the Treasury or the farmers.

Mr. MILLS. Will the gentleman yield further?

Mr. FORT. Yes.

Mr. MILLS. I have not yet gotten this through my head. Take the case of the packers. If the packers bought up a larger surplus for export than they ordinarily would and then sold that export surplus at a loss, that loss would be made good from this fund; is that correct?

Mr. FORT. If they had a contract.

Mr. MILLS. Assuming they had a contract?

Mr. FORT. Yes.

Mr. MILLS. And this bill would permit the making of such a contract?

Mr. FORT. Yes. Not merely the losses, but losses, costs, and processing charges—the losses and a profit charge.

Mr. MILLS. On the surplus sold abroad?

Mr. FORT. Yes.

Mr. MILLS. If as the result of this transaction the prices at home were increased, they would get the full benefit of the increased prices, would they not?

Mr. FORT. Very probably, unless the board took that away from them. At any rate, the board is going to run their business and give them a profit. That is the point in it.

Now, we next come to butter. Butter is a nonexportable commodity, practically speaking. This bill is going to require the board to bid up the price of butter or make some contract with somebody to hold up the price of butter to the world price, plus the tariff and plus the freight cost needed to get the other butter in. At the same time we have Australia giving a bounty to get butter out of the country, so they can sell it pretty cheaply elsewhere, including here. The consequence is we must have an agency that will dominate the butter market. They can not have 5,000 or 10,000 or more people making and selling butter. They have got to have all that butter in one hand if we are to have a maintained price on butter. I do not see how else it can be handled, although, as I say, the record has no information on the subject to guide us.

HAUGEN BILL DESTROYS COOPERATIVE MARKETING

What else does this bill do? Well, it wrecks every cooperating marketing association in America. The cooperatives of America have been built up by long toil and hard work and much trouble.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. FORT. Yes.

Mr. NEWTON of Minnesota. Does the gentleman mean every cooperative association regardless of whatever commodity they are engaged in handling?

Mr. FORT. No; I would not say that. I think it will chiefly in the basic commodities.

Mr. MORGAN. Will the gentleman yield?

Mr. FORT. I yield.

Mr. MORGAN. As I understand, the tariff provision of this bill is that the domestic price will be based on the foreign price, plus the tariff?

Mr. FORT. Yes; and freight.

Mr. MORGAN. In that event, there could not be any contract entered into with any processer that would be beyond the limits of the tariff, could there?

Mr. FORT. That is not quite true. It might not be beyond the limits of the tariff at the date when the contract was made, but it might be way beyond the limits of the tariff by the time the hog had been processed and the lard was shipped abroad.

Mr. JACOBSTEIN. Could not the tariff be increased?

Mr. FORT. Not that quick.

Mr. ADKINS. Will the gentleman yield for another question?

Mr. FORT. Yes.

Mr. ADKINS. Do you not know that the agency that is employed to take this off the market, if it continues to buy after it reaches the world price plus the tariff, is liable itself for any loss incurred? Does not the bill specifically provide that?

Mr. FORT. I do not so read it; no.

Mr. ADKINS. You had better read it.

Mr. FORT. I have read it. [Laughter.] I would like the gentleman to point me to the language that so provides. I will go on to another point, and when I am through with it I will yield to the gentleman for that purpose.

Mr. JACOBSTEIN. May I ask the gentleman another question to get clearly this point about the tariff? Do I understand this bill provides that the tariff is the thing which measures the price to which it will be boosted artificially by this agency?

Mr. FORT. The tariff plus freight.

Mr. JACOBSTEIN. Then suppose the tariff on butter is increased another 10 cents.

Mr. FORT. Then they would go on up another 10 cents.

Mr. JACOBSTEIN. Then there is no limit, really, to which the tariff ought to be boosted by the friends of the farmer.

Mr. FORT. That may be, and it may reach the point of an embargo.

Mr. NEWTON of Minnesota. What would be the situation where there was put into effect an absolute embargo?

Mr. FORT. That I hope to come to in connection with the price question.

Mr. ADKINS. Will the gentleman yield now?

Mr. FORT. Yes.

Mr. ADKINS. If the gentleman will turn to page 12, along about the middle of the page, the gentleman will find that—

no payment of losses shall be made unless the purchase or contract for the purchase is made at a price which in the opinion of the board is not in excess of a fair and reasonable price. No sale or contract of sale shall be made in respect of which a loss would be sustained unless such sale or contract is authorized by the board.

Mr. FORT. Well, that is perfectly correct, but that does not do what the gentleman said it did a moment ago. [Laughter.]

Mr. KINCHELOE. Will the gentleman yield?

Mr. FORT. Yes.

Mr. KINCHELOE. Also section 18 of the bill provides that if it becomes apparent to this board and they report to the President that there is going to be a loss, the President has the power to declare an embargo.

Mr. FORT. I know that. That is going to help too.

Now, gentlemen, I want to emphasize once more the point I made as to the inevitable decease of cooperative marketing in the United States if this bill passes.

There are those who think cooperative marketing has failed. There are those who think that the failure can be cured either through the method suggested by the gentleman from Louisiana or the method suggested by the gentleman from Kansas. There are others who feel they will cure themselves, but no Member of this House should deceive himself that if he votes for a bill along the general lines of the bill introduced by the gentleman from Iowa, that he is doing anything for cooperative marketing in the United States.

Mr. ADKINS. Will the gentleman yield there?

Mr. FORT. I will.

Mr. ADKINS. If the gentleman will look on page 18, line 8, he will find there that this bill authorizes everything provided for in any bill before this House to encourage cooperation—lending them money or doing anything they want to.

Mr. FORT. Will the gentleman look at that section, I do not seem to have it at hand, and find the word "marketing" in it?

Mr. ADKINS. How is that? [Laughter.] The gentleman is talking about cooperative organizations now, is he not?

Mr. FORT. I am talking about cooperative marketing organizations and that means a different thing, and the gentleman knows it. [Laughter.]

Mr. ADKINS. What kind of an organization would the gentleman think they would have them organize—a band in a country town or something of that sort? The gentleman should look at the title of the bill.

Mr. FORT. The phrase "cooperative-marketing association" has a legal definition, and that definition is contained in the so-called Capper-Volstead Act, and it defines a cooperative-marketing organization as an organization dealing in not more than 50 per cent of commodities for the account of nonmembers, and with its return on membership capital limited to 8 per cent. This bill from start to finish refers to cooperative associations, and in the definition clause of the bill, on page 22, says specifically that the term "cooperative association" means so-and-so and so-and-so, "whether or not such association is qualified under" the Capper-Volstead Act.

This Congress has declared a definite policy in aid of cooperative-marketing associations. It has endeavored to formulate those organizations, to assist them, and has shown it believes in them. This bill—well, gentlemen, if you could trade at liberty to make more than 8 per cent profit or you would have to go into an organization that limited you to 8 per cent profit, which would you go in? What farmer is going to pay any fees or charges to a cooperative-marketing association to handle his product, to market it, when already through the operations of a Government board he is assured of a fixed price?

Mr. ADKINS. Will the gentleman yield for a question there?

Mr. FORT. Once more.

Mr. ADKINS. If your bill does what you think it will——

Mr. FORT. My bill? I am not now talking for my own bill.

Mr. ADKINS. Well, the one you are talking for—and you would get that price anyhow, what inducement is there to go into a cooperative-marketing organization and maintain the necessary overhead of such a plan?

Mr. FORT. I am coming to that a little later.

Mr. ADKINS. What would there be to induce him to go into a cooperative organization and have the burden and expense of such an organization?

Mr. FORT. Nothing, if the prices are to be fixed.

PRICE-FIXING PROVISIONS

There is another thing I want to talk of because I think it is highly important. The bill which we are discussing changes the whole price structure of the agricultural industry. It sets up an arbitrary scale, and what is that arbitrary scale? What is the price? I want to read that language because it is quite interesting. It opens itself, I will admit, to more than one interpretation—

> In the case of wheat, corn, butter, cattle, or swine, and/or any food products of wheat, corn, cattle, or swine, there is or may be during the ensuing year a surplus above domestic requirements, and that the price of any such commodity or food product in any principal market of the United States is materially lower than the price thereof in the principal export market of the principal competing foreign country (as determined by the board) plus the amount of tariff duty thereon and plus the charges normally incurred in transportation from such market to the principal port of entry therefor in the United States, and that the existence of such surplus renders or will render inoperative in whole or in part the tariff upon such commodity or food product—then the board shall declare its findings and commence operations in respect thereof.

Now, that is the price basis. If the price in any market in the United States is less than the price in the principal competing export market plus the amount of the tariff duty thereon and plus the charges for transportation from such market to the principal port of entry, and so forth.

Take wheat. We have a market for wheat in Kansas City. We have to find the principal export market, and the board would probably find that the competing market is Winnipeg. Now we are going to take the Winnipeg price and add the tariff of 42 cents and add to that the freight from Winnipeg to Duluth, the principal port of entry from Winnipeg. Then if the Kansas City price is below that, we put up the Kansas City price.

I want to say that I made a mistake which I want to correct in the minority report on this bill. I find that the freight rate is 13 cents a bushel instead of 5, as stated in the minority report. But take the figures in the minority report, and we have 42 cents tariff, 5 cents freight, which should be 13—and so we have to bid up the domestic wheat market.

Mr. BURTNESS. Will the gentleman yield there?

Mr. FORT. Yes.

Mr. BURTNESS. The Winnipeg market is based on the delivery at Fort William and Port Arthur on the Lake, and that means the Winnipeg market includes freight.

Mr. FORT. That is not a delivery to Duluth, as the freight rate from Fort William to Duluth is additional.

Now, if you are going to deal with price structure at all, you have got to deal with it with some consideration for the related price. Price is not an absolute thing; you can not deal with it as an absolute thing. Rye is a foodstuff which the world over is used as a substitute for wheat. It is used as a substitute when wheat gets too high. This bill does not touch rye, but they are going to bid up the price on wheat.

Mr. KVALE. Will the gentleman yield?

Mr. FORT. Yes.

Mr. KVALE. In section 13 of the bill it provides that the board is authorized to make advances for the purpose of assisting in the purchase or processing of other agricultural commodities.

Mr. FORT. Yes; they can make loans, but they can not regulate the price.

I want, if I can, to get the House to think for a moment about the relation of prices as it would operate under this bill. You have got the relation of rye and wheat, and the bill does not attempt to say what the rye prices are to be. You have got the relation of oleo to butter, and the board does not attempt to touch cottonseed or any of its derivatives. All the way through you are dealing here with an effort to fix certain specified commodities at certain specified prices without any attempt whatever to fix the other commodities that relate to them.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. FORT. Yes.

Mr. WILLIAMSON. Let me call the gentleman's attention to this fact, that if you raise the price of butter the price of every kind of a product coming into competition with butter will come up.

Mr. FORT. That is true to a certain point, but not to the full extent that butter has advanced, for the profits on cottonseed oil might be greater than the producer ever dreamed of.

DISLOCATION OF AGRICULTURAL INDUSTRIES

Now, having in mind the commodity prices and the relations, I want you to consider what this is going to do to business in America. In the first place for internal trade the basing point to-day for wheat transactions is not Duluth, but the basing point for all adjustments of wheat will become Duluth, and Kansas City, Mo., has an entirely new competitive situation to face. His price and his competition will change. As the Federal Trade Commission discovered in the Steel cases, the minute you establish a new basing point in price for a commodity you change every single channel of trade in that commodity, and this bill expects to establish a new basing point for every basic commodity in the United States.

Mr. ADKINS. Mr. Chairman, will the gentleman yield?

Mr. FORT. I am sorry, but I can not yield now. It will establish new competitions. It will intensify the competition between butter and cottonseed; it will intensify the competition between lard and cottonseed; it will create a competition which does not now exist between the fluid milk buyers in the city and the creamery buyer who buys fluid milk for butter.

In regard to cattle, what will it do? We have two kinds of cattle in the United States, two methods of raising them, range feeding and corn feeding. The bill is going to raise the price of corn. That is one of its chief purposes. It is going to raise that price up to the world price. The competing market on corn, by the way, is Buenos Aires, and you have to find out what corn costs in Buenos Aires and add the freight from there to Baltimore and then the tariff of 15 cents to find out what the price of corn is going to be in the United States; but there is 20 cents of freight and 15 cents of tariff, so that you have a 35-cent raise in your corn price over Buenos Aires. Your cattle feeder who is now feeding corn will have to pay more for his corn, but your cattle feeder who has his cattle on the range is not going to pay a cent more to produce them. Then they bring them to slaughter and each of them is going

to get a higher price by virtue of the equalization fee, but the man who has fed his cattle corn has an increased cost on his corn to use up the increased profits, and what is going to happen? People are going out of the business of feeding corn to cattle, and they will put them on the range and leave them there as long as they can.

Mr. WILLIAMSON. But I call the gentleman's attention to the fact that there is no competition to speak of between corn-fed cattle and range-fed cattle.

Mr. FORT. There is competition in the market between the cattle fed on corn and on the ranges for different periods. You will leave your cattle on the range longer, and, therefore, you are going to decrease your consumption of corn. You can not make it an advantage to a man to feed cattle on the range and have him buy as much corn as he used to buy.

EXPORT TRADE CHANGES

Mr. Chairman, those are just some of the dislocations that this legislation would create in our internal situation. What will we do abroad? We are going to buy wheat over here at a price above the world price, tack the tariff on it and then we are going to take it over to Europe and sell it for what we can get.

I pointed out a while ago that the total export trade in wheat from all nations was about 700,000,000 bushels from all exporting to all importing nations. A little later I want to talk on the inevitable effect of any price-raising proposition in increasing production. I believe, and I think the House will believe, that it can not but fail to increase production. If it does, the total export wheat in the world is going to be over 700,000,000 bushels, and if it goes over 700,000,000 bushels, we are going to depreciate the world price of wheat by the volume of wheat that we feed into it. What will happen? Our labor in America is going to buy bread on a basis at least 47 cents a bushel higher for wheat than British labor and German labor and French and Canadian labor. We are going to cheapen the cost of production of foreign-made articles by selling foodstuffs cheaper to foreign labor than we sell them to our own.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. FORT. Yes.

Mr. CARTER of Oklahoma. Is not the reverse of that situation, on account of the tariff, exactly the same thing with the farmer?

Mr. FORT. I do not understand the gentleman's question.

Mr. CARTER of Oklahoma. As I understood the gentleman, he said that on account of this increased cost of food we are going to depreciate the price of American labor.

Mr. FORT. Oh, no.

Mr. CARTER of Oklahoma. That is what I understood the gentleman to say.

Mr. FORT. No; I say that you are going to make it cheaper for the foreign competitor of American labor to live, but you are going to make it cost more for the American laborer to live, and, therefore, that the cost of production to the American manufacturer must go up, while the foreign cost goes down, and his world market is lost.

Mr. CARTER of Oklahoma. On the converse of that proposition, are you not making it cost more for the American farmer to live than the foreigner?

Mr. FORT. Yes; but he is getting the benefit of some other compensations in tariff protection on his products.

Mr. TINCHER. In order for the converse to be true, you would have to find some foreign nation that was dumping a subsidized product of that nation into this country and selling it below the cost of production. If any such condition as that exists, I do not know about it.

Mr. RAMSEYER. Is it not true, if the present tariff were, in fact, effective as to wheat, that the American laborer would be paying just that much more than the foreign laborer is paying? That is what the Haugen bill seeks to accomplish.

Mr. FORT. That would be true, except for the equation that the foreign price is going to be made lower by our stimulated excess production going over there and reducing the cost to him. We are planning to sell at a loss the entire amount of all he buys.

Mr. RAMSEYER. That is purely speculation.

Mr. FORT. Perhaps it is, but I would be willing to sell wheat short in Liverpool if this bill passes.

The next thing that we are going to cheapen for Europe is the feed cost of its cattle, because we are going to export corn and take the loss on it, if the board contemplates buying corn to maintain prices. We already have a pretty stiff competition in Europe on lard. Danish lard exports have increased from 100,000,000 pounds to 400,000,000 pounds in a few years. They now export 40 per cent as much lard from that little country as we do. We can not afford to give them any cheap feed.

Every product we sell in the world market we sell against ourselves. Every product we sell in the world market in so far as it contributes to a lower price level in the world market lowers the level for the American farmer just as well after this bill as before.

Mr. WILLIAMSON. I am unable to understand why the gentleman thinks we shall sell the surplus in the event that this bill becomes a law any lower than now.

Mr. FORT. Only if we increase production, I agree with the gentleman. I said a moment ago this part was prefaced to what I was coming to later, and that I believe this plan would stimulate production.

PLAN UNWORKABLE

Now, one other thing about the price basis—that is, the workability of it. It is pivoted on a competing independent market over which we have no control whatever, a market which will be subject to all speculative fluctuations that all other commodity markets in the world are now subject, and indeed without the curb that our American wheat markets and grain markets have——

Mr. FULMER. Will the gentleman take a minute to explain how it will affect cotton and fluctuations in cotton?

Mr. FORT. Because the Liverpool market would be the basis.

Mr. FULMER. It is now.

Mr. FORT. Excuse me a moment, I was incorrect in that answer. There is no intention in this bill to fix the price on cotton. The bill specifically says not.

Mr. FULMER. I do not think on any commodity only in stabilizing the price.

Mr. FORT. Only in stabilizing the price.

Mr. FULMER. In regard to cotton, if a large crop was stabilized, if the speculators want to take advantage of it would not they throw that cotton back on the market?

Mr. FORT. I am not talking cotton at the minute, I am talking wheat at the Winnipeg price. In cotton the bill does not attempt directly to enhance the price except through orderly marketing.

Mr. BLACK of Texas. If the gentleman will yield for one observation. As I read this bill, coming from a cotton-growing country, we have no assurance whatever that it will increase the price of cotton; but if it works out according to these other products, we have the assurance it will increase the cost of production quite materially.

Mr. FORT. And your total production. Now, the workability I do want to talk on just a minute and give the House an illustration in figures.

Mr. ASWELL. If it does not endeavor to increase the price, why does the gentleman favor this bill?

Mr. FORT. Does the gentleman think I was talking for this bill? [Laughter.]

On the workability side of this thing, gentlemen, I just want to have you go and work it out in figures. We will take wheat first. Now, you will have to go in the Winnipeg market, and you have got to take the price in Winnipeg. You add 42 cents tariff, 13 cents freight, making your American price 55 cents above Winnipeg at Duluth, which means probably 60 cents in Minneapolis.

Mr. HAUGEN. Forty-two cents added, and it is about 3 cents freight.

Mr. FORT. I am told it is 13 cents to Duluth. Winnipeg to Duluth, freight is 21 and a fraction cents per 100 pounds, and I understand a bushel weighs 60 pounds.

Mr. HAUGEN. But Duluth is not the port of entry.

Mr. FORT. What is?

Mr. HAUGEN. The State line.

Mr. BURTNESS. Winnipeg quotations are based on prices delivered at Fort William and Port Arthur, which are situated on Lake Superior exactly where Duluth is situated, and the export rate to Fort William and Port Arthur are the same as from Duluth. Presumably the principal wheat market would still be Chicago, so the addition would be the tariff of 42 cents plus whatever the transportation charge is from Fort William or Port Arthur to Chicago, and which I assume is 5 or 6 cents per bushel.

Mr. FORT. I do not care; call it half a dollar, the whole thing.

Now, they have a price in Winnipeg this morning at 10 o'clock, at the opening of the market, we will say, of $1.30, so our board's price is $1.80; and at 10.15 somebody sells some wheat short or otherwise at Winnipeg, and the price goes down to $1.27. Now, unless the board instantly meets and refixes the price at $1.77 instead of $1.80 some speculator is going to be on the job to sell the board some Canadian wheat

at $1.80 and buy it in Winnipeg at $1.27 and make 3 cents a bushel. He can contract it into this country. It is done every day; arbitrage trades between Chicago and Winnipeg and Minneapolis and Winnipeg; men sitting by the telegraph wire buying and selling daily on a fraction as small as a sixteenth of a cent profit and making considerable sums of money by doing it.

That is one of the problems that this board has got to solve. It has either got to get to an absolute fixation of price with an embargo or else it has got to be continuously in session modifying its prices, unless it wants the Treasury's money and the farmers' money to be used in maintaining a price in foreign markets for foreign grain crops.

EFFECT OF PRICE UPON CONSUMPTION

Now, I want to talk a minute on the consumer's side of this problem. I come from a consumer's district.

Mr. NEWTON of Minnesota. Before the gentleman gets to that may I ask him this question: Will not the Haugen bill practically do away with our present marketing system here?

Mr. FORT. I think it will do that completely. I have that lined up a little later. I will try to get to it.

Now I want to try to talk a little about the consumer. In the first place I have already given you the pork and beef figures, and I do not want you to forget what a shift there was in the eating habits of the American people in a year as price relationships between two similar commodities changed. That is very important on this point.

If the American people think they are being charged too much for any of these commodities, they are going to quit using them, and it does not make any difference whether it is cotton or wheat or what you please; they are going to find a substitute. What happens? Every pound of lard that they substitute for with oleo makes one more pound to export at a loss. Every bushel of wheat by which they cut their wheat consumption makes one more bushel of wheat to be exported at a loss.

If you are going to increase prices arbitrarily, you will have to increase wages; I mean a scale increase. One of the oldest economic theories—I think somewhat modified lately—was that the price of wheat fixes wages. But with the change in eating habits I am not sure that that is still true. But the prices of food and clothes do fix the rate of wages.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. FORT. Yes.

Mr. WILLIAMSON. The index numbers show that since the war the difference between the cost of living and wages paid to labor has widened considerably in this country, to the advantage of labor, while in European countries wages and cost of articles of consumption have gone up and down together. In other words, wages are not necessarily controlled by the cost of living. That is shown by the figures. I hope the gentleman will study the index numbers.

Mr. FORT. I will try to do so. If I am wrong, I am sorry.

Now, the consumer has some right to be heard on this question. In the last analysis he controls the question, both through his ability to discontinue using the things that cost too much and through the fact that his money is called upon to help finance the whole problem.

I do not say, and I do not believe, that the American consuming public will resist legislation which in their belief will definitely cure the ills of agriculture. But I do say and I do believe that an arbitrary price-raising or price-fixing program, with no consideration of the relationships that must follow, financed by heavy taxation out of the Treasury, will produce a decline in consumption which will cost the American farmer more money than he will gain from enhancement in the price.

EQUALIZATION FEE

And, further, we have produced and are producing—and that is why we are debating this question—an excess of wheat, hogs, butter—a small excess of butter—of cotton, and of corn, and we are doing it at a loss, if the evidence before us is correct.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. FORT. Yes.

Mr. CARTER of Oklahoma. What does the gentleman mean by "an excess"?

Mr. FORT. An excess above American consumption. We are told that the American farmers are producing in all of these commodities more than there is a domestic demand for, and they are doing it at a loss. If they are doing it at a loss now, in Heaven's name, what will they produce if we give them a profit?

Mr. FUNK. Mr. Chairman, will the gentleman yield?

Mr. FORT. Yes.

Mr. FUNK. Does the gentleman object to the farmer having a profit?

Mr. FORT. I do not; but I do object to the Government guaranteeing him a profit. [Applause.] If he is to take no gamble on his crop, or practically none, if he has the assurance that this bill attempts to give—and if it does not give it what is the use of wasting time to talk about it—that he is going to get more money for his crop than he now gets, and if he is producing an excess to-day at a loss, what will he do at a profit? He will produce more. He would not be wise if he did not. I would do it, and you would do it, and any business man would do it. Give him the promise of a profit in place of a long-running loss, and what will he do?

He will plant more, and I would have less respect for the American farmer if he did not go to it and plant all he could; certainly as long as the Government Treasury held out. It is the history of this country that every year of high prices has been followed by an increase in acreage, with possibly three exceptions in wheat in 40 years, and I think only once or twice in the same period in cotton. If we are going to definitely promise an enhanced price, enchanced by a definite figure, we have got to face a return to the wheat acreage of 75,000,000 acres; we have got to face the bringing in of the tremendous acreage in Texas that has recently been found to be available for cotton, and we have got to face a return of production of crops to their past peak.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. FORT. Yes.

Mr. WILLIAMSON. The gentleman is apparently proceeding upon the theory that under the bill the losses will continue to be paid by the Government?

Mr. FORT. For two years, it says.

Mr. WILLIAMSON. When the equalization fee in this bill becomes effective the surplus produced will automatically take care of itself. The larger the surplus the greater the equalization fee and the less difference there will be between the price abroad and the net domestic price.

Mr. FORT. I had as my next note the words "tax as a deterrent." It is only a deterrent and not an absolute check. However, that does not work for two years.

Mr. KETCHAM. Will the gentleman yield?

Mr. FORT. Yes.

Mr. KETCHAM. Pertinent to the question asked by the gentleman from South Dakota, will the gentleman discuss the probabilities of the return to the equalization fee after the two years' subsidy from the United States?

Mr. FORT. I prefer not to, but I have my own idea that we will not levy the fee.

EQUILIZATION FEE

The next thing I want to talk on is the equalization fee, because I think that is the crux of the situation from the angle of the advocates of the legislation.

Now, first, under the language of this bill the equalization fee will reach every pound of cotton raised in the United States and, therefore, as to cotton I think it is probably constitutional.

Mr. JOHNSON of Texas. What would be the equalization fee on cotton?

Mr. FORT. I have not any idea. Now, then, I think it will reach all butter, but it will not reach all the wheat or all the corn, and the agitation for this legislation comes from the wheat and corn States.

Mr. CRISP. May I ask the gentleman a question?

Mr. FORT. Yes.

Mr. CRISP. The gentleman stated he thought it would be constitutional as to cotton. I suppose the gentleman bases that on the idea that all cotton will be taxed, but does the gentleman believe it would be constitutional for this Congress to delegate to a board created under the act the right to levy a tax on all the producers of cotton, under the guise of an equalization fee?

Mr. FORT. I do not believe that, but I am speaking simply of the equalization-fee principle. The principle of levying a tax on production is, I think, probably constitutional if it reaches all production and becomes an occupational tax.

Mr. CRISP. The gentleman is very clear. I understood that to be his view and I stated that as a preface in asking the question.

Mr. MOORE of Virginia. Will the gentleman permit me to ask him a question?

Mr. FORT. Yes.

Mr. MOORE of Virginia. Does the gentleman think the courts would ever be brought to consider the equalization fee a tax?

Mr. FORT. I do not see how else they can consider it.

Mr. MOORE of Virginia. Would they not consider it as something else than a tax in a constitutional sense or in a

legal sense; and I would like to ask the gentleman—because I am not going to trouble him further—to develop this thought, if he has it in mind, as to whether the compulsory charging of an equalization fee would not be against the Constitution, in that it would interfere with the right of private contract?

Mr. FORT. Well, I had not considered that angle. There are so many ways that I think it is unconstitutional, but I am glad for another suggestion.

Mr. TINCHER. Will the gentleman yield for a suggestion?

Mr. FORT. Yes.

Mr. TINCHER. In order that there may not be any doubt as to whether it is a tax or not, I want to call attention to the testimony of the only attorney who appeared on the constitutional question, Mr. Murphy. On page 421, Part II of the hearings, you will find that Mr. Murphy said, in answer to a question as to whether the equalization fee was a tax:

It is a tax; that is just what it is.

Mr. FORT. Well, they have now tried to get away from it by calling it a regulation of commerce. But I think it is a tax if it is anything.

I want to point out again—because I have gotten off the point I wanted to make—that this equalization fee will reach all cotton because it reaches everything that goes to the gin, but when you come to wheat or corn, only 500,000,000 bushels of corn, roughly, out of a normal crop ever go to market, and of that probably not over 150,000,000 or 200,000,000 bushels ever leave the county in which it is grown. The bill is so drawn as to endeavor to leave that kind of a transaction within the counties outside of the scope of the equalization fee. On wheat it will not reach that part of the wheat—as it will not on corn—that is used for feed on the farm. I have been given an estimate, which I believe to be authoritative, that probably 35,000,000 bushels of wheat are annually so used in the United States.

Now, then, what situation do we get into as a result of that on wheat? We have a normal crop of around 830,000,000 bushels. That is our present normal average. Of that we exported last year, or, rather, for five years, an average of 231,000,000 bushels. That leaves us 600,000,000 bushels. Of the 600,000,000 bushels, 85,000,000 bushels went for seed and 35,000,000 bushels went for feed on the farm. That leaves 480,000,000 bushels of wheat to pay the equalization fee on the entire crop. Now, if we are successful in making the American market 50 cents a bushel above the competing market, the 231,000,000 bushels of wheat which we now normally export have got to be sold in the world market at a loss of 50 cents per bushel on 231,000,000 bushels, or $115,000,000 a year.

There is no other market for it. I am disregarding in that estimate two things that will increase it: One of them is the decrease in domestic consumption that will follow a lifting of price and will therefore increase the balance for export; the other is the increased production that will follow an increase in price—and every additional bushel produced goes for export. But, taking it on the most favorable basis, on the statistics on wheat in the last five years in the United States, you would have had to raise $116,000,000 annually by an equalization fee on 480,000,000 bushels of wheat.

Mr. BURTNESS. Why does the gentleman deduct the 231,000,000 bushels?

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. TINCHER. Mr. Chairman, I yield the gentleman 15 minutes additional.

Mr. FORT. Mr. Chairman, I am afraid I will have to refuse to yield further, because I do not want to keep the House longer.

The CHAIRMAN. Without objection, the gentleman is recognized for 15 additional minutes, and the Chair will be glad to cooperate with the gentleman if he desires not to yield.

Mr. FORT. Just for the present.

The CHAIRMAN. I hope the members of the committee will comply with the gentleman's request.

Mr. FORT. That is your wheat equalization fee, and that figures out over 20 cents a bushel on wheat. The American wheat farmer has enjoyed this year at times an advantage of 20 or 22 cents under the tariff over the competing markets. At other times he has not. As to the times when he enjoyed it, the equalization fee is going to take out practically the entire difference between what he would have had without it and what he is going to get with it. As to the balance of the time, it is going to increase his price and therefore increase his production, which in turn will increase the quantity which must be sold at a loss on the lower foreign market and consequently increase the equalization fee to pay the added losses.

But, apart from all this, what is it that we are dealing with, gentlemen? If there is one thing that every student of economics is brought up on, it is that if there are any two types of tax that any sane government avoids, they are a tax on production and a tax on the necessities of life [applause], and this tax combines both in one. It is attempted to be levied as a tax to be paid by the producer, and it is levied for the purpose of adding to the price paid by the consumer, and it uses the taxing power of the Government of the United States to accomplish both purposes. I can not find any authority anywhere to defend either of these types of taxation as a wise and legitimate use of the powers of government.

The equalization fee is urged as the one way to stop overproduction. I am quoting now the proponents of the bill. In other words, they concede that without it production is going to increase, but they say that the psychological effect of knowing he is to be taxed will tend to hold down the farmer's production. Well, that will work just as soon and not until the tax equals the profit. Just as soon as the equalization fee is just as much as he is getting more in price than he used to get, he will quit raising more as a result of the increased price, and not until then.

Realizing that that is the fact, and realizing and admitting in the hearings that the equalization fee is not going to be the most popular thing in the world with the farmer—they say the northwestern farmer is ready for it, but they do not think the southern farmer is crying for it, and they are not dead sure about the eastern ones—thinking it will be unpopular, they are going to postpone it for two years. Think of that, gentlemen. They admit the increase of price without it will increase production tremendously.

Mr. SUMMERS of Washington. Will the gentleman yield for a short question?

Mr. FORT. I prefer not to yield.

They admit it will increase production tremendously. They say it is going to be unpopular to tax the farmers, so we are going to set up a machinery that for two years will enhance his price just as much as we ever expect to do with the equalization fee; we are going to give him the entire benefit of that high price and we are going to spread it over his increased production.

Mr. FUNK. The gentleman wants to be fair, I know.

Mr. FORT. I do.

Mr. FUNK. Will the gentleman yield?

Mr. FORT. I will yield in a moment but not now.

What I have said here on the subject of the increase in production and the unpopularity of the tax is taken from the hearings of the proponents of the bill who only two or three weeks ago told the committee that to pass the bill without the equalization fee was to "debauch the morale of the American farmer." That is in the hearings.

EFFECT OF UNCONSTITUTIONALITY

Now, my friends, finally on the equalization fee, I believe as I have said, that this thing is unconstitutional, but I am not going to argue this because I have put it in my minority report. I think so for many reasons. I have only put one in the memorandum, and the reason I did not go into it more is this: The mere threat of attack on the constitutionality of this legislation will defeat its every purpose except the taking of the $375,000,000 out of the Treasury. The moment you notify the world that this law is under attack and pending that attack the Government of the United States is assisting in the purchasing and taking off of the market of excess products, who that can wait will buy? Will any wheat miller, will any cotton spinner, will any pork packer here or abroad make any forward purchases when he knows that sooner or later there is a chance of the whole structure tumbling down on the heads of its proponents like a house of cards, and that the Government and the agencies which it has created will be compelled to unload the vast holdings of cotton and wheat and corn and cattle that they will have accumulated?

I say that if there is any possibility of our finding a constitutional program we should do it—one that is unquestionably constitutional and not one that is going to put the American farmer through its collapse into a worse place than he was in 1920 and 1921.

COST TO GOVERNMENT

Now, what is this thing going to cost the Government? In the first place, if we are to consider this subsidy we might as well face what it means. I do not mean any disrespect to the American farmer when I say this, but we have, as I said earlier, in England to-day an illustration of what happens when the Government attempts to withdraw a subsidy. We have it in Denmark, where for three years they have attempted to get away from a dole for the unemployed. It takes nothing short of a rebellion to produce the abandonment of a subsidy program that reaches so many people, interests such a large percentage of the population, as does this subsidy. Therefore

if we are going in for this subsidy we ought to do it with our eyes open. It is permanent if the Treasury holds out.

I have given you the figures on wheat. They have asked for $375,000,000 for two years. Of that $100,000,000 is to go to cotton; $250,000,000 to butter, wheat, corn, cattle, and swine; and $25,000,000 for loans to everything else.

Now, we may get this $25,000,000 back, but it is my sincere belief that the losses on wheat in two years will far more than use up the whole $250,000,000. That is for wheat alone under this program, unless we are fortunate enough to have a short world crop and even then it might.

On cattle I do not know where that would work out. That is as good a guess for one man as for another. There is nothing in the record to help and the same is true of butter. Corn is a guess.

When you come to pork you have a pretty definite measure of loss. You have about 2,000,000,000 pounds of pork products exported in a year, and as I understand the situation, the plan would work out to produce an increase of 5 cents a pound on pork products.

Therefore, your American market is going to be 5 cents a pound higher than the European market on pork exports of over 2,000,000,000 pounds. You are going to increase the exportable surplus, because certainly if you raise the price of lard and raise the price of butter to the American consumer you are going to sell more oleo, more cottonseed products here, and have a larger surplus for export.

But eliminating that, you have got 5 cents a pound on 2,000,000,000 pounds of export pork products, or $100,000,000 a year. After that you have to add the profits of the packer, the wheat miller, and every processing agent, and the loss is going to multiply.

I honestly mean what I say to the House when I say that I can not see how $250,000,000 can possibly last out the first year. I do not know why they call this a revolving fund unless it is that they expect to take a whirl on the taxpayers' money [laughter], because there is no more chance of any of it coming back, except the $25,000,000 and perhaps some of the cotton money, than if it never was expected to return.

Remember that I said—on the basis of the testimony of the proponents of the bill—that the whole thing would break down without the equalization fee. The record is full of that evidence.

Mr. ALMON. What about the $100,000,000 for cotton?

Mr. FORT. The $100,000,000 for cotton is a loan fund only, as I read the bill. It is not to be used to enhance the price of cotton; it is to be used for the promotion of orderly marketing. So far as I can see, the bill does nothing for cotton which the Tincher bill does not do except to promise to charge it an equalization fee two years hence. [Laughter.]

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield? What is the gentleman's remedy for all of this difficulty? He has been criticizing the suggestions of others.

Mr. FORT. I want to say one more thing and then I am coming to that. I do want to call to the attention of the committee seriously the consequences of a breakdown in the structure set up under the bill of the gentleman from Iowa [Mr. HAUGEN] if it should break down. In the first place, it is going to be necessary to set up sole agencies to handle these basic commodities, and that means destruction of all existing commercial machinery. That in turn means that if the major proposals ever break down through constitutional or other objections, or by repeal by Congress, there will be no machinery in existence with which to handle these enormous crops.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. TINCHER. Mr. Chairman, I yield 10 minutes more to the gentleman from New Jersey.

Mr. FORT. The second thing is that the large supplies accumulated of which I have spoken will have to go on the market and that low prices are inevitable through the coming of those supplies back into the market. If you break down this machinery or remove it at any time through constitutional or other objections, automatically a period of exceedingly low prices must follow to the American farmer and a general chaos that I do not want to face.

THE TINCHER BILL

The gentleman from Mississippi has asked me what my own view of a constructive measure is, and I shall tell him. I have gone into this matter at this length because the more study I have given to the question the more I have become convinced that we can not solve any economic problem by new makeshift machinery. [Applause.]

There is in existence a complete marketing structure dealing with all of these commodities. There are now established definite price relations between wheat and rye, between oleo and butter, between cottonseed and lard, and other similarly related and competing products. There are now established definite machinery and organizations to handle every process from the production to the sale of commodities. The whole trouble is that at the links in the chain of marketing which most intimately connect up with the farmer is to be found the weakest point in the whole chain. The farmer is not organized; the farmer is not financially able to capitalize himself or his organization to a point which enables him to compete in an organized world with organized buying instrumentalities. If he attempts to secure that by price fixing, by taxing himself to raise his price, he gets into a circle from which he can never escape. He sets up new machinery that destroys everything that now exists. Has the machinery that now exists worked so badly for so long that it has demonstrated that it must be scrapped? Prior to the war we had no complaints, except at rare intervals. This is a new thing that has come in its present urgent condition from the dislocations of war, from the changes in the habits of eating and of commerce, from the growth of corporate organizations and structures in the world of business; and I can not say, and I doubt if any man on the floor of this House will say, that our entire structure of doing business in its relation to agriculture has demonstrated its inefficiency permanently. It is demonstrated that what the farmer needs is increased organization. Yes. It is demonstrated that in order to get increased organization he needs a capital fund. Yes. It is indicated up to date that he is slow to organize voluntarily, because his organizations lack the stamp of some approval that he can trust.

The bill of the gentleman from Kansas [Mr. TINCHER] leaves unimpaired and undisturbed every existing organization for the marketing of the farmers' products. It takes the cooperative marketing organization, which is the one typical American farm organization, which has worked unqualifiedly successfully in many of the minor products with proper capital resources and offers to it the backing of the Government of the United States morally and financially. It says to the American farmer, "You have shown that you can run your production, you have shown that you can produce as efficiently and as plenteously as any man, and we say to you, add unto that an organization of your own; control your own problems; retain your own independence; and we think enough of you and believe in you enough to be willing to loan you the capital to start a great commercial undertaking for the benefit of American agriculture and through it of all industry and of the whole Nation." It makes no radical changes. It tries no experiments. It does not get into price fixing, it does not tax the unwilling farmer, it does not propose to sell abroad at lower prices than we sell at home and to pay the loss out of the Treasury of the United States. It does not subsidize agriculture, but it is a program that involves no fundamental change; that yields its assistance to the farmer to work out his problem; and that gives to the nonmember the assurance that the Federal Government believes in the theory and practice of cooperative marketing—that the Government believes in it to the extent that it is willing to risk $100,000,000 as a loan to such associations.

I say to you, gentlemen, that if we had not had this agitation for three or four years for these radical experiments, and the bill of the gentleman from Kansas had come on the floor of this House three or four years ago, it would have been hailed almost as a revolutionary offer to agriculture in America. Now, to-day, because it seeks to do sanely and without disturbing our whole institutions and all the currents of trade what other legislation seeks to do by radical makeshift and experimental methods, some men are inclined to sneer at it.

I will ask the older Members of this House if I am not correct in saying that five years ago or so it would have been hailed as almost anarchistic to loan Government money for this purpose. I do not think it is. I think we are as justified in making these loans as we were in loaning money to the railroads, and I think that if we do it we will largely solve the serious problem that all America wants wisely solved. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 11603, had come to no resolution thereon.

CONFERENCE REPORT—INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I offer for printing under the rule the conference report on the Interior Department appropriation bill (H. R. 6707).

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes.

The SPEAKER. Ordered printed under the rule.

The conference report is as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 46 and 62.

LOUIS C. CRAMTON,
FRANK MURPHY,
C. D. CARTER,
Managers on the part of the House.

REED SMOOT,
CHARLES CURTIS,
L. C. PHIPPS,
WM. J. HARRIS,
A. A. JONES,
Managers on the part of the Senate.

Mr. GARRETT of Tennessee. I would like to ask the gentleman from Michigan a question or two about the conference report, if I may. Is this a complete agreement?

Mr. CRAMTON. It is a complete agreement.

Mr. GARRETT of Tennessee. Are there any things to be voted?

Mr. CRAMTON. Nothing except the adoption of the report.

Mr. GARRETT of Tennessee. There is no separate question to be voted on?

Mr. CRAMTON. The situation was there were two Senate amendments to which the House had refused to agree. The conference report involves a recession on the part of the Senate on both of those amendments, so there is no further action to be taken in the House except to agree to the conference report.

Mr. GARRETT of Tennessee. Is it the purpose to take it up on Thursday?

Mr. CRAMTON. I will be glad to take it up, but under the rule I would have to wait over a day, and to-morrow being Calendar Wednesday——

Mr. GARRETT of Tennessee. The purpose of my question is this. I think it is the desire of Members generally that we interfere as little as possible with the debate on this agricultural question.

Mr. CRAMTON. I will ask unanimous consent—my colleague [Mr. CARTER of Oklahoma] is here—and if it is agreeable to him I will ask unanimous consent for the present consideration of the report. It will take but a minute.

Mr. GARRETT of Tennessee. That is perfectly agreeable to me.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report and statement were read.

Mr. CRAMTON. Mr. Speaker, I will only say this in reference to the report. The two amendments in controversy were, first, one in reference to the office of the Commissioner of Reclamation, and the second as to building a certain road through the national forest adjacent to the Yellowstone National Park. As to both of those Senate amendments the Senate recedes. I yield one minute to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Speaker, I had hoped for a further opportunity to present to the House the reasons for the construction of the proposed highway from Red Lodge to Cooke City, forming an additional entrance to Yellowstone National Park. Since this matter was debated in the House I have been in conference with the President and with the Director of the Budget, and important work has been done to clarify the situation in the minds of many Members of the House. I have desired to make the situation plain through another opportunity here in the hope that favorable action might be secured.

However, there was no way to do so under consideration of this present Interior Department appropriation bill except for the Senate conferees to maintain a position favorable to this item, so that the House conferees would bring it back for another vote. The Senate conferees, however, have receded from their position, and the conference report is to that effect. This leaves me without recourse in the House.

I hope, if the Senate itself agrees to the action of its conferees making final this action, that I may have a further opportunity of presenting the proposition to construct this road. I know that many are convinced that the highway should be constructed. The opposition has been based on the belief held by many that a bad and dangerous precedent would be established by using road funds which a State has not matched under the law for construction within its borders, even though the road is national in character. That has been a difficult argument to meet, but I do not agree to it.

This proposal has much merit. It must be remembered that the road will be constructed on nationally owned lands, outside of the 7 per cent road system of the State, and in a location which will ultimately receive 100 per cent Federal construction, and also that the situation has in it many features of an emergency. I bespeak for this highway favorable consideration in the regular way in the near future if the Senate upholds its conferees and I am abandoned in this matter now.

Mr. CRAMTON. Mr. Speaker, I move the previous question on the adoption of the report.

The previous question was ordered.

The question was taken, and the conference report was agreed to.

FREDERICK A. FENNING

Mr. GRAHAM. Mr. Speaker, I desire to present a privileged report from the Committee on the Judiciary on House Joint Resolution 228.

The Clerk read as follows:

House Resolution 228

Resolved, That the Committee on the Judiciary be, and it is hereby, directed to inquire and report whether the action of this House is necessary concerning the alleged official misconduct of Frederick A. Fenning, a Commissioner of the District of Columbia, and said Committee on the Judiciary is in all things hereby fully authorized and empowered to investigate all acts of misconduct and report to the House whether in their opinion the said Frederick A. Fenning has been guilty of any acts which in the contemplation of the Constitution, the statute laws, and the precedents of Congress are high crimes and misdemeanors requiring the interposition of the constitutional powers of this House, and for which he should be impeached.

That this committee is hereby authorized and empowered to send for persons and papers, to administer oaths, to employ, if necessary, an additional clerk, and to appoint and send a subcommittee whenever and wherever necessary to take necessary testimony for the use of said committee or subcommittee, which shall have the same power in respect to obtaining testimony as exercised and is hereby given to said Committee on the Judiciary.

That the expenses incurred by this investigation shall be paid out of the contingent fund of the House, upon the vouchers of the chairman of said committee, approved by the Clerk of this House.

With committee amendments, as follows:

Page 2, line 2, after the word "House," strike out the remainder of the resolution and insert: "That the Committee on the Judiciary and any subcommittee that it may create or appoint, is hereby authorized and empowered to act by itself or its subcommittee to hold meetings in the city of Washington, D. C., and elsewhere, and to send for persons and papers, to administer the customary oaths to witnesses, and to sit during the sessions of the House and thereafter until said inquiry is completed and to report to this House.

"That said committee be, and the same is hereby, authorized to appoint such stenographic and clerical assistance as they may deem necessary and all expenses incurred by said committee or subcommittee, including the expenses of said committee when sitting in or outside the District of Columbia, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee and signed by the chairman of said committee or subcommittee."

The SPEAKER. The question is on agreeing to the committee amendments.

Mr. LUCE. Mr. Speaker, I may or may not want to address myself to this resolution when a quorum of the House is present. I do not desire to secure the presence of a quorum to-night, and therefore I move that the House do now adjourn.

The SPEAKER. The gentleman will please withhold that until the Chair submits a report from the Committee on Enrolled Bills.

Mr. LUCE. Certainly.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 178. An act authorizing the Chippewa Indians, of Minnesota, to submit claims to the Court of Claims.

LEAVE OF ABSENCE

Mr. PATTERSON, by unanimous consent, was granted leave of absence for the balance of the week, on account of important business.

ADJOURNMENT

The SPEAKER. The gentleman from Massachusetts [Mr. LUCE] moves that the House do now adjourn. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 5, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 5, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON BANKING AND CURRENCY

(10 a. m.)

To amend paragraph (d) of section 14 of the Federal reserve act as amended to provide for the stabilization of the price level for commodities in general (H. R. 7895).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To permit the purchase of naval aircraft engines without advertisements (H. R. 11249).

COMMITTEE ON MINES AND MINING

(10 a. m.)

An act authorizing a joint investigation by the United States Geological Survey and the Bureau of Soils, United States Department of Agriculture, to determine the location and extent of potash deposits and accruances in the United States and improved methods of recovering potash therefrom (S. 1821).

COMMITTEE ON WAYS AND MEANS

(10.30 a. m.)

To provide for the payment of the awards of the Mixed Claims Commission, the payment of certain claims of German nationals against the United States, and the return to German nationals of property held by the Alien Property Custodian (H. R. 10820).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

Requesting the President to propose the calling of a third Hague conference for the codification of international law (H. J. Res. 221).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

Legislation relative to labor disputes in the coal-mining industry.

SPECIAL JOINT COMMITTEE

(10.30, room 347)

To investigate Northern Pacific land grants.

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To amend an act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates, to provide for such readjustment (H. R. 7962).

To reclassify and readjust the salaries and compensation of messengers, watchmen, and laborers in first and second class offices (H. R. 8135).

To amend an act entitled "An act to reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis," approved June 5, 1920 (H. R. 9183).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

Proposed bill amending the World War veterans' act with reference to the appointment of guardians.

COMMITTEE ON INSULAR AFFAIRS

(10.30 a. m.)

To amend and reenact sections of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," as amended by an act approved June 7, 1924, and for the insertion of two new sections to be designated as "5a" and "41a" (H. R. 11846).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10 a. m.)

An act to convey to the city of Lakeland, Fla., certain Government property (S. 3691).

To authorize the transfer to the jurisdiction of the United States Botanic Garden of a certain portion of the Anacostia Park for use as a tree nursery (H. R. 11802).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WURZBACH: Committee on Military Affairs. H. R. 10203. A bill authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for street purposes; with amendment (Rept. No. 1070). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Indiana: Committee on Military Affairs. H. R. 11613. A bill to provide for the study and investigation of battle fields in the United States for commemorative purposes; without amendment (Rept. No. 1071). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 10504. A bill to amend the act approved June 4, 1897, by authorizing an increase in the cost of lands to be embraced in the Shiloh National Military Park, Pittsburg Landing, Tenn.; without amendment (Rept. No. 1072). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. Res. 228. A resolution concerning the alleged official misconduct of Frederick A. Fenning, a commissioner of the District of Columbia (Rept. No. 1075). Ordered printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LINEBERGER: Committee on Naval Affairs. H. R. 6431. A bill to correct the naval record of Robert Hofman; without amendment (Rept. No. 1073). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 10157) for the relief of Mary E. Whitney, and the same was referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RATHBONE: A bill (H. R. 11886) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety; to the Committee on Labor.

By Mr. SHALLENBERGER: A bill (H. R. 11887) to amend section 26 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. ROY G. FITZGERALD: A bill (H. R. 11888) amending so much of the sundry civil act of June 30, 1906 (34 Stat. 730) as relates to disposition of moneys belonging to the deceased inmates of St. Elizabeths Hospital; to the Committee on the Public Lands.

By Mr. SINNOTT: A bill (H. R. 11889) confirming in States and Territories title to lands granted by the United States in the aid of common or public schools, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 11890) confirming in States and Territories title to lands granted by the United States in the aid of common or public schools, and for other purposes; to the Committee on the Public Lands.

By Mr. DENISON: A bill (H. R. 11891) to amend the Panama Canal act and other laws applicable to the Canal Zone, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A bill (H. R. 11892) to amend section 24 of the immigration act of 1917; to the Committee on Immigration and Naturalization.

By Mr. PERLMAN: A bill (H. R. 11893) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. NEWTON of Missouri: A bill (H. R. 11894) to provide for the payment of the awards of the Mixed Claims Commission, the payment of certain claims of German nationals against the United States, and the return to German nationals of property held by the Alien Property Custodian; to the Committee on Ways and Means.

By Mr. COLTON: A bill (H. R. 11895) confirming in States and Territories title to lands granted by the United States in the aid of common or public schools, to limit the period for the institution of proceedings to establish an exception of lands from such grants because of their known mineral character, and for other purposes; to the Committee on the Public Lands.

By Mr. KNUTSON: A bill (H. R. 11896) granting the consent of Congress to the county of Cass, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Boy River in said State; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMMONS: A bill (H. R. 11897) to provide for the payment of amounts expended in the construction and maintenance of a hangar and flying field for the use of the air mail service; to the Committee on Claims.

By Mr. JACOBSTEIN: A bill (H. R. 11898) to regulate interstate and foreign commerce in coal and to promote the general welfare dependent on the use of coal, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BULWINKLE: Resolution (H. Res. 253) authorizing the Committee on World War Veterans' Legislation to send for persons and papers, take testimony, and so forth; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 11899) granting an increase of pension to Emma Beytien; to the Committee on Invalid Pensions.

By Mr. CARTER of Oklahoma: A bill (H. R. 11900) granting an increase of pension to Mary E. Reed; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 11901) granting the distinguished-service cross to Lory L. Price; to the Committee on Military Affairs.

By Mr. FREEMAN: A bill (H. R. 11902) granting an increase of pension to Ella E. Avery; to the Committee on Invalid Pensions.

By Mr. HAWES: A bill (H. R. 11903) to change the military record of William M. Sherman; to the Committee on Military Affairs.

Also, a bill (H. R. 11904) granting an increase of pension to Mary A. Ash; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 11905) granting a pension to Laura B. Bartlett; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 11906) granting a pension to Ollia Barnett; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11907) granting a pension to Mary M. Freeman; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 11908) granting an increase of pension to Mary A. West; to the Committee on Invalid Pensions.

By Mr. KIRK: A bill (H. R. 11909) granting an increase of pension to Clark P. Hoskins; to the Committee on Pensions.

Also, a bill (H. R. 11910) granting an increase of pension to Hugh Sizemore; to the Committee on Pensions.

Also, a bill (H. R. 11911) granting a pension to Lizzie Gullett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11912) granting a pension to Willis Castle; to the committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 11913) granting an increase of pension to Fannie T. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11914) for the relief of United States Fidelity & Guaranty Co.; to the Committee on Claims.

By Mr. MARTIN of Massachusetts: A bill (H. R. 11915) for the relief of James W. Smith, deceased; to the Committee on Military Affairs.

By Mr. MONTGOMERY: A bill (H. R. 11916) granting an increase of pension to Mary A. Yeates; to the Committee on Pensions.

By Mr. MOREHEAD: A bill (H. R. 11917) granting a pension to Jesse Beason; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 11918) granting an increase of pension to Pauline Traver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11919) granting an increase of pension to Amanda V. Sipperly; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 11920) for the relief of Joseph H. Mason; to the Committee on Claims.

By Mr. SWARTZ: A bill (H. R. 11921) granting an increase of pension to Minnie B. Neff; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 11922) granting an increase of pension to Hannah J. Van Nortwick; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 11923) granting a pension to John F. Norton; to the Committee on Pensions.

By Mr. TOLLEY: A bill (H. R. 11924) granting a pension to Sarah Williams; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11925) granting an increase of pension to Elizabeth Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11926) granting an increase of pension to Rachel E. Sullivan; to the Committee on Invalid Pensions.

By Mr. MILLS: Resolution (H. Res. 252) to pay salary and funeral expenses of William J. Boggs, late an employee of the House of Representatives, to his wife, Mrs. Anna A. Boggs; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2047. By Mr. W. T. FITZGERALD: Petition of Sugar Creek Grange, No. 2165, Allen County, Ohio, protesting against modification of the Volstead Act; to the Committee on the Judiciary.

2048. By Mr. GALLIVAN: Petition of Maj. Edward H. Eldredge, 10 State Street, Boston, Mass., recommending early and favorable consideration of House bill 7479, known as the game refuge and marshland conservation bill; to the Committee on Agriculture.

2049. By Mr. HAMMER: Petition of Law Printers' Division United Typothetæ of America, against modifying of national prohibition law; to the Committee on the Judiciary.

2050. Also, petition of Lodge No. 214, A. F. & A. M., Thomasville, N. C., presented by J. A. Palmer and signed by James E. Lambeth, W. M., and Coy L. Kearns, clerk, against modifying the national prohibition act; to the Committee on the Judiciary.

2051. Also, petition of Yadkin Valley (N. C.) Quarterly Meeting of Friends to prevent modification of national prohibition act, signed by W. H. Adams, superintendent; C. H. Hutchins, clerk; and Rosa Edgerton, assistant clerk; to the Committee on the Judiciary.

2052. By Mr. MAPES: Petition of Herbert Wilson and 13 other adult residents of Blendon, Ottawa County, Mich., protesting against the following compulsory Sunday observance bills: H. R. 10311, 10123, 7179, or 7822, now pending, or any other compulsory religious measure that may be introduced; to the Committee on the District of Columbia.

2053. Also, petition of E. L. Shepard and 113 other adult residents of Grand Rapids, Mich., protesting against the following compulsory Sunday observance bills: H. R. 10311, 10123, 7179, and 7822, now pending, or any other compulsory religious measure that may be introduced; to the Committee on the District of Columbia.

2054. By Mr. MORROW: Petition of New Mexico State Game Commission, Santa Fe, N. Mex., indorsing House bill 7479 and Senate bill 2607, game refuge bill; to the Committee on Agriculture.

2055. By Mr. O'CONNELL of New York: Petition of Frederick A. Dallett, of New York City, favoring the passage of the game refuge and marshland conservation bill; to the Committee on Agriculture.

2056. By Mrs. ROGERS: Petition of Mr. George Bamber, 65½ Oakland Avenue, Methuen, Mass., and other residents of Methuen and Lawrence, Mass., soliciting opposition to the com-

pulsory Sunday observance bills, House bills 7179 and 7822; to the Committee on the District of Columbia.

2057. By Mr. SWING: Petition of certain residents of Elsinore, Calif., protesting against the passage of House bills 7179 and 7822 for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

2058. Also, petition of certain residents of San Diego, Calif., protesting against the passage of House bills 7179, 7822, 10311, 10123, and similar bills for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, *May 5, 1926*

(Legislative day of Monday, May 3, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	King	Schall
Bayard	Ferris	La Follette	Sheppard
Bingham	Fess	Leurroot	Shipstead
Blease	Fletcher	McKellar	Shortridge
Borah	Frazier	McLean	Simmons
Bratton	George	McMaster	Smith
Broussard	Gillett	McNary	Smoot
Bruce	Glass	Mayfield	Stanfield
Butler	Goff	Metcalf	Steck
Cameron	Gooding	Moses	Stephens
Caraway	Greene	Neely	Swanson
Copeland	Hale	Norbeck	Trammell
Couzens	Harreld	Norris	Tyson
Cummins	Harris	Nye	Walsh
Curtis	Harrison	Oddie	Warren
Dale	Heflin	Overman	Watson
Deneen	Howell	Phipps	Weller
Dill	Johnson	Ransdell	Wheeler
Edge	Jones, N. Mex.	Reed, Mo.	Williams
Edwards	Jones, Wash.	Reed, Pa.	Willis
Ernst	Keyes	Sackett	

Mr. CURTIS. I desire to announce that my colleague [Mr. CAPPER] is absent on account of illness in his family. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to a resolution (H. Res. 251) providing that the Senate be informed that the House of Representatives has adopted a replication to the answer of George W. English, judge of the District Court of the United States for the Eastern District of Illinois, to the articles of impeachment exhibited against him, and that the same will be presented to the Senate by the managers on the part of the House; and also that the managers have authority to file with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they shall deem necessary.

The message also announced that pursuant to House Concurrent Resolution 13, providing for the observance of May 15, 1926, as the one hundred and fiftieth anniversary of the passage of a resolution by the Virginia Convention of 1776, proposing that Congress make a Declaration of Independence, and extending to the President and Congress of the United States an invitation to participate in a celebration at Williamsburg, Va., the Speaker had appointed Mr. TEMPLE, Mr. MILLS, Mr. STOBBS, Mr. MCSWEENEY, and Mr. TUCKER as members on the part of the House at the celebration.

The message further announced that pursuant to House Concurrent Resolution 22, providing for the appointment of a joint committee to represent Congress at the celebration of the one hundred and fiftieth anniversary of the adoption of the Virginia Bill of Rights, the Speaker had appointed Mr. HULL of Tennessee, Mr. LINTHICUM, Mr. FROTHINGHAM, Mr. PEERY, and Mr. STROTHER as members of the joint committee on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes.

The message further announced that the House had passed a bill (H. R. 10429) to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, to amend subsections E and F of section 4, act approved December 5, 1924, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 1989. An act to authorize the Secretary of the Interior to purchase certain land in Nevada to be added to the present site of the Reno Indian colony and authorizing the appropriation of funds therefor;

S. 2658. An act to authorize the Secretary of War to fix all allowances for enlisted men of the Philippine Scouts, to validate certain payments for travel pay, commutation of quarters, heat, light, etc., and for other purposes;

S. 2706. An act to provide for the reservation of certain land in California for the Indians of the Mesa Grande Reservation, known also as Santa Ysabel Reservation No. 1;

S. 2853. An act to authorize the transfer to the jurisdiction of the Commissioners of the District of Columbia of a certain portion of the Anacostia Park for use as a tree nursery;

S. 3595. An act to authorize the exchange of certain patented lands in the Grand Canyon National Park for certain Government lands in said park;

S. 3953. An act to provide for the condemnation of lands of the Pueblo Indians in New Mexico for public purposes and making the laws of the State of New Mexico applicable in such proceedings;

H. R. 178. An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims; and

S. J. Res. 60. Joint resolution authorizing expenditures from the Fort Peck 4 per cent fund for visits of tribal delegates to Washington.

TRAVEL REPORT, OFFICE OF PUBLIC BUILDINGS AND PUBLIC PARKS OF THE NATIONAL CAPITAL

The VICE PRESIDENT laid before the Senate a communication from the Director of Public Buildings and Public Parks of the National Capital, transmitting, pursuant to law, a report of travel performed by employees of that office during the fiscal year 1925, which was referred to the Committee on Public Buildings and Grounds.

PETITIONS AND MEMORIALS

Mr. SHIPSTEAD presented resolutions adopted by the Chippewa Indians of White Earth, Minn., in council assembled, favoring an investigation of the consolidated Chippewa Agency at Cass Lake, Minn., relative to the payment of moneys, which were referred to the Committee on Indian Affairs.

Mr. McLEAN presented petitions of Augur Mansfield Woman's Relief Corps, Auxiliary to the Grand Army of the Republic, of West Haven, and the Woman's Relief Corps, Auxiliary to the Grand Army of the Republic, of Williamantic, in the State of Connecticut, praying the passage of legislation providing increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented papers, in the nature of memorials, of the Farmers, Fish and Game Club, of East Hampton; the State Board of Fisheries and Game, of Stratford; the Western Connecticut Fish and Game Protective Association, of Danbury; the East Glastonbury Fish and Game Association (Inc.), of Glastonbury; and the Fish and Game Protective Association, of Norwalk, all in the State of Connecticut, protesting against the adoption of paragraph A, section 14, of Senate bill 3580, relating to a five-year closed season on woodcock, which were referred to the Committee on Agriculture and Forestry.

He also presented papers, in the nature of petitions, of the Connecticut State Association of Letter Carriers, of Hartford; the Connecticut Federation of Labor, of Bridgeport; the National Federation of Post Office Clerks, of Ansonia; and the Hartford Letter Carriers' Association, of Hartford, all in the State of Conecticut, praying for the passage of Senate bill 786, for the retirement of civil-service employees, which were referred to the Committee on Civil Service.

He also presented a letter, in the nature of a memorial, from the Purchasing Agents' Association of Connecticut, of Hartford, Conn., protesting against the passage of the so-called Kendall bill, being House bill 4478, to prevent the United States from printing stamped envelopes with return card on the corner, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions of Enfield Grange No. 151, and of District No. 11, Local, of the Connecticut Tobacco Association, both of Hartford, Conn., favoring the passage of the so-called Dickinson bill, being House bill 6563, providing for the establishment of a farm bureau council to aid in the disposition of surplus agricultural commodities, etc., which were referred to the Committee on Agriculture and Forestry.

He also presented letters, in the nature of petitions, of District Lodge No. 22, International Association of Machinists, of New Haven, and the American Train Dispatchers' Association, of New London, both in the State of Connecticut, favoring the passage of the so-called Watson-Parker railway labor bill without amendment, which were referred to the Committee on Interstate Commerce.

He also presented a telegram, in the nature of a memorial, from the Traffic Bureau of the New Britain (Conn.) Chamber of Commerce, protesting against the passage of the so-called Smith bill, being Senate bill 2808, providing for reorganization of the Interstate Commerce Commission on a regional basis, etc., which was referred to the Committee on Interstate Commerce.

He also presented papers in the nature of petitions of the Connecticut Forestry Association, of New Haven; the Fish and Game League, of southwestern Connecticut, at Stamford; and the Bird and Nature Club, of Norwalk, all in the State of Connecticut, favoring the passage of Senate bill 2607, the so-called migratory bird bill, which were ordered to lie on the table.

He also presented letters in the nature of petitions from the Women's Civic League; Harry W. Congdon Post, No. 11, American Legion, and the American Society of Mechanical Engineers, all of Bridgeport, Conn., favoring the passage of legislation providing a new post office building in the city of Bridgeport, which were ordered to lie on the table.

He also presented papers in the nature of petitions of Vater Jahn Loge No. 301, and the Concordia Sick Benefit Society, both of New Britain, Conn., favoring the passage of legislation providing for the return of alien property, which were referred to the Committee on the Judiciary.

He also presented memorials and papers and telegrams in the nature of memorials of the Connecticut Christian Endeavor Society, of Hartford; the Woman's Christian Temperance Union, of Wethersfield; the Woman's Christian Temperance Union, of New Britain; the Woman's Christian Temperance Union, of East Hartford; the Woman's Christian Temperance Union, of New Haven; the Woman's Christian Temperance Union, of Meriden; sundry citizens of Mount Carmel; the Woman's Christian Temperance Union, of Guilford; the Woman's Christian Temperance Union, of Thompson; the Woman's Christian Temperance Union, of Watertown; the Congregation of the Kensington Methodist Church, of Berlin; the congregation of the Baptist Church, of Noank; the Woman's Christian Temperance Union, of Newington; the men's bible class, First Methodist Episcopal Church, of Meriden; the Woman's Christian Temperance Union, of Middletown; the Woman's Christian Temperance Union, of Torrington; the Woman's Christian Temperance Union, of North Haven; the Woman's Christian Temperance Union, of Yalesville; the Woman's Christian Temperance Union, of Winsted; the Christian Endeavor Society, North Congregational Church, of Woodbury; the Pastor's Union, of Willimantic; the Federated Churches, of Willington; the Woman's Christian Temperance Union, of Ansonia; the Woman's Christian Temperance Union, of Bristol; the Baptist Church, of Yalesville; the Baptist Church, of Rockville; the Woman's Christian Temperance Union, of Stafford Springs; the Woman's Christian Temperance Union, of East Hampton; the Woman's Christian Temperance Union, of Wallingford; the Woman's Christian Temperance Union, of Ellington; the Woman's Christian Temperance Union, of Branford; the Woman's Christian Temperance Union, of Windsor; and the Tolland County Council of Religious Education, of South Willington, all in the State of Connecticut, remonstrating against the modification of the Volstead prohibition enforcement act, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the bill (H. R. 9872) to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods, concluded on the 24th day of February, 1925, reported it without amendment and submitted a report (No. 750) thereon.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (S. 3657) to incorporate the Federal Reserve Pension Fund, to define its functions, and for other purposes, reported it with an amendment and submitted a report (No. 751) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 2209) for the relief of C. T. Kitchen (Rept. No. 752); and

A bill (H. R. 2210) for the relief of R. E. Neumann and wife (Rept. No. 753).

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (S. 3107) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Flathead Tribe or Nation of Indians of Montana may have against the United States, and for other purposes, reported it without amendment and submitted a report (No. 754) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 3880) for the relief of Mollie Van Hooser, administratrix of the estate of Myrtle Van Hooser, deceased, reported it with an amendment and submitted a report (No. 755) thereon.

He also, from the same committee, to which was referred the bill (S. 3879) for the relief of W. T. Murray, administrator of the estate of Florence Martin, deceased, reported it with amendments and submitted a report (No. 756) thereon.

Mr. TYSON, from the Committee on Military Affairs, to which was referred the bill (S. 3816) for the relief of James Piles, submitted an adverse report (No. 757) thereon.

He also, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 616) for the relief of Ernest F. Church (Rept. No. 758); and

A bill (H. R. 7027) for the relief of J. B. Elliott (Rept. No. 759).

Mr. CAMERON, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 3342) to remove clouds from the title of the Verde River irrigation and power district to its approved rights of way for reservoirs and canals and extend the time for construction of its project, and for other purposes, reported it without amendment and submitted a report (No. 760) thereon.

Mr. ODDIE, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 9504) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, reported it without amendment and submitted a report (No. 761) thereon.

Mr. SHIPSTEAD, from the Committee on Foreign Relations, to which was referred the bill (S. 970) for the relief of Th. Michaelsen, reported it without amendment and submitted a report (No. 762) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 4169) granting a pension to Henry Schlaefer (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4170) granting an increase of pension to Fannie R. Carey; to the Committee on Pensions.

By Mr. COUZENS:

A bill (S. 4171) to create a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, N. Y.; to the Committee on Commerce.

By Mr. SHIPSTEAD:

A bill (S. 4172) to provide for the preparation, printing, and distribution of pamphlets containing the Declaration of Independence, with certain biographical sketches and explanatory matter; to the Committee on Printing.

By Mr. ERNST:

A bill (S. 4173) amending so much of the sundry civil act of June 30, 1906 (34 Stats. 730) as relates to disposition of moneys belonging to the deceased inmates of St. Elizabeths Hospital; to the Committee on the Judiciary.

By Mr. NORBECK:

A bill (S. 4174) granting a pension to James McNamee (with accompanying papers); to the Committee on Pensions.

(By Request.) A bill (S. 4175) authorizing the Secretary of the Interior to investigate and report on the services of Indian scouts and of Indian volunteers who rescued white captives from hostile Indians; to the Committee on Indian Affairs.

By Mr. DILL:

A bill (S. 4176) to authorize the construction of a bridge over the Columbia River at a point within 1 mile upstream

and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 4177) to regulate interstate and foreign commerce in coal and to promote the general welfare dependent on the use of coal, and for other purposes; to the Committee on Education and Labor.

By Mr. FLETCHER:

A bill (S. 4178) for the relief of Charles H. Send; to the Committee on Public Lands and Surveys.

HOUSE BILL REFERRED

The bill (H. R. 10429) to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, to amend subsections E and F of section 4, act approved December 5, 1924, and for other purposes, was read twice by its title and referred to the Committee on Irrigation and Reclamation.

DETROIT RIVER BRIDGE, MICH.

Mr. BINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8771) to extend the time for commencing and completing the construction of a bridge across the Detroit River within or near the city limits of Detroit, Mich., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted in said amendment insert the following:

"SEC. 2. That the said American Transit Co., its successors or assigns, shall within 90 days after the completion of the bridge constructed under the authority of this act file with the Secretary of War an itemized statement under oath showing the actual original cost of such bridge and its approaches and appurtenances, which statement shall include any expenditures actually made for engineering and legal services; and any fees, discounts, and other expenditures actually incurred in connection with the financing thereof. Such itemized statement of cost shall be investigated by the Secretary of War at any time within three years after the completion of such bridge, and for that purpose the said American Transit Co., its successors or assigns, in such manner as may be deemed proper, shall make available and accessible all records connected with the construction and financing of such bridge, and the findings of the Secretary of War as to the actual cost of such bridge shall be made a part of the records of the War Department."

And the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 1 of said amendment strike out "4" and insert "3"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted in said amendment, insert the following: Page 1, line 12, strike out "2" and insert "4"; and the Senate agree to the same.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
Managers on the part of the Senate.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On May 3, 1926:

S. 553. An act for the relief of Fred V. Plomteaux;

S. 613. An act for the relief of Archibald L. Macnair; and

S. 2091. An act for the relief of Florence Proud.

On May 5:

S. 1609. An act to increase the pension of those who have lost limbs or have been totally disabled in the same, or have become totally blind, in the military or naval service of the United States.

SETTLEMENT OF INDEBTEDNESS OF THE KINGDOM OF THE SERBS, CROATS, AND SLOVENES (S. DOC. NO. 106)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying document, referred to the Committee on Finance and ordered to be printed:

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement dated May 3, 1926, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes to the United States of America. The agreement was approved by me on May 3, 1926, subject to the approval of Congress, pursuant to authority conferred by act approved February 9, 1922, as amended by act approved February 28, 1923, and as further amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 5, 1926.*

DETERIORATED AND UNSERVICEABLE AMMUNITION

Mr. CAMERON. Mr. President, the Senator from Maine [Mr. FERNALD] yields to me that I may ask unanimous consent for the present consideration of the bill (S. 3163) to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes. It is a minor bill.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to exchange deteriorated and unserviceable ammunition and components thereof for ammunition or components thereof in condition for immediate use.

SEC. 2. The Secretary of War is further authorized, by contract or otherwise, to reclaim, by reworking, reconditioning, or otherwise converting into usable form, either in complete rounds or in serviceable components, such deteriorated and unserviceable ammunition and components thereof as it may not be advisable to have so exchanged, and to pay either the whole or part of the cost thereof through the exchange of deteriorated and unserviceable components not desired to retain.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

Mr. FERNALD. Mr. President, when we recessed yesterday we had under consideration the amendment submitted by the Senator from New Mexico [Mr. JONES]. There seemed to be some difference of opinion in regard to the amendment; not so much, however, as was expressed by Senators who did not thoroughly understand the amendment. It was suggested that Members from each side of the proposition pro and con should meet at my office this morning and endeavor to come to some understanding and agreement. This we did. The Senator from New Mexico [Mr. JONES], the Senator from North Carolina [Mr. SIMMONS], the Senator from Wisconsin [Mr. LENROOT], and the Senator from Ohio [Mr. FESS] met at my office, and we went over the matter very thoroughly. We came to a good understanding and agreement. The Senator from New Mexico will now offer the amendment, as agreed to, and we can then consider it.

Mr. JONES of New Mexico. Mr. President, as stated by the Senator from Maine, we had quite a lengthy conference this morning regarding not only the amendment which was under consideration yesterday afternoon, but a further amendment to section 5 of the bill, and as this works out it will in a measure meet the objections to the bill which were discussed on yesterday.

In the first place, I desire to perfect the amendment which I offered yesterday. The clerk has the amendment on the desk. On the first page of that amendment I desire to change the word "directed" to the word "authorized." And at the end of the amendment I propose to add a further proviso, which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from New Mexico will be stated.

The CHIEF CLERK. On page 3 of the printed amendment, at the end of line 7, before the period, it is proposed to insert a colon and the following proviso:

Provided further, That in carrying into effect the provisions of this section the Secretary of the Treasury is authorized and empowered to enter into contracts for all or so many of said buildings as may be possible within the total additional limit of cost of $15,000,000 hereinbefore authorized.

Mr. FERNALD. As the amendment now stands, I have no objection to its being adopted.

Mr. JONES of New Mexico. I think it will be advisable for me to make an explanation of the amendment.

Mr. REED of Missouri. Will not the Senator from New Mexico have the whole amendment read as now proposed to be modified?

Mr. JONES of New Mexico. If the Senator desires, I shall do so. Mr. President, request is made that the entire amendment be read to the Senate as proposed to be modified.

The VICE PRESIDENT. The clerk will read the whole amendment as proposed to be modified.

The CHIEF CLERK. It is proposed to strike out section 3, beginning in line 11, on page 5, and to insert the following:

SEC. 3. The Secretary of the Treasury is hereby authorized to carry into effect the provisions of existing law authorizing the acquisition of land for sites or enlargements thereof, and the erection, enlargement, extension, and remodeling of public buildings thereon in the following cities: Juneau, Alaska; Globe, Ariz.; Prescott, Ark.; Red Bluff and San Pedro, Calif.; Durango, Colo.; Branford and Putnam, Conn.; Marianna, Fla.; West Point, Ga.; Coeur d'Alene and Sandpoint, Idaho; Batavia, Metropolis, Mount Carmel, and Paxton, Ill.; Des Moines, Iowa; Shelbyville, Ky.; Caribou and Fort Fairfield, Me.; Leominster, Malden, Newburyport, Southbridge, Waltham, and Winchester, Mass.; Wyandotte, Mich.; Montevideo, Minn.; Central City, Nebr.; Fallon and Goldfield, Nev.; Bayonne, East Orange, Millville, and Montclair, N. J.; East Las Vegas, N. Mex.; Fort Plain, Long Island City, Syracuse, and Yonkers, N. Y.; Wilson, N. C.; Jamestown, N. Dak.; Akron, Fremont, and Wilmington, Ohio; Donora, Lewistown, McKees Rocks, Olyphant, Sayre, Tamaqua, Tarentum, and Waynesburg, Pa.; Lancaster, S. C.; Chamberlain, S. Dak.; Athens, Tenn.; Seattle, Wash.; Williamson, W. Va.; Madison and Tomah, Wis.; Buffalo and Cody, Wyo.; St. Louis, Mo.; Newark, N. J.; Utica, N. Y.; Missoula, Mont.; additional buildings for the marine hospital at Chicago, Ill.; medical officers' quarters at the marine hospital at Savannah, Ga.; construction of marine hospital facilities at Detroit, Mich. The Secretary of the Treasury is hereby authorized to disregard the limit of cost fixed by Congress for each of said projects, to purchase additional land for enlargement of sites, and for such purposes to expend in addition to the amounts heretofore appropriated such additional sums of money for each of said projects as he shall deem advisable not exceeding in the aggregate $15,000,000: *Provided*, That in constructing the buildings embraced herein the Secretary of the Treasury is authorized, in his discretion, to provide space in such buildings for other activities or branches of the public service not specifically enumerated in the act or acts authorizing the acquisition of the sites, or the construction of the buildings, or both: *Provided further*, That in carrying into effect the provisions of this section, the Secretary of the Treasury is authorized and empowered to enter into contracts for all or so many of said buildings as may be possible within the total additional limit of cost of $15,000,000 hereinbefore authorized.

Mr. BROUSSARD. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Louisiana.

Mr. BROUSSARD. I wish to inquire of the Senator whether he has included in his amendment the post office that was left out on yesterday? It seems to me that it is not included.

Mr. JONES of New Mexico. On inquiry at the Treasury Department we ascertained that the post office which is eliminated from this list is now practically completed and occupied.

Mr. BROUSSARD. There is full provision for its completion according to the estimates?

Mr. JONES of New Mexico. Absolutely. Mr. Wetmore was with us on yesterday forenoon. He says the list has been checked over a half dozen times, and as to cases which he himself did not absolutely remember about he telephoned this morning to the Treasury Department and found that the buildings not included in this amendment are cared for and will be constructed.

Mr. GOODING. Mr. President, I wonder if we can not have some order in the Senate Chamber so that the Senate may hear what the Senator from New Mexico [Mr. JONES] is saying? I should like to ask if a copy of the amendment has been distributed? I want to understand what it is before I vote on it.

Mr. JONES of New Mexico. I will state to the Senator from Idaho that the amendment was distributed as modified on yesterday and it has been read from the desk this morning. It was completely discussed on yesterday. There were a good many criticisms made on yesterday regarding the list of cities. It appeared that some cities which had been included in Document No. 28 had been left out, but on rechecking with the Treasury Department this morning we ascertained that all the buildings in Document No. 28 not mentioned in this amendment have either been constructed or are in course of construction, and that ample provision has been made for their completion. That is the information we have this morning from the Treasury Department. I think no Senator may be concerned about any building mentioned in Document No. 28 which is not included in the amendment as it was before the Senate yesterday.

Mr. OVERMAN. Mr. President, will the Senator from New Mexico yield to me?

Mr. JONES of New Mexico. I gladly yield to the Senator from North Carolina.

Mr. OVERMAN. Mr. President, the amendment proposed by the Senator from New Mexico specifically mentions Wilson, N. C. So far so good. In Document 28, however, there are mentioned several other places in my State where sites have been purchased which are not included in the Senator's amendment. It is true that the estimated amount for those buildings has not been appropriated. What will become of those places so far as the erection of buildings is concerned?

Mr. MCNARY. Mr. President, I rise to a point of order. It seems that the proceedings taking place in connection with this proposed legislation are very confusing. They appear to be conducted by whisperings, executive sessions, and mutterings.

Mr. FERNALD. I agree with the Senator that we ought to have order. Let the Senator from New Mexico proceed in the regular way to explain his amendment so that he may be heard.

Mr. OVERMAN. I agree with the Senator, because I myself can hardly hear the Senator from New Mexico. I apologize to the Senator for repeating the question. What will become of the cities in my State mentioned in Document No. 28 but not included in the amendment?

Mr. JONES of New Mexico. There has been no provision made specifically for the construction of buildings on sites which have been acquired where no building has been appropriated for, except that an amendment reported by the committee to the first section of the bill, on page 2, relative to the acquirement of sites and the construction of buildings under the $100,000,000 authorization of the bill, provides giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired.

Mr. OVERMAN. That answers my question. I wish to know if that has been stricken out or any amendment made to it?

Mr. JONES of New Mexico. No; that amendment has not been stricken out.

Mr. OVERMAN. It remains in the bill?

Mr. JONES of New Mexico. I so understand.

Mr. MOSES. Mr. President, I should like to ask the Senator from New Mexico another question in that connection. Inasmuch as my State is one of those wherein at least one site has been purchased by the Government—and it was purchased many years ago—may I ask the Senator if he can give any adequate explanation that one could carry back to an orphan State like New Hampshire under this bill. I dislike to go back home without some kind of a reason why New Hampshire is left out, and I assume that there are Senators from about 20 other States who would also like a reason why their States are omitted.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. First I should like to make an observation in answer to the question of the Senator from New Hampshire.

Mr. OVERMAN. Let us have order so that we may hear.

The VICE PRESIDENT. The situation will be improved by order in the Senate and by Senators speaking louder. The difficulty comes from those two conditions.

Mr. REED of Missouri. Mr. President——

Mr. JONES of New Mexico. I decline to yield until after I have had an opportunity to make an observation on the question propounded by the Senator from New Hampshire. I think I may say that there is going to be a general disappointment——

Mr. MOSES. Why say "there is going to be"? It exists already.

Mr. JONES of New Mexico. I repeat I think there is going to be a general disappointment following the passage of this bill. That disappointment will arise from the fact that this bill, in my judgment, does not carry a sufficient annual appropriation. I think the country will be disappointed when it comes to learn that only $15,000,000 will be expended outside the District of Columbia annually, and in order to carry out even the meager program suggested by this bill it will require about seven and one-half years. I have not the slightest doubt that when the Congress meets again in another session and it is realized how little satisfaction will come to the country this bill will be amended. I repeat I think it is going to be a general disappointment to the country; but, within the limitations which we understand were fixed by another branch of the Government, we have tried to do the best we could. We have embodied the idea that as to buildings which have heretofore been authorized and for which an inadequate appropriation has heretofore been made that such buildings should first be constructed. In conference this morning, however, we found it necessary to make a division so that two years will be required instead of one. Under the bill, where buildings have heretofore been authorized and appropriations made therefor, ample provision will be made, if the amendments to be proposed shall be adopted, so that those buildings will be completed not within one year but within two years, and thus allow for buildings outside of those heretofore appropriated for one-half of the amount, or seven and one-half million dollars a year, to be expended outside of the District of Columbia.

I think that is entirely inadequate. I think the necessities of the country demand very much more than this bill provides; but, assuming that the Congress is limited to an annual expenditure of $25,000,000 a year for all building purposes, $10,000,000 of that to be expended within the District and only $15,000,000 to be expended outside of the District, and that to be used for the construction of buildings heretofore authorized and appropriated for—within that limitation, which we are led to feel is a fixed limitation so far as practical legislation is concerned, the committee, especially after conference this morning with others, has reached a conclusion which, in my judgment, will come nearer satisfying the public than any other plan.

IMPEACHMENT OF JUDGE GEORGE W. ENGLISH

The VICE PRESIDENT (at 12 o'clock and 30 minutes p. m.). The hour of 12.30 o'clock, to which the Senate sitting as a court of impeachment adjourned, has arrived. The Senate is now in session for the trial of the articles of impeachment presented by the House of Representatives against George W. English. The Sergeant at Arms will make proclamation.

The Sergeant at Arms made the usual proclamation.

The VICE PRESIDENT. The Senate will rise. The managers on the part of the House of Representatives are in attendance. The Sergeant at Arms will notify them that the Senate is ready to receive them and conduct them to the seats provided for them.

At 12 o'clock and 31 minutes p. m. the managers on the part of the House of Representatives (with the exception of Mr. MONTAGUE) appeared, and they were conducted to the seats assigned them.

Mr. Edward C. Kramer and Mr Zumbrunn, of counsel for respondent, entered the Chamber and took the seats assigned them.

The VICE PRESIDENT. The Journal of the Senate sitting in the impeachment trial will be read.

The Chief Clerk read the Journal of the proceedings of the Senate of Monday, May 3, 1926, sitting for the trial of the impeachment of George W. English.

The VICE PRESIDENT laid before the Senate the following resolution (H. Res. 251) from the House of Representatives, which was read:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
May 4, 1926.

Resolved, That a message be sent to the Senate by the Clerk of the House informing the Senate that the House of Representatives has adopted a replication to the answer of George W. English, judge of the District Court of the United States for the Eastern District of Illinois, to the articles of impeachment exhibited against him, and that the same will be presented to the Senate by the managers on the part of the House; and also that the managers have authority to file with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they shall deem necessary.

Attest:

WILLIAM TYLER PAGE, *Clerk.*

The VICE PRESIDENT. Have the managers on the part of the House anything to present?

Mr. Manager DOMINICK. Mr. President——

The VICE PRESIDENT. Mr. Manager.

Mr. Manager DOMINICK. On behalf of the House of Representatives, and on behalf of the managers on the part of the House of Representatives, I now present the replication of the House of Representatives to the answer of the respondent, George W. English, a district judge of the United States for the eastern district of Illinois, to the articles of impeachment exhibited by the House of Representatives, and I ask that it may be read by the Secretary.

The VICE PRESIDENT. The Secretary will read the replication.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
May 4, 1926.

Replication of the House of Representatives of the United States of America to the answer of George W. English, judge of the District Court of the United States for the Eastern District of Illinois, to the articles of impeachment exhibited against him by the House of Representatives of the United States of America:

The House of Representatives of the United States of America, having considered the several answers of George W. English, judge of the District Court of the United States for the Eastern District of Illinois, to the several articles of impeachment against him by them exhibited in the name of themselves and of all the people of the United States, and reserving to themselves all advantages of exception to the insufficiency, irrelevancy, and impertinency of his answer to each and all of the several articles of impeachment so exhibited against the said George W. English, judge as aforesaid, do say:

(1) That the said articles do severally set forth impeachable offenses, misbehaviors, and misdemeanors as defined in the Constitution of the United States, and that the same are proper to be answered unto by the said George W. English, judge as aforesaid, and sufficient to be entertained and adjudicated by the Senate sitting as a court of impeachment.

(2) That the said House of Representatives of the United States of America do deny each and every averment in said several answers, or either of them, which denies or traverses the acts, intents, misbehaviors, or misdemeanors charged against the said George W. English in said articles of impeachment, or either of them, and for replication to said answers do say that said George W. English, judge of the District Court of the United States for the Eastern District of Illinois, is guilty of the misbehaviors and misdemeanors charged in said articles, and that the House of Representatives are ready to prove the same.

The VICE PRESIDENT. The replication will be printed.

Have the managers anything further to offer?

Mr. CUMMINS. Mr. President, I offer an order, which I ask to have read by the Secretary, and I ask for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the order.

The Chief Clerk read as follows:

Ordered, That the proceedings of the Senate sitting in the trial of impeachment of George W. English, district judge of the United States for the eastern district of Illinois, be printed daily for the use of the Senate as a separate document.

The VICE PRESIDENT. Without objection, the order will be agreed to.

Mr. CUMMINS. Mr. President, I offer a further order, which I ask to have read by the Secretary, and I ask for its immediate consideration.

The VICE PRESIDENT. The order will be read.

The Chief Clerk read as follows:

Ordered, That in all matters relating to the procedure of the Senate, sitting in the trial of the impeachment of George W. English, district judge of the United States for the eastern district of Illinois, whether as to form or otherwise, the managers on the part of the House or the counsel representing the respondent may submit a request or application orally to the Presiding Officer, or, if required by him or requested by any Senator, shall submit the same in writing.

In all matters relating immediately to the trial, such as the admission, rejection, or striking out of evidence, or other questions usually arising in the trial of causes in courts of justice, if the managers or counsel for the respondent desire to make any application, request, or objection, the same shall be addressed directly to the Presiding Officer, and not otherwise.

It shall not be in order for any Senator to engage in colloquy or to address questions either to the managers on the part of the House or

the counsel for the respondent, nor shall it be in order for Senators to address each other, but they shall address their remarks directly to the Presiding Officer.

Mr. CUMMINS. Mr. President, I may say that this order is in the precise terms of an order adopted at two preceding impeachment trials.

Mr. REED of Missouri. Mr. President, has the Senator a further order which will permit a Senator to present a request in writing for the asking of a particular question?

Mr. CUMMINS. The order I have just submitted provides for that.

The VICE PRESIDENT. That is covered by the rules of the Senate under impeachment proceedings.

Mr. REED of Missouri. I did not so understand the order. I will not ask to have it reread if the Senator states that that is in the order, but I did not catch it when the order was read.

Mr. CUMMINS. That is true. I think, however, in order to remove any doubt about it, I will ask to have that part of the order read again.

The VICE PRESIDENT. The Secretary will read as requested.

The Chief Clerk read as follows:

In all matters relating immediately to the trial, such as the admission, rejection, or striking out of evidence, or other questions usually arising in the trial of causes in courts of justice, if the managers or counsel for the respondent desire to make any application, request, or objection, the same shall be addressed directly to the Presiding Officer, and not otherwise.

It shall not be in order for any Senator to engage in colloquy or to address questions either to the managers on the part of the House or the counsel for the respondent, nor shall it be in order for Senators to address each other, but they shall address their remarks directly to the Presiding Officer.

Mr. KING. Mr. President, I should like to ask the Senator from Iowa whether in his opinion the rule for procedure which has just been submitted in the form of an order, plus the comprehensive Standing Rules of the Senate, meet every contingency which may arise to govern the procedure of the Senate while sitting as a court of impeachment?

Mr. CUMMINS. Mr. President, the general rules of the Senate do not apply to a proceeding of this character, probably. I do not make the statement to bind anyone else, but in my opinion the rules for impeachment that are laid down to govern the Senate in the trial of an impeachment do cover precisely what I have endeavored to cover in the order I have sent to the desk. It has been thought wise on former occasions to adopt such an order as I have presented, and I am simply following the precedents of many years in so doing.

Mr. KING. Mr. President, as I understand the Senator, his position is that the order he has just submitted, and which is before us for adoption, is sufficiently comprehensive to cover the ordinary questions which may arise while the Senate is sitting as a court of impeachment?

Mr. CUMMINS. That is my opinion. It has not been considered in times past that the general rules are sufficient; and in order to avoid any omission there may be in the rule, this order is offered.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. CUMMINS. I yield.

Mr. NORRIS. As I understand it, the latter part of the order read by the Secretary is a modification of one of the Standing Rules of the Senate applying to impeachment proceedings and changes it. I want to ask the Senator if he desires to modify or change a rule that is part of the rules of the Senate applying to impeachment proceedings?

Mr. CUMMINS. I do not think that the order which has been proposed changes the rules which the Senate has adopted for impeachment proceedings.

Mr. NORRIS. I may be entirely wrong, but as it was read it occurred to me that it did change the rule regarding Senators asking questions.

Mr. CUMMINS. It makes more specific the rule which is a part of the standing rules.

Mr. ASHURST. Mr. President, Rule XVIII of our impeachment rules requires that all questions propounded by a Senator shall be in writing. Rule XVIII is found on page 92 of the manual.

Mr. NORRIS. I would like to ask the Senator if it is the intention by this order he has offered to modify Rule XVIII, which reads as follows:

If a Senator wishes a question to be put to a witness or to offer a motion or order (except a motion to adjourn), it shall be reduced to writing and put by the Presiding Officer.

Mr. CUMMINS. It is not intended by this order to change or modify that rule in any way.

Mr. NORRIS. As the order was read, it occurred to me that it would modify it.

Mr. CUMMINS. I offer the order simply because it has been thought necessary in times past; but I have no thought of changing Rule XVIII, nor do I think the order presented would change Rule XVIII.

Mr. NORRIS. I would like to have that part of the order read again. It has not been printed, and we have had no opportunity to see it.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read, as follows:

It shall not be in order for any Senator to engage in colloquy or to address questions either to the managers on the part of the House or the counsel for the respondent, nor shall it be in order for Senators to address each other, but they shall address their remarks directly to the Presiding Officer.

Mr. CUMMINS. It does not seem to me that there is any conflict between the standing rule and this order.

Mr. NORRIS. I agree with the Senator that there is no conflict between them; but I would like to ask the Senator how it could be possible in this trial, under the standing rules, for any condition such as the Senator evidently attempts to meet by this order to arise. I do not believe that even if we proceed under the standing rules Senators would engage in what is proposed to be prohibited by this order.

Mr. CUMMINS. As I remarked a few moments ago, it is my opinion that this order is not absolutely necessary. It has been presented simply because the Senate has entered an order of the kind in former impeachment trials. I think it is wise, unless there is good reason to the contrary, to follow the precedents which have governed the Senate in former trials.

Mr. REED of Missouri. Mr. President, I think the purpose of the Senator offering the order was not to take away any right reserved in the Standing Rules of the Senate.

Mr. CUMMINS. Certainly not.

Mr. REED of Missouri. But I am fearful that if this order should be adopted it might be taken as a modification of those rules, and in order to set the question at rest I suggest that the last paragraph of the order be amended by inserting after the word "Senator" the words "except as provided in the Rules for Impeachment Trials," so that the last paragraph would read:

It shall not be in order for any Senator, except as provided in the Rules for Impeachment Trials, to engage in colloquy or to address questions either to the managers on the part of the House or the counsel for the respondent, nor shall it be in order for Senators to address each other, but they shall address their remarks directly to the Presiding Officer.

I think that will save any question, if the Senator will accept the amendment.

Mr. CUMMINS. I am very willing to accept that as an amendment to the order.

The VICE PRESIDENT. The question is upon agreeing to the order as modified. Without objection, it is unanimously agreed to.

Mr. CUMMINS. Mr. President, I have a matter to bring before the Senate upon which there probably will be a difference of opinion.

The time has arrived when it is appropriate, if not imperative, for the Senate to fix a time for the trial of this cause. I think that when I have presented the order which I will send to the desk in a moment counsel for the respondent and the managers on the part of the House should be called upon to express their views regarding the time at which this impeachment shall be tried.

I send to the desk an order, which I ask the clerk to read; and I suggest that after the proposed order shall have been read, the managers on the part of the House and counsel for the respondent be given an opportunity to be heard with respect to it.

The VICE PRESIDENT. The clerk will read the proposed order.

The Chief Clerk read as follows:

Ordered, That the cause shall be opened and the trial proceeded with at 12.30 p. m. on the 15th day of November, 1926; and it is further

Ordered, That lists of witnesses be furnished the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear at 12.30 p. m. on the 15th day of November, 1926, or such other dates as the managers or respondent may indicate. That in case hereafter the managers or the respondent may desire the attendance of

additional witnesses, in such case the managers or the respondent may have the witness or witnesses desired subpœnaed in accordance with the practice and usage of the Senate upon application in such form as may be approved by the Presiding Officer.

The VICE PRESIDENT. Have counsel for the respondent anything to say?

Mr. HEFLIN. Mr. President, it seems to me that there ought to be some limitation on the time when witnesses shall report. As I understand the proposed order, it merely suggests that they shall report on the day specified, the 15th day of November, or such other day as shall be satisfactory to them.

The VICE PRESIDENT. The Chair will suggest that we hear from counsel for the respondent and take up the matter suggested by the Senator from Alabama after the time has been agreed upon.

Have counsel for the respondent anything to say?

Mr. E. C. KRAMER. Mr. President, respondent and his counsel have given due consideration to the question when this trial shall take place, and on account of the absence from this country of one of the counsel for respondent, and on account of additional and new counsel having been drawn into the case, the time suggested by the Senator will suit our convenience.

I desire to make one further statement. If the trial of this cause shall be continued to the time suggested, Judge English, the respondent, will engage in no business during the interim.

The VICE PRESIDENT. Have the managers on the part of the House anything to say?

Mr. Manager MICHENER. Mr. President, I am directed by my associates, the managers on the part of the House, to say that the managers are ready for trial at such time as the Senate may designate. We realize that it is the function of the Senate to designate the time. We appreciate that this is an important proceeding, important to the country, important to the eastern judicial district of Illinois, and important to the respondent.

Considering these facts, we have been interested to know whether or not, if this case were continued until November, the judge would preside during the interim. We have the assurance of counsel representing Judge English that the judge would not preside during that interim. The eastern district of Illinois has two judges. We are approaching the summer season. The work is such, we are advised, that the district would not suffer by reason of the fact that the judge was not presiding.

We have canvassed the matter carefully and conscientiously. We have held conferences with counsel for Judge English. They have presented the reasons which have been suggested, reasons which to us seem possibly sufficient. We are, of course, ready for trial at any reasonable time, but we do not object to the date fixed in the order.

I might say further that we realize and appreciate that we are nearing the end of the session. We appreciate and realize that it is imperative, as suggested by the senior Senator from Iowa, that some date be set within a reasonable time if we are to proceed at an earlier date. We have been advised that it would be practically impossible to set a date on which we might proceed to trial until things developed to a greater extent, so far as the legislative program in the Senate is concerned.

Therefore we make no objection, and in a way would consent, to the date fixed in the order, provided it meets the approval of the Senate.

Mr. JOHNSON. Mr. President, simply in the expression of an individual view, I think a postponement of this trial until November would be most unfortunate. As I listened to the charges read, I thought that if the respondent were guilty he ought forthwith to be removed from the bench; that if he were innocent, his innocence ought at the very earliest possible moment to be determined. To let this thing hang for a period of seven months, when it can be tried within the period of a month and a half, is doing justice neither to the people on the one hand nor the respondent on the other hand, nor to this high court of impeachment. If this trial is to proceed, it ought to proceed at the earliest possible moment.

There is one thing in this Government of ours, Mr. President, which should be kept above all suspicion, and that is the judiciary. Here we deal with one of the high judicial positions in the land. It is assaulted by the House of Representatives. It is defended by able counsel. The judge appears here denying his guilt. The question of his guilt or his innocence ought not to be left in the balance for a period of more than half a year. We owe it to the people of the United States, to the House of Representatives, above all we owe it to the judiciary of this land and to ourselves, to determine the question of his guilt or innocence at the very earliest possible day.

Mr. BLEASE. Mr. President, when this case was first called I submitted a request to be excused from taking part in it for reasons which were set forth in that request. The junior Senator from Missouri [Mr. WILLIAMS] stated as his opinion that if all Senators did not take the required oath there might be some question as to the constitutionality of the court. I accepted this view and took the oath after looking into it.

I agree thoroughly with the Senator from California [Mr. JOHNSON] that if there is anything in this country to-day for which the courts are being cursed more than any other thing, and properly so in a great many causes, it is because of continuances and delays by the courts to bring people to trial, and the practice of allowing influences, sometimes improper influences, to cause delay in the prosecution of people and in the settlement of questions in the civil part of the court for no reason except the convenience of somebody. I think it would be a grave mistake for the Senate to set the example of delaying for as many months as this order provides the trial of this matter. If the gentleman charged here is not guilty, he should be tried and acquitted. If he is guilty, he should not be allowed one day longer to be a member of the judiciary of this great Republic.

We do not know what may happen between now and November. This distinguished gentleman might pass from this earth, and then all would be wiped out, so far as he would be concerned, with reference to any opportunity to come here and prove his innocence. There would be no opportunity for his children or his grandchildren to remove from them the stain of the charge that their father or grandfather had been guilty of this charge and impeached by the House. It would be an injustice on the part of the Senate, in my opinion, merely because somebody is a candidate for reelection and wants to go home to get into his campaign, or because somebody else is afraid to cast a ballot in this case because of the political effect it might have at home, to hold these charges over this man for any such length of time.

I thoroughly agree with the Senator from California [Mr. JOHNSON]. I think we should proceed to try the matter and get through with it and let the world and the country know that we are willing to perform our duties and to perform them now.

Mr. CUMMINS. Mr. President, I have no personal preference with regard to the time for the trial of the case, but here is the situation: I am utterly unwilling to interrupt the legislative work of the House and the Senate, and particularly of the Senate, in order to try this proceeding. We are bound to go forward and finish our legislative work. It is infinitely more important to the people of the country that the legislative program which is in our minds shall be finished at the earliest possible time. I assume there is not a Senator here who would be willing to stop the legislative work in which we are engaged and take up the trial of this impeachment.

I assume I am speaking the sentiment of every Senator when I say what I have said, and if that be true, then we can not fix any proximate time for the trial of the case, because there is no Senator and there is no Member of the House who can even accurately estimate when we shall have finished our legislative work. I do not think it is humanly possible to consider and act upon the bills that it is our duty to consider and upon which we must have a vote before the middle of June or the 1st of July.

Therefore, practically speaking, it is a question of whether we shall take up this impeachment, say, the 1st of July and try it during the three weeks or four weeks or six weeks that it may require, or whether we shall postpone it until the middle of November or somewhere near the middle of November. That time was fixed simply because all the Members of Congress will be returning in the natural course of events to attend the regular session, which begins on the first Monday in December. In so far as I am concerned, I would rather try the case in November than to try it in July and August. I think all Senators understand how very difficult it would be to maintain a respectable quorum during July and August. It would be practically impossible. I think we would be much surer of a large attendance of Senators and much surer of attention to the testimony which may be developed in November than in midsummer.

Mr. KING. Mr. President, will the Senator permit an inquiry?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. Certainly.

Mr. KING. Does the Senator think that the order could be challenged upon the ground of uncertainty if, instead of the

date fixed, namely, November 15, the order should read that the cause shall be opened and the trial be proceeded with at 12.30 postmeridian, beginning on the first Monday next following the adjournment of the present session of Congress?

Mr. CUMMINS. I think that would not be invalid because of the uncertainty.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I yield.

Mr. WATSON. I understood from the remarks made by the Senator from Iowa that he thinks it would take six weeks to try the case.

Mr. CUMMINS. No; I did not say so. It is variously estimated at from two weeks to three or four weeks, but I do not know. It depends, of course, upon the number of witnesses.

Mr. WATSON. I think we ought to remember that the next session is the short session, and that if we take the time up until the holidays in trying this case, we would have a tremendous rush of business to get through the session in the two months remaining.

Mr. CUMMINS. That is true.

Mr. NORRIS. Mr. President, I think we all realize with the Senator from Iowa [Mr. CUMMINS] that we have a large amount of business to transact, but we have no business to transact more important, in my humble judgment, than the trial of this case. I do not see why we should not arrange to commence the trial, not in July or August or November, but in May. Why not commence within the next few days? Why not take up the trial and proceed with it just as soon as the parties can get their witnesses here? Why should we delay it for anything? We will never reach a time when we are going to find ourselves idle and not having important business that we must lay aside in order to take up this case. We have to face it some time.

I should not think the trial of the case would take more than a week or 10 days, and if it does take longer we are going to run into the short session with it if we fix November 15 as the date for beginning. We are crowded then a thousand times more in a legislative way than we are now, because the time of adjournment is definitely fixed for the 4th day of March. We are always crowded then. It will inconvenience us, and we can not escape it, whether we take it up in July or whether we take it up to-morrow or next Monday and proceed to the trial. The inconvenience will be just as much at one time as another. It would take as much time at one period as another. Its importance is just as great, if not greater, than any piece of legislation that is pending.

If we put this matter over until November we will find ourselves with a very small attendance, in my judgment. Members who have been participating in the campaign will not want to commence the next day the trial of this case. I think we will come nearer having a larger attendance of the Senate if we arrange for the trial to commence within the next few days. I would not want to arrange the trial at a time that would discommode the managers of the House or the respondent; but the witnesses, I presume, who testified in the case before the House Judiciary Committee are where they can be obtained by a subpœna within a week if we want to fix the time then to proceed with the trial.

It seems to me it would be better, unless there is some reason not yet disclosed, even for both the managers of the House and the respondent to proceed while the testimony is still fresh that they have already taken and not delay it seven months at least. It strikes me that we could try the case in May, and we ought to be able to commence the case by next Monday, perhaps, or at least next week.

Mr. KING. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. KING. The Senator as a lawyer appreciates the fact that after the issues are joined upon a case so important as this, some little time, of necessity, will be required both by the managers on the part of the House and by the respondent to get ready for trial.

Mr. NORRIS. I would like to get the ideas of the gentlemen on both sides upon the subject.

Mr. KING. I was about to inquire of the Senator whether it would do to fix the 15th of June? I am in favor of disposing of the case as speedily as possible. We ought to conclude our legislative work prior to that time. If we know that this case is pending and that it is set for the 15th of June it will probably spur us to greater activity in the conclusion of the legislative work before us.

Mr. NORRIS. The suggestion of the Senator from Utah may be a good one, but I want to call his attention to this fact: Just as soon as Congress fixes a definite day for adjournment then we will get into the condition we always get into when we have a short session that must adjourn on the 4th day of March. I had rather proceed with the trial just as soon as the managers on the part of the House and the respondent can get their witnesses here, end the trial, and then proceed with our legislation, without having fixed any definite day for adjournment, because to fix a date for adjournment is always dangerous. We are confronted by filibusters and other such difficulties when a definite time for adjournment is fixed. We can avoid all of that if we will try the case and then proceed with our legislation in the regular way.

Mr. KING. I do not mean to imply by anything which I have said that we should fix the time for the adjournment of Congress for the 15th of June.

Mr. NORRIS. I did not understand the Senator.

Mr. KING. I think, though, that if we knew this case were set for hearing on the 15th of June it would, to use the language which I then used, spur us to greater activity with the hope of concluding our legislative work by that time. Of course, if we fail, then we shall have to continue as a court of impeachment and as a legislative body until we dispose of the legislative work before us. That would create, of course, some embarrassment. We would have to adjust the division of time so as to permit us to dispose of the legislative matters then pending and at the same time continue the work of the court.

Mr. NORRIS. I myself dislike to suggest a definite date, because I have had no consultation, nor has the Senate had, with the managers or with the respondent. I do not want to fix a date that would be disagreeable to either side; but I believe we ought to vote down the particular order that has been submitted to us; then, perhaps, adjourn the court until to-morrow and give an opportunity for consultation between the managers and the attorneys for the respondent with the view of fixing an earlier time.

Mr. GOODING. Mr. President, I can not agree with the senior Senator from Nebraska [Mr. NORRIS] at all that the trial of Judge English at this time is more important than is the legislation which is pending before Congress. In my judgment, farm legislation is vital to this country. At a number of luncheons which have been held, which something like 50 Senators have attended, practically all of them have agreed that they would not vote for an adjournment of Congress until farm legislation should have been fully considered and voted upon.

Mr. NORRIS. Mr. President, will the Senator from Idaho yield to me?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. GOODING. I yield to the Senator.

Mr. NORRIS. I agree with the Senator from Idaho about the importance of the legislation to which he has referred, but there is not any idea that Congress will adjourn without having disposed of such legislation.

Mr. GOODING. The Senator from Nebraska knows that if we shall proceed with the impeachment trial now, it will occupy such a length of time that we shall be very near the time when Senators and Members of the House of Representatives will want to get away, and there will be no opportunity at all to consider any further legislation.

I understand, of course, that Senators who do not want farm legislation will find plenty of time to discuss other matters. So if we are going to consider farm legislation at all, it seems to me we ought to go forward with our legislative program. I can not see that any harm will be done to this country if the trial of Judge English shall be postponed until the 15th of November, with the understanding that he shall not sit as a judge and transact business in his court in the interval. I understand that Judge English is not ready now to go to trial. It is only fair to him, it seems to me, that the trial should be postponed to the 15th of November. He does not wish to rush into a trial on a matter which means life and death to him until he is ready. Undoubtedly he will be ready in a reasonable time, and it seems to me that the 15th of November, under all the considerations now existing, is a reasonable time for his trial. So I am going to vote against a motion that there shall be an earlier trial.

Mr. BRUCE. Mr. President, no reason satisfactory to my mind has been given why November 15 next should not be set as the date for the beginning of this impeachment case. That date is satisfactory to the chairman of the Judiciary Committee, the senior Senator from Iowa [Mr. CUMMINS]; it is satis-

factory to the managers, who, of course, represent the public in this controversy; it is also satisfactory to the counsel for the respondent. Why, then, should we hesitate to adopt that date for the commencement of the impeachment proceedings? If the counsel for the respondent were here asking that the case be set for an earlier date, then, of course, I imagine that we should all feel that the very highest degree of deference should be paid to their feelings upon the subject, but they are not doing so. They have stated that it is entirely satisfactory to them, and therefore we must assume that it is entirely satisfactory to the client whom they represent, that this case should be set for the 15th day of November next.

Indeed, we have been told by one of the counsel for the respondent that another of the counsel for the respondent is abroad at the present time. Upon my mind at least that statement left the impression that it might even work some inconvenience on counsel for the respondent and their client if the case should proceed forthwith.

One other thing, I think, that has been hinted by the Senator from Iowa should be duly taken into account. I believe that the general atmosphere will be more favorable to a fair trial to the respondent in every respect if this case shall be postponed. We all know whenever we have a controversy of this sort some degree of feeling, not to say passion, is more or less artificially engendered. I imagine that is true of the House of Representatives at this time. If there is any such feeling, any such passion, we shall have a "cooling time" between now and the 15th day of November next. The general temper of Congress will be fairer, more judicial, more impartial in character, in all probability, on the 15th day of November next if the case shall then be taken up.

Furthermore, I submit that it is to the interest of the respondent—and that should be a consideration, of course, when any citizen is put upon his trial—it is to the interest of the respondent from the point of view of the administration of justice that this case should not be disposed of precipitately or hastily at a time when Members of Congress are eager for Congress to adjourn and their minds are not in the same attentive and receptive condition that they would be in under more normal circumstances.

An old English poet, Alexander Pope, speaks of "men hanging that jurymen may dine." The feeling that underlies that line of the poet should be duly taken into account in this impeachment case. The trial should be taken up in a deliberate manner when the mind of the Senate is not disturbed by any desire that Congress shall adjourn at the earliest possible time, when the general mental condition of Congress will be fairer, more impartial in every respect than it now is.

Furthermore, the interest of the public would not suffer. Very wisely, I think, doubtless partly under the advice of his counsel, the respondent has declared his willingness not to discharge the duties of his judicial station while his good name is under impeachment; and it has been said to us, of course in a manner that we can not possibly disregard, that court conditions are such in the State of Illinois that, notwithstanding the fact that Judge English may not participate in judicial proceedings in the Federal court in that State, the interest of the public will not suffer for the lack of judicial attention to legal controversies.

So, as I have said, it seems to me there was never a clearer case presented to the Senate, when it is looked at from these points of view to which I have limited myself.

Then, on the other hand, it is certainly true that there is legislation at the present time pending in the Senate of the very highest degree of importance that should not be postponed, even to an impeachment case, when there is no reason to believe that the interests of justice would suffer unless the impeachment case was taken up immediately. There is agricultural legislation which we have all agreed is legislation of prime importance, indeed, to the early consideration of which almost every Member of this body has pledged himself. There is railway labor legislation which is regarded with the very deepest concern by the railway executives of the country, by the railway workers of the country, by the shippers of the country, and by the general public. Then I believe that a very large number of bills have been suggested by the Director of the Prohibition Unit, possibly a dozen in all, that are expected to be considered at this session of Congress, which, it is claimed, do not admit of any dilatory treatment.

It seems to me, therefore, that we ought to be free until the adjournment of Congress to give our exclusive attention to these matters of the very highest degree of importance. So I sincerely trust that this order will be adopted by the Senate without amendment of any sort.

Mr. WILLIS. Mr. President, I am not a member of the Committee on the Judiciary, and therefore it is with diffidence that I say a word on this question. I do wish to say, however, that I am utterly unable to appreciate the viewpoint of Senators who insist that we should enter upon the trial of this case at once. It is perfectly apparent that we have a legislative program which, if it is to be considered as it ought to be considered, will take at least six weeks. If we work steadily and in the best of faith upon the legislative program, we shall still be here on the 15th day of June.

It is suggested by some Senators that we might take up this case now and proceed with it while the legislative program is under consideration. Mr. President, if that policy shall be adopted, we will make no progress either with the legislative program or with the trial of the impeachment case.

Mr. BORAH. Mr. President——

Mr. WILLIS. I yield to the Senator from Idaho.

Mr. BORAH. We have from now until the 6th of December to dispose of the legislative program and also to try this case. If we can dispose of the legislative program by the middle of June, there is no reason why we should not proceed with the trial of this cause.

Mr. WILLIS. Of course, I think that is a very good reason. I have seen some of the midsummer sessions both in this body and the body at the other end of the Capitol. It is very easy to speak boldly about having sessions throughout the summer. Some Members of the Senate and some Members of the other body, when I chanced to be a Member of that body, remained in their places during the session, but there were other Senators who, when the hot blasts came, took to the seashore. We can not keep a quorum here under those circumstances, and I warn Senators that if the plan shall be followed out of going through with the legislative program and then taking up the impeachment case, or the alternative of trying to handle them both together, we will be here until August or September, and we will not make very much progress with either. It will be practically impossible to maintain a quorum during the heated season.

We might as well look frankly at the facts. The Senator from Idaho says there is the time between now and the 6th of December. Of course, that is true; but the Senator knows, from his distinguished and most useful experience here, that at the end of a long session of Congress, where there has been a contest over legislation, Senators, and other legislators sometimes, do not find themselves in very good humor; there is not that judicial temperament that ought to maintain, it seems to me, in the trial of a great case.

Mr. KING. Mr. President, will the Senator yield?

Mr. WILLIS. I yield to the Senator from Utah.

Mr. KING. I suggest to the Senator that if we meet on the 15th of November, in view of the election returns, some Senators may not be in as good humor as they are now, or will be before that time.

Mr. WILLIS. Mr. President, I am perfectly delighted that my friend, with his usual directness and frankness, makes that suggestion. No one has said anything about it yet, but the fact is that a third of the Members of the Senate will be candidates for reelection, and naturally they are somewhat interested in the outcome of the election.

I submit to Senators in candor that after the November elections are out of the way, and Senators are either reelected or defeated, their minds will be freer for the consideration of a question of this type than they will be if it shall be insisted upon that the trial shall proceed now for the convenience of some Senators who live in Washington and have their homes here, and could just as well have the Senate sit throughout the summer as not. I suggest that if their advice shall be followed, and we have this session now, we will not have as fair and free and full a trial of this respondent as he is entitled to.

Mr. McKELLAR. Mr. President——

Mr. WILLIS. I will yield to the Senator in just a moment. I want to finish this thought.

It seems to me that the Senator from Maryland has pointed out with his usual clarity the significant point in this situation. Counsel for the respondent are entirely agreeable to this proposition. If the respondent were to be injured by this procedure, and were asking for some other arrangement, we would have a different situation; but he is not so asking. He and his counsel are entirely agreeable to the arrangement.

I now yield to my friend from Tennessee.

Mr. McKELLAR. Mr. President, I am inclined to agree with the statement made by the Senator from Ohio, and think that probably it would be better to let the trial go over until after the 1st of November; but in view of the fact that the

next session is a short session, and we all know that we are so hurried in the short session to get through the necessary appropriation bills, I am wondering whether we could get through the trial of this case before the opening of the regular session in December. Therefore I desire to ask the chairman of the committee if he does not think it would be safer to meet, say, on the 10th of November, or at the earliest possible day after the November election, so that we might be fairly well assured that we could finish the trial of the case before the opening of the short session of Congress? I think it would be very unfortunate if the trial of the case ran into the new session of Congress, inasmuch as it will be the short session; and I hope the Senator from Iowa will agree to an amendment fixing a day somewhat earlier than has been suggested.

Mr. CUMMINS. I do not remember upon what day the election falls. It is suggested to me that it occurs on the 2d of November. The 10th of November would be perfectly satisfactory to me.

Mr. McKELLAR. That would permit all Senators to arrive here before the trial commenced. It seems to me it would be very much safer for the business of the country if we met as soon as possible after the election.

Mr. CUMMINS. I fixed the 15th of November after some consultation with both sides, simply because it would enable all Senators and Members of the House to reach Washington after leaving their homes after the election. I have no preference whether it be the 10th of November or the 15th, or even an earlier day than that.

Mr. McKELLAR. I am wondering if that would be satisfactory to the managers on the part of the House and the counsel on the part of the respondent.

Mr. CUMMINS. It ought to be remembered, also, that the Congress does not convene until the 6th day of December.

Mr. WILLIS. Mr. President, while that matter is being discussed, I may add that the election about which the Senator inquires occurs on the 2d of November; so if the Senator desires to modify his order, he can do so.

Mr. McKELLAR. Would the Senator accept that modification making it the 10th?

Mr. BRUCE. Mr. President, that would allow only three days for the Pacific coast Senators to get here.

Mr. McKELLAR. Oh, no; it would allow eight days.

The VICE PRESIDENT. Senators will speak one at a time.

Mr. SWANSON. Mr. President——

Mr. WILLIS. I have the floor, Mr. President.

The VICE PRESIDENT. The Senator from Ohio is entitled to the floor. Does the Senator from Ohio yield to the Senator from Virginia?

Mr. WILLIS. I yield to the Senator from Virginia for a question.

Mr. SWANSON. I should like to ask the Senator from Iowa what process of adjournment or recess is contemplated in case we commence the trial of the case on the 15th of November? Does the Senator contemplate that Congress shall adjourn until the 15th or that an extraordinary session shall be called, or what process is in contemplation in case a day in November is fixed?

Mr. CUMMINS. Mr. President, I never cross a bridge until I reach it; but I can understand the pertinence of the question propounded by the Senator from Virginia. It depends entirely upon the view which the Senate may take of the Constitution of the United States and its interpretation as to whether the House could adjourn and the trial proceed without the presence of the House. That question will come up hereafter; and it may be done either way. Congress might adjourn until the day fixed for the trial, and in that event we would not have to meet the question whether the trial could proceed in the absence of the House. If, on the contrary, the House were to propose to adjourn, we would have to meet the question.

Mr. SWANSON. It seems to me that if we should take an adjournment until the 15th of November, with the concurrence of both the House and the Senate, it would be very advantageous in this respect: The House would be here working and getting the bills for legislation reported and passed for the Senate to take up when it gets through with this trial. Consequently no time would be lost. Suppose the case were not decided by the 6th of December. Has the Senator considered to what extent we would have to reopen the case?

Mr. CUMMINS. Personally I think that would be the better course, but that would depend entirely upon the wishes of the House of Representatives.

Mr. SWANSON. If the case is not disposed of by the 6th of December it would come up automatically on the 6th of December where the trial was left off, would it not? Has the Senator looked into that phase of the matter?

Mr. CUMMINS. The trial would come up at the time the Senate might fix.

Mr. SWANSON. Say it would come up on the 15th of November, and it is not concluded on the 6th of December, when we meet in regular session: Even if we have an extraordinary session, or simply take an adjournment, we are bound to adjourn and reconvene, under the Constitution, on the 6th of December, the first Monday in December. If the case is not concluded by that time, what will be its status at the new meeting of Congress?

Mr. CUMMINS. Its status will be that the trial will proceed regularly at the regular session until finished.

Mr. SWANSON. Without interruption? If the Senator will permit me, it does seem to me that if both the House and the Senate should take an adjournment until the 15th of November, after we conclude our work, no constitutional question could be raised. The House would come here on the 15th of November. It could proceed with its supply bills while the Senate was trying this case, and when we finished the trial of this case the supply bills would be over here, and we could well dispose of the legislation then without any loss of time.

It seems to me we ought to settle this matter on the basis of obtaining the best results in legislation and the best results in the trial of this case. Each is entitled to a full, fair, and just consideration, because the public interests are involved. I am satisfied that the best legislation can be obtained by continuing this case until the 15th of November or some time about that time, because if we arrange to try it in May or June the Senators who do not favor certain legislation will commence filibustering until the time this case comes up in order to prevent the passage of legislation that they are not desirous of having enacted. That has been the experience which the Senator from Nebraska [Mr. NORRIS] has often pointed out. When a time is fixed to adjourn or to vote on anything, filibustering starts on other measures.

I do not believe we can have a satisfactory program of legislation unless this matter is put off until the legislation is disposed of. I do not believe we can come in here for two hours a day and hear the evidence in this case, and then be rushed in committee and rushed in the Senate in discussing and arguing questions of legislation. If we meet here in November nothing else will take our attention and time, and I believe we can then give this matter fair and just consideration and better investigation than we can at this time. I think the country is entitled to that. I think the respondent is entitled to have his case tried at a time when the best results can be obtained for both. Consequently, if we take an adjournment until the 15th of November, and the House comes back here and gets the supply bills ready for us, so that we will not have to wait when this case is disposed of, I believe that is decidedly the best course that the Senate can pursue.

Mr. WARREN. Mr. President, will the Senator yield to me?

Mr. WILLIS. I yield to the Senator from Wyoming.

Mr. WARREN. Without bringing up myself the question as to whether we shall go on now or whether we shall adjourn until November, I think the suggestion made by my friend from Tennessee [Mr. MCKELLAR] is a valuable one, because in order to obtain proper consideration of the many appropriation bills, in view of the size they have now attained, we need more time than the regular session; and if this trial should extend over into and beyond the commencement of the short session in December, we would be very seriously hampered. So I hope the Senator from Iowa may consent, and that the Senate will uphold making the 10th of November the date that we shall adjourn to instead of the 15th, and thus we will avoid the danger of a tie-up like that which occurred in one of our late short sessions.

Mr. WILLIS. Mr. President, I do not desire to prolong this discussion, but only to say a word in conclusion. Does the Senator from Iowa desire to make any comment about the suggested modification of his order?

Mr. CUMMINS. Mr. President, when I drew this order it was purely tentative. It was my purpose to take the sense of the Senate with regard to trying the case now or trying it next fall. I am perfectly willing to make the date the 10th of November instead of the 15th. It is just as satisfactory to me, and I will accept any amendment that any Senator chooses to suggest upon that point.

Mr. WILLIS. Mr. President, just a word in conclusion. If the modification suggested by the Senator from Iowa is agreed to, let us see what the result will be. We will meet on the 10th of November. We will have 20 days left in November and 5 days in December before Congress will meet. There are 25 days. We can try this case in that time. I submit, further, along the line of the suggestion that has been made about

the short session, that we can not do very much in the Senate before the appropriation bills will start to come in from the House, anyhow. There is not a great deal of work done early in the short session, and I submit that there will be no loss of time.

I hope the Senate will adopt the modified order suggested by the Senator from Iowa.

Mr. CUMMINS. It is understood that I modify the proposed order by inserting the 10th of November in each of the places in which the 15th of November now occurs.

The VICE PRESIDENT. Have the managers on the part of the House or counsel for the respondent anything to say?

Mr. Manager MICHENER. Mr. President, the managers are ready at such time as the Senate may fix, assuming, of course, that they will give us reasonable time to get our witnesses. The 10th of November, I think, would be agreeable to the managers.

Mr. E. C. KRAMER. Mr. President, the 10th of November will be entirely satisfactory to the respondent and his counsel.

Mr. JOHNSON. Mr. President, in the suggestions I made in opening the argument I had no desire at all to interfere either with the pleasures or with the duties of Members of the Senate or with the desires of those who represent either the prosecution or the defense.

I take it that when we approach a trial of this importance every Member of the Senate will approach it with the solemnity this kind of a proceeding demands, and I take it that whether we begin the trial in November or December, in June or July, there will be from the Senate of the United States that attention to the detail and that desire to render a verdict judiciously and justly that under the circumstances the importance of the occasion will require.

So, Mr. President, in the matter of the decision by the Senate, whether it be for a trial a month from now, or three months or eight months or nine months from now, I think there is little to be said. In the matter of the haste of a trial, consistent, of course, with due regard for the rights of the defense, and those of the prosecution, too, much might be said. But it is now so late an hour that I do not care to argue this question further than to say that in a matter of such importance, where it is obvious that the Senate is going to legislate upon the subjects which are demanded by the Members of the Senate, that being apparent now, there is no reason why, when that legislation shall have been accomplished, we should not enter upon a duty quite as important as legislation—the matter of the impeachment of the particular judge involved in these charges.

For the reasons I have stated I move to substitute in the pending order for the 10th day of November, 1926, the 21st day of June, 1926.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from California.

Mr. CUMMINS. I think the rules which are applicable to the trial of impeachment cases require the yeas and nays upon every order that is not entered by unanimous consent.

Mr. HARRISON. Before we vote on the question I would like to know whether the date suggested by the Senator from California is agreeable to the managers on the part of the House and to counsel for the respondent.

The VICE PRESIDENT. Have the managers on the part of the House anything further to say?

Mr. Manager MICHENER. Mr. President, I have already made the statement that the managers on the part of the House will be ready to proceed at such time as the Senate may fix, provided they give us sufficient time to get our witnesses, having in mind the fact that those witnesses must come from Illinois. Our conferences with the witnesses, so far as the Judiciary Committee of the House is concerned, took place a year ago. There will necessarily be some work of preparation. All we ask is a reasonable opportunity to do that work, and if the Senate feel that they should come back here, under the conditions, and try this case on June 15 or June 21, the managers on the part of the House will do their best to be ready and prepared.

The VICE PRESIDENT. Have counsel for the respondent anything further to say?

Mr. E. C. KRAMER. Mr. President, for the reason we have heretofore given, the 21st day of June would hardly be satisfactory to the respondent and his counsel.

I want to say in this connection that the respondent has done nothing since these proceedings started to delay them in any respect or in any way, and we only ask now that we be given opportunity so that all of our counsel can be present and join with us in the trial of this cause.

Mr. BORAH. Mr. President, if I felt——

Mr. HEFLIN. Mr. President, the rules provide that all orders shall be made without debate. I think Senators understand this proposition fairly well.

Mr. BORAH. If I may have the permission of the Senator from Alabama, I would like to say a word.

The VICE PRESIDENT. The Senator from Idaho.

Mr. BORAH. I do not desire to vote for a date on which it would be inconvenient for the managers on the part of the House or the defense to enter upon the trial. I felt, without having heard from them, that we ought to proceed to the trial of this cause immediately after we had disposed of the legislative program which we have before us. I am perfectly satisfied that if we were disposed to do so we could try the case immediately after disposing of the legislative program, and end this session by the middle of July at the latest. I am quite satisfied that the public interest would be better served, and we would be better contented ourselves with our work if we should dispose of the matter in that way rather than put it over until the fall term.

Judge English occupies a place upon the Federal bench in a very busy district, and I feel that he should either be there discharging his duties, unembarrassed by these charges, or the public ought to be relieved of his presence there, if the charges are true. It is not a matter we can very well postpone from the standpoint of the public interest, and it is perfectly apparent that we will have all the time necessary to dispose of it after the middle of June or, at the latest, the 21st of June. I feel sure that we ourselves would be better satisfied if we should dispose of this task which is imposed upon us before this session ends, rather than leave it for four or five months and come back in the fall. I feel certain the public interest would be better served.

It is a very serious thing to have a man sitting upon the Federal bench against whom charges are made such as are made in this instance, and it is equally serious to have a man resting under such charges if he is innocent of them. There is no possible excuse for delaying this a day beyond the date when we could try it. The public interest from every standpoint requires us to act.

I do not desire to inconvenience Senators who want to get away, but I venture to say that they will be just as well pleased if they stay here until the middle of July as they will be if they come back the middle of November.

Even those who have elections upon their hands—and I do not speak of that in a light way, because it is a matter they have a perfect right to attend to and should attend to—will not be engaged in that kind of work before August or September. They will be looked upon by their constituents with more favor if they shall have performed their entire task before they go home to ask for a reelection.

Mr. WHEELER. Mr. President——

Mr. HEFLIN. Mr. President, I make the point of order that this subject is not debatable.

The VICE PRESIDENT. The Chair will state that in impeachment trials had heretofore such questions have been considered as debatable, and that Rule XXIII, which refers to the decision of questions without debate, has been held to apply after the trial has actually commenced. The Senate has always debated the question of the time at which the trial should start, and the Chair is inclined to hold that debate is in order on a question of this sort.

Mr. WHEELER. Mr. President, something has been said about the Senate of the United States being in a better frame of mind to try this case in November than it would be now. Frankly, I think every Member of the Senate is in such a frame of mind that he would give the defendant and the Government a fair and impartial trial at the present time, and I feel that he is in a much better position to do so now than he might be next November.

It is a well-known fact, as has been said already, that something like a third of the Senate will be campaigning for reelection next fall. It is not beyond the possibilities that this very case might become a political issue in the campaigns in some of the States. If it is injected into a political campaign, it will necessarily influence some Members of the Senate, either consciously or unconsciously.

We ought to try this case promptly, and I think the public will demand that the case be tried promptly, because it is not something merely affecting the interests of Senators and the pleasure of Members of the Senate. It is something that affects the public vitally, because of the fact, as we all know, that there have been criticisms of the courts of this country and the people want to keep their courts clean.

Here is a serious charge against the judiciary of the United States of America, and I submit to the Members of the Senate

that just as soon as the legislation on our program has been gotten out of the way this case ought to be tried. It should not be tried by Members of the Senate who have perhaps been defeated in their States, but it ought to be tried at this time, when our minds are absolutely free and unbiased. I sincerely hope that Senators will take the case up and disregard their own personal wishes in the matter; that they will take it up from the standpoint of the public interest, because it is not only the managers on the part of the House and it is not only counsel for the defendant in this case who are interested. The public are interested, and I warn the Members of the Senate that if they postpone the trial of this case until next November they will be seriously criticized on all sides, and that it will reflect upon the Members of the Senate and the courts of the United States to have this thing hanging over them during a campaign.

The VICE PRESIDENT. The Chair will further state that in the future he will regard Rule XXIII, in which it is stated that "orders and decisions shall be made and had by yeas and nays," as relating to the actual trial. The yeas and nays will be ordered on the pending question without demand, but in former trials of impeachments the yeas and nays have been ordered on questions upon the request of Senators present. Much time will be saved if the inconsequential questions which come up shall be decided in the ordinary methods by a viva voce vote. On a question of the importance of the pending one, the Chair holds that a yea-and-nay vote is required without a demand from one-fifth of the Members present.

Mr. HARRELD. Mr. President, it seems to me that the main consideration in fixing the time for holding this trial is to fix a time when the minds of individual Senators will not be distracted by other things. If we adjourn to meet here in November, when that word goes out over the country every Senator will be bombarded with the usual amount of detail and especially the accumulated details that will pile up over the period between now and that time. Every Senator's mind will be distracted by those things, and I do not believe it would be possible to give this man the fair trial he is entitled to have.

For the reason I have stated, I shall support the motion to try the case in June.

Mr. BRATTON. Mr. President, a parliamentary inquiry. I understand that general pairs do not apply on votes taken in an impeachment case. If I am wrong about that, I should like to be informed.

The VICE PRESIDENT. That would be a question for the Senate to decide.

Mr. BRATTON. I have a general pair with the junior Senator from Indiana [Mr. ROBINSON], who is absent. Of course, I respect that pair in any legislative matter, but I understand it would not apply to an impeachment trial.

Mr. SWANSON. Mr. President, I do not think general pairs have ever been held to apply to impeachment trials, except where a Senator was ill and had made up his mind as to whether the respondent should or should not be found guilty and obtained a pair.

Mr. JOHNSON. Mr. President, a parliamentary inquiry. Is the question upon the amendment fixing June 21 as the day for the opening of the trial?

The VICE PRESIDENT. The question is upon agreeing to the amendment of the Senator from California fixing June 21, instead of November 10, as the day for the opening of the trial. The Chair will rule that general pairs do not hold in a court of impeachment. The clerk will call the roll.

The Chief Clerk called the roll.

Mr. WALSH. I wish to announce that the Senator from Arkansas [Mr. ROBINSON] is necessarily out of the city; that the Senator from Wyoming [Mr. KENDRICK] is necessarily absent on public business, and that the Senator from Nevada [Mr. PITTMAN] and the Senator from Alabama [Mr. UNDERWOOD] are absent on account of illness.

The result was announced—yeas 24, nays 55, as follows:

YEAS—24

Blease	George	Jones, Wash.	Ransdell
Borah	Harreld	King	Reed, Mo.
Bratton	Harris	La Follette	Smith
Cameron	Howell	McMaster	Smoot
Copeland	Johnson	McNary	Trammell
Couzens	Jones, N. Mex.	Norris	Wheeler

NAYS—55

Ashurst	Deneen	Gillett	Mayfield
Bayard	Dill	Glass	Metcalf
Bingham	Edge	Goff	Moses
Broussard	Edwards	Gooding	Neely
Bruce	Ernst	Hale	Norbeck
Butler	Fernald	Harrison	Nye
Caraway	Ferris	Heflin	Oddie
Cummins	Fess	Keyes	Overman
Curtis	Fletcher	Lenroot	Phipps
Dale	Frazier	McKellar	Reed, Pa.
Sackett	Shortridge	Swanson	Weller
Schall	Simmons	Tyson	Williams
Sheppard	Steck	Walsh	Willis
Shipstead	Stephens	Warren	

NOT VOTING—17

Capper	McKinley	Pittman	Wadsworth
du Pont	McLean	Robinson, Ark.	Watson
Gerry	Means	Robinson, Ind.	
Greene	Pepper	Stanfield	
Kendrick	Pine	Underwood	

So Mr. JOHNSON's amendment was rejected.

The VICE PRESIDENT. The question now is on the adoption of the order as modified, which the clerk will read.

The Chief Clerk read as follows:

Ordered, That the cause shall be opened and the trial proceeded with at 12.30 p. m. on the 10th of November, 1926. It is further ordered that a list of witnesses be furnished to the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear at 12.30 p. m. on the 10th of November, 1926, or such other date as the managers or respondent may indicate. That in case hereafter the managers or the respondent may desire the attendance of additional witnesses, in such case the managers or the respondent may have the witnesses or witnesses desired subpœnaed in accordance with the practice and usage of the Senate upon application in such form as may be approved by the Presiding Officer.

Mr. NEELY. Mr. President, I move to amend the proposed order by striking out the word "tenth" and inserting in lieu thereof the word "fifteenth." This will be one case in which Senators will not be permitted to make long-winded speeches, or charm themselves with the music of their own voices. We shall be simply amazed at the rapidity of our progress when we are compelled to devote ourselves to a task and refrain from superfluous discussion.

Mr. BORAH. Mr. President, the Senator forgets that we have managers and distinguished attorneys to make our speeches.

May I ask the Senator in charge of the resolution a question? It seems to me we ought to determine at this time, before we vote on the particular day certain, something about the question whether the House is going to adjourn or whether we are going to depend upon the Executive to bring us back here?

Mr. CUMMINS. Mr. President, the House has nothing to say about this order. It can neither agree to it nor disagree from it. When we come to the question of adjournment the matter in the mind of the Senator from Idaho will undoubtedly arise. But if this order is agreed to, I shall make a motion that the Senate, sitting for the trial of this impeachment, shall adjourn until 12.30 o'clock on the 10th day of November, and if that is done the Senate will meet on that day for the trial of this case. We have not determined what shall be done with regard to adjournment as a Senate.

Mr. SWANSON. Mr. President, under the Constitution one House can not adjourn for more than three days without the consent of the other.

Mr. CUMMINS. There is no doubt that the Senate as a court of impeachment can adjourn without the consent of the House. I do not think anyone will doubt that. At least we are proceeding upon the theory that the Senate sitting for the trial of an impeachment has a right to adjourn without the assent of the House.

Mr. SWANSON. Until the 10th of November, and then the question arises as to whether the House shall be in session, and that will be a matter for them to determine.

Mr. CUMMINS. That will be a matter for future disposition. The managers, I assume, will be in attendance on the Senate on the 10th day of November to proceed with the trial of the case. When we come to determine whether the House may be permitted to adjourn sine die so that it would not meet until the regular session in December, the matter in the mind of the Senator from Idaho will arise and will have to be determined.

Mr. LENROOT. Mr. President, will the Senator from Iowa yield to me?

Mr. CUMMINS. Certainly.

Mr. LENROOT. I would like to put this question to the Senator: If we do adjourn now as a court until the 10th day of November, suppose Congress by concurrent resolution does adjourn later on sine die, or does not agree to that adjournment?

Mr. CUMMINS. My view always has been, and if it is not correct, of course, we have been going along all the time on the wrong theory, that the Senate sitting for the trial of an impeachment does not require the assent of the House for the adjournment of that trial.

Mr. LENROOT. That may be, but under precedents as I have examined them, especially the Belknap case, the Senate did once hold that the Senate sitting as a court of impeachment could not proceed to trial unless the House was in session.

Mr. CUMMINS. Absolutely; and that is a question which will come up whenever there is a proposal that the House shall adjourn until some future time—that is, to some time beyond the 10th of November. It can not adjourn in that way without our assent.

Mr. WALSH. Mr. President, this matter ought not to give rise to any controversy at this time. If the order prevails and an adjournment is taken until the 10th day of November, it will be necessary for the Senate at some time or other to adjourn until the 10th day of November. The Senate can not adjourn until the 10th day of November except with the consent of the House. The House is interested in this transaction. It is inconceivable that the House will not agree. But if the House does not agree, as provided by the Constitution, the President can adjourn us to any time he sees fit. The House will want to adjourn sine die, and they will send over a concurrent resolution providing that the House shall adjourn sine die. They understand we can not adjourn sine die, so the House will ask the Senate to concur in the resolution that they be permitted to adjourn sine die, and the Senate probably will agree. We have exactly the same question that always arises by the two Houses endeavoring to agree on a time of adjournment, except that in this case the Senate will adjourn to one time and the House will adjourn to another time.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from West Virginia [Mr. NEELY] fixing November 15 instead of November 10, as provided in the resolution as the date for the meeting of the Court of Impeachment. [Putting the question.] The noes seem to have it. Is there a demand for the yeas and nays?

Mr. NEELY. Let us have the yeas and nays.

The VICE PRESIDENT. Under the rule the Chair will direct the calling of the yeas and nays during the impeachment proceeding upon the request of a single Member.

Mr. CUMMINS. Mr. President, will the Chair have the question stated so we may understand the amendment proposed by the Senator from West Virginia?

The VICE PRESIDENT. The clerk will state the question.

The CHIEF CLERK. The Senator from West Virginia proposes to strike out the word "tenth" in the modification of the order and insert "fifteenth," so as to read:

> The cause shall be opened and the trial proceeded with at 12.30 p. m. on the 15th day of November, etc.

Mr. SHORTRIDGE. May we not save time by a division rather than a roll call?

The VICE PRESIDENT. Under the rule a division is not allowed to be taken in an impeachment proceeding. It must be a yea-and-nay vote or unanimous consent must be given. The clerk will call the roll.

The Chief Clerk called the roll.

Mr. WALSH. I wish to announce that the Senator from Arkansas [Mr. ROBINSON] is necessarily out of the city; that the Senator from Wyoming [Mr. KENDRICK] is necessarily absent on public business, and that the Senator from Nevada [Mr. PITTMAN] and the Senator from Alabama [Mr. UNDERWOOD] are absent on account of illness.

The result was announced—yeas 20, nays 59, as follows:

YEAS—20

Bingham	Harreld	Lenroot	Sackett
Dill	Harrison	Neely	Shipstead
Edge	Howell	Oddie	Shortridge
Gooding	Jones, Wash.	Phipps	Weller
Hale	King	Ransdell	Wheeler

NAYS—59

Ashurst	Deneen	La Follette	Simmons
Bayard	Edwards	McKellar	Smith
Blease	Ernst	McMaster	Smoot
Borah	Fernald	McNary	Stanfield
Bratton	Ferris	Mayfield	Steck
Broussard	Fess	Metcalf	Stephens
Bruce	Fletcher	Moses	Swanson
Butler	Frazier	Norbeck	Trammell
Cameron	George	Norris	Tyson
Caraway	Gillett	Nye	Walsh
Copeland	Goff	Overman	Warren
Couzens	Harris	Reed, Mo.	Watson
Cummins	Heflin	Reed, Pa.	Williams
Curtis	Johnson	Schall	Willis
Dale	Jones, N. Mex.	Sheppard	

NOT VOTING—17

Capper	Kendrick	Pepper	Underwood
du Pont	Keyes	Pine	Wadsworth
Gerry	McKinley	Pittman	
Glass	McLean	Robinson, Ark.	
Greene	Means	Robinson, Ind.	

So Mr. NEELY's amendment was rejected.

The VICE PRESIDENT. The question now is on the order submitted by the senior Senator from Iowa [Mr. CUMMINS], as modified, fixing the date at November 10 for the impeachment trial. Are the yeas and nays demanded? They will be ordered at the request of any Senator.

Mr. BLEASE. Mr. President, I ask to be recorded as voting against the order as modified, but I do not ask for the yeas and nays.

Mr. CUMMINS. Mr. President, I ask for the yeas and nays, so that the matter may be kept in order.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. WALSH. I wish to announce that the Senator from Arkansas [Mr. ROBINSON] is necessarily out of the city, that the Senator from Wyoming [Mr. KENDRICK] is necessarily absent on public business, and that the Senator from Nevada [Mr. PITTMAN] and the Senator from Alabama [Mr. UNDERWOOD] are absent on account of illness.

The result was announced—yeas 65, nays 10, as follows:

YEAS—65

Ashurst	Ernst	McKellar	Shortridge
Bayard	Fernald	McMaster	Simmons
Bingham	Ferris	McNary	Smoot
Bratton	Fess	Mayfield	Stanfield
Broussard	Fletcher	Metcalf	Steck
Bruce	Frazier	Moses	Stephens
Butler	Gillett	Norbeck	Swanson
Cameron	Goff	Nye	Tyson
Caraway	Hale	Oddie	Walsh
Copeland	Harreld	Overman	Warren
Cummins	Harris	Phipps	Watson
Curtis	Heflin	Ransdell	Weller
Dale	Howell	Reed, Pa.	Williams
Deneen	Jones, N. Mex.	Sackett	Willis
Dill	Jones, Wash.	Schall	
Edge	La Follette	Sheppard	
Edwards	Lenroot	Shipstead	

NAYS—10

Blease	Gooding	Neely	Trammell
Borah	Johnson	Norris	
George	King	Smith	

NOT VOTING—21

Capper	Harrison	Pepper	Underwood
Couzens	Kendrick	Pine	Wadsworth
du Pont	Keyes	Pittman	Wheeler
Gerry	McKinley	Reed, Mo.	
Glass	McLean	Robinson, Ark.	
Greene	Means	Robinson, Ind.	

So the order was agreed to.

Mr. CUMMINS. Mr. President, I move that the Senate sitting for the trial of the articles of impeachment exhibited by the House of Representatives against George W. English, judge of the District Court of the United States for the Eastern District of Illinois, do now adjourn until November 10, 1926, at 12.30 o'clock postmeridian.

The motion was agreed to.

The VICE PRESIDENT. The Senate sitting as a court of impeachment stands adjourned until November 10, 1926, at 12.30 o'clock p. m.

The managers on the part of the House and counsel for the respondent retired from the Chamber.

The VICE PRESIDENT. The Senate resumes its legislative session.

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

Mr. MOSES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from New Hampshire will state his parliamentary inquiry.

Mr. MOSES. What is the status of the amendment offered by the Senator from New Mexico [Mr. JONES]? Has it been adopted?

The VICE PRESIDENT. It has not as yet been adopted.

Mr. MOSES. At the time the Senate resolved itself into a court of impeachment——

The VICE PRESIDENT. At that time the question was upon agreeing to the amendment of the Senator from New Mexico, as modified.

Mr. MOSES. But the Senator from New Mexico had addressed certain consoling remarks to me, as I understood them, with reference to the failure to include in the bill certain States, mine being among them.

The VICE PRESIDENT. The Chair understands the Senator from New Mexico has not completed his remarks, and recognizes the Senator from New Mexico.

Mr. MOSES. If the Senator from New Mexico intends to offer me further consolation, I should like to have him do so now.

Mr. JONES of New Mexico. Mr. President, I am inclined to think that I have made a sufficient expression of sympathy, which the Senator from New Hampshire may carry back to his constituents during the election to take place next fall.

Mr. MOSES. No; the Senator from New Mexico is in error about that. He spoke with some feeling of the disappointment which would arise in some sections of the country because of the failure to provide for those sections in connection with this bill. I want to say that the Senator used altogether too mild language. The fact is that there will be a great deal of resentment, and some resentment will have to be exhibited here on the floor of the Senate. I see no way for me to exhibit my resentment except by voting against the bill.

Mr. JONES of New Mexico. Mr. President, I am always rather modest in the use of language to express my own feelings. I think, however, that I can at least use language as strong as that which has just been uttered by the Senator from New Hampshire, except as to the latter part, wherein he says that he wants to express his resentment by voting against the bill.

Mr. KING. Mr. President, may I make an inquiry of the Senator?

Mr. JONES of New Mexico. I yield to the Senator from Utah.

Mr. KING. I have been necessarily absent from the Chamber while the Senator was discussing this measure, and my attention has just been called to his amendment. The amendment provides as follows:

SEC. 3. The Secretary of the Treasury is hereby directed to carry into effect the provisions of existing law authorizing the acquisition of land for sites or enlargements thereof, and the erection, enlargement, extension, and remodeling of public buildings—

In a large number of cities and towns.

First, I desire to ask the Senator why it should be necessary to direct the expenditure of money in all of these towns? Some of them, I think, have almost disappeared during the past few years, or at least the population in some is so limited as not to warrant the purchase of lands if lands have not been purchased, or the erection of a building if a building has not been erected. I am wondering why the Senator considers it necessary to include all of the villages and towns and cities that we find in the amendment, particularly in view of the fact that there are so many other cities of importance where the business is so great and the congestion is so well recognized as to call for immediate relief. I do not know why the Senator picks out all of these villages and towns and cities and gives them the benediction of the Senate; and then I do not understand why he wants $15,000,000 additional. In other words, as I understand, these cities and towns and villages are to have all of the appropriations heretofore made and then $15,000,000 additional.

Mr. FLETCHER. Mr. President, may I say——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from New Mexico yield to the Senator from Florida?

Mr. JONES of New Mexico. I desire to answer the Senator from Utah, and then I shall be glad to yield to the Senator from Florida.

In the first place, every one of the buildings authorized to be constructed under this amendment has been heretofore authorized to be constructed and money appropriated for its construction. The Senator is not accurate in his information that some of these buildings are no longer needed. The Senator from Utah doubtless has in mind statements which have been made upon the floor of the Senate heretofore relating to cases where authorizations for the acquirement of sites only have been involved; so the Senator is not accurately informed upon that question.

The reason why the $15,000,000 was inserted, to be used in addition to appropriations heretofore made, arises from two causes: First, there have been added to the list of buildings which have been heretofore authorized a few cases, beginning with St. Louis, on page 2 of the amendment, and the other purposes named, following down near the bottom of that page, I think, on line 16. The amounts heretofore appropriated for the construction of buildings in other places named in the amendment were found not sufficient to complete the buildings as contemplated, the reason being that since the war the cost of building has so increased that additional amounts were found necessary. The authorizations and appropriations heretofore made were made in 1913, 13 years ago, and the cost of building has increased to such an extent since that time that the Treasury Department now estimates that we will need the additional $15,000,000, or very close to it.

Mr. KING. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. I yield.

Mr. KING. An examination of the towns and villages and cities enumerated in the amendment shows that nearly all of them are small. It does seem to me that $15,000,000 would be sufficient to satisfy the needs of all of them; but in addition to that they are to get all that we have heretofore appropriated.

Of course, I do not want to disparage the importance of some of these cities. That no doubt would be promptly resented by able Senators representing the States in which these cities are located; but I do submit, Mr. President, that to spend $15,000,000 in addition to the amounts already authorized upon the cities and towns and villages—and I emphasize the word "villages"—enumerated in the amendment offered by the Senator from New Mexico is unnecessary and inadvisable. I can not for the life of me comprehend why we should spend an amount that will probably be from thirty to fifty million dollars upon the cities, towns, and villages enumerated in the amendment of the Senator from New Mexico.

Mr. JONES of New Mexico. Mr. President, the Senator from Utah is usually very acute and understands quite readily, and I am somewhat perplexed as to why he does not understand the importance of this matter. All that I can do is to submit it to the Senate with the further statement that it was under discussion yesterday afternoon for two or three hours, and this morning people representing the different points of view met in conference for the purpose of doing the best they could to carry out the recommendations of another branch of the Government as well as the Congress itself. We have agreed upon this amendment, and I trust that it may be adopted.

Mr. TRAMMELL. Mr. President, I rather think that in the discussion yesterday in regard to this amendment there was some misapprehension. I am sure that the statements of some Senators indicate that there was misapprehension on their part in regard to the application of the amendment to sites where buildings have been authorized and to places where only sites have been authorized.

This amendment does not contemplate or make an appropriation that is applicable to towns or cities where only a site has been authorized. I would not have any of the Senators under a misapprehension on that point. It does, however, take care of every appropriation heretofore made for a building and a site supplementing the previous appropriation. I will ask the Senator from New Mexico if that is not correct.

Mr. JONES of New Mexico. I think the Senator from Florida clearly understands the situation.

Mr. SIMMONS. Mr. President, I think in one particular the Senator does not clearly understand it. It is true that this amendment deals only with appropriations heretofore made for the construction of buildings upon sites already bought and does not provide, out of this $15,000,000 additional fund, for the purchase of sites that have been heretofore authorized; but under the bill those sites are given a preference in the expenditure of the $100,000,000. That is the way in which they will be taken care of. First we take care of the buildings that have been authorized out of the money already appropriated and any additional sum that may be required out of the $15,000,000. We do not take care of the sites out of that $15,000,000, but by the general terms of the bill those sites are to be given preference in the expenditure of the $100,000,000 appropriation. I think that is correct.

Mr. JONES of New Mexico. That preference is to be given if in the opinion of the Secretary of the Treasury it is desirable.

Mr. SIMMONS. According to the terms of that preference as contained in the amendment we have made to the bill?

Mr. JONES of New Mexico. Yes.

Mr. TRAMMELL. I just wished to verify that point, Mr. President. That was my construction of the amendment proposed by the Senator from New Mexico—that it referred only to sites and buildings where a building had been authorized.

I note in the list of buildings only one building that was authorized in my State under the act of 1913, and that is in the town of Marianna. That is included in the Senator's amendment, and, of course, I am very desirous of having it retained there. I find that we also have appropriations for sites at De Funiak Springs and Key West and Kissimmee and Lake City, Fla. According to the construction of the bill as advanced by the Senator from North Carolina, these places, of course, will have the preference in the expenditures in my State unless the Secretary of the Treasury in his discretion thinks there are other places which are more entitled to recognition. That is the construction of the bill as I understand from the Senator from North Carolina.

I am very glad to support the amendment proposed by the Senator from New Mexico, and have it definitely settled that these places where appropriations have been heretofore made shall receive additional funds sufficient to erect buildings on the sites heretofore purchased. I very much regret that we could not have included in this amendment a fund for the erection of buildings on all of the other sites which have been

authorized in a number of towns in my State as well as a number of other States throughout the Union.

Mr. SMITH. Mr. President, I desire to ask the Senator from New Mexico a question. I understand that an effort was to be made after the recess last evening to bring about a compromise that would be agreeable. To what extent did the Senator modify the amendment he had in reference to Document 28?

Mr. JONES of New Mexico. We called Mr. Wetmore, of the Treasury Department, in conference with us, and we found out that the amendment as printed and as considered yesterday did contain all of the cases where buildings had been authorized and not constructed; so the information which we had before us yesterday, criticizing the list which had been presented by the chairman of the committee, was not justified. The chairman of the committee had previously given a correct list and that was embodied in the amendment.

Mr. SMITH. All those cases where buildings were not authorized are not included in the list; or, to put it in another form, in those cases that were excluded buildings have not been authorized?

Mr. JONES of New Mexico. Those that are excluded are cases where the buildings have been constructed, or where sites only were authorized to be purchased.

Mr. SMITH. I was anxious because in my State there were only two, and I see that there had already been an appropriation made for Lancaster. In the town of Dillon, which stands in need of an adequate building for post-office purposes, the purchase of a site had been authorized, and an estimate had been made as to the amount, but nothing has been expended on it.

Mr. JONES of New Mexico. I may say that the site in Dillon was purchased on October 9, 1914.

Mr. SMITH. Yes; that was purchased, but no building has been erected.

Mr. JONES of New Mexico. It is estimated by the Treasury Department that it will require $75,000 for a building on that site.

Mr. SMOOT. I will say to the Senator from South Carolina that that will fall under the $100,000,000 appropriation and not under the $15,000,000 appropriation.

Mr. SMITH. That is the very point I want to get cleared up. We consider this $15,000,000 as extraordinarily necessary to carry on to completion those buildings on which some money has already been expended. Under the $100,000,000 there will also be preferred sites and buildings——

Mr. SMOOT. Where the site has been purchased.

Mr. SMITH. They will get the first consideration.

Mr. SMOOT. Under the $100,000,000.

Mr. CARAWAY. I do not understand that there is any commitment that that will be done. There is nothing in the language of the bill that assures us that where the site is purchased the building will be erected.

Mr. FERNALD. Let me call the Senator's attention to the language of the bill. Under the language on page 2 the Secretary is to give preference, "where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized."

Mr. CARAWAY. Of course. But there is nothing to compel him and nothing to assure anyone that there will be a building erected, simply because heretofore a site has been purchased.

Mr. SMITH. But as I understand it, as far as this goes, it would give preference, everything else being equal, to a place where a site has already been purchased.

Mr. FERNALD. That is right.

Mr. SMITH. Under the provision of the amendment of the Senator from New Mexico the $15,000,000 will be used in completing the buildings that are already partially constructed.

Mr. SIMMONS. Not all of them.

Mr. SMITH. As far as the $15,000,000 will go. I shall not attempt to go into a full discussion of this matter now, but it does seem to me that after these buildings have been started and have been passed upon by the proper authorities as being essential, we ought to provide that those in the list which the Senator has here should be completed under the provisions of this bill.

Mr. LENROOT. We do.

Mr. SIMMONS. Under this bill I think very highly preferential consideration has been given to that class of buildings. First, $11,000,000 have already been appropriated for their construction. That is not sufficient. Under this compromise arrangement——

Mr. SMITH. Let me see if I understand the Senator. He means $11,000,000 outside of this bill?

Mr. SIMMONS. Yes; has already been appropriated. That, of course, will be applied.

Mr. SMITH. I thought perhaps there was an appropriation.

Mr. SIMMONS. The first year at least one-half of the $15,000,000 authorized to be expended in that year will be used to supplement that, and in the next year another half of that $15,000,000 will also be available if it is needed.

Mr. SMITH. So that in two years, approximately, the buildings will be completed.

Mr. FERNALD. If the Senator will permit me——

The PRESIDING OFFICER. To whom does the Senator from South Carolina yield?

Mr. SIMMONS. The Senator is absolutely correct in that.

Mr. FERNALD. If the Senator from South Carolina will allow me just a moment——

Mr. SMITH. I yield.

Mr. FERNALD. The amendment offered by the Senator from New Mexico completely answers the Senator's question. It is provided that at least 50 per cent of the expenditures outside of the District of Columbia during the fiscal year 1927 shall be for the buildings authorized and at least 50 per cent of the expenditures for the fiscal year 1928 shall be for a like purpose, and so forth.

Mr. SIMMONS. I wish the Senator would permit me to interrupt to say that I was slightly in error in the statement I made a few moments ago.

Mr. FERNALD. What I have read completely answers the Senator. So that in two years we will complete all these buildings, and that is about as soon as the department thought it could be done.

Mr. SMITH. There is allowed each year how much out of the hundred million dollars for these purposes?

Mr. FERNALD. Fifteen million for the completion of these projects.

Mr. SMITH. I mean how much do we allow each year?

Mr. FERNALD. That would be seven and a half million.

Mr. SMITH. The Senator does not catch my question. I have not looked at the amendment recently, but how much may be used each year out of the hundred million for all purposes?

Mr. FERNALD. Twenty-five million dollars a year.

Mr. SMITH. Out of that $25,000,000 there will be 50 per cent——

Mr. FERNALD. Fifty per cent of $15,000,000.

Mr. SMITH. The Senator means of the $15,000,000 that is allocated for this purpose?

Mr. FERNALD. Yes.

Mr. SMITH. I understand it now.

Mr. SIMMONS. Mr. President, I had the matter slightly confused a little while ago; but as I understand it, the $11,000,000 which has been already appropriated becomes merged into this $100,000,000?

Mr. FERNALD. No; with the $12,000,000.

Mr. SIMMONS. This $11,000,000 or $12,000,000, whatever it may be?

Mr. FERNALD. Yes.

Mr. SIMMONS. Then, for the first year there will be at least one-half of this $15,000,000 that is authorized to be expended in that year applied to the construction of the buildings on these sites already acquired?

Mr. FERNALD. The Senator is correct.

Mr. SIMMONS. And the next year there will likewise be at least one-half applied to the same purpose?

Mr. FERNALD. Yes; that is correct.

Mr. SIMMONS. So that these buildings which have been authorized will get the benefit within two years of $15,000,000?

Mr. FERNALD. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico, as amended.

The amendment as amended was agreed to.

Mr. JONES of New Mexico. I offer another amendment: On page 7, in section 5 of the bill, at the end of line 22, to insert the following proviso.

The PRESIDING OFFICER. The clerk will read the amendment.

The LEGISLATIVE CLERK. On page 7, line 22, after the word "annually," to insert a colon and the following:

Provided, That at least 50 per cent of the expenditures outside of the District of Columbia during the fiscal year 1927 shall be for the buildings heretofore authorized, and at least 50 per cent of the expenditures for the fiscal year 1928 shall be for a like purpose unless a less amount shall be necessary to complete all of such buildings.

Mr. JONES of New Mexico. That amendment is the result of the conference this morning, to take care definitely of the situation regarding the construction of buildings heretofore

authorized. The amendment comports with what the Senator from North Carolina and the Senator from Maine have just explained to the Senate.

I want to add just this further word: It is disappointing to me, as I think it will be to the country, that we should put in such an amendment as this. I thought that this $15,000,000 would become at once available for the construction of these buildings and would be in addition to the $25,000,000 a year otherwise provided for in the bill. But we had a conference this morning, and it was definitely understood at the other end of the Avenue that the expenditures for any one year for all purposes should not exceed $25,000,000 a year. So we found it necessary to make this adjustment.

Mr. FERNALD. I have no objection to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico.

The amendment was agreed to.

Mr. TRAMMELL. I give notice of a motion to reconsider the vote by which we have just adopted that amendment. I want to make a little inquiry about it.

I desire to know if it is the purpose and object of this amendment that 50 per cent of all the authorization for the first fiscal year shall be made for the entire country, or if the Senator means to adopt the State as the unit, as he did in regard to the adoption of the State as a unit in regard to the other expenditures.

Mr. JONES of New Mexico. This amendment has no relation to the expenditure of the $100,000,000. It relates only to the $15,000,000 which is to be used for the purpose of completing buildings already authorized.

Mr. TRAMMELL. Of course, I had to read it very hurriedly.

Mr. JONES of New Mexico. The Senator did not happen to be in the Chamber when I made the explanation, which, of course, was needed.

Mr. TRAMMELL. The Senator is mistaken about that. I was in the Chamber. But I did not catch the explanation, and the point occurred to me as to whether or not it applied only to the $15,000,000 or the entire $100,000,000.

Mr. JONES of New Mexico. It applies only to the $15,000,000.

The PRESIDING OFFICER. Does the Senator from Florida withdraw his notice?

Mr. TRAMMELL. I withdraw it.

Mr. BROUSSARD. Mr. President, I send an amendment to the desk which I wish to offer.

Mr. LENROOT. Will the Senator yield? I would like to complete some technical matters in connection with the amendment of the Senator from New Mexico, if the Senator will withhold his amendment for a moment.

Mr. BROUSSARD. I yield.

The PRESIDING OFFICER. Does the Senator from Louisiana withhold his amendment?

Mr. BROUSSARD. I do.

Mr. LENROOT. Mr. President, for a purely technical correction I ask for a reconsideration of the vote by which an amendment was adopted on day before yesterday. It is the last proviso——

Mr. McKELLAR. On what page?

Mr. LENROOT. This is the Swanson amendment as modified. It provides:

Provided further, That the foregoing proviso shall not apply to buildings or their modification heretofore provided for by act of Congress.

There are three provisos in that amendment, and, as it reads, it would relate only to the last proviso, while it should relate to all three of the provisos.

The PRESIDING OFFICER. Without objection, the vote by which the amendment was agreed to will be reconsidered.

Mr. LENROOT. I move that the word "proviso" be made plural instead of singular.

The amendment to the amendment was agreed to.

Mr. LENROOT. I have one other amendment to the amendment to offer. The Senator from New Mexico offered an amendment, which the chairman of the committee accepted, providing that at least one building shall be estimated for annually in each State having a post office with receipts of more than $10,000, an amendment that has been adopted providing that at least 50 per cent of the money that is expended shall be expended on these old buildings, and we can not have both. So I suggest, if the Senator will accept the suggestion, to have it amended, so as to read: "*Provided*, That at least one building shall be estimated for annually," and then insert, "beginning in the fiscal year 1928." I move to amend after the word "annually" in the last proviso by inserting the words "beginning with the fiscal year 1928."

Mr. JONES of New Mexico. In view of all that has been done, I think the Senator's amendment is justified.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The clerk will report the amendment offered by the Senator from Louisiana [Mr. BROUSSARD].

The LEGISLATIVE CLERK. On page 11, after line 3, insert a new section to read as follows:

SEC. 8. Whenever local interests shall offer to advance funds for the acquisition of a site for a public building under the control of the Treasury Department, the Secretary of the Treasury may, in his discretion, receive such funds and expend the same in the immediate acquisition of such site. The Secretary of the Treasury is hereby authorized and directed to repay without interest, from appropriations available for the acquisition of such site, the amounts so advanced and expended.

Mr. FERNALD. Mr. President, I have examined this amendment carefully, and it is not objectionable.

Mr. BROUSSARD. Mr. President, I would like to state the reasons why this amendment is offered.

The quarantine station which serves New Orleans has heretofore been stationed 60 miles down the river from the city, back of a high levee, and surrounded by marshes. The officials of the Public Health Service came to the conclusion several years ago that because of the lack of facilities, and in order to fight yellow fever, the station should be moved.

In recent years we have found the present location of the station to be very burdensome to the shipping interests. Ships attempting to get to the port of New Orleans and reaching the quarantine station after sundown have had to anchor and wait all night and be inspected the next morning instead of proceeding to the port during the night.

The Public Health Service has been anxious for several years to move this station. At the suggestion of the commercial interests of New Orleans the station has been moved to a site opposite the city which is acceptable to the Surgeon General and other officials of the Public Health Service.

The acquisition of the property has been safeguarded on the part of commercial interests of New Orleans, who have taken an option on it. The option will expire before there could ever be any possibility of making any appropriation under any provision of the bill at all. The amendment proposes that the local community may furnish funds to the Secretary of the Treasury, and with the funds so advanced he may in his discretion acquire the property for the Government, and that subsequently the amount so advanced to the Treasury may be reimbursed without interest whenever the appropriation for that particular site has been adopted by the Congress. There would be no objection to the plan. We have had occasion in two river and harbor appropriation bills to have similar provisions made, which were accepted by Congress and which worked out very satisfactorily.

The Government takes no chance at all. The Secretary of the Treasury is not required to accept the money or to buy the site, nor is he permitted to do anything at all about it except to return the money when the Congress of the United States has made appropriation for that particular site.

The option will expire very shortly and in view of the fact that the quarantine station has been moved already and the people who own the property know that the Government desires that particular spot, we fear that if the option is permitted to lapse the price to the Government will be greatly increased. It is for that purpose that I offer the amendment.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Utah?

Mr. BROUSSARD. I yield.

Mr. KING. I have not had an opportunity to examine the amendment, but is the amendment which the Senator offered limited to the case that the Senator has been speaking about or is it general in its application?

Mr. BROUSSARD. I could not offer an amendment for a particular site. The language used is as follows:

Whenever local interests shall offer to advance funds for the acquisition of the site for a public building under the control of the Treasury Department, the Secretary of the Treasury may, in his discretion, receive such funds and expend the same in the immediate acquisition of such site. The Secretary of the Treasury is hereby authorized and directed to repay, without interest, from appropriations available for the acquisition of such site, the amounts so advanced and expended.

I went to the legislative drafting bureau and had them prepare the amendment. Of course, I stated the particular proposition with which I was confronted and that I wanted to solve. The amendment is general.

The Government could not suffer anything, because if a community has an option on a piece of property and desires to preserve it in order to make the property cheaper to the Government they take no chance, but advance the money to the Secretary of the Treasury if he is willing to accept that site. They can not be refunded the money unless subsequently the Congress adopts that site, which would permit the Secretary to refund it out of the particular appropriation having reference to no other matter except that particular site.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Louisiana.

The amendment was agreed to.

Mr. HARRELD. Mr. President, I desire to offer the amendment which I send to the desk and which I understand will be accepted by the chairman of the committee.

The PRESIDING OFFICER. The clerk will report the amendment.

The LEGISLATIVE CLERK. On page 3, line 8, after the word "building," insert the following:

Provided, That in determining where the funds herein provided for shall be expended the Secretary of the Treasury or other executive officer having the power hereunder to make such determination shall make a new and comprehensive survey of the needs of the Government in this behalf and consider each and every application or request therefor from any city, town, and community, and in making such determination he shall have due regard to the comparative necessities of the various cities, towns, and communities, and such determination shall be made without regard to any lists, information, or data already made up or assembled.

Mr. KING. Mr. President, before I am willing to vote on the amendment I want to know the object of it. It seems to me, from a hasty reading of the amendment offered by the Senator, that he is dissatisfied with surveys which have been made heretofore and he wants a resurvey obviously for the purpose of bringing within the category of improvements some building or some spot in Oklahoma.

Mr. FERNALD. Mr. President, I think I can explain the matter. I have been over this matter very carefully with the department. There has been a feeling among some Senators that everything was all cut and dried as to where the money was to be expended.

Mr. KING. I think that is true.

Mr. FERNALD. This amendment takes care of that proposition. I have no objection to the amendment.

Mr. KING. It seems to me that it is in contravention of the amendment recently adopted which was offered by the Senator from New Mexico [Mr. JONES]. In that amendment certain villages—and I emphasize the word "villages," because a perusal of the list shows that the greater part of them are villages—and towns and cities are the designated and favored ones that are to get a large part of the appropriation. We have committed ourselves to those villages. They must be taken care of. The appropriations must be made for them. The Senator from Oklahoma—I do not know whether he voted for the village amendment or not, but if he did—is offering an amendment now because he is dissatisfied with the previous amendment and wants a resurvey.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. KING. I yield.

Mr. CARAWAY. What I understood from the amendment of the Senator from Oklahoma was that while it does not interfere with the buildings that have heretofore been authorized, it does nullify the provision in the bill that preference should be given to sites heretofore acquired. In other words, this is an amendment to hold out to each community the belief that there is possibly something for them if they will be faithful.

Mr. KING. And that there will be some preferential favor or survey in their behalf.

Mr. CARAWAY. Yes.

Mr. HARRELD. Mr. President, there is no such purpose as that. This is the situation: During the past 10 or 12 years we have had no public building in Oklahoma. There is no other State in the Union, unless it is Florida, that has had the number of growing towns that have come to be almost cities, that Oklahoma has had. There are 16 towns in that State to-day with more than 5,000 population that have no post office buildings at all. There is no such condition existing in any other State in the Union. Unfortunately that has been taking place during the time when we have had no building program. There is a feeling in that State that Mr. Wetmore, when he went on the stand before the House committee and gave his testimony, practically precluded that State from getting any consideration at all in the allotment of buildings for that State because he stated he had brought the list down to date. He stated that in specific words. If that is to be the accepted list, then there would not be a single building for the State of Oklahoma, notwithstanding the existing condition and the fact that it has grown so rapidly in the last 10 years.

Mr. TRAMMELL. Mr. President——

Mr. HARRELD. I will yield in just a moment. The newspapers of that State have emphasized the situation that under the bill as offered and as it exists to-day the whole power of the department with reference to where these buildings shall be located is placed in the Secretary of the Treasury, who, of course, will not perform the duties himself, but the matter will be referred perhaps to the very architect whose name has been mentioned. Somebody in the Treasury Department will be designated to locate and determine where this money shall be spent. The impression is that it has already been fixed. The purpose is simply to provide that they shall make up a list without regard to the old list that already exists, and that is the purport of the amendment.

I yield now to the Senator from Florida.

Mr. TRAMMELL. The Senator has correctly stated the situation. It applies to Florida as well as to Oklahoma. I am sure we have not less than 20 to 25 towns and cities in Florida that have grown rapidly during 10 years past, with 5,000 or more population, that have no Government buildings. We have at least 10 or 12 towns in Florida with a population of from 15,000 to 25,000, with no Government building.

Mr. SWANSON, Mr. ASHURST, and Mr. BRUCE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield; and if so, to whom?

Mr. HARRELD. I yield first to the Senator from Virginia.

Mr. SWANSON. This amendment really nullifies absolutely every agreement that has been made. We agreed that the Secretary of the Treasury should not have the determination of the location of sites until the appropriations had been made.

Mr. HARRELD. But that is not sufficient.

Mr. SWANSON. The amendment says that he shall have the determination after making certain surveys for the purpose of directing him in making his estimates. Section 4 of the bill directs that those estimates be made every year. I am not willing to go any further and to have new estimates, which would apply to Florida and apply to Oklahoma, and then have those considered by the Secretary in making his estimates to the Budget and in the estimates of the Budget transmitted to Congress. The amendment would give the Secretary the power of determination after making a new survey, which would practically nullify the amendment adopted as offered by the Senator from Wisconsin [Mr. LENROOT].

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. HARRELD. I want first to answer the statement made by the Senator from Virginia. The fact is that this amendment of mine was submitted several days ago and long before the amendment to which the Senator refers was agreed to. But I say to him that his amendment does not cover the situation. His amendment provides that no contract shall be made for the construction of these buildings until Congress has appropriated the money for the purpose. That is true. It takes away from the Secretary of the Treasury the power to contract until Congress has first acted. But what is the logical thing that will be done? They will come back at the next session of Congress with a list of towns and appropriations to be made, and a Senator will say, "My town is taken care of, and I will vote for your town if you will vote for my town," and there will be such a log rolling in the Senate as there used to be in the Senate, and we are right back where we started. Of course, there will be no possible chance to prevent action on a bill that involves such omnibus appropriations for various towns in which the buildings are to be constructed, because by the log-rolling process each Senator will scratch his fellow Senator's back, and there is no way to prevent it. The amendment of the Senator from Virginia does not cover the proposition.

Mr. SWANSON. But the Senator nullifies the amendment that has been adopted.

Mr. HARRELD. That is what I think ought to be done.

Mr. SWANSON. The Senator's determination is to leave to the Secretary of the Treasury the location of these various places after making a new survey.

Mr. HARRELD. That is exactly where the Senator's amendment leaves the proposition.

Mr. SWANSON. No; it is not. My amendment simply provides that he shall make estimates. The Senator does not confine his amendment to estimates. He says that the Secretary shall make a determination regardless of any existing list. The Senator's amendment does not confine it to estimates. It nullifies my amendment and nullifies everything that has been agreed to up to this time, and leaves the determination of price, and so forth, absolutely to the Secretary of the Treasury, which we decided we would not do.

Mr. HARRELD. I yield to the Senator from Arizona.

Mr. ASHURST. Two or three days ago the Senate adopted an amendment to this bill which provides that at least one building shall be authorized and the construction thereof commenced in each State each year for the next four years. Has not such an amendment been adopted by the Senate?

Mr. FESS. Such an amendment has been adopted. However, its operation has been put ahead to 1928.

Mr. LENROOT. That amendment was changed so as to take effect in 1928.

Mr. ASHURST. Under that amendment the State of Oklahoma would have not less than four buildings. Am I correct?

Mr. HARRELD. I do not think the Senator is correct.

Mr. ASHURST. Why not? The answer to that question may determine my vote on the pending bill.

Mr. LENROOT. Mr. President, will the Senator from Oklahoma yield to me?

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. Does he yield; and if so, to whom?

Mr. HARRELD. I yield to the Senator from Wisconsin.

Mr. LENROOT. I will say that under the amendment offered by the Senator from New Mexico [Mr. JONES], which was accepted by the chairman of the committee, the Secretary of the Treasury would be required to include in his estimates at least one building for each State annually. That was changed this afternoon by reason of the fact that so much money will be expended on buildings already authorized that it would be impossible to commence a new building in every State and complete the old buildings with the funds which will be available, but it has been provided that that policy shall begin in 1928. It will be deferred for two years.

Mr. ASHURST. But, beginning with the year 1928, there will be commenced in each State at least one building annually thereafter for four years?

Mr. LENROOT. Provided Congress shall confirm the estimates made for that purpose.

Mr. HARRELD. Then, for two years the State of Oklahoma would not have even a chance to get a building. That is what I mean.

Mr. LENROOT. Yes; it will. One-half of the money that will be expended for the next two years will be out of the $100,000,000, but there will not be enough to provide that there shall be a new building in each State during those two years.

Mr. ASHURST. Sites for public buildings have been authorized and acquired at Tucson, Ariz., and at Prescott, Ariz. Now, what I want to know is, will Tucson, Ariz., and Prescott, Ariz., be required to wait until 1928 before building may be authorized there? These two cities are in need of public buildings.

Mr. FERNALD. No; buildings in those cities might be authorized as soon as we pass this bill, I will say to the Senator from Arizona. Those cities would come under the $100,000,000 clause. I think the amendment is misunderstood.

Mr. HARRELD. Mr. President——

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. FERNALD. Will the Senator from Oklahoma yield to me?

Mr. HARRELD. I will yield to the chairman of the committee.

Mr. FERNALD. I think the amendment is quite misunderstood.

Mr. KING. Does the Senator from Maine refer to the amendment which has been offered by the Senator from Oklahoma [Mr. HARRELD]?

Mr. FERNALD. Yes; I refer to the amendment which has been offered by the Senator from Oklahoma. In reading the amendment slowly and carefully, I think it will be observed that it has been very much misunderstood. There has been a feeling among Senators for the last week that everything had been decided upon; that there had been prepared by the Secretary of the Treasury a list of cities in which buildings were to be erected under this $100,000,000 clause. Some Senators have felt that that was true. I know that it is not true and I have so expressed myself several times on the floor of the Senate. Senators perhaps think I do not know about the matter.

The amendment simply provides that in making up this list to be presented to Congress no list that is in the office of the Secretary shall now be considered, but that a new list of names of cities shall be submitted.

Mr. ASHURST. I confess I see no harm in the amendment.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Mexico?

Mr. HARRELD. I am going to yield to the Senator from New Mexico. Then I want to be heard, and I shall not consent to be interrupted further.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. BRATTON. In order to accommodate the Senator from Oklahoma, I will wait until he shall have finished.

Mr. HARRELD. I yield to the Senator from New Mexico.

Mr. BRATTON. We have already adopted an amendment which has been inserted, following line 7, on page 7, which lays down one rule with regard to the Secretary of the Treasury allocating these funds; that is, that he shall take into consideration area, population, and postal receipts. That is followed by a limitation that, beginning with the year 1928, at least one building shall be estimated for each State having one or more post offices with annual receipts of more than $10,000.

The amendment proposed by the Senator from Oklahoma [Mr. HARRELD], which comes into the bill at an entirely different place, seems to lay down an altogether different rule, and does not carry the same basis of determination or the same rule to guide the Secretary of the Treasury in allocating these funds. No reference is made to population or to area or to the State as an entity. If the amendment on page 3, line 8, shall be adopted, we will have one rule laid down to guide the Secretary of the Treasury in allocating these funds, while under the amendment already adopted at an entirely different place in the bill a different rule is laid down to guide the Secretary of the Treasury in allocating the funds. The amendment now proposed is in conflict with the one already adopted. The amendments relate to the same subject matter, and consequently we should determine upon one rule and adhere to it.

Section 4 of the bill as amended requires the Secretary to take into consideration three elements for allocating funds, with the limitation added that at least one building shall be estimated for in each State. In the amendment now proposed no such limitations are laid down and no such rules are prescribed to guide the Secretary of the Treasury. Obviously, if the amendment as now proposed shall be adopted, it will conflict with the one already adopted.

Mr. SWANSON. Mr. President, will the Senator from Oklahoma allow me to make a suggestion?

Mr. HARRELD. I should like to have a little time myself in which to speak.

Mr. SWANSON. I desire to make a suggestion.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Virginia?

Mr. HARRELD. I will yield to the Senator, and then I shall desire time to speak on my amendment.

Mr. SWANSON. I can understand the Senator's position, and I agree with him. He does not want any list to prejudge any future appropriation for the erection of buildings throughout the country, and I think he is right in that contention. I want to suggest to the Senator that I think if the substance of his amendment were inserted on page 7 it would accomplish what he desires without interfering with amendments which have heretofore been adopted. It would then read:

> The Secretary of the Treasury shall submit annually and from time to time as may be required estimates to the Bureau of the Budget, in accordance with the provisions of the Budget and accounting act, 1921, which shall be made—
>
> That is, the estimates—
>
> irrespective of any laws that may have been heretofore enacted.

That carries out what the Senator desires, I think.

Mr. HARRELD. I do not think it reaches it. I hope I may proceed now.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. HARRELD. I wish first to amend my amendment by striking out the word "funds" in line 1 and substituting therefor "$100,000,000," by inserting the word "or" in place of the word "and" before the word "community," in line 7, and by striking out all after the word "community," in line 7, so that it will read as follows:

> *Provided*, That in determining where the $100,000,000 herein provided for shall be expended the Secretary of the Treasury or other executive officer having the power hereunder to make such determination shall make a new and comprehensive survey of the needs of the Govern-

ment in this behalf and consider each and every application or request therefor from any city, town, or community.

Mr. President, I do not think that will conflict with any one of the amendments which have been adopted. It merely directs the Secretary of the Treasury to do what he ought to do any way, and that is to take into consideration the claims of every town, city, or community that may apply to him to have a part of these funds allocated for the erection of a building or the purchase of a site in such town, city, or community. It merely directs him to do exactly what any good business man would do.

After all, this is a comparative matter. The Supervising Architect says it will take $345,000,000 to erect all the buildings which are necessary in the United States at the present time. I think he is short in that estimate. So we are appropriating, or authorizing the appropriation, of only $100,000,000 when we ought to provide for $400,000,000. Consequently there will be available but one-fourth as much money as is needed for the purpose. If we had the money to build all the buildings which are needed, then this amendment would not be necessary, but since we have only one-fourth as much money as we need, the logical thing to do is to make the expenditure a comparative matter. In other words, when we come to consider whether a post-office building shall be erected in one town or in another town, we ought to consider its needs in comparison with the needs of the other towns of the country.

How can the Secretary of the Treasury intelligently arrive at whether or not a certain town is entitled to a public building unless he makes such a comparative survey of the whole United States? If we do not direct him to do something of this kind, abuses are likely to arise, not designedly but simply because he will not have the information before him from which to determine whether or not one town is entitled to a post-office building as compared to another town of the same size somewhere else. It is possible, for instance, that there may be two towns of 5,000 population, in one of which the Government may be able to rent a building suitable for post-office purposes cheaper than it can erect one and cheaper than it can maintain it even after it shall have been constructed. I know of instances where the business men of a town have even donated a building for post-office purposes without any rental whatever. So I say there may be two towns of the same size in one of which a public building ought to be erected because there is no building to be leased at a reasonable rate, while in the other there is no necessity for a public building because there are available buildings that can be rented at a reasonable rate.

I do not know how the Secretary of the Treasury can undertake to determine where this money should be expended unless he shall make a comparative survey covering the whole field of the United States. That is the purpose of my amendment—simply to provide that, notwithstanding the fact that he has in his office a vast amount of data, and that he has in his office men whose minds are already made up as to just what towns ought to have public buildings that, in spite of that fact he ought to be directed to receive the application of every town, city, or community that wants a public building and consider it in the light of the necessities of the Government and in the light of the needs of other towns of the same size and under the same conditions. I do not see how he can intelligently determine the question otherwise. That is the purpose of my amendment—to make it incumbent upon him to do it and not leave it to his discretion as to whether he shall do it or not.

Mr. BRUCE and Mr. FERNALD addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. BRUCE. Mr. President, I should like to withdraw five amendments which I have offered to this bill, and I should like to make some modifications——

Mr. LENROOT. Will not the Senator allow us first to finish the pending amendment?

Mr. BRUCE. Of course, if there is any objection I will not make the request, although it looks as if the time never will arrive when I will be able to do so. I will take but very little time, only two or three minutes.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. BRUCE. The amendments which I desire to withdraw, as I have said, are five in number. I will hand them to the clerk as that is the easiest way to enable him to identify them.

The PRESIDING OFFICER. The Chair will inform the Senator from Maryland that the amendments were never formally offered; they were merely printed and ordered to lie on the table.

Mr. BRUCE. Very well, then, let them lie on the table.

While I am on my feet I wish to make certain modifications in the remaining amendment to which I intend to propose. In the amendment which I have heretofore presented, in line 4, on page 1, after the words "Government Printing Office," I desire to insert the words "or erecting a storage warehouse or warehouses"; in line 8, on the same page, to strike out the words "and New York Avenues" and substitute the word "Avenue"; on page 2, line 6, to strike out the words "and New York Avenues" and substitute the word "Avenue"; and on the same page, in line 17, to strike out the words "and New York Avenues" and substitute the word "Avenue."

The PRESIDING OFFICER. The amendment will be modified as requested by the Senator from Maryland.

Mr. LENROOT. Mr. President, there is an amendment pending now. The Senator can not offer his amendment while this one is pending.

Mr. BRUCE. There is no objection to my suggesting these alterations to that amendment, however. I will wait to offer my amendment until this one has been disposed of.

The PRESIDING OFFICER. The Chair will state that the Senator from Maryland is not offering an amendment, as the Chair understands, but is perfecting his amendment prior to its being offered at some later time. The question is on the amendment of the Senator from Oklahoma as perfected.

Mr. FERNALD. Mr. President, I am quite surprised at the explanation the Senator has given of his amendment. I did not understand it at all as he seems to understand it. If the department were to go ahead now and make a new and comprehensive investigation of all the villages and cities and towns of the United States, we could not get an appropriation through here for two years, and I should absolutely have to oppose the amendment.

Mr. HARRELD. Mr. President, there is nothing in this amendment that prevents the Secretary of the Treasury from considering the data that he has and the information that he has, but it provides that he shall receive these applications before he determines the matter.

Mr. LENROOT. Mr. President, in reply to the Senator I will state that if this amendment were adopted, there could not be one dollar appropriated this year for the construction of any building out of this $100,000,000 fund.

Mr. HARRELD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LENROOT. I do.

Mr. HARRELD. Does not the Senator think that due consideration ought to be given to that subject, no matter if it does take 10 years?

Mr. LENROOT. The Senator does not disagree with the statement I have just made, that his amendment will prevent the appropriation of any money this year.

Mr. HARRELD. I do not care.

Mr. LENROOT. Perhaps the Senator does not. I think there are others who do. Then, Mr. President, it does this further: The Secretary can not make any determination of the site of a single public building anywhere in the United States until he makes this complete new survey and takes into consideration all of the applications that have been made. How long will it take? No one can tell.

Mr. HARRELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin further yield to the Senator from Oklahoma?

Mr. LENROOT. I do.

Mr. HARRELD. Does not the Senator know that if this amendment should be adopted, within two weeks after the passage of this bill every town, city, and community in the United States that expected to be considered would have its application on file?

Mr. LENROOT. Oh, no; neither does the Senator from Oklahoma.

Mr. HARRELD. I know.

Mr. LENROOT. And that is not a survey. Receiving an application is not a survey by the Secretary of the Treasury and determining the needs. Certainly the Secretary is not going to accept the application and pass upon it without any investigation.

Mr. HARRELD. Would not the making of the survey consist of considering these applications and showings that are made by each respective town, city, or community? Would not that within itself give the very basis for such a survey, and could it not be made within 30 days?

Mr. LENROOT. No; because the Secretary would have to verify the statements made in every one of these applications by making inquiries of the different departments of the Government that were to utilize the proposed building—the Post

Office Department, the Attorney General's Department, the customhouse department. If the Senator has had any experience in public buildings and the information that is required in connection with them, he will see that it is not a matter of five minutes' determination.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LENROOT. I yield.

Mr. FESS. What effect would the Senator's amendment have upon the amendment that we adopted on page 2, requiring the Secretary to give preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired?

Mr. LENROOT. The Senator has modified his amendment.

Mr. HARRELD. I have modified that so as to limit it to the $100,000,000 fund. I desire to ask the Senator from Wisconsin a question, if I may.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LENROOT. I yield.

Mr. HARRELD. Does the Senator take issue with me on the soundness of the proposition that this money not being sufficient to build all these buildings, it ought therefore to be spent where it is most needed? And if the Senator agrees with me on that, how is the Secretary of the Treasury going to find out where it is most needed except by this survey?

Mr. LENROOT. Mr. President, I take it for granted that the Treasury Department now has information as to some buildings concerning which there can be no possible question as to their being included in any determination that the Secretary makes; but should such a community be denied the benefit of an appropriation, when it is certain that that locality will be included, because the Secretary has not considered the application of every other community in the United States?

Mr. HARRELD. Mr. President, does not the Senator think the Secretary would change his mind about some of those things if he were to make this survey and find places where there was a greater need than the one he now thinks exists at a certain place?

Mr. LENROOT. I do not care to argue the matter. I will simply repeat that if this amendment is adopted not one dollar of appropriations can be made this year out of this $100,000,000 fund.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oklahoma.

The amendment was rejected.

Mr. MOSES. Mr. President, I offer the amendment which I send to the desk and ask to have read, and I invite the attention of the Senator in charge of the bill to it.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 1, line 5, after the word "departments," it is proposed to insert "the Supreme Court of the United States."

Mr. MOSES. Mr. President, the purpose of this amendment is to take advantage of the generous disposition displayed by the Senate yesterday afternoon, when all Senators debating the question expressed their desire to have a building for the Supreme Court. I simply want to get the language into the bill, so that under this bill, if money should be available, the Supreme Court may be taken care of.

Mr. BRUCE. Mr. President, I rise to a point of order. Can that proposition be revived?

Mr. MOSES. This is entirely different.

The PRESIDING OFFICER. The Chair will hold that the amendment is in order.

Mr. SMOOT. I see no objection to the amendment.

Mr. FERNALD. I have no objection at all to this amendment, and I hope it will be accepted.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Hampshire.

The amendment was agreed to.

Mr. STANFIELD. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 10, line 4, after the word "receipts" and before the period, it is proposed to insert a colon and the following proviso:

Provided, That in the event the Secretary of the Treasury exercises his discretion to sell a site or building or a site and building now owned by the Government, he shall immediately thereafter purchase a satisfactory site in the same city in which the property is sold and begin the construction of a new building thereon, the site and building to cost in the aggregate no less than the amount derived from the sale of the site or building or the site and building previously owned by the Government in the same city.

Mr. STANFIELD. Mr. President, the purpose of this amendment is to protect cities which have very valuable building sites that have become obsolete so far as the building on the site is concerned, but the site is worth much more, perhaps, than it would cost to purchase a new site and erect a building, in order that the Secretary of the Treasury may not have general authority to dispose of these sites and cover the proceeds into the miscellaneous fund of the Treasury.

In my home city we have a situation of that kind. We are badly in need of Federal buildings; but under this bill the Secretary of the Treasury might dispose of that very valuable site and purchase a new site at a nominal figure and erect a building that, perhaps, would be inadequate, although the city has a site there that is competent to supply most of the money that is needed for the purchase of a new site and the erection of a building. I desire to protect such situations as that.

Mr. FERNALD. Mr. President, this amendment applies to cases where the Government owns property in a city and a new site and new building are advisable. In selling this property, which may have become very valuable, and constructing another building, the Government would have to spend as much as it received for the present site and building or the present site or building.

The Government has very many very valuable buildings in the United States, and in some of those cities it is the desire of the people to have the post office located in another section of the city. In some cities the property will bring to-day two and a half million dollars, and a building entirely adequate for the business could be built for $1,800,000, leaving $700,000 to go back into the Treasury. Under this provision it would be necessary, in that particular city, to erect a building costing $2,500,000; and, of course, in making an estimate or getting bids for that building, as every contractor would know that the bid must be equal to the price for which the building and site were sold, we would be unable to construct a building anywhere without paying as much as the Government received for its property.

I could not accept this amendment under any consideration.

Mr. STANFIELD. Mr. President, the Senator from Maine has fairly well stated the purpose of the amendment. I want it borne clearly in mind, however, that as the bill stands the excess that might be received from the sale of a site over the amount that the Secretary of the Treasury deemed necessary to purchase a new site and erect an adequate building—or it might be inadequate, for that matter—would be covered into the General Treasury. It would not go into the building fund. It would not help the building fund at all. It does seem to me that a city that has built up and enhanced the value of a site that perhaps in the beginning was donated to the Federal Government as a building site should have the full benefit of the increased value of that site in the construction of a new building and the obtaining of another site.

Mr. SHORTRIDGE. Mr. President, I should like to have the chairman of the committee clarify the matter somewhat as it is in my mind.

The provision which the Senator's amendment proposes to amend provides that any possible excess or surplus arising from the sale of a given property shall be deposited in the Treasury as miscellaneous receipts. I understand that the amendment proposes that the excess or surplus arising shall be credited to the building fund, if I may so term it; and if the latter be so, it occurs to me that it is a very desirable provision. I wanted to have that cleared up.

Mr. FERNALD. Mr. President, the purpose of the amendment is, first of all, to see to it that all the money received from property which the Government now owns in a city shall be spent in that city, and that the Government shall get no benefit whatever from it. It would deprive the Government of the privilege of constructing a building which would cost very much less and yet would be entirely adequate, and would oblige it to spend all that the property brings.

Mr. FESS. Mr. President, there is another provision in the bill to the effect that the amount received shall not be charged against the $100,000,000. The $100,000,000 is in addition to that.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oregon [Mr. STANFIELD]

The amendment was rejected.

Mr. BRUCE. Mr. President, I should like to offer an amendment. I send it to the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. In section 1, page 2, line 23, after the words "deed of conveyance," it is proposed to insert the following:

Provided, however, That aside from land that may be acquired for enlarging the site of the Government Printing Office or erecting a storage warehouse or warehouses, the sum of $50,000,000 hereinafter made available for projects in the District of Columbia shall be used exclusively for the purpose of acquiring by purchase, condemnation, or otherwise, south of Pennsylvania Avenue and west of Maryland Avenue, protracted in a straight line to Twining Lake, such sites or additions to sites as the Secretary of the Treasury may deem necessary to provide such suitable office accommodations in the District of Columbia as are hereinbefore mentioned, of constructing adequate and suitable buildings for the furnishing of such office accommodations on said sites or additions to sites, or on sites already owned by the Government south of Pennsylvania Avenue and west of Maryland Avenue, as above mentioned, and of providing suitable approaches to said buildings, and beautifying and embellishing their surroundings; it being the sense of the Congress that the haphazard practice heretofore pursued by the Government of erecting or purchasing buildings for such office accommodations north of Pennsylvania Avenue should come wholly to an end, and that suitable provision for all such office accommodations in the future should, as nearly in harmony with the plan of Peter Charles l'Enfant as may be practicable, be made in the territory south of Pennsylvania Avenue and west of Maryland Avenue, as above mentioned, and in such manner as to gratify the highest standards of architectural beauty as well as practical utility.

Mr. FERNALD. Mr. President, I want to thank the Senator from Maryland for the time and attention he has given to this bill. This is one of the most important amendments that has been or may be offered. I have been over it very carefully with him and am very glad to accept it.

Mr. FESS. Mr. President, I will detain the Senate only a minute. A committee from the Association of Architects called my attention to the wording of this amendment. It appears that the judgment of those men is that the amendment will open the way for the erection of tall buildings, business buildings, around Lafayette Square, which will interfere with the beautifying of the White House. I think, from a reading of their resolution, that they are inclined to favor Government buildings around Lafayette Square, although that is not specifically stated. I am in accord with their desire not to have private buildings, in the way of office buildings or skyscrapers, around that square. I am very much opposed to that.

Mr. DILL. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. DILL. There are already private buildings north of Lafayette Square on H Street. So long as they are built in conformity with that style, I do not think the objection raised is so serious.

Mr. FESS. No; my point is that if there is to be any effort to erect tall buildings which might interfere with the surroundings of the White House, that might be a consideration we ought to have some control over. I am just as much opposed to putting Government buildings around Lafayette Square.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Maryland?

Mr. FESS. I yield.

Mr. BRUCE. I will say to the Senator that this amendment does not affect Lafayette Square in any way whatever. It does not contemplate the idea of any private buildings of any sort being built around that square, nor does it contemplate the idea of any public buildings being built around Lafayette Square. It could not possibly have a tendency in any way to promote the erection of skyscrapers around Lafayette Square.

Mr. FESS. The Senator knows that I am in entire sympathy with what he has in mind.

Mr. BRUCE. Yes; I know that.

Mr. FESS. If the Senator's amendment does carry that implication—and I am rather inclined to vote for it—we would not build any public buildings around Lafayette Square.

Mr. BRUCE. No; we would not.

Mr. FESS. Are we in any way protected against private ownership erecting unsightly buildings there?

Mr. BRUCE. No. This amendment leaves the situation just as it is now.

Mr. SMOOT. With the exception of the limitation as to height, which applies to all that section of the city, which is 110 feet, I think.

Mr. BRUCE. Yes; 110 feet. There is an existing limitation, and that would have to be set aside by special act of Congress. I will say to the Senator from Ohio another thing that must be taken into account with reference to any use of the property around Lafayette Square for public purposes, that the figures I have obtained from the assessment rolls of the city as to prices of property in the immediate vicinity of Lafayette Square justify the conclusion, which is shared, I may say, by the Senator from Utah, that any attempt to take any of the property around Lafayette Square for the purpose of public buildings under this bill would in all probability absorb the entire $50,000,000—the mere taking of the property, exclusive of the erection of any buildings at all.

The whole object of my amendment is to keep the Government, in the construction of buildings for public purposes, south of Pennsylvania Avenue. The amendment does not undertake to say what sort of buildings shall be erected there. That will be determined, of course, by the Public Buildings Commission, by the Secretary of the Treasury, and by the Supervising Architect, and such technical experts as they may call into consultation. My idea is that if the Government is limited to that area in the erection of public buildings, then if there is any real breadth of view or artistic skill to be found anywhere in the Government service, as there is, of course, the Government will be forced to harmonize such public buildings as may be erected in that area in the future with the L'Enfant plan, as modified by the McMillan plan.

Mr. FESS. In view of what the Senator has said, I think it is very important that we preserve the surroundings of the White House so as to make the White House a center.

Mr. BRUCE. Unquestionably. But if there were erected around Lafayette Square buildings of any kind, public or private, of any considerable height it seems to me the effect would be to dwarf the architectural dominance of the White House itself.

Mr. FESS. Yes; that is true.

Mr. DILL. Mr. President, I do not desire to delay the consideration of this bill, or to take very much time in discussing this amendment. In fact, I am very anxious that the bill shall be disposed of as soon as possible, in order that the Senate may take up and pass the railroad labor bill. I think it is especially desirable, in the light of world conditions, particularly in England, that the Senate should demonstrate to the world the conditions in this country of labor and capital, as compared with conditions existing in England, where a general strike has been called as a result of the strike of the miners. So I do not want to take any great amount of time in discussing this bill.

There are, however, a few things I want to speak about in connection with this amendment.

The Senator from Maryland [Mr. BRUCE] deserves great credit for offering his amendment, which gives the Senate the opportunity to continue the plan of beautifying this country's Capital by the expenditure of the money provided for the erection of necessary additional public buildings.

It is often said that music is the universal language of mankind. Just so, beauty makes its universal appeal to every eye. To beautify a city is to glorify that city, and when we beautify the Capital we make it a more powerful cultural force among the American people.

To be a trustee of one's own generation in the administration of government is indeed a great privilege, but to be able to assist in the development of the permanent beauty of the seat of that Government is an added honor which any official may properly covet.

It is well to recall the work that has been necessary to overcome the adverse conditions in making this Capital a beautiful city. When General Washington located the Capitol Building on the highest elevation near the Potomac, and the White House on the next highest elevation a mile to the west, the reclamation and development of the swampy frog pond area between them became a necessity. This work has been slow but continuous, and has gone forward until now what was originally the ugliest part of the District has become a nation's pride.

This is especially true just at this season of the year, when the paved driveways through and around that section are lined with the beautiful blossoms of the Japanese cherry trees. It should be added that the polo grounds, the golf courses, the Washington Monument, and the Lincoln Memorial, the trees, and rows of street lights that border the placid Potomac, as well as the driveways, make that area one of the most beautiful spots of this earth, by winter or summer, day or night.

The Government has always moved slowly in developing this city. It required more than half a century to complete the dome of this Capitol Building. Disputes as to its form were continuous and appropriations slow. It was not finally completed until 1863. It is not the work of any single sculptor, such as Michael Angelo's St. Peter's in Rome, or Sir Christopher Wren's St. Paul's in London, but is more impressive than either of them. This dome is a composite of many

sketches, drawings, and suggestions by sculptors, artists, and common citizens.

It matters not how the Capital is approached, whether it be by automobile, boat, train, or airplane, nor from what direction one may come, the first sight that gladdens the eye of the visitor is the great white dome.

That dome has its particular meaning to all our people. To the poor it is the emblem of liberty and opportunity. To the rich it stands for the protection of property. To the ignorant it offers information and assistance. To the wise it is a place of comparison and inspiration. To the politician it is the goal of a life's ambition. To the statesman it is the theater of action where he can put into practical application, in his own time, the principles of government laid down by the founders of the Republic. To the oppressed of earth it is the symbol of self-government, and is as inseparably linked with the world's concept of this Republic as the name of the country itself.

The importance of following the organized method in beautifying the city, as this amendment proposes, must be readily evident to all. All that is necessary is to recall how the harmony of location and design of the Congressional Library and the congressional office buildings has added to the impressiveness and grandeur of Capitol Hill. Then recall how the isolated location and colorless surroundings of the magnificent Interior Department Building detract from its beauty as compared with the impression it would make were it a part of the development of The Mall.

This amendment requiring the expenditure of the major portion of this $50,000,000 on the area south of Pennsylvania Avenue will not only prevent a repetition of such mistakes but will absolutely assure the development of the great proposed parkway from the Capitol Building westward past the Washington Monument and the Lincoln Memorial over the $14,000,000 bridge across the Potomac to the great amphitheater and burial ground at Arlington.

Then will this Capital City indeed measure up to the description given by Henry Grady several years ago, when he said:

> The sun in all its course does not look down upon a scene more splendid and more magnificent.

It is especially appropriate that the Senator from Maine [Mr. FERNALD] should accept this amendment, as he has stated he is willing to do. He has already done much toward beautifying this Capital. It was largely due to his efforts that we passed last year the bill providing for the $14,000,000 Memorial Bridge just mentioned. He has been most active in the passage of legislation to acquire the property between the Capitol and the Union Station so it may be made to harmonize with the beautiful surroundings of Capitol Hill. In accepting this amendment, I am sure the proudest part of his work in Washington will be that he assisted in the development of this great parkway in accordance with the plans and vision of the talented L'Enfant and of that greatest of all Americans, George Washington.

Each year brings ever-increasing numbers of our citizens here as visitors. They are men and women of every profession and activity of life, and they come from every community under the flag. Best of all, students and school children are coming by thousands and hundreds of thousands annually, that they may better understand their country's history and more fully appreciate its grandeur. Thus, the more beautiful we make this city, the bigger and finer will become its silent influence in our national life.

Already Washington ranks among the two or three most beautiful capital cities of the world. Indeed, many say it is the most beautiful of all. But whether it is or not, one thing is certain; we can and should make it so.

The broad and shady avenues connecting the numerous circles, the White House and the Capitol Building, the spots made sacred by 125 years of historic events, the monuments and marble buildings that grace the parks and drives, all combine to command Congress to continue the development thus far so well conducted.

"See Mecca and die" has long been the cry of the Mohammedan world. Let us make this Capital City so beautiful that the slogan of the average American will be, "See Washington and live."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maryland [Mr. BRUCE].

The amendment was agreed to.

Mr. JONES of New Mexico. Mr. President, as related to the subject which has just been discussed, I would like to call attention to the provisions of the bill on page 4 in the paragraph at the top of that page. These buildings are to be constructed after designs to be approved by the Secretary of the Treasury, and then I observe this language:

> Except as otherwise provided by this act, but in designing and constructing buildings under the provisions of this act preference shall be given, as far as practicable, to standardized types, and in other cases, where possible and appropriate, to commercial types modified to meet governmental requirements, rather than to buildings of monumental character.

Personally I do not agree with such a purpose. I believe that it is just as important that these buildings to be constructed throughout the country should be of a monumental character and should be constructed with reference to their architectural beauty.

Mr. BRUCE. Mr. President, will the Senator yield to me to permit me to offer an amendment touching the very subject which he is discussing?

Mr. JONES of New Mexico. Certainly.

Mr. BRUCE. I do not know that it will satisfy the Senator, but it may possibly do so. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. On page 4, in line 7, following the word "act," insert the words "outside of the District of Columbia," so that it will read "constructing buildings under the provisions of this act outside of the District of Columbia."

Mr. JONES of New Mexico. But the amendment would do precisely the opposite of what I think should be done. The amendment should provide that in the District of Columbia the buildings shall be of a monumental character and constructed with respect to their architectural beauty, as well as their utility, but it practically requires that outside of the District of Columbia no such thing should be considered. It seems to me that the whole phrase might well be stricken from the bill. I submit that the amendment proposed by the Senator from Maryland would accentuate the difficulty which I am seeking to overcome. I agree that if we can not get this done throughout the country we should have it done in the District of Columbia.

Mr. BRUCE. I will say that when I offered an amendment on this subject originally it was applicable to local buildings as well as to buildings that were to be constructed in the District of Columbia. Then there was some little opposition to the idea of the amendment being applicable to buildings outside of the District of Columbia as well as buildings within the District of Columbia, and naturally enough I personally did not want to incur any more opposition than I could help. I would like to see that part of the paragraph stricken out.

Mr. JONES of New Mexico. I am afraid the amendment the Senator from Maryland has offered would not produce the desired effect. In lieu of the amendment which he has proposed I would suggest, on page 4, line 5, after the word "act," the insertion of a period instead of the comma, and then strike out the balance of the paragraph.

The PRESIDING OFFICER. Does the Senator from Maryland accept the amendment?

Mr. BRUCE. I accept it.

Mr. FERNALD. I am glad to accept the amendment.

Mr. BRUCE. I will not mention names, but the only person I have met at all who favored the idea of standardizing the buildings was a gentleman who said that if that language was not put in the bill every little town in the country would want a Greek temple. I said at the time that I did not see why every little town should not have a Greek temple.

Mr. JONES of New Mexico. I would rather have a Greek temple than these commercialized standardized buildings.

Mr. BRUCE. The Government can afford to give it to them.

Mr. JONES of New Mexico. Does the Senator believe that we should strike out all after the word "Treasury" in line 5?

Mr. SMOOT. I think all after the word "Treasury" should go out.

Mr. JONES of New Mexico. It would seem to me that all after the word "act" should be stricken out.

The PRESIDING OFFICER. In order to clarify the situation, will the Senator from Maryland withdraw his amendment and let the matter be presented as suggested by the Senator from New Mexico?

Mr. BRUCE. I withdraw my amendment.

Mr. JONES of New Mexico. I now move to amend, on page 4, line 5, after the word "act," by striking out the comma and inserting in lieu thereof a period and striking out the balance of the paragraph down to and including line 11.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from New Mexico.

The CHIEF CLERK. On page 4, line 5, strike out all after the word "act," so the paragraph would read:

(a) The work of preparing designs and other drawings, estimates, specifications, and awarding of contracts, as well as the supervision of the work authorized under the provisions of this act, shall be performed by the Office of the Supervising Architect, Treasury Department, under the direction of the Secretary of the Treasury, except as otherwise provided in this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole and open to amendment. If there are no further amendments to be proposed the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

RAILWAY CARRIERS AND THEIR EMPLOYEES

Mr. WATSON. Mr. President, I move that the Senate proceed to consideration of the bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes.

The motion was agreed to.

Mr. CURTIS. I understand the Senator from Indiana does not care to proceed with the consideration of the bill to-night?

Mr. WATSON. That is true.

Mr. CURTIS. I will ask then that it be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

WALKER RIVER (NEV.) IRRIGATION DAM

Mr. ODDIE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. Let the bill be reported before unanimous consent is given, so we can know what it is.

The PRESIDING OFFICER. The bill will be reported for the information of the Senate.

The Chief Clerk read the bill.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. CURTIS. As the bill provides for a direct appropriation, I shall have to object to it.

The PRESIDING OFFICER. Objection is made.

Mr. CURTIS. I would not object if it were merely an authorization, but it makes a direct appropriation, as I understand it.

Mr. ODDIE. Mr. President, I ask the Senator to withdraw his objection for a moment until I can introduce an amendment which takes the place of the bill and which merely provides for an authorization.

Mr. CURTIS. I will withhold my objection for that purpose.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior is hereby authorized to expend, out of any money in the Treasury not otherwise appropriated, the sum of $175,000 for the purpose of constructing a dam in Schurz Canyon, on the Walker River, State of Nevada, to provide water for the irrigation of lands allotted to Indians on the Walker River Indian Reservation, Nev., of which sum not exceeding $10,000 shall be immediately available upon the approval of this act, for reconnaissance work in said canyon to determine to what extent the water supply of the river can be augmented and conserved by the impounding of its said waters, and to determine if there is a feasible reservoir site or sites available for the storage of such waters: *Provided*, That upon decision by the Secretary of the Interior, based on said investigation, that the construction herein authorized and provided for is feasible, the remainder of the appropriation of $175,000 herein authorized shall be available for construction of the necessary dam or dams and appurtenant structures, and for the purchase and acquisition of necessary lands and rights of way in connection with the construction of the dam and appurtenant structures.

SEC. 2. That upon the passage of this act all proceedings, legal or otherwise, on the part of the Federal Government affecting the water rights of water users of said river shall forthwith be suspended, and if and when the project be found feasible shall be dismissed.

Mr. CURTIS. I see that another amendment would be required and I ask the Senator to let the bill go over.

The PRESIDING OFFICER. Objection is made.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 20 minutes p. m.) adjourned until to-morrow, Thursday, May 6, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 5 (legislative day of May 3), 1926

UNITED STATES ATTORNEY

Louis H. Breuer to be United States attorney, eastern district of Missouri.

UNITED STATES MARSHALS

Charles R. Ligon to be United States marshal for the northern district of Mississippi.

Jesse D. Moore to be United States marshal for the eastern district of New York.

POSTMASTERS

ARKANSAS

Van Beavers, Williford.

CALIFORNIA

George A. Weishar, Hanford.
Harry B. Westgate, Pomona.

NEBRASKA

Marguerite R. Tiehen, Dawson.
Walter Nowka, Glenvil.
Cecil E. Mills, Long Pine.

NEW JERSEY

Nicholas T. Ballentine, Peapack.

OREGON

John H. Farrar, Salem.

PENNSYLVANIA

Ralph V. Parthemore, High Spire.
Frank Heidel, Orbisonia.
Alice S. Boening, Tobyhanna.

TEXAS

Lewis E. Wigton, Alamo.
Cyrus W. Odom, jr., Blackwell.
Bessie F. Hefley, Cameron.
William B. McCrary, Cushing.
William J. Lewis, Itasca.
Comodore V. Varner, Milford.
John W. Waide, Paint Rock.
William A. Crawford, Pampa.
Jesse E. Meroney, Ranger.
Duma McDonald, Santo.
Lee W. Harris, Seymour.
Claude P. Ellis, Spearman.
John W. White, Uvalde.

WASHINGTON

Bert L. McCarty, Battle Ground.
Walter W. Shore, Farmington.
Wayne L. Talkington, Harrington.
Rees B. Williams, Ilwaco.
Amy E. Ide, Outlook.
Millard E. Meloy, Winlock.
Herman L. Leeper, Yakima.

WEST VIRGINIA

Shirley H. Mitchell, Elizabeth.
Clifford S. Musser, Shepherdstown.

WISCONSIN

Hazel A. Fritchen, Franksville.
M. Vivian Brown, Minong.
Andrew Bock, Stockholm.
Thomas E. Noyes, Winter.

REJECTION

Executive nomination rejected by the Senate May 5 (legislative day of May 3), 1926

POSTMASTER

Edgar Martindale to be postmaster at Clarksville, Mo.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *May 5, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Unto Thee, our Father in heaven, we offer Thee our tribute of praise. Through Thy gracious providence Thou hast brought us to the beginning of another day. Give to each of us strength to bear our burdens, as we labor for the common good. With devotion to all our institutions and love for the Government of our fathers, may we plan for the growth and happiness of the Republic. Wilt Thou continue to protect, bless, and guide us that the humblest places of our land may be benefited in every way. May we do justly, love mercy, and walk humbly with our God. Oh, satisfy the longings of our hearts and fill them with purity. With a deep realization of our utter dependence, we beseech the light of Thy truth to direct us and Thy spirit to bless us that we may resist evil and Thine shall be the praise forever. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. The gentleman from Texas ask unanimous consent to proceed for one-half minute. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker and gentlemen, Chief Justice McCoy, at my request, has had made for the benefit of the membership a certificate by the clerk of his court showing the number of cases in which Mr. Fenning has been committee and guardian additional to the ones that were pending on May 1, 1925. I think this will be valuable information and I ask unanimous consent to revise and extend my remarks by inserting that statement from the Supreme Court of the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Speaker, on April 8, 1926, I placed in the RECORD a statement from Gen. Frank T. Hines, Director of the United States Veterans' Bureau, certifying that such bureau up to April 2, 1926, had already paid to Frederick A. Fenning, now a Commissioner of the District of Columbia, as guardian and committee of shell-shocked and mentally afflicted veterans of the World War now incarcerated in insane asylums, the enormous sum of $733,855.87, which said Fenning has deposited in his own bank of which he is a director, and out of which he has received large fees and commissions, besides 25 per cent of all bond premiums he has paid out of their funds.

And on April 19, 1926, I placed in the RECORD a statement from the auditor of the Supreme Court of the District of Columbia, certifying that in the lunacy cases pending in said supreme court on May 1, 1926, concerning which said Frederick A. Fenning, as their guardian or committee, was then required to file his annual accounts, that said Frederick A. Fenning received as his own fees and commissions the sum of $109,070.25 out of his said wards' estates.

In checking up the files of the lunacy cases in the Supreme Court of the District of Columbia, to my great surprise, I found that in cases filed prior to May 1, 1925, many of such parties being long since dead, there were over 400 cases in which Mr. Frederick A. Fenning had received either attorney's fees or commissions as committee, and I requested Hon. Walter I. McCoy, chief justice of the Supreme Court of the District of Columbia, to have the clerk of his court prepare a list of such cases and to certify the attorney fees and committee commissions paid to said Frederick A. Fenning by the court in said cases, respectively; and Judge McCoy has kindly had same prepared, as shown hereafter, which, I am sure, will furnish interesting information to all my colleagues.

CLERK'S OFFICE, SUPREME COURT
OF THE DISTRICT OF COLUMBIA,
Washington, D. C., May 4, 1926.

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

SIR: I inclose herewith, in response to your request, statement prepared by this office showing fees of Frederick A. Fenning, Esq., in certain lunacy cases filed in this court.

Respectfully,

FRANK E. CUNNINGHAM, *Clerk.*

Statement prepared by clerk's office, Supreme Court, District of Columbia, for Congressman Blanton as to fees received by Frederick A. Fenning in lunacy cases docketed in said court, March 7, 1899, to May 1, 1925

No.	Name	Amount of estate	Amount received as attorney	Amount received as committee	Allowance for bond
679	Bell	$677.70	$50.00		
730	Ross	3,051.45	30.00		
945	Thomas	131.10		$13.10	
1365	Bastin	2,053.42	15.00	172.83	$27.00
1376	McGahan	666.61	30.00	48.33	
1394	Thiemke	1,699.30	35.00	218.49	79.00
1411	Disaga	126.75		30.00	
1439	Wheeler	394.85		43.38	20.00
1574	Hughes	105.35			
1627	Corbett	475.59	20.00	58.04	
1652	Crowe	1,068.78		95.40	10.00
1683	Vivian	1,073.69	5.00	171.20	5.00
1694	Brunich	192.69	15.00	14.20	5.00
1713	Stock	159.39	20.00	10.93	5.00
1714	Stokoe	105.24	20.00	5.50	5.00
1735	Ochs	979.00	30.00	57.90	
1751	Briggs	665.25		67.22	5.00
1769	Oberchain	227.02		17.70	5.00
1770	Hooper	101.38	10.00		
1771	Knapp	716.65		71.66	
1792	Johnson	3,347.29		311.65	42.00
1802	Denny, John	357.31		28.58	10.00
1814	Toppin, Emily	48.00		4.80	
1818	Bishop, John B	881.75		74.41	22.00
1836	Gannon, Bradley	1,645.45		114.90	62.00
1864	Kopeso, Andrew	62.04		6.20	5.00
1865	Washington, John	393.09		23.94	11.00
1890	Richardson, Custis	158.59		15.85	5.00
1892	Giesalman, John	117.69		10.00	5.00
1900	Thomas, Philip	226.19		17.61	5.00
1901	Maczrosky, Julian	957.91		67.15	55.00
1902	Nestler, Otto	384.24		30.74	12.00
1903	Norris, Thos. J	77.51		10.00	5.00
1904	West, Chauncey	1,085.69		112.00	55.00
1905	Wolschendorf, Adolph	920.00		69.21	5.00
1906	Wynch, Jacob	1,098.65	25.00	175.08	55.00
1913	Gaffney, James	110.60		16.00	
1931	Padell, Adolph	980.89	75.00	61.97	5.00
1939	Rafferty, James	236.57	20.00	21.29	
1940	Rice, James	730.89	50.00		
1949	Will, Frank	154.54		15.45	
1950	Brogan, Mildred	1,507.43		106.31	59.00
1961	Dooley, Martin	4,781.90		363.67	52.00
1962	Thompson, Jas. W	165.69		10.58	5.98
1972	Curtin, John	824.75		91.52	30.00
1973	Werthschutzky, Louis	1,212.02		85.00	59.00
1983	O'Neil, Charles	250.72		15.05	5.00
1984	Cummings, Dennis	1,154.54		87.86	97.00
1985	Lewis, Lee K	211.84		16.18	5.00
1995	Mungavin, Patrick	802.49		63.53	66.00
1997	Potter, John S	303.17		19.16	10.00
2007	Burke, William	543.94		50.25	30.00
2008	Croosen, William	1,062.80		63.44	18.20
2009	Farrell, William	675.62		48.47	10.00
2010	Hershman, Lorenzo	289.09		18.12	5.00
2011	Pallagi, Alexander	143.00		9.30	5.00
2020	Doctor, Joe	356.51		18.18	10.00
2036	Kelly, Thomas J	245.20		19.52	5.00
2037	Sheircliffe, Michael	261.41		21.14	5.00
2038	Young, Edward	172.87		12.28	5.00
2046	Frank, John	356.52		21.30	12.00
2047	Germann, James W	201.43		13.13	5.00
2048	Robertson, Robert	204.39		21.44	5.00
2049	Sears, William	1,391.94		176.30	106.50
2060	Dominick, Benjamin F	244.10		19.41	5.00
2096	O'Connell, Barth	339.40		20.94	13.00
2097	Price, Frederick J	806.91		117.80	71.00
2098	Winters, John	464.02		38.06	23.00
2124	Trasi, Saul G	343.41		22.34	12.00
2125	Powell, Sidney	523.89		39.61	25.80
2150	Baxter, John M	440.51		41.69	16.00
2151	Stern, Louis	779.01		82.52	33.00
2169	Simensen, Hans	856.66		105.30	76.20
2170	Tjernstrom, G	397.77		30.59	22.50
2199	Ivers, William J	196.26		14.62	5.00
2200	Moran, Charles	1,211.35		131.77	68.20
2209	Johnson, John A	171.59		12.15	5.00
2227	Penhale, Humphrey	96.04		9.60	5.00
2237	Coffrey, John	351.63		30.95	15.00
2238	Williams, Richard	160.53		11.03	5.00
2256	Clayburg, Elmer	157.38		10.73	5.00
2257	Smelski, Edward	222.39		17.23	5.00
2267	Muloey, Jas. F	613.22		37.44	40.00
2274	Fehlemelcher, Fred. J	141.41		14.14	5.00
2292	Dougherty, Patrick	238.28		17.83	5.00
2319	Compton, Absolom	978.98		70.24	27.40
2320	Scanlon, John J	220.78		17.00	5.00
2321	Makslahti, Abraham	766.05		97.44	55.00
2330	Bell, William	147.83		24.57	5.00
2331	Slater, Girard	674.27		67.42	50.00
2332	Condon, William	233.10		13.56	5.00
2355	Spence, Samuel	685.72		45.50	25.80
2372	Wessel, August	239.87		18.98	5.00
2382	Brown, John	680.81		49.08	19.00
2400	Rawlinson, William	443.69		53.48	20.00
2410	Hoffman, Lucas	422.74		40.94	20.00
2411	Kehler, Jacob	265.44		18.89	5.00
2479	Stickney, B		$30.00		
2490	Butler, John	226.98	20.00	12.80	10.00
2554	Snyder, George	173.50	15.00	12.35	5.00
2555	Lupken, John W	242.28		19.23	5.00

Statement prepared by clerk's office, Supreme Court, District of Columbia, for Congressman Blanton as to fees received by Frederick A. Fenning in lunacy cases docketed in said court, March 7, 1899, to May 1, 1923—Continued

No.	Name	Amount of estate	Amount received as attorney	Amount received as committee	Allowance for bond
2571	Savary, Jos. E	$2,998.27	$20.00		$52.50
2572	Morton, I	106.46	15.00	$13.81	
2583	Wagner, William	132.26		8.22	5.00
2592	Newman, William H	130.52		8.05	5.00
2603	Brett, James	292.28		24.22	5.00
2618	Lindeberg, Evan F	4,433.31		400.92	34.00
2634	Nordstrom, John C	125.55		7.50	5.00
2727	O'Reilly, T. W	654.05		58.86	7.00
2728	Ambler, E. F	927.31	5.00		5.00
2777	Brown, John	1,283.42	25.00	115.51	5.00
2794	Madsen, Oluf	75.00		7.50	6.00
2795	McTighe, Patrick	1,590.51		178.20	67.00
2870	Kelly, Michael	4,769.60	25.00	437.95	27.00
2872	McGee, Terrence	1,901.41		190.14	
2829	Yates, John	721.69		60.90	23.00
2931	Scott, John	1,141.25		125.94	67.00
2798	Hentz, Joseph	186.42		13.64	5.00
3059	Kefes, Jakob	160.68		11.06	5.00
3101	Whelan, James	3,019.91		186.22	32.00
3178	Lane, Annie E		5.00		
3182	Randle, Sidney	1,250.65		100.05	
3183	Reiss, K. J	266.98		36.69	14.00
3227	Hagemeister, Edward T	331.92		27.19	6.00
3226	Biscoe, W. T	272.52		22.95	5.00
3274	Phillips, C. Lester	1,618.59	35.00	25.00	
3360	Peterson, Carl	366.51	[1] 41.65		5.00
3410	Murphy, Jeremiah	645.72		77.58	46.00
3411	Connor, William	14,439.48		1,522.13	292.00
3413	McCradden, William J	38.01	[1] 14.96		5.00
3484	Wagner, John	716.08		42.97	8.75
3504	Lindgren, Gustave	950.41		123.70	70.01
3505	Bullo, Antonio	1,114.18		158.39	86.01
3511	Synan, John	897.75		89.77	10.00
3543	Anshultz, A	834.30		83.43	10.00
3544	Potash, Michael	1,110.23		111.02	10.00
3601	Wells, Geo. W	1,132.26		99.02	15.00
3610	Woodhull, Frank	4,541.66		378.45	12.00
3637	Savany, Lydia	1,233.06		73.98	
3638	Anderson, James	1,444.08		115.53	
3639	Jones, Philip	1,368.68		109.62	12.00
3649	Wallace, John	656.00		70.03	22.00
3654	Freeland, Edward B	1,041.10		106.83	60.14
3680	Pflregen, William	1,580.77		215.00	27.82
3693	Wajciedowski, Richard	933.01		111.96	46.70
3732	Chain, Frederick	711.17		55.72	10.00
3749	Evans, Charles H	319.61		36.61	10.00
3756	Mason, Michael	1,374.60		99.97	10.00
3758	Clapp, Robert C	284.95		75.00	15.00
3763	Mansfield, Garett W	122.49		12.24	5.00
3779	Kline, Charles	1,119.87		152.60	74.17
3793	Evans, George	723.30		67.33	5.00
3826	Ajinelaus, Gustaf	502.49		61.63	20.00
3827	Foss, Andrew	695.14		97.63	49.82
3860	Carter, Ella D	802.68		70.26	10.00
3886	Glass, Alexander	722.73	200.00	14.77	10.00
3891	Garvey, Mary	370.21		34.40	10.00
3940	Isaac, William H	834.18		107.60	59.80
3941	Nelson, William	984.21		112.78	42.30
3951	Osborn, Arthur	504.07		43.99	24.67
3962	Lawrence, Sidney	507.24		32.78	20.00
3953	Seidel, Robt. H	1,510.91		191.90	52.08
3963	Casey, Dennis	120.47		15.00	
3997	Winkler, Charles A	988.53		105.28	
4035	Hoeft, A. P	794.50		10.00	15.00
4036	White, Charles J	397.39		29.73	5.00
4045	Robbins, B. E	964.79		100.28	21.28
4047	Hochheim, G	522.20	50.71	15.00	20.00
4048	Stark, F. C	1,137.48		144.76	60.00
4056	Schrager, F	543.70		36.10	5.00
4066	Hayden, J. T	2,568.73		274.46	50.00
4067	Woodson, H	2,281.01		150.83	20.00
4082	Fitts, H. B	1,290.34		103.26	
4083	Schwartz, L	658.65		15.00	11.67
4106	Cronin, P	330.12		42.45	20.00
4114	Lippman, S	1,438.13		130.22	
4139	O'Rourke, P	7,849.36		291.95	43.34
4154	Bradley, S	1,036.79		144.59	65.00
4155	Shinn, P. F	1,119.60		88.47	
4163	Radley, Ed	854.24		53.32	40.00
4173	Jonson, J	1,293.11		104.87	25.88
4214	Roy, John	155.25		12.61	5.00
4218	Smith, Samuel	729.99		65.80	30.00
4253	Treadwell, Charles	191.58		35.00	50.00
4261	Jacob, Peter	445.24		62.77	37.50
4270	Sauter, Mary E	2,774.65	40.00	182.93	50.00
4280	Turbett, E	356.24		35.62	
4282	Gill, William	1,002.68		103.94	50.00
4291	Tomaso, Andrew	2,371.82		207.64	64.70
4335	Fallon, Patrick	2,489.53		191.86	26.28
4354	Stephens, Alex. W		36.16		
4363	Jones, Arthur	212.76		26.06	10.00
4364	Lafayette, Logan	598.12		51.13	10.00
4365	McCorskin, John	840.43		50.43	5.00
4385	Burge, Robert	182.69		18.26	5.00
4386	Cooney, Robert J	647.16		45.30	5.00
4387	McGivin, Frank	309.53		40.44	9.17
4415	Gerdon, Philip		10.00		
4450	Kendrick, John P	390.70		39.07	5.00
4451	O'Reilly, T. W	117.10		15.00	5.00
4476	Massey, A. W		93.00		

[1] Attorney and commission.

Statement prepared by clerk's office, Supreme Court, District of Columbia, for Congressman Blanton as to fees received by Frederick A. Fenning in lunacy cases docketed in said court, March 7, 1899, to May 1, 1923—Continued

No.	Name	Amount of estate	Amount received as attorney	Amount received as committee	Allowance for bond
4492	Crouse, Henry C	$646.35		$75.80	$30.00
4507	Jordan, Kate C		$35.00		
4513	Pope, James A	6,436.05		587.52	100.00
4533	Best, Thomas	181.36		18.13	5.00
4553	Sokol, Anthony	250.97		29.85	5.00
4565	Schwan, Rudolph	1,083.33		116.37	50.00
4571	Barela, Arthur G	3,751.08	35.00		
4581	Olsen, Clement	173.37		25.00	5.00
4612	Blomquist, Haagen	637.82		94.41	50.00
4625	Bauker, Lawrence	637.92		61.09	20.00
4636	Davis, Susanna	720.59		72.04	15.00
4654	Ireland, Charles	1,615.22		129.22	
4662	Ward, William	533.00		79.54	30.00
4689	Gregory, Stephen	146.22		20.00	5.00
4733	Fulton, Elizabeth	118.40		20.00	5.00
4744	Walters, John N	3,637.17		363.84	10.00
4764	Anderson, Laureta	990.30		130.06	55.00
4802	Voelcker, Otto	845.52		122.64	50.00
4824	McCarthy, John F	1,478.18		138.18	15.00
4829	Fardon, A. P	24,111.28	75.00		
4858	Bodwin, J. J	1,396.24		139.62	6.25
4859	Meeteer, W. B	5,630.79		412.07	20.00
4876	Goodridge, C. E	3,121.40		249.72	24.00
4888	Hughes, Ellen	2,844.81		220.18	
4893	Fitzgerald, Annie	108.55		25.00	5.00
4919	Todd, Albert	724.86	25.00		
4937	Thorensen, Olaf	142.66		25.00	5.00
4946	Freeman, Joseph W	613.63		95.28	26.34
4984	Clancy, Mary	858.71		85.72	15.00
5000	Parsekian, Annie	281.83		28.28	5.00
5010	Osterman, Marcus	206.44		20.64	5.00
5021	Brady, James	1,803.27		198.09	20.00
5061	Ashwell, Frederick	67.50		15.00	5.00
5062	Ellis, Wesley R	2,705.97		217.91	33.33
5103	Kabayski, Riotaro	1,043.41		113.08	25.00
5121	Rexford, Caroline L		618.00		
5144	Leonard, Thos		[2] 41.50		
5146	Brown, William	299.03		29.90	5.00
5161	Miller, William G		75.00		
5172	Forster, Raymond	56.00		10.00	5.00
5182	Coleman, James H	132.40		30.00	5.00
5212	Fox, Harold H		25.00		
5259	Haines, Richard	274.72		31.89	15.00
5269	West, Mary J	119.89		25.00	5.00
5281	Moulthrop, Wm. L	255.23		29.96	10.00
5302	Bell, Henry A		90.00		
5332	Rogers, Samuel	679.88		167.29	15.00
5333	Michael, Walter	42.50	20.00		5.00
5367	Allen, George	1,419.75	150.00		10.00
5374	Fitton, Joseph		30.00		
5399	Young, Agnes G	2,313.93		131.39	34.00
5479	McCollough, Tarling C	1,235.20		123.88	10.00
5541	Works, A. P. R	228.56	30.00		
5560	Hoff, Edward F	1,693.89		187.64	20.00
5626	Coan, James	700.12		87.45	30.00
5627	Farwig, William	1,350.00	20.00		
5675	Bailey, Marshall	297.14	5.00		
5691	McGillian, William P	906.71		58.97	15.00
5717	Doyle, John W	600.00	50.00		
5735	Schaper, Chris. H	1,854.83		185.73	15.00
5788	Fletcher, Emma N	1,614.93	45.00		
5841	Schoemperle, Otto	469.98		47.00	15.00
5887	Oates, Hubert J	268.51		25.85	5.00
6033	Williams, Arthur M	1,051.42	50.00		
6088	Odom, Frank	543.48		57.98	15.00
6121	Haapanen, John A	3,953.78		383.38	12.00
6273	Babcock, Campbell E	7,304.39		185.00	
6311	Guldager, Wm. L	186.45		20.00	5.00
6333	Smith, Gussie F	2,417.23		213.96	22.00
6365	Kirwin, Francis P. s	1,416.78		103.34	10.00
6404	Niemczak, Wladyslaw	361.65		36.65	15.00
6460	Major, Bertram	235.17	30.00		
6472	Wander, Frank	734.35		104.50	31.05
6482	White, John H	1,854.41		185.43	10.00
6491	Henley-Smith, M. R	112,187.12	2,500.00		
6544	Terry, Frances A. M	10,991.79	122.50		
6581	McCarthy, Nora	831.61		93.60	15.00
6658	Harrison, Lawrence	4,761.44		466.39	40.00
6698	Townsley, Walter	1,586.53		158.65	10.00
6708	Lynch, James	3,392.88		339.29	30.00
6740	Howard, Mary	75.00		15.00	5.00
6770	Denver, Cornelia	412.76		41.28	5.00
6784	Kane, Lawrence	1,176.22		137.24	60.67
6804	Robinson, Bert Dana	767.15		84.12	12.00
6810	Crosby, Chapman	678.02		57.88	10.00
6871	Stickel, Andrew	554.73		44.38	5.00
6881	Felberbaur, Stephen	966.09	[1] 60.97		15.00
7034	Carr, H. C	1,272.42		136.47	10.00
7035	Lambert, Frank	3,359.87		337.89	15.00
7112	Egan, K. J	943.54	40.00		5.00
7201	Masarisk, Stephen		235.00	537.69	
7297	Bruns, C. L	601.70	50.00		5.00
7371	Shipley, John	1,465.51		146.55	14.00
7528	Kimber, Arthur	1,740.16	100.00		16.00
7558	Mattes, W. J			148.52	15.00
7572	Draper, Leigh	1,407.10	50.00		10.00
7582	Rousseau, Nannie E	1,087.23	75.00		10.00
7635	Burriss, Ellen F	1,567.35		156.73	19.00
7636	Chahaj, Frank	431.84		43.18	7.00
7645	Boyd, James E	3,483.15		315.91	20.00

[1] Attorney and commission. [2] Including cost.

Statement prepared by clerk's office, Supreme Court, District of Columbia, for Congressman Blanton as to fees received by Frederick A. Fenning in lunacy cases docketed in said court, March 7, 1859, to May 1, 1925—Continued

No.	Name	Amount of estate	Amount received as attorney	Amount received as committee	Allowance for bond
7646	Day, Zella	$14,749.55		$1,296.04	$121.00
7657	Beidebach, J. J	529.67		52.92	7.00
7660	Palombi, Sam	710.59		63.95	7.00
7666	Kuhn, Anna T	3,669.41		314.00	37.34
7671	Blankenship, Tom	1,004.49		75.00	10.00
7684	Labrecque, E. E	4,876.10		434.94	29.00
7687	Fields, Jake	276.51		27.65	7.00
7701	Amos, William F	298.40		29.84	7.00
7702	Glover, William	1,582.28		158.24	19.00
7703	Reynolds, John F	319.95		22.00	7.00
7719	Schumaker, Thomas E	440.15		44.01	7.00
7720	Efford, R. A	1,914.88		131.12	22.00
7721	Hambell, George J	1,559.79		154.98	
7722	Lorenz, E. M	1,984.39		198.44	19.00
7740	McGovern, Thomas P	5,971.53		453.70	23.00
7741	Wirthman, Oswald	188.71		18.88	7.00
7743	Chase, John S	13,550.48		1,193.72	112.68
7746	Carpenter, Dallis	173.38		20.00	7.00
7766	Minick, Arthur D	377.44		60.00	10.00
7768	Bailie, David	99.36		15.00	30.00
7783	Chylek, Fred	495.26		49.53	7.00
7788	Ferrainolo, R	8,114.12		783.78	77.87
7804	Logano, Cesaro	343.69		34.37	7.00
7807	Aragon, G. O	1,213.94		121.39	7.00
7808	Dento, Phillip		$75.00		
7813	Buralli, Theodore	2,040.78		204.01	21.34
7830	Fellows, Isaac T			504.97	41.67
7833	Wishon, J. W	274.10		27.41	7.00
7849	Clark, James J	417.09		41.71	7.00
7852	Purcell, D. J	234.60		23.46	7.00
7875	Rowtowski, Jos. M	1,633.08		162.30	17.00
7878	O'Neill, James E	3,951.36		390.13	28.74
7880	Cudzik, George V	2,741.46		165.99	19.00
7881	Summerlin, Benjamin F	11,754.58		1,030.76	109.49
7904	Dearborn, William D	10,930.37		832.59	61.52
7906	Jumbelic, Peter	991.81		99.18	7.00
7907	Marchbanks, John W	857.65		85.77	7.00
7909	Tedder, Herman	1,196.00		119.60	12.00
7912	Radka, Tony	782.12		78.21	7.00
7915	Bergin, Mary	478.24		47.82	7.00
7955	Clark, John W	3,393.45		364.54	35.00
7956	Piskati, Stanley J	3,038.40		280.68	11.75
7984	Barger, Albert A	10,502.02		846.48	78.63
8007	Bumby, E. T	300.41		30.04	7.00
8020	Countz, C. P	4,049.49		414.95	32.00
8032	McCorry, T. W	1,592.94		159.29	10.00
8038	Guember, Arthur R	6,135.52		519.76	23.00
8051	Kernes, Ralph	4,658.82		393.58	19.00
8074	Snyder, George		82.50		
8112	McCord, Wm. J	1,761.69		107.50	15.00
8113	McIntyre, E. E	3,223.42		321.29	12.00
8144	Zeremba, Walter	3,304.34		327.93	22.00
8178	Braughler, Jos. H	9,658.81		595.08	105.34
8228	Sweeney, Robert	1,761.64	65.00		10.00
8275	Cox, Hillard	2,177.47		217.75	22.00
8286	Fedor, John	8,472.48		795.18	97.36
8329	Regan, Chas. P	3,437.00		482.66	28.00
8330	Tarashafsky, Herman	1,798.19		179.82	22.00
8347	Mantlow, Leonard	5,276.27	75.00		
8348	James, Layton	4,619.63		461.95	22.00
8365	Lake, F. B	804.20		80.42	20.00
8380	Chuey, Mike	5,171.30		344.72	32.00
8382	Wilson, Claude W	1,030.43	65.00		
8401	McDonald, John E	3,234.43	125.00		
8403	Tomkel, Rostanti	8,345.57		686.05	49.34
8416	Singh, Narian	249.08		24.91	10.00
8418	Hamilton, W. B	5,349.74		534.97	34.00
8434	Bullock, C. E	5,119.02		381.78	30.60
8443	Gabriel, F	1,025.18		100.36	10.00
8514	Smith, J. A	1,263.50		126.35	6.00
8574	McGowan, J. P	2,139.55		213.95	22.00
8581	Wright, Barney	200.27		20.03	12.00
8600	Thompson, O. B	6,321.08	210.00		
8631	Chambers, Chas. F	7,371.97	62.50		
8644	Rogers, Charles A	970.50	80.00		
8710	Salazar, Manual	160.00		16.00	
8768	Thomson, Frank P	701.35	115.00		
8770	Eckhardt, Dorothea	272.31		25.00	5.00
8792	Roberson, Jack	6,271.77		479.25	44.00
8793	Hurley, Mary R	994.47		99.45	10.00
8878	Mason, C. F	7,724.19	125.00		
8913	Tandrop, Christian	621.41	40.00		
8919	Smith, Evelyn P	10,679.89		831.32	42.68
8922	Shea, James	95.83		15.00	
8924	Karsgor, S. C	1,010.66		101.07	10.00
8936	O'Neal, Pierce D	7,981.41		513.34	48.67
8966	Johnson, Carl F	4,587.11	90.00		
9076	Murch, James A	321.00		50.00	17.00
9102	Garrett, Silas	4,980.16		100.00	12.00
9103	Welch, Perry	1,777.35		177.50	20.00
9115	Murray, W. A	1,172.26	100.00		
9137	Donlon, Mary A	4,140.69	250.00		
9321	Gemmelli, Elizabeth	1,558.53	90.00		
9403	Jones, Bernard	1,420.93	60.00		
9428	Noye, Emma	136.87		13.69	5.00
9436	Speer, Albert	913.99		50.00	
9495	Hirst, Sarah A	247.63	50.00		
9578	Hussey, Ralph G	[1] 157.60	28.50		
9635	Cutts, Charles H	3,766.23		350.00	12.00
9783	Hazard, Minerva C		25.00		
10373	Flanagan, P. J	3,495.04	150.00		

[1] Monthly.

Statement prepared by clerk's office, Supreme Court, District of Columbia, for Congressman Blanton as to fees received by Frederick A. Fenning in lunacy cases docketed in said court, March 7, 1899, to May 1, 1925—Continued

No.	Name	Amount of estate	Amount received as attorney	Amount received as committee	Allowance for bond
10400	Martin, Susan P	$9,665.22	[4] $400.00		
10566	Cahill, Joseph P	1,229.21	122.71		$10.00
10585	Edwards, George	1,213.94	121.39		10.00
10713	Allan, W. G	1,350.80		$135.08	10.00
	Total		8,412.05	46,129.60	7,501.43

[4] Two attorneys.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. WINTER, indefinitely, on account of sickness.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 60) authorizing expenditures from the Fort Peck 4 per cent fund for visits of tribal delegates to Washington.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 9511. An act authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested.

H. R. 10055. An act to amend section 77 of the Judicial Code to create a middle district in the State of Georgia, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8771) to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

S. 1989. An act to authorize the Secretary of the Interior to purchase certain land in Nevada to be added to the present site of the Reno Indian colony, and authorizing the appropriation of funds therefor;

S. 2658. An act to authorize the Secretary of War to fix all allowances for enlisted men of the Philippine Scouts; to validate certain payments for travel pay, commutation of quarters, heat, light, etc., and for other purposes;

S. 2706. An act to provide for the reservation of certain land in California for the Indians of the Mesa Grand Reservation, known also as Santa Ysabel Reservation No. 1;

S. 2853. An act to authorize the transfer to the jurisdiction of the Commissioners of the District of Columbia of a certain portion of the Anacostia Park for use as a tree nursery;

S. 3595. An act to authorize the exchange of certain patented lands in the Grand Canyon National Park for certain Government lands in said park;

S. 3953. An act to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings; and

S. J. Res. 60. Joint resolution authorizing expenditures from the Fort Peck 4 per cent fund for visits of tribal delegates to Washington.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On April 30, 1926:

H. R. 7372. An act to amend section 27 of the general leasing act approved February 25, 1920 (41 Stat. L. p. 437);

H. R. 8830. An act amending the act entitled "An act providing for a comprehensive development of the park and play ground system of the National Capital," approved June 6, 1924:

H. R. 6774. An act to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America;

H. R. 6775. An act to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America;

H. R. 6776. An act to authorize the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America; and

H. R. 7470. An act to authorize the Secretary of War to grant to the New York, Chicago & St. Louis Railway Co., its successors or assigns, a perpetual easement for railroad right of way over and upon Camp Sherman Military Reservation in the State of Ohio.

On May 1, 1926:

H. J. Res. 149. Joint resolution to provide for membership of the United States in the Central Bureau of the International Map of the World;

H. J. Res. 150. Joint resolution to provide for the participation of the United States in a congress to be held in the city of Panama, June, 1926, in commemoration of the centennial of the Pan American Congress which was held in the city of Panama in 1826;

H. R. 2009. An act for the relief of C. M. Rodefer;

H. R. 9831. An act to provide for the completion and repair of customs buildings in Porto Rico;

H. R. 8132. An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes.

On May 3, 1926:

H. J. Res. 209. Joint resolution requesting the President of the United States to invite foreign governments to participate in the Seventh International Dental Congress, to be held at Philadelphia, Pa., August 23 to 28, 1926;

H. R. 6772. An act to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America;

H. R. 6777. An act to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America;

H. R. 9964. An act releasing and granting to the city of Chicago any and all reversionary rights of the United States in and to the streets, alleys, and public grounds in Fort Dearborn addition to Chicago;

H. R. 10164. An act granting the consent of Congress to Cape Girardeau Chamber of Commerce (Inc.) to construct, maintain, and operate a bridge across the Mississippi River at Cape Girardeau, Mo.;

H. R. 10351. An act granting the consent of Congress to the Natchez-Vidalia Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Natchez, Miss.;

H. R. 9758. An act granting the consent of Congress to the Vicksburg Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Vicksburg, Miss.; and

H. R. 8190. An act authorizing the construction of a bridge across the Colorado River near Blythe, Calif.

On May 4, 1926:

H. R. 6556. An act for the establishment of artificial bathing pools or beaches in the District of Columbia;

H. R. 3797. An act to increase the limit of cost of public building at Decatur, Ala.;

H. R. 3971. An act to correct and perfect title to certain lands and portions of lots in Centerville, Iowa, in the United States of America, and authorizing the conveyance of title in certain other lands, and portions of lots adjacent to the United States post-office site in Centerville, Iowa, to the record owners thereof by the Secretary of the Treasury; and

H. R. 10275. An act authorizing appropriations for construction at military posts, and for other purposes.

FREDERICK A. FENNING

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. When we adjourned on yesterday the gentleman from Pennsylvania [Mr. GRAHAM] had presented a resolution with reference to the impeachment proceedings against Mr. Frederick A. Fenning. May I ask when that will come to a vote?

The SPEAKER. It will come the first thing to-morrow; that is, it will be in order to move the previous question.

Mr. RANKIN. It is not in order now?

The SPEAKER. It is not in order on Calendar Wednesday.

THE MISSOURI RIVER—A RECOGNIZED NAVIGATION PROJECT

Mr. SEARS of Nebraska. Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement prepared by the Chamber of Commerce, of Omaha, Nebr., with reference to the Missouri River and adjacent territory.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD by inserting a statement prepared by the Chamber of Commerce, of Omaha, with reference to the Missouri River and adjacent territory. Is there objection?

There was no objection.

Mr. SEARS of Nebraska. Mr. Speaker, the Missouri River has been navigated since 1819, when the first boat reached Council Bluffs, Iowa. In 1832 a steamboat reached the mouth of the Yellowstone River, and in 1859 regular navigation was inaugurated to Fort Benton, Mont., 2,285 miles from the mouth.

The rivers and harbors bills of 1832, 1834, and 1835 contained appropriations—

for improving the navigation of the Ohio, Missouri, and Mississippi Rivers.

The bill of 1836 contained a specific appropriation of $40,000—

for the Missouri River, to be expended in such manner and for the removal of such obstructions as the Secretary of War shall direct.

Government work on improving the river began in 1838, through appropriations in the rivers and harbors bills of 1836 and 1837. Continuing small appropriations for snagging and improvement were made until the act of June 18, 1878, when appropriations on a larger scale began. This bill appropriated over $250,000—

for the survey of the Missouri River from its mouth to Sioux City and estimates for its improvement and maintenance of its navigation—

And—

for the improvement of the Missouri River at numerous points in Missouri, Iowa, Nebraska, Kansas, and above the mouth of the Yellowstone.

The act of March 3, 1879, appropriated over $200,000—

for survey of Missouri River from its mouth to Fort Benton, Mont.—

For—

removing snags, sand bars, wrecks, and other obstructions, and correcting and deepening the channel—

And for specific improvements at numerous points on the river. Appropriations for these purposes were continued in the acts of 1880, 1881, and 1882. In the act of 1882, $850,000 was appropriated for—

improving the Missouri River from its mouth to Sioux City, Iowa, including such harbors on said river now in the course of improvement as in the judgment of the Chief of Engineers would benefit commerce and navigation—

And $100,000 for—

improving the Missouri River from Sioux City to Fort Benton.

Other appropriations were made for surveys and snagging.

In the act of July 5, 1884, the Missouri River Commission was created, consisting of five members. The act declared—

that it shall be the duty of said commission to superintend and direct such improvements of said river and to carry into execution such plans for the improvement of the navigation of said river from its mouth to its headwaters as may now be devised and in progress and to make additional surveys, examinations, and investigations * * * and to consider, devise, and mature * * * plans and * * * estimates * * * to obtain and maintain a channel and depth of water in said river sufficient for the purposes of commerce and navigation.

The act provided that appropriations should be expended under the direction of the Secretary of War in accordance with the plans and recommendations of the commission, when approved by Congress. This act appropriated $500,000 for improving the river from its mouth to Sioux City, including such harbors as would benefit commerce and navigation, $125,000 for continuing the improvement from Sioux City to Fort Benton, Mont., as well as $50,000 for removing snags and obstructions.

The first annual report of the commission contains a review of the work previously done on the river. It shows that $861,000 had been expended on separate scattered improvements but, according to the commission—

no useful results at all justifying such an expenditure were obtained or could be obtained under the system. The means were inadequate at nearly every point, nothing could be finished, and the incomplete work was an easy prey to the destructive forces of the

river. At the same time the supervision of so many works so widely scattered required a large and expensive administrative staff. * * * The commission finds that among the people most interested in the improvement of the Missouri River there are two radically different views as to the proper method of distributing the appropriations.

On the one hand it is held that the first and most important object of the appropriations is to check the ravages now being suffered by private, corporate, and municipal property on the banks. * * * On the other hand, it is held by the commission that the appropriations are intended as a business investment made by the Government. * * * That the primary object of the improvement is to deepen the channel and thus to provide cheap through transportation for freight, by which the country may be developed and the money paid out be finally returned to the Treasury of the United States. * * * That while it is true there is but a small amount of commerce on the river at this time, the object is to increase that commerce.

The commission recommended continuous expenditures of, at least, $1,000,000 annually for comprehensive improvement from its mouth to Sioux City. In the report for 1885 appears this statement:

It needs but a casual glance to convince one that the possibilities of this region have not yet been even guessed at; that it must, in time, become populous and maintain all those industries in a flourishing condition which appertain to civilization; that the wild and wayward Missouri must, in time, yield to persistent but gentle treatment and develop into a deep and commodious avenue wherein the commerce of this country shall pass securely and economically.

The following is quoted from the annual report for the year 1888:

The boating trade on the Missouri is, at present, very small. It is practically confined to the distance Fort Yates to Fort Benton for the upper river and St. Louis to Glasgow for the lower. But these or any other facts as to the small actual amount of boating done on the river now have nothing to do with the question of the improvement of navigation on the Missouri River in its broad meaning and national bearing. * * * A national system of internal waterways improvement should result in large gains of national wealth. Reduction in cost of transportation of supplies to market is a businesslike method of increasing profits. Here is the Missouri Valley, draining an immense grain-bearing (for one thing) district. Large quantities of surplus grain are ready to be put in the world's markets if it can be done for less than the selling price.

No proof is needed of the statement that water transportation is cheaper than rail, especially for long distances. Moreover, facts given in my report on this subject to the commission in 1886 (annual report 1886, p. 318) show that the river has six hundred times greater carrying capacity than a single-track railroad. To improve the river, even between Kansas City and St. Louis, to a low-water depth of 12 feet is deemed perfectly practicable, and at a cost per mile ($50,000) not exceeding that of a first-class single-track railroad.

Even with the present unimproved channels of the Missouri and Mississippi it is not less than 6 cents cheaper per bushel to transport grain from St. Louis to Liverpool by way of New Orleans than by way of New York by rail. The saving thus made in one year would more than pay the estimated cost of improving the Missouri River to Kansas City.

The river once improved and insurance on Missouri River barges being then a profitable business—it does not and can not exist at present—the saving per bushel would probably be even greater than it is now.

All these possibilities, which are safe predictions, only receive greater weight from their present nonrealization.

The failure by Congress to make appropriations for the continued improvement of the Mississippi River and its principal tributaries has cost the people of these valleys enormous amounts of money by higher freights, larger risks, and increased insurance, wrecks, and delays of transportation, and if continued will dishearten our river men, if not destroy their business, and thus leave the commerce of the Mississippi Valley to a single method of transportation and practically at its mercy. The result in such a case is not difficult to foresee. The permanent improvement of our waterways is imperatively demanded in the interest of cheaper transportation to the sea and intercommunication between points on these water courses. * * * The permanent improvement of the great Mississippi River water system, affording 15,000 miles of water navigation, will secure lower and more stable rates of freight than most legislation and will do it by the laws of competition between different modes of transportation. (President Galennie's report to Merchants' Exchange of St. Louis, January 3, 1888, p. 12.)

The commission had its troubles from the start, both as to the amounts of appropriations made by Congress for its work and the practice of allotting a large part of the money to specific bank protection projects. The rivers and harbors bill of 1888 appropriated $1,000,000 for continuing improvement of the river from the mouth to Fort Benton, in accordance with the plans and recommendations of the commission, but specified that over three-fourths of that sum be expended at points specifically named in the bill. Commenting on this in its annual report of 1889, the commission said:

Under the provisions of this act, the further carrying out of the plan and program heretofore recommended by the commission for the improvement of the Missouri River became practically impossible * * *. The commission has always understood from the wording of the organic act of July 5, 1884, that the primary object of the appropriations was to benefit the commerce and navigation of the United States and not to protect private, corporate, or municipal property from the ravages of the river. If the latter could be done incidentally as a part of the general improvement, so much the better; but it was not a primary object. Now it so happens that a systematic improvement of navigation does involve holding the river in a fixed channel and thus checking its destructive action upon adjacent property; and if the systematic improvement should be carried to a successful completion, adjacent property would, as a rule, be protected. The systematic improvement, however, is a vast undertaking which will consume many millions of dollars and many years of time. Naturally property owners are not content to wait until they shall receive the benefit as an incident, but they insist that it shall come to them at once, thus making the protection of property the main object of the work and relegating the improvement of navigation to the background * * *. Property is in danger of greater or less value from one end of the river to the other.

There is an almost universal clamor for protection. * * * It is simply impossible to meet all these demands. Even a small fraction of them can not be met without scattering the funds to such a degree as to incur the danger of having inadequate means at all points. But if that danger be avoided there still remains the disagreeable fact that detached pieces of bank protection separated by intervals of many miles will probably contribute little or nothing to the general improvement of navigation. The river can be controlled only by a continuous improvement. * * * If, as in the act of August, 1888, nearly the entire fund be allotted to widely separated localities, the improvement of navigation is practically stopped. It is the opinion of the commission that an indefinite number of millions of dollars—they can not guess how many—can be expended upon the river in that way and without benefiting navigation appreciably. If, as the commission supposes, the primary object of the work is to improve the navigation of the river, it can not possibly succeed if carried on in the manner rendered necessary for the operations of this year by the act of August 11, 1888.

Heeding the admonitions of the commission, Congress, in the act of 1890, appropriated $300,000 for improving the Missouri River from Great Falls to Sioux City and $800,000 between Sioux City and its mouth. In the bill of 1892 $600,000 was appropriated for the same purposes for work between Sioux City and the mouth and $150,000 above Sioux City; in the bills of 1893, 1894, and 1895, additional appropriations of $750,000 each year were made for the same purposes.

During these years the commission made great headway in its work. In its report for 1891 the commission states:

The act of September 19, 1890, directed, with certain specified exceptions, the appropriations be expended by the Secretary of War in the systematic improvement of the river from the mouth up according to the plans and specifications of the Missouri River Commission, to be approved by him, in reaches to be designated by them.

In compliance with the provisions of this act, the commission recommends that for the purposes of systematic improvements the Missouri River between Sioux City and the mouth be divided into the following reaches:

1. Mouth to Osage River, 137 miles.
2. Osage River to Grand River, 110 miles.
3. Grand River to Kaw River, 131 miles.
4. Kaw River to Nemaha River, 148 miles.
5. Nemaha River to Platte River, 105 miles.
6. Platte River to Sioux City, 162 miles.

The commission accepts this latest legislation of Congress as an expression that the systematic improvement of the river for purposes of navigation shall be prosecuted to speedy completion. * * * The commission respectfully represent that in a work of this magnitude the possibility of rapid execution is of the greatest importance, not only to secure early beneficial results but also to increase the facility and economy of construction. The commission have no doubt that the river can be successfully improved so as to meet all reasonable demands of commerce, but to do this ample means will be required to insure continuous work free from vexatious and expensive interruptions and suspensions.

They estimated that the amount of the complete improvements from the mouth to Sioux City would be $3,000,000.

In its report for 1895 the commission said:

> The continuous work rendered possible by this method of appropriation has enabled the improvement to be carried on in a very satisfactory and highly successful manner.

They reported that a 45-mile stretch of very difficult navigation had been brought under control. They pointed out that the natural channels of the river are tortuous and exceedingly unstable, constantly shifting their position and difficult to run by boats of any size; that the work so far done showed these evils could be substantially eliminated; that the channel can be given a shape and direction best suited to navigation and can be kept there. It was pointed out that the natural channels, particularly the shoaler portions at the bar crossings, fill up when the river rises, but in the rectified channels no such fill occurs. The commission said that, at low water—

> it seems beyond question that 6 or 8 feet can be certainly counted on, with a strong probability that even better results may be obtained. As the natural channels have but 3 feet depth, with occasionally only 2½ feet at this same stage, it will readily be seen that the improvement will be immense.

It is significant that the 45-mile stretch of improved river mentioned in this report is intact to-day and in first-class condition after 35 years, and that the depth of the channel at low water is from 8 to 12 feet.

After 1895, notwithstanding the good results obtained, Congress apparently had a change of heart and discontinued appropriations adequate for continuing improvements. In the bill of 1896 only $300,000 was appropriated for the—

> systematic improvement of the river according to the plans and specifications of the Missouri River commission—

And most of this was directed to be expended at specific points; $300,000 was again appropriated in the bill of 1897 and the same amount in 1898; $200,000 in 1899, with $250,000 additional for work above Sioux City and at other points specifically named; $250,000 in 1900.

In 1902, $100,000 was appropriated for improvements above Sioux City and $175,000 from Sioux City to the mouth. This act also contained a provision repealing that part of the act of 1884 providing for the creation of the Missouri River Commission, effective June 30, 1902, and providing that all of the work and equipment and unexpended appropriations under the commission's jurisdiction be placed under the control of the Secretary of War, who was directed thereafter to superintend it.

The commission in its annual report for 1901 said:

> The commission has again to invite attention to the inadequacy of appropriations for accomplishing useful results on the Missouri River or for making progress toward an ultimate improvement. Attention is also invited to the fact that even for local works, upon which the commission has been required by congressional enactment to expend large parts of the appropriations, the amount for each work is usually so small compared to the requirements of the localities that but little useful effect can be obtained, and work done is frequently lost by the impossibility of making it secure with the money available for it. * * * The fact that there is at this time but little commerce upon the river is due entirely to the condition of the river, which is such that it is hazardous to run boats and impossible to obtain insurance at reasonable rates. No commerce of any consequence can be expected until the river is put in navigable condition and opened to the mouth. Parties are constantly attempting to run boats, and continue until they meet the usual result of total loss of boat or impairment of capital, due not to lack of patronage but to the discouraging difficulties of navigation, difficulties which a radical improvement would entirely dissipate. Other parties after inquiry decide not to attempt the navigation of the river. * * * The completion of the work in the first reach, opening the river from its mouth to Jefferson City, would, it is believed, demonstrate the fact that commerce would quickly spring up, eager to take advantage of a safe, deep channel, and, in addition, millions of dollars would be added to the value of the valley by the prevention of destruction caused by the river. It is urgently recommended that the improvement of the first reach be completed in order that a large amount of work already done may be utilized and, as before stated, that the usefulness of the work be demonstrated.
>
> * * * A large amount of money in the aggregate has been expended on the river in the past 17 years, but those acquainted with the river have not expected any immediate valuable increase of commerce from the expenditure, and it is safe to say that double the amount expended in the same way would produce but little increase of commerce or betterment of the general navigation. The amount expended at widely separated points, if applied to a continuous systematic improvement, would carry it well on the way from the mouth of the river to Kansas City. The money, however, has not been wholly lost. Valuable interests have been protected, and a part of the work necessary for river improvement has been done, and when the detached works are connected, so as to form a part of a continuous systematic improvement, commerce will begin to receive the benefit.

In the 1902 act it was provided that there should be organized in the office of the Chief of Engineers, United States Army, a board of engineers to whom should be referred for consideration and recommendation all reports upon examinations and surveys provided for by Congress and all projects or changes in projects for works of river and harbor improvements heretofore or hereafter provided for. The board was directed to submit to the Chief of Engineers recommendations as to the desirability of commencing or continuing improvements, having in mind the benefits to commerce and the cost of the work.

From 1902 to 1910 appropriations for Missouri River improvements were very small. In the act of 1905, $175,000 was appropriated for general improvement by snagging and maintenance of open channel below Sioux City, $75,000 above Sioux City, and $60,000 for specific points. The act of 1907 directed the Secretary of War to make preliminary examinations or surveys of the Missouri from its mouth to Kansas City and from Kansas City to Sioux City. In the act of 1909 a survey of the Missouri River from Sioux City to Fort Benton, Mont., was directed.

In the act of 1910 appropriation of $1,000,000 was made for—

> improving the Missouri River with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river.

Three hundred thousand dollars for improvement and maintenance from Kansas City to Fort Benton; $75,000 for improvement at St. Joseph. In 1911, $600,000 additional was authorized for carrying on the improvements below Kansas City, to be paid for out of the appropriations which from time to time might be made. In 1912 appropriation of $800,000 for improving the river below Kansas City, with a view to the completion of a permanent 6-foot channel within 10 years, was adopted. In this same act $75,000 was appropriated for improvement and maintenance from Kansas City to Sioux City, and $150,000 from Sioux City to Fort Benton, and $600,000 additional was appropriated for completing contracts already made on work between Kansas City and the mouth. In 1913, $2,000,000 was appropriated for the work below Kansas City, and $150,000 for improvement and maintenance from Kansas City to Sioux City, and $175,000 from Sioux City to Fort Benton, "in the interest of navigation."

In the act of March 4, 1915, preliminary examination and survey was authorized for the Missouri River from Kansas City to the northern limits of Florence, Nebr. In 1916, $1,500,000 was appropriated for continuing improvements below Kansas City, and $50,000 for improvement and maintenance from Kansas City to Sioux City, $125,000 from Sioux City to Fort Benton. In 1917, $1,000,000 was appropriated for work below Kansas City; for snagging and maintenance between Kansas City and Sioux City, $35,000; for maintenance between Sioux City and Fort Benton, $50,000. In 1918, $500,000 was appropriated for work below Kansas City; in 1919, $400,000 for the same purpose, and $10,000 additional for maintenance between Kansas City and Sioux City. This completes the list of appropriations made by Congress for the Missouri River up to the close of the Sixty-eighth Congress, second session, March 4, 1925.

The act of March 3, 1925, provided:

> That the following works are hereby adopted and authorized: * * * The improvement of the Missouri River from its mouth to the upper end of Quindaro Bend in accordance with the existing project with a view to securing a permanent navigable channel with a minimum depth of 6 feet and a minimum width of 200 feet, with a reasonable additional width around the bends in said river.

As the matter stands to-day the above is the only authorized project for Missouri River improvement recognized by Congress. Annual reports of the Army Engineers for the past several years, however, have conceded the practicability of regulating the river in such manner as to make it navigable for many hundred miles north of Kansas City. In 1925, the Missouri River Navigation Association was organized by public-spirited men representing agriculture and business in the 10 States tributary to the Missouri River from its mouth to the head of navigation in Montana. At the request of this association the district engineer of the Army at Kansas City made additional investigations and on February 1, 1926, submitted a report. There is no project stated in the present rivers and harbors bill as important as the improvement of the Missouri River,

and practically all that it gets is "Three cheers" from present proposed legislation.

Report of the Board of Engineers for Rivers and Harbors to the Chief of Engineers of United States Army, April 8, 1926, finds that it is entirely feasible from an engineering standpoint, to provide a dependable navigable channel, six feet deep from Kansas City to Omaha or other points farther upstream. The report states however, that further investigation should be made of the economic aspects of the project to determine probable tonnage movement, savings in transportation costs and other benefits.

Evidence submitted to the board and to the Rivers and Harbors Committee of the House of Representatives showed that over 20,000,000 tons of grain alone moved from the States tributary to the Missouri River in 1924 and over 16,000,000 tons from the territory above Kansas City. It was shown that the savings in transportation charges on this grain, based on barge rates now effective on the Mississippi River, would range from 3 to 8 cents a bushel and average 5 cents a bushel, or more than $2 a ton. The total savings on 16,000,000 tons of grain moving from the territory above Kansas City would therefore exceed $32,000,000 annually, assuming that the entire movement would be benefited by the lower rates afforded from water transportation. If, for the sake of ultraconservatism, it be estimated that only half the annual grain movement would be benefited, the savings would still exceed $16,000,000 annually on grain alone. In addition to grain vast quantities of hay, livestock, and other farm products are shipped out of the upper Missouri River territory, as well as miscellaneous freight, which would be benefited by lower river rates.

As to northbound tonnage, it was shown that to only six towns on the river above Kansas City from which statistics were available, viz, Atchison, Leavenworth, St. Joseph, Omaha, Sioux City, Yankton, the movement of common necessities of life such as coal, lumber, building materials, sugar, coffee, rice, and other food staples, and so forth, exceeded 2,600,000 tons annually. Based on the difference between existing railroads' freight rates and the rates profitably charged to-day on the Mississippi River barge line, it was shown that the annual savings resulting from river transportation on the tonnage to these six towns only would be, on coal $3,000,000; lumber, $1,600,000; sugar, molasses, coffee, rice, and so forth, $1,250,000; cement, brick, and so forth, $300,000, miscellaneous, $400,000; total annual saving to above six towns only, $6,500,000.

The savings to consumers in the entire territory, whether located directly on the river or not, would be as great in proportion as to the river towns, because rail rates to the interior towns are built on the river towns and reductions to river points would automatically be reflected to the interior. It is most conservative, therefore, to say that the saving in transportation charges on these staple commodities moving northbound to the upper Missouri River territory would exceed $12,000,000 annually. Probably the totals of savings to the entire territory on inbound and outbound freight would be many times the amounts demonstrated by the compilations of actual known tonnage movement mentioned above. There would, of course, be a large movement of manufactured articles and miscellaneous freight on the river which is not given consideration in the above figures, but on which the savings to the public in transportation charges would be very substantial.

It was estimated by the district engineer of the Army in his report to the Board of Engineers that the cost of obtaining a permanent navigable channel from Kansas City to Yankton would be $56,000,000. This estimate is probably excessive. Practical engineers who have been working on the upper river for years estimate that it would be materially less. However that may be, General Taylor, Chief of Engineers, United States Army, states that if final investigation indicated that the savings to the public from this improvement could be reasonably expected to amount to as much as $10,000,000 annually, there would be no question of the engineers recommending the adoption of the project.

The evidence already before the engineers and before the Rivers and Harbors Committee shows beyond a shadow of a doubt that unless the whole policy of river-navigation development is a dream the public benefit which would result from the improvement of the Missouri River above Kansas City would exceed $10,000,000 annually many times over. Further investigation can only swell the totals of savings already known and demonstrated to be in excess of $30,000,000 annually. The project has already been approved as feasible from an engineering standpoint. Further delay in its approval by Congress will only mean depriving the public of relief which it sadly needs now instead of some indefinite time in the future.

The Missouri River is part of the main stem of the Mississippi system; it extends through the heart of the Nation's greatest agricultural region, a territory suffering from higher freight rates and greater agricultural and economic difficulties than any other part of the United States. The river above Kansas City differs in no essential respect from the river below Kansas City, which is already an authorized project. The river above Kansas City has been recognized as navigable and has been navigated as far as Fort Benton, Mont., 2,300 miles above the mouth, for more than three-quarters of a century. Congress has, from time to time during all this period, made appropriations for improvement of navigation on the upper river.

Now, when a crying need exists, as never before, for the benefits of navigation on the upper river, why should Congress hesitate to recognize it as a project for improvement? The upper river offers, above all other rivers which form our great system of interior waterways, prospects for profitable operation of boats at a greater saving to the public and to the greater benefit of agriculture and business than can be found anywhere else in the United States.

Immediate adoption by Congress of the upper Missouri River as a project will permit organization this year of landowners adjoining the river for protecting their properties from destruction through erosion, saving several million dollars in valuable agricultural lands yearly, and at the same time contributing greatly to deepened channels. Plans can be pushed for construction of necessary terminals. This work should be allowed to proceed at once and will greatly hasten the complete development of navigation and commerce on the river. The people in the great upper Missouri River Basin will bitterly resent further delay in recognition of this great public work by Congress, when such delay is entirely without reason.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the Committee on Military Affairs.

MILITARY AVIATION

Mr. JAMES. Mr. Speaker, I call up H. R. 10827, a bill to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes.

The SPEAKER. The gentleman from Michigan calls up the bill H. R. 10827. This bill is on the Union Calendar, and under the rule the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10827, with Mr. DOWELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10827, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. JAMES. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Michigan is recognized for one hour.

Mr. JAMES. Mr. Chairman, I yield myself 10 minutes. The House Military Affairs Committee has been considering air legislation since 1919. In 1919 Mr. Kahn appointed a Subcommittee on Aviation, of which I was the chairman. The gentleman from Pennsylvania [Mr. MORIN], the gentleman from Tennessee [Mr. FISHER], and the gentleman from New York [Mr. LAGUARDIA] were members of the subcommittee. At that time we were considering the proposition of a unified air service. The same arguments used against a unified air service in 1919 were used before our committee at this time. The Military Affairs Committee, as I say, has been considering it since 1919, but this is the first time we have ever reported a bill to the House. We have considered air service legislation at every session of Congress. In addition, we had the special Lampert committee, appointed by the House, and the Morrow Board, appointed by the President. A good many of the bills which were introduced in 1919, such as the Curry bill, for the national defense and a unified air service, were introduced at the present session of Congress. And, as I say, the same arguments used in 1919 were used at this time. We had General Mitchell and the gentleman from California [Mr. CURRY] before us in 1919, and they spoke before us this time. We had before us this time a bill to create a department of national defense, introduced by the gentleman from Maryland [Mr.

HILL]; we had the unified air service bill, introduced by the gentleman from California [Mr. CURRY]; we had the Marine Corps idea of General Patrick's; and we also had before us a bill sent up by the War Department. The committee held extensive hearings; finally a vote was taken in executive session, and all of the bills were defeated.

Personally I was in favor of a department of national defense, as I believe that is the only logical solution of the problem. We were defeated in committee, however, by a vote of 11 to 10, and then the committee proceeded to draft its own bill, which is now before the House.

I want to call the attention of the committee to the 11 things provided in this bill which take care of the Air Service men. In the first place, we are correcting many of the injustices to the fliers.

I want to call your attention to section 2. In that section we have a provision, commencing on line 11 and extending to line 6 on page 3, which will provide ultimately that every man in the Air Service must be a flier.

The next provision, commencing on line 23, page 3, is that at least 20 per cent of the total number of the pilots shall be enlisted men. In that same section we also provide that enlisted men shall receive special ratings as mechanics and pay which will be commensurate with that paid for civil work of a similar character. That provision commences at line 4, on page 4, and includes the balance of that section.

Section 5 provides temporary rank for Air Service officers. We have here a provision which will help to rectify the injustices recognized by the single promotion list and one that will reduce the shortage of field officers. In section 4, page 5, there is a correction of the promotion list, which provides for an investigation to see if some plan can not be worked out that will take care of the alleged injustices in the promotion list. Everybody admits there are injustices. There have been several committees appointed to investigate the matter, and while all agree that the Air Service men have been discriminated against, no plan has been found which will not at the same time discriminate against other men.

There are to-day 93 men in the General Staff, only 3 of whom are fliers. Under section 5 we provide for more adequate representation of the Air Service on the General Staff. The provision we have included should give at least five more fliers on the General Staff.

The provision on page 8 is with respect to the appointment of the Chief of the Air Service. Nobody should be at the head of the Air Service who is not a flier. No one would think of having a man appointed head of the Cavalry service who could not ride a horse, and for the same reason we ought not to have anyone at the head of the Air Service who is not a practical flier, and, preferably, he should be brought up in that service. Section 7 takes care of that situation.

In section 8 we have taken care of commercial aviation.

Commencing with section 10, we provide an adequate national defense under a five-year program.

There is not anybody in the Army who has the respect of his men more or who is better thought of than General Patrick, the head of the Air Service. I want the Clerk to read in my time a letter from General Patrick regarding the proposed bill.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

MAY 4, 1926.

Hon. W. FRANK JAMES,
Acting Chairman House Military Affairs Committee,
House Office Building, Washington, D. C.

MY DEAR MR. JAMES: In answer to your request for my personal opinion of H. R. 10827, a bill to increase the efficiency of the Air Corps of the Army, while I still feel that a department of national defense is the ultimate solution of our defense problem, I am nevertheless in hearty accord with the general provisions of this bill reported by the Military Affairs Committee. I believe it is a long step in the right direction and will very materially increase the efficiency of the Army Air Corps.

Very truly yours,

MASON M. PATRICK,
Major General, A. S., Chief of Air Service.

Mr. JAMES. In conclusion, gentlemen, the bill we have recommended for your consideration will alleviate most of the grievances of the fliers who have been coming before Congress since 1919, and in addition will provide an adequate flying service in time of peace, and I sincerely hope it will pass the House by a practically unanimous vote. [Applause.]

I reserve the remainder of my time, Mr. Chairman.

Mr. QUIN. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. FISHER].

Mr. FISHER. Mr. Chairman, the subject of aviation has been given very careful study by the Committee on Military Affairs of the House of Representatives ever since 1919. After the World War a very serious effort was made to draft legislation which would mean a reorganization of the whole Army structure so that our country would profit by the lessons taught by the war. As a result of those efforts we have the national defense act, as amended, which was passed in 1920, and in the amendments many changes were made in the peace establishment of the Regular Army. It was sought to give to each of the numerous integral units of the Army its proper balance to each other. No change was given more thought than the arm of the Army which provided for the Air Service. There had been shown in war experiences the great possibilities of the Air Service. It was shown that with the proper development it would become not only the most spectacular of army activities but one of the most effective. So far as I have known the sentiment of the members of the Military Affairs Committee while I have been a member of it, the committee has always been willing and anxious to give a hearing to any one who had suggestions to make which was thought should be heard by the committee as a basis for legislation which would bring about a greater efficiency in the development of aviation as a part of the Army. There was a subcommittee of this committee which was appointed shortly after the war to study and hear the many views as to how the committee should proceed to draft the type of legislation which could be recommended to the House of Representatives as the proper method to bring about an advancement in the Air Service. All who had a plan or scheme, and if interested in giving the subcommittee the benefit of their ideas, were given an opportunity to be heard. The question then as to the advisability of a separate Air Service was carefully considered. Many distinguished flying officers testified before the committee. All of them had fine records of service. It was urged by some of them that there ought to be a separate Air Service combining all the air activities of both the Army and Navy into a separate department of the Government. Early in 1919 the Assistant Secretary of War, Hon. Benedict Crowell, was made the head of an American aviation mission, made up of eight distinguished representatives of the Army, Navy, and commercial interests.

This mission was sent, under instructions of the Secretary of War, Mr. Newton Baker, to visit England, France, and Italy and to get all the information they could on the development of aircraft and the plans being needed for its development, both for war and peace service. Mr. Crowell appeared as a witness after the return of this mission, which had spent considerable time in the three foreign countries conferring with the various ministers of these governments, ranking army and navy commanders, and the foremost aircraft manufacturers. The report made to the Secretary of War, dated July 19, 1919, strongly recommended, among other things—

the concentration of the air activities of the United States, civilian, naval, and military, within the direction of a single governmental agency created for the purpose, coequal in importance and in representation with the Departments of War, Navy, and Commerce.

The report evidenced a most thorough and careful study, with a rare opportunity to confer with those who knew most about the subject of aircraft in the countries which they visited. The Secretary of War made the report public, and while he withheld his support of "the single centralized air service," he gave a strong indorsement of the thoroughness and value of the studies made in the three foreign countries.

Among the other witnesses for the separate air service was the very distinguished aviator and one-time major general in the American Expeditionary Forces in France, Mr. William Mitchell, who, in December, 1919, urged the organization of a separate department of the Government, but did not at that time think there should be a Cabinet officer, but thought if the separate department was organized it would soon develop so that its importance would demand a Cabinet officer coequal with that of the Army. Major General Menoher, Chief of the Air Service at that time, urged that the separation of the air forces from the Army would make the line of cleavage between the Air Service and the rest of the Army absolute; that there would be great difficulty in coordination and cooperation; that the experiences of the World War was convincing that the best and most coordination would only be obtained when the Air Service was operating with the Army. During the hearings Major General Menoher wrote to Gen. John J. Pershing, then the General of the Armies of the United States, asking him to state his views on the subject of a separate air service, because there had been a misinterpretation as to General Pershing's views on this subject. That part of the letter,

dated January 12, 1920, of General Pershing's which answered the questions made by General Menoher is as follows:

I am very glad to answer the questions you asked in your letter specifically, and I am giving my answers below the same hearings that you gave your questions.

(2) a. Military forces can never be efficiently trained nor operated without an air force.

b. An air force, acting independently, can of its own account neither win a war at the present time nor, so far as we can tell, at any time in the future.

c. An air force by itself can not obtain a decision against forces on the ground.

d. A military air force is an essential combat branch and should form an integral part of the Army.

e. If success is to be expected, the military air force must be controlled in the same way, understand the same discipline, and act in accordance with the Army command under precisely the same conditions as other combat arms.

f. An air force, as well as other branches of the military organization, must fully understand its exact functions in working with other branches, must know the needs of other branches, be in full sympathy with them, think in the same military atmosphere, and have the same esprit de corps in order that effective battle control may be established.

g. No such force can realize the above conditions unless it is an integral part of the command, not only during battle but also during the entire period of doctrinal training.

h. To realize these conditions the different arms of the service must live together and train together.

i. An air force should be established as a separate arm of the service, coordinate with the Infantry, Cavalry, and Artillery.

j. An air force should not be established as a combatant force distinct from the Army and Navy.

k. The only view that I have ever expressed on the question of the Air Service for military purposes is that such service should be established as a separate branch within the Army, and separate only in the same way that Infantry and Field Artillery are separate.

On my present tour of inspection I have had occasion several times to refer to my opinions on the Air Service. I shall probably again refer to this question, but I have no objection to your utilizing this letter in any way you see fit.

Very truly yours,

JOHN J. PERSHING,
General of the Armies of the United States.

After so strong statements made against a separate Air Service by two such distinguished Army officers, the one being the only Army officer at that time who held the rank of General of the Armies of the United States, it can be readily understood that the opinions of these officers would have great weight with a committee which had under consideration a bill to create a unified air service. The interest in the development of aviation was not hindered by the failure of the Congress at that time to make this radical change in the structure of the Army and Navy, but the study and investigation of aviation activities continued. The Secretary of War had appointed a group of officers, headed by Major General Menoher, to study the question of a department of aeronautics. This board held that military aeronautics is a part of the Army, and to transfer it to a department independent of the Army would seriously affect the efficiency of the Nation's combined force as a fighting machine.

There continued in Congress a strong sentiment that there ought to be a complete investigation of all aircraft activities. This desire in the House of Representatives brought about the adoption of H. R. 192 on March 24, 1924, and under this resolution a select committee of inquiry into the operations of the United States Air Service was appointed by the Speaker.

This committee examined 150 witnesses over a period of 11 months. They visited a number of places in the United States where there were aviation activities and held public hearings. The six volumes of the printed evidence and exhibits indicate the thoroughness of the work of the committee. The report of this select committee of inquiry, of which Hon. FLORIAN LAMPERT was the chairman, was filed on December 14, 1925. The committee report was unanimous, and there were 23 distinct recommendations. The Members of the House who have availed themselves of the opportunity to read the report of this committee are certainly more fully advised as to the proper legislation to be passed to bring about its greatest development. During a part of the period of time when the Lampert committee was having public hearings throughout the country the Committee on Military Affairs of the House, in January and February, 1925, held public hearings in the committee room to inquire as to the desirability of air-service unification. Brigadier General Mitchell was the principal witness in favor of the creation of a department of aeronautics to combine the air activities of the Army and Navy. From the Army General Drum was the chief witness opposing the separate or unified air service. A significant statement made by him was that the War Department had for six years been constantly at work studying every phase of air problems for the Army in order that there should be a sound solution. This study began a short period after we entered the World War. He had been on a board of Army officers selected by General Pershing to study the question of the organization of the Army. The independent Air Service was an issue. After consulting both the French and English, who had had three years' experience, decided that the Air Service should be a branch of the Army, like the Infantry and Artillery. He said that actual war experiences demonstrated conclusively that this was the best policy. There is also given by General Drum the findings of another board of Army officers which General Pershing convened after the armistice. This was called the Dickman Board, the name of the head of the board. Part of the work of this board was to study the Air Service, and Brigadier General Foulois, a flying officer, was placed at the head of the subcommittee. The conclusions of the board were in part that—

aviation must continue to be one of the auxiliaries of the principal arm, the Infantry.

The Secretary of the Navy and several high ranking naval officers have testified before the Committee on Military Affairs, but opposed any plan which would cause the air branch of the Navy to be placed under a separate or unified Air Service. The Secretary stated that he did not know of one officer in the Navy who is favorable to a separate Air Service. Admiral Jones, who was chairman of the General Board of the Navy, stated:

I am firmly convinced that if you give us this central air force, you will harm us and prevent what you say you were trying to give us. It will do us irreparable harm.

Evidently the careful study and elaborate program of the hearings by the Select Committee of Inquiry of the House, the study and hearings by the Military Affairs Committee, and the several reports from the Board of Officers of both the Army and Navy was not thought to be sufficient study of aircraft, for the Secretary of the Navy and the Secretary of War, in September, 1925, sent a joint letter to the President, suggesting that a board be appointed by him to study and advise the best means of developing aircraft in national defense and to supplement the study of the War and Navy Departments on the same subjects. On September 12, 1925, there was appointed by the President what has been called a nonpartisan nonpolitical aircraft board, headed by Mr. Dwight W. Morrow. The report of the Morrow Board, after hearings and study, was made to the President on November 30, 1925. Their conclusions were expressed as follows:

1. Civil and military air activities should be kept separate.

2. Commercial aviation should be encouraged in every legitimate way by the Government. To attain this end the board recommended the establishment of a bureau of air navigation under an additional Assistant Secretary of Commerce.

3. The proper measure of our Army air strength should be the strength needed to secure our national defense based upon the effective enemy air force which could be brought against us, keeping in mind our situation as protected by the broad oceans on either coast.

4. Based upon the facts of aviation as they now are, the board found that this country is not at present "in danger by air attack from any potential enemy of menacing strength."

5. After studying fully the arguments both for and against the proposal, the board did not "recommend a department of national defense, either as comprising the Army and Navy, or as comprising three coordinate departments of Army, Navy, and Air," stating that "the disadvantages outweigh the advantages."

6. The board opposed the formation of a separate department for air, coordinate with the present departments of War and Navy.

The two bills providing for air programs for the Navy and civil aviation of the Department of Commerce have been considered by the House of Representatives and approved by large votes. It shows that the various studies by the boards and their conclusions as to the methods of development of aircraft in each of its branches has brought forth a clear recognition of the great need for legislation.

The bill which is now up for consideration has as its purpose the providing of methods by legislation to bring about a greater efficiency in the air activities of the Army without doing injustice to the other branches. The committee has studied the reports from the various boards and listened to many witnesses who had either practical war experience or had valuable information about some part of the field of this important branch of the Army, which is so vital to our national defense.

The changes which are recommended to be made in the present law were adopted by the committee only after a thorough discussion.

It was thought best that the name "Air Service" should be changed to "Air Corps," a title with a broader meaning, thus conforming to the titles of other branches of the Army—like the Engineer Corps or the Quartermaster Corps.

Two additional brigadier generals are provided for instead of the one under the present law. This provision was recommended by the Morrow Board, in particular by Major General Harbord, Major General Patrick, and General Conner. It was thought that the two large training schools near San Antonio, Tex., should be commanded by a brigader general and the other one should be placed in charge of the supply service of the air corps. The addition of the two brigadier generals would add very little expense, the amount being the difference in pay of two colonels, which would be the rank of the officers in command, if this provision is not made.

The provision as to the extra flying pay of 50 per cent is continued, and at the request of Major General Patrick the wording is changed so as to cure some difficulties given by the present wording in the construction by accounting officers. This pay is received when by orders of competent authority they are required to participate regularly and frequently in aerial flights, and do participate in regular and frequent flights, as defined by Executive orders promulgated by the President.

Having in mind the hazardous service in flying, the extra pay should be made uniform and extended to all branches of the various services, including all officers, warrant officers, and enlisted men of all branches of the Army, Navy, and Marine Corps. When they fly they are given the same allowances for traveling expenses as are authorized for the performance of like duties in the Army. This increase of pay and allowances are received when the flying is done under the same conditions as required for the Army officers. The same provisions and requirements are made for officers, warrant officers, and enlisted men of the National Guard and for the Reserves when called to active duty.

On and after July 1, 1929, not less than 20 per cent of the total number of pilots employed in tactical units of the Air Corps shall be enlisted men. An opportunity is provided for enlisted men to become pilots and it will give enlisted men assurance that they will be given greater opportunities to qualify and be rated as pilots, in this giving them an increase in their pay which would be saving in maintenance, for the pay of the enlisted man, with increase of flying pay, is not nearly as much as the pay of a commissioned pilot.

Major General Harbord made a strong recommendation relative to the opportunities to be given the enlisted man under this provision, as follows:

> That a careful study be made of the desirability of increasing the use of enlisted men as pilots in the Air Corps. I am sure that the majority of our committee felt very deeply on that. The ranks of enlisted men of the Army have always been considered to be a suitable place from which America can recruit officers. The training of a number of enlisted men as pilots, who may leave the service and go out into civil life, as the soldiers do at the end of their time, will certainly provide in time of war a large number of men who would be immediately available as officers in time of war, much more so than the raw material brought in from young men outside. The right to become pilots and officers should not be denied the enlisted men of the flying corps any more than it is denied those of the other corps of the Army.
>
> I think that is very important, and perhaps if I had been writing all of this report myself, I would have made that even stronger than it is, because it is in accord with the theory of our institutions that opportunity shall not be denied a man because he wears a chevron instead of shoulder straps (p. 884).

For opportunities for advancement to enlisted men who demonstrate their fitness and possess necessary qualifications, there are created air mechanics, first class, carrying 40 per cent increase, and air mechanics, second class, carrying 20 per cent increase of the pay of his grade. The provision limits to 14 per cent the total number of mechanics and there must be a ratio of first class to second class as 1 to 2.

A temporary rank may be given to Air Corps officers one grade above permanent rank, and he is entitled to pay and allowances of the temporary rank. The advancement can not be made until the Chief of Air Corps certifies that no officer of suitable permanent rank is available. This provision is in the Morrow Board report and it has the strong recommendation of Major General Harbord, who stated as follows:

> We very often have captains commanding battalions; we very often have major generals commanding divisions, and at the same time other major generals commanding corps. The proper organization would be to have a general in command of the Army, lieutenant generals in command of corps, major generals to command divisions, brigadier generals to command brigades, and so on. It has been found quite often that a poor captain will do better over a period of months with a company or troop than a better first lieutenant, because there is something in the rank itself which appeals to men; in other words, if you have a squadron of airplanes of six that are manned by lieutenants as pilots, and you put another lieutenant out in front of them, he don't carry the respect that he would, even the same man, if you give him the rank which is appropriate for that command. That is human nature and that is military nature; but it is a true statement also.
>
> The Air Service, due to two or three different things, has been lacking in officers in the upper grades (p. 880).

In section 4 there is provided a direction to the Secretary of War to investigate the frequently alleged instances of injustices which exist in the promotion list and to submit to this Congress his recommendation. Secretary of War Davis, Major General Patrick, Major General Harbord, General King, General Drum, and other witnesses testified that there was foundation for the claims of injustices as to promotion by flying officers through the single list. There was no plan offered which could be agreed to relieving the situation, so it was thought, upon so technical a question, there ought to be a serious study made of it and then new legislation should be prepared after the committee had studied the recommendation of the War Department.

The fifth section is putting into proposed legislation what may or may not be done by administrative action. Both the Lampert committee and the Morrow Board reports recommended that aviation should be given special representation on the General Staff. Major General Harbord, in his statement before the committee, stated that the particular circumstances surrounding aviation justified an air committee in each one of the five sections of the War Department General Staff on which there should be an air officer.

Section 7 changes the present law so that an appointment as Chief of the Air Corps may be made from officers who have had 22 years of commissioned service if qualifications have been demonstrated by actual service instead of limiting the selection by the President of the Chief of the Air Corps to two officers, as is done in the present law. There will be 13 officers eligible under the proposed provision.

In section 8 it is provided that for the purpose of encouraging the development of commercial aeronautics in the United States the Secretary of War is authorized to cooperate with owners or operators of private or commercial aircraft under such regulations as may be prescribed. This is, in a way, cutting "red tape" of the War Department, which has often placed them where even in emergencies a representative of the War Department could not act in any official way.

Those who have come in contact with or made requests for such services provided for in this section will welcome the passage of this provision into a law. It has the indorsement of both the Secretary of War and Major General Patrick.

In the committee efforts to draft changes in legislation which would bring about a greater efficiency it was thought advisable that instead of expressing the importance of having only 10 per cent nonflying officers in the corps it should be stated in more positive language which would bring about the desired result by using the words "that at least 90 per cent in each grade shall be flying officers." There has also been provided in time of peace a better opportunity to officers from other branches of the Army to learn to fly. The Secretary of War is given the authority to detail such officers of all grades for training for flying, and the detail shall not last longer than a year, unless the officer qualifies as a flying officer.

The conclusion was reached that there ought to be a definition of a "flying officer" in time of peace and war, which was defined as one who had received an aeronautical rating as a pilot of service types of aircraft, and in time of war may include one who has received an aeronautical rating as an observer.

There is no present law which prevents flying over military reservations and a provision is made that authorized the creation of certain prohibited areas for the benefit of national defense.

The program of five years of development for the Air Corps is very gratifying. It is a great improvement over the past methods of changing and separate plans from year to year. This program is the result of a careful study of the needs of our country in the matter of national defense. Through these five years, with close cooperation with the Navy and commercial aviation, great strides forward should be made.

The increase of personnel which is recommended for the program extends over the period of the five years, so that there

would be eventually 1,650 Regular Army officers, 550 reserve officers on active duty, 2,200 airplanes, including those on order, and 15,000 enlisted men, including 500 flying cadets.

The increase of air activities in the Army over the five years would give the present Assistant Secretary of War more work than he could do, so it was recommended that there should be a Second Assistant Secretary of War, provided that he should perform such duties in regard to aviation or other matters which the Secretary of War should direct.

Secretary Davis stated before the committee:

> Partly from the psychological standpoint we spoke of, of the feeling the Air Service would have that they had somebody to go to, and partly the fact that you would have another man who could give all of his time to that particular subject. Of course, the Secretary and Assistant Secretary have other duties now, and they can not give all of their time to that particular subject. I think for a few years, at least, until you could develop that close cooperation, that he could perform a very valuable service. (P. 151.)

General Drum gave the need for the new Assistant Secretary, as follows:

> I think there is a field for an Assistant Secretary of War. I think it depends a good deal on the personality of the man who goes in there. He can make a field for himself by linking his efforts with those of the Assistant Secretary of the Department of Commerce, the Assistant Secretary of the Navy, on production, by impressing the public with the value of aviation and endeavoring to bring it out before the public in a publicity way, if you will. I think there is a good field for him. (P. 658.)

These many changes and new provisions of this proposed legislation were drafted for the purpose of writing into the law methods which, it is believed, would bring about a greater efficiency in the personnel of the Air Corps of the Army and will authorize, in the five-year program, the increase of personnel and equipment which will be entirely adequate to the needs of our Nation.

[Mr. FISHER asked and was given permission to revise and extend his remarks in the RECORD.]

Mr. JAMES. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman and gentlemen of the committee, I do not expect to use all the time allotted me. I have learned in my younger days that when the jury is with you it is unnecessary to make a plea.

Gentlemen, this is not the bill that I would like to have seen reported to the Sixty-ninth Congress. It is not a solution of the problem. I realize that under the circumstances it is the best bill that could be reported from the committee.

I concur entirely in what was said by the gentleman from Michigan [Mr. JAMES] that the only solution of the military defense problem of this country is the creation of a single department of national defense with the three services, air, land, and water, put on an equal basis.

As I stated in my opposition to the naval aviation bill, it is impossible to get the officials of the Navy Department to respond to the call of the times. Their tradition and their history is against it, so that we will have to go along patiently until the American public is educated to this problem and the force of public opinion will compel the Navy Department to see the light of day.

Gentlemen, I hope I am wrong when I tell you that five years from now, after we will have expended the millions of dollars provided for in the naval aviation bill and after the five-year program provided in the bill now under consideration, we will be no better off at the end of that period than we are to-day. I hope, for my country's sake, I am wrong. I hope that out of these two new measures—out of the reorganization of naval and military aviation—we will get more system, more cooperation, and more coordination of procurement than we have in the past, but I doubt it. At any rate this bill, after a divided committee, as stated by the gentleman from Michigan, had turned down the only logical solution of this problem, that of a department of national defense, does provide and does remedy to some extent existing evils now in the Air Service of the Army.

Gentlemen, at the proper time I am going to offer one or two minor amendments. I want to invite the attention of the committee in the hope that I may obtain its support. On page 3, where the qualifications of a flying officer are described, I am going to offer an amendment amplifying that by inserting line 10 after the word "aircraft" a provision requiring 150 hours of flying, 75 of which must be alone.

I shall offer an amendment requiring all three brigadier generals be flying officers.

The flying service is practically a new branch of the service. During the war, when this service was created over night, there was some necessity for taking officers of high rank from other branches of the service. That condition does not exist to-day. Able, efficient, competent officers are now in the service and available to fill every position from that of Chief of the Air Service down. The one thing that is required in the Air Service and among flyers is absolute confidence on the part of junior flying officers in their commanding officers. Anything short of that destroys the morale. Flying officers will have confidence in their superior officers only if they are flyers.

If a loophole is left permitting one of these brigadier generals to be a nonflying officer, an appointment may be made of an officer perhaps not in sympathy or even antagonistic to the service, and if that should happen this one man could do more harm to the service, could destroy the morale, and could overcome everything that this bill seeks to do for the Air Service. Gentlemen, we should not take that chance, and I hope than an amendment will be approved requiring all three brigadier generals to be flying officers.

On page 11 I am going to offer an amendment similar to the amendment which was offered at the time the naval aviation bill was before the House—that the number of planes allotted to the National Guard shall not be included in the number to be used by the Air Service. That amendment was offered and adopted by the House before the passage of the naval aviation bill.

Now, gentlemen, the committee has another important bill which will be called up if we finish this in time, that of the nurses' bill. I am not going to consume any more time, as I am anxious to have the nurses' bill considered to-day. I look forward to the time when the Army and the Navy will get together, when the Navy will stop its opposition to the creation of a department of national defense, and I see hope in the statement made by the gentleman from Michigan [Mr. JAMES], that at the next session, or if not then when we return to the next Congress, we will keep up the fight for the solution of this problem. Until we put the Air Service, the land forces, and the water forces on an equal standing under one unit, the department of national defense, the matter will not be settled. [Applause.] Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back eight minutes.

Mr. QUIN. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. VINSON].

Mr. VINSON of Kentucky. Mr. Chairman and gentleman of the committee, the purpose of the bill under consideration, H. R. 10827, is to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States. It is the beginning of an effort to provide for our country a sufficiency of matériel and personnel in the air as would permit of ready expansion to full war strength in the event an emergency should arise.

In order to secure the proper perspective, it occurs to me that it would be fitting to discuss in some degree the position in which aviation as an integral part of our defense system finds itself since the Great War. There have been an incessant string of inquiries, hearings, and studies looking toward the development of our armed forces in the air since the signing of the armistice. The major ones number 20, and you will find a list thereof appended to my discussion as Exhibit A. The avowed purpose of each effort was to increase the efficiency of our air forces, to provide an increase in the matériel and personnel, and to keep alive the aircraft industry in this country.

From my examination of their work I am persuaded that these investigations and studies were prompted, generally speaking, with the highest of motives—love of country. Aside from the question of organization, all reports are unanimous in a recommendation that there should be a substantial increase in the matériel and personnel of our air forces, with emphatic statements of the necessity to foster the aircraft industry and commercial aviation. The time element prohibits my discussing the work of more than a few of these boards.

THE DICKMAN BOARD

Immediately after the armistice was signed General Pershing convened a board of senior officers from each branch, and then a board of superior officers of the American Expeditionary Forces, to promptly record, by those having participated therein, the lessons of the war. This board gave particular consideration to the organization of the Air Service and did not recommend that it should be separate and independent from the Army.

THE AMERICAN AVIATION MISSION

In the early part of 1919 this board, of which Benedict Crowell, then Assistant Secretary of War, was chairman, was

sent to Europe to make a study of the air problems. They visited France, Italy, and England. After exhaustive study at home and abroad, on July 19, 1919, they submitted to the Secretary of War a very pretentious report. In the very beginning of the report we find a most startling statement. It is:

Ninety per cent of the American industry created during the war has been liquidated. Unless some definite policy is adopted by the Government, it is inevitable that the remaining 10 per cent will also disappear.

Further in their report we find:

That no sudden creation of aerial equipment to meet a national emergency already at hand is possible. It has been proven within the experience of every nation engaged in the war that two years or more of high-pressure effort have been needed to achieve the quantity production of aircraft, aircraft engines, and accessory equipment. The training of personnel, including engineering, production, inspection, maintenance, and operating forces—covering some 50 distinct trades and some 75 industries—has proved in itself a stupendous task when undertaken upon the basis of the war emergency alone.

Quoting further:

One of the striking features of our investigation in Europe was the unanimous belief that the use of aircraft in warfare and for national defense would continue to increase, and that in the next war, whenever it might come, aircraft would be a far more vital factor even than it has been in this war. * * *

Following this latter quotation they submit a strong statement that the encouragement and development of aircraft for commercial purposes would decrease the need of aircraft for strictly military purposes, closing the statement in this language:

America's experience during the war has proven conclusively that aircraft and personnel, particularly production facilities and technical personnel, can not be obtained upon short notice, but only by long and continued existence and at great expense.

America's production industry reached large proportions during the war, but since the signing of the armistice it has shrunken to a very small volume. Unless immediate attention is given to its conservation, it will practically disappear, and a considerable portion of the great sums expended in its development will have been spent fruitlessly. This industry does not require a large volume of business to keep it alive and healthy, but it does require a steady and dependable demand, otherwise private capital and enterprise will not long remain interested.

THE LASSITER BOARD

The Lassiter Board was an Army board consisting, in the main, of General Staff officers, convening March 17, 1923, for the express purpose of determining the proper strength and organization of the Air Service and the best means for the development of same. This board submitted its report April 24, 1923, to Mr. Weeks, then Secretary of War, who indorsed it as follows:

Approved in principle. This question should be further studied by the joint board.

In consequence of his indorsement, the report was submitted to the Joint Board of the Army and Navy, whereupon a deadlock has ensued to this good day. It is said that the failure to agree grew out of an argument pertaining to the relative expenditures for aviation which the Army and Navy should secure to effectuate said program.

Though this document is said to be "fundamental" and "the policy of the War Department," no legislative program prior to the introduction of this bill had been submitted by the War Department to Congress, and it may be said that no recommendation of the Lassiter Board to date has been written into law.

A most vivid picture of the then conditions of the Air Service can be visualized by scrutiny of the report:

Conditions are critical in the Air Service with respect to aircraft on hand, on order, and prospective purchase from funds now available or those that will be available in the fiscal year 1924. The aircraft now available or that will be available in the near future on the basis of the 1923 and 1924 appropriations are as follows:

	Airplanes	Airships	Balloons
July 1, 1923	1,970 (1,531 war produced)	9	[1]219
July 1, 1924	988 (686 war produced)	11	[2]64
July 1, 1925	576 (204 war produced)	9	38
July 1, 1926	280 (102 war produced)	6	20

[1] 200 war produced. [2] 40 war produced.

The larger part of the aircraft now on hand is war produced and is deteriorating rapidly. Furthermore, 80 per cent of these airplanes are of an obsolescent training type or are unsuitable for combat use. It is essential that new aircraft be provided to replace that built during the World War and that additional aircraft be purchased to make up the deficit that is increasing rapidly. Since it now requires about 18 months to secure delivery of aircraft after the contract has actually been executed, it is evident that no relief can be expected for the present situation before 1926. Appropriations now being made for the Air Service for the purchase of new aircraft are inadequate for the requirements of the existing reduced peace establishment of the Air Service or even for the necessary annual replacements therefor.

Quoting further:

The aircraft industry in the United States at present is entirely inadequate to meet peace and war requirements; it is rapidly diminishing, and under present conditions will soon practically disappear. It depends for its existence almost wholly upon orders placed by governmental services. A reference to the graphic representation of the state of the aircraft industry in Appendix IV shows how far the industry falls short of being able to meet war requirements and that planes in sufficient quantities would not be produced under present conditions until nearly two years after the war had begun. The development of commercial aviation will stimulate the aircraft industry, but orders from the military services must be depended upon, at least for the immediate future, if this industry is to be kept alive. Should a national emergency confront this country within the next few years, the Air Service would not be able to play its part in meeting it.

The Lassiter Board recommended, after the consummation of a 10-year program, that our air forces should consist of 4,000 officers, 25,000 enlisted men, 2,500 flying cadets, 2,500 airplanes, 20 airships, and 38 balloons.

Practically three years have elapsed since the submission of the recommendations of that board. None of their recommendations have been enacted into law. If the condition of the Air Service was in "an unfortunate and critical situation" in 1923, and if "80 per cent of the airplanes then available are of obsolescent training type, or are unsuitable for combat use" (1923), one might well understand, with the scant number of new planes secured from that date, why Admiral Moffett put this country sixth among the powers in aviation (hearings before the Lampert committee, at page 358 thereof).

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Kentucky. I am glad to yield.

Mr. LAZARO. If that be true, why is it that they find fault with England and France who stand first and second, each of which has a unified air service?

Mr. VINSON of Kentucky. I am not discussing the question of a unified air service, and, of course, I do not know to what criticisms you refer.

Mr. LAZARO. But the gentleman will admit that the nation that stands first is England and the nation that stands second is France, and each of those nations has a unified air service.

Mr. VINSON of Kentucky. My recollection is that France stands first and England second.

Mr. LAZARO. Very well, let us reverse it. The fact remains that each has a unified air service.

Mr. VINSON of Kentucky. I have no quarrel with the gentleman on that question at this time, but the point is we have a condition to meet, and we hope this bill presents the beginning of a program, and the creation of a nucleus around which, if a national emergency does arrive, a real war strength may be built up.

Mr. LAZARO. The gentleman has been on the committee quite a while and he has attended all of the hearings. What excuse do these gentlemen give for having spent so much money and having so little to show for it, because Congress has been liberal with them.

Mr. VINSON of Kentucky. When you get down to the expenditure of money there might be some criticism as to certain branches of the Government which I do not care to make at this time. I do not like to be in the attitude of criticising our Government, but if the gentleman will read the hearings he will find that the Air Service, and particularly aircraft and the equipment end of it, has been compelled year after year to curtail its program in procurement. That is definitely set out in the testimony of General Patrick before the Morrow Board.

Mr. WHEELER. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Kentucky. Yes.

Mr. WHEELER. And the gentleman knows that in the hearings there was not an officer from any of the departments who admitted that this Government ranked second in aircraft.

Mr. VINSON of Kentucky. No.

Mr. WHEELER. Not as good as second.

Mr. VINSON of Kentucky. You are correct.

THE MORROW BOARD

This committee has been designated "The President's Aircraft Board." He invited nine very capable and distinguished gentlemen to study our air problems and to make recommendations to him.

Mr. Dwight W. Morrow was chosen chairman at its first meeting September 17, 1925. Their report bears date November 30, 1925. Public hearings for four weeks were held and 99 witnesses examined. They make 10 specific recommendations for the Army, 12 for the Navy, and 7 pertaining to aircraft industry.

In the bill under discussion you find the major portion of their recommendations for the Air Service of the Army written into legislation. For instance, changing the name of Air Service to air corps, creating a new Assistant Secretary of War, special representation for aviation on the General Staff; two new brigadier generals, temporary rank, extra pay, increase in the number of flying cadets and reserve officers, increase in the use of enlisted men as pilots, and a five-year building program.

There are those who would criticize the Morrow Board and its report in virtue of its lacking any official status or possessed of special authority. I fully appreciate the attitude of those who believe it was called into existence because of disclosures made by General Mitchell after the tragic end of the *Shenandoah* relative to the inefficiency of the air branch of our national defense; and with them I am in hearty accord that the birth of the Morrow Board was mainly due to the desire to counteract the psychological effect produced throughout the country by the destruction of the *Shenandoah* and the astounding charges made by General Mitchell and his subsequent court-martial. But, even so, I do not think that a student of the subject should overlook the testimony before that body or ignore the conclusions reached by it. The board was made up of able gentlemen, and their conclusions, in the main, coincide with the findings and recommendations of the reports upon this subject which preceded it.

Frankly, I feel that those who desire to see a real armed force in the air should be grateful to the Morrow Board. It is much easier for the administration to put its recommendation into effect.

THE LAMPERT COMMITTEE

This committee was a select committee appointed by the House of Representatives of the Sixty-eighth Congress to inquire into the operations of the United States Air Service. One hundred and fifty witnesses under oath were duly examined, 3,000 pages of testimony heard in its work which extended over a period of 11 months. The date of its report is December 14, 1925, and it made 23 recommendations affecting all phases of the air problem.

Among its recommendations we find a five-year program of construction in which not less than $10,000,000 per annum should be spent by the War Department and a like sum by the Navy Department for new flying equipment constructed by the civilian industry, without Government competition, for additional flying personnel; for additional pay; for competent mechanics to maintain airplanes; for the correction of injustices of the promotion list to air officers; adequate representation of the Air Service on the General Staff; for certain aid to commercial aviation; for a single department of national defense; and various other recommendations.

This group of gentlemen, Members of the House of Representatives, should receive the plaudits of their country for the splendid work which they have performed. They have done much toward the awakening of the Nation and the administration to the weak condition of our air forces, and have contributed valuable aid to the solution of the problems. This measure puts into legislative form many of the major recommendations of this select committee.

THE PSYCHOLOGY OF WAR

Humanity, with reference to the danger of war, is to-day in a position different from that which it occupied yesterday. Wars once sprang from varied causes—biological, racial, dynastic, political, commercial, personal. Wars were sought. Wars were planned. Wars were a part of the accepted rationale of organized human life.

Those days, we venture to think, are past. But if they are past, it does not follow that the danger of war is past. War may be, and doubtless is, less probable than it was. Its real nature, its horror, and unmitigated calamity are more poignantly and widely realized than they were. Yet, so imperfectly do races and nations understand one another, so perplexing are many of their multiplying relationships, so restless are certain forces of evil, so insecure are the psychological bases of peace, that humanity truly may be said to live constantly in the shadow of the possibility of war.

Not in war deliberate but in war accidental seems to me to lie the principal present peril. We have a world psychology more inflammable, more explosive, than it ought to be. There is tinder about there are powder mines. Any flying spark is dangerous. Our war with Spain, as we all remember, was precipitated by the sinking of the *Maine;* and the Great War, whatever may have been its antecedents of history and of rivalry, rushed upon the world out of the Serajevo assassinations. We need fortification against accidents. We need an international mind more stably balanced against sudden shocks.

This splendid statement does not come from any long-haired bolshevik, jingoist, or alarmist; it is not the word of a man to whom the clamor of war attracts. Rather it is the utterance of a calm, peace-loving man, to whom wars are abhorrent; it is the word of a man who has done much, and would do even more, to preserve the peace of the world. Its author is no less a personage than the distinguished first gentleman of the land, our President, Mr. Coolidge. The statement, bearing date November 20, 1925, may be found in the introduction by him to a recent work—World Chancelleries—whose very purpose is to promote peace among the nations of the world.

THE ARMED FORCE OF THE AIR

I am not one of those who have yet reached the point where I believe that the air forces to-day, or on the morrow, will be the sole determining factor in war. To fly planes and ships it is necessary to have 80 per cent of men who constitute the air forces on the ground. Airplanes must return to earth. They must be refueled; they must be given mechanical attention. Their radius of activity, even though growing larger and larger, of course, is limited. The time when their best results are obtained, due to weather conditions and a thousand and one other things, cause me to pause in arriving at the conclusion that their work will be all determining. Though a city or territory be captured, it can not be occupied and held by aircraft. It is not contended that even though they could take a city that they could occupy it.

Nor do I believe that the aircraft in the wars of to-morrow shall only serve as the eyes of various branches of our armed forces. There is no doubt in my mind but that they will have their missions of offense, which will bring to light the most horrible of weapons to be used against both the military and the civilian. There are those who believe that the next war will be fought and won in the air, that even this country is in grave danger of attack by air if war hostilities were to ensue.

One of the greatest military authorities in Europe stated that, in his opinion—

the first battle of the next great war would be fought in the air and would very nearly decide which side would win, in that the side winning in the air would immediately have access to all of its enemy's source of supply and production and would quickly cripple them by air raids upon an enormous scale.

General Pershing in his final report of September 12, 1924, the day before his retirement, after recounting the specific instances where aircraft was of invaluable aid to the armies in the field as observers and in attack, said:

Our Air Service would be developed to every reasonable extent, both as to personnel and matériel, and it is especially necessary that aircraft production be established and maintained on such basis as to be easily expanded in time of emergency.

Marshall Foch has said:

The potentialities of air attack on a larger scale are almost incalculable, but it is clear that such attack, owing to its crushing moral effect on a nation, may impress public opinion to the point of disarming the government and thus become decisive.

Admiral Sims said that—

Aircraft will play a predominant part in the next naval war.

Bonar Law said:

The whole center of gravity has changed in the matter of national defense from the sea to the air.

General Duval, chief of the French air service in World War, said:

The primary objective of the air force will be the enemy armies, and especially those parts of them in the areas beyond the fighting line, in which it will carry disorder and terror. It will fight in the air for air supremacy and the liberty of action which follows. Its power will grow with the number and development of its airplanes, which will be more heavily armed, will be speedier, and will have greater radii of action. The battle will no longer be confined to the zone occupied by the troops. In fact, the object of the attack may no longer be the opposing army, as this may be neglected, and the desired results may be obtained by a campaign of terror carried on against the enemy country rather than against its armed forces. The decision will be reached in the air, and the victor will dictate peace on the ground.

Admiral Kerr, an English naval officer, said:

War is an affair of communications. No admiral or general would attempt any move unless his communications were assured.

There is only one arm which can strike at once a real blow at each one and all of the above links in the chain of the enemy's communications. Each side will then endeavor to be the first to attack by air, and unless we are ready to do this our people will feel war as they never felt it in all their history. Poison gas, poison acids, high explosives, and incendiary bombs will be raining from the air wherever there is a factory or arsenal to be destroyed.

General Groves, an English officer, said:

War, if it should come again, will begin with an aerial phase which may in itself be decisive. Those not in close touch with the enormous progress in aviation since the armistice are inclined to underestimate air power and are prone to judge it by the pin-prick air raids of the past. The total weight in bombs dropped upon London in the course of the World War was about 12 tons. To-day several thousands of tons could be dropped on the capital in the course of 24 hours.

Mr. Crowell, then Assistant Secretary of War, testifying before a committee of the House of Representatives on December 4, 1919, said:

Marshal Foch, Field Marshal Haig, and Ludendorf agree that before the mobilization of armies can be effected in the next war a great conflict will occur in the air. The aggressive nation will be prepared to launch an attack upon the shipping, munition, manufacturing, and storage centers, and even the cities of its opponent. Unless the opponent is ready to meet or anticipate such an attack, vital victories will be early accomplished. It is only the nation that can clear the air of enemy forces that will be able to launch a campaign with its land and naval forces. With Europe only 16 hours removed from this country by air routes, we can not rest in fancied safety of isolation.

However, for the purpose of this discussion it matters not which view may be taken as a basis of the argument for increased efficiency in the air; i. e., whether air power will be solely decisive or merely auxiliary. My present view is that aircraft is the most potent weapon which Thor, the god of war, has yet invented. It has revolutionized wars, and if one goes to the extreme of saying that it will be the sole decisive factor, that is all the more reason for the attention of this Congress and the country being called to it.

THE SIXTY-NINTH CONGRESS

We trust that we have shown you the need of increased personnel and matériel for our Air Corps. To this time there has been no definite air program in the Army. I do not deem that this is the time to determine upon whom the blame should rest. My hope is that the conditions may be bettered. In my mind there is not the slightest doubt that the severe charges made public by officers high in command in the Air Service, relative to its strength and efficiency, have awakened the public mind to the urgency of action and that this mental reaction of our people has reached Congress and the Executive. As stated, these indictments of weakness and inefficiency were sharply brought to the attention of the country after the tragic end of the *Shenandoah*. The people demand a betterment of conditions and will secure it. Irrespective of motives which may be assigned to him, our country owes a debt of gratitude to that American citizen who not only knew how to be courageous in time of war but was equally unafraid in time of peace—General Mitchell, former Assistant Chief of the Air Service, now on permanent vacation from military duty.

With such background for a setting, the Committee on Military Affairs, shortly after Congress convened, began its hearings. Their labors have been arduous; at times it looked as if the bill could not reach you on account of the time element, but herewith they present to you the first definite air policy for the Army.

FIVE-YEAR AIR CORPS PROGRAM

SECTION 10

This bill gives expression for the first time to a definite program in the air branch of our Army. As reported to the House, the program consists of an increase in personnel and equipment spread over a period of five years. We will first consider personnel, and we quote from the bill:

PERSONNEL

The number of promotion-list officers now authorized by law in the grade of second lieutenant of the Regular Army is hereby increased by 403, and the number of enlisted men now authorized by law for the Regular Army is increased by 6,240. The present allotment of officers to the Air Corps is hereby increased by 403 officers, distributed in grades from colonel to second lieutenant, inclusive, and the present allotment of enlisted men to the Air Corps is hereby increased by 6,240 enlisted men. The President is authorized to call to active service, with their consent, such number of the Air Corps reserve officers as he may deem necessary, not to exceed 550, 90 per cent of whom shall serve for periods of not less than six months nor more than one year, and 10 per cent for periods of not less than one or more than two years: *Provided*, That nothing contained in this section shall affect the number of reserve officers that may be called to active duty for periods of less than six months under existing law.

On August 31, 1920, the authorized strength of the Regular Army was 18,000 officers and 280,000 enlisted men. At such strength, the personnel of the Air Service would have consisted of 1,516 officers and 16,000 enlisted men, including 2,500 flying cadets. The present authorized strength of the Army is 12,000 officers and 125,000 enlisted men. At such authorized strength the Air Service would have 1,247 officers and 8,760 enlisted men, including 196 flying cadets. However, the actual strength of the Air Service to-day is 940 officers and 8,760 enlisted men.

The bill would add 403 officers in the grade of second lieutenant and 6,240 enlisted men, which brings the authorized strength of the Air Service to 1,650 officers and 15,000 enlisted men, including not to exceed 2,500 cadets. Recalling the fact that the bill further provides for 550 reserve officers on active duty at the end of the five-year period the total number of officers on active duty will be 2,200.

So it will be observed that there is an increase in authorized strength in officers of practically 33⅓ per cent, and more than 70 per cent in enlisted men; whereas, upon the basis of actual strength to-day, there is an increase in officer strength of some 75 per cent, and more than 70 per cent in enlisted men. From another slant it can be observed that, with the proposed increased personnel, the authorized strength of the Air Service approaches the authorized strength of the Air Service when the authorized strength of the Army was 18,000 officers and 280,000 enlisted men.

The proposed program of the Lassiter Board called for a development over a period of 10 years. At that time there was recommended to be 4,000 officers and 25,000 enlisted men, not including 2,500 flying cadets. As I understand it, the annual increments, under the Lassiter program, were not to have been equal; but assuming that its program had been based upon equal yearly increments, at the expiration of the first five years under its schedule there would have been substantially 2,500 officers, including reserve officers on active duty, and some 18,000 enlisted men, including flying cadets.

Continuing the increase in personnel on the same basis as called for in this bill for a second five-year period, I submit that at the expiration of such period the maximum called for in the Lassiter report would have been surpassed.

EQUIPMENT

The bill as originally introduced called for 2,200 airplanes at the expiration of the five-year period, which number was to include planes on order approximating 400 in number. Some doubt arose relative to such construction, and a committee amendment will be proposed which, if adopted, would provide for 1,800 serviceable airplanes at the expiration of the period above stated, with the authorization of the Secretary of War to replace the obsolete or unserviceable aircraft from time to time in such numbers as would not exceed 400 airplanes annually.

The exact language of the paragraph which relates to the increase in equipment, as amended, is as follows:

The Secretary of War is hereby authorized to equip and maintain the Air Corps with not to exceed 1,800 serviceable airplanes, 10 airships, and such number of free and captive balloons as he may determine to be necessary for training purposes, together with spare parts, equipment, supplies, and installations necessary for the operation and maintenance thereof. In order to maintain the number specified above, the Secretary of War is hereby authorized to replace obsolete or unserviceable aircraft from time to time: *Provided*, That the necessary replacement of airplanes shall not exceed approximately 400 annually: *Provided*, That the total number of airplanes and airships herein authorized shall be exclusive of those awaiting salvage, undergoing experiment or service tests, those authorized by the Secretary of War to be placed in museums, and those classified by the Secretary of War as obsolete: *And provided further*, That the total number of planes authorized in this section shall include the number necessary for the training and equipment of the National Guard and the training of the Organized Reserves, as may be determined by the Secretary of War.

In April, 1923, the Lassiter Board estimated, at the then appropriation policy for air, that on July 1, 1925, we should have 372 airplanes for the Army, which had been constructed since the war. Their judgment was most splendid in this respect, as the Army had on hand July 1, 1925, 396 standard airplanes, including those in reserve. We base this statement upon the report of the President's Aircraft Board, wherein we find these standard planes to be of the following types:

Attack planes	0
Bombardment planes	90
Observation planes	249
Pursuit planes	26
Primary training planes	31
Total	396

By standard airplane is meant one capable of meeting the standard planes of a foreign country on at least an equal basis with them or one of latest type available.

Bringing this classification down to March 31, 1926, we find from the Special Quarterly War Department Report that the types and numbers of standard planes are as follows:

Attack planes	0
Bombardment planes	0
Observation planes	48
Pursuit planes	15
Training planes	97
Total	160

These were all the standard planes in the United States, including National Guard and Organized Reserve, on the 31st day of March, 1926; and if you will add the 24 standard pursuit planes in reserve in the Philippines, Hawaii, and Panama, as of February 28, 1926, you will have a grand total of 184 standard planes owned by this Government, according to the latest report attainable.

It might be interesting to know that included in the classification designated "substitute" there are 934 planes which were war built and rebuilt since the war.

Under this five-year building program it is contemplated to have as of July 1, 1931, serviceable planes in numbers and types as follows:

	Active	On order	War reserve	Total
Pursuit	420	105	54	579
Bombardment	161	40	24	225
Attack	89	22	6	117
Observation	414	104	26	544
Transport	41	10	----------	51
Training	[1] 547	137	----------	684
Total	1,672	418	110	2,200

[1] 180 for National Guard; 110 for Organized Reserves.

APPROPRIATIONS

The Lassiter program recommended an expenditure of $15,000,000 per year for airplanes. The records disclose that for the past five years—1922 to 1926, inclusive—the following annual expenditures have been made for the procurement of airplanes:

1922	$5,328,376.75
1923	3,007,838.87
1924	2,997,349.95
1925	4,587,209.39
1926 (estimated)	6,850,000.00
Total	22,770,774.96

The average annual expenditure for airplanes during the past five years has been approximately $4,554,000.

Under the building program called for herein the annual expenditures for the procurement of airplanes during its term is as follows:

Cost of Army aircraft in five-year program

Fiscal year	Army			
	Number planes bought [1]	H/A cost [2]	L/A cost	Total cost of new aircraft
1927	693	$16,421,075	$275,000	$16,696,075
1928	586	15,503,400	485,500	15,988,900
1929	557	14,727,625	325,000	15,052,625
1930	545	14,824,425	485,500	15,309,925
1931	487	13,520,925	325,000	13,845,925
Total of five-year program	2,868	74,997,450	1,896,000	76,893,450
Hereafter	418	11,167,200	405,250	11,572,450

[1] Includes planes for Regular Air Corps, National Guard, and Organized Reserves.
[2] Includes 10 per cent above computed actual costs for contingencies.

For General Patrick, Chief of the Air Service, it should be said that he has continually sought to procure an increase in both personnel and equipment and annually has pressed his claim for appropriations with which such hopes might be attained. It might be interesting to know just to what extent his requests were not complied with and the method of operation by which he failed to secure the necessary appropriations. We quote from his testimony before the Morrow Board:

Now, as to appropriations, I should like to outline just the way in which I have to arrange for the submission of our estimates to the various bodies that pass upon them. First of all, I settle in my own mind, after conference with my supply division and with the other officers in my office, upon the amount of money that I think the Air Service needs. By need I mean the money that we will have to have in order that we may operate the Air Service and in order that we may provide the proper amount of equipment for the existing personnel. I submit to the War Department a sum each year which I think is necessary. The Budget officer, I understand, gives to the War Department a limiting figure beyond which it can not go. The War Department then considers the needs of the various branches of the service and apportions the total amount of money to each. The Budget officer, after having finally approved the amounts, presents them to the President, who transmits them to Congress.

In the last few years I have asked for large sums of money for the Air Service. For the fiscal year 1923 I asked for $26,000,000. After going through these various steps the sum appropriated was $12,700,000. For 1924 I asked, in round numbers, for $18,000,000, and the sum appropriated was $12,426,000. For 1925 I told the War Department that I would need $43,000,000 if we endeavored to secure the necessary amount of equipment for the existing Air Service organization which they are allowed by tables of organization. I realized that sum was larger than could possibly be obtained, and I therefore recommended that we be given $25,000,000 for three successive years in order that equipment might be brought up, and at the end of the expenditure of the last $25,000,000 I would have equipment enough for the entire Air Service as it then existed and now exists. In response to that recommendation for $25,000,000 there was appropriated $12,435,000.

For 1926 I renewed the recommendation of $25,000,000, and the appropriation was $14,700,000, with a contract authorization of $2,150,000.

The sums aforesaid were the total expenditures for the Air Service. Quoting from the same witness, it is plain to see with what he has been confronted:

During the last year, by the mandatory provision of law, I was required to spend, in round numbers, about $3,600,000 for aircraft. By paring here and there I got another $1,000,000, so I was able to spend about $4,600,000.

NAVAL AIR PROGRAM

Adverting to the naval airplane strength and its program, we find that on July 1, 1926, it should have on hand 531 standard planes, exclusive of training and experimental types. Its five-year air program, which has passed the House, is aimed to secure and have on hand July 1, 1931, 1,000 useful airplanes, exclusive of those classed as experimental or training planes. The cost of planes for their five-year program is approximately $95,000,000, or an average of $19,000,000 per annum.

It is highly important that they should secure these planes, in view of their pressing needs. While Admiral Moffett, Chief of the Bureau of Aeronautics, was a witness before our committee, February 24, 1926, the following testimony was given:

Mr. VINSON. How many planes, approximately, have you available at this time for coast defense?

Lieut. Commander MITSCHER (answering). A good many of our planes in the fleet are available for coast-defense work and some planes——

Mr. VINSON. Say your fleet is in foreign waters. How many airplanes would you have here to defend the coast of the entire country?

Lieut. Commander MITSCHER. We have about 80.

Mr. VINSON. Do you consider, Admiral Moffett, that is a sufficient number?

Admiral MOFFETT. No. * * * We have not been able to get those planes. You know what the situation is in money and appropriations. * * *

Mr. VINSON. How many planes, in your judgment, would be the future number to give us a proper coastal defense?

Admiral MOFFETT. The number in our program is over 500 planes.

OTHER PROVISIONS OF THE BILL

SECTION 1

The name of the Air Service is changed to the Air Corps.

SECTION 2

A flying officer in time of war and in time of peace is defined by law.

Two new chief assistants of the Air Corps, with the rank of brigadier general, will be added, as will 403 second lieutenants. At least two of the brigadier generals shall be flying officers and at least 90 per cent of the officers in each grade below such grade shall be flying officers.

The Secretary of War may detail to the Air Corps officers of all grades who, when so detailed, shall immediately start their flying training. Unless they qualify within a year, they shall not remain with the Air Corps or be commissioned permanently therein.

General Patrick requested these two assistants, one of whom was to be placed in charge of procurement, the other to head the large air-training schools near San Antonio. The third assistant would be in charge in the absence of General Patrick and to assist him when present in office.

Some question the propriety of this number of brigadier generals, but I deem it particularly advisable at this time. It will have a splendid effect upon the efficiency of the corps; it adds well-merited recognition to a splendid branch of our armed forces.

I favor the discretion authorized in this bill that one of these officers may be a nonflyer. He would be in charge of procurement. It might be that within a few years this would be unnecessary; but for the present I feel that the Air Corps should have the best man obtainable in this work, whether he be a flyer or not. This is a job for a real business man, and should be filled by the most capable man to be obtained.

The rating of air mechanics, first class, and air mechanics, second class, is created, which provides for increase of pay of 40 per cent and 20 per cent, respectively, of the grade of a mechanic. The number of air mechanics shall not exceed 14 per cent of the total authorized strength of the Air Corps. There is dire need in the Air Corps for capable mechanics, and it is hoped that by this section they may be secured and retained.

On and after July 1, 1929, not less than 20 per cent of the pilots shall be enlisted men, unless the Secretary of War determines it is impracticable to secure such number. This section gives real opportunity to enlisted men to qualify and to be rated as pilots.

Increased pay of 50 per cent for officers and enlisted men when ordered to, and in consequence thereof they participate in, regular and frequent aerial flights.

TEMPORARY RANK

SECTION 3

This section authorizes the Secretary of War, under certain conditions, to appoint officers of the Air Corps to temporary rank in the field grades, whereupon they will draw pay and allowances of such grade. The temporary rank shall not exceed one grade above the permanent rank of the officer.

In view of the increased officer personnel provided for in the bill, together with the shortage of officers of field grade in said corps, coupled with the fact that the additional officer personnel enters in the grade of second lieutenant, it is highly desirable to have such temporary rank provision.

Likewise it may be of some consequence in increasing the morale of the service.

CORRECTION OF PROMOTION LIST

SECTION 4

This section pertains to the correction of the promotion list and provides for a further study of the alleged injustices which exist in the promotion list of the Army, with the direction that such study, together with recommendation for changes, if any, be submitted to Congress on the second Monday of December, 1926.

AIR SECTION ON GENERAL STAFF

SECTION 5

Section 5 of the national defense act is amended by this section by the addition of the following paragraph:

There is hereby created in each of the divisions of the War Department General Staff an air section, the duties of which shall be to consider and recommend proper action on such air matters as may be referred to such division.

This proposed legislation is intended to meet the situation which now exists, namely, the small representation of the officers of the Air Service upon the General Staff. It is claimed that the shortage of field officers in the Air Service has occasioned the comparatively few numbers of air officers who have completed the requirements for eligibility to the General Staff. At present there are only 3 officers from the Air Service out of a total of 93 who compose the General Staff. It is hoped that this amendment will bring to the General Staff additional men from the Air Service, which will promote a more sympathetic understanding of the Air Service problem.

FLYING PAY

SECTION 6

This provision in the bill amends section 20 of the act of June 10, 1922 (42 Stat. p. 362). A portion of this section, as amended, is to make it to conform with the language contained in section 13–A of the national defense act, as amended herein, in respect of that which constitutes flying duty.

This section also increases from one-half to 1 per cent the total authorized commissioned strength, exclusive of the Air Corps, of such persons outside of the Air Corps who are eligible for flying duty. The increase would make 60 additional persons eligible for flying duty, which might include additional flight surgeons, as well as officers of branches other than the Air Corps, who have flying duties, such as developing of radio and ordnance equipment for aircraft, aerial survey duty, and observation in antiaircraft target practice and similar duties.

APPOINTMENT CHIEF OF THE AIR CORPS

SECTION 7

Section 7 provides for the appointment of the Chief of the Air Corps to be made from among officers of not less than 22 years' commissioned service who have had actual and extended service in such corps and demonstrated their fitness for such appointment. The assistants must possess similar qualifications and have had at least 15 years' commissioned service. The assistants are to be appointed on the recommendation of the Chief of the Air Corps.

ENCOURAGEMENT OF COMMERCIAL AVIATION

SECTION 8

For the purpose of encouraging the development of commercial aeronautics in the United States, its Territories, and its possessions the Secretary of War is authorized to make available War Department facilities for aviation and to cooperate with the owners or operators of private or commercial aircraft under such regulations as may be prescribed by him. This cooperation may include in emergencies the sale at cost plus 10 per cent of fuel, oil, equipment, and other necessary supplies and the furnishing, at rates to be determined by him, of services and temporary storage space. All money received under the provisions of this section shall be paid into the Treasury of the United States, and an amount equivalent to the amount received shall be credited to the current appropriation or appropriations from which the property sold or services rendered was authorized to be supplied at the time of the transaction, and such credits to appropriations shall be available for expenditure throughout the current fiscal year and the fiscal year following.

PROHIBITED AREAS

SECTION 9

The President is hereby authorized to fix and determine, for military reasons, prohibited areas in the United States, its Territories, and its possessions over which aircraft shall not fly. He shall prescribe and publish such rules and regulations as may be necessary in regard to such prohibited areas, including suitable descriptions and maps when necessary.

SECOND ASSISTANT SECRETARY OF WAR

SECTION 11

A new Assistant Secretary of War, to be appointed under this bill, at a salary of $7,500 per annum. The language of the bill specifically prescribes that he—

shall perform such duties with reference to aviation and such other duties as the Secretary of War may direct.

The creation of this new office is criticized by many, but, as far as I am concerned, I think that it is a proper recognition of the air force of our country, and provides a responsible subordinate in the War Department who can fill a much-needed want in the development of our air force.

COMMERCIAL AVIATION

It will be conceded by all that the program set forth in this bill does not start to approach the war strength required in case of a national emergency. It is not a "drop in the bucket"—it is only the nucleus around which the war-time force will be built. At this time we do not have the nucleus.

No one contemplates full war strength for either our Army or our air forces. We are a peace-loving Nation. On account of geographical location, and an unselfish, noncovetous national attitude, we do not need the military to permit us to breakfast in peace and quietude. No one desires the maintenance of our armed forces at war strength. It would entail too much financial burden. But we should have a skeleton upon which we might build the war machine without waste of too much precious time.

The experts vary as to the minimum time required to arrive at war strength in the air. Some say one year; others fix it as far off as two years. The very best of authority—General Pershing—has asserted that only 600 planes manufactured in this country were ever sent to the front lines before the armi-

stice, and that no American plane was flown in battle until August, 1918. It may be that our next adversary might not wait for us to produce planes with which to wage war, or we might not have as our friends in such struggle nations whose air power could cope with that of the enemy until ours could be manufactured and placed in action.

We all hope and trust that this country will be spared war for many, many years to come; we all would exult if it could be banished from the earth. But until that hour comes America must not be asleep on the job, because in preparation there is protection against war. It was George Washington who said:

To be prepared in war is one of the most effectual means of preserving peace.

There are several ways in which the development of the aircraft industry and the use of aviation for commercial purposes would benefit this country in the matter of defense. In the first place, increased use of the air would guarantee in time of war an abundance of a man power skilled in the operation and the maintenance of aircraft. Every operator of a plane would be a potential ace. Then the commercial planes could within a short time be transformed into war machines and added to our military air forces. It could well be that these machines might be highly valuable in the early days of any war, and then the factories would easily be converted to the manufacture of war machines.

Another way in which the development of commercial aviation and the aircraft industry would benefit the Government is of a financial nature. Practically the only purchaser that the airplane manufacturers and the manufacturers of aircraft engines has is the Government of the United States. Since the war these purchases have been in small quantity, irregular and uncertain in their forthcoming. Speeding up the use of the airplane commercially, with consequent increase in the manufacture of the machines, unquestionably would reduce the price of the Government-used machine for military purposes. The output of the factories would be increased, their business would be continuous and certain. All of which would bring about a reduction in the price we would pay for our military machine.

From the time when the armistice was signed, throughout the 20 major investigations and hearings had upon the subject, practically everyone has been emphatic in encouraging civil aviation. Thousands of pages of testimony have been given, hundreds of pages in recommendations, and nothing done.

We saw what the American aviation mission said within eight months after the war; we have quoted from the Lassiter Board (1923), wherein it is said, referring to the aircraft industry:

It is rapidly diminishing under present conditions and will soon practically disappear.

In later days we have the Lampert committee making particularly strong recommendations relative thereto. The fact is, the Lampert committee was originally created to investigate the rumors throughout the country that the aircraft industry had been getting excessive profits from the Government and that they had colluded and conspired against the Government in making these contracts. In short, this committee found that there was no evidence of corruption either on the part of the Army or Navy officers or on the part of the members of the aeronautical industry, and they further found, quoting from section 2, page 42, part 1 of their hearings:

That contracts given to aircraft builders have not resulted in excessive profits, but, on the contrary, the aircraft industry, dependent on Government contracts, has been liquidating and going out of business to such an extent that the statement in the Lassiter Board report that "it (the aircraft industry) is rapidly diminishing under present conditions and will soon practically disappear," is justified.

They all paint the same picture—that the aircraft industry is on the rocks and, as one Secretary of War expressed it, "is only hanging on by the eyelids."

There are only three concerns manufacturing aircraft engines to-day that were so engaged before the war. There are only six concerns manufacturing planes to-day that were so engaged before the war. There are approximately 20 companies manufacturing planes to-day and a very limited number of companies manufacturing airships or balloons. So it is seen at a glance the tremendous handicap under which this country would labor to procure its war strength in the Air Service within any reasonable time.

In connection with the development of commercial aviation, some change in law must be effectuated, to the end that the inventive genius of America may be protected. At present there is no real protection for the designer or inventor who may produce, with the expenditure of brains and money, outstanding achievements in the field of aeronautics. The designing and production of aircraft is highly technical; only a few manufacturing concerns in this country are equipped with a real force of designing engineers. At present a design or an invention may be produced by private enterprise at very considerable expense, and this Government has the right to use same and award contract for its manufacture to persons other than the designer or inventor. It is very apparent that such person, who has not borne the initial expenditure in securing the desired result, and thereby avoided the business risk, could well afford to submit a more satisfactory bid to furnish the finished product.

At present there is a joint subcommittee, of which I am a member, of the House Naval Affairs and Military Affairs Committees, making a study of this particular subject, and it is hoped that some measure will be evolved which will meet this problem satisfactorily.

THE PROBLEM OF PROCUREMENT

Every student of the air problem is attracted with the need for the coordination of plans for the procurement of aircraft. This subject was given very considerable attention by the Lampert committee and by the President's Aircraft Board.

Upon this subject the Lampert committee had this to say:

That one single governmental civil agency be given sole charge of procurement of aircraft, engines, and equipment, to the end that duplication in expense be avoided, uniformity of equipment promoted, and a continuous and definite policy established looking to the strengthening of the sources of supply, the maintenance of industry, the promotion of the aircraft-production capacity of the Nation, and the establishment of a sound policy of Government procurement.

The President's Aircraft Board met this issue by its recommendation that one of the new brigadier generals in the Air Corps should be placed in charge of procurement—

with a view to its eventual separation from operation if later found desirable.

This board also recommended the creation of three Assistant Secretaries—War, Navy, and Commerce. It has been said that it was hoped that these gentlemen would cooperate with each other along the line of procurement of aircraft, and so forth.

I can very well understand the objection of the department to having "one single Government civil agency" in charge of procurement. It is but natural for them to believe that they can perform this function as well as, if not better than, some one else, but there is a growing demand throughout this country to put Government upon a business basis, and no one in the business world would think of having three agencies of procurement when the consolidation thereof could be effectuated without loss of efficiency and with a saving of millions.

So on April 14, 1926, I introduced a bill in the House (H. R. 11284), which I believe will establish a central purchasing agency of aircraft, equipment, and so forth, that should not be particularly objectionable, in view of the fact that it is made up of three Assistant Secretaries (War, Navy, Commerce), the Chief of the Air Service of the Army, and the Chief of the Bureau of Aeronautics of the Navy.

We submit that this measure would coordinate all plans for the procurement of aircraft, aircraft engines, and so forth, purchased by the Federal Government. The civilian control is present; and yet the technical men from the Air Service of the Army and the Navy are members of the board. With such a board there should be no duplication; there should be uniformity in the equipment and purchase where such was desired; there should be a tremendous saving in money; and a more efficient air force should result therefrom.

Just a few days ago Mr. MADDEN, chairman of the Committee on Appropriations, while testifying before a joint committee of naval affairs and military affairs, stated that there would not only be millions of dollars saved by the creation of a single agency of procurement, but that the efficiency of the service would be materially increased.

CONCLUSION

The Committee on Military Affairs is the sole agency through which legislation affecting the air force of our Army may be presented to Congress. The committee is unanimous in their conclusion that there should be legislation which will increase the Air Service of the Army in personnel, equipment, and efficiency. It is not expected that everything can be done in this one bill, but it is hoped that its contents will tend toward the purpose of the committee.

We hope that those things omitted therefrom, when time permits, may be considered and recommendations for other merited legislation be submitted.

As one member of the committee I have been actuated by no other purpose other than to do that which I feel to be for the best interests of my country, to the end that it and our institutions may be preserved.

EXHIBIT A

AIR SERVICE INVESTIGATIONS

March–May, 1919. Navy General Board. Aircraft policy of the Navy.

May, 1919. Board of officers, Air Service, American Expeditionary Force (General Foulois, chairman). Air Service organization (Air Service part of Dickman board).

July–December, 1919. Subcommittee House Select Committee on War Department Expenditures. Aircraft expenditures.

July, 1919. American Aviation Mission (Benedict Crowell, chairman). Aircraft inquiry into conditions abroad.

August–October, 1919. Coe, Snow, Menoher board. Department of Aeronautics.

1919. By-law submitted to Congress. Aircraft survey—Army, Navy, Post Office, as of November 1, 1919.

1919–20. Dickman board. Army organization.

December, 1919, to February, 1920. Subcommittee House Military Affairs Committee. United Air Service.

March–April, 1923. War Department Committee Report (Lassiter board). Organization of the Air Service.

April, 1924. House Naval Affairs Committee. Duplication of functions, Army and Navy Air Services.

June 20, 1924. Opinion of Judge Advocate General Bethel to the Secretary of War. Violation of laws by the Aircraft Manufacturers Association and their cross-license agreement and "save harmless" clauses in Government contracts.

September, 1924. Navy Special Board. Development of naval aviation.

October, 1924, to December, 1925. House select committee. Inquiry into the operations of the United States Air Services.

January–February, 1925. House Military Affairs Committee. Air Service unification.

March 24, 1925. Opinion of the Attorney General to Secretary of Navy. Legality of contracts with the Aircraft Manufacturers Association.

September 8, 1925. (Appointed September 12, 1925, Assistant Attorney General.) Opinion United States district attorney, New York (Emery R. Buckner). Antitrust laws not applicable to Aircraft Manufacturers Association.

September–November, 1925. President's Aircraft Board. Aircraft in national defense.

October, 1925, to January, 1926. Mitchell court-martial. Conditions in the Air Services.

January–March, 1926. House Military Affairs Committee. Department of defense and unification of the Air Service.

February, 1926. Senate Military Affairs Committee. Reorganization of the Army Air Service.

Mr. JAMES. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Chairman and gentlemen of the committee, you will recall that the other day we passed the bill providing for the naval aviation program, and on a more recent day the bill for the development and promotion of civil aviation. Now, we bring before you the military or Army aviation bill. This bill represents the painstaking, careful, and concentrated labors of one of the great committees of this House, its Military Affairs Committee, and their deliberate judgment as to what the needs of the country as to air defense require; and I might say practically a minimum of that requirement. Among the various separate proposals covered by this bill there are two to which I desire to particularly devote my attention. One is wherein it deals with the encouragement of civil aviation, and the other wherein it provides a definite program of aircraft procurement.

It provides in section 10 what has never before been definitely authorized, that the Army Air Service facilities, the aviation fields, the supplies, mechanical assistance, and storage space at such fields shall be available to private and commercial aviators—not only that they may have the privilege of using such fields under reasonable regulations but that in emergencies the necessary supplies, such as gasoline, fuel, oil, and the like, may be supplied to them at reasonable cost. Surely if the development of commercial aviation is important as furnishing a reserve for our national defense in the air, the military services should do this much toward the encouragement of an activity to which their own activities are so intimately related. General Patrick, the efficient and broad-minded Chief of our Army Air Service, thus put the situation and what is here proposed:

I heartily favor the opening of our fields to commercial use; and I have recommended to the War Department, and that very strongly, that legislation be secured which will permit us to sell gasoline and oil to incoming commercial planes. At the present time I can not do that, and yet whenever I land on a commercial field anywhere they rush out and do anything they can for me and gladly turn over to me oil and fuel that I need. We pay for it, of course. But if a commercial plane lands at Bolling Field I can not sell that pilot a single gallon of gasoline or a quart of oil, because our regulations will not permit it. * * * I would recommend that the fullest possible use of these fields be made in a commercial way—of course, to be done in a manner so as to not interfere with our training, etc.

Surely such reciprocation is not only fair but wise and necessary from every standpoint.

And now for the personnel and procurement programs provided in this bill. Every true American, Mr. Chairman, who takes any interest or gives any thought to the national defense, except the most extreme pacifist who is, of course, opposed to every provision for the national defense, must be in favor of an adequate air strength for the country. This requires a reasonable peace-time air force of sufficient size to strike effectively or defend, when the need arises, and capable of expansion to meet any need. In determining the size of the force account must be taken of the time required to train the Air Service personnel and to create the necessary aircraft and other matériel. We can no more improvise an air fleet than we can a sea fleet. Though we may not be able to invoke or adopt the same policy with regard to our air fleet as we do for our sea fleet—that is, of basing its peace-time strength upon the precise effort that may be required at the outbreak of a war—nevertheless we must take into account many of the same factors, particularly the supreme factor of time. Just as it is necessary to take into account the time necessary to create an air fleet, so we must realize that fostering of an aircraft industry operating at a reasonable profit, capable of supplying our peace-time need and adapted to expansion in time of war is a prerequisite to any air defense.

At the end of the war we had an aircraft industry, or industries where facilities had been turned to the production of aircraft, capable of an annual production of 21,000 planes. Since the war that great industry has dwindled till to-day it is doubtful if it could turn out 1,000 planes. With the services as the sole present and prospective customers of what remains of the industry, an orderly and prescribed program of Air Service procurement is vitally necessary to sustain the industry, not only to keep it from further dwindling but to keep it from passing out entirely.

The Lampert committee found unanimity of opinion—naval, military, commercial, and industrial—that the aviation industry is an essential part of the national defense and must be maintained; that the aviation industry in the United States has dwindled and is dwindling and assigned as one of the main causes for its decline and weakness lack of continuity in Government orders.

At the end of the war we had produced airplanes, or airplane parts which, if assembled, would have constituted the greatest fleet of all the warring nations, and had developed a great, if not the greatest, force of trained aviators in all the world. Since then that great fleet has dwindled and faded so that, according to testimony before the President's Aircraft Board, we now rank somewhere between third and fifth among the nations in actual air strength, with a present authorized military air strength of but 1,247 officers and 8,760 enlisted men, but actually a considerably smaller number of officers, and for equipment but 396 standard planes, although we have in addition some 1,000, more or less, obsolete planes capable of some use. To adequately equip the existing units of the Air Service we should have at least 1,111 airplanes and 10 airships, with an additional 300 or more for National Guard and Organized Reserve use. Contrary to the general impression, we have not spent so much on new aircraft since the war. The average for the last seven years, since and including 1920, has not been much more than $5,000,000 per annum.

The difficulty has been that we have had no fixed policy or program of aircraft procurement. In 1923, owing to his concern at the deplorable situation as to numbers of effective aircraft into which our Air Service had fallen, the then Secretary of War, Mr. Weeks, appointed the so-called Lassiter Board of five general officers to inquire thoroughly into the subject and make recommendations. Possibly certain recommendations I personally made to the Secretary of War in a report or memorandum I filed with him as Assistant Secretary of War just before I retired from that office to assume my place in the Sixty-eighth Congress may have had something to do with the

creation of that board. It may not be amiss to quote what I then wrote and recommended:

The Army Air Service is faced with this condition of affairs: Its war-time manufactured equipment has been practically used up. The amounts of money appropriated for new aircraft are so small that within two years it will have on hand less than one-half the number of aircraft necessary for its normal peace-time work. There will be no aircraft to equip and expand the Air Service in time of emergency, no reserve on hand, and it will be impossible in less than a year to expand the remnant of the aircraft industry which may be left or to create it anew so that this material can be manufactured in sufficient quantity for use in such an emergency. This situation is not only serious, but is actually alarming. As an economic measure, and likewise in the interest of national preparedness, the aeronautical industry in this country should be maintained in such condition that it can supply our peace-time needs and be prepared to expand adequately to meet a war-time demand.

The Army Air Service should be large enough and adequately equipped so that it would be prepared instantly to meet any air force which an enemy might bring against us. The importance of the rôle which the Air Service will play in national defense should be thoroughly understood, and this component of the Army should be increased to its proper strength. The Air Service then should have a definite procurement program which would insure its proper equipment, replacements, and a reserve supply of aircraft for use in an emergency, and until war-time requirements could be met by increased production. Such a program would call for an average expenditure of approximately $15,000,000 per year for the next five years. Thereafter this annual expenditure could no doubt be decreased. In addition to this expenditure for new aircraft, there will be required approximately $10,000,000 for operating the service.

While the sums just named are large, they are not incommensurate with the actual benefits which would follow their expenditure. It is strongly urged that the War Department and Congress should give serious consideration to this matter and that this necessary expenditure be authorized. It is necessary if we are to be properly prepared to meet a war-time emergency, and at the same time it is of economic importance, too, in order that the aircraft industry in this country may be kept alive, ready to respond not alone to a war-time demand but to the demand for aircraft for commercial purposes which will inevitably eventuate within the next few years.

And here is what the Lassiter Board reported the situation to be in early 1923:

The aircraft industry in the United States at present is entirely inadequate to meet peace and war requirements; it is rapidly diminishing and under present conditions will soon practically disappear. It depends for its existence almost wholly upon orders placed by governmental services. A reference to the graphic representation of the state of the aircraft industry in Appendix IV shows how far the industry falls short of being able to meet war requirements and that planes in sufficient quantities would not be produced under present conditions until nearly two years after the war had begun. The development of commercial aviation will stimulate the aircraft industry, but orders from the military services must be depended upon, at least for the immediate future, if this industry is to be kept alive. Should a national emergency confront this country within the next few years, the Air Service would not be able to play its part in meeting it.

The committee finds our Air Service to be in a very unfortunate and critical situation. Since the World War aviation has come to play an increasingly important part in military operations, but measures have not been taken in our country to keep step with this evolution. Due to the reduction of the Army the personnel of the air force has been diminished; moreover, aircraft have not been manufactured to replace the types produced during the World War. For lack of business our aircraft industry is languishing and may disappear. It requires time to begin production of airplanes, and it takes time to train personnel. We can not improvise an air service, and yet it is indispensable to be strong in the air at the very outset of a war. Therefore it is the opinion of the committee that our peace-time Air Service have a strength and an organization permitting rapid expansion to meet the first requirements of a war and then be capable of steady expansion to meet the ultimate requirements of the war. It is impossible under present conditions to pass at once from our present peace status to the peace status desired, and hence we should have a development program extending over a period of years, providing for yearly increments in both personnel and material, and adopted by Congress as a continuing project.

The recommendations of the Lassiter Board were approved by the Secretary of War and became the approved policy of the War Department. Their report called for a 10-year program of procurement with an annual direct expenditure of $25,000,000 per annum, $15,000,000 for new aircraft, and $10,000,000 for upkeep which would produce a final equipment at the end of the period, of 2,500 planes, as the peace-time equipment of peace-time air force of 4,000 officers and 25,000 enlisted men and 2,500 flying cadets which it recommended. The Lampert committee of this House in the last Congress, recognizing this vital need, recommended a 5-year aircraft procurement program with an annual expenditure of not less than $10,000,000 for new flying equipment. The President's Aircraft Board also recommended a 5-year program as more prudent than one for 10 years, in view of the contingencies of the future both as to changes in type of aircraft and the changing requirements of our air defense.

And now we are advised by the Secretary of War that he concurs in that recommendation, indeed that it is approved of in principle by the President himself. Furthermore, this House has recently, with hardly a dissenting vote, adopted a similar program for the Navy, calling for a considerably larger expenditure than will be authorized by this bill. It need hardly be suggested that the importance of the peace-time requirements of the Army at least equal, if they do not outweigh, those of the Navy. Certainly in a great emergency, the requirements of the Army air force would far overbalance or overshadow those of the Navy, indeed the Lassiter report places the war requirements in the first year of a great war at a constant equipment of over 8,000 planes, exclusive of reserve for replacements.

And now, with the impressive recommendations I have mentioned, with the precedent of our recent action as to the Navy, our committee, after careful consideration, presents the program embodied in this bill, as their unanimous, deliberate judgment as to what is vitally necessary to provide a reasonably adequate air strength for our Army Air Service. It calls for an increase of the present strength of the Air Service by 403 second lieutenants and 6,240 enlisted men, provided in annual increments distributed over five years beginning July 1, 1926, one-fifth the first year, the remainder in four equal annual increments. So as not to disturb the balance of the Air Service with the other services, the total authorized strength of the Army will be increased accordingly. This program will ultimately provide 1,650 regular Air Service officers and 15,000 enlisted men. It also provides for calling 550 reserve air corps officers to active duty for a part of each year.

It calls for an authorized equipment, or authorizes the Secretary of War to equip, the Air Service with 1,800 planes, 10 airships, and necessary free and captive balloons for training purposes, the increase over the present equipment to be procured over a period of five years in annual increments similar to those for personnel. It takes into account the wastage in planes, the probable obsolescence of planes, and includes the number required for the National Guard and reserves. In other words, it is intended to provide a five-year program on the completion of which the Army Air Service will be equipped with 1,800 planes, as against the 1,000 planes with which we have provided that the Navy shall be equipped at the end of the same period. In effect, it carries out the first five years of the program recommended by the Lassiter Board. The estimated cost of the realization of this program for new equipment is $76,893,450, or an average annual cost for new equipment of about $15,000,000, as against the estimated total cost of the Navy program to procure 1,000 planes and 3 airships of approximately $103,000,000, at an average annual expenditure by the Navy of over $20,000,000. It is estimated that the annual cost after the completion of the program of keeping up the required equipment will not exceed $11,500,000.

Surely this is not an extravagant program in view of the great object to be accomplished, namely, of providing a reasonably adequate military air strength for the air defense of our beloved country. Surely this portion of our bill, in view of the profound interest of the people in the needs of our Air Service and the well-established needs of the situation itself, should meet with the favorable action of this House. I entertain no doubt, my colleagues, as to what your disposition will be toward this highly important measure.

Mr. QUIN. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. McSWAIN]. [Applause.]

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, I agree with those who have expressed regret that this committee failed to report a bill setting up a single department of national defense. It is my belief that such a combination of the defense activities of this country, compelling under a single responsible department head a cooperation of the defense activities, would result in a saving on a conservative estimate of more than $100,000,000 a year which is now wasted and dissipated through the duplication of activities and agencies. The committee divided on this question by a vote of 11 to 10, which is highly significant of the trend of mind at this time. I can not but believe in two or three years longer the sentiment will

be such in the House, reflecting the inevitable sentiment of the country, that it will be possible for this House and for the Congress to enact legislation that will put under a single responsible head all of the agencies that exist for the purposes of national defense.

But as to the bill, gentlemen, I wish to talk as much about what is not in the bill as about what is in the bill. I want to call attention to the fact that, due to the division in the committee of 11 to 10, we have not before us here in this bill a proposition to eliminate competitive bidding in the purchase of aircraft by the Army. When the report of the Committee on Naval Affairs and its bill were before this House I took occasion to congratulate that committee that they had not only failed to follow the recommendations of the Morrow Board to eliminate competitive bidding and make it possible for a representative of the Navy Department to sit in a single room with a representative of an aircraft manufacturing concern, without any previous advertisement and without any previous notice, and without it being possible for anybody in the whole country or the whole world to know they were going to meet, or what they were going to talk about, or what they were going to sign, or what they were going to be paid, or what aircraft were going to be purchased.

I called attention to the fact that the Committee on Naval Affairs had not only refused to indorse any such proposition but, on the contrary, had, in my judgment, tightened up the law in regard to competitive bidding by putting teeth in the law, and by providing that in the event there were any signs amongst the manufacturers of the pooling of bids, or anything that appeared like a gentlemen's agreement, as the gentleman from Pennsylvania [Mr. BUTLER] called it, then the Navy Department should itself build the aircraft; and I offered an amendment, as you will remember, to the effect that if the Navy Department did not discover this gentlemen's agreement before signing the contract, and they should be imposed on, and as a result of such collusion on the part of the aircraft builders the Navy Department should be compelled to pay more than a reasonable, fair, market price as measured by competitive bidding for aircraft, I proposed in said amendment a penal consequence, to wit, a fine and imprisonment to those who conspired or colluded to deprive the Government of the benefits of competitive bidding.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. WOODRUFF. I wish to call attention to the fact that the report from the Committee on Naval Affairs was reported out by a unanimous vote of the committee.

Mr. McSWAIN. Yes. They unanimously agreed to it.

Now, since that time a bill has been introduced and referred to that committee to undertake to take that bridle off, and through the courtesy of that committee hearings are now being held, conducted by a Subcommittee of the Committee on Naval Affairs and of the Committee on Military Affairs, five from each committee, considering that bill and amendments with reference to it.

I want now to take this opportunity, under general debate, to advise the country that shall read the RECORD and to advise the Members of the House who are here and those who are not here who will read the RECORD that those who believe in the principles of competitive bidding for the purpose of preserving not only the Treasury but heeding the warnings of history, recent and ancient, that we must be on guard, or else by the use of some seemingly innocent phrase, such as "proprietary certificates," or "restricted competition," or some such phrase as that, the camel will get his nose under the tent; and if he ever gets his nose under the tent, he will be in bed with us again, as he was during the great emergency, when we wasted practically $900,000,000 of this country's resources in the effort to put aircraft on the front when not a single one was ever considered fit to fly over the enemy's lines.

Mr. WOODRUFF. The gentleman means that the animal will keep his nose under the tent?

Mr. McSWAIN. He will not only keep his nose under the tent, but he will get in with all four feet, body, hump, and all, and there will be no comfort for the rest of us who are in the bed, either for the odor—the noxious odor that proceeds from his body—or the incongruous form and shape in which he is found. [Applause.]

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. SCHAFER. Is the gentleman going to present an amendment to perfect this bill to compel competitive bidding?

Mr. McSWAIN. Oh, my friend, the law as it stands now and as it has stood ever since 1798, when the founders of this Nation realized, even in those days of heroes, when everybody was supposed to be honest, that you must protect honest men in and out of office by requiring competitive bidding. The general law itself provides for that. We have been trying to prevent them from taking out of the statute books that which the founders of the Government knew to be necessary for the protection of the Treasury and of public honesty. [Applause.] We are only endeavoring to preserve the body of law as it has stood now for 128 years.

Gentlemen, I think that something can be done along the line of stimulating inventive genius, along the line of encouraging the men of this country, young and old, rich and poor, to devote their talents and their thought to the development of aircraft. As to this proposition called "proprietary certificates," I wish I had time to pay my respects to "Mr. Proprietary Certificates" and the way it is conducted now; mark you, gentlemen, the way it is carried on now in the War Department and the Navy Department, in defiance of the very law that I told you had been on the statute books for 128 years [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

SEC. 2. Composition of the Air Corps: That section 13a of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 13a. Air Corps: There is hereby created an Air Corps. The Air Corps shall consist of one Chief of the Air Corps, with the rank of major general; three assistants, with the rank of brigadier general; 1,514 officers in grades from colonel to second lieutenant, inclusive; and 16,000 enlisted men, including not to exceed 2,500 flying cadets, such part of whom as the President may direct being formed into tactical units or bands, organized as he may prescribe: *Provided*, That at least 90 per cent of the officers in each grade below that of brigadier general and at least two brigadier generals shall be flying officers: *Provided further*, That hereafter in time of peace in order to insure that the commissioned officers of the Air Corps shall be properly qualified flying officers and, for the purpose of giving officers of the Army an opportunity to so qualify, the Secretary of War is hereby authorized to detail to the Air Corps officers of all grades, and such officers shall start flying training immediately upon being so detailed, but hereafter such officers shall not remain detailed to the Air Corps for a period in excess of one year or be permanently commissioned therein unless they qualify as flying officers: *And provided further*, That nothing in this act shall be construed to limit the number of officers in each grade that may be detailed to the Air Corps for training as flying officers except that the total number of officers allotted to the Air Corps shall not be exceeded. Flying units shall in all cases be commanded by flying officers. Wherever used in this act a flying officer in time of peace is defined as one who has received an aeronautical rating as a pilot of service types of aircraft and in time of war may include one who has received an aeronautical rating as observer. Officers and enlisted men of the Army shall receive an increase of 50 per cent of their pay when by orders of competent authority they are required to participate regularly and frequently in aerial flights, and when in consequence of such orders they do participate in regular and frequent aerial flights as defined by such Executive orders as have heretofore been, or may hereafter be, promulgated by the President; and hereafter no person shall receive additional pay for aviation duty except as prescribed in this section: *Provided*, That nothing in this act shall be construed as amending existing provisions of law relating to flying cadets. On and after July 1, 1929, not less than 20 per cent of the total number of pilots employed in tactical units of the Air Corps shall be enlisted men, except when the Secretary of War shall determine that it is impractical to secure that number of enlisted pilots.

"Enlisted men of all grades in the Air Corps who have demonstrated their fitness and shown that they possess the necessary technical qualifications therefor and are engaged upon the duties pertaining thereto may be rated as air mechanic, first class, or air mechanic, second class, under such regulations as the Secretary of War may prescribe. Each enlisted man while holding the rating of air mechanic, first class, and performing the duties as such shall receive an increase of 40 per cent of the pay of his grade, and each enlisted man while holding the rating of air mechanic, second class, and performing the duties as such shall receive an increase of 20 per cent of the pay of his grade: *Provided*, That such number as the Secretary of War may determine as necessary, not to exceed 14 per cent of the total authorized enlisted strength of the Air Corps, shall be rated as air mechanics, first class, or air mechanics, second class, and that the number of enlisted men rated as air mechanics, first class, shall be to the number of enlisted men rated as air mechanics, second class, approximately in the ratio of 1 to 2."

Mr. LaGUARDIA. Mr. Chairman, I offer an amendment.

Mr. GARRETT of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas, a member of the committee, is first recognized to offer an amendment. The Clerk will report his amendment.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Texas: Page 2, line 16, after the word "and," strike out the words "at least two" and insert the words "that said three."

Mr. GARRETT of Texas. Mr. Chairman, the purpose of this amendment is to make all three brigadier generals called for by this legislation flying officers.

If we want the Air Service of this country developed to that state of efficiency that it should be and that it ought to be, and if we want to rise to the position of being the equal of any other nation in the world and not be satisfied with third place, we must put the development of the Air Service under the management and control of air men who know the Air Service from the ground up. [Applause.] I see no reason or justification for our providing that one of these brigadier generals shall be a nonflying officer. Let us make them all flying officers and let us say to the Air Service people who go into that branch of the service that we are now attempting to move off in the direction, at least, of a separate air service, but if we can not get that then we will come as near to it as we can, and that we will have the men who go into the Air Service, air-service men, because I can not understand for the life of me how it is that in the Army we want to violate every principle of business that is inaugurated and carried on in every other branch of business in the country and attempt to put men in charge of the Air Service and of air-service men who know nothing about flying and who were never up in the air in their lives. To me it seems a preposterous proposition. We do not do that in any other business for we are a nation of specialists.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. GARRETT of Texas. Yes.

Mr. LAGUARDIA. They would not have a brigadier general of Cavalry who could not ride a horse, would they?

Mr. GARRETT of Texas. Certainly not. The business of our country is based upon and carried on upon the principle that you must put men at the head of a business who understand that business, and that ought to be as true of the Army and the Navy as it is in every other line of human endeavor. [Applause.]

Mr. BUTLER. Will the gentleman yield?

Mr. GARRETT of Texas. I will be glad to yield.

Mr. BUTLER. Does the gentleman recall the bill that this House considered and adopted practically unanimously a few days ago providing an Air Service for the Navy, and that in that bill we definitely provided that they had to fly 200 hours before they could be appointed; that before they could take command they had to fly 200 hours? Why did not you write that in your bill?

Mr. GARRETT of Texas. I am trying to write it in the bill now.

Mr. VINSON of Kentucky. Mr. Chairman, I rise in opposition to the amendment. I can very well appreciate the attitude of the gentleman from Texas and others who might share his views, but I think the committee should be advised as to just what is being done in this bill in respect of the two new brigadier generals. There is at present one brigadier general, and two are added. It is the purpose to have one of the new brigadier generals at the head of the flying schools down in Texas near San Antonio, and it is the purpose, if a third brigadier general is provided, to put that officer in charge of procurement.

Now, the language of this bill does not read and does not mean that they must not be flying officers. The language provides that at least two shall be flying officers, but it does not mean that the third one necessarily will not be a flying officer. It vests in the department the right to procure the proper man for the job, a business job, a man who might not be a flyer.

I am thoroughly in accord with the desire of the gentleman from New York [Mr. LAGUARDIA] and the gentleman from Texas [Mr. GARRETT] and every Member of this House to have the air force of this country rise to the maximum of efficiency, but at the present time, it seems to me, if we do not have a man who is a business man and who can solve the problems of procurement in a businesslike way, we will not be doing for the Air Service of this country what we really intend to do. We will not be aiding the Air Service of this country if we restrict the qualifications of the person who is to fill this job.

I desire to reiterate that this bill does not require that one of them shall be a nonflyer. The language reads:

At least two brigadier generals shall be flying officers.

Mr. SCHAFER. Will the gentleman yield?

Mr. VINSON of Kentucky. Yes.

Mr. SCHAFER. In this large country of ours can we not find a business man who is capable of qualifying as a business man and in addition qualify as a flying officer?

Mr. VINSON of Kentucky. The Secretary of War and General Patrick—than whom the Air Service has no better friend, as the gentleman well knows—submit that according to their views, in the present status of the Air Service you might not get as valuable a man to fill that job if he were required to qualify as a flyer as if you were permitted to put some other man in the job of procurement.

Mr. SCHAFER. Have they got the man in mind who will fill this job? Perhaps the man who is in their minds now and who will be promoted as a brigadier general of this service to fill this job can not qualify if the amendment is adopted.

Mr. VINSON of Kentucky. So far as I am concerned, I am not interpreting their motives. I am taking it as submitted.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. VINSON of Kentucky. Yes.

Mr. HILL of Alabama. I think the gentleman is incorrect as to the position of General Patrick on this matter. If the gentleman will read the hearings, he will find that General Patrick favors all of these brigadier generals being flyers, and I might say to the gentleman that in conversation with General Patrick no later than this morning he stated to me that he preferred that all three of these brigadier generals should be flyers.

Mr. VINSON of Kentucky. The gentleman will well recall what happened in the committee, and I have here an excerpt from the testimony before our committee, on page 6 of the notes prepared for us, where General Patrick says this:

General PATRICK. I intend that at least two out of the three, and preferably all three, should be flying officers.

Mr. HILL of Alabama. Yes; preferably all three.

I might say to the gentleman that after that statement was made and after we had threshed it out in committee again and again, General Patrick was invited to be present in executive session, as well as the Secretary of War, and the gentleman knows what the committee did after they were both there face to face discussing this very identical question. I think the gentleman will bear me out in saying that General Patrick after that meeting did not oppose the proposition.

Mr. HILL of Alabama. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen of the committee, I very much hope that this committee will adopt the amendment offered by the gentleman from Texas [Mr. GARRETT], and will provide that all three of these brigadier generals shall be flying officers.

The Morrow Board recommended the addition of two brigadier generals, giving us altogether three brigadier generals in the Air Service. After study and investigation the Military Affairs Committee of the House concurred in that recommendation and brings this bill here to you to-day providing for three brigadier generals. The bill provides that at least two of these brigadier generals shall be qualified flyers. The amendment provides that all three of the brigadier generals must be fliers. General Patrick, Chief of the Air Service, testifying before our committee, stated that he preferred to have all three of these brigadier generals flyers. In talking to me no later than this morning at the Military Affairs Committee he again asserted that it was his preference that all three of these brigadier generals should be flyers. It was in the mind of the President's Aircraft Board, the Morrow Board, and in the mind of the Committee on Military Affairs that these three brigadier generals should be used as follows: One would be stationed here in Washington as an assistant to the Chief of the Air Service. The brigadier general which we now have in the Air Service is doing this work. He assumes command of the Air Service when the chief is away from the city of Washington on some trip of inspection and relieves the chief and acts for him in many ways. The second brigadier general would command a training center composed of the flying fields in and around San Antonio, Tex.

Certainly no one would advocate that either one of these two brigadier generals, the one here in Washington who takes the place of the Chief of Air Service when the chief is away, or the general who is to command the flying center at San Antonio, should not be flying officers.

As to the third brigadier general——

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. HILL of Alabama. I can not yield just this minute.

As to the third brigadier general, the idea of the Morrow Board and of the Military Committee is that he should be in charge of procurement, in charge of supplies, and I ask you,

gentlemen, if you were in the Air Service, would you want a man going out and buying an airplane that you are to fly who knows nothing whatever about that airplane; that has had no experience, knows nothing about the engine and nothing about the mechanism, and nothing about the different types of airplanes? I feel it is only fair to the men who sail in the high air and risk their lives in this way that we place the purchasing of these planes in the hands of a man who has flown, who is a flier, and who knows something about an airplane.

I will now yield to my friend.

Mr. VINSON of Kentucky. The gentleman does not intend to convey the idea that I intimated that the brigadier general who would be stationed here at Washington or the one who would be stationed at San Antonio would not be fliers?

Mr. HILL of Alabama. Oh, no; but the gentleman wants to make one of them a nonflyer.

Mr. VINSON of Kentucky. For the benefit of the service.

Mr. HILL of Alabama. Whenever you write into this law that only two of these brigadier generals have to be fliers, to my mind that is an invitation on the part of the Congress to the War Department to take a man who is not a flier and make a brigadier general out of him.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. HILL of Alabama. I yield.

Mr. LAGUARDIA. As the gentleman well knows, brigadier generals are not appointed according to promotion. They are appointed on certain recommendations made by the General Staff, and the flying service would not have a Chinaman's chance of getting a brigadier general who is a flyer in that position unless the law is changed.

Mr. HILL of Alabama. The gentleman is absolutely correct. These brigadier generals in the Army are named on the recommendation of a board and that board comes out of the General Staff.

What we have been trying to do in this bill is to take care of the flying corps, to take them out from under the General Staff and see to it that they have a chance to live and to grow and to develop. Are we now going to work by this bill and let the General Staff put over them, perhaps, some man who maybe has never been in an airship, some man taken, possibly, from the Infantry, the Quartermaster Corps, or the Finance Department? There are plenty of able, devoted, capable men in the Air Service to-day who can fill these places as brigadier generals. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired. The question is on the amendment of the gentleman from Texas [Mr. GARRETT].

The question was taken; and on a division (demanded by Mr. VINSON of Kentucky) there were—ayes 16, noes 22.

Mr. HILL of Alabama. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Alabama demands tellers. [After counting.] Fifteen gentlemen have arisen, not a sufficient number, and tellers are refused.

Mr. SCHAFER. Mr. Chairman, I make the point that no quorum is present.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order that no quorum is present. The Chair will count.

Mr. SCHAFER. Mr. Chairman, in view of the fact that the nurses' bill is the next to be taken up, I withdraw the point. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I submit the following amendment.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 3, line 10, after the word "aircraft," insert "and who has flown in the heavier-than-air craft a total of not less than 150 hours, 75 of which must be alone, or who has flown in lighter-than-air craft a total of not less than 100 hours and has successfully completed the course prescribed by competent authority.

Mr. JAMES. I would like to ask the gentleman if that is the same provision inserted in the naval aircraft bill.

Mr. LAGUARDIA. Yes.

Mr. JAMES. I accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. Correction of promotion list: That the Secretary of War be, and he is hereby, directed to investigate and study the alleged injustices which exist in the promotion list of the Army and to submit to Congress on the second Monday in December, 1926, this study, together with his recommendations for changes, if any, in the present promotion list.

Mr. HILL of Alabama. Mr. Chairman, this section directs the Secretary of War to investigate and study the alleged injustice which exists in the promotion list of the Army and submit his report to Congress in December. I want to express the hope that when the Secretary of War makes a study of the promotion list he will also make a study of the present retirement law. The question of promotion and the question of retirement are so interlinked and so interwoven that to arrive at a complete and intelligent conclusion on the one you must have a complete study of the other. I hope that the Secretary of War, as I have said, will assist the Congress in this matter of retirement and make a study of the present retirement law and send to the Military Committee and to the Congress such recommendations in regard to retirement as the Secretary of War deems wise. The Military Affairs Committee has directed its subcommittee on retirement to draft an entirely new retirement law for the Army, and to report that law to the full committee. I can not too strongly reiterate the hope that in this work the subcommittee and the full committee may have the helpful cooperation of the Secretary of War. [Applause.]

The Clerk read as follows:

SEC. 6. Flying pay: That section 20 of the act of June 10, 1922 (42 Stat. p. 632), as amended, be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 20. That all officers, warrant officers, and enlisted men of all branches of the Army, Navy, Marine Corps, and Coast Guard, when by orders of competent authority they are required to participate regularly and frequently in aerial flights, and when in consequence of such orders they do participate in regular and frequent flights as defined by such Executive orders as have heretofore been, or may hereafter be, promulgated by the President, shall receive the same increase of their pay and the same allowance for traveling expenses as are authorized for the performance of like duties in the Army. Exclusive of the Army Air Corps, and student aviators and qualified aircraft pilots of the Navy, Marine Corps, and Coast Guard, the number of officers of any of the services mentioned in the title of this act who may be required by competent authority to participate regularly and frequently in aerial flights as defined by such Executive orders as have heretofore been, or may hereafter be, promulgated by the President shall not at any one time exceed 1 per cent of the total authorized commissioned strength of such service. Officers, warrant officers, and enlisted men of the National Guard participating in exercises or performing duties provided for by sections 92, 94, 97, and 99 of the national defense act as amended, and of the reserves of the services mentioned in the title of this act called to active duty shall receive an increase of 50 per cent of their pay when by orders of competent authority they are required to participate regularly and frequently in aerial flights, and when in consequence of such orders they do participate in regular and frequent aerial flights as defined by such Executive orders as have heretofore been, or may hereafter be, promulgated by the President and when such flying involves travel they shall also receive the same allowances for traveling expenses as are or hereafter may be authorized for the Regular Army. Regulations in execution of the provisions of this section shall be made by the President and shall, whenever practicable in his judgment, be uniform for all the services concerned.

Mr. HILL of Alabama. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 7, line 20, after the word "Army," strike out the period, insert a colon, and add the following: "*Provided*, That when officers, warrant officers, and enlisted men of the National Guard are entitled to armory drill pay, the increase of 50 per cent thereof herein provided shall be based on the entire amount of such armory drill pay to which they shall be entitled for a calendar month or fractional part thereof, and the required aerial flights may be made at ordered drills of an Air Service organization or at other times when so authorized by the President."

Mr. JAMES. Has that amendment the indorsement of the War Department?

Mr. HILL of Alabama. It has the indorsement of the War Department, the Chief of the Air Service, the chief of the bureau, and the committee.

Mr. JAMES. I accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 8. Encouragement of commercial aviation: For the purpose of encouraging the development of commercial aeronautics in the United States, its Territories, and its possessions, the Secretary of War is authorized to make available War Department facilities for aviation and to cooperate with the owners or operators of private or commercial aircraft, under such regulations as may be prescribed by him. This cooperation may include, in emergencies, the sale at cost, plus 10

per cent, of fuel, oil, equipment, and other necessary supplies and the furnishing, at rates to be determined by him, of services and temporary storage space. All money received under the provisions of this section shall be paid into the Treasury of the United States, and an amount equivalent to the amount received shall be credited to the current appropriation or appropriations from which the property sold or services rendered was authorized to be supplied at the time of the transaction, and such credits to appropriations shall be available for expenditure throughout the current fiscal year and the fiscal year following.

Mr. McSWAIN. Mr. Chairman, I move to strike out the last word, for the purpose of expressing the hope that in exercising the discretionary power the Secretary of War will be exceedingly liberal in the promulgation of regulations in regard to the use of the flying fields by civilian aviators.

As pointed out by the Morrow Board—and, by the way, it is one of the very few things that I have the honor to agree with them in—that naval commerce, commerce on the high seas, has been encouraged and made possible by virtue of the fact that the governments of the world have afforded the facilities like refuge harbors, docks, deep-sea soundings, lighthouses at the Government expense, so that the private navigator had only to build his boat and put out to sea for the various ports which governments have established and to use these facilities according to regulations of highways promulgated by those governments.

I think that should apply with peculiar and especial force to this new art of navigating the air, and it would be highly fitting and of especial encouragement to private aviators to know that this Government keeps always at their disposal our flying fields, our lighted ways, our signals, and the reports of every meteorological agency that the Government maintains, whether it be the Department of Agriculture or the Air Corps, in order that we may become familiar with the use of the air as an agency in carrying on intercourse and commerce. Mr. Chairman, I merely express the hope that the department will be particularly liberal in time of peace, certainly, in allowing the use of these air fields to civilian aviators. [Applause.]

Mr. VINSON of Kentucky. Mr. Chairman, I am happy, indeed, to find myself in accord with the gentleman from North Carolina.

Mr. McSWAIN. The gentleman from Kentucky, Mr. Chairman, can not exceed my joy of this glorious reunion. [Applause.]

The Clerk read as follows:

SEC. 10. Five-year Air Corps program. For the purpose of increasing the efficiency of the Air Corps of the Army and for its further development the following five-year program is authorized:

Personnel. The number of promotion-list officers now authorized by law in the grade of second lieutenant of the Regular Army is hereby increased by 403, and the number of enlisted men now authorized by law for the Regular Army is increased by 6,240. The present allotment of officers to the Air Corps is hereby increased by 403 officers distributed in grades from colonel to second lieutenant, inclusive, and the present allotment of enlisted men to the Air Corps is hereby increased by 6,240 enlisted men. The President is authorized to call to active service, with their consent, such number of Air Corps reserve officers as he may deem necessary, not to exceed 550, 90 per cent of whom shall serve for periods of not less than six months or more than one year, and 10 per cent for periods of not less than one or more than two years: *Provided*, That nothing contained in this section shall affect the number of reserve officers that may be called to active duty for periods of less than six months under existing law.

Equipment. The Secretary of War is hereby authorized to equip the Air Corps with 2,200 airplanes, with 10 airships, and with such number of free and captive balloons as he may determine as necessary for training purposes, together with the spare parts, equipment, supplies, and installations necessary for the operation and maintenance thereof: *Provided*, That the total number of airplanes and airships herein authorized shall be exclusive of those awaiting salvage, undergoing experiment or service tests, those authorized by the Secretary of War to be placed in museums, and those classified by the Secretary of War as obsolete: *And provided further*, That the total number of planes authorized in this section shall include the number necessary for the training and equipment of the National Guard and the training of the Organized Reserves as may be determined by the Secretary of War.

Method of increase. The total increase in personnel and equipment authorized herein shall be distributed over a five-year period beginning July 1, 1926. Not to exceed one-fifth of the total increase shall be made during the first year, and the remainder in four approximately equal increments. The President shall submit to Congress annually estimates of the cost of carrying out the five-year program authorized herein: *Provided*, That a supplemental estimate for the fiscal year ending June 30, 1927, shall be submitted to cover the cost of the first annual increment.

Mr. JAMES. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. JAMES: Page 10, line 17, strike out all down to and including line 7, on page 11, and insert in lieu thereof the following: "The Secretary of War is hereby authorized to equip and maintain the Air Corps with not to exceed 1,800 serviceable airplanes, 10 airships, and such number of free and captive balloons as he may determine to be necessary for training purposes, together with spare parts, equipment, supplies, and installations necessary for the operation and maintenance thereof. In order to maintain the number specified above, the Secretary of War is hereby authorized to replace obsolete or unserviceable aircraft from time to time: *Provided*, that the necessary replacement of airplanes shall not exceed approximately 400 annually: *Provided*, That the total number of airplanes and airships herein authorized shall be exclusive of those waiting salvage or undergoing experiment or service tests, those authorized by the Secretary of War to be placed in museums, and those classified by the Secretary of War as obsolete: *And provided further*, That the total number of airplanes authorized in this section shall include the number necessary for the training and equipment of the National Guard and the training of the Organized Reserves, as may be determined by the Secretary of War."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LaGUARDIA. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LaGUARDIA: In the amendment just adopted, page 11, line 4, after the word "shall," insert the word "not," and on line 6, after the word "guard," strike out the word "and" and insert the following: "but shall include the number necessary for."

Mr. LaGUARDIA. Mr. Chairman, if my amendment be adopted the section would read:

That the total number of planes in this section shall not include the number necessary for the training of the National Guard, but shall include the number necessary for the training of the Organized Reserves.

The purpose of my amendment is this: The training of the National Guard officers is going to increase every year, because the National Guard is the logical place to train flying officers. One of two things will happen as the training of the National Guard grows. Either the Air Service will be deprived of so many planes that it will cripple the service, or else the National Guard will not be supplied with efficient and proper equipment.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. QUIN. But the gentleman's amendment would dislocate the financial arrangement here. We have a certain amount of money allocated, and we can not go over that.

Mr. LaGUARDIA. A similar amendment was adopted by the House when the naval aviation bill was before us. If you are going to allow a certain number of planes in the Army, and you include in that number those to be assigned to the National Guard, we will be in exactly the same situation as we are to-day. Neither the Guard nor the Army has sufficient or proper equipment. I say now that the equipment at Miller Field on Staten Island for the National Guard is not up-to-date equipment. They have not sufficient planes, or modern and up-to-date planes. If you are instituting a five-year program for the Army and the training of men for the Air Service of the Army and the reserves, the Air Service should know what they can use, and you should not cut into this allowance by providing that the Air Service shall furnish the National Guard equipment out of the fixed allowance. We can not tell what the National Guard Air Service will be two or three years from now, when the National Guard of all of the States start training flyers.

Mr. CONNERY. Mr. Chairman, I entirely agree with the gentleman in his amendment, especially in respect to the National Guard. I have a letter in my office now from a man who is flying in the National Guard, and he says, "For God's sake, get rid of the flying coffins." He states that up in East Boston three men went to their death in those machines.

Mr. LaGUARDIA. Of course, it is natural that the National Guard is not going to get the best of equipment.

Mr. VINSON of Kentucky. It is contemplated under this program that 180 planes will be designated for National Guard use over the period of five years.

Mr. LaGUARDIA. For 48 States.

Mr. VINSON of Kentucky. That is the number, as I understand it.

Mr. LAGUARDIA. We can not tell how many may be needed. New York, Massachusetts, and some of the larger States have real flying sections in the National Guard.

Other States have simply a paper organization, a skeleton organization. Now, take the Western States; when they begin to organize air sections of their National Guard in these States where the territory is adapted to flying the service will be very popular and will grow rapidly.

Mr. VINSON of Kentucky. I agree with the gentleman from New York, but I desire to give the information that 180 planes are carried in this bill for the use of the National Guard.

Mr. LAGUARDIA. I do not know that it is sufficient.

Mr. FROTHINGHAM. I desire to point out to my colleague from Massachusetts that the whole object of this bill is to get more planes, and more efficient planes, not only for the regular service but for the National Guard.

Mr. CONNERY. I agree with the gentleman from New York in regard to the National Guard——

Mr. FROTHINGHAM. No; the National Guard is entirely well taken care of. We had that thrashed out in the committee. We have had up this matter for three months before the committee. The National Guard is very well taken care of in this bill.

Mr. LAGUARDIA. With the required number of men in all the States in training to become flying officers they will smash up the 180 planes in one season.

Mr. CONNERY. I want to say to the gentleman from Massachusetts I believe also in taking care particularly of the National Guard without reference to the Regulars in this matter, because the National Guard has been getting these flying coffins, as was stated by this man who served in France in aviation, and he is now in the National Guard, who tells me that they have these flying coffins now.

Mr. LAGUARDIA. One of the boys in my office flying in the New York National Guard was killed at Staten Island last year.

Mr. FROTHINGHAM. A young man in my district was killed in the Aviation Corps, and that is why we were so very particular in reference to this bill.

Mr. CONNERY. Does the gentleman think 180 planes adequate?

Mr. FROTHINGHAM. I think this bill takes care of the National Guard in that respect.

Mr. McSWAIN. If the gentleman will yield, in response to the suggestion that 180 planes might be smashed and put out of existence in one season, there is an amendment authorizing a replacement of every single plane that may be destroyed or smashed. There is authorized a replacement from time to time not exceeding 400 each year, and so with the present policy of the Air Corps as to the National Guard, 180, or whatever the number may be, the fact that they should be destroyed would not deprive the National Guard of having them replaced. Now, I can sympathize with the desire on the part of the gentleman from New York [Mr. LAGUARDIA] and the gentleman from Massachusetts [Mr. CONNERY] to see the face of the bill in so many words authorize a certain percentage or a surplus over and above a certain number to be assigned to the National Guard.

Mr. LAGUARDIA. Of serviceable planes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JAMES. Mr. Chairman, if I thought the National Guard was not taken care of I would be willing to increase the number, but under the program of the War Department it is estimated that there will be 180 planes for the National Guard and about 191 for the organized reserve and about 101 for the war reserve, and in addition there will be about 400 planes each year, so that the National Guard and everybody else will be taken care of.

Mr. CONNERY. Does the gentleman think that 180 planes are enough for the National Guard?

Mr. JAMES. I do, and if I did not think so I would be for an increase.

Mr. CONNERY. How many units of the guard, about how many divisions?

Mr. JAMES. We thrashed the matter over in the committee, and we believed that 180 planes will be sufficient.

Mr. CONNERY. I do not think so.

Mr. HILL of Maryland. Mr. Chairman, I would like to say that the Secretary of War himself, an old National Guard officer himself, and I, personnally, as an old National Guard officer, went very carefully into this matter in committee, and I think it really provides abundantly for the number of planes.

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk resumed and concluded the reading of the bill.

Mr. JAMES. Mr. Chairman, I move that the committee do now rise and report the bill with amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The CHAIRMAN. Has the attention of the gentleman from Michigan been called to the amendment of the gentleman from Michigan, on page 10, where the word "equipment" is stricken out in line 17? Does the gentleman desire to correct it?

Mr. JAMES. Mr. Chairman, I ask unanimous consent to have the word "equipment" inserted.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that in the amendment printed on page 10, line 17, that the word "equipment" be inserted in his amendment at the beginning of the paragraph. Is there objection? [After a pause.] The Chair hears none.

Mr. JAMES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JAMES. Will this bill be laid aside in order to take up the nurses' bill?

The CHAIRMAN. The Chair would think in view of the fact this bill was called up and the House automatically resolved itself into the Committee of the Whole House on the state of the Union on this bill (H. R. 10827) that the committee would have to rise and report this bill.

The gentleman from Michigan moves that the committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Mr. SCHAFER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCHAFER. When would it be in order to make a motion to recommit?

The CHAIRMAN. Not at this time.

Mr. BUTLER. When the bill gets into the House on the third reading.

Thereupon the committee rose; and Mr. BURTON having assumed the chair as Speaker pro tempore, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 10827) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the United States, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. JAMES. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

Mr. SCHAFER. Mr. Speaker, I make a motion to recommit the bill to the committee.

The SPEAKER pro tempore. A motion to recommit has been presented by the gentleman from Wisconsin. Is the gentleman opposed to the bill?

Mr. SCHAFER. I am opposed to it as it now is without this amendment.

The SPEAKER pro tempore. The Clerk will report the motion of the gentleman from Wisconsin.

The Clerk read as follows:

Mr. SCHAFER moves that the bill be recommitted to the Committee on Military Affairs, with instructions to that committee to report the bill back forthwith, with the following amendment: On line 16, page 2, strike out the words "at least two" and insert in lieu thereof "said three."

The SPEAKER pro tempore. The question is on agreeing to the motion to recommit.

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SCHAFER. A division, Mr. Speaker.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 7, noes 39.

So the motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. JAMES, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RETIREMENT FOR THE NURSE CORPS OF THE ARMY AND NAVY

Mr. JAMES. Mr. Speaker, I call up the bill (H. R. 8953) to provide retirement for the Nurse Corps of the Army and Navy, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Michigan calls up the bill H. R. 8953, and asks that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 8953) to provide retirement for the Nurse Corps of the Army and Navy.

Mr. HILL of Maryland. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Maryland moves to strike out the last word.

Mr. HILL of Maryland. Mr. Speaker, I will take only about two minutes. I am, of course, in favor of this nurses' bill. It should be passed.

TO PROVIDE MORE EFFECTIVELY FOR THE NATIONAL DEFENSE—AIR CORPS OF THE ARMY

I want to say a few words as to the bill, H. R. 10827, to provide more efficiently for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes, which we have just passed.

We passed it in a very short time, and it was not necessary for those of us who sponsored it to do any talking. The House was "for it." I think that shows the temper of this House—that there should be passed in such a short time a bill entirely reorganizing the whole Air Service of the Army. I want to congratulate the House upon its vision in passing the bill in that way.

The whole question of air defense has been before this country ever since the war. There have been innumerable commissions, innumerable boards, and innumerable investigations. The Committee on Military Affairs of the House took up at the beginning of this session all pending bills on the question of national defense, including air. There were some of us who felt that the best interests of national defense would be served by the coordination under a secretary of national defense of all defense activity, with an undersecretary for the Army, the Navy, the air, and national resources.

I introduced the bill H. R. 46 on December 7, 1925, for the creation of a department of defense, which is as follows:

A bill (H. R. 46) to reconstitute the War Department as it originally existed by the restoration to it of all those defense functions now carried on by the Navy Department, to reorganize the War Department as thus reconstituted, to change the name of such department to the department of defense, and for other purposes

Be it enacted, etc., That the War Department is hereby reconstituted as it originally existed by the restoration to it of all those defense functions now carried on by the Navy Department.

SEC. 2. The Navy Department is hereby abolished.

SEC. 3. The name of the War Department is hereby changed to the department of defense.

SEC. 4. The department of defense shall be organized as follows:

Secretary for defense.
Undersecretary for the Army.
Assistant Secretary.
Executive offices:
General Staff.
War boards and commissions.
Office of The Adjutant General.
Office of the Inspector General.
Office of the Judge Advocate General.
Office of the Quartermaster General.
Office of the Chief of Finance.
Office of the Surgeon General.
Office of the Chief of Ordnance.
Office of the Chief of Chemical Warfare Service.
Militia Bureau.
Office of the Chief of Chaplains.
Office of the Chief Signal Officer.
Office of the Chief of Infantry.
Office of the Chief of Cavalry.
Office of the Chief of Field Artillery.
Office of the Chief of Coast Artillery.
Office of the Chief of Engineers.
Military Academy.
Panama Canal.
Undersecretary for the Navy.
Assistant Secretary.
Executive offices:
Office of Naval Operations.
Navy boards.
Bureau of Navigation.
Naval Academy.
Bureau of Yards and Docks.
Bureau of Ordnance.
Bureau of Construction and Repair.
Bureau of Engineering.
Bureau of Supplies and Accounts.
Bureau of Medicine and Surgery.
Headquarters Marine Corps.
Judge Advocate General.
Solicitor.
Undersecretary for air.
Executive offices:
Bureau of Operations.
Bureau of Supplies.
Bureau of Construction and Repair.
Undersecretary for national resources.
Executive offices:
Men.
Munitions.
Food and clothing.
Transportation.
Communications.
Fuel.
Miscellaneous.
Joint boards (War and Navy).

SEC. 5. The nonmilitary engineering activities of the War Department, including the Board of Engineers for Rivers and Harbors, the district and division engineer offices, the Mississippi River and California Débris Commissions, the Board of Road Commissioners for Alaska, and the Office of Public Buildings and Grounds (District of Columbia), are hereby transferred to the Department of the Interior.

SEC. 6. The marine activities of the War Department, including the Lake Survey Office, the Inland and Coastwise Waterways Service, and the supervisor of New York Harbor, are hereby transferred to the Department of Commerce.

SEC. 7. The Bureau of Insular Affairs is hereby transferred from the War Department to the Department of State.

SEC. 8. The Hydrographic Office and the Naval Observatory are hereby transferred from the Navy Department to the Department of Commerce.

We had full hearings on that bill, on the bill for a unified service and various other propositions.

We feel that this bill is a step toward unified national defense. This bill in connection with the bill we passed for Navy aviation and the bill we passed for commercial aviation takes excellent care of the air situation, and therefore I want to congratulate the House on the passage of this legislation. It is an extraordinarily important piece of legislation, and I should like to testify to the lack of all partisan consideration in the Military Affairs Committee in the consideration of this bill. I have never seen a piece of national-defense work approached from a more broad-minded and patriotic spirit than has characterized the consideration of the legislation which you just passed, which has been the subject of thousands of pages of testimony, and I congratulate the House and the committee on the passage of this bill. [Applause.]

I feel that this bill is a proper step toward one department of defense which shall coordinate all defense activities. We are considering in committee a bill for a council of defense which would accomplish most of the purposes I had in mind when I introduced House bill 46. [Applause.]

Mrs. KAHN. Mr. Speaker, I rise in opposition to the amendment. [Applause.]

I am going to give nine reasons in tabloid form why this bill should be passed:

The Nurse Corps at the present time is the only component of the Regular Army or Navy of the United States whose members are not entitled to retirement, notwithstanding the fact that they are subject to the same laws, regulations, orders, and so forth, as are other individuals of the military and naval services.

Retirement is necessary for the double purpose of rewarding individuals after long service by providing for their maintenance and of ridding the active list of individuals who are no longer up to the full standard of efficiency.

Nurses are the only group of women who serve their country in the military and naval services in time of peace and in time of war, very often under most trying and bitter conditions.

The pay of the nurses is about 20 per cent less than is the pay of trained nurses in civilian hospitals.

They have no choice as to the nature of the cases to be cared for, as have nurses in civil life.

The period of greatest efficiency of a nurse doing continuous duty is estimated from 10 to 15 years.

The pay of Government nurses is so low that it is impossible for them to save anything for future maintenance or to aid in the support of their dependents, as the law providing for a dependent of an officer does not apply to nurses.

Marriage renders a nurse ineligible for the service. Unlike officers, she is at all times separated from her family.

Due to the character of the work, the requirements for eligibility to the Nurse Corps are high, and with the low rate of pay it is difficult to get the desired number of applicants without some inducement to attract them.

The first really officially wounded member of the American Army was a woman, a nurse, a member of the Army Nurse Corps, who lost her eye from a piece of shrapnel.

All too little recognition has been given to the members of the Army and Navy Nurse Corps for their bravery, efficiency, and devoted service. Everything was expected of them, and they were just taken for granted. The French gave 28 croix de guerre to our nurses, and the English bestowed 69 royal red crosses upon some of them, but the American Government has given but 24 distinguished-service medals and the 3 distinguished-service crosses.

After the war was over, as some of you will recall, the Congress passed an act giving relative rank to members of the Army Nurse Corps, but with the rank did not go either the commission or the pay of the grade. What the right to wear the insignia of the rank from second lieutenant to major does for the nurses is to show to all concerned that the Nurse Corps is entitled to officers' status and to certain officers' privileges.

All the men of the Army and Navy, whether officers or men, have retirement privileges; also warrant officers. Why should the women of the services, who are as much an integral part of the forces as the men, be excluded from them? [Applause.]

The peace-time strength of the Nurse Corps in each service at the present time is approximately 500. During the war we raised the number to 22,000 Army nurses and 1,500 Navy nurses.

There are in 1926 but 7 nurses due retirement, and in the next 10 years a total of only 56. To earn this retirement the minimum service required of these nurses must cover a period of 25 years.

The cost of retirement for the Army and Navy nurses for the year 1926 will be less than $9,000. Total cost in 10 years will be less than $330,597, but it is safe to say quite a few on the list will not live for 10 years, as many of the nurses are well over 60 years of age now, and the actual cost will naturally be much less.

I ask you to give the bill granting the nurses of the Army and Navy retirement privileges after 25 years' service your sincere support on the ground of justice and equity and in recognition of what they have done and are still doing for their country. The men whom these women served and helped, the mothers whose sons they saved, want this bill passed. They are solidly behind these nurses. Moreover, in considering the money that would be involved in comparison to the large sums appropriated for the retirement of the other members of the Army and Navy, to refuse to pass this bill on grounds of economy would be discriminatory. We are merely asking for a square deal for the women who, both in war and peace, have taken their orders and have done their duty like the soldiers they are.

The SPEAKER pro tempore. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that Senate bill 3037 be substituted for H. R. 8953.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that Senate bill 3037 be substituted for H. R. 8953. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

SEC. 2. That the annual pay of a retired member of the Army Nurse Corps or the Navy Nurse Corps shall be 3 per cent of the annual active base pay which she is receiving at the time of retirement multiplied by the number of complete years of service rendered prior to retirement, but not exceeding 75 per cent of such annual active base pay; and, in addition, supplemental annual retired pay for each complete year of active service rendered prior to retirement in each of the grades hereafter named, as follows: Chief nurse, $18; assistant superintendent, $45; director, $45; assistant director, $15; superintendent, $75; *Provided*, That in computing the period of service in any grade for such supplemental retired pay any period less than a year served in any higher grade may be included.

Mr. SCHAFER. Mr. Speaker, I move to strike out the last three words and ask unanimous consent to speak out of order for seven minutes.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to speak out of order for seven minutes. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker, ladies and gentlemen of the House. Before I say the few words which I desire to bring to the attention of the House, I want to quote for the benefit of my Republican colleagues some good Republican statements of that great Republican, Abraham Lincoln. [Applause.] In delivering his second inaugural address on March 4, 1865, President Lincoln stated in part:

> With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; To bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow and his orphan; to do all which achieve and cherish a just and lasting peace among ourselves, and with all nations.

There has been introduced in the last two sessions of Congress legislation having for its purpose the care of the disabled veterans who bore the brunt of battle in the late World War. This legislation came before Congress in the closing days of the session under suspension of the rules, with 20 minutes' debate on a side, without opportunity of debate under the five-minute rule or amendment. We were led to believe at the close of the last session that amendatory legislation to care for the disabled veterans of the World War would not come before this present Congress in the closing days of the session under suspension of the rules. The other day, when the so-called Johnson bill was on the Unanimous Consent Calendar, what did we find? We found that the bill, which had already been deleted, was to have another major operation performed, and after that major operation, which would reduce the benefits some $9,000,000 or $10,000,000, this session of Congress would be confronted with the bill, under suspension of the rules, without a chance to debate and amend under the five-minute rule. It seems to me that those in control of the Republican Party in this House have followed the economy program too far in its application to legislation granting increased benefits to the disabled World War veterans. What are we to believe, and what are the disabled veterans to believe?

That the major problem which confronted this Congress was the extraordinary reduction of the taxes of the multimillionaires as provided in the bill which was enacted in the early part of this session. Many of those great fortunes which were made during the time of the World War when these disabled veterans were bearing the brunt of the battle were relieved from income and inheritance taxes to an excessive degree. We find that this Congress had sufficient money in the Treasury to approve of debt-funding settlements which would place an additional burden on the Treasury of billions of dollars and relieve our foreign allies of that amount of debt burden, and now we find that the French debt settlement is about to be considered in the light of a reduction of billions of dollars. This, in the face of the fact that the French Government had plenty of money to carry on a war of persecution against the Riffs and against the Syrians in Damascus and in face of the fact that they had plenty of funds to put their colored Senegalese troops in the army of occupation in the Ruhr, in clear violation of the treaty of Versailles.

We have also found in the past few days that there exists in the Nation's Capital a guardianship or committee monopoly, through which one of the present Commissioners of the District of Columbia has received thousands of dollars per year from the funds of those incompetent veterans who bore the brunt of battle in the late World War. As one Member of this House I shall not favor adjourning until action has been taken which will drive this guardianship or committee monopoly out of existence, and will properly punish any law violator who has directly exploited or has connived at the exploitation of any incompetent, disabled veteran of the World War. [Applause.]

I could not understand the silence of those high in the administration during the exposé of Daugherty and Fall. They have again become silent for over 30 days, while a resolution introduced by my colleague, the gentleman from Texas, Mr. BLANTON, was before the Rules Committee, the resolution providing for the investigation of the guardianship mo-

nopoly preying on the disabled, incompetent veterans of the World War, who have borne the brunt of battle. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mrs. ROGERS. Mr. Speaker, I move to strike out the last three words.

Mr. Speaker, I want to speak in favor of the passage of the House bill, H. R. 8953, which provides for the retirement of our Army and Navy nurses.

I know what services they have given the country for the past nine years. I saw their work in France in 1917, and from January, 1918, I saw their work in Washington as a member of the Red Cross at the Walter Reed Hospital.

Until 1922, when President Harding appointed me his personal representative in the care of the disabled, I have seen the work of our Army and Navy nurses in the various Army and Navy hospitals in various parts of this country. I am still seeing their work as President Coolidge's personal representative in the hospitals. You see, I speak of actual service knowledge of what our women have accomplished.

I am going to give you the total number of nurses employed in both the Army service and the Navy service. They are allowed 525 as a total in the Navy. They now have in the Navy 478. The Army is allowed 500 nurses and they now have only 486. The reason for this shortage is they are not paid enough to make it possible for them to serve.

They must have protection in their old age. As you all know—or perhaps you do not know, because you have not stopped to consider—the nurse can not marry as the officer can. She has the rank, but she has not the privilege of marrying and of being assured she will be taken care of when she is older. It seems an unjust discrimination, but I suppose a necessary one. The nurse can not have her family with her; the officers can have their families with them and often the nurses, when they stop their work, are too old to marry.

I know how unselfish the nurses are; they always ask to do more for their patients rather than less. I speak of personal knowledge of their work as for years I watched them work all day and all night. Their work is very taxing both mentally and physically, and a nurse is often completely worn out when she leaves the service. They can not select the cases that they must nurse. Outside the service a nurse can refuse to serve on contagious cases, whereas in the service they must serve on all cases, no matter how horrible. They are sent everywhere, often under the most trying conditions. Do you realize just how trying the nurses' work is in the mental wards? In one ward in a military hospital a nurse's apron was torn off when a mental case suddenly became violent. They very much feared for the nurse's life before the guard could control the crazy man. In another hospital a man who was considered a very mild mental case became insane and chased the nurse through the hospital grounds at night and was about to choke her when he was caught by one of the guards. You see their service is not an easy service. It is done out of patriotism for our country, out of loyalty for our service men and women.

The total cost of this measure for 10 years is only $330,597. It surely is very little to give this amount of money to insure some degree of comfort for our Army and Navy nurses in their old ages. [Applause.] Is it not economy as well to properly care for our nurses, for without nurses we can not care for our sick and disabled? I feel sure you do not think this is asking too much for them. [Applause.]

The SPEAKER pro tempore. The time of the gentlewoman from Massachusetts has expired.

The pro forma amendment was withdrawn.

The Clerk completed the reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JAMES, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 8953) was laid on the table.

DETERIORATED AND UNSERVICEABLE AMMUNITION

Mr. JAMES. Mr. Speaker, I call up the bill (H. R. 9218) to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes, and ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized to exchange deteriorated and unserviceable ammunition and components thereof for ammunition or components thereof in condition for immediate use.

SEC. 2. That the Secretary of War is further authorized, by contract or otherwise, to reclaim, by reworking, reconditioning, or otherwise converting into usable form, either in complete rounds or in serviceable components, such deteriorated and unserviceable ammunition and components thereof as it may not be advisable to have so exchanged, and to pay either the whole or part of the cost thereof through the exchange of deteriorated and unserviceable components not desired to retain.

With the following committee amendments:

Page 1, line 6, after the word "use," insert "or to sell same, as shall appear to the best interests of the Government."

In line 9 strike out the word "otherwise" and insert "by direct departmental action."

On page 2, in line 4, after the word "exchanged," insert "or sold."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JAMES, a motion to reconsider the vote by which the bill was passed was laid on the table.

TO AMEND THE NATIONAL DEFENSE ACT

Mr. JAMES. Mr. Speaker, I call up the bill (H. R. 11511) to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Michigan calls up the bill (H. R. 11511) to amend in certain particulars the national defense act, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 90 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended to read as follows:

"SEC. 90. That funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for animals owned or hired by any State, Territory, District of Columbia, or National Guard organization, not exceeding the number of animals authorized by Federal law for such organization and used solely for military purposes, and for the compensation of competent help for the care of material, animals, armament, and equipment of organizations of all kinds, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be so compensated shall not exceed five for each organization, except heavier-than-air squadrons, for each of which a maximum of 10 to be so compensated is hereby authorized, and shall, save as otherwise provided in the next succeeding proviso, be duly enlisted therein and detailed by the organization commander, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia: *Provided further*, That in each heavier-than-air squadron one caretaker may be a commissioned officer not above the grade of first lieutenant, and that in any organization whenever it shall be found impracticable to secure the necessary competent caretakers for the material, animals, armament, or equipment thereof from the personnel of such organization, the organization commander may employ one civilian caretaker therefor who shall be entitled to such compensations as may be fixed by the Secretary of War: *Provided further*, That nothing in this section shall be held to increase the number of commissioned officers authorized by law."

SEC. 2. That section 97 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended to read as follows:

"SEC. 97. Under such regulations as the President may prescribe, the Secretary of War may provide for assemblages of officers, warrant officers, and enlisted men of the National Guard for the purpose of attending schools to be conducted by officers of the Regular Army detailed by the Secretary of War for that purpose or for the purpose of participating in small arms competitions. Such assemblages may be held either within or without the State, Territory, or District of Columbia, to which the members of the National Guard designated to attend them shall belong. Officers and warrant officers attending such assemblages shall be entitled to pay, allowances, and transportation, and enlisted men to pay, transportation, and subsistence at the same rates as for encampments or maneuvers for field or coast defense instruction."

SEC. 3. That section 99 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended to read as follows:

"SEC. 99. National Guard officers, warrant officers, and enlisted men at service schools, etc.: Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory, or the commanding general of the National Guard of the District of Columbia, authorize a limited number of selected officers, warrant officers, or enlisted men of the National

Guard to attend and pursue a regular course of study at any military-service school of the United States, except the United States Military Academy, or to be attached to an organization of the same arm, corps, or department to which such officer or enlisted man shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises; and any such officer, or warrant officer, shall receive, out of any National Guard allotment of funds available for the purpose, the pay and allowances provided in the pay readjustment act of June 10, 1922, for officers and warrant officers of the National Guard when authorized by law to receive Federal pay and the travel allowances provided in section 12 thereof, and any such enlisted man shall receive therefrom, except as otherwise provided in section 14 of the pay readjustment act of June 10, 1922, the same pay and allowances, including allowances for quarters, subsistence, and travel to which an enlisted man of the Regular Army of like grade would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority, while in actual attendance at such school, college, or practical course of instruction, and for the necessary period of travel from and to his home station: *Provided*, That all pay and allowances accruing to any officer, warrant officer, or enlisted man, including that for the period of travel to home stations, may be paid prior to departure from the post or other place at which such service is performed: *Provided further*, That an officer, warrant officer, or enlisted man who becomes sick in line of duty while undergoing the training provided for by this section or the training provided for by section 94 or section 97 of this act shall, while he is so sick during the period he is authorized to engage in such training, be entitled to pay and allowances the same as if he were actually participating in such training."

SEC. 4. That payment of armory drill pay heretofore made to enlisted men of the National Guard who attended less than 60 per cent of the drills or other exercises prescribed for their organizations during any month be, and the same are hereby, validated, notwithstanding the first proviso in section 110 of the national defense act, approved June 3, 1916, as amended by the acts of June 4, 1920, and September 22, 1922.

SEC. 5. That the schools of instruction for adjutants general from the States and the District of Columbia held in the District of Columbia during the months of May, 1924, and March, 1925, shall be deemed to have been held under the provisions of section 97 of the national defense act, approved June 3, 1916, as amended, and that payments for the pay and allowances of officers of the National Guard and payments for the traveling expenses of officers of the Regular Army heretofore made in connection with such schools be, and the same are hereby, validated.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JAMES, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TO ESTABLISH DEPARTMENT OF ECONOMICS, GOVERNMENT, AND HISTORY AT THE UNITED STATES MILITARY ACADEMY

Mr. JAMES. Mr. Speaker, I call up the bill (H. R. 4547) to establish a department of economics, government, and history at the United States Military Academy, at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes," and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Michigan calls up the bill 4547 and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That a department of economics, government, and history be established at the United States Military Academy, at West Point, N. Y., the head of which department shall have the same status as the permanent professors at the head of the other departments of instruction at the United States Military Academy, and the President of the United States is hereby authorized, by and with the consent of the Senate, to appoint a professor of economics, government, and history at the United States Military Academy with the rank, pay, and allowances, title, and status of the other professors at the United States Military Academy: *Provided*, That so much of chapter 174 of the act of Congress of April 19, 1910, as provides for the establishment of a "department of English and history" at the Military Academy be amended to read: "Department of English":

With the following committee amendment:

Page 2, line 9, change the period to a colon and add the following: "*Provided further*, That the present head of the department of English and history shall be transferred to and become head of the department of economics, government, and history."

Mr. McSWAIN. Mr. Speaker, I rise in support of the committee amendment. I am author of the amendment that was adopted by the committee and recommended by the committee, and I desire that the RECORD shall show the interpretation that the amendment should bear.

I call to the attention of the House the fact that when the department of English and history was established by the act of 1910 it was provided in the act that the head of the department thus created by law may be a civilian, and having been so appointed shall be entitled to the rank, pay, allowances, and title and status of other professors who have military rank.

Now we come to the proposition by this bill to amend the law to create a single department of English and create a new department of economics and history.

When General Slayden, commandant of the Military Academy, was before the committee he stated that it would be the policy of the War Department to transfer to the new department Colonel Holt, the gentleman who as a civilian was appointed as head of the department of English and history that was created by the act of 1910.

Now, if Colonel Holt is transferred and becomes the head of the new department of economics, then the law of 1910, which authorizes the appointment of a civilian to become head of the English department, will still be in force. I propose to inquire by resolution in this House, if some person other than a civilian shall be appointed, why the act of 1910 shall not have been respected? Therefore, being entirely in sympathy with a desire to establish a department of economics, regarding it as essential to a broad liberal education that these embryonic officers should understand something of the principles of political economy, and yet at the same time, desiring that this shall come from a civilian point of view, I have proposed an amendment that Colonel Holt shall by authority of law be transferred to the head of the new department and the old law as to the head of the department of English shall apply to the person appointed to succeed Colonel Holt, so that there will be two civilians on the faculty at West Point.

The SPEAKER pro tempore. The question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JAMES, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CLOTHING FOR MILITARY PURPOSES

Mr. JAMES. Mr. Speaker, I call up the bill (H. R. 8592) to further amend section 125 of the national defense act of June 3, 1916, as amended, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Michigan calls up the bill H. R. 8592 and asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 125 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, further amended so that the first proviso contained in the second paragraph of that section will read as follows:

"*Provided*, That hereafter, upon the discharge or furlough to the reserve of an enlisted man, all uniform outer clothing then in his possession, except such articles as he may be permitted to wear from the place of termination of his active service to his home, as authorized by this section, will be retained for military use."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JAMES, a motion to reconsider the vote by which the bill was passed was laid on the table.

EQUALIZING PAY OF RETIRED OFFICERS

Mr. JAMES. Mr. Speaker, I call up the bill (S. 1786) to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Michigan calls up the bill S. 1786, and asks unanimous consent that

the bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this is a bill that has been on the calendar for some time. There has been opposition to it on the part of several Members. The bill ought not to be taken up without notice to those Members. One of my colleagues from Texas [Mr. BLACK] is opposed to the bill. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present.

Mr. SPEAKS. Mr. Speaker, is it possible to have this considered in such a form that one roll call will dispose of the entire matter?

Mr. BLANTON. The membership who are fundamentally against this bill ought to have notice that it is coming up.

The SPEAKER pro tempore. It is quite evident that there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 87]

Aldrich	Flaherty	MacGregor	Spearing
Auf der Heide	Fredericks	Madden	Sproul, Ill.
Bankhead	Freeman	Magee, Pa.	Stalker
Barkley	Funk	Martin, Mass.	Strong, Pa.
Beers	Gallivan	Menges	Sullivan
Boyland	Gambrill	Merritt	Sumners, Tex.
Brand, Ohio	Gifford	Milligan	Swartz
Britten	Gilbert	Montague	Swing
Browne	Golder	Mooney	Swoope
Brumm	Graham	Morin	Taber
Bulwinkle	Griffin	Murphy	Temple
Burdick	Hall, Ind.	Nelson, Wis.	Thompson
Campbell	Harrison	Newton, Mo.	Timberlake
Canfield	Hawes	O'Connell, N. Y.	Tincher
Carew	Hull, Tenn.	O'Connor, La.	Treadway
Celler	Hull, William E.	O'Connor, N. Y.	Tucker
Cleary	Jeffers	Parker	Updike
Connery	Johnson, Ill.	Patterson	Vaile
Connolly, Pa.	Johnson, Ky.	Peavey	Vare
Cooper, Ohio	Johnson, S. Dak.	Perkins	Wason
Corning	Kindred	Phillips	Weaver
Coyle	Kurtz	Pou	Welsh
Cullen	Lampert	Quayle	White, Me.
Dempsey	Lankford	Ransley	Whitehead
Dickstein	Lee, Ga.	Rayburn	Winter
Doyle	Lindsay	Rouse	Wood
Eaton	Lineberger	Rowbottom	Wyant
Faust	Lyon	Sabath	Zihlman
Fenn	McKeown	Sears, Fla.	
Fitzgerald, Roy G.	McSweeny	Shreve	

The SPEAKER. Three hundred and thirteen members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. JAMES. Mr. Speaker, I call up the bill S. 1786, and I ask unanimous consent that it be considered in the House as in Committee of the Whole, and that 40 minutes of debate be allowed, 20 minutes to be used by those in favor of the bill, and 20 minutes by those who are against the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this is a bill that my colleague from Texas [Mr. BLACK] and I have been fighting for several years. Mr. BLACK tells me that he wants as much as 15 minutes. I desire to have 10 minutes on the bill. If that can be arranged, there will be no objection.

Mr. JAMES. Mr. Speaker, I modify my request and make that 25 minutes on a side.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill be considered in the House as in Committee of the Whole, and that general debate be allowed to the extent of 50 minutes, 25 minutes to be used by those in favor of the bill and 25 minutes to be used by those who are against the bill. Is there objection?

Mr. BLANTON. The amount against the bill should be used as I have indicated, Mr. Speaker.

The SPEAKER. The Chair would recognize that. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the retired pay of the officers and warrant officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, who were retired on or before June 30, 1922, shall not be less than that provided for the officers and warrant officers of these services of equal rank and length of service retired subsequent to that date: *Provided*, That nothing in this act shall operate to reduce the pay of any officer or warrant officer now on the retired list.

SEC. 2. That all acts or parts of acts inconsistent with this act are hereby repealed.

Mr. JAMES. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. SPEAKS].

Mr. SPEAKS. Mr. Speaker and gentleman of the House, this is a very simple proposition involving a matter of justice and equity only. Regardless of the fact that arguments will be presented which are in some way related to the subject, and which may have a tendency to confuse Members, the question of honorable procedure is the sole principle to be considered.

Back in 1870 Congress enacted a retirement law for officers of the Army. One of the outstanding provisions of the law was that an officer should have the pay and emoluments of his rank at the time he retired, or which might thereafter be granted.

Under that arrangement faithful and efficient officers have served the Government for periods ranging from 30 to 40 years—through the Spanish War, the Indian campaigns, and the World War.

The language of the statute was regarded as a definite promise and moral contract, and throughout their years of service with the colors officers felt that they were being compensated in some degree for lost opportunities in civil life by the assurance that when their days of active duty were completed the Government would stand by the terms of the law under which they had been serving and grant them the retired pay and emoluments agreed upon.

On July 1, 1922, Congress enacted a new retirement law, which omitted the provision assuring officers already retired of the same benefits granted those to be retired under the new arrangement, disregarding the terms of the original contract. House and Senate passed the law in its usual form, the change being made in conference. Members will readily understand how this might be accomplished and escape general attention.

Mr. NEWTON of Minnesota. How long did that provision in the act of 1870 remain as a part of the law?

Mr. SPEAKS. It remained practically intact from 1870 until 1922, a period of more than 50 years, when the new law became effective.

Mr. McREYNOLDS. How many officers does this affect?

Mr. SPEAKS. I do not remember the number; but it is not so much a question of numbers as the carrying out of a moral obligation.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. SPEAKS. Yes.

Mr. BLANTON. The gentleman knows that there are thousands of employees in the Government who receive only one-half of their pay as retired compensation.

Mr. SPEAKS. I do.

Mr. BLANTON. Why does the gentleman make fish of one and fowl of another?

Mr. SPEAKS. If 30 or 40 years ago this Congress had entered into a contract with those employees to the effect that upon retirement they should receive a stated sum, I would say we were not honest men if we did not respect that obligation; and that is all we want to do in this bill.

Mr. BLANTON. Why did not the gentleman bring in a comprehensive bill to do justice to all of them——

Mr. SPEAKS. I am willing to admit to the gentleman that the retirement system may be entitled to some attention, and that is one of the reasons why it is difficult to present this matter to the House and have it considered solely on its merits.

Mr. MANLOVE. I call the attention of the gentleman from Texas and the other Members of the House that there are thousands also of good, honest, old, superannuated Government employees under civil service disconnected from the civil service before the retirement act went into effect who do not get one dime. It is a moral obligation on the people of the United States and——

The SPEAKER. The time of the gentleman has expired.

Mr. SPEAKS. I ask for two additional minutes.

Mr. JAMES. I yield the gentleman two minutes.

Mr. SPEAKS. I want to say further that no appropriation is necessary to carry out the provisions of the bill this year by reason of the fact that the War Department and the Bureau of the Budget have agreed that it shall be absorbed from the regular appropriation.

Mr. WHEELER. Congress did not intend to deprive those prior to June, 1922, but it was simply an oversight?

Mr. SPEAKS. That statement is correct. I ask the majority leader [Mr. TILSON], who was a member of the conference committee and thoroughly informed as to the manner in which this mistake occurred, to make an explanation of it.

Mr. BLANTON. And who is a distinguished colonel.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. SPEAKS. I will.

Mr. VINSON of Kentucky. The gentleman was asked respecting the number affected by it. The report says there are 966, and the increased annual cost is said to be something like $475,000.

Mr. SPEAKS. The gentleman from Kentucky is probably correct, but, as stated in the beginning, there is only one point involved in this bill, and that is justice and equity. Furthermore, any increased cost will be absorbed from appropriations already made.

Mr. JACOBSTEIN. Does this conform to the economy program of the President?

Mr. SPEAKS. Yes, sir; the President, the Bureau of the Budget, and the Secretary of War approve the proposal, and I am sure it will receive the support of every Member who realizes the unjust discrimination directed against these old officers.

Mr. JAMES. Will the gentleman from Texas use some of his time?

The SPEAKER. The gentleman from Texas is recognized for 10 minutes.

Mr. BLANTON. Mr. Speaker and gentlemen, does it not seem strange to you that after having this bill before Congress for several years the committee comes before us to-day with just half of the facts? Why, a pertinent question was asked our friend a moment ago as to how much in respect to the Navy this was going to cost, and he could not give the figures. Why? All on earth that committee had to do was to apply to the Secretary of the Navy for these figures and he would have gotten them. But why does he not give it to the Congress? In the report they say that for the Army it will cost $415,850; for the Coast and Geodetic Survey, $6,830.50; for the Public Health Service, $12,000; for the Coast Guard, $38,015.88, making a total of $472,696.38, with the Navy left out.

Mr. SPEAKS. Will the gentleman yield for a question?

Mr. BLANTON. Yes.

Mr. SPEAKS. Does the gentleman think it is of any importance considering the promise on the part of the Government to pay?

Mr. BLANTON. I am going to get to that promise. I have seen 65 and more of my colleagues die here since I have been in Congress, whose wives got $7,500 from the Government as compensation for the loss of their husbands. Now, if you or I should die our widow would get $10,000. Is not there just as much reason for the Congress to go back and pay every one of those 65 widows of our colleagues the extra $2,500 as there is for paying these officers who came in under a certain law? You have got to take the law as you find it. These widows of husbands who formerly died in Congress then got $7,500. The widows now get $10,000, and I have been making an investigation for two years in reference to these retired officers of both the Army and Navy——

Mr. MANLOVE. Will the gentleman yield?

Mr. BLANTON. In just a moment. I have the name and present address, when and where he graduated, and when he was retired, and the age at which he retired, and the cause of his retirement of every Army officer retired in the United States, and also of every naval officer in the United States who has been retired, and I wish you could see that list. I wish you could know how many of them after they got retired at young ages, comparatively, are now on big salaries with big corporations in the United States from General Harbord at the top, retired on a general's pay for life, and yet he is able to hold a position with the great Radio Corporation of America at $50,000 a year.

I can name you admirals of the Navy, retired on admiral's pay for life, who are getting enormous salaries from corporations. I am going to bring you in a comprehensive measure before long that will equalize the discrepancies that exist in our retirement law, and I hope the distinguished gentleman from Ohio will help us pass that into law.

Mr. SPEAKS. You mentioned one officer by name, General Harbord.

Mr. BLANTON. Yes.

Mr. SPEAKS. What I am seeking to do is to give other generals, who rendered as long and as faithful service as General Harbord, the same pay.

Mr. BLANTON. I am seeking to do justice to all our officers in the Army and all our officers in the Navy, and in addition those other officers, civil employees, if you please, who have served their lifetimes down in the various departments of the Government. It is time that you stopped passing these special bills brought in by the General Staff and by the admirals of the Navy. The day will come when you will have half of our people on the pay roll retired and the other half of the people working for them to keep them up. How much is the Navy end of it going to cost in this bill? Let somebody answer.

Mr. TILSON. I can answer the gentleman.

Mr. BLANTON. Then I yield to the distinguished colonel, who says he can answer.

Mr. TILSON. The estimated additional cost on the part of the Navy is $284,000 for the first year, and, of course, it will rapidly diminish each year thereafter.

Mr. BLANTON. Where did the gentleman get his figures?

Mr. TILSON. From the Navy Department.

Mr. BLANTON. Why did not the gentleman put them in the report so that we could see them?

Mr. TILSON. I am not on the committee and I did not write the report.

Mr. BLANTON. That shows, then, that this bill will cost somewhere near $750,000.

I will not let that remark go into my remarks, because the gentleman did not ask me to yield to him. [Laughter.] But I can show you many men and women who have spent their lifetime in loyal, patriotic, honest service to this Government in various departments, and yet who are not drawing one single penny of retirement pay, because the law did not authorize it.

Mr. TILSON. The gentleman from Texas and I are both giving the most loyal service we can to the Government, but does the gentleman think we are going to draw retirement pay after we have finished our service here?

Mr. BLANTON. No; I do not want any.

Mr. TILSON. And I do not, either.

Mr. BLANTON. But I hope when the gentleman dies—and I hope he will not die—his widow will get $10,000. But there are widows of faithful employees of this Government who never get one cent from the Government when their husbands die. I want an equalization bill that covers all officers and employees alike and that does justice alike to all of them; and that is the kind of measure I have been spending hours on assembling data and preparing. I have been getting up my data for two years. I have it in my office. I would like to submit it to you some time, to those who are interested in it. I hope when I bring that measure on the floor I shall get some cooperation from your committee and from my colleagues.

Mr. SCHAFER. Does the bill you are talking about put the widow of a Member of Congress on the same plane as the widow of an elevator conductor or a marine captain?

Mr. BLANTON. I leave the widows of Congressmen just where I find them. No vote of mine has changed their status. I am thinking of the employees of the various departments—the War Department, the Navy Department, the Coast and Geodetic Survey, the Coast Guard, and of all the other departments of the Government.

Mr. SCHAFER. The gentleman is talking about putting the widows of every Government employee on the same footing. Then why would the gentleman permit the widows of Members of Congress to be on a higher footing?

Mr. BLANTON. I have not done so. I would put them on the same footing exactly.

Let me refer again to that splendid illustration that my colleague from Texas [Mr. BLACK] gave the country. You will remember that when we passed the war risk insurance act, when that bill wanted to show a discrimination between the widows of officers and the widows of the enlisted men in the service, my colleague from Texas [Mr. BLACK] fought here on the floor and got an amendment passed which provided in substance that when a man gave his life to his country he gave his all, and it should be worth just as much to the widow of a private as to the widow of a general; and it provided $10,000 war-risk insurance to everyone alike, officers and enlisted men, without discrimination. It was a good law, and I take off my hat to my colleague for having it passed. [Applause.]

Mr. JAMES. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. McSWAIN].

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for five minutes.

Mr. McSWAIN. Mr. Speaker, I want to assure the gentleman from Texas [Mr. BLANTON] or anyone else who may now feel disposed to agree with him and vote against this measure, that so far as his denunciation of the abuses of the existing retirement laws are concerned, I agree with him.

I was the author of an amendment last year that sought to restrict the privileges of the retirement law as it now is. This House adopted that amendment, but it was stricken out in conference.

I am the author of a resolution which has been reported by the Committee on Naval Affairs to have the Navy Department report the name of every officer on the retired list, and the age of his retirement, and the rank he holds, and the annual pay he is drawing; but it seems to me that I shall be com-

pelled to get a direct mandate from this House in order to have it printed.

Mr. BLANTON. I have it in my office now.

Mr. McSWAIN. Will you get unanimous consent to print it? I will ask unanimous consent now, Mr. Speaker, to print it.

Mr. HILL of Alabama. I have such a report from the War Department, but it has not yet been printed.

Mr. McSWAIN. It ought to be in a separate document, such as the gentleman from Alabama got from the War Department. I agree with all that, and I agree that we should go into a general, searching, and fundamental revision of the retirement law. But, gentlemen, I want to tell my friends from Texas—both of them—that the best way to force the powers that be in control of Congress to bring about a general revision of the retirement law is to pass this bill, which will put coals of fire on their backs and compel them to say that this retirement law must be revised; otherwise it will put such a burden on the Treasury that we can not afford it.

Now, gentlemen, I want to say that I agree with the statement of the gentleman from Ohio that this is a measure of fairness and justice, and why? On the 1st day of July, 1922, immediately after the passage of the joint service pay bill, when the salaries of all officers were boosted, an officer retired at the age of 51 years. Having served 30 years, he retired at the age of 50 as a colonel. Just two days before July 1, 1922, an officer retired who had served 37 years; he retired as a colonel, and although he is now seven years older than this officer who retired after the 1st of July, 1922, the man who retired since then, the younger man who served only 30 years, is getting substantially 20 per cent more retired pay than the older man. I say this, that the principle of retirement is a matter of bounty, and the man who needs the most bounty is the old man, the man who is no longer able to work. I say, if necessary to economize, take the young men off the retired list. Take General Harbord off the retired list, and that was the effect of one amendment I offered. He is making $50,000 a year. But I want the old gentlemen who retired 15 and 20 years ago, and who are still hanging on to the threads of life, to get the greater benefit of this bounty through retired pay. They eat just as much and they wear just as much as the younger men, but they are not able to earn one single dollar in competitive business. Therefore, I say, on the basis of human justice and in order to put the fire on the back of those who are only thinking about the expense to the Treasury, that we ought to pass this bill, and I believe by doing so we will ultimately bring about a revision of the whole retirement law. [Applause.]

The SPEAKER. The gentleman from Texas [Mr. BLACK] is recognized for 15 minutes.

Mr. BLACK of Texas. Mr. Speaker, I realize that in opposing a bill to increase pensions, retirement pay, or laws of that kind that a Member is usually wasting his efforts. I recall the expression of an old negro preacher who used to work for a neighbor of mine. He used to come over to my house occasionally on errands, and while there I would usually find out where he had preached the Sunday before and on what subject. One day I asked him when he preached the last time. He said, "Well, I have not preached any lately." I said, "Why not?" "Well," he said, "I got tired of blowing out my lungs to them negroes for nothing." [Laughter.] I realize that a Member opposing a law to increase somebody's retirement pay is somewhat blowing out his lungs for nothing, yet at the same time I think we ought to meet the issues which bills of this kind raise; we ought to meet them fairly and realize just what we are doing when we pass a law of this kind. It is out of this sense of duty that I am speaking now, not with any hope of defeating the bill.

It is contended by my friend the gentleman from Ohio [Mr. SPEAKS] and by my good friend from South Carolina [Mr. McSWAIN] that the reason for this proposed law is on account of the fact that we owe a moral obligation to the men who will be affected by it. I will grant that if we do owe these men a moral obligation we ought to discharge it, because I think the moral obligation of an individual or the moral obligation of the Government is just as sacred and ought to be carried out with the same fidelity as a legal obligation. I will concede that premise; and if a Member thinks we do owe a moral obligation, he ought to vote for this bill.

Mr. SPEAKS. Will the gentleman yield?

Mr. BLACK of Texas. I will.

Mr. SPEAKS. I want to inquire whether my friend from Texas does not consider that this is more than a moral obligation? The language of the law when these officers entered the service provided that under certain conditions they should be retired and receive all the pay and emoluments then in existence or thereafter allowed. Is not that more than a moral obligation? Is not that a legal obligation?

Mr. BLACK of Texas. No. The Army and Navy pay act of 1922 specifically provided that officers already on the retired list should not have their retirement pay increased by the bill. If we owe these men a moral obligation, it is just as persuasive as if we owed them a legal obligation. I contend, however, that we owe neither a legal nor a moral obligation to increase their retirement pay.

Mr. SPEAKS. I am trying to convince the gentleman that it is a legal obligation.

Mr. BLACK of Texas. Oh, no; I am familiar with that law the gentleman cites. It was repealed by the act of 1922. Now, let us see the situation we are faced with by this bill. We have a law retiring Federal judges at 70 years of age; they are retired at the salary they are drawing at the time of retirement. Prior to the act which was passed two or three years ago Federal judges received $6,000 a year and, therefore, when they were retired they drew $6,000 a year retirement pay. Subsequently, when Congress increased that salary to $7,500, it did not work any increase in the pay of the Federal judges already on the retired list, and those who now retire receive $7,500 a year and those who retired before the law was amended receive $6,000 a year. If the law is amended at this session of Congress—as seems quite probable from the agitation going on—the salary will be fixed, perhaps, at $10,000 a year, and after that law becomes effective, the retirement pay of the Federal judges who retire after that time will be $10,000 a year. Those already retired under the present act will receive $7,500 a year, and those who retired under the old law will receive $6,000 a year. Thus, I submit this: That if the contention of these gentlemen is logical, then when Congress amends the law, if we do amend it, to pay Federal judges $10,000 a year, we ought to amend it and provide that those already retired shall receive the same retirement pay as those who retire subsequently. I would vigorously oppose any such provision, and for the very same reason I am opposing the enactment of this bill.

Mr. SPEAKS. Will the gentleman yield on that particular point?

Mr. BLACK of Texas. I will yield.

Mr. SPEAKS. Certain Federal judges are now receiving a retired salary of $6,000 a year. If the law under which they are being paid contained a provision that any changes hereafter made which increased the salary of Federal judges upon retirement should apply to them, does not the gentleman think they would now be receiving the increased retired pay?

Mr. BLACK of Texas. If the gentleman will refer to the law of 1870, as I now recall it, it provides that the officer who is retired shall receive the pay and allowances of the rank at which he retires.

Mr. SPEAKS. Or which may hereafter be allowed.

Mr. BLACK of Texas. The gentleman, I think, has a law enacted way back in 1860.

Mr. SPEAKS. No; this is the law of 1870, because I have copied it.

Mr. BLACK of Texas. Well, even if the gentleman is correct in his contention, that would not prevent a Congress in 1922 from amending the law. That was exactly what was done in 1922, and the amended law provided that officers already on the retired list should not have their retired pay increased. I do not see how any Member can plausibly contend that Congress had no right to amend and repeal the retirement law of 1870.

When the Congress in 1922 decided we needed a new Army and Navy pay act, they wrote into the law—I did not write it; I had nothing to do with writing it—but those in charge of the bill wrote into it a provision that it should not apply to officers already upon the retired list. Will anybody say the Congress had no right to do that or no authority to do that? I do not think you will. If Congress did have the right to do it, and if Congress did have the authority to do it, wherein does rest the moral obligation upon us at this Congress to undo it?

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. BLACK of Texas. Let me complete the statement, and then I will yield to the gentleman.

If the gentlemen in this debate can show we do not have a liberal and a generous retirement pay for these officers already on the retirement list, then I will grant that we ought to amend it, not because we owe any moral obligation to do it but from the standpoint of justice and equity.

Let us now see about the merits of the proposition. I will grant you that if we did not already have a generous retirement pay I would be in favor of the bill, but let us see what the situation is. I thought when this bill was taken up it would be a

pertinent inquiry on the part of the House as to what these officers are now actually drawing as retired pay. If they are getting a poor retirement pay, if they are getting an inadequate retirement pay, we ought to increase it, but let us see what they are now drawing.

I asked the Secretary of War to give me information as to the officers on the retired list in the Army.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. BLACK of Texas. Let me complete this statement. I have only a little time; otherwise I would be pleased to yield to the gentleman.

There are 761 officers on the Army retired list who will be affected by the provisions of this bill. They are now receiving a total sum of $2,332,957 a year, or an average of somewhat more than $3,000 each.

Let us see as to the Public Health Service. There are 14 in the Public Health Service affected by this bill, and they are now drawing $43,200 a year or a little more than $3,000 each.

In the Coast Guard there are 178 officers on the retired list affected by this bill. They are drawing a total of $348,764.16, which would be about $2,000 a year each.

There are eight officers in the United States Coast and Geodetic Survey affected by this bill. They are drawing $30,142, which would be a little more than $3,000 each.

In the Navy Department the Secretary of the Navy did not give the number of officers on the retired list who would be affected by this bill. He did give, however, the total amount paid to all retired officers in the Navy and in the Marine Corps, and that total amount is $4,314,000. I think it may be confidently said that retired officers in the Navy and Marine Corps are receiving at least an average of $3,000 a year.

If this bill is enacted into law, it will involve an increase the first year in the pay of retired Army officers of $415,000. It will require in the Coast and Geodetic Survey $6,830 increase; it will require in the Public Health Service $12,000 increase; it will require in the Coast Guard Service $38,015 increase; it will require in the Navy $284,439 increase; it will require in the Marine Corps an increase of $16,986, or a total increase of $774,100.

Now, I submit that with these officers on the retired list at an approximate average retired pay of $3,000 a year, in the face of a predicted deficit in the Treasury, we ought not at this time to increase the retired pay of these officers to the extent of nearly $800,000 a year. If other gentlemen in the House want to do it, that is their responsibility and not mine. I am unwilling to do it. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Speaker, I have spoken to the majority leader, and I ask unanimous consent that there may be printed as a House document the data I have compiled on the retired Army pay and retired pay of naval officers of the United States up to date.

The SPEAKER. The gentleman from Texas asks unanimous consent to print as a House document such information as he has acquired on the subject of the pay of retired Army and Navy officers. Is there objection?

Mr. LINTHICUM. Reserving the right to object, I would like to know what this will cost.

Mr. BLANTON. A House document containing that information will be very valuable.

Mr. TILSON. Has the gentleman spoken to the Committee on Printing to get an estimate of the cost and to know whether it will come within the cost that can be authorized by unanimous consent?

Mr. BLANTON. I think it will come within that sum, otherwise it will not be printed.

Mr. TILSON. It might be well for the gentleman first to secure the information before he asks to print it as a House document.

Mr. BLANTON. If it is not within the cost, it will not be printed; but I have no doubt but that it will be within the cost.

Mr. McSWAIN. Reserving the right to object, I want to state that I have a resolution asking the Navy Department to furnish an itemized list, and in printing that I am informed that it would cost $900.

Mr. BLANTON. If both were printed as a House document, it would be very valuable.

Mr. LINTHICUM. How about other officials? Will they be embraced in the document?

Mr. BLANTON. I have not got that data.

Mr. LINTHICUM. I think we ought to have it all.

Mr. BLANTON. If you put in the Coast and Geodetic Survey and the Coast Guard, it would probably cost more than is allowed under the rule for unanimous consent.

Mr. LINTHICUM. But it would be a complete document.

Mr. BLANTON. I do not think that could be done without a special act of Congress. I hope the gentleman will not object.

Mr. LINTHICUM. I do not object, but I think we ought to have all of the data.

The SPEAKER. Is there objection?

Mr. BEGG. I object.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken on the Air Service bill may have leave to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Michigan asks unanimous consent that all Members who have spoken on the Air Service bill may have leave to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. JAMES. Mr. Speaker, I yield the balance of my time to the gentleman from Connecticut.

The SPEAKER. The gentleman from Connecticut is recognized for 13 minutes.

Mr. TILSON. Mr. Speaker, this is not a discussion of the merits of the retirement law, either civil or military. Such a discussion would have been in order when the retirement laws were passed. It is too late to consider that matter now. This bill seeks to remove a discrimination that was created by the enactment of the adjusted pay bill in 1922 which contradicts the plain intent of the law, quoted by the gentleman from Ohio [Mr. SPEAKS], passed in 1870. At any rate, the present law makes such a discrimination between officers that it ought to be remedied.

Here is the situation: Up to and including the 1908 adjustment, the pay that had been provided by law for both active and retired officers was regarded as sufficient. The retired officers received three-fourths of the active pay of their grades, as provided in the law of 1870. About the time the war in Europe began, high cost of living began to be a live subject. After the war the purchasing power of a dollar had fallen to such an extent that it was necessary to repeatedly raise salaries all the way around. We first adopted a temporary or emergency plan of giving a bonus to each officer, which was in fact simply an increase in his pay. This went on until 1922, when it was thought best that we should write a permanent service pay law. In this service pay law it was provided that the retirement pay of all officers retired after the passage of the act should be so and so—I shall not quote the law—but making a very material increase. In the retirement pay of officers retired before the enactment of this law, however, there was no change. Since the passage of the act there continues the inconsistency of having one officer retired on the 1st day of June, 1922, receiving one pay, and another officer of the same grade and the same length of service, retired on the 1st of July, 1922, receiving a very much larger pay.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. BLACK of Texas. Would that be any different in principle, in inconsistency, than we would have in the pay of retired Federal judges? What would be the difference?

Mr. TILSON. I can show the gentleman. In the law of 1870 it was provided that a retired officer should have a certain fixed percentage of the pay of his grade, three-fourths, and it was specifically provided that if the pay of the grade were increased he should receive the same percentage of the increased pay of his grade. In the case of the judges, it is entirely different. I see that the gentleman from Minnesota [Mr. NEWTON], who is on his feet, has a copy of the law in his hand, and I wish he would read the provision in regard to judges, so that the gentleman from Texas will see the difference.

Mr. NEWTON of Minnesota. The provision is as follows:

> When any judge of any court of the United States appointed to hold his office during good behavior resigns his office, after having held a commission or commissions as judge of any such court or courts, at least 10 years continuously, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his retirement for the office that he held at the time of his resignation.

Mr. TILSON. The gentleman will see that it is specifically provided that the retired judge shall receive 100 per cent of his pay at the time of his retirement. With Army officers it is quite different. The law under which the Army officer entered the Army and rendered service specifically provided that he should receive three-fourths not only of the then pay of his grade, but it also provided just as clearly that in case the pay of his grade should be changed, he should receive three-fourths of the changed pay of his grade.

Mr. BLACK of Texas. I admit that there is a difference in the reading of these two statutes, but will not the gentleman

also admit that if his contention is correct a law of that kind would absolutely tie the hands of Congress so that we could not possibly amend the law in the future? Would that be sound legislative policy?

Mr. TILSON. It does not tie the hands of Congress, as is shown by the result of the law that we passed in 1922. It is not a question of what Congress can do, but of what Congress in all fairness ought to do.

Mr. SUMMERS of Washington. How would this affect the pay of any officer who was retired, say, in 1915?

Mr. TILSON. It affects all officers retired before June, 1922. Let me give the House an illustration. I have here a letter from a very well-known officer though I shall not give his name, since he has not given me permission to do so. In this letter he says:

> My service includes 10 years of service in Indian campaigns, with Miles's Fifth Infantry, in Montana, against Crows, Sioux, and Cheyennes; years of service in Texas; the Spanish-American War; the Philippine expedition; the Boxer expedition to China in 1900; three tours of duty in the Philippines; the China expedition in 1913–1915; Mexican border campaigns, 1911 and 1916; and the World War, 1917–1920.
>
> After 46 years of active service I find myself a retired colonel, drawing a little more pay than retired captains—

And he refers now to captains who have been retired since 1922—

> drawing a little more pay than retired captains with half my length of service, and a little less than retired majors with half my service.

Mr. McSWAIN. And I take it that retired colonel is too old to work in business, while these fellows are young and could go to work if they wanted to.

Mr. TILSON. Yes; this colonel after all these years of splendid service, retired in 1920 at the conclusion of the World War—and, of course, he is getting along in years—is receiving less than a major who retired at the end of June, 1922, who had only half the service. Does this House consider this fair as between officers?

Mr. HILL of Alabama. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. HILL of Alabama. I would like to have the gentleman explain to the House the reason for the proviso in line 9, page 1, of the bill.

Mr. TILSON. Will the gentleman please read that? I have not a copy of the bill before me.

Mr. HILL of Alabama. It reads as follows:

> *Provided*, That nothing in this act shall operate to reduce the pay of any officer or warrant officer now on the retired list.

Mr. TILSON. I do not know what is the purpose of that proviso. Mr. Speaker, this seems to me a question of fairness as between officers. If the provision in the law of 1870 does not mean that retired officers shall receive during their natural life three-quarters of the pay of the rank of their grade, whatever it may be, whether it is increased or decreased, I do not know what it means. In spite of this we passed the law of 1922, which directly contradicts it.

I wish to say a word as to my special part in this matter. I was a member of the special committee of the House that wrote the adjusted service pay bill. The discriminating provision was not in the bill when it passed the House. It went to the Senate. Finally it came back to the House after the conference with this provision in it. Meanwhile I had gone on a mission abroad and was not here when it came back to the House. My friend the gentleman from Alabama [Mr. OLIVER] was here and was a member of the committee. The House accepted the bill as it came from the conference.

Mr. OLIVER of Alabama. If the gentleman will permit, he is in error in stating that the pay of officers now is based on grade necessarily.

Mr. TILSON. The law of 1922 is not based on grade entirely. If I said so, I was in error.

I am correct, however, in stating that the discrimination now complained of was not in the bill as it passed the House.

Mr. OLIVER of Alabama. The House denied any increase of pay to retired officers.

Mr. TILSON. But it made all alike.

Mr. OLIVER of Alabama. Yes; it made all alike.

Mr. TILSON. It treated all retired officers alike; but when it came back here the younger officers, those who retired after 1922, were taken care of, while the older officers who had already retired were left out in the cold. I say it is only a matter of fairness that we should put them all on the same basis.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. LINTHICUM. I take it that this retirement is for the purpose of providing for these officers in retirement and old age.

Mr. TILSON. That was the purpose of it originally, so that we might induce men of high grade to go into the Army, because they would know that their future, so far as pay is concerned, would be taken care of.

Mr. LINTHICUM. The depreciation on the dollar applies as much to the older officers as it does to the younger officers.

Mr. TILSON. Of course. Every reason that compelled the raise of salary to all officers, including the younger retired officers, applies to these older men with even greater force. It not only requires the same amount for them to live and clothe themselves, but they are older men and in most cases necessarily capable of earning less than the younger men. I say that we can not afford to take any other position, regardless of what it may cost, than to equalize the pay between these older officers and the more recently retired officers.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. TILSON. I will.

Mr. NEWTON of Minnesota. It is also true, is it not, that many of these retired officers, quite a number of them, were of very distinguished war service?

Mr. TILSON. Yes; quite a number of them. The one from whose letter I have just quoted is only an illustration of the distinguished services rendered by many of these older officers, and now they are discriminated against by retiring officers of half their service with equal pay on the retirement list.

Mr. LINTHICUM. Many of them passed through the World War as well?

Mr. TILSON. Yes; that is a fact. The officer, a portion of whose letter I read, rendered fine service all through the World War. [Applause.]

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time; was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced the ayes appeared to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 160, noes 16.

Mr. BLANTON. Mr. Speaker, I regret to do it, but I make the point of order that there is no quorum present and object to the vote.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-four Members are present, a quorum.

So the bill was passed.

On motion of Mr. JAMES, a motion to reconsider the vote by which the bill was passed was laid on the table.

PRINTING HEARINGS ON WORLD WAR VETERANS' LEGISLATION

Mr. STEVENSON. Mr. Speaker, at the request of the chairman of the Committee on Printing, who is unavoidably absent and also the other Member of the majority, I desire to call up House Resolution 225, which provides for the printing of some hearings before the World War Veterans' Committee.

The SPEAKER. The gentleman from South Carolina calls up the resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 225

Resolved, That in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on World War Veterans' Legislation of the House of Representatives be, and is hereby, authorized and empowered to have printed 500 additional copies of the hearings held before the committee of the Sixty-ninth Congress on the bill (H. R. 4474) to amend the World War veterans' act of 1924.

The question was taken, and the resolution was agreed to

Mr. HOWARD. Mr. Speaker, I regret the chairman of the Committee on Printing is not here now, because if he were here I am quite sure he would bring out a report on a resolution I have had a long while before the Committee on Printing, and in his absence I would like to ask some other member of the committee to report out my resolution. [Laughter.]

THE ITALIAN DEBT SETTLEMENT

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Italian debt settlement.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WHITTINGTON. Mr. Speaker, the ratification of the American-Italian debt settlement by the Senate on April 21,

1926, by a vote of 54 to 33 will contribute to international trade and economic stabilization. The settlement had been previously approved on January 15, 1926, by the House of Representatives by a vote of 257 to 133. In the meantime about the 1st of February, 1926, the British-Italian debt was funded. A comparison between the two settlements is interesting and confirms the view that the American-Italian settlement was not only fair to America and just to Italy but shows that Italy agreed to pay the United States in accordance with her full capacity.

In connection with the foreign settlements I am reminded of the language used by the late B. G. Humphreys, who was for almost 22 years the honored Representative of the third congressional district of Mississippi. When speaking of the British-American settlement he used these almost prophetic words:

> But I dare say if we could make an arrangement with our other debtors that would guarantee the payment to us of the vast sums they owe us, we would not quibble with them about the rate of interest they were to pay.

I shall hereafter refer to the arguments used by Mr. Humphreys in support of the British settlement, for I think they are applicable in the discussion of the Italian settlement. Both settlements are based on the capacity of the debtor to pay. In neither case was any part of the principal of the debt reduced.

BRITISH-ITALIAN SETTLEMENT

The two great war creditors of Italy are Great Britain and the United States. Did we succeed in getting as good a settlement as Italy made with Great Britain? England is a great commercial nation. The Englishman is a good trader; he usually collects from his debtors. The funded indebtedness of Italy to the United States is $2,042,000,000, and to Great Britain it is $2,837,000,000. Yet the United States will receive during the 62-year period $2,408,000,000, and Great Britain will receive during the 62 years only $1,346,000,000, or the United States will receive $1,062,000,000 more than Great Britain will get. It may be put another way: Our original loan to Italy was $1,648,000,000, and we will receive $2,408,000,000; while the original loan of Great Britain was $2,837,000,000, and Great Britain will receive $1,346,000,000.

In other words, the United States will receive $760,000,000 more than we advanced to Italy, while Great Britain will get back $1,491,000,000 less than she advanced to Italy. Compared with the American-Italian settlement, Great Britain will receive, as I have stated, in the 62-year period a total of $1,346,000,000, of a present value on a 4¼ per cent basis of $455,000,000, as against a total payment of Italy to the United States of $2,408,000,000, of a present value on a 4¼ per cent basis of $528,000,000. The present value of the British-Italian settlement represents about 16 per cent of the indebtedness funded, and the present value of the Italian-American settlement represents about 26 per cent of the indebtedness funded. Furthermore, the indebtedness of Italy to Great Britain was about three-fourths of a billion dollars more than the indebtedness of Italy to the United States, and yet Great Britain will receive very much less in the aggregate than the United States will receive. In order to receive large initial payments, Great Britain made greater concessions to Italy than the United States made in the total payments.

The indebtedness of Italy to the United States and Great Britain is in excess of the indebtedness of Great Britain to the United States. The United States is the only foreign creditor of Great Britain. No person who has investigated the question will maintain for a moment that Italy is able to pay anything like the foreign indebtedness that Great Britain can afford to pay. If there had ever been any doubt about the correctness of the American-Italian settlement, that doubt has been removed by the British-Italian settlement. Those who opposed the American-Italian settlement insisted that when Great Britain settled with Italy she would receive a better adjustment than the United States was getting. That contention has fallen to the ground.

Developments show that the American commissioners investigated fully the resources of Italy and the capacity of the Italian people to pay. The Italian-British settlement confirms the American settlement.

COMPARATIVE WEALTH OF UNITED STATES, ENGLAND, FRANCE, AND ITALY

In 1925 the national wealth of the United States was estimated at $380,000,000,000, the national wealth of the United Kingdom at $118,000,000,000, the national wealth of France at $52,000,000,000, and the national wealth of Italy at $22,000,000,000. The average per capita income in 1925 in the United States was $614, in the United Kingdom $419, in France $196, and in Italy $101.

Congress has recognized that it was impossible and beyond the capacity of the debtor nations to pay in full the principal and the interest of our loans. It is nonsense to talk of collecting to the last penny. However, the funding of the indebtedness has been emphasized since the war. The foreign debts ought to be adjusted to stabilize the currency of our allies, to promote trade, and to restore to American exports their largest customers—the principal countries of Europe. For this reason in 1922 the World War Foreign Debt Commission was created by Congress. It was authorized to compromise and adjust our foreign debts. The policy of the United States was announced. Each nation was expected to pay according to its capacity. The resources, the trade, and the economic situation were to be considered. From the first it was announced that the integrity of the loans must be recognized, and the principal must be funded. All of the foreign debts have been materially reduced, but the reduction has been in the matter of interest. Capacity to pay is the test. For a debtor nation to agree to pay more than it is able to pay means economic bankruptcy.

ITALY'S CAPACITY TO PAY

Italy's tax burden in the World War was equal to 30 per cent of her national wealth. The citizens of Italy advanced money to their Government. They very largely lost this money because of the depreciation of the Italian currency. Italy lost 652,000 men in killed and 458,000 men in wounded in the World War. The United States lost in killed about 50,000. Italy is the only nation to tax war profits 100 per cent, and she is the only nation to levy a capital tax. She received no colonies and no substantial annexations as a result of the war. Italy received but 10 per cent of the German reparations, and these reparations are paid by Germany in kind; that is, they are paid in coal and iron principally. The burden of taxation is higher in Italy than in any other country, and the citizen pays 38 per cent of his income in taxes after deducting a minimum for subsistence. A married man is allowed an exemption of only $40 a year from income tax in Italy.

The balance of trade is against Italy. Her imports largely exceed her exports. She is lacking in oil, coal, iron, copper, and cotton, and she imports at least 25 per cent of her foodstuffs. She has a very much larger population with a smaller territory than France. However, Italy is one of America's best customers. The United States, and particularly the South, is interested in the prosperity of Italy, and in the prosperity of Europe. The South is especially interested. The producers of agricultural products are really more interested in a prosperous Italy and a prosperous Europe than in the collection of the full amount of the foreign debts with interest. Cotton is our biggest export crop; 60 per cent of it is exported. In 1924 Italy imported cotton of the value of $122,439,000, while in 1925 she imported cotton of the value of $91,000,000.

Italy is among the best customers of the South. There could have been no restoration and rehabilitation in Italy without the adjustment of the indebtedness to the United States. The cotton farmer is vitally interested in the restoration of pre-war trade with Italy. If the United States had required Italy to pay more than she was able to pay, we would have collected nothing and at the same time would have lost a good customer.

There is no way to force our foreign debtors to pay their debts. The only other alternative would be to go to war. No person, in or out of Congress, has ever advocated that we go to war with Italy to collect. We sent our troops to Germany to force Germany to pay reparations. The United States spent millions in maintaining its troops in the Ruhr region. The announced purpose was to make Germany pay the reparations she had agreed to pay at Versailles. Did military occupation succeed? No. On the contrary, the reparations under the Dawes plan were materially reduced, and Germany will have 20 years in which to pay the expenses incurred by the United States in maintaining her Army in Germany after the armistice.

There has been no donation of any part of the principal of the debt to Italy or to any of the other foreign debtors. Italy has agreed to pay every cent of the principal of the debt, and so have the other foreign debtors.

Moreover, it is worse than idle to say that by remitting interest to Italy and the other European powers we are taking money from the pockets of the American citizens. On the contrary, we are assisting the American taxpayer. We are making no contribution to Italy; we have never received a cent of interest from Italy. By the terms of the settlement we got over $5,000,000 in cash at the time of the settlement.

The settlement will promote the prosperity of Italy; it will enable her to get on her feet again. Since 1914 the national wealth of the United States has increased $180,000,000,000, while the national wealth of Italy has increased but a bil-

lion dollars during the same period. The national wealth of the United Kingdom has increased $40,000,000,000 during the same period. The American commission proposed the settlement; it was accepted by Italy. It was the best settlement we could get. It is absurd to say that the adjustment was to provide for our giving Italy anything. It was to collect what we had already advanced.

MUSSOLINI

Many who oppose the Italian debt settlement are prejudiced against Mussolini. Personally I do not admire him, but we must not be led astray in the issue before us. No great nation in dealing with another great nation has the right to interfere with the internal or domestic affairs of that nation. Mussolini's aspirations have nothing to do with the issue we are called upon to decide. We must not be led afield by criticisms attacking Mussolini and the Fascisti. We would be lacking in the proper attitude toward another government if we permit ourselves to attack the internal policy and the activities of another nation that do not concern us. We would be lacking in courtesy and respect if we permitted our prejudices against the domestic policy of a foreign ruler to influence us in our negotiations with a foreign power.

We expect and would demand courtesy on the part of foreign governments in their dealings with us. Mussolini personally will not pay the indebtedness to the United States; Italy can only pay by taxing her citizens. It is a question of 115,000,000 people dealing with 40,000,000 people. As a matter of fact, the alleged militaristic policy of Mussolini would have been promoted if the United States had rejected the settlement. Some who opposed the settlement stated that by making concessions in the settlement we would be promoting militarism. But I repeat that by making concessions we are getting money we have not heretofore received. If taxes were not levied upon the citizens of Italy to pay the debt to the United States, those taxes could be used to enlarge the army and increase the navy. Mussolini could say that the Government had offered to pay to its full capacity. He could say that the American commissioners had investigated and found that Italy had offered to pay every cent that she was able to pay. If the settlement had been rejected, the militaristic policy of Mussolini would thereby have been promoted. I may say in passing that in my judgment the restoration of Rome to its once imperial splendor is an iridescent dream. Italy has neither the resources nor the wealth to become a dangerous militaristic power.

The foreign debt settlement is a big question; it is necessary to put aside feeling and prejudice. It is not a question of how the individual American citizen may feel toward the Premier of Italy. When one nation deals with another there is a certain comity that must characterize their dealings. England has a King; Italy has a King; they both have Premiers. We would resent England telling us that we ought to have a king or a premier in the United States. We would resent any person in Italy undertaking to dictate to the Government of the United States as to the domestic policy of the United States in dealing with its citizens or passing laws for the protection of American institutions.

The people of the South desire to trade with Italy. We have cotton for sale. We need markets. Who would be so foolish as to say that he refused to sell his cotton to Italy because personally he disliked Mussolini? It would be equally foolish to say that we would not settle the debt with Italy because we did not like Mussolini.

I may say that the press of the country has generally approved the settlement. In this connection an editorial that appeared on February 23, 1926, in the Greenville Democrat-Times, a newspaper published in the third congressional district of Mississippi, is pertinent:

> When the lower House of Congress voted to accept the debt settlement arranged by the commissioners between Italy and the United States it was very interesting to observe that of the ex-service men in the House, a very large majority voted for the bill. A very large majority also of the members of the Masonic order in the House voted for the bill. The settlement also had the support of the farming States, as well as of the industrial East and cotton-growing South.

Again quoting from the same paper:

> However much in favor of Italy this settlement may be, it is still more in favor of the cotton growers because it secured a settled state of finance and business confidence among our best customers for raw cotton and cotton goods.

The question is not a partisan issue. Both Democrats and Republicans compose the Debt Commission. Moreover, the said newspaper has characterized the politician seeking office on the Italian debt issue better than I, and so I quote again from a recent editorial in the said Greenville Democrat-Times:

> If there were not so much ranting politics about this whole business, and if there were not so many cheap politicians seeking office on the issue, we might reach a simple and effective settlement of the whole thing.

There are some 300 Masons in the House and 60 in the Senate. I happen to be a Mason, a Shriner, and also a Scottish Rite Mason, and I sympathize with my Masonic brethren in every land who may be oppressed. I stand for liberty and freedom in every country. I am among the great number of Masons in Congress who supported the Italian debt settlement, as the best we could get.

Whatever else may be said of the present Government of Italy, the fact is that Italy is the only European Government that has reduced the expenses of her army and navy to their pre-war basis. The cost of the army and navy to-day in Italy is less than it was in 1913. I wish that the same thing might be said of the United States. The fact is, however, that while Italy has decreased the budget for her army and navy the war and navy budget of the United States has increased manyfold.

The Greenwood Daily Commonwealth, also a paper published in the third congressional district of Mississippi, maintains that the American interests are promoted by the settlement and calls attention to the fact that American trade suffered from the decreased purchasing power of the deflated currency of Italy and that without the settlement America was likely to suffer more because of the inability of Italy to purchase American goods. This paper well said that the loss in interest will be more than counterbalanced by the increased trade with Italy, and it compares the settlement to a composition of creditors with an insolvent debtor, where the creditor gets as much as possible from the debtor, and yet preserves him in business for future trade that will be paid for. I quote from this paper, of April 23, 1926:

> Opposition in Congress was a splendid opportunity for the pyrotechnic experts in oratory, but the solid business men in Congress voted to get the debt out of the way. The war loans were not made on a business basis such as applies to commercial transactions with investigation of the value of mortgaged property, nor can they be collected on that basis. So much as they contributed to an earlier ending of the war, so the loans have returned some measure of their value to the American people in lives saved and the ending of war's continued expense.

INTERNATIONAL BANKERS

But it is contended that the settlement would enable Italy to borrow money through the New York bankers. Much was made of the fact that Italy negotiated a loan of $100,000,000 through the firm of J. P. Morgan & Co., and at a rate of interest of something like 7 per cent, a short time after the settlement was agreed upon. It was intended to create the impression that Italy was paying the international bankers 7 per cent while she was paying the United States a much smaller rate of interest. The fact is, however, that Italy negotiated the loan to refund $50,000,000 already borrowed, which she had used to buy American cotton and other products, and to secure an additional $50,000,000 with which to establish a gold reserve and stabilize her currency. Italy needed money, and the fact that she had to pay a high rate of interest shows that she was unable to pay the full rate of interest to the United States. Moreover, these foreign loans are necessary to enable Italy to buy cotton and other American products in this country. They are for the benefit of the producers. I may also say in this connection that Morgan & Co. negotiated the loans. Investments in Italian bonds bearing 7 per cent interest were made by American citizens. Morgan & Co. negotiated the sale of Italian bonds to American investors. The fact is, as it developed in the discussion of the matter in the House, that Morgan & Co. received slightly less than one-fourth of 1 per cent for its services in negotiating the loan for Italy.

I may say in this connection that the same argument was made on the floors of Congress against the acceptance of the British-American settlement in February, 1923. It was contended that the United States was making a cancellation of approximately a billion dollars to Great Britain in order that Great Britain might negotiate loans through the bankers of New York, under the terms of which Great Britain would pay American investors something like 6 per cent while she was paying the United States a much smaller rate. But Great Britain needed the money. It was necessary to stabilize her currency. It was necessary that she secure the money to balance her trade and as a gold reserve. I voted for all of the other foreign debt settlements thus far approved at this session of Congress, and it is but fair to say that I would have voted for the British-American settlement if I had been in Congress at the time.

BRITISH-AMERICAN DEBT SETTLEMENT

The war indebtedness of Great Britain to the United States was funded in the principal sum of $4,600,000,000, and this settlement was passed by the House on February 9, 1923, and by the Senate on February 16, 1923. As in all the other settlements, Great Britain agreed to pay the United States the principal of the debt. As I have stated, concessions were made in the matter of interest. The United States held the note of Great Britain, who was our largest debtor, for approximately $4,075,000,000. Like all the foreign obligations, it bore 5 per cent interest. Figured on a basis of interest at 5 per cent in the British settlement we remitted $1,300,000,000. Figured on a basis of 4¼ per cent we canceled $800,000,000 of the British obligation.

I believe that the settlement was fair. New markets were opened for American products. Cotton began to go to Europe. The prices of cotton increased. Great Britain is the largest customer for the cotton grower. She uses twice as much cotton as Italy in ordinary times. If we were justified in canceling approximately a billion dollars of the obligation of Great Britain, surely we were justified in canceling a billion or a billion and a half of the obligations of Italy, for Italy has but one-fifth the national wealth or but one-fifth the income of the United Kingdom.

The politician who appeals to prejudice in opposing the settlements maintains that he is speaking in the interest of the American taxpayer. As a matter of fact, taxation will be reduced by the amounts collected.

What difference can it make to the American taxpayer whether the cancellation was made in favor of Great Britain or in favor of Italy, so far as his tax burden is concerned?

The British settlement was fair. The Italian settlement was just. From a selfish standpoint, from the standpoint of a cotton grower, from the standpoint of all the people of the South who are interested in agriculture, I favor the foreign debt settlements. But there is a larger view; there is a national view. These settlements will promote international trade and international good will; they will restore both peace and commerce among the nations of the earth.

How did B. G. Humphreys vote on the British settlement? How did he feel about the cancellation of a billion dollars in adjusting our indebtedness with our foreign allies? What reasons did he give for the settlement of our foreign debts? He knew the circumstances under which the loans were made. He knew that after the declaration of war by the United States on April 6, 1917, the allies were in financial distress. It became America's war from that day. It was a year before we had a fighting unit on the battle field. In the meantime we could finance our allies. I wish that we could have ended the war by lending money to our allies without sacrificing the life of a single American youth. I am convinced that our loans did save hundreds of thousands of American lives.

Hon. B. G. Humphreys voted for the British settlement, and he was one of two Mississippi Congressmen who did vote for that settlement. It frequently happened that he voted differently from the other Members of the Mississippi delegation. Among his last words uttered on the floor of Congress was a speech in advocacy of the British settlement, and I quote from this speech made by him on February 9, 1923:

* * * If I were to consider this solely from the selfish standpoint of my constituents—and I suppose we are all more or less influenced by such considerations—I would certainly favor this settlement, and I am rather inclined to the belief that I would favor it even if it had been more generous than it is.

I know of no constituency that is more deeply interested in stabilizing the business conditions of the world, in stabilizing international credit and exchange than mine is, because my constituents are practically all engaged in or in some way dependent upon the production of cotton which they hope to ship abroad and sell to consumers on the other side. Viewing it solely from a selfish standpoint, what would happen to them if we rejected this proposition? I am not an expert in international credit and banking. I do not understand the intricacies of international exchange, but I have the opinion of men who are experts that if the word goes out from Washington throughout the world that the United States has rejected this proposition, and will insist that England pay her debt at 4¼ per cent within 25 years, and that we are going to insist that she live up to her contract, it will seriously disturb international trade conditions and still more seriously hamper international exchange and credits.

If that happens one result will be that those producers in this country who are largely dependent upon foreign markets will see the products of their fields decline tremendously in value. [Applause.] Suppose our action should be to discredit England. Suppose it should be to destroy or seriously impair the credit of England in the world and that the rest of the world should understand that we had issued a proclamation that we are not interested in their welfare; that we shall do nothing on our part to contribute to the rehabilitation of the world; and that our only concern is in collecting, and collecting now, the money they owe us; what then? I believe that anything that seriously retards the rehabilitation of the Old World will do the cotton producer infinitely more harm than the boll weevil has ever done. If we can not sell our cotton across the ocean we may just as well let the boll weevil have it, for he will pay practically as much as we can get for it elsewhere.

* * * There is only one forum in which such matters can be properly determined, and that is the forum of good conscience.

Washington warned us in his Farewell Address of the unwisdom of an undue friendship for one nation or an undue prejudice against another.

But I can not wipe out of my memory to-day and approach this question uninfluenced by the facts which that memory presents at the time when this money was loaned and when, as we believed, the liberties of the world were in jeopardy. Those considerations doubtless did and should properly enter into the consideration of this settlement.

The foregoing words of the late B. G. Humphreys show how he felt about all of the foreign debt settlements.

Senator John Sharp Williams voted for the British settlement. Neither he nor Mr. Humphreys quibbled about the rate of interest. He knew full well that every dollar that we had advanced to Great Britain and Italy and our other foreign debtors was spent in the United States during the war. It was used to buy cotton when cotton was worth 40 to 75 cents a pound. It was used in buying other materials at war prices for the prosecution of the war. Our foreign debtors were our allies, and they should be treated as such in the adjustment of our foreign debts. Just a few days before his return to private life Senator John Sharp Williams said on the floor of the Senate, in speaking of the British-American settlement, and his words are applicable in principle to all the settlements:

Then the Senator wants us to regard this as a little retail mercantile operation, the whole cost measured in dollars or in pounds, or in pounds measured back in dollars. Not one word is said by him about human life; not one word about human sympathy; not one word about saving civilization. * * * He talks as if part of the money was lent by us before we became partners in the enterprise. We were not outsiders. We were partners in the enterprise and avowed our honor and our lives and our money to its success. Thank God, it can not be reduced to a little simple proposition of a retail dealer's offset with another retail dealer with whom he keeps mutual accounts. * * *

Why, Mr. President, I should be ashamed of any people in the world who could regard a great enterprise like that—a great adventure, or "the great adventure," as Theodore Roosevelt called it—from a common ordinary standpoint of interest rates and nothing else. * * *

Mr. President, the Senator said that Great Britain borrowed this money "of her own accord." They had to try to borrow it, but they borrowed it under a world necessity of maintaining civilization and democracy against barbarism and autocracy. We had the money, and we ought to thank God that we did have it, so we could help the world, instead of stepping in like a cheeseparing merchant and saying, "While we were engaged upon a common enterprise, which resulted in my saving my wife and children and you saving your wife and children from the Indians who were attacking us, I lent you a pound of tobacco, and it has been six months, and I want interest at the rate of 10 per cent per annum on it."

Mr. President, I thank God that in great national affairs that sort of a voice as a rule goes unheeded, as well as in great international affairs, great philanthropic affairs, great adventures, to carry through great enterprises in behalf of liberty and humanity and right, in behalf of peace and against the spread of war.

Senator Williams well knew that Italy and Belgium and our other foreign debtor nations would never be able to pay as great a percentage of their indebtedness as Great Britain. His words, like the words of the lamented B. G. Humphreys, were prophetic when he said, in speaking of the British American settlement:

The best terms that we will ever get for the payment of a debt are the terms of the bill for the payment of Great Britain's debt.

When the ability to pay is considered, the conclusion is inescapable that the United States was more liberal to Great Britain than to Italy in their respective debt settlements. It should be remembered that Great Britain had paid $100,000,000 in interest to the United States, and it should also be remembered that the United States, after the armistice and before the settlement with Great Britain, had paid Great Britain to transport American soldiers during the war more than a billion dollars, notwithstanding the fact that Great Britain was indebted at the time to the United States in the sum of more than $4,000,000,000. In the meantime Italy had been unable to

pay any interest at all, nor had she received any payment from the United States.

During the course of the debates no one maintained that Italy is able to pay in full. In fact, no one has suggested a better settlement than the one that was approved. Practically all opponents of the ratification of the settlement suggested that some 50 per cent of the indebtedness should be remitted, but they put this admission, however, not upon the present capacity but upon the future ability of Italy to pay.

I reply by asking if it is not better business, if it is not better statesmanship, if it will not promote trade and international good will, to compromise and effect a settlement based upon present ability rather than upon future possibility? If we desire to trade with Italy, we must settle with Italy. The American cotton grower must have a foreign market for his product. He needs the foreign debt settlement.

Who has suggested or who has advanced measures by which we can collect more? Again, what would the rejection of the present settlement have meant? It had been approved by the commission and by the President of the United States. To have rejected the settlement would have meant that we were rejecting the only successful effort toward the solution of this important debt settlement made since the war. The rejection would not have placed the United States in an enviable position among the nations of the earth. We are interested not only in the collection of our foreign debts, but we are interested in the good will of our foreign customers. The settlement will promote the prosperity of both the creditor and the debtor, and the United States will maintain its position as the great humanitarian leader of the world.

EQUALIZING PAY OF RETIRED OFFICERS

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. Mr. Speaker, this Senate bill 1786, for the equalization of pay to retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, is, to my mind, absolutely just and proper and will receive my support and vote.

On June 10, 1922, section 17 of an act passed on that day gave equality of treatment of all retired officers, regardless of the date of their retirement, which provision was in conformity with an act passed in 1870. That was according to the provisions of the bill as passed by the House. In conference, however, a limitation was inserted in section 1 of said act depriving all officers on the retired list on June 30, 1922, of any benefit they might have received from the revised schedule of said act, so that by this limitation the benefits of the new pay legislation was denied to all officers retired prior to July 1, 1922, but was granted to those retired subsequent to that date.

It is manifest, therefore, that this was absolutely unfair and unjust. Officers who had been retired prior to July 1, many of whom had been through the World War, had fought in the Indian wars, in the Spanish-American War, and performed valiant and efficient service, were entitled more, perhaps, than some who had been retired subsequent to July 1, 1922, not because of any lack of desire or ability but largely because they had been in the service longer, and that by virtue of peace times had been slow of promotion. The pay of the officers retired prior to July 1, 1922, being from 56 to 74 per cent of the pay of their rank, instead of the 75 per cent specified in section 1274 of the Revised Statutes, while the younger officers, retired since July 1, 1922, receive 75 per cent of the pay of their rank, as specified in said section of the Revised Statutes. An example of the injustice existing at the present time is mentioned in the report, as follows:

> One officer commissioned in 1881 served through all grades to include major general during the World War and was retired as a colonel in 1921. Another officer commissioned in 1892, 11 years later than the first officer, served through all grades to include brigadier general during the World War and was retired as a colonel late in 1922. The records of both of these officers are excellent. Both retired with the rank of colonel. The first officer's service was 30 per cent longer than the second, but the second officer's retired pay is 20 per cent greater than the first.

There are many cases very similar to this. I have heard of them personally.

It surely could not have been intended that this injustice should occur and must not have been realized at the time of the passage of the act of June 10, 1922. There certainly can not be any justice for two different retirement pay to men of equal merit and service, merely because they were retired at different times. It seems to me that the act of June 10, 1922, was passed granting larger salaries because of the increased cost of living, the depreciation of the dollar in purchasing power, and it was felt that if we would have men of merit and ability enter these departments of the Government and make them their life's avocation, then it was necessary that they should be given sufficient maintenance for a comfortable living and a retirement sufficient to take care of them and their families in old age and declining years.

The retirement feature is based upon this theory, and the increases in salary have been granted, as I have said, because of the increased cost of living, and this increased cost of living applies just as much to the officers retired prior to July 1, 1922, as it does to those who have retired since; in fact, the ones having retired prior to that are no doubt older and require more than the younger men who have since retired. The men who have retired since, being younger, can take up certain lines of work which add to the revenue. In fact, some of them have done so. The gentleman who preceded me said that General Harbord, who retired since July 1, 1922, is now receiving a salary of $50,000 a year. I am glad to know this. More glory to him, and more salary. It is comforting, indeed, to know that our Army contains men so valuable and of such ability.

This act will require an additional expense to the Government of about $774,000 for the first year, which will gradually decrease as the years roll by, due to the lessening number of the older officers. It is justice and the carrying out of what was construed by them to be their due under the provisions of previous legislation. I am glad to know that these older retired officers are at last to receive justice under the provisions of this bill, soon to become law.

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the following bills with Senate amendments and agree to the amendments: H. R. 10470, H. R. 10246, H. R. 10244, H. R. 10169, H. R. 5691, and H. R. 4034.

The SPEAKER. The gentleman from Illinois [Mr. DENISON] asks unanimous consent to take from the Speaker's table certain bills with Senate amendments, and agree to the Senate amendments. The Clerk will report the bills by title.

The Clerk read as follows:

A bill (H. R. 10470) granting the consent of Congress to the city of Little Falls, Minn., to construct a bridge across the Mississippi River at or near the southeast corner of lot 3, section 34, township 41 north, range 32 west.

A bill (H. R. 10246) to authorize the commissioners of McKean County, Pa., or their successors in office, to construct a bridge across the Allegheny River at a certain location where a highway known as State Highway Route No. 211 crosses said river at a location within the limits of the borough of Eldred or not distant more than one-half mile north of said borough of Eldred, McKean County, Pa.

A bill (H. R. 10244) to extend the time for the construction of a bridge across the Fox River in the State of Illinois, on State Road No. 18, connecting the villages of Yorkville and Bristol in said county.

A bill (H. R. 10169) granting the consent of Congress to the Gallia County Ohio River Bridge Co. and its successors and assigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio.

A bill (H. R. 5691) granting the consent of Congress to Charles L. Moss, A. E. Harris, and T. C. Shattuck, of Duncan, Okla., to construct a bridge across Red River at a point between the States of Texas and Oklahoma where the ninety-eighth meridian crosses said Red River.

A bill (H. R. 4034) granting consent of Congress to Texas-Coahuila Bridge Co. for construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ARMY AND NAVY NURSE CORPS

Mr. GARRETT of Texas. Mr. Speaker, I ask unanimous consent that the lady from New Jersey [Mrs. NORTON] may have leave to extend her remarks in the RECORD on the nurses' bill.

The SPEAKER. The gentleman from Texas asks unanimous consent that the lady from New Jersey may extend her remarks in the RECORD on the nurses' bill. Is there objection?

There was no objection.

Mrs. NORTON. Mr. Speaker, I wish to go on record as being heartily in favor of H. R. 8953, which provides for the retirement of the Army and Navy Nurse Corps.

I believe it to be about time that Congress showed its appreciation in more than words of the splendid work done by these faithful nurses. They are a body of efficient women, sacrificing home and companionship for their country's cause.

It is only just that after serving their country so faithfully, and they are no longer able to stand the strenuous life of the Army or Navy, that they should be retired and properly taken care of the remainder of their lives. When a nurse enters the Army or Navy she absolutely separates herself from her family and home ties; she goes wherever she is sent—to China, the Philippines, Hawaii, or San Francisco. She is under orders and responds to the call at all times; therefore it is about time that the nurse should be given the same recognition as the man who enlists in either of our fighting forces.

The nursing profession was the one group of women ready for service when the United States entered the World War. The Red Cross enrolled them and turned them right over to the Army and Navy as they were needed. They were mobilized immediately and sent to the battle fields of France with the American Expeditionary Forces. Their heroic work there has been written into history and many were awarded medals of distinction.

Nor can the great work done by the nurses in the Spanish-American War be overlooked during the early days of the Nurse Corps, when little was known about this branch of the service excepting by those who came in contact with them in the hospitals; yet this little volunteer corps worked on, healing the wounds of the sick and administering to the dying.

The bill under consideration is very modest. It provides that nurses who have served 20 years may be retired, in the discretion of the Secretary of War or Navy. The amount of the retired pay allowed is based upon 3 per cent of their base pay a year. The interests of the Government are well protected in this bill.

If this bill became a law to-day only seven nurses would go on the retired list, and the maximum cost would be about $12,337 a year for the Army nurses. The only persons now who are a part of the Army and do not get the benefit of retirement are the Army nurses and Army field clerks; the same is true of the Navy pertaining to nurses.

I am absolutely in sympathy with the idea of providing a retirement for our nurses. I believe where a woman has given her life to the service of our Government and country, that Government should see to it that in her declining years she should not be in need or want, but enjoying the comforts of home and the environments she so long has denied herself.

RELIEF OF THE STATE OF NORTH CAROLINA

Mr. JAMES. Mr. Speaker, I call up Senate bill 2733 and ask that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan calls up the bill S. 2733. The Clerk will report it by title.

The Clerk read as follows:

A bill (S. 2733) for the relief of the State of North Carolina.

The SPEAKER. The gentleman asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the State of North Carolina and the United States property and disbursing officer of the National Guard of the State of North Carolina are hereby relieved from accountability for 175 folding canvas cots, property of the United States, valued at $430.50, which were loaned by such State to the mayor of New Bern, N. C., for the use of persons rendered homeless and destitute as a result of conflagration in that city in December, 1922, and which were lost or rendered unfit for service.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

SHILOH NATIONAL MILITARY PARK

Mr. JAMES. Mr. Speaker, I call up the bill H. R. 10504 and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan calls up the bill H. R. 10504. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 10504) to amend the act approved June 4, 1897, by authorizing an increase in the cost of lands to be embraced in the Shiloh National Military Park, Pittsburg Landing, Tenn.

The SPEAKER. Is there objection to the request of the gentleman from Michigan that the bill be considered in the House as in Committee of the Whole?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act approved June 4, 1897 (30 Stat. p. 43), is hereby amended to read as follows: "The limit of cost of all lands to be embraced within the boundaries of the Shiloh National Military Park, Pittsburg Landing, Tenn., is hereby increased from $50,000 to $57,100, and that an appropriation in the sum of $7,100 is hereby authorized to be made for the acquisition of two small additional parcels of land within the boundaries of said park."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

EXPENSES FOR TRAVEL UNDER ORDERS IN ALASKA

Mr. JAMES. Mr. Speaker, I call up the bill H. R. 9178, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9178) to amend section 12 of the act approved June 10, 1922, so as to authorize payment of actual expenses for travel under orders in Alaska.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 12 of the act approved June 10, 1922 (42d Stat. p. 631), be, and the same is hereby, amended to read as follows:

"SEC. 12. That officers of any of the services mentioned in the title of this act, when traveling under competent orders without troops, shall receive a mileage allowance at the rate of 8 cents per mile, distance to be computed by the shortest usually traveled route and existing laws providing for the issue of transportation requests to officers of the Army traveling under competent orders, and for deduction to be made from mileage accounts when transportation is furnished by the United States, are hereby made applicable to all the services mentioned in the title of this act, but in cases when orders are given for travel to be performed repeatedly between two or more places in the same vicinity, as determined by the head of the executive departments concerned, he may, in his discretion, direct that actual and necessary expenses only be allowed. Actual expenses only shall be paid for travel under orders in Alaska and outside the limits of the United States in North America. Unless otherwise expressly provided by law, no officer of the services mentioned in the title of this act shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $7 per day. The heads of the executive departments concerned are authorized to prescribe per diem rates of allowance, not exceeding $6, in lieu of subsistence to officers traveling on official business and away from their designated posts of duty.

"In lieu of the transportation in kind authorized by section 12 of an act entitled 'An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service,' approved May 18, 1920, to be furnished by the United States for dependents, the President may authorize the payment in money of amounts equal to such commercial transportation costs when such travel shall have been completed. Dependent children shall be such as are defined in section 4 of this act."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

PAY OF NATIONAL GUARD, OFFICERS' AND ENLISTED RESERVE CORPS

Mr. JAMES. Mr. Speaker, I call up the bill S. 2298 and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan calls up Senate bill 2298. The Clerk will report it by title.

The Clerk read as follows:

A bill (S. 2298) to amend section 3 of the act approved September 14, 1922 (ch. 307, 42 Stat. L. pt. 1, pp. 840 to 841).

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, I want to ask the gentleman what this bill does?

Mr. JAMES. This bill provides that the officers of the National Guard, the Officers' Reserve Corps, and the Enlisted Reserve Corps who are entitled to Federal pay at the rates fixed for the Regular Army shall receive that pay for each day of such period, and the 31st day of a calendar month shall not be excluded from the computation.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 3 of the act approved September 14, 1922 (ch. 307, 42 Stat. L., pt. 1, pp. 840 to 841), be, and the same hereby is, amended to read as follows:

"SEC. 3. That the first proviso under the heading 'Arms, uniforms, equipment, etc., for field service, National Guard,' in Title I of said act, is amended to read as follows:

"'That hereafter members of the National Guard, the Officers' Reserve Corps, and the Enlisted Reserve Corps who have or shall become entitled for a continuous period of less than one month to Federal pay at the rates fixed for the Regular Army, whether by virtue of a call by the President, of attendance at school or maneuver, or of any other cause, and whose accounts have not yet been settled, shall receive such pay for each day of such period, and the 31st day of a calendar month shall not be excluded from the computation.'"

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

DEPUTIES TO DISBURSING OFFICERS

Mr. JAMES. Mr. Speaker, I call up the bill (H. R. 5223) and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan calls up House bill 5223 and asks that it be considered in the House as in Committee of the Whole. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 5223) to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask a question. What is the necessity of this bill? Do these disbursing officers want somebody else to do their work for them?

Mr. FROTHINGHAM. No; it is done now, and this is merely the question of——

Mr. BLANTON. Does it increase their salaries?

Mr. FROTHINGHAM. Not a bit; in fact, it saves money. If they are away or out of town, this will give them the right to appoint somebody else, or if they are sick and absent from their offices. Both of them have to be bonded, so that this provides an extra security.

Mr. BLANTON. How much additional shortages will this probably cost?

Mr. JAMES. Both of the gentlemen have to be bonded.

Mr. BLANTON. But we are having a great many shortages now on the the part of disbursing officers, and if they go to delegating this handling of the people's funds it may increase the shortages.

Mr. FROTHINGHAM. This provides an extra safeguard, because both have to be bonded. It is supposed to be a help and a greater security. That is why the committee reported the bill.

Mr. LAGUARDIA. And next year they will come back and say: "We do the same work as our superiors; we are assistants now; we are bonded; and we ought to have the same rank." We made the field clerks warrant officers only a few days ago, and it should never have been done.

Mr. FROTHINGHAM. As I say, this provides an extra security, and the Comptroller General wants this.

Mr. BLANTON. I find that down in the departments the chiefs of the various departments are never in their offices; their assistants are doing the work for them, and whenever you provide an assistant or deputy disbursing officer you are going to find the disbursing officer off playing golf somewhere and the deputy doing the work.

Mr. LAGUARDIA. And the deputies will want increased rank next year.

Mr. BLANTON. Of course, I realize it would be futile to try to stop this bill; we can not stop its passage, but I just wanted to make my feeble protest against it.

Mr. FROTHINGHAM. If the gentleman knew all of the facts I do not think he would want to stop the passage of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That when, in the opinion of the Secretary of War or the Secretary of the Navy, the exigencies of the service so require, disbursing officers of the Army, Navy, and Marine Corps may, with the approval of the head of their executive department and the consent of their surety or sureties, if any, designate deputies for the purpose of having them make disbursements as their agents, sign checks drawn against their disbursing accounts with the Treasurer of the United States, and discharge all other duties required according to law or regulation to be performed by such disbursing officers, and the agent officer shall be subject, for his official misconduct, to all liabilities and penalties prescribed by law in like cases for the officer for whom he acts as deputy.

With the following committee amendment:

In line 4, page 2, after the word "deputy," insert a colon and the following: "*Provided*, That every deputy so designated for a disbursing officer who is bonded shall, if not already under bond, give bond as required by the head of the department concerned."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

THE AMERICAN MERCHANT MARINE

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. O'CONNELL] be permitted to insert in the RECORD a radio address on the American merchant marine which he made at the local station here on April 14.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the gentleman from Rhode Island [Mr. O'CONNELL] be permitted to extend his remarks in the RECORD by printing an address delivered by him over the radio. Is there objection?

There was no objection.

Mr. O'CONNELL of Rhode Island. Mr. Speaker, under leave granted to extend my remarks in the RECORD I insert an address delivered by myself over the radio from station WCAP April 14, 1926, which is as follows:

While we are struggling with many problems of importance which confront our country to-day and endeavoring earnestly to reach a wise solution, we are ignoring the greatest problem which has confronted this Nation in a generation. I refer to the American merchant marine. We are failing signally to appreciate its significance either in the past or in the future.

From the days of ancient Tyre control of the sea has been held by only seven nations. When this control was lost, decay began, and a new nation, following maritime pursuits, became the leader in the world's affairs. Following Tyre, Italy was master of the sea for nearly 700 years, until the Hanseatic League wrested this control from her. Dissension, factional jealousies, and petty hatreds divided the league, and control passed to Portugal, Spain, Holland, and England, where it remains to-day.

Throughout the history of national development through shipping each nation built its prestige upon a carrying trade of its products in its own ships rather than in those of other nations. Each of such countries had first call upon its ocean carriers.

Our own country in its infancy profited by and acted upon the lessons of the past; and hardly had the immortal Declaration of Independence been blazoned forth to the world than a strong impetus was given to our shipping, so that when the War of 1812 came we were able to combat, with ships of our own building, the theretofore invincible navy of England, which, alarmed and indignant at our progress in shipping affairs, sought to cripple and destroy our merchant fleet.

Notwithstanding the fierce and frenzied competition of England, which used every device including discriminatory legislation and violation of trade treaties, we advanced as a sea power to be reckoned with. From 1830 to 1836 our merchant marine increased 58 per cent; from 1830 to 1840 it increased 83 per cent. At the outbreak of the Mexican War it was about 2,500,000 tons, and at the beginning of the Civil War had increased to 5,540,000 tons, almost equal to the total tonnage of Great Britain.

From 1861 to 1875 our shipping suffered a rapid decline. In 1861 the percentage of our foreign trade carried in American ships was about 65 per cent, while in 1875 it had dwindled to 26 per cent. The Civil War and the advent and extensive construction of iron vessels abroad were mainly responsible for this decline. And Great Britain, her sympathies with the South, largely because of our growing menace as a competitor in the shipping business of the world, began a renewed shipbuilding program, while our Nation, engaged in a great fratricidal strife, so happily impossible ever again, fell from its high estate in shipping affairs. As was the case of the Hanseatic League, internal affairs, sectional differences, and lack of united and sustained public opinion destroyed our prestige on the seas.

From 1875 to the end of the recent World War we were in a period of decline, of almost utter collapse, so far as our merchant marine was concerned. A vast immigration was turning toward our shores, and thousands of new immigrants, with many of the sturdy native stock of the Atlantic seaboard cities and towns, turned their steps toward the beckoning West, the lure of gold and adventure drawing them on with irresistible force. And so the Golden West was explored, settled, conquered, cultivated, and to-day its wondrous farms and fertile fields of waving corn and grain supply the Nation with its vast food requirements. And then a new age began, the industrial age. We were no longer a sea-minded people; the clipper ships had gone; the hardy New England mariner who and whose father and grandfather before him had sailed the seven seas and braved the fiercest gales with laughter in their hearts and on their lips was almost a figure of the past. Such few as remained were likely to be found in the ranks of the Gloucester or the Banks fishermen, where strong men with hearts of gold and bodies tanned and brawny may still be found.

Perhaps these things were all for the best, for during the period of our decline as a maritime nation, we became the leader in other fields, our vast natural resources were found, appreciated, understood, and utilized, the fertility and productivity of our soil became apparent, and agriculture came into its own, our huge manufacturing plants supplied employment to hundreds of thousands of willing, happy, and contented workers, and prosperity grew apace.

And then came the great World War. Prior thereto there had been sufficient foreign bottoms to carry all our manufactured wares and our exportable surplus of agricultural products, and because of the keen competition among ship-owning nations, at reasonable prices. But when the World War came all this was changed. Ships were withdrawn by foreign countries because their own needs must first be cared for. Then did our own neglect of years become painfully apparent.

Hastily we prepared to build our own ships. Many of these ships were not completed till the war was over, many of them were worthless to be used in keen competition, although they had utility for emergency use, when costs of construction and operation were of comparatively little consequence. But when the war was over we had them upon our hands. Three thousand four hundred had been contracted for, but 2,544 had been delivered, the order for the balance having been canceled. But even this situation had its bright side, for it demonstrated that under the pressure of necessity we could in a short time build sufficient ships to care for our most urgent needs.

Congress in the meantime had created the Shipping Board, the Emergency Fleet Corporation under its direction and control had been organized, and we set out upon a program of building up anew the American merchant marine, moribund for so many years. The merchant marine act of 1920, known as the Jones Act, contemplated the temporary operation by the Government of such ships as were necessary to maintain and develop trade routes not covered by private enterprise and to enable the Government to dispose of its war-built tonnage to private owners, who would operate it under the American flag.

The Shipping Board was invested with an Herculean task, and although criticisms, in a few instances just, but in most instances unwarranted and vicious, have been leveled against it from the time of its creation to this very hour, it has succeeded in discharging its duties and effectuating its purpose in a manner that deserves the highest praise and commendation.

Not a single cargo vessel was engaged on the Atlantic in foreign trade under the American flag at the beginning of the World War, and only five passenger vessels. On the Pacific we had one service to Australia, consisting of three 17-knot passenger vessels and an indifferent and struggling passenger and cargo service from the Pacific coast to the Orient.

In the face of unjust criticism, of world competition, of insidious attacks and propaganda directed and engineered by interests owning foreign lines, in a period of deflation in shipping circles so severe since the early part of 1921, that many shipowners, even of foreign countries, have been forced out of business, the Shipping Board, and under it the Emergency Fleet Corporation, have carried on with well-nigh unbelievable results.

At the outbreak of the World War we carried only 9 per cent of our foreign trade. To-day our foreign commerce has increased more than 134 per cent in value and approximately 40 per cent in volume. From its inception in 1917 to June 30, 1925, the net profit of Shipping Board and Emergency Fleet operation amounted to $336,360,903.93, and in this connection it should be borne in mind that a goodly portion of the administrative expense, which is charged to ship operation, was incurred in the completion of ship construction, the sale of ships, and various other properties, the settlement of numerous claims and costs of litigation.

On April 1 of this year there were 53 consolidated foreign services maintained by the Emergency Fleet Corporation, employing 273 vessels, while before the war practically no American service existed. On April 1 we had 29 European services with 147 vessels, 4 Mediterranean services with 12 vessels, 8 South American services with 31 vessels, and 12 Far East services with 83 vessels. All of these services are regular and dependable and have not only increased our export and import trade, but have tended to establish friendly relations with other countries in all parts of the world and thereby to break down and dissipate preconceived prejudices, a result of great and inestimable value.

And while we are devoting so much time to the problems of agriculture let us not forget that a strong merchant marine is of the greatest importance and value to that stricken industry. In 1924 about 46.6 per cent of our total exports were of agricultural products. While we are toying with so many visionary plans for agricultural relief let us not forget this practical method of assistance.

In 1919 and 1920 shipping rates were about five times those of 1913. In 1920 Shipping Board activities began in earnest and were so successful that by 1925 the rates had been brought back to those of 1913. During this period the Shipping Board by careful and efficient operation and management had reduced the amount of operating expense of the Emergency Fleet Corporation from $50,000,000 per annum during the early years to $24,000,000 last year. But I fear from recent developments that as its present policies and personnel can not be successfully attacked that further attempts are to be made either to legislate it out of existence or to deprive it of sufficient funds to successfully carry on the important task for which it was created. If such attempts succeed, it will be a sad day for the United States and will cost us untold millions in future years.

Let us be on our guard against those selfish interests which seek to destroy our present power on the sea. If war should ever come again, our merchant marine may well be the deciding factor through which victory shall once more perch upon our banners. Be not misled by false propaganda nor by the activities or words of persons, themselves patriotic and honest but misguided and deceived, through whom hidden and sinister influences are at work.

The flag of our American merchant marine flies again upon the high seas as in days of yore. Let us not ourselves do that which no other nation in the world is strong enough to do—haul it down.

EASEMENTS IN AND UPON PUBLIC MILITARY RESERVATIONS

Mr. JAMES. Mr. Speaker, I call up the bill (S. 1482) to authorize the Secretary of War to grant easements in and upon public military reservations and other lands under his control, and ask unanimous consent that the same may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan calls up Senate bill 1482 and asks unanimous consent that it may be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BLANTON. Mr. Speaker, reserving the right to object, what is the purpose of this bill? What kind of easements are to be granted?

Mr. JAMES. Easements for gas, water, and sewer pipes.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, we have not these bills before us and it seems to me this matter should not be sprung upon us in this manner.

Mr. ABERNETHY. I hope the gentleman will not object to this bill. The bill enables cities to run gas, water, and sewer pipes under roads on military reservations and other lands under the control of the Secretary of War, and things of that kind, and they can not do it now under the law.

Mr. LAGUARDIA. Does the bill limit it to gas, water, and sewer pipes?

Mr. JAMES. Yes; the bill limits it to gas, water, and sewer pipes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and empowered, under such terms and conditions as are deemed advisable by him, to grant easements for rights of way over, across, in, and upon public military reservations and other lands under his control, for gas, water, and sewer pipe lines, to any citizen, association, or corporation of any State, Territory, or possession of the United

States: *Provided*, That such rights of way shall be granted only upon a finding by the Secretary of War that the same will be in the public interest and will not substantially injure the interest of the United States in the property affected thereby: *Provided further*, That all or any part of such rights of way may be annulled and forfeited by the Secretary of War for failure to comply with the terms or conditions of any grant hereunder or for nonuse or for abandonment of rights granted under the authority hereof: *And provided further*, That the Secretary of War shall include in his annual report to the President a full and complete statement of each and all easements granted, which statement shall also include the name and address of the grantee, the purpose of the grant, and the benefits accruing to the United States or to the public therefrom.

With the following committee amendment:

Page 2, after line 14, insert:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 178. An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims.

UNITED STATES SOLDIERS' HOME

Mr. JAMES. Mr. Speaker, I call up the bill (S. 1484) to amend section 1, act of March 4, 1909 (sundry civil act), so as to make the Chief of Finance of the Army a member of the Board of Commissioners of the United States Soldiers' Home, and ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BLANTON. Mr. Speaker, reserving the right to object, does this bill do anything more than the title indicates?

Mr. JAMES. That is all.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1, act of March 4, 1909 (35 Stat. L. p. 1004), making appropriations for sundry civil expenses, be amended to read as follows:

"*Provided*, That hereafter the Board of Commissioners of the United States Soldiers' Home shall consist of the following-named officers of the Army: The Surgeon, The Adjutant General, the Quartermaster General, the Chief of Engineers, the Judge Advocate General, the Chief of Finance, and the governor of the home; and the president of said board, who shall be the senior in rank of the members thereof, shall submit annually to the Secretary of War, for transmission to Congress, a full statement of the financial and other affairs of the home for the preceding fiscal year."

With the following committee amendment:

Page 1, line 8, after the word "surgeon" insert the word "general."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JAMES, a motion to reconsider the vote by which the bill was passed was laid on the table.

INDEBTEDNESS OF THE KINGDOM OF THE SERBS, CROATS, AND SLOVENES TO THE UNITED STATES (S. DOC. NO. 106)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Ways and Means and ordered printed.

To the Congress of the United States:

I am submitting herewith for the consideration of the Congress a copy of an agreement dated May 3, 1926, executed by the Secretary of the Treasury as chairman of the World War Foreign Debt Commission, providing for the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes to the United States of America. The agreement was approved by me on May 3, 1926, subject to the approval of Congress, pursuant to authority conferred by act approved February 9, 1922, as amended by act approved February 28, 1923, and as further amended by act approved January 21, 1925.

I believe that the settlement upon the terms set forth in the agreement is fair and just to both Governments, and recommend its approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 5, 1926.*

ADJOURNMENT

Mr. JAMES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Thursday, May 6, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 6, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend paragraph (d) of section 14 of the Federal reserve act, as amended to provide for the stabilization of the price level for commodities in general (H. R. 7895).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

Legislation relative to labor disputes in the coal-mining industry.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

Proposed bill amending the World War veterans' act with reference to the appointment of guardians.

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

To extend the civil and criminal laws of the United States to Indians (H. R. 7826).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

Granting allowance for rent, fuel, light, and equipment to postmasters of the fourth class (H. R. 107, 4040, 6100, 6520, 7267, 7358).

COMMITTEE ON PATENTS

(10 a. m.)

For copyright registration of designs (H. R. 6249).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

498. A letter from the Director of Public Buildings and Parks of the National Capital, transmitting a report of travel performed by employees of this office during the fiscal year 1925; to the Committee on Appropriations.

499. A communication from the President of the United States, transmitting a draft of proposed legislation making the provision contained in certain appropriations under the Department of State for the fiscal years 1925 and 1926, exempting traveling and subsistence expenses from the limitation of existing law, applicable to expenditures heretofore or hereafter made from said appropriations for per diem in lieu of subsistence, as well as for actual expenses for subsistence (H. Doc. No. 370); to the Committee on Appropriations and ordered to be printed.

500. A letter from the Secretary of the Navy, transmitting the proposed draft of a bill for the relief of the Bell Telephone Co., of Philadelphia, Pa., and the Illinois Bell Telephone Co.; to the Committee on War Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GLYNN: Committee on Military Affairs. H. R. 9914. A bill providing for the inspection of the Bull Run battle fields from and including Centerville and to and including Thoroughfare Gap and Warrenton, in the State of Virginia; without amendment (Rept. No. 1076). Referred to the Committee of the Whole House on the state of the Union.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 11927. A bill to authorize the Secretary of War to sell a portion of Fort Ringgold Military Reservation, Tex., to Rio Grande City Railway Co.; without amendment (Rept. No.

1078). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Iowa: Committee on Interstate and Foreign Commerce. H. R. 10857. A bill granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing; with amendment (Rept. No. 1079). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 11385. A bill granting the consent of Congress to the Georgia-Florida Bridge Co. to construct a toll bridge across the Chattahoochee River at or near Neals Landing, in Seminole County, Ga.; with amendment (Rept. No. 1080). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 11607. A bill granting the consent of Congress to the Red River Parish Bridge Co. (Inc.) to construct a bridge across the Red River at or near the town of Coushatta, in the parish of Red River, in the State of Louisiana; with amendment (Rept. No. 1081). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. S. 3841. An act to provide for the distribution of the Supreme Court Reports and amending section 227 of the Judicial Code; without amendment (Rept. No. 1082). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 10437. A bill providing for a fee to clerks of court in certain cases; without amendment (Rept. No. 1083). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMAS: Committee on the Public Lands. S. J. Res. 71. A joint resolution authorizing the Secretary of the Interior to establish a trust fund for the Kiowa, Comanche, and Apache Indians in Oklahoma, and making provision for the same; with amendment (Rept. No. 1084). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. J. Res. 47. A joint resolution authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918; without amendment (Rept. No. 1085). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. 3691. An act to convey to the city of Lakeland, Fla., certain Government property; without amendment (Rept. No. 1086). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 10547. A bill to require the filing of an affidavit by certain officers of the United States; without amendment (Rept. No. 1087). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ABERNETHY: Committee on the Public Lands. H. R. 11378. A bill for the relief of Herbert A. Wilson; with amendment (Rept. No. 1077). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8279) for the relief of Jesse W. Boisseau; Committee on Claims discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 4885) for the relief of the Hunter-Brown Co.; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 11897) to provide for the payment of amounts expended in the construction and maintenance of a hangar and flying field for the use of the air mail service; Committee on Claims discharged, and referred to the Committee on the Post Office and Post Roads.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARNER of Texas: A bill (H. R. 11927) to authorize the Secretary of War to sell a portion of the Fort Ringgold Military Reservation, Tex., to Rio Grande City Railway Co.; committed to the Committee of the Whole House on the state of the Union.

By Mr. SINNOTT (by request): A bill (H. R. 11928) to repeal certain provisions relating to the advancement of moneys for surveys, in the sundry civil act approved August 18, 1894 (28 Stat. L. p. 372), and for other purposes; to the Committee on the Public Lands.

By Mr. PORTER: Joint resolution (H. J. Res. 246) authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia; to the Committee on Foreign Affairs.

By Mr. LUCE: Resolution (H. Res. 254) providing for the consideration of H. J. Res. 83; to the Committee on Rules.

By Mr. LAGUARDIA: Resolution (H. Res. 255) requesting information from the Secretary of the Treasury regarding violations of the national prohibition act; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 11929) to authorize the Secretary of the Interior to sell to Sylvester Troth Smith, Horace Smith, Robert Hill Smith, Mary Smith De Jean, Mary Ellen Smith, and W. C. Scott, in possession under mesne conveyances from Leroy Stafford, section 48, township 1 south, range 2 east, and section 38, township 1 north, range 2 east, Louisiana meridian, Rapides Parish, La.; to the Committee on the Public Lands.

By Mr. CANFIELD: A bill (H. R. 11930) granting an increase of pension to Augusta T. Peters; to the Committee on Invalid Pensions.

By Mr. COYLE: A bill (H. R. 11931) granting an increase of pension to Jessica Godfrey Jackson; to the Committee on Pensions.

By Mr. GORMAN: A bill (H. R. 11932) granting a pension to Mary C. Galleher; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 11933) granting an increase of pension to Elizabeth Johnson; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11934) granting an increase of pension to Lizzettie Hoobing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11935) granting an increase of pension to Mary E. Davis; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 11936) granting an increase of pension to Margaret Henricks; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 11937) granting an increase of pension to Margaret C. Neal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11938) granting an increase of pension to Elizabeth Dennis; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 11939) granting an increase of pension to Helen J. Anstine; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 11940) granting a pension to John Lonergan; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 11941) granting a pension to Elizabeth Morrison; to the Committee on Invalid Pensions.

By Mr. PORTER: Joint resolution (H. J. Res. 245) to authorize an appropriation for the compensation of William Wiseman; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2059. By Mr. CARSS: Resolution by the Duluth, Winnipeg & Pacific System Federation of Shop Crafts, opposing enactment of the Capper-Johnson bill, providing for conscription of wealth in time of war; to the Committee on Ways and Means.

2060. By Mr. FULLER: Petition of William Osburn and others, urging support of the Federal farm board bill; to the Committee on Agriculture.

2061. By Mr. HERSEY: Remonstrance of Cora L. Gaudette, of Milo, Me., and 19 others, against the passage of the Copeland-Bloom bill; to the Committee on the District of Columbia.

2062. By Mr. HUDSON: Petition of citizens of Genesee County, Mich., urging the passage of House bill 7179, known as the Sunday rest bill, for the District of Columbia; to the Committee on the District of Columbia.

2063. By Mr. KNUTSON: Petition of Ronald Hammett, of Staples, Minn., and others, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

2064. Also, petition of Mrs. C. Jacobson, of Hewitt, Minn., and others, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

2065. By Mr. MAGRADY: Petition of sundry citizens of Sullivan County, Pa., protesting against the passage of House bill 7179; to the Committee on the District of Columbia.

2066. By Mr. MORROW: Petition of Baptist Woman's Missionary Society, of Chamberino, N. Mex., Mrs. E. M. Mahill, president; Mrs. S. A. Donaldson, secretary, protesting against any modification of the prohibition act; to the Committee on the Judiciary.

2067. By Mr. O'CONNELL of New York: Petition of W. W. Davies, of Louisville, Ky., appealing for consideration of the claims against Germany for the distressed victims of the *Lusitania* disaster; to the Committee on Claims.

2068. By Mr. SWING: Petition of certain residents of Arlington, Calif., protesting against the passage of House bill 7179 and similar bills for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

2069. By Mr. KEARNS: Petition of the Presbytery of Portsmouth, Ohio, regarding House Joint Resolution 159; to the Committee on the Judiciary.

SENATE

THURSDAY, *May 6, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Lord, our God and Father, we rejoice before Thee in the presence of a morning so bright and hopeful. We turn toward the duties of the day with a consciousness that we can fulfill the high part committed unto us as we seek wisdom from Thee. Help us in our deliberations, guide our thoughts, and so glorify Thyself in and through us that when the day closes we shall have the satisfaction of duty well done. We ask in Jesus' name. Amen.

The legislative clerk proceeded to read the Journal of the proceedings of the legislative day of Monday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1786. An act to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service;

S. 2298. An act to amend section 3 of the act approved September 14, 1922 (ch. 307, 42 Stat. L., pt. 1, pp. 840 to 841);

S. 2733. An act for the relief of the State of North Carolina; and

S. 3037. An act to provide retirement for the Nurse Corps of the Army and Navy.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1482. An act to authorize the Secretary of War to grant easements in and upon public military reservations and other lands under his control; and

S. 1484. An act to amend section 1, act of March 4, 1909 (sundry civil act), so as to make the Chief of Finance of the Army a member of the Board of Commissioners of the United States Soldiers' Home.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4547. An act to establish a department of economics, government, and history at the United States Military Academy, at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes";

H. R. 5223. An act to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies;

H. R. 8592. An act to further amend section 125 of the national defense act of June 3, 1916, as amended;

H. R. 9178. An act to amend section 12 of the act approved June 10, 1922, so as to authorize payment of actual expenses for travel under orders in Alaska;

H. R. 9218. An act to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes;

H. R. 10504. An act to amend the act approved June 4, 1897, by authorizing an increase in the cost of lands to be embraced in the Shiloh National Military Park, Pittsburg Landing, Tenn.;

H. R. 10827. An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes; and

H. R. 11511. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	La Follette	Schall
Bayard	Fletcher	Lenroot	Sheppard
Bingham	Frazier	McKellar	Shipstead
Blease	George	McLean	Shortridge
Borah	Gerry	McMaster	Simmons
Bratton	Gillett	McNary	Smith
Broussard	Glass	Mayfield	Smoot
Bruce	Goff	Means	Stanfield
Butler	Gooding	Metcalf	Steck
Cameron	Greene	Moses	Stephens
Caraway	Hale	Neely	Swanson
Copeland	Harris	Norbeck	Trammell
Couzens	Harrison	Norris	Tyson
Cummins	Heflin	Nye	Wadsworth
Curtis	Howell	Oddie	Walsh
Dale	Johnson	Overman	Watson
Deneen	Jones, N. Mex.	Phipps	Wheeler
Dill	Jones, Wash.	Ransdell	Williams
Edge	Kendrick	Reed, Mo.	Willis
Ernst	Keyes	Reed, Pa.	
Ferris	King	Sackett	

Mr. CURTIS. I desire to announce the absence of my colleague [Mr. CAPPER] on account of illness in his family. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

CLAIMS OF WALTER B. AVERY AND FRED S. GICHNER (S. DOC. NO. 107)

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, recommending the passage of legislation for the settlement of the claims of Walter B. Avery and Fred S. Gichner for labor, materials, machinery, etc., used in repairs and alterations to the Butler Building, occupied by the Coast and Geodetic Survey in the city of Washington, D. C., which was referred to the Committee on Claims and ordered to be printed.

PETITION—FARM RELIEF

Mr. GOODING. I ask unanimous consent to have printed in the RECORD and referred to the Committee on Agriculture and Forestry a telegram from Grangeville, Idaho, indorsing the so-called Haugen farm bill.

There being no objection, the telegram was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

GRANGEVILLE, IDAHO, *May 4, 1926.*

FRANK R. GOODING,
United States Senate, Washington, D. C.:

Sentiment in this section unanimous for the Haugen farm bill and urgently request your support.

M. B. GEARY,
President Commercial Club.
ALEXANDER FREIDENRICH CO.
BANK OF CAMAS PRAIRIE.
M. L. AYRES, *Farmer.*
FIRST NATIONAL BANK.
FARMERS' UNION WAREHOUSE CO.
EIMERS GRAHAM CO.

REPORTS OF COMMITTEES

Mr. MEANS (for Mr. CAPPER), from the Committee on Claims, to which was referred the bill (S. 2524) for the relief of John H. Rhinelander, reported it without amendment and submitted a report (No. 763).

Mr. MEANS, from the same committee, to which was referred the bill (H. R. 2237) for the relief of Leslie Warnick Brennan, reported it without amendment and submitted a report (No. 764) thereon.

Mr. HARRELD, from the Committee on Indian Affairs, to which was referred the bill (S. 3692) authorizing an appropriation for recopying, rebinding, and otherwise preserving valuable old records of office of Indian agency at Muskogee, Okla.,

reported it with amendments and submitted a report (No. 765) thereon.

Mr. ODDIE, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 4132) to amend section 1 of the act of June 7, 1924, entitled "An act for the relief of settlers and town-site occupants of certain lands in the Pyramid Lake Indian Reservation, in Nevada, and for other purposes," reported it without amendment.

AMENDMENT OF INTERSTATE COMMERCE ACT

Mr. MAYFIELD. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 3889) to amend the interstate commerce act, as amended, in respect of tolls over certain interstate bridges. I think the bill can be disposed of in a moment.

Mr. CURTIS. Mr. President, I hope the Senator will not press the request. Let us have the regular order until morning business is concluded. Then we shall have almost two hours for the calendar this morning.

Mr. MAYFIELD. Very well; I withdraw the request.

AMENDMENT OF REVENUE ACT OF 1926

Mr. SMOOT. Mr. President, from the Committee on Finance I report back favorably without amendment the bill (H. R. 10501) to repeal section 806 of the revenue act of 1926. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah?

Mr. CURTIS. Mr. President, I do not like to object, but I objected to a similar request submitted by the Senator from Texas [Mr. MAYFIELD], and I think all Senators should be treated alike.

Mr. SMOOT. I am just reporting the bill, I will say to the Senator from Kansas.

Mr. CURTIS. Very well; I withdraw my objection.

Mr. COUZENS. What does the repeal mean?

Mr. SMOOT. The bill provides for the repeal of section 806 of the revenue act. We repealed all stamp taxes in that section. The bill simply repeals that section of the law of 1926 and will not require the Post Office Department to carry such stamps for the future.

Mr. FLETCHER. I understand it is a House bill reported favorably and that there is no objection to it on the part of the committee.

Mr. SMOOT. That is correct.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 806 of the revenue act of 1926 be, and is hereby, repealed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RETURN OF DOMESTIC CATTLE FROM MEXICO

Mr. SMOOT. Mr. President, from the Committee on Finance I report back favorably without amendment the joint resolution (H. J. Res. 148) extending the time during which cattle which have crossed the boundary line into foreign countries may be returned duty free. I ask unanimous consent for the immediate consideration of the joint resolution. It is an emergency measure. I will state the reason why I am asking unanimous consent for its consideration; and if there is any objection, well and good. It is to allow the return, without paying duty, of cattle that were shipped over to Mexico. Mr. Meyer, of the Finance Corporation, urged me only yesterday to report the joint resolution out of the committee and get it passed, because the Government itself has a lot of cattle over in Mexico that ought to be returned to the United States.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah?

Mr. SIMMONS. Mr. President, what is the parliamentary situation?

The VICE PRESIDENT. Reports of committees are in order. The Senator from Utah has reported a joint resolution from the Committee on Finance, and he asks unanimous consent for its present consideration.

Mr. SIMMONS. I object. I wish to say to the Senator that if that matter has been before the committee I know nothing about it.

Mr. SMOOT. The Senator is mistaken. The committee authorized me a month and a half ago to report it out. The Senator was there. Then we were told that the House had to pass the measure first, and I called the attention of Senators to it, and so did other members of the Finance Committee. Our Government has security on cattle in Mexico and wants them brought back to the United States.

Mr. SIMMONS. I know all about the joint resolution; and while the committee may have taken some action about it when I was not present, I know that when the matter was called to my attention the Senator was about to report it out of the committee, or it may have been just after the committee adjourned, I said to him: "Hold up that bill, because I want to consider it further."

Mr. SMOOT. But this is a House joint resolution.

Mr. SIMMONS. I know it is a House joint resolution, and it is the measure that was referred to our committee that I asked the Senator to hold up. Since I asked him to hold it up and he did hold it up, the committee surely has taken no action about it, because I think I have been present at every committee meeting since.

Mr. SMOOT. The committee took action this morning.

Mr. SIMMONS. I did not know there was any committee meeting this morning.

Mr. SMOOT. Notice of the meeting was certainly given, and was further telephoned to the Senator's office this morning, and the committee waited for 10 minutes to await the Senator's arrival. My secretary telephoned the Senator's office this morning and, as I said, the committee waited 10 minutes for him to come.

Mr. SIMMONS. I state positively that I had no notice of the meeting. The Senator said the other day that he expected to have a meeting.

Mr. MOSES. Regular order!

Mr. SIMMONS. I object to the immediate consideration of the joint resolution, because I shall probably want to offer some amendments to it.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

CONVERSION OF TERM INSURANCE OF WORLD WAR VETERANS

Mr. REED of Pennsylvania. From the Committee on Finance I report back favorably with amendments the bill (S. 3997) to amend section 301 of the World War veterans' act, 1924. I ask unanimous consent for the immediate consideration of the bill.

Mr. MOSES. Let the bill be read.

Mr. REED of Pennsylvania. Mr. President, with the permission of the Senate, I will explain the bill. In brief, it extends by six months the time for the conversion of the present temporary term policies. It authorizes a new converted five-year level-premium term policy, with premiums calculated at the actual cost to the Government, so as to enable veterans to continue their insurance at the lowest possible rate compatible with a full indemnity to the Government.

It further authorizes those relatives of insane veterans, or of veterans who have disappeared, who have been paying the premiums on the policies, to make the necessary conversion which the veteran, if sane or if he could be found, would himself make.

It further authorizes the payment in annual installments of those amounts of insurance which come to less than $5 per month. That provision is made in order to protect the Veterans' Bureau from the writing of very small checks where there are many beneficiaries, involving in some cases payments as low as 6 cents a month. The bill authorizes such payments to be made in annual installments. The report of the committee is unanimous upon the bill.

Mr. REED of Missouri. Has the Senator from Pennsylvania asked unanimous consent for the present consideration of the bill?

Mr. REED of Pennsylvania. Yes; and I hope it may be granted.

Mr. ASHURST. Mr. President, I am anxious to see this bill passed at once, and I congratulate the Committee on Finance on having made a favorable report on the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Finance with amendments, on page 1, line 7, to strike out the date "July 2, 1926," and to insert "December 31, 1926"; on page 2, line 4, to strike out the words "or lower"; in line 11, after the word "all," to insert the words "yearly renewable"; in the same line, after the word "on," to strike out "July 2, 1926," and insert "December 31, 1926"; and, in line 13, after the word "before," to strike out "July 2, 1926," and insert "December 31, 1926," so as to make the bill read:

Be it enacted, etc., That section 301 of the World War veterans' act, 1924, approved June 7, 1924, as amended March 4, 1925, is hereby amended to read as follows:

"SEC. 301. Except as provided in the second paragraph of this section, not later than December 31, 1926, all term insurance held by persons who were in the military service after April 6, 1917, shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, 20-payment life, endowment maturing at age 62, five-year level premium term, and into other usual forms of insurance, and for reconversion of any such policies to a higher premium rate in accordance with regulations to be issued by the director, and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each, and may be deducted from the pay or deposit of the insured or be otherwise made at his election.

"All yearly renewable term insurance shall cease on December 31, 1926, except when death or total permanent disability shall have occurred before December 31, 1926: *Provided, however,* That the director may by regulation extend the time for the continuing of yearly renewable term insurance and the conversion thereof in any case where on July 2, 1926, conversion of such yearly renewable term insurance is impracticable or impossible due to the mental condition or disappearance of the insured.

"In case where an insured whose yearly renewable term insurance has matured by reason of total permanent disability is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to convert said term insurance as hereinbefore provided: *Provided,* That where the time for conversion has been extended under the second paragraph of this section because of the mental condition or disappearance of the insured, there shall be allowed to the insured an additional period of two years from the date on which he recovers from his mental disability or reappears in which to convert.

"The insurance, except as provided herein, shall be payable in 240 equal monthly installments: *Provided,* That when the amount of an individual monthly payment is less than $5, such amount may, in the discretion of the director, be allowed to accumulate without interest and be disbursed annually. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for cash, loan, paid up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at 3½ per cent per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than 240 months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries without the consent of such beneficiary or beneficiaries, but only within the classes herein provided.

"If no beneficiary within the permitted class be designated by the insured as beneficiary for converted insurance granted under the provisions of Article IV of the war risk insurance act, or Title III of this act, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, then there shall be paid to the estate of the insured the present value of the remaining unpaid monthly installments; or if the designated beneficiary survives the insured and dies before receiving all of the installments of converted insurance payable and applicable, then there shall be paid to the estate of such beneficiary the present value of the remaining unpaid monthly installments: *Provided,* That no payments shall be made to any estate which under the laws of the residence of the insured or the beneficiary, as the case may be, would escheat, but same shall escheat to the United States and be credited to the United States Government life insurance fund.

"The bureau may make provision in the contract for converted insurance for optional settlements, to be selected by the insured, whereby such insurance may be made payable either in one sum or in installments for 36 months or more. The bureau may also include in said contract a provision authorizing the beneficiary to elect to receive payment of the insurance in installments for 36 months or more, but only if the insured has not exercised the right of election as hereinbefore provided; and even though the insured may have exercised his right of election, the said contract may authorize the beneficiary to elect to receive such insurance in installments spread over a greater period of time than that selected by the insured. This section shall be deemed to be in effect as of June 7, 1924."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VERDE RIVER IRRIGATION AND POWER DISTRICT (REPT. 760, PT. 2)

Mr. ASHURST. Mr. President, I submit the views of the minority of the Committee on Irrigation and Reclamation in opposition to Senate bill 3342. I ask that the views of the minority may be printed in the RECORD and printed in the usual form in which reports of committees are printed.

The VICE PRESIDENT. Without objection, it is so ordered.

The minority report is as follows:

[Senate, Report No. 760, part 2, Sixty-ninth Congress, first session]

VERDE RIVER IRRIGATION AND POWER DISTRICT

May 6, 1926.—Ordered to be printed

Mr. ASHURST, as a member of the Committee on Irrigation and Reclamation, submitted the following minority views to accompany S. 3342:

For the past six years I have rendered all possible assistance to the settlers under the Paradise Verde irrigation district (now the Verde River irrigation and power district) in the hope that a plan could be adopted to finance the project so that the lands thereunder might be irrigated. Unfortunately, it has been impossible to accomplish that beneficent result, and I am now forced to the conclusion that other methods must be pursued, which include close cooperation with the Salt River Valley Water Users' Association and with the Department of the Interior. To enact the bill S. 3342 would indefinitely prolong the delay in developing these lands.

In confirmation of this view attention is directed to the hereunto attached adverse report by the Secretary of the Interior and to his decision of February 13, 1926. The answer filed in the suit now pending before the Supreme Court of the District of Columbia is also made a part of this report.

THE SECRETARY OF THE INTERIOR,
Washington, March 12, 1926.

Hon. CHARLES L. MCNARY,
Chairman Committee on Irrigation and Reclamation,
United States Senate.

MY DEAR SENATOR MCNARY: In response to your request of March 3, 1926, for report on Senate bill 3342 introduced March 1, 1926, by Senator CAMERON, I have the honor to state:

The records of the department show that on May 21 and 25, 1920, the then Secretary of the Interior entered into contracts with the Paradise-Verde irrigation district, now the Verde River irrigation and power district, whereby it was granted the "right and privilege" under Government supervision to erect along the Verde River and other minor streams on lands withdrawn under the reclamation act of June 17, 1902 (32 Stat. 388), and amendments thereto, storage dams and other irrigation works looking to the use of the flood waters of these streams for the irrigation of approximately 100,000 acres of land within the Paradise and Deer Valleys, which lands are adjacent to the lands of the Government Salt River project.

The lands affected by the contracts were not restored from the reclamation withdrawal as it was never intended because of the vital Government rights affected, especially with respect to Indian lands and also the Salt River project in which the Government was and still is interested to the extent of approximately $7,000,000 for unpaid construction charges, to entirely relinquish its control or supervision of these valuable reservoir and power sites.

In the contracts mentioned it was provided that the necessary funds for the construction of works should be provided within three years and that the construction should be started within that time and completed within six years.

It was also provided that the district should make application under the appropriate laws for rights of way over unreserved lands.

Subsequent to the signing of these contracts the district filed certain rights of way applications under the act of March 3, 1891 (26 Stat. 1095), and May 11, 1898 (30 Stat. 404), on which were outlined the entire proposed irrigation system as affecting both the withdrawn and unwithdrawn lands.

These applications which are described in the first section of the proposed act were accompanied by a map showing the entire project which was approved by the department December 1, 1920. This approval was recited to be pursuant to the acts of 1891 and 1898 and also pursuant to the contracts of May 21 and 25, 1920.

Later the district filed under the acts of 1891 and 1898, supra, amended applications, Phoenix 054822, Phoenix 054936, and Phoenix 054937 described in section 2 of the proposed bill. May 19, 1923, the department suspended action on these applications until January 25, 1924, to which date the district's time within which to finance the project had been extended.

The district having failed to finance this project, these applications were rejected February 25, 1926.

In order to assist the district in its efforts to finance the project, it was on June 7, 1921, granted the right under the act of August 11,

1916 (39 Stat. 506), to tax the unentered public lands and the entered public lands on which no final certificates had been issued within its boundaries. The right or privilege granted under this act was also made subject to the terms of the contracts of May 21 and 25, 1920.

The last formal extension of time granted the district within which to finance its project expired December 4, 1925. Accordingly, as no satisfactory showing in this connection had been made, and in conformity with the provisions of section 12 of the contract that upon the district's failure to finance, "the Secretary of the Interior may declare this contract abrogated in whole or in part," on January 16, 1926, all rights granted the district under and pursuant to the contracts mentioned were canceled and revoked.

The district on January 25, 1926, filed motion for reconsideration of this decision, which motion was denied February 13, 1926.

February 15, 1926, the district instituted in the Supreme Court of the District of Columbia a suit asking that the Secretary of the Interior be enjoined from carrying into effect the decision of January 16, 1926.

This case is still pending.

It will be observed that the contracts of May 21 and 25, 1920, with the district which were entered into pursuant to the terms of the act of February 21, 1911 (36 Stat. 925), amending the reclamation act gave the district six years within which to construct its project, whereas the acts of 1891 and 1898, supra, grant only five years for construction purposes. Furthermore, even after the elapse of almost six years, the district remains unfinanced. It is claimed that the district has raised by the taxation of the settlers in the neighborhood of $400,000, but the expenditure of this money shows no tangible results, the greater part having been paid out in the form of salaries to the district's officers and its employees.

Settlers under the proposed project have complained of the taxes being assessed against their lands, especially as no beneficial results appear to be forthcoming, and it was largely in the interest of the settlers that the action of January 16, 1926, abrogating the contracts was taken.

Considering these facts, and especially the legal action now pending in court, and doubting the ability of the district, as thus far proved, to finance a $23,000,000 undertaking, I have to recommend that Senate bill 3342 be not enacted into law.

Very truly yours,

HUBERT WORK.

DEPARTMENT OF THE INTERIOR,
Washington, February 13, 1926.

Verde River irrigation and power district. "F" Phoenix 050246. Denied

PETITION FOR RECONSIDERATION

May 21, 1920, the then Secretary of the Interior entered into a contract with the Paradise-Verde irrigation district (now the Verde River irrigation and power district) wherein there was granted the right to construct and maintain storage reservoirs on the Verde River upon lands withdrawn under the provisions of the reclamation act, and the district agreed to construct reservoirs, a diversion dam, canals, and lateral for the irrigation of certain lands in Arizona.

The agreement provided that the district should, within three years, show to the satisfaction of the Secretary of the Interior that it had made arrangements for the necessary funds, and that the funds should be available for the construction of the project, should have begun construction, and should prosecute the same diligently, so that the storage dams should be completed within six years from the date of the contract.

The agreement further provided that upon failure of the district to comply with these provisions within the time specified, or within such extensions as might be granted, "the Secretary of the Interior may declare this contract abrogated in whole or in part."

This contract was supplemented May 25, 1920, so as to grant the district the right to use certain withdrawn lands for canals for irrigation and power development.

Under and pursuant to the terms of the contract cited, the district made application for the approval of certain rights of way and easements under the act of March 3, 1891 (25 Stat. 1095), and the act of May 11, 1898 (30 Stat. 404). These applications were approved by the department December 1, 1920, subject to the contracts of May 21 and May 25, 1920, and to stipulations therein set forth.

February 5, 1921, the district made application for approval under the act of August 11, 1916 (39 Stat. 506), which application was approved June 7, 1921, expressly subject, however, to the terms of said contract of May 21, 1920.

February 3, 1923, the then Secretary of the Interior, on application of the district, and after a hearing, extended the time of the district within which to make showing as provided by the prior contracts for nine months from May 25, 1923.

May 19, 1923, the department denied the district's application for approval of an amended application under the act of August 11, 1916, supra, and at the same time suspended action on the district's application for amended canal rights of way, and for the Camp Verde and Bartlett reservoirs, pending submission within the time set, of evidence of the successful financing of the project. A further extension was applied for by the district, and after hearing and full consideration the department held, January 20, 1925:

"A further extension does not appear to be warranted and would not be in the interests of the parties concerned, including the settlers and landowners in the district. The petition is accordingly denied."

Subsequently, on petition by the district, and to afford an opportunity to parties in interest to effect a compromise of the differences, further extensions for limited periods were granted, the matter coming up for final determination January 16, 1926, on which date the department, after reciting the facts, held:

"Over $300,000 has been raised by the district through assessments on the landowners for this purpose. No moneys have been expended for construction work. After more than five years, the district has been unable to finance or begin construction or to file satisfactory evidence that it can finance or construct. Accordingly, in view of the foregoing, further delays or extensions are not warranted, and the action of January 20, 1925, is hereby adhered to and made effective as of this date."

On January 25, 1926, there was filed in the department a petition for reconsideration of said matter and request that representatives of the district be heard orally. Thereupon the Commissioner of the General Land Office was directed to hear the matter, and oral argument was presented at a hearing held in the office of the Commissioner of the General Land Office January 28, 1926.

The record has been forwarded to the department, and, as stated in the commissioner's report, it appears from the record of proceedings and the transcript of the oral hearing that no evidence has been presented which would warrant the department in changing or modifying the action heretofore taken.

As stated in previous decisions, the original contract and all grants of rights of way and approvals of the district were on the express conditions agreed to by the district, that the district would, within three years from date of the orginal contract, or within such extensions as might be granted, show to the satisfaction of the Secretary of the Interior that it had made arrangements for the necessary funds to construct the project and had actually begun construction thereof, and that it would prosecute the same with diligence, so that the storage dams should be completed within six years from the date of the original contract, or within such extensions as might be granted.

The district has failed within the time specified and within the various extensions mentioned to arrange for the financing of construction, has done no construction work, and up to the present time has failed to submit any evidence which satisfies the department that it is or will be able to construct the project.

Accordingly, and in view of the foregoing, the petition for reconsideration is denied.

Under and pursuant to the express terms and conditions of the contracts entered into between the department and the district, and under the conditions expressly set forth in connection with the rights of way and the approval of the district organization, all conditional rights of way granted or made to the district for reservoirs, dams, canals, laterals, and other structures are hereby canceled and set aside. The approval of the district for taxation purposes under the act of August 11, 1916, likewise conditioned on compliance with the terms of the contract of May 21, 1920, which conditions have not been met, is also hereby canceled and revoked.

The Commissioner of the General Land Office is hereby directed to issue notices to all parties in interest hereof and to cause the proper notations to be made upon the records of his office and of the local land office, and take any further steps which may be necessary to formally carry this decision into effect.

HUBERT WORK, *Secretary.*

In the Supreme Court of the District of Columbia, holding an equity court

Verde River Irrigation and Power District, plaintiff, *v.* Hubert Work, Secretary of the Interior, and William Spry, Commissioner of the General Land Office, defendants. In equity No. 45255

ANSWER

Come now the defendants in the above-entitled cause and in response to the rule to show cause therein issued and for answer to the bill of complaint say:

1–3. They admit the averments of paragraphs 1 to 3, inclusive.

4. Answering the averments of paragraph 4, they admit that withdrawals were made under the first and second forms, as provided by the reclamation act of June 17, 1902 (32 Stat. 388), of reservoir sites on the Verde Reservoir and of practically all the land now embraced in plaintiff's irrigation district, and, if the averment that the Government, acting through the Reclamation Service and the Secretary of the Interior, had determined, prior to 1916, not to construct the Salt River project on the Verde River or within the area now embraced in plaintiff's project and district, is intended to allege that the United

States had eliminated from its plan of irrigation under the Salt River project the lands included in plaintiff's district through the expenditure of moneys out of the reclamation fund provided by the act of June 17, 1902, they admit such averments and state the further fact to be that the reclamation withdrawal of the land proposed to be irrigated by the plaintiff was revoked prior to 1916, but that reservoir sites on the Verde River and a strip of land 1 mile wide on each side of said river throughout the territory involved in this suit were still retained by the United States under first forms of reclamation withdrawal, and they further aver that it was not then the intention of the Government, acting through the Reclamation Service and the Secretary of the Interior, or otherwise, to relinquish the control of these reservoir sites and reserved areas along said river for the reason that their control was essential to the protection of the constructed Salt River project and to further irrigation in the vicinity should it be ascertained that additional waters were available.

They admit that, in 1916, a portion of the waters of the Verde River had been appropriated and was being used by the Salt River Valley Water Users' Association, which association, they aver, has succeeded to the management and control of the Salt River project, under a contract with the United States dated September 6, 1917, and further state that said association was and is obligated by law and said contract to repay to the United States over $10,000,000, being the cost of the Salt River project, of which amount over $7,000,000 remains to be paid. They admit that this association had not appropriated the flood waters of the Verde River, but deny that a large volume of the ordinary flow of the Verde River was unappropriated or unused and state that the amount of unused waters was unascertained and the subject of much dispute and is still the subject of controversy between the plaintiff and the Salt River Valley Water Users' Association, which matter is of vital interest to the United States and its reclamation program by reason of the large debt due the United States on account of the Salt River project, as aforesaid, repayment of which is dependent upon the success of said project.

5–6. They admit the averments of paragraphs 5 and 6.

7. They admit the averment of paragraph 7 and further state, on information and belief, that Cave Creek, Skunk Creek, and New River are dry water courses, which only carry flood waters and offer no source of irrigation except as incidental to development from the Verde River.

8. They admit that the Salt River Valley Water Users' Association opposed plaintiff's application for a right of way for the Horseshoe Reservoir on the Verde River and that the Salt River Valley Water Users' Association filed a similar application for such reservoir in 1918, which application remains suspended in the files of the Land Department. They admit that the then Secretary of the Interior, in 1920, heard the arguments of the Paradise Water Users' Association, predecessor of this plaintiff and of the Salt River Valley Water Users' Association, and ruled that the former association should be given an opportunity to construct its project (which then contemplated the irrigation of some 80,000 acres of land), unless an agreement should be reached that would permit of unified ownership and control, but deny that said Secretary ruled that the then pending application for a reservoir site for the Horseshoe Reservoir would be unconditionally granted pursuant to the act of March 3, 1891 (26 Stat. 1095), and section 2 of the act of May 11, 1898 (30 Stat. 404), as an alternative; and further deny that it was ever intended to vest in the district the unqualified control under said acts of 1891 and 1898, or otherwise, of this or any reservoir site or other area then withdrawn for reclamation purposes along the Verde River. They aver that, on the contrary, it was, and has ever been, the intention, and was in fact the practice of the then Secretary of the Interior, his successor in office, and the defendant Secretary of the Interior to avail the Government of the aid of this plaintiff and its predecessor in the furtherance of reclamation through the use of the unappropriated waters of the Verde River and its tributaries, pursuant to cooperative agreements authorized by section 2 of the act of February 21, 1911 (36 Stat. 925).

They admit that a contract was executed as averred by the plaintiff, which contract they say was made and executed pursuant to said act of February 21, 1911, and which said contract, they aver, was binding upon the said plaintiff in each and every portion and particular and as to each and every provision unto said plaintiff and its predecessor relating, notwithstanding the failure of the Salt River Valley Water Users' Association to join therein as by plaintiff averred.

9. They admit the averments of paragraph 9.

10. Answering the averments of paragraph 10 they state that they are advised and believe that the matters therein stated are conclusions of law which they are not required to admit or to deny.

11. They admit the averments of paragraph 11, and state the further facts to be that the advice given by the officials of the General Land Office did not, and could not, supersede the contract made by the Secretary of the Interior, and merely constituted a procedure whereby the project could be put of record in the Land Department and approved by the Secretary of the Interior as to the location of the proposed works to be constructed, as contemplated by paragraph 8 of the contract of May 21, 1920. And they further state that certain of the lands covered by the application filed by plaintiff, including the reservoir sites and rights of ways along the river, were withdrawn for forestry purposes and under the supervision and control of the Secretary of Agriculture, and state that the only consent given by the said Secretary of Agriculture to the use of such lands by plaintiff's predecessor and by plaintiff was conditioned upon the agreement of May 21, 1920, and in reliance thereon, and was not an approval of the acquisition of rights and title under the act of March 3, 1891, as contemplated and required by section 18 of said act.

12. They admit the averments of paragraph 12 and state the further fact to be that the approval theretofore referred to was given solely pursuant to the contract of May 21, 1920, and its supplement of May 25, 1920, as to lands withdrawn for reclamation purposes, and under the acts of March 3, 1891, and of May 11, 1898, as to unreserved lands, and as to such unreserved lands subject also to the provisions of the contract of May 21, 1920, and its supplement of May 25, 1920.

13. Answering the averments of paragraph 13 they state that they are advised and believe that the matters therein set forth are conclusions of law which they are not required to affirm or to deny.

14. Answering the averments of paragraph 14 they admit all the matters of fact averred therein, to wit, that plaintiff filed, and the Secretary of the Interior approved, on June 7, 1921, an application for the right to tax public lands within the plaintiff's project, pursuant to the act of August 11, 1916 (39 Stat. 506), and they further state the fact to be that this approval was made subject to the limitations and rights granted and reserved by the United States in the contract of May 21, 1920, and that said approval was in words and figures as follows:

"Approved under the act of August 11, 1916 (39 Stat. 506), as to all public lands, subject to entry and entered lands for which no final certificates have been issued, subject, however, to the terms of the contract of May 21, 1920, between the Secretary of the Interior and the Paradise-Verde irrigation district."

They are informed and believe that the averments of the plaintiff as to the legal effect of this approval and the rights accruing thereunder to it are conclusions of law which they are not required to affirm or to deny.

15. Answering the averments of paragraph 15 they admit that a reservoir was constructed as by plaintiff alleged, but state that they have no knowledge of the expenditures made by the plaintiff in respect thereto or the rights acquired in connection therewith save the averments of plaintiff in this respect, and can neither affirm nor deny said averment and require strict proof thereof.

16. Answering the averments of paragraph 16 they admit that applications 054822, 054936, and 054937 were filed, as alleged. As to the work performed by said plaintiff therein averred, and the reasons assigned for the filing of said applications, they have no knowledge save plaintiff's statements thereof and can neither admit nor deny them, and therefore require strict proof thereof.

They deny the averments that said applications have remained unacted upon by the Land Department, and state that the said applications were, by decision dated May 19, 1923, suspended pending proof of compliance with the contract of May 21, 1920, by the plaintiff on penalty of rejection for default in that respect, and further state that by decision of February 25, 1926, these applications were finally rejected because of failure in that respect, and further because of the requirements of the United States that the areas withdrawn for reclamation purposes and covered thereby were required to be held by the United States in connection with the Salt River project, in which the United States has a present financial interest which must be conserved.

17. Answering the averment of paragraph 17 they admit that the plaintiff's bond issue of $23,000,000 has been approved as by plaintiff averred. They deny that the plaintiff has any title to the rights of ways over any public lands covered by its project, and in consequence deny that the contract of May 21, 1920, cast any cloud thereon, and aver that the contract of May 21, 1920, represents the sole and exclusive source and authority for the occupancy or use by the plaintiff of any rights of ways or reservoir sites upon the public lands of the United States within the plaintiff's irrigation district or its project, and that said contract, until the filing of this suit, has been recognized and regarded, both by plaintiff and its predecessor and these defendants, and their predecessors in office, as the sole and exclusive source of such rights and privileges in the said plaintiff and its predecessor.

18. Answering the averments of paragraph 18 they admit that on January 16, 1926, defendant Secretary of the Interior declared revoked and canceled all rights accruing to said plaintiff under the said contract of May 21, 1920, in accordance with the right so to do reserved to said defendant Secretary in section 12 of said contract, which action was taken after repeated extensions of time to said plaintiff for compliance with the terms of said contract or within which to furnish evidence of ability to comply therewith and was exclusively in the interest of the United States, and at the request of a substantial number of the members of the plaintiff district, to the end that other and

adequate arrangements may be made for the proper utilization of the reservoir sites which are still withdrawn for reclamation purposes pursuant to the act of June 17, 1902, and laws amendatory thereof.

19–20. They admit the averments of paragraphs 19 and 20 and further state the facts to be that nothing was shown by plaintiff which would permit the defendant Secretary of the Interior, in the exercise of the powers, duties, and discretion vested in him by law, to modify his previous decision or to conclude that the facts warranted him in taking the action by plaintiff then sought.

21. Answering so much of paragraph 21 as avers matters not conclusions of law, they admit that unless restrained by this honorable court they will note upon the records of the Land Department cancellation of the contract of May 21, 1920, and all plaintiff's rights thereunder. They deny that plaintiff acquired any vested rights or titles by virtue of said contract or the alleged approvals of rights of ways under the acts of March 3, 1891, and May 11, 1898, or under the act of August 11, 1916, and state that the contract of May 21, 1920, and the supplement thereto of May 25, 1920, with such extensions thereof as were heretofore granted to this plaintiff, represent the sole and exclusive rights by said plaintiff acquired with respect to the use of lands belonging to the United States in connection with its irrigation project, and further state that all alleged rights claimed by plaintiff to have been acquired under other sources were not in fact grants made pursuant to those laws, but mere forms adopted to serve the ends contracted for in the agreement of May 21, 1920, pursuant to the act of February 21, 1911, and in no case did the approvals of any maps constitute an exercise of the power of investigation or judgment and discretion required by these respective laws to be exercised by the defendants in the granting of rights or privileges under the acts of March 3, 1891, May 11, 1898, and August 11, 1916, and further state that unless the approvals claimed by plaintiff to have been given pursuant to these said acts are mere forms of procedure incidental to the contract of May 21, 1920, said approvals were void and plaintiff acquired no rights of any kind by virtue thereof.

And further answering the bill of complaint, these defendants state that plaintiff is not entitled to any relief in equity because of its laches in failing to sooner attempt to assert claim to titles pursuant to the acts of 1891 and 1898, and is estopped to now make such a claim after purporting to rely upon the contract of May 21, 1920, as the sole source of its rights for more than five years, to the detriment of the United States and these defendants who have continuously and in good faith sought to aid plaintiff in a venture in furtherance of the utilization of its withdrawn reservoir and power sites for the purposes for which they were withdrawn and under conditions of supervision to which they were by law entitled and which they were and are bound to maintain and exercise for the protection of the interests of the United States, as the said delay in asserting the invalidity of the contract has deprived the United States, acting through these defendants, of an opportunity by appropriate proceedings to terminate all claims of plaintiff to vested rights in said withdrawn lands, in order that appropriate use thereof might have been made in pursuance of the reclamation act and its amendments. They further aver that plaintiff has elected his forum and must abide by its decisions. And for further answer they aver that the damage by plaintiff averred is anticipated and speculative and should not move this honorable court to interfere, since, if plaintiff be correct in its claims, the acts of these defendants complained of by the plaintiff were of no effect in law or in fact, and should not and will not deter anyone from buying bonds on the security of plaintiff's project.

Wherefore, having made full and complete answer to the bill of complaint, these defendants pray that the rule to show cause be discharged, the bill of complaint dismissed with their reasonable costs, and that they be permitted to go hence without day.

HUBERT WORK,
Secretary of the Interior.
WILLIAM SPRY,
Commissioner of the General Land Office.

By their attorneys:

———— ————,
———— ————,
Attorneys for Defendants.

DISTRICT OF COLUMBIA, *ss:*

I, Donald V. Hunter, being duly sworn, say that I have read and am acquainted with the contents of the foregoing answer, by me subscribed, and that I am informed that the matters of fact set forth therein are true and that I believe them to be true.

———— ————,
Attorney for Defendants.

Subscribed and sworn to this — day of February, 1926, before me.

———— ————,
Notary Public in and for the District of Columbia.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following bills and joint resolution:

S. 1989. An act to authorize the Secretary of the Interior to purchase certain land in Nevada to be added to the present site of the Reno Indian colony and authorizing the appropriation of funds therefor;

S. 2658. An act to authorize the Secretary of War to fix all allowances for enlisted men of the Philippine Scouts, to validate certain payments for travel pay, commutation of quarters, heat, light, etc., and for other purposes;

S. 2706. An act to provide for the reservation of certain land in California for the Indians of the Mesa Grande Reservation, known also as Santa Ysabel Reservation No. 1;

S. 2853. An act to authorize the transfer to the jurisdiction of the Commissioners of the District of Columbia of a certain portion of the Anacostia Park for use as a tree nursery;

S. 3595. An act to authorize the exchange of certain patented lands in the Grand Canyon National Park for certain Government lands in said park;

S. 3953. An act to provide for the condemnation of lands of the Pueblo Indians in New Mexico for public purposes and making the laws of the State of New Mexico applicable in such proceedings; and

S. J. Res. 60. Joint resolution authorizing expenditures from the Fort Peck 4 per cent fund for visits of tribal delegates to Washington.

GAGNON & CO. (INC.)

On motion of Mr. MEANS, the Committee on Claims was discharged from the further consideration of the bill (H. R. 8486) for the relief of Gagnon & Co. (Inc.), and it was referred to the Committee on Indian Affairs.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH:

A bill (S. 4179) granting a pension to John T. Kiernan; to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 4180) for the relief of Charles W. Reed; and

A bill (S. 4181) for the relief of Edward L. Duggan; to the Committee on Claims.

By Mr. SACKETT:

A bill (S. 4182) to provide a code of law governing legal reserve life insurance business in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. METCALF:

A bill (S. 4183) granting a pension to Elizabeth Blount (with accompanying papers); to the Committee on Pensions.

By Mr. ERNST:

A bill (S. 4184) granting an increase of pension to Anna Eliza Dawson (with accompanying papers); and

A bill (S. 4185) granting an increase of pension to Malissie Tallent (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 4186) for the relief of M. Zingarell and wife, Mary Alice Zingarell; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 4187) to amend section 26 of the interstate commerce act, as amended; to the Committee on Interstate Commerce.

By Mr. NORBECK:

A bill (S. 4188) granting an increase of pension to Electa Putnam (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 4189) to amend Title II of an act approved February 28, 1925, regulating postal rates, and for other purposes; to the Committee on Post Offices and Post Roads.

HEARINGS ON MODIFICATION OF NATIONAL PROHIBITION LAW

Mr. MEANS submitted the following concurrent resolution (S. Con. Res. 17), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on the Judiciary of the Senate be, and is hereby, empowered to procure the printing of 10,000 additional copies of the hearings held before its subcommittee during the Sixty-ninth Congress, first session, on bills and resolutions relating to a modification of the national prohibition law, and of this number the committee shall cause to be delivered to the folding rooms of Congress 9,175 copies, of which 2,500 copies shall be for the use of the Senate and 6,675 copies shall be for the use of the House of Representatives.

UNIFORMITY OF LAW

Mr. CUMMINS. Mr. President, I ask unanimous consent to have printed in the RECORD a pamphlet prepared by a distinguished member of the American Bar Association, entitled "An American Common Law in the Making—The Habit of Thinking Uniformity."

The VICE PRESIDENT. Without objection, it is so ordered.

The pamphlet is as follows:

AN AMERICAN COMMON LAW IN THE MAKING—THE HABIT OF THINKING UNIFORMITY

By Thomas W. Shelton, Norfolk, Va.

In the year 1911 the Republican Club of the city of New York devoted one of its well-known symposiums to the consideration of uniformity of law. While it might have been provoked by the demands of commercial convenience, it was manifestly promotive of an American common law so to speak, as fixed and respected as that of the English. The distinction will be one of origin, for the English was not statutory. But since the American statutes are not legislative in creation, but merely in enactment, it is a distinction without a difference. When viewed in this higher aspect the laudable endeavor to attain uniformity in law takes on a dignity we venture to believe is not always discernible. Amasa M. Eaton, of Rhode Island, and Walter George Smith, of Philadelphia, past presidents of the Conference of Commissioners on Uniform State Laws, out of the broadness of their splendid wisdom, experience, and deep knowledge furnished chapters of suggestions that could hardly be surpassed. Even that learned and practical audience were able to add to their store. Besides its highly creditable origin and aid to commerce there was emphasized also the far-reaching benefits to government that lay in uniformity and the value to popular confidence in law in doing away with conflict.

THEY WERE THINKING CONSTRUCTIVELY

The able minds of these philosophical thinkers ran in the groove of construction. They dwelt upon the manner of the making of uniform statutes and the mechanics of the law in order to establish their announced thesis that uniformity was not only feasible but practical and could be made sufficiently attractive to assure adoption. With dramatic force they traced the origin and history of the splendid organization with which both had labored and over which both had presided with great ability. It is such addresses as these, by such consecrated men as these, as well as their works, that have carried reason to the minds and conviction to the hearts of the American people. They have made the Conference of Commissioners on Uniform State Laws an accredited organization second to none in jural matters. One by one their model statutes have defined the most important regulations controlling the conduct of men in their daily endeavors and intercourse. Business men have contracted the habit of looking to them for guidance and of carrying to them their complaints of conflict impeding interstate exchange and barter. One by one the State legislatures have adopted them, until to-day there is not one that has not in some instance shown its appreciation of the highly scientific and practical results of the patriotic and uncompensated research and labor of the commissioners.

WE WILL CONSIDER PROTECTION

It being quite apparent that nothing profitable could be added to what had been said upon the origin and creative aspect of uniformity, wisdom enjoined silence upon the other invited speaker. But the deeper the conviction of the need of uniformity and the support of the organization designed to achieve it, and that is achieving it, and the high respectability of its sponsors, the more urgent appeared the necessity for forestalling agencies of destruction. Herein was the cue for any remarks that might be made. And so it became pardonable to venture upon a discussion of the theme of protection—of firmly establishing the letter and spirit of model statutes as they fell from the pens of the conference. It was argued that protection of its work in all of its originality and spirit was as important as its creation.

THE TWO CHIEF DESTROYERS

Two elements offered themselves for analysis as the chief destroyers of interstate uniformity in law. The one was legislative and the other judicial. Obviously it is essential that the several State legislatures should enact in exact words the model form of statutes prepared by the commissioners. It is as manifest that the judges should reach the same interpretation of their meaning and spirit.

THE FIRST IS CERTAIN LEGISLATORS

To one unfamiliar with the experiences and limitations influencing the reasoning of the average legislator, his pride of creation, his difficulty in sinking pride of opinion, and his distrust of anything originating beyond his own horizon, the first task would appear very easy. And yet an observer ventures to suggest that every single commissioner, upon whom has fallen the responsibility of bringing about the adoption of uniform statutes in his State, will testify to the strong current of legislative hostility encountered. There were few receptive minds, still fewer open ones, and many wholly unresponsive. Their mental attitude was more psychic than the result of reason.

THE SECOND IS CERTAIN JUDGES

However, the bill having been enacted and the uniform act incorporated into the body of the law of the State, one unmindful of the well-nigh indelible influence of local customary law and the individuality of the average judge would conclude that uniformity as to that statute was assured. But the seasoned practitioner will shatter that faith with the knowledge that in court it is as difficult to break from old customs as old habits.

To many judges and lawyers a departure is a symptom of ignorance, if not of weakness, and the failure to cite ancient authority is little short of sacrilege. It is as difficult to change the personal convictions of such a judge as it would be to remake him, because of his respect for precedent and the conviction that he is preserving an old rule that had regulated his particular community during his experience. There never occurs to these otherwise courteous and urbane gentlemen the duty of being considerate of other communities. It is the laudable neighborhood conduct of giving and taking that underlies a great governmenal principle and a commercial necessity. Moreover, since a statute controls the law there are no precedents except the interpretation of that particular statute.

THE REMEDY

These being the potent enemies of national uniformity, an appeal was made to that respectable audience at the Republican Club for a remedy. Shall it be based upon unselfish courtesy; upon a defense against Federal encroachment upon States' rights; upon commercial convenience; or upon simple love of gain? It will be our purpose to show that these are all potent elements in the development of uniform statutes resulting in an American common law. Must some legislators and judges have to undergo a rebirth that uniformity may become possible? Is there no present power to convince a conscientious legislator and judge that since no State can live unto itself the promotion of the general welfare is his high duty? The States of a successful American union are jointed together as closely as the Siamese Twins.

THEY MUST THINK JOHN MARSHALL'S AMERICA

To raise the eyes of these well-meaning men beyond their own environs appealed strongly as the answer. Their vision must be extended from the confines of the State to the broad field of the Nation. They must do what his constituents failed to do; they must soar upon the living spirit of John Marshall and realize Marshall's America. One concludes that a refreshing of the true conception of the science of the dual American governments, and an awakened consciousness of the necessities of a fast-growing interstate commerce, seem to be the only influences equal to the emergency. This does not mean that one must be broadened, for the need of it is not present; nor does it imply a renascence, for of that one would despair. It merely connotes a keener conception of general principles and a governmental status well known and understood by these able jurists.

The first would make its scholarly appeal; the second would affect the deep-seated love of States' rights and as well the human love of gain and thrift. In the development of these points we shall be interested.

THE PART OF COMMERCE

We may safely lay down a trite premise. Commerce has long since beaten a highway over State boundaries from ocean to ocean and from the Lakes to the Gulf. It will brook no unnecessary impediments. Commerce is the life of the Nation. Without it there would be no treasury and without a treasury there would be no government. No legislature has even been able to finally ignore its reasonable demands and nations have waged wars in its interest.

THE PART OF STATES' RIGHTS

With equal assurance a historic fact may be recognized. Diverse State laws are an unnecessary handicap that is driving commerce to the National Congress for relief. One by one purely local regulations are being absorbed by a responsive Federal Government. Even the reserved police laws are losing vigor, if not place. This change, like all evolutions, has been going on so gradually and deliberately, and it all seems so necessary to the ordinary practices of daily life, that they pass without measurable notice except by students of the science of government. And they are more enamoured of principle than of practice. Their mild voices are like one calling in the wilderness. So it may be that the preservation of the reserved rights of the States, because it is susceptible of noisy political controversy, can be made to call louder than the love of custom and have more force than habit.

THE PART OF LOVE OF GAIN

Love of gain presents a more vocal remedy because it so evidences itself as to be heard by the man in the street. When a great commercial enterprise passes by one State and establishes itself in another not so geographically attractive, it comes home to the suffragan that there may be something unattractive, if not wrong, with his revered local laws and customs. In such cases it is the selfish interest of local commerce that brings about the evolution through legislative mandate.

And it may be after all that permanency in a matter of this character is promoted by political issues, because of the attendant publicity, however much judicial laws are preferred to legislative.

NONE OF THESE THINGS INFLUENCE THE JUDGE

But none of these circumstances influence the judgment of the court, all of which is meet and proper. In his cloistered chamber he patiently awaits the grist from the legislative hopper to tell the legislature what its statutes mean. His ears are closed to the clamor upon the hustings as they are to the "trade talk" that leads to a written contract. This is as it should be.

THINKING UNIFORMITY WILL INFLUENCE THE JUDGE

And such being a condition, attention to theories is not helpful. The suggestion is justified that the judge must be educated to think uniformity. Unless one thinks in a language he can not speak it at its best, if at all. Having so concluded, with the approval of the judges, if not of laymen, it is in order to put an inquiry. Who is best prepared and credentialed to perform this dignified task? The only answer that makes an appeal to the experienced is that it is another judge or other judges.

THEREFORE THE ANNUAL CONFERENCE OF JUDGES

And so the proposal made by one of a different political persuasion was ventured and accepted at that symposium that there ought of necessity to be a yearly national conference of appellate judges. And the thought having been boldly given expression with a sympathetic response, the first seed had fallen into good ground. It was sedulously tended until it fructified into the historic conference at Montreal in 1912, now known as the influential judicial section of the American Bar Association.

ONLY ONE THING IN THE WAY

It may be helpful to dwell on this subject a moment. Of interest among the judges there is plenty. But one thing stands in the way of the splendid usefulness for which the conference was designed. That is a lack of travel-expense funds on the part of some of the very judges whose presence is mostly needed. A small appropriation by each State would solve this difficulty. Virginia promptly responded. It is believed that every legislature would follow the example if in each State the matter were persistently brought to the attention of legislatures by some one or two patriotic believers in uniform laws. It is a small premium to pay for insurance against conflicting decisions and the threat of the deprivation of State rights.

IT IS A PROGRESSIVE CONGRESS OF JUDGES

It was intended that policies should come up in these interstate conferences just as they do in the conference room of a particular State court. But though no specific uniform statute and no particular decision were ever discussed at these meetings, it is respectfully suggested that the desired result would be achieved. The influence of personal acquaintance and the prospect of future pleasant fellowship would make the chief justice of California a little more than the conventional "learned brother" to the chief justice of Maine. Before wielding to the body of the Maine law a diverse opinion he would most likely seek reasons from his California "friend" wherein there would be no less a conference although held through the post. So the judges are educating themselves to think uniformity. And it is well, for no one else is in position to do it. Between them it is comity; between them and others it would be conceit.

AN ARCHAIC DIVERSE PROCEDURE MUST GO

While the judges are thinking uniformity in interpretation let there be removed the last obstacle, which is a diverse practice and procedure. There is no more excuse for differing judicial procedure than for differing languages in the several States. More harm is done by the former than would be by the latter. One would hardly try to speak an unknown language, but the business man is forced to use an unknown practice and procedure if he make but a few commercial steps from his front door. It is not a matter of choice, but one of necessity. While a State would indignantly deny having erected a Chinese wall around its source of justice, it would hardly dispute the erection of a chevaux de frise substantially serving the same purpose. This impediment also the judges are aiding the American Bar Association's committee on uniform judicial procedure to brush aside. The diversion is pardonable to suggest that the improvement of the substantive and adjective law should be separately considered as things apart.

SOME HURTFUL ADMINISTRATIVE HISTORY

Anticipating a well-known professional mental attitude to demand evidence, before concluding we turn to one of the leading States of the Union and one having judges and lawyers noted for their erudition and ability. Pennsylvania adopted the uniform negotiable instrument statutes on May 16, 1901. The late Amasa M. Eaton made a careful analysis of the fifty-odd decisions passing upon these statutes up to April, 1914. The result of his labor is interestingly evidenced in an article published in Sixty-second University of Pennsylvania Law, Revised, 407, to which attention is invited, since length forbids reproduction. He complains that when the uniform act is followed no citation of it is made. On the contrary, citation to prior authority oftener appears. While the result is the same where no change was made in the old law, the spirit of uniformity suffered by being ignored. In many instances the court depended upon equity in justification of its judgment, wholly ignoring an appropriate clause in the act. The law having been put into a concise code for the express purpose of bringing about uniformity, the source of authority is the code and the prior cases under it. Therefore it is respectfully suggested, it becomes a judicial duty to cite it. Such is essential to a proper recognition of the act and the complete displacement of the prior law by the new in the minds of the bench and bar. It is a condition precedent to thinking uniformity.

MORE UNSYMPATHETIC HISTORY

In Twenty-third Yale Law Journal, 293, appears another long list of cases evidencing the attitude of the courts toward another feature of the same law. It is the effect of an antecedent debt as constituting value. Mr. Eaton complained that "common-law lawyers (on the bench and before it) are steeped in the common-law principles of consideration and assumpsit, but are not steeped in knowledge of the principles of the law merchant, and who fail, therefore, to perceive that the object of section 51 is to force upon them very different conceptions on this subject of the law merchant."

The article supplies interesting history. For instance, he cites Vachals v. Waukesha, etc., Co. (195 Fed. 807 (1912)), to show that the Legislature of Wisconsin (1899) in adopting the uniform negotiable instrument law did not amend nor repeal the statute of 1898 (sec. 1753) limiting the issue of corporate bonds. Wherefore the issuance of such bonds for antecedent debts could not be done, though the letter and spirit of the negotiable statute obviously intended it. It is manifest, therefore, that serious alterations of the uniform law may be brought about without omission or change of text or diverse decisions, but by prior unrepealed statutes.

REPEAL OF PRIOR CONFLICTING STATUTES NECESSARY

"All statutes in conflict herewith are hereby repealed" would not prove to be a bad addendum to all uniform acts. As in Wisconsin, a fixed public policy may at times be cut down, but in a broad way, and in the long run it is probable that justice may best be served. That is, however, one of the most obstinate enemies of uniform statutes, as we have tried to show. The effort is to rid modernity of the drag of provincialism, even at the sacrifice of a few pet ideas.

ENEMIES OF UNIFORMITY LISTED

So, if the enemies of uniformity were marshaled, they would probably rank in the following order: (1) The judge who thinks that his individual experience is a better guide to government than the concerted wisdom of a selected, consecrated, and painstaking conference of lawyers and teachers with every possible light before them; or that there is no room for improvement. (2) The legislature that insists upon changing the phraseology or arrangement adopted by the commissioners. (3) The judge who decides the law of the case without reference to the uniform statute incorporated in the code, or to cases from the States interpreting it, or who never cites it if he wills to follow it. (4) The legislature that fails negligently or intentionally to give it a clear road by abolishing all conflicting statutes.

AN THEN AN AMERICAN COMMON LAW

The struggle for the great common law of England is kept too fresh in mind by contemporaneous writers to justify discouragement in the making of an American common law. There is no more interesting chapter in legal history than the uncompleted part played by Coke and the substantial establishment of principles wrought by the Scotch determination of Mansfield, when he converted custom into laws and confined the jury to the facts. Subsequently neither the technical Elden nor an interfering chancery could check the inevitable development of the common law. So while obstacles arising out of human tendencies may prevent the prompt achievement that merit and necessity give its creators the right to expect, and while indifference may hold back the day of universality, one may venture to believe that the principle of an American common law is a living thing, needing only the nourishment of public encouragement for its complete development. Such will follow a popular recognition of its wholesome inspiration and beneficent purposes.

THOMAS W. SHELTON.

NORFOLK, VA.

BOULDER DAM PROJECT

Mr. ASHURST. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the Arizona Daily Gazette on April 28 which refers to the Swing-Johnson bill.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

THE TRUTH COMES OUT OF CALIFORNIA

PHOENIX, *April 27.*

EDITOR THE GAZETTE: I am inclosing you herein an article on the Swing-Johnson bill and the Boulder Dam question printed as an edi-

torial in the New Pacific Coast Law Journal, published at Pasadena, Calif.

This article may be of some interest to the people of this State, and I request that you publish the same.

To my mind the author of this article is fully justified in his strictures on the pernicious activities of certain Cabinet officers and Federal officials when he says that they have strayed beyond their legitimate functions and powers in the matter.

Very truly yours,

SAMUEL WHITE.

The editorial Mr. White refers to is here reproduced in full:

The impasse of the Boulder Dam project still persists. Strenuous efforts are being made to rescue the project from its seeming grave. For three years or more the project has been the cynosure of all eyes—on the Pacific coast, at least.

That there exists a situation urgently calling for relief can not be questioned. That the Colorado River Basin furnishes an immense quantity of water going to waste for lack of utilization is known to all. That there are potential millions of horsepower of electrical energy lying unutilized is also true.

The people seeking to further the enterprise of conserving and harnessing the surplus waters of the Colorado River should be governed by Davy Crocket's sage advice: "Be sure you're right; then go ahead." These people have not gone about the matter in a proper, not to say an intelligent, manner.

The Colorado River Basin States own the waters of that river flowing through their respective territorial limits for such useful purposes, actual or potential, present or prospective, to which they can apply the same. In this right these river-basin States are supreme in their sovereignty under the Federal Constitution. They can not be coerced in the matter. The free and whole-hearted consent, concurrence, and cooperation of these States and of all of these States is essential and must be first secured. This consent, concurrence, and cooperation has not been secured or sought on an equitable basis. Sister or adjoining States can not coerce all or any one of the river-basin States. The United States Government can not dictate terms to the river-basin States or to any one of them in this matter touching their sovereignty. Congress can not, constitutionally, pass any law infringing the sovereignty of these States in the matter of the proposed enterprise, or deprive these States of any of their sovereign powers, privileges, and rights.

The "ground" for such an enterprise and improvement not having been "cleared" in a legal, proper, and intelligent manner, all efforts at this time are thrown away and all moneys expended in an attempt to promote the coveted enterprise are squandered. Go about the matter in a proper, businesslike manner, and there may be a chance of accomplishing something worth while, otherwise nothing can be accomplished save humiliating defeat.

Certain recommendations and suggestions have been made by heads of departments of the Federal Government—Cabinet officers. These are purely gratuitous intermeddling with a matter not within the jurisdiction of their offices or within the scope of their functions and powers. In purely State matters—however important in themselves and however many people are to be affected thereby—in a democratic Republic like ours the Federal authorities must keep hands off.

At the suggestion of these Federal functionaries, and in accordance with the plans outlined by them, efforts are being made by the sponsors of the Boulder Dam project, which efforts are unsuccessful to date, to redraft the Swing-Johnson bill in such a manner as to make it acceptable to all the river-basin States involved, whose interests are affected and whose sovereignty is invaded or sought to be invaded. Current and newspaper report informs us that the measure, as revised to meet the recommendations of Secretary Work, includes provisions that—

1. A 550-foot dam shall be constructed in Boulder Canyon.
2. An all-American canal shall be constructed from the Colorado River to the Imperial Valley.
3. A 1,000,000-horsepower hydroelectric plant shall be constructed.
4. A Government bond issue of $125,000,000 shall be floated to finance the development, to be paid off from profits in sale of power and water.

But the redrafted bill in this proposed form arouses the opposition and outspoken denunciation of the solons of the river-basin States—with the exception of California. The bill as suggested in its redrafted form includes only the final objectives aimed at—the high lines of the purposes. However desirable and generally beneficial these ultimate objectives may be in themselves, the redrafted bill as proposed does not provide a working arrangement under which all the interests and rights of each of the river-basin States will be delimitated and such rights of the respective States fully and satisfactorily conserved. The first essentials in such a redrafted bill are wholly ignored. Why?

The bill as proposed, in its incomplete and chaotic state, with only distant high objectives outlined, is said to have received the indorsement of Director Mead of the Reclamation Service of the Federal Government. But Director Mead, like Secretary Work, is straying beyond his legitimate functions and powers in the matter, and his approval of a bill or of a proposed bill not embracing the first fundamentals of the proposed project under which can be secured the pacification of the river-basin States by securing and conserving to each of such States their interests and sovereignty—the indorsement adds nothing toward the final accomplishment of the object in view, reaching the goal sought; the untying—or cutting—the Gordian knot.

It is said that the measure as redrafted is to become self-operative when a Colorado compact is signed by six of the seven Colorado River Basin States. Such a provision will nullify and destroy the bill should it by any possible chance in that form become a law.

Is the seventh State to be coerced? If so, by what right, on what grounds, and by what means? In the same method a bold highwayman, at the point of and with persuasion of a gun, coerces the unfortunate pedestrian to surrender his valuables? And this is a civilized and law-abiding country?

Are we, in the twentieth century, to be pushed back into and submerged beneath the politics, policies, and principles of the barnburners and antirenters flourishing in the Eastern States of this country in the early part of the nineteenth century, as depicted in all their lawlessness and infamy by James Fenimore Cooper in his Redmen—Indians and Injuns?

Have we not too many Senaca Newcombs in this business?

BIRTHPLACE OF LONGFELLOW

Mr. COPELAND. Mr. President, some months ago a number of prominent men of the State of Maine joined in an earnest plea for the preservation of the birthplace of Longfellow. Provision to assist this movement is made in the bill reported by the Committee on Banking and Currency to authorize the Treasury to prepare a medal commemorative of the poet. The Secretary of the Treasury has stated:

The department will be ready to cooperate with the Longfellow Society in issuing a medal should Congress authorize the same. The facilities and experience of the mint could be placed at the disposal of the association for the production of a suitable medal, and every assistance possible would be rendered by this department to expedite its production.

I ask unanimous consent that the names of citizens of Maine who indorse this enterprise be printed in the RECORD; also a few short letters from governors of States, afterwards elected to the Senate, from the mayor of Boston, and from the president of the New York State Federation of Women's Clubs.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

GOVERNOR OF NEW JERSEY

MY DEAR MR. JACKSON: I have your letter of the 3d instant, and want to thank you for electing me as an honorary president of the International Longfellow Society.

I shall be very glad to serve in this capacity, and wish you all success in this worthy enterprise.

Very truly yours,

WALTER E. EDGE, *Governor.*

GOVERNOR OF SOUTH DAKOTA

DEAR MR. JACKSON: Because of what Longfellow's sincere love for children meant to me as a child when I first read his beautiful verses, what it means to me now as a man, and what it means to the children of our country, it is with gratification and pride that I become an honorary president and life member of the International Longfellow Society.

Yours sincerely,

PETER NORBECK, *Governor.*

GOVERNOR OF KANSAS

DEAR MR. JACKSON: Your letter of September 29 was duly received. I shall be very glad to serve as one of the honorary presidents of the International Longfellow Society and want to assure you of my warm interest in the movement.

Very respectfully,

ARTHUR CAPPER, *Governor.*

GOVERNOR OF KENTUCKY

MY DEAR MR. JACKSON: I have your very kind favor of recent date advising me of my election as an honorary president and life member of the International Longfellow Society.

I am deeply sensible of the honor conferred and heartily felicitate you upon this admirable endeavor. The life and writings of Longfellow are an inspiration to the American people, and they honor themselves in honoring him.

Very sincerely yours, A. O. STANLEY, *Governor.*

As the birthplace of our great poet has been dedicated as a distinctively international Longfellow memorial, we gladly join the Inter-

national Longfellow Society in urging your good offices for the preservation of this world shrine. There are few, indeed, to whom the world owes a deeper debt of gratitude than to Longfellow, or for whom it feels as sincere an affection.

Percival P. Baxter, Governor of Maine; Frank W. Ball, secretary of state; H. Siles Bradley, minister State Street Congregational Church; Carroll S. Chaplin, mayor of Portland; P. F. Chapman, president Chapman National Bank; Charles B. Clarke, ex-mayor of Portland; Charles Sumner Cook, chairman Fidelity Trust Co.; Leslie C. Cornish, chief justice supreme court; O. C. Curtis, ex-Governor of Maine; H. E. Dunnack, Maine State librarian; A. G. Goodard, minister Chestnut Street Methodist Church; Charles E. Gurney, chairman Public Utilities Commission; E. W. Hannaford, president Forest City Trust Co.; William B. Jack, superintendent Portland schools; Charles F. Johnson, United States circuit judge; Joel H. Metcalf, minister First Unitarian Church; John A. Peters, United States district judge; Edward E. Philbrook, surveyor Port of Portland; C. A. Robinson, postmaster of Portland; Ransford W. Shaw, attorney general of Maine; Augustus O. Thomas, State superintendent of schools; J. Harrison Thompson, minister First Baptist Church; George F. West, president Portland Young Men's Christian Association.

CITY OF BOSTON,
OFFICE OF THE MAYOR,
City Hall, May 15, 1925.

Hon. EDWIN MARKHAM,
Staten Island, N. Y.

MY DEAR MARKHAM: I am heartily in favor of your devoted service to raise a fund which will cancel the mortgage upon the birthplace of Henry Wadsworth Longfellow, world-beloved poet, and which is one of the finest examples of colonial architecture within the State of Maine.

No man in the history of the Commonwealth of Massachusetts was ever more greatly beloved than Longfellow, and his inspiring message for the idealism of the world will live until time is no more.

May I assure you I am very pleased to inclose my mite in behalf of the International Longfellow Society, and sincerely trust that the indorsement by the Nation may make early provision for the cancellation of the obligation upon the birthplace of the famous poet.

Sincerely yours,

JAMES M. CURLEY, *Mayor.*

NEW YORK STATE FEDERATION OF WOMEN'S CLUBS,
South Mountain Park, Binghamton, N. Y., September 19, 1925.

Mr. ARTHUR C. JACKSON,
President the International Longfellow Society,
Longfellow Birthplace, Portland, Me.

MY DEAR MR. JACKSON:

* * * * * * *

I honor myself when I accept an invitation to commemorate the memory of Longfellow, or in any way further the activities whereby we keep before the American public the remembrance of this singer of songs.

While visiting on the French Riviera four years ago, my husband (who was a poet and, you will recall, the author of The Children) and I stopped some time at Mentone. In one of our strolls we chanced suddenly upon a bust of Longfellow carved in the purest of white marble and set upon a pedestal in the midst of a little triangular piece of turf carefully fenced in. We were so impressed by this mute tribute to American letters that we at once determined to ascertain the source and inspiration of it. No one knew about it in the English or American resident colonies at Mentone, and my husband wrote to Alice Longfellow concerning it, but she has no information on the matter. Isn't it a beautiful tribute? I think you might like to know about it.

Believe me to be,
Most cordially yours,

ALICE B. M. DICKINSON.
(Mrs. CHARLES M. DICKINSON.)

CARNEGIE INSTITUTE OF TECHNOLOGY

Mr. GOFF. Mr. President, I present a newspaper clipping from the Pittsburgh Press of Tuesday, May 4, entitled "Baker report denies drinking by Tech men," which I ask may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BAKER REPORT DENIES DRINKING BY TECH MEN

At a meeting of the committee of the trustees of the Carnegie Institute of Technology last Friday, Dr. Thomas S. Baker, president of the Carnegie Institute of Technology, made a report concerning the matter of drinking by students brought out in the testimony before the committee of the Senate which had been investigating the question of prohibition.

Following the meeting, President Baker made this statement:

"I regret that it has not been possible to make a public statement on this subject earlier, but I wanted to have time for a thorough study of the situation, and I wished to present my report first to the trustees at a regular meeting.

WANT DRINKING SUPPRESSED

"The officers, faculty, and students of the Carnegie Institute of Technology have been greatly encouraged by the many expressions of confidence and approval that have come to them. Col. Samuel Harden Church, as chairman of the board of trustees of the Carnegie Institute of Technology, is not in touch with the student body and he has stated that his testimony in regard to drinking among young people should be regarded as a generalization, which does not apply specifically to students at this institution. I can say with the greatest emphasis that the leaders among the students are very desirous of suppressing drinking at student celebrations, most of which is done by visitors.

"At the institution, as in most American colleges to-day, there is a large measure of self-government among the students. . have been amazed at the zeal and the wisdom of our student council in its efforts to assist the faculty in advancing the best interests of the institution. In the few cases of disorder, which have occurred at student parties, it has disciplined the offenders or has asked the faculty and authorities to take action. Infractions of regulations with regard to the use of liquor are dealt with summarily. The constant or regular drinker is unknown in this institution. In a technical school, where the laboratory and shop work makes very heavy demands on the time of the student, and where the standard of scholarship is high, dissipation, even if not discovered, brings with it dismissal for poor work.

PENALTIES SEVERE

"The life in our 19 fraternities is very wholesome. There are stringent regulations and severe penalties for drinking which the fraternities themselves enforce rigorously.

"I can assure the parents of our students and the friends of the institution that there is no ground for concern on this subject; that our students are an unusually hard-working and high-minded set of young men and young women; and that their leaders are just as jealous of the good name of Carnegie as any officer or member of the faculty. The trustees share with me pride in the manner in which they have conducted themselves during the past two weeks. They have felt the undeserved criticism that has been published very keenly."

JUDICIAL SALARIES

Mr. REED of Missouri. Mr. President, I ask unanimous consent for the present consideration of Senate bill 2858, which is commonly known as the judges' salary bill. I think it will not require much discussion.

Mr. CURTIS. I hope bills on the calendar may be considered this morning until 2 o'clock under Rule VIII. I am also going to ask unanimous consent—and I have spoken to the assistant leader on the other side about the request—that this afternoon at not later than 5.30 o'clock the Senate shall take a recess until 8 o'clock p. m. and that at the evening session unobjected bills on the calendar shall be considered, the Senate to remain in session not later than 11 o'clock. That will give us two hours this morning to consider the bills on the calendar under Rule VIII, and give us three hours to-night.

Mr. ASHURST. Mr. President, I wish to be heard.

The VICE PRESIDENT. The Senator from Missouri has the floor.

Mr. CURTIS. If it will take any time to discuss the request which I have submitted, I will withdraw it and ask for the regular order.

Mr. REED of Missouri. Mr. President, I did not rise to object to the request of the Senator from Kansas at all, but I had the floor. We have just passed a very important bill, and I thought, perhaps, I could obtain consideration for the judges' salary bill. If objected to, of course, I can not secure consideration for it at this time.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. REED of Missouri. Yes.

Mr. ASHURST. I am in favor of the bill proposing increases in salaries of the judges, and I congratulate the Senator from Missouri [Mr. REED] upon his energy in this behalf; but if we should agree to the request for unanimous consent to consider unobjected bills only on the calendar, the Senator from Missouri would make no progress with the judicial salary bill. The Senator from Kansas, I think, should change his request so that bills objected to or unobjected to may be taken up.

Mr. REED of Missouri. Mr. President, did I understand the Senator from Kansas to object to taking up the judges' salary bill at this time?

Mr. CURTIS. Mr. President, I do not wish to object, but I did object to a bill presented by the Senator from Texas, and I had intended to object to other bills, because we ought to take up the calendar this morning, and if we take up individual bills and they shall be debated, there will be no business done at all this morning.

I am going to change my request, if I may be permitted to do so, and ask that we devote this morning, after the routine morning business shall have been concluded, to the consideration of bills on the calendar until 2 o'clock, and that on Saturday night we have a session beginning at 8 o'clock and continuing not later than 11 o'clock for the consideration of unobjected bills on the calendar. If it is not agreeable to Senators to have a session on Saturday night, then I will make the request for Monday night.

Mr. ASHURST. Mr. President, I wish to be heard.

Mr. CURTIS. I withdraw my request; I do not want to interfere with the regular order of business.

Mr. ASHURST. Mr. President, it is useless to proceed with the calendar to consider only unobjected bills. We ought for a time to proceed so that if a bill be objected to a Senator who wishes to have such bill discussed may have the right to move to proceed to its consideration, and then under the rule he may have five minutes in which to discuss such bill.

The VICE PRESIDENT. The Senator is stating correctly the procedure under Rule VIII.

Mr. ASHURST. It is impossible to secure the consideration of contested bills when we agree in advance that only uncontested bills shall be considered.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. ASHURST. I do not think I have the floor.

Mr. LENROOT. May I suggest that the way to reach this matter is to consider the calendar for unobjected bills and then go back over it again for objected bills.

Mr. REED of Missouri. Mr. President, I am not opposing the request for unanimous consent in whatever form the Senator from Kansas may desire to put it. I am asking for unanimous consent now to take up Senate bill 2858. I do not think the discussion will occupy more than a few minutes.

The VICE PRESIDENT. Is there objection?

Mr. BLEASE. Mr. President, I do not like to object to anything my friend from Missouri wants, but, outside of the salaries which are proposed for the judges of the Supreme Court of the United States, I am opposed to this bill. I am in favor of an increase in the salaries of the Chief Justice and the Associate Justices of the Supreme Court of the United States, but I am not in favor of increasing the salaries of other judges. For that reason I object.

Mr. REED of Missouri. The Senator might let the bill be taken up for consideration and then make his speech on it. Let us have a chance to pass it or reject it. I am merely asking unanimous consent for the present consideration of the bill.

Mr. BLEASE. I understood that if the request were granted the bill would be considered under the five-minute rule. I object to that; but if the bill may be taken up and discussed without reference to the five-minute rule I shall not object.

Mr. REED of Missouri. I hope Senators will let us dispose of this bill. I have tried to get it up several times.

Mr. BORAH. I will inquire whether if taken up by unanimous consent the discussion would be unlimited?

The VICE PRESIDENT. The Chair would hold that if taken up by unanimous consent the time for the discussion would be unlimited.

Mr. LENROOT. Will the Senator from Missouri make his request for consideration under Rule VIII? That would limit the debate to five minutes on the part of each Senator.

Mr. KING. Then I will object.

Mr. LENROOT. Then it seems to me it will take until 2 o'clock to consider the bill.

Mr. REED of Missouri. I do not think it will. I have spoken to Senators who are opposed to certain features of the bill and those with whom I have talked have said that, while they desire an opportunity to express the views which they have, they do not desire to discuss the matter at great length. Of course, unless the bill shall be passed pretty soon we can not get it through the House of Representatives. I hope I may secure unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2858) to fix the salaries of certain judges of the United States, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That the following salaries shall be paid to the several judges hereinafter mentioned in lieu of the salaries now provided for by law, namely:

To the Chief Justice of the Supreme Court of the United States the sum of $21,500 per year and to each of the Associate Justices thereof the sum of $20,000 per year.

To each of the circuit judges the sum of $15,000 per year.

To each of the district judges the sum of $12,500 per year.

To the chief justice of the Court of Claims and to each of the other judges thereof the sum of $12,500 per year.

To the chief justice of the Court of Appeals of the District of Columbia and to each of the associate justices thereof the sum of $13,500 per year.

To the chief justice of the Supreme Court of the District of Columbia and to each of the associate justices thereof the sum of $12,500 per year.

To the presiding judge of the United States Court of Customs Appeals and to the judges thereof the sum of $13,500 per year.

To each member of the Board of General Appraisers, which board functions as the customs trial court, the sum of $12,500 per year.

That all of said salaries shall be paid in monthly installments.

SEC. 2. That this act shall take effect on the first day of the month next following its approval.

Mr. REED of Missouri. Mr. President, I have heretofore offered an amendment in the nature of a substitute.

The VICE PRESIDENT. The amendment in the nature of a substitute proposed by the Senator from Missouri will be read.

The LEGISLATIVE CLERK. It is proposed to strike out all after the enacting clause and to insert:

That the following salaries shall be paid to the several judges hereinafter mentioned in lieu of the salaries now provided by law, namely:

To the Chief Justice of the Supreme Court of the United States the sum of $20,500 per year, and to each of the Associate Justices thereof the sum of $20,000 per year.

To each of the circuit judges the sum of $12,500 per year.

To each of the district judges the sum of $10,000 per year.

To the presiding judge of the United States Court of Customs Appeals, and to each of the other judges thereof, the sum of $12,500 per year.

To the Chief Justice of the Court of Appeals of the District of Columbia, and to each of the associate justices thereof, the sum of $12,500 per year.

To the Chief Justice of the Court of Claims, and to each of the other judges thereof, the sum of $12,500 per year.

To the Chief Justice of the Supreme Court of the District of Columbia, $10,500 per year, and to each of the associate justices thereof the sum of $10,000 per year.

To each of the members of the Board of General Appraisers, which board functions as the customs trial court, the sum of $10,000 per year.

That all of said salaries shall be paid in monthly installments.

SEC. 2. This act shall take effect on the first day of the first month next following its approval.

The VICE PRESIDENT. The question is on agreeing to the amendment in the nature of a substitute.

Mr. REED of Missouri. Mr. President, I have heretofore expressed myself on this bill, and I will now merely say that the bill as reported by the Judiciary Committee fixed the salaries of the judges at higher rates than proposed by the pending substitute which I have offered. The reason for the change that is now before the Senate is this: The committee of the House of Representatives have considered a similar bill, have arrived at the conclusion that they do not want to go beyond a certain point in the salaries, and have agreed on what that committee at least think is the proper standard. The committee of the American Bar Association have been here and have stated to me that they believe it is better to yield to the views of the committee of the House than to contend for larger salaries, although they regard the larger salaries as only just. Accordingly I have brought forward an amendment which fixes the salaries as reported by the committee of the House, with the idea that if this bill shall now be passed by the Senate it can probably receive favorable consideration by the House. I think the salaries now proposed are entirely too low in a number of instances. I think we must bear in mind that under the recent act of Congress the jurisdiction of the Supreme Court as to appeals has been changed and that the courts of appeal have become for all practical purposes courts of last resort.

Of course we all understand that the Supreme Court has the right, upon certiorari, to order cases before it for determination; but, looking at the question from the practical standpoint, we must regard the courts of appeals as now having a very much greater responsibility than in the past. They ought, under the circumstances, to be composed of men of the highest

order of ability. They ought to be judges of great experience and learning.

There is no waste equal to that which can be committed by an incompetent court. The salaries as now stated in the substitute, in my judgment, are far below what we ought to pay if we expect to keep the courts of the land on a high plane; because, first or last, men are bound to consider the care of their families, their own comfort, and their ability to earn money in the profession of the law.

I regret that it is necessary to fix these salaries as low as they are. I think we can make no greater mistake than to depreciate the quality of our Federal courts. Their jurisdiction to-day is very much greater than it was a few years ago. The work thrust upon them is of a more onerous kind and involves an immense amount of labor.

No matter what we may say about the liberty of a people, no matter what we may write into our constitutions or our statutes, after all is said and done there is no protection for life or property in any country unless it is finally found in the courts of the land. In the justice or the lack of justice that is administered is to be found at last the measure of human liberty.

Mr. President, that is all I desire to say now. I hope this bill can pass in its very moderate form.

Mr. McKELLAR. Mr. President, I think practically all of us concede that the salaries of our Federal judges are too small. In some of the States much larger salaries are paid. I should like very much indeed to see the amendments made by the Senate committee adopted. I think the schedule of salaries fixed in that amendment is very much nearer what we should pay to our judges. I should much prefer to vote for the salaries fixed in the Senate amendment; but, as I understand, the parliamentary situation and the conditions generally are such that there is no chance to get the schedule of salaries fixed by the Senate committee enacted into law at this session, and therefore I shall vote for the salaries as fixed by the House committee.

"The laborer is worthy of his hire." These Federal judges have onerous duties. They have responsible duties. They have had many additional duties within the last few years put upon them by the Congress. We have had four additional constitutional amendments passed in the past 10 or 12 years, all imposing additional duties on Federal judges. The income tax law, the Volstead law, the immigration law, the bankruptcy law, and other Federal laws passed in recent years have made all the Federal judges in the land busy. They ought to have sufficient salaries to give them a reasonably good living, so that their minds might be free from financial troubles while passing upon cases coming before them.

It is true that in some States judges do not receive even as large salaries as our Federal judges now receive. There may be constitutional or other local reasons why these lower salaries prevail in some States. This should not prevent the Congress from giving Federal judges reasonably adequate salaries. Nor do I think salaries should be graduated in accordance with a supposed difference of importance in the duties of Federal judges. A busy Federal judge in Tennessee or in Wisconsin or Colorado should have the same salary as a busy judge in New York or Pennsylvania. My observation is that in these days all our Federal judges are busy much alike.

I merely desire to express my approval of this move to increase the salaries of our Federal judges as being right and proper, and I hope the Senate will pass the bill.

Mr. WILLIAMS. Mr. President, I should like to inquire of my colleague if the bill which we are now considering is Order of Business No. 379?

The VICE PRESIDENT. That is the calendar number.

Mr. REED of Missouri. I do not know whether or not the Senator has the substitute bill in his file.

Mr. WILLIAMS. The salary of the Chief Justice, as stated on page 2 of Order of Business No. 379, is fixed at $21,500. I assume that that is a clerical error.

Mr. REED of Missouri. No; the Senator has the original bill.

Mr. WILLIAMS. I have the original bill as amended in committee.

Mr. REED of Missouri. I have offered on the floor a substitute. I will have a page take it to the Senator.

Mr. WILLIAMS. That is virtually the House bill, is it?

Mr. REED of Missouri. Yes; it is the House bill.

Mr. KING. Mr. President, it is a most ungracious task for a lawyer to oppose a measure increasing the salaries of judges. I have had the honor to be a justice of the Supreme Court of Utah and for a number of years actively engaged in the practice of my profession as a lawyer. I know something of the responsibilities resting upon judges and of the importance of the judiciary in a Government such as this. No one has a more profound respect for our courts than myself, and I pay tribute to the judiciary of our country.

The Senator from Missouri [Mr. REED] has upon a number of occasions eulogized the courts, both Federal and State, and emphasized the necessity of obtaining lawyers of eminence and integrity to fill judicial positions. With these statements I agree, and I think it can be truthfully said that, generally speaking, the judges of the United States—and I include, of course, judges of the various States—have measured up to the great responsibilities which rest upon them. However, it must be confessed that in some instances political appointments have been made and incompetent persons have been selected for judicial positions.

I am not quite in accord with the statements sometimes made that lawyers of ability can not be obtained for judicial positions unless large salaries are paid. I have known many lawyers of eminence and of great ability who have sacrificed their practice which brought to them many thousands of dollars a year to accept judicial positions. They felt that there was honor and dignity in the judicial positions which they voluntarily accepted, and they were willing, at a great financial sacrifice, to serve their people and their country.

A few years ago, when most of our Federal judges received but $5,000, some of the ablest lawyers left lucrative practices to accept judicial positions. I do not mean to infer that judges should not be paid reasonable salaries. Indeed, I believe that their compensation in many States is not sufficient and that Federal judges are entitled to an increase in their compensation. I do not believe that the bill before us is entirely just or that it establishes an entirely satisfactory ratio between the various positions therein dealt with.

Under other circumstances, Mr. President, I should be glad to vote for a substantial increase in the salaries of Federal judges, but I believe that it is inopportune to press this bill or any bill increasing the salaries of judges at the present time.

There are more than three-quarter of a million Federal employees, and the number will be greatly increased within the next two or three years. Demands are made from every department and executive agency for increases in the salaries of Federal employees. Large increases have been made within the past few years in the compensation paid to executive personnel. The classification act increased the salaries of many officials from 10 to 30 per cent. Many Federal agencies, boards, and bureaus have been created within the past few years, and unfortunately many more will be created. These organizations are being filled with persons whose salaries are progressively increased. The Federal Government will soon be called upon to appropriate a very large part of the enormous sum taken from the people by the tax gatherers to pay the salaries and compensation of the hundreds of thousands of Federal employees.

When increases are made in behalf of persons holding high positions in the Government, repercussions immediately occur in all other branches of the Government service, and demands for larger salaries pour in upon Congress like a mighty and irresistible flood. If Senators will examine the Budget and the reports submitted by the various departments and executive agencies, they will be amazed to discover the tremendous sum total of the enormous amount collected as taxes from the people, which is required to meet the pay rolls of the Government.

We hear much about inadequate salaries paid to Federal employees, and yet there are hundreds of applicants for every position provided by Federal statute. If a vacancy occurs in any position, no matter how unimportant or insignificant, there is an army of applicants feverishly working to obtain the valued prize. There is no difficulty in finding persons to fill Government positions.

We recently passed a law providing 24 additional Federal judges. The scramble for these positions was not creditable to the bar, and the political influences employed to fill some of the positions call for severe condemnation. Political factions held up appointments for months, and in some instances for more than a year. Lawyers of eminence and of the highest ability were, in many instances, passed by because they did not secure the indorsement of politicians and the support of certain political factions or organizations.

Mr. President, I repeat that this is not the time to increase the salary of any Federal official. Our economic and industrial condition is not normal or stable. We are in a condition of flux, and there are symptoms which clearly indicate the approach of economic disturbances and industrial depression. The price levels throughout the country are entirely too high. Fictitious values attach to property and too often to service. There must be and there will be readjustments, and these read-

justments will involve financial dislocations and a material decline in wages and in prices of commodities. With the adjustments going on in Europe, with the efforts to balance budgets, with the struggles which will increase in severity for foreign markets and expanding trade, America will be compelled to make changes and adjustments in the industrial and economic conditions in the United States.

I repeat that these changes will have an important effect upon wages and upon our industrial and our social life. I do not contend that these conditions will affect the progress culturally, intellectually, or morally of the American people.

But these are questions which I shall not discuss further. I am only contending that it is unwise to pass any bill at this session of Congress which increases salaries. In my opinion, both the President and Congress have been too prodigal in drawing upon the Treasury. The Budget Bureau has indorsed appropriations far in excess of the needs of the Government, and Congress, in my opinion, has been too lavish and too generous in appropriations thus far made during the session of Congress. I do not like to criticize, but I am forced to the conclusion, from a somewhat intensive study of the appropriation bills and the growing demands made upon the Federal Government, that unless greater economy is practiced Congress, instead of decreasing the burdens of taxation, will be compelled to materially augment them.

Everything indicates that the appropriations for the fiscal year 1928 will exceed the appropriations which we are making for 1927 by from two hundred and fifty to five hundred millions of dollars.

Mr. President, I know that it is futile to oppose any bill which calls for increased appropriations and the creation of new executive agencies. The country is possessed by some mad frenzy which impels the people to extravagance, to waste, and to unwise and too often improper and dangerous experiments and expenditures. Congress responds to this gripping spirit which is abroad in the land. The vaults of the Treasury are insecure. Congress is reaching for the treasures hidden therein.

This bill will pass. Other measures will be enacted into law which will take millions from the Federal Treasury. Mr. President, the mine may be exhausted some day and the people will awaken to the fact that they have dissipated their heritage and have fettered themselves and succeeding generations by chains of bondage which debts and bonds and mortgages always forge.

Mr. BRATTON. Mr. President, I do not desire to consume much time in addressing myself to this subject. I favor this bill. I would have voted for the original bill as amended by the Senate committee had it been submitted to the Senate.

In reply to the argument just made by the distinguished Senator from Utah [Mr. KING] in favor of economy, I might observe that that rule did not seem to obtain about a year ago when the question of raising the salaries paid to Senators and Members of the House of Representatives was before the Senate. I offer no criticism of what was done then, because if I had been here at the time I should have voted for that bill.

Mr. KING. I hope the Senator is not charging that I voted for it, because I voted against it.

Mr. BRATTON. Not at all; but I am saying what the policy of the Senate was and what the policy of Congress was regarding an increase in salaries.

I believe, Mr. President, as the Senator from Missouri [Mr. REED] has said, that the safety of any people rests largely in an independent, in a fearless, and in a capable judiciary, guided by men of experience, men of talent, and men of courage. I do not believe that we can get men of that type and hold men of that type in this day and under the present conditions which surround us without paying an adequate compensation or an adequate wage. I believe, under the present circumstances, that this bill does nothing more than to pay to our judges a living wage. I believe the bill has merit. It is not a reckless expenditure, but it is safe and sane economy, because when we get and keep men of that type on our Federal bench and induce them to dedicate themselves to continuing the Federal judiciary of this country along the lines of independence, along lines of courage, along lines of ability, we will contribute in that way to improving the American people and perpetuating our social and economical safety and prosperity.

I very much hope that this bill will pass, because I say that it is not reckless expenditure, but it is safe economy directed along wholesome lines.

Mr. COPELAND. Mr. President, personally I am opposed to this bill because the salaries provided for are not high enough. I would be glad to see them above the figures named by the Senator from Missouri.

As one who is entirely outside of the legal profession, it may be appropriate for me to say that laymen, especially the laymen of my State, feel that all judges should be well paid. It was a matter of shock to the community when Judge Garvan left the Federal bench in New York, giving as his reason the inadequate salary of the position. He is a man of the highest type, who served the district and the country ably during his career upon the bench.

But Judge Garvan could not live and maintain his family on the salary paid him. When he resigned from the bench this matter was commented upon by practically every newspaper in my community and State. There was universal accord that there should be action on the part of Congress to elevate the salaries so that men of high type may not need to make the sacrifices they have been making.

I trust this bill will pass and that it may be the beginning of another move to give to all Federal judges what are really adequate salaries, which I feel are not provided by this bill.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri to the committee amendment.

Mr. WALSH. Mr. President, I regret exceedingly that I am obliged to oppose this bill. I am perfectly confident that the salaries paid to Federal judges in some of the States are entirely inadequate to enable them to live as others in the community of the same social standing and importance, in the work they discharge, do live. On the other hand, the salaries here provided for, so far as they apply to the country generally, are entirely disproportionate to the salaries paid to State judges.

I have here a list of the salaries paid to State judges in the various States, compiled, I believe, by the American Bar Association. A note says:

> This table no doubt contains many inaccurate statements, assembled, as it has been, from many sources, but it is believed that no salary has been understated. Corrections of errors in the table will be welcomed.
>
> A. B. A. CHAIRMAN.

I do not know how extensive are the errors in the statement, but it appears to be the most reliable information at hand. I do know that the statement so far as Montana is concerned is decidedly inaccurate, and the amount is very considerably overstated. It is said here that the judges of the Supreme Court of the State of Montana receive salaries of $7,500. The salary of a judge of our Supreme Court is limited by the Constitution to $5,000 a year. The judges secure an additional $500 as reporters of the supreme court under an act of the legislature, so that they get $5,500 a year instead of $7,500. The judges of the United States district court are to get more than two times as much as the judges of the supreme court of our State, a perfectly unjustifiable discrimination.

Mr. REED of Missouri. Under my amendment United States district judges are to get $10,000 a year.

Mr. WALSH. Very well; that is just twice as much. The conditions in my State are no different from the conditions which prevail all over the western country, indeed, all over the United States, with the exception of just a few States, to which I shall call attention. New York is one of them. The Senator from New York [Mr. COPELAND], like most of the people from that great State, always seems to regard the State of New York as the United States.

Mr. COPELAND. Is there any doubt about that? [Laughter.]

Mr. WALSH. That exhibits the feeling I was speaking about. In my judgment $5,000 is a perfectly inadequate salary for a judge of a United States court in the State of New York. It is quite disproportionate to the salaries paid by that State to the judges of the State courts. In that State the judges of the court of appeals get $13,700 a year. The judges of the appellate division and supreme court get $17,500. That is to say, the judge of the nisi prius court in the city of New York gets $17,500 a year, and the Federal judges get only $7,500 under the existing law, and will get but $10,000 under the amendment of the Senator from Missouri if it shall be agreed to and the bill shall become a law. The point I am making is this, that this bill does not meet the situation at all, as I view it. It makes the salaries altogether too large in the country generally, and too low in the great industrial States.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. BRATTON. The Senator refers to the salary of the judges of the supreme court in his own State. Does the Senator think that is an adequate salary under present conditions?

Mr. WALSH. The people of that State seem to think so. If they did not, they would change it.

Mr. BRATTON. I was asking the Senator his opinion.

Mr. WALSH. We find no difficulty in getting very excellent men for justices of our supreme court. We have always had a court there of very high standing. In response to the suggestion that it is impossible to get judges of the Federal courts of

character and of standing for the salaries that are paid, and that certain judges have resigned because they could not live on the salaries, I may say that I do not believe there are above three lawyers in the State of Montana who would not take an appointment as judge of the United States district court at the present salary. One of our judges some time ago actually resigned because he conceived, and very properly, that he could make more money at the practice of the law; and he is making more money. But he was succeeded by a gentleman who is by no means his inferior as a judge, a very high-class man; but he did not have those peculiar talents and abilities which make for success at the bar.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. WALSH. I yield to the Senator.

Mr. REED of Pennsylvania. The Senator has pointed out that the salaries now paid Federal judges are inadequate in some parts of the country, apparently, while in other parts they seem to be quite sufficient. That indicates the wisdom of adopting some sort of a sliding scale, or contriving a scale of salaries proportioned, roughly, in accordance with the cost of living, or the salaries paid by the States. The Senator will agree, will he not, that as a matter of political practicability such a bill could not be passed?

Mr. WALSH. I have heard that said, but I can not understand why it could not be done.

Mr. REED of Pennsylvania. The Senator will remember that I introduced such a bill at the last session, and it seemed to meet with the unqualified disapproval of the Judiciary Committee, because it discriminated between different parts of the country.

Mr. WALSH. I am very sure the matter was never tested out before the Judiciary Committee.

Mr. REED of Pennsylvania. As I recall it, the Senator himself was a member of the subcommittee before which we had our hearing, and while I do not recall the Senator's expression of opinion, my recollection is that most of the subcommittee were opposed to it on that ground.

Mr. WALSH. My opinion has always been well known by the committee.

Mr. GLASS. Mr. President, will the Senator yield?

Mr. WALSH. I yield to the Senator.

Mr. GLASS. If I may ask, what would be the exact standard of pay should we adopt a sliding scale? Would the Senator from Montana assume to say that a Federal judge in New York City is worth more money than a Federal judge in Virginia, the judge in New York City being there in the midst of luxury, with all the facilities of civilization at hand, and the Federal judge in Virginia having to go into mountainous districts, and instead of holding court at one place convenient to himself and to his family, having to travel four or five hundred miles from point to point to hold court? Which would the Senator think was the more arduous and the more difficult task?

Mr. WALSH. Of course, the question of the Senator is his argument against the policy which I am advocating. I would say to the Senator, however, that it is generally believed that practicing lawyers in the city of New York make anywhere from $25,000 to $250,000 a year. In my State a man who makes $25,000 a year is at the head of the bar, and I dare say that the disproportion existing between the State of Virginia and the State of New York is the same, or at least to some extent the same. Everybody realizes that it costs more to live in the city of New York than in the city of Helena, for instance. I would like to be able to get a rental of $75 a month for a lovely home I have in Helena, but I can not get it. Probably in the city of New York it would easily lease for $3,000 a year.

Mr. GLASS. I did not suppose we were adjusting house rents, though.

Mr. WALSH. I speak of it just to illustrate that the cost of living in the large centers is unquestionably greater than it is out in the country.

Mr. GLASS. That would depend entirely upon how a man lives.

Mr. WALSH. Of course.

Mr. GLASS. I think a man can live respectably in New York just as cheaply as he can in the western district of Virginia.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. WALSH. I yield.

Mr. McKELLAR. I believe it is generally assumed that the purchasing power of the dollar is about 65 per cent of what it was before the World War. Does the Senator think that $10,000, which has a purchasing power equal to that of $6,500 before the World War, is more than a judge ought to have, taking into consideration the active duties imposed on him by the Constitution and laws of the United States? I believe that most of our Federal judges are men of ordinary means, and that most of them are dependent on their salaries. Should not every judge have a salary sufficiently large to free his mind from financial worries, and does not a man make a better judge when his salary is sufficiently large to keep his mind free of financial difficulties?

Mr. WALSH. I should say that every judge should be in that situation, whether he is a Federal judge or a State judge. In the State of Alabama it is assumed that a judge can experience that quietude of mind necessary for him properly to discharge the duties of his office on a salary of $6,500 a year. The judges of the appellate court in that State get the same salary.

In Arizona the judges of the supreme court get $5,000 a year.

In Arkansas the judges get $4,000 a year.

Mr. CARAWAY. Mr. President, the Senator's information is altogether wrong. If the rest of it is no more accurate than that, he will have to revise it.

Mr. WALSH. I introduced what I said about this table with the remark that it contains a statement to the effect that there are inaccuracies in it. It was compiled by the American Bar Association, and they themselves think it is not entirely reliable. I showed that it is not entirely reliable so far as Montana is concerned.

Mr. CARAWAY. It is not half reliable.

Mr. WALSH. I should be glad to have the item corrected so far as Arkansas is concerned.

Mr. CARAWAY. The judges of the supreme court there get $7,500.

Mr. BRATTON. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from New Mexico?

Mr. WALSH. I yield.

Mr. BRATTON. The Senator will keep in mind that in many of the Western States the salaries were fixed by constitutional provision many, many years ago, when living conditions were different and the cost of living was much less than it is now. I take it the Senator gives due regard to that difference.

Mr. WALSH. Yes, of course. The same conditions exist there that exist here. The people of those States realize all the changes that have come about, just the same as we do with respect to Federal judges. I say to the Senator that that situation of affairs is not confined by any means to the western country. I will call attention to the salaries paid in the New England States.

Mr. BRATTON. Regardless of the section of the country, the salaries in a great many instances were fixed years ago by constitutional provision, and, of course, were based upon conditions as they then existed, which were entirely different from what they are now. If the people of those States had the question up now to determine, predicated upon present conditions, they would in all probability fix an entirely different salary.

Mr. WALSH. But they are moved by the same considerations that are addressed to us to change the salaries of Federal judges.

Mr. BRATTON. Exactly; to fix a reasonable scale.

Mr. REED of Pennsylvania. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Pennsylvania?

Mr. WALSH. I yield.

Mr. REED of Pennsylvania. I would like to ask the Senator's opinion on this point. In view of the apparent impossibility of adopting a sliding scale by bill, does it not bring us down to the dilemma that either we have to pay half of the Federal judges of the United States too little or else in taking care of them we have to pay half of the judges too much? Is it not to the public interest, if we must err on one side or the other because of the difference in living conditions throughout the country, to see that they all get enough and half of them get too much than it is to underpay half of them?

Mr. WALSH. I would not like to admit the premise. I would not like to admit that it is impossible to regulate this situation upon what I believe to be a proper basis.

Mr. REED of Pennsylvania. I quite agree with the Senator, and I have had the same thought. At the last session and at this session I have introduced a sliding-scale pay bill for judges, but now I have reluctantly come to the conclusion that the Senator from Missouri has the only practicable solution of the difficulty.

Mr. WALSH. The way I am troubled about it is that it is not a solution, because it does not give to the judges in the populous States salaries that are commensurate with the dig-

nity and the duties of the office as judged by the people of those States when they undertake to fix the salaries of the judges of their own courts.

Mr. REED of Pennsylvania. I quite agree with the Senator in that thought. The common pleas judge in my city of Pittsburgh gets $12,500 a year, and the Federal judge, with twice the responsibility, is to receive only $10,000 under the proposed amendment.

Mr. WALSH. Under the table before me I see that the supreme-court judges of Pennsylvania get $17,500, the judges of the superior court get $16,000, the judges of the common-pleas court get $8,000 to $12,000, and the judges of the orphans court from $8,000 to $12,000. I think it rather discreditable to the administration of the Federal laws that a judge of the Federal court in the State of Pennsylvania should get a less salary than a judge of the orphans court.

Mr. REED of Pennsylvania. I fully agree with the Senator, and I am supporting the bill because it is the only practical way of correcting that injustice.

Mr. BORAH. Mr. President, will the Senator from Montana yield to me to ask the Senator from Pennsylvania a question?

Mr. WALSH. Certainly.

Mr. BORAH. I want to ask the Senator from Pennsylvania upon what basis it is proposed to increase these salaries. Is it with the idea of getting men of greater ability or is it merely a question of meeting the increased cost of living?

Mr. REED of Pennsylvania. It is done on the dual basis of compensating the present incumbents for the rise in the cost of living, in the first place, so that their pay in the future will bring them as much in comfort as the pay in the past. That is the first point. Answering the second half of the question, it is done, as I conceive it, with the idea of preventing the increasing number of resignations because of the inability of the present judges to live on their pay.

Mr. BORAH. The first proposition applies to every salaried officer in the United States. I think that is one very serious objection to the method by which we are raising salaries by piecemeal. Leaving out the question of the dignity and confining ourselves entirely to the cost of living, judges can meet the situation far better than those who are living on a lower salary. If we are raising these salaries in order to meet the cost of living, it certainly is highly improper to select a very small number of salaried officers and consider no one else.

Mr. WADSWORTH. Mr. President, will the Senator from Montana permit me to ask the Senator from Idaho a question?

Mr. WALSH. Certainly.

Mr. WADSWORTH. Is it not a fact, however, that already we have made an increase in nearly every other branch of the Government?

Mr. BORAH. We have made it in our own salaries.

Mr. WADSWORTH. We made it in the Army, Navy, Marine Corps, Coast Guard, and Coast and Geodetic Survey.

Mr. BORAH. When did we make that increase?

Mr. WADSWORTH. We made it in the Postal Service a little over a year ago. We made it in the civil service by the reclassification act. We made it in the Army, Marine Corps, Navy, and other related services in 1922. The pay of the officers was raised 20 per cent and that of the enlisted men 40 per cent.

Mr. BORAH. We are raising those different salaries simply by piecemeal.

Mr. WADSWORTH. We could hardly frame a bill which would cover all of the employees. It is being done in as large chunks, if I may use that expression, as possible.

Mr. BORAH. Neither this bill nor any other bill I have known to be drawn is proposing an increase based on percentage of increased cost of living. They complain of their salaries, and we make a lump-sum raise, and that is all.

Mr. WADSWORTH. I think the Senator will find by an examination of the list that they average 20 to 33 per cent, which would apparently reflect an endeavor on the part of Congress to equalize salaries in such fashion as would meet the increased cost of living.

Mr. BORAH. Take the particular officials in the Department of Justice or in the judiciary department. Only yesterday there was a gentleman in my office who was complaining that the salaries of the United States district attorneys are wholly inadequate to command men of sufficient ability. The judges, of course, are, in my opinion, subject to the same rules with reference to cost of living as are United States district attorneys. We do not even cover the same department.

Mr. WALSH. I remarked that the salaries of Federal judges have been recently raised from $6,000 to $7,500.

Mr. WADSWORTH. It is perfectly apparent that that did not equalize the increased cost of living.

Mr. WALSH. It was an increase of 25 per cent.

Mr. REED of Pennsylvania. What was the date of that increase?

Mr. WALSH. My recollection is that it was 1916.

Mr. REED of Missouri. Mr. President, will the Senator yield a moment?

Mr. WALSH. Certainly.

Mr. REED of Missouri. I have here an accurate statement of the times when salaries were raised. This is contained in the report of Mr. GRAHAM, of the Committee on the Judiciary of the House, who states that the modern history of Federal judicial salaries has been as follows: Prior to 1912 the salary of the Chief Justice of the United States was $13,000. In that year it was raised to $15,000. In that same year, 1912, the salaries of the Associate Justices were raised from $12,500 to $14,500. Until 1891 the salaries of United States district judges varied in the several districts. In that year a uniform salary of $5,000 was fixed. That was 34 years ago. This salary was increased in 1903 to $6,000 and in 1919 to $7,500.

Mr. WALSH. It was 1919 instead of 1916.

Mr. REED of Missouri. Yes. In 1891 the salaries of circuit judges were fixed at $6,000. This salary was increased in 1909 to $7,000 and in 1919 to $8,000.

Mr. WALSH. I think it will be difficult to establish that the general level of the cost of living has increased very materially since 1919.

Mr. BRUCE. Mr. President, will the Senator from Montana yield to me?

Mr. WALSH. Certainly.

Mr. BRUCE. I have been endeavoring to ascertain this morning from the Department of Commerce just what the increase in the cost of living has been since 1915. I do not know whether it would be of any particular interest to the Senator or not, but the increase has been 77.9 per cent.

Mr. WALSH. I saw a statement the other day, which was apparently accurate and reliable, that the purchasing price of the dollar is about 67 cents as compared with 1913.

Mr. BRUCE. That is the estimate of the Department of Commerce which I received just a few moments ago.

Mr. SHORTRIDGE. Mr. President——

Mr. WALSH. I yield to the Senator from California.

Mr. SHORTRIDGE. Is it the theory of any Senator that salaries should be just sufficient to enable the judge to live and maintain his family? Is it his theory that we must argue and philosophize and figure to ascertain to a nicety just how much—how little—a judge can get along with?

Mr. BORAH. May I ask the Senator a question?

Mr. WALSH. I yield.

Mr. BORAH. Is the Senator from California going to vote for the bill?

Mr. SHORTRIDGE. I am going to vote for it, regretting that the amendment has been proposed, and regretting it exceedingly.

Mr. BORAH. How much does the Senator think a judge will save out of a salary of $10,000 a year?

Mr. SHORTRIDGE. I think he will be "in the red," if I be pardoned for using that counting-house phrase. I think he will save nothing, nothing whatever. I think, moreover, he should be able to be absolutely free from financial worry, to take care of himself and his family, and to educate his children. I think he should be able to abstract himself, so to speak, from all the worries of the business world and be free from anxiety as to bills payable—all to the end that he may discharge his high functions unembarrassed and undistracted by money demands.

Mr. BORAH. That is an elysium which will never be created in this world.

Mr. SHORTRIDGE. I am hoping for it, nevertheless.

Mr. WALSH. Mr. President, I regret exceedingly that I was not permitted, although the discussion has been interesting, to develop the argument which I was endeavoring to make here, which is to the effect that for a few States the salaries, even as fixed by the bill without the amendment, are too low, but with respect to the great body of the States the salaries are too high as compared with the salaries stated of the judges of those States.

I was interrupted by my esteemed friend, the junior Senator from Virginia [Mr. GLASS], and asked to state whether the services of a Federal judge in the State of New York are worth any more than the services of a Federal judge in the State of Virginia. Of course, I do not think so. I would like to ask the Senator if he thinks that the services of the judges of the supreme court of the State of Virginia are any less valuable than the services of the judges of the appellate court of the State of New York or even of the supreme court of the State of New York? Yet the people of the State of Virginia believe, according to the statement before me, that the judges

of the court of appeals of that State are adequately recompensed by a salary of $6,000 a year against the salary of $17,500 paid to the judges of the supreme court of the State of New York.

Mr. GLASS. I would say to the Senator that, in the first place, I do not believe the people of Virginia think that the supreme court judges of that State are adequately compensated for the services they are performing; but they have not been able to induce the politicians in the legislature to take a different view of the matter. Furthermore, assuming that the General Assembly of Virginia does think that the judges are amply compensated, I would assume that the general assembly thinks so relatively, that it thinks they are as well compensated as the State could afford to compensate them. If the Senator thinks the United States is not able to pay its Federal judges larger salaries, I can very readily perceive why the Senator is opposed to increasing their compensation.

Mr. WALSH. Let me remark in answer to that that an increase of $4,000 in the salaries of the judges of the Court of Appeals of the State of Virginia would not be a very heavy burden upon the people of that State.

Mr. GLASS. No; and I think it ought to have been made long ago, for we have practitioners at the bar of the Court of Appeals of the State of Virginia who out of one case of litigation get more than the entire annual salary of a judge on that court.

Mr. WALSH. There is no doubt about that.

Mr. GLASS. We ought not to have judges sitting on the court of appeals bench of the State to decide cases presented by lawyers of such type and compensate them at a rate of only $6,000 a year.

Mr. WALSH. I referred to that circumstance only to say that I did not feel that the question which the Senator addressed to me, as to whether the services of the Federal judges in the State of New York are more valuable than are the services of a Federal judge in the State of Virginia, was very persuasive.

Mr. GLASS. I do not think the services of Federal judges in New York are more valuable than the services of Federal judges in Virginia, and I do not think their duties are as arduous. In the first place, the Federal judge in New York has to administer the same Federal law, but he is not subjected to one tithe of the hardship and inconvenience that the Federal judge in Virginia or in Kentucky is subjected to. The Federal judge in New York holds court at one place, and one place only, whereas the Federal judge in Virginia and the Federal judge in Kentucky have to go from place to place. I presume that the judge of the Federal court for the western district of Virginia is required to hold court in 10 different places and to subject himself to great inconvenience going from one place to another.

Mr. WALSH. The Senator from Virginia need not labor to convince me of that.

Mr. GLASS. Then why should the judge in Virginia be paid less than the judge in New York?

Mr. WALSH. I stated that I fully agree with the Senator that the work is precisely as arduous and just exactly as valuable, but services are not paid for upon that basis. A lawyer in the city of New York will get ten times the compensation that a lawyer in Montana will get for exactly the same work.

Mr. GLASS. Yes; but the Government does not pay it.

Mr. WALSH. No; the Government does not pay it. We can not fix the salaries on any such basis as the arduousness of the work, although it is a proper element to be taken into consideration.

Mr. GLASS. I do not think the salaries here can be fixed on a sliding scale.

Mr. CUMMINS. Mr. President, will the Senator from Montana yield to me?

Mr. WALSH. I yield to the Senator from Iowa.

Mr. CUMMINS. I think I agree with the Senator from Montana with respect to the standard that ought to be applied in fixing the compensation of public officers. I think he stated a moment ago, in substance, that the standard ought to be the value of the service. In computing the value of the service there comes into review the cost of living, the withdrawal from the activities of the profession, and all such considerations as those; but does the Senator from Montana believe that, if the States do not properly appraise the value of the service which their own judiciary is rendering, the Congress of the United States ought to be bound by such action or ought to refrain from giving its judges compensation for the value of the services they render because the States have not done so or do not do so?

Mr. WALSH. Certainly not. If I were able to admit the premise of the Senator from Iowa that the States do not compensate their judges adequately, of course, that should not be used as a basis, but I am calling attention to the fact that, except in the case of four States, the States invariably pay their judges salaries less than those proposed to be fixed in this bill; and I am not ready to admit that 44 out of 48 States do not adequately pay their judges.

Mr. CUMMINS. Possibly, then, I did not understand the Senator from Montana in the beginning of his address. I thought he stated that the Federal judiciary were not adequately compensated at the present time.

Mr. WALSH. I made no such statement. I insist that, judged by the standards set up by the people of the communities in which they exercise their functions, they are adequately paid at $7,500 a year in the greater number of the States. Then, I assert that, even under this bill, they are not adequately paid, judged by the same standard, in a half dozen States.

Mr. CUMMINS. I agree with the Senator from Montana entirely that this is rather a crude approach toward doing justice; but I am not willing to admit that the United States is bound or should be governed by the view of the several States in fixing the compensation of their judges.

Mr. WALSH. The Senator from Iowa must not assume that I think so, either, but I do think that it is exceedingly persuasive when we find that situation of affairs existing in all but a few of the States of the Union.

Mr. CUMMINS. I know that in my own State the judges of the supreme court of the State receive, as I remember, $6,000 a year.

Mr. WALSH. That is what the schedule shows.

Mr. CUMMINS. There is not a lawyer in the State, and I do not believe there is an intelligent man in the State, who does not recognize and admit that the compensation paid to the judges of the supreme court of my State is inadequate. The judges of the courts of original jurisdiction in my State, as I remember, are paid $4,000 a year. Everybody knows that that is inadequate compensation. The result generally is that the men who are best qualified to become judges would not and will not accept judicial positions.

Mr. WALSH. The judges of trial courts in my State get $3,600 a year, and there is not a fault to be found with the judges of those trial courts. I will refer particularly to the court at my home in Helena. There has never been a time when there have not been men of capacity quite equal to the task imposed upon the bench there. I do not mean to say that the salary paid is sufficient, but that is the situation.

Mr. CUMMINS. Mr. President, I do not want by anything I have said to be understood as disparaging the judges of my own State. I think they are all good judges; but, in our nisi prius courts, we either have to take young men who have not, as yet, acquired a practice of great extent, or we must take old men who have not been entirely successful in the practice of the profession.

Mr. WALSH. If the Senator will pardon me, I do not quite agree with that, because the Senator will recall, I am sure, if he charges his memory, that at practically every bar there will be found men of fine legal minds, careful students, bookworms, so to speak, who have not really a faculty for getting business. Everybody recognizes their ability, and those men are quite generally sought out for judicial positions. They are men of calm temperament, of judicial mind, students, who, for some reason or other, do not get very much business.

Mr. CUMMINS. Is it not a pity that a man of that kind is asked to render service to the public for $4,000 a year?

Mr. WALSH. It is more than he would earn in any other way.

Mr. CUMMINS. I am not quite prepared to admit that.

Mr. BORAH. Mr. President——

Mr. WALSH. I yield to the Senator from Idaho.

Mr. BORAH. We never could fix salaries at a figure which would command the services of those men who are capable of making great fees in their practice, unless they are men who are willing to take the honor as a compensation for the money which they would otherwise earn. But here we are proposing to fix a salary of $10,000. Does the Senator think that such a salary will call from the practice of the profession a man who is earning $50,000 or $100,000 a year to take the place on the bench?

Mr. CUMMINS. I do not.

Mr. BORAH. Certainly not; unless for the reason I have stated.

Mr. CUMMINS. I am not so optimistic as that; but I believe that the compensation ought to be just and it ought to be the equivalent of the service which the judge renders the

public. The value of that service, of course, is to be determined by a great many considerations, not only the competency and the integrity of the particular judge but the circumstances and conditions under which he lives.

Mr. WALSH. Mr. President, I wish to call attention to the fact that the condition of which I speak is by no means confined to the western section with which I am more or less familiar; it obtains all over the country. Let us take the South, for instance: The judges of the Court of Appeals of Kentucky receive $5,000 a year, and the circuit judges $4,200 a year. Let us take Alabama; the judges of the Supreme Court of Alabama receive $6,500. Let us take South Carolina—and I take these States at random—the judges of the supreme court get $4,500, and of the circuit court, $4,000. The State of California, so ably represented by the Senator who interrogated me a few moments ago, pays to the judges of its supreme court $8,000 a year, to the judges of its court of appeals $7,000 a year, and to the judges of its superior court $7,000 a year.

Mr. CARAWAY. And, Mr. President, I dare say the judges of the supreme courts of all the States mentioned are the equals mentally and otherwise of any Federal judge who may be sent into those States.

Mr. WALSH. I do not doubt it at all.

Mr. BRATTON. Mr. President, will the Senator from Montana yield?

Mr. WALSH. Yes.

Mr. BRATTON. The Senator never had the experience of trying to live on one of those $3,600 or $5,000 a year salaries on the bench, did he?

Mr. WALSH. No; I never had the honor to be a judge.

Mr. BRATTON. If I may be pardoned a personal reference, I tried it for four years on a salary of $5,250 and for nearly two years on a salary of $6,000 a year, but, despite economy and frugality, I left the bench a much poorer man than when I started.

Mr. WALSH. I have no doubt about that.

Mr. BRATTON. And any other man who tries it will have the same experience. So we must get a man who has independent means and who enters upon the work of the bench regardless of his ability or we must get a man who serves at an inadequate wage.

Mr. WALSH. I am very sure if the Senator was not capable of earning more than $5,000 a year he never would be in this body.

Mr. BRATTON. I thank the Senator for the compliment, but I know from experience that those judges in the West and the South also, to which the Senator from Montana referred, necessarily are underpaid, and it occurs to me that that is harmful and strikes at the very heart of the judiciary of this country.

Mr. WALSH. Let us go to New England.

Mr. BORAH. Mr. President, the reasons for the able Senator from New Mexico leaving his profession and going on the bench and accepting that salary are also reasons which enter into the going upon the bench of every man who is fit to sit on the bench. There is something in this besides salary.

Mr. BRATTON. If the Senator will pardon me, the Senator from Iowa said that we have either got to get young men without experience or old men. In my State it was said that they had one without experience; that was the weakness there.

Mr. SHORTRIDGE. But not one without knowledge.

Mr. WALSH. Let us pass to the New England section; let us take the State of Maine. The judges of the supreme judicial court get $6,000 and of the superior court $4,000. Take Connecticut; the judges of the Connecticut supreme court of errors get $9,000 and of the supreme court $9,000. Those judges sit in a community adjacent to the city of New York. Let us take Vermont. The judges of the supreme court get $5,000 and of the superior court $5,000.

Take an interior State, Delaware; the judges of the supreme court get $7,500 a year.

Now, let me call your attention to those States in which the salaries are equal to or greater than that which the Federal judges would receive under the bill now under consideration. How many are there? There are the States of Illinois, Massachusetts, New Jersey, New York, and Pennsylvania. There are five States, and five States only, where the judges of the supreme court get as much as or more than it is proposed now to pay to the judges of the Federal courts all over the United States.

In the State of Illinois the judges of the supreme court get $15,000 a year and the judges of the appellate court $12,000. The judges of the Cook County Appellate Court get $15,000. I think the Federal judge in the city of Chicago ought to be paid a salary somewhat related to the salary that is paid to the trial judge under the State jurisdiction there.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Montana yield to the Senator from California?

Mr. WALSH. I do.

Mr. SHORTRIDGE. I suppose the Senator carries along in his mind the fact that a United States district judge appointed for a given district may be called to any other district in the United States. He may be called to serve on the circuit bench. In other words, he is not a localized judge, but is a United States judge.

With great respect, I can not see the force of the argument that a district judge of one of the New York districts is more valuable or that his salary should be greater than that of the district judge of Montana or of Idaho or of New Mexico. They are Federal judges; they are United States judges; they are called or may be sent, indeed, from one district to another, from one circuit to another. Wherefore, I ask, does the Senator carry along in his mind the fact that the district judge is not a local judge confined to the district for which he is originally appointed?

Mr. WALSH. Why, yes; I have that in mind; and the judge of the State court is subject in exactly the same way to be sent anywhere in the State. That is the usual rule. That is the rule in my State.

Mr. SHORTRIDGE. I take it, too, that the nisi prius judges exercising common-law jurisdiction in the several counties or districts of a given State generally receive the same salary, do they not?

Mr. WALSH. Yes; the same salary; and the salaries here would be substantially different only in five States.

Mr. SHORTRIDGE. The point I wish to emphasize is that a district judge appointed for the southern district of California, for example, is to-day sitting in New York; he may be to-morrow in Chicago; and I recall so well that the great judge from the Senator's State often comes to California and there sits and dispenses law and justice. Wherefore the thought is always in my mind that under our present law—recently amended, as we all know—a district judge, though a resident of a given district—and, indeed, he must be a resident of that district as of the time when appointed—is nevertheless a Federal judge who may be called to all parts of the Union to perform the judicial functions, and therefore that no judge appointed for the southern district of New York is entitled to any greater salary than a judge appointed to sit primarily in Idaho or in the State of Washington or in the State of California.

If I may add just a word, and then I shall be through, I do not think that the able Senator from Montana is advancing very much the argument against this bill by emphasizing the salaries that are paid by the several States. The question is, what is right for us to do?

Mr. WALSH. I am rarely persuasive with the Senator from California.

Mr. SHORTRIDGE. The Senator from Montana is persuasive and usually convincing; but, with great respect, I am neither persuaded nor convinced up to this minute.

Mr. WALSH. Yes; it is true, Mr. President, that the judges of the Federal courts may be assigned, under recent law, anywhere in the United States, and exchanges are not infrequently made, but that is a perfectly incidental matter.

Mr. NORRIS. Mr. President, may I interrupt the Senator there?

Mr. WALSH. I yield.

Mr. NORRIS. I call the Senator's attention to the fact that when that occurs the expenses of the judge are paid, in addition to his salary.

Mr. WALSH. Oh, yes.

I have given the figures in Illinois. Next comes Massachusetts. The judges of the supreme judicial court of Massachusetts gets $12,000 a year and the judges of the superior court $10,000.

Then New Jersey. The judges of the supreme court get $18,000; the vice chancellors get $18,000; the circuit judges get $16,000; and the lay judges $40 a day while sitting.

It will be observed, Mr. President, that Connecticut, New York, and New Jersey pay higher salaries—Connecticut not quite as high as the salary provided by this bill for judges of the Federal court—New York and New Jersey paying higher salaries.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New York?

Mr. WALSH. I do.

Mr. COPELAND. What figures did the Senator give for New York?

Mr. WALSH. The court of appeals, $13,700; the appellate division and supreme court, $17,500 in departments 1 and 2 and $10,000 in departments 3 and 4. That is what I have.

Mr. COPELAND. The Legislature of New York this year raised those appellate salaries to $22,500.

Mr. WALSH. That strengthens the argument I am making that this bill is no solution at all of the problem. The judges of the Federal court in the State of New York get $10,000 a year, and the judges of the State courts sitting right alongside of them and doing exactly the same kind of work get $22,500.

Mr. SHORTRIDGE. Mr. President, what is the amount that the Senator gave for California?

Mr. WALSH. For California, the supreme court $8,000, the court of appeals $7,000, the superior court $7,000.

Mr. SHORTRIDGE. A memorandum has just now been handed to me to the effect that by statute of 1925 the salaries of the supreme court judges in California were increased to $10,000.

Mr. WALSH. Finally, Pennsylvania. In Pennsylvania the judges of the supreme court get $17,500, the judges of the superior court $16,000, the judges of the common pleas courts get $8,000 to $12,000, and the judges of the orphans court $8,000 to $12,000.

I want to conclude with Missouri. The judges of the Supreme Court of the State of Missouri get $7,500 a year; the judges of the court of appeals get $6,000, the judges of the circuit court get $3,000 to $5,000 a year, and the judges of the St. Louis circuit court get $8,000 a year. I never heard that the State of Missouri was in want of quite competent judges of its supreme court.

Mr. REED of Missouri. Mr. President, I might say to the Senator that as to the supreme court judges and certain of the other judges, I believe, there is a constitutional inhibition; and in order to get away from it as far as possible the supreme court judges have been named on a certain commission, which enables them to draw an additional salary. That is likewise true of the circuit judges of some of the counties, that they have been named on certain commissions. For instance, in my own home county, where we have 10 circuit judges, I believe, they are made jury commissioners, and, I think, draw $1,500 a year in addition to their stated salaries. I want to say further that I have not any doubt in the world that if Missouri were to adopt a new constitution it would change the salaries very greatly. My colleague [Mr. WILLIAMS] was a member of the recent constitutional convention and can speak of that.

Mr. WILLIAMS. That is quite correct. Of course the judges of our supreme court live at Jefferson City, Mo., which is a comparatively small city of some ten or twelve thousand people. They live in the supreme-court building. They have quarters there with rooms, and so forth, where they may live if they desire. The judges of the circuit court—that is, our nisi prius court—in St. Louis are paid not only by the State but by the city, and the salary is something more than $8,000.

Our United States district judges live at St. Louis and at Kansas City, a judge at each place, and they have to travel, of course, from St. Louis to the other points of the district where they practice; and the same is true of Kansas City.

It is true, as my colleague has said, that the constitution of our State must be in technical terms violated in order to permit our supreme-court judges to receive as much as $7,500 a year, and the living expenses are not so heavy. The same thing is true of our circuit judges—that is, our nisi prius judges—out in the State. I think the constitutional limitation of the salary of the circuit judges in our State is $2,000 a year; but they receive these additional salaries for statutory purposes, which permit them to get a living. The approximation in St. Louis of $8,300 a year for circuit judges is close to the $10,000 which it is proposed to give the United States district judges under this bill.

Mr. WALSH. I merely desire to say, in conclusion, that some information which has just come to me confirms the report of this schedule concerning salaries in the State of Montana, by reason of the fact that the salaries of judges of the supreme court have been raised to $7,500 and the salaries of the district judges to $4,800.

I ask unanimous consent that this schedule may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

SALARIES OF JUDGES IN VARIOUS STATES

Alabama: Supreme court, $6,500; appellate court, $6,500; circuit court, $4,000; some few counties have authority to add to salaries, Mobile, $3,000; Montgomery, $2,000; Jefferson, $2,400; and Tuscaloosa, $1,200.

Arizona: Supreme court, $5,000; superior court, $3,500 to $4,500.

Arkansas: Supreme court, $4,000; circuit court, $3,000; chancery court, $3,000.

California: Supreme court, $8,000; court of appeals, $7,000; superior court, $7,000.

Colorado: Supreme court, $5,000; district court, $4,000.

Connecticut: Supreme court of errors, $9,000; superior court, $9,000; court of common pleas, $7,000.

Delaware: Supreme court, $7,500; chancellor, $7,500.

Florida: Supreme court, $5,500; circuit court, $5,000.

Georgia: Supreme court, $7,000; court of appeals, $7,000; superior court, $5,000; certain counties may add additional $3,000.

Idaho: Supreme court, $5,000; district court, $4,000.

Illinois: Supreme court, $15,000; appellate court, $12,000; circuit court, $6,500. Cook County (Chicago) appellate court, $15,000; circuit court, $15,000; superior court, $15,000; municipal court, $9,000.

Indiana: Supreme court, $7,500; appellate court, $7,500; circuit court $5,000 to $7,000.

Iowa: Supreme court, $6,000; district court, $4,000.

Kansas: Supreme court, $6,000; district court, $4,000.

Kentucky: Court of appeals, $5,000; circuit judges, $4,200; in Jefferson, Fayette, Campbell, and Kenton Counties circuit judges $3,000 from State plus $2,000 from county.

Louisiana: Supreme court, $8,000; court of appeals, $6,000; district court, $4,000 to $5,000.

Maine: Supreme judicial court, $6,000; superior court, $4,000.

Maryland: Court of appeals, $8,500; circuit court, $5,750; supreme bench of Baltimore city, $7,375.

Massachusetts: Supreme judicial court, $12,000; superior court, $10,000.

Michigan: Supreme court, $10,000; circuit court, $5,000 to $11,250.

Minnesota: Supreme court, $7,000; district court, $4,800; counties having 75,000 population may add $1,500. Counties with area over 15,000 square miles may add $1,500.

Mississippi: Supreme court, $6,500; circuit court, $4,000; chancery court, $4,000.

Missouri: Supreme court, $7,500; court of appeals, $6,000; circuit court, $3,000 to $5,000. St. Louis circuit court, $8,000.

Montana: Supreme court, $7,500; district court, $4,800.

Nebraska: Supreme court, $7,500; district court, $5,000.

Nevada: Supreme court, $6,000; district court, $4,500 and $5,000.

New Hampshire: Supreme court, $6,000; superior court, $6,000.

New Jersey: Supreme court, $18,000; vice chancellors, $18,000; circuit judges, $16,000; lay judges, $40 per day of court sitting or writing opinions.

New Mexico: Supreme court, $6,000; district court, $6,000.

New York: Court of appeals, $13,700; appellate division and supreme court, $17,500 in departments 1 and 2; $10,000 in departments 3 and 4.

North Carolina: Supreme court, $6,000; superior court, $5,000 (plus $1,250 traveling expenses).

North Dakota: Supreme court, $5,500; district court, $4,000.

Ohio: Supreme court, $8,500; appellate court, $8,000; court of common pleas, $3,000 plus $25 for each 1,000 of population up to 120,000, and $5 for each 1,000 over 120,000, in no case exceeding $5,000.

Oklahoma: Supreme court, $6,000; criminal court of appeals, $6,000; district court, $4,000.

Oregon: Supreme court, $5,250; circuit court, $4,000; counties having 100,000 population and over may pay $1,500 additional.

Pennsylvania: Supreme court, $17,500; superior court, $16,000; common pleas, $8,000 to $12,000; orphans court, $8,000 to $12,500.

Rhode Island: Supreme court, $8,000; superior court, $7,500.

South Carolina: Supreme court, $4,500; circuit court, $4,000.

South Dakota: Supreme court, $3,000; circuit court, $2,500.

Tennessee: Supreme court, $5,500; court of civic appeals, $5,500; chancery court, $4,000; circuit court, $4,000.

Texas: Supreme court, $6,500; court of civil appeals, $5,000; court of criminal appeals, $6,500; district court, $4,000.

Utah: Supreme court, $5,000; district court, $4,000.

Vermont: Supreme court, $5,000; superior court, $5,000.

Virginia: Supreme court of appeals, $6,000; circuit court, $3,600; city court, $3,000 to $3,500; counties and cities may supplement salaries.

Washington: Supreme court, $7,000; superior court, $6,000 in counties over 210,000 population; $5,000 in counties over 125,000; and $4,500 in remaining districts.

West Virginia: Supreme court of appeals, $8,000; circuit court, $3,300 to $6,000.

Wisconsin: Supreme court, $8,500; circuit court, $6,500.

Wyoming: Supreme court, $7,000; district court, $6,500.

FEDERAL JUDGES

$14,500, United States Supreme Court.
$8,500, circuit court of appeals.
$8,500, Court of Appeals District of Columbia.
$8,500, Court of Customs Appeals.
$7,500, United States district judges.
$7,500, Supreme Court of District of Columbia.
$7,500, Court of Claims.
$7,500, Territorial district judges—Alaska, Canal Zone, Hawaii, and Porto Rico.

NOTE.—This table no doubt contains many inaccurate statements, assembled as it has been from many sources, but it is believed that no salary has been understated. Corrections of errors in the table will be welcomed. A. B. A., chairman.

A convenient grouping of the salaries of the State supreme court judges (283 in number) can be shown by taking the conventional, unofficial system, which works out as follows:

TABLE VII—*Reporter system*

Reporter	Average salary
1. Northeastern	$11,572.00
2. Atlantic	10,140.00
3. Northwestern	7,079.00
4. Southern	6,608.00
5. Southeastern	6,393.00
6. Pacific	6,113.00
7. Southwestern	5,722.00
Average for 283 justices	7,701.06

Mr. GEORGE. Mr. President, I have no disposition to discuss this matter, and I am not going to delay a vote on the bill, but I want to voice my protest now against the fixing of salaries of Federal officers on a sliding scale, whether we are dealing with judges, postal employees, Army and Navy officials, or what not, and I want to put it upon this ground:

The tendency of legislation in this country for a half century has been to build up the large centers at the expense of the back places in the United States. In my judgment, no more pernicious principle could be introduced into Federal legislation than the scaling of the salaries of high Federal officials on the basis of the town or city in which the Federal official lives, and I am opposed to it absolutely.

Not only did the Senator from Missouri accept this amendment but in my judgment it is a wise amendment which he accepted. There is a principle involved in this legislation that is much broader than the legislation itself, and I merely want to go on record in regard to it. So far as these salaries are concerned, I shall vote for this bill without the slightest hesitation. It may be that the salaries are in some instances inadequate, but they are certainly not excessive in any instance.

Mr. TRAMMELL. Mr. President, in view of the fact that some days ago, when this matter came up, I voiced opposition to the bill as it stood at that time, I desire to state that since the bill has been amended so that the increases for district and circuit judges are only approximately $2,500 a year I shall not further oppose that particular feature of the bill. I did think at first, when the proposed increases ran from $5,000 to $6,500, that they were too much.

That has now been changed by amendment as far as the district and circuit courts are concerned, but the large increase still obtains in regard to the Supreme Court. The salaries of the justices of the Supreme Court were increased some few years ago from $12,000 a year to $14,000 a year, and a further increase is proposed from $14,000 a year, as at present, to $20,500 for the Chief Justice and to $20,000 for the Associate Justices, making an increase within a period of three or four years since the salaries were increased before of $6,000, which will mean an increase of $8,000 a year to the Associate Justices of the Supreme Court and the Chief Justice.

While I have very high regard for the Supreme Court—indeed, of all our judiciary I must say that the members of the Supreme Court do not perform any greater amount of work than do district judges or circuit court judges, and the work is no more taxing. In fact, I dare say that in a very large number of instances the district judges and the circuit court judges perform a greater amount of work than is performed by the Supreme Court justices.

I shall propose to perfect the substitute by striking out "$21,500," in line 5, which is fixed as the salary of the Chief Justice, making it $18,500.

Mr. ASHURST. On what line?

Mr. TRAMMELL. In line 5 of the proposed substitute, I move to strike out "$21,500" and insert in lieu thereof "$18,500"; and in line 6, to strike out "$20,000" and insert "$18,000." I think the raises then will be commensurate with the other raises carried in the substitute which we are now considering for district judges and circuit judges. I propose that amendment.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The LEGISLATIVE CLERK. On line 5 of the substitute, strike out "$21,500" and insert in lieu thereof "$18,500."

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The clerk will state the next amendment to the amendment.

The LEGISLATIVE CLERK. On line 6, strike out "$20,000" and insert in lieu thereof "$18,000."

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Missouri in the nature of a substitute for the amendment of the committee.

Mr. NORRIS. Mr. President, I do not desire to delay a vote on the bill. I think it is fair that we should vote on it. We will have to vote on it eventually, and I am willing to have a vote now. I think, however, we ought to have a roll call on the passage of a bill of such importance. I do not care to have one on the amendment that has been offered, but on the final passage of the bill we ought to have a roll call.

Mr. President, I want to add just a word. While the arguments pro and con have been very ably presented, there is one thing that has been omitted, as I look at it, which should be called to the attention of the Senate and placed in the RECORD. When Federal judges are transferred from place to place, performing the work of other judges, their expenses are paid. In the performance of their official acts their traveling expenses, their railroad fare, their hotel bills, are paid. They are appointed for life. They do not have the expense connected with campaigns which candidates for a judgeship in State courts have. Therefore, it seems to me, they are not put to the same expense to which State judges are put in the same locality and under the same circumstances; and if there is any difference in the salaries, it is the State judges who ought to have the largest salaries.

I concede that in some parts of the country, comparatively small, the judges' salaries ought to be increased. There are other portions of the country where the method of the selection of Federal judges is in a great many instances very questionable. That applies to a section of the country with which I am not personally familiar, but I have talked with many Senators of the method by which judges are selected in some portions of the country, and it is not always true that high-class man are appointed, but inferior men are often put on the Federal bench through the methods employed.

Mr. WALSH. Mr. President, when the Senator institutes a comparison between the expenses to which the State judges are put in successive campaigns for reelection, and that sort of thing, with the expenses of Federal judges, who do not have that item to look after, he should not forget also that the Federal judges are pensioned after they arrive at a retiring age of 70 years.

Mr. NORRIS. That is another thing. They are pensioned for life.

With the understanding that we can have a roll call vote on the final passage of the bill, I care to say nothing further.

The PRESIDING OFFICER. The question now is on agreeing to the amendment offered by the Senator from Missouri in the nature of a substitute for the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. NORRIS. On the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. I understand that if he were present he would vote as I intend to vote, and I will therefore vote. I vote "yea."

Mr. CURTIS (when his name was called). I have a pair for the day with the senior Senator from Nevada [Mr. PITTMAN]. Not knowing how he would vote, I withhold my vote.

Mr. FERRIS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PEPPER]. I am informed that if he were present he would vote as I shall vote. I therefore vote. I vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. DU PONT]. I am advised that, if present, he would vote as I shall vote, and I vote "yea."

Mr. GILLETT (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. I am not sure how the Senator from Alabama would vote on this question, but I feel it quite likely that he would vote as I shall vote. I will therefore take the responsibility of voting. I vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. HARELD]. I transfer my pair to the senior Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. WADSWORTH (when his name was called). On this question I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Vermont [Mr. GREENE] and vote "yea."

The roll call was concluded.

Mr. WALSH. I desire to announce that the senior Senator from Nevada [Mr. PITTMAN] is absent on account of illness.

Mr. KING (after having voted in the negative). Unfortunately I have a pair upon this vote with the Senator from New Jersey [Mr. EDWARDS], and in his absence I am compelled to withdraw my vote. It is needless to say that if I were permitted to vote I should vote "nay."

Mr. HARRISON. I have a pair with the junior Senator from Oklahoma [Mr. PINE]. Not being able to get a transfer, I withhold my vote.

Mr. MAYFIELD. The senior Senator from West Virginia [Mr. NEELY] is necessarily detained from the Senate. If he were present, he would vote "yea."

Mr. OVERMAN (after having voted in the affirmative). May I inquire whether the senior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. OVERMAN. I transfer my pair with the senior Senator from Wyoming to the senior Senator from Alabama [Mr. UNDERWOOD] and let my vote stand.

Mr. JONES of New Mexico (after having voted in the affirmative). I have a general pair with the senior Senator from Maine [Mr. FERNALD]. I am advised that if he were present he would vote as I have voted, and I therefore permit my vote to stand.

The result was announced—yeas 66, nays 8, as follows:

YEAS—66

Ashurst	Fess	McKellar	Sheppard
Bayard	Fletcher	McLean	Shipstead
Bingham	Frazier	McMaster	Shortridge
Bratton	George	McNary	Simmons
Broussard	Gillett	Mayfield	Smith
Bruce	Glass	Means	Stanfield
Butler	Goff	Metcalf	Steck
Cameron	Gooding	Moses	Stephens
Copeland	Hale	Nye	Swanson
Couzens	Heflin	Oddie	Tyson
Cummins	Johnson	Overman	Wadsworth
Dale	Jones, N. Mex.	Phipps	Watson
Deneen	Jones, Wash.	Ransdell	Wheeler
Dill	Kendrick	Reed, Mo.	Williams
Edge	Keyes	Reed, Pa.	Willis
Ernst	La Follette	Sackett	
Ferris	Lenroot	Schall	

NAYS—8

Blease	Caraway	Howell	Trammell
Borah	Harris	Norris	Walsh

NOT VOTING—22

Capper	Greene	Norbeck	Smoot
Curtis	Harreld	Pepper	Underwood
du Pont	Harrison	Pine	Warren
Edwards	King	Pittman	Weller
Fernald	McKinley	Robinson, Ark.	
Gerry	Neely	Robinson, Ind.	

So the bill was passed.

RAILWAY CARRIERS AND THEIR EMPLOYEES

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 10244. An act to extend the time for the construction of a bridge across the Fox River in the State of Illinois on State Road No. 18, connecting the villages of Yorkville and Bristol in said county; and

H. R. 10246. An act to authorize the commissioners of McKean County, Pa., or their successors in office, to construct a bridge across the Allegheny River at a certain location where a highway known as State Highway Route No. 211 crosses said river at a location within the limits of the borough of Eldred or not distant more than one-half mile north of said borough of Eldred, McKean County, Pa.

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 4034. An act granting the consent of Congress to Texas-Coahuila Bridge Co. for construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico;

H. R. 5691. An act granting the consent of Congress to Charles L. Moss, A. E. Harris, and T. C. Shattuck, of Duncan, Okla., to construct a bridge across Red River at a point between the States of Texas and Oklahoma where the ninety-eighth meridian crosses said Red River;

H. R. 10169. An act granting the consent of Congress to the Gallia County Ohio River Bridge Co. and its successors and assigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio; and

H. R. 10470. An act granting the consent of Congress to the city of Little Falls, Minn., to construct a bridge across the Mississippi River at or near the southeast corner of lot 3, section 34, township 41 north, range 32 west.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 10055) to amend section 77 of the Judicial Code to create a middle district in the State of Georgia, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GRAHAM, Mr. DYER, and Mr. SUMNERS of Texas were appointed managers on the part of the House at the conference.

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred to the Committee on Military Affairs:

H. R. 9178. An act to amend section 12 of the act approved June 10, 1922, so as to authorize payment of actual expenses for travel under orders in Alaska;

H. R. 10504. An act to amend the act approved June 4, 1897, by authorizing an increase in the cost of lands to be embraced in the Shiloh National Military Park, Pittsburg Landing, Tenn.;

H. R. 10827. An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes; and

H. R. 11511. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes.

HOUSE BILLS TO THE CALENDAR

The bill (H. R. 5223) to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies was read twice by its title.

The bill (H. R. 4547) to establish a department of economics, government, and history at the United States Military Academy, at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes," was read twice by its title.

Mr. WADSWORTH. I ask unanimous consent that the two bills just read may go to the calendar without reference to the Committee on Military Affairs. The Committee on Military Affairs has already reported duplicate bills, which are upon the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. WALSH. Are the bills identical?

Mr. WADSWORTH. They are.

The PRESIDING OFFICER. The bills will be placed on the calendar.

The bill (H. R. 8592) to further amend section 125 of the national defense act of June 3, 1916, as amended, was read twice by its title.

The bill (H. R. 9218) to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes, was read twice by its title.

Mr. WADSWORTH. I make the same request with respect to these bills. The Senate Committee on Military Affairs has reported similar bills.

The PRESIDING OFFICER. Without objection, the bills will be placed on the calendar.

FIRST LIEUT. HARRY L. ROGERS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S.

37, for the relief of First Lieut. Harry L. Rogers, jr., which was, on page 1, line 6, to strike out "$700" and insert "$902.63."

Mr. MEANS. I move that the Senate agree to the amendment proposed by the House.

Mr. KING. What is the amendment?

Mr. MEANS. I will explain it. It makes an increase of $200 over the amount allowed by the Senate. I really think the House considered it more fully than the Senate and they raised the amount about $200.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado that the Senate agree to the House amendment.

The motion was agreed to.

MONDAY EVENING SESSION

Mr. CURTIS. Mr. President, I ask unanimous consent for the entrance of the following unanimous-consent order. I have spoken to the Senator from Arizona [Mr. ASHURST] and several other Senators in regard to it, and I think there will be no objection to it.

The PRESIDING OFFICER. The clerk will read the proposed unanimous-consent agreement.

The legislative clerk read as follows:

Ordered (by unanimous consent), That upon Monday, May 10, at not later than 5.30 o'clock p. m., the Senate take a recess until 8 p. m., and that at the evening session the calendar be taken up for the consideration of unobjected bills on said calendar, and that when the calendar is concluded for unobjected bills the calendar be called for the consideration of bills under Rule VIII; that the evening session shall continue until not later than 11 o'clock p. m.

Mr. FLETCHER. Mr. President, may I ask the Senator if that means we will not have the calendar before Monday night?

Mr. CURTIS. We will have a call of the calendar until 2 o'clock on Monday unless the morning hour is otherwise taken up.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? There being no objection it is entered into.

EASEMENTS UPON PUBLIC MILITARY RESERVATIONS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1482) to authorize the Secretary of War to grant easements in and upon public military reservations and other lands under his control, which was, on page 2, after line 14, to insert:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. WADSWORTH. I move that the Senate concur in the House amendment. It is corrective in character.

The motion was agreed to.

BOARD OF COMMISSIONERS OF UNITED STATES SOLDIERS' HOME

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1484) to amend section 1, act of March 4, 1909 (sundry civil act), so as to make the Chief of Finance of the Army a member of the Board of Commissioners of the United States Soldiers' Home, which was on page 1, line 8, after the word "surgeon," to insert the word "general."

Mr. WADSWORTH. The amendment is the correction of a typographical error, and I move that the Senate concur in the House amendment.

The motion was agreed to.

ADALINE WHITE

Mr. CURTIS. I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill (S. 254) for the relief of Adaline White, and that the bill be referred to the Committee on Finance.

The PRESIDING OFFICER. Is there objection?

Mr. BRUCE. What is the nature of the bill?

Mr. CURTIS. It is a bill growing out of war matters and it is the rule that the Committee on Finance shall have jurisdiction instead of the Committee on Claims.

The PRESIDING OFFICER. Without objection, the change of reference will be made.

REGULATION OF COMMERCE IN COAL

Mr. COPELAND. Mr. President, will the Senator from Indiana yield to me to report a bill and make a brief statement about it?

Mr. WATSON. Will it excite debate?

Mr. COPELAND. Not at all.

Mr. WATSON. I yield for that purpose.

Mr. COPELAND. From the Committee on Education and Labor I report back favorably with an amendment the bill (S. 4177) to regulate interstate and foreign commerce in coal and to promote the general welfare dependent on the use of coal, and for other purposes. A copy of the bill will be found on each desk.

In view of the present coal crisis in England and in view of the situation we had in the United States last winter, I am sure we will agree this is a matter which must be given consideration at this session. My purpose in calling attention to the matter this morning is to make the Senate familiar with this simple bill.

FACT FINDING

It enlarges the powers of the Department of Commerce, requiring the Bureau of Mines to gather, analyze, and make public all essential facts and conditions relating to the production, distribution, and storage of coal, including cost, prices, profits, marketing, wages, working conditions, and so forth. In its provisions for fact finding it covers the suggestions made in his bill by the Senator from Arkansas [Mr. ROBINSON].

LABOR RELATIONS

The second title of the bill relates to labor relations. In the event of a threatened strike in the coal industry the President is authorized to employ, in his discretion, any existing agencies suitable to mediate in the dispute, or perhaps to induce the disputants to submit to voluntary arbitration.

If the dispute is not settled in this manner and interruption of interstate commerce is threatened, the President is authorized to create an emergency coal board. It is the duty of this board to investigate and report to the President upon the controversy within 30 days.

EMERGENCY DISTRIBUTION

The third title of the bill provides for emergency distribution in event there is substantial restraint or interruption of interstate commerce in coal. The President is authorized to proclaim that an emergency exists, threatening to impair the health, safety, and welfare of the people of the United States, and to interfere with commerce between the several States. He may then declare as operative and in full effect the act of September, 1922, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities and to prevent the sale of fuel at unjust and unreasonably high prices.

There was a further provision in the bill which I presented. This authorized the President, in his discretion, to take over and operate during the emergency such mines as were necessary to furnish enough coal to keep the people from freezing and starvation. This was stricken out by the committee.

The bill will be brought up for consideration, I hope, at some early time. I am anxious that Senators may be thinking about it and studying the bill, because the matter is of such importance that I feel we should be thoroughly informed regarding it in order that early action may be taken.

The PRESIDING OFFICER. The bill will be placed on the calendar. The unfinished business will be proceeded with.

RAILWAY CARRIERS AND THEIR EMPLOYEES

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes.

Mr. CURTIS. I desire to submit an amendment to the pending bill, which I ask to have read and that it be printed and lie on the table.

The amendment was read and ordered to be printed and to lie on the table, as follows:

Amend section 7, paragraph (f) in line 20, by striking out the proviso and add in lieu thereof the following proviso:

"*Provided*, That the Interstate Commerce Commission may, upon its own motion, suspend the operation of any such award or any wage agreement between the parties subject to this act, except one resulting from the operation of section 10, if the commission is of the opinion that such award or agreement involves an increase in wages or salaries as not to be in the public interest. The Interstate Commerce Commission shall hear any award or agreement so suspended within 30 days thereafter and with due diligence affirm or modify such suspended award or agreement."

Mr. WATSON. Mr. President, I claim for the measure that is now brought before the Senate for consideration that it is the best that can be passed at the present time and under existing conditions to preserve peace between the carriers and their employees in the United States.

The measure is the result of conferences held during the summer and fall of 1925 between representatives of employers and employees on the transportation system of the United States. Informal conversations between them began before the adjournment of the last Congress, but it was not until after

that time that representatives were formally selected for the purpose of conferring upon some measure or some principle or some policy that might prevent strikes in the future and preserve peace as between the parties. In December last the bill was finally formulated. During these conferences the parties gradually grew closer together. There had been more or less of antagonism, more or less of suspicion, more or less of fear, but gradually it dawned upon each party that the other was impelled by the most sincere motives and that each side was determined, if possible, to make concessions so that some measure might finally be agreed upon that would preserve peace in this portion of the industrial world and in the future prevent strikes and lockouts on the railroads.

I will ask to have printed in the RECORD as a part of my remarks a list of the railroads that were represented and also a list of the employees' organizations that were engaged in this endeavor.

The PRESIDING OFFICER (Mr. BLEASE in the chair). Without objection permission is granted.

The lists are as follows:

LIST OF RAILROADS

Alabama & Vicksburg.
Atchison, Topeka & Santa Fe.
Atlanta & West Point.
Atlantic Coast Line.
Baltimore & Ohio.
Boston & Maine.
Buffalo, Rochester & Pittsburgh.
Central of Georgia.
Central Railroad Co. of New Jersey.
Chesapeake & Ohio.
Chicago & Eastern Illinois.
Chicago & North Western.
Chicago, Burlington & Quincy.
Chicago & Western Indiana.
Chicago Great Western.
Chicago, Indianapolis & Louisville.
Chicago, Milwaukee & St. Paul.
Chicago, St. Paul, Minneapolis & Omaha.
Clinchfield.
Colorado & Southern.
Delaware, Lackawanna & Western.
Duluth, South Shore & Atlantic.
Florida East Coast.
Fort Worth & Denver City.
Grand Trunk System, lines in United States.
Great Northern.
Gulf Coast Lines.
Gulf, Mobile & Northern.
Gulf & Ship Island.
Hocking Valley.
Illinois Central.
Lehigh & New England.
Lehigh Valley.
Long Island.
Louisville & Nashville.
Minneapolis, St. Paul & Sault Ste. Marie.
Minnesota & International.
Missouri Pacific.
Nashville, Chattanooga & St. Louis.
New York Central.
New York, Chicago & St. Louis.
New York, Ontario & Western.
Norfolk Southern.
Norfolk & Western.
Northern Pacific.
Pennsylvania.
Reading.
Richmond, Fredericksburg & Potomac.
Rutland.
St. Joseph & Grand Island.
San Antonio, Uvalde & Gulf.
Southern Pacific.
Trinity & Brazos Valley.
Union Pacific.
Vicksburg, Shreveport & Pacific.
Western Pacific.
Western Railway of Alabama.
Winston-Salem Southbound.

LIST OF ORGANIZATIONS OF RAILWAY EMPLOYEES

Brotherhood of Locomotive Engineers.
Brotherhood of Locomotive Firemen and Enginemen.
Order of Railway Conductors.
Brotherhood of Railroad Trainmen.
Switchmen's Union of North America.
Order of Railroad Telegraphers.
American Train Dispatchers' Association.
International Association of Machinists.
International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America.
International Brotherhood of Blacksmiths.
Sheet Metal Workers' International Alliance.
International Brotherhood of Electrical Workers.
Brotherhood of Railway Carmen of America.
Brotherhood of Railroad Signalmen of America.
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees.
Brotherhood of Stationary Firemen and Oilers.
United Brotherhood of Maintenance of Way Employees and Railroad Shop Laborers.
National Organization, Masters, Mates, and Pilots of America.
International Longshoremen's Association.
National Marine Engineers' Beneficial Association of the United States of America.

Mr. WATSON. Suffice it to say in general terms that 58 railroads were concerned in these negotiations and 20 railroad labor organizations. Fifty-eight railroads were favorable. When the final vote was taken 20 were against the proposition, but the railroads do not vote as units. They vote in their meetings by each thousand miles of railroad, 1 vote for each 1,000 miles. One hundred and ninety-nine votes were cast for the bill measured in that way and 48 against it. Twenty railroad labor organizations participated through their representatives in these conferences. No labor organization was hostile to the proposition at that time and indeed at the present time none is hostile, though one or two have been here asking to have some amendments adopted, in order that they may certainly be included in the provisions of the bill.

The measure passed the House, after full consideration by the Committee on Interstate and Foreign Commerce and by the House of Representatives itself, by a vote of 381 to 13. We had ample hearings before the Interstate Commerce Committee of the Senate. Practically everybody was heard who demanded to be heard, and it was quite significant at the time that no railroad company appeared in opposition to it, that no labor organization appeared in opposition to it, and that the sole opposition was voiced by Mr. James A. Emery, a very able and brilliant lawyer representing the National Association of Manufacturers, who appeared in the interest of certain amendments, which had full consideration by the committee. So that this is a good-faith effort on the part of the managers and on the part of labor to set up some machinery by which their differences may be adjusted and by which peace between them may be preserved.

This is no experiment in the way of legislation in the United States. The truth about it is that as far back as 1875 discussions in both Houses of Congress began as to whether or not railroad strikes might not be prevented by conciliation, by arbitration, and by those peaceful methods that we all so much favor when they can possibly achieve the desired result. Public sentiment, however, did not sweep up to a sufficient height and develop sufficient volume to bring about the passage of an act until 1888; but in that year Congress did pass an act providing only for arbitration.

Let me say, Senators—and this is essential in the consideration of this question—that there are two classes of disputes that arise in connection with the operation of railroads. One class is what are ordinarily called grievances. They may be of a personal nature; they may involve a great many employees; they may involve a few employees; they may involve but one employee. Of this class, also, are disputes rising out of the interpretation and application of existing agreements as to wages, hours of labor, or working conditions.

The second class are those which have reference directly to changes in the rates of pay, salaries, hours of service, or working conditions, and they are the ones that in the last analysis occasion the greatest difficulties and give rise to the most serious disagreements.

I wish to give Senators a brief history of this attempt to set up machinery to preserve peace in the transportation system of the United States. The first act, that of 1888, provided for arbitration only. It had no reference to either mediation or conciliation and had to do only with wages and rules and conditions of service. There was no attempt to settle what are ordinarily called grievances by the boards of arbitration thus set up. The President was authorized by the act to appoint two commissioners, one from the State in which the dispute arose and the other from any place the President might choose to find him. Those two commissioners were authorized to cooperate with the Commissioner of Labor for the

purpose of constituting a board that might arbitrate the dispute or disagreement in which the railroad was involved. They could voluntarily offer to arbitrate, and the President had the right to offer their services in case of a dispute, because, Senators, all of this legislation is based upon the theory of the existence of a dispute. If there be no dispute, there is no occasion for arbitration; there is no occasion for any attempt at either conciliation or mediation. It is only in the case of disputes where difficulties that are irreconcilable arise that this machinery is set up for the purpose of establishing some method that will bring the disputants together and prevent strikes or lockouts. The act of 1888 also provided for arbitration. In case of a dispute each side could name one individual and those two could name a third. They were clothed with powers of arbitration—that is, the powers usually given to boards of arbitration.

The law was on the statute books for 10 years, but in that whole time not one single case was submitted to it for consideration. This is most significant to a proper understanding of the mechanism of this machinery. In the 10 years that that law remained on the statute books not one case was referred to it, for the reason that it had in it provisions for compulsory investigation; that is to say, the board appointed by the President, if cases were referred to it—and it all had to be voluntary—could take charge and force the attendance of witnesses, the production of papers, and so on. That was so distasteful to both sides at that time that nobody appealed to the board.

There was one tremendous strike that occurred while the board was in existence, and that was the celebrated Debs strike of 1894, during the course of which President Cleveland sent troops to Chicago to see that the transportation of the mails was not interferred with by those who were seeking to destroy railroad property. Yet no case was submitted for the consideration of the board of arbitration.

By 1898 Congress and the public believed that some law should be enacted, that some machinery should be set up, that some method should be adopted by which arbitration, mediation, and conciliation, without the use of force, might be employed in the settlement of all such disputes. So what is called the Erdman Act was passed in 1898. Some of us were Members of the House of Representatives at that time. My friend the Senator from Kansas [Mr. CURTIS], the present majority leader, and one or two other Senators were then Members of the House of Representatives and voted for the Erdman Act.

The act of 1888 and the Erdman Act of 1898 applied only to wages, rules, and working conditions, and not to grievances. Those acts applied only to those employees who were engaged in the actual operation of the trains, those engaged in train service only. They did not cover any other branch or organization of railroad employees.

The Erdman Act provided for mediation and conciliation; that is to say, when a dispute arose it was the business of the disputants to get together and undertake by mediation and conciliation to settle their own differences and arrange their own difficulties. Then it provided for arbitration in the usual way in which arbitration comes about, each side appointing a man, and those two a third, the three to arbitrate the difficulty. After the question was submitted to arbitration the board so created then had the right to send for persons and for papers; in other words, there was provision for compulsory investigation; and the award was filed with the circuit court of the United States and judgment was rendered thereon.

For eight and a half years after that act was passed no dispute was submitted under it for mediation or arbitration or conciliation or to be dealt with in any other manner. But by that time public sentiment had become so aroused to the danger of strikes and the interruption of the transportation service of the country that cases began to be referred to these boards for settlement, and between 1906 and 1913, when the Erdman Act was repealed, there were submitted to it 61 cases involving wages, salaries, and conditions of service, which are the questions out of which grow the great strikes on the railroads of the country. Every case was adjusted peacefully without any resort to force—a most happy consummation of the desires of those who were responsible for that legislation.

Of the 61 cases thus settled 16 were disposed of by arbitration and the remainder by mediation. Not one single strike of any great consequence came upon the country during that time, and every case that was referred to these boards was adjusted.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. GOFF in the chair). Does the Senator from Indiana yield to the Senator from Florida?

Mr. WATSON. Yes.

Mr. FLETCHER. Under what act was that?

Mr. WATSON. The Erdman Act. But the public and Congress became somewhat dissatisfied, and as a result, in 1913, the Newlands Act was passed. Senators will remember Senator Newlands, of Nevada. He introduced a bill which took his name and became a law in 1913. The difference between the Newlands Act and Erdman Act was that the Newlands Act provided a permanent Board of Mediation and Conciliation. It provided that the President could appoint a board consisting of a special commissioner of mediation and two others who were in the Government service, holding office at that time. That board could offer its services in case of a dispute between the management and employees of the railroads. It could only consider, as in the case of the other two acts, questions involving wages, hours of labor, and conditions of service. It could not in any wise deal with grievances or those minor disputes which are characterized as grievances. During the life of the Newlands Act 148 disputes were submitted to these boards, and all but one were settled peacefully. That was the one out of which grew the Adamson law. That dispute was settled not by mediation or conciliation or by arbitration, but by direct act of Congress.

I may have occasion later on to refer to the Adamson Act. Seventy-one of the cases submitted under the Newlands Act had reference to wages and hours and conditions of labor, the most aggravating class of cases that arise, and yet all were adjusted harmoniously; all were settled by mediation, conciliation, or arbitration. At all events no force was employed; at all events no compulsion was used, but all of the difficulties which arose during that time were settled in accordance with the methods of peace, which we trust may be those that shall be adopted in the future.

So, Senators, we come now to 1918, when the railroads were taken over by the Government on the 1st day of January of that year. With the advent of Government operation a new system was set up. We may all remember that at the time the railroads were taken over by the Government there was a tremendous demand for increased wages, and at that very time Mr. McAdoo appointed a commission of four. Mr. Wilcox, who had been chairman of the Republican National Committee, was one of those commissioners.

The commission sat for many months in the effort to adjust that question, and after, I think, four months, they decided unanimously in favor of the railroad employees; their decision was concurred in by Mr. McAdoo, and the award was made retroactive to January 1, 1918. Knowing that other disputes and difficulties would arise, at the suggestion of Mr. McAdoo, provision was made for boards of adjustment, which was the first time they appeared in connection with legislation of this kind. Such boards of adjustment could be formed by the parties to a controversy, or they could be permanent.

I refer to them as provided in the law at that time because in character and in formation they were identical with those in the Esch-Cummins Act. That is to say, they might be established by a single railroad line, a number of carriers, or any number of organizations. They might be established by a group of railroads. They might be established by the railroads nationally. I will say that under Government operation these boards of adjustment were almost universally acquiesced in and established by the labor organizations, or offers were made to do so, although at that time they were not looked upon so kindly by railroad managements.

During that period many cases were referred to these boards of adjustment; but the boards of adjustment in that case, as in this bill provided, had to do only with grievances—that is to say, with the interpretation and the application of existing agreements as to wages, hours of labor, and conditions of service—not as to wages, conditions of service, and hours of labor themselves, but as to the application and interpretation of existing contracts as to them. These boards of arbitration always are made up of those intimately acquainted with the conditions. Outsiders are not put on the boards. The problems are all of a technical nature, and therefore railroad men are required to decide them. So that in the measures providing for Government operation, as well as in the Esch-Cummins Act and in the measure before us, we provide for boards of adjustment to settle those technical questions that arise growing out of the interpretation and the application of existing agreements as to wages, hours of labor, and conditions of service, though they do not deal with the larger and the more drastic and the more dangerous problems of changes in the rates of pay or in the conditions of service or in the hours of work.

These boards of adjustment, as I say, were almost universally accepted; and in order that everybody might have an

opportunity to have his case adjusted, however small his grievance, Adjustment Board No. 1, Adjustment Board No. 2, and Adjustment Board No. 3 were established, and dozens upon dozens of cases were submitted to them during the time of their existence. All of these cases were settled in a spirit of conciliation and of harmony, and no difficulty grew out of the service during the time of Government operation so far as mediation or conciliation could maintain the harmonious relations that existed.

When the roads were to be turned back to their owners, Mr. Esch, then chairman of the Interstate and Foreign Commerce Committee of the House and now an honored member of the Interstate Commerce Commission, introduced a bill providing for the method of their return. This bill provided for conciliation and arbitration and for mediation. Mr. Anderson of Minnesota, submitted an amendment to it, which was adopted, which went even further along the line of conciliation and mediation than the proposition of Mr. Esch. When the bill came over to the Senate, however, there was a new situation. The Senator from Iowa [Mr. CUMMINS], then the honored chairman of the Interstate Commerce Committee, a man of wide knowledge and great experience in dealing with these problems, brought in an entirely new proposition. I call the particular attention of those who believe that at this time we should have force and compulsion instead of mediation and conciliation in the settlement of these disputes to the act that was passed by the Senate of the United States upon the recommendation of the Interstate Commerce Committee at that time.

We provided for a Railroad Labor Board. As recommended by the Interstate Commerce Committee and passed by the Senate, it consisted of five persons, all to be appointed by the President, all representing the general public. None of them was to have anything to do with railroad operation or with railroad ownership or with membership in any railroad organization; but when the bill got over to the House, the House would have none of it. It completely changed the complexion of the Railroad Labor Board, and it sent back to us a proposition providing for a Railroad Labor Board consisting of nine members—three representing management, three representing labor, and three representing the general public. In other words, it sent back to us a proposition by the terms of which we have six lawyers and three jurors on the jury, in which we have six advocates and three judges on the bench; and that is one of the causes of the failure of the Railroad Labor Board at the present time. It has been brought to a condition, as I shall show you presently, where it is absolutely useless so far as the settlement or adjustment of any controversies submitted to it is concerned.

That is just a brief history of the results of the efforts of Congress in times gone by, aided partially only by management on one side and labor on the other, to set up machinery for the adjustment of the differences between management and laborers on the railroads of the country.

That brings us up to the present time. "Well," you say, "what is the occasion for the passage of this bill at this time"? The necessity for the passage of this measure at this time is the collapse of the Railroad Labor Board, not because of the personnel of the board—because there are on it men of high character, wide experience, and high motives—but because of the very complexion of the board, its constituent elements. As I have said before, it has on it three members representing management, three representing labor, and three representing the general public; and when any case comes before that board, immediately those who are in sympathy with the respective sides become advocates on the court.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Kansas?

Mr. WATSON. I do.

Mr. CURTIS. I have been surprised to hear the Senator say that the Railroad Labor Board has collapsed. I wish the Senator, before concluding his remarks, would tell us in what regard it has collapsed. I have been told, though I have not had time to verify the statement, that the Railroad Labor Board has been very successful except in, perhaps, two or three cases. Of course, I am not a member of the committee and have not had time to verify that statement, but I should like to have the Senator, if he has the facts, state them in reference to the failure of the board.

Mr. WATSON. The facts are that all the organizations of labor squarely state that they never again will appeal to the Railroad Labor Board in any case; four-fifths of the railway managers of the country state that they never again will appeal to it in any case; and if neither side appeals to the board, it has no jurisdiction over anything, because it is only to settle disputes. If agreements are made, the Railroad Labor Board can not get into the situation. It is quite true that in the past it did consider a great many cases. It is quite true that management went to it; it is quite true that labor went to it; it is quite true that it had a great many cases.

Mr. CURTIS. Mr. President, is it not true that the cases settled were satisfactorily settled except in about three instances?

Mr. WATSON. In many instances, yes; but if the parties will no longer appeal to it, of what use is it? It is a dead branch on the vine that can bring forth neither flower nor fruit.

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Montana?

Mr. WATSON. Yes.

Mr. WHEELER. The trouble with the Railroad Labor Board is that the Supreme Court has held that it has not any power, and that any order it makes is not binding.

Mr. WATSON. I am coming to that, I will say to the Senator, in what I hope will be something of an orderly discussion.

Mr. CURTIS. Then, right in that connection, I wish the Senator would tell us something about the board of mediation, which under this bill has absolutely no authority, and yet the bill creates a board of five members at salaries of $12,000 each.

Mr. WATSON. It has just as much authority as the Railroad Labor Board.

Mr. CURTIS. Why create it, then, if it is given no authority?

Mr. WATSON. I am going to tell the Senator why.

The present Railroad Labor Board is permanent, and that is another cause of its weakness, because, having no authority to enforce its decrees, whenever it makes a decision it makes an enemy. That is why labor no longer will appeal to it, and that is why management no longer will appeal to it; and if nobody appeals to it—as the parties say they will not—then of what use is it? It can not voluntarily thrust itself into a situation unless there is a dispute; and if there be no dispute, and the parties agree, then there is nothing of which the Railroad Labor Board has any jurisdiction. It is utterly powerless to go into a situation unless there be a dispute. If there be an agreement, it has no function to perform, no duty to fulfill.

That manifest failure, as I shall show, on the part of the Railroad Labor Board, resulted in a bill being reported from the Interstate Commerce Committee of the Senate only a year ago abolishing the Railroad Labor Board, and 160 Members of the House of Representatives signed a statement in favor of abolishing it. This situation became so acute that the President referred to it in his annual message in 1923, in which he said:

> The settlement of railroad-labor disputes is a matter of grave public concern. The Labor Board was established to protect the public in the enjoyment of continuous service by attempting to insure justice between the companies and their employees. It has been a great help, but is not altogether satisfactory to the public, the employees, or the companies. If a substantial agreement can be reached among the groups interested, there should be no hesitation in enacting such agreement into law.

And that is precisely what we bring to you now—an agreement, a substantial agreement, a working agreement accepted by both sides, in accordance with the suggestion of the President of the United States.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Kansas?

Mr. WATSON. I do.

Mr. CURTIS. Does the Senator claim that that is done by the board of mediation?

Mr. WATSON. No; I am coming to tell the Senate all about it in a little bit, if the Senator will listen to me.

Mr. CURTIS. I thank the Senator. I will listen.

Mr. WATSON. The President continued:

> If it is not reached, the Labor Board may very well be left for the present to protect the public welfare.

But it has been reached. Therefore we have fulfilled the conditions of the President's message.

This message resulted in a wide discussion of the question throughout the United States. After its delivery the platforms of both political parties in 1924 took cognizance of the situa-

tion, the two conventions evidently believing that the matter was of such serious moment as to deserve platform recognition. The resolution adopted by the Democratic convention was as follows:

The labor provisions of the act (the transportation act) have proven unsatisfactory in settling differences between employer and employees. * * * It must therefore be so rewritten that the high purposes which the public welfare demands may be accomplished.

In that year—and I call the attention of my Republican associates to this language—the Republican platform of 1924 carried these words——

Mr. SMITH. Mr. President, before the Senator reads what was in the Republican platform, will he reread that which was written in the Democratic platform? As I caught it, it stated that the law as it now stands had to be rewritten. Will the Senator read that again, please?

Mr. WATSON. I shall be very happy to do so:

The labor provisions of the act (the transportation act) have proven unsatisfactory in settling differences between employer and employees. * * *

Mr. SMITH. That is the present Labor Board?

Mr. WATSON. That is what it means.

It must therefore be so rewritten that the high purposes which the public welfare demands may be accomplished.

The Republican platform of the same year used this language to which I call attention. If it does not fittingly describe and graphically set forth the very labor in which we are now engaged, then I do not understand the significance of language:

The Labor Board provisions of the present law should be amended whenever it appears necessary to meet changed conditions. Collective bargaining, mediation, and voluntary arbitration are the most important steps in maintaining peaceful labor relations and should be encouraged.

Listen:

We do not believe in compulsory action at any time in the settlement of labor disputes.

And yet men are coming here every day demanding that compulsory action be taken and compulsory provisions written into this law in place of what we adopted as the Republican platform!

We do not believe in compulsory action at any time in the settlement of disputes. Public opinion must be the final arbiter in any crisis which so vitally affects public welfare as the suspension of transportation.

We provide the machinery by which public opinion may be invoked, because we provide the method by which the public may be informed so as to intelligently come to conclusions respecting these propositions.

Therefore the interests of the public require the maintenance of an impartial tribunal which can in an emergency make an investigation of the facts and publish its conclusions.

That is just what we give.

This is essential as a basis for popular judgment.

I maintain that the bill now before the Senate carries out these suggestions to the very letter and embodies the very ideas set forth in the message of the President of the United States and in the platforms of the two great political parties.

Following his election the President, in his annual message to Congress, on December 3, 1924, referred again to this question. He said.

Another matter before the Congress is legislation affecting the labor sections of the transportation act. Much criticism has been directed at the workings of this section. It would be helpful if a plan could be adopted which, while retaining the practice of systematic collective bargaining with conciliation and voluntary arbitration of labor differences, could also provide simplicity in relations and more direct local responsibility of employees and managers.

Here is the plan thus outlined to the very letter to carry out that suggestion in the bill that is now here for consideration. I do not know how the suggestions of a message could be more explicitly embodied in legislation than were those of the President in the provisions of the pending measure.

The conferences conducted throughout 1925, which resulted in the formulation of the pending bill, were concluded on the 21st of December of that year. Speaking with reference to the results of the labors of the gentlemen who were responsible for the formulation of this measure, the President said in his annual message:

I am informed that the railroad managers and their employees have reached a substantial agreement as to what legislation is necessary to regulate and improve their relationship. Whenever they bring forward such proposals, which seem sufficient also to protect the interests of the public, they should be enacted into law.

Mr. CURTIS. Mr. President, will the Senator explain at the proper time, if he can, wherein the public is protected in the bill which is before us?

Mr. WATSON. I shall be glad to tell the Senator all about that, too.

The President continued:

It is gratifying to report that both the railroad managers and railroad employees are providing boards for the mutual adjustment of differences in harmony with the principles of conference, conciliation, and arbitration. The solution of these problems ought to be an example to all other industries. Those who ask the protection of civilization should be ready to use the methods of civilization.

The manifest inclination of the managers and employees of the railroads to adopt a policy of action in harmony with these principles marks a new epoch in our industrial life.

How could this pending measure be indorsed in stronger or more explicit language? I will come in a moment to what my good friend from Kansas adverted to.

Remember this, that the employees absolutely refuse to appear before the board in the future; that many of the important railroads of the country are opposed to it; that it has been held explicitly, as I will show in a moment, by the Supreme Court of the United States to have no authority to execute its decrees or enforce any decision it may make.

Mr. CURTIS. Mr. President, did not the Senator and other members of the committee know it had no authority when it was created?

Mr. WATSON. Certainly we did.

Mr. CURTIS. My recollection is that I made a motion on the floor to amend the bill by striking out the provision creating the Labor Board because it had no authority. The Senator knew at the time it had none.

Mr. WATSON. Certainly it had none. It is absolutely helpless. It is perfectly impotent. Yet my friend is holding it up as the final and decisive authority of the country to settle all the railroad difficulties of the Nation.

Mr. CURTIS. No; the Senator from Kansas is not holding it up; but the Senator from Kansas wants this measure so worded as to give protection to the public.

Mr. WATSON. Which I will show we do, unless the Senator wants us to resort to force. Does the Senator want compulsory arbitration?

Mr. CURTIS. The Senator from Kansas does not want to resort to force. The Senator wants a board with authority to investigate and pass upon the question as to whether or not the public interest is protected.

Mr. WATSON. How?

Mr. CURTIS. I want it to possess some authority to determine the public interest and take such action as it can to see that the public interest is protected.

Mr. WATSON. How? By legal compulsion? That would mean compulsory arbitration. That would mean force. I will say to my dear friend from Kansas, with whom I have served all these years, that it is either an olive branch or a club, and we have come with the olive branch. There is no chance for a club.

Mr. CURTIS. What I insist is this, that we give some other board—you may make it this mediation board, if you please, or the Interstate Commerce Commission, if you please—authority to review any agreement that is reached between these people, and if they find that it is not in the public interest, that they can then set it aside.

Mr. WATSON. I will come to that.

Mr. CURTIS. That ought to be done.

Mr. WATSON. I will show the Senator that that is precisely how we do that very thing. That is what we do. I will say to my good friend from Kansas, and my honored leader.

Mr. CURTIS. It is not done in this bill.

Mr. WATSON. No; it is not what I am talking about now, but it is what I hope to talk about by and by.

The President has suggested that it would be wise to seek a substitute for this. The platforms of both parties in 1924 clearly indicated dissatisfaction with the existing act relating to labor, and therefore something must be done, or we may have difficulty throughout the approaching summer and fall.

Do not think I am making a threat. I have no authority to speak for anybody, but I know that if disputes arise on

the railroads of the country, and there is no machinery set up by which those disputes may be harmonized and those differences adjusted, there may come suffering. Therefore it is our duty, sitting here as legislators, to provide some machinery that will enable those people to adjust their differences and settle their relationships.

Mr. JOHNSON. May I suggest to the Senator that we have an example to-day in the Anglo-Saxon-speaking country across the sea, and he is endeavoring to prevent just that sort of thing.

Mr. WATSON. If it be humanly possible to do it; and may God in His providence spare this Republic such dark calamity!

Senators, in the opinion of the Interstate Commerce Committee it is not possible to embody force in any form in this legislation. The theory of the bill is—and I call attention squarely to it—that all of these difficulties can be adjusted by good-faith agreements, by adjustments, either by collective bargaining or through the medium of a board of adjustment, or by mediation, or by arbitration and conciliation, and that no force whatever is required in order to bring about this happy solution of these difficulties.

Now I come to answer my friend from Kansas as to the public interest. The great objection to this bill is, as the Senator has so well voiced it, that it does not protect the public by its provisions. My contention is that the public is far better protected by this measure than at the present time. How shall I prove that? What has the public now under the present law? It has a board of mediation, it has a board of arbitration in an individual case, and it has the Railroad Labor Board.

The adjustment boards never have as a part of their membership anybody representing the public. The disputes considered by that board, as I said a moment ago, and as I say again, all arise out of technical questions, and therefore boards of adjustment have nobody on them but those familiar with railroad business, who understand the technique of the situation.

What else has the public? It has one-third of the board of arbitration; that is to say, if there is a dispute between the railroad employees and the managers, the employees appoint one and the managers another, and the third comes from the public.

Mr. CURTIS. How do you get arbitration? Not without the consent of the interested parties.

Mr. WATSON. Certainly not; but the public has that if it has anything. If it has not that, it has not anything under the existing law. What else has it? It has one-third of the Railroad Labor Board. That is utterly impotent to enforce a decision or to execute a decree.

What do we give the public in this measure? It has one-third of every board of arbitration, just as it has now. What else? We give it a board of mediation of five persons, all representing the general public, all appointed by the President. What else do we do? We then give it an emergency board, to be appointed by the President. No member of the board of mediation, no member of the emergency board, which is to act in the last analysis, after all efforts have failed, is to have any interest in the railroad management or in any labor organization. We have given two complete boards, whereas now the public has one-third of one board. If the public is protected now, it is doubly protected by the provisions of this bill which I present for consideration.

Mr. CURTIS. Will the Senator point to the provision providing for mediation that in any way protects the public?

Mr. WATSON. How much can the Railroad Labor Board protect the public? It can not protect it at all. It is perfectly helpless.

Mr. CURTIS. The Senator keeps referring to the Railroad Labor Board. I am not interested in the Railroad Labor Board; I am interested in this measure.

Mr. WATSON. I am referring to the Railroad Labor Board because we have to substitute something for it. I want to furnish something that is live and galvanic as a substitute for something that is dead or moribund.

Mr. CURTIS. Will the Senator tell the Senate what is live in the mediation provisions of this bill?

Mr. WATSON. Certainly. I am telling the Senator with all my might.

Mr. CURTIS. Do not give us just language. Point out the provisions in the bill.

Mr. WATSON. I am pointing out the provisions in the bill. I am afraid the Senator has not read it.

Mr. CURTIS. I have read every word of it several times, and I offered an amendment, because I thought it was necessary. I want to say that I am just as heartily in favor of the carriers and their men getting together as the Senator can be. I showed that when I offered an amendment to do away with the Railroad Labor Board when the present law was under consideration. I want something in this act which will provide that if agreements between the employees and the managers are unfair to the public the public's interest can be protected. Every Member of this body ought to be interested in that, because the public is more deeply interested in this question than are the railroads or their men. The railroads are created to serve the public, and the public interest should be protected in this measure or we ought to defeat the measure.

Mr. WATSON. Protect it how?

Mr. CURTIS. I stated to the Senate a moment ago that it should be protected by giving the Interstate Commerce Commission, or by giving to this board of mediation, the right to withhold any order or agreement the companies and the men may make if it is against the public interest.

Mr. WATSON. Which would be absolutely unconstitutional.

Mr. CURTIS. Giving them 30 days in which to have a chance to be heard. If the railroads and their employees want to do what the Senator contends, they will not object to that, and the very fact that they do object to it convinces me that they do not care to have the public interest protected.

Mr. WATSON. Mr. President, I do not care to stand here and impugn the railroad managements and all the railroad employees of the United States.

Mr. CURTIS. Neither do I; but that is only a fair provision, and it ought to be put in this bill.

Mr. WATSON. I will say to my good friend that he is actuated by the fear, I think, that the railway managements and the railway laborers will get together, if this is passed, and fix up an agreement for increased wages.

Mr. CURTIS. I expect them to do that, and I hope it will be fair. If it is fair, it ought to be approved, but if for any reason, because of their anxiety to get together, they agree to something that is against the public interest, there should be somebody, some power somewhere, to hold them down, and with authority to consider whether a thing is fair to the public or not.

Mr. WATSON. The public interest can be protected by mediation or by conciliation or by both. That is all there is to it.

Mr. CURTIS. So far as mediation is concerned, the Senator has not pointed out one single line that protects the public. The board of mediation, so far as it is concerned, is just as helpless and just as useless as the Senator says the present Labor Board is. We are simply asked to give to five men a salary of $12,000 each, that we might as well or had better throw in the Potomac River, because somebody might find it and it would help them.

Mr. WATSON. Let me tell my friend wherein he is wrong. In the first place, if the management of the Pennsylvania Railroad and the employees of the Pennsylvania Railroad wanted to get together to-morrow and fix wages, who is there in the United States to say they shall not do it? Not one soul! Everybody is perfectly helpless. Why? It is a private contract, and I have here decisions of the Supreme Court squarely to show that no power has a right to interfere with private contracts.

Mr. CURTIS. But if that be an agreement which would increase the railroad rates beyond what is reasonable, then there is a power or should be a power that could prevent those rates from being put into effect.

Mr. WATSON. I will talk about that feature of it, but it is not to be accomplished by the amendment proposed by the Senator from Kansas.

Mr. CURTIS. Oh, yes; it is.

Mr. WATSON. No; not by any manner of means, and I will talk about that in a moment.

Mr. CURTIS. The amendment proposed by the Senator from Kansas would give to the Interstate Commerce Commission the power to hold up an agreement until they could investigate to see if in its opinion it would be against public interest. The commission would give the parties a hearing within 30 days. If they find the agreement is against the public interest, they may order that it not be put in operation.

Mr. WATSON. I am perfectly familiar with the Senator's amendment, and I am just as much opposed to it as I could be to any proposition.

Mr. CURTIS. I am sorry, because if the Senator is opposed to it, he is opposed to protecting the public interest, and I do not think that of the Senator from Indiana.

Mr. WATSON. I am going to protect the public interest. In fact, I am right now engaged to the uttermost limit in trying to set up machinery to protect the public interest, and I will talk about that in a moment.

How can the public interfere if the Pennsylvania Railroad management and its employees get together and fix wages? It is said that there is danger that this is going to be done. If they want to do it, they can do it now. The Railroad Labor Board has nothing to do with that proposition. The Railroad Labor Board has power to act only when there is a dispute. If there be no dispute the Railroad Labor Board is never called into play. It has no authority, no jurisdiction, and it can not get into the controversy anywhere along the line.

Now, let us go to title 3, which is the title of the present law.

Mr. REED of Missouri. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Missouri?

Mr. WATSON. I yield.

Mr. REED of Missouri. Does the Senator not see any difference between a single railroad agreeing with its employees as a matter of private contract between the employee and the employer, and a proposition that the Government shall itself set up a tribunal which shall pass upon the question of wages on all railroads, affecting them all alike at one time?

Mr. WATSON. I do not. I do not care whether it is one man's wages or a million men's wages, it is the right of private contract as applied to the individual. Under the Adamson law, in the case of Wilson against New, that question was squarely decided by Chief Justice Taft and concurred in by the unanimous opinion of all the members of the court. We can not interfere with the right of private contract, the right to work, the right not to work, the right to fix wages, the right to agree on emoluments for labor. That is an absolute contract that is sustained and protected by the Constitution of the United States.

Mr. REED of Missouri. I was unfortunate in not getting my thought to the Senator.

Mr. WATSON. I do not care whether it is one man or a million men, the principle is the same.

Mr. REED of Missouri. The principle to which I am trying to call attention is this: Let us concede that the Pennsylvania Railroad has a right to agree with its men on the wages that shall be paid. That private contract, if they see fit to make it, can not be interfered with. Suppose we concede that. Does not the Senator see any difference from a practical standpoint between that transaction between one railroad and its employees, and the Federal Government setting up a board which is to decide the question not only for one railroad but for all railroads, or the Federal Government itself undertaking to sanction or to promote an arrangement that affects every railroad in the United States at once? Does the Senator see no practical difference between those two propositions?

Mr. WATSON. Not the slightest in the world. If it relates to the wages of one man, it is the principle involved. The Adamson law applied to a case where all the railroads were involved and all labor was involved, and that is where the decision came.

Mr. REED of Missouri. I am talking about the practical standpoint.

Mr. WATSON. I am talking about the legal phase of it, and that is all there is to it. There is no escape from that.

Mr. REED of Missouri. I do not think so at all.

Mr. WATSON. Then the Senator and I differ.

Mr. REED of Missouri. If that is all there is to it, why pass the bill? If all there is to it is the legal phase——

Mr. WATSON. I will explain that to the Senator in a moment.

Mr. REED of Missouri. If the Senator will pardon me, I should like to make this statement.

Mr. WATSON. Certainly.

Mr. REED of Missouri. If all there is to it is the legal phase and if any railroad company and its employees had the right now to contract——

Mr. WATSON. Does the Senator dispute that?

Mr. REED of Missouri. No; I am not disputing it. If that is all there is to it and if that is all the bill does, why should we pass such a bill?

Mr. WATSON. That is all there is to this phase of it.

Mr. REED of Missouri. Manifestly it is because we propose to go beyond the mere contractual right that individual men have to contract with their company and we propose to set up a machinery to do something. Now what is it? It is to interfere in a labor dispute. Senators can not come here and say, because the parties have a legal right to contract, therefore we must pass this bill, which proposes to create a tribunal to affect the rights of the company and the men and the public and at the same time fall back upon the proposition that they have the legal right to do it anyway.

Mr. WATSON. What would the Senator set up? What does he propose?

Mr. REED of Missouri. I am just trying to call attention to the distinction.

Mr. WATSON. I am trying to find out what the Senator would do.

Mr. REED of Missouri. I shall have some opportunity to express myself in regard to what I think ought to be done, but I am just calling attention to the fallacy of an argument which says there is a legal right to contract, and therefore, because of the legal right to contract, we must pass this particular bill.

Mr. WATSON. No; I do not say that.

Mr. REED of Missouri. It is said that we must pass this particular bill which goes far beyond the legal right of contract, and that is the reason why the Senator is asking to have the bill passed.

Mr. WATSON. No; the Senator has, unintentionally, of course, misstated my major premise and my minor premise and my conclusion. Otherwise his statement is all right.

Mr. FESS. Mr. President, will the Senator yield to me?

Mr. WATSON. Certainly.

Mr. FESS. I do not want to interfere with the course of the Senator's argument, but the Senator from Kansas [Mr. CURTIS] has raised a very significant question about the protection of the public——

Mr. WATSON. It is, indeed.

Mr. FESS. In asking that the Interstate Commerce Commission be given certain power which can not protect the public except in the way of having power to prevent a strike, which nobody is proposing, or in preventing an increase of rates in order to meet the agreement. I would like to ask the Senator whether agreements can require an increase of rates under the bill without first having the approval of the Interstate Commerce Commission.

Mr. WATSON. It can not; and I propose to discuss that with the Senator in just a moment or two.

Mr. SMOOT. Mr. President, will the Senator from Indiana yield to me?

Mr. WATSON. Certainly.

Mr. SMOOT. There are certain railroads in the United States that could increase the wages of their employees and still make more than the recapture clause of the law would allow them in the way of earnings. There are other railroads in the United States who, with the wages paid to-day, can hardly meet their expenses. What is there in the bill that would prevent the first-mentioned railroads, in order not to turn back to the Government of the United States a certain amount of their earnings over and above the amount allowed, from increasing the wages of their employees? And if that is done, does not the Senator think all employees on the other railroads would demand the same rate of pay, and if that be the case, what is going to be the result if the bill passes?

Mr. WATSON. I shall be very glad to take up that particular phase when I reach it, because I intend to do so later on.

Mr. SMOOT. I wish the Senator would do so, because it is of vital importance.

Mr. WATSON. Of course, the Senator is referring to the recapture clause?

Mr. SMOOT. Yes.

Mr. WATSON. Emphasizing the fact that the present Railroad Labor Board is helpless even in the case of a dispute, I want to call attention to two events that happened. In December, 1923, the engineers and firemen applied to the New York Central for a wage increase. They refused to submit the matter to the Railroad Labor Board and declined to take it there, but they did sit down around the table with the management of the New York Central.

The New York Central granted the increase. Similar negotiations resulted in a 5 per cent increase on all the eastern lines. They declined to appeal to the Labor Board, and the increases were made without any reference whatever to the Labor Board. The Labor Board was powerless to help the situation.

Immediately after that the engineers and firemen requested the western railroads to apply the New York Central increase to the western railroads. Conferences were held between the western managers' committee and the organizations. The railroads countered the request for a wage increase with a proposed change in rules, which the employees refused. The managers' conference failed, and ended in May, 1924. The employees then sought to get the individual roads in the West to apply the New York Central increase. The Labor Board intervened on its own motion and summoned the parties before it. The employees refused absolutely to appear. This was in July, 1924. The Railroad Labor Board issued subpœnas in

September, 1924, and attempted, through the district court, to compel the attendance of Mr. Robertson and others. Two cases were carried to the Supreme Court of the United States, where the first one, Robertson *v.* Railroad Labor Board, was decided in favor of the employees, the court holding that they had no right, power, or authority to subpœna anybody to come before them for any purpose. Therefore the whole thing went out of court.

What happened? Being unable to force the employees to appear, the Railroad Labor Board took evidence and handed down a decision in December, 1924, ordering certain changes in rules. The employees claimed that those changes in the rules would utterly invalidate any increase in wages. The employees refused to pay the slightest attention in the world to the decision so called. After a strike vote was taken on the Southern Pacific that railroad settled with the employees, granting the wage increase without any changes in the rules, in December, 1924.

Then similar settlements were made with all the other western railroads. In other words, here was a case where they declined absolutely to appeal to the Railroad Labor Board, and the Railroad Labor Board was powerless. Here was another case where the Railroad Labor Board made a decision and where both parties refused to pay any attention to the decision, but went on and agreed to an increase regardless of the Labor Board, and the Labor Board was powerless.

Mr. SMOOT. I want to get the Senator's idea as to what would happen in a case like this. Suppose another case like the New York Central case with its employees should arise. Suppose the employees took the identical course that they took and the western railroad employees should then appear asking for an increase. Suppose the increase made in the New York Central case was not affected by the recapture clause, but the increase was such that if some of the roads in the United States, be they in the West, or South, or East, granted those same rates they could not make the road pay. What would happen then?

Mr. WATSON. May I answer that in just a little bit?

Mr. SMOOT. At any time, but I want it answered, because I think it is a very vital question.

Mr. WATSON. An answer at this time would interrupt the continuity of what I am trying to present. I want to take up for specific discussion the amendment offered by the Senator from Kansas [Mr. CURTIS], which includes the proposition the Senator from Utah has just suggested.

Mr. SMOOT. Not altogether. That is only a part of it.

Mr. FESS. Mr. President, will the Senator from Indiana yield to me?

Mr. WATSON. Certainly.

Mr. FESS. I understand the question of the Senator from Utah [Mr. SMOOT] to be to the effect that if there be a profitable road, which could very easily increase the pay of its employees, and at the same time there be a less profitable road, which could not safely make the increase, the proposed law will not meet that condition? However, how is it met under the existing law?

Mr. WATSON. My attention was diverted for a moment and I did not catch the Senator's question.

Mr. FESS. Under the proposed law the small railroad would be in the same situation, so far as its operations are concerned, as under the present law?

Mr. WATSON. Certainly.

Mr. FESS. In other words, the proposed law will not in any way interfere with the less profitable roads.

Mr. SMOOT. The Senator forgets that under the power of the Interstate Commerce Commission if the allowance of increased wages for employees involves a greater expense than a railroad can stand under present rates, then an increase of rates must take care of it. That applies to all of the roads throughout the United States, but in this case it could not be cared for in that way.

Mr. FESS. It would apply under the new law just as it would under the present law.

Mr. SMOOT. No.

Mr. FESS. Precisely.

Mr. SMOOT. Not if the Interstate Commerce Commission has nothing to say about it.

Mr. FESS. That matter was presented to the committee.

Mr. WATSON. I am going to come to that in a little while, I will say to my friend from Utah.

Mr. GOODING. Mr. President, it seems to me that it would be better if Senators would allow the Senator from Indiana to proceed with his presentation of this bill.

Mr. WATSON. That is all right.

Mr. GOODING. I am sure that many of the Senators here would like to have a full statement in reference to the bill and then to submit their questions. I am certain that the Senate can get a better understanding of the bill in that way. I am sure that the Senator from Indiana, who is the chairman of the Interstate Commerce Committee of the Senate, is going to discuss every phase of the bill all the way through.

Mr. SMOOT. All the Senator from Indiana has to do is to refuse to yield if he desires not to be interrupted, and I will respect his wishes.

Mr. GOODING. But the Senator from Indiana does not care to do that. It seems to me, however, that it would be to the advantage of the Senate if he should be allowed to proceed until he shall have concluded his presentation of the bill.

Mr. BRUCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Maryland?

Mr. WATSON. I certainly do.

Mr. BRUCE. I am sorry that I can not just yet accept the suggestion of the Senator from Idaho [Mr. GOODING]. It seems to me that the Senator from Indiana ignores the fact that while the present Railroad Labor Board has no power to enforce its conclusions and has no compulsory power of any kind, yet it has the power to do what was practically the only thing it was intended to do when it was created; that is, to elicit facts and bring those facts to the attention of the public, so that the public may form its own judgment as to the justice of an industrial dispute.

Mr. WATSON. But how far afield it must go to do that, when no labor organization will appeal to it in any dispute, when few railroad managers will appeal to it in any dispute, and when if it thrusts itself in everybody will know that no attention will be paid to whatever decision it may reach. Why refer a case to a board of that character?

Mr. BRUCE. But is the Senator right in saying that nobody pays any attention to it?

Mr. WATSON. I am right in saying that. If the Senator was present in the committee and heard the statement of representatives of labor that they never intended again to appeal to it, he would not question the accuracy of my statement. They have not been appealing to it recently, except in cases of slight grievances.

Mr. BRUCE. If the theory of the law is right, it makes very little difference whether the railway executives pay any attention to the Railroad Labor Board or whether the railway workers pay any attention to it. It still has the power through its statistical bureau, and through its agencies of one sort and another, to establish the real facts of a controversy, to elicit information with reference to a controversy, and to present that information to the public, so that the public may judge whether it is the railway executives or the railway workers that should suffer its condemnation.

Mr. WATSON. I just showed the Senator that the present board has no such power; I just gave two illustrations where the board subpœnaed men to come before it to testify and they declined to testify; and the case was taken to the Supreme Court of the United States, where it was decided that the board did not have that power.

Mr. BRUCE. The Senator is in error in citing the defiance of the law as an illustration of the inefficacy of my statement.

Mr. WATSON. It is no defiance of the law when there is no law and there is no authority. Why does the Senator say it is law when it is not law and when this board has no authority?

Mr. BRUCE. It has no power to enforce its mandates.

Mr. WATSON. It has not the power to compel the attendance of witnesses.

Mr. BRUCE. It can issue no compulsory process; that is all true; it was never intended to have any such compulsory power; but I think in the formation of that board it was intended that it should be clothed with full authority to elicit the facts relating to labor controversies and to lay those facts before the American people so as to let the American people judge whether it is the railway executives or the railway workers who are at fault.

Mr. WATSON. That is very fine, but the board has no such power; it can do no such thing. It can not subpœna a solitary man and compel him to come before it; it can not issue a subpœna duces tecum and have it honored; it can not get a soul before it.

Mr. BRUCE. But information can be obtained without resort to a subpœna duces tecum or resort to a summons. There are all sorts of ways of getting information in the case of a labor dispute; there are hundreds of individuals who are only too glad to come forward and to give information to the Railroad Labor Board.

Mr. WATSON. They generally know nothing about it.

Mr. BRUCE. I say the Senator is not correct——

Mr. WATSON. I am correct.

Mr. BRUCE. When he attempts to hold up the Labor Board as being absolutely impotent, for that is not the fact.

Mr. WATSON. I say it is a fact, and I say that the facts warrant the statement. The Senator knows it has no power; the Senator has admitted that it can not enforce its decrees; he has admitted that it has no compulsory process. Then what is there to it?

Mr. BRUCE. It was never intended to have any such power. We have not yet arrived at the stage—although perhaps we may, if the example that is being set by England is to become infectious—we never have yet arrived at the stage of being compelled to resort to the use of force in labor disputes. Consequently, when the Labor Board was created the idea was not to clothe it with any coercive or compulsory authority of any kind, but to clothe it with the power to elicit facts relating to labor controversies, so that the American public could judge for itself who was at fault; whether the railway executives or the railway workers.

Mr. WATSON. The Senator knows just as well as he is alive that that is just what the emergency board provided in this bill will be able to do.

Mr. BRUCE. I do not; and I am going to offer an amendment to that part of the House bill. I am also going to offer some other amendments which I conceive to be in the interest of the public. The emergency board is clothed with no power whatever to issue a simple subpœna or a subpœna duces tecum. It is clothed with no sort of adequate authority for the purpose of eliciting facts with reference to labor controversies.

Mr. WATSON. A board of arbitration is provided for, as the Senator knows.

Mr. BRUCE. There is no provision whatever for any impartial board of arbitration. The board of arbitration under that bill is simply a continuation of the present board of adjustment.

Mr. WATSON. Not at all.

Mr. BRUCE. I do not want to be misunderstood. If this bill were properly amended, I might feel that it was my duty to vote for it. The fact that it has obtained the assent of a certain number of railway executives, and the fact that it has obtained the assent of a large number of railway workers, is a strong point in its favor, but, in my humble judgment, before the bill should be accepted it should be amended, and I am going to do everything in my power to secure its amendment.

Mr. WATSON. And I am going to do everything in my power to prevent its amendment.

Mr. CURTIS. Mr. President, the Senator made a statement in regard to the labor organizations holding out against the Railway Labor Board. I have received information—I have not had time to verify it—that only one organization, the engineers, have held out against the Labor Board.

Mr. WATSON. I did not say that.

Mr. CURTIS. I say I have information that only yesterday one of the organizations of railway employees appeared before the Labor Board.

Mr. WATSON. I did not say that.

Mr. CURTIS. The Senator said that the railroad organizations were refusing to recognize the board.

Mr. WATSON. Their representatives have come before our committee and said they never again intended to recognize it or appeal to it.

Mr. CURTIS. Yet, only yesterday one of those organizations appeared before the board.

Mr. WATSON. It may have appeared before the board in regard to some little grievance or other, but not as to any fundamental question involving wages, hours of labor, service, or working conditions, which are the serious, far-reaching disputes that cause all the trouble in the country.

The Labor Board is authorized by the act of 1920 to act in all disputes in respect to the wages or salaries of employees and subordinate officials of carriers not decided by agreement or by an adjustment board. It is quite true that it is provided that in any such decision at least one of the representatives of the public must concur before the decision shall be binding; but of what value is that if the decision can not be enforced?

It may assume jurisdiction of a question when asked so to do by the chief executive of a railroad or the chief executive of a labor organization whose members are directly interested in the dispute; but most of these various organizations have determined, as I have repeatedly said, that they will no longer appeal to the Labor Board, and, therefore, how is a dispute to get before it? The Railroad Labor Board was organized to settle disputes. If there be agreement, there is no dispute, and so the board does not act on the case.

Mr. BRUCE. Mr. President, may I interrupt the Senator again for just a moment?

Mr. WATSON. Certainly.

Mr. BRUCE. As I understand, only three railroad companies in the country have refused to go before the Labor Board; that is to say, the Chicago & Alton, the Erie Railroad, and the Pennsylvania Railroad. I may be wrong, but that is my information.

Mr. WATSON. I will say to the Senator that his information is decidedly erroneous. If the Senator heard the testimony of these men in the committee he will remember that they squarely said to us that they would not appeal to the board any more.

Mr. BRUCE. I am speaking about what has been done; not what the railway executives say they will do, but what they have actually done.

Mr. WATSON. I just cited two cases to the Senator.

Mr. BRUCE. That is my information. If I am laboring under misinformation, I hope the misinformation will be corrected, but I make the statement that, so far as I know, only three railroad companies have refused to go before that board, the Pennsylvania Railroad, the Chicago & Alton, and the Erie. Has the Senator any specific information to the contrary? Can he name any other railroad company that has refused to go before the board?

Mr. WATSON. I have just cited, but the Senator does not pay attention to what I say, two cases; one was the New York Central, and the other was the Southern Pacific. Both of them I cited to the Senator just a moment ago. I did not bring a reference to other instances with me, but they are decisive of the proposition I was discussing. The New York Central people got together and said that they would not go to the Labor Board and would pay no attention to it.

Mr. BRUCE. Did the New York Central refuse specifically to accept the jurisdiction of the Railroad Labor Board?

Mr. WATSON. Certainly they refused.

Mr. BRUCE. I was not aware of that fact.

Mr. WATSON. I am telling the Senator of it now, and I hope to tell the Senator a great many things of which he is not aware.

Mr. BRUCE. I am glad to receive information, even from a source of such doubtful authority as the Senator from Indiana.

Mr. WATSON. I thank the Senator. I cited also to my good friend from Maryland the case of the Southern Pacific. Did the Senator hear me refer to that?

Mr. BRUCE. I did not.

Mr. WATSON. Well, I will not go over it again; I will tell the Senator about it privately.

Again, upon the Labor Board's own motion it may thrust itself into a dispute, if it is of the opinion that it is likely substantially to interrupt commerce; but of what avail is such action if it is entirely without authority to settle the dispute? Neither side is bound by the decision, even where the representative of the public concurs, because no authority is vested in the board to enforce its decrees.

Let it be assumed that the employees of any carrier make a demand for an increase of wages; that it can not be settled between the parties or by an adjustment board or by mediation, and that an appeal is made by either party to the Labor Board, that a hearing is had and a decision reached. Let us assume that the decision is against the railroad company ordering it to pay the extra wage; the company is under no legal obligation whatever to obey the order and to increase the wage. Nor would the situation be altered if neither party appealed to the board and it thrust itself into the controversy on its own motion. Authority is in no way vested in the board to enforce its decision, and that leaves it but a "dead end" only.

Mr. BRUCE. It never was intended to have any compulsory authority.

Mr. REED of Missouri. Where is the authority in the bill under discussion to enforce any decision?

Mr. WATSON. There is no authority to enforce it.

Mr. REED of Missouri. Then, what the Senator claims is a defect in the old law exists in the pending bill, by his own confession.

Mr. WATSON. I decline to be a party to put force in a board or to resort to compulsion to settle these controversies at the present time. If we set up this machinery and it fails to prevent strikes, if it shall fail in the effort to preserve harmony between the management and employees of the railroads, then the time may come when we shall be compelled to resort to force; but I want to go to the last extreme of conciliation and mediation before we resort to that last thing in our American civilization.

Mr. REED of Missouri. I am very much in agreement with the Senator about that. The point I am asking about is this: The Senator states the present law is ineffective because nobody is compelled to submit his dispute and nobody is compelled to obey the decisions of the board.

Mr. WATSON. Does the Senator deny that?

Mr. REED of Missouri. No; and that is exactly the condition in which you leave us with your proposed measure.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. WATSON. No, no; let me go a little further.

Mr. REED of Missouri. There is no power to compel obedience, and there is no authority to compel a submission to jurisdiction in the first instance, and the Senator has just said that he is opposed to any kind of force.

Mr. WATSON. I am. Does the Senator want to embody force in this bill?

Mr. WALSH. Mr. President, I have no doubt that if the Senator from Indiana were allowed to proceed he would tell us how the proposed law is better than the one we have.

Mr. WATSON. That is what I want to try to do by and by. I thank the Senator.

Section 313 of the act of 1920 specifically provides as follows:

> The Labor Board, in case it has reason to believe that any decision of the Labor Board * * * is violated by any carrier or employee * * * may upon its own motion, after due notice and hearing to all persons directly interested in such violation, determine whether in its opinion such violation has occurred.

And then what? What remedy is provided? What power is put in its hands? What force is lodged in it? What can it do? The section answers this question by saying that the Labor Board under such conditions shall—

> make public its decision in such manner as it may determine.

That is its force, and that is its authority, and that is its power. Does the Senator deny that? How, then, is the public protected by such a measure more effectually than it would be protected by the provisions of the pending measure, which provides first for the board of adjustment as the present law does; which provides for this board of mediation, consisting of five persons; which provides that after they have endeavored by conciliation to induce the parties to settle in a spirit of amity and comity, and have failed, they shall then do their utmost to bring about arbitration; and if arbitration shall come, the board of arbitration shall be clothed with all the power with which boards of arbitration usually are clothed; the power that my friend says ought to be lodged somewhere; the power to send for witnesses and papers and make a complete investigation of the whole situation. Then, if all of these steps shall prove utterly futile, the board of mediation shall so notify the President of the United States; and if, in the opinion of the President, commerce is seriously threatened or the transportation system is likely to be seriously interrupted, then what happens? Then the President may appoint an emergency board of as many members as he may deem wise to appoint, as many as he thinks essential, to investigate the situation, and for 60 days the status quo shall be preserved; no strikes shall happen; no lockout shall occur; no trains shall stop. This period of repose for 60 days, this cooling-off time, will give the public full knowledge of the situation. That is what the Senator wants, and that is what I want, and that is all the power than can be lodged in any board unless we embody force in the bill. Is not that true?

Mr. BRUCE. Mr. President, not at all. The point I make is that the emergency board is not clothed by the provisions of this bill with the power to summon any witnesses before it, or to act in any way, to take any testimony in relation to the pending dispute.

Mr. WATSON. That is all true.

Mr. BRUCE. It is an impotent emergency board with no real power of any sort.

Mr. WATSON. Let me ask the Senator this question, however, in all fairness and in all candor:

Suppose there is a great railroad strike in the country that seriously threatens the peace of the Nation, that ties up interstate commerce, and is likely to freeze and starve a great many people; and suppose this board of mediation, which is a permanent board, undertakes to bring the parties together: Does the Senator say that they will refuse to come? Does the Senator say that they will decline to arbitrate? Can the Senator say that in this day and age of reason, and of peace, and of the force of public thought and opinion, either side could decline to arbitrate? Certainly not.

Mr. BRUCE. Mr. President, I do. That is exactly what the workers refused to do when the Adamson law was under consideration. Did they not refuse then to submit their dispute to arbitration? Did not the miners in Pennsylvania only a few weeks ago refuse to submit their dispute to arbitration?

Mr. WATSON. Did not both sides refuse, so far as that is concerned?

Mr. BRUCE. Oh, yes. I am not holding any brief for any railway executives or any railway companies that they represent.

Mr. WATSON. Neither am I.

Mr. BRUCE. I am holding a brief for the people of the United States, so far as in my humble capacity as an individual Member of the Senate I am authorized to say that much of myself.

Mr. WATSON. That is fine; but I claim that nobody, under those conditions, would refuse to arbitrate.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. WATSON. Yes.

Mr. COUZENS. I think there is some confusion. There is nothing in section 10, dealing with the emergency board, which provides arbitration.

Mr. WATSON. Oh, no.

Mr. COUZENS. The Senator from Maryland and the Senator from Indiana keep referring to arbitration after the matter reaches the stage covered by section 10, dealing with the emergency board.

Mr. WATSON. Oh, no; not at all. The Senator misunderstood me.

Mr. COUZENS. That is what the Senator from Maryland said. He referred to a refusal to arbitrate. The question the Senator raised was that the emergency board provided by section 10 had no authority to bring in witnesses.

Mr. WATSON. It has not.

Mr. COUZENS. That is true; but it was perfectly clearly pointed out that when the controversy reached that stage either side refusing to come before the emergency board would be placed in a very unenviable position.

Mr. WATSON. Here is the point about it: I claim that arbitration will come, and the whole thing will be investigated, and all of its recesses explored, and all of the evidence brought to the surface. Then we come to the emergency board. Does anybody pretend to say that each side would not with all speed hasten to the emergency board to disclose its evidence, to put forward its side of the controversy?

Mr. BRUCE. Mr. President, again I ask, did they at the time of the controversy which resulted in the enactment of the Adamson law? Did the parties speed to the White House to obey the injunctions of the President of the United States himself?

Mr. WATSON. Why, yes.

Mr. BRUCE. Were they even disposed to wait for the decision of the Supreme Court of the United States? Now, I am not using any incriminatory language. I have no disposition to reflect at all on either of the parties; but we must look facts in the face. We must bear in mind that when an acute labor controversy, a protracted labor controversy is under way, men lose their heads; railway executives lose their heads; railway workers lose their heads; and precedents, I say, are not wanting in which even the authority of the President of the United States and the authority of the Supreme Court of the United States have not been regarded with the degree of deference with which they should have been regarded.

Mr. WATSON. We all understand that to be true.

Mr. BRUCE. We are not legislating for ordinary peaceful times, when the halcyon is brooding over the sea, and its face is perfectly smooth. We are attempting to legislate for times of stress and trouble and conflict and passionate resentment.

Mr. WATSON. I agree to that. The Senator and I are not in any controversy on that proposition.

In the case of Pennsylvania Railroad Co. *v.* United States Railroad Labor Board, decided in October, 1922, the Supreme Court, speaking through Chief Justice Taft, thus defined the final authority of the Railroad Labor Board:

> The decisions of the Labor Board are not to be enforced by process. The only sanction of its decision is to be the force of public opinion invoked by the fairness of a full hearing, the intrinsic justice of the conclusion, strengthened by the official prestige of the board, and the full publication of the violation of such decision by any party to the proceeding. The evident thought of Congress in these provisions is that the economic interest of every member of the public in the undisturbed flow of interstate commerce, and the acute inconvenience to which all must be subjected by an interruption caused by a serious and widespread labor dispute, fastens public attention closely on all the circumstances of the controversy and arouses public criticism of the side thought to be at fault. The function of the Labor Board is to direct that public criticism against the party who, it thinks, justly deserves it.

Which is just the function of the emergency board provided for in this bill.

Further on in the same case, the court emphatically says:

> The jurisdiction of the board to direct the parties to do what it deems they should do is not to be limited by their constitutional or legal right to refuse to do it. Under the act there is no constraint upon them to do what the board decides they should do except the moral constraint, already mentioned, of publication of its decision.

Again, at the October term, 1924, speaking on the same point in another case, Chief Justice Taft emphatically limited the powers and defined the authority of the Labor Board in the following language:

> But when the other sections of the title are taken as a whole they may be searched through in vain to find any indication in the mind of Congress or any intimation that the disputants in the controversies to be anticipated were in any way to be forced into compliance with the statute or with the judgments pronounced by the Labor Board, except through the effect of adverse public opinion.

Mr. BRUCE. Mr. President, may I ask the Senator whether that comes to anything, except saying that Congress expected that the railway executives of this country and the railway workers of this country would have enough respect for the Government of the United States to appear before a board created by Congress when cited to appear before it?

Mr. WATSON. I am not going off into the high altitudes of ethical problems and settle them here as to what a railroad manager or a railroad worker ought to do or ought not to do. I am talking about the plain, practical proposition of what he does do. He is not going and he says he does not intend to go to the existing board; and if he does not go you have a dead proposition. Do you want something to put in its place? That is all there is to it.

In the light of the statute creating the board and in the added light thrown upon its power by these decisions how can it be said that the general public is protected by the provisions of the act of 1920 to a greater extent than it will be under the provisions of this bill? Both are voluntary. Neither is compulsory. Both depend upon public opinion specifically focused upon the point in controversy.

Neither confers more power upon any board than the other, and neither gives authority to enforce its decrees or to execute its judgments by legal process. But the one has failed. The other is yet to be tried. The one they say they will not appeal to. The other is their voluntary creation, and in good faith and in all sincerity they assert that they will appeal to it, and they will abide by its decision. That is the difference between the dead and the living.

Mr. BRUCE. Mr. President, the moment the Senator is in the slightest degree disinclined to permit my interruptions I want him to say so, and I will take my seat.

Mr. WATSON. I am delighted to yield to the Senator.

Mr. BRUCE. I am very much gratified to say that the Senator always seems to be peculiarly indulgent with me; but now I want to ask the Senator whether it is not true that there was also a board of mediation provided by the act of 1888, to which the Senator has referred?

Mr. WATSON. Yes.

Mr. BRUCE. And by the Erdman Act?

Mr. WATSON. Yes.

Mr. BRUCE. And by the Newlands Act?

Mr. WATSON. Yes.

Mr. BRUCE. Why is it that those boards of mediation are all being abandoned for a new board of mediation, which, so far as we know, will be able to exercise no more salutary authority than was exercised by those boards?

Mr. WATSON. The trouble about the Senator's inquiry is that in order to answer it I should have to go over again the same thing that I have been over before, and the Senator did not hear me.

Mr. BRUCE. That was so interesting that it will stand repetition.

Mr. WATSON. No; because I want to quit by sundown.

The act of 1888 provided for compulsory investigation. That was the period in railroad management when the managers were saying "The public be damned," that they had a right to run their own railroads in their own way, and they declined to appeal to any board. The representatives of labor were fearful that if they appealed to the board the managements would put something over on them; and for 10 years there was not a case referred to the board, although the Debs strike occurred at that time. Then came the Erdman Act.

Mr. BRUCE. When the Debs strike took place, that was the time when the workers said "The public be damned."

Mr. WATSON. Well, we are not getting anywhere by referring to that. I can not go back and argue the old Debs case over. The truth about it is that the board undertook to intervene, and no attention whatever was paid to it in the Debs strike; but I do not want to go into those details.

Then came the Erdman Act; and, as I stated a while ago, 61 cases were settled amicably under its provisions. It referred only to wages and labor conditions and hours of service, that is all; in other words, the drastic things over which strikes occur. Sixty-one cases were settled amicably. For some reason or other—and I can tell the Senator what I think the reason was, if he wants to know it—they provided that for three months after a decision the status quo should be maintained, and neither side would agree to that. So the Erdman Act gave way to the Newlands Act.

Mr. BRUCE. The Senator knows that thousands and thousands of cases have been settled amicably by the present Railroad Labor Board.

Mr. WATSON. When the Senator says thousands and thousands of cases, that means the petty cases. If a railroad appealed, and a hundred men were involved, they counted that a hundred cases.

Mr. BRUCE. Some important wage disputes have been settled by it too, have they not?

Mr. WATSON. Yes; but will not be in the future.

Mr. BRUCE. As long as wages were increased, nobody objected to the authority of the Railroad Labor Board. It was only when wages were diminished that the agitation against it began.

Mr. WATSON. Senators talk about protecting the public. Within four months after that board was formed and sat it increased wages $600,000,000. Was that protecting the public?

Mr. BRUCE. Yes; it was. As I understand it, the workers were justly entitled to the increases at that time.

Mr. WATSON. The Senator is saying that the public is protected only when wages are decreased. I am saying that the public is protected when the wages are increased quite as much.

Mr. BRUCE. With due deference to the Senator, I said nothing of the sort. I have always thought that increases of wages made with the approval of the Railroad Labor Board were eminently just increases of wages, to which the railroad workers were in every respect entitled.

Mr. WATSON. I will say to my good friend that when we passed the Esch-Cummins Act, the railway management of the whole country was against it. They came here in unlimited numbers and opposed it, and all of labor was for it, and they were here demanding that it be passed.

Mr. BRUCE. I am not speaking of what the railway executives thought about that act. I am speaking about what the general public, the final court of appeals under our institutions, thought of it. I have never heard any disinterested citizen of the United States finding fault with the increases of wages approved by the Railroad Labor Board after the World War.

Mr. WATSON. I do not know that there was any fault finding about it. I am not talking about that. But I understood the Senator to say that because the board increased wages they were not protecting the public. If he did not say that, then I was mistaken.

Mr. BRUCE. Indeed, I did not. What I said was that this general disaffection in relation to the Railroad Labor Board did not spring up until the Railroad Labor Board adopted an order diminishing the wages of the railroad workers.

Mr. WATSON. I am not going into any keen analysis of that situation. I am not going to diagnose the disease of which the thing died. All I say is that it is functus officio. All I say is that it can no longer function. I do not care what the operating causes were; I do not care what produced it. I speak of the condition, and it is a condition I want to meet. Does the Senator dispute the condition?

Mr. BRUCE. Does the Senator think he can apply a safe cure if he does not even make a diagnosis?

Mr. WATSON. I know what the diagnosis is—that it can no longer operate, and is no longer useful. That is all the diagnosis I need.

The Labor Board has broken down. Neither side will appeal to it to settle disputes. If upon its own initiative it assumes jurisdiction of a case, it has no authority to enforce its decision. Its authority is nowhere recognized. Neither side can be compelled to obey its mandate, and therefore it is evident that something must be substituted for it, or else chaos will result.

That is all there is to this. The two sides come to Congress in all good faith and in all sincerity. I want to say that I was never interested in anything in my whole public life more than in the kindly spirit of cooperation that prevailed among those people.

When they appeared they came to say that in good faith and in all genuineness and in all sincerity they wanted this machinery set up, and that they would in all good conscience obey its mandates in the days to come. They are all here asking it—the railroads and 2,000,000 of the employees. Why should we not, in this modern-day spirit, yield to them and at least give them an opportunity to set up the machinery they want to set up, by which they say in all good faith they will settle their disputes in the days to come? They want understandings, not misunderstandings. Mr. Richberg, the very able attorney, said before the committee:

We do not want strikes. We want peace. We have the equivalent of a 6 per cent investment on $40,000,000,000 every year for our wages. Why should we want to overturn a situation of that kind? Disputes must need come, because men are human. When they come we want some place to which we can go mutually to settle, in a kindly way and in the spirit of our civilization, such disputes as arise.

Is there anything wrong about that? If this shall fail after it be set up, then I will take my friend from Maryland by the hand, and my other friend, the Senator from Kansas, and go whither evidently they want to go—that is, to the application of compulsion in the settlement of these disputes.

Mr. CURTIS. The Senator should not say that, because the Senator from Kansas took no such position. The Senator from Kansas said all he desired was a board like the Interstate Commerce Commission, with authority to investigate any agreements that might be made, and if they were against public policy that the agreements should be set aside. That is what the Senator from Kansas said. That is not force.

Mr. WATSON. Mr. President——

Mr. BRUCE. Mr. President, it is only fair to me that I should be allowed the same opportunity to reply that the Senator has afforded the Senator from Kansas. I have never suggested the application of force. I am opposed to the application of force in labor disputes so long as labor disputes do not arrive at the point of actual lawlessness or bloodshed, strongly opposed to it.

Mr. WATSON. Just a few moments ago, when my friend became somewhat hectic, he said, "I have never been in favor of force in the settlement of these cases, but that time may come."

Mr. BRUCE. A moment ago the Senator indicated that he thought that the time might come, and said that if that time ever came he would be prepared to use force.

Mr. WATSON. Absolutely. I sat at the table in the room of the Interstate Commerce Committee and tried by might and main to have teeth put into the Esch-Cummins law. But the House would have none of it. The House had passed that bill by an almost unanimous vote and this machinery was set up, and we can not go to force until it shall have been demonstrated beyond a peradventure of doubt that these disputes can not be settled by modern methods.

Mr. BRUCE. I do not want any application of force in labor disputes, except that application which, of course, is warranted already by the general laws of the land. But should a time come in the history of disputes between employees and employers like that which has just come in England, when the government of the country and its civil liberties are at stake, then I shall unhesitatingly, fearlessly, advocate the application of force to the fullest limit.

Mr. WATSON. The Senator and I agree about that. But that time has not come. The Senator says it has not come.

Mr. BRUCE. It has not, because our workers have been too intelligent, too enlightened, too patriotic, to precipitate any such crisis as that.

Mr. WATSON. Precisely; I agree.

Mr. FESS. Mr. President, will the Senator yield?

Mr. WATSON. I yield.

Mr. FESS. Was it not the consensus of opinion of both parties represented before the committee that if this law failed there would not be anything short of compulsory arbitration?

Mr. WATSON. That is true, and I was looking for the language. I have misplaced it.

I come now to the matter about which my friend from Kansas interrogated me, if I may have his attention; and if I misquoted the Senator a while ago, I beg his pardon. I certainly had no such thought or intention.

What he proposes is that the Interstate Commerce Commission shall be clothed with power to set aside any wage increase which, in the opinion of the Interstate Commerce Commission, may advance rates. Am I right?

Mr. CURTIS. Which it thinks may advance rates to such an extent as to be against the public interest. I can realize that wages ought to be increased sometimes, and I can also realize that the employers and employees might enter into an agreement whereby the increase of wages would be so high, or the agreement would be in such terms, as to be against the public interest.

Mr. WATSON. Let me discuss that. There is a joint statement, issued by the American Farm Bureau Federation under date of February 21, this year, in which it is stated:

Under the present law the Railroad Labor Board can not make a wage award without the approval of one of the representatives of the public on the board.

Listen to this:

If the railroad managers and their employees make an agreement about wages, the board can suspend the agreement until it finds out what effect it will have upon railroad rates. This is a clear-cut, definite protection which Congress gave six years ago to prevent new and excessive burdens being put upon railroad service.

There never was a more erroneous conception of the law. "If the railroad managers and their employees make an agreement about wages the board can suspend the agreement." Mr. President and Senators, if the railroad managers and their workers agree, the board never has an opportunity to test the case at all or have anything to do with it.

Mr. CURTIS. The Senator is not fair in comparing the Railroad Labor Board with the Interstate Commerce Commission.

Mr. WATSON. I am coming to that.

Mr. CURTIS. It is not likely that the railroads and their employees would go against an order of the Interstate Commerce Commission, because the railroads would know that the increased rates they desired would not be granted.

Mr. WATSON. I am coming to that in a moment. This is only preliminary. I am going to discuss the Senator's problem. He need not be afraid I am getting away from it.

In other words, as I have said several times, if there be no dispute, there is never anything to go to the Railroad Labor Board. It was set up to try to adjust disputes, not agreements. It has no power to overturn a wage agreement between management and employees. That is a voluntary contract, and under the decisions of the Supreme Court voluntary transactions may not be interfered with.

It is equally true—

Said Justice White in the Adamson case—

that as the right to fix by agreement between the carrier and its employees a standard of wages to control their relations is primarily private, the establishment and giving effect to such agreed-on standard is not subject to be controlled or prevented by any public authority.

That is the whole thing. Therefore, if there be an agreement on wages, there is no appeal to the Railroad Labor Board, and the Railroad Labor Board has no place in the controversy if there is no dispute.

Again:

Included in the right of personal liberty and the right of private property—partaking of the nature of each—is the right to make contracts for the acquisition of property. Chief among such contracts is that of personal employment, by which labor and other services are exchanged for money or other forms of property. If this right be struck down or arbitrarily interfered with, there is a substantial impairment of liberty in the long-established constitutional sense. The right is as essential to the laborer as to the capitalist, to the poor as to the rich, for the vast majority of persons have no other honest way to begin to acquire property save by working for money.

That is from the decision in Coppage *v.* Kansas (236 U. S. 14).

The following quotation is from a very recent case decided by the Supreme Court in the Minimum Wage cases.

Mr. BRUCE. What volume is that?

Mr. WATSON. Two hundred and sixty-first United States Reports, 525.

That the right to contract about one's affairs is a part of the liberty of the individual protected by this clause [fifth amendment] is settled by the decisions of this court and is no longer open to question.

Then many cases are cited.

Within this liberty are contracts of employment of labor. In making contracts, generally speaking, the parties have an equal right to obtain from each other the best terms they can as the result of private bargaining.

Therefore, unless there is a dispute, it is unconstitutional for any board to attempt to interfere. If there be an agreement and the railroad company and its operatives agree on

wages, the Interstate Commerce Commission has no power to interfere with that private contract.

Mr. BRUCE. Mr. President——

Mr. WATSON. Wait a moment. I am coming to the other side of it. I know what is in the Senator's mind. I have got so I can read it.

If there is no dispute, how does the Railroad Labor Board get into it? Listen to this extract from the Esch-Cummins Act:

SEC. 307. The Railroad Labor Board shall hear and as soon as practicable and with due diligence decide—

What?

any dispute involving grievances, rules, or working conditions. In case the appropriate adjustment board is not organized under the provisions of section 302, the Labor Board (1) upon the application of the chief executive of any carrier, (2) upon a written petition signed by not less than 100 unorganized employees, (3) upon the Labor Board's own motion, if it is of the opinion that the dispute is likely substantially to interrupt commerce, etc.

There must be a dispute. If there be no dispute and there is a perfect agreement as to wages, no one can interfere. Does the Senator dispute that fundamental proposition?

Listen again:

(b) The Labor Board (1) upon the application of the chief executive of any carrier or organization of employees or subordinate officials whose members are directly interested in the dispute, (2) upon a written petition signed by not less than 100 unorganized employees or subordinate officials directly interested in the dispute, (3) upon the Labor Board's own motion, if it is of the opinion that the dispute is likely to produce certain results.

So that if there be a dispute there would be some justification for appealing to the Railroad Labor Board. If there be no dispute and there is perfect agreement about it, the Railroad Labor Board has no power to interfere and the Interstate Commerce Commission, if it did interfere, would be violating the Constitution of the United States.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. WATSON. Certainly.

Mr. BRUCE. But the Senator from Indiana knows that even if an amicable settlement be arrived at between the railroad company and its employees in the case of any dispute with regard to wages, the Interstate Commerce Commission would have the right of its own initiative to take cognizance of that increase in wages and to duly take account of it in fixing rates.

Mr. WATSON. Which is entirely correct, and therefore the amendment of the Senator from Kansas would not only give the Interstate Commerce Commission no additional power, but on the other hand would involve it in every wage controversy and ultimately break it down and destroy its usefulness, just as wage controversies destroyed the usefulness of the Railroad Labor Board.

It is proposed to amend the bill by conferring upon the Interstate Commerce Commission the power to hear any award or agreement respecting wages and as soon as practicable either to affirm or modify its terms and provisions. I am opposed to the amendment.

In the first place, it will directly involve the Interstate Commerce Commission in all the fierce, sometimes tumultuous, controversies arising out of labor disputes. Those have been sufficient at least to aid in breaking down the Railroad Labor Board. We should not add to the enormous burdens already borne by the commission by forcing it to take up and settle every wage dispute that may arise on the transportation system of the country. Undoubtedly one or two adverse decisions by the commission would concentrate upon it criticisms that would weaken it and eventually, in my judgment at least, impair its usefulness. It can not be doubted that if the commission has final authority to settle all wage disputes it will be to a greater or less extent thrust into politics and the appointments upon it will be subject largely to political considerations. Thoughtful people fear that if the commission ever becomes involved in these controversial questions its prestige will first be impaired and its usefulness afterwards destroyed.

As was pointed out in the debates in the House, and this is very forcefully and very cogently put—

If the purpose be to make certain that any increase in a scale of wages would be reflected in increased rates, nothing could be devised which so certainly as the above-mentioned amendment would have that effect.

Will the Senator from Kansas listen to me a little while? I do not want to interfere with the private conversation he is having with the Senator from Michigan [Mr. COUZENS], but I am addressing myself to the amendment proposed by the Senator from Kansas.

Mr. CURTIS. I will listen to the Senator. I might say that the Senator from Michigan was helping the Senator from Indiana.

Mr. WATSON. I very greatly appreciate the valuable assistance of the Senator from Michigan, who heard all the testimony and who, I am very happy to say, is in cordial sympathy with the provisions of the bill and no doubt could argue it much more forcefully and intelligently than the present speaker.

The gentleman in the House said this:

If the purpose be to make certain that any increase in the scale of wages will be reflected in increased rates, nothing could be devised which so certainly as the above-mentioned proposal would have that effect. In practical results, whenever there is an increase in the wage schedule, if the foregoing provision were in the law, the commission must either at once suspend it, or, by its failure or refusal to do so, give it by implication its approval. The reluctance of the commission to suspend a wage increase would, because of obvious considerations, be very great, and in most cases the increases would be left unsuspended. In that event the commission could find no excuse for not increasing the rates to meet an expense which it had thus impliedly approved. The users of transportation, including the agricultural users, can not contemplate such a result with any degree of satisfaction.

Mr. CURTIS. That is an unfair reflection upon the Interstate Commerce Commission. It is not reasonable to suppose that if the commission would happen to overlook the fact that an increase or agreement made by the roads and their employees for an increase would be against public interest, that they would not have the power, that they would not have the nerve, if it may be stated that strongly, when the matter was brought to their attention, to act, and to act properly. I will never believe that any Interstate Commerce Commission would do otherwise, no matter who the gentleman was that made the speech in the other body.

Mr. WATSON. I am sponsoring what the gentleman said in the other House.

Mr. CURTIS. I will not take it even from the Senator from Indiana.

Mr. WATSON. I am grieved at that.

Mr. CURTIS. I knew the Senator would be.

Mr. WATSON. I commend to the manufacturing and agricultural interests, whose fears seem to have been aroused by the passage of this bill, that a far greater protection is provided for them by that section of it which provides that a wage award shall not be construed to diminish or extinguish any of the powers or duties of the Interstate Commerce Commission under the interstate commerce act, which means, as applied to this measure, that none of its powers to determine an increase of wages or award of wages shall either be diminished or altogether subverted.

Mr. CURTIS. Mr. President, the Senator does not seriously submit that as an argument, does he? Does not the Senator know that there is nothing in the bill taking away power from the Interstate Commerce Commission, and that the amendment was simply offered in the House to get rid of an amendment that was offered by another Member of the House of Representatives.

Mr. WATSON. But it is still here. It is still with us.

Mr. CURTIS. Certainly; and it is of no use on earth.

Mr. WATSON. I am arguing that the power still abides in the commission, and I make that statement as the first step in the argument which I now take up.

As far back as 1911 Mr. Commissioner Prouty, in the Eastern Rate case (20 I. C. C. p. 278) expressly laid down the rule:

This commission certainly could not permit the charging of rates for the purpose of enabling railroads to pay their laborers extravagant compensation as measured by the general average compensation paid labor in this country as a whole.

The syllabus of that case reads as follows:

Before any general advance in rates can be permitted, it must appear with reasonable certainty that carriers have exercised proper economy in the purchase of their supplies, in the payment of their wages, and in the general conduct of their business.

That already is their duty. That already is their power. At the same time they are not involved in all wage-increase disputes which would be sent ultimately to them and never decided until they got to them.

This was before the passage of the transportation act of 1920 and, if that was then the rule by which the commission

was governed, under how much greater obligations they are now to look to wage increases in exercising their powers to make rates. As amended, that act squarely provides that—

In the exercise of its power to prescribe just and reasonable rates, the commission shall initiate, modify, establish, or adjust such rates so that the carriers as a whole * * * will, under honest, efficient, and economical management, earn a fair return.

How can the commission discharge its obligation to see that the railroads are economically managed if undue wage increases are permitted?

On the 19th of last month, in testifying before the Interstate Commerce Committee of the Senate, I asked Commissioner Cox this question:

How far does the Interstate Commerce Commission now go, or how far under existing law has it the authority to go, in determining questions of wages on railroads? Suppose that a railroad should agree to raise wages $50,000,000. Do you take anything of that kind into consideration with reference to efficient and economical administration as reflected in rates?

To which he replied:

I think the commission might have a right to take that under consideration in determining what might be a proper rate level, but I do not think that under the law we have any right to suggest to a carrier what they shall pay in wages. If it were clearly shown that the level for that one railroad was in excess of that for other railroads, I think that might be taken into consideration.

There is the answer to the question of my friend, the Senator from Utah [Mr. SMOOT]. Commissioner Eastman then asked permission to express an opinion on that subject, which being granted, he said:

I think if the commission found that the railroads were generally paying to their presidents salaries of $1,000,000 a year, it could take that fact into consideration in determining what rates they should charge. And I think if it were found that they were paying plainly excessive and exorbitant wages to their men, then that fact should be taken into consideration also.

What is the real argument? The commission now deals with the railroads alone. It is their sole duty to determine whether or not rates measure up to the standard fixed by law; that is, to make the earning fixed by law. In doing this they have a right to determine what charges the traffic on any railroad will bear, on the one hand, when the charges become prohibitive and, on the other hand, when they cease to be remunerative. They take the question of wages into consideration only incidentally and are not bound to give it consideration at all, whereas if this amendment were adopted it would be their duty to take into consideration every question of wages that might be thrust upon them, not alone in determining rates, but in determining the merits of a wage award, so that the Interstate Commerce Commission, instead of being a rate fixing commission, would become a wage determining commission, because—listen to me, Senators—if the Interstate Commerce Commission is the final authority, if that body in the last analysis has the right to determine whether wages shall or shall not be increased, no intermediate steps will ever be used, but they will all be cast aside and it will be said, "The Interstate Commerce Commission will fix it anyway." Every wage dispute will then go directly to the Interstate Commerce Commission, and the Interstate Commerce Commission will lose its power of fixing rates and will become the sole authority for determining the merits of all wage increases, in all the wage disputes raised in the United States on the railroads.

If Senators want to destroy the commission, adopt this amendment. No wonder Mr. Commissioner Clark, one of the ablest men that ever sat on that body, cried out in express terms and in no unequivocal voice against permitting the commission to have this power, and he was right.

The adoption of this amendment would bring the commission face to face with all the labor organizations; and their demands for increased wages, if and when made, would thrust upon it entirely new duties and obligations, would place upon it added burdens, and would force it to take into consideration in all rate-making cases wage problems not now considered except as incidental to the general subject.

Under the transportation act of 1920 the commission is bound to see that all expenses are economical and proper, and under the provisions of this bill the commission in passing on rates would deal only with carriers, mark you, and not with employees. They simply determine whether or not the carrier should be allowed to charge greater rates—that is the point—and they take into consideration incidentally the expense of wage increases. That is their right now.

Mr. SMOOT. The Senator's position, then, resolves itself into this: That they have got to make a rate that will take care of the railroad that makes less money from its operations than some other road. There are roads that could operate and make money upon the rates they might fix; but does the Senator mean that hereafter the Interstate Commerce Commission will take into consideration only those roads that can afford to haul the freight for a lower charge?

Mr. WATSON. Oh, no. There can not be any change at all in that.

Mr. SMOOT. If there are two railroads running in the same territory, the rates must be the same from the common starting point to the terminal.

Mr. WATSON. Certainly on all competing lines.

Mr. SMOOT. The Senator knows that in more than one section of the country rates that may be profitable for one railroad will destroy another.

Mr. WATSON. Will my friend let me say right there that Mr. Commissioner Cox, in his answer, stated that he takes that into consideration in determining the rate level in the aggregate, and that is precisely what they do in determining the question of rates.

Mr. SMOOT. If they take the rate level, it is the level between the high and the low, and that may destroy the weaker road.

Mr. WATSON. In that respect it is not proposed to change the power of the Interstate Commerce Commission in this bill at all. Whatever power the commission has now it would have should the provisions of the pending bill become law.

Mr. SMOOT. I am aware of that, with the exception, however, that in this case the prosperous road could have private understandings with its employees and pay them higher wages than would be justified and supported by the Interstate Commerce Commission.

The Senator says that under the existing law the roads can do that; but does the Senator think that the Interstate Commerce Commission would allow that under existing conditions?

Mr. WATSON. No; and I do not think that the Interstate Commerce Commission will allow any extravagant increases in wages anywhere under their present authority. Commissioner Prouty squarely lays down the principle.

Mr. SMOOT. I do not see how they are going to get around it.

Mr. WATSON. Mr. President, this amendment is opposed on principle by a majority of the carriers because they do not approve of involving the Interstate Commerce Commission in these controversies. It is earnestly opposed by the employees on the ground that it destroys the efficiency of the methods of adjustment contained in the bill. Both of them oppose it on the ground that it destroys the efficacy of the methods of adjustment contained in this measure, and its effect would be to destroy the agreement of the parties in respect to the proposed methods of adjustment and to place reliance, not on an agreement, but on the force of the statute, and as they vigorously assert, this would violate the entire spirit of the pending measure.

Let it not be forgotten that every agreement proposed in the pending bill is purely voluntary, that there is neither compulsion nor force involved anywhere in it, because it is believed that all disputes can be amicably adjusted, and that, until it shall have been demonstrated to the entire satisfaction of the American people that conciliation and mediation are not sufficient to prevent disastrous disputes in connection with railroad operation, coercion should not be resorted to in determining these questions. Both management and labor not only understand, but representatives of both have squarely and unequivocally asserted before our committee with every manifestation of sincerity, that, if the method provided in the pending bill shall not succeed, if disputes that threaten to tie up the transportation system of the country and imperil the happiness or the safety of its citizenship shall continue to occur, then they must be settled by methods other than those established or provided in this bill. But they say, in all sincerity, that they want this done. They represent the railroads; they represent the railroad employees; they are in good faith; they do not want strikes; and yet they know that difficulties will arise.

They want something to be set up that will enable them, in a peaceful way, to conciliate their differences, to reconcile the inharmonious sides, and to bring peace to the railroad world. I confidently believe that that will be the result of the enactment of this bill.

Not only that, but I am bold enough to prophesy that if this plan shall be adopted, no railroad labor strike will occur in the United States; I am bold enough to prophesy that no great wage increases will be asked in the United States, because

both sides will know that they are under trial if this bill shall be passed. I am bold enough to say that if this proposed legislation shall succeed, it will become the standard by which similar machinery may be set up in the whole industrial world of America. Who does not wish for that glad day in the settlement of these disputes? So, I think, that when they come carefully to analyze the provisions of this measure Senators will agree with the statement I made at the outset—that this is the very best measure that can possibly be passed at the present time for the preservation of peace on the transportation systems of the country.

Mr. BRUCE. Mr. President, I simply desire to say I do not think this amendment necessary. I do not think this is one of the respects in which the public welfare needs to be safeguarded under the provisions of this bill. I agree with the Senator from Indiana in thinking that the Interstate Commerce Commission would have the power anyhow to take an increase of wages into consideration when determining a rate controversy. At the most, it seems to me that the amendment of the Senator from Kansas is merely a declaratory amendment. It simply gives declaratory effect to an authority with which the Interstate Commerce Commission is already endowed. Therefore, while reserving the right to offer other amendments to this bill which I think are of considerable significance to the public welfare, I personally propose to vote against this amendment.

Mr. CURTIS. Mr. President, I desire to ask the Senator from Indiana if he wishes to proceed further with the bill to-night?

Mr. WATSON. Mr. President, if the Senator from Kansas is willing that the Senate shall adjourn now, I hope he will make such a motion.

Mr. CURTIS. I was going to move that the Senate proceed to the consideration of executive business.

Mr. WATSON. Very well.

MIDDLE JUDICIAL DISTRICT OF GEORGIA

The VICE PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendment of the Senate to the bill (H. R. 10055) to amend section 77 of the Judicial Code to create a middle district in the State of Georgia, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CUMMINS. I move that the Senate insist upon its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and Mr. CUMMINS, Mr. BORAH, and Mr. OVERMAN were appointed conferees on the part of the Senate.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 28 minutes p. m.) the Senate took a recess until to-morrow, Friday, May 7, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 6, 1926

POSTMASTERS

ALABAMA

Amos N. Fain, Ariton.
Charlie S. Robbins, Good Water.

CALIFORNIA

Edna J. Keeran, Princeton.
William L. McLaughlin, Sanger.

CONNECTICUT

Oliver M. Bristol, Durham.

IDAHO

Rose J. Hamacher, Spirit Lake.

INDIANA

Josiah J. Hostetler, Shipshewana.

KANSAS

Charles Friskel, Frontenac.
Ella J. Starr, Scott City.

KENTUCKY

Clarence Neighbors, Bowling Green.
Yaman Watkins, Clarkson.
Willie G. Thornbury, Munfordville.
Marvin L. Whitnell, Murray.

LOUISIANA

Albert Boudreaux, Thibodaux.

MICHIGAN

Eugene E. Hubbard, Hudsonville.

MISSISSIPPI

Preston C. Lewis, Aberdeen.

MISSOURI

Ferd D. Lahmeyer, Bland.
Florence Gilkeson, Garden City.
Taylor Fisher, New Franklin.

NEW YORK

John E. Gubb, Batavia.
Clarence F. Dilcher, Elba.
Sylvester P. Shea, Freeport.
Philip I. Brust, Medina.
Earl V. Jenks, Perry.

NORTH CAROLINA

Roger P. Washam, Gastonia.

NORTH DAKOTA

Mary B. Engbrecht, Goldenvalley.

OHIO

Harry E. Hawley, Mansfield.

OKLAHOMA

Bert A. Hawley, Leedey.

PENNSYLVANIA

William E. Vance, Unity.
Ruth Roberts, Vintondale.

UTAH

Claude C. McGee, Lewiston.

WYOMING

Elmer W. Ace, Green River.

HOUSE OF REPRESENTATIVES

THURSDAY, *May 6, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, we bless Thee that we are still within the circle of Thy loving arms, for their protection is sure and their care is infinite. Each day give us courage and endurance and may these virtues make us stronger and nobler men. May Thy greatness flow around our incompleteness. We most humbly ask the forgiveness of our sins. We pray for our families that Thy love and mercy may be their daily portions. In the integrity of soul, in the confidence and calmness of a conquering faith, may our whole Nation continue to set up the banners of the living God. In Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

PRIMARIES AND PROHIBITION

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to speak for one minute.

The SPEAKER. The gentleman from Michigan asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, the beer and wine polls have disappeared from the newspapers and we are now getting returns from the polls taken under authority of law. I read from to-day's Associated Press report of the recent primaries in Indiana as it appears in the Washington Post this morning:

All senatorial and congressional candidates who hinted at tendencies toward being moist on the liquor question lagged behind in the voting.

[Applause.]

As a matter of fact, I am advised by Indiana Members that the wet and dry issue was most squarely drawn in the fifth or Terre Haute district, where Congressman JOHNSON defeated his wet opponent by 10 to 1, and in the sixth district, where Congressman ELLIOTT defeated by 8 to 1 a woman candidate who advocated modification of the Volstead Act.

In the Illinois primaries a little earlier the wets also failed signally in their announced campaign to win a Congress that will modify the Volstead Act to let in beer and wine. There are two Congressmen at large in Illinois, elected by vote of the entire State. Congressmen YATES and RATHBONE, both dry and both opposed to beer and wine, were opposed by candidates named Seidlinger and Miller. YATES, as a prominent member of the House Committee on the Judiciary and outspoken opponent of beer and wine modification or any other weakening of the Volstead Act, was, of course, the particular object of attack by wet organizations and wet newspapers. Miller was not outspoken on the issue of prohibition, but was understood to be wet, while Seidlinger was indorsed by the Chicago Daily News and stated by that paper to have "promised to work for modification." The primary figures, official for the whole State outside of Cook County, are as follows:

Yates	379,400
Rathbone	322,732
Miller	105,484
Seidlinger	63,215

The official vote is not yet available, but the unofficial vote shows that both YATES and RATHBONE had decisive majorities over Miller and Seidlinger even in Chicago.

Beer and wine advocates can not hope for any gain in the Seventieth Congress from the Indiana and Illinois showing.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3163. An act to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes.

The message also announced that the Senate had passed with amendments the bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 6559. An act to provide for the construction of certain public buildings, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 10501. An act to repeal section 806 of the revenue act of 1926.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bills of the following titles:

S. 37. An act for the relief of First Lieut. Harry L. Rogers, jr.;

S. 1482. An act to authorize the Secretary of War to grant easements in and upon public military reservations and other lands under his control; and

S. 1484. An act to amend section 1, act of March 4, 1909 (sundry civil act), so as to make the Chief of Finance of the Army a member of the Board of Commissioners of the United States Soldiers' Home.

SENATE BILL REFERRED

Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3163. An act to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes; to the Committee on Military Affairs.

THE RETIREMENT BILL

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to have recommitted to the Civil Service Committee the bill H. R. 7, the retirement bill.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to have rereferred to the Committee on Civil Service the retirement bill. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, is that a committee request?

Mr. LEHLBACH. That is the unanimous request of the committee.

The SPEAKER. Is there objection?

There was no objection.

ADDITIONAL FEDERAL JUDGE AND JUDGES' SALARIES

Mr. SNELL, chairman of the Committee on Rules, by direction of that committee, presented a report for printing under the rule on the consideration of the bills H. R. 10821 and H. R. 11053, which was referred to the calendar and ordered printed.

FEDERAL DEPARTMENT OF EDUCATION

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

Mr. TINCHER. Reserving the right to object—and I shall not object—the order to-day limits us to four days of debate, and all time taken by unanimous consent comes out of that debate under the terms of the rule. I shall not object to this request, but I hope there will not be too many requests for unanimous consent either to-day or to-morrow.

Mr. REED of New York. I do not think I will take over three minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. RANKIN. Reserving the right to object, is not the first thing in order to-day the Graham resolution?

The SPEAKER. It is the first regular order, but this is by unanimous consent. Is there objection to the request of the gentleman from New York to proceed for five minutes?

There was no objection.

Mr. REED of New York. Mr. Speaker, unauthorized and misleading statements published in the local press with reference to the alleged action on the Reed-Curtis education bill by the Committee on Education, of which I am chairman, can not in fairness to the members of the committee and the House go unchallenged.

The following is taken from the Washington Daily News of May 4, 1926:

The Upshaw movie censorship bill and the Reed department of education bill were killed by the House Education Committee to-day. The authors will probably seek action on the bills in December.

Here is a statement from the Washington Post of May 5, 1926:

The Reed bill proposing establishment of a Federal department of education with a Cabinet officer at its head was killed, at least in this session, yesterday when the House Committee on Education voted against reporting it to the House.

I call your particular attention to the statement:

The House Committee on Education voted against reporting it to the House.

In fairness to the press, I wish to say that the committee did defer action on the moving picture bills until December, because of the voluminous character of the record and the consequent delay in its preparation.

There was, however, no formal action taken by the Committee on Education with reference to the Reed-Curtis bill (H. R. 5000), except to direct the chairman to introduce a resolution requesting the House to authorize the printing of 1,000 extra copies of the hearings to meet an unprecedented demand for them by Members of the House. The press reports, therefore, that action has been taken, either favorable or adverse, are incorrect.

It is evident that the news reports would cause no concern to those who are opposed to the bill, and it can be taken for granted that they will not write to their Representatives asking for an explanation. It is quite certain, however, unless this news item is explained at this time that the Members of this House will receive a flood of letters from the large number of national organizations in favor of the bill, which are represented in practically every congressional district. I wish to submit from the record of the hearings the list of these organizations which have registered their approval of this bill:

The list of organizations supporting the education bill and the membership of each is as follows:

	Membership
National Education Association	158,000
American Federation of Teachers	9,000
American Federation of Labor	2,877,297
National Committee for a Department of Education	100
National Council of Women	(1)
National Congress of Parents and Teachers	900,000
General Federation of Women's Clubs	2,800,000
National League of Women Voters	(2)
Supreme Council, Scottish Rite of Freemasonry, Southern Jurisdiction, United States	300,000
International Council of Religious Education	(3)
National Council of Jewish Women	55,000
National Woman's Christian Temperance Union	500,000
American Association of University Women	25,000
National Federation of Business and Professional Women's Clubs	40,000
General Grand Chapter, Order of the Eastern Star	1,800,000
National Board Young Women's Christian Associations	500,000
National Women's Trade Union League	500,000
National Society, Daughters of the American Revolution	153,800
National Federation of Music Clubs	

[1] 30 national organizations. [3] 36 Protestant organizations.
[2] Organizations in 44 States.

	Membership
American Library Association	7,000
American Vocational Association	1,690
Woman's Relief Corps	
Federal Council of Churches of Christ in America	(4)
National Kindergarten Association	
American Home Economics Association	8,000
American Hellenic Educational Progressive Association	10,000
American Nurses' Association	50,000
Osteopathic Women's National Association	700

I feel that this explanation will in some degree save the membership of the House the trouble of answering many requests which otherwise would come from the organizations in their districts. Further, I shall attempt to relieve the Members of the House, so far as possible, from the necessity of answering these organizations by mailing out this statement to the organizations which I have named. [Applause.]

MIDDLE JUDICIAL DISTRICT IN THE STATE OF GEORGIA

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10055) to amend section 77 of the Judicial Code, to create a middle district in the State of Georgia, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 10055, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. GRAHAM, Mr. DYER, and Mr. SUMNERS of Texas.

COMMISSIONER FREDERICK A. FENNING

Mr. GRAHAM. Mr. Speaker, I call up House Resolution No. 228, concerning the alleged official misconduct of Frederick A. Fenning, a commissioner of the District of Columbia.

Mr. ASWELL. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ASWELL. Will this time be taken out of the day which has been devoted to debate upon the agricultural bills?

The SPEAKER. There is no limit to the day. This matter is of equal privilege. There is no definite limit to the day. The gentleman from Pennsylvania calls up House Resolution No. 228, the title of which the Clerk will report.

The Clerk read the title of the resolution.

Mr. GRAHAM. Mr. Speaker, I yield 15 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. CHINDBLOM. Mr. Speaker, may we know something about the plan? Is there to be an hour of debate upon this matter? Does the gentleman propose to retain control of the floor?

Mr. GRAHAM. Yes.

The SPEAKER. The gentleman from Massachusetts is recognized for 15 minutes.

Mr. LUCE. Mr. Speaker, I desire to present certain reasons why this resolution ought to be adopted. No proceeding of this gravity should, in my judgment, go forward without some statement of the circumstances involved. I have been and am of the opinion that there is grave doubt as to whether an official of the rank of a commissioner of the District of Columbia ought to be impeached. Precedent informs us that many years ago in an analogous case a committee expressed such doubt by reason of the fact that the person charged was appointed for a limited and definite time, that he was subject to removal, and that he was of a rank that did not warrant the use of the solemn proceeding of impeachment, which is meant to concern itself with high crimes and misdemeanors by high officials. In this instance there is the added reason that the organic law of the District of Columbia says that a commissioner is a municipal officer, which would expose us in case the precedent is set, to having our time encroached upon by demands to impeach other appointed local officials, such as members of the school board, the chief of the police or of the fire department, anyone else in the service of the District, or even notaries public. The Committee on the Judiciary, however, has seen fit not to face this issue before it has the authority to proceed with investigation. I have no doubt it will consider the question early in its deliberations, but should it, nevertheless, decide to pursue inquiry there will be benefits accruing that will be of great value to the House, to the people, and to the cause of justice.

Before this episode confronted us I had never met the man whom it is sought to impeach. I never saw him until he entered our committee room, that of the Committee on World War Veterans' Legislation. I hardly knew of his existence, but I have in all my life been perhaps handicapped by sympathy for the under dog. From the earliest days when I could acquire any knowledge on these subjects I was taught that every man is presumed to be innocent until he is proven guilty and, that every man charged with crime has a right to his day in court. I found myself surrounded in the House by a body of associates, a large number of whom seemed to me to have forgotten the right of every man to be deemed innocent until he is proven guilty and the right of every man to have his day in court, and I found a populace inflamed by passion and prejudice, ready to crucify this man.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. LUCE. I have not the time to yield.

Mr. RANKIN. Mr. Speaker, the gentleman has taken all of the time so far to put the other members of the committee in a wrong light, and he ought to yield in order that we can get the facts of the matter before the House.

Mr. LUCE. I have no strictures to pass upon the members of the committee with whom I have for nearly three weeks been considering this case. I do not purpose to defend this man. He must stand his chances. If he is to be crushed to serve some purpose that I can not conceive, such is his fate, and he must accept it as best he can. I rise for a wider and a broader purpose. I rise to inform those unhappy men who are confined in our hospitals, to inform their parents, relatives, and friends; aye, to inform more than 4,000,000 men who served in the late war, that the facts laid before our committee, which has concerned itself only with the aspects of the case that relate to veterans, do not as yet warrant any judgment condemning this man. He has violated no law. Every act that the law has required him to perform has been approved by the Supreme Court of the District of Columbia.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. LUCE. I can not yield. The chief justice of the court has been quoted within a few days as accepting the responsibility. Mark you what I say now and spread it abroad, if you will. Not one veteran has lost one penny through the conduct of this man.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. LUCE. I decline to yield.

Mr. RANKIN. There is no evidence to back up the statement of the gentleman from Massachusetts.

Mr. LUCE. No estate has been diminished by one dollar. No law has been broken.

Mr. RANKIN. Mr. Speaker, I rise to a point of order. The gentleman from Massachusetts, who has taken up practically all of the time allotted in favor of this resolution, except five minutes, is not talking for the resolution but against it. I make the point of order that if he is going to take this time that is allotted in favor of the resolution, he ought to confine himself to speaking in favor of it and not against it.

The SPEAKER. The Chair is not informed that any time has been allotted in favor of the resolution. The gentleman from Massachusetts is entirely within his rights.

Mr. LUCE. Mr. Speaker, I am presenting reasons why the 4,000,000 veterans of this country should be told that their rights are not being abused by those here who have in regard to them certain duties and responsibilities in charge. I have not the time, of course, to take up the details, but I want to lay before the House one typical instance of what has deceived the House and what has blinded the people.

I will take up the story as briefly as I may, for my time is limited, to tell you that a clerk in one of the bureaus went into an undertaker's establishment and saw a body on which an autopsy had been performed; later he saw another body on which an autopsy also had been performed. Somebody told him it was the body of a veteran. In cross-examination before our committee he was compelled to disclose that he did not know either body was that of a veteran. He confessed that while on oath he had misinformed another committee in this particular. If not guilty of the crime of perjury, he was at least guilty of falsification or deceit. The original charge had been spread in the newspapers, but, as far as I observed, not one line was printed in the newspapers disclosing the fact that this man was a falsifier, or at least a deceiver.

Let us go on with the story that shows how scandal grows.

A few days later the gentleman from Texas rose on the floor of this House and said:

Mr. BLANTON. I wonder if the gentleman from South Dakota [Mr. JOHNSON] knows, and do you know, that when a veteran dies in St. Elizabeths Hospital the doctors there cut him up? One died some time ago, the case I have in mind, where they split his head wide open, and the undertaker refused to accept him for embalming—said he could not embalm a body like that.

(4) 30 Protestant denominations.

Whereupon there came before our committee the undertaker in question, a decent appearing man of seeming trustworthiness, who said:

I am here of my own accord, without suggestion from anyone, to correct a statement which appeared in last Friday morning's Post to the effect that bodies at St. Elizabeths Hospital were in such mutilated condition after they had finished with them that I refused to accept them to prepare them for burial. I simply come before your committee to say that statement is not correct. I have never made any such statement as that, and, being an ex-service man myself, I do not think I would give such a statement as that to the public to further break the hearts of the loved ones that these men have left behind.

Now, see how the vile odor of scandal spreads. In the report of a meeting of an American Legion post printed in the Washington Post yesterday morning was this paragraph:

Bodies of shell-shocked veterans who died at St. Elizabeths Hospital have been sold to Howard University for scientific experiment, the Texan charged, and he pledged himself to put a stop to the practice——

Mr. BLANTON. Mr. Chairman——

Mr. LUCE. I am going to exonerate the gentleman—

And he pledged himself to put a stop to the practice.

The gentleman from Texas came before our committee this morning, disclaimed such a statement as that, and said he had never made it. But—

> The moving finger writes; and having writ,
> Moves on; nor all your piety nor wit
> Shall lure it back to cancel half a line,
> Nor all your tears wash out a word of it.

Mr. BLANTON. Will the gentleman yield?

Mr. LUCE. No, sir; I yield no further. I want to tell the story.

Mr. BLANTON. The gentleman wants to be fair?

Mr. LUCE. I am going to be fair to you——

Mr. BLANTON. Who does the gentleman hold responsible?

The SPEAKER. The gentleman declines to yield.

Mr. LUCE. Mr. Speaker, I have broken the rules of the House by using the word "you," and I apologize. I want to tell the gentleman from Texas what his responsibility is in regard to this matter.

A credulous clerk believed an autopsy had been performed on the body of a veteran. Somewhere between the shop of the undertaker and the floor of the House, passing through the office of the gentleman from Texas, the story was elaborated into one of dreadful mutilation that would outrage the sensibilities of any right-minded man. Other Members of the House began to use the word "horrible." Next the gentleman from Texas makes a speech containing something that a reporter misunderstands, which he distorts into a diabolically ingenious implication, meant to plant in the mind the impression that the bodies of white veterans are sold for the purposes of dissection by colored medical students. The responsibility of the gentleman from Texas lies in the fact that he gave ready ear to the hallucinations of a morbid busybody and spread before the world a slander that he should have known was preposterous, thus furnishing the foundation on which another troublemaker built a still more incredible tale. All the resultant distress brought by this wretched mushroom of calumny to the relatives of the mentally ill now in hospitals or who have died there would have been saved if the gentleman from Texas had taken the time to make even a hasty inquiry by telephone. He would have found that no autopsy is ever performed on the body of a veteran who dies at St. Elizabeths before consent is secured from parents or other relatives. And he would have found that the body of every veteran is buried at Arlington, unless those who have the right to request wish otherwise.

So the story grew and spread over all the land. What is the result? You find it in St. Elizabeths Hospital; the morale distressingly damaged. You find it in Walter Reed Hospital, where thousands of invalid veterans are disquieted by the lamentable tale. You find it in the posts of the American Legion and the Disabled Veterans and the veterans of all wars, who are wondering whether the wards of the Nation are safe in the hands of those now entrusted with the solemn duty of their care.

The responsibility lies with the man who without inquiry, without satisfying himself that some wild delusion of a disordered brain had even a foundation of truth, spread before the House and before the country charges outrageous in their nature, beyond belief, based upon statements now proved to have been false. [Applause.]

Justice to the gentleman from Texas calls upon me to say that in the instance where he was so shamefully misquoted he tells us that what he really said was that doctors lecturing before medical schools exhibit men brought with them from insane hospitals. It does not lie in his mouth to criticize such a practice, even if it exists, when he himself secured the attendance of two mentally ill men before one of our committees, against the protest of the doctors who had these men in charge, and exposed these men to the humiliation of appearance before a throng of avid, morbid spectators, who sought to have their tainted appetites whetted by an appeal to passion and to prejudice. [Applause.]

Nothing of that sort, I am sure, will be allowed in the Committee on the Judiciary. That committee, composed wholly of lawyers, coming to this matter fresh and without prejudice, may be trusted to refuse to listen to hearsay and opinion testimony. Into its presence no insane men will be brought from the hospital and exhibited. There will be none of those extraordinary things that have been going on in the House Office Building, violating every canon of decency and fair play. Because this committee will seek only to find out the truth, the whole truth, and nothing but the truth, I desire it to have the opportunity to tell the country if these charges were false. I am sure the reputation of every citizen will be safe in its hands. Character will not be garrulously and illegitimately attacked. The rights of the man who is charged with offense will be protected. Whether he be guilty or innocent, the committee will give him simple, even-handed justice. And the truth will be at last spread before the people.

Mr. BULWINKLE. Will the gentleman from Pennsylvania yield there for a question?

Mr. GRAHAM. No; I regret I can not. This resolution is simply a resolution of inquiry, and, in my opinion, the merits ought not to be further discussed.

Mr. CARTER of Oklahoma. They have already been discussed.

Mr. BULWINKLE. Will not the gentleman yield to me a moment?

Mr. GRAHAM. I will yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. RANKIN. Mr. Speaker, I wish to propound a unanimous-consent request.

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. GRAHAM. No; I am under orders. The Committee on Agriculture must proceed, and the time of the House can not be occupied by the discussion of this resolution prematurely.

Mr. RANKIN. Will the gentleman from Texas yield to me?

Mr. BLANTON. Mr. Speaker and gentlemen of the House, now that you have heard Mr. Fenning's defense, it is but fair that I should present the other side, for there are two sides to this question. I present the side of the shell-shocked, helpless, afflicted veterans of our wars who for 25 years have been exploited by Frederick A. Fenning.

ATTITUDE OF A DISTINGUISHED HOUSE LEADER

On March 18, 1926, from this floor I stated that Commissioner Fenning "has no right to have himself appointed guardian for poor soldier boys in St. Elizabeths" and receive several thousand dollars a year. The distinguished gentleman from Illinois [Mr. MADDEN], who is chairman of the great Committee on Appropriations, promptly replied:

If he is doing that, he ought to be put out of office.

WAS FENNING DOING THAT?

Thus the issue was formed. If I could show that Fenning was having himself appointed guardian for soldiers in St. Elizabeths, and collecting from them several thousand dollars each year, then Chairman MADDEN agreed that he should be put out of office.

INDISPUTABLE AND UNDENIABLE PROOF

In the RECORD for April 8, 1926, on page 7128, I produced a certificate from Gen. Frank T. Hines, Director of the United States Veterans' Bureau, dated April 2, 1926, giving 75 cases of veterans of the World War who are wards of said Frederick A. Fenning, with their C number, their home address, their place of incarceration, the amount of their compensation, and the amount of their insurance, which said Veterans' Bureau had paid to said Frederick A. Fenning as their guardian or committee, and certifying that said United States Bureau had up to that date paid to said Frederick A. Fenning, for his said wards, the enormous sum of $733,855.87. And on page 7128 of said RECORD I printed a certificate from Gen. Frank T. Hines, Director of said United States Veterans' Bureau, certifying that Frederick A. Fenning has been allowed in practically every case—

10 per cent of the principal of the personal estate and on the annual income of the estate.

Does anyone say that Director Hines certified falsely? No, they do not! Does anyone say that there is an error in General Hines's certification? No, they do not! And they can not, because the records of General Hines's United States Veterans' Bureau confirm his certification.

FEES OF $109,070.25 IN PENDING CASES

On page 7129 of said RECORD I printed the certificate of Hon. Herbert L. Davis, auditor for the Supreme Court of the District of Columbia, certifying that in 123 lunacy cases pending in said supreme court on May 1, 1925, and concerning which said Frederick A. Fenning was guardian or committee for the lunatic, and was required by law to file his account by May 1, 1925, that said Frederick A. Fenning had been allowed by the court out of the estates of his said 123 wards, the sum of $109,070.25 as fees and commissions to himself, said certificate giving the number and style of each case and the amount paid in each case, and such data was prepared under the order and direction of Hon. Walter I. McCoy, chief justice of said supreme court. Does anyone question its correctness? Certainly not! Has the gentleman from Massachusetts shown that there is an error of even one penny in this certificate? Certainly he has not!

EXTRA 25 PER CENT COMMISSION FROM HIS BONDS

I made Frederick A. Fenning admit under oath that in each one of his lunacy cases he has given a fiduciary bond, and that he had deducted the premium on same from his wards' estates, and that he is agent and solicitor for two bonding companies and two other insurance companies which write all of his business for him, and that they pay him a commission of 25 per cent out of every premium he gives to such companies, and that no court knew of his receiving this 25 per cent of his bond premiums.

FREDERICK FENNING'S 406 OTHER LUNACY CASES

In yesterday's RECORD, on pages 8744, 8745, and 8746, I printed a list of 406 lunacy cases wherein Frederick A. Fenning received fees as guardian, committee, or attorney, duly certified by the clerk of the Supreme Court of the District of Columbia, prepared under the order and direction of Hon. Walter I. McCoy, chief justice of said supreme court, giving the number and style of each case and the amount of fees said Fenning received in each case, and certifying that in same said Frederick A. Fenning had received for himself the sum of $8,412.05 as attorney's fees, the sum of $46,129.60 as his fees for acting as committee for his wards, and that he had been allowed also out of his wards' estates the sum of $7,501.43 for premiums on his fiduciary bonds, of which last sum he received 25 per cent commission from the bonding companies, as testified to by himself under oath. All of the above 406 last-mentioned cases were pending prior to said May 1, 1925.

Has anyone questioned the correctness of the foregoing certificate of the clerk of the Supreme Court of the District of Columbia? Certainly not! No one has even intimated that there is in it an error of even one penny. Chief Justice McCoy had it prepared. And no one questions it.

IS IT BLINDNESS OR PERVERSENESS?

When one refuses to receive and accept the conclusive probative force and effect of such indisputable and overwhelming evidence as I have cited above he must be either blind or perverse.

FREDERICK A. FENNING HAS VIOLATED MANY LAWS

Section 841 of the Code of Law for the District of Columbia (p. 241) makes him guilty of embezzlement as such section has been construed by the courts. It provides:

SEC. 841. Executors and other fiduciaries: Any executor, administrator, guardian, trustee, receiver, collector, or other officer into whose possession money, securities, or other property of the property or estate of any other person may come by virtue of his office or employment, who shall fraudulently convert or appropriate the same to his own use, shall forfeit all right or claim to any commissions, costs, and charges thereon, and shall be deemed guilty of embezzlement of the entire amount or value of the money or other property so coming into his possession and converted or appropriated to his own use, and shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding 10 years, or both.

Under the rule of law, construing the above code, laid down in the case of the United States versus John B. Kinnear, when Frederick A. Fenning listed in his accounts as a claim against the estates of his wards the premiums he had paid on his fiduciary bonds, and had the court to sign the orders he had prepared for the court's signature authorizing payment to himself of said bond premiums, and he was receiving 25 per cent commission of said bond premiums as agent and solicitor of said bonding companies, he was misappropriating out of the estates of his said wards the said amounts he thus received, and under said code, and the decision of the United States versus John B. Kinnear said Fenning is guilty of embezzlement in each and every one of such cases.

FENNING HAS VIOLATED THE WORLD WAR VETERANS' ACT

An attorney is allowed a fee of only $10 for prosecuting a claim before the United States Veterans' Bureau. You will remember that one of our former colleagues from Ohio was given a sentence of one year in the workhouse for having charged a fee of more than $10. Frederick A. Fenning has received from veterans fees of more than the amount authorized by law, and he has thus violated the provisions of section 500 of Title V of the World War veterans' act of 1924 as amended by the act of March 4, 1925, which provides that respecting compensation and insurance claims filed in said United States Veterans' Bureau for adjudication and not prosecuted in courts no attorney shall receive a fee of more than $10 in any one case, the penalty prescribed for its violation being a fine of not more than $500 and imprisonment at hard labor for not more than two years.

HAS VIOLATED SECTION 5498, REVISED STATUTES

Section 5498 of the Revised Statutes of the United States provides:

Every officer of the United States, or person holding any place of trust or profit, or discharging any official function under, or in connection with, any executive department of the Government of the United States, or under the Senate or House of Representatives of the United States, who acts as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, aids or assists in the prosecution or support of any such claims, or receives any gratuity or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall pay a fine of not more than $5,000 or suffer imprisonment not more than one year, or both.

Frederick A. Fenning was appointed to office by the President of the United States by and with the consent of the Senate. He is a Federal officer. The President can not appoint any kind other than a Federal officer. The Senate can not confirm any kind other than a Federal officer. Both the rulings of the Attorney General and the decisions of the Supreme Court of the United States show that he is a Federal officer.

And, in violation of said statute, said Frederick A. Fenning, since he became commissioner, has prosecuted claims before various departments of Government, which were expressly forbidden by such law. I will mention some of them.

On June 10, 1925, in lunacy case No. 10890, Commissioner Frederick A. Fenning filed a petition to declare Michael Flaherty, of Massachusetts, of unsound mind, the petition recommending that Frederick A. Fenning be appointed committee, and Fenning used the affidavits of Dr. D. C. Main and Dr. John D. Gable, doctors employed in St. Elizabeths. On June 19, 1925, Flaherty was declared unsound, Commissioner Frederick A. Fenning was appointed committee, and the order of court recites that the petitioner appeared by his attorney, Frederick A. Fenning. And on June 20, 1925, Commissioner Frederick A. Fenning reported to the court that he had received from the United States Navy $565.80 as pay due his ward, which he had deposited in the National Savings & Trust Co., and that he expected from the Navy $94.30 each month pay due his ward.

On September 22, 1925, Commissioner Frederick A. Fenning, as attorney for Mrs. Elizan Norris, filed lunacy case No. 11041 seeking to declare Richard M. Norris unsound, using Doctor Silk and Doctor Lind, of St. Elizabeths staff to do the work, the petition reciting that the only relatives of Norris known were his wife, Elizan Norris, and his daughter, Fannie Norris, aged 13, living in Savannah, Ga., and the petition reciting:

That Richard M. Norris is entitled to war risk compensation monthly, amount not yet known.

I want this recitation to be remembered, for it shows that there must be a claim filed against the Government of the United States before his rights can be determined, for the Veterans' Bureau is one of the institutions of the Government.

And the records in the United States Veterans' Bureau show that Frederick A. Fenning immediately thereafter began to prosecute said claim for his client before a department of Government, because on October 16, 1925, he wrote a letter to said Veterans' Bureau transmitting the orders from said court, stating that he was doing it for "my client," and requesting that compensation be awarded.

And again on December 9, 1925, said Frederick A. Fenning as attorney for his client wrote another letter to said United States Veterans' Bureau, forwarding corrected papers, again using the term "my client," and again asking that the "matter go forward as promptly as possible." And again on January 9, 1926, said Fenning wrote another letter to said United States Veterans' Bureau for his client, calling attention to his letter of December 9, and in which he said:

On behalf of my client, Mrs. Elizan Norris, committee of Richard M. Norris, that the matter go forward without delay.

And he was finally notified that the claim had been allowed, and compensation check forwarded to his client. And he presented in court a report by his client showing collection of such compensation from said bureau.

IN THE DARKNESS OF THE NIGHT

And it was concerning the papers in this case, which means so much to him just now, that said Frederick A. Fenning had one of the employees of said United States Veterans' Bureau meet him one night in said bureau, many hours after said department had closed, to let him look over the papers. All of the employees of said bureau had been gone for several hours. The bureau was closed. It was nighttime. No one was present except this one employee and Frederick A. Fenning. If those telltale papers could disappear, there would be no evidence left to convict. Fortunately, I have photostat copies of all of said papers, so if they do disappear there will yet be available proof of them.

But let me mention other cases said Frederick A. Fenning has prosecuted against departments of the Government since he has become commissioner.

In cause No. 11092, on October 20, 1925, Commissioner Frederick A. Fenning, as attorney, filed a petition in the supreme court, alleging that Francis D. Allen is a patient in St. Elizabeths and believed to be of unsound mind, and that he is entitled to retired pay of $150 per month as lieutenant in the United States Navy, and recommending that Frederick A. Fenning be appointed committee for him.

On November 20, 1925, Commissioner Frederick A. Fenning, as attorney, had the matter heard, had Lieut. Francis D. Allen, of Chester, Pa., declared unsound, had himself appointed committee, and the order recites Frederick A. Fenning as attorney for the proceeding.

On December 7, 1925, Commissioner Frederick A. Fenning, as committee, petitioned the court to change the name to Frank D. Allen, so as to correspond with record of the Navy, and to affirm him as committee, which was done by order of Chief Justice McCoy.

On December 9, 1925, Commissioner Frederick A. Fenning reported to the court that he had received from St. Elizabeths the sum of $116.55, personal funds due his ward, and that he expects to receive from the United States Navy $150 per month as the retired pay due his ward, and that he expects to receive certain funds of his ward deposited in a New York bank, and that he expects to receive proceeds from certain lots in New York, and that he expects to recover a refund of a deposit on a house in Pennsylvania.

On February 10, 1926, Commissioner Frederick A. Fenning, as committee, filed petition in the supreme court advising that while his ward lived in Chester, Pa., he purchased from Annie M. Smith the premises at 1824 West Sixth Street, Chester, Pa., for $3,800, and paid her in cash $1,000, and Fenning asked that he be permitted to file suit against her to annul the purchase and recover back the $1,000, and the court granted the order that day without hearing.

In order to collect the retired pay due F. D. Allen it was necessary for Frederick A. Fenning to prosecute this claim before the United States Navy Department, and he did so prosecute it, and he got it allowed, and he thus violated said law last quoted.

This man F. D. Allen is not insane. I went to St. Elizabeths to see him. He told me that he came to Washington to collect some money that was due him by another naval officer at the naval hospital here, and that when he asked for his money it made the officer mad, and such officer had him "shanghaied" into St. Elizabeths, and that when Fenning found out that he was entitled to retired pay and had money and property he promptly had himself made his committee. And I had this young naval officer before our committee, who under oath testified substantially to the above, and he convinced practically the entire audience who heard him that he is perfectly sane and should not be in St. Elizabeths.

FENNING AND ROGERS

Adjoining Fenning's office in the Evans Building, a young lawyer named Paul V. Rogers has an office, with the door open between his office and that of Fenning, and Fenning uses him on occasions to help him collect fees.

On December 2, 1925, Commissioner Frederick A. Fenning and Paul V. Rogers, as attorneys, filed in the Supreme Court of the District of Columbia the case of Lunacy No. 11137, charging Charles L. Cunningham with being of unsound mind. The court's order of December 4, 1924, recites that petitioner appeared by Attorney Frederick A. Fenning, and he was declared insane.

On January 27, 1926, Commissioner Frederick A. Fenning filed with the court a petition stating that petitioner had employed Frederick A. Fenning and Paul V. Rogers as attorneys, and asking permission to pay their fee of $150.

On January 27, 1926, that same day, Chief Justice McCoy granted the order for the $150 to be paid to Frederick A. Fenning and Paul V. Rogers, attorneys.

On January 27, 1926, petitioner reports receipts from Franklin Trust Co., of Philadelphia, of $1,531.83, and $73.30 from the Navy, and statement is made that such sums are deposited in the National Savings & Trust Co., of Washington, D. C.

The above claim was prosecuted against a department of Government, to wit, the Navy, and money was collected, and said Fenning received his part of the $150 fee, which under oath said Fenning testified was one-half, hence he received $75 for prosecuting such claim.

BUILDING STRAW MEN TO KNOCK DOWN

The gentleman from Massachusetts unfairly mentioned an incorrect report in the press which, without warrant, quoted me as having said in my speech before the American Legion Tuesday night that "bodies had been sold to Howard University." He would not yield to me to show his unfairness. He had Doctor White to deny before his committee that bodies were sold. I never made such a statement in my life. The Post is protecting Fenning. Its reporter, Mr. Carlisle Bargeron, is a splendid young fellow and feels about this whole matter just about as I do; but his paper on April 8, 1926, said editorially that the resolution that this House will in a few minutes pass unanimously "ought to be thrown in the wastebasket"; and said further that "Mr. Fenning is entitled to public thanks for rendering his service." Naturally, such a paper would endeavor to break me down, just as the gentleman from Massachusetts is seeking to do, because I am seeking to have Frederick A. Fenning removed from office. Hence, without any warrant whatever, the Post said that I asserted that "bodies had been sold to Howard University." My colleague from Ohio [Mr. McSWEENEY] was present and heard my whole speech. Here is his statement as to what occurred:

I was present at the meeting of Washington Post, No. 1, American Legion, on the night of May 4, 1926, and heard Congressman BLANTON'S speech. He made no statement whatever about bodies of veterans being mutilated before or sold to Howard University. He said that an employee of the Veterans' Bureau had testified that he had seen two bodies that had been cut open, and that he had been reliably informed that St. Elizabeths Hospital had allowed its afflicted patients to be exhibited before classes in universities here for scientific purposes, and that some had been exhibited before a class of Howard University, and that if such were the case it ought to be stopped, as these poor, unfortunate patients should not thus be exhibited in public. He said nothing whatever about bodies being sold to Howard University.

JOHN McSWEENEY,
Member of Congress, Sixteenth District of Ohio.

WERE BODIES CUT UP IN ST. ELIZABETHS?

On April 30, 1926, there appeared before our committee hearing Mr. Alva W. Collins, who is the assistant auditor for the United States Veterans' Bureau, having been with it since August, 1921, and whose duty it is to look after paying the funeral expenses of all veterans by auditing the vouchers for same. He was duly sworn, and upon oath testified as follows:

Mr. BLANTON. Now, Mr. Collins, with respect to a body in May or June of last year that you saw, where the head had had an operation on it. Do you remember that body?

Mr. COLLINS. I remember seeing the body lying in the undertaker's morgue.

Mr. BLANTON. What had been done to the head?

Mr. COLLINS. I think the scalp had been cut up here [indicating]——

Mr. BLANTON. At the frontal bone?

Mr. COLLINS. The frontal bone had been cut and the brain, I suppose, removed. I don't know about that. I didn't see that.

Mr. BLANTON. That was a World War veteran?

Mr. COLLINS. Yes.

Mr. BLANTON. Now, in July you saw another body that had been cut up, didn't you?

Mr. COLLINS. I happened in there on an errand taking some transportation for another body that was to be shipped, and I stepped over there after 4.30.

Mr. BLANTON. What did you see about that body with your own eyes?

Mr. COLLINS. That body was cut open from the throat all the way down.

Mr. BLANTON. All the way down?

Mr. COLLINS. Yes.

Mr. BLANTON. What about the backbone? Did you find out anything about the backbone of the deceased?

Mr. COLLINS. Well, I was told that the backbone had been taken out. I couldn't see it. I did not want to get close enough to it.

Mr. BLANTON. Did it have a bad effect on you?

Mr. COLLINS. It had a nauseating effect on me.

CAN NOT WE BELIEVE SWORN TESTIMONY OF A BUREAU OFFICIAL?

I want you to note that I asked Mr. Collins specifically if that was a "World War veteran," and he said it was. He said so under oath. What proof has the gentleman from Massachusetts offered to show that he was not a World War veteran? Absolutely none! The only corpse that Auditor Collins had any business with was that of a World War veteran. He was working for the United States Veterans' Bureau. He had nothing whatever to do with checking up any body that was not the remains of a veteran.

BUT SUPPOSE THE INMATE WAS NOT A VETERAN?

The cut-up remains of this poor unfortunate from St. Elizabeths was after all an American. If the gentleman from Massachusetts had been correct in surmising that the body might not be that of a veteran, does it not concern him any at all that some other unfortunate American who lost his life in St. Elizabeths was cut from his neck downward by doctors in St. Elizabeths? As Representatives in the American Congress are we not concerned with the improper treatment of any American? Why, certainly we are.

CORROBORATING EVIDENCE

But I had the sworn evidence from another bureau official corroborating the testimony of Auditor Collins. Mr. Clarkson E. Grier has been an honored and respected investigator for the United States Veterans' Bureau for over three years and did much work for the bureau in St. Elizabeths. He was duly sworn, and under oath testified before our committee as follows:

Mr. BLANTON. Do you know Mr. Collins, who has charge of looking after these bodies, and so on, for the Veterans' Bureau?

Mr. GRIER. Yes, sir; I know him very well.

Mr. BLANTON. State whether or not Mr. Collins ever told you about one of the patients over there at St. Elizabeths where the doctors cut all the front part of his head off.

Mr. GRIER. Yes, sir. I believe he did tell me something about that.

Mr. BLANTON. Did Mr. Collins ever tell you about another body that they cut all to pieces?

Mr. GRIER. Yes, sir; he did.

Mr. BLANTON. What did he say about the other one that they cut up so bad that Mr. Tabler said something about it? Tell the committee what he said.

Mr. GRIER. I think it was July of last year—it was July—one of our claimants had died in St. Elizabeths, and they had an autopsy and the body was turned over to Mr. Tabler, our contract undertaker. Mr. Collins happened to be at Mr. Tabler's undertaking establishment when the body got there. That is the way I was told, or I believe that is the way.

Mr. BLANTON. Tell us what he told you.

Mr. GRIER. He said he saw a body that had been cut up pretty badly from St. Elizabeths, and that his stomach had been cut open down the front.

Mr. BLANTON. What did he say about the backbone being cut out?

Mr. GRIER. He said he was told that the backbone had been cut out. He didn't tell me that he saw the backbone.

Mr. BLANTON. What did he say about Tabler with regard to the embalming?

Mr. GRIER. He said that Mr. Tabler didn't want to handle a body like that; that he kind of intimated or something like that—I don't know exactly—but it was some remark that Mr. Tabler was not at all satisfied, was reluctant to receive a body in that condition.

Mr. BLANTON. Didn't he tell you that he said the body was cut up so badly that Tabler said he didn't want to embalm it?

Mr. GRIER. He didn't refuse to embalm it; he said he didn't want to.

Mr. BLANTON. He didn't feel that he ought to be given a body in that condition?

Mr. GRIER. I think that is what he said.

WAS NOT THAT SUFFICIENT TO WARRANT AN INQUIRY?

Was not the sworn evidence of these two officials from the United States Veterans' Bureau sufficient to warrant me in asking this Congress to make an investigation? Why should I be hamstrung and quartered by the gentleman from Massachusetts simply because I repeated to this House such charges in asking that this House make an investigation?

CONSPIRING TOGETHER FOR 20 YEARS

The sworn evidence given by Frederick A. Fenning and Dr. William A. White before a congressional committee in 1906 showed that said Fenning was then guardian or committee for 69 inmates of St. Elizabeths; that he was reaping a harvest from their estates; that Doctor White then gave him free access to the files, records, and correspondence concerning the patients and their estates and income; that Doctor White in every petition he filed in court then recommended Fenning as committee, and that in two-thirds of the cases in which said Fenning was guardian or committee he had been recommended by Doctor White as committee; that said Fenning had kept a Civil War veteran named Logue in the asylum when he was sane, and that Logue had forced his release by habeas corpus and trial before a jury, and that he recovered less than half of his estate from said Fenning; that said Fenning kept Miss Cornelia L. Corbett and her widowed mother in St. Elizabeths, charged with insanity, for two years and four months when they were sane, and that he squandered their property, and that when she and her mother forced their release by habeas corpus and court trial before a jury Miss Corbett sued Fenning in the Supreme Court of this District and recovered a judgment against him and made him pay it; that said Fenning admitted under oath that he had gone to Judge Barnard nearly 25 years ago and urged him to appoint him committee in all cases, but that Judge Barnard told him he would appoint only the one recommended in the petition, and that then "he saw that it was up to him to see to it that he was recommended in the petition," and that he had urged many persons to name him as committee.

FENNING'S MANY ASSISTANTS

Our committee has shown by sworn evidence, indisputable, that said Frederick A. Fenning engaged in a partnership business with Dr. William A. White in buying mortgages; that they first ran their joint bank account in a certain big trust company here, of which said Fenning was a director, and when he ceased to be a director of it, and became a director in the National Savings & Trust Co., they transferred their joint bank account to that institution; that said White and Fenning have borrowed money together from said trust company and the Riggs Bank, and when Doctor White admitted that he was a poor man when he came to St. Elizabeths and he was asked to tell what he is now worth, he refused to answer.

Both Doctor White and Commissioner Fenning admitted under oath that said Fenning owns one share of stock in the Laurel Sanitarium and that he is attorney for it, and that said Fenning owns one share of stock in and is attorney for the Gawlers, undertakers, which in 1906 admitted under oath that such company received from 45 to 50 bodies for burial each year from St. Elizabeths, and we showed a receipt this year where said Fenning paid to said Gawler twice as much for a burial as is charged by the bureau's undertaker, and that in another case, where Gawlers buried one of Fenning's wards, said Fenning, as attorney, filed a petition for said Gawlers asking that he, Fenning, be made administrator, and as such he received further large fees from the estate. And in the case of Mrs. Rixford we have shown the court papers proving that said Fenning caused to be paid $100 per month to said Laurel Sanitarium for 14 months, out of her estate, for keeping Mrs. Rixford there, and that he received large fees from such estate.

We produced that portion of the report of Dr. Henry Ladd Stickney, who investigated St. Elizabeths for the Veterans' Bureau, who certified that said Fenning had privileges and concessions given him in St. Elizabeths, and is guardian for over 100 bureau patients, and that he, said Fenning, constantly opposes the transfer of his wards to other jurisdictions, and that Doctor White is very friendly to Fenning.

We proved by the sworn testimony of Frank Finotti, who for 42 years was chief clerk in St. Elizabeths, and also by Mrs. Ellen Finotti, who was record clerk there for eight years, that said Fenning is given free access to the records, files, and correspondence of patients in St. Elizabeths, and that no other attorney had such privilege or concession, and said Frank Finotti testified that he had seen several hundred petitions of Doctor White to adjudge patients lunatics wherein he recommended said Frederick A. Fenning as guardian or committee.

FENNING AFTER $200,000 ESTATE

We produced the court papers showing that when a citizen named Bennett, who owned $200,000 worth of property here, learned that Fenning had filed lunacy papers against him, and

that said Fenning and a lunacy doctor were coming after him, he left his home and went to the house of a friend, and then employed one of the best lawyers in Washington, who appeared with him in court, and that Fenning then dismissed the case rather than face trial with such a lawyer.

HAD HIS LUNATIC WARD MAKE A WILL

We showed that in the case of Philip Berg, that after Fenning had gotten Doctor Main, from St. Elizabeths, to swear his ward into that asylum as a lunatic, and had handled the estate and received commissions for several years, said Fenning then filed a petition into court asking that such lunatic ward be allowed to make a will cutting off his own mother, who had lived with said Berg from his infancy until he went to France during the recent World War, said Fenning alleging in such petition that such mother was an immoral woman, and said Fenning got an order from court permitting such lunatic to make such will, and said Fenning drew it up himself and dated it, not in St. Elizabeths but in "Congress Heights," and that when said Berg died, soon thereafter, said Fenning attempted to probate such will, and we proved by the sworn testimony of Judge Crandall Mackey, a leading lawyer of Washington, that the mother of Philip Berg is not an immoral woman but a good, hard-working, deserving woman, and that the client of said Fenning who represented herself as the sister of said Berg is not his sister but a cousin, and said Mackey is now preparing to fight the matter out in court with said Fenning.

FIVE HUNDRED DOLLAR FEE AND ONE THOUSAND SIX HUNDRED AND SEVENTY-SEVEN DOLLARS EXPENSES

We showed that said Frederick A. Fenning took one of his wards to his home in Denmark, taking with him his wife and a 66-year-old attendant from St. Elizabeths, and after leaving his ward there, they returned by way of London, and Fenning got the court to allow him a fee of $500 and the sum of $1,677 additional for expenses, and this was all in addition to the other fees said Fenning had been drawing from said estate; and, with his ward in Denmark for the past two years, said Fenning has drawn over $200 commissions from his estate each year for the past two years.

REMARKABLE CASE OF ISAAC FELLOWS

We produced the original court papers to show that said Fenning drew fees and commissions from the estate of his lunatic ward, Isaac Fellows, for several years, until he died, and then he spent nearly $300 on his funeral, and had the undertaker petition the court to appoint himself (Fenning) as administrator, and was so appointed, and that he paid $575 for a tombstone, and after paying all of his own fees and commissions there was about $5,000 left of the estate; that after the court had admonished Fenning that he had not filed final account within the time allowed by law, said Fenning asked the court to permit him to spend $40 in making a trip to New York, which the court granted, and said Fenning admitted that while in New York he visited a firm of lawyers who after he came back filed a claim with him for a foster mother of said ward that would have about wiped up the estate; but due to a law here which provides that when one dies without relatives the estate goes to the District of Columbia, the District sent its attorney to New York to see this woman, and he ascertained that her claim was false and fraudulent, and she immediately withdrew it, and all of such money had to be paid over to the District of Columbia. It was simply ridiculous for said Fenning to ask to go to New York to look up relatives when he could have done better in that regard by placing advertisements in papers there and by correspondence.

SUCH CASES WITHOUT NUMBER

If I had the time and space I could cite case after case where said Fenning has gone without the pale that any reputable lawyer would keep within.

BARRATRY

I produced his original correspondence showing that he solicited the business of a lady in Boston, and caused her to discharge her lawyers and to employ him, under circumstances that make him guilty of barratry under the laws of every State in this Union.

USING HIS OFFICE FOR SELFISH PURPOSES

We proved by sworn testimony that said Frederick A. Fenning became commissioner on June 5, 1925; that on June 12, 1925, he parked his car in prohibited area, and when Policeman Gore asked the colored chauffeur to move around the block, he told the policeman he would not do it, as that was Mr. Commissioner Frederick A. Fenning's car, and he would park it right there, and then said officer was lectured by Mrs. Fenning, who was in the car, and that Fenning caused Inspector Albert J. Headley, at the head of traffic, to call Officer Gore before him that day and severely reprimand him, but that when Headley learned the facts from Gore, he merely smiled and said, "Officer Gore consider yourself severely reprimanded," and that on June 19, 1925, said Fenning caused said Albert J. Headley, who is serving his thirtieth year of honorable service on the police force and will soon retire, to be demoted from an inspector to a captain, with a decrease in pay, and the extra loss of $450 per year, and a loss in his retired pay for life.

INJUSTICE TO DOCTOR MURPHY

Doctor Murphy testified under oath that Commissioner Fenning unjustly forced him out as police surgeon in order to appoint his prospective son-in-law to the position.

INJUSTICE TO DOCTOR WILSON

Doctor Wilson testified under oath that Commissioner Fenning without any cause whatever unjustly discharged him as school surgeon and in his place appointed an old doctor, 73 years of age, simply because said old doctor 20 years ago, when White and Fenning were under fire, offered sympathy. And since such action it is interesting to note that the Secretary of the Interior has held that Fenning had no authority to appoint this 73-year-old doctor and has forced him out. And Doctor Wilson is the hero of the Knickerbocker Theater disaster, when 98 people were killed and 300 were wounded, and throughout that bitter, freezing night and most of the next day Doctor Wilson administered to the wounded and dying without one cent pay.

INJUSTICE TO SERGEANT LEE

When Sergeant Lee is only 55, is 6 feet 2 inches tall, weighs 225 pounds, is a physical giant, and had not lost one day through sickness for four years Fenning had him retired on half pay and refused to give me a hearing on the case, when such injustice, cruel and inhuman, will cause Lee to take his son out of college.

INJUSTICE TO OFFICER BLACKMAN

When Officer Blackman and three other policemen whose day off each week comes on Saturday sought to earn some extra money to pay off a debt and got a job with Hecht Department Store and worked four Saturdays at $6 per Saturday, and made $24 each, said Fenning required them to pay the $24 into the police department, and three of them did it, but when under the advice of a lawyer Blackman refused Fenning suspended him for three weeks without pay, caused him to pay back the $24, and then fined him $25 extra.

ATTORNEY FOR MEDICAL SOCIETY

Commissioner Fenning is attorney for the Medical Society and has opposed several bills which his doctor clients have been against, and he has refused to have the city physician enforce a law passed by Congress last year respecting social diseases.

INSURANCE AGENT AND SOLICITOR

The superintendent of insurance has testified under oath that said Frederick A. Fenning has prevented from passing a bill which he and I framed to protect the people from unstable companies, and has prevented him from placing his ideas before Congress. Remember that said Fenning is agent and solicitor for four big companies.

FENNING REFUSED TO ANSWER

Remember that Fenning demanded that he be permitted to come before the Veterans' Committee and testify, and after he put in his own defense members of the committee began to ask him questions on cross-examination, and he refused to answer, and said gentleman from Massachusetts [Mr. LUCE] backed him up in his refusal. And when said Veterans' Committee first endeavored to hold an investigation the said gentleman from Massachusetts blocked same for several days by making a point of no quorum. I can not just understand his position in such a case as this. I feel that he should be helping and assisting me in getting protection for our 4,000,000 veterans of the World War rather than criticizing me and throwing obstacles in my way.

I have hardly been able in this time to mention half of the facts showing absolutely many violations of law by Commissioner Fenning, and acts of moral turpitude, and unethical deportment both as an attorney and an official. But I must stop.

I ask the gentleman from Pennsylvania to please give me two minutes more.

Mr. GRAHAM. I regret exceedingly that I can not.

Mr. BLANTON. I will appear before the Judiciary Committee and give them my facts. [Applause.]

Mr. APPLEBY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. APPLEBY. There has been a misstatement made on the floor of the House by the gentleman from Massachusetts. I

heard the gentleman from Texas state his proposition about Howard University and it had nothing whatever to do with the cutting up of bodies or the mutilating of bodies.

Mr. BLANTON. Or the selling of bodies.

Mr. APPLEBY. Or the selling of bodies.

Mr. BLANTON. I thank my colleague from New Jersey. I had forgotten that he was at the American Legion Tuesday night.

The SPEAKER. The Chair does not think that is a question of personal privilege.

Mr. RANKIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Mississippi rise?

Mr. RANKIN. Mr. Speaker, I rise to ask unanimous consent that we may have 20 minutes more in order that those of us who have gone into this investigation and who are not interested in defending Mr. Fenning against these charges may have time to tell the House what we have learned.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. GRAHAM. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. GRAHAM. Mr. Speaker, I move the previous question on the resolution.

Mr. DYER. Mr. Speaker, I make the point of order that the gentleman's motion is not in order. The resolution, as yet, has not been read.

The SPEAKER. The resolution has been read.

Mr. DYER. Not for amendment.

The SPEAKER. The resolution was read the other day.

Mr. DYER. But there are amendments.

The SPEAKER. And the amendments were also read.

Mr. DYER. I desire to be heard upon the first amendment, Mr. Speaker.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Pennsylvania that the previous question be ordered.

The question was taken; and on a division (demanded by Mr. SCHAFER) there were—ayes 190, noes 22.

So the previous question was ordered.

Mr. DYER. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. DYER. Mr. Speaker, I have been in the Chamber ever since the matter was called up this morning. The resolution has not been read, and there are two amendments. We certainly can not vote upon the resolution without first voting upon the amendments.

The SPEAKER. The Chair is about to put the question on agreeing to the amendments.

Mr. DYER. Mr. Speaker, I ask unanimous consent to be heard for just one minute on the first amendment.

The SPEAKER. The gentleman from Missouri asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, there seems to be a misunderstanding, according to the press and some Members, as to this first amendment, which is to strike out certain words with reference to impeachment. The words which are stricken out are:

And for which he should be impeached.

The impression has gone out that this was done in the belief that Mr. Fenning was not subject to impeachment. That is not the fact so far as any action of the committee is concerned. The words were stricken out on the motion of a member on the ground that it would limit the committee in its investigations. I want it clearly understood that the committee did not by its action eliminate this part of the resolution on the theory that Mr. Fenning could not be impeached. [Applause.]

Mr. BLANTON. I am glad the committee had those words stricken out.

Mr. DYER. I want this made clear for the benefit of the press and Members of the House.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. RANKIN. Mr. Speaker, I ask for the yeas and nays.

Mr. BLANTON. I hope the gentleman will not ask that. It was a unanimous vote.

Mr. RANKIN. I understand, but some have been applauding vociferously in behalf of Mr. Fenning, and I want to know whether they are going to vote like they applaud.

Mr. BLANTON. It was a unanimous vote, and I hope the gentlemen will not ask for the yeas and nays.

Mr. RANKIN. Let us have the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Twenty-one gentlemen have risen, not a sufficient number, so the yeas and nays are refused. The question is on agreeing to the resolution.

The resolution was agreed to.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 4034. An act granting consent of Congress to Texas-Coahuila Bridge Co. for construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico;

H. R. 5691. An act granting the consent of Congress to Charles Moss, A. E. Harris, and T. C. Shattuck, of Duncan, Okla., to construct a bridge across Red River at a point between the States of Texas and Oklahoma where the ninety-eighth meridian crosses said Red River;

H. R. 8264. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes;

H. R. 10169. An act granting the consent of Congress to the Gallia County Ohio River Bridge Co. and its successors and assigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio;

H. R. 9511. An act authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service;

H. R. 10244. An act to extend the time for the construction of a bridge across the Fox River in the State of Illinois on State Road No. 18, connecting the villages of Yorkville and Bristol in said county;

H. R. 10198. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes;

H. R. 10470. An act granting the consent of Congress to the city of Little Falls, Minn., to construct a bridge across the Mississippi River at or near the southeast corner of lot 3, section 34, township 41 north, range 32 west;

S. 2298. An act to amend section 3 of the act approved September 14, 1922 (ch. 307, 42 Stat. L. pt. 1, pp. 840–841);

S. 1786. An act to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service;

S. 2733. An act for the relief of the State of North Carolina; and

S. 3037. An act to provide retirement for the Nurse Corps of the Army and Navy.

NIGHT SESSION

Mr. TILSON. Mr. Speaker, at the request of the chairman of the Committee on Agriculture and others, I ask unanimous consent that, unless the House shall have sooner adjourned, at 5.15 p. m. it take a recess until 8 o'clock p. m. and continue in session not later than 11 o'clock p. m. Members will understand that the time is to be devoted to debate on the agricultural relief bill, and that, of course, there will be no vote, and can be no vote taken.

Mr. CRAMTON. And no unanimous-consent request on any other matters will come up and no other business will be transacted.

Mr. TILSON. No other business will be transacted except debate on the agricultural bill.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that, unless the House adjourns before 5.15 this afternoon, general debate on the agricultural bill shall continue between the hours of 8 and 11 o'clock, and nothing else but general debate on that bill. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, I should like to make the same request for to-morrow night.

The SPEAKER. The gentleman from Connecticut makes the same request for to-morrow night.

Mr. GARRETT of Tennessee. Mr. Speaker, I will reserve the right to object to that, while, of course, I do not object at the present time. Does not the gentleman think it would be better to wait until to-morrow to make that request? This situation is one that has to be studied out hour by hour and day by day.

Mr. TILSON. All right. I was simply complying with the request of gentlemen on the Agriculture Committee, who seem to think that they will need the time. I shall renew the request to-morrow if it is desired.

PROPOSED APPALACHIAN, SMOKY MOUNTAIN, AND MAMMOTH CAVE NATIONAL PARKS

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered over the radio last night by my colleague the gentleman from Kentucky [Mr. THATCHER] on the subject of proposed national parks.

The SPEAKER. Is there objection?

There was no objection.

Mr. TAYLOR of Tennessee. Mr. Speaker, under the leave to extend my remarks in the RECORD I include a speech delivered over the radio last night by my distinguished colleague from Kentucky, Hon. MAURICE H. THATCHER, on the proposed Appalachian, Smoky Mountain, and Mammoth Cave National Parks.

This address abounds in valuable and interesting information relative to these three great projects, and I trust each Member of the Congress will take the time to carefully read it:

NATIONAL PARKS EAST OF THE MISSISSIPPI

Radio address by Congressman MAURICE H. THATCHER, of Kentucky, station WCAP, Washington, D. C., evening of May 5, 1926

Unseen, but none the less appreciated, friends of the invisible world of radio, first, I must thank you for honoring me with your attention this evening. I am sure that I shall never address a more respectful and attentive audience; and I trust that I may be able, measurably, to repay your kindness by furnishing you some information concerning a very important subject.

When I was asked to talk to you on this occasion it was rather expected, I believe, that I should speak along political lines. I have preferred, however, to choose for my theme a nonpolitical subject—that of "National parks east of the Mississippi." I believe that in speaking on this subject I can accomplish much more of good than I might be able to accomplish were I to discuss any question of a controversial character. However much you may differ among yourselves on political matters, I am sure that you will all agree touching the all-important value of there being provided and maintained ample recreational grounds for our people.

A city is largely measured by its system of parks. The same is true of the State and of the Nation. In the United States and its possessions there has been created a great system of national parks, 19 in number. With a single exception—that of Lafayette National Park, a small park lying on the coast of Maine—all of our national parks lie west of the Mississippi River, and practically all of them west of the eastern rim of the Rocky Mountain. Two of them are situated in distant territorial possessions of the United States—Mount McKinley National Park in the frigid regions of Alaska and the Hawaii National Park in the tropic isles of Hawaii.

Our smallest national parks are: Sullys Hill, in North Dakota, with an area of 774 acres; Platt, in Oklahoma, with an area of 851 acres; and Hot Springs, in Arkansas, with an area of a little more than 900 acres. Our largest national parks are: Yellowstone, in Montana, Idaho, and Wyoming, with the stupendous area or 3,348 square miles, or 2,142,720 acres; Glacier, in Montana, with an area of 1,534 square miles, or 981,760 acres; Yosemite, in California, with an area of 1,512 square miles, or 967,980 acres; and Grand Canyon, in Arizona, with an area of 958 square miles, or 609,120 acres.

Also, with the exception of Lafayette National Park, the lands of which were donated to the United States Government for national park purposes, all of the national parks have been carved out of the national domain. However, the public lands thus converted into national parks were assets of the Federal Government just the same as are funds in the United States Treasury.

Our oldest national park is that located at Hot Springs, Ark., which was established in 1832. The next oldest, and the largest of them all, is Yellowstone National Park, established in 1872. Three were established as late as 1919—Grand Canyon and Lafayette National Parks, already mentioned, and Zion National Park, in Utah.

While it is true that all of our national park areas—with the exception of the donated lands of the Lafayette National Park—were public lands of the United States, it is also true that the Federal Government has expended, in the improvement and maintenance of our national parks, a very large total of public funds. In fact, up to and including the 30th day of June, 1925, the total expended by the National Government for their improvement and maintenance was about $13,400,000, while the total of revenues derived from their operation was about $4,514,000. In other words, we have expended on our national parks, from their establishment up to June 30, 1925, about $8,886,000 more than the total receipts derived through their operation. Yet, because of the great value of national parks to our people, we have believed such expenditures to be of the wisest character.

The great national parks of the Rocky Mountain and Western regions and in Alaska and Hawaii are very wonderful. They contain a marvelous variety of mountain, valley, canyon, and forest scenery. Each in a particular way stands first among the world's scenic wonders. In the Grand Canyon National Park is to be seen the most stupendous, the most colorful, the most awe-inspiring system of canyons and gorges in all the world; Yosemite stands unrivaled in its sentinel peaks, waterfalls, and blooming valleys; Mount Rainier, with its great height, its tremendous glaciers, and flower-carpeted slopes, constitutes an unanswered challenge of mountain dignity and beauty; Sequoia, with its groves of the oldest and most majestic forest growths to be found anywhere on the earth's surface, is without a peer; Glacier, Rocky Mountain, and Mount McKinley National Parks, through all-compelling grandeur, make their everlasting appeal; the Hawaii National Park, containing, as it does, the earth's greatest extinct crater and the largest active volcano in the world, and set, as it is, in the loveliest imaginable frame of tropical verdure and rainbow seas, has no rival of its kind; and the Great Yellowstone National Park, with its great geyser systems, with its mammoth hot springs and terraces, with its high peaks, its wide forests, its vast tablelands, its jeweled canyons, its noble lakes, and its vast area, stands forth as a park unit of the first magnitude, and in many ways is absolutely unapproached. Then there are the other and smaller national parks with their distinctive features of commanding interest.

These various national parks are of such diverse character that they can hardly be said to be rivals, but rather like the stars of the heavens they only differ from each other in glory. Roadways and trails have been constructed within them; hotels and camps have been erected and are maintained within their bounds; and they constitute the great recreational grounds of the Nation. Yet, because practically all of them lie so far away in the West or so far off in our territorial possessions, it is unfortunately true that, compared with our Nation's total population, only a small percentage of our people ever visit them or ever see a national park throughout the course of their lives.

In the year 1924 the total number of visitors to all of our national parks was about 1,422,000. Only 62 visitors went to Mount McKinley National Park, in Alaska, in that year, though the Federal Government has already expended more than $85,000 in its improvement and maintenance. The great bulk of our American population is to be found east of the Mississippi; the great preponderance of our Federal taxes is paid by those living east of the Mississippi River; but to the greater number of these the national parks of the country are, for all practical purposes, altogether inaccessible. The need for recreational parks between the Mississippi and the Atlantic seaboard is manifest and paramount. If national parks in the West are worth while, they will certainly prove to be worth while in the East. This great need has been finally recognized by the legislative and executive branches of our Federal Government. Three great national park projects are now before the Congress of the United States for consideration. One is the Shenandoah project, covering about 521,000 acres, lying in the Blue Ridge-Shenandoah section of Virginia, and almost within sight of the Nation's Capitol. The second is the Great Smoky Mountains project, covering about 704,000 acres, in the rugged mountains of that name, lying in North Carolina and Tennessee. The third is the Mammoth Cave project, covering about 71,000 acres, situated in Kentucky, and containing Mammoth Cave and all of the other cave systems of that unrivaled underground world.

These three projects are eminently eligible for national parkhood. They measure up to the high standard of excellence prescribed by former Secretary of the Interior, Franklin K. Lane, who declared that in the establishment of national parks the effort should be made to find "scenery of supreme and distinctive quality, or some natural feature so extraordinary or unique as to be of national interest and importance," and to seek "distinguished examples of typical forms of world architecture, such, for instance, as the Grand Canyon, as exemplifying the highest accomplishment of stream erosion."

In the proposed Shenandoah National Park area there rise in softest beauty the noble Blue Ridge Mountains, supporting a wonderful variety of forest growths and plant life, flanked by lovely valleys, and situated in a section of our country nobly rich in historic interest. This park would especially serve the people of the North and Middle Atlantic and Appalachian States.

In the proposed Great Smoky Mountains National Park area are to be found the great mountains for which this range is noted, the loftiest and most rugged of all within the limits of continental United States except those west of the Mississippi. The location would especially serve the people of the Middle and South Atlantic and Southeastern States.

In the proposed Mammoth Cave National Park are to be found the greatest cave systems of the entire earth, one of which, Mammoth Cave, with its unrivaled heights, depths, and ramifications, is known to every intelligent school child around the globe, and for more than a

century has been called one of the "seven wonders of the world." Yet this much-famed cave is but one of many great caverns in this immediate section, and it is now proposed to include all of them in the proposed national park, together with contiguous areas containing great hills and rugged scenery, and some of the finest virgin forests in America. In addition this park will have flowing through it for miles Green River, a very deep and lovely stream, navigable for steamboats throughout the year. This region is accessible every day of the year by river, by rail, and by roadway, and its underground realm may be visited throughout the 12 months. This park will be near the center of our American population, and would especially serve those living in the southern and mid-central sections of our country. Its attractions are already "sold" nationally and internationally, and with its great accessibility and its all-year appeal it would in all probability prove to be the most frequented and popular of all our national parks and the one which would probably yield, through the usual rents, fees, and concessions, the greatest income of all our national parks.

In addition these three parks would be visited by people from every section of our country, and by hosts from foreign lands. Under an act of Congress, approved at the last session and in accordance with its direction, these three regions were visited and examined during the past year by the Southern Appalachian National Park Commission touching their work as national-park projects, and recently all three of them received the unequivocal approval of this commission, which is composed of the following members: Hon. H. W. TEMPLE, Member of Congress from Pennsylvania, chairman; Maj. W. A. Welch, chief engineer and general manager of the Palisades Interstate Park of New York and New Jersey; Mr. Harlan P. Kelsey, former president of the Appalachian Mountain Club of Boston, and well-known landscape architect; Mr. William C. Gregg, of the National Arts Club of New York, and a student of recreational agencies; and Col. Glenn S. Smith, acting chief topographic engineer of the United States Geological Survey, and representative of the Interior Department on the commission.

The commission on the 8th of last month made its unanimous report to the Secretary of the Interior, declaring all three projects eminently worthy of inclusion in our national-park system, and recommending that such inclusion be made upon the condition that the necessary lands be conveyed to the United States free of cost. The commission also in its report set forth the boundaries and areas which should be so acquired for national-park purposes as to the three projects. This report was transmitted to the Congress by the Secretary of the Interior on April 14, 1926. These commissioners served without charge, and have rendered a splendid and unselfish service.

From the report of this commission it appears that through State and private enterprise there has been subscribed and appropriated a total of $1,200,000 for the purchase of the required lands for the proposed Shenandoah National Park; that there has been similarly subscribed and pledged something more than $1,000,000 for the purchase of needed lands for the proposed Great Smoky Mountain National Park; and that there have been tendered several thousand acres of cave and surface lands in the Mammoth Cave region for the purposes of the proposed Mammoth Cave national park. The estimated value of the cave lands thus far offered is $500,000.

In Virginia, Tennessee, North Carolina, and Kentucky there have been created corporate bodies which have in charge the matter of raising funds and the securing of lands for these park projects; and it is proposed by the friends of the three projects that all the needed lands, as set forth in the report of the commission referred to, shall be secured and conveyed to the United States Government free of cost for the purpose of creating these parks. This work must continue until all the needed funds and lands are secured. The total estimated cost of the three projects is about $8,000,000. The bills now pending in Congress are based on this report and provide for the establishment of these parks when the needed areas are thus donated to such purposes. The Federal Government will, therefore, be subjected to no outlay unless or until the required areas are conveyed to it free of cost for national-park purposes. Thereupon Federal funds will be used in the building of roads and in the improvement of these parks. Too much praise can not be given to those who have undertaken the great task of raising these funds and securing donations of needed lands.

In 1924 those constituting the membership of the Southern Appalachian National Park Commission, then serving under informal appointment made by the Secretary of the Interior as members of the Southern Appalachian National Park Committee, made a study of the Shenandoah and Smoky Mountains National Park projects and reported favorably thereon. Their recent report, made agreeably to the act of Congress, was confirmatory of the previous report made by the committee thus named. The Mammoth Cave National Park project also has had the amplest official approval. In addition to that just given it by the commission referred to, in 1918, 1919, and 1920 Mr. Stephen T. Mather, then, as now, Director of the National Park Service, in his annual reports, gave his approval to the project, and went so far as to suggest the appropriation of public funds for the purposes of buying the needed lands therefor. Also, in June, 1924, the present Secretary of the Interior, Hon. Hubert Work, in an official statement declared that Mammoth Cave is one of the most widely known natural features of America and that unquestionably it is worthy of national-park status.

The time is therefore ripe for the creation of an adequate system of national parks east of the Mississippi River, and in the three projects now under discussion this great need will be fully met. By their creation the present and all future generations will be blessed. In nature's touch there is everlasting healing, and in the mad rush of our American life there is the ever-present need for turning away from the seething thoroughfares into the great quiet spaces where solitude and the unsullied beauty of mountain, valley, and forest may steal away the cares that ever beset us. If these proposed national parks are established, then in the Blue Ridge fastnesses of Shenandoah, in the rugged altitudes of the great Smoky Mountains, and in the awe-inspiring depths and reaches of the Mammoth Cave region of Kentucky, and in the sylvan loveliness of that region unnamed millions of our people, now and in the days to follow, may come to know in fuller, better measure the lessons of truth and beauty and restfulness which nature in her best and most interesting moods may teach us.

Let us hope that the present session of Congress may not adjourn until the measures providing for the establishment of these great national parks east of the "Father of Waters" may be enacted into law.

I thank you and bid you good night.

THE MORO PROBLEM IN THE PHILIPPINE ISLANDS

Mr. BACON. Mr. Speaker, I have to-day introduced a bill, H. R. 12772, which would remove the Moro or Mohammedan provinces of the Philippine Islands from the jurisdiction of the present Philippine Government and confer upon them a separate and distinct form of administration under the direct authority of the United States.

Action along these lines by the American Congress would go far toward clearing the American people of the one black page in their Philippine administration. It would redeem our sacred pledge of protection to these Moros which was given them by General Bates on behalf of the United States when the Moros accepted American sovereignty in 1899. They then recognized the sovereignty of the American Nation, not the sovereignty of the Filipino people. The Moro problem is an American responsibility, not a Filipino responsibility. Their loyalty is to us and not to the Filipinos. And ours is the solution of their problem.

This measure would retrace our steps to 1913. It would again provide for a separate jurisdiction and government for the Moro people under strictly American and Moro administration. Provision is made for appointment by the President of a governor and legislative council, including three Moro members, over the Moro territory, comprising about 35 per cent of the land area of the Philippines and about 870,000 people, with full legislative powers, subject only to the limitations specified in the bill. The government thus created would function without interference by the existing Philippine Legislature, which retains administration over the Christian Provinces of the archipelago.

The political state of the Moros is nothing short of pitiful and its solution should commend itself to the natural instincts of fair play held by every American. Their so-called representation in the Philippine Legislature is a farce and a mockery. They are deliberately denied any share or participation in the government. They have no elective representatives in the legislature and no American governors. They have no magistrates, no judges, no public prosecutors drawn from their own people. And the guardians of law and order in their region—the constabulary—are practically all drawn from the ranks of their hereditary enemies—the Filipinos. The Filipinos are their lawmakers, their governors, their judges, their prosecutors, and their policemen. To these conditions the Moros respond by giving nothing but hate and unwilling submission.

Present conditions are in sharp contrast with those obtaining under the beneficent administrations of the Moro Provinces by Generals Wood, Bliss, and Pershing in the decade between 1903 and 1913. During that period the then Philippine Commission set up a successful government for the Moros, which was practically self-supporting. The governing authority was responsible to the President through the commission.

The Moro people gave willing obedience and loyalty to this authority. Material progress was made and the people prospered. America protected them. Toward 1914 the Philippine Commission was given a Filipino majority. And that was the beginning of the great "Filipinization" drive and the end of direct American rule. In 1916, with the establishment of the present Philippine Legislature, the general law of the islands was applied to the Moro Provinces. Notwithstanding the age-long hostility between Moros and Christian Filipinos, and that the Moros are totally distinct from the Christian Filipinos in language, religion, physical type, and mental outlook, the "Filipinization" process uprooted the American administration

in the Moro Islands: provincial administration, the schools (Moros object strongly to Filipino men teachers for their girls), the civil service, the judges, the constabulary were rapidly Filipinized. The Filipino policy was fostered at Manila to neutralize and tear down the rigid social and religious barriers existing between the Moros and Christian Filipinos and to assimilate the Moro with the Filipino people, an abortive undertaking from its inception. And a policy that has renewed age-long racial antipathies, religious animosities fraught with dangerous consequences to near-by nations with their millions of Mohammedan peoples, and great unrest, trouble, and bloodshed. Peace under the American governor has been followed by strife and bloodshed, 124 conflicts between the Philippine constabulary and the Moros occurring in a period of seven years following the withdrawal of the American governors. These conflicts resulted in the killing of 499 Moros and 22 soldiers. Since that time these conflicts have continued and are at present continuing.

As matters now stand the Governor General of the Philippines, representing the power, dignity, and prestige of the American people, is powerless to remedy this situation. By the act of Congress of August, 1916, practically no official appointments can be made by him without confirmation by the Philippine Senate. The Moros desire American governors but the Governor General is powerless to appoint them because the Philippine Senate refuses to confirm other than Filipinos to office. The result is that the present tragic situation of the Moro peoples will be perpetuated unless and until relieved by the American Congress. It is hopeless to expect any remedy at the hands of the Philippine Legislature. Filipino political leaders at Manila purpose establishing their authority, if possible, over the ultimate limits of the territory ceded the United States by Spain. Claiming the right of "self-determination" themselves, they have no hesitation whatsoever in forcibly imposing their will upon these defenseless Moros who kept their promise to us to give up all their arms on the assurance by American authority of permanent American protection.

> The Moros are a unit against independence and are united for continuance of American control and, in case of separation of the Philippines from the United States, desire their portion of the islands to be retained as American territory under American control. * * * They want peace and security. These the Americans have given them.

This is the language of one of the specific findings of the Wood-Forbes mission to the Philippines. Moro antipathy and hatred for Filipino rule has been emphasized a number of times by the present Governor General of the Philippines, Leonard Wood. In 1923, in an official report to Washington concerning outbreaks in the Moro country, General Wood cabled that—

> At the basis lies old antipathy between Moros and Christian Filipinos and the objection of the former to being governed by the latter. This is the principal basic cause of unrest in the Moro Province.

The proposed measure is manifestly in the interests of justice and fair play. It is imperatively necessary if the United States is to fulfill its pledge to the Moro people and preserve the good repute of the American people.

MOROS A MOHAMMEDAN PEOPLE—DISTINCT FROM FILIPINOS

The Philippine Islands are divided into two very distinct areas—the Christian provinces (Luzon and Visayan Islands), and the Mohammedan territory (Mindanao, Basilan, Palawan, and the Sulu Archipelago). These two regions belong to different and opposed civilizations—the Christian world and Islam. The Filipino peoples, who inhabit the northern islands of the Philippines, by reason of their conversion to Christianity under Spanish rule, happily face toward the Western World, although remaining essentially oriental or Malayan in their characteristics. The Moro, or Mohammedan peoples of the Philippines (the great bulk of whom never came within Spanish control or influence) face toward the ancient East and are a part of that widespread civilization which finds its spiritual center in Arabia. The social and commercial ties of the Moro people are with Singapore, the Malay States of Borneo, the Malay Peninsula, and the Netherlands East Indies. It is from this direction that they received their Mohammedan trend of civilization even before the Filipino peoples received a diluted form of European civilization.

The Moros, in fact, constitute an altogether distinct people from the Christian Filipinos—this not only in language and religion but in physical type and mental outlook. Their spoken language descends from the Arabian with but a small mixture of Malayan words. Their written language has an alphabet of 27 letters, which shows a mingling of Sanscrit and Indian Arabic, and continues primitive and crude just as when imported by their ancestors. It still retains the Arabic formation of sentence, beginning at the right-hand side of a page and continuing to the left, with consonants placed upon a horizontal line and the vowels above or below.

AREA AND POPULATION OF MORO PROVINCES

The total area of the Moro provinces is about 40,000 square miles. This is about 35.3 per cent of the total land area of the Philippine Islands, which is approximately 114,400 square miles. The Sulu group, in which the principal islands are those of Jolo and Tawi Tawi, contains 448 islands, of which 92 are larger than 1 square mile in area. In addition, there are adjacent to the larger Moro Islands some hundred more islands greater than 1 square mile in area. The Moro Provinces, therefore, contain nearly 200 islands with area exceeding 1 square mile and extending approximately 700 miles east and west and 475 miles in a north and south direction. As above stated, only four island areas are of real consequence, to wit:

	Square miles
Islands of Mindanao and Basilan	38,012
Sulu Archipelago	1,082
Island of Palawan	4,500
Contiguous small islands, approximately	500
Total	44,094

This territory is inhabited by approximately 870,000 people, or about 7.7 per cent of the total population of the Philippine Islands. Of this number approximately 75 per cent is Mohammedan or belong to non-Christian tribes.

MORO PROVINCES NEVER SUBDUED BY SPANISH

The fundamental antipathy between Christianity and Islam was provoked by the Spanish conquest of the Philippines. The Spanish soldier was able to subdue the islands now Christian. He failed to conquer the Moro country. From the end of the sixteenth century to the middle of the nineteenth military advantage was with the Moros, who subjected the Christian islands to continuous wars and piratical raids which form the most terrible and dramatic feature of Philippine history. After the introduction of steam gunboats about 1848, and the destruction of the Samal pirates on the islands south of Basilan, the Spaniard gained the advantage, and by the end of his régime had established a nominal sovereignty over the Sulu Group, had attacked the Moro power in the Cotabato Valley of Mindanao, and was preparing for the conquest of the Lanao region in the interior of Mindanao. Then came the end of his efforts in the Philippines in 1898. The United States took up the incomplete task of the Spaniard in the Moro Islands and still carries the responsibility for a just and happy solution of the problem.

MORO PROBLEM AN AMERICAN RESPONSIBILITY

It must be insisted at the start that the Moro problem is primarily an American responsibility, not primarily a responsibility of the Filipino people. Spain transferred her responsibility in this regard to the United States by the treaty of Paris, and the American people can not avoid responsibility for its just and fortunate solution. The region was brought into order after 1903 not by the Filipino people, or primarily at the cost of the insular treasury, but by the United States Army, and, except for local revenue, was paid for out of the appropriations of Congress for the support of the Army. Exceptions to this general statement are relatively unimportant and do not prejudice its general truth.

RESPONSIBILITY OF UNITED STATES AND HISTORY OF AMERICAN RULE IN MORO PROVINCES

The special responsibility of the United States for the Moro people, and the special jurisdiction mentioned in the preceding paragraph, were maintained by the Government for the United States down to 1913, when Francis Burton Harrison was appointed Governor General of the Philippines and a majority representation given to Filipinos upon the Philippine Commission. Successive acts of the Philippine Commission assimilated the government of the Moro Province to that of the rest of the Archipelago and have complicated the Moro problem by uniting it with the fortunes of the American experiment in self-government in the Philippines. The Congress, by the organic act for the Philippines of 1916, sought to transfer its own responsibility for the Moro situation to the government at Manila. It is this action of 1916 and its consequences which it is the duty of Congress at this time to examine, and, if necessary, to correct.

The history of American jurisdiction in the Moro country since 1898 may be briefly stated. It has three phases. In 1898 small detachments of the American Army relieved the Spanish garrisons at Jolo and Zamboanga. The limited forces at the disposal of the military governor and the crisis in relations between the Americans and Filipinos made it impracticable for the American Army to garrison the Moro country as effectively as it had been held by the Spaniards.

AMERICA'S TREATY WITH MORO PEOPLE

Under these circumstances, General Bates was dispatched on a mission to the Sultan of Sulu and in 1899 concluded a treaty known as the Bates agreement, a copy of which is attached hereto as Appendix No. 1. As will be noted therefrom, the Sultan recognized for himself and his subjects the sovereignty of the United States and the protection of this Government. Certain rights were accorded to the Moro people.

In general, they amounted to a promise of protection by the American Government, and an agreement not to transfer this responsibility to any foreign nation without Moro consent. The Bates agreement, while approved by the President of the United States, was, of course, not subject to ratification by the Senate. It can not be challenged, however, that the promise made to the Moros that in recognizing American sovereignty and jurisdiction they would not be forced to recognize any other, constitutes a binding obligation. The representatives of the American Government in the Philippines fulfilled this obligation until 1913.

THEY ACCEPTED AMERICAN SOVEREIGNTY ON AMERICA'S PROMISE OF PROTECTION

The sovereignty which the Moro sultans, datos, and other leaders in 1899 were asked to recognize, and did recognize, was the sovereignty of the American Nation—not the sovereignty of the Filipino people. They accepted the one and have not ceased to protest the other. The right of the Christianized Filipinos to share in the local government of the northern islands has been recognized by the Executive and by the Congress of the United States. These Christian Filipinos have no corresponding right, however, to determine the government of the Moro people nor to shape the solution of the Moro problem according to their particular interests. This right was not given them by the treaty of Paris, is in violation of the conditions whereby the Moro leaders gave submission and obedience to American authority, and should never have been conceded by the Congress of the United States. If a reversionary right to these southern islands of the Philippines exists in anyone, it is the Moro and not the Christian Filipino who is entitled thereto, and it is the plain duty of the United States to shape its policies accordingly.

AMERICA SETS UP SPECIAL GOVERNMENT FOR MOROS

For the purpose of protecting the peoples of this area and preserving the good repute of the United States, it became necessary to create a special political jurisdiction over the Moro country. The situation imperatively demanded action. The authority of the sultanate had broken down. Strife and intrigues between subordinate datos were incessant. Irritation and discontent were finding expression in the constant repetition of the fanatical act of self-immolation known locally as "juramentado." Acts of piracy were being resumed. Slave raiding was uncontrolled, and the pagan tribes, or hill people, were suffering terrible acts of brutality in more than one area of Mindanao.

The result of these conditions, united with the judicious efforts and recommendations of General Davis, commanding American forces in this region, was the passage in June, 1903, by the Philippine Commission of an organic act for the government of the Moro country. This act established a special jurisdiction differing fundamentally from the provincial governments organized elsewhere in the archipelago, and created a special governing authority responsible to the Philippine Commission and through this commission to the President of the United States. Civil and military authority were combined in the governor. A separate budget was authorized, in which was included the customs revenues collected in Moro ports, as also all taxes levied on the Moro people.

Maj. Gen. Leonard Wood was selected as governor. He was followed and his work continued by two other distinguished officers of the United States Army, General Bliss and General Pershing. This régime lasted 10 years—from 1903 to 1913. Its results were satisfactory. Material progress was made. The government was practically self-supporting.

MOROS GIVE UP THEIR ARMS ON OUR PLEDGE OF PROTECTION

During this régime the Moro inhabitants were requested by the American administration to completely disarm by turning in to the American Government all of their weapons. In making this request the American Government called attention to the Bates agreement, in which a definite promise of protection was made by the American Government, and in which it was specifically agreed not to transfer this responsibility of protection to any other source. It was in reliance upon this promise of protection, and on the pledge given them that they would never be governed by any other authority than the American Government, that the Moro chiefs willingly came forward and disarmed.

SUCCESSFUL ADMINISTRATION UNDER AMERICAN GOVERNORS

From that time until 1914 the public peace was preserved by one of the most efficient bodies of men ever maintained in the Philippines, namely, the Moro constabulary. This body was officered entirely by Americans and was recruited wholly from the Moro people themselves. In other words, the police work in the Moro country was conducted by their own people under American direction.

FILIPINO ATTEMPTS TO ASSIMILATE MOROS

Since 1914 Filipino politicians at Manila, in control of legislation, have attempted to break down the religious and social barriers between the Filipino people and the Moro people and to assimilate the latter with Filipino ambitions, plans, and policies. Administration has been shaped with this end in view. The civil service in the Moro country has been "Filipinized." Efforts have been made to establish colonies of Christian people in the Moro country, and large sums have been expended from the insular treasury for that purpose. The one question to be examined is, Have the methods employed been wise, humane, and financially sound? The Congress of the United States has the responsibility of determining this question.

FILIPINIZATION DRIVE DICTATED FROM MANILA

In fact, by 1913 the situation appeared so fortunate and stable that the Filipino leaders at Manila believed they could successfully take over this Government and join the problems of the Moros to the problems with which they were themselves contending. This change was commenced by the acts above referred to, and was completed when the Philippine Government was accorded complete authority in the premises by the act of Congress of 1916. One of the first steps taken was to replace the efficient Moro constabulary with a hostile Filipino constabulary.

UNREST AND BLOODSHED FOLLOW—KILLINGS OF MOROS

As stated above, it is the results obtained by the experiment from 1913 down to the present date—a period of nearly 13 years—which it is the imperative duty of the American people and of the Congress to now examine, together with the consequences involved.

Details need not be given here, but it may be asserted, and it is asserted, that the administration of the Moro country under a Filipinized service has proven wholly unsatisfactory as compared to that developed between 1903 and 1913; that it has simply served to arouse age-long antagonisms and precipitate unrest, trouble, and bloodshed; that it has been costly to the insular treasury; that, finally—and this is the most important consideration—the rights of the Moro people have been made subordinate to Filipino politics and policies formulated at Manila; that the Moros have never ceased to express dissatisfaction at this change of authority over them; that promises given them have been disregarded, and that the general situation has steadily become more difficult and dangerous. The peaceful era under the American governors has been succeeded by an era of constant friction, resulting in repeated and bloody clashes between the Philippine constabulary and the native Moro inhabitants.

The records show that during this period there were 124 conflicts between the Philippine constabulary and the Moros, resulting in the killing of at least 499 Moros, 22 constabulary soldiers, and with many wounded on both sides. The era of peace under the American governors was succeeded by an era of strife under Filipino rule. The police work in the Moro Province was and is conducted by the inherent enemies of the Moro people, and this after the latter had surrendered their arms under a specific promise by American authorities that the responsibility for their protection would not be transferred to others.

NO MORO PARTICIPATION IN "FILIPINIZED" GOVERNMENT

All the justices of the peace and all the judges of other courts in the Moro territory are now composed of Filipinos. The public prosecutors are Filipinos. Thus, administration of justice over a hostile people is placed in the hands of their hereditary enemies. When it is realized that practically all the police officers and constabulary are Filipinos, it can be readily appreciated how difficult it is for a Moro to get justice in any of the courts having jurisdiction over him.

Under the act of Congress of 1916 the Moros were not accorded, nor have they now, any elective representatives in the Philippine Legislature. While the Governor General is authorized to appoint two senators and nine representatives from non-Christian territory of the archipelago, and it was doubtless contemplated by the Congress they should be non-Christians, it has not been possible in the majority of instances to secure such representation. Moreover, these representatives appointed by the Governor General, whether Filipino or non-

Christian, are deliberately denied any real participation in the counsels or activities of the legislature, with the result that the Moros and other non-Christians have no actual share in the Philippine government as now constituted.

FILIPINOS DENY AMERICAN GOVERNORS FOR MOROS—AMERICAN GOVERNOR GENERAL POWERLESS TO HELP

The Governor General is also precluded from naming American governors or other officials of his own choosing for the Moro country inasmuch as all appointments made by him must be confirmed by the Philippine Senate, which body insists that all such nominees be Filipinos. It is an altogether anomalous situation, the consequences of which could hardly have been in the mind of Congress when it created an elective Philippine Legislature with full legislative powers and with authority to control official appointments throughout the archipelago.

And there is the picture of the Governor General of the Philippines, appointed by the President of the United States and representing the power, dignity, and prestige of the American people, absolutely powerless to remedy the situation. The Moros desire American governors, but the Governor General is powerless to appoint them because the Philippine Senate refuses to confirm other than Filipinos to office.

RETURN TO EARLIER POLICY IMPERATIVE

A return to the earlier policy is desirable and necessary. The Moro country requires and should have a special government administered by Americans and Moros, and be subject to a jurisdiction different from that applicable to the Filipino Provinces. It is only in this manner that the material interests and the good name of the United States will be protected, that justice will be done, and that the Moro people will be given a form of government to which they will render loyalty and obedience, and under which they can attain happiness.

MOHAMMEDANISM IN THE FAR EAST—PRESERVING INFLUENCE OF CHRISTENDOM

Furthermore, it is not to the advantage of the Filipino people, nor just to the Moro people, to place upon the Filipinos and the government at Manila the solution of so delicate a problem as that which Mohammedanism in the Philippines presents. The Filipino people have yet to learn the art of successful government of themselves. They are totally unprepared to justly rule another and a hostile people. In fact, more is involved than the easily understood desire of the Filipino political leaders to establish their authority over the ultimate limits of the territory ceded to the United States by Spain, and more is involved than the responsibility of the Congress to protect the good faith of the United States and the rights of the Moros. There is involved in this problem a factor of deep concern to other nations who carry, as does the United States, the responsibility of governing dependent peoples and preserving the influence of Christendom. The Moro Islands constitute the extreme eastern frontier of Islam, just as Morocco is the extreme western frontier. Rather curiously, it is at these two horns of the Islamic world that the fanaticism, inherent in Mohammedanism generally, finds its most violent expression, but between Morocco on the west and the Moro country on the extreme east lie many lands and peoples subject to the Mohammedan faith and law. Modern systems of communication introduced by the west have served to bind together and unify the far-scattered peoples professing Mohammedanism.

Thousands to-day make the sacred pilgrimage to Mecca, where hundreds of devotees were able to perform this solemn obligation 50 years ago. It is generally recognized that the future relations between the Christian nations and the Mohammedan peoples will be seriously prejudiced by mistakes that are made at any of the vital points of contact between Islam and Christianity. A universal sense of suspense and concern attends the outcome of the present situation in northern Morocco. The Moro problem in the Philippines, representing as it does the interest of an important fraction of the more than 50,000,000 Mohammedan Malays, is an issue no less important than that in Morocco.

Unless the American people are prepared, in all heedlessness, to create difficulties for themselves and other Christian nations, and to remain entirely indifferent to a reconciliation of the hostilities between Christian and Mohammedan civilizations, they must keep the Moro problem in the Philippines under American control. This can only be done by maintaining in the Moro Province of the Philippines a quite different political régime than that accorded to the people of the Christion provinces of the archipelago.

SUCCESSFUL AMERICAN ADMINISTRATION ASSURED

That the difficulty of providing an administration for a Mohammedan people is not insurmountable is strikingly shown by the success of the Dutch in the Netherlands East Indies, which lies only a short distance from the Moro Province, by due regard to the religion and the social customs of the inhabitants based on religion. The Dutch have successfully maintained a peaceful and economical form of government over the extensive territory administered by them without strife or friction with the local peoples and without the necessity of maintaining a large police force or a large army.

It would therefore seem that an American administration of the Moro provinces should be at least as successful as the Dutch administration in the Netherlands East Indies over a similar people. This is in striking contrast with the conditions that have existed and now exist in the Philippine Islands between the Moros and the Christian Filipinos, who have been hereditary enemies and have fought each other for several hundreds of years.

MORO PROVINCES WOULD BE SELF-SUPPORTING

As to the economic phases of a separate jurisdiction for the Moro provinces, it is believed such provinces would be altogether self-supporting. The insular taxes collected in the Moro provinces for the year 1924 were as follows:

Internal revenue	₱1,554,950.49
Customs duties	561,147.00
Total	2,116,097.49

Of the ₱1,554,950.49 collected as internal-revenue taxes the following distribution was made:

Insular treasury	₱1,075,790.02
Provincial government, Moro Province	285,369.45
Municipal government, Moro Province	193,791.02
Total	1,554,950.49

Of the customs duties of ₱561,147 the entire amount went into the insular treasury.

It is very difficult to segregate from the appropriation bills passed by the Philippine Legislature the amount spent for government activities in the Moro Province. As indicated above, however, the provincial governments and the municipal governments were taken care of out of internal revenue collected in the Moro Province itself. It has not been possible to ascertain with any accuracy what other amounts for governmental activities in the Moro Province were appropriated by the Philippine Legislature.

Insular funds used for municipal and school buildings in the Moro Province for 1924 are shown to be ₱992,380. It must be noted, however, that these were capital expenditures. In the same year funds for educational purposes and enrollment in schools in the Moro Province amounted to ₱1,288,254.40. It is strongly felt that the tax from internal revenue and customs duties, as indicated above, is sufficient to support a separate form of government in the Moro Province, in addition to which local revenues collected on account of the land tax and other forms of provincial and municipal taxation are not taken into account in the above figures.

EIGHTY-FIVE PER CENT OF MORO TERRITORY UNITED STATES PUBLIC DOMAIN

The great bulk of the lands, nearly 85 per cent, in the Moro Province are still a part of the public domain of the United States. In fact, over 60 per cent of the entire public domain in the Philippine Islands lies within the Moro Province.

RICH NATURAL RESOURCES

The agricultural, forest, and mineral wealth in this uninhabited and undeveloped region is exceptional. The finest coal bodies in the Philippine Islands are in Mindanao. One of the greatest undeveloped bodies of iron ore in the world is situated in the island of Mindanao. Competent engineers have estimated that there are in sight over 500,000,000 tons of high-grade iron ore. Revenues from forestry taxes already amount to ₱131,255 annually. The ports of Davao, Zamboanga, and Jolo are growing by leaps and bounds, and customs revenues are increasing faster in these southern ports than in any other port of the Philippine Islands.

With the Moro Province once opened for the development of iron ore and for the growing of copra, sugar, rubber, hemp, and other tropical products and the investment of capital under careful governmental regulations, encouraged rather than discouraged, as at present, there is no question but that in a very short time the revenues of the Moro Province would not only take care of all governmental expenditures but would far exceed, per capita of population, that of the entire remaining portion of the Philippine Archipelago.

This is further borne out by the following cable recently received from the insular auditor in response to an inquiry on the subject:

It is believed by old timers and former officials familiar with the situation that present revenues from non-Christian territories would if

sufficient for maintaining from the start a separate government, and that under competent American control government revenues could be made ample to meet every need for full development. Former department of Sulu and Mindanao under Army was fully self-supporting, and many permanent improvements were effected. Auditor's record of disbursements and receipts confirm above.

It is further suggested that a just proportion of the internal-revenue taxes collected in the United States on Philippine products and now returned by the United States to the insular treasury should be allocated to the treasury of the Moro Province. All who have given this matter careful thought agree that there is no doubt but that an independent government for the Moro Province would be entirely self-supporting.

SUCCESSFUL FILIPINO RULE HOPELESS

As an illustration of the fact that Filipino rule of the Moros is hopeless, even to-day the watchful care of Gen. Leonard Wood is unable to prevent constant friction between the Moros and their Filipino rulers. Only recently the newspapers carried accounts of constant clashes between the Filipino constabulary and the defenseless, unarmed Moros. Cable reports have shown that 140 Moros have been killed and an unknown number wounded. These clashes have occurred because of the constant goading and deliberate irritating of the defenseless Moro inhabitants by the Filipinos. The Moros being a proud and unconquered race naturally resist, but are soon overwhelmed by the well-armed Filipino constabulary.

This constant friction has existed ever since 1914 when the Moro Provinces were taken out from under direct American control and placed under direct Filipino control. As evidence of this constant friction, Governor General Wood, in a cable to Washington, dealing with a series of Moro outbreaks, stated, November, 1923, that:

Killing of constabulary grew out of alleged grievances against constabulary and local supervising teacher, all Filipinos. At the basis lies old antipathy between Moros and Christian Filipinos, and the objection of the former to being governed by the latter. This is the principal basic cause of unrest in Moro Province."

And again, in his report for the year 1924, the Governor General states:

There was and is some unrest among the Moro population in the Province of Lanao, due to the belief among the Moros that a number of their leaders were killed by the constabulary without sufficient justification, and also to the natural antipathy which exists between the Mohammedan Moro and the Christian Filipino. Those charged by the Moros with the unjustifiable killing of certain of their leaders are now being brought to trial before the insular courts.

There will be, for years to come, occasional disturbances in the Moro regions, due in the last analysis to the centuries-old antagonism between the Moro and Christian Filipino, which has been accentuated by the too rapid Filipinization of these regions.

The Filipinos will never be able to successfully govern the Moro people, who for centuries have defeated them in battle. The antagonism between the two peoples is of too long standing to be overcome. The Moros will never adopt Filipino customs and will never be happy under Filipino rule. It is unreasonable to expect that they would ever willingly remain a subject people under Filipino rule.

To protect these defenseless and unarmed, though proud and self-respecting Moros, the administration of these Provinces should be taken away from their age-long enemies, the Filipinos. The administration of their affairs should be restored to a sane, humane, and forward-looking American administration.

MOROS AGAINST INDEPENDENCE

Another fact deserving consideration is the different attitude of the two peoples—Christians and Moros—toward Philippine independence. It is argued that the inhabitants of Luzon and the Visayan islands desire separation from the United States; or, at least, this is the expression of their political leaders. Any realization of this desire, however, must be postponed indefinitely if the Moro country is to form a part of any independent Philippine government. Aside from their hostility to the Christian Filipinos—which it is doubtful that generations will overcome—the Moros are not yet remotely prepared to intelligently participate in a self-governing democracy. Hon. J. M. Dickinson, Secretary of War, in a special report to the President (November 23, 1910), rendered after an extended tour of the Philippines, stated in part as follows:

The Moros are Mohammedans, and are firmly fixed in their religious belief. They are war like, manly, independent, and have a strong hostility for the Filipinos. They have no conception of a republican form of government. The only government which they know is autocratic. They are peaceful now, because they have been subjected to military power and are controlled with firmness and justice, which they appreciate. The main province of our army among the Moros is simply to keep the peace among them. They would have to be essentially recreated to make of them an integral governing part of a republican government uniting them with the Filipinos. If Filipino independence is to be postponed until such a condition can be brought about, then its realization is so remote as to make it not worth while now being contemplated. If, on the other hand, a separate government for and by the Moros be erected, it is certain that it would be but a short time before they would be taken by some other nation unless the United States should extend its protectorate over them.

In the report rendered to the Secretary of War by Maj. Gen. Leonard Wood and ex-Gov. Gen. W. Cameron Forbes—October 8, 1921—being their findings as a Special Mission on Investigation to the Philippine Islands it is said:

The Moros are a unit against independence and are united for continuance of American control, and, in case of separation of the Philippines from the United States, desire their portion of the islands to be retained as American territory under American control. The Pagans and non-Christians, constituting about 10 per cent of the population of the islands, are for continued American control. They want peace and security. These the Americans have given them.

D. R. Williams, author of The United States and the Philippines, who spent over 20 years in the Philippines, states as follows (p. 174):

A fact which can not be ignored in any eventual disposition of the Philippines is that the Moros are unalterably opposed to being governed by Christian Filipinos, and any possibility of their submitting to such a government, either now or later, unless backed by American authority, is about as hopeless as attempting to square the circle.

(Page 249)

Outbreaks in Moro territory have recently become acute and will continue and spread so long as Christian Filipinos are maintained in authority there. At this time the Philippine government imposes its will upon this Mohammedan element through an insular constabulary of 6,000 men, a body of Philippine Scouts of 5,000 men (supported by the United States), and also a considerable force of American troops should occasion require. The anomalous situation now exists of the United States lending its officers to kill and destroy these unarmed Moros favorable to American sovereignty, because they resent the control and maladministration of Filipino officials saddled upon them by the Harrison administration.

Mr. Nicholas Roosevelt, an associate editor of the New York Times, in a cable dispatch to that paper (January 24, 1926), referring to an interview just had by him with Dato Piang—outstanding Moro leader in the Cotobato Valley, Mindanao—said:

The old man wanted to know why American capital did not come to Mindanao, saying Americans could rest assured that as long as he lived he would do everything to help them develop the country.

Incidentally, his views on Philippine politicians were freely expressed, but could not be printed without exposing him to possible violent vengeance at their hands. Moro scorn for Filipinos is outmatched by the Filipinos, who war on the Moros.

As of special significance there is attached hereto, as Appendix No. 2, copy of "A declaration of rights and purposes, addressed to the Congress of the United States of America," being a statement prepared by Moro leaders "in representation of nearly half a million Mohammedan residents of Mindanao and Sulu."

The unanimous verdict of the above quoted authorities—all of whom are disinterested and speak from personal knowledge of the Moro situation—can not be disregarded without continuing prejudice to the good faith and the good repute of the American Government and people.

GRANT OF INDEPENDENCE TO FILIPINOS SHOULD NEVER INCLUDE MOROS

It is inconceivable that the United States, under the facts disclosed herein, would ever include these Mohammedan peoples in any grant of independence to the Christian Filipinos—their hereditary enemies. It would seem altogether in the interest of the latter, therefore—if they hope to realize independence within any period at all proximate—to favor rather than oppose a removal of the Moro territory from the equation. This can be accomplished as here proposed; that is, through the segregation of the Moro country and its government from that of the so-called Christian provinces.

It is hopeless to expect any solution from the Filipino Legislature. Filipino political leaders at Manila purpose establishing their authority, if possible, over the ultimate limits of the territory ceded the United States by Spain. Claiming the right of "self-determination" themselves, they have no hesitation whatsoever in forcibly imposing their will upon these defense-

less Moros who kept their promise to us to give up all their arms on the assurance by American authority of permanent American protection.

THEIR SEGREGATION AMERICA'S SOLEMN DUTY

The segregation of the Moro country from the rest of the Philippines would not only prove an unqualified blessing to the Moro peoples and go far toward clearing the American people of the one black page of their Philippine occupation, but it would, as stated, eliminate what must otherwise continue to be an insurmountable obstacle to any pretensions of the Christian Filipinos to self-rule.

EXHIBIT I

Agreement between Brig. Gen. John C. Bates, representing the United States, of the one part, and his highness the Sultan of Jolo, the Dato of Rajah Muda, the Dato Attik, the Dato Calbi, and the Dato Joakanain, of the other part, it being understood that this agreement will be in full force only when approved by the Governor General of the Philippine Islands and confirmed by the President of the United States, and will be subject to future modifications by the mutual consent of the parties in interest.

ARTICLE 1. The sovereignty of the United States over the whole archipelago of Jolo and its dependencies is declared and acknowledged.

ART. 2. The United States flag will be used in the archipelago of Jolo and its dependencies on land and sea.

ART. 3. The rights and dignities of his highness the Sultan, and his datos, shall be fully respected; the Moros shall not be interfered with on account of their religion; all their religious customs shall be respected, and no one shall be persecuted on account of his religion.

ART. 4. While the United States may occupy and control such points in the archipelago of Jolo as public interests seem to demand, encroachment will not be made upon the lands immediately about the residence of His Highness the Sultan, unless military necessity requires such occupation in case of war with a foreign power; and where the property of individuals is taken, due compensation will be made in each case.

Any person can purchase land in the Archipelago of Jolo and hold the same by obtaining the consent of the Sultan and coming to a satisfactory agreement with the owner of the land, and such purchase shall immediately be registered in the proper office of the United States Government.

ART. 5. All trade in domestic products of the Archipelago of Jolo, when carried on by the Sultan and his people with any part of the Philippine Islands, and when conducted under the American flag, shall be free, unlimited, and undutiable.

ART. 6. The Sultan of Jolo shall be allowed to communicate direct with the Governor General of the Philippine Islands in making complaint against the commanding officer of Jolo or against any naval commander.

ART. 7. The introduction of firearms and war material is forbidden, except under specific authority of the Governor General of the Philippine Islands.

ART. 8. Piracy must be suppressed, and the Sultan and his datos agree to heartily cooperate with the United States authorities to that end, and to make every possible effort to arrest and bring to justice all persons engaged in piracy.

ART. 9. Where crimes and offenses are committed by Moros against Moros, the government of the Sultan will bring to trial and punishment the criminals and offenders, who will be delivered to the government of the Sultan by the United States authorities if in their possession. In all other cases persons charged with crimes and offenses will be delivered to the United States authorities for trial and punishment.

ART. 10. Any slave in the archipelago of Jolo shall have the right to purchase freedom by paying to the master the usual market price.

ART. 11. In case of any trouble with the subjects of the Sultan, the American authorities in the islands will be instructed to make careful investigation before resorting to harsh measures, as in most cases serious trouble can thus be avoided.

ART. 12. At present Americans or foreigners wishing to go into the country should state their wishes to the Moro authorities and ask for an escort, but it is hoped that this will become unnecessary as we know each other better.

ART. 13. The United States will give full protection to the Sultan and his subjects in case any foreign nation should attempt to impose upon them.

ART. 14. The United States will not sell the Island of Jolo or any other island of the Jolo Archipelago to any foreign nation without the consent of the Sultan of Jolo.

ART. 15. The United States Government will pay the following monthly salaries:

	Mexican dollars
To the Sultan	250
To Dato Rajah Muda	75
To Dato Attik	60
To Dato Calbi	75
To Dato Joakanain	75
To Dato Puyo	60
To Dato Amir Hussin	60
To Hadji Butu	50
To Habib Mura	40
To Serif Saguir	15

Signed in triplicate, in English and Sulu, at Jolo, this 20th day of August, A. D. 1899 (13th Arabuil Ahil 1317).

J. C. BATES,
Brigadier General, United States Volunteers.

THE SULTAN,
DATO RAJAH MUDA,
DATO ATTIK,
DATO CALBI,
DATO JOAKANAIN,
S. E. SMILEY,
Captain, Fifteenth Infantry.

True copy.

* * * * * * *

(S. Doc. No. 136, 56th Cong., 1st sess, pp. 80–82.)

Approved by the President of the United States as per letter of Hon. Elihu Root, Secretary of War, to Major General Otis, Manila, dated October 27, 1899, appearing in Senate Document No. 136, Fifty-sixth Congress, first session, page 109.

EXHIBIT II

A DECLARATION OF RIGHTS AND PURPOSES ADDRESSED TO THE CONGRESS OF THE UNITED STATES OF AMERICA

Whereas a group of politicians, leading blindly certain elements of the population who have a faith and culture different from our own, as well as widely different political aspirations, have raised a clamor and outcry against the continuation of American sovereignty in the Philippine Islands, thereby jeopardizing our hope of prosperity, liberty, and economic security, through the possibility that the Congress of the United States of America might inopportunely withdraw its sovereignty from these islands, permitting thereby to be created an independent government under which the Mohammedan or Moro Nation would be destroyed or placed under a galling yoke, we, the following representatives of the Moro Nation, do, in the name of the same Creator, worshipped by Christian and Mohammedan alike, set forth the following solemn declaration of our rights, principles, and intentions, for which we pledge our lives and fortunes:

Assuming that in the course of time the United States of America will grant complete independence, or a larger measure of autonomy to the Philippine Islands, and due to the fact that the insecurity of political tenure of the United States and the threat of political domination of our people by the Christian Filipino majority iff the Islands of Luzon and the Visayas is holding back the economic development of our country, and causing no little unrest and unhappiness to our people, we hereby submit the following suggestion for the solution of our present difficulties to the consideration of the Congress of the United States of America.

First. We are not seeking temporary or palliative measures. We ask for a solution which will be permanent and lasting in its effects. Therefore, we propose that the Islands of Mindanao and Sulu, and the Island of Palawan be made an unorganized territory of the United States of America.

In order that we may be fair to the Filipinos and in order that they may not raise an outcry to the effect that we wish to dismember the Philippine Islands, we propose that 50 years after independence may have been granted the rest of the Philippine Islands, a plebiscite be held in the proposed unorganized territory to decide by vote whether the proposed territory will be incorporated in the government of the Islands of Luzon and Visayas, remain a territory, or become independent.

This would apply the principles of justice and equity to all elements of the population and imply a government through the consent of the governed.

Second. That a simple form of government be designed for the new territory, taking into consideration that through lack of education in English or Spanish our people can not hope to exercise suffrage for at least two generations, and with the following objects in view:

(1) Justice and equity for Christian, Mohammedan, pagan, and foreigners alike. In order to attain this we must have Americans in high places to act as referees between our tribal and religious demarcations.

(2) No domination of one element over another.

(3) Freedom of speech and religion.

(4) Every opportunity for American capital to develop the natural resources of our country, thereby affording our people the opportunity to progress in the arts and sciences and in agriculture, as well as to use the lessons of the schoolroom after leaving school. At present, there is no outlet for the talents and energies of our youths, owing to the economic prostration of our country.

(5) That the school system be reformed under American teachers and made suitable to the needs and prejudices of the Mohammedan population.

(6) That we do not vote in elections for President of the United States, for the reason that we do not wish to do otherwise than trust to the mercy and justice of the United States.

Whereas we enjoy none of the above benefits in their fullest measure, and

Whereas we do not even enjoy the right of petition and redress of wrongs which the Constitution of the United States insures to its citizens, owing to the fact that we have addressed petitions without number to the Governor General of the Philippine Islands asking for the amelioration of our condition, and that even when he has been disposed to grant our desires he has found himself helpless to aid us, owing to the provisions of the organic act known as the Jones law:

Therefore we, in representation of nearly half a million Mohammedan residents of Mindanao and Sulu, do solemnly affirm and declare—

That we are loyal unto death to the United States.

That in proof of this loyalty we have pledged ourselves by the most solemn oath known to Mohammedans, to die rather than submit to domination by Christian Filipinos from the north, and, if necessary, to die in order that the United States Congress, which heretofore has lent a deaf ear to our petitions, may now hear us.

That in the event that the United States grants independence to the Philippine Islands without provision for our retention under the American flag, it is our firm intention and resolve to declare ourselves an independent constitutional sultanate to be known to the world as the Moro Nation. It is the duty of the Congress of the United States to make provision at once for the security and protection promised to us when we surrendered our arms to the United States Army. This promise is just as sacred as any alleged promises you may have made to the Christian Filipinos. You have left us defenseless, and it is your duty to protect us or return to us the weapons you took from us and which we freely gave you, relying on your promises.

That while it is not our desire to do so, by disregarding our rights and wishes while at the same time conceding political and economic favors to the Christian Filipinos, favors which are in turn used against us, you are forcing us surely and steadily to recourse to desperate and bloody measures, which are abhorrent to us, in view of our loyalty to the American flag, our Governor General, and our gratitude to the United States for the liberty and security of life which we enjoyed until you delegated your power and authority to the Christian Filipinos.

We complain that we have not one representative in the Philippine Legislature elected by direct vote of the people. Our meager representation is through representatives appointed by the Governor General, who must have the approval of a senate controlled by Filipinos. Hence such representation is a farce.

We complain that the Philippine Legislature appropriates 1,000,000 pesos per annum for proindependence propaganda, thereby forcing us to contribute through taxation without representation to the efforts of certain Christian Filipinos to sever the bonds between us and the United States, all of which is not in accordance with our wishes.

We complain that when our people, including women and children, have been shot down by the constabulary or otherwise maltreated investigations have been conducted in such a manner as to gloss over the truth.

We complain that in spite of the large volume of evidence of misgovernment of our people presented to the Wood-Forbes Commission and subsequently to the Governor General, nothing whatever has been done to assure our people that reforms meeting with our approval would be undertaken, for the reason that the power to institute reforms lies in yourselves and not in the Governor General, the hands of the latter being tied by the provisions of the Jones law.

We complain that petitions are being circulated which our people by means of pressure from official sources are obliged to sign. These petitions are for the purpose of leading the people of the United States to believe that we are disloyal to the United States and to our Governor General, when such is not the case. Even provincial governors and other high officials prostitute their offices for this purpose. Therefore, we are forced to take concerted and violent action in order to avoid being misrepresented. Even Americans who sympathize with our aspirations and loyalty to the United States are forced to discuss the situation in whispers, if they dare discuss it at all, for fear of reprisals. Surely this is not in accordance with ideals of American justice and fair play.

We complain that the effort is being made to submerge our civilization and culture through the assimilation of our people by the Christian Filipinos. As a means to this end colonies or Christian Filipinos financed by the Government are being injected into our midst to later cause such complications as have caused untold misery in the Balkan States and European Turkey. (Moros returning from pilgrimages to Mecca or from visits to Borneo bring in a fairly steady stream of information as to affairs in the other East), and which constitute a problem to-day which again threatens the peace of the world.

Had we the machinery of government and taxation in our hands, as have the Christian Filipinos, we could also send missions to Washington to present our side of the question, but having neither we can only offer our lives in order that you may understand and act accordingly.

Therefore, we hereby solemnly and respectfully petition the Congress of the United States for redress and amelioration of our present economic and political situation, and ask you, in the name of your God and our God, who is one and the same, that you promptly grant us our request in order that this, the land of our forefathers, may not be again drenched in the blood of Mohammedans and Christians who should be dwelling together in peace and amity in the shelter of the American flag.

FARM RELIEF

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11603, with Mr. MAPES in the chair.

The Clerk read the title of the bill.

Mr. ASWELL. Mr. Chairman and gentlemen of the committee, you have heard two speeches on this proposed agricultural legislation, one by the chairman of the committee, the gentleman from Iowa [Mr. HAUGEN], who told you in detail that the Tincher bill was of no account and meant nothing and would accomplish nothing. Whereupon the gentleman from New Jersey [Mr. FORT] told you in logical sequence that the Haugen bill was uneconomic, unsound, and dangerous. The gentleman left the Haugen bill more prostrate and more of a wreck than VOIGT, of Wisconsin, left it two years ago. I agree with both of the gentlemen in what they have said about each other's bill. [Laughter.] I have come to present a bill that contains none of the bad features presented by the other two. [Applause.]

Three years ago for 12 days as a visitor I sat in the British Parliament. I heard that body, at the request of the Minister of Agriculture, without debate and practically by unanimous vote, repeal the law guaranteeing the price of agricultural commodities after it had been in force for exactly six months, at a cost of more than $100,000,000 to the treasury. At that time they tried to repeal the government dole, but too many people were interested; they could not. They have not yet repealed that subsidy. It is the cause of the tragedy of England to-day. The moment the Congress of the United States enacts the Haugen bill, we take the first step in the direction that has brought England her tragic disaster at this hour. God forbid that America should go that way!

Last Monday at 11 o'clock two of the principal lobbyists for the Haugen bill came to my office door. They said, with great eagerness and earnestness, that I should cooperate and that the South should make an alliance with the Corn Belt region of the country and pass the Haugen bill, put it up to Coolidge and put him in a hole, and that that section of the country then would go Democratic in the coming elections. One of these lobbyists is the master mind of the Corn Belt lobby here, Mr. Murphy. The other one, I do not remember his name, but I think you can identify him. He said he was a Democrat from Minnesota, and I think there is no other one there. [Laughter.]

Gentlemen, I am a party man. I believe in party government, and I am a Democrat 102 per cent strong all the time. [Applause.] I would be happy to see the next elections restore the Government of this Republic to the Democratic Party in the interest of the liberties and happiness of the American people. [Applause.] But, gentlemen, I will not play politics with the life-blood of the American farmer. [Applause.] I will not be a party to any scheme, whether its source be Democratic, Republican, or hybrid, that will endanger the stability and perpetuity of American institutions by placing upon the statute books uneconomic, unsound, and socialistic legislation. [Applause.]

The other day the Louisiana delegation was called in a body to meet some gentlemen from our section of the country, and the mastermind of the alliance that he proposes, Mr. Murphy, was with the boys from my part of the country. He brought in the cotton representatives, elegant gentlemen, and I speak of them with affection. They were from all of the cotton States, employed by their organizations at good salaries and expenses. They came to advise us under the direction of Mr. Murphy to vote for the Haugen bill. I made some remarks to my delegation and to them. There is not a single Member from my State who was in favor of it so far as I know.

Some of these men later said rather freely that they would put a fire under me and bring me around by Saturday. That was Thursday. They started the fire according to time on

Saturday morning, with me and all the Members from the South. Some of my southern colleagues were stampeded. I replied as follows to the farm representative ordered by the lobby here to start the fire, who had been writing me, cheering me on in my fight against the Haugen bill.

This is my telegram:

Your wire, calling upon me to support Haugen bill, received. But your letter of March 20 stating: "We believe that the contemplated equalization fee is impracticable; we also believe that the proposed means of collecting this fee is impossible, judging from the comments I have heard made, if it were attempted to collect 3 cents per pound, or some $15, on each bale of cotton at the gin, my suggestion would be that the bill should be so amended as to authorize a sufficient sum over and above the $250,000,000 to send a detachment of the Marine Corps to every gin in the South to enforce this collection."

That is what he had written me. I replied further:

Is sound and patriotic in interest of Louisiana farmers and of record here—

I had put his letter denouncing the fee or Federal tax on cotton in the record of the hearings—

Scheme claiming to defer collection of equalization fee two years and substitute subsidy from Federal Treasury in meantime is dishonest and unworthy. If Haugen bill were passed equalization fee on cotton estimated from $3 to $15 a bale at gin would be put into operation in the December session. No doubt of this fact. Haugen bill purely sectional, too vicious, visionary, impracticable, and against Louisiana farmers for me to support. You represent 7 per cent of cotton growers. What about other 93 per cent who would also have to pay equalization fee or direct Federal tax at gin on every bale of cotton produced? I will not support measure creating political price-fixing Federal board with only 3 members from cotton section out of 12 members to assess equalization fee or Federal tax on cotton whether operative in 2 years or 20 years. I shall make best fight I can to substitute sound and constructive measure for Haugen bill in interest of both producer and consumer, and if I fail in this effort, I shall vote against passage of political and sectional Haugen bill.

I propose to present a substitute for the Haugen bill. My substitute, embodying the Yoakum plan, is not a political bill and should not be. The Republican leader of the Senate has introduced it in the Senate and I in the House. It was reported by the Senate committee unanimously in the last session. There has been some misunderstanding about these three bills that have come to the floor of this Chamber. This bill that I shall present has been before the Committee on Agriculture for three years, rewritten recently, however, and I have not been able, until recently, to get consideration by the committee, because for three long years the Haugen bill has monopolized the time of that committee. Of course I am in the minority and could not get consideration, but I want you to remember this: That the moment that we agreed to consider this Curtis-Aswell bill in the committee it was read for amendment, accepted as written, and is the only measure of any consequence that comes out of the Committee on Agriculture with a unanimous favorable report. None of the others did. This bill has been reported by both committees unanimously.

Every pending bill on agriculture before the Congress proposes to use the commodity cooperative associations as the basis of operation. And yet none of them have devoted their interest or their proposals to the expansion and building up of the cooperatives themselves.

Mr. HAUGEN's bill proposes to deal with the surplus, and you have heard so much about surpluses in the press and in the Congress and by the lobbyists that the American people have become amazed, astounded, and frightened at the word "surplus." What are surpluses in American agriculture? It is worthy of note that 65 per cent of the food products of the soil are perishable. Only 35 per cent of the food products of the soil are nonperishable, and less than 25 per cent of the 35 per cent is surplus. So you are dealing in the Haugen bill with only 8.9 per cent surplus of food products and nothing for the American people.

This bill proposes to deal economically and profitably with the 91.1 per cent used in domestic consumption as well as the 8.9 per cent surplus, and it is the only measure presented to the Congress that deals with the American producer in the interest of the American citizen. [Applause.]

The farm organizations, you will remember, came to the Congress in 1920 and asked for complete authorization and equipment for cooperative marketing of their commodities. Congress readily responded for the purpose, so the Congress enacted the Capper-Volstead, the farm warehouse, the intermediate credit laws, the amendment to the Federal farm loan act and the Federal reserve act in the interest of agriculture, as requested in 1920 by the farm organizations.

Now I shall offer a bill that will give full authority in common selling agencies and the needed funds to secure the facilities and operate the same. This bill will complete the system and make available the farmers' bargaining power, so he may do as others—sell when the price is profitable and refuse to sell when unsatisfactory. While awaiting a market he will have at all times both the commodities and the facilities for handling them under his own control.

I beg you to note that this Curtis-Aswell bill makes some very definite proposals. It proposes, first, to create a permanent marketing association. It proposes to create a *national* marketing association, large enough in scope, adequately financed, for the farmer to reach both foreign and domestic markets. It proposes a system reaching out beyond the small cooperative organizations and establish connection between the ultimate consumer in this country and foreign countries with the producer in the humblest community. It creates in addition interstate zone organizations and local associations, and the operation of it is simple.

The State will create from among the cooperative organizations now in existence a board of directors of seven members, and the board will send a delegate to the interstate zone convention, and this interstate zone convention will have a directorate, and they will work up through the national organizations. The first board to be appointed from the three great organizations of the country, the Grange, the Farmers' Union, and the Farm Bureau Federation—they are to be the first national board of 12 members, and after that the interstate zone organizations, created by the State organization, will select the national association. The only place where the Federal Government touches the organization will be the fiduciary agent who will serve until the money borrowed is returned with interest to the Treasury of the United States.

The important point in this proposed bill is that it provides for a separate commodity organization for each commodity—not one great union, as the Industrial Workers of the World and the communists tried to inaugurate in the American Federation of Labor. Here is the parallel. The American Federation of Labor is organized, successfully all of you will grant, and in the American Federation of Labor there are 107 crafts, 107 little units of organization. They are all federated into the great American Federation of Labor. The Industrial Workers of the World crowd and the communists are constantly trying to make one big union of everything without individual organizations. Hear me on this point.

The Curtis-Aswell bill follows along the line of the American Federation of Labor in recognizing the individual commodities. The Haugen bill follows the idea of the Industrial Workers of the World, not with intention, but it is true, nevertheless. The Curtis-Aswell bill proposes a loan of $10,000,000 for organization purposes only, to expand, to enlarge, to encourage, to get back of the cooperatives in the country. It proposes a commodity assessment made by the farmers themselves to repay this loan. It does not assess a fee by a political Federal board. It has no connection with the Federal Government except the fiduciary agent to look after the funds until they have been repaid to the Government.

This board, this organization, with this loan proposes to expand, to enlarge, and to build the cooperatives of the country, not to 7 per cent only, as now, but we hope and pray to 70 per cent of the farmers of America. That being done, there is no question of the future, of its success. You say, why will they come in? It has been said in the other bill that if you charge an equalization fee to everybody, what inducement is there to come in? It is not so with this bill of mine. It proposes to loan to organizations, with men whose specific business it is to keep in touch with the commodities of that particular zone, and to handle shipments from that zone, to control the direction of those shipments, and to encourage the farmer to come in; and when he gets in to a farmer-controlled organization he can not very well get out without losing his reputation and becoming a "scab." Briefly stated, the bill will operate as follows:

Operating organization board: Each State to elect a board of directors of seven persons to be chosen from the present farm organizations in each State. The board to elect its own chairman.

Interstate zone directories: Each interstate zone board of directors to be composed of the chairman of each State board in the respective zone. The board to elect its own chairman and also elect from its members a manager for its zone.

General executive committee: To be composed of the chairmen of each of the zone boards—with headquarters in the West at point best adapted—and to devote their entire time to the business of the organization, this committee to elect its own chairman, compensation to be

fixed by the seven interstate zone directors. It would have a full staff, including sales, operating, accounting, traffic, and transportation departments.

This plan for marketing farm products would be promulgated through an enabling law, under which farmers would work out their own problems of distributing and marketing.

The Curtis-Aswell bill does not come under nor should it be classed with other so-called farm relief bills. It is a national farm marketing plan, under which farmers, through a national organization of their own, can stabilize and control their products.

That in substance is an outline of the Curtis-Aswell bill. I shall yield to questions when I finish my statement and gladly try to answer anything that may be asked, but I desire to finish my statement first. I want now to turn to the history of this legislation which is before this Congress. I shall try to recite the exact story to those who have not been able to attend the hearings. The gentlemen will remember that some time before Christmas there was great agitation in the Northwest, especially in the State of Iowa, for some legislation that would bring them immediate relief. This agitation resulted in the great convention at Des Moines. In that convention the Dickinson bill was indorsed. Let us see for a moment what the Dickinson bill was, for it is not now. They eliminated it long ago and have forgotten it. The old McNary-Haugen bill, facetiously called "Mary Haugen," was repudiated by the House twice and was sent away in disrepute. But the Dickinson bill was the same old "Mary Haugen," with short skirts and bobbed hair and rouge and lipstick, and they brought her down with indorsement of the Des Moines mass meeting. When the witnesses came they came only after having us wait for two months.

Our distinguished chairman is a lovable man, and he lives in Iowa. We sympathize with him, and out of respect for him we did not hold any meeting of the committee until these witnesses got here. We waited two months. Meanwhile the papers kept lambasting the Committee on Agriculture for not doing something. Finally we were told that this great delegation would arrive on a Monday, and we promptly assembled in faithful and humble obedience to hear them. But when that day came we found that they were not ready to give us that opportunity. We waited until the next day, and they did not come then. It developed that these gentlemen from Iowa and the Corn Belt had prepared their little speeches—oh, they are good ones, and they are in a little pamphlet now well labeled—but before coming to the Committee on Agriculture, while they made us wait, they went over and practiced on Secretary Jardine for a day. Then they went up to the White House and practiced on President Coolidge for a day. Then they came to us, and we made an agreement, out of respect for our distinguished and lovable chairman, that nobody would be so rude as to ask any of them a question on that day. They then said their little pieces, and they said them well. It took me back to my boyhood days, when I taught a country school, on a Friday afternoon. The governors were there—at least one of them was—and a number of the others had their secretaries and clerks read their pieces, and when they finished some one in the committee said, "These are all glittering generalities that you have given us. In plain United States, what do you want?" They had closed their speeches by intimating, with some grandiloquent eloquence, that before they abolished the Congress they would give us one more chance to vote for what they wanted. Then we asked them what they wanted, and the committee asked them to put it in United States English. They did.

The first witness testified, and everyone united in harmony with him, that the Dickinson bill would not help corn, and so they went off to write a bill of their own. They ignored Brother DICKINSON, and they wrote a bill clamoring for an equalization fee all of the time. Mr. DICKINSON has been consistent on that point. They clamored for an equalization fee, but the Corn Belt advertised body of gentlemen wrote a bill and left the corn out, and provided a subsidy of $100,000,000 from the Federal Treasury, and the more they testified the weaker the bill grew, and then they decided it was useless to try to pass it with corn out of the fee.

Then the Corn Belt master mind, along with some other lesser lights and less worthy lights, conceived the idea that they could not pass the bill out of the committee or through the Congress in that shape. Mr. Murphy said to me—he is a fine chap; I like him——

Mr. MADDEN. Who is Murphy?

Mr. ASWELL. He is the master lobbyist of America from the Corn Belt of Minnesota. He is all right; he is a fine man; and he came to me and said, "Now, here, old fellow, do not go too strong. We are going to put up a proposition which you can not help but accept." I thought he was joking, but the next day they came, the Corn Belt crowd, and said, "Now, boys, let us form an alliance with the South, and we will put you in not with the equalization fee but we will defer that on you, because we love you, say for three years, and we will take the money out of the Federal Treasury just for you." And so they put the bill in. They said, "We will stand it ourselves to get you boys." So they put it back on corn and took it off cotton.

That is the history of the case. So they went to work to dangle $250,000,000 before the eyes of the cotton men and some of our southern boys fell for it. They then decided that this Congress would not pass such an idiotic bill as that, and they met by night, and they took our dear beloved chairman and he seemed to obey them. We are sorry, for he has been working for the equalization fee through all these years past. He has made a heroic fight and lost every time, and always will on that kind of legislation. But they got hold of our chairman and they sent him into our committee, and they compelled him to take back all he had said and done. He asked the equalization fee be suspended on everything for two years. He said, "The southern boys will not vote for it." These men from the Corn Belt said not secretly but publicly, "You can not get these boys from the South to vote for this equalization fee now. Let us put it on and suspend it for two years, reaching into the Treasury during that time, and that will be a fine incentive."

That is what happened. That is the history of the bill. We were told that if we did not support the Haugen bill that we would be abolished. We had a gentleman who is a very distinguished man. He lives in the district of Mr. RUBEY. His name is Mr. Hirth. I am doing this because I feel very kindly to Mr. RUBEY. He came before us and he told us a lot of things we had better do.

He wrote an article right up to date. It is in the Minneapolis Farm Market Guide of April 20, and this is his article. This is written by Mr. William Hirth, chairman of the Corn Belt Federation. This is what he said:

> And what certain of the political leaders in both parties would like to do is to take the teeth out of the Dickinson bill and thus give us its shadow without the substance, and at the same time save their faces in the coming congressional elections.
>
> But the Corn Belt committee has already served notice on these leaders that no side-stepping will be tolerated.

This gentleman is in a position to speak with authority to the leaders of both parties because he testified before our committee that he wrote the platform of the Democratic campaign in the State of Missouri, and his neighbors say he supported the Republican ticket. [Laughter.] Now, it would seem that he is in a position to speak to the leaders of the two parties, because he is both of them. [Laughter and applause.]

Gentlemen, I want to call attention a little further to this history of this bill. After they had presented all of these various changes in their bill they decided to try to tie the southern boys with a $100,000,000 subsidy by putting off the application of the equalization fee for two years. Until they forget about it. However, I want to speak for a moment to my neighbors and friends of the South.

The proposal is to put into this Haugen bill all the machinery for the equalization fee or a direct Federal tax and then suspend its operation for two years. But I, for one, would not dare face an audience of cotton growers and tell them that while I got it postponed for two years, I voted that a Federal agent, selected by a political board, would come to the cotton gin and assess a Federal tax upon every bale of cotton, however humble the producer of that bale. [Applause.]

My friends, it is a question involving morals. The cotton men of the South are not purchasable.

I will say to Mr. Murphy and his coworkers in establishing an alliance that the cotton men of the South, in Congress and out of it, are not purchasable. [Applause.] And, gentlemen, I want to say further that this Haugen bill is a wicked measure. It is full of wickedness and evil, and I will show you, I think, in a line why. It is the representative of the big business of America. It would operate in the name of agriculture. What sins are committed in that name!

One of the chief results of the Haugen bill would be to develop a powerful political machine to control the supporting industry of the country, thereby creating a central and powerful government of bureaucracy, destroying the government of democracy.

Section 8, subsection e, provides that—

> if the board is of the opinion that there is no such cooperative association capable of carrying out any such agreement, the board may enter into such agreements with other agencies.

This pretense of first offering to favor existing cooperative farm organizations is insincere in an effort to cover up the intent and purpose of the Haugen bill.

Within the last 10 days, and unquestionably in anticipation that the Haugen bill would be forced through Congress, there have been two strong mergers and combinations organized for engaging in and carrying on a flour-milling business.

One of these is the Flour Mills of America (Inc.), with a capital of $60,500,000.

This is designated as a flour-milling corporation, but the incorporation papers of this big million operation reserve the right to engage in import and export trade in foodstuffs and general agricultural pursuits.

Coincident with this flour-milling organization, there was a $15,000,000 corporation organized in the West under the same name, the Flour Mills of America (Inc.), making a total of $75,000,000 in the two propositions.

The latter owns and controls 150 grain elevators with 7,000,000 bushels grain storage space.

The intent of these strong capitalistic corporations for the control of wheat and bread, with the authority to engage in general agricultural pursuits, needs no further explanation.

Such monopolistic corporations, with unbounded wealth, would pursue their business under a Federal law, enacted by Congress, should the Haugen bill be enacted.

These powerful corporations would be placed in a position to monopolize and make the prices for the farmers' wheat and make prices for flour in the kitchen with no regard for anti-trust laws.

The only present, organized, combined capital that can be regarded as "capable of carrying out any such agreements" with the Federal board, as provided in the Haugen bill, are the large packers that are now the controlling factors in the trade of this Nation and largely of Europe. Not a word of opposition to the Haugen bill has come from that source.

Under the enactment of the Haugen bill the large packers would, naturally, remain supreme with the advantages given them through the enactment of a favorable Federal law, fixing prices to stock growers, who would have to pay equalization fees on marketing their beef cattle, and the same interest would fix prices to consumers with added fees.

The bill provides three things, and only three: First, a Federal political board, and 48 members of a council, to ride, to travel, to spend the taxpayers' money. The board is the first evil of the bill. The second is that it proposes nothing short of a direct subsidy from the Federal Treasury, exactly of the same kind that is wrecking the British Government to-day. The third provision is that it specifically and without equivocation establishes a Federal price-fixing political board to control the agriculture of America.

It proposes, when it goes into operation, to tax all the cotton. In other commodities the board decides what part of the crop shall pay the fee or tax. The cotton boys have not, perhaps, noticed that yet. It proposes to tax cotton, and promises to help in orderly marketing, but not to increase the price any. There is no tariff on cotton. I wonder what they think the cotton man's grade of intellect is when they believe that he can be induced to want to pay a tax on the promise that his price shall not be increased? It is a most extraordinary proposal.

To illustrate, I remember when I was a "one-gallus" boy on the farm I went to town one Saturday afternoon with a good horse, and I fell into the company of a very expert horse trader, and he dazzled before me the largest sum of money I had seen. He offered me $50 to boot, and I traded right on the spot. [Laughter.] When I went home I discovered my horse had staggers and spavin, and I had to go to my merchant to buy from him a horse to finish the crop. There was no dishonor on my part in that transaction, but it was an idiotic performance. [Laughter.]

Now, they dazzle before us this proposition to see if we would trade. It would be foolish to do it. I have not time to go into full details. But the Haugen bill would increase the price of corn and wheat and foodstuffs and meats, no doubt, to the purchaser, while the cost of operation and losses on the surplus would give the producers of feed and food no advantage in prices.

Taking one State of the South as an example, in the great State of Mississippi, a neighbor of mine, the people of that State devote their endeavors and fine abilities to the growing of cotton practically exclusively, and they buy from Iowa and the Northwest their feedstuffs and much of their food. The Haugen bill proposes to increase the price of wheat to the purchaser 54 cents a bushel on the average, and other feedstuffs the same. The State of Mississippi last year imported into her borders nearly $8,000,000 of feed and food. Increase that on the average of 50 per cent, and the Haugen bill would cost the people of Mississippi more than 3 million dollars more to buy the same food and feed that they bought last year without increasing the price of cotton and without passing this profit back to the producers of feed and food because of the cost of operation and the losses on the surplus.

Can you get a Mississippi farmer to approve such a proposal as that?

Take the State of North Carolina, which imported last year about 8,000,000 bushels of wheat for bread alone. Increase the price 50 cents a bushel, and the Haugen bill will add to the cost of the bread of North Carolina the sum of $4,000,000 a year and will not increase the price of cotton to the North Carolina farmer. It claims only to help orderly marketing of cotton. That is all it proposes. There is no tariff on cotton. The two above examples are solely from the standpoint of the southern farmer.

It has been whispered around—not dishonorably; I do not mean that, because I illustrated that one could make a fool trade without being dishonest—that—

we will vote for the Haugen bill and the subsidy for two years, and then about the time the subsidy is all gone we will repeal it.

That has been said openly. I wonder who would consider that a statesmanlike position and an honorable one? The equalization fee, effective in two years, is dishonest and unworthy of consideration, because I think I speak truthfully when I say that if you pass the Haugen bill with an authorization of $375,000,000 you will be stranded for two years or else you will put the fee on in the next Congress, because I believe every thinking Member of this Congress knows that there is no chance of getting $375,000,000 now from the Federal Treasury.

You will remember that Mr. Herbert Hoover came to the Congress and recommended the price fixing of all products during the war. He requested, as members of the committee here will remember, that they fix the price of all products. I remember that I did everything in my power to have the committee cut out cotton, and it did. Then the steel men made a fight, and they had the committee cut steel out; then the coal people raised a row, and they cut coal out of the bill; but at that time the poor wheat fellow was in the minority, and it concluded by passing legislation fixing the price on wheat, and nothing else, at $2.20 in Chicago when the market that day was $3.07.

To illustrate, I give you this: You will have a board made up of one member from each land-bank district; you will have three cotton members on that board; you will have not more than three wheat members, and each member of the board will look after his own commodity. It would be the most damnably sectional organization ever created by the American Congress. I am not willing to be a party to that kind of sectionalism in America.

If the farmers are the most dependable defenders of American institutions, as you have been saying and as you will say in the campaign, if the farmers of America can be relied upon in every hour of sorrow or distress, in peace or in war, and if they are the fearless supporters of American institutions, why not give them control of their own affairs? Why not get behind them, as I propose in this legislation, with Federal authority and with funds enough to encourage and guide them and tell them to go? Why tell them to come and be mediums of service for a political administration? If the farmers are the character of people in which you believe and of whom you have spoken time after time and of whom you will speak again, why not recognize that they have a right to organize, select their own officers, and run their own business in their own way with Federal authority to guide them, support them, and give them latitude?

Before this legislation ends I expect to support an appropriation of $100,000,000 additional to what I have in this bill now to make loans to the farmers, to be repaid with interest to the Federal Treasury. I propose to make this bill and whatever else follows it a bill that will take care of the cotton farmer, the wheat farmer, and all, so that he will not be a sycophant or considered a mendicant or ward of this Nation.

Let me call your attention to a picture—and I am speaking to my friends on this point. A great storm swept the Boston Harbor and the next morning after the storm had raged through the night the beach was strewn with the wreckage of destroyed vessels, but out away from the shore floated majestically one vessel unscathed, unharmed. When the captain was asked how he escaped, he said:

When the storm approached I turned the prow of my ship and all night long I struggled and battled against the wild waves of the sea,

and when the storm subsided I had preserved myself in a struggle against the storm.

Men of Congress, a storm of agitation and socialism is sweeping down from certain sections of this country upon the Congress to-day. There is more agitation and lobbying in that section than in all the other sections of the country combined. A great storm of radicalism and unsound governmental theories is sweeping down upon us. In the future the record of these hours, my friends, will be told in the story of the wreckage of political lives of those who falter and drift supinely with the storm, but I hope a majority will have the courage and economic characteristics to face the storm, and when the record is told in the years to come I hope to find a majority of this Congress on both sides of the Chamber unscathed and unharmed because you stood for the immortal principles of American Government and for the stability and perpetuity of American institutions, which make us great and glorious as a Nation, as a people. [Applause.]

Mr. CANNON. Will the gentleman yield?

Mr. ASWELL. Yes.

Mr. CANNON. The gentleman has made a very effective and very eloquent presentation of his bill.

Mr. ASWELL. Thank you. I hope it is effective. I do not care about the eloquent part of it.

Mr. CANNON. I hope the gentleman will understand I am asking this question with a sincere desire to secure some light on the subject. The gentleman has repeatedly referred to the board proposed by the Haugen bill as a political board.

Mr. ASWELL. And, of course, it is.

Mr. CANNON. I am at a loss to understand upon what the gentleman bases that conclusion. The board is selected from 48 men nominated by nonpartisan and nonpolitical farm organizations.

Mr. ASWELL. I will answer that. The gentleman has asked why this board is to be political. Why, gentlemen, if the Haugen bill were to pass this Congress and become a law, which it will never do—it may pass but it will never become a law—I mean it will never pass both Houses. I believe the President will sign it if it goes to him. I think he would sign it and put it up to you and take the wind out of your sails, so that you could not put him in a hole, as you are trying to do.

Mr. CARTER of Oklahoma. I believe the gentleman said he would not play politics with the farmer, and now he says he would tell the President to sign a bill which he says is a bad bill.

Mr. ASWELL. I said if I were one of his advisers I would tell him to sign it, because the Congress wanted to do that, in order to keep politics out of farm legislation.

Mr. WEFALD. Will the gentleman yield?

Mr. ASWELL. No; I have not finished with this statement yet. I will first answer the gentleman from Missouri.

If this bill were to pass and become a law there would be immediately in political campaigns candidates for membership on this board, and especially for the chairmanship of it, and the 48 candidates would open up political campaigns in their sections with the idea of the board in mind.

It would be the most powerful political organization that has been created in this country in a generation, and the result would be a political board, pure and simple, under the guise of being selected by restrictive suffrage of a council. Hear me! I will say to the gentleman from Missouri, you do not need this council anyway. Why, just recently the Congress, upon the recommendation of the Secretary of Agriculture, created a new division in the Department of Agriculture and provided $50,000 for the specific purpose of bringing men to Washington to advise with him. That is the council. However, these fellows are going to be given $20 a day, whereas the others only get $10 a day out of the Federal taxes. That bill has already passed the House. It is a chiropractic bill. [Laughter and applause.] To give chiropractic treatment means to smooth out and rub and adjust the dislocated joints of the spinal column [laughter]; and when the political organization in power finds a group in Iowa, we will say, for example, dislocated and out of joint, the Secretary of Agriculture has $50,000 in cash to order that little group down to Washington at Government expense, with $10 a day for subsistence, and to keep them here a few days or a few weeks or a few months, at his will, until he smoothes out the dislocated joints and sends them back to the Corn Belt voting the Republican ticket. [Laughter and applause.]

Mr. CANNON. If the gentleman will yield further, I note that he has devoted most of his time to a discussion of the Haugen bill. Evidently the gentleman does not take the Tincher bill seriously or does not think the House will seriously consider it.

Mr. ASWELL. I do not consider it as vicious as the Haugen bill.

Mr. CANNON. The gentleman says that the board created under the Haugen bill would be a political board——

Mr. ASWELL. The one under the Tincher bill would be, too. I include them both.

Mr. CANNON. I was just going to ask if the gentleman intended to intimate that the supporters of the Tincher bill would play politics.

Mr. ASWELL. Certainly; so would you.

Mr. CANNON. If the gentleman will permit further, I notice that he provides for such a board in the bill which he himself advocates.

Mr. ASWELL. Yes; but the Government does not have anything to do with it. It is farmer-controlled.

Mr. CANNON. That board would be elected by the very organizations which would nominate these 48 men to the President. I would like the gentleman to differentiate and to show us——

Mr. ASWELL. That is easy. I see what is in the gentleman's mind, and I am ready to answer it.

Mr. CANNON. I would like for the gentleman to show why the board created under the Haugen bill would be any more of a political board than the board created under the bill which he has introduced and is now advocating.

Mr. ASWELL. That is easy to answer if the gentleman will give me a chance.

Under the Curtis-Aswell bill there is no pork or patronage. It does not offer any political appointments. It does not offer any graft or preference. It is a cold, honest-to-God organization in the hands of the farmers themselves.

Mr. YATES. Is it a good bill?

Mr. ASWELL. It is the best bill on the subject that has been introduced since I have been in Congress. [Applause.]

Mr. BLACK of Texas. Will the gentleman yield?

Mr. ASWELL. Yes.

Mr. BLACK of Texas. The gentleman in his statement cited the American Federation of Labor with its federated crafts as an example that should be followed by the farmers, and I very largely agree with the gentleman, but I want to call the gentleman's attention to the fact that the great American Federation of Labor, with its federated crafts, has organized itself without Government interference or without paternalistic aid.

Now, why should we undertake to set up a Government corporation with a Government subsidy of $10,000,000 to undertake this organization. If we should undertake to organize labor in that way, through the Department of Labor, and give $10,000,000 to them to do it, I dare say labor would thank us, but would say they did not need it and did not want it. Now, why should we do it for the farmers?

Mr. ASWELL. In the first place, I will say to the gentleman from Texas, the $10,000,000 is in no sense a subsidy. That is an answer to the first part of it. It is a direct loan to be repaid with interest.

Mr. BLACK of Texas. The presumption is it would be paid; that is, it says they shall pay it by levying commodity assessments.

Mr. ASWELL. It will be guaranteed by the best security in the world, namely, commodity assessments.

Mr. BLACK of Texas. Why should we even do that. I do not know of any demand for it.

Mr. ASWELL. I think every gentleman in this committee who is personally familiar with agricultural conditions to-day will note that the farmer has not the money to attend organization meetings. He does not have it. This proposal is to enable him to have a fund to organize and get his cooperative association in such size as to be of value. The American Federation of Labor, of course, would not need any such fund.

The CHAIRMAN. The gentleman has consumed one hour.

Mr. ASWELL. I will yield to myself 10 minutes more.

Mr. SCHAFER. Will the gentleman yield?

Mr. ASWELL. Yes.

Mr. SCHAFER. The gentleman has made a study of the agricultural problem. Can the gentleman give the House some enlightenment as to whether or not a modification of the Volstead Act would help the farmer? I have received a voluminous petition from dirt farmers setting forth the reasons, which appear to me to be good, in favor of a modification of the Volstead Act to assist the farmers. It is a fact that since the Volstead law was enacted the farmers have had more trouble than they did prior to the enactment of the act.

Mr. ASWELL. I will say that the Committee on Agriculture has devoted all of its time to hearings from the Corn

Belt lobbyists, and they have not given any attention to that question.

Mr. AYRES. Will the gentleman yield?

Mr. ASWELL. I will.

Mr. AYRES. The gentleman has made a statement—I do not want to put him in the position of advocating the Haugen bill, but I understood him to say that notwithstanding it would be a detriment to cotton, it would increase the price of wheat and corn.

Mr. ASWELL. It would to the purchaser, but not to the producer.

Mr. AYRES. I am from a wheat district, and that is interesting; and would the gentleman explain why it will raise the price of wheat?

Mr. ASWELL. I should be glad to. It will increase the price of wheat, in my judgment, to the American consumer, but at a heavy cost to the wheat producer, because he will pay all the losses in the foreign market, the cost of operation, and anything else the board that has plenary powers wishes to put on it, and the man who produces wheat will come out lucky if he comes out even. The man who buys the wheat will pay a high price.

Mr. COLTON. Will the gentleman yield?

Mr. ASWELL. I shall be glad to.

Mr. COLTON. In looking over the gentleman's bill I find that it is a cooperative marketing bill. There are cooperative marketing associations in the country at work now. Would not your bill create new boards that would not be of any benefit to organization work already accomplished?

Mr. ASWELL. That is a sound question, and I will be glad to answer it. This bill provides that the present cooperative organization will select the first board. The first board will be taken from those cooperative associations. The present cooperative organizations are too small in scope to function effectively and finally. This Curtis-Aswell bill is nothing but a request for a Federal charter to create a national system of cooperative marketing, not a Federal organization as the gentleman from New Jersey [Mr. FORT] said the other day—he is mistaken about that—it proposes a similar line to that of the national banks organized under Federal charter, operated by private stockholders.

This bill proposes to extend the scope of the cooperatives into both foreign and domestic markets and bring in a larger unit.

Let me illustrate it in this way: Under the Yoakum plan, we investigated last year a carload of watermelons sold in the State of Alabama. The farmer received 6 cents a piece on the average. The freight to New York City was 19 cents on the average melon in that carload lot. We had our agents follow that carload of watermelons to the ultimate consumer, through the wholesaler, retailer, the large and small shops on the street corners. The two experts that we had on trail of the melons reported that the average price paid by the consumer in New York City was $1.25 a melon.

Now, this was all from a cooperative association in Alabama, but it was so small in its scope of operation, so limited in financial ability, that it could not reach beyond the local railroad station.

This plan proposes a warehouse in New York City where the melons will be consigned with a certainty that this dollar spread between the producer and the consumer will give more to the producer and reduce the cost to the consumer. [Applause.]

Mr. McLAUGHLIN of Nebraska. Will the gentleman yield?

Mr. ASWELL. I will.

Mr. McLAUGHLIN of Nebraska. If I understood the gentleman a while ago, he criticized the provisions of the Haugen bill and said it followed the line of thought of the Industrial Workers of the World and the American Federation of Labor. All I want to ask the gentleman is whether he really intended to mention that great patriotic body of men forming the American Federation of Labor in the same breath with the Industrial Workers of the World.

Mr. ASWELL. I did not say that, to start with. I said that the Curtis-Aswell bill proposes a separate organization for each commodity, exactly as the American Federation of Labor has in its 107 crafts in smaller organizations. The Curtis-Aswell bill, embodying the Yoakum plan, does this. The Haugen bill proposes one great board to run the business. The Industrial Workers of the World have been the greatest enemies to the American Federation of Labor and to the American people, trying to get one big union, to get the American Federation of Labor to adopt their plan of abolishing the craft organizations and having one big union, and I denounced the Industrial Workers of the World plan with all of the earnestness that I possess.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. MOORE of Virginia. I may have misunderstood the gentleman, but toward the conclusion of his remarks I did understand him to say that if his bill should receive approval he would agree to a loan fund to the farmers of $100,000,000 to be appropriated by the Government.

Mr. ASWELL. As a loan fund strictly.

Mr. MOORE of Virginia. If that was the case, leaving aside the machinery of the gentleman's bill, which is less governmental than the machinery of the Tincher bill, would not the gentleman's general proposition be almost equivalent to the Tincher proposition?

Mr. ASWELL. I do not have any political or Federal board connected with it.

Mr. MOORE of Virginia. I say except for the machinery.

Mr. ASWELL. And if you get $100,000,000 loan fund for the farmer, I am for it.

Mr. MOORE of Virginia. I do not say that I am not for it.

Mr. ASWELL. It would be a loan and not a subsidy.

Mr. MOORE of Virginia. The Tincher bill, as I understand it, is a loan; it is designated as a loan, while the Haugen bill——

Mr. ASWELL. Is a gift, a subsidy.

Mr. MOORE of Virginia. As the gentleman and I think, it is a subsidy. The point I make is that, laying aside the machinery, there is not very much difference between the Tincher bill and the Curtis-Aswell bill?

Mr. ASWELL. Omitting the machinery.

Mr. KINCHELOE. But does not the gentleman's bill also differ in this way, aside from the question of the machinery: The gentleman's bill undertakes to bring into one great body the national cooperative associations of every commodity.

Mr. ASWELL. Yes; and that is a vast difference.

Mr. KINCHELOE. Is not that the main purpose of the gentleman's bill?

Mr. ASWELL. Yes. Let me say this to the gentleman from Virginia. This bill that I present especially proposes two things in addition to the matters that the gentleman has discussed—to influence a large proportion of farmers into the organization and the organizing of a national system. I think I can show the gentleman why the farmers will come in. In the first place, the interstate zone organizations will have immediate control of these zones, under a board of seven. They will control the shipments from that particular zone through cooperation with the national board, and let me illustrate how it will influence the men who come in to it.

The CHAIRMAN. The gentleman's additional 10 minutes has expired.

Mr. ASWELL. Then I yield myself 20 minutes more.

This zone organization will be familiar with all the commodities grown in that particular zone. It will have control of the shipments. Suppose that I am a farmer in that zone and that I am raising cabbage. Let us say that they have 10 cars of cabbage to be shipped through that zone organization to Chicago. We will say that I am on the outside. The chairman of that zone will be the man who will determine whether I can get my shipment in with his, and if I am not he will not take my shipment until he places all of the cooperative cabbage on the market, and he has the advantage also of established standards and grades. That gives him a great advantage over me. If I come in, it is a farmer organization, and if I get out of it, then I am a scab, and I will not get out and stay in that country. That is the main difference which the gentleman describes.

Mr. DAVEY. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. DAVEY. Does the gentleman intend under his bill that the cooperative farmers' organizations will have control over the wholesale marketing of their products?

Mr. ASWELL. Absolutely; completely.

Mr. DAVEY. Does that bill tend to eliminate the so-called middlemen?

Mr. ASWELL. The unnecessary ones; yes. I want to make that clear.

Mr. DAVEY. How far will it go?

Mr. ASWELL. I can give the gentleman an example. In one of our investigations we found on one block five merchants selling the same thing. Of course, they had telephones and overhead expenses, so that the farmers were taking care of five families. Under this system I would say that certainly

from two to three of them are not needed in the interest of agriculture, in the interest of the farmer, so that we reduce the unnecessary ones. That is all.

Mr. DAVEY. What I had in mind particularly was the so-called commission houses and so forth.

Mr. ASWELL. Yes; and do away with a good deal of speculation and gambling, too.

Mr. McMILLAN. Will the gentleman yield?

Mr. ASWELL. I will.

Mr. McMILLAN. I wish to compliment the gentleman on his very splendid presentation; but there is one question I would like to ask the gentleman on which I desire a little further light. This Haugen bill here, as far as the cotton proposition is concerned, I understood the gentleman to say that this equalization fee is deferred two years, without any promise of returning anything on the part of the cotton farmer.

Mr. ASWELL. Absolutely.

Mr. McMILLAN. I would like to hear the gentleman a little more on that question.

Mr. ASWELL. If the gentleman will read the bill—the gentleman from North Carolina started to ask me the same question—the bill proposes to appropriate $100,000,000 for the purpose of stabilizing and establishing an orderly marketing of cotton. Now the whole bill is based upon the proposition that the increase shall be the amount of the tariff plus freight. There is no tariff on cotton. There is not a single suggestion in the bill of ever increasing the price of cotton a single penny; not one.

Mr. DOUGHTON. Will the gentleman yield?

Mr. ASWELL. I will.

Mr. DOUGHTON. I understood the gentleman to make the statement that the bill does not guarantee to increase the price——

Mr. ASWELL. I am safe in saying that, for it does not mention it and does not promise to do it.

Mr. DOUGHTON. But if it produces an orderly marketing of cotton, would not that have a tendency to put up the price?

Mr. ASWELL. It might have something to do with it.

Mr. DOUGHTON. I have not made up my mind yet.

Mr. ASWELL. It might not and it might, but the gentleman could not face a cotton audience and say he voted to put a tax on cotton at the gin and get away with it.

Mr. DOUGHTON. I am not asserting it. I have faith in the gentleman——

Mr. ASWELL. I will say I could not do it.

Mr. DOUGHTON. I know the gentleman has been a member of the Committee on Agriculture for a long time and has given deep study to this question, and I am asking the gentleman in the desire to get information, not with any desire to embarrass the gentleman.

Mr. ASWELL. The gentleman could not embarrass me.

Mr. DOUGHTON. Of course not.

Mr. ASWELL. I would not permit the gentleman.

Mr. DOUGHTON. Of course not, but I am simply desiring to get information.

Mr. ASWELL. I will answer any question.

Mr. DOUGHTON. I am through.

Mr. RAGON. Will the gentleman yield?

Mr. ASWELL. I will.

Mr. RAGON. In the course of the gentleman's remarks a while ago he suggested propounding a question to the gentleman from Illinois, and I would like——

Mr. ASWELL. He is not in the room.

Mr. RAGON. What I want to know is, under this bill we make available $375,000,000, and $100,000,000 of that is for the cotton farmer. When is that to be made available, and how much is to be made available; and if it is made available, who handles such a situation?

Mr. ASWELL. That will become available when the appropriation is made and the President signs the appropriation bill.

Mr. RAGON. And, carrying it on logically, this bill takes effect at what particular date?

Mr. ASWELL. Upon the passage of the authority for it. It is only made an authorization; it is not an appropriation.

Mr. RAGON. As I understand, when would the equalization fee become operative?

Mr. ASWELL. Two years from the date of the passage.

Mr. RAGON. Say the bill passes to-morrow, and two years from to-morrow? All right. Suppose there is no $375,000,000—or if we are to believe the reports, there are scarcely any surplus funds in the Treasury at this time—how are you going to do between now and at the end of the two years?

Mr. ASWELL. Have to suspend operations of the bill entirely or apply the fee in the December session of Congress, which is the most likely thing.

Mr. RAGON. If we have not the money to put it in operation, then there will be another deferment of the equalization fee, and the first time the bill becomes operative at all it will be under an equalization fee?

Mr. ASWELL. For the reason stated.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. ASWELL. I will.

Mr. GARRETT of Tennessee. Can the gentleman inform me if there is any provision in the bill that the $375,000,000, or $350,000,000 in fact, will be repaid out of the equalization fund?

Mr. ASWELL. I can. It is specifically provided in the bill that none of it shall be paid to the Treasury; none will be returned to the Government. May I answer further the gentleman from Tennessee that the Haugen bill provides that when the fee is collected it shall not go to refund the Treasury?

Mr. GARRETT of Tennessee. Absolutely and purely a gift?

Mr. ASWELL. Absolutely and specifically so stated in the bill itself.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. ASWELL. I will.

Mr. WILLIAMSON. Just now I think I might say the question in the Middle West is how to deal with the products of which there is an exportable surplus. Now, just how would your bill deal with the exportable surplus?

Mr. ASWELL. There would be branch offices in foreign countries to handle it.

Mr. WILLIAMSON. In other words, the purpose of the bill would be to solve the problem of finding markets rather than in making any special effort to increase the domestic price in our own market?

Mr. ASWELL. To stabilize it; yes.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield there?

Mr. ASWELL. Yes; I will have to yield to the gentleman.

Mr. SUMMERS of Washington. The gentleman does not have to.

Mr. ASWELL. Then I will not yield.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. KINCHELOE. The purpose is to cut down the middlemen so as to have a better market in the country for the consumer, which of course could be done, and that would be a benefit both to the consumer and the producer?

Mr. ASWELL. Yes. That is what I illustrated in the case of watermelons.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. JACOBSTEIN. Under your bill how would you enable the farmer to regulate production?

Mr. ASWELL. It is specifically provided. The interstate zone organization, which would be in touch with the farmers of that zone, would establish a standard of production, taking the agricultural reports of the last five years as a basis, and indicate to the farmers of that community how much of a commodity should be planted, and those farmers will know that the interstate zone organization would control. This is the only bill that I have ever seen in my humble judgment that will do anything toward the regulation and control of overproduction.

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. KVALE. Could not the Curtis-Aswell bill be passed with the Haugen bill? They are not antagonistic, are they?

Mr. ASWELL. They are as opposite as the poles.

Mr. KVALE. There is nothing in the Curtis-Aswell bill that would relieve the present condition?

Mr. ASWELL. Yes. If we established, for example, a commodity organization on potatoes to-day, the price would advance to-morrow night.

Mr. KVALE. But there is nothing in that to bring immediate relief, is there?

Mr. ASWELL. I think there is something to that.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman from Louisiana yield to me a moment, just in connection with that?

Mr. ASWELL. Certainly.

Mr. GARRETT of Tennessee. Is there anything in the Haugen bill that will relieve the conditions growing out of the present situation?

Mr. ASWELL. Well, the Corn Belt witnesses testified that it would not do them any good this year.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield for a question?

Mr. ASWELL. Yes; I yield.

Mr. WILLIAMSON. For a series of years the figures would indicate that there is no actual surplus. Under the provisions of your bill, would it mean the storing of crops in fat years over to the lean years?

Mr. ASWELL. Yes; it would.

Mr. WILLIAMSON. Does the bill contemplate building up a great storage establishment?

Mr. ASWELL. Yes. It is specifically provided.

Mr. LOWREY. The gentleman from Washington, Doctor SUMMERS, is the only man in the House that I know of that is an old Mississippi cotton farmer and a western wheat farmer. I was very much interested to hear what he had to ask.

Mr. ASWELL. Well, I will yield to him.

Mr. SUMMERS of Washington. I think it is a fair question. I am greatly interested in it.

Mr. ASWELL. I will be glad if you will ask the question.

Mr. SUMMERS of Washington. The gentleman was indicating how watermelons would be handled under his bill. I was interested to know how it would operate with wheat, considering we had a large surplus. I wanted a little detail as to that.

Mr. ASWELL. Very well. The gentleman from Washington has asked how the Curtis-Aswell bill will operate in the shipment of wheat when there is a surplus. I will touch the high points. Suppose from St. Paul, we will say, a carload of wheat, or 20,000 bushels, were directed by the national board and sold in Bremen, Germany. The agreement by the interstate zone board and the national board as to the commodity assessment will probably be a quarter of a cent a bushel. We will say a quarter of a cent. When that shipment is started there will be revenue stamps printed for the purpose, and there would be attached to that bill of lading revenue stamps to cover the quarter of a cent on 20,000 bushels, which would be $50, and those revenue stamps will give it standing before the banks of the world, as you know, because they would show that there has been a transaction; and in the shipment of that 20,000 bushels of wheat the Government is refunded $50 of the loan and interest. There will be no Federal agents and no Federal board, but simply an act that will eliminate and liquidate that $50 of loan and interest. That is the practical operation of it. Does that answer the gentleman's question?

Mr. SUMMERS of Washington. You were talking about the exportable surplus, and, of course, I am considering it with the whole amount of wheat produced and the price of the farmer. I said considering a surplus. That was only a side question.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. WILLIAMSON. The gentleman said that if the bill was considered he would agree to amend by increasing the amount of the loan from $10,000,000 to $110,000,000. What would that be used for?

Mr. ASWELL. The $10,000,000 would be used for loans to cooperatives for organization purposes.

Mr. WILLIAMSON. Under the Federal reserve system and the Federal land bank the amount available for loans at 4 per cent might be unlimited.

Mr. ASWELL. If I had my way, I would make those loans to the farmer organizations, and the rate of interest would be at cost, which would be 2 per cent. The cost of operation of the Federal reserve system is 2 per cent.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. BLACK of Texas. But there is no money to be loaned in this country at 2 per cent that I know of, even to the Government.

Mr. ASWELL. I said, if I had my way.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. BARKLEY. Are there operative marketing associations now in existence among the wheat and corn growers that are sufficiently extensive to avail of the appropriations, or would it be necessary before any assistance were obtained for a particular branch of agriculture to organize such an organization for corn and wheat and other products?

Mr. ASWELL. Absolutely; and enlarge existing cooperatives to where they would be successful.

Mr. BARKLEY. Let me ask the gentleman this question: Does the gentleman, from his experience and observation, believe that a cooperative marketing association can be made a success over as broad an area as that occupied by wheat and corn in the United States?

Mr. ASWELL. Absolutely; in the whole Nation. I would like to explain that under the proposed system the commodity organization will be confined to that commodity from the smallest producer to the final consumer. There would be one national board, and it only becomes effective when it reaches from the smallest producer to the final consumer.

Mr. BARKLEY. I am very much in favor of cooperative marketing associations and I have had some part in helping to organize them in Kentucky, but I have had a little fear that it might not be practicable to organize them over the whole country so as to include all the territory involved in wheat and corn production.

Mr. ASWELL. I will say to the gentleman from Kentucky that in my earnest and honest opinion the cooperatives will never be ultimately successful until they are organized to reach to the ultimate consumer.

Mr. BARKLEY. That would be a very desirable thing, but there is a question as to whether that many farmers would be willing to go together in one organization.

Mr. ASWELL. We will make it embarrassing when they do not come in.

Mr. COLTON. Will the gentleman yield?

Mr. ASWELL. Yes.

Mr. COLTON. I understood the gentleman, in answer to a question asked by the gentleman from Kentucky [Mr. KINCHELOE], to say that the present cooperative marketing associations could be brought into this organization, and I now understand from the question asked by the gentleman from Kentucky [Mr. BARKLEY] that the gentleman takes the position that it would take a new organization from the top to the bottom.

Mr. ASWELL. No. The gentleman from Kentucky did not ask me that, did he?

Mr. BARKLEY. No. I asked whether at this time there is an organization among the corn and wheat growers of sufficient extent to make the organization successful.

Mr. ASWELL. And my reply was that you should enlarge those that are in existence under my bill until they become large enough.

Mr. BARKLEY. And I understood the gentleman's reply to be that it would be necessary to organize the corn or wheat cooperatives so as to take in the whole territory?

Mr. ASWELL. I meant to extend those already in existence.

Mr. COLTON. I will say that I have been much interested in what the gentleman has said. It seems to me there has been so much experience gained already by the cooperatives that it would be better if some plan could be worked out to use that experience and to use the organizations that are already in existence.

Mr. ASWELL. And that is exactly our intention, and the bill so provides.

Mr. HAUGEN rose.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. ASWELL. Mr. Chairman, I yield myself an additional minute in order to answer a question which the chairman of the committee desires to ask me.

Mr. HAUGEN. I understood the gentleman to say that he was opposed to the Haugen bill because it would increase the cost or the price of agricultural commodities?

Mr. ASWELL. I made no such statement.

Mr. HAUGEN. I understood the gentleman to say that the people of the South would object to it because it would cost more?

Mr. ASWELL. No; the gentleman misunderstood me altogether. I made no such statement. I made this statement: That your bill would increase the sale of the feed products without increasing the cotton products.

Mr. HAUGEN. I now recall what the gentleman stated, that it would increase the cost to the southern planters of corn and other things which they have to buy.

Mr. ASWELL. Yes. I want to answer the gentleman exactly. I said that the Haugen bill would increase the price to the consumer, but I stated that the producers of wheat, by the time they paid the losses on foreign sales and the cost of operation, would get no more than they get now and that the consumer would have to pay more. And, further, that your bill proposes to help the orderly marketing of cotton, but in no place do you recommend a single increase in the price of cotton. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. ADKINS].

Mr. ADKINS. Mr. Chairman and members of the committee, because of the limited time that is assigned to me I shall have to decline to yield for questions, not because of any discourtesy but because of the limited time. However, I shall be glad to answer any questions that any Member may want to ask in his

own time when I am through. I want to apologize for reading my remarks, because what I am about to say, perhaps, will receive a great deal of criticism on both sides of the House, and I do not want to be misunderstood or misquoted in what I have to say.

Mr. ADKINS. I do not expect to devote very much time to the details of this bill, because they will be taken care of by other men perhaps more able to do that than myself. I find, however, a large number of men who seem to wonder by what justification the farmers, especially of the Middle West, come to Congress to ask any assistance.

They wonder what the Government has done to them that it becomes necessary to come to the Government for aid to help them out of their trouble. That feature of it is what I expect to devote most of my time to.

When we became involved in the World War, it was apparent to all that the boys could not win it on an empty stomach, and we would have to produce food by the wholesale. The one-man farms with small surpluses could not meet the situation. The eyes of this country, as well as our allies, naturally turned to the part of the country where cattle and hogs were produced and marketed in large droves; wheat and corn produced in millions of bushels. Every stimulent was used to increase the droves of livestock in number and grain in bushels. That part of the country responded and a distressed people always found a supply to meet the situation in the great bread and meat basket of the world.

In June, 1917, wheat reached $3.07 on the Chicago market. In July, 1917, the American wheat farmer commenced to market a total of 636,655,000 bushels of wheat, but his market was stabilized by the Government at $2.17 per bushel the whole year on the Chicago market. The consumer was benefited, not subsidized, 90 cents per bushel, or in round figures more than $590,999,000 in one year.

It is thought by many if the Government had not interfered the price would have gone to $4 or $5 per bushel, which would have added at least $2,500,000,000 to the farmer's income that year to have liquidated some of his obligations he had contracted at inflated values. There was no "whining" by the farmer that he was subsidizing the consumer, yet most of his home consumers were furnishing war material, charging all "the traffic would bear," some of them getting cost plus, and the more cost the more plus. The farmer recognized his country was in trouble; his sons were helping fight its battles, and he did his bit without complaint.

As director of agriculture for the State of Illinois, I gave out a statement on October 1, 1917, in which I quoted Mr. Hoover as stating:

> We are sending abroad more hog products at the present time than we produce. Three times as much grain and meat is being exported now as was the case before the war and the demand is increasing. Our supply of grain is the lowest in our history.

In my appeal to the farmers of my State I used the following language:

> Not only does the farmer need to maintain a good system of rotation, but a good, stable market must be maintained as well.
>
> The abnormal prices of our farm crops threaten our economic equilibrium. Our Government should assure us that the equitable price of foods and livestock be preserved in order to encourage production. Under present conditions the livestock farmer has a great opportunity. Every farmer can afford for several years to come to devote greater efforts in raising more sheep, more hogs, and more cattle as befits his inclination.

They responded with a minimum price fixed, which proved a maximum, met the situation, and the great "bread-and-meat basket" of this country saved the day for our boys in the trenches, as well as our allies, so far as food was concerned.

When the armistice was signed and the Government had no excuse for fixing the price for the farmer, and the law of supply and demand began to function, again prices were such it looked like he had a good future before him and he would be able to meet most of his obligations. The boys began to come home from the war, the old men, who had got back into the "harness" on the farms during the war gave way to the boy, backed him at the bank for money to start, with a hungry world to feed at good prices, and things looked good.

Then the consumer began to complain at the cost of living. The farmer was not fixing the price, yet a great noise was made, politicians harangued the consumer—oh, no, they were not demagogues. The farmer did not call him that "naughty" name. The country seemed to be alarmed. I am wondering if some gentlemen who so glibly cry "demagogue" to the western farmer now was fair enough to the consumer to tell him the situation, that he must pay the bill or have the Government step in and overturn our economic laws to reduce the price to the farmer.

As director of agriculture for the State of Illinois, I gave out to the public the following statement May 14, 1920:

THE COST OF LIVING

> The public press, public speakers, and people generally complain about the cost of living; some assail the profiteer; others the low production of labor, but no one offers a concrete remedy that will reduce the cost of living.
>
> Some politicians tell the people that prices for all commodities are fixed by corrupt combines of speculators, etc., and if they get in power they will reduce the cost of living.
>
> People might just as well reconcile themselves to the inevitable fact that they will pay high prices for food for some time.
>
> No country in the world will harvest a normal wheat crop this year. In the United States the condition on May 1 is estimated at 79.1 per cent of the normal. The old stock of wheat will be used up when the new crop comes on. If the Hessian fly should damage the present growing crop, or some other disaster befall it before harvest time, to further reduce it it might be necessary to put us on a bread-ticket basis to make the bread go around; if not that, there is no hope at best for bread to be any cheaper in the near future. Our great consuming masses should be so advised instead of being harangued by some demagogue into the belief that by waving some unknown magic economic wand he can reduce the cost of living.
>
> The mortality of all classes of livestock during the winter was higher than usual, because of the scarcity and high prices of feed. The spring pig crop will be greatly reduced on account of so much cold, wet weather. Money lost feeding livestock recently will not have a tendency to stimulate feeders. While we have a more liberal supply of meat than bread, yet if the meat is produced for less money it means a greater loss to the producer.
>
> The same thing is true of dairy products. There is no substitute for dairy products for babies and young animals. If substitutes are used it is at the expense of the babies' development. The demagogue hits a popular chord when he advocates cheaper milk for the babies, yet when it goes below cost of production that means decreased production, and the poor man's baby suffers first, and the demagogue through whose agitation such conditions are brought about escapes the penitentiary. If the dairy farmer were to insist upon the same hours of labor per day and the same rate of pay as the city worker, dairy products would cost the city consumer about three times their present cost. The hope of cheaper dairy products, under present conditions, is remote, indeed.
>
> A panic in the country is the only thing that will make a material reduction in the cost of living, and that none of us want to see.
>
> In many lines the cost of distribution is too high. We have in many cases too many unnecessary agencies to pay between the producer and consumer. The politician will never remedy that. The people themselves will have to take that in hand.
>
> The great cities, by reason of their cosmopolitan population, as yet can not hope to solve the problem. The farmer has waked up to the importance of cooperative effort, to eliminate unnecessary costly service in distributing staple products of the farm. He is learning the lessons and benefits of cooperative effort and its economic value to both the producer and consumer. He will not bring about the millennium in one day or one year, but has already made a substantial start in many lines, through cooperative effort, which is being stimulated through the farm bureaus and State associations.

When the director of agriculture gave out this statement he did not think the Federal Government would step in and interfere with the functioning of the law of "supply and demand" and reduce the price of the farmers' product.

Evidently the director of agriculture of the State of Illinois and the President of the United States were not thinking along the same lines economically. You will notice the director of agriculture was thinking along what he considered at that time sound economics for both the producer and consumer. The President evidently was thinking about the consumer—and the farmer incidentally.

Let me call your particular attention to the President's reference to the American farmer in his address delivered at a joint meeting of the two Houses of Congress, August 8, 1919, Sixty-sixth Congress, first session, page 3718 of the CONGRESSIONAL RECORD, which reads as follows:

> GENTLEMEN OF THE CONGRESS: I have sought this opportunity to address you because it is clearly my duty to call your attention to the present cost of living and to urge upon you with all the persuasive force of which I am capable the legislative measures which would be most effective in controlling it and bringing it down.

Continuing his statement on the high cost of living, he further stated:

> But what we can do we should do, and should do at once. And there is a great deal that we can do, provisional though it be. Wheat

shipments and credits to facilitate the purchase of our wheat can and will be limited and controlled in such a way as not to raise but rather to lower the price of flour here. The Government has the power, within certain limits, to regulate that. We can not deny wheat to foreign peoples who are in dire need of it, and we do not wish to do so; but, fortunately, though the wheat crop is not what we hoped it would be, it is abundant if handled with provident care. The price of wheat is lower in the United States than in Europe, and can with proper management be kept so.

This suggestion was soon put into effect.

In December, 1919, the Federal Reserve Board put into effect an increase in rates on advances and rediscounts. On January 23, 1920, the Federal reserve banks again raised their rediscount rates to 6 per cent.

May 18, 1920, the Federal Reserve Board held a meeting attended by representatives of member banks from all Federal reserve districts. At that meeting it was decided to take further steps to bring about a restriction of credits. At the conclusion of the meeting the governor of the Federal Reserve Board said:

I would suggest, gentlemen, that you be careful not to give out anything about any discussion of discount rates. That is one thing there ought not to be any previous discussion about, because it disturbs everybody, and if people think rates are going to be advanced there will be an immediate rush to get into the banks before the rates are put up, and the policy of the reserve board is that that is one thing we never discuss with the newspaper man. If he comes in and wants to know if the board has considered any rates, or is likely to do anything about any rates, some remark is made about the weather, or something else, and we tell him we can not discuss rates at all, and I think we are all agreed it would be very ill advised to give out any impression that any general overruling of rates was discussed at this conference.

We have discussed the general credit situation, and your committee, which has been appointed with plenary powers, will prepare a statement which will be given out to the press to-morrow morning, and we will all see what it is. You can go back to your banks and, of course, tell your fellow directors as frankly as you choose what happened here to-day, but caution them to avoid any premature discussion of rates as such.

We have had an exceedingly interesting day, gentlemen. The suggestions which have been made have been valuable and we have profited by your visit here. I wish to express on behalf of the board our appreciation of your coming here and to thank you for the unselfish and loyal interest you have taken in the Federal reserve bank situation throughout the country in giving this matter the careful thought and consideration that you have, and I am sure that the spirit which has manifested itself at this meeting here to-day will spread throughout all the country to the member and nonmember banks; and if it does, we can look the future in the face with courage and confidence.

The western farmer is enduring that future Mr. Harding, governor Federal Reserve Board, looked to with "courage and confidence." When the Federal Reserve Board began to get the President's suggestion to Congress to operating on the farmer, he was called in to pay his notes he owed; he had to liquidate; prices began to fall; the railroads were crippled so they could not move his products as fast as was necessary to meet the demands of the banks; he sold his Liberty bonds, and in many cases he owed the bank for the cost of the bonds, as the policy of the Federal Reserve Board was such that the banks in many cases urged their customers to borrow. Many of these bonds, to my personal knowledge, were sold for 85 cents on the dollar to pay the notes given to purchase them. If the great banking interests of our country had any conscience they certainly would blush with shame for allowing "Uncle Sam's" obligations to be discounted in such a shameful manner, and cause people to suffer who not only gave their noble sons but their obligations and pledged their property to their country's cause. Many men became concerned about the distress that had been brought to the American farmer.

The Manufacturers' Record, printed at Baltimore Md., under date of December 23, 1920, at page 79, where William G. McAdoo, the war Secretary of the Treasury, issued a statement in which he repudiates and opposes the entire Houston program.

Mr. McAdoo says:

The point I wish to impress is that deflation has been carried so far and with such rapidity that we must now reconsider the situation, make an effort to prevent further distress and suffering, and bring about a revival of industry and confidence.

Mr. McAdoo further says:

We can not excuse inaction nor dismiss the matter with a mere observation that deflation is necessary and that farmers must take their medicine along with the rest of the country. * * * When colossal losses like those the farmers are now sustaining overtake them, every line of industry suffers, factories close, business shrinks, labor is thrown out of employment, and confidence is seriously shaken. * * *

It is the imperative duty of those in civil authority and of those who control credit to exercise their powers so as to prevent needless distress and preserve confidence.

Mr. McAdoo certainly saw the disaster this policy was bringing to the farmers of the Middle West.

In July, 1920, No. 3 corn sold in Chicago for $1.53 per bushel. When Mr. McAdoo made this statement this same grade of corn was selling on the Chicago market for 73 cents per bushel, and the following June sold for 60 cents per bushel.

No. 2 red winter wheat sold on the Chicago market at $2.80 per bushel in July, 1920, and in December, when Mr. McAdoo made the above statement, it was sold for $2.01, and the following June sold for $1.43 per bushel.

Good choice steers sold in July, 1920, on the Chicago market for $15.98 per hundredweight, and in December, when Mr. McAdoo made the above statement, this same class of cattle sold for $12.09 per hundredweight, and the following June for $8.09 per hundredweight.

Light hogs sold on the Chicago market in July, 1920, for $15.88 per hundredweight, and in December, when Mr. McAdoo made the above statement, they sold for $9.66, and the following June they were sold for $8.45 per hundredweight.

In July, 1921, we began to market 600,316,000 bushels of winter wheat; a little later 214,589,000 bushels of spring wheat; making a total of 814,905,000. This crop was started to market at about an average of $1.37 per bushel, less money than the crop started to market in July, 1920, which meant the American wheat farmer lost in round figures more than $1,300,000,000 in the interest of the consumer, who was making so much noise in 1919 about the high cost of living.

We do not use the "naughty" term that the American wheat grower "subsidized" the consumer's bread basket to the "tune" of $1,300,000,000. It might "grind" on his fine sensibilities and we do not wish to do that, so we just say we were deflated.

In 1921 the corn farmer produced 2,684,637,000 bushels of merchantable corn (total, 3,068,000,000), which was deflated 93 cents per bushel from July, 1920, or nearly $2,500,000,000.

In 12 months the farmer was deflated about $3,800,000,000 on wheat and corn in the interest of the American consumer.

In 1921 we installed another President of the United States. We passed a tariff law and other laws, and the business of the country has been improved. The farmer had received such an "awful jolt" that he failed to respond.

President Coolidge observing that, in his message to Congress, December 6, 1923 (68th Cong., 1st sess., CONGRESSIONAL RECORD, p. 100), he used the following language:

The distress is most acute among those wholly dependent upon one crop. Wheat acreage was greatly expanded and has not yet been sufficiently reduced. A large amount is raised for export, which has to meet the competition in the world market of large amounts raised on land much cheaper and much more productive.

No complicated scheme of relief, no plan for Government fixing of prices, no resort to the Public Treasury will be of any permanent value in establishing agriculture. [Applause.] Simple and direct methods put into operation by the farmer himself are the only real sources for restoration.

He further stated:

The remaining difficulty is the disposition of exportable wheat. I do not favor the permanent interference of the Government in this problem. That probably would increase the trouble by increasing production. But it seems feasible to provide Government assistance to exports, and authority should be given the War Finance Corporation to grant, in its discretion, the most liberal terms of payment for fats and grains exported for the direct benefit of the farm.

That Congress failed to pass any law to meet the situation referred to in the President's message. I understand the President has stated to farm leaders that there is a farm problem to solve. Another Congress is here and more banks have failed in the Corn Belt, three having failed in my district since this Congress convened. More than 750,000 farmers have left the farms in the United States in the last 12 months.

From the above message of the President there does not seem to be much doubt in my mind but what the President stands ready to suggest some way of financing, temporarily, our exportable surplus of farm products if Congress will pass a law to meet the situation as outlined above. Congress has never sent to the President such a law for his consideration.

The representatives of the farm organizations of the Middle West, who appeared before the Committee on Agriculture—and I am not giving any consideration to any organization now who was not interested enough to appear before that committee and put their views in the record on farm relief legislation—pro-

posed a plan for taking care of the surplus and stabilizing the market with a loan of $250,000,000 as a revolving fund to start this stabilization scheme, to be paid back by levying an equalization fee on their own products and handle this exportable surplus in such a way that it would bring the price of our basic agricultural commodities to the consumer at home at the world price plus the tariff. No doubt they thought that the Republican leaders in Congress would very willingly, in compliance with the suggestion of the Chief Executive of the Nation in his message, join in with them to bring about such an arrangement, but instead of that it would seem that the representatives from the great consuming centers in the East, and other places as well, are unfriendly to the thought of putting the American farmer on the same economic basis as the American manufacturer. [Applause.]

Finding that unfriendly spirit among some leaders from great consuming centers, especially on the Republican side of the House, the representatives of farm organizations who have come here representing the farmer, recommended the "subsidy" for two years, then the farmer to take care of it himself, believing that that method might get votes enough to pass the bill, without the votes from the great consuming center who think there is no "farm problem" and seem to think it should be "root, hog, or die," with the farmer. Oh, yes; he can do that, but enough will quit "rooting" finally to put production below domestic consumption in the Corn Belt. Those that are left producing will no doubt combine and not ask farm relief laws and prices will no doubt reach cost of production plus the tariff. If some sane, sensible means is not provided to stop this unfortunate situation by the same Federal agency that brought this about, as outlined above, we might reach that condition in the next five years or so. Then we will see prices soar, not enough food produced in this country for the great consuming centers. Then the agitation in these great consuming centers about the "high cost of living" that prevailed in 1919 and 1920 will look like a "pink tea" compared to what we will have when your brother asks you for bread and you offer him a stone.

This is a national problem and I am thinking it is not taken seriously as such. The psychological effect of the passage of the Haugen bill on the country, in my opinion, would be to increase the prosperity of the country many millions of dollars and be the most just and profitable investment the Government ever made, and will be an inspiration to the rest of the world of the efficiency of a modern republican form of government, in meeting an economic crisis and solving it in a practical, sane way. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield two hours to the gentleman from Oklahoma [Mr. SWANK].

Mr. SWANK. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. RUBEY].

Mr. RUBEY. Mr. Chairman, before I begin my remarks I want to correct a mistake made by my distinguished friend from Louisiana [Mr. ASWELL] when he quoted a statement made by Mr. Hirth, of Missouri. I am sure the gentleman did not do it intentionally. Mr. Hirth did make the statement that he wrote the last Democratic platform, but I am going to quote you exactly what he said. We have not had a real old-fashioned Democratic convention in Missouri for the last 15 or 16 years, for the reason that we are now under the primary system. Mr. Hirth made this statement in connection with the time back yonder when we were under the old plan. He was asked in the committee where he stood politically. As a rule, such questions are not asked. We do not care how a man stands politically; we only want to know how he stands agriculturally. [Applause.] These are the words of Mr. Hirth:

> As a matter of fact, I wrote the last Democratic platform adopted in Missouri under the old convention system, and it contains a severe arraignment of the protective principle.

I simply make this statement to put Mr. Hirth in the right place, where he really belongs as a Democrat.

Under the rules adopted for the consideration of these bills the Haugen bill is somewhat between the devil and the deep blue sea, and I make that statement with apologies to the two leaders, Mr. TINCHER, of Kansas, and my friend from Louisiana, Mr. ASWELL. I am not saying which is which. [Laughter and applause.] In fact, this rule provides that there shall be a division of the time into thirds, and one-third is to be controlled by Mr. HAUGEN, one-third is to be controlled by Mr. TINCHER, and the other one-third is controlled by the gentleman from Louisiana [Mr. ASWELL]. Now, what is the result? Those who are representing Mr. HAUGEN come here and talk about this bill. The gentlemen who come here representing Mr. TINCHER do not talk about the Tincher bill; they talk against the Haugen bill [applause], and the gentlemen who come here representing Mr. ASWELL's one-third of the time—I am inclined to believe he did this himself—will talk against the Haugen bill. So, as I say, gentlemen, we are between the devil and the deep blue sea. It is like the old coon trap—they are getting us "comin' and gwine."

On Tuesday we began the discussion of this measure, and Mr. HAUGEN spoke on his bill for nearly one hour. He was followed not by Mr. TINCHER but by his representative. He designated the gentleman from New Jersey to speak for one hour, and we all settled back in our places and thought we would listen to a discussion of the Tincher bill, as the gentleman came forward in Mr. TINCHER's time. The gentleman talked for a solid hour and never mentioned the Tincher bill. Then when he got through that time and the gavel fell, Mr. TINCHER, possibly following out what he had agreed to beforehand, said, "I yield the gentleman another hour," and there was applause. The gentleman talked for another hour against the Haugen bill and never said a word about the bill he was supposed to represent. Then he was granted 10 minutes more time and then 15 minutes more time, and just before he got through he told us just in a few words something about the bill that he was supposed to talk for.

Now, that is the situation with respect to my distinguished friend, who comes to the Committee on Agriculture from the great State of New Jersey, and he comes, my friends, well recommended by the farmers of his district. He has not got a single one in his district.

I doubt if he knows what a farmer looks like. He does not see one more than once in a while—just once in a while he will see one when he is back home. He is a distinguished gentleman, of course. I am pleased to say he is a graduate of Princeton, one of the great colleges of the country. He is a great lawyer and he is a big insurance man. Why, he controls companies and managers of companies clear over yonder in Copenhagen, if you know where that is. [Laughter and applause.]

Let me tell you something else, and I do not want to offend the gentleman, of course. He learned all the agriculture he knows since he came to this Congress, and he got it by reason of the fact that he was on the Committee on Agriculture and listened to the people who came before that committee. I can prove to you by quotations from the speech he made back in March that there are things he did not know a single, solitary thing about when he came to Congress, facts that any man on the Committee on Agriculture ought to have known about before he was put on that committee.

I am not a lawyer, but I am just as well prepared to be a member of the Judiciary Committee as my friend from New Jersey is to be a member of the Agricultural Committee. [Laughter.] He has been going to school ever since Congress met in December. He has been sitting every day in that school—the Agricultural Committee—and when a man comes in and testifies he takes more of his time than any other member of the committee. There is not a man within the hearing of my voice to-day that could read everything he has said in the Agricultural Committee and the questions he has asked in three days.

Mr. FUNK. Will the gentleman yield?

Mr. RUBEY. I can not yield; I want to get through my preliminary statement, then I will be glad to yield. He has been a great student in the Agricultural Committee. He began, however, a little before that; he came here during the war; he was a volunteer and was with Hon. Herbert Hoover on the food administration, and he probably learned something about food products then. So with that and a few months' experience on the Committee on Agriculture he has learned all he knows about agriculture.

I think I can prove to you gentlemen this afternoon by taking up the speech he made on the 25th of March, that there are a lot of things a man ought to know in order to qualify himself to become a member of the Agricultural Committee that the gentleman from New Jersey does not know.

It was a good speech. I want you to read it. I would rather you men would read the speech that he made in March than the one he made on Tuesday. The one he made in March is a good speech for agriculture. Here is what he says:

> Now, what are the actual causes of the farmer's problem? The cleverest diagnosis that I have heard before our committee, of one of the fundamentals, was presented to us by the chairman of the committee of farmers who are now appealing to us for relief legislation, Mr. Murphy, of Minnesota; and this is what he thinks is the chief trouble. At first I thought it was just clever, but I have come to the conclusion that it is sound. He says it is the American protective system. By that he means not the American protective tariff alone, but the immigration law, which has dammed up the flow of labor to this country, so that the cost of labor in what the farmer has to

buy has been largely increased; the interstate commerce act, which regulates rates, and the transportation act, which fixes a fair return to the railroads; the Federal reserve act, which hedges around with its protection the capital of this country; the 8-hour laws, and the Adamson law, which lifted the wages on the railroads and sensibly affected all other labor wages in the United States.

Mr. Murphy says, and, I think, truly, that this Government has stepped in and helped in some measurable degree capital, transportation, manufacturing, and labor—by legislation directed solely to the benefit of the various groups—but has left the farmer out. He does not ask that we tear down that protecting wall, but he asks for a new tier of bricks where the farmer comes into the picture.

Mr. FORT said, "At first I thought it was just clever." He talks here like he never heard of those facts before, while there is hardly a man within the sound of my voice that did not know those facts and has not had them pounded into his head for the last three or four years. Mr. Murphy's "clever diagnosis" was known and believed in by nearly all of us; we have read it in the newspapers; we have seen it in the farm magazines; we have known that these things caused the hard situation in which agriculture is placed to-day. My friend said he at first doubted it. It seems like he had never heard of it before. So I am bringing this statement from his own speech to you as proof positive that he began his career as a farmer in the Committee on Agriculture. [Laughter.]

His speech is so good that I want to quote some more of it:

> Now, there is a second trouble with the farmer, which is that the farmer has not become organized. There are six and one-half million farmers in America. There are 150,000,000, probably, in the world. And those six and one-half million, as individuals, are competing with each other and with the other 150,000,000 farmers, to sell products to organized buyers, and they have not a chance on earth in that kind of a competition and no other man and no other industry could live under it.

That is what we are asking here to-day. That is what he asked back yonder in March. He wrote a bill and introduced it in Congress and then changed his mind about the bill and said he made a mistake when he wrote the bill. He made a mistake the other day. He wrote a minority report on the Haugen bill, and later he said that he made a mistake in the minority report. He is either making a mistake or changing his mind all the time. Then he goes on and talks about the necessity for farm organization. We do not disagree with him in this; we are all for a thorough organization of the farmers. I am not going to take any more time in the reading of this speech, except to call your attention to one other paragraph which occurred toward the very last, and as I read it you will see that he knows something about the Bible, especially the Old Testament, which he has evidently been reading. He is like my friend from Missouri [Mr. NELSON], who talked to us the other day about the things that happened away back yonder in Egyptian times.

Here is what Mr. FORT said:

> Having determined what is our normal consumption and our normal yield, then let us take a lesson from Joseph in Egypt and proceed to acquire in our years of plenty a surplus to carry us across the years of shortage.

He has gone back thousands of years to get an illustration and yet that is what we are doing to-day, or trying to do, in the passage of the Haugen bill. We are going to try to take care of the farmer and not let him have those awful slumps that come from year to year, when one year the prices are away up and in another year they are away down. We are trying by legislation to cure that defect.

I want to say just a few more words about the speech that the gentleman delivered on the floor of the House last Tuesday. It is very much different from the one he made in March. He argued against the bill from the standpoint of the consumer. He made a magnificent speech and it must have been pleasing to the people in his district in New Jersey. Of course they liked it. He said, in substance, in closing his speech that he believed we would just simply have to let the farmer take care of himself, because that is what he meant in the few words in which he indorsed the Tincher bill. He spoke from the standpoint of the consumer.

You know there is not a man who lives and spends his entire life in a city like St. Louis, or Chicago, or New York, or any great city, who knows anything about the condition of the farmer or that can in any way sympathize with the farmer. I do not blame the gentleman himself because he has not had the chance you and I and those men who came before our committee have had with the farmer's situation. Naturally he can not help but talk about those things which call attention to the fact that in this bill we are going to increase the prices for the farmer, if we can. He spoke along that line. The laboring men who are located in the gentleman's district, represented by organized labor, came before our committee not only this year, but they came before it when we had the McNary-Haugen bill under consideration in the last Congress, and they said that they wanted to indorse any legislation that would bring the farmer a better return for his products. [Applause.] The laboring men in his district want to do the fair thing to the farmer and put him on an equality with labor and with the manufacturing industries of the country.

Every banker, every merchant, every factory owner wants the farmer to get more money for his products. They want him to get more money so as to increase his ability to buy. In other words, to increase his purchasing power. [Applause.]

The gentleman from New Jersey was interrupted yesterday by a distinguished Member of this House from New York. I refer to Mr. MILLS. Mr. MILLS interrupted him and put some tables into his speech, and the very fact that Mr. MILLS is opposed to this bill is the very best argument for this bill which we are now considering. [Applause.] From beginning to end of that great speech of 2 hours and 25 minutes the gentleman from New Jersey put up straw men and then proceeded to demolish them. The gentleman from Iowa [Mr. RAMSEYER] interrupted him upon one occasion when Mr. FORT had made the statement that if we passed the Haugen bill we would decrease the prices of commodities to the laboring men who live in foreign lands. Mr. RAMSEYER said: "That is purely speculation," and Mr. FORT replied:

> Perhaps it is, but I would be willing to sell wheat short in Liverpool if this bill passes.

A little later he objects to our bill as bringing a profit to the farmer. I never heard him say anything about his being opposed to guaranteeing the stockholders of the railroad companies a profit; that is what we did when we passed the Esch-Cummins railroad act. The Government has guaranteed the railroads a profit and the Government has aided labor. The Government has aided every industry of every kind in the United States, except agriculture. The gentleman from New Jersey [Mr. FORT] is willing to help everybody else, but is not willing to help the farmer.

Here is another piece of his speculation. He says in substance that the passage of this bill will sound the death knell to cooperative organization.

This bill is based on farm organizations, managed by a board selected by farm organizations. The gentleman from New Jersey comes from a great city near New York City. Almost every man in New York City and in New York State is opposed to this kind of legislation. Two years ago we had the McNary-Haugen bill under consideration. They used to call it the Mary Haugen bill, and I have gotten used to the name; I like it, and I am willing to have you call me Mary if you want to, because I am for this legislation and I am not ashamed of it. As I stand here to-day my thought goes back to the time of the vote on the McNary-Haugen bill. There is a gentleman within the sound of my voice, who is not now a Member of the House, but who was at that time, Mr. Stengle, who lived in New York who voted for the Haugen bill, and over on the rock-ribbed shores of old Massachusetts there was another gentleman, who has since passed to the great beyond, Mr. Greene of Massachusetts, who voted for the McNary-Haugen bill.

I have always remembered him. I can not help remembering these distinguished men from the East willing to help the American farmer. [Applause.] Are you going to follow this gentleman [Mr. FORT]? Will you follow him or will you follow the men who have given their lives to this great industry, such as those who represent great cotton organizations of the South, who came here before our committee and before the Senate? Will you follow him or will you follow these stalwart, true, and tried men of the Central and great Northwest and others who have come here and advocated legislation that will put agriculture in every section of this Republic on a more firm foundation and upon an absolutely sound basis? I do not think there is any question about which you are going to follow when you come to vote upon the pending bill.

Now, let us go back just a little. How much time have I remaining?

The CHAIRMAN. Twenty-eight minutes.

Mr. RUBEY. May I have a little more time? I believe I can appeal to my friend the white-haired, splendid gentleman from Louisiana. Will the gentleman pay attention; I have consumed 28 of my 30 minutes, and could not the gentleman give me a little time?

Mr. ASWELL. How much time?

Mr. RUBEY. About 30 minutes.

Mr. ASWELL. The gentleman is such a good man I shall have to yield as much time to him.

The CHAIRMAN. How much time does the gentleman yield?

Mr. ASWELL. Twenty-eight minutes.

Mr. RUBEY. That is all right, I appreciate it. I want to go back and talk about other things just a little while. I am going back to war times, but I am not going to stay there very long. You know when we entered the war we called upon the farmers of this country to produce in order that we might have the means whereby we could feed our soldier boys, and have enough to help feed our allies. We passed legislation in that Congress. I was here at that time. We passed bill after bill to regulate almost everything. We urged the farmers to produce and they responded nobly.

As was said by one gentleman here on the floor of the House to-day, we fixed the price they should get on wheat, the minimum price, but it became a maximum price. The farmers throughout the country, while they got a fairly good price for their farm products, they did not get what they ought to have had.

Mr. CROWTHER. Will the gentleman yield?

Mr. RUBEY. I prefer not until I have concluded. Congress established a corporation to handle the wheat. It was headed by Julius Barnes. He took control of wheat and some other products, and when the war was over, through this corporation he had made $51,000,000 in the handling of wheat. Did that go to the American farmer? No. It went into the Treasury of the United States and the farmer did not get anything out of it. The farmer had lost all the profit, of course, and we have been told that through the methods used in handling wheat and other farm products the farmers lost over a billion dollars during the war.

Mr. SCHAFER. Will the gentleman yield?

Mr. RUBEY. I prefer not. I can not yield to one without yielding to others. I want to finish my statement, please. What was the situation when the war was over? These men worked night and day. They increased their acreage, enlarged their feed lots, fed more cattle. They cultivated land never cultivated before. They produced more than the farmers of America ever thought of producing before. And let me tell you something, outside of the soldier boys, I have always given the farmers credit for winning the war. There is no class of people in this country that did as much to win the war as the farmers of America. When the war was over, what happened? Soon then after came the deflation, that unjust, cruel, and unnecessary deflation that brought ruin and bankruptcy in its wake. In every farm community the value of livestock, of farm lands, went down, and the farmers found themselves in the most critical condition they had ever before faced.

Banks failed everywhere, especially out in the agricultural districts where they had behind them agricultural securities. The farmers have been trying to get ahead; they have been keeping up production; they have been plodding along and working hard and doing everything they possibly could to get on their feet again. They have increased production and sent abroad their surplus. Those surpluses have come back to bring down prices at home. They have had to sell their surplus shipped to foreign lands at a low price. They have had to sell in competition with farm products from all over the world, and those prices have come back to America and fixed the prices of their products that were sold in the domestic market here at home. We are offering here a measure to handle that situation and to give the farmers of America an opportunity to control the prices of that surplus.

The farmers came here two years ago and asked for legislation. They did not get it. Congress made an effort to pass the McNary-Haugen bill, but it failed. Let me tell you something: I am going back to that period. I want to talk to you plainly for just a little while. It was not very long after we had the fight here in the House on the McNary-Haugen bill until the two great parties met in national conventions assembled. What did they do? They realized the condition of American farmers. I want every Democrat here to hear me, and I want every Republican here to hear me on this one proposition. They had to write their platform. I want to talk to you a minute about those platforms. Here they are; they are twin platforms. You have twin bills pending here. These platforms are almost identical. In Cleveland when they met——

Mr. MANLOVE. We have triplet bills pending here. [Laughter.]

Mr. RUBEY. Yes. In the committee two bills were first adopted, and then the third, the Aswell bill, was agreed to out of courtesy to Mr. Aswell practically by unanimous consent. The convention at Cleveland declared:

We recognize that agricultural activities are still struggling with adverse conditions that have brought deep distress. We pledge the party to take whatever steps are necessary to bring back a balanced condition between agriculture, industry, and labor, which was destroyed by the Democratic Party through an unfortunate administration of legislation passed as war measures.

I do not like to read the last clause, because they place the blame all on the Democratic Party. You will notice that they say:

Which was destroyed by the Democratic Party through an unfortunate administration of legislation passed as war measures.

Now, what did the Democratic Party say in its platform? They have a better platform on that question than our Republican friends. The Democratic platform is as follows:

To stimulate by every proper governmental activity the progress of the cooperative marketing movement and the establishment of an export marketing corporation or commission in order that the exportable surplus may not establish the price of the whole crop.

What are you going to do? Are you going to pay no attention to your platform? Men on each side of the House, I ask you that question to-day. Here is an opportunity. Here is the Haugen bill. The Tincher bill will not give it to you. The Haugen bill will give you an export corporation that will handle the situation so that your domestic price will not be fixed by the export price that you get for your products that you have to ship abroad.

You talk about party lines. We have them, of course. Some folks are what are called "yellow dog Democrats" and some folks are called "yellow dog Republicans." They will vote for anything. But I am glad to say they are getting scarcer. They say, "If you do not want me to vote for a man, do not put him on my ticket." In other words, these folks are ready to vote for anybody that gets on the ticket. But those times are passing, and I am glad of it.

But listen, friends: Is it more important to vote for every man on the ticket, or is it not just as important, and possibly more so, to vote to carry out the solemn pledge that you make to your people when you go before them asking for their suffrages? [Applause.]

There is not a man in this House, Democrat or Republican, that did not stand on his platform last fall, telling the people, especially if they lived in a farming district, about that declaration in his party platform. If he were a Republican, he read his Republican platform; if a Democrat, he read his Democratic platform; and if he was elected he came here as the result of that platform. Are you going to carry out the pledges you made to the people last fall, when you told them you would vote in accordance with the platform on which you were running?

I wish I had time here to discuss at length the Haugen bill, but so many gentlemen are going to speak that you will hear it thoroughly discussed before we get through.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield for a short question?

Mr. RUBEY. Yes.

Mr. HUDSPETH. Did the Democratic platform indorse the Haugen bill?

Mr. RUBEY. No; but we indorsed a bill whose principles are now embodied in the Haugen bill. Here is what it says: "An export marketing corporation" to handle the surplus, so that "the exportable surplus may not establish the price of the whole crop."

That is in the bill.

Mr. HUDSPETH. Does not the Tincher bill do it?

Mr. RUBEY. No. It is a voluntary proposition from beginning to end, and half the people of the country may have nothing to do with it.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. No. The gentleman has got plenty of time.

Mr. TINCHER. I was going to yield time to the gentleman a little while ago.

Mr. RUBEY. Well, what does the gentleman want to ask?

Mr. TINCHER. I want to ask the gentleman if he construed either of the party platforms as indorsing a bill that contemplated a subsidy for agriculture?

Mr. RUBEY. Well, you will have to indorse them both, because both of them have subsidies in them.

Mr. TINCHER. Well, the gentleman disagrees with the author of one of the bills in that; but does the gentleman construe either of the platforms as indorsing in substance a subsidy from the Federal Treasury?

Mr. RUBEY. For two years, of course.

Mr. TINCHER. Does the gentleman think that would influence production?

Mr. RUBEY. No; not to amount to anything. But I can not yield further.

Mr. TINCHER. I will yield to the gentleman five minutes, because I took up some of his time.

Mr. RUBEY. All right; I am much obliged to the gentleman.

Now, we have before us here a bill which is an ideal plan. We have a board that is so constituted that it makes this bill an agricultural bill. We have a council made up of men from every one of the 12 land-bank districts, making 48 members. That is known as the council. They meet and they select 3 men from each land-bank district to submit to the President; and, from the 3 men the President selects, 1 to represent the district, constituting a board of 12, to be known as a Federal farm board. We have a board that is a farm-created board—a farm-operated board, and a board that will handle the business for the American farmer.

For just a little while I want to discuss another matter, and that is the equalization fee, because there are so many misrepresentations about it. My friend on Tuesday talked about the farmers coming here and asking us to take the equalization fee off. He said the farm representatives finally came in and asked us to take the equalization fee off, but in that Mr. FORT is in error. Let me tell you what happened.

Farm representatives from the West appeared before our committee. We were anxious to have them come here. A gentleman was giving evidence before the committee, and the member of the committee from South Carolina [Mr. FULMER] asked him why he did not get the representatives of the cotton industry to come up here. He said:

> Write to those organizations and get them up here and confer with you.

He did write to them, and they came, but they did not ask us to take off the equalization fee. I am telling you what I know. I was present when those gentlemen made their appearance before the Senate Agricultural Committee. I went over there with some Members of the House—my friend from South Carolina [Mr. FULMER], and the gentleman from Oklahoma [Mr. SWANK], and others. The cotton representatives made their presentation to the Senate Committee on Agriculture. They said they favored an equalization fee. They made their presentation in a fine and in an eloquent way. What happened? Let me tell you something.

When they got through talking some of the southern Senators vigorously protested against the equalization fee, or, as they called it, a tax on the farmer. They are the gentlemen who commenced the work of defeating the equalization fee. It was not the farmers of America, and it was not the representatives of the farmers; and, in fact, it was not the representatives of the southern farmers who came here that brought about the deferring of this equalization fee for two years. What happened? When the Senate committee reported their bill they took the equalization fee off of cotton, or, rather, they deferred it for three years, and they left it on the other products of the West. Then there came up a discussion as to whether we ought to put it on one and not put it on the other, and as a final result the men in the House and in the Senate, those who are interested in the passage of this kind of legislation, finally decided that the best thing to do in order that we might pass this kind of legislation and get it through the Senate and the House was to defer it on all products for the same period of time, two years, and that was done.

Then what happened? Consultation was had with representatives of the farmers who were here urging the legislation, including those who came from the Cotton States, the Corn Belt, the Committee of Twenty-two, the American Farm Bureau, and others upon the question of deferring the equalization fee for two years and they finally consented. Those are the facts. When any man gets up on the floor of the House here and says that the farmers of the country asked to defer the equalization fee or that the farm representatives who came before the committee asked that the equalization fee be deferred, they are absolutely and entirely wrong.

Mr. KETCHAM. Will the gentleman yield?

Mr. RUBEY. I prefer to finish my speech. The gentleman can get all the time he wants.

Now, gentlemen of the House, we have this bill before you. I would be glad to tell you how you happened to get all three of these bills at once, but under the rules I can not do that. They will not allow us to tell what happened in the committee, but I would be glad to do it. I want to say this, however, that the bringing in of all three bills at one time was not a unanimous proposition by any means, but they got enough votes, and they brought two in at once, and later on, by unanimous consent, they brought in the third bill, the bill of the gentleman from Louisiana.

Our committee has been in careful consideration of all these measures ever since the 5th day of March. We have worked day in and day out, and we have worked lots of nights. We are the only committee in the House of Representatives that gives every man who comes before the committee absolutely unlimited time. When a man comes before the committee as a witness he can talk as long as he wants to talk. Then when he gets through his first discussion we go around the table and every committee member has unlimited time in which to ask him questions.

We went thoroughly into the discussion of this bill during the whole of the month of March and up to the time we made our report.

I am a member of the Agricultural Committee. We are good friends, all of us. We get along nicely. We have a little politics now and then because that is good for the best of men, and when one fellow butts in and makes a little political speech or political suggestion of some kind on one side you can not expect a fellow on the other side to sit still, so he butts in, and we get a little discussion now and then of politics. But let me tell you folks there is not a single, solitary scintilla of politics in the Haugen bill. We have a measure here that brings relief to the cotton people in the sunny South. It goes into that western country and into the great Northwest and takes care of wheat. It takes care of your cattle and hogs all over the country, wherever they may be.

So, my friends, we have a bill here that touches every section of the country. We have a provision in the bill which takes up outside products. It takes up the tobacco of my friend from Kentucky. It takes up dairy products. Every one of those products can be handled under the provisions of this bill.

Gentlemen, I appreciate your kind attention. [Applause.]

Mr. ASWELL. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. JACOBSTEIN].

Mr. JACOBSTEIN. Mr. Chairman and gentlemen of the committee, I had not intended to speak on this subject or on any of the specific agricultural bills now before the House. I thought I would make my little contribution, humble as it is, by merely exhibiting charts which I had prepared and worked out for me by the splendid staff of the Bureau of Agricultural Economics of the Department of Agriculture. As some of you know, I hung these charts in the corridor and let the charts speak for themselves. A number of gentlemen were kind enough to express some appreciation of the charts and asked me to present the substance of them, with an explanation, to the Members of the House, which I am glad to do.

These six charts which are now displayed before you set forth graphically the price trends of important basic agricultural commodities in relation to prices of nonagricultural commodities. The basic commodities here treated are those which are specifically named in one of the principal bills—the Haugen bill, H. R. 11603—now under consideration—wheat, corn, cattle, hogs, cotton, butter. A general average is also presented for 30 representative agricultural commodities, including these 6 basic commodities, as related to the wholesale price level for nonagricultural commodities.

There are two questions that are frequently asked which I think these charts might help to answer. One question is this: "Is not the disparity between prices of agricultural and industrial commodities being wiped out, so that we do not need any legislation?"

This question is naturally asked, since many persons in high authority, including administration spokesmen, have indicated within the past few months that agricultural prices are gradually but surely reaching the level of other prices. Of course, if you accept this view, then the farm emergency and the corresponding need for legislation have passed. I hope to shed some light on this question as I present and discuss the facts portrayed in these charts.

The second question asked is of tremendous importance: "Is this a fight between the city and the farm interests?" Ever since the question was asked by the gentleman from New York [Mr. MILLS], and others, as to whether the legislation here before us is going to increase the price of necessities to the consumer, from that moment on it looked as if this were a fight between the producers and the consumers of farm products. This question, too, I hope to answer as I proceed with my statement.

As I understand it, the proponents of this farm legislation say that what the farmer has to sell does not enable him to purchase now as much of other commodities as he was able to buy before the war. Is it true that the purchasing power of the

farmer's products has shrunk? Is it true, for instance, that the bushel of wheat will not to-day buy for him shoes, clothing, furniture, agricultural implements in the same quantities as it did before the war?

In discussing these questions, gentlemen, I think we make a mistake if we consider agriculture as a single unit. Before I get through I hope you will see the necessity of treating separately the problems of farmers by the individual commodities that they produce. In other words, we have a series of problems, a cotton problem, a wheat problem, a corn problem, a hog problem, a cattle problem, and not merely a general agricultural problem to solve.

Before I proceed with a discussion of these charts, may I remind you that I come from an agricultural as well as an industrial community in western New York, a very rich agricultural community. Furthermore, I lived for several years in the Northwest, so that I approach this subject with a sympathetic interest, and, I hope, an understanding born of actual contact with farmers and their problems.

Now, let us look at the charts—Chart No. 1, wheat prices. We take the wholesale prices of about 300 commodities representative of what the farmer buys, which we call nonagricultural commodities. They are represented by the red line on each chart. I have not the time to list them all, but they include the principal items of boots and shoes, clothing, cotton goods, woolen goods, coal, oil, iron and steel products, household furniture, kitchen utensils, leather goods, lumber and bricks, drugs, fertilizers, and other important products of daily consumption. These commodities are sufficiently representative of the things the farmer buys but does not produce. We take the prices of these articles for a five-year period, from August, 1909, to July, 1914. The average, weighted according to their importance, is used as a base, called 100.

Then we take the average price of each farm product for the same five-year period and call that 100. We then proceed to compare the price curve for nonagricultural products with each farm product for each year over the entire period from 1910 to 1926. This gives us a picture of price trends.

WHEAT PRICES

Let us trace wheat prices on the wheat chart. You will observe that before the war, between 1910 and 1914, the heavy black line (representing the wheat price) hovers closely around the red line (representing nonagricultural prices), and that they do not remain out of line very long prior to the war.

Mr. LARSEN. What is the percentage of those lines?

Mr. JACOBSTEIN. The chart can be read both in terms of percentages of the pre-war averages and of actual prices. When the prices of nonagricultural commodities went up to 105 in 1910 wheat was selling at 20 per cent above the average; that is, the price of wheat was 120.

Mr. COOPER of Wisconsin. Wheat is the black line?

Mr. JACOBSTEIN. Yes; wheat is the black line, and the red line represents all things that the farmer buys, nonagricultural products. The other day I called attention to the implied error made in the question of the gentleman from New York [Mr. MILLS]. He failed to exclude the things the farmer produces in comparing prices. The proper comparison is between prices of wheat the farmer produces and sells, on the one hand, and the prices of things he buys and does not produce, on the other.

So you will notice the black line follows the red line except in such years as 1914-15, where you had a world wheat shortage coincident with a heavy war demand. Likewise, in the abnormal war period, 1917 to 1920, when the wheat price was affected by war conditions and domestic price control by the Government. The wheat price then was way up above the red line during the period of this war influence. Therefore, in that period the wheat growers operated advantageously; that is to say, they were able to buy with a bushel of wheat more products than they were able to buy prior to the war.

Mr. MANLOVE. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. MANLOVE. I wonder if it is generally understood that the disparity between each one of these blocks on the chart represents 10 cents.

Mr. JACOBSTEIN. That is approximately so; but, for the moment, I want you to forget the absolute price, and I want to direct your attention to the relative prices, represented by index numbers, an index number being the price to-day compared with prices in some base period. In this way only can we truly or effectively compare the price of a single commodity with an average of many commodities over a period of years.

Mr. COLLINS. Will the gentleman yield?

Mr. JACOBSTEIN. Certainly.

Mr. COLLINS. Are these wholesale prices of nonagricultural commodities?

Mr. JACOBSTEIN. Yes. We take the wholesale prices largely because retail prices paid by farmers are not available for many commodities over a period of years. It is true that retail prices are higher to-day than the wholesale prices, but they were also higher than wholesale prices before the war. The retail prices are always higher than the wholesale prices, but what we are interested in is the change that has taken place in the retail prices paid by farmers. My argument here assumes that the general level of wholesale prices of nonagricultural commodities represents, for all practical purposes, the level of prices paid by the farmer. I am informed by the Department of Agriculture that this is the assumption underlying the price statistics in their reports—that is to say, that if we had a curve representing retail prices, it would to-day be where the wholesale curve is, namely, about 60 to 70 per cent above the pre-war price level.

Mr. MANLOVE. Is not that the very crux of the whole thing—that the disparity is between the price relativity of the agricultural commodities?

Mr. JACOBSTEIN. I am not sure I understand your question. The farmer who sold a bushel of wheat any time between October, 1920, and October, 1924, received, on an average, $1.15; he went into the market to buy clothing, shoes, canned goods, furniture, farm machinery, and so forth, but did not secure the same amounts of merchandise as he did prior to the war. In order to purchase the same quantities of general merchandise his wheat should have sold for about $1.45.

Mr. WEFALD. Is it not a fact that the farmer sells in the wholesale market and buys in the retail market?

Mr. JACOBSTEIN. That is true. The farmer spends more of his income in the retail market than do other producers, and sells in the wholesale market, and to this extent it is an additional factor operating against the farmer; but I do not want to get into that kind of discussion at this point.

Mr. WEFALD. But is not that the fact?

Mr. JACOBSTEIN. To elaborate my reply, it would be necessary to enter into a discussion of costs and net income, and this would carry me beyond the time allotted me.

From 1919 the price of wheat fell, and all of this area between the red line—nonagricultural prices—and the black line—wheat prices—indicates a loss which the wheat farmer took for the period of about five years, and that is what gave great impetus to the agitation and demand in this country for farm-relief legislation. The McNary-Haugen farm relief bill of 1924 arose in large part out of the distress in the wheat areas. The actual loss in dollars and cents which the wheat farmers of the United States suffered by virtue of the drop in the purchasing power of their product from July, 1920, to July, 1925, amounted to $1,150,000,000. That is to say, the wheat farmers were able to buy with their actual cash income from wheat a billion dollars less of other goods than they used to buy before the war with the same income. To put this in another way, to have bought the same amount of goods the wheat growers should have received at least an additional $1,000,000,000 from 1920 to 1925.

Mr. RATHBONE. Will the gentleman yield?

Mr. JACOBSTEIN. I will.

Mr. RATHBONE. It is apparent from the chart that the farmers' prices have been below the wholesale prices in other commodities.

Mr. JACOBSTEIN. Yes. So far I have dealt with wheat only. For this crop, prices have been far below other prices from the middle of 1920 to the middle of 1925, using the pre-war period as a base. The farmers' prices for other crops are not necessarily like that for wheat, as we shall see. Each crop has its own set of experiences. When wheat is down, it does not follow that other crops are down. You will notice that most of the time since January, 1925, wheat has been at or above par.

Mr. LARSEN. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. LARSEN. There has been a great fluctuation in wheat in that time.

Mr. JACOBSTEIN. Yes; great fluctuations since 1920, and unfavorable to the wheat farmer up to January, 1925, and favorable to wheat since 1925. The crisis for the wheat farmer has for the present disappeared, and that is the thing, I think, that threw my friend from New York off the path. He was talking about the disparity being wiped out. He was probably thinking only of wheat since 1925.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. JACOBSTEIN. I yield to the gentleman.

CHART 1

WHOLESALE PRICES OF NON-AGRICULTURAL COMMODITIES
COMPARED WITH
WHEAT PRICES
MONTHLY-1910 TO DATE

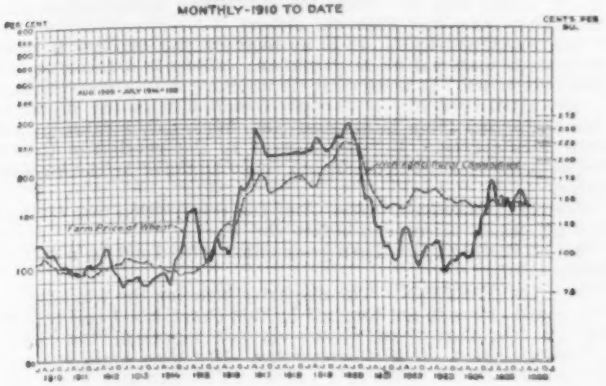


CHART 2

WHOLESALE PRICES OF NON-AGRICULTURAL COMMODITIES
COMPARED WITH
CORN PRICES
MONTHLY 1910 TO DATE

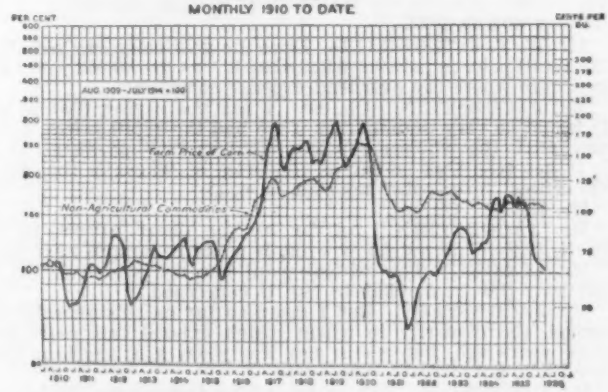


CHART 3

INDEX NUMBERS OF FARM PRICES AND WHOLESALE PRICES OF NON-AGRICULTURAL PRODUCTS-UNITED STATES
MONTHLY, 1910-1926

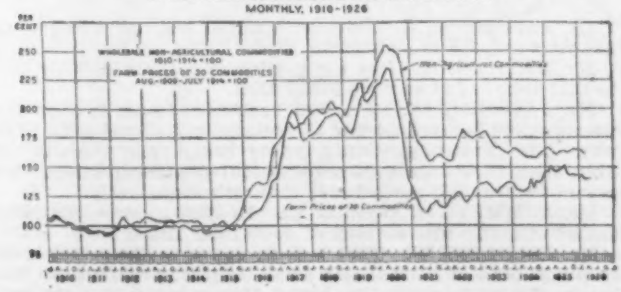


CHART 4

WHOLESALE PRICES OF NON-AGRICULTURAL COMMODITIES
COMPARED WITH
COTTON PRICES
MONTHLY-1910 TO DATE



CHART 5

PRICES OF WHEAT, WHEAT FLOUR, AND BREAD, AT MINNEAPOLIS AND OF WHEAT FLOUR AT NEW YORK CITY
1913-'14 — 1922-'23

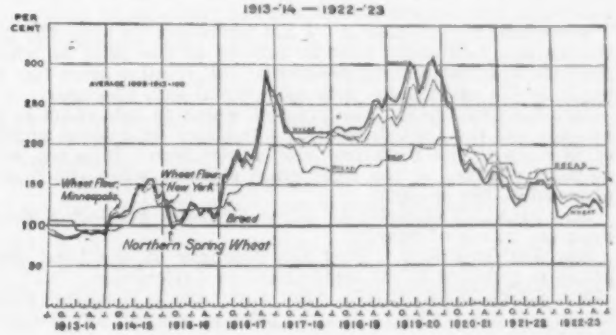
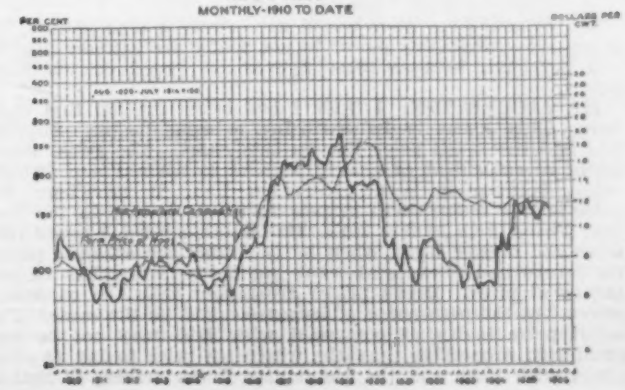


CHART 6

WHOLESALE PRICES OF NON-AGRICULTURAL COMMODITIES
COMPARED WITH
HOG PRICES
MONTHLY-1910 TO DATE



Mr. SUMMERS of Washington. When the price of wheat went up at the beginning of 1925, it is worth while mentioning that it was out of the hands of the wheat farmers.

Mr. JACOBSTEIN. It is generally true that farmers fail to take full advantage of a rising market. But, furthermore, the shortage in the Canadian wheat crop in 1924 was apparently not realized by the American farmer until after the wheat had left his hands. That is another problem which we can not go into at this time—that although wheat reached as high as $1.70 on the farm toward the end of the marketing season the average price realized for the entire crop was less than $1.30.

Mr. KETCHAM. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. KETCHAM. To what extent does the regulation of production account for the rise in the price of wheat?

Mr. JACOBSTEIN. I do not think the regulation of domestic production was responsible for this increase in price.

Mr. KETCHAM. In other words, what relation did the total amount of production have to the price of wheat?

Mr. JACOBSTEIN. The high prices occurred at a time when our own crop, 873,000,000 bushels, was the largest since 1920.

Mr. LARSEN. The gentleman says that the wheat had passed out of the hands of the producer?

Mr. JACOBSTEIN. Yes; before the peak had been reached.

Mr. MORGAN. Will the gentleman yield?

Mr. JACOBSTEIN. I will.

Mr. MORGAN. Has the gentleman the prices of the nonagricultural products, the wholesale prices, that he can insert in the RECORD to show the comparison with the price of wheat?

Mr. JACOBSTEIN. Yes; I have the absolute prices of these commodities, which can be found in the monthly bulletins of the Bureau of Labor Statistics. But there would be no point in reproducing these detailed prices in the RECORD. You gentlemen understand that this is a composite index, which represents approximately 300 articles, all of which are directly or indirectly used by the farmer but not produced by him.

Mr. SHALLENBERGER. I am interested in what the gentleman has said about how he arrives at the price of wheat. Does the gentleman mean to say that this relative price does not apply to the same place such as, we will say, Chicago?

Mr. JACOBSTEIN. The price of wheat in this chart is the average for the United States, as reported by a large number of farmers to the Department of Agriculture. It is the price actually received at the local grain elevator when the farmer disposed of his product.

Mr. SHALLENBERGER. How does the gentleman determine the prices of wheat?

Mr. JACOBSTEIN. They are averages of the local farm prices as reported to the Department of Agriculture.

Mr. SHALLENBERGER. But there are a thousand places where you are trying to find the price of wheat. Do you have that in the line?

Mr. JACOBSTEIN. Yes. The reports cover all States. I have no reason to doubt that the prices are typical, since they were prepared and supplied to me by the Bureau of Agricultural Economics, with its splendid staff of economists and statisticians. As a matter of fact, all the data presented here can be found in the current publications of the Bureau of Agricultural Economics.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. SCHAFER. On this side of the chart you have these two lines, practically converging in 1925, which would seem to indicate that the farmer can purchase on a 100 per cent basis and sell at a 100 per cent basis.

Mr. JACOBSTEIN. Yes.

Mr. SCHAFER. That would not convey a true picture, because this purchasing power is not really the amount that he can purchase, because these figures are based on wholesale prices.

Mr. JACOBSTEIN. I think I had better explain that right here. This seems to be confusing to some people. Suppose you had the retail price line on this chart. The retail curve might be coincident or closely parallel to the red line (wholesale), because it is a percentage line. It is where the price stands to-day with respect to where it was in the five-year period from 1909 to 1914. On the other hand, I admit that when the farmer buys, when he is paying the absolute prices for fences and plows and what not, he certainly has to pay the retail price. Retail prices are higher than the wholesale prices, but the percentage of increase might be the same. The retail price to-day as compared with 1909 may not be any greater in proportion than the wholesale price to-day as compared with 1909, and the assumption I am making is that a retail curve, if we had one, would be close to the wholesale curve.

Mr. WEFALD. That shows again that the picture on account of the first five years the gentleman speaks about is not absolutely true and accurate either.

Mr. JACOBSTEIN. It is as near as you can get it to-day, with such material as is available. There is a slight error in most statistics. It is as close as we can get to a true picture.

Mr. HUDSPETH. If the gentleman admits the premise of the gentleman from Minnesota [Mr. WEFALD], I think then his charge is correct. Let me suggest to the gentleman that the retail price of meat is about ten times as much as the wholesale price.

Mr. JACOBSTEIN. Yes. But the retail price was far above the wholesale price even before the war.

Mr. HUDSPETH. Then your chart would not be a fair representation.

Mr. JACOBSTEIN. The disparity between the wholesale and the retail prices is not touched by this chart, but I call attention to the fact that these charts do not represent the absolute wholesale price. It is a percentage. If a man could buy a suit of clothes at the wholesale price in Chicago for $20 in 1919, and it is sold for $30 to-day, the index figure to-day would be 150. That is the percentage. It has gone up 50 per cent, and we will put a dot here at the figure 150. Suppose the retail price were $30 in 1909 and the price now jumps to $45, that would be a raise of 50 per cent, and our point would be here just the same, because it is a relative number, again 150. This presents, I think, as near as possible, a pretty fair picture.

Mr. FORT. I have not yet gotten the basis of the gentleman's averages. How are they weighted? What is the basis of weight. Is the same value attributed to a package of pins as to a package of something much more valuable?

Mr. JACOBSTEIN. No. In considering this composite price index number they attempt to give a weighted average according to the volume of the transactions in each community in the country during 1919.

Mr. W. T. FITZGERALD. Does the gentleman say now that the retail price is parallel with what it was five or six years ago in a case where the overhead expense comes in?

Mr. JACOBSTEIN. Oh, no. I am not saying that at all. It would be very illuminating if we had the retail prices, as we now have the wholesale prices. Before leaving wheat, then, is it not true that so far as the price of wheat is concerned, the critical fever point has been passed?

Mr. BEGG. Oh, no.

Mr. JACOBSTEIN. As far as the chart carries us—to April, 1926—I do not know what is going to happen next year.

Mr. CLAGUE. The critical point has not passed so far as anything the farmer has to buy is concerned.

Mr. JACOBSTEIN. But I mean so far as this year is concerned, the disparity in wheat which existed two years ago, three years ago, four years ago, five years ago, has been very largely, if not entirely, eliminated.

Mr. RATHBONE. Taking everything just as you say in that period of time covered by the chart, it is undoubtedly shown by that chart that the price has been on the average in that period of time lower than the wholesale prices of other commodities.

Mr. JACOBSTEIN. That is right. Wholesale nonagricultural prices have remained pretty constant for the last five years, and wheat has gone up from a dollar to a dollar and a half. Is not that true? These wholesale prices everyone knows have been pretty constant for the last five years.

Mr. RATHBONE. Let me ask one more question. This chart begins with 1900?

Mr. JACOBSTEIN. Nineteen hundred and ten, based on the five-year average from 1909 to 1914.

Mr. RATHBONE. Has the gentleman a chart showing prior to that time? Prices were lower then.

Mr. JACOBSTEIN. We went back far enough to show that wheat prices hovered around the general price level prior to the war. The farmers got stung pretty badly after the war was over, with their increased acreage still producing wheat. The price of wheat fell much lower than prices generally.

Mr. SUMMERS of Washington. In 1925 there was a shortage of wheat in this country of more than 125,000,000.

Mr. JACOBSTEIN. That is true, and it is likely that if our crop had been of normal size domestic prices would have been lower. Let us now consider corn. Here you see how unwise it is to discuss agriculture without differentiating between the crops. [Chart No. 2, Corn prices.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. I yield the gentleman 15 minutes.

Mr. TINCHER. I will yield the gentleman 15 minutes if he will use it himself.

The CHAIRMAN. The gentleman is recognized for 30 minutes.

CORN PRICES

Mr. JACOBSTEIN. I want to announce that I am not competing with the able presentation made by the gentleman from New Jersey [Mr. FORT]. [Applause.] This chart pictures instantly to your mind why the corn farmers are more interested in legislation at the present moment than perhaps anybody else. [Chart No. 2, Corn prices.] This is the key to the demand for farm legislation to-day. The corn farmer has been, and is yet, a very heavy loser. The actual loss to corn producers since 1919, shown on this chart, has been over a billion dollars. The index of wholesale prices of nonagricultural products is about 160, whereas the index number for corn is almost 100. In other words, so far as corn prices are concerned, there is a tremendous disparity, and no one can stand upon this floor and say there is no farm problem; if so, he does not recognize facts. [Applause.]

The farmers who raised corn prior to the war received a price in line generally with the price of other (nonagricultural) commodities. To be sure, there was some fluctuation, but not much more than 20 per cent above or below the general level. But since 1920 corn has varied from as high as $2 a bushel down to 40 cents, lower than at any point in the past 15 years. When corn struck the 40-cent bottom, or 40 per cent below the pre-war level, other prices were 50 per cent above. Furthermore, only in one year during the past six years have corn prices been at par, and that was the result of the short crop of 1924. The present large crop has brought corn prices down to pre-war levels. Even while I am talking corn is reaching the lowest point of this season, a general average of 60 cents on all farms and even lower in the Corn Belt.

As you all realize, the losses of the corn farmer are registered not only in the farm price of corn, but also in the farm price of hogs. This is so because about 80 per cent of the corn crop is usually fed to hogs. Now, then, what happened to hog prices as revealed in this hog price chart? [Chart No. 6, Hog prices.]

HOG PRICES

The losses of hog producers, you will observe, go back even earlier than those from corn. Just as soon as the war was over and the excess of meat products on the world markets became known domestic prices immediately slumped, and in general continued to fall until the middle of 1924. In fact, the curve of hog prices since October, 1919, except for a brief period of a few months, has never been above the line representing the general level of nonagricultural prices, and throughout the long period was considerably below par and practically at pre-war levels, which means that they have been 50 per cent below par in purchasing power. The average price during this period was near 8 cents a pound, when a 12-cent price would have been justified by the level of other prices. The significant fact in the present hog situation is that, even as a result of reduced hog supplies, the price has barely risen to the general level of nonagricultural prices. Without posing as a prophet, I will leave it to you to judge the immediate future should present low prices of corn induce larger supplies of hogs next year.

In terms of what hog prices were and what they should have been, the hog producers lost approximately $2,600,000,000 in the past six years. [Applause.]

Mr. SINCLAIR. Now, as to the loss on corn?

Mr. JACOBSTEIN. On the same basis cash corn farmers lost about $1,000,000,000 and the hog people lost $2,680,000,000. They would have had that much more money in their pockets if they could have received an average price in line with the level of prices of nonagricultural commodities on a pre-war basis. [Applause.]

CATTLE PRICES

Our next chart, on cattle prices, speaks for itself. It is a very sad story indeed. I was in Missouri three years ago and a year ago, when I met some cattle people, and I thought they were spoofing me when they told me they were broke. Now I can really understand it. The cattle producers have been losing constantly and heavily since July, 1919. They have not begun to approach the prices they are entitled to by comparison with other prices, and they have not yet regained their purchasing power for the cattle that they sell. They have been getting from 5 to 6 cents a pound, but should have been receiving 8 cents a pound to restore their purchasing power to a pre-war basis.

Notice that the favorable price rise of 1925-26 brought the average up to $7 a hundred pounds, which is still considerably below normal. Here is real evidence of a wide and disastrous price disparity of serious moment, not only to the livestock producers but to the country as a whole.

Mr. LARSEN. How much have they lost?

Mr. JACOBSTEIN. Two billion three hundred and sixty million dollars.

Mr. LARSEN. Since when?

Mr. JACOBSTEIN. Since July, 1919. Cattle have averaged only between $5 and $6 a hundred. You gentlemen who are interested in cattle will bear that out.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. HUDSPETH. That covers a period of six years?

Mr. JACOBSTEIN. Yes; and to break even it should have been about $8 a hundred. They lost 50 per cent of their purchasing power. I do not see how anyone can face these charts, which were constructed by disinterested people, and say there is no farm problem in America. [Applause.]

BUTTER PRICES

The gentleman from New York [Mr. SNELL] showed his interest in butter the other day by interrogating one of the speakers. I think a mere glance at this butter chart, even looking over it hastily, will indicate to you that the butter people have not suffered as much as other farmers. The dairy industry generally has been considered good, but even here, in terms of relative prices, butter has been about 10 per cent below par from 1921 to 1923. This, however, was partly offset by increased production during this period. Through the whole 15-year period since 1910 butter prices have followed the general price level more closely than other basic farm commodities. The recent increase in the butter tariff through the Tariff Commission, sanctioned by the President, has apparently stabilized the price a little further and the butter people are doing pretty well. The dairy products have lost less money than any one of the crops that would be covered by any of these so-called agricultural relief bills. But even here, taking all dairy products into consideration, the total money loss reached nearly a billion dollars. I am aware, of course, that this was largely made up by increasing the supply.

COTTON PRICES

I think this cotton chart is very illuminating, because it suggests the reason why cotton producers are now exhibiting a keener interest in farm relief legislation. [Chart No. 4, Cotton prices.]

Mr. MANLOVE. Mr. Chairman, will the gentleman yield for a brief question? Have you data on poultry?

Mr. JACOBSTEIN. No.

Mr. MANLOVE. Just the basic crops?

Mr. JACOBSTEIN. Yes; just the basic crops that are directly mentioned in the pending bills. Of course, when there is too great a crop of cotton the world markets control. The basic fact in the cotton situation is that world demand is the potent factor. We had a great disparity in 1914-15, as a result of a combination of factors—a large crop, business depression, and the beginning of the World War. In 1917 we had a recovery, and cotton remained above par until 1920. A sharp break in 1921 was followed by a quick recovery in 1922, and prices remained above par until the movement of the present enormous crop.

To-day cotton is bringing between 16 and 17 cents at the farm, as an average for all grades. To break even on a pre-war basis, and bring it in line with other commodities, cotton should bring about 20 cents. It is this slump, and the doubtful future prices which are the reason why our cotton friends are interested in this legislation. If I lived in the South and represented a cotton district, I would naturally be more interested in this legislation at this moment than I would have been when the McNary-Haugen bill came up two years ago.

Mr. LARSEN. They are losing now about 2 cents a pound?

Mr. JACOBSTEIN. Yes.

Mr. SUMNERS of Texas. Are those figures on the middling basis?

Mr. JACOBSTEIN. They fluctuate like middling, but are the actual average for all grades as received by cotton farmers at the farm.

Mr. FORT. Mr. Chairman, will the gentleman yield a moment for a question on cotton?

Mr. JACOBSTEIN. Yes.

Mr. FORT. Your chart there is based absolutely on the price, and not on any relation between price and production?

Mr. JACOBSTEIN. The chart is based only on the unit price. It is absolutely what the farmer gets per pound when he gets rid of his crop. But I realize that the price per pound is not the only factor.

Mr. FORT. And if a cotton farmer of the South was getting, for illustration, 150 pounds to the acre, his income might be better than 100 pounds to the acre at a higher price?

Mr. JACOBSTEIN. Yes. To that extent he gets an additional income or profit from his entire crop. The fluctuations in cotton prices during the past three years have been offset by the variations in the size of the crop.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. CRISP. Will the gentleman state how much the cotton producers lost in that period?

Mr. JACOBSTEIN. From 1919 to the middle of 1925, according to the figures, the cotton producers appear to have gained $380,000,000. [Laughter.]

Mr. CARTER of Oklahoma. Mr. Chairman, I ask that the answer of the gentleman from New York be stricken from the RECORD. [Laughter.]

Mr. JACOBSTEIN. I simply want to indicate to you that facts are facts. To me there is no such thing as a Republican fact or a Democratic fact.

Mr. CRISP. The thing I wonder about is where that gain went.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. BARKLEY. Can the gentleman inform the House how much the loss would be to the cotton growers if the present disparity, shown by the chart, should continue for some length of time?

THE OUTLOOK FOR 1926

Mr. JACOBSTEIN. Between 2 and 3 cents a pound on a crop of about 16,000,000 bales of 500 pounds each. You gentlemen who are interested in agriculture ought to get the Agricultural Outlook for 1926, Circular 65, published by the Department of Agriculture two months ago, in which the outlook for this summer and fall is given for each of the leading crops. The United States Department of Agriculture, in a general way, suggests the probable future as to these crops, and anyone who wants to form a judgment in the light of legislation upon these forecasts should consult that circular.

Take, for instance, cotton. Some one asked, What are cotton growers going to lose if this price disparity continues? They are now losing 2 cents per pound. The forecast is that the conditions under which the new crop will be marketed are uncertain, but there is no market indication that the mill demand will increase in the coming season, and therefore the prices will not be higher. In other words, the outlook for cotton is none too favorable; but, of course, you understand, the department is not, and can not be expected to be, too definite or too explicit. I will read you from this report the cotton outlook for 1926:

COTTON OUTLOOK

Costs of production of cotton will probably be about the same as in 1925 and growers would do well to proceed with care when planning their acreages for the present year. For the last two seasons the rate of world production of cotton has exceeded the rate of world consumption, with the result that stocks have been increased. Although these stocks are not yet burdensome as a whole, further material increases might easily make them so. The conditions under which the new crop will be marketed are somewhat uncertain, but there is no marked indication that the mill demand will exceed that of the present season.

Since we are on this question of crop prospects, let me read you the department's outlook on corn:

CORN OUTLOOK

A corn acreage the same as in 1925, with average yields, will be sufficient to meet feeding and commercial requirements as fully as in 1925. A yield slightly above average and an increase in acreage coincident with decreased feeding requirements for hogs and cattle were principally responsible for the low prices now prevailing. Although the low prices have stimulated the commercial uses for corn, this outlet requires only a small part of the crop, and the feeding demand should be given particular attention by corn growers.

Mr. DICKINSON of Iowa. So stay off of corn?

Mr. JACOBSTEIN. Yes; stay off of corn, if the weather looks good. Now, let me quote the wheat outlook:

WHEAT OUTLOOK

With an increase of 4 per cent in the hard-winter acreage planted last fall and the crop going into the winter in good condition, a production of this class of wheat somewhat larger than in 1925 seems probable. Therefore if any acreage of spring wheat equal to last year is planted and average yields are obtained, there will be a surplus of hard wheats for export. Present indications are for another short crop of soft winter wheat in 1926. Although it is yet too early to form an estimate of the 1926 world wheat production, a slightly smaller world crop outside of the United States may be expected. The areas of winter wheat in the countries already heard from are slightly smaller, and the unusually high yields of 1925 are not likely to be repeated. World stocks at the beginning of the new crop year will probably not be large. From present indications it is reasonable to expect that the returns from spring wheat in 1926 will compare favorably with the returns that might be realized from other grains in the area adapted to spring-wheat production, although there is not likely to be a continuation of the present unusually favorable situation, which is due to the short crop in 1925.

That is to say, while the wheat situation has been pretty good, due to the shortage of 1925, the outlook for 1926 is not to be based upon the 1925 favorable situation.

The 1926 outlook as to hogs is as follows:

HOGS

The outlook for the swine industry throughout 1926 appears very favorable, with indications that hog prices will be maintained at high levels. The number of hogs in the areas of commercial production is the smallest since 1921 and for the entire country the smallest in many years. Stocks of pork and lard are the second smallest in 10 years, and the present strong domestic demand for pork products seems likely to continue through most of the year.

The cattle outlook reads:

CATTLE

Both the immediate and long-time outlook for the cattle industry now appears more favorable than in recent years. The number of steers is the lowest in many years, with present breeding stocks apparently large enough to supply as much beef as it will pay cattle producers to raise. A reasonably constant demand for beef is anticipated and no prospect of early competition in our markets from foreign sources is in sight. The maintenance of high-quality breeding herds will place the cattlemen in a position to increase production as rapidly as demand justifies.

Now, turning to our final chart, let us summarize the whole situation: Is there an agricultural problem in the United States? In October, 1919, the combined index number for some 30 important agricultural products, as represented by the solid black line, has been appreciably below the dotted line, representing wholesale prices of nonagricultural products. There is your story. That is, since October, 1919, to the present moment farm prices have been below par. It is true, as was indicated by some gentleman on the floor the other day, that the spread is narrowing; that is, the spread between the low level of farm prices and the higher level for other commodities is narrowing. The index price for nonagricultural commodities was 155 at this point—middle of 1922—while agricultural commodities were near 110. That represented a much larger spread than you had in May, 1925 [indicating on chart], where the index number for wholesale prices was about 160, and the index number for agricultural commodities was about 150, the highest price point reached by agriculture since the postwar depression. The narrowest spread was about 10 points, but notice that since then the spread has widened until the lines are now about 20 points apart. It would take at least a 13 per cent increase in all agricultural products to bring them up to the level of the other prices. That is clear, is it not? It would take a 13 per cent general increase in prices on all agricultural products, including these basic commodities, to bring them in line with the prices secured by nonagricultural products on a pre-war basis.

Mr. FORT. Will the gentleman yield?

LOSSES OF AGRICULTURE

Mr. JACOBSTEIN. I will. But please permit me first to give the staggering money losses for agriculture as a whole. (Chart 3, All Agricultural Price Index.) The losses by all agricultural products since 1919, as represented by all this area between the two price lines, would total the enormous amount of $13,000,000,000. Let me tell you what I mean by this. I mean that agriculture would have gotten $13,000,000,000 more for all of its products since 1919 if they somehow could have maintained their prices in line with the prices of nonagricultural products. Is that clear, before I yield to the gentleman from New Jersey, who has been on his feet for some time?

Mr. FORT. Just two questions. The gentleman stated that the price level of agricultural products would have to be increased 13 per cent. Does the gentleman mean over the whole period or now?

Mr. JACOBSTEIN. Now, for seven months up to April, 1926. The average of farm prices would have had to be increased nearly 20 per cent during the six years since the close of the war.

Mr. FORT. And by 13 per cent does the gentleman mean from 140 per cent to 160 per cent, or 20 points over 140?

Mr. JACOBSTEIN. Yes. I mean 13 cents on every dollar's worth of products. Let me put it in plain English. For every

dollar's worth of products which a farmer sells, whether it be butter, wheat, corn, cattle, hogs, or anything else, he would have to get $1.13 in order to restore his purchasing power on a pre-war basis.

Mr. FORT. But the margin between your low and high is not a 13 per cent margin on your chart; it is about a 6-cent margin on the chart.

Mr. JACOBSTEIN. I do not understand the gentleman's question.

Mr. FORT. At one point it is 150 and at another 157.

Mr. JACOBSTEIN. At present the agricultural index number is about 140 and general prices about 160, a difference of 20 points, so that you would have to raise the actual price about 13 cents on the dollar.

Mr. DOWELL. In other words, he gets 90 cents on the dollar for his products?

Mr. JACOBSTEIN. A little less than that—about 87 cents.

Mr. SUMNERS of Texas. May I suggest, with reference to the present disparity between cotton and the other average, that that chart can not indicate properly that disparity for the reason that in many sections of the country they have an enormous amount of low-grade cotton, and the spread between the price of middling cotton and low-grade cotton is, perhaps, as great as the entire difference indicated there during different periods, and many of the people who have that low-grade cotton have not been able to get 10 cents a pound for it this year.

Mr. JACOBSTEIN. I grant it, that the average price does not adequately show the disparity for farmers who receive less than the average price. This is also true, however, for other farm products. For instance, the average farm price of wheat does not always indicate the true situation for particular farmers. There are a lot of other factors to be considered. I would say this is the conservative minimum loss. I think that is the fair statement to make. If anyone asks you where agriculture stands to-day, you have the right to say that, generally speaking, agriculture ought to get 13 cents more on the dollar in order to break even in terms of pre-war purchasing power.

Mr. KETCHAM. Will the gentleman yield for a question at that point?

Mr. JACOBSTEIN. Yes.

Mr. KETCHAM. From the standpoint of an economist, and I think we all recognize the gentleman's ability to be outstanding in that field, omitting any political considerations, will the gentleman please indicate from that standpoint what is his diagnosis of the reason for this, and also state his remedy.

Mr. JACOBSTEIN. Let me remind you that I hesitated to talk about the bills, because I felt I was not yet prepared to propose a remedy. At least, I want to wait to hear what the proponents of these bills have to offer. There is no point in talking unless one can make a contribution. I was conscious in my own mind that although I wanted to help in this farm situation I did not have a panacea to offer. So I thought I would for the present merely state the facts, because the industrial East must recognize that this is a national problem and is more serious than is represented by the $13,000,000,000 loss to the farmers. [Applause.]

THE FARMERS' ATTITUDE

My office is near the Committee on Agriculture, and, as some of you gentlemen know, I used to go in there frequently, although not a member of the committee. I will tell you what I got out of those hearings that you perhaps did not get. I used to sit down next to the farmers, and there were farmers who came there from all over the country; and I will tell you the reaction I got—the same kind of reaction you get at a labor meeting when the workingman feels embittered against his employer. [Applause.] That is tragic. We do not want that in America.

The farmers are developing an ill will toward the industrial and financial East, so that we are now developing an East against the West problem in place of the North against the South problem which harrassed this Nation for over 60 years. We are developing a psychology here which is bad for the country. I could feel it every time I went into that committee room. "These Wall Street people," they would say—these are not my words—"they are holding us down." There is a feeling that they are not getting a square deal. That is the same kind of attitude of mind that the working men of England must have at this moment against the employer class and the governing class. We do not want that in a great, rich, prosperous country like America. [Applause.]

I think that if the American people understood the farmers' problem they would be willing to pay a trifle more for the essentials of life, if necessary, provided the farmer got the few cents increase and continued to get it. [Applause.]

In passing, may I remind you that I think in one respect the facts as stated by the gentleman from New Jersey might be corrected. It was stated a few days ago by Mr. FORT, of New Jersey, that the price of bread is the index of the living costs in a city. I do not entirely agree with that. The price of bread is not the proper index because, in the first place, bread is only a very small and insignificant part of the family budget; and in the second place, the average consumption of flour is decreasing per capita in this country. Bear that in mind. The wheat farmer has been contending with a falling consumption. [Chart No. 5, Bread prices.]

THE COST OF LIVING

The average American consumes less wheat, and probably less bread to-day than he used to, but a very interesting fact is that while wheat has varied from $1 to $2 per bushel, bread has remained fairly constant. I will not say absolutely the same, because there has been some variation. If you will take the Yearbook of Agriculture for 1923 and look at a very interesting chart, prepared, I think, by the late Secretary of Agriculture, Mr. Wallace, at page 109, you will discover that the price of bread is relatively constant during a period when wheat prices fluctuated widely. I think the consumers in the big cities would actually be willing to meet this farm situation in a fair spirit, as they did when labor got an eight-hour day on railroads, when the anthracite coal miners got an increase in wages, when railroads were granted freight and passenger rate increases, when laws were passed protecting industrial products against foreign competition.

Let us bear in mind that there is no such thing as a mere consumer. The consumer is also a producer. The "consumer" in my city manufactures kodaks, he makes clothing, he makes thermometers, he makes optical instruments, he makes shoes, and he is interested in selling those things in the general market, including farmers. Therefore he is interested in reestablishing prosperity on the farm. [Applause.]

Now, as I say, the total loss as I have computed it, reached $13,000,000,000 during the past six-year period. It does not mean that the country lost $13,000,000,000 of its wealth. It was distributed as a part of the national income. Some other groups got the $13,000,000,000 and bought things that they wanted. There has been a distribution of income since the war unfavorable to agriculture by an amount somewhere within $13,000,000,000.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HAUGEN. I yield the gentleman 10 minutes more.

Mr. JACOBSTEIN. Now, I want to bring out this point: Agriculture is suffering in two directions. This line, which represents what agriculture gets by the way of income, is pulled down by excessive production. Its own overproduction, as well as demand factors in the market, are pulling the farm price level down.

PRICE REGULATION IN INDUSTRY

But there is another important factor in the situation. The general level of prices of nonagricultural products is in many ways sustained by artificial control. I mean there are factors in our economic life to-day which are holding this price line up artificially. For instance, railroad freight rates are protected by law. I do not mean a guaranteed financial return. You have here a factor which enters into the cost of every article which the farmer buys, and the cost has been maintained. That is one artificial factor entering into the price, and not favorable to the farmer, because he is a heavy buyer of freight service. Furthermore, it is known to everybody familiar with the economic situation in the country to-day that there are trade associations in the United States that exercise a stabilizing influence on the prices of their commodities. Will anybody challenge that statement? I know people in many industrial lines, and I know that there are influences in these industries which have a tendency to control and stabilize the prices of their commodities. That does not mean that they are not compelled to raise or lower prices, but they have a control of influences which formerly they did not exercise. Of course, industrial concerns went through a period of price deflation and forced liquidation following the war, but it was as nothing compared with the long-drawn-out deflation in agriculture.

Mr. HUDSPETH. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. HUDSPETH. As stated by the gentleman from Michigan [Mr. KETCHAM] the gentleman from New York is evidently qualified in the field of economics. I want to ask him a question. In 1920 the price of beef steers in Chicago dropped from 16 cents to 6 cents a pound. But you paid the same for beefsteak in the market, and what I want to know is who got the benefit of that reduction.

Mr. JACOBSTEIN. I think the prices of meat were not maintained quite at that point. They came down. But I think the statement can be made without much serious contradiction that there are influences at work in the industrial life of the country, including meat packing, which have a tendency to stabilize the prices of everything that the farmer buys.

Take union labor. I believe in union labor; I helped to organize labor; I helped them get an increase in wages in the men's clothing industry. They were entitled to an increase, for their wages were too low. Where these workers are organized and can protect their wages, especially with restricted immigration, they to that extent exert an influence on the cost of production of commodities which the farmer buys. The manufacturers in many lines work closely together, and can protect their prices, although not altogether. Moreover, in most manufacturing lines orders are taken before production and at a price which can yield a fair return on investment. If the price is not attractive, the manufacturer can, and does, curtail his prospective production. He does not have to continue producing at full capacity at a loss, as the farmer often is forced to do. So I call attention to this important fact, that there are forces at work in society, and sanctioned by society, which have a tendency to hold up prices and prevent them from falling unduly in a way that agriculture can not do.

May I further illustrate what I mean? When a panic or industrial depression occurs, such as that of 1907, 1911, 1914, and 1921, you would think that the prices would drop sheer to the bottom in all things that the workers make. I was very much interested once in a study of prices of commodities in which there was great unemployment. The prices did not fall to those depths to which agriculture fell. There is always an artificial, restraining influence. There was large unemployment in 1920, 1921, and 1922, but we find nonagricultural prices fairly constant, and, in fact, rising before the period of depression had disappeared.

Interest rates are regulated by law more or less. The Federal Reserve Board controls the interest rates, and the transportation act controls the rates on freight service. Organized labor controls wages, which enter into the cost of many products. While I have no panacea to offer, I say here that those of you who are opposing agricultural legislation ought to bear in mind that the farmers are right in saying that one of the causes of their difficulty is that they have not forces working for their benefit similar to those which are working in favor of industrial groups producing the things which the farmer has to buy. [Applause.]

Mr. FORT. Mr. Chairman, I am in accord with what the gentleman has said, but is it not the logical following out of his statement to say that the reason that the products of the manufacturer did not decline or fall to a substantial degree in the fall of agricultural commodities in the deflation period was because the manufacturer had the facilities and the willingness and the ability to carry his surplus products until the market came back? He did not dump it on an adverse market.

Mr. JACOBSTEIN. Let me answer that in two ways. Any sensible business man, if he sees a loss which he can not avoid, takes it as quickly as possible and writes it off.

Mr. FORT. Yes.

Mr. JACOBSTEIN. And if he can he will withhold a portion of the excess supply from the market, just as the copper people did. They had a tremendous surplus, and they got together and withheld from the market a sufficient supply of copper to prevent prices going down further; but the farmer can not do that.

Mr. FORT. Then one of the imperative things that must be done for the farmer is to put him in a position where he can to some extent carry his surplus?

Mr. JACOBSTEIN. That is correct. I have said that I am not offering any panacea or any remedy or indorsing any particular bill, but I think we ought to indicate what some of these lessons are as applied to agriculture.

Mr. WINGO. There is another factor that the gentleman from New Jersey [Mr. FORT] did not mention, namely, that the manufacturer can bring into play that which the farmer can not. He can accurately gauge his prospective consumptive demand and curtail his production. The farmers can not do that with the same degree of accuracy.

Mr. JACOBSTEIN. That is correct; and it so happens that the farmers are hard put to it on that score, because some of them have bought land at high values and have invested a tremendous overhead. A man who has high-priced land can not afford to let it lie idle. That is one reason why the Middle West farmer, with high-priced land, had to go on producing, even though the bottom dropped out of farm prices. There is another picture. In industry the banks in the East, tied up as they are with large concerns, can not afford to let price deflation go too far or too fast. Financial institutions support each other, perhaps more effectively now than they used to and more easily than the banks supporting agriculture could have afforded to do.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. WILLIAMSON. The gentleman's chart is based on wholesale prices?

Mr. JACOBSTEIN. Yes.

Mr. WILLIAMSON. The situation of the farmer is very much different from what the chart would indicate, for this reason: You have not taken into consideration the freight rates.

Mr. JACOBSTEIN. That may be true; but for our present purpose let us assume that the difference would not be material, so that we may get to other points in this discussion. At any rate, these charts are the work of the Bureau of Agricultural Economics, and we do not need to question their general accuracy.

Mr. WILLIAMSON. Yes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HAUGEN. Mr. Chairman, I yield the gentleman 10 minutes more.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. JACOBSTEIN. I can not yield, as I took the additional time on condition that I do not yield further.

Mr. OLDFIELD. Mr. Chairman, will the gentleman yield?

Mr. JACOBSTEIN. I have got to yield to the party "whip," I suppose, but for just a question.

Mr. OLDFIELD. I was wondering if the gentleman had figured whether the present tariff laws have anything to do with holding up the prices.

Mr. JACOBSTEIN. I think that is a fair question. I said that there are artificial forces holding up prices, and certainly the tariff on a large number of articles, as for instance aluminum, help to maintain the price. That is one of the artificial forces at work in society, and, as I said to some of my farmer friends only this morning: "You fellows have always advocated a high tariff. You did it, as in 1921, at a time when an existing high tariff was not giving you the full protection of the law. Personally, I do not think the tariff has given or can give the farmer the full protection that he would need to bring him on a parity with these other commodities, under present conditions." [Applause.] That is simply my personal opinion.

Mr. MANLOVE. Mr. Chairman, will the gentleman yield?

Mr. JACOBSTEIN. No; I am sorry; I can not yield.

Mr. KETCHAM. Would it not be fair to yield to one on this side inasmuch as the gentleman yielded to the gentleman from Arkansas?

Mr. JACOBSTEIN. You are right. I yield.

Mr. MANLOVE. I began farming as a young man under a free-trade policy, and I remember that I sold eggs for 3 cents a dozen.

Mr. JACOBSTEIN. But I do not believe in free trade.

Mr. MANLOVE. And I sold standard bred trotting horses, registered, as good as ever lived, for $7 apiece.

Mr. JACOBSTEIN. I am not an advocate of free trade. And now let me state my conclusions. First, the farmers have got to organize the same kind of control in the selling price of their products now exercised by industry. [Applause.] To illustrate: The farmer is in the same position to-day as is unorganized labor in industry. [Applause.] In other words, he lacks bargaining power. I come along with clothes, shoes, lumber, wagons, and everything else, and I say that I will swap them for wheat. But I am one man; you are a lot of men, one seller and many farmer buyers. Well, naturally I have you at a disadvantage. So our first observation is that you have got to organize as sellers and exercise that control over the selling price which industry has learned is essential to its prosperity. [Applause.] I am sure the industrialist will not refute that. I remember that in justifying the organization of the United States Steel Corporation at a time when it was under investigation the steel men said in effect:

> We have stabilized the price of steel rails and made it profitable even for those not in the trust to live.

That is true. The stabilizing effect of organization is absolutely essential to the prosperity of America, especially in the production of those crops which are in competition with foreign markets or subject to the vicissitudes of nature. When nature at any unexpected moment may exercise such an influence that you get an excessive crop, some measure for controlling the

sale of the crop becomes essential. To the degree that it is a perishable crop, you have got to exercise still further control.

The farmers have got to learn how to stabilize their prices. Now another illustration: I discussed the question of coal a few weeks ago. The soft coal situation has been going through the same sort of ups and downs that agriculture has gone through; no control over the distribution of their products, utter lack of organization—and the industry is paying the price. They need stability. That is the first lesson. Whether that is to come through Government organization, as proposed in relief bills here, or indirectly through a corporation of their own creation, I leave for you to decide. Since the Committee on Agriculture has devoted many months to the question, and has passed the buck to us, we certainly have a perfect right to say that we are still in doubt on this question. It is for you of the committee to lead us; you who have discussed and considered and thrashed out this question day after day for months, as I know you have been doing earnestly and conscientiously. Second, the farmers of the country, who are paying the price of the tariff now, must either seek its reduction or devise some means of making it fully effective for them. I would not take the tariff off. I would, perhaps, reduce it in some instances. I think the Fordney-McCumber bill went a little too far in some directions, and in others it did not go far enough. [Applause.]

Mr. KETCHAM. That is fair.

Mr. JACOBSTEIN. I am not playing politics in this. I say the farmers' representatives have got to accept one of two alternatives—either believe in reducing the tariff, or show how the tariff can help them. [Applause.] They have got to choose between the two. Now, since you have resorted to the tariff as a means of protection, it is up to you to devise some scheme by which you can protect agriculture. [Applause.]

Mr. MANLOVE. Will the gentleman yield?

Mr. JACOBSTEIN. I am sorry; I can not yield further. I think that proposition is a fair one. Then, in the third place, I think there is too great a spread between the retail price and the selling price on the farm. [Applause.] Why, we raise wonderful apples in western New York, which we sell for from 50 cents to a dollar a bushel at times and I come down to Washington and pay 10 cents apiece for them. We have got to wipe out the double disparity, one between the things the farmer buys on the farm and the thing he sells on the farm, and the other the disparity between what the domestic consumer pays for farm products and what the farmer gets for such farm products. We must effect more economical methods of marketing from the farmer to the ultimate consumer.

CONCLUSION AND POSSIBLE REMEDIES

I will summarize the farm situation as follows: There is without question a serious situation still existing, though not as critical as two or three years ago. The crisis has passed, at least temporarily, in some crops, like wheat, but continues to plague the farmer in other major crops, like corn and cattle. Considering agriculture as a whole, the farmer has suffered a loss in purchasing power of about 20 per cent in the entire period from 1919 to 1926. It is still about 13 per cent short of the pre-war base, as compared with nonagricultural commodities.

In this statement of losses we have not made allowance for gains which might have accrued and doubtless did accrue from the size of crops nor of savings flowing from a reduction of the unit cost of production, or acre cost of cultivation. The gross net income might, of course, increase from both of these factors even during a period when there is a wide disparity in prices between farm and nonfarm products.

In seeking to regain his lost purchasing power the farmer might attack the problem from two ends: He might seek to pull down the price level of nonagricultural products or he might push upward the prices of his own farm products. The former, as we have seen, have been and still are sustained by several artificial control factors, including the tariff, railroad freight rates, unionized wages, restricted immigration, interest rates, and insurance premiums. It is naturally going to be a difficult task to uproot or tear down this structure, even if it were considered feasible to do so. The farmer, in my judgment, is not going to regain his diminished purchasing power from this method of attack. It is true that quite recently the general price level has dropped a few points, but not enough, in my estimation, to give any promise of complete relief permanently to the farmer.

The farmer must seek to push his own prices upward and at the same time secure larger net income from more efficient farm management. Effective relief will follow only when the farmer has learned how to regulate production to make supply more intelligently meet the prospective market demands. The next important job is to escape as far as possible from the evil effects of seasonal marketing of surpluses. This can be done by controlling such surplus, carrying it over as long as is feasible; that is, until the future market price can absorb it. Both of these problems are difficult of solution not only because we are dealing with a world condition and international marketing problems but also because we are dealing with millions of individual farmers. Unfortunately the cooperative movement still lags behind.

It is my belief that the farmer can profit in the solution of his problems by more effective and more extensive cooperation, by the application of larger use of long-time loans for capital expenditures, and for the building up of a sinking or reserve fund to be used in financing the carry-over of the surplus in such a manner as to exercise a restraining influence not only on immediate market prices but on future prices through a regulation of production. Personally I believe the more the farmer can accomplish these ends by voluntary self-help the more permanent will the remedy and relief be. Government aid, however, is justifiable as temporary aid in getting the farmer to help himself. Congress must view this as a national and not a sectional problem.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JACOBSTEIN. I think I ought to stop at this point and thank you for your patience. [Applause.]

Mr. Chairman, I want to ask if it is going to be possible to reproduce these charts in the RECORD. They tell a story which I think every Member of the House and others ought to know, and there may be some rule which prohibits it. I would like to ask unanimous consent, therefore, to have them printed in the RECORD, provided permission is received from the Committee on Printing.

Mr. HAUGEN. It can be done by an order of the House.

The CHAIRMAN. The Chair is informed by the parliamentarian that that can be done by an order from the Committee on Printing.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities, had come to no resolution thereon.

Mr. JACOBSTEIN. Mr. Speaker, I would like to ask unanimous consent to have those charts which I used to-day printed in the RECORD, provided permission is received from the Committee on Printing.

The SPEAKER. The gentleman from New York asks unanimous consent that the charts referred to be printed in the RECORD, provided he obtains the consent of the Committee on Printing. Is there objection?

There was no objection.

RECESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the House now stand in recess until 8 o'clock.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the House now stand in recess until 8 o'clock this evening. Is there objection?

There was no objection; thereupon (at 5 o'clock and 5 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. TILSON, Speaker pro tempore.

FEDERAL FARM LOAN AND SURPLUS CONTROL BILL

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603, with Mr. MAPES in the chair.

The Clerk read the title of the bill.

Mr. HAUGEN. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. WHEELER]. [Applause.]

Mr. WHEELER. Mr. Chairman and gentlemen of the House, the Committee on Agriculture is to be commended for giving the Members of the House an opportunity to express their ideas and to vote on farm relief legislation. I realize that the members of the committee have had a difficult task in their attempt to frame a bill which will be a benefit to the farmers and at the same time economically sound.

There have been so many conflicting opinions as to what is the best legislation for meeting the needs of the farmer that it has been extremely difficult for the committee to complete this work. They have very sensibly reported out three bills for the consideration of the House, each of which has some merit.

I believe that the majority of the Members of the House, knowing, as they do, that the welfare of the entire country rests on the prosperity and success of the farmers, are seeking for the measure which will most quickly and in the safest manner establish that prosperity and success on a firm basis.

The Government has, by legislation, assisted various groups and interests, and in fairness and justice to the farmers some legislation should be enacted which will bring the earliest possible relief to the great industry of agriculture.

While I wish to insure relief to the entire agricultural population of our great country I have the interests of my own people uppermost in my thought, for I represent a district in the very heart of the great agricultural State of Illinois. My position and action with regard to these bills will be determined by the needs of that State and that district and the wish of those most vitally interested in this legislation—the farmers of the country, especially of the Middle West.

Our farmers are not seeking extension of credit. Many of them are deeply in debt and their wish is for some way to cancel this indebtedness and secure a firm financial footing once more.

Better prices for products and markets for their surplus in connection with the farmers' industry and intelligent personal efforts will soon place him beyond the reach of financial disaster. Legislation which will insure these better prices and additional markets is what we are seeking.

In some way the inequality in the prices of agricultural products and of other commodities must be overcome. One definite policy of the Federal Government and of State governments also, which has been developed is a protective system much broader, much more comprehensive than our policy of tariff protection.

This protective system has insured privileges and benefits to various industries and interests through the provisions of our immigration and labor legislation, interstate commerce laws, our Federal reserve act and other banking laws, and why should this protective system not include the industry of agriculture?

Why should the purchasing power of the farmer's dollar not be equal to that of the other industrial groups?

Why should the cost of farm production be determined in a great degree by the higher standard of living here and our protective tariff system, while the selling price is determined by world-market prices?

Why should the farmer not have the means for the stabilization of prices through additional markets for surplus products a device by the use of which the supply and demand could be promptly and easily adjusted and real stability secured?

I have given thoughtful and careful consideration to the bills reported out by the Committee on Agriculture, and in comparing have tried to be open-minded and fair. I have found certain provisions which seemed to me to be adequate and which have helped me to make a decision.

I do not wish to belittle the efforts of anyone to meet this situation in the best way. I believe every lawmaker here is earnest and conscientious in his attempts to solve the agricultural problem correctly. Neither do I intend to enter into an explanation or discussion of the bills submitted. I wish to designate the facts which have caused me to favor one bill.

The bill, which meets with my approval, has for its aim the establishment of agriculture upon a basis of equality with the other industries by bringing it within the protective system.

It provides means for disposing of the surplus of products at a fair price through an equalization fund and the administration of a Federal farm board, which will serve agriculture in a way similar to that in which the Federal Reserve Board serves the banking and commercial interests.

The provisions of the bill are based on sound principles and are therefore practical and workable.

It demonstrates a firmly established policy of our Federal Government to develop and finance large enterprises which are far beyond the ability of individuals or groups to accomplish but which are necessary to the welfare or advancement of our Nation.

The suggestions of our best agricultural leaders from the North, South, and West are embodied in this bill, and these provisions represent not only the best judgment of the leaders but have had the approval of the individual farmers as well. The men who are engaged every day, year after year, in farming surely must be intelligent on these matters with which they deal daily and which are of such vital interest to them. Their approval should have great influence.

I believe the provisions of this bill will when in operation be beneficial to the greatest possible number of farmers, irrespective of location, for the reason that this is a serious attempt to get down to fundamental principles and establish agriculture on a firm basis, while the legislation prior to this has dealt with one phase of the problem or the problem of one section only.

I find that neither the Aswell nor the Tincher bill provides just the measures which will in my opinion meet the requirements and because I find they are quite adequately covered in the third bill I shall support and vote for the Haugen bill (H. R. 11603), cited as the "Federal farm board act of 1926." [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back six minutes.

Mr. HAUGEN. Mr. Chairman, I yield 20 minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the committee, I had not intended to speak upon the subject of agricultural relief this evening, and I must confess I am not prepared upon the particular part of the bill which I had hoped to have an opportunity to discuss with the committee. I want to call attention, however, to one of the charts used by the gentleman from New York [Mr. JACOBSTEIN] this afternoon. His speech was one of the most interesting and in many ways one of the most enlightening that has been made in this House upon the farm problem. He approached the question from the standpoint of a man who lives in a great city, and he is one of the few men in the House who does not live in an agricultural community who has grasped the real situation in which agriculture finds itself in this country.

During his speech the gentleman from New York exhibited a chart upon which appeared a comparison of the wholesale prices of agricultural commodities with the wholesale prices of nonagricultural commodities from the year 1913 to the present time. The tracings indicated that the average wholesale price of agricultural commodities is now only 10 points below the average wholesale price of nonagricultural commodities. From this the conclusion was drawn by the speaker that all that is necessary to put the farmer upon approximately the same plane with respect to prices as he was in 1913, is to raise the general price level of his products 10 per cent.

The picture presented is an inaccurate one. This is due to the fact that the farmer can not take advantage of the wholesale price of nonagricultural commodities, but he must pay the wholesale price, plus transportation charges, to which must be added distributing cost and the profit of the local merchant. It is also a well-known fact that the local merchant to-day demands a margin of profit in excess of what he received in 1913. With respect to his own commodities, the farmer does not get what is shown upon the chart as the wholesale price. What he does get is the wholesale price, minus local elevator charges, minus the freight charges, and minus the commission charges at the terminal market, so that the spread of prices to the farmer between agricultural and nonagricultural commodities, as compared with 1913, is approximately 30 points instead of 10. This is due to higher freight, handling and storage charges, as well as to larger margins of profit by dealers and commission men.

Let me give some figures to illustrate the position in which the farmer found himself as a result of the slump in farm commodity prices in 1920 and 1921, by comparing the value of his wares when converted into freight rates and wages, as given by former Secretary of Agriculture Henry C. Wallace.

In 1913 the railroad freight revenue which would buy 1.4 bushels of corn in Iowa would in 1921 buy 3.1 bushels of corn in Iowa. In 1913 this revenue would buy 1 bushel of wheat in North Dakota; in 1921, 1.1 bushels in that State. In 1913 it would buy 6.1 pounds of cotton in Texas; in 1921, 10.5 pounds. In 1913, 10 pounds of hogs in Nebraska; in 1921, 18 pounds. In 1913, 1 bushel of potatoes in New York; in 1921, 1.5 bushels. In 1913, 14 pounds of sheep in Wyoming; in 1921, 22 pounds. In 1913, 2.1 bushels of oats in Illinois; in 1921, 3.9 bushels, and so forth.

Now, take the average yearly earnings of railway employees. In 1913 the yearly wage would buy 1,492 bushels of corn in Iowa; in 1921, 4,112 bushels of corn in that State. In

1913 it would buy 1,028 bushels of wheat in North Dakota; in 1921, 1,466 bushels. In 1913 it would buy 6,449 pounds of cotton in Texas; in 1921, 13,934 pounds. In 1913 it would buy 102 hundredweight of hogs in Nebraska; in 1921, 237 hundredweight. It would buy 148 hundredweight of sheep in Wyoming in 1913; in 1921, 296 hundredweight. In 1913 it would buy 1,087 bushels of potatoes in New York; in 1921, 1,916 bushels; in 1913, 2,174 bushels of oats in Illinois; in 1921, 5,109 bushels.

Mr. RAGON. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. RAGON. I am interested as we go along to know the source of those statistics. Where did the gentleman get those statistics?

Mr. WILLIAMSON. They were given in a speech delivered by Secretary Wallace at Washington Court House, in the State of Ohio, on October 19, 1922.

Mr. BURTNESS. Will the gentleman yield before leaving those figures?

Mr. WILLIAMSON. Yes.

Mr. BURTNESS. Is it not also true that when you try to ascertain the situation of the farmer with reference to the scale or level of prices of what he buys and what he produces that, of course, finally, he is interested only in his net above cost of production, and when you take a commodities index based upon everything which the average individual buys that while it is true the farmer buys something of everything that the average individual buys, yet his difficulty has largely been in respect to the cost of those things which enter into the production of the farm products, of which he buys more than the average individual, and that as to many of the things which enter into the cost of production, such as farm machinery, such as various types of building materials, harness, and other materials that are absolutely needed on the farm and become a part of the farm factory, so to speak, and therefore a part of the actual cost of production, as to many of such commodities the index figure now is higher than the average of all commodities; therefore is it not true this is a very material proposition to keep in mind when you are trying to find out just how the farmer is situated to-day?

Mr. WILLIAMSON. There is no question but what the statement made by the gentleman from North Dakota is entirely correct. I may illustrate that, for instance, in the case of farm machinery. For many years my brother and I were engaged in the farm-machinery business; at least, I had an interest in it. He conducted the business. I recall that along about 1913 we would sell a binder all ready to go out into the field for $135. To-day that same binder at the same town sells at from $195 to $210.

Mr. TINCHER. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. TINCHER. How many bushels of wheat did it take to buy that binder in 1913?

Mr. WILLIAMSON. I have not computed that, I will say to the gentleman from Kansas. It would not be very difficult to compute.

Mr. TINCHER. Wheat was worth 62 cents a bushel in my country at that time.

Mr. WILLIAMSON. If you will take into consideration all farm commodities, you will find that a given quantity of farm commodities in 1913 would buy a great deal more even in farm machinery than they will to-day. I think there is not any question about that.

The purpose of this bill, as I understand it, is to give to the farmer a price for his products which is fairly comparable with the prices that are received for nonagricultural products. In other words, the object of the measure is to place the farmer on approximately the same level, from the standpoint of income, time, effort, and invested capital taken into consideration, as is to-day enjoyed by business and by labor.

The American farmer is not disposed to quarrel about the prices he has to pay, and I think that he is perfectly willing that the laboring man should receive a good wage, because he knows that the American market is his best market and that it takes care of approximately 95 per cent of everything that he produces. He is, therefore, intensely interested in seeing that the wheels of industry keep going and that labor is well employed at good wages. All that the American farmer asks is that he be placed upon approximately the same plane as is being occupied by those engaged in other lines of endeavor.

The disaster that has come to the American farmer has largely been due to instability of prices. In the lean years, when he produces a short crop, he very often receives a good price, and in the years when he produces a long crop, he often receives not only lower prices, but a total sum much smaller than he received for his small crop. This is a condition that is intolerable. It is a condition which ought not to persist. It is a condition, in my judgment, gentlemen, that this Government is in position to prevent, or at least to very materially ameliorate.

Now, how can this be done? I believe it can be done through farmers' cooperative societies, provided always that they can be organized to the point where they are national in scope and where they can deal with the entire production of a given commodity, so as to segregate the surplus and keep it off the market. The whole problem, or at least the major part of the problem, as I see it, is to formulate some kind of machinery by and through which it will become possible to take care of the surplus of those products where the farmers of this country produce more than the domestic market can take care of.

As to all other nonperishable products, the present cooperatives can handle the situation pretty well; but they can not successfully cope with the situation that develops when there is a large exportable surplus, because they do not have the means to finance it, and they do not have organizations of sufficient strength through which to carry on.

Now, the Haugen bill seeks to set up the machinery by which this can be done. I am not going to discuss the bill in detail, because I think every man in this House has a fairly good idea of what that bill does. The purpose of the bill is to create an agency, fostered and encouraged by the Government, but which is controlled by the farmers themselves, that will have the power, machinery, and the necessary capital to take the surplus crop off the domestic market and permit that which is consumed in this country to rise in price behind the tariff wall until that price reaches a point at which the same product can be imported into this country.

This is entirely feasible, in my judgment. They say this bill is chimerical, that it is impractical and unsound. Gentlemen, I do not believe it can justly be said that that is true. I believe it is entirely practical, and if you will pass this bill and get the right kind of men to head this organization, men who have ability, who have an insight into the farm problems and who are genuinely interested in making the new organization a success, they can eliminate the surplus from the American market so as to permit the domestic price to rise behind the tariff wall to the point which I have just indicated.

Mr. LOZIER. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. LOZIER. I believe in the five years from 1920 to 1924, inclusive, the American farmers exported a fraction less than $2,000,000,000 worth of wheat, which represents their income from the surplus of those five years.

Mr. WILLIAMSON. Yes.

Mr. LOZIER. Does the gentleman accept the theory of the President, as expressed in some of his messages and speeches, as well as the theory of some of his confidential advisers, that the American farmer should discontinue raising a surplus and confine his efforts to raising only a sufficient quantity to supply the domestic needs?

Mr. WILLIAMSON. As to that, I am not aware that the President has ever made any such statement. I do not think he has made such a statement. Let me say this in that connection: Statistics indicate that through a series of years production closely approximates consumption. In other words, there is no real surplus if you take it over a period of 5 to 10 years. That being true, the problem is to take the surplus in the long years and put it in storage and hold it until there is a sufficient demand to command a price which will give a reasonable profit to the American farmer.

Our cooperative associations are trying to do that now but they can not do it because they are not sufficiently extensive and not sufficiently financed. They also lack the necessary machinery, the warehouses, and other facilities for carrying out such a program. The result is that when the long years come the farmers are compelled to dump their products on the market for any price they can get.

Mr. HUDSPETH. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. HUDSPETH. I agree with the gentleman that over a period of five years there is no surplus. I further agree that if the farmer is enabled to hold his farm products over a certain period he will obtain a better price; but can not that be done without the equalization fee being levied on the product?

Mr. WILLIAMSON. I do not see how it can be done without providing for such fee. Either we must do that or resort to Government subsidy.

Mr. HUDSPETH. That is provided for in other bills.

Mr. WILLIAMSON. We might get along without the equalization fee on nonperishable products by proper organization and sufficient storage, but when you come to deal with hogs, cattle, butter, and perishable products it can not be done with-

out an equalization fee. At any rate, I do not see how you can escape using some such device.

Mr. HUDSPETH. I do not understand how you are going to process cattle.

Mr. WILLIAMSON. I can not go into a discussion of that in the time that I have. I would like to discuss it if I had the time.

As to the equalization fee, I think a monumental mistake was made when it was abandoned for the first two years. It gives the opponents an excuse for fighting the bill and saying that we are providing for a Government subsidy.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. HAUGEN. I yield the gentleman 10 minutes more.

Mr. WILLIAMSON. I can see a great deal of difficulty in applying the equalization fee in some cases. An attempt has been made to work it out in the bill. Whether the best solution has been arrived at I can not say. But what I want to say is that if we put big men at the head of the board, give them an opportunity to work out the equalization fee, and get the farmers of the country to cooperate, as I think they will, I can see no reason why the scheme provided is not practical.

The gentleman from Louisiana [Mr. ASWELL], who spoke this afternoon, said the price would be higher to the ultimate consumer and that there would be no increase to the American farmer. I think the gentleman is mistaken. You take wheat. The Haugen bill would raise the price approximately 50 cents per bushel. I do not think the equalization fee would be more than 10 or 15 cents a bushel on domestic sales. That would leave a clear gain of from 35 to 40 cents a bushel.

When it comes to perishable products that have to be processed the situation becomes intricate, and does not admit of explanation in the time at my disposal. Complaint has been made because the farmers will have a voice in selecting the responsible managing board. I am one of those who believe that if the machinery is created for carrying out the proposed program that we should have men at the head chosen by the American farmers who understand their problem and who are in sympathy with what is attempted. We can not succeed with men who are not interested in making it a success. Take the farm-loan system; how do you select the directors for the banks? The National Farm Loan Association selects three of them and the Federal Farm Loan Board selects three more.

The seventh director is selected by the Federal Farm Loan Board from three persons nominated by the National Farm Loan Associations. So that you have four selections by farmers as against three selected by the Government.

The Government furnished the original capital for those banks. Those banks to-day, through capital subscriptions by farmers and profits in nine years of operation, have paid back to the Government practically every dollar of the advance the Government made at the beginning. They have earned a surplus of more than $36,000,000. They have placed over 386,000 loans, amounting in the aggregate to $1,190,000,000. The banks are in the soundest kind of condition, and they are owned to-day by the farmer-borrowers. That is simply an illustration of what can be done by cooperation, under proper management, and with the right men at the head of the system. If we can operate a great banking system, a great loan system, with that degree of success, I do not see why we can not operate machinery like that provided for in the Haugen bill. The Federal farm-loan system of this country has done more for the American farmer in the way of financing him at low rates of interest than any other institution or set of institutions in the land. The intermediate credit banks are organized largely upon the same system. They have the same officers.

The intermediate credit banks are loaning money at 4 per cent interest to your farmer cooperatives, including advances upon wheat, tobacco, cotton, and wool, aggregating tens of millions of dollars, and they have not lost one single cent on those loans from the time they started until the present time. Yet you say that the proposed institutions for handling the surplus can not be made successful. I say they can be made successful in the hands of the right people who understand the problem of the farmers and who are willing to give the best that is in them to solve that problem.

As to this appropriation of $375,000,000, it is said that that is a pure bonus; that the entire sum will be consumed in the first two years in paying the equalization fee. Perhaps it will. I am not saying that it will not be consumed. I think that is one of the great weaknesses of the bill, but suppose it is consumed. What of it? During the war the Government fixed the price of wheat, and as a result of its wheat operations made over $60,000,000, and it has the money to-day. Not one dollar of it has been returned to the wheat growers of the country. The Treasury has that much of the farmers' money to which it is not entitled now.

We advanced to the railways at a low rate of interest over a long period of time four or five hundred millions of dollars, and in the early history of this country the Government gave away millions of acres of land and millions of dollars to railway promoters and nobody said anything about it. We have spent in shipping approximately $2,000,000,000, and we are conducting the Shipping Board operations to-day at a loss of $50,000,000 a year and nobody quarrels about that. We are giving to industry and labor the tariff, which undoubtedly increases the cost of living to some extent, and nobody quarrels about that, least of all the American farmer. If Government aid is proper in the matters I have just referred to and it has proven beneficial to the American people as a whole, why this fuss about a little aid to the farmers? I see no great inconsistency in putting up $375,000,000 to the American farmer and taking a chance on whether the Government will ever get it back or not.

I would much rather not have it done. I would much rather have machinery through which we could have some reasonable assurance that this money would be turned back to the Government; machinery through which we could raise our own funds, develop our own capital, and take care of our own surplus, storage, and everything else in connection with it. That is exactly what the bill should have done upon the products listed as staple farm products. I do not know that there is anything more that I can say in connection with this bill that will aid very much either in explaining it or securing support for it.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. TINCHER. The gentleman does not mean to say to this House that the present Haugen bill contemplates the repayment from any fund of any part of the $375,000,000?

Mr. WILLIAMSON. I did not so state.

Mr. TINCHER. I understood the gentleman that way, and I knew the gentleman did not mean to state it that way. It does not contemplate the repayment of this money?

Mr. WILLIAMSON. No; it does not. Let me qualify that just this much: It does not necessarily follow because you have authorized an appropriation of $375,000,000 that it will be used. I do not think you will need half of that this year to carry the equalization fee. I do not believe the board is going to use any part of it on corn and they will use no part of it on cotton, and I doubt that much will be used upon livestock and swine. They are going to go very slowly on these things. They are going to feel their way. They are going to develop their system as they go along, and they are not going to take the $375,000,000 and throw it into a rat hole and squander it.

Mr. LARSEN. I understood the gentleman to admit that it was his belief that the Government did not intend to effect repayment of any portion of this amount. Is not it a fact that $25,000,000 is to be loaned and returned?

Mr. WILLIAMSON. Yes; that is correct.

Mr. BURTNESS. Is it not a fact that in so far as the spring-wheat country is concerned, which includes the gentleman's State as well as my own, there has been no demand in that section of the country for any subsidy from the Treasury, and that that section of the country, in any event, is perfectly willing to take legislation such as is proposed by the Haugen bill and ask for no subsidy from the Treasury, but take its chances on taking care of the loss on the exportable surplus through the medium of an equalization fee?

Mr. WILLIAMSON. There is no doubt about that at all, and in the middle Northwest I think every farm organization that has written to me or passed resolutions favored the equalization fee because they believed it the only sound system to adopt.

Mr. BURTNESS. They at least are not asking for a subsidy out of the Treasury.

Mr. WILLIAMSON. No.

Mr. BURTNESS. And the other sections of the country ask for a subsidy?

Mr. WILLIAMSON. I do not know about that; but I do know that as far as our section is concerned they do not ask for it. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. TINCHER rose.

The CHAIRMAN. The gentleman from Kansas.

Mr. TINCHER. Mr. Chairman, I shall use 30 minutes. [Applause.]

Mr. Chairman and gentlemen, I propose to divide my time in this debate, because while I look all right physically I ex-

pect to speak an hour and a half or more on this bill, and I do not feel good after I speak that long at one time. I am just wondering if you caught the last part of the gentleman's speech, the gentleman who just quit the floor. None of this money is going to be used on corn or cotton. They are the only two basic agricultural commodities to-night that are way down under the fair, reasonable price. What kind of fellows do they think we are?

Mr. WILLIAMSON. If the gentleman will yield at that point, I will call the attention of the gentleman to the fact that there is no way it can be utilized, as the cotton production is so great it dominates the world market.

Mr. TINCHER. Here is an advocate of the great Haugen bill who tells you cotton fellows that your appropriation is a fake. [Laughter.] They are not going to add a dollar on cotton or corn, and those two agricultural products are worse out of line to-night than any other agricultural products in the United States.

Mr. CHINDBLOM. Livestock or swine also were referred to.

Mr. TINCHER. Wheat is above the fair ratio price. What are you going to do with it?

Mr. WILLIAMSON. Will the gentleman yield?

Mr. TINCHER. Of course.

Mr. WILLIAMSON. The whole proposition of the Haugen bill is to create an organization through which the southern people who grow cotton can control and dominate the world market and they will do it if they get this bill. [Applause.]

Mr. TINCHER. Now, I want to be fair with this House, I just answered that little last paragraph because I thought it was interesting. I wondered how they were going to administer it. There is no mystery about the bill introduced here. I want to be fair with the House about that. You heard the gentleman on that side [Mr. JACOBSTEIN] address the House this afternoon. He is an economist, he has studied the subject, has he not, and he knew whereof he spoke. Maybe some of you are wondering what bill he was for. I knew from the minute that he opened his mouth that he could not vote for the Haugen bill. Why, because he told me a few minutes after he took his seat, he authorized me to ask the question if he was here to-night, that there were two things in it that no man who was familiar with economy could stand for. One was a tax on production that would increase production and deceive a man who has to pay the tax that ruined him, and the other was a Government subsidy which was contrary to the views of any man who had given the matter any study.

You were pleased with his speech and indorsed it. So was I. I listened to speeches like that in the Committee on Agriculture, and those were the kind of speeches that prompted me to draw a bill. Frank Lowden, of Illinois, made the most comprehensive analysis of the conditions which exist in agriculture of any man who appeared before our committee, and Frank Lowden advocated the curing of the evils of the farmer by permitting him to do his own marketing. His testimony is published in full.

Mr. WILLIAMS of Illinois. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. WILLIAMS of Illinois. Governor Lowden issued a statement in Washington this week——

Mr. TINCHER. Wait until I finish, and I will tell you what Governor Lowden did. Governor Lowden testified before our committee for an hour and a half, and I challenge any Illinois supporter or worshiper or admirer or any man in the United States who worships or admires him to find a word in his testimony that is not inconsistent with the statement that he issued at the Lee House a few nights ago.

Mr. WILLIAMS of Illinois. If the gentleman will permit, he said in a statement the only solution he knew of the problem was in the equalization fee.

Mr. TINCHER. No. Governor Lowden did not mention an equalization fee before the committee.

Mr. WILLIAMS of Illinois. I understand he did mention it, and stated that was the only way that he conceived that the problem could be solved.

Mr. TINCHER. No. Governor Lowden advocated a bill that would encourage cooperative marketing, handled by the men who owned the products, to orderly market their products, and he said that was the only cure. I introduced a bill after hearing the governor's statement and reading Secretary Jardine's letter, thinking that they were absolutely in accord. After that he came to this city and went down to the Lee House and issued a statement advocating a Government subsidy; something that no man can find in print as having ever been advocated by Frank Lowden prior to that time that he went to the Lee House and under the influence of this lobby issued that statement, contrary to every utterance of his in his life with reference to agriculture.

Yes, sir; that has amused some people a good deal. A friend of mine, Mr. ADKINS, suggested to me, "You prepared a bill to meet the views of Lowden, and Lowden has quit you." That is right.

Mr. WILLIAMS of Illinois. Mr. Chairman, will the gentleman yield again?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Illinois?

Mr. TINCHER. No; at this time I propose to use a little of my time myself. Will the gentleman read me what Governor Lowden said in any testimony or in any speech concerning a Government subsidy to agriculture?

That is the bill he advocates. You will find that he said a subsidy would ruin agriculture, just as I will read to you what Murphy said. Still he is advocating a subsidy to-day. He charges those of us who are not for it with being unfriendly to agriculture.

Mr. F. W. Murphy, on pages 1284–1285 of the hearings, said that two methods were proposed, one an equalization fee and one a subsidy. He added:

> Now, the other alternative is to take the money out of the Treasury, which would be a subsidy, and the farmers are opposed to that and I am opposed to it in principle.

Then Mr. ANDRESEN, the author of the proposition to defer the equalization fee in this bill—

> Do you not think it would accomplish the same purpose?

That is, the subsidy that is in the bill now. Mr. Murphy replied:

> It would, of course, enable us to maintain a domestic market with a full benefit of the tariff, as well as an export market at the world price, and absorb the losses out of the Treasury, but if you have in mind the influence that that might have upon production, instead of having any tendency to stability of agriculture and stability of the domestic market, it would likely have a tendency to encourage production and encourage, perhaps, people who are not now on the land to go out and to go into one particular branch of the business.

Now listen. This is Murphy, the advocate of the Haugen bill; Mr. Murphy, who has been to all of your offices. He says:

> I am afraid it would have a debauching influence upon American agriculture. I am opposed to it; I think the farmers are opposed to it.

Mr. ANDRESEN was not satisfied with that, but he persuades him some more, and he says:

> But you have admitted, Mr. Murphy, that a Government fund would accomplish the same purpose.

What does Mr. Murphy say? He says:

> Yes; with these other qualifications, as to the demoralizing results that might follow. I am afraid it would have a tendency to break down the morale of the man on the farm, and he is one fellow in this country we do not want to do anything to that will affect his morale, because he is the real stabilizing influence of this Government. Make no mistake about that.

How would you, having represented an agricultural district for eight years, standing up for them all the time, like to have a man that says the bill that is now before you, the Haugen bill, would debauch agriculture and would destroy the morale of the American farmer, sign up in agreements overnight and change his mind and then denounce you as an enemy to agriculture, because you would not change your word, too? Was he right—ever?

Mr. ARNOLD. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Certainly.

Mr. ARNOLD. I would like to ask the gentleman from Kansas if he would be in favor of the Haugen bill with an equalization fee beginning with the operation of the bill?

Mr. TINCHER. No; and I will tell you why.

Mr. BURTNESS. With the elimination of a subsidy.

Mr. TINCHER. I will answer the gentleman's question, and I want to explain to you later why. Can any self-respecting man think that this Government can pay a 42-cent subsidy on wheat for two years and not have overproduction? And do not you think that overproduction would destroy the man that is raising wheat? Can any self-respecting man believe that he can reach into the Federal Treasury and get a subsidy for an agricultural commodity like wheat for two years, or corn, and not destroy the man that produces that product?

Let me tell you what Mr. DICKINSON of Iowa said before our committee. It was his honest judgment that you could increase the production of corn in Illinois and Iowa 33⅓ per cent with a far less subsidy than this.

Mr. ARNOLD. If the equalization fee is not deferred, then there would be no Government subsidy in the Haugen bill. That is what I had reference to when I propounded my question.

Mr. TINCHER. I take it that the gentleman is not in favor of a Government subsidy?

Mr. ARNOLD. I was asking the gentleman.

Mr. TINCHER. And I was asking the gentleman if he was against a Government subsidy or for it.

Mr. ARNOLD. In reply to my question, the gentleman from Kansas is arguing against a Government subsidy. Is the gentleman in favor of the Haugen bill if the Government subsidy were eliminated and the equalization fee became operative when it went into effect?

Mr. TINCHER. In order to inform my friend from Illinois accurately and to penetrate through all the ramifications of his intelligent mind, I wish to ask him, Is he in favor of a Government subsidy under any circumstances?

Mr. ARNOLD. I will say to the gentleman that I would much prefer the equalization fee becoming operative from the time the bill went into effect. If we can not get that, we must take what we can get.

Mr. TINCHER. You think a Government subsidy will do. You think that if you can not go North and help the farmer you will turn around and go South and help him, and if you can not go up and help him then you will go down and help him.

Mr. ARNOLD. I would like to have the gentleman answer my question.

Mr. TINCHER. I told you I did answer it. I told you "no," and I told you that later on in my address I would tell you why. That was a plain answer, and I gave you that the first time, and I thought the only object the gentleman had in questioning me further was for me to enable him to declare himself on this subject of a Government subsidy.

The Farm Bureau is for the Haugen bill with the subsidy in it. Chester Gray is their local representative in Washington. He appeared before our committee and testified. I mention the Farm Bureau because it is the only farm organization in America that is for the Haugen bill.

Chester Gray testified before our committee at night one evening. We had many night sessions. And the same Mr. ANDRESEN, who dreads the equalization fee but wants to do something, just like we all do, if he can, was begging Chester Gray to defer the equalization fee with him. On page 1375 of the hearings Gray said—and this was on April 21, just about 24 hours before he changed his mind—and now just listen to this. ANDRESEN wanted to defer it and here is what Gray said:

> The intent of the bill substantially would be lost.

Then he goes on and ANDRESEN tries to explain it to him, and he says and insists that the whole intent and purpose of the legislation would be destroyed by asking for a subsidy. And he goes further and says that he has specific instructions, which he did have, from the Farm Bureau not to ask for any subsidy, but in a few hours after that, in the chairman's private chambers, he signed a demand on the committee for a subsidy. Some of you have read that demand. It is not very clear. They say they are against the subsidy and for the subsidy, and the members of the committee that reported this bill out and have it here and are seeking its passage took that as a consent on the part of Mr. Murphy, Mr. Peak, and Mr. Chester Gray that they might go ahead and ask for a subsidy.

Do you know how he happened to sign that? I have the story straight and with permission to tell it. CHARLES ADKINS, a fine fellow, and a Member of Congress from Illinois, spoke here this afternoon a long time, and you know his great presence. He says that he went into Mr. HAUGEN'S private room and those men were sitting around there, and he said:

> We have decided to change this thing and we are going to defer the equalization fee for two years; we are going to ask for a subsidy and you are going to sign right there; you are going to sign your names and stand behind us in it.

And CHARLES says he was the maddest that evening that he has been since he was a boy, and he actually felt that if they had not signed it he would have struck them.

Mr. WILLIAMS of Illinois. I am a member of the Committee on Agriculture and voted against the amendment deferring the equalization fee. Will the gentleman from Kansas state to the House how he voted on that amendment?

Mr. TINCHER. Yes; I will tell the House. I voted "present" because I agreed with Mr. HAUGEN not to try to do anything to his bill. I voted "present," and I admire you for voting against it, and you made some of the finest speeches against deferring it that I ever heard. [Laughter.] But I understand you are tinctured with Lowdenism, that you are going to change and are going to make a speech in favor of the bill in its present form. That is only my understanding, though. There were never any better addresses delivered in that committee room than you delivered denouncing the principle of asking the Government for a subsidy, describing how it would ruin the country to subsidize classes. Of course I know. Here is what Chester Gray did. He made his talk to the committee, and he jumped out into the chairman's private room, and under the direction of CHARLES signed on the dotted line, and then he ran down to the White House and, according to the newspapers, he went to Coolidge and said, "You have got to go with me," and I guess Coolidge, while he is quite active, said, "Young man, you are too acrobatic for me." And then this great Farm Bureau, up to the time it developed those acrobatic qualifications, wired out to the country, "There is nobody for agriculture here but me; everybody in Congress and everybody else is against it. You had better wire them and stir them up."

And I take it from the actions of my friend WILLIAMS that they have been pretty successful on him. [Laughter.] ASWELL'S speech is not in it, as you could readily see, if we could produce WILLIAMS'S speech that he made in the committee, but there was no report of it made.

Mr. ADKINS. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. ADKINS. Now, honor bright, does the gentleman think there is any difference in walking up to the trough of the Treasury and taking it out through a subsidy than in loaning it out and never getting it back?

Mr. TINCHER. Well, there would be no argument about that if you loaned it to a corporation that did not pay it back. But you admit this bill is a subsidy in its present form?

Mr. ADKINS. Sure.

Mr. TINCHER. You admit in your old-fashioned way that this is walking up to the Treasury and taking it out?

Mr. ADKINS. Yes; but you use a more polite term and say you are borrowing it, and that is the only difference. [Laughter and applause.]

Mr. TINCHER. I was in this Congress when we passed the war finance act and we lent money to agriculture. I was in this Congress when we had the Grain Corporation and the farmers and the millers borrowed money; and I was in this Congress when they converted the profits from those two governmental agencies into the Federal Treasury, and there is no basis in fact for the insinuation that to lend money to cooperatives to hold and to orderly market their products endangers this country in losing it.

Mr. ADKINS. Will the gentleman yield again?

Mr. TINCHER. Yes, certainly.

Mr. ADKINS. Do you know of a nation-wide cooperative exporting corporation that has ever been tried in the world that did not fail?

Mr. TINCHER. Yes.

Mr. ADKINS. Name one that has run 10 years.

Mr. TINCHER. Oh, I do not want to go into those little details. You have a little cooperative over there in Illinois that you would like to talk about for an hour. There are a lot of good cooperatives in this country.

The butter people, who wrote to you all because you "buttered" them into this bill when they did not want you to "butter" them in is a big national cooperative association. It has never failed and never will fail, and it has not failed to denounce this infamous legislation you are advocating here.

Mr. ADKINS. Will the gentleman yield again?

Mr. TINCHER. Yes; if you are enjoying it.

Mr. ADKINS. That same organization did not have guts enough to come before the committee and tell us what they thought about this bill, did they?

Mr. TINCHER. Let me tell you what happened. That organization is big and responsible and respectable. You agreed to leave butter out, and the last night when you were reading your bill you slipped butter in, and that is the reason for it. [Laughter.] I leave it to the officers of the greatest cooperative organization in America if my statement is not true.

Mr. HAUGEN. Will the gentleman yield?

Mr. TINCHER. Certainly.

Mr. HAUGEN. I simply want to correct the gentleman. Butter was in there all the time, but, as has been explained, it was overlooked. [Laughter.]

Mr. TINCHER. That is right. Butter was there all the time. Butter was down with tobacco where they could lend money on it, but all at once in a vain effort to get votes they hiked butter up and put it up where they could put an equalization fee on it and made it a basic agricultural commodity, and there is no Member of this House going to be

deceived. It never was defined in any bill that was brought on the floor of this House as a basic agricultural commodity, and it was never in any bill subject to an equalization fee until about 12 hours before this bill was reported out.

Mr. HAUGEN. Will the gentleman yield again?

Mr. TINCHER. Yes.

Mr. HAUGEN. The bill was drafted by myself, and butter was included, but it was left out through a typographical error. [Laughter.]

Mr. TINCHER. Gentlemen, I want to be fair with the chairman, and I take his word for that, but let me tell you what happened. We had the McNary-Haugen bill on this floor and we debated it, and all the time that "Mary Hogan" was here butter had that same old typographical error. [Laughter.]

She was out of it. It was only 12 hours before we brought this bill out that the chairman said that we were going to put butter in. There was consternation in the committee, but the members said all right. I wondered whom he dealt with, because deals were going on, and I was a little surprised when the cooperative butter people said it was the worst outrage that they had ever had perpetrated on them, because they had an absolute agreement that if they would lay off of this thing they would be let alone. [Laughter and applause.] They will tell you that themselves. They have offices here.

Mr. CLAGUE. May I ask the gentleman a question?

Mr. TINCHER. Certainly.

Mr. CLAGUE. This large creamery butter cooperative association, which is perhaps the largest in the world, is in my State. Do I understand they have indorsed the Tincher bill?

Mr. TINCHER. They have; and they wrote you a letter denouncing the Haugen bill.

Mr. CLAGUE. I beg your pardon. I have a telegram from the president of that association saying that they never indorsed the Tincher bill, and every member of the Minnesota delegation has such a telegram from John Brandt.

Mr. TINCHER. Does the gentleman mean to question my word? Are there any Members here who got letters stating just what I have said?

Mr. KVALE. Yes; I got one.

Mr. HUDSPETH. I got one signed by the president and the secretary of the concern.

Mr. TINCHER. Go over to your office to-morrow and read your mail. I thought there was something up, and pernaps it is Minnesota that was in on the deal.

Mr. CLAGUE. The president denies he was ever for the Tincher bill, and they stated that they did not indorse either bill.

Mr. TINCHER. But the national association has condemned it, and you have a letter showing that.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. NEWTON of Minnesota. I can say that I got word from Mr. Brandt—I think that is the name—saying that they were against both the Haugen and the Tincher bills and wanted no legislation from Congress.

Mr. TINCHER. You will get that letter also.

Mr. NEWTON of Minnesota. He stated they wanted to be left alone.

Mr. CLAGUE. Will the gentleman yield again?

Mr. TINCHER. Did you have HAUGEN put butter in the bill?

Mr. CLAGUE. No, sir; but I got a telegram from the president of the Minnesota Butter Corporation, the largest in the world, stating that they were not in favor of the Tincher bill.

Mr. TINCHER. I will tell you what you do. You and ANDRESEN and the other fellows get together and find out about it. Perhaps ANDRESEN knows how it got in. I am not going to quarrel with you about it. You just "buttered in" and you are going to "butter" out somewhere along the line.

Gentlemen, this is a serious question. As this bill stands before us to-night it presents a serious proposition. I have no apology to offer for the fact that the only bill I am advocating is one that is dubbed the administration bill because it has its indorsement. It will not go any further than to finance responsible organizations that want to carry surpluses and to orderly market surpluses.

Chester Davis said that the bill I introduced was the best bill for an orderly market that he ever saw, but he was not for the bill unless it went further. Mr. JACOBSTEIN and other men say that you can not go any further. It may be you can. But do we want to go further to the extent of destruction?

We had a great war, and all the nations of the world suffered. When the war was over the statesmanship of men charged with the responsibility was on trial. Germany tried the policy of reconstruction by the use of her printing presses and in printing money. How fatal that was to Germany!

Then there is the case of Great Britain, and that great statesman, Lloyd-George, advocated a subsidy—first, a subsidy to agriculture to the extent of $500,000,000 a year. Then along came organized labor, a class of coal miners who demanded their subsidy, and last July 1 they gave them a subsidy of $200,000,000. They tried it for a few months, and every organized class of Great Britain was on the back of Parliament for a subsidy.

Then the attention of Lloyd-George was called to the fact that they had made a mistake; that the policy would not work; and they withdrew the subsidy from the coal miners. That organization had had a taste of subsidy, and they said no. That organization went on a strike, and that strike is on to-night. They are not striking against the owners of the coal mines; they are striking against the Government. Oh, Great Britain boasted, and rightfully so, that the people of that great nation loved their government more than the people of any government in the world. What do you find? We find that because they embarked on that false economic idea for reconstruction that all the other organized classes of Great Britain have turned on the Government and are this night engaged in a sympathetic strike.

Mr. ADKINS. Will the gentleman yield for a question?

Mr. TINCHER. Yes; I am always willing to enlighten the gentleman.

Mr. ADKINS. Aside from the $2,000,000 dole which they have been paying as a weekly dole, are they subsidizing men that have jobs?

Mr. TINCHER. Yes; they subsidized the coal miners, and then every other organized class in Great Britain demanded a subsidy. And so every other class in America, if you grant this subsidy, will demand a subsidy.

Mr. CANNON. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. CANNON. Does not the gentleman concede that if England granted one class a subsidy every other class had a right to ask for the same privilege?

Mr. TINCHER. Did not I say that?

Mr. CANNON. Does the gentleman concede that having granted——

Mr. TINCHER. Oh, the gentleman from Missouri has only one speech, and that is a tariff speech. A tariff is not a subsidy. Let the gentleman get his old tariff speech out and read it some time when I am not busy. [Laughter.] A tariff is not a subsidy. Any man that knows anything knows that the tariff puts money into the Treasury while a subsidy takes it out. The tariff's worst enemy will not claim that it can be compared to a subsidy in taking money out of the Public Treasury.

Now, gentlemen, I want to say this. I still like this old country. There is a prevailing notion among the folks that statesmen in this country lived in the past. I have been here during the reconstruction period, and I am going home unscarred. I am going home to live with the people I love. I am going home proud to live there until my dying day. I will be willing to compare the statesmanship of men like LONGWORTH and GARRETT, of men like MADDEN, of men like BYRNS, with any other statesmen of the world. [Applause.] We may differ materially on details, but when it comes to the thing that will destroy American institutions and the fundamentals of our Government—oh, well, the history of men reads better than speeches made about them while living. Compare the condition of your country with that of Great Britain. How many of you to-night would like to be in London? Suppose you could sit over there to-night and there was one more class walking up to you and asking for a subsidy.

Mr. CANNON. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. CANNON. Does the gentleman concede that the purpose of the bill is to make the tariff effective on farmers' products?

Mr. TINCHER. No; the purpose of the bill in its present form is to create 12 big Federal officers at $10,000 a year, to be guided by Murphy and Peeke and other lobbyists that stand for no principle and can change their ideas overnight. [Laughter and applause.] That is the purpose of this bill. Gentlemen go out and assault a man who is willing to fight for agriculture and who is trying to do all he can, because he can not turn handsprings and change overnight from the policy that they say is sound to one that they say will destroy agriculture.

Mr. CANNON. Whom is the gentleman grooming for the places that he has prepared in his bill?

Mr. TINCHER. I am not grooming anyone, and I would not recommend the gentleman for one of those places.

Mr. WILLIAMS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. WILLIAMS of Illinois. Has not the gentleman provided for the same kind of a board in his bill, except that he pro-

vides $12,000 a year for them in place of $10,000 a year? [Laughter and applause.]

Mr. TINCHER. I do not provide for so many of them. I have provided for six. I am willing to go the limit for agriculture as long as I do not have to go back on the principles on which my Government was founded. [Applause.]

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. No. I am afraid the gentleman will want to make a tariff speech.

Mr. PURNELL. Mr. Chairman, will the gentleman yield to me?

Mr. TINCHER. Certainly.

Mr. PURNELL. The gentleman will not contend that it is the intention of this bill to create a perpetual subsidy? The gentleman knows as well as I do why he has dragged all of the skeletons out of the closet of our committee room—and it is proper that he should do so, but the gentleman knows very well——

Mr. TINCHER. Oh, I resent that. I have not mentioned anything that happened in the committee room unless it was first mentioned to me.

Mr. PURNELL. I have no objection to the gentleman's doing that.

Mr. TINCHER. Go ahead, and I will mention some of them to the gentleman.

Mr. PURNELL. I resent any suggestion that this is a perpetual subsidy. It ends in two years, and I want to say to the gentleman—and no man in this House has a higher regard for him than I have—that if it took twice the amount that is involved as a subsidy to put American agriculture on its feet I would feel justified in voting for it. [Applause.]

Mr. TINCHER. If the gentleman wants any more time, I shall be very glad to yield it to him. [Laughter.]

Mr. PURNELL. I know the gentleman will, and I will give the same amount to him. The gentleman has no better friend in this House than I, and I want now to ask the question that I got up to ask. The gentleman's bill, if I understand it, seeks to give additional credit to the farmer?

Mr. TINCHER. Oh, the gentleman has been busy in the primary and has not read the bill. It does not offer a dollar's credit to any farmer.

Mr. PURNELL. I can not construe it in any other way.

Mr. TINCHER. Then I suggest the gentleman would better read it.

Mr. PURNELL. The bill which is known as the Haugen bill seeks to do the one thing which, in my judgment, will put agriculture on its feet, namely, give the farmer better prices for his products. That, to my mind, is the fundamental difference between the two bills. Credit is not what the American farmer wants. He wants better prices. What is the use of giving him additional credit if the price for his products is too low. We ought to give him a reasonable profit.

Mr. TINCHER. Will the gentleman yield to me for a moment?

Did the gentleman mean what he said when he said in the committee that a two-year subsidy would destroy the effects of the bill? Did the gentleman mean what he said when he said that the only thing that had been worrying him was whether the equalization fee in the fixed price would not raise the production, and that he knew that a subsidy would raise the production, and that he agreed with Mr. Murphy that it would debauch agriculture?

Mr. PURNELL. I did not say that.

Mr. TINCHER. The gentleman spoke there about 20 minutes filibustering one day, and I thought he said all of that.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. TINCHER. I yield myself 10 minutes more.

Mr. PURNELL. The gentleman occupies a very fine position in being able to yield himself additional time.

Mr. TINCHER. I have to, to give the gentleman time.

Mr. PURNELL. I know the gentleman too well to think that he would purposely misquote me.

Mr. TINCHER. No; I would not.

Mr. PURNELL. The gentleman knows my position.

Mr. TINCHER. Does the gentleman not think that a subsidy for two years would destroy the effect of the equalization fee and bring around a surplus that would destroy and debauch agriculture, as Mr. Murphy says it would, or does the gentleman agree with Mr. Murphy?

Mr. PURNELL. I am not crazy about this subsidy. The gentleman knows that, and the gentleman knows that 21 members of the Agricultural Committee honestly tried to bring out a bill before this House, and that there were not 11 members who could be gotten to support any one bill, and that in order to get this matter before the membership of this House and discuss it we brought out these measures. Of course, the thing does not represent everything that I wanted; but I repeat what I said——

Mr. TINCHER. Oh, there is no use repeating it. I suggest the gentleman get some time from somebody else if he is going to repeat. [Laughter.]

Mr. PURNELL. The gentleman has all kinds of time. I ask the gentleman how his bill will increase the price of farm products?

Mr. TINCHER. I want the gentleman to read, if he did not listen to it, Mr. Jardine's testimony in volume 16 of the hearings, the first 50 pages; and I want every Member to read it.

It does not propose to wave the magic wand, but the Secretary of Agriculture for this administration says that he will be for it, and JACOBSTEIN told me this afternoon he believed the 10 per cent gap he described here could be covered by this bill by extending credit to cooperatives so they could make advances to farmers and have an orderly marketing of crops and keep them off the market and market them as they should be marketed, and that is in accord with the testimony of Frank Lowden before he changed, and there is not a witness in the record—I challenge any member of the Committee on Agriculture now, or any Member of Congress, to rise in his place and cite the name of one witness in this record who is supporting the Haugen bill in its present form. Is there any man who knows of a witness who testified before the committee in favor of this bill, this monstrosity in its present form? If so, I ask him to arise. [No one arose.]

Mr. FORT. Will the gentleman yield?

Mr. TINCHER. The gentleman does not know of one.

Mr. FORT. No; I want to ask the gentleman if he recalls this from Mr. Lowden's testimony?

Mr. TINCHER. Read it.

Mr. FORT. He was asked the question, "Is not the logic of your argument, Governor, that the legislation should take the form of price stabilization legislation rather than price raising legislation?" To which the answer was "Yes." Does the gentleman recall that?

Mr. TINCHER. Yes. It is printed and he said it, but that is not popular any more. He went up at the Lee House—I worshiped him. I thought he was economically sound. I took his language to CHARLEY ADKINS, of Illinois, and pointed it out—he mentioned several times in his speech this afternoon—and I went over to see about it, and CHARLEY laughed and said, "Frank has quit you." I hope he has all the good luck in the world, but it is a very serious question with which to play politics.

I like this old country of mine. I voted once for an equalization fee tax on production. I thought so much of my country and agriculture I went the limit and voted for it stating on the floor when I did that it was not economically sound, and I was only doing it to bridge an emergency. I want to tell you about a trip of mine and then I am going to quit, no matter if I have all the time I want. I went to Jamaica——

Mr. PURNELL. Does not the same emergency exist to-day that then existed?

Mr. TINCHER. No; 25 points between then and to-day only 10. You ought to read it, FRED, you have been busy in your primary. [Laughter.] Now, if you will let me alone I will tell you about my trip.

Mr. ANDRESEN. I know the gentleman wants to be perfectly fair and I have very high regard for him as a statesman. The gentleman knows I have been perfectly consistent in my policy and offered to put the equalization fee on immediately or defer it on all commodities to a certain future time.

Mr. TINCHER. I do not want to talk about the gentleman's consistency at all; of course he is consistent and also one of the finest young men I ever met.

Mr. ANDRESEN. The gentleman has already developed——

Mr. TINCHER. I just want to state——

Mr. ANDRESEN. My memory is quite fresh as to the fact that the gentleman from Kansas voted for my amendment in the committee to defer the equalization fee for two years.

Mr. TINCHER. If I did it was after asking the chairman particularly if he wanted it, because when we agreed to report out the bills we agreed we should report out the Haugen bill as he wished it and I should report out mine as I wanted it, and I always keep my word.

Mr. BURTNESS rose.

Mr. TINCHER. I am not going to yield to you. I am going to tell about this trip. I went to Jamaica, and that is a British Province. We got off at Kingston. Maybe the man is here who was with me. I do not remember who he was, there was

such a big bunch of Congressmen. This Congressman and his wife and myself and my wife got in a buggy, or some kind of a rig, to ride out and see, I think it was, the royal gardens. We drove out to the edge of the town, and there was a sign up, and the sign said:

Pay your production tax here.

There were conveyances lined up there, such as they have in Jamaica. I made them stop the conveyance, and I inquired what it was; and they said that the farmers, such as there are in Jamaica, had to stop there and pay a license tax before they could take their product into the city and sell it.

You know we have been talking extensively about this. Sometimes I think the best thing in the world for a man to do is to admit sometimes that he was wrong. How do you suppose I felt when I had a production tax before me, when I met it in the road I looked it in the eye. Then I went home. While my farmers are friendly, I never had a compliment from one of them in my life for the stand I made for a tax on production.

That day in Jamaica, as we drove on over the island, looking at the way the natives lived and the gardens they had there, whoever those people were that were in the car with us—with my wife and I, between us, have been trying to think, whoever they were—we had an admiration society for the United States. We got to talking about a fellow who used to live on the banks of the Potomac, and we got to wondering whether the people who live in the United States now appreciate what George Washington did for them. There were British subjects standing in line, paying a tax on what they raised before they could sell it.

Maybe I have changed my mind. I supported the thing once as an emergency tax on my farmers, being willing to do anything to help; but, God being my judge, I will never again vote for a tax on production on American agriculture so long as I live. [Applause.]

Think of it! There are 10 per cent of the Members of this House who believe in it. Oh, I believe we have more nerve than this bill would indicate. When this bill finally emerges it will either have this tax on it, or it will emerge without a head, because this House is not going to be put in the attitude of passing a production tax and placing it on the American farmer and deferring its effects until after the election. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ASWELL. Mr. Chairman, I yield 30 minutes to the gentleman from Nebraska [Mr. MOREHEAD].

The CHAIRMAN. The gentleman from Nebraska is recognized for 30 minutes.

Mr. MOREHEAD. Mr. Chairman, there are many ways to help the farmers.

First. By reduction of taxes. That depends on the people themselves and their public officials whom they elect. The taxpayers are fortunate if their representatives, national and local officials, have not acquired the art of extravagant expenditures of the taxpayer's money.

REDUCTION OF FREIGHT

Had I the power I would compel the railroad companies to create a sinking fund to retire a lot of watered stock of railroad companies, and make it a severe penalty to overcapitalize any line of business and sell the stock to innocent purchasers, then charging exorbitant rates to make stock valuable, and pay dividends on watered stock.

High United States freight rates would have cost Canadian wheat growers $30,000,000 more in 1925 than they paid.

REDUCTION OF TARIFF

The third and most difficult way is to reduce the tariff, so we would have competition in manufactured articles, thereby enabling the farmer to purchase more for his money.

More complaint comes from the agricultural section of business conditions at this time than from any other line of business. The demand for farm relief is not a complaint from the minority party, but is of far-reaching importance and entirely free from partisan feelings. I herewith quote from Republican sources in Nebraska:

LINCOLN, NEBR., April 21, 1926.—Governor McMullen appealed to the Democratic governors of the South to aid in passing the Haugen bill. He stated, "If the Haugen bill can not be passed, an issue should be made of the farmer's need for aid. The time has come when the agricultural interests of the South and the West must stand together for the common cause. Both sections have been denied their share of the national income because favorable legislation has been enacted for all wealth-producing agencies except farming. We now have a chance, if we join forces, of securing a similar legislation for the chief industry of our respective sections. There are powerful forces opposed to any legislation for agriculture that will place it on an equality with other industries."

The Nebraska State Board of Agriculture—most of them Republicans—adopted the following resolutions:

Now therefore be it resolved, That the Nebraska State Board of Agriculture demands in behalf of the greatest industry of this State and Nation—the business of agriculture—as an economic necessity either the repeal of the laws which have created the artificial barriers for industry, business, and labor or that the system of stabilization for such be broadened so as to include agriculture. Be it further

Resolved, That we approve of the efforts now being made by the Middle Western States for such legislation as will place the production of the farmer on a basis with the products of industry, business, and labor.

There is, and has been, a bitterness of certain sections of this country against any legislation tending to aid the farmers. As evidence I quote from the New York World, March 17, 1926, an item clipped from the Nebraska State Journal with their comment, which is and has been a very partisan Republican paper, but seems now to be taking a different view of the treatment given the farmer:

A shocking discovery is made by the New York World in connection with the farm-relief campaign at Washington. "Its basic purpose," the World reveals, "is to make the domestic consumer pay more for American farm products." The farmer may as well plead guilty, at least to the extent that the intention is to get more pay for the farmer for his products. One might add, for the information of the horrified World, that the object of labor legislation at Washington is usually to get a higher price for labor. And the object of business legislation, such as tariff laws, is always to get a higher price for business products. The farmer may be perfectly wicked in his sordid demand, but where is the innocent gentleman to cast the first stone at him?

Since the war Congress passed a prohibitive tariff law to help industrial sections; they passed the Esch-Cummins law to help the railroads, and made the protected interests, as well as the railroads, the most profitable in their history. They made it possible for the farmer to get in debt. In my judgment, it proved detrimental rather than beneficial. I have serious doubts of the advisability of making it easy to get in debt, as very few borrowers can make profits sufficiently great to justify the interest they pay. Since the Federal bank law became a reality the loaning and borrowing of money, in my opinion, should be left to the locality in which the borrower lives, as the supply of money is sufficient that their wants can be taken care of and the lender has a much better opportunity to pass on the advisability of the loan.

The Federal bank law is a wonderful advancement in the handling of the business of this country. It has made panics a thing of the past; and I regret to say the law is administered by its enemies, who are under the influence of large interests who opposed its enactment, and if it is not entirely successful, it is no fault of the law.

During the World War the farmers prospered, which was very unsatisfactory to the great industrial centers, whose slogan has been "Cheap food—Cheap labor." In 1920 wheat was selling on the Omaha market at $2.85; corn, $1.85; hogs at $14.60; and cattle at $16.25; and at the present time wheat is $1.58; corn, 66 cents; hogs, $12.75; and cattle, $9.40.

I wonder if there was anyone in the agricultural States who did not know that the intention was to do just what has been accomplished—to deflate the price of farm products.

From all sections there is quite a sentiment that the farmer is not being fairly treated at this time. To find a remedy is a difficult undertaking. All fair-minded people admit there is too great a difference between the price paid the producer and the consumer.

To send our surplus to foreign markets and sell them cheaper than at home. This thought originated from the large manufacturers of American products selling their surplus in a foreign market cheaper than they sell in a domestic market. The farmer and manufacturer are not parallel cases. It is within the power of the manufacturer to limit production. The farming industry is so extensive and their needs so great that they are compelled to till their soil and raise their crops to meet living expenses, upkeep, taxes, and obligations of all kinds.

If the object of the contemplated legislation is to benefit the corn-producing States—and that seems to be the only section of the United States that is in a bankrupt condition, as reported by at least a part of the farmers and business people of these States—the adoption of a successful farmer's method of holding his grain until demand and price would be sufficient to pay cost of production, expense of upkeep, and a reasonable return on his investment would be a better way.

I was reared on a farm and have been closely identified with agriculture all my life. I have given farm problems a careful study, and, in my judgment, the most important and far-reaching farm product is corn and its by-products. Business depression comes when corn is cheap, prosperity when it brings a good price, as most all farmers in the corn section have some corn to sell and prosper when prices are good, making it possible to be liberal buyers of manufactured goods and other products not produced in the Corn Belt, and thereby sharing their prosperity with other sections of the country.

America produces a large per cent of the world's corn. That being the case, we should be in a position to dictate the price on corn and its by-products, at least to the extent that the farmer would not have to raise and market his corn at bankrupt prices.

If I, as a practical farmer, was protected on a minimum price of $1 a bushel—and this is not an entirely new adventure, as it was demonstrated successfully during the World War—I would take chances on making farming a success. I would stop the importation of all grains and the importation of all meats, both on hoof and in its cured state.

Corn being stabilized would stabilize the price of land. The minimum price, as stated, would increase corn production and diminish production of other grains and livestock until prices of other grains and livestock would be more profitable than the production of corn; they would naturally turn to the production of the most profitable grain products.

In establishing a minimum price for corn the purpose is to prevent speculators and investors from depressing prices below the cost of production. In this way it would not interfere with dealers and middlemen engaging in the business the same as they have in the past.

I doubt if the Government would be called on to aid in maintaining a minimum price. The fact being known, the Government would be a purchaser if prices were less than the minimum, would be sufficient to stabilize the minimum price. Nature provides through weather conditions methods of taking care of surpluses of grain from year to year.

The Government could aid in the warehousing and storing of the corn product and release as the demand and prices justify. No foreign market should be allowed to fix a price for the producer on a product where two-thirds of the entire production is produced in America.

The best methods of government are largely individual ideas of those who have official power given to them by the people, and the peace and happiness of the people of the Nation are largely in the hands and dependent upon the capabilities of the men who hold public office.

Artificial methods of raising prices is, in my mind, contrary to the most stable, dependable methods of conducting our governmental affairs, but as long as artificial ways for all other businesses are used to advance prices the only way to aid the farmer and that is the adoption of the same methods.

Appropriations of $4,300,000,000 at this session of Congress is a staggering amount. There is doubt in my mind if anyone, even the Secretary of the United States Treasury, knows the exact status of the obligations of the American Government. The laxity with which we appropriate money appears to me reckless and dangerous. The appropriation of large amounts to build airplanes over a period of years. Before the last is completed the first will be in discard.

We are constantly increasing the appropriations for defense. To me the greatest preparation for defense is paying our debts. Individually I was opposed to the settlement of foreign obligations at a few cents on the dollar. I have never been in favor of the bankruptcy law. A just and honest contract should be honestly met, and not make it easy for nations, States, or individuals to have their obligations canceled and then again perform the same methods in borrowing large sums of money or contracting obligations without any thought of inconvenience to themselves.

The stability of our Government largely depends on agriculture. The great Middle West is the most productive section in the world and sends her food products to every section of civilization, and has not had the consideration that I believe she is entitled to.

Comparison of the farmer's income readily shows that they are not being as well treated as other lines of business:

We have the figures for agricultural incomes as compared with city incomes. The average farmer in 1924 had an income from his labor of $730. Workers in manufacturing industries averaged at the same time $1,256; transportation workers, $1,572; clerical workers, $2,141; teachers, $1,295; Government workers, $1,650; average of all nonagricultural workers, $1,415. In figuring the farmer's income he is charged with his own products consumed at home as if he had bought them in town. The $730 for the average farmer is compared on equal terms with $1,415 of the average city worker. The pay of a farmer is almost exactly half that of a city man.

This disadvantage of the farmer, the figures show, has been a growth over decades. We speak of farm surpluses, but farm production relative to population has decreased 20 per cent since 1900. We speak of farm overproduction, but production per acre has decreased 4 per cent since 1900. These changes have been accompanied by a growth in foreign competition, reflected in diminished exports and increased imports of food products. Agricultural exports declined 20 per cent from 1900 to the World War and are now again on the decline.

Considerations of local pride, fear for the marketability of our lands, or devotion to traditional economic creeds tempt us to shut our eyes to these bitter facts. This ostrich course is a poor service to agriculture. Agriculture has been too slow to assert itself. This is clear from the fact that it has waited for the national industrial conference board, a body composed principally of managers of industrial plants, to diagnose its case.

The report shows that from 1900 to 1920 the farmer's cost of production increased 300 per cent. Wholesale prices of farm products increased in that same period only 120 per cent. The real income of agriculture has been and is steadily diminishing. The ostrich may look abroad and see a farmer, many farmers, here and there, who have prospered. Those swallows make no summers. Agriculture as a whole the country over is losing ground. It can not be denied without plain, arbitrary blinking of the facts.

It is not my intention to put the agricultural section in a bankrupt class, but to emphasize the importance of giving the farmer fair treatment, not only for his benefit but for the benefit of all lines of business, for all other business is largely dependent upon the farmer.

Statistics here briefly stated would show an unusual condition in earnings of other lines of business. I herewith quote as follows:

The American Telephone & Telegraph Co., with $107,000,000; General Motors Corporation, $106,000,000; Ford Motor Co., whose profits are not published, but estimated at $100,000,000 to $115,000,000 for 1924 suggest its position for 1925; the United States Steel Corporation, $90,000,000; and Standard Oil of New Jersey, whose figures are not yet given, but which is ranked with the leaders.

The rubber companies had a banner year, even if crude rubber did go up like a skyrocket. Fifteen or more oil companies made $10,000,000 or more, while a number of the leading industrial corporations attributed a substantial part of their earnings to the automotive development. One make of automobile bodies amassed $15,000,000.

There is a homelikeness about the farm that is found in no other place. As evidence, every public official is desirous of tracing his birth and occupation to the farm. A large per cent of the managers of great business affairs trace their childhood days back to the farm. The slogan "Back to the farm" is fine, but will be void of attractions if we are required to give more hours of drudgery, make more sacrifices, and receive less pay than other lines of business. It is not surprising, under present conditions, that the Department of Agriculture shows a one-half million decrease of rural population in 1925. When farming is profitable, cities thrive; when farmers fail, cities decay. Owners of farms and homes are financially interested in our Government, making them more loyal to the Government of which they are a part.

Our large families are reared on the farm; hence all the more reason to offer every inducement to people to live upon the farm; and if a surplus of farm products is created, it is no detriment and much preferable to a famine.

Mr. HAUGEN. I yield 10 minutes to the gentleman from North Dakota [Mr. HALL]. [Applause.]

Mr. HALL of North Dakota. Mr. Chairman and gentlemen of the committee, as a member of the Committee on Agriculture I have been preparing in my mind speeches on farm relief measures all winter long, and as the time for the debate on this great question came forward I found that my ideas and some of my statements and findings had been anticipated by some of the other gentlemen, so that I find myself here to-night with but very little, aside from some clippings and tables, which, at the end of the short talk I intend to make, I shall ask leave to print in the RECORD.

Early in the hearings before the Committee on Agriculture the gentleman from Indiana [Mr. PURNELL], one of our members, stated that this question of farm relief was the greatest question that had been before the American Congress in 75 years. I thought that perhaps his statement was a bit overdrawn when I heard him make it, but as we went through those long weeks of hearings I became more and more convinced that the gentleman from Indiana was absolutely right, that there are more angles and threads in the woof and weave

of this great question than we can satisfactorily answer in just a cursory study.

My good friend from New Jersey [Mr. FORT], another member of our committee, in a very wonderful talk before the House two or three weeks ago set out as he thought, and as I believed, a wonderful picture and a very tragic picture of the present condition of American agriculture. It was refreshing to me, as a man from the Middle West, to find that a man connected closely with business in what we know as the industrial East should have such a sympathetic and close picture of agricultural conditions and give so much time and study to that subject. I was in hopes that we would find him lined up closely with us fellows from the Middle West in support of the Haugen bill and in support of the principle centering about the equalization fee.

I am for the equalization fee. We fellows out in North Dakota, a purely agricultural State, have been reading and studying the debates of the Sixty-eighth Congress very closely. I remember last winter a year and a half ago reading with a great deal of interest a paper in the RECORD of the Sixty-eighth Congress written by the gentleman from Colorado [Mr. TIMBERLAKE], and the school children in North Dakota are to-day using those little tables and formulas for the finding of price ratios, and all that sort of thing, and they are studying the principle of the equalization fee. Those people of mine out there in that country are convinced, gentlemen, that permanent relief for farm troubles must come through the imposition of an equalization fee. You may call it an equalization fee or a tax, or whatever it is, but it centers around that.

We have tried borrowing. The people out in our country are borrowed to death. They are mortgaged for more than 78 per cent of our total values, and our values have tumbled. The cash-sales value of North Dakota lands to-day as compared with 1910 are about 71.8 per cent. We are a little better off than some of the other States, but we are still in a bad condition.

We have had troubles in North Dakota—political troubles, economic troubles, crop-year troubles, and weather troubles. We have had everything, I guess, that an agricultural community could be troubled with.

Wheat prices in the last two years have been very satisfactory and we are coming back. Our people are optimistic. Our people are a reading, thinking, studious, and church-going people.

In passing, let me say that we have the world's record as to literacy over in North Dakota, having only eight-tenths of 1 per cent of illiteracy. In North Dakota we put on a campaign just at the time of the war to wipe out illiteracy in North Dakota and to have 100 per cent literacy counties, and have whole counties there without a person living in them who can not read and write in some language. We had one county completely covered, with the exception of one man. A hired man more than 50 years of age was found who could not read and write. His neighbors got after him to go to night school; it bothered him and he moved off to the other end of the county. We thought we were 100 per cent literate in that county, but after a while we found he was working in a township about 30 miles away, and we had to put on another campaign with him. Then he left the State.

But, as I was going to say, we have had our troubles over there in North Dakota. You folks have heard awful things about North Dakota and its people. The State papers over there and the city press have been telling you awful things about North Dakota's politics and North Dakota's crops as well as its financial troubles. Our financial troubles started in about the middle of 1920, just about the time the Federal reserve system did an awful thing with our discount rate, and all that sort of thing. That is when our troubles started. We had about 425 bank failures in our State in about 18 months. I was a member of the banking board, and I had intimate knowledge of what took place. I want to tell you that we fellows over in North Dakota have been borrowed to death. We know we can not settle this agricultural question out there by loaning the farmers more money. We have had all the money we want at all sorts of interest rates, and we have had all sorts of trials with cooperative marketing.

Cooperative marketing is a very fine thing in theory, but it will not work out out there any more than it does in the tobacco country. About the time you think you have them organized about 25 or 40 per cent you have lost them. I remember distinctly just after the war we put on a movement to reduce the acreage on wheat, and at Mandan, the county seat of the largest county in the district of the gentleman from North Dakota [Mr. SINCLAIR], they had a meeting lasting two days. The farmers were talking over the question of reducing the wheat acreage for the next year. They arrived at an agreement Saturday forenoon that they were going to reduce the wheat acreage about 12 per cent, and almost every farmer for miles around signed that agreement, but a company of men riding in the smoking car from Mandan up to Glen Ullin, a matter of 60 miles, made an agreement, and this is what happened. One of them said:

> These other fellows are going to reduce their acreage. This is a good time for us to increase ours.

They did that, and that is one reason why you can not organize them.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman 10 additional minutes.

Mr. WILLIAMSON. Will the gentleman yield for a question at this point?

Mr. HALL of North Dakota. Yes.

Mr. WILLIAMSON. What, in your judgment, will be the effect of a bill like the Haugen bill with reference to the question of stimulating production?

Mr. HALL of North Dakota. I think it will have the opposite effect. I think that is one of the great reasons out there why they want the Haugen bill and the equalization fee. I think it will retard production after it is in operation.

Mr. TINCHER. Will the gentleman yield?

Mr. HALL of North Dakota. Yes.

Mr. TINCHER. The gentleman does not think it will be retarded much for the first two years with a subsidy, does he?

Mr. HALL of North Dakota. No; I do not think so.

Mr. TINCHER. The gentleman knows enough about agriculture to know that a subsidy would have the influence on agriculture that Mr. Murphy said it would.

Mr. HALL of North Dakota. I think so; yes. I must be honest with the gentleman.

I went out into North Dakota in 1883 with my father, who was a homesteader out there, and I have been interested there as a homesteader's boy, a farm hand, and a farmer during all of these 33 years.

Mr. BURTNESS. Will the gentleman yield?

Mr. HALL of North Dakota. Yes.

Mr. BURTNESS. Of course, regardless of what you or I may think about the equalization fee or the advisability of postponing it for two years this, at any rate, is true. The bill as worded, while it postpones the equalization fee for two years, can not possibly affect the crop for more than one year, because the winter crop for this year was seeded last fall and in the spring-wheat section the wheat is already in and no wheat will be sown this year after the bill is enacted into law, if it is enacted.

Mr. HALL of North Dakota. That is quite true, because by the time this thing gets going it is only a matter of deferring the fee for one year at the very most.

Out in North Dakota our farms are a little bit larger than they are here in the East. The average farm in North Dakota is about 320 acres, and during the last five years the farmers, without crediting themselves with anything for their labor or providing any return on their original investment, have been losing money, with the consequent result that in seven years their capital is entirely wiped out.

As I have said, we are coming back, and it is only because of the "stick-to-itiveness" and the bravery and the hope that the Congress is going to do something that most of these people stick on as they are doing. We have a wonderful soil and a wonderful climate. We have everything that nature can do for us, with sufficient rainfall and good living conditions, but we can not make the farms pay.

I have here a letter in my file from a man who went out into North Dakota as a young man about 40 years ago. He was known the world over as the "boy tenor." He sang in some of the great cathedrals and churches of the world. After going through college and getting a good business training, he went out into North Dakota and built up a great farm out there. He is now bankrupt. He told me he has lost in money since 1918 $350,000 in round numbers, and that he has charged off to profit and loss and depreciation and lessened cash values more than $550,000 more.

This man was farming over 10,000 acres. He was a business man. His business was just as nicely organized as any bank or factory business. He had a complete and simplified bookkeeping system so that he could tell you what it cost him to raise a hog weighing 220 pounds or he could tell you what it cost him to raise a bushel of potatoes. Borrowing money can not help this man. I have his letter here, and it is really too long to read; but he tells me that you can not cure the farmers' ills in North Dakota by making it easier for them to get money.

It has been easy enough to get money. What we want is a fair price for what we raise.

I have a letter also from a man who has just returned to St. Paul from eastern Iowa, and he tells the story of a small farmer down in Iowa, a young married man just starting out. His wife is a young girl raised in the neighborhood. They were both raised on the farm and both were high-school students. This young man had spent two years at Ames Agricultural College. Last year they raised 32 pigs and sold them in January at a weight of about 220 pounds. He milked from seven to nine high-grade Guernsey cows. They took care of all of their stock and did all the work alone during the entire year, exchanging work with the neighbors, and only spending 75 cents in actual money for outside help. The money they spent at the stores for groceries and the like amounted to only $77 for the entire year. While they milked these cows, they did not have cream for their own use, but used the milk from the separator. While they had a lot of poultry, they confined their use of eggs to only six eggs a week.

Is it any wonder that the young men and women are leaving the farm? What are the prospects for this young couple and thousands of others? Now, what are we going to do about it? With all the good men we have representing us in Washington, we can not hope to enact favorable legislation without considerable help from the East. The eastern industrialist must recognize that if he is to continue to enjoy an outlet for his products the West must prosper, and our first duty is to show the East that we who are contending for legislation that will raise the price even at the cost of increasing in a very small measure the living expense of the industrial worker are entitled to relief, and that unless we receive such relief our condition will be felt in the East by our disfranchisement as purchasers of manufactured products.

That young man I mentioned can not make it pay. I am wondering whether borrowing is going to make the man any better off. He pays one half of the income to the man who owns the land. The other half pays the interest on the equipment. Is borrowing going to help him? I should say not. I am convinced that we are not going to get anywhere by setting up the loaning system. We will never get anywhere until we set up something in the way of an equalization fee.

Mr. DENISON. Will the gentleman yield?

Mr. HALL of North Dakota. I will.

Mr. DENISON. I respect the gentleman's opinion very much and I am asking for information. If I understand the gentleman's view, he believes in the equalization fee. If the equalization fee is right and wise in principle, why should we defer it for two years?

Mr. HALL of North Dakota. I had much rather have it go on right now if we could pass the bill. I would like to have it on everything right now, but we can not seem to get enough Members to feel as I do.

Mr. DENISON. What does the gentleman understand the reason to be why the other Members will not do it?

Mr. HALL of North Dakota. Well, pretty nearly everybody has a different reason. Some did not want it on corn and some did not want it on cotton, and Members from different sections had different reasons.

Mr. FORT. Is it not true that the people who needed the help the most were the ones that did not want the equalization fee?

Mr. HALL of North Dakota. Yes; I guess that would apply to the cotton men and to the corn men.

Mr. WILLIAMS of Illinois. Will the gentleman yield?

Mr. HALL of North Dakota. Yes.

Mr. WILLIAMS of Illinois. Is it not true that if the equalization fee is deferred we have in the bill now before the House the principle of equalization and if passed it will be written into the law; that the big organizations of the country say that this is the only thing that will work out a solution of the present problem?

Mr. HALL of North Dakota. Yes; the principle is there, and that is why I am supporting it, and that is why my people are supporting it and why the St. Paul papers and the North Dakota papers and all the farm organizations are supporting the equalization principle. [Applause.]

As to prospects for the coming year I quote from the weekly business letter issued by the Alexander Hamilton Institute under date of April 17, 1926.

THE WHEAT SITUATION

Notwithstanding the reduction in the size of the wheat crop in the United States last year, the outlook is that the carry over in this country at the beginning of the new harvest in July will approximately equal that of a year ago. Not only has domestic consumption been curtailed but the export demand has been light during the past season.

Europe raised a larger crop last year than in 1924, and consequently has had to import less wheat. Canada also had a larger crop and her increased exportable surplus enabled her to supply a larger proportion of the world's import requirements. The increase in the foreign wheat crops in 1925 not only offset the decrease in the United States yield, but brought about a substantial increase in the total world production. The world output in 1925 amounted to approximately 3,600,000,000 bushels, as compared with 3,300,000,000 bushels in 1924, an increase of over 9 per cent.

The adequate world supply of old grain and the promise of an abundant 1926 harvest in the United States will tend to exert pressure on the market during the next two or three months. Later on the market will be influenced by the prospective 1926 yields in Europe and Canada.

Important countries other than European countries need about 60,000,000 bushels during the last four months of the season, which brings the total world import requirements up to 190,000,000 bushels, as against a total of 310,000,000 bushels last year. Exporting countries other than Russia on March 1, 1926, had 85,000,000 bushels in excess of the amount needed during the remaining four months of the present season. Last year the supply was 38,000,000 bushels short of requirements. The following table shows the supply remaining in exporting countries on March 1, this year and last year:

Wheat statistics of exporting countries

[Millions of bushels]

	Crop	Annual consumption	Exports to Mar. 1	Exportable surplus Mar. 1
1925–26				
United States	669	570	69	30
Canada	417	100	200	117
Argentina	191	75	19	97
Australia	110	50	29	31
India	300	300	0	0
Total	1,687	1,095	317	275
1924–25				
United States	863	624	205	34
Canada	262	62	127	73
Argentina	191	75	42	74
Australia	164	49	34	81
India	322	312	0	10
Total	1,802	1,122	408	272

North Dakota's grain crops for 1925 brought our farmers more than $224,000,000, and the products of the livestock, wool, honey, dairy, and garden brought them about $148,000,000 more. The grain crops of 1924 was $32,000,000 less in value than that of 1925. The value of diversified products, however, for 1924 was $17,000,000 greater than the preceding year, making a lesser value of $15,000,000, or only $200 per farm for 1924.

The above statement of diversified production now measures more generally the North Dakota farm and farmer since 1920. All his eggs no longer in one basket. The grain acreage is less, but the lesser acreage producing more bushels, therefore more dollars; all grain of better quality; foul seed dockage reduced and soil fertility conserved. It is a bank depositing, not a bank borrowing proposition.

In 1920 the total value of the above stated diversified products was in North Dakota $82,150,000. In this particular production we have nearly doubled the value in five years. It is interesting to note that such production is now more than one-half of the total grain production, which indicates that we are moving rapidly into better and safer farming methods, but diversification can not cure our present ills.

Diversification in some instances means a spreading of awkward and costly losses.

My State has more than doubled its corn acreage within the past five years until we are now the twenty-fourth State in corn production. Iowa, Illinois, and Missouri are at the apex of their corn production, while North Dakota is in the early dawn of her great corn-producing possibilities.

In making comparison with other States and the country at large, we find that in the crop of 1925 we produced two-fifths of the spring wheat and one-sixth of all wheat raised in the country. The flax crop of this year, though much less than 1924, yet we produced one-third of all flax raised. In winter rye we also produced one-third of the country's production,

which total was 48,696,000 bushels. In barley production we lead our nearest competitors, Minnesota with 33,630,000 bushels and California with 32,240,000 bushels. Our advance in potato production during the past eight years has kept pace with that of all other diversified products. This year's crop advanced us from thirteenth to eighth place in State potato production. In dairy production during the past five years we have advanced more rapidly, measured by a like number of farms, than any other State in the Union. In 1920 value of dairy production was $27,240,000. In poultry and poultry products the advance has kept up with the rapid pace set by that of dairy products.

The great advance during the past three years in production and value of sheep and wool is especially noticeable. Their increase is rapid; they are weed consumers; dual money makers, and spread richness to impoverished soil. A small bunch on every farm would be a fourfold blessing.

In 1915 there was but a few scattered acres in alfalfa and none in sweet clover. The acreage for 1925 of these two great forage crops was 397,000 acres. Our remarkable development in honey production in the short period of five years is without a parallel in this or any other country. In 1920, 708 hives; in 1925, 16,000 hives.

With the rapidly increasing acreage in corn, sweet clover, and alfalfa it forecasts more and better rounded-up hogs, beef stock, and sheep, and better and more intelligently fed cows. This prediction is made more assuring because of the Armour packing plant at Fargo. It is now a going concern and will be a growing institution, thereby bringing a ready, dependable market 250 miles nearer to the farmers of this State.

Taken by and large the great progress our State has made in the past and will continue to make in the future should be a matter of gratification to all citizens. Especially is this true when we consider that when North Dakota became a State Indiana, as a State, was 75 years old; Illinois, 71; Michigan, 52; Iowa, 43; Wisconsin, 41; Minnesota, 31; Nebraska, 22. All these great agricultural States had one or three generations the start of us; yet, notwithstanding this handicap, the value of our agricultural production, 1925, shows we produced the largest average per capita, $567, and the largest average farm value, $5,166, of any State in the Union, if measured by population and number of farms.

There is no escape from the logic that the responsibility for relief measures is upon Congress. Both parties favored it in their platform when they went before the people in the recent elections, and farmers and manufacturers and people in every walk of life are demanding and are expecting it, and they have a right to expect it.

I am for this measure, too, because I hope it may put a curb on "short" selling by speculators, though all must agree that there will always be speculation in commodities as they are bought and sold. Buyers will continue to buy grain whenever they think the price is attractive and that a higher price level may come later. This element is in every market regardless of whether the product be pork or wheat or what not. I think that under the provisions of this bill a curb at least can be put upon the practice of "short" selling.

There is only one agency big enough to handle the surpluses and that is the Federal farm board sought to be set up by this measure. To do so does not put the Government in business to any greater extent than it is already in business in scores of different ways. To do so does not mean price fixing. The enactment of this bill would be an equalizer as between acreage and probable demand, and does not mean price fixing any more than the tariff is a price-fixing measure.

The American farmer is only asking for a square deal; just that and no more. He wants the same right to place the value on his products as newspaper men have in fixing their advertising rates, the manufacturer and banker in fixing their rates, and labor organizations in fixing their wage scales. Tell me, if you can, how much the consumer has to say and in what manner he is consulted as to prices for his food and clothing now.

The farmer wants and demands a square deal, and the farm-relief question will not be settled until he does have an equal show with the industries, with finance, with transportation, and with labor. If the farmer is getting unsound legislation in this—if this is unwise—then he is getting what he asked for. The organized farmers think this plan will work. They think they know what some of the causes of their present troubles are, and they think the enactment of this sort of legislation will help them. If the farmer gets sound legislation, based on economic foundations rather than political expediency, he knows that he has been given a good start for better and brighter times.

Most of the farming operations in the United States are now being done by the older men and by hired men. The farmers' sons refuse to take up the burden and face the responsibilities. Agriculture is fast becoming decadent. Is there not some way of maintaining American farm life alongside American industry and American labor and upon that high plane which they now enjoy? I am sure there is, and that Congress will find the way.

The CHAIRMAN. The time of the gentleman from North Dakota has again expired.

Mr. SWANK. Mr. Chairman, I yield 15 minutes to my colleague [Mr. McKEOWN].

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, I want to call your attention first to a few figures as to the condition of the country in lines other than agriculture.

PRIVATE INVESTMENTS

New corporate financing in the United States during April reached a total of $438,299,000. With the exception of last January, when the total of new corporate investments reached $545,870,000, the total for April is the high mark. The total of new corporate investments for the first quarter of this year reached a level of more than $1,640,000,000. Industrial financing and investment thus far this year has reached a total of more than $1,462,000,000.

Few persons realize the enormous amount of new American capital issues offered in American and foreign investments since 1920. It is estimated at more than $27,700,000,000, of which about $24,000,000,000 was in domestic corporations or enterprises and about $3,700,000,000 in foreign corporations.

These offerings cover only five years, whereas the total American investments in foreign government and industrial securities on January 1, 1926, amounted to approximately $10,500,000,000. This is something like one-sixth of the total estimated national income.

Why, gentlemen come into this House and talk about a subsidy to the farmers. Gentlemen on the floor of this House, and in this House, and in the cloakrooms, are trying to find some objection to the Haugen bill, first on the ground that it is a subsidy to the farmers and, second, that it is not economically sound. I wonder where all these gentlemen were when they were trying to subsidize the merchant marine for about a billion dollars? Some of these same gentlemen who now talk about subsidies were working teeth and toenails trying to get a subsidy for the merchant marine, which I say was good business and good statesmanship. Now, when you come here and talk about $375,000,000 for the farmer you would think that that was all the money that there was in the world, and that the farmers were about to get away with it. [Laughter and applause.]

I am no economist, I am no business man, I am no banker. They say, "What will be the effect of this business?" Congressmen stand around and say, "It doesn't interest me because it is not economically sound." Who told you that it was not economically sound? Did any witness go before this committee and state that it was not economically sound? I want to take time enough to say that this committee gives attention to matters that they investigate, and does its best to get at the truth.

Yet you come out here and say it is not economically sound. I want you to get on this floor and name a man who said it was not and let us see what he knows about it. One man's judgment is about as good as another's, and you have to find an answer to make to your constituents who are engaged in agriculture, who are absolutely down and out so far as finances are concerned. When you go down there and take two or three hours on the stump trying to explain the economic faults of the Haugen bill, when you do not vote for any bill at all, you will have some job on your hands.

Mr. FULMER. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. I prefer not to yield just now. Let me tell you something. I blame a lot of demagogic Congressmen for the situation in which we find ourselves to-day. They have gone out and told these farmers that if they would send them to Congress they would help the farmer and relieve them and fix them up, and they have kept it up until now the farmer actually believes it can be done by Congress; and what are you going to do about it? Whenever you say you can not operate, the minute you convince any part of the American people that you can not meet an emergency, the minute you say that you can not meet a legislative problem, that minute you prove yourselves unfit to be in the House of Representatives, and they want somebody here that can do something. [Applause.]

You are not going to get away with this proposition at this time. You sit here in this House and never blink an eye and vote $90,000,000 of appropriation for airplanes for the Army, without batting an eye, and never even rising half the time to vote on it; and you voted the other day for $80,000,000 for airplanes for the Navy to put on these airplane carriers, and I told you you would have to give them a thousand airplanes to carry on these boats if you had them build the boats. You

can not do anything for the farmer, you say. I have the greatest respect for men when they differ in opinion. I offered a bill for the relief of the farmer, and I can go back to my farmers and tell them that I offered a bill. I thought it was one of the best bills I ever saw, but I never could get anybody else to agree with me; and what is the use of my standing up here and voting against all these bills on farm relief and then go down home and arrogate to myself an air of superiority and say that I offered a better bill? Some of my fellows are going to say, What did you vote for?

Mr. CHINDBLOM. Does the gentleman not think that the Agricultural Committee would have voted out his bill also? Sure they would.

Mr. McKEOWN. Oh, they sent it down to Jardine, and he has got it yet. [Laughter.] Here is the situation: You are going to have to say that you either voted or did not vote for something. I admire the man who says that he does not believe in any of it and will come out and vote straight against it. Of course, there are some fellows who are against this bill who have not enough farmers in their district to wad a double-barrel shotgun.

They are against the bill; but you gentlemen talk about economy and economics, and what do you know about economics? That is what I want to know. Is not one man's judgment about as good as another man's judgment when it comes to a question of economics? Whenever a farmer comes in here and wants legislation, he has to run the whole gantlet of all the economists and financiers and everybody else, and yet you gentlemen walked up to the trough and you gave the railroads $1,300,000,000, and you never stopped to ask whether it was good economics or good finance. That is the situation in which you have gotten us to-day. Now, we have three of these bills here. You have to make up your minds, and you can not make up your minds to just seesaw around, because legislation is a practical proposition. I have learned that much from the Republicans. They have taught me that much. I used to think that sentiment went somewhere, but it does not go if it is contrary to the wishes of the machine, because they will put her through. You have to put this thing through, and how are you going to do it? It has to have votes to put it through, and you know it. Of course, you are playing a lot of politics about this bill, but that is not going to help the farmer back home. He is thinking that you are playing too much politics with it, and he is tired of politics. I will tell you what is going to happen. You vote down the Haugen bill and do not give the farmer any relief, and there will be less economists in this House and more farmers in the next Congress, because they are ready to run at any time. [Laughter and applause.] Let us see what you are going to do about it? Let us be fair with one another. This is a serious matter.

This is serious because the farmers of this country are in dire distress. They have lost money. Ever since 1920 they have lost money. Now, I state this proposition. If the Haugen bill will not help the farmers, how could the United States lose any money? I want some of the economists and financiers to explain that to me. If the bill does not do any good to the farmer, how can it lose any money to the Government? If it helps the farmers it helps the merchants and the other business men, does it not? If you knew to-night as well as I know agricultural industry is not only going down to the rocks, but agricultural industry is absolutely on the rocks. Because you are removed away from that part of the country do not ever you think because he has simply a frugal meal or is able to ride occasionally in one of Henry Ford's cars that he is prosperous. Do not fool yourself about that, and if to-night the word would come into this Chamber that any other great industry was about to perish, that some great industry was perishing in this country, where is the man here who would not rise, every one of us, and be ready to lend Government aid if it is necessary to pull it through and save the country? [Applause.] Now, you talk about a subsidy to the farmer. We are not asking anything for the farmer but some method by which we can better his condition and lift it up. Suppose this plan is wrong. Are you going to adjourn when you get through here for all time? Is that what you have in your mind? Do you not expect to come back here again? Most of you hope so. I hope so, to come back here again. [Laughter.]

You are going to have an opportunity in the years to come to go to work and pass some legislation that is sound economically according to the ideas of the fellows here in reference to economics. I had a bill that would have turned around and given a tariff to the farmers on the same basis and would not have taken any money out of the Treasury, except simply to maintain the offices here. That is all. But it would have turned the tariff back to go to commerce and the consumer just the same as the customs tariff is absorbed by the people; and I said when I introduced the bill that I had not gotten to the point where I was going to commit myself eternally to protection or anything of the sort, but it looks from the two last elections we had that the American people wanted a high protective tariff. I wanted it so some of it would go around to the other fellows the same as the manufacturers. [Applause.] Now, talking about prophecies, you may talk about prophecies. I have heard all kinds of prophecy of the things that were going to happen. When we passed the tariff bill there was quite a number of terrible things that were going to happen. What happened? They did not materialize.

You fellows are seeing bogies down the road that do not exist when you get to them. Let me tell you something else. You heard a lot of prophecies about lowering the taxes and how badly it was going to hurt the Treasury. The Treasury shows we get more money, and I know for a fact they are getting 62 per cent more money out of Oklahoma on the last tax bill for the first quarter than in 1925. Now they are getting more money and——

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. McKEOWN. I prefer not; I yield.

Mr. NEWTON of Minnesota. It looks a little better for Oklahoma than three or four minutes ago.

Mr. McKEOWN. No, sir. That just means that the tax bill has gotten to work and you are getting more money than before because we have got the fellows paying more money than before.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKEOWN. Will the gentleman yield me five minutes more in order to conclude?

Mr. SWANK. I yield the gentleman five minutes.

The CHAIRMAN. The gentleman is recognized for five additional minutes.

Mr. McKEOWN. Now, gentlemen, I am in all seriousness about this matter. We have had a lot of levity, but coming down to seriousness now I desire to say this is a serious problem that confronts us.

It is a serious matter to you men, whether you live in the cities or in the country. It is a little more serious, a little closer to the fellow who has a farmer constituency, and he feels it a little nearer to him than you fellows who have a city constituency. But do not forget that the fundamental prosperity of the American people, the happiness of this Nation, rests finally upon the one plane of the prosperity of the man who tills the soil morning and night.

You talk about your strike in England to-night. You are talking about the strike in England for the purpose of scaring somebody against voting for this bill. What kind of a fix will you be in in America if the farmers should strike? Where would you fellows in the cities be if he decided one morning to march out on a strike? You would be in a bad fix, and the country would be in a bad fix.

If this $375,000,000, just for the sake of argument, now—if we would just go over and take it out of the Treasury, and if this $375,000,000 will make $200 a head for all the farmers of this country; if they can make that much more out of their crops, that means $1,200,000,000 to spend with your manufacturers, and you will get it back in taxes and prosperity, and you will not have to pay out the money at all. [Applause.]

You fellows, some of you, just want to edge around, and some of you want to say, "Well, it does not suit my ideas at all of what ought to be done for the farmer; it is not a safe plan; it is not a sound plan." But I am not responsible for the plan; it is not my plan; I did not make the plan. The only thing for me to do is to march up here and express my opinion as a Congressman of the plan submitted. That is what I propose to do.

Mr. DENISON. Which one are you going to support?

Mr. McKEOWN. I am going to support the Haugen bill and see it through, because I think it will give relief. [Applause.]

I want to say to you that the gentleman from Kansas [Mr. TINCHER] has labored hard and has put in a bill here; and I want to say to the gentleman in all frankness that while I think a good deal of him personally, I surely think he has been steam rolling the Haugen bill. I believe the gentleman is sincere in that, but I want to say that the gentleman has mightily delayed this farm legislation, because he has gone to the bottom of it; and if they can bring in a bill after the hard, strenuous work of the gentleman from Kansas who is opposed to it, it must be meritorious, because otherwise they could not have gotten it here at all.

Mr. TINCHER. I hope the gentleman will not intimate that I delayed in bringing in any bill.

Mr. McKEOWN. I do not mean in the sense of delaying legislation, but the gentleman has surely taken them down the line on cross-examination, if the hearings are correct. [Laughter.]

Mr. TINCHER. I do not think I have done as much as the average member of the committee.

Mr. McKEOWN. Well, I was just interested to know what the gentleman's ratio was. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having assumed the chair as Speaker pro tempore, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities, had come to no resolution thereon.

ADJOURNMENT

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Friday, May 7, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 7, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON LABOR

(10.30 a. m.)

To create in the Bureau of Labor Statistics of the Department of Labor a division of safety (H. R. 11886).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 11524).

SPECIAL JOINT COMMITTEE

(10.30 a. m., Room 347)

To investigate Northern Pacific land grants.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

Proposed bill amending the World War veterans' act with reference to the appointment of guardians.

COMMITTEE ON FOREIGN AFFAIRS

(11 a. m.)

Authorizing the Secretary of Interior to call a pan-Pacific conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii (H. J. Res. 240).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend the last paragraph of section 320 of the Penal Laws of the United States (H. R. 4473).

COMMITTEE ON PATENTS

(10 a. m.)

For copyright registration of designs (H. R. 6249).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To authorize the refunding of evidences of indebtedness heretofore issued by a carrier in interstate commerce under the provisions of an act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, approved March 21, 1918, as amended by an act approved March 2, 1919, or under the provisions of section 207 of the transportation act, 1920, or of section 210 of said act as amended by an act approved June 5, 1920, and the reduction and fixing of the rate of interest to be paid by such carriers upon said notes or other evidences of indebtedness (H. R. 8708).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 256. A resolution providing for the consideration of H. R. 10821, a bill for the appointment of certain additional judges, and H. R. 11053, a bill to fix the salaries of certain judges of the United States; without amendment (Rept. No. 1088). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. J. Res. 207. A joint resolution directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. p. 777), and appropriated for in the deficiency act of February 27, 1906; without amendment (Rept. No. 1089). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. H. R. 3796. A bill to establish a national military park at the battle field of Moores Creek, N. C.; with amendment (Rept. No. 1090). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 8200. A bill prohibiting the use of the words "Army or Navy," or both, in the name of a store or company engaged in mercantile business; with amendment (Rept. No. 1091). Referred to the House Calendar.

Mr. BUTLER: Committee on Naval Affairs. H. Res. 217. A resolution requesting the Secretary of the Navy to report to the House of Representatives the total number of commissioned officers of the Navy who are on the retired list and the total amount such officers are drawing annually; without amendment (Rept. No. 1092). Referred to the House Calendar.

Mr. VINSON of Georgia: Committee on Naval Affairs. S. 952. An act authorizing the Secretary of the Navy to deliver to the State of Georgia the silver service presented to the United States for the battleship *Georgia;* without amendment (Rept. No. 1093). Referred to the House Calendar.

Mr. HASTINGS: Committee on Indian Affairs. H. R. 10540. A bill authorizing an appropriation to revise, repair, index, and file various records in the office of the superintendent for the Five Civilized Tribes at Muskogee, Okla.; with an amendment (Rept. 1096). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 11170. A bill authorizing expenditure of tribal funds of Indians of the Tongue River Indian Reservation, Mont., for expenses of delegates to Washington; without amendment (Rept. 1097). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 11174. A bill to amend section 8 of the act of September 1, 1916 (39 Stat. L. p. 716), and for other purposes; without amendment (Rept. 1098). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH: Committee on the Civil Service. H. R. 7. A bill to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes, approved May 22, 1920, and acts in amendment thereof; with an amendment (Rept. No. 1099). Referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL: Committee on Patents. H. R. 10774. A bill to amend section 15 of an act entitled "An act to amend and consolidate the acts respecting copyright," amended March 4, 1909; without amendment (Rept. No. 1100). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 10058. A bill to authorize notaries public and other State officers to administer oaths required by the United States; without amendment (Rept. No. 1101). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 11354. A bill to change the time of holding court at Raleigh, N. C.; without amendment (Rept. No. 1102). Referred to the House Calendar.

Mr. ROBSION of Kentucky: Committee on Mines and Mining. S. 1821. An act authorizing joint investigations by the United States Geological Survey and the Bureau of Soils of the United States Department of Agriculture to determine the location and extent of potash deposits or occurrence in the United States and improved methods of recovering potash therefrom; with amendment (Rept. No. 1105). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 7380. A bill to repeal a part of section 12, chapter 353,

Thirty-first United States Statutes at Large, as heretofore amended; with amendment (Rept. No. 1106). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. STEPHENS: Committee on Naval Affairs. S. 2746. An act to correct the naval record of Charles David Gutheridge; without amendment (Rept. No. 1094). Referred to the Committee of the Whole House.

Mr. TAYLOR of West Virginia: Committee on Naval Affairs. H. R. 6697. A bill for the relief of Alfred W. Mathews, former ensign, United States Naval Reserve Force; without amendment (Rept. No. 1095). Referred to the Committee of the Whole House.

Mr. APPLEBY: Committee on Claims. H. R. 2367. A bill for the relief of the St. Paul Gas Light Co.; with amendment (Rept. No. 1103). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 2323. A bill for the relief of T. Gaines Roberts; without amendment (Rept. No. 1104). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6486) to extend the provisions of the act of Congress, approved May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes"; Committee on Claims discharged, and referred to the Committee on the Civil Service.

A bill (H. R. 11917) granting a pension to Jesse Beason; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11791) granting a pension to Ida M. Schotte; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11747) granting a pension to James K. Green; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. REID of Illinois: A bill (H. R. 11942) to authorize the construction of a bridge across the Fox River in Dundee Township, Kane County, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 11943) providing for an additional building for the use of the police court of the District of Columbia; to the Committee on the District of Columbia.

By Mr. BERGER: A bill (H. R. 11944) to condemn and acquire for Government ownership and operation railroad, telegraph, telephone, and express properties engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: A bill (H. R. 11945) to provide for the deportation of certain aliens; to the Committee on Immigration and Naturalization.

By Mr. JOHNSON of Washington: A bill (H. R. 11946) to increase the clothing and cash gratuity furnished to persons discharged from prisons; to the Committee on the Judiciary.

By Mr. MOORE of Virginia: A bill (H. R. 11947) to regulate the issue and validity of passports, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BURTON: A bill (H. R. 11948) to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes; to the Committee on Ways and Means.

By Mr. KINCHELOE: A bill (H. R. 11949) authorizing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. McSWAIN: A bill (H. R. 11950) to regulate the manner of purchasing aircraft, aircraft parts, and aircraft accessories, and to promote and encourage the aircraft industry; to the Committee on the Judiciary.

By Mr. GREEN of Iowa: Joint resolution (H. J. Res. 247) releasing all claims of the United States in respect to Government-owned equipment loaned to the Neville O'Hara Post of the American Legion at Magnolia, Iowa, and destroyed by fire; to the Committee on Military Affairs.

By Mr. REED of New York: Resolution (H. Res. 257) to provide for the printing of 2,700 additional copies of the hearings held before the joint committees of the two Houses during the Sixty-ninth Congress on the bills (H. R. 5000; S. 291 and S. 2841) to create a department of education, and for other purposes; to the Committee on Printing.

By Mr. BLACK of New York: Resolution (H. Res. 258) to revoke our proposed adherence to the World Court; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 11951) granting an increase of pension to Mary Gallagher; to the Committee on Invalid Pensions.

By Mr. BARKLEY: A bill (H. R. 11952) granting a pension to Burnie M. Rogers; to the Committee on Pensions.

By Mr. BIXLER: A bill (H. R. 11953) granting a pension to Orli Lucretia Hunter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11954) granting a pension to Alice Black; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 11955) for the relief of the Bell Telephone Co., of Philadelphia, Pa., and the Illinois Bell Telephone Co.; to the Committee on Naval Affairs.

By Mr. DEMPSEY: A bill (H. R. 11956) granting a pension to Margaret Myers; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 11957) granting an increase of pension to Helen E. Good; to the committee on Invalid Pensions.

Also, a bill (H. R. 11958) granting an increase of pension to Mary A. Boone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11959) granting an increase of pension to Caroline Cleaver; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 11960) granting an increase of pension to Gertrude Merrill; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 11961) granting an increase of pension to Betsy L. Burns; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 11962) granting an increase of pension to Frank E. Bihl; to the Committee on Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 11963) granting a pension to Grace M. Oliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11964) granting an increase of pension to Frances L. Gamble; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 11965) granting an increase of pension to Eliza J. Watts; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 11966) granting an increase of pension to Mary A. Ward; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 11967) for the relief of Charles W. Peppers; to the Committee on Claims.

By Mr. PURNELL: A bill (H. R. 11968) granting an increase of pension to Sarah E. Harrell; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 11969) to correct the military record of Hossie R. Kinney, United States Marine Corps; to the Committee on Naval Affairs.

By Mr. STEPHENS: A bill (H. R. 11970) granting an increase of pension to William R. Spooner; to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 11971) granting an increase of pension to Martha E. Palmer; to the Committee on Invalid Pensions.

By Mr. TOLLEY: A bill (H. R. 11972) granting an increase of pension to Ellen J. Whitney; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 11973) granting a pension to Alice M. Sweet; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11974) granting a pension to Ada J. Hopson; to the Committee on Invalid Pensions.

By Mr. WOLVERTON: A bill (H. R. 11975) granting an increase of pension to Catherine Mullens; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 11976) for the relief of George Heitkamp; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2070. By Mr. ANDREW: Communication from West Newbury Grange, No. 146, West Newbury, Mass., opposing any change in the prohibition laws; to the Committee on the Judiciary.

2071. By Mr. BURTON: Resolution of Cleveland Chapter of the Disabled Emergency Officers of the World War, favoring retirement legislation for emergency officers; to the Committee on Rules.

2072. Also, resolutions adopted by Assemblies No. 126 and No. 127 of the Slovak Evangelical Union, Cleveland, Ohio, protesting against the enactment of certain proposed legislation providing for the deportation and registration of aliens; to the Committee on Immigration and Naturalization.

2073. By Mr. CARTER of California: Petition of Los Angeles District, California Federation of Women's Clubs, indorsing House bills 3020, 8821, and 9497; to the Committee on Indian Affairs.

2074. Also, petition of 350 citizens of California, protesting against the passage of House bill 7179; to the Committee on the District of Columbia.

2075. Also, petition of the State of California Fish and Game Commission, opposing the enlargement of Sequoia National Park (H. R. 9387); to the Committee on the Public Lands.

2076. By Mr. CHINDBLOM: Petition of Mr. Aaron Lundell and 123 other residents of Chicago, Ill., protesting against the following compulsory Sunday observance bills, H. R. 10311, 10123, 7179, or 7822, now pending, or any other compulsory religious measure that may be introduced; to the Committee on the District of Columbia.

2077. By Mr. DICKINSON of Missouri: Petition of 49 citizens of Lockwood, Dade County, Mo., against the compulsory Sunday observance law or any other national religious legislation pending; to the Committee on the District of Columbia.

2078. By Mr. GALLIVAN: Petition of G. K. Creighton, vice president E. T. Slattery Co., Boston, Mass., recommending early and favorable consideration of the migratory bird refuge-public shooting ground bill; to the Committee on Agriculture.

2079. By Mr. KELLY: Petition of the retail druggists of New York State, requesting enactment of House bill 11, the price maintenance bill; to the Committee on Interstate and Foreign Commerce.

2080. By Mr. KNUTSON: Petition of Lena Ray, Tamarack, Minn., and others, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

2081. By Mr. LINTHICUM: Petition of J. Kemp Bartlett, Edward B. Jeffery, Garner W. Denmead, Dr. B. Holly Smith, The Canton Lumber Co., Kiwanis Club, Weston W. Seward, R. B. Mason, Frederick P. Stieff, Sifford Pearre, Elmer M. Beard, W. T. Shackelford & Co., Homeland Manufacturing Co., James R. Clark, all of Baltimore, favoring passage of House bill 7479, migratory bird refuge and marshland conservation bill; to the Committee on Agriculture.

2082. By Mr. O'CONNELL of New York: Petition of the National Cooperative Milk Producers' Federation, favoring the passage of the Tincher bill (H. R. 11618); to the Committee on Agriculture.

2083. Also, petition of the Elmer E. Bennett, jr., Post, No. 725, American Legion, of Brooklyn, N. Y., favoring the passage of House bills 10240, 4548, and 10277, having to do with disabled veterans and their dependents; to the Committee on World War Veterans' Legislation.

2084. By Mr. PEAVEY: Petitions of 1,866 citizens of northern Wisconsin, urging favorable action on House bill 10006, providing for the distribution of explosives to bona fide settlers on cut-over lands for land-clearing purposes; to the Committee on Agriculture.

2085. By Mr. SWING: Petition of certain residents of Loma Linda, Calif., protesting against the passage of House bill 7179 and similar bills for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

2086. By Mr. WEFALD: Petition of the Chippewa Council, White Earth, Minn., requesting an investigation of the superintendent of the Consolidated Chippewa Agency of Minnesota at Cass Lake, Minn., on account of failure to make payments from the Chippewa fund authorized by law to certain Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

2087. Also, petition of 27 residents of Vining, Minn., protesting against the abrogation of religious liberty by the passage of any Sunday observance law for the District of Columbia; to the Committee on the District of Columbia.

2088. Also, petition of 20 residents of Hazel, Minn., protesting against the passage of any law to compel Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

2089. Also, petition of 74 residents of Roseau County, Minn., protesting against the passage of any Sunday observance law for the District of Columbia; to the Committee on the District of Columbia.

2090. By Mr. WELLER: Petition of Alpha Physical Culture Club, indorsing House bill 7, a bill to increase the retirement pay of Federal employees; to the Committee on the Civil Service.

SENATE

FRIDAY, *May 7, 1926*

(Legislative day of Thursday, May 6, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT. Mr. President, I submit a conference report and ask for its immediate consideration and approval.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 46 and 62.

REED SMOOT,
CHARLES CURTIS,
L. C. PHIPPS,
WM. J. HARRIS,
A. A. JONES,
Managers on the part of the Senate.

LOUIS C. CRAMTON,
FRANK MURPHY,
C. D. CARTER,
Managers on the part of the House.

The report was considered and agreed to.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Shipstead
Bayard	Fess	Lenroot	Shortridge
Bingham	Fletcher	McKellar	Simmons
Blease	Frazier	McLean	Smith
Borah	George	McMaster	Smoot
Bratton	Gerry	McNary	Stanfield
Broussard	Gillett	Mayfield	Steck
Bruce	Glass	Means	Stephens
Butler	Goff	Metcalf	Swanson
Cameron	Gooding	Moses	Trammell
Caraway	Greene	Neely	Tyson
Copeland	Hale	Norbeck	Underwood
Couzens	Harreld	Norris	Wadsworth
Cummins	Harris	Nye	Walsh
Curtis	Heflin	Oddie	Warren
Dale	Howell	Overman	Watson
Deneen	Johnson	Phipps	Weller
Dill	Jones, N. Mex.	Ransdell	Wheeler
Edge	Jones, Wash.	Reed, Pa.	Williams
Edwards	Kendrick	Robinson, Ind.	Willis
Ernst	Keyes	Sackett	
Fernald	King	Sheppard	

Mr. CURTIS. I desire to announce the absence of my colleague [Mr. CAPPER] on account of illness in his family. I will allow this announcement to stand for the day.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

SALE OF FLOUR AND BREAD

The VICE PRESIDENT laid before the Senate a preliminary report of the Federal Trade Commission of its investigation made in partial response to Senate Resolution 163 (by the late Senator La Follette, agreed to February 16, 1924), relative to that portion of the resolution dealing with conditions in the flour milling business, which was referred to the Committee on Interstate Commerce.

VIRGINIA BILL OF RIGHTS CELEBRATION

The VICE PRESIDENT. Pursuant to the provisions of House Concurrent Resolution 22, providing for the appointment of a joint committee to represent Congress at the cele-

bration of the one hundred and fiftieth anniversary of the adoption of the Virginia Bill of Rights, the Chair appoints the Senator from Virginia [Mr. SWANSON], the Senator from Pennsylvania [Mr. PEPPER], the Senator from Delaware [Mr. BAYARD], the Senator from Kentucky [Mr. SACKETT], and the Senator from North Carolina [Mr. OVERMAN] members of the joint committee on the part of the Senate to represent the Congress at the celebration to be held at Williamsburg, Va., on June 12, next.

DEBT SETTLEMENTS WITH FOREIGN GOVERNMENTS

Mr. SMOOT. Mr. President, I have had so many requests from different parts of the country and from Representatives in Congress and Senators for a statement showing the total amount to be received by the Treasury on account of principal and interest under the debt settlements made with foreign countries that I have prepared such a statement, and I ask unanimous consent that it may be printed in the RECORD so that all may see it.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

Statement showing total amounts to be received by the Treasury on account of principal and interest under the debt settlements made with foreign governments (without regard to any options that have been or may be exercised)

	Principal	Interest	Total
Belgium	$417,780,000.00	$310,050,500.00	$727,830,500.00
Czechoslovakia	115,000,000.00	[1] 197,811,433.88	312,811,433.88
Esthonia	13,830,000.00	19,501,140.00	33,331,140.00
Finland	9,000,000.00	12,695,055.00	21,695,055.00
France	4,028,000,000.00	2,822,674,104.17	6,847,674,104.17
Great Britain	4,600,000,000.00	6,505,965,000.00	11,105,965,000.00
Hungary	1,939,000.00	2,754,240.00	4,693,240.00
Italy	2,042,000,000.00	365,677,500.00	2,407,677,500.00
Latvia	5,775,000.00	8,183,635.00	13,958,635.00
Lithuania	6,030,000.00	8,501,940.00	14,531,940.00
Poland	178,560,000.00	257,127,550.00	435,687,550.00
Rumania	44,590,000.00	[1] 77,916,260.05	122,506,260.05
Yugoslavia	62,850,000.00	32,327,635.00	95,177,635.00
Total	11,522,354,000.00	10,621,185,993.10	22,143,559,993.10

[1] Includes deferred payments which will be funded into principal.

MAY 4, 1926.

REPORTS OF COMMITTEES

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3791) to make additions to the Absarokee and Gallatin National Forests and the Yellowstone National Park, and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes, reported it with an amendment and submitted a report (No. 766) thereon.

He also, from the same committee, to which was referred the bill (H. R. 8714) authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, Tallahassee meridian, Lake County, in the State of Florida, reported it with amendments and submitted a report (No. 767) thereon.

Mr. CAMERON, from the Committee on Indian Affairs, to which was referred the bill (S. 4152) to authorize oil and gas mining leases upon unallotted lands within Executive order Indian reservations, and for other purposes, reported it with amendments and submitted a report (No. 768) thereon.

He also, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 7911) to authorize the exchange of certain public lands and the establishment of an aviation field near Yuma, Ariz., reported it with an amendment and submitted a report (No. 771) thereon.

Mr. DENEEN, from the Committee on Claims, to which was referred the bill (S. 2474) for the relief of the Riverside Contracting Co., reported it without amendment and submitted a report (No. 769) thereon.

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 2390) for the relief of Minta Golke, reported it without amendment and submitted a report (No. 770) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4190) to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes; to the Committee on Finance.

By Mr. McLEAN:

A bill (S. 4191) to amend the agricultural credits act of 1923; to the Committee on Banking and Currency.

By Mr. McNARY:

A bill (S. 4192) granting a pension to Mary L. Stevens; and

A bill (S. 4193) granting an increase of pension to Charlotte Hubert; to the Committee on Pensions.

By Mr. McMASTER:

A bill (S. 4194) granting an increase of pension to Lydia A. Bull; to the Committee on Pensions.

By Mr. CAMERON (for Mr. McKINLEY):

A bill (S. 4195) granting an increase of pension to Sarah B. Platt; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 4196) granting an increase of pension to Mary E. Boone; to the Committee on Pensions.

By Mr. BUTLER:

A bill (S. 4197) granting an increase of pension to Phoebe A. Trumble (with accompanying papers); and

A bill (S. 4198) granting an increase of pension to Walter B. Graham (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 4199) to amend sections 180 and 262 of the Judicial Code of March 3, 1911; to the Committee on the Judiciary.

By Mr. McKELLAR:

A bill (S. 4200) granting an increase of pension to Oscar M. Simpkins; to the Committee on Pensions.

RAILWAY CARRIERS AND THEIR EMPLOYEES

Mr. HOWELL submitted an amendment intended to be proposed by him to the bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, which was ordered to lie on the table and to be printed.

CIVIL SERVICE RETIREMENT

Mr. STANFIELD submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 786) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, which was ordered to lie on the table and to be printed.

EMPLOYMENT OF SPECIAL ASSISTANT CLERK

Mr. NORBECK submitted the following resolution (S. Res. 218), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Pensions of the Senate hereby is authorized to employ a special assistant clerk to July 1, 1926, to be paid out of the contingent fund of the Senate at the rate of $1,830 per annum.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following joint resolution and act:

On May 5, 1926:

S. J. Res. 55. Joint resolution to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172, in Washington, D. C.

On May 6, 1926:

S. 2907. An act to authorize the general accounting officers of the United States to allow credit to Galen L. Tait, collector and disbursing agent, district of Maryland, for payments of travel and subsistence expenses made on properly certified and approved vouchers.

WALKER RIVER (NEV.) IRRIGATION DAM

Mr. ODDIE. Mr. President, I ask unanimous consent that the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev., may be taken up for immediate consideration. I think it will take only a few minutes to dispose of the bill.

Mr. WATSON. What is the proposition?

Mr. ODDIE. The bill provides an authorization for an appropriation for a small dam on the Walker River in Nevada to relieve a very unfortunate situation.

Mr. WATSON. Has the bill been reported from the committee?

Mr. ODDIE. Yes; and I propose to introduce an amendment which will carry an authorization for an appropriation.

Mr. WATSON. Is it subject to dispute?

Mr. ODDIE. I do not know that there will be any dispute about it.

Mr. NORRIS. Mr. President, we are unable to hear what the request is.

The VICE PRESIDENT. The request of the Senator from Nevada is that the Senate proceed to the consideration of Senate bill 2826.

Mr. ODDIE. It is a matter which involves a very large number of settlers along the Walker River in the State of Nevada and in the State of California. The bill carries an authorization for an appropriation for a dam which will relieve the situation existing between the white settlers and the Indians, which has been very unfortunate.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nevada?

Mr. KING. Mr. President, I wish the Senator would wait until we reach the bill on the calendar, because I think it may provoke some discussion. I want to know what right we have to call upon the Government to make an appropriation to take care of a dam for private persons.

Mr. ODDIE. The bill provides an authorization for an appropriation which includes a small sum for investigation. The Government has sold land to white settlers during the last 60 years and has compelled the white settlers to prove their water rights. They have done that. The Government has taken the money from the settlers and has issued patents. Now these water rights are being contested.

Mr. KING. The Senator knows that the Government has issued patents to thousands of people upon homesteads, desert-land entries, timber patents, and enlarged homestead entries aggregating millions of acres of land. That does not mean that the Federal Government has to build dams for everybody. I think the bill had better go over until we have a chance to examine it.

The VICE PRESIDENT. The bill will go over under objection.

THE PROHIBITION LAW

Mr. CUMMINS. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Prohibition in two typical States," which appeared in the Christian Science Monitor, the author of which is a former well-known resident of my own State.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

PROHIBITION IN TWO TYPICAL STATES

To the EDITOR OF THE CHRISTIAN SCIENCE MONITOR:

Please grant a former Iowan, now a citizen of California, space in your admirable journal for the results of many years of observation of the effects of liquor legislation.

1. The people of Iowa, after trying a plan practically identical with the "light wine and beer" proposal for a generation, voted by 30,000 majority in 1882 that it was a failure.

Iowa in the forties and early fifties had been strongly for the Maine law, but several years before the Civil War yielded to the pursuasions of those who believed that it was wiser to prohibit whisky, rum, and the other "strong" drinks, and license ale, wine, and beer. This remained the law until 1882, when the people, thoroughly tired of the experiment, adopted a constitutional amendment providing that "No person shall manufacture for sale, or sell, or keep for sale, as a beverage, any intoxicating liquors whatever, including ale, wine, and beer."

The State supreme court nullified this amendment on a technicality, but the people insisted, and the legislature enacted an equivalent measure, so that for about 10 years the State enjoyed complete prohibition, though the "river cities" defied the law. In five years two-thirds of the county jails were empty, and the number of inmates in the two penitentiaries fell off so heavily that the State could hardly keep its contracts for prison labor, and it was seriously proposed that one of the prisons be closed.

The liquor interests then organized successful propaganda for modification of the law; the mulct law was substituted for prohibition, the saloons were reopened, and there were for many years no more occasions for closing penitentiaries.

I came as a young boy from Pennsylvania to Iowa in 1866, and distinctly remember three saloons of the "ale, wine, and beer" type: "Stormy" Jordan's famous place at Ottumwa, which frankly and convincingly displayed the sign, "The Road to H——"; the more prosaic saloon of "Pretzel Mary" at Iowa City, which advertised in the dreadfully bloated figure of its proprietress the physical effect of "light" beverages; and "Mac's Quiet Place" at Des Moines, from which many an anxious wife and mother dreaded the return of her mate with breath and bearing telling the tale of the permitted ale, wine, or beer—sold, it was later said, "in the interest of true temperance."

2. The technique of the opposition to prohibition in Iowa in those early days was exactly the same as that now employed in fighting the eighteenth amendment and the Volstead Act.

At a time when prohibition was in every essential a success in the great body of the State the liquor interests quietly opened offices on a high floor of an office building in Des Moines, and before the people were aware of what was going on flooded the State with propaganda asserting that the law was a complete failure; that the drug stores were practically all saloons; that more liquor was being consumed than when saloons had been licensed. The people of the State, at last believing the repetitious falsehoods, reluctantly permitted the politicians to surrender.

3. Although prohibition in California is now working miracles of social and economic benefit, machinery is in operation to delude the public into the belief that the country is going to the dogs and that salvation lies only in modifications of the law which would undermine its foundations.

For 14 years I have made almost daily trips from Pasadena to Los Angeles on the interurban cars, running up Main Street from First Street to the Pacific electric station. Main Street is the typical workingman's street of Los Angeles. I have seen it transformed from a hideous saturnalia of debauchery, with numerous saloons surrounded by red-faced victims of booze, reeking with alcohol, along which decent women hardly dared walk for fear of insult, into a bright and attractive thoroughfare of clean business, with eating houses and other reputable concerns substituted for dives, and throngs of well-dressed workers soberly going to and from employment.

Unquestionably this deep change of character is the effect of the Volstead law and the Wright Act of California, and typifies a pervasive remaking of the whole community. Yet the minds of the people of California are being bombarded, in season and out of season, with subtle suggestions and downright assertions that the consumption of liquor is greater than ever and that the prohibition law is a scandalous failure.

In both States my observation has been that the liquor business is invariably the alley of the brothel and the gambling dive, now grown in our large cities into vast financial interests; and all three are always at the beck and call of crooked and law-defying corporate interests as against sound business and clean politics.

At least two-thirds of the territory of the United States is resolutely dry, rejoicing in the supremacy of the home, the school, and the church. In the remainder of the country we have millions of sympathizers. For their benefit and our own we have deinstitutionalized and outlawed the liquor business and its ill-favored allies. We have every reason to stand firm.

JOHN J. HAMILTON,
Formerly Editor of the Des Moines News; more recently chairman of the Los Angeles County Board of Supervisors.

PASADENA, CALIF.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1786. An act to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service;

S. 2298. An act to amend section 3 of the act approved September 14, 1922 (ch. 307, 42 Stat. L. pt. 1, pp. 840 to 841);

S. 2733. An act for the relief of the State of North Carolina;

S. 3037. An act to provide retirement for the Nurse Corps of the Army and Navy;

H. R. 4034. An act granting consent of Congress to Texas-Coahuila Bridge Co. for construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico;

H. R. 5691. An act granting the consent of Congress to Charles Moss, A. E. Harris, and T. C. Shattuck, of Duncan, Okla., to construct a bridge across Red River at a point between the States of Texas and Oklahoma where the ninety-eighth meridian crosses said Red River;

H. R. 6707. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes;

H. R. 8264. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes;

H. R. 9511. An act authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service;

H. R. 10169. An act granting the consent of Congress to the Gallia County Ohio River Bridge Co. and its successors and assigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio;

H. R. 10198. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes;

H. R. 10244. An act to extend the time for the construction of a bridge across the Fox River in the State of Illinois on State Road No. 18, connecting the villages of Yorkville and Bristol in said county; and

H. R. 10470. An act granting the consent of Congress to the city of Little Falls, Minn., to construct a bridge across the Mississippi River at or near the southeast corner of lot 3, section 34, township 41 north, range 32 west.

RAILWAY CARRIERS AND THEIR EMPLOYEES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes.

Mr. WATSON. I am ready to proceed with the consideration of the bill if anyone desires to discuss it.

Mr. BRUCE. I have had an amendment printed which has been lying on the table. I offer the amendment now.

The VICE PRESIDENT. The Senator desires the clerk to read the amendment?

Mr. BRUCE. I do.

The VICE PRESIDENT. The Clerk will read the amendment.

The LEGISLATIVE CLERK. After the word "orders," in line 8, page 3, fifth paragraph, section 1, insert "except as provided in section 3."

After line 13, page 5, insert:

SPECIAL BOARD OF ADJUSTMENT

SEC. 3. First. There is hereby established a special board of adjustment, with offices in the District of Columbia, composed of three members appointed by the President to serve for periods of three, four, and five years. Subsequent appointments to be for terms of five years, except when filling vacancies any member shall be appointed only for the unexpired term of his predecessor. One member shall be appointed from the nominees presented by the carriers and one from nominees presented by the subordinate officials; the third member shall not be a member of or in any way connected with either the management of railroads or the employees thereof, and he shall be chairman of the board.

Second. The board shall decide any dispute between a subordinate official and a carrier or between subordinate officials and a carrier or carriers when referred to it jointly or by either party to a dispute wherein the provisions of section 2 of this act have been complied with. The board shall also decide disputes affecting changes in pay, rules, or working conditions of subordinate officials when referred to it by either party to a dispute. The decision may be rendered by a majority of the board provided the chairman is a part thereof. Such decision shall be final and binding on parties to a dispute.

Third. The board shall be in session only while it has duties to perform, but the President shall convene the board whenever he is furnished evidence there are disputes to be adjudicated.

Fourth. The members of the board shall be paid at the rate of $8,000 per annum for the period they are in session, with a minimum of $5,000 per annum, and necessary traveling and actual subsistence expenses from their legal residence to headquarters and return.

Fifth. The board is herewith vested with authority to employ necessary office help. The money to defray expenses of this board to be drawn from the sum appropriated in section 12 of this act and from succeeding appropriations that may be appropriated under this act.

Mr. BRUCE. Mr. President, I desire to say that I have offered this amendment to the pending bill only by request; I am not committed to it in any respect whatever; but I was asked by this large body of railroad employees to introduce the amendment.

As we all know, the subordinate officials of the railways constitute one of the finest bodies of railway workers to be found in the country. As I understand it, they are about 150,000 in number. I think it can hardly be denied that they are the very backbone of railway operation. From the time that an article of freight is handed to a railroad to the time it reaches its destination it is practically under their control.

Mr. NORRIS. Mr. President, I should like to inquire of the Senator from Maryland whether the members of the organization covered by his amendment are different from railroad employees generally? I notice the amendment reads that one member of the board provided by the amendment shall be appointed by the railroads and one by the subordinate officials, as I understand?

Mr. BRUCE. Yes; then those two select the third member. This body of workers, I will say to the Senator from Nebraska, does not care for any board of mediation; nor do they care for an emergency board.

Mr. NORRIS. If the Senator will permit me, I desire to say that I am simply trying to find out just what the amendment means. I do not understand what is meant by the provision that a member of the proposed board shall be appointed by what I think is termed in the amendment the "subordinate officials." Would it follow, if the amendment were agreed to, that other employees of the railroads would have no voice in selecting any member of this board? Are those covered by the amendment the same as the general railroad employees, or are they a different organization?

Mr. BRUCE. They are a part of the railway workers, but they belong to a different class of railway workers. Of course, in point of sympathy and in many other respects they are intimately associated with the whole body of railway workers; but their idea about what is needed, so far as their affairs are concerned, differs a little from that of the residuary body of railway workers. They want a special board of arbitration to look after disputes that may arise between them and the railroad companies.

Mr. NORRIS. Would the proposed board have anything to do as to disputes which arose between the railroad companies and their employees?

Mr. BRUCE. Indeed, it would. One member of the board would be appointed from nominees suggested to the President by the carrier, one from nominees suggested to him by the subordinate officials, and a third member, who shall not be a member of or in any way connected with either the management of railroads or the employees thereof, is to be selected by those two, and he shall be chairman of the board. As the Senator is, perhaps, aware, under the bill itself provision is made, first of all, for an adjustment board for the settlement of the minor grievances of railway workers and for the interpretation of the meaning of agreements between them and carriers relating to wages and working conditions. Then there are provisions in the pending bill for the appointment by the President of a board of mediation, whose function it would be, of course, to endeavor to reconcile the parties to a labor dispute. Then, of course, there is provision made for boards of arbitration; then, last of all, in case there is no disposition on the part of the parties to yield to conciliation or to resort to arbitration, there is provision made for the appointment by the President of an emergency board to investigate the facts surrounding the dispute and to make its report.

This body of subordinate officials, as I understand it, embraces about 150,000 railway employees. They do not feel that all that machinery is necessary for their purposes. All that they ask is that there be a special board of arbitration to consider any disputes that may arise between them and the carriers; and they are perfectly willing to abide by the decision of that board of arbitration.

Mr. NORRIS. I am trying to get at the real thing that the amendment seeks to accomplish. Let me ask the Senator, in the appointment of the board provided for in the amendment, would, for instance, the organization of railway conductors or enginemen or engineers have anything to say?

Mr. BRUCE. No; they would not. The disputes arising between them and the carriers would be settled under the general provisions of the bill.

Mr. NORRIS. Then this particular board would not settle any disputes except those which arise between the railroads and these particular employees?

Mr. BRUCE. That is the point exactly. The object of the amendment is to segregate them from the mass of railway employees and to have disputes between them and the carriers settled on a different principle from that on which disputes between conductors and firemen and railway employees generally would be settled.

Mr. CUMMINS. Mr. President, under the present act the subordinate officials are recognized as a distinct class of employees; the subordinate official stands sort of midway between the carrier and the general body of employes. In one sense he represents the management, the company itself. The subordinate officials are the foremen of section gangs, the foremen of machine shops, the foremen of round houses, and a great variety of such employees, who really represent the management. They have, in a certain degree, control over the great body of the employees. They have felt from the beginning that they are set apart by the very character of their employment from the general employees, and when they have a dispute between themselves and the railroad companies they fear that the boards of adjustment provided for in the bill—and very wisely provided for—can not deal with entire fairness and impartiality with their case. So far as I am concerned, I think it is a very wise classification. Simply because they have risen to the positions

of foremen or are serving in some similar capacity in the work of the railroad companies is no reason for excluding them from the measures that are taken to secure justice when they have disputes with the railroad companies.

Mr. WHEELER. Mr. President, will the Senator yield to me?

Mr. BRUCE. Yes.

Mr. WHEELER. I have just seen a copy of the amendment, but, as I understand the situation, in the first place, there are about 150,000 of these employees?

Mr. CUMMINS. I did not think the number was quite so large, but it may be.

Mr. WHEELER. That is what they claim.

Mr. BRUCE. They number about 150,000.

Mr. WHEELER. I submit to the Senator that those 150,000 throughout the country are not organized into any one organization.

Mr. BRUCE. I think they are. Mr. W. V. O'Neil, who handed this amendment to me and asked me to present it, is president of the organization of subordinate officials.

Mr. WHEELER. But I venture to say that only a very small number of these executives—for that is what they are—are affiliated with that organization. Now it is proposed to set up for them a separate and distinct board at large expense.

Mr. BRUCE. The expense will not be so great, because the members of the special board are to be paid moderate salaries as compared with the salaries to be paid the members of the board of mediation and so on under the general provisions of the bill.

Mr. WHEELER. But the trouble is that the board of mediation is going constantly to be called upon to pass upon the economic situation all over the country involving something like 2,000,000 employees of all the railroads throughout the United States, whereas the board contemplated by the amendment would simply be set up for the purpose of dealing with 150,000 men. I submit that a board of mediation appointed by the President, in my judgment, is just as competent to deal with 150,000 employees as it is to deal with 2,000,000 employees. There is no reason in the world why we should set up one board for one class of employees and another board for another class of employees.

Mr. BRUCE. Yes; there is, because a special class of employees asks that such a board be set up. I am assuming now that there is no real objection on other grounds to their application to the Senate. If they deem the conditions surrounding them to be of a highly special nature and are willing to dispense with all this complicated machinery, boards of adjustment, boards of mediation, and emergency board of the President, and to submit each and every dispute that may arise between them and the carriers simply to a board of three arbitrators and agree to abide absolutely by the decision of that board, it is a nice question whether they should not receive the measure of consideration that they ask for.

Mr. WHEELER. The difficulty is that if we set up a board for 150,000 employees we will then have the conductors coming here and asking for a separate board, because they consider themselves to be a different class of employees and they have different representatives other than Mr. O'Neil who represents the organization which desires this amendment. So, also, we will have the engineers here asking for a separate board, because they do not come within the same class as firemen or enginemen.

Mr. BRUCE. The answer to that is they have never made any such request. All the other classes of railway workers have stood shoulder to shoulder and have given their consent in one representative way or another to the general provisions of this bill. This particular body of men who think that their requirements and their needs are of a special character are not asking very much; they are asking merely that they may be allowed to have a special board of arbitration to which disputes between them and the carriers may be committed. It is pleasing to realize that railway disputes can present themselves in such a simple form, at least to this one class of employees, that they are perfectly willing to submit any and every dispute that may arise between them and the carrier to a board composed of a nominee of the carrier, a nominee of this special body of workers, and a neutral nominee. Not only that, but they are perfectly willing, so far as they are concerned, that absolute finality, all the finality of a judgment or a decree of a court, shall attach to the action of that board of arbitration. I only wish that the whole structure of the disputes between the carriers and the railway workers could be reduced to such terms of simplicity as that.

Mr. WHEELER. I think we all do, but the history of the situation shows that it can not be done.

Mr. BRUCE. That is all right.

Mr. WHEELER. The Senator says that this one group feel that they are in a different class.

Mr. BRUCE. They do.

Mr. WHEELER. That is true, but likewise the conductors also feel that they are in a different class.

Mr. BRUCE. They do not feel so now.

Mr. WHEELER. They do not feel so now, because of the fact that they know if each one of the different groups should come here demanding a separate board to deal with their specific questions the whole thing would fail.

Mr. BRUCE. If the conductors or the firemen should apply to Congress for the privilege of having a special board of arbitration to compose the disputes between them and the carriers, a special board of arbitration involving as small a cost as this board of arbitration would involve, I for one would be willing to let them have such a special board of arbitration in consideration of the fact that they were ready to consent that the action of that board should be absolutely final.

Mr. CUMMINS. Mr. President, will the Senator allow me to say a word to the Senator from Montana?

Mr. BRUCE. Certainly.

Mr. CUMMINS. The conductors and all the organized employees have their special boards of adjustment?

Mr. WHEELER. Yes.

Mr. CUMMINS. When any dispute arises a representative, or representatives, of the conductors, or of the engineers, or of the trainmen, sit down and talk it over in an organized capacity with the employer, and nine-tenths of all the disputes are settled in those conferences or those discussions before the boards of adjustment. The subordinate officials can not enjoy that privilege. They will have no board of adjustment to consider their grievances, if they have grievances, against the railway companies, and it seems to me that we ought to make substantially the same provision for them in this bill that is made in the present transportation act, which recognized them as a different class, occupying a different relation toward the general work of transportation than any other class, and I may say that the Interstate Commerce Commission has had occasion to and has established the classification which designates who are and who are not subordinate officials.

Mr. BRUCE. Mr. President, I will say to the Senator from Montana that I regret very much that the circumstances are such that we can not have complete uniformity in the application of this bill. I regret that there is a class of employees who feel that the special conditions surrounding them are such that it is only fair, just, and proper that they should be separated, so far as the adjustment of disputes between them and their employers are concerned, from the great mass of the railway employees, but, of course, I take the facts as I find them.

Here is a body of men. There is no finer one in the universe. All you have to do is to see a photograph of the faces of some of them to realize that they are the very marrow of American citizenship. Here they are asking what it seems to me is but a moderate privilege; that is to say, of having a special board to pass on disputes between them and the carriers and at a small cost as compared with the general cost which this bill carries.

While, as I say, I have introduced this amendment entirely by request, and am not committed to it in any way; while I have introduced it because I think that every American citizen has a right to a hearing in this body, it does seem to me that no one can say that the application that this particular class of railway workers is making is an unreasonable application. In some respects I think that I would change the form of this amendment, if it were left to me; and if the general disposition of the Senate toward the amendment should prove favorable, I should be disposed to suggest to the sponsors of this amendment that it be altered in some minor respects, so that their purpose may be more certainly effectuated than perhaps it might be in the present form of the amendment.

As I understand it, however, there is no ill-feeling at all between this special body of railway employees and the great mass of railway employees. If there is, I do not know of its existence at all. They simply constitute a special class, so to speak, and a very large class, and a class of the utmost significance to railway operation. They feel that their requirements and their exigencies are a little different from those of the mass of their fellow workers.

Mr. WATSON. Mr. President, I quite agree with the Senator from Maryland that the gentlemen in whose behalf this

amendment is proposed are a high-class body of men, among the very best in the entire country; but, nevertheless, I see no occasion for the adoption of this amendment.

In the first place, I think they are provided for by the language of the bill and its provisions as at present written.

Mr. BRUCE. Mr. President, may I say to the Senator from Indiana that, so far as I am at present advised, I think that he is right. I think that if this amendment were not adopted this particular class of railway employees would fall within the general language of the pending bill; but, mind you, of course, the effect of that would be to impose on them a complicated machinery of adjustment that they do not want and that they are not asking for at all.

I suppose the Senator from Indiana must think it is a very happy circumstance that any body of employees in this country, railway or otherwise, should be willing to leave simply to a board of arbitration any dispute that may arise between them and their employers and to agree to abide finally by the action of that board, whatever it may be. The board of arbitration under the amendment would, it seems to me, be felicitously constituted. There would be one representative on it of this body of railway employees, another member who would be a representative of the carriers, and there would be a third, an entirely neutral, disinterested individual.

Mr. HOWELL. Mr. President——

Mr. WATSON. I started to make a statement, and yielded to the Senator from Maryland. Has the Senator from Maryland quite completed his statement?

Mr. BRUCE. Yes. I say, I think the Senator from Indiana will agree with me in thinking that apart from other considerations that may, of course, be conclusive to his mind, it is a very happy circumstance that this matter of labor controversies should be reduced to such very simple terms as far as this particular class of railway employees are concerned. I only wish the mass of the workers could feel that way. They do not feel that way. That is enough for me, because within reasonable limits I think that they, too, should have what they want. I think the great mass of the railway employees should have what they think their special requirements and circumstances call for.

Mr. WATSON. Has the Senator completed his statement?

Mr. BRUCE. Yes; I have.

Mr. WATSON. Mr. President, I started to say that I see no necessity for the adoption of this amendment, because, in the first place, these particular employees are included in the provisions of the bill as it is now written; and to that the Senator agreed. Therefore I know of no reason why they should be singled out as a separate group to have a separate board of adjustment to adjust the differences they may have with their employers, any more than why the enginemen should have, or the conductors should have, or the yardmen should have, or the switchmen should have, or the telegraphers should have, or the station agents should have; and if we should attempt to establish separate boards of adjustment for each of these separate groups we would have so much machinery that all of it would become inoperative and useless.

In the second place, this amendment provides that the expenses and salaries of this board of adjustment shall be paid out of the Treasury, whereas the expenses, salaries, and so forth, of all these other boards of adjustment are to be paid by those interested—the two sides—costing nothing to the Treasury.

Mr. BRUCE. Mr. President, the Senator from Indiana will recollect that that is not true as respects the boards of arbitration provided for by the general provisions of this bill.

Mr. WATSON. That is quite true.

Mr. BRUCE. The salary or compensation of the third arbitrator under them is borne by the public.

Mr. WATSON. That is true.

Mr. BRUCE. And all the expenses of the boards of arbitration, the Senator will recollect, are borne by the public; so there is no distinction to be taken in that respect.

Mr. WATSON. I recollect that very well. I will say to my friend, however, that he designates this in his amendment as a board of adjustment.

Mr. BRUCE. I think that is a misnomer.

Mr. WATSON. It is not a board of adjustment; it is a board of arbitration.

Mr. BRUCE. That is a mere misnomer. They have used the wrong term.

Mr. WATSON. I think so, too. That is what I wanted to call the Senator's attention to in the beginning. Therefore it is a board of arbitration, and not a board of adjustment——

Mr. BRUCE. I think so.

Mr. WATSON. And it segregates this particular class and puts them off to one side to have separate boards of arbitration, different from those that are used by the general class of railway workmen. I know of no reason why that should be done. The language of the bill is:

> Boards of adjustment shall be created by agreement between any carrier or group of carriers, or the carriers as a whole, and its or their employees.

That means every group; it means every class that may have any kind of dispute with their employer.

Mr. CUMMINS. Mr. President, will the Senator yield to me a moment?

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Indiana yield to the Senator from Iowa?

Mr. WATSON. Certainly.

Mr. CUMMINS. Does the Senator think it includes managers and superintendents?

Mr. WATSON. When that question was up, I will say to my friend from Iowa, in the consideration of the Esch-Cummins bill, we thought there was a twilight zone there, and we specially mentioned subordinate officials as a separate class.

Mr. CUMMINS. Precisely.

Mr. WATSON. But, at the same time, I have come to the conclusion that, so far as a board of arbitration is concerned—and that is what this is—it, too, is covered by this language, and they are covered by the language.

Mr. CUMMINS. Undoubtedly, so far as arbitration is concerned.

Mr. WATSON. And this is arbitration and not adjustment, I will say to the Senator.

Mr. CUMMINS. They are not covered, so far as adjustment is concerned.

Mr. WATSON. I know; but this is not a board of adjustment.

Mr. CUMMINS. No.

Mr. WATSON. This is a board of arbitration.

Mr. CUMMINS. Certainly; this is a board of arbitration.

Mr. WATSON. And they are covered by the arbitration provisions.

Mr. CUMMINS. But they are not given any opportunity to enter a board of adjustment.

Mr. WATSON. But this does not provide that they shall enter a board of adjustment. This is called a board of adjustment, but in reality it is nothing more or less than a board of arbitration with a binding decision.

Mr. CUMMINS. The Senator does not understand me. They have a right somewhere to appear and try out their cases amicably with the carriers, have they not?

Mr. WATSON. Why, certainly. The very object of this bill is to give everybody an opportunity to do that.

Mr. CUMMINS. They can not enter these boards of adjustment, which are very wisely provided for, and that was the reason that was given in the transportation act for the creation of special boards of adjustment for the subordinate officials.

Mr. WATSON. Yes.

Mr. CUMMINS. Now, inasmuch as they could not take advantage of the boards of adjustment, they come through the amendment that is proposed by the Senator from Maryland and say: "We are satisfied if we are given a chance to have our cases heard by a board of arbitration." I agree that the terminology of the amendment is not accurate, but the substance of it is there.

Mr. WATSON. Yes; that is right.

Mr. BRUCE. Mr. President, may I say to the Senator from Indiana that I can not agree with the Senator from Iowa when he reaches the conclusion that under the general provisions of this bill this special class of employees would have no right to invoke the provisions of the bill relating to boards of adjustment.

Mr. CUMMINS. Let me say that I think the Senator is right about that; but the Senator from Maryland knows perfectly well that the railroad companies will not agree to any board of adjustment with the railways on the one side and the subordinate officials on the other. This provision for boards of adjustment is purely voluntary. We can not compel any railroad company or any employees to enter into boards of adjustment.

Mr. WATSON. Certainly; that is quite true.

Mr. BRUCE. Of course it is the intention of this bill that the railroad companies should agree; but they have violated the provisions of the transportation act to such an extent that, of course, nobody can say what they will do so far as obedience to public authority may be concerned, if I may say so with great

respect to my friends the railway executives, because the language of section 3 is:

> Boards of adjustment shall be created by agreement between any carrier or group of carriers, or the carriers as a whole, and its or their employees.

This language is absolutely mandatory; and then in the definition paragraph of the bill it says, as the Senator will recollect:

> The term "employee" as used herein includes every person in the service of a carrier (subject to its continuing authority to supervise and direct the manner of rendition of his service) who performs any work defined as that of an employee or subordinate official.

Mr. WATSON. I was about to call the attention of the Senator to that language. It is all inclusive.

Mr. BRUCE. I agree with the Senator from Indiana, although possibly I have not given as full consideration to this phase of the discussion as I might have given. I am certainly inclined to agree with the Senator that if the amendment I have offered is not adopted, the subordinate officials of the railway companies would fall within all the provisions of the measure. They are employees within the definition I have just read.

Mr. WATSON. Yes.

Mr. BRUCE. It is expressly provided that it shall be the duty of the carrier to enter into adjustment board agreements with all of its employees, which, of course, includes subordinate officials. But I submit to the Senator from Indiana that that is no reason why all the highly organized, highly complicated machinery of this bill should be brought to bear upon the subordinate officials willy-nilly. They have just as much right to form an opinion as to what their special needs and requirements are as the residuary mass of the railway employees.

There is a story told by Benjamin Franklin which applies to this case. During the time when puritanical feeling ran so high in England, some of the Cavaliers in a village wanted a Maypole and some of the Puritans were opposed to a Maypole. Finally the question came up before a magistrate, and the magistrate settled the question very promptly by saying, "Let all who want a Maypole have a Maypole, and let all who do not want a Maypole do without a Maypole; go along about your business!"

It seems to me that would be a good principle of decision to apply to this amendment. Let the great mass of the railway workers have all this complicated machinery if they desire it. I am willing, if the bill is properly amended, to let them have it. On the other hand, if these subordinate officials feel that this suggestion of theirs is better adapted to their peculiar situation and wants, then it seems to me that it is not an unreasonable thing for them to urge the adoption of this amendment.

Mr. WATSON. Mr. President, as I have said, the class of employees to which the Senator's amendment refers are a very high class of employees, and they have talked to me about their amendment. There are many features of it which rather appeal to me. But when I came to study it and think about it, I could see no reason why they should be segregated and set apart and have special machinery set up for their own purposes.

Under this language it is mandatory, as the Senator well says. The railroads "shall" enter into these arrangements. I have the assurance of all the railroad men with whom I have talked that that is going to be done, and that in case there is any kind of controversy with a subordinate official, or any number of subordinate officials, they can at once have their board of adjustment the same as anybody else, and that the machinery will operate to adjudicate their cases the same as in the case of anyone else.

I have talked with Mr. Richberg and with the other gentlemen representing the labor organizations, and they think these laborers, so called, or this particular class, are all included in this language. They will be treated the same as any other group, the same as the bridgemen or the enginemen, or any other group or class of laborers on the railroads. If that be true, I see no reason why we should set up, at public expense, a separate board for the special adjustment or adjudication of their particular differences with the railroad managers.

Mr. BRUCE. Let me ask the Senator from Indiana whether he would not consider it a wonderful thing if all these railway employees were to come to Congress and say, "We do not want any board of adjustment, we do not want any board of mediation, we do not want any emergency board. All we want is a board of arbitration, consisting of three persons, one of whom is to be selected by us, one of whom is to be selected by the carrier, and the remaining one of whom is to be an entirely disinterested person, not connected by any tie of interest with either employee or carrier. If you will set up a board of that kind, and give us an opportunity to present our case to it at the time that the carrier presents its case, we will agree to abide absolutely by the action of that board."

Mr. WATSON. Which is what they say now.

Mr. BRUCE. That is what this special group of workers is saying to the Government, but that is not what the great mass of railroad employees are saying.

I am not quarreling with them because they think that their situation calls for a different method of treatment, but I know the Senator would send up hallelujahs like those that he sent up the other day after he was renominated by such a wonderful majority—he would send up hallelujahs if such a proffer as that were made by the railway workers of the country generally.

Mr. WATSON. I will say to the Senator that in the act of 1888 the method provided was arbitration, and nothing else, and no other method was submitted to us for 10 years. In 1898, under the Erdman Act, the method was arbitration, with no provision for mediation or conciliation. That was a partial failure. In 1913, under the Newlands Act, the method was arbitration, with a permanent board of mediation and conciliation, and that became more effective, because it supplemented arbitration by the processes of mediation and conciliation. Therefore, I am a believer in mediation and conciliation in the adjustment of all these disputes, and do not believe they either can be or should be settled altogether by arbitration. I think there is nothing finer in our American life than where men who are engaged in a controversy will sit down around a common table and talk it over face to face and eye to eye, and come to their conclusion about it. Any differences between men in our country can be settled by that sort of conference.

Mr. BRUCE. But, Mr. President, the Senator from Indiana is mistaken in saying that there is no provision for mediation made in the Erdman Act or in the Newlands Act.

Mr. WATSON. There was in the Newlands Act, but not in the Erdman Act. That provided for arbitration only.

Mr. BRUCE. Arbitration only?

Mr. WATSON. Yes.

Mr. BRUCE. That is not my recollection of that act. As I recollect, the chairman of the Interstate Commerce Commission and the Commissioner of Labor were expressly empowered to mediate.

Mr. WATSON. They had power to compulsorily investigate, and that was the weakness of it.

Mr. BRUCE. Then, in case mediation were unsuccessful, they had power to suggest arbitration. Of course, so far as the Newlands Act was concerned, that was an act providing for mediation, conciliation, and arbitration, all three.

Mr. WATSON. The Newlands Act.

Mr. BRUCE. Notwithstanding that accumulation of phraseology, the act did not seem to have any real effect in composing labor disputes.

Mr. KING. Mr. President, will the Senator from Indiana permit an interruption?

Mr. WATSON. Yes.

Mr. KING. I would like to ask the Senator what special merit he finds in this bill over and above the virtue of the Newlands Act. If the Newlands Act contained all the instrumentalities referred to by the Senator from Maryland, may I ask the Senator what additional machinery he thinks has been set up by this bill, and if the machinery set up in this bill has greater curative qualities than the machinery set up in the Newlands Act?

It seems to me, if I may say so before the Senator answers, that there is too much machinery provided here. It is top-heavy. There are adjustment boards and mediation boards, and there are arbitration boards, and then emergency boards. There are boards and boards and boards, until it seems to me the bill is top-heavy with mechanical appliances to settle human controversies.

Mr. WATSON. The Senator is addressing himself now to the general bill and not to this particular amendment. Will he be kind enough to wait for an answer to his question from me until after we dispose of this amendment?

Mr. KING. I am, of course, at the mercy of the Senator, and he can answer my questions in his own time, to suit his own pleasure.

Mr. WATSON. I thank the Senator.

Mr. BRUCE. May I interrupt the Senator from Indiana for a moment? I am sure that the Senator has no disposition at

all to make any misstatements in regard to the Erdman Act or the Newlands Act.

Mr. WATSON. Oh, no.

Mr. BRUCE. Of course, we all fall into lapses of memory in reference to the exact language used in a long course of legislation. I happen to hold in my hand a carefully prepared abstract of the act of 1888 and of the Erdman and Newlands Acts. This abstract states that—

On June 1, 1898, the Erdman Act was placed on the statutes. This law empowered the chairman of the Interstate Commerce Commission and the Commissioner of Labor to act as mediators in railway labor controversies.

Mr. WATSON. I recall that. The Senator is quite right.

Mr. BRUCE. Under the Newlands Act the commissioner of mediation and conciliation and his associates constituted a board of mediation, conciliation, and arbitration.

Mr. WATSON. That is right. I was inaccurate in my statement. We at first had the act of 1888; then the act of 1898, the Erdman Act; then the act of 1913, the Newlands Act; then the transportation act; then the first Esch Act, introduced in the House, and the Adamson amendment; then the Cummins amendment offered in the Senate. I have been a little confused at times as to just what they all did provide, especially when we come up to this labor bill with this provision.

Mr. BAYARD. Mr. President, I will ask the Senator to yield to me to ask a question, if it would be in line with his argument at this time. I did not have an opportunity yesterday afternoon. On page 24, in the second provision of section 9, it is provided that after an award has been filed in a case, that the award or the finding of the court "shall be filed in the clerk's office of the court in which the award has been filed, the court shall enter judgment on the award, which judgment shall be final and conclusive on the parties." I would like to suggest this possible phase of the question to the Senator and ask his attention to it:

Assume that there is a dispute between a large number of employees on one of our large railroad systems and the managers of the road. Assume that they agree to arbitrate. Further assume that arbitration is entered and the award becomes a final and conclusive judgment of the district court in that district. Further assume that the railroad employees should break the terms of that arbitration. Would not the result be this, that the court, in enforcing its mandate, upon application duly made, would have to appoint thousands of deputy marshals to properly get through with it?

Mr. WATSON. Of course, whatever the court would have to do to enforce its decrees it would have to do, because, just as under all of these acts we have had, it is an award that is filed in the office of the district court or of the circuit court of the United States, and on it judgment is entered, and thereby it becomes a judicial decree that must be obeyed; and if any person should violate it, whatever would be necessary to enforce it would have to be used.

Mr. BAYARD. But in the enforcement of the decree by the issue of its process to enforce it would not this necessarily bring to pass this result, that a great many people would be haled into court because they had broken the court's mandate, and therefore they would be held for contempt; and would we not have thousands of cases of contempt brought before the court by virtue of this very act—in the case of a railroad strike, if you please—eventuating after an arbitration had merged into a final and conclusive judgment?

Mr. WATSON. Of course I can not answer that, because when the parties once agree to arbitrate, of course, they go into it voluntarily; they go in with their eyes open, and they know what the inevitable result must be. After they accept arbitration, and there is arbitration, and the arbitrators have sent for papers and witnesses and have heard all the evidence and come to a conclusion, and an award is made, and that award is entered on the records of the United States circuit court, I am assuming the parties will obey it. But, of course, if they do not obey it, the courts will have to take whatever means are necessary to enforce the decree. That is no reason why we should not have arbitration, is it?

Mr. BAYARD. No. I am not objecting to arbitration. That is not the point. But it seems to me that this bill as now drawn invites the possibility of a very serious situation, one that has not been carefully weighed by the employers or the employees of the railroads, because the employers are very few in numbers, but the employees are many in numbers; and if they get heated and upset about the administration of the terms of the decree which has been merged into a final judgment and go out on strike, I think it would be a very serious thing, because they would bring themselves within the purview of contempt proceedings, and I do not think the Clayton Act would apply in such a case.

Mr. WATSON. There is no question but that it would be serious; but this being the same as the provision regarding arbitration in every act that has ever been passed from 1888 down to the present time, I am assuming that if it is entered into in good faith the parties will not violate it after it has been entered into, and I am assuming that if they do violate it knowingly they will have to suffer the consequences.

Mr. BAYARD. Is not this the first legislation where we have to get an award with a final conclusive judgment by the operation of the measure itself?

Mr. WATSON. Oh, no.

Mr. BAYARD. Not the transportation act of 1920?

Mr. WATSON. Has the Senator read it recently?

Mr. BAYARD. Federation case No. 90 against the Pennsylvania Railroad determined that question, and the court said they could not enforce the decree. The Supreme Court said that.

Mr. WATSON. Judgment or award?

Mr. CUMMINS. In what event?

Mr. WATSON. If it is filed in the United States district court and is violated, what process of court shall be used to enforce it?

Mr. CUMMINS. That is rather an academic question.

Mr. WATSON. Of course, it is; but the Senator from Delaware propounded it.

Mr. BAYARD. I said that in Federation case No. 90 against the Pennsylvania Railroad, the court said the Labor Board had no power under the terms of the act to enforce its orders or findings.

Mr. CUMMINS. It is pretty hard to run out the consequences that may follow this legislation. I assume that there would be no judgment of a court upon any award which would say to John Smith that he must continue to work for the Pennsylvania Railroad Co. I assume that the award and the judgment of the court upon it would simply settle the question of wages or working conditions that should be paid or observed by the railway company and the employees. I can not imagine any other sort of a judgment. That judgment could not be, if our Constitution were observed, that any particular employee should continue to work for that particular employer, and I think he would be at perfect liberty to leave the employment whenever he saw fit to do so. But I think the judgment might very well be one which would restrain a conspiracy in the nature of a concerted abandonment of employment that would suspend or interfere substantially with transportation.

Mr. REED of Pennsylvania. In other words, a strike would be a contempt of court?

Mr. CUMMINS. It might be. That is to say, I think that under this bill there could be a judgment rendered upon an award which would make a strike a contempt of court.

Mr. REED of Pennsylvania. Punishable in the usual way of punishing contempts in the Federal court?

Mr. CUMMINS. Surely.

Mr. REED of Pennsylvania. Summary process without jury trial?

Mr. CUMMINS. Yes; it might be.

Mr. REED of Pennsylvania. Does the Senator suppose that the representatives of labor who are backing the bill realize that it would put them in that position?

Mr. CUMMINS. I have called that to the attention of some of the representatives of labor, and I do not think they interpret the language that way.

Mr. BRUCE. The Senator from Pennsylvania seems to think that the railway employees are not aware of what the legal consequences of these provisions would be in relation to the entry of a judgment or award. They have, as the Senator from Indiana well knows, at their command one of the ablest lawyers in the land, Mr. Richberg.

Mr. WATSON. I think they are fully aware of the consequences.

Mr. BAYARD. May I suggest something that came to me as the Senator from Iowa was talking? He spoke as though the court was going to formulate the decree. The board of arbitration formulates the award, and that becomes the judgment of the court unless reviewed by the court, and then, of course, the court could amend it. If the impeachment is not filed, then the award becomes final and conclusive ipso facto upon the mere filing.

Mr. CUMMINS. It becomes the judgment of the court.

Mr. BAYARD. Yes.

Mr. CUMMINS. I think the court can do anything in the execution of that judgment that the laws of the land and the practice of the court authorize it to do. I wish only to remark that I can not believe it possible that any court under any award could declare that a single employee should not leave his employment if he wanted to do so.

Mr. BAYARD. I do not say that. What I have in mind is that we may have a situation on a big system where the men may become inflamed as the result of an award which has merged into final judgment. Something excites them and they go out in big numbers. At first they are peaceful and then they become violent; they may even destroy property. It seems to me we would have wholesale arrests for contempt. Human nature is not going to suffer under restraint even if persons know an award has been entered against them. We have such a situation in England to-day. It seems to me the bill is inviting something that the employers and the employees have not stopped to consider. It is a very serious matter. I think it ought to be looked into carefully.

Mr. CUMMINS. I think an award under this bill could prohibit a strike, and, of course, if that were merged into the judgment of the court, the court could punish for violation of that award or decree.

Mr. BAYARD. I think they are creating a tremendous opportunity for putting their heads in a noose, and I do not believe they knew it when they advocated the bill.

Mr. WATSON. They are entirely familiar with the bill and all its consequences. Now, Mr. President, what about the amendment?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maryland [Mr. BRUCE].

Mr. KING. Mr. President, may I ask the Senator from Iowa a question in view of his statement as to the power of the court?

Mr. CUMMINS. Certainly.

Mr. KING. Suppose a decision is rendered by the tribunal set up by the bill, and that decision or judgment is filed in court. Those who render the judgment and those who are to be affected by it place one construction upon it. The court places an entirely different construction upon it and upon its terms and upon its effect. Does the court have plenary authority or judicial power to place an interpretation upon the judgment different from that placed upon it by the body rendering it or by those who are parties to it if they should disagree, or may he place his own interpretation upon the judgment? If his interpretation is entirely different from the others, then what steps must be taken with respect to entering the judgment? What steps must be taken with respect to enforcing the judgment if either party to the decree violates it according to the interpretation of the judge, but not according to the interpretation placed upon it by the body or the instrumentality which filed it or by the parties to it?

Mr. CUMMINS. I think the Senator from Utah is abundantly able to answer that question for himself, inasmuch as he is profoundly versed in the law. When the court enters the judgment it becomes the judgment of the court, and the opinion of the arbitrators with regard to its interpretation or the opinion of the parties to the controversy could not be sought and could not be observed if it were sought. I take it that the court would put its own interpretation upon the judgment and would execute it according to the established practice of the courts of the country.

I want to say at this moment that I am for the bill. I have been earnestly for it from the beginning, but I appreciate—and we must not be too optimistic—the fact that if we once have arbitration—that is, a voluntary agreement—and if it results in any such consequences as we have been discussing here for the last few moments, there never would be another arbitration, because the men would not enter into an arbitration agreement, I know, that they believed would result in the jurisdiction of a court to enjoin them from leaving their employment by concert and in such numbers as might suspend transportation. They certainly would not agree to any arbitration that by any possibility could interfere with the freedom of a single man either to continue in his employment or to leave it. I have not been very optimistic about the effects of the bill, so far as arbitration is concerned.

Mr. KING. May I ask the Senator, in view of his apparent approval of the bill in haec verba and from Genesis to Revelations, what particular virtues does he see in the bill over those which were found in the Erdman Act or in the Newlands Act, and why does he think that this bill will be productive of better results which would tend to prevent strikes, or if controversies arise will be more promotive of speedy settlement than the acts to which I have referred?

Mr. CUMMINS. The Newlands Act especially, I think, is a very valuable and helpful bit of legislation. The pending bill combines the Newlands Act with the duty charged upon both sides to enter into voluntary conferences and to use every effort to settle their differences without either appealing to the board of mediation and conciliation or to arbitration. I regard that as the great effective part of the legislation.

I agree with the Senator from Indiana that we have reached the time when we must settle all such controversies as are referred to here, if possible, peacefully, without any interference on the part of the board of mediation or conciliation. We are encouraging that in the bill. I do not think it is very much better in that respect than the existing law. But it comes as the result of an agreement or concord between the railroads and their employees, and it brings with it a better and a higher and a nobler spirit than surrounds the present legislation, simply because one side or the other were opposed to substantially all the provisions of the present law. The railroads fought certain parts of the act as bitterly and intensely as I have ever seen opposition appear in the Congress. On the other hand, the employees were just as intensely opposed to certain parts of the act. But now they have come together, and they are agreed upon this legislation, to which they both feel they could appeal to settle their disputes. I think that we ought to try the experiment.

We have no compulsory process anyhow except an appeal to the courts, as the Senator very well knows. There have been many such appeals in the past; they have done some good; but they have inflamed public opinion; they have intensified the antagonistic spirit between the railroads and their employees. So I am willing to try anything that will give fair promise of bringing peace to this very important and fundamental field of industry.

Mr. KING. Mr. President, before the Senator from Iowa takes his seat let me say that as I understand him he attributes to the provisions which direct the railroads and employees to meet together on opposite sides of the table, so to speak, in an effort to settle their controversies amicably and to the provision for boards of adjustment superiority and advantages over other provisions of the bill, and, as I understand him, he thinks those are really the best and most vital features of the bill.

Mr. CUMMINS. I think the boards of mediation, of conciliation, and of arbitration are very essential, but I do look for higher and better results from the spirit which leads to the enactment of a law which declares that they shall create these boards of adjustment. I know perfectly well that if they decline to do it there is no power in this bill to compel them to do it. This bill is just like the present law. They ought to have formed boards of adjustment under existing legislation, but they have not done so save in rare instances. Therefore that legislation has failed to accomplish some of the purposes that I believed it would accomplish at the time it was passed.

Mr. BRUCE. Mr. President, I desire to say to the Senator from Utah [Mr. KING] that in my judgment the true defect in this bill is not to be found in the directions toward which he is looking, but in the fact that, smoothly as it may work in the main as between the carriers and the employees, the public welfare is not properly safeguarded by it. Of course the present Railroad Labor Board has no power to enforce its mandates by any compulsory process of any sort. It never was intended to have any such power.

Labor conditions in this country have not justified the application of force in labor disputes so long as the general laws of the land looking to the preservation of peace and order are not violated; but in some respects, so far as the protection of the public is concerned, the present Railroad Labor Board legislation is far superior to the provisions of this bill unamended, though this bill could be so amended as, in my judgment, to furnish a much better system for the adjustment of labor disputes than the present system if, for no other reason, because this bill is the fruit of concord; it is a bill to which both the carriers and the employees have given their assent.

I believe in being honest in discussion under all circumstances, and so I will say that, in my judgment, to a certain extent the assent of the railway executives in this case is not a real assent. Of course, we all know that in all probability if the railway executives and the railway workers could be left entirely to themselves they would prefer not to have any board of mediation, or of conciliation, or of adjustment, or any emergency board, or any governmental authority of any kind interpose and take up their disputes with them. The

railway executives have always been loath to place their neck under the Government yoke. Everybody knows how strongly they opposed the enactment of the interstate commerce law and how strongly they opposed every State public service commission law in the country. They and their employees are on very much a footing of parity as respects a general disinclination to have their controversies passed on by public authority in any form whatsoever. But, at the same time, we can not shut our eyes to the fact that when the assent of the carriers and of the employees to this bill was given there was the strongest kind of demand for an increase in wages on the part of the railway employees of the country. I am not saying that that was an unjust demand; far be it from me that I should do that; I am not the tribunal to pass upon the demand; my position is that that question should be passed upon by some properly constituted and duly authoritative tribunal; but, all the same, when the assent of the carriers and the employees was given to the pending bill there was this demand for increased wages on the part of the railway employees, amounting, it has been said in the press of the country, in the aggregate to no less than a half billion dollars. Of course, we all know that if this bill shall pass the very first thing that will be taken up will be that request for an increase of wages.

I, for one, do not doubt for a moment that if the railway executives had not come into this arrangement, while there might not have been a nation-wide strike, a general strike, there would have been railway strikes here and there, at any rate, throughout the United States. Therefore I have not the slightest doubt that, aside from any matter of mere volition, the railway executives were, to a certain extent, under the compulsion of circumstances when they gave their assent to this bill. I do not care anything about that, because I think that any bill that represents an honest intention on the part of the carriers and the employees to come together and to settle their disputes in a lawful, orderly, and truly American way is a bill to be regarded with favor, provided that it is framed in such a manner as to safeguard the public interest in every respect.

The fact is that when the Howell-Barkley bill was pending in Congress last year—a bill which in many respects is on all fours with this bill—the railway executives were bitterly opposed to its passage, and by no one was their opposition asserted in more pointed and striking terms than by Mr. Alfred P. Thom, the able and upright counsel of the railway executives. That bill was fought by the railway executives from start to finish, and, as the Senator from Utah will recollect, it did not pass Congress.

The strong point about the present Railroad Labor Board legislation as compared with the pending bill is that, while the Railroad Labor Board has no power to enforce its orders, while it is lacking in punitive authority of every sort, it has most effective powers for the purpose when a labor dispute is pending of bringing the pressure of public opinion to bear upon the controversy, of laying the facts before the American people, and putting the American people in a position to say which of the two parties to the controversy is reasonable and which is unreasonable, which should receive the support of public opinion and which should not receive the support of public opinion.

The Senator from Utah perhaps recollects that the present Railroad Labor Board is composed of nine representatives, three representing the railway workers, three representing the carriers, and three representing the general public. The present Railroad Labor Board legislation also provides that there shall be no final decision in relation to any wage question in which at least one of those public representatives does not unite. The Senator, I am sure, realizes the great importance of that fact. The present railway labor legislation also makes it the duty of both carrier and employee, when a labor dispute arises between carrier and employee, to bring that dispute to the board, to lay their respective cases before it, so that the board may determine and the American people may determine, in the light of all the evidence, oral and documentary, which party to the controversy should receive the seal of popular approval and which party to the controversy should not receive the seal of popular approval.

I think it a most unfortunate thing that human nature should be so constituted that both the carriers and the railway workers were unable to rise to the high level of the objects contemplated by the Railway Labor Board legislation. That legislation has not been as effective as it should have been for no reason in the world except that it is legislation without a sanction. Of course, the most contemptible thing in the world is something, like a prohibition law, which has no moral sanction behind it; but the next most contemptible thing is a law that has no legal sanction behind it; and the Railway Labor Board law is a law that had no real legal sanction behind it.

That board has no punitive authority; it has no compulsory power of any sort. The expectation of Congress was that the railway workers and the railway executives would be too true Americans, would be too faithful to the American spirit, would be too obedient to the Constitution and laws of the land not, under any and all circumstances, to submit their controversies to that board so that the purposes of the Railway Labor Board legislation might be fulfilled. It is only fair to say that most of the workers did rise to the proper level, because thousands of disputes have been settled by the Railway Labor Board. The Senator from Indiana [Mr. WATSON] mentioned yesterday the fact that under the Newlands Act or the Erdman Act—I forget which—some 61 controversies had been peacefully settled; but upwards of some 6,000 major controversies of one sort or another have been settled by the Railway Labor Board, to discredit which such elaborate attempts are now being made, and all together some 12,000 cases of al lkinds have been decided by it. In the main, both railway workers and railway executives have heeded the requirements of the Railway Labor Board legislation. Wage case after wage case has been settled through the interposition of the Railway Labor Board, and if blame is to be apportioned, so far as the requirements of the Railroad Labor Board legislation have not been complied with, it seems to me that the larger share should be placed upon the railway executives.

I do not care what anybody else thinks, but I think that it is one of the most lamentable incidents in American history that great railway systems like the Pennsylvania Railroad system and the Chicago & Alton Railroad system and the Erie Railroad system and the Southern Pacific Railroad system and the New York Central Railroad system should have deliberately defied the will of the American people by refusing to lay labor controversies in which they were involved before the Railroad Labor Board. Perhaps, if they had set a better example to their men, such of those men as have defied the authority of that board would not have defied it. It was the plain duty of both railway executives and railway workers, so long as the railway labor legislation was on the statute book, imprinted with the legislative intent that it bore upon its face, to obey its provisions, in the meantime being fully at liberty, of course, to come to Congress and to ask for the repeal or the modification of that legislation.

In point of fact, so far as I know, there never was any complaint about the workings of this board until a later stage of its history. Most properly it granted the railway workers throughout this land an increase of wages after the great World War, so as to equalize their condition with that of the other workers of the country and to meet arrearages of compensation which should long before have been met. While the railway workers were waiting for that increase of compensation they exhibited a most remarkable degree of patience, one which should inure in the highest degree to their credit. But subsequently, of course, the Railroad Labor Board, in the discharge of its duty, thought that the time had come for some reductions of wages, and there were reductions of wages, and then the trouble commenced so far as the workers were concerned, which had already, as I recollect the sequence of events, commenced so far as the railway executives were concerned; and from that day to this both railway executives and railway workers have tried by every means in their power to discredit and to blacken the reputation of this board.

If events could be controlled in an abstract rather than in a practical manner, the wisest thing that could be done would be to take the present Railroad Labor Board legislation and perfect it; not to start out on any new legislative pathway at all. I am not asking that that be done, however. By proper amendment the pending bill can be made to give to the railway executives and to the railway workers everything that they are asking us to give them—every solitary thing—and yet at the same time the welfare of the people of the United States can be just as fully protected as it would be under the Railroad Labor Board legislation if that legislation were implicitly obeyed throughout the country.

I think that the language of this bill with regard to arbitration is unfortunate. We all know that while arbitrators that are selected by parties lean toward the parties by whom they are selected, yet, unless they are to sink into utter contempt, certain general considerations of duty and integrity must be observed by them. Then, of course, there is always some third disinterested party, umpire or what not, to come in

and to act with them and to temper any excess of partisanship on the part of the other two members of the board of arbitration.

This bill contains the most extraordinary provision that, so far as two out of the three arbitrators are concerned, the fact that the man is pecuniarily or otherwise connected with one party or the other is to be no disqualification for acting as an arbitrator. It is true that it is provided that the two arbitrators—one appointed by the workers and one by the executives—shall appoint a third, and that he shall be a disinterested person, who shall not be connected in any way at all either with the carrier or with the employees, and that if the carrier arbitrator and the employee arbitrator can not agree on this third arbitrator that arbitrator shall be appointed by the board of mediation, which consists of persons appointed by the President.

It seems to me, to begin with, that it is the most unfortunate thing that any legislation should expressly provide that two out of three arbitrators shall be out-and-out, thick-and-thin partisans. Go back to the act of 1888, to which the Senator from Indiana referred. That act expressly provided that in case of arbitration no arbitrator should be in any way interested either in the carrier or any employee. I can get over that, however, because under this bill there has to be an umpire; there has to be a disinterested party selected by those two partisan arbitrators, and if they can not agree on the third arbitrator, then he has to be selected by the board of mediation; but the one thing, I will say to the Senator from Utah, that I can not get over in this bill is the fact that, while the bill provides that if a dispute between carrier and employee can not be reconciled, the board of mediation is to ask the President to appoint an emergency board to investigate the dispute, yet it clothes that emergency board with none of the effective powers with which the present Railroad Labor Board is clothed, for the purpose of bringing the impact of public opinion to bear upon both parties to the controversy. That is the rift in the lute; that is, I had almost said, the streak of fatal infirmity in the present bill.

I am going to offer an amendment to cover that; and with that amendment and one or two minor amendments that I propose to offer, not of the same vital description, I think that in all probability the pending bill can be made to subserve the purposes which are entertained both by the railway executives and by the railway workers; and I quite agree with the Senator from Iowa in saying that it is a point of no mean significance that these railway executives and these railway employees have met and agreed upon something which they bring here and tell us that they have an earnest, sincere, bona fide desire to carry fully into effect.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Utah?

Mr. BRUCE. Yes.

Mr. KING. Before the Senator takes his seat I should like to ask him, because he has alluded to the fact that the Howell-Barkley bill—and this is substantially the same—was vigorously opposed by the railroad managers, if he knows why the railroad managers and railroad owners are so earnestly in favor of this bill?

I can recall that at the last session of Congress, when the Howell-Barkley bill was before us, Mr. Thom, to whom the Senator has referred, and all the railroad managers, or many of them, were here violently opposing that bill. I am told that the same forces that were then so hostile to it are now embracing it with the most tender emotions. I am also advised that those who are the most earnest in its advocacy among the railroads are the representatives of those roads whose earnings are very large; perhaps so large that they, if they practiced proper economies, would be compelled to make considerable contributions to the fund which is provided for in the general transportation act. It has been suggested to me that they would just as soon pay to their employees, though the wages in some instances might be excessive, these super-earnings, as to pay them into the fund which is provided for in the present transportation act.

I am also told that the poorer railroads, if any railroad is poor—and I know that many of them are—and the representatives of the railroads last referred to are not in harmony with this bill; and therefore, if the Senator from Maryland meant by his statement that the railroads were all behind the bill, as well as the employees, my information is that a very large number of the railroads of the United States are very much opposed to this bill.

Mr. BRUCE. The Senator is entirely right. It is only fair to say that. It is a minority, and a distinct minority; but, all the same, a large number, of course, of the railway executives of this country are opposed to the passage of this bill. As I recollect, there are about 20 dissentients as against the 52 railroads that were in favor of the passage of the bill; and, if I am correctly informed, some railway executives who were disposed to give their approval to this bill in the first instance have now withdrawn that approval. I do not know whether that is so or not; but I was simply going on to say that I do think that it is a matter of very great significance, and so far as I am concerned it may be a matter of determining significance, that the railway executives and railway employees alike have given their approval to this bill.

I do not want anyone to set me down as being hostile to either railway executives or railway employees. Among the men in this country for whom I entertain the highest esteem are some of the railway executives, notably Mr. Daniel Willard, of Baltimore, one of the ablest, one of the most useful, one of the most patriotic men that we have in the United States; a man who, I am glad to say, is held in the very highest esteem by the railway workers along the lines of his railroad. In the same way, among the friends for whom I entertain the very warmest regard are men who are in one capacity or another railway workers. I am arriving at that time of life when, if for no other reason, my sincerity should not be readily questioned; and to me—I say it in the utmost candor—the most gratifying thing in the whole course of my life is the steady improvement, material, moral, and intellectual, that has taken place in the status of the workers of this land during my life. I want them to have just as large a measure of compensation as is compatible with the capitalistic theory of industry. I say "the capitalistic theory of industry" because we know from the example of soviet Russia, if from no other example, that communism leads simply to human misery and to human bloodshed; and we know from the example of other nations that socialism leads merely to disillusionment and industrial disaster. Human society can not be conducted successfully upon any theory except the theory of individual initiative and enterprise, upon the theory that every avenue to advancement should be open to the humblest man in the land; and that every man in the land, no matter how humble may be his beginnings in life, may, if he proves worthy of his American opportunities, become even the most powerful or the wealthiest man in the land.

Take a man like Daniel Willard, for instance. I recollect some years ago a friend of mine told me that on one occasion, when he was in a private car with him, they heard a railway worker going around and striking the wheels of a car with his hammer. Mr. Willard turned to him and said, "That is a sweet sound to me. Many a time in the early years of my life did I make it." Now he is president of one of the greatest railroads in the world and honored by every class of human society. Only recently, in addition to his splendid position as president of the Baltimore & Ohio road, he has been made the president of the Johns Hopkins University, and a great executive in that post, too, he is likely to prove.

The very soul of a true American ought to be filled with delight at the thought that such honors can come to any man in this land, however unpropitious, however adverse, the circumstances of his early life may be.

I want to see the workers of this land have just as large a share of the profits of industry as is consistent with a proper and reasonable return to capital on its investment. So I favor any measure that is the offspring of the will of the workers and the will of the executives, that promises industrial peace, good fellowship, and understanding between them.

There is no finer body of Americans, none whatever, than this body of railway workers. Some time ago a group of them sent me a most interesting photograph of, perhaps, 50 or 60 or 100 workers, and I asked myself whether any other country in the world could show a more interesting group of honest, sturdy, intelligent workers.

We all know that our labor unionists have refused to become infected with the errors and fallacies of the old world, to be drawn into the shambles of sovietism, or into the morass of socialism. All they ask is that proper working rules be accorded to them and proper wages paid to them, and that the labor disputes, to which they are parties, be disposed of in a just and reasonable manner.

So, other things being at all equal, I prefer legislation which has received their approbation and the approbation of the railway executives to any legislation, however better it may seem in some respects to me to be, that has not received that approbation.

We know that all men will do things in hours of excitement and stress and trial and passion that they would not do under normal conditions. In the interest of the public welfare it is

that fact which should be always kept in mind when any bill like this is being framed.

So, Mr. President, I think the pending bill should be amended as I have intimated, so as to give to this emergency board, the court of last resort under the provisions of the bill, practically the same measure of authority as that conferred by the present railway labor legislation on the Railway Labor Board to evoke testimony, oral and documentary, and to afford an opportunity for the full assertion of a mature, well-informed public opinion in relation to labor controversies.

I suppose that the amendment which I have already offered is the pending question, and I would like to have it passed on.

Mr. LA FOLLETTE. Mr. President, it seems to me that in considering this amendment we must realize the condition which exists in these railway labor organizations. Many of the so-called subordinate officials proposed to be taken care of in the amendment offered by the Senator from Maryland are already members of existing organizations. In the trainmens' organization, for instance, are found large numbers of yardmasters. In the maintenance-of-way employees' organization are found the foremen of the so-called section gangs, which Mr. Wallberg, as president of the organization, has stated, are really the backbone of his organization. In the telegraphers' organization we find the station agents, and the dispatchers have a separate organization of their own, and that organization is unqualifiedly on record in support of this bill as reported from the committee. No one seems to know exactly how many men are in this organization which Mr. O'Neil represents.

It is true, no doubt, that there are perhaps 150,000 employees scattered all over the country who fall under the category of "subordinate officials," made up of the foremen and other minor officials of the roads. But, as a matter of fact, as I have stated, many of them, and I believe the greater bulk of them, are already affiliated with the so-called standard railway labor organizations.

Therefore, if the amendment offered by the Senator from Maryland should prevail, those officials who are now affiliated with the standard railway labor organizations, and who are a part of those organizations, would be faced with the necessity of withdrawing from those organizations in order that they might come under the terms of this measure.

In the second place—and I believe this is the important point—the amendment proposed by the Senator from Maryland provides for compulsory arbitration. That controverts the entire spirit upon which this bill is drawn. The Senator himself stated in the hearings, on page 12, before the Senate committee:

> There can not be any compulsion so far as arbitration is concerned, of course. That would be unlawful.

For the two reasons which I have outlined, I sincerely hope the amendment which the Senator has proposed, and, as he states, offered by request, will not be agreed to.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Fess	Lenroot	Shipstead
Bingham	Fletcher	McKellar	Shortridge
Blease	Frazier	McLean	Simmons
Borah	George	McMaster	Smith
Bratton	Gerry	McNary	Smoot
Broussard	Gillett	Mayfield	Stanfield
Bruce	Glass	Means	Steck
Butler	Goff	Metcalf	Swanson
Caraway	Gooding	Moses	Trammell
Copeland	Hale	Neely	Tyson
Couzens	Harreld	Norbeck	Underwood
Cummins	Harris	Norris	Wadsworth
Curtis	Heflin	Nye	Warren
Dale	Howell	Oddie	Watson
Deneen	Johnson	Overman	Weller
Dill	Jones, N. Mex.	Phipps	Wheeler
Edge	Jones, Wash.	Ransdell	Williams
Edwards	Kendrick	Reed, Pa.	Willis
Ernst	Keyes	Robinson, Ind.	
Fernald	King	Sackett	
Ferris	La Follette	Sheppard	

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

Mr. BRUCE. Mr. President, I would like to modify in one respect the amendment which has been offered by me. I will ask the clerk to turn to line 4, page 3. After the word "help," I want to insert an amendment to these words:

> in accordance with the civil service act of January 16, 1883, and to fix their salaries or compensation in accordance with the classification act of 1923.

Mr. WATSON. What is the Senator seeking to do?

Mr. BRUCE. The last paragraph of the amendment provides that the board which is contemplated is vested with authority to employ the necessary office help. I simply want to insert the usual provisions in accordance with the civil service act and the classification act, so as to make the paragraph read:

> Fifth. The board is herewith vested with authority to employ necessary office help, in accordance with the civil service act of January 16, 1883, and to fix their salaries or compensation in accordance with the classification act of 1923. The money to defray expenses of this board to be drawn from the sum appropriated in section 12 of this act and from succeeding appropriations that may be appropriated under this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Maryland. [Putting the question.] The noes seem to have it.

Mr. BRUCE. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. CURTIS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be read.

The LEGISLATIVE CLERK. Amend section 7, paragraph (f) in line 20, by striking out the proviso and adding in lieu thereof the following proviso:

> *Provided,* That the Interstate Commerce Commission may upon its own motion suspend the operation of any such award, or any wage agreement between the parties subject to this act, except one resulting from the operation of section 10, if the commission is of the opinion that such award or agreement involves an increase in wages or salaries as not to be in the public interest. The Interstate Commerce Commission shall hear any award or agreement so suspended within 30 days thereafter and with due diligence affirm or modify such suspended award or agreement.

Mr. CURTIS. Mr. President, the public, the railroads, and the railroad employees are the parties interested in this legislation. I believe that the public interest and the general good should prompt the Congress of the United States to enact legislation that will bring harmony between the public, the railroads, and the railroad employees, but that harmony can not be brought about by enacting a law which will give to the railroads and their employees everything they ask and at the same time neglect to protect the public interest.

I wanted to be perfectly fair with the Senator from Indiana [Mr. WATSON], and therefore, while he was addressing the Senate yesterday upon this measure, I asked him to point out, if he could, wherein the public was protected by the measure. Senators who heard him know, as I know, that he did not and could not point to a single line in the legislation that protects the public interests. The Senator from Indiana knows, and every other Senator who has read the measure knows, that the public interest is not protected by it. If Senators have not read the measure to convince themselves of that fact, I ask them to do so.

The amendment which I have proposed does not compel the Interstate Commerce Commission to interfere. It simply gives them the discretionary power and authority, if they believe an agreement entered into between the railroads and their employees is against the public interest, to cause that agreement to be suspended, to make an investigation, and they are required to proceed within 30 days and as speedily as possible to complete the investigation. If they find the agreement is against the public interest, they are required to notify the interested parties to that effect.

If the Senator from Indiana is correct, that is all that is needed. I am willing to admit that the Interstate Commerce Commission has no power to force the railroads to give up their agreements, but what has the measure to propose for the railroads or for the employees or for the public? There is absolutely no authority of any kind whatsoever. I am surprised that a committee of this body should report a bill of this kind to the Senate, affecting, as it does, more deeply the public interest than the interests of any other body of men or corporations, a measure which absolutely neglects to protect the public interest.

The Senator from Indiana called the attention of the Senate to the fact that there is a board of mediation. The board of mediation provided for in the bill is of just about as much use as a fifth wheel would be to a wagon. If Senators will read the paragraph or provision in regard to mediation, they will find that about all the mediators can do is to draw their salaries and provide for a large number of clerks, but accomplish nothing.

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Kansas yield to the Senator from Montana?

Mr. CURTIS. I yield.

Mr. WHEELER. The Senator said the board of mediation could do nothing except to draw their salaries.

Mr. CURTIS. I say that is about all.

Mr. WHEELER. Let me ask the Senator if he does not know that the former boards of mediation were constantly busy all the time collecting data for the purpose of acting as a board of mediation if and when any matter should come before them?

Mr. CURTIS. Yes; but they had no such agreement as is provided in the pending bill. The Senator knows that in this bill the railroads and their employees are given authority to enter into an agreement, and therefore the bill does away with the necessity for any board gathering statistics and furnishing facts.

Mr. WHEELER. Of course, and I know likewise that the people of the country have been crying for the last 15 years for arbitration and wanting the railroads and their employees to get together. That is what we have been trying to do. We have been trying to avoid strikes and have them get together and settle their differences.

Mr. CURTIS. The Senator from Kansas 30 years ago introduced such a bill in the House of Representatives. The Senator from Kansas has always favored such legislation. The Senator from Kansas now favors such legislation. But what is proposed to be done in this bill? What can such a board of mediation do? The board of mediation can send no question to arbitration, and the Senator knows that well. If they fail, they may use their influence to get the parties to arbitrate. What a wonderful provision that is. How helpful such a provision would be.

Mr. WHEELER. In the event they do not arbitrate, the bill provides for an emergency board. The railroad employees are giving up more under this bill than they have ever given up before in the history of the country.

Mr. CURTIS. Let us see about the emergency board. I had intended to come to that a little later. I wish the Senator would read the emergency board provision and tell us what there is in it. Let me read it to him:

> Emergency board: If a dispute between a carrier and its employees be not adjusted under the foregoing provisions of this act, and should, in the judgment of the board of mediation, threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, the board of mediation shall notify the President, who may thereupon, in his discretion, create a board.

What does the board do?

> After the creation of such a board, and for 30 days after such board has made its report to the President, no change, except by agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose.

And yet the Senator from Indiana in presenting his case said there was no authority for them to do anything else, and there is nothing in the bill authorizing them to do anything else. If the Senator wants to be fair and protect the people as well as the railroads and the laboring men, I will join with him and go as far as he dares to go.

Mr. WHEELER. Will the Senator tell me just how he would protect it under the bill?

Mr. CURTIS. I would have the people protected by the board by holding up a danger signal by saying to the railroads, "If you enter into an agreement that is going to increase wages so as to cause an increase in freight rates, we will stop it or we will refuse to give you the increase in freight rates." If the Senator from Montana will consult the people of his State, he will find that they are more deeply interested in having reduced freight rates than they are in increasing the wages of anybody or protecting the railroads of the country.

Mr. WHEELER. I think the Senator is right about that, and if he had voted with me to keep Mr. Woodlock from going upon the Interstate Commerce Commission and had placed men upon the Interstate Commerce Commission who were not favorable to increased valuation of the railroads of the country, it would have done more to stop increased freight rates than anything else.

Mr. CURTIS. The Senator's opposition to Woodlock was not based on that ground. He offered no one in his place. His opposition was not based upon that ground at all. By placing Woodlock upon the Interstate Commerce Commission, we have placed there the best-informed and best-equipped man that has been placed on the commission in its history.

Mr. WHEELER. The Senator is entirely wrong, because my entire opposition to Mr. Woodlock was on account of his views upon valuation.

Mr. CURTIS. Oh, yes; and that he had written a few articles.

Mr. WHEELER. No; not because he had not written a few articles. The Senator from Kansas was not here when I spoke about that, so he does not know.

Mr. CURTIS. The Senator from Kansas was here when the Senator from Montana discussed that question; the Senator from Kansas listened to him, and the Senator from Kansas was not convinced, but rather was convinced that he ought to vote for instead of against Mr. Woodlock after he heard the argument of the Senator from Montana. Let us now talk about the bill.

Mr. WHEELER. Mr. President, will the Senator yield to me for a question?

Mr. CURTIS. Yes.

Mr. WHEELER. The Senator from Kansas desires to have inserted in the bill a provision which would be absolutely unconstitutional and which the Supreme Court of the United States has repeatedly held to be unconstitutional.

Mr. CURTIS. The Supreme Court of the United States has not decided anything of the kind.

Mr. WHEELER. I submit, Mr. President, that the Supreme Court of the United States has expressly held in numerous cases that it is unconstitutional to interfere with and suspend a contract legally entered into, and that is what the amendment the Senator offers proposes to do.

Mr. CURTIS. I have not claimed that that can be done. I have told the Senate—and if the Senator had been listening he would have known what I said—that it is a danger signal to put the railroads on guard. It would say to them, "If you raise the wages or enter into an agreement that will call for an unjust increase of freight rates, the Interstate Commerce Commission will not grant the increased rates." That is all, I contend, that the amendment will accomplish.

Mr. WHEELER. Such an amendment in the bill is not needed at all for that purpose.

Mr. CURTIS Yes, it is; because if such a provision shall not be inserted in the bill the railroads might increase wages and then come before the commission, and it will be more embarrassing for them to act after such a contract has been made.

Mr. WHEELER. But the Senator's amendment can not possibly stop them from doing that, because the Supreme Court has absolutely held in numerous cases that such a right to contract can not be interfered with.

Mr. CURTIS. I said a moment ago, and I again state, that I do not claim that they can do so.

Mr. WHEELER. But the Senator's amendment does.

Mr. CURTIS. The amendment does not do so. The amendment is a danger signal to the railroads. If the Senator from Montana were as deeply interested in the people as he claims to be, he would favor the amendment.

Mr. WHEELER. Yes; I am just as deeply interested in the people as is the Senator from Kansas.

Mr. CURTIS. I notice that the votes of the Senator from Montana do not so show.

Mr. WHEELER. I am just as deeply interested in the people as is the Senator from Kansas, but I appreciate that the Senator is coming up for reelection pretty soon, and, of course, he is more deeply interested in the people now at the present time. I submit that my votes will show my interest.

Mr. CURTIS. If I should consider the fact of coming up for reelection, I might favor this measure as some others do, hoping to get the railroads' influence and the influence of some other people behind me; but the Senator from Kansas has never formed his opinions or cast his votes in this body for the purpose of getting votes in his home State. When I have to resort to that I shall quit the Senate of the United States, or any other body to which I may belong. I am surprised that the Senator from Montana should refer to that matter, because by referring to it he indicates that he would resort to the practice he indicates if it were necessary to do so.

Mr. WHEELER. The Senator from Kansas was talking about the common people so much and telling what the common people would do——

Mr. CURTIS. Mr. President, I am giving the Senator a little of what he deserves.

Mr. WHEELER. The Senator is not giving me anything that I deserve. I can take care of that all right.

Mr. CURTIS. I am very glad of that.

Mr. WHEELER. When the Senator from Kansas talks about the common people, and in favor of the common people, and about my vote, let me say that I am very willing to sub-

mit my votes along with his at any time. I was merely saying, however, that when the Senator offers this amendment he must know that as a matter of law it is absolutely unconstitutional, and it could not constitute a danger signal to anybody under any circumstances or conditions.

Mr. CURTIS. The Senator from Montana and I do not agree upon that subject. It is not unconstitutional, and no court on earth will hold it to be unconstitutional.

Mr. WHEELER. If the Senator from Kansas will read the decisions of the Supreme Court he will think differently.

Mr. CURTIS. I have read the decisions of the Supreme Court. I read one decision again this morning and another decision that the Senator from Indiana [Mr. WATSON] cited. If I wanted to delay the Senate I could point out some of the defects in the argument of the Senator from Indiana regarding the case he cited.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. CURTIS. Certainly; I am glad to yield to the Senator.

Mr. WATSON. To what case does the Senator from Kansas refer?

Mr. CURTIS. I refer to the decision in the railroad case which the Senator from Indiana cited on yesterday relative to the power of Congress to fix rates, and so forth. However, it does not matter; I do not intend to refer to that now; but I wish to call attention to two or three other matters to which the Senator from Indiana referred on yesterday. The Senator from Indiana stated that the Railroad Labor Board had done nothing. I am not here to defend the Railroad Labor Board. I was opposed to creating the Railroad Labor Board.

Mr. WATSON. Oh, no; I did not say that.

Mr. CURTIS. The Senator from Indiana stated in his speech on yesterday that that board had rendered no material decisions affecting wages and that it was not now being recognized.

Mr. WATSON. No, I will say to my friend from Kansas, I did not say that. What I said was that the Railroad Labor Board within four months after being set up increased wages $600,000,000.

Mr. CURTIS. But the Senator from Indiana said that the board was dead.

Mr. WATSON. It is.

Mr. CURTIS. And that the railroad organizations were not going before it.

Mr. WATSON. Yes.

Mr. CURTIS. And yet I have before me at this time a decision of the board rendered only on the 3d of this month on a question submitted by the Brotherhood of Locomotive Engineers against the Toledo, Peoria & Western Railroad. That case was submitted to them in February and was decided, I think, on the 3d day of the present month.

Mr. WATSON. That is quite true; there is no doubt about that.

Mr. CURTIS. Then why should the Senator say that questions of that kind are not being referred to this board?

Mr. WATSON. That is only an isolated case. The Senator knows as well as I do that the great majority of such cases are not going to the Railroad Labor Board.

Mr. CURTIS. The Senator from Kansas knows of various railroad organizations that have presented cases to the board, and the Senator from Indiana knows that to be true.

Mr. WATSON. No.

Mr. CURTIS. I do; if the Senator from Indiana does not.

Mr. WATSON. No; and not only that, but I know of such organizations which appeared before the committee and stated that they did not intend further to submit any controversy to the Railroad Labor Board; and the railroad management said the same thing.

Mr. NEELY. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from West Virginia?

Mr. CURTIS. Yes.

Mr. NEELY. Inasmuch as the able Senator from Kansas has expressed the fear that if this bill should become a law it would permit an increase of wages which would necessitate an increase in freight rates, I beg the liberty of observing that no railway company could increase its rates, even if the bill should be passed without the dotting of an "i" or the crossing of a "t," unless the Interstate Commerce Commission should approve the increase. In other words, the passage of the pending bill could not rob the public of the protection of the Interstate Commerce Commission in the matter of raising rates.

Mr. CURTIS. Certainly; but if the railroad companies shall be allowed to increase wages and that burden shall be put upon the railroads, will not the Interstate Commerce Commission say, in order for them to meet their expenses, they must have an increase in rates? That is the danger. I think there is absolutely no harm in the amendment I offer. What I want to do is to authorize the Interstate Commerce Commission to warn the railroads and their employees that it must not be done, and I have confidence enough in them to believe they will heed the warning.

Mr. NEELY. But, Mr. President, the Senator's amendment simply seeks to vest in the Interstate Commerce Commission a power which I insist the commission already has, and that is the power to determine when and in what circumstances there shall be an increase in freight rates.

Mr. CURTIS. I agree with the Senator as to that; but I say that the application for increased rates would come after the increase in wages had been made.

Mr. NEELY. Does the Senator believe that the Interstate Commerce Commission would grant an application for an increase in rates if it were based on an unwarranted increase in wages?

Mr. CURTIS. No, I do not; but they might make an increase which would very materially affect the people in my section of the country. Those people are now paying all the freight rates they can afford to pay. Not only the farmers, but the business men and all other shippers want a reduction of rates instead of an increase in rates. So far as I am concerned, as I said before, I should like to see the railroads and their employees get together. I hope they may enter into agreements that will never be questioned. I should like to see them able to enter into agreements that would not even require arbitration or reference to a board of any kind whatsoever. I believe if they would do that it would be a blessing not only to the railroads but to the railroad workers and the other people of this country. I hope they will do it. I hope, if this bill shall be passed, that it will verify the predictions made for it, but I do not believe that it will. I am afraid that in the anxiety of the railroads to get together with their men they will agree upon such an increase of wages as will require an increase of freight rates.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. CURTIS. Certainly.

Mr. CARAWAY. The railroads are going to get rates that will enable them to operate, and if they increase wages necessarily they are going to increase the cost of carriage. Ordinarily that will follow, will it not?

Mr. CURTIS. I should think so.

Mr. CARAWAY. What I am coming to is this: That being true, what useful purpose would the Senator's amendment accomplish, when the railroads are conscious that if they should disregard it they eventually will get rates commensurate with the services performer?

Mr. CURTIS. I honestly believe that if the railroads and their employees were informed that in the mind of the commission there was danger to the public interest by such an increase, they would perhaps reconsider and enter into an agreement that would be satisfactory. I have that much faith in the railroad executives and in the representatives of the different workers' organizations that I do not believe they will deliberately go into something that they think will cause them to be held up before the public as trying to harm the public by reason of higher freight rates.

There is another matter to which I wish to call attention. I have referred to the board of mediation. How many Senators here know what the board of mediation will cost the Government. We can not tell from the provisions of this bill how much it will cost, and the Senator from Indiana avoided giving us his estimate.

Mr. WHEELER. Mr. President, does the Senator think it will cost any more than the Labor Board now costs?

Mr. CURTIS. The Senator insists upon getting back to the Labor Board when I have told the Senator a dozen times that I never favored the Labor Board and I do not favor this board. We have too many boards and commissions now.

Mr. WHEELER. I thoroughly agree with the Senator that we have too many boards and commissions, and I should like to get rid of many of them.

Mr. CURTIS. If I had my way I would get rid of half of them.

Mr. WHEELER. I should like to get rid of a number of them, but I do not see any way of getting away from this proposition.

Mr. CURTIS. The Senator from Kansas offered an amendment to strike out all the provisions in regard to the Railroad Labor Board when the bill providing for that board was pend-

ing here in 1920. I am not defending the Railroad Labor Board, although I will confess to the Senate that it has done better than I thought it would. It has passed upon some 13,000 cases, and I think only in a few cases has there been a refusal to go before the board.

Mr. WHEELER. Yet in view of that statement the Senator is saying that the mediation board would not have anything to do.

Mr. CURTIS. No; I said there is nothing in the existing law like there is in the proposed measure. The Senator does not seem to be able to distinguish between a law and the proposed law.

Mr. WHEELER. Oh, yes, I do; but the trouble, I think, with the Senator from Kansas is that he has not personally analyzed the bill.

Mr. CURTIS. The Senator from Kansas has studied both the present law and the proposed law; the Senator from Kansas understands what he is talking about; the Senator from Kansas is satisfied with his amendment; the Senator from Kansas does not care whether the Senator from Montana votes for his amendment or not; and the Senator from Kansas does not care what the Senator from Montana thinks of his amendment.

Mr. WHEELER. I am glad that the Senator says he does not care.

Mr. CURTIS. Mr. President, the Senators who favor this bill ought to be fair with the Senate. If they will read the bill first reported to the Senate by the Senator from Indiana from his committee, they will find that the board of mediation to begin with will cost the Government at least $300,000 a year. Yet the Senator from Indiana in his speech yesterday said it could accomplish nothing. Do Senators wish to spend $300,000 and accomplish nothing?

Mr. BRUCE. Mr. President, may I call the attention of the Senator from Kansas to the fact that, of course, any suggestion which may be made by the board of mediation may not be heeded at all by the carriers or by the employees?

Mr. CURTIS. That is what I tried to say a few moments ago.

Mr. BRUCE. They may not be willing to resort to arbitration; they may not be willing to do anything to compose their differences.

Mr. CURTIS. That is what I tried to say to the Senate a few moments ago.

Mr. BRUCE. I did not hear the Senator.

Mr. CURTIS. I am glad to have the Senator emphasize it.

Mr. President, I hope the amendment which I have offered will be voted into the bill; if it shall not be, I hope that the pending measure will go back to the committee where it ought to go.

I do not intend to take up the time of the Senate in discussing the Railroad Labor Board and the work it has done. I have a list here of the cases upon which it has acted, and if I desired to take up the time of the Senate, I should call attention to it. I believe, however, that Senators have made up their minds what they are going to do with the amendment and with the bill.

I wish to close my remarks by asking unanimous consent to have read at the desk an appeal presented to the Committee on Interstate Commerce by farm organizations through their representatives here in Washington.

The PRESIDING OFFICER. Without objection, the clerk will read.

The legislative clerk read as follows:

AMERICAN FARM BUREAU FEDERATION,
NATIONAL GRANGE, P. OF H.,
Washington, D. C., February 21, 1926.

Joint statement relative to H. R. 9463 by the American Farm Bureau Federation and the National Grange

To the Members of the House of Representatives:

GENTLEMEN: We, the undersigned national farm organizations of the United States, representing 2,000,000 farmers in 48 States of the Union, ask your attention to a grave defect in the Watson-Parker bills (H. R. 7180 and H. R. 9463), the latter being the bill introduced February 17, and reported from the House Committee on Interstate and Foreign Commerce on February 19, which, if not corrected, will undoubtedly prove to be a serious menace to the future of the American farmer.

With the primary purpose of that measure—securing uninterrupted train service—we have great sympathy, but that can be secured without depriving the public of protection against new transportation charges which the present form of the bill threatens to impose. Let us make this clear.

Under the present law the Railroad Labor Board can not make a wage award without the approval of one of the representatives of the public on the board. If the railroad managers and their employees make an agreement about wages, the board can suspend the agreement until it finds out what effect it will have upon railroad rates. That is a clear-cut, definite protection which Congress gave six years ago to prevent new and excessive burdens being put upon railroad service. Now, in the bill you are about to consider, it is proposed to abolish the Railroad Labor Board and permit the parties signatory thereto to make wage agreements without any public body having control over such agreements.

If Congress wants to abolish the Railroad Labor Board, all right, but why abolish also the only effective protection the public has against agreements that can lift the cost of transportation indefinitely? Why not put the power to supervise these agreements in some other public body? Dissatisfaction with the Railroad Labor Board is no reason for telling the carriers and their employees to write any contract they please.

Speaking specifically, farmers and the public must have a reduction of present freight rates. If they should be increased for any cause it would be inexcusable. But there is no hope of any reduction if Congress abandons all control of wage awards and agreements and permits the railroads and their employees to write their own terms.

We are told the Interstate Commerce Commission can refuse a rate increase if it regards a wage agreement as excessive. But that does not prevent an agreement from going into effect which requires the carriers to face a new cost, and justifies them in raising the cry in court of confiscation, if an attempt is made to force operation at a loss. Congress can not open the way to increased cost of operation and give any hope of decreased rates.

The public has protection now in a remedy that prevents a new burden being put upon it. Why take the protection away? We insist you retain the safeguard we now have. If you take it away from the Railroad Labor Board through abolishment of that board, give it to the Interstate Commerce Commission. If the present protection is not retained, we will constantly face rising rates in the future.

The present Watson-Parker bill must be amended to give the Interstate Commerce Commission the power to control wage agreements affecting rates. If this is not done the farmers of the United States and the public at large will be forced to abandon all hope of rate reduction. The Congress is interested to-day in efforts made to create a more equitable condition for agriculture. It is our firm conviction that the enactment of the Watson-Parker bill without amendments protecting the farmer and the public will have a far-reaching detrimental effect on the entire Nation.

We urge your serious consideration of the present situation and your cooperation in behalf of common justice.

Very respectfully,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY, *Acting Director.*
NATIONAL GRANGE, P. OF H.,
T. C. ATKESON, *Washington Representative.*

Mr. CURTIS. Mr. President, I have nothing further to say on the amendment, except that I desire to give notice to the Senator from Indiana that when the sections in regard to mediation are reached I shall move to strike them out.

Mr. CURTIS subsequently said: Mr. President, I should like to have read and added as a part of my remarks previously made the memorial which I send to the desk against this measure by a number of organizations.

The VICE PRESIDENT. In the absence of objection, the memorial will be read.

The legislative clerk read as follows:

WASHINGTON, D. C., *May 5, 1926.*

To the Senate of the United States:

GENTLEMEN: The undersigned organizations of citizens of the United States respectfully urge that your honorable body recommit to your Committee on Interstate Commerce the pending bill (H. R. 9463), commonly known as the railroad labor disputes bill, now upon the calendar of the Senate.

Your petitioners urge as reasons therefor:

1. That your petitioners are formally authorized to present the judgment of millions of citizens of the United States whose interest and that of the public is adversely affected by the pending legislation. Among them is included many national and State associations of farmers throughout the United States, many executives charged with the operation of interstate carriers by rail, many organizations of railroad employees, whose rights and duties are seriously affected by said proposal, and who have had no opportunity to present information, argument, and opinion to your committee. They believe the measure in its present form imperils the paramount public interest in uninterrupted transportation and affords no protection against the imposition of new and excessive burdens upon the rate structure. Unless opportunity for such hearing is afforded there is no adequate means by which the matured opinions and new information of large groups of citizens, as yet unheard, can be presented to the membership of the Senate through its appropriate committee.

2. The issue presented is of unusual importance to the American people. Unless gross defects in the existing measure are corrected by

amendment, in the light of accurate information and careful analysis of the existing proposal, it threatens with serious injury the transportation system of the United States and the imposition on it of great and hurtful burdens. It is therefore in the public interest to afford further opportunity to citizens of the United States to be heard and present information to your honorable body.

3. The necessity for such hearing by your petitioners is the greater since the vast majority of the organizations represented had no opportunity to present facts and argument to the Interstate Commerce Committee of the House of Representatives before his measure was acted upon by that body.

4. The rights of your petitioners and the paramount interest of the general public are nowhere protected by the provisions of this bill.

Therefore the undersigned respectfully ask that in the public interest the pending measure (H. R. 9463) be referred back to your honorable Committee on Interstate Commerce, that opportunity may be afforded for the further presentation of evidence and argument.

We are, very respectfully,

T. C. Atkeson, Washington representative, representing the National Grange, Patrons of Husbandry, composed of the masters of the following State granges: California State Grange, Colorado State Grange, Connecticut State Grange, Delaware State Grange, Idaho State Grange, Illinois State Grange, Indiana State Grange, Iowa State Grange, Kansas State Grange, Maine State Grange, Maryland State Grange, Massachusetts State Grange, Michigan State Grange, Missouri State Grange, Nebraska State Grange, New Hampshire State Grange, New Jersey State Grange, New York State Grange, North Dakota State Grange, Ohio State Grange, Oklahoma State Grange, Oregon State Grange, Pennsylvania State Grange, Rhode Island State Grange, South Dakota State Grange, Vermont State Grange, Washington State Grange, Wisconsin State Grange, West Virginia State Grange.

American Farm Bureau Federation, by Chester H. Gray, Washington representative.

We join in this petition:

Chicago, Rock Island & Pacific Railroad; Maine Central; Delaware & Hudson; Western Maryland; Virginian; Denver & Rio Grande Western; Rio Grande Southern; Texas & Pacific; St. Louis & San Francisco; St. Louis & Southwestern; Wabash; Missouri, Kansas & Texas; Kansas City Southern; Bangor & Aroostook; Chicago & Alton; Pere Marquette; Ann Arbor; Erie; Minneapolis & St. Louis; Denver & Salt Lake; W. G. Bierd, Chicago & Alton Railroad (for the above companies); W. G. Bierd, committeeman.

National Association of Manufacturers of the United States; National Founders Association; Associated Industries of Alabama, Birmingham, Ala.; California Manufacturers Association, Oakland, Calif.; Colorado Manufacturers and Merchants Association, Denver, Colo.; The Manufacturers Association of Connecticut (Inc.), Hartford, Conn.; Manufacturers Association of Wilmington, Wilmington, Del.; Georgia Manufacturers Association, Atlanta, Ga.; Associated Industries of the Inland Empire, Spokane, Wash.; Illinois Manufacturers Association, Chicago, Ill.; Indiana Manufacturers Association, Indianapolis, Ind.; Iowa Manufacturers Association, Des Moines, Iowa; Associated Industries of Kansas, Topeka, Kans.; Associated Industries of Kentucky, Louisville, Ky.; Louisiana Manufacturers Association, New Orleans, La.; Associated Industries of Maine, Portland, Me.; Michigan Manufacturers Association, Detroit, Mich.; Minnesota Employers Association, St. Paul, Minn.; Associated Industries of Missouri, St. Louis, Mo.; Associated Industries of Montana, Butte, Mont.; Nebraska Manufacturers Association, Lincoln, Nebr.; New Hampshire Manufacturers Association, Manchester, N. H.; Associated Industries of New York State (Inc.), Buffalo, N. Y.; Ohio Manufacturers Association, Columbus, Ohio; Associated Industries of Oklahoma, Oklahoma City, Okla.; Manufacturers and Merchants Association of Oregon, Portland, Oreg.; Employers Association of Rhode Island, Providence, R. I.; Manufacturers and Employers Association of South Dakota, Sioux Falls, S. Dak.; Tennessee Manufacturers Association, Nashville, Tenn.; Utah Associated Industries, Salt Lake City, Utah; Associated Industries of Vermont, Montpelier, Vt.; Virginia Manufacturers Association, Richmond, Va.; Federated Industries of Washington, Seattle, Wash.; West Virginia Manufacturers Association, Fairmont, W. Va.; Wisconsin Manufacturers Association, Madison, Wis.; John E. Edgerton, chairman; James A. Emery, counsel.

Railway Subordinate Officials Association; Brotherhood of Dining Car Employees; Brotherhood of Railroad Station Employees; Brotherhood of Railroad Bridge and Building Mechanics and Helpers; System Trades Council, New York, New Haven & Hartford system; Association Colored Railroad Trainmen; Railwaymen's International Benevolent Industrial Association; Protective Order of Railroad Trainmen; American Federation of Railroad Workers; W. V. O'Neil, president Railway Subordinate Officials Association.

The National Industrial Traffic League, R. C. Fulbright, chairman legislative committee.

Mr. UNDERWOOD. Mr. President, I desire to say a few words concerning this bill before it comes to a final vote.

I regard the pending bill as one of the most important questions that confront the commerce of this country. I believe in a good wage to railroad employees. I believe in a method of settling what is a fair wage without resorting to a universal railroad strike. In the early history of our country, when railroads were new and the cost of transportation was very high throughout the world, a railroad was welcomed on any terms, because on any terms it reduced the cost of transportation; but since that time the world has grown very small in comparison to what it was before. The world to-day no longer lives within the confines of one country, but its feeding area surrounds the globe; and for civilization to persist on the basis that it has now established the markets of the world must be open to the producers of every country. Competition has grown tense, so far as our agricultural interests are concerned, due to the fact that they are largely located in the inland territory, and their products must travel over many miles that are away from the water highways and pay railroad transportation to reach the final markets of their destination, and at the same time compete with countries that are nearer water transportation, where the cost of railroad haul, by reason of the proximity of the grower to water transportation, is lower. This condition is bringing the question of the amount of railroad freight to the producers of America down to a very vital question, as to whether they can compete at all in the markets of the world.

Everybody knows that as to the great agricultural products of America the surplus must be consumed in foreign countries or disaster results at home. To compete and yet leave a living price to the producer, there must be a reasonable charge for transportation. I might say the same thing in regard to many of our manufactured products, but the others illustrate the case.

Of course it is unreasonable to call on any body of American citizens to perform a service unless they have a wage that is commensurate with the service rendered, as measured in like employments outside of that service; but, on the other hand, when we attempt to inject into a great transportation system a charge that is over and above a just and fair compensation for the service, we are laying that burden on the commerce of our country and the producing classes of our land. That is perfectly clear. It is not subject to dispute.

When the Adamson bill was before the Senate many years ago I proposed as an amendment that in the future the Interstate Commerce Commission should have the power to fix the rate of wage. That amendment would have removed it from the hands of the railroad executives and railroad capital entirely, and the reason why I proposed the amendment was this:

Railroad capital, so far as the great railroads are concerned, is no longer interested in the rate of wage, unless that rate of wage is so unreasonable that it hampers transportation. I say it is not interested in the wage rate, because, no matter what the wage is, if it is within the power of transportation to carry, that wage must be charged to the payer of freight and the payer of passenger travel. The Supreme Court has held that the act of Congress authorizing the Interstate Commerce Commission to fix the rate of freight transportation is constitutional if it is not confiscatory, and so far as I know there is not a decision coming from that court on what is confiscatory and what is not confiscatory that is not based primarily on the cost of carriage. The very foundation and basis to which the court goes to determine what is a reasonable charge for the transportation of freight and what is not confiscatory is the cost of rendering the service.

We all know that in the cost of that service 54 per cent is charged to wage. The wage scale constitutes 54 per cent of the cost of service; so it is idle to say that no matter what increase of wage is agreed upon, if the Interstate Commerce Commission does not respond in fixing a rate of freight to take up the slack and put the charge for wage on the man who pays for the transportation of freight and passengers—the public—the Supreme Court would hold that the rate was confiscatory and

must be raised in accord with the wage burden. Their decisions, the logic of the situation, would drive them to take that position. So I say that the Congress is not fulfilling its duty to the public when it says it wants a settlement by arbitration or any other method that does not take into consideration the fact that the man who ships the freight and rides on the railroad train in the end pays the rate of wage to the last dollar—I mean in the aggregate. Some railroads that are better situated than others may escape it, and some may be bankrupted by it, but in the aggregate they pay the wage.

I know of no system of arbitration that is fair and just and ever has been operative that does not have the parties to the contract, the parties whose interests are at stake, sit at the arbitration table. If we should strike out the representation of the railroad manager, if we should eliminate him from this bill because he is not concerned, if we should eliminate the representative of railroad capital from this bill because it is not concerned, it does not pay the wage and allow the President of the United States from the great shipping public, the producers of America, to appoint on the arbitration board men that represent that interest, then we would have an arbitration board that would represent the real parties whose interests are at stake. But that has not been done. There are appointed on one side of the board the great representatives of labor of America, who should properly be there to represent their side of the railroad scale. Then on the other side is appointed a dummy, who really has not a financial interest at stake.

It would be difficult, I recognize, to appoint direct representatives of the shipping public of America. It is only the Government that can represent them. The agents appointed by the Government must represent them. I am entirely willing that the railroad managers and the representatives of American labor may sit at a table and work out a tentative plan they think is fair and just as far as labor is concerned, but I do insist that the American public, which pays the bill, which must always pay the bill, whose very commercial life may be at stake if freight rates get so high that they can not move to the ultimate market of consumption and meet the competition they find there, should have a voice. Their commercial life, their prosperity, their homes, may be at stake in this measure.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I do not like to refuse to yield to my friend, but to be perfectly candid about it—and I am sure my friend appreciates it—I have been laid up in bed for two months practically and I would like to get through as quickly as I can. If it is only for a question, I will yield.

Mr. WHEELER. The Senator intimated that the railroad employees were not interested. There are 2,000,000 railroad employees in this country, and they have wives and families, and they are interested in seeing the railroads maintained, because if the railroads are not maintained they are going to lose their jobs. They are pretty nearly the best-paid class of people in this country to-day, and they are not going to deliberately cut off their noses.

The executives of the railroad organizations of this country have consented to this bill simply because of the fact that they want to have some board of mediation, so that the organized men of the country will have something to go to, and in order that they may be protected against the more radical element in the labor organizations. They have gone further in this bill in giving away the rights to which they are entitled under the Constitution than any other labor organization in this country has ever done, as I shall point out later. They have simply said in so many words, practically, that after the 60 days provided, if they violate any of the provisions, the roads can go into court and get an injunction against them. They have offered to have any award of this board entered as a judgment in the courts of the country, and if they violate the provisions of the award, under the decisions of the Supreme Court the roads can sue them in damages. So, I say, that the railroad organizations have conceded a tremendous lot, more than the railroad men generally throughout the country would be willing to concede. But the railroad executives have conceded a great deal in this bill.

Mr. UNDERWOOD. The railroad executives have conceded nothing. I am willing to accord with what my friend says about the railroad labor, but not about the railroad executive, because he does not pay the bill.

Mr. WHEELER. No; he does not pay the bill.

Mr. UNDERWOOD. He does not pay the bill, and he had nothing to concede.

All my friend says about the railroad organization and railroad labor I admit to be true. I think they have been a most conservative set of men. They are highly organized. They are men of high character, and they are worthy citizens of the United States. My sympathies are entirely with them in their desire to get a living, and more than a living—a good wage. In fact, when I was a boy I earned my own wages on a railroad locomotive. I know what it is, and I am thoroughly in favor of a fair wage for the class of men who carry the commerce of the country and risk their lives day and night to serve the public. But I am not willing to make them the sole arbiters of what is just and right to the producers of America, without those producers having representation.

No matter how fair these men are—and I will concede their fairness—

> If self the wavering balance shake,
> It's rarely right adjusted.

I know, and the Senator knows, that this is not a question of the little railroads. The men who have entered into this agreement and made possible the passage of this bill are the representatives of the great railroads of this country, which are earning more than they are empowered to earn under the Esch-Cummins Act. If we raise the wage it does not hurt them; it only takes a part of that distributive share that would have gone to maintain the weaker roads. The man who lives on the little road, the weak road, which may be put out of commission, has just as much right to have the product of his toil carried to the ultimate market of consumption as the man who lives on a great railroad.

It is the purpose of the Government to bring service in transportation to all of the people of the United States, and an agreement between the men to a dispute of this kind who would sit in the conference would not be participated in by a representative of the people who live on the little, weak roads, but would be an agreement of those from the great, powerful roads of the country, which could give part of their earnings and surrender nothing.

I say that under those circumstances it is our duty to let the Government of the United States function. There is nothing unreasonable about the proposal of the Senator from Kansas.

Mr. WHEELER. Except that it is unconstitutional.

Mr. UNDERWOOD. Not at all.

Mr. GOODING. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I hope the Senator will just ask me a question.

Mr. GOODING. I will. I just merely want to say to the Senator that the great Pennsylvania System, which was probably as active as any other in bringing about this legislation, or asking for it, is earning but 5¾ per cent. Very many of the other railroads that were active in it, the large railroads, are not earning that much.

Mr. UNDERWOOD. That may be true of many of them. With many of them it is the other way. I admit there are two sides to that, but a vast number of them will not give up anything.

This proposition is just as constitutional as is the Government regulation of railroad rates. Of course, I admit that if a contract is once made it is unconstitutional to interfere with it. But we pass laws continually to stop the making of unwise contracts. We have passed laws prohibiting the making of contracts in restraint of trade, and the courts have held such laws constitutional. We can pass laws prohibiting men from making contracts that will put an undue burden on commerce.

Mr. WHEELER. That is under a different clause.

Mr. UNDERWOOD. Certainly. That is all this does. It does not affect what is in the past, but it provides that if one makes a contract in the future it must be on terms which the Interstate Commerce Commission will hold to be within reasonable grounds to maintain a reasonable cost of transportation. I have not a doubt about its constitutionality. I think there is no question in the world that a lawyer who goes to the real merit of the case realizes that this is not a question of interference with a contract, but it is putting up a barrier against the making of a contract that is hurtful to the great body of the American people.

Therefore, Mr. President, I want to say that if the amendment of the Senator from Kansas is adopted I shall be very glad to vote for the bill, but if the amendment of the Senator is rejected I shall feel constrained to vote against the bill in its entirety.

Mr. WILLIAMS. Mr. President, I am in hearty accord with the expression of opinion and views of the Senator from Alabama [Mr. UNDERWOOD]. I am in favor of the adoption of the amendment proposed by the Senator from Kansas [Mr. CURTIS].

This amendment of the Senator from Kansas will find its place, if adopted, in paragraph (f), in line 20, on page 19 of the bill. It provides:

That the Interstate Commerce Commission may upon its own motion suspend the operation of any such award—

That is to say, an award made by the arbitrators—

or any wage agreement between the parties subject to this act, except one resulting from the operation of section 10—

That is to say, section 10 shall remain in full force and vigor as an emergency clause under the act—

if the commission is of the opinion that such award or agreement involves an increase in wages or salaries as not to be in the public interest.

What is the public interest? What interest has the public in a proposed law like this? This seems to be an agreement between certain railroads of the United States—by no means all of them—and certain employees of those railroads, which, after having been made between them, has been brought before us, and they seek to obtain legislative sanction and authority for this agreement which they have made.

The public means the traveling public, the public which is affected by freight rates, and the public which is affected by fares. How is the interest of the public affected? Let us turn to the transportation act of 1920, as amended, and see if the public is represented there. Subsection 5 of section 422 of the transportation act of 1920 provides:

Inasmuch as it is impossible (without regulation and control in the interest of the commerce of the United States considered as a whole) to establish uniform rates upon competitive traffic which will adequately sustain all the carriers which are engaged in such traffic and which are indispensable to the communities to which they render the service of transportation, without enabling some of such carriers to receive a net railway operating income substantially and unreasonably in excess of a fair return upon the value of their railway property held for and used in the service of transportation, it is hereby declared that any carrier which receives such an income so in excess of a fair return shall hold such part of the excess, as hereinafter prescribed, as trustee for, and shall pay it to, the United States.

There is the public interest. What does that mean? It means that a railroad, operating in the United States under a rate structure which has been agreed to by the Interstate Commerce Commission, is making a sum of money substantially and unreasonably in excess of a fair return upon the value of the railroad property. It means that it is difficult so to adjust a rate structure between different types of railroads performing different types of service to different parts of the country under different conditions of transportation; it is difficult so to fix a uniform rate structure which would apply equally to all of that property so as to yield a fair return to all; that they have provided in the transportation act a contemplation that there will be an excess for some railroads, and that when such excess appears to be there, it belongs to the public.

That legislation has been criticized. It has been criticized on the theory that it was socialistic and paternalistic; but when the true economic theory of it is recognized we will see that the criticism is not correct. It means that the rate structure on a particular railroad which earns an unreasonable excess over what would be a fair rate structure for that particular railroad would have to be decreased down to the point where the rate as applied to that business would yield a reasonable return, but that it "is difficult, if not impossible"—so read the words of the act—to lower that particular rate structure in comparison with and in conjunction with and in coordination with this great general rate structure—so intricate, so involved, so difficult, so delicate. Therefore it is provided that the railroads shall be valued. When they are valued, rates shall be applied. We know that those rates are excessive as applied to some railroads. Therefore there will be an excess; and inasmuch as it is impossible for us to so adjust these rates as simply to yield to each railroad the amount to which it is entitled, the excess which would have been reflected in a reduction of rates for the public interest shall belong to the public. There is the public interest.

Suppose the railroads who are parties to this measure have an excess of income which otherwise would go to the United States of America for the benefit of the traveling public and those who are the beneficiaries of freight rates and affected by freight rates, and when we refer to them we refer to all the public, we refer to the farmers—and that was the occasion of the remonstrance which the Senator from Kansas [Mr. CURTIS] had read at the desk—and we refer to the industries of the country, of course, and to the traveling public. Is there any provision in the bill that provides for the protection of that trust fund for the benefit of the public? I claim there is not.

Mr. GOODING. Mr. President, will the Senator yield?

Mr. WILLIAMS. I will yield in just a moment.

This trust fund, which belongs to the people of the United States and which would have gone to them in a decreased rate, now becomes the object of this agreement, and of course there will be no dispute. Why? Because the railroad, having a great excess, an unreasonable excess, to use the words of the Esch-Cummins Act, "having received income substantially and unreasonably in excess of a fair return upon its property," is not interested primarily in where that money goes. It knows that the money belongs to the public. It knows that it must turn that money over to the Treasury of the United States, and therefore, if peace can be bought with that fund, then we will not get lower freight rates, and that is the occasion for the remonstrance of the farmers.

Economically I think that is a perfectly sound position, and I call upon the senior Senator from Iowa, who is one of the authors of the great transportation measure, to tell me whether or not I am correct in my construction of subsection 5 of that act?

Mr. CUMMINS. Mr. President, if I may be permitted to answer, I think the Senator from Missouri is substantially correct. He has not read all of the provision. The law provides that if any railroad earns more than 6 per cent upon the value of the property which it has dedicated to the service, it shall pay one-half of the excess to the Government; in other words, it holds it as a trustee and pays it to the Government for whatever use the Government may see fit to make of the fund.

Mr. WILLIAMS. Am I correct in saying that the fund which is paid to the Government is given to the Government because there is no adequate way to reduce the rate and disturb the rate structure otherwise?

Mr. CUMMINS. The Senator is quite right about that. Suppose we have two lines which the shipper may use. About 85 or 90 per cent of the traffic of the United States is competitive in its character, and the roads which carry it from origin to destination must carry it at the same rate. If the commission were to reduce the rate upon the more prosperous railroad to the point that would yield only a fair return to that railroad, it would put the other railroad, the competitor, into bankruptcy and destroy a large number of the railways of the country, which we can not afford to destroy.

Mr. WILLIAMS. May I ask the Senator whether he has studied the provisions of the proposed bill in conjunction with his own bill providing for the consolidation of railroads?

Mr. CUMMINS. So far as I am concerned, I am opposed to the amendment of the Senator from Kansas upon an entirely different ground.

Mr. WILLIAMS. I have been wondering whether, unless an amendment of this kind were adopted, there will not be a serious question as to the ultimate result of consolidation, assuming that the bill introduced by the Senator, Senate bill 3840, should be passed.

Mr. CUMMINS. I have not been able to see that difficulty.

Mr. WILLIAMS. Mr. President, I shall close with this statement. I sincerely hope, because the Senator from Kansas by his amendment is seeking to protect the public interest, that his amendment may be adopted. If it is not adopted, I shall be compelled to vote against the bill itself.

Mr. WILLIS. Mr. President, will the Senator permit me to ask him a question?

Mr. WILLIAMS. I promised first to yield to the Senator from Idaho.

Mr. GOODING. Mr. President, I merely want to ask the Senator from Iowa [Mr. CUMMINS] if he understood the Senator from Missouri when he said that if the bill is passed the excess earnings of the railroads in the future will be used in compromising with the railroad employees. Does the Senator understand that the excess earnings can or will be used for that purpose?

Mr. CUMMINS. No; no more than under present law.

Mr. GOODING. And it has been in existence now for five years.

Mr. CUMMINS. There is an opportunity under the present law, or any law that could be formulated, for the railroad companies to be extravagant in their expenses and I know of no way in which that can be avoided.

Mr. GOODING. That is completely under the supervision of the Interstate Commerce Commission at the present time.

Mr. CUMMINS. Precisely; but the Interstate Commerce Commission can not investigate and supervise the operation of a railroad so as to discover or to prevent every bit of extravagance that may occur in the course of the operation of that railroad. That is not within the human power of the Interstate Commerce Commission.

Mr. GOODING. The Senator from Missouri made a most remarkable statement and I want to get it clear and have an understanding about it. I want the Senator from Iowa to understand his statement.

Mr. CUMMINS. I understood the Senator from Missouri to ask whether the passage of the pending bill would interfere in any way with the collection of excess earnings.

Mr. GOODING. He made the statement that the excess would be used for division with the employees.

Mr. CUMMINS. I can not see anything in the bill that would interfere with that policy.

Mr. WILLIAMS. I stated that that was a trust fund and needed a trustee.

Mr. CUMMINS. Of course, it may diminish the amount of the trust fund.

Mr. KING. Mr. President, I would like to suggest to the Senator from Idaho, and also to the Senator from Missouri, with whose remarks I think I am in entire agreement, that it is rather a strange coincidence that all of the rich roads that do have these surplus earnings are the zealous advocates of the bill, but the poor roads are opposed to it, so that the Senator from Missouri finds strong corroboration for his statement in the attitude of the rich roads toward the measure.

Mr. WILLIAMS. I yield now to the Senator from Ohio.

Mr. WILLIS. Mr. President, I desire to ask two questions of the Senator from Missouri. First, I understood from the Senator's statement that he is in favor of the amendment offered by the Senator from Kansas.

Mr. WILLIAMS. I am in favor of any amendment that will protect the public interest.

Mr. WILLIS. The Senator is in favor of the amendment offered by the Senator from Kansas?

Mr. WILLIAMS. I think that would do it. I am in favor of it.

Mr. WILLIS. That amendment provides in part that the "Interstate Commerce Commission may upon its own motion suspend the operation of any wage agreement between the parties"—I am reading it only in part—"when the commission is of the opinion that such award or agreement involves an increase in wages or salaries as not to be in the public interest." The first question I want to propound is this: Will not that provision, if enacted into law, throw the Interstate Commerce Commission immediately into every wage controversy involving transportation in the country?

Mr. WILLIAMS. Absolutely, and that is exactly where it ought to be, because it is thrown into every rate question which now involves the country. The same power that regulates rates ought to regulate wages, because they run together; they are concurrent. Rates are fixed largely on wages. Fifty-four per cent of the rates of the country consist of the wages.

Mr. WILLIS. I would not quite agree to that. It seems to me the difficulty about that is that if we throw the Interstate Commerce Commission, which is a quasi judicial body, into the midst of every wage controversy that affects transportation in the country, we will have destroyed the usefulness of the Interstate Commerce Commission.

Mr. WILLIAMS. I do not see how that could possibly be. We did not destroy its usefulness when we gave it the rate-making powers it now has.

Mr. WILLIS. I get the Senator's viewpoint anyway. Now, let me ask my second question.

In the second place, the latter part of the amendment offered by the Senator from Kansas provides:

> The Interstate Commerce Commission shall hear any award or agreement so suspended within 30 days thereafter and with due diligence affirm or modify such suspended award or agreement.

I ask the Senator this question: Does he believe that the Congress has authority so to impinge upon the right of contract, that has been insisted upon throughout our history, as to give to the Interstate Commerce Commission the right to change a contract that has been freely made by the parties thereto?

Mr. WILLIAMS. Mr. President, there are three answers to that question.

First. If we are going to assume that the Congress or any board has no right to modify any contract, then why this legislation at all? That was the occasion for my first statement, that this is a contract or an agreement between the railroads and their employees brought before us for the purpose of putting the stamp of legislative sanction and approval upon it. If these contracts are inviolable, why bring them here? That is the first answer.

Second. Inasmuch as section 10 of the proposed act does give the emergency board the power to decrease such wages, the proposed act is unconstitutional if the amendment is.

Third. If one-half of the money collected by the railroads over a return of 6 per cent belongs to the public, the public has an interest in seeing to it that the railroads do not submit to having any of it taken away without the consent of the trustees.

Mr. WILLIS. Mr. President, the answers given by the Senator from Missouri suggest that there ought to be a fourth.

Mr. WILLIAMS. There may be more answers.

Mr. WILLIS. There certainly ought to be another one, because no one of the three is responsive to the inquiry. But passing by that, I want to ask the Senator this question: Suppose the Interstate Commerce Commission should exercise the power proposed herein to be granted to modify an agreement that has been made by the parties, does the Senator think that there is any power resident in the Government of the United States to compel anybody to comply with the terms of such a modification?

Mr. WILLIAMS. Does the Senator not think that it is a fair answer to that question to say, if there is not, then, what are we doing here with this bill?

Mr. WILLIS. I do not think that is a fair answer.

Mr. WILLIAMS. I think the Interstate Commerce Commission has the power. I do not think there is any doubt about it.

Mr. WILLIS. I should like to ask the Senator another question. Does the Senator think, under the Constitution of the United States, that if this amendment should be adopted, then the Interstate Commerce Commission would have the power, under the terms of the then law, to compel men to work whether they desired to do so or not?

Mr. WILLIAMS. Not at all. This proposed act does not contain any such provision.

Mr. WILLIS. Then, what does the Senator's answer mean?

Mr. WILLIAMS. It disclaims any intention to assume such jurisdiction. We can not make men work; that can not be done.

Mr. WILLIS. Does the Senator say or not that the Interstate Commerce Commission, under the terms of this amendment, if it shall be enacted into law, would have the power to enforce the modification proposed herein?

Mr. WILLIAMS. They have the power to say, "Here is the money belonging to the public; you can not take that."

Mr. WATSON. Mr. President, does the Senator from Missouri claim that if the Pennsylvania Railroad Co., for instance, enters into a contract with Bill Smith to work for $4 a day, the Interstate Commerce Commission has the right to interfere with that contract?

Mr. WILLIAMS. Certainly not.

Mr. WATSON. Certainly not. But that is the sum and substance of the Senator's whole argument.

Mr. WILLIAMS. I thank the Senator.

Mr. WHEELER. Mr. President, I doubt if there is anything that I could add to the very able presentation of the pending bill which was made by the Senator from Indiana [Mr. WATSON] on yesterday, but it does seem to me that some of the Senators are taking an entirely wrong view of the measure.

In the first place, every time there has been a labor dispute in this country the people have been clamoring that the workers on the one hand should get together with their employers on the other hand. In every labor dispute which has been going on in the country, I repeat, between manufacturers and their employees, between the railroads and their employees, between the mine owners and their employees, we have all said, "We hope that they will get together and settle their dispute." In this case, however, an effort is being made to keep them from getting together. The great railroad organizations and their employees have gotten together. The employees came here with a bill two years ago and asked that it be enacted by the Congress of the United States. If my recollection serves me correctly, it passed the Senate, but it was opposed by the railroads. Subsequently the railroads and their employees got together and agreed upon a plan, and they said, "We want this enacted into legislation." We held hearings before the Interstate Commerce Committee, and every Senator upon that committee, I think, was glad to see the spirit that prevailed there between the employers and the employees. It seemed to us that this was the turning point for a better understanding in America between employers and employees. There was a spirit of get together and compromise, the expression of a willingness to try to settle their differences by arbitration. Then, when the bill comes here on the floor of the Senate, we immediately

hear some Senators saying these men should not be permitted to get together at all; they should not be allowed to get together, because if they are permitted to do so they may rob the public; they may destroy the railroads; they may destroy the manufacturers; they may destroy the farmers of the country.

Is there anybody in this country who thinks that the presidents of the railroads want to ruin the country? It is not only the rich railroads in this country who desire this legislation, but let me say that the attorneys who represented the Northern Pacific and the Milwaukee and a number of other railroads in the West which are not rich railroads by any means came here and said, "We want this legislation." The employees of those railroads also said, "We want this legislation." Is there anybody here in the Senate who believes that the executives themselves of those railroads want to destroy their properties? Is there anybody who believes that they want to put the farmers out of business? Certainly not, for they depend upon the farmers of the Northwest for their business. Is there anybody who believes that the 2,000,000 railroad employees in this country want to put the railroads out of business, so that they will be out of work and their wives and children will go hungry? It seems to me that it is absurd supposition. The railroad employees constitute the backbone of many of the communities, and there is not a higher class set of workers in the country than are the men who are employed upon the railroads.

The Senator from Kansas, who offered the amendment, says it is a "stop signal." He wants the Interstate Commerce Commission to come in and say after a contract has been entered into, "We will suspend this contract."

A committee representing certain manufacturers came before the Interstate Commerce Committee and said, "We are opposed to this bill because we are afraid the employees and their employers will get together and there will be no protection for the public." I wonder how many manufacturers' organizations in this country would want to be prevented from dealing directly with their employees and entering into labor contracts with them. When a manufacturer in the woolen business or in any other line of industry and his employees get together and enter into a contract everyone is glad; nobody suspects that they are entering into a conspiracy to rob the general public; everybody is delighted to see them get together, and we want them to get together. Yet when the railroad executives and the railroad workers have come here, probably for the first in the history of the country, with an agreement to submit their disputes to arbitration, some Senators want to prevent it, and the Senator from Kansas puts up what he calls a "stop signal." Let us see how much of a "stop signal" it is.

Mr. WILLIS. Mr. President, before the Senator leaves that branch of the discussion, I wonder whether he will yield for a brief interruption?

Mr. WHEELER. Certainly.

Mr. WILLIS. The Senator is a member of the committee which considered the bill, and he has given careful study to it. He with other Senators, of course, has received the complaints which have come in on this very point, namely, that the bill does not satisfactorily protect the public interest. I should be very appreciative if in the course of his discussion he would point out in the terms of this bill what is to be found particularly for the protection of that public interest. I think it would be useful in the discussion of the measure.

Mr. WHEELER. I will be very glad to attempt to do so. I will say to the Senator that, in the first place, the bill provides, as I think everyone knows, that the employer and the employee shall attempt to get together, and, if they can not do so, then they shall resort to the proposed mediation board. The Senator from Kansas said, "The mediation board will not be of any use whatsoever; it will not accomplish any good whatsoever; the members of the board will merely draw their salary." That is not at all the case. The moment the mediation board shall be created, if it does its duty—and we have got to assume that it will—it will immediately undertake a study of economic conditions throughout the country. Two million men are working on these roads. They are scattered throughout the country. Living conditions, climatic conditions, and prevailing economic conditions are not the same in all sections of the country. It takes more money to live in some sections than in others. Workingmen are ambitious to improve their living conditions, and they should be. If they were not ambitious and were not trying to increase their wages, they would not be worth their hire.

This mediation board would have to deal with the economic problems all over this country. They would have to deal with 2,000,000 men and the problems confronting them. Not only would they have to deal with these men, but they would have to deal with the great railroad properties throughout the country, and they would have to be in such a position that when these disputes were submitted to them they would know something about the problems with which they had to deal.

Then this board of mediation simply goes to the employer and the employee, and it calls them together, and they sit around the table, and it says to them: "Now, we want to thrash out this thing. We want you to get together and settle this dispute." That is what the mediation board does; and I submit that if its members do their duty, as I have every reason to believe they will, there is not any question at all but that they will earn every dollar that is paid to them.

In addition to that, the Senator from Kansas [Mr. CURTIS] says that the public is not protected. Why, Mr. President, the mediation board is appointed by the President of the United States, and these men that are appointed by the President of the United States on the mediation board are going to protect the public interests. They are going to collect the facts and they are going to know what the facts are, and the public is protected by this board when matters are submitted to them. When they are not submitted to them the public is protected by the Interstate Commerce Commission which we hope will refuse to increase freight rates unreasonably.

In addition to that, Mr. President, in the event that a strike is threatened or a dispute arises under this bill, the men agree not to go on a strike for 60 days, while the whole question is being thrashed out in its different stages; and if they attempt to go on a strike, if the men should violate the law in any respect, then the railroads and the Government would have the right to go into court and get out an injunction to prevent them from going ahead with the strike. If the men violate the provisions of this law, the railroads or the Government can go in and sue the unions for a violation of their contracts and take away from them the money that they have saved in their treasuries. Not only that, but after they have finally come to an agreement it is made binding upon the parties by making it a court record.

We have to assume, in addition to that, that 2,000,000 laboring men of this country are not going out just to rob the people of the country. We have to assume that the executives of these great railroads are not going to enter into any criminal conspiracy with their employees to rob the people of this country. So this talk about the rich railroads and the employees entering into a conspiracy to rob the people of this country is, in my judgment, all nonsense.

So I come back once more to this stop signal that the Senator from Kansas wants to inject into this bill. Let me say at the outset that, in my judgment, no lawyer who has examined the cases decided by the Supreme Court of the United States can stand before this body and honestly insist upon this amendment, because it is clearly unconstitutional.

It provides:

> That the Interstate Commerce Commission may, upon its own motion, suspend the operation of any such award or any wage agreement between the parties subject to this act.

Let us see what the Supreme Court of the United States has said with reference to contracts of this kind. I call attention to the case of Adkins against Children's Hospital, decided in Volume 261 United States, page 525. Mr. Justice Sutherland delivered the opinion of the court. He said, at page 545:

> The statute now under consideration is attacked upon the ground that it authorizes an unconstitutional interference with the freedom of contract included within the guaranties of the due process clause of the fifth amendment. That the right to contract about one's affairs is a part of the liberty of the individual protected by this clause, is settled by the decisions of this court, and is no longer open to question.

Citing numerous cases.

> Within this liberty are contracts of employment of labor. In making such contracts, generally speaking, the parties have an equal right to obtain from each other the best terms they can as the result of private bargaining.

That is what the Supreme Court of the United States has said is guaranteed by the Constitution of the United States; and this amendment proposes to take away what is guaranteed by the Constitution of the United States.

It has sometimes been charged that I wanted to tear down the Constitution of the United States, but here we find the Senators favoring this amendment violating the Constitution. I say to you, Mr. President——

Mr. BRUCE. Mr. President, I should like to ask the Senator in that connection whether he did not advocate, two years ago, the abolition of the process of injunction in labor dis-

putes, and also the subordination of the authority of the Supreme Court of the United States to the power of Congress?

Mr. WHEELER. I will say to the Senator very frankly that I advocated doing away with injunctions in labor disputes, and I say to the Senator now that in this bill labor has conceded practically, and in my judgment absolutely, the power of the Government to go into court and use the injunction in labor disputes. I have said very frankly to the representatives of labor and to the railroad brotherhoods that I thought they were giving away more of their rights than they should do; but they have been perfectly willing, in the spirit of compromise with the executives of the country, to make these changes; and yet, Mr. President, we find Members standing upon the floor of the Senate denouncing the bill because of the fact that they think labor may get too much out of it.

I also desire to call attention to the case of Adair against United States, decided by Mr. Justice Harlan, who, speaking for the court, said:

> The right of a person to sell his labor upon such terms as he deems proper is, in its essence, the same as the right of the purchaser of labor to prescribe the conditions upon which he will accept such labor from the person offering to sell. * * * In all such particulars the employer and employee have equality of right, and any legislation that disturbs that equality is an arbitrary interference with the liberty of contract which no government can legally justify in a free land.

In Coppage against Kansas, the Supreme Court, speaking through Mr. Justice Pitney, said:

> Included in the right of personal liberty and the right of private property—partaking of the nature of each—is the right to make contracts for the acquisition of property. Chief among such contracts is that of personal employment, by which labor and other services are exchanged for money or other forms of property. If this right be struck down or arbitrarily interfered with, there is a substantial impairment of liberty in the long-established constitutional sense.

So I submit, Mr. President, that if this amendment should become a law it would be not only unconstitutional but would absolutely violate the spirit of liberty that is guaranteed to the people of this country by the Constitution of the United States. When the Senator says that this amendment is constitutional I challenge him to cite a single case decided by the Supreme Court of the United States where they say that any power of the Government can come in and set aside or suspend a wage agreement entered into between the parties. If every farm organization in this country or every farmer or every workingman or every manufacturer comes in here and asks me to take away the liberties guaranteed by the Constitution of the United States, I shall not do it. I want to say that I would not do it whether the National Grange wanted it or whether any other farm organization wanted it. It is not right, and it is in violation of the spirit of liberty, and it should not be done. It is unconstitutional, and not only has the Supreme Court so decided in one case but it has so decided in numerous cases.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. EDGE in the chair). Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. WHEELER. I do.

Mr. LENROOT. For my own information, is any distinction to be drawn between a contract made by a public-service corporation and a contract made by a private individual?

Mr. WHEELER. Not a bit. The courts have not made any difference between them. In the minimum-wage case they took up that very question and said in that case that that was a personal contract between the employee and the employer; that the employee himself was not engaged in a public service in the sense that the instruments of the company were; that his was a personal relation, and the Government of the United States could not interfere with his personal, private relations, because the corporation always had the right to hire him or fire him, and he was not working for the Government but was working for a private individual. So I say that that does not make any difference.

Mr. President, I submit that it is useless to adopt this amendment, because it will be declared unconstitutional. There are numerous other objections which I think have been sufficiently covered and which I shall not urge at this time.

Mr. FESS obtained the floor.

Mr. WILLIS. Mr. President, will my colleague yield?

Mr. FESS. I yield.

Mr. WILLIS. This subject is of very great importance, and I know that several Senators are particularly desirous of hearing my colleague. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Fess	McLean	Smith
Blease	Frazier	McNary	Smoot
Borah	George	Mayfield	Stanfield
Bratton	Gerry	Metcalf	Steck
Broussard	Gillett	Moses	Stephens
Bruce	Glass	Neely	Trammell
Butler	Goff	Norbeck	Tyson
Cameron	Gooding	Norris	Underwood
Caraway	Hale	Nye	Wadsworth
Couzens	Harreld	Oddie	Warren
Cummins	Heflin	Overman	Watson
Curtis	Howell	Phipps	Weller
Deneen	Johnson	Reed, Pa.	Wheeler
Dill	Keyes	Robinson, Ind.	Williams
Edge	King	Sackett	Willis
Edwards	La Follette	Sheppard	
Fernald	Lenroot	Shipstead	
Ferris	McKellar	Simmons	

Mr. CURTIS. I desire to announce that the Senator from Washington [Mr. JONES], the Senator from Florida [Mr. FLETCHER], the Senator from New York [Mr. COPELAND], the Senator from Louisiana [Mr. RANSDELL], and the Senator from Georgia [Mr. HARRIS] are in attendance on a meeting of the Committee on Commerce.

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, a quorum is present.

Mr. FESS. Mr. President, I first want to call attention to the suggestion of the junior Senator from Missouri [Mr. WILLIAMS], which is an objection that was heard during the hearings conducted on the bill, and it has been repeated very often by those who are not in favor of the measure. It is to the effect that the more profitable roads, which are likely to make a reasonable return and more, so that under the recapture clause of the 1920 law a certain portion of their return would go to the public to be used for the less profitable roads, would prefer to increase the wages of their employees rather than have the surplus utilized under the provision of the transportation act.

I do not look upon that as a serious matter, and even were it a serious matter, it is not cured by the present law. In other words, that very condition exists to-day, and if the more profitable road wished to use this surplus by increasing the wage, and it were permitted by the Interstate Commerce Commission, it could do it, and what it could do under the proposed legislation, and which seems to arouse fear, could be done under the present law. So that does not have any determining effect with me at all.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. LENROOT. Even assuming it to be true, they would have to contribute to that increase 50 per cent of the money belonging to the stockholders.

Mr. FESS. They would under the law. I think the amendment offered by the Senator from Kansas does involve a matter of serious import. There is much to say in favor of it, and I think more to say against it. That is one of the things that has been in the minds of the members of the committee during all the days this bill has been under consideration.

It might be interesting to Senators to know that when I heard the first statement of the purport of this bill I was opposed to it. It did not appeal to me as providing sufficient protection for the public, and I plied those before us with questions as to whether the public was protected. I was doing that under the conviction that we should not do away with the labor board until we had something better than the labor board. That is a proposition which I think is quite fundamental, and I am of the opinion that it is the conviction of everyone that until we find something that is an improvement on the labor board we ought to leave the law as it is.

The labor board is an expression of an effort to adjust industrial disputes, stopping short of legal enforcement, but leaving it only to moral enforcement, a plan by which there is a moral binding force, but without a legal force. At once, when we first express it, it seems to be not only inconsistent, but indefensible; but it is neither. Anything like a legal binding force would mean compulsory arbitration, and I do not believe anyone is ready, in the present stage of industrial development, when the Government is trying to find a way to adjust disputes which come up, to say we are going to the point of compulsion, either to prevent a strike by the imposition of a penalty or, in a positive way, to compel men to work under penalty. I think it is not contended that anyone is ready for that, especially in peace times, and I think we may drop it.

The labor board was an expression of an effort to find a moral binding force without going to the extent of a legal bind-

ing force. I do not think it has proved itself to be what those who voted for it believed it would be. As a member of the other body at the time I supported the proposal, with some trepidation, I admit; but I am convinced that the present proposal is an improvement upon the present law, and I will indicate why I think so, although before I had investigated it I was opposed to the present plan.

This bill is written in accordance with the proper theory of adjustment and of contract. The first principle is to respect the binding force of a contract, and allow the parties making a contract to go to their fullest limit to reach an agreement by negotiation or conference. That ought to be at the very foundation of every contract, both in its making and in its enforcement, and that is what this bill would accomplish.

It also goes further than that, and provides that if the agreements, which both parties are pledged to respect, are not sufficient to adjust a dispute which arises, then there shall be a Government body. First, there are to be adjustment boards created under the law, to see whether the parties can not reach an agreement or an adjustment without appealing to outside interests.

I think the important feature of the bill is this—and it is a long step, a wide stride, in industrial relations from the conditions of only a few years ago—that it recognizes the principle of collective bargaining, and that has been the subject of considerable controversy for years. This would write into the law the principle that bodies can contract through chosen or selected representatives. These different elements in the contract, the management on the one hand and the employees on the other, can speak to one another through their representatives, and it is a recognition of a principle which I think is most important and likely never to come into dispute again. That is important in this bill.

If disputes can be adjusted through the representatives of the two parties under the adjustment boards created, then the disagreement will not go to the point of any interruption of transportation whatever. That is all left with the parties to the contract, and that is sound from every standpoint, legally as well as economically.

If the adjustments through these boards fail, then there is a body which represents the Government, the people of the United States, to mediate between the contracting parties in dispute, and to see whether they can not bring the two together. That is where the public speaks. The mediation board—to say nothing about its constitution, its numbers, or its credentials—is to be permanent, always in existence, appointed by the President under no influence by either party, but confirmed by this body, the Senate, that is to be ready, that is to collect information and data covering subjects which might come into dispute, and assemble without doubt the most valuable body of information on the question of industrial relations that any board would be able to compile. That is to be a body that will not represent labor and will not represent the management, and can not have any interest in either in any way; for if a person has an interest in either in any degree, he will be disqualified from accepting an appointment on the board.

That is to be a body created by law to represent the public, with no particular interest on this side or that side, but with the one function of maintaining uninterrupted transportation, believing that this Government could not continue if transportation should cease. We can do without some things. There are many valuable things we enjoy, such as automobiles, representing a tremendous investment in the country, which we might do without, and yet the Nation industrially could go on. But this Nation could not exist if transportation stopped, for people would starve and freeze.

Transportation is absolutely essential, and for that reason the public has a paramount interest in it and all of our legislation must reflect that particular item. It is commonplace for me to say that I recognize the right of management in profit and in investment and that any legislation ought to respect it, or that I recognize the right of labor in steady employment at a high level of wages to maintain our American standard of living. But I can not represent alone labor in their primary interest in wage, and I can not represent alone, and no Member of the Senate can represent alone, the management or the investor whose prime interest is profit or income. We have to recognize and represent the third party, which is the public, and here is the board that represents the public, that speaks for the public, whose only interest is not in profit nor in wage, but in uninterrupted transportation. It is the business of that board, when there is any threat or any danger of interruption, to function as the voice of the American Government, to bring the parties together, not to decide itself, not a fact-finding commission; no; no; but it is a mediatory body to bring the parties together so they might have impressed upon them the need of coming to an adjustment without having to go to the other extreme.

I can not understand the angle of the opposition of some of the wisest men in this body, their assaulting the idea that the board of mediation is of no value and that it is a defunct organization. It is the core of the legislation, for through its functioning, speaking for the Government, we are hoping that 95 per cent of the difficulties will be adjusted and that very few of them will ever reach any other stage.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Kansas?

Mr. FESS. I yield.

Mr. CURTIS. Under the bill as it is drawn, what can the board do? What authority has it?

Mr. FESS. The board can bring the parties together.

Mr. CURTIS. If they want to come.

Mr. FESS. Yes.

Mr. CURTIS. But if they refuse to come it can do nothing.

Mr. FESS. That is the point. My friend from Kansas knows that if they do not want to come he would not vote to compel them to come. That would be compulsion, and we are not ready to go to that extent yet. There are only two ways in which the public can be harmed——

Mr. CURTIS. Upon yesterday I stated that I would not compel them to come. I dislike to hear the Senator say that the mediation board can do so much when there is no authority in the law for them to do anything. No matter what order they make they can not enforce it. All they can do is to say "Will you please arbitrate?"

Mr. FESS. Of course, they can not enforce it, but my friend would not vote to give them the power to enforce it. Of course, he would not. What is the use of talking about it?

Mr. CURTIS. That is why I say we ought not to have the board. What is the use of spending $300,000 a year for a board like that?

Mr. FESS. Does the Senator mean that we ought not to have the board because it has no power to enforce any finding it makes?

Mr. CURTIS. Because it can accomplish nothing, and it only serves as a means for the expenditure annually of $300,000 of the people's money.

Mr. FESS. I differ with my friend when he says they can not accomplish anything. The truth about the matter is that most controversies could be adjusted if we could get the two parties around a table to sit down in the presence of a body which has the facts touching the subject of controversy.

Mr. CURTIS. But in the pending bill we have provided no means of bringing about that situation.

Mr. FESS. Provided this one fails.

Mr. CURTIS. No; before this one is tried.

Mr. FESS. The first is the adjustment board that is created or set up by the two parties in controversy, while the board here proposed is a board representing the Government of the United States, appointed by the President of the United States.

I can not get the angle of my good friend, although I note the purpose of his amendment and I have considerable respect for what he wishes to secure. But I think there is more danger in it than good.

Mr. BRUCE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Maryland?

Mr. FESS. I yield.

Mr. BRUCE. The Senator from Ohio knows, of course, that the same sort of provision was made in both the Erdman and the Newlands Acts for mediation.

Mr. FESS. Yes.

Mr. BRUCE. The Senator is aware of that fact, of course.

Mr. FESS. But there is a very striking difference between the board here proposed and the board of mediation and conciliation provided in both the Erdman Act and the Newlands Act. In those cases we never had mediation until the cause had arisen. In other words, mediation ought always to come in as a preventive. It ought to operate before the contest is at white heat. The provision in the pending bill provides for that operation, and therefore the mediation board here provided for is operating before we reach the point of heated contest where it is so difficult to get an adjustment, while the other was a board which waited until the contest had arisen. I think the Senator will agree that that is a world-wide difference.

Mr. BRUCE. Of course the mediation board under this bill does not function until the board of adjustment is appointed.

Mr. FESS. The mediation board provided under this bill is in existence permanently, perpetually and constantly collecting data touching the subject that will come into controversy.

Mr. BRUCE. The boards of mediation under the Erdman and Newlands Acts were permanent boards.

Mr. FESS. But not until the controversy had come up and mediation or arbitration or some other plan demanded, while under this bill they can be constantly collecting the data looking to a possible threat that might be impending.

Mr. BRUCE. My reading of the Erdman and Newlands Acts was that the board of mediation under those acts could have done that same thing.

Mr. FESS. No; that is the most distinctive discrimination between the former acts of mediation and conciliation and the present one, and it must not be overlooked. This bill provides for operation before the contest comes on; that is, they are ready to operate, to collect the data, while in the other case the difficulty had come up and the point of conciliation largely passed over before they could function. I want that to be noted as one of the most specific advantages of the present plan.

Mr. President, without going further into the idea that the mediation board, whose function it is to bring the contesting parties together, is a very important function in the Government, I think, without saying, that it ought to be conceded. In case the mediation board fails—that is, if the direct mediation fails—then comes its operation through securing arbitration, if possible. There was opposition by the senior Senator from Alabama [Mr. UNDERWOOD] to the arbitration feature. The objection to arbitration that is offered is an objection that is always offered to arbitration. It is inherent in arbitration. It goes with arbitration. Arbitration is never satisfactory because it is never impartial. It is never complete. Arbitration is always the result of negotiation by special pleaders. The arbitrator is not an impartial judge. The arbitrator is a diplomat to get all that he can get on his side of the issue without much respect for the equity in the case. That goes with all arbitration. That is one reason why arbitration falls short and why we ought to have something better.

The objection to this plan was that the laboring people appoint one arbitrator if the mediation board can induce them to do it, and the management appoints another arbitrator. It goes without saying that the one appointed by the labor people will be a special pleader for labor, and the one appointed by the management will be a special pleader for the management. Then they select the third man. It was urged that the third man is a dummy. I do not like that expression, but the difficulty is that the third man is always the umpire, and that is why arbitration as a rule is not satisfactory. Arbitration in the past in disputes has not been often used, but mediation constantly. Disputes are adjusted by mediation and not by arbitration. Very few disputes are adjusted by arbitration.

Mr. BRUCE. Mr. President, will the Senator yield to me again?

Mr. FESS. Certainly.

Mr. BRUCE. I fail altogether to find in the pending bill any justification for the distinction the Senator from Ohio has sought to draw between the powers of the board of mediation under the pending bill and the powers of the board of mediation under the Newlands Act. For instance, section 5 of the pending bill, if the Senator will pardon me, provides that—

> The parties, or either party, to a dispute between an employee or group of employees and a carrier may invoke the services of the board of mediation created by this act, or the board of mediation may proffer its services, in any of the following cases:
>
> (a) A dispute arising out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions not adjusted by the parties in conference and not decided by the appropriate adjustment board;
>
> (b) A dispute which is not settled in conference between the parties, in respect to changes in rates of pay, rules, or working conditions;
>
> (c) Any other dispute not decided in conference between the parties.

So the bill does not contemplate the idea of any call being made upon the board of mediation under the provisions of the bill. The board of mediation take steps in the case where there has been a dispute between the carrier and its workers, and they have a right to settle that dispute between themselves.

The Erdman Act provides, as, of course, the Senator knows, for the office of commissioner of mediation and conciliation and an assistant commissioner and also appoints two other officials of the Government to act with the commissioner of mediation and conciliation. Under the terms of that act the members of the board not only responded to calls for assistance in disputes, but proffered their services to the respective parties when the occasion seemed to require it. I submit that the distinction the Senator from Ohio has attempted to draw is not based upon any solid foundation whatsoever.

Mr. FESS. The Senator may have his opinion on that point of controversy. The board of mediation here provided is a permanent board, with agencies for collecting the information it needs. It collects from whatever source it desires. It is always in session. It is a Government agency and represents the public. It can not have any interest whatever in either side of the controversy. It can yield or respond when either party asks it, or it can extend its services of its own right whenever the other parties do not request it.

Mr. WILLIS. Mr. President——

Mr. FESS. I reiterate what I said, that this is one of the outstanding discriminatory features of the bill. I yield to my colleague.

Mr. WILLIS. Would it be accurate to state, then, that this board of mediation is a fact-finding commission of continuous existence and functioning all the time? Is that true?

Mr. FESS. It is a fact-finding commission in the sense that it has the power to collect data constantly on any subject that might be a subject of controversy.

Mr. WILLIS. But it does not need to wait until the controversy arises?

Mr. FESS. Oh, no. It is not a fact-finding body in the sense that it can use the facts for the purpose of making a finding. I hope that my colleague makes the discrimination.

Mr. WILLIS. Yes; I understand.

Mr. FESS. Mr. President, with reference to arbitration, while I admit that arbitration is generally a weakness, there is one thing about the arbitration plan here proposed that has never been in any arbitration plan that has yet been submitted, and I think it is a very long step, longer than I think the contestants in a dispute over a contract are apt to take. That is, if the parties agree to arbitrate, then they are bound by the finding or by the decision of the board of arbitration. There is a leeway, of course, as there ought to be. If some misrepresentation or some ground that would justify a reopenng of the case is discovered, it can, of course, be reopened; but when it reaches the final stage, then it is final and the parties are held to it. That condition has never been written in any law of arbitration to which the United States has been a party.

If we are willing to go into arbitration with other countries, we say, of course, we will be honorable enough to abide by what the arbitration board shall find, but there has been no instance in the history of legislation, so far as I know, where the finality of the decision of a board of arbitration has been written into the law. It is proposed to write it into the law here; and that is certainly one of the most outstanding differentiations of this bill from anything that has gone before it.

In case arbitration shall not take place—in other words, if mediation shall fail directly to cause the parties to arbitrate and there is a threat of a tie-up—then this board, which some Senators say has no significance, will lay the matter before the President of the United States. In that event the President is empowered to appoint an emergency board. That is not a permanent board, as it ought not to be. It is a board created for the purpose of considering a specific controversy, and when the case is disposed of the board ceases to exist.

Some Senators are finding fault with that board because it does not have power to enforce its findings. I do not think anyone should dwell upon that, because there is certainly no one who wants to give either the mediation board or the arbitration board or the emergency board the power to enforce its findings. There is where the Railroad Labor Board broke down. While we never intended to give the Railroad Labor Board any power to enforce its findings, there was some procedure on the part of that board that led the public to believe that it did have such power; and when the Railroad Labor Board reported a finding and the parties involved paid no attention to it, the public immediately said "Here is a finding made by a Government agency, and yet the parties in interest defy it"; and the public immediately became enraged not only at the contending parties but later on at the imbecility of the board. So I have a great deal of sympathy with the idea that it is not best in creating such a body to lead the public to think that the body has power when it has not any power, because when it shall publish its findings and either party shall under the law ignore them, then an undesirable impression is created on the public mind both toward the controversy and toward the board that has made the report. I think that is immensely important and this bill would avoid it.

So, Mr. President, starting in opposition to the measure, because I had not read it carefully, thinking that it did not afford as much protection to the public as does the present law, yet after having gone into the various phases of the bill very carefully with the members of the committee, I have concluded that it is written upon a sound basis for the adjustment of difficulties and will not cause an industrial controversy to be

brought to the floor of the House or the Senate, which is a thing which ought to be avoided, I think, until it shall become a matter of last resort.

In effect the bill says to the railroads and their employees, "First, make your agreement; that is your business; second, respect your agreement; bind yourselves to the agreement; third, through the adjustment boards make adjustment of your differences. If you can not do that, the mediation board, which represents the public, will use its good influence and good offices to see whether or not it can not be done." If the mediation board shall fail directly, then it will recommend arbitration; and if that shall fail, then the board will lay the matter before the President, and he will act through an emergency board. That is sound, and I think, short of compulsion, it is about the best plan for the adjustment of industrial disputes between public utilities and their employees that one can think of.

Mr. WILLIS. Mr. President——

Mr. FESS. I shall yield to my colleague in just a moment.

I want to impress the Senate with one thought. Here are two tremendously important contracting parties. On the one hand, the managers of the railroads represent property valued at billions of dollars. Investments in that property are very popular; they are held by thousands of people whose interest is to secure uninterrupted transportation. Then, on the other hand, are the employees, 2,000,000 of them, representing 10,000,000 people. Their business is of vital importance to 100,000,000 people. I understand that the employees are holding investments which represent between thirty-five and forty million dollars. That is a wonderful statement if true, and I obtained it from an authoritative source. That amount in part represents the financial power of the employees on the railroads.

I am not speaking of the management; I am speaking of the employees of the railroads. I think there has been no movement in modern times that is more far-reaching than the movement of the brotherhoods in becoming investors and bankers. There are now 16 labor banks in Cleveland and elsewhere, representing millions upon millions of dollars, of which, of course, workingmen are the owners. They are investors, and they are not going to do anything unwise to destroy the business in which they are engaged. I know of no movement in modern life that is more important.

These people, who heretofore have always been antagonistic, representing labor as against capital or vice versa, have come to us and agreed upon a plan, and we have asked them, "In your judgment will it work to the interest of the public?" The reply from both sides was, "It will so work." When we asked them—and, Mr. President, I am "telling no tales out of school," for the hearings before the committee were open—when we asked them the question, "If this plan shall fail, what will the next step be," they claimed there was no step of which they could think short of compulsion. I state here as a Senator that I shall vote for this measure in the faith that it offers the best plan that has as yet been proposed. It seems to me it is the farthest reach toward voluntary effort to compose differences which may arise between the railroads and their employees. If it fails, then it will be time to consider whether later on we will have to resort to compulsory arbitration.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to his colleague?

Mr. FESS. I yield to my colleague.

Mr. WILLIS. My colleague has just spoken of the unwisdom of legislation that would create in the public mind the impression that there was power to enforce findings or decisions, when, as a matter of fact, there was no such power. I desire to ask my colleague specifically in that connection what is his opinion of the last clause of the amendment offered by the Senator from Kansas, which reads:

> The Interstate Commerce Commission shall hear any award or agreement so suspended within 30 days thereafter and with due diligence affirm or modify such suspended award or agreement.

Does not that create the impression that the power is there, although, in fact, it is not?

Mr. FESS. I am glad my colleague called my attention to that, because I previously had in mind the amendment of the Senator from Kansas, and I was about to close, having forgotten it. I think the amendment raises a very serious question. It has been so long since I taught constitutional law in the university that I am not as familiar with it as I once was; but my first impression is that such an amendment would clearly be unconstitutional. However, I leave that to the more seasoned lawyers of the Senate to discuss.

Second, it carries with it the danger which my colleague suggests, namely, that it has the semblance of providing for enforcement, when, in fact, it does not.

However, Mr. President, my objection to the amendment goes deeper than that. I said a moment ago there were only two ways by which the public would be injured. I think that, perhaps, may be too narrow a statement, although I think it is fairly true. One way would be by the interruption of transportation; by the cessation of railroad facilities. How are we going to prevent the interruption of transportation if a strike is called? I do not think that anybody is discussing seriously here antistrike legislation. I would not vote for such legislation unless in case of emergency, in midwinter, or some condition of that kind when the question of working or starving was involved. In that event, of course, I would vote for such legislation; but I mean that, as a principle in peace time, I would not do it; and I do not think there is a Senator here who would do it. So that injury to the public is not to be remedied by force.

The other way is by increasing the burden of freight rates. That might happen, and the fear has been expressed here that, unless we adopt some provision such as that contained in the amendment of the Senator from Kansas, the railroads will disregard the rights of the public and will agree to increase wages to such a point as to call for increased rates. Senators say that so long as there is any talk of increased rates, there can be no reduction of rates, and a reduction of rates is the thing that we are seriously seeking.

Mr. President, if the railroads and their employees through the agency proposed to be set up here should decide to adjust a dispute as to increased wages by allowing the increase, and if such increase should require increased rates, the increase of rates could not go into effect until the Interstate Commerce Commission had approved it. There is our protection. The Interstate Commerce Commission is held strictly to the rate question and does not go into the wage question. So long as they are dealing with rates, they are not dealing with unions, but the moment that they deal with wages they deal with collective units which speak for millions; and as certain as that is done, if we shall add the amendment of the Senator from Kansas to the bill and place before the Interstate Commerce Commission a dispute not involving the question of rates but of wages, we shall inject into that body the most controversial subject, in connection with which the representatives of $20,000,000,000 of property, on the one hand, and 2,000,000 employees, on the other, have to be satisfied one way or the other. Immediately we shall have divided the country on the Interstate Commerce Commission and the commission will be gone. It can not stand anything like that at all.

One of the crowning glories of the Interstate Commerce Commission is that with all the objections that have been offered it has been independent in deciding cases according to its own judgment; but if we place it in the heat of a contest where the whole Nation is involved, and each member will have the enlistment of his respective supporters, we will have the whole Nation criticizing the Interstate Commerce Commission, and that agency is gone. If I wanted to kill it this amendment would do it, and it could not be done more effectively. I think this is the test. If this amendment is adopted, we might as well say "Good-by."

Mr. LENROOT. Mr. President, I rise to make only a very brief observation with regard to the question which has been raised concerning the constitutionality of this amendment.

There are two elementary principles of law applicable to this amendment which I think will be conceded by every lawyer in this body.

The first is that Congress can not delegate to any administrative body of the Government a power which it does not itself possess. That is to say, if Congress itself has not the power under the Constitution of the United States to fix wages upon railroads, it can not delegate any such power to the Interstate Commerce Commission. So we start out first with the question, Could Congress fix the wages of railroad employees by direct act? That is the question that has been argued here this afternoon.

I am not going to discuss that question. There may be differences of opinion about it; but the next proposition that I do wish to discuss it seems to me there can be no difference of opinion about, and that is, granting for the sake of the argument that the power does exist, Congress can not delegate that power to any administrative body of the Government in the way of a legislative power. If it has the power, it can only delegate to the Interstate Commerce Commission in this instance the power to fix wages under definite rules and standards laid down by Congress itself. The only power that can be

delegated is the power to ascertain the facts and conditions upon which the legislative will shall apply.

That was fully recognized in the transportation act of 1920, when we created the Labor Board. It was argued at great length upon this floor. It was recognized by every Senator that we could not delegate the power baldly and give to the railroad board a blank check to fix the wages of railroad employees. So a standard was set up in the act creating the Labor Board; and while, as we all know, they had no power to enforce their decisions, in arriving at their determination we provided as follows:

In determining the justness and reasonableness of such wages and salaries or working conditions the board shall, so far as applicable, take into consideration among other relevant circumstances:

(1) The scales of wages paid for similar kinds of work in other industries;

(2) The relation between wages and the cost of living;

(3) The hazards of the employment;

(4) The training and skill required;

(5) The degree of responsibility;

(6) The character and regularity of the employment; and

(7) Inequalities of increases in wages or of treatment, the result of previous wage orders or adjustments.

While those seven conditions were laid down, Mr. President, even then the question was raised upon the floor of the Senate in 1920 whether a sufficiently definite rule was laid down in order to exercise the power of fixing a wage. If that be so, what can be said of this amendment?

What is the amendment? It delegates to the Interstate Commerce Commission the power and the duty to "hear any award or agreement so suspended within 30 days thereafter and with due diligence affirm or modify such suspended award or agreement." In other words, it gives to the Interstate Commerce Commission the absolute power to fix the wages of all the railroad employees of the country without fixing any rule or any standard which shall govern the Interstate Commerce Commission in the performance of that act. Is there any lawyer in the Senate who will say that Congress has any such power, or, if we pass this bill, that the Interstate Commerce Commission will have any power to make a lawful order affecting the wage agreements that have been made?

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LENROOT. Yes.

Mr. KING. Without expressing dissent or assent to the conclusions stated by the Senator, I desire to ask him if he does not misconceive the legal effect or implication of the amendment which he has just read?

As I understand the amendment, it does not fix wages. It does not pretend to fix wages. The commission is charged with the duty of fixing reasonable freight rates and passenger rates. In fixing those rates it takes into account many factors. In this case, if I interpret the amendment aright, the commission would merely be called upon to determine whether, with that increase in wages, if it were to be saddled on the shippers as a part of the costs, it would make the rates reasonable or unreasonable. If the commission finds that the rates would thereby be made unreasonable, it sets aside the award. If it finds that the rates which would be required to meet this wage increase are reasonable, it has no other function to perform.

Is not that the correct interpretation?

Mr. LENROOT. Why, of course not; and I am surprised that the very able Senator from Utah should so read this amendment. It attempts to give to the Interstate Commerce Commission express authority to modify an agreement that has been reached. If a contract is modified, it is in force, if legal, as modified, and continues to be a binding contract with the modification, and the power is sought to be expressly conferred. If we have no power to delegate to the Interstate Commerce Commission the authority to modify an agreement, then we have no power to authorize them to make any kind of an order here that would have any validity whatever; and if it has no validity, what becomes of the amendment?

Mr. GOODING. Mr. President, much has been said here about the attitude of the American farmer in his opposition to this bill. I am satisfied that if the American farmer or those who represent the American farmer had had the same opportunity that I have had to listen to the men who represent the great railroad interests of America and the railroad employees as they presented their case before the Interstate Commerce Committee, their verdict would have been entirely different from what it apparently is at the present time.

I do not believe that the American farmer has had any opportunity to know anything about what this bill means. I feel that I have, Mr. President. While I do not pretend to speak for the American farmer, yet I have been a farmer all of my life. I have tilled the soil since boyhood; and I think Senators will agree with one thing—that in a farmer's way I have been making the best fight I know how to make for agriculture. I have been endeavoring to put the farmer upon the same level with organized labor and organized capital, and I am going to continue that fight; and I believe the day is coming, and it is not very far distant, when the American farmer will stand as he did before the war, before, through legislation, the economic conditions of this country were destroyed, and every relationship that existed between agriculture and organized capital and organized labor was destroyed by the Government itself.

If this bill passes without amendment, I shall always be proud of my vote to report it out of the Interstate Commerce Committee favorably and my vote that will help to pass it. I believe it is the greatest step that the industrial life of this country has ever known or that the world has ever known.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. GOODING. Will the Senator bear with me for just a minute?

Mr. BRUCE. I will.

Mr. GOODING. I believe sincerely, Mr. President, that if the coal miners of England had had such a law, and they had had their boards of adjustment so that the coal miners and operators could have sat around the table and made an effort to settle their own troubles, or failing in that could have asked for a board of mediation appointed by the Government to help them work out their differences, and failing in that, Mr. President, if England could have had a law as this bill provides for a fact-finding commission with the same provision that is in this bill for a 60-day cooling period during which time the English people could have known all of the facts in connection with this great strike through a body created by the Government itself—that great Government, which has been the foundation of civilization, would not be tottering as it is to-day. No man knows what may happen in that great Empire. It is in danger; but I have confidence in the English people, and I am sure they will work out their problems, and I hope and I believe they will come through a bigger and a stronger people.

Mr. President, this bill should be given a chance. Surely we ought to accept the spirit in which the railroad owners and the employees come to us and ask us just to give them a chance to settle their own troubles. There is no secrecy at all about this. It is all in the open, under a noonday sun; and I want to say to you that I never was more impressed in my life than with the sincerity and the earnestness of purpose in which this bill was presented by the railroad owners and their employees.

We are living in a new civilization. I can remember in my boyhood days when my parents went to market with a yoke of oxen. I can remember how every Saturday morning, as regularly as Saturday morning came, a yoke of oxen was driven up to the door and a few pounds of butter and a few dozens of eggs that had accumulated were taken to town, a little town in the State of Michigan, Paw Paw, 7 miles away; and I want to say to you that no train ever ran on a more regular schedule than that ox team. I always knew when to be ready to let down the bars of a Saturday evening, when they were returning from town with the little pinches of tea and sugar for which they had exchanged their butter and eggs.

Mr. President, this is the age of electricity, the age of gasoline and the motor vehicle, the age of the flying machine, and the age of radio. We are not living as we did in those days.

From the discussion that has taken place on the part of the Senator from Kansas and others, it seems that they are afraid there is to be an effort made on the part of the railroads and their employees, if this bill shall pass, to rob the public or to work a hardship on the public. First let me say, as a farmer—and I have been a farmer all my life—that no class of citizen suffers more than the American farmer when there is a strike or a lockout on the railroad. He produces the perishable products of America. He produces the livestock. I have seen farmers lose millions, and they have lost hundreds of millions of dollars in the past.

I believe that if this bill passes it will practically put an end to strikes on the railroads, and we will have industrial peace.

Above everything else, it seems to me that when the employer and the employee come to this body and ask us to give

them a chance to work out their own troubles their request should be granted.

Out in the Northwest we had all kinds of trouble in timber strikes and lockouts, and everything else that went to make trouble, and I think we know something of the serious conditions that existed there at one time through the actions of a lawless element. Since they have had their agreement, under which they work out their own troubles, there has not been a strike out there in the woods for a number of years.

The men on the railroads are entitled to fair wages, and I think they are getting fair wages; but as compared with the wages paid in the trades of America they are not getting fair wages.

I have here a comparative statement of the wages paid locomotive engineers and firemen and those paid in the building trades. The engineer on passenger locomotives receives $7 a day for an eight-hour day. The freight engineer receives $7.56. The yard engineer receives $6.88. Locomotive firemen on passenger locomotives receives $5.25 a day, on freight $5.75, and in the yards $5.40.

Carpenters in Atlanta, Ga., receive $5.60 a day, but in Boston, Mass., they receive $10 a day. In Chicago they receive $10 a day; in Cleveland, Ohio, $10; in Denver, Colo., $9 and $10 a day.

I shall not take the time to read the wages of laborers in all the different trades in America, because it is a long story, but I shall ask to have the table printed at the conclusion of my remarks. It is dated April 1, 1926, so is up to date.

Mr. BINGHAM. Mr. President, will he Senator yield?

Mr. GOODING. I yield.

Mr. BINGHAM. Will the Senator add to that, when it goes into the RECORD, the amount earned per annum? The Senator will realize that a man working on a railroad train gets his regular wages rain or shine, whereas the carpenter gets nothing on a day when it is stormy.

Mr. GOODING. The average yearly earnings of all railroad employees are $1,605 a year. Is that an unreasonable average earning for a railroad employee? Is he not entitled to live in somewhat the same manner as those engaged in other labor live?

The steel workers at Gary, Ind., are getting $1,750 a year. The laboring men on the railroad do not work all the year round. They have lay offs, as well as other people have. So I say that the wages paid on the railroads are not unreasonable compared with the wages paid in the different trades in the country.

Cement finishers receive $6 in Savannah, Ga., and in St. Louis $12 a day. Hodcarriers in Cleveland, Ohio, get $7 a day; in Dallas, Tex., $6.50 and $7 a day; in Des Moines, Iowa, $7.20 a day.

I am not going to take up the time to read all these things, but bricklayers in Atlanta, Ga.—and it seems that in the South wages are somewhat lower than they are in the North—receive $8 a day. The wages of bricklayers run up to as high as $13 a day in Houston, Tex. In New York they get $12 a day.

If the amendment of the Senator from Kansas shall be adopted it will destroy this legislation, and Senators must vote on the question with that thought in mind.

I ask that this table be inserted in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF BASIC DAILY WAGE RATES, LOCOMOTIVE ENGINEERS AND FIREMEN AND BUILDING TRADE EMPLOYEES

EXPLANATORY NOTE

Basic daily wage rates for locomotive engineers and firemen are fixed according to the hauling capacity or weight of locomotive. In passenger service locomotives are separated into 13 classifications, with a minimum daily rate of $6.16 and $4.56 and a maximum of $7.16 and $5.76 for engineers and firemen, respectively; in freight service there are 11 classifications of locomotives, carrying a minimum daily rate of $6.84 and $5 and a maximum of $8.76 and $6.51 for engineers and firemen, respectively; in yard service there are 6 classifications, with minimum rates of $6.72 and $5.28 and maximum rates of $8.04 and $6.64 for engineers and firemen, respectively. The basic daily wage rates for engineers and firemen shown in the following statement are applicable to the classification in which will be found the preponderating number of locomotives in each class of service.

The wage scales for building trade employees are those prevailing as of April 1, 1926, and are computed from information compiled by the National Association of Builders' Exchanges, published in The American Contractor of April 17, 1926.

	Daily wage rate
Locomotive engineers:	
Passenger	$7.00
Freight	7.56
Yard	6.88
Locomotive firemen:	
Passenger	5.25
Freight	5.72
Yard	5.40

Comparative statement of basic daily wage rates

[Where two figures are shown they indicate minimum and maximum wages paid]

	Hourly scale	Daily rate (8 hours)
CARPENTERS		
Atlanta, Ga	$0.70	$5.60
Boston, Mass	1.25	10.00
Chicago, Ill	1.15	9.20
	1.37½	11.00
Cleveland, Ohio	1.25	10.00
Denver, Colo		9.00
		10.00
Des Moines, Iowa	1.12½	9.00
Houston, Tex		8.00
		9.00
Kansas City, Mo	1.12½	9.00
Los Angeles, Calif		6.00
		8.00
Milwaukee, Wis	1.00	8.00
Minneapolis, Minn	.87½	7.00
New Orleans, La	.90	7.20
New York, N. Y	1.50	12.00
Norfolk, Va	.80	6.40
Philadelphia, Pa	1.12½	9.00
Portland, Oreg		9.00
Richmond, Va	.80	6.40
Salt Lake City, Utah		8.50
San Francisco, Calif	1.00	8.00
Savannah, Ga	.90	7.20
Seattle, Wash		9.00
St. Louis, Mo	1.50	12.00
St. Petersburg, Fla	1.12½	9.00
Washington, D. C		9.50
CEMENT FINISHERS		
Altanta, Ga	1.25	10.00
Boston, Mass	1.10	8.80
Chicago, Ill	1.10	8.80
	1.37½	11.00
Cleveland, Ohio	1.25	10.00
Dallas, Tex		7.00
		10.00
Denver, Colo		10.00
		11.00
Des Moines, Iowa	1.25	10.00
Houston, Tex		10.00
Kansas City, Mo	1.25	10.00
Los Angeles, Calif		7.00
		9.00
Milwaukee, Wis	.75	6.00
	.85	6.80
Minneapolis, Minn	.87½	7.00
New Orleans, La	1.00	8.00
New York	1.50	12.00
Norfolk, Va	.65	5.20
	.75	6.00
Philadelphia, Pa	1.00	8.00
Portland, Oreg		9.00
Richmond, Va	.75	6.00
Salt Lake City, Utah		8.00
San Francisco, Calif	1.06¼	8.50
Savannah, Ga	.75	6.00
Seattle, Wash		9.00
St. Louis, Mo	1.50	12.00
St. Petersburg, Fla		5.00
		9.00
Washington, D. C	1.12½	9.00
ELECTRICIANS		
Atlanta, Ga	.50	4.00
	1.00	8.00
Boston, Mass	1.20	9.60
Chicago, Ill	1.50	12.00
Cleveland, Ohio	1.50	12.00
Dallas, Tex		7.00
		9.00
Denver, Colo		10.00
		11.00
Des Moines, Iowa	1.00	8.00
Houston, Tex		10.00
Los Angeles, Calif		7.00
		8.50
Milwaukee, Wis	1.12½	9.00
Minneapolis, Minn	.87½	7.00
New Orleans, La	1.05	8.40
New York, N. Y	1.50	12.00
Norfolk, Va	.65	5.20
	.75	6.00
	1.00	8.00
Philadelphia, Pa	1.12½	9.00
Portland, Oreg		9.00
Richmond, Va	.75	6.00
	.87½	7.00
Salt Lake City, Utah		8.00
San Francisco, Calif	1.00	8.00
Savannah, Ga	.75	6.00
	1.00	8.00
Seattle, Wash		9.00

Comparative statement of basic daily wage rates—Continued

	Hourly scale	Daily rate (8 hours)
ELECTRICIANS—continued		
St. Louis, Mo	$1.50	$12.00
St. Petersburg, Fla	1.25	10.00
Washington, D. C	1.37½	11.00
HOD CARRIERS		
Atlanta, Ga	.30	2.40
	.45	3.60
Boston, Mass	.70	5.60
Chicago, Ill	.82½	6.60
	.92½	7.40
Cleveland, Ohio	.87½	7.00
Denver, Colo		6.50
		7.00
Des Moines, Iowa	.90	7.20
Houston, Tex		6.00
Kansas City, Mo	.90	7.20
Los Angeles, Calif		6.00
		8.00
Milwaukee, Wis	.85	6.80
Minneapolis, Minn	.71½	5.72
New Orleans, La	.65	5.20
New York, N. Y	1.06¼	8.50
Norfolk, Va	.65	5.20
Philadelphia, Pa	.70	5.60
	1.00	8.00
Portland, Oreg		8.00
Richmond, Va	.50	4.00
	.60	4.80
Salt Lake City, Utah		6.50
		9.00
San Francisco, Calif	.81¼	6.50
Savannah, Ga	.25	2.00
Seattle, Wash		8.00
St. Louis, Mo	1.15	9.20
St. Petersburg, Fla		4.00
Washington, D. C	.50	4.00
	.75	6.00
LABORERS		
Atlanta, Ga	.40	3.20
	.50	4.00
Boston, Mass	.65	5.20
Chicago, Ill	.82½	6.60
	.92½	7.40
Cleveland, Ohio	.87½	7.00
Dallas, Tex	.35	2.80
Denver, Colo		4.00
		5.00
Des Moines, Iowa	.67½	5.40
Houston, Tex	.35	2.80
	.45	3.60
Kansas City, Mo	.75	6.00
Los Angeles, Calif		4.00
Milwaukee, Wis	.60	4.80
Minneapolis, Minn	.45	3.60
	.55	4.40
New Orleans, La	.40	3.20
	.50	4.00
New York, N. Y	1.00	8.00
Norfolk, Va	.30	2.40
	.35	2.80
Philadelphia, Pa	.45	3.60
	.50	4.00
Portland, Oreg		5.50
Richmond, Va	.40	3.20
Salt Lake City, Utah		3.50
		4.00
San Francisco, Calif	.56¼	4.50
	.62½	5.00
Savannah, Ga	.25	2.00
Seattle, Wash		4.00
		5.00
St. Louis, Mo	.75	6.00
	.87½	7.00
St. Petersburg, Fla		3.00
		4.00
Washington, D. C	.40	3.20
	.75	6.00
PLASTERERS		
Atlanta, Ga	[1].25	[1]10.00
Boston, Mass	1.50	12.00
Chicago, Ill	1.50	12.00
Cleveland, Ohio	1.62½	13.00
Dallas, Tex		13.00
Denver, Colo		12.00
Des Moines, Iowa	1.50	12.00
Houston, Tex		13.00
Kansas City, Mo	1.50	12.00
Los Angeles, Calif		9.00
		11.00
Milwaukee, Wis	1.37½	11.00
Minneapolis, Minn	1.12½	9.00
New Orleans, La	1.25	10.00
New York, N. Y	1.50	12.00
Norfolk, Va	1.00	8.00
Philadelphia, Pa	1.50	12.00
	1.75	14.00
Portland, Oreg		11.00
Richmond, Va	1.25	10.00
	1.50	12.00
Salt Lake City, Utah		12.00
San Francisco, Calif	1.25	10.00
Savannah, Ga	1.25	10.00
Seattle, Wash		11.00

[1] And up.

Comparative statement of basic daily wage rates—Continued

	Hourly scale	Daily rate (8 hours)
PLASTERERS—continued		
St. Louis, Mo	$1.75	$14.00
St. Petersburg, Fla	1.50	12.00
Washington, D. C		13.00
Atlanta, Ga	.30	2.40
	.45	3.60
Boston, Mass	.95	7.60
Chicago, Ill	.88¾	7.10
	1.00	8.00
Cleveland, Ohio	.87½	7.00
Denver, Colo		7.00
Des Moines, Iowa	.90	7.20
Houston, Tex		6.00
Kansas City, Mo	.90	7.20
Milwaukee, Wis	.90	7.20
New Orleans, La	.75	6.00
	1.00	8.00
New York City	1.06¼	8.50
Norfolk, Va	.50	4.00
	.60	4.80
Philadelphia, Pa	1.12½	9.00
Portland, Oreg		8.00
Richmond, Va	.50	4.00
	.60	4.80
Salt Lake City, Utah		6.50
San Francisco, Calif	.87½	7.00
Savannah, Ga	.25	2.00
Seattle, Wash		8.00
St. Louis, Mo	1.25	10.00
St. Petersburg, Fla	.50	4.00
Washington, D. C	.55	4.40
	.75	6.00
BRICKLAYERS		
Atlanta, Ga	1.00	8.00
	1.25	10.00
Boston, Mass	1.40	11.20
Chicago, Ill	1.50	12.00
Cleveland, Ohio	1.50	12.00
Dallas, Tex		13.00
Denver, Colo		12.60
		13.00
Des Moines, Iowa	1.50	12.00
Houston, Tex		13.00
Kansas City, Mo	1.50	12.00
Los Angeles, Calif		11.00
Milwaukee, Wis	1.25	10.00
Minneapolis, Minn	1.12½	9.00
	1.25	10.00
New Orleans, La	1.25	10.00
New York, N. Y	1.50	12.00
Norfolk, Va	1.50	12.00
Philadelphia, Pa	1.62½	13.00
Portland, Oreg		11.00
Richmond, Va	1.50	12.00
Salt Lake City, Utah		11.00
		12.00
San Francisco, Calif	1.25	10.00
Savannah, Ga	1.25	10.00
Seattle, Wash		11.00
St. Louis, Mo	1.75	14.00
St. Petersburg, Fla	1.50	12.00
Washington, D. C		13.00
ELEVATOR CONSTRUCTORS		
Atlanta, Ga	1.00	8.00
Boston, Mass	1.25	10.00
Chicago, Ill	1.37½	11.00
Cleveland, Ohio	1.51	12.08
Denver, Colo		9.00
Des Moines, Iowa	1.00	8.00
Houston, Tex		8.00
		11.00
Kansas City, Mo	1.37½	11.00
Los Angeles, Calif		8.50
Milwaukee, Wis	1.20	9.60
New Orleans, La	1.00	8.00
New York, N. Y	1.50	12.00
Norfolk, Va	1.12½	9.00
Philadelphia, Pa	1.32½	10.60
Portland, Oreg		9.20
Richmond, Va	1.05	8.40
San Francisco, Calif	1.08⅛	8.65
Savannah, Ga	.90	7.20
Seattle, Wash		9.25
St. Louis, Mo	1.60	12.80
Washington, D. C	1.25	10.00
STEAM FITTERS' HELPERS		
Atlanta, Ga	.35	2.80
	.40	3.20
Boston, Mass	.80	6.40
Chicago, Ill	.85	6.80
Cleveland, Ohio	.75	6.00
Denver, Colo		6.50
Des Moines, Iowa	.65	5.20
Houston, Tex		5.00
Kansas City, Mo	.75	6.00
Los Angeles, Calif		5.00
Milwaukee, Wis	.62½	5.00
New York, N. Y	1.00	8.00
Norfolk, Va	.56¼	4.50
Philadelphia, Pa	.50	4.00
	.55	4.40
Portland, Oreg		6.00
Richmond, Va	.38½	3.08
Salt Lake City, Utah		5.00
San Francisco, Calif	.75	6.00

Comparative statement of basic daily wage rates—Continued

	Hourly scale	Daily rate (8 hours)
STEAM FITTERS' HELPERS—continued		
Savannah, Ga	$0.50	$4.00
Seattle, Wash		6.00
St. Louis, Mo	.87½	7.00
Washington, D. C	.65	5.20
STONE CUTTERS		
Atlanta, Ga	1.00	8.00
Boston, Mass	1.10	8.80
Chicago, Ill	1.37½	11.00
Cleveland, Ohio	1.35	10.80
Denver, Colo		10.00
Des Moines, Iowa	1.12½	9.00
Houston, Tex		8.00
Kansas City, Mo	1.00	8.00
Los Angeles, Calif		8.00
Milwaukee, Wis	1.12½	9.00
New Orleans, La	1.00	8.00
New York, N. Y	1.31¼	10.50
Norfolk, Va	1.12½	9.00
Philadelphia, Pa	1.25	10.00
Richmond, Va	.80	6.40
Salt Lake City, Utah		9.25
San Francisco, Calif	1.00	8.00
Savannah, Ga	1.00	8.00
St. Louis, Mo	1.25	10.00
Washington, D. C	1.12½	9.00
STONEMASONS		
Atlanta, Ga	1.00 / 1.25	8.00 / 10.00
Boston, Mass	1.40	11.20
Chicago, Ill	1.10 / 1.37½	8.80 / 11.00
Cleveland, Ohio	1.50	12.00
Denver, Colo		12.00 / 13.00
Des Moines, Iowa	1.50	12.00
Houston, Tex		10.00 / 12.00
Kansas City, Mo	1.25	10.00
Los Angeles, Calif		11.00
Milwaukee, Wis	1.25	10.00
Minneapolis, Minn	.87½	7.00
New York City	1.50	12.00
Norfolk, Va	1.50	12.00
Philadelphia, Pa	1.30 / 1.50	10.40 / 12.00
Portland, Oreg		11.00
Richmond, Va	1.25	10.00
Salt Lake City, Utah		11.00
San Francisco, Calif	1.06¼	8.50
Savannah, Ga	1.00	8.00
Seattle, Wash		11.00
St. Louis, Mo	1.50	12.00
Washington, D. C	1.25	10.00
ORNAMENTAL-IRON WORKERS		
Atlanta, Ga	1.00	8.00
Boston, Mass	1.25	10.00
Chicago, Ill	1.37½	11.00
Cleveland, Ohio	1.50	12.00
Denver, Colo		10.00 / 11.00
Des Moines, Iowa	1.25	10.00
Houston, Tex		8.50
Kansas City, Mo	1.25	10.00
Los Angeles, Calif		7.00
Milwaukee, Wis	1.12½	9.00
Minneapolis, Minn	.87½	7.00
New Orleans, La	1.00	8.00
New York City	1.50	12.00
Norfolk, Va	.75 / .85	6.00 / 6.80
Philadelphia, Pa	.95	7.60
Portland, Oreg		9.00
Richmond, Va	.90 / 1.00	7.20 / 8.00
Salt Lake City, Utah		9.00
San Francisco, Calif	.87½	7.00
Seattle, Wash		9.00
St. Louis, Mo	1.50	12.00
Washington, D. C	1.25	10.00
PIPE COVERERS		
Atlanta, Ga	.75 / .90	6.00 / 7.20
Boston, Mass	1.10	8.80
Chicago, Ill	1.37½	11.00
Cleveland, Ohio	1.25	10.00
Denver, Colo		8.00
Des Moines, Iowa	1.00	8.00
Houston, Tex		8.00
Kansas City, Mo	1.00	8.00
Los Angeles, Calif		8.00
Milwaukee, Wis	1.00	8.00
New Orleans, La	.56	4.48
New York City	1.31¼	10.50
Norfolk, Va	1.12½	9.00
Philadelphia, Pa	1.05	8.40
Portland, Oreg		8.00
Richmond, Va	.75	6.00
Salt Lake City, Utah		9.00
San Francisco, Calif	.87½	7.00
Seattle, Wash		7.20

Comparative statement of basic daily wage rates—Continued

	Hourly scale	Daily rate (8 hours)
PIPE COVERERS—continued		
St. Louis, Mo	$1.25	$10.00
Washington, D. C	.90	7.20
PLUMBERS		
Atlanta, Ga	.70 / 1.00	5.60 / 8.00
Boston, Mass	1.25	10.00
Chicago, Ill	1.25 / 1.50	10.00 / 12.00
Cleveland, Ohio	1.50	12.00
Dallas, Tex		12.00
Denver, Colo		11.00
Des Moines, Iowa	1.25	10.00
Houston, Tex		12.00
Kansas City, Mo	1.37½	11.00
Los Angeles, Calif		9.00
Milwaukee, Wis	1.18¾	9.50
Minneapolis, Minn	1.12½	9.00
New Orleans, La	1.05	8.40
New York City	1.37½	11.00
Norfolk, Va	.87½ / 1.12½	7.00 / 9.00
Philadelphia, Pa	1.00	8.00
Portland, Oreg		10.00
Richmond, Va	.87½	7.00
Salt Lake City, Utah		10.00
San Francisco, Calif	1.12½	9.00
Savannah, Ga	1.00	8.00
Seattle, Wash		10.00
St. Louis, Mo	1.50	12.00
St. Petersburg, Fla	1.25	10.00
Washington, D. C	1.37½	11.00
ROOFERS		
Atlanta, Ga	.80	6.40
Boston, Mass	1.25	10.00
Chicago, Ill	1.10 / 1.25	8.80 / 10.00
Cleveland, Ohio	1.30 / 1.50	10.40 / 12.00
Denver, Colo		7.00 / 8.00
Des Moines, Iowa	1.00	8.00
Houston, Tex		8.00 / 9.00
Kansas City, Mo	.85	6.80
Los Angeles, Calif		7.00
Milwaukee, Wis	.87½	7.00
Minneapolis, Minn	.82½	6.60
New Orleans, La	.80 / 1.00	6.40 / 8.00
New York City	1.50	12.00
Norfolk, Va	.87½	7.00
Philadelphia, Pa	.70	5.60
Portland, Oreg		7.00
Richmond, Va	.80	6.40
Salt Lake City, Utah		5.60 / 7.20
San Francisco, Calif	1.00	8.00
Savannah, Ga	1.00	8.00
Seattle, Wash		8.50
St. Louis, Mo	1.25 / 1.50	10.00 / 12.00
Washington, D. C	1.31¼	10.50
SHEET-METAL WORKERS		
Atlanta, Ga	.70 / .90	5.60 / 7.20
Boston, Mass	1.10	8.80
Chicago, Ill	1.15 / 1.25	9.20 / 10.00
Cleveland, Ohio	1.25	10.00
Dallas, Tex		6.00 / 9.25
Denver, Colo		9.00
Des Moines, Iowa	1.12½	9.00
Houston, Tex		9.00 / 10.00
Kansas City, Mo	1.12½	9.00
Los Angeles, Calif		7.00
Milwaukee, Wis	.75 / .85	6.00 / 6.80
Minneapolis, Minn	.87½	7.00
New Orleans, La	.90	7.20
New York City	1.50	12.00
Norfolk, Va	.82 / .87½	6.56 / 7.00
Philadelphia, Pa	.90 / 1.12½	7.20 / 9.00
Portland, Oreg		8.50
Richmond, Va	.87½	7.00
Salt Lake City, Utah		8.00
San Francisco, Calif	1.06¼	8.50
Savannah, Ga	.90	7.20
Seattle, Wash		9.00
St. Louis, Mo	1.37½	11.00
St. Petersburg, Fla	1.00	8.00
Washington, D. C	1.31¼	10.50
STEAM FITTERS		
Atlanta, Ga	.70 / 1.00	5.60 / 8.00
Boston, Mass	1.25	10.00
Chicago, Ill	1.50	12.00
Cleveland, Ohio	1.50	12.00

Comparative statement of basic daily wage rates—Continued

	Hourly scale	Daily rate (8 hours)
STEAM FITTERS—continued		
Dallas, Tex		$9.50
Denver, Colo		10.00
Des Moines, Iowa	$1.25	12.00
Houston, Tex		11.00
Kansas City, Mo	1.37½	8.00
Los Angeles, Calif		9.00
Milwaukee, Wis	1.06¼	8.50
Minneapolis, Minn	1.12½	9.00
New Orleans, La	1.05	8.40
New York City	1.50	12.00
Norfolk, Va	1.12½	9.00
Philadelphia, Pa	1.00	8.00
Portland, Oreg		10.00
Richmond, Va	.87½	7.00
Salt Lake City, Utah		9.00
San Francisco, Calif	1.12½	9.00
Savannah, Ga	1.00	8.00
Seattle, Wash		10.00
St. Louis, Mo	1.50	12.00
St. Petersburg, Fla	1.25	10.00
Washington, D. C	1.37½	11.00
GAS FITTERS		
Atlanta, Ga	.75	6.00
	.90	7.20
Boston, Mass	1.25	10.00
Chicago, Ill	1.15	9.20
	1.25	10.00
Denver, Colo		8.00
Des Moines, Iowa	1.12½	9.00
Houston, Tex		12.00
Kansas City, Mo	1.25	10.00
Los Angeles, Calif		8.00
Milwaukee, Wis	.90	7.20
New Orleans, La	1.00	8.00
New York City	1.37½	11.00
Norfolk, Va	.87½	7.00
	1.00	8.00
Philadelphia, Pa	.90	7.20
	1.00	8.00
Portland, Oreg		10.00
Richmond, Va	.75	6.00
	.87½	7.00
Salt Lake City, Utah		9.00
San Francisco, Calif	1.12½	9.00
Savannah, Ga	1.00	8.00
St. Louis, Mo	1.25	10.00
St. Petersburg, Fla	1.25	10.00
Washington, D. C	1.25	10.00
HOISTING ENGINEERS		
Atlanta, Ga	1.00	8.00
Boston, Mass	1.25	10.00
Chicago, Ill	1.00	8.00
	1.37½	11.00
Cleveland, Ohio	1.30	10.40
Denver, Colo		10.00
Des Moines, Iowa	1.07½	8.60
Houston, Tex		8.50
Kansas City, Mo	1.12½	9.00
	1.25	10.00
Los Angeles, Calif		6.00
Milwaukee, Wis	1.00	8.00
Minneapolis, Minn	.87½	7.00
New Orleans, La	1.00	8.00
New York City	1.68¾	13.50
Norfolk, Va	.87½	7.00
	1.00	8.00
Portland, Oreg		9.00
Richmond, Va	.75	6.00
	.90	7.20
Salt Lake City, Utah		8.00
San Francisco, Calif	1.00	8.00
Savannah, Ga	1.00	8.00
Seattle, Wash		8.00
		9.60
St. Louis, Mo	1.50	12.00
	1.65	13.20
St. Petersburg, Fla	1.00	8.00
Washington, D. C	1.25	10.00
MARBLE SETTERS		
Atlanta, Ga	1.25	10.00
Boston, Mass	1.40	11.20
Chicago, Ill	1.37½	11.00
Cleveland, Ohio	1.50	12.00
Dallas, Tex		12.00
Denver, Colo		10.50
Des Moines, Iowa	1.12½	9.00
Houston, Tex		10.00
		11.00
Kansas City, Mo	1.25	10.00
Los Angeles, Calif		11.00
Milwaukee, Wis	1.12½	9.00
Minneapolis, Minn	1.12½	9.00
New Orleans, La	1.25	10.00
New York City	1.50	12.00
Norfolk, Va	1.25	10.00
Philadelphia, Pa	1.25	10.00
	1.37½	11.00
Portland, Oreg		10.00
Richmond, Va	1.12½	9.00
Salt Lake City, Utah		8.00

Comparative statement of basic daily wage rates—Continued

	Hourly scale	Daily rate (8 hours)
MARBLE SETTERS—continued.		
San Francisco, Calif	$1.12½	$9.00
Savannah, Ga	1.00	8.00
Seattle, Wash		10.00
St. Louis, Mo	1.37½	11.00
St. Petersburg, Fla	1.50	12.00
Washington, D. C	1.25	10.00
STRUCTURAL-IRON WORKERS		
Atlanta, Ga	.75	6.00
Boston, Mass	1.25	10.00
Chicago, Ill	1.37½	11.00
Cleveland, Ohio	1.50	12.00
Dallas, Tex		10.00
Denver, Colo		10.00
		11.00
Des Moines, Iowa	1.12½	9.00
Houston, Tex		10.00
Kansas City, Mo	1.25	10.00
Los Angeles, Calif		6.00
		7.00
Milwaukee, Wis	1.12½	9.00
Minneapolis, Minn	.87½	7.00
New Orleans, La	1.00	8.00
New York, N. Y	1.50	12.00
Norfolk, Va	.75	6.00
	.85	6.80
Philadelphia, Pa	1.10	8.80
	1.12½	9.00
Portland, Oreg		9.00
Richmond, Va	.87½	7.00
	1.12½	9.00
Salt Lake City, Utah		9.00
San Francisco, Calif	1.25	10.00
Savannah, Ga	1.00	8.00
Seattle, Wash		9.00
St. Louis, Mo	1.50	12.00
Washington, D. C	1.50	12.00
TILE SETTERS		
Atlanta, Ga	1.25	10.00
Boston, Mass	1.40	11.20
Chicago, Ill	1.30	10.40
Cleveland, Ohio	1.50	12.00
Dallas, Tex		12.00
Denver, Colo		10.50
Des Moines, Iowa	1.25	10.00
Houston, Tex		10.00
		11.00
Kansas City, Mo	1.37½	11.00
Los Angeles, Calif		11.00
Milwaukee, Wis	1.25	10.00
New Orleans, La	1.00	8.00
New York, N. Y	1.50	12.00
Norfolk, Va	1.12½	9.00
Philadelphia, Pa	1.50	12.00
Richmond, Va	1.12½	9.00
Salt Lake City, Utah		9.00
San Francisco, Calif	1.12½	9.00
Savannah, Ga	1.00	8.00
Seattle, Wash		9.00
St. Louis, Mo	1.50	12.00
St. Petersburg, Fla	1.25	10.00
Washington, D. C	1.25	10.00

Mr. GOODING. Mr. President, a short time ago the Senator from Kansas had read from the desk a memorial voluminously signed. Some of the resolutions read were from people in my own State. I know the officers of the grange in my State very well and have known them for many years, and they are a most splendid lot of gentlemen.

I am no stranger to propaganda, however. I have just suffered a defeat in this body by the use of propaganda very much along this very line. I saw the railroads go out and turn completely around commercial bodies which had passed resolutions in favor of my long and short haul bill. The railroads had them pass resolutions of just the opposite tenor. I saw them persuade cities that their industries would have been destroyed if the Interstate Commerce Commission had permitted the violations on 47 different commodities that Chicago was asking for to Pacific-coast points. So it seems to me that the Senator who serves in this body must understand what propaganda means; and if he is not strong enough to cast his vote for the things he believes to be right, then he is not big enough to represent any State of the Union in the Senate of the United States.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. GOODING. I yield.

Mr. CURTIS. I think the Senator did not understand the petition. The petition asks for a recommittal of this bill, so that these people may have a chance to be heard. They distinctly state that they have had no chance to be heard.

Mr. GOODING. The Senator knows that would defeat the bill.

Mr. CURTIS. I know nothing about it; but that is what they state in the petition. It is signed by men who appeared before the committee, but who claim they were not heard.

Mr. WATSON. Mr. President, everybody was given an opportunity to be heard who wanted to be heard or who made a request to be heard, so far as I know.

Mr. CURTIS. This petition simply asks that the bill go back to the committee.

Mr. WATSON. After the bill was reported many requests for hearing came, but it was all over.

Mr. KING. Mr. President, I am amazed at the temper shown by the able Senator from Idaho because a petition is filed that this bill be recommitted. Every citizen of the United States has a right to petition Congress——

Mr. GOODING. Mr. President——

Mr. KING. I decline to yield until I finish my sentence.

Mr. GOODING. I hope the Senator will not say "temper." That is not fair to me.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The Senator from Utah has the floor and declines to yield.

Mr. KING. I will say the graciousness of the Senator from Idaho, and say that I am surprised at the graciousness of the Senator from Idaho in the speech which he has just made. He talked about propaganda. Not until three days ago was I ever asked by a single person to oppose this bill, or to modify it, but I have been solicited by a thousand or more to support it. There has been a most active propaganda in favor of the bill. The opponents of this bill have been exceedingly passive, and if I have any complaint, it is because of their passivity. They ought to have gone to the committee and presented their views. I think it was day before yesterday that a railroad man, who represents one of the large roads of the West, not one of the rich roads, but one of the poor ones, stated to me that this bill is obnoxious to his road and to many roads of the United States. He was the first railroad man who had spoken to me in opposition to the bill. A number of representatives high up in the councils and in the management of the rich roads have earnestly solicited me to support the bill. I merely wanted to make that statement and have it not by way of juxtaposition to the statement of the Senator from Idaho, but to show that if there is propaganda is has been my misfortune to have propaganda of the rich railroads and no propaganda from other sources in opposition to the bill.

Mr. President, I have received a telegram under date of May 3 from the Utah State Farm Bureau, one of the largest farm organizations in that section of the country, manned by some of the ablest agriculturists in the United States, men of high standing and ability. It is as follows:

[Western Union telegram]

SALT LAKE CITY, UTAH, *May 3, 1926—11 p. m.*

Senator WILLIAM H. KING,
Washington, D. C.:

We earnestly urge your support Haugen farm relief bill and Senate bill 589. We are very much opposed to railroad labor dispute bill as now stands. Must be amended to protect public against provisions, which mean increased rates or no chance to get reductions. Your favorable attention appreciated.

UTAH STATE FARM BUREAU.

Mr. DILL. Mr. President, I want to say to the Senator from Utah that much of the agitation which has been going on in the last week or two for amendments to the bill has come from the Manufacturers' Association, headed by Mr. Emery. Mr. Emery is so constituted that he seems to think that anything which is satisfactory to labor could not possibly be satisfactory to the organization with which he is connected, and consequently propaganda has been built up through the organizations with which his organization is associated, and we have all been receiving the very kind of appeals that were submitted here a little while ago.

Mr. President, I want to say just a word as to why I am for the bill. I recognize that it is not perfect. It might be improved in some respects. But I can not close my eyes to the fact, nor do I think any Senator ought to close his eyes to the fact, that for the first time in the history of labor and capital in this country, and I doubt if ever before in the history of the world, they come to us and lay down what they call a treaty of peace, in which they agree and bind themselves irrevocably to the action of the boards which are set up by this plan, by making it the law of the land in the form of a court decree.

I say to Senators that when labor and capital in one of the largest industries of America have reached that point of agreement, it behooves officials of the Government to work with them and give them a chance to try the plan which they submit in good faith and which I believe they will attempt to carry out in good faith. For that reason I am for the bill; I am for it without the amendment, and I hope it will be passed unamended.

Mr. BINGHAM. Mr. President, in connection with what was said a few moments ago about propaganda, we all know what propaganda is. We know the earmarks of it. We get sheaves of telegrams that all read the same or hundreds of letters that obviously have all been engineered by some interested party. In connection with the particular bill now before the Senate, I have received a number of letters on each side of the question. So far as the opponents of the bill are concerned, an examination of the letters shows that there has been no concerted effort in the State of Connecticut to influence the manufacturers there in the writing of these letters. All the letters which I have received express independent opinions after studying the bill and express fear of the fact that the public is not represented. I have here a telegram from the master of the State grange, which I should like to have printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The telegram is as follows:

MERIDEN, CONN., *May 4, 1926.*

Senator HIRAM BINGHAM,
Washington, D. C.

We trust that you will use best endeavor to secure amendment to railroad labor dispute bill and thus protect farmers and public against increased rates.

MINOR IVES,
Master Connecticut State Grange.

Mr. BINGHAM. So far as Connecticut is concerned, the manufacturers independently and through their organization have expressed themselves in such a way as to free my mind from any impression that they are acting under the influence of that kind of propaganda which is so common in many matters. In connection with the master of the State grange, I am sure no one would accuse him of acting in any such way. Letters favoring the bill have come only from representatives of the railroad labor organizations.

RED RIVER BRIDGE, TEXAS-OKLAHOMA

Mr. MAYFIELD. Mr. President, the Secretary of War has power to regulate the tolls on bridges constructed over navigable streams. This power was given to him in the act approved March 23, 1906, but no tribunal has power to regulate tolls on interstate bridges that are constructed over nonnavigable streams. The Red River, which constitutes the boundary line between Texas and Oklahoma, has been held by the Supreme Court to be a nonnavigable stream. The bill (S. 3889) to amend the interstate commerce act, as amended, in respect of tolls over certain interstate bridges, simply places under the jurisdiction of the Interstate Commerce Commission the regulation of tolls on bridges constructed over navigable streams. It is a measure of vital importance to the States of Texas and Oklahoma. I ask unanimous consent that I may be permitted to call it up and have it considered at this time. It will take but a moment.

Mr. BINGHAM. Mr. President, the Senator from Washington [Mr. JONES], who is not present in the Chamber at the moment, spoke to me the other day in regard to this bill and stated that if it came up in his absence I should request that it go over.

Mr. MAYFIELD. If the Senator from Washington objects to the bill, I did not know that he had any objection to it.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Texas.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 12 minutes p. m.) took a recess until to-morrow, Saturday, May 8, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 7 (legislative day of May 6), 1926

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

SIGNAL CORPS

Maj. Frank Dexter Applin, Coast Artillery Corps, with rank from July 1, 1920.

First Lieut. Harry Emerson Storms, Infantry, with rank as prescribed in the act of June 30, 1922.

CAVALRY

Second Lieut. Raymond Miller Barton, Air Service, with rank from June 12, 1925.

PROMOTIONS IN THE REGULAR ARMY

TO BE LIEUTENANT COLONEL

Maj. Donald Davie Hay, Infantry, from May 4, 1926.

TO BE MAJOR

Capt. Alfred James Maxwell, Finance Department, from May 4, 1926.

TO BE CHAPLAIN WITH THE RANK OF MAJOR

Chaplain James Miles Webb, United States Army, from April 26, 1926.

PROMOTIONS IN THE NAVY

The following-named midshipmen to be ensigns in the Navy from the 3d day of June, 1926:

Mannert L. Abele.
Charles Adair.
Malcolm S. Adams.
Dwight M. Agnew.
Lloyd J. S. Aitkens.
Donald G. Albertson.
Donald W. Alexander.
William G. Allen.
William L. Anderson.
William W. Anderson, jr.
Erasmus W. Armentrout, jr.
Justus M. B. R. Armstrong.
Robert G. Armstrong.
William C. Asserson, jr.
Theodore C. Aylward, jr.
Gerald D. Baker.
Robert de C. Baker.
Howard E. Ballman.
Neill K. Banks.
Nathaniel C. Barker.
Albert Benjamin.
Haze J. Bergeron.
Albert E. Bernet, jr.
Henry E. Bernstein.
Karl J. Biederman.
Joseph L. Bird.
Daniel T. Birtwell, jr.
Francis L. Black.
Hugh D. Black.
Welford C. Blinn.
Richard M. Boaz.
Almerian R. Boileau.
Henry A. Boorse.
Edward J. Boughton, 3d.
Charles L. Boyle.
Upton S. Brady, jr.
Leonard Branneman.
James T. Brewer.
Charles E. Briner.
Clarence Broussard.
Bert F. Brown.
Donald C. Brown.
James R. Browne.
John H. Brownfield.
Henry C. Bruton.
Charles A. Buchanan.
Vincent B. Burchett.
John L. Burnside, jr.
Vilhelm K. Busck.
Francis L. Busey.
Wilfred Bushnell.
Frank T. Butler.
James F. Byrne.
Earl S. Caldwell.
Joseph W. Callahan.
Donald G. Campbell.
George W. Campbell.
Gordon Campbell.
Neil R. Campbell.
Spencer A. Carlson.
Francis X. Carmody, jr.
Charles L. Carpenter.
William H. Carpenter.
Charles R. Carroll.
Robert W. Cavanagh.
Alexander B. Cecil.
Henri de B. Claiborne.
Murray W. Clark.
Ralph S. Clarke.
Chester L. Clement.
Joe B. Cochran.
Thomas F. Conley, jr.
Jacob E. Cooper.
William G. Cooper.
Clifford T. Corbin.
Gideon A. Cox.
Kenneth Craig.
Donald A. Crandell.
John J. Crane.
George G. Crissman.
Charles E. Crombe, jr.
Benjamin R. Crosser.
Ambrose F. Crowley.
Paul M. Curran.
Benjamin S. Custer.
Frederick A. Davisson.
Charles N. Day.
Robert R. DeWolfe.
Henry T. Dietrich.
Edward N. Dodson, jr.
William A. Dolan, jr.
Francis J. Donahue.
Leonard J. Dow.
Paul L. Dudley.
Clifford H. Duerfeldt.
John M. Duke.
Stanton B. Dunlap.
Charles C. Dunn.
Ritchey L. Durham.
Walter L. Dyer.
William L. Dyer.
John C. Eakens.
Hilan Ebert.
William C. Eddy.
Heywood L. Edwards.
Eddy W. Elliott.
Thompson P. Elliott.
Robert B. Ellis.
John K. Ellison.
Ramond C. Ericson.
George M. Estep.
Marvin P. Evenson.
Henry Farrow.
Edgar D. Fisher.
John P. Fitzsimmons.
Royce N. Flippin.
William O. Floyd.
George W. Foltz.
Armwell L. Fooks.
Francis X. Forest.
Carl J. Forsberg.
John G. Foster, jr.
Douglas H. Fox.
James B. Fox.
John E. Fradd.
Walter E. Fratzke.
Harold A. Fravel.
Theodore R. Frederick.
Louis E. French.
Laurence H. Frost.
Wallace W. Fuller.
Ranson Fullinwider.
John F. Gallaher.
Roy A. Gano.
William A. Gerth.
Howard W. Gilmore.
Douglas V. Gladding.
Warren E. Gladding.
John A. Glick.
Robert B. Goldman.
John H. Gotjen, jr.
Frederic A. Graf.
John S. Graff.
Etheridge Grant.
Alvord J. Greenacre.
Harry W. Greene.
John F. Greenslade.
James A. Greenwald, jr.
Elton W. Grenfell.
John J. Greytak.
Gale E. Griggs.
Rowland H. Groff.
Henry H. Gsell.
Louis E. Gunther.
Marshall B. Gurney.
Norman J. Habel.
Hamilton Hains.
Thomas F. Halloran.
DeWitt C. E. Hamberger.
Roy N. Hamrick.
Charles B. Hart.
Joseph R. Haskin, jr.
Valery Havard, jr.
Norman A. Helfrich.
Guy B. Helmick.
Owen H. Hill.
Henry T. Hodgskin.
Robert H. Hollenbeck.
William R. Hollingsworth.
Norman L. Holt.
Charles F. Horne, jr.
Hamilton W. Howe.
Irving H. Howell.
Jesse L. Hull.
Carlton B. Hutchins.
Charles Jackson.
Doir C. Johnson.
Robert R. Johnson.
Harry D. Johnston.
Carroll B. Jones.
Fielder A. Jones.
William T. Jones.
Allen R. Joyce.
Algernon S. Joyner, jr.
Eugene S. Karpe.
Benjamin Katz.
Louis E. Keady.
Allen M. Kemper.
William T. Kenny.
Lyman M. King, jr.
Bernard E. Klimas.
Wendell F. Kline.
Theodore H. Kobey.
Chester A. Kunz.
Andrew H. LaForce.
Jackson A. Lahn.
Raymond S. Lamb.
James M. Lane.
Thomas R. Langley.
Charles O. Larson.
Fitzhugh Lee, 2d.
James E. Leeper.
Louis M. LeHardy.
Thomas K. Leigh.
August W. Lentz.
Edward Leonard.
Maxwell F. Leslie.
Walter E. Linaweaver.
James R. Linsley, jr.
Ralph H. Linsley.
John S. Littig.
Orlin L. Livdahl.
Norman Loader.
Diggs Logan.
Augustus C. Long.
Carleton G. Long.
Royal Lovell.
Benjamin B. C. Lovett.
Barron G. Lowrey.
Charles H. Lyman, 3d.
Louis C. Mabley.
Frederick Mackie, jr.
Duncan C. MacMillan.
Clifton B. Maddox.
Joseph F. Mallach.
Lawrence H. Martin.
Jared A. Mason.
Leonidas M. Matthews.
Eugene F. May.
Burnham C. McCaffree.
John J. McClelland.
Jesse S. McClure.
Clarence W. McClusky, jr.
Francis D. McCorkle.
Alexander S. McDill.
Donald McGregor.
Samuel J. McKee.
John C. S. McKillip.
Gordon A. McLean.
John B. McLean.
Douthey G. McMillan.
Robert H. Meade.
Carl P. Metzler.
Lawrence O. Miller.
Lewis R. Miller.
Wallace J. Miller.
Wayne H. Miller.
William Miller, jr.
Donald L. Mills.
Ernest P. Mills.
Homer V. Milton.
Bertram P. Montagriff.
Robert R. Moore.
Philip S. Morgan, jr.
John J. Morony.
James A. Morrison.
Charles W. Moses.
James A. Moss.
Ralph H. Moureau.
Albert G. Mumma.
George T. Mundorff.
William G. Myers.
John F. Newman, jr.
Stanley G. Nichols.
Philip Nickum, jr.
Albert S. Oakholt.
Frank O'Beirne.
William E. Oberholtzer, jr.
Orville K. O'Daniel.
Anderson Offutt.
Daniel M. Ogden.
Earl K. Olsen.
John O'Shea, jr.
Morris E. Paradise.
Herman O. Parish.
Marvin C. Parr.
Nelson M. Parry.
Joe B. Paschal.
Ralph E. Patterson.
Oscar Pederson.
Harlan K. Perrill.
Ernest R. Perry.
Jesse L. Phares.
Robert B. Pirie.
Karl F. Poehlmann.
Harold J. Pohl.
Harry H. Pottle, jr.
Cleveland F. Pratt, jr.
George Prifold, jr.
Nathaniel S. Prime.
Winston C. E. Prins.
William L. Pryor, jr.
Robert S. Purvis, jr.
Charles H. Quinn.
Edmund M. Ragsdale.
Carl W. Ramsey.
James W. Ransom.
James P. Raugh.
Morgan Redfield.
Herman Reich.
John K. Reybold.
Luther K. Reynolds.
John L. Rhodes, jr.
Stephen E. Rice, 3d.
Theodore W. Rimer.

Henry F. Ripley.
Edward C. Ritchie.
Edward L. D. Roach, 2d.
Walter F. Rodee.
James H. Rodgers.
Charles R. Rohweder.
William K. Romoser.
Henry D. Rozendal.
Arthur R. Rule, jr.
Benjamin Van M. Russell.
James S. Russell.
Ernst A. Ruth, jr.
William W. Rutledge.
Tracy B. Sands.
Eugene S. Sarsfield.
George E. Schade.
Frank B. Schaede.
Edwin S. Schanze.
Harper D Scrymgeour.
Abbott M. Sellers.
Harold M. Shanahan.
George L. Shane.
Louis Shane, jr.
Israel D. Shapiro.
William R. Shaw.
Seth A. Shepard.
John Shoemaker.
James N. Shofner.
Charles E. Signer.
John H. Simpson.
Charles T. Singleton, jr.
William R. Smedberg, 3d.
Ralph D. Smith.
Sidney L. Smith.
Otho P. Smoot, jr.
Charles D. Spencer.
William C. Sprenger.
Walter C. Stahl.
Arthur G. Stanford.
Joseph B. Stefanac.
Frederick C. Stelter, jr.
Oscar Stiegler.
Everett H. Still.
Yates Stirling, 3d.
Herald F. Stout.
Charles L. Strain.
Hubert E. Strange.
Paul D. Stroop.
John A. Strother.
Joseph M. Stuart.
Lennox H. Stuart.
Dennis J. Sullivan.
Daniel J. Sweeney.
John D. Sweeney.
Willard M. Sweetser.
John Sylvester.
Carroll H. Taecker.
Clarence O. Taff.
Ford N. Taylor, jr.
John B. Taylor.
John M. Taylor.
William C. Taylor.
Fondville L. Tedder.
John B. Thomas.
Olin P. Thomas, jr.
Paul H. Tobelman.
Benjamin F. Tompkins.
Samuel M. Tucker.
William Turek.
Mario G. Vangeli.
Louis L. Vodila.
Edwin F. Voit.
Jay H. Vreeland.
Eugene M. Waldron.
John F. Walsh.
James H. Ward.
Samuel C. Ward.
Doyle C. Warren.
Paul W. Watson.
William A. Watson.
George C. Weaver.
Hugh P. Webster.
Edward L. B. Weimer.
George H. Weis.
John K. Wells.
Ralph E. Westbrook.
Thomas M. Whelan.
Walter J. Whipple, 2d.
William White.
William J. Whiteside.
William S. Whiteside.
Charles J. Whiting.
George M. Whitson, jr.
John L. Wilfong.
Joseph H. Willingham, jr.
Solomon D. Willingham.
Beverly E. Wilson.
John A. Winfrey.
Thomas M. Wolverton.
John L. Woodbury.
Wesley A. Wright.
Peter A. Wyckoff.
Ray Zemlicka.
Earl B. Zirkle.
Gerald D. Zurmuehlen.

The following-named midshipmen to be assistant paymasters in the Navy, with the rank of ensign, from the 3d day of June, 1926:

Bion B. Bierer, jr.
Lysle W. Cease.
Mark W. Clay.
Eskil T. Eskilson.
Fred L. Haerlin, jr.
Walter W. Honaker.
Owen T. Rippey.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 7 (legislative day of May 6), 1926

PUBLIC HEALTH SERVICE

Fortunat Achilles Troie to be passed assistant surgeon.

POSTMASTERS

COLORADO

Alice M. Payne, Hudson.

GEORGIA

Edward B. Miller, Calhoun.
Simon T. Brewton, Claxton.
Jessie I. Crichton, Fort Benning.
Mary D. Shearouse, Guyton.
George D. Appleby, Jefferson.
John L. Wilson, Locust Grove.
Sarah K. Scovill, Oglethorpe.
Leila B. Tart, Oliver.
Joel F. Fountain, Ray City.
James M. Wright, Screven.
John D. Baston, Thomson.
Lavonia L. Mathis, Warm Springs.
Wilson S. Williams, Woodbury.
Robert Barron, Zebulon.

NEBRASKA

Bertha J. Widener, Kennard.

PENNSYLVANIA

D. Guy Hollinger, Hanover.
Henry N. Hoff, Mount Wolf.

HOUSE OF REPRESENTATIVES

FRIDAY, *May 7, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Infinite and eternal God, without whom nothing is pure, nothing is good, and nothing can abide, arouse our better natures to greater zeal, greater understanding, and greater devotion, that throughout our country evil may be diminished and the forces of good accentuated. May unselfishness and peace with justice prevail in every part of the Union. We thank Thee, O Lord, for the teachings of the Master and for the marvelous spirit He exemplified in His holy life. Help us through this day. May our behavior, our example and influence be on such a plane that at its close we may find ourselves a day's journey nearer our Father's house. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

PUBLIC BUILDINGS BILL

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 6559, the public buildings bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table H. R. 6559, the public buildings bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. McKEOWN. Mr. Speaker, reserving the right to object, I want to ask the gentleman what particular change the Senate has made in this bill.

Mr. ELLIOTT. The Senate has attached 14 amendments to this bill, and it is pretty hard to tell exactly what some of them mean. I have not had an opportunity to study all of them.

Mr. McKEOWN. Is there any change in the bill affecting the matter of appropriations?

Mr. ELLIOTT. No; I think not.

Mr. McKEOWN. Well, I was advised that as the bill passed the Senate it left the control of the appropriations in Congress.

Mr. ELLIOTT. I think the appropriations were left in the control of the Congress in the bill as it passed the House, and I think that is so even if that amendment should be adopted.

Mr. McKEOWN. Does the gentleman think that the amendments of the Senate do not improve the bill?

Mr. ELLIOTT. Well, I would not say that all of them are bad amendments. However, I think some of the amendments will need a great deal of study, and it may not be wise to accept them or it may be wise to accept them with amendments.

Mr. McKEOWN. Mr. Speaker, for the present I shall object to the request of the gentleman.

Mr. ELLIOTT. I hope the gentleman will not object to sending the bill to conference.

Mr. McKEOWN. Well, Mr. Speaker, I will withdraw my objection, because I think the gentleman will be fair with the House as to those amendments.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. ELLIOTT, KOPP, BRAND of Ohio, OLIVER of New York, and KERR.

OUTLYING BANKS OF CHICAGO

Mr. KING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the outlying banks of Chicago.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. KING. Mr. Speaker, in compliance with the leave granted me this morning to extend my remarks in the RECORD, and in order that the membership of the House may know something of the Chicago outlying-banks situation, I am below

attaching a list of such outlying banks as of September 15, 1924, and giving the total deposits of each as of June 30, 1924:

	Total deposits as of June 30, 1924
Aetna State Bank	$3,607,000
Albany Park National Bank	2,866,000
Alliance National Bank	3,372,000
Altrui State Savings Bank	137,000
Ashland Sixty-third State Bank	335,000
Ashland State Bank	1,520,000
Atlas Exchange National Bank	2,052,000
Auburn Park Trust & Savings Bank	709,000
Austin National Bank	2,812,000
Austin State Bank	5,696,000
Bankers' State Bank	755,000
Belmont Trust & Savings Bank	743,000
Beverly State Savings Bank	753,000
Binga State Bank	1,071,000
Boulevard Bridge Bank	7,811,000
Boulevard State Savings Bank	954,000
Bowmanville National Bank	3,645,000
Brighton Park State Bank	475,000
Broadway National Park	1,390,000
Broadway Trust & Savings Bank	1,332,000
Bryn Mawr State Bank	660,000
Builders & Merchants State Bank	1,896,000
Calumet National Bank	7,692,000
Calumet Trust & Savings Bank	1,164,000
Capital State Savings Bank	3,660,000
Central Manufacturing District Bank	7,910,000
Chatham State Bank	119,000
Chicago City Bank & Trust Co	8,081,000
Chicago Lawn State Bank	1,320,000
Citizens State Bank of Chicago	6,919,000
Citizens Trust & Savings Bank	2,548,000
Columbia State Savings Bank	2,097,000
Commonwealth Trust & Savings Bank	752,000
Community State Bank	1,358,000
Cosmopolitan State Bank	10,288,000
Cottage Grove State Bank	2,488,000
Cragin State Bank	637,000
Crawford State Savings Bank	1,543,000
Depositors State Bank	5,431,000
Devon Trust & Savings Bank	889,000
Division State Bank	1,899,000
Douglass National Bank	866,000
Drexel State Bank	8,477,000
Drovers National Bank	14,264,000
Drovers Trust & Savings Bank	7,515,000
East Side Trust & Savings Bank	1,258,000
Edgewater Trust & Savings Bank	364,000
Elston State Bank	939,000
Equitable Trust Co. of Chicago	2,824,000
Fidelity Trust & Savings Bank	3,863,000
First Englewood State Bank	3,611,000
First Italian State Bank	712,000
First National Bank of Englewood	7,130,000
Franklin Trust & Savings Bank	4,363,000
Fullerton State Bank	2,728,000
Garfield Park State Savings Bank	5,933,000
Geringer & Storkan (Inc.)	312,000
Guarantee Trust & Savings Bank	2,751,000
Halsted Street State Bank	3,214,000
Hamilton State Bank	935,000
Harbor State Bank	323,000
Hatterman & Glanz State Bank	808,000
Hegewisch State Bank	713,000
Hill State Bank	2,142,000
Home Bank & Trust Co	9,263,000
Howard Avenue Trust & Savings Bank	652,000
Humboldt State Bank	3,728,000
Hyde Park State Bank	4,967,000
Immel State Bank	1,401,000
Immigrant State Bank	860,000
Independence State Bank	4,188,000
Industrial State Bank	555,000
Inland Trust & Savings Bank	1,554,000
Interstate National Bank	1,119,000
Irving Park National Bank	4,532,000
Irving State Savings Bank	817,000
Italian Trust & Savings Bank	1,091,000
Jackson Park National Bank	371,000
Jefferson Park National Bank	3,428,000
Kaspar-American State Bank	18,194,000
Kenwood National Bank	5,483,000
Keystone Trust & Savings Bank	1,929,000
Kimbell Trust & Savings Bank	3,379,000
Lake Shore Trust & Savings Bank	5,174,000
Lake View State Bank	7,010,000
Lake View Trust & Savings Bank	11,870,000
Lawndale National Bank	6,095,000
Lawndale State Bank	5,000,000
Liberty Trust & Savings Bank	9,307,000
Lincoln State Bank	3,185,000
Lincoln Trust & Savings Bank	3,482,000
Logan Square State & Savings Bank	2,552,000
Madison & Kedzie State Bank	10,228,000
Madison Square State Bank	1,612,000
Market-Traders State Bank	3,038,000
Marquette Park State Bank	1,663,000
Marshall Square State Bank	1,372,000
Mercantile Trust & Savings Bank	7,715,000
Metropolitan State Bank	2,632,000
Mid-City Trust & Savings Bank	13,441,000
Millard State Bank	736,000
Montrose Trust & Savings Bank	94,000
Mutual National Bank	3,671,000
National Bank of Woodlawn	2,640,000
Noel State Bank	8,718,000
North Austin Trust & Savings Bank	550,000
North Avenue State Bank	8,023,000
Northcenter Trust & Savings Bank	$712,000
North Shore Trust & Savings Bank	1,030,000
North-Western Trust & Savings Bank	19,116,000
Novak & Steiskal State Bank	440,000
Ogden National Bank	1,182,000
Papanek-Kovac State Bank	848,000
Parkway State Bank	117,000
Peoples Stock Yards State Bank	16,439,000
Phillip State Bank & Trust Co	3,356,000
Pioneer Trust & Savings Bank	7,566,000
Portage Park National Bank	440,000
Prudential State Savings Bank	3,121,000
Public State Bank	1,100,000
Ravenswood National Bank	1,794,000
Reliance State Bank	8,269,000
Ridgeway State Bank	434,000
Rogers Park National Bank	1,872,000
Robey State Bank	496,000
Roosevelt State Bank	876,000
Schiff Trust & Savings Bank	5,145,000
Schiavone State Bank	398,000
Second Citizens State Bank	1,932,000
Second Humboldt State Bank (organized Sept. 6, 1924).	
Second North-Western State Bank	2,399,000
Second Security Bank of Chicago	5,395,000
Security Bank of Chicago	7,433,000
Service State Bank	361,000
Sheridan Trust & Savings Bank	9,314,000
Sherman Park State Bank	614,000
Sixty-third & Halstead State Savings Bank	2,092,000
Skala State Bank	1,007,000
South Chicago Savings Bank	7,731,000
South Shore State Bank	1,192,000
South Side Trust & Savings Bank	9,588,000
Southwest State Bank	3,249,000
South West Trust & Savings Bank	4,434,000
State Bank of Clearing	554,000
State Bank of West Pullman	1,448,000
Stockmens Trust & Savings Bank	2,408,000
Stony Island State Savings Bank	2,692,000
Superior State Bank	294,000
The Adams State Bank	2,003,000
The Pullman Trust & Savings Bank	6,525,000
The Roseland State Savings Bank	4,658,000
The Stock Yards National Bank	13,594,000
The Stock Yards Trust & Savings Bank	9,204,000
The West Side Trust & Savings Bank	13,332,000
The Wiersema State Bank	4,145,000
Twenty-sixth Street State Bank	1,833,000
Union State Bank of South Chicago	3,102,000
United State Bank	2,729,000
Universal State Bank	2,413,000
University State Bank	1,686,000
Washington Park National Bank	9,957,000
West Central State Bank	407,000
West City Trust & Savings Bank	373,000
West Englewood National Bank	630,000
West Englewood Trust & Savings Bank	5,074,000
West Highland State Bank	396,000
West Irving State Bank	311,000
West Madison State Bank	1,397,000
West Side National Bank	2,222,000
West Thirty-first State Bank	628,000
West Town State Bank	5,134,000
Woodlawn Trust & Savings Bank	8,728,000
	615,329,000

These outlying banks are those lying outside of the "Loop" district in Chicago. They are all unit banks. The purpose of including this list in the RECORD is to show at a glance the terrific and destructive influence which the establishment of branch banks would have in this district. We have an illustration in the District of Columbia, where the Riggs Bank, which in a measure is an agent of the National City Bank of New York and the group of New York international bankers, has by the establishment and operation of branches in the District practically ruined the independent and unit banks where they are operating, as what might reasonably be expected in the outlying districts of Chicago in case the policy of branch banking is favored by Congress.

Fifty years ago there were four so-called outlying banks in Chicago, and to-day there are 173. They are not merely banks in the narrow sense of the word, but really community centers. They each do a tremendous volume of business. They will soon have resources in excess of $1,000,000,000. Chicago to-day has more incorporated banking institutions than any other city in the world. Within the city there are exactly 200 national and State banks; 27 of them are located in what is termed the "Loop," the other 173 are in the so-called outlying sections.

These 173 outlying banks have total deposits of $615,000,000, an average of slightly more than three and one-half millions per bank. They are owned by 22,000 individuals, 95 per cent of whom are Chicago citizens. They have total resources of nearly $700,000,000 and a capital account of approximately $75,000,000. They pay out each year in salaries more than $12,000,000 and give employment to 6,000 persons.

During 1923 they paid to their savings customers, as interest, nearly seven and one-half millions of dollars. These banks have slightly more than 55 per cent of the savings deposits of the people of Chicago. Their stock has a market value in

excess of $110,000,000. They are housed in buildings that have a resale value, together with the land on which their buildings are located, of more than $55,000,000. They are not "additional offices" or branches set up in store buildings—the average outlying bank has a home value in excess of $340,000.

These outlying institutions have kept pace with the growth of Chicago. They have assisted Chicago and its communities to thrive and grow. They are banks of the people, organized and operated for the purpose of assisting the people to prosper. They are not mere tellers' windows—mere suckers of an octopus drawing in the savings of the people and storing it in tremendous reservoirs of power to influence a course of national control. All of this money remains in the community of Chicago. Displace these unit banks by branches controlled by absentee bankers and financiers, and you destroy this helpfulness now rendered to the people of these communities.

We do not have to do this. Why do it?

FARM RELIEF

Mr. DICKINSON of Missouri. Mr. Speaker, I ask unanimous consent to have printed in the RECORD of to-day a one-page letter from a Missouri farmer urging legislation in behalf of agriculture, giving some reasons therefor, and commending the Haugen bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. DICKINSON of Missouri. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

CAPE GIRARDEAU, MO., *May 4, 1926.*

Hon. C. C. DICKINSON, M. C.,
Washington, D. C.

DEAR MR. DICKINSON: Agriculture is the basic industry of the country. Every other business depends upon it, but the farmers as a class receive less benefits from legislation than any other group. Industry has its tariff that increases the price of manufactured articles above the world level. Labor has its immigration law that keeps out competition and the Adamson law that regulates its hours. The railroads have the Interstate Commerce Commission, "a Government agency," that fixes the price of transportation, and the Esch-Cummins law that keeps rates high enough to give them interest on their investment. The banks have the Federal Reserve Board, "a Government agency," that fixes the price of credit, and the Federal reserve banks that protect them in times of need.

None of these laws would, perhaps, be called economically sound by an expert economist, but each serves its purpose and protects the business of the particular group it was intended to benefit.

The farmers, however, the real producers of the Nation, those noble men who feed and clothe all the balance of the people and who, as a class, form the most important single economic group, have practically nothing. They are expected to produce under high American labor costs, live up to American standards, buy on a tariff-protected market, and then sell on an open, world, or free-trade market in competition with farm products produced by peasant labor on cheap land in foreign countries.

The above statement of facts, together with the further reason that I am interested in agriculture, explains why I am writing to you even though I am out of your district to appeal to you to vote for the Haugen bill embodying the equalization fee, and in that way give the farmers a square deal.

Before the war the Capper-Tincher bill might have served, for at that time we were a debtor nation. We owed billions of dollars to Europe and each year paid our interest, our shipping charges, and other debts by exporting large quantities of farm products. Since the war, however, we have become a creditor nation and the postwar reversal of trade balances, the passage of the Adamson law, the immigration law, the Esch-Cummins law, etc., have placed the farmers at such a tremendous disadvantage with other economic groups that it will not solve their problems or give them the desired relief.

There is nothing in it that makes the tariff effective on farm products. There is nothing in it that puts the farmer on an equality with either industry or labor and there is nothing in it that elevates the American farmer or permits him to elevate himself above the black-skinned farmer in darkest Africa, the peon of Mexico, or the peasant farmers of other foreign countries.

The Capper-Tincher bill provides for a farm board, but all it is authorized to do is to rent a hall, call conferences, and make loans to its favorites, while the farmers want to get out of debt and not deeper in. They want a better price and not more advice. They want justice, not charity. They want equality, not discrimination. They want permanent and not temporary relief, and they want a real genuine and not a fake or counterfeit relief bill.

The Haugen bill will make the tariff effective on farm products and put the farmers on an equality with industry and labor. They are entitled to that and are not asking for more. It is right, fair, and just that they should have it, and as one American citizen to another I appeal to you to give it to them.

Sincerely yours,

JULIEN N. FRIANT.

P. S.—If we continue to neglect agriculture while subsidizing both industry and labor I fear it will not be many years until we will be where England is to-day.

Mr. FULMER. Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement from Mr. Kilgore, of North Carolina, in behalf of the cotton farmers of the South.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. BEGG. Mr. Speaker, reserving the right to object, we could not hear the request of the gentleman.

Mr. FULMER. My request is to insert in the RECORD a statement from Mr. Kilgore, representing the cotton associations of the South, in the interest of legislation for the cotton farmers of the South.

Mr. BEGG. How long is that statement?

Mr. FULMER. It would not take up over a couple of pages.

Mr. BEGG. Is it the gentleman's idea that every man in the United States ought to be permitted to put a statement in the RECORD?

Mr. FULMER. I will say to the gentleman that some of the Members of the House have stated that men representing the South did not come before the committee, and I want to show that they did not have an opportunity. They bring out very plainly in this statement their views on farm legislation, and I am sure it contains information which the Members of the House would like to have about the cotton situation, and you people from the other sections of the country would enjoy it, I am sure.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. FULMER. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following:

To Members of Congress:

We present herewith a careful analysis of the fundamental principles of government and economics involved in pending farm legislation.

We ask for it your careful reading and thoughtful consideration.

Very truly yours,

AMERICAN COTTON GROWERS' EXCHANGE.
B. W. KILGORE, *President.*
C. O. MOSER, *General Manager.*

MEMORANDUM ON FARM-RELIEF LEGISLATION

An understanding of the declining position of American agriculture in our national economy is necessary to a correct understanding of the almost universal demand of American farmers for some action by the Government which will place agriculture upon a basis of equality with other industries.

I will not undertake at this time to enumerate the evidences of the decline in agriculture during the last quarter of a century, but refer inquirers to the many reports and publications on that subject, the latest of which is a report of a comprehensive survey made by the Industrial Conference Board, and which should be read by every thoughtful man who concerns himself with the large problems of national welfare.

AMERICA FACES DANGERS OF PEASANTRY

It is well to remind ourselves of the unwelcome fact that farming is a peasant occupation in all the older countries of the world, and only in new countries like the United States, Canada, and Australia do farmers enjoy the status of independent proprietors with full privileges of citizenship and a social status on a par with those engaged in other callings. Modern progress in communication and transportation has made the whole world a community, and the free and independent farmers of the United States are in immediate and direct competition with farm producers in all the world, most of whom are content with lower standards of living and narrower opportunities in life.

We must also recognize that the protective system developed in the United States is much broader than our policy of tariff protection. By the device of a protective tariff, manufacturing industry has been brought within that system; by the device of our immigration laws and other labor legislation, labor has been brought within the American protective system; by the device of the interstate commerce law, the Esch-Cummins law, and other railroad legislation, our great transportation system has been brought within the sheltering provisions of this national protective system; by the Federal reserve act and other banking legislation, the banking system of the country has been brought within that system. By different devices, Federal and State, many other special classes and industries have been included

within this broad protective system, which has become a fixed and definite policy of the Federal Government and of State governments.

AGRICULTURE MUST BE BROUGHT WITHIN THE PROTECTIVE SYSTEM

Without questioning the wisdom of this national policy, we may fairly recognize that it involves cost as well as benefit. American farmers enjoying none of the privileges or benefits of the system necessarily bear their share of its cost. The result is that they operate at a higher unit cost than farmers of other nations. This high cost is due not alone to the cost of the protective system but to the higher living standards of American farmers.

While producing at cost determined by the American protective system and American standards of living, the price of many of our great basic agricultural commodities is determined wholly or partially in world markets and in competition with the products of foreign farmers whose production costs are lower and whose living standards are lower.

A further result of the inclusion of so many industrial groups within the American protective system and the exclusion of farmers from the benefits of that system is the reduced purchasing power of the farmer's dollar measured by its exchange value in commodities produced by other classes.

AGRICULTURAL PRICES MUST BE MADE MORE STABLE

Added to the handicaps of farmers as indicated above are certain inherent difficulties peculiar to the nature of farming. The curse of farming in the United States is instability and insecurity of returns. Until this instability and insecurity gives place to reasonable stability, American agriculture must continue to decline in dignity and importance, and the national welfare will be further and dangerously imperiled.

While the cost of production of farm products is fairly constant from year to year, the price received by farmers varies as much as 100 per cent from one year to the next. No business on earth can be stable and prosperous or can escape decline to peasant conditions in which costs are constant and prices vary, as prices of agricultural products vary from year to year.

This destructive and demoralizing variation in prices results from our practice of vainly endeavoring to adjust one year's supply to one year's demand, which can never be done. The same acreage may produce widely varying yields in different years; hence, certainty of yield can not be attained even by control of acreage, which is itself impossible. Weather, plant diseases, and insect pests are beyond human control. We are, therefore, confronted with the stubborn and inescapable fact that volume of production will vary from year to year in spite of all that man can do.

This simple statement indicates how utterly foolish it is to hope for stable or profitable prices so long as we undertake to equate prices on the basis of one year's supply and one year's demand of our great staple crops.

STABILIZATION IMPOSSIBLE EXCEPT BY DEALING WITH TEMPORARY SURPLUSES

An examination of statistics reveals the interesting fact that while production and demand are badly out of balance in particular years, yet, if we will consider supply and demand over a period of years they will be found to strike a balance. Thus the so-called surplus and carryover of cotton has ranged from 2,000,000 to 6,000,000 bales of cotton a year for the last 25 or 30 years. If this so-called surplus was a real surplus above consumptive requirements, we should have on hand at this time not less than 150,000,000 bales of accumulated surplus cotton. The facts are that we have less than six months' supply. The same is true in varying measures of our other nonperishable and preservable crops.

In one of its fundamental aspects farm-relief legislation as embodied in the Haugen bill represents an effort to shift the basis of the price equation from one year's supply and demand to supply and demand over a period of years, a period within which they may reasonably be expected to balance.

In another of its fundamental aspects this legislation aims to give some measure of protection to American farmers who produce commodities whose price is established in world markets in competition with the products of peasant farmers and in obedience to market conditions which are beyond the reach of our farmers, acting as individuals or as voluntary groups.

In another of its fundamental aspects this legislation aims at creating an opportunity for the producers of each of our great farm crops to themselves set up and manage instrumentalities through which they may own and control the unneeded part of their annual crops and hold it off the market until there is a consumptive demand at fair prices, prices that will maintain the American standard of living and insure our farmers a fair share of the national income.

A basic and essential feature of this plan is the creation of what is referred to as an equalization fund, contributed ratably by all producers and which will be employed to purchase and remove from the market the unneeded parts of crops until they are needed by the consuming world.

EQUALIZATION FUND DISTRIBUTES THE RISKS AND PROVIDES CAPITAL

The principle of the equalization fund is identical with that which underlies the capital of the Federal reserve banks. By the use of this capital and the other devices of the Federal reserve system the money and credit supply of the Nation is quickly and easily adjusted to the varying demand for money and credit, and thus stability is secured.

Theoretically it was possible for the banks of the United States to establish great reservoirs of money and credit which might have accomplished much that the Federal reserve system accomplishes. But it was utterly impossible to do that by voluntary action, and Federal legislation was required to bring about the necessary uniformity and conformity.

In the very nature of things it is utterly impossible for all the producers of a given farm commodity to establish an equalization fund and a stabilizing system, just as it was impossible for all the bankers by voluntary action to establish agencies through which credit might be stabilized and adjusted to demand.

It is equally impossible and utterly unfair for any small group of farmers, through their cooperatives, to undertake the burden of stabilizing the entire industry, in the benefits of which all will share and the cost of which will be borne by a few.

This legislation does not propose that the Government shall stabilize agriculture, but merely that the Government shall provide the mechanism through which producers may themselves do this thing. A simple and familiar case in point is our many State laws governing drainage or reclamation districts. None of these enterprises could be undertaken by even a majority of the progressive citizens of the district; therefore the Government, by law, provides the mechanism and the method by which all who share the benefit shall also share the cost. The principle of the equalization fee in the Haugen bill is as simple as that.

NO NEW PRINCIPLE OF GOVERNMENT INVOLVED

This legislation contemplates no new and novel principle of compulsion. By its terms it can be applied only to crops of which there is a surplus, and then only on the properly expressed request of the producers. It may be applied to some commodities at once; it may not be applied to others for many years, dependent entirely upon the existence of a surplus above immediate requirements, which threatens to imperil the price of the entire crop and depress it to ruinous levels.

If this measure were in operation we would no longer have the paradox of a larger crop returning a less total income to farmers than a small crop. That almost universal economic paradox is an indictment of the common sense and statesmanship of our people. There is absolutely no justification in economics or morals for farmers who give to the world a 16,000,000-bale cotton crop, receiving less for it than they would receive for a 13,000,000-bale crop, or for wheat farmers receiving less for a bountiful crop than for a small crop. In each case the world receives and uses both the large and the small crop. Instead of farmers receiving proper rewards for larger production, which constitutes a national benefit, they are penalized for giving to the public this insurance against famine and want.

The Haugen bill represents a serious effort to put an end to that nonsensical paradox and to make it possible for farmers to be rewarded according to their production and their contribution to the world's supply of usable commodities.

The mechanism created by the bill consists of a farmer-minded national board, chosen by farmers themselves and representing the 12 land-bank districts. This board will serve for agriculture in much the same way that the Federal Reserve Board serves banking and commerce. It will have authority, under proper limitations, to establish equalization funds for each of the basic commodities mentioned in the bill. These commodity equalization funds will be created by the collection of a small equalization fee on each unit of the commodity, and will be used to purchase, store, carry over, export, or otherwise manage seasonal surpluses in a way to stabilize the price at fair levels and to protect American farmers against ruinous competition in world markets.

This Federal board will not itself engage in any commercial activity. It will not buy or sell anything, but will operate through farmers' cooperative organizations. Provision is made for temporarily dealing with commercial agencies until adequate cooperatives may be organized for certain commodities, but after two years it will be limited to operating through producers' own organizations.

OBJECTIONS TO HAUGEN BILL ARE NOT VALID

I wish now to briefly refer to some of the most frequently mentioned objections to this legislation.

That it is revolutionary, paternalistic, and unworkable: Every legislative act which makes a distinct change in existing practice or custom is denounced as revolutionary, and in that sense only is this legislation revolutionary. It is not, however, as revolutionary as was the Federal reserve bank act. Prior to that law our national currency was based on gold and Government bonds. The proposal that we should adopt "asset currency" based on certain kinds of commercial paper was an extraordinarily revolutionary thing, almost as revolutionary as the old sub-Treasury plan of the populists in the nineties. For years prior to 1918 we had been tinkering and tampering with an unsatisfactory cur-

rency and credit system, but we only obtained relief when we adopted the revolutionary plan of the Federal reserve system.

For many years we have been tinkering and tampering with our agricultural problems trying by piecemeal and patchwork to place this important industry upon a better basis. The time for tinkering and patchwork has passed, and this legislation is a serious attempt to deal fundamentally with the real problem and to that extent only is it revolutionary.

The Federal Farm Board with all its powers is not as paternalistic as the Federal reserve system, nor as the Interstate Commerce Commission, nor as the Federal Trade Commission, nor as the Shipping Board, nor as many other Government agencies which are accepted as sound and orthodox by the most conservative and antipaternalistic of our statesmen.

We have as many reasons for believing that it is workable as we had for believing any of our important Federal legislation would be workable. Every principle involved in the bill has in some other form been put into application elsewhere. We can not know in advance just how any law will work, but we can forecast the outcome of the operations of this measure just as accurately as we can forecast the outcome of any other law dealing with complex problems.

That it is a subsidy: This measure does not provide a subsidy in any true meaning of that term. All of its terms and provisions indicate a clear purpose that the cost as well as the benefits will be borne by the farmers who produce the several commodities dealt with. It does, however, provide that during a period of two years the equalization fund of the several commodities shall be supplied from a revolving fund to be provided by the Federal Government. The farmers who are asking for this legislation desired to make the investment and assume the risk of its operation from the beginning. Through no fault of their own they became convinced that Congress would not enact this legislation if the collection of the equalization fee was to begin at once. It is needless to split hairs and debate about why and how they reached that conclusion. Every intelligent and informed man connected with this effort at legislation knows that this statement is true. Conscious of the need for immediate relief and being unwilling to go away empty handed, the farm groups supporting this legislation consented to defer the collection of the equalization fee for a period of two years, but insisted that the bill should contain provisions automatically putting it into operation at the end of that period.

It is the traditional policy of the Federal Government to make investment and assume the risk in developing and pioneering large enterprises for the national welfare which are beyond the ability of its individual citizens. No policy of our Government is more firmly established or supported by more numerous precedents than this one.

When the national welfare demanded the construction of transcontinental railroad systems, the task was beyond the ability or the willingness of private capital and the Government made donations, investments, and assumed risks in behalf of the national welfare. When great irrigation works were needed to develop large unproductive areas in the West, and private capital was not willing to take the risk, the Government stepped in, made the investment, assumed the risk, and demonstrated the feasibility of reclamation by irrigation.

The Government is to-day making investments and taking the risk of developing our merchant marine; it is spending millions of dollars in scientific and other investigation and research into problems of national well-being which private enterprise will not assume.

The Government is spending millions of dollars annually to pioneer scientific research into the production problems of agriculture. How, then, does it become a subsidy when the Government makes an investment and takes the risk of pioneering in the vastly greater and vastly more important undertaking of stabilizing its most essential industry? That is the principle involved in the relatively small investment and still smaller risk which the Government takes in pioneering this project of stabilizing agriculture, the results of which will have a far-reaching effect not only upon the welfare of farmers now living but upon the whole future of agriculture and the future of our Government and its free institutions. And let it not be forgotten that for a quarter of a century the Federal Government has spent many million dollars annually to stimulate increased production of farm products.

The United States Department of Agriculture, the Federal and State experiment stations, our Federal and State agricultural colleges, and our great National Agricultural Extension Service have all been engaged in stimulating production.

It is not too much to say that the Government is in large measure directly responsible for a large part of our surplus problem to-day. If we could deduct from the sum total of our annual production that part due to the stimulation of the Government through the agencies named and to the irrigation and reclamation policy of the Government, the surplus problem of American farmers would shrink to very small proportion, if, indeed, it did not disappear entirely.

That it will foster a dangerous paternalism: There is no paternalism in this measure. The Federal board provided will be chosen from nominees of farmers themselves and will be responsible to farmer sentiment and not to governmental or political influence. Again, the working out of this law will bring into being great, strong, intelligently managed organizations of farmers, which will place them in position to successfully resist any encroachment by the Government or by other agencies upon their independence and their freedom. In their relatively unorganized condition to-day they are without such protection. So that instead of fostering paternalism this measure builds up self-help agencies of farmers capable of resisting paternalism.

I dare to make this challenge: Place on the table side by side the Federal reserve act, the Interstate Commerce Commission act, the Esch-Cummins law, the Federal Trade Commission law, the Shipping Board legislation and the Haugen bill. Take a blue pencil and underscore the paternalistic provisions of each, and you will discover many times as much paternalism in each of these laws as you will find in the Haugen bill.

That this legislation is demanded by radicals and demagogues: The leaders advocating this movement are not only representative of agricultural sentiment in the Nation, but they are generally recognized as the ablest and the most unselfish leaders agriculture has ever sent to Washington. Any fair man who wants Congress to know the truth can easily learn who these men are and who and what they represent. Taken individually or collectively they represent the best in American agriculture.

Every important national farmers' organization which concerns itself with large economic problems of agriculture is supporting this measure. Included in this group are the officers of business organizations of farmers which do a business of many millions of dollars annually and which enjoy as fine trade standing as any group of business organizations in the land. It is remarkable evidence of the universality of the need for this legislation that it is supported by farm organizations in all parts of the country, producing all of our great staple crops. It is not only interesting but highly significant that men from the North, West, and South are making common cause for a truly national policy for agriculture, which addresses itself courageously to the basic needs of the industry.

It has long been the policy of Congress to consult representatives of an industry when legislation affecting that industry is under consideration. Bankers are consulted on banking legislation; labor is consulted on labor legislation; railroad managers are consulted on railroad legislation. When representatives of one of these great groups unite in their opinion with respect to legislation much weight is given to their opinion.

Why should not agriculture be accorded the same respectful consideration? The Haugen bill represents the best judgment and united opinion of all the large organized groups of farmers producing and marketing our basic crops of wheat, corn, cotton, hogs, etc. Certainly all these men and all these great organizations can not be blind and not accept, or if they did accept would be dangerous to them.

SOME OBJECTIONS TO THE TINCHER BILL

The Tincher bill does not address itself to the problem of farm relief. It does not touch any of the fundamental problems of agriculture. It proposes no plan for dealing with the surplus problem. It leaves all problems untouched.

The utmost that the Tincher bill proposes is to give farmers some free advice and to loan cooperation money on terms which they can not accept; or if they did accept, would be dangerous to them.

Farmers are tired of free advice. They have learned that it is worth just about what they pay for it.

FARMERS' CHIEF NEED IS NOT MORE CREDIT

Farmers are also tired of being told when they ask for real relief that the thing they need is more credit granted on unusual and extraordinary terms.

Proper credit is essential to agriculture, and there was a time when the credit facilities of American farmers were wholly inadequate. But within recent years there has been established the farm-loan bank, the intermediate-credit bank, and the Federal reserve system has liberalized its policy, and to-day farmers individually and through cooperative associations are able to obtain adequate credit on reasonable terms.

As a matter of fact, the Tincher bill does not propose a reasonable credit system for farmers.

It will give no aid to those farmers who, by reason of special circumstances, are compelled to pay exorbitant interest rates for credit with which to produce a crop, because it will make no loans to individuals.

It will be of no aid to cooperative-marketing associations in financing their current and ordinary marketing operations, because they are now able to obtain from the intermediate-credit bank and from commercial banks all the credit necessary for these purposes on fair and reasonable terms.

A careful examination of the bill reveals that it is not intended to provide additional credit either for production purposes or for the ordinary and current marketing operations of cooperatives. This is further evident in the amount of the revolving fund. It is wholly inadequate in amount to serve any of these needs. The cotton associations require between $80,000,000 and $100,000,000 credit annually for their current operations. The wheat, rice, tobacco, and other cooperatives require many times that sum. So it is apparent that the $100,-

600,000 revolving fund proposed in the Tincher bill is not intended to supply any present or prospective need of the cooperatives for marketing credit; and if it was so intended, it would fail utterly on account of inadequacy.

THE FALLACY OF LONG-TIME LOANS FROM REVOLVING FUND

What, then, is the loan feature of the Tincher bill, and what did its authors have in mind when they wrote it?

In the original draft of the first bill introduced by Mr. Tincher the central thought expressed in its credit operations was that this revolving fund should be loaned to cooperative associations for periods up to 20 years and secured by a charge upon all of the commodity handled by the association throughout that period.

When representatives of cooperatives appeared before the House committee they quickly exploded the fallacy of that idea. They showed very clearly why a cooperative association could not afford to borrow money from the Government for present purposes and collect a charge from all the commodity handled throughout a period of 20 years; they said bluntly that farmers would not join cooperatives which adopted such a practice; that it would be unfair and unjust to put a tax on the crops of farmers who would join the association many years hence for loans obtained and expended for the benefit of present members.

The entire idea of amortizing marketing loans over a period of 20 years by assessing a charge upon the products of a changing membership is so utterly unsound and fanciful that the author revised this provision in the second draft of his bill. But although the language is changed somewhat, the idea remains in the bill in these words, "Any association receiving a loan shall provide for the payment thereof, including interest thereon, in a manner provided by the commission, during a period not exceeding 33 years."

CONFLICTING STATEMENTS

The advocates of the Tincher bill quote more freely from the testimony and statements of Secretary Jardine than they do from the bill itself, and this is highly significant.

Secretary Jardine has stated in his testimony before the House committee that he expected that the revolving fund provided in the Tincher bill woud absorb losses on loans made to cooperatives. That statement has been made by Secretary Jardine so many times that there can be no question about it.

But Mr. TINCHER did not write Secretary Jardine's purposes into his bill. There is not a word or syllable in the bill which even intimates that its revolving fund may be employed to absorb losses on loans to cooperatives.

Secretary Jardine's interpretation would make the Tincher bill a subsidy pure and simple, without any redeeming feature; hence it is not surprising that Mr. TINCHER did not have the courage to write into the bill what he says is intended by it. This is why all the advocates of the measure quote the statements of the Secretary to farmers and quote the language of the bill to those who oppose a subsidy.

Accepting Secretary Jardine's testimony before the House committee at its face value, the Tincher bill says to cooperatives, in effect, "The Government will loan you money; if you lose it, the Government will stand the loss."

The language of the Tincher bill explicitly says that all loans shall be repaid with interest.

THE BILL WOULD NOT MEET THE NEEDS OF EITHER WHEAT OR COTTON GROWERS

If the law is passed in its present form any board which undertook to do what Secretary Jardine and Mr. TINCHER says was intended would be subject to removal from office, because there is nothing in the bill which authorizes them to assume losses of cooperatives.

Every borrower from the Government under the Tincher bill must execute a note or other obligation to the Government. The obligation thus incurred can be canceled only by an act of bankruptcy or an act of Congress, and it is worse than folly for the advocates of this bill to attempt to lull farmers into accepting it on any other basis.

If we are to disregard what Secretary Jardine says the bill will do and look to the language of the bill itself, we discover how utterly inadequate its provisions are for dealing with the great problems which confront American farmers to-day.

Under its provisions wheat farmers or their cooperatives could do nothing to make the tariff effective on wheat, nor could they use any of the revolving fund for that purpose.

Under its provisions no cotton cooperative would or could borrow money to carry over seasonal surpluses of cotton. No funds would be available under this bill for taking surplus corn off the market and carrying it until it was needed. In a word, none of the things which farmers want to do to stabilize their industry can be done with the funds provided by the Tincher bill.

If cooperatives should borrow money under this bill to take a temporarily unneeded surplus off the market, or to engage in export operations with a view of getting some benefit under the tariff—if they should do any of these things, the cost and the risk would be assumed by the relatively few members of the cooperatives and the Federal farm commission would have power under the Tincher bill to require an assessment upon all the commodity handled by the association for the next 33 years to repay such loans.

When the author of the bill was reminded of some of these things, he inserted in the last draft a provision that the farmers' marketing commission might make "unsecured" loans to cooperatives.

Let the record show and let the world know that no representative group of American farmers has ever asked the Government to make unsecured loans to anybody.

And never again should the author of this bill and the men who are supporting it charge American farmers with asking unsound and uneconomic legislation. They should be forever estopped from bringing any such charge against farmers by themselves proposing the extraordinarily unsound thing of offering unsecured loans to farmers as a remedy for a great economic difficulty.

A careful examination of the entire Tincher bill reveals that its net benefits to farmers would be some free advice and some unsecured loans.

BRIDGE ACROSS THE DETROIT RIVER

Mr. DENISON. Mr. Speaker, I call up the conference report on H. R. 8771, a bill to extend the time for commencing and completing the construction of a bridge across the Detroit River within or near the city limits of Detroit, Mich.

The SPEAKER. The gentleman from Illinois calls up a conference report which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8771) to extend the time for commencing and completing the construction of a bridge across the Detroit River within or near the city limits of Detroit, Mich., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted in said amendment insert the following:

"SEC. 2. That the said American Transit Co., its successors or assigns, shall within 90 days after the completion of the bridge constructed under the authority of this act file with the Secretary of War an itemized statement under oath showing the actual original cost of such bridge and its approaches and appurtenances, which statement shall include any expenditures actually made for engineering and legal services; and any fees, discounts, and other expenditures actually incurred in connection with the financing thereof. Such itemized statement of cost shall be investigated by the Secretary of War at any time within three years after the completion of such bridge, and for that purpose the said American Transit Co., its successors or assigns, in such manner as may be deemed proper, shall make available and accessible all records connected with the construction and financing of such bridge, and the findings of the Secretary of War as to the actual cost of such bridge shall be made a part of the records of the War Department."

And the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 1 of said amendment strike out "4" and insert "3"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted in said amendment, insert the following: Page 1, line 12, strike out "2" and insert "4"; and the Senate agree to the same.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 771) to extend the time for commencing and completing the construction of a bridge across the Detroit River within or near the city of Detroit, Mich., submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report:

On No. 1: The house bill was a short form bill simply extending the time for beginning and completing the construction of the bridge across the Detroit River, the consent of Congress for the construction of which had heretofore been granted and extended on two former occasions.

The bridge will cost from fourteen to sixteen million dollars and it has required several years' effort to provide for financing the project. It seems that the parties are ready to begin construction and the time for beginning having expired under existing law, this bill was filed to extend the time for beginning and completing the construction of the bridge. Senate amendment No. 1 inserted a provision granting the construction company who is to construct the bridge the right to condemn property needed in connection with the construction of the bridge and its approaches. Such a provision is ordinarily inserted in bills granting the consent of Congress for the construction of bridges over interstate navigable waterways in this country. But Congress has no right to authorize anyone to condemn property in a foreign country, and one-half of this bridge will be located in the jurisdiction of the Dominion of Canada. The construction company has options on the property that will be needed on the American side and, therefore, the clause giving the right of eminent domain was unnecessary; and upon this amendment the Senate receded.

On No. 2: The Senate inserted in the bill as amendment No. 2 a provision which would give to the State of Michigan or any of its political subdivisions the right to acquire the bridge at any time by condemnation, and after 20 years from its completion to take it over by condemnation under a limited measure of damages. Such provisions are now ordinarily inserted in bridge bills where Congress grants its consent to private individuals for the construction of toll bridges over interstate navigable waterways in this country. It is not within the power of Congress to grant to the State of Michigan or to the city of Detroit or any other political subdivision of that State, the right to condemn an international bridge, a part of which is located in the Dominion of Canada. The bridge is being financed largely by people residing in Canada, one-half of the bridge is owned outright by a Canadian company, and the bonds for the structure are to be guaranteed by the Government of Ontario. A provision for recapture of such a bridge might lead to complications in our friendly relations with the Canadian Government and would certainly interfere with financing the bridge, and was disapproved by the State Department. Therefore the Senate receded from its amendment No. 2.

On No. 3: The House receded from its disagreement to Senate amendment No. 3, and agreed to the same with an amendment. The substance of this amendment is that the company that constructs the bridge will be required within 90 days after its completion to file with the Secretary of War a sworn itemized statement of the cost of the bridge, including expenditures actually made for engineering and legal services and discounts and other expenditures actually incurred in connection with the financing thereof. Such statement will be investigated by the Secretary of War and his findings in relation thereto will be made a part of the records of the War Department. It was thought advisable to include a provision of this kind in the bill in order that there might be an official finding and record as to the cost of the bridge, for the purpose of determining the reasonableness of tolls that may in the future be charged for passing over it.

On No. 4: The House recedes from its disagreement to Senate amendment No. 4, and agrees to the same with an amendment, the amendment consisting simply in changing the number of the section from 4 to 3.

On No. 5: The House recedes from its disagreement to this amendment and agrees to the same with an amendment, which consists merely in changing the number of the section from 2 to 4.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

Mr. CRAMTON. Will the gentleman from Illinois yield for a question?

Mr. DENISON. Yes.

Mr. CRAMTON. How does the agreement that has been reached leave the question of recapture?

Mr. DENISON. Mr. Speaker, there is no provision for recapture in this bill. This is a bill to construct a bridge across the Detroit River, which is an international river. It is being constructed one half by an American company and the other half by a Canadian company, and the Canadians are furnishing most of the money to build the bridge, and it was not practicable to put a recapture clause in this bridge bill.

Mr. CRAMTON. Did the conference give consideration to the question of a provision for recapture through joint action worked out by the two governments?

Mr. DENISON. No; there was no application for such a provision, and the committee was informed that if any provision for recapture was inserted in the bill by this Government it would kill the bill and prevent the construction of the bridge.

Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

PUBLIC BUILDINGS BILL

Mr. GARRETT of Tennessee. Mr. Speaker, a few moments ago, by unanimous consent, the public buildings bill went to conference. The Speaker announced conferees on the part of the House out of their usual order of rank. I know of only one instance in which this has been done. I know of no reason why the ranking Democratic member should not be a conferee upon this board of conference. If the matter has not gone too far, I very much hope the Speaker will reconsider the appointment and follow the usual custom of putting the ranking minority member upon the conference. It is not a matter of individual concern or of pride to the ranking Democratic member, but it is a most unusual procedure. I have never known it to be done but once before.

The SPEAKER. The Chair recognizes the fact that this is a somewhat unusual procedure, but he will call the attention of the gentleman from Tennessee to the fact that the ranking Republican Member is not upon the conference. It seems to the Chair that in a case of this sort, where there is a substantial difference between the House and the Senate, where the House sent to the Senate a bill passed by a very large majority, a bill which the gentleman from Texas [Mr. LANHAM] very bitterly fought, it is really fairer to the House to have as representatives of the House men who are in sympathy with the action taken by the House.

Mr. GARNER of Texas. Will the Speaker permit a question?

The SPEAKER. Yes.

Mr. GARNER of Texas. My experience here has shown me that in a number of instances conferees have been appointed when they are opposed to the bill passed by the House. What I complain about is this: If the Speaker or the ranking Republican member [Mr. ELLIOTT] had notified this side of the House they did not intend to place on the conference committee the gentleman from Texas [Mr. LANHAM], the ranking Democratic member, we would have had notice of that fact, and we could have adapted ourselves to whatever remedy we might have in order to carry out what we think ought to be the policy of the House with reference to representation of our side. In this instance the gentleman asked and obtained unanimous consent to send the bill to conference, and then, without the slightest notice, the Speaker appointed some one entirely out of line with the usual procedure of the House. I do not believe that is entirely fair to this side of the House, because no notice was given. If the gentleman from Indiana [Mr. ELLIOTT] had given the gentleman from Texas [Mr. LANHAM] notice, or had given the minority leader [Mr. GARRETT of Tennessee] notice that he intended to ask for the appointment of conferees out of the usual order, that would have been perfectly proper; and if we had granted unanimous consent for the appointment, that would have been all right; but, under the circumstances, it does not seem to me it is exactly giving fair notice to our side of the House to adopt a procedure of this sort.

The SPEAKER. The Chair was not advised by the gentleman from Indiana [Mr. ELLIOTT] whether he had consulted gentlemen on that side of the House. The object of the Chair in announcing the conferees was to do the fair thing, as the Chair saw it, by the House.

Mr. GARNER of Texas. That is all right, Mr. Speaker; but let me make this suggestion to the Speaker, if I may. In the future, in order to protect ourselves, speaking from the Democratic viewpoint, we must have notice before we let a bill go to conference by unanimous consent. We must know whether the Speaker is going to follow out the usual and long-established practice as to representation on the conference committee or else we will not agree to the unanimous-consent request. I

think that is a fair statement to make to the Speaker and to the gentlemen who may have such matters in charge on the other side of the House. It is unfair to us to get unanimous consent to send a bill to conference and then not give us the representation on this side in the usual way.

The SPEAKER. The Chair thinks the gentleman from Texas [Mr. GARNER] has made a perfectly fair statement. The Chair thinks he is absolutely correct, however, in appointing on conferences men who represent the position of the House. Under the circumstances, however, the Chair not having been apprised in advance that this appointment would meet with opposition from the leader of the minority party, the Chair will ask unanimous consent to withdraw for the time being the appointment of conferees until further consultation. [Applause.]

There was no objection.

WITHDRAWAL OF PAPERS

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent to withdraw from the files of the House of Representatives certain letters, papers, and documents filed by myself in connection with the bill H. R. 6705, being a pension bill which was introduced by myself and rejected by the committee. We would like to have the papers back.

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object—and I do not know that I shall object—I want to call attention to the fact that the usual order for the withdrawal of papers contains the sentence: "No adverse action having been taken thereon." I do not know why that is the usual rule. Perhaps somebody more familiar with the ancient history of the House may know.

Mr. WILLIAMSON. My recollection is that no action one way or the other was taken on the bill. At any rate, I know that favorable action was not taken. The bill was introduced at the last session of Congress.

Mr. CHINDBLOM. I understood the gentleman to say that the bill was rejected.

Mr. WILLIAMSON. There has been no action taken that amounts to a rejection because it was introduced in the last Congress and died with that Congress and has not been reintroduced.

Mr. CHINDBLOM. Mr. Speaker, I have made the reservation of objection merely to ascertain the history and the precedents of the House in the matter. I do know that such orders heretofore during my service have always carried with them the proviso that no adverse action has been taken upon the bill.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Has there ever been leave granted by the House to withdraw papers where there has been an adverse report?

The SPEAKER. The custom, of course, is that the statement is definitely made accompanying the request that no adverse report has been made.

Mr. WINGO. The request, of course, as I understood it, was to withdraw papers filed in connection with a bill now on the calendar with an adverse report from the committee. I may be in error about it. I know nothing about the matter, and I would like to accommodate the gentleman, but there must be some reason for such action.

Mr. WILLIAMSON. Mr. Speaker, I withdraw my request for the present in order that I may ascertain the facts in the matter.

Mr. CHINDBLOM. If I may be permitted to make a statement, I understand the reason for this practice is this: If adverse action has been taken, it is the desire of the House to preserve the papers and make it impossible for any change to be made in the record as preserved in the House.

CORRECTIONS

Mr. LUCE. Mr. Speaker, I ask unanimous consent to correct the RECORD. On May 6 I made the statement that the consent for autopsies of veterans could be secured or must be secured from parents, other relatives, or the guardian. I have since been informed that by the regulations of the Veterans' Bureau a guardian's power terminates with the death of his ward and that I was in error in stating such permission could be secured for an autopsy. I ask that th ewording be changed to read from its present form to "from parents or other relatives."

Mr. BLANTON. Mr. Speaker, reserving the right to object, and I shall not object, may I ask the gentleman from Massachusetts whether he should not correct the other errors in his speech?

Mr. LUCE. I shall be delighted to correct any errors that may be pointed out to me.

The SPEAKER. Is there objection?

There was no objection.

CORRECTING THE RECORD

The SPEAKER. The Chair desires to make a statement for the convenience of Members. The Chair observes and it is very apparent that much time is taken during the day by gentlemen asking to correct the RECORD. In some cases it is necessary and in others it is not. Under the rules of the House verbal or typographical errors in the RECORD may be corrected at the Reporters' desk without calling it to the attention of the House. Gentlemen will save a great deal of time, if the change is merely verbal or typographical, if they will arrange corrections in that way. [Applause.]

EVENING SESSION

Mr. TILSON. Mr. Speaker, with reference to the further consideration of the bill H. R. 11603, the agricultural relief bill, I ask unanimous consent that the Committee of the Whole House on the state of the Union may at any time prior to 5.30 o'clock this afternoon take a recess until 8 o'clock p. m., and that they may continue in session not later than 11 p. m. to-night, no business to be transacted other than general debate.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the Committee of the Whole House on the state of the Union may recess at any time before 5 o'clock and 30 minutes p. m. until 8 o'clock p. m., to continue not later than 11 p. m., no other business to be transacted other than general debate. Is there objection?

Mr. BLANTON. A point of order, Mr. Speaker. I make the point of order that the committee can not recess without going back into the House under the precedents of the House.

Mr. TILSON. It can if the House gives unanimous consent.

The SPEAKER. If consent is given; it can not be done by the committee itself.

Mr. CHALMERS. Reserving the right to object, I would like to say to the leaders and the membership of the House that to-night at 8 o'clock, in the Congressional Club, Col. Theodore Roosevelt will give his first public lecture on his trip to Asia. A good many Members will want to accompany their wives to hear that address. I shall not object to this request, but I wanted the membership of the House to know that the lecture is to take place at the Congressional Club to-night.

Mr. GARRETT of Tennessee. The gentleman does not think that is going to help agriculture, does he? [Laughter.]

Mr. CHALMERS. It might.

Mr. CHINDBLOM. Reserving the right to object, it is not intended that the committee shall rise before the recess?

The SPEAKER. The Chair understands that the request is that the committee shall recess as a committee.

Mr. CHINDBLOM. That obviates the necessity of maintaining a quorum of more than 100.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3997. An act to amend section 301 of the World War veterans' act, 1924; and

S. 2858. An act to fix the salaries of certain judges of the United States.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 10055) entitled "An act to amend section 77 of the Judicial Code, to create a middle district in the State of Georgia, and for other purposes," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. CUMMINS, Mr. BORAH, and Mr. OVERMAN act as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate Nos. 46 and 62 to the bill (H. R. 6707) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes."

SENATE BILL REFERRED

Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3997. An act to amend section 301 of the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 6707. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. GIBSON. Mr. Speaker, I ask unanimous consent that the Subcommittee of the Committee on the District of Columbia may sit during the session of the House this evening.

The SPEAKER. The gentleman from Vermont asks unanimous consent that the Subcommittee of the District of Columbia Committee may be in session during the session of the House to-night. Is there objection?

There was no objection.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 4034. An act granting consent of Congress to Texas-Coahuila Bridge Co. for construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico;

H. R. 5691. An act granting the consent of Congress to Charles L. Moss, A. E. Harris, and T. C. Shattuck, of Duncan, Okla., to construct a bridge across Red River at a point between the States of Texas and Oklahoma where the ninety-eighth meridian crosses said Red River;

H. R. 9511. An act authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service;

H. R. 10244. An act to extend the time for the construction of a bridge across the Fox River in the State of Illinois on State Road No. 18, connecting the villages of Yorkville and Bristol in said county;

H. R. 10470. An act granting the consent of Congress to the city of Little Falls, Minn., to construct a bridge across the Mississippi River at or near the southeast corner of lot 3, section 34, township 41 north, range 32 west;

H. R. 10169. An act granting the consent of Congress to the Gallia County Ohio River Bridge Co. and its successors and assigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio;

H. R. 10198. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes;

H. R. 8264. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes; and

H. R. 6707. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes.

JOSEPH G. CANNON

The SPEAKER. Under the order of the House a brief period will be taken in eulogy of a great American, one of the three living former Speakers of this House. A man who, in his day, was one of the influential and forceful public men of his time; a man certainly at that time one of the most popular public men that ever lived in America. To-day is his 90th birthday. He has retired from public life, but his popularity has in no way diminished. [Applause.] He is beloved by all who ever knew him and by millions of American citizens who have never met him. He may well be called to-day, I think, America's grand old man. [Applause.] The Chair asks the Clerk to read the following telegram:

The Clerk read as follows:

DANVILLE, ILL., *May 4, 1926.*

The SPEAKER, REPRESENTATIVES MADDEN and GARRETT,
House of Representatives, Washington, D. C.

I regret exceedingly that I can not be with you to-day and speak the words that are in my heart. One of the greatest pleasures I have in my retirement is the memory of our long association, and that the House pauses in the midst of its strenuous duties to recognize my birthday is a source of keenest gratification. I am glad to have this opportunity to tell you that although no longer a Member of the House, my interest in you, each and every one, is unflagging, and I am proud of the work you have so splendidly performed.

J. G. CANNON.

Mr. MADDEN. Mr. Speaker, it is a proud privilege to stand here and say a word in commendation and in behalf of one of the greatest men, still living, who ever served his country for more than 50 years. Uncle Joe Cannon was a representative of the American people for half a century. During that period he earned and had the confidence and affection of all Americans. He left public life four years ago after that long service during which, I suppose, he did more to advance the interests of America than any other single individual of his time. [Applause.]

He was a most conspicuous factor as a Member of this House. He was foremost in every effort made for the amelioration of conditions among the American people. He was a truly representative American. He is to-day 90 years old, full of vigor, full of life, full of interest, watching the progress of the Nation and of the world with as keen an interest as he did when he was a Member of the House. What a proud thing it must be for a man to live to that ripe old age and witness the progress of the greatest Nation in the world, as he witnessed it, and, more than that, to witness that progress with himself as one of the leading factors in the creation of the things that made the progress. Few men have such privileges. Few men live through such opportunities as were afforded him, and few men live to see in their declining years the fruits of the labor which they so graciously performed in the interest of the Nation. He saw the Nation grow great and prosperous and powerful, until to-day it is the beacon light that leads the way for the betterment of humanity everywhere throughout civilization, throughout the world. It is a wonderful thing to live in a land where every citizen is a sovereign, where every man, every woman, and every child is free to worship God according to the dictates of his or her own conscience; to live in a land whose inventions lead the world, where the printing press and the church follow close upon the march of empire; where labor is exalted to comfortable homes; where caste is ignored; where the humblest child of poverty may aspire unrebuked to the highest place in the gift of the Nation. These are the conditions which produced such a man as Joseph G. Cannon, in whose honor we stop for a moment in the press of the Nation's business. Joseph G. Cannon in his day and through his life and through his work did more to make the word "American" mean more than it ever meant before. He did more to make the American flag respected in every land and upon every sea than any man I know who has been in public life during his time. So it is with pride and pleasure that I stand here to-day and pay this word of tribute to this grand old man, whose life is wrapped up in America and whose work has helped to make America what it is to-day. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I think it is particularly appropriate that we pause for these few moments, and I think it is especially appropriate that the dean of the Democratic side, the gentleman from North Carolina [Mr. POU], who served so long with Mr. Cannon, be recognized for a few moments. [Applause.]

Mr. POU. Mr. Speaker, for 22 years it was my privilege to serve with the Hon. Joseph G. Cannon as a Member of this House. The record of the man to whom we do honor to-day is most interesting. He served altogether 46 years as a Member of this House. He never knew defeat in his own party. For 50 years no Republican in his district in Illinois had an opportunity to vote for any other man for Congress than Joseph G. Cannon, and but for the fact that during his long service there were two Democratic landslides, he would have served exactly 50 years as a Member of this body. I believe that record is almost without parallel throughout the world. My friend TOM MCKEOWN has handed me a volume entitled "Among the Public Men of To-day," published in 1882, 46 years ago. I find in that volume the name of Joseph G. Cannon. The author, after saying that Mr. Cannon was elected to the Forty-third, the Forty-fourth, the Forty-fifth, and the Forty-sixth Congresses and was reelected to the Forty-seventh as a Republican, has this to say also:

Mr. Cannon is not a talkative man in Congress, but has positive views upon all important questions coming before the House, and in his quiet manner does much to have them incorporated in the legislation of that body.

It is thus seen that 46 years ago our friend was a national figure and a leader in this Chamber. I came to admire Mr. Cannon very greatly during our service. He was a man of genuine courage. [Applause.] He was a man who would not sacrifice his principles and his convictions for the sake of political expediency on any occasion or under any circumstances. I remember well the scene of the so-called Cannon revolution here in March, 1910. There has never been a finer exhibition of courage in America than when Mr. Cannon noti-

fied the House that he would entertain a motion to declare the Speaker's chair vacant. [Applause.]

Although I have been on the opposite side of the aisle from him, and while, of course, we have differed upon questions of public policy, I say that I have never known a man of finer courage; I have never known a man more loyal to his convictions. The day probably will never come when this House will include in our membership a more useful or a more influential Member. [Applause.]

Born in my State, I am proud to-day to do honor to this great American.

On this his ninetieth birthday from each and every Member of this body on both sides of the aisle we send him an expression of affectionate regard, coupled with the hope that he may be blessed with good health and that he may be spared to America for years to come. [Applause.]

Mr. TILSON. Mr. Speaker, I can not allow this opportunity to pass without speaking my word of affection and admiration for the man whose ninetieth birthday we celebrate to-day. I came here in the heyday of his power as Speaker of this House, and, although but a new Member, I had the satisfaction of believing that I was one of his trusted friends and supporters. While he was still at the zenith of his power there had already begun an attack upon that power which ended, as we all know, in the so-called Cannon revolution, referred to by the gentleman from North Carolina [Mr. POU], and it will ever remain as one of my most vivid memories how Joseph G. Cannon, as Speaker of the House of Representatives, bore himself through that great ordeal. It resulted in taking away from that great office a part of the power it once possessed, but nothing could take from the individual the power and influence that was his by reason of his own personality.

He continued to be a force in this House even after he had ceased to be Speaker. After his party had lost the election of 1910 he came back here and took his place in the ranks and again assumed a place on the Committee on Appropriations, of which he had formerly been the chairman, where he did some of the greatest service that he ever rendered to his country. [Applause.]

The attacks made upon Speaker Cannon were all directed along lines of his official power. He was called a czar; he was accused of being an autocrat, but with the greatest bitterness of those attacks there was never anything that attached any stain of dishonor or dishonesty to him as a man or a public servant. [Applause.] And I am glad that he has lived to the day when all of those charges have been blown away like chaff. To-day he stands admired and beloved by every man of this House, regardless of party, who has ever served with him and by millions of other people throughout the country who have known him only through his good work. [Applause.] I am glad to join to-day in this celebration of his ninetieth birthday and hope that he may still continue with us as long as he can retain the vigor of that wonderful mind which he used so long in the service of the people and for the betterment of his country. [Applause.]

Mr. HOLADAY. Mr. Speaker [applause] and gentlemen of the House, it is impossible within a reasonable time to mention all of those great attributes of character that caused Mr. Cannon to attain and hold the place in the public estimation that he now holds. One of those attributes that enabled him to command the respect and admiration of friend and foe alike was his loyalty to his friends. To illustrate that principle of his character, I will relate this circumstance. During the closing months of his service in this House some friends representing the Republican Party from one of the counties in the district came to me and asked my assistance in obtaining Mr. Cannon's recommendation for a certain man who was an applicant for a post-office position. They told me that this particular man had received the unanimous indorsement of the local and the county Republican organizations, and that there was no good reason that they knew why he should not receive the recommendation; but, strange as it may seem, Mr. Cannon appeared unwilling, or at least backward, about giving that recommendation. I took the matter up with Mr. Cannon, and explained that the man indorsed by the organization was well along in years, was well qualified, had a large family, and had very recently suffered a very severe financial loss. When I was through he said:

> I can not appoint their man. The father of this other man was my friend one time when I needed a friend.

Then he related this story: During his first campaign in the days of the Civil War, when local feeling and passion were running high, he had been announced as a speaker at a meeting, and in that particular section there was considerable division of opinion. Those opposing the Union cause had announced that Mr. Cannon would not be permitted to make a talk. Those opposed to Mr. Cannon came in large numbers. His friends also came in large numbers. Both sides were armed, and there was prospect of very serious trouble. He said that the father of the man not indorsed by the organization, who was chairman of the meeting, advanced to the front of the platform. He was a colonel, home from his command. Pulling out a revolver, he said to the crowd:

> I understand that threats have been made that this young man will not be permitted to talk here to-day. I want to say to you that in a minute I am going to introduce the young man, and if any man interferes with him that man will never have an opportunity to listen to another speech. [Applause.] Mr. Cannon will now speak.

Uncle Joe said he delivered his speech, and that the colonel sat on the front of the platform with his revolver in his hand. Mr. Cannon said to me:

> I do not care if every Republican in that county indorses the other man, he will not get the place.

And he did not. [Applause.]

Mr. BRITTEN. Mr. Speaker, I desire to have read at this time a telegram which has just been sent to Uncle Joe Cannon by Mr. BUTLER, chairman of the Committee on Naval Affairs.

The SPEAKER. Without objection, the Clerk will read the telegram.

The Clerk read as follows:

MAY 7, 1926.

Hon. JOSEPH G. CANNON, *Danville, Ill.:*

Thirty years ago you made the impressive remark to me that I would be thought better of by the people when I realized that the Federal Treasury was not my individual property. I have never failed to remember that instruction and from which you never departed. You must be gratified when you look back upon your long and useful life, now when the whirlwind which always surrounded you has gone down, to see the evidences of affection held out to you by the American people.

They know but one Joseph G. Cannon, and I doubt whether they will ever accept another to take your place in legislative performances. Indeed, I know of no one who claims to be your understudy. It is a cause for rejoicing among your associates that the public, which you tirelessly served, unanimously accord you a place in its high esteem, but, moreover, acknowledge you to have served it unselfishly, with an unchallenged integrity and with a naturalness worthy of imitation. Your friends earnestly hope that the sky line over which we must all cross may be removed so that your life will be prolonged.

Your friend, THOMAS S. BUTLER.

[Applause.]

Mr. CHINDBLOM. Mr. Speaker, I offer a House resolution and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 259

Resolved, That the Speaker be requested on behalf of the Membership of the House of Representatives to send a telegram of hearty congratulations to former Speaker Joseph G. Cannon, upon his ninetieth birthday, and that the Clerk be directed to send to him a copy of the CONGRESSIONAL RECORD showing the proceedings of to-day.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was unanimously agreed to.

FARM RELIEF

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603.

The motion was agreed to.

The SPEAKER. The gentleman from Michigan [Mr. MAPES] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603, with Mr. MAPES in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman, I yield 30 minutes to the gentleman from Minnesota [Mr. NEWTON].

The CHAIRMAN. The gentleman from Minnesota is recognized for 30 minutes.

Mr. NEWTON of Minnesota. Mr. Chairman and gentlemen of the committee, those of us who were in attendance at the session of the House late yesterday evening were at least somewhat entertained, if not informed, by the remarks made near the close of the session in favor of the bill that is before us by the gentleman from Oklahoma [Mr. McKEOWN]. You will recall that, after telling us that he was for the measure he went on to ridicule arguments that had been made here as to the economic soundness of the measure. He made fun of the economists, and then went on to say that he himself made no claim to being an economist.

Of course, in view of his remarks that was hardly necessary. It was apparent, I was reminded last night—and I am glad my friend from Oklahoma has come in—I was reminded of the gentleman's position on another occasion.

When the House was considering the tax bill of December, 1925, we were told by the Treasury Department that the Treasury would stand a reduction of about $300,000,000 in taxes, and the Committee on Ways and Means, after a great deal of deliberation, unanimously reported a bill embodying that reduction to the House. While it was under discussion the gentleman from Oklahoma offered an amendment, as I recall it, reducing the corporation income tax 4½ per cent. While he was addressing himself to the question some one rather innocently asked him how much that would cost the Treasury, and our good friend promptly answered that he did not know. Then the gentleman from Georgia [Mr. CRISP], being present and being a member of the Committee on Ways and Means, made the observation to the gentleman from Oklahoma that he knew what it would cost. It would cost the Treasury $400,000,000, a little bit more than the amount to be appropriated under the provisions of the Haugen bill. But the gentleman from Oklahoma was not at all discouraged at that. He promptly answered back that he was for it anyway.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield there?

Mr. NEWTON of Minnesota. In just a moment. The gentleman is for the Haugen bill, just as he said, sound or unsound, economy or uneconomy, because he is for the farmer.

Now I yield to the gentleman.

Mr. McKEOWN. The gentleman will recall that I asked the gentleman from Georgia if we were not in the reduction business, and said that that was what we were trying to do, to reduce the taxes, and I did not want to leave out the corporations.

Mr. NEWTON of Minnesota. Yes. The gentleman was willing to make the reduction without regard to how it would affect the Treasury. We were then in the "tax-reduction" business. Now the gentleman's answer will be, "We are now in the farming business. We are helping the farmer. Therefore we ought to help him, without regard to the soundness of the legislation, how it will affect the farmer or its effect on the Treasury."

Mr McKEOWN. Mr. Chairman, will the gentleman yield again?

Mr. NEWTON of Minnesota. Yes; I yield to the gentleman.

Mr. McKEOWN. The Treasury said we could not stand any more reduction, but the evidence now before us, in the face of all their prophecies, is that we are getting more money under this reduced tax bill than we got before.

Mr. NEWTON of Minnesota. Yes; and the gentleman is still running true to form. With a bare intimation that it has not all been spent he runs in to make sure that there is not a dollar left.

Mr. McKEOWN. I took it from the performances of this Congress, with the Army and the Navy rushing in to get theirs, I wanted the farmer to get his. [Laughter.]

Mr. NEWTON of Minnesota. Yes. The gentleman wanted to beat the Army and the Navy and let the farmer and everybody get into the Treasury. The gentleman was frank last night, and he is equally so to-day.

Mr. McKEOWN. I am coming to the conclusion that the farmer is far behind and will not have any chance to get his own.

Mr. NEWTON of Minnesota. The gentleman is not discouraged about devising new ways and means, and in view of the observation which the gentleman got from the gentleman from Georgia on tax legislation, whose suggestion he did not follow, he might ask the gentleman from Georgia a question in reference to this legislation and reverse himself, and then follow the judgment of the gentleman from Georgia.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. McLAUGHLIN of Nebraska. Did the gentleman make this same argument when he supported a $2,000,000,000 grant to the railroads?

Mr. NEWTON of Minnesota. The gentleman did not vote for any two billion grant to the railroads.

Now, it was an unprecedented argument that was made last night, but it was made to meet an unprecedented situation. What have we here? We have a diagnosis of a disease in our country and the question is as to the remedy. It was turned over to the Committee on Agriculture, and that committee is composed of some of the hardest working, most able Members of the House. They have been members of that committee, many of them, for many years. This was not a new affair to them. When the question was again presented to them they went to work early, and they worked day and night, and when they had concluded their deliberations, as has been said on the floor here, there was not a single bill that could command the support of 11 of the 21 members.

Now, mind you, that after all of the deliberations by the experts of the House, assisted by every conceivable kind of adviser from every part and portion of our country, covering practically every commodity, 11 members of that committee of 21 could not agree upon the remedy and could not agree upon a bill. We have before us, therefore, a bill that could not get the support of even 11 members of the committee. Yet it is submitted to the House with the idea that it is going to get the support of 218 Members of the House. This action was unprecedented, so far as I can recall. It has never occurred during my service here that a report has been made to the House for the consideration of the House which did not command the support of at least a majority of the committee.

Now, that was unusual, but the bill itself is unusual. What is this problem anyway? It is a combination of a problem of production and distribution, the two being very closely interrelated. Now, the bill before us, with its subsidy of $375,000,000, is an invitation to make the present acute problem of overproduction more acute, for it is an invitation to every farmer to go out and produce more because the Government agency is there to buy his surplus regardless of what it is. At a time when we have a surplus to dispose of making the marketing and distribution so important this bill seeks to meet that situation by a scheme that is highly experimental. Even its friends must say that. It is a bill which seeks to build up a highly experimental distributing machine. In doing so they destroy the present machinery which has been in existence in this country for many years. We now have a system that has been built up by the laws of trade. It is in every part and portion of the country.

It pertains to each and every one of these different commodities, and the commodities are handled differently. This bill would wreck and destroy that existing machinery and put into its place something that all must admit is highly experimental. In my judgment, this would be a mistake.

The purpose of this measure is to raise the domestic price to that of the world price plus the tariff and freight. To assist in accomplishing this it grants a subsidy of $375,000,000 and sets up a new piece of governmental machinery as a part of the scheme. In my judgment, this bill is more unsound economically than the McNary-Haugen bill. The theory of the McNary-Haugen bill was that the plan would finance itself. This bill requires a subsidy of $375,000,000 to start it. The existing grain-marketing machinery in the United States is the result of over 50 years' development of a very highly competitive system. So efficient is it considered that it has served as a model for the systems adopted by both the Argentine and Canada. These two countries constitute two of the world's greatest grain-producing countries. If we adopt the plan of this bill we would abandon this proven system, with its competitive features, for an untried, wholly experimental, and monopolistic system.

Mr. McKEOWN. Will the gentleman yield?

Mr. NEWTON of Minnesota. Certainly, I yield.

Mr. McKEOWN. The gentleman is not in favor of continuing the disparity between the prices paid by the consumer and the prices obtained by the producer, is he?

Mr. NEWTON of Minnesota. No. The gentleman wants some sort of a remedy, if a remedy can be provided in a legislative way. He wants to see that curve brought up or, at least, the other curve brought down, so that there is no disparity.

Mr. McKEOWN. I will say that I am very much interested in what the gentleman has said, because I have great regard

for his ability as one of our Members, and I would be glad to listen to what he has to offer.

Mr. NEWTON of Minnesota. I thank the gentleman, and I am going to try to show what I believe to be some of the fallacies in this bill. I shall discuss several sections.

Now, the unprecedented situation which again comes to us is found in section 1 of the bill, which has in it a declaration of policy. That is something new and novel in legislation. Mind you, this declaration of policy must not only be construed in connection with the plan proposed but as a precedent as a legislative principle; it will be construed not only in connection with the bill before us but it will be construed as a legislative policy of Congress, so that if the remedy provided by the Haugen bill does not meet the situation, then even more highly experimental and more drastic legislation will be in order, so as to maintain the principle declared. Now, what is it?

It is hereby declared to be the policy of Congress to enable producers of agricultural commodities to control a supply of such commodities, etc.

To control the supply and to control the marketing. The laws of supply and demand are to be wiped out as a legislative policy of Congress. Control of production and of distribution is to be turned over to the producers of the commodity. Mind you, it is not the producers plus anyone else, but it is the producers alone. Mind you, this control is to be the control by means of the machinery that this bill sets up. The machinery and the scheme for carrying it out show the nature and extent of the control exercised over production and marketing.

Mr. PURNELL. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. PURNELL. I want to ask the gentleman whether he does not think it would be more fair if he would read the remaining part of the sentence?

Mr. NEWTON of Minnesota. I shall be glad to read it. I called attention to the section and the Members have it, so I supposed they would read it. If I had the time, I should be glad to read it.

Mr. PURNELL. Industry is able to control its products, is it not?

Mr. NEWTON of Minnesota. Industry is prohibited from controlling. Industry, manufacturing establishments, and so on are prohibited from getting together and controlling their supply and their marketing.

Mr. PURNELL. I am speaking about the individual organization. I am speaking about industry itself and I am not talking about monopolies or trusts. I am saying that the individual manufacturer can very largely control his production; he knows very largely in advance what sale he will have; he is not confronted with weather, pests, and the unexampled situation with which the farmers are confronted. Six and a half million farmers can not organize and control their production nor their sales.

Mr. NEWTON of Minnesota. Of course, a manufacturer can say whether he is going to manufacture or not.

Mr. PURNELL. And when a manufacturer lays down a binder, a plow, a suit of clothes, or a bicycle, he says to the public, "This is the price you pay for it if you get it."

Mr. NEWTON of Minnesota. Yes; and if he can not get that price he must sell it at a lower price.

Mr. PURNELL. But he usually gets that price.

Mr. NEWTON of Minnesota. And if he can not get that lower price then he finally sells it for what he can get.

Mr. PURNELL. But 6,500,000 farmers occupy the unusual position of raising crops, with all of these uncertainties before them, and they lay down those crops before the public and ask "What will you give for them." That is the situation we are trying to remedy with this legislation.

Mr. NEWTON of Minnesota. I do not object to the farmers being given a privilege that the business man does not have, a privilege we granted him in the passage of the Capper-Volstead Act. I do not object to that.

I am glad he has that privilege, but what I am now questioning is the wisdom of setting forth a legislative policy of control. Such a precedent will come back to plague us in the future. I am questioning the wisdom of granting control of supply and distribution to the party interested and especially control of the character set forth in the provisions of the bill.

Mr. KNUTSON. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. KNUTSON. Did I understand my colleague to say that section 1 does not contain any limitation as to these activities?

Mr. NEWTON of Minnesota. I did not say anything about any limitation, so far as I recall.

Mr. KNUTSON. If the gentleman did I would like to call his attention to the word "sufficient" in line 6.

It is hereby declared to be the policy of Congress to enable producers of agricultural commodities to control a supply of such commodities sufficient to stabilize—

And so forth.

Mr. NEWTON of Minnesota. Yes; but who is going to construe the word "sufficient"? Does the gentleman think that the word "sufficient" acts as any limitation?

Mr. KNUTSON. Does not the gentleman think that "surplus" would mean that when you get beyond a surplus you would be beyond a sufficiency?

Mr. NEWTON of Minnesota. That is true; but the gentleman will find later on in the bill, as I shall point out, that this board after establishing control can maintain that control just as long as it wants to, without regard to prices, market conditions, or anything else; and they will not be permitted as a practical proposition to ever take off the control. That is what I mean by saying that the word "sufficient" does not mean anything in this section.

Mr. KNUTSON. It means the surplus, surely.

Mr. NEWTON of Minnesota. Yes; but I mean in its practical effect, under the operations of this bill.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. CARTER of Oklahoma. Does the gentleman seriously think that there is never any understanding among other producers to regulate their supply? Does the gentleman really seriously state that to the House?

Mr. NEWTON of Minnesota. I know there have been understandings——

Mr. CARTER of Oklahoma. I know what the law is. I am not talking about that. I am asking if the law is being followed strictly.

Mr. NEWTON of Minnesota. I know there have been understandings in the past, but the experience of all of us is limited, necessarily, and men who have had "understandings" have got into trouble through such understandings and have either gone to prison or else have paid very substantial fines.

Mr. CARTER of Oklahoma. Does not the gentleman have the idea there have been some understandings about which nobody has got into any trouble and which have worked out to the perfect satisfaction of certain producers?

Mr. NEWTON of Minnesota. Yes; but not with satisfaction to the consumers, I may say.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. CHINDBLOM. And not under a declaration of legislative policy indorsing, commending, and promoting such a scheme. This bill declares a legislative policy exempting agricultural producers from every kind of restraint or restriction upon the control of production.

Mr. CARTER of Oklahoma. Do we not exempt them now from the operations of the antitrust law?

Mr. CHINDBLOM. We do.

Mr. CARTER of Oklahoma. Then how does this differ from our present policy?

Mr. CHINDBLOM. This is a further declaration.

Mr. CARTER of Oklahoma. It is the carrying out of our present policy and an extension of it.

Mr. NEWTON of Minnesota. No; this is a declaration coupled up with the furnishing of a governmental agency to carry it into effect and without any restraint whatever.

Mr. CHINDBLOM. And furnishes the machinery to carry it out.

Mr. NEWTON of Minnesota. Exactly.

Mr. BLACK of New York. And the money also.

Mr. NEWTON of Minnesota. Yes; and the money too.

Mr. KNUTSON. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. KNUTSON. How would it be possible for 6,000,000 farmers to get together and control production? The gentleman does not mean to convey the impression that the large steel interests in this country do not have an understanding as to production so as to prevent a glutting of the market?

Mr. NEWTON of Minnesota. The gentleman knows nothing about the steel industry at all.

Mr. KNUTSON. But the gentleman has never heard of a surplus of steel products, has he?

Mr. CHINDBLOM. Yes.

Mr. KNUTSON. The gentleman only knows by hearsay, but he does know that the steel interests, just like every large business interest, repeatedly have surpluses that they have difficulty in disposing of. Is it not a fact they operate at 100 per cent or 75 per cent or 60 per cent of their capacity as the needs of the market demand?

Mr. NEWTON of Minnesota. I do not know just the extent——

Mr. KNUTSON. The gentleman knows that because he reads in the papers at frequent intervals that the United States Steel Corporation, for instance, is operating at 65 per cent of capacity.

Mr. NEWTON of Minnesota. The gentleman from Minnesota does not know that.

Mr. PURNELL. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. PURNELL. Just for the sake of the argument let us assume that the steel interests do have surpluses, the difference between the steel company and the farmer is this. The surplus fixes the price of the domestic sales by the farmers, while the surplus of steel does not fix the domestic price.

The steel companies are able to maintain the domestic price, and what little any one of them has left over he can be pretty sure to know about in advance, and if it is sold at a loss it is charged off and absorbed in the business, because on the bulk of his product he gets a good, round price which always includes a profit, and that is what we want to do for the farmer.

Mr. NEWTON of Minnesota. I differ with the gentleman on that, but I do not differ with him on this proposition. I want to devise some ways and means whereby it can be met, but I at least want to exercise my own judgment as to the means, and I do not think the bill that is here before us, which could not command the support of 11 members of the gentleman's committee, does meet the situation. [Applause.]

Mr. CHINDBLOM. Will the gentleman yield further?

Mr. NEWTON of Minnesota. Yes.

Mr. CHINDBLOM. An industrial producer, as a matter of fact, is not able to anticipate demands. He sometimes finds himself with a surplus, and then he is able to curtail production for the present.

Mr. PURNELL. Which the farmer is not able to do.

Mr. CHINDBLOM. But everybody knows that every industrial concern in the country very frequently finds itself with very large surpluses on hand because it can not measure the necessities far in advance.

Mr. KNUTSON. Will the gentleman yield just half a minute?

Mr. NEWTON of Minnesota. I yield to the gentleman.

Mr. KNUTSON. The gentleman knows that when a large business concern finds itself with a surplus, it shuts down, but the farmer can not shut down and has to keep on operating.

Mr. NEWTON of Minnesota. Yes; but the business concern has an overhead to keep up which is very substantial.

Mr. CHINDBLOM. And the industrial concern takes its losses and recoups them the best it can, and does not come here asking an appropriation by the Government.

Mr. KNUTSON. The industrial concern recoups its losses by raising the price.

Mr. FORT. Will the gentleman yield?

Mr. NEWTON of Minnesota. I yield to the gentleman from New Jersey.

Mr. FORT. Is it not a fact that the industrial concern handles its surplus through its financial ability to carry the surplus at the same time that it reduces or suspends additional production?

Mr. NEWTON of Minnesota. The gentleman is correct.

Mr. FORT. And is not that therefore the solution of the difficulty of the farmer in like degree?

Mr. NEWTON of Minnesota. That would certainly go a long way toward reaching that situation.

Mr. BURTNESS. Supplementing what the gentleman from New Jersey has said, is not this true, that Congress has adopted a legislative policy with reference to the surplus that industry may gather when it passed the Webb-Pomerene Act, entirely leaving out the Sherman antitrust law with reference to such surplus and permitting industry to combine and sell the product abroad without coming into contact with the domestic price?

Mr. NEWTON of Minnesota. Yes; but the gentleman will not claim that there is any possible resemblance between the Webb-Pomerene Act, or any other similar act, and the Haugen bill.

Mr. BURTNESS. Very much the converse of the proposition. The Webb-Pomerene Act permits industry to handle their domestic surplus in a certain way, and they are able to combine, and Congress has said to them you can not combine in any way to handle the products in the United States, but when the time comes, if you have a surplus to dispose of abroad you can combine and put it into the hands of one person and sell it or do anything you like.

Mr. NEWTON of Minnesota. The gentleman must not take too much of my time. Now I must proceed. Now, how is this legislative policy to be established. We have first a Federal advisory council composed of 48, 4 of them from each Federal land bank district distributed throughout the country. How are they appointed? They are elected by the bona fide farm organizations and cooperative associations. The law says "bona fide" farm organizations and cooperative associations." All right. How do they elect them? Who comprise the associations? Then comes the Secretary of Agriculture into it. Here comes the possibility of partisan politics. The Secretary of Agriculture under this bill designates the cooperative association and the farm organization that will be permitted—the word "eligible" is used—"eligible to elect representatives in their respective regions to this advisory council."

The Secretary of Agriculture fixes the number of delegates, the number of votes that the farm organization or cooperative association may cast in the election of the members to the advisory council.

The Secretary of Agriculture fixes the date of the meeting and he can fix the date of one cooperative association to-day, another next week, and a third the week following. No cooperative, no farm organization, can participate in the election of members to the advisory council unless they have been declared eligible by the Secretary of Agriculture.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FORT. Mr. Chairman, I have been delegated by the chairman to yield the gentleman 10 minutes more.

Mr. NEWTON of Minnesota. Now, I wanted to know just what qualifications and restrictions there were on the Secretary of Agriculture designating these things.

Mr. TYDINGS. As I understand the gentleman, he is against the Haugen bill.

Mr. NEWTON of Minnesota. I am against the Haugen bill.

Mr. FULMER. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. FULMER. Does the gentleman think that the Secretary of Agriculture, Mr. Jardine, is not interested in cooperative associations and that he would do everything to promote the interests of the farmers?

Mr. NEWTON of Minnesota. The gentleman from Minnesota has full confidence in the ability, honesty, and integrity of the present Secretary of Agriculture, but when we write laws here we have to write them knowing that the man who is now Secretary may not be Secretary to-morrow. Furthermore, we are setting precedents.

Mr. FULMER. Does the gentleman think that the Secretary will mix up the proposition by calling a meeting on one day of one organization and a meeting of another organization next week, and so on?

Mr. NEWTON of Minnesota. I am not saying that the present Secretary will do it; I am not saying that any Secretary will do it. I am saying that we are writing a law which will permit any Secretary in the future to do it. There is no definition given. There is no requirement as to membership either in numbers or in any other way. It may be composed of 3 members or 3,000 members, as far as this bill is concerned.

They may farm 1 acre apiece or 30,000 acres, like one gentleman in Nebraska. It is with that machinery started under way that we are carrying on this legislative control policy. What do they do? Among the duties of this advisory council is the selection of the Federal farm board, which is going to carry out this act in its terms and provisions. There are 12 members of the Federal farm board, one from each of these regions. The four members from a particular region caucus together and nominate three from that region, and these three names are sent to the President. He must select one of the three nominees. He has no other choice.

Mr. MORTON D. HULL. Is any member of the four excluded?

Mr. NEWTON of Minnesota. No. They are at liberty, as far as this bill is concerned, to toss a coin, eliminate one of them, and then send their own names to the President. One out of three is bound to be appointed. If they are appointed, the appointment makes them ineligible to further serve on the advisory council, but there is $10,000 a year for a member of the farm board and $20 a day for service on the advisory council, so that there will not be any difficulty probably about getting resignations.

Mr. BLACK of New York. Why does not the committee call this a soviet and be done with it? Why not be honest about it?

Mr. NEWTON of Minnesota. Oh, I do not care to give it any term—merely to describe it.

Mr. BLACK of New York. But it is the truth.

Mr. NEWTON of Minnesota. I am merely giving the set-up so that gentlemen will see how this thing is tied together and what the consequences will be. Let me speak to the minority

a minute. You know what this would mean to a minority party if we should adopt that principle. This plan would put every basic commodity within the power of the party in control of affairs at Washington.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. CONNALLY of Texas. Does the gentleman think that President Coolidge and the ruling party now would do us in that way?

Mr. NEWTON of Minnesota. No; I do not; but while I have no desire to have the gentleman's party come in power, yet if I did happen to be in the minority party I am not so sure that we would be as safe in that respect as the gentleman would now be with the present occupant of the White House.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield further?

Mr. NEWTON of Minnesota. Yes.

Mr. CONNALLY of Texas. The only reason for my interjection was because the gentleman addressed the minority. I agree with the gentleman. I do not think it would be safe to trust the present administration with the appointment of these men.

Mr. NEWTON of Minnesota. And that is the point wherein the gentleman and I differ. I would trust the present administration.

Mr. CONNALLY of Texas. I am wondering just what the gentleman has in mind, because, of course, we have suffered that suspicion here, and we do not have that faith and trust in the President. I congratulate the gentleman upon his boldness in saying what was in the heart of all of us.

Mr. CHINDBLOM. Of course, the gentleman was talking about a permanent minority.

Mr. NEWTON of Minnesota. But leaving all joking aside, we must all admit that we are legislating not only for a day, but we are establishing legislative precedents, and we ought not to take up any great industry in the country and put a political machine in charge of it in this fashion. It ought not to be done. It is bad whether our party is in power or your party be in power, and I can not believe that any farmer wants anything of that kind to come to pass.

Mr. HARE. Does not the gentleman think the farmers of the country can elect their members of the board just as successfully as they elect their Members of Congress?

Mr. NEWTON of Minnesota. If they are given an opportunity; yes.

Mr. HARE. I understood the gentleman was objecting upon the ground that the farmers were not in a position so that they would be capable of selecting men to act upon this board.

Mr. NEWTON of Minnesota. Oh, the gentleman did not get my meaning at all.

Mr. FORT. Suffrage under the bill is in the farm organizations and not in the farmer.

Mr. NEWTON of Minnesota. It rests in the Secretary of Agriculture.

Mr. FORT. He must designate the organizations, and the nonorganization farmer has no suffrage.

Mr. NEWTON of Minnesota. Yes; and the farmer who belongs to an unrecognized organization has no more vote than a lawyer or anyone else on the outside.

Mr. HARE. Of course, the organization can be no stronger than the individuals who represent it.

Mr. NEWTON of Minnesota. That is true; but if the organizations of the farmer are not designated as eligible to participate, they are not going to be very effective in this plan, and their right to participate rests solely in the Secretary of Agriculture.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. FORT. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. I must decline to yield further.

What are the duties of the board? In brief, they are as follows:

(1) Obtain information.

(2) Disseminate same to cooperative and other farm organizations.

(3) To advise those organizations as to crop adjustment; that is, as to what and how much to plan on producing.

(4) Ascertain probability of surplus in basic commodities.

(5) To take action on disposition of the surplus.

In ascertaining the probabilities of a surplus this would, of course, have to be done several months in advance of the harvesting of the crop. You cotton men know that the Department of Agriculture has erred in its prediction on the cotton crop. We of the wheat country know that the experts in the Department of Agriculture have made several serious mistakes in forecasting the wheat crop. Take wheat, for example: The board would have to issue declarations of probable surplus about the 1st of June, certainly not later than that. At that time there is little information obtainable as to the grain and wheat crop. Between the 1st of June and the 1st of August adverse conditions can work havoc to both winter and spring wheat crops. The board has a real task, then, in forecasting the crop and determining the question of a probable surplus.

The jurisdiction of the board would extend to cotton, wheat, corn, butter, cattle, and swine, which are called basic agricultural commodities.

The board can put the plan into effect upon the finding of certain facts.

Let us first discuss cotton. First, find a probable surplus above and beyond not only the domestic requirements but the ordinary world requirement as well. We export about 60 per cent of our cotton, so that there is always a surplus over and above the domestic requirement. The board must also find that a substantial number of cooperatives or other organizations are in favor of putting the plan into effect. My information is that the cooperative cotton producers control only about 6 per cent of the production. Therefore, a substantial number would mean about 3 per cent of gross production. This would seem to be a very small percentage of the total crop that would be affected by the plan if it were put into effect.

This also should be considered. What is going to be the attitude of our foreign customers in reference to this control over cotton? I am informed that five years ago 75 per cent of the cotton manufactured at Manchester was American cotton, and that to-day it is but 65 per cent. Therefore, we have competition. We ought to be careful about doing anything which may still further reduce that percentage.

Mr. QUIN. Does not the gentleman think that applies on account of the increased manufacture of cotton in the South—113 factories in one county in North Carolina?

Mr. NEWTON of Minnesota. The gentleman was not here when I said that I could not yield further.

I will now take up wheat, corn, butter, cattle, and swine. Rye is more or less of a substitute for wheat. Therefore it is a mistake to put wheat in the bill and leave out rye. Oats are more or less of a substitute for corn. It is a mistake to put in corn and leave out oats. The fact is that about 26 per cent of the oats produced in this country are shipped out of the county in which they are produced, while the percentage of corn is about 19 per cent. Furthermore, the price of oats at the present time is unremunerative, and I understand that a substantial portion of last year's yield will be carried over.

To put the plan into effect in reference to these commodities of wheat, corn, and so forth, the board must find the following:

(1) A probable surplus above domestic requirements.

(2) That the price in the United States is materially lower than the foreign price plus tariff and freight.

(3) That this condition renders inoperative to some extent the tariff upon such commodity.

On finding the above facts the plan is then put into effect and once put into effect the plan continues in operation "until terminated by the board."

The present price of wheat in this country, while higher than that in Canada, is considerably less than the Canadian price plus the tariff of 42 cents and the freight charges on that wheat from Canada to this country. The present price of corn in this country is such that the price of corn in the Argentine plus the tariff of 15 cents per pound and the freight here is higher than the price of corn in this country. Therefore, the plan could be put into immediate effect as to both wheat and corn.

In its work of control and disposition of the surplus it is made the duty of the board to assist substantially in the following manner:

(1) The making of agreements with cooperatives, corporations created by them, and persons engaged in processing such commodities—the miller and packer—and other agents to be created by the board.

(2) These agreements are to contain provisions for the payment to these cooperatives, millers, packers, and so forth, of the payments out of the equalization fund of the given commodity of the amount of the losses, costs, and charges—charges and profits—of such cooperatives by reason of their purchase, storage, or sale of such commodity.

It is extremely difficult, from a reading of this portion of the bill, to ascertain just what price the farmer himself is going

to receive from the operation of the plan. Our principal wheat competitor is Canada. The principal market in Canada is Winnipeg. The difference between the price of wheat at the present time at Winnipeg and the present price of wheat at Minneapolis is about 10 cents; that is, the Minneapolis price is about 10 cents higher than the Winnipeg price. I use Minneapolis because it is the greatest primary wheat market in the world. The present price of wheat is around $1.50 per bushel. Therefore, for purposes of illustration, let us assume that on October 1 next the price of wheat at Minneapolis is $1.60 per bushel and that the price of wheat of a similar grade at Winnipeg is $1.50 per bushel. The tariff amounts to 42 cents. Let us estimate the freight to be 8 cents—it would be more than this. Therefore, on October 1 the Winnipeg price plus tariff and freight would be $2, while the price at Minneapolis would be $1.60. Therefore, there would be a differential of 40 cents per bushel. Under the terms of the bill the plan would be put in operation, in order to give the American farmer, therefore, the benefit of a domestic price which would equal the world price plus the tariff and the freight.

Generally speaking, we have a surplus of wheat of about 25 per cent of our total yield of winter and spring wheat. A good average yield would be about 800,000,000 bushels per year. Therefore, there would be a surplus of at least 200,000,000 bushels.

It would be the duty of the board to enter into these agreements to the end that this surplus could be promptly bought up and shipped abroad so as to bring the domestic price up to the world price plus the tariff and freight. Just how would this be done? By the parties entering into these agreements with the board. On October 1 would they then go into the market, buying wheat at the prevailing domestic price? By buying 200,000,000 bushels the price would gradually increase to that of the world price plus tariff and freight. That is, using our illustration, until it reached the figure of $2 per bushel. In other words, would these agents of the board start in paying $1.60 per bushel until gradually the price reached $2 per bushel, or would they commence at once paying the sum of $2 per bushel until they had purchased the amount necessary to maintain the price equal to the world price plus tariff and freight? This is important. But it is impossible to find out by reading the bill just what would be done. If you ask some proponents of the plan, they will tell you one thing, while others will tell you another. For example, one of the chief proponents of the plan outside of Congress says that they would commence buying at $1.60 per bushel. Upon the passage of this bill that individual would undoubtedly have much to do toward influencing the policies of the board, while there are Members on the floor here who feel that the board would immediately commence paying the rate of $2 per bushel. For the farmers who market early this would make a very material difference. It would be especially true as to the Kansas and Oklahoma wheat farmers.

The United States Grain Corporation found it necessary to maintain the price by buying up 35 per cent of the entire crop, which was way above the surplus. But they found it necessary to go up to that figure in order to maintain the price. In this connection it must be borne in mind that the grain corporation did business when the whole world was in need of our wheat. The Federal farm board will be doing business under far less favorable conditions. In the judgment of men who are experienced and who ought to know, the Federal farm board will probably have to buy up from 40 to 50 per cent of the crop in order to maintain the price.

The Grain Corporation had a capital of $500,000,000 and unlimited credit by reason of it being a governmental corporation operating in war times. The entire subsidy granted by this bill to all the commodities is $375,000,000. Of this amount $100,000,000 goes to cotton. The remaining figure will have to be apportioned out to the other commodities. It is an absolute certainty, therefore, that the subsidy will not be sufficient to permit the Federal farm board to make a sufficient purchase in order to maintain the world price plus freight and tariff without coming to Congress for an additional subsidy.

Again using my price illustration, if the purchases are to be made by starting in at the $1.60 price, arrangements can be made with several exporters, like Julius H. Barnes and others, to go out and buy a sufficient quantity of wheat to take it out of the domestic market. However, if this is done, it is difficult to see just how the producers are going to get the benefit of any advance in price.

In two years, when the equalization-fee plan is supposed to go into effect, the farmer who sold earlier at $1.60 per bushel could be called upon to pay an equalization fee just the same as the farmer who received $2 per bushel. This would hardly be fair, and it can well be imagined what the farmer receiving only $1.60 instead of $2 per bushel would have to say regarding it.

If every purchase made by the agents of the Federal farm board is at the rate of $2 per bushel, then it would necessarily mean the setting up of a great buying agency like the Grain Corporation. When the Grain Corporation went out of business in 1920 its organization comprised not only thousands of employees but the following:

Licensed elevators	21,490
Flour mills	19,105
Corn-meal mills	2,100
Commission men	13,339

In addition there were a large number of terminal elevators. Furthermore, in the purchasing of grain for the Grain Corporation these agents supplied their own funds. Notwithstanding this, the corporation was compelled to use its capital of $500,000,000, and, in addition, to make use in an enormous way of its unlimited borrowing power.

There is not any question but what those who enter into the agreement with the Federal farm board for purchase and disposition of this surplus have their losses, costs, and profits to take care of out of this subsidy and later out of the equalization fund which is paid in by the farmer.

The Federal farm board can, of course, make contracts with any cooperative, any corporation created by a cooperative, any packer or miller, and in default of a cooperative capable of carrying out the contract with any other agency. Think of the tremendous possibilities growing out of this power which is lodged with the board and which means the control of the disposition of a great substantial portion of the wheat crop of the country, which runs into hundreds of millions of dollars annually.

Under this bill we establish the principle of permitting this kind of control. Gentlemen, it ought not to be done.

Let me call your attention now to the equalization fee, provision for which is made in section 9 on page 13. It is fully anticipated that this surplus will have to be sold abroad at less than the world price plus tariff and freight. Who is going to stand the loss? Losses, of course, have to be paid out of the equalization fund. During the first two years this fund consists of a subsidy of $375,000,000 made by the Government out of the Treasury. One of the functions of the board is to estimate the probable loss from the time they put the plan into effect and commence purchasing the wheat or the other commodities. They then estimate how this loss is to be apportioned. How much is each commodity to stand?

Take wheat, for example. Every bushel of wheat sold will have to bear its portion of this loss. It does so through the payment of an equalization fee. It is essentially a tax that is levied against every bushel of wheat that is marketed, whether for domestic or world use. How is it to be collected? From the farmer who produces it? The merchant who presents his wheat for sale? No. This would apparently bring the farmer very close to the fact that he is paying a tax. To maintain this experiment he might be rather dubious as to whether or not he was receiving any benefit from it. Under the provisions of the bill the equalization fee is to be collected as far away from the farmer as possible. Of course, the farmer pays, for it is made the duty of the purchaser or the processor to collect and issue to the producer a receipt evidencing the payment of the equalization fee and of the interest of the producer ultimately in a participation in the equalization fund.

Gentlemen, in my judgment the equalization plan set forth in the Haugen bill is unworkable and impracticable. I believe the proponents of the measure themselves are extremely doubtful as to just how it will work and that that is the principal reason why they have been anxious to get the collection as far away from the farmer as possible. However, I do not know that it is necessary to pay any more attention to the equalization fee, for it is my judgment that it will never be put into force and effect.

If during the first two years of this act it is carried on with a governmental subsidy of $375,000,000, at the end of the two-year period we will be asked to provide a further and additional subsidy. It will then be even more difficult than it is to-day to turn the request down. As has been repeatedly brought forth in the debate up to the present time, we have a striking example of disastrous results following the denial of the renewal of a subsidy in the situation in which Great Britain finds itself to-day. That nation granted a subsidy to the miners several years ago. Recently a request for a renewal was denied. The lesson is obvious.

Furthermore, I want to call the attention of the Members to the reading of section 9, on page 13. It is as follows:

SEC. 9. In order that the producers of each basic agricultural commodity may contribute ratably their equitable share to the equaliza-

tion fund hereinafter established for such commodity; in order to prevent any unjust discrimination against, any direct burden or undue restraint upon, and any suppression of commerce in basic agricultural commodities and their food products with foreign nations in favor of interstate or intrastate commerce; and in order to encourage and stimulate the normal and usual current of foreign and interstate commerce in basic agricultural commodities—there shall be apportioned and paid as a regulation of such commerce an equalization fee as hereinafter provided.

Note the strained effort on the part of the person drafting this section of the bill to bring the provision within the commerce clause of the Constitution. The equalization fee was originally called a tax by practically every proponent of the measure. It was justified as a tax. Doubt was expressed by some people as to its constitutionality. As the question was further considered the proponents finally came to the conclusion that there was no power in Congress to levy an equalization fee as a tax. How could it be done? They then thought of the commerce clause of the Constitution. Congress is given power to regulate commerce among the several States and with foreign nations.

What is the purpose of the equalization fee? Clearly, as it has been announced from time to time, to absorb the loss caused by the necessity of selling the surplus at less than the world price plus tariff and freight. That is the purpose of the equalization fee, nothing else. The fee, therefore, has nothing whatever to do with the regulation of interstate or foreign commerce. Those who drafted this section must have known this. That, therefore, must be the reason for the peculiar phraseology used in section 9. Where is there any "burden" on commerce that has been shown here? No one has suggested any "restraint" or "suppression" of commerce, either foreign or interstate.

The whole question is the disposition of a probable surplus crop and at an advantageous price. Therefore a recitation of isolated phrases taken from textbooks on interstate and foreign commerce will hardly suffice to bring the equalization fee within constitutional limits. The purpose of the equalization fund is set forth in paragraph (c) of section 12, on page 16 of the bill.

Before closing, let me say this further with reference to the subsidy out of the Treasury of $375,000,000. Who is to loan this money? The Federal farm board. Who is to make agreements for the paying out of this subsidy for losses, profits, and so forth, growing out of the purchase, storage, and disposition of the surplus of these basic agricultural commodities? The Federal farm board. It is Government money, paid by the taxpayers of the Nation into the Treasury. But it is loaned and disbursed, not by Treasury officials, but by the borrowers themselves. It is comparable only to the case where the discount committee or the loan committee of a bank would be composed, not of the depositors or the directors of the bank, but by the borrowers. That practice is not sound. It would not be permitted under the laws of any State in the Union or under our national bank law.

Before closing let me call attention to the fact that after this plan has been put into effect upon any given commodity the board has a right to continue it just as long as they see fit to do so. This is true without any restriction or limitation whatever. It makes no difference what the world price might be after the plan got into effect. It simply occurs to me that the board would be against tremendous pressure from the interests affected whenever they made any attempt to withdraw the control.

Furthermore, a tremendous responsibility is conferred upon the President by section 18 of this act. Whenever he finds that the importation into this country of any commodity, or any derivative thereof, or competitive substitute therefor is likely to increase materially the losses payable out of the equalization fund on such commodity, he shall so find and declare. Immediately thereafter an embargo on that commodity, derivative, or substitute goes into effect. Embargoes have always been extremely unpopular in this country, if my recollection of history is correct. Furthermore, they provoke retaliation abroad. A people with a surplus of commodities to sell abroad ought so to conduct themselves in their trade relations as not to provoke retaliatory action.

Mr. Chairman, I firmly believe that this bill would not command support of more than a dozen Members of this House if they knew that their support would be the determining factor in putting the bill into effect.

I say so because I know that they are dealing with a most important problem. They want to solve it wisely. They must realize that this plan is highly experimental, and, so realizing, I feel that they could not support it if they thought that they themselves were casting the deciding vote. They simply could not get themselves, under those circumstances, to shoulder the tremendous responsibility. The adoption of the plan of operation set forth in the Haugen bill would automatically put an end to our grain futures market and consequently to hedging, or price insurance, upon which our present market system is dependent. The ease with which the merchandising of our grain crop is financed is due to the protection against loss resulting from price fluctuations which is available to buyers. This is of particular value to smaller dealers with limited capital who to-day operate more than half of the grain warehouses located at country points. Without hedging facilities, upon which the dealer is directly or indirectly dependent, the small dealer would be put out of business. Our present markets reflect a composite picture of the divergent views of all classes of dealers, producers, millers, and exporters as to the price levels justified by supply and demand. They reflect a present value based upon anticipated conditions. The Haugen plan eliminates supply and demand as price-making factors and individual judgment as to value would obviously be worthless. The course of the markets would be dependent upon the policies and decisions of the Federal farm board and not upon demand and the availability of the supply.

The instability of price resulting from this situation would greatly curtail the buying power of the existing marketing agencies and increase the difficulties attendant upon financing the marketing of our grain crop. As a result of this condition, subsidized cooperative organizations, or their agents referred to in the bill, would be called upon to finance the greater part of the marketing operation. The marketing of grain crops is of necessity seasonal. The demand, whether for export or domestic consumption, is periodic. From harvest time until a new crop is available ample supplies for consumption must be carried and this entails storage and consequent financing. To maintain an artificial price level such as is advocated, a shortage in supply must be created through abnormal exports, and this operation would lower the world price level upon which it is proposed to base our domestic price. The result of all this would be the ultimate destruction of the present existing marketing machinery. This would be done at a time when the farmer has a real marketing problem before him. He must dispose of his surplus. To assist him in doing so he must rearrange his production of commodities, and the moment that this bill is passed there is a promise upon the part of our Government to pay every wheat farmer a premium of 42 cents over and above the world price on every bushel of wheat produced here in excess of our needs, regardless of how many excess bushels are produced. This constitutes an invitation to the farmer to do this. The result of this bill will be to increase his troubles, not to lessen them.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. NEWTON of Minnesota. I am sorry I can not obtain more time.

Mr. ASWELL. Mr. Chairman, I yield 40 minutes to the gentleman from Kentucky [Mr. KINCHELOE]. [Applause.]

Mr. KINCHELOE. Mr. Chairman and gentlemen of the committee, I do not know what you think about this pending legislation, but from the study I have had an opportunity to give it, I am clearly convinced that the agricultural interest of America is in a sad and deplorable condition. I think this should be a solemn hour to us when we come to deal with legislation affecting the great basic industry of America, which as I say is in such a deplorable condition. The Agricultural Committee of the House sat around the table for about seven weeks hearing from practically every part of the United States the ideas of men as to what they thought was a solution of the agricultural problem.

For seven weeks, as I thought, the members of the committee sat around for the purpose of gaining information to give to our busy colleagues on the floor of the House who are interested in other matters and members of other committees, but when it wound up and the committee went into executive session and finally reported three bills instead of one, the most unheard-of thing I have ever known. In other words, the members of the committee are saying to you gentlemen, "We have had these hearings for seven weeks and got some ideas; but notwithstanding we have attended these hearings for seven weeks, we do not know what is best for the farmer; we will throw all in a pile on the floor and let you fellows take it"——

Mr. CARTER of Oklahoma. Pass the buck.

Mr. KINCHELOE. Pass the buck absolutely, nothing else. I voted against all this procedure. I have a high regard for the intelligence and standing of the great Agricultural Com-

mittee of this House; and if that Agricultural Committee can not function intelligently, how can we as members of your committee ask you to function intelligently when you shall have heard the debate on this question? No; the Agricultural Committee brought to you what we call triplets. [Laughter.] Well, they had a good reason, for if they had not brought triplets there would have been an abortion and the Tincher bill would have never been born, and in order to prevent that they brought triplets for you to decide which one is your favorite. I want to say to you in my candid judgment that the Haugen bill as written and the Tincher bill as written are afterthoughts and are presented here as a matter of political expediency. I make that statement advisedly. The President of the United States has no patience with that kind of legislation in the Tincher bill or in the Haugen bill; that is, if he stands where he stood last December. In his December message to Congress here is what he said:

> It has appeared from the investigations that I have been able to make that the farmers as a whole are determined to maintain the independence of their business. They do not wish to have meddling on the part of the Government or be placed under the inevitable restrictions involved in any system of direct or indirect price fixing which will permit the Government to operate in the agricultural markets.

The President said further:

> Government control can not be divorced from political control.

He is absolutely right about it. He was right then. But he seems to have surrendered. He further says:

> The farmers are opposed to submitting themselves to a great Government bureaucracy. They prefer the sound policy of maintaining their own freedom and initiative as individuals. They do not wish to put the Government into the farming business.

That is what the President said at that time. Let us see what his Secretary of Agriculture, Mr. Jardine, had to say in his report as Secretary of Agriculture. I read:

> It seems obvious that supervision and control are not desirable—

Speaking of the farmers. Then he goes on:

> Cooperative associations are business concerns. Like other business concerns they must eventually stand or fall by themselves. They can not be fairly asked to accept a degree of direction and control from which private distributing agencies are exempt. * * * It might be fatal to their efficiency, but certainly would not encourage men of executive ability to ask magisterial positions in the movement.

Then, later, in a speech that he made, speaking of wheat, he said:

> Our wheat problem will be eliminated when we cease to be exporters of wheat in competition with such new wheat-producing centers as Canada, Australia, and Argentina. Then, and only then, will the 42 cents a bushel tariff work in the interest of all the wheat growers. We have passed the day in America when we can grow wheat for export in competition with those countries. Canada, Argentina, and Australia have almost unlimited acreage and virgin prairie soil adapted to wheat production, and for many years to come they will be able to produce an ample world supply of wheat. Our only hope is to cease to be an exporter of wheat. The farmers are filled up on advice from the outside.

That is what Mr. Jardine said at that time. They want to be let alone and work out their own problem. I submit that in the light of the utterances of the President and the Secretary of Agriculture that I have just read, they never dreamed of going as far as the Tincher bill goes—to appropriate $100,000,000 out of the Treasury.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. AYRES. Has the Secretary changed his mind since then, and is it possible that the President has changed his mind?

Mr. KINCHELOE. Yes. I think he has changed his mind to the extent of $100,000,000. Why the change? The truth is, that when Congress met, the President and the Secretary of Agriculture never intended to pass any farm legislation, except to pass the cooperative marketing bill that this House passed early in the session. But afterwards a political cyclone started up in the West. At Des Moines there was a meeting of bankers and some farmers, and they have put the fire under the President of the United States and his Secretary of Agriculture so hot that now they have come, at the last hour, with the Tincher bill, and say, "Oh, yes; we want to help the farmer. We want to loan him $100,000,000 out of the Treasury of the United States."

I am showing that that bill came forth as a matter of political expediency and afterthought only.

Of course, Mr. Jardine has no trouble in changing his opinion. He travels hither and thither. He has just got back from the South, telling the people of the South what a great bill this Tincher bill is. He has been nodding and bobbing and bowing and cajoling and coddling and rabbit-tracking on everything he does. They do tell me that he is the greatest songster in the whole Cabinet grove.

> He winds in and he winds out,
> And leaves the farmers all in doubt
> As to whether the Jardine that made the track
> Was going north or coming back.

In view of the above utterances, how can any American farmer take him seriously?

And he is proud of his job, as any American country boy ever was of his first pair of red-top boots.

I want to show you what these boards provide. I am not discussing this question from the political standpoint. I have the honor of representing on this floor one of the most diversified agricultural districts in the United States. In that district we raise all the commodities that any of you raise, with the exception, probably, of sugar. In a proposition as serious as this I do not propose to play politics with my farmers and I do not propose to be stampeded and vote for a proposition which I know to be economically unsound. If every Member on this floor on both sides would vote only on propositions here that were economically sound and at some time be of real help to the farmer, neither the Haugen bill nor the Tincher bill would get enough votes to sing bass at a funeral when the final vote came.

I have quoted to you the statements of the President and the Secretary of Agriculture to show how inconsistent they now are in indorsing the Tincher bill. What about the Haugen bill? The equalization-fee proposition has been before the Committee on Agriculture for practically four years. When the McNary-Haugen bill came here two years ago it was debated on the floor of the House; but they have abandoned every principle in this bill for which they stood in the last four years. What did they always tell us? I did not agree with them, but I thought they were sincere; and I want to stop here long enough to say that I think the gentleman from Iowa [Mr. DICKINSON] is and always has been sincere.

He has been consistent and he is now. He stands for the principle for which he has stood ever since this agitation has been before the Agricultural Committee. [Applause.] They came and said they wanted an equalization fee for two purposes. First, that the farmers of this country do not want any subsidy out of the Treasury. They want to stand their own losses. And they said, second—which to me was more forcible than the first—that whenever you stimulate the price of an agricultural commodity you stimulate its production, and the only way you can prevent a stimulation in the production of that article is by levying an equalization fee back on the individual farmer. So the Des Moines conference met. They indorsed the bill of my good friend DICKINSON. They heralded everywhere, "We are for the Dickinson bill." But let us see whether this bill before us now is not a matter of political expediency and an afterthought. What was the original Dickinson bill? It provided these basic agricultural commodities; it provided for an equalization fee levied on all of them, and it did not appropriate one red cent out of the Treasury in the way of a subsidy. The only money that was appropriated was to get this bill in operation. That is the Dickinson bill, and that is the bill the gentleman from Iowa now stands for. So, after that conference they came down here and the Agricultural Committee was waiting for them to get here. We got around the table with these representatives from the Des Moines conference, these representatives from the Corn Belt and the committee of 22. After they got here, did they stand for the Dickinson bill? Oh, no. They abandoned that.

The first thing the Agricultural Committee told those gentlemen was that they ought to put their ideas in the shape of a bill. Well, these Corn Belt representatives got down here and they said, "All right; we will present a bill to you." In a few days they did. That bill named these basic agricultural commodities; but, notwithstanding the fact that these fellows were down here for corn and the corn raisers, they said, "Oh, no; we do not want any equalization fee on corn, but we want a subsidy of $100,000,000 out of the Treasury for our corn people, and not pay a cent of it back in the way of an equalization fee." They said, in substance, "Let the raisers of other commodities stand the losses in the way of an equalization fee." They came before us and they got shot out of the water. That is what they got on that proposition. They found they could not pass this bill that way; that these

raisers of the other commodities are not going to stand for that. Then they got the representatives of you cotton fellows up here. They said, in substance, "In order to put this over we have got to get the cotton fellows, and we can not get them on an equalization fee to start with, because they are too smart for that." They conferred with the cotton fellows and said, in substance, "If you will come and go with us, we will put cotton in as a basic commodity and appropriate $250,000,000 as a subsidy out of the Treasury." And here came the representatives of the cooperative marketing associations of cotton before the committee. They saw that $250,000,000 dangling on the end of a string out of the Treasury of the United States, and they said, "If you will put that over, we will go with you." So that was another amendment to the bill.

Mr. COLE. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. COLE. Will the gentleman state who made those propositions?

Mr. KINCHELOE. Oh, I do not think that your representatives of the Corn Belt were very far away at the time of the meeting behind closed doors, if that is what you mean. They were there encouraging, abetting, and inciting all of this, and they are still here. They were in such a bad fix on corn that they wanted $100,000,000 and not pay a darned cent back on it in the way of an equalization fee.

Mr. McLAUGHLIN of Nebraska. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. McLAUGHLIN of Nebraska. Does the gentleman mean to give out the impression that the representatives of the Corn Belt committee sent for the representatives of the cotton people?

Mr. KINCHELOE. No; and I do not know how they got here. They just seemed to drop down here, but they did get here. However, I do not care how they got here.

Mr. COLE. Will the gentleman yield for a statement?

Mr. KINCHELOE. I will yield for a question, but not for a statement.

Mr. COLE. All right; I will ask a question. Does not the gentleman know that there is not a farm organization in the State of Iowa that has ever asked to be exempted from the equalization fee?

Mr. KINCHELOE. If they did not, then the representatives that those fellows sent down here ran amuck after they got here. I do not know how that was; I am simply telling what happened before our committee. They brought that before us, and they continued to favor that idea on that. Then they found out that if they voted $250,000,000 out of the Treasury for cotton and $100,000,000 for corn these other fellows who raise other commodities would not stand for the equalization fee being levied back on them.

We completed the hearings and went into executive session for two or three days, and like a clap of thunder out of a clear sky they came in there and said, "We are going to take the equalization fee off of all these commodities for two years and appropriate $350,000,000 out of the Treasury, and we will defer the levying of the equalization for two years."

Then, unknown to us—and I did not know it until the bill was printed—they put butter in the bill, although that had never been mentioned by anybody. They evidently said in their secret meetings, "When VOIGT hit the old McNary-Haugen bill a solar-plexus blow two years ago he put the Wisconsin delegation all against it. Now, if we can put butter in there, we may go out and get this Wisconsin delegation, and if we can get the Wisconsin delegation, all the corn people and the cotton people, with their $250,000,000, we will just simply clean up on the floor of the House and pass this bill and let the two years take care of themselves."

Mr. McLAUGHLIN of Nebraska. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. McLAUGHLIN of Nebraska. I would like to ask the gentleman two very short questions. First, whom did the gentleman hear in the committee say:

We will get the Wisconsin delegation by putting in butter?

Mr. KINCHELOE. I am not talking about the committee. We were seeking information, and the gentleman knows that butter was not in there until after that last round in executive session, just before we reported the triplets out.

Mr. McLAUGHLIN of Nebraska. I know when butter was put in.

Mr. KINCHELOE. It was not put in before, was it?

Mr. McLAUGHLIN of Nebraska. No; it was not put in before.

Mr. KINCHELOE. No; absolutely not. I am not saying that the gentleman had anything to do with butter and I do not think any member of the committee had anything to do with it.

Mr. McLAUGHLIN of Nebraska. Let me ask the gentleman this other question: Who came before the committee and asked for an appropriation of $375,000,000 for two years?

Mr. KINCHELOE. I do not think anybody did.

Mr. McLAUGHLIN of Nebraska. The committee did that itself and the members of the committee knew about it.

Mr. KINCHELOE. No; the committee was stampeded in executive session. My friend, the gentleman from Illinois, TOM WILLIAMS, knows, if nobody else does, that this happened in the last days, when they brought in these letters, signed by these representatives, saying they would stand for it.

Now, let me show whether they had any idea of a subsidy long before the end of the hearings. Mr. Thompson, president of the Farm Bureau, is a splendid man, and he is a good organizer.

I was asking him some questions and I asked about the Sinclair bill. He had said they wanted to put the farmers on the same basis economically as the manufacturers, laborers, and so forth. I said to him, "Mr. Thompson, if you propose to do that, you can not do it by levying an equalization fee back on the farmer and having him stand his own losses; that would be raising him up by his own bootstraps, and that would not put him on the same level." I told him that there was a bill before the committee called the Sinclair bill which provided for a board to buy the surplus of all these basic commodities, to pay for them out of the Treasury, and whatever loss was sustained was to come out of the Federal Treasury. I said to him that that might put the farmer on the same basis as the manufacturer. Then here is what I asked Mr. Thompson to find out what he thought about it:

I am just asking for your opinion. Why could we not do that and why would not that put the farmer on a parity with everybody else?

I was referring to the Sinclair bill. Here is what Mr. Thompson said:

Well, we have thought the best way we can accomplish the thing is by some method that would not require a subsidy.

All going to show that throughout the hearings nobody dreamed of a subsidy of $350,000,000 to be taken out of the Federal Treasury. You are being bombarded with telegrams from everywhere. I talked with a Member of Congress only day before yesterday who was getting these telegrams sent to him collect, and I said:

Are you paying for them?

He said:

After I received about 100 of them I called up the telegraph office and told them I did not want any more sent to me collect.

The telegraph office told him—listen to this—

You are not going to pay for them, the Government is not going to pay for them; they are going to be paid for by a gentleman here in Washington.

Yet they are bombarding the Members from the cotton sections and everybody else around here, having the telegrams sent to them collect and they are being paid for here in Washing, and these people are not paying for them for their health, I may say to some of the gentlemen who seem to be excited by this propaganda.

Now, take the board provided under the Tincher bill and the board provided under the Haugen bill. They are the same except they differ in numbers. They are selected in the same way, except under the Tincher bill there are six members of the board representing that many commodities, and under the Haugen bill there are 12 members, one from each Federal land-bank district. I want to call your attention to this board and show you the language of the bill, and I want you to say on your own conscience when you shall finally cast your vote, whether you propose to deliver the farmers of your district into the control of a Federal political board in Washington, because that is what you are going to do; do not disabuse your minds of that fact. Let me read subsection (b) of section 2 of the bill.

Mr. WINGO. The Haugen bill?

Mr. KINCHELOE. There is the same language in the Haugen bill and the Tincher bill in that regard.

The Secretary of Agriculture shall annually, with the advice of such farm organizations and cooperative associations as he considers to be representative of agriculture—

What shall they do—

(1) Fix the date on which such convention shall be held.

That is the convention to elect this council. Now, listen to this:

(2) Designate the farm organizations and cooperative associations in each district eligible to participate in such conventions.

And you do not stop there—

(3) Designate the number of representatives and the number of votes to which each such organization or association shall be entitled.

In other words, the Secretary of Agriculture is going to name the electorate, and after he names the electorate he is going to fix their representation. If you let me name the electorate and the representation of any organization in the world, I will control it, and every man on the floor knows it will be so controlled.

As I have said, the Secretary designates the organizations that are going to elect members of the council, and he is going to fix the representation Not only that, but under the Haugen bill there are four members from each of the Federal land-bank districts, and they are going to recommend the three members from each land-bank district for the President to select one of them as a member of this board.

There is no provision in the bill that the members of the council shall not be eligible for membership on the board. Why, my friends, when you get these 48 members of the council who have been selected at the homes of the Federal land banks, where the poor "one-gallus" farmer will never get because he has not money enough to pay his railroad fare to the Federal land bank, these members of the council will each be a candidate for membership on the board.

Do not be mistaken about that, and every fellow when he gets on the council the height of his political ambition is going to be to get on this board, and then he is going to begin hobnobbing and electioneering with the other members of the council and saying to them. "You scratch my back as the representative from my land-bank district and I will scratch yours." It is true the President has the right to name one of the three, but I can understand what will be the situation with respect to that board. If I am one of them and I have agreed that with respect to my land-bank district they are going to put me No. 1 and in consideration of that I will agree to put another member of the council as No. 1 from his district, then we will go to Mr. Jardine and through him to the President and say, "Of course, the President has the right to select any one of these men, but this man No. 1 is the man the council has agreed upon, or this man Kincheloe from another land-bank district is the one the council has agreed on." In this way you will have a continual political fight in this council for different members to be elected as members of this board to draw, under the Haugen bill, $10,000 a year, with more power than any political board that ever walked the soil of this Republic ever had.

Here is your board, 12 of them. They are to say when they are going to an operating period on any of the basic commodities. They can put it on one and they need not put it on the other. When they do it they can put an equalization fee on the producer or on the processed commodity. Now let us see what the basic commodities are in this act. I want to call your attention to some of them to show you why they did not put an equalization fee on corn and did not want to put it on cotton. The basic commodities are wheat, cotton, butter, cattle, and swine. Now, suppose they had put an equalization fee on corn. These fellows down here were smart, do not you forget that—I mean the fellows that were lobbying around here. They knew that it was a joke. Why? I want to analyze this equalization fee.

The statistics show that only 5 per cent of the hundreds of millions of bushels of corn raised in this country ever leaves the farm and goes into interstate commerce, much less in export. Only 5 per cent is sold. Now, that would be a great surplus to take care of to put an equalization fee on! You could not levy an equalization fee on 95 per cent, because it is never sold; it is fed and consumed on the farm. So you have got a great commodity here with only 5 per cent of it going into interstate commerce that is subject to an equalization fee, and of course it would be a fallacy and an insult to the intelligent corn people, and these smart fellows around here knew it.

I am talking about the economical soundness of the proposition. Of course they did not do it because they knew it was a fallacy. They knew that they could not deceive these smart fellows from the South with an equalization fee on cotton. Why? Sixty-five per cent of the cotton on the average is exported, and only 35 per cent is consumed in this country. How will it help—and I would like to have some mathematician answer me—to levy an equalization fee on 35 per cent of the domestically used cotton in this country to stand a loss on 65 per cent. You would have to take most of the 35 per cent for part pay on the loss of the 65 per cent exported.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. KINCHELOE. I will.

Mr. GARRETT of Tennessee. In levying the equalization fee on cotton are the grades of cotton to be taken into consideration?

Mr. KINCHELOE. That is left to the board to work out.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. JOHNSON of Texas. I would like to ask the gentleman, since he is a member of the committee, and some discussion was probably had as to the equalization fee, what was the range of the rates of equalization fee on cotton?

Mr. KINCHELOE. The most optimistic was that it would be about 3 cents a pound. There are 500 pounds, I believe, in a bale, and that would make $15 per bale. When I asked them as to the practical proposition of levying an equalization fee on 65 per cent, they said we will levy it on all of it. I said all right, suppose you do. If you levy it on the 65 per cent exported, your loss would be all the greater, and where else could it be made up except on the 35 per cent?

Mr. LAZARO. Will the gentleman yield?

Mr. KINCHELOE. I will yield to the gentleman from Louisiana.

Mr. LAZARO. I take it that a good many farmers do not understand what is meant by the equalization fee on cotton. Is it not a direct tax on every bale of cotton collected at the gin?

Mr. KINCHELOE. Absolutely. The board would fix the unit, and say they levied an equalization fee of 3 cents a pound. They would levy it on the first sale.

Mr. FULMER. How are you going to separate it, if you levy it on the first sale?

Mr. KINCHELOE. You are not going to separate it; but if you levy the equalization fee on all of it, then your loss is so much greater on 65 per cent, and so it will have to come out of the 35 per cent that is consumed here at last.

Mr. FULMER. The gentleman from Kentucky knows a good deal about tobacco, but I think he knows very little about cotton. I do not think it would be as high as 3 cents a pound.

Mr. KINCHELOE. I do not know much about cotton, I will admit, but the gentleman does not dispute my figures that 65 per cent of cotton is exported, on the average.

Mr. FULMER. That is right. I do not think the equalization fee would amount to more than $5 a bale.

Mr. KINCHELOE. Oh, that is the optimistic view of the gentleman; it will be $15 or $20 a bale.

Mr. FULMER. We would never have an equalization fee of more than $5 a bale if we get this measure through.

Mr. KINCHELOE. Oh, no; not if you can get it out of the Treasury of the United States.

Mr. WHITTINGTON. I understand that instead of levying this equalization fee on the 65 per cent of export, that the fee will only be levied on that part domestically consumed. I understand that it has been suggested that that fee will be levied and collected at the spinner rather than at the gin. I would like to have the views of the gentleman on that.

Mr. KINCHELOE. I do not care where it is levied, the producer is going to pay for it. That does not make any difference. Suppose it is levied on the spinner. Do you think that the spinner is going to stand the equalization fee? Oh, no. It is just like the protective tariff, the consumer may not know it, but he pays the tariff just the same.

Mr. WHITTINGTON. The gentleman understands that I merely want his views on that question.

Mr. KINCHELOE. I understand.

Mr. UPSHAW. Is there a maximum equalization fee, or what is the limit?

Mr. KINCHELOE. Oh, the board will fix that—the men selected from the gentleman's district. The blue sky is the limit. I say to you cotton fellows that under that situation you may get by for two years with a hundred million dollars, if you can convince the majority of this Congress and the President of the United States; but pay day is going to come. I would like to see one of your poor cotton farmers with a mule and a bale of cotton going up to the gin and see what his expression is when the buyer says that he will give him a certain price on that, but that he has got to take out 3 cents a pound, $15 out of the price of the bale, and in return for it will give him a beautifully engraved receipt, printed down here by the Bureau of Printing and Engraving. I can imagine how popular the Members of Congress will be with that constituent when he hears that he has got to give up $15 on the bale to pay the loss on the 65 per cent export. He is going to want to know who put that on him, and if somebody says the gentleman

from Georgia [Mr. UPSHAW] put it on him, then he is going to be looking for that gentleman, especially at election time two years hence. You can not fool him; he knows that it is not going to help him.

Mr. STEVENSON. Is it not practically the same thing to give a board the right to fix the price and not say what it is? Is it not more of a pig in a poke for the cotton people than it is now?

Mr. KINCHELOE. Absolutely; and I want the attention of the gentleman from South Carolina.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. ASWELL. Mr. Chairman, I yield 20 minutes more to the gentleman.

Mr. KINCHELOE. I want to go a little further with this cotton. As I say, the Haugen bill provides that whenever the domestic price is not higher than the world's price to the extent of the tariff and the freight, then they shall declare an operation period; that is, they will levy an equalization fee.

In wheat, then, they would raise the domestic price 42 cents a bushel plus the freight, because the tariff on wheat is 42 cents and on corn it is 15 cents; but when they get down to cotton, what are they going to do? There is no tariff on that, and when is the equalization fee going to take effect? You do not get the benefit of this tariff, because there is no tariff.

Mr. FULMER. Does the gentleman want me to answer that?

Mr. TINCHER. Oh, no. I would rather the gentleman would answer that in his own time.

Mr. FULMER. I can give the gentleman some information.

Mr. KINCHELOE. Because I am not one who can turn a double somersault in two years on a bill where the principle involved is exactly the same, like the gentleman did. The gentleman I know knows more about the acrobatic end of it than I do.

So we have got no benefit on that. Consequently your cooperative fellows came up here, knowing it would not do any good on cotton anyhow, but if they have the $100,000,000 they said they would go in. When you get telegrams of the cooperatives representing an infinitesimal number of cotton raisers in the South I want to show you how the tobacco people will help you people raise more cotton.

Mr. HUDSPETH. Will the gentleman yield for a short question?

Mr. KINCHELOE. I will yield.

Mr. HUDSPETH. I see we have an equalization fee on cattle. We do not export any beef. Mr. Murphy, in response to an inquiry, said it would not raise the price of cattle or hogs, and he did not want to raise the price——

Mr. KINCHELOE. Wanted it reflected on corn?

Mr. HUDSPETH. But said they were going to buy corn. I was going to ask the gentleman, What are you going to do with the equalization fee they levy on cattle? And they say they do not propose to raise the price?

Mr. KINCHELOE. According to Mr. Murphy, that is going to stimulate the price of corn.

Mr. HUDSPETH. In other words, take the equalization fee from the cow and buy corn to fatten cattle.

Mr. KINCHELOE. Yes.

Mr. HUDSPETH. That is a good proposition. I think that will win every cattleman. [Laughter.]

Mr. KINCHELOE. Now, there is an equalization fee——

Mr. LOZIER. Will the gentleman yield?

Mr. KINCHELOE. I will.

Mr. LOZIER. A few years ago the cotton farmers of the South published in all the great metropolitan newspapers an advertisement to buy a bale of cotton to enable the cotton men to make another crop. If the revolving fund of $100,000,000 had been available then does the gentleman believe it would have been necessary for the people in the Middle West and all over the United States to be asked to buy a bale of cotton in order to enable the southern farmer to produce——

Mr. KINCHELOE. If the amount out of the Treasury was big enough they could buy it and burn it up.

Mr. LOZIER. But would not that $100,000,000 have relieved that situation very materially, and some people would not have had to buy a bale of cotton.

Mr. KINCHELOE. If they had taken $100,000,000 at that time and would have paid off the loss to help out and that $100,000,000 came out of the pockets of the corn taxpayers of Missouri, I imagine that the gentleman would have hollered "subsidy." Now, it is a subsidy when you scratch my back and I scratch yours. Now, I want to get on with my speech. Now, let us take cattle.

First I want to talk about swine. There is an exportable surplus of swine all the time in this country. There is a provision in this bill which provides this board shall buy these varied commodities through cooperative marketing associations if they are available and financially able, but if they declare an operation period on any commodity, and there is no cooperative marketing association that is responsible and capable of handling it, then this board has got the right to choose from any other agency that it may determine to handle it. Now, here you have a surplus of hogs, here you have declared an operation period. They have got to get rid of the surplus. You can not export hogs on foot. They have to be processed. No cooperative marketing association in this country is able to process hogs. Oh, no. You go back to the five big packers, and they are the fellows who are going to process these hogs. This board is impotent and helpless in their hands to get rid of the surplus, because it has to be processed. What will they do? They will go to the packers and say that they have got hundreds and thousands of hogs that have to be processed for the purpose of export. They ask them what they will charge for processing. They will state the price. The board will say that is too high, that they can not do it. "All right, get somebody else," the packers will say. Who are they going to get? There has never been a voice heard against this bill from the packers, and I do not blame them. They are going to name their price, and this board is going to pay it, too. They are going to pay it with equalization fee, and it will be taken out of the poor hog raisers. It is just coming on poor Reuben in this bill when the fee operates. The packer is going to clean up and name his own price. These five packers have got cold-storage products in their plants now that are worth millions of dollars.

As soon as this operating period is declared and this board levies its equalization fee and buys up this surplus, up goes the domestic price of pork, and, of course, they will at once proceed to turn their millions of dollars' worth of prepared products, which they have already got into the market, to the consumers of the country, and you and I will pay it, and the farmer stands all the loss out of his own pocket. [Applause.]

Ah, that is great stuff for the farmers! What a wonderful benefit it will be to the hog raisers of the country!

Mr. PEERY. There are only four big packers now since the Morris combine. They want this bill passed?

Mr. KINCHELOE. Yes. They want this bill to pass. Wilson & Co. have been in the hands of a receiver for some time.

Now, gentlemen, the same thing will apply to cattle when there is raised an exportable surplus. When the farmer wants to get rid of it it has to go through the packing plants, and they will hold it up not alone for the enormous profit they will make on it, but also for the sale of the millions that they have already processed that will be consumed domestically.

Mr. BURTNESS. Are there independent packers in this country? And they are in competition with the five big packers?

Mr. KINCHELOE. If the gentleman thinks that, he ought to vote for this bill.

Mr. BURTNESS. Does the gentleman contend that there is?

Mr. KINCHELOE. I do not think that there is any at all. The reports of the Trade Commission under a Democratic administration would show there was none. I hope the gentleman will read them.

Mr. BURTNESS. How many independent packers are there?

Mr. KINCHELOE. There are a few.

Mr. HUDSPETH. Does the gentleman think there would be any difference in the price offered for livestock by the packers in Omaha and the price offered by the packers in Chicago?

Mr. KINCHELOE. When the farmer ships his cattle at Omaha they will wire the price to Chicago, and they get the same price.

Mr. TINCHER. You do not think the packers would have any serious trouble in dividing the $375,000,000 pro rata?

Mr. KINCHELOE. None in the world.

Mr. TINCHER. It must be loaned to a corporation authorized to do business under the Capper-Volstead Act, and not one dollar of it could be paid out otherwise?

Mr. KINCHELOE. No.

Mr. LAGUARDIA. Could not the same thing be done under the Tincher bill?

Mr. KINCHELOE. They are fed up on this loan proposition. What will happen? I have demonstrated the fallacy of this proposition with respect to cotton, corn, and your cattle raised for export. But remember, my friends, for two years no equalization goes back.

In regard to cotton production, what will happen in this country? Your maximum cotton crop is 16,000,000 bales. We people in the tobacco-growing section of the country are left

out of this bill. Why? The tobacco raised in my section of the country is largely exported. Eighty per cent of all that is raised in the dark-tobacco section is exported.

You can not fool my tobacco farmer and levy an equalization fee on 20 per cent of the tobacco used at home to pay the loss on 80 per cent sold abroad. There is not a place in the Virginias, in the Carolinas, or in Kentucky, or Tennessee where we can not grow wheat and cotton both. Our farmers give the best land to tobacco, but if need be they can put it into wheat. If this bill is enacted into law, as it is now, we will show you a 26,000,000-bale crop of cotton.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. QUIN. Does the gentleman think it will raise the price of cotton?

Mr. KINCHELOE. If Uncle Sam will pay the loss, I would answer "Yes." Is the gentleman for this subsidy?

Mr. QUIN. I am for the farmer now and all the time, subsidy or no subsidy. [Applause.]

Mr. KINCHELOE. That is the usual elusive answer the gentleman gives. If the gentleman is in favor of a subsidy you ought to have voted for the Harding ship subsidy. Then, instead of having your wheat crop of 650,000,000 bushels or 750,000,000 bushels a year, you will have a billion bushels in the second year. Why? There are millions of acres of fertile land in this country into which a plow has never been stuck that can raise wheat, and we all know it.

It is an economic proposition as sound as anything in the world that when you stimulate the price of a commodity you stimulate its production. They talk about buying this stuff and handling it through the cooperative associations. I make the prophecy now that if this bill becomes a law, in two years' time there will not be a responsible cooperative marketing association left in the United States handling these commodities.

Why do I say that? When a farmer goes into a cooperative marketing association there is a great expense attached to it. There is an overhead not only for the salary of the officers but for the cost of storage and warehousing of its products. Do you think any intelligent American farmer would be fool enough to go into and stay in a cooperative marketing association and bear his share of the overhead expense when the farmer on the outside, if this bill becomes a law, with this subsidy out of the Treasury, will get just as much for his product as the man who gets in, because Uncle Sam will take care of all the loss for two years?

No. The intelligent farmer will say, "There is no need of my going into a cooperative marketing association and bearing my share of the overhead expense when the man outside gets as much out of the Treasury as I am getting." Of course they will not remain in those cooperative marketing associations, and thus you will tear down the nucleus of farm cooperative organizations by the enactment of this measure.

That is why, gentlemen, I am in favor of the Aswell bill. To be sure, it may not do everything that is claimed for it, but so far as it goes it is absolutely constructive. I am not going to say to my farmers that I favor the Haugen bill, when I feel and know that with this subsidy out of the Treasury at the end of two years you will find American farmers with 26,000,000 bales of cotton and a billion bushels of wheat and no telling how many million pounds of extra pork and surplus of cattle. In what condition will the American farmers be two years from now when you levy this equalization fee on his overhead?

To my way of thinking, gentleman, you will absolutely destroy the economic life of the agricultural interests of this country.

Mr. SNELL. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. SNELL. Which one of the three bills, if any, is the gentleman for?

Mr. KINCHELOE. I am for the Aswell bill, and I will tell you why I am for the Aswell bill. It does not take a dollar out of the Treasury. [Applause.] It is constructive. What does it do? We have cooperative marketing associations for the various products in every State in the Union now struggling around and doing the best they can. Lots of them have done splendid work. Talk about credit. I am against the Tincher bill because I am opposed to that political board. It is exactly like the board provided in the Haugen bill. I am not going to vote to put the American farmer at the tender mercies of that board. There is no political board in the Aswell bill. It sets out the farm organizations that shall elect the members of the board. And I will say to you that if you do not think that is enough, put some more on the board, so that all of agriculture will be represented. What are they going to do after they get started? They are going to have a national association and help the struggling cooperative marketing associations of every product in America. Uncle Sam, up to now, has not helped them, except by a loan through the War Finance Corporation. Then this national association is going to create zones. In other words, they are going to try to put into one gigantic cooperative association all the commodity that is raised in the United States of that specific kind.

How does it help if, in their struggling way and with no system, the potato growers of Maine are in a cooperative marketing association and the potato growers of Minnesota are in another one? They can not help each other, because they do not know each other and are probably selling in competition.

Mr. FUNK. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. FUNK. How long, in the opinion of the gentleman, will it take to get the Aswell bill so it will render any help to the farmer?

Mr. KINCHELOE. It may take a little longer than it will to ruin the farmers under the Haugen bill. I do not know. [Laughter.] I think probably it will take a little longer. What are they going to do?

Mr. FUNK. Will the gentleman yield further?

Mr. KINCHELOE. Yes.

Mr. FUNK. I asked for the gentleman's opinion in all seriousness and I would like to have a fair answer.

Mr. KINCHELOE. I want to be courteous, and I will say to the gentleman that I think it will start to help immediately after it becomes a law and the American people understand it. Why? Because the first thing this national association is going to do is to create these zones. They are going to elect their directors and these directors are going to get together. They are going to understand each other, and the potato growers of Maine and the potato growers of Minnesota are going to get together. Under the operations of the Aswell bill the corn growers of your State and of mine can get together, the tobacco growers can get together, and the cotton growers can get together.

It will be a national movement, and it will be of great help with this $100,000,000 fund for loans and with the strong arm of Uncle Sam back of them. Uncle Sam is going to say to these farmers who elect their own board, "You have been struggling in your own way and in the right direction for all these years, but you need the strong arm of Uncle Sam, with his finances and counsel, back of you in order to give you a national aspect." That is why I think it is going to help. I think it is constructive. I think you can have a national cooperative marketing association of farmers as well as you can have a national association of the American Federation of Labor. I think the farmer is as intelligent as the laborer, and I think this will be constructive. I think it will help him, and I am going to vote for it.

Of course, I do not think this is going to be a panacea for the farmer. If I had my way about it I would have some different legislation from this. Why, gentlemen came before our committee as witnesses and showed that discriminatory legislation is what put the farmer on the bum. They say that the tariff law and other laws have discriminated against the farmer, and I think that is true. I think the agricultural interests of this country have been practically bankrupted on account of the iniquitous protective tariff system of this country. [Applause.] I tell you the American farmer is not going to prosper as long as he is compelled to sell everything he raises in a world market and buy every manufactured product he buys in a protected market. You have decreased the purchasing power of his dollar from $1.01, when that bill became a law, to 60 cents.

I say to you, with all due respect, that I do not believe you can help the farmer under a protective-tariff system. But I think this Aswell bill will do it, because it will put him into a national cooperative marketing association; it will assist him in marketing his products more directly from the consumer to the producer better than through any other legislation I know of.

In 1922 the American farmer only got $7,500,000,000 for the food products he had raised, and the American consumer paid $22,500,000,000 for them. Do you not think it is fair that the farmer at least ought to have gotten half of that? [Applause.] If you are going to give it to him, how are you going to do it? What is more constructive than this Curtis-Aswell bill in order to cut out many of 3,000,000 retailers, wholesalers, and jobbers who are handling the farmers' products and for which the consumer is paying and which the farmer is losing.

I would also help the farmer and increase the purchasing power of his dollar by reducing the tariff on steel, aluminum, sugar, cotton goods, woolen goods, and many other goods he

buys for himself and family. I do not mean free trade, but I would increase the purchasing power of the farmer's dollar by making cheaper the things that he buys.

I do not believe you can increase the purchasing power of the farmer's dollar by some artificial stimulus by which you are trying to give him more money to buy at prohibitive prices.

I think you can help the farmer if you will increase the export demands for his products. How are you going to increase the export buying power in Europe unless you give the European manufacturer the right to ship some of his products over here and sell them in competition with the American manufacturer in order to get American dollars with which to buy the surplus products of our farms and take them back to their consumers? You can not do it. England and the other foreign countries owed us $14,000,000,000. There is only one of two ways they can pay it, either in gold, which they have not got, or in exchange of commodities. We demand of them, as Shylock of old, that they pay this money, and I think they ought to pay it, but they say they have no gold, and then we say that we will build a tariff wall around this country so high they can not ship their commodities into this country, and still we are blaming the European countries because they do not pay us this indebtedness. It is no wonder the foreign demand for our products is not greater.

As I have said, I would be before the Committee on Ways and Means asking for relief.

Mr. DENISON. Will the gentleman yield for a question?

Mr. KINCHELOE. I yield to the gentleman.

Mr. DENISON. I am asking this question for information, and I think the gentleman can at least give me a good opinion. If there is any reason why this equalization fee should be postponed two years and a subsidy granted now, will there be any less reason for postponing it two years more and granting a new subsidy when the two years have expired?

Mr. KINCHELOE. No; but the fellows who are here lobbying for this bill know that if you make the equalization fee effective as provided under the Dickinson bill, they would not get enough votes in this House next Monday or Tuesday, whenever the vote comes, to wad a shotgun. They know the cotton fellows are too smart to grab at a thing like that because it would not work. They are smart enough to know that the corn fellows will not grab at a thing like that because they know it will not work on corn. Certainly, they will not do that, and that is the reason they have put in butter and all these other things in order to get enough votes.

In conclusion I want to say to my friends, the great Democratic Party has seen the birth and has heard the funeral dirge of every political party that has come and gone in this great Republic. We hear some of our good Republican friends talking about the tariff. Why, the Democratic Party had a tariff before the Republican Party was ever born. [Applause.] But they did not have it to create gigantic monopolies or to fix prices in this country to rob the consumers. They had it for the purpose of raising revenue, and how many of you have always said that a high protective tariff robs the consumers of this country and does not help the American laborer. That it helps the American laborer is the most complete fallacy, to my mind, in the world. Does it help the carpenter, does it help the bricklayer, does it help the hodcarrier, does it help the coal miner? It certainly does not help the textile workers up here in New Jersey. I am sure they do not think so with this strike on, with all the protection this industry has.

I want to say to my Democratic friends from the South that when you vote for this Haugen bill you are doing more than voting for a tariff. You are not going to stop there; you are going to vote to give this board, through the President, the right to declare an embargo, and when your consumers begin to complain about the prices they have to pay for manufactured products under the Fordney-McCumber bill, do not come back and cuss the Fordney-McCumber bill, because you have gone them one better and put on an embargo. [Applause.] Do not come here any more and cuss the Republican Party for favoring a subsidy out of the Treasury for the shipping interests and other things of that sort, because you have knocked the barrel head out of the Treasury on this proposition, which, in my judgment, is going to redound to the ruination of the American farmer.

I am going to stand for the Aswell bill, because I think it is right. I am not going to sacrifice my political principles. I am not going to be stampeded into voting for a bill that is held out as a temporary measure, which I think is going to ruin the agricultural interests of this country. You can say to your cotton farmers what you please, but I am not going to say to my tobacco farmers that I voted for a bill of this kind which takes $350,000,000 out of the Treasury in the way of a subsidy, part of which comes out of their pockets, because they have paid it into the Treasury of the United States. I do not know whether you ever thought of it or not, but tobacco is the only farm product on which there is a revenue to the Government of about $400,000,000. I am not going to say to my tobacco farmers, "You know an equalization fee would not do you any good; but I voted for a bill to take $350,000,000 out of the Treasury, a part of it your money, in order to put over an artificial bill which in the end is going to be the ruination of the American farmer. My tobacco farmers are not only not included in the bill, but a part of the taxes they pay into the Federal Treasury will be taken out to help pay the loss on the basic commodities named in the bill.

I am going to stand on the principle of favoring a reduction of these prohibitive-tariff rates, and I am going before my people consistently, and I want to see the Democratic Party in the coming congressional election go before the consumers, the farmers of the West and Northwest, and show them how they have been ruined by the discriminatory tariff law passed under a Republican administration. I am going to remain a consistent Democrat, and I hope to have the pleasure some time of having the gentleman from Oklahoma [Mr. GARBER] in my audience when I discuss this subject. [Applause.]

Mr. ASWELL. Mr. Chairman, I yield 30 minutes to the gentleman from Arkansas [Mr. PARKS].

Mr. PARKS. Mr. Chairman and members of the committee, for more than an hour we sat here and attentively listened to a speech by the distinguished gentleman from Kentucky [Mr. KINCHELOE] on the bills now pending, which, in my humble judgment, is absolutely unanswerable. I feel a great hesitancy in following that splendid, statesmanlike utterance and in asking your attention for even a moment.

During my years of service here I have become thoroughly convinced that it is usually a waste of time to discuss on the floor of the House pending legislation. It has been my practice to do my work in the committee and express my views on the floor by my vote only.

The rule and the practice in the House has been to give to the committee full credit and to follow its recommendation. On party measures the party in power has followed the committee and on nonpartisan measures the committee has always controlled. One notable exception to this practice, however, was when the House refused to accept the Mellon bill and followed the lead of that courageous, able, and patriotic statesman from Texas [Mr. GARNER] and rejected the Mellon bill, and brought relief to millions of taxpayers under the Garner plan. [Applause.]

That the arguments on the floor have usually proved futile is evidenced by the fact that when the recent revenue bill was brought to the floor of the House approximately a million words were uttered in debate, at an expense to the taxpayers of $10,000 for printing alone, and yet not a single amendment was adopted to that measure except the amendments suggested, offered, or indorsed by the committee.

To-day I would not take the time of the House to discuss this measure if the Committee on Agriculture had brought in a bill with a recommendation for its passage. I dare say in the annals of legislation no such situation ever confronted the House of Representatives as that presented now. The Committee on Agriculture is composed of men of courage, ability, and character, and yet this great committee dared not assume responsibility for any bill. The idea of the cartoonist when he depicted the Committee on Agriculture leaving three foundlings on the doorstep of Congress and then fleeing before it could be discovered who the father of the illegitimates was, does not have my full approval. However, I can not deny there is some point in it.

It is not my purpose to discuss section by section the Haugen bill, but every man here recognizes that it is our old friend, "Miss Mary Haugen," in a new bonnet and dress of the 1926 model. She is parading to-day to catch a beau for the fall election and wrapped in a tariff shawl; she has some of our Democratic leaders carrying her train and holding her parasol while she gives her smiles and bestows her favors on her Republican suitors. [Applause.]

Oh, my friends, I marveled to-day as I saw Democrats, lifelong Democrats, disciples of the great Jefferson, students of political economy, sit and cheer repeatedly the statement of a standpat, high-protective-tariff Republican when he declared that this indeed and in truth is nothing but a subsidy to be taken out of the Treasury of the United States.

Under the old McNary-Haugen bill the party in power, fresh from a 7,000,000-majority victory, never dreamed that Democrats would join in a tariff stand and only asked that prices be fixed under a certain index system running over a period of years. To-day the Republican Party, feeding fat and bold on power, throws her arm around the farmer with a deceitful

statement on her lips, and challenges the party of Jefferson and Jackson to strike its flag and surrender to the tariff barons of the land.

The Haugen bill embodies the most vicious policies of the Republican Party. Not in the history of the Democratic Party have we ever stood for a subsidy, although we may have given gratuities in the time of war. The Haugen bill not only boldly declares for a subsidy, but it adds to it the most vicious tariff policy that the Republicans have dared to foist upon the people in 50 years.

This bill, however, is the most abject confession of the failure of the Republican Party, and the report of the chairman of the Committee on Agriculture is the most terrific arraignment of the Republican administration that I have ever read.

Four years ago the Republicans brought into this House the most vicious tariff measure ever proposed and offered it as the harbinger of a new civilization, and when the author of the measure took the floor to declare its virtues the Republican Members arose from their seats and hailed him as another Moses come to lead us out of the shadows of the valley of business depression onto the tops of the sunlit peaks of the world's greatest prosperity.

And yet after four years of the Fordney-McCumber tariff law the Republicans come and say we have the greatest business depression we have had in this country since the Civil War. [Applause.] After four years they come to you and say they have the greatest problem with respect to the farmer, after years of high tariff, they have ever had in the history of this Government. [Applause.]

After four years under a Republican tariff, the chairman of the Agricultural Committee, a stand-pat, reactionary, patron saint of high protective tariff, brings to this House a criticism of his party that is without parallel.

The years 1917 and 1918 brought to the American farmer the greatest prosperity he ever enjoyed, to the American flag a new glory, and to the world the hope of everlasting peace. This prosperity and this glory came under a Democratic administration and under the leadership of the world's most altruistic statesman and the guidance of the Nation's most majestic mind.

The gentleman from Iowa [Mr. HAUGEN] on page 10 of his report says:

> The decline in the economic position of agriculture has been the chief cause of the enormous number of bank failures in the United States since 1920, without parallel in any previous period in our history.
>
> The number of bank failures in 1924 (915) was 42.5 per cent larger than the number of failures in 1893 (642).

The Republican chairman of this committee dares to put in writing that under the highest tariff bill ever written the financial disasters in the United States were 42.5 per cent larger than the number of failures in 1893, under the Cleveland administration, which is acknowledged to be the year of the greatest depression ever under a Democratic administration. From 1920 to 1925 we have been going back to "normalcy," and yet we are told in this report that under the Fordney tariff bill—under a Republican administration, backed by the boasted 7,000,000 Republican majority—

> the number of bank failures for the period of 1920 to 1925, inclusive (2,494), was greater than the number of failures during a period of 26 years prior to 1920 (2,424).

In other words, the Republican Party comes here to-day and confesses that in 26 years prior to the Harding administration we only had 2,424 bank failures—10 years under the Underwood tariff law—while under the Fordney-McCumber tariff law, which was supposed to have brought prosperity to the land, we have had 2,494; and this does not include the banks that failed and reopened.

In four years under the Fordney-McCumber tariff law we had nearly 2,500 bank failures, with liabilities a little short of a billion dollars, and we are now asked to bring this one little relief of a tariff increase to the farmer and permit him to share in this prosperity period of banks and participate in their bankruptcy that they have enjoyed under this present tariff law.

But let us walk a little further with the chairman of this committee as he shows us the way to greater prosperity to the farmer under a Republican tariff law.

On page 11 of his report he declares that in 1920 a total value of all farm property prior to the passage of the Fordney-McCumber tariff law was $79,607,000,000 and that four years of high tariff, and after the passage of the emergency tariff law, farm values had shrunk to $59,154,000,000, a loss under the Republican rule of $20,555,000,000 to the farmer. Can we trust that party to lead the farmer?

All farm property in the United States in 1925, after five years of Republican control, had but 84.4 per cent of the purchasing power it had under the Wilson administration before the war.

On page 13 of this report you find language to which I direct especially the attention of my Democratic colleagues, as follows:

> Ever since we made the fight for the McNary-Haugen bill the farm organizations have taken the position that they do not want a subsidy; that if given a measure that will make the tariff 100 per cent effective for agriculture we will be more than glad to absorb the losses—

And so forth.

> But if it be necessary to go further to show you where the "nigger in the woodpile" is, you have only to refer to page 2 of the bill, which declares its purpose to be to protect domestic markets against world prices and assure the maximum benefits of the tariff upon agricultural commodities.

Will some man from a cotton-growing State advise me that if even he were willing to join with the Republicans in the levy of a protective tariff, how he could benefit the cotton grower when we import no cotton?

I represent, Mr. Chairman, not only the people who belong to the cooperative associations, headed usually by business men and bankers, but I represent the business men, the workers, the consumers, and, above all else, the real farmer who follows the plow, bends his back to the noonday sun, but has not the money to join a cooperative association or farm organization, and can not employ a representative to come here and present his views to Congress. He can only exercise the right given to him under the Constitution to elect a Representative to Congress to speak his sentiments. So long as I am here, not by my vote shall the Constitution of this land be violated and a direct tax laid upon his property in order that the tariff barons of this land may further pillage and plunder the consumers of America. [Applause.]

Never by my vote will I consent that a revenue agent of the Federal Government shall sit in the gin houses of the South and collect a tax of from $5 to $20 a bale on cotton in order that a bill might be passed that would make the tariff effective for the wheat and corn growers of the great Middle West.

As I said in the beginning, I do not impute impure motives to any man, but this bill is brought in at this time by the Republican Party under the leadership of the gentleman from Iowa [Mr. HAUGEN] that he may go to the wheat and corn growers of the West and Middle West before the fall election and say to them that their prophecy for the Fordney-McCumber tariff bill is untrue. But they will now come and bring you this great subsidy, paid by an unconstitutional tax on farm products, that you may continue the Republican Party in power.

Under the Fordney tariff law farmers have grown poorer and poorer, and under the mandate of the Republican Party enacted into law it has taken from the mouths of your babes the price of the food that you had earned for them and has given it to the tariff robbers that they might make you a false price on the things that you ate and the things that you used. You have been compelled to build them mansions in New York, castles in Spain, and villas in France, and when the day of judgment has come and you have read the record of the last four years, and can be fooled no longer, they say to the taxpayers of America in the hour of their travail that the three hundred and eighty-odd million dollars in taxes we saved you this year will now be taken away from you and put in a subsidy for political purposes. [Laughter and applause.]

Their only excuse is that in time of war you subsidized the railroads, and have subsidized other industries, and argue because we have been committed to a policy by the Republicans of robbing the many to enrich the few, that we will justify ourselves in this instance.

I warn you now, my Democratic colleagues, that this is not a policy indorsed by the farmers, and this Committee on Agriculture and this House dare not face the issue and compel the farmers to pay a tax on their cotton to raise $100,000,000 to $250,000,000 to take care of the surplus until after the election. [Applause on the Democratic side.]

You can not materially affect the price of cotton by withdrawing from the market temporarily less than two and a half million bales. To do this will require a tax upon the cotton of the farmer of the South of from $10 to $20 a bale. Persons who have encouraged this legislation have boldly declared to me that if this equalization fee was made effective they hoped to control production by announcing on the 1st of January, through this board, that if the estimate of the Secretary of Agriculture on July 1 showed a production of more

than 12,000,000 bales that an equalization fee of $15 to $20 a bale would be collected, thereby confiscating a fifth of the earnings of the cotton farmers of the South. [Applause.]

All the authorities and all the arguments of man can not convince me that the framers of the Constitution intended to give to a board in the city of Washington the power to tax the property of the farmers of Arkansas and other States.

The author of this bill knows that it is not possible to be done. In order to dodge the Constitution the report of this committee declares that it is exercising a right given to us under the Constitution to regulate interstate commerce.

Mr. Chairman, I would like to hear some man who supports this legislation tell a farmer who has followed a mule all day long through the hot cotton furrows of the South that he was engaged in interstate commerce, and that a kindly Congressman he elected and a beneficent Government had wrapped themselves in the Constitution of our fathers and taken from him, as a direct tax, the earnings that belong to his children and family. [Laughter and applause.]

After recording the dismal failure of the Republican tariff measure, the chairman of this committee proceeds to invite us to join the Republican Party, as he says, on page 2 of his report:

> * * * Our present tariff, to a very large extent, is inoperative. The effect of the world price upon the entire crop can be removed by removing the exportable surplus, so that the domestic price will be protected by the tariff.

And I shudder to think that Democrats, without a single blot on their party integrity, have yielded to the song of the siren and are turning their backs on the principles of Jefferson and are indorsing not only the high tariff bill of the Republican Party but will vote to centralize in the hands of the President of the United States a power never given to any human being in this land, even under the stress of war.

I do not mean, Mr. Chairman, to impugn the motive of any man or to criticize any individual. I have reached that period of life where the shadows have begun to lengthen, and in the ripeness of years and the maturity of age I stand aghast at my many weaknesses and my faults glare up at me throughout the livelong day. I find so many men so much stronger, so much wiser, and so much better than I that I "dare not hurl the cynic's band" or criticize one of my colleagues.

I recognize that every man on this side of the Chamber has but one purpose, and but one hope, and but one ambition, and that is to serve his people, and in order to serve them he must serve the farmer.

But I grieve that any man on this side of the aisle finds that in order to help the American farmer he must yield to the party of special privilege and must strike the flag of Democracy and admit that the economic salvation of the American people depends upon a high tariff.

I do not intend in my limited time to discuss all the sections of this horrible bill, but I want to devote what I say mostly to that feature with reference to the marketing of cotton.

Never before did I believe that the farmer of the South must come to Congress and plead to be delivered from his friends. If this bill becomes a law, automatically at the end of two years a board sitting in the District of Columbia, that will be composed mostly of men who never saw a growing boll of cotton except from a window of a Pullman train, will levy upon the cotton farmer of the South a sum sufficient to buy a million to two and a half million bales of cotton, and this sum will be extorted from him at the gin, under the authority of the Federal Government, without his consent and without his having contributed to the election of this board.

Mr. CRISP. Is it not true that the board will be constituted with 10 members from the nonproducing cotton States and only 3 from the States that produce cotton?

Mr. PARKS. I thank the gentleman for his correct statement of that fact.

Mr. McLAUGHLIN of Nebraska. Will the gentleman yield?

Mr. PARKS. I will.

Mr. McLAUGHLIN of Nebraska. The gentleman has referred to the masterful speech of the gentleman from Kentucky [Mr. KINCHELOE], in which the gentleman from Arkansas concurred, but it seems to me he is not in agreement with the gentleman from Kentucky, because he says that if they ever get their hands into the Treasury it will never go into effect, and the gentleman from Arkansas says it will.

Mr. PARKS. Of course, the gentleman is familiar with Holy Writ, and he knows there is nothing in the four Gospels that is so convincing to us of the truth of them as the fact that the writers of those four Gospels on immaterial things differed often. [Laughter.]

A million bales of cotton taken off of the market temporarily will but slightly affect the price, while an actual shortage of a million bales of cotton would have a tremendous effect on the price. I mean to say that 15,000,000 bales of cotton would bring a far greater price than 16,000,000 bales of cotton with 2,000,000 bales temporarily held as a surplus.

It will require $250,000,000, paid for by a tax on the farmers' cotton, to handle the surplus to materially affect the price. As the years go by this surplus will increase.

But I digress. Let us go back, you Democrats, and see whether under the guise of aiding the farmer we are going to abandon the policy under which the Democrats have fought every battle they have ever won since the days of Jefferson—and that is the tariff.

On page 10, line 18, of the bill we find—

> That the price of any such commodity * * * in any principal market of the United States is materially lower than the price thereof in the principal export market of the principal competing foreign country (as determined by the board) plus the amount of the tariff duty thereon and plus the charges normally incurred in transportation—

And so forth.

In the hours of the first days of the great and horrible World War one of the most brilliant, daring, and chivalrous young men who came out of the hills of Scotland fell on the field of battle—the son of that sweet singer, that great patriot, Harry Lauder, whom you all heard here after the war. As that young man lay dying, with his vision dimming, his blood flowing, and his life ebbing, he said to those who bent about him, "Carry on! Carry on!"

My Democratic colleagues, I take from the lips of this dying young highlander the battle cry of the Democratic Party to-day, the battle cry of a greater America, the battle cry of the farmer: "Carry on! Carry on! Carry on!" [Prolonged applause on the Democratic side.]

Again on page 11, line 4, of the bill we find that the board is empowered to—

> assist producers of cotton in controlling the quantity in excess of requirements for orderly marketing—in maintaining domestic prices, which yield maximum benefits of tariff thereon, etc.

Mr. Chairman, can any Democrat delude himself into the belief that he is aiding the farmer, or is he giving to the Republican Party a weapon to destroy the only party that has ever fought special privilege and the doctrine of plundering the many to enrich the few?

It is true, I confess, that our splendid party of the people year after year has fallen under the assault of the recipients of bought favors and has been beaten down by the spears of gold at the ballot box.

But I can look down through the vista of years and see that while only now and then we have been in power that history tells us the greatest benefits that have come to the American people have come under a Democratic administration and under a tariff for revenue only.

But the tariff is not the greatest vice of this measure. Thomas Jefferson made his greatest reputation as a statesman and as a friend of man in fighting centralized power and a centralized Government, and yet this bill provides, in section 18, that the President, by proclamation, may forbid the importation into the United States, when he deems it advisable, of any commodity named in this bill. But that is not all. It further provides that he may forbid the importation into this country of not only the commodities but any derivatives thereof.

That, Mr. Chairman, includes everything on earth that a man eats or wears.

You can not forbid the importation of cotton, because we import no cotton, and that would not raise the price of cotton to the southern farmer. But you can forbid the importation of the derivatives of cotton, which is cotton cloth, and so forth, and thereby compel the cotton farmer to pay an enormous tribute to the cotton manufacturers of the United States.

But it is not alone the question of tariff about which I complain here, but it is the violation of the Constitution and the centralizing in any one man such power as this. No such power was ever given to any president and but few monarchs.

But let us turn aside from that and see some other provisions of this bill. Nowhere do I find that any farmer has any voice in the election of this board or the fixing of the fee or the delegation of power under this bill. The only time the individual farmer is mentioned, as I recall, is on page 15 of the bill, line 6, when it says that the board is empowered "to collect the equalization fee from the producer."

Ah, Mr. Chairman, the farmer is never mentioned until pay day comes. "Old Man People" is never consulted until he is

called on to pay. Everywhere else in this bill the cooperative organizations and the farm associations are the ones who elect the men to draw the salary, fix the fee, and collect the tribute from the toiling masses of our country.

Let me give you good Democrats a little information gained from an editorial in the Washington Post of yesterday morning, which of course is information you already had:

FARMERS AND TAXES

One great trouble with agriculture is State and local taxes, over which the Government and Congress have no control.

Direct and indirect taxes paid by farmers and owners of farm property in 1913 aggregated approximately $624,000,000, or about 9 per cent of the gross agricultural income. In 1922 this had risen to approximately $1,436,000,000, or about 13 per cent of the gross agricultural income. Thus State and local taxes on farms and farm property increased about 133 per cent in nine years.

Direct taxes on farm property, amounting to about $265,000,000 in the period between 1909 and 1914, mounted to $891,000,000 in 1924 and 1925. The most acute situation arose in 1920 and 1921, the very years of greatest agricultural distress and depression, when total taxes on farm property increased from $596,000,000 to $848,000,000, or about 42 per cent.

This shows that while Congress has lifted the Federal-tax burden from the American farmer and others of the United States, amounting to nearly $400,000,000, State and local taxes have kept his nose to the "grindstone." And now this Congress comes in under the leadership of a stand-pat Republican, turns down a bill by that student not only of economics but of the problems of the farmer from a practical standpoint, Doctor Aswell, of Louisiana, a stalwart Democrat. He has given the best years of his life to the study of farmers and farmers' problems. Day in and day out he has opened his window and looked out toward Jerusalem and prayed that he might be able to devise some legislative plan for the relief of the farmer, and I to-day invite you men from the cotton States to stand by him on a nonpartisan measure and against the most vicious Republican high tariff measure which has ever been conceived by the mind of man. [Applause.]

Do I exaggerate this situation? Have I worried the Members of this Congress in long-winded speeches in order to protract my stay here? My people have been content to leave it to me, and in a little while I hope to go back to them and say I have kept the faith, I have fought the fight, I have done the best I could. The sun is beginning to golden for me in the west, and in a few years some younger and more energetic man must take up the fight where I left off, but I shall go out as I came in—a Democrat—100 per cent. [Applause.]

I have never voted for a tariff or subsidy; I have never voted for an increase in taxation anywhere in my life.

I will probably fail in this fight, but I am going down flying the flag of the American farmer and the American consumer.

Just a little bit more and I shall be through.

Have you any doubt that the Washington Evening Star is a Republican paper? I grant you that it is one of the fairest and strongest and ablest edited Republican papers that I know. It probably calls itself an independent, but it lives on a high plane and says the things it believes are right, and I have not known it to stoop to little and contemptible things to gain a point, and one of its writers fairly states the case of the Haugen bill. May I read it to you?

It says:

The Haugen bill creates the familiar Federal farm advisory council and Federal farm board, the latter would be a part of the Department of Agriculture and to consist of 12 members, with salaries of $10,000 each. An appropriation of $375,000,000 from the United States Treasury is placed at the disposal of this board, and after it gets the money its conscience is its guide, if any.

The money is to be loaned by the board to cooperative associations or other agencies for the purpose of buying up crop surpluses in order that prices shall be maintained at world price—plus tariff, plus transportation—level. * * * It is on this basis that the board is to function for two years after the passage of the act. * * *

The "equalization fee" is a device borrowed from the McNary-Haugen bill, with some modifications. It is supposed to be collected from all producers of any crop, etc.

Permit me to quote a little further from this newspaper:

A good deal of surprise has been expressed on Capitol Hill that Democratic Members of Congress should be supporting the Haugen bill, for its passage would mark the first time in history when the protection afforded by the tariff was an absolute and positive guaranty of price, unregulated by domestic competition. The bill frankly seeks to guarantee that the world price, plus the tariff, plus transportation, shall be the minimum price for farm products.

Again referring to section 18, this language is used:

An analysis of section 18 in connection with other provisions of the bill leads to the conclusion that something like this might happen.

Conditions are unusually favorable in this country for wheat, and the summer harvest shows that the United States will have an exportable surplus of 300,000,000 bushels. At the same time conditions in Canada, in France, in Hungary, and Rumania, and other producing regions in the Northern Hemisphere are unfavorable, and it seems there will be a world shortage. The Federal Farm Bureau decides that $2 a bushel will be a "fair and reasonable price" for American wheat and advances the money to buy up the surplus at that figure. In the meantime Europe and other wheat-importing areas are husbanding their short supplies and not buying American wheat until they have eaten up their short supplies; Australia and the Argentine and other wheat-growing regions in the Southern Hemisphere have harvested a bumper crop and have an exportable surplus more than sufficient to meet Europe's needs.

Under normal conditions there would be importations of wheat into the United States to break the artificially maintained American price, but under the Haugen law the President would declare an embargo, and the American people would eat their $2 wheat, while the rest of the world had wheat at $1, and in addition would go into their pockets to make up the losses on the 300,000,000 bushels held in storage.

The one person who would not suffer directly as a result of this condition would be the wheat grower. On the contrary, $2 wheat would look so good to him that next year he would largely increase his acreage, producing a still larger surplus to add to the surplus carried over from the year before. Why not when a beneficent Government, with money derived from general taxation, is going to protect him against loss—

Until we collect the equalization tax.

This, my Democratic colleagues, comes from a Republican paper. While no wheat grows in my district, I would be a disgrace to the people who sent me here if I did not consider the interest of the wheat farmer, but under this legislative price-fixing bill the cotton farmer who can not be protected by the tariff, even under the powers of the czar given to the President to exclude imports, must feed his children on $20 a barrel flour in order that you may return a Republican Congress to power and maintain a Republican administration.

May I call your attention once more to the bill itself, which provides—

whenever the board finds, first—

Not when the farmer finds—

that there is or may be, etc., a surplus above the domestic requirements, etc., for the orderly marketing of cotton; and, second, that a substantial number of cooperative organizations or other associations, etc.

This gives absolutely no consideration to the individual farmer.

In other words, if every farmer in America should plead with this board to take action it would be without effect unless some cooperative organization or association asked it.

Mr. Chairman, there is no use to disguise the object of this bill. It can be effective but in one way on earth, and that is to limit production. We of the South have for years begged the cotton farmer to plant less cotton and reduce his production, but we recognize that he has a constitutional right to plant all the cotton and cultivate all the land he desires, and there is no power vested in the Federal Government to compel him to do otherwise.

Why should not the proponents of this bill have the courage to bring in a bill giving this board the right to say how many acres of land each farmer should cultivate and what he should plant? It would be as just and as much within the Constitution as this bill.

May I call your attention to the fact that a few weeks ago farm organizations of the country met at Chicago and in a resolution roundly denounced the Republican tariff that favored the manufacturers at the expense of the consumers?

To-day this Congress is about to answer that appeal of the farmers by making this "tariff more effective."

Very recently President Coolidge said in a speech in Chicago—

Government control can not be divorced from political control.

Recently in a letter to the President, Mr. B. F. Yoakum, one of the greatest thinkers of this country and one of the greatest friends of the farmer, said, in referring to the bill before us:

The dangerous Haugen bill would destroy existing farm cooperative associations, which have been built up, as stated by you, "as the result of centuries of struggle."

When any farm commodity is placed under "operation" by the Federal farm board, the equalization fee on that commodity would be paid under regulations prescribed by the board.

The board would require every person, individual, partnership, corporation, or association engaged in processing or purchasing any commodity placed under "operation" to file returns under oath in respect thereof, and to show the amount of equalization fee thereon, and all facts in connection with its payment or collection.

Anyone who fails to collect from the producer and pay to the Federal board the equalization fee is liable for such fee and a penalty equal to one-half of the amount of such fee.

Some of the advocates of the Haugen bill estimate that the equalization fee on wheat would be about 8 cents a bushel. Under the enormous machinery the board will build up it will be nearer 25 cents.

An enforced compliance with the provisions of the Haugen bill would require as strict supervision and as large an army of Government inspectors—probably at as great expense—as is now required to enforce prohibition.

The Haugen bill is so impracticable, so unworkable, and so uneconomic that it would be destructive not only to the farmer but every business of the country, big and little.

I will not undertake to go further into detail. I will go directly at the reason why it is desirable by large interests to have it enacted into a Federal law.

You will observe that the Haugen bill has not a word or a remote suggestion toward bringing the producer and consumer, whose interests are inseparable, in closer contact in a manner that would increase the farmers' income and reduce the consumers' cost of living.

On the contrary, the Haugen bill would compel the 84,000,000 people who do not produce foodstuffs to pay more than the present exorbitantly high prices they are forced to pay.

One of the chief results of the Haugen bill would be to develop a powerful political machine to control the supporting industry of the country, thereby creating a central and powerful government of bureaucracy, destroying the government of democracy.

The phraseology of the Haugen bill is full of disguises and deceptions. It is drafted in such a manner as to cover up its real intent and use to which it can be applied.

In connection with entering into agreements to handle large quantities of farm products and provide the necessary capital therefor, all know that no cooperative farm organization or association would be financially "capable of carrying out such agreements."

To overcome this the Haugen bill contains the following clause:

"If the board is of the opinion that there is no such cooperative association capable of carrying out any such agreement, the board may enter into such agreements with other agencies."

Therefore, this weak gesture of first offering to favor existing cooperative farm organizations is an impossible proposition intended to cover up the intent and purpose of the Haugen bill.

For instance: Within the last 10 days, and unquestionably in anticipation that the Haugen bill would be forced through Congress, there have been two strong mergers and combinations organized for engaging in and carrying on a flour-milling business.

One of these is the Flour Mills of America (Inc.), with a capital of $60,500,000.

Now, mind you, this is designated as a flour milling corporation!

But the incorporation papers of this big milling operation reserve the right to engage in import and export trade in foodstuffs and general agricultural pursuits.

Coincident with this flour milling organization there was a $15,000,000 corporation organized in the West under the same name, the Flour Mills of America (Inc.), making a total of $75,000,000 in the two propositions.

The latter owns and controls 150 grain elevators, with 7,000,000 bushels grain storage space.

The intent of these strong capitalistic corporations for the control of wheat and bread, with the authority to engage in general agricultural pursuits, needs no further explanation.

Such monopolistic corporations with unbounded wealth would pursue their business under a Federal law enacted by Congress should the Haugen bill be enacted.

These powerful corporations would be placed in a position to monopolize and make the prices for the farmers' wheat and make prices for flour in the kitchen with no regard for antitrust law.

The only present organized combined capital that can be regarded as "capable of carrying out any such agreements" with the Federal board as provided in the Haugen bill now engaged in processing cattle and swine are the large packers that are now the controlling factors in the trade of this Nation and largely of Europe. Not a word of opposition to the Haugen bill has come from that source.

Under the enactment of the Haugen bill the large packers would, naturally, remain supreme with the advantages given them through the enactment of a favorable Federal law fixing prices to stock growers who would have to pay equalization fees on marketing their beef cattle, and the same interest would fix prices to consumers with added fees.

The wording of the Haugen bill is so disguised and looks to silently to its future use that it requires close scrutiny to dig out the meaning and effect of the phraseology so ingeniously used in its preparation.

The Haugen bill does not even attempt to give any protection or relief to the over-burdened consumers of food products.

While on the other hand the Haugen bill would place the consumers absolutely under the control of the powerful corporations that are financially "capable of carrying out their agreements" involving hundreds of millions of dollars.

The wholly unnecessary tax, as embodied in the impracticable, uneconomic, and destructive Haugen bill, is a tax, first, upon the farmers' products at the farm; second, it is a tax upon the consumers, with all the unnecessary added expense incurred through the political board and the complicated manner in which it would have to be executed.

The day of the enactment of a Federal law that places farming in the joint control of politicians and large corporations will mark the beginning of the farmers' loss of their freedom and independence in the control and management of their business.

Let us advert for just a moment to the Constitution itself. If this bill becomes a law, it carries a direct tax upon agricultural commodities. The Constitution of the United States says:

No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.

In 1913, however, the sixteenth amendment to the Constitution was adopted, which changed this section and permitted the levying of an income tax by the Federal Government.

However, when the Supreme Court declared by a divided court that the income tax was unconstitutional, Mr. Chief Justice Fuller said (158 U. S. 601):

The Constitution does not say that no direct tax shall be laid by apportionment on any other property than land; on the contrary, it forbids all unapportioned direct taxes; and we know of no warrant for excepting personal property for the exercise of the power.

This is not a per capita tax, but it is a direct tax in the nature of an ad valorem tax.

Before the decision in the income-tax case most lawyers believed that the inhibition against a direct tax would not apply to personal property but only to real property. But in summing up the case in the decision above referred to on page 637 the court said:

Our conclusions may, therefore, be summed up as follows: Second, we are of opinion that taxes on personal property or on the income of personal property are likewise direct taxes.

Since the rendering of this opinion, which declared that a tax on personal property or on the income of personal property was a direct tax and unconstitutional, a constitutional amendment has been adopted providing for a tax on incomes. But nowhere and at no time has provision been made for the Government to put a direct tax upon the property of the people in any State, and this decision of the court, although rendered by a divided court, has been followed by all the courts unanimously.

The only right to lay a direct tax upon property is a right of the States, and the Federal Government has no more right to collect $15 a bale cotton tax at the ginhouses of the South than it has to absolutely confiscate the farmer's property or forbid him from cultivating his land.

If we take this further step under the guise of helping the farmer and permit the Federal Government to levy a direct tax upon property, we surrender the last vestige of State rights guaranteed to us by the Constitution.

Mr. Chairman, the Democratic Party was created for the purpose of preserving to the people the divine right to govern themselves. For more than a century the Democratic Party has fought the party of privilege and the party of centralized government. Year after year the hope of a contribution from the Federal Treasury has caused us to surrender just a little more of the States' sovereignty and just a little more of the rights of the States.

In my judgment this is the last stand; this is the last battle ground between the sovereign people to preserve to themselves the right guaranteed to them under the Constitution of self-government and the forces of special privilege. Once more Gideon's band is called to arms to battle for the Lord.

I want to call this bill particularly to the attention of my distinguished friend, the dean of our delegation, who is the chairman of the Democratic Congressional Campaign Committee. For 20 years he has stood in the Halls of Congress and ably thundered just condemnation against the protective tariff lords, who by the special privilege granted them by a Repub-

lican Congress have grown richer and richer, while the masses grow poorer and poorer.

Year after year he has hurled the javelin of rightousness full and fair against the shield of hideous special privilege, and whether we won or lost he has had the plaudits, the thanks, and the prayers of the toiling masses who had been pillaged and had their pockets picked by an outrageous tariff law.

To-day I bid him take courage and buckle on anew his armor.

This most vicious tariff measure—this Haugen bill—will be the smooth pebble that will so perfectly fit his sling that he can go forth with the absolute assurance that he has at last laid his hand upon the weapon that will slay this vicious political Goliath—high tariff.

I regret, Mr. Chairman, that I can not follow the lead of the committee in this measure, but after more than a quarter of a century of active service for my party I can not now surrender to privilege; I can not strike the flag of the people; I can not agree that the Democratic ship shall be scuttled; I can not admit that within the Democratic Party, and under the principles of Jefferson and Jackson, there is no aid for the southern farmer; I can not believe that I must leave my party; that I must turn aside from a nonpartisan measure, prepared and brought here by a stalwart Democrat from the very heart of the cotton field itself, and espouse the Republican cause and indorse a bill that out-Herods Herod.

In conclusion permit me to say that I agree that the statement of the spokesman for the Republican Party, when he confesses that the Fordney-McCumber high tariff act has impoverished the farmer, is absolutely true.

Something should be done for the farmer; something must be done for the farmer; but let me say to the farmers in all this great Nation that the passage of this act will not only impoverish them but will confiscate their earnings without their consent.

The battle cry of the Continental Army, "No taxation without representation," has been forgotten, but there is a remedy and there is a way. If the wheat farmers of the West and the wheat farmers of the Middle West will join hands with the cotton farmers of the South, who have never asked a subsidy or a special privilege of their Government, and will send here next fall a Democratic House and a Democratic Senate and follow that with a Democratic President, we will repeal the tariff law; we will take the hand of the tariff baron out of the farmer's pocket; we will bring back to him the prosperity he enjoyed under the Democratic administration; we will reduce the unjust and extortionate freight rates, and, once more, we will give him a fair chance in the great battle of life and restore to him that right given by God and guaranteed by the American Constitution of life, liberty, and the pursuit of happiness.

Mr. TINCHER. Mr. Chairman, I move that the committee do now rise. I will say to Members we are going right back into committee.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 11603, had come to no resolution thereon.

CONFEREES, PUBLIC BUILDING BILL

The SPEAKER. The Chair desires to state that since the withdrawal of the names of the conferees on the public buildings bill this morning, at the request of the gentleman from Tennessee [Mr. GARRETT], the Chair has conferred with the gentleman from Tennessee and with the chairman of the committee, and now announces the following conferees, which the Clerk will report.

The Clerk read as follows:

Mr. ELLIOTT, Mr. KOPP, and Mr. LANHAM.

Mr. TINCHER. Mr. Speaker, I move that the House resolve itself——

The SPEAKER. If the gentleman will withhold that a moment to enable the Chair to submit the following request.

The Clerk read as follows:

Mr. WILLIAMSON asks leave to withdraw from the files of the House, without leaving copies, the papers in the case of Joseph J. Boest, H. R. 6705, Sixty-eighth Congress, no adverse report having been made thereon.

The SPEAKER. Is there objection to this request? [After a pause.] The Chair hears none.

ADDRESS OF HON. J. ALFRED TAYLOR, OF WEST VIRGINIA

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. TAYLOR] may have consent to extend his remarks in the RECORD by inserting a speech made by him over the radio.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from West Virginia [Mr. TAYLOR] may have the privilege of extending his remarks in the RECORD by printing a speech which he recently delivered over the radio. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of West Virginia. Mr. Speaker, under leave to extend my remarks in the RECORD I insert the following speech which I recently made over the radio:

ACHIEVEMENTS OF THE DEMOCRATIC PARTY

Ladies and gentlemen, this afternoon I attended a baseball game between Democratic and Republican Members of the House of Representatives. The city had been placarded with advertisements of the conflict, saying "As goes this game, so goes the Nation." The Democrats accepted this challenge, in which the Republicans acquiesced, and, overcoming a 7-run lead in the first inning, the Democrats emerged victorious at the conclusion of the game by a score of 12 to 9, a portent of what, let it be hoped, will happen when the Nation is again called upon in a general election to choose public servants.

I find that making a radio speech is somewhat like making a speech in the House of Representatives—not many persons are in evidence. But as a Member of Congress speaking in the House depends upon the CONGRESSIONAL RECORD to give his speech wide distribution, so I am depending to-night on the radio to convey my thoughts and words over mountain and valley and plain into the homes of hundreds of people typical of the citizenship of this great Republic.

I am old-fashioned enough to look upon the Government of the United States as a corporation in which every citizen holds one share of stock, making us all equal partners. Members of Congress, therefore, are directors of this great corporation, commissioned to act as such by the stockholders. We sometimes feel that we are separate and apart from our Government—that the Government is far removed from us. When we have such a feeling we should check it by recalling a little verse which says:

"I'm but a cog in life's vast wheel
That daily makes the same old trip;
But O what joy it is to feel
That but for me the wheel might slip.
'Tis something, after all, to jog
Along and be a first-class cog."

Some people have erroneous impressions as to where government really exists. Some of you may believe that government only exists here in Washington, because this is where the President and his Cabinet reside and where Congress convenes on the first Monday in December of each year for the enactment of Federal legislation. Others of my hearers may have concluded that government exists only at the respective capitals of their various States, because there is the home of the governor and the elective State officers, and there the legislature convenes at stated periods for the enactment of State laws. Still others may conclude that government exists only at the county seats of their respective counties, where sheriffs and county judges reside and where the machinery of local government exists.

These are all erroneous impressions. Government does not exist in the Capitol or the White House here in Washington, or in your statehouse or your courthouse, or in your city hall. Government exists under your own roof trees and by your own firesides. The homes of the people of the country, such as yours, are the real seat of government, and you are the real power back of the men who act as your directors, and by determining to be first-class cogs in the machine of government, taking an active interest in all public affairs, you can have the kind of government—local, State, and National—that you want.

But instead of this being a speech on citizenship, it is to be a political speech, and I must talk about my party and its achievements. I like to do this. I am like the maiden lady who read a wild newspaper story to the effect that kissing was a dangerous practice, and if allowed to continue that great pestilence might sweep over the land, claiming thousands of lives. Immediately on reading this the lady hurried away to her family physician and told him what she had read. "Yes," inquired the physician, "Why did you come to me?" "Well, a man kissed me," she replied. "When were you kissed?" demanded the physician. The lady knit her brows in deep thought for a moment and said, "Come this next spring, it will have been 14 years." "Madame," roared the doctor, "you are in no danger, and it is foolish for you to come to me about this." "Well," said the lady, "really I didn't think I was in any danger, but don't you know I just love to talk about it." So I like to talk about the Democratic Party and its great achieve-

ments for the common people of the country, but I can not, in the limited time at my disposal, attempt to enumerate its record of service when intrusted with power. I do not contend, however, that the Democratic Party is always right and the Republican Party always wrong.

I am a firm believer in the biparty form of government. I contend that under our system of biparty government one great political party, ready and willing to assume control in case of maladministration on the part of the party in power, is the best safeguard of the rights and liberties of the American people who form the great Government under which we live. For some years past the Democratic Party has been engaged in the difficult task of making the Republican Party be good, and I am quite willing now for the Republican Party to assume the same rôle toward the Democratic Party.

All of our citizens, irrespective of party, are striving for that which is best in government. That men and women are open minded enough to rebuke a party for wrongdoing is a hopeful sign. I hope the time is quickly passing that men will say, "My party, may it always be right; but right or wrong, my party."

Unfortunately there are groups and classes in this country, greatly in the minority, who seek or demand special privilege. It is the solemn duty of men and women of all parties to resist this demand. A sufficient number of interested persons, standing together in a political party, can make that party stand for what they choose. Too often the political policy of a party is dictated by those whose interests are inimical to the well-being of the people.

Those who seek special privilege would accept it at the hands of either of our great political parties. I am a Democrat because I believe that the Democratic Party, steering by the course laid down by Jefferson and Jackson, has kept itself, as a whole, freer from the clutches of the special-privilege seeking classes than has the Republican Party. I believe that was especially true during the splendid administration of Woodrow Wilson, when many great constructive measures were enacted into law, all of which were criticized by our Republican friends, but none of which have been repealed, though the Republicans have been in control of Congress for eight years. I find that in the House of Representatives the Democrats are constantly fighting against the encroachment of special privilege and my party is serving the people even in defeat.

I look upon the Democratic Party, because of its history and tradition, as being the vehicle by which the great masses of the common people can best express their hopes, their ideals, and their aspirations. It asks nothing that it does not concede, and it concedes nothing that it does not demand. For this, especially, it commends itself to me. I have always fought to keep my party clean and willing to render public service without fear or favor.

So long as I and others who fight with me are able to keep it true to the great principles which have caused me to have an abiding faith in its integrity I shall continue to fight under its banner. I can serve my party best by serving humanity. My veneration for a party of lofty aims and high ideals has planted a philosophy of service within me and some time ago I gave expression to this philosophy in a bit of original verse. I repeat it now:

When I go forth upon the great adventure
And those who know me speak of me as dead,
'Twill be full recompense for all life's trials
If in my memory then it may be said:
"He did his best in every field of labor;"
"He was a steadfast, faithful friend;"
"He was a kind and sympathetic neighbor;
"Whate'er he had he'd gladly give or lend;"
"His life touched mine and I am made the better."
Dear friends, if all these things you well may say
The grave for me will be no prison fetter,
My soul shall quick go singing on its way.

FARM RELIEF

Mr. TINCHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603, with Mr. MAPES in the chair.

The CHAIRMAN. The House in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

The CHAIRMAN. The Chair will announce the time as requested by the gentleman from Louisiana before the gentleman from Arkansas took the floor. The Chair understands that those in control of the time desire the time consumed at the evening session be kept separately from that consumed in the daytime. The time consumed in the daytime is as follows, including the last speech made by the gentleman from Arkansas [Mr. PARKS]: Mr. HAUGEN has consumed 3 hours and 10 minutes, the gentleman from Kansas [Mr. TINCHER] 3 hours and 25 minutes, and the gentleman from Louisiana [Mr. ASWELL] 4 hours and 30 minutes. The time consumed at the night session: The gentleman from Iowa [Mr. HAUGEN] 1 hour and 19 minutes, the gentleman from Kansas [Mr. TINCHER] 50 minutes, and the gentleman from Louisiana [Mr. ASWELL] 35 minutes.

Mr. SWANK. Mr. Chairman, I yield 30 minutes to the gentleman from South Carolina [Mr. FULMER]. [Applause.]

Mr. FULMER. Mr. Chairman and members of the committee, as you know I am not an attorney and therefore I am not long on speech making, but as a business man and as a farmer, it is a great privilege and it gives me great pleasure to speak to you on what I think is the greatest question before the Congress and the American people to-day—relief for agriculture.

In speaking to you on the subject of agriculture, I am speaking out of a ripe experience, having been born and reared on the farm and as a boy having plowed many acres of cotton, and picked many hundreds of pounds of cotton. Thence, into the mercantile business, I supplied farmers with supplies and fertilizers (also cash to carry on), and bought and sold thousands of bales of cotton. On my own farm I produced 205 bales of cotton on 225 acres last year. Therefore, I am sure that I can speak for a class of people to-day that has been neglected in the past as far as legislation along the line that you have given to practically every other line of industry is concerned. I believe I know the ins and outs of the southern farmer.

I want to say, my friends, that it has been a great pleasure to serve with you in this, the greatest legislative body on earth, during the past five years in which I have observed a few things. As a matter of fact, we have about three types of Representatives when it comes to agriculture. First, a large number of Members who know quite a lot about agriculture and are deeply concerned in representing the agricultural interest; second, a large number who do not know anything about agriculture, as they are from nonagricultural States and from the large cities mostly in the East. Lastly, we have a few Members who do not seem to care. Perhaps I can better illustrate by relating a story which happened some time ago. A farmer hooked up his team and drove to his home town for some groceries. On his way back home his team ran away and threw him out. About that time another farmer drove up and said, "Neighbor, what is your trouble?" To which he replied, "My team ran away with me just now and threw me out and came very near breaking my neck." "Is that so; what are you driving?" The farmer said, "I am driving that young mule of mine and that old bull of mine." The other farmer said, "Why, what caused your team to run away?" With fire gleaming from his eyes, the old farmer straightened up and said, "Neighbor, it's just like this: That young mule of mine didn't know any better, and that old bull of mine just didn't give a damn." [Laughter.]

I have also observed—sorry to say—that the kind of government spoken of by Lincoln—the only kind that will endure, a government of the people, by the people, and for the people—is fast passing away, and to-day we have a Government, in a large measure, of the few, by the few, and for the few. This great Congress day by day is gradually legislating and otherwise delegating its powers and functions to the executive branch of Government and to departments, commissions, and boards. Therefore, legislation in the interest of the great masses and of the unorganized has hard sledging in this Congress. With the executive department dictating, propaganda in the press, certain administrative leaders trying to induce Members on this side to forsake their people who need legislation by harping on what is termed the administration bill and trying to claim that Republican members are splitting with the White House, all of which is for no other purpose than to defeat farm-relief legislation.

The President is long in broadcasting agricultural relief and the Secretary of Agriculture is "some" politician in trying to please everybody by holding conferences with various experts, economists, and farmers. Finally, when he wound up these conferences during this Congress he said to the farmers and their representatives, "Boys, go down to the Agricultural Committee and do the best that you can. If I can't be for you, I will not put any straws in your way."

We have been working night and day on the Agricultural Committee in our efforts to work out some constructive farm relief legislation.

The administration did not expect to offer any legislation, thinking to wind up as it has for the past three or four years, and feeling that the western folks would appear before the committee, which would finally report some bill either to be killed in the House or pigeonholed in the Senate. Since coming to Congress I have been interested in bringing together the West and the South so as to pass some national legislation in the interest of every agricultural section. When it was about time to close the hearings Mr. TINCHER, the watchdog of the administration on the Agricultural Committee, on observing that we had made great headway, grabbed his hat early one morning about the break of day and had an early breakfast with Mr. Jardine. I imagine he said, "My God, Mr. Secretary, it has happened at last. The South and the West have gotten together and they are mustering quite a lot of force and power. Something must be done." Then in my imagination the Secretary smilingly said, "Wait a minute. Go down at once and introduce a bill giving them a board and a loan fund. Also offer 33 years' time, but don't mention the rate of interest. Call it the administration bill." My friend TINCHER did not fail to express himself before the Agricultural Committee as to his bill being the administration bill. It has since gone out over the country through the press that his bill is the administration bill.

I want to say to Members on this side that all of this is done to cause you to weaken in supporting real farm relief, which will help your people, and to influence you to support the administration and to vote for another loan scheme which it had no idea of introducing when this Congress first convened. What happened when Mr. Mellon became interested in his taxes and those of the country? Thirty days before the convening of the present Congress he came down to the great Ways and Means Committee and put his cards on the table. This committee then got busy, reported a bill, and came on the floor of the House and passed it.

If this administration had been interested in agriculture and had been concerned about preventing it from going to the rocks, as stated by the gentleman from New York [Mr. JACOBSTEIN], the Secretary of Agriculture would likewise have come down and placed his cards on the table and we would have reported a bill two months ago instead of having to wind up in a wrangle and report three bills. [Applause.]

There is no use in taking time to discuss the Tincher bill. It is loosely drawn. It is an accident, a miscarriage, born prematurely so as to get before the committee in time to be reported out on the back of the Haugen bill because it could not have gotten out of the committee otherwise. Why, gentlemen stand up here and rap on the manner the Haugen bill proposes to create the board, yet ASWELL is asking for a farmer's board. On April 10 Mr. FORT introduced a bill and asked for the same kind of board. Lo and behold! the leader of the administration has the same kind of board.

Now, what is the difference between this board and the board representing the great manufacturing interest, namely, the Tariff Commission and the Interstate Commerce Commission? The only difference is, before you can have one appointed on either of these boards the manufacturing interest and the railroad interest O. K.'s whom they want, then the President sends in the nomination to the Senate, while under the Haugen bill the farmers suggest three from which the President makes his selection. Why, it took the Senate two years to confirm Woodlock because it well knew that he represented those interested in the success of the railroad interest regardless of rates fair or unfair to the producers. Finally, when he was confirmed the Senate did so in secret session. Why? Because of shame for the public to see how Senators voted, especially on the Democratic side.

Now, Mr. FORT, who comes from New Jersey, where they do not even know what a farmer looke like, states three weeks after introducing his bill, which also provides for a board just as the Haugen bill does, that it—the Haugen bill—is sovietism. Why did he not think about that three weeks ago when he joined in the same plan which he now denounces? Perhaps he, too, has had a talk with Mr. Julius Barnes or some representative from the United States Chamber of Commerce, the mouthpiece of big business. Perhaps he has found out that big business and special interest can best continue to run the farmers' interest by leaving it to the President, who would have the opportunity of appointing men adverse to the agricultural interest.

In a number of the speeches made here in opposition to the Haugen bill, hich undoubtedly will render service to agriculture, there has been rabbit tracking, side stepping, and overstepping on the chief merits of the bill. In speaking of it, one gentleman said:

If you pass the Haugen bill, you will have a loss on 65 per cent of the cotton that went into export.

Immediately another gentleman who represents one of the greatest cotton States of the Union said:

I want to correct the gentleman. We get a better price for cotton exported, otherwise we would not export any, but would use all in America.

Observe that these statements are running true to the mule and bull story.

In the first bill introduced by Mr. TINCHER he specifically stated that the cooperatives in borrowing from his fund would have to put on a charge to take care of the loan. In his last bill now before the House he cut that feature out. On page 9, subsection (b), you will find the following:

That in case other additional provisions for payment are not prescribed by the commission, any association receiving a loan shall provide for the payment thereof, including interest—

Observe that he does not state the rate; the sky is the limit—

thereon in a manner approved by the commission.

Now, gentlemen, let us be fair. The only difference between the Haugen bill and the Tincher bill is that the former terms it an equalization fee while the latter leaves it to the board to say to those who would borrow from the commission, "Well, I can not see how you will ever have any money to repay these loans. You know you have not any capital and you are not in a business to make money. So we will make you the loan, but you will have to charge on your commodity a commission or equalization fee so as to accumulate funds with which to pay us back."

Quoting from Mr. TINCHER'S first bill, page 8, subsection (A):

That in case other or additional provisions for the payment are not prescribed by the commission, any association receiving a loan "shall" provide for the payment thereof by imposing a charge in a manner approved by the commission, on the commodity marketed by or through the association which will, in the judgment of the commission, during a period not exceeding 20 years, repay such loan, including interest.

I challenge any Member to stand up and state the difference between this and what we are trying to do, only the gentleman from Kansas tries to keep it under the cover.

There are just a few sections of the Haugen bill that I would like to speak about. Subsection B of section 7 will give this board the right to do the thing which the farmers really need, to see about freight rates and about markets, available markets, so as not to be flooding certain markets already flooded and other markets where there is no need for the same thing. It provides for the proper grading of cotton and various other things, such as to hook up with the Department of Agriculture in foreign markets in an effort to increase consumption, as the Brazilian Government is doing to-day. Take for an instance the coffee producers of Brazil. After establishing an orderly marketing system they have gone out in an orderly and businesslike manner and have increased the consumption of coffee in the last 10 years by 50 per cent. Cotton used in America and in foreign countries averages about 28 pounds and 2½ pounds per capita, respectively. Poverty in the West and the South prevents an increase in consumption, and because we are not organized in a businesslike manner, as is the manufacturing interest of the country, we have not created the demand which we could easily create in the foreign markets and which should be increased over 50 per cent in five years.

Many of the smaller associations need advice as how to best secure finance and how to best grade and offer for market their commodity, which is amply provided for under subsection (b), page 9, of the Haugen bill. Farmers who need advice, real advice, coming from an organization interested in and capable of giving helpful information as to production according to supply and demand, will find same in subsection (3), page 9, Haugen bill.

In subsection (c), page 9, you will find that when the board with the council and cooperative associations find that there is or will be a surplus of cotton—and I am talking about cotton because it is my line—that when the cooperatives on their own initiative will call upon the board; then in line 23, page 10—

the board shall declare its findings and commence operations in respect thereof.

Subsection (d), page 11, reads:

During such operation the board shall assist in removing or withholding the surplus of such basic agricultural commodity and shall

assist producers of cotton in controlling the quantity in excess of the requirements for orderly marketing.

Now, gentlemen, is there anything unconstitutional about this? Is it economically unsound? Certainly not. Yet certain Members here, who would excuse themselves from voting to help the agricultural interest, are long on talking about the Constitution and about the economic unsoundness of this measure.

Had this bill been in operation in the fall of 1925, what would have happened? You gentlemen from the cotton States recall that the Government gave out a statement that the cotton crop would be about 14,000,000 bales. Cotton was then selling from 22 to 24 cents. Inasmuch as the world would need from 14,000,000 to 15,000,000 bales of cotton, farmers were selling for a reasonable price, and were happy, too, although a great many felt that 30 cents would not be too much for that size crop. As a result many farmers—along with some of you lawyer farmers—held their cotton off the market. Shortly thereafter the Government finally reported and the crop wound up 16,300,000 bales, of which at least 2,000,000 bales are dog tails and bollies untenderable and unspinable. Yet the speculator can use such type cotton as well as middling type in depressing the market. With an overproduction to depress the market, we have not had in the past any method of determining this fact as to actual grades, which we will do when we get the Haugen bill into operation.

Now, after this report men began to sell cotton; the cooperatives had to, because they well knew what the speculator would do with this kind of club against unorganized agricultural interest.

Cotton began to go down. To-day it is selling for about 17 cents for middling, and as low as 8 cents for lower grades. With thousands of bales of low grades, buyers take advantage of and fix differentials below basis middling, and consequently buy at their own prices. Had we passed this kind of legislation, as under Haugen bill, so as to have been ready, then when cotton began to decline, and when it had gone below a fair price the farmers could have called upon the board and it would have made agreement with the cooperatives or a buying and selling agency would have stepped into the market, not buying one or two millions at prevailing price, but only to such extent as would cause the market to respond with an advance in price, a stable price, 20 cents, 22 cents, or if the right price should have been 25 cents, then to 25 cents. Well, you might say, what would hinder the speculator from coming in and taking advantage of this situation and running the price so high as to curtail consumption? Why, the selling agency, under the direction of the board, could feed back into the market, so as to put the speculator out of business, and thus stabilize the price so as to be fair, both to the consumer and the producer. There is no such thing as supply and demand to-day as far as the price is concerned, for it is governed by one cotton concern, which is able not only to fix the price but the grade also, and which further gets the benefit of stapling, extra tare patched on, and so forth. Members who are against this bill contend that there is nothing in it which will give cotton farmers a better price. What I have just said should satisfy anybody who knows anything about what will bring about a better price.

They will say, further, that this bill will so stimulate the price so as to bring about overproduction for farmers will plant cotton in tobacco lands, wheat lands, and so forth. Then, what are you going to do with the cotton piled up year after year? Why, what happened when the price of cotton climbed to 40 cents? Farmers in Virginia, Tennessee, and Illinois planted cotton, but God Almighty controlled the production. He who tills the soil and sweats blood in trying to feed and clothe the world knows not from one day to another what he will produce or what the price will be. Let us see what happened when we had the best price that we have ever had since the Civil War. From 1916 to 1924 from 13.35 (low) to 45 cents per pound (high). What size crops did we make after plowing up pasture lands and virgin lands in Texas and other States? During the years 1916, 1917, 1918, and 1919 the total crop was a little in excess of 12,000,000 bales; in 1920, 13,879,916; in 1921, 8,335,393; in 1922, 10,369,848; in 1923, 10,808,271. During all these years, which included the war period when exports were naturally checked, we consumed and exported more cotton than we produced. Had we produced 14,000,000 bales during 1925—with the 1,000,000 dog tails—at rate of present consumption which, by the way, would be very much larger, if not hampered by tariff blocking the foreign markets from importing and taking our cotton in exchange, there would be a cotton famine to-day. From 1816 to the present good hour 1926, have we ever produced over 13,879,918 bales, except in the years 1911, 1914, and in 1925?

What we would do with the cotton that we would have to buy to-day to stabilize the market, thereby eliminating speculation and bringing about a fair price, would be to carry into the lean years, which—on observing the figures that I am going to insert into the RECORD at this point—have happened more often than the fat ones:

Production and distribution from 1890 to 1925

Year	Average price		Bales produced	Bales imported	Consumed in United States	Exported	Total consumption
1890	8.6	From 1890 to 1901, inclusive, there was no resistance offered to low prices, which were from 4.9 cents to 9.3 cents.	8,562,089	45,580	2,604,491	5,850,219	8,454,710
1891	7.3		8,940,867	64,394	2,846,733	5,896,800	8,743,533
1892	8.4		6,658,313	85,735	2,415,875	4,485,251	6,901,126
1893	7.5		7,133,056	59,405	2,300,276	5,307,295	7,607,571
1894	5.9		10,025,534	99,399	2,983,665	6,961,372	9,945,037
1895	8.2		7,146,772	112,001	2,499,731	4,761,505	7,261,236
1896	7.3		8,515,640	114,712	2,841,394	6,124,026	8,965,420
1897	5.6		10,985,040	105,802	3,472,398	7,811,031	11,283,429
1898	4.9		11,435,368	103,223	3,672,097	7,626,525	11,298,622
1899	7.6		9,459,935	134,778	3,687,253	6,167,623	9,854,876
1900	9.3		10,266,527	116,610	3,603,516	6,806,572	10,412,088
1901	8.1		9,675,711	190,080	4,080,287	6,870,313	10,950,600
1902	8.2		10,827,168	149,113	4,187,076	6,913,506	11,100,582
1903	12.2	Sully year	10,045,615	100,298	3,980,567	6,233,682	10,214,249
1904	8.7	No resistance	13,679,954	130,182	4,523,208	9,057,397	13,580,605
1905	10.9	Resistance by South Carolina Association and farmers	10,804,256	133,464	4,877,465	6,975,494	11,852,959
1906	10.0	do	13,595,498	202,733	4,974,199	8,825,236	13,799,435
1907	11.5	Union	11,375,461	140,869	4,493,028	7,779,508	12,272,536
1908	9.2	No resistance	13,587,306	165,451	5,198,963	8,889,724	14,088,687
1909	14.3	Resistance by Haynes, Brown, and others	10,315,382	151,395	4,759,364	6,491,843	11,251,207
1910	14.0	do	12,005,688	231,191	4,713,126	8,025,991	12,739,117
1911	9.6	No resistance	16,250,276	229,268	5,400,005	11,081,332	16,481,337
1912	11.5	Resistance by Southern States Corporation	14,313,015	225,460	5,867,431	9,199,093	15,066,524
1913	12.5	do	14,795,367	205,646	5,942,806	9,256,028	15,198,830
1914	7.3	No resistance	16,991,830	383,595	6,087,238	8,931,253	15,018,591
1915	11.2	Resistance by McAdoo	12,122,961	420,005	7,326,598	6,405,993	13,732,591
1916	17.3	Resistance by retail merchants	12,780,644	288,486	7,721,354	5,963,682	13,685,036
1917	27.1	Resistance by departments of agriculture, cotton-producing States	12,428,094	217,381	7,555,191	4,587,000	12,142,191
1918	28.8	do	12,970,048	197,201	6,288,922	5,843,307	12,132,229
1919	35.4	do	12,028,732	682,911	6,807,817	6,760,887	13,568,704
1920	15.8	No resistance	13,879,916	210,606	5,477,908	6,025,915	11,503,823
1921	16.9	No resistance, crop short	8,351,393	351,921	6,560,000	6,479,188	13,039,188
1922	22.9	Cotton famine	10,369,848	449,783	7,350,000	5,049,225	12,399,225
1923	28.7	do	10,808,271	272,179	6,225,000	5,935,535	12,160,535
1924	22.9	do	14,487,560	303,443	6,877,000	8,434,978	15,311,978

Study the above table taken from the Census Bureau report of the Government. From 1890 to 1902, inclusive, there was no effort made to increase the price. Note the average price. Notice the advance in price of the 1903 crop, caused by Daniel J. Sully buying 200,000 bales and holding them for higher prices. He began late and the price went from 7½ to 18

cents. There was no effort made in 1904; note the price. The Southern Cotton Association and Farmers' Union worked together with the crops of 1905, 1906, and 1907. Ten cents was asked for 1905 crop as a minimum, 11 cents for 1906, and 15 cents for 1907, the street price being 7 to 8 cents at the beginning each fall. The panic came just as 15 cents was reached in 1907. No effort made in 1908; note the price. Haynes, Brown, and others bulled the price for 1909 and 1910; never owned more than 300,000 bales at any time; note the effect. No effort made in 1911; note where the price went. The Southern States Cotton Corporation bought and held cotton for 15 cents during 1912 and 1913. It only bought 84,000 bales, but the price was near 15 cents when it was destroyed, starting at about 8 cents each year. No effort to hold the price up in 1914; note how low it went. The war created a big demand for cotton, but there was no organization to resist low prices until the fall of 1917, when restricted freight space on ships and railroads made 10-cent cotton look certain; but at this point the departments of agriculture of the cotton-producing States announced cotton was worth 30 cents and persuaded the farmers to hold for that price, which continued throughout the crops of 1918 and 1919; note the prices obtained. Note where it went in 1920 when the Reserve Bank of Dallas gave notice that notes secured by cotton and held for a price were not eligible for discount by it, and note them since with practically the same cost to produce as in 1917, 1918, and 1919.

At this point I wish to insert a statement showing the exports for the past 100 years in 10-year periods and the average price the farmer received per bale for cotton exported, which, on the face of it, is really a shame:

Cotton exports for 100 years

Decade	Bales	Tons	Value	Average price per bale
1821–1830	4,071,687	1,017,923	$256,632,567	$63.00
1831–1840	8,634,662	2,158,667	528,789,702	61.24
1841–1850	13,989,587	3,497,398	553,427,062	39.56
1851–1860	23,601,577	5,900,395	1,146,092,778	48.56
1861–1870	8,089,101	2,022,238	1,083,373,097	133.93
1871–1880	28,420,585	7,105,148	1,945,673,249	68.46
1881–1890	42,642,888	10,660,724	2,206,812,580	51.75
1891–1900	60,837,298	15,209,327	2,256,455,584	37.09
1901–1910	74,733,416	18,683,356	3,859,233,593	51.64
1911–1920	76,190,467	19,017,620	6,512,761,108	85.48
Grand total	341,211,268	85,212,816	20,349,251,320	

To think that we have in the South a commodity that brings to the United States the balance of trade with the rest of the world, a commodity that the world must, of necessity, have, inasmuch as we can export 65 per cent of our production, and yet with the same opportunity to monopolize the price to the extent of the cost of production plus a fair profit, as the Brazilian coffee growers do, we find ourselves hampered because of a lack of organization on the part of the cotton producers and the assistance of our great Government being asked under the Haugen bill. How much longer will men, women, and children sweat blood on the farm, live in poverty, rear their children in ignorance, boys and girls who have the best brains in the world being denied the average privileges enjoyed by those in other sections where prosperity abounds because of protection given by our Government, boys and girls who will go down to their graves unknown because of a lack of opportunity to make a name and history for themselves which would be cherished by future generations?

If we could stabilize the market so as to bring about an average price, it would help, even though we could not advance the price; yet I know that we could advance the price to a fair cost-of-production price plus a reasonable profit. Under its boards the railroads are doing it. Under the tariff the manufacturing interest is doing it. Now, if we pass the Haugen bill, you will find agriculture, within five years, running its business, knocking out useless middlemen, parasites, and speculators who are sapping the very life blood out of the producer and the consumer to-day. A very serious question I want to ask those representing the South is this: Are you in favor of the farmers controlling their own business and having something to say about what they will take for what they produce, or will you vote against the Haugen bill and say to these parasites, "Go to it—the water is fine"?

The statement, which I will now insert into the RECORD, shows the high and the low on cotton each year from 1848 to 1924:

Commercial cotton crops and prices of same since the year 1816
[Hester's report; in New York]

Year	Crop	Price	
		Lowest	Highest
1816	460,993		26½
1817	448,029		34
1818	596,429		24
1819	606,061		17
1820	647,482	11	20
1821	742,049	10	18
1822	620,805	9	17
1823	762,411	11½	18
1824	891,608	12	30
1825	1,121,667	9	17½
1826	957,281	8¾	11½
1827	720,593	8¾	13
1828	870,415	8	11½
1829	976,845	8	12½
1830	1,038,847	7½	13¼
1831	987,477	7	12
1832	1,070,438	9½	17
1833	1,205,394	9½	18
1834	1,254,328	12½	20
1835	1,360,725	12½	20
1836	1,423,930	7½	20
1837	1,801,497	7¼	14
1838	1,360,532	9½	17
1839	2,177,835	6	13½
1840	1,634,954	7	11½
1841	1,683,574	5	10½
1842	2,378,875	6⅛	8½
1843	2,030,409	5¾	9½
1844	2,394,503	5	6¾
1845	2,100,537	7	9½
1846	1,778,651	8½	13½
1847	2,439,786	6	13
1848	2,866,938	5⅞	10⅛
1849	2,333,718	10	13⅞
1850	2,454,442	8¾	15
1851	3,126,310	8½	11⅝
1852	3,416,214	9¾	11¾
1853	3,074,979	10	11¾
1854	2,982,634	8½	13
1855	3,655,557	9	11⅝
1856	3,093,737	11⅝	15½
1857	3,257,339	9⅞	15¾
1858	4,018,914	11	13⅜
1859	4,861,292	10½	11¾
1860	3,849,469	10	22
1861	4,500,000	20	51½
1862	1,600,000	51	92
1863	1,450,000	68	189
1864	1,300,000	35	182
1865	2,269,316	32½	60
1866	2,097,254	26½	42
1867	2,519,554	15¾	32¾
1868	2,366,467	24¼	35
1869	3,122,551	19¼	35
1870	4,352,317	14¾	21
1871	2,974,351	18⅜	20¼
1872	3,930,508	19⅛	21¼
1873	4,170,388	13¼	20⅜
1874	3,832,991	14½	17⅛
1875	4,632,313	11¾	14⅝
1876	4,474,069	10⅞	13¼
1877	4,773,865	10⅝	12⅛
1878	5,074,155	8¾	13⅛
1879	5,761,252	10½	13¼
1880	6,605,750	10½	13
1881	5,456,048	11½	13
1882	6,949,756	10	12⅝
1883	5,713,200	9	10
1884	5,706,165	9⅞	10⅛
1885	6,575,691	9⅛	10
1886	6,505,087	9⅛	11⅛
1887	7,046,833	9½	11
1888	6,938,200	9½	11½
1889	7,311,322	10¼	12⅝
1890		7⅛	10⅝
1891		6⅛	8¾
1892		7⅞	10
1893		6⅝	8⅞
1894		5⅞	8⅞
1895		7⅞	9
1896		7	8⅝
1897		5¾	7⅛
1898		5⅜	6⅝
1899		6¼	10¾
1900		8	12
1901		7⅛	9⅝
1902		8.30	13.50
1903		9½	17¼
1904		6.85	11.50
1905		9.80	12.60
1906		9.60	13.55
1907		9½	13.55
1908		9	13.15
1909		12.40	20
1910		11.60	16.15
1911		9.20	13.40
1912		10.28	13
1913		11	14.50
1914		7¼	11
1915		9.20	13.45
1916		13.25	27.65

Commercial cotton crops and prices of same since the year 1816—Con.

Year	Crop	Price	
		Lowest	Highest
1917		21.20	36
1918		25	38.20
1919		27	43
1920		10.85	40
1921		12.80	23.75
1922		20.36	33.84
1923		23.50	37.70
1924		22.15	31.50

NOTE.—Each year represents the entire cotton season, viz: 1924, the last year submitted, means the 1924–25 crop, decided by figures available Aug. 1, 1925, and the prices quoted are those of the New York Cotton Exchange.

I will mention only a few of them. In 1848 the low 5⅞ and the high 10⅝, for instance—suppose the farmer had to sell on the low market, which in most cases he has to do, he would have received only $28.37 for his bale of cotton, while the man selling for 10⅝ would have received $53.13. The average farmer making 10 bales of cotton would receive $283.70 and the other fellow $531.30. In 1860, low 10 cents and high 22 cents, or an average of 16 cents, perhaps, would at that time have been a fair price. Again, in 1865, at the close of the Civil War, the low 32½ cents and the high 60 cents; in 1921, the low 10.85 cents and the high 40 cents. You can look the statement over for all the other years.

I am going to insert here another statement giving total imports from various foreign countries from 1914 to 1925, inclusive, also the amount of carry over and where carried. This statement further shows the production of cotton from 1917 to 1924, inclusive, and where produced:

TABLE 26.—*Total imports of cotton by countries of production for years ending July 31, 1914, to 1925*

Total for year	Imports of foreign cotton (equivalent 500-pound bales)						
	Total	Produced in					
		Egypt	China	Peru	India	Mexico	All other countries
1925	313,328	190,313	33,702	13,274	28,148	44,384	3,507
1924	292,288	164,152	45,118	19,928	34,419	27,032	1,609
1923	469,954	329,335	50,239	21,186	22,124	45,679	1,391
1922	363,465	233,729	15,563	38,753	10,348	53,637	11,435
1921	226,341	87,168	14,722	22,597	8,489	88,155	5,210
1920	700,214	485,004	57,185	63,426	14,358	65,343	14,898
1919	201,585	100,006	10,871	25,230	2,893	54,434	8,151
1918	221,216	114,580	38,964	19,692	7,096	35,726	5,158
1917	291,957	199,892	36,063	11,069	3,860	32,858	8,215
1916	437,574	350,796	35,792	10,909	4,214	30,098	5,765
1915	382,286	252,373	25,631	10,353	7,845	85,180	904
1914	260,988	138,579	20,772	12,627	7,849	80,285	876

CARRY OVER OF AMERICAN COTTON ON JULY 31 OF EACH SEASON

	Bales				
	1925	1924	1923	1922	1921
Lint:					
In United States consuming establishments	866,259	719,827	1,093,618	1,218,388	1,625,646
In United States public storage, etc	514,196	673,934	938,903	1,488,165	3,633,254
At Liverpool	314,000	168,000	143,000	473,000	685,000
At Manchester	58,000	32,000	24,000	45,000	75,000
At continental ports	249,000	194,000	111,000	442,000	506,000
Afloat for Europe	143,000	142,000	109,000	171,000	386,720
Mills other than in United States	[1] 900,000	[1] 815,000	[1] 750,000	[1] 1,200,000	1,214,000
Japan and China ports and afloat	300,000	[1] 200,000	[1] 250,000	[1] 300,000	250,000
Elsewhere in United States	[2] 230,000	[2] 160,000	[2] 60,000	[2] 125,000	1,650,000
Total lint cotton	3,574,455	3,104,761	3,489,521	5,462,553	9,335,620

[1] Estimated.
[2] As estimated by United States Census.

WORLD'S PRODUCTION OF COMMERCIAL COTTON, BY COUNTRIES, 1917 TO 1924

[Compiled by Census Bureau, United States Government. Cotton production bales of 478 pounds lint]

Country	1924[1]	1923	1922	1921
Total	23,377,000	18,969,000	17,959,000	15,334,000
United States	13,619,000	10,140,000	9,762,000	7,954,000
India[2]	4,500,000	4,400,000	4,220,000	4,200,000
Russia	400,000	260,000	55,000	43,000
Egypt	1,450,000	1,274,000	1,229,000	902,000
China[3]	1,500,000	1,420,000	1,360,000	1,030,000
Brazil	605,000	575,000	535,000	540,000
Mexico	285,000	138,000	178,000	147,000
Peru	200,000	200,000	190,000	175,000
All other countries	758,000	562,000	430,000	343,000

Country	1920	1919	1918	1917
Total	19,685,000	20,220,000	18,755,000	18,140,000
United States	13,440,000	11,425,000	12,040,000	11,310,000
India[2]	2,600,000	4,475,000	2,950,000	2,970,000
Russia	85,000	440,000	575,000	605,000
Egypt	1,285,000	1,305,000	1,000,000	1,305,000
China[3]	1,045,000	1,150,000	940,000	865,000
Brazil	450,000	560,000	550,000	420,000
Mexico	215,000	210,000	125,000	130,000
Peru	155,000	175,000	120,000	115,000
All other countries	390,000	480,000	445,000	420,000

[1] Preliminary estimate subject to revision.
[2] The amounts for India do not include cotton used in home manufacture, although such cotton is included in the reports of cotton produced compiled by the Indian Government.
[3] Consists of cotton exported and cotton consumed in spinning mills.

Now, let us see about the carry over or surplus cotton. As a rule, we have to have about 3,000,000 bales of cotton. In other words, any number of bales in excess of this number and afloat would be excess cotton. In 1921, as shown by the statement, we had a carry over of 9,335,620 bales of cotton. This condition was brought about because of a decline in exports during the war period. During that time we had practically a cotton famine. In 1922 we had 5,462,553; in 1923 we had 3,489,521; in 1924, 3,104,761; and in 1925 we had 3,574,455 bales of cotton. You will note an increase of 470,000 bales in 1925 over 1924, which was brought about by an increase in production in 1924 of about 4,000,000 bales over 1923; otherwise we would have had another cotton famine.

The world will consume about 14,000,000 bales up to July 1, 1926, for the year just passed; therefore we will have a carry over the 1925–26 season of 5,574,455 bales. In this we will have at least 2,000,000 bales untenable cotton; so if this was off the market we would be getting 30 cents a pound for cotton to-day.

My friends, here is what happened at St. Matthews, S. C., the other day, according to a clipping from one of the best papers in the State:

Thirty-two bales of cotton went on the market here the other day. A careful calculation of the fall prices and selling prices was made. The loss was $976.

That is how the "bears" have frazzled the "bulls."

Should have been how they frazzled the farmers—in six months. Who is to blame for the loss of $976 to this farmer, an amount ample to run his farm for 1926? Who is it here that will vote against a bill proposed to remedy this situation?

On May 5 we clipped this from one of the newspapers:

The wheat market was a weak affair throughout the greater part of the session. There was a renewal of liquidation in the May position, with that month at one time within a fraction of 5 cents a bushel below the previous close. At the bottom of the movement a loss of 9 cents a bushel for two days had been established.

Is there a man here who believes that the consuming world received 50 cents per barrel reduction on the flour that he had to buy? Not one.

Now, before we forget about it, let us explain the equalization fee that we hear so many Members kicking about and who have stated that any man who votes for it will never be able to come back to Congress. I venture to say that any man failing to vote for this bill, which will rescue bankrupt farmers and restore depressing prices, thereby causing it to fail passage, while in the meantime cotton continues to go down, will certainly have to give some explanation to his farmers when he returns and again asks their support to be returned to Congress, there to receive a nice, fat salary and to vote against

what the farmers are asking for and what they so sorely need. I am afraid to play politics and take a chance on going back and say to them what you have been saying here on the floor of this House, viz, that it is not right to give to them this much needed assistance, after many of you have voted to allow the railroads to rob agriculture on unjust freight rates fixed by a board created by the Congress, and after you have voted for a robber "tariff" which protects the manufacturer to the extent of billions, and after you have voted to give Italy $1,500,000,000 of obligations to our Government—money which was wrung out of taxpayers of America by selling war stamps and war bonds, and where in many instances farmers denied themselves of the real necessities of life to buy them, and did buy them until it hurt—then after you have voted for $165,000,000 for a special building fund to be placed in the hands of one of the richest men in America, Mr. Mellon, who will have the privilege of stating when and where a public building will be constructed—certainly none will be built in the West and South. What are you lawyers going to say when your farmer friends ask, "Why did you vote to increase the salaries of Federal judges several thousand dollars each, and then refuse to support the bill that we have been writing and wiring you about?" Will you continue to say to them what you are saying here to-day—that the bill is economically unsound? If so, I imagine that they will say to you, "If you have been able to so arrange all of these other pieces of legislation in the interest of every other interest except ours so that they are economically sound, then it appears to us that you could have, at least, given the Haugen bill a chance."

Now, gentlemen, I hold here in my hands two samples of cotton—one grading good middling, the other good ordinary—as graded by the Government under a bill passed by me during the Sixty-seventh Congress, which took away from Liverpool the right to pass on all cotton exported from America without a single American on the board, thereby giving to them the last word on the grades which brought about thousands of claims on American exporters, thus causing them to buy from cotton men and cotton men from producers so as to take care of these losses, right or wrong. Now, we have a standard grade not only in America but it is a world standard. Our Government has the last word on all cotton exported under my bill, and this certification by it is accepted all over the world. Although this world standard has helped the producers in an indirect way, yet they do not get its full benefits, while large cotton men, millmen, exporters, and so forth, get full protection absolutely. I hope to continue my fight to have every bale properly graded, both as to color and staple, down to the producer.

Only the farmers going through the cooperative associations now get these benefits, which would mean millions if all the farmers could take advantage of this. Just a few days ago there were some men in my office from New Orleans who stated that their price on cotton bought from South Carolina and certain parts of Georgia was lower than other sections of the cotton country, because we have quite a lot of three-fourths-inch cotton, yet we have much 1 and 1⅛ inch cotton. However, not a bale of it in South Carolina is stapled when the producers sell to first buyers in their home towns. Therefore millions are going out of the pockets of the producers and into the other fellow's pockets, all because he staples every bale of cotton when received by him.

Note the following quotations:

	July, 1914	February, 1921
	Cents	*Cents*
Middling cotton, Augusta, Ga	13 1/16	13
Strict low middling, Augusta, Ga	13 1/16	11
Low middling, Augusta, Ga	12 1/16	9¼
Good ordinary, Augusta, Ga	11 1/16	6¼

	April, 1926	May, 1926
	Cents	*Cents*
Middling cotton, Columbia, S. C	17¼	17
Strict low middling, Columbia, S. C	16	15¾
Low middling, Columbia, S. C	14	13½

Now, what I would have you note is the various differences between the various grades from time to time, taking as a basis middling. In 1914 the difference between middling and good ordinary was only 2⅛ cents, while in 1921 the difference between the same grades was 6¼ cents, or $31.25 per bale. Now, who fixes these various changes in the market and in whose favor? Not the farmers who produce it, not the Department of Agriculture at Washington, but members of 10 spot-cotton markets, who meet any evening after the cotton exchanges close and regulate the differences either up or down. Now, why could not they, when they want to buy 50,000 bales of cotton, meet and widen the differences and then buy? Then when they got ready to sell, why could not they again meet and close the differences between the grades and sell? In a conversation with a certain branch of the Department of Agriculture a few days ago the one with whom I was talking said, "I want to talk to you about that some day and show you what we are up against." What I am interested in is what the farmers are up against.

This unsatisfactory condition can be corrected by pooling and selling according to value when needed instead of flooding the markets with grades not needed at such reduced price. We can do this through the cooperative associations with the Haugen machinery.

Although I have talked to several Members, it still seems that they can not yet understand how you can take off of the market 2,000,000 bales of cotton with $100,000,000 at, say, 20 cents a pound. Perhaps we would not want to do this more than once in five years, according to figures given you a few minutes ago. Yet if we had to do so, we can borrow 65 per cent of the value of the cotton from the intermediate bank or from private banks. We can do this now at interest rates of from 4 to 5 per cent. Then we would have to take out of the equalization fund only $70,000,000, thus leaving $30,000,000 in the fund, or sufficient to buy another million bales with what we could borrow on same, making three millions.

Mr. LARSEN. Will the gentleman yield?

Mr. FULMER. Yes; be glad to.

Mr. LARSEN. The gentleman from Arkansas in a very excellent speech a few minutes ago said it would require a tax of $15 per bale. What does the gentleman think about that?

Mr. FULMER. For two years we will not have to pay one cent, because the Government will help establish agriculture by putting $100,000,000 in to be used, instead of farmers having to pay in any fund. I will say to the gentleman that with this $100,000,000, should we have a crop of twelve and one-half to fourteen million bales during the year 1926, with crops averaging as the last five years, perhaps we would not be called upon at all, or certainly not more than one or two years out of a five-year period. May I say further that the fee, if collected on all cotton, will not amount to more than $1 to $2 per bale. By not having this machinery and money last fall to go into the market so as to hold the price, what is the farmer paying to-day when he goes to sell his cotton? Why, he is paying a loss of from $35 to $40 per bale. Now, which is the better? To pass this bill now and be ready to go into the market now, even if we had to pay from $1 to $5 per bale, if by doing so we can regain a price which will save this $35 or $40. Under this bill the board does not operate unless there is an excess of cotton bearing down the price, and then only when called upon by the cooperatives, and the bill further provides that the equalization fee will not operate only when it would be needed to do the thing about which we have been talking.

If you will look at the cotton chart used by the gentleman from New York [Mr. JACOBSTEIN] yesterday, you will observe that it shows a runaway market above and below the line. I did not get the dates, but perhaps when it was skyrocketing above the line it was when the speculator was operating after the farmer had sold his cotton and below the line when the farmer had to sell his cotton.

I want to say to you, my friends, that there is no such thing as supply and demand to-day. There is just one cotton concern in America to-day that is manipulating the cotton industry of the country. There are men and women down South who are sweating blood while some Members of this House are rabbit tracking around here and saying and doing all manner of things to defeat this legislation. In the meantime they do not know what they will make this year; neither have they any idea what the price will be. They have to look to Almighty God for the increase or decrease in production and then look to these men who manipulate and fix the price on every bale of cotton they produce for a price. [Applause.]

I have sold cotton in my good friend's [Mr. VINSON] city, Augusta, Ga., and I have said to those who bought from me: "Gentlemen, you are robbing me on the grading of this cotton; there is not that much difference in the grades." They would reply, "Well, if you are not satisfied, go down to the exchange and have the board pass on it." Of course, these men compose the board, so I might just as well take my hat and go home. Then, as a cotton buyer, I had to buy from the pro-

ducer in order to protect myself in delivering my cotton. So the farmer is the goat in every instance, not only in his business but here in Congress.

Now, my friends, when you are able to handle this cotton through the cooperative associations, then they have the right to pool every bale, according not only to color but also as to length of staple, and then sell the mill or the exporter whatever grade or length staple they may want and when they want it.

I am going to tell you something else, as the gentleman from New York [Mr. JACOBSTEIN] said yesterday. There is quite a bad feeling toward big business interest by the agricultural sections. Is it a fact that those of you here who represent these protected interests and those of you who represent big cities that are dependent on the farmer for your daily bread, are really so blind until you can not see that by your indifference and by your special protection for few against the many and that you are unwilling to pull one-third of the American people out of the hole and place them on an equality with the rest of the world, that you are breeding radicalism and bolshevism which will not only prove disastrous to our country but will also make big business tremble some day?

I am not afraid to say here, gentlemen, that it does seem to me that this administration which should promote a government of the people, by the people, and for the people, is absolutely under the control or subject to the dictates of big business of this country. My friends, seems to me that since I have been a Member of this House, all that big business has to do is to come down here, lay its cards on the table and it can get what it wants. Yet agriculture, after having lost $31,000,000,000 in unfair prices for its products for the last few years, which amount went into the pockets of somebody else (as shown by JACOBSTEIN yesterday) goes without any relief.

This speculative situation and this surplus in fat years is now disturbing somebody else besides the farmer. Mr. Victor M. Montgomery, president Pacelot Manufacturing Co., Spartanburg, S. C., says:

> We bought cotton last fall to run our mills at 22 cents. We can buy to-day—six months later—at 17 cents, and we can buy it for delivery next December, 1926, for 16 cents.

He further states:

> The speculators will sell it for that price and they hope to frighten the farmers so much that they can buy it then and sell it to us at a profit. Their operations have resulted in the price of cloth being lowered so much that we can not sell our product now at what it costs us to make it.

Cotton mills are closing down to-day all over the country, thus causing men and women to suffer because of being thrown out of work. Why? Because of what Mr. Montgomery tells you about—the same thing that I am telling you about. One or two cotton concerns are not only able to fix the present-day market, but also are able to sell the farmers' cotton yet in process of growth at a lower price than it is worth to-day. Does not this satisfy you, my friends, that the time has now come when we must let the farmer control his business and thereby stabilize the market and bring peace in his home and promote consumption by orderly marketing?

Mr. UPSHAW. Will the gentleman yield?

Mr. FULMER. I shall be glad to do so.

Mr. UPSHAW. How will this bill stop the abuse as between the different grades that the gentleman has just spoken of?

Mr. FULMER. I tried to make that plain a while ago. The cotton will be in the hands of the cooperative associations, and when these buyers would meet and arrange such a wide difference between the grades, say as much as $15, $20, or $35, why they will hold that grade off the market until the demand would warrant the right price. Somebody will need every bale and every grade. They will want what their mills use, and when they need it they want it and are willing to pay for it. Mr. Montgomery stated also that the manufacturers did not care about what the price would be, whether 10 cents or 40 cents, just so it would be reasonable according to the size of the crop. Yet they did want some stability about the price, so that they could more intelligently run their business and not be messed up almost daily with speculation.

All cotton exported is allowed 30 pounds for bagging and ties. The farmers who sell outside of the cooperative associations are allowed to put on about 22 pounds. If they put on more, when they go to market to sell, the buyers either cut the price or cut the weight. Then what happens when it passes into the exporter's hands? He patches on cheap, second-hand bagging to make up the 30 pounds and makes from $1 to $2 on every bale exported, which aggregates millions of dollars on the entire crop.

The cooperative associations get that benefit to-day, yet thousands of farmers who are unorganized are being robbed. Will you help the unorganized to take over its business and thus place it foursquare with all other lines of business which you have protected through this Congress? [Applause.]

Mr. LARSEN. The gentleman means that when they compress the cotton they put on more bagging, so as to get full allowance for the 30 pounds tare allowance?

Mr. FULMER. Yes.

Mr. CANNON. And the cotton buyers are not in favor of this legislation?

Mr. FULMER. No legitimate cotton buyer or cotton concern doing a legitimate business would object to this legislation, I would not think.

Mr. LARSEN. Is it not a fact that the cotton men exporting cotton will take a bale that weighs 500 pounds and add from 8 to 15 pounds bagging and moisture to it, and sell it in Liverpool for the price of cotton, but the producer gets nothing out of it?

Mr. FULMER. Unless he sells through the cooperative associations where they do the patching, and when they get able they propose to do their compressing. The cooperative associations have their sales organizations not only in this country, but in foreign markets. They are prepared to cooperate with the board under the Haugen bill and do business direct with mills and for export, and cut out all of the highway robbery, parasiting, and speculation between the producer and cotton mills and foreign countries.

Mr. TINCHER. Will the gentleman yield?

Mr. FULMER. I will.

Mr. TINCHER. What authority has the gentleman for stating that the cotton exchanges are opposed to this bill?

Mr. FULMER. I have not made that statement.

Mr. TINCHER. I understood some one to say that the cotton exchanges are against the bill, and I understood the gentleman from South Carolina to assent to that proposition.

Mr. FULMER. No; and I will tell the gentleman why. The cotton exchanges know that the Republican Party will not let this bill pass nor any other bill of this kind. I will say that I am conscientious in what I am trying to do. I am interested in not only my people, but also your people of the West. I want them to prosper, for I know that when they prosper they will spend their money for our cotton goods and the things that we have to sell in the South, and if we in the South, the cotton farmers, are prosperous they will buy your corn, meats, and flour. Why, my friends, I am told that there are to-day men representing the biggest grain corporations in America which virtually control the exports of grain, who are taking Members out to early breakfasts and rabbit tracking between these meetings, and the White House trying to head off this legislation.

I have been a Member of Congress for five years and you have not done anything for the farmer yet except open up some way by which he can borrow more money and get deeper in debt.

I challenge the Republican Party during this session to carry out its pledge and do something for the American farmer. [Applause on the Democratic side.] I say to the gentleman from Kansas that I have been working with my good friend, Mr. HAUGEN, of Iowa, who is absolutely sincere, and the reason some of you Members do not want this bill to pass is because it will take the American farmer out of the hands of the speculator and the organized business manipulators who have been robbing the farmer ever since I have been "knee high to a duck."

Mr. CANNON. I say that I have had telegrams from cattle exchanges and they are also opposed to this bill. Every grasping fellow and parasite who makes his living off the American farmer is opposed to this bill.

Mr. TINCHER. What cattle exchange is opposed to this bill? Usually when they oppose a bill and they have opposed a good many in our committee, they come here and fight with big lobby. I am just wondering whether there is any packer or cotton exchange that has gone on record against this legislation.

Mr. FULMER. I will say to the gentleman that they know what they are going to get all right.

Mr. TINCHER. Oh, that is an insinuation that they own the committee. I have seen them come before that committee since they, the Republican Party, has been in power, with great big lobbies, and they testify and fight any legislation they are opposed to. I wonder if the gentleman had any information that I do not have?

Mr. FULMER. We are going to adjourn this Congress about 1st of June unless we do not get farm-relief legislation, and I would say to the gentleman that you will never see one of these bills passed unless it is a loan bill which will put the farmer where he will never get out.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. SWANK. Will not the gentleman from Kansas yield him some time?

Mr. TINCHER. I will yield the gentleman twice the amount of time that I have taken from him by asking him questions; how much does the gentleman want?

Mr. FULMER. Ten minutes.

Mr. TINCHER. Have I used up 5 minutes of the gentleman's time? Very well, I yield the gentleman 10 minutes.

Mr. FULMER. I thank the gentleman. To show you the seriousness of this proposition about stabilizing agricultural prices, even the great exchange of New York has gone on record and proposes to vote now soon to pass a resolution prohibiting members of the New York Cotton Exchange from buying or selling over 250,000 bales of cotton in any one month.

I am going further than my statement a while ago. If this great, intelligent body, representing the American people, that sits here day by day, refuses to pass legislation that will stop these exchanges from manipulating and fixing prices up and down, making millions of dollars, and robbing the other fellow, then you are absolutely not doing your duty to the American farmer.

Mr. WHITTINGTON. I am interested in the gentleman's statement about cooperative marketing. I would like to have the gentleman say how this legislation will promote cooperative marketing? Will it force cooperative marketing or will it promote voluntary cooperative organization?

Mr. FULMER. I will be glad to answer the gentleman. It will absolutely promote voluntary cooperative organization. If this plan will work, as I know it will because of bringing about a fair price, in the meantime paying the farmer when he comes in 100 cents on the dollar for his cotton, just what he can get on the outside, with the privilege of participating in any advance price and in the meantime no comeback on him, if there should be a loss which over a period of five years as stated, will not be, the organization will be able to make good money, I think, instead of having a loss; will not this bring you in? In the meantime you will be demonstrating the various savings that can be brought about by cooperative marketing, which I have been explaining.

Mr. WHITTINGTON. Why is it necessary to have an equalization fee to promote a voluntary organization?

Mr. FULMER. But you are not using the fee for that purpose; that is to be used, when used at all, only in case of excess cotton to take the excess cotton off of the market so as to bring back and stabilize the price.

Mr. WHITTINGTON. Then, what is the purpose of postponing the fee?

Mr. FULMER. Because it is a new plan and because of the condition of the agricultural interest to-day the farmers are not able to do for themselves what we know will do the job. Therefore it is a fact that until you can get the machinery in order and for the purpose of demonstrating what can be done, inasmuch as you have done it for every other interest, either directly or indirectly, will we let our statesmanship run away with our conscience, knowing the condition of agriculture to-day and this great Government and thereby refuse to stabilize agriculture and place her on an equal footing with other industries?

Mr. WHITTINGTON. The idea, then, I understand, of postponing the equalization fee for two years is really to force the southern farmer to come into the cooperative association as a matter of self-preservation?

Mr. FULMER. Not at all. He can do as he does now—stay on the outside—but with the advantages that he will gain under this arrangement whereby the cooperatives will be able, with the assistance of the Government and the fee when needed, to bring benefits to the outsider which he can not get on the outside, and in seeing his neighbor get these benefits, will not that bring him in on his own accord?

Another reason why we defer the equalization fee is to bring about an agreement on the part of various people. It was first thought that it would be put on wheat, cattle, and hogs, and not on cotton and corn. Then some Member said, "How can I explain to my cattle people that the Government was willing to help the cotton and corn people and not those others who have all of those commodities in my district?" The western people want it on now; they have demanded it all along, but they want to help the South, and I appreciate that spirit. Therefore they have made themselves satisfied because the principle is in the bill, although it will not take effect until two years after its passage.

Mr. WHITTINGTON. If the gentleman will yield for another question, I would like to hear the gentleman's views on it. I am very much interested in the agricultural situation. What does the gentleman say about the collection of the equalization fee, the amount of the fee, and whether it should be collected at the gin or from the spinner?

Mr. FULMER. My views are that it should be left solely to the board. You have never passed a constructive measure here without doing this. Take the case of the Federal reserve act, the Interstate Commerce Commission, and various other boards to which you have left all details. Take, for instance, the Esch-Cummins law. Why, I imagine that Members questioned as to how they would manage to work out rates for short hauls and long hauls, competitive lines with water lines, and so forth, but they are doing it absolutely, and we do not hear the railroads kicking about it, and it is useless for farmers to kick. They know that they are being robbed, but they are out of the picture.

Mr. UPSHAW. If the gentleman will yield again?

Mr. FULMER. I shall be glad to.

Mr. UPSHAW. What danger is there in coercion in collection of the equalization fee, making farmers feel compelled to come in?

Mr. FULMER. Suppose that the farmers would have had a chance to put one or two dollars the first of this fall, when we found out that we had an excess, in good cotton, and thereby stabilized the market, which has gone down from 22 to 17 cents at the present time, to say nothing about the low grades which are selling at as low as 8 cents, thereby saving the difference between 17 cents and 22 cents, which would be $25 per bale. Does not the gentleman think that you would not have to force him to come in?

I want to say to my southern friends that thousands of negroes—a few of whom own lands and the remainder renting or contracting—are making millions of bales of cotton in their own right, yet they will not plant or make enough corn or other things they need to supply their families or their stock. They are producing and selling cotton at any price and on any market as fast as they can pick, gin, and sell—all in competition to our people. They will not come in now; in fact, they can not, for they need the money to pay their debts, but under this plan they can come in and get full benefits, and it is nothing but right that they should help protect the rest of us inasmuch as they are largely the ones who are forcing the sale of their cotton on the market.

Mr. WHITTINGTON. If I might ask, where does the gentleman think the fee should be collected—at the gin or from the spinner?

Mr. FULMER. As I stated a while ago, I would leave that to the board. but I would not collect it at the gin.

Mr. WHITTINGTON. Where would the gentleman collect it?

Mr. FULMER. I would say at the first sale, unless the board can work out a better plan within the next few years. Perhaps it will be quite a while before we need the fee. The size of the next crop will determine that.

Mr. GARRETT of Tennessee. The bill provides either at the gin or first sale.

Mr. FULMER. But we hope to amend same, as stated, when it comes up for amendment.

Mr. LOZIER. Mention has been made of a subsidy. I want to ask if it is not a fact that the whole legislative structure for 20 years or 30 years has been honeycombed with subsidy. We pass every Congress bills carrying millions of dollars based upon the principle of a subsidy alone.

Mr. FULMER. I will answer the gentleman right here. I will tell the gentleman that the only difference between this legislation, as far as a subsidy is concerned, and that of the subsidy given to the manufacturing interest under the Fordney-McCumber tariff is that this is directly out of the Treasury after all the people have paid in their taxes, while under the tariff all the people pay into the tariff barons and it never gets into the Treasury.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWANK. I yield 10 minutes additional time to the gentleman.

Mr. FULMER. Mr. Carl R. Gray, president of the Union Pacific system, in speaking to the United States Chamber of Commerce the other day stated, and rightly so:

> The farmer does not need credit half as much as he needs other things.

He further stated that the farmer does not need advice—that he is the most overadvised man living. Yet that is all my friend TINCHER proposes in his bill. Mr. Gray also stated that instead of talking business methods to the farmer, it would be better to talk agriculture to the business man. Now, let us see if the farmers of America need credit.

In 1914 they owed old-line insurance companies $647,147,207 and national and State banks $739,500,000. In 1917 we passed the Federal farm bank act, and it was stated that with long-term loans and low interest rates we would save the farmer and take him out of the other fellow's hands. I am inserting here a statement showing the condition of the farmers, how their mortgage indebtedness is growing by leaps and bounds each year, not only with the land banks but also with old-line insurance companies:

Farm mortgage loans of commercial banks, life insurance companies, Federal and joint-stock land banks, December 31, 1914, to December 31, 1923

Year	Life-insurance companies	Joint-stock banks	Federal land banks	Sum of joint-stock and land banks	State and national banks
Dec. 31, 1914	$647,147,207				$739,500,000
Dec. 31, 1915					
Dec. 31, 1916	828,734,823				
Dec. 31, 1917	923,159,816		$39,112,115	$39,112,115	
Dec. 31, 1918	954,390,611	$8,384,080	157,020,751	165,404,831	1,010,559,000
Dec. 31, 1919	858,537,285	60,037,898	293,595,395	353,633,293	
Dec. 31, 1920	1,085,910,422	77,958,642	349,678,987	427,637,629	
Dec. 31, 1921	1,308,559,810	85,016,650	432,523,141	517,539,791	1,447,483,000
Dec. 31, 1922	1,454,267,342	218,775,291	639,486,434	858,261,725	
Dec. 31, 1923	1,662,761,125	392,638,853	799,596,834	1,192,235,687	
Sept. 30, 1924	[1] 1,781,205,811	430,065,692	905,536,368	1,335,602,060	1,388,106,000
Mar. 31, 1926	[2] 2,564,936,308	[1] 668,129,276	1,207,627,299	1,875,756,575	
Total	5,828,798,943				

[1] Estimated.

You will note that the total loans of these banks and insurance companies amount to $5,828,799,943; to be added to this is about $3,500,000,000 carried by smaller insurance companies, bond and mortgage companies, and private investors. Statistics will also show that the farmers are owing on personal property, cattle, horses, and so forth, about $3,500,000,000, making a total of more than $12,500,000,000. In 1910 real-estate mortgages stood at $3,320,470,000; in 1920 they had climbed to $7,857,700,000. The annual interest payments due by the farmers of the country, running from 6 to 10 per cent on their obligations, would amount to $1,000,000,000. Yet this administration and the gentleman from Kansas would offer them some additional loans instead of doing something to bring the prices of what they have to sell up so that they might at some time redeem and own their homes.

Let us notice another thing—the fellow that you have voted protection for—his taxes have been reduced, while the farmers' taxes have risen both directly and indirectly. In 1923 the farmers' taxes amounted to $624,000,000, or 9 per cent of their gross income. Direct taxes from farm property averaged 1909–1914, $891,000,000. In 1924–25, 236 per cent increase; in 1920–21, direct taxes on farm property rose from $596,000,000 to $848,000,000, about 42 per cent, while at the same time their income dropped from $16,621,000,000 to $10,313,000,000, a decrease of 39 per cent.

I have not any figures to show how much land has been taken over by mortgage companies, insurance companies, and banks, and private investors, but during the life of the 12 Federal land banks up to March 31, 1926, during the eight years that they have been operating, they have taken deeds and certificates and judgments from sheriffs amounting to $12,996,207.25. The joint-stock land banks in seven years have acquired $5,295,288.15, a total of $18,291,495.38. Now I want to ask, my friends, are you still of the opinion that farmers need more credit or do they need more for what they produce so that they can pay what they already owe? I believe that these land banks could lend at a lower rate of interest, which would help somewhat.

The statement of March 31, 1926, will show that during their eight years of operations the 12 land banks, with a capital of $55,000,000, after paying all expenses, still have a net profit of $37,137,242.98. Bank failures, most of which were in agricultural sections, further shows the condition of agriculture. From June 30, 1920, to June 30, 1925, about 2,537 banks went down.

Here is one more picture that I want to paint before closing, and that is the depreciation in values and losses to agricultural interests. In 1920 farmers' lands and buildings were worth $63,000,000,000; livestock, $8,250,000,000; a total of $71,250,000,000. In 1925 it had depreciated to the following figures: Lands and buildings, $46,000,000,000; livestock, $5,250,000,000, or a total of $51,250,000,000, or about $20,000,000,000 depreciation. During the same five years the losses in prices on their farm commodities amounted to $10,000,000,000, making a grand total of $30,000,000,000. On the other hand, we are told that the wealth of the country in 1920 amounted to $290,000,000,000 and in 1925 to $375,000,000,000, an increase of $85,000,000,000 to somebody; certainly not to the farmers of the country, as we have just shown that they went down to the tune of $30,000,000,000. [Applause.]

Mr. QUIN. Does the gentleman mean to say that the farmers are in that condition?

Mr. FULMER. Yes. The gentleman can verify these figures by calling on the Department of Agriculture. Yet, my friends, the only thing that my friend from Kansas [Mr. TINCHER] would offer to solve the problem is another loan. It was stated that he would take the secured and unsecured loans. I have never seen the Government make any loans without getting the very best type of security.

Now, the gentleman from Pennsylvania [Mr. MCFADDEN], the man who is trying to pass a branch banking bill so as to allow the large banking interests of this country to destroy independent banking by buying up or forcing out independent banks and thereby control the money situation, says—

> The only way to get the agricultural interests out is by loaning money to foreign countries, and they have been doing it to the tune of billions of dollars.

In 1925 foreign loans amounted to $1,200,000,000, making a total of private loans from the east amounting to $10,200,000,000. The Steel Corporation, the International Harvester Co., and those connected with large banking industries are getting their just returns in orders out of these loans, while exports in raw products from the farm are declining right along. Farmers are not connected with these loans, and they do not participate in the benefits thereof. These great manufacturing interests, protected by the Government, will be able to deliver a part of their manufactured goods in connection with these loans. During 1925 the raw materials of the farm exports fell off $75,000,000. Wheat and grain declined 48 per cent; wheat flour 35 per cent; rice 65 per cent; corn 31 per cent.

In 1925 exports of foodstuffs and crude materials amounted to $152,821,000 in the month of February. In 1926 in the month of February these farm products fell to $101,489,000, or a decrease of around 40 per cent. Manufactured goods in the month of February, 1925, amounted to $117,882,000; in the same month this year to $154,576,000, an increase of about 35 per cent. In 1924 the International Harvester Co. made a net profit of $13,037,395; in 1925 a net profit of $19,171,240—about 50 per cent increase, to be added to a surplus of $65,000,000 from 1924.

Fifty-seven railroads reported in the month of March a profit for March amounting to $74,779,000, an increase of 28 per cent over March, 1925. I could take up time here in mentioning to you what the birds that you have protected are doing in contrast to the deplorable condition of the agricultural interests of this country, yet you are too timid to take a little money out of the Treasury to place the farmers where you have placed these others.

Will you agree with Mr. Otis, secretary of the bankers' association, that the farmers of this country are to be congratulated because they are about able to feed themselves; therefore they will be able to live? I say, gentlemen, this is a serious question, and I trust that no Democrat on this side of the House will join hands with the Republican Party and help put over Mr. Tincher's bill, which is but "pink pills for pale people." I also hope that you will not join with them and put over the Aswell bill, because it will never become a law, but will only kill off real farm relief legislation. Let us stand by our pledges made in the Democratic and Republican platforms; and though we as Democrats are not responsible for legislation, being in the minority, let us let it go to the country that we stand for agriculture and the great farming masses of America. [Applause.]

RECESS

Mr. HAUGEN. Mr. Chairman, I move that the committee now take a recess until 8 o'clock.

The CHAIRMAN. The Chair does not think that is necessary. Under the order of the House the committee will now stand in recess until 8 o'clock p. m.

Accordingly (at 5 o'clock and 20 minutes p. m.) the committee, by permission of the House previously granted, stood in recess until 8 o'clock p. m.

EVENING SESSION

The recess having expired, at 8 o'clock p. m. the committee resumed its session.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Kansas [Mr. STRONG] 10 minutes.

Mr. STRONG of Kansas. Mr. Chairman, no one in or out of Congress is more interested or desirous of the passage of sound, helpful legislation for agriculture than I am.

I represent one of the best agricultural districts in a great agricultural State, and I have been insisting that this session of Congress shall not adjourn until farm relief legislation is passed. We are now considering three bills which members of the Agricultural Committee advise us they reported because after weeks of hearings held by their committee they were unable to secure a majority for any one bill.

Frankly, I think any one of the three bills would be helpful to agriculture, just as I believe that my own bill (H. R. 7908), introduced on January 18 last to "Establish a Federal market finding board to assist in the domestic and foreign marketing of agricultural products and in the disposition of the surplus of agricultural commodities" and which has been incorporated in the several agricultural bills, would be beneficial.

But the officers of the farm organizations and the representatives of various agricultural groups have submitted the basic principles of legislation that they desire and which have been worked out by their economists after much study, and these principles, they insist, are generally embodied in the Haugen bill.

Much adverse criticism has been presented in debate before the House because the Haugen bill delays for two years the operation of the "equalization fee" by which the farmers will themselves finance the handling and disposition of surplus agricultural products, and a great deal more criticism has been aimed at the revolving fund of $375,000,000 set up in the bill.

In order that the farmers favoring the passage of the Haugen bill may not be charged with having themselves asked the delay of the operation of the "equalization fee" or with having asked for a subsidy, I want to read to you from the Kansas Union Farmer, published in my district, on May 6, 1926, the statement filed with the Committee on Agriculture of the House of Representatives on April 23, 1926, which is as follows:

To the Committee on Agriculture:

Ever since we made the fight for the McNary-Haugen bill the farm organizations have taken the position that they do not want a subsidy; that if given a measure that will make the tariff 100 per cent effective for agriculture we do not at this late day propose to abandon this position. In other words, we do not propose to place any Member of Congress in position to say that we were not sincere when we said we were not asking for a subsidy.

However, since the representatives of the American Cotton Growers' Exchange and certain members of the House Committee on Agriculture have said to us that they believe that the enactment of farm-relief legislation will be enhanced by agreeing that the equalization fee shall be postponed for two years with the understanding that in the meantime the loss on the surplus be made up out of the revolving fund, as representatives of the undersigned farm organizations we have given our consent to such a change. All we ask is that the principle and purpose of the equalization fee shall be strictly adhered to during the proposed two-year period.

William Hirth, chairman Corn Belt Committee; F. W. Murphy, president Board of American Council of Agriculture; B. W. Kilgore, president American Cotton Growers' Exchange; Chas. Hearst, president Iowa Farm Bureau Federation; George N. Peek, chairman Executive Committee of 22; Chester H. Gray, Washington representative American Farm Bureau Federation; Joe Plummer, for all Colorado farm organizations; W. H. Settle, for Indiana Farm Bureau.

I think it is time, therefore, that criticism of the farmers for such provisions in the Haugen bill should cease. Everyone at all versed with the condition of agriculture throughout the Nation knows that the vast majority of the six and one-half million farmers in the United States are not receiving a fair wage for their labor and that of their families, to say nothing about a fair return upon their investment in land, equipment, and stock. Such distressing and unsound financial condition among those that produce the food of our Nation can not long continue without effecting the prosperity of the whole country. The Nation needs not only the food produced by agriculture, but needs the great buying power of the farmer as well.

Let us, therefore, put aside politics and sectional interest and endeavor to solve the agricultural problem. If those representing agricultural interests believe the Haugen bill contains the basic principles of what they believe will give them proper relief and there are objectionable features in it, let us work out proper amendments and pass it. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Chairman, we have before us three bills reported by the committee. First, the Curtis-Aswell bill. I wish I could vote for it; I like it. I think it is a good bill. But if it is offered as a substitute for the Haugen bill, necessarily I shall have to vote against it. I would like to vote for both that and the Haugen bill.

There is the Tincher bill, which is a banking proposition, pure and simple. It is nothing but a loaning proposition, and you heard this afternoon how much the farmers have been borrowing all these years. They are now paying in interest over a billion dollars a year. They have had loans, they have had credit enough, they are almost being drowned by loans and credit. The Tincher bill, with its $100,000,000 loan, simply says to the farmer: "You are drowning; here is more water in which to drown; help yourself."

Then we have the Haugen bill, the Dickinson bill, the Corn Belt bill; call it what you will. Really, in its present form, with the equalization fee deferred, it is the old Norris-Sinclair bill. It is not quite so good a bill; I wish the committee had had the courage to report the Norris-Sinclair bill.

It is the same bill, worded a little differently; and "a rose by any other name would smell as sweet."

Naturally, we whom the conservatives of Congress and the country have delighted all these years in calling dangerous radicals and names still worse, because we have been advocating all along a Government marketing corporation such as we have in this bill, feel somewhat elated to find ourselves in such respectable company.

I had intended to read a little from a speech of the distinguished chairman of the Committee on Agriculture to prove to you that the good old stand-pat, dyed-in-the-wool, conservative Republicans are now saying the very same things that we who are called radicals said more than six years ago, and were denounced for saying them. I had intended to read them, but time does not permit. Read for yourselves the remarks of the gentleman from Iowa [Mr. HAUGEN] in the House last Tuesday.

The very things which he said about subsidizing railroads and the shipping interests and all that are the exact statements that we made back in the campaigns of 1922 and 1920.

The Norris-Sinclair bill was introduced in 1921 and again in 1922. That was considered a bolshevistic bill at the time, a dangerous measure, sponsored by wild-eyed radicals and insurgents. And now it has become good, 100 per cent Republican doctrine. Truly, the radicalism of to-day is the conservatism of to-morrow.

For that matter, the Republicans of Iowa are not the only ones who have been affected by this uprising in the Corn Belt. It has reached the Secretary of Agriculture, who in his speeches is whistling a different tune than he did last fall. It has even touched the White House. Do you recall what this body was told the other evening by the gentleman from New Jersey [Mr. FORT], when he declared that if the Tincher bill had come on the floor of this House three or four years ago it would have been hailed almost as a revolutionary offer to American agriculture, and, also, that five years ago it would have been hailed as almost anarchistic to loan Government money to the farmers to save them from disaster? Witness the statements of the gentleman from New Jersey, and statements in countless places, as evidence of the manner in which the Secretary of Agriculture and the President of the United States have retreated before the advance of this idea, have capitulated again and again, have yielded to the stern demands from across the Mississippi.

Now, I do not like the idea of going into the Federal Treasury. I am not a professional economist, but I know enough about economics and economic laws and principles to be against that as a principle. But here is the situation: That practice has become a settled policy of our Government. All the other interests have for years had access to the Treasury for their financial assistance, for their subsidies, or what you may choose to call the preference they have been shown. It is about time the farmer and his own industry has the same opportunity in a limited way; even that will only in a small degree equalize and compensate.

We have been trying for years to drive these other interests away from the Treasury, to pry them loose from the source of their finances, but we have not been successful. They are too firmly intrenched for that. The banking interests, the manufacturing interests, the tariff barons, the transportation agencies, all have been feeding at the trough these

many years; feeding until they are all mighty well-fed hogs; yes, ready for slaughter, it may be said; while the little farmer pig is left squealing outside the fence—and a high, barbed-wire fence at that—with strands composed of the tariff rates, the interest rates, and the transportation rates.

The Haugen bill, alias the Dickinson bill, alias the Corn Belt bill, alias the Norris-Sinclair bill, says, "Give this poor little starved, emaciated, lank, lean, squealing farmer pig a chance at the public trough for a change." And I believe he is going to have that chance. It begins to appear a possibility, at least.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HAUGEN. Mr. Chairman, I yield the gentleman five minutes more.

Mr. KVALE. Mr. Chairman, let us be frank. If the farmer finally obtains even a little justice, it will not be because of any tender sympathies within the breast of the President or of the majority here, but it will be because of the scare of the political revolution in the West. That, and nothing else; the very same thing that gave the dairy farmer the increase in the tariff on his butter, for which he had pleaded for years.

The Haugen bill, and I say it as I work for it and vote for it, is only a palliative. Any bill along its general lines is only that. I would much prefer to go to the root of the evil, to lower the interest rates that are making of the American farmer a vassal, to the enrichment of the Wall Street shylocks; I would prefer to substantially lower the transportation rates that are annually causing tons upon tons of food to rot upon the ground, because they can not be marketed at a cost price; I would prefer to lower the tariff rates that are eating away the very property and holdings of the farmer through high prices on all his purchases and low prices on what he sells. For that reason I hold with the gentleman from Kentucky [Mr. KINCHELOE] who spoke here this afternoon.

In so far as this statement is concerned which he made, I believe him correct; he said the representatives of the farmers had appeared before the wrong committee, that they should have appeared before the Ways and Means Committee.

I venture a prophecy. I say to you, my colleagues, that within the next few years the representatives of the farmer are coming back to the Capitol, they are coming back to Congress, and they will appear before the Ways and Means Committee with a demand for lower tariff rates and a new schedule and a new system; they will appear before the Committee on Banking and Currency with a demand for interest rates that will permit them to pay their indebtedness and maintain their business; they will appear before the Committee on Interstate and Foreign Commerce with a demand for lower transportation rates on their products. And the gentlemen on the Republican side of the Chamber, my friends from the Middle West, will join with them and their representatives just as they are now joining with these same representatives and with the progressives in this fight for a real farm relief bill to tide agriculture, if it can still be done, over the emergency which it faces and has faced for five or six years.

The Haugen bill is not a perfect creation. No legislation can withstand all attack. But it is sound in theory; do not let them tell you otherwise. They may say they are "aghast" at the power that is given 12 farmers constituting the board. Of course, it is to be expected that the Star and all similar papers and those whom such papers represent would be aghast at the idea of producers having anything at all to say as to the price they shall receive for their products. They were not aghast, mark you, at the Morgans and at the Kahns, at the manufacturers, at the railroads, at the agencies and the groups that have dictated prices and rates that have been exorbitant and have resulted in fabulous profits, and at the direct expense of the farmer, whom they have been bleeding white all through the process. And these very groups and agencies are the forces that are lined up in desperate and determined opposition to enactment of the Haugen bill.

In my judgment there is one potential benefit that far outweighs any others in the measure, and I have not thus far heard it stressed. It is my honest belief, and I know the Members of this House will find it an inevitable conclusion, that enactment of the Haugen bill will tend to eliminate the grain gamblers' operations and the speculators' activities to a large degree, will strike deadly fear into their hearts, will render them comparatively harmless. The psychological effect of the enactment of this bill will be such that on the day it is made a law you will find that their vultures' reign is near an end.

Again, and as a direct result, you will find that the board will find it unnecessary to expend the entire appropriation for the purchase and storing and merchandising of the surplusage. The "seasonal" fluctuations will inevitably diminish, the market will be stabilized to a degree that can hardly be foreseen at this time. And the gambler must go, he must be eliminated before there can be any real relief for the agricultural industry.

My time is spent. I want to repeat what I said recently on another occasion. I want to remind you the West is up in arms, and that the West is this time in deadly earnest. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HAUGEN. Mr. Chairman, I yield now to the gentleman from Iowa [Mr. DOWELL].

Mr. DOWELL. Mr. Chairman and Members of the House, in the brief time allotted to me I want to emphasize, if I can, and as vigorously as I can, the necessity for farm legislation.

In all the debate on this legislation no one has attempted to dispute the proposition that agriculture is entitled to a better and more stable market for its products than it has been receiving or is now receiving.

No business or industry can prosper nor long survive unless it has a market for its products at a price which will include the actual cost of production together with a reasonable profit. This applies to the farm as well as to business and industry.

The charts submitted by the gentleman from New York on yesterday, carefully prepared by the experts in the Department of Agriculture, clearly demonstate what the farmers for a number of years have earnestly contended—that the prices of agricultural products have not kept pace with the prices of nonagricultural products, and that the prices the farmer must pay for the nonagricultural products are much greater than the prices he has been able to secure for the products of the farm.

In other words, the purchasing power of the farmers' dollar has been greatly reduced by reason of the disparity in the prices he has been able to receive for his products and the prices he has been compelled to pay for the commodities he must buy.

The farmers of the country are unable to carry on their business at the prices they are now receiving for their products.

For a number of years this condition has existed, and the time has arrived when farm-relief legislation is imperative.

I shall vote for the Haugen bill. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield now to the gentleman from Minnesota [Mr. ANDRESEN].

Mr. ANDRESEN. Mr. Chairman and gentlemen of the committee, I am glad to note that my colleague from Minnesota [Mr. KVALE] has come over to the conservative way of thinking by supporting the Haugen bill. [Applause.]

Mr. KVALE. Will the gentleman yield?

Mr. ANDRESEN. I will.

Mr. KVALE. This is the same measure we "radicals" advocated six years ago.

Mr. ANDRESEN. If I am not mistaken, I will say to the gentleman that the Norris-Sinclair bill, as I have read and believe I understand it, provided for a Government corporation to go out and buy products and deal in commodities.

Mr. KVALE. Precisely. This bill deals with it in a roundabout way.

Mr. ANDRESEN. The gentleman has not studied the bill.

Mr. KVALE. I have studied it.

Mr. TINCHER. If the gentleman will yield, there is this difference between this bill in its present form and the Norris-Sinclair bill. That bill called for $500,000,000, and this only calls for $375,000,000, and that is the only difference. The gentleman is entirely right.

Mr. ANDRESEN. I wish to thank the gentleman for his addition to my speech.

The problem of agricultural relief legislation, which is now before us, is undoubtedly the most important question ever considered by the American Congress. The prosperity of our agricultural population, representing one-third of our people, is vital not only to the farmers themselves but affects, both directly and indirectly, the prosperity of the entire Nation.

Legislation has been enacted to give stability as well as impetus to American industry; labor has received its stability and recognition by Federal enactment; but the farmer, the basic producer of our country, does not appear in the picture as a beneficiary of congressional consideration to any marked degree.

It is true that laws and policies have been adopted by the Federal Government to encourage the farmer to increase his production of agricultural commodities, with no particular effort to assist him in the marketing of this increased production, which has now greatly exceeded our domestic requirements. Now, therefore, the producer finds himself in the posi-

tion where he has an overabundance of agricultural products in consequence of Federal agitation for increase in production and with no profitable market regulated by domestic consumption in which he can sell his food products.

Farming is a business, and agriculture should therefore be regarded as one of our basic industries. In considering this legislation we should therefore consider it in a businesslike way and leave politics and other humorous discourses out of the question. Both of the major parties pledged assistance to agriculture in their respective party platforms of 1924, so there is in reality no political excuse to be offered by either party for failure to enact the desired legislation.

There seems to be more or less confusion as to the farmer's real troubles, and as I have the honor of representing a real farming district in the Northwest—a district in which the business of our villages and cities is dependent, to a great extent, upon the prosperity of the farmers—I will briefly state the farm problem as it is considered in my district. My home city of Red Wing, Minn., on the Mississippi, in the early days, was the largest primary wheat market in the world.

It is a simple proposition, and I first want to illustrate the main source of contention. When the farmer comes to town to buy a pair of shoes, he goes into a shoe store and makes his selection. The merchant does not ask him, "How much will you give me for these shoes," but he states the price is $5, which is perfectly proper and fair. The farmer pays the price or does not make the purchase, if he can get along with his old pair of shoes for the time being. The farmer in this respect receives the same treatment as any other consumer.

Now, when the farmer has a load of wheat to sell—and I simply take wheat as an illustration—he brings his load of wheat to the grain buyer. The grain buyer does not ask him "How much do you want for your wheat"—in the opinion of some, such a question, if asked by the grain buyer, would be objected to as being leading, no sufficient foundation being laid, irrelevant, and immaterial, and upon the further objection that the farmer was not an expert and not competent to give his opinion. The grain buyer would say, "I will give you $1.25 a bushel. You will have to take that price or I do not want your wheat, even though it does cost you $1.60 a bushel to raise it." The farmer, being hard pressed by his creditors, must necessarily sell, as he has no other market. We have the same story with butter, cattle, hogs, corn, cotton, and every other agricultural product. The farmer must pay the price asked for everything that he buys, and has absolutely no control over the price he is to receive for his products upon which our entire Nation is necessarily dependent.

How long, Mr. Chairman, would the retailer or the manufacturer continue in business if he were forced to carry on his business as the farmer is compelled to do in this country? No retail merchant, jobber, or manufacturer would last 30 days, and yet we have certain honorable gentlemen in this House and business men in the country who will not concede to the farmer the same rights, protective laws, and privileges, which have been afforded by acts of Congress to industry and business—yes; and even to labor. Yet, gentlemen, do not misunderstand me, as I believe such legislation to be entirely proper, but I want the farmer in the picture so that he and his industry may have the same benefits as are now being afforded to other groups in our economic structure.

Congress has properly taken care of industry, business, and labor by subsidy and otherwise. These groups represent two-thirds of our population, and the effect of such legislation has worked wonders in developing and maintaining their economic prosperity. Why, then, is it not proper that we should take care of the other third of our population?—the farm producers, and complete the prosperity picture of this the greatest and wealthiest and most desirable Nation on the face of the globe, and at the same time bring peace and contentment to every home and fireside.

The question might properly be propounded as to just how the prosperity of the farmer will affect the balance of our population. Statistics disclose that the agricultural population represents nearly one-third of our people. And that the other two-thirds are engaged in business or industry, manufacturing products for consumption. One-third of the consumers, residing on the many farms of our country, would naturally be expected to purchase at least one-third of the products manufactured and sold in the United States. At the present time, I doubt if the farmer is able to purchase more than one-tenth of his share. Now, if prosperity comes to him, it will increase his purchasing power, and he will spend his money if he has it—and let me say right here that the farmer is a good spender. He would buy more from his retail merchant, who in turn would buy more from his jobber, who in turn would buy more from his manufacturer, who in turn would hire more employees and pay better wages, and so prosperity to the farmer reflects all the way through our economic and social life. Such a proposition is fair, just, and equitable, and in entire accord with American standards and principles.

Politicians admit, especially when they are looking for votes, that agriculture is the basic industry upon which the success of our Nation is founded. Let us therefore lay aside politics and prejudice in a real, earnest attempt to put the farmer in his proper place in our country, so that when he brings in his wheat or other product he will be in a position to make his own sale at a fair price which will cover his cost of production plus a reasonable profit.

Some will say that the farmer will charge an exorbitant price if he is given this privilege. It is perfectly natural that he will want to get as much as he possibly can for his products, but when he raises the price too high it will mean that the American consumer will find a market elsewhere in which to deal. When the merchant and the manufacturer makes the mistake of charging an exorbitant price he soon finds that he is without business. At any event, unless there appears to be a great shortage of food products in the world, the farmer would not receive more than the world price plus the tariff for his commodity.

If the manufacturer raises his price to a point where imports come in, he either reduces his price or takes a trip to Washington and gets an increase in the tariff from Congress. Now, all we want is to give the farmer the same benefit.

I want to be perfectly frank with the members of the committee and give you the benefit of my actual experience. For three months last summer I took the trouble to interview at least 2,000 farmers in my district on the subject of agricultural legislation. At least 90 per cent of the farmers interviewed told me that they did not want the Government to go into business; that they wanted no price-fixing scheme by the Government, but they did want some legislation which would afford them stability in the marketing of their product. I believe with many others that the Haugen bill will give this stability to agriculture.

It has been demonstrated beyond any doubt that 6,000,000 farmers can not organize cooperatively without the assistance of the Government, and I believe that the Haugen bill will stimulate and encourage cooperation to the fullest extent.

The farmer needs no more loans, but he does need stability and a fair price, so as to give him an opportunity of paying the debts incurred in the last six years. It should be strictly understood that the Haugen bill does not put the Government into business; it fixes no Government price on food products, so that the cry of radicalism in connection with this measure is far from the truth.

The main purpose of the bill is to handle the surplus crops through cooperative producers' organizations. The farmers themselves, and properly so, have a hand in the selection of the administrative board, and I feel confident that the selections made by them will represent the best type of American business sense.

The bill provides for a revolving fund of $375,000,000, which is to be used to carry out the policies of the bill until such time as the equalization fee becomes effective. At the best this revolving fund will only be available for the season of 1927, as it will take until November 1 to complete the organization of the board. It therefore means that in case an emergency is found in 1927 the board will be at liberty to designate a marketing agency to purchase and handle such surplus product. I believe that the board will give the matter serious consideration before they declare a state of emergency in any commodity and before a single dollar of Federal money is used, and supposing we do lose some money out of the Federal Treasury, it would not be out of the ordinary custom in Federal business methods.

The Secretary of Agriculture testified before our committee to the effect that he would not be alarmed over any loss resulting in the dealing in agricultural commodities. He stated that the Government could afford to stand such a loss, and he believed that the board as it would function under the Tincher bill, and there is no material difference in the make-up of the board in the Haugen bill, would use considerable judgment in the handling of the public funds intrusted to it.

Some of our distinguished colleagues raise the question of constitutionality of the Haugen bill, and while, of course, I am interested in constitutional questions, I nevertheless feel that such expressions at this time are more in the nature of subterfuges for the opposing gentlemen to hang their hats on. We have our courts, and the constitutionality of this bill, if it becomes a law, will be determined by them.

Food products are the main necessities of life, and you will be interested to know that our average butter consumption for 1924 amounted to 17¼ pounds per capita. At a fair price of

55 cents a pound to the consumer, the cost would be $9.49 per capita. The farmer would receive 55 cents a pound for his butterfat. We consume per capita 54 gallons of milk and cream. A fair price would be 48 cents a gallon. This price would give a fair and profitable return to the farmer. We each consume 4½ bushels of wheat. If the farmer received $1.60 a bushel, there would be no material change in price to the average consumer. If we each consumed 5 bushels of potatoes a year—and I know this quantity is excessive—it would make very little difference in our household budget if we paid the farmer $1.50 a bushel, which would be highly profitable. There was no material change in the price of meat to the consumer when beef dropped from $16 to $8 per hundredweight. The point that I want to bring out is the fact that there is something radically wrong in our marketing system, and I believe that the Haugen bill will go a long way toward correcting the existing evils of marketing without raising the price of food products to the ultimate consumer.

In answer to the criticism that the farmer is being given a subsidy, I have only this suggestion to make—that there are plenty of precedents for it. Of course, in the granting of special favors to the railroads, merchant marine, industry, and labor, the broad and vulgar term of subsidy is not used. It is clothed with the term of protection.

A perfectly proper request has been made by the American Pig Iron Association and the eastern pig-iron manufacturers for an increase in tariff rates so as to equalize conditions in the pig-iron industry here and abroad. I assume that this request will be given prompt and favorable consideration by way of granting this increased tariff subsidy to this important industry in the United States.

If this increase is granted it means that the cost to the farmer of every piece of steel or iron, and the finished manufactured product in which steel and iron play a part, will be materially raised.

Now, then, if the iron and steel industry is to receive further protection, so as to create a higher price in the domestic market, why, then, should we not apply the same theory of protection to the American farmer, and create for him an equalized condition affording protection against foreign cheap labor and cost of production?

That the anthracite-coal industry will soon be demanding protection was brought out by Mr. Walter Gordon Merritt, of New York, counsel for the anthracite-coal operators.

In the Committee on Interstate and Foreign Commerce he was asked if anthracite had met with very much competition from foreign coals. He answered:

> There has been no serious competition. But the industry has reached a situation where there is a potential competition which will prevent a substantial increase in price.

Mr. Merritt recognizes the fact that his industry has at last reached such an exorbitant price—and we paid as high as $25 a ton for his coal up in the Northwest last winter—that the time is soon at hand when this industry will be coming in with its request to Congress for a protective subsidy so as to afford a higher price to the American consumer.

Most of the farmers of the country use anthracite coal. They must have this coal or freeze to death, and consequently are forced to pay any price. But when the farmer, the basic producer of the United States, asks for the privilege of securing a fair price and a profitable return for his agricultural products these same representatives of industry raise their hands in holy horror and say that it is unsound, uneconomic, and unconstitutional.

In conclusion, there is a wide difference of opinion as to the practical application of any of the three measures before this committee. The same difference existed in the Committee on Agriculture. The measures are therefore more or less theoretical until put into actual practice, and, as we all know, actual experience is the best teacher. The farmers and farm representatives advise us that the Haugen bill will do the business and accomplish the results desired, and I for one am willing to go through this experience to save American agriculture. [Applause.]

Mr. ASWELL. I yield 15 minutes to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Chairman, within the last three or four days I received a letter from a very progressive young farmer of my district, a young man of real intelligence and of some college education and decided culture. He loves the farm and he is trying very hard to stay with it against very great odds. In his letter he said he did not ask the Congress to give farmers anything. He said he was not sure that it is good for the Congress to lend any more than they have already loaned. You know, a good many farmers are feeling that they have rather been led into debt in recent years by this Federal loan business. But he said, "We would like for something to be done to break some of the trusts that are almost making it impossible for the farmer." He said, "I am paying from $3.50 to $5 for a plow point that I ought to get for prices ranging from 75 cents to $1.50." He said, "I have paid $56 this spring for three plows that ought to cost from $7.50 to $10 apiece."

Now, whether the young man was right as to just what we ought to do, he was certainly right in this particular, that the cost of those things to the farmer is clear out of proportion to what he gets for his products, and those prices are making it almost impossible for the farmer.

Mr. Chairman, my present plan is to vote for the Aswell bill, with the proposed $100,000,000 amendment, but rather than see this farm legislation fail I would vote for any one of the three bills, with certain amendments. Of course, no one of the bills is perfect, and whichever is enacted into law that law will need and will receive modification as time shows its defects.

It is admitted that this legislation is somewhat experimental. The gentleman from Indiana [Mr. FURNELL] has reminded us that the Agriculture Committee of the House spent seven weeks trying to work out a bill to solve this intricate situation, and then failed to produce a measure on which the majority of that splendid committee could agree.

I am sure that this Congress has not undertaken a harder task than that of meeting the present conditions in agriculture. The very best brains of both Houses have worked on it conscientiously, but the problem is so difficult that there is still almost as much disagreement as there was in the beginning. We all know that something must be done. We earnestly desire that what is done may be effective. Hence I would rather see any one of the bills pass, with certain changes which I anticipate, than to see the Congress adjourn without any legislation for agricultural relief.

For that matter, I believe that the temper of this House is to stay here through summer, if need be, rather than adjourn with the work unfinished. There are certainly some of us who feel that way about it. You remember the conversation of Uncle Remus with the little boy: When "Bre'r Rabbit" got in a tight place Uncle Remus told the little boy that "be clamb a tree." "But, Uncle Remus," said the little boy, "a rabbit can't climb a tree." "Ne'mind, honey," replied the aged negro, "Bre'r Rabbit 'bleeged to climb a tree."

Bre'r Farmer is 'bleeged to have relief, and the necessity of it is not entirely, perhaps not principally, from the farmer's own standpoint. We have said that agriculture is our basic industry until the expression has become stereotyped, and we say it without realizing the full weight of the truth in it. Do we know what "basic" means? When the base weakens the whole structure is endangered, and when the base really crumbles, the structure falls into ruin.

Isaac and his good wife Mariah were in a storm at sea. She clung about his neck and cried, "Oh, Isaac, Isaac, I know the ship is going down." "Oh, don't be a fool, Mariah," said Isaac, "this ship does not belong to us."

This is a reply well worthy of the man who lives in a commercial or manufacturing district and thinks carelessly of the present agricultural situation. This Congress has appropriated three-quarters of a million dollars to Army, Navy, and Air Service. That is national defense. But there is nothing in national defense more important than to safeguard the Nation's food supply or to preserve to the Nation a happy, prosperous, and strong rural population. Yet, unless something is done to check the present trend of things, that splendid rural population which has ever been the peculiar pride and strength of America will be reduced to peasantry. This is not pessimism; it is not poetry nor oratory. It is a stern fact with which we stand face to face.

In 1921 more than 15,000 farmers went bankrupt in the United States; in 1922, 22,500; in 1923, 34,000; in 1924, 41,500. It is said that in 1925 750,000 people moved away and left the farm. If this continues, it requires little insight to see that it means the ruin of every other industry. In the past our sturdy and intelligent rural stock has produced the manhood and womanhood to lead every valuable activity and every great enterprise in America. But the case is more concrete than that. Not only are we dependent on the farmer for what we eat and wear, but he supplies the raw materials for the factories and thereby gives work and means of livelihood to the people in manufacturing centers, and thereby supplies the purchasing power for those whose trade supports the stores and whose money maintains the banks and financial institutions.

Hence legislation for the purpose of saving agriculture is not class legislation, and money appropriated to this purpose is presumably for the public good.

A week ago I stood in front of the great Union Station in this, our Capital City, and copied with my pencil those forceful words engraved there in stone:

The farm. Best home of the family, main source of national wealth, foundation of civilized society.

We appropriate millions of dollars every year to rivers and harbors, and have in the past appropriated to railways. Is transportation more important than the production of things to be transported? We appropriate millions to irrigation and flood control. Why water, drain, or protect lands for agriculture and allow conditions to continue which drive the farmer from the land?

Why appropriate money in millions to maintain our national Department of Agriculture, our experiment stations, agricultural schools and colleges, and thus promote production while conditions obtain which make even the highest amount of production unprofitable?

It is certainly time to spend some public money—even millions, if need be—in saving this acute agricultural situation, and it is the wisest economy to do so and foolish extravagance not to do so.

Mississippi's humorous Congressman, Private John Allen, used to tell this story: Somebody told an old lady that hens would thrive on dough made of a mixture of bran and sawdust. She tried it, and the hens seemed to do well. The old lady was delighted over her economy. But when she had fed in this way for the winter and tried a hatching of 14 eggs in the spring, 13 of them hatched chickens with wooden legs and the other 1 hatched a woodpecker. [Laughter.] Moral: It is not every economy that economizes.

But they tell us that we are venturing upon the socialistic policy of subsidizing. I admit that it looks somewhat that way. Yet in reality we are not subsidizing agriculture any more than we have subsidized other industries for many years. By our protective-tariff policy we turn something like $2,000,000,000 a year into the hands of manufacturers. Admit for argument sake—only for argument sake—that this is exactly right and is a wise and proper policy for us to pursue. We all must admit that thereby the Government brings much prosperity to certain lines of industry and does something to give high wages and a high standard of living to labor.

Be it said, however, that this has meant a scarcity of labor and a costliness of labor to the man who owns a farm and has made it more difficult for him to produce at a price within that for which he may sell.

In a recent speech before this House I criticized the policy of taxing one class of our citizenship for the enrichment of another class. But whether we approve the protective tariff or not, we all agree that by this policy the farmer has failed to share full prosperity with the manufacturer. Is it not at least time to even things up a little?

I do not object to the Haugen bill on the plea of subsidy; or, at least, I would not refuse to support it on that plea. There are features of the bill, however, of which I am afraid. I have not time to discuss them now. They have been fully discussed before the House. I hope that the Aswell bill, if passed with the proposed amendment, will meet the situation. If not, then another Congress can take further steps. Therefore I am first for the Aswell bill; but, as before said, I believe we would better pass any bill of the three with such amendments as we can get than to adjourn this session of the Congress without passing any bill for the aid of agriculture.

A little boy prayed:

O Lord, take care of me while it is dark and I am asleep, and tomorrow, when it is light, I will stay awake and take care of myself and you can get a nap.

I believe that if we will take care of the farmer in this the darkest night of his history, and place him on anything like an even footing with those in other lines of industry, he will soon be able to take care of himself. And I think the Aswell bill with the proposed amendment will place him where he can do that. [Applause.]

Mr. TINCHER. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. ROBSION].

The CHAIRMAN. The gentleman from Kentucky is recognized for 10 minutes.

BORN AND REARED ON A FARM

Mr. ROBSION of Kentucky. Mr. Chairman and gentlemen of the House, I approach this question of farm relief legislation very sympathetically. I was born on a hillside farm in Kentucky and was reared on a farm. Our family produced tobacco, the best grade of which was sold for about 5 cents a pound and the poorest grade at 1 cent a pound, and I remember one year that we sold the very best corn at 20 cents per bushel, and we got similar prices for other farm products. We gave the landlord one-half of the proceeds of the tobacco and one-half of the other crops. My father did not own any land; he was a tenant. Some of the older Members of this House, no doubt, have had the same experience. I know what it means for a crop to be ruined by early frost and damaged by late freezes, by high water, wet spells, and drought, by the blight, tobacco worm, cutworm, chinch bug, potato bug, scale, the twig borer, and other pests and insects.

All of my family on both sides were and are farmers. I am the only one to get away from that great and honorable occupation, but while I entered the professional and business life later on, I never lost my sympathy or interest in the farmers or their problems. Through the efforts of the national bank, of which I was president, we established at the expense of the bank the first purebred boys' chain pig club in America. I bought and presented to the boys and girls of my county nearly 500 settings of purebred eggs and started the boys' and girls' poultry club in my home county. Our bank offered unusual opportunities and favors to encourage fruit growing and other branches of agriculture by giving substantial prizes, and loaned money at reduced rates for long periods of time. Since I have been old enough to understand, I have realized that agriculture is the greatest and most important of our basic industries. The farm is a source of the Nation's wealth, and it is the producer of the greater part of the Nation's choicest citizenship. The Nation can not be prosperous and we can not maintain our high standard of citizenship if agriculture is in distress.

SUPPORT OF FARM MEASURES

When I came to Congress one of my great desires was to aid this great industry and to bring it up on a par with other industries, occupations, and professions in the way of rewards for their labor. With this in mind, I have always given my active support to Federal aid for highways. In fact, I introduced the bill and had charge of the bill that became a law and under which we are building America's great highway system. In that bill I favored the "farm-to-market road." I shall continue my active support of this program until we build good roads to all of the farmers of the Nation. I also favored the development and improvement of our rivers to give cheaper transportation. I now think that railroad rates are too high, and have been and shall continue to aid any movement that will give to the farmers of the Nation lower rates for the movement of their products. The farmers asked for an emergency tariff; I supported it. The farmers urged Congress to extend to them more liberal credits; I supported the Federal land bank, the Federal farm loan bank, and the liberalization of the law so as to give to the farmers loans on long periods of time at low rates of interest. I have always favored a protective tariff on our farm products. Two years ago I supported the Haugen agriculture bill. It was the only bill before Congress for the farmers, and while I doubted its workability, yet I did not want to lose an opportunity to aid this great industry. In fact, I have never failed to support any measure that had for its purpose the relief of agriculture.

DISAPPOINTED

The great Committee on Agriculture of the House has been investigating the question of farm relief for more than four years, and for the last two months they have been holding hearings almost daily. I know they had called before their committee many of the brightest minds of the Nation who were interested in this great industry. I know this committee had more opportunities to study and know this important question than almost any other like group of 21 men in the whole country, and I had indulged the hope that this committee, or at least a substantial majority of it, would report an agricultural relief bill to the House. They had investigated the question so thoroughly that I had made up my mind to accept the result of their combined judgment. I must confess my keen disappointment when this committee reported three bills to the House, each one antagonistic to the other. I refer to the Haugen bill, the Tincher bill, and the Aswell bill, and the members of this committee have confessed on the floor of this House that the reason they delivered triplets on the doorstep of the House was that they could not find 11 of the 21 members of that committee who could agree on any bill. Gentlemen of the House, this is an amazing situation. If these men who have spent years hearing witnesses and making investigations could not, or at least a majority could not, agree on what could be done for the farmers of the Nation, how could they expect us Members of the House, with not one-tenth of the opportunities

to study this question, to make a correct decision. Of course, one trouble is that the various farm groups of the country have never been able to agree themselves on what Congress ought to do for the farmers. It seems to me that if the question could be solved at all, it could have been and would have been solved by this great Agricultural Committee. I am wondering if the committee and some of the leaders of the various farm organizations have not been trying to do something that can not be done. I am wondering if they have not overlooked many of the simple economic laws by attempting something that could not be done.

FARMERS OPPOSED TO SUBSIDY

Mr. WILLIAMS of Illinois. Mr. Chairman, will the gentleman yield there?

Mr. ROBSION of Kentucky. Yes.

Mr. WILLIAMS of Illinois. The Committee on Agriculture has reported a bill, the bill now under consideration by the House, the Haugen bill, and it has the indorsement of all of the big farm organizations of the country and of the best farmers of the country. What is wrong with that bill?

Mr. ROBSION of Kentucky. My friend Mr. WILLIAMS of Illinois, who is a member of the Committee on Agriculture and who is for the Haugen bill, knows that the Haugen bill does not have the support of the majority of the great Committee on Agriculture of this House, and it does not have the support of all of the farm organizations of the country or all of the best farmers of the country. As I understand, the Haugen bill is opposed by practically all of the cooperative farm organizations of the country, if not all of them.

Mr. WILLIAMS of Illinois. I say that it has the support of the majority of the great farm organizations of the country, which is better than the support of the Agricultural Committee of the House.

Mr. ROBSION of Kentucky. The gentleman is again in error. The Haugen bill does not have the support of a majority of the Agricultural Committee or of the farmers of the Nation. The Haugen bill carries a subsidy of $350,000,000, and, as I understand, all of the farmers and farm organizations who appeared before the committee expressed their opposition to a subsidy.

Mr. TINCHER. Mr. Chairman, will the gentleman yield there?

Mr. ROBSION of Kentucky. Yes.

Mr. TINCHER. And you may add further that that bill in its present form does not have the indorsement of a single living witness in America, and I challenge any member of the Committee on Agriculture to stand on his feet at this time and mention the name of a witness who testified before the Committee on Agriculture that indorsed a subsidy for agriculture before the committee.

Mr. ROBSION of Kentucky. I was coming to that.

Mr. WILLIAMS of Illinois. I did not dispute that.

Mr. ROBSION of Kentucky. I want to make the charge here and now that not a single witness of all the great men and great minds that appeared before your committee urged or indorsed $350,000,000 or $1,000,000, or 1 cent of subsidy for agriculture.

Now, my friend from Illinois [Mr. WILLIAMS], if you know of such a witness, name him. Name him!

Mr. WILLIAMS of Illinois. The representatives of the farm organizations that appeared before the committee in support of the Dickinson plan in writing.

Mr. ROBSION of Kentucky. What witness testified before your committee for a $350,000,000 subsidy or a $1,000,000 subsidy or 1 cent of subsidy? You have not named the man, and you can not name a man.

Mr. WILLIAMS of Illinois. They accepted the deferment of two years of the equalization fee. They represented in writing all these great organizations that appeared before the committee, and they are behind the bill.

Mr. ROBSION of Kentucky. Two years ago I supported and voted for the Haugen bill. [Applause.] It was the only farmers' bill before the Congress. I had serious doubts then that it would work, but I did not want to lose an opportunity to do anything that could be done for the farmers of America. But you did not have in that bill a $350,000,000 subsidy.

Gentlemen, I heard a statement to-day from a member of the Committee on Agriculture who is supporting the Haugen bill who perhaps knows more, or at least as much about this Haugen bill as any other man who spoke. I refer to the distinguished gentleman from Indiana [Mr. PURNELL]. What did he say? He stated there was not a farmer or a representative of a farmer who appeared before the Committee on Agriculture that urged a subsidy, but on the contrary, every one of them testified that the farmers of America did not want a subsidy. That is what the gentleman from Indiana [Mr. PURNELL] said.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. No. I want to finish.

$350,000,000 FOR VOTES

The gentleman from Indiana [Mr. PURNELL] made another statement that was amazing. He said the farmers did not ask for a subsidy. Then some one asked the gentleman from Indiana:

Why did your committee put this $350,000,000 subsidy in the bill?

And the gentleman from Indiana said:

To get votes.

That is what he said. I have been a Member of this House now nearly eight years, and, gentlemen, I never before heard a statement like that, and you never heard a statement like that. "To get votes." Whose votes? Is there any man on either side of this House who can be kept from doing his duty or from doing the best thing for this Republic by the promise of $350,000,000? I want to say to the gentleman from Indiana [Mr. PURNELL] that your $350,000,000 subsidy will lose you votes instead of bringing you votes. It is indefensible.

OPPOSED TO SUBSIDY

About four years ago a tremendous drive was made in the Congress to pass a bill granting a subsidy to the American shipowners. Tremendous pressure was brought to bear upon you and me to support that measure. I remember very well I was called to the White House when it was known that I was opposed to the bill, and I was urged to support it. I told President Harding that I could not and would not support this subsidy to the shipowners of America. The various farm organizations of America met and passed strong resolutions condemning that bill because it provided for a subsidy, and these farm organizations appealed to you and me to oppose it. Nearly every labor organization of America and many business organizations made a like appeal, and that proposed subsidy was defeated by Congress. Mr. PURNELL, one of the supporters of the Haugen bill and a member of the Agricultural Committee, who was present when the witnesses testified in all of these hearings, admits that no farmer or representative of a farm organization asked for a subsidy for agriculture, but, on the contrary, each and all of them expressed their opposition to a subsidy, and I was happy to learn that the farmers of the Nation had not changed their attitude. I think those who put this $350,000,000 subsidy in the bill did the farmers of the Nation a great injustice. Mr. PURNELL says that it was put in there not at the behest of the farmers but in order to secure votes in the House.

These distinguished gentlemen who placed this $350,000,000 subsidy in the Haugen bill are saying they are trying to help the farmers, but they could not have done anything that would have injured the farmers' cause more. The farmers and the farmers' representatives who appeared before the Committee on Agriculture knew that this proposition was economically unsound, unfair, and unjust and would injure their cause, and they therefore expressed their opposition to such a subsidy, but Mr. PURNELL says it was put in to get votes. Is that the way legislation is to be accomplished in this the greatest lawmaking body of the world?

WOULD HAVE TO INCREASE TAXES

If Congress should pass the Haugen bill and it becomes a law, calling for $375,000,000 from the Treasury when we know there is no surplus in the Treasury to meet it, it would necessitate increasing taxes to that amount. Only about two short months ago the country was electrified when the present tax law went into effect, reducing the tax burden of the people of the Nation about $381,000,000. Where are you going to get the $375,000,000 provided in this bill? Are you gentlemen who are urging the passage of the Haugen bill calling for this subsidy willing to reverse your action of a short time ago and put back on the taxes that you voted to take off? Would either one of you vote for an amendment to this bill providing for the increase of taxes to the amount of $375,000,000? Do you think such a proceeding would appeal to the farmers or any other body of citizens in the country?

In the last analysis much of the taxes must finally be paid by the farmers. It is true that the corporations who produce the shoes, the clothing, the farm implements, automobiles, coffee, flour, sugar, and other necessities pay the taxes into the Treasury, but it is also true that they add these taxes to the products and finally those who use these products and articles must pay the amount of taxes added thereon. One of the great bur-

dens of the farmers is the amount of his district, county, State, and national taxes.

Many have wondered about the popularity of President Coolidge. If you go out into the country districts among the farmers when they meet in the country store or in other public place and discuss public affairs, you will hear many of them say: "A lot of these fellows up here at town are grafters. They are dishonest; but this fellow Coolidge is honest." They also say, "A lot of these fellows up at the courthouse are always trying to find some new way to put taxes on us farmers and the other people, but Mr. Coolidge is always trying to find some way to reduce or take the taxes off."

We have outstripped all other countries tremendously since the war, because the Federal Government has been reducing taxes and inviting capital to enter productive enterprises. I am unwilling to increase the Federal taxes. Furthermore, gentlemen, if we should pass this bill carrying $375,000,000 when we know there is no money in the Treasury to meet it, it would raise the question of our sincerity of purpose. A blind man could see that we were simply "passing the buck" to President Coolidge. He would have a right to resent it. He would be compelled to veto it and say to the Congress, "If you propose to spend $375,000,000 in this way, you must provide the revenue to meet this expenditure." The Constitution provides that all bills for raising revenue must originate in the House of Representatives. We can not pass this responsibility to the President or anybody else. Every Member of this House who is for the Haugen bill knows that it can not become a law. We do not have the money. Do not those who are pressing this legislation know that the farmers will find out that this is a mere gesture without hope of success? If those who are pushing the Haugen bill would offer an amendment to provide a way to raise the revenue to meet this new demand on the Treasury, I could have more faith in the sincerity of their purpose.

Mr. BURTNESS. Will the gentleman yield; I simply want to ask the gentleman this: If what you call a subsidy were eliminated and the equalization fee put into effect at once, would you vote for the Haugen bill?

Mr. ROBSION of Kentucky. Please do not anticipate my speech.

Mr. BURTNESS. Well, I take it that your principal objection to the Haugen bill is the subsidy?

Mr. ROBSION of Kentucky. Yes; but you do not know what my objections are until I get through.

Mr. BURTNESS. That is the objection you have raised.

Mr. ROBSION of Kentucky. I have just started.

Mr. BURTNESS. But you will answer that question before you finish?

Mr. ROBSION of Kentucky. There is no use for us to fool ourselves, gentlemen.

Why cling to this subsidy that you know can not become law? I want to join with any Member of the House and with all Members of this House in agreeing on something that you know can be written into law and mean something to the farmers. What does it mean for this House to be here all summer, like the great Agricultural Committee has been here all winter, and arrive at no conclusion and everything prove abortive.

Mr. FULMER. Will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. FULMER. Will the gentleman please state why the Haugen bill can not become a law?

Mr. ROBSION of Kentucky. In the first place, you know it can not become a law, my good friend. You know we have not got the money, and you know you would not vote for this bill if a tax bill increasing taxes should be attached to it. You know you would not vote for that.

Mr. FULMER. But if you pass the Mills bill it would take $250,000,000?

Mr. ROBSION of Kentucky. Oh, I am not for the Mills bill, and nobody is going to pass the Mills bill. There is no use of getting off on that. Let us stick to our knitting.

Mr. TINCHER. Will the gentleman yield to me? I will yield him additional time.

Mr. ROBSION of Kentucky. Yes.

Mr. TINCHER. In view of the fact that the distinguished member of the Committee on Agriculture, who just interrogated the gentleman, stated from the floor of this House this afternoon that he was supporting this bill knowing it could not become a law. I would like to know what basis of reasoning he uses in stating that he is supporting the American farmer?

Mr. FULMER. I stated that I challenged the Republican administration, the majority party that is responsible, to pass any farm legislation.

Mr. TINCHER. You stated this afternoon you knew it could not become a law, and still you claim you are supporting agriculture. It looks to me as though you are trying to support politics if you are supporting something you know can not become a law.

Mr. FULMER. I will say to the gentleman that if it fails it will be because of the gentleman's own party.

Mr. TINCHER. No; because it will not have anywhere near a majority of your party, and you know it.

Mr. ROBSION of Kentucky. I want to say to my friend from South Carolina that there are just as many Democrats against the Haugen subsidy proposition as there are Republicans on our side. We do not want to get politics into this question. We want to help the farmers, and I am unwilling to play politics with this the greatest of all basic industries of the country, because the health, the wealth, and prosperity of the whole country depends upon our agriculture.

Mr. FULMER. Will the gentleman yield for just a short question?

Mr. ROBSION of Kentucky. I can not yield further.

Mr. FULMER. I wanted to ask the gentleman whether he believes he helped the farmers when he reduced the taxes in the last year?

Mr. ROBSION of Kentucky. Yes. I helped the farmer as much as the gentleman from South Carolina. He voted for the same tax bill I voted for, and the Democrats of the House are claiming a lot of credit for helping to pass that great tax bill. The Republicans have passed three great tax reduction bills since they came into power in 1921. The bills reduced the Nation's tax bill more than $1,600,000,000 annually. No Democratic administration since the Civil War ever passed a tax reduction bill. They had deficits in the Treasury, but no surplus. These tax reductions helped all classes of our citizens. There were some items in the tax bill I did not like.

I can not agree on another point in the Haugen bill. It leaves out poultry, rye, oats, barley, potatoes, hay, sugar, vegetables, sheep, wool, horses, fruits, berries, and tobacco, and it leaves out all of the products of the dairy except butter. The agricultural products it leaves out aggregate billions of dollars every year.

Mr. BURTNESS. Will the gentleman yield for a question with reference to those products?

Mr. ROBSION of Kentucky. I can not yield now.

The proposition in this Haugen bill is to give this $375,000,000 subsidy alone to the producers of corn, wheat, cattle, hogs, and cotton. This subsidy must come out of the Treasury, but it must first be placed in the Treasury by taxes taken from the people, and that means that all other products of the farm and all other individuals and property of the Nation must be taxed to pay this subsidy to only five of the products of the farm. Gentlemen, this is not fair. The people of my own district can consume all the corn, hogs, cattle, and butter that they produce and much more. It would not be fair to them for me to vote this subsidy. Kentucky would pay about $10,000,000 of this subsidy. It would not be just or fair to vote this tax on tobacco, poultry, rye, oats, barley, potatoes, and other vegetables, fruits, berries, hay, sheep, wool, horses, milk, butterfat and other agricultural products of my State, as well as all other property and persons of the State, to provide a subsidy for the surplus corn of about two or three States, the surplus wheat of a few other States, the surplus cattle and hogs of a few States, and the surplus cotton of a few of the Southern States.

COOPERATION, FINANCE, PROTECTION, AND REDUCTION OF FREIGHT RATES TO FARMERS

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. ROBSION of Kentucky. Yes.

Mr. McKEOWN. The gentleman objects to taking this $375,000,000 out of the Treasury as a subsidy. Would the gentleman be willing to levy a small excise tax on the finished products of this country that have a large protective tariff and receive full protective benefits?

Mr. ROBSION of Kentucky. In the first place, since we have reduced the taxes we do not have the $375,000,000 in the Treasury to be taken out.

In the second place, no amendment could be attached to this bill and be in order to provide for the excise tax mentioned by the gentleman. It is no use to waste our time here discussing impossibilities. I may be wrong, but my ideas as to the real relief we can bring to the farmers are:

First. To amend and strengthen the present cooperative marketing laws so as to insure the fullest and most successful operation. The laboring people secured whatever advantages they may have not by means of a subsidy but by united and cooperative effort. Before the farmers can be properly cared for they themselves must organize, so that they may take ad-

vantage of the instrumentalities afforded by the State and Federal Government.

Second. The farmers' organizations may not have sufficient funds to handle their surplus crops and to insure orderly marketing. I strongly favor the bill carrying a sufficient revolving fund to provide ample loans for such amounts and for such periods of time and at such rates of interest as will enable the farmers to accomplish orderly marketing. I have thought that the Tincher bill takes care of both of these propositions. If it does not, I am willing to vote for such amendment, or, rather, take the good parts from each and all three of the bills and bring out such a measure as will effectuate these purposes.

Third. I favor a protective tariff on any and every agricultural product of the Nation to prevent the cheaply produced agricultural and food products of any other country being dumped into our country and placed in competition with American farm and fruit products. I voted for the emergency protective tariff for the farmer, and I voted for each and every provision and amendment offered in the Fordney-McCumber tariff bill for the protection of the American farmer.

My distinguished friend from Kentucky [Mr. KINCHELOE], who is also a member of the Committee on Agriculture and who made a strong speech against the Haugen bill and the subsidy provided therein, urged that we take off the tariff, so that Europe and other countries might bring their products to this country and sell their products and buy our farm products. I can not agree with my distinguished friend. America can not be really prosperous unless there is prosperity all along the line, in factories, in mines, on the railroads, in the forests, and on the farms. If the farmers are prosperous, they can buy the products from our mines and our factories, and this gives work to the factories and the mines. If the factories and the mines are running, they give business to our railroads and they give a market to the farmers for their products. Every shipload of sheep, lambs, and wool dumped into this country from Australia; every shipload of wheat dumped into our country from Canada, South America, or elsewhere; every shipload of cattle and hides brought to us from South America; every trainload of cattle brought to us from Mexico; and every shipload of sugar brought to us from other countries, and every shipload of fruit coming into our country take that much of the market and business away from the American farmers and fruit growers. Every shipload of shoes, clothing, or other products dumped into this country from Europe or elsewhere takes that much business away from our factories, our mines, our farms, and our railroads.

I am more anxious to see the farmers of America prosperous than I am the farmers of any other country. I am more anxious to see the smoke coming from the flues of the factories of America than from the factories of any other country of the world. We passed strict immigration laws to keep the people from other countries from coming to America and taking away the employment of Americans. How unwise it would be if we remove our protective tariff and permit these same people to remain in a foreign land and produce these products and dump them upon American workingmen. It would be better to have these same foreign people here producing and eating American products at the same time. I am for a protected immigration and a protective tariff. These will help the American farmer, the American workingman, and the American business man.

Fourth. I have thought for some time that the American farmer is not afforded ample transportation facilities. Freight rates and transportation rates are too high on farm products. The rates are such that it does not admit of wide enough distribution of farm products. Too often the freight charges exceed the invoice cost of the product. I have voted for a reduction of transportation charges. I have always stood, and still stand, for the improvement of the highways and the improvement of water transportation.

Mr. BARKLEY. Will my colleague yield for a question?

Mr. ROBSION of Kentucky. In just a moment.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. ROBSION of Kentucky. I can not yield just now. The gentleman from Indiana [Mr. PURNELL] said at the end of two years we will drop this subsidy and then an equalization fee will go on. Let no man in this House be deceived. If you once adopt the principle of the subsidy, where, oh where, will you stop? If you once give a large group a subsidy, you can not get away from it without a major operation. Great Britain tried this same thing about a year ago when she put the subsidy teat into the mouth of a certain group of her citizens. When Great Britain undertook to withdraw the teat she finds it necessary to pull the teeth of the beneficiaries of that subsidy.

I am not here arguing or attempting to argue the question whether or not the miners of Great Britain are receiving sufficient pay. I know the miners in my own State are not receiving sufficient pay, because the soft-coal industry is paralyzed; but I am pointing out the danger of embarking upon a policy of this kind. If one group can demand and receive a subsidy, why not the miners? Why not the soft-coal operators? Why not every group or industry that finds itself in distress because of overproduction?

I now yield to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. What I wanted to ask the gentleman was in relation to something he said about an hour ago. [Laughter.] Probably it would not be pertinent to what the gentleman is saying now. But he suggested the desirability of the farmer eliminating all surpluses. I want to know if the gentleman thought that ought to be the rule in agriculture with all products.

Mr. ROBSION of Kentucky. My statement was that the surplus of corn, hogs, cattle, wheat, and butter they claim is hurting us is that part that is being sold in foreign markets at a loss, and the less you have of it the less the loss and the less the injury if we must make up the loss.

Mr. BARKLEY. The gentleman's position is that the farmer should curtail his products until there is no longer a surplus in agricultural products.

Mr. ROBSION of Kentucky. That will insure good prices. I am in favor of cooperative marketing. There is too wide a spread between the consumer and the producer. Some gentlemen at a Washington hotel some time ago had a dinner, and they counted up the cost of everything that they had at that dinner produced on the farm and what the farmer received, and it was 83 cents, but it cost them over $12 at the hotel. I want some plan of cooperative marketing to bring the consumer and the producer of the country more directly together. Cut out a lot of middlemen. I want such financing of the proposition that the cooperative marketing concerns can take care of the surplus from time to time, so that we do not sell any of our crops across the sea at a loss.

Mr. BARKLEY. I assume that the gentleman thinks that ultimately the farmer ought to curtail the production until there is no surplus?

Mr. ROBSION of Kentucky. I did not say that. The surplus should be held down so that the lean years may absorb it.

Mr. BARKLEY. But how does the gentleman propose to bring about the absence of a surplus?

Mr. ROBSION of Kentucky. Here is one trouble: America does not have a chance to consume all she would consume.

Mr. BARKLEY. Mr. Chairman, America might consume more if the prices were not so high.

Mr. ROBSION of Kentucky. You are right. For instance, there are millions of children and people in this country who can not get the fruit, vegetables, meat, and bread that their bodies demand. In 1920 down in my district, out where there were no railroads and the roads were rough, I could have bought thousands of bushels of as fine apples as you ever put your teeth into at 20 cents a bushel, but here in Washington I had to pay 20 cents for two good-sized apples.

Mr. BARKLEY. I want to thank the gentleman for answering my question. [Laughter.]

Mr. GARRETT of Tennessee. Does the Tincher bill deal with freight rates in any way?

Mr. ROBSION of Kentucky. No; it does not, and neither does the Haugen bill nor the Aswell bill. I am inclined to the Tincher bill, because it goes further, and perhaps goes as far as it should go in cooperative marketing. There is no fee attached to it; it will not mean 50,000 employees going around and poking their noses into the business of every farmer in the country, as will be done under the Haugen bill. It provides for a revolving fund of $100,000,000 to aid the farmers. Then the Tincher bill has the indorsement of the Secretary of Agriculture, the man who is at the head of that great Department of Agriculture. I understand it has the support of the administration. I think it has a chance to become a law, and I want to support something that can be written into law and bring some help to the farmers of this country and not run after a will-o'-the-wisp or a jack-o'-lantern, when I know it is not going anywhere except into a swamp.

Mr. WILLIAMS of Illinois. Why is the gentleman unwilling to give the farmers what they want and insisting on giving them what they do not want?

Mr. ROBSION of Kentucky. They do not say that. Did the gentleman from Indiana [Mr. PURNELL] tell the truth when he said that no farmer wanted a subsidy? Did he tell the truth when he said that the $350,000,000 was put in there just to get votes in this House? Is that the truth?

Mr. WILLIAMS of Illinois. The gentleman says that he is for the Tincher bill. That is not indorsed by a single farm organization in the United States.

Mr. ROBSION of Kentucky. Oh, the gentleman is badly mistaken there.

Mr. ADKINS. Stick to the record.

Mr. ROBSION of Kentucky. I hear that most of the cooperatives of Kentucky, as I understand it, prefer the Tincher bill.

Mr. TINCHER. Every cooperative in the United States is either backing it or for nothing.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. TINCHER. Mr. Chairman, I yield to the gentleman from Kentucky 15 additional minutes.

SURPLUS

Mr. ROBSION of Kentucky. It is claimed by those who are advocating the $350,000,000 subsidy in the Haugen bill that this $350,000,000 will be used to stimulate or increase the prices on corn, hogs, cattle, wheat, cotton, and butter for the next two years, and after that they will put on an equalization fee, and these products will then bear their own losses. It is claimed that this money must be used to take care of the loss by selling these farm products in the markets of Europe. Of course, the effect of this is to maintain at a high price these products for American consumption and to furnish Europe these food products at much less than cost. Do we want to tax the American people to furnish food products for the people across the sea? This cheap food would feed the people in Europe who are making shoes, clothing, farm implements, and other products to come in competition with these same products made by high-price food in America. This proposition is a two-edge sword and both edges are used against the people of America. I am anxious to help promote such cooperation among the farmers as will prevent a surplus of these products in so far as possible. It is admitted that this surplus sold in Europe is sold at a loss—that is, at a price lower than it cost us to produce them—and, of course, the more surplus we have the more loss. I want the producers of these five products, as well as other agricultural products, to find out that it is better to produce less, keep within the demand, and get a good price for the products rather than to produce more, glut the market, and bring about low prices. It is better for the tobacco growers of Kentucky to produce a crop every other year and get 20 cents per pound than it is to produce a crop every year, then to receive only about 10 to 12 cents per pound, and what we have said about tobacco applies to corn, wheat, hogs, and every other commodity. I think that this can be brought about by proper organization and cooperation, and I am for that policy expressed in all three bills, and for such amendments as will make this policy most effective.

I realize that because of weather conditions and other conditions there will be a large crop one year with a surplus and a shortage the following year or years of farm products. I am willing to go as far as anyone may reasonably go for the United States Government to provide funds to finance the farmers and their cooperative marketing associations to store and hold the surplus of the good years and distribute it during the lean years and in this way give to the farmers a good price for their products every year. These loans should be made in such amounts and for such time and at such rates of interest as will effectually accomplish the purpose, but, of course, I want such security provided that these funds will be returned to the Government. What I am trying to say is that I am willing to go as far as we may to prevent the surplus of our fat years being forced on the market and being sold to the people of Europe at a loss to the American farmers. This $350,000,000 of subsidy will have one tendency, and that is to stimulate production and increase the surplus and thereby break the market.

About the close of the World War there was a great demand for burley tobacco, the tobacco people receiving as high as $1 per pound. Of course, the next year fine old blue grass farms that had not had a plow in them from 50 to 75 years were plowed up, front yards and back yards were turned and planted with burley tobacco. The result was there was a great surplus, and the price dropped to 6, to 8, to 10, to 12, and 13 cents per pound. Another thing happened; the high price of tobacco caused a great demand for land. Speculation was rife. Men paid as high as $800 per acre for land for tobacco. The bottom dropped out of the tobacco business and bankruptcy starved thousands of tobacco farmers of Kentucky, but we did not come to Congress and ask for a subsidy. Our Republican State administration passed a strong cooperative marketing law. The tobacco growers entered actively into this organization through the leadership of Col. Robert Bingham, of the Courier Journal. The acreage to a large extent was controlled and the marketing of the tobacco was done in an orderly way and the tobacco farmers have been receiving ever since on an average of about 21 cents per pound. I strongly supported a cooperative marketing law passed by Congress in 1922, but the good price for burley tobacco has from year to year increased the acreage and unless the tobacco farmers control the production this splendid organization will break down with its own weight.

There is no way to take care of a great surplus in any industry if it persists from year to year. The stimulation of the war and the great demand for coal following the war boosted the price of soft coal as high as $10 per ton. Everybody that could went into the soft-coal mining business. What was the result? There are enough soft-coal mines and miners to-day to produce nearly a billion tons of coal while America can only consume about 500,000,000 tons per year. Many, many soft-coal concerns were forced into bankruptcy. Individual fortunes were swept away and soft-coal industry in Kentucky and throughout the Nation is paralized. There may be bad condition among the Iowa corn growers and some of the wheat growers, but it can not compare with the condition of the soft-coal producers and the soft-coal miners. We have too many coal mines and too many coal miners. This bad condition will continue until the mines and miners are more in proportion with the demands of the country. The soft-coal people and miners have not come and asked Congress for a subsidy, and as they are in worse condition than the corn, wheat, cotton, hog, and cattle producers I could not justify myself to vote a tax on them to provide for this $350,000,000 subsidy in the Haugen bill.

BUREAUCRATIC CONTROL

Another objection that seems to me is well founded in regard to the Haugen bill is that it will mean not a regiment, but an army of people taking charge of the affairs of the farmer with the control centralized here in Washington. I do not see how such a complicated piece of machinery can operate successfully. In the very nature of things this control must be autocratic. These officers in control must in a way fix, regulate prices, make contracts, and have the first and last word in everything relating to the farmers, the price for their products, and the manner of its process. It seems to me that the farmers of America will surrender all of their independence, and it will add an army of officers with big salaries. At the same time this centralized control at Washington, in my opinion, will supersede and destroy the cooperative associations and organizations that have been built up with years and years of effort, and when this subsidy is exhausted and the stimulation that it will create brings about a great surplus, and this machinery fails, in my humble opinion, the farmer will find himself in the worst condition that he has been for many a year.

I know that the workers of this industry are not receiving the reward for their labors that they should receive. I sincerely do wish to bring them up on a level and on more equality with the other workers and the producers of the Nation. I think the Tincher bill and the Aswell bill will mean more in substantial benefit to the farmers than the Haugen plan. I am convinced that if you would take out the $350,000,000 subsidy in the Haugen plan that it would receive very little support in the House. We know that the Haugen bill, with the $350,000,000 subsidy in it, can not become law, because there is not money in the Treasury to pay this sum. We know that the President must of necessity veto it unless Congress should be willing to restore the taxes that were taken off about two months ago. But I want to repeat that when these bills are read for amendments and consideration I shall earnestly endeavor to help to bring together the best elements in all three of these bills and agree on a bill that can receive a majority of the votes in the House and Senate and the signature of the President. I sincerely want to be for something that can become a law. I want to be for something that will be fair and just to the producers as well as the consumers of the Nation.

Gentlemen of the House, I wish to thank you for your patient and indulgent hearing, and may we indulge the hope that the united experience and intelligence of this House will finally work out a measure that will do justice to the farmer and to the people of the Nation.

Mr. SWANK. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman and members of the committee, when the administration looked around to select some one to sponsor its bill, it selected my friend from Kansas [Mr. TINCHER]. The administration went into a county that has the largest mortgage indebtedness of any county in Kansas, with

the exception of about four. My friend lives out in the big seventh district. He lives in a county that produces more wheat, perhaps, than any county in Kansas, and yet the records show that in 1920 in his county the farmers were in debt 27 per cent. The land of Barber County, Kans., was mortgaged for 27 per cent of its value.

The record shows out in that county five years later, which is in the great wheat belt, that the real-estate mortgage indebtedness had increased to 42 per cent, and I think he was the proper one to introduce this bill to get the farmer deeper into debt. Then, my friends, they go back to the great State of New Jersey and get a distinguished constitutional lawyer, a man for whom I have the highest regard, and he talked for two hours. He was on the committee for six weeks, and he did not offer any solution. He did not offer a solution for the trouble.

It reminds me a good deal of a young fellow who lived in New Jersey. He believed that the United States started at Atlantic City and ended at Pittsburgh, and this young man came to Kansas and secured a job with a farmer. He had never been on a farm before. The first morning after he arrived the farmer told him to go out and feed the stock. He was gone for about a half an hour, and he came back, and the farmer said, "Did you feed the horses?" "Yes." "What did you feed them?" "I fed them hay." "Did they eat it?" "Yes." "Did you feed the cows?" "Yes." "What did you feed them?" "I fed them hay." "Did they eat it?" "Yes." "Did you feed the chickens?" "Yes." "What did you feed them?" "Hay." "Did they eat it?" "No; but they talked a lot about it." [Applause.]

My friends, members of this committee, in July, 1924, out where Mr. TINCHER lives in Kansas wheat sold for 85 cents a bushel. It sold for 90 cents where I live, and for $1.05 in Kansas City. Four months later, in December, 1924, when the speculators had bought up the crop, wheat went to $2 a bushel, and the speculators made 80 cents a bushel, and they made $80,000,000 off the Kansas farmers in 1924. That would not have happened had the Haugen bill been on the statute books.

This Agricultural Committee was in session for six weeks. Like Gaul it was divided into three parts, but all of the gall of the committee has been incorporated in the Tincher bill. [Applause.] Now, my friends, in a few moments I am going to endeavor, if I possibly can, to show you that if this law had been in force in 1924 and 1925 in this country that the farmers would have prospered. If we had taken $100,000,000 out of this revolving fund and had bought up the wheat in this country in July, 1924, we would have paid the farmers for that wheat the world price. We would have paid the farmers $1 a bushel and then we would have added the tariff of 42 cents. In other words, we would have paid the farmers in 1924 for their crop of wheat $1.62 a bushel. We will say this farm board tells Swift & Co., or any organization that buys the grain, "You buy 100,000,000 bushels," and if they had held that grain until December, 1924, they could have sold the surplus wheat for $2 a bushel. It would not have required an equalization tax. This would not have cost the farmers a dime.

In fact if this law had prevailed in 1924 this Government would have made a small margin of profit, because they could have bought wheat for $1.62 and on the 1st of December of that year could have sold it for $2 a bushel. In July, 1925, out in Kansas and throughout the Middle West wheat sold for $1.15 a bushel. So if this law had been in force last year in this country the board would have said to those purchasing the grain, "You buy 100,000,000 bushels of wheat, you pay the world's price, which was $1.15, and add to the price the tariff of 42 cents; that makes $1.57 which the farmer would have received, and if they had held this wheat until the first day of last December they could have sold the surplus of 100,000,000 bushels at $1.80. In other words, they could have made the difference between $1.57 and $1.80. They could have sold that wheat for 23 cents more than it cost. Therefore, members of the committee, how is it going to cost the farmer any equalization tax? The indebtedness of Kansas and of the entire West is appalling.

I am not a prophet, nor the son of a prophet, but I am going to prophesy to-night that unless you pass the Haugen bill wheat is going to sell next July out in Mr. TINCHER's city for 85 cents, and 95 cents in my community, and for $1.05 in Kansas City. But if you will pass this bill it means 42 cents a bushel more to every farmer in the great West. I want to say further that if you foreclosed the mortgages to-day of the farmers from the Mississippi River to the Pacific coast that 75 per cent of them would walk out empty handed.

If the present condition prevails in this country for five years longer, if the farmers of this country continue to get in debt as they have in the past five years, then by the year 1931 the farmers of this country will owe 55 per cent of the value of their property. The price of wheat is fixed at Liverpool. The price that the farmer receives for his product is that price less the cost of transportation.

The American farmer can not compete with Canada, Russia, Australia, and South America in the raising of wheat by reason of their cheap land and cheap transportation. My friend TINCHER's bill does not represent the spirit of Kansas, and I can say that there is not an organization in Kansas, there is not a farm organization, there is not an honest-to-God dirt farmer in the State who is in favor of his bill.

I have all the respect in the world for Mr. TINCHER. I like him. But, my friends, his bill will not do the farmer any good. The fact of the matter is, as I said before, the price of wheat is fixed in Liverpool, the market of the world. The Kansas State Legislature in 1925 passed a joint resolution, and called upon this Congress to enact such legislation as would insure the farmer an American price for that portion of his product that is consumed domestically and take the world price for the surplus.

That is exactly what the Haugen bill will do. And so I appeal to the members of this committee and to the Members of this House that we must do something for the farmer. The time has come in this country when agriculture hangs in the balance. We have been helping the railroads. We have helped the shipbuilders. And if some high-hatted, frock-coated president of a railroad company had come down here and shown this Congress that in the past five years his company had lost millions of dollars, Congress would grant Federal aid. But when the farmers of this country, the men who produce the wealth of the country, come here will you give them relief?

I am a Democrat in a Republican State, and these two gentlemen who have introduced these bills are both Republicans. So I am going to select the bill of my friend from Iowa [Mr. HAUGEN], and I am going to stand by that bill; and if I go down to defeat, I will not vote for the Tincher bill now before this Congress, but I will go back to my home and will tell the people of my State that I stood for a measure that would help the farmers of this country; and by passing this bill we will bring happiness into the hearts of 7,000,000 farmers, their wives and children. The Haugen bill has a heart and a soul. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. TINCHER. Mr. Chairman, I yield myself five minutes.

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes.

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, I shall not in five minutes attempt to argue the great economic question so ably discussed by my colleague [Mr. LITTLE], who has just taken his seat. It would take a long time to make an answer to that learned discussion of the merits of the Haugen bill that you have just listened to. I say the gentleman is entirely right; considering the economic soundness of the bills that he produced before the committee, the Haugen bill is more comparable with them than any bill I could mention. His bill that called for a given profit on every acre of wheat, regardless of the value of the land, was, next to the Haugen bill, the most unsound and uneconomic proposition that was ever produced before the Committee on Agriculture.

But I did not take the floor for the purpose of making that statement. I have no feeling against the gentleman who has just left the floor. Until he was elected to Congress, although I have been quite active in politics in Kansas for a number of years, I never heard of him. There is no personal feeling between us. But I have lived in Barber County, and I have lived there through my entire manhood, and no better people live under the canopy of heaven than live in that county, and they are entitled to defense; and I took the floor here to-night to deny the false statements that have been made, before this vile blasphemy is issued against them through the press. Barber County is not a great wheat county, and the man coming from Kansas who told you that it was the greatest wheat-producing county of Kansas either maligned the county or spoke of a county in the State in which he lives without any information. Barber County is one of the roughest counties in Kansas.

We produce gypsum, and the biggest gypsum mine in the United States is there. The Capitol of this great Nation of ours is finished with a product made in the little town of Medicine Lodge, in which I live. We deal in cattle. It is a cattle county, and in the depression after the war we lost money, and we mortgaged our ranches and our cattle and everything else and went back into business, and we did not come to Washington and ask for a subsidy to get back into

business. We mortgaged our property, and not yours, and there is not a farmer or a man or a citizen of Barber County who will ask for the thing he has asked for. There is not a man or a citizen of the good county that I have the honor to live in that will appreciate the statement that he made. Yes; we are in debt, honestly in debt, but we do not appreciate any assault on our credit.

I said it was not the best wheat county in Kansas. We have the indebtedness. I am not denying it, but we have the property, and our credit has been good. We brought in cattle; we have stayed in the business, and we are getting on our feet, and we do not appreciate any man from that State coming to the National Capital to slander us; and if he does do it, he ought to be familiar with the facts.

Mr. GARRETT of Tennessee. You have the indebtedness, but you have not the wheat.

Mr. TINCHER. We have the property. The indebtedness is secured. When a man takes it on himself to mention the home of his colleague, he ought to at least know what the products of the home are. [Applause.]

Mr. Chairman, I yield 30 minutes to the gentleman from Vermont [Mr. BRIGHAM].

Mr. BRIGHAM. Mr. Chairman and gentlemen of the committee, no one who has given serious thought to the agricultural problem which has been the subject of so much discussion here in this House would for a moment deny the distressing financial condition of the farming industry, and no one can desire to stand in the way of any relief measures which are sound in principle and permanent in nature.

Three measures are before us for consideration. The Tincher and Aswell bills have one distinctive merit that the remedy they offer is available to every farmer in the United States who will qualify to come under their provisions. The wisdom of the Aswell bill may be questioned because it seeks to hand down to the farmers of the United States a cooperative system promoted by the Government. Experience seems to have clearly demonstrated, both here and abroad, that farmers' cooperative associations are successful in about the proportion that they grow out of a need recognized by the membership and are organized by the farmers themselves and not by outside promoters. The Haugen bill proposes to appropriate from the Treasury of the United States the sum of $375,000,000 to be placed at the disposal of a board, which the President of the United States is not even trusted to appoint, with the avowed purpose of having that board use most of this gigantic fund to speculate in five farm products, viz, wheat, corn, butter, cattle, or swine, and the products thereof, for the purpose of raising their price.

The value of the five products named in this measure approximately total only about one-half the value of the farm production of the country. Therefore the benefits to be given by this bill will not be of general application but will be limited to the favored farmers who produce these few commodities.

This bill, providing as it does for the postponement of the equalization fee, which is designed to reimburse the Treasury for losses sustained, is an out-and-out subsidy, not to agriculture as a whole but to the producers of about one-half of our farm output.

Attempt is made to justify this expenditure on the ground that it discharges the obligation of the Government to make the tariff effective for agriculture in the same way that it is effective for the products of other industries. Just what the Government has done to make the tariff effective for other industries is not made clear. No tariff law has ever been enacted which sought to save producers from the effects of internal competition. When an industry produces in excess of the demands of the home market and must sell surpluses abroad, no Government agency intervenes to make the tariff effective. Why should Congress create new privileges for agriculture for the purpose of making the tariff effective on farm products?

An examination of the hearings held before the Committees on Agriculture of both the House and the Senate show that those who appeared for the Haugen bill came principally from a great section of our country known as the Corn Belt. If you examine the census you will soon see that the great staple food products for which price relief is sought in this bill are the principal products of that region. In fact, it would not be inappropriate to designate the Haugen bill as the Corn Belt relief bill.

First of all, in considering this measure let us remember that agriculture is not confined to any one section of our great country. Neither is agricultural distress confined to any one section.

Prof. J. Russell Smith, in his very interesting work on North America, describes the Corn Belt as a region comprising practically all of the State of Iowa and parts of the neighboring States of the great Middle West. He has this to say about that region:

> This Corn Belt, a quarter of a million square miles in extent, is one of the finest blocks of farm land in the world.

But great as this region is, important as the welfare of this region is, and proud of this garden spot as we all must be, it is, after all, but a small part of the agricultural acreage of the United States.

John St. Loe Strachey, editor of the London Spectator, while on a visit here last year, gave out this statement:

> A friend met me with his car on the Canadian border and took me from Buffalo to Philadelphia by road. * * * The farms of the East delivered my soul from the prison houses of pessimism. How could I deem America a slave to materialism and false gods when I saw such a homeland? * * * Believe me, America is not going to suffer any social, moral, or intellectual catastrophe, and what is going to save her is the noble spirit kept alive in the millions of country homes. There is the rock on which the Republic is founded.

Note if you please that this journey of our English visitor through this homeland of farms was through a section far distant from the Corn Belt, through a region which was settled a long time before the farms of the Corn Belt gave their great contribution to the food supply of the world. What will be the effect of these proposed relief measures upon the farmers in other sections of this great country? This seems to me to be a pertinent inquiry.

Proponents of the Haugen bill seem not to be taking into account the change in agriculture which has been brought about by the development of transportation. No section of the country now lives to itself alone. There is as free exchange of commodities between farmers of regions hundreds of miles apart as between farmers of the same region. Therefore what is one farmer's finished product easily becomes raw material in the conduct of another farmer's business.

For instance, the Census of 1920 shows that the farmers of the New England, the Middle Atlantic, and the South Atlantic groups of States expended, in round numbers, nearly $280,000,000 for purchased feed. In my own State, for example, dairy farmers probably expend fully 25 per cent of their income for purchased feed. The dairymen, the poultrymen, and the general farmer of the Eastern States pay large sums annually for the grain and grain by-products which, after passing through the various avenues and processes of transportation and manufacture, finally find their way from the Corn Belt farms to the farms of the East. Manifestly, then, if the Congress of the United States is to go to the relief of the Corn Belt farmer by artificially raising the prices of grain, then it must in all justice extend the same relief to the dairyman and the poultryman and the general farmer of other sections, who will find their cost of production raised by the amount of relief extended to the producers of grain. Otherwise in the same measure as relief is granted to one group of producers a burden is added to another group of producers.

Even a brief and hurried examination of the situation must convince any fair-minded person that to-day agricultural production is so interrelated as between different sections of the country that if the Government is to undertake the doubtful experiment of manipulating the price of farm products it should apply the remedy to all products of the farm, of every name and nature, in whatever section these products are raised. There should be no sectionalism in dealing with agriculture.

Let us remember also in considering the present problem that this is not our first agricultural depression. The farms along the Atlantic seaboard were developed first, and under conditions obtaining then the markets of the Atlantic coast States were supplied by the products of eastern farms. The territory to the westward, including what is known as the Corn Belt, was acquired in part with the territory of the 13 original States and in part by the Louisiana Purchase. This territory was paid for, defended, and governed at the expense of the older States. By our liberal land policy the Government turned this great region over to settlers at the low price of $1.25 per acre or for no consideration except that of residence. So far as I can ascertain no money profit came to the older States from the settlement of this land. The produce of it, however, came in free competition with the products of the eastern farms, and led to a depression in eastern farm values of such long duration and of such intensity that the present depression can not as yet be compared with it. Many eastern farms were abandoned, values of the better farms were greatly

depreciated, and their owners forced out of grain and livestock production and into the more specialized industries such as dairying. During all this period, which lasted from 1870 until 1900, I think you will find no record of any demand made upon Congress for relief on the part of those farmers who suffered so long and so patiently.

While the values of eastern farms were stationary or receding, values of the much richer and more easily tilled western land constantly advanced until about 1900, when throughout the whole country farming began to be more prosperous, and land values in the richer sections increased with great rapidity. Russell Smith has described what occurred in these words:

> The jump in land values since 1900 has been the most dynamic thing that has happened to the Corn Belt in this century. This phenomenon * * * occurred in the Corn Belt with almost unbelievable speed. A particular farmer bought unbroken prairie in central Iowa in 1877 for $7 an acre from a railroad company. He gradually increased his holdings at $25 an acre, $46, $70, $84, and finally in 1914 at $195 an acre. At that time fully improved farms in his neighborhood were bringing from $200 to $225 an acre. This was only one generation (37 years) from the time when the land was just raw prairie.
>
> The first white woman born in Nebraska died in 1922. During her life whole counties of land had risen from free homesteads to a value of $200 an acre. Then came the World War, trebling the prices of corn and meat. As a result the Corn Belt, after two decades of profitable land buying, had one of the wildest orgies of land speculation on record. Farmers would drive up to the courthouse and sell or buy a farm without getting out of their automobiles. Prices went to $400, even $500, an acre. The same farm often changed hands several times in the course of a few months. This increase of land values added billions to Corn Belt valuations. Then came the postwar decline in meat, and the farms went back to $300 or $200 an acre. Billions of supposed valuation were gone, and thousands of men who had bought by making partial payments at the high value were ruined.

If land speculation is a vital factor in the depressing situation in which Corn Belt farmers find themselves, can our sympathy for their misfortune justify Congress in throwing the burden of their relief upon the farmers of the other sections of the country? After all, is Congress responsible for what Corn Belt farmers have done with their land? There is much wisdom in these words of the late Vice President Thomas Riley Marshall:

> What government had to do with this bartering back and forth of the land in this valley I do not know. No act of Congress, no legislative or governmental program that I have ever heard of either urged or induced these people to keep bartering in this land until it reached a price prohibitive of any return upon the cost thereof.

Finally, before Congress embarks upon a policy which must become so far-reaching in consequences and embody such a detail of operations and manipulations as an effort to fix or stabilize prices must necessarily involve, let farmers themselves pause to consider where such a policy will eventually lead. Let them consider if the way out of their difficulty is not through strengthening their position in the present economic system as is contemplated in the principles of the Tincher bill. And I want to say that I hope this bill will be amended to allow the President full powers to appoint the board which is to supervise the loaning of the peoples' money. [Applause.]

There has grown up in this country, as a result of long experience, a system of exchanging goods and a method of arriving at prices by bargaining between the producer, the middleman, and the consumer. The Government of the United States has enacted many laws to provide that the rules of this system of exchange be fair and do exact justice to the weak as well as to the powerful and that they be not manipulated for the benefit of any interest or class. This is a legitimate field for governmental regulation and there may be need of more legislation of a similar nature. Furthermore, the Government may well take measures to assist farmers in placing themselves in a better position to bargain with other commercial interests as was contemplated in the marketing bill already passed.

Only in the crisis of the World War did the Government attempt either directly or indirectly to manipulate prices and presume to determine what prices were fair and what were not fair. Farmers will, perhaps, remember that when prices were so fixed by the Government that the price of wheat which was quoted on the Chicago market at $3.40 per bushel in May and $3 per bushel in June was established at $2.20 by a board set up by the Government. Was there a farmer who did not breathe a sigh of relief when the period of war-time food control was over?

The proposal is now to compel the President to appoint a board nominated by farm organizations in order to insure that this board will use its powers and the funds placed at its disposal in behalf of agriculture. Just consider for a moment that only 35 per cent of our people are now engaged in agriculture; just note the fact that plans for reapportionment of the membership of this House take from rural or farm representation and add to urban or consumer representation and then ask yourselves if the consumers of this country will long allow Congress to delegate to a farm-controlled board the power to raise the cost of living. This board may be farmer controlled at the outset, but it will be consumer controlled in the end. Operations by this board to raise food prices in the interest of farmers when they are low will mean operations to lower prices in the interest of consumers when they are high. Let us save agriculture now from the establishment of a policy of food control which I confidently believe would in the end work to its disadvantage. In this country where there is free movement from one industry to another I have firm faith that in a series of years economic forces, if left unhampered, will bring about fair prices. The war greatly stimulated agricultural production. Unused land was brought into cultivation, better methods of cultivation suggested by the researches of experiment stations were carried to the farms by county agents and the extension departments of agricultural colleges and by the farm papers. Better seed, better breeding animals, and farm machinery were used. All these factors, good in themselves, brought about a production of farm products in excess of the peace-time demand for them. When the supply of any commodity exceeds the demand, prices fall and production must be slowed up or ruin faces that industry.

If you will study methods employed by the great business concerns of the country I think you will find their success depends primarily upon adjusting their production to the demands of the market.

On March 1, 60 per cent of the blast furnaces in the iron and steel industry were in operation. If 100 per cent had been in operation, turning out full capacity production, would the steel industry be in any better position than is agriculture to-day? For three years prior to 1925 the potato growers of the country suffered from low prices. The condition of the farmer who made potato growing his specialty in the spring of 1925 was just as serious as that of the farmer who is producing corn, wheat, cattle, or hogs. The result of this was a reduction in potato acreage which, coupled with unfavorable growing weather, produced a shortage in the supply which has enabled the growers of potatoes to recoup their losses, and if they do not expand this industry again beyond the point necessary to supply the needs of the market they will undoubtedly prosper from now on.

We have had examples of cooperative associations which have become powerful enough within the limited field of their operations to set a price and to withhold their products from the market until that price was secured, only to find that the consumer was the judge of how much would be taken at that price, with the result that a quantity accumulated in storage, which threatened to wreck the association. Prices had to be revised downward to a figure which would move the entire crop.

The United States Department of Agriculture estimates that the net movement of population away from the farms in 1924 was 679,000 and in 1925, 901,000. Thereby is working out quietly, in many cases painfully to the individual, the process of readjustment by movement of population from the low paying to the higher paying callings, which process will take place until farm production is adjusted to demand and an equality of compensation between agriculture and other industries is brought about.

The Haugen cooperative marketing bill passed by this House early in the session and the Tincher bill now before us taken together place in the hands of the Secretary of Agriculture resources to enable him to assist in the safe and sane developments of cooperative marketing associations, so that farmers can have at their disposal information to enable them to adjust supply to demand, sensible plans for standardizing and marketing their products in accordance with the best commercial practices and full and complete knowledge upon which to base their own judgment as to when to sell and when to withhold their crops from the market rather than to have to accept the judgment of a Federal board. With the resources and powers given him by these two bills the Secretary of Agriculture can do much to relieve agricultural distress in all sections if on the one hand he has the hardness of heart to resist the schemes of overenthusiastic promoters and on the other the wisdom and sympathetic interest to assist sound cooperative enterprises promoted by the farmers themselves.

This should be done by loans and without the expenditure of a single dollar from the Federal Treasury except for educational and administrative purposes. I, for one, am unwilling to believe that the American farmer, who has always been

the most independent and self-reliant of men, now wants to become a ward of his Government and have his business subsidized and controlled by a Federal board. [Applause.]

Mr. HAUGEN. Will the gentleman yield?

Mr. BRIGHAM. I yield.

Mr. HAUGEN. The gentleman is aware of the fact that as to the bill he has just referred to, the Secretary of Agriculture stated it added nothing to what was being done and all that was asked was simply to O. K. what was being done. I understand the gentleman is opposed to enhancing the price of the farmers' commodities, but he is in favor of loaning them more money. Does not the gentleman think that $13,000,000,000 of mortgage indebtedness and $3,000,000,000 of other indebtedness is quite sufficient. They pay about $1,000,000,000 in interest every year. Does he think it would help them any by putting them in debt more? What the farmer needs now is an increased price for his commodities, to give him the full benefit of our protective tariff.

Mr. BRIGHAM. I will say to the gentleman from Iowa that would depend entirely upon what was done by the farmer with the money which was loaned to him. If he used it for productive purposes and for the purpose of holding his crops until favorable market conditions came, I think it would help him to pay off that indebtedness to which the gentleman refers.

Mr. HAUGEN. The gentleman referred to Iowa $300 or $400 per acre land. The gentleman is also aware that Secretary Wallace referred to 15 wheat and corn growing States and that in those 15 States 24½ per cent of the farmers were in fact bankrupt. The gentleman would not suggest that more of them should go into bankruptcy?

Mr. BRIGHAM. Oh, no; I did not suggest anything of the kind, and I will say to the gentleman I do not think that is necessary unless they have been unfortunate in buying land at the peak of prices brought about by land speculation during the war. Farmers who obligated themselves to pay $500 an acre for land are now in trouble.

Mr. HAUGEN. The gentlemen, then, does not think that the farmer should go into debt deeper and that he should have no relief in the way of enhanced prices or by having the benefit of the tariff? That seems to be the only question at issue.

Mr. BRIGHAM. I will say to the gentleman from Iowa that I do not believe in artificially enhancing prices by Government operation.

Mr. HAUGEN. Just one more question. The gentleman said something——

Mr. BRIGHAM. I want to say just one word to the gentleman there. I stated that if the Government enhances prices when they are low that the farmer is going to see an effort made to lower prices when natural conditions change and higher prices come as an inevitable consequence. As a farmer, I would rather take my chances on a supply-and-demand price without Government interference.

Mr. HAUGEN. Does the gentleman believe that the Republican Party, as well as the Democratic Party, should redeem its party pledges?

Mr. BRIGHAM. I think it will redeem its party pledges absolutely and sincerely by the passage of the bill which bore the name of the gentleman from Iowa, namely, the Haugen marketing bill, and by the passage of the Tincher bill, which is now before the House for consideration.

Mr. HAUGEN. Let me say to the gentleman that the representatives of the farm organizations had something to do with the drafting of that platform or suggesting particular sections of it, and they do not agree with the statement made by the gentleman.

Mr. BRIGHAM. Well, I will say to the gentleman from Iowa——

Mr. HAUGEN. Does not the gentleman think we should put the farmer on an equality with others?

Mr. BRIGHAM. I will say to the gentleman from Iowa that the officers of the farm organizations may have their ideas about it, I may have mine, and the gentleman may have his. We are all sincere in our views, although we may differ.

Mr. HAUGEN. Now, just one more question. The gentleman spoke about the price of wheat which was finally fixed at $2.26 and which was to be the minimum price. That minimum price was made the maximum price and as a result the Government made, I believe, about $70,000,000, and that is now in the Treasury. Besides the price was depressed at least $2 a bushel.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. HAUGEN. Mr. Chairman, I yield the gentleman five additional minutes. With an 800,000,000 yield they have about $1,600,000,000 a year less than they would otherwise receive. Besides, they took advantage through the manipulation of the grades to the extent of $70,000,000. Now, then, it seems to me they are entitled to consideration. Of all the 39,000 cases that went into bankruptcy last year, 8,000 were classed as farmers, which represents, probably, about one-third of the number of all the farmers that went into bankruptcy last year.

It seems to me that such a condition should not continue and that we should do nothing now to give the farmer the benefit of our protective tariff. And that is all that is asked for in the bill, while the other proposition is to loan $100,000,000, so as to get them that much more in debt. At the present time they are paying $1,000,000,000 in interest, as stated by the gentleman from South Carolina.

It seems to me we are not treating the farmers fairly when, first, $70,000,000 is taken out of their pockets to depress the price $2 a bushel, which amounted to $1,600,000,000 a year, and then say to them, "We have got you in this condition and we are not going to give you a fair deal or give you the benefits of the protective-tariff system."

Mr. BRIGHAM. May I interrupt the gentleman a moment to ask how that $70,000,000 came out of the pockets of the farmers.

Mr. HAUGEN. I will tell the gentleman how it came out of the pockets of the farmer. They manipulated the grades. They made the spread 41 cents a bushel, and after the grain was in the elevator they lowered it down to 11 points, and as a result the farmers were out 31 cents a bushel.

Mr. BRIGHAM. Then the gentleman should, if that is true, start an inquiry into the operations of the Grain Corporation.

Mr. FORT AND Mr. BURTNESS rose.

Mr. BRIGHAM. I yield to the gentleman from New Jersey.

Mr. FORT. I just wanted to ask the gentleman if he has not been a lifelong farmer and if he is not now a farmer.

Mr. BRIGHAM. Yes.

Mr. BURTNESS. Will the gentleman yield to me now?

Mr. BRIGHAM. I yield to the gentleman.

Mr. BURTNESS. The questions I have to ask relate absolutely to the point of view of the eastern farmer who, as I understand it, the gentleman is not only representing but is one of them or is at least interested in them.

Mr. BRIGHAM. Yes.

Mr. BURTNESS. The gentleman has referred very properly to the fact that the eastern farmer buys some of the products of the western farmer, some of his raw material, and the cost thereof enters into the product of the eastern farmer. The eastern farmer that the gentleman has spoken of, as I understand it, produces particularly poultry products, dairy products, and things of that sort; is not that correct?

Mr. BRIGHAM. Yes.

Mr. BURTNESS. And those products are now protected by a tariff, are they not?

Mr. BRIGHAM. And so is wheat and other grains and other products of the gentleman's own State.

Mr. BURTNESS. There is a tariff upon the poultry products and upon the dairy products. Now, let me ask the gentleman this question. In the gentleman's opinion is that tariff reflected in the price that the eastern farmer gets for his product?

Mr. BRIGHAM. It is at times and at other times it is not.

Mr. BURTNESS. Is it not reflected, generally speaking; not always but generally speaking? Is not the American farmer to-day who is selling butter, for instance, receiving the world price plus the tariff of 12 cents?

Mr. BRIGHAM. Right now I think he is not.

Mr. BURTNESS. Did he receive 8 cents more than the world price before the tariff was raised from 8 cents to 12 cents?

Mr. BRIGHAM. At times he did and at other times he did not.

Mr. BURTNESS. At any rate, is it not true that, generally speaking, the products of the eastern farmer have not only a tariff upon them, but, generally speaking, the price of the products that the eastern farmer produces is enhanced above the world price by the amount of the tariff?

Mr. BRIGHAM. Not always.

Mr. BURTNESS. That has been the theory upon which our side of the aisle has been levying these tariff duties, has it not?

Mr. BRIGHAM. That depends on whether the commodity is on an export basis or not.

Mr. BURTNESS. Yes, exactly; and with reference to those crops that are not on an export basis he is getting the benefit of the tariff.

Mr. BRIGHAM. Yes.

Mr. BURTNESS. Now, may I ask the gentleman whether most of the products raised in the East——

Mr. BRIGHAM. May I ask the gentleman there if the Government does anything to make the tariff effective on the products produced by the East?

The CHAIRMAN. The time of the gentleman from Vermont has again expired.

Mr. SWANK. Mr. Chairman, I yield 15 minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman and gentlemen of the committee, it is my purpose to vote for what is known as the Haugen bill. I am aggressively supporting that measure, because I believe it is worth-while legislation and comes more nearly affording substantial relief to the agricultural classes than either of the other measures. I stand foursquare in support of the legislative program of the American farmers, and I have lost no opportunity to cooperate with the representatives of the great farm organizations in their efforts to secure farm-relief legislation.

May I say, in passing, that I am not hostile to the Aswell bill, and if it were presented as an independent measure and as a supplement to the Haugen bill, and not offered as a substitute for the Haugen bill, I would be disposed to support it. It is not a bad or a vicious bill, but it should not be considered as a substitute for the Haugen bill and it is not a measure that would meet the present emergency or afford immediate relief.

As I understand the Aswell bill, it does not propose to meet the immediate agricultural emergency or provide immediate or early relief. Its purpose is to encourage nation-wide cooperative marketing, stimulate the organization of cooperative marketing associations to handle not only the surplus products of the farm but to provide adequate facilities for the economical marketing of all farm commodities. From a careful study of the Aswell bill, I am convinced that it will, if enacted, provide a reasonably efficient structure around which cooperative marketing associations in the United States may be organized and through which they may efficiently function; but the Aswell bill, according to the admission of the distinguished author, is not designed or intended to afford any immediate relief. It only contemplates the organization of cooperative marketing associations on a state-wide, regional-wide, and nation-wide basis, and I am stating frankly that in my opinion an efficient cooperative marketing system can be built up in the United States around the Aswell bill and bottomed upon its provisions; but it would require 5 or 10 years to build up an effective cooperative marketing system under the Aswell bill or under any other similar measure. If the machinery contemplated in the Aswell bill had been put in operation 5 or 10 years ago and if we now had state-wide, region, or nation-wide cooperative marketing associations controlling the major part of our farm commodities, such organizations would furnish the machinery or vehicle for the efficient operation of the Haugen bill. But without the machinery set up in and the assistance given by the Haugen bill, the cooperative marketing system contemplated in the Aswell bill could not function efficiently. The financial provisions of the Haugen bill and the machinery therein set up for the effective control of the surplus commodities are essential and absolutely necessary to enable the Aswell plan or any other cooperative marketing plan to accomplish the desired results.

I do not regard the Aswell bill and the Haugen bill as essentially antagonistic. I would like to see both measures enacted. I believe that each will supplement the other. But I do not think the Aswell bill should be substituted for the Haugen bill. If only one of the bills is to be enacted, then undoubtedly we should pass the Haugen bill. It will best meet and remedy the present nation-wide distress in agriculture. It is the only one of the pending bills that pretends to offer substantial immediate relief for the present ills of the agricultural classes.

I shall therefore vote against any motion to substitute the Aswell bill for the Haugen bill. Personally I entertain a very high regard for the distinguished gentleman from Louisiana [Mr. ASWELL]. He is an able and useful Member of this House. He has made a diligent study of the agricultural problem. He is sincerely desirous of enacting legislation which will relieve agriculture of the handicap under which it has been laboring for years. The Aswell bill is sometimes referred to as the Yoakum plan. I avail myself of this opportunity to say, that while the Aswell bill is bottomed fundamentally on the plan originally outlined by Mr. Yoakum, nevertheless the Yoakum plan was elaborated and perfected by Doctor ASWELL, and the Aswell bill represents the thought and labors of Doctor ASWELL more than the views of any other person. I am glad to make this statement in justice to my colleague, Doctor ASWELL, whose modesty is only excelled by his merit, and who, in his earnest desire to help agriculture, is willing to accept suggestions in which there is merit from any source.

I am sorry that I can not support the bill introduced by my friend, the distinguished gentleman from Kansas [Mr. TINCHER]. It is my privilege and honor to represent the district in which Mr. TINCHER was born. I esteem him personally and recognize him as one of the most unique and valuable members of this body, but his bill does not appeal to me, and I fail to see how it can appeal to anyone who represents an agricultural district and who earnestly desires to secure the enactment of legislation which will be of real benefit to the agricultural classes. The Tincher bill is a mere gesture or pretense. It will not and can not afford any substantial relief to the American farmers immediately, in the near future, or at any time.

Reduced to its final analysis, the bill introduced by the distinguished gentleman from Kansas is a makeshift and a cleverly contrived piece of legislative legerdemain. Without intending any offense, may I say that the Tincher or so-called administration bill is nothing more or less than a political "three-shell" game—a sleight-of-hand trick to lull the American farmers into silence and inaction by making them believe that the administration is doing something for them, when in truth and fact the bill will do nothing to remedy the present or future ills of agriculture.

About all the Tincher bill does is to authorize the Government to lend cooperative marketing associations $100,000,000 to finance such organizations in marketing their commodities. In other words, it proposes to lend them more money and get the American farmers deeper in debt, thereby increasing the enormous burdens that are now bending double the backs of the American farmers.

The bill provides an elaborate organization to give the American farmers advice and information, which in reality is not needed, because the agricultural classes have now full information as to agricultural and marketing conditions and have been surfeited with advice from swivel-chair agriculturists. The American farmer is not asking the administration and Congress for advice and information, but for legislation which will give agriculture equality of opportunity with other vocational groups. The American farmer is tired of being hoodwinked by those who dominate the legislative and economic councils of the Nation. He is tired of procrastination and promises. He is disgusted with the delay, equivocation, and quibbling of the administration.

The administration and all Democrats and Republicans alike should be honest with agriculture, the Nation's greatest basic industry.

I believe I am reasonably well informed as to agricultural conditions in the great Middle West, and I assert that the Tincher bill will not help agriculture. If the farmers have assets on which they could borrow money out of the revolving fund proposed in the Tincher bill, those same assets could be used to borrow private capital under present conditions. Where farmers have satisfactory collateral or credit, they can now borrow adequate funds to market their commodities in an orderly manner. The trouble with the American farmer is, as a rule, he has not the collateral or assets upon which loans can be bottomed, and under the Tincher bill the farm organizations would find themselves operating under the same difficulties, because any loans procured under that act would have to be secured by collateral worth at least the amount of the loans.

It is true the bill contains a provision that the board may make loans without collaterals, but we must take judicial notice of the fact that no such loans would be made by the board. The board created by the Tincher bill would be charged with a great and definite responsibility, and it is only fair to assume that the board would not recklessly dissipate the revolving fund by making loans which were unsecured by satisfactory collateral. This board would undoubtedly act as any other business organization and only make loans on adequate securities. This board would be a trustee acting under an express trust, and in the administration of this trust it is not to be assumed for one moment that the board would lend any part of the $100,000,000 except on substantial collateral.

So in the last analysis the Tincher bill, if enacted, will offer the American farmer an opportunity to get deeper and deeper in debt; nothing more. The American farmer is not asking additional credit; he is not asking to borrow more money. Anywhere in the United States where the farmer has sufficient collateral, he has no difficulty in negotiating loans and getting all the money he needs. What the American farmer needs is a better price for his farm products. [Applause.]

For years—and I speak with knowledge and from experience—the American farmer has not been able to market his products at the cost of production, much less obtain a reasonable profit thereon. It is the only vocation whose products have for years been marketed at prices that would not return

production cost, much less a reasonable profit. This condition is intolerable, and its continuance will inevitably produce nation-wide economic instability and social unrest. [Applause.]

Take the manufacturer. After fabricating his products and before putting them on the market, he charges up the cost of the raw material, the cost of labor, overhead expense, interest on his capital investment, wear and tear on his equipment, plant depreciation, and every other item of expense connected with the processing of the commodity in the manufacture of which he is engaged. Then when he markets that commodity he sells it at a price that will return to him, not only the cost of production but a reasonable profit over and above the cost of production. But the American farmer is not permitted, under our economic system, to fix or even influence the price at which he sells the products of his toil.

In the 15 minutes plus the 5 additional minutes allotted me I can not discuss in details the provisions of the Haugen bill. Under the special rule for the consideration of these bills sufficient time was not allowed for general debate, and in view of the large number of Members who desire to be heard on these measures no one Member could hope to secure sufficient time to analyze and discuss this bill in detail. I hope I may be able to get additional time before the general debate concludes to exhaustively analyze the provisions of the Haugen bill.

I believe the Haugen bill will work. I concede, gentlemen, that it is not a perfect measure. Neither were the bills creating the Interstate Commerce Commission, the Federal Reserve Board, and other governmental agencies perfect measures. The transportation act was not a perfect measure. There is not one act of constructive legislation in the history of this Nation that could be denominated a perfect bill at the time of its enactment. All just and workable legislation is the result of experimentation, and I believe there is a substantial basis for this bill and that it can be operated efficiently and for the substantial betterment of agriculture. I have confidence in the board that would be created to administer the provisions of this act. Wisely administered, this bill will contribute very materially to the rehabilitation of American agriculture. [Applause.]

And may I say that there can be no nation-wide, no enduring, no worth-while prosperity in the United States unless the agricultural classes participate in that prosperity. I want to call your attention to an article written by George W. Hinman, a writer for the Hearst newspaper syndicate. Mr. Hinman, a hard-boiled reactionary and an advocate of class legislation and special privilege, reflects the attitude of the industrial classes toward farm-relief legislation. Until recently, all writers and speakers, both in and out of Congress, have admitted that the American farmer has a right to share in any prosperity that may come to this Nation, and that there can be no permanent prosperity if the agricultural classes are not permitted to share therein. Heretofore the attitude of big business toward agriculture has been conciliatory and outwardly friendly, but beneath the surface big business and the beneficiaries of special privilege have never been willing to give agriculture equality of opportunity or to permit the farmer to sit at the table around which the economic and business policies of this Nation are determined. Now big business, especially the manufacturing classes, are throwing off the mask and boldly proclaiming that this is a manufacturer's country and not a farmer's country. They are asserting that the industrialists have superior and paramount rights, and that the farmer does not belong to their class, and that his welfare is of secondary importance.

A propaganda is now being disseminated throughout the United States by the industrial classes to the effect that the prosperity of the American farmer is not of paramount importance and not a necessary factor in the equation of our national life; and that agriculture must henceforth become an industry of secondary importance. Mr. Hinman is speaking for the industrial classes of America.

He represents the New England school of political thought that exalts the industrial classes and insists that the prosperity of the industrial classes lies at the very foundation of national prosperity, and that it is the paramount duty of the Government to legislate so as to promote the prosperity of the industrial classes, even at the expense of all other vocational groups. This theory and this policy find universal acceptance among the manufacturing classes in the New England and Middle Atlantic States. These beneficiaries of special privilege believe in the divine right of the Government to levy tribute upon all other vocational groups in order to promote the economic well being of the industrial classes.

I quote from Mr. Hinman:

> If the farmers prosper, the country is prosperous. If the farmers are not prosperous, the prosperity of the country is blighted.

I assert that this is a wholesome and sound doctrine, but Mr. Hinman says it is a false philosophy. Listen to what he says:

> Statements of this sort have met the eye every day for a month in reports of farm conventions, in the pages of the CONGRESSIONAL RECORD, and in business predictions for this year, 1926. They met the eye to-day; if they were true, the outlook for the American people and their business occupations in 1926 would be gloomy enough. But the statements are not true.

Mr. Hinman admits that it has been universally conceded that if the farmers prosper the country is prosperous, and if the farmers are not prosperous the prosperity of the country is blighted, but he arrogantly challenges the accuracy of that universal belief. He would have us believe that the importance of the prosperity of the agricultural classes has been greatly exaggerated. He proposes a new school of political philosophy that will make agriculture a vocation of secondary importance. The industrial magnates of this country would fasten upon this Nation an economic policy, the fundamental basis of which makes the manufacturing classes prosperous, although such policy may drive the agricultural classes into bankruptcy.

Listen further to this spokesman of big business:

> Farm conditions have been out of joint in the United States, as in most other countries, for the last five years. Yet United States business has carried the handicap and mounted to the greatest heights in history. Would the Nation's business have mounted higher if the farmers had been more prosperous? Undoubtedly. But that is not the point. The point—the big and important point—is that the Nation's business can prosper, has prospered, and is prospering even though farming suffers reverses and in some places is blighted by misfortune. How does this come to pass?
>
> It comes to pass because a multitude of giant enterprises and industries have risen in the United States. It comes to pass because instead of being largely a farmer's country, this is to-day largely a manufacturers' country, an industrialist's country, a workingman's country. * * * What does all this come to in reckoning the prosperity of the Nation? To this, that industrially the United States has grown to such size that its mines and factories produce nearly $50,000,000,000 a year compared with perhaps a quarter of that amount produced on farms, and that, therefore, as much as farm depression is to be deplored and desirable as it is to relieve that depression, the fact remains that the Nation's industry is powerful enough to create and continue prosperity even though agriculture lag behind.
>
> Important as farm relief may be, there is only foolishness in the prediction that unless relieved at once, the troubles of the farmers mean general business disaster and prosperity's collapse. The Nation's business has passed out of the stage where such predictions prove true.

In other words, Mr. Hinman and the industrial classes he represents would have us believe that it is all foolishness to be concerned or seriously alarmed over the ignoble conditions into which agriculture has fallen. According to his theory, the manufacturing interests of this Nation are of supreme magnitude and their prosperity alone is synonymous with national prosperity. He tells us that this is no longer a farmers' country, but a manufacturers' country, and reading between the lines we are given to understand that the agricultural classes must recognize their impotence and unimportance.

And the major part of the opposition to the Haugen bill comes from the industrial classes. In this House the Representatives from the great manufacturing districts and the great commercial centers are practically unanimous in their opposition to the Haugen bill and to any and all legislation having for its object the restoration of agriculture to the list of profitable occupations.

Mr. Chairman, I want to drive home to the Members of this Congress and to the American people the proposition that if this farm legislation is defeated it will be defeated very largely by the Representatives from manufacturing districts. These Members represent constituencies that have enjoyed the bounty and benevolence of congressional legislation for three-quarters of a century; constituencies that have been permitted by Federal laws to levy tribute upon the masses of the American people; and they are seeking to defeat this legislation upon the theory that it is unsound economically, but the real basis of this opposition and the real motive which actuates them is selfishness.

The representatives of the great manufacturing districts are viciously opposing this legislation, thereby seeking to exalt industrialism at the expense of agriculture, seeking to hold the price of farm commodities at the lowest possible level so

their constituents may have cheaper foodstuff, and, moreover, to drive home the astounding proposition that this is an industrial country, a commercial country, and that the supreme purpose for which the American Government exists is to legislate special privileges and bounties to the industrial classes and thereby insure their prosperity. These gentlemen in substance hold fast to the theory that when prosperity has been brought to the industrial districts all has been done that needs to be accomplished.

I say to you, my friends, that a prosperity in which the American agriculturalist does not share is a jug-handle prosperity, it is a lopsided prosperity, it is an abnormal prosperity, it is an unhealthy prosperity. I want a prosperity in this Nation in which every class and occupation shall participate, a prosperity that will not enrich one district or one section at the expense of another district or section, a prosperity that will extend from the East to the West and from the North to the South, and which every man and every class and every vocational group will be permitted to enjoy. [Applause.] The other vocational groups must not be indifferent to the welfare of the agricultural classes. The prosperity and independence of American agriculture is of paramount importance and must be maintained at all hazards. The American farmer must not be merely a hewer of wood and a drawer of water. American farmers must not be reduced to a state of peasantry. [Applause.]

There can be no solution of this farm problem until it is solved right. There can be no economic rest in this Nation, no permanent or nation-wide prosperity as long as the farming classes are ignored and denied equal opportunity with other classes in the race for gain and in the pursuit of happiness.

I want to quote from the New York Journal of Commerce. This paper represents big business. Its editor, Mr. H. Parker Willis, is a gentleman of scholastic attainments, wide experience, and great versatility. He is a strong editorial writer, but it is not often that I find myself in accord with the positions he advocates. However, I rarely let a day go by without reading his editorial page. I want his point of view. I want to understand the reasoning of my opponent, and for that reason I read the editorial page of the New York Journal of Commerce every day.

Mr. ELLIS. Will the gentleman yield?

Mr. LOZIER. I regret that I can not yield to my friend, but I have only a few minutes in which to complete my statement. In a recent editorial in the above-mentioned newspaper, it was said:

> Let no one deceive himself with the idea that the farmers of this country can be put off indefinitely with vague promises or with meaningless measures. It has not, as a matter of fact, been possible to keep them entirely out of the National Treasury, as it is. Contributions from the taxpayers of the land for the aid of the farmer have so far been held within small limits compared with the demands that are now being made, but there is, and there can be no assurance in existing circumstances that a purely negative defense will always continue to prove effective. On the contrary, so long as the rural districts have a real grievance and are unable to distinguish the real from the apparent causes of their trouble, they will remain a menace. "Sops" thrown to them now and then may prove effective to the extent of postponing the day of reckoning, but they are actually rather expensive forms of temporizing, as well as wholly powerless to cure the underlying conditions. Merely as a measure of self-protection against righteous if misguided wrath, we need to bestir ourselves to some constructive and sound thinking and action with respect to our agrarian problems.

I wonder if the gentlemen who are opposing this farm relief legislation will heed this warning, coming as it does from one of the spokesmen of big business and special privilege. This editor realizes that the farmers have a real grievance; that they must be reckoned with; that pink pills and milk-and-water relief legislation will not meet the situation or satisfy the righteous demands of the American farmers.

In conclusion, let me say the industrial and commercial classes of this Nation are following a short-sighted and suicidal policy in their efforts to defeat this farm-relief legislation. Why should they deny to the agricultural classes a fair participation in the prosperity that has made this Nation rich beyond the dreams of avarice? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Ohio [Mr. THOMPSON].

Mr. THOMPSON. Mr. Chairman, I have sent a message to the Clerk's desk which I would like to have read into the RECORD.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

COLUMBUS, OHIO, *May 7, 1926.*

CHARLES THOMPSON,
House Office Building, Washington, D. C.:

As director of agriculture it is my duty to refute statements that Ohio farmers do not favor Haugen bill. The farm organization leaders who made these representations speak for less than 5 per cent of our farmers. They by no means reflect public opinion in this State. The farm industry in Ohio is in a critical condition, the same as in other Corn Belt States. Our loss in land values has been $720,000,000 during the past six years. The majority of farmers here want the Haugen bill and are unalterably opposed to Tincher and Aswell bills.

CHAS. V. TRUAX,
Director of Agriculture.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TINCHER having taken the chair as Speaker pro tempore, Mr. HICKEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 11603 had come to no resolution thereon.

ADJOURNMENT

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Saturday, May 8, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 8, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON INDIAN AFFAIRS

(10 a. m.)

To extend the civil and criminal laws of the United States to Indians (H. R. 7826).

COMMITTEE ON TERRITORIES

(10.30 a. m.)

To authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding $30,000 for the purpose of improving the town's waterworks system (H. R. 10900).

To authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Wrangell, Alaska (H. R. 10901).

To authorize the incorporated town of Juneau, Alaska, to issue bonds for the construction and equipment of schools therein (H. R. 11803).

For the purchasing, construction, and maintenance of an electric light and power plant, telephone system, pumping station, and repairs to the water front of Fairbanks, Alaska (H. R. 11843).

For the relief of special disbursing agents of the Alaska Engineering Commission or of the Alaska Railroad (H. J. Res. 243).

SPECIAL JOINT COMMITTEE

(10.30 a. m., room 347)

To investigate Northern Pacific land grants.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To authorize the refunding of evidences of indebtedness heretofore issued by a carrier in interstate commerce under the provisions of an act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, approved March 21, 1918, as amended by an act approved March 2, 1919, or under the provisions of section 207 of the transportation act, 1920, or of section 210 of said act as amended by an act approved June 5, 1920, and the reduction and fixing of the rate of interest to be paid by such carriers upon said notes or other evidences of indebtedness (H. R. 8708).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

501. A letter from the Secretary of War, transmitting a report from the Chief of Engineers on preliminary examination and survey of Morristown Harbor, N. Y. (H. Doc. No. 371); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

502. A letter from the Secretary of War, transmitting a report from the Chief of Engineers on preliminary examination and survey of White River and West Fork of White River, Ind., up to Indianapolis; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 10984. A bill to amend the national defense act of June 3, 1916, as amended, so as to permit the Secretary of War to detail enlisted men to educational institutions; without amendment (Rept. No. 1107). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 11762. A bill to provide for the sale of uniforms to individuals separated from the military or naval forces of the United States; without amendment (Rept. No. 1108). Referred to the Committee of the Whole House on the state of the Union.

Mr. WRIGHT: Committee on Military Affairs. S. 3550. An act providing for an inspection of the Kennesaw Mountain and Lost Mountain and other battle fields in the State of Georgia; without amendment (Rept. No. 1109). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. 4056. An act to amend section 98 of the Judicial Code as amended; without amendment (Rept. No. 1110). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 10611. A bill to change the time of holding court at Elizabeth City and at Wilson, N. C.; without amendment (Rept. No. 1111). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 7588. A bill to extend the time for the refunding of certain legacy taxes erroneously collected; with an amendment (Rept. No. 1114). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPROUL of Illinois: Committee on the Post Office and Post Roads. H. R. 3837. A bill authorizing the Postmaster General to rent quarters for postal purposes without formal contract in certain cases; without amendment (Rept. No. 1127). Referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERHILL: Committee on Claims. S. 2741. An act for the relief of the State of Ohio; without amendment (Rept. No. 1128). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 2729. An act to authorize the refund of $25,000 to the Columbia Hospital for Women and Lying-in Asylum; without amendment (Rept. No. 1129). Referred to the Committee of the Whole House on the state of the Union.

Mr. FAIRCHILD: Committee on Foreign Affairs. S. J. Res. 62. A joint resolution to authorize the Secretary of Agriculture to accept membership for the United States in the Permanent Association of the International Road Congresses; with amendments (Rept. No. 1130). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 10082. A bill to permit construction, maintenance, and use of certain pipe lines for petroleum and its products; without amendment (Rept. No. 1131). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 11118. A bill to authorize the widening of Harvard Street in the District of Columbia, and for other purposes; without amendment (Rept. No. 1132). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 9637. A bill to change the name of Dent Place NW., between Forty-fourth Street and Foxhall Road, to Greenwich Parkway; without amendment (Rept. No. 1133). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. H. R. 11575. A bill to amend an act entitled "An act to incorporate the American Social Science Association"; without amendment (Rept. No. 1134). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. S. 3012. An act to change the name of "The Trustees of St. Joseph's Male Orphan Asylum" and amend the act incorporating the same; without amendment (Rept. No. 1135). Referred to the House Calendar.

Mr. CHINDBLOM: Committee on Ways and Means. H. R. 11658. A bill to amend section 523 of the tariff act of 1922; without amendment (Rept. No. 1137). Referred to the House Calendar.

Mr. CHRISTOPHERSON: Committee on the Judiciary. H. R. 8321. A bill to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes; without amendment (Rept. No. 1138). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. REECE: Committee on Military Affairs. H. R. 11877. A bill authorizing the President to reappoint John Marvin Wright, formerly an officer in the Corps of Engineers, United States Army, an officer in the Corps of Engineers, United States Army; without amendment (Rept. No. 1112). Referred to the Committee of the Whole House.

Mr. VINCENT of Michigan: Committee on Claims. S. 1886. An act to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co.; without amendment (Rept. No. 1113). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on Claims. H. R. 2633. A bill for the relief of Anna Jeanette Weinrich; with amendment (Rept. No. 1115). Referred to the Committee of the Whole House.

Mr. GAMBRILL: Committee on Naval Affairs. H. R. 6006. A bill for the relief of Joseph S. Carroll; without amendment (Rept. No. 1116). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 6806. A bill authorizing the payment of a claim to Alexander J. Thompson; with an amendment (Rept. No. 1117). Referred to the Committee of the Whole House.

Mr. THOMAS: Committee on Claims. H. R. 8923. A bill for the relief of Sheffield Co., a corporation of Americus, Ga.; with an amendment (Rept. No. 1118). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 9707. A bill for the relief of L. L. Kyle; with an amendment (Rept. No. 1119). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 107. An act for the relief of the Commercial Union Assurance Co. (Ltd.); without amendment (Rept. No. 1120). Referred to the Committee of the Whole House.

Mr. SABATH: Committee on Claims. S. 466. An act for the relief of Helen M. Peck; without amendment (Rept. No. 1121). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 1728. An act for the relief of the owners of the steamship *San Lucar* and of her cargo; with amendment (Rept. No. 1122). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 590. An act for the relief of Emily L. Hoffbauer; with amendment (Rept. No. 1123). Referred to the Committee of the Whole House.

Mr. KELLER: Committee on Claims. S. 3055. An act for the relief of Lawford and McKim, general agents for the Employers' Liability Assurance Corporation (Ltd.), of London, England; without amendment (Rept. No. 1124). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 4632. A bill for the relief of W. P. Thompson; without amendment (Rept. No. 1125). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 9150. A bill for the relief of the Niagara Machine & Tool Works; without amendment (Rept. No. 1126). Referred to the Committee of the Whole House.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 3887. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Daniel F. Crump within Glenwood Cemetery; without amendment (Rept. No. 1136). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WURZBACH: A bill (H. R. 11977) to authorize the payment of subsistence expenses to disabled veterans while necessarily absent from home to obtain artificial limbs; to the Committee on Invalid Pensions.

By Mr. LaGUARDIA: A bill (H. R. 11978) further to assure title to lands granted to the several States, in place, in aid of public schools and to quiet title; to the Committee on the Public Lands.

By Mr. COLLINS: Joint resolution (H. J. Res. 248) consenting that certain States may sue the United States and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867, and 1868, and vesting the right in each State to sue in its own name; to the Committee on the Judiciary.

By Mr. DOUGLASS: Joint resolution (H. J. Res. 250) to amend the immigration act of 1924 by repeal of the national origin provision; to the Committee on Immigration and Naturalization.

By Mr. FISH: Concurrent resolution (H. Con. Res. 25) expressing the adherence of Congress to the doctrine of nonconfiscation of private property of enemy nationals; to the Committee on Foreign Affairs.

Also, resolution (H. Res. 260) requesting the Secretary of State to furnish information concerning the policy with respect to private property of enemy nationals; to the Committee on Foreign Affairs.

By Mr. CONNALLY of Texas: Resolution (H. Res. 261) to investigate the Alien Property Custodian; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 11979) granting a pension to Hannah Gilbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11980) granting a pension to Catharine Goodbody; to the Committee on Invalid Pensions.

By Mr. BOYLAN: A bill (H. R. 11981) for the relief of Katherine Cronhardt; to the Committee on Claims.

By Mr. BURTON: A bill (H. R. 11982) to correct the military record of Gustave Mendel; to the Committee on Military Affairs.

Also, a bill (H. R. 11983) for the relief of Ephraim A. Schwarzenberg; to the Committee on War Claims.

Also, a bill (H. R. 11984) granting an increase of pension to Emily S. Reader; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 11985) granting a pension to Ella May Munger; to the Committee on Invalid Pensions.

By Mr. CORNING: A bill (H. R. 11986) granting an increase of pension to Elizabeth Heinmiller; to the Committee on Invalid Pensions.

By Mr. COYLE: A bill (H. R. 11987) granting an increase of pension to Catharine Warner; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 11988) for the relief of Mabel M. Johnson; to the Committee on Claims.

By Mr. DOUGHTON: A bill (H. R. 11989) for the relief of Caleb W. Swink; to the Committee on Claims.

By Mr. EATON: A bill (H. R. 11990) granting an increase of pension to Anna M. Middleton; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 11991) granting a pension to John Vetter; to the Committee on Pensions.

Also, a bill (H. R. 11992) granting an increase of pension to Mary L. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11993) granting an increase of pension to Mary E. Brown; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 11994) granting a pension to John F. Herndon; to the Committee on Invalid Pensions.

By Mr. FROTHINGHAM: A bill (H. R. 11995) granting an increase of pension to Ruth P. Barrows; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 11996) granting an increase of pension to Celia R. Spear; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 11997) granting a pension to Ida F. Davidson; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 11998) granting an increase of pension to Angeline Kerr; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 11999) granting a pension to Clara May Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12000) granting an increase of pension to Helen McCord; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 12001) granting an increase of pension to Ruth A. Stark; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 12002) granting an increase of pension to Amanda Rickrode; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12003) granting an increase of pension to Lydia A. Miller; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 12004) granting a pension to Lydia E. Whitney; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 12005) for the relief of Frank E. Ridgely, deceased; to the Committee on Naval Affairs.

Also, a bill (H. R. 12006) granting an increase of pension to Elizabeth Langley; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 12007) granting an increase of pension to Clara Gavett; to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 12008) for the relief of George Flowers; to the Committee on the Public Lands.

Also, a bill (H. R. 12009) for the relief of Christian Schultz; to the Committee on the Public Lands.

By Mr. TILSON: A bill (H. R. 12010) granting an increase of pension to Mary J. Lynch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12011) granting an increase of pension to Carrie A. Greeley; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 12012) granting an increase of pension to Julia Wiser; to the Committee on Invalid Pensions.

By Mr. WAINWRIGHT: A bill (H. R. 12013) granting an increase of pension to Margaret A. Organ; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 12014) granting a pension to Harriet A. Wilson; to the Committee on Invalid Pensions.

By Mr. PORTER: Joint resolution (H. J. Res. 249) to authorize an appropriation for the compensation of William Wiseman; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2091. Petition of the city council of the city of Chicago, protesting against Federal encroachments in the field of State legislation; to the Committee on the Judiciary.

2092. Petition of Daniel F. Hickey, presenting charges against Isaac M. Meekings, Federal judge for the eastern district of North Carolina; to the Committee on the Judiciary.

2093. By Mr. W. T. FITZGERALD: Petition of Clifford Thompson Post, No. 43, American Legion, Troy, Ohio, requesting enactment of House bills 10240, 4548, and 10277; to the Committee on World War Veterans' Legislation.

2094. By Mr. FULLER: Petition of Julian Larson, president Boone County Farm Bureau, Belvidere, Ill., and other individuals, urging early consideration of the Federal farm board bill; to the Committee on Agriculture.

2095. By Mr. GALLIVAN: Petition of Francis J. Good, department commander, the American Legion, statehouse, Boston, urging, at request State executive committee and auxiliary of the department of Massachusetts, American Legion, early and favorable consideration of the Johnson, Fitzgerald, and Green bills; to the Committee on World War Veterans' Legislation.

2096. By Mr. GARNER of Texas: Petition of citizens of Poteet, Atascosa County, Tex., against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2097. By Mr. HERSEY: Petition or resolution from Mrs. Velma Libby, Blaine, Me., district secretary Central Aroostook District Council of Religious Education, urging strict adherence to the principles of the prohibitory law; to the Committee on the Judiciary.

2098. By Mr. HUDSON: Petition of citizens of Michigan, protesting against the enactment of House bill 7179, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2099. By Mr. KINDRED: Petition of Ridgewood Unit, No. 695, of the Steuben Society of America, to the United States Congress, urging early and favorable vote on the alien property bill; to the Committee on Foreign Affairs.

2100. By Mr. KNUTSON: Petition of Mrs. C. A. Folkestad and others, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

2101. By Mr. LEAVITT: Petition of citizens of Roundup, Klein, Comanche, and Billings, Mont., protesting against passage of House bills 7179 and 7822, or any other pending national religious legislation; to the Committee on the District of Columbia.

2102. Also, petition of citizens of Big Timber and Hardin, Mont., protesting against passage of House bills 7179 and 7822, or any other pending national religious legislation; to the Committee on the District of Columbia.

2103. Also, resolutions of Great Falls Post, No. 3, American Legion, urging passage of the Johnson, Green, and Fitzgerald veterans' bills during the present session of Congress; to the Committee on World War Veterans' Legislation.

2104. By Mr. O'CONNELL of New York: Petition of Julien N. Friant, of Cape Girardeau, Mo., favoring the passage of the Haugen agriculture relief bill; to the Committee on Agriculture.

2105. Also, petition of the American Association of China, favoring the passage of House bills 6753 and 6771, referring to the construction of a new United States Government building in Shanghai, China; to the Committee on Foreign Affairs.

2106. By Mrs. ROGERS: Resolution by Andover (Mass.) Association of Ministers and Congregational Churches, favoring strict enforcement of the eighteenth amendment; to the Committee on the Judiciary.

SENATE

SATURDAY, *May 8, 1926*

(Legislative day of Thursday, May 6, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	King	Robinson, Ind.
Bayard	Fletcher	La Follette	Sackett
Bingham	Frazier	Lenroot	Sheppard
Blease	George	McKellar	Shipstead
Borah	Gerry	McLean	Shortridge
Bratton	Gillett	McMaster	Simmons
Broussard	Glass	McNary	Smoot
Bruce	Goff	Mayfield	Stanfield
Butler	Gooding	Means	Steck
Cameron	Greene	Metcalf	Swanson
Couzens	Hale	Neely	Trammell
Cummins	Harreld	Norbeck	Tyson
Curtis	Harris	Norris	Underwood
Deneen	Heflin	Nye	Wadsworth
Dill	Howell	Oddie	Warren
Edge	Johnson	Overman	Watson
Edwards	Jones, N. Mex.	Phipps	Wheeler
Ernst	Jones, Wash.	Ransdell	Willis
Fernald	Kendrick	Reed, Mo.	
Ferris	Keyes	Reed, Pa.	

Mr. CURTIS. I desire to announce that my colleague [Mr. CAPPER] is absent on account of illness in his family. I will let this announcement stand for the day.

Mr. JONES of Washington. I was requested to announce that the Senator from Missouri [Mr. WILLIAMS], the Senator from New York [Mr. COPELAND], and the Senator from Mississippi [Mr. STEPHENS] are engaged on business of the Senate in the Committee on Commerce.

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present.

MOTHERS' DAY

Mr. SHEPPARD. Mr. President, to-morrow, Sunday, is Mothers' Day. It is a day set apart by virtue of a resolution of Congress, the author of which is now a distinguished Member of this body, the junior Senator from Alabama [Mr. HEFLIN]. He was a Member of the House when he introduced the resolution creating Mothers' Day.

In honor of to-morrow I wish to read to the Senate a brief poem on "Mother." This poem is by an anonymous author, and the Washington Times had the following to say of it:

Many will be glad to see reprinted the following poem, which has been a classic for a century. No scrapbook is complete without it.

I now read the poem:

MY MOTHER

Who fed me from her gentle breast,
And hushed me in her arms to rest,
And on my cheek sweet kisses prest?
My mother.

When sleep forsook my open eye,
Who was it sung sweet lullaby
And rocked me that I should not cry?
My mother.

Who sat and watched my infant head
When sleeping in my cradle bed,
And tears of sweet affection shed?
My mother.

When pain and sickness made me cry,
Who gazed upon my heavy eye
And wept for fear that I should die?
My mother.

Who ran to help me when I fell
And would some pretty story tell,
Or kiss the part to make it well?
My mother.

Who taught my infant lips to pray,
To love God's Holy Word and day,
And walk in wisdom's pleasant way?
My mother.

And can I ever cease to be
Affectionate and kind to thee,
Who wast so very kind to me—
My mother.

Oh, no; the thought I can not bear;
And if God please my life to spare
I hope I shall reward thy care—
My mother.

When thou art feeble, old, and gray,
My healthy arm shall be thy stay,
And I will soothe thy pains away—
My mother.

And when I see thee hang thy head,
'Twill be my turn to watch thy bed,
And tears of sweet affection shed—
My mother.

Mr. HEFLIN. Mr. President, I thank the Senator for his kindly reference to me. In 1914, when I was a Member of the House, Miss Annie Jarvis, a native of West Virginia, but now of Pennsylvania, came to me and requested me to introduce a resolution providing for Mothers' Day. Her great love for her own mother caused her to devote herself to the work of having Congress set apart a day to be known and observed as Mothers' Day. I prepared and introduced the resolution in the House, and it was passed by that body May 7, 1914. When it reached the Senate I requested the able and valuable Senator from Texas [Mr. SHEPPARD] to take charge of it, and he secured its passage by the Senate.

To-morrow is Mothers' Day, and the poem just read by the Senator from Texas is indeed beautiful and appropriate. Mr. President, I send to the clerk's desk and ask to have read a splendid tribute to mother by Tom Dillon.

The VICE PRESIDENT. The clerk will read as requested.

The legislative clerk read as follows:

MY MOTHER—A PRAYER

By Tom Dillon

For the body you gave me, the bone and the sinew, the heart and the brain that are yours, my mother, I thank you. I thank you for the light in my eyes, the blood in my veins, for my speech, for my life, for my being. All that I am is from you who bore me.

For all the love that you gave me, unmeasured from the beginning, my mother, I thank you. I thank you for the hand that led me, the voice that directed me, the breast that nestled me, the arm that shielded me, the lap that rested me. All that I am is by you who nursed me.

For your smile in the morning and your kiss at night, my mother, I thank you. I thank you for the tears you shed over me, the songs that you sung to me, the prayers you said for me, for your vigils and ministerings. All that I am is by you who reared me.

For the faith you had in me, the hope you had for me, for your trust and your pride, my mother, I thank you. I thank you for your praise and your chiding, for the justice you bred into me and the honor you made mine. All that I am you taught me.

For the sore travail that I caused you, for the visions and despairs, my mother, forgive me. Forgive me the peril I brought you to, the sobs and the moans I wrung from you, and for the strength I took from you, mother, forgive me.

For the fears I gave you, for the alarms and the dreads, my mother, forgive me. Forgive me the joys I deprived you, the toils I made for you, for the hours, the days, and the years I claimed from you, mother, forgive me.

For the times that I hurt you, the times I had no smile for you, the caresses I did not give you, my mother, forgive me. Forgive me for my angers and revolts, for my deceits and evasions, for all the pangs and sorrows I brought to you, mother, forgive me.

For your lessons I did not learn, for your wishes I did not heed, for the counsels I did not obey, my mother, forgive me. Forgive me my pride in my youth and my glory in my strength that forgot the holiness of your years and the veneration of your weakness, for my neg-

lect, for my selfishness, for all the great debts of your love that I have not paid, mother, sweet mother, forgive me.

And may the peace and the joy that passeth all understanding be yours, my mother, forever and ever. Amen.

Mr. HEFLIN. Mr. President, I have here a proclamation which was issued by President Wilson, which I ask the clerk to read.

The VICE PRESIDENT. The clerk will read as requested.

The legislative clerk read as follows:

MOTHERS' DAY

A proclamation issued by President Wilson (38 Stats. pt. 2, p. 1996)

MAY 9, 1914.

A proclamation by the President of the United States of America:

Whereas by a joint resolution approved May 8, 1914, "designating the second Sunday in May as Mothers' Day, and for other purposes," the President is authorized and requested to issue a proclamation calling upon the officials to display the United States flag on all Government buildings, and the people of the United States to display the flag at their homes or other suitable places on the second Sunday in May as a public expression of our love and reverence for the mothers of our country; and

Whereas by the said joint resolution it is made the duty of the President to request the observance of the second Sunday in May as provided for in the said joint resolution: Now, therefore,

I, Woodrow Wilson, President of the United States of America, by virtue of the authority vested in me by the said joint resolution, do hereby direct the Government officials to display the United States flag on all Government buildings and do invite the people of the United States to display the flag of the United States at their homes or other suitable places on the second Sunday in May as a public expression of our love and reverence for the mothers of our country.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8771) to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ELLIOTT, Mr. KOPP, and Mr. LANHAM were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 37. An act for the relief of First Lieut. Harry L. Rogers, jr.;

S. 1482. An act to authorize the Secretary of War to grant easements in and upon public military reservations and other lands under his control;

S. 1484. An act to amend section 1, act of March 4, 1909 (sundry civil act), so as to make the Chief of Finance of the Army a member of the Board of Commissioners of the United States Soldiers' Home;

H. R. 8771. An act to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.;

H. R. 10246. An act to authorize the commissioners of McKean County, Pa., or their successors in office, to construct a bridge across the Allegheny River at a certain location where a highway known as State Highway Route No. 211 crosses said river at a location within the limits of the borough of Eldred or not distant more than one-half mile north of said borough of Eldred, McKean County, Pa.; and

H. R. 10501. An act to repeal section 806 of the revenue act of 1926.

IVY L. MERRILL

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2818) for the relief of Ivy L. Merrill, which was, on page 1, line 4, to strike out the word "the" where it appears the first time and insert "any."

Mr. HARRELD. I move that the Senate concur in the amendment of the House. It is merely a formal amendment.

The motion was agreed to.

MORONGO INDIAN RESERVATION LANDS, CALIFORNIA

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2702) to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation, which was, on page 1, lines 7 and 8, to strike out "and the north half of the southwest quarter of section 29."

Mr. HARRELD. I move that the Senate disagree to the House amendment, ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. HARRELD, Mr. LA FOLLETTE, and Mr. BRATTON conferees on the part of the Senate.

PUBLIC BUILDINGS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FERNALD. I move that the Senate insist upon its amendments, agree to the conference requested by the House of Representatives, and that the Vice President appoint the conferees on the part of the Senate.

The motion was agreed to, and Mr. FERNALD, Mr. WARREN, Mr. LENROOT, Mr. REED of Missouri, and Mr. SWANSON were appointed conferees on the part of the Senate.

PETITION AND MEMORIAL

Mr. BORAH presented a letter in the nature of a memorial from the Tiona Petroleum Co., Philadelphia, Pa., protesting against the alleged drastic restrictions laid on the importation and sale of American petroleum products in France, which was referred to the Committee on Finance.

Mr. EDWARDS. I present a petition of Capt. John J. Phelps and other citizens, of New Jersey, praying for the extension of the boundaries of the Yellowstone National Park southward, so as to include the Teton Valley. I ask that the petition be inserted in the RECORD and referred to the appropriate committee.

There being no objection, the petition was referred to the Committee on Public Lands and Surveys and ordered to be printed in the RECORD, as follows:

As President Coolidge's committee recommends, the Jacksons Hole extension should be included in Yellowstone National Park.

This proposed extension comprises the wonderful Teton Mountains—the Grand Teton, his two forbidding sisters, and their more distant relations—together with the chain of lovely mountain lakes at their feet, and a strip of forest as a girdle.

This country is distinctly of national park caliber, and so far has largely retained its primeval beauties. That it can not maintain its present wildness and its more easily defaced beauties without organized effort will never be disputed by anyone who has observed it carefully. In this 12 months I have seen many striking changes.

"Tin-can tourists"—the kind who carve their initials on smooth aspen trunks, scatter tin cans and papers about the countryside whenever a generous impulse strikes them—increase in number yearly, defacing as they go. Hot-dog stands, little dinky shanty stores full of multi-colored soda pop and ginger beer—challenging nature's coloring of the Tetons—spring up to meet their vulgar desires. Already the road leading to beautiful Jenny's Lake from the main highway is enough to keep decent folk awake nights.

The National Forest Service, owner of most of the land in the proposed extension, administers the forest for the public good, which seems to mean that so long as the tourist doesn't leave his fire burning he can do what he likes. Furthermore, Colonel Greeley, Chief Forester, has publicly said that if pressed by the State of Wyoming, the Forest Service would permit industrial development in this area. Sawmills, tie camps, perhaps oil wells, would be possible industries, none of them beauty parlors for land. The Forest Service has already granted private leases on Leigh and Taggart Lakes, and is prepared to give others, while a sawmill has been in operation for several years.

Whatever its policy with regard to close grazers may be, sheep spend much of the summer up in the Tetons, fouling the springs and turning into dusty wastes meadows once covered with a rich growth of grass and flowers.

The Forest Service has neither the incentive nor the power to maintain this country forever as a recreational area. The National Park Service has both the power and the incentive.

The State of Wyoming will not preserve it. Being familiar with it, the people see no value in their glorious scenery. They refuse to sacrifice to the enjoyment of the Nation the faint possibility of making money out of timber or hitherto undiscovered oil. At the mere pros-

pect newspapers all over the State froth into large headlines and scream out the slogan, "Wyoming for the people of Wyoming." Why should we not respond, "God's largesse for the Nation!"

Nor will Teton County take steps to preserve the beauty that attracts to it visitors from every State in the Union. It fears the alienation of taxable property without compensation; it joins the State's selfish slogan and vague hopes of gain. Content to gouge the tourist of to-day, it lays no plan to attract the tourist of to-morrow. Only one or two residents can see that a slice of park in the county means not only an enhancement of land values, but excellent publicity, such as will bring not only a greater number of tourists, but more desirable tourists. It might well attract wealthy persons, who would be glad to buy ranches in that district that have been deserted because they are wholly unprofitable.

In all discussions of local prejudices it is well to remember that the land intended for the proposed extension is not used by the chief objectors. Most of it is national forest; there are perhaps seven ranches included. It is interesting to note that the owners of three of the largest of these are in favor of the park.

This country properly belongs in the park, for it is best adapted for a recreational area. It is as yet remarkably beautiful country, almost unspoiled; a happy refuge for big game and other wild life.

Despite fond hopes of industrial activity, transportation would be found both expensive and difficult. At no point is the proposed extension less than 25 miles from the nearest railroad, and snow, beginning in November and lasting until late in May, is seldom less than 4 feet deep and generally nearer 10.

Agriculture is not lucrative, since the growing season lasts hardly three months, and frost can be expected even on July 4.

Cattle, after being for some years unprofitable to raise in the valley, are coming into their own again. This industry has, however, no bearing on the park extension, since the herds are driven over into the Grovont Mountains, when the winter feeding season is over.

Every year this beautiful Teton country is more endangered by the cheap vandalism of tourists and the greed of those very natives who should protect it. Only the National Park Service is fitted by policy and by experience to save it undefiled for posterity. Neither the National Forest Service, the State of Wyoming, nor Teton County is willing to protect it. It therefore rests with you, gentlemen, either to give over these mountains and their lakes in the lovely frame of evergreen and aspen forest that surrounds them, to their natural defender the National Park Service, or to relinquish them to the dirty clutch of the "tin-can tourist."'

REPORTS OF COMMITTEES

Mr. DILL, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 9971) for the regulation of radio communications, and for other purposes, reported it with an amendment and submitted a report (No. 772) thereon.

Mr. GEORGE, from the Committee on Military Affairs, to which was referred the bill (H. R. 4252) for the relief of Thomas H. Burgess, reported it without amendment and submitted a report (No. 774) thereon.

Mr. TYSON, from the Committee on Military Affairs, to which was referred the bill (S. 2220) for the relief of Mary B. Jenks, submitted an adverse report (No. 775) thereon and moved that the bill be indefinitely postponed, which was agreed to.

Mr. PHIPPS, from the Committee on Education and Labor, to which was referred the bill (S. 3533) to provide for the better definition and extension of the purpose and duties of the Bureau of Education, and for other purposes, reported it with an amendment and submitted a report (No. 776) thereon.

Mr. ODDIE, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 9371) for the relief of Merritt W. Blair, of Abbott, Harding County, N. Mex., or his transferees, reported it without amendment and submitted a report (No. 777) thereon.

Mr. BUTLER, from the Committee on Patents, to which was referred the bill (S. 3936) granting an extension of patent to the United Daughters of the Confederacy, reported it without amendment and submitted a report (No. 778) thereon.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 183) to acquire, by purchase, condemnation, or otherwise, additional land for a driveway to the post-office building at Bristol, R. I., and to construct said driveway, and for certain improvements and repairs to the post-office building at Bristol, R. I., reported it without amendment and submitted a report (No. 779) thereon.

Mr. BINGHAM, from the Committee on Military Affairs, to which was referred the bill (S. 2337) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes, reported it with amendments and submitted a report (No. 780) thereon.

Mr. SHORTRIDGE, from the Committee on Finance, to which was referred the bill (H. R. 7966) to provide the name by which the Board of General Appraisers and members thereof shall hereafter be known, reported it without amendment and submitted a report (No. 781) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (H. R. 9636) to provide for the inspection of the battle field of Pea Ridge, Ark., reported it with an amendment and submitted a report (No. 782) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3712) to increase the number of cadets and midshipmen at the United States Military and Naval Academies, respectively (Rept. No. 783);

A bill (H. R. 9178) to amend section 12 of the act approved June 10, 1922, so as to authorize payment of actual expenses for travel under orders in Alaska (Rept. No. 784); and

A bill (H. R. 11511) to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes (Rept. No. 785).

Mr. GOFF, from the Committee on Claims, to which was referred the bill (S. 2609) for the relief of James E. Van Horne, reported it with an amendment and submitted a report (No. 786) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 4189) for the relief of the Chamber of Commerce of Montgomery, Ala., Jack Thorington, and 39 others, reported it without amendment and submitted a report (No. 787) thereon.

He also, from the same committee, to which was referred the bill (S. 3615) for the relief of soldiers who were discharged from the Army during the Spanish-American War because of misrepresentation of age, reported it with amendments and submitted a report (No. 788) thereon.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 8120) to create within the San Bernardino National Forest in Riverside County, Calif., a national game preserve under the jurisdiction of the Secretary of Agriculture, and to authorize an exchange of Government land for privately owned land within the area of said preserve (Rept. No. 789);

A bill (S. 3255) for the relief of certain counties in the States of Oregon and Washington, within whose boundaries the revested Oregon & California Railroad Co. grant lands are located (Rept. No. 790);

A bill (H. R. 8916) granting public lands to the county of Kern, Calif., for public-park purposes (Rept. No. 791);

A bill (H. R. 9038) authorizing the Secretary of the Interior to delegate to supervisory officers the power to make temporary and emergency appointments (Rept. No. 792);

A bill (H. R. 9508) to authorize the issuance of deeds to certain Indians or Eskimos for tracts set apart to them in surveys of town sites in Alaska, and to provide for the survey and subdivision of such tracts and of Indian or Eskimo towns or villages (Rept. No. 793); and

A bill (H. R. 10859) to provide for the transfer of certain records of the General Land Office to States, and for other purposes (Rept. No. 794).

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On May 7, 1926:

S. 1786. An act to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service;

S. 2298. An act to amend section 3 of the act approved September 14, 1922 (ch. 307, 42 Stat. L., pt. 1, pp. 840–841);

S. 2733. An act for the relief of the State of North Carolina; and

S. 3037. An act to provide retirement for the Nurse Corps of the Army and Navy.

On May 8, 1926:

S. 37. An act for the relief of First Lieut. Harry L. Rogers, jr.;

S. 1482. An act to authorize the Secretary of War to grant easements in and upon public military reservations and other lands under his control; and

S. 1484. An act to amend section 1, act of March 4, 1909 (sundry civil act), so as to make the Chief of Finance of the Army a member of the Board of Commissioners of the United States Soldiers' Home.

LESTER A. ROCKWELL

Mr. BINGHAM. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 6418) to correct the military record of Lester A. Rockwell, and I submit a report (No. 773) thereon. I ask unanimous consent for the immediate consideration of the bill. A similar bill has passed the Senate three times, and it has at last passed the House of Representatives.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. Let the bill be read.

The bill was read; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that Lester A. Rockwell, late of Company G, First Regiment Connecticut Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Company G, First Regiment Connecticut Volunteer Cavalry, on the 29th day of April, 1865; but that no pay, bounty, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRUCE:

A bill (S. 4201) for the relief of common carriers or transportation companies granting credit to the United States for transportation; to the Committee on Interstate Commerce.

By Mr. SHEPPARD:

A bill (S. 4202) authorizing the issuance of service medals to officers and enlisted men of the brigade of Texas infantry organized under authority from the War Department during the World War, and authorizing an appropriation therefor; and further authorizing the wearing by such officers and enlisted men on occasions of ceremony of the uniform lawfully prescribed to be worn by them during their service; to the Committee on Military Affairs.

By Mr. EDGE:

A bill (S. 4203) to amend the national prohibition act as supplemented, in respect of the manufacture of liquor without a permit; to the Committee on the Judiciary.

By Mr. TYSON:

A bill (S. 4204) for the relief of Charles G. Mynatt; to the Committee on Claims.

By Mr. NORBECK:

A bill (S. 4205) granting a pension to Anne Remmert (with an accompanying paper); and

A bill (S. 4206) granting an increase of pension to Lucinda M. Davis; to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 4207) to amend and strengthen the national prohibition act and the act of November 23, 1921, supplemental thereto, and for other purposes; to the Committee on the Judiciary.

By Mr. MAYFIELD:

A bill (S. 4208) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil, by regulating transactions on future exchanges, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. ERNST:

A bill (S. 4209) to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. NEELY:

A bill (S. 4210) granting an increase of pension to Lydia E. Irelan; to the Committee on Pensions.

OIL AND GAS LEASES IN EXECUTIVE-ORDER INDIAN RESERVATIONS

Mr. BRATTON submitted an amendment in the nature of a substitute and three additional amendments intended to be proposed by him to the bill (S. 4152) to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations, and for other purposes, which were ordered to lie on the table and to be printed.

STORAGE OF WATERS OF THE PECOS RIVER

Mr. JONES of New Mexico submitted an amendment intended to be proposed by him to the bill (H. R. 3862) to provide for the storage of the waters of the Pecos River, which was ordered to lie on the table and to be printed.

WALKER RIVER IRRIGATION DAM, NEV.

Mr. ODDIE submitted an amendment intended to be proposed by him to the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev., and for other purposes, which was ordered to lie on the table and to be printed.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on May 7, 1926, the President had approved and signed the following acts:

S. 547. An act for the relief of James W. Laxson;

S. 2853. An act to authorize the transfer to the jurisdiction of the Commissioners of the District of Columbia of a certain portion of the Anacostia Park for use as a tree nursery;

S. 99. An act for the relief of the owner of the lighter *Eastman No. 14;*

S. 113. An act for the relief of the owner of the American barge *Texaco No. 153;*

S. 530. An act for the relief of the owners of the steamship *Basse Indre* and all owners of cargo laden aboard said vessel at the time of her collision with the steamship *Housatonic;*

S. 1226. An act to amend the trading with the enemy act;

S. 2124. An act for the relief of Philip Hertz (Philip Herz); and

S. 2848. An act to extend the time for institution of proceedings authorized under Private Law No. 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.).

RAILWAY CARRIERS AND THEIR EMPLOYEES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes.

Mr. WATSON. Mr. President, the pending amendment is the one offered by the Senator from Kansas [Mr. CURTIS]. If there are no further remarks to be made by Senators on the amendment, I am ready to have a vote upon it.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fess	King	Robinson, Ind.
Bayard	Fletcher	La Follette	Sackett
Bingham	Frazier	Lenroot	Sheppard
Blease	George	McKellar	Shipstead
Borah	Gerry	McLean	Shortridge
Bratton	Gillett	McMaster	Simmons
Broussard	Glass	McNary	Smoot
Bruce	Goff	Mayfield	Stanfield
Butler	Gooding	Means	Steck
Cameron	Greene	Metcalf	Stephens
Couzens	Hale	Neely	Swanson
Cummins	Harreld	Norbeck	Trammell
Curtis	Harris	Norris	Tyson
Deneen	Heflin	Nye	Underwood
Dill	Howell	Oddie	Wadsworth
Edge	Johnson	Overman	Warren
Edwards	Jones, N. Mex.	Phipps	Watson
Ernst	Jones, Wash.	Ransdell	Wheeler
Fernald	Kendrick	Reed, Mo.	Willis
Ferris	Keyes	Reed, Pa.	

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present.

Mr. PHIPPS. Mr. President, I desire to offer an amendment to the pending measure, which I ask to have printed and to lie on the table.

The VICE PRESIDENT. It will be so ordered.

Mr. CURTIS. Mr. President, I ask that the communication which I send to the desk from the American Farm Bureau Federation and the National Grange may be read at the desk.

The VICE PRESIDENT. Without objection, the clerk will read.

The legislative clerk read as follows:

AMERICAN FARM BUREAU FEDERATION,
NATIONAL GRANGE, PATRONS OF HUSBANDRY,
Washington, D. C., May 8, 1926.

Joint statement American Farm Bureau Federation and National Grange, Patrons of Husbandry, respecting the pending Watson-Parker bill

To the Senate of the United States:

GENTLEMEN: You have listened to several days of debate on the railroad disputes bill (H. R. 9463). We want to remind you that the bill is the product of the parties at interest. Neither farmers nor any other users of transportation were consulted in its preparation or had any chance to examine it before it was introduced and hurried to a hearing. Farmers are slow to get news and act upon it. Before they had any chance to study this proposal or be heard upon it, although we asked for a chance, we were told the hearings could not be kept open

until our representatives could discuss it and present our views before the committees of Congress.

The parties who shaped this bill in secret had every opportunity to urge their views before your committee. We have had no hearing, yet none are more deeply affected than we by the operation of this proposal. For you are asked to abolish existing public representation and control over wage awards and agreements without any effective substitute. You retain public control of rates but leave to the parties at interest the determination of wage costs by agreement or arbitration through their own representatives, with no public protection against excessive charges which are bound to be reflected in our rates.

If you are determined to no longer protect the public through the Labor Board, why not give the Interstate Commerce Commission the power to suspend improper awards or agreements? Any reasonable arrangement between the parties can stand the test of a public examination. If it can not, why should it escape that test?

You are told in debate that we are asking a power that can not be given to the Interstate Commerce Commission. What we ask is not a new power. It has been possessed and exercised by the Labor Board for six years. That may be denied by some Senators. But the railroad managers and their attorneys, who ought to know what the law is and what the powers of Congress are, called your attention a year ago to the fact that the Railroad Labor Board possessed the power to suspend wage agreements which may require rate adjustments and the power to prevent any wage award from becoming effective unless one public representative approve it. The railroad managers declared not only that that power existed, but insisted that it must be retained to protect both the public and themselves. Nobody has questioned the existence or value of that power for six years. Nobody criticized it until we asked you to retain it to protect us.

We are the most defenseless group in this country against increases in transportation rates. We pay freight on everything we produce to get it to market. We pay freight on everything we buy. The Joint Commission on Agricultural Inquiry, consisting of five Senators and five Members of the House, pointed out to you in 1922 the great part that freight rates play in our prices. Their first finding was:

"1. The freight rates upon perishables normally take about one-third of the selling price, frequently running as high as two-thirds; that these rates in periods of low-price levels and slight demand constitute a very heavy burden upon this traffic. This is especially true, owing to the average length of haul of these commodities, which was shown to be more than 1,400 miles in a study of 9,476 shipments." (Report of Joint Commission of Agricultural Inquiry, Pt. III, p. 6.)

In the light of these facts will you, the protectors of the public interest, take away the only preventive safeguard we have? Is it not suspicious that the parties at interest are indignant at the suggestion that they ought to be willing to vindicate before public representatives the reasonableness of wage agreements before they become effective?

It took 30 years to secure public representation over agreements that fix the cost of freight service. Will you, the representatives of the public, now silence its voice?

Let the parties make agreements, but don't destroy public supervision of them. We have it now. Why destroy it? Fifteen million farmers and their families ask you to give the Interstate Commerce Commission the right to protect the agricultural shipper if you are determined to abolish the Labor Board. If you give the commission that job, give it adequate power to perform it. Don't make a gesture. Above all, as trustees of the public interest, don't surrender your right and duty to amend the bill and protect the people.

Very respectfully yours,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY,
Acting Director National Grange, Patrons of Husbandry.
T. C. ATKESON,
Washington Representative.

Mr. KING. Mr. President, it is not my intention to enter upon a discussion of this bill. After a very few preliminary observations, I shall read a statement handed to me by a gentleman of integrity and character. He is well acquainted with railroad matters, having devoted years to the study of railroad problems. With all of his views we may not be in accord. They are, however, entitled to consideration in the discussion of a measure of such vital importance as the one now before us.

Mr. President, I am somewhat at a loss to know just how the measure before us had its origin, growth, and present advantageous status. It is only a short time since a bill containing substantially the same provisions was before the House and Senate. It was known as the Howell-Barkley bill. It had much support and considerable opposition. I recall that leading representatives of railroad organizations were hostile to the bill, announcing that it was a backward-looking step instead of a forward and progressive measure; that it would produce chaotic conditions and lead to strikes and disputes between carriers and railroad employees. The opposition of railroads to the measure was earnest and vigorous. Dire results were predicted if the measure were passed. It was particularly urged that its passage would be inimical to the interests of the shippers and particularly the agriculturalists of our country; that it would compel increase in rates, though freight and passenger rates had reached such altitudinous heights as to be exceedingly oppressive.

While I was greatly in sympathy with any and every measure that would tend to improve the conditions of labor and although I had always favored, and did when the measure referred to was under consideration, wages commensurate with the work performed and the happiness and progress of the entire community, I was considerably impressed with the arguments then made and particularly with the statements that the Howell-Barkley bill, if passed, would inevitably increase freight rates. We were told by farmers and by manufacturers that transportation charges had reached the breaking point and that additional increase, no matter how unimportant, would work the most disastrous consequences to the economic and industrial life of our country.

We now find some of the same railroad representatives who so loudly denounced the Howell-Barkley bill enthusiastically supporting the pending measure. I am a little curious to know the reasons for the complete somersault which has been taken. Were the proponents of the Howell-Barkley bill sincere, or were they misrepresenting the facts to Congress? If they were not insincere, and if their statements were the result of inaccurate information or based upon prejudice and unreasonable and groundless fears, what assurance have we that their present representations entitle to greater consideration?

I recall that Mr. Thom, a man of great ability, representing the railroads, most vigorously assailed the Howell-Barkley bill. He testified in opposition to it, as I now recall, and without any reservation declared that it would be provocative of discord and trouble and would be highly disadvantageous to the shippers as well as to the consuming public. But it appears that Mr. Thom is now eloquently pleading for the enactment of this bill.

I have hastily examined some of his statements before the House and Senate committees upon the pending measure, but have been unable to find where he reconciles his present position with the attitude which he then assumed. His position, like the position of the Senator from Indiana, as well as other Senators, seems to be that this measure is the best that can be obtained and that it has been agreed to by the carriers and their employees and therefore Congress has nothing to do but approve it. That reason, Mr. President, appealing as it may be to many, is not sufficient, standing alone, to warrant this legislation. Of course it is important to have capital and labor in agreement, and it is regarded by many political writers and by students of social and economic conditions that an indictment lies against our civilization because it does not produce that degree of harmony and fellowship and good will between capital and labor and between all classes of society that should be attained.

It can not be claimed that our political institutions properly function or our social and industrial organizations attain their full development as long as strikes and lockouts and serious labor controversies ensue. It has been a slow growth from slavery, industrial and political, to liberty; and humanity will never be entirely emancipated from undesirable industrial, social, and political conditions until the producers of wealth, the toilers and laborers of the world, are accorded greater consideration. The gulf between capital and labor must be bridged and a genuine spirit of democracy and fellowship must exist among all classes. With the advancement of education, with improvement in our social conditions, there must be adjustments and modifications in our industrial and economic life. Labor's voice is entitled to be heard in the councils of state, in all social questions, and in all things affecting the welfare of the people. I welcome any measure within the constitutional power of Congress to enact that will advance the cause of labor and promote more cordial and democratic relations between carriers and their employees. The Apostle Paul spoke often of the body and the importance of every member thereof. The body could not say of the foot that it had no need of it, nor could any member of the body properly function unless all parts were in harmonious relation.

Mr. President, we want industrial peace in the United States. It is more important now than ever before. Across the seas we witness an internecine struggle between capital and labor, a struggle which threatens the social and political fabric of nations. The United States should set an example to be followed by the rest of the world. Labor conditions should be more favorable than in any other land. Of course, it must be

borne in mind that no class of labor must have advantages over other classes and that no part of our country shall enjoy benefits denied to other parts. In other words, there must be justice and equality and no discrimination in measures adopted or laws enacted.

Mr. President, returning for a moment to the bill and the reasons for it, it is alleged that the Labor Board, under the present law, does not properly function and therefore a new measure should be adopted.

I think, Mr. President, the Labor Board has achieved more satisfactory results than anticipated. I confess that I was not satisfied with that provision of the transportation act which created the Labor Board, and one of my reasons for voting against the Esch-Cummins bill was the provision creating the labor board. I felt that while it might do some good it would not fulfill the expectations of those who so earnestly advocated it, and I believed that while Congress was enacting a general transportation act, a measure dealing with the great transportation question, that it should contain provisions dealing with labor and the relations of the employees of the carriers to their employers that would meet all anticipated conditions and result in justice between employer and employee and a reasonable degree of peace and concord between employer and employee. I have been willing to repeal the provision creating the Labor Board, but I have also desired that some suitable measure should take its place. It may be that the pending measure meets the situation and will bring about the very highest results, but I have serious doubts.

Senators who are not members of the Interstate Commerce Committee have not had the opportunity of studying this question as have the members of the committee. They have spent weeks in taking testimony, in listening to employees and to employers, and in canvassing the subject. Their views are entitled, of course, to consideration, and I have no doubt but that they have acted in the utmost good faith and submitted a measure which they believe is the best that can be formulated under present conditions.

I would like to vote for this bill, and shall do so if upon full investigation, or, at least, the best investigation that I can give it, in view of the multiplicity of duties resting upon me, my judgment and conscience approve of the same. I have, because of committee duties, been unable to hear all of the discussion, and I have not had opportunity to read all of the testimony submitted in the House and Senate hearings. Frankness compels me to confess that I have felt that the public were not sufficiently protected by the provisions of the bill, that it seemed that the framers of the bill considered that the carriers and their employees were the only ones to be considered, and that if a measure was satisfactory to them, then the public must be satisfied, regardless of the effects upon them.

I have received a number of telegrams from employees and some from railroad representatives rather insisting that I vote for the pending bill without any amendment whatever. Statements have been made in a number of telegrams in effect that I should vote for it without "crossing an 't' or dotting a 't.'" Telegrams of this character do not commend themselves to my judgment.

Of course, every Senator is glad to learn the views of people affected by legislation and to obtain any suggestions which the people may have to offer regarding questions that particularly come before Congress. But after all, the responsibility rests upon Senators and Members of the House of Representatives, as well as the President, for legislation. If they enact bad legislation, they are not excused because multitudes of people insisted that they enact the same. Oftentimes Senators and Congressmen are importuned to vote for bills which later their constituents concede were improperly conceived and if they had been enacted into law would have been disadvantageous to the country.

It is our duty to examine questions carefully, earnestly, and patriotically, desiring only the welfare of all the people. No measure, Mr. President, is sacrosanct, and no matter the consideration it may have it should be thoroughly, indeed microscopically, examined upon the floor of the Senate and upon the floor of the House before final action is taken. Too often Members in their zeal to secure the passage of measures grow impatient at any opposition and any inquiry, even though prompted by the highest motives, and for the purpose of guiding the judgment of those who are to pass upon them.

I want to examine this bill carefully. I want to know the motives back of it. I want to know what its effects would be. I want to be satisfied that it is the best and wisest measure that can be written to meet a situation which it is asserted this bill will accomplish. I regard this bill as of more importance than any measure that has come before this session of Congress. Its effects will be far-reaching. As a precedent it will determine future legislation and affect more or less the relations of employers and employees in other lines of industry and in all parts of our country.

Mr. President, I received some communications these last few days which indicate that there are many railroads in the United States opposed to this bill. I am told that the rich and powerful roads are back of the bill, that Mr. Atterbury, president of the Pennsylvania System, has been one of the most powerful factors in formulating the bill and in pushing it to its present advantageous parliamentary situation. I can not forget that Mr. Atterbury has been one of the strongest opponents of the present Labor Board, and has not hesitated to defy the provisions of that act. I am rather curious to know why he is so insistent upon this bill if an act of Congress now upon the statute books imposes no legal or moral restraints upon his conduct. If this bill will do no more I have wondered whether, in view of his rather truculent attitude toward former legislation, he will not disregard the provisions of this measure, if it shall become a law and treat it with the same disregard as he has the law creating the present Labor Board.

A number of representatives of railroads not embraced within class 1 have represented to me that this bill does not suit them or their employees; that it will work a serious hardship to the smaller and poorer roads, that it will be provocative of discord instead of peace; and that it probably will result in an increase in railroad tariffs, thus imposing almost unendurable hardships upon agriculture and manufacturers who are compelled to transport their products, or at any rate that it will exempt railroads which have enormous earnings and profits from coming within the recapture clause of the transportation act; and that the situation thus resulting will be seized upon by them to increase their operating expenses and advance the wages of some classes of their employees.

Representations have been made to me that the present law, notwithstanding its weakness, has accomplished, on the whole, beneficial results, and that if it is understood that it is not to be repealed, both carriers and employees will attach to it greater importance and treat with greater sympathy its provisions and seek with more earnestness a proper enforcement of the same. I have received many communications from agriculturalists who entertain the view that if this bill becomes a law an increase in freight rates is inevitable, and that therefore this measure will prove injurious to the farmers of our country. A number of business organizations have advised me that they perceive evils in this measure; they effect to believe that it will be a precedent which will be far from beneficial, and that the general reactions will appear in all branches of trade and industry.

Mr. President, I am not satisfied with these criticisms of the bill, nor am I satisfied with the optimistic and rather flamboyant statements that are made by the supporters of the measure that it will produce lasting peace between carriers and their employees and will prevent all future controversies between railroads and their employees.

Mr. President, as stated, I am anxious to support a measure that will be better than the one upon the statute books—one that does have the seeds of peace and industrial progress. I do not want to fly from one evil to another danger. It were better to continue the present measure than to enact another, unless there is certainty that the latter will rectify any mistakes in the former and will prove of greater advantage to the railroads and their employees and to the public.

Mr. President, I referred to a paper which was handed me by a gentleman of ability whose knowledge of railroad matters is very extensive. He discusses a number of the suggestions made by the proponents of the bill, including some of the statements made by the Senator from Indiana in his speech supporting the bill. I want to read, if not all, at least excerpts from this statement, so that the Senate may have presented the views of some who oppose the bill as well as the views of those who are so earnestly and eloquently advocating it.

I shall be glad if the Senator from Indiana will consider the views expressed in the memorandum which I am about to read, so that the Senate, and particularly myself, may have the benefit of any further observations he may care to offer upon the pending measure and in the light of the statements made by an opponent of the bill.

The memorandum proceeds as follows:

> All the railroads but one are now obeying the Labor Board, and will continue to obey the Labor Board.

I understand that my friend from Indiana controverts that proposition. I should be glad to be advised as to whether he takes issue with that statement.

Mr. WATSON. I certainly do. I deny it absolutely.

Mr. KING. This statement proceeds:

Every one of the 16 labor organizations are now submitting cases to, appearing before, and obeying the Labor Board, notwithstanding all argument to the contrary.

My information is that this last statement is substantially correct. If not I should like to be advised. I assume, from the failure of any Senator to reply, that my deductions are correct.

Mr. WHEELER. Mr. President, let me say to the Senator that it is not correct. Not only that, but they have refused to answer the subpœnas of the board; and the matter went to the Supreme Court, and the Supreme Court held that they did not have to obey them. The Supreme Court further held that the Labor Board did not have any power to subpœna them, and did not have any right to enforce its judgments, and so the whole thing is dead.

Mr. KING. Does the Senator contend that the labor organizations have refused to follow the terms of the statute?

Mr. WHEELER. Why, absolutely—the rules laid down by the board. The board has contended that it has power to subpœna witnesses, and the Supreme Court said that it did not have any such power.

Mr. REED of Missouri. Mr. President, will the Senator pardon an inqury?

Mr. KING. I yield.

Mr. REED of Missouri. Does the Senator from Montana claim that the board which it is proposed to set up by this bill will have any greater power to subpœna witnesses than the old board?

Mr. WHEELER. Not at all. What it is proposed to do by this bill is to get away from that very thing. The railroads and the brotherhoods have both absolutely come to the conclusion that a court, such as the Labor Board tried to be, is impracticable and does not work and will not work, and that as a matter of fact there is a serious question as to whether or not any board which simply goes out to investigate has any right to subpœna witnesses before it at all, and as to whether or not a board could be set up that would have any powers that it could enforce.

Mr. REED of Missouri. The point I wanted to get to was simply this: The Senator stated that the present law was inoperative, and that one of the reasons was that the courts had decided that the witnesses could not be compelled to attend. I simply wanted to know whether the proposed law conveys any such power.

Mr. WHEELER. No.

Mr. REED of Missouri. If it does not, then of course it is no argument against the present law and in favor of the proposed law that witnesses can not be subpœnaed, because both of them will have exactly the same defect.

Mr. WHEELER. No; the Senator is wrong about that. The Senator misunderstands the purpose of the pending bill. The purpose of the pending bill is not to set up a court similar to the Labor Board at all. The purpose of the pending bill is to set up a board of mediation which will have the right to go in and mediate between the parties at any time.

Mr. REED of Missouri. Exactly.

Mr. WHEELER. They will simply get the parties together. It is a mediation board.

Let me further call the attention of the Senator from Missouri to the fact that after the passage of the Erdman Act there was not any strike and there was not any trouble, and the mediation board worked perfectly up until the time, I think, of the war. There were not any labor troubles up until that time at all. We had the mediation board, and everybody conceded that the mediation board worked much better and much more satisfactorily for both parties and everybody concerned than the Labor Board.

Mr. KING. The position of the Senator from Missouri, as I understand him, is quite correct. Congress did not confer upon the Labor Board the authority to issue subpœnas and to compel the attendance of witnesses. If that is a defect in the existing law, it is a defect in the bill before us. No attempt is made in the pending measure, notwithstanding that there are so many boards and organizations provided in the present bill, to confer authority upon either one or all of them to issue subpœnas or compel the attendance of witnesses.

If the present law is to be condemned because of a lack of power in this respect, what shall be said of the bill now under consideration? If that is a defect, why do not the proponents of the measure remedy the defect and offer an amendment that will give to some board the authority to get all the facts in regard to any controversy or any matter of which it has cognizance.

Mr. REED of Missouri. But the Senator from Montana is discussing an entirely different question than the one to which I was calling attention. He is discussing the general plan and scheme of the bill; but the objection he raised to the present law was that it was inoperative because there was no power to subpœna witnesses. I simply asked if that same defect was not found in the proposed law. The question might be raised as to whether the power could be conferred. Now, it appears that the same defect does exist in the proposed law; and therefore the argument that subpœnas can not be issued under the present law has no force in the present situation.

Mr. KING. If, in order to obtain full information, subpœnas are necessary and the power to issue them must be conferred upon some board or agency, then this bill should be amended so that this weakness may be strengthened or, perchance, removed. That Congress has the authority to confer upon the Labor Board power to issue subpœnas and compel the attendance of witnesses, I think, there can be no doubt. The Interstate Commerce Commission not only has power to issue subpœnas, it has the power to enter decisions and to compel obedience to the same.

Mr. President, the Senator from Montana [Mr. WHEELER] has stated that there were no strikes under the Erdman Act. My recollection is different from his. I think there have been fewer strikes, notwithstanding the great increase in traffic and in mileage since the Erdman Act was passed, during the last four years than there were during any four-year period when the Erdman Act was in force.

Mr. BRUCE. Mr. President——

Mr. KING. Of course, if I am in error, I should like to be corrected.

Mr. BRUCE. On the contrary, I wish to furnish signal corroboration of the verity of what the Senator has stated.

Mr. KING. I will be very glad to have the Senator do so.

Mr. BRUCE. I am reading from a history of facts compiled by a very well-known authority, Mr. Neill:

In the early part of 1912 another general wage movement was begun on the eastern lines, this time by the engineers, and in April of that year practically the entire mileage of the territory east of Chicago and north of the Potomac and the Ohio Rivers were threatened with a strike of some 30,000 engineers.

That was one occurring during the life of the Erdman Act.

Mr. WHEELER. That was a threatened strike, and if the Senator will follow it up, he will find that both the railroads and the men got together and used the mediation board, and it was settled amicably.

Mr. BRUCE. Ultimately; but in the first instance neither side could be induced to invoke mediation under the Erdman law, and the situation drifted on to the very verge of an actual strike, which at one time seemed not over 48 hours away.

Mr. WHEELER. The Senator absolutely misunderstands the situation, because they could not do anything else under the Erdman Act or under the Newlands Act until a strike vote had been actually taken.

Mr. BRUCE. The Senator sought to create the impression that there were no strikes.

Mr. WHEELER. There was no strike. That was a threatened strike, and the Senator has just said so himself.

Mr. BRUCE. In that connection, only in relation to that particular, the fact is that they refused, and continued to refuse for a long time, to resort to mediation at all. Under the pending bill, of course, mediation is entirely voluntary.

Mr. WHEELER. That was on account of the fact that the railroads would not for eight years go in and mediate under the Erdman Act. After that, sometime in 1912, they decided that mediation was the best thing, and they did mediate, and they settled their troubles. I repeat, there was not any strike from the time the Erdman Act was passed, or any threat of one, until, I think, the time of the passage of the Adamson Act, and after the war. Every historian who has written upon the subject has said that, from the standpoint of labor and capital getting together, that was the most successful period in our history.

Mr. BRUCE. Why, then, was the Erdman Act abandoned?

Mr. WHEELER. I can not say.

Mr. BRUCE. If it was such a salutary and beneficent piece of legislation, why was it abandoned?

Mr. WHEELER. I imagine because some legislature thought they knew better about what to do than the railroads and their employees.

Mr. BRUCE. I have never known of any legislature that seemed to know what was best to do when the railway executives and the railway workers combined and brought their pressure to bear on them.

Mr. WHEELER. This is the situation: The railroad men and the railroad executives, who have had practical experience in settling labor disputes, who have had greater experience than anybody in this body, come in and say, "We have a proposed bill which, from a practical standpoint, we think will work out better than anything else." Yet we find a few Senators setting up their judgment against the combined judgment of the railroad executives and the railroad employees.

Mr. KING. Mr. President, I have been diverted from the paper which I have been reading, but before returning to the same I desire to suggest that Senators should consider, as I have heretofore indicated, not alone the interests of the railroads and their employees, but the interests of the public. Railroads can not operate if they are not supported by the public. The prosperity of railroads depends upon the prosperity of the people, and the prosperity of the people is inseparably connected with transportation. The transportation problem is a vital one to all classes. If our water transportation is destroyed, and it has practically been destroyed, and the railroads fail to properly function or their rates are so high as to be an obstacle to the movement of commodities, then the railroads will come to grief, and with their arrested development and their lack of income the employees of the railroads will enter upon a hard and heavy road, which will lead them to disaster. The American people have for a number of years been demanding a reduction in transportation charges. They have believed that freight rates as well as passenger rates were too high. In my travels throughout our country I have discovered that in many instances the transportation charges were so high as to prevent shipments, and perishable products rotted in the field and upon the farm, and other commodities deteriorated in quality until their value was substantially destroyed. Hundreds of thousands of tons of agricultural products have perished because of the high freight rates, and the cost of living has been increased because agricultural products could not, owing to high freight rates, be brought from the farms to the cities. One of the greatest needs in our country to-day is a decrease in our transportation charges. A lowering of rates would increase shipments, stimulate production, augment the incomes of agriculturalists, and bring benefits to all sections of our country.

So I repeat, in considering measures of this character we must not be concerned alone in the welfare of the carriers and the interests of their employees, and in making that statement I do not have for a moment to minimize the importance of labor and of capital or indicate a lack of sympathy for every movement and every measure that improves the condition of labor and adds to the happiness and comfort of the toiling masses and the producers of our country.

I am profoundly interested in the welfare of labor unions, in railroad employees, and in their welfare and prosperity. It is important that the railroads be maintained at a high state of efficiency and that they shall be sufficiently prosperous as to invite capital investments. With our development industrially and otherwise, we will require annual additional railroad mileage, more railroad cars and locomotives. Perhaps from five hundred million to a billion dollars annually should go into railroad equipment and betterments. It is therefore important that the railroads prosper. Their improvement will be reflected in increased capacity to haul the products of farm and field and manufacturing plant and mine. This situation will call for additional employees, and so the circle of improvement and prosperity will be widened. It is not too much, therefore, to say that the prosperity of the country rests upon transportation.

I was impressed with the letter just read, submitted by representatives of the agricultural organizations throughout the country, and yesterday the Senator from Kansas presented a statement or petition signed by, as I understand, substantially all of the national grange and agricultural organizations. These petitions indicate the profound interest which agriculturists of the United States have in the railroad situation and in the bill now before us, and they also indicate the anxiety of the members of these organizations as to the effect of the pending bill, if enacted into law, upon the rate structure of our carriers.

Mr. President, we are not justified in passing a measure simply because it suits the railroads and their employees. The public, as I have stated, and I emphasize this point, is an important third party in this vital matter. This is a triangle and the public constitutes one of the angles. Selfish carriers may be willing to minimize, if not ignore, the interest of the public in their eagerness to compose the possible differences with employees, and employees may sometimes forget the interest of the public or may not realize how seriously changes in the relations between the carrier and employees may affect the welfare of the public.

It is the duty of the United States, having taken jurisdiction over the railroads pursuant to authority granted in the interstate commerce act, to protect the public as well as the carriers and the employees. Congress must not forget the burden resting upon agriculture, the deep depression which exists in agricultural sections, the woes and sorrows which have come to the men and women who have sacrificed in many instances their lives in their struggles to produce food not only for themselves but for the Nation.

Hundreds of thousands of farms have been sold to meet taxes because of the distress and disaster which have overwhelmed farmers of the country. Congress should consider the interest of the business men, of the manufacturers, of the farmers, who produce the cotton, and the owners of the cotton mills, who convert raw products into finished fabrics. Congress should consider the great mills and mines of the country and provide measures that will protect them to the end that the products of the plants and mills and mines may be carried to every part of the land in order that the needs of the people may be met.

We must not close our eyes to the condition of the producers, and in our legislation there must be a comprehensive survey of the entire country and a complete, sympathetic understanding of the needs of all factors and elements that will promote the prosperity and happiness of the entire country. Mr. President, I need not say that I am interested in the employees of railroads. Indeed, I think I have greater sympathy for them than I do for the carriers, and in any debatable question between them and the carriers my voice will be found upon their side of the controversy. I am in favor of giving them the highest possible wage and protecting them in every possible manner.

I am only repeating when I say that while interested in labor and in those who toil and carry upon their bowed backs our industrial and social superstructure, I am also concerned in the welfare of the interests which we call capitalistic. It were well if we could abolish some of these distinctions and recognize that we are all bound together by indissoluble ties and that the interest of one is the interest of all. We should all be laborers and make proper contribution to the material and moral and spiritual welfare and development of this great Republic.

Mr. President, I am seeking information with respect to this bill and particularly what its effects will be upon the entire country. As stated, I want to support it if I can, and any light that can be thrown upon this very intricate and perplexing problem I shall welcome.

Mr. President, may I have the attention of the Senator from Indiana——

Mr. WATSON. I decline to be put on the witness stand and have the Senator stand me up here and catechize me, asking me whether I have said this or said that or said the other. If the Senator has any speech to make, let him make it, and then I will respond if I see fit to do so; and if I do not want to, I will not. But I am not going to be put on the witness stand and be examined by another Senator.

Mr. KING. The Senator from Indiana, in exercising the prerogative of his important position, has a right to assume the attitude he has just taken. I find no fault with it. He can reply or not, just as he sees fit. It is wholly immaterial to me, because, judging from the speech which he delivered in support of this bill, I am not satisfied that if he did answer any questions which I might ask I would get any light or information.

I shall now proceed and read the statement to which I have referred. As to whether it states the facts accurately or not or whether the arguments submitted are valid or not, I shall not assume to state. I only present them in order that Senators may hear the views of some of those who are not in accord with the Senator from Indiana and others who are supporting this bill:

> The enginemen under former Chief Stone, because of a personal disagreement between him and the chairman of the Labor Board, did refuse to go before the board; but since that chief's death, the enginemen have appealed to the Labor Board, have filed cases with the Labor Board, and as late as May 3 the Labor Board handed down a decision that has been argued since February. These enginemen, and not the railroad, went back of their own volition to the Labor Board and have received that board's decision increasing the rates of pay on the entire system. Therefore, to-day every labor organization of the railroad department is reinstated and back before the Labor Board.

Even the shopmen, who disobeyed the Labor Board's ruling and brought on the shopmen's strike, now know that public opinion can not be disregarded and live. Therefore these shopmen for three full years have been back before the Labor Board in the regular manner that the law intended.

In the face of this it is said the Labor Board has broken down, and that neither the railroads nor the employees will under any circumstances go before the board or obey its instructions.

There is only one class 1 railroad in the country that is denying the right of the Labor Board and declining to appear before it and abide by its decisions, and yet it is said neither the carriers nor the employees will recognize the board. It is impossible to understand upon what basis this statement is made.

It is said that both the Erdman and Newlands Acts produced splendid results, but it would be well to ask if one single important case of the four transportation brotherhoods was ever adjusted before or by either the Newlands or Erdman law. The answer is, "No; there never was such a case."

True, minor employees, individuals, and some branches of shopmen, trackmen, telegraph operators, and agents did accept settlements under both the Newlands and Erdman laws, but they were minor and practically of individual nature, but not one of the four transportation brotherhoods ever went before these boards to adjust a case of any importance. To the contrary, in every important matter they have denied to recognize either of these two acts.

How can we now hope for such peaceful adjustment of these important things in the future when the proposed law is no more than other laws for mediation, conciliation, and arbitration have been, and yet in the two most crucial national cases where the transportation of the entire country was at stake, and with the appeals of the President and the authority of the President's great office to support this, and when this country was in serious danger and the national reputation at stake, these men still denied arbitration and mediation and forced the country to yield with the same old strike threat. Therefore this measure can not be trusted.

I am expressing no opinion in regard to these averments. I am simply presenting them for the consideration of the Senate.

The railroads have grown to be so important; there is so much involved; the cost to the public is so great, and the power of the labor organizations has become so intricate and so great that it is positively certain this great question can not be left to a promise that has been so often broken, but there must be a Federal tribunal. If not the Labor Board, then the Interstate Commerce Commission must be clothed with proper power to protect these public interests and to keep the railroads in operation continuously and efficiently.

A few of the large railroad systems who brought about this proposed measure, desire no restraint. They resent any public control because they wish to be let alone, to use their large surplus earnings in whatever manner they see fit, and to follow the lines of least resistence but without proper control.

Substantially the same statement was made by the able Senator from Alabama [Mr. UNDERWOOD], and the Senator from Kansas [Mr. CURTIS] has taken the same position.

As I understand the contention, this position is assumed by the proponents of the measure, that the large railroads, the rich railroads, those whose earnings are 6 per cent or more, are behind it, and the reasons assigned by the writer of this statement would seem to be the ones which determine their position.

Every sane man knows that every other weaker railroad system will be forced to increase its operating costs—its rates of pay and working conditions—just the same as these rich roads, which means bankruptcy or a weakened transportation system, or increased operating costs that the public must pay for in increased freight or passenger rates.

It has been said that the carriers and their employees, during the early period of Federal control, agreed to the establishment of boards of adjustment, and accordingly boards Nos. 1, 2, and 3 were established and then was founded the wisdom of such boards of adjustment that had proved so helpful and worked so harmoniously.

The facts are that for years before Federal control the employees had in many ways tried to establish some form of board (now termed boards of adjustment), the employees having an equal voice or representation on such boards of adjustment with the carriers, but this was always denied because it was an unsound principle and an economical waste, because it was clear to all that with equal voice on both sides it would be futile to submit a question of vital importance to such board, because if the question was of importance not favorable to the carrier, the carrier's representation would deny it. On the other hand, if not favorable to the employees in a question of vital importance, they would deny it, and no good has thus far been accomplished, and during the entire Federal-control period this was proven beyond question; but, this being an insistent and popular demand, the first director general conceded the employees' request under stress of war conditions, and to encourage peace made this an order, but the railroad managements never agreed to this.

The second director general—a most competent judge—finding this method to be unworkable, practically set aside these boards of adjustment. True it is that the Congress followed this thought and provided for such boards in the transportation act, so that under this law no substantial headway has been made in the forming of such boards of adjustment. There are but two small groups of roads thus far working under such boards of adjustment, and, so far as we know, but two or three roads that operate with system boards of adjustment, all of which has proven to be impracticable and do not meet the expected requirements. Therefore the labor organizations in the proposed law are seeking to bring about such a national board of adjustment. It will be clearly seen by every Senator this is a gain of power sought for solely by the employees.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. KING. I yield to my genial friend from California.

Mr. SHORTRIDGE. May I inquire who is the writer or author of the document from which the Senator is reading?

Mr. KING. He is a gentleman for whose integrity I vouch and whose thorough knowledge of railroad matters exceeds, I think, that of any man in this Chamber.

Mr. SHORTRIDGE. I gather, then, that the Senator for some reason declines to give the name of the author?

Mr. KING. The Senator may indulge in that inference if he pleases.

Mr. SHORTRIDGE. I do indulge in that inference.

Mr. KING. The Senator is entitled to do so.

Mr. SHORTRIDGE. There is none other to indulge in.

Mr. KING. I have no quarrel with my able friend from California. I do not mean to say that I am giving approval to all of the statements made by this gentleman. This gentleman submits certain views concerning the bill before us and answers or attempts to answer certain statements made by the supporters of the pending bill. His views are those entertained by some railroads and some railroad employees, and also many persons not connected with railroads. I believed that the Senate should have the benefit of these views. With some of the statements made I am in accord; as to others, I would want to modify them. I agreed with much that my good friend from Indiana said. We have in the past had many views in common concerning railroad legislation.

Mr. WATSON. That is true.

Mr. SHORTRIDGE. But, if I may observe, manifestly the name of the author might be helpful to those of us who are interested, or it might give weight or credit to the argument advanced.

Mr. KING. I shall be very happy, with the consent of the writer, to give the Senator his name, or I shall do so in private.

Mr. SHORTRIDGE. It is not mere idle curiosity that prompts the question.

Mr. KING. Of course I know that. I would not present the statement if it came from an unknown person or one not familiar with these questions.

Mr. SHORTRIDGE. Oh, of course; but thus far it is from an unknown source.

Mr. KING. That is true.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. KING. Certainly.

Mr. COUZENS. I would like to know the yardstick by which to measure the competency of the writer of the article with the knowledge of all the Senators.

Mr. KING. I have some knowledge of Senators and their lines of thought. As to the Senator from Michigan, I confess his knowledge of automobiles and business affairs. I do not think he knows very much about railroads and the intricacy of railroad rates and the technique of railroad operations; and yet I attribute to him a wider range of information of railroads and railroad operations than almost any man in the Senate except the Senator from Iowa [Mr. CUMMINS], whose knowledge of transportation and its problems is not exceeded by that of any man in public life.

Mr. COUZENS. The Senator from Michigan absolutely agrees with what the Senator from Utah has said about the Senator from Iowa.

Mr. KING. Let me complete my statement—and the gentleman to whom I have referred has for many years studied the railroad problem.

Mr. COUZENS. Does the able Senator from Iowa disapprove of the bill?

Mr. KING. I do not know whether the Senator from Iowa does or not.

Mr. COUZENS. I just wondered, as long as the Senator from Utah had stated the attitude of Senators.

Mr. KING. I have had some conversations with the Senator from Iowa, and I think I know his views upon this bill. The Senator from Iowa is present, and he can state his own view. I do not pretend to state the views of any Senator.

Mr. WATSON. The Senator from Iowa stated on the floor yesterday that he intends to vote for the bill.

Mr. KING. I know; but I am afraid that Senators vote for measures which they do not like and in some instances of which they do not approve.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. KING. I yield to my friend from Maryland.

Mr. BRUCE. The Senator from Utah has had something to say about the inconsistency of the railway executives in stoutly opposing the enactment of the Howell-Barkley bill and yet giving their assent to the pending measure. If the Senator has no objection, I would like to read two striking utterances that emanated from the railway executives when the Howell-Barkley bill was under consideration here.

Mr. KING. I should be very glad; because when the bill was being considered a number of railway executives spoke to me and expressed their undying opposition to it, and yet representatives of the same roads are clamoring for the passage of the pending bill.

Mr. BRUCE. These particular statements were made during the last session of Congress. Mr. Hale Holden, chairman of the executive committee of the Association of Railway Executives, made the following declaration:

> It was apparently felt by Congress, and with reason, that the parties should not be left to an uncontrolled agreement to increase wages or other forms of compensation, Congress well knowing from past experience that railroad organizations have frequently exerted what is technically called economic pressure upon managements to increase wages, accompanied by threats of strikes and the taking of strike votes for the purpose of impressing the management with the seriousness of their intentions and of bringing about concessions and agreements, afterwards termed voluntary, but really in their essence often a surrender, either in whole or in part, by the management rather than submission to an actual crisis. * * *
>
> And, finally, it is a matter of the greatest importance for Congress and for the public to determine whether or not they are willing to withdraw from the present advance that was taken in Title III of the transportation act and leave the question of increases in railroad wages to the uncontrolled agreements of the parties or to casual arbitration tribunals that may be agreed upon by the parties.

That is the statement of Mr. Holden, chairman of the executive committee of the Association of Railroad Executives. What did Mr. Alfred P. Thom, the upright and able counsel of these railway executives, say at the same time? His language is very striking and naturally, because Mr. Thom, in my judgment, possesses one of the most superior intellects of the country in a professional sense. He said:

> It is provided that any agreement as to wages that comes before it [the Labor Board] must, before it is made effective, have at least one vote of a public member in its favor.

Mr. Thom is arguing in favor of the retention of the now much decried and vituperated Railroad Labor Board.

> The present act also provides that, in case the parties come to an agreement as to wages without resort to the Labor Board, the Labor Board shall have jurisdiction, in the event it considers the consequent transportation burden too great, to suspend the agreement and modify or affirm it, as the merits of the case may require.

In other words, in the case of a wage increase at least one public representative upon the Railroad Labor Board must approve. Then, in case there is any agreement about wages between the parties tending to bring about an increase in rates and makes transportation a greater burden to the public, the board is to have the power to suspend the agreement and to modify it or affirm it, as the merits of the case may require. Of course, those are two powers of extraordinary significance, so far as the public is concerned. Then Mr. Thom went on to say:

> Now, is it well to abandon these safeguards of the public interest at this time when there is such a demand for reduced freight rates, when the thing that is standing in the way of a reduction of freight rates is the cost of transportation, when 54 per cent of the cost of transportation is made up of the labor costs—is it judicious to abandon the principles of giving the public a voice in the labor burden, which may be agreed upon by the parties?
>
> The committee hears the history of the methods employed during the last 15 years in the settlement of these wage questions, how there had always been a retreat on the part of the management, always a surrender to economic pressure. The public has at last said in one of the laws of Congress that it has an interest in that question. It has created the machinery, a voice for the public in determining what these charges shall be. This bill does not attempt to continue it. It is an absolute abandonment of that step forward. Can the committee and Congress justify the silencing of the voice of the public in questions of what the amount of the charges for labor to be paid out of the revenue to be derived from the transportation shall be?

I am sure that those utterances will be of very considerable value to the Senator from Utah in pursuing the line of his argument.

Mr. KING. I would like to ask the Senator from Maryland, who is a member of the Committee on Interstate Commerce, in what respect the present bill now under consideration differs in vital point or in material point from the Howell-Barkley bill?

Mr. BRUCE. If I were to express myself in a slang term I would say that under the present bill unamended the public, so far as it has any look-in, has only an ineffective one. There is a provision for boards of adjustment, but these boards deal only with minor grievances and the interpretation of written contracts and agreements between the railway managers and the workmen. Then it provides, of course, for a board of mediation and that the intervention of its mediatory services may be invoked by the disputants or may be proffered, but, of course, it might well be that the intervention of the board never would be invoked by either of the disputants or, if proffered by the board of mediation, might not be accepted by the disputants or one of the disputants.

Then the bill, of course, provides for a board of arbitration, one member of which is to be the nominee of the carriers and the other the nominee of the employees, and the third is to be selected by the two nominees, and in case the two nominees can not agree upon the third arbitrator, he is to be selected by the board of mediation.

But, of course, whether there is to be any arbitration at all is purely optional with the disputants. We all know that over and over again striking employees in different fields of industry in the United States have refused to resort to arbitration. The railway employees did so at the time of the Adamson law, as the Senator from Utah [Mr. KING] will recollect; the united miners did so only a few weeks ago in the anthracite fields of Pennsylvania. Nothing is more common than for the disputants in a labor dispute, either the employer or the employee, to refuse to resort to arbitration. So neither the mediatorial function nor the arbitral function which is provided for by the pending bill may ever have an opportunity to be even used. It will be entirely optional with the disputants to the labor controversy whether they shall come into effect or not.

And, mind you, the sessions of those adjustment boards are not to be given publicity; they are not to be held in the public eye. None of the proceedings of the board of arbitrators are to be held in the public eye, and, as I recollect at this moment, I do not believe that any of the proceedings of the board of mediation are to be held in public.

Then the bill provides, in case a dispute can not be successfully mediated, if I may use such a barbarous term, or can not be arbitrated, that the President may appoint an emergency board for the purpose of investigating the labor dispute and rendering a report.

Of course, it is only fair to assume that the gentlemen who will be appointed by the President as members of the emergency board will be men of high standing in point of character and ability, but—and that to me is the crux of this whole discussion—there is no provision whatsoever made in the bill for any authority on the part of this emergency board to issue an ordinary subpœna or a subpœna duces tecum or to require the production of documentary evidence in any form; in other words, they have no power whatever to elicit any testimony, in the true sense of the word "testimony," for the purpose of ascertaining the real facts surrounding the controversy and of laying those facts before the public in such a manner as to bring the pressure of public opinion to bear upon the disputants. So, Senators will see that so far as the public is concerned, so far as the opportunity of the public to have a say in the settlement of railroad labor disputes is concerned, the Railroad Labor Board legislation and the pending bill differ toto cælo.

As I have said over and over again—and I do not desire to be misunderstood—I would be only too glad to give my full and unqualified assent to the pending bill if the bill should only be properly amended so as to safeguard the public interest effectively, for I say that any measure which has received the assent of the railway executives and of the railway employees is entitled to an unusual measure of deference and respect. There is no doubt that there is a sincere desire on the part of the railway workers and of the railway managers to agree

upon some sort of legislation and to have that legislation approved by Congress, which will enable them amicably to adjust their disputes; and, of course, where parties enter into an agreement the spirit with which they enter into the agreement is a matter of supreme importance.

Therefore my hope is that this bill may be so amended as to remove every scruple that I have about it. If it were only properly amended it might be made to subserve the useful purposes that are subserved by the Railroad Labor Board legislation, and yet, at the same time, it would be representative of the free and unconstrained volition of both the railway executives and the railway employees.

Mr. KING. Mr. President, I wish to say to the Senator from Maryland my recollection is that the pending bill—and I am familiar with its provisions—is similar to the Howell-Barkley bill.

I wish to say to my friend from California [Mr. SHORTRIDGE] in reference to the statement from which I am reading, that it presents the views of other persons. Some railroad officials have expressed to me most of the important points contained in this paper. One official represents a railroad one terminus of which is in the Senator's own State. Within the last week he called upon me and stated his opposition to this bill, and also said that a number of railroads did not favor it, and that in his opinion the bill was unwise and would prove harmful if enacted into law. This statement, I presume, reflects the views of the weaker roads, and, as I am told, some class 1 roads are not near so favorable to its provisions.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Utah yield to the Senator from Iowa?

Mr. KING. I yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I feel that it is due to myself that I immediately disclaim the mastery of this very important and very difficult subject so kindly and generously attributed to me by some of my brother Senators. I have studied the subject for many years, and I think that it is rather presumptuous for any man to assert that he has mastered the subject. It is a sociological question which enters into and affects the fundamental principles of society. It can not be argued within the narrow confines of a proposal for legislation.

I repeat that I intend to vote for this bill. I had hoped that I would not find it necessary to make an extended argument upon the particular provisions of the measure. The truth is, Mr. President, that my views upon this subject, so far as they could be committed to a legislative measure, were found and were expressed in the transportation act which was originally reported to the Senate and which passed the Senate; but those views are not expressed in the present labor provisions of the law. I yielded to the insistence of members of the conference committee of the House of Representatives upon the labor provisions.

The Labor Board has accomplished a great deal more than I ever believed it would accomplish. I do not join in the denunciation of the Labor Board. I think it has been substantially successful in many instances in which appeal has been made to it; but it has no more authority to compel obedience to its findings or its decisions than though they had been reached and promulgated by a body entirely removed from official life. I am sorry to say that it has not affected public opinion as it was hoped that it would be affected. It has made the most exhaustive study of controversies between employees and the railroad companies. It has issued great volumes of rules for the interpretation and the application of agreements made between men and management, and I think has made a valuable contribution to the literature of this subject; but, Mr. President, we must finally come to the point suggested by the Senator from Ohio: Will we exert the force of the law upon both parties to these controversies when they arise? I take it for granted that we have decided not to bring to bear the mandatory force of the law, and therefore in considering the value of this bill as compared with the existing law we must eliminate that factor entirely. I am not saying that I believe it ought to be eliminated entirely, although I have often said that there ought to be no legislation which would command, or pretend to command, an individual to work if he did not desire to work. I do not think we have come to the point where we can exercise the power of government for any such purpose.

Possibly I may find it advisable before this debate shall have closed to express my views about the present proposal; but I do know one thing—and I reexpress it to-day as I did yesterday—that it would be little less than a crime against the administration of justice to impose upon the Interstate Commerce Commission the authority or the duty of fixing wages. I do not quite agree with my friend from Wisconsin [Mr. LENROOT], although I believe he did not express any opinion upon that subject. I believe that in the regulation of interstate commerce the Congress of the United States has the right to fix wages, and it can fix wages in any industry involving interstate commerce that it finds necessary to regulate for the betterment of the people. The Interstate Commerce Commission, however, is the most unfit body that has ever been organized to pass upon the question of wages. I will give my reasons for that statement, possibly, a little later; but if we did give the commission that power, it would simply mean that we would have to increase the commission by at least five or six members and divide it into bureaus, so that the members who are now engaged in applying the interstate commerce act to the actual affairs of business would not be compelled to withdraw from the work in which they are now engaged and enter upon the consideration of all the disputes which might arise between employees and employers.

But, Mr. President, we have no protection now against voluntary agreements between railroad companies and their employees with respect to compensation. The companies have the absolute right now to increase the wages of their men if they desire to do it.

Mr. BRUCE. Mr. President, of course the Senator from Iowa knows, however, that any such agreements are reviewable by this Labor Board.

Mr. CUMMINS. I do not agree with the Senator from Maryland with regard to that proposition. The basis of the jurisdiction of the Labor Board is a dispute that has arisen between the employees and the employer. They have no jurisdiction until a dispute has arisen; and if the railway companies and the men agree upon their compensation it is utterly impossible to bring that question before the Labor Board.

Mr. BRUCE. I misunderstood the Senator.

Mr. CUMMINS. I do not fear what so many people seem to fear, that the railroad companies will increase the compensation of their men beyond a reasonable point. They will not do it because they know that the Interstate Commerce Commission will not increase rates in order to reimburse them for reckless expenditures in the way of compensation, or in any other way, for that matter; and I want to confine the Interstate Commerce Commission in its functions to the fixing of rates and not to the fixing of wages.

Mr. BRUCE. Mr. President, will the Senator from Iowa allow me to say that I agree with him entirely as respects those points. I think it would be a very unfortunate thing to have the Interstate Commerce Commission embroiled with labor disputes. I do not think it is the tribunal to take up labor disputes at all. I also agree with him in thinking that if there should be any real occasion for imposing any sort of check by the Interstate Commerce Commission on excessive increases of wages, it certainly would impose that check in the form of rate adjustments. I do not think there is any occasion for any apprehension at all in that direction. I am not, of course, saying for a moment that there should not be increases of railway wages—not for one moment.

Mr. CUMMINS. Mr. President, I am accustomed to being absolutely frank. There is one feature about this bill that I should be very glad to see removed if it were possible to do so. I recognize that the railroad companies earning a large income and in danger of being compelled to pay part of their income to the Government under the transportation act might be under great temptation to reduce their net operating income by unreasonable expenditures, not only for their men but for their material, and for other things; I still rely upon the provisions of the transportation act to correct that abuse, however, because the Interstate Commerce Commission, if it finds any extravagance, if it finds any expenditures unreasonably made that would reduce the net operating income, has the power to compute that income according to the very right and justice of the matter; and I think the public has sufficient protection in that undoubted power of the Interstate Commerce Commission.

Mr. BRUCE. Mr. President, if the Senator will allow me I should like to ask him just one more question, and that is this, because that, after all, is the matter about which I am really very strongly concerned: Does the Senator see any harm that would be done to anybody—railway executives or railway workers—by clothing this emergency board that is appointed by the President, with the power to elicit whatever testimony, oral or documentary, it might be necessary to elicit for the purpose of getting at all the facts surrounding a labor controversy, and to lay those facts before the public, so that the pressure of public opinion may be brought to bear upon the controversy?

Mr. CUMMINS. Personally, I see no objection to an amendment of that kind.

Mr. BRUCE. I was sure of that.

Mr. CUMMINS. But the Senator from Maryland remembers that this emergency board is called into action only when there is danger of a general suspension of transportation or a substantial suspension of transportation. If we amend the proposed bill in that respect, we must give the emergency board authority to inquire into the dispute which brought about the suspension or threatened suspension of transportation. I do not know why the emergency board may not be clothed with all the authority necessary to develop all of the facts which are pertinent to the situation.

Mr. BRUCE. That is all that I ask.

Mr. FESS. Mr. President, will the Senator yield to me?

Mr. CUMMINS. I am trespassing on the time of the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is entitled to the floor. Does the Senator from Utah yield to the Senator from Ohio?

Mr. KING. I yield.

Mr. FESS. Mr. President, the position that the Senator from Maryland has suggested by this question is the position that I had when we started into this thing. I thought there was a weakness, in that we did not confer upon the emergency board the power to compel the attendance of witnesses and documents. That was the thing that was in my mind, and I queried both sides on that particular point. I was convinced, after listening to the presentation of both sides, that to require it might first be unnecessary, because they would evidently get the documents; for either side would scarcely refuse to give them the information.

I should suppose that either side would be very glad to submit it. That is the first thing that indicated to me that it might be unnecessary. The second is, that when an emergency arises we want fairly expeditious action; and under the privilege of a review, and then of an appeal, it is probable that a dispute might be extended six months. Is there not danger there?

Mr. CUMMINS. There is no provision in this bill for an appeal. There could be no appeal.

Mr. FESS. But would there not be, under the regular procedure of courts, a place where a party could have an appeal?

Mr. CUMMINS. Oh, no!

Mr. BRUCE. This is purely a statutory creation.

Mr. CUMMINS. As I understand this bill, the board of mediation makes a recommendation to the President, and the President then appoints the emergency board if he believes the circumstances require it, and then the emergency board begins its inquiry; and it has at its disposition all the material accumulated by the board of mediation and conciliation, which is an exceedingly wise provision. I agree with the Senator from Ohio in believing that the cases would be very rare in which either the railroad company or the employees would refuse to give to the emergency board all the information they had upon the subject; but in the event that a situation arises in which the emergency board wants to get some information from a person who is not willing to give it, I can see no reason why it should not be able to bring that person before the board. It would not necessarily be an employee; it would not necessarily be a person connected with the management; but, if the emergency board acts at all, it ought to have access to all the information which is available.

Mr. FESS. Let me state to the Senator that in the hearings there were very good lawyers on both sides of the issue who said that it would involve delay; and if the Senator, who is one of the best lawyers of my knowledge, says that there is no possibility of delay, that is a new situation.

Mr. CUMMINS. There could be no delay other than this: If the emergency board should summon a witness, and he declined to appear, then the emergency board would have to apply to the proper court for authority to compel him to appear, under the penalty of contempt of court; or, if a witness should appear, and he declined to give the information that the emergency board wanted, the same process would ensue; but in all the experience I have had with commissions who have authority to issue subpœnas there has been no delay. I do not regard that as a sufficient reason for not giving the emergency board the authority to get the information it wants.

Mr. KING. Mr. President, may I say to the Senator from Ohio that the emergency board might feel that the testimony of some particular individual was of the highest importance. Indeed, it might be so important as to cut the Gordian knot of the controversy. Without authority they could not secure the testimony of the witness and as a result be compelled to pursue a devious and roundabout way to obtain the facts which the recalcitrant witness possessed. This would result in delay. Compulsory attendance of the witness might contribute to a speedy termination of the matter.

Mr. FESS. Those two ideas—first, whether or not it was necessary, and, secondly, whether it would not involve a delay that might prove quite disastrous—were the two considerations that answered rather completely my contention that there ought to be the compulsory process.

Mr. KING. I know that the Senator from Ohio has given earnest and intelligent attention to the bill, and I listened with interest to his able presentation the other day; and yet it seemed to me that if this emergency board had the power to subpœna individuals and procure testimony, it would give the board more dignity, if I may use that expression, more authority, and make it a stronger and a more useful and salutary instrumentality in furthering the objects for which it was created.

Mr. CUMMINS. It might be remarked, too, Mr. President, that in as much as the emergency board depends for its effectiveness solely upon public opinion, if the public should conceive the idea that it had not had access to all the information necessary to reach an opinion, its force would be very greatly weakened, I think, in the public mind.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. KING. I yield to my friend.

Mr. GOODING. The question the Senator is now discussing was very fully discussed before the Senate, as the Senator from Ohio has stated. If the board of mediation is used, both sides appear before that body and present their whole case. That is the purpose of it. There will be a complete record of all the testimony and of all the statements made before that board. Of course, all that will be available to the emergency board. They will have everything that the board of mediation has. It will be laid before them. They must have it, and the measure provides for it, as far as that is concerned. Of course, there are two boards that are to be appointed by the President, the board of mediation and the fact-finding board, or the emergency board. They will have all the information gathered in any controversy that may arise between the employees and the railroads.

I do not know how we could get any more than that. Both sides surely will present the best they have before that mediation board. Everything will be there. They can not afford not to present their whole case, because if they do not present their whole case their case will be weak.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. BRUCE. As far as I can recollect at this moment, there is no provision in this bill requiring the board of mediation to take any testimony. There is no provision in this bill for any public hearing by the board of mediation. They may see fit to go ahead and mediate without eliciting any testimony, either oral or documentary. So in many labor controversies it is fair to assume there would be no accumulation of data or documents from which the emergency board could derive any help at all.

Mr. KING. Mr. President, it has seemed to me, from the limited opportunity I have had to examine the bill, that there is a weakness in its structure, in that nowhere is it provided that any tribunal set up or created, whether we call it board of arbitration, or conciliation, or review, or anything else, shall have any power to summon witnesses, and to function, not exactly as a court, but to have some of the powers which courts possess. I may say, in passing, that it seems to me that the bill is top-heavy in its machinery. There are too many boards or agencies. If we should reduce the number, I think the results would be just as satisfactory, and perhaps more so, and the strike, if there were a strike, or the controversy, or dispute, could be settled much sooner than by following all the ramifications this bill provides.

I shall return to the document from which I was reading, and which, as I have suggested repeatedly, I do not indorse fully. Some of the views I approve, and some I do not approve. I read:

> The great value to be derived from mediation, conciliation, and arbitration has been emphasized. The success of the Newlands Act and the Erdman Act, and the large number of cases so amicably adjusted under these acts, have been mentioned. I believe there were 69 such adjustments under the first-named act and 146 under the second-named act. The facts are, in so far as railroad labor is concerned, there was not a single major case involving the four trans-

portation brotherhoods that was ever adjusted or settled by either of these two enactments.

Great stress is laid upon the happy adjustments of this number of cases, but it should be known that all of the cases so adjusted were more or less individual and of the class of employees that does not threaten or tie-up our railroads. The only railroad cases ever adjusted by either of these acts were such as local shop disturbances, and not even one important case of that craft; one or two minor switchmen's disputes; the rest of local agents, operators, and individual employees of no consequence in so far as safeguarding the rail transportation of the country was concerned. Or, again we repeat, that of the four transportation brotherhoods who are so thoroughly organized and have the power of stopping transportation, not a single major case was ever adjusted by either of these two acts. To the contrary, they always declined to accept, for adjustment of their grievances or fixing of wage schedules, either of these two acts.

We call attention to the fact that the Labor Board has heard and adjusted more than 10,000 disputes—

May I digress to say that that is a most remarkable record, if that statement is true—

most of these cases being basic cases involving large and important adjustments, fixing of rates of pay, and regulating working conditions of every single branch of railroad labor, and yet it is said that the Labor Board has broken down and has no authoritative jurisdiction. The facts are that during the past year more disputes have been lodged with the Labor Board for adjustment than in any year during its existence. There are more important cases pending before the Labor Board at this time than were ever settled—either important or minor cases—by either the Newlands or Erdman laws.

Mr. REED of Missouri. Mr. President, is the Senator willing that I should call a quorum?

Mr. KING. I yield for that purpose.

Mr. REED of Missouri. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Kendrick	Reed, Mo.
Bayard	Ferris	Keyes	Reed, Pa.
Bingham	Fess	King	Robinson, Ind.
Blease	Fletcher	La Follette	Sackett
Borah	Frazier	Lenroot	Sheppard
Bratton	George	McKellar	Shortridge
Broussard	Gerry	McLean	Simmons
Bruce	Glass	McMaster	Stanfield
Butler	Goff	McNary	Swanson
Caraway	Gooding	Metcalf	Trammell
Copeland	Hale	Neely	Tyson
Couzens	Harreld	Norbeck	Underwood
Cummins	Harris	Norris	Wadsworth
Curtis	Heflin	Nye	Warren
Deneen	Howell	Oddie	Watson
Dill	Johnson	Overman	Wheeler
Edwards	Jones, N. Mex.	Phipps	Williams
Ernst	Jones, Wash.	Ransdell	Willis

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, there is a quorum present.

Mr. KING. Mr. President, I read further:

It is said that neither the carriers nor the employees are willing to recognize the Labor Board; therefore they have no authority or power. It is true that before the courts had passed upon the authority of the board, and before their status and importance was fully understood, five railroads denied the board's right to adjust certain features of operation, but everyone of these roads has learned better, and for the past four years there has been but one outstanding railroad that has unqualifiedly declined to recognize the Labor Board. Every railroad except this one that in the beginning questioned the authority of the Labor Board, is to-day arguing for the retention of the Labor Board and desire to obey it. Or seeing this in another way, every railroad except this one is recognizing the Labor Board, both the carriers and employees are submitting cases to the Labor Board, and both are obeying the decisions of the Labor Board. There is positively nothing that could be further from the facts than the statement that neither side recognizes or obeys the Labor Board.

It has been said that the employees refuse to go before the Labor Board. The real facts are that in so far as the employees are concerned they have never declined to go before the Labor Board or to obey the Labor Board. It is only their chiefs—it is only the labor-organization men that have refused to obey the Labor Board, and not the rank and file that questions the Labor Board. To the contrary, of these more than 10,000 cases, it has been the employees who have appealed to the Labor Board.

The further facts are that only the enginemen have declined to recognize and be directed by the Labor Board, and in this instance the refusing by the enginemen grew out of a personal quarrel between former Chief Warren S. Stone and the first chairman of the Labor Board, which dispute or difficulty was carried further, and Mr. Stone entered into a public controversy, through the press, with the present chairman of the Labor Board, and because of these personal differences, and not for principle, he during his lifetime did decline to go before the board. The fact should be emphasized that now the engineers' organization, since Mr. Stone's death, are back again before the Labor Board. The facts are that in three major cases, one where the enginemen went on strike, refusing to recognize the board's jurisdiction, later appealed their case to the Labor Board and received from that Labor Board a very fair and favorable decision after they had used their old tactics of strike and threatened strike, and after having lost the case they then went to the Labor Board. In another instance, practically the same, in very recent times, in a thoroughly major case involving rates of pay, they have come to the Labor Board. As late as May 3 the Labor Board handed down a decision, not of a minor case but advancing the rates of pay for all of the engineers and firemen on an entire railroad system to the rate granted by the New York Central two years ago. This case was taken to the Labor Board by the enginemen last February; therefore, by their own initiative, and not in either of these three cases by the railroad managements. So the enginemen, the one outstanding organization, are now back reinstated with the Labor Board, filing their cases and receiving their decisions. With this reinstatement before the board of the enginemen, every one of the 16 labor organizations is now before the Labor Board, filing their cases and asking for hearings.

It is true that some of the grand chiefs of the brotherhoods, just as it is true of a few railroads, desire to destroy the Labor Board because the Labor Board safeguards the public and retards or prevents the overt acts of these few gentlemen on both sides who desire to be more powerful than the board and propose to heed no restraint. They know that they can no longer use their old methods to intimidate the public, call strikes, and threaten strikes. This is the reason they want the Labor Board destroyed, and the reason they desire the proposed bill is because they can return to their old methods.

Surely these suggestions have never been made to nullify the Labor Board; but if weak in any of its parts, the law should only be changed to correct and perfect the Labor Board that it may do that which Congress intended it to do.

It is said that there must be no forceful means of adjusting these disputes, but that he wishes to go to every extreme for agreeable conciliation and desires to give this a trial.

President Wilson desired this as greatly as any man could have desired it, and yet in each crucial case of any moment these men who are now asking for mediation and arbitration refused mediation and arbitration against and over all of the power of the President's office and against all public opinion, and still more, when their country was engaged in the World War, and the world's people were suffering, they denied these appeals and enforced their demands in the old way—by the power of strikes or the people must settle at their dictates. And so in the two greatest labor disputes that have ever confronted this country these men denied emphatically to do the things that they now say are so desirable.

It is positively certain that no more can be expected in the future than that which has been realized in the past, and it is well known that every essential labor organization in the rail transportation branches of the service have refused mediation and arbitration in every form and in every important case, and when their country and the people as a whole had greater rights to expect obedience to the will of the people.

Another certain fact that can be offered without a question of doubt, and can not be refuted by anyone, is that not one of the great public organizations of labor sincerely and honestly believes in conciliation and arbitration. Nothing could more clearly demonstrate this than the recent anthracite coal strike. These men were ready to starve before they would arbitrate. The four transportation brotherhoods have been willing to starve the American people before they would arbitrate. Therefore the safety of the American people and of United States commerce demands that there must be a fair and just Federal tribunal that can and will enforce fair and just laws. This great question can not be left to the promises of either of the parties, because their principles are too deeply rooted and this present movement is only one more effort to retain their place of advantage.

It is said, using the New York Central case of January, 1924, that neither side was willing to go to the Labor Board, and that the Labor Board could not take jurisdiction in the case.

Nothing could be further from the facts. There was no dispute in the New York Central case. The employees asked for certain increases in rates of pay and certain changes in rules, and the New York Central Railroad was willing to give them these increases and did give them increases by agreement. It is true the law says that the Labor Board can deny such increases, but under the circumstances it would not have been good policy for the Labor Board to have injected themselves into this case to stop it. The result was that every road in the United States was forced to make these same increases, and it was this last large increase that helped to break down the roads in the West and that has left so many of the western roads where they now must have help. Hearings on the demand for an increase in freight rates are now pending before the Interstate Commerce Commission.

It is known that some of these rich roads have already promised increases in order to bring about this proposed method, and we will again all be called upon to increase our costs to meet this proposed increase of these few rich roads.

It has been said that the carriers and their employees during the early period of Federal control agreed to the establishment of boards of adjustment, and accordingly boards Nos. 1, 2, and 3 were established and then was founded the wisdom of such boards of adjustment that had proved so helpful and worked so harmoniously.

The facts are that for years before Federal control the employees had in many ways tried to establish some form of board (now termed boards of adjustment), the employees having an equal voice or representation on such boards of adjustment with the carriers, but this was always denied because it was an unsound principle and an economical waste, because it was clear to all that with equal voice on both sides it would be futile to submit a question of vital importance to such board, because if the question was of importance not favorable to the carrier the carrier's representation would deny it. On the other hand, if not favorable to the employees in a question of vital importance they would deny it, and no good has thus far been accomplished, and during the entire Federal-control period this was proven beyond question, but this being an insistent and popular demand the first director general conceded the employees' request under stress of war conditions and to encourage peace made this an order, but the railroad managements never agreed to this.

The second director general—a most competent judge—finding this method to be unworkable, practically set aside these boards of adjustment; true it is that the Congress followed this thought and provided for such boards in the transportation act, so that under this law no substantial headway has been made in the forming of such boards of adjustment. There are but two small groups of roads thus far working under such boards of adjustment and, so far as we know, but two or three roads that operate with system boards of adjustment, all of which has proven to be impracticable and do not meet the expected requirements. Therefore, the labor organizations, in the proposed law, are seeking to bring about such a national board of adjustment. It will be clearly seen by every Senator that this is a gain of power sought for solely by the employees.

Mr. President, this concludes the statement which I have brought to the attention of the Senate. I am sure the views presented will occasion reflection and lead Sentors to weigh carefully the provisions of the measure now before us. Later, Mr. President, I may have something to say upon the various provisions of the bill.

Mr. REED of Missouri. Mr. President, it seems to me that the Senate is confronted with a great many disputes of fact. First we are told that all of the railroad officials and all of the railroad employees have agreed upon the bill. Upon the other hand, representations are made that the majority of the railroad managers who are engaged in the practical management of the roads are opposed to the bill.

Mr. WATSON. Mr. President, will the Senator from Missouri yield to me?

Mr. REED of Missouri. Certainly.

Mr. WATSON. I do not think there need be any dispute about it if that be a fact of importance. There are 58 railroads, the names of which I had incorporated in my speech the other day, which favor a passage of the bill, and 20 which oppose it. There are 20 labor organizations which have indorsed it and one or two have asked for some amendments. That is the existing situation.

Mr. REED of Missouri. That, of course, is a very different situation than was presented by some of the advocates of the measure. My understanding of the facts goes further than the statement just made by the Senator from Indiana. My understanding is that there are some 38 railroads that now, at least, oppose the enactment of the bill.

Mr. WATSON. Has the Senator a list of those roads?

Mr. REED of Missouri. Not with me. I think I can easily procure it. Further than that, statements have been made to me, by men whose word I would ordinarily accept on any matter, that in truth and in fact the supposed agreement on the part of the railroads was accomplished really at the instance of two or three of the large railroads without any sufficient prior notice to the representatives of railroads and without that degree of deliberation and time for consultation which the importance of the question demanded, and that as a matter of fact the real force back of the bill, upon the side of the railroad managements, is two or three great roads, at least one of which sets an example of refusing to abide by the decisions of the present board.

Now, that is a very different thing than was set forth in the statements which have been made upon the floor of the Senate that all of the railroads are for the bill. I believe that a further investigation would demonstrate the fact that the bill was in part conceived for the benefit of two or three great railroad systems, and before I vote upon the question I want to have these facts thrashed out and to know exactly what they are. We have already now progressed to the point where we know there have been a lot of wild and reckless statements made, because the Senator from Indiana himself has said there are 20 railroad systems opposed to the measure. Where do those railroad systems lie? My understanding is they are chiefly in the West and Southwest. They are the weaker systems. They are the systems which are at the present time, speaking of them generally, as there may be exceptions, earning but small returns upon their capital, and some of them are really in need of aid and assistance. On the other hand, some of the roads that have been chiefly backing this measure have been earning large sums of money and are, I am informed, about in the position where under the recapture clause of the transportation act they will soon be obliged to make some contribution to the Government, and accordingly they would not be very averse to even a raise of wages, because at least a part of it would come out of moneys that otherwise would flow into the Treasury.

More than that, if wages were raised under a general order, the wealthy roads might be able to stand the raise, whereas the weaker roads might be bankrupted, and the process of absorption of weaker lines that have been thrown into the hands of receivers would be made very easy for the great roads that are at present very favorable to the proposition of railroad consolidation.

These considerations are of a very serious character, and it would be well before we take action upon this measure to know what the facts are.

Again, we are told that all of the railway employees are favorable to this bill. My understanding is that the larger proportion of the railway employees are not favorable to this bill; that two powerful organizations favor it; but that the organizations which are of a subordinate or lesser character do not favor it. Moreover, there are upon a considerable number of railroad systems organizations which are confined to the employees of the particular system. Those organizations, I am informed, do not desire this bill, because they believe it will be inimical to their interests. So when this bill is brought here and we are told that it is an agreed bill and that everybody is for it and therefore we ought to accept it, the statement is not founded in fact.

Mr. WATSON. Mr. President, will the Senator from Missouri yield to me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. REED of Missouri. I do.

Mr. WATSON. Has anybody stated on the floor at any time that everybody was for the bill?

Mr. REED of Missouri. I do not know that anybody has stated that everybody was for it, but, as I understood the Senator from Montana [Mr. WHEELER], who seems just now to be out of the Chamber, he stated this very morning that this was a bill that was agreed upon by the employers and the employees, and the impression I distinctly got from his statement was that it was a bill as to which both sides of the equation were in complete accord. I know that it has been represented here for weeks that there was a bill here that the employees and the employers had fully agreed upon. That does not, of course, necessarily mean every individual, but it certainly ought to mean practical unanimity. Now, we know, as a matter of fact, there is no unanimity on either side of this question. There may be a majority, but certainly there is not unanimity.

Mr. WATSON. Mr. President, may I remind the Senator in that connection, if it does not disturb him, that, as I said at the outset of my remarks the other day—although, so far as this portion of the question is concerned, I do not regard it as absolutely conclusive—the railroads vote by thousands of miles and not by units. On that basis 199 votes were cast for the bill and 28 votes against it. Twenty labor organizations, representing 1,750,000 employees, voted for the bill. Of course, that is not unanimous, but I think it is a fair representation, at all events, of both sides of the question, and this is especially true, I want to say to my friend from Missouri, when nobody on the other side appeared before the committee either for the railroad management or for labor. Furthermore, Mr. Robinson, who represented the short-line roads, appeared, and the question was asked him by the Senator from Nevada [Mr. PITTMAN]:

Then you are not objecting?

That is, to the bill.

Mr. ROBINSON. We are not offering any objection at all; we are simply explaining our attitude with reference to it—

And so forth. He suggested that, so far as the short lines were concerned, the bill would be satisfactory to them if one or two amendments were adopted, and that he was not offering objections to the bill.

Mr. REED of Missouri. Yes. I will come to the question of their not making objection to the bill in a minute; but the Senator from Indiana has stated that the railroads voted by mileage, not by roads, and that voting by mileage there were 199 votes to 28 votes. But how would the vote have stood if it had been by the companies and not by mileage?

Mr. WATSON. It would have stood 58 to 20.

Mr. REED of Missouri. Fifty-eight in favor of the bill?

Mr. WATSON. Yes, sir.

Mr. FLETCHER. Mr. President, may I ask the Senator from Missouri a question?

Mr. REED of Missouri. Yes.

Mr. FLETCHER. The Senator has alluded to a large number of employees not connected with regular organizations but having working agreements with individual roads.

Mr. REED of Missouri. Yes.

Mr. FLETCHER. I understand they comprise a larger number of workers even than are in the regular organization. Does the Senator know what their attitude toward the bill is? Are they opposed to it or otherwise?

Mr. REED of Missouri. I have been told they are opposed to it. These statements which I make I must make upon the strength of the representations made to me by gentlemen whom I believe to be honorable men.

Mr. WATSON. Mr. President, I will say to the Senator that my understanding is that the roads that lead out from St. Louis, as a rule, are opposed to this proposition; that is my understanding.

Mr. REED of Missouri. Yes; I do not think there is any doubt about that; and not only the roads that lead out from St. Louis, but the roads that lead out from Kansas City, roads that lead out from all points throughout the West and Southwest, and roads that lead into eastern portions of the country. I think the situation is this: A meeting was called of railroad officials and the subject matter was taken up. Although it was expressly barred by their association agreement, it was suddenly sprung upon them; it was advocated by two or three powerful roads; a vote was taken within a very short space of time, and, a majority being for it, the other roads or their managements felt for the time being that their hands were tied. They then began a study of this bill, and my information is that actually a majority of the railroad managements—I mean the practical managements—are against this bill, and that the real backing that the bill had among the railroads themselves came from the financial management and not the practical management. I should like to know before I vote on this bill what the fact is regarding the matter just discussed.

Mr. WATSON. Mr. President——

Mr. REED of Missouri. Then——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Missouri yield to the Senator from Indiana?

Mr. WATSON. I thought the Senator had asked me a question.

Mr. REED of Missouri. No; but, of course, I am willing to be enlightened as I go along.

Mr. WATSON. I will say to the Senator that the agitation for a change so far as the Railroad Labor Board is concerned began some time ago. President Coolidge, in his message in December, 1923, mentioned the fact that something should be done by way of legislation along this line. The Democratic National Convention in 1924 adopted a plank in its platform along that line, and the Republican Convention incorporated a plank in its platform that was quite specific and quite definite, setting forth just what ought to be done and the lines along which we should proceed. The President again, in his message of 1924, called the attention of Congress to that fact. That led to an effort between management and labor to get together. They began a series of conferences early in the spring of 1925.

Mr. REED of Missouri. Who began them?

Mr. WATSON. Some of the railroad managers and some of the labor organizations.

Mr. REED of Missouri. Will the Senator tell us which of the railroad managers?

Mr. WATSON. It resulted finally, I can say, in the appointment of Mr. Doak on the part of one of the labor organizations; Mr. Robertson, president of another one of the labor organizations; Mr. Walber, vice president of the Big Four; and another gentleman whose name I can not recall at the moment. At all events, there were four of them appointed finally as a committee to discuss the question and see whether or not they could formulate a measure. Conferences between the two sides were held off and on during the summer and fall of 1925. I can not say to the Senator just how many conferences were held, nor do I know how many attended each conference, but I do know that the railroads of the country as a whole and the railroad labor organizations of the country as a whole understood that these conferences were being held, understood the object of their being held, and that there was at that time practical unanimity at least in the effort to get together. These four men were appointed, two representing labor and two the management, to formulate the agreement, and they did so.

Mr. REED of Missouri. Who were the four men?

Mr. WATSON. I will say that Mr. Walber, vice president of the New York Central, was one.

Mr. REED of Missouri. Was Mr. Atterbury one?

Mr. WATSON. No; Mr. Atterbury was not one. I can not recall the name of the fourth. I know that Mr. Doak was one. The Senator knows who Mr. Doak is.

Mr. REED of Missouri. No; I do not.

Mr. WATSON. I thought the Senator did.

Mr. REED of Missouri. I am not very well acquainted with railroad presidents.

Mr. WATSON. He is not a railroad president; he is vice president of one of the railroad organizations.

Mr. LA FOLLETTE. He is vice president of the railroad trainmen's organization.

Mr. REED of Missouri. Very well.

Mr. WATSON. He is vice president of the railroad trainmen's organization, and certainly, I wish to say to my friend, one of the foremost representatives of railroad labor in America.

Mr. BRUCE. Mr. President, I am glad to corroborate that statement. Mr. Doak is very well known to all of us.

Mr. REED of Missouri. Perhaps my not knowing him argues myself unknown, but I do not place the name. I thought the Senator was calling the names of the railroad presidents.

Mr. WATSON. No. I recalled the name of Mr. Walber, one of the vice presidents of the New York Central, as being one of the four. The names of the others escaped me.

Mr. REED of Missouri. Was not the other the representative of the Pennsylvania Railroad?

Mr. WATSON. I will say to the Senator that I can not answer that question. I will look it up for the Senator and let him know.

Mr. GOODING. Mr. President, I think that is correct.

Mr. REED of Missouri. That is the road, I believe, that first refused to obey the decisions of the present board, is it not?

Mr. WATSON. It did, among others.

Mr. REED of Missouri. Was it not rather the leader in that?

Mr. WATSON. I can not answer that question. I do not know who led off in that sort of movement.

Mr. REED of Missouri. Very well.

The Senator has made a very extended answer. I do not think what took place in either political convention is very binding upon us in regard to this bill.

Mr. WATSON. I will say to the Senator, if he will pardon me, that I do not say that it is; but I understood the Senator to make the assertion that this thing was done in a corner and that nobody knew anything about it and that these proposed changes were secret.

Mr. REED of Missouri. I did not.

Mr. WATSON. I called attention to the fact that the President of the United States in three messages mentioned it; that two platforms had adopted it; that it was a matter of widespread knowledge; that all the railroads knew about it; that all the labor organizations knew about it; and that it was not done in a corner.

Mr. REED of Missouri. Mr. President, I must have been singularly unfortunate in expressing myself if I gave the Senator from Indiana the impression he has just expressed.

Mr. WATSON. Perhaps it was my dullness of apprehension.

Mr. REED of Missouri. What I said was, speaking of the action of the railroads themselves, that I understood the fact to be that the association agreement of the railroads barred the consideration of just such a question as this; that nevertheless a meeting was called, and that the proposition to agree upon this bill was suddenly sprung in that meeting, and that without adequate time for consideration a vote was taken.

Mr. LA FOLLETTE. Mr. President——

Mr. REED of Missouri. That has nothing whatever to do with what happened down at Madison Square Garden, or what

happened at the Republican convention, wherever that was held, and it has not anything to do with Mr. Coolidge's messages.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield, and to whom?

Mr. REED of Missouri. Just a moment. That there has been for a long time a discussion of the relations between railroad lines and their employees we know. We have had such discussions here on this floor many times.

Mr. WATSON. Mr. President, if my friend will yield to me, I will answer his question.

Mr. CURTIS. Mr. President, if the Senator will yield to me, I want to put in a little statement just there. The Senator from Indiana called attention to the President's messages, but he neglected to call the attention of the Senate to this language in his message of 1925:

> Whenever they bring forward such proposals, which seem sufficient also to protect the interests of the public, they should be enacted into law.

Mr. WATSON. Which I claim this does, and which the President of the United States is sponsoring in this bill.

Mr. CURTIS. When?

Mr. WATSON. Now; all the time.

Mr. CURTIS. Can the Senator produce to the Senate any evidence that the President has sponsored this bill?

Mr. WATSON. Why, the Senator knows that the President sponsors this measure.

Mr. CURTIS. No; the Senator does not know it.

Mr. WATSON. Well, I know it.

Now, if my friend from Missouri will yield, I will answer his question more in detail.

The committee of carriers to which reference has been made was composed of the following: General Atterbury, chairman; Mr. Crowley, president of the New York Central; Mr. Markham, of the Illinois Central; Mr. Holden, of the Burlington; Mr. Hustis, of the Boston & Maine; Mr. Needles, of the Norfolk & Western; Mr. Mapother, of the Louisville & Nashville; Mr. Donnelly, of the Northern Pacific; Mr. Loomis, of the Lehigh Valley; Mr. Baldwin, of the Missouri Pacific; Mr. Scott, of the Southern Pacific—Mr. Baldwin did not attend all of the meetings, and Mr. Willard was not a member of the committee, but acted with it—and Mr. Gray, of the Union Pacific.

Mr. REED of Missouri. What is the Senator reading from?

Mr. WATSON. I am reading from the hearings before the committee, part 1, page 32.

Mr. LA FOLLETTE. Mr. President, if the Senator from Missouri will yield to me——

Mr. REED of Missouri. I yield.

Mr. LA FOLLETTE. Referring to this conference which took place between a committee representing the railway executives and a committee representing the standard railroad labor organizations, I should like to call the Senator's attention to the fact that the appointment of the committee on the part of the railroad executives was authorized by the Association of Railway Executives on March 20, 1925, which would seem to indicate that the association itself had authorized the beginning of these conferences. It seems to me that it is not fair to deduce from that that the action which they took later, in indorsing by a substantial majority the action of that joint committee, could be characterized as being a snap proposition sprung upon them without any notice.

Mr. REED of Missouri. Mr. President, all that I know in regard to this matter consists of the statements that have been made to me by the heads of certain railroads, gentlemen with whom I have no extended acquaintance, but whom I know to be men of high character.

Mr. LA FOLLETTE. Mr. President, I do not like to infringe on the time of the Senator from Missouri——

Mr. REED of Missouri. I have all the time there is; the Senator is welcome.

Mr. LA FOLLETTE. I realize that that is the Senator's attitude; but, Mr. President, I should like to call the attention of the Senator from Missouri to the statement made by Mr. Thom, representing the railway executives of this country, before the House Committee on Interstate and Foreign Commerce, which the Senator will find on page 109 of those hearings. If the Senator will permit me, I should like to read briefly from those hearing Mr. Thom's statement, which is the historical background of all of these negotiations to which the Senator is referring.

Mr. REED of Missouri. Page 109?

Mr. LA FOLLETTE. It begins on page 109 of the House hearings.

Mr. REED of Missouri. I have not them.

Mr. LA FOLLETTE. If the Senator will permit me, I will read a few paragraphs from the statement.

Mr. REED of Missouri. Certainly I will permit the Senator. Since he has been so generous as to say that my attitude is that, I have all the time; I am going to divide it with him.

Mr. LA FOLLETTE. I appreciate the courtesy of the Senator. He is always very generous to me.

Mr. Thom, in the hearings referred to, said:

> Shortly after the adjournment of Congress the matter was taken up again, but it was impossible for a time for these gentlemen to have another conference because of a series of annual conventions of the labor organizations, which began in the spring and finished in the early summer of 1925. As soon as these were out of the way the matter was taken up again, this time in a more representative and authorized form. A committee was appointed, pursuant to a resolution adopted by the executive committee of the Association of Railway Executives, on March 20, 1925, the committee being appointed for the purpose of taking up the whole labor situation and reporting back to the association their recommendations as to the steps that should be taken.
>
> That committee consisted of the following gentlemen associated with important railroads throughout the country: W. W. Atterbury, of the Pennsylvania; J. H. Hustis, of the Boston & Maine; A. C. Needles, of the Norfolk & Western; W. L. Mapother, of the Louisville & Nashville; L. W. Baldwin, of the Missouri Pacific; Hale Holden, of the Chicago, Burlington & Quincy; Carl R. Grey, of the Union Pacific; Charles Donnelly, of the Northern Pacific; E. E. Loomis, of the Lehigh Valley; W. R. Scott, of the Southern Pacific; C. H. Markham, of the Illinois Central.

Mr. President, then follows the statement that—

> A subcommittee was appointed to go into the subject with representatives of the labor leaders and to report back to this larger committee. I think, Mr. Richberg, that the representatives who actively participated on the part of labor were Mr. Prenter, of the Brotherhood of Locomotive Engineers; Mr. Robertson, of the Brotherhood of Firemen and Enginemen; Mr. Doak, vice president of the trainmen; and Mr. Sheppard, of the conductors.
>
> The CHAIRMAN. Who were the executives' subcommittee?
>
> Mr. THOM. General Atterbury was chairman.
>
> The CHAIRMAN. Of the subcommittee, I mean?
>
> Mr. THOM. I say General Atterbury was chairman of the subcommittee. Can you tell me who the others were?
>
> Mr. ELISHA LEE. Mr. Crowley, Mr. Willard, Mr. Markham, and Mr. Holden.

Then, Mr. President, the statement goes on and tells that at the meeting held by the executives' association on December 21, 1925, in Chicago, the bill, substantially in its present form, was presented to that meeting of the member roads, and the following resolution was adopted:

Mr. REED of Missouri. Where is the Senator reading from now?

Mr. LA FOLLETTE. I am reading now on page 110:

> *Resolved*, That the report of the committee on labor—

That is the committee appointed under the March authorization—

> *Resolved*, That the report of the committee on labor presenting the draft of a bill for the adjustment of labor disputes be, and it is hereby, accepted and approved in principle, and the labor committee is continued for the purpose of having the same enacted into law with such changes in expression and details as it may approve, and the general counsel is directed to cooperate with them to that end.

I continue to read from Mr. Thom:

> Pursuant to that resolution, which, as I say, was adopted just before Christmas, on the 21st day of December, 1925, a committee met in my office, the labor representatives being represented by Mr. Richberg, with whom were present Mr. Robertson and Mr. Doak, the railroads being represented by me, and with me were Mr. Walber and Mr. Elisha Lee.

I just wanted to point out to the Senator from Missouri the successive steps which were taken in these negotiations, because I felt that they show very clearly that the Association of Railway Executives had duly authorized these negotiations and that they had taken place through a duly authorized subcommittee, and that the association at one meeting subsequent to the adoption of this report had considered the matter and authorized the continuance of the committee. In view of the fact that the Senator had indicated that he was under the impression that this matter had been sprung upon the association, I felt that this would tend to clear up the matter.

Mr. REED of Missouri. Mr. President, I am obliged to my friend, and what he has presented may seem to him to be very conclusive. To my mind it is not conclusive of anything.

Here was a committee appointed, it is true, some time before, at whose instance? Apparently at the instance of Mr. Atterbury, the chairman of the committee, more than anybody else.

Mr. LA FOLLETTE. Mr. President, if the Senator will permit me, there is nothing on the record to indicate that Mr. Atterbury was the person responsible for the executives' association taking up these negotiations.

Mr. REED of Missouri. I think that is unimportant. Mr. Atterbury is chairman of this committee. Who is Mr. Atterbury?

Mr. LA FOLLETTE. Mr. Atterbury is president of the Pennsylvania Railroad Co.

Mr. REED of Missouri. What else? Is he not the man who led the fight on the present board and on its decisions, and refused to abide by its decisions?

Mr. LA FOLLETTE. I think there is no question but what the Pennsylvania refused to accept the jurisdiction of the Labor Board, and the case went to the Supreme Court, and the Supreme Court held that the Labor Board had no power to enforce its decisions. That is one of the reasons why this new machinery must be set up, if we are going to have any sort of machinery for settling disputes.

Mr. REED of Missouri. Does my friend claim that a decision of the board it is proposed to set up will be a binding decision?

Mr. LA FOLLETTE. No, Mr. President——

Mr. REED of Missouri. Then when we get through setting it up, it will be in exactly the same position the present board is in. Neither of them would have authority to make their decisions binding.

Mr. LA FOLLETTE. The Senator must be more specific. If the Senator refers to the matter of arbitration when accepted on behalf of both parties to a dispute, of course it is binding, because once that acceptance is made, after arbitration is concluded, the award is filed with the clerk of the district court, and it becomes binding on all parties.

Mr. REED of Missouri. Mr. President, I do not concede any such thing. I assert it to be the law that if the representatives of the men working for these railroads were to sign an agreement for a certain wage with all the presidents of all the railroads, and the men the next day refused to accept that wage, no court on earth could compel them to take it.

Mr. LA FOLLETTE. Mr. President, that provision was in the Erdman Act and in the Newlands Act.

Mr. REED of Missouri. Exactly; and neither of them is enforceable. I do not want to be led aside from the theme I was talking about, but since I have been led aside this far, let us get down to a little common sense and business about this matter.

There is a board. It is an association of the men on the one side and an association of the railroads and employers upon the other side, and they can get together and negotiate and agree, and the decisions can not be enforced under the present law, nor can agreements be enforced under the proposed law. They all must rest upon the good faith of the parties. When Mr. Atterbury challenged the decision of the board, refused to abide by it, and went to the Supreme Court in resistance to its orders, he was the man who broke the strength of the board which now exists, for he defied its order instead of obeying it, and, of course, the court said that there could be no compulsion. He defied its order. If the present board is powerless, if its usefulness is gone, it is because Mr. Atterbury and one or two other railroad managements refused to obey the decisions of the board, simply because the board did not have legal authority to compel obedience. Now it is proposed, on Mr. Atterbury's demand, that there be set up another board, which will be equally without power and equally without authority, equally paralyzed and powerless, save and except as both parties may be willing to submit a controversy, and willing in good faith to abide by the decision of the board.

Mr. WILLIAMS. Mr. President, they can do that without legislation, can they not?

Mr. REED of Missouri. Certainly they can. The men and the management of the roads can do it without any legislation, and they have done it, and did it for many, many years. They can do it if we pass this bill. They can do it under the present acts. They are not bound to go to this board. No law can compel them to go to the board, in my opinion.

Mr. WATSON. Mr. President, will the Senator yield while I ask for a quorum?

Mr. REED of Missouri. I yield for that purpose.

Mr. WATSON. I make the point of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Fletcher	Lenroot	Sackett
Bingham	Frazier	McKellar	Sheppard
Blease	George	McLean	Shortridge
Bratton	Gillett	McMaster	Simmons
Broussard	Goff	McNary	Stanfield
Bruce	Gooding	Mayfield	Steck
Butler	Hale	Metcalf	Swanson
Caraway	Harreld	Neely	Tyson
Copeland	Harris	Norbeck	Underwood
Couzens	Heflin	Norris	Wadsworth
Curtis	Howell	Nye	Warren
Deneen	Johnson	Oddie	Watson
Dill	Jones, N. Mex.	Overman	Wheeler
Edwards	Jones, Wash.	Phipps	Williams
Ernst	Kendrick	Ransdell	Willis
Fernald	Keyes	Reed, Mo.	
Ferris	King	Reed, Pa.	
Fess	La Follette	Robinson, Ind.	

The PRESIDING OFFICER (Mr. STECK in the chair). Sixty-nine Senators having answered to their names, there is a quorum present.

Mr. CURTIS. Mr. President, while the debate has gone on this afternoon, I have had some conference with Senators on the different sides of this question, and those who are opposed to the measure would like a little time to consider the question of preparing amendments or motions, or considering them, and for consultation. I believe we could save time if after a short executive session we would adjourn until to-morrow, when we meet under the special order. If this course is agreeable to the Senator from Indiana, I would like to proceed in that way.

Mr. WATSON. Mr. President, the Senator from Kansas and I have conferred. I have talked also with some of my associates and with Senators opposed to the pending measure. This is not an attempt on their part to filibuster. They want time to deliberate on the question as to whether they will offer another amendment——

Mr. KING. Or more.

Mr. WATSON. Or more; and it will probably be more.

Mr. CURTIS. And a motion to recommit.

Mr. WATSON. And a motion to recommit, and so forth. But I have every assurance from them—and, of course, I rely upon what they say—that in all probability we will save time by taking an adjournment now rather than by running on until 5 o'clock and taking the risk of losing our quorum, and thus lose time. As far as I am concerned, I am entirely willing to enter into that agreement. I would like to make this request, however, of the Senator from Kansas before we finally agree to that. Will not the Senator agree to a unanimous-consent agreement to take a vote at 3 o'clock on Monday afternoon on a motion to recommit to be offered on Monday, or right now?

Mr. CURTIS. Personally, I would be willing to enter into that agreement, but several Senators who favor a motion to recommit have told me that they would not now agree to such a request. So it would be useless to ask unanimous consent at this time for that purpose.

Mr. WATSON. Then let me ask this further question——

Mr. KING. May I make a suggestion to the Senator?

Mr. WATSON. Certainly.

Mr. KING. On Monday, and within a short time after the debate proceeds on Monday, we will know just what the situation will be, and I think the Senator can then renew his request with perhaps more certainty of an agreement being reached.

Mr. WATSON. My understanding is, then, from the Senator from Kansas and the Senator from Utah and the Senator from Missouri that they will not agree to a unanimous-consent request——

Mr. KING. Not now.

Mr. WATSON. To vote on any proposition in connection with the measure at this time?

Mr. REED of Missouri. Not at this time.

Mr. WATSON. That is what I said.

Mr. REED of Missouri. But I will say to the Senator from Indiana that I know of no man in the Senate who has any desire to delay a vote upon this measure beyond the time necessary for the reasonable discussion of it.

Mr. WATSON. This is a measure of very great importance, as we all know, and I am entirely willing that it should be discussed, of course. I have no disposition whatever to try to crowd it through or ram it down anybody's throat. On the other hand, I think that, because of its importance, there should be no filibuster organized against it.

Mr. REED of Missouri. There is none.

Mr. WATSON. I did not mean that any had been, of course. Therefore, with that understanding, I am entirely willing that an adjournment shall be taken. There must be an adjournment, because we meet to-morrow for a special purpose.

Mr. KING. May I say to the Senator that most of the debate on the bill has been in its favor, so if there has been any filibuster it has been by the proponents of the measure.

Mr. HEFLIN. Mr. President, I would suggest to the Senator from Kansas that we might adjourn until 11 o'clock on Monday.

Mr. CURTIS. There are special exercises to-morrow in the Senate and I think we had better follow the regular course.

Mr. WATSON. There is a special order for memorial exercises to-morrow.

Mr. HEFLIN. Very well.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 3 o'clock and 5 minutes p. m.) adjourned until to-morrow, Sunday, May 9, 1926, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate May 8 (legislative day of May 6), 1926

FOREIGN SERVICE

VICE CONSULS

The following-named persons, now Foreign Service officers, unclassified, to be also vice consuls of career of the United States of America:

Ellis O. Briggs, of New York.
David K. E. Bruce, of Maryland.
Augustus S. Chase, of Connecticut.
Early B. Christian, of Louisiana.
Lewis Clark, of Alabama.
Harry L. Franklin, of Kentucky.
Eugene P. Lawton, jr., of Georgia.
William H. T. Mackie, of New Jersey.
John H. Morgan, of Massachusetts.
W. Mayo Newhall, jr., of California.
Lloyd D. Yates, of the District of Columbia.
McCeney Werlich, of the District of Columbia.
Rufus H. Lane, of Virginia.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

To be brigadier general, reserve

Brig. Gen. Samuel Herbert Wolfe, Finance Department Reserve, from November 4, 1926.

POSTMASTERS

ALABAMA

John S. Amos to be postmaster at Enterprise, Ala., in place of J. S. Amos. Incumbent's commission expired May 4, 1926.

John E. Hurst to be postmaster at Leeds, Ala., in place of J. E. Hurst. Incumbent's commission expired February 24, 1926.

ARIZONA

John Murray to be postmaster at Snowflake, Ariz., in place of John Murray. Incumbent's commission expired November 18, 1925.

ARKANSAS

Carl G. Nielsen to be postmaster at Dermott, Ark., in place of C. G. Nielsen. Incumbent's commission expired May 5, 1926.

Juanita Barton to be postmaster at Turrell, Ark., in place of R. W. Barton, jr., resigned.

CALIFORNIA

Alice E. Schieck to be postmaster at Eldridge, Calif., in place of A. E. Schieck. Incumbent's commission expired February 10, 1926.

William F. Hanell to be postmaster at Patterson, Calif., in place of W. F. Hanell. Incumbent's commission expires May 12, 1926.

Harold J. McCurry to be postmaster at Sacramento, Calif., in place of H. J. McCurry. Incumbent's commission expired November 23, 1925.

COLORADO

Roswell H. Bancroft to be postmaster at Palisade, Colo., in place of R. H. Bancroft. Incumbent's commission expires May 8, 1926.

CONNECTICUT

Matthew E. McDonald to be postmaster at Simsbury, Conn., in place of M. E. McDonald. Incumbent's commission expired August 24, 1925.

FLORIDA

William W. Zipperer to be postmaster at Jennings, Fla., in place of W. W. Zipperer. Incumbent's commission expires May 11, 1926.

Charles S. Williams to be postmaster at Key West, Fla., in place of C. S. Williams. Incumbent's commission expires May 11, 1926.

Rhea W. Pherigo to be postmaster at Kissimmee, Fla., in place of R. W. Pherigo. Incumbent's commission expires May 12, 1926.

GEORGIA

James W. Long to be postmaster at Ashburn, Ga., in place of J. W. Long. Incumbent's commission expired April 3, 1926.

Herbert I. King to be postmaster at Dexter, Ga., in place of H. I. King. Incumbent's commission expired March 17, 1926.

Fletcher N. Carlisle to be postmaster at Flowery Branch, Ga., in place of R. C. Milwood. Incumbent's commission expired September 30, 1925.

Noel H. Bragg to be postmaster at Gray, Ga., in place of N. H. Bragg. Incumbent's commission expired January 17, 1926.

Henry L. Murphey to be postmaster at Hephzibah, Ga., in place of H. L. Murphey. Incumbent's commission expired February 20, 1926.

Thomas P. Philips to be postmaster at Lithonia, Ga., in place of D. P. Philips. Incumbent's commission expired August 7, 1921.

William H. Astin to be postmaster at Palmetto, Ga., in place of W. H. Astin. Incumbent's commission expired January 17, 1926.

Joe B. Saunders to be postmaster at Ringgold, Ga., in place of J. B. Saunders. Incumbent's commission expired February 13, 1926.

William E. Fitts to be postmaster at Rocky Ford, Ga., in place of W. E. Fitts. Incumbent's commission expired April 7, 1926.

Mary W. Barclay to be postmaster at Rome, Ga., in place of M. W. Barclay. Incumbent's commission expired December 14, 1925.

Joseph D. Long to be postmaster at Bremen, Ga., in place of H. G. Entrekin, deceased.

IDAHO

Emma C. Weber to be postmaster at Burke, Idaho, in place of E. C. Weber. Incumbent's commission expired January 17, 1926.

Charles C. Henderson to be postmaster at Kamiah, Idaho, in place of C. C. Henderson. Incumbent's commission expires May 12, 1926.

ILLINOIS

George E. Stauffer, jr., to be postmaster at Baylis, Ill., in place of G. E. Stauffer, jr. Incumbent's commission expired March 21, 1926.

Lillie M. Diver to be postmaster at Dallas City, Ill., in place of L. M. Diver. Incumbent's commission expires May 8, 1926.

Arthur L. Patterson to be postmaster at Grayville, Ill., in place of A. L. Patterson. Incumbent's commission expires May 12, 1926.

Lawrence F. Hake to be postmaster at Hoyleton, Ill., in place of L. F. Hake. Incumbent's commission expired May 3, 1926.

George A. Field to be postmaster at Mackinaw, Ill., in place of J. M. Duncan. Incumbent's commission expires May 15, 1926.

Nellie Mitchel to be postmaster at Mansfield, Ill., in place of Nellie Mitchel. Incumbent's commission expires May 8, 1926.

James M. Carey to be postmaster at Maywood, Ill., in place of J. M. Carey. Incumbent's commission expires May 8, 1926.

Harold H. Hitzeman to be postmaster at Palatine, Ill., in place of H. H. Hitzeman. Incumbent's commission expires May 8, 1926.

John L. Thomas to be postmaster at Pleasant Hill, Ill., in place of J. L. Thomas. Incumbent's commission expired March 1, 1926.

William A. Kelly to be postmaster at West Frankfort, Ill., in place of W. A. Kelly. Incumbent's commission expired February 24, 1926.

Harker Miley to be postmaster at Harrisburg, Ill., in place of Harker Miley. Incumbent's commission expires May 11, 1926.

IOWA

Adna Miller to be postmaster at Danville, Iowa., in place of Adna Miller. Incumbent's commission expires May 10, 1926.

LOUISIANA

Maggie E. Jones to be postmaster at Ringgold, La., in place of M. E. Jones. Incumbent's commission expires May 12, 1926.

MASSACHUSETTS

Myrtice S. King to be postmaster at Upton, Mass., in place of M. S. King. Incumbent's commission expires May 11, 1926.

MICHIGAN

Otto L. Wickersham to be postmaster at Onaway, Mich., in place of O. L. Wickersham. Incumbent's commission expired March 21, 1926.

MISSISSIPPI

George H. Flowers to be postmaster at Kilmichael, Miss., in place of G. H. Flowers. Incumbent's commission expires May 11, 1926.

Sidney M. Jordan to be postmaster at Louisville, Miss., in place of S. M. Jordan. Incumbent's commission expired April 20, 1926.

Halbert M. Burch to be postmaster at State Line, Miss., in place of H. M. Burch. Incumbent's commission expired March 8, 1926.

MISSOURI

Frank R. Evans to be postmaster at Armstrong, Mo., in place of F. R. Evans. Incumbent's commission expires May 10, 1926.

James L. Creason to be postmaster at Camden, Mo., in place of J. L. Creason. Incumbent's commission expired March 18, 1926.

Walter E. Pearson to be postmaster at Clarksdale, Mo., in place of W. E. Pearson. Incumbent's commission expired May 4, 1926.

Victor N. Remley to be postmaster at Orrick, Mo., in place of V. N. Remley. Incumbent's commission expired March 9, 1926.

NEBRASKA

Oscar L. Lindgren to be postmaster at Bladen, Nebr., in place of O. L. Lindgren. Incumbent's commission expires May 11, 1926.

Earl C. Rickel to be postmaster at Edgar, Nebr., in place of E. C. Rickel. Incumbent's commission expires May 11, 1926.

NEW JERSEY

Harry M. Riddle to be postmaster at Asbury, N. J., in place of H. M. Riddle. Incumbent's commission expires May 11, 1926.

Joseph G. Endres to be postmaster at Seaside Heights, N. J., in place of J. G. Endres. Incumbent's commission expires May 11, 1926.

NEW YORK

William E. Cartwright to be postmaster at Amagansett, N. Y., in place of W. E. Cartwright. Incumbent's commission expired April 11, 1926.

William M. Pinney to be postmaster at Arcade, N. Y., in place of W. M. Pinney. Incumbent's commission expired January 17, 1926.

Clarence A. E. Churchill to be postmaster at Ellicottville, N. Y., in place of C. A. E. Churchill. Incumbent's commission expires May 11, 1926.

Annabel Wood to be postmaster at Hilton, N. Y., in place of Annabel Wood. Incumbent's commission expires May 12, 1926.

Warren S. Hutchison to be postmaster at Lyndonville, N. Y., in place of W. S. Hutchison. Incumbent's commission expired March 23, 1926.

H. Courtland King to be postmaster at Orient, N. Y., in place of P. C. Way. Incumbent's commission expired September 30, 1925.

Annie S. Prince to be postmaster at Peconic, N. Y., in place of A. S. Prince. Incumbent's commission expired October 26, 1925.

Anna M. Auch Moody to be postmaster at Rosendale, N. Y., in place of A. M. Auch Moody. Incumbent's commission expires May 12, 1926.

Theodore C. Upton to be postmaster at Spencerport, N. Y., in place of N. C. Stevens, resigned.

NORTH CAROLINA

George W. Lance to be postmaster at Fletcher, N. C., in place of G. W. Lance. Incumbent's commission expired January 18, 1926.

Willie W. Seawell to be postmaster at Fuquay Springs, N. C., in place of W. W. Seawell. Incumbent's commission expired May 5, 1926.

Wiley C. Ellis to be postmaster at Garysburg, N. C., in place of W. C. Ellis. Incumbent's commission expired March 8, 1926.

NORTH DAKOTA

Grace G. Berkness to be postmaster at Wolford, N. Dak., in place of G. G. Berkness. Incumbent's commission expires May 10, 1926.

OHIO

William E. Davidson to be postmaster at Kensington, Ohio, in place of W. E. Davidson. Incumbent's commission expires May 9, 1926.

Harry W. Randels to be postmaster at West Unity, Ohio, in place of H. W. Randels. Incumbent's commission expires May 10, 1926.

OKLAHOMA

Lester A. Presson to be postmaster at Sulphur, Okla., in place of L. A. Presson. Incumbent's commission expires May 9, 1926.

Joe E. Ventress to be postmaster at Pauls Valley, Okla., in place of J. M. Dorchester, removed.

PENNSYLVANIA

Christian D. Doerr to be postmaster at Colver, Pa., in place of C. D. Doerr. Incumbent's commission expired March 27, 1926.

George W. Brelsford to be postmaster at South Langhorne, Pa., in place of G. W. Brelsford. Incumbent's commission expires May 10, 1926.

Bertha G. Thomas to be postmaster at Port Kennedy, Pa. Office became presidential January 1, 1925.

SOUTH CAROLINA

Harry A. Rich to be postmaster at Blackville, S. C., in place of H. A. Rich. Incumbent's commission expires May 8, 1926.

Hobson B. Taylor to be postmaster at Kershaw, S. C., in place of E. V. Truesdale. Incumbent's commission expired March 27, 1926.

John S. Meggs to be postmaster at Marion, S. C., in place of J. S. Meggs. Incumbent's commission expires May 8, 1926.

Pierce M. Huff to be postmaster at Piedmont, S. C., in place of P. M. Huff. Incumbent's commission expires May 9, 1926.

May A. Peake to be postmaster at Union, S. C., in place of M. A. Peake. Incumbent's commission expires May 8, 1926.

Clifton O. Crosby to be postmaster at Walterboro, S. C., in place of C. O. Crosby. Incumbent's commission expires May 9, 1926.

SOUTH DAKOTA

Jessie Norton to be postmaster at Armour, S. Dak., in place of Jessie Norton. Incumbent's commission expires May 10, 1926.

Harold French to be postmaster at Letcher, S. Dak., in place of Harold French. Incumbent's commission expires May 10, 1926.

TENNESSEE

Fannie J. Latta to be postmaster at Somerville, Tenn., in place of F. J. Latta. Incumbent's commission expired February 28, 1926.

TEXAS

Ferman Wardell to be postmaster at Avery, Tex., in place of Ferman Wardell. Incumbent's commission expired March 23, 1926.

Hubert L. Ford to be postmaster at Bellevue, Tex., in place of H. L. Ford. Incumbent's commission expires May 12, 1926.

Wyatt O. Selkirk to be postmaster at Blessing, Tex., in place of W. O. Selkirk. Incumbent's commission expired April 25, 1926.

Bertie Freeman to be postmaster at Detroit, Tex., in place of Bertie Freeman. Incumbent's commission expired March 23, 1926.

William W. Sloan to be postmaster at Falfurrias, Tex., in place of W. W. Sloan. Incumbent's commission expires May 12, 1926.

Nora H. Kelly to be postmaster at Lockhart, Tex., in place of N. H. Kelly. Incumbent's commission expires May 8, 1926.

Thomas A. Guthrie to be postmaster at Mingus, Tex., in place of T. A. Guthrie. Incumbent's commission expired April 10, 1926.

Walter C. Vickers to be postmaster at Omaha, Tex., in place of W. C. Vickers. Incumbent's commission expires May 12, 1926.

Zettie Kelley to be postmaster at Diboll, Tex., in place of Frank Farrington, deceased.

UTAH

George A. Murphy to be postmaster at Spring Canyon, Utah, in place of G. A. Murphy. Incumbent's commission expires May 10, 1926.

VIRGINIA

William D. Austin to be postmaster at Buena Vista, Va., in place of W. D. Austin. Incumbent's commission expires May 12, 1926.

W. Ingles Harnsberger to be postmaster at Grottoes, Va., in place of W. I. Harnsberger. Incumbent's commission expires May 11, 1926.

William G. O'Brien to be postmaster at Tazewell, Va., in place of W. G. O'Brien. Incumbent's commission expires May 11, 1926.

WASHINGTON

Frank G. Sanford to be postmaster at Bucoda, Wash., in place of F. G. Sanford. Incumbent's commission expires May 12, 1926.

Elva N. Hamilton to be postmaster at Mansfield, Wash., in place of E. N. Hamilton. Incumbent's commission expires May 12, 1926.

WEST VIRGINIA

Alexander S. Benton to be postmaster at Monaville, W. Va., in place of W. G. Whitman, resigned.

Delta D. Buck to be postmaster at Sistersville, W. Va., in place of F. L. Buck, resigned.

WISCONSIN

Paul W. Schuette to be postmaster at Ableman, Wis., in place of P. W. Schuette. Incumbent's commission expired April 29, 1926.

Reginald E. Caves to be postmaster at Dalton, Wis., in place of R. E. Caves. Incumbent's commission expired April 28, 1926.

Wallace M. Comstock to be postmaster at Oconto, Wis., in place of W. M. Comstock. Incumbent's commission expired January 30, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 8 (legislative day of May 6), 1926

APPOINTMENTS IN THE ARMY

John Joseph Garrity to be brigadier general, reserve.

CHAPLAIN

James Hugh O'Neill to be first lieutenant.

SIGNAL CORPS

William James Daw to be first lieutenant.

FINANCE DEPARTMENT

Richard LeRoy Cave to be major.

PROMOTIONS IN THE NAVY

TO BE LIEUTENANT COMMANDER

Frank D. Wagner.

TO BE LIEUTENANTS

Edwin A. J. Poehlmann. Perley E. Pendleton.
Gordon A. Patterson. Khem W. Palmer.
Frederick R. Buse.

TO BE LIEUTENANTS (JUNIOR GRADE)

Robert P. McDonald. James M. Ross.

TO BE CHIEF ELECTRICIANS

Edward S. Tucker. John M. Kirkpatrick.
William T. McNiff. Howard S. Raber.
William A. Vick. Arthur F. Murphy.

TO BE CHIEF RADIO ELECTRICIANS

Merle E. Rothenburg. Harrison H. Blevins.
Edgar W. Mallory.

TO BE CHIEF MACHINIST

Edo S. Carfolite.

TO BE CHIEF GUNNER

John Larsen.

TO BE LIEUTENANT

Harry H. Deringer.

TO BE MEDICAL INSPECTOR

John B. Kaufman.

POSTMASTERS

GEORGIA

Eben B. Smith, Wrens.

KENTUCKY

Ira W. See, Louisa.

NEW JERSEY

Milton A. Whyard, Englewood.

OREGON

Newton A. Perry, North Portland.

PENNSYLVANIA

Edward N. Dubs, New Hope.

HOUSE OF REPRESENTATIVES

SATURDAY, *May 8, 1926*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our heavenly Father, as Thou art not among us in physical form, we thank Thee that Thou art blessing the world with mothers. Yes; we praise Thee for the most endearing of all names—the name of mother. To-morrow in memory of her will be worn on the breast of our country the sweetest flowers that ever reflected heaven's glory. O the depths of her devotion and sanctity, as she bore unspeakable pain that we might live. From her we drew our first breath; in her arms we felt the first touch of love; on her breast we were cradled; through the days of our helplessness her feet were never too tired to follow our faltering footsteps; her knee was our first altar, and there she taught us our first prayer. O God, again we thank Thee for our mothers. While we revere and love their memory the genius of our institutions is safe. O Lord, may we never fail here. We tarry; many have taken their farewell of earth; we would penetrate the veil, but Thy will be done. They are waiting at the gates eternal, beckoning us to rest by their sides. Harvest home! Harvest home! Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ARTICLE BY CHARLES D. CARTER

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article contributed by my colleague from Oklahoma [Mr. CARTER] on the Indian question and published in the Sunday issue of the Daily Oklahoman.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD by printing a letter written by his colleague from Oklahoma [Mr. CARTER] on the Indian question. Is there objection?

There was no objection.

Mr. HASTINGS. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following article contributed by my colleague from Oklahoma [Mr. CARTER] on the Indian question, and published in the Daily Oklahoman on May 2, 1926:

Of recent years we are wont to hear the North American Indian referred to as a "vanishing race," yet the latest authentic account shows some 350,000 of these aboriginal inhabitants still permeating the whereabouts of that segment of the Western Hemisphere commonly designated as the United States.

The Census Bureau tells us that these Indian people are scattered as permanent residents over every State in the Union except Pennsylvania. Most of the Indian population, however, is now assembled west of the Mississippi River. The State of Oklahoma boasts about one-third of this Indian population, of whom almost 102,000 belong to the Five Civilized Tribes. Next to Oklahoma's 118,000 red men comes Arizona with 43,950, then South Dakota with 24,241, New Mexico with 22,481, and ranging on down to a minimum of 2 in the State of Delaware.

The most populous tribes extant to-day are the Cherokee, numbering 53,793, located in Oklahoma and North Carolina; the Navajo of Arizona and New Mexico, 38,000; the Sioux of the Dakotas and surrounding States, 30,000; the Choctaws of Oklahoma and Mississippi, some 28,000; and so on dwindling down to a few scattering units in some of the 193 tribes still reported by the Indian Bureau as under Government supervision.

It is entirely possible that quite as many Indians exist in our land to-day as roamed the wilderness and plains on that bright "October morn" when the great Genoese navigator first set foot on the sunny shores of San Salvador.

It is true that the Indians' demurrer to the progress of paleface civilization is not quite so demonstrative and sanguinary as in former days, but that is because the Indian himself has begun to assimilate this paleface civilization. Poor Lo is not passing out of the picture of American life. He is just gradually being merged into American citizenship. It is a case of the great American "melting pot," after baneful delay, at last beginning to function with the aborigines of our land.

Since the Government dispossessed the Indian from control and ownership of his domain, the responsibility has naturally fallen on Uncle Sam to provide his civilization. Let us look briefly into the history of our dealings with our red brothers and see what delinquencies, if any, have existed in the past, or exist to-day.

The necessity for formulating and adhering to some fixed policy in this scheme of working out the red man's civilization must be apparent

to all, yet the greatest drawback in discharging our responsibility was that for almost one hundred years after its organization, our Government seemed to pursue no consistent or permanent policy in its treatment of the Indian problem. We inherited a good workable policy from the early colonists. This might be denominated a policy of "civilization by direct contact." That is to say, these practical pioneers undertook to civilize the Indian by bringing him as nearly as possible in actual daily touch with civilized beings, whereby he might absorb the arts, crafts, and methods of livelihood of civilized man.

President Thomas Jefferson gave his unqualified approval to this policy when he said in one of his first messages to Congress:

"In truth the ultimate point of rest and happiness for the Indian is to let our settlers and Indians meet and blend together, to intermix and become one people."

But for some unknown reason shortly thereafter there came a complete "about face" in the manner of our dealing with Indian peoples. For want of a more appropriate agency, Indian supervision had been placed under the War Department and then the so-called "reservation system" was inaugurated. This reservation system attempted a complete separation between the red man and the white. To paraphrase the language of a distinguished statesman of that early day, it was thought advisable to "confine the Indians on a reservation, build a Chinese wall around them, and put up a sign 'white men, keep off the grass.'"

There was later on an unworthy attempt to shift responsibility of Indian supervision to the shoulders of religious and benevolent institutions. In the year 1849 the Interior Department was established and the Bureau of Indian Affairs transferred to that department, but the reservation system in different varieties continued to hold forth for many years to come. Our Indian policy, or lack of policy, seemed to be a craft without a rudder, aimlessly drifting to no one knew where, with none in authority capable of grasping and dealing with the subject in any intelligent manner. Out of these varied shifts, changes, and devices there naturally arose a maze of chaos and inconsistencies which resulted in practically a complete distortion and loss of a century of misguided efforts to civilize the aborigines, and much of which confuse and befuddle the situation to this good day.

After this century of kaleidoscopic experiment we finally began to veer around toward a return to the practical Indian policy of our early Colonies. The isolation of the Indian was no longer possible. The white settler had swarmed around his reservation. Indian segregation involved too much land needed for homes by white settlers, and the "reservation system" was doomed. So, not on account of any knowledge acquired from a century of mismanagement, but by mere force of fortunate circumstances we were compelled during the latter part of the eighties to return to the task where our forefathers left off a century before to take up our Indian burden of "civilization by direct contact."

This recurrence to the colonial policy of civilizing the Indian by placing him midst civilization did not take place overnight. The change has been gradual. Beginning about 40 years ago, it is just now reaching the full fruition of its purpose. The reservation system, in somewhat modified form, is still in vogue with some few tribes, such as the Navajo in Arizona and the Hopi and Pueblo in Arizona and New Mexico. But the point is that after a century of experiment, innovations and theories were forced to give way to the practical policy of the early colonial fathers, and with what result? Let us not jump to conclusions but deal with cold facts and statistics in this analysis, for let it be remembered that many mistakes have been made in the administration of the policy, about which more will be said later on.

Under this plan 206,500 Indians have accepted allotments approximating 40,000,000 acres of land; and while not all perhaps in affluent circumstances, most of them have established permanent homes, and nearly all are sustaining themselves in varied degrees with very little assistance from the Government.

About one-half of the $15,000,000 appropriated annually for the Indian Service is expended for the education of Indian children, to the end that of all Indian children of school age, physically and otherwise eligible, 93 per cent are enrolled in the different schools. More than one-half that number have taken their places beside their white neighbors in the public schools. While little authentic data is at hand, I should judge that about one-half of our Indian population speak the Indian language and almost an equal number are able to read and write to some extent in English.

A large percentage of Indians have embraced the Christian religion. All have been granted American citizenship.

The transition of life from open to confinement brought about much disease amongst the Indians. This condition has been remedied until the death rate amongst Indians is not much greater than amongst whites. To improve this condition it has been necessary for the Government to build 82 Indian hospitals, employ 180 physicians, 135 nurses, and 7 traveling dentists. Forty field matrons also assist in visiting Indian homes, teaching sanitation and modern housekeeping.

Before the present policy was returned to it was necessary to furnish rations for subsistence regularly to a large number of Indians. There are now no regular ration Indians except the aged and infirm, and a large majority have discarded the blanket and adopted civilized dress.

More than 12,000 Indians answered the call to the colors and acquitted themselves with credit and honor during the recent World War, the most notable case being that of Joe Oklahombi, a full-blood Choctaw Indian, of Company D, One hundred and forty-first Infantry, now living at Wright City, Okla., who received the Croix de Guerre under order of Marshal Petain, commander in chief of the French armies of the east. Indian ladies and other noncombatants contributed their full share to war work, and $25,000,000 in war bonds were purchased by Indians.

In the interest of space and the reader's time it has been necessary for this article to confine its proofs to a brief recital of only a few facts. Enough has been cited to show the steps in the progress made by the Indian in the less than 40 years under this policy of bringing civilization to his door. Perfection is not claimed for the plan, and that mistakes have been made in its application by Congress, by the Indian Bureau, and all others concerned will not be denied, but under the plan real substantial progress has been made, and its ultimate solution has not yet passed its meridian.

This article is intended as a statement of fact only, involving naturally any mistakes made in our management of Indian affairs, but purposely avoiding either personal censure or praise. Discussion of our mistakes brings up the inquiry often propounded, "Why is the Indian Bureau?" The purpose of the organization of the Indian Bureau was to graduate the Indian from an uncivilized being into self-sustaining citizenship. That is the prime duty of every employee in the service.

When that is done, when the last Indian becomes a self-sustaining citizen, then there will be no longer any work for the Indian Service and the Government service of all Indian employees must come to an end. So we have placed upon the Indian Bureau the very unnatural task of eliminating itself. In working out this plan it is but natural that the selfish interest of continuing jobs must enter more or less into the equation. Many victims of such thought are perhaps unconscious of this shortcoming, and such emotions might very justly be charged to that immutable first law of nature "self-preservation." While not inveighing against the classified service, for it may be as good as any other, it is nevertheless a fact that civil-service rules give to this Indian Bureau employee a life tenure, and he must realize that difficulties in connection with holding on to his job might much more readily be precipitated by acts of commission than by acts of omission, consequently the natural inclination is to settle back into a groove of evasion and inactivity which must very greatly hamper the working out of this Indian problem.

Furthermore, there has been a too general tendency to visualize our Indian people as a narrowly defined type for whose development a general set of fixed rules might be laid down. The Indian is very much a human being, subject to just such impulses, foibles, and difference in character as other intelligent members of the human family. There are in fact as many different kinds of Indians as there are different kinds of whites or any other race. There are agricultural Indians and nonagricultural Indians, there are Indians of a mechanical turn and Indians who could not mend a hame strap, there are wealthy Indians and poor Indians, smart Indians and stupid Indians, industrious Indians and lazy Indians, Indians who still wear the blanket and sell to the passing tourist their beadwork—oftentimes made in Providence, R. I.—and Indians who are the very highest exponents of twentieth-century civilization.

The Indian problem is not of a class but of the individual. It is a real live human problem, not soluble by the mechanical application of any general set of fixed rules, but necessitating somewhat different treatment in each individual case. These are conditions which it seems to have taken our Government many years to realize and which I fear some of our Indian authorities do not yet fully comprehend.

The efforts of our Government have been directed largely toward the conservation of the Indian's landed and other estate. While perfectly proper to conserve the Indian's property, too much paternalism discourages initiative character, and character building should never be subordinated to property, financial, or any other interest.

Several years ago a highly educated Indian appeared before an investigating committee of which I was a member. The chairman asked for his opinion as to the benefit of educating Indians in the Indian schools as compared to the public schools. Pointing to a decorative plant in the room he said: "That plant in the atmosphere of this room is flourishing, but set it out on the lake front on this wintry day and it will be blasted by the cold. In the summer it would wither under the sun's hot rays. But if in its infancy it had been planted out there no doubt it would have grown up possessing sufficient vigor to withstand the cold of winter and heat of summer. That is what is wrong with your treatment of the Indian. There is too much hothousing." This illustrates the point. It emphasizes the necessity for development of that sense of personal responsibility so essential to the good citizenship of any people.

Training in dependency can not stimulate independence of character. Certainly it is necessary to protect the weak against the strong, but in our relationship to the Indian this character of supervision should

be administered with careful discretion and good judgment in each individual case, keeping in mind that when an Indian or any other person reaches the point of intelligence at which he is competent to think and act for himself, any further attempt to supply the demands of his life or stand sponsor for his acts simply stimulates indolence in the nature of the individual and destroys independent and initiative character.

What would we think of a guardian who from his ward's estate would present to him 160 acres of raw, unimproved land, furnish him no implements or tools, furnish him no teams or other equipment, prohibit him from leasing beyond 12 months' duration, hold up the funds belonging to him, prevent him from hypothecating his land to secure other funds for its improvement and cultivation, and still expect the ward to make a success in the industry of agriculture? Sounds foolish, doesn't it? Yet that is just what this great guardian, Uncle Sam, has been doing with the Nation's wards known as noncompetent Indians. He would break up the reservation, allot him 160 acres of totally unimproved land, all untouched by the plow, and in many instances still covered with timber, give him no agricultural or other equipment, deprive him of any means of securing same, then tell him to "go to it" as a farmer. This difficulty has of recent years been partially remedied by what we call "industrial appropriations," but there still continue instances of glaring neglect, notably the Five Civilized Tribes in Oklahoma, comprising one-third of our entire Indian population, where not one dollar is being expended from these "industrial appropriations."

Many different views obtained on this Indian question, some carefully thought out and others wretchedly undigested. The more pronounced opinions might be generally classified in three distinctive groups or schools of thought. One, composed of those who would insist in paternalizing every individual act of all Indians, making little distinction between the competent and incompetent, and continuing Government supervision indefinitely, might be designated that of "intensive paternalism."

Another might be called the "revolutionary school." These seek to abolish the Indian Bureau with a stroke of the pen and terminate all Government supervision of the Indian.

Still another might be called the "ultrasentimentalist theory." These would preserve the Indian in his primordial state, clad in the traditional blanket, bedecked in the panoply of paint and feathers, and depending for his subsistence on hunting and following the trail, which would ultimately mean his perpetual support by Uncle Sam, a practical return to the ration system.

The futility, not to say foolishness, of this "sentimentalist theory" is so manifest as to merit no consideration whatever. If our Indians are to make worthy citizens, if they are to be perpetuated as real men and women in their present-day environment, then, indeed, must they discard tribal customs, habiliments, and practices and take their place in the white man's march of progress. "We can not eat our cake and have it." The savage can not endure in this progressive age and Nation. We must choose between civilization and barbarism, between progess and stagnation, between perpetuation and extinction, and that choice will shatter this "ultrasentimentalist" idea.

The "paternalist" fails to recognize the completion of his task when it is finished; that is to say, he declines to release Indians from supervision even after they have become fully competent. His desire for strict paternalism is what brings from the "revolutionary school" the complaint that the Indian's freedom of action is being hampered, his liberty infringed, that he has no opportunity for development under such plan, and is to be kept under Government supervision until by force of his own heroic efforts he breaks his chains and becomes a man of his own accord.

It is my candid opinion that the Indian Service has been somewhat guilty of reluctance in releasing competent Indians from Government supervision. Not sufficient time and efforts have been devoted to separating the competent from the incompetent, causing Indians to be held under restrictions after they have become fully capable of managing their own affairs. I have already stated my opinion that attempts at too strict supervision over the acts of any individual destroys independence and initiative. Yet the most superficial inquiry must convince any fair-minded person as to what would befall many full-blood Indians if thrown entirely on their own resources. What would befall the wealthy and what would befall the poor? Take, for instance, the Osages in Oklahoma. Each individual man, woman, and child owns an interest in restricted property of a valuation between $100,000 and $200,000, which brings them dividends of from $12,000 to $18,000 annually.

Some of the Osages are highly educated and fully capable, but many are uneducated, non-English-speaking full bloods, ignorant and untrained in business dealing between man and man according to the paleface code. What would happen should the Government withdraw its strong arm of protection from these wealthy but helpless people? What would become of their patrimony? Would any considerable number be reduced to penury? Would it conduce to wrongdoing and crime, resulting in a nation-wide scandal? What would befall the benighted full-blood Indian with small holdings if thrown entirely on his own resources and Government protection abandoned? If all Indian schools should be suspended, what would become of the education of the non-English-speaking full blood living remote from a public school? What would be the fate of the incompetent Indian's health and sanitary condition should the services of the reservation hospitals, physicians, nurses, and field matrons be discarded?

These are questions which should be answered by the revolutionist before expecting the adoption of his doctrine, for these are exactly the contingencies which must confront us should his advice be accepted to "abolish the Indian Bureau" instanter.

In my opinion the safe, constructive course lies between the proposals of the "paternalist" and the "revolutionist." Protect the Indian in his property rights, but with the least possible supervision and curtailment of his liberty. Continue only such Indian schools as are necessary for the non-English-speaking full bloods, passing the Indian into our splendid democratic public-school system, just as soon as he can make his way there. Look to his health and sanitation. We must not expect the Indian to "make bricks without straw." Therefore, if, for instance, we would have him succeed in farming, we must furnish implements, tools, teams, and if need be, seed and other equipment necessary to agricultural pursuits until he can establish himself in that industry, and this, of course, applies to any other industry. Give him more industrial help. As far as practicable, let well-disposed advice and friendly instruction displace peremptory orders and arbitrary commands.

Appeal to the man in the Indian. Let some of our efforts be devoted to the development of his manly qualities of which he has many. Give him to understand he must learn to help himself and rely on his own efforts. Aid him, assist him, but in the name of good common sense, let his feet touch the ground occasionally if we ever expect him to learn to walk alone. Let us not for the vainglorious purpose of making a showing in the record devote all our endeavors to a few very wealthy Indians, while woefully neglecting the poor. Our purpose is not to be attained by creating a few multimillionaires, while leaving the ignorant and impoverished to shift for themselves. Forget not the ultimate objective, the paramount purpose, of our mission. Strive to bring all Indians, both rich and poor, to self-sustaining citizenship to the end that each may take his place as one of the cogs in our great scheme of civilization.

CELEBRATION OF MOTHERS' DAY

Mr. CHALMERS. Mr. Speaker, I ask unanimous consent to proceed for three minutes to make an announcement.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHALMERS. Mr. Speaker and Members of the House, to-morrow afternoon at 3 o'clock, under the auspices of the American War Mothers and the Congressional Club, a very interesting Mothers' Day program will be given in the amphitheater in Arlington Cemetery. Mrs. H. H. McCluer, national president of the American War Mothers' Association, and Mrs. Lindley H. Hadley, president of the Congressional Club, will be in charge. The exercises will be presided over by Vice President Dawes. The Chaplain of the House, Doctor Montgomery, will officiate. Addresses will be given by the Secretary of Labor, the Hon. James J. Davis, and by the gentleman from Alabama, the Hon. LAMAR JEFFERS. Madame Corinne Rider-Kelsey, of New York City, one of America's most famous sopranos, will sing a group of songs. The gentleman from Virginia, the Hon. CLIFTON A. WOODRUM, will sing "Mother o' Mine." The Marine Band and the Army and Navy Bands will have important parts on the program.

The exercises at the Tomb of the Unknown Soldier will be in charge of Capt. J. I. Wood, Jesse Campbell, Mary Frances Shanahan, Mrs. C. O'Neil, Mrs. Eleanor Wagner, Mrs. Lindley H. Hadley, the gentleman from Nebraska, the Hon. ROBERT G. SIMMONS, Mrs. W. W. Chalmers, Anna Carroll Drum, Nancy Gertrude Deitrick, Edna Marie Armitage, Mary Mather-Van Duyne, Miss Vivian Vestal, Miss Anna Blanton, Miss Dorothy Kurtz, Miss Kathryn Keifner, Chaplain John T. Axton, jr., and Sergt. Frank Witchie.

The exercises will be broadcast by WCAP, WEAF, WWJ., and other stations in the country by the courtesy of the Chesapeake & Potomac Telephone Co.

THE CAREER OF HON. JOHN T. RICH

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made on the 1st of April with reference to the life and services of the Hon. JOHN T. RICH.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I have heretofore announced to the House the death on Sunday, March 28, at St. Petersburg, Fla., of one of the most distinguished sons of Michigan, Hon. John T. Rich, who represented in the Forty-seventh Congress

the district that I now have the honor to represent, and who had a most illustrious record of service in that State.

John T. Rich was preeminently that splendid type which is the confirmation of the wisdom of Anglo-Saxon democracy, the type which rises from humble origins to great authority, not spurred by grasping ambition but by willingness to serve, and demonstrating with rising place and broadening influence increased capacity and judgment always equal to the responsibilities placed upon him, while he remained always close to the people he served. His career, so marked by sane and courageous performance of duty, builded upon integrity, is an inspiration. So also, always, was his friendship an inspiration to me. His farm, taken from the Government while Elba Township was still a wilderness, was but a few miles from the farm in Hadley and Elba Townships, which was similarly settled upon by my grandfather and on which my father was born and I was born. Living all my life within 10 miles of those farms, as did John T. Rich, he was always a conspicuous figure in my outlook. His career, his rugged honesty, always gave our community and our State greater faith in our system of government. His words of encouragement and of confidence in me as I came to take my place in the public affairs of the county and State were prized and stimulating.

For nearly 80 years he lived in Lapeer County, most of that time on his farm in Elba Township, but more lately in the city of Lapeer. His winter home for some years was at St. Petersburg, Fla. With every honor from his home community and his State, his remains were interred at Lapeer April 3, 1926.

In the following epitomization of his career I am indebted in large degree to the Lapeer County Press.

Beginning as supervisor of Elba Township in 1869 Governor Rich had been a member of the lower house of the legislature, speaker of the house, State senator, Member of Congress, State railroad commissioner, chief executive of the State for two terms, collector of customs at Detroit, State treasurer and customs collector of the Port Huron district, second only in importance to Detroit. It is an unusually large list of public honors for any citizen of the Commonwealth, but the governor once said on this point:

> I can truthfully say now that my public career has at most but a few years longer to run; that I never held an office where the office did not first seek me. What I mean is that the thought never occurred to me to be a candidate for a particular office until others proposed me for it, and without my knowledge. The only office I made any real effort to secure was governor.

Since his first appearance on the public stage of Michigan, when elected a supervisor 57 years ago, he has seen many governors elected and many of them pass away. To see him as he was last fall before he left for the South, with his springy step and a physique that can aptly be described as robust, it seemed hard to believe that in early life he was thought to be a consumptive. Yet such is the fact. His mother died of consumption when he was 7 years old. When approaching 21 he had a notion to study for the law. Old Doctor Gale, who lived in Atlas just over the line in Genesee County, said to him:

> My boy, you may study law and die, but stick to the farm and you'll be able to live to a mature age.

And stick to the farm he did. Never having had a hobby that afforded recreation, he never let up on work to take any. Hunting or fishing or boating did not interest him. He had not learned to play golf. He never planned to take a vacation. Whenever he had a few days or a week to spare from public duties he spent the time working on the farm.

Conneautville, Pa., was the governor's birthplace. His immediate ancestors were Vermonters. The first of them to come to America arrived about 1750. An uncle of the governor, Charles Rich, came to Elba in 1846 and took up a tract of wild land. Two years later the future governor's father came to Michigan with his family and bought an interest in Uncle Charles's stretch of woods. The land had to be cleared before it could be cropped. The father and Uncle Charles believed in the New England system of hardening boys by making them work outdoors in all kinds of weather. The Elba boy was put through this kind of hardening process. He often recalled the first work he ever did was pulling turnips. It was damp and cold, and he was but 7 years. About 9 o'clock he was numb with cold and cried, and his uncle sent him to the house, where at the noon hour he was told that only babies cried.

As he grew the hardening process continued. Many days in a season it was chopping, logging, and burning from daylight till dark. In the winter he taught district school and in the summer worked on the farm. For a few months in 1858–59 he attended a private school at Clarkston, where he got as far in mathematics as algebra. The first public school opened in Lapeer in 1859, and he attended it for the first two years.

While still a boy an uncle in Vermont sent him a merino ewe for a Christmas present, and from her progeny and wool he got money which he spent buying books. The Rich family, in Vermont, had been one of the first in America to breed merino sheep, beginning in 1812. The merino sheep had been introduced into the United States from Spain but a decade before. In later years the governor became an extensive breeder and a high authority on merinos.

In 1866 the governor bought his uncle's half interest in the farm for $10,000, giving a mortgage for about one-half. In 1872, when his father died, he inherited the other half. In the meantime, 1863, he married Miss Lucretia M. Winship, daughter of an Atlas township farmer, and for nearly half a century since she was the sharer in his successes and his honors. She died in 1912. Four years later he married Miss Georgia Winship, of Elba, who survives him.

Elba Township never had a Republican supervisor until the young farmer who was to be governor won his election in April, 1869. As it was, he got there by a majority of only one. But he did better afterwards, for he was three times reelected. Twice he was chairman of the county board.

During his first legislative term Rich was chairman of the house committee on the agricultural college. There was at that time a large measure of hostility among farmers to the college, the first State agricultural college. They were sure that the only way to develop boys into successful farmers was on the farm. A college could not any more teach a boy how to make a farm pay than a blacksmith shop could produce a cabinetmaker. Taxpayer's money was wasted when appropriated for the agricultural college. Nevertheless, the college committee chairman during his first term secured an appropriation of $66,000 for the college, which was considerably more than any previous legislature had voted, but he lived to see that college take a high place in the esteem of the farmers of Michigan as it has among the educational institutions of the country. The present president of that college is a son of one of John T. Rich's old-time farmer neighbors in Lapeer County.

At the 1877 session, and again in 1879, Governor Rich was elected speaker of the house. He was the last speaker to preside in the old statehouse and the first to preside in the new.

In 1880 Mr. Rich was first proposed for the office to which he was elected 12 years later.

Although missing the nomination for governor in 1880, he was the same year elected a State senator. He presided at the Republican caucus in January, 1881, when Omar D. Conger, then Representative in Congress from the seventh district, which I now have the honor to represent, beat Governor Bagley for United States Senator by 1 vote. Conger on his election to the Senate resigned his seat in the lower House and Rich was elected to succeed him. The St. Clair County end of the seventh district had for years two Republican factions that fought each other bitterly. The feud, together with the fact that in 1882 the Democrats won unexpected victories all over the country, resulted in Rich's defeat for reelection by 288. The Republicans did not again carry the district till 12 years later. Political factionalism, surviving from nomination to election, was sometimes known even in convention times.

The first plain farmer with no side lines to be elected governor was Cyrus G. Luce, in 1886. Governor Luce appointed his brother farmer over in Elba State railroad commissioner and reappointed him when reelected in 1888. There was then but one commissioner, and his powers were quite limited, but John T. Rich attracted wide attention in the State by his common-sense administration of that office. As railroad commissioner Governor Rich persistently endeavored to induce railroad managers to stop working trainmen excessively long hours at a stretch. His main argument to the managers was that trying to get three men's work out of two trainmen was poor business policy, because such a policy made accidents more frequent. He said that the railroad commissionership was the pleasantest political office he ever held.

Mr. Rich was nominated in 1892 for first place on the Republican State ticket and elected by a majority of 16,090. During his first term as governor he had to meet two important disagreeable duties—the suppression of strike disturbances on a scale that have not occurred since and the removal of his own political party's secretary of state, State treasurer, and State land commissioner from office for participation in election frauds, the purpose of the frauds being to increase their own salaries. No election frauds quite so great have disgraced Michigan as the ones of 1893. Without banners or brass bands Governor Rich purged the State service with a celerity that reflected his ideas of honesty in public place.

When he ran for reelection he won by a plurality of 106,392—a wonderful tribute to his administration in difficult days.

In 1897 Governor Rich was appointed collector of customs at Detroit. At the end of the term he was reappointed for another four years. Completing that term, he retired.

But State Treasurer Glazier went wrong and vacated the treasurer's office. Governor Warner appointed Governor Rich treasurer to get the office back into business shape. He served as treasurer until one was elected at the next general election.

When President Roosevelt removed the collector of customs at Port Huron under charges, Governor Rich was put on duty there.

Governor Rich had served also as president of the State Fair Association, president of the Merino Sheep Breeders' Association, and once president of the National Woolgrowers' Association. In 1890 Secretary of the Treasury Foster appointed him one of a commission of three wool experts to revise the standard of wool samples for the guidance of customs appraisers in levying duties.

When Governor Rich went to Florida last fall he seemed to be about as well as he had been for the last two or three years. A robust frame, wonderfully energetic, he moved with his customary agility. It was clear to his friends, however, that his more than 84 years were telling on him. The partial loss of his sight a few years ago and the partial loss of hearing were a severe handicap to one who still looked after his farm and other business interests and who loved to be with folks. These afflictions, however, did not affect his geniality; apparently did not affect his enjoyment of life.

Governor Rich's last public appearance was at the farmers' picnic at Lyles Landing, Lake Nepessing, near his old farm home, last summer. He had spoken at the first of those picnics, 49 years ago, and gladly accepted the committee's invitation to attend this one. He drove his own car to the landing, maneuvering it on the rough and winding roads on the lake shore and through the great jam of cars without difficulty or damage. Mrs. Rich accompanied him.

Called upon by the chairman, Governor Rich made his way to the platform, mounted it with stalwart stride, and spoke with facility and in a voice so clear and strong that it carried farther than the voices of most of the other speakers—told of his vivid recollection of the first picnic there in those early days, of the spirit of the early settler, of the progress they and their children had made, and of "this good day" which "outshines the days of the past, however glorious they may seem to be as we look back upon them through the years."

No greater tribute can be paid to him than is carried by the fact that as he stood there among the people of his home community, nearing the close of a life of unusual accomplishment, no person was there but had implicit confidence in him and respect for him, and none but held him their friend and neighbor.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, after conference with the gentlemen who have in charge the several agricultural bills now pending, I ask unanimous consent that the general debate may be extended one day; in other words, that next Monday, instead of reading the bill under the five-minute rule, one more day be devoted to general debate.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that one additional day be given under the formal agreement for general debate on the farm relief bills, which will be Monday. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I would like to get in 30 minutes from the poor consumers' standpoint on Monday. It is very embarrassing to the consumer at this time to get any time from any of the agricultural leaders who have control of the time. I tried to make a collection of 10 minutes each this morning and could not get very far. I would like to see an arrangement made by which a tenement dweller could have his say.

Mr. TINCHER. I would be glad to give the gentleman five minutes, and even more time.

Mr. BLACK of New York. I want to say that so far as the gentleman from Louisiana [Mr. ASWELL] is concerned he very graciously extended to me time. That will not do you much good for the consumers of farm products.

Mr. LAGUARDIA. Just now I am looking after the bread consumers, while the gentleman is looking after the beer consumers. [Laughter.]

Mr. BLANTON. Mr. Speaker, I want to ask a question of the gentleman from Connecticut. Will that do away with District day?

Mr. TILSON. The gentleman realizes that there is no District day per se, as in the case of Calendar Wednesday. It is only a day when District business may be in order. There is no day exclusively set apart by the rules for District business any more than there is for business on the Private Calendar.

Mr. BLANTON. Here is a very important bill that will provide court facilities between now or the time when we shall adjourn and the convening of the next session. We ought not to leave these people here with the present inadequate court facilities, where people are crowded like animals, sometimes locked up 50 or 60 in a little cell down here, with no adequate facilities for trying them, and no conveniences provided, and no facilities for the judge to give a man a decent trial. We ought to pass that bill before we adjourn. Could the gentleman arrange for that bill to be taken up out of order some time soon and passed?

Mr. TILSON. I do not wish to agree to set aside the special order for anything else, but as soon as this special order is out of the way then other matters that are pressing will be taken up and we shall do the best we can with the bill referred to and any others that may be urgent.

Mr. BLANTON. I am sure that if the Members of the House understood the real facts about the congestion that exists there would not be a vote against it.

Mr. UNDERHILL. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Massachusetts demands the regular order. The regular order is, Is there objection to the request of the gentleman from Connecticut?

There was no objection.

FARM RELIEF

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and distribution of the surplus of agricultural commodities.

Mr. ASWELL. Mr. Speaker, pending that motion, may I ask whether we could have a session to-night?

Mr. TILSON. I have made no request for a session to-night. I understood that it was the preference of those who are in charge of the bill not to have a session to-night, but to extend the time for general debate through Monday and probably Monday night, if that be agreed to.

Mr. ASWELL. It would not hurt to have a session to-night, because I have demands for more time than I can meet.

Mr. TILSON. If the gentleman wishes to request a night session, I shall not object.

Mr. GARRETT of Tennessee. Mr. Speaker, is the objection very serious on the part of the gentlemen who are in charge of this matter against having a session to-night?

Mr. TILSON. I can not speak for those gentlemen.

Mr. TINCHER. I do not want to have a night session to-night. For one I am very much opposed to it.

Mr. TILSON. Of course, it is my desire to comply with the wishes of the House as far as possible and with the convenience of the Members.

Mr. GARRETT of Tennessee. Mr. Speaker, the demands for time are, of course, very heavy, and if we have the same kind of an arrangement we have had on the other nights, of course gentlemen do not have to attend unless they wish to do so. I really believe it would be desirable to have a night session to-night as well as Monday night. However, as I understand, the gentleman from Kansas does not want to have that.

Mr. TINCHER. I do not want a night session to-night, simply because I am worn out and I do not feel I should miss any of the debate on this bill.

Mr. JONES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JONES. Does this extension of time mean that the extended time shall be in the control of the same gentlemen?

The SPEAKER. It means precisely the same situation that exists now.

Mr. JONES. I did not know whether that was included in the unanimous-consent request.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603, with Mr. MAPES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. For the information of the committee, the Chair will announce the time. This is the time that has been used in the day sessions. The gentleman from Iowa [Mr. HAUGEN] has consumed 3 hours and 50 minutes, the gentleman from Kansas [Mr. TINCHER] 3 hours and 35 minutes, and the

gentleman from Louisiana [Mr. ASWELL] 4 hours and 30 minutes.

Mr. TINCHER. Mr. Chairman, I yield myself 30 minutes.

Mr. Chairman and gentlemen of the committee, for the last two days I have had a feeling that there was some influence working inside of this House other than the debate upon the floor of the House. I have had remarks made to me concerning the bill that I introduced which I knew no man ever got from reading the bill, and yesterday afternoon it was particularly noticeable on the floor while some one was discussing the Haugen bill and explaining how the money could be used under the Haugen bill, I think, the gentleman from Kentucky [Mr. KINCHELOE]. I interrupted to ask some questions of him, and some one else suggested that the money provided for in the Tincher bill could be used in the same way. I find that there is what I term an unfair propaganda of that kind being circulated. I really think I would have had the right to take the floor this morning on a question of personal privilege concerning certain publications had I so desired.

Mr. KINCHELOE. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. KINCHELOE. The gentleman does not mean to intimate that I undertook to leave that impression?

Mr. TINCHER. No; I do not; and the gentleman who did leave the impression is an honest man and would not intentionally misrepresent anything. But it convinced me that something else was working besides the debate.

Let me say this: That in the preparation of the bill which I introduced I had a number of conferences with the milk producers' cooperatives and other cooperatives; I had a number of conferences with my friend on the committee [Mr. FORT] and the drafting service that we used in the preparation of that bill. There was one thing that I was absolutely sure I wanted in that bill from the start, and that I was absolutely determined should be in it if I introduced it and fought for it, and that one thing was this: That if we provided for taking a dollar out of the Federal Treasury, as we do, that I would not support it if it could go into the hands of anyone except the producers' cooperative associations. I was here when we passed the Capper-Volstead Act. As a matter of fact, the Capper-Volstead Act had another name before Volstead took it off and put on the name Volstead Act. I have always been a firm believer in that act, and I insisted, before this bill went into the hopper, that it should bear the definition of a cooperative marketing association and confining that to the cooperative marketing associations as defined by the Capper-Volstead Act, which confines it to more than 50 per cent of their own production.

I had my reasons for this. I did not think when the American people had a chance to consider the matter they would favor the handling of a fund of this kind by the packers or by any organization organized for the purpose of spending it; and I tried to make my bill for agriculture and the producers of agricultural products.

There is not a man on the committee, there is not a Member of Congress in the sound of my voice, who has read the bill but who will say now—if anyone thinks differently I want him to stand up now—that I first provide that no one can handle this money from the board except cooperative producing associations, and I define the cooperatives in the bill as cooperatives coming within the provisions of the Capper-Volstead law.

I want to tell you what has been working in the cloakroom. There is a paper published in Illinois——

Mr. HAUGEN. Will the gentleman yield?

Mr. TINCHER. Yes; I yield to the gentleman.

Mr. HAUGEN. It is fair to state, I believe, that the gentleman changed his bill and that the present bill does provide that.

Mr. TINCHER. And his first bill provided it also, and when some members of the cooperatives came before the committee I asked them if they thought I had made it clear enough. They said that I could make it clearer. I asked them how, and they said just provide that it has to be that and that it has to come under the cooperatives. The hearings will disclose I said I would not be for the bill if anyone else could spend the money, and to say that I ever was in favor of anything else is unfair.

There is a paper published in the State of Illinois called the Prairie Farmer; and by the way, I want the House to bear in mind that the Prairie Farmer is a competitive farm paper with Senator CAPPER's publications. Senator CAPPER introduced this bill in the Senate, although he has not had much time to spend on it because he has been at the bedside of his sick wife. However, he is for it and introduced it and is one of the coauthors, which may account in a way for the position this Prairie Farmer takes.

The headline in the Prairie Farmer is——

Tincher bill smells bad.

[Laughter.]

Now, let us see why. They tell you why, gentlemen—

The bill will encourage fake cooperatives like the Grain Marketing Co. and lead to an epidemic of promoted cooperatives. The bill bears all the earmarks of the old Grain Marketing Co. crowd and the legislation and Government help which it has sought in the past. Gray Silver and his associates may not have had a hand in framing the Tincher bill, but they certainly will not be displeased by it.

Gentlemen, to say that to the Illinois farmers to-day, seeing as they see, is as bad as calling a man a thief or accusing him of a felony. The proposition of the Farm Bureau in its attempt to buy the storage space at Chicago, handled by Gray Silver, which was a failure, which was not a cooperative marketing association within the terms of the Capper-Volstead Act, is the most unpopular thing in America to-day, and that is one reason I would not have been the author of any bill that would have permitted a thing like that.

If my bill stinks to high heaven because the Prairie Farmer thought that was in it, since they know now that it is not, will they have the manhood, regardless of their dislike of Senator CAPPER, who is their competitor in business, to publish a frank statement admitting that their statement was false?

Let us see if there is any prejudice in their minds. They are for the Haugen bill. In the committee I suggested to the chairman of this great committee that his bill in its present language would permit the spending of every dollar of this money with the packers, with the processors, and with others than farmers. I offered, if he wanted to amend it, to help him change it so that it would be a farmers' bill; but in the form his bill is in to-day, they can spend every dollar of that money, if it is appropriated, and every dollar of the equalization fee, if it is collected, in carrying out contracts, fees, and charges with those other than producing farmers' cooperatives. If the odor from my bill is so unsatisfactory to the Prairie Farmer by reason of the fact they thought it said a thing that the other bill does say, will they have the manhood to print a correction? No; because they are thinking not about me—they do not care that for me—they are hitting somebody else over my shoulder because the editor and owner of the greatest farm publications in America, with ten times the circulation that the Prairie Farmer has, is the coauthor with me of this bill.

Is there anything that would be more repugnant to you men than to think that I personally was advocating a bill, pressing it for passage, claiming it is for the farmer, and then organizing something to make some money out of that fund? Could I do a meaner trick than that? They did not quite accuse me of that, but they said that because my bill permitted—which it does not do—what the Haugen bill does permit, that my bill smelled bad.

Let us see how this other thing is working. You know who the authors of the Haugen bill are. They came here and spent the winter, and they have been hopeful that there would be a big fund. They have indulged in this hope since the early part of March. When I suggested that they change the language in the Haugen bill so that only the producers could spend the money there was some reason why we could not get a hearing. Why was that, what was that reason? I am not laying charges on the floor of this House, but we are dealing now with the taxpayers' money under the guise of being a friend to the producing farmer.

On the 25th day of March this year a letter went out from Minneapolis, Minn. It went out by the thousands, and it told of an organization of a great corporation. Told what they were going to do. It provided for preferred stock of 10,000 shares, value $100 a share. They are not putting that on the market, so far as I know. Common stock 1,000,000 shares, at $1 a share. They say it is going to be the biggest thing going and send in your money. Here is one paragraph:

This company has recently been organized under the cooperating market act of Minnesota by farmer-elevator representatives and grain growers of Minnesota, North Dakota, South Dakota, and Montana.

Do you realize that if the farmers' elevators in the four States named would sell through one company it would be the largest grain concern in the world? On the basis of the commission you now pay—millions of dollars—a preserve could be set aside and patronage dividends refunded back to your patrons, thus establishing a stronger local elevator company.

Mr. FULMER. Will the gentleman yield?

Mr. TINCHER. If the gentleman has any information about this I will yield.

Mr. FULMER. The gentleman is disturbed because the Haugen bill puts in plain English the words "equalization fee." I would like to know and have the gentleman explain what he means in this bill by this language——

Mr. TINCHER. Now I submit that that is the fairest question I ever had asked me by you. I am talking about something else and the gentleman asks me a question relating to an entirely different matter. I have not a copy of the bill before me. I am about to make a charge against the corporation which the gentleman is not interested in, I hope, but he can not take me off my feet. I am going to tell the gentleman what is in that letter if he interrupts me a thousand times. There is not a dollar in the Tincher bill that can be spent for anything except by the producing farmers.

Mr. FULMER. The gentleman has an equalization fee in his bill.

Mr. TINCHER. I have not.

Mr. FULMER. I will hand the gentleman a copy of the bill and let him explain.

Mr. TINCHER. This is no time to talk about an equalization fee now. I am talking about this letter and right now the gentleman is not going to take me off my feet on that subject. [Applause.] I want the House to know what this is. Here is a big corporation—10,000,000 shares divided up among those men, 1,000,000 sold at a dollar a share—an organization that could not get a dollar under my bill, and they are hurrying to-day to get ready for what? Suppose the gentleman from Iowa [Mr. HAUGEN] was in that corporation. There is not a man in this Chamber but what would be ashamed of him, and God bless his old soul, he would no more, while advocating his bill, be in that movement than he would fly. He would not be entitled to your respect, because Members of Congress have to be honest. Who is the author of the bill, who wrote the language about fees and charges?

Who was up and around our table every time we got on the subject of putting the money in the hands of the producing farmers? Who got excited; who kept that in the bill? I will tell you his name—it is on the letterhead. He is the organizer of this company—Frank W. Murphy, Wheaton, Minn., general counsel.

Tell me that I have turned on my farmers because I will not support any plan as plain as this! Tell me, because men can not come here and stay all winter lobbying, exchanging and changing telegrams, doing everything that a lobbyist can think of doing, organizing companies at home with $10,000,000 preferred stock divided up among them, be general counsel for them, and ready to handle the fees and charges taken from moneys out of the treasury, and collecting the fees from the farmer—and then talk about turning on the farmers.

If Mr. Murphy, with his activities concerning this bill, had been a Member of Congress instead of an ordinary lobbyist, he would be impeached on this floor to-day, and still he stays here and appears as an attorney for the company that the Prairie Farmer says stinks to high heaven, and he is trying to get this money. You know the farmers, gentlemen. I want you to convey this message to them. These people lied about me; they printed a lie, and I could prove that by every member of the Illinois delegation who has read the bill. I have worked the best eight years of my life for my people, and now will those people have the manhood to publish the truth and take back that damnable lie, not only against me but against Senator CAPPER and the farmers of America? [Applause.] Mr. Chairman, CLAUDE HUDSPETH, my friend, knows that I know the farming game, because we are both in it. Suppose he had read in a statement down in Texas a charge that I was here behind a bill that would let the processers steal the Government's money as well as the cattlemen's and the farmers'; surely he would have had a right, knowing that ignorance would be no plea for me, to have lost every bit of respect he had for me. Still, the Prairie Farmer publishes that, and if they have one spark of manhood left, if they are not so agitated politically as to want to make the farmers of Illinois see red, they will change their headlines and tell what bill it is that stinks to high heaven.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. UNDERHILL. The gentleman seems to take this matter so seriously that I feel impelled, as one who is opposed not only to the Haugen bill but to the Tincher bill as well, to say just a word, and that is that the gentleman has lost nothing in the conduct of his fight for this bill except possibly a little poundage, and he has the respect of every Member of Congress. The only loser in his retirement from public life is the Nation as a whole, as well as the farmer. [Applause.]

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. ASWELL. Is this the same Murphy that wrote the Haugen bill?

Mr. TINCHER. Absolutely the same Murphy that hovers over us day and night and writes half the speeches that are delivered for the Haugen bill. [Laughter.]

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes; and I can prove it by a Member of Congress. He brought him a speech and wanted him to deliver it. The speech has been delivered since by somebody else, and we laughed about it.

Mr. RUBEY. The gentleman said half of them.

Mr. TINCHER. Oh, the gentleman from Missouri did not speak for the bill. He just stalked around and told how sorry he was for the farmer and how little he thought of the gentleman from New Jersey [Mr. FORT].

Mr. RUBEY. He did not write my speech.

Mr. TINCHER. Let me ask the gentleman something.

Mr. RUBEY. I have never seen him to talk to him half a dozen times. He never came to my office, and the only time he came to me to talk about this bill was in the committee room, when the other members were there. That has been the policy of the committee.

Mr. ASWELL. Is this the same Murphy that proposes to make a certain allowance for certain gentlemen who support the Haugen bill and get his organization back of them with speakers in each district this fall?

Mr. TINCHER. Yes; he is the same fellow. He is the same Murphy who when he testified before our committee said that a subsidy would debauch agriculture and ruin it, and then when he found he could not get his equalization fee and could not finance his corporation that he was organizing through the equalization fee, is now in Washington to-day supporting a raid on the Federal Treasury for $375,000,000 which he said himself would debauch agriculture.

Mr. FUNK. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. FUNK. Notwithstanding the gentleman's views of Mr. Murphy, will the gentleman admit and concede that the Haugen bill as introduced is indorsed by the largest farm organization of farmers in the United States, the American Farm Bureau?

Mr. TINCHER. I do not believe it is the largest; but God knows it never will be again when they find out how they have been treated. That is the only organization that does indorse it.

Mr. CARTER of Oklahoma. Did the gentleman say that this man wrote speeches for Congressmen and then writes letters indorsing these Congressmen to the farmers?

Mr. TINCHER. He has told them that.

Mr. CARTER of Oklahoma. Can the gentleman give me his address? I would like to get acquainted with him. [Laughter.]

Mr. TINCHER. Oh, he has been around here a long time. I will tell the gentleman his address. He is general counsel for the Northwestern Grain Marketing Corporation, which hopes to spend the $375,000,000 that we are asked to appropriate. The gentleman will find him at Wheaton, Minn., if he ever goes home.

Mr. FORT. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. FORT. Is it not a fact that the gentleman has persisted, in connection with his bill, upon the maintenance of those provisions which would limit the use of its funds to cooperative marketing associations exclusively and that the gentleman and myself have had a good many arguments in which I have taken the opposite view?

Mr. TINCHER. Absolutely, to the extent that I laid the bill on the table and said that I would not be the author of any bill for agriculture unless the money went direct to the producers of agricultural products.

I am glad I fought it out with you, then. See where I would have been had I let you have your way. There would not be any guess work about it. Suppose you had, then, prevailed with me privately to let that thing stay in the bill. Then the Prairie Farmer would have had me convicted, would it not, because my bill would then be stinking to high heaven; and now, since I fought it out and stood up for what I thought was right and won out, it is their bill that stinks aloud. They are asking Congressmen from Illinois and Indiana that they do not correct this, so you will know about it. I hope to God CAPPER gets in and puts a farm paper in every home in Illinois, so the farmers will hear the truth and not contemptible misstatements.

Mr. CANNON. Will the gentleman yield?

Mr. TINCHER. Well——

Mr. CANNON. Before the gentleman leaves the question of the authorship of speeches, is it true that Mr. Hoover is writing speeches in favor of the Tincher bill?

Mr. TINCHER. If he has talked to a Member of this House about the Tincher bill, I do not know the Member. I do not know. He has not to me. Let me tell you something. I do not know Mr. Hoover but very slightly. I think we sat four chairs apart at a ball game, and I never spoke to him; I do not know him any better than that. I think enough of Hoover to think it is a dirty insult to hook him up with the fellow Murphy. I hardly know Mr. Hoover, and I do know Murphy. [Laughter.]

Mr. Chairman, I reserve the remainder of my time.

Mr. FUNK. Will the gentleman yield?

Mr. TINCHER. No; the gentleman knows the facts. If he wants to justify them, go ahead. [Applause.]

Under leave to print, I here insert the letter mentioned, in full:

The letter referred to by Mr. TINCHER is as follows:

NORTHWESTERN GRAIN MARKETING CO.,
Minneapolis, Minn., March 25, 1926.

(Officers: S. M. Arneson, president; James A. Mead, first vice president; Frank Linha, second vice president; C. E. Houston, secretary-treasurer; Frank W. Murphy, Wheaton, Minn., general counsel; Halvor Halvorson, Minot, N. Dak., assistant counsel. Directors: James A. Mead, Glentana, Mont.; Arthur Anderson, East Grand Forks, Minn.; Frank Linha, Minot, N. Dak.; N. T. Hegseth, Fergus Falls, Minn.; A. L. Dolney, Greenbush, Minn.; S. M. Arneson, McLaughlin, S. Dak.; Earl M. Johnson, Beardsley, Minn.)

DEAR SIR: This company has recently been organized, under the "cooperative marketing act" of Minnesota, by farmer elevator representatives and grain growers of Minnesota, North Dakota, South Dakota, and Montana. It was organized as a result of a demand on the part of farmers' elevators for a cooperative sales agency in the terminal markets.

It is not a promotion company. It is a grain merchandise concern, which will handle many millions of bushels of grain on the Minneapolis and Duluth markets this year. There are thousands of farmer elevators in the Northwest, doing approximately 50 per cent of the grain business of the four States, but they have not cooperated heretofore in the selling of their grain in the terminal markets, each selling independent of the other.

There is no substitute for the farmers' elevator in the local field. It is the foundation of cooperative grain marketing. Cooperation and cooperative marketing are just as necessary and more important in the terminal where the final grades are established and where the world buyers are located.

Do you realize that if the farmers' elevators of the four States named would sell through one company it would be the largest grain concern in the world? On the basis of the commissions you now pay millions of dollars of reserve could be set aside and patronage dividends refunded back to your patrons, thus establishing a stronger local elevator company.

Do you realize that there are over 1,000 farmer elevators doing business in these four States? We have hopes through a vigorous campaign in a short time to federate at least half of these elevators. Do you realize what this means? Five hundred elevators, with an average of 200,000-bushel business, would give your terminal company a business of 100,000,000 bushels annually.

The Canadian cooperatives with their big volume passing through one sales agency at Winnipeg has reduced terminal selling cost to less than half a cent a bushel. One-half cent a bushel saving on the commission that you now pay would build up a reserve of $500,000 in one year if approximately 500 elevators would federate and sell cooperatively on the terminal market.

This means that the farmer elevators would not only secure better service, prices, and grades but would in a few years own their own terminal facilities, office building, or exchange, and would enable them to establish offices in the principal grain markets throughout the country. Our plan contemplates just such a program, and we would like to have the opportunity of presenting it to you and your company.

This company is under the supervision, under the cooperative law, of the public examiner of the State of Minnesota. This will give the various farmers' elevators doing business with it a protection not obtainable elsewhere.

Minnesota has also established a protein laboratory, and all wheat sold by the company will be tested by the State and sold on its protein content. The demonstration made in Canada, where over half the wheat crop of that country is sold through one sales agency in Winnipeg, and the demonstration made by the Minnesota Creameries Association, which in five years has become the largest butter organization in the world, is proof that the time has arrived when the farmers' elevators must keep step with the times.

This company will not only furnish finance to farmer elevators at the lowest interest rate obtainable, but will furnish, when called for, other services to assist the farmers' elevators to increase their local business and membership and to establish uniform business methods and such other services as you may need from time to time.

If the condition of your elevator is such, and it is desirable to do so, we will assist you in a reorganization of your company through our organization department and furnish you competent men to do this work and increase your membership.

We are inclosing you herewith a report which we ask that you fill out and return to us in the inclosed stamped envelope. We would appreciate it if you can give us this report by return mail. If you are interested, we will furnish you additional information and literature, so that you may be better acquainted with the objects and purposes of this association and the service it can render your company.

Yours very truly,

NORTHWESTERN GRAIN MARKETING CO.,
By C. E. HOUSTON, *Secretary.*

Mr. TINCHER. I will yield 10 minutes to the gentleman from Illinois [Mr. MADDEN], chairman of the Committee on Appropriations. [Applause.]

Mr. MADDEN. Mr. Chairman, it is unfortunate that those who are interested in the development of prosperity in agriculture should begin to quarrel about public funds before they get them. [Laughter and applause.] I am interested in the prosperity of agriculture as much as anyone can be. Agriculture is not the only thing that suffers. I had a tax bill the other day for a piece of property that is not used for agriculture, in which I have $100,000 invested and for which I get $5,250 a year and out of which I pay $7,200 taxes. [Laughter.]

A MEMBER. How do you do it?

Mr. MADDEN. And I do not draw on the Government to make up the deficit. Now, I have always been opposed to using the Public Treasury, which represents the contributions of all the people, for the advantage of a few people, for anything less than all the people. I think that when a taxpayer makes a contribution to the Public Treasury that he does that with a reasonable expectation that the money is going to be used for the advantage of all the people. I do not think we have any right whatever to take any part of these contributions and subsidize any part of the people less than the whole people. So I am opposed both as chairman of the Committee on Appropriations and as a citizen of the United States and as a taxpayer to the appropriation of $375,000,000 or any other sum to subsidize any activity in America. [Applause.] I think I have a right as a taxpayer to express my opinion on this question, and I am going to express it irrespective of the demands of those who are already quarreling as to how they are going to spend $375,000,000, which they have not yet obtained.

Mr. KVALE. Will the gentleman yield for a question?

Mr. MADDEN. Not for the moment. I have a plan of my own I would like to exploit; nearly everybody has. My plan could be made practical, and of course if made practical it will not be popular [laughter and applause], because it does not go into the Treasury of the United States. Now, I have talked to a great many people about this agricultural prosperity or lack of prosperity, and I am sympathetic, and I would like to do everything within my power to help as far as I can help without invading the Public Treasury. Now, you can operate agriculture successfully and market economically, but you can only do it through private capital, and you can get private capital if the men who are interested in the prosperity of agriculture will devote their energy and their genius to creating a sentiment among those people in the country who have money to invest, instead of trying to invade the Treasury of the United States, and they will win, and they will not only win but they will prosper. [Applause.] And you do not need any legislation in the plan I am going to suggest briefly to you.

Now take the great transportation organizations of the United States that have been made prosperous by the development of the country. They have had genius back of them. They have wealth behind them now, and all subsidiary activities that relate to transportation and other things and the marketing of produce of all kinds they are interested in. I am interested in agriculture, everybody is interested in agriculture, and if you can place some sane proposal before them you can get them to invest their money in it. But what is a sane proposal that can be placed before them in which they would invest their money? It is this: You can organize marketing corporations out of private funds. It will take a lot of money. It would take at least a billion dollars. Well, in these days of big business a billion dollars does not mean much, but it would mean that the people in the organization would enter upon a business and their success would not be questioned if it was properly managed.

Now, how would you manage it? What would you do? In the first place, you could make contracts with every farmer in

the United States, and make a contract in advance for at least 25 per cent more than he gets to-day. You could assure the farmer of that, and you could, in cooperation with the men who owned the farms, through an organization like this, create a condition of prosperity in agriculture the like of which you have never seen.

You could control the output merely by suggesting to the farmer that he ought to plant more of this and less of that, and if he is under contract with somebody that leads him on the way to prosperity he is going to follow that man or that organization, just as you follow somebody else when you make an investment. Every man here at some time or other in his life has watched the successful man in his community. He has admired the success of that man. He has followed him in his investments. He has made money by following him.

What do you say? You say, "Perhaps this organization would get too strong some day. It might monopolize." But when it does, the law against monopoly will still exist, and you could put them into court. You could prevent any unjust discrimination, either for or against agriculture, as for or against any other activity in the United States. And if we will all now confine our efforts to lifting up agriculture and putting it on the plane of commercial sanity, the same as you charge every other business with being on, we would do well.

You say, many of you, that agriculture has not had a chance; that it does not have the same facilities as other lines of activity for credit; that it does not have the same marketing facilities; that there is too much spread between the price obtained by the producer and that paid by the consumer. But all this can be placed in the hands of an organization that cooperates with agriculture without the investment of a single American dollar drawn out of the Public Treasury.

I want to tell you that I know, as the result of conversations with men who have money and who have interest in the country's welfare and who really believe, as I believe, that unless we do something more to recognize the rights of agriculture than we have been doing in the past, the fortunes that have been derived from other sources and are now existing are not as secure as they might be.

So we come to the point where men everywhere who are not trying to use the Government for every purpose imaginable can be induced, with the right effort, to invest money and cooperate with the farmers and give them a real organization for the marketing of their products, and give them the advantage of the benefits that can be derived from scientific knowledge in the disposition and sale of goods.

Gentlemen, you can not do it through the Government. The very moment you put a dollar of Government money into this business, the business will die of dry-rot.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ASWELL. If the Haugen bill became a law, authorizing a $375,000,000 fund, would the Committee on Appropriations appropriate at this session?

Mr. MADDEN. Of course, I can not speak for the 35 members of the Committee on Appropriations, but I myself am thoroughly opposed to any dollar of public money being appropriated for this purpose. It ought not to be done.

Mr. KVALE. Mr. Chairman, will the gentleman yield there?

Mr. MADDEN. Yes.

Mr. KVALE. Did the gentleman vote for the ship subsidy?

Mr. MADDEN. I did; and I said when I voted for it that the only reason why I voted for it was this: That during the war the taxpayers or the Government spent $3,300,000,000 of the taxpayers' money to build ships; that we had them on hand; that they were rotting at the docks; that we wanted to keep the American flag afloat; that we wanted to continue facilities to transport American products on the high seas; and under no other circumstances, as I said then, would I vote for any kind of a subsidy whatever. I was doing that only to preserve and protect and conserve the $3,300,000,000 that had been invested by the Government of the people's money in building ships.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BURTNESS. I find the gentleman's statement is very interesting. Is it the gentleman's idea that this corporation that he would like to see established would be purely a marketing organization or be a cooperative association of producers, that he would favor the establishment of a corporation with capital stock backed by people who are not interested?

Mr. MADDEN. It would be purely a corporation created and paid for out of the money of the people who would be stockholders in the corporation and through which the farmers might enter into contract with responsible beings.

Mr. BURTNESS. And that responsible organization would make agreements with the farmers?

Mr. MADDEN. Yes.

Mr. BURTNESS. As I understand it, you would exempt that corporation from the provisions of the antitrust laws?

Mr. MADDEN. I would, as long as they kept within the bounds of reason.

Mr. BURTNESS. That would then establish an entirely different policy, in this, that you would be taking out one corporation, one general corporate business, from the provisions of the antitrust law. Up to this time Congress has only exempted associations of producers.

Mr. MADDEN. They exempted the farmer; and in other words, this being a proposal to alleviate conditions among the farmers, would be entitled, in my judgment, to the same consideration that the farmer himself is entitled to.

Mr. BURTNESS. Would it be any different from other dealers in farm products, such as the elevator concerns?

Mr. MADDEN. It would be organized only for the purpose of alleviating the conditions that would exist.

Mr. BURTNESS. Would you give that concern a charter?

Mr. MADDEN. Yes; I would.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. HAUGEN. Mr. Chairman, I yield myself five minutes.

The gentleman from Illinois has announced to the House that he, as chairman of the Committee on Appropriations, is not inclined to carry out the mandate of Congress. Gentlemen, has it come to this, that Congress has surrendered its power to appropriate money out of the Treasury and that one man or one committee can hold up the mandates of Congress?

Mr. MADDEN. The gentleman did not say that. Let us get this thing straight.

Mr. HAUGEN. That is the question asked the gentleman.

Mr. MADDEN. I said that I personally am unalterably opposed to an appropriation for this purpose.

Mr. HAUGEN. My understanding is that you were asked the question: What would you do as chairman of the committee? Would you report the appropriation? Here is a mandate of Congress. You are the chairman of the committee, and I understood you to say you refuse to report out the appropriation. Has it come——

Mr. MADDEN. Mr. Chairman, I demand that the gentleman tell the facts.

Mr. HAUGEN. I am going to tell the facts.

Mr. MADDEN. The gentleman did not tell the facts.

Mr. HAUGEN. I am going to tell the House what position it is in.

Mr. MADDEN. Let me explain——

Mr. HAUGEN. The gentleman says he would refuse to report out an appropriation.

Mr. MADDEN. That was not the question.

Mr. HAUGEN. Will the gentleman make the appropriation if it is authorized? Will he make the appropriation?

Mr. MADDEN. I do not make the appropriations; the House makes the appropriations.

Mr. HAUGEN. Will the gentleman report it from his committee if it is authorized?

Mr. MADDEN. I said I am only 1 member of 35.

Mr. HAUGEN. You can not get away from it in that way.

Mr. MADDEN. The gentleman does not want to get away from it. The gentleman is the chairman of a committee of 21——

Mr. HAUGEN. What is the gentleman's position? Will he carry out the mandates of Congress or will he refuse to do it? Answer the question.

Mr. MADDEN. We will decide that question when we get to it.

Mr. HAUGEN. It can be answered by yes or no. That is not an answer. As a Member of this House will he carry out the mandates of Congress? That is the question. Now, gentlemen, what did we do some years ago? Congress had jurisdiction over appropriations and we surrendered it to the Budget Bureau at the other end of the Capital, and the Committee on Appropriations. Legislative committees now have no jurisdiction over appropriations except to authorize appropriations to be made, and here we are told that the chairman of the Appropriations Committee is not inclined to carry out the mandates of Congress.

Mr. MADDEN. I demand that the Reporter shall read what I said. The gentleman is not stating the facts.

Mr. HAUGEN. Will you answer the question?

Mr. MADDEN. The gentleman is not telling the truth.

Mr. HAUGEN. Will the gentleman answer the question? Will he carry out the mandates of the Congress?

Mr. MADDEN. I insist, Mr. Chairman, that the report of what I said shall be read to the House.

Mr. HAUGEN. Very well, read it; not out of my time, however.

Mr. MADDEN. There is plenty of time. It does not make any difference about the time. Time is the cheapest thing we seem to have here. [Cries of "Regular order!"] Are we going to get a report of what I said?

Mr. DOWELL. Mr. Chairman, the gentleman from Illinois is out of order. He has no right to take the gentleman off his feet. The gentleman from Iowa has the floor. [Applause.]

Mr. MADDEN. Mr. Chairman, I rise to a question of personal privilege.

Mr. MURPHY. Mr. Chairman, the gentleman from Illinois has some rights.

Mr. HAUGEN. It is not for the gentleman who has the floor to control order. May we have order, Mr. Chairman?

The CHAIRMAN. The gentleman from Iowa has the floor.

Mr. HAUGEN. I would like to have it, if I may have order.

The CHAIRMAN. If the gentleman is using any unparliamentary language, his words will be taken down, and unless he desires to yield he has the floor.

Mr. BYRNS. Will the gentleman from Iowa yield to me?

Mr. HAUGEN. No; I beg your pardon. I have not the time.

Mr. BYRNS. The gentleman has plenty of time.

Mr. HAUGEN. I have not the time.

Mr. BYRNS. The gentleman has all the time.

Mr. HAUGEN. No; I yielded myself five minutes and I am taking time away from others. Now, may I go on for a minute? No one has a higher regard for the gentleman from Kansas [Mr. TINCHER] than I have. He is a perfect gentleman and courteous in every way. But he says we have a bill here of which the chairman is ashamed, and the gentleman from Louisiana [Mr. ASWELL] says it is in the Industrial Workers of the World class. Oh, my friends, are the millions of people back of this measure in the Industrial Workers of the World class? He speaks about the authorship of it. It was made up by farmers and the representatives of farmers. I shall tell you the facts about it.

The Committee on Agriculture directed the chairman to draft and report back to the committee a farm-relief measure, and to make the committee print of March 16, 1926, printed by order of the committee and embodying the provisions contained in the recommendations of the representatives of farm organizations, the basis for the drafting of a bill. After conference with the representatives of farm organizations of the Wheat and Corn Belt and the Cotton Belt, the bill was drafted in accordance with the direction of the committee and the suggestions made by the representatives of farm organizations, and submitted to the representatives of farm organizations then in Washington. Gentlemen, here is the bill as suggested by them, with a few amendments all of which are agreed to by the representatives of the farm organizations from the East, South, North, and West, and because it represents their views and is in form as directed by the committee and approved by representatives of millions of farmers, it is characterized as an Industrial Workers of the World bill.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAUGEN. Mr. Chairman, I yield myself another minute. Now, the only difference between the gentleman from Kansas and myself is in respect to the packer question. He wants to put them out of business. Are you ready to do that, my friends? He says processing should be done by the producers. Are we going back 50 years and process hogs and cattle on the farm, or is the board going to utilize existing facilities? That is the only question. The packers are the only ones doing processing now, and should we enter into agreements with them to do the processing, or should we return to the old method of slaughtering on the farm?

I trust that the time will never come when I shall ever stoop so low as to be in favor of putting any worthy and legitimate business concern, great or small, out of business.

This bill provides that they may go to the processors, who are the packers; but first they shall give preference to the cooperative associations, and if satisfactory arrangements can not be made with them, then they go to the packers and they process it and are paid for the service rendered. The gentleman from New York [Mr. MILLS] is alarmed because the packers must be paid for their services, and possibly a little profit; but, my friends, I believe they are entitled to it and the bill provides for it. [Applause.]

Mr. FORT. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I would like very much to have the report of what I said in reply to a question by the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. I can tell the gentleman what he said.

Mr. MADDEN. I would like to have the gentleman state it.

Mr. ASWELL. I asked the gentleman if the Committee on Appropriations would recommend to the House the appropriation immediately at this session of Congress should the Haugen bill become a law, and the gentleman said he could not speak for the committee, but personally he would be opposed to it.

Mr. MADDEN. Yes; I said I was personally opposed to it.

I would like to say that the gentleman from Iowa [Mr. HAUGEN] in his reply to what I said was not only untruthful—and I know he did not intend to be untruthful—but he was unjust and unfair, and I am sure that when he reads the remarks——

Mr. HAUGEN. Let me say to the gentleman that if I misunderstood the gentleman's answer I regret it. I was clear as to my understanding, but if I did misunderstand the gentleman I beg the gentleman's pardon, because I have no desire to misrepresent anybody.

Mr. MADDEN. Then I hope the gentleman will correct what he said.

Mr. McSWAIN. Will the gentleman from Illinois yield?

Mr. MADDEN. I yield.

Mr. McSWAIN. I am very much interested in the gentleman's suggestion about how to solve all the agricultural ills of the country, because, of course, the gentleman has much genius. Has the gentleman ever presented his plan to the Committee on Agriculture?

Mr. MADDEN. No; I have not. I have been too busy.

Mr. McSWAIN. How long has the gentleman been of the opinion that this is the proper way to solve the problem?

Mr. MADDEN. I have been of that opinion a long time, and I have suggested it to a great many people who have money, and I think they were impressed, and I think if the genius that is engaged in agriculture and in the promotion of the welfare of agriculture were to be employed in an effort to convince the class of people who have money to invest that this would be a good way to invest it, then they would not have to come here for appropriations, and I am sure they would succeed.

Mr. McSWAIN. The gentleman will remember that it was stated to us yesterday by the gentleman from Indiana [Mr. PURNELL] that for seven years the Committee on Agriculture has been struggling with this problem. The gentleman in all those years has not offered this magic solution of the whole difficulty?

Mr. MADDEN. The gentleman knows I am a very busy man——

Mr. McSWAIN. But the gentleman appears before different committees to help them solve questions.

Mr. MADDEN. Yes; and I will be glad to help solve this problem, and I will devote my time to it and give it free. I will not tax anybody for anything I have to do. If the gentleman will join with me and get a lot of altruistic people in the country together, we will agree not to call on the Treasury of the United States, and we will solve the problem. [Applause.]

MESSAGE FROM THE SENATE

The committee informally rose; and Mr. TILSON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 6418. An act to correct the military record of Lester A. Rockwell.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2818) for the relief of Ivy L. Merrill.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2702) entitled "An act to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation and requested a conference with the House on the disagreeing votes of the two Houses thereon and had ordered that Mr. HARRELD, Mr. LA FOLLETTE, and Mr. BRATTON to be the conferees on the part of the Senate.

The message also announced that the Vice President had appointed Mr. SWANSON, Mr. PEPPER, Mr. BAYARD, Mr. SACKETT, and Mr. OVERMAN members of the joint committee on the part of the Senate to represent Congress at the celebration of the one hundred and fiftieth anniversary of the adoption of the Virginia Bill of Rights to be held at Williamsburg, Va., on June 12, 1926, pursuant to the provisions of House Concurrent Resolution 22.

FARM RELIEF

The committee resumed its session.

Mr. HAUGEN. Mr. Chairman, I yield 30 minutes to the gentleman from Nebraska [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Nebraska. Mr. Chairman and gentlemen of the committee, there is one thing evidently upon which this House is united, and that is there is a serious agricultural problem. Every gentleman who has spoken on this subject during the course of his remarks has stated that to be his conviction. Even those who in their remarks finally reached the conclusion that they are for no legislation have all agreed that there is a very serious problem that must be taken into account.

With reference to the committee bill, or what is now known as the Haugen bill, I simply wish to remind you at the beginning that it has the united support of the farmers through the great farm organizations.

The gentlemen who were called the Committee of Twenty-two came here representing the American Farm Bureau Federation and various farmers' unions and representing solidly the convictions of organized labor. Later the representatives of the cotton growers came before the committee, and finally agreed with the Committee of Twenty-two as to a program. So there are somewhere between 4,000,000 and 5,000,000 farmers, through their various organizations, who are supporting the Haugen bill.

All gentlemen who have spoken have testified that there is a real farm problem. I have asked that these charts be brought before you, so that you may see the actual farm situation. I am not going to say much about them. They speak for themselves. The impression that comes through the eye is stronger than the impression that reaches the mind through any of the other senses, so, if I may, I will just call your attention to them, and I would like to have you study the charts while I am talking, if you are not interested in what I may say hereafter.

On this chart there is shown the buying power cut in half between 1914 and 1920 and 1923. You will notice the figures there with respect to the farm share of the current total income. The farm population is 29.9 per cent of the whole, but the farm income in 1919 was 17.7; in 1920, 13.4; and in 1921, 9.9.

Gentlemen, if that does not present a pitiable picture of the depreciating value of the farm and farm products, I do not know what would. I herewith submit these tables for the RECORD:

[Prepared by North Central States Agricultural Conference]

The agricultural situation

CHART 1

1. BUYING POWER CUT IN HALF

(1914=100)

4 years 1920–1923:	
Beef cattle	52
Swine	62
Wheat	45
Corn	57
Oats	48.5
Barley	49

(National Industrial Conference Board.)

2. FARM SHARE OF CURRENT INCOME LOW

Farm population, per cent of total	29.9
Income, per cent of total current:	
1919	17.7
1920	13.4
1921	9.9

(National Bureau of Economic Research.)

3. AGRICULTURE'S SHARE OF NATIONAL WEALTH DECLINING

	1900	1912	1923
Total wealth, billions	88.5	186.3	320.8
Farm wealth, do	22.1	49.8	64.3
Farm share of total, per cent	25	26.7	20

(Department of Agriculture.)

4. FARM PROPERTY IN UNITED STATES WORTH LESS THAN IN 1913

[Dollars of 1913 purchasing power]

Value of all farm property in United States:	
1913	$45,227,000,000
1924–25	$38,188,508,000
Per cent of 1913	84.4

(Figures from National Bureau of Economics Research and Department of Agriculture.)

CHART 2

5. FARM AND MANUFACTURING WEALTH COMPARED

[Dollars of 1912 purchasing power]

Manufacturing:	
1912	$20,785,000,000
1922	$29,447,109,000
Per cent of 1912	141.9
Agriculture:	
1912	$12,785,000,000
1922	$9,244,604,000
Per cent of 1912	71.8

(Bureau of Census.)

6. EXCHANGE VALUE OF FARM LANDS BELOW 1910

[Dollars of 1910 purchasing power]

1910	$17,284,260,000
1920	$14,904,561,000
1925	$13,647,519,000
1925 compared with 1910, per cent	78.98

(Bureau of Census figures for Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Missouri, Iowa, Kansas, Nebraska, North Dakota, South Dakota.)

7. MEANTIME FARM DEBT GROWS

Total farm indebtedness:	
1910	$4,320,000,000
1920	12,250,000,000
1925	12,250,000,000

Now, come down to this, the third head on the chart. You have the total wealth in 1900, 88.5 billions, while the farm wealth is 22.1 billions. The farmers' share of the total is 25 per cent.

Mr. RAMSEYER. Will the gentleman state where he got those figures?

Mr. McLAUGHLIN of Nebraska. These were prepared by the North Central States Agricultural Conference and the statistics were taken from the Department of Commerce and of Agriculture.

Now, notice the increase in wealth. In 1912 it was $186,300,000,000. The farm wealth, $49,800,000,000; in 1923, the wealth was $320,800,000,000, and the farm wealth $64,300,000,000, or 20 per cent. Down here you have the purchasing power of the dollar. The value of the farms in 1913 was $45,000,000,000 plus. In 1924 it was $38,000,000,000 plus. These figures are from the National Bureau of Economics and Research in the Department of Agriculture.

Now, on this chart over here, the farmers' wealth and the manufacturers' wealth are compared. In 1912, the manufacturers' was $20,000,000,000 and the agricultural was $12,000,000,000. In 1922, the manufacturers' was $29,000,000,000 and the farm $9,000,000,000.

Mr. BLACK of Texas. Will the gentleman yield? I do not want to enter into any controversy with the gentleman as to his figures except that I wonder why he takes 1922. As I recollect the figures for 1925 it was $12,704,000,000 which would make them equal to that of 1912. I really think that in making a comparison we ought to use the latest figures available.

Mr. McLAUGHLIN of Nebraska. I did not prepare these charts myself, and I did not have the figures for 1925.

Now, take the farm land. In 1910 the farm lands were worth $17,000,000,000; in 1920, $14,000,000,000; in 1925, $13,000,000,000. That is 78.98 per cent of what it was in 1910. In the meantime farm debts have been multiplied by 3, while the farm values have decreased materially.

Mr. WILLIAM E. HULL. Are these figures based on the present price of land?

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. WILLIAM E. HULL. And in 1910 on the old price of land?

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. WILLIAM E. HULL. That accounts for the large increase.

Mr. McLAUGHLIN of Nebraska. The land is worth less now than it was in 1910.

Mr. WILLIAM E. HULL. If you have a farm that cost $400 an acre and you could have bought it in 1910 for $100 an acre you have an increase which is not a fair proposition.

Mr. McLAUGHLIN of Nebraska. Heretofore, during the many years that agriculture has been before Congress asking for assistance to help the farmers solve their problems, men have said in this House that we could not do anything because the farmers are not united—one group asking for one thing and another group asking for something else. While I have been a member of the Agricultural Committee there has been pretty much that situation, and at times we have been puzzled as to what to do. But in this case the evidence is perfectly clear.

As I said, the Haugen bill is backed by the great farm organizations, and it is backed by the American Federation of Labor, as testified before our committee by their representative, Mr. Wallace. I want to say right here that the plea some have advanced whenever agriculture has appeared here, that they must unite entirely on what they want, is never used in reference to any other legislation passed in this House. There is no unanimity of agreement on the part of the people of the country as to appropriation bills that are passed. You have all sorts of differences of opinion as to revenue bills and as to the tariff bills that are passed. I was reviewing the

debate in the House on the Federal reserve act not long ago, and Congress had all sorts of differences of opinion at that time as to what effect that act would have. Men got up on the floor of the House and predicted seriously, as men are now predicting in reference to this measure, that it would entirely ruin the banking interests of the country. They prophesied this in all seriousness and shed tears over it. We have had to amend that act a number of times to make it meet current conditions, as we have all other great basic acts. But who would repeal the Federal revenue act now? We adopt a program, and when we find that it is not working right we amend it to make it right.

So we should do the same thing in adopting the program for the farmer. We must settle upon something, and if it does not work out true to form, we can amend it after we have had the experience and make it true to form. The men who come before this House and pretend to prophesy to you just exactly how any basic legislative act is going to operate down through the future are just simply wasting time. I remember when I was a boy, about 19 or 20 years old, I read a statement by Thomas A. Edison in the newspaper on the subject of legislation. He said that nobody could foretell at the time any legislative act was passed just exactly how it would function and what it would do, because there were so many conflicting interests that touched upon it at different points.

To illustrate it, he said that if you had a large room with a smooth-surfaced floor and you started a ball rolling across that floor, if enough other balls struck it from the proper angle around the room, you could bring it right back to the place where it started, and he said that in a great complicated industrial and agricultural nation, where there are so many various interests at stake, nobody could foretell what any legislative act would do. So that when these acts, the Interstate Commerce Commission act, the Federal reserve act, the Federal farm loan act, and scores of others, were passed, they were experiments at the time they were adopted, as practically all initial legislation is, but we have perfected them from time to time to suit the needs. That is what we must do for agriculture if we ever do anything.

Inasmuch as the chairman of this committee in his opening speech explained the provisions of the bill, and inasmuch as other gentlemen who will follow me before this debate closes will take up this bill, paragraph by paragraph, and explain its provisions, I shall take up some of the objections that have been lodged against the Haugen bill. In the division of time it seems unfortunate that only one-sixth of the time has been controlled by those in favor of the Haugen bill, while five-sixths of the time has been controlled by those who are in favor of other bills, or of no legislation at all. The striking thing is that of all those who have been yielded time for debate by the other gentlemen have devoted their remarks against the Haugen bill, and at the close some of them have taken 10 or 15 minutes to say that they are for something else, or that they are against everything. What about these objections?

The gentleman from New Jersey [Mr. FORT] the other day, when he was given two hours and a half by the gentleman from Kansas [Mr. TINCHER] as his spokesman, said that this Haugen bill is a revolutionary measure. It is not any more revolutionary than the Interstate Commerce Commission act was when it was passed. It is not any more revolutionary than the Federal reserve act was when it was passed.

If it is all right for the Federal reserve system to go out and make assessments on their member and associate banks, it is all right for the farmers, if they desire, to have a provision of law whereby they can by an equalization fee assess themselves in order to raise a fund to take their surplus off the market and distribute it in an orderly way, so as to prevent the tremendous fluctuations in price that come within 12 months' time. This is legislation applied to a neglected field, but legislation almost identical with this has long since been applied in other fields.

The most revolutionary thing that I have heard since I have been a Member of this Congress was the impression that the gentleman from New Jersey [Mr. FORT] left the other day, which has been taken up by the country, that there should be an industrial bloc to oppose the farmers in their efforts for legislation, and that the farmers' problem is a local Western problem. I tell you, my friends, if you ever let an idea of that kind creep into this country and drive a wedge like that, there is going to be a very serious time in the future, and that a not very distant future, either. The good book says, "A house divided against itself can not stand," and the immortal Lincoln declared, "A nation can not long exist half slave and half free."

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. I can not. I have only 30 minutes.

Mr. TINCHER. I will give the gentleman time to answer the question. I may have misunderstood the gentleman, but I understood him to say that the gentleman from New Jersey [Mr. FORT] advocated an Eastern bloc.

Mr. McLAUGHLIN of Nebraska. That is the interpretation placed on his remarks.

Mr. TINCHER. That is awfully unfair. The gentleman from New Jersey is as much against any kind of a bloc as any man the gentleman ever knew in his life, and he never said anything that sounded like that.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, they tell us that this is a subsidy, and right at this point I want to say, as has already been said, a lot of gentlemen came here from the Central Western States and advocated a measure of this kind, and made it perfectly clear to the committee that they wanted an equalization fee, that they wanted no appropriation, and they are still of that conviction. Later, however, came the cotton men, who said they wanted an equalization fee if they could have time enough to educate their people so that they could put it into effect, and they asked for three years' time in which to put the equalization fee into effect, but in the meantime they asked for a revolving fund out of the Treasury.

Mr. MORGAN. Mr. Chairman, will the gentleman yield.

Mr. McLAUGHLIN of Nebraska. I am sorry, but I can not yield.

Mr. MORGAN. Just for a very brief question, and it is very important.

Mr. McLAUGHLIN of Nebraska. Very well.

Mr. MORGAN. Has the gentleman read out of this bill that overnight you will put out of business billions of dollars worth of property that is in the hands of independent operators?

Mr. McLAUGHLIN of Nebraska. I do not agree to that at all.

Mr. MORGAN. I will prove it to you.

Mr. McLAUGHLIN of Nebraska. There is absolutely nothing to it.

Mr. MORGAN. Read on page 11 to page 13 of the bill and tell us just how that operates?

Mr. McLAUGHLIN of Nebraska. I will let the gentleman tell all about that in his own time.

So far as I am concerned, I was willing to agree to the program suggested by the cotton growers because I can see that there is a distinct difference between cotton and these other basic products, but other members of the committee said that they could not agree to have an equalization fee on part of these basic commodities and not on all of them.

So finally the committee in itself agreed by a majority that they would delay the equalization fee for two years on all commodities and then put it into effect on all automatically at the end of two years. Then we called in the representatives of the Committee of Twenty-two and asked them if they would concede to that, and they finally gave a written statement which my friend the gentleman from Kansas [Mr. STRONG]—who, by the way, is opposed to the Tincher bill, as are several other Members of the Kansas delegation—put in the RECORD yesterday signed by the leaders of the Committee of Twenty-two, who reluctantly agreed rather than have no legislation at all to defer the equalization fee for two years. That is what the gentleman from Indiana [Mr. PURNELL] meant on yesterday when he put it in a brief in his talk.

When he said that they made those changes after conference in order to get votes, he meant votes in the House to pass a worthy bill that would do the business. I want to say right here that when the gentleman from Kansas or anybody else gets up here and indulges in personalities and begins to talk about those splendid, patriotic gentlemen who are representatives of the Central States appointed by the Des Moines conference, known as the Committee of Twenty-two and attempts to impugn their motives, I must raise my voice in protest. I never saw a finer or more able or more gentlemanly body of men in my life than those men who came before our committee. [Applause.] And I tell you I resent it when a member of my committee, who has the exalted privileges of the House, comes before this body and throws insults at these worthy gentlemen, who have not the privileges of the House to reply. I desire to say that I have sat and listened to questions the gentleman from Kansas and the gentleman from Kentucky [Mr. KINCHELOE] have asked of witnesses coming before the Agriculture Committee time after time. They asked questions that would lead a stranger to believe that we were dealing with criminals about to be indicted instead of highly respected American citizens. They would ask questions all forenoon and then bring

them back the next forenoon for another third-degree grilling. They would ask the same questions over and over again. I have said to myself many times in committee that if there ever came a time while I was living that a divorce scandal was being tried, with the gentleman from Kansas [Mr. TINCHER] as attorney on one side and the gentleman from Kentucky [Mr. KINCHELOE] as attorney on the other, I would go clear across the continent to hear it. [Laughter and applause.] Now, my friends, at this point I wish to read you a telegram that was sent by the governor of my State, Hon. Adam McMullen, to George N. Peek, who was one of the members of the Committee of Twenty-two, in reference to the Haugen bill. This is not only the attitude as I have found it of citizens of Nebraska, but practically the citizens of all the adjoining States. The governor says:

(Western Union)

LINCOLN, NEBR., *April 28, 1926.*

GEORGE N. PEEK,
Lee House, Washington, D. C.:

Reports constantly reaching me from agricultural organizations and farmers in all parts of Nebraska urging firm adherence to the principles of the Haugen bill. Any compromise will be most disappointing to farming element, and consensus of opinion favors no legislation at all unless the measure finally passed will provide for the benefits of the protective tariff covering farm products. Stenographic report of Secretary Jardine's testimony before the House Agriculture Committee April 19 is thoroughly disheartening, because it plainly shows that Tincher bill ignores benefits of tariff, and instead of offering legislation that will insure parity of farm prices with prices of other commodities merely tenders stabilization of the farmers' depreciated dollar. Our farmers concur in the amendment to the Haugen bill which defers collection of equalization fee on all commodities for a two years' period, with provision that financing surplus in the interval shall be cared for by a revolving fund. They are so earnestly interested in a bill being passed carrying the equalization-fee feature and promising tariff effectiveness that they are willing to trust to the appropriation provided for the revolving fund to answer all desired purposes in the two-year interim. Our farmers are unanimous in their praise of the faithful work being done by your committee. I am besieged hourly with requests as to the status of the Haugen bill, many wiring me in their eagerness to know how it is progressing. Our farmers believe that passage of the Haugen bill will transform farming conditions in the West and that it will mark an economic epoch in the history of agriculture. Let me say frankly that agricultural interests of the entire region of the Mississippi Valley is manifesting greater interest in legislation giving permanent relief to agriculture than in any other question that has arisen in the past 50 years. Call on me if there is anything I can furnish in the way of data or desired information.

ADAM MCMULLEN,
Governor of Nebraska.

Now, my friends, they tell us that this appropriation which we propose in the Haugen bill is a subsidy. Maybe it is, I do not regard it as such, but from the figures given you by the gentleman from Kansas [Mr. LITTLE] in his talk last evening, in which he referred to wheat prices for the years 1924 and 1925, he showed that if this bill had been in effect at that time on wheat the agencies of this board—and, by the way, this board does not buy or sell anything, it simply advises and cooperates; it can cooperate with farm organizations—had they bought 100,000,000 bushels of wheat in July and marketed it in December they would have made a profit of $24,000,000 in the one year of 1924, and $23,000,000 in the other year, 1925, which would have been apportioned back to the farmer himself under the provisions of this bill. In these transactions every dollar out of the revolving fund would have been recovered into the Treasury, and $57,000,000 would have been returned to the farmer. If you spread the economical marketing time on nonperishables over a period of two, three, four, and five years, you will clearly have no loss at all on surpluses. Then in a year when we are bountifully blessed with a crop—sometimes a curse, but it is always referred to as a blessing—carry it and do not dump it abroad, but sell it abroad at the proper time, and when the prices rise ease it back on the local market from time to time. I say to you that I am sincere in saying I do not believe that in making this appropriation of $375,000,000 at the end of the two-year period before the equalization fee goes into effect that there will be a single dollar of loss, but I believe that the whole amount will be recovered back into the Treasury. Now if it is a subsidy, to which I do not agree, it is not an uncommon thing in this Republic. I say to you it has been the policy of this Government from the beginning to go into new fields or necessary fields for the people's good to spend money and never recover it. Why, there are a number of States which got subsidies from the Government away back in 1836, and not a dollar has ever been paid. I will put them in the RECORD at this point in my remarks. Figure the compound interest on these amounts at 4 per cent and see how much subsidy your State owes the Federal Government.

Deposits with several States of funds of the United States under act of June 23, 1836 (5 Stat. 55), and act of October 2, 1837 (5 Stat. 201):

Maine	$955,838.25
New Hampshire	669,086.79
Vermont	669,086.79
Massachusetts	1,338,173.58
Connecticut	764,670.60
Rhode Island	382,335.30
New York	4,014,520.71
Pennsylvania	2,867,514.78
New Jersey	764,670.60
Ohio	2,007,260.34
Indiana	860,254.44
Illinois	477,919.14
Michigan	286,751.49
Delaware	286,751.49
Maryland	955,838.25
Virginia	2,198,427.99
North Carolina	1,433,757.39
South Carolina	1,051,422.09
Georgia	1,051,422.09
Alabama	669,086.79
Louisiana	477,919.14
Mississippi	382,335.30
Tennessee	1,433,757.39
Kentucky	1,433,757.39
Missouri	382,335.30
Arkansas	286,751.40
Total	28,101,644.91

These funds have never been paid back to the Federal Government. Another thing, and that is the subsidy to the railroads. The gentleman from Illinois [Mr. MADDEN], whom I love and esteem, spoke a little while ago about the railroads. He said they have lots of capital back of them and that they can handle their business and that the farmers should do the same thing. My Lord! Folks, go back to the time when the railroads were built. Every transcontinental railroad in this country was subsidized. The Union Pacific was given millions of acres of land by the Government. Was any dollar of it ever paid back? No! Every transcontinental railroad has been built by subsidies; and since I have been a Member of Congress, we have appropriated out of the Treasury for the railroads $2,000,000,000, and not a dime of it has come back, and none ever will.

In other directions and in other departments of the Government, notably in the case of the Departments of Commerce and Agriculture, we are spending money all the time in research work. We are giving millions of dollars to it. Is it a subsidy? It is, if this is a subsidy, because it is exactly in the same class.

Now, they tell you that this is a price fixing bill. There is no price-fixing provision in this bill.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Ohio?

Mr. McLAUGHLIN of Nebraska. Only very briefly.

Mr. KEARNS. The gentleman just made the remark that since he had been in Congress we had given the railroads a subsidy of $2,000,000,000.

Mr. McLAUGHLIN of Nebraska. I did not say a subsidy. I said that the various amounts that we have given to the railroads since they were turned back to the owners amounted to over $2,000,000,000.

Mr. KEARNS. That represents the amount of loss incurred under Government supervision.

Mr. McLAUGHLIN of Nebraska. I can not yield further.

Mr. CARTER of Oklahoma. This bill proposes to take care of the losses that the farmers have suffered.

Mr. McLAUGHLIN of Nebraska. Yes; and the farmers sustained the heaviest losses of all after rendering the most important service during the war. I thank the gentleman. In the case of the farmer, of course his business is different and complicated and scattered. But we can adopt a program that will benefit the farmer by lifting prices a little. Here is what a representative farmer in my own county writes me. Of course, Mr. Epp knows the farm situation can not be handled in the same manner as the railroads are, but he also knows that Congress can grant relief if Congress desires. Mr. Epp's letter reads as follows:

HENDERSON, NEBR., *April 26, 1926.*

HON. M. O. MCLAUGHLIN,
Washington, D. C.

DEAR SIR: The daily papers bring so much about Congress working on farm relief without any results coming therefrom. To the farmer it looks very simple. A person often hears this: "Give us what the Esch-Cummins bill gives to the railroads, 6 per cent on capital invested, above salaries, depreciations, expenses, etc., then we will im-

prove our farms up to date. We will build first-class schools; we will, within a reasonable time, gravel all the main roads. On them we will be able to drive a sedan car, take our families to the mountains for a so much needed recreation. We will be able to go to conventions, take part in organizations, which help to keep the mind and intellect keen and fresh."

Hoping that the efforts of our honorable legislative bodies will, sooner or later, be able to bring such conditions above the dream stage, I am,

Very respectfully,

C. D. EPP, *a Farmer.*

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. McLAUGHLIN of Nebraska. May I have more time?

Mr. HAUGEN. How much does the gentleman wish?

Mr. McLAUGHLIN of Nebraska. I would like to have 10 minutes.

Mr. HAUGEN. Very well.

The CHAIRMAN. The gentleman from Nebraska has 10 additional minutes.

Mr. McLAUGHLIN of Nebraska. Now as to the rise of prices, the gentleman from New Jersey [Mr. FORT] said he was opposed to the Haugen bill because he believed it would increase the cost of living, and of course the great industrial centers will probably oppose this on the ground that it will increase the cost of living. Then he said he was for the Tincher bill.

In his opening remarks Mr. FORT stated that agriculture was in a serious condition. He showed that if his income was increased on the average $100 a year, he would have $600,000,000 a year more to spend for eastern goods. Then he spoiled it all by saying, "Do not do it. Some one in the East might have to pay a cent a loaf more for bread."

Gentlemen, why place yourselves between the two horns of a dilemma? You can not do a single thing to benefit the farmer now unless you adopt a program that will give him an increase in prices. His dollar is now away below the purchasing power of the dollar of labor and industry. How are you going to help the farmer raise the price, and in the next breath you say, "We do not want prices raised, because it will increase the cost of living."

The gentleman from Kansas [Mr. LITTLE] showed you last night how, in a period of less than five months, the farmer who got 85 cents a bushel for his wheat saw the speculator sell it in December in Kansas City for $2 a bushel. He showed you how, by carrying his crop over just that little time, the farmer would have gotten the profit instead of the speculator at Kansas City; and in that case wheat would not have been sold to the miller for a dollar more, but the farmer would have gotten some benefit instead of the middleman getting it all. The farmer, on the average, spends his whole time in toil and labor, and he sells his products under a forced market, and four or five or six months later usually the man who buys it gets more profit out of it after six months holding, and probably going on a vacation in the meantime, than the farmer gets for his entire year's service.

The farmer is producing constantly at a loss, as has been clearly shown. It will be only a short time under the present program until the farming industry will be forced into bankruptcy; and when you talk about the cost of living, my friends, if you force the farmer out of business so that he can not produce, you will have the highest prices in this country that you have ever had in the history of the Nation. Some say, "Let us go ahead and leave conditions as they are, and enough farmers will get out of business so that prices will rise." After that comes you will have a very high price one year, and a lot of other people will be going into the business of farming the next year, and you will have a lower price, and the prices would fluctuate year after year with no certainty or stability. Of course, such a situation would be indefensible and intolerable.

Now let us examine the contention that stabilized prices will result in tremendous overproduction.

Much is made of the claim that the price improvement in farm commodities possible under this bill will result in dangerous farm overproduction. The surprising thing is that so many men are using such an argument to oppose the enactment of the bill. If this is a valid argument—and I do not believe it is—then it is an argument not against the Haugen bill but against any plan of any sort that operates for improvement of the earnings of American agriculture. Any man opposing this legislation on the ground that it will tend to increase production from the farms of the United States must certainly be convicted of arguing against any improved price betterment to the farmers no matter how secured.

Let us examine and see if this is not true. It is argued that prices to the farmers will be enhanced by making the protective tariff effective for agriculture under this bill; that farmers will respond to such price increase by larger production. But if that is true they would respond in exactly the same way—by increasing production—if prices were improved by the operation of any other plan or by the working out of natural economic laws through the bankruptcy, ruination, and elimination of hundreds of thousands of farm producers.

It is not argued that a large production from our farms is a bad thing in itself. We have always accounted large crops as a national blessing. It is merely contended that the operation of the bill would result in increased surplus, and that these surpluses would be so large that they would tend to neutralize the benefits which agriculture derives from its operation.

Some men who have not given this much thought or who are without experience in cooperative marketing say that the benefits sought here can be secured by voluntary combination of the farmers themselves. Oddly enough these same men frequently use this alleged argument of overproduction against the plan embodied in the Haugen bill. It is an extremely illogical type of mind that can employ both lines of reasoning, because if the cooperative could affect prices as favorably as can the proposed legislation, then the result as far as increased production is concerned would be identical, because any economist will assure you that the acreage resulting from prices secured in one way will not differ from the acreage resulting from the same prices secured in another way. In other words, the man who employs this argument will argue against any increased prices for the farmers no matter how it is proposed to secure them.

To illustrate this point further: Some of our extreme members of the industrial bloc, argue that if the farmers are let alone enough of them will be eliminated so that food will become scarce and prices will rise. That is true. But when the prices do rise they will have exactly the same effect in stimulating production again and in encouraging men and women to move back to the farms. In other words, set the farmer up, then knock him down again; encourage a man to invest in agriculture, and then bankrupt him. This seesaw process will be particularly violent during the next few decades unless something is done, because slowly but steadily population in the United States is overtaking agricultural production. The economists of the Department of Agriculture, estimate that 40,000,000 additional acres must be brought into production by 1950, if the American people hold to the present standards of living. That means we will naturally come to a period when a domestic surplus of one year will be followed by a domestic shortage the next. Prices will be high one year and destructively low the next. This will be a period ruinous to the farmers, difficult for the legitimate processor of farm commodities, and desperately trying to the consumer. The only beneficiary will be the speculator who gambles in the necessities of life.

We must have legislation to stabilize the agricultural industry during the period while population is overtaking and passing our farm production. That is one of the objects of the proposed bill. It is true that a long view ahead shows a time when we will produce less of these commodities than we consume in the United States, but the present farmers can not wait for that time to come.

The last thing in the world to worry about is an increased production of the great food staples. The present trend in agriculture is definitely downward. The efficient producer of four or five years hence is the young farmer who is getting started in the business of farming now, but the trouble is that the younger generation is not going upon the farms. That means that the present declining trend in farm production will project itself years in advance, regardless of what we may do here to stabilize and support our farmers.

Dr. George Francis Warren, of Cornell University, one of the foremost economists of the United States, says that it takes a considerable period of time to increase yields per acre and a considerable period of time to decrease them. He points out that even if conditions for farmers should immediately be improved, whether as a result of an act of Congress or some other condition, production would still continue to decline for some years. This is, of course, more particularly true of crops which are a long time in the making, like some forms of livestock.

It is conceivable that if Congress were to single out one farm commodity and through legislation enhance its prices out of proportion to prices of competing crops, there would be a general shift to production in the more profitable enterprise. But that is not contemplated in the bill under discussion, nor would such a result follow. If the great basic crops are stabilized

and given effective protection together, each in the way calculated to give best results in prices to its producers, there would be no incentive to shift from one crop to another. The only considerable increase in production that is possible would be by an increase in the total number of farmers and the total number of acres cultivated. As a matter of fact, this threat of increasing production—if that which is a real blessing can be called a threat—is distorted out of all reason in arguing against this bill.

Two years ago, it will be recalled, the opponents of the McNary-Haugen bill almost shed tears over the great increase in wheat acreage and production which they foresaw if the ratio price—the pre-war purchasing power—of wheat were to prevail again in this country.

Let us examine into what has happened. Two years ago a general wheat failure occurred outside the United States, which resulted in a world shortage and a prevailing world price that was unusually high. This was unfortunate for the world at large, though the growers of wheat in the United States—some of them, not all—profited from it. The result was wheat prices in the United States in 1924 that were equal to or above pre-war ratio. The year following, was there a great increase in wheat production such as had been predicted by the opponents of the McNary-Haugen bill? Instead the American wheat crop fell short of 1914 production by nearly 200,000,000 bushels. As a result, starting last fall, the tariff on wheat has been effective to an unusually large degree, and once more the prevailing price has been at or substantially near the pre-war ratio.

So for two years we have had at least the average pre-war purchasing power for wheat in the United States and yet the wheat acreage for 1926 has shown no increase. It is true, of course, that in long swings acreage and supply will follow price. But in the present agricultural crisis, when farmers are going bankrupt because of disproportionately low prices, to argue against helping farm prices upward for fear increased production will ensue, is one of the most ridiculous lines of reasoning ever seriously employed before Congress.

It can not be that men who base their opposition to the Haugen bill on such an argument have really studied the operation under it. It proposes a way in which each of the major farm industries shall create a fund to be used to finance the ownership, storage, distribution, and sale abroad on carry-over of excess supplies not required in any given time or in the domestic market. The cost of controlling supplies and managing the surplus, therefore, rests upon the producers within each industry. The equalization fee thus automatically becomes a check or a break upon tendency toward unwarranted increase in acreage. The problem of controlling supply, therefore, is met by all the producers in each agricultural industry instead of putting upon cooperative associations the impossible task of attempting it at the expense of their relatively few members.

Nothing could be more dangerous from the standpoint of national welfare than to permit a condition to continue that is forcing reduction in agricultural production. If the operation of the proposed plan results in putting such a secure support beneath agriculture that the present rate of production is maintained or even slightly increased it will be the best thing that can happen to the United States.

Now, my friends, I do not want to appear before you as an alarmist, but if I was ever sincere in my life, I am sincere now. I say to you that these farmers have been long-suffering and patient for lo, these many years. They have been in dire distress. Others have come forward and have been protected. Industry has been taken care of and labor has been taken care of, and the farmers are the only ones who are standing on a lower plane financially and can not reach a place where they can profitably conduct their business.

Organized labor and agriculture have asked for the Haugen bill. Labor might say to industry at this time, "We are all right. The Government has excluded the aliens for our protection, and given us an eight-hour law. We are protected. Here we are, labor and industry. We shall just let the farmers go back into peasantry as long as we are together protected. But no; labor is too honorable to do that. Labor has gone through a struggle in this country and gained her rights. But she has walked through blood. I would tremble to go back and name those terrible strikes that have resulted in the loss of millions of dollars of property and great loss of life.

Labor knows the long, troublesome, and serious path through which it has trod in order to get something near its rights. So labor comes to the farmer and says, "Give me your hand, old boy; I know what you have been struggling for; I have been through it and I will go along with you." And, my friends, if you let this thing go along in its present condition and close your eyes to it, before a great while, and sooner than you think, you are going to see a combination between agriculture and labor that will demand their rights, and at that time they may come to industry and they may say, "You gave us no quarter when we were in trouble and we will give you no quarter now." I do not want to see that situation come to pass, but I say to you that we are standing on the brink of a smoldering volcano, the low rumblings of which can be distinctly heard and just as certain as we are here we are going to see more distress in this country in the near future unless we help to solve this great problem than we have experienced in many a day.

We can not grant protection to 60 per cent of our population and deny equal protection to the other 40 per cent and maintain our unity as a Nation. When the Committee of Twenty-two appeared before the Agricultural Committee they said:

> We do not want to lower the tariff so as to cripple industry; we do not want in any way to take away the advantages that labor has gained and enjoys, but we want you to make the tariff effective for us (which will be done if the Haugen bill becomes law).

Now, gentlemen, these men were fair. Nobody can deny that their appeal is just and right.

I am a protectionist. I believe in protection. If it were not for the protective tariff, the farmer would be in a far worse condition than he is to-day. The tariff has helped him only in part. He now asks for the full benefit of the tariff to which he is entitled. You gentlemen from the industrial East, who most of the time from the foundation of this Government have been favored with a protective tariff, are you going to cast your vote against giving the farmer the same privileges you enjoy? If you do, I am no prophet, but I firmly believe you will live to regret your action. There is an axiom in mathematics that "like causes produce like effects." Every nation that has gone down in the past has gone into decay largely because of the concentration of wealth into the hands of a few. That concentration is rapidly going on in America to-day, and has been for more than a half century. Gentlemen may say that we are too great, too good, and too intelligent to fall as other nations have fallen, but I submit to you gentlemen that if we stand by and permit the same causes which produced their downfall to creep in among us, take root, grow, and prosper we shall verily reach the day when we shall reap the same results they reaped. Unless we grant equal rights and equal protection to all of our citizens the day is not far distant when agriculture and labor will combine into the mightiest union in this country that the world has ever seen. Unions of the past will be but a "drop in the bucket." Everything that has transpired in the past in this direction has been but a mere skirmish line to herald the approach of the mighty army of the future which will demand its rights at the ballot box if possible; if not, in a manner which God forbid. Agriculture has waited long and patiently. The farmers are the salt of the earth—the best type of citizenship in the Nation—and, as our beloved President recently said in one of his addresses, "the very foundation of our Republic." But even the farmer can not forever go on patiently asking for justice and constantly being denied it.

> When he asks for a fish, we give him a scorpion; when he asks for bread, we give him a stone.

My friends, even the worm turns. Let us think seriously.

At this time the farmer is asking for Federal cooperation which will enable him to realize an advance in prices in order to enjoy the necessities of life and pay off his tremendous debts. The gentleman from Medicine Lodge, Kans. [Mr. TINCHER], comes forth with a sugar-coated pill and says to the farmers, already almost bankrupt, "We will loan you more money." His proposition is just as consistent as to ask a man who is suffering from ptomaine poisoning to take carbolic acid. The farmer does not want to get further in debt. He wants to get out of debt, and the Haugen bill will help him accomplish this.

Last Tuesday in the Washington Post there was a paragraph to the effect that prosperity was extant in the country; that everybody was happy and satisfied except a "few long-whiskered farmers" from the Middle West. I am surprised that a great newspaper like the Washington Post would let a statement of that kind enter her columns at this crucial moment. Whoever wrote that statement is as fickle and undependable as Nero was when he "fiddled while Rome burned."

I hope and pray, my colleagues, that in this crucial moment we shall prove ourselves statesmen and forget any real or fancied political advantage or preferment, forget sectionalism, forget false economy—for the Good Book says:

> There is that which withholdeth and tendeth to poverty.

Rise to the occasion and pass this legislation, proving to the country that this is a government not of 60 per cent of the people, but a government of, by, and for all the people. [Applause.]

Mr. SWANK. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman and gentlemen of the committee, I have spoken many times in this Hall urging that something be done for agriculture, our greatest industry and the one upon which all other business depends. In this House on March 4 last I called your attention to the need of agricultural legislation. Many bills have been before the Committee on Agriculture, of which I have the honor to be a member, and that committee has been giving honest and sincere consideration to those bills. We have been holding hearings since early in January until Tuesday, April 27, when these three bills now before the House were reported for your consideration. Many representatives of various farm organizations appeared before the committee, and all were heard who asked for a hearing. Those who supported these bills were there and those who opposed them, if they wanted to appear. I am aware that people may honestly differ on bills of this nature, and but few bills come before Congress where there is a unanimous opinion. The Committee on Agriculture after hearing the various witnesses and carefully considering their views reported the bills now before you in order that the Members of the House could have full opportunity for discussion and recording their views on this important question. There may be those who will not support any of these bills and who may have other suggestions for action by Congress for the benefit of agriculture. One point that we all can agree upon is the fact that there is something wrong in the farming business at the present time and too much inequality, so far as the farmers are concerned. There is something wrong in our economic system when a man and his good wife work all their lives like slaves, economize and save, rear a good family, live an honest and useful life, and then in their declining years, when they should have something to live upon in some degree of comfort, find that they have never been able to accumulate anything for their old days. He has done his part in supporting this Government—district, county, State, and National—and never grumbles, for he knows that it takes some money to have a civilized government and it costs something to enforce the law. There is something radically wrong with a system under which people who work hard, are never able to enjoy the comforts of life; producing products by the handling of which others prosper and become rich, and the man and woman who produce them must continue to taste the bitter dregs of poverty throughout their whole lives.

Ah, Mr. Chairman, I know some say that it is their own fault and I see articles in the press of the country to that effect, but it is not true. It is not their fault, as a general rule. They have never been organized as have the great business institutions of this country and have never been able to present a united and effective front, as has industry that has gotten what it wants, and that is especially true under this administration. But, gentlemen of the House, they are organizing and I want to encourage them in that. They must organize and then they will not be discriminated against as heretofore. The men and women who feed and clothe the world should be able to make a living, provide for their families in a proper manner as other people, and educate their children who are just as dear to them as children are to others more fortunate. The farmers of the land should not be called upon to pay taxes and provide necessities and pleasures for others and never taste them for themselves.

The farmer is an American citizen and entitled to the same consideration as our other people, but he has not received that equal consideration. He has not been effectively organized. Oh, how I long for that time to come, for you will then see different statements coming from the White House and the Department of Agriculture. They will then be asking what the farmers of America want, and let me say right here that they will not want anything unreasonable. They are asking for no special favors as other lines of business have enjoyed and are enjoying now at the expense of the farmers. These inequalities and special favors in the way of legislation to other business have helped to cement the farmers, and they are finding out, too, that their interests are in common, regardless of what section of the United States they come from. There is no antagonism among the farmers of this country, but they are standing together now more than ever, and hasten the day when they will be fully organized and stand a solid phalanx for "equal rights to all and special privileges to none." They are realizing that they have been the target for unjust and unfair discrimination, while at the same time they have been engaged in our most important business. I know that some who oppose all legislation for agriculture say that you can not pass laws for the farmers—that is special legislation. Well, you can pass them for other business and the farmers are demanding the same treatment accorded to others.

Are you going to give it to him or try to feed him on more promises as heretofore? This administration has it in its power to pass any bill for agriculture that it desires, and I do not say this in a political sense, but you have the votes if you will just cast them for the farmer of America. Will you do it? It is easy to say you are for some other bill and that the farmers will have to work harder and be more economical. He has always worked hard and has to be economical in order to have the necessities of life when at the same time he produces them all.

Mr. Chairman, just before election time the different political parties issue a statement of principles to the people, promising that if intrusted with power certain legislation will be enacted. These principles are embodied in what is called a platform, and, gentlemen of this House, a political platform should not be regarded like a Pullman platform—to get in on—which seems to be the position of this administration. Political platforms should be kept strictly the same as any other contract. It is a contract between that party and the people. The Republican Party issued to the public one of these platforms, and in its platform of 1920, when it was swept into power with such a tremendous majority, are these words:

> The farmer is the backbone of the Nation. National greatness and economic independence demand a population distributed between industry and the farm, and sharing on equal terms the prosperity which is wholly dependent upon the efforts of both. Neither can prosper at the expense of the other without inviting joint disaster. The crux of the present agricultural condition lies in prices, labor, and credit.

That last statement in the Republican platform of 1920 does not tell the farmer anything that he does not already know. This statement of the Republican convention was not needed to enlighten the farmers to the fact that their present condition was caused by low prices. All our farmers knew that, as did all the other people. And yet, Mr. Chairman, what has the Republican Party done to remedy that condition? This is not a political question and I am not making it such, but when any great class of people has been treated to so many broken promises and unredeemed pledges as have the farmers at the hands of the Republican Party, it is time to call the true facts to the attention of the country. In that platform you also said:

> The Republican Party believes that this condition can be improved by practical and adequate farm representation in the appointment of officials and commissions; * * * the scientific study of agricultural prices and farm production costs at home and abroad, with a view to reducing the frequency of abnormal fluctuations; * * * the encouragement of our export trade.

I ask the leaders of this administration to tell us what you have done to carry out that platform pledge? Tell us how you have relieved the depressing plight of the farmers by farm representation on your boards and in your "scientific study of agricultural prices." This administration does not need these scientific investigations to convince the farmers that he is unequally treated with respect to his economic condition. He knows what his production costs are and that he receives for the products of his toil less than cost of production, and yet you try to continue to lead him on by your platform pledges. You mention in your 1920 platform that his condition can be improved by "the encouragement of our export trade." Yet, instead of encouragement of our export trade, through the machinations of your present high and unreasonable Fordney-McCumber tariff law, you have almost destroyed our export trade. Mr. Chairman, the platform of the Republican Party promised the farmers to encourage our export trade, and yet under the tariff law that your party enacted the agricultural exports of the farmers of the United States have been reduced from $3,466,619,819 in 1920, before the Fordney-McCumber tariff—the present law—was enacted to $2,130,000,000 in 1925, under the present tariff law. That is a loss in the farmers' exports of their products of $1,336,619,819 under the beneficent Republican tariff. Everyone knows what a depressing effect that great loss in our export trade has caused to the farmers of this country. And, Mr. Chairman, in 1920 our total exports amounted to the enormous sum of $8,100,000,000, and this has fallen to $4,500,000,000 in 1925 under that tariff law that this administration says has done so much for the farmers. Talk about encouraging our export trade for agriculture under laws that reduce that trade by such an amount!

But the Republican Party in 1924 found that agriculture was depressed, and we find the following statement in its platform of that year:

We recognize that agricultural activities are still struggling with adverse conditions that have brought deep distress. We pledge the party to take whatever steps are necessary to bring back a balanced condition between agriculture, industry, and labor. We affirm that under the Republican administration the problems of the farmer have received more serious consideration than ever before, both by definite executive action and by congressional action, not only in the field of general legislation, but also in the enactment of laws to meet emergency legislation.

And in that same platform is this statement, and I want the Republican leaders to listen:

The restoration of general prosperity and of the purchasing power of our people through tariff protection has resulted in an increased domestic consumption of food products, and the prices of many agricultural commodities are above the world price level by reason of direct tariff protection.

I now ask this administration to tell us what you have done and what steps you have taken to bring back that "balanced condition" as you promised the farmers? Tell the farmers of America just what agricultural products are above the world price. Tell them what your tariff has done to bring them a higher and fair price for the products of their toil.

The farmers of this country are fed up on platform promises delivered in every convention of the Republican Party, and especially when a President is to be elected. Why not be fair to the people of the country? You can not fool them any longer. They are on to your worn-out tariff arguments for the protection of special-favored industries that need no protection, and trying to convince the farmers that it is good for them to be filched by the favored interests. Just to show how the present tariff has reduced the purchasing power of the farmers' dollar and has enriched the manufacturers of agricultural implements, food, clothing, and other articles, I here submit a statement from the Census of Manufactures for 1923, published by the United States Department of Commerce:

	Cost of materials	Value of products	Value added by manufacture
Agricultural implements	$63,492,000	$151,286,000	$87,794,000
Metal and metal products	1,767,072,000	2,634,031,000	866,959,000
Chemical and allied products	3,680,407,000	5,706,866,000	2,026,459,000
Leather and its manufactures	1,083,345,000	1,880,085,000	796,740,000
Lumber and allied products	1,666,188,000	3,633,034,000	1,966,846,000
Iron and steel and their products	4,152,918,000	6,828,841,000	2,675,923,000
Textiles and their products	5,408,424,000	9,487,184,000	4,078,760,000
Food and kindred products	6,990,846,000	9,524,051,000	2,533,205,000
All industries	34,705,698,000	60,555,998,000	25,850,300,000

This bulletin says that the aggregate of these products represents an increase of 38.7 per cent as compared with $43,653,283,000 in 1921.

These figures show the enormous prices added by the manufacturers to the cost of their material and they are enabled to do this and thereby extract billions of dollars from the pockets of the farmers and our other citizens by reason of the present Republican tariff. Mr. Chairman, the reason I quote from the Republican platforms is to call attention of the leaders of that party to their promises to the farmers and our other citizens. I do this from no political considerations other than to see these pledges carried out as written in the party contract. In 1920 you said in your platform that the—

crux of the present agricultural condition lies in prices, labor, and credit.

Then in 1924 you declared that—

agricultural activities are still struggling with adverse conditions that have brought deep distress.

This administration has found that the agricultural activities are not very "still" in their "struggling" since the great Iowa convention last fall. Since your statement of the deplorable condition of agriculture in 1920 you have had six years to remedy the situation, and what have you done? Tell the people of this great country that you have had complete control of both branches of Congress—the House and the Senate—since March 4, 1919, and full control of both branches of Congress, and in addition, the President and all departments of government since March 4, 1921, and what have you done to keep your promise to agriculture? You have known about these agricultural conditions. Your House, your Senate, and your President have known all that time what those conditions have been, and what have you done? What does this administration propose to do now? Does it intend to enact the bill that the farmers of the country are asking to be passed? Is that the bill that the Secretary of Agriculture and the President want passed? No, Mr. Chairman; that is the very bill that they have opposed at all times during this session of Congress. The bill now before us—known as the Haugen bill—can be passed and enacted into law at this session of Congress if the administration so desires. It is up to the party in power and it can not shift the responsibility.

Mr. Chairman, concerning platforms, I am now going to quote from another document, the Democratic platform of 1924, concerning agriculture:

We pledge ourselves to stimulate by every proper governmental activity the progress of the cooperative marketing movement and the establishment of an export marketing corporation or commission in order that the exportable surplus may not establish the price of the whole crop.

When the Democratic Convention wrote that statement in its platform it did so after full and complete investigation of agricultural problems and recognizing the fact that something should be done for agriculture. And, fellow Democrats, how are you going to keep that pledge except along the principles of this bill now before us or adopt the other alternative of putting the Government in the business of buying and selling these products of the farm? Let us stand by our platform promise. In the last campaign I never once heard of any Democratic candidate opposing that portion of our platform. We now have the opportunity, as I see it, of performing that pledge. If we had been given a Democratic Congress and administration, it would have been necessary for us to enact something along this line, in accordance with the declarations of our platform, to keep faith with the people and give the farmers equal opportunities with others. That is all they want.

The principal objects sought to be accomplished by this bill are to enable our farmers to stabilize the price of their products and to distribute the benefits and costs to all the producers of such products, to promote orderly marketing by controlling the surplus and maintaining a stable price level, to encourage cooperative marketing associations among the farmers, and to assist the farmer to receive a fair price for his commodities. The farmers of our country can not continue to produce the necessities of life at a loss. The manufacturers of the country, protected by the present tariff law, are enabled to fix the price of their products when they sell and also fix the price of what they buy in the way of raw material. This bill will promote organization among the farmers and enable them to carry on their business in a more orderly manner and to receive better prices for what they produce.

I do not support a bill any stronger because some Democrat happens to introduce it than if a Republican introduces it if it is a good bill. And there is nobody here who is any stronger in the faith of the Democratic Party than I am. There is nobody who believes any stronger in the principles of that party than I do. There is no member of that party here or any other place who glories more than I in that old party's historic past, her auspicious present, and her promising future. [Applause.] But, my friends, when are we going to have an opportunity to bring the farmers and the manufacturers on a level? We can not do it this year, nor next year, even if we elect a Congress next fall as I think we shall and as I know we ought. [Applause.] But we can not have a President installed before the 4th day of March, 1929, and how are you going to reduce the tariff that you have been talking about before that time?

I have found out, too, although I did not always think so when I was growing up down in the Indian Territory, that any kind of a law that is good for a Democrat to live under is good for a Republican. [Applause.]

Some of the gentlemen who have spoken on this bill with respect to cotton forget that Oklahoma is the second State in the Union in the production of cotton and the fourth in the production of winter wheat. In 1925 the great State of Mississippi went ahead of us just a few bales, but in 1924 we were the second State. Texas, of course, is first. [Applause.]

Talk about subsidy, and there are men here going to vote against this bill who a few days ago voted to give Italy $1,500,000,000 of the money of the people of the United States. [Applause.]

Then talk about bureaucracy to me, and only a few days ago we passed a public buildings bill appropriating $165,000,000, and the Secretary of the Treasury is to select the buildings, and yet you are going to vote against this bill on the ground that it is bureaucracy. [Laughter.]

The management under this bill is in the hands of the farmers.

Mr. GARBER. Will the gentleman yield?

Mr. SWANK. Yes; I yield to my colleague.

Mr. GARBER. Would not our experience with our representation on the Interstate Commerce Commission, wherein three-fourths of the great agricultural-producing West has no representation whatever, fortify us in adopting the procedure here proposed in getting proper representation.

Mr. SWANK. Yes.

Mr. CONNALLY of Texas. Will the gentleman yield right there in answer to the gentleman from Oklahoma? If under his dominant party which is now in control they have stacked the Interstate Commerce Commission, what assurance have we that they will not use their influence to stack this board.

Mr. SWANK. That might happen regardless of what party is in power, but the assumption is the Secretary of Agriculture, whatever party he may belong to, is going to be honest when he lays down the rules as to how the members of the farmers' advisory council are to be selected, and then the assumption is that the President of the United States is going to be honest when he makes his selection from the 36, and then the assumption goes further that the Senate of the United States will not approve them unless they are all right.

Mr. GARBER. And the selections have to be representative under this provision, do they not?

Mr. SWANK. Yes.

Mr. HUDSPETH. Will the gentleman yield?

Mr. SWANK. I yield to my colleague from Texas.

Mr. HUDSPETH. Under the old McNary-Haugen bill there was a bipartisan board, two of them to be appointed from each dominant party.

Mr. SWANK. What good does that do?

Mr. HUDSPETH. That will get away from the proposition of appointing all of them from one party.

Mr. SWANK. I would not object to that, but suppose you or any of my other good friends were appointing a board and you were going to appoint a Republican because under the law you had to appoint a Republican. It just seems a little bit natural to me that when you made the appointment you would see if you could not find some good, honest Republican who might have voted the straight Republican ticket except for you, and if he voted for you, he would be a better Republican than some other fellow who voted a straight Republican ticket. That is the way it usually goes, I think.

Mr. LARSEN. Will the gentleman yield right on that point?

Mr. SWANK. I can not yield further because I want to talk a little about this cotton feature.

Mr. LARSEN. I want to ask you about the representation on this board.

Mr. SWANK. All right.

Mr. LARSEN. Is it not a fact this is to be regional representation and that every section of the country will have representation?

Mr. SWANK. That is exactly what is provided, and I will show you how the cotton States will have better representation under this bill than they will have under the bill that some of you are supporting which was introduced by my friend, the gentleman from Louisiana [Mr. ASWELL].

Mr. BURTNESS. Will the gentleman yield for one more suggestion on that point?

Mr. SWANK. I am sorry, but I can not yield further.

Mr. RAGON. Mr. Chairman, will the gentleman yield?

Mr. SWANK. Yes.

Mr. RAGON. I have not studied as closely as I want to that feature of the bill, but it has been contended here by various gentlemen that this will have no other effect than merely to stabilize prices, that it would not increase prices.

Mr. SWANK. As I understand stabilizing prices, that means putting the price of cotton where it ought to be in comparison with other products. This is not a price-fixing measure on cotton.

It provides a way to stabilize the market by controlling the surplus, and you can take $100,000,000 when cotton is 20 cents a pound and remove not only 1,000,000 bales but 4,000,000 bales, because you can go out and borrow the money on it up to three-fourths of its value.

Mr. RAGON. Here is the situation. If we are to maintain these prices in relation to other commodities, I ask the gentleman this: If cotton was selling for 26 cents a pound, could not this board under the bill say that that was too much and therefore decrease the price?

Mr. SWANK. Oh, that is easy to answer. They can not operate under this bill unless the cotton farmers tell them to operate, and they will not want the price lowered.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. SWANK. Yes.

Mr. ASWELL. The fundamental principle of the Haugen bill is to make the domestic prices the same as world prices plus the tariff.

Mr. SWANK. Yes. That is on wheat and corn and those other products.

Mr. ASWELL. But there is no tariff on cotton.

Mr. SWANK. No; but it does not say that on cotton.

Mr. ASWELL. How will it raise the price of cotton?

Mr. SWANK. Can not you take a hundred million dollars and go out and buy 1,000,000 bales of cotton and take them off the market and raise the price? If that would not raise the price, then the price can not be raised.

Mr. ASWELL. How is that going to fix any price?

Mr. SWANK. I do not say that it will fix the price. I say it would raise the price. It would do it if you would take off a million bales or a half a million bales, but especially if you take off 1,000,000 bales.

Mr. ASWELL. Is the gentleman in favor of an equalization fee on cotton?

Mr. SWANK. I am in favor of an equalization fee at the end of two years, if necessary, just like this bill provides, and there is no man who knows any better than the gentleman does why that was not put in there.

Mr. ASWELL. Why was it not put into effect?

Mr. SWANK. Oh, the gentleman is not asking for information now. The gentleman knows why. I have some bills here that my friend from Louisiana [Mr. ASWELL] introduced, that is known as the Curtis-Aswell bill. Mr. Yoakum lives up here in New York City, and he is a railroad builder. Gentlemen have talked about the organization of the board in this Haugen bill. Let me show you what the first edition of the Yoakum bill—and there have been five editions since—provides in respect to the board.

Mr. ASWELL. But that has run through four years, you know.

Mr. SWANK. It provides for an organization of 11 men, 3 of them from New York. They are the men who are going to control the situation. Then it is said that we do not give representation in this bill because there are only two or three who come from the cotton States.

Mr. ASWELL. The gentleman will recall, however, that in that proposal there was no political or governmental control. That was a farmer-controlled business.

Mr. SWANK. Then, afterwards, the bill was rewritten, and they provided for 12 members, 4 to be named by the farmers' union, 4 by the National Grange and patrons of husbandry, and 4 by the American Farm Bureau Federation. Why? They call this the Yoakum bill. Mr. Yoakum was one of the original incorporators and his name is written in that bill, and they took that out and they put in some of these farm organizations, because they thought they better have those men there.

Mr. ASWELL. I put Mr. Yoakum's name in, and at his request I took it out.

Mr. SWANK. I say merely that it was in there.

Mr. ASWELL. The gentleman does not want to be unfair and reflect on Mr. Yoakum.

Mr. SWANK. I am not unfair to anybody. I have not made any unfair attack upon any bill. I have just told you what is in the bill. I think our last platform indorsed the sort of legislation provided in the Haugen bill.

Mr. HUDSPETH. Will the gentleman yield?

Mr. SWANK. I will.

Mr. HUDSPETH. Under the old McNary-Haugen bill there was an export corporation provided. As I read this bill it does not provide for an export corporation. That was the indorsement for the old McNary-Haugen bill.

Mr. SWANK. The old McNary-Haugen bill provided that this board created could handle certain products.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. SWANK. Mr. Chairman, I yield myself five minutes more.

The bill creates a Federal farm advisory council of four members from each of the 12 Federal land bank districts, and these members are to be selected by bona fide farm and cooperative organizations in each of such districts. The council is elected by the farmers themselves. The management of the business under the provisions of this bill will be in the hands of the farmers. The members of the council serve without salary and compensation except a per diem allowance while attending meetings of the council, and their necessary traveling expenses. The council then meets and, among other things, nominates to the President of the United States 3 persons from each Federal land bank district, making 36 persons, from which number the President appoints 12, one from each of the 12 Federal land bank districts, and these 12 members must be appointed with the advice and consent of the Senate. First the 12 members of the Federal farm board must be recommended by the council of 48 members selected by the farmers themselves, and then, before becoming members of the

Federal farm board, must be approved by the Senate. The members of the Federal farm board manage the business as provided in this bill. The bill also provides that the Secretary of Agriculture shall be an ex officio member of the board. I can not at this time conceive of a better plan to secure real farm management of this business by the farmers themselves than in the way provided in the bill. In the first place the council who recommended the members of the board must be selected by the farmers, and they will be interested in selecting their best-fitted men for the purpose of managing their affairs; second, the President must make the appointments, and, as a further means of having the right men for the business, they must be approved by the Senate. That is as careful a procedure as I can imagine.

The bill provides that the board shall meet at the call of the chairman, the Secretary of Agriculture, or a majority of its members, and is authorized, in addition to other duties, to advise cooperative associations and farm organizations and farmers in the adjustment of production and how to secure the highest benefits under the law of this bill. The bill provides that cotton, wheat, corn, butter, cattle, and swine shall be the basic agricultural commodities, and empowers the board, when it finds that there is or may be, during the ensuing year, a surplus of cotton above the requirements for its orderly marketing, and that a substantial number of cooperatives or other organizations representing cotton producers are in favor of operations in cotton by the board, then the board shall declare its finding and begin operations in respect to cotton.

You will see that with cotton the board can not begin operations until a substantial number of organizations representing the cotton farmers desire the operations by the board. In respect to wheat, corn, butter, cattle, or swine, and their food products, the board begins operation when it finds that there is or may be a surplus above domestic requirements and that the price is materially lower in the United States than in the principal export market of the principal competing foreign country, plus the tariff duty and charges in transportation from such market to the United States, and that such surplus renders inoperative the tariff upon such commodity. The farmers now realize that the emergency tariff on farm products enacted by the Sixty-seventh Congress did them no good and that a tariff does not affect the price of a product where but little of that article is imported into this country. What this bill seeks to do with cotton, wheat, corn, butter, cattle, swine, and their products is to give to the farmers the same favors enjoyed by other favored and protected special industries. With the tariff now 42 cents per bushel on wheat and which now means nothing to the wheat farmer, under this bill when placed in operation on wheat will mean at least 42 cents more per bushel. If it does not do that for wheat, then it does not meet the expectations of its supporters. The bill also provides that the board shall assist in removing or withholding the surplus of these commodities and assist in orderly marketing.

The bill provides that in order that the producers of each basic agricultural commodity may contribute ratably their equitable share to the equalization fund there shall be apportioned and paid an equalization fee, the amount of which shall be determined by the board, in order to pay expenses of operation and losses, if there be any. These equalization fees must be paid into the equalization fund of each basic agricultural commodity with the advances from the revolving fund and any profits that may accrue. The bill further provides that no equalization fee shall be paid prior to the expiration of two years from the date of the passage of the bill and its enactment into law. The board can not collect any such equalization fee on any of these products provided in the bill for two years, and then only when the conditions exist as stated before. There will in all probability be much of the time that no operations on these products will be begun by the board, and it can not begin operations unless it is needed to assist the farmers in the care and marketing of their products.

My opinion is that there will be no losses on these products, and especially on cotton, which is easily handled for market and warehousing. After operation for two years by a wise and experienced board, as this bill provides, I believe it will be thoroughly demonstrated that there will be no losses on the handling of cotton, and if no losses then, there will be no need for any equalization fee at any time to pay losses. Mr. Chairman, I have been raised in a cotton section and know something of that product. With a revolving fund of $100,000,000, when cotton is 20 cents per pound, that will handle 1,000,000 bales, if it was necessary to use the entire amount for that purpose, and that will be unnecessary, as money to the extent of 75 per cent to 80 per cent of the value of cotton can be borrowed now. The $100,000,000 revolving fund provided in this bill for cotton will handle several million bales of cotton, but with 1,000,000 bales removed from the market and stored when the market is depressed, it will greatly relieve the situation and increase the price, as any cotton man will tell you. I claim that any experienced man in the raising, handling, and marketing of cotton can take that revolving fund and use it in marketing cotton and never lose a cent. The opportunities for making a profit are much better than incurring a loss, so far as cotton is concerned. For myself I am not going to say to the farmers whom I have the honor to represent here that Congress offered you a revolving fund without interest, cost, or obligation to you in any way, so far as repaying it is concerned, for the purpose of marketing your cotton and assisting you in receiving a better and fair price for that product that you worked so hard to produce, but I thought it would do you no good, that you would not want it, and so voted against any aid for you. I am not going to say that to the farmers where I live, for I know that it will help them in their distress. Congress has appropriated large sums of money for other enterprises not half as necessary as agriculture, and yet nothing can be done for our farmers. Every Member of Congress has the undisputed right to vote as he desires, and I never question the motives of any man, but I know several Congressmen from the cotton States who are supporting this measure, for they are convinced that it will be of great benefit to their cotton farmers, and when you help the farmers to obtain a better price for their products you are assisting all lines of business and stabilizing business conditions in general. The bill will be a great boon to the farm cooperatives of the country, and the salvation of the farmer lies in the advancement of the cooperatives for the handling of farm products. The board provided for in this bill works through the cooperatives and they need some help at this time. The bill provides a revolving fund for cotton of $100,000,000, $250,000,000 for the other basic agricultural commodities, and a fund of $25,000,000 for loans to cooperative associations which handle other agricultural products.

These, Mr. Chairman, are the leading features of the bill, and remember that there will be no equalization fund collected on any of these products for two years, as the bill is now written, and each agricultural commodity has its own equalization fund which can not be used for the other commodities. After the two years and the bill has been thoroughly tried, we can then determine its efficacy, whether there is any necessity for the collection of any equalization fee, and any needed amendments can be added. If there are no losses or if the operations should show a profit, there will be no need for an equalization fee, and I believe there is just as much likelihood of being a profit as a loss. We should give the farmers a chance and see what can be done for them in the way of legislation. There is no difficulty in legislating for other interests, and why not try to do something for the farmers? To those who are against the bill, I ask, what have you to offer that will be of any material assistance to the farmers in handling the crop for this year? There has been a lot of talk for the farmer, but what are you going to do now? It is time to act, and act effectively, in his behalf. The bill is indorsed by most of the great farm organizations of the country, including the American Cotton Growers Exchange, which is an organization composed of officials of the different cotton growers' organizations in the cotton States, and by the great American Federation of Labor.

I have said that this bill will be of great benefit to the farmers' cooperatives of the country. The figures of the Department of Agriculture show that there are 10,803 farmers' business organizations listed with the department at the close of 1925. This number lacks but 45 of being double the number listed in 1915, when the first nation-wide survey of cooperative associations was made. The statistics show that there are more than 12,000 organizations controlled by farmers and doing a business last year of more than $2,500,000,000. This is a healthy sign and shows that cooperation and organization is meeting with favor among the farmers.

Let me advert again briefly to the tariff that some of the Republicans here say has done so much for the farmer. One witness appearing before the committee in behalf of this bill said that a gang plow that cost him $60 in 1914 now costs him $150, delivered to the same place. Ninety dollars has been added by the manufacturer on that plow, and the farmer who needs the plow must either pay the increase or use some other method of plowing his land. That is one of the noticeable results of the tariff to the farmer. The manufacturer can, with your tariff protection for him, pass onto the farmer the added cost, but the farmer can not pass his cost on to the public.

Mr. S. H. Thompson, president of the American Farm Bureau Federation, on the 30th day of March appeared before the committee in behalf of this bill, and on page 822 of the hearings of that date I asked him the following questions:

Mr. SWANK. The Department of Commerce says that in 1925 there were imported into this country 1,086,205 bushels of corn. Now, it wouldn't make any difference, with that small amount of corn imported, whether the tariff was 15 cents or $15 a bushel, would it?

Mr. THOMPSON. No; not materially.

Mr. SWANK. In the same year there were imported 13,902,527 bushels of wheat. On small imports like that the same thing would be true, would it not?

Mr. THOMPSON. Yes.

Mr. SWANK. Now, if I understand from your testimony, and I have been interested in and entertained by it, what you want to do is to get some farm legislation that will bring the farmer up on the same level with the protected manufacturer and other protected interests of this country?

Mr. THOMPSON. Yes, sir.

Mr. SWANK. What I want to see done in the way of legislation is a law enacted that will put the purchasing power of the farmer's dollar on a par with the purchasing power of the manufacturer's dollar or anybody else's dollar. Isn't that right?

Mr. THOMPSON. Yes, sir.

Mr. Chairman, the object of this bill is to put the farmers' dollar on a par with the dollar of other industries which enjoy special favors from the Government. No one should deny him that right, and, if you will not support this bill, present some other plan that will help him to come to the same parity with other business men.

Hon. Edgar Wallace, representing the American Federation of Labor that has done so much for the laboring people of this country, appeared before the committee in behalf of this bill. Among other statements, Mr. Wallace said:

I appeared before this committee several times, and in each instance I made this statement that, respresenting the workers of the country, we feel a common interest with the farmers of the country, because when they are prosperous we get along nicely, and when they are bankrupt or when they are suffering from depression we also feel that depression; and, whether the organized farmers feel that community of interest or not, we feel it.

Concerning the increase of $90 on the plow that cost $60 in 1914 and now costs $150, Mr. Wallace said:

It is about 8 per cent labor, and the other percentage accumulated by the pyramided profit. During the war, for example, the price of shoes appreciated considerably. A shoe that sold for $5 before the war went up to about $12. Now, the records are still here, and it can be demonstrated to the satisfaction of this committee that the added cost of labor in that pair of shoes is 42 cents, and that represents the difference in the cost of labor in your difference between $5 and $12.

No, Mr. Chairman, it is not the added cost of labor that has so greatly increased these prices, but the fact that the manufacturers have been able, through the operation of special laws, to increase the price of these necessities as they desire. I am glad that the great American Federation of Labor has given its support to this bill and is trying to help the farmers of the country. I wish to commend Mr. Wallace and his organization.

In the report of Mr. HAUGEN, chairman of the Committee on Agriculture, is the following table, showing the farmers' prices compared to other prices:

The National Industrial Conference Board has set forth in a chart issued in May, 1924, the purchasing power of seven cash crops, measured in terms of farm value per acre rather than price per bushel, and of farm price per pound of livestock. Farm prices are compared with prices of a selected list of articles bought by the farmers, using 1924 as 100.

For the years 1920 to 1923, inclusive, the purchasing power was as follows:

Beef cattle	51.75	Oats	48.50
Swine	62	Barley	49.25
Wheat	45	Rye	40.25
Corn	57		

The report of Mr. HAUGEN shows that the rate of farm failures from 1910 to 1924 is an increase of more than 1,000 per cent, in contrast to commercial failures, and that capital invested by farm operators decreased from $47,000,000,000 in 1920 to $32,000,000,000 in 1925. This same report shows that the number of bank failures from 1920 to 1925 was greater than the number of failures during a period of 26 years up to 1920.

Yes, Mr. Chairman, everything can be done for other industries, and now let us see what this administration will do for the farmers. Mr. HAUGEN'S report says that the total expenditures for the United States Shipping Board have amounted to $2,800,000,000 and that the Government has expended some $2,000,000,000 on the railroads in the past few years. And, gentlemen of the House, let me show some of the profits made by the railroads the past five years. A statement from the Interstate Commerce Commission shows the following net revenue from railway operations:

	Net revenue
1921	$969,346,226
1922	1,162,779,249
1923	1,412,962,592
1924	1,304,206,157
1925	1,468,995,683

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWANK. I yield myself two more minutes.

Mr. McKEOWN. I know the gentleman is crowded for time, and I do not like to interfere, but I want him to state that the Finance Corporation in 1921 by taking $43,000,000 raised the price of cotton from 9 cents to 18 cents.

Mr. SWANK. When the Esch-Cummins railroad bill was passed, if you will look you will find a provision that makes an appropriation for a revolving fund for the railroads of $300,000,000 written into the law. It is all right for the railroads, but when it comes to the farmer you will find it is a different proposition.

Mr. MANSFIELD. Then it is called class legislation.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SWANK. I want to see all legitimate business prosper and would also like to see the farmers enjoy some degree of prosperity. Not only has the Government dealt most leniently with the railroads and other business, known as "Big Business," which seems to sound so well to the ears of this administration, but in the Sixty-seventh Congress you gave $20,000,000 of the people's money to Russia and a short time ago the bill approved by the President passed both Houses of Congress settling the Italian debt due this country. In that settlement you gave Italy $1,500,000,000 without the consent of the people whom you represent. You have appropriated $395,000 to build bathing beaches in Washington. The farmers help pay that amount and when they go swimming they must hunt their own swimming holes. Congress provides no bathing pools for them. All you do is to let them help pay this other money which you appropriate for other people. You have appropriated some $700,000,000 for the Army and Navy in time of peace, and you now have an opportunity to do something for the farmer. You gave Philadelphia $2,186,000 for their fair next summer. Space is too limited and time is too short to name the many appropriations you have made for other industries, and now you hear the call of the farmers of this country only asking for equal protection of our laws. Mr. Chairman and gentlemen of this House, what will your answer be when the roll is called? For myself, I shall continue to try to do something for the farmers and grant them the same opportunities enjoyed by others, and will support this bill. [Applause.]

Mr. ASWELL. Mr. Chairman, I yield to myself five minutes.

My good friend from Oklahoma [Mr. SWANK], a lovable gentleman, had nothing convincing to say in the interest of the Haugen bill, so he spoke of Mr. B. F. Yoakum as a "New Yorker." I take a few minutes to tell you who Mr. Yoakum is. He was born in Texas. He now lives on his own farm at Farmingdale, Long Island. He built the Frisco Railroad through the great Southwest. In the building of that road his part of the responsibility was to develop agriculture in Texas and throughout that area for tonnage for his railroad. He made a great success in life. He is retired now. He is devoting his great business talents, his time, exclusively and unselfishly in an effort to continue the principles of the organization that he established in the great Southwest to build agriculture for the whole country—a patriotic, honest man. The country should welcome his intelligent cooperation and assistance in the proposed legislation to establish agriculture on a sound, profitable, and economic basis and placing it under the control of the farmers themselves. I am glad to say this of B. F. Yoakum and I am proud of his friendship.

While I am on the floor I want to call attention to the cotton side of the Haugen bill. You know the words "equalization fee" is an innocent looking expression. It is a kind of parlor language they put in the bill. I want to take two or three more minutes to show what the words "equalization fee" mean.

The words "equalization fee" used in the Haugen bill is a harmless-looking expression and seems most innocent as long as the cotton farmers do not fully understand its meaning. Equalization fee in this measure means a direct Federal tax estimated from $3 to $15 assessed by a political Federal board, to be collected by a Federal agent at the gin on every bale of

cotton produced in the United States, to build up a fund to be used by the same Federal political board which would have plenary power in all its operations.

It is entirely proper and fair for the cotton farmers of the South to be given frank and exact information as to what the Haugen bill proposes to do to them.

The bill proposes to help the orderly marketing of cotton, but can not possibly increase the price of cotton one penny, for the reason that the fundamental principle of the bill is that the Federal political board will raise the price of certain agricultural products in the domestic markets to the world price, plus the tariff on each commodity, but there is no tariff on cotton. Therefore, neither the bill itself, nor the sponsors, who are informed on the subject, claim that it can increase the price of cotton. It proposes to levy a Federal tax on every producer of a bale of cotton, but can not increase the price to the producer, except whatever results from the so-called orderly marketing of cotton.

The Haugen bill proposes to levy a Federal tax on every bale of cotton produced, but in the case of other agricultural commodities, such as wheat, corn, cattle, and hogs, it is left to the board itself to determine whether it will levy the equalization fee or the Federal tax on all of each commodity or upon that part only which is processed in this country.

The sponsors of the Haugen bill here frankly and openly admit that the collection of the fee is deferred two years for the simple reason that no Member of Congress familiar with the conditions of the cotton farmer would vote for such a bill to become operative at once. A subsidy of $375,000,000 is written into the bill to be used instead of the equalization fee for two years, and everyone who knows anything about the condition of legislation here knows that the present administration will not appropriate $375,000,000 for this purpose, which would necessitate, they say, the calling of an extra session of the Congress to increase taxes for the purpose.

If the subsidy of $375,000,000 is not appropriated, the equalization fee or Federal tax will have to be collected at once from the farmer or else the whole structure falls.

The proposed postponement for two years in collecting the equalization fee, or Federal tax, is an insincere and unworthy scheme to get votes for the Haugen bill, which will not very long fool the southern farmer. [Applause.]

Every man knows that there is no tariff on cotton, and it is idiotic to claim that it will increase the price of cotton in any way other than would be raised by an orderly marketing system which my bill provides.

The collection of this fee was deferred for two years, and the members of the committee know why. The lobbies of the Corn Belt, headed by Mr. Murphy, wrote the bill and left cotton out for three years and admitted openly, personally, to me that they found they could not pass such a measure. They left cotton out for three years, admitting that they could not pass an equalization fee on cotton applicable now. Then they found it so inconvenient to leave one commodity out that while the committee was in session, with lobbyists hanging around, they called out certain gentlemen and had the fee postponed two years on all products. In less than the twinkling of an eye, when these lobbyists could not possibly have heard from the people at home, they did it in darkness. They put the fee off two years, and when I asked them why, they said. "To get votes for the Haugen bill."

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. ASWELL. Mr. Chairman, I yield myself 10 minutes more.

The CHAIRMAN. The gentleman from Louisiana is recognized for 10 minutes more.

Mr. ASWELL. They postponed it for two years to get votes, and the facts are that if this equalization fee were made applicable now, you would not get three cotton men to vote for it. It was a scheme to get the bill through. I believe that is the reason why the equalization fee is postponed. If they do not get the subsidy the whole scheme will fall by its own weight. The constitutional provisions are so doubtful that if the bill should become a law it will be tied up in the courts for two years or until the equalization fee or Federal tax is to be collected. The whole scheme for an equalization fee on cotton is too absurd and ridiculous to command the attention of thinking men.

Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. BLACK].

The CHAIRMAN. The gentleman from Texas is recognized for 30 minutes.

Mr. BLACK of Texas. Mr. Chairman and members of the committee, we have three bills under discussion—the Tincher bill, the Aswell bill, and the Haugen bill—and on account of the limited time which is at my disposal I shall not undertake to discuss the Tincher bill and the Aswell bill at any great length. My friend from Kansas [Mr. TINCHER] seems to be considerably disturbed by the fact that it has been stated by an Illinois farm paper that his bill smells bad. I would not say that about his bill, because it seems to hurt his feelings, and I would not hurt his feelings for anything in the world. But I am afraid that it would taste bad, and therefore I decline to swallow it.

THE ASWELL BILL

Now, as to the Aswell bill, while I do not purpose to discuss it in detail, I will say that I do think it contains some sound and constructive provisions. It does not undertake to set in motion any Government compulsion. It simply provides for orderly marketing by the cooperative-marketing organizations of farmers themselves, and the method is to start with a national organization and extend it to interstate zone associations. I reserve the right to continue my study of that bill, as I intend to do; and if, when the final vote comes to substitute the Aswell bill for the Haugen bill, I am convinced that it will be for the constructive benefit of agriculture, then I intend to vote for it. [Applause.]

Of course if I am not convinced of that, I will vote against it, as well as against the other two bills that I have mentioned. I am not going to vote for any bill which I think will be harmful to agriculture in the long run.

THE TINCHER BILL AND THE HAUGEN BILL

As to the Tincher bill, it would set up an advisory farm council of 36 members and a farmers' marketing commission of 7 members, one of whom shall be the Secretary of Agriculture, and 6 members to draw salaries of $12,000 each. The bill also provides for a loan fund of $100,000,000 to be loaned to farm cooperative-marketing associations for use in conducting their business, terms of payment to extend not longer than 33 years.

Now, no one will deny that facilities which will provide ample credit resources at just and reasonable rates for the orderly marketing of farm products are important things to have. In the intermediate credit banks and the liberalization of the Federal reserve act which was adopted at the same time the intermediate credit act was passed, and all of which I was glad to and did support, Congress has provided these facilities, and, so far as I know, there is no considerable demand for the setting up of any new credit machinery. The Tincher bill would simply be a duplication of existing facilities for which there seems to be no adequate justification.

Now, we come down to a consideration of the Haugen bill. It is the one which is being urged by many able and influential representatives of farm organizations and seems to have the greatest amount of support from that source. In discusing this bill I want to be perfectly fair and frank about it. I have no desire to evade any issue which it raises or assail it upon any false ground. Farm representatives are well within their rights in preparing and urging any legislation which they think will be helpful to their farming business, and then it is up to us in our capacity as lawmakers to decide whether or not such proposed legislation is sound and whether it would be workable.

The Haugen bill proposes a farm advisory council of 48 members, and among other duties of this council is to nominate 36 candidates from which the President will make a selection of 12 to compose the Federal farm board, each to draw a salary of $10,000 annually for his services.

The board is given power to select its own secretary and such experts and other employees as may be needed to carry on its operations. On account of the limited time which I have at my command in this debate I will make no extended comment on the governmental machinery which the bill seeks to set up, except to say that if Congress keeps on setting up new Government boards and commissions, with their retinue of experts and employees, after awhile everybody will be working for the Government. Those of us who are on the pay roll will, of course, be working for it and those of us who are not on the pay roll will be working to pay those who are, and so in the end that will be everybody working for the Government. But dismissing for the present, at least, the governmental machinery which the bill seeks to set up, let us turn aside and discuss some of the things which the bill proposes to do.

As I see it, the bill proposes two separate and distinct plans of marketing. One of them applies to cotton and contemplates a holding movement in times of surplus and the other applies to wheat and corn, butter, cattle, and swine, and contemplates what is commonly known as "the foreign dumping plan." The marketing plan as to cotton is substantially this: If there is a surplus production in any one year the Federal farm board

decides what the amount of that surplus is and, acting through existing cooperative agencies, seeks to remove that surplus from the market, using the $100,000,000 revolving fund provided for cotton for that purpose. There is to be no effort made to force the American spinner to pay one price for his cotton and the English and German and other foreign spinners to pay a less price for theirs.

How well this plan of withholding a definite amount of surplus from the market without at the same time having some definite workable plan to reduce production the following year can only be conjectured. It might work out well and it might work out disastrously. It will, of course, be admitted by all sound thinkers that it is a dangerous thing to withhold surpluses of even nonperishable products from the market unless there is at the same time some reasonable assurance that the production the following year will be reduced. Because if no reduction takes place there is the danger of twice as much surplus being on hand the second year as the first, with still further disastrous declines in the price. The proponents of this bill recognize that factor in the problem and propose the equalization fee as a deterrent of overproduction.

The equalization fee is to act as a sort of double-barreled gun. It is to provide the fund out of which losses, if any, are to be paid and also as a deterrent against overproduction. The equalization fee or tax, however, is not to go into effect until two years after the passage of the act. Under the terms of the bill the equalization fee, if it ever becomes effective, would be collected from every bale of cotton when it was ginned and whether it was sold at that time or not. On the other hand, the corn farmers of the Middle West would not have to pay any equalization fee on the corn which they consumed at home and fed to their hogs and cattle. They would only have to pay an equalization fee on that sold in the open market, which would really be a comparatively small part of their production because most of it is fed to cattle and hogs and marketed on the hoof.

I am not ready to vote an equalization fee on every cotton farmer in the South to raise a fund to be turned over to a Government board to be expended under its direction. But even if I were ready to accept that plan without consulting any considerable number of farmers whom I have the honor to represent, there is another reason why I could not vote for this bill and preserve my honest convictions. That reason is this: The bill seeks to tie us up permanently to the high-protective tariff system.

DUMPING

When the Fordney-McCumber tariff bill was up in Congress in 1922 and the representatives of the manufacturing States were winning over support from Western Representatives by putting high tariff rates on certain agricultural products there were those of us who pointed out that these high rates could not possibly be effective on products of which we produce a large surplus. These same tariff advocates tried to win us from the South over to their way of thinking by proposing a high tariff on raw cotton. But the proposal did not work. The Representatives from the South knew that our problem was not by tariff rates to prevent importation of cotton but was to find a market for from six to eight million bales which we must export every year. We knew that a high tariff rate on cotton would do us no good but that high tariff rates on general products would mean that our cotton farmers would have to pay more for what they had to buy and get nothing additional for what they had to sell. We knew that then and we still know it. Our Western brethren could not see it that way and for the most part went ahead and voted for the Fordney-McCumber tariff law. Now, they are beginning to see the light. This very bill is a confession that they see it; and how do they propose to get out of the dilemma? Repeal the iniquitous Fordney-McCumber tariff law? No. Their proposal is to embrace it. Fondly caress it and invite us Democrats to do the same.

Now, my friends, I have not got a bit of sectional prejudice, if I know it, in my heart. I am anxious to see the corn farmer and the wheat farmer and the raisers of hogs and cattle and the producers of butter receive every possible cent they can get for their products under sound and orderly marketing, but when it comes to voting for a bill that says in its very language that it is its purpose to fix prices so as to assure the maximum protection of the tariff—you will see that on page 12 of the Haugen bill—how am I going to vote for that and be intellectually honest, holding the views that I do on the tariff? We have always affirmed the principle that the Government has no moral right to lay tribute in the form of a tax on one group of its citizens for the benefit of another group. We have always said that the purpose of the tariff is to raise revenue for the support of the Government and not for the protection of private industry, and that it can not be defended on any other ground. Yet this bill says that the purpose of the tariff, the principal purpose of it, is to give high protection, and the idea of producing revenue is altogether disregarded.

In fact, the very last provision of the bill provides that the President may impose an absolute embargo, thus shutting off all revenue from whatever products were included in the embargo proclamation, and yet Democrats are asked to support a bill of that kind.

Now, as to my dear good friend from Oklahoma [Mr. SWANK] and other Democrats, I must confess that I am mystified as to how they can bring themselves to support provisions of that kind.

I saw where one of my good Democratic friends made a speech in Minnesota a few days ago and he told the farmers up there that he was going to join them and vote for the Haugen bill and help make effective the tariff rates provided in the Fordney-McCumber tariff law on farm products. Well, suppose he does and the bill passes and the law works out like it is planned and the 42-cent bushel tariff on wheat and the 15-cent bushel on corn and the tariff on pork products and beef and butter really do become effective. I can see my Democratic friend going back to Minnesota two years from now to campaign in behalf of the Democratic presidential ticket and I hear him say: "Well, boys, I am back again. Two years ago I helped you get the tariff on your wheat and corn and swine and beef and butter and now I want you to help me get it off by repealing the whole iniquitous Fordney-McCumber tariff law."

Well, I do not know what the Minnesota farmer would say, but I imagine he would be like most other protected interests when they once get behind a high tariff wall and would say, "What might be your name?"

What is the scheme of this bill anyway as to wheat, corn, swine, cattle, and butter? It proposes to set up a strictly price-fixing scheme by which the American consumer is to be forced to pay the world price for these products, plus transportation cost and plus the tariff. If the bill works out according to plan, it is certain the American consumers, including the farmers, of course, will have these prices to pay and it is certain that the processers, the packers, and millers will collect these prices from the consumer, but is it certain that the western farmers will receive these prices for their product? No; they may or they may not receive them, but one thing is certain—they will pay the equalization fees, if the equalization fees ever go into effect, and consumers will pay the increased cost of living.

And what are the cotton growers of the South offered in exchange for their support of this proposal, which is so violative of what they have heretofore advocated. Do they offer us a price-fixing scheme on cotton by which an ineffective tariff on raw cotton shall be made effective? No. The present tariff on wheat is 42 cents a bushel. The Winnipeg price of May wheat is $1.59 add to that transportation cost of, say, 5 cents to Chicago. That would be $1.64 a bushel. Add to that the tariff of 42 cents and that would be $2.06 a bushel.

The present domestic price of May wheat in Chicago is approximately $1.59. Therefore if this proposed plan worked out as to wheat it would mean an advance in the domestic price of approximately 47 cents a bushel. What of cotton? If there were a duty on cotton of the same proportion as wheat, it would be approximately 6 cents a pound. Of course without resort to artificial machinery such as this bill provides, a duty of 6 cents a pound on cotton would mean nothing. But it would mean as much as does the present duty on wheat, because despite the duty of 42 cents a bushel on wheat imported into the United States, the price of May wheat in Chicago is $1.59, and the price of May wheat in Winnipeg, Dominion of Canada, is the same. So if there is justification in using artificial means to make effective an ineffective duty on wheat, then the same justification would exist to place an ineffective duty on raw cotton and make it effective by these artificial means. I am opposed to any such unsound methods. The process, if resorted to on cotton, would be about like this: Place a duty of 6 cents a pound on cotton and try to add that to the domestic price of 18 cents, which would make a price of 24 cents a pound. I am not saying it would work. In fact, I think it would be very difficult to make such a plan work, but I see no reason why it would not work out about as well as trying to make effective a duty of 42 cents a bushel on wheat. The whole thing may look sound to one who really believes in the protective-tariff system. To one who has approved the payment of indirect subsidies to the big manufacturing interests by means of high-tariff rates. But to a Democrat like myself, who does not believe in high-tariff rates, this program makes no appeal. If the Democratic doctrine on the tariff is wrong, then by all means let us abandon it. I certainly would not hesitate to change my own views on the

subject if I thought I was wrong. But are we wrong? I do not think so. Now that we have grown to be the greatest creditor Nation in the world, we must not only find markets for our surplus goods and agricultural products, but we must find some way to collect the enormous sums which are due us as war debts, unless we want to cancel them out. There is less excuse now for high-tariff rates in the United States than at any other time in American history, and yet we are asked to embrace them and by this method perpetuate them.

This Haugen bill is built around the idea of making the American people pay one price for what they use and then dump the surplus on the foreign market at a lower price. Is that sound Democratic doctrine? No. Even the Fordney-McCumber tariff law contains a provision denouncing such a practice on the part of a foreign nation practiced against us. Section 303 of that act reads:

SEC. 303. That whenever any country, dependency, colony, province, or other political subdivision of government, person, partnership, association, cartel, or corporation shall pay or bestow, directly or indirectly, any bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, and such article or merchandise is dutiable under the provisions of this act, then upon the importation of any such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to the duties otherwise imposed by this act, an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed. The net amount of all such bounties or grants shall be from time to time ascertained, determined, and declared by the Secretary of the Treasury, who shall make all needful regulations for the identification of such articles and merchandise and for the assessment and collection of such additional duties.

For the first two years at least out of the $250,000,000 fund provided in this bill for wheat, corn, butter, cattle, and swine the Federal farm board is authorized to make good the losses to agencies contracted with to dispose of the surplus by export, which, of course, in the very nature of things will be the packers in case of meats and the millers in case of wheat and flour. Is not that putting into effect an indirect Government bounty or subsidy on exports, the very thing which is prohibited in section 303 of the Fordney-McCumber Tariff Act? Of course, the packers are not complaining at the voting of this $250,000,000 fund out of the Treasury to make good any losses which they might suffer in their export business. In fact, it insures them of a profit. They have not asked Congress to pass any such law, but I suppose their attitude is simply this: If Congress wants to put the Government into the business of guaranteeing them against any loss on export business, then very well, they will accept the favor and be thankful for any future favors received.

THE SUBSIDY EVIL

European countries which adopted the subsidy as a form of retaliation for tariffs and as a method of penetrating foreign markets with goods that are deemed to possess more of national interest than other goods, are having some difficulties at home. The nonsubsidized industries and the home consumers object to marketing methods which enable favored producers to sell their goods in foreign markets at prices that are lower than is asked for the same goods in the home markets. Producers of nonsubsidized goods contend that the national interest is served by the subsidizing of one form of goods as much as it is served by the subsidizing of another. In other words, they contend that the goods that receive subsidies receive them because their producers hold favored places and not because the subsidy advances the national interest.

The whole subsidy plan is a dangerous evil. I vigorously opposed it when during the Harding administration the ship subsidy bill was under consideration, and I am now opposed to it when it is proposed in this Haugen bill.

WHAT DO I PROPOSE?

Now, I have spent most of my time in telling why I am opposed to the Haugen bill and some gentlemen may say: What do you propose? That is a fair question, and I will give a perfectly frank answer. I have no legislative panacea to offer, except to repeal some of the laws which give industry an unfair advantage over the farmer. One of the very first I would repeal would be the tariff law. I have never told the business men of my district, the laboring men of my district, or the farmers of my district that I could solve their problems by passing a law. I have told them that for the most part they must work out their own problems with such help as the Government can give in the exercise of proper governmental functions, and insuring equality of opportunity.

A few years ago the Literary Digest published an article: "What's the matter with Congress?" which contained the comments of quite a number of prominent persons in the United States on Congress, some favorable and some unfavorable. The whole keynote of the trouble was unwittingly uttered by a man by the name of Dunbar, of New Orleans. He was lambasting Congress because it had not done certain things he wanted done. Among them were:

We want the floodwaters of the Mississippi River stored up in great reservoirs located in the upper States. We want a better levee system in the lower States—

and then he went on and named about a half dozen other "we wants," the total cost of which would have been several hundred million dollars, and then wound up his criticism of Congress by saying:

We want tax reduction.

Well, gentlemen of the House, it is the gratification of so many "we wants" by Congress and the State legislatures that make taxes so high. I realize perfectly well that there are certain activities of both the Federal and the State Governments which can not be curtailed in justice to the people and even with the best that can be done taxes will still be high, but one thing is certain, Congress and the State legislatures must quit responding to so many "we wants" out of the Public Treasury and take things along as we can pay for them, or we must make up our minds to endure heavy taxes as a permanent burden. One of the most vital things with which agriculture is struggling to-day is the tremendous increase in its tax burdens during the last few years. An honest-to-goodness study by both Congress and the State legislatures as to how these tax burdens can be lightened will do a great more good in the long run to agriculture than to set up another Federal board with 12 members drawing salaries of $10,000 each and with a horde of Government experts and employees that would be bound to get on the Government pay roll if the provisions of this Haugen bill are put into effect.

VOLUNTARY COOPERATIVE ORGANIZATIONS

Now, my farmer friends who are interested in this Haugen bill and are urging its passage, let me say I am a friend to your cooperative organizations. I want to see them prosper. I want to see them thoroughly established on sound and enduring business principles I gladly voted for the Capper-Volstead law, which permits large liberties of organization. But if I wanted to kill them and send them all to the scrap heap, I would vote for a bill like this Haugen bill with all its multiplied red tape, and that will do the business. My judgment is that it is the duty of the Government to provide ample financial facilities so that orderly marketing can be properly financed and then let the farmers themselves market their own crops either as individuals or through their own organizations, without being supervised and wet-nursed by a Government board from Washington. Congress has provided through the Federal reserve system and intermediate credit banks ample ways of financing orderly marketing at reasonable rates of interest, but if there is still any additional legislation needed in that direction I am willing to vote for it. But when it comes to the actual marketing itself I am strictly in favor of leaving that to the farmers themselves, and am not ready to vote for any bill which seeks to turn it over to the supervision of some Government board in Washington to be made the football of politics at every recurring election. [Applause.]

The power to fix prices, if it carries with it responsibility of maintaining them, and of course no other kind of price fixing would be any good, necessarily carries with it the power to determine the number of acres to be planted in any one particular crop coming under price regulation. Only in that way could the Government prevent itself from being snowed under with more of one kind of product than it needed. Therefore if this price-fixing scheme is entered upon as a permanent Government policy it would mean that ultimately the farmer would have to get permission from some Government agent as to how many acres of cotton he should plant, corn, wheat, or other important crops. I abhor this idea that many of our people are getting into of always trying to put people in a strait-jacket and compelling them to do by law what they should voluntarily do for themselves. Social cooperation must be voluntary in order to be effective, and that is especially true of members of the Anglo-Saxon race. It crumbles under compulsion. Suppose this compulsory equalization fee on cotton goes into effect. I can imagine a farmer who raises six or eight bales of cotton going down to his gin and being confronted with a Government agent demanding that he pay an equalization fee of, say, $5 a bale, or $40 in all. The farmer says, "What's that for?" The

Government agent replies, "Why this is an equalization fee which has been levied on you by the Federal Farm Board of Washington, D. C." "Yes; but," replies the farmer, "I haven't joined any such organization as that." "I know you haven't," replies the Government agent, "but your Congressman joined for you." [Laughter.]

I do not believe that kind of cooperation will work. It must have a sounder basis than that to succeed. On this question of voluntary cooperation against cooperation by governmental compulsion, I want to read a short extract from an article from the pen of the late Samuel Gompers, appearing in the Dallas Morning News, Sunday, October 28, 1923, under the heading:

Gompers thinks Government may overstep itself.

In that article he says:

It is much easier for industry to believe Congressman Blank when he promises a law that will fix everything than it is to get to work within the industry to do the necessary fixing. It is just so with the farmers. I have no doubt that thousands of farmers would believe the last good word had been spoken if Congress in the next session were to enact a law fixing the price of wheat at, say, $2.50 a bushel or whatever the price fixers think necessary. The organizing of farmers so that they may have an effective force in determining the terms and conditions upon which the product of their toil shall be put upon the market, is a long, hard task. That task requires years to accomplish, while a law can be passed in a few weeks, if everything goes well. The difference is that one way is fundamentally sound and the other is not.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. BLACK of Texas. Yes; I yield.

Mr. BLANTON. With the exception of the tariff I have been following the gentleman on everything else for nine years; but after we vote for the Aswell bill and it should be defeated, then what?

Mr. BLACK of Texas. I feel complimented if my able colleague has at any time been influenced by anything I have said. I am going to vote against the Haugen bill.

Mr. BLANTON. But in its finality what?

Mr. BLACK of Texas. I have tried to meet these issues with perfect frankness, and I feel sure my colleague will thoroughly understand my position by the time I have completed my speech.

The William Z. Fosters and the Big Bill Haywoods called Gompers a confirmed reactionary because he advocated voluntary cooperation instead of compulsory cooperation, and on more than one occasion tried to unhorse him from his leadership, but the soul of Samuel Gompers will go marching on in the labor movement long after the Fosters and the Haywoods are forgotten.

I realize perfectly well that at the present time if a man in public life is not ready to come forward with a legislative cure-all for every economic ill there are plenty of people ready to denounce him as a reactionary.

But the newest is not always the best. If the song was true when it started on its journey, it will be sung as long as human hearts vibrate and tongues retain the gift of speech. If the product was genuine when it passed from the Creator's hand, it will not be diminished by age nor cheapened by contact. It is because the principles of the Democratic Party are true, that they have not been diminished by age nor cheapened by contact, and they will continue to endure if we will but guard them with fidelity. One of these principles as announced by Mr. Jefferson was:

Never trouble the Government to do for you what you can do for yourself.

I believe that the farmers of this country can and will organize for the advancement and welfare of their business, without the governmental methods set up in the Haugen bill, and therefore I will vote against it. [Applause.]

MESSAGE FROM THE SENATE

The committee informally rose; and Mr. MADDEN, having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 6559) entitled "An act to provide for the construction of certain public buildings, and for other purposes," disagreed to by the House of Representatives and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. FERNALD, Mr. WARREN, Mr. REED of Missouri, Mr. LENROOT, and Mr. SWANSON be the conferees on the part of the Senate.

FARM RELIEF

The committee resumed its session.

Mr. ASWELL. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. HARE].

Mr. HARE. Mr. Chairman and gentlemen of the committee, that was a wonderful speech we just listened to, delivered by the gentleman from Texas [Mr. BLACK] [applause]; but I have to admit I do not know whether I am any nearer a definite conclusion as to voting for this bill or not. I have listened to some other wonderful speeches during the past week, but I am unable to follow them all to a definite conclusion and make up my mind as to which bill to support.

I believe it is generally conceded that there is a great agricultural problem, and yet it is a tragedy and a reflection upon the intelligence of this House and the ingenuity of American statesmanship that we have no definite crystallized plan giving relief to agriculture in such a way as to command a majority support of its membership. I will admit we have three bills before us, and I will say that there is so much bad in the best of them and so much good in the worst of them that it is almost impossible to make up one's mind to oppose or support either of them.

I had not intended to make a speech on either of these bills, but this morning when I listened to that great statesman, the chairman of the Committee on Appropriations, coming into this House and giving expression to an idea I have been entertaining for some months, and advocating a plan which I endeavored to embody in a bill several weeks ago in H. R. 11356, and submitted to the Committee on Agriculture, I was encouraged, because I was satisfied that the gentleman from Illinois [Mr. MADDEN] had not seen this bill, and to find that my mind was running in the same channel as the mind of this great statesman, I have decided to come before this House and endeavor to present the ideas embodied in my bill, with the hope that some day it will bear fruit and bring definite, certain, and lasting relief to the farming interests of this country. I indulge the further hope that with the support and encouragement of the gentleman from Illinois [Mr. MADDEN], we might be able to perfect a bill that will command the attention and the consideration of the majority of the Members of this House for the benefit of the farmer before the adjournment of this Congress.

We have here a bill which we are now considering providing for 48 members of an advisory council. That is an enormous number of men. I am satisfied that instead of 48, that 1 from each land-bank district, or 12, would be sufficient. It is provided in the bill under consideration that we have a board of 12 members, and I am satisfied it would be cumbersome and unworkable with that many minds working together. I feel that six would be sufficient.

Contrasted with this one, the idea as set forth in my bill is that we should have only 6 districts in the United States instead of 12. They should be known as commodity districts instead of land-bank districts. There would be a cotton district, a wheat district, a corn district, a cattle district, a swine district, and a tobacco district, for I agree with my friends from Kentucky that tobacco is a basic agricultural crop and should be provided for in the bill. Each district would be comprised of the States that grow that commodity or grow it for commercial purposes. The States that grow cotton would comprise one district, the States that grow wheat would be another, and so forth.

In each district—and here is where we part from the general idea embodied in the bill before us—there should be a holding organization chartered by this board and with a capital stock furnished and controlled by the farmers and business interests of that district. This organization would be manned, supervised, and directed by the intelligence of the men within that district. It would not have to take orders from any board or from any council or from anyone further than that their operations would have to conform to the provisions of the bill, but otherwise they would direct their machinery in their own way according to the manner their intelligence and experience would direct.

The cotton farmers of the South would be able to solve their problem to better advantage and more successfully themselves than by advice received from men from any other section of the country; and I am willing to concede that the men in the Wheat Belt would be able to solve their problem and manage their business and direct the affairs of their organization without the advice of myself or any other man from the Cotton Belt. In addition to that, you would not have this Government running its fingers out into the avenues of business and observing the activities of every man in these districts. If the farm-

ers wanted to levy an equalization fee, let them do it; but you would not have men from this great Congress, as has been said, levying a fee and enforcing it and compelling the farmers to swallow it, whether they want to or not.

This equalization fee is a thing I can not thoroughly understand [laughter], and I have heard a lot of talk about it during the past few days. I do not know whether it is my limitations or whether it has not been presented properly. I have to confess that there is a great deal of good in all three of the bills presented here, but there are so many obstacles I am not able to overcome that I am still at sea at the end of this week after a discussion of four days. I am wondering whether or not the gentleman from Illinois [Mr. MADDEN] or some other great statesman will not be the Moses to come in here and weave these three threads or bills together and give us a bill that will be consistent with the policies of this Government and at the same time one that will give full and certain relief to the downtrodden farmers of this great country of ours. [Applause.]

In my opinion there is no other class of people to-day who are suffering the oppression, the financial oppression, and distress that agriculture is suffering; and yet we are unable to say how we can assist them at all. I believe the bill I have already outlined and introduced on April 16 would certainly afford relief, and do it with very little cost to this Government; yet, that bill is sleeping the sleep of the just in the Committee on Agriculture. However, I am not wedded to the bill simply because I introduced it, for I am ready and willing to support anybody's bill if it will give relief to the people I represent. Personally, I am not in favor of the Government going into price fixing or price regulation, but I am in favor of this Government using its good agencies, or holding them out and let the people of this country take hold of them and receive support and encouragement enough to handle and solve their own problems.

I believe if you will provide for a holding corporation, a holding cooperative association, or whatever you might call it, in the Cotton Belt with a capital stock of $50,000,000, with an equal amount to be allotted from a revolving fund of this Government of $50,000,000, manned and directed by men who know cotton and cotton marketing, it will be able to take a sufficient amount of cotton off of the market to regulate its distribution, control the supply, and stabilize the price at all times and under all circumstances. Then, when you have done that, you have not engaged in a paternalistic undertaking; you have not engaged the Government in undertaking the fixing of prices; you have not engaged in an undertaking by this Government that reaches out and takes this whole country's opportunities and its business enterprises, and then centralize them in Washington to regulate and direct the manner in which they must control their own business. But, as I said, this bill is resting peacefully in the hands of the Agricultural Committee. We are able to consider only those reported—namely, the Haugen bill, the Tincher bill, and the Curtis-Aswell bill.

In a way they are all good bills and I do not think either of them are purposely vicious, although either of them could easily be administered in a vicious and corrupt manner. The Haugen bill seems to contemplate a more immediate relief, and what I shall now say will apply especially to this bill. The merits of the bill have been well presented, but there are one or two things I would like to have made clear before I commit myself definitely in the matter. A great deal has been said about the Haugen bill providing a subsidy for farmers. Personally I do not think it is a subsidy, but only an investment to find out or demonstrate whether it is possible for the farmers of this country to cooperate in such a way as to successfully regulate production and market their crops in such a manner as to secure prices commensurate with their investments and cost of production.

I am frank to admit that I question the constitutionality of the equalization fee provided for in the bill, the same to become operative two years after the passage of the act, yet I am willing to let the Supreme Court decide that matter. However, it is a serious question in my mind whether this equalization fee should be levied as provided for in this bill, because the matter is not clear to me as to what it will be or what it will amount to. One member of the Agricultural Committee stated here a few days ago that, according to testimony presented in the committee, the fee or tax on cotton would be 3 cents per pound, or about $15 per bale. Another has estimated that the fee would be as high as $20 per bale. Then it was stated on the floor yesterday by a member of the committee that the fee would be from $1 to $2.50 per bale. These are all capable men. I have a most profound respect for their integrity and sound judgment. They are members of the agricultural committee. They heard the testimony of those advocating this fee, and they should be able to form a more definite estimate as to what it would be and present to those of us who are not on the committee and not in a position to hear and examine the witnesses. I am inclined to sympathize with the purposes of the Haugen bill, although I could easily vote for either of the other two with some amendments, but I do not propose to be hoodwinked about this equalization fee and be forced to vote blindfolded and thereby place a burdensome tax on the already overburdened cotton farmer with the hope that the increased price received for his cotton will more than compensate him for the fee or tax, because it may not do it. Suppose this bill should pass and the board should go ahead and levy a fee of $15 per bale on cotton and then the producer receives only $10 per bale more, it is a mighty easy matter for me to calculate as to who will be the loser in this transaction. If this is to be an experiment, and there seems to be no doubt about it, I think the fee should not only be deferred for two years after the passage of the act, as now provided in the bill, but it should not attach at the expiration of the two years without further and affirmative action on the part of Congress. By that time we could know whether the undertaking could be made a success. We could also know definitely what the equalization fee should be, and could, therefore, decide whether it would be justified as a business proposition for the farmer. Understand, gentlemen, I believe the plan can be worked out and perfected in such a way as to insure the farmer a better and more stabilized price for his cotton, and I do not believe it will cost $15 or $20 per bale, as has been alleged on the floor of this House, but before I am called on to vote I want to know more definitely about what it will cost, because I do not want to buy a pig in the bag for the farmers of my district, for they are holding a half dozen bags now with no pigs in them. In other words, unless I can be assured that this tax of $10, $15, or $20 per bale will not be levied and collected from the producer at the gin, I will be compelled to vote against the bill.

Of course, this bill, like the others, has some good features in it, but there are also other objectionable and meritorious features as well that I would like to discuss, but the time allotted me will not permit. However, if you are willing to put $100,000,000 in the South to help the cotton farmer without any strings tied to it, I am willing to accept it, but if you are going to tie the equalization fee to it I shall certainly vote against the bill.

Mr. STEVENSON. Will the gentleman yield?

Mr. HARE. I will.

Mr. STEVENSON. The gentleman has been a student of agricultural economics and is familiar with the marketing business; I want to ask him what he thinks of a board of 12 to fix the price at which the surplus shall be turned loose—does the gentleman think the cotton people will stand for it?

Mr. HARE. You will have an organization in the Cotton Belt under provisions of my bill governed directly and exclusively by men from the Cotton Belt, and so with the Wheat Belt and in the other commodity districts.

Mr. STEVENSON. The gentleman misapprehended my question. I was asking about the proposed control under the Haugen bill with 9 out of 12 fellows from sections that do not know anything about cotton and whose interest is largely antagonistic to it.

Mr. HARE. Let me say to my worthy colleague that three men against nine would have little showing in determining the policy of this board, and from my limited experience and observation of the South and men from the Cotton Belt, they would hesitate to indorse such an arrangement. [Applause.]

Mr. ASWELL. Mr. Chairman, I yield a minute to the gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. Chairman, I secured recognition to ask unanimous consent to place in the RECORD statistical information containing a list of the 12 Federal land-bank districts in the United States—the names of the States in each district—and opposite each State is given the value in dollars of certain agricultural products produced therein during the year 1924.

The products so named are five of the six so-called "basic agricultural products" as defined in the Haugen bill. As to "butter," no figures are given, since the Department of Agriculture advises me no reliable statistics by States are available. As to "cattle" and "swine" the figures given represent the values of same on the farms on January 1, 1924.

These figures were taken from the Government Agriculture Year Book for 1924.

The name of the city appearing after each numbered district is the place therein where is located the Federal land bank.

In my study of these three farm relief bills—and I am studying them all—I have found this information helpful, and I wanted the other Members of the House to have the benefit thereof.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The list is as follows:

Federal land-bank districts in the United States

States	Cotton	Wheat	Corn	Cattle	Swine
DISTRICT NO. 1, SPRINGFIELD, MASS.					
Maine		$221,000	$1,028,000	$1,493,000	$1,190,000
New Hampshire			1,651,000	894,000	496,000
Vermont		90,000	4,991,000	1,560,000	856,000
Massachusetts			3,541,000	997,000	1,105,000
Rhode Island			703,000	209,000	198,000
Connecticut			3,922,000	1,155,000	792,000
New York		9,850,000	28,687,000	9,943,000	8,188,000
New Jersey		2,149,000	9,308,000	1,243,000	2,261,000
Total		12,310,000	53,834,000	17,494,000	15,086,000
DISTRICT NO. 2, BALTIMORE, MD.					
Pennsylvania		28,829,000	65,717,000	14,872,000	17,574,000
Delaware		2,327,000	5,292,000	277,000	462,000
Maryland		12,371,000	20,577,000	3,430,000	3,364,000
Virginia	$4,456,000	14,249,000	46,728,000	11,669,000	6,484,000
West Virginia		3,784,000	18,818,000	11,169,000	3,300,000
Total	4,456,000	61,560,000	157,132,000	41,147,000	31,184,000
DISTRICT NO. 3, COLUMBIA, S. C.					
North Carolina	93,262,000	8,870,000	55,197,000	4,602,000	13,888,000
South Carolina	89,129,000	2,509,000	26,890,000	2,471,000	6,430,000
Georgia	112,217,000	1,436,000	56,227,000	6,916,000	13,200,000
Florida	2,443,000		13,722,000	11,246,000	4,431,000
Total	297,051,000	12,815,000	152,036,000	25,235,000	37,949,000
DISTRICT NO. 4, LOUISVILLE, KY.					
Ohio		54,104,000	98,696,000	26,124,000	30,770,000
Indiana		44,640,000	109,901,000	24,694,000	38,024,000
Kentucky		6,206,000	82,467,000	9,413,000	8,015,000
Tennessee	41,103,000	5,248,000	75,295,000	8,569,000	10,160,000
Total	41,103,000	110,198,000	366,359,000	68,800,000	86,769,000
DISTRICT NO. 5, NEW ORLEANS, LA.					
Alabama	111,762,000	130,000	51,466,000	4,409,000	9,583,000
Mississippi	130,188,000	48,600	36,938,000	5,481,000	7,866,000
Louisiana	55,177,000		21,848,000	8,595,000	5,054,000
Total	297,127,000	178,000	110,252,000	18,485,000	22,503,000
DISTRICT NO. 6, ST. LOUIS, MO.					
Illinois		48,631,000	278,920,000	50,985,000	54,217,000
Missouri	22,179,000	32,756,000	163,788,000	60,240,000	37,936,000
Arkansas	124,743,000	902,000	38,841,000	3,184,000	5,807,000
Total	146,922,000	82,289,000	481,549,000	114,409,000	97,960,000
DISTRICT NO. 7, ST. PAUL, MINN.					
Michigan		27,619,000	46,466,000	15,214,000	11,650,000
Wisconsin		3,012,000	60,879,000	20,335,000	17,078,000
Minnesota		47,467,000	107,386,000	25,848,000	39,140,000
North Dakota		168,619,000	17,282,000	15,959,000	6,510,000
Total		247,717,000	185,547,000	77,356,000	74,378,000
DISTRICT NO. 8, OMAHA, NEBR.					
Iowa		10,957,000	283,419,000	116,929,000	108,552,000
Nebraska		69,680,000	184,985,000	85,082,000	55,430,000
South Dakota		42,672,000	79,992,000	42,652,000	32,401,000
Wyoming		2,365,000	2,171,000	23,155,000	1,290,000
Total		125,674,000	550,567,000	267,818,000	197,673,000
DISTRICT NO. 9, WICHITA, KANS.					
Oklahoma	$167,673,000	$68,044,000	$58,384,000	$17,400,000	$7,511,000
Kansas		196,784,000	113,887,000	65,708,000	26,830,000
Colorado		24,815,000	13,772,000	32,103,000	5,909,000
New Mexico	7,137,000	3,188,000	4,620,000	26,100,000	639,000
Total	174,810,000	292,831,000	190,663,000	141,311,000	40,879,000
DISTRICT NO. 10, HOUSTON, TEX.					
Texas	554,311,000	33,316,000	86,020,000	99,938,000	17,136,000
DISTRICT NO. 11, BERKELEY, CALIF.					
California	9,299,000	7,346,000	5,313,000	49,956,000	8,757,000
Nevada		603,000	33,000	11,212,000	252,000
Utah		5,736,000	1,056,000	10,619,000	1,222,000
Arizona	14,204,000	1,180,000	1,162,000	30,923,000	542,000
Total	23,503,000	14,865,000	7,564,000	102,710,000	10,773,000
DISTRICT NO. 12, SPOKANE, WASH.					
Washington		35,490,000	2,626,000	7,135,000	2,873,000
Oregon		19,930,000	2,583,000	15,653,000	2,310,000
Montana		64,098,000	9,106,000	34,445,000	3,270,000
Idaho		23,355,000	3,164,000	13,318,000	3,553,000
Total		142,843,000	17,479,000	70,550,000	12,006,000
Grand total	1,540,884,000	1,136,596,000	2,405,468,000	1,045,523,000	644,496,000

Mr. WILLIAMS of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. FUNK].

Mr. FUNK. Mr. Chairman and gentlemen of the committee, I had supposed after three or four days of discussion on these bills that the membership of the House would have been fully advised as to the seriousness of the farmers' condition. But in the House restaurant to-day at lunch an eastern Member, from the Atlantic seaboard, told me there was no farm problem.

I am not going to speak for the balance of the country, but I am going to speak for my own district. I represent a district in central Illinois in the heart of the Corn Belt. There are five counties in the district, and 95 per cent of the land is under the plow. The bulk of the land produces corn, and I speak for the Corn Belt farmer. I am a dirt farmer myself. I come from a family of three generations on one farm—102 years on the same farm—and we produce cattle, hogs, and corn. I know something about the condition of the Corn Belt farmer. I am going to speak from that angle.

I want to say that I will indicate my position at the outset. I am for the Haugen bill. I represent 5,000 members of the American Farm Bureau. That is the total membership in the five counties of the district which I represent. I have had letters and telegrams from the president and secretary, the executive committees of each one of the farm bureaus of the five counties that I represent, indicating and stating specifically that they are for the Haugen bill. Three out of the five farm bureaus have requested me not to vote for the Tincher bill, as they regard it as an inadequate makeshift.

I believe Mr. TINCHER and Mr. ASWELL are sincere in their support and presentation of their bills. From their point of view their remedies will meet the situation, but as I see it, as a practical farmer, their bills will not meet the situation, and for this reason: Their bills provide for the establishment and Government recognition of cooperative societies. I have no quarrel with the establishment of cooperative societies, but does any practical man here think that by any method or means whatever you can get the farmers of this country identified or in the membership of farm cooperative societies within a generation? It is my humble judgment that you can not do that in 50 years. Certainly you can not do it by law, and I can conceive of no attractive feature which can be written into the law which will bring farmers into these cooperative societies. What the corn farmer needs is action, and immediate action, and I, therefore, support the Haugen bill, because I believe of all the suggestions that have been made it will come more nearly meeting the emergency; it will come more nearly affording immediate relief than any of the other plans that have been suggested.

I think this Congress faces in the consideration of this problem the most serious crisis that we have faced since the close of the Great War. I believe that we are going to determine here now whether agriculture shall be one of the great industries, one of the great labors and works of this country or not. If we are not big enough and broad enough and do not bring brains enough to the solution of this problem, then agriculture is going to take a back seat and one of the great groups of our country—40,000,000 people—will dwindle and fade away, and the best people that are now farming this land will leave the farms and go into the cities and we will have the land operated by people who might be compared to the peasants in the old country.

I do not think that is good for this country. I think it is a splendid thing and a desirable thing that we should have a balanced industry, that our people be engaged as far as possible in diversified industry and labor. We all know that when the crises have come to this country in the past it has been the people from the farms who have furnished the foundation, the backbone, the means to save the country, and we would be foolish not to do the thing that will keep agriculture upon a firm basis.

I shall vote for the Haugen bill as it was brought in, but my judgment is that we should put the equalization fee on each kind of crop, whether it be corn, or hogs, or wheat, or cotton, and put it on the day when the bill goes into effect, and let the equalization fee for each product take care of the loss due to a surplus on each crop. [Applause.]

I shall vote for the $350,000,000 or the $375,000,000 subsidy, but my judgment is that we will get more votes if we go to the membership of this House and say that we are not asking for a subsidy. [Applause.] A subsidy does not scare me. I am amazed at men of intelligence who will say, "Ah, the farmer is indeed in a bad way, but if you step in with legislation, then you are interfering with the laws of supply and demand, and your proposition is economically unsound, it was not taught by Adam Smith in his elementary treatise on economics."

Mr. Chairman, that is not true. The 40,000,000 people engaged in agriculture can not see and you have never shown us why we are not entitled to just the same legislative benefits that other groups of people in other kinds of business have been granted.

For seven years I was a member of the Illinois State Public Utilities Commission by the appointment of two governors. I was appointed not as a lawyer but as a farmer. I see my distinguished colleague, Governor YATES, sitting before me, and he will bear me out in what I say. I was not long upon that commission before I recognized that as a result of judicial decisions property devoted to public utilities had been surrounded with a certain character, a certain interest, that does not attach to privately owned property. I have no objection to that, and I have no quarrel with that theory of the Government which says that public-utility property which is devoted to the public use and interest assumes a different character from privately owned property, and that the arm of the State that make the rates under which those utilities are operated must provide a rate that is not confiscatory, that is reasonable. By legislative act, under judicial interpretation, this property is entitled to an adequate return by the power that makes rates. As a practical man I can not see any difference between that property and the business of farming, the production of food. In fact, I can see a greater interest in the business and the production of food for the public, and I claim, therefore, it is charged with even a higher interest by the Government and by the State than is the property of the utilities corporations. I can do without my telephone, I can walk home and not use the street car to-night, I can do without gas, and so can every other citizen of our country, but the people of the cities can not do without food, nor can anyone else. If you are going to establish by judicial procedure and decisions a special interest in utility corporations, which says that they must be taken care of, then in all fairness and equity it seems to me that the production of food should have the same preference.

And therefore it is perfectly proper. And I refute the statement that it is economically unsound; that it is not being done; that you are violating the law of supply and demand when you refuse by legislative action to give a similar benefit to the production of food. The transportation act of 1920, the so-called Esch-Cummins bill, does not in specific terms guarantee a return upon railroad securities, but it does by indirection. The Interstate Commerce Commission is charged with establishing such a scale of rates as will most nearly provide a rate of return of 5¼ per cent upon such a value as may be found by the Interstate Commerce Commission.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FUNK. May I have two minutes?

Mr. WILLIAMS. I yield the gentleman two additional minutes.

Mr. FUNK. So I say, gentlemen, from my viewpoint, from the viewpoint of the people I represent, the Corn Belt farmers of Illinois, we can see no reason why the business of food production shall not receive equal legislative benefits when benefits similar to what we are asking have been granted to other lines of business. [Applause.]

Mr. ASWELL. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, at the outset I want to admit that Mr. Murphy did not write my speech and that Mr. Hoover had nothing to do with it. I am rather glad to follow the distinguished gentleman from Illinois [Mr. FUNK], because he has pointed out from his viewpoint two things that make this bill objectionable from my viewpoint, one of which ought to make it objectionable from the farmers' viewpoint. It is true this farmers' legislative bill, if it ever becomes an act, will have to be passed on under our system of judicial interpretation, and in a short time farmers would come under the terms of a former act, of the criminal law, the conspiracy section, Thirty-seventh United States, Criminal Code, because the courts have said that although it may not be a crime to violate a substantive law of the United States, if two or more men conspire to violate it, it becomes a crime. I can see that some farmers can go to jail for violating section 37, providing they acted in cooperation. If there is any doubt about it, take the advance sheets of the last Federal Reporter down and see what is set forth in the opinion of the circuit courts and then look up prior opinions. I tell you you can not let the farmer rob the consumer without the farmer taking chances, too. The other thing is the difference between public utilities and food. That is the great objection we have to it.

Food is a necessity, and that is the reason why food should not be monopolized by any group of men. Public utilities are not necessities, as the gentleman has pointed out. They are conveniences. They are natural monoplies in their methods of distribution, and therefore must be regulated. But food is not a natural monopoly by its method of distribution. The monopoly of food would be an outrageous evil, and this country should never permit a monopoly to grow up, fostered by itself, so that one group of people can rob the other people of the food they need.

Of course there is not very much to get excited about, because there is very little chance of these things becoming law, and you have got to get some kind of legislative Luther Burbank to make a law out of these three roots which have been thrown in here. I do not think there is any farm legislation in it. I think the only farm interests in this kind of legislation are in the antilame-duck farmers. It is political legislation having no connection with any social welfare or involving a sound governmental proposition.

It is just a slew of bills designed to enable a lot of farmer Congressmen to go back to their constituents and say to them, "Look, see what I tried to do for you; but the other fellows would not allow me." It is á la carte farm legislation, intended to rob the consumer and the Government at the same time. It is a mixture of class legislation, internal tariff, Government subsidy, monopoly chartering, price fixing, and bolshevism all rolled together into one mass of fine parliamentary hash.

Take that particular friend of mine, the chairman of the great Committee on Rules, the gentleman from New York [Mr. SNELL]. I could not understand why he stood on the floor the other day and made that wild speech of his in favor of his rule making in order the consideration of these three bills. I could not understand why he did it. But it developed subsequently that it was because of the fact that the farmer up his way would get 10 cents a pound more for his butter. Instead of a parliamentarian that big butter-and-egg man [Mr. SNELL] runs the Committee on Rules. [Laughter.]

This bill creates a sort of farmers' soviet, with all the gouging facilities of big business. Under this bill you create a class control for the products of agriculture—food, a vital necessity of life—and at the same time you allow them to escape all the restraining acts that apply to other business. You tell them to go ahead and do all the things that big business is haled into court for doing.

Now, as a representative of consumers I am going to do my best to beat all these bills all the way through. I do not agree with my genial friend, the professor from Rochester [Mr. JACOBSTEIN], about these bills at all. He told you the other day that in his belief the people in the cities would not object to paying more money for food if the farmers got it. I tell you they will mind it. It is up to the farmers themselves to protect themselves against the people who are stealing their money, the middlemen, the people who come between them and the consumers.

I will tell you another thing about it. You are finding fault with the farm conditions and with your inability to get credit. You can charge that to the farm politicians. Their demagoguery has badly advertised the farm as an investment proposition.

Mr. COLE. Mr. Chairman, will the gentleman yield?

Mr. BLACK of New York. Not just yet.

My friend from New York [Mr. JACOBSTEIN] got up here the other day with a lot of figures and charts and reports. He was impressed by those things, but he was not impressed by them when the bill to restrict immigration was under debate and similar charts and reports were introduced supposed to show how certain races were inferior to certain others. Neither was I. Take these poor starving farmers' Representatives here, the three gentlemen who introduced the three bills, respectively, the gentleman from Louisiana [Mr. ASWELL] and the gentleman from Iowa [Mr. HAUGEN] and the gentleman from Kansas [Mr. TINCHER]. Surely they themselves look like starving people! [Laughter.] Surely they could impersonate accurately Faith, Hope, and Charity. [Laughter.] Look them in the eye. Surely they look like the famine in India. I find no fault with them, either with the gentleman from Kansas or the gentleman from Iowa or the gentleman from Louisiana. They are just simply determined, strong-minded men, and they are going to grab all they can. No wonder the Committee on Agriculture got cold feet when these three war lords of embattled agriculture charged upon them and said: "Give each of us what we want!" [Laughter.]

The gentleman from New York [Mr. JACOBSTEIN] is carried away with economic reports, but those gentlemen, on the other hand, are carried with the idea of carrying off votes by the use of these same charts. Do not blame the troubles of the farmers on the tariff or on the Democratic Party or on the Republican Party or on either of the two sections of that party. Find fault with what you yourselves have brought on the country, namely, prohibition, which killed the farmers' market. Fight prohibition, that killed off the hop market, that killed off the rye market, that injured the corn market; prohibition that denied to you a market for barley and some of the other cereals.

Then, also, there has been a marked decline in the per capita consumption of food. One of the reasons for that is that people are drinking a lot of sweet stuff, killing off their appetites, and the big hotels and the restaurants have been charging people a cover charge for bread and butter in order to take the place of their old profits from selling wine and beer; and that in itself has limited the consumption of wheat and other foodstuffs. Consider also the loss of public revenue which you suffer under prohibition. That is reflected in the farm taxes and in the value of farm lands, also the cost of enforcement.

Of these three bills, to my mind the least objectionable, the least poisonous, is Doctor ASWELL'S bill. I do not say that because he gave me time [laughter]; I say it because I have made a study of these three propositions, and I find that his bill recognizes the fact that the farmer has some brains and some stability of his own. His bill does not make a child or a peasant out of the farmer, as the other two bills do. Take the Aswell bill and provide that your cooperative associations may brew beer up to 2.75 per cent, and you will get revenue, and the people will be a happy people, and you will have a subsidy created in a decent sort of way, and you will not have to rob the public.

Mr. COLE. Mr. Chairman, will the gentleman yield now?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLACK of New York. Where is my David Belasco? Where is my manager, my boss? [Laughter.] I am absolutely without a boss now. I will have to ask unanimous consent, Mr. Chairman, to proceed for one minute, so that I can answer the gentleman from Iowa.

The CHAIRMAN. The Chair can not do that. The time is at the disposal of the three gentlemen on the Committee on Agriculture.

Mr. WILLIAMS of Illinois. Mr. Chairman, in the absence of the chairman, I will yield to the gentleman from New York one minute.

The CHAIRMAN. The gentleman from New York is recognized for one more minute.

Mr. COLE. The gentleman was speaking about the consumers. A few years ago I had occasion to investigate prices. At that time we were receiving out in Iowa 24 cents a pound for ham, and the freight was seventy-one one-hundredths of a cent a pound on that ham to New York City, and the Sinclair Packing Co., of Cedar Rapids, Iowa, laid the hams down in New York City for 24.71 cents a pound. That ham was retailed in New York City at 60 cents a pound. If you want to help the consumer, do not take it out of the farmer, but out of some one who handles that ham after it has left the farmer's hands.

Mr. BLACK of New York. Let me answer the gentleman. If the farmers of Iowa would only use as good sense in selecting their selling agencies as they manifest when they select their Representatives, they would not have that condition. [Applause.]

Mr. HILL of Maryland. Will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. HILL of Maryland. The gentleman has made a very careful study of this question and has been over the records of the Department of Agriculture. Is it not a fact that the Department of Agriculture admits that prohibition is responsible for the present low state of affairs on the farm?

Mr. BLACK of New York. In the Yearbook of 1923 the Department of Agriculture, as set forth on page 491, I think, states that prohibition has had a great deal to do with the decline in farm products, particularly hops. Since then some wise dry has doctored the yearbook so that now you do not see anything about prohibition in it.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. TINCHER. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. McKEOWN. Will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. McKEOWN. I take it from the speech the gentleman has just made that he is still in favor of the present system which robs the farmer and now he wants to add another and rob him of a just price for his products?

Mr. BLACK of New York. No. I will tell you what you are trying to do. You are trying to rob the United States

Treasury so that the farmer will have a blackjack over the head of the consumer by withdrawing the surplus from the market and then taking the rest and charging what he pleases. That is the big idea back of this thing. It is not politics, but it is something like grand larceny in the fourteenth degree.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BLACK of New York. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD and to include here a few short paragraphs from this morning's edition of the New York Herald-Tribune:

"In the Yearbook for 1923," said Mr. BLACK, "under the heading of 'Hops consumed by the brewers,' it is found that in 1918, 33,481,415 pounds of hops were consumed, which amount, in 1918, after prohibition went into effect, fell to 13,924,650 pounds, and in 1923 reached the new low record of 4,555,759." Hops, Mr. BLACK points out, are used entirely in cereal beverages. The farmer's conditions could be improved by the return of beer without the return of strong spirits, he argued.

"Before prohibition," said Mr. BLACK, "there were produced about 3,500,000 pounds of products going into the manufacture of fermented beverages—malt, rice, corn cereline, grape sugar, maltose, glucose, and grits. When prohibition went into effect wheat fell from the price of $3 a bushel to $1 a bushel. In 1920 there were 833,000,000 bushels of wheat produced, worth $1,197,000,000. In 1924 this production, due to the dry law, had increased to 872,000,000 bushels, yet the value had fallen to $1,136,000,000. What a price the farmer must pay for his fanaticism!

SEVERE LOSS EACH YEAR

"There are any amount of figures to show the harm prohibition has done the American farmer, but I shall only give a few. In 1918 there were produced 256,000,000 bushels of barley worth $234,000,000. When prohibition went into effect this fell until in 1924 only 187,000,000 bushels were produced at a value of $137,000,000. It is shocking to note that in 1921 the value of barley fell as low as $64,000,000. Each year represents a severe loss. These figures all come from the Department of Agriculture and are not faked up like those of the Anti-Saloon League.

"According to the Department of Agriculture tables," Mr. BLACK continued, "the index price of barley in 1919 was 120.6 cents. This fell to 73.1 in 1924, and was as low as 41.9 in 1921, at which date, I presume, bootlegging became better organized in the United States.

"Let us see what this did to wheat. It increased the crop to a state of bloated, swollen overproduction, as is shown by the fact that the index number for this product was 214.9 in 1919 and 130.2 in 1924. Finally, let us note with sadness and compassion that the total crop values in 1919—before the withering effect of prohibition reached the farm—was $24,000,000,000, and that in 1924 it was only $12,000,000,000."

Mr. TINCHER. Mr. Chairman, I desire to yield three minutes to Farmer FISH, of New York.

Mr. FISH. Mr. Chairman and gentleman of the committee, the Haugen bill, now under consideration, is of little or no value to the New York State farmers. In fact, in my opinion most of the legislation proposed to benefit the western farm situation is along price-fixing lines, and therefore a detriment to the producers of the East, who have to buy grain in large quantities from the Western States.

The dairy industry in New York State produced in 1925 almost 7,000,000,000 pounds of milk, over 5,000,000,000 pounds of which were delivered to the 1,326 milk plants of the State. These plants alone sold dairy products at wholesale prices last year to the value of $172,000,000. The dairy industry in New York State, with 1,370,000 milk-producing cows, is by far our largest farm investment and produces the most wealth, but unfortunately the profits to the dairymen are not consistent with the capital invested. The margin of profit is so small that a New York State dairyman has a hard job to make a living, and any price-fixing by the Government in the West will have harmful results on the dairymen of the East, who are trying to stay in business and make every dollar count.

The recent increase in the duty on butter from 8 to 12 cents per pound is welcome news to the dairymen in some sections of our State, but it does not solve the more vital questions of marketing and price of milk.

The biggest agricultural crop in New York State is hay, amounting to over 7,000,000 tons, estimated to be valued at over $100,000,000. The owners of the hay crop would receive no benefit from any of the proposed legislation in Congress, nor would our potato growers, who raise one of our largest crops, valued around $25,000,000, be helped in the slightest degree. I have not the estimated figures on the fruit crops, which is one of our greatest wealth producers, but that industry again is not aided by any of the bills before Congress.

The New York poultry raisers produce annually eggs and chickens which have an aggregate value in excess of all the steel rails that are turned out in all the mills of the United States. This is based upon information received at the Bureau of Farm Economics in the Department of Agriculture, and they are not asking for any relief from the Federal Government.

The net result is that the dairymen, the poultry men, the fruit growers, the producers of hay, potatoes, and table vegetables, such as celery, onions, cabbages, beets, tomatoes, and so forth, will not receive a penny's worth of benefit from the legislation proposed by the western agricultural bloc, whereas, on the other hand, the dairymen and poultry dealers would have to pay higher prices if the Government subsidizes any form of price fixing. The corn and wheat crops in New York State are only sufficient to take care of a small percentage of the requirements within the State.

Price fixing on agricultural products by the Federal Government is fundamentally unsound and can not bring the permanent relief claimed by the farmers of the West. It would be especially injurious to the tillers of the soil of the State of New York, and in the end would prove harmful to the whole industry in every part of the country.

New York milk producers, like the California citrus-fruit growers, have demonstrated that the remedy is to be found in cooperative marketing. These great farm organizations have never received a dollar of aid from the Government, but they have proceeded to build up and finance an immense aggregate business which brings to those engaged in the industry fair prices and enables them to discharge with gratifying regularity their obligations.

It is a mistake and unfair to say that the farmers and the people of the East desire to grow rich at the expense of the failure of the agricultural industry of the West. The contrary is the fact. All know that a prosperous West means better times for the East, but I am unwilling to see this Government commit itself to an unsound policy even to give temporary aid to the most deserving and most loyal elements in our population.

No permanent gain can come through economic blundering. The Government, through agencies already established, could very well encourage the farmers to organize, cooperate, and sell collectively. New York furnishes a splendid example of the efficiency of agricultural cooperation. There is the great Dairymen's League, with its approximately 100,000 members. It daily distributes to its members an immense sum of money, and by economically distributing dairy products has increased greatly the revenue derived from the industry.

The amount of western grain which the cows that furnish milk, cream, butter, and other products to the people of New York consume must be enormous in volume. In this way we are very valuable customers of the West. But it can not be expected, even to keep on good terms with the farmers who supply feed for our cattle, our poultry, and our hogs, that our farmers would sanction any legislative blunder the final fruit of which would be disaster.

Organization and economic cooperative marketing is the cure for the ills of the farmers. Through cooperation the cost of distribution would diminish, and both he who buys and he who sells would be the beneficiaries of such a system. If you guarantee the price of one farm product, you must guarantee the price of all. Hence you establish a vicious circle, with the cost of living continually mounting, and with the farmer getting no nearer the ultimate solution of his problems.

The dairy industry of New York has become stabilized because it is intelligently directed. Moreover, the Dairymen's League and big milk dealers have taught the people the value of milk as food, and have increased consumption to an amazing extent during the past few years.

Persons who picture New York as a continuation of skyscrapers, in which Wall Street holds sway, collecting tribute from the entire Nation, would be surprised to know she occupies a place near the top as a producer of many agricultural commodities. The dairying industry is second, though J. D. Miller, president of the National Federation of Milk Producers, insists that she is entitled to first place as a producer of milk.

Small fruit, hay, purebred cattle, and many other things that are raised on the farm are produced in abundance in the Empire State. I know of none of the producers who are seeking the Government to help them. The dairymen, through Mr. Miller, have urged the Government to let them alone and permit them to work out their own salvation.

Through the Federal Farm Loan Board and its subsidiary agencies farmers are able to obtain cheap money with which to finance their activities. Any farmer who can show that he is sound and has the necessary assets and character can obtain

financial aid. The loan shark who used to prey on the farmers has almost wholly disappeared, because the Federal farm loan system has put him out of business. There can be no objection to the Federal Government helping agriculture to help itself. But to require the Government to guarantee prices, to thaw out frozen securities, and to penalize the people through taxation for the mistakes of certain communities is altogether too much to ask.

During the war land in Iowa shot up from $133, the valuation placed on it by the Federal land bank, to $400 and even $500 an acre. Banks loaned on the basis of inflated and not real values, and the result was that they were loaded up with frozen securities. The collapse of so many banks in that State resulted from the errors made in putting a false valuation on property, and now these western banks are asking Uncle Sam to thaw out their securities.

They are contending that Congress should legislate a higher value into wheat and corn. If this is done, it naturally follows that the land increases in price, and hence the frozen securities they now hold would be galvanized into life. This would be a very unsound thing for Congress to do, and, in my judgment, it will not agree to such a program. It might be said here that the banks in Iowa and other Western States are making a bigger noise than the farmers. The latter have taken their losses, and the losses of the banks must in the end be written off against profit and loss, as is done whenever inflated values become deflated or stabilized.

There is no escape from this conclusion. The country is not yet ready to go in for class legislation. In the Haugen bill there is an element of socialism and interference with recognized principles of demand and supply, which the people, in my judgment, will not tolerate. We must admit the fact that blunders must be paid for wherever they be perpetrated, in the workshop, counting house, or on the farm. They can not be rectified by the methods proposed in the Haugen bill.

Moreover, most of the measures proposed would vastly increase the evils of bureaucracy, of which there is so much complaint in the Nation. Congress, if it passed the bill now under consideration, would bureauize the whole farming industry of the country. It would place it under complete governmental control and supervision with a host of high-salaried commissioners and additional inspectors and busybodies.

As a member of the New York State Grange and of the Dutchess County Farm Bureau, I would like to be able to vote for all bills in the interest of all American farmers, both in the East and the West, but believing as I do, that any form of price fixing by the Government is injurious in the long run, and particularly so far as the dairymen and poultry dealers of the East are concerned, I am reluctantly obliged to oppose such legislation in times of peace but expect to vote for the Tincher bill, because it tends to stimulate cooperative marketing and do away with a host of unnecessary middlemen.

In New York State there is practically no demand for congressional farm legislation beyond an increase in the tariff on milk, cream, and dairy products, which is really in the hands of the President and the Tariff Commission. What is needed in New York State is an improved system of marketing and distributing agricultural products by establishing bigger and better terminal markets in New York City and ample warehouses and cold-storage plants. There should be a daily bulletin issued giving the prices on all agricultural produce so that the farmer will know the market value of his crops; there should also be a businesslike system of grading and assorting established, which would be helpful to the farmer and consumer and save much time and labor. It is immaterial whether these terminal markets are owned by the State, the city, or by the farmers themselves or a combination of the consumers and the farmers limited to a 6 per cent profit basis, but the need for them is obvious, and until established the farmers will continue to have to depend in New York State on a host of unnecessary middlemen and will only receive about 30 per cent of the consumer's dollar, although he works 12 hours a day, takes all the risk of the weather, and has a large investment in building, agricultural implements, and stock. What is needed is cooperation, more cooperation, and still more cooperation among the New York State farmers in order to sell what they produce at the best prices and eliminate some of the unnecessary middlemen. When that time comes the farmers will receive at least 60 per cent of the consumer's dollar, as he does in Denmark and in all countries where they have efficient cooperative marketing systems. The farmer is in truth the backbone of the country and is entitled to enjoy the fruits of his labor and share in the prosperity of the United States, which he does more to enrich than any other class of people. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PURNELL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 11603 had come to no resolution thereon.

DIGEST OF THE SPANISH-AMERICAN WAR PENSION BILL

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to have printed as a public document a digest of the Spanish-American War pension bill prepared by myself for the information of the membership of the House.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to have printed as a public document a digest of the recently enacted Spanish-American War pension bill. Is there objection?

Mr. TILSON. Mr. Speaker, as I understand it will only be a leaflet?

Mr. KNUTSON. That is all.

Mr. TILSON. Of two or three pages?

Mr. KNUTSON. Not more than that.

Mr. GARRETT of Tennessee. That is just the law?

Mr. KNUTSON. Well, it is a digest of the law. May I say to the gentleman from Tennesse that we are receiving so many inquiries from Members, who in turn have received inquiries from their constituents, as to what the law does, that I thought I could expedite business by preparing a digest telling exactly what the increases were.

Mr. GARRETT of Tennessee. I have no objection to the digest being printed, but I want to ask the gentleman this: Has the department yet made a ruling upon the question of whether an application must be made?

Mr. KNUTSON. I saw the Commissioner of Pensions night before last and he gave me to understand that the increases would be made automatically.

Mr. GARRETT of Tennessee. Would it not be well, before this digest is printed, to have that ruling made, if they are prepared to make it and incorporate it as a part of the digest?

Mr. KNUTSON. I will be glad to go down Monday morning, get such a statement and incorporate it in the digest, if it is permissible for them to make such a statement.

Mr. GARRETT of Tennessee. Here is the thing about it: Requests are going to come to us about the interpretation of this law, and it seems to me that if we could get an official ruling upon that particular point it would be more valuable than just a mere publication of a digest of these laws. If the gentleman would be willing to withhold his request until that official ruling is made, I think it would be well to do so. Of course, I do not object to the gentleman's request.

Mr. KNUTSON. My purpose in preparing this digest was because it takes practically the entire time of one clerk in the office to answer the telephone and tell exactly what this bill does, and it is becoming a little bit irksome.

Mr. GARRETT of Tennessee. Does not the gentleman think that if he could get that ruling it would be more valuable than a mere digest of the law?

Mr. KNUTSON. Suppose I modify my request to this extent, that this digest be printed as a public document and, if possible, we incorporate therein a statement from the Commissioner of Pensions as to how the law will be worked out and whether or not it works automatically.

The SPEAKER. The gentleman from Minnesota modifies his request to include such ruling as may come from the Pension Department with regard to the law. Is there objection?

Mr. TILSON. Mr. Speaker, I understand the commissioner has already made a ruling, and it seems to me the chairman of the Committee on Pensions should secure this ruling from the commissioner and print it with his digest.

Mr. GARRETT of Tennessee. I suggest that the gentleman withhold his request for two or three days.

Mr. KNUTSON. Mr. Speaker, I withdraw the request until such time as I am able to secure this ruling.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8771. An act to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.;

H. R. 10246. An act to authorize the commissioners of McKean County, Pa., or their successors in office, to construct a bridge across the Allegheny River at a certain location where a highway known as State Highway Route No. 211 crosses said river at a location within the limits of the borough of Eldred, or not distant more than one-half mile north of said borough of Eldred, McKean County, Pa.;

H. R. 10501. An act to repeal section 806 of the revenue act of 1926;

S. 37. An act for the relief of First Lieut. Harry L. Rogers, jr.;

S. 1482. An act to authorize the Secretary of War to grant easements in and upon public military reservations and other lands under his control; and

S. 1484. An act to amend section 1, act of March 4, 1909 (sundry civil act), so as to make the Chief of Finance of the Army a member of the Board of Commissioners of the United States Soldiers' Home.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 8771. An act to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.;

H. R. 10501. An act to repeal section 806 of the revenue act of 1926; and

H. R. 10246. An act to authorize the commissioners of McKean County Pa., or their successors in office, to construct a bridge across the Allegheny River at a certain location where a highway known as State Highway Route No. 211 crosses said river at a location within the limits of the Borough of Eldred, McKean County, Pa.

ADJOURNMENT

Mr. PURNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned until Monday, May 10, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 10, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 11524).

SPECIAL JOINT COMMITTEE

(10.30 a. m.)

To investigate Northern Pacific land grants.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 11123. A bill to establish a term of the United States circuit court of appeals at Oklahoma City, Okla.; without amendment (Rept. No. 1139). Referred to the House Calendar.

Mr. REECE: Committee on Military Affairs. H. R. 11324. A bill to establish a national military park at the battle field of Fort Donelson, Tenn.; with amendment (Rept. No. 1147). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FISHER: Committee on Military Affairs. S. 587. An act for the relief of John O'Brien; without amendment (Rept. No. 1140). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. S. 1058. An act for the relief of James H. Kelly; without amendment (Rept. No. 1141). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. S. 2166. An act for the relief of Orin Thornton; without amendment (Rept. No. 1142). Referred to the Committee of the Whole House.

Mr. JOHNSON of Indiana: Committee on Military Affairs. H. R. 1104. A bill for the relief of Charles R. Stevens; with amendment (Rept. No. 1143). Referred to the Committee of the Whole House.

Mr. WHEELER: Committee on Military Affairs. H. R. 1394. A bill for the relief of Henry O'Brien; without amendment (Rept. No. 1144). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 4311. A bill for the relief of Edward Tigh; with amendment (Rept. No. 1145). Referred to the Committee of the Whole House.

Mr. CARPENTER: Committee on Claims. H. R. 7156. A bill for the relief of Maurice E. Kinsey; with amendment (Rept. No. 1146). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on War Claims. H. R. 5607. A bill for the relief of the Georgia Cotton Co.; without amendment (Rept. No. 1148). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11930) granting an increase of pension to Augusta T. Peters, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MORROW: A bill (H. R. 12015) to amend an act entitled "An act for the relief of settlers on railroad lands," approved June 22, 1874; to the committee on the Public Lands.

By Mr. SINCLAIR: A bill (H. R. 12016) to amend sections 1 and 2 of the act of December 11, 1919, amending the act of March 26, 1908, entitled "An act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public lands laws"; to the Committee on the Public Lands.

By Mr. KELLER: A bill (H. R. 12017) to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, as amended; to the Committee on the District of Columbia.

By Mr. MILLER: A bill (H. R. 12018) granting the consent of Congress to W. E. Buell, of Seattle, Wash., to construct a bridge across Port Washington Narrows within the city of Bremerton in the State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. NEWTON of Minnesota: A bill (H. R. 12019) to authorize common carriers engaged in interstate commerce to transport any blind person accompanied by a guide for one fare; to the Committee on Interstate and Foreign Commerce.

By Mr. THATCHER: A bill (H. R. 12020) to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRUMPACKER: A bill (H. R. 12021) granting an increase of pension to Rosa Belle Ferguson; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 12022) granting an increase of pension to Margaret Brennan; to the Committee on Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 12023) for the relief of Robert G. Smith, alias Robert James Smith; to the Committee on Naval Affairs.

By Mr. FREEMAN: A bill (H. R. 12024) granting an increase of pension to Nellie E. Cornell; to the Committee on Invalid Pensions.

By Mr. HERSEY: A bill (H. R. 12025) granting an increase of pension to Catherine Hennessy; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 12026) granting a pension to Augusta Ruble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12027) granting an increase of pension to Sarah A. Male; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 12028) granting an increase of pension to Alice J. Fletcher; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 12029) granting an increase of pension to Kate Lory; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 12030) granting an increase of pension to Annie Connell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12031) granting an increase of pension to Mattie E. Butler; to the Committee on Invalid Pensions.

By Mr. SPROUL of Illinois: A bill (H. R. 12032) granting a pension to Marguerite B. Fitzgerald; to the Committee on Pensions.

By Mr. SPROUL of Kansas: A bill (H. R. 12033) granting an increase of pension to Josiah H. Davis; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 12034) granting a pension to Savannah Kintner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12035) granting an increase of pension to Rose Mary Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12036) granting an increase of pension to Eunice M. Denmark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12037) granting an increase of pension to Nettie L. Reynolds; to the Committee on Invalid Pensions.

By Mr. STEPHENS: A bill (H. R. 12038) to correct the military record of Edward Delaney; to the Committee on Military Affairs.

By Mr. THOMPSON: A bill (H. R. 12039) for the relief of Edward Gibbs; to the Committee on Military Affairs.

By Mr. VINCENT of Michigan: A bill (H. R. 12040) granting a pension to Julia Wiser; to the Committee on Invalid Pensions.

By Mr. HILL of Maryland: Joint resolution (H. J. Res. 251) to admit Hyman J. Oppel to the character and privileges of a citizen of the United States; to the Committee on Immigration and Naturalization.

By Mr. JOHNSON of Illinois: Resolution (H. Res. 262) for the payment of additional compensation to the superintendent of the House folding room; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2107. By Mr. COOPER of Wisconsin: Petition of residents of Milton Junction, Rock County, Wis., protesting against passage of compulsory Sunday observance bills; to the Committee on the District of Columbia.

2108. By Mr. W. T. FITZGERALD: Petition of rural carriers of Miami County, Ohio, requesting that retirement bill be amended to allow minimum of $60 and maximum of $100, with voluntary retirement at age of 62 years and compulsory retirement at 65 years; that 15 years be considered minimum for retirement and 30 years maximum; that a 4 per cent reduction be made for carriers' salaries to maintain the retirement fund; to the Committee on the Civil Service.

2109. By Mr. FULLER: Petition of Earl D. Fuller, president of the Northwestern Corporation, of Chicago, Ill., and other individuals, urging early and favorable action on House bill 7479; to the Committee on Agriculture.

2110. Also, petition of George C. Dunaway, president of the Illinois Valley Grain Co., of Utica, Ill., opposing the passage of the Haugen farm bill; to the Committee on Agriculture.

2111. By Mr. KINDRED: Petition of the New York Board of Trade and Transportation, to enact the necessary legislation providing for such additional judges, viz, for the northern and western district of New York, 1; for the southern district of New York, 3; for the district of Connecticut, 1; for the eastern district of Pennsylvania, 1; for the middle district of Pennsylvania, 1; for the district of Maryland, 1; for the northern district of Georgia, 1; and for the eastern district of Michigan, 1; that there be provided two additional associate justices of the Supreme Court of the District of Columbia, and one additional circuit judge for the second judicial district; to the Committee on the Judiciary.

2112. By Mr. KING: Resolution adopted by the farmers of Melrose Township, Adams County, Ill., signed by Albert E. Heckle and 19 other farmers, requesting relief for agriculture and the passage of the bill known as the Haugen bill; to the Committee on Agriculture.

2113. By Mr. LINEBERGER: Petition of Mrs. Hilda Peterson and others, of Pasadena, Calif., protesting against House bill 7179, now pending before Congress; to the Committee on the District of Columbia.

2114. Also, petition of Mr. Alfred R. Ulp, of Pasadena, Calif., and others, protesting against all pending compulsory religious measures; to the Committee on the District of Columbia.

2115. Also, petition of Christina Jensen and others, of Lomita, Calif., protesting passage of all pending national religious legislation; to the Committee on the District of Columbia.

2116. Also, petition of Alice Brayshaw, 1920 South Sutter Street, Stockton, Calif., protesting passage of all pending national religious legislation; to the Committee on the District of Columbia.

2117. Also, petition of Mr. Baron William, of Glendale, Calif., and others, protesting against all compulsory religious legislation pending; to the Committee on the District of Columbia.

2118. Also, petition of Mr. J. R. Boger, of Los Angeles, Calif., and others, protesting against passage of House bill 7179; to the Committee on the District of Columbia.

2119. By Mr. O'CONNELL of New York: Petition of the Maritime Association of the Port of New York, favoring the passage of House bill 7245, providing for the consolidation of the functions of the Department of Commerce relating to navigation, to establish load lines for American vessels, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

2120. Also, petition of the New York Board of Trade and Transportation, favoring the passage of House bill 9594, providing for the appointment of additional judges of the United States district courts; to the Committee on the Judiciary.

2121. Also, petition of the Chamber of Commerce of the State of New York, favoring the passage of House bill 9594, providing for the appointment of additional judges of the United States district courts; to the Committee on the Judiciary.

2122. Also, petition of the Chamber of Commerce of the State of New York, favoring the amendment of sections 2804 and 3402 of the Revised Statutes, as proposed by House bill 8997, to permit the establishment of a permanent parcel-post convention with Cuba; to the Committee on Ways and Means.

2123. Also, petition of the Chamber of Commerce of the State of New York, favoring the passage of House bill 11489, alien deportation and registration; to the Committee on Immigration and Naturalization.

2124. By Mr. ROBINSON of Iowa: Petition of various ladies of the Grand Army of the Republic, Waterloo, Iowa, urging immediate passage of the Elliott bill, providing for an increase of pensions for all Civil War veterans and their widows; to the Committee on Invalid Pensions.

2125. By Mr. SUMNERS of Texas: Petition of sundry residents of Dallas, Tex., opposing the compulsory Sunday observance bills now before Congress; to the Committee on the District of Columbia.

2126. Also, petition of Dallas Chapter, No. 6, the Disabled American Veterans of the World War, favoring the passage at this session of Congress of House bills 10240, 4474, 10277, and 4548; to the Committee on World War Veterans' Legislation.

2127. By Mr. VINCENT of Michigan: Petition of residents of the county of Saginaw, Mich., protesting against enactment of legislation for compulsory Sunday observance; to the Committee on the District of Columbia.

2128. By Mr. WILLIAMSON: Petition of Grace L. Harper, Van B. Bowers, L. O. Conner, and 77 other petitioners of Hill City, S. Dak., petitioning against compulsory Sunday observance; to the Committee on the District of Columbia.

SENATE

SUNDAY, *May 9, 1926*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Gracious Father, not only in our joys but in our sorrows we come to Thee as the God of all consolation, and we ask Thee in the midst of life's burdens and trials that there may be had the sweetness of Thy presence, that the widow's heart may be cheered and comforted and the children may know the father's God as their God. And so we beseech Thee in this service today that there may be realized that in the midst of these conditions of trial and sorrow the outlook is precious. Give unto us the vision divine that we may better understand that life is not to be determined by the throb of the heart and certainly not by the figures on a dial, but rather that we are to serve Thee here or otherwhere, to the glory of Thy great name, and ultimately to have Thy "well done." Through Jesus Christ our Lord. Amen.

MEMORIAL ADDRESSES ON THE LATE SENATOR LADD

Mr. FRAZIER. Mr. President, I offer the resolutions which I send to the desk and ask for their adoption.

The VICE PRESIDENT. The resolutions will be read.

The legislative clerk read the resolutions (S. Res. 219), as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. EDWIN FREEMONT LADD, late a Senator from the State of North Dakota.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public service.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. FRAZIER. Mr. President, in paying tribute to the memory of a citizen so universally loved and respected as was Senator EDWIN F. LADD, I count it an honor indeed to offer a few words here to-day.

Never have I approached a subject with greater confidence, for the life of this truly great man was an open book, each page of which has its story of love for his fellow men and devotion to high and unselfish ideals. It was my good fortune to know Senator LADD for a great many years and to be intimately associated with him during the last 10 years of his busy and useful life. Better acquaintance served only to deepen my admiration and esteem for those sturdy personal qualities that went to make up a noble character.

He was a native of the State of Maine and was educated there, majoring in chemistry. For some six years he was chemist of the New York State Experiment Station at Geneva.

North Dakota is an agricultural State, and early established a college of agriculture for specialized training in scientific methods of farming, stock raising, economics, and the study of marketing problems. An experiment station was conducted in connection with the college and Professor LADD, already eminent in his profession, was called from New York in 1890 and elected to the chair of chemistry. He became dean of chemistry and pharmacy and was in active charge of the experiment station. In 1916, he was chosen president of the North Dakota Agricultural College.

His work was by no means wholly confined to the college. He consistently fought for better and more honest marketing conditions for farm products; the work he began will go forward and many hands will continue what he undertook alone.

In session after session of the North Dakota Legislature, Doctor LADD appeared with bills designed to meet new conditions incident to the growth and development of a young State. These proposed measures, all carefully drawn and dealing with the problems with which his work placed him in contact, were adopted only to add new duties for him in the way of their operation and enforcement. These additional burdens, it must be said, were largely a labor of love. He never believed in stopping until the work was finished. It was but natural that in questions involving intricate economic problems, opposition should develop from selfish interests and along political lines. Everyone admitted his sincerity, however, and he won and held the respect and esteem of all fair-minded people.

He was one of the foremost workers for pure-food legislation and his fight for workable laws and honest enforcement will long be remembered in North Dakota.

For 35 years Senator LADD fought the battles of the people of his own and other States—often almost single-handed—and for more than 20 years was never without court actions pending against him because of his official duties, but not once in all that time did he lose a case, though fought in the highest courts of the land. He was thorough in his work and was invariably sure of his ground.

The life of Senator LADD was devoted to the cause of the people he loved, and for them he gave the last full measure of devotion. Although primarily interested in the problems of agriculture, he never failed to take a stand on the side of justice, and for the rights of the people. He had a marvelous capacity for work seldom equaled, and assumed burdens involving an immense amount of detail and attention. In addition to his regular administrative duties as president of the State agricultural college, he also held the positions of State pure food inspector, State oil inspector, State hotel inspector, and chief grain inspector for the State, and during the World War there was added the duty of Federal food administrator. The most remarkable fact, however, was that under his supervision all this work was exceptionally well done and the laws rigidly enforced.

In 1920 the Nonpartisan League—the farm-labor movement of North Dakota—drafted him as their candidate for United States Senator. He was elected and served the people of his State and Nation with efficiency and honesty.

Engrossed as he was with multitudinous duties, Senator LADD was a devoted husband and father, and only the most pressing engagements took him from his home, where he loved to gather with his family when his day's work was over. In his selection of a life companion he was most fortunate. He owed much of his successful career to the encouragement and cooperation of a wife who understood his problems and appreciated the stand he took on the side of justice and right. Their house was a real home, and his children have gone forth into fields of usefulness or are now fitting themselves for a life worth while.

When Senator LADD was called from us on June 22 of last year, the people of North Dakota and especially the farmers suffered an irretrievable loss. His place in their hearts and daily lives can not be soon filled. The influence of such an upright, unselfish character can not, however, be measured by years. The world is much better by reason of the life and precept of the man whom we honor to-day. His memory will ever remain in the hearts of a grateful people, and in remembrance of him we may well say with the poet:

I do not know
Where falls the seed that I have tried to sow
With greatest care;
But I shall know
The meaning of each waiting hour below,
Sometime, somewhere.

Mr. FERNALD. Mr. President, I am proud to claim the late Senator EDWIN FREEMONT LADD as a son of Maine, and I should feel I had failed to do my full duty did I not add a few words in commendation of his life and character. Senator LADD was born in a small town in a remote section of my State. There were no large towns or cities in the county; but, like many another country boy, he had a desire to fit himself for a life of useful service. After attending the schools of his town he was graduated with high honors from the University of Maine. His scholarly attainments at college, his great natural ability and progressive spirit, led to his immediate call to the State of New York as teacher in one of the great universities of the Empire State, where his success was of such marked character that he could not be retained at the salary. After six years of successful teaching he was called to North Dakota, which became the State of his adoption.

Senator LADD's interest in the study of chemistry and his aptness and ability in teaching this science made him at a very early age a professor in the North Dakota Agricultural College, of which he later became president.

Should I undertake to name all of the institutions with which he has been associated and which have been made better by his help and influence, it would take many pages and a much longer time than I am permitted to speak. I shall, therefore, not undertake to give a biographical sketch of his life but shall speak of Senator LADD—the man—and a product of my State. He comes of sturdy, stalwart, intelligent stock—from a dependable family, of which Maine and the country may well be proud. It is well that he made North Dakota his adopted home, for his vision and progressive ideas harmonized with the progressive tendencies of that great State.

While he and I were members of the two different "wings" of the party to which he belonged, I ever had the utmost confidence in his honesty, sincerity, and good judgment. He was a most companionable man. Although modest and unassuming in manner, with a heart as tender as a child's, Senator LADD possessed a rugged strength of character and an indomitable determination to fight for the consummation of his high ideals and honest convictions. These qualities explain the reason for the respect and regard in which he was everywhere held. In short, he was a success at all times and on every occasion.

While he seldom thrust himself into the senatorial debates, whenever he did so his argument was forceful and convincing, his diction pure and virile, and his speeches will go down in history as among the best delivered in the Senate during his membership. Although a Member of the Senate but a few years, in that time Senator LADD gained the confidence, friendship, and esteem of every Member on both sides of the Chamber, and the veracity of his utterances was never questioned. He was one of that type of men that adorn the United States Senate—a dependable man, an honest man, a man with vision and with the courage of his convictions. His passing was a great loss to the Senate and to this country.

I realize no words of mine can alleviate the bereavement of his sorrowing family, but I hope the tribute paid to his memory may be of some satisfaction to his wife and children as it comes straight from my heart.

In this world lights and shadows, roses and thorns, pleasure and pain, all are mingled. But with Senator LADD's hope and faith in the future, it may be fitting to close with this assurance—all is well!

Every joy must have its sorrow,
Every pleasure brings its pain,
To-day is bright with sunshine,
To-morrow weeps its rain.
To-day a smile is playing
On the lip and in the eye,
To-morrow tears are falling,
And the Fount of Mirth is dry.
The calm succeeds the tempest,
As the light the darksome hour,
On the rough and thorny bramble
Blooms the sweetly perfumed flower.
Life springs from death's cold ashes,
And in death life's lamp grows dim;
In Eden perfect bliss is found,
And from Eden cometh sin.
And thus in contrast ever,
Light and shadows strangely blend,
To fit and discipline us
For life's highest, noblest end.

Mr. SHEPPARD. Mr. President, the death of EDWIN FREEMONT LADD was a loss to his State and to the Nation of distressful significance. Among the larger and more permanent needs of society are more individuals of his type. All too rarely for the cause of human welfare do we find men who combine his technical training, scientific knowledge, thinking capacity, energy, physical and mental, with his single-hearted and selfish devotion to mankind and to the service of his country. It is not necessary to agree with everything he advocated to be in position to say that if every man in public life had the equipment and vision which were his this Nation and the world would be in far better condition.

He was a native of Maine, a science graduate of the university of that State. Immediately after graduation he became the chemist of the New York State Experiment Station—a remarkable assignment for one so recently a college student. He held that place six years, when he became professor of chemistry at the North Dakota Agricultural College and chemist of the experiment station at Fargo—another signal tribute to his record as a scientist. Thus he joined that westward sweep of population which was one of the outstanding features of our national history for more than a century, and which bears so marked a relation to the problems involving our national destiny.

The western areas of civilization have, as a rule, reflected what was best in thought and progress. The valve of safety has heretofore been found in the fact that there was always another west farther on, where men could build and strive anew in order to escape existing wrongs and to construct fresh philosophies for the preservation of justice and right. Senator LADD embodied the western atmosphere of faith in God and love for man and added to that faith and love a knowledge which gave him a foundation for unmeasured usefulness.

For more than 30 years he continued his scientific studies and ministrations in the places last mentioned. In addition he was called to other duties. During this time he was also president of the North Dakota Agricultural College for 4 years and was also food commissioner for North Dakota and head of the regulatory department for 20 years. He was the author of many reports, bulletins, papers and addresses of both technical and popular interest.

He came to the Senate in 1921. Soon after his entry into this body he rose to describe the efforts of the people of his State—a State composed principally of farmers—to meet the difficulties threatening the sources of their existence. He outlined the program which they instituted upon a nonpartisan basis, a program on which the agricultural masses of the Commonwealth he represented had overwhelmingly united in order to secure economic freedom and a just return for honest and efficient toil. According to the analysis he gave the Senate, that program contemplated State-owned elevators and mills, a State rural credits bank for long-time loans to farmers at low rates of interest, a State department of hail insurance, exemption of farm improvements from taxation, equitable grain-grading laws administered by the State. He told of the great outcry that had gone up in many quarters against these measures, how they were denounced as revolutionary, fomentive of class war, violative of the Federal Constitution, and unpatriotic; how the Federal Constitution itself was invoked against them in the Supreme Court of the United States, and how that historic tribunal had held that they were not contrary to the Nation's fundamental law.

In crushing response to the charge of lack of patriotism he pointed out that North Dakota had oversubscribed its quota in every Liberty bond drive; that in the second of these drives it had made the largest per capita subscription of any State in the Union; that in the third and fourth of these drives it had been the first State in the Union to complete its quota; that it had made a notable record in donations to the Red Cross, the Young Men's Christian Association, and other war activities; that its drafted men had been put in the Army at a lower expense than those of any other State; that it had one county where no men were drafted, every eligible man having volunteered; that during the war its safety commission had declared a moratorium on soldiers' debts; that the families and dependents of soldiers were protected from foreclosure or ejectment, and that when the soldiers returned it was the first State voluntarily to give them a substantial bonus, namely, $25 per month for each month or fraction of a month actually in the war service. When Senator LADD concluded this initial address as a Member of the United States Senate it was evident that the star that stood for North Dakota was one of the brightest in the constellation on the field of the flag.

Among the measures he proposed during the first few months of his career at Washington were an amendment to the Federal Constitution requiring a popular vote before a declaration of war; bills for a national monetary system and for the metric system of weights and measures in certain instances; resolutions to investigate the cause of and the remedy for unemployment and to investigate causes governing grain prices. These proposals demonstrated a statesmanlike range of thought and purpose.

Naturally, he evinced a profound interest in everything touching agriculture, the subject to which he devoted the supreme energies of his life. Especial attention was accorded by him to the questions of stabilizing the prices of farm products, of securing a home supply of those vital elements of soil fertility which we must now import from abroad, of the regulation of meat packing, and of irrigation and flood control.

In November of 1922 he made a notable appeal for a Federal intermediate credit system controlled by the farmer with real money as a basis instead of bank credits. He sounded a prophetic warning against any other course, contending that if the farmers were not given constructive legislation and the control of their own banking and marketing affairs there would be worse than confusion in this country.

During the session which began in December, 1923, he reported from committees of which he was a member and secured the passage through the Senate of many legislative acts. He was a practical and effective legislator, as well as a profound and accomplished scholar.

When a new session began in December, 1924, the national campaign of that year had passed into history, and he faced probably the most critical episode of his political life—rebuke by his party for the support he had given the candidates of the progressives for President and Vice President. In what was perhaps his greatest deliverance he pictured to the Senate, on January 6, 1925, the action of his party in declining by resolution to invite him and three of his colleages to future conferences and in depriving him and them of leading places on committees. He told of the invitation from his party leader to be present when this action was taken and of his acceptance. His address was a marvel of courage, and of forcefulness of expression. Permit me to quote one of its most striking passages:

I shall make no plea of confession and avoidance; neither shall I demur in so far as I am arraigned upon the charges. If I appear at all it is to declare myself the sole judge of my political faith and party loyalty.

This trying experience in no degree diminished his official activities. In February of 1925 he delivered a masterful description of the Great Lakes-St. Lawrence waterway, claiming that it meant better transport facilities for western products and that it would bring the terminals of ocean traffic into the very heart of the interior. He portrayed its vast possibilities from the standpoint of hydroelectric power, saying that sufficient power would be developed to pay for all the canals to be constructed in connection with this project. Other subjects on which he spoke during that session, a session of little more than three months, and the last he was fated to attend, were concerned with the American farmer and the tariff, the disposition of Muscle Shoals, the condition of the national forests, public-land withdrawals and restorations, river and harbor legislation, the validation of public-land entries, and wheat production in the Northwest. Although reduced in rank

by party action on the committees to which he belonged, he continued with characteristic and faithful industry to report many measures and to bring about their adoption by the Senate. A few months after that session closed, in June, 1925, while on his way to the State he loved so much and served so well, he was called from the scenes and walks of earth.

It may be seriously questioned whether any other Member of the United States Senate ever exhibited a more exalted conception of the public service than did EDWIN FREEMONT LADD. Certainly no other Member has ever crowded so much of useful and painstaking labor into so short a period as he was permitted by the Author of all our destinies to serve. There was about him a quietness, a dignity, a modesty, and firmness of demeanor that suggested power, signified culture, and compelled respect. He carried the scientific attitude from the laboratory and the study into the political arena. When he saw what he believed to be the truth in politics he followed it as unswervingly as he had always followed the demonstrated formulas of science. As to the authorities who had officially rebuked him—

> They could not understand this life that sought
> Only to bear the torch and hand it on.

He was one of those exceptional spirits who stand upon the watch towers of this world, looking and yearning for any light that may make more clear the path of all the struggling multitudes of mankind to happiness and hope and peace.

Mr. KING. Mr. President, I have listened with emotion to the eloquent addresses just delivered concerning the life, character, and work of our late colleague, Senator EDWIN F. LADD. I esteem it as one of the joys of my life that I had the opportunity of intimate association with him during the years in which he occupied a seat in this Chamber.

Immediately after he entered the Senate we were brought together, and there developed a strong and lasting friendship between us, a friendship which was strengthened with the passing of the years. Any differences between us upon economic, political, or other questions tended to increase rather than to diminish the regard which each had for the other; and, indeed, upon my part my regard for him ripened into a deep affection.

In the summer of 1923 I had the opportunity of associating with him in a more direct and intimate way. We planned a visit to Europe for the purpose primarily of studying conditions in Russia. When our party for this journey was completed it consisted of Senator LADD, Congressman FREAR, Prof. A. A. Johnson, and myself, together with necessary interpreters and secretaries.

We crossed the Atlantic together, and after visiting France, Germany, and Poland, our party entered Russia, that land of mystery and tragedy—a land which will some day be crowned with glory and power. For several months we journeyed together, traveling more than 8,000 miles in European and Asiatic Russia. We visited Petrograd and Moscow, penetrated forests and traversed steppes and plains and deserts. We crossed the Ural Mountains; then returned to the Volga River, and continued southerly, passing over the Caucasus Mountains into the Trans-Caucasian Republics.

From Baku we skirted for hundreds of miles the shores of the Caspian Sea; thence went westerly to the Black Sea, and from there through the Ukraine and back into the heart of Russia. Leaving Russia by the way of Petrograd, we visited other countries in Europe, and after completing our European tour, returned to the United States.

During all these months Senator LADD and I, daily and hourly, were in intimate association. We occupied the same suites when crossing the ocean and when returning. For weeks we journeyed together, occupying the same car. Together we made our investigations and interviewed public officials in various countries, particularly in Russia, Poland, and Germany. We conferred with communist leaders of Russia and earnestly endeavored to ascertain the industrial, economic, and religious conditions in that far-off land. We found Russia to be a great laboratory in which a multitude of issues—sociological, political, and economic—are being determined. During this long and arduous journey the character and qualities of Senator LADD were revealed. He was a patient, sincere, just, and intelligent investigator and a profound student of the questions, subjects, and matters to which I have referred.

The Senator from Texas [Mr. SHEPPARD] in his able address has just stated that Senator LADD was not only a chemist and philosopher but a student of public questions and public affairs. I bear testimony to the truthfulness and accuracy of this statement. While appreciating moral values and spiritual forces, in all of his investigations, particularly in Russia, he sought realities and the motivating cause of things. He as a scientist perceived a universe of harmony and he sought to know the cause of the disharmony in the social and political life of the Russian people as well as in the lives of so many people of the world.

I am reminded of a statement recently made by Ramsay MacDonald, the great labor leader and statesman of England. He said:

> What the world needs to-day more than anything else is a political and social Shakespeare.

Mr. MacDonald perceived conflicting forces in the political and social life of all peoples. He has sought a formula that may be applied, to redress the wrongs that exist, and to remove the obstacles to domestic peace and happiness and world union and fraternity. Mr. MacDonald did not mean by the statement which I have quoted that the paramount need was a poet, such as Shakespeare. He meant that the world needed a leader who understood human nature, the motivating causes of human activities, the hearts and the minds and the hopes and the ambitions, and indeed the despairs of humanity. He meant that the world to-day needs men who understand the maladies which afflict the world and their cause, and who can point the way to social justice, to political righteousness, and to spiritual and moral salvation.

It is not too much to say of Senator LADD that his inherent qualities of goodness and virtue and nobility, together with his blameless and beautiful life of service, and his years of serious devotion to an understanding of the problems and purposes and objectives of life, raised him to a position of leadership and qualified him to point the way to be followed by the people of our country, as well as of other lands, in order that a higher standard of justice and morality and civilization might be attained. When I think of him and his noble qualities, I am reminded of the words of Goethe:

> Whole my life must ever be,
> Inwardly and outwardly.
> To each of you I give it free,
> To dwell with you as erst with me,
> Ever true has been mine art,
> True to thought and feelings claim;
> Though in twain myself I part,
> I yet am evermore the same.

As I have listened to the addresses which have recounted something of the life and services of Senator LADD, I have been confirmed in the judgment which I formed of our beloved friend. It can be said of him as Matthew Arnold said of Sophocles—

> He saw life steadily and saw it as a whole.

His scientific studies gave him a solid foundation upon which to build his policies, his labors, and his purpose. He perceived the relationship between all things, and that the changes occurring, whether in the biological or political or the economic world, were not pure accidents but rested upon causation. As I have indicated, he sought to discover the cause of conditions in our social structure, as well as in the world of chemistry and biology. He knew that to remedy political and economic ills the cause of these ills must be discovered.

I recall how earnestly he sought to learn the social, political, industrial, and religious conditions in Russia, and what causes had contributed to the rise of Bolshevism and the poverty and sorrow found in that vast domain; and having learned conditions from intimate contact with all classes and all conditions he was as earnest to understand the causes that had produced such tragic conditions.

He had studied history and knew that injustice, oppression, and wrong will inevitably produce evil consequences. Often in our discussions, when we were witnesses of the poverty and oppression found in Russia, he would trace their existence to ancient causes, some of them going back into the centuries. He contended that the knout of the Czar produced repercussions, and that the mailed fist of the communist was to be expected.

But the injustices and wretchedness and sorrows encountered did not shake his faith in humanity or in the goodness and mercy and love of an infinite being. I remember that we often discussed the efforts which were made by the communists to destroy religion and to impose upon the people an ugly and degrading maternalism. We encountered in Russia many noble spirits who feared that religious and spiritual concepts would be taken from the hearts and minds of the rising generation as a result of which succeeding generations would be steeped in a virulent form of atheism.

Senator LADD repelled these suggestions and combatted the thought that retrogression was possible in this world, and that moral and spiritual values would be forgotten or that religion and faith in a supreme and everlasting Father would be banished from the world.

Religion to him was a joy, not sorrow or despair. It was vibrant with life and spirit. He believed that the iconoclasm of bolshevism, which sought to destroy everything of the past, would end in disaster, and that the shadows which enveloped the Russian people would be dissipated and that a stronger religious faith, a faith purified by suffering, and freed from gross superstitions and anthropomorphic forms, would enter into the hearts of the people and guide their footsteps along the pathway of life. He believed that without vision the people will perish and that the moral and spiritual forces contribute more to the advancement of the world than all other forces combined.

One of the outstanding characteristics of Senator LADD was his sincerity. He could not tolerate shams and hypocrisy. As I have indicated, he sought to build his own life upon the solid foundation of truth. He desired facts and realities. Life to him was a serious as well as a solemn thing. It was merely a segment in the great circle of eternal life and eternal progress, and called for unselfish zeal in the advancement of truth and justice. He believed that—

> Truth is an old and ancient bond
> Of brotherhood for noble souls.

He was liberal, tolerant, and progressive. Any form of tyranny, whether intellectual, industrial, or political, aroused his patient soul and developed the fighting qualities with which he was richly endowed. Reared among people who were partisan in their political views, and accepting the faith of a great political party, nevertheless, when he believed that his party failed to serve the people and was influenced by selfish forces which sought to employ it to promote ignoble ends, he did not hesitate to announce his disapproval of its course and associate himself with others in a movement which he and they believed would promote the welfare of the people. He did not belong to the party of the status quo. Progress to him meant motion. While recognizing that there were fundamentals in nature and in governmental and industrial affairs, he believed that progress compelled the adoption of new policies and the application in our political and economic life of new methods, if not new principles, in order that development and growth might be assured.

The strength and courage of Senator LADD were demonstrated when he broke with his political and party associates and declared for policies which he conceived to be for the interest of the people of his State. Of New England ancestry and cradled in the traditions of his State and his party, he was unwilling to be chained to the chariot of party organization when he believed that injustice and wrong were being done. Shibboleths and traditions he regarded with proper consideration, but he placed them in the crucible as he did physical substances in his laboratory, and subjected them to the tests which searchers after truth should apply to all things.

I remember how often he referred to the lack of understanding by men of wealth and those in positions of place and power, of the burdens and problems of the great bulk of mankind. Upon one occasion he mentioned the statement of William James, who said that—

> One-half of our fellow countrymen remain entirely blind to the internal significance of the lives of the other half.

He was always seeking to obtain a cross section of our social structure and to understand the burdens and needs of those who some arrogant people regard as the substratum of society.

He was not satisfied with the conditions surrounding agriculture, but believed that there had been legislation, national and State, which discriminated against the toiling masses of our country.

He was not a radical, nor did he seek to overthrow republican institutions or establish a socialistic state. He regarded government not as a master which bestows rights upon the people, but he believed the people were supreme and sovereign, and that State or National Government possessed only such authority and prerogatives as were granted by the people.

I have referred to the interest of Senator LADD in agriculture and in all the problems of the agriculturists. He gave earnest thought to the study of soil regeneration and to the character of fertilizers required throughout our country. In Germany he visited the great plants which were taking nitrogen from the air, producing daily thousands of tons of soil fertilizers for use not only in Germany but for shipment to various parts of the world.

He showed profound scientific knowledge of the questions and delivered important and illuminating addresses in the Senate and elsewhere upon all phases of agriculture and farm problems. When he addressed the Senate upon these questions we knew that he spoke with authority and that his views were the result of intensive study and of a complete mastery of the themes which he discussed.

Mr. President, Senator LADD was one of the purest and sweetest and kindliest souls I have ever known. With all his gentleness and chivalry, he possessed courage, physical and moral, of the highest order. He was tenacious of his views and unafraid to follow his convictions, regardless of the goal to which they led. He was willing to follow the truth, no matter the prejudice or opposition which his course might provoke. When he was convinced as to what was right his course was then clear. He did not falter, but with inflexible purpose he pursued that course to the very end.

Senator LADD was a deeply religious man—not a creedist, not a mere formalist, but one who believed in the mercy and providence and power of God, in the immortality of the soul, and in the spiritualities of life. Science supplied him with impregnable arguments to meet the agnosticism of the age. His faith in God never faltered, and he envisioned a world in which peace and righteousness would reign and a knowledge of the true and living God would abide in the hearts of mankind.

Mr. President, there are some people highly religious who fall into deep pessimism. They can not conceive of a religion of sweetness, of sunshine, of flowers, and of joy. By way of antithesis to this pessimistic state which their religious faith develops they point to the glorious and supernal place of another world. To this class Senator LADD did not belong. He saw in life only beauty and joy. Death to him had no terrors. He knew that—

> * * * this corruptible must put on incorruption and this mortal must put on immortality—

And—

> death is swallowed up in victory. O, death, where is thy sting? O grave, where is thy victory?

He regarded this life as the portal to a higher sphere of existence, to a wider field of activity, and that when the spirit departed from this world into the infinite life beyond there would be growth and progress eternal.

He was essentially a religious man; he believed in the unity of life and saw divine purpose in all the universe.

Mr. President, Senator LADD was a great man—great in his faith, in his purpose; great in his love of humanity and in his understanding of their needs; great in his faith in humanity and in his conception of the duties and obligations resting upon him and upon others to their fellows. His political philosophy, and, if I may use the expression, his moral and religious philosophy inspired him to labor for a more beautiful humanity, for the integration of the forces of life, and for the coordination of all activities directed toward man's advancement.

Mr. President, there is a void in this Chamber now that he has departed. His place in our hearts can not be filled. Our country suffered an irreparable loss when he left us. It were well if there were more men like him; men with his vision and courage and faith and devotion to truth and justice. He taught us how to live; he taught us the beautiful art of service and dedication. If we follow his example we will dedicate our lives to the cause of justice and truth; we will serve our country and humanity and serve the Father of all who holds men and nations in the hollow of his omnipotent hand. Let us from this hour renew our devotion to the noble work for which he gave his life, so that when our lives are finished we may join our beloved friend and brother who has gone to a just reward. We will not have lived in vain if each can say when his mortal day ends:

> I have fought the good fight; I have finished my course; I have kept the faith; henceforth there is laid up for me a crown of glory.

Mr. NORBECK. Mr. President, Senator LADD's public service first came to my attention while he was president of the North Dakota Agricultural College. His practical demonstrations that the so-called low-grade wheat had a milling and food value much larger than was admitted by the trade made his name a household word in that State.

I learned of the splendid growth of the college under his management and his useful service in many fields. Later I came to learn that he was a chemist of note and recognized standing in the seaboard States long before he chose to cast his lot with the farmers of the prairies.

My first meeting with Senator LADD was when he and I entered the Senate as newly elected Members in the spring of 1921. It was my pleasure and privilege to serve with him on

the Committee on Public Lands and Surveys. Later he became chairman of that committee, and served as such during the investigation now known as the Teapot Dome oil investigation, which uncovered the theft of our naval oil reserves by selfish interests working in collusion with officials of our Government.

It was during these hearings that I fully came to realize his wonderful insight and understanding of men, motives, and movements. Never was more difficult work undertaken by a committee of Congress. Property valued at scores of millions of dollars was at stake. Prominent leaders in both political parties were on trial. Never did more powerful interests resist the work of an investigating committee and make its progress difficult. A large per cent of the public press lent itself to misleading statements and confused the public mind, but the chairman of the committee was neither misled nor intimidated. He was fair, but he was also fearless. His great work resulted in such a house cleaning as has not happened within the memory of any Senator present to-day.

I served with Senator LADD as a member of the Committee on Agriculture and Forestry from the time we entered the Senate until his untimely death. He had been a close student of the problem of agriculture, not only from its scientific but also from its economic and psychological standpoint. He appreciated and understood the readjustment, or lack of readjustment, now generally referred to as deflation. He was seriously concerned about the many unfair handicaps under which the farmers work. While he held of first importance the national welfare, he never failed to give his most loyal support to the measures that affected the people of his State.

All will agree that Senator LADD was one of the hardest workers in the Senate. His speeches on economic questions were very instructive; there was a great demand for them from students all over the country. It can truly be said that his scholastic training has left its imprint in all his legislative activities.

Mr. LADD had a very fine, cultured family. His wife is a deep student of public questions, and I am sure the Senator derived much help and inspiration from her counsel and advice. The whole family believe in the refining influence of higher education.

The responsibility and work connected with his position proved too much for his strength, and undoubtedly was responsible for bringing his career to a close while he was supposed to be in the prime of life.

As a coworker it is a pleasure to testify to Mr. LADD'S ability, his interest in scientific discoveries and their application; his regard for the general welfare; his unquestioned high character, and the regard held for him by those who knew him the best and knew him the longest. His death was a severe shock to his many friends; it was a great loss to his family. The children lost a father at a time when they needed him much. The wife lost a most devoted husband, and the country lost a great man who was much needed to help solve the many questions that come before Congress.

Mr. SHIPSTEAD. Mr. President, there may be many opinions on the question of America's position in the family of nations. On one thing I think there can be no difference of opinion, and that is that in agriculture and industrial production America leads the world. That has been made possible by a small group of men, scientifically trained, who, as a result of that scientific training, have revolutionized production in industry and agriculture.

Out of this small group of American men came Senator LADD, with a thorough scientific training, applying the activity of that scientific mind to the questions of agriculture and industry for a large number of years of his life, and later applying that same scientific mind to the economic and political questions of the Nation.

Thinking scientifically, it was natural that he should be misunderstood. Having spent most of his years in the laboratory, with containers and labels, he had come early in life to realize that labels do not always convey truthfully what the containers hold. I imagine he often entered the Senate as he entered his laboratory. I imagine that he looked upon the Members of the Senate as containers of various trends of thought, but he at all times knew that no matter what label they bore, the label did not always convey to the public mind what they contained.

That analytical mind approached public questions as it approached scientific questions, having no toleration for "bunk," only endeavoring to reach the fact, to find out, not what the multitude thought about certain definite questions, but only being desirous of finding out what actually was. In diagnosing the diseases of the Nation he searched for the cause, with the hope of finding the cause, and with the belief that the removal of the cause would be the best remedy.

Approaching public questions from that point of view, it was natural that Senator LADD should seek the welfare of his country first, before the welfare of his party. Being a true American, he was true to America, as he saw it, first, before he could be true to his party.

In my opinion, Senator LADD represented the real Lincoln Republican. His orthodoxy was so old that a lot of people thought his political doctrine was heresy. What was orthodoxy in the time of Lincoln became heresy in the time of Senator LADD. It is because he remained true to his convictions, and to the best traditions of his country, born in New England and retaining the finest that New England could give him, that he applied to the service of his country and of his family the best there was in him.

The first time I met Senator LADD he made this remarkable statement:

> Early in life I came to the conclusion that the best way to serve my country was to serve the many instead of the few.

Senator LADD was a real, intellectual aristocrat, in the finest sense of the term. He embodied that old truth that the real aristocrat is a real democrat. He represented, in my opinion, the best in public life in America to-day.

Mr. President, I shall not prolong my remarks. I shall simply ask permission to have printed in the RECORD four pages from North Dakota of To-day, by Zena Irma Trinka, these four pages being confined to an enumeration of the results of the scientific labors of Senator LADD as a public official in North Dakota, while he was chief chemist and later president of the Agricultural College of North Dakota.

I ask unanimous consent that those four pages be printed in the RECORD.

The PRESIDING OFFICER (Mr. FRAZIER in the chair). There being no objection, the request is granted.

The matter is as follows:

[From North Dakota of To-day, by Zena Irma Trinka, pp. 167–171]

CHAPTER XX. SOCIAL LEGISLATION OF NORTH DAKOTA

THE PURE FOOD LAW

One of the most remarkable steps in the progressiveness of social legislation in North Dakota is the "pure food law." The aim of the pure food work in its different phases is merely that the consumer has the right to know what he buys. The simple way to do this is to let the label give the make-up of the goods. As Doctor LADD put it: "The pure food law does not prohibit the selling of ground olive stones or coconut shells as such, but it does forbid selling them for pepper or other food products."

When Doctor LADD began the pure-food work he found that most of the canned foods were adulterated, misbranded, and often doped with injurious ingredients, and sold to the consuming public as of high quality. Jams, for instance, were often made of rotten apples and the then dangerous glucose sweetened with saccharine, colored with coal-tar dye, and preserved with benzoate of soda to prevent further decay. Many other foods were adulterated and preserved in a similar manner.

This condition is now improved, but it did not come without a struggle. Every law that was passed had to be fought through the courts. If the food manufacturers lost in the lower courts, they appealed to the higher courts. This gives some idea of how profitable it must be for manufacturers to adulterate food. The adulteration and preservation of food by chemicals not only was against the best interests of the public but it made it almost impossible for an honest manufacturer to do an honest business.

Another mode of deception was to make containers short weight; for instance, what was supposed to be a 4-ounce box of spice usually contained but 3½ ounces. Now, the container must show on label its net weight. The law goes even a step further in regard to lard, in requiring that it shall be sold in even pound containers. The packers, rather than comply with this law will not sell lard in even pound pails in North Dakota, though they put up even pound pails for some eastern jobbers.

The drug-enforcement work under the drug law makes it necessary that drugs shall be up to the standard; if not, they are regarded as adulterated. False labeling is prohibited. It can not be an imitation of an article, nor bear a statement or design which shall deceive. If the drug contains any of the following, the label must give it, and also the amount: Alcohol, morphine, opium, heroin, alpha or beta eucaine, chloroform, cannabis, indica, chloral hydrate, bromide, iodine, acetanilid or croton oil, or any derivative or preparation of any such substances. Cocaine can not be sold, nor can wood alcohol be used.

It was a common practice, for instance, to sell formaldehyde that was one-half to two-thirds strength, and when a pound was called for, it

was apt to be short weight. The result was that when a farmer would treat his seed grain for smut, or the potatoes for scab, according to the formula worked out by Professor Bolley, the disease germs were not killed, as it would not be strong enough. The department had to enforce a law requiring a standard strength. As soon as this was done, the farmers secured the desired results. This resulted in a rapid increase in the use of formaldehyde. When it was being adulterated the sale was decreased.

Paint is another product that can readily be adulterated. The North Dakota Experiment Station Bulletin No. 67 gave the analysis of a number of paints that were sold in the State. Many of these paints contained but little real paint material. The purchaser had no way of knowing whether the paint was real or not. Some of the paints were worse than no paint as far as protecting the wood was concerned, and oftentimes the stuff left such a surface that it was almost impossible to repaint before it was removed.

A law was passed that requires the label to state what the paint contains. The enforcement of this law was also placed in the experiment station, of which President Worst was then director. He appointed Doctor LADD pure-paint commissioner. This law was fought by paint men; first in the United States district court, and when they failed there, in the United States Supreme Court, and again President Worst and Doctor LADD won out for the State. The paint men, though beaten, were so impressed with Doctor LADD's knowledge of paint and what paint should do, that they raised a fund and turned it over to him to use in making paint investigations. The investigation was started. A good many pieces of different woods and with different exposures were put on the campus. They were painted with different kinds of paints and paint mixtures, and careful observations made and photographs taken to show how these paints protected the wood, how durable they were, and other facts important in paint.

The beverages sold in North Dakota were extensively adulterated. The beverage law was passed, and its enforcement left to Doctor LADD. The provisions are that the containers must be properly labeled, and adulteration prohibited.

When the bleaching of flour was started, Doctor LADD ruled that the word "bleached" must be put on the sack in as large letters as other information given on the label. The bleaching agent is poison, and the pure food law expressly forbids the introduction of anything deleterious into foods. By bleaching, it was possible to make as white flour from the cheaper wheats as from North Dakota wheat. In this way bleaching was robbing North Dakota wheat of some of its value. The investigations of the harmful effects of bleaching, by the North Dakota food commissioner, went a long way toward the ruling against bleaching by the Federal Government. This has meant a good deal to North Dakota as it has made it necessary for the wheat flours from different States to sell for what they are. This makes the North Dakota wheat necessary for mixing with the less desirable wheats in order to improve the quality and the color.

The sanitary inspection law in regard to places where food is produced, manufactured, or handled, is strictly enforced by the food commissioner. In many of the groceries, restaurants, and confectionaries, and in their advertisements, a prominent place is given to the score given them as a result of the visit of the inspector. It has been a great factor in causing a cleaning up of the places where food is handled. The mere fact that attention is called to the factors that make for healthfulness has done much.

The work done in the mill, while not strictly pure-food work, yet has been done by Doctor LADD. The results brought out have been almost startling in that it has been shown that a surprisingly large amount of flour has been made from lightweight wheat, and that in most cases it is a very good flour. Doctor LADD is nationally known, and is doing a wonderful work, and the State of North Dakota is justly proud of him and his work.

The legislature of 1915 enacted a number of measures that marked an advance in social legislation and show the progressiveness of North Dakota.

Mr. LA FOLLETTE. Mr. President, the beautiful tributes which have been paid to Senator EDWIN F. LADD leave little to be said. However, I can not let this opportunity pass without taking occasion to express my personal admiration and affection for Senator LADD, and my appreciation of his high character and distinguished public service. He was my father's friend and colleague. They were coworkers in the progressive cause. As my father's secretary I came much in contact with Senator LADD. He was a delightful man to meet, always friendly, sympathetic, with a quiet sense of humor, a keen intelligence, and a broad, philosophical outlook upon life.

Doctor LADD was a scholar, a scientist, and a statesman devoted to the service of mankind. Directly after graduation from the State University of Maine he began his career as a chemist in the Agricultural Experiment Station of New York. From there six years later he was called to the North Dakota Experiment Station. He became dean of the school of chemistry of the North Dakota Agricultural College and ex officio State food commissioner. In 1916 he was elevated to the presidency of that college, where he served with distinction for five years, when he was elected by the people of North Dakota to the United States Senate.

During his 20 years of college work Senator LADD endeared himself to the people of his State through superior ability, outstanding integrity of character, and many-sided qualities of mind and heart. It was not his high position as president of the State agricultural college, however, that won him a foremost place in the progressive movement of his State and Nation.

It was the long hard battle against food adulteration that disclosed to the people of North Dakota and the country, Doctor LADD's fighting strength and his fitness for leadership in the political field. He turned his knowledge and experience in the field of chemistry to investigation and research of the food conditions that threatened to undermine the public health and to demoralize all standards of decency in the rapidly increasing manufacture and preparation of food products outside the home.

After the national pure food law had been adopted, speaking of the conditions that prevailed when he first began his work, Doctor LADD said:

> Our canned corn, almost without exception, was bleached with sulphites, preserved and sweetened with the coal-tar product—saccharin. Our peas and string-beans frequently contained copper and alum salts and often contained chemical preservatives. Our meats were embalmed with chemicals, and some of the canned products contained little besides gristle, connective tissue, and waste matter, seasoned and flavored, but sold as potted ham, chicken, etc. Our sorghum sirup came largely from glucose factories, while the maple sirup was almost wholly an imitation product, worth 50 cents a gallon and retailed for $1.50. Our strained honey was largely flavored sirups and glucose. Our candies were made from glucose containing sulphites, to which further sulphites were added, colored with coal-tar colors, many of which were known to be harmful, and flavored with chemicals or synthetic flavors.

It was easy to make these discoveries in the chemical laboratory. It was a very different matter to give them publicity and to conduct the campaign necessary to correct these evils. Doctor LADD did not waver when the storm of opposition broke upon him. He was not satisfied to make these discoveries and to let this adulteration of food go on. He took the problem to the legislature where he was instrumental in securing sound and workable laws for the protection of the consuming public.

Once these laws were upon the statute books of North Dakota he strictly enforced the law, and through the long legal battle, which was finally won, he furnished the courage and the scientific knowledge which made the victory possible. In this long fight against food adulteration the State of Wisconsin stood side by side with the State of North Dakota. At the present time we have as the head of our State dairy and food commission the Hon. J. Q. Emery, who was appointed by Governor La Follette in 1902. He has a notable record of fearless and aggressive service in the public interest. Doctor LADD and Professor Emery worked in their respective States in the same courageous and invincible spirit and with the same practical background and understanding of the fundamental issues at stake. They would not compromise nor surrender. It is not too much to say that their cooperation with Doctor Wiley was among the strongest factors in writing the pure food and drugs act on the statute books of the Nation.

In a recent tribute to Doctor LADD, Mr. Emery said:

> These pure food laws, State and national, which special interests for 20 years have sought to dynamite or by cunning ingenuity to circumvent, must ever remain one of the greatest monuments of pure government in the history of this country. The triumph of greed and selfishness is only for a moment. Wisconsin and North Dakota have uncompromisingly carried the pure-food battle to the world, through the courts and the public press, convincing the people of the value, the necessity and the justice of their battle. For a fifth of a century Dr. EDWIN F. LADD was an outstanding leader and hero in this pure-food crusade, unremittingly battling for the preservation of the health of the people. Efficiently and heroically, though all unconsciously, he built for himself in this transcendently important field a monument that must long endure.

Senator LADD came to the United States Senate with a grasp of the great economic and political problems confronting the Nation. During his service in the Senate he worked unceasingly for their sound and scientific solution, and was identified with the progressive element of the Republican Party. He was an indefatigable worker and his trained mind,

his intellectual power, were of immense value to the cause he advocated.

Doctor LADD'S wide acquaintance in the field of education, the esteem in which he was held by the scientists and educators of the Nation, added an element of dignity and popularity to his standing in the Senate. He was an earnest, effective speaker. Always well prepared, he contributed greatly to the debates of the Senate and he was very much in demand as a public speaker outside the Senate. Through his splendid service to mankind he had acquired a notable and lasting place in the esteem of his colleagues in the Senate and of the people of the country.

His death was sudden and unexpected and it unfortunately shortened his public career. His life was none the less complete and as nearly ideal and perfect as it is possible to conceive. Through his long and strenuous service to the people he had sympathetic understanding and support of his wonderful wife and family. In his death, the people of the country—the producing millions of America—lost a champion and leader, the Senate a commanding figure, and those who knew him, a devoted and beloved friend.

Mr. NYE. Mr. President, on the call of the roll in this Chamber at the time of the assembling of this body on last December 7, among those who did not respond was the late Senator from North Dakota, my predecessor, EDWIN F. LADD. He had answered to the summons of the highest of all courts to take his place among the hosts that have passed on. Death in this case did not end a spectacular life, for Senator LADD was too earnest in all he did to decorate his work with the spectacular, but it did end one of the most useful lives ever known in North Dakota. More than that, it removed from the Senate a man who, though here but a few years, came to be recognized as one of America's truly great men of the day.

It is fitting that we assemble in this formal session to consider the career, the services, and the character of Senator LADD, and that such splendid tributes as have been heard should be paid by those who had come to know the man, many to love him as we in North Dakota loved Doctor LADD. And I am sure I speak for all the people of North Dakota when I thank the Senate for sharing, as it does, the regard in which we held this man who, as scientist, as a professor in agriculture, as a president of the North Dakota Agricultural College, as State food commissioner, and as a United States Senator left so deep an impression on the sands of time through his service to all people. Few men, I believe, have left so fine an impression and so lasting an influence as he. Indeed, humanity has gained much through this one life.

Doctor LADD won a place in the hearts of North Dakotans which easily ranks him as that State's most illustrious citizen of all time. I, like many others, prize highly the acquaintance enjoyed with him. It has been my extreme good fortune to have been as closely associated with him as I was during the later years of his life. It was my good fortune to have observed his work in North Dakota and many of the fine results of his efforts. And during the World War it was my opportunity to serve under him as a county food administrator in the State over which he had administration of this very important work. And only two years ago I had the great gain and pleasure of constant companionship with Senator LADD day and night for four weeks during a State political campaign. Such acquaintance makes me deeply appreciative of this opportunity to pay, in my poor way, tribute to the memory of this splendid and most useful character.

It is interesting to note the details of his racial origin, for the experiences of his forebears indicate largely from whence came those qualities which made EDWIN F. LADD truly great. His was the sturdy ancestry of the covenanters who typified the qualities which have given "Old Scotia" a significant place in history. It was ancestry loving freedom and constantly promoting unconquerable consecration in the defense of freedom. Transferred early in the seventeenth century by immigration to New England, this stock from which he sprang, took a most active part in the century of conflict for the emancipation of New England from the tyranny of a fanatical theocracy, a struggle which was the indispensable prerequisite for the later struggle to emancipate the continent from the political tyranny of a besotted aristocracy, out of which came the independence of the thirteen Colonies and the foundation for this glorious American Republic, the United States of America.

Such ancestry is reflected in the very life and work of Senator LADD. The life was a life of courage, independence, love of freedom, love for fair play, and devotion to truth—distinguishing qualities, all of them.

Doctor LADD brought to the discharge of his every duty the rigid sanctions of a mind naturally punctilious, reenforced and strengthened by deep study of scientific principles and very extensive laboratory experience. The industrial and commercial world is his great debtor for the contributions he made toward the improvement in quality and reduction in cost of commodities in universal use. Recognition of his achievements came to him from scientific bodies, learned societies, and commercial establishments, even beyond the seas.

As a scientist and as one interested in the general welfare, Doctor LADD decried and exposed sham in every form. It was Doctor LADD who pioneered in the campaign against adulterated and misbranded foods. It was Doctor LADD who paved the way to honest paint values. To-day upon the agricultural college grounds at Fargo, N. Dak., there stands something of a monument to the memory of EDWIN F. LADD in the form of a wooden fence erected at his request many years ago. Upon this fence he used various grades and manufactures of paint to prove his contention that the people of the State were being sold inferior paints at prices which should pay for good paint. His battle against the dishonest paint manufacturers won millions of dollars of savings not alone to the people of North Dakota but to the people of the whole Nation. It was Doctor LADD who disclosed to the wheat growers of the Northwest the fact that they were growing a superior grade of wheat, a wheat possessing a milling value deserving of premium prices instead of the prices being paid as for inferior grades of wheat. It was this disclosure which awakened the farmer and his friends to the fact that they were being victimized in an economic way by powerful influences through which they must dispose of their crops, a disclosure of facts not yet completely remedied but which is bringing constant progress in the direction of fair play.

Doctor LADD was genuinely interested in the problems against which the farmer battled and was constantly seeking after the truth and causes underlying those serious problems. His study and work in their behalf has saved millions of dollars to the agricultural people of North Dakota and to the people of the world, yet he gathered for himself all too little of the world's goods. Easily might he have won riches with such ability as he possessed and such places of trust as he occupied, but his high ideals of service and his great love for the accomplishment of those things which would result in reward and happiness for the many held him to the post as an educator, paying so little.

I know something of the hopes which Doctor LADD and Senator LADD entertained for the future of agriculture. And I know, too, something of the discouragements encountered by him in his efforts to win recognition for the farmer and recognition of the fact that he was being dealt with most unfairly. During his time at the head of the food administration in North Dakota, I recall his assertion that the war, terrible as it was, could be expected to inaugurate a new day for the American farmer.

Only now—

He said—

will all America awake to the importance of the farmer. Only now do they realize how very important a part of the life of this Nation and of the world is agriculture. See how dependent our Government is to-day upon our production of wheat here in the Northwest. With the war over, the farmer can expect much more liberal consideration than he has enjoyed in the past.

I am confident that it was this spirit which accompanied Doctor LADD to Washington and into this Chamber following his election by the people of North Dakota as one of its United States Senators. Rudely were his expectations jolted time after time, yet he carried on, confident that eventually truth and fair play would have their inning.

As a scientist, Professor LADD devoted his energies to research for truth. As a member of this body, Senator LADD did not, could not, change the habit of a lifetime. He felt himself merely transferred from a chemical laboratory to a laboratory of social and political problems. He continued in this entirely new field for him, his study of the relationship between facts and the political world is the richer for his habit. His will to know was constant and uncompromising, and his value to his day and generation is traceable to his sense of the responsibility of knowledge.

North Dakota sent Senator LADD here knowing the manner of man he was. He was expected to carry on, as he did, in exactly the manner which was his as scientist and professor—as a discoverer and expositor of truth in the social and political laboratory of the Republic. His integrity, his absorption in the task in hand, his recognized intellectual power gave Senator LADD immediate standing as a force in the councils of this body. True to himself he went always beneath surface appearances in his legislative deliberations.

In the course of his duties here it came to him to see the wreck of old, and birth of new empires. The facts he observed brought new determination to him, and after discovering he sought to expose the secret hiding places and the methods of the powers which deny the realization of the objects for which his ancestors had labored to bring this Republic into being, to establish justice and to secure to themselves and their posterity the blessings of liberty. His greatest fight only begun, he sacrificed his life that he might continue in immediate service. When he ought to have been giving attention to the cure of the ailment which resulted in his death, he insisted upon not having the time, but that as soon as pending matters were finished he would give attention to himself. Duty to his State was more important to him than duty to himself. His social and economic convictions were so absorbing that he would not abandon their furtherance at a time when he considered action so imperative.

Senator LADD had reached the conviction that social activity, falling under the head of politics, is at bottom, a struggle for advantage as between classes, and that the prime function of politics is the distribution of wealth produced by the social body. He was convinced that the pivotal issues of legislation during his time centered about the strengthening or weakening of the power to exploit the masses of people. He often remarked that if the farmers of his State were exempt from the daily unearned tribute they were compelled to pay to those who operate the natural resources, the public utilities, and were exempt from the tribute they paid to those who control the money and credit functions of the Nation, there would be no farm problem to solve in North Dakota, and that if this exemption was enjoyed in the Republic at large, the farmers, the laborers, the business and professional classes would enjoy a new birth of freedom.

As a teacher, as a statesman, a ruling principle in every act of Senator LADD was the translation of discoveries and accomplishments of science into terms for and of human use. He believed the great schools were built by the people for purposes of discovery, and the enlargement of knowledge, and were intended for all the people; that in this age of science the greatest service of the school must be the extension of understanding that might enlarge the lives and reduce the burdens of men.

Reviewing the efforts, the accomplishments, and the mind of EDWIN F. LADD, it is little wonder that North Dakota and a much larger world pays tribute to his memory. Vigorously he preached and lived the doctrine of equality and liberty, the right of those who labor in the fields to win their just return in the markets of the world. He found these people as a Senator of another day expressed it, "Beggars in the midst of plenty, paupers beside their golden gathered sheaves," and he devoted himself to their interests. He spoke always for human rights as towering above property rights, and ever insisted upon safeguards for honest endeavor. He held no brief for those who sought and won unfair advantages with our natural resources, the property of the people, and as chairman of the committee which uncovered such a few years ago he rendered a service the value of which can only be fully realized by those who look to the future.

EDWIN F. LADD believed with Hume, "that all the vast machinery of government is ultimately for no other purpose than the distribution of justice," and his record is consistent with his belief. He served exceedingly well his State, his country, and mankind, and to-day occupies a place in the history of progress richly deserved.

Mr. President, I ask unanimous consent that a tribute to Doctor LADD written by Dr. H. W. Wiley may be included in the record of these proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

EDWIN FREEMONT LADD, 1859–1925

A TRIBUTE TO SENATOR LADD

EDWIN FREEMONT LADD was born in Starks, Me., December 13, 1859. He took the degree of B. S. from the University of Maine in 1884, and in 1915 this university conferred upon him an honorary LL.D. degree. He married Miss Rizpah Sprogle, of Annapolis, Md., August 16, 1893. He was assistant chemist first, and afterwards chief chemist of the New York State Experiment Station from 1884 to 1890. He was dean of the school of chemistry and pharmacy and professor of chemistry of the North Dakota Agricultural College from 1890 to 1916. During that time he also held the office of State chemist. He was appointed president of the North Dakota Agricultural College on February 28, 1916. He was made food commissioner of North Dakota in 1902, and he was editor of the North Dakota Farmer from 1899 until his death. He was elected to the United States Senate for the term beginning March 3, 1921, and this term would not have expired until 1927. He was a fellow of the American Association for the Advancement of Science; member of the American Chemical Society; Society of Chemical Industry, of London; Society for the Promotion of Agricultural Science, and past president of the Association of State and National Food and Dairy Departments, and of the Association of Official Agricultural Chemists. He was a member of the Standards Committee on Food Products for the United States, after the passage of the pure food law. During the war he was Federal food administrator of North Dakota.

LADD's activity as a member of the Association of Official Agricultural Chemists began apparently in 1889, at which time he did some work for the association as a collaborator. He became increasingly active as the years passed, serving as a referee on at least two different subjects and as a member of various committees. At the 1913 meeting he was elected president of the association for the ensuing year. It was during the years 1913 and 1914 that the deliberations leading to the establishment of the Journal of the Association of Official Agricultural Chemists were held, and Doctor LADD took an active part in these deliberations. When the Journal was established he was appointed a member of its first board of editors, and he served in this capacity continuously for about five years. At the meeting in 1921 Senator LADD, by a unanimous vote, was elected on honorary life member of the association.

It was my good fortune to have known Doctor LADD personally from the time that he began his work in the New York State Agricultural Experiment Station until the date of his untimely death. He passed away in Baltimore on June 22, 1925. Senator LADD had strong personal characteristics. He believed in direct action. It did not take him long to make up his mind as to what side of a question he should take; he wanted to know simply which was the right side. If the right side was popular, he was not deterred from espousing it for that reason; if it was unpopular, he seemed to be more eager to uphold the right. In the hearings before the committees that made the regulations for the carrying out of the national pure food law, and before the committees in Congress during the time it was pending, Doctor LADD was always clear, concise, to the point, and entirely understandable. I remember particularly his attitude in regard to some of the mooted questions that arose in connection with the enforcement of the Federal food and drugs act. Doctor LADD was unalterably opposed to the use of any kind of preservatives in food products, except the necessary condimental preservatives. He was particularly antagonistic to the bleaching of flour. When the Secretary of Agriculture had hearings on this question, Doctor LADD was the most militant, and perhaps the most efficient, witness against the process. I think the arguments, illustrations, and accounts of experiments presented by Doctor LADD were among the leading factors that led Secretary Wilson to forbid the use of bleaching agents in flour. His opposition to benzoate of soda was equally determined, but it was not so successful with the Federal authorities. He administered the food law of his State rigidly, and he had much to do with its passage. This law represented largely his own views as to what an efficient food administration of a State should be. There were no side entrances or secret passages by means of which the food laws of North Dakota could be circumvented by scheming dealers and manufacturers. When they went to North Dakota with their wares they always found a stone wall which they were unable to scale.

It was due to the popularity attained by Doctor LADD as chemist, food commissioner, and president of the North Dakota Agricultural College that he was induced to enter politics. I think undoubtedly he was the most popular man in North Dakota. The people of his State believed in him; they knew he was absolutely honest and incorruptible. Therefore, he had no difficulty in securing the suffrage of his fellow citizens for the highest honor that the State could offer. When Doctor LADD became United States Senator he brought to his office an economic program that for the first time in our relationship failed to receive my cordial support. I never asked him to change his views, however, because I knew the man so well I felt convinced that he thought he was entirely right and that it was entirely useless to try to change the views of a man with the firmness of conviction which I knew Senator LADD held. This, however, abated not a whit my esteem for the man's personality and ability. In the four years of his service in the United States Senate he became, next to La Follette, the most militant progressive in that body. It was the irony of fate that carried both Senator La Follette and Senator LADD out of the realm of earthly activities almost at the same time. The two great leaders of the progressive movement died within a short time of each other, Senator LADD's death occurring just a few days after the death of Senator La Follette.

Senator LADD's career was not spectacular; it was too earnest to partake of that character. The estimation of his worth as a scientific man, as a State official, as a college president, and as a Member of the United States Senate will grow with the succeeding years. To me his death was distinctly personal. I felt that I had lost that friend who had stood by me shoulder to shoulder for 30 years in the fight

for pure-food legislation and in my efforts to enforce the law regulating the sale of foods and drugs under the terms in which Congress enacted it and with the sole purpose of protecting the people of the United States from harm. In this work I had no more cordial and efficient supporter than Senator LADD.

H. W. WILEY.

Mr. NYE. Mr. President, I also ask unanimous consent that the addresses delivered at the funeral of Senator LADD may be printed in the RECORD as a part of these exercises to-day.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

SERVICES AT THE FUNERAL OF SENATOR EDWIN F. LADD, OF NORTH DAKOTA, AT WASHINGTON, D. C., THURSDAY, JUNE 25, 1925

The services were opened at Gawler's Chapel by the Washington Quartet singing the hymn, Sometime We'll Understand. Rev. Thomas C. Clark, of the Takoma Park Presbyterian Church, then offered prayer and read from the Scriptures, following which Rev. J. J. Muir, Chaplain of the United States Senate, spoke, as follows:

REMARKS BY REV. J. J. MUIR, CHAPLAIN, UNITED STATES SENATE

Chaplain MUIR. "Sometime, sometime we'll understand."

Life is to us at present a great enigma. Here was a life begun in Maine, which realized its opportunities and privileges in the far West. Senator LADD comes to this city, sits in the Congress of the United States as a Member of the Senate, and leaves behind him a very blessed and happy memory. Honored by all who knew him, realizing in his own life the depths of conviction, along the pathway he trod during the years and in the various employments and activities identified with his history everywhere were blessed and happy associations.

We come to wonder why it is that at a time when, so far as we could understand, the honored Senator could look forward to years of usefulness and to continue along the pathway of honorable service he is suddenly called to his everlasting home. Sometime we will understand the significance of this history; sometime we will be able to know why these pathways have been so singularly presented to us, and how the great Father of us all is directing and influencing character.

The cry goes up, "Why? Why?" Jesus answered that cry that is given forth so many times in our lives. His disciples failed to understand some of the things that He did, and once He gave answer, "What I do thou knowest not now, but thou shalt know hereafter." Sometime we will understand; we will know the meaning of our tears; we will know what these heartaches mean.

Strange and mysterious are the ways of Providence as we look at them from the mere human standpoint; but when the Master uttered that sentence he opened up before us a new significance to life. We are told of the Patriarch Abraham that when he was called on to lead his country and go into a land to which he was a stranger, he went out not knowing whither he went. And so it may seem to us as we think of life and its problems, its manifold necessities, and the grave duties which confront us along each step of the way.

Thank God that in the mystery of these years there was the unfolding of character! Thank God that those who knew him best will speak the highest concerning him! We drop our tears; we wonder what it all means; but, friends, Whittier was right when he wrote that sentence.

"I know not where His islands lift
Their fronded palms in air;
I only know I can not drift
Beyond His love and care."

Think of life thus, in the Father's hands; and, however inscrutable may appear the ways of Providence, let us be sure that the Father wants us to feel confident that all is well. So it seems to me that to-day we can stay our hearts upon such a thought. "Thou wilt keep him at perfect peace whose mind is stayed on Thee." Let us rest upon the care and will of God, and what we know not now we shall know by and by.

I suppose every one of us has heard more than once that beautiful poem which is so appropriate to an occasion such as this and which speaks so tenderly of the end of the earthly voyage. Its author, too, has passed in recent years into his recompense and to the heights beyond. Will you allow me to repeat it?

"Sunset and evening star,
And one clear call for me,
And may there be no moaning of the bar,
When I put out to sea.

"But such a tide as moving seems asleep,
Too full for sound and foam,
When that which drew from out the boundless deep
Turns again home.

"Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell,
When I embark;

"For tho' from out our bourne of time and place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crossed the bar."

Can we not say that that is true of Senator LADD—he saw his Pilot face to face when he had crossed the bar?

Other addresses will be made at the cemetery, and I ask that so far as possible friends will be present to hear those addresses; but let us as we leave this gathering be comforted by the thought that, whatever may be the strange conditions for family, for friends, for neighbors, for the Nation, without "moaning of the bar," we may begin to think of seeing the Pilot face to face. May that be your privilege and mine, friends, and may we, without any misgiving on our part, face the inevitable and know that the dear Lord Christ has said, "I will never leave thee, nor forsake thee." Thus, stayed in the consolation of His grace, whatever comes—the darkest providence, the most trying condition, the broken heart—we can look up and say, "Our Father understands, and for our best He rules with the tenderness of a father's heart."

Let us pray: Our Father, we love to call Thee by that name. The appeal is from the child heart, the appeal comes from the aged heart; and, whatever may be the anguish of life for us, we are assured that, with Thy care about us and Thy loving arms keeping us, all is well with us. Despite our questionings and misunderstandings and sometimes our speculations, we want to turn to Thee, Father, and ask Thee to minister in this hour of sadness. Grant that the beloved wife and fond companion of the years may be blessedly sustained and in the whisperings of the hour of greatest sadness she may hear the voice: "Thy Maker is thy husband." Comfort her in her loneliness and sustain her tenderly. May she look up rather than down, and may she feel consoled by the knowledge that God cares even though He may not be understood in His dealings with her and others in like situation.

Look with Thine infinite mercy upon the children. We thank Thee for the father's love and the father's kindness and his solicitude for those who have been given to him. We ask Thee, Father, that each one of them may realize that Thou art the Father of the fatherless, and Thou wilt give to each of them the blessed consolation of confidence. May each of them find abiding peace in the certainty of relief from anxiety to come, with all its disturbing circumstances, and rest themselves upon the covenant-keeping God.

Hear our prayer for those related to him in the Government of the Nation, for those identified with him in the friendships of life. Hear our prayer as they turn toward the west to the time of permanent interment. And we ask, our Father, that Thy grace may be made all sufficient. Teach each one of us how feeble are the binding forces of life after all, and enable us to look upward with a feeling that all is well. Deliver us from the allurements of life that only prostrate our spiritual desires, and may we each realize all the time that He who has promised to save us will keep us unto the end, and then we will stand in the better life in the presence of the Christ Himself. Hear and grant our prayer, for Jesus Christ's sake. Amen.

The Washington Quartet closed the services at Gawler's with the hymn, Only Remember, and the body of the late Senator LADD, escorted by members of the family, the committees of the Senate and House of Representatives, and friends, was then taken to Glenwood Cemetery, Washington, D. C.

At the cemetery chapel the Washington Quartet sang the hymn, Abide With Me, and addresses were then delivered by Hon. THOMAS J. WALSH, Senator from Montana; Hon. J. THOMAS HEFLIN, Senator from Alabama; and Hon. LYNN J. FRAZIER, Senator from North Dakota, as follows:

REMARKS OF SENATOR WALSH OF MONTANA

Senator WALSH. Dr. Oliver Wendell Holmes, in undying verse, prays that the Giver of every good and perfect gift may grant to this country—

"Men whom the lust for office does not kill,
Men whom the spoils of office can not buy."

As if in answer to such a petition ascending from myriads of loyal hearts that spoke through the poet came EDWIN F. LADD, whose mortal remains we consign to the tomb while a grateful people echo the judgment of Heaven, "Well done, good and faithful servant."

Senator LADD never sought public office. He had none of the gifts which are commonly associated with success in political life or which are effective in the cultivation of popular favor. Like Thomas Jefferson, he was not impressive as a public speaker. He was called to service in the forum of the Senate because of his profound learning and his high character, coupled with a deep sympathy with the struggles of the people who sent him here and a comprehension of the problems confronting them surpassed by no man in public life.

With the unerring skill of the trained scientist he was, he dissected the most intricate questions affecting their life and exposed to pitiless publicity the inner workings of the system through which they were exploited. Notwithstanding the relatively brief period of his service in the Senate, he came to be revered as much for his erudition as he was admired for his independence. Even those who were disappointed at his occasional lapses from party regularity never failed to give him credit for fidelity to the right as he saw it, nor was he ever suspected of being actuated by any petty or unworthy motive.

If before him scientists and educators have sat in the Senate, history has been silent concerning them, either because they left no lasting impress upon their time, or, more likely, because their talents, like those of the departed Senator, were useful rather than brilliant. Our country is singular in that it omits to call to service in the National Legislature men eminent in science, holding places of honor on the faculties of our universities, men who have delved into the subjects that have especially engaged their attention deeper than plummet ever sounded before. Men of that class are not rare in the parliamentary bodies of Europe. When thoughtless or selfishly interested critics rail at the people of North Dakota for their aberrations, political and economic, or deride their idiosyncrasies along those lines, let it be remembered that, relegating to obscurity the whole brood of professional politicians, they sent EDWIN F. LADD, the scholar and statesman, to the United States Senate as the expositor and exemplar of their views and aspirations.

He was, as is well known, a chemist, seeing, day in and day out for years as he prosecuted his studies and experiments, matter assume the most diverse forms under the influence of various reagents, but never with any loss. Always it is all there, indestructible, every atom, every electron accounted for. He could not doubt that the mind, the soul of man, is equally imperishable; that death is but a transformation, though revelation alone has disclosed its nature. In this sad hour, could he speak, he would comfort those who mourn his departure by saying:

"There is no such thing as death.
In nature nothing dies;
From each sad remnant of decay
Some forms of life arise."

REMARKS OF SENATOR HEFLIN OF ALABAMA

Senator HEFLIN. Death is no respecter of persons. Sooner or later it touches with cold and silent finger the eyelids of all and they are closed in dreamless sleep. The high and the low, the rich and the poor, must all pass muster at the portals of death. Death has invaded our ranks in the Senate more than once this year. In the person of Senator LADD it has removed from our midst one of the ablest and bravest of them all.

I knew something of Senator LADD as a public man before he came to the Senate, and I had already gained the impression that he was a man of ability, courage, and convictions. After forming his acquaintance and coming to know him well, I found that he possessed the two noble virtues so essential to true greatness in a public man—courage and honesty. He was a splendid type of the conscientious and sincere patriot in politics. There was nothing of sham or pretense about him. He was outspoken and straightforward in all that he did or said. He was a studious, painstaking, and hard-working Senator. From the day he entered the Senate until confined to his bed by illness he was thinking and laboring in behalf of those who had selected him to represent them in the Senate of the United States.

Senator LADD and I were not of the same political faith. We differed on some of the questions of government, but I wish to say of him here that during his service in the Senate I do not believe that he ever espoused a cause or cast a vote that he did not conscientiously believe was for the highest and best interest of his State and Nation.

He loved his country. He wanted to see her freed from the stranglehold that in some sections greed and avarice and predatory interests seem to have upon her. Such things were close to his heart, and he has talked with me about the day when he hoped to see the great West delivered. When he came to the Senate he consecrated himself to the cause of helping to deliver her from the forces that prey upon her substance.

Fortunate, indeed, is the public servant whose life is so full of noble deeds that when his course is run it can be truly said of him: "He was sincere and honest, able and useful, and stood for right and justice as God gave him the light to see them." Senator LADD is entitled to have that said of him. He was one of the finest characters that I have ever known. In his death the Senate has lost one of its ablest, bravest, and best Members. I, as his friend, am deeply grieved at his death and mourn with those who appreciated, esteemed, and loved him.

REMARKS OF SENATOR FRAZIER, OF NORTH DAKOTA

Senator FRAZIER. It has been my privilege to know Senator LADD for a great many years and to be familiar with the work that he has been doing. He was a man of the highest ideals and had the courage to fight as best he could to attain those ideals. He was a man of a keen sense of justice, and living in an agricultural State as he did, he took up the fight of the farmer, and most of his public career has been in fighting for the cause of the farmer.

The American farmer is poorer to-day than he was a week ago. He has lost something infinitely more precious than crop and stock and bank account. He has lost the wise leader, a stalwart companion, and a devoted friend. Senator EDWIN FREEMONT LADD, scientist, educator, and statesman, passed away Monday, June 22. For the greater part of his mature manhood Senator LADD has fought the farmer's battle on a firing line where, all too often, faithful comrades were few. Through patient and persistent effort he was quick to sense the farmers' needs, and through his scientific pioneering in agricultural subjects he initiated the movement that formed the background for many remedial measures in the agricultural interests. His activities in showing the farmers of the West how they were being exploited through the unscientific method of grading wheat on its physical appearance instead of its milling value or gluten content have brought him a world-wide reputation. The advanced stand he took as a pure-food commissioner in sponsoring and securing the passage of many laws, which included the oil inspection, hotel inspection, the inspection of restaurants, bakeries, and butcher shops, as well as in connection with the exposure of the adulteration of numerous household remedies and foods, brought down upon him the wrath of those who manufactured the adulterated articles. For over 20 years of his life he seldom went to bed at night without having damage suits over his head of hundreds of thousands of dollars. He fought his cases through successfully from the lowest court to the highest court of the land without ever losing a single one.

In many instances he found in the midst of a trial that the officials of the Government, who were supposed to be working in the interests of the public, were shaping things to betray the interests of the people by having the case go by default. Knowing human nature as he did, he was prepared for every emergency and, in such cases, he always had on hand his own attorneys, hired at his own expense, ready to step into the breach at any moment. His long fight in enacting and supporting, in every court in the land, his pure paint law, has brought him international fame. To-day many of the countries, including Canada and the British Empire, have enacted laws which were copied after the North Dakota law. Many States of the Union have also enacted similar legislation. In his legislative experience as a Senator, the interests of the farmer were always uppermost in his mind. All the bills he introduced were in the interest of the basic industries of the country.

Many men are admired for their ability and keenness of intellect. Senator LADD was loved by thousands because, in addition to these qualities, he possessed a heart and a conscience. If the thing was right, that settled it. He would fight for it to the end, even though he fought alone, even though it cost him every cent he had. It was his heroic courage, his burning sincerity, his utter unselfishness, and his unswerving fidelity to his democratic ideals that endeared him to all who knew him and worked with him. He was never known to compromise with iniquity, oppression, or injustice, and yet, in the midst of the fray, he kept sweet. Although he hated evil, he loved men and had the wisdom to condemn the system which makes men bad rather than the men who themselves are the victims of the system. His past achievements will stand as an enduring monument to his ability, industry, and vision.

Senator LADD knew how to do teamwork with any and all men who had the farmers' and workers' and consumers' interests genuinely at heart. Party labels meant nothing to him. He was more concerned about results than the avenues through which they came or the credit that they might bring. Like the Hebrew patriarch of old, Senator LADD's career was cut short on the very edge of the promised land. The crowning success of a lifetime's labor lay just ahead of him.

The future work, for which Senator LADD gave his life, is in the hands of his friends. The splendid structure which he reared by sacrifice and arduous labor is ready to continue to serve the farmers of America. With farsighted vision, Senator LADD left behind him trained men, inspired with his love for humanity and his zeal for economic and social justice. Shall they continue his fight? It is now too late to write a letter of appreciation to Senator LADD to express our gratitude for his devoted efforts in our behalf, but it is not too late to show our practical gratitude for his life and work by carrying on his unfinished work to the triumph that truth and justice inevitably win. As to one who fell heroically upon the field of battle, let us pledge our fidelity to the common cause and our loyal support to those who take Senator LADD's place upon the firing line to win the farmers' and laborers' fight for political and economic justice.

"Yea, though thou lie upon the dust,
When they, who helped thee, flee in fear;
Die full of hope and manly trust,
Like those who fell in battle here;
Another hand thy sword shall wield;
Another hand the standard wave,
Till, from the trumpet's mouth is pealed
The blast of triumph o'er thy grave.

The services at Glenwood Cemetery were concluded by Rev. Thomas C. Clark, who offered the following prayer:

PRAYER BY REV. THOMAS C. CLARK

Our Father in heaven, whose pity is infinite and whose will is sovereign, be pleased to look down upon us sorrowing. For the sake of Thy dear Son enable us so to hear Thy voice speaking to us that, through patience and the comfort of His presence, we may have hope, and grant us the consolation that we, humbly acknowledging our many sins, may nevertheless hold fast to the assurance of Thy mercy and the blessed hope of everlasting life.

We bless Thee for the memory of those who have been faithful unto death and who have accomplished that which Thou hast committed unto them. We pray for those who to-day sorrow, not as those without hope but because of the absence of a loved one. Help them to think of him as not here in this casket. There only the mortal remains repose; the jewel has been taken away; the spirit is already with its Maker. Do Thou sanctify to those who are left behind the sacred memories of the one whom Thou hast called. Thy support, Thy strong arms be given to those who mourn, and let Thy servant who to-day is separated from her husband remember that underneath her are those everlasting arms that are so safe, so strong, and so sympathetic in their embrace. Do Thou bless them all. Bless those who assisted during the days of anxiety, and grant that we may all appreciate more and more the fact that each one of us in his turn shall be where our brother, Senator LADD, is to-day. And grant that we may be, as he was, faithful unto death, and then at last receive the crown of glory of everlasting life.

And now may grace, mercy, and peace from God the Father, the Son, and the Spirit be with us all evermore. Amen.

Mr. NYE. Mr. President, I ask for the adoption of the resolutions submitted by my colleague.

The PRESIDING OFFICER. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

Mr. NYE. Mr. President, as a further mark of respect to the memory of the deceased Senator, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Monday, May 10, 1926, at 12 o'clock meridian.

SENATE

MONDAY, *May 10, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father and our God, though the clouds may be dark about us, Thou art the same yesterday, to-day, and forever in Thy faithfulness. We come to Thee with the beginning of responsibilities for the week, with the consciousness that Thou wilt lead us. We seek wisdom from Thee. We would trust when we can not trace, and we would honor Thee constantly in every engagement and duty of life. Hear us and help us this day. For Christ Jesus' sake. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Lenroot	Schall
Bayard	Fletcher	McKellar	Sheppard
Bingham	Frazier	McLean	Shipstead
Blease	George	McMaster	Shortridge
Borah	Gerry	McNary	Simmons
Bratton	Glass	Mayfield	Smoot
Broussard	Goff	Means	Stanfield
Bruce	Gooding	Metcalf	Steck
Butler	Greene	Moses	Stephens
Cameron	Hale	Neely	Swanson
Caraway	Harreld	Norbeck	Trammell
Copeland	Harris	Norris	Tyson
Couzens	Heflin	Nye	Underwood
Cummins	Howell	Oddie	Wadsworth
Curtis	Johnson	Overman	Walsh
Deneen	Jones, N. Mex.	Phipps	Warren
Dill	Jones, Wash.	Ransdell	Watson
Edwards	Kendrick	Reed, Mo.	Weller
Ernst	Keyes	Reed, Pa.	Wheeler
Fernald	King	Robinson, Ind.	Williams
Ferris	La Follette	Sackett	Willis

Mr. CURTIS. Mr. President, I regret to announce the absence of my colleague [Mr. CAPPER] on account of a death in his family. I will let this announcement stand for the day.

Mr. BLEASE. The senior Senator from South Carolina [Mr. SMITH] is confined to a hospital ill. I ask that this announcement may stand until his return.

Mr. JONES of Washington. I was requested to announce that the senior Senator from New Jersey [Mr. EDGE] is absent on account of illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, there is a quorum present.

ADMINISTRATION OF PACKERS AND STOCKYARDS ACT

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Agriculture, transmitting, pursuant to Senate Resolution 145 (by Mr. KENDRICK, agreed to February 16, 1926), a report of the administration of the packers and stockyards act, 1921, from July 1, 1924, to March 30, 1926, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Public Printer, transmitting, pursuant to law, a list of old records and papers in the Government Printing Office which are not necessary or useful in the transaction of public business and have no permanent value or historic interest, and requesting action looking to their disposition, which was referred to a Special Joint Committee on the Disposition of Useless Executive Documents. The Vice President appointed Mr. SHIPSTEAD and Mr. RANSDELL members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the petition of a Porto Rican delegation to the United States signed by Antonio R. Barcelo, president Senate of Porto Rico; Jose Tous Soto, Speaker House of Representatives of Porto Rico; Miguel Guerra-Mondragon, vice president of the house of representatives; Enrique Gonzales Mena, senator, and J. B. Garcia Mendez, member of the house, praying for a higher degree of self-government for Porto Rico so as to place in the hands of the Porto Rican people the power to control their own internal affairs, which was referred to the Committee on Territories and Insular Possessions.

Mr. GOODING. Mr. President, I am in receipt of resolutions from the Idaho State Export Commission, a farm organization, transmitting resolutions indorsing the Haugen bill. I ask that they be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

(G. P. Mix, president; George N. Lamphere, vice president; George Sievers, secretary)

IDAHO STATE EXPORT COMMISSION,
Moscow, Idaho, May 1, 1926.

Resolutions

The conditions surrounding the American farmer have brought forth volumes of expressions only. It is not only the time but an absolute necessity that some definite action be taken in his behalf, so as to place his industry on an equality with other industries in this country.

The avowed policy of all parties and all statesmen has been to secure not only the maximum agricultural production through scientific methods but to preserve a prosperous countryside.

Under agriculture the farmer is incapable either of shutting down his plant or turning to nonagricultural pursuits on the farm, like other industries do: Therefore be it

Resolved by the farmers of Latah County, Idaho, and Whitman County, Wash., in meeting assembled at Moscow, Idaho, on May 1, 1926, That we favor the Haugen bill and emphatically urge its passage at this session of Congress; and be it further

Resolved, That we are unalterably opposed to the Tincher bill, because it does not address the surplus problem, besides embodying most objectionable and perhaps dangerous provisions.

A. S. LYON,
GEO. T. DAVIDSON,
H. C. HALM,
Committee.

Mr. WILLIS. Mr. President, I present resolutions adopted by the National League of Women Voters at its recent convention at St. Louis, which I ask be referred to the Committee on the Judiciary and printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Resolution on law enforcement and prohibition passed by the seventh annual convention, National League of Women Voters

APRIL 20, 1926.

Whereas obedience to law is a fundamental requisite of orderly government, and only by enforcement of existing law can the Nation command the respect of its citizens: Therefore be it

Resolved, That the National League of Women Voters in convention assembled hereby reaffirm its unwavering conviction that obedience to the Constitution and the written law of the land is the duty of every man and woman in the United States; and be it also

Resolved, That the league calls upon the President of the United States, the Secretary of the Treasury, and all State and local officials to use to the fullest extent the power conferred upon them for the effective establishment of prohibition; and be it further

Resolved, That the league again urges the merit system, applied through civil-service regulations, as the basis of appointment of officers in the Prohibition Unit.

REPORTS OF COMMITTEES

Mr. ODDIE, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3200) to confirm the right, title, and interest of the People's Investment Co. (Inc.), of the State of Louisiana, in certain lands, reported it with amendments and submitted a report (No. 795) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 6615) for the relief of Nohle-Gilbertson Co., a corporation, of Buford, N. Dak. (Rept. No. 796); and

A bill (H. R. 8937) permitting the sale of lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, in Bay County, Fla., to P. C. Black (Rept. No. 797).

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 10773) to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes, reported it with an amendment and submitted a report (No. 798) thereon.

He also, from the same committee, to which was referred the bill (H. R. 10733) to make additions to the Absaroka and Gallatin National Forests and the Yellowstone National Park, and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent lands, and for other purposes, reported it without amendment and submitted a report (No. 803) thereon.

Mr. GEORGE, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 7429) for the relief of Joseph L. Rahm (Rept. No. 799); and

A bill (H. R. 10109) for the relief of Virginia Strickland (Rept. No. 800).

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 2521) for the relief of J. W. Braxton, reported it without amendment and submitted a report (No. 801) thereon.

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 1818) for the relief of Lillie F. Evans, reported it with an amendment and submitted a report (No. 802) thereon.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (S. 4191) to amend the agricultural credits act of 1923, reported it without amendment and submitted a report (No. 804) thereon.

Mr. STANFIELD, from the Committee on Claims, to which was referred the bill (S. 741) for the relief of Lincoln County, Oreg., reported it with amendments and submitted a report (No. 805) thereon.

OHIO RIVER BRIDGE

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 10657) to extend the time for the construction of a bridge over the Ohio River near Steubenville, Ohio.

Mr. WILLIS. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, in section 2, on page 2, line 21, after the word "therefor" to strike out "may be had in any court of competent jurisdiction in such State" and insert "shall be the same as in the condemnation and expropriation of property in such State"; in section 4, on page 3, line 4, after the word "bridge" to insert "as determined by the Secretary of War"; in line 5, before the word "any" to strike out "or"; in line 7, after the word "located" to insert "or any two of them jointly"; in the same line, after the word "time" to strike out "jointly or severally"; in section 5, on page 4, line 14, after the word "shall" to insert "thereafter"; in section 6, line 25, after the words "Secretary of" to strike out "Agriculture" and insert "War"; on page 5, line 5, after the words "Secretary of" to strike out "Agriculture" and insert "War," and in line 11, after the words "Secretary of" to strike out "Agriculture" and insert "War," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Steubenville & Pittsburgh Bridge Co., its successors and assigns, to construct, maintain, and operate a toll bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation between a point near the north city limits of Steubenville, Ohio, and a point opposite near Weirton, W. Va., in accordance with the provisions of the act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 13, 1906, and subject to the conditions and limitations contained in this act. The construction of such bridge shall not be commenced, nor shall any alterations in the plans for the same be made either before or after its completion, until the plans and specifications for the bridge, or for alterations in the plans thereof, have been submitted to the Secretary of War and the Chief of Engineers, and approved by them as being adequate for the volume and weight of traffic that will pass over it.

SEC. 2. There is hereby conferred upon the Steubenville & Pittsburgh Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such land or property is situated, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said the Steubenville & Pittsburgh Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, the State of Ohio or the State of West Virginia, any political subdivision or subdivisions thereof within or adjoining which such bridge is located, or any two of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real estate necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of all other cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired as provided in section 4 of this act, and if tolls are charged for the use thereof, in fixing the rates of toll to be charged the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches, and any interest that shall accrue on money borrowed for that purpose, shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Steubenville & Pitsburgh Bridge Co., its successors and assigns, shall immediately after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches.

the actual cost of acquiring any interest in real estate necessary therefor, and the actual financing and promotion cost. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the cost of constructing the same, and for such purpose the said the Steubenville & Pittsburgh Bridge Co., its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the cost of the bridge shall be conclusive, subject to review in a court of equity for fraud or mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Steubenville & Pittsburgh Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FERRIS:

A bill (S. 4211) granting an increase of pension to Frank Truman Perrigo; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 4212) for enlarging the naval stores experimental work of the Forest Service in the southern pine region and for its maintenance; to the Committee on Agriculture and Forestry.

By Mr. HOWELL:

A bill (S. 4213) to amend section 20a of the interstate commerce act; to the Committee on Interstate Commerce.

By Mr. DENEEN:

A bill (S. 4214) to authorize the construction of a bridge across the Fox River in Dundee Township, Kane County, Ill.; to the Committee on Commerce.

By Mr. CURTIS:

A bill (S. 4215) granting a pension to Polk Steele (with accompanying papers);

A bill (S. 4216) granting an increase of pension to Edwin H. Miller (with accompanying papers); and

A bill (S. 4217) granting an increase of pension to Alice E. Vermillion (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 4218) for the relief of John P. Hurley; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 4219) to establish a national military park at the battle field of Moores Creek, N. C. (with an accompanying paper); to the Committee on the Library.

By Mr. STANFIELD:

A bill (S. 4220) for the relief of W. B. Flagg; to the Committee on Claims.

INDIAN WAR PENSIONS

Mr. McNARY submitted an amendment intended to be proposed by him to the bill (H. R. 306) to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended, which was ordered to lie on the table and to be printed.

RAILWAY CARRIERS AND THEIR EMPLOYEES

Mr. KING submitted two amendments intended to be proposed by him to the bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. BRUCE submitted four amendments intended to be proposed by him to the bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, which were ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2818. An act for the relief of Ivy L. Merrill; and

H. R. 6418. An act to correct the military record of Lester A. Rockwell.

THE CALENDAR

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order.

Mr. SMOOT. Mr. President, would it not be well to begin on the calendar where we left off the last time the calendar was called?

Mr. SHEPPARD. Mr. President, a number of us have bills near the head of the calendar.

The VICE PRESIDENT. The last call of the calendar stopped at Order of Business No. 417.

Mr. SMOOT. Of course, if there is any objection, I shall not submit the request.

Mr. SHEPPARD. I am compelled to object.

Mr. SMOOT. The Senator from Texas objects, and the first bill on the calendar will be announced.

R. W. SWARTZ, W. J. COLLIER, AND OTHERS

The bill (S. 1824) for the relief of R. E. Swartz, W. J. Collier, and others was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was read, as follows:

Be it enacted, etc., That the claimants mentioned in S. 2778, Sixty-eighth Congress, first session, for the relief of R. E. Swartz, W. J. Collier, and others, which passed the Senate January 31, 1925, be, and they are hereby, authorized to enter suit in the United States Court for the Southern District of the State of Texas for the amount due or claimed to be due to said claimants from the United States on account of losses sustained during the year 1918, by reason of being prevented from planting cotton in the so-called noncotton zones Nos. 2 and 3 in Texas, said zones having been established to combat the menace to the entire cotton section of the United States of the pink bollworm which had entered the United States from Mexico.

Jurisdiction is hereby conferred upon the said United States Court for the Southern District of Texas to hear and determine all such claims. The action in said court may be presented by a single petition, making the United States party defendant, and shall set forth all the facts on which the claimants have their claims, and the petition may be verified by the agent or attorney of said claimants. Official letters, reports, and public records or certified copies thereof may be used as evidence. Nothing contained in this or the preceding paragraph shall be construed as waiving any defense against such demands, or any of them, existing prior to the approval of this act, except that the Government of the United States hereby waives its immunity from suit thereon; but every other legal or equitable defense against such demands, or any of them, shall be available to the United States and shall be considered by the court. Any judgment or judgments rendered shall not exceed the amounts stipulated in such S. 2778 and shall not include interest for any period before or after rendition.

Mr. SMOOT. Mr. President, I would like to ask the Senator from Texas a question. The bill provides that the Government shall pay for one-third of the loss and not for all of it?

Mr. SHEPPARD. The bill contemplates that the Government shall pay only one-third in the event the court should decide for claimants. The State of Texas has already paid its two-thirds. The Senate has heretofore passed a bill carrying this claim, as the Senator will probably remember.

Mr. SMOOT. I remember that quite well. I want to say to the Senator I do not know whether this is in the exact wording of the old bill or not. The Department of Agriculture, as I remember, recommended that the Government stand one-third of the expense and the State stand two-thirds of the expense.

Mr. SHEPPARD. That is true.

Mr. SMOOT. Does this bill so provide?

Mr. SHEPPARD. The bill follows the language of the former bill. The Federal Government can be held, if held at all, for only a third of the losses.

Mr. WILLIAMS. Mr. President, may I ask the Senator from Texas a question?

Mr. SHEPPARD. Certainly.

Mr. WILLIAMS. Will the Senator from Texas kindly turn to page 4 of the report which accompanies the pending bill? At the bottom of page 4 of the report, if the Senator please, it is stated by Mr. Wallace, then Secretary of Agriculture—

it is felt that the department might properly give its approval to the pending bill for the payment of these individual sums if, but only

if, the allegations set forth in (2), (3), and (4) above shall be established as facts.

Has that been covered by the bill?

Mr. SHEPPARD. The object of the bill is to submit that phase of the matter to the Federal court for the southern district of Texas for adjudication.

Mr. WILLIAMS. And the court will be compelled to establish those facts before recovery can be had?

Mr. SHEPPARD. That is true.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2526) to extend the time for the refunding of taxes erroneously collected from certain estates was announced as next in order.

Mr. REED of Pennsylvania. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1859) for the relief of Patrick C. Wilkes, alias Cleburn P. Wilkes, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

DEPENDENT CHILDREN IN THE DISTRICT OF COLUMBIA

The bill (S. 1929) to provide home care for dependent children in the District of Columbia was announced as next in order.

Mr. JONES of Washington. Mr. President, the Senator from Kansas [Mr. CAPPER] has reported a House bill covering this matter, which appears a little further on in the calendar. There is a proposition in controversy to which the Senator from Kansas has given special attention. I think I will ask, inasmuch as the same proposition is involved in this bill, that it may be passed over, and I shall ask when the House bill shall be reached on the calendar that it also shall be passed over until the Senator from Kansas returns.

The VICE PRESIDENT. The bill will be passed over.

MIGRATORY-BIRD REFUGES

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory-bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as next in order.

Mr. REED of Missouri. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

TOMB OF THE UNKNOWN SOLDIER

The joint resolution (S. J. Res. 51) providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery was announced as next in order.

Mr. REED of Pennsylvania. I ask that that joint resolution go over.

Mr. FESS. Mr. President, I move to proceed to the consideration of the joint resolution, the objection to the contrary notwithstanding.

The VICE PRESIDENT. The question is on the motion of the Senator from Ohio [Mr. FESS].

Mr. McNARY. A parliamentary inquiry, Mr. President. I had assumed that we were working under a unanimous-consent agreement and not under Rule VIII.

Mr. SMOOT. Mr. President, can the motion of the Senator from Ohio [Mr. FESS] be made before 1 o'clock?

The VICE PRESIDENT. The motion can be made to proceed to the consideration of the joint resolution.

Mr. REED of Missouri. What is the joint resolution which it is proposed be now taken up?

The VICE PRESIDENT. The title of the joint resolution will be stated by the Secretary.

The CHIEF CLERK. A joint resolution (S. J. Res. 51) providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery.

Mr. REED of Pennsylvania and Mr. JONES of New Mexico addressed the Chair.

The VICE PRESIDENT. The motion of the Senator from Ohio [Mr. FESS] is not debatable. The question is on that motion.

Mr. KING. The consideration of that joint resolution will take a good deal of time, may I say?

Mr. JONES of New Mexico. A parliamentary inquiry. As I understand the rule, on Monday morning a Senator may not move to take up a measure notwithstanding an objection. I desire to call attention to the rule.

Mr. LENROOT. May I suggest that that rule does not apply to a measure which is called under Rule VIII and objection made? It applies only to a motion to take up a measure under the general right of any Senator to make such a motion.

The VICE PRESIDENT. The motion can be made.

Mr. JONES of New Mexico. I desire to call the attention of the Chair to the latter part of the language of clause 3, Rule VII, and especially to the proviso to that rule, which reads:

Provided, however, That on Mondays the calendar shall be called under Rule VIII, and during the morning hour no motion shall be entertained to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar except the motion to continue the consideration of a bill, resolution, report of a committee, or other subject against objection as provided in Rule VIII.

Rule VIII specifically provides for the continuance of consideration of a bill notwithstanding an objection; but that refers only to cases where the Senate has proceeded to the consideration of a bill and objection comes after consideration has been entered upon. Then, during the morning hour, a motion may be made to continue the consideration of a bill notwithstanding objection. But, as I take it, on Monday morning no bill can be considered or motion entertained to consider such a bill over an objection. The language of Rule VIII is quite significant, and I think it is sustained by very good reasoning. Rule VIII provides:

At the conclusion of the morning business each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the calendar of bills and resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings—

That is after the consideration of a bill or resolution has been begun.

but upon motion the Senate may continue such consideration.

That is, after consideration has been entered upon. Although the rule provides that objection can be entered at any stage of the proceedings, yet, if after the consideration of a bill has been commenced an objection then comes, in such case the Senate may upon motion continue the consideration of the bill and Rule VII then applies specifically to the proceedings on a Monday morning. That is the way I interpret those two rules. I think that on a Monday morning a motion to proceed to the consideration of a bill, notwithstanding objection, is not in order.

Mr. WILLIS. Mr. President, I desire to be heard briefly on the point of order.

The VICE PRESIDENT. The Senator from Ohio is recognized.

Mr. WILLIS. It seems to me, Mr. President, that the Senator from New Mexico is clearly wrong in the interpretation he places upon these two rules. This bill was read by title; objection was made by the Senator from Pennsylvania [Mr. REED] to the further consideration of the measure, whereupon the Senator from Ohio, clearly within his right, moved to take up the bill. The purpose of this rule, as I understand it, is to enable the Senate to act upon a measure if it wants to do so. Ordinarily, objection having been made, the bill would go over; but my colleague moved to take up the bill, and it seems to me clearly his motion is in order.

Mr. JONES of New Mexico. Mr. President, may I make an inquiry of the Senator from Ohio?

Mr. WILLIS. Certainly.

Mr. JONES of New Mexico. Then, what is the purpose of the proviso to Rule VII?

Mr. WILLIS. The purpose of Rule VII is exactly as stated in the rule. It certainly is not what the Senator from New Mexico reads into it. There is no such language there as I read it.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WILLIS. I yield to the Senator from Wisconsin.

Mr. LENROOT. If I may reply to the Senator from New Mexico, let me say that he was here when that amendment to Rule VII was adopted. I think, if he will refresh his recollection, he will remember that the amendment to Rule VII was adopted because the Senate could never secure the consideration of bills upon the calendar under Rule VIII, because motions were constantly made to take up some other bill, and so no Senator could rely upon a bill being reached in the regular order upon the calendar. The purpose of the amendment was to give some opportunity to have the calendar called and its con

sideration limited to the bills upon the calendar under the operation of Rule VIII.

Mr. JONES of New Mexico. But not to prevent an objection being interposed to the consideration of a bill.

Mr. LENROOT. Hardly that; but it was to insure a morning hour under Rule VIII. That was the purpose of the amendment.

Mr. JONES of New Mexico. The general idea has been that under Rule VIII during the morning hour only unobjected bills may be considered.

Mr. LENROOT. No; not unless that is a part of the unanimous-consent agreement. The motion is always in order under Rule VIII to continue the consideration of a bill if objection shall be made.

Mr. JONES of New Mexico. Yes; after its consideration has been begun. If I am in error as to the facts of this case and the Senator from Ohio is correct in assuming that the Senate had entered upon the consideration of this bill, of course the point which I have attempted to make does not apply to this particular measure; but I was especially interested in the general rule which should obtain on Monday morning.

Mr. SHEPPARD. Mr. President, consideration of a bill is begun under the rule when it is called and the title is read from the desk. That is clearly shown by the language of Rule VIII, which provides that—

> At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings.

Showing that in contemplation of this rule a bill is in one stage of consideration when it is called on the calendar.

Mr. NORRIS. Mr. President, I have no interest in this question as it affects the particular measure. I wish to consider it entirely without considering the merits of the joint resolution, because a decision in this instance will constitute a precedent.

It seems to me that the question is entirely settled by the proviso near the end of paragraph 3 of Rule VII, which reads:

> Provided, however, that on Mondays—

And to-day is Monday—

> the calendar shall be called under Rule VIII—

Now let me stop there for a moment.

Under Rule VIII when we are considering the calendar it is in order to make a motion to take up a bill objected to, and likewise it is in order to take up any other bill on the calendar; but this proviso limits that right—

> That on Mondays the calendar shall be called under Rule VIII, and during the morning hour no motion shall be entertained to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar except the motion to continue the consideration of a bill, resolution, report of a committee, or other subject against objection, as provided in Rule VIII.

It seems clear to me that the only motion that could be made, so far as this joint resolution is concerned, has been made by the Senator from Ohio, and he is within his explicit right in making that motion under this proviso; otherwise, as I read it, the limitation as to proceedings on Monday—and it is not true as to other days—would have no effect whatever.

Mr. NEELY. Mr. President——

Mr. NORRIS. I yield to the Senator from West Virginia.

Mr. NEELY. The Senator has stated that the words "during the morning hour" mean the time between now and 2 o'clock. May I inquire if that is correct, in view of the fact that the Chair has stated that the morning business has been concluded?

Mr. NORRIS. The morning hour and morning business are two separate and distinct things. Let me call the Senator's attention to that fact.

Mr. NEELY. I understand that that is, generally speaking, true, but for the purpose of this discussion are they not synonymous, by reason of the language contained in the beginning of paragraph 3 of rule No. 7?

Mr. NORRIS. Oh, no! The morning business is the routine calling of the items that the Presiding Officer calls every time—reports of committees, introduction of bills, and so forth. That has been concluded; and it is not until the morning business is concluded that we take up the calendar under Rule VIII. The ordinary morning business must first be disposed of. That has all been done to-day. We have had all those items called from the Presiding Officer's desk. Now we are through with the morning business, but we are still in the morning hour. It seems to me any other construction than the one I have placed on this proviso would nullify the proviso entirely.

The VICE PRESIDENT. The Chair will hold that the motion of the Senator from Ohio is in order.

Mr. JONES of Washington. Mr. President, I simply want to suggest to the Senator and to the Senate that my recollection is that the real purpose of this proviso was to see to it that the call of the calendar on Monday should not be dispensed with except by unanimous consent.

Mr. NORRIS. That is right.

Mr. JONES of Washington. That was the sole purpose of this rule.

Mr. SMOOT. Mr. President, I can not agree with the statement made by the Senator from Texas [Mr. SHEPPARD], because if he were correct in his statement the only way we could ever object to a bill would be by objecting to the whole calendar, from beginning to end, before ever a bill was called. So I can not agree to what the Senator said, that the consideration of the bill begins when the clerk reads the number on the calendar and the title of the bill.

Mr. SHEPPARD. In my judgment, that was the construction that ought to be followed, in view of the language of Rule VIII.

The VICE PRESIDENT. The question is on the motion of the Senator from Ohio to proceed to the consideration of Senate Joint Resolution 51. [Putting the question.] The noes have it, and the Secretary will state the next bill on the calendar.

Mr. FESS. Mr. President, I call for a division.

Mr. SMOOT. It is too late.

The VICE PRESIDENT. Those in favor of the motion of the Senator from Ohio——

Mr. JONES of Washington. The Senator made that request too late, Mr. President.

Mr. FESS. Oh, no; it was not too late.

Mr. JONES of Washington. I make the point of order that the request for a division comes too late.

The VICE PRESIDENT. The point of order is well taken.

BILLS PASSED OVER

The bill (H. R. 306) to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended, was announced as next in order.

Mr. BRUCE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. ASHURST. Mr. President, was an objection made to the consideration of the Indian war pension bill?

The VICE PRESIDENT. The Senator from Maryland objected.

Mr. ASHURST. It sounded like it. I simply want to say this: I see that the bill is a House bill, and it is a pension bill. I have no doubt that the objection will be waived in due time, so I shall be content, because I think the bill will pass. Pension bills never fail.

The bill (S. 756) directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act, was announced as next in order.

Mr. WILLIS and other Senators. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2808) to amend section 24 of the interstate commerce act, as amended, was announced as next in order.

Mr. WILLIS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

JOHN P. GRAY

The bill (S. 1897) to reinstate John P. Gray as a lieutenant commander in the United States Coast Guard was announced as next in order.

Mr. KING. Let that go over.

Mr. JONES of Washington. Mr. President, I move that the Senate proceed to the consideration of the bill, notwithstanding the objection.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate,

John P. Gray, a lieutenant commander on the active list of the Coast Guard, to take rank next after Lieut. Commander Warner K. Thompson, United States Coast Guard.

SEC. 2. The said John P. Gray shall be additional to the number of officers prescribed by law for the grade of lieutenant commander in the Coast Guard and to any grade to which he may hereafter be promoted.

Mr. KING. Mr. President, I objected to this bill upon a former occasion because I had received a number of letters—and if I had thought the bill was coming up this morning I would have produced them—from members of the Coast Guard in which they protested against the measure.

Mr. WILLIS. Mr. President, will the Senator yield just there?

Mr. KING. I yield.

Mr. WILLIS. I wonder if the Senator will permit me to say that I have received similar letters, and therefore made inquiry at the department as to whether the enactment of this legislation would operate at all against any of the present officers in the Coast Guard. I was advised by the department that it would not so operate; that no member of the Coast Guard would lose his rank or would be crowded down a step because of this action; and therefore, inasmuch as the guard was anxious to secure these efficient officers, that the department was very much in favor of the bill, and they thought the objection was not well founded.

Mr. KING. Mr. President, the objections which were urged were not those indicated by my friend from Ohio. Mr. Gray came to see me after I had made my objection, and he confirmed the statements which had been made to me, namely, that Mr. Gray, after serving honorably in the Coast Guard for some time, resigned and remained out of the service for a year. He thought he could get a better position out of the service at a higher salary than that which he obtained in the service. He stated to me, and I should state that in frankness to the Senate, that the illness of some member of his family also was a reason inducing him to resign. After being out of the service for a considerable time he wanted to get back in the service. He finds that the position in the Government service is more advantageous than the position outside of the Government service; but those who communicated with me say that it will injure the morale of the service to reinstate him under these circumstances. It is just like men who are West Point graduates and have been in the Army, or men who are graduates of the Naval Academy and have been in the Navy: A good many of them resign, and some of them want to get back. If they were to come back into the Navy or into the Army, it is contended by some that it might affect the morale of the service.

I do not know as to that; but I do know that some of those in the Coast Guard, in their communications to me, stated that the precedent will be bad if men can resign hoping to get higher-paid positions in private life, go out and speculate upon that chance, fail, and then be reinstated. They say that it will affect the morale of the Coast Guard, and it seems to me that that is correct.

Mr. NORRIS. Mr. President, I want to get some information in regard to this bill? I am not familiar with it in any respect.

Is the object of this bill to reinstate this man in the service?

Mr. KING. Yes.

Mr. NORRIS. That is the only object of it?

Mr. KING. So far as I know.

Mr. NORRIS. How long was he out?

Mr. KING. He has been out for over a year. My recollection is that he told me it was between one and two years, but I am not positive.

Mr. NORRIS. Is there any law or rule that fixes a time within which one who resigns can come back into the service automatically?

Mr. KING. No; I do not think they can do that.

Mr. NORRIS. They can not do it at all?

Mr. BRUCE. Mr. President, if the Senator will allow me to say so, Mr. Gray resigned on March 23, 1925. He has therefore been out of the service for a very short time. He went out, I am informed, on account of the illness of his father-in-law, which was of such a character that the latter was unable to attend to the business in which he was engaged near Baltimore, and in which the wife of this officer had an interest to be looked after by her husband.

In a statement that was made by this former officer to the Senator from Pennsylvania [Mr. PEPPER] in relation to this bill, he states:

My first step toward getting back into the Coast Guard was to sound out the commandant of the service—

He was an oceanographer, and holding therefore a position of some importance in the Coast Guard service.

I was assured by him that the Coast Guard would be glad to have me back at this time, owing to the scarcity of officers available in preventing the smuggling of liquor into the United States.

So he was out of the service for a very short time.

Mr. KING. How long?

Mr. BRUCE. From March 23, 1925, until the present time. He tried to get back before December, 1925, after having been out a little over six months. It seems to me that the fact that his commandant in the service was desirous of having him back and that his reinstatement will not interfere with anybody's promotion justifies the passage of the bill.

Mr. NORRIS. Are they short of men?

Mr. BRUCE. Yes; the commandant states, according to the allegations made by this man, that there is a scarcity of officers. He says:

My first step toward getting back into the Coast Guard was to sound out the commandant of the service as to his attitude toward my return. I was assured by him that the Coast Guard would be glad to have me back at this time, owing to the scarcity of officers available in preventing the smuggling of liquor into the United States.

Mr. NORRIS. If they are short of officers, why does he not start in at the bottom and take the course that others take in order to secure advancement?

Mr. BRUCE. Would it not be to the interest of the public service to reinstate a man who is capable of filling such an important position as that of oceanographer, when the Commandant of the Coast Guard is desirous of having him back, and he is capable of rendering something more than the ordinary measure of valuable service?

Mr. NORRIS. It may or may not be. It may be that there are men in the service who are amply qualified to work their way up.

Mr. BRUCE. Is it not fair to assume that the commandant would not be so desirous of having him back unless he were a man especially qualified for the discharge of the duties that he formerly discharged?

Mr. KING. Has the Senator a letter from the commandant and from those in charge wanting him back?

Mr. BRUCE. No; I have not; but here is a formal communication from this man to the Senator from Pennsylvania [Mr. PEPPER] which he knew the Senator from Pennsylvania would lay before the Committee on Commerce.

Mr. JONES of Washington. Mr. President——

Mr. KING. I yield to the Senator.

Mr. JONES of Washington. I might read two sentences from a letter from Secretary Mellon which I think covers the whole situation.

Mr. BRUCE. That letter I was not familiar with.

Mr. JONES of Washington. He says:

If the bill be enacted and Mr. Gray be reappointed a lieutenant commander, his order of precedence in that grade will be the same as it was at the time of his resignation, and in view of being an additional number his reinstatement would not prejudice the standing or rights of officers junior to him.

Now as to the necessity:

At the present time the Coast Guard is in need of officers possessing the high qualifications and service experience of Mr. Gray, and as he has been separated from the service less than a year his services could be immediately utilized in responsible and important assignments. The department, therefore, recommends the enactment of the proposed legislation.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Mr. WILLIS. Mr. President——

Mr. KING. I yield.

Mr. WILLIS. If the Senator will permit me, I desire to say that in response to an inquiry I have received the following letter from Admiral Billard, of the Coast Guard:

TREASURY DEPARTMENT,
UNITED STATES COAST GUARD,
Washington, April 22, 1926.

Hon. FRANK B. WILLIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your letter of April 10, to Assistant Secretary Andrews, relative to a bill (S. 1897) to reinstate John P. Gray as lieutenant commander in the Coast Guard, has been referred to this office, and I take pleasure in advising you concerning the matter brought to your attention by Lieut. Commander E. G. Rose.

The bill in question was drawn in this office and particular care was taken that the reinstatement of Mr. Gray would not interfere with the promotion of any Coast Guard officer.

You will note that section 2 provides that Mr. Gray shall be additional to the number of officers prescribed by law for the grade of lieutenant commander and to any grade to which he may hereafter be promoted. This means that he would be advanced as a sort of running mate to the officer whose name his own follows and would be advanced with that officer. I can not see how his promotion, as provided by section 2 of the bill, can interfere in any way with the promotion of any other Coast Guard officer. The department approved this bill because it is urgently in need of commissioned officers and because Mr. Gray has proven himself a particularly valuable officer and was out of the service only a short time. You may assure Lieutenant Commander Ross that very careful consideration of the matter has been given by me and that the bill was drawn in an earnest effort to provide that the reinstatement of Mr. Gray would not interfere in any way with the promotion of any other officer.

The letter from Lieutenant Commander Ross to you is returned herewith.

Very truly yours,

F. C. BILLARD,
Rear Admiral, United States Coast Guard, Commandant.

Mr. KING. Mr. President, I have said all that I want to say, except this concluding sentence:

If it shall be the rule that men can enter the public service, and then, upon any pretext whatever—good, bad, or indifferent—they may resign, and then, failing to attain the success which they expect in private life, come back again through the back door of a special bill in Congress, the service of the Government will be demoralized. I do not care how many officers may importune us to let a man come back. Of course, some of them may want to resign, go out and speculate in private life, and, if they fail, get a back-door bill passed and get reinstated in the Army or in the Navy or in the Coast Guard. It is a question of whether it would be for the advantage of the service.

I have received four or five letters from men in the service who say that it would be unfortunate; that it would tend to demoralize the service, and discourage men who desire promotion. If men above them can resign, and men below, working earnestly and faithfully for promotion, are to be denied it by the return of men who have resigned, Senators can see the discouraging effect it would have upon men who are beneath them.

This man is not so important that we must have him; and I am merely appealing for the good of the service generally. This will be a precedent to be invoked in the future; and in my opinion it would be most unwise, regardless of the competency or qualifications of this man.

Mr. WADSWORTH. May I ask the Senator in charge of the bill if the law now prescribes exactly the number of officers in the Coast Guard, grade by grade?

Mr. JONES of Washington. I can not tell what the law is in that regard.

Mr. WADSWORTH. I notice this language:

The said John B. Gray shall be additional to the number of officers prescribed by law in the grade of lieutenant commander.

I assume that indicates that the law now limits the number.

Mr. JONES of Washington. Apparently it does. I would judge from that language that it does. I am relying on the letter from the department to the effect that his reinstatement will not interfere with the promotion of anyone else.

Mr. WADSWORTH. Of course, that is how it is arranged—by making him an additional officer, over and above the law.

Mr. JONES of Washington. Yes; that is true. We acted also on the additional statement that they need men of his ability now. Of course, we know that we are increasing, at least temporarily, the Coast Guard force.

Mr. WADSWORTH. I recollect that we added 150 officers two or three years ago.

Mr. JONES of Washington. Yes. All the information I have is contained in the report of the Secretary.

Mr. WADSWORTH. I am not acquainted with Mr. Gray, and I certainly do not contradict for one moment the assertion that he has been an efficient officer and would be an efficient officer were he returned to the service; nor am I acquainted with the policy of the Committee on Commerce in matters of this kind, but perhaps it is in place for me to say that the members of the Committee on Military Affairs, when confronted with exactly the same set of facts in many cases, have almost without exception and certainly during the last two or three years, reported adversely, or have refused to report favorably bills reinstating officers of the Army once they have resigned on their own initiative.

Undoubtedly Mr. Gray is a good officer. Undoubtedly Mr. Mellon, the Secretary of the Treasury, or Admiral Bullard, would like to have him back; but if the Congress is by special legislation to reinstate officers who have resigned in one service, we shall have to start in and do it with other services in the Army and the Navy, where it can be shown that the man was a good man and still is a good man.

In my judgment there should be an absolute degree of finality about a man's resignation from the military service. When the word goes out that an Army officer or a Navy officer or a Coast Guard officer can resign in order to engage in some commercial undertaking and then, failing in that, or not liking it as much as he thought he would like it, can come back through a special act which he is able to have put through because he has friends in the Senate and in the House, it will have inevitably a demoralizing effect upon the men who stay in the service and live on the low salaries paid, and give up the opportunities for making money on the outside.

Mr. KING. Exactly.

Mr. JONES of Washington. I can not say that the Committee on Commerce has any special policy with reference to these matters. We have not of late years passed legislation dealing with the personnel of the Coast Guard, or the policy that must be followed with reference to such cases. My recollection is that this is the first bill of the kind which has come up, and the committee simply acted upon the recommendation of the Secretary of the Treasury, under the assurance that it would not interfere with the promotion of those who were now in the service, and that the department needed a man of this kind, and that he was well fitted to render good service. So, under those circumstances, we thought it wise to recommend the passage of the legislation.

Mr. WADSWORTH. It is a question of policy more than it is a question of this particular person. The Committee on Military Affairs have had some extraordinarily appealing proposals of this kind made to them. I know of a case, for instance, where an officer resigned, a brilliant young officer, to take a position on the outside, although the service wanted him. A great catastrophe, such as is sometimes described as an act of God, destroyed the commercial concern with which he had taken employment, and all its assets. He was left penniless. He wanted a special act to get back into the Army, but we said no, that it could not be done.

The VICE PRESIDENT. The bill is as in Committee of the Whole and open to amendment. If there be no amendment, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass? On a division, the bill failed of passage.

BILLS PASSED OVER

The bill (S. 3321) to increase the efficiency of the Air Service of the United States Army was announced as next in order.

Mr. WADSWORTH. That should go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2306) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, was announced as next in order.

Mr. COUZENS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 7906) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. Let that go over.

Mr. NORBECK. Mr. President, may I ask the Senator if he will withdraw his objection just a moment, while I make a statement?

Mr. KING. May I say to the Senator that I thought later on we could take up the bill.

Mr. NORBECK. This bill has been on the calendar a long time; and not only that, it was passed by the House at the last session of Congress. It is an omnibus bill, including pensions for old men and old women, many of whom are dying every week. There is no doubt in my mind that Congress will pass this bill before it adjourns; but if it could be passed at an early date, it will be helpful.

Mr. KING. I shall not object to the setting of a time in the near future for the consideration of the bill. We could

not consider it this morning. It could not even be read in the limited time.

The VICE PRESIDENT. Is objection made?

Mr. KING. I object.

The VICE PRESIDENT. The bill will be passed over.

OVERTIME AT NAVY YARDS

The bill (S. 491) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims was announced as next in order.

Mr. KING. Let that go over.

Mr. COPELAND. Mr. President, if the Senator will withhold his objection for a moment, I would like to explain this bill.

Mr. KING. Very well.

Mr. COPELAND. This seems like a formidable bill, because it is such a fat one; but, as a matter of fact, it involves claims of the District of Columbia and the States of Florida, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Virginia for overtime work in the navy yards. A similar bill was passed by the Senate at the last session; it has been before various sessions since the Sixty-first Congress; President Taft, in his message in 1910, recommended its passage, and it has been passed from time to time.

On March 21, 1878, the Secretary of the Navy sent out a circular regarding wages and overtime. In accordance with that rule of the Navy, numerous workmen rendered service to the Navy, their claims have been passed upon by the Court of Claims, every legal procedure has been taken to verify the claims, and from time to time, as I have said, the Senate has passed this measure. There is no doubt in my mind that if Senators will read the RECORD, or glance at it for a moment, they will see that the facts in each case have been proven by the records of the Government, and there is no reason apparent why the promise of the Secretary of the Navy should not be carried out.

Mr. KING. Has each of the claims been passed upon by the Court of Claims?

Mr. COPELAND. Every one of them.

Mr. KING. And proof adduced?

Mr. COPELAND. In every one.

Mr. KING. Has the Secretary of the Navy recommended this measure?

Mr. COPELAND. He has.

Mr. KING. That has been the case for a number of years?

Mr. COPELAND. For a number of sessions.

Mr. KING. Why was not the bill passed years ago, when some of these men were alive?

Mr. COPELAND. The Senator knows how it is. The bill would pass one House one year and fail to get on the calendar the next year. We passed it through the Senate last year, but the House did not get it in time.

Mr. KING. When was it first presented to Congress?

Mr. COPELAND. In the Sixty-first Congress.

Mr. KING. When did the Court of Claims pass upon it?

Mr. COPELAND. At various times, going away back to the early eighties. It does seem remarkable, I admit; but, after all, every single claim has been verified, every one has been before the Court of Claims, every one has been passed upon favorably, and the Secretary of the Navy and all concerned have approved them.

Mr. KING. If the Court of Claims, upon full consideration, have adjudged that the United States owes these men, I have no objection.

Mr. COPELAND. That is the case.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments: On page 41, after line 4, to insert "Daniel Sullivan, $82.20"; on page 42, line 10, to strike out "V. D." and to insert "D. V."; on page 64, line 9, to strike out "$30.74" and insert "$308.74"; on page 88, after line 6, to insert a new section to read as follows:

SEC. 2. That no part of the amount of any item appropriated in this bill in excess of 15 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered or advances made in connection with said claim.

It shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum which in the aggregate exceeds 15 per cent of the amount of any item appropriated in this bill on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to claimants in this act named the several sums appropriated herein, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of their respective claims, namely:

CLAIMS FOR OVERTIME DUE EMPLOYEES IN UNITED STATES NAVY YARDS

CALIFORNIA

To the following-named persons (representing six claims) the following sums, respectively, as found by the Court of Claims in the case of James Blessington and others against the United States, for payment for extra labor above the legal day of eight hours at the Mare Island Navy Yard, namely:

James Blessington, $701.76.
Thomas Coffey, $393.43.
Nathaniel Damuth, $431.30.
Thomas W. Dixon, $35.70.
Louisa Keyes, widow of James H. Keyes, deceased, $487.49.
Thomas Ney, $294.

To the following-named person (representing 11 claims) the following sums, respectively, as found by the Court of Claims in the case of Joseph Borton and others against the United States, for payment for extra labor above the legal day of eight hours at the Mare Island Navy Yard, namely:

Ira M. Butler, $146.12.
Orin S. Cooper, $76.48.
J. H. Dalton, $467.62.
Daniel Gray, $81.50.
William Hooper, $57.17.
James Macarty, $484.83.
Jonathan Newcomb, jr., $108.75.
Ira M. Butler, executor of O. H. Butler, deceased, $579.92.
Margaret Geary, widow of Michael Geary, deceased, $275.
Katherin Lipp, widow of Charles M. Lipp, deceased, $63.92.
Katherine Maher, widow of John Maher, deceased, $340.66.

To the following-named persons (representing 34 claims) the following sums, respectively, as found by the Court of Claims in the case of Ellen Brew, widow of Frank Brew, deceased, and others against the United States, for payment for extra labor above the legal day of eight hours at the Mare Island Navy Yard, namely:

Ellen Brew, widow of Frank Brew, deceased, $411.11.
James Brosanahan, $61.35.
William A. Brown, $379.96.
Dorothea T. Bryant, widow of John Bryant, deceased, $353.31.
Edward Campion, $447.62.
Henry Cassady, $129.64.
Dennis Corbett, $9.18.
Kennedy Creighton, $226.28.
Retta A. Hawes, widow of Henry A. Hawes, deceased, $266.75.
Corlis Hinds, $324.53.
Julia Lee, widow of Edward Lee, deceased, $191.40.
John Lynch, $84.69.
Duncan McLean, $514.60.
Henry McKenzie, $179.66.
Patrick Mayoch, $10.64.
Charles Ortlieb, $456.17.
Elias Shillingsburg, $275.05.
Ann Sweeney, widow of James Sweeney, deceased, $262.25.
William H. Taylor, $328.53.
Patrick O'Day, $474.89.
William Farrell, $267.01.
Charles John Wall, $184.16.
William A. Brace, $28.25.
Charles C. Crocker, $337.20.
Louise T. Farley, widow of D. J. Farley, deceased, $512.32.
Mrs. John Harvey, widow of John Harvey, deceased, $12.24.
Mary J. Towle, widow of Benjamin C. Towle, deceased, $78.59.
George Osborne, $451.86.
Mary Riley, widow of Theodore Riley, deceased, $406.49.
John Thompson, $410.40.
Rosa King, widow of Joseph King, deceased, $567.64.
Albert Sylvester, $241.27.
John Wise, $19.43.
Sarah A. Dunbar, widow of Joseph J. Dunbar, deceased, $498.99.
To Olive A. Sides, widow of George E. Sides, deceased, $489.21.
To Mary G. Lockwood, widow and executrix of William Harrison Lockwood, deceased, $438.07.
To Anna Coakley, widow of Timothy Coakley, deceased, $309.34.
To Thomas W. Woodward, $84.86.

DISTRICT OF COLUMBIA

To the following-named persons (representing 46 claims) the following sums, respectively, as found by the Court of Claims in the case of May E. Alcorn, widow of John Alcorn, deceased, and others against the United States, for payment for extra labor above the legal day of eight hours at the Washington Navy Yard, namely:

Mary E. Alcorn, widow of John Alcorn, deceased, $471.78.
George G. Auguste, $261.79.
Adaline Bivens, widow of Thomas H. Bivens, deceased, $225.50.
Thomas Cheek, $102.69.
Albert Dean, $297.94.
Henry C. Fowler, $150.16.
Charles W. F. Garcia, $72.02.
Mary M. Getzendanner, widow of William Getzendanner, deceased, $196.07.
Thomas S. Gosnell, $201.64.
Lawrence J. Grant, $34.05.
Mary J. Haygle, widow of John L. Haygle, deceased, $359.82.
William B. Hardester, $1.50.
Aberrellah Holt, widow of George C. Holt, deceased, $209.77.
Aberrellah Holt, next friend of Hannah Davis (insane), widow of George E. Davis, deceased, $710.40.
Catherine A. Hunt, widow of George N. Hunt, deceased, $339.86.
Francis S. Hutchinson, $149.94.
William H. Hutchinson, $77.85.
Simpson Johnson, $195.95.
Mary C. Kidwell, widow of William Albert Kidwell, deceased, $293.99.
John H. King, $10.07.
W. Oscar Knott, $195.83.
Gertrude Lang, widow of Charles A. Lang, deceased, $5.87.
Abraham B. Lescallett, $493.81.
Albert Lewis, $271.05.
Herbert Lewis, $261.84.
Frank A. Lowe, $304.68.
George Lowry, $134.52.
William Luskey, $22.42.
William L. Mills, $127.27.
Thomas O'Brien, $106.20.
Martha E. Osborn, widow of Charles H. Osborn, deceased, $417.99.
Caleb Pennington, $253.48.
George M. Posey, $159.01.
George Selby, $91.48.
Anna C. Simmonds, widow of Daniel Simmonds, deceased, $82.60.
Mary E. Smith, widow (remarried) of Louis Browning, deceased, $1.02.
Mary A. Smithson, widow of Isaac Smithson, deceased, $220.16.
John Smallwood, $279.34.
Mary H. Summers, widow of Edward Summers, deceased, $306.89.
Mrs. E. Thompson, widow of John H. Thompson, deceased, $306.89.
John C. White, $161.62.
William T. Hutchinson, administrator of William E. Hutchinson, deceased, $701.92.
W. B. Todd, $20.07.
Thomas H. Risler, $577.42.
Artemus R. Warfield, $92.67.
Katie Langley, widow of Robert C. Langley, deceased, $215.35.

To the following-named persons (representing 93 claims) the following sums, respectively, as found by the Court of Claims in the case of David Auld and others against the United States, for payment for extra labor above the legal eight hours at the Washington Navy Yard, namely:

David Auld, $461.10.
Everette E. Auguste, sole heir of Samuel R. Auguste, deceased, $293.98.
Martha E. Burton, widow of John F. Burton, deceased, $481.60.
Brooks Burr, $321.30.
William W. Boswell, $19.97.
Isaac Benham, $421.38.
John Beron, $361.10.
Samuel Brown Bates, $360.32.
Oliver T. Beaumont, $45.71.
William F. Brown, $287.13.
Amanda Berkeley, widow of Thomas Berkeley, deceased, $156.26.
James T. Bell, $97.61.
Sallie R. Bailey, executrix of John A. Bailey, deceased, $327.45.
Perry Baldwin, $199.97.
Walter Caddington, $29.80.
Mary J. Carrico, widow of John H. Carrico, deceased, $126.57.
Laura V. Cornelius, widow of James W. Cornelius, deceased, $420.42.
Hezekiah J. Cawood, $403.52.
Sarah E. Cawood, executrix of Philip A. Cawood, deceased, $436.
Robert Craig, $7.10.
Peter Cooksey, $187.14.
George A. Cross, $211.84.
Edward M. Cox, $21.
Robert Campbell, $430.37.
Patrick Coleman, $310.04.
Lawrence Callan, $416.32.
Thomas J. Duvall, $206.95.
Ida C. Duvall, administratrix of George Duvall, deceased, $59.88.
Hester A. Dice, widow of George D. Dice, deceased, $449.80.
Mary E. Dwyer, executrix of Henry F. Dwyer, deceased, $487.46.
William F. Dove, $481.07.
Sarah Dement, widow of James E. Dement, deceased, $362.85.
William Ewin, $204.52.
Joshua Evans, $373.60.
Amelia V. Edelin, widow of George W. Edelin, deceased, $270.52.
John T. Evely, $456.70.
Thomas R. Fry, $2.53.
Fanny Fullalove, executrix of James Fullalove, deceased, $461.08.
Andrew Gray, $114.34.
Mary B. Gill, widow of William Gill, deceased, $322.72.
Isaac O. Gordon, $71.25.
Martha Griffith, widow of Thomas Griffith, deceased, $348.10.
Richard Gates, $192.83.
John Glasgow, $81.90.
George W. Gates, $350.19.
Robert Greenwell, $246.86.
Josiah Gray, $13.87.
James Griffith, $62.51.
James Gordon, $225.90.
Thomas S. Gonter, $163.24.
John T. Harrison, $365.36.
Isaac Little, $94.77.
Catherine S. Miller, widow of Samuel Miller, deceased, $736.82.
James O. Marceron, administrator of James A. Marceron, deceased, $476.94.
Howard Miller, $370.56.
Charles E. Morris, $43.15.
Davison McCullough, $224.60.
Benjamin McElwee, $274.18.
Peter McCarthy, $261.88.
George W. Mackabee, $139.30.
Laura McKenney, widow of Robert V. McKenney, deceased, $279.08.
Lillie M. Mohler, widow of John H. Baldwin, deceased, $265.75.
William C. Nicholson, $50.78.
Alfred Nally, $159.21.
Barbara C. Oliver, widow of H. Lewis Oliver, deceased, $58.36.
Henry A. Otterback, $149.67.
Susan Ports, widow of Perry O. Ports, deceased, $508.03.
Martha A. Perkins, widow of Samuel F. Perkins, deceased, $377.27.
Margaret O. Purcell, widow of James Purcell, deceased, $105.59.
Mary M. Padgett, widow of James Padgett, deceased, $123.10.
Ann Margaret Russell, executrix of David N. Russell, deceased, $538.80.
Richard Riggles, $231.92.
Marcus Richardson, $260.41.
Thonas B. Lear, $143.41.
Ellie S. Sweeney, administratrix of Edward Sweeney, deceased, $429.60.
Philip Sherwood, $226.52.
John A. Smith, $22.78.
Charles H. Smithson, $29.38.
George S. Stewart, $459.84.
Ann R. Turner, widow of Zachariah A. Turner, deceased, $435.11.
Eliza P. Walson, executrix of Charles F. Walson, $657.58.
Margaret Street, widow of James R. Street, deceased, $478.79.
Belle Steele, executrix of H. N. Steele, deceased, $402.45.
George W. Stockett, $1.87.
J. H. Tayman, $97.85.
Charles A. Tupper, $471.47.
Benjamin Van Horn, $476.25.
Emma Umpleby, widow of John Umpleby, deceased, $521.40.
James Watson, $319.18.
Elenora Warner, widow of John Warner, deceased, $436.05.
Joseph Webb, $474.60.
Ellen Bowling, widow of William Bowling, deceased, $228.40.
James D. Quigley, $477.80.
To Robert A. Barker, $23.37.
To Charles P. Morris, $216.43.

To the following-named persons (representing 19 claims) the following sums, respectively, as found by the Court of Claims in the case of William A. Clements and others against the United States, for payment for extra labor above the legal day of eight hours at the Washington Navy Yard, namely:

William A. Clements, $171.63.
Dennis A. Daily, $76.04.
Bartholomew Diggins, $428.78.
James H. Jones, $594.46.
Edward Rockett, $169.60.

Anton Schladt, $87.82.
John Simpson, $247.55.
Thomas Wise, $50.36.
Alice Cleeves, widow of Arnold Cleeves, deceased, $145.96.
Eliza Despeaux, widow of Anthony Despeaux, deceased, $357.88.
Elizabeth Gordon, widow of William Gordon, deceased, $82.38.
Annie D. Keithley, widow of George W. Keithley, deceased, $239.78.
Harriet Lee, widow of Oscar Lee, $172.98.
Jane E. Marshall, widow of Chesterfield Marshall, deceased, $240.99.
Mary A. Perkins, widow (remarried) of Thomas C. Lyles, deceased, $3.06.
Henrietta H. Stahl, widow of John W. Stahl, deceased, $341.70.
Rose L. Walles, widow of Stephen C. Walles, deceased, $175.17.
Charles F. Fugitt, sole heir of Thomas M. Fugitt, deceased, $354.37.
Frank A. Leach, sole heir of E. W. Leach, deceased, $76.40.

To the following-named persons (representing five claims) the following sums, respectively, as found by the Court of Claims in the case of Clements T. Dant and others against the United States, for payment for extra labor above the legal day of eight hours at the Washington Navy Yard, namely:

Clements T. Dant, $20.27.
Margaret H. Balderston, widow of Marcellus Balderston, deceased, $77.14.
Frank Smith, $14.09.
Edwin B. Arnold and William T. Arnold, sole heirs of Thomas O. Arnold, deceased, $94.89.
John C. Keithley, $411.52.

To the following-named persons (representing 63 claims) the following sums, respectively, as found by the Court of Claims in the case of Robert Dugan and others against the United States, for payment for extra labor above the legal day of eight hours at the Washington Navy Yard, namely:

Robert Dugan, $24.74.
Jennie Olcott, widow (remarried) of Massey T. Quigley, deceased, $380.86.
John W. Robertson, $54.59.
Jasper Sarra, $122.69.
Charlotte Butler, widow of Louis Butler, deceased, $11.81.
Ladd Whiting, $98.96.
Louisa Lewis, widow of George Lewis, deceased, $258.71.
Jefferson W. Cohron, $57.07.
Dorette H. Busching, widow of Henry C. Busching, deceased, $144.69.
Elizabeth J. Ballenger, widow of Richard F. Ballenger, deceased, $160.70.
William Bolger, $39.18.
Emma F. Brown, widow of William Brown, deceased, $230.41.
Patrick Cahill, $83.22.
George T. Dean, $71.61.
William L. Fletcher, $26.18.
Charles Forrest, $240.55.
Martha J. Gill, sister and sole heir of Samuel F. Gill, deceased, $13.13.
George R. Herbert, $44.13.
Susannah Harris, widow of Marbury Harris, deceased, $99.18.
Powhattan Hall, $384.08.
James O'Connor, $231.48.
Sarah Price, widow (remarried) of Richard Langley, deceased, $301.45.
Margaret H. Root, widow of Albert L. Root, deceased, $572.27.
Charles H. Venable, $245.25.
George F. Mathieson, $199.37.
Nora C. Butler, widow of John H. Butler, deceased, $166.75.
Hannah Cook, widow of William H. Cook, deceased, $63.85.
John Lanham, $249.32.
Albert A. Leavy, $45.50.
John D. Simpson, $336.85.
Henry J. Phelps, $285.58.
John Cooney, $1.18.
Almedia Gardiner, widow of James Gardiner, deceased, $110.42.
Josephine Williams, widow of George A. Williams, deceased, $175.08.
Minnie Holmes, widow of John Holmes, deceased, $130.42.
Frank Mulhall, $29.96.
Charles B. Prosperi, $35.29.
Thomas E. Rockett, $75.41.
William R. Rockett, $95.21.
William H. Fitzgerald, $201.92.
Thomas A. Ellis, $261.84.
Virginia Locke, widow of William P. Locke, deceased, $174.65.
John W. Wood, $217.77.
James F. Byrne, $35.69.
Catherine R. A. Smith, widow of Samuel M. Smith, deceased, $37.49.
Ann M. Clark, widow of Joshua Clark, deceased, $10.
Julia Coxen, widow of Millard F. Coxen, deceased, $59.28.
Indiana Ferguson, widow of William C. Ferguson, deceased, $264.83.
William H. Johnson, $361.40.
Valentine Connor, $70.16.
Ella Rebecca Landstreet, widow (remarried) of Thomas Myers Downing, deceased, $178.48.
Georgeanna Better, widow of William H. Better, deceased, $60.53.
Henry Lowry, $217.62.
Susie E. Sears, executrix of Henry Kelley, deceased, $490.62.
William E. Peake, $91.72.
John Edwin Simms, $438.34.
Nellie Anderson, widow of Dallas Anderson, deceased, $211.58.
Samuel H. Wilkerson, $79.68.
Jacob L. Bright, $251.43.
Jerome C. Hutton, $107.92.
Laura V. Hutchinson, widow of James I. Hutchinson, deceased, $96.33.
Daniel Allman, $239.63.
James Allman, $145.90.

To the following-named persons (representing 30 claims) the following sums, respectively, as found by the Court of Claims in the case of Richard Emmons and others against the United States, for payment for extra labor above the legal day of eight hours at the Washington Navy Yard, namely:

Richard Emmons, $425.84.
George C. Acton, $152.57.
George W. Ballinger, $182.44.
Edward R. Barbour, $193.56.
James Breast, $419.41.
George R. Cook, $497.88.
Joshua Cooksey, $331.30.
John D. Davis, $330.13.
Philip A. Delano, $337.81.
Oliver A. Emmons, $106.60.
William B. Flood, $161.80.
Samuel S. Fowler, $148.50.
Theodore Gates, $227.31.
Thomas J. Harrison, $286.47.
Richard Holland, $222.68.
John T. Hardester, $194.16.
William Kemp, $380.01.
William H. Krepps, $224.97.
Abraham Lee, $319.12.
George E. Luckett, $135.06.
William Morris, $359.98.
William E. Miller, $367.28.
Charles M. Nicholson, $192.49.
John W. Reed, $242.23.
Richard Smith, $284.04.
Isaac Scott, $191.83.
John A. Smith, $194.16.
Isaac Smallwood, $89.54.
Isaac Tillman, $91.27.
August M. Warfield, $382.99.
To Walter H. Evans, $197.70.
To William Evans, $294.93.
To Jushhua B. Stoops, $202.58.

To Laura Waddey (widow) and Jennie E. Waddey (daughter), sole heir of Hodgson E. Waddey, deceased, $106.62.

To Mary Kibbey Diven, daughter and sole heir of James O. Kibbey, deceased, $398.31.

To Emma Heath, daughter and sole heir of Richard Heath, deceased, $350.66.

To Mary T. Russell, daughter and sole heir of Thomas F. Russell, deceased, $622.06.

To Mary E. Smith, sister and sole heir of Joseph Gibson, deceased, $427.65.

To the following-named persons (representing 41 claims) the following sums, respectively, as found by the Court of Claims in the case of William W. Langley and others against the United States, for payment for extra labor above the legal day of eight hours at the Washington Navy Yard, namely:

John Buckingham, $315.70.
William Breslyn, $94.
Samuel Brown, $29.78.
Henry S. Berkely, $263.80.
George Conner, $628.84.
Hamilton Cook, $341.58.
George F. Cunningham, $537.26.
James F. Cunningham, $199.35.
Mrs. F. A. Jefferis, widow of William T. Jefferis, deceased, $512.38.
Catherine Hutchinson, widow of Philip Hutchinson, deceased, $64.68.
Joseph H. Lawrence, $327.76.
William C. Kellum, $67.23.
William W. Langley, $26.88.
Katie McK. Morgan, widow (remarried), of William Little, deceased $73.72.
James G. Murray, $295.28.
James F. Manning, $112.20.
William H. R. Martin, $186.02.

Samuel I. Miller, $118.60.
Mary F. Morgan, widow of John T. Morgan, deceased, $316.71.
William McDermott, $404.17.
John McNelley, $243.63.
George B. Nelson, $203.60.
Fred Pope, $453.12.
Benjamin Auguste, $99.43.
Betty Brown, widow of Amon Brown, deceased, $200.60.
R. J. Prather, $23.46.
Charles G. Robinson, $357.51.
George Schaffer, $17.62.
Arthur E. Van Riswick, $8.28.
Luther Reiley, $56.14.
William H. Talbert, $398.30.
Charles T. Morgan, $28.75.
Benjamin McCathran, $174.86.
Barbara Burgee, widow of Edward T. Burgee, deceased, $461.10.
Thaddeus Shine, $122.95.
John E. Nalley, $22.14.
George W. Richmond, $87.41.
Ellen C. Sanderson, widow of O. Sanderson, deceased, $94.33.
James Cephus, $293.47.
Alice Sheffield, widow of George W. Sheffield, deceased, $749.35.
Mary E. Sullivan, widow of Daniel Sullivan, deceased, $24.37.
To Sussana A. Lovejoy, widow of John T. Lovejoy, deceased, $364.51.
To Ada E. Much, widow of George W. Much, deceased, $331.31.
To William W. Nalley, $188.29.
To James M. O'Neill, $224.89.
To Henry S. Walter, administrator of Adam L. Rose, deceased, $661.99.
To Joseph Thompson, $99.28.

To the following-named persons (representing 27 claims) the following sums, respectively, as found by the Court of Claims in the case of Angelina Scarf, executrix of Thomas T. Scarf, deceased, and others against the United States, for payment for extra labor above the legal day of eight hours at the Washington Navy Yard, namely:

Angelina Scarf, executrix of Thomas T. Scarf, deceased, $208.20.
William W. Chase, $107.09.
William H. Bennett, administrator of William Bennett, deceased, $447.46.
Sarah E. Robey, widow of Richard T. Robey, deceased, $10.17.
Elizabeth R. Betts, widow of William Betts, deceased, $120.48.
Elizabeth Bladen, widow of Thomas S. Bladen, deceased, $33.78.
James Barker, $603.13.
George F. Waters, $626.72.
Charles F. Williams, $418.39.
William H. Vogelson, $45.63.
Margaret F. Watson, widow of William A. Watson, deceased, $249.93.
Arthur Tudge, $154.03.
Sarah J. Barker, wife of William H. Barker, insane, $226.15.
H. I. Meader, $263.74.
Sarah M. Sanderson, widow of L. W. Sanderson, deceased, $336.10.
Mary Boettcher, executrix of Frederick Boettcher, deceased, $417.55.
Mary L. Cissell, widow of Thomas Cissell, deceased, $196.50.
William W. Burdine, John T. Burdine, Annie Morgan, and Alfred H. Burdine, sole heirs of James W. Burdine, deceased, $12.75.
Hannah Langley, widow of Charles W. Langley, deceased, $422.45.
John T. Roberts, $60.69.
Esther G. Nally, widow of James S. Nally, deceased, $238.50.
Amanda E. Coates, widow (remarried) of Thomas Robey, deceased, $182.21.
Ceylon Boswell, $126.42.
Peter Bopp, $150.18.
Emily J. Cannon, widow of Joseph Cannon, deceased, $179.18.
Sarah Kernan, executrix of Bernard Kernan, deceased, $309.39.
W. C. White, $94.96.
To Richard Allen, $163.69.
To Alfred C. Cassell, $223.38.
To Joseph M. Padgett, $451.09.
To Lawrence M. Herbert, $158.37.
To George C. Stanley, $354.52.
To Marion C. Thompson, $129.88.

FLORIDA

To Henry Antone, $321.89.
To Frank Swaris, $2.
To Fred Blum, $211.01.
To William Handlon, $6.99.
To Margaret A. Mounger, Annie Mounger, Alice Mounger, John P. Mounger, Catherine F. Kanen, and Janie Bond, sole heirs of William Mounger, deceased, $14.48.
To Lawson Turner and William Turner, jr., sole heirs of William Turner, deceased, $284.52.

To the following-named persons (representing 14 claims) the following sums, respectively, as found by the Court of Claims in the case of Frank Bond and others against the United States, for payment for extra labor above the legal day of eight hours at the Pensacola Navy Yard, namely:

Frank Bond, $136.23.
Mary F. Boyden, widow of Paul Boyden, deceased, $560.76.
Allan Bush, $267.03.
E. P. Chaffin, $158.01.
Benjamin Dolphin, $46.30.
Abraham Harris, $184.89.
Peter Hatcher, $224.05.
Alfred Jones, $253.77.
Johanna Massey, widow of James Massey, deceased, $611.06.
Henry Skeet, $299.42.
Edward Sweeney, $82.96.
John Sweeney, $294.78.
Lizzie Wheat, widow of William J. Wheat, deceased, $458.92.
Cornelia Higgins, heir at law of C. A. Higgins, deceased, $722.62.

To the following-named persons (representing 22 claims) the following sums, respectively, as found by the Court of Claims in the case of John P. Capell and others against the United States, for payment for extra labor above the legal day of eight hours at the Pensacola Navy Yard, namely:

John P. Capell, $96.21.
Peter Carroll, $97.55.
Frank Elijah, $128.27.
A. G. Fell, $301.45.
John J. Fell, $550.28.
William Hession, $447.06.
William M. Johnson, $43.50.
Loughlin Quigley, $284.65.
Stephen M. Scarritt, $528.85.
Henry Smith, $600.19.
Lawson Turner, $84.25.
Hattie Davidson, widow of Gam B. Davidson, deceased, $136.50.
Matilda Jackson, widow of Robert Jackson, deceased, $174.65.
Bertha McDonald, widow of James A. McDonald, deceased, $1,909.87.
Isabella McLellan, widow of John McLellan, deceased, $450.60.
Catherine J. Roy, widow of H. Roy, jr., deceased, $822.50.
Annie Unger, widow (remarried) of William C. Kelly, deceased, $151.27.
Fannie White, widow (remarried) of Alfred Willis, deceased, $559.02.
Phillip Walter Jones, G. F. Jones, Lee L. Jones, Maggie M. Jones, and Ella L. Jones, sole heirs of J. W. Jones, deceased, $167.41.
Maria Robinson, William Robinson, and Louis Robinson, sole heirs of Louis Robinson, deceased, $115.92.
Fannie Sparks, Charlotte Saunders, Mary Reese, Gertrude Smith, and Henry Smith, sole heirs of Curtis Smith, deceased, $462.40.
Mary Burch and Thomas F. Wrighton, sole heirs of Thomas Wrighton, deceased, $114.55.
To Clarence Marks, $87.24.
To George T. Clifford, $56.26.
To Hannah McCray, widow of John McCray, deceased, $362.67.
To James H. Macon, sr., $126.50.

MARYLAND

To John W. Parish, $51.50.

MASSACHUSETTS

To the following-named persons (representing 131 claims) the following sums, respectively, as found by the Court of Claims in the case of Charles Adams and others against the United States for payment for extra labor above the legal day of eight hours at the Boston Navy Yard, namely:

Charles Adams, $343.01.
T. A. Bradford, $362.86.
Bridget A. Bailey, widow of William Bailey, deceased, $112.29.
James Edward Bell, William Bell, and Ellen J. Dow, sole heirs of James Bell, deceased, $759.56.
Elias Bourne, $33.
John W. Burnham, $97.03.
James D. Bateman, $125.93.
Katherine V. Barrett, administratrix of Daniel Barrett, deceased, $898.49.
Joshua Barker, $320.
William Bentley, son of Thomas Bentley, deceased, $424.28.
Jeremiah L. Bean, $124.41.
Joshua P. Bushee, $319.68.
William E. Bruce, $338.50.
Edward J. Baker, $81.66.
William F. Blake, son of William Blake, deceased, $591.86.
James E. Byrne, $7.89.
Lydia M. Bolster, widow of Oliver Bolster, deceased, $246.18.
Ella A. Bearse, administratrix of Ezra L. Hersey, deceased, $508.87.
Julia V. Buckley, daughter of John Buckley, deceased, $62.48.
Emery R. Currier, $174.87.
William N. Currier, $144.56.
John A. Cronin, $40.54.
Jos. A. Cassidy, $293.86.

John Cutler, $192.18.
Arthur B. Cassidy, $315.42.
Anne Belle Currier, daughter of Charles H. Currier, deceased, $277.18.
William Crosby, $157.16.
William W. Collier, $165.18.
Sarah J. Clarridge, widow of Frederick Clarridge, deceased, $257.52.
Richard Donahue, $206.12.
Catherine Donlary, widow of Frank Donlary, deceased, $19.50.
John Davies, $53.87.
Henry G. Dwight, $109.39.
Henry Dawson, $289.70.
Ellen Dillon, wife of James E. Dillon, demented, $284.31.
William G. Ewell, executor of Augustus Ewell, deceased, $75.65.
J. Homer Edgerly, brother of Hiram O. Edgerly, deceased, $403.89.
J. Homer Edgerly, $884.53.
Ellen Eaton, widow of George B. Eaton, deceased, $447.54.
Daniel F. Egan, $314.40.
John L. Frisbee, $614.93.
Annie Finn, widow of William Finn, deceased, $242.26.
Charlotte J. Jackson, widow of Nathan B. Jackson, $340.30.
Josiah D. Folsom, $767.44.
Edwin W. Frisbee, $103.53.
John B. Fitzpatrick, $125.93.
James H. Finn, $423.71.
Timothy Guiney, $102.19.
John S. Gardner, $201.87.
William F. Gillings, $77.34.
Albert S. Greene, $483.06.
Daniel Greene, $373.74.
Alice F. Gates, daughter of Jacob Gates, deceased, $394.42.
Lewis G. Hilton, $378.41.
Henry G. Hichborn, one of the next of kin of William Hichborn, deceased, $896.61.
Michael H. Hudson, $141.57.
Andrew B. Hubbard, son of Robert H. G. Hubbard, deceased, $281.40.
Thomas L. Hayes, $142.35.
Mary H. Hutchings, widow of J. Clark Hutchings, deceased, $233.20.
Peter A. Hayes, $290.42.
George R. Hobbs, $147.57.
Maria E. Hatch, daughter of Zina H. Webber, deceased, $110.40.
John Handrahan, $330.75.
Sarah B. James, sister of James Hutchings, deceased, $305.59.
George W. King, $85.
George H. Kincaid, $65.31.
John A. Long, $242.62.
William W. Locke, $21.37.
Caroline M. Loring, sister of Frank E. Melvin, deceased, $113.28.
Dennis Lowney, $90.39.
Patrick Leary, $263.22.
William Mahoney, jr., one of the heirs of William Mahoney, deceased, $144.46.
Mary A. Marrow, heir of John H. Marrow, deceased, $182.45.
Charles P. Morris, $197.52.
James J. McAuliffe, $4.50.
Catherine Melvin, daughter of Charles Freeman, deceased, $175.04.
Theodore A. Melvin, $901.82.
Hugh P. McNally, $88.73.
Agnes J. Musgrave, heir of Joseph Bibien, $254.36.
Charles Manser, son of Charles C. Manser, deceased, $180.21.
Mary E. Murphy, daughter of Jeremiah Murphy, deceased, $64.11.
Anna M. McLeod, widow of James McLeod, deceased, $51.06.
Harriet M. Metcalf, widow of William P. Metcalf, $240.40.
Mary A. McCarthy, widow of Frank McCarthy, $49.03.
Thomas Nixon, $404.04.
John L. Nicholson, $604.59.
Harriet R. Newhall, widow of Thomas E. Newhall, deceased, $332.27.
Joseph W. Newhall, one of the heirs of Joseph Newhall, deceased, $355.76.
Mary F. Overn, sister of Richard Dennis, deceased, $177.58.
Allen E. Proctor, heir of James P. Proctor, deceased, $419.44.
William Proctor, otherwise William H. Proctor, $168.78.
George E. Poor, $323.65.
Charles W. Pearson, $33.75.
John M. Pitman, $48.54.
William T. Phippin, $48.76.
Abbie H. Pedrick and Susan M. C. Crosby, executrixes of Joseph Pedrick, deceased, $965.
Elizabeth M. Preble, executrix of Jeremiah Preble, deceased, $423.88.
Augustine S. Quinn, $125.80.
Thomas Riordan, otherwise Thomas D. Riordan, $159.74.
Edward H. Rogers, $356.21.
Joseph O. Rice, $241.76.
Emily A. Roberts, widow of John H. Roberts, deceased, $898.95.
Thomas H. Ramsey, son of James Ramsey, deceased, $246.69.
John J. Ryan, for Jeremiah J. Ryan, demented, $128.04.
Mary Rowley, widow of Michael Rowley, deceased, $261.47.
Benjamin Roach, $717.35.
Catherine A. Regan, widow of Cornelius F. Regan, deceased, $144.56.
Joseph S. G. Sweatt, $258.76.
Daniel S. Sullivan, $82.97.
Blanche L. and Frank H. Seavey, heirs of Frank Seavey, deceased, $434.56.
Charles A. Stebbins, $297.42.
Winslow Sampson, son of Alden Sampson, deceased, $901.82.
Benjamin F. Sampson, son of Benjamin H. Sampson, deceased, $212.20.
William C. Sprague, $204.03.
Fred S. Soule, son of Thomas Soule, deceased, $93.43.
Samuel Staples, $178.91.
John M. Stockman, $304.46.
Robert A. Southworth, administrator of Alexander Southworth, deceased, $362.11.
Charles H. Taylor, son of John T. Taylor, deceased, $280.03.
John Tierney, $88.75.
Constantine Towle, $95.35.
Mary M. A. Thayer, sister of Daniel J. Hurley, deceased, $379.45.
Annie E. Vincent, daughter of Joseph H. Wainwright, deceased, $63.17.
George T. Wiley, only heir of Benjamin D. Wiley, deceased, $966.25.
Frank L. Weston, administrator of Samuel F. Weston, deceased, $472.50.
Harriet Wilson, widow of William Wilson, deceased, $753.45.
Agnes V. W. Walker, sole heir of Reuben Goff, deceased, $358.32.
Thomas Ward, $200.55.
Samuel A. Wright, jr., son of Samuel A. Wright, deceased, $232.56.
John H. Wright, $97.71.
John Yonkers, $740.81.

To the following-named persons (representing 59 claims) the following sums, respectively, as found by the Court of Claims in the case of Mary A. F. Barry, widow of Daniel S. Barry, deceased, and others against the United States, for payment for extra labor above the legal day of eight hours at the Boston Navy Yard, namely:

Mary A. F. Barry, widow of Daniel S. Barry, deceased, $302.10
Elizabeth Smith, daughter, and Charles M. Black, son, of John Black, deceased, $59.
Joseph O. Briggs, $72.77.
William B. Bothamly, $292.77.
Mary L. Brown, daughter of Joseph H. Till, deceased, $273.56.
Sarah A. Blandin, executrix of Benjamin A. Blandin, deceased, $441.32.
Charles E. Clark, son of Daniel Pearce Clark, deceased, $330.48.
Thomas Corley, $125.54.
William H. Cate, jr., heir at law of William H. Cate, deceased, $67.87.
Emily M. Carter, widow (remarried) of Alexander H. Wright, deceased, $187.34.
Mary E. Curry, daughter of James Griffin, deceased, $109.78.
Isaac Downs, $254.93.
Otis W. Dutton, son of Benjamin Dutton, deceased, $19.87.
Charles H. Frisbee, son of Henry Frisbee, deceased, $223.06.
Ellen B. Fisher, daughter of Calvin Lewis, deceased, $257.75.
Austena Gundlach, daughter of Thomas J. McKenna, deceased, $15.75.
Theodore W. Goodspeed, $83.75.
Mary J. Gordon, daughter of Timothy J. Mahoney, deceased, $37.62.
Samuel Grant, $323.93.
Esther Ann Hudson, daughter of Patrick Hudson, deceased, $46.06.
Joseph E. Hoey, $82.93.
Harriet N. Hanscom, widow of Alvah Hanscom, deceased, $73.62.
William P. Holmes, $105.59.
John H. Holt, $70.68.
William T. Harris, $90.43.
Mrs. C. H. Harper, daughter of Abraham Larkin, deceased, $153.15.
Benjamin P. Hodgkins, $10.12.
Christy Hanscom, widow of Samuel Willard Hanscom, deceased, $412.34.
Athelia Hill, widow of George C. Hill, deceased, $77.17.
Alonzo H. Haynes, $60.50.
Ellen H. Leighton, daughter of James Chambers, deceased, $35.18.
Adelphus Leavitt, $41.12.
George F. Lewis, $128.63.
Alice M. Lowell, daughter of Alpheus A. W. Lake, deceased, $530.56.
Alice M. Lowell, sister of Alpheus A. Lake, deceased, $218.93.
Timothy W. Mahoney, brother of George W. Mahoney, deceased, $203.89.
Timothy W. Mahoney, $229.57.
Timothy W. Mahoney, son of Michael K. Mahoney, deceased, $62.40.
James Mullen, $126.50.

Edward A. McDonough, $419.61.
George Morrison, $62.62.
George W. McConnell, son of William McConnell, deceased, $112.59.
Florence Gertrude Magee, granddaughter and sole heir of James A. German, deceased, $183.
Bridget McNulty, daughter of John Morgan, deceased, $77.03.
Terence T. McNulty, $167.60.
Louisa S. Nash, widow of William H. Nash, deceased, $272.90.
Julia Ryan, widow of Michael Ryan, deceased, $33.02.
Addie R. Rice, widow of Benjamin Rice, deceased, $83.62.
Matthew Redmond, $171.12.
David L. Rigby, $211.86.
Alexander A. Seldon, $80.10.
Mabel F. Swain, granddaughter of Thomas Dunham Rice, deceased, $353.18.
Mary A. C. Smith, daughter of George Golbert, deceased, $87.37.
Daniel Sullivan, $82.20.
John D. Sanborn, $295.90.
Eugene S. Sullivan, brother of Humphrey J. Sullivan, deceased, $71.60.
Charles E. Stone, $78.82.
George Short, $191.68.
Eugene S. Sullivan, $41.62.
Minnie Swett, daughter of James L. Williams, deceased, $465.92.

To the following-named persons (representing 24 claims) the following sums, respectively, as found by the Court of Claims in the case of Alfred D. Bullock and others against the United States, for payment for extra labor above the legal day of eight hours at the Boston Navy Yard, namely:

Alfred D. Bullock, $232.11.
Joseph F. Baker, $210.77.
John Clark, $142.64.
William M. Carr, $79.67.
Winslow L. Crafts, $371.87.
Charles H. Crocker, $330.83.
Samuel Dwight, $786.62.
John Flynn, $400.94.
John F. Gilmore, $275.44.
Henry G. Hichborn, $349.93.
Patrick Marrow, $171.40.
Eben P. Oakes, $126.79.
Joseph Riley, $418.59.
William P. Raymond, $381.44.
Jennie A. Sawyer, widow of Jefferson Sawyer, deceased, $281.87.
George D. V. Smith, $33.
Chester R. Streeter, $488.10.
George K. Sawyer, $315.43.
Albert Sawyer, $473.15.
Samuel J. Cochran, $445.83.
William H. Rigby, $905.78.
William N. Winter, $166.66.
John Ward, $57.75.
George H. Young, $92.81.
William F. O'Hearn, $81.59.
John W. Simonson, $4.12.

NEW HAMPSHIRE

To the following-named persons (representing 11 claims) the following sums, respectively, as found by the Court of Claims in the case of Hannah J. Adams, widow of Augustus H. Adams, deceased, and others against the United States, for payment of extra labor above the legal day of eight hours at the Portsmouth Navy Yard, namely:

Hannah J. Adams, widow of Augustus H. Adams, deceased, $87.75.
George Beal, $8.14.
Charles S. Hobbs, $290.83.
Alfred H. Hook, $61.16.
Stacy G. Moran, $32.43.
Susan Y. Perry, widow of William H. Perry, deceased, $171.49.
Sarah A. Trefethen, widow (remarried) of Benjamin E. Seaward, deceased, $685.40.
Rose A. Spinney, widow of William M. Spinney, deceased, $312.93.
Mary A. Willey, widow of Joseph Willey, deceased, $2.93.
Ivan L. Meloon, $167.10.
Fred A. Moore, $231.14.

To the following-named persons (representing 28 claims) the following sums, respectively, as found by the Court of Claims in the case of John E. Amazeen and others against the United States, for payment for extra labor above the legal day of eight hours at the Portsmouth Navy Yard, namely:

John E. Amazeen, $307.72.
William H. Anderson, $412.96.
Frank H. Bean, sole heir of George F. Bean, deceased, $94.72.
William J. Chase, $106.85.
Charles F. Caswell, $130.35.
James M. Downer, $26.25.
William H. Horn, $142.12.
Franklin Haley, $182.43.
Benjamin F. Joy, $137.83.
Charles F. Langley, $226.58.
John J. Lambert, $118.27.
George S. Manning, $133.12.
William P. Murphy, $88.85.
James W. Marden, $126.94.
George F. Osgood, $9.80.
John Phelan, $357.43.
Owen E. Pettigrew, $18.40.
John A. Peterson, $88.35.
Chester L. Rix, administrator of George L. Rix, deceased, $144.34.
Fred Rollins, $31.60.
William C. Randall, $149.49.
Charles E. P. Randall, $105.40.
John W. Shannon, $181.13.
Eugene A. Sanborn, $270.
Gasper G. Shannon, $81.97.
John R. Williams, $1.67.
O. C. Williams, $198.82.
Charles H. Raitt, $38.98.

The following-named persons (representing 182 claims) the following sums, respectively, as found by the Court of Claims in the case of Nathan F. Amee and others against the United States, for payment for extra labor above the legal day of eight hours at the Portsmouth Navy Yard:

Nathan F. Amee, $396.75.
George A. Adams and Stephen E. Adams, heirs of Albert J. Adams, deceased, $365.53.
Stephen E. Adams, $94.74.
Mary Jane Anderson, widow of Montgomery Anderson, deceased, $308.68.
George P. Abbott, $132.
George R. Adams, $166.12.
Levi Briard, $402.75.
Lorenzo T. Burham, $116.25.
Walter Ball, $364.14.
James Boardman, $473.53.
Albert F. Billings, administrator of Frederick A. Billings, deceased, $372.41.
Hannah A. Briard, widow of Robert Briard, deceased, $486.63.
Charles Bowden, $2.86.
George D. Boulter, $91.05.
Walter Ball, John Ball, and Ida A. Bennett, sole heirs of John R. Ball, deceased, $231.40.
Mrs. A. F. Ball, Mrs. N. S. Perry, and Mrs. E. G. Wright, heirs of Michael C. Leary, deceased, $197.12.
Mary Bright, widow of John Bright, deceased, $51.33.
Benjamin F. Bunker, $56.51.
John S. Bennett, $553.19.
Charlotte E. Betton, widow of Thornton Betton, deceased, $160.02.
Eben F. Brackett, $428.06.
John Ball, $310.07.
Elizabeth L. Brown, widow of Frank S. Brown, deceased, $130.12.
Mary Brown, Mrs. A. T. Hackett, Mrs. A. C. Plummer, and Mrs. A. L. Martin, sole heirs of Franklin K. Brown, deceased, $155.62.
Anna A. Brooks, widow of James Brooks, deceased, $902.50.
Levi M. Brooks, $9.37.
J. Mahlon Bickford, Albert H. Bickford, Louisa H. Brown, and Zashews V. Bickford, sole heirs of Joshua Bickford, deceased, $247.91.
Jacob B. Burns, $28.25.
Jacob B. Burns, sole heir of Ezekiel Burns, deceased, $63.75.
Moses G. Berry, $224.58.
Tobias E. Burke, $840.63.
John W. Chickering, $396.05.
Charles W. Coleman, $170.25.
George A. Clough, Arthur B. Clough, Roland C. Clough, and Florence J. Clough, sole heirs of Elijah Clough, deceased, $345.75.
Martha E. Cottle, widow of Oliver Cottle, deceased, $107.14.
Mary Jane Curtis, widow of Moses R. Curtis, deceased, $265.92.
Samuel H. Chauncey, $158.10.
Ann E. Colley, widow of William B. Colley, deceased, $413.47.
Charles C. Dixon, $198.69.
Lavinia M. Dixon, widow of William M. Dixon, deceased, $172.87.
Margaret E. Danne, widow of John W. Danne, deceased, $371.36.
Leland W. Davis, Shirley B. Davis, and Lemuel T. Davis, sole heirs of Lemuel T. Davis, deceased, $317.80.
Thomas W. Ducker and George H. Ducker, sole heirs of Robert Ducker, deceased, $312.49.
William T. Entwistle, $105.02.
George B. Frost, $109.23.
Joseph B. Fletcher, $569.27.
Walter P. Fitzmaurice, $77.62.
Henry Fernald, $131.55.
Frank A. Fagan, $101.26.

Howard S. Frisbie, $312.45.
William F. Foye and Ada F. Foye, sole heirs of Stephen J. Foye, deceased, $294.97.
Emma D. Flagg, widow of John H. Flagg, deceased, $338.07.
George W. Foote, $190.68.
William J. Frost, $56.31.
Dennis Flynn, $54.22.
Josiah Fernald, otherwise Josiah W. Fernald, $49.87.
Oliver G. Fernald, $668.73.
S. Elizabeth Fernald, widow of William A. Fernald, deceased, $643.40.
Levi L. Goodrich, $429.65.
George W. Green, $511.45.
John A. George, $551.23.
Lewis B. Gerrish, $328.30.
John Glover, $647.93.
Lizzie L. Gatchell, widow of Jessie H. Gatchell, deceased, $79.87.
Mary O. Gray, widow of Walter S. Gray, deceased, $257.61.
George A. Genthner, $102.28.
Charles L. Glines, $235.87.
Mary D. Goodspeed, widow of Burbank S. Goodspeed, deceased, $327.
Mary E. Goss, widow of Alfred S. Goss, deceased, $81.82.
Josephine Gardner, widow of William H. Gardner, deceased, $426.37.
George H. Hayes, $351.53.
Elizabeth H. Hanscom, widow of Jackson A. Hanscom, deceased, $160.16.
Freeman Hurd, $158.47.
Lucinda A. Hayes, widow of Charles E. Hayes, deceased, $190.26.
Ira Hanscom, $164.02.
C. Dwight Hanscom and Albert H. Hanscom, executors of Nathaniel Hanscom, deceased, $152.01.
Margaret P. Humphreys, widow of George Humphreys, deceased, $274.12.
Mary A. Hersey, widow of George L. Hersey, deceased, $63.20.
Mabel Idella Hayes, guardian of Roy C. Philbrick, sole heir of Robert S. Philbrick, deceased, $246.06.
Samuel M. Joy, $204.94.
Walter S. Jackson and Ernest Jackson, two of the heirs of Zina H. Jackson, deceased, $391.59.
Mrs. William S. Jackson, widow of William S. Jackson, deceased, $284.25.
Joseph P. Jenkins, $179.14.
James M. Knapp, $680.49.
Joseph Keen, $167.20.
Ira C. Keen, $75.16.
Willis E. Keen, $181.06.
Elmer H. McKenney, $179.38.
Benjamin Keen, $317.62.
Harry M. Kimball and Mrs. George W. Smith, sole heirs of Charles W. Kimball, deceased, $266.12.
Catherine Killoran, sole heir of James Mahoney, deceased, $162.33.
Charles J. Lydston, $250.47.
Isaac H. Lambert, $343.48.
Adam Lutts, $384.50.
William H. Lovell, $729.
Charles Lowd, otherwise Frank Lowd, $60.72.
Maria M. Lowd, widow of Horace S. Lowd, deceased, $209.75.
Winfield S. Lord, $337.95.
James C. Lydston, $409.50.
Alfred M. Lang, $360.50.
Ellen A. Lewis, widow of Thomas Lewis, deceased, $126.
John O. Langley, $387.09.
Elizabeth Mason Leary, sole heir to Daniel Mason, deceased, $191.60.
F. Josephine Lombard, Henry A. Lombard, Elizabeth L. Moon, and Mary L. Shannon, sole heirs of Henry Lombard, deceased, $39.75.
Frank H. Lewis, Arthur H. Lewis, George W. Lewis, Emma L. Carr, Wentworth Lewis, Fred Lewis, Maud L. Foge, Harry F. Lewis, and Sydney Lewis, sole heirs of Reuben Lewis, deceased, $235.17.
James S. Lawry, $86.13.
Ellen Lowd, widow of Edwin Lowd, deceased, $55.93.
Lemuel McIntire, $78.02.
John D. Metcalf, administrator of Henry Knight, deceased, $676.75.
Oliver B. Moody, $71.92.
George Manent, $383.96.
Daniel W. Marden, $647.87.
Harriet N. Moore, widow of Moses D. Moore, deceased, $829.85.
Benjamin F. Martin, $225.
Albert H. Moody, $16.75.
Albert Manson, $25.64.
Frank Moore, Hannah E. Atkinson, and Blanche V. Hull, sole heirs of John Moore, deceased, $49.43.
Catherine G. Nutter, widow of William H. Nutter, deceased, $137.13.
Martha J. Noyes, widow of William F. Noyes, deceased, $921.16.
Martha A. Nealley, widow of Edwin C. Nealley, deceased, $706.20.
Mark Nason, $213.85.
Edward E. Otis and James O. Otis, sole heirs of William M. Otis, deceased, $338.80.
Eben N. Odiorne, $128.25.
Eileen E. Obrey, administratrix of Benjamin Smith, deceased, $109.97.
Frank E. Osgood, $288.93.
Isaac H. M. Pray, $210.24.
Isaac H. M. Pray, one of the heirs of James B. Pray, deceased, $77.37.
Walter Philbrick, $310.15.
John E. Pinkham, $107.87.
Fred J. Pillsbury, one of the heirs of Samuel H. Pillsbury, deceased, $732.24.
Mary E. Palfrey, administratrix of Hanson Hoyt, deceased, $127.34.
George R. Palfrey, Harry B. Palfrey, William H. Palfrey, Robert R. Palfrey, and I. Miller Palfrey, sole heirs of William W. Palfrey, deceased, $361.93.
Benjamin F. Powell, William Powell, and Mrs. Harry M. Kimball, sole heirs of Benjamin Powell, deceased, $253.97.
Mary E. Parker, widow of Pierce Parker, deceased, $301.75.
Annie E. Prior, widow of Warren Prior, deceased, $355.25.
Sarah A. Paul, widow of John A. Paul, deceased, $392.84.
Thomas Prior, $290.49.
Mary E. Paul, widow of Franklin N. Paul, deceased, $170.25.
Eliza A. Parks, widow of George L. Parks, deceased, $385.50.
Daniel H. Plaisted, Ellen O. Littlefield, James S. Plaisted, Fronie R. Colby, George E. Plaisted, Sarah E. Batting, Mark R. Plaisted, and Annie M. Bingham, sole heirs of Mark R. Plaisted, deceased, $471.39.
Edwin D. Rand, executor of Albert H. White, deceased, $345.20.
Joseph C. Remick, $170.63.
Sarah A. Richardson, widow of James W. Richardson, deceased, $307.63.
Maria Rand, widow of Reuben Rand, deceased, $329.25.
Frank Remick, executor of John Remick, deceased, $379.87.
Walter C. Rogers, sole heir of John H. Rogers, deceased, $590.68.
Howard E. Spinney, one of the heirs of Samuel H. Spinney, deceased, $126.
Howard E. Spinney, $122.83.
Willard Spinney, otherwise Williard T. Spinney, $289.41.
Hervey E. Seaward, $66.33.
William Shields, $1.03.
Mary E. Sherman, widow of Eli Sherman, deceased, $583.44.
George Stringer, $378.
Mary Spinney, widow of Azariah L. Spinney, deceased, $232.06.
George W. Stillson, $52.11.
Mary A. Spinney, widow of Sylvester Spinney, deceased, $165.
Mary Salmon, widow of Thomas Salmon, deceased, $286.81.
Margaret L. Stringer, widow of William Stringer, deceased, $261.04.
Ida Estelle Shackley and Susie H. Shackley, sole heirs of George Shackley, deceased, $324.
Elizabeth E. Swain, widow of John D. Swain, deceased, $361.87.
Frank Sides, administrator of Robert C. Sides, deceased, $286.61.
Morris Tobin, $55.21.
Ernest C. Tobey, Winfield L. Tobey, and Edgar L. Tobey, sole heirs of Meshach Tobey, deceased, $130.37.
Edwin Underhill, $177.43.
Thomas J. F. Varrell, $452.25.
Clement M. Waterhouse, sole heir of James A. Waterhouse, deceased, $377.71.
Charles A. Wendall, $905.62.
Clement Waterhouse, $244.32.
Reuben Worster, $58.50.
Asa Wilson, $38.43.
Warren P. Webster, $21.65.
John R. Wentworth, $310.99.
George A. Williams, $280.46.
Lorenzo Witham, otherwise Lorenzo D. Witham, $113.99.
John Wood, $484.50.
George S. Welch, $2.01.
Daniel L. Wendall, $211.64.
Emma E. Young and Fred C. Young, sole heirs of Charles E. Young, deceased, $352.88.
John E. Yeaton, $205.66.
John E. Yeaton, one of the heirs of Benjamin Yeaton, deceased, 37 cents.
Fred C. Young, Emma E. Young, and Clara W. Bennett, sole heirs of Charles Lane, deceased, $18.48.
Edward P. Yeaton, sole heir of Nathaniel W. Yeaton, deceased, $224.76.

To the following-named persons (representing 12 claims) the following sums, respectively, as found by the Court of Claims in the case of William A. Ashe and others against the United States, for payment for extra labor above the legal day of eight hours at the Portsmouth Navy Yard, namely:

William A. Ashe, $461.37.
Ivah R. Davis, $111.98.
George F. Randall, $142.35.

Charles H. Rowe, $201.96.
John Walton, $201.16.
Miriam W. Adams, widow of Daniel Adams, deceased, $162.75.
Emma L. Caswell, widow of Perry Caswell, deceased, $68.20.
Lois J. Howell, widow of John S. Howell, deceased, $457.67.
Annie F. Rich, widow of Robert E. Rich, deceased, $230.02.
Cedric C. Campbell, John H. Campbell, Noel Campbell, Lucy Campbell, and Ethel Gillis, sole heirs of Nathaniel Campbell, deceased, $204.51.
Alice M. Rand, sole heir of William H. Deverson, deceased, $83.25.
Charles F. Goodwin, $87.29.

To the following-named persons (representing 38 claims) the following sums, respectively, as found by the Court of Claims in the case of Sylvester L. Backus and others against the United States, for payment for extra labor above the legal day of eight hours at the Portsmouth Navy Yard, namely:

George W. Bailey and Charles T. Bailey, sole heirs of Joseph Bailey, deceased, $106.80.
Sylvester L. Backus, $39.75.
Charles H. Besselievre, $82.28.
Carrie R. Bragden and Lyman T. Pray, sole heirs of Charles T. Pray, deceased, $32.60.
Carrie R. Bragden and Lyman T. Pray, sole heirs of Peter Pray, deceased, $175.87.
George Campbell, Alice Campbell Stevens, and Helen Campbell Ricker, sole heirs of Thomas Campbell, deceased, $44.91.
Oscar L. Collum, sole heir of George H. Collum, deceased, $44.55.
Mrs. M. E. Critchley, widow (remarried) of John A. Yeaton, deceased, $320.19.
Lizzie A. Cram, Lydia P. Lowell, and Eliza W. Hoyt, sole heirs of Josiah W. Hussey, deceased, $96.60.
Pender Davis, $87.
Richard Davidson, Elizabeth J. Davidson, Elizabeth S. Jenness, James Davidson, and Deborah Currier, sole heirs of James Davidson, deceased, $76.95.
John J. Downes, $33.
Agnes Emery, widow of Joseph H. Emery, deceased, $224.08.
George W. French, Ruth E. Burns, Anna T. Ham, and Sadie B. Schurman, sole heirs of Joseph T. French, deceased, $367.23.
Ezra M. Goodwin, $121.71.
Susan O. Green, widow of Charles B. Green, deceased, $255.37.
Elizabeth E. Gilman, Jennie L. Grindell, Sarah L. Quackenbush, William H. Noyes, Howard A. Noyes, and Fred A. Noyes, sole heirs of William H. Noyes, deceased, $370.50.
Caroline Bird Hammond, widow of Henry Clay Hammond, deceased, $376.12.
Amanda M. Jellison, widow of Alvah Jellison, deceased, $218.88.
Samuel H. Kingsbury, $262.50.
Ira C. Keene, $75.16.
Clara I. Lewis, widow of Enoch Lewis, deceased, $5.50.
Julia A. Moses, widow of Alfred D. Moses, deceased, $378.37.
Addie F. Marks, widow of Frank L. Marks, deceased, $394.12.
Ida F. Neal, sole heir of Daniel R. Neal, deceased, $82.12.
Moses Plummer, $544.27.
Mary L. Quinn, widow of Stephen H. Quinn, deceased, $417.
Ednah M. Ford Rowe, sole heir of James Edgar Ford, deceased, $416.70.
Rebecca Y. Raitt, widow of Daniel G. Raitt, deceased, $506.70.
Frederick A. Staples, Thomas F. Staples, and Calvin H. Staples, sole heirs of Thomas Staples, deceased, $420.37.
Frank W. Smith, $123.16.
Willard Sears, $284.74.
Samuel Taylor, $438.46.
Henry Wallace, $129.50.
Mrs. Jesse N. Wilson, widow of Jesse N. Wilson, deceased, $181.50.
Lucy Whalley, widow of Edmund Whalley, deceased, $267.81.
George Woods, $257.92.
George H. Young, $40.50.

To the following-named persons (representing 26 claims) the following sums, respectively, as found by the Court of Claims in the case of Robert B. Billings and others against the United States, for payment for extra labor above the legal day of eight hours at the Portsmouth Navy Yard, namely:

Robert B. Billings, $274.83.
Franklin H. Bond, $291.40.
William H. Brown, $316.66.
William C. Bray, $271.15.
Isaac H. Farr, $433.99.
John Grant, $519.77.
Robert M. Ham, $119.36.
Henry H. Ham, $509.08.
Albert Hanscom, $46.17.
James M. Jarvis, $379.34.
Thomas L. Jose, $388.66.
Michael E. Long, $308.90.
Frank E. Lawry, $78.49.
Brackett Lewis, $45.18.
William W. Locke, $228.56.
Walter N. Meloon, $166.81.
George W. Muchmore, $810.34.
Christopher Remick, $117.16.
Edwin D. Rand, $295.82.
Augustus Stevenson, $917.60.
George E. Stackpole, $180.60.
William H. Wilson, $191.55.
Benjamin F. Winn, $224.90.
Augustus S. Zara, $429.75.
Joseph A. Meloon and Charles O. Meloon, executors of Nathaniel L. Meloon, deceased, $471.30.
Charles Stewart, $349.90.

To the following-named persons (representing seven claims) the following sums, respectively, as found by the Court of Claims in the case of Charles W. Brock and others against the United States, for payment for extra labor above the legal day of eight hours at the Portsmouth Navy Yard, namely:

Charles W. Brock, $381.41.
Daniel Bedell, $131.35.
Mark Fernald, $256.63.
Charles W. Lutts, $271.61.
John E. Milton, $14.25.
William McEvoy, $180.18.
Patrick McCann, $176.76.

To the following-named persons (representing nine claims) the following sums, respectively, as found by the Court of Claims in the case of George W. Brown and others against the United States, for payment for extra labor above the legal day of eight hours at the Portsmouth Navy Yard, namely:

George W. Brown, $33.75.
John L. Emery, $257.62.
Mary Mozart, widow of William J. Mozart, deceased, $77.43.
Joseph B. Remick, $257.62.
Timothy Trafton, $145.48.
William P. Titcomb, $78.
Rhasa Perkins, $5.82.
Thomas J. Pettigrew, $420.
Alexander N. Perry, $314.25.

To the following-named persons (representing 17 claims) the following sums, respectively, as found by the Court of Claims in the case of Henry B. Colson and others against the United States for payment for extra labor above the legal day of eight hours at the Portsmouth Navy Yard, namely:

Henry B. Colson, $148.73.
Stephen L. Davis, $19.50.
Charles W. Eaton, $235.60.
William Fernald, $92.77.
Charles H. Fernald, $72.
Thomas J. Goodwin, executor of Daniel McDonald, deceased, $168.08.
Albert W. Hanscom, $120.
George H. Hall, $81.11.
Robert O. Munroe, $294.93.
Perry C. Moore, $53.08.
Frank L. Parker, $372.60.
Herman Paul, $377.60.
Charles L. Simpson, $98.25.
Albert O. Smith, $91.08.
George H. Shannon, $13.80.
Herman A. Tarlton, $6.31.
David Walter Tobey, $76.98.

To the following-named persons (representing 17 claims) the following sums, respectively, as found by the Court of Claims in the case of John W. Knight and others against the United States for payment for extra labor above the legal day of eight hours at Portsmouth Navy Yard, namely:

John W. Knight, $459.37.
Ruth A. Kues, widow of Joseph Kues, deceased, $308.74.
Charles M. Prince, son of Charles M. Prince, deceased, $306.12.
Nathaniel Bowden, $54.34.
Dennis M. Shapleigh, $425.25.
Horace Mitchell, son of Reuben Mitchell, deceased, $251.70.
John R. Dinsmore, $506.46.
George O. Athorne, sone of Oliver Athorne, deceised, $13.12.
Fred Spinney, $34.40.
Thomas E. Wilson, heir of Joseph D. Frost, deceased, $310.78.
Mabel J. Morse, daughter of P. Wentworth, deceased, $554.89.
Emily J. Morse, widow of William Morse, deceased, $98.95.
Mary S. Wilcox, widow of Theodore Wilcox, deceased, $633.42.
George O. Wilson, $382.50.
James R. Philbrick, $243.55.
William F. Pinkham, $611.81.
C. H. Staples, $285.50.

To Holman Marr, $106.12.
To Charles L. Duncan, $169.57.

To the following-named persons (representing eight claims) the following sums, respectively, as found by the Court of Claims in the case of Edward H. Norton and others against the United States, for payment for extra labor above the legal day of eight hours at the Portsmouth Navy Yard, namely:

Edward H. Norton, $260.74.
John W. Bickford, $136.35.
John Flanigan, $330.64.
Edwin A. Duncan, $188.76.
Charles E. Whitehouse, $461.
George F. Tobey, $57.25.
Edward E. McIntire, $294.31.
J. Mahlon Bickford, $514.39.
Edward B. Prime, $339.45.

To Eleanor L. and Henry C. Lovell, sole heirs of Henry C. Lovell, deceased, $906.66.

To Annie I. Fernald Crowell, widow (remarried) of Alonzo Fernald, deceased, $386.40.

To Margaret A. Norton, widow of Daniel C. Norton, deceased, $596.86.

To Emma S. Wherren, administratrix of James W. Wherren, deceased, $140.43.

To George E. McIntosh, $228.59.

NEW YORK

To the following-named persons (representing 21 claims) the following sums, respectively, as found by the Court of Claims in the case of Hans Anderson and others against the United States, for payment for extra labor above the legal day of eight hours at the Brooklyn Navy Yard, namely:

Hans Anderson, $4.32.
William B. Burlingame, $20.12.
John W. Buckley, $189.32.
William H. Bulmer, $18.
Anthony J. Bommer, $112.23.
Daniel Coffey, $33.90.
William Ford, $93.38.
Michael Halloran, $341.95.
Rebecca E. Jansen, one of the heirs of Isaac Wallack, deceased, $276.66.
Mary Raulston B. Johnston, one of the heirs of Samuel Raulston, deceased, $232.81.
Maria L. Lane, one of the heirs of John Scott, deceased, $119.87.
James Norton, $65.23.
Humphrey H. Owens, $42.45.
Isaac A. Rose, administrator of Isaac A. Rose, deceased, $146.37.
Isaac Alonzo Rose, $15.30.
Leon Ridoux, $9.18.
Robert J. Ross, one of the heirs of Robert J. Ross, deceased, $20.10.
Everett W. Sharkey, one of the heirs of Alexander Sharkey, deceased, $68.66.
Charles H. Totten, $312.40.
Peter Watson, $88.15.
Elizabeth M. Clark, Annie Malloy, and Annie Kenney, heirs of Patrick Kenney, deceased, 45 cents.
To Nicholas A. Brooks, $136.32.

To the following-named persons (representing 39 claims) the following sums, respectively, as found by the Court of Claims in the case of Richard Barrington and others against the United States for payment for extra labor above the legal day of eight hours at the Brooklyn Navy Yard, namely:

Richard Barrington, $244.56.
Henry F. Beakey, $245.64.
Lucy Boles, administratrix of John Boles, deceased, $91.91.
Robert J. Bedell, $109.91.
James Campbell, $14.36.
Jesse R. Chisolm, $140.84.
James Carpenter, $92.42.
Peter Dugan, $98.84.
Margaret Duffy, heir, etc., of Francis Lynch, deceased, $453.39.
George Humphreys, $282.10.
Henry Hill, $255.32.
Andrew Houston, $598.96.
Jacob M. Johnson, $129.57.
Seymour Kline, $80.67.
Ira Little, $232.28.
William B. Lewis, $72.48.
John T. McGlone, $245.04.
William McLean, $457.02.
Charlotte McGarrigal, widow of Samuel McGarrigal, deceased, $260.20.
Alonzo Nash, $66.83.
Peter E. Ogilvie, $326.30.
William Henry Ogilvie, $136.66.
Pierce P. Parsells, $438.84.
James L. Proctor, $61.36.
Mason Padgett, $3.20.
Martha L. Parsells, administratrix of Theodore Fay Parsells, deceased, $463.15.
Harry Pethers, $97.09.
William A. Rodman, $13.28.
Roger Ryan, $33.91.
John H. Spencer, $12.57.
James Sneligrove, $248.93.
John T. Sloan, $163.07.
Eleanor M. Shaw, widow of John Shaw, deceased, $915.
John Tully, $11.15.
James Tully, $8.76.
Elijah D. Taft, $302.11.
Charles M. Winant, $212.74.
Frank R. Wendover, $53.63.
Alfred Walker, $212.82.

To the following-named persons (representing 20 claims) the following sums, respectively, as found by the Court of Claims in the case of Ellen Bonner, widow of George Bonner, deceased, and others against the United States, for payment for extra labor above the legal day of eight hours at the Brooklyn Navy Yard, namely:

Ellen Bonner, widow of George Bonner, deceased, $18.06.
Owen Brady, $192.79.
Charles T. Chapman, $54.14.
Annie Dalton, widow of James Dalton, deceased, $344.93.
Abbigail Garvey, widow of James Garvey, deceased, $159.78.
James T. Gordon, $51.39.
James A. Galloway, $125.08.
Robert Gray, $171.54.
William Hayes, $12.69.
Harriet Kelly, widow of John Kelly, deceased, $106.93.
Margaret E. Lane, widow of Rodney Lane, deceased, $302.55.
Adelaide A. Lewis, Cecil A. Kemble, Myrtle A. Place, Olive E. Richards, and Frances Kemble Hayes, heirs of Andrew J. Kemble, deceased, $655.87.
William McLoud, $11.81.
Mary A. McGinniss, widow of James M. McGinniss, deceased, $450.66.
John Presley, $17.43.
James Phillips, $108.66.
Henry Ray, $14.37.
Samuel Ray, $152.29.
Emma Selkirk, widow of Charles Selkirk, deceased, $438.63.
William Townsend, $332.74.

To the following-named persons (representing 13 claims) the following sums, respectively, as found by the Court of Claims in the case of George W. Brown and others against the United States for payment for extra labor above the legal day of eight hours at the Brooklyn Navy Yard, namely:

George W. Brown, $422.96.
Richard Dezendorf, $158.27.
Peter Doyle, $217.26.
Manuel Glass, $7.72.
William Hamilton, $179.17.
Rodger Howard, $291.93.
Andrew Kane, $292.45.
Patrick McNamara, $74.04.
William Phipps, jr., $131.69.
John R. Powers, $21.86.
John Rauscher, $183.68.
Joseph Sands, $307.43.
Elizabeth Tyson, widow of Peter Tyson, deceased, $93.84.

To the following-named persons (representing five claims) the following sums, respectively, as found by the Court of Claims in the case of William L. Buckley and others against the United States, for payment for extra labor above the legal day of eight hours at the Brooklyn Navy Yard, namely:

William L. Buckley, $121.27.
John Dwyer, $385.50.
James Palmer, $99.32.
Mary M. Parent, widow of David Parent, deceased, $185.56.
Helen L. Burnett, George S. Burnett, and Mary O. Powles, sole heirs of Joseph Burnett, deceased, $424.53.

To the following-named persons (representing 14 claims) the following sums, respectively, as found by the Court of Claims in the case of John H. Burtis and others against the United States, for payment for extra labor above the legal day of eight hours at the Brooklyn Navy Yard, namely:

John H. Burtis, $346.39.
Cornelius Bennett, $332.80.
William Croft, $95.13.
Joseph Clyne, $150.03.
Jacob Callas, $66.75.
James A. Driver, $379.80.
Wellington Griffith, $58.22.
George W. Heald, $181.34.

James Hepenstall, $903.10.
George B. Heald, $433.77.
John Knight, $245.80.
Edward Northup, $278.47.
John D. Post, $290.92.
Patrick H. White, $71.59.
To Clarkson V. Hendrickson, $35.96.
To Jaspeh Chisholm, $86.21.
To John T. R. Mearns, $217.17.
To Richard Rollins, $145.81.
To Mary E. Hare, widow of John E. Hare, deceased, $128.90.
To Frank H. Fletcher, $61.52.
To Octavia Cavendy, widow of Joseph S. Cavendy, $73.44.
To John J. Ennis, $131.43.

PENNSYLVANIA

To the following-named persons (representing 19 claims) the following sums, respectively, as found by the Court of Claims in the case of Christopher Alexander and others against the United States, for payment for extra labor above the legal day of eight hours at the League Island Navy Yard, namely:

Christopher Alexander, $374.83.
Albert O. Chamberlain, $24.94.
David Craig, $29.87.
William Coates, $373.91.
Daniel H. Chattin, $401.09.
Josephine Cramp, widow of Martin C. Cramp, deceased, $186.06.
Thomas Denney, $24.60.
John J. Garrity, $270.14.
John B. Grover, jr., $225.81.
William Lynn, $184.60.
George W. Margerum, $269.43.
Theodore Mitchell, $274.60.
Joseph W. Meyers, $1.87.
John H. Pettit, $421.31.
Robert Pogue, $91.75.
James Spear, $996.76.
Edward T. Weaver, $447.37.
Thomas R. Walters, $247.69.
George A. Zirnberg, $455.15.

To the following-named persons (representing eight claims) the following sums, respectively, as found by the Court of Claims in the case of William S. Baude and others against the United States, for payment for extra labor above the legal day of eight hours at the League Island Navy Yard, namely:

William S. Baude, $359.09.
Mamie Anderson, daughter of Joseph Anderson, deceased, $464.51.
Adelaide P., William S., and Joseph H. Baude, children of Stephen R. Baude, deceased, $869.74.
Edwin F. Bumm (carried on the roll as Edward F. Bumm), $61.12.
William Bumm, $341.34.
Fannie R. Cloyes, widow of Charles Cloyes, deceased, $400.38.
Mary L. Mecaslin, widow of William T. Mecaslin, deceased, $425.82.
George T. Rainey, $280.07.

To the following-named persons (representing 35 claims) the following sums, respectively, as found by the Court of Claims in the case of Sanford Bilyen and others against the United States, for payment for extra labor above the legal day of eight hours at the League Island Navy Yard, namely:

To Mary A. Bilyen, widow and legal representative of Sanford Bilyen, $555.62.
Harry Davenport, $379.83.
Thomas P. Ferguson, $38.63.
Charles P. Grice, $237.47.
Francis Grice, $149.01.
Henry Hockery, $116.30.
Joseph Magilton, $13.47.
George W. Mahorn, $68.01.
Daniel McCall, $370.09.
Charles P. Montgomery, $433.01.
John A. Newcomb, $316.31.
Richard H. O'Donnell, $503.71.
Edward E. Packer, $438.50.
John H. Redfield, $412.69.
Peter A. Slote, $214.82.
Mary A. Corkery, widow of John Corkery, deceased, $365.06.
Lizzie C. Land, widow of George M. Land, deceased, $276.67.
Eleanor F. Martin, widow of George S. Martin, deceased, $79.53.
Lois Room, widow of Benjamin A. Room, deceased, $113.98.
Annie E. Sheer, widow of John Sheer, deceased, $434.62.
Elizabeth Smith, widow of John Smith, deceased, $304.30.
Mary J. Quinton and Lizzie S. Horner, sole heirs of Nathan D. Room, deceased, $264.35.
Peter A. Slote, George W. Slote, Mamie Slote, Lidie Luts, Andrew Wells, and Daniel Wells, sole heirs of Franklin S. Wells, deceased, $68.56.
Peter A. Slote, George W. Slote, Mamie Slote, Lidie Luts, Andrew Wells, and Daniel Wells, sole heirs of Frank Wells, deceased, $52.20.
William C. Bessellevre, jr., $16.14.
Sidney I. Bessellevre, $71.31.
Parry T. McCurdy, $266.96.
Harry C. Scott, $68.58.
Charles P. Grice and Francis Grice, sole heirs of Francis E. Grice, deceased, $487.60.
William C. Bessellevre, administrator of John A. Bessellevre, deceased, $75.
George G. Cressey, $217.32.
Edwin Phillips, $455.84.
Ida M. Hoffacker, Susie A. Antrim, Margaret Meager, Fannie Fort, Harry Tantum, Elmer Tantum, Fred Tantum, and Walter Tantum, sole heirs of Henry N. Bennett, deceased, $457.63.
Emily Powell, widow of George Powell, deceased, $224.79.
Mary A. Dunn, Rebecca Patterson, Elizabeth Hunter, and William C. Barnes, sole heirs of Frederick B. Barnes, $132.36.

To the following-named persons (representing 15 claims) the following sums, respectively, as found by the Court of Claims in the case of Francis B. Black and others against the United States, for the payment for extra labor above the legal day of eight hours at the League Island Navy Yard, namely:

Francis B. Black, $404.21.
Arthur F. Corgee, $333.43.
Harry L. Davies, $72.91.
Harry L. Davies and John M. Davies, jr., sole heirs of John M. Davies, deceased, $898.12.
Samuel B. Edwards, $64.81.
George Hunter, $54.16.
William Kinsley, $236.66.
Mary A. McKay, widow of John McKay, deceased, $137.96.
Harry M. Mitchell and Margaret W. Eppright, sole heirs of Charles B. Mitchell, deceased, $514.46.
Simon McIlhare, $55.14.
George H. Pattison, $79.07.
Walter S. Rick, sole heir of George Rick, deceased, $469.95.
David S. Scott, $337.88.
Frederick Uber, $113.81.
Joseph Vile, $240.16.

To the following-named persons (representing 30 claims) the following sums, respectively, as found by the Court of Claims in the case of Jacob M. Davis and others against the United States, for payment for extra labor above the legal day of eight hours at the League Island Navy Yard, namely:

Jacob M. Davis, $309.01.
William R. Day, $156.53.
Sarah A. Gail, widow of William Gail, deceased, $13.46.
Elizabeth T. Mitchell, widow of George W. Mitchell, deceased, $48.75.
George W. Mager, one of the heirs of Adam Mager, deceased, $161.03.
Alcana Wilkinson, otherwise Kane Wilkinson, $256.58.
Benjamin L. Berry, $131.90.
William H. Beidman, $57.25.
William Wilson, $437.37.
Harry M. Mitchell, $281.23.
Martha L. Roberts, widow of John S. Roberts, deceased, $441.81.
James Schouler, $397.06.
Catherine Trinkle, executrix of David Irelan, deceased, $423.31.
John Sexton, $101.19.
Anna D. Benner, widow of James Benner, deceased, $210.41.
George W. Clothier, $422.59.
Edwin W. Dougherty (on rolls as Edward Dougherty), $328.37.
James Ingram, $309.93.
Andrew J. Keyser, jr., $428.66.
Sarah M. Keyser, widow of Andrew J. Keyser, sr., deceased, $879.06.
Emily R. McCalla, widow of Frank L. McCalla, deceased, $400.03.
Andrew B. Doebler, $861.41.
Charles Ewing, $97.47.
Robert C. Kochersperger, $165.94.
Jennie McCalla, widow of John A. McCalla, deceased, $164.67.
William H. Rihl, $435.25.
Aaron F. Stull, $97.93.
Samuel J. Shannon, $361.65.
John H. Silbert, $148.10.
John Virden, $903.59.
To Caroline Flomerfelt, widow of George W. Flomerfelt, deceased, $481.22.
To Edward McCann, $84.93.
To Elizabeth Siegfried, widow (remarried) of Robert Serro, deceased, $279.56.
To Maria L. Cummings, widow of Cornelius Cummings, deceased, $256.25.
To Mary Sullivan, widow of John Sullivan, deceased, $443.49.
To John Coward, $38.75.

To Thomas R. Harbridge, $197.28.
To William H. Kiner, jr., $190.22.
To Robert Mulready, $641.47.
To William W. Pidgeon, $237.84.
To Julius B. Price, administrator of the estate of George W. Conaway, deceased, $306.96.

RHODE ISLAND

To the following-named persons (representing four claims) the following sums, respectively, as found by the Court of Claims in the case of George A. Brown and others against the United States, for payment for extra labor above the legal day of eight hours at the naval torpedo station, Newport, namely:
George A. Brown, $291.19.
Mary C. Butts, widow of Noah Butts, deceased, $388.10.
Jacob C. Chase, $4.47.
Thomas Twigg, $217.80.

VIRGINIA

To the following-named persons (representing four claims) the following sums, respectively, as found by the Court of Claims in the case of Mary Beasley, widow of Mordecai Beasley, deceased, and others, against the United States, for payment for extra labor above the legal day of eight hours at the Norfolk Navy Yard, namely:
Mary E. Beasley, widow of Mordecai Beasley, deceased, $64.84.
Peter Gallilice, $17.63.
Sarah Richardson, widow of Noah Richardson, deceased, $130.18.
Albert E. West, $39.32.

To the following-named persons (representing 33 claims) the following sums, respectively, as found by the Court of Claims in the case of George W. Boushell and others against the United States, for payment of extra labor above the legal day of eight hours at the Norfolk Navy Yard, namely:
George Boushell, $121.13.
John T. Brown, $72.76.
William T. Boole, $122.25.
James A. Black, $98.31.
Martin J. Casey, executor, etc., of Steven Casey, deceased, $28.38.
James O. Corprew, $88.70.
Mary F. Connor, widow of Robert Connor, deceased, $228.
Nelson Carney, $38.94.
John A. McDonald, $174.
Hugh Smith, $97.87.
Richard S. Wilson, $59.02.
Thomas P. Cooke, $132.79.
Richard M. Diggs, $4.37.
Frank E. Eaton, $28.84.
John T. Gailam, administrator of Michael Moran, deceased, $95.26.
Thomas J. Howe, $533.12.
Ignatius Howe, $136.12.
John W. Howe, $238.35.
Charles A. Jakeman, $100.62.
William F. Luke, $12.75.
James W. McDonough, $529.78.
Louis McCloud, $182.25.
Thomas O'Rourke, $70.90.
Mary J. Pyle, widow of Mifflin J. Pyle, deceased, $266.87.
Thomas Riley, $67.04.
Henry W. Robie, $369.51.
Mary E. Rollins, widow of James W. Rollins, deceased, $121.50.
Miles Riddick, $120.12.
Robert T. Trafton, $132.70.
Watson Vellines, $123.42.
Scott White, $88.88.
Edward Whitehurst, $118.87.
Miles C. Wood, $46.12.

To Mary A. Curran, executrix of the estate of John J. Curran, deceased, late claimant in his own right, and as sole heir of Murty Curran, deceased, $1,032.94.

To Mrs. Martin Grady, widow of Martin Grady, deceased, $389.25.

To the following-named persons (representing six claims) the following sums, respectively, as found by the Court of Claims in the case of Sadie F. Curtis and Annie E. C. Partin, heirs at law of Henry W. Neville, deceased, and others against the United States, for payment for extra labor above the legal day of eight hours at the Norfolk Navy Yard, namely:
Sadie F. Curtis and Annie E. C. Partin, sole heirs of Henry Willis Neville, deceased, $376.62.
Everett Gildersleeve, Emma Francis Hathaway, Josephine Hewitt, and Ruth Clark, sole heirs of Samuel W. Gildersleeve, deceased, $873.33.
Everett Gildersleeve, Emma Francis Hathaway, Josephine Hewitt, and Ruth Clark, sole heirs of Samuel Gildersleeve, deceased, $414.42.
Thomas Hinton, Agnes Hinton, Harrison Hinton, and Henry Marshall, sole heirs of Harrison Hinton, deceased, $272.60.
Charles A. McCourt and Ella A. McCourt, sole heirs of John A. McCourt, deceased, $182.16.
Rebecca Pope, widow of John Pope, deceased, $140.31.

To the following-named persons (representing 28 claims) the following sums, respectively, as found by the Court of Claims in the case of Georgie R. Ricketts, widow of Augustus Ricketts, deceased, and others, against the United States for payment for extra labor above the legal day of eight hours, at Norfolk Navy Yard, namely:
Georgie R. Ricketts, widow of Augustus Ricketts, deceased, $59.12.
Margaret Cox, widow of John Cox, deceased, $2.06.
Alfred Bergerson, $19.82.
Moses Cornick, $91.50.
Robert E. Crump, $264.15.
Henry H. Epps, $164.97.
Robert Francis, $8.25.
Harrison Gaffney, $51.20.
Everett Gildersleeve, $220.82.
Samuel Gordon, $119.79.
James Kennedy, $3.52.
Enos Kitchen, $6.49.
John Land, $8.17.
Dennis Michaels, $86.56.
Isaac Miller, $283.66.
Edward V. Rauschert, $125.91.
Charles A. Shafer, $432.92.
H'm S. Whitehurst, $58.50.
Moses Whitehurst, $78.28.
Samuel P. Wigg, $301.15.
Fanny Brown, widow (remarried) of Joseph Williams, deceased, $35.26.
Mattie A. Bushnell, widow of Albert Bushnell, deceased, $354.75.
Mary E. Crandol, widow of William E. Crandol, deceased, $375.62.
Virginia Hurlbut, widow of Albert B. Hurlbut, deceased, $241.90.
Mary L. Lamar, widow of Henry Lamar, deceased, 88 cents.
Mary McDowell, widow (remarried) of Alexander Howell, deceased, $1.50.
Mary E. Moore, widow of August W. Moore, deceased, $504.20.
Emma Ryder, widow of William R. Ryder, deceased, $23.62.

To Virginia C. Boush, administratrix of Jonathen E. Boush, deceased, $574.98.

To Virginia C. Boush, administratrix of Charles R. Boush, deceased, $106.48.

To Virginia C. Boush, administratrix of Willey W. Boush, deceased, $255.73: *Provided*, That where the payment to be made under this act is less than $500, and the person who rendered the service is dead, and no demand is presented by a duly appointed legal representative of his estate, payment may be made to the decedent's widow or legal heirs as is provided by existing laws relating to the settlement of accounts of deceased officers or enlisted men of the Army (34 Stat. L. p. 750): *Provided further*, That in all cases where the original claimants were adjudicated bankrupts payments shall be made to the next of kin instead of to the assignees in bankruptcy: *And provided further*, That wherever under this act it is provided that a payment be made to an executor or an administrator, whether original or ancillary or de bonis non, and such executor or administrator is dead or no longer holds his office, payment shall be made to the successor therein, his title to hold such office being established to the satisfaction of the Secretary of the Treasury.

SEC. 2. That no part of the amount of any item appropriated in this bill in excess of 15 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered or advances made in connection with said claim.

It shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum which in the aggregate exceeds 15 per cent of the amount of any item appropriated in this bill on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRUTH IN FABRICS

The bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

NATIONAL ARBORETUM

The bill (S. 1640) authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with amendments. The first amendment was, on page 2, line 4, after the word "located," to insert "or other land within or adjacent to the District of Columbia."

The amendment was agreed to.

The next amendment was, on page 2, line 7, to strike out "$300,000" and insert in lieu thereof "$500,000."

Mr. WARREN. Mr. President, I ask that this amendment be disagreed to and that the $300,000 be retained. I make that request because I am anxious to see the bill passed, and I know there will be greater chance of success with the bill providing $300,000 than if it carries $500,000, and I think the latter amount is unnecessary at the present time.

Mr. McNARY. Mr. President, I feel the same deep concern manifested by the Senator from Wyoming in this measure, but the report of the Secretary of Agriculture is that on account of the increase in the price of land since 1920 an authorization of $500,000 would be required to obtain this valuable land.

Mr. WARREN. My information is that this land is not intended entirely for agriculture; that it may, of course, greatly serve agriculture, but in the meantime it will extend the public recreation and park system. I agree with the Senator, and should be perfectly willing that it should be left at $500,000, but I believe the House committee has considered the matter and have stated that $300,000 would be sufficient.

Mr. KING. Mr. President, will the Senator from Oregon yield?

Mr. McNARY. I yield.

Mr. KING. I have this morning talked to Mr. Glover, who, I think, knows more about this city than any other man.

Mr. WARREN. And he has been a very liberal contributor toward the extension of our parks and the beautification of the city.

Mr. KING. He has perhaps done more than any other man in the District of Columbia toward the extension of our park system, and has made greater contributions of money for land and parks than any other man in the city. He said that in his opinion $300,000 was ample.

Mr. McNARY. I am very happy to have that information. I would not want the amount increased to a point where it might endanger the passage of the bill.

Mr. KING. There is one further amendment which I understand must be made.

The VICE PRESIDENT. The question is on agreeing to the committee amendment on line 7.

The amendment was rejected.

The next amendment of the committee was, on page 2, to strike out section 4 in the following words:

SEC. 4. That the Secretary of Agriculture is authorized to recognize and consult an advisory council in relation to the national arboretum to be established under this act, to include representatives of the following organizations: National Academy of Sciences, National Research Council, Smithsonian Institution, Carnegie Institution of Washington, Garden Club of America, Wild Flower Preservation Society, Botanical Society of America, American Society of Landscape Architects, American Association of Nurserymen, National Association of Audubon Societies, American Forestry Association, Society of American Foresters, American Pharmaceutical Association, and American Association for the Advancement of Science.

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, I wish to offer another amendment. On page 1, line 4, before the word "national," I move to insert the words "park and."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 4, before the word "national," insert the words "park and," so as to read: "to establish and maintain a park and national arboretum."

Mr. BRUCE. Does the bill leave the appropriation applicable to the arboretum?

Mr. JONES of Washington. It does.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. JONES of Washington. In the same line, line 4, page 1, after the word "for," I move to insert the words "recreational purposes and for."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 4, after the word "for," insert the words "recreational purposes and for," so as to read: "for recreational purposes and for the purposes of research and education."

Mr. COPELAND. On what page is the proposed amendment?

Mr. JONES of Washington. Page 1, line 4. It is to make it available not only for the arboretum but for recreational-park purposes.

Mr. COPELAND. I certainly favor the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized and directed to establish and maintain a park and national arboretum for recreational purposes and for purposes of research and education concerning tree and plant life. For the purposes of this act (1) the President is authorized to transfer to the jurisdiction of the Secretary of Agriculture, by Executive order, any land which now belongs to the United States within or adjacent to the District of Columbia located along the Anacostia River north of Benning Bridge, and (2) the Secretary of Agriculture is authorized in his discretion to acquire, within the limits of the appropriation authorized by this act, by private purchase, condemnation proceedings, or gift, land so located or other land within or adjacent to the District of Columbia.

SEC. 2. That there is hereby authorized to be appropriated a sum not to exceed $300,000, to be expended under the direction of the Secretary of Agriculture for the acquisition of land as specified in section 1. No payment shall be made by the United States for any such land until the title thereto is satisfactory to the Attorney General and is vested in the United States.

SEC. 3. That in order to stimulate research and discover, the national arboretum established by the Secretary of Agriculture in accordance with the provisions of this act shall be under competent scientific direction. The arboretum shall be administered by the Secretary of Agriculture separately from the agricultural, horticultural, and forestry stations of the Department of Agriculture, but it shall be so correlated with them as to bring about the most effective utilization of its facilities and discoveries.

NATIONAL BANK BRANCHES

The bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, was announced as next in order.

Mr. KING. Let that go over, because it will take some time to dispose of it.

The VICE PRESIDENT. The bill will be passed over.

MARTHA E. BRACE

The bill (S. 3259) authorizing the enrollment of Martha E. Brace as a Kiowa Indian and directing issuance of patent in fee to certain lands was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments. The first amendment was on page 1, line 7, after the pord "patent," to strike out the words "in fee," and insert in lieu thereof "containing the usual restriction against alienation inserted in other trust patents to Indians on the Kiowa Reservation."

The amendment was agreed to.

Mr. KING. Mr. President, I want to ask the Senator from Oklahoma, chairman of the Committee on Indian Affairs, whether he is going to press the consideration of the bill, and I do so in view of the fact that a large number of Indians, probably 15 or 20, have been to see me, and contended that the measure was improper, that the beneficiary named in the bill was not entitled to be enrolled, and to get the rather large benefits which will result from such enrollment.

Mr. HARRELD. Mr. President, I am glad to make this statement. I introduced the bill myself, and I think I know the facts pertaining to it. Mrs. Brace is an adopted member of the Kiowa Tribe. Before she was allotted, however, they ran out of land, and there was no more land to be allotted. Lately a certain piece of school land, known as the Rainy Mountain school district, has been made available for allotment purposes, so I introduced the bill providing for her allotment from the Rainy Mountain school land. The Senator will

notice that the Secretary of the Interior called my attention to the fact that there were two others in about the same position.

It will be understood that the lands belong to three tribes, the Kiowa, Comanche, and Apache Indians. Of the three allottees, one of them, Mrs. Brace, is a Kiowa and one of the others is a Comanche. I think the third is an Apache, though I am not sure of the third, but I know I am correct about the first two. It appears that these three persons are entitled as a matter of right to allotments and were not given any allotments because all the land had been taken up. This land has become available for allotment, and they are simply seeking the right to which they are entitled. I think they are entitled to an allotment beyond any question. I know the facts personally.

Mr. KING. May I ask the Senator if this matter has not been brought before one or more Indian councils, and, if so, whether the Indians themselves have not decided adversely to the position taken by the Senator?

Mr. HARRELD. No Indian council has decided adversely. Of course, some individuals are opposed to the bill. Some individuals belonging to the three tribes have appealed to me. They want the land sold and the money distributed. It is perfectly natural that each individual would get less if the allotments were made. My answer has been that these people are entitled to an allotment as a matter of right, and I was not going to be deterred because somebody whose unit would be reduced was objecting. No action has been taken by any council opposing the allotment. If councils had opposed it, that would be a more serious question, of course. The objection has come simply from some individual Indians. I understand the matter thoroughly.

Mr. KING. I shall not object in view of the statement of the Senator. I wanted to note in the RECORD the fact that Indians have not only written to me but have come to see me personally. Two or three stated that one or more councils had passed upon the matter, and that it had been the subject of very great controversy for a considerable time among the Indians.

Mr. HARRELD. I think I can state beyond question of doubt that no council has acted on it. I think it is really the objection of individual Indians, which is perfectly natural, because they want to have the land sold and the funds divided.

Mr. WILLIAMS. Mr. President, I should like to inquire of the Senator from Oklahoma whether there is not a commission that determines just who these allottees shall be?

Mr. HARRELD. Yes; and they have already determined it. The only trouble was that there was no land to be given to them. There was no land available until this school land became available.

Mr. WILLIAMS. Has the commission determined that this particular claimant, Mrs. Brace, is an allottee under the law?

Mr. HARRELD. All I know is that the department have recommended favorably the passage of the bill, and they say in a letter that she was duly adopted as a member of the tribe.

Mr. WILLIAMS. It is the Senator's bill?

Mr. HARRELD. Yes.

The VICE PRESIDENT. The clerk will state the next amendment.

The next amendment of the Committee on Indian Affairs was, on page 2, after line 7, to insert the following new section:

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue the usual trust patents to Bessie Yellowfish, covering the northeast quarter of section 13, township 6 north, range 16 west, Indian meridian, Oklahoma, and to Anaclito Portillo, covering the southeast quarter of section 24, township 6 north, range 16 west, Indian meridian, Oklahoma.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to enroll Martha E. Brace, intermarried in the Kiowa Tribe of Indians, who was regularly adopted by the tribal council of aforesaid tribe previous to June 1, 1909, and to issue a patent containing the usual restriction against alienation inserted in other trust patents to Indians on the Kiowa Reservation, covering the northeast quarter of section 24, township 6 north, range 16 west, Indian meridian, Kiowa County, Okla., to the said Martha E. Brace, who has heretofore received no allotment of land from any source: *Provided,* That this shall be in lieu of all claims to any allotment of land or money settlement in lieu of an allotment: *Provided further,* That this enrollment and allotment shall be made only upon the express condition that the said Martha E. Brace shall relinquish all the rights and privileges which she acquired by reason of her enrollment as a member of the Wyandotte Tribe of Indians.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue the usual trust patents to Bessie Yellowfish, covering the northeast quarter of section 13, township 6 north, range 16 west, Indian meridian, Oklahoma, and to Anaclito Portillo, covering the southeast quarter of section 24, township 6 north, range 16 west, Indian meridian, Oklahoma.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as the read: "A bill authorizing the enrollment of Martha E. Brace as a Kiowa Indian, and directing the issuance of trust patents to her and two others to certain lands of the Kiowa Indian Reservation, Okla."

PROTECTION OF WATERSHEDS OF NAVIGABLE STREAMS

The bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, was announced as next in order.

Mr. OVERMAN. Let the bill go over.

Mr. BRUCE. Let it go over.

The VICE PRESIDENT. The bill will go over under objection.

Mr. McNARY. Mr. President, I only want to observe that I sincerely hope the Senate may have an opportunity to consider this proposed legislation during the present session of Congress.

Mr. OVERMAN. I think we can get together on the matter probably. I am willing to discuss it at any time the Senator wishes, but I believe it had better go over until the December session.

Mr. McNARY. Do I understand that the Senator from North Carolina is not yet ready to act upon the matter?

Mr. OVERMAN. I am willing to prepare an amendment, and then, if the Senator accepts it, I think it will go through all right.

Mr. McNARY. I understood the Senator's amendment referred to another bill and not this particular bill.

Mr. OVERMAN. I want the matter to go to the Appropriations Committee so we will understand what we are asked to do when we come to appropriate $40,000,000.

Mr. McNARY. The Senator knows that this is not an appropriation bill. It is an authorization, and the matter necessarily must go to the committee when the appropriation itself is proposed to be made.

Mr. OVERMAN. But when we authorize an appropriation of $40,000,000, the committee will necessarily have to make it. The best place for the amendment which I have in mind is on the bill which makes the authorization, so the committee may know what they are doing when the bill for the appropriation comes before them.

Mr. McNARY. Does the Senator want to amend this particular bill?

Mr. OVERMAN. This is the bill I want to amend. I do not want to amend the Senator's bill, because I think his bill is all right according to the way he intends it, but unless there is an amendment on the bill which is now under discussion, it will not be satisfactory.

Mr. McNARY. Would the Senator be willing to submit his amendment some time when we are considering the calendar?

Mr. OVERMAN. I will show it to the Senator, and I think we can agree on it.

Mr. McNARY. It is a most impersonal matter to me. It is an attempt to create great forests in the South and in the Great Lake States and New England. I am surprised that anyone from this cut-over country would object to appropriations by the Government to renew the cut-over forest lands.

Mr. OVERMAN. The Senator knows I was as much in favor of reforestation as anyone in the world where we can do it constitutionally. We can buy land for the purpose of protecting the headwaters of the great streams of the country, and that is all right, but to go out and buy indiscriminately cut-over land here, there, and everywhere in the Middle West and make a great domain, I think is something which we have not the power to do under the Constitution. I think the Supreme Court has so held. I do not want to vote for an unconstitutional bill.

Mr. McNARY. I am not asking the Senator to vote for the bill. We perhaps will never agree upon the constitutionality of the measure. I am willing to follow my own judgment upon it.

Mr. OVERMAN. I know the Senator will do that.

Mr. McNARY. All I ask, in a spirit of fairness, is that the Senator from North Carolina permit the Members of the Senate to vote upon the bill.

Mr. OVERMAN. I want to discuss it. I want to prepare an amendment and discuss it.

Mr. McNARY. Will the Senator do that during this session, so we may have action on it at this session?

Mr. OVERMAN. I am going to show my amendment to the Senator, and I think he will agree to it.

The VICE PRESIDENT. Under objection the bill will go over.

AMENDMENT OF EMPLOYEES' RETIREMENT ACT

Mr. STANFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Order of Business 610, the bill (S. 786) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof.

Mr. KING. Is the Senator departing from the regular order?

Mr. STANFIELD. Yes.

The VICE PRESIDENT. Is there objection?

Mr. KING. I object. We have agreed to proceed with the calendar.

Mr. TRAMMELL. I do not know that I object to the bill, but I object until we get to it on the calendar.

The VICE PRESIDENT. Objection is made.

PECOS RIVER WATER STORAGE

The bill (H. R. 3862) to provide for the storage of the waters of the Pecos River was announced as next in order.

Mr. JONES of New Mexico. Mr. President, reserving the right to object, I would like to make a parliamentary inquiry. If the bill were taken up without objection, I understand debate would be limited to five minutes by any one Senator. If it is taken up on motion notwithstanding the objection, then would debate be unlimited?

The VICE PRESIDENT. Debate would be unlimited until 2 o'clock.

Mr. JONES of New Mexico. I desire to make the statement that this is a bill which is very important and which, when considered, I shall desire to discuss at some length. It involves two or three very important principles, a change of policy of the Government and a question of State rights under certain circumstances. In order to get an opportunity to discuss the matter in the way in which I feel it must be done, I shall therefore have to object.

Mr. SHEPPARD. Mr. President, I move that the Senate proceed to the consideration of the bill despite the objection.

The VICE PRESIDENT. The question is on the motion of the Senator from Texas to proceed to the consideration of the bill. All in favor of the motion will say "aye." [A pause.] Contrary, "no." [A pause.] The "noes" have it.

Mr. SHEPPARD. I call for a division, Mr. President. What was the decision of the Chair?

The VICE PRESIDENT. The Chair stated that the "noes" had it.

Mr. SHEPPARD. May I have a division?

The VICE PRESIDENT. Those in favor of the motion of the Senator from Texas will rise and stand until counted.

Mr. JONES of New Mexico. Does not the request for a division come too late? I raise the point of order that the request for a division comes too late.

The VICE PRESIDENT. The point of order is well taken.

Mr. SHEPPARD. I did not understand how the Chair ruled.

The VICE PRESIDENT. The Chair had announced the result of the vote.

Mr. SHEPPARD. I asked for a division as soon as I could hear what the Chair stated. I could not know the result of the vote until the Chair had announced it.

The VICE PRESIDENT. The Chair had announced the vote, and the point of order of the Senator from New Mexico [Mr. JONES] is well taken. Is there objection to a division on this question?

Mr. JONES of New Mexico. I object.

Mr. SHEPPARD. A parliamentary inquiry. When is a request for a division in order? Must it be made before the Chair announces the result?

The VICE PRESIDENT. A request for a division is in order before the result of the vote is announced by the Chair and not afterwards.

Mr. McNARY. Mr. President, that is introducing a new practice here on this floor. How can a Senator determine if he wants a division until after the decision of the Chair shall have been announced? On a viva voce vote reliance is placed upon the sense of hearing. We on this side of the Chamber might hear the vote one way and the Chair might hear it another way. A Senator may not ask for a division until the result shall have been announced by the Chair. That has heretofore always been the practice.

The VICE PRESIDENT. The Chair, perhaps, might have waited longer before announcing the result; but the time to call for a division is between the vote and the announcement by the Chair.

Mr. McNARY. Mr. President, the reasoning of that suggestion does not appeal to me. It has never been the practice of the Senate. The practice of the Senate has always been that whenever the Chair announced a viva voce vote a Senator could ask for two things—a division or a roll call. When the Chair determines the result upon a viva voce vote, then a division may be asked for, and following that a Senator may appeal to a roll call, if he can get his demand properly seconded. So that a Senator heretofore in practice has had three recourses.

I think, Mr. President, it is very important that we should determine the procedure, because when we are considering the calendar under Rule VIII, if a Senator must remain mute until the Presiding Officer announces the result, and he is then foreclosed from further action, it is going to be impossible to guess what his ears will tell the Presiding Officer.

Mr. WILLIS. Mr. President, if I may be heard on the point of order, if there is one, it seems to me that the position taken by the Chair is the only position that is possible to be taken, in view of the logic of the situation. It would be an absurd situation if a Senator who is interested in the passage of a bill were permitted to wait until the Chair had announced the result of the vote, and then, if it is against him, call for a division. Of course, the space of time within which to call for a division is in the interval between the vote and the announcement. After the vote shall have been taken viva voce, if the Senator interested in the bill is in doubt about it, then he can call for a division, but, of course, not after the result is announced. That would be obviously unfair and unparliamentary.

Mr. JOHNSON. Mr. President——

Mr. WILLIS. I yield to the Senator from California.

Mr. JOHNSON. I merely wish to make an observation. The Senator from Ohio has the same desire that all of us have—to do what is appropriate and to do the thing that ought to be done. Take an instance like that which has just occurred. The Presiding Officer hears the vote in one fashion but everyone of us over here was practically certain the "ayes" had it.

Mr. WILLIS. I do not agree to that.

Mr. JOHNSON. Three of us here, at any rate, thought so. Under those circumstances, why should I hop up and call for a division?

Mr. WILLIS. If the Senator wants me to answer that, I am prepared to do so.

Mr. JOHNSON. I am curious to have the rule determined.

Mr. WILLIS. If a Senator is at all uncertain about how the question is likely to be decided, he has his remedy before the result is announced; but if he waits until after the result is announced then, of course, he is guilty of laches and can not call for a division.

Mr. JOHNSON. But there was not a particle of doubt in the minds of some us, at least, as to the result of the vote. However, the Presiding Officer instead of saying, as he often does, that he was in doubt said at once, "The noes have it," when we believed that the ayes had it. Immediately upon the announcement by the Presiding Officer, the Senator from Texas arose and asked for a division. Now, what more could he do?

The VICE PRESIDENT. The Chair suggests that a motion for a reconsideration can be made in accordance with the practice of the Senate. There is a precedent of the Senate that after an amendment has been agreed to by a division a vote can not be taken by yeas and nays; and, by analogy, after a viva voce vote has been taken and the result is announced, then it is too late to call for a division.

Mr. JOHNSON. I suggest to the Senator from Texas that he move a reconsideration.

The VICE PRESIDENT. That would be the proper parliamentary procedure.

Mr. SHEPPARD. I move to reconsider the vote by which the Senate decided not to take up the bill.

Mr. JONES of New Mexico. Mr. President, I do not desire to be put in the position of trying to obstruct the consideration of this measure. I stated the situation a while ago. I know that the consideration of this bill can not be completed by 2 o'clock or within a considerable portion of the afternoon if, in my humble judgment, it shall receive the consideration which it demands from the Senate. It was really in the interest of the expedition of the business of the Senate that I made this opposition. The Senator from Texas knows that this case can not be stated clearly between now and 2 o'clock, and it would be a

waste of time to reconsider the action of the Senate and take the measure up for consideration.

I am not saying this merely for the purpose of obstruction. I am willing to submit the merits of this case to the Senate whenever it can be done, but it can not be done during the morning hour or during a good portion at least of the afternoon if we should permit its consideration to continue. So I have stated what I have and made the objection which I have made solely in the interest of the expedition of the business before the Senate.

Mr. SHEPPARD. Mr. President, I do not agree with what the Senator has said as to the time it will take to explain this measure. I think the case can be stated in five minutes so that every Senator may understand it.

The VICE PRESIDENT. The question is on the motion of the Senator from Texas to reconsider the vote whereby the Senate refused to take up the bill.

The motion was agreed to.

The VICE PRESIDENT. The question now recurs on the motion of the Senator from Texas that the Senate proceed to the consideration of House bill 3862.

Mr. SHEPPARD. I ask for a division, Mr. President.

The VICE PRESIDENT. Those in favor of the motion will rise and stand until they are counted.

Mr. BINGHAM. Mr. President, a parliamentary inquiry. Has the motion been stated? There is some misunderstanding as to what the motion is.

The VICE PRESIDENT. The Senator from Texas moves to proceed to the consideration of House bill 3862 notwithstanding the objection.

Mr. SHEPPARD. And I have asked for a division.

The VICE PRESIDENT. The Senator from Texas asks for a division.

Mr. BINGHAM. I thought the question was on the motion to reconsider.

The VICE PRESIDENT. The question is on the motion of the Senator from Texas to proceed to the consideration of House bill 3862.

On a division, the motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3862) to provide for the storage of the waters of the Pecos River, which had been reported from the Committee on Irrigation and Reclamation with amendments.

Mr. KING. Let the bill be read in hæc verba.

The VICE PRESIDENT. The Secretary will read the bill.

The Chief Clerk proceeded to read the bill.

Mr. MEANS. Mr. President, a parliamentary inquiry. Is the five-minute rule under Rule VIII in force in the debate on this bill?

The VICE PRESIDENT. That rule does not apply, the bill having come up on a motion to proceed to its consideration.

The reading of the bill was resumed and concluded, as follows:

Be it enacted, etc., That in accordance with the provisions of the act of June 17, 1902 (32 Stat. L. p. 388), and acts amendatory thereof or supplementary thereto, except as the same are modified herein, the Secretary of the Interior is hereby authorized and empowered to construct the Red Bluff Federal irrigation project, consisting of a reservoir upon the Pecos River, sufficient in size for the irrigation of not exceeding 40,000 acres of land in the State of Texas, which reservoir shall be located at a point where it will impound the flood waters of Delaware Creek and Black River, and shall be provided with all necessary incidental works for the operation of the same.

SEC. 2. That no expenditure for construction shall be made under this act until an appropriate contract or contracts in form approved by the Secretary of the Interior, providing for the payment to the United States as provided herein of the costs incurred on account of said project, shall have been properly executed by a district or districts organized under State law and embracing property to be benefited by said project, and such execution shall have been confirmed by a court of competent jurisdiction: *Provided*, That expenditures may be made hereunder at any time to cover necessary expenses incurred by the United States on account of preliminary investigations and negotiations in connection with the execution of the contract or contracts provided for by this section.

SEC. 3. That the total cost to the United States of the construction of said project shall be repaid to the United States in 20 annual installments, without interest, as follows: Five per cent thereof on March 1 of the second year following the year in which water becomes first available from said reservoir for irrigation and 5 per cent thereof annually thereafter until the whole amount is paid: *Provided*, That if any installment shall not be paid when due there shall be added at once to such installment a penalty of 1 per cent thereof and thereafter on the 1st day of each month a like penalty so long as the default continues.

SEC. 4. That the cost to the United States of operating and maintaining said project shall be paid to the United States in advance upon annual estimates made by the Secretary of the Interior, and upon a day to be fixed by him: *Provided*, That the cost of operating and maintaining the project the year water is first available therefrom for irrigation shall be merged with and made a part of the construction cost. If the estimate for any one year shall be either more or less than the actual cost, an appropriate adjustment shall be made in the estimate for the next succeeding year.

SEC. 5. That no classification by the Secretary of the Interior of the irrigable lands of said project shall be required, nor shall he issue any public notice relating to construction charges against said lands: *Provided*, That the Secretary of the Interior shall determine the cost of said project, including the cost of operating and maintaining it the first season water is available therefrom for irrigation, and shall furnish a statement of such cost to the contracting district or districts.

SEC. 6. That there is hereby authorized to be appropriated from any moneys not otherwise appropriated in the reclamation fund such an aggregate amount as may be necessary to carry out the purposes of this act, not exceeding the sum of $2,000,000.

Mr. SHEPPARD. Mr. President, I ask that the bill may now be read for committee amendments, so that they may be considered pending.

The PRESIDING OFFICER (Mr. FESS in the chair). The Senator from Texas asks unanimous consent that the bill may be read for amendment. In the absence of objection, the first amendment reported by the committee will be stated.

The CHIEF CLERK. In section 3, page 2, line 20, after the word "in," it is proposed to strike out the word "twenty"; in the same line, after the word "installments" and the comma, it is proposed to strike out "without interest, as follows: Five per cent thereof on March 1 of the second year following the year in which water becomes first available from said reservoir for irrigation, and 5 per cent thereof annually thereafter until the whole amount is paid: *Provided*, That if any installment shall not be paid when due there shall be added at once to such installment a penalty of 1 per cent thereof and thereafter on the 1st day of each month a like penalty so long as the default continues," and insert "as provided in the reclamation act of June 17, 1902, as amended," so as to make the section read:

SEC. 3. That the total cost to the United States of the construction of said project shall be repaid to the United States in annual installments, as provided in the reclamation act of June 17, 1902, as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. JONES of New Mexico. Mr. President, I suppose the Senator from Texas assumes that the Senate is willing to pass this bill and adopt the amendments without discussion.

Mr. SHEPPARD. No; I do not, Mr. President.

Mr. JONES of New Mexico. The Senator from Texas has not undertaken at all to explain the provisions of the bill. I doubt if there are many Senators who understand it at all.

Mr. SHEPPARD. It is my intention to explain the bill.

Mr. JONES of New Mexico. I should like to inquire when the Senator intends to do so.

Mr. SHEPPARD. At present. I merely wanted to have the amendments read for information so as to afford a better understanding of the entire bill and so that they might be pending for that purpose.

Mr. JONES of New Mexico. But the Chair put the question upon the adoption of the first amendment.

The PRESIDING OFFICER. The Chair will state that when an amendment is read it is pending for action.

Mr. JONES of New Mexico. Yes; it is pending, but I thought the Chair put the question on the adoption of the amendment.

The PRESIDING OFFICER. The Chair did, but the amendment is open to debate; the Senator can debate it.

Mr. SHEPPARD. I intended to take the floor at this time.

Mr. JONES of New Mexico. Very well.

Mr. SHEPPARD. Mr. President, this bill does not carry an appropriation. It merely authorizes the Secretary of the Interior to provide for the storage of waters on the Pecos River in New Mexico for the benefit of certain irrigated lands in Texas, provided he finds the project feasible, and also provided he finds that a satisfactory arrangement can be made for the repayment of the funds advanced by the Government. It is a bill that authorizes the storage of water for the irrigation of not to exceed 40,000 acres of land on the Pecos River in Texas. This is practically the acreage now under an uncertain volume of irrigation in the Pecos Valley in Texas.

In normal years not less than 85 per cent of the waters which will be stored in the proposed reservoir for the irrigation of the lands in Texas enter the Pecos River below the Carlsbad project in New Mexico, and below any point at which they can be used for the irrigation of lands in the State of New Mexico. It is true that in some years a material contribution to the supply is obtained from the flood waters coming down from the upper district; but under the law, as universally recognized by the western courts, the lands already under irrigation, whether in Texas or New Mexico, have a right to use this water to the extent of their needs, superior to any claim of land not under irrigation.

The land in the lower basin—that is, in the Texas section of the Pecos River—comprising approximately 40,000 acres already having existing water rights, is entitled to use, for the adequate irrigation of that land, the flood waters as well as the normal flow of the river, and has a right to store water sufficient for its adequate irrigation, which is a right superior to the right of the owner of any land not now under irrigation to use such water.

The proposed storage is made necessary by the establishment of a Federal irrigation project in the Pecos Valley at Carlsbad, N. Mex., which caused a gradual diminution of the water supply for these Texas lands until their productiveness has been seriously impaired and impense losses have been sustained and until the owners and cultivators thereof are threatened with a total loss of their homes and investments.

I desire to read a few telegrams from settlers in the Texas section of the river, showing their desperate condition.

We business men in Barstow—

Barstow is a town in this irrigated section—

as well as the farmers in this our irrigation district, are practically ruined without the Red Bluff project. Am earnestly asking you to do all within your power for its passage.

Another:

Without Red Bluff reservoir our lands under irrigation are doomed. Have been here 35 years.

Still another, Mr. President:

Unless the legislation is passed so it is possible to store flood waters for irrigation purposes, we farmers on the Pecos will have to abandon our homes and farms. I have lived here since 1897. At that time the Pecos River could be depended on to run half bank full from May until November. I am a farmer with 20 years of experience in this locality. All I have is here. If this bill fails, must move out and start again elsewhere. Also applies to every farmer under the Barstow project.

I have a score or more of similar telegrams from others in practically every part of the section under irrigation in Texas.

For perhaps 20 or 25 years the settlers in this irrigated section of the Pecos River in Texas flourished and prospered. A Federal irrigation project was established in New Mexico on the Pecos about 1912 some 50 or 60 miles above this Texas section, and from that time until this there has been a steady diminution in the water supply for the Texas section until to-day we have in Texas only about half of the water that we had prior to 1912 available from the Pecos River.

Under these circumstances it seems but an act of fairness that the Federal Government should right the wrong it has done; that it should, at least, advance the funds for the construction of a reservoir, which will enable the people in the irrigated districts of Texas again to have a normal flow of the water which they used without contest and without diminution for some 20 or 25 years.

The case appealed to the House Committee on Irrigation to such an extent that they made a unanimous report in favor of the bill. The House passed it unanimously. The Senate Committee on Irrigation and Reclamation passed it practically without division. We merely ask, as a matter of right, that the normal flow of the Pecos River be restored to the Texas section.

The reservoir to be constructed will enable the Texas section to use the water of two small tributaries entering the Pecos River near the southern boundary of New Mexico, tributaries the waters of which, on account of the topography, can not be used, for the most part, for irrigation in New Mexico. In addition to that, we will then be enabled to use whatever water comes down the Pecos from the upper reaches after having been used by the existing projects on the Pecos in New Mexico.

In view of that situation, Mr. President, I submit that the bill should be passed.

Mr. JONES of New Mexico. Mr. President, this bill involves a great deal more than has been indicated by the remarks of the very able Senator from Texas [Mr. SHEPPARD].

This bill proposes to take from the reclamation fund $2,000,000, to be used for the construction of a reservoir and other irrigation works in the State of New Mexico for the irrigation of lands in the State of Texas.

In the first place, I desire to call attention to the fact that this procedure is contrary to the policy of the Congress and of the Government since we had any reclamation law.

For a number of years the Reclamation Service itself allocated to various projects the funds which were collected from the various States. The reclamation fund, in the first place, was made up of the receipts from the sale of the public lands. The first act, the act of 1902, which provided for the collection of those moneys, provided that the fund should be used for the reclamation of lands in the so-called public-land States. It did not include the State of Texas. The State of Texas never had any public lands. Not a dollar has been derived from the State of Texas for the reclamation of arid lands.

It will be recalled that under the act which made Texas a part of the United States the title to all of the lands was reserved to the State, so the State of Texas has contributed nothing to his reclamation fund.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	Lenroot	Sackett
Bayard	Fess	McKellar	Schall
Bingham	Fletcher	McLean	Sheppard
Blease	Frazier	McMaster	Shipstead
Borah	George	McNary	Shortridge
Bratton	Gerry	Mayfield	Smoot
Broussard	Glass	Means	Stanfield
Bruce	Goff	Metcalf	Steck
Butler	Gooding	Moses	Swanson
Cameron	Hale	Neely	Trammell
Caraway	Harreld	Norbeck	Tyson
Copeland	Harris	Norris	Underwood
Couzens	Heflin	Nye	Walsh
Cummins	Howell	Oddie	Warren
Curtis	Johnson	Overman	Watson
Dale	Jones, N. Mex.	Phipps	Weller
Deneen	Jones, Wash.	Pine	Wheeler
Dill	Kendrick	Ransdell	Williams
Edwards	Keyes	Reed, Mo.	Willis
Ernst	King	Reed, Pa.	
Fernald	La Follette	Robinson, Ind.	

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, a quorum is present.

Mr. JONES of New Mexico. Mr. President, I realize that it is almost impossible for the Senate to maintain a quorum at this hour of the day. We were all engaged in the call of the calendar for unobjected bills during the usual lunch hour, and, of course, Senators were prevented from getting their lunch at that time, and they are endeavoring to do so now.

This bill is of such importance, as I see it, that I should regret very much if it should not be understood by every Senator, and at the risk of being considered tedious in the presentation of this matter, now that there are some Senators here who were not here when I began the discussion of the bill, I want to repeat very briefly some of the statements which I have made regarding the purpose of this measure.

This is a bill to establish in New Mexico a reservoir for the purpose, wholly and entirely, of irrigating lands in the State of Texas.

Mr. KING. Privately owned lands.

Mr. JONES of New Mexico. Privately owned lands in the State of Texas. The State of Texas never had any public lands, and this is entirely in aid of private enterprises.

This attempt is made notwithstanding the objections of the State of New Mexico, which to my mind are exceedingly important and well founded. As this bill is constructed, it would be disastrous to a considerable section of the State of New Mexico. Therefore I desire that the Senate shall fully understand this measure before voting upon it.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. I am glad to yield.

Mr. MAYFIELD. It is a fact, is it not, that there are privately owned lands in the State of New Mexico and Texas also that are irrigated by the Elephant Butte Dam?

Mr. JONES of New Mexico. Yes; Mr. President, that is true, and I am glad the Senator has referred to the Elephant Butte project, because that is sui generis and ought to be understood, and a statement with respect to it will explain some of the things which may be said regarding this bill.

Senators will doubtless recall that before the Elephant Butte Dam was constructed, the Government of Mexico was presenting to the Government of the United States the claims of various citizens of Mexico who insisted that they had been deprived of certain water by reason of the use of water further upstream, in Colorado principally and in New Mexico partly.

In order to settle the claims which Mexican citizens made against the Government of the United States, a treaty was entered into, and that treaty provided for the building of this reservoir to impound waters for use in old Mexico. That treaty provided that a certain quantity of water should be furnished free of charge to citizens of Mexico. The amount of the water was 60,000 acre-feet per annum, and for the purpose of settling the claims of Mexican citizens against the United States our Government contributed $1,000,000 out of the Federal Treasury to the building of that dam at Elephant Butte.

Of course, in order to pay the expense of building the dam the Government not only included lands in the State of New Mexico but also lands in the State of Texas which could conveniently and properly have been irrigated, all of which contributed to the expense of the enterprise. The enterprise thus far has cost about eleven or twelve million dollars.

It was estimated then that there would be more of this land in New Mexico irrigated from the Elephant Butte project than has finally proven to be the case. It is found that about as much land can be irrigated in the State of Texas as is being irrigated in the State of New Mexico and even more. I have related the circumstances under which that water was furnished to the State of Texas through the use of the reclamation fund. So, as I take it, it does not create any precedent for the ordinary use of that fund by the Reclamation Service.

Senators will remember that in 1902, when we passed the reclamation law, it was built up through the sale of lands in public-land States, and it was provided in the law that that money was to be allocated to projects in those States. That does not include the State of Texas, for the reason that the State of Texas never had any public lands. Under the treaty with the Republic of Texas, Texas was permitted to retain the ownership of all the lands within that Republic.

This bill proposes to take out of the reclamation fund $2,000,000 for the purpose of constructing this reservoir in the State of New Mexico to irrigate these lands in the State of Texas. I stated a while ago that the money is to come out of the reclamation fund, which has been accumulated from time to time through the sale of public lands in the western public-land States. At this point I think it well to state that there is no money in the reclamation fund which would be available for this project.

Two or three weeks or a month ago some of us in New Mexico who wanted to get some reservoirs built in our State on this very river went to the Secretary of the Interior and had a conference with him and the Director of the Reclamation Service. We were told that to complete projects already under construction would require more than $60,000,000, and that they had but $6,000,000 plus in the reclamation fund, and that therefore they could not advise the undertaking of any new projects under the reclamation law. On this very river in New Mexico, where we wanted to obtain an appropriation, or even an authorization for an appropriation, the Interior Department declined to recommend it, because the funds were not available, and the money would have to come out of the general funds in the Treasury of the United States. It was announced that that was contrary to the policy of the administration.

This particular project has been reported upon by the Interior Department. The report is published in the hearings which were had in the House, and the Secretary of the Interior advised us that this is not a feasible project, so far as it has been investigated. Before I conclude, if the matter remains before the Senate any great length of time, I shall read to the Senate the report of the Secretary of the Interior. He tells us in his report that from examinations made in 1913 and 1914, and later in 1920 and 1921, the engineers report that this reservoir will not hold water, that it is not a feasible project. For that reason the Secretary recommends that the bill be not passed.

The Secretary also says that the passage of this bill would be contrary to the President's general policy.

Mr. SHEPPARD. Mr. President, will the Senator yield to me for a question?

Mr. JONES of New Mexico. I yield.

Mr. SHEPPARD. In what document do those statements appear?

Mr. JONES of New Mexico. The statement that I have just made appears on page 2 of the House hearings.

Mr. KING. May I make an inquiry of the Senator?

Mr. JONES of New Mexico. I yield.

Mr. KING. I should like to know under what theory, any way, we could take money out of the Treasury of the United States for this enterprise. If the Government of the United States has injured any of the inhabitants of Texas by its tortious conduct, they might be remitted by a proper bill to the Court of Claims to present their claims for damages; but this legislation seems to me exceedingly unique.

Mr. JONES of New Mexico. I shall present a state of facts, before the discussion is ended, which will show not only that Texas has not been injured by anything which has been done at Carlsbad, but, as a matter of fact, that it has been benefited. I think I can show that by referring to the report of the facts set forth in this record.

Mr. MAYFIELD. Will the Senator yield?

Mr. JONES of New Mexico. I yield.

Mr. MAYFIELD. It is the Senator's contention, then, that the taking of the water away from our people, which they have used to make their crops, has benefited them? Is that his position?

Mr. JONES of New Mexico. Not at all. On the other hand, I think I shall be able to show that instead of taking water away, we have furnished additional water to the State of Texas.

Mr. MAYFIELD. Just one other question I would like to ask the Senator before he takes his seat. Is it his contention that the reclamation act does not apply to the State of Texas?

Mr. JONES of New Mexico. The reclamation act has, by a comparatively recent act, been made to apply to the State of Texas; but I stated the circumstances.

Just a word about the injury which it is claimed has been inflicted upon the State of Texas. Texas has no law of prior appropriation. It has the old riparian law. It is stated in this record by the attorney, Major Burgess, who was here representing these very people, that under the Texas law there was no such thing as gaining priority for the use of water as against people above the point of diversion. Just how they gain any rights prior to those below them does not appear in the record, and I therefore assume that that right comes only from the doctrine of prescription and adverse user, and that the party in that way might acquire a priority against the people owning lands below the diversion. But it is stated in this record directly and positively in two or three places that under the law of Texas no user of water can acquire any title or right against anyone farther up the stream. That is the law of Texas. On that legal proposition I should like to know how there could be any legal injury when there is no legal right.

Upon the question of fact, there are no storage reservoirs in Texas.

RAILWAY CARRIERS AND THEIR EMPLOYEES

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, House bill 9463.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes.

Mr. CURTIS. Mr. President, I desire to enter a motion to recommit the measure to the Committee on Interstate Commerce.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Ferris	Lenroot	Robinson, Ind.
Bingham	Fess	McKellar	Sackett
Blease	Fletcher	McLean	Schall
Borah	Frazier	McMaster	Sheppard
Bratton	George	McNary	Shipstead
Broussard	Gerry	Mayfield	Shortridge
Bruce	Goff	Means	Smoot
Butler	Gooding	Metcalf	Stanfield
Cameron	Hale	Moses	Steck
Caraway	Harreld	Neely	Swanson
Copeland	Harris	Norbeck	Trammell
Couzens	Heflin	Norris	Tyson
Cummins	Howell	Nye	Underwood
Curtis	Johnson	Oddie	Walsh
Dale	Jones, N. Mex.	Overman	Warren
Deneen	Jones, Wash.	Phipps	Watson
Dill	Kendrick	Pine	Weller
Edwards	Keyes	Ransdell	Wheeler
Ernst	King	Reed, Mo.	Williams
Fernald	La Follette	Reed, Pa.	Willis

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from Kansas to recommit the bill to the Committee on Interstate Commerce.

Mr. REED of Missouri. Mr. President, I would like to be indulged for just a few minutes with regard to the pending motion. I started to say on Saturday that there was much misapprehension regarding the facts which are important to understand before a vote is had upon the bill. Briefly running over them, the statement has been made that all the

railroads and all the employees had agreed upon the bill. The fact is that some of the railroads and some of the employees have agreed. Let me spend just a moment on that subject.

There are two associations of railroad managers. First, the American Railway Executives' Association, which is composed of all the financial men, the men who represent the capital of the railroads. Occasionally there is an operating man who is a member of that association, but in such instances he generally occupies the dual position of representing the capital and also representing the roads. Then there is the American Railroad Association, which is composed of the presidents and operating vice presidents of the railroads. It is this latter association that has to do with direct dealings with the men and that is especially concerned in problems of wages and labor. But it was not this latter association that undertook to take action approving the bill. It was the American Railway Executives' Association, the representatives of the capital, who did that, and the members of that association are expressly barred by their articles of agreement from dealing with the question of wages at all. They formerly undertook to interfere with almost every kind of question, but their articles of association were amended on the 31st day of December, 1923, and contain this clause:

The association relinquishes its reserved jurisdiction over all activities with respect to traffic, labor, and publicity matters.

There were certain other things over which they relinquished their authority. When these executives, the representatives of the financial interests concerned in the roads, met and undertook to bind the railroads or to speak for the railroads, they were going in the teeth of their own association agreement which expressly forbade any such interference.

Mr. President, notwithstanding this situation, the executives' association was called together; but before that the president of the Pennsylvania Railroad Co., Mr. Atterbury, had worked out this plan. It will be remembered that Mr. Atterbury is the gentleman largely responsible for the warfare between the railroads and the shops. After that strike was over the Pennsylvania Railroad employees were compelled, or induced—I do not want to use the word "compelled"—to organize as to their shop crafts and mechanical department as a company proposition—that is to say, as the employees of a single company. I have here, I think, conclusive evidence that Mr. Atterbury originated this bill. I am not going to take the time to read the evidence unless my statement is challenged. He got together two or three men, perhaps five or six men; he got together one or two representatives of the large railroad crafts, and these gentlemen sat down in a room and privately worked out the bill. Then Mr. Atterbury carried it out to Chicago, without any sufficient notice to the railroads that were concerned, and, before this association that had nothing whatever to do with the business, proceeded to get an alleged commitment of the railroads themselves. Upon the other hand, the majority of the railroad employees do not belong to the associations that have sanctioned the agreement. A minority is represented therein, but not the majority.

No public hearings were held before this commitment. When the bill came before the House of Representatives the hearings were very limited. The farm organizations generally throughout the country had no opportunity to be heard. Railroads in opposition to the plan were not heard. A gentleman who claims to be the general representative of railroads in the city of Washington, an attorney, it appears, stated that he represented the railroads, but he did not in this matter represent 20 of the great systems, the weaker systems financially in the country, yet systems that are as essential to the welfare of the country as any of the richer roads. An effort was made to secure a hearing before the committee of the House and before the committee of the Senate, and that was denied, and they have never had a hearing.

Mr. BORAH. Mr. President, may I ask the Senator of what that effort to secure a hearing consisted?

Mr. REED of Missouri. Yes; I am coming to that. Mr. Bierd, of the Chicago & Alton Railroad, as soon as he had heard in Chicago of this proceeding, protested, and on February 10 he sent jointly to Representative PARKER, the chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives and to the Senator from Indiana [Mr. WATSON], chairman of the Senate Committee on Interstate Commerce, the following telegram:

Understand your committee expects to close hearings to-morrow on pending measure to amend transportation act, abolishing Labor Board, and setting up in lieu thereof boards of adjustment, boards of mediation and arbitration. Large groups of roads oppose measure and desire opportunity to go before Senate and House committees to present their case. I am therefore asking if you do close hearings to-morrow will you reopen and give this group of roads opportunity to state their position? Can such hearings be granted us some time next week or soon thereafter at time most convenient to your committees before bill is reported out? Will thank you greatly for reply.

W. G. BIERD,
Chicago & Alton Railroad.

Mr. WATSON. Mr. President, will the Senator from Missouri yield to me?

The PRESIDING OFFICER (Mr. DALE in the chair). Does the Senator from Missouri yield to the Senator from Indiana?

Mr. REED of Missouri. I do.

Mr. WATSON. Mr. W. G. Bierd, who signed that telegram, was in the committee room during a portion of the time when the hearings were being held. He sat there and heard the proceedings during the hearings.

Mr. REED of Missouri. In the committee room of the House of Representatives or of the Senate?

Mr WATSON. In the Senate committee room. He made no request at that time to be heard, though the doors were thrown wide open to anybody who wanted to be heard. After he got away and the hearings were closed he wired here and wanted them reopened.

Mr. REED of Missouri. What was the date of the hearing to which the Senator from Indiana referred when Mr. Bierd was in the committee room?

Mr. WATSON. He was there several days, I think. I do not remember just what time he was in the room; however, I was notified that he was there. Anybody who wanted to be heard could be heard.

Mr. REED of Missouri. How long did the committee conduct these hearings, I will ask the Senator from Indiana?

Mr. WATSON. The hearings were not conducted straightaway. We would have hearings for two or three days and then adjourn, and then have a day or two for hearings. I do not remember just what length of time the hearings consumed.

Mr. LENROOT. Mr. President, will the Senator from Missouri yield to me?

Mr. REED of Missouri. Yes.

Mr. LENROOT. I notice that the hearings before the committee were upon seven different days.

Mr. REED of Missouri. There were short intervals of days, I presume.

Mr. LENROOT. I think so.

Mr. REED of Missouri. Mr. President, Representative PARKER replied that the hearings in the House were closed, and the Senator from Indiana [Mr. WATSON] replied in a letter, which is as follows:

MY DEAR BIERD: I shall present your matter to my committee when it meets again; but, to be entirely frank, I doubt very seriously whether or not the hearings will be prolonged. We have had them off and on for over a month—

They seem to have been for seven days, according to the count of the Senator from Wisconsin [Mr. LENROOT], but it may have been longer.

Mr. LENROOT. I should like to state the dates on which the hearings were held.

Mr. REED of Missouri. Very well.

Mr. LENROOT. The hearings occurred on January 14, 15, 16, and 25 and on February 1, 8, and 10.

Mr. REED of Missouri (continuing the reading of the letter of the Senator from Indiana to Mr. Bierd)—

and members of the committee generally feel that it is time to close them, as all sides have been presented in probably as clear and succinct a fashion as it is possible for language to express the various views. I feel quite sure that we understand the views of the people who are opposed to this measure, and I am sure that amendments will be proposed to the committee which will embody their views. If we determine to have further hearings I shall notify you by wire.

Very sincerely,

JAMES E. WATSON.

That "wire" has never been sent.

Mr. WATSON. No; because we concluded not to have further hearings.

Mr. REED of Missouri. Very well. That is the point I am trying to make. The committee of which the Senator from Indiana is chairman concluded not to have further hearings, and these 20 great railroad systems, who through Mr. Bierd asked the indulgence of one day's hearings, did not get it before either the House or the Senate.

Mr. SHIPSTEAD. Mr. President——

Mr. REED of Missouri. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. Before the Senator from Missouri leaves the case of Mr. Bierd and the Chicago & Alton Railroad, I

should like to call the Senator's attention to the fact that for more than two years the Chicago & Alton Railroad, which is in the hands of receivers, Mr. Bierd being one of them, has consistently refused to obey or to comply with the decisions of the Railroad Labor Board.

Mr. REED of Missouri. I think the Senator from Minnesota is in error. I should like to have him cite to me one of those cases.

Mr. SHIPSTEAD. I shall be very glad to do so. I dislike to do it in the Senator's time, but I can do it now if he desires me.

Mr. REED of Missouri. Let me finish this theme, and then we can take that matter up and discuss it. I wish to follow out the thought I am now presenting. If the Chicago & Alton did fail to comply with the decisions of the Railroad Labor Board, they would have done nothing more than follow the example of Mr. Atterbury, who is the sponsor for and the originator of the pending bill.

Mr. WATSON. Mr. President——

Mr. REED of Missouri. If they did fail to comply, they did that under the present system, which they could do under the proposed system, for nobody under the proposed system will have the power to hale any of these parties in and compel them to agree to anything. So if there is a disposition on the part of the railroad companies not to submit their controversies to these Federal tribunals or to tribunals that are composed of representatives of the two sides, that condition will not be remedied by the pending bill.

Now, let me proceed further with this matter of notice.

Mr. WATSON. Mr. President, may I ask the Senator a question?

Mr. REED of Missouri. Yes.

Mr. WATSON. Would not that state of affairs result from the enactment of any bill which we might pass, as it is true of the present law and of the one proposed, unless we put coercion in it, and is the Senator willing to put coercion in the bill?

Mr. REED of Missouri. The putting of coercion into he bill is another question. All that I am dealing with now is one proposition, and let us stick to that for an instant.

Mr. WATSON. I understand that; but the Senator is complaining about the bill.

Mr. REED of Missouri. No; I am not complaining. I say it with all respect, for I almost love the Senator from Indiana; but he could not accurately state a proposition made by one of his opponents to save his soul, much as he prizes his soul. I did not say anything at all like what the Senator has stated. What I said was that the Senator from Minnesota had stated that the Chicago & Alton Railroad Co. had refused to abide by the decision of the present tribunal. He offered that as a reason why we should create this new tribunal, and I replied that if the Chicago & Alton Railroad or any other railroad had refused to abide by the decisions of the present tribunal they could in like manner refuse to abide by the decisions of the proposed tribunal, because neither of them had coercive power; but I never said that I was in favor of coercive power.

Mr. WATSON. No; but I was asking the Senator a question. That being true under the present law and under the proposed bill, would it not be true under any bill which might be enacted?

Mr. REED of Missouri. Possibly; but suppose it to be true under any other bill, as it is true under the pending bill, then there is no virtue in this particular respect in this bill that does not already exist, and there is no failure that does not already exist, so far as this particular point is concerned. That is the point I am making, and there is no use of arguing the question any further, because there can not be any difference of opinion about that.

Mr. WATSON. Oh, yes; there is a very great difference of opinion about it.

Mr. REED of Missouri. There is a difference of opinion as to whether there should be coercion. I am not discussing the question of coercion; I am merely saying that the present law and this bill, so far as coercive power is concerned, equally leave out coercive power.

Mr. WATSON. That is right.

Mr. REED of Missouri. And that therefore it can not be argued that it is a defect in one unless it is admitted that it is a defect in the other. Each of them is going on one leg, if you please; each of them has the same kind of crutch; each of them has the same vice, if it be a vice, or virtue, if it be a virtue. There is no choice between the two. There is a bay horse in each instance, and objection can not be made on the color line in favor of one and against the other, because they are both of the same color. I hope I have made that plain enough so that everybody may understand it.

Mr. WATSON. As to the proposition of coercion, the Senator need not to have used so much of his splendid vocabulary to describe that because I agree with him about it.

Mr. REED of Missouri. Very well.

Mr. WATSON. But as to whether or not this bill provides other machinery that is another question.

Mr. REED of Missouri. Yes; that is another question.

Mr. SHIPSTEAD. Mr. President, will the Senator yield to me to make a brief observation?

Mr. REED of Missouri. Certainly.

Mr. SHIPSTEAD. The reason I called the Senator's attention to the refusal of the Chicago & Alton to abide by the decision of the Labor Board was to show that when Mr. Bierd opposes this bill he is perfectly consistent. He evidently does not want any tribunal before which he should appear to settle differences with his employees. He has refused to abide by the decisions of the Labor Board for the past two years and a half, and he evidently does not intend to do it in the future. I simply mention that as tending to show his good faith in the matter.

Mr. REED of Missouri. Let us analyze that statement for a moment. Suppose that Mr. Bierd has refused to abide by the decisions of the present board; suppose that we assume that he is going to refuse to abide by the decisions of the contemplated board, how does that argue that he is opposed to any board or that his desire to be heard should not be recognized? I do not know what the facts are about the Chicago & Alton; but I am going to try to find out and will find out before the day is over; but he had the right, representing not only his road but 20 other railroads that have obeyed the law to be heard at a proper time. If it be argued that he was too late and if that be the fact, it may be that a man can delay so long that he is not entitled to a hearing; but to refuse a hearing to 20 of the great railroads of this country upon which the West and Southwest depend is, in my judgment, a thing that ought to be pretty clearly justified by the facts.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. REED of Missouri. I do.

Mr. LA FOLLETTE. Mr. President, the Senator has just said that the other roads represented by Mr. Bierd were among those which had obeyed the decision of the Railway Labor Board. I merely wish to call the Senator's attention to the fact that a number of the roads on that list are notorious violators of the decisions of the Railroad Labor Board.

Mr. REED of Missouri. Does the Senator know anybody who has violated the orders more persistently than Mt. Atterbury, the author of this bill?

Mr. LA FOLLETTE. I do not.

Mr. REED of Missouri. And I am prepared to show that he is the substantial author of this bill.

Mr. LA FOLLETTE. Mr. President, I challenge that statement, and if the Senator has any evidence to sustain it I wish he would produce it.

Mr. REED of Missouri. I thought I was going to talk here about five minutes; but I never am permitted to do so, because somebody always challenges my word.

Mr. LA FOLLETTE. I said that I challenged that statement. I do not challenge the Senator's word.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED of Missouri. I do.

Mr. WALSH. The Senator referred to the statement made by the Senator from Minnesota to the effect that the Chicago & Alton had refused and would in the future refuse to abide by the decisions of the Labor Board, and said that in the same way the same road might refuse to abide by the decisions of the board created by this bill if it should become an act. I do not quite understand that statement of the Senator from Missouri. I gathered from a careful study of this bill that it was entirely optional in its character.

Mr. REED of Missouri. Yes; both are optional.

Mr. WALSH. No; under the other measure the matter is referred, at the instance of either party, to the Labor Board for disposition.

Mr. REED of Missouri. What I meant to say was that the obedience was optional, as the courts have decided.

Mr. WALSH. Yes; but I am speaking about this bill. I want to be corrected in my understanding of this bill if I am laboring under an error with respect to it. This bill contemplates agreements between the parties, and if they do not agree concerning a matter then they agree to submit it to arbitration.

Mr. REED of Missouri. They may agree to submit it to arbitration; they may not.

Mr. WALSH. Then what does the Senator mean by saying that the same railroad company may refuse to abide by this bill?

Mr. REED of Missouri. I mean that in neither case is there any legal authority to bring these parties before the board and have an enforced decision. In neither case does that exist.

Mr. WALSH. Under the present Labor Board act, as I understand, the matter comes before the board upon the initiation of either party.

Mr. REED of Missouri. Yes; but the courts have decided, as I understand, that no matter what that board decides, it is not binding.

Mr. WALSH. Yes; I understand that perfectly well; but under the existing law either party can bring the other before the board.

Mr. COUZENS. No; that is not correct.

Mr. REED of Missouri. No; not at all.

Mr. WALSH. Then I have a totally wrong understanding.

Mr. REED of Missouri. There is a provision, as I understand, for summoning the other party in.

Mr. WALSH. Exactly.

Mr. REED of Missouri. But if they do not come, and do not obey, nothing happens.

Mr. WALSH. Exactly. That is exactly what I am trying to say; but there is no such provision here at all.

Mr. REED of Missouri. No; certainly not.

Mr. WALSH. So we can understand perfectly well the statement that the president of the Chicago & Alton road has refused to abide by the other law; that is to say, he has disregarded the summons to come in; but there is no such procedure here at all. All of this is by agreement between the parties; so I find it impossible to understand what the Senator means when he says that the same man may refuse to abide by this law.

Mr. REED of Missouri. Oh, well, technically, perhaps, that is a just criticism. Perhaps I ought to have said that the same man might refuse to do anything under this law, and that is another way of saying "abide by it." My friend is so good a lawyer that we have to be pretty careful with our phraseology, but I think we mean the same thing and fully understand each other.

The Senator from Wisconsin [Mr. LA FOLLETTE] questioned the accuracy of my statement that Mr. Atterbury was practically the responsible author of this bill. I hold in my hand the magazine known as Success. There is a large picture of Mr. Atterbury on this page. I do not know what he paid for it; perhaps nothing. The article is by Sherman Rogers. It is highly laudatory. It reads a good deal like one of these write-ups that people get sometimes for a consideration. He details an interview that he had with Mr. Atterbury, and I assume that at that time he got Mr. Atterbury's picture. I hope it is a good likeness. After Mr. Atterbury had exploited to this gentleman the great love that he had for laboring men, he put to Mr. Atterbury five certain questions, which Mr. Atterbury answered always in favor of the men; and then this enthusiastic scribe adds:

When the general concluded I could have wept for sheer joy. For over a year I had been searching for an industrial leader who was big enough to differentiate between a company union and employee representation that meant equal representation without any strings attached to it.

And so on, and so forth. Then he comes to a recitation of fact, having gotten now out of the poetic field, and having dried his tears.

On Tuesday, December 23, 1924, General Atterbury made inquiry as to whether the four brotherhood presidents, Lee, Stone, Sheppard, and Robertson, would attend an informal meeting in his office, or elsewhere, to discuss with himself, President Willard, of the Baltimore & Ohio, and Patrick Crowley, of the New York Central, article 3 of the transportation act. Stone, Sheppard, and Lee agreed to attend such an informal conference in New York, on the evening of January 20, at the Waldorf-Astoria Hotel. Mr. Robertson, who was acting chairman of the steering committee of the 16 standard labor organizations that had been trying to push the Howell-Barkley bill through Congress, would not take part in the discussion because he did not think he could do so in fairness to his associates who were handling the Howell-Barkley bill. The meeting was held as scheduled, and the following suggestion discussed by all present:

"To abolish the United States Railroad Labor Board and provide that whenever, in the judgment of the President of the United States, a dispute between the carrier and its employees threatens to interrupt the movement of the mails, the performance of the civil or military functions of the United States, or the free and lawful movement of commerce, he is authorized to investigate—"

And so forth.

After a full discussion a subcommittee was appointed, consisting of Elisha Lee, vice president of the Pennsylvania Railroad, chairman; Mr. Walber; Mr. Robertson; and Mr. Doak; to which was submitted the question of preparing legislation to cover the handling of all labor matters on the railroads. General principles were discussed and the subcommittee was instructed to submit its proposed bill to the full committee within three weeks for further discussion.

The subcommittee began their work in the office of Mr. Elisha Lee in Philadelphia on August 19, a number of discussions being held until final draft of the bill was submitted to the various representatives of the employees through their leaders, and likewise to the various carriers through the chief executive officers. The proposed legislation, being finally approved by all concerned, was finally drafted into proper legislative form and submitted to Congress.

Is that reasonably satisfactory?

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. REED of Missouri. I do.

Mr. LA FOLLETTE. Has the Senator ever read the Howell-Barkley bill?

Mr. REED of Missouri. Why, of course I have read it.

Mr. LA FOLLETTE. Then, does not the Senator agree that the essential provisions, the basic provisions of the Howell-Barkley bill are those embodied in the present bill, and that the basis of the discussion between this committee representing the standard railway labor organizations and the executives of the railroads was the Howell-Barkley bill? Therefore, the reason why I challenged the Senator's statement that Mr. Atterbury was the author of this bill was because the proposition which was put before this joint committee was the Howell-Barkley bill, all discussion was based upon that bill, and the proposed law is in essential characteristics the same as the Howell-Barkley bill, which was considered at the last session of Congress.

Mr. REED of Missouri. Of course, this bill contains some of the old provisions of the Howell-Barkley bill. Every one of these railroad bills that we have had before us in years has contained provisions similar to those found in other bills, and so they started with the discussion of some of this legislation.

Then, after a full discussion, a subcommittee was appointed, consisting of Mr. Lee and Mr. Robertson and Mr. Doak, to which was submitted the question of preparing legislation, and so forth. That committee met, and that committee helped to round out and perfect this measure as it was finally recommended. Then they called a meeting out here in Chicago, without any real notice to these railroads as to what was going to happen, without any sufficient notice, and there they jammed through this proposition. It was done by the representatives of the financial interests, who were expressly barred by the agreement of their creation from dealing with such a subject; and we are told that that binds the railroads of the United States.

That is not all, Mr. President. There is plenty of other evidence that can be adduced as to the activity of Mr. Atterbury, the man who did more to break down the present scheme for settling disputes than all other men in the United States, and he, more than anybody else, is responsible for this legislation.

Mr. LA FOLLETTE. Mr. President, I think a number of the other roads for which the Senator is now pleading should be included in that statement.

Mr. REED of Missouri. There were some of them; but I say that this man and one other road—I can not call the name just now—were the ones that originally defied the order, and it was followed afterwards, and there have been some 40 defiances or refusals to obey the orders, and 5 of those were by the Pennsylvania——

Mr. LA FOLLETTE. Yes.

Mr. REED of Missouri. And 20 of them were by one other road.

Mr. LA FOLLETTE. Twenty-one of them were by the Erie Railroad, one of the signers of this petition for recommittal; the Chicago & Alton, another signatory of the petition, for over two and a half years has been a constant violator of the decisions; the Western Maryland; the Denver & Salt Lake has violated the orders of the board five times; the St. Louis & Southwestern has violated them twice; the Kansas City Southern, another signer of the petition, has violated them once; the Virginian has had a strike in progress for three years, which was brought on through a violation of the decision of the Railroad Labor Board.

Mr. REED of Missouri. I suppose entirely by the road.

Mr. LA FOLLETTE. The strike was brought on by the violation of the decision of the Railroad Labor Board.

Mr. REED of Missouri. Let us see where we get with this proposition. What has succeeded in being demonstrated is that under the present act—under which a party to a controversy can be summoned in and a decision rendered, but suffers no penalty if he does not answer the summons to come in, and no penalty if he does not obey the order—in several years of time some thirteen or fourteen thousand disputes have been settled, always being settled where both parties to the dispute were willing to come in and submit their differences in good faith. Now, it is proposed to substitute for that bill another bill that does not even summon them in, but simply leaves them free voluntarily to come in. How is that latter scheme going to bring them in any better than the former, and if they disobeyed the former scheme, why will they not disobey the latter scheme? Every time you prove that roads have disobeyed, or men have disobeyed—and the men have frequently disobeyed these orders—you have simply argued that neither of these schemes is very potential; but the weakness you assert for the present law certainly exists as to the proposed law, and there is no way to get away from that. You have to go to the other provisions of the bill to find its virtue.

I did not intend to discuss the merits of this bill. I wanted, if I could be permitted to do so, to discuss the failure to give a hearing, and I have discussed the proposition from the railroads' standpoint. Every man in the Senate knows that in the nearly 16 years I have sat here, I have never been an advocate of railroads. I have been on the other side of the proposition practically all of the time. But I believe we have reached a point in the history of the development of this country when everybody recognizes that we must have highways over which the people may move their goods, and over which they may travel, and that we can not have them if there is constant trouble and turmoil, and if we are guilty of unjust legislation.

So, I say, whenever any respectable body of railroads, or a single railroad, want to appear before any committee of Congress concerning any considerable railroad legislation, they ought to be heard, and they are entitled to be heard. We do not have to do what they recommend, but they are entitled to be heard and to present their views, and have them considered for what those views are worth.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. REED of Missouri. I will yield to any question pertinent to what I have just said.

Mr. LA FOLLETTE. I would like to ask the Senator if he does not think it strange that Mr. Bierd, who was present at the hearings while Mr. Emery was presenting his argument, did not signify a desire to be heard when he was there, at that time, instead of waiting until after the hearings had been closed?

Mr. REED of Missouri. Mr. President, I do not know whom Mr. Emery represented, but I assume that Mr. Emery was there to represent the National Association of Manufacturers or some other aggregation of business men.

Mr. LA FOLLETTE. He was. Mr. Bierd was in the room. Does not the Senator think it strange that he did not notify the chairman of the committee, or some other member, that he desired to be heard?

Mr. REED of Missouri. I do not know whether I think it is strange or not. I do not know what the circumstances were. I was not there. I take it that a man who is as earnest about this matter as Mr. Bierd is would have presented his views if there had been a sufficient opportunity. In addition to that, he may have gone home and consulted with his associates and with the representatives of other roads and then have come back to represent them or sought to come and represent them. The idea that the doors of a committee can be closed in the face of great organizations of men, simply because on the instant somebody was not ready to speak, is aside from the question. I am not talking about this from Mr. Bierd's standpoint. I have not any interest in it from Mr. Bierd's standpoint. But as a Senator of the United States I do have an interest in seeing to it that every fact that can be produced to throw light upon a great question of this kind should be produced and should be first laid before a Senate committee and then faithfully reported to the Senate. Whether he was there on the instant or not I care nothing.

Mr. LA FOLLETTE. May I ask the Senator one further question?

Mr. REED of Missouri. I yield.

Mr. LA FOLLETTE. If the Senator had been representing these 20 railroads and the legislation had passed the House and had come over to the Senate and hearings had been in progress during the course of three or four weeks, would not the Senator have notified the committee formally that he desired to be heard without waiting for the hearings to come to a natural conclusion and then subsequently make the request?

Mr. REED of Missouri. That would just depend on the way they were holding their hearings, how much notice I had that they were about to conclude them. In any event, before these hearings were concluded this application was made.

What is there about a Senate hearing, which happens in a haphazard way, as all our hearings nearly do happen and must happen, that makes it so sacred? We meet for an hour or two in the morning; we hear one or two witnesses, we hurry them through, we adjourn for a day or two days, or four or five days. The Senator from Wisconsin [Mr. LENROOT] read the dates, showing that the meetings were widely scattered. Finally, some day the hearings are brought to a close. I know of no rule passed by this committee that the hearings would come to a close at a particular time. But before they did come to a close this application was made by wire, and acquiescence in the request would not have hurt this dignified committee a bit; and it is a committee, of course, of great dignity. Anything presided over by my friend from Indiana, and adorned by the presence of the other members of that committee, is a dignified body, we all know. It would not have hurt their dignity a bit to have said, "All right; I will get on the telephone, or put my clerk on the telephone, and call the members of the committee together for a certain day."

Mr. WATSON. Mr. President, will the Senator yield at that point?

Mr. REED of Missouri. I yield.

Mr. WATSON. If the committee had had but one proposition before it, we might very well have acceded to that sort of a request, but here was a hearing that was scattered over possibly a month's time, and we gave everybody an opportunity to be heard who wanted to be heard until the hearings were closed.

Mr. REED of Missouri. But they had not been closed when you received this telegram.

Mr. WATSON. They were practically closed. Here was a man who sat in the committee room all the time, or a part of the time, who knew these hearings were in progress, and knew that they were about to be closed, because notice was given that we did not intend to keep on indefinitely with the hearings. In addition to that, I want to say to the Senator from Missouri, we had a very great many bills of equal importance with this measure before us, and we were having hearings every day.

Mr. REED of Missouri. I am not denying that.

Mr. WATSON. I know, but we can not forever go on with hearings. They must at some time or other be closed.

Mr. REED of Missouri. Yes.

Mr. WATSON. We were hearing witnesses on the question of railroad consolidation, a tremendous problem, off and on, day after day. We had the radio problem and many other problems of like character before us day after day. We can not indefinitely prolong hearings, when a man who wants to be heard sits there right in the committee room day after day and never makes his idea known to the committee.

Mr. REED of Missouri. I suppose every moment he sat there somebody else had the floor.

Mr. WATSON. But he could very well have come to me, as any number of other men did, and said, "Mr. Chairman, before these hearings close I would like to have an opportunity to be heard."

Mr. REED of Missouri. He did do that——

Mr. WATSON. No; he did not.

Mr. REED of Missouri. When he wired you before you had closed the hearings. Before they were ordered to be closed, he had wired you making the very request you now have repeated.

Mr. WATSON. I submitted that proposition to the committee the next time we met, and they decided that they would not hear him.

Mr. REED of Missouri. I am not criticizing you.

Mr. LENROOT. Mr. President, will the Senator again give the date of that wire?

Mr. REED of Missouri. February 10.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. REED of Missouri. I yield.

Mr. KING. It is barely possible that the gentleman to whom the Senator from Missouri is referring was not at the time authorized to speak for all the railroads.

Mr. WATSON. He was authorized to speak for himself.

Mr. KING. He perhaps was waiting to see whether there was any testimony adduced that might call for a reply, and after he had heard the testimony which he did hear, perhaps he returned to communicate with his associates, and to receive authority to take such steps as, in their judgment, after the report which he made, were deemed necessary.

Mr. REED of Missouri. The hearings closed on February 10, I am advised. So this wire was sent on the very day Mr. Bierd was notified the hearings were closed. But he was not the only man who did not get a hearing. There were some organizations which did not get any hearing.

I am not saying or charging that the committee was unfair in the matter of trying to shut out evidence. I am simply arguing the point that it did not take this evidence.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HOWELL in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McLean	Shipstead
Bayard	Frazier	McMaster	Shortridge
Bingham	George	McNary	Simmons
Blease	Gerry	Mayfield	Smoot
Borah	Glass	Metcalf	Stanfield
Bratton	Goff	Moses	Steck
Broussard	Gooding	Neely	Swanson
Bruce	Hale	Norbeck	Trammell
Butler	Harreld	Norris	Tyson
Cameron	Harris	Nye	Underwood
Copeland	Heflin	Oddie	Wadsworth
Couzens	Howell	Overman	Walsh
Cummins	Johnson	Phipps	Warren
Curtis	Jones, N. Mex.	Pine	Watson
Dale	Jones, Wash.	Ransdell	Weller
Deneen	Kendrick	Reed, Mo.	Wheeler
Edwards	Keyes	Reed, Pa.	Williams
Ernst	King	Robinson, Ind.	Willis
Fernald	La Follette	Sackett	
Ferris	Lenroot	Schall	
Fess	McKellar	Sheppard	

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

Mr. REED of Missouri. Mr. President, I want to have the attention, if I may, of the Senator from Wisconsin [Mr. LA FOLLETTE]. The Senator made the statement that the Chicago & Alton Railroad had been a persistent violator of orders of the present board. I stated in substance that I had no knowledge of that fact. I have made inquiry and I think I can state the facts.

The facts are that Mr. Bierd was the receiver of a railroad, the Peoria Railroad. The Labor Board issued an order to pay money to employees for back pay. The Peoria Co. was without funds with which to pay and the Federal court sustained the refusal to pay on the ground that there was no money. That is the Peoria case. My information is that the only case in which the Alton was concerned was a case brought in the Federal court in which the Alton was not the complaining party, but a suit was brought which had the effect of restraining compliance by the road with the order, and that suit is pending. My further information is that in every other instance the Alton has obeyed the orders of the board.

Mr. LA FOLLETTE. Mr. President, will the Senator permit me to state the case I have in mind or would he prefer that I should do it in my own time?

Mr. REED of Missouri. The Senator can do it right now if he desires.

Mr. LA FOLLETTE. On November 21, 1923, the Railroad Labor Board found in decision 2024 that the railroad was maintaining an agreement with its shop-craft employees, representing the consent of only 15 employees then in service out of 2,700 employees who were demanding a conference to negotiate a new agreement. The Labor Board decided that the road should receive in conference the representatives of a majority of the shop employees, and if there was any doubt as to who were their representatives a ballot should be taken. Former President W. W. Bierd, as one of the two receivers, refused to comply with the decision or to confer with the employees.

Mr. REED of Missouri. That is when the road was in the hands of a receiver?

Mr. LA FOLLETTE. Yes.

Mr. REED of Missouri. It is the Federal court the Senator is attacking now.

Mr. LA FOLLETTE. That does not deter me from stating the facts.

When the employees brought this astonishing situation to the attention of the Federal court the receivers filed a petition December 1, 1924, reciting the decision of the Railroad Labor Board and asserting that they "had at all times refused to comply with the above decision," and the receivers asked the Federal court to sustain them. The employees filed an answer to the receivers' petition, and have sought ever since December, 1924, to have a hearing upon the petition, but it has been postponed, at the repeated request of attorneys for the receivers, and is now set for June 16, 1926.

For two and one-half years the Chicago & Alton, in the hands of these Federal receivers, has through Mr. Bierd, formerly president and acting as one of the receivers, been flouting this decision of the Railroad Labor Board.

Mr. REED of Missouri. Mr. President, there was a case where the road was in the hands of the Federal court and the receivers were nothing but agents to represent the court. Whatever responsibility there is in that case clearly is the responsibility of the court. A number of courts have held that when they are running a railroad they will run it in their own way and permit no interference.

Mr. LA FOLLETTE. Mr. President——

Mr. REED of Missouri. I do not want to persist in just talking back and forth. I want, of course, to let my friend—and he is my friend and I am his friend—have the fullest opportunity to express himself; but I repeat if it had been true that Mr. Bierd had refused to abide by a single request or order of the board, if that were the case, the Senator has cited one case out of all the multitude of cases that have gone up, and in that case the Federal judge is the party responsible. If it were true that Mr. Bierd was the arch enemy of labor, yet if he desired to represent his road and present the arch enemy's side, he had the right to do it and should have been heard. But that is not the case. The Alton road, I am told, stands ready to submit its controversy to the present board. Out of all this history and all these disputes one case in the Federal court is brought up.

Let us look at the matter from another angle. Was he in time? In courts of justice, the most hard-boiled court of justice that we ever get into, before a case is formally closed, considers the case always open before the trial is completed for the purpose to offer evidence. Of course, there is an order of procedure; but even if an attorney has inadvertently failed to proceed at the exact moment of time, courts, in the interest of justice, allow evidence to be introduced or proceedings to be had a little out of order. What does the record show? The record shows that the committee met from time to time and at irregular times. They heard a few, and only a very few, witnesses. Their last meeting was on February 10, and here are the very last words of that meeting:

> The CHAIRMAN. Mr. Emery, do you know of anybody else that wants to be heard?
>
> Mr. DUNCAN. Mr. Thom wants to be heard further, Mr. Chairman.
>
> The CHAIRMAN. Mr. Thom wants to be heard further?
>
> Mr. DUNCAN. Yes, sir.
>
> The CHAIRMAN. Suppose we adjourn, subject to the call of the chairman?
>
> I would like to have an executive session of the committee for a few moments.
>
> (Whereupon, at 12.20 o'clock p. m., the committee went into executive session and, after a short time spent in executive session, adjourned to meet at the call of the chairman.)

That was on the 10th day of February. The committee had not concluded its labors. It adjourned to meet at the call of the chairman; and on that day Mr. Bierd, who had been down here, not for days, as stated, but for about one hour of time, having gone back to his associates and counseled with them, wired and asked humbly to be permitted to be heard, and he was incontinently refused that privilege. I say that Senators may paint the Chicago & Alton Railroad as black as they please; they may attack Mr. Bierd as they please; but the fact is that everybody is entitled to his day in court, whether entitled to be heard as of right or not. The Senate is entitled to have an investigation made of a question like this that will throw every conceivable light upon the facts, so that we may have the facts and act upon them intelligently. If Mr. Bierd was concealing any absolute facts of importance to this committee, it would have been the duty of the committee to have subpenaed him before it, compelled him to come, and compelled him to tell that which the committee desired to know. It is not a matter of a favor to Mr. Bierd or his road at all. It is a matter of having a real investigation of the question.

Now, how is it about the farmers? What do they know about the bill? What opportunity did they have to study it? There are men in both Houses of Congress to-day, I doubt not, who have not had a chance to study carefully and analyze this important measure, to compare it with previous legislation, to ascertain from the history of the occurrences under previous acts whether the bill really affords a remedial proposition. What chance did the shipper have? Mr. Emery came here representing great commercial bodies, and it may be said that as

they spoke through their representatives they had a hearing. But what chance did the farmer have? What chance did the main body of the people have?

Why should this bill, which affects for weal or for woe the commerce of 115,000,000 people, be rushed through on a short hearing where one or two railroad lawyers—one of whom at least is pretty thoroughly known as a lobbyist around the Capitol—appeared, and one or two representatives of labor appeared, who represented only a part of the great body of railroad labor, and one or two men appeared who represented commercial bodies? Why should not a measure of this kind be digested and every particle of information gathered that it is possible to gather? What justification is there for a denial of such a hearing?

Mr. President, I do not intend at this time to discuss the merits of the proposition. I am discussing only one question, namely, that we ought to send this measure back to the committee and give a hearing to those who are interested. Railroad rates are so high now that in many parts of the country the railroad tariff is an embargo upon the production and sale of vast quantities of agricultural products. There are places in my State, vast stretches of land, where melons are raised, where, I have been credibly informed, at certain seasons of the year melons rot on the ground because the total price that can be received in the market will not pay the freight tariff. We here are about to consider subsidies for the farmers in the shape of another bill that is coming before us.

What is the trouble with the farmer? One great trouble is that he must market his surplus products in Europe, and the price that he receives on his farm is the European price less the cost of transportation; so that every dollar of the cost of transportation comes out of his pocket. If the freight rates are very high, then that money is taken in large proportion from the farmer himself. If it costs him 10 cents to land a bushel of wheat in Europe, that 10 cents comes out of the farmer's wheat. So the very financial life of the farmers of this country, and likewise of other producers, depends upon the cost of transportation.

What makes up the cost of transportation? We have had in this country what might be termed scalawag railroad financing in the past. Many a good road has been wrecked by mismanagement; many an injustice has been done to the stockholder and bondholder. We have reached, I think, a better day. We all realize that railroads must be allowed to make a fair return upon their honestly invested capital if the roads are honest and efficiently managed. No one in this body will dispute that proposition. Very well. In order to secure such return, the railroads must first earn their expenses. One of the very largest elements of expense is the wages paid to the men. Do not let me be misunderstood. I know I shall be sufficiently misrepresented anyway, because if a man does not take an extreme view in favor of labor and of giving it everything that it may want, he is marked down as the enemy of mankind. I have on this floor consistently, as I did before I was ever here, advocated the cause of union labor. I am as much in favor of the just protection of labor, union or nonunion, as I ever was in my life, but when we come to consider the cost of hauling grain, of allowing a reasonable profit to be made by the owners of the railroads, one of the elements of cost is the wages paid, and my information is that the wages aggregate from 50 to 60 per cent of the total gross expenses of the railroads. Therefore, when it is proposed to set up a public tribunal to fix wages, the public has a direct interest in that proposition.

There are three parties to every one of these great railroad problems. There is the stockholder or owner of the road; there are the employees on the road; then there is the great public. The railroads are not private enterprises; they are not governed by the rules of law that govern private enterprises. They are public enterprises. Because they are public highways and public enterprises, they exercise the right of eminent domain. They can build their roads through a man's house; they can condemn and tear down a church, these companies can construct their roadbed across cemeteries and sacred ground. Why? Because they are public highways. They are created by the public; they are protected by the public; and upon the principle that they are mere highways for the people. They are not private enterprises at all; but as private money is invested in them, that private money has the right to a fair and just return; no more. When the profits of a road are in excess of the amount necessary to pay a fair and just return, the Government has a right to pass a law reducing the fares to be charged.

Now, we propose to set up a tribunal in which there will be only two of the three parties represented: The men, who naturally want to get all the wages they can—and I do not blame them for that—and the officials of the companies, who ordinarily want to make all the profit for their roads that they can—and I do not blame them for that. That is the human side. Who is to take care of the public? Senators say the railroad management will keep the rates down. That does not follow. Under the present law the wealthy and prosperous roads are subject to the recapture clause and to the repayment into the Public Treasury of a portion of the profits they have made; and it might easily be that they would prefer paying higher wages to their men, and buying their peace, even though an unjust price were charged, to paying money into the Federal Treasury to be used by the Federal Government to sustain the railroads in other parts of the country. "To sustain the railroads in other parts of the country." Does that mean, as the law is now being administered, that that is to be done for the benefit of the railroad companies? Not at all.

It is really done for the benefit of the general public, for by this method the total cost of transportation is distributed so that the weaker roads and those in the more sparsely settled sections of the country can haul freight for less rates than they would be compelled to charge if they did not receive this benefaction.

After all, this network of railroads that covers the United States is one system in the broad sense of the term, and the weaker parts must be sustained in some way, and if part of the money that comes from the great and prosperous roads is distributed to these weaker roads it means a reduction in freight and passenger charges upon those roads in the long run and in the aggregate. Accordingly there is a sound reason for the suspicion that Mr. Atterbury and some of the other representatives of the rich roads do not have a very strong incentive to keep down the wages. They will know under those conditions when questions come before a tribunal and there is no representation of the public one side of the case only is likely to be heard.

But suppose all I have said about this division of fares is unsound, that the reason is not there, still I say that no two men or two bodies of men have the right to sit and decide a question which concerns a third party in the absence of that third party. That third party is entitled to be there and to present his views, to offer his plan, to make his suggestions, to submit his proposals, and to have them considered along with the proposals of the other two interested parties. Where was the farmer in these hearings? Was he there? Is there any farm organization that has passed a resolution in favor of this bill? I have not heard of any, and I do not think anybody else has heard of any.

My understanding is that this bill is opposed by every manufacturing organization and every business organization in this country that has spoken. They are entitled to some consideration. We are not necessarily obliged to do the thing they recommend, but their opinions are entitled to great weight and consideration.

The National Grange and the Farm Bureau have asked for a hearing, and they have not had it yet. These two bodies have been divided on many questions. They are now united in opposition to this bill. Where is the farm bloc in the Senate? What has happened to the farm bloc? Has it ceased to exist? Where are the champions of agriculture when it is proposed to set up here a scheme whereby the railroad laborer and the railroad president can get together and in fact fix the railroad charges, for that is what it amounts to?

I should like to ask what public or quasi public body representing large numbers of people is back of this bill, outside of the particular organizations of labor that are generally known as the aristocracy among the railroad laborers? All the rest of these employees have a right to consideration. They are not here petitioning. Some of them are here remonstrating. They have been to me remonstrating.

Mr. President, we are told that the old law did not work because it was not obeyed. Why will this proposed law work? There is no compulsion in either one of them. But it is said: "Everybody has agreed to support this bill." Who is "everybody"? About 20 or 25 of the great systems of road are protesting against it. Surely they have not pledged themselves and bound themselves. The majority of the railroad men are not represented. How do you know they are going to obey this bill?

I have heard prophecies like this before. I have never seen a bill proposed here yet but its proponents would stand up and assert that it was going to work with infallible certainty. "Just pass this bill and everybody will become angels; peace will reign; all will be lovely and the goose hang high, and there will be no more trouble on earth." That is the kind of

stuff that we always hear. We heard it before in regard to this very legislation.

Let me read you a few excerpts; and I could go through the CONGRESSIONAL RECORD and find many, many more.

We had the Newlands bill up. It was proposed by Senator Newlands, whose memory we all love—a man of wonderful intellect, but of a still more wonderful imagination, and with a supreme confidence in humanity. I remember that he told us that if we created the Federal Trade Commission all the trusts would disappear; there would not be any more wickedness in commerce. He was mistaken. When that bill was up, it was reported to the Senate by Mr. Newlands on June 23, 1913, and he said this:

I will state, Mr. President, in connection with this report, that the bill presented has the sanction of the various brotherhoods connected with the employees of the railroads of the country, and that of the Civic Federation and the railway managers. It also has the approval of Judge Knapp, presiding judge of the Commerce Court, and of Mr. Neill, the former Commissioner of Labor, who figured so conspicuously in labor disputes between the railway companies and their employees.

So we were asked to pass that bill because everybody, they said, had agreed on it.

The Senator from Arkansas [Mr. ROBINSON] joined in the debate, and had this to say:

The proposed bill represents a measure which we are assured by representatives of all the leading organizations and the leading railroads concerned in this controversy will avert a strike that in all probability will occur unless the bill is passed.

And then the Senator from Arkansas dilated on the evils of the strike; but I recall that we had a strike. It came just the same.

The Senator from Arkansas went on and said:

We are in this situation. The bill as presented here represents an agreement between committees from the railroads and from their employees. As can be easily understood by everyone familiar with these conditions, there is always a degree of suspicion upon the part of both parties to such controversies that the other party is trying to secure the advantage. The necessity for passing this bill in its present form—

"Its present form!"—just the argument we are hearing now. "Pass it as it is now. Do not even read it carefully. Do not dot an 'i'; do not stroke a 't.' Just pass it as it is"; and that was the argument of the Senator from Arkansas [Mr. ROBINSON] then.

The necessity for passing this bill in its present form lies in the fact that it will be of no value whatever unless it is acceptable to both the railroads and their employees.

That is just what is being said now about this bill. Why, I could read the speech of the Senator from Arkansas on this bill, and it would fit the speeches made by the distinguished Senator from Indiana [Mr. WATSON] in logic, in argument, and in arrangement as the upper and lower jaws of a wild beast fit into each other.

Mr. WATSON. Mr. President, I am very sorry that the Senator from Missouri sees fit to compare the Senator from Arkansas, his leader, and myself to a wild beast.

Mr. REED of Missouri. Oh, no; I said that the arguments of each of you gentlemen fitted like the upper and lower jaws of a wild beast fit into each other. When God got through making ordinary humanity and concluded to improve on all His work, I think he created the two distinguished Senators in question.

Mr. WATSON. Aside from the sarcasm of my friend, which is always delightful to me——

Mr. REED of Missouri. I am not sarcastic; I am naturally complimentary.

Mr. WATSON. And especially so at the present time.

Mr. REED of Missouri. I have said nothing, as the Senator understands, intended to reflect on anyone.

Mr. WATSON. Oh, no; I understand that.

Mr. REED of Missouri. I am not quite through with these quotations. Perhaps the Senator will defer his question until that time.

Mr. WATSON. Certainly.

Mr. REED of Missouri. We had another Senator in this body at that time, a very positive character, a man who ordinarily followed his own judgment, and a man of spendid judgment, Senator Pomerene, of Ohio. Here is the argument he made then. It might just as well be handed over to one of the proponents of this bill and read now, because it is the only argument they are making:

Mr. President, I am in favor of this bill as it is written, and though in some respects I would prefer to see a change, I will not vote to change a single word in it, and for the reasons I shall state: It appears that before the committee the railway companies, through their presidents and representatives, and the railway men's organizations, through their chiefs, said that this bill represented months of work; that while there were slight differences of opinion they all agreed to accept it as a solution of the problem. A number of witnesses when interrogated before the committee said, in substance, that if the bill was passed as it was written, they did not believe there would be a single railroad or a single organization that would refuse to accept the plan of settlement here adopted.

It stands to reason that when they come before the Congress asking that this plan be incorporated into a statute no one of these parties would be in a position where he could honorably say, "I will not accept the plan of mediation or of arbitration which is therein contained."

So, Mr. President, these prophecies we have to-day and these arguments we have to-day count for nothing. We have heard them with reference to all the bills that have ever been proposed; but, singularly, in this particular class of legislation the appeal has always been made that we must have a bill that suits just the railroad employer and the railroad employee and that nobody else has anything to say about it.

Mr. President, somebody else does have something to say about it. There are about 115,000,000 human beings in this country, every one of whom will be affected for weal or for woe by this legislation. They have a right to be represented on every one of these questions.

Somebody said here the other day, "Oh, but you can not enforce the decision. You can not forbid the roads and the men to agree now." That is true. The roads and the men can agree now; but it is some of the roads and some of the men that are asking to have a public tribunal created to take the place of, or at least to qualify, the right of voluntary agreement which they have now; and when this Government is asked to set up a governmental tribunal to give weight and sanction to these agreements, to give them in a certain sense the form of law, then it is our privilege to see that there is somebody there to talk for the public.

Mr. President, let us send this bill back to the committee. Let us let the farmer be heard. Let us let the great business interests be heard. Let us permit the rest of the plain, common people of this country to be heard. Let us analyze this question and know what we are doing. What is the haste? What is the emergency? There is none. There is no threatened labor dispute to-day of any importance. Nearly every railroad in the United States is coming before the present board. The men are coming before the present board. Railroads that in the past have refused to submit to the decisions of the board are now coming before the board. Indeed, there never was a time since the present law was passed when conditions seemed as propitious as at the present moment.

Somebody said here the other day on the floor—I think it was the distinguished Senator from Indiana [Mr. WATSON]—that there would be no application for a raise of wages. Do I misquote the Senator?

Mr. WATSON. I said that in my judgment there would be no great demand for an increase of wages.

Mr. REED of Missouri. There is a demand already filed.

Mr. WATSON. I understand, but I am talking about the future.

Mr REED of Missouri. There is a demand already filed for over $100,000,000 of increase.

Mr. WATSON. Which has been pending for many months.

Mr. REED of Missouri. Yes. It is already here; and back of that, as is well known, there are other demands being prepared, amounting to from four to six hundred million dollars more a year. The real purpose of this bill is to raise railroad wages.

Mr. WATSON. Of course, I must of necessity take issue with my friend, and deny that statement absolutely, in toto.

Mr. REED of Missouri. I do not say that is the purpose of the Senator. I did not say that, and I do not say it now. I said the purpose of the bill. The Senator must not get himself confused with this bill. That would be a bad mixup. The Senator did not write this bill.

Mr. WATSON. No; I did not.

Mr. REED of Missouri. It was handed to him.

Mr. WATSON. I will say this: The Senator is right about it, I have no pride of authorship in this bill. I did not write it. I have not claimed at any time that I did.

Mr. REED of Missouri. Certainly not. So there is no offense when I say that the purpose of the bill is to do a particular thing.

Mr. WATSON. Not at all. The Senator and I are so familiar with the freedom of debate that there is no offense, whatever we happen to say. This bill was formulated, as the Senator knows, in the manner he understands it was brought to me, and those who drew it asked me if I would introduce it. I told them I must examine it first. I went over the bill with great care, I talked with a number on both sides who had participated in its formulation, and I came to the conclusion that the bill was a sound bill, and that it was as good a measure as we could get at this time for the present emergency. I still believe that.

Mr. REED of Missouri. What is the present emergency?

Mr. WATSON. The present emergency is this, that the Railroad Labor Board has broken down. There is nothing to which the two sides can appeal. They want to set up something in its place, and this is the best thing that can be found at this time to set up in its place.

Mr. REED of Missouri. Let us see if the Railroad Labor Board has broken down.

Mr. WATSON. I know it has broken down. Senators referred to "thousands of cases." Whenever a case is submitted in which a railroad is involved, and there are two or three thousand men involved, and the board has rendered some sort of decision or reached a conclusion about it, it is referred to as "two or three thousand cases." The trouble about it is that nearly all of the cases that have gone to the Railroad Labor Board have been petty grievances, individual in character largely. Whenever it comes to one of the great, far-reaching strikes, that threaten to tie up the interstate commerce of the country, or one of those disputes that has reference to wages, or to hours of service, or conditions of labor, the labor men and the railroads squarely assert before us that they never will again appeal to this board. That makes an emergency, and it is to meet that emergency that we are trying to provide.

Mr. REED of Missouri. That is well stated; but, outside of the music of the words, there is not anything in it.

Mr. WATSON. Can the Senator deny the fact?

Mr. REED of Missouri. Yes; I am absolutely denying the fact, as I understand it.

Mr. WATSON. Does the Senator deny that the railroad labor men have said that they never again would appeal to this board?

Mr. REED of Missouri. Certainly I deny that there is any such statement as that that is stood upon.

Mr. WATSON. It is admitted in the record.

Mr. REED of Missouri. I do not care anything about your record, taken under the circumstances under which it was taken.

Mr. WATSON. It was taken in a full and free hearing, where everybody——

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. REED of Missouri. The Senator from Indiana was on the floor.

Mr. WATSON. I yield to the Senator from Ohio [Mr. WILLIS.]

Mr. WILLIS. I wanted to ask about this matter. I say to the Senator frankly that I have been troubled by statements that have been made to me to the effect that persons who desired to be heard upon this bill were not given an opportunity to be heard. It was my understanding that this bill had been reported out after every interest which desired to be heard had had an opportunity to be heard. Men have told me within the last 24 hours that they sought opportunity to present their views but were not given that opportunity. Is that or not a fact?

Mr. WATSON. If the Senator had been here most of the afternoon—unfortunately, he has not been—he would have heard that whole thing thrashed out. I will say this to the Senator: The one man who has made the most fuss about it is a Mr. Bierd, the president of the Chicago & Alton Railroad, who sat in the committee room a good part of the time these hearings were going on and never opened his mouth. After he got away and got back home he came to the conclusion that he ought to be heard, and he wired back asking to be heard.

These hearings can not go on interminably. The Senator knows that a great committee like the Interstate Commerce Committee, with a number of bills before it that ought to be considered, can not everlastingly have hearings on one proposition. This whole thing was submitted to the committee, and they unanimously resolved that the hearings should cease. What more can we do? Every time some fellow telegraphs in from a far region who wants to be heard we can not open the hearings again. We would never get through with any hearing if we followed that course. The Senator knows that. This man sat in the committee room, and these other people were there, and no protests were voiced. A Senator in my rear asks me how long. How long does it take a man sitting in a committee room to voice his protest?

Why send this bill back to the committee? I undertake to say that these things can be thrashed out on the floor of the Senate. The committee is simply a preliminary proposition. When a matter comes on the floor, if any Senator has a protest, he can voice it. If the railroad men or the railroad employees had wanted to protest, they could have protested if they had had one-half the eloquence, and certainly the stretch of imagination, possessed by my friend from Missouri in voicing his protest against this bill. They are being heard now. How long are we to have hearings and to permit everybody to be heard who wants to be heard?

Mr. WILLIS. Mr. President, I should like to say that the person and the persons to whom I have referred are not the person to whom the Senator has referred. They are representatives, not of the presidents of roads but representatives of the employees of the roads. It had been my understanding that both sides had been fully heard, and it is now alleged that one side was not heard.

Mr. WATSON. If there are two sides to it, I do not know anything about it. There is one gentleman who represented a very respectable body of labor; that is to say, some say he does and some say he does not. He says he does. I am accepting his views on the question. He made no request to be heard, as far as I know, until the hearings were all over. Then he came and asked that the bill be sent back in order that they might have an opportunity to be heard.

We can not be everlastingly sending bills back to committees. We can not everlastingly be conducting hearings in order that everybody who wants to be heard can be heard. There must be some end to the thing. We would never pass any legislation if we were to drag on interminably here having hearings until every protest had been filed.

Mr. WILLIS. I am not assailing the Senator or his committee, but I am trying to ascertain the fact as to whether there was a full opportunity to persons to be heard before this bill was reported. I am not expecting that the bill will be sent back because some individual complains of it, of course.

Mr. WATSON. That is all there is to it.

Mr. REED of Missouri. Mr. President, the Senator says that the present board has broken down. My information is distinctly to the contrary. My information is that there is not a railroad to-day in the United States that proclaims that it will not submit its controversies to this board.

Mr. WATSON. Oh, Senator; that is so entirely at variance with the facts——

Mr. REED of Missouri. Just tell us the name of the road. I want to get the road's name.

Mr. WATSON. Did the Senator read the report of the hearings before the committee?

Mr. REED of Missouri. Not all of them.

Mr. WATSON. Did he read what was said about that subject? Did he read what Mr. Thom, the attorney for all the first-class roads of America, said?

Mr. REED of Missouri. I do not care much what Mr. Thom says.

Mr. WATSON. If the Senator is going to wave aside the man who represents, in all legal contests, all the first-class roads of America, then, as a matter of course, he can just wave aside everybody by a wave of the hand.

Mr. REED of Missouri. Mr. Thom is here in Washington, spending his time chiefly, I think, on matters legislative for a few big roads.

Mr. WATSON. Not a few big roads; all the Class I roads of America.

Mr. REED of Missouri. Was any member of this board put on the stand?

Mr. WATSON. No.

Mr. REED of Missouri. No; the board was not heard, just as the farmers were not.

Mr. WATSON. The question was discussed in the committee as to whether the board should be called, and it was decided by a practically unanimous vote that they should not be called.

Mr. REED of Missouri. I have seen a statement from one of them, which is before me, to the effect that the board is functioning, and functioning better than it ever did.

Mr. WATSON. Which I deny.

Mr. REED of Missouri. You may deny it, but you did not hear them.

Mr. WATSON. I do not have to hear them to know what they are doing.

Mr. REED of Missouri. I do not know; but you ought to hear them. Let us see whom you did have. You had Mr. Atterbury, of the Pennsylvania.

Mr. WATSON. No; we did not "have" him; he came.

Mr. REED of Missouri. You had him. I did not say you sent for him; you had him.

Mr. WATSON. He came.

Mr. REED of Missouri. He deposited himself on your doorstep and you had him. You took him in.

Mr. WATSON. The Senator must know, if he is familiar with the great shop strike that occurred only a short time ago, that General Atterbury was the one man who stood out against labor in that fight.

Mr. REED of Missouri. Certainly; and now he is here as a special friend of labor and is going to settle everything by agreement.

Mr. WATSON. He kept on in that fight until he crippled his railroad, as everybody knows, until the efficiency and morale of his road was greatly injured. Everybody knows that. He got tired of that fighting proposition. He got tired trying to use force and coercion. He wanted to come to some method by which they could adjust differences between the management and labor. He has tried the other method, and now he wants to try this, and he came and made a strong plea to us to set up this machinery.

Mr. REED of Missouri. Having thrust this country into a great strike by refusing to obey the present law, and he now proposes to get up a law for everybody else who did obey the present law, he comes to the committee, not by summons, but he rushes to the committee, and you hear him. Very well. Let us go down the list.

Mr. William S. Brown testified. Whom did he represent? I will go through the list. Here is Mr. Thom, who represents these rich railroads; and he appears in this record, I think, very much more than anybody else. There was plenty of time to hear Thom.

Here is Mr. Richberg, who was counsel for the railway employees. They appeared by their attorney, and they had a right to.

Mr. Doak is the national legislative representative of the Brotherhood of Railway Trainmen. He had a right to be heard. But he was on one side of this question, of course.

I have found a reference to Mr. Brown's employment. He was president of the marine engineers. He testified to the extent of about 20 lines.

Then there was Mr. Emery, who represents the Manufacturers' Association. Then Mr. Richberg came back on the stand. Then Mr. Thom appeared again. That makes up volume 1.

Mr. WATSON. Mr. Emery was heard several times.

Mr. REED of Missouri. I think so.

Mr. WATSON. I can say to my friend that, so far as any protests against the passage of this bill from what he calls the standpoint of the public are concerned, no man more forcefully or cogently argued that side of it than Mr. Emery. He is a very able and very brilliant man.

Mr. REED of Missouri. That may be so, from the standpoint of a certain portion of the public. Then there is Mr. Patrick Crowley.

Mr. WATSON. He is president of the New York Central.

Mr. REED of Missouri. Then Mr. Emery came back again, then Mr. Charles L. Henry. Who was he? Mr. Willard was here representing the Baltimore & Ohio.

Mr. WATSON. Mr. Willard represented the Baltimore & Ohio.

Mr. REED of Missouri. I said Mr. Henry. Mr. Henry is the general counsel for the American Electric Railway Association. Mr. Richberg appeared again, Mr. Thom again, and Mr. Willard again. There were about six or seven witnesses there, all told, every one of them representing parties directly interested in this bill; all of them for the bill except Emery.

Does the Senator call that a hearing? It is the same kind of a hearing that is going to be given by this board that will be created, that will consist of railroad employees and railroad presidents. It will be a hearing by two of the interested parties, just as there was a hearing here by two of the interested parties and nobody else, except where Emery came in. So it is proposed to try the question of freight rates—for that is what this gets down to—between two of the interested parties and leave the great public out of consideration.

Mr. WATSON. There were long hearings on the House side by the Committee on Interstate and Foreign Commerce, longer than those we conducted, and the committee on the House side went into the subject, I think, at considerable length and quite extensively. They had many meetings of the committee in which they considered the provisions of the bill. They reported it out unanimously. It was debated in the House for several days, quite fully debated, and the House passed the bill by a vote of 381 to 13.

Mr. REED of Missouri. The House passed a resolution by a bigger majority than that providing for the United States to go into the World Court, and the Senator from Indiana had the good sense and judgment to stand out and exercise his own opinion, and he got renominated by a majority of 140,000.

Mr. WATSON. One hundred and sixty-five thousand. Give me full credit.

Mr. REED of Missouri. I think he will be reelected——

Mr. WATSON. I thank the Senator.

Mr. REED of Missouri. As bad as he is—as bad a man from the political standpoint as he is, I mean.

Mr. WATSON. Yes; I understand that.

Mr. REED of Missouri. There were hearings before the House committee and they had the same crew before the House committee with two or three exceptions. Mr. Richberg, Mr. Henry, Mr. Thom, Mr. Emery, Mr. Rich, and two or three outsiders, possibly, appeared before the House committee. I have not had the time to trace them out to see which side they were on, but I think I recognize the names, and that they were all labor men or railroad men. The Senator did not have any public hearings. He had a hearing by two interested parties, and that is all he ever had.

Mr. WATSON. Because they are the interested parties.

Mr. REED of Missouri. Oh, no; the interested party is the great public, the people of the United States.

Mr. WATSON. They are the immediately interested parties, of course.

Mr. REED of Missouri. Exactly; and they are therefore selfish, because they are the two interested parties. They also were selfishly interested and the great public was interested, and yet the public was practically excluded from the hearings.

Mr. MOSES. Mr. President, the real interested party is the party that pays the bill, to wit, the public.

Mr. WATSON. We all understand that, but I say that in this great measure we have here made provision to take care of the public far better than it was taken care of by the existing law.

Mr. REED of Missouri. What is the provision in the bill that takes care of the great public?

Mr. WATSON. First, by the board of mediation appointed by the President to represent the public and which is a continuing board.

Mr. REED of Missouri. Why is that any better than we have in the present law?

Mr. WATSON. Secondly, by the emergency board that is appointed by the President and which represents the general public also, and which is better than is provided in the existing law. This is a new machine set up. The old one has broken down and they want something new to try, and when the two interested parties come together and ask to have something tried, I am willing to give them an opportunity to try it.

Mr. REED of Missouri. It is just as much the old machine as is the old Buick still an old Buick when you put a coat of paint on it and give it a different name. It is the same old Buick exactly. There is a machinery here that is without jurisdiction to enforce its orders.

Mr. WATSON. That is true.

Mr. REED of Missouri. It depends entirely upon the will of the two main parties to the controversy whether or not its decisions shall be obeyed. We have here a case where, no matter how often we go around the barn, we come out of the same hole we went in.

Mr. WATSON. It is true that there is no coercion in the bill. It is nothing but mediation and conciliation and arbitration. That is all there is to it.

Mr. REED of Missouri. But we have that in the old bill.

Mr. WATSON. And the Senator is not asking to go any further and put coercion in the bill?

Mr. REED of Missouri. No; I am not.

Mr. WATSON. There you are.

Mr. BRUCE. Mr. President, may I add to what the Senator has said that we had that provision in the Newlands Act and in the Erdman Act.

Mr. WATSON. Certainly.

Mr. REED of Missouri. The Senator wants to wipe out the old law and put this wonderful new bill in its place, and it does just exactly what the old law did.

Mr. WATSON. There were 61 cases decided under the Erdman law and 148 cases decided under the Newlands law. The cases when we had Government control were decided amicably by boards of adjustment, and we are going right on in the same line.

Mr. BRUCE. Nearly 13,000 cases have been decided since the Railroad Labor Board has been in existence.

Mr. WATSON. I deny that there are 13,000 cases of any consequence. Some cases of consequence have been decided, of course, but the great majority of those cases related to minor disputes.

Mr. REED of Missouri. They are the same character of cases that were decided by the other two boards, broadly speaking.

Mr. WATSON. Oh, no.

Mr. REED of Missouri. The Newlands Act was passed, and it was found that the Newlands Act would not settle all the disputes.

Mr. WATSON. I will say to my friend from Missouri that the Erdman Act and the Newlands Act dealt only with wages, hours of service, conditions of labor, and not the small grievances. They had no power to deal with those.

Mr. REED of Missouri. No; and the small grievances had been settled across the table by the men and by their bosses, if we want to use that term—their superintendents and managers—from time immemorial, and they are settled that way to-day by the thousands.

Mr. WATSON. No; thousands of them went to the Labor Board and were settled there.

Mr. REED of Missouri. And the Senator says it does not count in its favor. They did take a lot of them up there, but the Senator says they do not count.

Mr. WATSON. They did in the past, but these men say no longer will they go to the board.

Mr. REED of Missouri. Then these men are in just this position, that they are saying to the lawmakers of the country, "We came to you and asked you to pass the Erdman Act and you did it. We were not satisfied with it. We demanded that you should pass the Newlands Act and we said that would be satisfactory to everybody and would work, and you passed it. Then, having passed the present law, which differs from it only in slight ways, we are now here and want another law enacted. If you do not give us just what we want, we serve notice on you in advance that we will have nothing to do with the tribunal you have set up."

What is unfair about this tribunal? The great complaint is that it has decided cases against the railroads, and the railroads will refuse to obey, and that, on the other hand, the men sometimes refuse to obey, and now they say they will never obey, but if we will pass another bill which does not have any important difference, or if it has any important difference it is a sort of implied power in the President to seize the railroads, they will obey, and will come in and arbitrate everything. The same two sets of men are to sit opposite each other at the table. They are to conduct their negotiations together in the same way they do now. They will not come together now, it is said, but if we will pass this bill then they will come and sit down at the table and talk things over, and that is where nearly all of these disputes are settled. There may be a little different machinery beyond that, but it is just as ineffective as the machinery under the present bill, and now it is said, "Pass this bill which, makes no substantial change, and then we will all sit down and agree, and the millennium will dawn."

Mr. WATSON. Mr. President, will my friend let me ask if there is any substantial difference between them if neither provides for force or coercion, and the Senator does not want to provide force or coercion? If there be no difference between the two and they say, "We will agree to the one and will not agree to the other," and they want the one and do not want the other, why not let them have the one?

Mr. REED of Missouri. Because there is a difference. I was talking about the difference as to the men getting together, as to their right to confer, as to their right to exchange views and try to come to an agreement. But there is this difference, and this is why the bill is urged: In the present arrangement the public does have a representative, and in the new bill the public does not have a representative.

Mr. BRUCE. Mr. President, will the Senator yield to me?

Mr. REED of Missouri. I yield to the Senator from Maryland.

Mr. BRUCE. Would the Senator from Missouri like to have an absolutely authoritative statement as to the volume of work done by the Railway Labor Board?

Mr. REED of Missouri. Yes; I would.

Mr. BRUCE. This is the testimony of Mr. Hooper before the House committee:

> From the date of its establishment, December 31, 1925, 13,941 disputes had been referred to the board. Of this number, 6,006 were of a local nature, affecting individual roads and their employees in one or more classes of service or possibly two or three railroads at one point; and 7,935 were of a general nature, affecting large groups of railroads and their employees in any or all classes of service, such as general requests for wage increases or wage decreases or general revision of rules governing working conditions. The board during this period disposed of 13,447 of these submissions, 5,549 of which were of local nature and 7,898 of general nature. Of the total number of disputes, 912 did not reach the status of regularly docketed cases.

In other words, as against 61 disputes settled under the Erdman Act, we have 13,941 disputes, many of them involving matters of capital importance, settled by the Labor Board. Then, if the Senator from Missouri will pardon me, perhaps he would like to have a statement of just how far the decisions of the Railroad Labor Board have been violated:

> The board's records show the following violations for the 201 class 1 carriers:
>
> | | |
> |---|---|
> | Brooklyn Eastern District Terminal | 1 |
> | Chicago Northern Railroad Co | 1 |

The Senator will be especially interested in this:

Chicago & Alton Railroad	1
Chicago Great Western Railroad	1
Denver & Salt Lake Railroad	5
Duluth, Missabe & Northern Railway	1
Erie Railroad	21
Fort Smith & Western Railroad	1
Nevada Northern Railroad	2
Pennsylvania system	5
San Antonio & Aransas Pass Railway	2

This is a rather small percentage out of 13,447 disputes disposed of.

Mr. REED of Missouri. An interesting addenda to what the Senator has said is that the two railroads that disputed the board's authority in the majority of all the cases where there were disputes are the particular sponsors for this bill.

Mr. President, it is perfectly plain under the present law that the public has a representation—at least, it has a voice. Under the present bill it does not have a voice as long as the employees and the employers agree. They can get together and make any kind of an agreement they want to, and the public has nothing to say about it. They can agree to arbitrate or not to arbitrate. Then comes in the clause relating to the strike, and that is ineffective.

Mr. President, I want to see railroad labor well paid. The men are engaged in a hazardous employment; and, speaking broadly, and without any desire to flatter them in saying what I have said many times, they are a splendid body of men, they are entitled to fair treatment, they are entitled to a good wage, they are entitled to organize—a doctrine that I have always advocated, even when it was not very popular to advocate it. They are entitled through their organization to sit down and talk with their employers and to agree upon a wage; and if they do that, the law does not interfere—at least, it has never undertaken to do so up to this time. Now they say, and they have said it for many years, "We have reached a condition where we want a public body created, and that that body shall assume the responsibility of a decision."

When that decision is rendered, of course, it goes out with the force and effect and weight of a public decision, and would form a justification, if wages were raised in pursuance to such a ratifying order, for the railroad to say to the Interstate Commerce Commission, "We raised wages in obedience to a public order, and you must raise the tariffs so we can meet that charge." That puts the public into the business, so far as responsibility goes, and endangers the public to the extent that such a decision will form a precedent for action and a justification for action by the railroads and be very persuasive with the Interstate Commerce Commission.

Under those circumstances the public ought to be allowed to "sit in" on these decisions and have a voice. It is to get rid of that thing that this bill is brought forward, and for no other purpose, in my humble opinion.

We have been told that the decisions of the Railroad Labor Board are unimportant, that they never decided anything of importance.

Mr. WATSON. Oh, no; the Senator must know that I said they had decided some cases of importance, but that the great majority of the cases which they had decided were not important.

Mr. REED of Missouri. Very well. Here is one that they decided, and there was public representation, too. They rendered a decision under which there was a reduction of $200,000,000 in wages, and not an employee struck. So this board is functioning. What is the use of saying it is not functioning? Before we wipe it out, let us know we are going to get

something better. But, above everything else—and I have taken all this time because I was interrupted; I had in mind some remarks to make which I would have been through with in 10 minutes. I warn Senators that when they interrupt me they extend me as to time.

Mr. WATSON. I am so pleased to hear the Senator's voice that I always like to interrupt him.

Mr. REED of Missouri. I know the Senator from Indiana loves my voice almost as much as I find a special delight in gazing into his amiable and intelligent countenance.

Mr. WATSON I thank the Senator.

Mr. REED of Missouri. Above all, let us send this bill back to the committee, and let the farmers of this country be heard.

Mr. NORBECK. Mr. President, may I ask a question merely in order to clear up certain matters?

Mr. REED of Missouri. Certainly.

Mr. NORBECK. What public protection is there in the present law? If I understand correctly, the present board is authorized to prevent these mutual agreements as to wages and suspend them.

Mr. WATSON. The public "sits in" on the decisions.

Mr. NORBECK. Yes; but may the board also suspend action on any agreement that is reached as to wage increases without the matter being presented to the board?

Mr. WATSON. At the present time?

Mr. NORBECK. Yes.

Mr. WATSON. At the present time the roads and the employees may meet and agree on a wage increase regardless of the board; and it does not come before the board at all.

Mr. NORBECK. There is one letter here from a farm organization, I think, that says the present board may suspend temporarily a wage increase. Is that right, I will ask the Senator from Indiana?

Mr. WATSON. They have said that; but it is not correct, because to suspend it it would be necessary to suspend a private contract, which is unconstitutional and has been distinctly so held in a railroad case.

Mr. REED of Missouri. But the language is in the act; that is what the Senator means. It was resisted, however, and the courts held that it was unconstitutional, but nevertheless the language is in the act.

Mr. NORBECK. May I ask the Senator if the present board is a fact-finding board? As I understand, they have a right to hold hearings on numerous questions.

Mr. WATSON. Yes.

Mr. NORBECK. And to pass upon them and give their opinion to the public on them?

Mr. WATSON. Yes.

Mr. NORBECK. Is that true of the proposed board?

Mr. REED of Missouri. I do not think it is.

Mr. WATSON. If the Senator will permit me, they have no right to compel the attendance of any witness who does not want to appear.

Mr. NORBECK. As a matter of fact the present board has been hearing and questioning witnesses, has it not?

Mr. WATSON. Yes; where the witnesses have voluntarily appeared.

Mr. NORBECK. Is it not also a fact that the decisions of the present board in some very important cases have been complied with absolutely?

Mr. WATSON. In a number of cases they have been.

Mr. NORBECK. One of the first cases which the board considered some four or five years ago involved a wage increase of about $600,000,000, did it not?

Mr. WATSON. Yes.

Mr. NORBECK. And was there not a decision a year or two later decreasing wages about $300,000,000?

Mr. WATSON. About $200,000,000, I think.

Mr. NORBECK. That was complied with, was it not?

Mr. WATSON. It was.

Mr. NORBECK. The present board has no right to suggest that wages be increased or reduced. Is that right?

Mr. WATSON. None at all.

Mr. NORBECK. And as I understand, the purpose of the bill now pending here is to turn over to the railroads and their employees the whole matter, and, in case they can not agree, then the proposed board is to try to get them together; but it is not a fact-finding board with power of decision or power to inform the public as to the facts.

Mr. WATSON. That is true.

Mr. NORBECK. And I also understand that in case they can not do anything an emergency board comes into being and it may render a decision?

Mr. WATSON. No; the emergency board does not render a decision. It simply gives the public the facts, as the Labor Board is now empowered to do. All the Labor Board is empowered to do is to give the public the facts; and that is all the emergency board is empowered to do.

Mr. NORBECK. The public may have the facts from the present board.

Mr. REED of Missouri. I desire to yield the floor. I have said all I care to say. The Senator from North Dakota is asking his questions of the Senator from Indiana, and of course he may continue the colloquy. I am not trying to take him from his feet, but I am yielding the floor.

Mr. CUMMINS. Mr. President, before the Senator from Missouri takes his seat, I should like to ask him a question, if I may.

Mr. REED of Missouri. Very well.

Mr. CUMMINS. To what board proposed in this bill did the Senator from Missouri refer when he said that the board would give sanction to an increase in wages that would have to be accepted or would naturally be accepted by the Interstate Commerce Commission as a basis for fixing rates?

Mr. REED of Missouri. I mean this: There is a demand, by the men, let us say, for an increase of wages. The railroad presidents dispute that demand. The two parties fail to agree and then they propose to adjudicate it.

Mr. CUMMINS. Adjudicate it how? Before what board?

Mr. REED of Missouri. They have this proposal here of arbitration.

Mr. CUMMINS. The board of mediation and conciliation? Is that the board to which the Senator refers?

Mr. REED of Missouri. So that they can get a decision.

Mr. CUMMINS. But they do not get any decision. The board of mediation or conciliation does not decide anything. It has no power to decide anything.

Mr. REED of Missouri. I referred to arbitration.

Mr. CUMMINS. They have no power to decide by arbitration. They may induce the parties to the dispute to enter into arbitration but they do not decide anything.

Mr. REED of Missouri. But arbitrators do.

Mr. CUMMINS. Arbitration is purely, of course, a voluntary matter on both sides.

Mr. REED of Missouri. It is all done under the ægis and sanction of this bill, so that when a decision is rendered, and we will say wages are increased, thereupon the road appears before the Interstate Commerce Commission and asks for a raise in rates. The Interstate Commerce Commission examines into the expenses of the road; it finds this increase, and it says, "In our opinion, that is too great an increase."

The road responds, "The Congress set up these tribunals and we took the course laid down in the law. There was a decision rendered, and we are obeying that decision." I think that would be very persuasive with the Interstate Commerce Commission.

Mr. CUMMINS. But I did not quite understand the Senator, and for that reason I asked the question. The roads and the men can agree to arbitrate now; that is a matter that is within the scope of the contractual power; and arbitration under this bill would have no greater effect, except that the award of the arbitrators can be filed in the district court and a judgment rendered upon that award. I simply wanted to make the matter clear.

Mr. REED of Missouri. The Senator and I are not at all at variance with regard to the general proposition. What I say is that when we follow this machinery out we get to a point where a railroad can well stand in the presence of the Interstate Commerce Commission and say, "The wages which we pay are justified, because we are obeying a decision rendered pursuant to this law." On the other hand, if this scheme or plan is not set up and they exercise their lawful right of getting together and agreeing or even of arbitrating, that is a private transaction, and when they come before the Interstate Commerce Commission with that kind of transaction, I think their standing is very different from what it would be if they followed the proceedings laid down in a law enacted by Congress.

Mr. CUMMINS. There may be something in the suggestion if it proceeds to the judgment of a court, but not if it stops with the mere award of arbitrators.

Mr. REED of Missouri. I do not agree with the Senator as to that. I agree with him perfectly that such an award is not legally binding. I am not talking about the railroad being able to go before the Interstate Commerce Commission and say, "The board made an award; it is legally binding upon us, and we, therefore, have to raise these wages"; but I say that if the Senator represented the roads or if I represented them, I think I would say to the Interstate Commerce Commission, "Congress in its wisdom or lack of wisdom set up the

machinery; it was intended that it should function; it was intended that this board should make decisions; a decision has been rendered by the tribunal created by Congress; therefore, we were justified in obeying it, and we stand here now asking the Interstate Commerce Commission if it will penalize us for having done the very thing that Congress said we should do." I think I could make, and I know the Senator from Iowa could make, an appeal on that ground that would be very persuasive. I do not claim, the Senator will understand, that it absolutely binds the Interstate Commerce Commission.

Mr. NORBECK. Mr. President, I am in favor of the motion to recommit the pending bill to the Committee on Interstate Commerce in order that those may be heard who have had no opportunity to be heard. I have reference to those who pay the freight, those who bear the expense that will be incurred as the result of the passage of this bill. Some things have developed here in the debate; for instance, that there is a general wage-increase demand pending, estimated all the way up to $700,000,000; $100,000,000 of this is in the form of a demand which has been pending for some time and has received the favorable sanction of the Labor Board. The same railroad labor leaders who are pressing for these wage increases are also telling us that the Labor Board has not functioned satisfactorily. Of course, they mean it is not satisfactory to them. It is claimed that the provisions in the transportation act (the Esch-Cummins bill), which gave the Labor Board so much authority, has been partly crippled by a decision of the court. It is claimed they can not now interfere with a wage increase that is agreed upon between the railroads and the men. But that has no bearing on this question, as the railroads do not favor these increases. The opposition to the Labor Board, however, is based on different grounds. They can hold hearings; they can gather and compile evidence; they are a fact-finding board that can give these facts to the public.

Evidently somebody is afraid that the public shall have the information, for the bill now proposed will prohibit the Government board from publishing these investigations, hearings, and fact findings. They will not be permitted to tell the true condition of affairs. Do not the railroad men believe that they have a good enough case to go before the public with? Are they afraid that the other laboring men are not with them? Are they afraid that the farmers will realize that it will be an additional burden on them? Possibly they are even afraid that the railroad men have learned from five years' experience that they did not benefit from the wage increase that brought in its wake higher cost of material and, in fact, a higher cost of living.

There has been some criticism to show that the present board has not sufficient authority to function well, but it is admitted that the proposed board has even less authority. What is proposed is, in fact, two things—first, that where the railroads agree to the increase, nobody shall prevent it; second, where the railroads do not agree to an increase, it shall be left to arbitration, which always means a compromise; that is, they will get some increase, whether they be entitled to it or not.

Everybody agrees that the basis of prosperity is that labor must be well employed and that labor must be well paid, but it is admitted that the railway men are now about the best-paid employees there are in the United States. If, however, they are not, they can come before the Labor Board and make a case and show wherein they are getting less than others. There is a public tribunal to pass on the case, to gather all the facts, and to tell the public what their findings are. Why are we to do away with that?

Labor used to appeal to the public for protection. It is within the memory of every Senator here when the man who worked for a wage was the hardest-up man in the United States. He lived in the poorest cottage, his family had the poorest garments, his table had the scantiest food. It was his children that went barefooted and went to school without books. The wage earners were not getting their share. They began to organize.

They began to strike. The public was with them. When the men in the coal mines struck for a better deal, the public and even the farmers said: "They are entitled to it. We are for them." Public opinion sustained them and supported them, and they won their fight because the public was with them; and when they had won it we paid more for the coal, but we said that was all right.

The men in the steel mills went through the same process. They said they were not getting their fair share. The public supported their demands, and they won because public opinion was with them; and when the strike had been won we paid more for the steel. It was a tribute that was levied on every farmer in the land; but the farmer said:

They are not as well off as we are. We are willing to divide with them. It is all right.

Then we had the men and the women in the factories—the shoe factories and the clothing factories and the cotton mills and all along the line—each clamoring for a better wage; and the public was with them, because in most cases they were entitled to it.

Finally we got along to what seems now to have been a fairly balanced condition—the pre-war condition, when labor was fairly well employed at a fair wage, when business, as a rule, was prosperous, when the farmer was making a living and a little bit besides, when the boys were not driven from the farm, because there was a little gain each year. Good land was slowly advancing in value in the newer-settled sections of the country. In the older sections it had come to a standstill. An investigation was made by the Department of Agriculture about a dozen years ago to determine the net earnings of the average farmer during the pre-war conditions. It was found that the average farmer in the United States had a net income of $200 per year in cash—that is, after he had paid his taxes, his insurance, his hired help, and so forth. But it was also found that he had an additional income, which was not a cash income. It grew out of the advantage of living on the farm. He had free water out of his own well; he got vegetables out of his own garden; he butchered a pig or a lamb, and the department found that these advantages amounted to $400 a year. Therefore, the income of the average farmer before the war was $600. These were conditions that existed from 1908 to 1913.

Those were the "good old days" that we are trying to get back to. That was the basis that the McNary-Haugen bill of two years ago was trying to put the farmers back to, and it raised such a hue and cry in the land. It was claimed that it would increase the cost of living. The Wall Street Journal opposed it because it would be an additional burden upon business. The radicals and the standpatters found a common ground. They had now discovered that you can not give a dollar to somebody without taking it from somebody else. They did not object when it was taken from the farmer, but they did object when it was proposed to put the farmer back on the pre-war basis of a $600 annual earning power.

Mr. President, the bill for agricultural relief now pending before this Senate and advocated by the large farm organizations of the Nation is almost identical with the bill now pending in the House, called the Haugen bill. It does not propose to give the farmer the "ratio" price that was proposed originally in the McNary bill. The farmers have had to drop down in their demands. They are not now asking that pre-war prosperity be restored to them. They are simply asking that the tariff be made effective on what they produce as well as on what they buy.

I want to speak briefly about one of the large factors that brought about deflation in agriculture. I think it is the largest single factor. I think quite probably it was responsible for 70 or 80 per cent of the farmer's trouble.

During the summer of 1916, the organized railroad men served notice on the Government of Washington that they were organizing for a very effective strike that might cripple every industry in the land. In the midst of a presidential campaign they made their demands known to the party in power. They said if their demands were not complied with the strike would be ordered.

I am not speaking in criticism of the railroad men or of their leaders, for unrestrained selfishness will take everything in sight. This is done by organized business. It is likely to be done by any group that has the power to do it, especially when they are spurred on by leaders who want to get big salaries and want to make a great showing as a basis for more power and further promotion. My only complaint is that the public has to pay the bills of unjust demands as well as just demands. We recognize the motive back of it.

The leaders said:

> We will stop every train in the land unless this Government departs from its traditional policy—we demand that the Government go into the price-fixing business, that they fix a minimum wage and hours of serving for us; that we are not going to depend on the law of supply and demand, but we depend upon our organized political power.

The party leaders were confronted with a grave political situation. They met hastily and discussed the matter nervously. Congress got orders for double speed, and in the midnight hour they passed the Adamson law without any regard to, or any understanding of, the far-reaching consequences of such act.

Wages went up and up, and continued to go up under the McAdoo railroading until $2,000,000,000 in wages had been added to the cost of operating the railroads, the wage increase

of $2,000,000,000 being approximately the value of the wheat crop and the cotton crop of the United States in a normal year. That was the increase that was granted in wages alone. That was not the increased cost of operating the trains, because the higher cost of material had to be added also.

If anyone had asked us whether the country could stand a $2,000,000,000 increase in wages alone on the railroads, we would have said it was impossible; but it was absorbed largely by the increased freight and passenger rates. The balance was made up by appropriations out of the Treasury of hundreds of millions of dollars.

We could have stood that increase—not only the increase in wage but the classification that created additional jobs here and additional jobs there, the condition that made the shorter hours in order to get overtime for the full day, and all that—we could have stood that, but it was the indirect effects that caught us.

The wage that went on the railroads became the established wage in every town and township in the land. There was not a farm hand that did not go to his farmer and say, "They are paying more on the railroads." There was not a clerk in a store that did not go to his employer and say, "There is a new wage in the land; I want it." There was not a boy or a girl in the factories that did not say they had to have the same thing. So the net result of it all was to establish a new cost of living that depreciated the purchasing power of the dollar, and especially the farmer's dollar.

The increased freight rate was the small part of it. It did not make any difference whether the manufacturers' associations were here protesting—not very much. They were able to pass the cost along. It did not make any difference whether the wholesale houses were protesting; they added the increase to the price of the goods. It did not make much difference with the retail merchant, who was able to use his sharp pencil and mark up the prices of goods and thus absorb the increase. But there were a few classes of people who had no way to absorb that increase, and they had to take the whole shock. One was the farmer, who could not pass the cost along, because he had no way of increasing the price of what he sold. He had to pay this bill. Then we had the metal-mining industry of the West, the low-grade ore, worked at a small profit and giving employment to thousands of men; but the new standard of wages that came into being rendered the property valueless, and the men quit working. The same thing was true of some interior coal mines. I was told the other day about a town in Kentucky where the miners are being paid now an agreed wage. It was found that under the new deal they could not pay the union wage. The operator called the men in and said: "I will quit. The property is yours if you want it; but," he said, "what else can I do? If you will work at a wage at which I can compete, I will go ahead." And so they are working in that particular place at one-half the union wage.

The farmers have not much complaint with conditions, Mr. President, except as there has been interference with economic law—interference by organized business that takes its pound of flesh; interference by organized laborers that have been pulling such things as they are trying to pull in this bill; interference by Congress itself, like the act of 1916, that interfered with economic law and drove agriculture almost out of being.

The public has been the railroad man's best friend when he wanted his wrongs righted. Why is he afraid to leave his case with the public now? Why this great anxiety to get away from public representation on the boards having these matters in charge?

The railroads seem to have adopted this idea; and I do not want to uphold the railroad managements. We have had a good many things develop in the last 25 years, and one of them is that the owners of the roads hardly ever operate them any more. They are operated by paid officials who are not heavy stockholders. It is a case of absentee ownership, a good deal like the absentee ownership that used to exist in Ireland when the English lords owned the land. They are not giving attention to their business, but they are relying upon section 15a of the transportation law, which guarantees them in a way a fixed earning. The railroad companies now feel that it does not make any difference to them whether the wages are increased or not, as long as they can be recovered from increased freight rates.

Railroads seem to be perfectly willing to grant wage increases as long as it does not interfere with their dividends. They want the public to make up the loss. It is, indeed, a new condition we are in. We find the man who pays the wage and the one who receives it are in a deal to levy tribute on the public, and especially upon the farmers, hundreds of millions of dollars. This condition seems to be especially true of the wealthier railroads, who under the increased freight rates already existing have a larger earning than contemplated by the law. Under the transportation act they are required to give the Government one-half of this excess earning. It is true that they have not paid much of it to the Treasury, but they do not like this provision of the Esch-Cummins law. These railroads have always resented Government interference. They seem willing and anxious to get into some arrangement with their employees to dissipate this fund, so it will not reach the Treasury. They want to tell Congress that their business must not be interfered with. When wage increases are granted on these roads it will naturally follow on all other roads, and there is no Government power to prevent it.

The last big wage increase on the railroads, of about $600,000,000, came simultaneously with the deflation. It is true that the Labor Board afterwards realized it was a serious mistake, and, as admitted by the Senator from Indiana [Mr. WATSON], they ordered a reduction in the wage scale totaling about $200,000,000. This became effective two or there years ago. The Labor Board has presented the case to the public and the railroad employees recognized that public opinion would not be with them, not if they resisted the findings of the board. But these employees are still insisting that the board does not function well.

About a year ago one of the railroads supporting this bill granted a voluntary wage increase of about 8 per cent; presumably they felt their surplus earning was too large. This increase necessarily was forced on the other railroad lines. The Railroad Labor Board were unable to stop it. This resulted in an increase of some $300,000,000, more than neutralizing the wage reduction successfully inaugurated by the board a year or two previous.

The roads operating in the Northwest, the Southwest, and South have made innumerable applications for freight-rate increases to the Interstate Commerce Commission. They claim it is necessary in order to meet this increased wage scale. They claim section 15a entitles them to such increases. Their cases are also in court.

It is interesting to note that no champion of this bill has had the temerity to say on this floor that the railroad men are underpaid. In fact, it is admitted that they are the best paid employees in the whole land. It is also admitted that they are the most insistent for wage increases; and we lose sight of the fact that the wage increases when granted become a burden upon other laboring men and upon farmers and again establish a higher wage through the land—higher-priced goods and higher cost of living—and that in the end even the railroad employees find that their increase is largely or totally absorbed by this new condition.

The farmers have been betrayed by their friends, but they have been slow in realizing what has happened. They have awakened to it. The Farm Bureau and the National Grange have filed with this Senate a request asking that this bill be rereferred to the Committee on Interstate Commerce, in order that they may be heard. It was admitted that they were not taken into consideration on these hearings. It is admitted that no one spoke for them. It is admitted that the Labor Board requested a hearing before the Senate committee, which request was denied.

The only excuse given for denying the hearing is the statement that they "have been slow in getting in." Mr. President, the farmer is always slow. He is the most patient of all. He proceeds carefully. He does not want to wrong anybody. He has been the real stabilizing influence in the country, but that is no excuse for taking unfair advantage of him.

The amendment proposed by the Senator from Kansas [Mr. CURTIS] provides that wage increases may be denied by the Interstate Commerce Commission if they are of such a nature as to do injustice to the public interest. This would be at least a partial protection for the public and for the farmer. But, many Senators have indicated their opposition even to this amendment, therefore, the motion to refer this bill back to the committee.

What is the use of this Congress talking about doing something for the farmer? We have done nothing for the farmer, but we have not missed the opportunity to do something to the farmer. The majority of this Senate has done it every time it has had a chance during the five years I have been here. But, there has been no measure before us at any time that has threatened such injury to agriculture as does this Senate bill 2306.

Mr. KING. Mr. President, from what has been said I have gathered that all of the employees of the rich roads were for this measure. I have just received a letter from the Shop Employees' Association of the Union Pacific Railroad system, one of the rich roads, one of the most important roads in the

United States; and Mr. Anderson, the system general chairman, in his letter to me, states:

It will be noted that the attached substitute for section 10 also contemplates appropriate provisions with respect to power of investigation and authority to direct the assistance of the Government agencies in the same manner as provided for arbitration boards.

The amendments proposed to the general provisions of the act contemplate the insertion of a new section of two paragraphs, which would be given No. 11, and the other sections of the general provisions of the act renumbered accordingly.

The employees whom I represent and the officers of our association join me in urging your favorable consideration of the attached proposal, and anything you may do in behalf of our request will be greatly appreciated.

Yours very truly,

C. E. ANDERSON.

I send to the desk the two amendments submitted by the head of this organization, which I understand to be one of the large organizations of employees of the roads. One amendment is a substitute for section 10. The other is a new section, to be known as section 11a and 11b. I ask that they may be printed and lie upon the table for the consideration of the Senate.

The VICE PRESIDENT. The amendments will be printed and lie on the table.

Mr. BRUCE. Mr. President, I trust that this bill will not be recommitted. I am a member of the Committee on Interstate Commerce, and therefore I am in a position to know just what measure of consideration was given to the bill, and I say without hesitation that the very fullest measure of consideration was given to it. If there was anybody who did not have his day in court, did not have an opportunity to come before the committee to express his views with respect to the pending bill, I do not know who it was.

Mr. KING. Mr. President, will the Senator yield?

Mr. BRUCE. Yes.

Mr. KING. I ask this for information. Was the Federation of Farm Laborers heard before the committee?

Mr. BRUCE. If it was not heard, it must have been because it did not ask to be heard.

Mr. KING. Were they heard?

Mr. BRUCE. No; but they had every opportunity to be heard.

Mr. KING. Was the Farm Bureau heard, or were any members of that organization heard?

Mr. BRUCE. No; but they had every opportunity to be heard.

Mr. KING. Were the National Grange or any members of that organization heard?

Mr. BRUCE. No; but they had every opportunity to be heard.

Mr. KING. Were any of these dissenting roads heard, or were any of their representatives heard?

Mr. BRUCE. No; but it was simply because they did not choose to come before the committee, as I understand it. I am not going to mention any names, because no public interest would be subserved by my doing so, but I happen to know that one of the presidents of these dissenting roads was constantly hanging around the committee room, busily opposing in conversation with me, and doubtless in conversation with others, the enactment of this bill. But apparently he never was able to make up his mind to appear before the committee and give his views to it.

Mr. KING. Was that Mr. Bierd?

Mr. BRUCE. I am not going to mention any names, because no public purpose would be promoted by doing so. If one would be, I would mention it.

Mr. KING. The Senator offered an amendment in behalf of an organization the membership of which, if I understood the Senator correctly, is 150,000.

Mr. BRUCE. Yes.

Mr. KING. Was that organization heard?

Mr. BRUCE. They were not heard, simply because they did not choose to be heard. That is the only reason. There is no question that they were familiar with the proceedings from beginning to end.

Mr. KING. Is the Senator sure Mr. O'Neill and those whom he represents were familiar with the proceedings of the committee, and knew when the hearings were to be terminated and the bill to be reported?

Mr. BRUCE. Mr. O'Neill has been here ever since this bill has been pending in the Senate, and I assume that he was here in Washington when it was before the committee. He had just as good an opportunity to present his views to the committee as he had to present them to the Senate. I say that with great respect to Mr. O'Neill, because I think that he is a fine man in every respect, and he is president of a splendid association of railway employees. But I think that he has had his full opportunity to present his views.

Mr. KING. If I am advised correctly—and Mr. O'Neill has spoken to me within the last day or two—he was not advised, and was not here when the bill was before the committee, but has been here in Washington since the discussion upon the bill began a few days ago, when the Senator from Indiana opened the debate.

Mr. BRUCE. The Senator is familiar enough with committee procedure to know that individuals are very rarely advised of the pendency of the proceedings on measures by committees. Usually when they are interested in the subject matter they are only too eager to ask the privilege of coming before committees and being heard.

Mr. KING. May I ask the Senator another question?

Mr. BRUCE. I yield with pleasure.

Mr. KING. If I understand correctly the petitions that were presented by the Senator from Kansas [Mr. CURTIS], every farm organization in the United States of importance, not only the national organizations but the State organizations, have appealed to the Senate by written petition for a recommital of this bill, to the end that their views may be heard. If I understand those petitions which were presented, many of those organizations did not fully understand the nature, the terms, the effect of the bill under consideration. If that be true, does the Senator think it is the duty of the Senate, I shall not say to take snap judgment, but to deny petitioners the right to have their views presented?

This is not a court. The Senator is an able lawyer, and even in a court where a judgment has been taken, the court oftentimes, upon his own motion, sets aside a solemn judgment of the court, and oftentimes, when an application is made for a reopening of the case, for the setting aside of the verdict or the judgment of the court in order that justice may be done, the court takes that action.

We are not acting in so solemn a matter. We are not a judicial body. It does occur to me that when twenty or thirty million of the farmers of the United States, through their representatives, ask to be heard, they should be heard, particularly when we are told that one of the reasons for holding Congress here now is for the consideration of farm legislation because of the dire distress of agriculture throughout the United States.

Mr. BRUCE. Mr. President, the Senator from Utah knows that a court does not set aside a judgment except where the judgment is tainted with fraud or is the result of surprise.

Mr. KING. Or excusable neglect.

Mr. BRUCE. Or when newly discovered evidence which, for one reason or another, could not have been brought forward at the time of the hearing, is discovered.

Mr. WATSON. Mr. President, if my colleague on the committee will permit me, Doctor Atkeson and Mr. Gray, the heads of two of the farm bureaus of the country, two of the most alert and intelligent men in the country engaged in enterprises of that sort, are stationed here in Washington permanently, are here all the time, are perfectly familiar with everything that is going on in Congress, and they must have had knowledge of the proceedings before the committee; must have known these hearings were being engaged in and being held constantly; and, of course, if they had wanted to be heard, they would have been heard if they had made the request. They passed it over and never made any request of the kind. The point about it is that now to recommit this bill means to delay it, not for the purpose of re-forming it or amending it but for the purpose of killing it.

Mr. BRUCE. The Senator says that the farmers and others did not understand the bill. That reminds me of a story told of Dr. Samuel Johnson. Some man said to him on one occasion, "I do not understand your reasons." Doctor Johnson replied, "It is my business to furnish you with reasons, not to furnish you with understanding," or words to that effect.

Mr. KING. If the Senator wants to charge all the farmers of the United States with lack of understanding, he is at perfect liberty to do so.

Mr. BRUCE. Indeed, I do not.

Mr. KING. Then there is no application to the Senator's story.

Mr. BRUCE. But if I were disposed to charge the farmers with lack of understanding, as I am not, I would not be deterred by any demagogic consideration from doing it. The Senator can rely on that.

Mr. NORBECK. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. NORBECK. It was the distinguished Senator from Maryland who said that it was the northwestern farmers who were radical and asked unreasonable things. I recall the fact that the first demand that came to Congress for agricultural relief came from the Legislature of the State of Maryland, and not from the Northwest.

Mr. BRUCE. I have no doubt that if it came from the Legislature of Maryland it came in a thoroughly rational and sensible form.

Mr. NORBECK. If it came from Maryland it came in a rational form; but if it came from west of the Mississippi, it was radical. That is the Senator's logic.

Mr. BRUCE. I would not like to be pushed too far on that.

Mr. NORBECK. I would like to ask one question. Were those farmers sent for by this committee?

Mr. BRUCE. The Senator will have to ask the chairman of the committee that. But as far as I know, no witnesses were sent for. It is quite an exceptional thing for the Committee on Interstate Commerce to send for witnesses.

Mr. WATSON. We do not send for witnesses. They swarm in when they want to be heard.

Mr. NORBECK. Evidently they did not swarm in. They are trying to swarm in now, and the door is shut on them. The Labor Board is to be abolished because it is no good, but the committee did not even give those farmers a chance to be heard.

Mr. WATSON. They would simply come here and put up a case with which we were entirely familiar. We read everything they sent to us. They put their case in briefs of great size, and all of us read everything they had to say, and we unanimously decided that it was not necessary to have them before the committee. Those farmers never asked to be heard.

Mr. NORBECK. The Labor Board did not, either, but the committee asked them.

Mr. WATSON. They did ask to be heard.

Mr. NORBECK. And were refused?

Mr. WATSON. They were.

Mr. BRUCE. The Senator knows perfectly well why that was done. It was partly because the Howell-Barkley bill, a bill very closely resembling in character the pending bill, had been under consideration by the committee at the previous session of Congress. A voluminous mass of testimony had been taken, both before the House committee, as I recollect, and the Senate committee, in relation to the workings of the Railroad Labor Board. There was really nothing more to be said about the practical operations of the Railroad Labor Board. Moreover, while the pending bill was under consideration by the Senate committee a similar bill was being considered in the House, and I happen to have in my hand the testimony of Mr. Hooper, one of the members of the board, given before the House committee in regard to the practical workings of the Railroad Labor Board. The Senator can see for himself what a bulky document it is [holding it up].

I really do not think that it would be fair to the railway executives, who have given their approval to this bill, or to the railway workers, who have given their approval to this bill, and it would not be fair to the general public at this time to recommit the bill to the committee.

I feel that my views about that are entitled to just a little more respect than they would ordinarily be entitled to, because I am very eager to see this bill amended.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BRUCE. Yes.

Mr. FESS. There was much said about who wrote the bill, intimating that the committee had very little to do with it. Has it been stated on the floor of the Senate that after the bill had been gone over both by the House and the Senate committees, we had a joint meeting of the House and Senate committees, which virtually rewrote the bill?

Mr. BRUCE. Indeed, we did. We had a joint meeting of the two committees, and I recollect that I differed to a very considerable degree from some of the conclusions that had been reached by the House committee, and I was given the fullest opportunity to present my ideas, for what they were worth.

I was going on to say that it seems to me that my ideas are entitled to some respect, because I think that this bill ought to be amended. I agree entirely with what the Senator from Missouri has said about those provisions in it in relation to adjustment, mediation, and arbitration boards being nothing more than reproductions of the provisions of the Erdman and the Newlands Acts. There is very little new about the pending bill. It is to a large extent a return to legislative measures that have been tested and abandoned. But I do feel this, that the demerits, if there are any demerits worth speaking of, of the Railroad Labor Board, have been grossly exaggerated by the railway executives and railway workers.

All of us know perfectly well that if the railway executives and the railway workers had their way, they would probably not permit themselves to be subjected to any public direction or control whatsoever, so far as railroad disputes are concerned. They much perfer to get together around a conference table and thresh out their controversies without the intervention of public authority in any form whatsoever. When I say that, I say something that was just as true of the general attitude of the railway executives toward the interstate commerce law itself as of the attitude of those executives toward the pending bill. The railway executives and the railway workers are always restive under the idea of any yoke being imposed on their necks by public regulation. They do not want to be regulated if they can prevent it. I know that that is true also so far as the public-service commissions of the country are concerned. When we enacted our public service commission law in the State of Maryland, the enactment was opposed by the public utility companies. That is human nature. Nobody wants to subject himself to any more control that he can help.

So I say that the shortcomings or defects, if there are any shortcomings or defects, of the railroad labor legislation have been unduly magnified, indeed, have been extravagantly emphasized. No other language is strong enough to convey the idea. Only a few moments ago, when the Senator from Missouri [Mr. REED] was speaking, I called attention to the fact that the Railroad Labor Board has disposed of some 13,000 controversies, one-half of which were controversies of real importance, involving wage increases, working rules, and all sorts of controversial or inflammable elements; and yet, with the exception of a few railway companies that ought to be ashamed of themselves, such as the Pennsylvania and the Chicago & Alton, and a few groups of railway workers, the decisions of the Labor Board have not been violated, notwithstanding the fact that no legal sanction of any kind was associated with the provisions of the Labor Board legislation.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BRUCE. Certainly.

Mr. WHEELER. The Western Railroad of Maryland, down in the Senator's own State, has a strike on its hands and it has refused absolutely, has it not, to abide by the decision of the board?

Mr. BRUCE. I am not excusing it, but now that I come to think of the matter I do not know how far it has refused to appear before the Railroad Labor Board. If it has refused, it, too, ought to be ashamed of itself.

Mr. WHEELER. It has not refused to appear, but it has refused, as I understand it, to comply with the orders of the Railroad Labor Board after they had been made.

Mr. BRUCE. That is what I mean. They have violated the decisions of the Railroad Labor Board then?

Mr. WHEELER. Yes; they have violated the decisions.

Mr. BRUCE. If that is so, my strictures will be gladly extended to embrace them.

Mr. WHEELER. I will say to the Senator that I wanted him to extend it because I think that was a flagrant case, where they flagrantly violated the decision of the board.

Mr. BRUCE. On the whole, the Railroad Labor Board has worked well, and I say it without the slightest hesitation. The only reason why it has not worked with the highest degree of smoothness and effectiveness is because there is no legal sanction of any kind attaching to its decisions. In other words, it has no punitive authority; there is no compulsory process by which it can carry its mandates into execution. Everybody knows that there are very few laws of this description that will work when there are no means provided by law for punishing violations of them. But, on the whole, the jurisdiction of the Railroad Labor Board has been heeded by the railway executives and by the railway workers.

It is absolute misrepresentation to say that a very large degree of authoritative force has not attended the decisions of the board. Therefore, if we can give the railway executives and the railway workers in every principal particular the machinery that they are asking for in connection with this bill, and yet at the same time properly enlarge the functions and powers of the President's emergency board in such a way as to give it some of the authority and some of the power that the Railroad Labor Board has, then I would rather have the pending bill than the Railroad Labor Board bill. In the first place, there would be no class representation on the President's emergency board. The labor board, of course, has three representatives of the carriers, three representatives of the railway workers, and three representatives of the public on it. The emergency board would be selected by the President with-

out any reference to class interests whatsoever. Then, of course, above all, the pending bill represents an honest, sincere effort on the part of the railway executives and the railway workers to arrive at an understanding with each other that will enable them to settle all future controversies between themselves peacefully.

Mr. WATSON. Mr. President, will the Senator yield to me?

Mr. BRUCE. Certainly.

Mr. WATSON. Inasmuch as we are compelled to recess at 5.30 o'clock and inasmuch as the Senator is addressing himself to the merits of the bill and not to the pending amendment, I want to ask the Senator whether he would be willing to postpone the remainder of his speech on the general subject so that we may take a vote on the motion to recommit right now?

Mr. BRUCE. Yes; I will be willing. I think I shall have no occasion to make any further remarks on the bill.

Mr. MOSES. Mr. President, the Senator from Indiana not only declines to hear people before the committee, but declines to hear them on the floor of the Senate.

Mr. WATSON. The Senator from Indiana has heard a very great deal. The Senator from Maryland is not addressing himself to the pending amendment, but to the merits of the proposition generally. If the Senator from Maryland is entirely willing to do so, inasmuch as we are compelled to recess at 5.30 o'clock, I will be glad if he would let us have a vote.

Mr. BRUCE. I think that the Senator's request is perfectly reasonable. I simply wish to say in conclusion that I believe that the bill, with a little amendment as respects the powers of the emergency board, could be made a much better piece of legislation than the Railroad Labor Board legislation.

The VICE PRESIDENT. The question is on the motion of the Senator from Kansas [Mr. CURTIS] to recommit the bill to the Committee on Interstate Commerce.

Mr. WATSON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PEPPER]. I am informed that if he were present he would vote "nay." If I were at liberty to vote, I would vote "yea."

Mr. GOFF (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. HARRISON]. I am informed that if he were present he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. KING (when his name was called). I have a pair upon this vote with the Senator from South Carolina [Mr. SMITH], who is detained by illness. If I were permitted to vote, I would vote "yea." The Senator from South Carolina, if present, would vote "nay." Because of his absence I am compelled to withhold my vote.

Mr. REED of Pennsylvania (when Mr. PEPPER's name was called). The Senator from Pennsylvania [Mr. PEPPER] is necessarily absent to-day. His pair with the Senator from Michigan [Mr. FERRIS] has been announced. If he were present, he would vote "nay."

Mr. REED of Pennsylvania (when his name was called). I transfer my general pair with the senior Senator from Delaware [Mr. BAYARD] to the junior Senator from Delaware [Mr. DU PONT] and vote "nay."

Mr. WADSWORTH (when his name was called). On this question I am paired with the senior Senator from Arkansas [Mr. ROBINSON]. In his absence I withhold my vote.

The roll call was concluded.

Mr. CURTIS. I regret to announce that my colleague [Mr. CAPPER] is detained by reason of a death in his family.

Mr. GERRY. I desire to announce that the Senator from Nevada [Mr. PITTMAN] is unavoidably absent on account of illness. If present, he would vote "nay."

Mr. BLEASE. I desire to announce that my colleague, the senior Senator from South Carolina [Mr. SMITH], is detained from the Senate by illness.

Mr. UNDERWOOD (after having voted in the affirmative). I have voted in the affirmative, but I have a general pair with the Senator from Massachusetts [Mr. GILLETT]. I do not know how he would vote if he were present, and as he is absent I withdraw my vote.

Mr. GERRY. I wish to announce that the Senator from Mississippi [Mr. HARRISON] is necessarily absent. If he were present, he would vote "nay."

Mr. JONES of Washington. I desire to announce that the junior Senator from Delaware [Mr. DU PONT], if present, would vote "nay."

The result was announced—yeas 14, nays 59, as follows:

YEAS—14

Bingham	Hale	Moses	Reed, Mo.
Curtis	Jones, Wash.	Norbeck	Williams
Edwards	Keyes	Phipps	
Fernald	McLean	Ransdell	

NAYS—59

Ashurst	Fletcher	McKellar	Shipstead
Blease	Frazier	McNary	Shortridge
Borah	George	Mayfield	Simmons
Bratton	Gerry	Metcalf	Stanfield
Broussard	Glass	Neely	Steck
Bruce	Gooding	Norris	Swanson
Butler	Harreld	Nye	Trammell
Cameron	Harris	Oddie	Tyson
Copeland	Heflin	Overman	Walsh
Couzens	Howell	Pine	Warren
Cummins	Johnson	Reed, Pa.	Watson
Deneen	Jones, N. Mex.	Robinson, Ind.	Weller
Dill	Kendrick	Sackett	Wheeler
Ernst	La Follette	Schall	Willis
Fess	Lenroot	Sheppard	

NOT VOTING—23

Bayard	Ferris	McKinley	Smith
Capper	Gillett	McMaster	Smoot
Caraway	Goff	Means	Stephens
Dale	Greene	Pepper	Underwood
du Pont	Harrison	Pittman	Wadsworth
Edge	King	Robinson, Ark.	

So the Senate refused to recommit the bill to the Committee on Interstate Commerce.

The VICE PRESIDENT. The question recurs on the amendment offered by the Senator from Kansas [Mr. CURTIS].

Mr. WATSON. Mr. President, is the Senator from Kansas willing to have his amendment voted on now?

Mr. CURTIS. I think we had better wait until to-morrow.

Mr. WATSON. Now is the best time in the world. [Laughter].

Mr. CURTIS. If the Senate is ready to vote on it, I am willing.

SEVERAL SENATORS. Vote!

Mr. NORBECK. Mr. President, I should like to be heard on the amendment.

Mr. CURTIS. Mr. President, if there is to be any further debate on it, I think it had better go over. We shall have to take a recess at half past 5 o'clock.

Mr. WATSON. Very well.

ORDER FOR RECESS

Mr. CURTIS. Mr. President, I now ask unanimous consent that when the Senate completes its business to-night it take a recess until 12 o'clock noon to-morrow.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

INSIGNIA OF THE UNITED DAUGHTERS OF THE CONFEDERACY

The VICE PRESIDENT laid before the Senate the bill (H. R. 10202) granting an extension of patent to the United Daughters of the Confederacy, which was read twice by its title.

Mr. SWANSON. Mr. President, the House bill which has just come over and has been laid down by the Vice President is similar to Senate bill 3936, being Order of Business No. 778 on the calendar. It is a bill to extend to the United Daughters of the Confederacy a continuation of their design or insignia patent for the period of 14 years. A similar privilege was extended to the Daughters of the American Revolution and other similar societies. I ask unanimous consent for the immediate consideration of the House bill, and if that bill shall be passed, I will then move that the Senate bill be indefinitely postponed.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10202) granting an extension of patent to the United Daughters of the Confederacy, which was read, as follows:

Be it enacted, etc., That a certain design patent issued by the United States Patent Office of date November 8, 1898, being patent No. 29611, is hereby renewed and extended for a period of 14 years from and after the passage of this act, with all the rights and privileges pertaining to the same, being generally known as the insignia of the United Daughters of the Confederacy: *Provided, however*, That no person who has manufactured the design of said patent between the 8th day of November, 1905, and the date of the passage of this act shall be held liable for infringement of this patent by reason of the continued manufacture and sale thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SWANSON. I move that Order of Business No. 778, being the bill (S. 3936) granting an extension of patent to the United Daughters of the Confederacy be indefinitely postponed.

The motion was agreed to.

BUSINESS AT EVENING SESSION

Mr. HEFLIN. Mr. President, is it the understanding that no bills will be considered to-night except bills that are unobjected to?

Mr. CURTIS. No.

Mr. ASHURST. Under the unanimous-consent agreement we are to consider bills that are objected to also; that is, that is one purpose of the evening session.

Mr. MOSES. They may be taken up under Rule VIII when the calendar is called for bills to which there is objection.

Mr. ASHURST. That is quite important.

The VICE PRESIDENT. Under the unanimous-consent order the calendar will be gone through with for the consideration of unobjected bills, and when the consideration of unobjected bills is concluded the calendar will be called for the consideration of bills under Rule VIII.

Mr. ASHURST. Which means that when the calendar is called under Rule VIII a Senator has the right to move to proceed to the consideration of a bill.

Mr. NEELY. Mr. President, if the Senator from Arizona will yield, I should like to call his attention to the fact that, with Ringling Brothers and Barnum & Bailey's circus in town, of course, there will not be a quorum here to vote on any objected bills.

Mr. ASHURST. If there shall be no quorum here, there will be a circus here, as Senators will be brought in. [Laughter.]

Mr. CURTIS. Mr. President, so that there may be no misunderstanding, I ask that the unanimous-consent order may be read. As I remember, I asked unanimous consent that the calendar be called for unobjected bills, and that if it was completed, then to commence again at the beginning and call the bills under Rule VIII.

The VICE PRESIDENT. That is correct.

Mr. GLASS. Beginning where on the calendar?

Mr. CURTIS. We would have to begin at the first bill, of course, but I intend to ask unanimous consent when we meet to-night that we begin where we left off this afternoon.

PRINTING OF PROHIBITION HEARINGS

Mr. MOSES. Out of order, from the Committee on Printing, I ask unanimous consent to report Senate Concurrent Resolution No. 17, and that it be read for the information of the Senate. Then I wish to ask further unanimous consent for its consideration.

The VICE PRESIDENT. The concurrent resolution reported by the Senator from New Hampshire will be read.

The legislative clerk read the resolution (S. Con. Res. 17), as follows:

Resolved, etc., That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on the Judiciary of the Senate be, and is hereby, empowered to procure the printing of 10,000 additional copies of the hearings held before its subcommittee during the Sixty-ninth Congress, first session, on bills and resolutions relating to a modification of the national prohibition law, and of this number the committee shall cause to be delivered to the folding rooms of Congress 9,175 copies, of which 2,500 copies shall be for the use of the Senate and 6,675 copies shall be for the use of the House of Representatives.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BRUCE. Mr. President, I did not catch the reading of the resolution. I heard, however, a reference to prohibition.

Mr. MOSES. I asked that the resolution be read for the information of the Senate. It is a matter in which the Senator from Maryland is interested, I am sure.

The VICE PRESIDENT. The concurrent resolution will again be read.

The concurrent resolution was again read.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

REGULATION OF COMMERCIAL AVIATION

Mr. BINGHAM. Mr. President, I ask unanimous consent for the reception at this time of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes. I ask that the report may be printed in the RECORD.

The VICE PRESIDENT. Without objection, the report will be received and printed in the RECORD.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That as used in this act the term "air commerce" means transportation in whole or in part by aircraft of persons or property for hire, navigation of aircraft in furtherance of a business, or navigation of aircraft from one place to another for operation in the conduct of a business. As used in this act the term "interstate or foreign air commerce" means air commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession or the District of Columbia, but through the air space over any place outside thereof; or wholly within the air space over any Territory or possession or the District of Columbia.

"SEC. 2. Promotion of air commerce.—It shall be the duty of the Secretary of Commerce to foster air commerce in accordance with the provisions of this act, and for such purpose—

"(a) To encourage the establishment of air ports, civil airways, and other air navigation facilities.

"(b) To make recommendations to the Secretary of Agriculture as to necessary meteorological service.

"(c) To study the possibilities for the development of air commerce and the aeronautical industry and trade in the United States and to collect and disseminate information relative thereto and also as regards the existing state of the art.

"(d) To advise with the Bureau of Standards and other agencies in the executive branch of the Government in carrying forward such research and development work as tends to create improved air navigation facilities. The Secretary of Commerce is authorized to transfer funds available for carrying out the purposes of this subdivision to any such agency for carrying forward such research and development work in cooperation with the Department of Commerce.

"(e) To investigate, record, and make public the causes of accidents in civil air navigation in the United States.

"(f) To exchange with foreign governments through existing governmental channels information pertaining to civil air navigation.

"SEC. 3. Regulatory powers.—The Secretary of Commerce shall by regulation—

"(a) Provide for the granting of registration to aircraft eligible for registration, if the owner requests such registration. No aircraft shall be eligible for registration (1) unless it is a civil aircraft owned by a citizen of the United States and not registered under the laws of any foreign country, or (2) unless it is a public aircraft of the Federal Government, or of a State, Territory, or possession, or of a political subdivision thereof. All aircraft registered under this subdivision shall be known as aircraft of the United States.

"(b) Provide for the rating of aircraft of the United States as to their airworthiness. As a basis for rating, the Secretary of Commerce (1) may require, before the granting of registration for any aircraft first applying therefor more than eight months after the passage of this act, full particulars of the design and of the calculations upon which the design is based and of the materials and methods used in the construction; and (2) may in his discretion accept in whole or in part the reports of properly qualified persons employed by the manufacturers or owners of aircraft; and (3) may require the periodic examination of aircraft in service and reports upon such examination by officers or employees of the Department of Commerce or by properly qualified private persons. The Secretary may accept any such examination and report by such qualified persons in lieu of examination by the employees of the Department of Commerce. The qualifications of any person for the purposes of this section shall be demonstrated in a manner specified by and satisfactory to the Secretary. The Secretary may, from time to time, rerate aircraft as to their airworthiness upon the basis of information obtained under this subdivision.

"(c) Provide for the periodic examination and rating of airmen serving in connection with aircraft of the United States as to their qualifications for such service.

"(d) Provide for the examination and rating of air navigation facilities available for the use of aircraft of the United States as to their suitability for such use.

"(e) Establish air traffic rules for the navigation, protection, and identification of aircraft, including rules as to safe altitudes of flight and rules for the prevention of collisions between vessels and aircraft.

"(f) Provide for the issuance and expiration, and for the suspension and revocation, of registration, aircraft, and airman certificates, and such other certificates as the Secretary of Commerce deems necessary in administering the functions vested in him under this act. Within 20 days after notice that application for any certificate is denied or that a certificate is suspended or revoked, the applicant or holder may file a written request with the Secretary of Commerce for a public hearing thereon. The Secretary upon receipt of the request shall forthwith (1) arrange for a public hearing to be held within 20 days after such receipt in such place as the Secretary deems most practicable and convenient in view of the place of residence of the applicant or holder and the place where evidence bearing on the cause for the denial, suspension, or revocation is most readily obtainable, and (2) give the applicant or holder at least 10 days' notice of the hearing, unless an earlier hearing is consented to by him. Notice under this subdivision may be served personally upon the applicant or holder or sent him by registered mail. The Secretary, or any officer or employee of the Department of Commerce designated by him in writing for the purpose, may hold any such hearing and for the purposes thereof administer oaths, examine witnesses, and issue subpœnas for the attendance and testimony of witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths. Witnesses summoned or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States. All evidence taken at the hearing shall be recorded and forwarded to the Secretary for decision in the matter to be rendered not later than 10 days after completion of the hearing. The decision of the Secretary, if in accordance with law, shall be final. The denial, suspension, or revocation shall be invalid unless opportunity for hearing is afforded, notice served or sent, and decision rendered within the respective times prescribed by this subdivision.

"SEC. 4. Airspace reservations.—The President is authorized to provide by Executive order for the setting apart and the protection of airspace reservations in the United States for national defense or other governmental purposes and, in addition, in the District of Columbia for public-safety purposes. The several States may set apart and provide for the protection of necessary airspace reservations in addition to and not in conflict either with airspace reservations established by the President under this section or with any civil or military airway designated under the provisions of this act.

"SEC. 5. Aids to air navigation.—(a) Whenever at any time the Postmaster General and the Secretary of Commerce by joint order so direct, the airways under the jurisdiction and control of the Postmaster General, together with all emergency landing fields and other air navigation facilities (except airports and terminal landing fields) used in connection therewith, shall be transferred to the jurisdiction and control of the Secretary of Commerce, and the established airports and terminal landing fields may be transferred to the jurisdiction and control of the municipalities concerned under arrangements subject to approval by the President. All unexpended balances of appropriations which are available for and which have been allotted for expenditure upon such airways, emergency landing fields, and other air navigation facilities, except airports and terminal landing fields, shall thereupon be available for expenditure under the direction of the Secretary of Commerce, in lieu of the Postmaster General, for the purposes for which such appropriations were made. No part of such unexpended balances of appropriations shall be used for the purchase or establishment of airports or terminal landing fields.

"(b) The Secretary of Commerce is authorized to designate and establish civil airways and, within the limits of available appropriations hereafter made by the Congress, (1) to establish, operate, and maintain along such airways all necessary air navigation facilities except airports; and (2) to chart such airways and arrange for publication of maps of such airways, utilizing the facilities and assistance of existing agencies of the Government so far as practicable. The Secretary of Commerce shall grant no exclusive right for the use of any civil airway, airport, emergency landing field, or other air navigation facility under his jurisdiction.

"(c) Air navigation facilities owned or operated by the United States may be made available for public use under such conditions and to such extent as the head of the department or other independent establishment having jurisdiction thereof deemed advisable and may by regulation prescribe.

"(d) The head of any Government department or other independent establishment having jurisdiction over any airport or emergency landing field owned or operated by the United States may provide for the sale to any aircraft of fuel, oil, equipment, and supplies, and the furnishing to it of mechanical service, temporary shelter, and other assistance under such regulations as the head of the department or establishment may prescribe, but only if such action is by reason of an emergency necessary to the continuance of such aircraft on its course to the nearest airport operated by private enterprise. All such articles shall be sold and such assistance furnished at the fair market value prevailing locally as ascertained by the head of such department or establishment. All amounts received under this subdivision shall be covered into the Treasury; but that part of such amounts which, in the judgment of the head of the department or establishment, is equivalent to the cost of the fuel, oil, equipment, supplies, services, shelter, or other assistance so sold or furnished shall be credited to the appropriation from which such cost was paid, and the balance, if any, shall be credited to miscellaneous receipts.

"(e) Section 3 of the act entitled 'An act to increase the efficiency and reduce the expense of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture,' approved October 1, 1890, is amended by adding at the end thereof a new paragraph to read as follows:

"'Within the limits of the appropriations which may be made for such purpose, it shall be the duty of the Chief of the Weather Bureau, under the direction of the Secretary of Agriculture, (a) to furnish such weather reports, forecasts, warnings, and advices as may be required to promote the safety and efficiency of air navigation in the United States and above the high seas, particularly upon civil airways designated by the Secretary of Commerce under authority of law as routes suitable for air commerce, and (b) for such purposes to observe, measure, and investigate atmospheric phenomena, and establish meteorological offices and stations.'

"(f) Nothing in this act shall be construed to prevent the Secretary of War from designating routes in the navigable air space as military airways and prescribing rules and regulations for the use thereof on routes which do not conform to civil airways established hereunder, or to prevent the Secretary of Commerce from designating any military airway as a civil airway, and when so designated it shall thereupon become a civil airway within the meaning of this act, and the Secretary of War is hereby authorized to continue the operation of air navigation facilities for any military airway so designated as a civil airway until such time as the Secretary of Commerce can provide for the operation of such facilities.

"SEC. 6. Foreign aircraft.—(a) The Congress hereby declares that the Government of the United States has, to the exclusion of all foreign nations, complete sovereignty of the airspace over the lands and waters of the United States, including the Canal Zone. Aircraft a part of the armed forces of any foreign nation shall not be navigated in the United States, including the Canal Zone, except in accordance with an authorization granted by the Secretary of State.

"(b) Foreign aircraft not a part of the armed forces of the foreign nation shall be navigated in the United States only if authorized as hereinafter in this section provided; and if so authorized, such aircraft and airmen serving in connection therewith, shall be subject to the requirements of section 3, unless exempt under subdivision (c) of this section.

"(c) If a foreign nation grants a similar privilege in respect of aircraft of the United States, and/or airmen serving in connection therewith, the Secretary of Commerce may authorize aircraft registered under the law of the foreign nation and not a part of the armed forces thereof to be navigated in the United States, and may by regulation exempt such aircraft, and/or airmen serving in connection therewith, from the requirements of section 3, other than the air traffic rules; but no foreign aircraft shall engage in interstate or intrastate air commerce.

"SEC. 7. Application of existing laws relating to foreign commerce.—(a) The navigation and shipping laws of the United States, including any definition of 'vessel' or 'vehicle' found therein and including the rules for the prevention of collisions, shall not be construed to apply to seaplanes or other aircraft or to the navigation of vessels in relation to seaplanes or other aircraft.

"(b) The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft arriving in the United States from any place outside thereof, and for merchandise carried on such aircraft,

(2) detail to ports of entry for civil aircraft such officers and employees of the customs service as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs and public health laws to such extent and upon such conditions as he deems necessary.

"(c) The Secretary of Commerce is authorized by regulation to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to such extent and upon such conditions as he deems necessary.

"(d) The Secretary of Labor is authorized to (1) designate any of the ports of entry for civil aircraft as ports of entry for aliens arriving by aircraft, (2) detail to such ports of entry such officers and employees of the Immigration Service as he may deem necessary, and to confer or impose upon any employee of the United States stationed at such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the Immigration Service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the immigration laws to such extent and upon such conditions as he deems necessary.

"SEC. 8. Additional Assistant Secretary of Commerce.—To aid the Secretary of Commerce in fostering air commerce and to perform such functions vested in the Secretary under this act as the Secretary may designate, there shall be an additional Assistant Secretary of Commerce, who shall be appointed by the President, by and with the advice and consent of the Senate and whose compensation shall be fixed in accordance with the classification act of 1923. Except as otherwise specifically provided, the Secretary of Commerce shall administer the provisions of this act and for such purpose is authorized (1) to make such regulations as are necessary to execute the functions vested in him by this act; (2) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere and for law books, books of reference, and periodicals) as may be necessary for such administration and as may be provided for by the Congress from time to time; (3) to publish from time to time a bulletin setting forth such matters relating to the functions vested in him by this act as he deems advisable, including air navigation treaties, laws, and regulations and decisions thereunder; and (4) to operate, and for this purpose to acquire within the limits of the available appropriations hereafter made by the Congress, such aircraft and air navigation facilities, except airports, as are necessary for executing the functions vested in the Secretary of Commerce by this act.

"SEC. 9. Definitions.—As used in this act—

"(a) The term 'citizen of the United States' means (1) an individual who is a citizen of the United States or its possessions, or (2) a partnership of which each member is an individual who is a citizen of the United States or its possessions, or (3) a corporation or association created or organized in the United States or under the law of the United States or of any State, Territory, or possession thereof, of which the president and two-thirds or more of the board of directors or other managing officers thereof, as the case may be, are individuals who are citizens of the United States or its possessions and in which at least 51 per cent of the voting interest is controlled by persons who are citizens of the United States or its possessions.

"(b) The term 'United States,' when used in a geographical sense, means the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof), and the overlying airspace; but shall not include the Canal Zone.

"(c) The term 'aircraft' means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

"(d) The term 'public aircraft' means an aircraft used exclusively in the governmental service.

"(e) The term 'civil aircraft' means any aircraft other than a public aircraft.

"(f) The term 'aircraft of the United States' means any aircraft registered under this act.

"(g) The term 'airport' means any locality, either of water or land, which is adapted for the landing and taking off of aircraft and which provides facilities for shelter, supply, and repair of aircraft; or a place used regularly for receiving or discharging passengers or cargo by air.

"(h) The term 'emergency landing field' means any locality, either of water or land, which is adapted for the landing and taking off of aircraft, is located along an airway, and is intermediate to airports connected by the airway, but which is not equipped with facilities for shelter, supply, and repair of aircraft and is not used regularly for the receipt or discharge of passengers or cargo by air.

"(i) The term 'air navigation facility' includes any airport, emergency landing field, light or other signal structure, radio directional finding facility, radio or other electrical communication facility, and any other structure or facility, used as an aid to air navigation.

"(j) The term 'civil airway' means a route in the navigable airspace designated by the Secretary of Commerce as a route suitable for interstate or foreign air commerce.

"(k) The term 'airman' means any individual (including the person in command and any pilot, mechanic, or member of the crew) who engages in the navigation of aircraft while under way, and any individual who is in charge of the inspection, overhauling, or repairing of aircraft.

"SEC. 10. Navigable air space: As used in this act the term 'navigable air space' means air space above the minimum safe altitudes of flight prescribed by the Secretary of Commerce under section 3, and such navigable air space shall be subject to a public right of freedom of interstate and foreign air navigation in conformity with the requirements of this act.

"SEC 11. Penalties: (a) It shall be unlawful, except to the extent authorized or exempt under section 6—

"(1) To navigate any aircraft within any air space reservation otherwise than in conformity with the Executive orders regulating such reservation.

"(2) To navigate any aircraft (other than a foreign aircraft) in interstate or foreign air commerce unless such aircraft is registered as an aircraft of the United States; or to navigate any foreign aircraft in the United States.

"(3) To navigate any aircraft registered as an aircraft of the United States, or any foreign aircraft, without an aircraft certificate or in violation of the terms of any such certificate.

"(4) To serve as an airman in connection with any aircraft registered as an aircraft of the United States, or any foreign aircraft, without an airman certificate or in violation of the terms of any such certificate.

"(5) To navigate any aircraft otherwise than in conformity with the air traffic rules.

"(b) Any person who (1) violates any provision of subdivision (a) of this section or any entry or clearance regulation made under section 7, or (2) any customs or public health regulation made under such section, or (3) any immigration regulation made under such section, shall be subject to a civil penalty of $500 which may be remitted or mitigated by the Secretary of Commerce, the Secretary of the Treasury, or the Secretary of Labor, respectively, in accordance with such proceedings as the Secretary shall by regulation prescribe. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a lien against the aircraft. Any civil penalty imposed under this section may be collected by proceedings in personam against the person subject to the penalty and/or in case the penalty is a lien by proceedings in rem against the aircraft. Such proceedings shall conform as nearly as may be to civil suits in admiralty; except that either party may demand trial by jury of any issue of fact if the value in controversy exceeds $20, and facts so tried shall not be reexamined other than in accordance with the rules of the common law. The fact that in a libel in rem the seizure is made at a place not upon the high seas or navigable waters of the United States, shall not be held in any way to limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty. The Supreme Court of the United States, and under its direction other courts of the United States, are authorized to prescribe rules regulating such proceedings in any particular not provided by law. The determination under this section as to the remission or mitigation of a civil penalty imposed under this section shall be final. In case libel proceedings are pending at any time during the pendency of remission or mitigation proceedings, the Secretary shall give notice thereof to the United States attorney prosecuting the libel proceedings.

"(c) Any aircraft subject to a lien for any civil penalty imposed under this section may be summarily seized by and placed in the custody of such persons as the appropriate Secretary may by regulation prescribe and a report of the case there-

upon transmitted to the United States attorney for the judicial district in which the seizure is made. The United States attorney shall promptly institute proceedings for the enforcement of the lien or notify the Secretary of his failure so to act. The aircraft shall be released from such custody upon (1) payment of the penalty or so much thereof as is not remitted or mitigated, (2) seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien, or notification by the United States attorney of failure to institute such proceedings, or (3) deposit of a bond in such amount and with such sureties as the Secretary may prescribe, conditioned upon the payment of the penalty or so much thereof as is not remitted or mitigated.

"(d) Any person who fraudulently forges, counterfeits, alters, or falsely makes any certificate authorized to be issued under this act, or knowingly uses or attempts to use any such fraudulent certificate shall be guilty of an offense punishable by a fine not exceeding $1,000 or by imprisonment not exceeding three years, or by both such fine and imprisonment.

"(e) Any person (1) who, with intent to interfere with air navigation in the navigable airspace or waters of the United States, exhibits within the United States any false light or signal at such place or in such manner that it is likely to be mistaken for a true light or signal required by regulation under this act, or for a true light or signal in connection with an airport or other air navigation facility, or (2) who, after due warning from the Secretary of Commerce continues to maintain any false light or signal, or (3) who knowingly removes, extinguishes, or interferes with the operation of any such true light, or signal, or (4) who without lawful authority knowingly exhibits any such true light or signal, shall be guilty of an offense punishable by a fine not exceeding $5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment.

"(f) All penalties paid under this act shall be covered into the Treasury as miscellaneous receipts.

"SEC. 12. Separability.—If any provision of this act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the application of such provision to other persons and circumstances shall not be affected thereby.

"SEC. 13. Time of taking effect.—This act shall take effect upon its passage; except that no penalty shall be enforced for any violation thereof occurring within 90 days thereafter.

"SEC. 14. Short title.—This act may be cited as the "Air commerce act of 1926."

And the House agree to the same.

WESLEY L. JONES,
BERT M. FERNALD,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
JOSEPH E. RANSDELL,
Managers on the part of the Senate.

JAMES S. PARKER,
JOHN G. COOPER,
SCHUYLER MERRITT,
SAM RAYBURN,
CLARENCE F. LEA,
Managers on the part of the House.

The VICE PRESIDENT. The report will lie on the table and be printed.

Mr. BINGHAM. Mr. President, Congress has been trying for about 10 years to reach a conclusion with regard to putting civil aviation on a proper basis. The Senate has twice in former Congresses, and last December in the present Congress, passed a bill for the promotion and regulation of civil aviation. The House of Representatives has never before this session been able to come to an agreement with the Senate on such legislation. This morning the committees of conferences of the two Houses reached a final agreement on the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes; and it is hoped that the bill may become a law in the very near future. I shall not press for the adoption of the conference report at the present time, but merely ask that it may be printed in the RECORD.

By a very happy coincidence this occurs on the very day when we read the news of that splendid flight made by Commander Byrd, who for the first time in history has succeeded in taking an airplane to the North Pole and back again.

A similar achievement was attempted, Senators will remember, last year by the great polar explorer Amundsen. He met with failure and his own safety was at stake for a long period of time. The flight from Spitzbergen to the North Pole by airplane is probably one of the most daring ventures that the modern world has ever seen. Commander Byrd started out for a 1,600-mile flight over the polar wilderness, where an accident or an error in judgment would mean almost certain loss of life. It is one of those enormously difficult achievements which one likes to see performed by an American. In the present day, when so many of our young people are engaged in seeking comfort and luxury, are engaged in following the pursuit of the pleasures and of the senses, in music, dancing, dramatic art, in joy riding and other delightful things, and in avoiding hard work and anything that requires hardship or discomfort, it is a splendid thing, Mr. President, to witness the exploits of this young Virginia cavalier. Many years ago he started out with the ambition to penetrate into the unknown regions of the world. He has at last succeeded in doing what no other man has ever before done.

In these days we so often see people asking a friendly and fatherly Government to be paternalistic. Many requests come from all sides to have the Government keep us from hard work, misfortune, and danger. It is, indeed, inspiring to see a young man start out voluntarily over that wilderness, and without the urge of economic necessity, to face discomfort, to face known hardships of the most severe variety, almost to face certain death. We have it recorded this morning that he successfully returned, affording us another achievement to be proud of in connection with the use of the word "American."

It is a particular pleasure to submit this conference report at the present time. I hope it may be accepted by both Houses and result in the enactment of a law that will for the first time enable this Government to go ahead and to promote civil aviation. Every other government in the world has promoted air commerce by putting it on the same plane, more or less, as ocean navigation, but although we spend from ten to eleven million dollars every year for lighthouses, charts, buoys, and the promotion of sea navigation, we have never yet spent a cent in the promotion of commercial air navigation, for which this bill will provide. [Applause.]

Mr. DILL. Mr. President, before the Senator takes his seat, I wonder if he can give us any information as to how many more young men of our Navy are to risk their lives in flying over an unknown waste? The North Pole was discovered years ago. I understand that the expedition to which he has referred was under the auspices of the Navy. I ask him how many more times is the Navy going to send young men into this dangerous part of the world?

Mr. BINGHAM. Mr. President, I think the Senator from Washington is laboring under a misapprehension. The expedition of Commander Byrd to the North Pole was not undertaken by the Government or under the auspices of the Navy. Commander Byrd, a reserve officer, undertook this flight on his own responsibility. It was financed by private capital. He interested Edsel Ford, the son of that great American mechanical genius, Henry Ford. Mr. Ford helped him in organizing it and in aiding him to secure the money wherewith to equip the expedition. Commander Byrd is, Mr. President, a splendid example of that self-reliance and individual initiative of which we see so little to-day. He did not wait to be backed by the Government; he was not sent by the Navy or by the Army, although, Mr. President, his achievement does reflect credit on the Navy for having trained men of this kind and having on its list officers of this type.

In the Washington Evening Star of this afternoon I note with pleasure that congratulations on his air dash over the North Pole went forth to Lieut. Commander Richard E. Byrd from President Coolidge, Secretary Davis, of the War Department, and Secretary Wilbur.

Mr. Coolidge, on a cruise down the Potomac yesterday on the *Mayflower*, caused this statement to be issued at the White House:

> The President sends his happiest congratulations to Commander Byrd on the report that he has flown to the North Pole. It is a matter of great satisfaction that this record has been made by an American. The fact that the flight seems to have been accomplished without mishap demonstrates the high development of the art of this country.
>
> That it was made by a man trained in the American Navy is a great satisfaction.

The Secretaries of War and Navy joined in rejoicing at the successful polar flight by Commander Byrd.

Expressing delight that a Navy man was the first to fly over the pole, Secretary Wilbur said Commander Byrd's accomplishment—

> is a matter of congratulation to him, to his crew, and to his Nation. We rejoice in his success and his safety.

Secretary Davis said he—

> like all Americans—

rejoiced at—

this new triumph of American aviation. Commander Byrd's feat is not only epoch making from a technical standpoint; it is a wonderful act of courage. A country with such servants will never fail in a crisis.

Mr. DILL. I understood the Senator to say that Commander Byrd was a naval officer, and I therefore thought the expedition was under the auspices of the Navy. Two years ago the Navy wanted to send the *Shenandoah* to the North Pole. I have great pride in the initiative of the men who want to do these things, but I object to the Government sending its young men out on these trips purely for spectacular purposes. The reason I asked the question was that I understood the Senator to say that Commander Byrd was connected with the Navy Department.

Mr. BLEASE. Mr. President, I should like to ask the Senator from Connecticut if Commander Byrd is any relative of Doctor Cook?

OHIO RIVER BRIDGE

Mr. FESS. Mr. President, I wish to enter a motion to reconsider the votes by which the bill (H. R. 10657) to extend the time for the construction of a bridge over the Ohio River near Steubenville, Ohio, was read the third time and passed.

The VICE PRESIDENT. The motion of the Senator from Ohio will be entered.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 8 o'clock this evening.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

The PRESIDENT pro tempore. Under the unanimous-consent agreement previously entered into, the call of the calendar for unobjected bills only will be proceeded with.

Mr. CURTIS. I ask unanimous consent that we begin with Order of Business 417, where we left off this afternoon.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement proposed by the Senator from Kansas, to begin calling the calendar at the point where the Senate concluded to-day, namely, at Calendar No. 417?

Mr. KING. Mr. President, a parliamentary inquiry.

Mr. WILLIAMS. Mr. President, I shall have to object.

The PRESIDENT pro tempore. The Senator from Utah will propound his parliamentary inquiry.

Mr. KING. Assuming that the request of the Senator from Kansas is granted and we continue on unobjected bills to the end of the calendar and then go back to the beginning, does the rule, or that part of the rule, apply which provides that when finishing the calendar we may then proceed under Rule VIII?

The PRESIDENT pro tempore. There is a unanimous-consent agreement already entered into.

Mr. KING. My understanding was that the unanimous-consent agreement contemplated that the entire calendar should be called for unobjected bills.

The PRESIDENT pro tempore. That was the understanding of the Chair, but the Senator from Kansas has now proposed another unanimous-consent agreement that we begin at Calendar No. 417, which unanimous-consent agreement is in order.

Mr. KING. I shall object to that unless——

Mr. CURTIS. Mr. President, in order to save time I will withdraw my request. I understand the Senator from Missouri [Mr. WILLIAMS] has a bill near the head of the calendar that he is anxious to have passed.

The PRESIDENT pro tempore. The calendar will be called for unobjected bills only. The clerk will report the first bill on the calendar.

REFUNDING OF TAXES ERRONEOUSLY COLLECTED

The bill (S. 2526) to extend the time for the refunding of taxes erroneously collected from certain estates was announced as first in order on the calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue is hereby authorized and directed to receive, consider, and determine in accordance with law but without regard to any statute of limitation, any claim filed not later than six months after the passage of this act for money illegally collected from such estate under color of section 29 of the act of Congress approved June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes," and amendments, where and when and only when it be found and determined that such illegal collection was upon the erroneous interpretation of the law passed upon and condemned by the United States Supreme Court in decisions rendered in 1915 in the case of United States against Jones, and in the case of McCoach, Collector, against Pratt, reported in the Two hundred and thirty-sixth United States Reports.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to such claimants as have presented or shall hereafter so present their claims any amounts allowed in the determination of any claims so defined and which shall have been presented in accordance with this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1859) for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1929) to provide home care for dependent children of the District of Columbia was announced as next in order.

Mr. BRUCE. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory-bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 51) providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery was announced as next in order.

Mr. REED of Pennsylvania. Let the joint resolution go over.

The PRESIDENT pro tempore. It will be passed over.

INDIAN WAR PENSIONS

The bill (H. R. 306) to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 2 of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended, is amended to read as follows:

"SEC. 2. The period of service performed by beneficiaries under this act shall be determined: First, by reports from the records of the War Department, where there are such records; second, by reports from the records of the General Accounting Office showing payment by the United States, where there is no record of regular enlistment, or muster into the United States military service; and, third, when there is no record of service or payment for same in the War Department or the General Accounting Office by satisfactory evidence from muster rolls on file in the several State or Territorial archives; fourth, where no record of service has been made in the War Department or General Accounting Office and there is no muster roll or pay roll on file in the several State or Territorial archives showing service of the applicant, or where the same has been destroyed by fire or otherwise lost, or where there are muster rolls or pay rolls on file in the several State or Territorial archives but the applicant's name does not appear thereon, the applicant may make proof of service by furnishing evidence satisfactory to the Commissioner of Pensions: *Provided*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this Act."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 756) directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act, was announced as next in order.

Mr. WILLIS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2808) to amend section 24 of the interstate commerce act, as amended, was announced as next in order.

Mr. WILLIS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3321) to increase the efficiency of the Air Service of the United States was announced as next in order.

Mr. BINGHAM. I ask that the bill may go over in view of the fact that the House has passed a similar bill, which is being considered by the committee at this time.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2306) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, was announced as next in order.

Mr. FESS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 7906) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. FESS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, was announced as next in order.

Mr. WILLIS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, was announced as next in order.

Mr. KING and Mr. BRUCE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. REED of Pennsylvania. Mr. President, may I inquire what happened to Order of Business 250, the bill (S. 491) for the allowance of certain sums for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims?

The PRESIDENT pro tempore. There were certain bills which were passed this morning when the calendar was called.

Mr. REED of Pennsylvania. Very well.

The bill (H. R. 3862) to provide for the storage of the waters of the Pecos River was announced as next in order.

Mr. WILLIS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 66) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

ENTRIES OF PUBLIC LANDS VALIDATED

The bill (H. R. 9037) validating certain applications for and entries of public lands, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands and Surveys with amendments.

The first amendment was, on page 8, after line 3, to insert a new section, as follows:

SEC. 14. That the Secretary of the Interior be, and he is hereby, authorized to allow the homestead application, Phoenix, Ariz., No. 057278, filed by Vearl Iverson, for all of section 2, township 35 north, range 10 west, Gila and Salt River meridian, effective October 8, 1924, the date filed, and that the State of Arizona, through its proper officers, be, and it is hereby, authorized to select 640 acres of surveyed, nonmineral, unappropriated, and unreserved public land in lieu of said section 2.

The amendment was agreed to.

The next amendment was, on page 8, after the section just agreed to, to insert a new section, as follows:

SEC. 15. That the Secretary of the Interior be, and he is hereby, authorized to allow the homestead application, Phoenix, Ariz., No. 042602, filed by Abraham Bundy, October 8, 1924, for the north half and southwest quarter, section 25, township 35 north, range 10 west, Gila and Salt River meridian.

The amendment was agreed to.

The next amendment was, on page 8, after the section just agreed to, to insert a new section as follows:

SEC. 16. That the Secretary of the Interior be, and he is hereby, authorized to issue patent upon desert-land entry, Evanston, Wyo., No. 05367, made by Marquis W. Clarkson on March 22, 1919, for the northeast quarter of the southeast quarter, west half of the southeast quarter, section 18, and northwest quarter of the northeast quarter, section 19, township 35 north, range 113 west, sixth principal meridian, in support of which final proof was submitted June 1, and on which final certificate issued on June 16, 1925.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (S. 201) authorizing the removal of the gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Building was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2839) for the relief of Capt. James A. Merritt, United States Army, retired, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

R. H. KING

The bill (S. 1356) for the relief of R. H. King was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay R. H. King, of Alvin, Tex., former postmaster at that place, $2,283.28, the amount paid by him to the Government of the United States on account of defalcation in the post office at Alvin while he was postmaster, said defalcation having occurred without fault or negligence on his part.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

F. G. PROUDFOOT

The bill (S. 1860) for the relief of F. G. Proudfoot was announced as next in order.

Mr. KING. I ask for an explanation of the bill.

The PRESIDENT pro tempore. The bill was reported by the Senator from Colorado [Mr. MEANS].

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

M. W. HUTCHINSON

The bill (S. 1650) for the relief of M. W. Hutchinson was announced as next in order.

Mr. TRAMMELL. This bill was unfavorably reported. I move that it be indefinitely postponed.

Mr. HARRIS. I have no objection to that course.

The motion was agreed to.

STEAMSHIP NEPTUNE

The bill (S. 115) for the relief of the owner of the steamship *Neptune* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the owner of the steamship *Neptune* against the United States of America for damages alleged to have been caused by collision between said vessel and the U. S. S. *Eagle*, formerly known as the Peerless, on the 24th day of October, 1917, at a bulkhead in Gowanus Canal, near the foot of Smith Street, Brooklyn, N. Y., may be sued for by the said owner of the steamship *Neptune* in the District Court of the United States for the Eastern District of New York sitting as a court of admiralty and acting under the rules governing such court, and the said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said steamship *Neptune* or against the owner of said steamship *Neptune* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United

States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 6) for the relief of Addison B. McKinley was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 7669) to provide home care for dependent children was announced as next in order.

Mr. COPELAND. Mr. President, this is similar to the other bill which went over. I ask that it may go over to-night.

Mr. JONES of Washington. Is not that a different bill from the one which the Senator had in mind?

Mr. COPELAND. It is the same bill, but it is the House bill.

Mr. JONES of Washington. It is the same as the Senate bill that was reported out by the committee the other day?

Mr. COPELAND. It is.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 454) to prevent the sale of cotton and grain in future markets was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2584) to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, and for other purposes, was announced as next in order.

Mr. WILLIS. This is a very long and important bill. I suggest that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3802) to amend the act known as the District of Columbia traffic act, 1925, approved March 3, 1925, being public, No. 561, Sixty-eighth Congress, and for other purposes, was announced as next in order.

Mr. BRUCE and Mr. KING. Over.

Mr. JONES of Washington. Mr. President, I want to make just a brief statement with reference to the bill. It is very important that we should get the bill through very soon. The Senator from Utah [Mr. KING] desires to have a number of amendments made, but has not had the opportunity to get them prepared. He has assured me that he will cooperate with us in trying to get the bill through in the next day or two. It ought to be passed, and I hope we will be able to pass it very promptly.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 188) to amend paragraph 2 of Rule XXXVIII of the Standing Rules of the Senate relative to nominations was announced as next in order.

Mr. WADSWORTH. Let the resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

PURCHASE OF LANDS BY M'MINVILLE, OREG.

The bill (H. R. 8534), an act to amend an act entitled "An act to authorize the purchase by the city of McMinnville, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916," approved February 25, 1919 (40 Stat. p. 1153), was announced as next in order.

Mr. BRUCE. Let the bill go over.

Mr. STANFIELD. I hope there will not be any objection to the bill. It is purely a local measure.

Mr. BRUCE. I will withdraw the objection. I did not know the Senator was present.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the act entitled "An act to authorize the purchase by the city of McMinnville, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916," approved February 25, 1919 (40 Stat. L. p. 1153), be amended by eliminating therefrom the lands described as follows:

"Southwest quarter of the southwest quarter of section 3, and north half of the southeast quarter of section 13, all in township 5 south, range 6 west of Willamette meridian in the State of Oregon."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3840) to provide for the consolidation of carriers by railroad and the unification of railway properties within the United States was announced as next in order.

Mr. REED of Pennsylvania. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3821) to place under the civil service act the personnel of the Treasury Department authorized by section 38 of the national prohibition act, was announced as next in order.

Mr. KING. Let the bill go over.

Mr. BRUCE. Mr. President, I ask the Senator from Utah whether he will not withdraw his objection? Everybody seems to be ready to vote on the bill. It is the Cramton bill, the bill which was introduced for the purpose of bringing the field force of the Prohibition Unit under the civil service law. I hope the Senator will withdraw his objection.

Mr. REED of Pennsylvania. I shall have to object to the consideration of the bill at this time.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5353) to amend the act of Congress approved March 4, 1913 (37 Stat. L. p. 876), was announced as next in order.

Mr. BRATTON. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

REGULATION OF SALE OF MATTRESSES IN DISTRICT OF COLUMBIA

The bill (S. 3148) to regulate the manufacture, renovation, and sale of mattresses in the District of Columbia was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That as used in this act—

(a) The term "mattress" includes any quilt, comfort, pad, pillow, cushion, or bag stuffed with hair, down, feathers, wool, cotton, excelsior, jute, or any other soft material and designed for use for sleeping or reclining purposes.

(b) The term "person" means individual, partnership, corporation, or association.

(c) The term "commissioners" means the Board of Commissioners of the District of Columbia.

SEC. 2. That no person in the District of Columbia—

(a) Who is a manufacturer or renovator of, or dealer in, mattresses shall sell, exchange, give away, or offer or have in his possession for sale, exchange, or gift any mattress which bears any false or misleading label, statement, design, or device, in respect of its materials or processes of manufacture or renovation, or which is not labeled as provided in section 3.

(b) Who is a renovator of mattresses shall use in whole or in part, in the renovation of any mattress, material which has formed part of any mattress theretofore, used in or about any sanitarium or hospital, or used by any individual having an infectious or contagious disease.

(c) Who is a manufacturer of mattresses shall use in whole or in part any secondhand material in the manufacture of mattresses sold, exchanged, or given way, or to be offered for sale, exchange, or gift, as new mattresses.

(d) Shall knowingly sell, exchange, give away, or offer or have in his possession for sale, exchange, or gift (1) any mattress which has been used, or is composed in whole or in part from material which has formed part of any mattress theretofore used in any sanitarium or hospital or by any individual having an infectious or contagious disease, or (2) any mattress which is composed in whole or in part of secondhand material which has not been thoroughly sterilized and disinfected by a process approved by the health officer of the District of Columbia.

(e) Who is a manufacturer or renovator of, or a dealer in, mattresses, shall remove, conceal, or deface, or cause or permit to be removed, concealed, or defaced, any label placed, in accordance with the provisions of this act, upon any mattress.

SEC. 3. That the label required by section 2 shall consist of a tag which shall be sewed or otherwise securely attached to the mattress. In case the mattress has not been renovated the label shall contain in plain, legible print in the English language a statement showing (a) the name and address of the manufacturer, (b) a description of the materials used in the manufacture of such mattress, and (c) whether such materials are in whole or in part second hand. In case the mattress has been renovated the label shall contain in such print the word "Renovated" and a statement of (1) the name and address of the renovator, and (2) a description of the materials used in the renovated mattress. For the purposes of this act the materials so used shall be described in such manner as the commissioners shall by regulation prescribe.

SEC. 4. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the manufacturer residing in the United States from whom he purchases mattresses to the effect that the statements contained on the labels attached to such mattresses are true. Such guaranty, to afford protection, shall contain the name and address of the manufacturer making the sale of such mattresses to the dealer, and in such case the manufacturer shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act. In case the manufacturer resides outside the District of Columbia it shall be the duty of each district attorney to whom the health officer of the District of Columbia shall report the violation to cause appropriate proceedings to be commenced and prosecuted against the manufacturer without delay in the proper courts of the United States.

SEC. 5. That any person violating any provision of section 2 or section 7 shall, upon conviction thereof, be punished by a fine of not more than $500, or by imprisonment for not more than six months, or both. All prosecutions under this act, except as provided in section 4, shall be in the police court of the District of Columbia upon information by the corporation counsel or one of his assistants.

SEC. 6. That, except as provided in section 5, the administration of this act shall be in charge of the health officer of the District of Columbia under the supervision of the commissioners. The commissioners are authorized to make such regulations as may be necessary for the efficient administration of this act.

SEC. 7. That it shall be the duty of the health officer of the District of Columbia, whenever he has reason to believe that any provision of this act is being or has been violated, to cause an investigation to be made. For the purpose of such investigation the health officer, or any of his assistants designated by him in writing, shall have authority at all times during the ordinary business hours to enter any building or other place in the District of Columbia where mattresses are manufactured, renovated, or held for sale, exchange, or gift, or delivery in pursuance thereof. No person shall refuse or obstruct such inspection. Evidence obtained by the health officer or his assistants of any violation of this act shall be furnished the corporation counsel.

SEC. 8. That if on inspection the health officer or his assistants find in the District of Columbia any mattress held for sale, exchange, or gift, or delivery in pursuance thereof, which has been used or is composed in whole or in part of materials which have formed part of any mattress used in or about any sanitarium or hospital or by any individual having an infectious or contagious disease, or is composed in whole or in part of second-hand material which has not been thoroughly sterilized and disinfected by a process approved by the health officer, or if the health officer or his assistants find in the District of Columbia any such materials held for use in the manufacture or renovation of any mattress, the health officer shall, after first making and filing in the public records of his office a written order stating the reason therefor, thereupon without further notice cause such mattress or material intended to be used in the manufacture of any mattress to be seized, removed, and destroyed by summary action.

SEC. 9. That this act shall take effect 60 days after its enactment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2938) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2273) conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the Norman was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 6238) to amend the immigration act of 1924 was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1752) for the relief of the Near East Relief (Inc.) was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, I move that the bill be indefinitely postponed. In support of that motion I ask to be heard briefly.

Mr. WADSWORTH. I object to the consideration of the bill.

The PRESIDENT pro tempore. The bill goes over under objection.

The bill (S. 2929) to authorize the refunding of certain evidences of indebtedness issued by carriers in interstate commerce, and for other purposes, was announced as next in order.

Mr. STANFIELD. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 786) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, was announced as next in order.

Mr. KING. That bill will take too long to consider to-night. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, was announced as next in order.

Mr. FESS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

INTERSTATE TRANSPORTATION OF BLACK BASS

The bill (S. 3440) to regulate the interstate transportation of black bass, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That when used in this act the word "person" includes company, partnership, corporation, association, and common carrier.

SEC. 2. It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier or for any person knowingly to transport or carry, by any means whatsoever, from any State, Territory, or the District of Columbia, to or through any other State, Territory, or the District of Columbia, or to or through any foreign country, any large-mouth black bass (Micropterus salmoides) or any small-mouth black bass (Micropterus dolomieu) which has either been caught, sold, purchased, or possessed in violation of the law of the State, Territory, or the District of Columbia wherein the delivery of such black bass for transportation is made or the transaction or the carrying thereof begins.

SEC. 3. Any person violating the provisions of this act shall, upon conviction thereof, be punished by fine not exceeding $200, or imprisonment for a term of not more than three months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. Nothing in this act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of this act, or from making or enforcing laws or regulations which shall give further protection to large and small mouth black bass.

SEC. 5. Nothing in this act shall be construed to prevent the shipment in interstate commerce of live fish and eggs for breeding or stocking purposes.

SEC. 6. This act shall become effective immediately upon its passage and approval.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 95) for the relief of Carlos Tomkins was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2279) for the relief of James C. Baskin was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

THOMAS G. PEYTON

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3330) for the relief of Thomas G. Peyton, which had been reported from the Committee on Military Affairs with an amendment in line 10, after the numerals "1910," to insert the following proviso:

Provided, That no back pay or allowances shall be held to have accrued prior to the passage of this act.

So as to make the bill read:

Be it enacted, etc., That for all the purposes of computing pay the appointment of Thomas G. Peyton on September 20, 1913, to the United States Military Academy, under the authority of Joint Resolution

No. 8, approved September 3, 1913 (38 Stat. L., pt. 2, p. 1230), shall be taken and considered as a reappointment and reinstatement under his original appointment made on March 1, 1910: *Provided*, That no back pay or allowances shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADA BROWN-HOPKINS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3571) for the relief of Ada Brown-Hopkins, which had been reported from the Committee on Public Lands and Surveys with an amendment at the end of line 6 to insert the following proviso:

Provided, That patent to the land may be issued to Ada Brown-Hopkins upon the payment by her of $1.25 per acre for the land within six months from the date of the enactment of this act, without further proof.

So as to make the bill read:

Be it enacted, etc., That a patent be issued to lots 1, 3, 4, and 9, section 22, township 15 north, range 6 east, Craighead County, Ark., to Ada Brown-Hopkins upon her compliance with the homestead law: *Provided*, That patent to the land may be issued to Ada Brown-Hopkins upon the payment by her of $1.25 per acre for the land within six months from the date of the enactment of this act, without further proof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LONGEVITY PAY OF CERTAIN ARMY OFFICERS

The bill (S. 1857) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes, was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That the Court of Claims shall certify to the proper accounting officers of the United States the findings of fact heretofore made for claimants in claims of officers of the United States Army for longevity pay under the decisions of the Supreme Court of the United States in United States *v.* Morton (vol. 112, U. S. Repts. p. 1) and United States *v.* Watson (vol. 130, U. S. Repts. p. 80), and of the Court of Claims in Stewart *v.* United States (vol. 34, Ct. Cls. Repts. p. 553).

And that the proper accounting officers of the United States shall proceed to settle the claims so certified and all other claims for longevity pay and allowances on account of services of officers in the Regular Army arising under section 15 of an act approved July 5, 1838, entitled "An act to increase the present Military Establishment of the United States, and for other purposes," and subsequent acts affecting longevity pay and allowances, in accordance with the decisions of the courts of the United States in all cases in which heretofore, namely, between 1890 and 1908, such claims were disallowed by any accounting officer of the Treasury, and no decision of a comptroller heretofore made against a claimant under said section 15 shall prevent a settlement under the terms of this act of any such disallowed claim. Every such claim shall be payable to the claimant or to his widow or to his legal representative: *Provided*, That no claim hereunder shall be allowed if made by any person who is an assignee of such claim nor to a legal representative without proof of the existence of blood relations to whom the fund would be distributed: *Provided further*, That it shall be unlawful for any agent or attorney, firm of attorneys, or any person engaged heretofore or hereafter in preparing, presenting, or prosecuting any claim under this act to charge or receive more than 20 per cent of any amount appropriated in satisfaction of the claim.

Mr. KING. I should like an explanation of that bill by some Senator who is familiar with it.

The PRESIDENT pro tempore. The Chair observes that the Senator from Alabama [Mr. UNDERWOOD] introduced the bill and that it was reported by the junior Senator from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. President——

The PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mr. CARAWAY. The bill relates to longevity pay for certain officers of the Army.

Mr. KING. Does it cover service of officers while cadets at the Military Academy?

Mr. CARAWAY. Mr. President, I presume most of the Senators are familiar with the fact that a ruling of the comptroller denied certain officers who applied for it while he was in office their longevity pay. Afterwards the Supreme Court reversed that decision. It has been held that these officers could not be paid because their claim had been presented and refused and no appeal was taken. The other officers who were similarly situated were paid. I presume no one could object to the passage of the bill, because it is intended to correct a discrimination against those officers who, without any fault upon their part, were denied this pay.

Mr. KING. Mr. President, I am rather curious to learn why this bill was not referred to the Committee on Military Affairs. I recall that there was some discussion some time ago with regard to certain officers who were graduates of West Point, who were denied certain emoluments, based upon the claim that they were not entitled to longevity taking into account the service which they rendered while at West Point. If it is that class of cases which this bill is designed to cover, I shall feel constrained to object.

Mr. CARAWAY. Let me say this much to the Senator from Utah: The law entitled these officers to pay, and others who had applied had been paid, but a comptroller construed the law so as not to permit these officers being paid. All of those who applied while that ruling stood were denied their pay, while those who applied before were paid. The Supreme Court reversed the comptroller's ruling, and those officers who applied afterwards were paid. Those covered by this bill, who made their application and had such application rejected by the particular comptroller referred to, were denied their pay. I repeat every other officer similarly situated was paid. I feel that under those circumstances these officers also should have been paid.

Mr. FLETCHER. The Supreme Court has held that the cadets at West Point were really a part of the Army.

Mr. CARAWAY. Yes; that the period spent there constituted a part of their service.

Mr. FLETCHER. One comptroller held that it did not; but the decision of the Supreme Court of 1908 was followed after that time, and all claims presented after 1908 were paid according to the Supreme Court decision. The object of this bill is to take care of those who were entitled to but who had previously been denied longevity pay.

Mr. CARAWAY. Merely as an historical incident, let me say that officers who left the Regular Army and joined the Confederate forces were by special act of Congress permitted to have this longevity pay, while those who stayed with the Union and served in the Union Army were denied their pay.

Mr. SMOOT. I wish to ask were these officers in the Confederate Army?

Mr. CARAWAY. No, sir; the officers who were in the Confederate Army have all been paid. Some of the officers who stayed with the Union were not paid. Those who went with the Confederacy—Lee, Jackson, and others—were paid. It was the officers who stayed on the Union side who did not get their pay.

Mr. SMOOT. I do not so understand it from the wording of the report.

Mr. CARAWAY. The report possibly is not very happily expressed.

Mr. SMOOT. I can not understand it.

Mr. CARAWAY. Mr. President, let me repeat very briefly what this bill proposes to do. Here is what happened: The law had been construed to mean that a part of an officer's service was the time during which he was a cadet at West Point. All officers who made claims for longevity pay, based upon the number of years they were at West Point, were paid, until, finally, one comptroller ruled that the time such officers were in the Military Academy was not to be counted in their service, and he denied them longevity pay covering that period. The Supreme Court of the United States, however, reversed his ruling, and said he was wrong. From that time on those officers who applied for their longevity pay received it; but as to some who had applied and whose applications had been denied, and no appeal had been taken, it was ruled that their case was concluded by the fact that when their applications to the comptroller had been denied they did not appeal, and therefore they were barred. So these officers were not paid. Those who applied before this ruling were paid. The ruling was appealed from and reversed and all who applied afterwards were paid. The bill simply allows to the officers or their representatives who applied to the comptroller and who made an erroneous ruling, from which they did not appeal, the same privilege that has been accorded to other officers.

Mr. LENROOT. I should like to ask the Senator a question. Have these claims been assigned?

Mr. CARAWAY. There is a provision in the bill that prevents anyone from claiming except the officers—and there are one or two of them still living—or their representatives.

Mr. LENROOT. Would that include an assignee?

Mr. CARAWAY. No, sir; it must be a representative and not an assignee.

Mr. LENROOT. The Senator feels certain about that?

Mr. CARAWAY. Yes, sir; I do.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CYRUS S. ANDREWS

The bill (S. 2855) for the relief of Cyrus S. Andrews was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

FOREST EXPERIMENT STATION IN PENNSYLVANIA

The bill (S. 2516) for the establishment and maintenance of a forest experiment station in Pennsylvania and the neighboring States was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. McNARY. Mr. President, I hope the Senator from Utah will not object to this bill.

Mr. KING. I withhold the objection.

Mr. McNARY. Mr. President, the Government has been very liberal in the appropriation of money for experiment stations in various portions of the United States, but in neither the great State of Pennsylvania nor in the State of New Jersey has the Government established such a forest station. Perhaps Pennsylvania had the finest line of timber of any State in the Union, but the Government has never up to this time made any effort to establish in that section a station for the purpose of making a study of the problems connected with the reforestation. In the Committee on Agriculture there was a unanimous vote in favor of reporting the bill. The Government has such stations in the West, in the South, in the Great Lakes region, and in the New England States, but this particular locality of all the country has been overlooked. I will say to the Senator from Utah, who is always fair, that it will be very unfortunate, indeed, for the great interest of forestry in the State of Pennsylvania not to provide such a station as is proposed to be established by this bill.

I may add that there has been no State in all the Union that has shown so much interest in the great problem of reforestation as has Pennsylvania. The people of that State have bonded themselves for millions of dollars to recover and replace burned-over and logged-over land; and if there is any State in any section of the country that ought to be entitled to a few dollars in order to establish and maintain a forestry experiment station it is that great State.

Mr. TRAMMELL. Mr. President——

Mr. McNARY. I yield to the Senator from Florida.

Mr. TRAMMELL. I desire to ask what amount of appropriation does this bill contemplate?

Mr. McNARY. It carries an appropriation of about $50,000.

Mr. REED of Pennsylvania. As amended by the committee the bill proposes an appropriation of $30,000.

Mr. McNARY. The Senator is correct as to that; I had overlooked that fact for the moment.

Mr. TRAMMELL. Let me ask the Senator from Oregon where are there such stations in the South? In what part of the South are they located?

Mr. McNARY. Two years ago the Government installed a station at Asheville, N. C., for which is provided the largest appropriation of all the forest experiment stations, namely, $38,000, except the one at New Orleans, for which a like amount is appropriated. In the case of nearly all the other forest stations throughout the country only $25,000 is appropriated, but the South has the two largest experiment stations there are in all the Union.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 2, line 3, after the words "amount of," to strike out "$75,000" and to insert "$30,000," so as to make the bill read:

Be it enacted, etc., That in order to determine and demonstrate the best methods for the growing, management, and protection of timber crops on forest lands and farm wood lots, the Secretary of Agriculture is hereby authorized and directed to establish and maintain a forest experiment station at such place or places as may be determined as most suitable by him, in cooperation with the State of Pennsylvania and with the neighboring States, and to conduct such silvicultural and other forest experiments and investigations as may be necessary, either independently or in cooperation with other organizations, institutions, or individuals, and that to carry out the purposes of this act an appropriation in the amount of $30,000 is hereby authorized.

Mr. KING. Mr. President, I should like to ask the Senator from Oregon whether it is the policy of the Government to go into the States and provide these appropriations without cooperation by the States.

Mr. McNARY. Oh, yes. The Government is interested in the great problem of forest replacement. The forests are fast disappearing. They constituted one of our greatest resources a few years ago, but now are becoming almost an insignificant resource. The Government has adopted the policy of going into the States, not following State lines, however, and establishing these experimental stations, because it is interested in the great problem and for the further reason that one of the greatest investments of the country to-day is the land that is covered by timber in the national forests, in the national parks, and in the Indian reservations.

Mr. KING. Mr. President, did the investigation made by the Senator's committee demonstrate that these experimental stations established by the Federal Government were productive of any good results?

Mr. McNARY. Very good results, indeed. I do not think there is any activity of the Government comprehended under the Department of Agriculture which has instilled a greater interest in reforestation and the bringing back of great forests such as once covered the land as these stations have done. They teach the necessity of reforestation and show the methods which should be employed in such work; they give instructions as to how logging operations should be carried on and how to reforest with seed indigenous to the country; they inculcate the idea of forest-fire protection and of the results which follow from the destruction of forests. I have not found anyone as yet who is able to criticize the good work that is being done by the Forestry Bureau of the Department of Agriculture.

Mr. KING. Mr. President, I am inclined to think that the States themselves may handle these problems far better than can the Federal Government, but I shall not object to the bill.

Mr. FLETCHER. Mr. President, I simply want to confirm what the Senator from Oregon has said with regard to the importance of this kind of work. I think now only about $10,000 a year is appropriated for the purpose of carrying on certain experiments with reference especially to the use of the pine tree, and the development of reforestation and naval stores in connection with that work. We have a small substation at Stake, Fla., and I know of the value of this work. The only thing about it, to my mind, is that, in my judgment, the appropriation is not as large as it ought to be.

Mr. BRUCE. Mr. President, I should like to ask what constitutional authority there is for the Government setting up forestry stations in Pennsylvania.

Mr. REED of Pennsylvania. Mr. President, the Government has already done it, I suppose under the general-welfare clause, in all parts of the United States—the Southern Appalachians, the New England region, the central part of the country, the northern Rockies, and the northern Sierras. The whole Department of Agriculture is founded on the same idea. If there is no constitutional authority for studying forestation, there is no constitutional authority for any activity of the Department of Agriculture.

Mr. BRUCE. The Senator from Pennsylvania knows, I am sure, that no specific Federal power can be deduced from the general-welfare clause.

Mr. LENROOT. Oh, yes; on appropriations there is.

Mr. BRUCE. I think the Senator is mistaken. I have had occasion only very recently to examine that question.

Mr. LENROOT. Does not the Senator find a distinction between taxes or obligations to promote the general welfare and appropriations of money to promote the general welfare?

Mr. BRUCE. No power to establish a forestry station in the heart of Pennsylvania is to be deduced from the general-welfare clause.

Mr. LENROOT. No; but I asked the Senator if he did not find, in all the decisions, that distinction?

Mr. BRUCE. But this does not involve any question of taxation.

Mr. LENROOT. No; and that is why it may come under the general-welfare clause.

Mr. BRUCE. Of course, attempts were made repeatedly to deduce specific Federal authority from the general-welfare clause of the Federal Constitution.

Mr. LENROOT. And it has always failed except in the expenditure of public money.

Mr. BRUCE. I object, Mr. President.

Mr. McNARY. Oh, Mr. President——

The PRESIDENT pro tempore. The bill will be passed over.

CYRUS S. ANDREWS

Mr. CUMMINS. Mr. President, I am interested in what disposition was made of the preceding bill.

The PRESIDENT pro tempore. It went over under objection.

Mr. CUMMINS. I do not believe anybody could object to that bill. I ask that we may return to it.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent to return to the consideration of Order of Business No. 626. Is there objection?

Mr. CUMMINS. I do not believe anybody will object.

Mr. KING. Let us see what it is, first.

The PRESIDENT pro tempore. The bill will be read.

The Chief Clerk read the bill (S. 2855) for the relief of Cyrus S. Andrews, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Cyrus S. Andrews, who was a private in Company H, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 26th day of June, 1865: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KING. Let the Senator explain the bill.

Mr. CUMMINS. This man is simply an old soldier of 1863 who got mixed up and did not report properly and did not get an honorable discharge. I am simply trying to correct the record, which has been done a hundred times.

Mr. KING. I notice, if the Senator will pardon me, that the record shows that he was homesick and deserted.

Mr. CUMMINS. No; he did not desert.

Mr. KING. I am simply stating what the record shows. I quote from the report:

Parole prisoners were given a great deal of liberty and it is not difficult to believe that a homesick boy 17 years of age might readily conclude that his oath not to take up arms against the Confederacy released him from further military service.

Mr. CUMMINS. He served almost throughout the war.

Mr. KING. This report is quite inaccurate, then. It would seem to indicate that he deserted and took an oath to the Confederacy, or an oath not to fight further on the Union side. Let the bill go over until we can examine it.

The PRESIDENT pro tempore. The bill will be passed over.

BILL PASSED OVER

The bill (H. R. 9039) to amend section 8 of the act approved March 1, 1911 (36 Stat. p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. McNARY. Mr. President, just a word for the RECORD, if the Senate will bear with me. That bill was called up to-day, and it was understood by the Senator from North Carolina [Mr. OVERMAN] and myself that we would work out during this session of Congress an amendment which perhaps will cure his objection. I do not want the bill to go over without explanation. I am going to call it up at some time before the session closes.

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 1344) to amend paragraph (11), section 20, of the interstate commerce act was announced as next in order.

Mr. BRUCE. Let that go over.

Mr. SHEPPARD. Mr. President, will the Senator withdraw his objection temporarily, in order to permit me to make a statement?

Mr. BRUCE. Yes; I will.

Mr. SHEPPARD. This bill passed the Senate during the last Congress, but reached the House too late for consideration there. The object of the bill is to extend the existing liability of the initial carrier on a through bill of lading for loss or damage to property by connecting carriers.

The Carmack amendment to the interstate commerce act, which was adopted a number of years ago, made the initial carrier liable for damages by connecting lines and has proved a great blessing to the shippers. In recent years, where fruits and vegetables and trucking products in general are shipped long distances, frequently across the country, it often becomes necessary to divert the shipments by wire because of market developments; and this bill is simply to extend the liability of the initial carrier to a case of that kind, to damages by carriers to whose lines the shipments are diverted.

Mr. BRUCE. But, Mr. President, ought the initial carrier to be liable under the provisions of the bill of lading when the shipment is diverted, and it is taken over a route not within the contemplation of the bill of lading at the time it was issued?

Mr. SHEPPARD. The bill provides that there must be through tariffs to the point to which the shipment is diverted. Shipper could not divert to a point under this bill unless it is included in existing tariffs of the initial carrier. The carriers make an arrangement between themselves by which, when the initial carrier pays damages, the carrier on whose line the damage occurs finally pays the amount involved. It is an extension of the principle of the Carmack amendment, and I trust the Senator will allow it to be considered and passed.

Mr. BRUCE. Very well.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Interstate Commerce with an amendment.

The amendment was on page 2, line 16, after the word "so," to strike out "transferred" and insert "transported," so as to make the bill read:

Be it enacted, etc., That paragraph (11), section 20, of the Interstate Commerce act, as amended, be, and the same hereby is, amended by inserting after the words "when transported on a through bill of lading" in each instance where they occur in said paragraph the words "or when property so transported on a through bill of lading is reconsigned or diverted in accordance with the applicable tariffs filed as in this act provided," so that all that portion of said paragraph preceding the word "*Provided*," as first appearing in said paragraph shall, as amended, read as follows:

(11) That any common carrier, railroad, or transportation company subject to the provisions of this act receiving property for transportation from a point in one State or Territory or the District of Columbia to a point in another State, Territory, District of Columbia, or from any point in the United States to a point in an adjacent foreign country shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading or when property so transported on a through bill of lading is reconsigned or diverted in accordance with the applicable tariffs filed as in this act provided, and no contract, receipt, rule, regulation, or other limitation of any character whatsoever shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed; and any such common carrier, railroad, or transportation company so receiving property for transportation from a point in one State, Territory, or the District of Columbia to a point in another State or Territory, or from a point in a State or Territory to a point in the District of Columbia, or from any point in the United States to a point in an adjacent foreign country, or for transportation wholly within a Territory, shall be liable to the lawful holder of said receipt of bill of lading or to any party entitled to recover thereon, whether such receipt or bill or lading has been issued or not, for the full actual loss, damage, or injury to such property caused by it or by any such common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading or when property so transported on a through bill of lading is reconsigned or diverted in accordance with the applicable tariffs filed as in this act provided, notwithstanding any limitation of liability or limitation of the amount of recovery or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule, or regulation, or in any tariff filed with the Interstate Commerce Commission; and any such limitation, without respect to the manner or form in which it is sought to be made, is hereby declared to be unlawful and void.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

AMENDMENT OF JUDICIAL CODE

The bill (H. R. 9829) to amend section 87 of the Judicial Code was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER M'LAREN

The bill (S. 598) for the relief of Alexander McLaren was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of," to strike out "$15,000" and to insert "$3,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 to Alexander McLaren, Detroit, Mich., in full settlement and satisfaction of injuries sustained by him when struck by a truck of the Post Office Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROCHESTER MERCHANDISE CO.

The bill (S. 3555) for the relief of the Rochester Merchandise Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims, with an amendment, to strike out all after the enacting clause, and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to the Rochester Merchandise Co., of Rochester, N. Y., the sum of $780, being refund of purchase price paid to the War Department for truck bodies sold to the said Rochester Merchandise Co. at public auction, but not delivered.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PERMANENT ASSOCIATION OF INTERNATIONAL ROAD CONGRESSES

The joint resolution (S. J. Res. 94) to authorize appropriations for the expenses of membership in the permanent association of international road congresses, and for other purposes, was announced as next in order.

Mr. CURTIS. Mr. President, did not a similar joint resolution pass some time ago covering this same matter? I understood that a House joint resolution passed, providing for three delegates for this same purpose. In view of that fact, I ask that this joint resolution go over.

Mr. JONES of Washington. Mr. President, according to the calendar this bill has only been read twice and it has gone to a committee.

The PRESIDENT pro tempore. It was reported as an original joint resolution from the committee; but the Chair is informed that a joint resolution from the House had previously passed which in some respects covers the subject matter covered in this joint resolution. On the objection of the Senator from Kansas the joint resolution will be passed over.

J. H. TOULOUSE

The bill (S. 546) for the relief of J. H. Toulouse was announced as next in order.

Mr. JONES of New Mexico. Mr. President, I ask that that bill may be passed over temporarily. On the next page of the calendar is a companion bill from the House, and I desire to have that bill taken up when it is reached.

The PRESIDENT pro tempore. In the meantime, does the Senator wish to have this bill indefinitely postponed?

Mr. JONES of New Mexico. Yes; that may be done.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Mexico.

The motion to postpone indefinitely was agreed to.

RATE OF POSTAGE ON FARM PRODUCTS

The bill (S. 949) to reduce the rate of postage on farm products, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I see no report in regard to this measure. It is a very important one. As I am advised, there was a deficit last year of some thirty or forty million dollars from the operation of the Post Office Department. It would seem that this bill would increase the deficit, and I should like some explanation of it.

Mr. HARRIS. Mr. President, this bill does not require any appropriation or any expense for new employees. Every dollar that the Government receives is that much net. This is simply continuing for three years the experiment that we have been making for the past year with the parcel post. This service begins at the post office where the rural route starts, and ends there. It does not go on the rails. It is simply on the rural route. The carrier does not get any more for his services. The Government does not spend anything. As I have said, every dollar that comes in is that much in to the Government; but it does reduce the amount that the farmers pay in sending their produce—chickens, eggs, and other things—to town.

Mr. KING. Let me see if I understand the Senator. The bill provides that under regulations which may be promulgated by the Postmaster General he may make the rate of postage on farm products mailed directly from farm, garden, orchard, or grove for delivery, and so forth, one-half of the regular rate.

Mr. HARRIS. Just to the post office where the carrier starts. It does not cost the Government a cent. All the money goes to the Government, without any expense.

Mr. KING. If it reduces the rate of postage one-half, it would seem that there must be some loss somewhere. It simply reduces the rate.

Mr. HARRIS. No. The reason why it is reduced one-half is because there is no business coming into the Government from it, and this reduction will help. It will simply help the farmer.

Mr. KING. Is it for the purpose of making the Post Office Department a freight carrier for all farm products?

Mr. HARRIS. The purpose is to help the farmer in getting his products to town at a low price and to help the man in the town to get farm products at a low price. Everyone knows that the parcel post has been a disappointment to the framers of that legislation, and this is an experiment that the department is making in the hope of building it up without any additional expense.

Mr. KING. Is it for the purpose of putting the Government into competition with our interurban electric roads in carrying the farmer's products from the farm to the town?

Mr. HARRIS. Not at all. It does not touch the railroads at all. It stops at the post office where the carrier stops.

Mr. CARAWAY. It is to cover such things as the transportation of a dozen eggs.

Mr. KING. It means, then, that the Government becomes a freight carrier?

Mr. HARRIS. No.

Mr. KING. Well, we will let the experiment continue.

Mr. WILLIAMS. Mr. President, will the Senator from Georgia please tell us whether or not a report was made by the committee on this bill?

The PRESIDENT pro tempore. No report was made.

Mr. HARRIS. The committee were unanimously in favor of this bill last year, and then again this year.

Mr. WILLIAMS. There is no report on the bill, and I wondered whether the committee omitted to make a report.

Mr. TRAMMELL. Mr. President, I will state also that the bill is indorsed by the Post Office Department, as I understand. I will ask the Senator from Georgia if that is correct.

Mr. HARRIS. The Post Office Department has been making the experiment under the bill which was passed by the last Congress, and this is a bill of the same kind.

Mr. SMOOT. Mr. President, until a report is made on the bill I shall ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

WHITE HOUSE POLICE FORCE

The bill (S. 3844) to amend the act entitled "An act to create the White House police force, and for other purposes," approved September 14, 1922, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 3 of the act entitled "An act to create the White House police force, and for other purposes," approved September 14, 1922, be, and the same is hereby, amended by adding thereto a new paragraph to be known as paragraph (d), to read as follows:

"(d) The trial of the members of the White House police force for any conduct prejudicial to the reputation, good order, or discipline of such force shall be held before the Metropolitan police trial board under the laws and regulations pertaining to such board or as the same may be altered from time to time. No member of the Metropolitan police force, the White House police force, or of the United States park police

force, shall escape trial and punishment by reason of his transfer or assignment to any other of said forces."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

QUANNAH PARKER

The bill (S. 3613) authorizing an appropriation for a monument for Quannah Parker, late chief of the Comanche Indians, was announced as next in order.

Mr. BRUCE. Let that go over.

Mr. HARRELD. Mr. President, I wish the Senator would withhold his objection just a moment.

I want to say that this appropriation is one of the most merited I know of. Quannah Parker, as everybody knows, was noted for his loyalty to the Government. A peculiar condition exists, in that the body of his mother, honored because of him, was, a few years ago, moved to the cemetery where he is buried, near Lawton, Okla., and buried there by the side of him, and a fine monument was erected to her memory. Quannah Parker, the son for whom the mother was honored, lies there without any mark to his grave at all. We do not believe that condition ought to be allowed to exist.

The bill proposes to appropriate $1,500 for the purpose of erecting a monument over his grave. That is the situation. His mother, whose body was moved there by act of Congress, because of the desire of Congress to honor the son, has a monument at her head, and there is none over Quannah Parker's grave.

Mr. BRUCE. Mr. President, I do not see why monuments erected to the memory of Indians should be multiplied to such an extent as they seem to be at this session of Congress. I confess that, so far as Quannah Parker is concerned, while I have a little familiarity with American history, I never before heard of such a character. We have all heard of Sequoia, of course, the famous inventor of the Indian alphabet, but I confess that I want to know a little more about Quannah Parker. That is the reason why I objected.

The PRESIDENT pro tempore. The Chair will call the attention of Senators to the fact that we are proceeding under a rule which permits a Senator to speak only once, and for five minutes.

Mr. BRUCE. I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,500 for the purchase and erection of a suitable monument to the grave of Quannah Parker, late chief of the Comanche Indians, to be expended under the direction of the Secretary of the Interior and in accordance with such regulations as he may prescribe.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROHIBITION OF USE OF WOODEN CARS

The bill (S. 951) to promote the safety of passengers and employees upon railroads by prohibiting the use of wooden cars under certain circumstances was announced as next in order.

SEVERAL SENATORS. Over!

Mr. HARRIS. Mr. President, several Senators have received letters in relation to the subject matter covered by this bill who do not understand what the bill provides. This is an entirely different bill from some that have been introduced touching on this subject. The only thing t 's bill would do would be, where there are two steel cars on a train and a frame car, to make the authorities put the frame car at the end instead of between the steel cars.

Last year in Ohio there was a wreck where a frame car was between two steel cars, and 12 people were killed. If the frame car had been at the end of the train instead of between the steel cars, nobody would have been killed. That is the object of this bill. Senators who have had letters about the steel car bill have been misinformed about it. It was the other bill against which complaint was made. A bill similar to this one passed the Senate last year.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

DEPOSIT AND EXPENDITURE OF INDIAN MONEYS

The bill (S. 3929) to authorize the deposit and expenditure of various revenues of the Indian Service as Indian moneys, proceeds of labor, was announced as next in order.

Mr. HARRELD. There is a House bill on the desk, House bill 11171, identical with this. I ask that that be substituted for this.

Mr. HARRIS. I object.

The PRESIDENT pro tempore. The bill will go over.

CHEROKEE, SEMINOLE, CREEK, CHOCTAW, AND CHICKASAW INDIAN CLAIMS

The joint resolution (H. J. Res. 134) authorizing the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to prosecute claims, jointly or severally, in one or more petitions, as each of said Indian nations or tribes may elect, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEECH LAKE RESERVATION ROAD

The bill (H. R. 9967) authorizing an expenditure of $6,000 from the tribal funds of the Chippewa Indians of Minnesota for the construction of a road on the Leech Lake Reservation, was announced as next in order.

Mr. HARRIS. I object.

The PRESIDENT pro tempore. The bill will be passed over.

UNITED STATES LIABILITY COMPENSATION

The bill (S. 3545) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof, was announced as next in order.

Mr. KING. Let that go over.

Mr. CUMMINS. Will the Senator from Utah withhold his objection for a moment?

Mr. KING. I will withhold the objection.

Mr. CUMMINS. Ever since the passage of the compensation act the commission has construed the act to mean that the commission might pay for an artificial arm or an artificial leg——

Mr. KING. Is that the only amendment to the present law?

Mr. CUMMINS. That is the amendment.

Mr. KING. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments; on page 2, line 2, after the word "services" to insert the word "appliances"; on line 7, after the word "services," to insert the word "appliances"; on line 12, after the word "services," to insert the word "appliances"; on line 15, before the word "and," to insert the word "appliances," so as to make the bill read:

Be it enacted, etc., That section 9 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof, is amended to read as follows:

"That for any injury sustained by an employee while in the performance of duty, whether or not disability has arisen, the United States shall furnish to the employee all services, appliances, and supplies prescribed or recommended by duly qualified physicians which, in the opinion of the commission, are likely to cure or to give relief or to reduce the degree or the period of disability or to aid in lessening the amount of the monthly compensation. Such services, appliances, and supplies shall be furnished by or upon the order of United States medical officers and hospitals, but where this is not practicable they shall be furnished by or upon the order of private physicians and hospitals designated or approved by the commission. For the securing of such services, appliances, and supplies the employee may be furnished transportation, and may be paid all expenses incident to the securing of such services, appliances, and supplies, which, in the opinion of the commission, are necessary and reasonable. All such expenses when authorized or approved by the commission shall be paid from the employees' compensation fund. Any award heretofore made by the commission on account of expenses incurred under section 9 of the act of September 7, 1916, prior to the passage of this act, shall be valid, if such award would be valid if made on account of expenses incurred under this section after the passage of this act."

SEC. 2. That section 21 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," is amended to read as follows:

"SEC. 21. That after the injury the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or

by a duly qualified physician designated or approved by the commission. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this act shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him.

"For any examination required by the commission the employee shall be paid all expenses incident to such examination which, in the opinion of the commission, are necessary and reasonable, including transportation and loss of wages incurred in order to submit to examination. All such expenses when authorized or approved by the commission shall be paid from the employees' compensation fund."

SEC. 3. That section 23 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," is amended to read as follows:

"SEC. 23. That fees for examinations made on the part of the United States under sections 21 and 22 by physicians who are not already in the service of the United States shall be fixed by the commission. Such fees, and any sum payable to the employee under section 21, when authorized or approved by the commission, shall be paid from the employees' compensation fund."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

YUMA AND YUMA MESA RECLAMATION PROJECTS

The bill (S. 3978) to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary reclamation projects, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to credit the individual water-right applicants in the Yuma reclamation project and the purchasers of water rights in the Yuma Mesa auxiliary reclamation project, on the construction charges due under their contracts with the United States under the reclamation act and acts amendatory thereof and supplementary thereto, with their proportionate part of all payments heretofore made or hereafter to be made by the Imperial irrigation district, of California, under contract entered into under date of October 23, 1918, between the said district and the Secretary of the Interior: *Provided*, That lands in the Yuma Indian Reservation for which water rights have been purchased shall share pro rata in the credits so to be applied.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FOREST EXPERIMENT STATION, PENNSYLVANIA

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that we go back to Order of Business No. 627, Senate bill 2516, for the establishment and maintenance of a forest experiment station in Pennsylvania and the neighboring States. I understand the Senator from Maryland [Mr. BRUCE] is willing to withdraw his objection to the consideration of the bill.

Mr. BRUCE. I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on Agriculture and Forestry, with an amendment.

The PRESIDENT pro tempore. The amendment has already been agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KLAMATH INDIAN DELEGATE

The bill (S. 3382) to appropriate tribal funds of the Klamath Indians to pay actual expenses of delegate to Washington, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs, with amendments, on page 1, line 3, after the word "That," to insert the words "the Secretary of the Interior is hereby authorized to expend"; on line 6, after the word "Oregon," to strike out the words "is hereby appropriated"; on line 10, after the word "Washington," to strike out the words "in December, 1925, and January and February, 1926," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to expend the sum of $1,000, or so much thereof as may be necessary, of the tribal funds of the Klamath Indians of the State of Oregon, to pay the actual expenses of the one delegate of the said tribe, who has been elected by the general council of the Klamath Indians to attend to the business of the tribe and pay his expenses to Washington to present the affairs of the said Klamath Indians of the State of Oregon to the officials of the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the expenditure of tribal funds of the Klamath Indians to pay actual expenses of delegate to Washington, and for other purposes."

KATHERINE SOUTHERLAND

The bill (S. 1339) for the relief of Katherine Southerland, was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$3,000" and insert in lieu thereof "$2,067, in full settlement of all claims," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Katherine Southerland the sum of $2,067, in full settlement of all claims for injuries received and losses sustained as a result of being run down and over by a motor truck of the United States Army in Washington, D. C., on November 7, 1921.

Mr. KING. I see that the Secretary of War says:

In view of the meager information of the War Department on this matter, I do not feel disposed to make any recommendation as to the merits of the bill.

Mr. McKELLAR. Mr. President, in reference to this bill I will say to the Senator and to the Senate that Miss Southerland was an employee of the State Department, and was struck by an automobile driven by a young man from one of the near-by camps. A number of witnesses were produced, as is shown in the printed report, who testified that the accident was entirely the driver's fault. He was arrested; he was fined, and, I believe, served a term in jail.

Mr. KING. The fine was remitted.

Mr. McKELLAR. That was done afterwards, but there was no doubt in the world about the negligence, almost criminal negligence, of the driver, because he just ran right over this lady. I hope the Senator will not object. A similar bill has already passed the Senate once or twice.

Mr. MAYFIELD. Mr. President, I want to say that I investigated this case three years ago, and if there ever was a meritorious measure, in my opinion, this is one.

Mr. KING. I do not object.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE ROYAL HOLLAND LLOYD

The bill (H. R. 8894) for the relief of the Royal Holland Lloyd, a Netherlands corporation of Amsterdam, the Netherlands, was announced as next in order.

Mr. MEANS. Mr. President, I know not how that was placed on the calendar without being referred to a committee. Unless some one can explain, I will move to have the bill referred to the Committee on Claims.

The PRESIDENT pro tempore. The Chair is informed that when the bill came from the House unanimous consent was granted for reading it twice and placing it on the calendar. The Senator from Colorado now moves that the bill be referred to the Committee on Claims.

The motion was agreed to.

J. H. TOULOUSE

The bill (H. R. 1243) for the relief of J. H. Toulouse was announced as next in order.

Mr. MEANS. Mr. President, I make the same motion in reference to that bill.

Mr. JONES of New Mexico. That is the companion bill to the Senate bill to which I referred a while ago. The original bill was introduced in the Senate. It was considered by the Senate at the last Congress and passed. At this session the bill was introduced in the House as well as the Senate. The committee has favorably reported the bill which was introduced in the Senate, covering the same matter precisely, and it was that bill which I consented to have indefinitely postponed a while ago, having remarked that this bill was on the calendar and had passed the House and is the same measure.

Mr. MEANS. I said, in reference to the other bill, that if there were no explanation I would make the motion. The explanation in regard to this measure is satisfactory, and I withdraw the motion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLOTMENT OF LANDS OF THE CROW TRIBE

The bill (H. R. 8185) to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes," was announced as next in order.

Mr. COPELAND. Mr. President, I would be glad if the Senator from Montana would say a word about this bill. It is undoubtedly all right, but I think we ought to inquire very carefully into these bills disposing of Indian lands.

Mr. WHEELER. This is the bill which the Indians themselves want to have passed.

Mr. COPELAND. It is not always good to give people what they want.

Mr. WHEELER. I think my colleague is more familiar with the bill than I am.

Mr. WALSH. Mr. President, this bill does not provide for the disposition of any land. The lands on the Crow Reservation have already been allotted. There are certain funds of these Indians in the Treasury, and the bill provides for a distribution of those funds among the Indians. They have asked for it, and the department seems to think they are entitled to it and ought to have it.

Mr. COPELAND. Does the Senator think they should have it?

Mr. WALSH. I do.

Mr. COPELAND. I have no objection.

Mr. WILLIAMS. Mr. President, I would like to inquire of the Senator from Montana whether the bill has been amended so as to meet the objections made to it by the Secretary of the Interior.

Mr. WALSH. I am not a member of the committee. My colleague is, and he may be able to tell the Senator more definitely about that.

Mr. WHEELER. The suggestions of the Secretary of the Interior have been complied with in reference to the matter.

Mr. WILLIAMS. They have been met?

Mr. WHEELER. That is my understanding of it. It has the entire approval of the Interior Department. That is the information the Senator from Wyoming [Mr. KENDRICK] has.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, on page 3, line 20, after the words "*Provided further*" and a comma, to strike out down to and including the word "years" and the period on line 7, page 4, as follows:

That any allottee classified as competent and any adult incompetent Indian with the assistance of the superintendent may lease his or her allotment or any part thereof and allotments of minor children dependent upon them for support without restrictions, but the moneys received for all other minors shall be paid to the superintendent for the benefit of said minors, and where a group of allottees desire to lease their several allotments as a unit, such allottees may in writing agree to unite their several allotments and select a committee from their number to lease the whole thereof for and in their behalf under such terms as the said allottees may have previously agreed upon, but no lease shall be for a period longer than five years.

And to insert:

That any allottee classified as competent and any adult incompetent Indian with the advice and assistance of the superintendent which such adult incompetent shall seek, may lease his or her allotment or any part thereof and allotments of minor children dependent upon him or her for support without restrictions, but the moneys received for all other minors shall be paid to the superintendent for the benefit of said minors, and where a group of allottees desire to lease their several allotments as a unit, such allottees may in writing agree to unite their several allotments and select a committee from their number to lease the whole thereof for and in their behalf under such terms as the said allottees may have previously agreed upon, but no lease shall be for a period longer than five years. All leases made under this section shall be recorded at the Crow Agency.

The amendment was agreed to.

Mr. LENROOT. Mr. President, I would like to know just what this bill would do. We can not tell from the reading of the bill. What changes have been made in the law?

Mr. WALSH. The original law was a very elaborate act, and this makes various changes in the law, agreed upon by the Indians and the department.

Mr. LENROOT. The Senator from Missouri asked if all the recommendations made by the Secretary had been incorporated in the bill. The Senator from Montana did not know about that.

Mr. WALSH. I said I was not a member of the committee and had not studied it with care.

Mr. LENROOT. I think some member of the committee ought to answer that question.

Mr. KENDRICK. For the information of the Senator from Wisconsin I desire to say that the bill is the result of a conference with representatives of the Crow Tribe, who were sent here for that purpose. Also it represents a full agreement between the members of the tribe and the Interior Department. Among other changes in the original allotment bill, it authorizes the Indians to exercise increased discretion in the leasing of their own individual lands and in other ways liberalizes the original law.

Mr. WALSH. I ought to state further with respect to the matter that early in the present session quite a delegation of Crow Indians were here. There existed among them quite a little difference of opinion concerning the changes that ought to be made in existing law governing the allotments of their lands. They held repeated conferences with the Indian Bureau, and the details of the bill were finally adjusted by conferences between themselves and myself. I gave it careful study at that time, but the details have escaped my recollection now.

Mr. LENROOT. The chairman of the committee is present and can inform the Senate about the matter. Does the bill incorporate the views of the Secretary of the Interior?

Mr. WHEELER. I was not paying strict attention to the discussion. That is my understanding, however. They finally compromised with the Secretary of the Interior, and the bill as it came out of the committee, as I understand it, incorporated the ideas of the Secretary of the Interior.

Mr. LENROOT. Upon that assurance I have no objection.

Mr. HARRELD. The bill was prepared in my office by my secretary, and I think it was prepared in accordance with the agreement between the committee and the Commissioner of Indian Affairs.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 9558) to provide for allotting in severalty agricultural lands within the Tongue River or Northern Cheyenne Indian Reservation in Montana, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. BLEASE. Mr. President, I ask unanimous consent to return to Order of Business 574, the resolution (S. Res. 188) to amend paragraph 2 of Rule XXXVIII of the Standing Rules of the Senate relative to nominations. The Senator from Nevada [Mr. PITTMAN] is present, and I would like to ask that the amendment to the rules be considered and passed. I do not think there is any objection to it. It seems to me now that the time has about arrived when we should say what we are going to say on the subject.

The PRESIDENT pro tempore. May the Chair suggest to the Senator that that may be done by motion under the unanimous-consent agreement after we finish calling the calendar for individual bills.

Mr. BLEASE. I am afraid that will not happen. I ask unanimous consent now. The resolution has been reported out unanimously, and I do not think there is any objection to it. I would like to have it passed.

The PRESIDENT pro tempore. Is there objection?

Mr. CARAWAY. Several Senators who did object to it previously are not now present. Therefore I object.

Mr. BLEASE. Then, Mr. President, I expect to object to every other bill that comes up to-night.

Mr. CARAWAY. I do not care if the Senator does. If the Senator imagines that is going to get him anything, he is very much mistaken.

Mr. BLEASE. The Senator is not looking for anything. He has everything he wants. His people gave him everything he wanted.

The PRESIDENT pro tempore. The Clerk will report the next bill on the calendar.

The bill (S. 3894) to regulate interstate commerce by motor busses operating or to operate as common carriers of passengers for hire through the interstate tunnel now being constructed under the Hudson River between the city of New York, State of New York, and the city of Jersey City, State of New Jersey, and over the interstate bridge now being constructed across the Delaware River between the city of Philadelphia, Commonwealth of Pennsylvania, and the city of Camden, State of New Jersey, was announced as next in order.

Mr. BLEASE. Over.

The PRESIDENT pro tempore. Will the Senator——

Mr. BLEASE. No; I mean to stick to what I said.

The bill (S. 62) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, was announced as next in order.

Mr. BLEASE. Over.

Mr. REED of Pennsylvania. Mr. President, I would like to say a word. I hope the Senator from South Carolina——

Mr. BLEASE. Mr. President, this is a matter of great importance to me and it is important to my colleague, who is at home sick, and I know what kind of a fight he has on his hands. Nobody objects to the resolution. The Senator from Kansas [Mr. CURTIS] has reported it and there is a unanimous report from the committee, as I understand. The Senator from Nevada [Mr. PITTMAN] is present, and there is no reason in the world why the Senate should not stop one minute and give a man the right to say how he voted in executive session on the Woodlock nomination. I see no objection to it. I do not see how anybody could object, and, so help me God, if they do object I shall object to every bill that comes up to-night under the unanimous-consent agreement.

Mr. SHORTRIDGE. Oh, Mr. President, I hope the Senator does not mean that.

Mr. CARAWAY. The Senator can not get anything by that kind of talk.

Mr. BLEASE. I am not hunting anything for myself. I do not need anything. I have good health, plenty of money, and a seat in the United States Senate. What else could a man want? [Laughter.]

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. The Senate will be in order before further business is resumed. The Senator from South Carolina has the floor. Does the Senator yield to the Senator from Kansas?

Mr. BLEASE. I yield to the Senator from Kansas.

Mr. CURTIS. I hope the Senator will withdraw his objection, for this reason. If he will look at the report he will find that the Senator from Arkansas [Mr. ROBINSON], who is a member of the committee, filed a minority report. He wants to be here to take up his minority report when the resolution is considered. I promised the Senator from Arkansas that we would not call up the resolution in his absence.

Mr. BLEASE. Can the Senator give me any idea when he will be here?

Mr. CURTIS. I think he will be here in the next day or two. So far as I am concerned, I would like very much to take up the resolution, just as much as the Senator from South Carolina would, as he well knows.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Utah?

Mr. BLEASE. I yield.

Mr. SMOOT. I want to say also that there is another member of the committee who is bitterly opposed to the resolution. He is not here to-night. I know that he wants to be here when it comes up, because he stated so. So far as I am concerned, I am ready to vote on it this minute.

Mr. BLEASE. Then I will have to do like the rest of the Democrats and vote with the Republicans. [Laughter.] I withdraw my objection.

INTERSTATE COMMERCE BY MOTOR BUSSES

The PRESIDENT pro tempore. The Clerk will state the next bill on the calendar.

The bill (S. 3894) to regulate interstate commerce by motor busses operating or to operate as common carriers of passengers for hire through the interstate tunnel now being constructed under the Hudson River between the city of New York, State of New York, and the city of Jersey City, State of New Jersey, and over the interstate bridge now being constructed across the Delaware River between the city of Philadelphia, Commonwealth of Pennsylvania, and the city of Camden, State of New Jersey, was announced as next in order.

Mr. BINGHAM and Mr. FESS. Over.

Mr. COPELAND. Mr. President, this is an important bill, and before objection is raised to it I would like to have an opportunity to explain it in just a word or two.

Mr. KING. We can not pass the bill to-night.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will go over.

Mr. WADSWORTH. Mr. President, I hope the objections will not be insisted upon. As a matter of fact it is a local bill. It affects only the operation of the tunnel between New York City and Jersey City, and it seems to me Senators might let us pass it to-night.

Mr. REED of Pennsylvania. It affects also the bridge between New Jersey and Pennsylvania. I would like to say, if the Senator will permit me, that the bridge will be opened the 1st of July and if we do not pass some measure of this sort it will be absolutely useless because of the congestion of traffic. No other State is interested. All the parties have agreed on the bill. It simply vests in the public-service commission and the bridge and tunnel commission the right to control the number of motor busses that shall use the tunnel and the bridge. It is vitally necessary.

Mr. FESS. Mr. President, I thought there was another bill covering this matter.

Mr. REED of Pennsylvania. No; that bill is still in the committee. The reason why this is urged is because the other bill has not come out of the committee. This relates only to the tunnel and bridge.

Mr. FESS. That particular piece of legislation would not come out of the committee. It involves too much.

Mr. REED of Pennsylvania. I understood that, and that is why I introduced this particular bill.

Mr. FESS. I withdraw my objection.

The Senate as in Committee of the Whole proceeded to consider the bill.

Mr. WILLIAMS. Mr. President, will the Senator from Pennsylvania tell us why he does not think this bill will result in confusion under section 3, on page 5, of the bill, which gives an appeal from these State commissions to the Interstate Commerce Commission?

Mr. REED of Pennsylvania. I do not think there would be confusion. The theory of it is that while these facilities, the tunnel and the bridge, have been built entirely by money raised by the States and the local communities, nevertheless the traffic which moves over them is interstate commerce and therefore is within the regulatory power of the Interstate Commerce Commission. What is proposed here is for Congress to delegate to the local commission power to regulate, subject to the review of the Interstate Commerce Commission, the flow of interstate commerce across those two rivers. We all realize that when Congress asserts its power, the power of the Federal Government is paramount, and we have reserved that right in the bill, so that any order that is made by the Interstate Commerce Commission shall supersede all that is done by the local authorities.

Mr. KING. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I am glad to yield to the Senator from Utah.

Mr. KING. I want to inquire of the Senator whether he regards a measure of this kind as necessary in view of the fact that, as I understood the Senator, the Federal Government dose not intend to exercise its regulatory power, but will leave the entire matter to the States themselves. May not the States themselves then proceed to establish joint regulations for the conduct of the travel without any conference of power upon them by the Federal Government?

Mr. REED of Pennsylvania. Yes; it was my impression that they might; but the Supreme Court has very recently held in a motor-truck case that, without action by Congress, even the attempted regulation by the States of interstate motor-truck transportation is ultra vires the State. It was a very surprising decision to me, but the Senator will find the decision referred to and quoted from in the report of the committee.

Mr. McKELLAR. Mr. President, when will the bridge and tunnel be opened?

Mr. REED of Pennsylvania. It is expected that the bridge will be opened for travel in July of this year, about six weeks from now.

Mr. McKELLAR. And there must be congressional action? Has the bill passed the House?

Mr. REED of Pennsylvania. The bill has not passed the House, although a duplicate bill has been introduced by Congressman BACHARACH, of New Jersey.

Mr. KING. I suggest to the Senator, in view of the decision recently rendered which nullifies regulations of the States with respect to their domestic obligations in the matter of quarantine, that Congress ought to enact a law to declare that these matters, until Congress itself should act, shall be left entirely to the States.

Mr. WILLIAMS. Mr. President, may I inquire of the Senator from Utah, if the Senator from Pennsylvania pleases, whether he thinks that Congress should yield to the States the regulation of interstate commerce?

Mr. REED of Pennsylvania. If I may answer the question, I do not think the Congress should surrender its power. What it has done here is to keep a firm hold of the power, but to provide that the local regulations shall suffice if it does not overrule them. It is careful not to surrender the constitutional power.

Mr. KING. Mr. President, may I say that it was not my thought that Congress should surrender its power, but I believe that we might enact a law with safety and propriety that until Congress does assert its power over these matters the States may proceed.

Mr. CUMMINS. Mr. President, there is one very important part of the bill which has not been mentioned; that is to say, the bill attempts to confer upon the State authorities the right to regulate interstate commerce; but it also provides that if the tribunals of the States are unable to agree, there can be an appeal to the Interstate Commerce Commission. It has been my view that this assertion of Federal authority is sufficient to make the law constitutional.

Mr. REED of Pennsylvania. As a practical matter, quite aside from the constitutional question, it seems obvious to anybody who has seen the throngs of automobiles toward the ferries in New York that in the absence of some regulation—and there is not a breath of Federal regulation yet—the tunnel and the bridge are going to be useless for the public. We will have motor cars just climbing over one another there. I know that in my own city of Pittsburgh we opened a similar traffic tunnel about three years ago, and there was no sufficient regulation of the traffic that passed through it. It had scarcely been opened before there resulted a traffic jam in the tunnel and before they could get it cleared there were more than 20 people taken out unconscious from the fumes of the gas from automobiles that were stalled in the tunnel. It is a question not only of convenience, but of life.

Mr. WALSH and Mr. MAYFIELD addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED of Pennsylvania. I yield to the Senator from Montana [Mr. WALSH].

Mr. WALSH. I do not think the constitutionality of this legislation could be open to question at all. Section 10 of Article I of the Constitution provides that no State shall enter into any compact or agreement with another State without the consent of Congress, which, of course, means that with the consent of Congress two States may enter into an agreement with each other. It was undoubtedly the intent of the Constitution to meet just such a situation as this, where the independent action of two States would be quite abortive. It becomes necessary for them to enter into some arrangement and agreement in relation to the handling of traffic of this character or else the whole thing must be surrendered to the States, and they would not be able even to construct the means of transportation from one State to the other.

Mr. REED of Pennsylvania. I think the Senator from Montana is exactly right, and it was because of that thought that Congress gave its consent to the States jointly to construct the very facilities about which we are now talking.

Mr. MAYFIELD and Mr. BINGHAM addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED of Pennsylvania. I think the Senator from Texas first asked me to yield, and I yield to him.

Mr. MAYFIELD. I should like to ask the Senator from Pennsylvania, is it not the purpose of this bill to confer upon the State of New York and the State of New Jersey the power to regulate interstate commerce?

Mr. REED of Pennsylvania. Yes; subject to the control of the Interstate Commerce Commission.

Mr. BINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania now yield to the Senator from Connecticut?

Mr. REED of Pennsylvania. I yield to the Senator from Connecticut.

Mr. BINGHAM. I should like to ask whether the Senator from Pennsylvania would have an objection to an amendment on page 6, line 5, to strike out the word "and" and to insert the words "or with"? It occurs to me that unless that shall be done, in the way it now reads there might be a conflict of jurisdiction between the Secretary of War, who under the bridge act normally controls tolls, and the commissioners of the two States involved; but by inserting the words "or with" the clause will be separated in such a way that the jurisdiction of the Secretary of War as to the regulation of tolls will not be infringed.

Mr. REED of Pennsylvania. I understand the amendment suggested by the Senator from Connecticut would come in line 5 on page 6?

Mr. BINGHAM. Yes.

Mr. REED of Pennsylvania. The words "or with" in line 3, I think, will govern all that follows.

Mr. BINGHAM. Without the words "or with" at the point I have indicated it would seem as though the "collection of tolls, rentals, or other charges" and "the regulation of traffic therein and thereon under the laws of said States" were joined together. By inserting the words "or with" again in line 5 it differentiates them.

Mr. REED of Pennsylvania. I would be satisfied to accept that amendment.

Mr. WILLIAMS. Mr. President, I should like to inquire once more of the Senator from Pennsylvania whether he would have any objection, in line 17, on page 5, to strike out the word "appeal" and to insert "present a complaint to"?

Mr. REED of Pennsylvania. I think the amendment of the Senator from Missouri is unobjectionable. The expression he suggests, it seems to me, is quite a synonym for the word "appeal."

Mr. WILLIAMS. It seems to me that section 3 contemplates that there may be an absolute failure of action, in which case there would be no right to appeal; but if the matter is presented afresh by the complainant to the Interstate Commerce Commission, upon the failure of the commissions of New Jersey, Pennsylvania, and New York to act, then the jurisdiction of the Interstate Commerce Commission is conceded at the beginning rather than taken there on appeal.

Mr. REED of Pennsylvania. Would the word "apply" satisfy the Senator?

Mr. WILLIAMS. Yes; perfectly.

Mr. REED of Pennsylvania. Then I move that the word "appeal" be stricken out and the word "apply" substituted therefor. It is for the purpose of perfecting the amendment.

The PRESIDENT pro tempore. May the Chair for his own information discover something? The bill was introduced by the Senator from Pennsylvania [Mr. REED] and reported by the Senator from Iowa [Mr. CUMMINS]. Under the practice, the Senator from Iowa is in charge of the bill, because he reported the bill with the committee's amendment. Does the Senator from Iowa accept these perfecting amendments that are being offered?

Mr. REED of Pennsylvania. Under the practice the Senator from Iowa is in charge of the bill and, under the circumstances, I am in charge of the floor.

Mr. LENROOT. The Senator from Iowa can not accept an amendment.

The PRESIDENT pro tempore. For the committee? Why not?

Mr. LENROOT. Of course not.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. To a committee amendment?

Mr. LENROOT. Certainly not.

The PRESIDENT pro tempore. It is done here every day.

Mr. LENROOT. It is done only by unanimous consent.

The PRESIDENT pro tempore. If the Senator from Wisconsin objects, then the question is, first, upon the amendment proposed by the Senator from Connecticut [Mr. BINGHAM] to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is upon the amendment proposed by the Senator from Pennsylvania [Mr. REED] to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is upon the amendment proposed by the committee, as amended.

Mr. WADSWORTH. Mr. President, merely to make perfectly definite the jurisdiction of the New York State authorities so that there shall be no confusion, I desire to offer three amendments to the committee amendment, all to the same purpose. On page 3, line 14, after the word "That," I move to insert the words "the Public Service Commission of the State of New York" (comma).

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from New York to the committee amendment.

Mr. REED of Pennsylvania. Mr. President, realizing that I am not in charge of the bill and that I have no right to consent for anybody but myself, I should like to say that it seems to me that the amendment proposed by the Senator from New York is entirely unobjectionable.

The PRESIDENT pro tempore. Nevertheless, in view of the position taken by some Senators on the floor, the question is upon agreeing to the amendment proposed by the Senator from New York to the amendment proposed by the committee.

The amendment to the amendment was agreed to.

Mr. WADSWORTH. Mr. President, I have another amendment to offer on page 5.

Mr. SMOOT. If the amendment last presented by the Senator was agreed to as it was stated, it would read very funny.

Mr. WADSWORTH. Not very funny.

Mr. SMOOT. There will have to be another word or punctuation mark there.

Mr. WADSWORTH. What should it be?

Mr. SMOOT. I understand the Senator's amendment comes in after the word "that" in line 14.

Mr. WADSWORTH. Yes; and it would read in this way:

That the Public Service Commission of the State of New York, the Transit Commission of the State of New York, and the Board of Public Utility Commissioners of the State of New Jersey are hereby authorized—

And so forth.

Mr. SMOOT. The Senator did not say "comma" after the words "Public Service Commission of the State of New York," and a comma should be placed there.

Mr. WADSWORTH. I thought I said "comma." I may have said "comic."

Mr. SMOOT. The Senator did not say "comma" or "comic," either.

The PRESIDENT pro tempore. Does the Senator from Utah wish the reporter's notes read?

Mr. SMOOT. If the Senator insists that he used the word "comma," I ask that the record be read.

Mr. WADSWORTH. Never mind; I admit I did not say it.

Mr. President, on page 5, at the end of line 9, following the word "said," I move to insert the words "Public Service Commission of the State of New York, the."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New York to the amendment proposed by the committee.

The amendment to the amendment was agreed to.

Mr. WALSH. Mr. President, will the Senator please indicate just how it is that two separate bodies in the State of New York exercise jurisdiction over this matter?

Mr. WADSWORTH. Yes, Mr. President. The Transit Commission of the State of New York has jurisdiction only inside the city of Greater New York. The public service commission has jurisdiction over transportation and its regulation over the remainder of the State. It is easily conceivable—in fact, it is inevitable—that much of this traffic going through the tunnel between New Jersey and New York will not have its termination, as it were, in the city of New York, but will go on into the State. So it is necessary to give the public service commission of the State jurisdiction over such traffic.

Mr. WALSH. Then, as I understand, the transit commission would have jurisdiction over part of it and the public service commission over the remaining part?

Mr. WADSWORTH. Yes, and these amendments are proposed at the earnest request of the chairman and members of the Public Service Commission of the State of New York.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WADSWORTH. Yes.

Mr. LENROOT. I take it that there would have to be unanimous action of all the bodies before there could be any effective action?

Mr. WADSWORTH. Certainly, if there were not unanimous action, the matter would go to the Interstate Commerce Commission.

Mr. REED of Pennsylvania. Mr. President, I might add there that it was stated to the Committee on Interstate Commerce that the transit commission would be merged with the public service commission before the tunnel was actually opened. We now discover that that will probably not be the case.

Mr. WADSWORTH. The Senator is correct.

Mr. REED of Pennsylvania. So the amendments of the Senator from New York are necessary.

Mr. COPELAND. Mr. President, will my colleague yield?

Mr. WADSWORTH. Certainly.

Mr. COPELAND. Is there any prospect that the port authority might have anything to say about this?

Mr. WADSWORTH. No. The port authority has no jurisdiction whatsoever of public transportation, but merely in relation to the development of the port, the matter of the construction of docks, and so forth.

Mr. COPELAND. Even though the building of tunnels and their use is concerned?

Mr. WADSWORTH. I do not think they could act in a public utility matter of this kind.

Mr. President, if the second amendment has been adopted, I desire to offer a third.

The PRESIDENT pro tempore. The second amendment proposed by the Senator from New York to the amendment reported by the committee has been agreed to.

Mr. WADSWORTH. Then, on page, 5, in line 22, after the word "upon," I move to insert the words "the Public Service Commission of the State of New York."

The PRESIDENT pro tempore. Without objection, the amendment to the amendment is agreed to.

Mr. PITTMAN and Mr. HOWELL addressed the Chair.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. PITTMAN. Mr. President, we were considering in the Committee on Interstate Commerce a general bill dealing with the control of passenger busses and also of trucks. There were a great many objectionable features in that bill, and I am trying to find out if some of them are in this measure. I do not have any objection, nor do I see any objection, to the public utilities commissions of New York and New Jersey or Pennsylvania and New Jersey regulating transportation through a tunnel or possibly over a bridge, but I find a great deal of objection to such regulation on public highways and streets. This bill seems to carry with it the right to control traffic running from the interior of New York to the interior of New Jersey through the tunnel, because it says—and this is the language I have in mind—

over any route in such States, a part or the whole of which route is through an interstate tunnel.

The Senator from New York is including another commission, which may control the traffic outside of the city of New York. Of course, if the words "a part" mean anything at all, or if the word "route" means anything at all, it means something that starts at Buffalo, for instance, and comes down across the State of New York and goes through that tunnel. If that be so, then the busses along that whole route can be controlled, and it seems to me that was the intention of the Senator's amendment. Why is it necessary to control the passage of busses over the public highways when all that need be done is to control them in the tunnel alone? Mind you, Mr. President, under this bill a man can not run a bus for hire; he can not run a taxicab for hire; he can not run an automobile for hire unless there is issued a certificate of public convenience and necessity. That is all right for traffic going through the tunnel, but it is not all right for traffic running from Buffalo across the State of New York into Jersey City.

Mr. REED of Pennsylvania. Mr. President, what this bill does is to retain in the States the control they now have over the busses running over their own highways. That is the reason it is put in that way. We did not want to limit their control over motor busses only to the small segment of the journey over the bridge or through the tunnel. We retain for them the same control over the use of their highways that they now have on an intrastate bus trip. It would not be right to let those busses run without regulation as far as the city of New York or the city of Jersey City are concerned. We retain that control in the States. I think what the Senator was apprehensive of in the bill that he speaks about was in putting control in Washington over the use of the local highways.

Mr. PITTMAN. Possibly. I have no objection to the States controlling the highway system within the States at all.

Mr. REED of Pennsylvania. But the Senator would object to having some commission here in Washington tell a man how he shall use the highways of Nevada.

Mr. PITTMAN. That is exactly what this bill does.

Mr. REED of Pennsylvania. No, sir; it does not; it does just the reverse of that.

Mr. PITTMAN. Because there is provided an appeal to the Interstate Commerce Commission provided the traffic crosses the line.

Mr. REED of Pennsylvania. That is because it is interstate commerce.

Mr. PITTMAN. Absolutely; it is interstate commerce. As a Member of Congress, however, I do not desire to give the Interstate Commerce Commission that control over buss lines.

Mr. REED of Pennsylvania. We have gone as far as we constitutionally can to keep local home control over these busses; and I hope the Senator will believe that we have done it because of the sentiment that he feels and that we felt there in the committee.

Mr. PITTMAN. As it deals only with three States, and I am not quite as much interested in those States as other Senators are, I am not going to raise the question; but, of course, when the other bill comes up, dealing with all the United States, I am going to raise the same question.

The PRESIDENT pro tempore. The question is on agreeing to the amendment, as amended.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to regulate interstate commerce by motor busses operating or to operate as common carriers of passengers for hire over routes, a part or the whole of which are through the interstate tunnel now being constructed under the Hudson River between the city of New York, State of New York, and the city of Jersey City, State of New Jersey, and over the interstate bridge now being constructed across the Delaware River between the city of Philadelphia, Commonwealth of Pennsylvania, and the city of Camden, State of New Jersey."

PROHIBITION OF USE OF WOODEN CARS

Mr. HARRIS. Mr. President, I ask unanimous consent to return to Order of Business 642, Senate bill 951, to promote the safety of passengers and employees upon railroads by prohibiting the use of wooden cars under certain circumstances. I think the clerks misunderstood the remark of the Senator from Texas [Mr. MAYFIELD]. He did not object to the consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. MAYFIELD. Mr. President, I want to say to the Senator from Georgia that I made no objection whatever to his bill. I have never objected to the consideration of any bill since I have been a Member of the Senate.

Mr. HARRIS. The clerks understood that the Senator from Texas did object.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request preferred by the Senator from Georgia to return to the consideration of Order of Business 642, Senate bill 951?

Mr. KING. Let the bill be stated.

The PRESIDENT pro tempore. The Secretary will state the title of the bill.

The CHIEF CLERK. A bill (S. 951) to promote the safety of passengers and employees upon railroads by prohibiting the use of wooden cars under certain circumstances.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That when used in this act the term "common carrier" means a common carrier subject to the interstate commerce act, as amended, engaged in the transportation of passengers.

SEC. 2. On and after 30 days after the passage of this act it shall be unlawful for a common carrier to use a car other than a steel or steel underframe car between steel cars or steel underframe cars, or in front of any steel car or steel underframe car, in any train used in whole or in part for the transportation of passengers.

SEC. 3. Any common carrier which violates the provisions of this act shall be liable to a penalty of not less than $100 nor more than $500 for each offense and $100 for each day of the continuance of the offense. Such penalty shall accrue to the United States and may be recovered in a civil suit brought by the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRENCH SPOLIATIONS

The bill (S. 62) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

DEPOSIT AND EXPENDITURE OF INDIAN MONEYS

Mr. HARRELD. Mr. President, I am informed by the Senator from Georgia [Mr. HARRIS] that he now withdraws his objection to the consideration of Senate bill 3929, Order of Business 643, and I should like to return to that bill.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request preferred by the Senator from Oklahoma?

Mr. KING. Let the bill be stated.

The PRESIDENT pro tempore. The bill will be read.

The Chief Clerk read the bill (S. 3929) to authorize the deposit and expenditure of various revenues of the Indian Service as Indian moneys, proceeds of labor.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oklahoma?

Mr. KING. Mr. President, I desire to ask the Senator if this is the bill to which some of the Indians made very serious objection? I was told by a number of them who waited upon me, representing various tribes, that there were several bills to which they objected very strenuously, one with respect to police regulations and the conferring of certain judicial power upon certain employees of the Government, and also some disposition made of the funds for educational purposes, transfers from one fund to the other.

Mr. HARRELD. Mr. President, I know of those objections. I do not think this is one of the bills to which they objected. Here is what this is:

As far back as 1883 Congress authorized the Interior Department to open the account known as "Indian moneys, proceeds of labor"; and from that time to this that account has been running there, and they have credited to that account moneys coming from the sale of cattle, moneys from the sale of this, that, and the other thing.

Recently the Comptroller General has raised a question as to whether or not they can properly charge to that account certain funds, and pay them out for the benefit of the tribes, as they have been doing since 1883. This bill is simply to authorize them to do just what they have been doing—to place those miscellaneous collections to the credit of any particular tribe under the head of "Indian moneys, proceeds of labor," and then to spend the money for the benefit of that particular tribe. It is just what they have been doing since 1883, as I say; but because of objections made by the Comptroller General they need this legislation to settle the difficulty.

Mr. KING. I should like to ask the Senator if the Indian tribes and their representatives approve of this bill?

Mr. HARRELD. I have never heard any objection to this bill from any source. This is a departmental bill, introduced by me at the request of the department, and I have not heard any objection from any source.

Mr. LENROOT. Mr. President, I should like to ask the Senator what becomes of these miscellaneous revenues now. Where do they go?

Mr. HARRELD. It seems that they carry an account of this sort with each tribe separately, and these miscellaneous collections are credited to that account; and they have for years been paying that out for the benefit of the tribe in a way authorized by Congress, I presume, or perhaps it was a small amount and was paid out on their own initiative. I am not sure about that.

Mr. LENROOT. Is there not any law that now requires the disposition of those revenues?

Mr. HARRELD. They have never thought there was any need for a law. These are only small amounts, just the odds and ends of collections on behalf of the tribe.

Mr. LENROOT. I supposed that we had some law that required some disposition of all revenues received from every source; and if there is such a law, this bill in its present form would not accomplish it.

Mr. HARRELD. I do not know about the form of it. I introduced the bill just in the form in which they asked me to introduce it.

Mr. LENROOT. The bill says:

Hereafter all miscellaneous revenues derived from Indian reservations, agencies, and schools, which are not required by existing law to be otherwise disposed of—

And so forth. If there is any law that requires any kind of disposition, there would be nothing to which this bill could apply.

Mr. HARRELD. As I understand, this is something like the account that almost every bank carries. It is just a place where they take care of the odds and ends of collections, small amounts. It does not usually run very high. They have always exercised the privilege of using this money in their discretion. This is simply to authorize a continuance of that course.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COLVILLE INDIAN RESERVATION

The bill (H. R. 9351) extending the period of time for homestead entries on the south half of the diminished Colville Indian Reservation was considered as in Committee of the Whole.

Mr. COPELAND. Mr. President, this is another Indian bill. Will some Senator make clear what this means?

Mr. JONES of Washington. Mr. President, certain lands known as the Colville Indian Reservation in the State of Washington were opened to settlement quite a number of years ago, and the time for filing homestead entries was limited to a period of five years. Then, in 1922, another bill was passed giving a further five years. That time has now expired, and unless we enact a provision of this kind the land that has not been taken up can not be entered.

Mr. COPELAND. The Senator thinks this will be a just piece of legislation, does he?

Mr. JONES of Washington. I do. The Secretary recommends it.

Mr. SMOOT. Mr. President, in the title of the bill the word "half" is misspelled "hahlf." I should like to have that corrected, and have the word spelled right.

The PRESIDENT pro tempore. The typographical correction will be made as requested.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT PUBLIC UTILITIES COMMISSION

The bill (S. 3403) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 24, after the word "same," to insert "*Provided*, That the amount expended by the commission in any valuation or rate case shall not exceed one-half of 1 per cent of the existing valuation of the company investigated, and that the amount expended in all other investigations shall not exceed one-tenth of 1 per cent of the existing valuation for any one company for any one year," so as to make the bill read:

Be it enacted, etc., That section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913 (37 U. S. Stat. p. 974), be amended by adding a new paragraph, No. 42a, to read as follows:

"Par. 42a. That the expenses of any investigation, valuation, revaluation, or proceeding of any nature made by the Public Utilities Commission of any public utility operating in the District of Columbia shall be borne by the public utility investigated, valued, revalued, or otherwise as a special franchise tax in addition to all other taxes imposed by law, and such expenses with 6 per cent interest may be charged to operating expenses and amortized over such period as the Public Utilities Commission shall deem proper and be allowed for in the rates to be charged by such utility. When any such investigation, valuation, revaluation, or other proceeding is begun the said Public Utilities Commission may call upon the utility in question for the deposit of such reasonable sum or sums as, in the opinion of said commission, it may deem necessary from time to time until the said proceeding is completed, the money so paid to be deposited in the Treasury of the United States to the credit of the appropriation account known as "Miscellaneous trust-fund deposit, District of Columbia" and to be disbursed in the manner provided for by law for other expenditures of the government of the District of Columbia, for such purposes as may be approved by the Public Utilities Commission. Any unexpended balance of such sum or sums so deposited shall be returned to the utility depositing the same: *Provided*, That the amount expended by the commission in any valuation or rate case shall not exceed one-half of 1 per cent of the existing valuation of the company investigated, and that the amount expended in all other investigations shall not exceed one-tenth of 1 per cent of the existing valuation for any one company for any one year.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TABLETS FOR REVOLUTIONARY BATTLE FIELD OF WHITE PLAINS, N. Y.

The bill (S. 3811) for the erection of tablets or markers upon the Revolutionary battle field of White Plains, State of New York, was announced as next in order.

Mr. WADSWORTH. Mr. President, this bill—Order of Business 661, Senate bill 3811—has been reported to the calendar unanimously by the Committee on Military Affairs. In the meantime the House of Representatives has passed House bill 3990, and upon its reception by the Senate it was referred to the Committee on the Library. The House bill is identical with the Senate bill, and I am quite sure that the provisions of either bill are quite unobjectionable. I therefore take the liberty of asking unanimous consent—and I do it with the knowledge that the chairman of the Committee on the Library is present here—that the Committee on the Library be discharged from the consideration of the House bill, in order that I may substitute the House bill for the Senate bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Committee on the Library is discharged from the further consideration of House bill 3990.

Mr. WADSWORTH. I now ask unanimous consent for the consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3990) for the erection of a monument upon the Revolutionary battle field of White Plains, State of New York.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 3811 will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 3701) for the relief of David McD. Shearer was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

IRRIGATION DAM, WALKER RIVER, NEV.

The bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev., was announced as next in order.

Mr. SMOOT. Mr. President, there is no report upon this bill. I will ask that it go over, too.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. ODDIE. Mr. President, I will ask the Senator from Utah if he will withdraw the objection until I make a statement in regard to the bill?

Mr. SMOOT. Yes; I will withdraw the objection temporarily.

Mr. ODDIE. Mr. President, I have introduced an amendment which is a substitute for the bill. The Department of the Interior has reported favorably on this authorization for an appropriation. It is a most worthy cause, Mr. President.

This bill provides an authorization for an appropriation for a small dam in the Walker River district in Nevada. The white settlers came to this district in 1860, a few of them before that. There are hundreds of settlers in the district. They went on the land in good faith. They acquired their titles to the land from the Government under homestead entries and desert-land entries. Before they received their patents from the Government for these lands they were compelled to prove their water rights, which they did. On proving those water rights to the satisfaction of the Interior Department the patents were issued and the Government accepted their money for the patents. They have been in peaceable possession for over 60 years and have built several hundred miles of canals and ditches. Their improvements amount to over $15,000,000.

The annual production of the district is about $2,000,000. In the last year or two, two storage reservoirs have been built by the people in the district. They have called on the Government for no money at all. They have bonded the district for about a million dollars, and have built these reservoirs themselves from the proceeds of the sale of the bonds. They have a capacity of about 92,000 acre-feet.

In this district there are 60 miles of railroad, seven towns and communities, six churches, two flour mills, a creamery, and two banks with combined assets of more than a million and a quarter dollars. The production of the district consists of beef cattle, dairy cattle, horses, sheep, hogs, poultry,

hides, wool, butter, honey, alfalfa hay, alfalfa seed, grain, and potatoes. The lands are in the State of California and in the State of Nevada, about 70,000 acres in Nevada under cultivation, and about 38,000 acres in the State of California.

There is an Indian reservation below these lands of the white settlers. The extra water that has been stored in the last year or so in the reservoirs that have been built will furnish more water to the lands in the Indian reservation than they had before, because of the return flow and the conservation of the flood waters.

In the last year or so the Department of the Interior has brought suit against every one of the white settlers along this river in the State of Nevada and in the State of California. Mr. President, for the Government to bring suit against all of the white settlers is a blow which those settlers can not stand, and which they should not be compelled to stand. It is ruinous, unjust, and un-American. Our Government has recognized the water rights of these white settlers. One branch of the Department of the Interior has granted patents to these lands. It has accepted the money from these settlers for these patents. It has recognized the water rights that belong to these patented lands. Now, after 60 years of peaceable possession by these white settlers, another bureau of the Department of the Interior, the Indian Bureau, brings suit against all those white settlers on the ground that they have no water-rights, that the Indians' rights antedated theirs in 1859.

Mr. President, this bill will end all of that trouble. It authorizes a small appropriation for an investigation of conditions in connection with the building of this proposed dam.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. ODDIE. I yield.

Mr. SHORTRIDGE. Has the Senator offered an amendment to the bill?

Mr. ODDIE. Yes; the amendment is on the desk, and I should like to call it up.

Mr. SHORTRIDGE. I think if the Senator should offer that amendment and briefly explain it, there would be no objection to the bill.

Mr. ODDIE. I will ask that the amendment be read.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. The amendment is to strike out all after the enacting clause and to insert the following:

For constructing a dam in Schurz Canyon, on the Walker River, State of Nevada, to provide water for the irrigation of lands allotted to Indians on the Walker River Indian Reservation, Nev., including reconnaissance work in said canyon to determine to what extent the water supply of the river can be augmented and conserved by the impounding of its said waters, and to determine if there is a feasible reservoir site, or sites, available for the storage of such waters, and for construction of the necessary dam, or dams, and appurtenant structures, and for the purchase and acquisition of necessary lands and rights of way in connection with the construction of the dam and appurtenant structures. For the above-named purposes an appropriation of $175,000 is hereby authorized, of which sum $10,000 shall be used for the reconnaissance work herein referred to.

SEC. 2. That upon the passage of this act all proceedings, legal or otherwise, on the part of the Federal Government affecting the water rights of water users of said river shall forthwith be suspended, and if and when the project be found feasible shall be dismissed.

Mr. ODDIE. I hope that with this explanation the Senator from Utah will understand the situation.

Mr. SMOOT. What has been read at the desk is the bill itself.

The PRESIDENT pro tempore. This is the amendment proposed by the committee.

Mr. SHORTRIDGE. Striking out all after the enacting clause, and substituting——

The PRESIDENT pro tempore. Substituting the language just read.

Mr. SHORTRIDGE. It does not authorize an appropriation?

Mr. SMOOT. It is an authorization.

The PRESIDENT pro tempore. It authorizes the appropriation of $175,000.

Mr. SHORTRIDGE. I understood that it provided for a survey.

SEVERAL SENATORS. Regular order!

The PRESIDENT pro tempore. The regular order is demanded, and the bill will go over.

CITIZENSHIP FOR INHABITANTS OF THE VIRGIN ISLANDS

The bill (S. 2770) to confer United States citizenship upon certain inhabitants of the Virgin Islands and to extend the naturalization laws thereto was announced as next in order.

Mr. McKELLAR. Let that go over.

Mr. WILLIS. Mr. President, I trust the Senator will withdraw his objection.

Mr. McKELLAR. I understand that another committee has a similar bill before it.

Mr. WILLIS. The Senator is mistaken.

Mr. McKELLAR. As I understand it, this bill gives citizenship to all the inhabitants of the Virgin Islands.

Mr. WILLIS. Not to all of them, but to certain of them.

Mr. McKELLAR. To practically all of them. I do not think it is wise to do that. We certainly ought to look into it very carefully, further than we could now, and I ask that the bill may go over.

Mr. WILLIS. I trust the Senator will permit me to make a brief explanation.

Mr. McKELLAR. Certainly.

Mr. WILLIS. The Senator is laboring under a misapprehension in one respect. I chance to be a member of both the committees to which he has referred. This bill was fully considered by the Committee on Immigration, to which it very properly belongs.

The situation with reference to the inhabitants of these islands is particularly unfortunate, so far as citizenship is concerned. They came into the United States with great enthusiasm in 1917. They are now, so to speak, people without a country. They are not citizens of the United States or of Denmark, or of any place, and the purpose of this bill is, under very carefully prepared restrictions, to grant them citizenship.

I can not believe any Senator desires that any considerable number of people under the aegis of American protection shall be without American citizenship. This bill proposes to grant them citizenship. It does not change the government of the Virgin Islands of the United States but merely extends the citizenship. I trust the Senator will withdraw his objection.

Mr. McKELLAR. I will ask that is go over for to-night anyway.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. WILLIS. I ask unanimous consent to have printed in the RECORD as a part of my remarks the committee report, for the information of Senators.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CITIZENSHIP FOR THE INHABITANTS OF THE VIRGIN ISLANDS

Mr. WILLIS, from the Committee on Immigration, submitted the following report (to accompany S. 2770):

The Committee on Immigration, to which was referred the bill S. 2770, having considered the same, report favorably thereon with the recommendation that the bill do pass.

A convention between the United States of America and Denmark, providing for the cession to the United States of all territory owned or claimed by Denmark in the West Indies, including the islands of St. Thomas, St. John, St. Croix, and certain smaller adjacent islands, was concluded and signed by plenipotentiaries of the respective powers on the 4th day of August, 1916.

Article 6 of this convention relates to the citizenship of the inhabitants of these islands, and is as follows:

"Danish citizens residing in said islands may remain therein or may remove therefrom at will, retaining in either event all their rights of property, including the right to sell or dispose of such property or its proceeds. In case they remain in the islands, they shall continue until otherwise provided to enjoy all the private, municipal, and religious rights and liberties secured to them by the laws now in force. If the present laws are altered, the said inhabitants shall not thereby be placed in a less favorable position in respect to the above-mentioned rights and liberties than they now enjoy. Those who remain in the islands may preserve their citizenship in Denmark by making before a court of record, within one year from the date of the exchange of ratifications of this convention, a declaration of their decision to preserve such citizenship; in default of which declaration they shall be held to have renounced it and to have accepted citizenship in the United States; for children under 18 years the said declaration may be made by their parents or guardians. Such election of Danish citizenship shall, however, not, after the lapse of the said term of one year, be a bar to their renunciation of their preserved Danish citizenship and their election of citizenship in the United States and admission to the nationality thereof on the same terms as may be provided according to the laws of the United States for other inhabitants of the islands.

"The civil rights and the political status of the inhabitants of the islands shall be determined by the Congress, subject to the stipulations contained in the present convention.

"Danish citizens not residing in the islands but owning property therein at the time of the cession shall retain their rights of property, including the right to sell or dispose of such property, being placed in this regard on the same basis as the Danish citizens residing in the

islands and remaining therein or removing therefrom, to whom the first paragraph of this article relates."

It will be observed that this convention left in a somewhat vague situation the status of inhabitants of the Virgin Islands of the United States. Evidently legislative action by the Congress of the United States was contemplated by the framers of this convention and certainly by the people of the Virgin Islands.

These people welcomed the coming of the United States and never entertained a thought that theirs should become a no man's land and that they themselves should be placed in a status of doubtful citizenship. Unfortunately, the organic act of 1917, passed in time of world stress and excitement, gave but scant attention to the rights of the islanders. It provided what was expected to be only a temporary form of government, suited to the needs of the hour, and did not undertake to define the citizenship status of the inhabitants of the Virgin Islands of the United States. Almost a decade has passed and nothing further has been done in this matter. In the pressure of other matters the needs of the Virgin Islands have been overlooked. Their people are patriotic, industrious, and patient. They have a right to expect that their needs will not be overlooked by Congress and that they will at least not be forgotten by the great Nation of which they are a part.

Your committee, after careful consideration of the subject, is of the opinion that the least that can be done at the present time is to clarify and define by appropriate legislation the citizenship status of the inhabitants of the Virgin Islands of the United States, so that they with greater assurance may proceed on the path of progress, which it is hoped will lead to better and freer government and more satisfactory economic conditions in the islands.

With this object in view, the passage of S. 2770 is recommended.

Section 1 provides that all former Danish citizens who have continued to reside in the Virgin Islands or in the United States and who did not preserve their Danish citizenship under the terms of article 6 of the convention, and also all natives of the islands who were temporarily absent at the time of the cession and who have since returned and now reside in the islands, and their children born subsequent to the date of transfer of sovereignty from Denmark to the United States, shall be citizens of the United States.

Section 2 provides for a special mode of naturalization for those who were absent from the islands and have received an honorable discharge from the military or naval forces of the United States.

Section 3 provides for persons hereafter born in the Virgin Islands of the United States. The rule of citizenship already provided in the fourteenth amendment to the Constitution of the United States.

Section 4 provides that the District Court of the United States for Porto Rico shall have jurisdiction for the naturalization of aliens residing in the Virgin Islands of the United States.

The enactment of this legislation is an act of justice to these people, who will thus be given fresh courage for the larger problems crying for solution and renewed confidence in the great Nation of which they were glad to become a part.

PRINTING OF THE CONSTITUTION AND DECLARATION OF INDEPENDENCE

The concurrent resolution (S. Con. Res. 12) to provide for the printing of the Constitution of the United States, as amended to April 15, 1926, together with the Declaration of Independence, as a Senate document was announced as next in order and was considered.

The concurrent resolution had been reported from the Committee on Printing with amendments, on page 1, line 5, before the word "index," to insert the word "an"; after the word "index," to insert a comma and the words "in such form as may be directed by the Committee on Printing," so as to make the concurrent resolution read:

Resolved, etc., That the Constitution of the United States as amended up to April 15, 1926, together with the Declaration of Independence, be printed as a Senate document, with an index in such form as may be directed by the Joint Committee on Printing, and that 3,500 additional copies be printed, of which 1,000 copies shall be for the use of the Senate and 2,500 copies for the use of the House of Representatives.

The amendments were agreed to.

The concurrent resolution was agreed to.

LOWER COLORADO RIVER BASIN

The bill (S. 3331) to provide for the protection and development of the lower Colorado River Basin was announced as next in order.

Mr. ASHURST. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

DETROIT MARINE HOSPITAL RESERVATION

The bill (S. 3738) to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the "Act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality, and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924, be amended to read as follows:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to transfer to the Department of Commerce for lighthouse purposes that portion of the United States marine hospital reservation at Detroit, Mich., together with the improvements thereon, described as follows: Beginning at the northwest corner of the present marine hospital reservation, on Jefferson Avenue, and running thence in a northeasterly direction along the southerly side of said Jefferson Avenue, 55 feet to a point; thence in a southeasterly direction 150 feet to a point; thence southwesterly a distance of 55 feet to a point in the westerly boundary line of said marine hospital site; and thence with said westerly boundary line in a northwesterly direction a distance 150 feet to the place of beginning.

SEC. 2. The Secretary of the Treasury is also authorized and directed to transfer from the Treasury Department to the Department of Commerce, for a lighthouse depot, all of the unused portion of the United States post-office and courthouse property at Key West, Fla., now in use for lighthouse purposes. And the Secretary of the Treasury is further authorized and directed, upon completion and occupancy of the new Federal building upon the site heretofore acquired for the purpose at Key West, Fla., to transfer the old Federal building and site thereof to the Department of Commerce for the use of the Lighthouse Service, which site is described as follows: Commencing at the corner of the post-office site at the intersection of Front Street and the projection of the northerly line of Greene Street; running thence in a northerly direction with the west line of Front Street a distance of approximately 101.5 feet to a point; thence in a northwesterly direction a distance of approximately 77 feet, to the corner of the Treasury Department iron fence between the said post-office site and the navy depot; thence with a line of said iron fence in a southwesterly direction a distance of approximately 44 feet to the north wall of said post-office building; thence with the line of said north wall of the post-office building in a westerly direction a distance of approximately 22 feet to the Treasury Department iron fence; thence in a northwesterly direction along the line of said fence, following a curve having a radius of approximately 23.2 feet, a distance of approximately 24.2 feet to a point; thence following the line of said iron fence in a westerly direction a distance of approximately 17 feet to a point; thence along the line of said fence in a northwesterly direction a distance of approximately 5 feet to a point; thence along the line of said fence in a westerly direction a distance of approximately 53 feet to a point; thence in a southerly direction following a line parallel with the west line of Front Street, a distance of 150 feet to a point; thence in an easterly direction following a line parallel to and approximately 15 feet distant from the north line of the lighthouse blacksmith shop, a distance of 15 feet to a point; thence in a southerly direction along a line parallel with the west line of Front Street, a distance of approximately 95 feet to a point in the projection of the north line of Greene Street; thence in a northeasterly direction along the said projected north line of Greene Street a distance of approximately 203 feet to the point of beginning.

SEC. 3. That the Secretary of Commerce be, and he hereby is, authorized and directed to transfer to the Treasury Department, in exchange for the unused portion of the United States post office and courthouse property at Key West, Fla., and that portion of the marine hospital reservation at Detroit, Mich., hereinbefore referred to, for a new marine-hospital site, a tract of approximately 5½ acres at Windmill Point, Detroit, Mich., including submerged land, now being used for lighthouse purposes, reserving sites for aids to navigation and the necessary rights of way in such locations as the Commissioner of Lighthouses may select.

SEC. 4. The proceeds derived from the sale of the remainder of the present United States marine hospital reservation at Detroit, Mich., is hereby made available for the construction of buildings on the so-called Windmill Point site when transferred as above provided.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JUDICIAL DISTRICTS OF TENNESSEE

The bill (H. R. 5006) to detach Hickman County from the Nashville division of the middle judicial district of the State of Tennessee and attach the same to the Columbia division of the middle judicial district of said State was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEDAL IN MEMORY OF HENRY W. LONGFELLOW

The bill (S. 4018) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the poet Henry W. Longfellow was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That a medal with appropriate devices, emblems, and inscriptions, commemorative of the poet Henry W. Longfellow, shall be prepared under the direction of the Secretary of the Treasury at the United States mint at Philadelphia. The medal herein authorized shall be manufactured subject to the provisions of section 52 of the coinage act of 1873, from suitable models to be supplied by the International Longfellow Society, and the medal so prepared shall be delivered at the Philadelphia Mint to a designated agent of the said International Longfellow Society in such numbers as they may require, not to exceed 500,000, upon payment of the total cost thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINNESOTA NATIONAL FOREST

The bill (H. R. 292) to authorize the Secretary of Agriculture to acquire and maintain dams in the Minnesota National Forest needed for the proper administration of the Government land and timber, was announced as next in order.

Mr. KING. I would like to have some explanation of the bill.

Mr. SHIPSTEAD. Mr. President, I will be very glad to make an explanation. The Government of the United States bought an island in Cass Lake, Minn., containing a large tract of fine timber. They bought altogether 10 sections. They have many hundred million feet of timber in a national forest there in charge of the Forest Service.

The intention is to cut the timber as it matures, but to cut it scientifically, and preserve the forest as a national forest.

In order to transport that timber, as the water is low at certain stages when they want to float it, this dam is necessary. Some years ago a private lumber company had a dam at this place, but they have abandoned the dam. The dam is washing away and the Government can not transport its timber at the time of the year when it is necessary to transport it. The bill simply provides that they may construct a dam to raise the water for the purpose of transporting that timber.

Mr. KING. Did the Government of the United States go into the State of Minnesota and buy a large area of cut-over land?

Mr. SHIPSTEAD. No; they bought a large area of virgin timber from the Indians and made a national forest out of it. Several hundred million feet of that timber is on an island in the lake.

Mr. KING. This is for the purpose of making proper disposition of such timber as the Government may not require?

Mr. SHIPSTEAD. Yes. The bill has the approval of the Department of the Interior.

Mr. KING. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 2, line 1, after the word "section," to strike out "1" and insert in lieu thereof "21," so as to make the bill read:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to accept, on behalf of the United States, title to a dam and appurtenances thereto constructed and hitherto maintained under authority of law by the J. Neils Lumber Co. at the outlet of Cass Lake in the State of Minnesota, together with the right of way for the abutment of said dam on lot 2, section 21, township 146 north, range 30 west, fifth principal meridian, and the flowage rights thereon, and to thereafter maintain or reconstruct said dam in good and serviceable condition: *Provided*, That when Lake Winibigoshish is at such a level as to hold Cass Lake at a level of 2.5 feet or more on the Cass Lake gauge enough of the dam shall be removed or kept open to permit the passage of boats and logs.

SEC. 2. That if the maintenance of the dam by the United States as provided in section 1 hereof shall cause any lands in private ownership to be submerged and damaged the Secretary of Agriculture may, in his discretion, acquire title to said lands so submerged by purchase under the provisions of sections 7 and 8 of the act of March 1, 1911 (36 Stat. L. p. 961), or in lieu of such purchase may compensate the owners of said submerged lands for all damages sustained by reason of said submergence upon proper showing of proof that said damages are due exclusively to the maintenance of the dam as authorized herein.

SEC. 3. That to carry out the purposes of this act there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, for expenditure during the fiscal year ending June 30, 1927, the sum of $5,000 and annual appropriations of like sums to carry out the purposes of this act during ensuing years are hereby authorized.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ALTUS (OKLA.) RESERVOIR

The bill (H. R. 9559) granting certain public lands to the city of Altus, Okla., for reservoir and incidental purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOREIGN FIELD SERVICE

The bill (S. 3473) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

COLUMBIA RIVER BRIDGE, OREGON

The bill (S. 3804) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct, maintain, and operate a bridge across the Columbia River between Longview, Wash., and Ranier, Oreg., was announced as next in order.

Mr. McNARY. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

TOLLS OVER INTERSTATE BRIDGES

The bill (S. 3889) to amend the interstate commerce act, as amended, in respect of tolls over certain interstate bridges, was announced as next in order.

Mr. KING. Mr. President, there is a very important question involved in connection with this bill, and I should like to have some explanation in regard to it.

Mr. MAYFIELD. Mr. President, I will say that under the law——

Mr. KING. Does the Senator desire to have the bill taken up?

Mr. MAYFIELD. No; I will ask that it go over, without prejudice.

Mr. BINGHAM. Mr. President, if the Senator would not object, I should like to move that the bill be referred to the Committee on Commerce. As a matter of fact, it establishes quite a new principle in connection with toll bridges, and places under the Interstate Commerce Commission the regulation of such bridges.

Mr. MAYFIELD. I hope the Senator will not make that motion. I intend to prepare an amendment to the bill similar to that presented by the Senator from New York [Mr. WADSWORTH] to a bill which was passed this evening, making this a local bill.

The PRESIDENT pro tempore. Under objection, the bill will be passed over.

NECHES RIVER DAM, TEXAS

The bill (S. 3768) granting the consent for the construction of dam or dams in Neches River, Tex., was considered as in Committee of the Whole.

Mr. SHEPPARD. I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The clerk will state the amendment.

The amendment was to strike out all after the enacting clause, and in lieu thereof to insert the following:

That the consent of Congress is hereby granted to the Neches Canal Co., Beaumont Irrigating Co., the city of Beaumont, Tex., and the city of Port Arthur, Tex., or any two or more of them jointly, to construct a dam or dams across the Neches River at points suitable to the interests of navigation above the city of Beaumont, Tex.: *Provided*, That the work on such dams shall not be commenced until the plans therefor have been filed with and approved by the Secretary of War and the Chief of Engineers of the United States Army.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. KING. Is that work to be conducted by the Government? Does it involve any Government expense?

Mr. SHEPPARD. It involves no expense to the Government. It authorizes local interests to construct a dam or

dams in the Neches River to protect the water supply of the cities of Port Arthur and Beaumont, Tex.

Mr. LENROOT. Is there any power involved?

Mr. SHEPPARD. There is not.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress for the construction of a dam or dams in Neches River, Tex."

RUSSIAN RAILWAY SERVICE CORPS

The bill (S. 1921) to give military status and discharges to the members of the Russian Railway Service Corps, organized by the War Department under authority of the President of the United States for service during the war with Germany, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 4, to strike out the words "article 4 of the war risk 'nsurance act" and insert in lieu thereof "Title III of the World War veterans' act, 1924," so as to make the bill read:

Be it enacted etc., That the officers appointed by the President, and who served honorably during the war with Germany on and after April 6, 1917, in the Russian Railway Service Corps, organized by the War Department under authority of the President of the United States, shall have as to such service the status of commissioned officers in the military forces of the United States with rank corresponding to that designated in the President's appointment, and shall receive a full and honorable discharge from the military service of the United States, and shall be entitled to make application for insurance under Title III of the World War veterans' act, 1924, if such application is made within 120 days from the approval of this act.

The amendment was agreed to.

Mr. KING. I would like to ask the Senator to make an explanation, and in the explanation state the number who would be affected by the bill, the probable cost to the Government, and, generally, the purpose of the bill.

Mr. LENROOT. Mr. President, I am sorry that I can not state the number involved. I do not now recollect. But a similar bill has passed the Senate three times. At the last session it passed the Senate and was favorably reported by the Military Affairs Committee of the House.

The situation is that during the war, the War Department organized what was known as the Russian Railway Service Corps. Officers were appointed by the President of the United States, and given commissions. They performed as hazardous a service as anyone engaged in the war, but they were without a legal military status. They did not receive honorable discharges, and the only purpose of this bill is to enable them to receive honorable discharges, and to apply for insurance under the insurance act.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISBURSING OFFICERS OF THE ARMY, NAVY, AND MARINE CORPS

Mr. KING. Mr. President, I would like to have the question which I asked the Senator from New York, and which was sotto voce on my part and probably on his part, go in the RECORD in connection with the bill. I asked the Senator from New York whether the bill to which the Senator from Wisconsin then referred gave retirement privileges.

Mr. WADSWORTH. Oh, not at all. It does not make them officers of the Army in that respect.

Mr. KING. There is no pensionable status or anything of that nature?

Mr. WADSWORTH. Yes; it puts these men on the same status as emergency officers who served in the World War in the Army proper. These men served in a military status in Siberia under orders from American Army officers. They were recruited by our State Department after consultation with the old Russian Government. They were requested to go over there and run their railroads. These men came in violent contact with very difficult conditions, Bolshevik uprisings, the rescue of the Czechoslovakian armies, bringing them back to Vladivostok, and serving with the Allies. They did not hold a military status under the laws governing the Army of the United States; that is all.

Mr. KING. I thank the Senator.

The bill (S. 1485) to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 4, after the word "deputy," to insert a colon and the words "*Provided*, That every deputy so designated for a disbursing officer who is bonded shall, if not already under bond, give bond as required by the head of the department concerned," so as to make the bill read:

Be it enacted, etc., That when, in the opinion of the Secretary of War or the Secretary of the Navy, the exigencies of the service so require, disbursing officers of the Army, Navy, and Marine Corps may, with the approval of the head of their executive department and the consent of their surety or sureties, if any, designate deputies for the purpose of having them make disbursements as their agents, sign checks drawn against their disbursing accounts with the Treasurer of the United States, and discharge all other duties required according to law or regulation to be performed by such disbursing officers, and the agent officer shall be subject, for his official misconduct, to all liabilities and penalties prescribed by law in like cases for the officer for whom he acts as deputy: *Provided*, That every deputy so designated for a disbursing officer who is bonded shall, if not already under bond, give bond as required by the head of the department concerned.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES MILITARY ACADEMY

The bill (S. 2039) to establish a department of economics, government, and history at the United States Military Academy at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes," was announced as next in order.

Mr. WADSWORTH. Mr. President, the House of Representatives has passed a bill identical with this one, the bill (H. R. 4547) bearing the same title as the Senate bill. It is on the Senate Calendar later on. I ask unanimous consent that the Senate proceed to consider the House bill.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Is there objection to the request of the Senator from New York that the House bill be substituted for the Senate bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4547) to establish a department of economics, government, and history at the United States Military Academy, at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes."

Mr. KING. Mr. President, will the Senator explain the bill?

Mr. WADSWORTH. There will be no additional cost for two or three years until we reach the Army appropriation bill that carries the item for the purchase of textbooks for the use of the department of economics, government, and history at West Point. When the curriculum at West Point was changed and restored to four years, that department was established by regulation and a professor was assigned to it. However, so strict is the Congress with respect to the curriculum at West Point that every department there must be solemnly authorized by act of Congress. The course has never yet been authorized by suitable legislation for the teaching of economics, history, and government. The bill is to make that professor's job a legal job.

Mr. HARRIS. Mr. President, I desire to offer an amendment to the bill to be added as a new section.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. At the proper place in the bill insert the following:

That the number of cadets now authorized by law at the United States Military Academy, and the number of midshipmen now authorized by law at the United States Naval Academy, are each hereby increased by 40 from the United States at large, to be appointed by the President from among the sons of officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps of the United States who were killed in action or died prior to July 2, 1921, of wounds or injuries received, or disease contracted in line of duty during the World War.

Mr. HARRIS. Mr. President, the amendment provides that the President may name 10 cadets to the Naval Academy and 10 cadets to the Military Academy each year for four years from among the sons of men who were killed in action or who died from wounds during the World War. The Superintendent of the Military Academy reports that he can take care of these boys without any additional expense except for food and clothing, and the same is true at the Naval Academy. The Army every year requires more new second lieutenants than are graduated from the Military Academy. The Navy and Marine Corps have need of more than this number of additional cadets. The amendment simply gives to the sons of men who were killed this additional opportunity. We do less for the boy whose father was killed than we do for the man who was not injured in any way. This amendment allows the President to make these appointments.

The PRESIDING OFFICER. The Chair would ask whether the amendment as proposed is similar to Order of Business 794, Senate bill 3712?

Mr. HARRIS. It is; and the Committee on Military Affairs unanimously recommended it.

Mr. WADSWORTH. That is true.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection Senate bill 3712, calendar No. 794, will be indefinitely postponed.

AMENDMENT OF NATIONAL DEFENSE ACT

The bill (S. 2912) to further amend section 125 of the national defense act of June 3, 1916, as amended, was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment on page 1, line 12, to strike out the period and quotation marks and insert in lieu thereof a colon and quotation marks, so as to make the bill read:

Be it enacted, etc., That section 125 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, further amended so that the first proviso contained in the second paragraph of that section will read as follows:

"*Provided*, That hereafter upon the discharge or furlough to the Reserve of an enlisted man all uniform outer clothing then in his possession, except such articles as he may be permitted to wear from the place of termination of his active service to his home as authorized by this section, will be retained for military use:"

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON-ALASKA MILITARY CABLE AND TELEGRAPH SYSTEM

The bill (S. 3080) to authorize the payment of expenses of the Washington-Alaska military cable and telegraph system out of receipts of such system as an operating expense was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That hereafter such amount of money as may be authorized by the Secretary of War may be withheld temporarily from the receipts of the Washington-Alaska military cable and telegraph system by the auditor of said system as a working balance from which to make payments of money transfers from and to Alaska and between points within Alaska, to be accounted for accordingly; and the expenses of procuring necessary official bonds, as determined by the Secretary of War, of enlisted men employed in connection with such money transfers, shall be paid out of the receipts of such system as an operating expense.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STANDARDS FOR HAMPERS, ETC.

The bill (S. 3926) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the standard hampers and round-stave baskets for fruits and vegetables shall be of the following capacities: One-eighth bushel, one-fourth bushel, one-half bushel, three-fourths bushel, 1 bushel, 1¼ bushels, and 2 bushels, which, respectively, shall be of the cubic content set forth in this section. For the purposes of this act a bushel, standard dry measure, has a capacity of 2,150.42 cubic inches.

(a) The standard one-eighth-bushel hamper or round-stave basket shall contain 268.8 cubic inches.

(b) The standard one-fourth-bushel hamper or round-stave basket shall contain 537.6 cubic inches.

(c) The standard one-half-bushel hamper or round-stave basket shall contain 1,075.21 cubic inches.

(d) The standard three-fourths-bushel hamper or round-stave basket shall contain 1,612.8 cubic inches.

(e) The standard 1-bushel hamper or round-stave basket shall contain 2,150.42 cubic inches.

(f) The standard 1¼-bushel hamper or round-stave basket shall contain 3,225.63 cubic inches.

(g) The standard 2-bushel hamper or round-stave basket shall contain 4,300.84 cubic inches.

SEC. 2. That the standard splint baskets for fruits and vegetables shall be the 4-quart basket, 8-quart basket, 12-quart basket, 16-quart basket, 24-quart basket, and 32-quart basket, standard dry measure. For the purposes of this act a quart standard dry measure has a capacity of 67.2 cubic inches.

(a) The 4-quart splint basket shall contain 268.8 cubic inches.

(b) The 8-quart splint basket shall contain 537.6 cubic inches.

(c) The 12-quart splint basket shall contain 806.4 cubic inches.

(d) The 16-quart splint basket shall contain 1,075.21 cubic inches.

(e) The 24-quart splint basket shall contain 1,612.8 cubic inches.

(f) The 32-quart splint basket shall contain 2,150.42 cubic inches.

SEC. 3. That the Secretary of Agriculture shall in his regulations under this act prescribe such tolerances as he may find necessary to allow in the capacities for hampers, round stave baskets, and splint baskets set forth in sections 1 and 2 of this act in order to provide for reasonable variations occurring in the course of manufacturing and handling. If a cover be used upon any hamper or basket mentioned in this act, it shall be securely fastened or attached in such a manner, subject to the regulations of the Secretary of Agriculture, as not to reduce the capacity of such hamper or basket below that prescribed therefor.

SEC. 4. That no manufacturer shall manufacture hampers, round stave baskets, or splint baskets for fruits and vegetables unless the dimension specifications for such hampers, round stave baskets, or splint baskets shall have been submitted to and approved by the Secretary of Agriculture, who is hereby directed to approve such specifications if he finds that hampers, round stave baskets, or splint baskets for fruits and vegetables made in accordance therewith would not be deceptive in appearance and would comply with the provisions of sections 1 and 2 of this act.

SEC. 5. That it shall be unlawful to manufacture for sale or shipment, to offer for sale, to sell, to offer for shipment, to ship, or to import or cause to be imported into the continental United States, hampers, round stave baskets, or splint baskets for fruits or vegetables, either filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets that do not comply with this act: *Provided*, That this act shall not apply to Climax baskets, berry boxes, and till baskets which comply with the provisions of the act approved August 31, 1916, entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for basketes and other containers for small fruits, berries, and vegetables, and for other purposes" (39 U. S. Stat. L. p. 673), and the regulations thereunder. Any individual, partnership, association, or corporation that willfully violates this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $500: *Provided further*, That no person shall be prosecuted under the provision of this act when he can establish a guaranty signed by the manufacturer, wholesaler, shipper, or other party residing within the United States from whom the hampers, round stave baskets, or splint baskets, as defined in this act, were purchased, to the effect that said hampers, round stave baskets, or splint baskets are correct, within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of the hampers, round stave baskets, or splint baskets to such person, and in such case such party or parties making such sale shall be amenable to the prosecution, fines, and other penalties which would attach in due course under the provisions of this act to the person who made the purchase.

SEC. 6. That any hamper, round stave baskets, or splint basket for fruits or vegetables, whether filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets not complying with this act, which shall be manufactured for sale or shipment, offered for sale, sold, shipped, or imported, may be proceeded against in any district court of the United States within the district where the same shall be found and may be seized for confiscation by a process of libel for condemnation. Upon request the person entitled shall be permitted to retain or take possession of the contents of such hampers or baskets, but in the absence of such request, or when the perishable nature of such contents makes such action immediately necessary the same shall be disposed of by destruction or sale, as the court or a judge thereof may direct. If such hampers, round stave baskets, splint baskets, or parts thereof be found in such proceeding to be contrary to this act, the same shall be

disposed of by destruction, except that the court may by order direct that such hampers, baskets, or parts thereof be returned to the owner thereof or sold upon the payment of the costs of such proceeding and the execution and delivery of a good and sufficient bond to the effect that such hampers, baskets, or parts thereof shall not be sold or used contrary to law. The proceeds of any sale under this section, less legal costs and charges, shall be paid over to the person entitled thereto. The proceedings in such seizure cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such cases, and all such proceedings shall be at the suit and in the name of the United States.

SEC. 7. That this act shall not prohibit the manufacture for sale or shipment, offer for sale, sale, or shipment of hampers, round stave baskets, splint baskets, or parts thereof, to any foreign country in accordance with the specifications of a foreign consignee or customer not contrary to the law of such foreign country; nor shall this act prevent the manufacture or use of banana hampers of the shape and character now in commercial use as shipping containers for bananas.

SEC. 8. That it shall be the duty of each United States district attorney to whom satisfactory evidence of any violation of this act is presented to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States in his district for the enforcement of the provisions of this act.

SEC. 9. That the Secretary of Agriculture shall prescribe such regulations as he may find necessary for carrying into effect the provisions of this act, and shall cause such examinations and tests to be made as may be necessary in order to determine whether hampers, round stave baskets, and split baskets, or parts thereof, subject to this act, meet its requirements, and may take samples of such hampers, baskets, or parts thereof, the cost of which samples, upon request, shall be paid to the person entitled.

SEC. 10. That for carrying out the purposes of this act the Secretary of Agriculture is authorized to cooperate with State, county, and municipal authorities, manufacturers, dealers, and shippers, to employ such persons and means, and to pay such expenses, including rent, printing publications, and the purchase of supplies and equipment in the District of Columbia and elsewhere, as he shall find to be necessary, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes.

SEC. 11. That sections 5 and 6 of this act shall become effective at but not before the expiration of one year following the 1st day of November next succeeding the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARIA MAYKOVICA

The bill (S. 2525) for the relief of Maria Maykovica was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$10,000" and to insert in lieu thereof "$5,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $5,000 to compensate Maria Maykovica, a widow without children, for permanent bodily injuries received and sustained by her on the evening of September 23, 1923, when she was struck by an Army truck as she was crossing Barracks Road, about two blocks south of Mannon's Park, St. Louis County, Mo. The injuries sustained included compound fracture of the right leg, entire left arm lacerated, breaking of several ribs, etc., and was caused by negligence of United States soldiers driving the Army truck.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. KING

The bill (H. R. 1731) for the relief of John W. King was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue to John W. King, of Avery, Tex., one permanent United States coupon bond in the denomination of $1,000 of the third Liberty loan 4¼ per cent bonds of 1928, with coupon due September 15, 1920, and coupons to maturity attached thereto, in lieu of a temporary coupon bond (number unknown) of the same loan in the denomination of $1,000 with three coupons attached, destroyed by fire, charred fragments of which have been presented to the Treasury Department, and to pay interest at the rate of 4¼ per cent per annum from September 15, 1918, to March 15, 1920, in the amount of $63.75, representing the coupons attached to the temporary bond when destroyed: *Provided*, That the said bond shall not have been previously presented or ascertained to be in existence, and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *And provided further*, That the said John W. King shall file in the Treasury Department a bond in the penal sum of double the amount of the bond, and the interest which would accrue thereon until the principal becomes due and payable in such form and with such securities as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the destroyed bond hereinbefore described or the coupons belonging thereto.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF LOUIS F. MEISSNER

The bill (H. R. 1897) for the relief of the heirs of the late Louis F. Meissner was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of Charles A. Meissner, Cecilie J. Wenzel, and Louis F. Meissner, jr., sole heirs of Louis F. Meissner, deceased, United States coupon bonds Nos. 76978, 76979, 76980, and 76981, in the denomination of $100 each, of the 4 per cent funded loan of 1907, with interest thereon at the rate of 4 per cent from October 1, 1906, to July 2, 1907, the date of the maturity of the bonds, without presentation of said bonds or the coupons representing interest thereon from October 1, 1906, to July 2, 1907, which are alleged to have been stolen: *Provided*, That the said bonds shall not have been previously presented for payment, and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *Provided further*, That the said Charles A. Meissner, Cecilie J. Wenzel, and Louis F. Meissner, jr., shall first file in the Treasury Department a bond in the penal sum of double the amount of the bonds and the interest which had accrued thereon when the principal became due and payable, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the bonds hereinbefore described or the coupons belonging thereto

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM D. M'KEEFREY

The bill (H. R. 2011) for the relief of William D. McKeefrey was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of William D. McKeefrey, of Leetonia, Ohio, United States coupon bonds Nos. 39675, 39676, and 39677, in the denomination of $100 each, of the 3 per cent loan of 1908–1918, with interest from date of issue to August 1, 1918, the date of maturity, at the rate of 3 per cent per annum, without presentation of the said bonds or the coupons representing interest thereon from the date of issue to the date of maturity thereof, the bonds, with all coupons attached, having been lost or destroyed: *Provided*, That the said bonds shall not have been previously presented for payment, and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *And provided further*, That the said William D. McKeefrey shall first file in the Treasury Department a bond in the penal sum of double the amount of the bonds and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost or destroyed bonds hereinbefore described or the coupons belonging thereto.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF CHARLES M. UNDERWOOD

The bill (H. R. 2680) for the relief of the estate of Charles M. Underwood was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the estate of Charles M. Underwood, deceased, United States registered bonds Nos. 10101, 10102, 10103, and 10104, in the denomination of $20 each, and bond No. 20080 in the denomination of $100, inscribed "Susie E. Haswell," and bond No. 14095, in the denomination of $500, inscribed "James H. Jenks, jr.," all of the 3 per cent loan of 1908–1918, without presentation of the bonds, said bonds having been stolen after having been assigned in blank by the registered payees, and said registered payees having been reimbursed for the bonds by Charles M. Underwood, now deceased: *Provided*, That the said bonds shall not previously have been presented to the Treasury Department under such circumstances as would necessitate their redemption in favor of the person, firm, or bank presenting them: *Pro-*

vided further, That the estate of Charles M. Underwood shall first file in the Treasury Department a bond in the penal sum of the principal of said bonds, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the bonds herein described.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRAZING LANDS IN ALASKA

The bill (S. 3963) to provide for the protection, development, and utilization of the public lands in Alaska by establishing an adequate system for grazing livestock thereon was announced as next in order.

Mr. KING. Mr. President, I would like to ask the Senator from Oregon [Mr. STANFIELD] whether a bill of this importance, affecting all the public lands of Alaska, ought to be taken up under the five-minute rule.

Mr. STANFIELD. I think it should. The bill has the approval of the Secretary of the Interior and the Interior Department, and the Secretary of Agriculture. There is an acute situation existing in Alaska, one that affects the entire future of Alaska. There is no regulation of grazing there. The natives, being engaged largely in the reindeer business—unless the department is given power to direct their operations—overlap in the conservation of their winter forage and summer forage, and the reindeer eat the winter forage during the summer time. There is apt to be a great loss occur to the herds of reindeer. It is a measure that will afford stability to the grazing of livestock there, including reindeer and domestic animals such as cattle, sheep, and so forth, in Alaska Territory.

Mr. KING. The Senator has been conducting during the past year an extensive investigation into the Forest Service and grazing regulations. He has criticized, and I think justly, many of the oppressive regulations that have been imposed by the Forest Service. Does the Senator think that the bill which he is now recommending will not be subject to the same abuses as the existing law and that the people of Alaska will be freer from oppression than are the people of Oregon and the other public-land States?

Mr. STANFIELD. It is not comparable with the situation in the States so far as regulation of grazing in the Forest Service is concerned. I would like to advise the Senator from Utah that, as a result of the investigation carried on by the Public Lands Committee during the past summer, it has been possible for the grazing interests of the country to get together and work out a satisfactory situation.

Mr. KING. I have no objection if the committee is unanimously in favor of the bill.

Mr. FESS. Is not this the grazing bill which has been under discussion in the committee lately?

Mr. STANFIELD. This is not the grazing bill. I would like to inform the Senator from Ohio at the same time that the opposition to the grazing bill probably grew out of opposition in the Forest Service. That opposition has been withdrawn to the grazing bill to which he refers; and whereas the Forest Service formerly opposed the grazing bill, they are now recommending passage of the bill, and the Secretary of Agriculture has also recommended it.

Mr. WILLIS. Mr. President, I hope the Senator will permit the bill to go over without prejudice. The Senator will recall that I spoke to him about it on another occasion. I really think the bill should have gone to the Committee on Territories and Insular Possessions. At any rate, some of us are very greatly interested in the matter, and it relates entirely to Alaska, as I understand it.

Mr. LA FOLLETTE. Mr. President, I demand the regular order.

The PRESIDING OFFICER. The regular order is demanded. The bill will go over under objection.

BENJAMIN A. J. FUNNEMARK

The bill (H. R. 3025) granting a patent to certain lands to Benjamin A. J. Funnemark was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue a patent to Benjamin A. J. Funnemark for 490 acres of land of a character available for entry under the stock raising homestead law, the said grant being in lieu of an equal area of land of like character upon which the said claimant was erroneously permitted to enter; the land erroneously entered being within the Walla Walla, Wash., now Spokane, land district, and more particularly described as follows: Lots 3 and 4, section 18, lots 1, 2, 3, and 4, section 19, township 11 north, range 45 east, Willamette meridian, and east half southeast quarter, northwest quarter, southeast quarter, section 13, east half northeast quarter, northeast quarter southeast quarter, southwest quarter northeast quarter, section 24, township 11 north, range 44 east, Willamette meridian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOYLE COMMISSION CO., IDAHO

The bill (H. R. 4681) providing for the issuance of patent to the Boyle Commission Co. for block No. 223, town site of Heyburn, Idaho, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue a patent under the act of April 16, 1906 (34 Stat. p. 116), and the act of June 27, 1906 (34 Stat. p. 519), to the Boyle Commission Co. for block No. 223, town site of Heyburn, Idaho, without requiring any further payments on account of the purchase price fixed for said land: *Provided*, That, except for the reduction thus made in the purchase price, the issuance of patent shall be subject to all the conditions and limitations of the aforesaid acts of April 16, 1906, and June 27, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE K. HUGHES

The bill (H. R. 5673) authorizing the Secretary of the Interior to issue letters patent to George K. Hughes was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That upon the payment therefor at the rate of $1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized and directed to issue letters patent to George K. Hughes, of Monticello, White County, Ind., for the following-described lands, to wit: Lot 1, section 28, township 28 north, range 3 west, second principal meridian, Indiana, 3.43 acres.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT HALL INDIAN RESERVATION

The bill (H. R. 5710) extending the provisions of section 2455 of the United States Revised Statutes to ceded lands of the Fort Hall Indian Reservation was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the provisions of section 2455, United States Revised Statutes, as amended by the act of June 27, 1906 (34 Stat. L. p. 517), and by the act of March 28, 1912 (37 Stat. L. p. 77), are made applicable to the ceded lands on the former Fort Hall Indian Reservation: *Provided*, That no land shall be sold at less than the price fixed by the law opening the lands to homestead entry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADMINISTRATION OF OATHS BY LAND-OFFICE REGISTERS

The bill (H. R. 6239) to authorize acting registers of United States land offices to administer oaths at any time in public-land matters was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That a qualified employee of the Department of the Interior who has been designated to act as register of any United States land office pursuant to the provisions of the act of October 28, 1921, "An act for the consolidation of the offices of register and receiver in certain cases, and for other purposes" (42 Stat. L. p. 208), may at all times administer any oath required by law or the instructions of the General Land Office in connection with the entry or purchase of any tract of public land, but he shall not charge or receive, directly or indirectly, any compensation for administering such oath.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SMITH

The bill (S. 586) for the relief of William Smith was announced as next in order.

Mr. McNARY. Mr. President, there has been an adverse report on the bill. The chairman of the Committee on Military Affairs [Mr. WADSWORTH] spoke to me a moment ago before he retired from the Chamber and asked me to move that the bill be indefinitely postponed, and I make that motion.

The motion was agreed to.

RICHARD R. BAKER, JR.

The bill (S. 3350) authorizing the President to appoint Richard R. Baker, jr., to the position and rank of first lieutenant in the United States Army and immediately retire him with the rank and pay held by him at the time of his discharge was announced as next in order.

Mr. BRUCE. There is an adverse report in the case, and I move that the bill be indefinitely postponed.

The motion was agreed to.

MAKING THE UNITED STATES A PARTY DEFENDANT

The bill (S. 3630) to permit the United States to be made a party defendant in certain cases was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That whenever, under any law of the United States, a lien shall be created and made a matter of record in pursuance of the provisions of section 3186 of the Revised Statutes of the United States, or otherwise, upon or against any property, real or personal, against which any prior lien or incumbrance shall exist in favor of any person, firm, or corporation, and the person, firm, or corporation holding such prior lien or incumbrance shall desire to foreclose the same, the United States may be made a party defendant to any suit or proceeding which may be instituted by the holder of such prior lien or incumbrance: *Provided, however*, That the United States shall not be made a party to any suit or proceeding in any court of any State, but exclusive jurisdiction of all suits and proceedings which shall be instituted under this act is hereby vested in the district courts of the United States; and such suits or proceedings shall be instituted in the United States district court for the district in which the property subject to such lien shall be situated.

SEC. 2. That in all suits or proceedings which may be instituted under this act the process of the court shall be served upon the United States district attorney for the district in which the same shall be pending.

SEC. 3. That no judgment for costs shall be rendered against the United States in any suit or proceeding which may be instituted under the provisions of this act, nor shall the United States be or become liable for the payment of the costs of any such suit or proceeding or any part thereof.

SEC. 4. That whenever in any such suit or proceeding an order or decree of sale shall be entered, if it be found by the court that a lien exists in favor of the United States and that such lien of the United States is subordinate to any lien existing in favor of any person, firm, or corporation, such order or decree shall provide that no sale of the property subject to such lien shall take place until after the expiration of at least 90 days from the date of the entry of such order: *Provided, however*, That if Congress shall not be and continue in session for the period of 90 days after the entry of such order or decree, the judge of said court shall have power, on motion of the United States district attorney, to enter a supplemental order in such suit or proceeding, either in term time or vacation, staying such sale until after the expiration of 90 days from the date when Congress shall assemble at its next session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEES OF DISTRICT COURT CLERKS

The bill (S. 3444) to amend the act of February 11, 1925, entitled "An act to provide fees to be charged by clerks of the district courts of the United States" was announced as next in order.

Mr. BRATTON. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PORTER BROS. & BIFFLE AND OTHERS

The bill (S. 4030) for the relief of Porter Bros. & Biffle and others was announced as next in order.

Mr. KING. Over.

Mr. HARRELD. Mr. President, will the Senator from Utah withhold his objection for a moment?

Mr. KING. Yes.

Mr. HARRELD. The bill (S. 4030) for the relief of Porter Bros. & Biffle and others proposes to authorize certain persons to go into the United States Court of Claims and to enter a suit for damages growing out of the result of dipping a lot of cattle. There have been one or two other such cases already provided for.

Mr. KING. If the Senator will pardon me, I think he is inaccurate in stating that this bill proposes to authorize the maintenance of a suit in the Court of Claims. It proposes to authorize the bringing of a suit in the District Court of Oklahoma.

Mr. HARRELD. That is correct.

Mr. KING. And I shall object. I shall, of course, be glad to get the Senator's explanation; but that question is being considered, and I hope will be considered fully, as to whether we shall adopt the policy of permitting the United States to be sued in all parts of the United States for torts, breaches of contract, and so forth. Until the committee now considering the matter shall report, I have felt constrained to object to measures transferring such cases to the district courts.

Mr. HARRELD. The Senator's objection, then, goes to the direction of bringing suits in the district court?

Mr. KING. Yes. If the Senator desires to amend the bill and have the case go to the Court of Claims, I shall not object, but I shall object and do object to the bill in its present form.

Mr. HARRELD. The next two bills on the calendar cover the same kind of claims; they involve the same kind of suits and they are the same kind of bills.

Mr. KING. I shall object to the others as I have objected to this.

The PRESIDENT pro tempore. The bill will go over.

Mr. MAYFIELD. I ask the Senator from Utah to withhold his objection for just a moment. The three bills to which the Senator from Oklahoma refers are the next pending bills. We had a bill this morning just exactly along the same lines as these bills. It was a precisely similar bill.

Mr. KING. I hope that the Senator——

The PRESIDENT pro tempore. The Chair understands the Senator from Utah to maintain his objection and the bill will go over. The clerk will report the next bill on the calendar.

Mr. KING. I persist in my objection. This morning I was seduced from the path of duty by the importunity of another Senator, because he said that a similar bill had passed several times, and out of consideration for that representation I yielded.

Mr. MAYFIELD. If the Senator from Utah will just allow himself to be seduced this time, we shall not ask him to be seduced any more?

Mr. KING. No; I will not.

The PRESIDENT pro tempore. The regular order will be proceeded with. The clerk will state the next bill on the calendar.

BILLS PASSED OVER

The bill (S. 4052) authorizing James L. Borroum and Francis P. Bishop to bring suits in the United States District Court for the State of Kansas for the amount due or claimed to be due to said claimants from the United States by reason of the alleged inefficient and wrongful dipping of tick-infested cattle, and giving said United States District Court for the State of Kansas jurisdiction of said suit or suits, was announced as next in order.

Mr. KING. I object to the consideration of the bill.

The PRESIDENT pro tempore. Being objected to, the bill will go over.

The bill (S. 4017) for the relief of Russell & Tucker and certain other citizens of the State of Texas was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

JUDICIAL DISTRICT OF NEW JERSEY

The bill (H. R. 3745) to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code," was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 96, chapter 5, of the act of Congress approved March 3, 1911, and therein designated "The Judicial Code," be amended so that the same shall read as follows:

"SEC. 96. The State of New Jersey shall constitute one judicial district, to be known as the district of New Jersey. Terms of the district court shall be held at Newark on the first Tuesday in April and the first Tuesday in November, at Trenton on the third Tuesday in January and the second Tuesday in September, of each year, and at Camden on the first Tuesday in December. The clerk of the court for the district of New Jersey shall maintain an office in charge of himself or a deputy, at Newark and at Trenton, each of which offices shall be kept open at all times for the transaction of the business of the court, and shall maintain an office at Camden, in charge of himself or a deputy, which office shall be kept open for the transaction of the business of the court for such times as the court may, by rule, direct, and the marshal shall also maintain an office, in charge of himself or a deputy, at Newark and at Trenton, each of which offices shall be kept open at all times for the transaction of the business of the court, and shall also maintain an office, in charge of himself or a deputy, at Camden, for such times as the court may, by rule, direct."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGIA COTTON CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 579) for the relief of the Georgia Cotton Co., which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Georgia Cotton Co., a corporation having its offices and principal place of business at Albany,

Ga., the sum of $30,000, in full compensation of all claims of the company for money paid by it to the Alien Property Custodian, and for losses sustained by consequences flowing from acts of the Government of the United States during the World War.

Mr. KING. Mr. President, I desire an explanation of the bill before I consent to its passage.

Mr. GEORGE. Mr. President, I shall be glad to offer an explanation of the bill. The Georgia Cotton Co., a Georgia corporation, on June 12, 1916, entered into a contract by which it obligated itself to sell to one Blijdenstein, a subject of Holland, 2,000 bales of cotton at a stipulated price. Senators will observe that that was before we went into the World War. After we went into the war the price of cotton began to mount, and the ordinary machinery for handling cotton went to pieces; that is, the exchanges of various countries. The Georgia Cotton Co. sought to cancel its contract with Blijdenstein; it did, in fact, cancel its contract by paying Blijdenstein the sum of $49,500 in order to be relieved from the contract, which meant bankruptcy for it. The contract of cancellation was made on January 14, 1918. Two months thereafter, on March 15——

Mr. KING. Had the cotton been delivered?

Mr. GEORGE. Oh, no; the cotton was for future delivery. Thereafter, on March 15, 1918, the War Trade Board placed Blijdenstein on the enemy trading list. Following that event the Alien Property Custodian demanded of the Georgia Cotton Co. every right, privilege, and benefit which was conferred upon Blijdenstein by the terms of the contract which was made before we went into the World War and which was canceled upon valid consideration, more than two months before Blijdenstein was placed on the enemy trading list.

Of course, the Georgia company demurred. They were threatened with criminal prosecution; they were threatened with civil suit; and finally, under protest, they paid $30,000 to the Alien Property Custodian. For more than a year they tried to recover their money, and then were forced to abandon all effort to recover the money from the Alien Property Custodian and to come to Congress with a bill for relief.

In 1921 the receiver of Blijdenstein brought suit against the Alien Property Custodian and the Treasurer of the United States, in which suit he alleged that Blijdenstein was never an enemy nor had he ever violated any of the laws relating to alien enemies. He established his petition in the Supreme Court of the District of Columbia, and obtained a decree with which the Secretary of the Treasury and the Alien Property Custodian complied and paid over to Blijdenstein, together with certain other property, the $30,000 which the Georgia Cotton Co. had been compelled to pay into the hands of the Alien Property Custodian.

The Alien Property Custodian gave the Georgia Cotton Co. no notice; they had no notice; they were not parties to the suit. Then the Alien Property Custodian became liable, of course, to the Georgia Cotton Co. for money which he in the first instance had wrongfully extorted—and I use the word "extorted," of course, in its legal sense—out of the Georgia Cotton Co.

Thomas W. Miller, Alien Property Custodian, himself in his report on this bill makes this statement:

> It is undoubtedly true that the decision of the court that Blijdenstein was never an enemy made the seizure of this $30,000 by the Alien Property Custodian illegal, as the Alien Property Custodian in fact seized the property of a nonenemy, which, of course, he could not do, as no power was vested in him to do so under the provisions of the trading with the enemy act.

There is no provision, Mr. President, in this bill, although it might well have been asked, for interest upon this sum of money which was taken from the Georgia Cotton Co. in 1919.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. WALSH. Mr. President, if I may be permitted, I should like to refer to the bill for just a moment. Apparently Blijdenstein recovered the property from the United States, and now the United States pays the Georgia Cotton Co. $30,000, so the United States loses the property seized and in addition is mulcted $30,000.

Mr. GEORGE. Mr. President, I fear I did not make it clear. Let me state the facts briefly. The Georgia Cotton Co. made a contract with Blijdenstein before we entered the war, and after we entered the war of course this contract for an enormous amount of cotton would have bankrupted it. So it procured the cancellation of its contract and paid Blijdenstein $49,500.

Mr. WALSH. Actually paid him?

Mr. GEORGE. Actually paid him to relieve it of the contract. Two months thereafter the War Trade Board placed Blijdenstein on the enemy trading list and came back to the Georgia Cotton Co. and said, "You should not have paid this money to Blijdenstein because he is an alien enemy." Of course, that was denied, but, threatened with prosecution and in the heat of the war time, this small corporation could not resist either a civil suit by the Government or prosecution of its officials, with the result that, in order to avoid prosecution, it finally was compelled to pay into the Alien Property Custodian's hands $30,000.

Mr. WALSH. If Blijdenstein settled with the Georgia Cotton Co. for the money which was coming to him, at least, he got $30,000 of the $49,000.

Mr. GEORGE. No; he got $49,500 from the Georgia Cotton Co.

Mr. WALSH. Then, how did he have any claim against the Government of the United States?

Mr. GEORGE. He had no claim for the $30,000, but the Government had seized other property of Blijdenstein under the original seizure.

Mr. WALSH. Oh, yes.

Mr. GEORGE. And in place of the Alien Property Custodian protecting the Georgia Cotton Co., he wrongfully obtained from him $30,000.

Mr. WALSH. Then the judgment which Blijdenstein got against the United States was for property other than this property?

Mr. GEORGE. Yes; but the Government turned over all of this property to him and did not notify the Georgia Cotton Co.? They had no knowledge of the suit and no information about the suit?

Mr. WALSH. Then, the Government of the United States is not paying twice? What it paid Blijdenstein was for something other than this particular claim?

Mr. GEORGE. Yes. The Government seized quite a considerable amount of other property belonging to him.

Mr. WALSH. What did he recover in his suit?

Mr. GEORGE. When did he recover?

Mr. WALSH. How much did Blijdenstein recover in his suit against the Alien Property Custodian?

Mr. GEORGE. He recovered specific property and a considerable sum of money. I am unable to tell the Senator just how much he did recover.

Mr. WALSH. In that suit this claim was not involved at all, but the issue was the same?

Mr. GEORGE. The issue was the same.

Mr. WALSH. But the property was not?

Mr. GEORGE. The issue was the same, but this was property which had passed into the common fund which the Alien Property Custodian had, so he turned over to Blijdenstein all of the property which he claimed, including the $30,000 which he had taken from the Georgia Cotton Co.

Mr. WALSH. The Senator does not make that clear. Did Blijdenstein recover anything from the Alien Property Custodian on account of this particular transaction?

Mr. GEORGE. No; he did not; he claimed nothing on account of this particular transaction, but he sued for the property held by the custodian, which included the money collected from the cotton company.

Mr. WALSH. So that actually the Government of the United States of this act is simply turning back to the Georgia Cotton Co.——

Mr. GEORGE. The money it paid.

Mr. WALSH. The $30,000 which it wrongfully got from the Georgia Cotton Co.

Mr. GEORGE. That is exactly the case.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

ROSA E. PLUMMER

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 255) for the relief of Rosa E. Plummer. It directs the United States Employees' Compensation Commission to extend to Rosa E. Plummer, a former employee in the Bureau of Engraving and Printing, the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LUTHER H. PHIPPS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1540) for the relief of Luther H. Phipps. It directs the Secretary of the Treasury to redeem, in favor of

Luther H. Phipps, of Seattle, Wash., United States coupon bonds Nos. 17938 and 53420 in the denomination of $1,000 each of the 4 per cent funded loan of 1907, with interest thereon at the rate of 4 per cent per annum from October 1, 1905, to July 2, 1907, the date of the maturity of the bonds, without presentation of said bonds or the coupons representing interest thereon from October 1, 1905, to July 2, 1907, which are alleged to have been lost or stolen, and provides that the said bonds shall not have been previously presented for payment, and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid; and that the said Luther H. Phipps shall first file in the Treasury Department a bond in the penal sum of double the amount of the bonds and the interest which had accrued thereon when the principal became due and payable, in such form and with such sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the alleged lost or stolen bonds hereinbefore described or the coupons belonging thereto.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEFFS' BANK, OF M'BRIDE, MICH.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1669) for the relief of Neffs' Bank, of McBride, Mich. It directs the Secretary of the Treasury to redeem in favor of Neffs' Bank, of McBride, Mich., United States Treasury certificates of indebtedness payable to bearer, Nos. 51828 and 51829, in the denomination of $1,000 each, Series IV-D, dated August 6, 1918, called for redemption November 21, 1918, and matured December 5, 1918, with interest from August 6, 1918, to November 21, 1918, at the rate of 4½ per cent per annum, without presentation of the said certificates of indebtedness, which have been lost, stolen, or destroyed; and provides that the said certificates of indebtedness shall not have been previously presented for payment; and that the said Neffs' Bank, of McBride, Mich., shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said certificates of indebtedness and the interest which had accrued when the certificates were called for redemption, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness hereinbefore described.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED F. LAND

The bill (S. 2090) for the relief of Alfred F. Land was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Alfred F. Land, of Los Angeles, Calif., $4,512 in full satisfaction of all claims against the United States on account of personal injuries sustained on January 17, 1924, in a collision with an official United States Army automobile from Fort McArthur, Calif.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JANE COATES

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5726) for the relief of Jane Coates, widow of Leonard R. Coates. It directs the Secretary of the Treasury to pay to Jane Coates, widow of Leonard R. Coates, $4,750 in compensation for 75 cows, killed as a result of the negligence of the Department of Agriculture in the enforcement of an act of Congress entitled "An act to regulate the sale of milk in the District of Columbia, and for other purposes," approved March 2, 1895.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRISBURG REAL ESTATE CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3715) for the relief of the Harrisburg Real Estate Co., of Harrisburg, Pa., which was read, as follows:

Be it enacted, etc., That in order to pay the Harrisburg Real Estate Co., of Harrisburg, Pa., reasonable compensation for the use and occupation by the United States from December 6, 1920, to April 10, 1923, of a tract of 397.22 acres of land in lower Swatara Township, Dauphin County, Pa., used by the War Department during said period, there is authorized to be appropriated from the Treasury, out of any money not otherwise appropriated, the sum of $32,270.90.

Mr. KING. Mr. President, I should like an explanation of that bill.

Mr. REED of Pennsylvania. Mr. President, I can explain the bill, if the Senator from Utah desires to have an explanation.

Mr. KING. I shall be very glad if the Senator will do so.

Mr. REED of Pennsylvania. Mr. President, the Government bought from the Harrisburg Real Estate Co. a tract of 31 acres at Middletown, near Harrisburg. That acreage was a small part of a large tract occupied as an aviation depot during the war time. For the remaining portion of that tract, amounting to 397 acres, as I recall, the Government agreed with the owners on the price, but hesitated to buy because of some indecision about the policy of Congress at that time. Finally, in 1918, it was agreed that the price to be paid should be two hundred and twenty-nine thousand and some odd hundred dollars. It took about three years to get the consent of Congress for the purchase of the land. I might say that there were over a million dollars worth of warehouses built on the land. The War Department and the owners agreed that, pending the action of Congress, the rental to be paid by the Government should be 6 per cent of the agreed price.

It was bought to be delivered in 1923, but the rental was never paid, because a written lease embodying those terms had not been made. In the meantime the real-estate company had gone on paying interest at the same rate, I think, on its bond issue; and the amount carried by the bill is 6 per cent interest on the land which the Government has bought for the two years and a half that it was occupied by the Government without the payment of any rental whatever. The bill has the approval of the Secretary of War and the unanimous approval of the Committee on Claims.

Mr. KING. Mr. President, I should like to ask the Senator from New York a question. My understanding was that several years ago we passed a bill conferring upon the Secretary of War authority to close up a lot of these claims for lands upon which munition buildings and other war buildings had been placed. Was not this among the number?

Mr. WADSWORTH. I do not think it would fall under that classification. The bill to which the Senator refers undoubtedly is the bill which authorized the Secretary of War to settle the contracts which were terminated at the time of the armistice.

Mr. KING. I think, if the Senator will pardon me, that we passed another bill going farther than that, and authorizing the Secretary of War to acquire the title to a number of tracts upon which munition buildings and other very valuable property were situated.

Mr. WADSWORTH. I recollect no such legislation.

Mr. KING. I am quite sure that my memory does not fail me on that point, but if this was not among that class of cases, of course there could be no objection to this bill. Is the Senator familiar with this bill?

Mr. WADSWORTH. No; I am not.

Mr. KING. Well, Mr. President, I am not in a position to object.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

G. C. ALLEN

The bill (S. 2188) for the relief of G. C. Allen was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated"; and on the same page, line 6, after the words "sum of," to strike out "$10,000" and insert "$3,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to G. C. Allen, of Hot Springs, Ark., the sum of $3,000 for injuries received by a piece of the doorway of the Federal post-office building at Hot Springs, Ark., falling upon him through no fault or negligence of his own.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

H. R. BUTCHER

The bill (H. R. 2933) for the relief of H. R. Butcher was considered as in Committee of the Whole.

Mr. KING. Mr. President, I should like an explanation of that bill.

Mr. MEANS. Mr. President, inasmuch as the Senator from Florida [Mr. TRAMMELL] is not present, I will attempt to make the explanation.

Butcher was one of the paymasters in the subsistence department, and made payments which, during the early stages of the disbursement, did not have the proper receipts. The Government has made a careful examination into the question of the payments, and finds no fraud, finds no negligence of which the Government could complain, and the Secretary of War recommends the passage of the bill. The Comptroller General also recommends the passage of the bill. It is for a small amount, $299.78; and from the records as I recall them now there was no particular fault on the part of this disbursing officer.

The money was paid out for the Government, and the Government received the benefit of it; but it was in the early stages, and he did not protect himself with the vouchers, as required by regulation. The Secretary of War and the General Accounting Office both recommend the passage of the bill.

Mr. KING. There is no case of embezzlement upon his part or any of his subordinates?

Mr. MEANS. No; none at all.

Mr. KING. Or any improper dissipation of the funds?

Mr. MEANS. Not at all; not the slightest.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HORACE A. CHOUMARD

The bill (S. 2385) to reimburse Horace A. Choumard, chaplain in the Twenty-third Infantry, for loss of certain personal property was announced as next in order.

Mr. KING. Let that go over.

Mr. McKELLAR. Mr. President, may I say to the Senator that that bill has passed the Senate heretofore, and, if the Senator will recall, it refers to a case where an Army chaplain lost this property in a flood, and the department felt that the claim ought to be paid. I hope the Senator will withdraw his objection. The bill has already passed the Senate.

Mr. KING. Mr. President, may I say to the Senator that of course it is a very unpleasant task to object to some of these measures; but the Senate upon a number of occasions this year has taken the position that for acts of God the Government ought not to be responsible. A number of officers in Japan lost some of their property, and the position taken by Congress—and I think it is the correct one—is that where acts of God occur the Government ought not to be responsible. If that were true, and if it were responsible for the loss of all the property that officers and employees and agents of the Government have, they may carry with them enormous sums of money upon their persons, they may take with them expensive jewelry, they may take with them—as was done by a person who went overseas—$21,000 worth of household effects, and because of the loss of the property upon the high seas the Government may be asked to pay for it, as it was in that case. If we are responsible for the loss of all personal property of all employees of the Government, wherever they are, through the negligence of other persons, railroad companies, or ships, where they do not take insurance, or acts of God, then there will be no limit to the liability of the Government.

I submit to the Senator if he thinks that we ought to establish that precedent. I do not think we ought to.

Mr. McKELLAR. All I can say to the Senator is that we argued the matter before, and the Senator came to the conclusion that this was a bill that was proper, and it passed before with the Senator's approval.

Mr. KING. I hope the Senator will not say that the Senator from Utah approved it.

Mr. McKELLAR. The Senator withdrew his opposition to it, because the Senator made the same fight he is now making on it here, and I hope he will withdraw it this time. This Army chaplain who lost his property is entitled to have compensation for it, and I hope the Senator will withdraw his objection.

Mr. KING. Of course, these appeals are really compelling. I dislike to be put in that situation. I ask the Senator to put himself in the place of the Government. What would he do?

Mr. McKELLAR. I honestly and conscientiously think it is an entirely proper claim for the Government to pay. If I did not think so I would not have introduced the bill. This man is not from my State. I do not know what State he is from.

I know that the facts are very compelling, just as the Senator admits that they are compelling. The Secretary of War says that the claim seems to be just, and that, while he does not make any recommendation in regard to it, it is a proper matter for Congress to legislate upon.

Mr. KING. Mr. President, I will say to the Senator that I shall do this: I shall let the bill go through, if some other Senator does not object, but I shall immediately take up the matter to-morrow with the War Department and with the proper officials of the Government; and if their policy has been adverse to this—as I think it has—I shall move to reconsider the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Horace A. Choumard, chaplain in Twenty-third Infantry, or his duly authorized representative, the sum of $1,500, the same being in full for and the receipt of the same to be taken and accepted as a full and final release and discharge of the claim of the said Horace A. Choumard for reimbursement for certain personal property lost in the flood and storm at Texas City, Tex., on the 16th and 17th days of August, 1915, without fault or neglect on his part and while in the military service of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3975) for the relief of the owners of the barge *McIlvaine No. 1* was announced as next in order.

Mr. KING. Mr. President, unless that matter has gone to the Court of Claims and a judgment has been rendered, I shall object.

The PRESIDENT pro tempore. The bill will be passed over.

CUSTER ELECTRIC LIGHT, HEAT & POWER CO.

The bill (H. R. 3659) for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

C. P. DRYDEN

The bill (S. 2094) for the relief of C. P. Dryden was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. P. Dryden, $2,329.25, as full compensation to C. P. Dryden, Mrs. C. P. Dryden, and Mrs. D. F. Dryden for personal damages and private property damages which occurred, without negligence on his part, as a result of the operation of military aircraft on June 28, 1923, at Kiwanis Aviation Field, Van Nuys, Calif.

Mr. KING. Mr. President, I desire to ask the Senator from Nevada if this is the case to which the Senator from Delaware [Mr. BAYARD] objected the other day?

Mr. ODDIE. No; the bill to which the Senator from Utah refers is the McKinley case.

Mr. KING. I know nothing about this case.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNION SHIPPING & TRADING CO. (LTD.)

The bill (S. 100) for the relief of the Union Shipping & Trading Co. (Ltd.) was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDENT pro tempore. There is an adverse report on this bill. Does the Senator wish to dispose of it?

Mr. KING. I move that it be indefinitely postponed.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Utah.

The motion to postpone indefinitely was agreed to.

W. B. DEYAMPERT

The bill (S. 2189) for the relief of W. B. deYampert was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to W. B. deYampert, of Wilmot, Ark., the sum of $5,000, out of any money in the Treasury not otherwise appropriated, on account of fine imposed in case of the United States against Hiram C. Shaw, jr.

Mr. KING. Mr. President, will the Senator from Arkansas give us an explanation of that bill?

Mr. CARAWAY. Mr. President, this bill is to return to W. B. deYampert a sum that he was compelled to pay under rule 35 of the Circuit Court of Appeals of the Eighth Circuit. There was a provision that one who became surety for another on an appeal should perform the judgment by paying the fine and costs. A man by the name of Shaw was convicted and sentenced to the penitentiary and to pay $5,000. He appealed, and deYampert had to pay the bonding company the $5,000. Immediately thereafter the court, recognizing the injustice of the rule, changed it, and there is not any objection on the part of the department to returning this man his money.

Mr. KING. It just went into the Treasury?

Mr. CARAWAY. Oh, yes.

Mr. LENROOT. Mr. President, I should like to ask whether there will not be a large number of cases of similar claims?

Mr. CARAWAY. As far as I know, there were only two. I know of no others.

Mr. LENROOT. Did not other circuits have this rule?

Mr. CARAWAY. No, sir. This was the eighth circuit, and as soon as ever attention was called to the injustice of it the rule was changed. There may have been more than two, but I never heard of but two—one of $500, and one of $5,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING OF MADISON DEBATES OF FEDERAL CONVENTION

The concurrent resolution (H. Con. Res. 23) authorizing the printing of the Madison Debates of the Federal Convention and relevant documents in commemoration of the one hundred and fiftieth anniversary of the Declaration of Independence was considered by the Senate and agreed to.

BILLS PASSED OVER

The bill (H. R. 3858) to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign-commerce service of the United States, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4059) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes, was announced as next in order.

Mr. KING. Let that go over. We can not take it up tonight.

The PRESIDENT pro tempore. The bill will be passed over.

WATER SYSTEM FOR INDIANS OF DRESSLERVILLE INDIAN COLONY, NEV.

The bill (S. 3039) to provide a water system for the Indians living at the Dresslerville Indian colony, near Gardnerville, Nev., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed $5,500, to enable the Secretary of the Interior to provide a water system for the Indians of the Dresslerville Indian colony, near Gardnerville, Nev.

Mr. KING. Mr. President, I should like to ask why that water system was not included in the general Indian appropriation bill, which carried a good many millions of dollars?

Mr. ODDIE. Mr. President——

Mr. HARRELD. Mr. President, the original bill asked for a considerable sum of money, and it was amended because the department said the amount asked for here would be sufficient. I do not know why it was not included in the regular appropriation bill, but it is shown to be necessary for these Indians. They can hardly do without it in the town where they live. It is necessary almost to their existence.

Mr. KING. Mr. President, I think it is unfair to follow this course, if I may say so; and I say it with all kindness and courtesy. When we have an appropriation bill that goes into these questions fully, there comes before the Appropriations Committee the Indian Bureau, with the plentitude of knowledge which it possesses.

It submits data and facts as to all these matters. We know that the appropriation bill this year was most generous—I thought in many respects too generous. Then, these bills come along afterwards. I do not think it is quite fair to the Senate. We do not have an opportunity to investigate them.

Mr. HARRELD. On the contrary, this bill has passed the House, and the matter has had extended hearings in both the House and the Senate. I desire to move to substitute the House bill, which is on the President's table, for the Senate bill. The matter has really been considered by both Houses, and the bill has already passed the House, and is here now on the President's table.

Mr. KING. That does not meet the objection I suggested.

Mr. HARRELD. It does meet the objection that it has not been properly considered.

Mr. KING. It does not meet the objecton that we have an appropriation bill which takes over the functions of the Committee on Indian Affairs, as those functions were exercised in the past, to go into the affairs of the Indians and recommend such appropriations as are needed.

Mr. HARRELD. On the contrary, this matter has had more consideration than an item in an appropriation bill ever has.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. KING. I yield the floor.

Mr. LENROOT. The Senator will notice that this bill does not make an appropriation. It simply authorizes an appropriation. Evidently the thought was that the Committee on Appropriations did not have jurisdiction, without previous authorization, to make an appropriation of this particular character.

Mr. HARRELD. It just authorizes it.

Mr. LENROOT. It is to provide a water supply for certain Indians. Is this a reservation?

Mr. HARRELD. Yes; it is a colony that exists, and the Indians need this water for their gardens and everything of that sort. The bill only authorizes it.

Mr. KING. Will this amount come from the tribal funds, or is it a direct appropriation from the Treasury?

Mr. HARRELD. I think it authorizes a direct appropriation. It will have to be made by the Appropriations Committee after this bill is passed. As I say, the bill simply authorizes an appropriation.

Mr. KING. Is there a tribe to which this appropriation will go; and if so, why is it not to be made out of the tribal funds?

Mr. LENROOT. They have not any.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 9730) to provide for an adequate water-supply system at the Dresslerville Indian colony was read twice by its title.

The PRESIDENT pro tempore. The Senator from Oklahoma asks that the Senate proceed to the consideration of House bill 9730.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 3039 will be indefinitely postponed.

SAC AND FOX INDIAN LANDS

The bill (S. 3981) to confirm the title to certain lands in the State of Oklahoma to the Sac and Fox Nation or Tribe of Indians was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 9, to insert the words "and all improvements," so as to make the bill read:

Be it enacted, etc., That the title to the southwest quarter and the south half of the northwest quarter of section 15; the east half of the southeast quarter of section 16; and the northwest quarter and north half of the northeast quarter and the north half of the southwest quarter of section 22, all in township 14 north, range 6 east, Lincoln County, Okla., with the buildings and all improvements thereon, be, and the same is hereby, confirmed to the Sac and Fox Nation or Tribe of Indians unconditionally.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHTHOUSE SERVICE RESERVATIONS

The bill (H. R. 10860) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes.

The bill had been reported from the Committee on Commerce with an amendment, on page 9, after line 4, to insert a new section as follows:

(14) To release or quitclaim, by quitclaim deed, unto Dr. Mefford Runyon the right of way of the United States of America at Edgartown, in the county of Dukes and the Commonwealth of Massachusetts, commencing on the southerly side of North Water Street at

the westerly side of lands, formerly of Therese M. Raymond, now of Dr. Mefford Runyon, thence running southerly along the westerly side of said lands about 100 feet, thence southeasterly across said lands, also other lands of Dr. Mefford Runyon, purchased by him from Mary J. Francis, about 130 feet to lands now or formerly of Albert H. Storer and there terminating. Said right of way being from 15 to 20 feet in width, and being so much of the right of way as was granted to the United States of America by Seth Vincent and others, by deed dated July 30, 1828, and recorded in book 23 of deeds of Dukes County, Mass., on page 223, as lies within the boundaries of the two tracts above mentioned conveyed to Dr. Mefford Runyon; the first by deed from Mary J. Francis, bearing date November 7, 1896, and recorded in book 98 of deeds for Dukes County, aforesaid, on page 8; and the second by deed from Therese M. Raymond and husband, dated June 8, 1916, and recorded in book 141 of deeds for Dukes County, aforesaid, on page 190, etc.; also being the right of way extending from North Water Street to the lands of Albert H. Storer as shown on two certain maps of United States lighthouse property at Edgartown, Mass., on file in the office of the Second Lighthouse District at Boston, Mass., the first bearing date June 29, 1911, and the second bearing date November, 1912.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

OREGON TRAIL 50-CENT PIECES

The bill (H. R. 8306) to authorize the coinage of 50-cent pieces in commemoration of the heroism of the fathers and mothers who traversed the Oregon Trail to the far West with great hardship, daring, and loss of life, which not only resulted in adding new States to the Union but earned a well-deserved and imperishable fame for the pioneers; to honor the 20,000 dead that lie buried in unknown graves along 2,000 miles of that great highway of history; to rescue the various important points along the old trail from oblivion; and to commemorate by suitable monuments, memorial or otherwise, the tragic events associated with that emigration—erecting them either along the trail itself or elsewhere, in localities appropriate for the purpose, including the city of Washington, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in commemoration of the Oregon Trail and in memory of the pioneers of the far West there shall be coined at the mints of the United States silver 50-cent pieces to the number of not more than 6,000,000; such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. That the coins herein authorized shall be issued only upon the request of the executive committee of the Oregon Trail Memorial Association (Inc.), a corporation organized under the laws of the State of New York; and upon payment by such executive committee, for and on behalf of the Oregon Trail Memorial Association (Inc.), of the par value of such coins, it shall be permissible for the said Oregon Trail Memorial Association (Inc.) to obtain such coins upon said payment, all at one time or at separate times and in separate amounts, as it may determine.

SEC. 3. That all laws now in force relating to the subsidiary silver coins of the United States and the coinage or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMY OFFICERS ON THE RETIRED LIST

The bill (S. 3878) to give war-time rank to certain officers on the retired list of the Army was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments.

The first amendment was, on page 1, line 6, to strike out the words "not above the grade of brigadier general."

The amendment was agreed to.

The next amendment was, on page 1, line 10, after the word "to," to strike out the words "to an advanced grade," and insert the words "a rank."

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I would like to ask whether this bill was referred to the War Department for recommendation.

Mr. WADSWORTH. It was.

Mr. LA FOLLETTE. I do not find any reference to that in the report.

Mr. WADSWORTH. The measure which is now before the Senate is a result of four years of cogitation by the members of the Committee on Military Affairs and two Secretaries of War. The committee has communicated with the Secretary upon several occasions, and in connection with this particular bill the committee is in receipt of a very well thought out discussion of this problem of giving some kind of recognition, without cost to the Government, to men who really held high rank in the Army in France during the war, and who had to revert to their regular rank and then to be retired on account of age, and who are now on the retired list. Although they may have commanded from twenty to fifty thousand men in action, no reward has ever been accorded them. This is merely to permit them to use as a title for the rest of their lives the highest rank which they held during the war.

Mr. KING. Assume that pensions should be given in the future to the class covered by the bill, would they not be pensioned according to the terms of this bill, rather than according to the military titles which they had when they were retired?

Mr. WADSWORTH. Officers of the Regular Army are never pensioned.

Mr. KING. This applies only to regular officers?

Mr. WADSWORTH. Only to regular officers.

Mr. KING. Not to Reserve officers?

Mr. WADSWORTH. Oh, no.

Mr. LENROOT. I would like to ask the Senator, if these retired officers were called back into the active service, would they be called into the service with the rank they had and have pay accordingly while in the active service?

Mr. MEANS. I was just about to state that that is the fallacy of the bill, if Senators will permit me. If the officers are called back, they will be called back with their increased rank.

I can not understand that the bill itself has any merit except that we want to give to those who happened to have the increased emergency rank during the war the right to use the titles, and I believe they have that right anyway, under the law, where they have had a temporary grade. They are entitled to the rank as a matter of distinction, and it is not taken away from them because they are put upon the retired list. It is a small matter and I do not care to interfere except to state that if they are ever called back, they will be called back with their increased rank, and not with the proper rank they should hold in the Regular Army.

Mr. WADSWORTH. That contingency is remotely possible. I call the attention of the Senator from Colorado to the fact that there can be no increase of pay or allowances, no matter what their honorary rank may be. The bill provides "no increase of pay and allowances shall result from the provisions of this act." That would prevent them from getting increased pay and allowances, in any case.

Mr. MEANS. Let me inquire of the chairman of the committee, if the Secretary of War has the power to place a retired army officer back upon duty, whether he would receive the pay and emoluments while on active duty of his increased rank, and not of the rank in which he really had been retired.

Mr. WADSWORTH. If this saving clause were not in there.

Mr. MEANS. That saving clause has nothing to do with active service. It has to do solely with the amount he would receive as a retired Army officer. When a retired Army officer is called into service, he is then placed upon active duty as such.

Mr. WADSWORTH. This saving clause does not relate merely to retired pay. It says, "no increase of pay and allowances shall result from the provisions of this act." Under no circumstances, active or retired, do these men get any more pay.

Mr. MEANS. I want to object to it. I did not know the bill was on the calendar and I want to examine it.

The PRESIDENT pro tempore. The bill will go over.

SAC AND FOX INDIAN LANDS

Mr. HARRELD. I ask that we return to Order of Business 722, Senate bill 3981, which was passed, and I ask unanimous consent that the vote by which that bill was passed be reconsidered.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. HARRELD. I now ask that the Chair lay before the Senate House bill 10610.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 10610) to confirm the title to certain lands in the State of Oklahoma to the Sac and Fox Nation or Tribe of Indians was read twice by its title.

Mr. HARRELD. I ask that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Senate bill 3981 will be indefinitely postponed.

WILLIAM S. BROCKSCHMIDT

The bill (S. 1050) for the relief of William F. Brockschmidt was announced as next in order.

Mr. KING. I will ask the Senator from Montana to briefly explain this measure.

Mr. WALSH. Briefly, the facts are these: William S. Brockschmidt had on deposit a sum of money in bank, and being indebted to the Government for water charges upon his land, gave to the official agent on the project his check on the bank for the amount.

There was a Treasury rule applicable, to the effect that whatever checks of that character were received should be transmitted to the Federal reserve bank for that district. I do not know the reason of the rule. The check was sent to the branch Federal reserve bank at Helena, Mont., and by that bank transmitted to the bank upon which it was drawn. That bank issued a draft, and the next day closed its doors, and the draft was protested.

So the beneficiary of the bill by reason of this rule requiring its transmission to the Federal reserve bank, lost the amount, which, as the Senator knows, remains a lien against the land until he is actually discharged. The loss ensued by reason of this rule, the reason for which I do not understand at all, requiring the fiscal agent, instead of taking the check to the bank and getting the cash, to transmit it to the Federal reserve bank.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 2, line 1, to strike out the words "Reclamation Service" and insert the words "Bureau of Reclamation"; on line 3 to strike out the words "Reclamation Service" and insert the words "Bureau of Reclamation"; on page 6, to strike out the words "Reclamation Service" and insert the words "Bureau of Reclamation," on line 9, to strike out the words "was held by officials of said Reclamation Service and"; on line 19, to strike out the words "Reclamation Service," and insert the words "Bureau of Reclamation"; on line 21, to strike out the words "Reclamation Service" and insert the words "Bureau of Reclamation," so as to make the bill read:

Be it enacted, etc., That there is hereby appropriated to and for the benefit of William F. Brockschmidt, of Ballantine, Mont., out of any moneys in the Treasury of the United States otherwise unappropriated, the sum of $916.38, to reimburse said William F. Brockschmidt for loss sustained by him on account of a check for said amount of money, issued by him November 25, 1922, on the Ballantine State Bank, of Ballantine, Mont., in which he then had on deposit to his credit money to that amount, to the special fiscal agent of the United States Bureau of Reclamation, in payment of water charges, water renewal, and construction charges of said Bureau of Reclamation, to that amount, assessed to and a lien in that amount on land within the Huntley reclamation project of the United States Bureau of Reclamation, entered and owned or held then and now in part by said William F. Brockschmidt and in part by his wife, which said check had not been cashed when said bank closed its doors and suspended payments and discontinued business December 4, 1922; and the Treasurer of the United States is hereby authorized and directed to issue to said William F. Brockschmidt or his heirs a voucher or warrant on the Treasury of the United States for said sum of money, hereby appropriated, worded in such manner that such voucher or warrant must be countersigned or indorsed by the special fiscal agent of the United States Bureau of Reclamation and must be used to pay the aforesaid indebtedness of said William F. Brockschmidt and his wife to said Bureau of Reclamation, now unpaid and existing: *Provided*, That whatever may be realized or paid (not to exceed the aforesaid amount) on account of said check of said William F. Brockschmidt on said bank, in the settlement of the affairs and indebtedness of said bank, or on account of the deposit therein of money of said William F. Brockschmidt, shall accrue to and shall be paid to the Treasurer of the United States and shall be turned into the Treasury of the United States, and shall be the money of the United States.

SEC. 2. This act shall be in full force and effect from and after its passage and approval.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALLOTMENTS TO CHILDREN ON THE CROW RESERVATION, MONT.

The bill (H. R. 8313) to allot living children on the Crow Reservation, Mont., was considered as in Committee of the Whole.

Mr. COPELAND. Mr. President, is there involved in this act any interference with the functions of the medical profession?

The PRESIDENT pro tempore. Is that a parliamentary inquiry?

Mr. COPELAND. It is a parliamentary inquiry.

The PRESIDENT pro tempore. The Chair submits the inquiry to the Senate, to be decided without debate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. REED of Pennsylvania. Surely the Senate does not want to have a bill become a law with a title like that. There is a very plain omission there. It must mean to allot lands to living children. I move to amend the title by inserting the words "lands to" after the word "allot."

Mr. WALSH. To that I have not the slightest objection, but the expression is very common. A man is asked if he has been "allotted." "Have you been allotted?" means, "Have lands been allotted to you?" It is an idiomatic expression.

Mr. REED of Pennsylvania. I can see that. It is like the case where the man says to the street-car conductor, "I want off," but it is not very good English, and I am sure the Senator will not object to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Pennsylvania for the amendment of the title of the bill.

The motion was agreed to, and the title was amended so as to read, "An act to allot lands to living children on the Crow Reservation, Mont."

CENTRAL NATIONAL BANK, ELLSWORTH, KANS.

Mr. CURTIS. As only a few minutes remain before 11, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 248, for the relief of the Central National Bank, Ellsworth, Kans. This is a bill to give to the bank of Ellsworth a certain certificate of deposit of funds which were lost. They are required to give a bond.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of the Central National Bank, Ellsworth, Kans., United States Treasury certificates of indebtedness Nos. 27108 and 27109 in the denomination of $1,000 each and No. 11720 in the denomination of $500, series TS-2-1922, dated November 1, 1921, matured September 15, 1922, with interest at the rate of 4½ per cent per annum from November 1, 1921, to September 15, 1922, without presentation of said certificates of indebtedness or the coupons representing interest thereon from November 1, 1921, to September 15, 1922, the certificates of indebtedness having been lost: *Provided*, That the said certificates shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *Provided further*, That the said Central National Bank, Ellsworth, Kans., shall first file in the Treasury Department a bond in the penal sum of double the amount of the certificates and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost certificates of indebtedness herein described or the coupons belonging thereto.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPOSIT AND EXPENDITURE OF INDIAN MONEYS

Mr. HARRELD. Mr. President, I ask unanimous consent that the vote by which Senate bill 3929 was passed be reconsidered.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. HARRELD. I ask that a bill similar to Senate bill 3929, which has been sent over from the House, be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 11171) to authorize the deposit and expenditure of various revenues of the Indian service as Indian moneys, proceeds of labor, was read twice by its title.

Mr. HARRELD. I ask that the Senate proceed to the consideration of the bill just laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HARRELD. I move that Senate bill 3929 be indefinately postponed.

The motion was agreed to.

MAKAH INDIAN RESERVATION

Mr. JONES of Washington. The next bill on the Calendar. Senate bill 3958, is short and I ask that it be put on its passage.

The bill (S. 3958) to provide for the permanent withdrawal of certain lands adjoining the Makah Indian Reservation in Washington for the use and occupancy of the Makah and Quileute Indians, was considered as in the Committee of the Whole and was read.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECESS

The PRESIDENT pro tempore. The hour of 11 o'clock having arrived, the unanimous-consent agreement under which the Senate has been operating has expired, and under the unanimous-consent agreement previously entered into, the Senate will now stand in recess until 12 o'clock to-morrow.

Thereupon the Senate (at 11 o'clock p. m.) under the order previously entered, took a recess until to-morrow, Tuesday, May 11, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, *May 10, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, the King eternal, Thou who art unseen to mortal eye, may we see Thee with the eye of unfaltering faith. In all things may we be undisturbed seeing Thee who art invisible. In the performance of duty may we be partakers of those joys and satisfactions which are promised to them who love God. Have compassion upon our unworthiness and give us the blessings of forgiveness and wisdom. Teach us the high value of pure love and the happiness of dedicated firesides. The Lord forbid that we should be hasty in our judgments lest we condemn ourselves. Go before our vagrant steps and cheer us with the light of hope. Oh, do Thou subdue the passions of men and among all nations and make clear the ways of national peace, stability, and prosperity. Quiet the turbulent waters of unrest and threatening upheaval and lead men of all stations to the altars of our Lord. In the name of the Prince of Peace. Amen.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE

Mr. CLEARY, by unanimous consent, was granted leave of absence, indefinitely, on account of illness.

ARCTIC FLIGHT OF COMMANDER RICHARD EVELYN BYRD, JR.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARRISON. Mr. Speaker, I take great pride in announcing to the House the magnificent achievement of an American in a world enterprise. On yesterday, Lieut. Commander Richard Evelyn Byrd, jr., of Winchester, Va., accompanied by his pilot, Floyd Bennett, left his base at Kings Bay, Spitzbergen, at 12.50 a. m., in the giant three-motored airplane, christened *Josephine Ford*, flew 1,600 miles over Arctic regions heretofore believed unfit to be traversed by airplanes, reached the North Pole and returned to his base in 15 hours and 30 minutes. This achievement is without parallel in the history of aeronautics. His daring achievements entitle him to be listed high on the roll of the great and heroic spirits of the world. [Applause.]

I represent the home people of Commander Byrd, who have followed his career with affectionate interest. Clean in every prompting of his nature, clear-visioned of mind, intrepid in action, he is entitled to the congratulations of this House. Many of the Members of this House have been associated with Commander Byrd and have learned to admire his splendid qualities of mind and heart. If consistent with the rules of this House, I desire to submit a motion that the Speaker be requested on the part of the House to wire to Commander Byrd and his associate the congratulations of the House. [Applause.]

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6418. An act to correct the military record of Lester A. Rockwell; and

S. 2818. An act for the relief of Ivy L. Merrill.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, at the request of those in charge of the several agricultural bills I ask unanimous consent that not later than 5.30 o'clock this afternoon the Committee of the Whole House considering the bills may take a recess until 8 o'clock and that the House shall adjourn not later than 11 o'clock this evening.

Mr. HASTINGS. And that will conclude general debate?

Mr. TILSON. By previous order general debate will close with to-day.

Mr. MORTON D. HULL. Mr. Speaker, reserving the right to object, the proceedings this afternoon will include nothing but a discussion of the agricultural bill?

Mr. TILSON. There will be no business transacted except general debate.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that at or before 5.30 o'clock this afternoon the Committee of the Whole House on the state of the Union may recess until 8 o'clock and remain in session not later than 11 o'clock and that no business shall be transacted except general debate on the agricultural bill. Is there objection?

Mr. BLANTON. Mr. Speaker, I shall not object, but I want to call the gentleman's attention to the fact that the District subcommittee, which has no authority to sit during the sessions of the House, has a hearing called for to-night at 7.30 o'clock, with witnesses summoned. The chairman is not here, but it will be necessary for us to get permission of the House in order to sit to-night.

Mr. TILSON. Does the gentleman wish to take the responsibility of asking for such permission?

Mr. BLANTON. I will after the gentleman's request has been granted.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

DISTRICT OF COLUMBIA COMMITTEE

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the Gibson subcommittee of the Committee on the District of Columbia may sit to-night during the session of the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FARM RELIEF

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603, with Mr. MAPES in the chair.

The Clerk read the title of the bill.

Mr. TINCHER. Mr. Chairman, I desire to yield 30 minutes to the gentleman from New Jersey [Mr. FORT].

Mr. FORT. Mr. Chairman and gentlemen of the committee, this is the third occasion on which I have had the privilege of discussing in this House the general question of the farm problem and of farm relief legislation. On the previous oc-

casions I gave generous opportunity for question and interruption, with the result that it seemed almost impossible for me to get time to discuss the constructive sides of the legislation at all. The bulk of the time was spent in other things. I therefore hope the Members of the House this morning will permit me to proceed at least until I finish my main statement without interruption.

This issue, during the course of the debate since last Tuesday, has been distinctly clouded by politics and sectionalism. Now, I believe there is a real farm problem. That problem is economic, not political, and national, not sectional. My own view of the matter has been from the beginning that the House should devote itself in the consideration of this measure to it as economic and as national.

Notwithstanding that view, there has been injected into the discussion, and both off and on the floor and in the press, an attack upon the position of those of us who do not favor the Haugen bill as sectionalists, and as though we were the ones who had injected into this controversy a political question. On the floor and in the press I have personally been attacked as having advocated the formation of an industrial bloc, as having raised the banner of the consumer as against the producer. And yet I have been told that unless the Haugen bill passes—this I have been told within 48 hours by one of the chief representatives of the farm lobby—that unless the Haugen bill passes this House the East must understand that the States of the West will pass legislation designed to keep eastern business out of those States, and that a condition may arise like the British strike of to-day.

This language, gentlemen, it seems to me, and this sort of talk is not conducive to a fair consideration of the merits of the legislation we are considering, nor does such language speak truly the mind of the American farmer.

I want—simply to clear my own record and that of the district which I represent—to read to the House a brief citation from the platform on which I was elected a Member of this House:

> As I see it, a Congressman is sent to Washington from his district as its Representative, to study governmental problems, to debate and listen to debate upon them and then to vote in the way that seems best for the interests of the United States as a whole. I believe that our manufacturing industries can prosper and give full-time employment at good wages only if the farmers who constitute 45 per cent of our entire purchasing population are prosperous. I favor, as a means both of assisting the American farmer and reducing the cost of living, an improvement in the marketing facilities for farm products with the elimination wherever possible of unnecessary handling, waste, or profits.

Upon this platform I came to the House and still stand, and the views I have expressed on this floor are, I believe, the views of my constituents that this is a national problem to be handled from a national viewpoint.

In the last 24 hours I am informed that implications have been circulated that the views I have expressed have not been my own alone but have been those of others; and that direct attacks have been made on my good personal friend, Secretary Hoover, as having inspired my opposition to the Haugen bill.

I want again to deny on the floor of the House that the views I have expressed originated with anyone but myself, and to say that Secretary Hoover has insistently and persistently, despite our personal friendship, refused to discuss agricultural problems, because he felt that it was the function of the Secretary of Agriculture and of him alone in the Cabinet. So much for that.

A BUSINESS PROBLEM

It is a business and a marketing problem with which we have to deal. Being a business and a marketing problem rather than a producing one, it is one in which it would seem the East ought to help and is willing to help. The effort to drive the East out of the discussion—to confine this discussion simply to what the farmers are alleged by their spokesmen to want—could, if successful, only deprive us of the benefit of many of the best business brains in the country. These brains may have originated in Nebraska, Kansas, or Texas, but as they have become leaders of American business they have in many cases migrated to Chicago or New York.

Mr. FULMER. Will the gentleman yield?

Mr. FORT. I can not. We of the East want to help. As it seems to us, since this is a business and marketing problem, we have felt that the first thing we should do was to examine what was the present structure of American marketing.

COOPERATIVE MARKETING

The first thing we find in that structure is the cooperative marketing association. Now, the cooperative association is what? It is an organization of the producers of commodities banded together, not for profit but for service. Banded together, if they be organized under the Capper-Volstead Act, with limitations on their maximum profits, with limitations on the amount of products they can handle for the account of others than their own members, in order to facilitate the marketing of the products of their members and secure a better profit.

These organizations operate through advances to their members of so much of the value of their product as the organization with its limited resources can make. That in turn is usually limited by the amount of money the organization can borrow against the commodity from the commercial banks. They pay their expenses by charging back to their members a reasonable fee for the services given and the costs of their operation.

Some of these cooperative associations have been notably successful, particularly in the perishable commodities. Their success has come, in many cases, out of their ability to process and thereby preserve; in other cases, through advertising and thus increasing the scope of their markets; in the majority it has come through the improved credit which the association has gained over and above the credit which individuals constituting the association could ever have had; and finally some have succeeded because their size and strength has enabled them to employ the best business brains in their industry.

And may I say right there that three of the most notable successes of the cooperative movement are the milk producers whose guiding genius is a reformed lawyer; the cranberry growers who have a commission man, never a producer; and the raisin growers of California, managed by a former real estate operator.

Now, some of these organizations have not been successful. This is notably true on staple crops. They have failed or had a serious struggle for several reasons. One has been their size. They are mostly local, not even regional, and none of them are national. The second reason has been the lack of facilities for handling or storing their crops. The third reason has been their lack of credit facilities, due to the fact that they were handling crops where the fluctuation in price continually changed their equity and consequently their possible loan on the commodity which they handled. Finally, due to their absence of cash resources, due in turn to their small borrowing capacity, the cooperative association has been unable to advance to the producer anything comparable with the amount which the cash buyer would pay. The cash buyer offers 100 cents on the dollar of the current market price.

The cooperative association is limited to 60 or 65 per cent, or whatever its borrowing capacity may be, of the value of the commodity. Consequently the farmer, even where he realizes the value of the organization, is unable to get enough cash from the cooperatives to take care of his urgent needs, and sells to the cash buyer, even though the price be far less than the price he could secure eventually through the association.

CAN COOPERATIVES HELP SOLVE PROMLEM?

Through all this discussion every group has agreed that if we can form proper farm organizations we can solve the farm problem. Can the cooperatives give us what we want? I believe they can with proper help from the Government.

To give them this help the Tincher bill has been devised. What are its fundamental principles? First, the establishment of a council and commission chosen in the way concerning which I have already expressed my personal views to this House. If selected in accordance with the Constitution, and with the genius of our institutions, these bodies can be of great service. The bill vests them with statistical and advisory services of great value.

The importance of these services is perhaps best shown by the fact that every bill that has come to this House from any source has contained a similar provision. The language of the bill possibly does not in sufficiently clear language emphasize what is one of its main purposes, and that is the same as the purpose of the bill of the gentleman from Louisiana [Mr. ASWELL]—to foster the growth of cooperatives throughout the Nation. Perhaps this should be clarified by amendment. It confers upon the commission and the council, however, the duty of conferring with and giving advisory service on production and surpluses to the farmers of America. I believe that once established with its organizations strengthened through a period of service, with its knowledge enhanced through experience, the farmers of America will lend a willing ear to the advice of such an agency on the question of what acreage they should plant and what crops they should produce to meet the market needs.

But the chief factor of promise in the Tincher bill, and the one upon which I would put by far the greatest personal em-

phasis, is the provision found in subparagraph 3, on page 8, which reads as follows:

(3) Upon its own initiative or upon petition of any cooperative marketing association, to call into conference cooperative marketing associations engaged in the handling of the same commodity or commodities with a view to assisting in the organization by such cooperative associations of a national or regional duly incorporated cooperative marketing association, to act as the common marketing agent of such cooperative associations, in the interest of the producers of such commodity or commodities.

NATIONAL MARKETING AGENCIES

What does that language provide as a new process in marketing? It directs that this commission first shall determine what commodity or commodities logically belong as marketing problems in the same group; and, second, having reached that determination, the commission shall send for the marketing representatives of those producers; shall call them into conference; and shall say to them, "Gentlemen, you all belong in the same marketing group, you all ought to be working together in handling your commodity; if you are willing to work together, we will cooperate with you in the formation of the type of organization which will best function for the marketing of your crops."

You can not handle the great staple crops of America, of course, through a thousand little local cooperative associations, but if you put the united strength of 1,000 wheat cooperatives into a single organization adequately financed, then you put into the hands of the American farmer himself and into his own organizations the power to stabilize the wheat market of the United States so far as the laws of supply and demand will permit any agency to stabilize that market. Therefore, as it seems to me, this provision is the vital clause in the bill and it, or something like it, is the vital provision that must go into any legislation on the farm question, if we are trying to produce business and not political results.

The Oregon grower of wheat has less in common with the Oregon grower of apples than he has with the North Dakota grower of wheat. Therefore, organization along purely State or regional lines, as proposed in the Aswell bill, will never reach this problem, but organization along the lines of the commodity in which there is a common interest offers hope if anything can offer it. The trouble with the American farmer—which can not be too often emphasized—is that he is over 6,000,000 individuals, dealing with the great organizations of industry and of trade.

What this bill seeks to do is to bring all of the wheat farmers of America into one national marketing association, to bring all of the cotton farmers of America into one national cotton-marketing association for the purpose, not of price fixing, not of direct arbitrary efforts to enhance the price without regard to economic laws, but for the purpose of enabling the producer to stabilize through orderly handling the market for his own commodity.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. FORT. I can not yield now. Further—and this is not an insignificant matter—if this bill be adopted in this form, the farmer and his organization will be freed from the restraints of such laws as the Sherman law, which, of course, applies to other types of business organizations.

LOANS TO COOPERATIVES

To help his organization to succeed, what do we propose to do in the Tincher bill? I have said to you that the two great weaknesses of the modern cooperative association are its lack of size, which we plan to correct in part through a national association and in part through attracting new members, and its financial weakness and consequent inability to advance to its members even approximately as much money as the cash buyer can give them.

So we propose here that the Government, believing in cooperative marketing, shall offer to the wheat cooperative or the cotton cooperative or whatever cooperative you please, properly organized so that it may become a real factor in the trade, the money with which to provide the necessary margins over and above a strictly commercial loan. If, for example, the banks will loan the cooperatives, as they will, 70 per cent on the wheat, but if the ordinary farmer must have 90 per cent of the value in order to carry his cash necessities, then under the proposals of this bill the Government is prepared to let the cooperative associations have, on second mortgage on the wheat, 15 or 20 per cent additional. With speculative fluctuations diminished through the resulting stabilization, such loans would not be unsafe or unwise.

We propose to provide for them the facilities—the storage and handling facilities—they need by loaning them money on second mortgage. Now, some Members say that it is all wrong for the Government to loan money on second mortgages. We loaned the railroads on fifth and sixth mortgages; and why did we do it? Because transportation is an absolute national necessity, because without transportation the entire economic structure of this Nation would fall down, and because in the economic dislocation resulting from the war the Government felt that it and it alone could provide the resources to put back the railroads on their feet.

Mr. CANNON. Will the gentleman yield at that point?

Mr. FORT. I can not.

The CHAIRMAN. The gentleman from New Jersey declines to yield.

Mr. FORT. Now, my friends, is transportation any more of an economic necessity than agriculture? Agriculture like transportation is to-day suffering from the economic dislocations of war. Agriculture, just as were the railroads, is entitled to the financial backing of the United States Government to pull it out of these dislocations. Just as we loaned on fourth, fifth, and sixth mortgages to the railroads, just as we may lose some of those loans, personally I can see no reason why this Government should hesitate to advance to the basic industry of all industries, the margins needed to enable the farmer to handle his own business.

Let us take, for example, the cotton situation as it is to-day. We might as well talk frankly. The cotton cooperatives of America to-day are carrying the bag for all producers. They are carrying practically a million bales of cotton out of an abnormal crop, and their backs are breaking because they have not the margins over and above what the banks will loan them to continue to carry the crops.

If they drop a million bales of cotton on the market, the cotton farmers in America suffer, and not the cooperatives alone. Why should not this Government, the only agency which can handle it, help carry that burden. Now, on this question of these loans, my friends, all crops never go bad the same year unless there be a war situation. Take last year, where cotton had trouble and corn had trouble. Pork has been satisfactory and wheat has been satisfactory through the year as a whole. Each year we have these changes from crop to crop, and each year, until the cooperative association has gained, through its own strength, the power to handle these matters, I would have the Government of the United States say to the farmers that "To you of all industries we are prepared to loan the margins that are needed on the crops you produce. We will not loan 100 per cent. No; but we will loan you enough so that the American farmer can wait to market his crops and not be compelled to dump his product without regard to his own will or on what any intelligent marketing agent knows to be a low, unsound market."

Now, the loans we make on the facilities are for 33 years. That is what we did for the railroads. The loans on commodities, we assume, will soon be repaid when the commodities are sold, but there is nothing in the bill that makes that mandatory. We are giving to the board the fullest discretion on rates of interest and on terms of repayment. Why? Because what we are after is to build up cooperative marketing in America, and we are setting up this board charged with the duty and obligation of accomplishing that purpose and giving it wide discretion as to the ways and means in which it will proceed.

SUPERVISION OF COOPERATIVES

Then, we provide for audits and supervision of cooperatives to which we make loans. I think one of the weaknesses in the cooperative movement to-day is that there is not enough of audit and supervision to make the ordinary farmer feel free from suspicion of some of the organizations and promoters. Here the promotion is going to be by the United States Government, and here is a Federal board which is going to set up the organizations and urge men to join. That fear and that suspicion will disappear when the American farmer knows the American Government is backing the whole proposition.

To those of my friends who feel that such loans and such Government intervention in agriculture is unwise, is socialistic, I want to say that what was called socialism yesterday is sometimes the sanity of to-day.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. TINCHER. How much more time does the gentleman desire to complete his remarks?

Mr. FORT. I could use five minutes.

Mr. TINCHER. I yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from New Jersey is recognized for five minutes more.

Mr. FORT. What we called socialism even so recently as before the war, we accept as a matter of course in many directions to-day.

Here is a great basic industry in trouble, not through its own fault. Are we going to sit here and say to the farmers of America, "To help you, to loan you money, is socialistic," when we have said to industry of various sorts and to transportation, "We will help you and loan you money"?

My friends, economic clothes can be outgrown just as fast as a growing boy outgrows his physical clothes. Economic ideas must change with the change of time and habits, and we have reached a point in this Nation where anything that so vitally affects 35 per cent of all our people is a matter of real State concern. So long as the changes that we make are considered changes, so long as we do not go chasing the chimeras of new forms of organization, of makeshifts, of price fixing, so long as we stand straight on business lines for the building up of business organizations, this Government can well, and should, aid the industry of the Nation.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. FORT. No; I can not.

The CHAIRMAN. The gentleman declines to yield.

WILL HELP ALL AGRICULTURE

Mr. FORT. Now, my friends, one other thing: We plan in this bill to help all agriculture. It is not limited to the six basic commodities, and you know the six basic commodities involve only half of the gross product of agriculture. We plan to help the farmer in every section, in every crop, in every interest that he has; to give to him the backing of the Government, moral and financial, in his organization of himself for his own profit.

Everyone agrees that organization will do it. Which form of organization are you going to choose? The organization that is the real development of the best thought of America, the cooperative organization, or an untried form of organization superimposed by the Government, with new ideas and new thought, that wipes out the independence of the American farmer, that puts him under the supervision and absolute control of a Government body? Let us stick, my friends, to a form of organization that he himself has built up, the form of organization to which he is accustomed and with which he is acquainted; the form of organization that he knows how to operate and that has, where it has had a fair show, worked to his ultimate benefit.

That, as it seems to me, is the issue before this House. And my friends, again, in closing, I hope that we all, in considering this question, can rise superior to the sectional considerations that have marred this debate. The American farmer is American to the core. Indeed, he might be called the core of America. He does not want the intervention of a new and un-American instrumentality. He does not want a subsidy from his Government. He does want our sympathetic interest in his problems. He does want us to give him what we can all sincerely recommend as tried, as workable, as safe, and as thoroughly American. [Applause.]

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. SWANK. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER of Oklahoma. Mr. Chairman, after the illuminating discussion for the past few days on this farm situation I think any fair-minded person will concede not only that we have a farm problem but that that problem has reached the most acute stage and that the basic industry of our Nation, agriculture, is perhaps to-day facing a crisis equally as serious as any industry has faced during the history of our Nation.

We are told by the Bureau of Agricultural Economics that the price level of agricultural commodities has fallen so far below the price of all other commodities that the farmer has experienced a loss during the past five years in that respect alone of thirteen and one-half billion dollars; that the value of farm land and equipment throughout the entire country has been reduced during the same period from $79,000,000,000 to $59,000,000,000, a falling off of $20,000,000,000, or a reduction of more than 25 per cent in the value of the agricultural assets of our country.

Many of the former prosperous farmers and stockmen of my State have been forced into bankruptcy, while many others, having mortgaged their all for a little place on which to live and subsist, have been foreclosed and driven from their little homes. Still others, not fortunate enough to own a home, while perhaps not yet actually confronted with hunger can hear in the very near future the howling of the wolf menacing them and their loved ones.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. CARTER of Oklahoma. The gentleman must have heard me say I would not yield until I had used eight minutes. I shall be very glad to yield when I have finished this short statement.

Mr. HUDSPETH. But I yielded every time the gentleman asked me to.

Mr. CARTER of Oklahoma. I know; but the gentleman had more than 30 minutes and I only have 10. I must refuse to yield at this time.

This agricultural depression is now in its sixth year. At every session of Congress during that period those of us representing agricultural districts in the West have undertaken time and again to arouse the interest of Congress to the peril confronting agriculture. There are many important things that could have been done, but none of them have been done. The first actual opportunity to render any real assistance comes to us in the presentation of these triplets by our Agricultural Committee, but some of our friends on whom we have always in the past been accustomed to confide and rely tell us that this legislation is radical. My friends, this is the same criticism that was brought against the Declaration of Independence. More than that, it is the same charge that was brought against the people when about 700 years ago they met at Runnymede and wrested the Magna Charta from King John. Going back still farther into the musty records of history, we might find this same objection brought to the decalogue when that ancient Hebrew lawgiver, Moses, presented on stone tablets the immortal Ten Commandments.

I have never been considered radical, nor in the light of the deplorable conditions existing to-day do I believe I am now more radical than the occasion demands in supporting the agricultural relief legislation presented to Congress to-day. What do these bills propose to do? All three of them propose aid to cooperative farm organizations, but there the similarity ends.

The prime purpose of the Haugen bill is to provide the farmer with the means of carrying over his surplus production from the fat years to the lean years, and I do not believe that any person will deny that to be one of the most baneful shortcomings with reference to our present agricultural situation.

Another, the Aswell bill, proposes machinery to take up the spread between producer and consumer of agricultural products. That is to say, to eliminate some of the wide difference between the price received by the farmer for his products and the price paid by the consumer for such products. Outside of the $375,000,000 authorized by the Haugen bill, these I take it are the two features which are pointed out as radical. They do constitute a very material and serious change in our present machinery of distribution and sale of agricultural commodities.

Every man who has studied the situation must agree that both these bills strike at two vital evils which have brought about this crisis and are now menacing the farmers of our country. What are we going to do about it? The only question is whether or not either of these plans will work out the successful end we hope to accomplish. Maybe they will, and maybe they will not. For my part I am going to resolve the doubt in favor of the farmer and cast my vote to give one of these plans a chance.

"Oh!" I hear some one say, "are you, a Democrat, believing that every tub should stand on its own bottom, going to support such legislation as this?" As a Democrat I do believe that in so far as possible every industry should stand on its own responsibility. As a Democrat I do not believe in taxing one class of people to enrich another. But this does not mean that we should fail to recognize the condition of any industry becoming so distressed as to merit legitimate Government aid. Moreover, I remind my friends that the Democratic Party is not at this time in command of either of the three coordinate branches of the Government. When the people of this Nation return to sanity, when they are again made to see the importance of "equal rights to all and special privileges to none," and return the Democrats to power, then I will join you as I would to-day, if it were possible, in wiping out the iniquitous high schedules of the tariff and every other subsidy that is provided for the special interests by the present administration.

But what are we going to do until that time comes? This is the year of our Lord, 1926. At the very best we can not hope to gain control of the administration of this Government until March 4, 1929. That means that three crops will be planted, harvested, and sold before the Democratic Party can hope to get in control of the Government. What are our distressed and bankrupt farmers and stockmen going to do until that time rolls around? We are confronted now with a 2,000,000 bale carryover in the cotton industry, and no one can tell what this season may bring. Suppose we have a bumper crop this year,

what is going to happen to the price of cotton next fall? Why, it is apparent to any man that the price of cotton will fall below the cost of production. What are my friends from cotton-producing sections going to say——

Mr. HUDSPETH. I will tell you.

Mr. CARTER of Oklahoma. Wait just a moment, please. The gentleman does not know yet what I am going to ask him.

Mr. HUDSPETH. I yielded to the gentleman every time.

Mr. CARTER of Oklahoma. Yes; but the gentleman from Texas had 35 minutes, and up to date the best I have been able to secure is 10 minutes.

Mr. HUDSPETH. I have been courteous and yielded to the gentleman every time.

Mr. CARTER of Oklahoma. Yes; but I did not interrupt the gentleman until I had obtained his permission. I must decline to yield now until I have completed my question. What is my good friend from Texas going to do when he gets back to his good old farmers down on the Rio Grande who are raising cotton at a cost of 20 to 25 cents a pound and will, perhaps, be forced to sell it this fall from 12 to 15 cents a pound? How is he going to explain to them that, after having voted for tariffs and subsidies that build up the price of products in the cities and of all the eastern country, that when an opportunity came to give them the same character of relief he found that it was economically unsound to do it? Now I will yield to the gentleman to answer the question.

Mr. HUDSPETH. But I do not desire to ask the gentleman a question.

Mr. CARTER of Oklahoma. But I am ready to yield now.

Mr. HUDSPETH. Very well; I will tell you what I am going to say.

Mr. CARTER of Oklahoma. Do not take up too much of my time.

Mr. HUDSPETH. But you have asked a question.

Mr. CARTER of Oklahoma. No; I said I yielded.

Mr. HUDSPETH. I am going to say to them, "Borrow your money from your banks and carry over your surplus."

Mr. CARTER of Oklahoma. Now, just let me answer that.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. SWANK. Mr. Chairman, I yield the gentleman five minutes more.

Mr. CARTER of Oklahoma. The gentleman from Texas says he will tell the farmers: "Borrow the money from the banks and carry over your surplus." I imagine that will remind the already debt-ridden farmer of the young man who was seeking the hand of the girl in marriage, and when he popped the question to her she replied, "You must go to father." The disconsolate young man reeled off the following rhyme:

> She knew that I knew that her father was dead;
> She knew that I knew what a life he had led;
> She knew that I knew what she meant when she said,
> "Go to father."

[Laughter.]

Mr. HAUGEN. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes; if the gentleman who has control will give me a little more time.

Mr. HAUGEN. The gentleman from Texas has announced that he was in favor of the farmers of his district having the benefit of the tariff; and having voted for the tariff bill, if the price goes down on cattle, as it has, he would give the cattlemen the benefit of the $2 a hundred on cattle weighing more than 1,050 pounds and the transportation rate.

That is about $2.50 a hundred. The gentleman opposed the cattlemen getting the benefit of the tariff of $2.50. He voted for the McNary-Haugen bill; and if we had that bill in operation now, the cattlemen would get more than $3 a hundred. [Applause.]

Mr. CARTER of Oklahoma. Since the gentleman has consumed considerable of my time, I hope he will be able to yield me a little more, because it is going to push me to finish the few suggestions I have to make.

There has been much talk about the equalization fee. They have tried to throw a scare into us; they have tried to intimidate some Congressmen representing cotton growers on account of this equalization fee. That is the easiest thing in the world to explain. This equalization fee does not come in force for two years after the date of the passage of the bill. The bill will probably not be passed until some time in June, so it will be 1928 before the equalization fee will come on cotton. If this provision with reference to cotton works out satisfactorily and the farmer gets a price for his cotton that gives a profit over and above the cost of production, do you think the cotton farmer is such a fool he will object to paying for that service? That is what the equalization fee proposes to do. We have two years to find out whether or not it will work.

Mr. ASWELL. Will the gentleman yield?

Mr. CARTER of Oklahoma. The gentleman from Louisiana has control of a part of the time. I will be glad to yield to him if he will give me a little more time. But suppose that at the end of two years this does not work out satisfactorily. Suppose it does not keep the price of cotton above the cost of production. What is going to happen then? Why, everybody knows that this part of the bill will be repealed. You could not get 10 votes in this entire House against repealing it. Why, you could not even get those on the Republican side to object to that. These Yankees do not want to injure our farmers just for the purpose of punishing them. They are good business men. They just want to get our farmers' products as cheaply as possible and sell the products of their own country to our farmers at the highest possible price. The deferring of this equalization fee for two years is one of the best provisions in the bill, because it gives us a chance to see if the application of the bill will work to the advantage of the price of the farmers' products. If it does not, it can be repealed before the equalization fee is applied. If any change is made in that provision, if the bill is amended so as the equalization fee will apply before we find out whether it is workable or not, then, in my opinion, this bill is going to lose a good many votes from agricultural sections. I simply make this statement as a warning to the friends of the bill.

Mr. BLACK of New York. Will the gentleman yield?

Mr. CARTER of Oklahoma. If the gentleman will make it short.

Mr. BLACK of New York. Can the gentleman figure how many votes there will be to defer the equalization fee for another two years?

Mr. CARTER of Oklahoma. No; we will cross that bridge when we get to it. I repeat what I have just said. If this plan works out to the benefit of the cotton farmer, then the cotton farmer will be willing to pay for that service; but if it is found to be not workable to the extent of giving the cotton farmer a reasonable compensation for his production, then there will be no use to keep that part of the bill on the statute books and any reasonable man will vote to repeal it. That ought to satisfy even the gentleman from New York.

Mr. BLACK of New York. We are hard to satisfy.

Mr. CARTER of Oklahoma. Yes; I admit that some of these gentlemen representing the East whose constituents have been getting the advantage of the tariff and other subsidies are somewhat hard to satisfy when we ask a distribution of any part of those benefits out West. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER of Oklahoma. I would like to have two minutes.

Mr. HAUGEN. Mr. Chairman, I have only 92 minutes to run a debate of 8 hours.

Mr. CARTER of Oklahoma. Can not the gentleman yield me two minutes? He used up that much of my time.

Mr. HAUGEN. I can give the gentleman one minute.

Mr. CARTER of Oklahoma. The gentleman took up two minutes of my time when I yielded to him.

Mr. HAUGEN. We had a gentleman's agreement——

Mr. CARTER of Oklahoma. The gentleman did not have any agreement about the two minutes he took away from my time when I yielded to him.

Mr. HAUGEN. I yield two minutes to the gentleman. [Applause.]

Mr. CARTER of Oklahoma. Mr. Chairman, I want a few more words with my colleagues on the Democratic side of the House. For almost 20 years I have represented the people of my section in Congress. During all of that time my voice has been raised with yours in protest against these exorbitant tariffs and subsidies which have enriched the people of the cities and of the East and impoverished the people of the South and West. We have protested, we have vociferated, we have thundered in the index, yet the party in power has gone right along continuing the practice of subsidies and tariffs for the benefit of their people. They have piled up tariffs, subsidies, artificial props and braces to every character of business in the country except agriculture, until our poor old farmer has his back bent and almost broken from the burden. And worse still, the American people have gone right along electing a majority in this House and at the other end of the Capitol of those who continue the practice of this policy. So at last we have an opportunity here for the consideration of legislation which proposes to give some of these artificial props and braces to the agricultural industry and whatever my convictions may be on governmental economics, I do not propose

that my vote shall stand in the way of the farmer of the South and West getting his share, so I am going to vote for the Haugen bill. I am going to vote for it because I consider it is the best proposal offered and that has any chance of being enacted into law. [Applause.]

Mr. RATHBONE. Mr. Speaker, it is most interesting to note what common-sense farmers themselves have to say about the problem of agriculture, which we are debating. In my own State of Illinois there is published the Whiteside County Farmer, in which an article recently appeared by Mr. Matt Grennan, which should be of much interest not only to the farmers of the Nation but to the public in general. The article is as follows:

What is the most serious problem before the American people to-day? I say lack of understanding of each other's problems.

This is the topic of every group in the rural districts and is fast spreading to the cities.

We have, in my opinion, just started into what the older countries have gone through.

The real trouble, as I see it, is that we have lost sight of our customers. They are in just as serious a condition as we. For instance, the man with a family of youngsters who has had his time cut to four days a week and his pay to 40 cents an hour. This leaves him $16 with which to battle the high cost of living. I am citing this particular class because they are our real customers. They eat more of the good, substantial food than those who do less manual labor, and they are also the first to feel a depression.

Receiving but $16 a week, he must limit his cost of living to that amount, as his borrowing power is unlike that of the producer, who must have a reserve capital to do his business with. The cause for his decrease in wages and working time can be laid to the decrease in buying power of the farmer.

What is the real reason for this condition? I would say too much speculation and too little regulation. Now, we are in a certain sense to blame for this. When food was cheaper people consumed more and perhaps wasted more, but with the advance in price they were forced to curtail their eating to conform with their pay envelopes. Costs of living have advanced radically in proportion to the average man's earning power.

I will quote a few comparisons: When we sold wheat for 75 cents per bushel the consumer bought flour for 85 cents a sack. Now we pay $3, and get, or rather get at threshing time when most of our wheat was delivered, a dollar and a quarter. I am speaking for my own neighborhood.

What has caused this unreasonable advance in the cost of getting the raw product from hands of the producer to the hands of the consumer in its finished form? I say speculation, storage, distribution, and manner of handling.

In the days of 75-cent wheat speculation was practically unknown. Storage was limited to small mill warehouses and farm granaries. These small mills dealt directly with the producer and the consumer at a normal cost, thereby eliminating the cost of double freight and countless agencies that the produce now must pass through before it reaches the consumer.

Here is where the producer loses sight of his customer and both are paralyzed. For instance, we have sold 50 per cent of our corn this year for 50 cents a bushel, wheat for $1.30, and oats at a cent a pound.

The consumer is paying 5 cents a pound for corn meal, or $2.80 a bushel. He pays 7 cents a pound for oatmeal, or $2.24 a bushel, and these two articles are the cheapest food a consumer can buy that are not sold directly from the producer to the consumer. We must find a more direct route for the raw material to be put into the hands of the consumer or customer in its finished state.

All great wrongs that affect people have a way of righting themselves. It took a civil war to eradicate slavery, and impossible conditions in Europe brought on the World War. We are just starting through what Europe has already experienced. We are allowing the most efficient producers to be driven from the farms to find more lucrative employment. These men are being replaced by others who, through lack of knowledge and experience, can produce less than 75 per cent of what they should. In the last 10 years we have eliminated 65 per cent of our horses. If we still had them, they would consume more than our present export to Europe. Any man with ordinary reasoning power can readily see that this country would be on war-time rations if we had not replaced the horse with motor power.

When Europe became industrialized to such an extent that she was forced to look elsewhere for food, she turned to us and got it; but whom shall we look to when our agriculture fails? How are we going to remedy this appalling situation?

We have always stood on our own feet in these United States, and we still can do so if we provide for the future. As I said before, we must find a more direct way of meeting our customers.

Let us build our own mills and refineries to convert the raw materials into the finished product. Place these in the center of each grain-growing State, and take advantage of the shortened railway hauls. Deal directly with the consumer through small distributing centers, who in turn will take care of the retail grocers.

Now, to take care of surplus grain. In the first place, this will be partly eliminated through the fact that people will eat more of it on account of its lesser cost. Each farmer must have sufficient bin room to hold his grain. He can shell his corn the 1st of June, put it back in his bins, and haul one-twelfth of it each month. In this way large storehouses will be unnecessary, and still the mills will have a steady income of grain the year around. If at the eleventh month there is found to be a surplus, the grain is where it belongs, and production can be adjusted accordingly.

Under this method we can reduce the cost of living 40 per cent to our customers, thereby increasing their earning power. We will get away from what Europe has suffered, have a general sympathy for each other, build up business, and put everyone to work.

We should be able to pay the farmer approximately a dollar for corn, a dollar and a half for wheat, a dollar and a quarter for rye, 85 cents for barley, and 50 cents for oats.

In the meat line we could say $14 per hundred for finished cattle, $8 for choice feeders, and $12 for top hogs. This, I think, is a relative price and will regulate meat and grain.

The stimulus to industry should be tremendous. It will take years of industrial activity to supply agriculture with equipment that they are so badly in need of, and which they will be only too glad to buy when their finances permit it.

There are a number of ways in which this plan can be financed. The farmers themselves can finance it on the basis of a 25 cents an acre tax over a period of years. Where tenants are involved the tax could be met by each paying half. With this plan each individual farmer would become a stockholder and would participate in any dividends which might occur. These dividends could be paid yearly or held as a surplus to meet increased demands for operating space and equipment.

There are a great many angles to the subject, and I might write a book on it if time and space permitted. I am deeply interested in anything which promises help for the producer and his ultimate customer.

Being a plain farmer and cattle feeder, working from early in the morning until chores are done at night, I think I understand and realize conditions better than many more highly educated men who are writing from their desks in the city.

The man or group of men who puts this plan into operation will have rendered a lasting service to his country and to the great class who earn their living by honest toil. He will be entitled to his place in the hall of fame with our reverend forefathers, Washington and Lincoln.

Mr. HAUGEN. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. ASWELL. I understood we had an agreement to the contrary. I understood that the gentleman from Iowa would yield 10 minutes to the gentleman from Texas [Mr. JONES], and the gentleman from Kansas [Mr. TINCHER] would yield 10 minutes to him, and I would yield him 10 minutes.

Mr. HAUGEN. That is right.

Mr. ASWELL. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. JONES], as the gentleman from Kansas and the gentleman from Iowa have done.

The CHAIRMAN. The gentleman from Texas is recognized for 30 minutes.

Mr. ASWELL. Mr. Chairman, will the gentleman withhold while I yield one minute to the gentleman from Tennessee [Mr. HULL]?

Mr. JONES. Yes.

Mr. HULL of Tennessee. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on these bills.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. HULL of Tennessee. Mr. Chairman, there is to-day general agreement in this country upon two points relating to agriculture. One is that it is in serious distress and presents a most important problem as to suitable relief measures. The other point is universal acknowledgment of the fact that the Fordney high tariff, as an agency of any sort of general prosperity for agriculture as a whole, has been a hopeless and grotesque failure from the day of its enactment. On the contrary, even a blind person can now see that during the past five years our high tariffs have operated as a tremendous engine of oppression to agriculture. The present deplorable condition of our farmers did not develop overnight, and it can not be remedied overnight. Relief in many deserved and legitimate ways can and undoubtedly should be had at the earliest possible date. Such relief should come through sound economic policies, and not through temporary artificial expedients of extremely doubtful workability. Permanent relief, based on sound principles, is

what agriculture properly demands and what it is entitled to receive.

During the period of my service here I have at every stage contributed my best efforts in earnest cooperation with those seeking to promote the welfare of American agriculture. At this time two widely different policies for farm relief are available. One policy is embodied in the Haugen bill, which is bottomed on the existing high-tariff system.

The other policy embraces such timely, practicable, and legitimate measures as the following: Tariff reduction, thereby materially diminishing the farmer's cost of production, distribution, and his cost of living; liberalization of our international trade relations, thereby expanding and developing foreign market and trade conditions so that other countries might purchase increased quantities of our surplus foodstuffs and other commodities, at increased prices; aid and encouragement in the wider expansion and development of cooperative agencies for transportation and distribution, including the guarded relaxation of antitrust legislation in view of the peculiar and extra hazards and uncertainties which agricultural production involves; better short-term and other credit facilities where actually needed and justified by good business principles; reduction of railway rates; abolition by the States of State taxes on farm lands, leaving the same to counties and villages; readjustment downward by the States of land taxes in the meantime; suppression of monopolies in the distribution of farm products; abolition by international agreements of bounties, rebates, and other special aid given the exportation and sale of farm products in competition with ours, by other governments; the greater utilization of the Mississippi and other important water courses for the transportation of farm products. The cooperative agencies for the distribution and sale of farm products should have all reasonable financial cooperation by the Federal Government with suitable safeguards until they are sufficiently developed and made sufficiently workable.

The champions of the manufacturers' high tariffs naturally oppose the Haugen measure, because they do not propose to run the slightest risk of imposing any tariff burdens or impediments on tariff-protected manufacturers. It is comical to hear this delectable group oppose the Haugen bill by shouting "subsidy." Some of the antihigh tariff supporters of the Haugen measure suggest that it is not possible to secure the immediate adoption of the legitimate remedies I have outlined and that therefore the farm emergency can only be met by joining the forces of special privilege and enacting the Haugen bill. Under this theory sound relief could never be secured. The American farmers had a wonderful opportunity in the general elections of 1922 to take effective steps for the adoption of sound measures of relief, and they had a like opportunity in the elections of 1924. Why did not their spokesman offer the Haugen plan when the Fordney tariff bill was pending in 1922? Their leaders and representatives, unfortunately, were during these periods holding a great cross section of farmers in support of the very economic methods which have wrought havoc to American agriculture. Everyone now knows that there is a disparity between the prices of agriculture and of industry and that the Fordney high tariff is chiefly responsible therefor. It must be patent to all that the Haugen bill contemplates the perpetuation of the most aggravated form of special privilege in this country, which is the Fordney high tariff. Strange to say, this is proposed in the name of economic equality, although nothing is more impossible than to equalize the benefits of special privilege. Economic equality, if it means anything, means the destruction of special privilege. These two policies are directly and eternally inconsistent and repugnant to each other. High tariffs not only breed combines and monopolies, but they invariably leave a trail of colossal scandals and wholesale corruption. Our Government to-day is in the clutches of the high-tariff manufacturers; they are the Government. They have given express orders for Congress to keep entirely away from the tariff, no matter what happens to the farmer.

The real object of those now in control of the Federal Government is to maintain the existing Fordney high tariffs intact. Farm relief with them is purely incidental to this one controlling purpose. They are willing to give agriculture anything that will not militate against the existing high-tariff structure. The important fact should constantly be borne in mind that from early in 1921 farm-relief measures have been in charge and control of those who were opposed to any interference with existing high and unconscionable tariffs, but who favored their permanent retention. It has not been possible, therefore, either to consider farm-relief measures or to conduct farm-relief hearings with respect to the great and far-reaching tariff and trade angle of the agricultural situation. On the contrary, representatives of the majority in control of the Government have constantly fought to keep entirely away from tariff considerations and instead to offer to agriculture any and every kind of relief measures, no matter how artificial or arbitrary, just so their operation and effects would not conflict with or undermine or expose the class nature, the injustice, the inequities, and the outrages of the Fordney high-tariff rates. These objects and purposes, now clearly revealed, account for the many half-baked or inadequate or hodge-podge proposals for farm relief since early in 1921, as they also account for the distribution of tons of propaganda intended either to divert the farmer from a real consideration of tariff effects upon his industry or to placate him in his threatened wrath against the tariff and trade policies of the present administration.

During the years prior to 1921 American agriculture had thrived wonderfully. In 1921 we had vast surpluses of foodstuffs, while the balance of the world was hungry and anxious to buy. Our country only needed to cooperate in a moral and economic way to maintain the international financial exchange, credit and trade situation in order that countries needing our surplus foodstuffs might have available trade channels through which to purchase upon good security in cases where cash or barter were inadequate for payment. Then it was that those in charge of the Federal Government, dominated by the ultra-high-tariff manufacturers, decided to pursue a policy of narrow and selfish economic isolation and aloofness and to fence this country about with tariffs higher in many respects than any known to our fiscal history. They, as are all high-tariff systems, were surrounded by a network of retaliations, boycotts, reprisals, restraints, and restrictions with respect to international trade.

All sound economic authorities recognize that this ultra-high-tariff policy would crucify agriculture in America, as subsequent experience has demonstrated to a mathematical certainty. Those in control, however, recalled the fact that they had for 50 years been able to delude the farmer by the plea that high tariffs were an invariable guaranty of permanent prosperity to all industries, including agriculture. They therefore had no hesitation in attempting to continue the wide circulation of this deliberately false policy. The first step was to proclaim and enact the farmer's high tariff law of May, 1921, coupled with the solemn assurance that it would give agriculture sound and permanent prosperity. We must not forget the fact that those among the majority in control of the Government and their associates on the outside who assumed to speak for agriculture subscribed to and supported this fraudulent program of farm relief.

In 1922, when the Fordney general tariff measure was pending, these same farm spokesmen strongly ratified and approved the agricultural tariff provisions as constituting virtually an all-inclusive remedy and safeguard for American agriculture. The idea held out to the farmers was that they were thereby placed on an absolute economic equality with manufacturing and other industries. The real problem of promoting and expending international trade and export markets was not seriously mentioned, much less considered.

Further, to illustrate the tortuous course of those in charge of the Government toward agriculture, it is interesting to recall that as early as 1920 candidate Warren G. Harding urged the farmers to produce more. On July 22, 1920, he said:

> Our need is a maximum production. * * * I want somehow to appeal to the sons and daughters of the Republic, to every producer, to join hand and brain in production, more production, honest production, patriotic production.

Vice presidential candidate Calvin Coolidge on July 27, 1920, said:

> Production must be increased.

During the months following the enactment of the Fordney farmer's high tariff in May, 1921, disaster was overtaking agriculture so rapidly that President Harding, in his annual message to Congress on December 6, 1921, was driven to confess that—

> something more than tariff protection is required by American agriculture.

The farm spokesmen at Washington, however, were later soothed and made content with the soporifics that were later inserted in the Fordney tariff law in 1922. I do not question their motives. Some minor, partial, and wholly inadequate domestic laws relating to agriculture were provided as a supplement to the pretended tariff remedies which were constantly held out as the controlling agency for agricultural prosperity.

It is due the American Farm Bureau Federation to call attention to the opposing views of some of their membership as early as 1923, although their contrary ideas became hopelessly

submerged by other farm spokesmen at Washington in league with the high-tariff policy. This farm organization sent a committee abroad during 1923 to study the European situation as it related to the American farmer. This committee reported at the annual convention on December 10, 1923, as follows:

But whether for barter or for money, there are serious obstacles to the full and necessary development of international trade that are of gratuitous American making. Our tariff laws are in many instances prohibitive rather than protective. They make it impossible for foreign countries to sell to us and therefore impossible for them to buy from us. International trade is literally a trade, an exchange. If there is nothing that we can take in exchange for what we offer, there is no trade. Nations can not buy without selling. We need tariff laws that are designed to equalize competition and not prevent it. Tariffs dictated by greed bear heavily on our farmers, for they increase their cost factors and impede the sale of their products. The American Farm Bureau Federation has defined its position on this subject and it should resolutely press for the adoption of the principle of nonpolitical tariffs adjusted so as to compensate for differences in labor costs here and abroad.

It is thus apparent that these farm leaders had discovered the extent to which our narrow high-tariff policies and accompanying trade restrictions were hopelessly handicapping and hamstringing even the most legitimate and profitable reciprocal international trade. They seem to have discovered the true economic fact that no country could sell unless it was willing to buy, and that exports must be paid for by imports, and hence that a reduction of imports meant a corresponding reduction of exports. During these very years—1921 to 1924—there were hundreds of millions of grossly underfed people in Europe crying for our foodstuffs, while thousands of our American farmers were drifting into bankruptcy for lack of sales of their surpluses.

In the fall of 1920, while combating the general high-tariff program then already planned, I offered a resolution in the House of Representatives providing for the appointment of a select committee to conduct elaborate hearings and to report a measure or plan to reduce the cost of domestic distribution between the farmer and the consumer of farm products in this country. The farmer was not getting much more than one-third of the price which the consumer paid. This resolution related to all costs of distribution, including transportation, warehousing, and sales methods and agencies. The resolution was given no attention by the majority in control of Congress, their minds being engrossed solely with their tariff remedies. On December 22, 1920, in discussing on the floor of the House the so-called farmers' tariff bill then pending, among other things I said:

The proposed tariff bill, in my judgment, is not nearly so innocent as appears on its face, for whether so intended or not, this measure sharply raises the question of the most supreme importance to this Nation, one involving the whole future commercial policy of the Nation in the light of the new and changed economic conditions in which our country and the world find themselves as the result of the war. The American people are now face to face with the momentous question of whether they as a Nation will maintain our present supreme position in world finance, commerce, and industry, going forward with the development of our foreign trade, keeping alive and expanding our great merchant marine, making sound and permanent investments of surplus capital abroad, affording labor increased employment at home, negotiating wise reciprocal commercial treaties, cooperating with other nations in the elimination of unfair, hurtful, and dangerous trade practices so as to promote fair and friendly trade relations, prescribing a tariff for revenue only, and doing in other essential respects big things in a big way as sound, enlightened, and progressive policy would suggest.

The American Nation must either adopt this wise and philosophic policy for its future and continue to progress, or it must inevitably and as the only alternative adopt the narrow, shortsighted, suicidal policy of commercial isolation not unlike that pursued by China after she had become a world factor in finance and commerce and which has brought her to her present low and despised estate. This latter policy means that the United States shall return to a general and comprehensive system of high protective tariffs—tariffs on the commodities of all producers, from the raw material to the finished product, when selfishly demanded by them, whether really needed or not even from the standpoint of protection. It practically means going backward 40 years, although economic conditions have entirely changed. This policy would assure permanent artificial commercial conditions, a new army of trusts, monopolistic prices to consumers at home, inefficiency in production, stagnation, shutdowns, and an artificially high level of costs of production which would prevent successful American competition in world markets and would compel a return to the old practice under former high protective tariff systems of dumping our annual surpluses abroad at prices far below the domestic prices charged the American consumer. This policy, so backward, antiquated, and utterly provincial for a full-grown country, would mean the death knell to our present $13,000,000,000 of international commerce, and along with it our dominant position in the financial and commercial affairs of the world. It would then be entirely appropriate to remit our foreign debts and let the gift become a monument to our economic stupidity and our future national decadence. Bourbon protectionists can not realize that we are living in a new world and that the position of our Nation in the world economy is vastly different from that of the past. From this time the Nation will move forward or backward according to which of these great epochal policies it adopts.

In the language of President William McKinley, "the period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem." Notwithstanding every true sign and wise warning to the contrary, the fight for reaction, for exclusiveness, and for economic isolation is now on. The sudden appearance of this hastily constructed high tariff bill was the signal to all the forces of standpat protection and of greed and selfishness to rally in a grand effort again to get both their arms and feet into the Federal Treasury. The logrollers behind this and other like high tariff bills make the pork-barrel logrollers drop their heads in shame. No person or business can become a beneficiary of one of these general high protective tariff laws without joining with all other beneficiaries, no matter how undeserving or extortionate and upholding their demands. I am persuaded that the proponents of this measure, while recognizing its utter futility as a remedy for the present distress of the farmers, have rushed it before Congress for the purpose of exciting the favorable interest and whetting the appetite of certain wheat raisers and livestock growers, bean, peanut, onion, and other raisers of certain agricultural products to the extent that they will next spring demand that their Representatives here give their support not only to protective-tariff items affecting them at home, but to the entire high protective tariff measure the reactionary Republicans expect to lay before Congress next year.

Speaking further along, I also said:

The controlling purpose of the bill is to create the false impression in the minds of the farmers of the Nation that they can be materially benefited by high protective tariffs upon the theory that the tariff will prevent outside competition and thereby enable the farmers to secure higher prices than otherwise for his products in the domestic markets. A few general facts and conditions patent to every sane person utterly disprove this view.

At another point in the same speech, in reply to an interrogation as to the immediate remedies I would suggest, I said:

First, let the Government and the banking and other financial agencies of this country cooperate with the commercial, banking, and other agencies of other countries who want our surplus commodities in reviving and strengthening our international trade and exchange situation. That opens the door; that gives us a free flow of commerce back and forth between nations. This would afford temporary relief. America will have to make large, long-time investments abroad to give us a stable and sound and permanent export situation. In the second place, I would have the farmers of this country who still own a surplus of farm products and livestock given all the credit accommodations possible that will enable them to hold this surplus pending the revival of international trade functions. I do not mean by this to hold up the values of this surplus artificially, but rather up to a fair world-price level at this stage of readjustment. In the third place, Congress could do much to encourage and considerable to aid in bringing the farmer in more direct communication with the consumer. For many years we have heard constant talk about efficiency in production, but we have heard entirely too little about economic efficiency and directness in the distribution of that which the farmer produces between him and the consumer. Cooperative sales agencies, cooperative purchasing agencies, additional storage facilities properly supervised, better transportation, terminal facilities, all these are important steps which are now being pointed out to you by the farmer himself to bring the farmer more directly and in cheaper contact with the consumer, and which, if it enabled him to get even one-third to one-half the level of prices which the American consumers are now paying for his products, would put him in the most independent position economically at this minute. Now, these, in my judgment, are the practical methods by which the agricultural surplus, as well as the other surpluses, we produce in this country will finally be disposed of.

The friends of high-tariff protection from 1920 until the present time, by suggesting every other sort of expedients and nostrums, have been able to divide the farmers and so to ward off an assault by agriculture upon existing high tariffs. They have in the meantime even brazenly argued that such tariffs had helped agriculture as a whole. They have also doped millions of farmers half to death with high-tariff propaganda. President Coolidge in his Chicago speech, December, 1925, still held out for the application of high tariffs as the best

panacea for agriculture. President Coolidge's agricultural conference in its report of January, 1925, inserted a strong high-tariff provision. Upon the other hand, the appearance of the McNary-Haugen bill in Congress in 1924 was a confession by high-tariff champions that some remedy more potent than the tariff was necessary for the salvation of agriculture. In order, however, to safeguard all the mountain-high rates of the Fordney law for the benefit of certain manufacturers they framed the McNary-Haugen measure upon the policy of perpetuating such high rates by leaving them intact. This bill failed in the House.

The general result of the course of those in charge of the Federal Government in relation to agriculture during the past five years has been to maintain all high tariff rates undisturbed and intact, which has resulted in turning out annually scores of millionaires in the manufacturing industries, while American agriculture as a whole has gone from bad to worse.

We find to-day a continuance of the same old policy which is designed to evade and avoid the slightest interference with the existing high and extortionate tariff rates and to salve and soothe the farmer with the absolutely artificial and arbitrary plan to raise the prices of his products, as is shown by the pending Haugen bill. Let us still keep in mind the notorious fact that high protectionists who have opposed the slightest reduction in the high tariff on manufactures are dominating existing farm relief proposals.

I have patiently, earnestly, and sympathetically studied every phase of the pending Haugen bill, notwithstanding the fact that it is proposed by a group of farm leaders thus far strongly wedded to the existing high tariffs which have wrought such havoc to agriculture. For my life I am unable to conclude that this wholly artificial plan would prove practicable or workable for any appreciable length of time to anywhere near the extent contemplated by its proponents and necessary for any substantial aid to agriculture. It is not based on any sound economic or trade policy, but, on the contrary, it conflicts with each. Existing tariffs have already created an artificial, lopsided, economic situation in this country. But instead of a movement to reduce these tariffs to a decent level, it is now proposed still further to aggravate, dislocate, and demoralize our industrial, trade, and general economic conditions by adopting and grafting on the present tariff structure an additional artificial policy.

This fatuous course baldly proposes to negative such wise policies as low production costs, living costs, transportation and distribution costs, and liberal international trade policies and methods which are calculated to expand our foreign markets and to increase our foreign prices. The policy of the Haugen bill also embraces a permanent system of dumping, which not only flies in the face of the policy of our own antidumping law but of similar laws expressly prohibiting dumping which we find in many or most other commercial nations. The Haugen bill proposes in theory a domestic price level equal to the world price level, plus our tariffs and transportation costs, while it proposes to dump our surpluses at a price less the amount of our tariffs. It would be difficult to imagine any trade practice that would invite and challenge reprisals, retaliations, boycotts, and even prompt governmental protests everywhere, to a greater extent than this proposed system of dumping.

I can not now go into the details of the operation of the Haugen bill, which in my judgment would prove tremendously disappointing and within a brief time more hurtful than helpful. Apart from the question of its workability, why is it sought to compel the farmer who is receiving no tariff benefits himself to pay the cost of the benefits he seeks in the form of an equalization fee? Why not assess this amount in the form of a special excise tax of 1 to 3 per cent on certain industries which are receiving and collecting from the American people in the form of higher prices the full amount of their tariffs? Nothing would be easier than to impose such tax on the finished products of the silk industry, which received average tariff benefits of more than 60 per cent; on the woolen industry, which receives tariff benefits on cloths of more than 70 per cent; on certain portions of the iron and steel industry, which receives average tariff benefits of 28 per cent, and on the aluminum and other industries which in the main are collecting every penny of their tariffs off the American people in the form of correspondingly higher prices?

I was reared in that school of thought which has taught equal rights to all and special privileges to none. The political party to which I belong has lived for more than 100 years, mainly because it has consistently clung to this ancient doctrine. The American farmers as a whole worked together and maintained this doctrine during most of the first 70 years of the Nation's existence. They are still able at any time they may desire to unify their forces, to proclaim and compel the enactment of sound and suitable policies, giving economic equality to all classes of business, of industries, and to all sections of our common country. The alternative to this wise course is to acquiesce and by implication to ratify all existing policies in support of high tariffs, subsidies, bounties, and all other forms of special privilege, and at the same time seek a suitable share in the loot. We would then have a Government of privilege, by privilege, and for privilege.

Fundamental principles would be forgotten and ultimately would become almost a hiss and a byword among those enjoying special governmental favoritism. If special privilege is outrageously wrong, why should we embrace it even temporarily, instead of fighting to destroy it and restore honest and fair economic policies? The country was never in such urgent need of education on these questions if it is to be saved from the forces of privilege and plunder. If the opposition is not to become submerged by the predatory interests of this country, it must proceed to educate the people along right lines and to combat at every step these sinister forces. The fact that under Republican rule special privilege has reared its slimy head in this country affords no reason or pretext for the champions of sound economic policies even temporarily to surrender and go over to the camp of the enemy, unless they are to lead the public to believe that they have abandoned their principles. If John Smith commits a wrongful act, how can Bill Jones by citing it justify a wrongful act on his part? Where would this practice of adding special privilege to special privilege end, and when would sound principles, thus hopelessly submerged, ever get back to the surface? If we add agriculture to the lists of privilege, there yet remains tens and tens of millions of other citizens on the outside. It would then be in order for them to come in and demand their respective shares of plunder. And in addition there are many other industries to-day seriously laboring under the disadvantages of surpluses, such as the coal, the iron and steel, the textile, the leather, and numerous others. They would soon demand some artificial device calculated to raise their domestic prices still higher and to dump their surpluses. There would be no end.

The Nation can always afford to stand for sound political and economic doctrines and to combat those that are not. It can not, in my judgment, pursue the opposite or mixed course in this respect without inviting ultimate disaster to all. Why has it not been possible to induce the proponents of the Haugen bill to join in a fight for the numerous sound proposals for the relief of agriculture which I definitely set out at the beginning of this statement?

The probable answer is that they are too hopelessly enmeshed in the network of the high protective tariff system. These proposals, if enacted, would place agriculture in a wonderful position. We could and should in this connection offer temporary financial cooperation in the broader and more comprehensive development of farm cooperative organizations in this country. Some such measure as the Aswell bill, with some modifications, carrying, say, $100,000,000, would meet the purpose of one of the proposals which I set out in the beginning.

The great need of agriculture in this country is concerted action on the part of our farmers in support of a definite program of sound economic and trade policies. There should be no divisions, as there have been for many years. Interested, as I am, in a number of farms, and therefore understanding and sympathizing to the fullest possible extent with deplorable farm conditions, I can not conceive of any public service that I would undertake more enthusiastically than that of aiding, as I have always striven to do, in the restoration of agriculture to its proper and rightful place. The question as to the workability of the Haugen bill has been extensively discussed both pro and con, and I desire somewhat in detail to consider the subject of ultra high tariffs, including their destructive effects upon export markets and export prices, and also their relation to agriculture.

How does the tariff hurt the farmer? This inquiry involves a number of considerations. Whom does it help, whom does it hurt, and in what degrees? What, therefore, is the true nature, scope, and application of the existing Fordney-McCumber tariff system? What place does agriculture occupy in our general economic situation, and what is its relation to these tariffs? In order to reach accurate conclusions on these points it is necessary at the outset to brush aside certain widespread delusions that have been carefully developed by misleading propaganda. One is that high tariffs are chiefly designed to benefit labor and agriculture, whereas the real beneficiary, the manufacturer, has financed and directed every movement for high tariffs, and his agents and lobbyists at Washington have written most of the rates, and written them high enough for every remote contingency.

These manufacturing champions of protection have rarely permitted the consideration of any other economic policies, however sound, but have generally kept the public beguiled and diverted by constantly reiterating the stock phrase, "protection and prosperity." Astonishing to say, a general sentiment in support of extreme high tariffs has been built up by this and similar wholly false slogans in the face of the historic fact that every important panic since the Civil War has occurred either under high-tariff administrations or their high-tariff legislation, such as the panic of 1873 under the Morrill high tariff; the panic of 1890–1894 under the McKinley high tariff, which was not repealed until August, 1894; the panic of 1907–8 under the Dingley high tariff; and the agricultural panic of 1921–1925 under the farmers' high tariff of May, 1921, and the Fordney high tariff of September, 1922. A third popular misapprehension is the extremely wide variance between tariffs as preached and tariffs as practiced. The difference is as wide as the two poles. In theory tariff benefits are held out to all; in practice tariff burdens are imposed upon 85 per cent of the American people.

A tariff under the Constitution is a tax imposed on articles imported from abroad. The tariff as a tax, according to the doctrines of disinterested economic authorities, is the most inequitable of all, because, being levied on consumption, its requires a poor person with a large family to pay a larger amount than a rich person with a small family. The avowed purpose of protective tariffs is, by reducing or preventing outside competition, to enable domestic manufacturers or producers to sell at higher prices than otherwise. There is no tariff protection unless an increase in prices. Any other tariff pretension is a fraud on its face. Tariffs are subsidies or gifts bestowed upon one class of persons at the expense of all other classes. In principle they are unjust and immoral. The chief tariff burdens are not taxes but excessive prices paid for domestic products. Tariff protection offers the greatest possible incentive to inefficiency, bad management, the use of antiquated machinery, and waste in manufacturing and production. It is based almost wholly on the theory of a productive capacity that will only equal domestic consumption.

Typical high tariffs are spread indiscriminately upon foodstuffs, raw materials, and finished manufactures. They increase all production costs, living costs, transportation costs, obstruct export trade, seriously burden international commerce, prevent nations from increasing their incomes, paying their debts, and buying from each other even where mutually profitable. High tariffs are based on the theory that nations can sell more if each tries to buy less, while they ignore the universal truth that the chief source of world income is interchange of goods. Such tariffs are also surrounded by a network of trade restrictions, restraints, embargoes, reprisals, and retaliations which invite or challenge similar high rates and retaliatory or boycott provisions by other countries.

Following the war America found herself in an impregnable position financially, industrially, and commercially. Our national wealth had jumped from $186,000,000,000 in 1912 to $320,000,000,000 in 1920. Everyone was prosperous. Unlimited gold and credit, boundless supplies of foodstuffs and raw materials, and a manufacturing and productive efficiency and capacity unequaled anywhere were ours. The other half of the world was hungry, overwhelmed with debt, without foodstuffs and raw materials, cursed with depreciated currencies and collapsed exchanges, and otherwise at our mercy financially and commercially. We had but to cooperate in a business and economic way to maintain the international exchange, credit, and trade situation so as to feed out to other countries in a most profitable manner during all the coming years our increasing surplus foodstuffs, raw materials, and manufactures. This is precisely what we did not do, but instead the suicidal course of economic aloofness and isolation was followed. The result was that from 1921 to 1924 hundreds of millions of persons in Europe were grossly underfed and undernourished, while vast surpluses of unsold foodstuffs were sending American farmers into bankruptcy by the tens of thousands.

The American manufacturers showed profits of sixteen and one-third billion dollars from 1916 to 1920, and though confronted with the opportunity virtually unchallenged to expand and spread over the entire world with their commerce they amazed every enlightened country by their prompt decision to remain at home surrounded by high-tariff walls. The so-called farmers' protective tariff act of May, 1921, was the first definite step in this short-sighted and selfish course. The Fordney Tariff Act of September, 1922, was the second and final step in our world leadership back to high tariffs, high living costs, and general obstruction of international trade.

The real nature of tariffs is determined by their effects on imports of those finished manufactures of general use and universal consumption. It is amazing to observe that the imports of dutiable finished manufactures for 1924 were no greater than those of 1914, when values are equalized, notwithstanding our great expansion in production and consumption. Here is the exposure of the prohibitive rates and colossal fraud in the Fordney law. I append hereto a copy of a tariff reduction resolution I offered in last February.

Following the war the American people were rolling in wealth, and so demanded many increases of consumption, including various luxuries. What has been happening and all that has been happening, therefore, is that we have been exchanging some of our surplus raw materials for increasing quantities of other raw materials, such as rubber, silk, wool, tin, and so forth, to meet our increasing domestic consumption. This process is not increasing national wealth but only redistributing it.

Our export figures which demonstrate this fact show that exports are less to-day than they would have been according to the annual average percentage of increase during the years prior to the war. Secretary Hoover's annual Yearbooks of Commerce confirm this statement. We should disillusion ourselves regarding the fallacy of swollen imports and exports, bearing in mind that a tremendous portion of the import values are due to increases of price rather than quantity. For example, the increase of silk, rubber, jute products, and tin import values were $625,000,000 greater for 1925 than 1921.

As further evidence that our chief imports and Treasury revenue relate to raw materials and foodstuffs, rather than finished manufactures, manufactured silk import values were $11,767,000 less for 1924 than 1921, and the Treasury revenues $916,000 less, while imports of cotton manufactures were only $1,568,000 more than those for 1921 and the Treasury revenue only $2,840,000. The same showing exists as to finished woolen and iron and steel manufactures. It is not difficult, therefore, to understand the prompt increase in wholesale prices during the period in which the Fordney tariff was enacted. The level of wholesale prices went up 15 per cent. The cost of living bounded up from 166 to 175, compared with pre-war cost level of 100. Flushed with tariff success the manufacturers during 1923 operated their plants at near-full capacity. The public went on a strike against the high-tariff prices, with the result that we have seen stagnated and fluctuating prices in numerous lines since that time. The tariff had made production costs too high to sell satisfactorily at home or abroad. Hence production was curtailed during 1924, but somewhat expanded during 1925. Under moderate tariffs both production costs and prices would have been gradually reduced following the war, after the manner of the automobile industry, which constitutes one of the few exceptions to the tariff price rule.

Wages are higher and automobiles are better and about as cheap as before the war. Total tariff price increases to the American people above reasonable prices must aggregate three and one-half to four billion dollars annually. At the same time, as already indicated, we have been simply swapping raw materials with other countries. Our exports of finished manufactures since 1920, it is true, were $7,827,000,000, but this is near the amount of our loans made abroad, and gold imported since 1920, aggregating $7,418,000,000, which has chiefly paid for these exports.

What has been the course of tariff defenseless agriculture and tariff protected industry during recent years? Manufacturing concerns have reported more than $10,000,000,000 for income taxes during the past three years; their capital has jumped from below $25,000,000,000 to more than $50,000,000,000 during recent years. In striking contrast farm-land values declined 27 per cent since 1920. The farmer is some $25,000,000,000 to $30,000,000,000 worse off now than he was then. His indebtedness aggregates more than $12,000,000,000. He is worse off than before the war. Most countries have erected tariff barriers against the export of his surpluses. Farm failures during past years increased 1,000 per cent in contrast with commercial failures. Near $8,000,000,000 of our ten and one-half billion dollars loans made abroad have been placed in Canada and South and Central America, where they would aid exports of our finished manufactures but would not aid our food exports to Europe. Agriculture and labor have never gone to the heart of the tariff question, but agriculture must soon do so unless it is ready to enter upon a state of permanent decay. If the American farmer producing 75 per cent of the staple agricultural products such as corn, cotton, wheat, oats, rye, hay, meats, and lard can not now see that he is receiving tariff burdens rather than tariff benefits, it would be in vain to reason with him.

The existing tariffs hurt the American farmer by (1) increasing his production costs, (2) his cost of living, (3) his transportation rates both on land and sea, (4) decreasing his foreign markets and his exports, and (5) decreasing his prop-

erty values by surplus congestion. The two chief impediments to export trade are high production costs and foreign tariffs against our exports. The Fordney tariff hits the American farmer in such respect. It promotes the former and invites the latter. American manufacturers of machinery and vehicles, for example, are able by reason of low production costs to export their finished products in the amount of $719,000,000 to Europe, South America, and all other countries, no matter what the state of their so-called ignorant and pauper labor. Cotton manufactures are likewise exported to all countries, including those with ignorant and pauper labor, in the amount of $148,000,000. These illustrations of low production costs by efficiency, horsepower, and modern machinery, which make possible the sale of a large volume of exports, are in contrast with other commodities of high production cost and no exports or exports at a substantial loss.

The farmer pays artificial tariff prices on every piece of iron and steel—every bolt, nut, rivet, tack—all paints and varnishes, and, in short, all the tools, implements, and materials that enter into farm production, including the manufacture of farm implements of every description. The fact that the American manufacturer of agricultural implements dominates the world destroys the effects of tariffs on the finished product itself, but what is the same thing, he passes on to the farmer the tariff prices of all materials entering therein. The farmer pays artificial tariff prices on many of his seeds, sulphate of ammonia used in fertilizer, bricks, tiles, cement, plumber's material, pumps, padlocks, and most all other materials, except lumber, entering into the construction of tenant houses, outhouses, and farm houses.

The following are a few of these tariff items and rates thereon: Bar iron, 21 to 39 per cent; wire rods, 11 to 20 per cent; iron and steel sheets or plates, 21 per cent; structural iron and steel, 13 to 25 per cent; tubular products, 25 to 33 per cent; wire, 17 to 45 per cent; nails, 3½ to 24 per cent; horseshoe nails, 9¼ per cent; bolts, nuts, rivets, 5¼ to 18⅓ per cent; razors, 137 to 355 per cent; pruning and sheep shears, 78 to 131 per cent; pocketknives, 96 to 235 per cent; axes, 40 per cent; hand and crosscut saws, 20 per cent; files and rasps, 14½ to 49 per cent; blacksmith's tools, 14½ per cent; nippers, pliers, and pincers, 60 per cent; mechanic's tools, 40 per cent; shovels, spades, scoops, and drainage tools, 30 per cent; scythes and corn knives, 30 per cent; horseshoes, 4½ per cent; hinges, 40 per cent; padlocks, 26 to 68 per cent; builder's hardware, 40 per cent; harness, 45 per cent; engines, 15 to 40 per cent; leather gloves, 50 to 70 per cent; jute bags, 20 to 27 per cent; brick, countervailing duty, 7½ to 12 per cent; salt, 19⅘ per cent; asphalt and bitumen, 30 per cent; machinery other than strictly agricultural, 35 per cent; paints, pigments, and varnishes, 30 per cent; sulphate of ammonia, 9.82 per cent; paint brushes, 45 per cent. It must be conceded that the tariff is a chief factor in the farmer's high production costs.

It is by this time obvious that existing tariffs greatly increase the farmer's cost of living. It would be virtually impossible to point out an article in the kitchen or dining room or parlor, including cutlery, queensware, earthenware, furniture, furnishings of all kinds, or any article of wearing apparel or of use by the individual that is not burdened with a tariff tax. Sewed straw hats, for example, bear a tariff of 84 per cent. Articles of wool as follows: Cheap woolens, 97 per cent; costly woolens, 73 per cent; socks, 57 per cent; gloves and mittens, 55 to 63 per cent; clothing not knit, 55 to 58 per cent; wearing apparel embroidered in any manner, 75 per cent; cheaper blankets, 77 per cent; suspenders, 132 per cent. Articles of cotton as follows: Gloves, 50 to 71 per cent; hosiery, 30 per cent and upward; corsets with imitation or other lace, 90 per cent; men's shirts, 35 per cent; laces, 90 per cent; plain blankets, 25 per cent; towels and sheets, 25 per cent; flax wearing apparel, in part of imitation or other lace, 90 per cent, or embroidered in any manner, 75 per cent; silk fabrics, 60 per cent; floor oilcloths, 20 per cent; linoleum, 35 per cent; rattan furniture, 60 per cent; table and kitchen articles of glassware, 55 per cent; scissors as high as 185 per cent; table, kitchen, and all household cutlery of iron or steel, 60 to 74 per cent; kitchen and household utensils of aluminum, 79 per cent; tinware, not specially provided for, 40 per cent; bathtubs, 56 per cent; automobiles, 25 per cent; automobile tires, 10 per cent; rubber goods, 25 to 38 per cent; cheap or imitation jewelry, 80 per cent; toys, 70 per cent; all laces or imitations, 90 per cent; cotton lace window curtains, 60 per cent; clocks with jewels, 60 to 104 per cent; pianos, 40 per cent; slate pencils, 25 per cent; shoeblacking, 25 per cent; toothbrushes, 25 per cent; undecorated china, 60 per cent; lawn mowers, 30 per cent; stoves, 40 per cent; broom handles, 33⅓ per cent; indigo, 60 to 91 per cent; kindling wood, 33⅓ per cent; textbooks, 25 per cent; sugar, 41 per cent.

The tariff increases the cost of the farmer's freights. The railroads consumed 22¾ per cent, or 5,986,000 tons, of iron and steel products during 1925. The artificially inflated tariff prices paid for this huge amount together with other purchases must have aggregated $200,000,000. The farmer shipped 154,564,000 tons of freight during 1924, in which was absorbed the farmer's share of iron and steel and other tariffs imposed on the railroads. Every American ship that carries the farmer's surplus abroad is built of thousands of materials almost without exception subject to excessive tariffs, omitting in particular the item of lumber. The farmer's share of these enhanced tariff prices are passed on to him in the form of higher ocean freight rates. The Fordney high tariff is simply a transfer of the property of the farmers to the manufacturers by making their prices higher than those of the farmer. No farmer, save as to certain minor specialties, ever grew rich through tariff protection, but it turns out an annual crop of wealthy manufacturers.

How is the farmer's export and trade situation injured by high tariffs? In the first place, the whole theory of tariff protection is that producers must be content with the home market; and if they are unlucky enough to have surpluses on hand, it is their misfortune. Tariffs then become helpless to aid. This is not all nor the worst. No American industry which produces a substantial surplus which must be shipped and sold abroad in competition with similar surpluses from other countries derives any advantage at home even from mountain-high tariffs; but, on the contrary, its domestic price levels are chiefly governed by the world prices received for its surplus. Protected industry welcomes these lower domestic prices for farm products and with some chestiness warns the farmer that he is dependent on domestic industry for such prosperity as he enjoys. The true economic facts are that agriculture is still the basis of sound prosperity in this country. People, first of all, must eat. Of what advantage is any home or other market that pays the farmer less than living prices? There is not the slightest danger of any appreciable invasion with staple food products of our home market, tariffs or no tariffs.

International trade is simply a system of barter or exchange of goods and products between nations. Each nation must sell its surpluses to other nations needing or desiring them, while in turn it purchases from others such goods and commodities as it may specially desire, chiefly those it does not itself produce at all, or in sufficient quantities, or the production of which is not economically justifiable. Under the high-tariff leadership of America more than 50 countries have constructed every sort of tariff and trade barrier, which tremendously handicaps and reduces the volume of trade among nations. The result is that our own country is prevented from exchanging more of its surpluses for a vast number of articles we would gladly and profitably purchase without appreciable displacement of similar domestic articles. Such liberal trade policies would result in increasing foreign living standards and in developing many foreign markets for our foodstuffs, just as Henry Ford educated the American people into a higher standard of travel. Such policy would materially raise the level of world prices for foodstuffs and other commodities. World trade to-day, in 1913 values, excluding the United States, is below that of 1913. Our own exports for 1924 even have only increased in like values $955,000,000 above 1913. The pre-war rate of gain would make them much higher. But our exports of finished manufactures went from $1,292,000,000 in 1922 to $1,842,000,000 in 1925, while exports of foodstuffs fell from $1,047,000,000 in 1922 to $891,000,000 in 1925.

The American farmer has undoubtedly contrasted the experience of agriculture and that of tariff-protected industry during the past five years; and if so, he can not fail to discover an irreconcilable conflict between agriculture and industry under the existing tariff and related economic policies. The experience of agriculture with respect to both home and foreign markets spells disaster unless fundamental changes in our tariff and trade policies are promptly made.

Protected industry will never agree for farm prices to be raised by artificial means, such as it itself enjoys, because of the fear of higher living costs in the industrial localities. The sound course would be to lower our tariffs to a moderate level so as to expand our foreign trade and extend and develop our foreign markets for our surpluses in all lines. Our exports to-day should be $10,000,000,000 instead of less than $5,000,000,000. No efficient domestic industry would be materially injured, but helped, by the adoption of this sound policy. Agriculture, on the other hand, would be greatly benefited. To-day land values are decreasing because of congested farm surpluses.

In this discussion minor agricultural specialties have not all the time been kept in view. This suggests the inquiry as to what benefits agriculture derives from existing tariffs. In January, 1923, the American Farm Bureau Federation after an investigation reached the conclusion that the tariff benefited certain farmers to the extent of $125,000,000, while it injured farmers as a whole to the extent of $426,000,000, and the entire American people to the extent of $1,715,000,000. These were the minimum findings of the Farm Federation and were made before the full effects of the Fordney tariff had revealed themselves. In the light of subsequent facts and conditions it would be thoroughly safe to double the figures of losses of the Farm Bureau Federation, and decrease its figures showing tariff benefits.

The American farmer can not now fail to realize that he is in no danger from any appreciable competition in the sale of those farm products comprising near 75 per cent of our national agricultural output, such as cereals, cotton, tobacco, hay, and meat products. We import at present more foodstuffs than are exported, but they comprise tea, coffee, cane sugar, spices, cocoa, and tropical fruits, with minor exceptions, which we do not produce. The 12,000,000 pounds of fresh beef that filtered into this country during 1925 is pointed to by protectionists as an economic scarecrow, although the total amount would scarcely supply one meal to the American people. Our total annual meat production is 9,404,000,000 pounds.

American agriculture, comprising 32,000,000 people and shrunken capital of $49,344,000,000 must not be submerged and denied its rightful place in the general economic situation. It must no longer be grossly discriminated against. No greater calamity could befall this great country than the collapse and decay of agriculture. The loss to the Nation of the sturdy citizenship bred and reared on the farm would be irreparable. The farmers of this country should insist that as the Nation becomes economically independent it should correspondingly throw off all artificial restrictions and restraints of industry and commerce. This policy would require the divorce of the tariff-protected manufacturers from the Federal Government which they now dominate.

EXHIBIT

IN THE HOUSE OF REPRESENTATIVES,

February 1, 1926.

Mr. HULL of Tennessee submitted the following resolution which was referred to the Committee on Ways and Means and ordered to be printed:

House Resolution 116

Resolved, That it is the sense of the House of Representatives of the United States that immediate investigations and public hearings shall be had and a bill reported to the House of Representatives at the earliest practicable date repealing duties in schedule No. 3 of the tariff act of 1922, the iron and steel or metal schedule, which are useless both from the standpoint of revenue and appreciable competition, and reducing to a moderate or competitive basis for revenue such duties as are either excessive or prohibitive.

Such bill shall propose the repeal of such existing duties, among others, as pig and scrap iron; iron in bars, slabs, blooms, coils, loops, or rods, and muck bars; steel rails; structural shapes, not assembled; boiler and circular-saw plates; galvanized wire for fencing and baling hay; blacksmith's tools; horseshoes, horseshoe nails, and cut nails; tacks and brads of iron or steel; hand, mill, circular, and cross-cut saws; cream separators; dynamite and other explosives; scythes, sickles, corn knives; motor cycles; pruning and sheep shears, cash registers; sewing machines; steam and internal-combustion engines.

Such bill shall also propose and carry reductions to a moderate or competitive basis for revenue of other rates in the said iron and steel schedule No. 3, including such existing excessive or prohibitive rates as 20 to 35 per cent ad valorem on steel ingots; 21 to 29 per cent on sheets of iron or steel; 20 to 33 per cent on tubular products; 64 to 74 per cent on table, kitchen, and household knives; 87 per cent on razor blades; 34 per cent on safety razors; 137 per cent on costly razors other than safety, and 336 to 355 per cent on cheaper razors; 131 to 169 per cent on pruning and sheep shears; 101 to 185 per cent on scissors; 100 per cent on the costliest to 140 per cent on the cheaper nail and barber's clippers; 96 per cent on the costliest to 179 per cent on cheaper pocketknives; 58 per cent on the costliest to 177 per cent on cheaper rifles; 40 per cent on axes; 40 per cent on hinges; 42 to 68 per cent on padlocks; 40 per cent on tinware not specially provided for; 56 per cent on bathtubs; 79 per cent on table, kitchen, and household utensils of aluminum.

SEC. 2. That it is also the sense of the House of Representatives that following presentation to the House of a bill revising the iron and steel schedule as aforesaid, suitable investigations and open hearings on the other schedules of the tariff act of 1922 shall be had with a view to ascertaining and reporting moderate or competitive rates for revenue, and repealing obsolete rates, in the form of a bill or bills, thereby providing suitable reductions of such excessive or prohibitive rates as the following, among others, in the various schedules of the tariff act of 1922: 35 per cent on textile machinery; 25 per cent on automobiles; 10 per cent on automobile tires; 25 to 38 per cent on rubber manufactures; 20 to 40 per cent on electrical machinery and apparatus; 98 per cent on lemons; 80 per cent on cheap or imitation jewelry; 70 per cent on toys; 90 per cent on corsets with imitation or other lace; 20 to 27 per cent on jute bags; 30 to 45 per cent on certain cotton cloths; 25 to 45 per cent on cotton blankets; 77 per cent on cheaper woolen blankets; 35 per cent on cotton suspenders; 132 per cent on woolen suspenders; 50 to 71 per cent on cotton gloves; 35 per cent on men's cotton shirts; 60 per cent on cotton-lace window curtains; 25 per cent on cotton towels and sheets; 71 per cent on knit fabrics and knit goods of rayon; 97 per cent on cheaper woolens, and 73 per cent on the costliest woolens; 57 per cent on wool socks; 55 to 58 per cent on wool clothing not knit; 62 per cent on knit woolen underwear; 70 per cent average on silk wearing apparel; 50 to 55 per cent on table and kitchen articles of glassware; 7½ to 12 per cent on brick; nearly 20 per cent on salt; 30 per cent on asphaltum and bitumen; 40 per cent on mechanic's tools not specially enumerated; 64 to 74 per cent on clocks with jewels, and 60 to 104 per cent on cheap clocks without jewels; nearly 10 per cent on sulphate of ammonia; 30 per cent average on paints, pigments, and varnishes; 40 per cent on pianos; 25 per cent on slate pencils; 45 per cent on fishhooks; 45 per cent on cheap collar and cuff buttons; 60 per cent on tobacco pouches; 45 per cent on tooth and paint brushes; 25 per cent on shoeblacking; 50 per cent on fans; 128 per cent on thermos bottles; 282 per cent maximum on certain cheaper and coarser raw wools; undecorated china, 60 per cent; glass table and kitchen utensils, pressed and unpolished, 50 per cent; limestone, 77 per cent; certain cement, 16½ to 20 per cent; magnesite, 46 per cent; saddlery and harness hardware, 35 to 50 per cent; fountain pens, 100 per cent; pliers, pincers, and nippers, 60 per cent; lawn mowers, 30 per cent; stoves, 40 per cent; broom handles, 33⅓ per cent; indigo, 60 to 91 per cent; wood fence posts, 10 per cent; hoop or band iron for baling cotton, 9.34 per cent; kindling wood, 33⅓ per cent; bookbinders' calf leather, 20 per cent; twine for binding wool, 35 per cent; textbooks, 25 per cent; coal, 8 per cent (countervailing duty). Repeal section 315 of the tariff act of 1922 (the flexible provision).

Mr. JONES. Mr. Chairman and gentlemen of the committee, a long time ago Abraham Lincoln said:

A nation can not remain half slave and half free, and a house or nation divided against itself can not stand.

He might well have added that a nation can not permanently prosper half subsidized and half unsubsidized.

I do not believe that any man can justify an outright subsidy, but the fact remains that for many years the manufacturers have enjoyed a subsidy in the form of a high protective tariff. Strange to say, some of those who are arguing strongest against a subsidy for the farmer are the most ardent advocates of the tariff subsidy. Of course, they do not admit that the tariff is a subsidy, but while it operates indirectly it is a subsidy none the less.

If I were to hold a pistol to the head of the gentleman from Oklahoma [Mr. GARBER] here, and make him give me some money, that would be robbery, would it not?

Mr. GARBER. You would not get any. [Laughter.]

Mr. JONES. If I held a pistol to his head and compelled him to pay some money to CHARLIE CARTER, who needs it, not so much, perhaps, as I, but he needs it just the same—that would also be robbery, notwithstanding I did not personally get the money.

The tariff is a tax. A tax can only be justified as it is necessary to raise sufficient money to pay the legitimate expenses of the Government, economically administered. A tariff the primary purpose of which is to raise essential revenue may be justified, but when it goes beyond this it can not be justified. When Uncle Sam takes the tariff pistol and cocks the rates so high as to compel the farmer and other consumers to pay higher prices fixed behind the tariff wall on the necessaries of life than they would be under a revenue tariff, he compels the farmer and other consumers to pay the manufacturers a subsidy.

This subsidy is what has gotten us into all this trouble. The relative value of the farmer's dollar has thus been reduced from 100 cents to from 60 to 80 cents.

My choice of remedies is first to reduce the tariff to a revenue basis and then by reducing freight rates on farm products to a reasonable basis let this country be placed on the solid foundation of fairness to all and build our prosperity on that basis.

That would do away with all subsidies, and give everyone an even chance. But since the powers that control the machinery of this Government will not permit this to be done, my next choice, if anything at all is to be done, is to take a

portion of the customs receipts and pay an export bounty to farmers and cooperatives on the basic agricultural commodities.

You will recall that in the magnificent speech made by the gentleman from New York [Mr. JACOBSTEIN] it was shown that farm prices were below normal. With the same figures in mind some 15 or 18 months ago I introduced a bill to pay such a percentage bounty out of the general customs receipts. Recently I introduced a measure to pay a specific bounty on the various agricultural commodities. If anything at all is to be done, this is the simplest and most practical method. It does away with all the costly machinery and the high-priced board, and gives the farmer the direct benefit of all the moneys used.

Since the enactment of the Fordney-McCumber tariff law the value of the farmer's dollar has been much less than it was under the old régime. I have a list here showing the value of the farmer's dollar at one time, and whereas before the tariff régime it was 100 cents, it now ranges from 60 cents to eighty-odd cents.

That presents the real problem. If the tariff system is to be utilized at all, the natural and logical way is to take a portion of the customs receipts and pay to the farmers or farm organizations an export bounty. Fifteen or eighteen months ago I introduced a bill framed somewhat on the percentage basis of figures presented by the gentleman from New York [Mr. JACOBSTEIN] to pay that bounty. I have made the bounty no more than enough to bring the price of the farm commodities to the level of industrial prices.

Mr. YATES. What is the number of that bill?

Mr. JONES. I have not the number of the original bill, but it was introduced in February, 1925, and may be had at the document room. Recently I revised the measure and provided for the taking of $200,000,000 of the customs receipts to pay to the farmers in cooperative organizations of farmers a specific bounty; to pay them only out of the customs receipts. The number of the latter bill is H. R. 11449.

Gentlemen, if money is to be taken out of the Treasury of the United States, why do it through an expensive board and expensive machinery? It would take no additional machinery or expensive board by the method which I have proposed; it would merely take some of the funds produced from the customs tariff and give farmers, on the exportation of farm products, the advantage of that.

I am afraid not one of the bills now pending before the House will materially encourage cooperative marketing organizations unless it be the bill of the gentleman from Louisiana [Mr. ASWELL]. Neither of the other two bills will, because under both of the other bills the outsider will have the same advantages as the man who is within the organization. So why will a man come into an organization by virtue of such an enactment? That has been the trouble with all of such organizations. Under the present scheme the cooperative organization must carry the load of the outsider. The outsider gets the benefit of any increase in price provided by the orderly marketing, which is the plan of the cooperatives. Therefore, it is difficult to get them in. The same will be true under the pending measures; a man on the outside can get most of the advantage which he can get on the inside. Naturally he asks why should he join them? At least, the chief difficulty cooperative organizations have experienced in inducing new membership has been along this line.

If you will take the same amount of money or provide a less amount of money, as my bill does, and say that on the exportation of the basic farm commodities there shall be paid out of the customs receipts a bounty to farmers and to cooperative organizations of farmers, then the man who is a member of the cooperative will get from 10 to 20 per cent more than if he stays on the outside, because, as a rule, he is not in a position to export his own commodities. They will want to come in, because it will be to their interest to do so.

I will state that in my revised bill I use some of the schedules provided in the bill introduced by the gentleman from Illinois [Mr. ADKINS]. And I want to say to my friend, Mr. RATHBONE, of Illinois, who said that his legislature had indorsed the Haugen bill, that the Legislature of Illinois unanimously indorsed the Adkins bill, which is a bill along similar lines. Not only that, but the great nation of Germany has recently put this plan into operation. It is not simply an experiment any more; it is a plan which will really reach the thing for which you are striving in so far as giving the people who are engaged in farming something tangible from the tariff system.

I make it a measure covering five years, during which it could be tried out. According to my beliefs, if you are not going to reduce the tariff system this is the other alternative, and my only reason for introducing this measure at this time is this: That ultimately we are going to have to take one of the two horns of the dilemma; we will either reduce the tariff or try the bounty system for agriculture, because no nation can permanently prosper with an unbalanced agriculture. In all the history of the world there has never been a great pastoral country that did not remain great so long as its agriculture was prosperous.

The danger to any nation is that it has a tendency to become over industrialized. That has been the history of the great nations of the world and that is what is facing a great many of the nations of the earth at the present time. The reason they have become overindustrialized is because the industrial groups, being organized, have secured legislation which favors them while the great farming classes, being unorganized, have been the victims of that legislation and without any of the resulting benefits.

I submit that you are driven inexorably to the conclusion that the fair thing is to either reduce the tariff and do away with special-privilege legislation or adopt a plan which will in reality bring the benefits of that legislation to the other great basic groups in this country.

Mr. McLAUGHLIN of Nebraska. Will the gentleman yield?

Mr. JONES. Yes.

Mr. McLAUGHLIN of Nebraska. Will the gentleman please explain wherein his bounty plan would not be a subsidy, if he is opposed to a subsidy?

Mr. JONES. I will say that I do not favor subsidies, but I say that if you have a subsidy, and your party has placed a subsidy on the statute books in the form of the tariff, that it is but right and fair to distribute this subsidy ratably, as far as may be, among all the people of the country. I would prefer not to have any of them, but having them, I would take a portion of that which has been legally fixed upon the people of the United States and see that those who engage in producing commodities—which are more essential, or, at least, everybody admits just as essential—get their fair share of the present system and get a proper distribution of the advantages of it. Besides, since the plan which I have proposed would only equalize farm prices with other prices, it would not in reality be a bounty, but only a process of equalization.

Mr. BURTNESS. Will the gentleman yield?

Mr. JONES. Yes.

Mr. BURTNESS. I am very much interested in the export-bounty proposition and I want to ask this question: Assuming that the Haugen bill is passed, then I ask you whether the board, if it so desired, could not accomplish just what is intended by the Haugen bill, in the case of many of the commodities, by simply declaring that it will pay an export bounty either out of the equalization fee or otherwise, provided certain proof is submitted to them?

Mr. JONES. I do not think that under the terms of the bill as it is drawn the board would have the authority to pay a bounty. And I may add that if the plan which I have proposed were adopted you would need no board. The customs officials could certify as to the exports and they could go down to "Andy" and get the money. The farmer would get the benefit of it and there would be no doubt of his getting it. He would get it and there is no question about that.

Mr. BURTNESS. Just this other question: Would the gentleman have any objection to establishing the equalization fee in connection with the export bounty?

Mr. JONES. I am glad the gentleman asked that question because I was going to say that if you are married to the equalization fee principle you can do it in connection with this bill. Your own bill provides that the equalization fee shall be deferred for two years, so that the equalization fee is an experiment. You can use the same plan here, and if you want to tie on the equalization fee and have it pay a portion or all of the expenses it can apply just as logically and with the same consequent check on production to this measure and you would do away with considerable machinery and do away with additional bureaus. One of the curses of this Nation at the present time is the number of bureaus and the number of different employees of the Federal Government, and this would enable us to get rid of some of those troubles.

If you really want to do something for the farmer and if you really want to give him an equal chance with those in the industrial scheme of this country, this will come nearer doing it than anything else which has been presented. This is the simplest plan that has been brought forward.

Mr. GARBER. Will the gentleman yield?

Mr. JONES. Yes.

Mr. GARBER. I assume the gentleman would limit the operation of the bounty system to the crops of which we have a surplus, would he not?

Mr. JONES. Yes. I have included in this bill the basic agricultural commodities and have them listed here. If anyone is interested I will be glad to have him secure copies of the bill. I have figured it out on the various commodities. I give a bounty of 30 cents per bushel on wheat; 1½ cents per pound on cattle weighing not more than 1,050 pounds, and 2 cents about that; 3 cents per pound on fresh beef; and on corn, 15 cents a bushel; and on cotton, 3 cents a pound, and so forth.

I have taken the import and export figures from the statistical bureau of the Government, and it would take something like $200,000,000 per year to pay this bounty, and it is to be payable out of the custom receipts of the Government. This would take only about one-third the customs receipts, which is probably about what the farmer pays on the things he must buy. Under the present tariff system industry, by virtue of the tariff tax, gets a subsidy of some billions of dollars out of the consumers, and that is a subsidy just as much as if Uncle Sam levied it direct.

My friends, I have presented this bill, as I say, because I think ultimately we will come to it. However, inasmuch as the Haugen bill is the one that is before the House for consideration at the present time, I want to suggest some amendments which I think should be made to the Haugen bill before it is adopted.

Mr. BURTNESS. Will the gentleman yield for just one question before he leaves the question of an export bounty?

Mr. JONES. Yes.

Mr. BURTNESS. An objection which has been raised by some to an export-bounty proposition is that in establishing an export bounty there is a question in the minds of many whether the increase proposed by the bounty would actually be reflected back to the producer himself.

Mr. JONES. That is the distinction between my bill and some of the other bills here. The Adkins bill gives an export bounty to all exporters. I limit the export bounty on basic agricultural commodities to farmers and cooperative organizations of farmers qualifying under the Capper-Volstead Act, and they would get the bounty, and they would come into the cooperative organization in order to get it.

Mr. BURTNESS. Does not the gentleman think the farmer who refuses to join a cooperative ought also to be entitled to the additional price?

Mr. JONES. I give it to the farmers themselves, but there are very few farmers who do the exporting. It is usually done through some exporting concern.

I regret I can not yield any further, because my time is limited, and I want now to discuss two or three things that are in the Haugen bill.

The Haugen bill is the one in which the House is vitally concerned at the present time because it is the one that has the right of way. I think there should be some amendment of that bill.

In the first place, I think cattle should be stricken from the bill. I have an amendment drafted to do that, and I was glad to hear my friend the gentleman from Texas [Mr. HUDSPETH] say this morning that he has an amendment along the same line. I will support his amendment if he offers it, and I am sure he will support mine if I offer it. As a matter of fact, I do not think it can work on cattle. For instance, here is some one who has 1,000 fat cattle who wants to sell.

If the board is in operation, who is going to buy those cattle and what is he going to do with them when he does buy them; or here is a man who has 1,000 lean cattle and he wants to sell them. Are you going to rent pasture and hire some cowboys to take charge of them? Of course, you can not handle either one of those propositions. The only way to handle the cattle proposition is to handle it through the meats at the slaughtering places. Of course, if you charge the fee on the first slaughter by the butcher or by the packer, the stockman pays it. Now, what are you going to do with your meats? If the board buys the meats or the cooperative organizations through contracts with the board buy the meats, what are they going to do with the meats? Is it going to hire cold-storage plants to store the meat or is it going to contract for its exportation? If it goes into exportation, the packers have the finest system of distribution in all the world. You can not compete with them in the distribution of meat. You would have to use their facilities. The only practical way to handle meats would be to contract with the packers to do so, of course. If you contract with the packer, you contract with the packer on his own terms. Since I was large enough to step over a sand bar, the people of my section have sold their cattle to the packer and every time they have sent their cattle to the market they have sold them on the packer's own terms. Whatever he was willing to offer them, whatever the market would bring, that is what he was paid. Do you think you will change it under the present system?

Mr. TINCHER. Will the gentleman from Texas yield right there?

Mr. JONES. Yes.

Mr. TINCHER. The gentleman has made a very able argument with respect to cattle, and does not the gentleman admit that every word he has said will apply to hogs?

Mr. JONES. I think so, but I am not so much interested in hogs. I am not as familiar with hogs as I am with cattle. I have the greatest cattle-market district in the United States—I know the greatest in Texas—notwithstanding other claims that are sometimes made.

Mr. TINCHER. If we help the gentleman to get his cattle out of this monstrosity, will not the gentleman help us to get our hogs out?

Mr. JONES. I do not think hogs should be in the bill. That is my own personal opinion, but I am willing to leave that question to the hog people to determine. I am interested in cattle.

Here is another amendment, gentlemen, that should be adopted. There is a provision here that whenever the price of any of these commodities gets below the world price plus the tariff plus normal freight charges, the board shall declare its findings and commence operation in respect thereof. I will submit that this change ought to be made: "And the board may, in its discretion, commence operation." I will tell you why this change should be made. There come times in the marketing of any commodity when the prices are very satisfactory. There come times when there is a world shortage of a commodity and there may be a very satisfactory price. Then why force the board, simply because the domestic price may not be that much above the world price, to tinker with the situation? Why compel the board? For instance, there was a time last year, I think it was, when wheat was over $2 a bushel, yet the world price was nearly the same. There was a shortage of wheat the world over. Why should the board take charge of a situation like that? I am sure the board would not want to and the farmers would not want it to do so. But under the bill as written it would be compelled to do so.

It should be left to their discretion as it was originally. I want to say that these cooperative associations drafted the first provision so that if a substantial number wanted the board to commence operations it would then be authorized to begin. For some reason it got changed so that automatically they would, under the terms of the bill, be compelled to go in regardless of how satisfied the producers might be.

Mr. FULMER. And that is the way it is with cotton.

Mr. JONES. It was left the way it was on cotton. When a substantial number engaged in the cooperative wants the board to take charge, then it takes charge. I think that is the way it ought to apply to all commodities. If you are going to have this provision it should not be mandatory, it should be left to the discretion of the board.

Mr. GARBER. Will the gentleman yield?

Mr. JONES. I will.

Mr. GARBER. I am very much interested in the gentleman's discussion, but what objection would there be to investing the power of the board to operate on a request of a majority of the farmers producing the crop; that is, permitting the producers to say whether they want the board to operate?

Mr. JONES. That is the identical provision that is in the original bill, and I think it should be restored. I have an amendment to restore it, and I think the one the gentleman suggests should be adopted.

Mr. ASWELL. Will the gentleman yield?

Mr. JONES. I will.

Mr. ASWELL. Would the gentleman from Texas vote for the Haugen bill if the equalization fee is made operative at once?

Mr. JONES. No; I would not. I want to say, however, in connection with that, there is no such proposition submitted to the House, no such bill is before the House. In another place there is a provision that the equalization tax shall be paid at the gin. I think it ought to be transferred to the mill or some other point, for the farmer frequently has not the money to pay the ginner and the ginner has to wait, and therefore I think it ought to be payable at some other point.

Another amendment is to strike out section 18, which is the embargo provision. There is no reason for an embargo provision. An embargo is like what my old law professor used to say about sequestration and garnishment proceedings. He said, "Young gentlemen, the sequestration law is a sharp and dangerous two-edged instrument; and if you are going to use it,

use it with great care, as you are liable to do injury to yourself."

If the country adopts an embargo proposition, it will not only invite retaliatory action on the part of other nations but, even if they did not retaliate, it would tend to destroy our world trade. It would tend to destroy our markets, and we would run into a worse condition than we are trying to avoid. An embargo on cotton would not do any good, for we ship two-thirds of the cotton abroad. An embargo is not necessary on other commodities, because you have tariff provisions that will offset any reasonable increase in price. So the embargo proposition is not proper from any angle, and it ought to go out of this bill. To my mind, there is no question about that.

Regardless of whether I may support this measure or any other measure, whatever measure Congress does pass I want it in the most practicable and workable form that can be had.

During the last few years legislation has been passed primarily benefiting nearly every industry except agriculture, but for many years every time anyone advocated farm relief there have been many who have smiled cynically and in side remarks have whispered "demagogue."

But I want to tell you that all your boasted industry, all your much-heralded prosperity, all your skyscrapers which kiss the morning sun are alike dependent on the success of agriculture. Without it your smokestacks would rust in idleness, the song of your spindles would be silent, and bats would inhabit your factory buildings.

There is at present grave danger of this country becoming overindustrialized. England is recognizing her danger in this regard. In all past history of the world there has never been a great nation organized on a sound agricultural footing that did not remain great so long as her agriculture was prosperous. One horn of the dilemma must be chosen. Our special-privilege legislation must be repealed or our agriculture must be stabilized. Otherwise the flower of our prosperity must begin to wither. No other choice is open to us. [Applause.]

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment the bill of the following title:

H. R. 10202. An act granting an extension of patent to the United Daughters of the Confederacy.

The message also announced that the Senate had passed the following resolution:

Senate Resolution 219

IN THE SENATE OF THE UNITED STATES,
May 9, 1926.

Resolved, That the Senate has heard with profound sorrow of the death of Hon. EDWIN FREMONT LADD, late a Senator from the State of North Dakota.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public service.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

Attest:

EDWIN P. THAYER, *Secretary.*

FARMERS' RELIEF BILL

The committee resumed its session.

Mr. FULMER. Mr. Chairman, I yield 25 minutes to the gentlemen from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Chairman, I can not be interrupted, and I hope the Chair will protect me for the 25 minutes that have been allotted to me.

The CHAIRMAN. The gentleman desires not to be interrupted during his remarks.

Mr. QUIN. Mr. Chairman, for several days every viewpoint possible has been expressed upon farm legislation. You have three bills before you. I lay down the proposition, stereotyped as it may seem, that agriculture is the basic industry of this Republic; that it never has since the Civil War had a square deal; that certain industrial enterprises of the United States have not only been safeguarded, but have been highly protected by the votes of the American Congress. I lay down the proposition that now is the time to give an equality in legislation to the farming class of people and raise them up to somewhere near the level of the protected industrial enterprises of America. I take for my text, "By their fruits ye shall know them." [Applause.]

The people of the United States through the American Congress delegated to a number of gentlemen the power to legislate in their behalf. This Agricultural Committee went out before the whole world, these doctors that have failed to diagnose the case of the sick farmer of the United States. You have heard their speeches. Here is the famous Doctor FORT, from New Jersey. I listened to his fine, analytical address, and I wondered, "Whom does he represent?" [Laughter and applause.] His whole speech was that of a critical attitude toward the farmers of the United States. I looked at the map to see where he came from. I find that he comes out of the rocks of New Jersey, with smokestacks everywhere, factories and spinning wheels, and that on the reservations are rich and wealthy people, God bless them, from New York City. Of course, he looks at the matter from the standpoint of the consumer. My good friend, Doctor FORT, wants to get the food on the table and the cotton and the wool on the backs of his constituents as cheaply as he can possibly get them. I thought that he would give the farmer everything the hen has laid except the egg, and this morning he came back before this House and agreed to give the farmer the eggshell. [Laughter.]

The next gentleman who attracted my attention was my distinguished friend and neighbor from the State of Louisiana [Doctor ASWELL]. He said that this Haugen bill is unsound and uneconomic. I happen to be a neighbor of that splendid gentleman, and, God bless the State of Louisiana, my sainted mother was reared there. I know it is a great State. But let us see about this unsound and uneconomic business. The gentleman from Louisiana forgets that he and his crowd have been before this Congress yelling and whooping for protection on sugar. [Laughter and applause.]

Mr. ASWELL. Oh, the gentleman ought not to state that, because that is not true.

Mr. QUIN. The gentleman did not vote for it?

Mr. ASWELL. No.

Mr. QUIN. Well, the gentleman at least confesses he has been voting against the sugar farmers of his State.

The CHAIRMAN. The gentleman from Mississippi notified the Chair that he would not be interrupted, and the gentleman from Louisiana, the Chair thinks, should not interrupt the gentleman.

Mr. ASWELL. But I ask the gentleman to state the facts. I never voted for a tariff on sugar.

Mr. QUIN. Did not the gentleman vote for that tariff in the caucus?

Mr. ASWELL. No; I did not.

Mr. QUIN. Well, the gentleman's State did worse than that. Back yonder in 1890, when the iniquitous McKinley tariff was put across this Congress, they gave every pound of sugar 2 cents out of the Federal Treasury. Every farmer who grew a pound of sugar in Louisiana had old sugar cane awhooping her up, and they got millions on top of millions of dollars out of the United States Treasury, and made prosperity blossom all over the State of Louisiana, and yet my distinguished friend in his eloquent style told you that this Haugen bill is a subsidy and would destroy our institutions, and that there is coming down from certain quarters in the United States a great radicalism which is going to destroy the stability of the Government!

It did not hurt the morale of my good friend from Louisiana when they dug out of the Treasury 2 cents a pound for every pound of sugar they grew in Louisiana. They got that bill through for 15 years, but it happened that after about three and a half years the people of this Government repealed that thing—the sugar bounty—which my friend and fellow citizens enjoyed out of the United States Treasury. Doctor ASWELL says if you give the farmers a nickel out of the Treasury now it would destroy the Government and ruin the country. But down in the very State that my friend comes from those sugar farmers have patches on their breeches as big as the head of a whisky barrel. [Laughter.] They are stoop shouldered from toting mortgages on their plantations and equipment, and they can not draw a thing on earth out of a bank except their breath. Yet the gentleman from Louisiana is here talking against the farmer. He knows that all he proposes to give them is a little soothing sirup. This Haugen bill has the vitalizing force in it. This Haugen bill has the stuff that will get the grapes, and every man on this floor knows it. [Laughter and applause.] Subsidy! Why, who ever heard of my friend from Louisiana being afraid of a subsidy before? Two or three falls ago there came a drought in his district, and he heralded the fact in the newspapers that he was going to take out of the Treasury of the United States $500,000 to give those folks feed and seed and clothing, and he even asked the delegation from Mississippi to help him, but, as much as I love the farmer, his

resolution was too rank for me. [Laughter.] The gentleman actually introduced a resolution in Congress on another occasion to take out of the Treasury of the United States $500,000 to buy the seed to be placed in the flooded area. Yet this bill that is going to stabilize the price of five basic products, so far as the farmers are concerned, is a subsidy, and he can not vote for it; he can not do anything except kill it. "By their fruits ye shall know them."

We had another distinguished doctor who came from that grand old State of Kentucky. He said this bill is unsound and uneconomic and that he would not vote for any bill that carries any subsidy.

I heard my friend speak on this floor. I heard a speech he made once before on the farmer. Doctor ASWELL was going to give them a little soothing sirup. The gentleman from Kentucky got out his hammer and hit everything. He hit wheat, he hit cotton, he hit everything, and finally wound up by taking the poor old sugar farmer of Louisiana and knocking him in the head and chucking him in the river. And while they are wearing patched breeches, he said he is going to plow up his old tobacco patch and his old mint julep bed if the Haugen farm bill passes and sow it in cotton and raise 26,000,000 bales, flood the markets of the world, and scare the life out of every farmer in the cotton-growing States. Now, 26,000,000 bales! I can see the gentleman from Kentucky along in the hot days of August plowing down a row and a woodpecker flying up and knocking on a dead limb about 20 yards away, so that the sound would be heard 300 yards away, and by the time he gets to the end of the row a cottontail rabbit runs under the beam of his plow, and there is a jaybird sitting in a sapling crying, "Too slick, slick, dave, dave"; and about the time frost comes in that cold climate, the latter part of August or the 1st of September, and kills the cotton, then Doctor KINCHELOE will say, "This cotton business will not do for me." And yet he is going to raise 26,000,000 bales of cotton and flood the world with cotton and fix it so that the cotton farmer can not even exist. My friend KINCHELOE introduced a little bill here in Congress in 1922. Do you know he vehemently and viciously assaulted this Haugen bill, asserting it is "uneconomical." He actually introduced a bill to take out of the Treasury of the United States $50,000,000 while our Government was helpless, recovering from the World War. And what was he going to do about it? He was going to have the Government of the United States pay these tobacco growers down in his district $50,000,000 for a shirt-tail full of stingy green tobacco. [Laughter and applause.]

How was he going to use it? Then the Government was to sell it on credit, without profit, to these poor, pauperized bankrupt nations, Italy and France, and a few poorer paupers of Europe, who have not paid what they borrowed from us, and take chips and whetstones as pay, and everybody knows they have never been able to pay even chips and whetstones for the billions of cash they borrowed from Uncle Sam during the war. Yet this bill now intended to help the farmers of the United States is "unsound" and "uneconomical," but Doctor KINCHELOE thinks it was sound and economical and fundamental business economics to go down into the Treasury and to put the tobacco growers' hands in there and take out $50,000,000.

Mr. KINCHELOE. Will the gentleman yield?

Mr. QUIN. It looks to me like, my friend, if I had done a thing like that I would expect this House to rise up en masse and unanimously proclaim me king of demagogues, and put on my head a crown and say, "We challenge the world." [Laughter.] "By their fruits ye shall know them!"

There is another great statesman who has come on the floor. He comes from the cyclone State of Kansas, our good, genial friend, Doctor TINCHER, this famous doctor who saw proper to come out and lambast all the agents and representatives of the suffering farmers from the Northwest who appeared before the committee. He almost refers to them as criminals because they had the audacity to come before a committee of the Congress and ask that justice be given to the farmer. You know in the West and Southwest banks have been failing—in the State of Iowa, in the State of Montana, in the State of Minnesota, and in other Western States. There great banking institutions were tumbling down.

The farmers in that territory were unable to meet their obligations and they were crying aloud for help. They gave forth the Macedonian cry. But the gentleman who has changed his position from a former occasion, Doctor TINCHER, and judging from his appearance on this floor, and from the thunders of his voice—I think he must eat for breakfast in the morning strokes of lightning, the moon and stars. It looks to me as if he ate for dinner the sun, comets, constellations, and continents, and that he eats for supper thunderbolts, cyclones, and tornadoes—Rough House TINCHER, from Kansas. [Applause.] This is the man who, when the Haugen bill was up before, stated that this bill was a great and splendid thing for the farmer. This time it is "unsound and uneconomical." What else did he do? He introduced a miserable bill here—I have got it right on this table—where he proposed in 1923 to dig down into the taxpayers' money and take out of the Treasury of the United States more than $2,000,000,000, to hand over to the wheat farmers of the West, to pay what he said was the loss on the price of wheat to the producers, because the Government fixed a guaranteed price during the World War, yet he voices in ponderous tones that the Haugen bill is a subsidy—unsound and uneconomic now. Was he a statesman at that time, when he was running for Congress, or is he a statesman now when he tells us he is going voluntarily to retire? [Laughter and applause.]

I just want that gentleman's attitude on the two occasions to be made clear to the citizenship of this country. Ah, these gentlemen who can see so far ahead of them, who were so strong for the farmer in previous sessions, including this rough-house orator from Kansas, know that this measure now before the House known as the Haugen bill is not nearly so much of a subsidy as that which the gentleman from Kansas advocated in his wheat bill. I will put it in the RECORD. I will also put in the RECORD a bill which was introduced by that other wonderful economist, the gentleman from Kentucky [Mr. KINCHELOE]. I will not put into the RECORD anything unkind against the gentleman from Louisiana, because he is my neighbor. [Laughter.]

The gentleman from Kentucky even had the nerve to say that, with some others, he went before the Committee on Ways and Means and made a speech before that body for the purpose of digging this $50,000,000 out of the Treasury and handing it over to his tobacco farmers. Do not you know that there is not a Congressman on the floor of this House except him who had the gall to go upon a demagogic mission like that? I have before me the speech that my good friend from Kentucky made on this floor in which he stated that he had been before the Committee on Ways and Means. It is in the CONGRESSIONAL RECORD. "By their fruits ye shall know them." In that speech the gentleman from Kentucky said:

> I have introduced a bill to amend the War Finance Corporation act.

He says further—

> I, with several others of my colleagues, went before the subcommittee of the Ways and Means Committee and made a statement to them and appealed for the passage of this bill.

After the hearings these Republican members of the Ways and Means Committee turned down my bill. Did he mean to say that there was a Democratic member on that committee who was so demagogic as to help to report that bill out? This same statesman from Kentucky says this Haugen bill is "unsound and uneconomic."

There are certain Members on this side who voted for the thieving Fordney-McCumber tariff bill, yet they can not come up and vote for this farmers' bill, but get a hammer and knock it on the head. They talk about subsidy. In all the history of this Republic some portions of the United States have been living off this Government. My friends, I know that a majority of seven or eight million people in the last election voted for that thievery of high tariff to go on. I did not believe in it, and I do not believe in it yet. A majority of our people by a majority vote govern the fortunes of this country. The people in the East, who have got the money and influence sufficiently to fool the folk in the West—and, Lord knows they are getting to fool some of them in the South—voted to continue that subsidy to protect industry. The protective tariff is just as much and even more of a subsidy than what you have in the Haugen bill to-day. Through the protective tariff you take out of the pockets of all the combined consumers of this Republic more than $2,000,000,000 per year. It does not come out of the Treasury, but it comes from the sweat and blood of the toiling masses of this Republic.

Not only do you make multimillionaires through all the North and East, particularly in New England, but you actually put in that form of subsidy a guaranteed wage to the employees engaged in those lines of industry. Not only is that a subsidy, but you put through this Congress—and some Democrats helped you to do it—all this appropriation for the railroads after the Government took them over and before we turned them back, amounting to practically $2,000,000,000.

I want the gentleman from New Jersey [Doctor FORT] to hear me. He said this Government ought not to guarantee a profit to the farmer. Yet he knows that under the tariff law this Government guarantees a profit to every manufacturer in New England. He knows that this Government, under the

nasty Esch-Cummins railroad bill, guarantees a big profit to the railroads of the United States. He knows in addition to that that it gives a guaranteed fair wage to every employee on those railroads.

Upon another occasion here we had up what is known as the ship subsidy bill. Well, where were some of these gentlemen who are now denouncing as a sudsidy to farmers the Haugen bill? [Laughter.] That bill proposed to turn over $3,000,000,000 worth of ships and give them away for $250,000,000. You did worse than that after you gave in that bill the $3,000,000,000 worth of ships to the Ship Trust, you voted to give out of the United States Treasury $75,000,000 a year for a period of 10 years, making in all a subsidy of $750,000,000 to the Ship Trust to operate the ships which you gave the trust. Yet you did not call that a subsidy. You voted for it with a good taste in your mouth. I want to say, however, that I do not believe the gentleman from Kansas [Mr. TINCHER] participated in that proposed steal. I want to do him justice.

Not only that, but we voted to hand out about $3,000,000,000 inside of 20 years to the World War veterans of this Republic, which I think is right. You give $192,000,000 a year to the soldiers who whipped my father and those associated with him under the Confederate flag in the war from 1861 to 1865. You say that is not a subsidy.

What is a subsidy? When the farmer is prostrate down on the ground, his products so cheap till he is in danger of losing his home—and he is the very foundation stone of all this country—laboring not union hours but 15 hours a day for an existence, for a birthright that all of us under this flag hold, when his friends ask Congress to put up a little money to make certain a fair price for his toil, you call it a subsidy and refuse to support it. Who, I ask, is for anything unsound or uneconomic? Some of them say it will not help the farmer. But Doctor KINCHELOE, who is one of the doctors who knows, said it will help the price of cotton. I wonder if Doctor FORT understands what cotton means?

I do not believe he ever was in a cotton patch in his life. He spoke of the cottonseed. Why, my friends, cotton is the greatest of all agricultural products. I am proud that gentlemen have seen proper to treat cotton fairly in this bill. The reason I am for this bill is because you deal with cotton and all the basic crops in it. This bill is going to do good and I know it. You can not fool me on what will help the farmer. I can scent it just as a good coon dog can smell a coon. [Laughter.] I know this is going to help the farmer. Cottonseed! Why, three-fourths of the olive oil and butter you have in this country comes out of cottonseed oil. Do you know you get from the cottonseed alone a cake that the niggers eat just like they eat bread? It is good to feed to cattle and it is a fine fertilizer. [Laughter.]

The oil itself represents one of the great commodities of this Republic. You take the cotton itself—why, cotton brings to this country the balance of trade. It is what causes gold to flow from Asia, Japan, and China, and from all the countries of Europe and keeps the balance of trade of the world with this Republic. Cotton, that fleecy staple. You can manufacture it into the form of rope and make a cable strong enough to hold the mighty ships which float on the seven seas. In time of peace and in time of war it is the most valuable product of the world. It is absolutely necessary for every cannon that fires a bullet. Cotton makes three-fourths of the silk. Why, the silk you see these ladies wear at these fine entertainments comes out of the Mississippi long-staple cotton. They ship it over to Japan and China and they are smart enough to make it into silk. Cotton clothes the Chinese coolie; it puts raiment on the backs of poor children in the huts and the hovels and it puts raiment on the backs of the people in the palaces of Europe and in the mansions of the entire civilized world.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. HAUGEN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. ASWELL. Mr. Chairman, I yield myself five minutes.

Mr. QUIN. The gentleman from Louisiana will have to yield himself more than five minutes before he can ever justify his position against the farm legislation, known as the Haugen bill. "By their fruits ye shall know them." Cotton, that one product I spoke of, growing in a few of the States of this Republic, is safeguarded and protected in this legislation. One hundred million dollars in this bill is to guarantee a just and fair price for cotton.

Cotton not only clothes the poor and rich alike but even the flag of our country, which floats over the dome of our Nation's Capitol, comes out of the cotton fields of the South. So gentlemen ought to be here proclaiming the virtues of this Haugen bill and endeavoring to put agriculture on somewhat of an equal footing with the protected industries of the United States instead of slandering this measure and endeavoring to kill it. They ought to be here at work doing their best to put this into legislation and to give the farmers their just deserts. Some of them seem to have the spirit of wanting to put the heel of the oppressor down on the neck of the farmer, the one man in this Republic who has never yet received not only a subsidy but has not even received partial justice.

All of us know we can not do anything in the way of a tariff to help agricultural products. You can help sugar and butter and you can help dairy products, but you can not help wheat and corn. Everybody knows you can not do anything for cotton in the way of a tariff, it matters not if you put $1,000,000 a bale on it, because 75 per cent of the cotton produced in the United States is exported to foreign countries; it is there manufactured into cloth and brought back here and sold at an enormous profit. The only way you can help the farmer is by direct legislation like you have in this Haugen bill. All of you men who have pretended to be sweating blood for the poor farmer had just as well realize that the farmer has sense enough to know that when we put $350,000,000 in a bill to subsidize the basic farm products and keep them so he will get a just price for them that is legislation in his behalf.

If you are going to propose to loan him a few dollars, he, already owing $13,250,000,000 and unable to pay the interest on it, with patches on his breeches, will have a bad taste in his mouth because he realizes that the American lawmakers have seen proper by subsidy legislation, like the tariff, railroads, and national banks, to make multimillionaires out of a certain portion of the population of the United States. Whenever the United States Congress has before it a bill to give not only a fair deal, but justice to the farmer, some folks talk about its being "unsound economically, unsound and unfundamental." These people who talk can fool themselves, but they are not going to fool the farmer that follows the plow. The man behind the plow is coming into his own. You may kill this bill, but I want to tell you they are going to sharpen some blades and fasten onto old mowing machines. Then they are going to start on the bank of the Pacific Ocean and come clean across the country to the great Mississippi River and mow down these anti-Haugen bill Congressmen just like they mow down wheat. That is what is going to happen to them, and it should happen. Then they will cross over the Mississippi River and mow their way to the Atlantic Ocean, cutting hip and thigh every enemy the farmer has in Congress. God speed the day.

I want men put in the United States Congress—I do not care what party they are in—who will stand up for and give agriculture its just dues; to give the man who stands behind the plow his justice and his rights. I want the votes of the American Congress to be just—not only just in itself, but just in reality.

If Congressmen vote a subsidy for ships, if Congressmen vote a subsidy for protected industries, if men can vote a subsidy for the great and rich railroads, if Congressmen vote a subsidy to the banking system, if men can vote a subsidy to the man who went out to fight for his country, why can they not vote for a subsidy which will give the farmer a fair and honest price for his toil? [Applause.] He is the man who deserves it. "By their fruits ye shall know them." [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. QUIN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD and to include certain bills, documents, reports, and so forth.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to revise and extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

NATIONAL COUNCIL OF
FARMERS' COOPERATIVE MARKETING ASSOCIATIONS,
Washington, D. C., May 7, 1926.

Hon. PERCY EDWARDS QUIN,
House Office Building, Washington, D. C.

DEAR MR. QUIN: We have been listening with keen interest to the debate on the farm relief bills. Having a similar interest with you in the welfare of the farmer in your district, and he expecting us to work together intelligently and sympathetically in his interest, and in order to bring to your attention our reactions of the debate, I trust that you will receive in the right spirit our view of points that are made for or against the bills by the friends or opponents of what we regard as the measure which will best serve our people. The progress of the de-

bate clearly indicates that there is a grave farmer problem and that cotton during the past four or five years has been one of the least adversely affected of our basic agricultural commodities during this period.

The address of Congressman JACOBSTEIN, of New York, clearly indicates the reason why the business representatives of the cotton growers of the South were not interested in relief legislation until this session of Congress, and the facts brought out by the gentleman, which are well known to the cotton cooperatives, clearly indicate that of all the agricultural crops which look particularly discouraging, so far as future prices are concerned, cotton looks the worst. Of course we will not admit that even though the price of cotton as compared to the all-commodity price has been higher during the past three or four years than it was at the inception of the war; that the price of cotton in comparison with the all-commodity price at that time was fair to cotton, and therefore we do not look with satisfaction upon prospective prices for cotton in the future that will put us below the pre-war exchange ratio. We do not believe that there is any power which can be exerted by the individual farmer himself or by the combined business interest in the South, including the business organizations of the cotton growers, that can prevent a most disastrous collapse of the cotton market during the current year. Indeed, it is entirely possible that this collapse may come before the forthcoming crop comes to harvest. With the economic equilibrium of our best foreign customer for cotton greatly disturbed, if not completely demoralized, through the existing strike in England, with a possibility of sympathetic strikes occurring in other European countries, and with the price of cotton now made by the combined influence of the foreign buyers and not by the seller, the business welfare of the cotton growers of our entire section is in the balance, and nothing save the strong hand of our Federal Government is in a position to safeguard the interest of our people.

Fortunately for the cotton growers at this time the balance of power in the passage of this particular measure lies with the Representatives in the cotton States. For many years our Representatives in Congress have not been in a position to exert their influence in an effective way toward protecting and enhancing the best interest of their constituents, but now, as if by act of Providence, the Republican Party is divided between the interests of the producer and consumer, this legislation will be determined one way or another according to the attitude of Representatives in Congress from the cotton-producing South. It is needless to remind you since the time of the war between the States the Southern States have not had an equality of economic opportunity with the Northern and Eastern States, and for many years our producers have been suffering from the economic injustice and inequality of which the midwestern farmers are now complaining. Not since the war of 1861 has the midwest recognized its common interest with the agricultural South, and perhaps never before has the South had the opportunity of cementing that bond of common interest as it now has. Therefore the hundreds of thousands of intelligent farmers and business men from Arizona to North Carolina are watching with unprecedented interest the fight which their Representatives are making in Congress for equality of agriculture with other industries. We have always felt, and still believe, that the statesmanship and courage of our Representatives in Congress is such as will assure to the workers in their chief industry, stability, permanence, and prosperity, and the men are depending upon their Representatives to bring about this desirable end.

Upon you men rest a great responsibility and upon your acts rest the hopes and the happiness of millions of southern people who have trusted you and who have confidence in you to look after their interests in national legislation.

We trust that you will not permit this issue to become confused in your mind. The issue is clearly one of equality for agriculture with other industries. The bill simply provides machinery for bringing that about. Effort has been made to confuse Congressmen in the belief that this is unsound legislation, but among the best economists in the land are those who have indorsed the bill as sound economically and financially. Argument that this bill provides a subsidy different from that established by many precedents regarded as sound governmental policy is without foundation.

We analyzed in a recent statement issued to all the Members of Congress this phase of the bill. In this statement we showed that it is an established policy of the Federal Government to make investment and assume the risk in developing and pioneering large enterprises for the national welfare which are beyond the ability of its individual citizens, or until the Federal Government has proven its practicability. This measure should be looked upon and regarded by the friends of agriculture as a test or demonstration in the stabilizing of values of our principal staple commodities, looking to the ways and means of solving that great problem; it has ample precedents for doing so in industry without being characterized as a subsidy. We assert that no sound thinker desires a permanent subsidy for any American industry. On the other hand, the farmer has the right to expect that his industry shall be brought within the protective system in whatever way the peculiarities of his business may require, the same as in the case with the other major industries of our country. The best agricultural minds of this day and age and the farmers' own leaders of the North, South, and West are united in the support of the Haugen bill, which they believe will bring about this relief, and, further, agriculture has the right to expect its friends in Congress to support their interest in this matter. The burden should be on those who are opposed to this legislation to work out a better solution. No one believes that the Haugen bill is a perfect bill that will not need change as experience in the operation of the law may develop, but we all believe that it contains the basic machinery of a plan that will eventually do what is necessary to put agriculture on a basis of equality with other industries.

Space will not permit going into detail as to how this law will help cotton; but it should be sufficient to say that if we could control the movement of the American crop, we can control the price of the crop within the limitations of the operations of the law of supply and demand over a period of years and can get for the crop the highest price which the world is able to pay for that commodity, the same as other highly organized industries which control the supply in this country are now able to do. We have no doubt as to the practicability and desirability of this legislation for cotton. We respectfully ask that you use your influence and your vote in giving this much-needed assurance of protection to the cotton industry, bearing in mind that, first, the existing surplus of cotton; second, the prospective large crop which is now being planted; third, the known inability of many farmers to take advantage of a system of orderly marketing due to the crop-lien evil and the generally poor financial condition of the cotton grower; and, fourth, the impending possible price decline due to political and economic disturbances in the countries which are large consumers of our staple.

Finally, in view of the fact of the possibility of an agricultural alliance with the Middle West, which section, incidentally, does not produce any crops which southern farmers are not capable of producing advantageously, and the further fact that the southern Representatives are in a strategic position by having the balance of power in the enactment of this legislation—with these important facts before us, we ask you to stand by your people in this great hour of opportunity.

Respectfully submitted.

AMERICAN COTTON GROWERS' EXCHANGE,
C. O. MOSER, *General Manager*.

HOUSE OF REPRESENTATIVES,
December 5, 1923.

Mr. TINCHER introduced the following bill; which was referred to the Committee on Agriculture and ordered to be printed:

A bill (H. R. 172) to provide relief to persons who owned wheat of the crop of 1917 before the announcement of the Food Administration price-fixing policy with respect thereto, and who sold such wheat after August 11, 1917

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to investigate, determine, and pay the amount of the actual loss sustained by any person, firm, association, or corporation that owned actual wheat of the 1917 crop, in the ordinary course of his or its business, before the announcement on August 12, 1917, by the Food Administration of the price-fixing policy with respect to said crop, and did not dispose of such wheat by contract or otherwise until after the said announcement. The measure of such actual loss shall be 60 cents per bushel. Each claimant shall pay such expenses as may be necessary for him to incur to secure the presentation to and filing with the Secretary of Agriculture of his claim in proper form for allowance under this act. No claim shall be allowed or paid by the Secretary of Agriculture unless it shall appear to his satisfaction that the loss was not the result of purchases for the purpose of investment or speculation or of realizing a profit on such wheat greater than that realized customarily on wheat in the ordinary course of the grain business at the time of the purchase of the wheat. No award of payment shall be made on account of any claim not presented to and filed with the Secretary of Agriculture before the expiration of three years after the effective date of this act. The decision of the said Secretary of Agriculture shall be conclusive and final, except that no settlement of any claim submitted hereunder shall bar the right of recovery of any money paid by the Government to any party under the provisions of this act because of fraud with respect to such claim, and the right of recovery in all such cases shall exist against the executors, administrators, heirs, successors, and assigns of any such party or parties. For the purpose of this act the Secretary of Agriculture or any representative specifically authorized in writing by him for the purpose shall have the power to require, by subpœna, the attendance and testimony of witnesses and the production of all books, papers, and letters or other documents relating to any claim under investigation. And in case of disobedience to a subpœna, the Secretary of Agriculture, or his duly authorized representative, or any party to a proceeding before the said Secretary, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and letters or other documents under the provisions of this act, and any failure

to obey the order of the court pursuant thereto may be punished by such court as a contempt thereof; and the claim that any such testimony or evidence may tend to criminate the person giving the same shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person in the trial of any criminal proceeding.

SEC. 2. That all payments made and expenses incurred under this act by the Secretary of Agriculture shall be paid from the funds remaining available for the purposes of the act of Congress approved March 4, 1919, entitled "An act to enable the President to carry out the price guaranties made to producers of wheat of the crops of 1918 and 1919 and to protect the United States against undue enhancement of its liabilities thereunder," and so much of said funds as may be necessary is hereby appropriated and made available to the Secretary of Agriculture for said purpose until such time as he shall have fully exercised the authority herein granted and performed and completed the duties herein provided and imposed.

SEC. 3. That the Secretary of Agriculture shall file with the Secretary of the Senate and the Clerk of the House of Representatives of the Congress, at the beginning of its next regular session following the session during which this act shall become effective, a detailed statement showing the name and address of each claimant hereunder, the amount of his claim, the quantity of wheat covered thereby, and the amount, if any, awarded such claimant.

IN THE HOUSE OF REPRESENTATIVES,
April 12, 1920.

Mr. KINCHELOE introduced the following bill, which was referred to the Committee on Ways and Means and ordered to be printed:

A bill to amend the War Finance Corporation act

Be it enacted, etc., That the War Finance Corporation act, approved April 5, 1918, is hereby amended by adding to Title I thereof a new section, to read as follows:

"SEC. 22. That the corporation shall be empowered and authorized to pay to any person, firm, corporation, or association engaged in business in the United States the contract price of supplies of tobacco hereafter purchased, or agreed to be purchased, by the Italian or French Governments, or any other European government buying any of said tobacco which has and maintains a government monopoly thereon, from any such person, firm, corporation, or association, and to accept in full payment of the moneys so advanced the bonds, obligations, or other evidence of indebtedness to be issued by either of said governments for the payment of moneys so advanced, to bear interest at the rate of 6 per cent per annum from the date of such advance: *Provided*, That the total advances to be made by the corporation shall not exceed $50,000,000: *Provided further*, That the War Finance Corporation is hereby authorized and directed to retain a first-mortgage lien in the bonds, obligations, or other evidence of indebtedness to be issued to it by either of said Governments upon all the tobacco so purchased by either of them and upon all the warehouse receipts issued by either of them, upon all of the said tobacco so purchased, to better secure the payment of the indebtedness so incurred.

"There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $50,000,000, or a much thereof as may be necessary, for the purpose of making payments by the said corporation as and when required under the provisions of this section."

Mr. ASWELL. Mr. Chairman, I yield myself five minutes.

Mr. Chairman and gentlemen of the committee, my neighbor and friend the gentleman from Mississippi [Mr. QUIN] has made a reputation as being a friend of the farmers. I regret exceedingly, and it pains me personally, to see him in this hour of his opportunity yielding to an insidious lobby of big corporations and going back on the farmers who have made him what he is. He proposes, as he states, to vote and work for a direct Federal tax, an equalization fee on each cotton farmer at the gin of at least $10 a bale, as witnesses testified. The State of Mississippi produced last year 2,000,000 bales of cotton. Yet the gentleman who has pretended so long to be the friend of the farmer proposes to vote in this body to place a Federal tax on the farmers of Mississippi amounting to $20,000,000 a year.

The State of Mississippi last year shipped into its borders 7,000,000 bushels of wheat, and without reflecting the increased price back to the producer of wheat, as it will not do, the gentleman from Mississippi proposes to tax his own people further on their bread alone the sum of $3,500,000. In his proposal here to-day he is camouflaging when he talks about a subsidy. He is trying to get your attention away from the vital question of the equalization fee or Federal tax on each farmer at the gin. He proposes to tax the farmers who have made him what he is $20,000,000 a year on their cotton and $3,500,000 a year on their bread, which means $23,000,000 a year additional Federal tax. In that position he is not representing the great people of Mississippi. He has gone back on the farmers who have made him. They are my neighbors and friends, and I will stand by them and for them. I can show you, gentlemen of the committee, that he does not speak for the people of Mississippi.

I propose to read a telegram I received this morning from Mississippi. I will give you, first, the gentleman's name. I do not know him personally, but I have asked several of the Mississippi Members, and they say he is one of the foremost men in the State. He lives in the capital of his State, Mr. L. J. Folse, general manager, Mississippi State Board of Development, a new organization to develop that great State. This is what he has wired me:

Hon. J. B. ASWELL,
United States Congress, Washington, D. C.:

I compliment you on your stand regarding the Haugen bill. The language used by you as quoted by Associated Press is identically what I used in McComb, Miss., three days prior to your statement.

McComb is in the heart of PERCY QUIN'S district.

Mr. MANSFIELD. That is his home.

Mr. ASWELL. That is his home. [Reading:]

The subsidy and dole program of Great Britain has brought them to the verge of civil war. There is no higher expression of the communistic tendency of this country than the Haugen bill. I am certain that every farmer in Mississippi is patriotic and independent enough, and is so confident of his own ability to work out his future with a reasonable amount of cooperation that if put to a vote Mississippi would overwhelmingly repudiate this socialistic Haugen measure. The marketing of farm products in America is a business matter and not a political one. We do not feel any legislation at all is necessary in the matter; and if the National Congress will place the responsibility for a proper marketing system upon the bankers and merchants of the country, where it properly belongs, the business men can build a proper marketing system; and the only reason why we have not had it is because of the utter indifference of business and the extreme activity of the demagogue. The defeat of the Haugen bill ought to be accepted by every patriotic American as a reaffirmation of our confidence and belief in the principles upon which this country was founded and upon which its future rests.

L. J. FOLSE,
General Manager Mississippi State Board of Development.

[Applause.]

Mr. TINCHER. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Chairman and gentlemen of the committee, it will not be my purpose in the brief time allotted to me this afternoon to discuss in detail any one of the so-called agricultural bills. There are a few, it seems to me, signboards that we all ought to notice as we are passing on, and I shall only undertake to call attention to those.

In the first place, I want it definitely understood it does not make any difference to me what the political future of myself or my party is, if in order to insure such political future I must vote for something I believe to be bad for the future of my country. [Applause.] I do not claim any distinct quality on that line above the rest of you men. I do think sometimes we are stampeded to be for or against a proposition through information that has been sought to be furnished us by men who are on the pay roll of some organization at so much per month to furnish this information, and yet they undertake to speak for all the people of a particular class or group. I do not believe that is sound doctrine on which to legislate, and I do not believe such men can speak for the entire people a bit better than you or I.

The statement was made the other day that the greatest farmers' organization in the United States had indorsed the Haugen bill. If that is true, then my information is in error, because I understand the grange is twice as large as any other organization among the farmers in America, and that they not only have not indorsed it but have gone on record as being against it and opposed to it. That is the kind of information I get. In addition to that, not 30 per cent of the farmers belong to any organization. Who is speaking for them?

I want to call the attention of my colleagues to another thing—and let me say in passing I am not one of these Congressmen who lives in a city and represents only a great industrial section. I think 75 per cent of my constituency make every dollar they have by tilling the soil, and I know that practically every blood relative I have or ever did have continues to get his livelihood even to-day through that process; and if I believed the Haugen bill was economically a sound piece of legislation, and if I believed that the price my children would have to pay for the mistakes of their father was not too high, and that the Haugen bill would give the farmer more money for his product, without doing damage to the great

mass of people unorganized, I would be for it; but I am not only not convinced, I am convinced that every man who votes for the Haugen bill, if by any hook or crook it should be enacted into law, will live to regret the day he was ever permitted to cast his ballot therefor.

Now, why? And before I go any further with the discussion I want to propound two or three hypothetical questions to those supporting the Haugen bill. I do not want you to answer them in my time, but I know some of you are going to speak in the future and I want you to tell me what you will do if the Haugen bill becomes a law and these things happen.

The first question I want to propound to you is this—and I only go by what is written into your proposed law—I propounded this question to the chairman of the committee who drafted the bill and who is its author and the answer was not at all satisfactory. Suppose the bill is enacted into law, what will you do if I make a deal with an Englishman or a citizen of any foreign country that we will split 50-50 on the profits and the Englishman comes into the American market and buys 100,000,000 bushels of wheat at the surplus price or at the world price, which I am going to assume is $1, and if wheat is $1 in the world market, then the local or domestic price is $1.50 because you add 42 cents tariff and the freight, which will make the local or domestic price $1.50.

If this bill is written into law and my English friend buys 100,000 bushels of wheat and sells it back to me, do not you have to buy my wheat for $1.50? He paid you in America $1 a bushel and never shipped it out of the United States; he then sells it back to me and I will either make you buy it at $1.50 a bushel or I will dump it on the market at $1.40 a bushel and break the market.

Mr. HAUGEN. Will the gentleman yield?

Mr. BEGG. No; the gentleman can answer that in his own time. I know what the answer will be. They will say that the board would not sell unless they would agree to ship it out. How would they compel the purchaser to ship it out of the country? I do not want to see the time when the United States will say to any foreigner, "You can not sell in the markets of the United States." In other words, I do not want to see the time come when America will be led into enacting an embargo act. I do not care what the article is that the embargo is written on, it will make trouble with the rest of the world. America once tried it and they took it off the statute book right away.

Mr. BURTNESS. Will the gentleman yield?

Mr. BEGG. No; I can not yield. Now, I want to ask you gentlemen what is to prevent my going into Canada—I use that for a foreign market—and buying 100,000,000 bushels of wheat at $1.10 a bushel? Let me say that is the world market. Then let me go into the market to-morrow and drive the market up to $1.15. I ship it over to America and let America pay the tariff cost—you are obligated to pay the tariff plus the transportation; what is the trouble in my manipulating the market there so that I make a clear profit without any risk?

Oh, it is a great business, the greatest piece of mechanical speculative machinery that I have ever seen in my life. If I can understand the English language, and I admit I know nothing about cooperative marketing, especially of wheat or anything of that kind—but this problem is so simple it does not take a Wall Street broker or banker to analyze it and see the possibilities under it.

Now, I want to propound another question. Suppose the equalization fee is to go in, and they say it is going in in two years, the Government is going to pay the bills until that time, and after that time, of course, the farmers are willing to bear their own burden. I will have something to say about that later. But what I want to ask is this question: Here are two farmers, one living on one side of the road and the other on the other. They are both living in a real agricultural territory. Mr. A is a stock feeder—feeds a lot of cattle and a lot of hogs. He can not produce enough feed to fatten his stock for the market. Mr. B, his neighbor, raises corn. Now, if Mr. A goes over to Mr. B and buys a thousand or 10,000 bushels of corn, will there be an equalization fee on that sale? I asked this question of the chairman of the committee, the author of the bill, and he said it was optional. He says that is the right of the board to determine whether to put an equalization fee on corn fed into livestock. If they do there is bound to be a discrepancy and unfairness with the man that does not pay an equalization fee on the corn that he feeds into his livestock. If they do not, what percentage of corn in the United States will have to bear the equalization fee which is the charge for the operation of this great burdensome piece of economic machinery. What percentage of corn bears the burden?

I have not verified the figures, but I get them from the Agricultural Committee, that not 10 per cent of the corn of the United States is processed for anything other than feed. Now, think of it. Ten per cent of the corn of the United States has to bear the unfair burden of operating this so-called economic scheme. Either your scheme is economically sound or it is not. If it is economically sound, the price of all agricultural commodities will rank together. It can not be otherwise. If it is economically unsound, which I think it is, it will bring wreck on the people that you are trying to benefit.

I want to propound another question, another dilemma, and I want to see how you answer this. The only speech I have heard on the Democratic side that was not raising an awful howl against the tariff being too high was the speech of the gentleman from Texas [Mr. HUDSPETH].

Let me propound this to you: Suppose the Haugen bill succeeds. Its very success will be its ruin. And why? Do you expect an American farmer to feed $1.40 corn in competition with the Canadian farmer, who is feeding the same kind of livestock on $1 corn? It just can not be done, because Canadian land is even cheaper than the land in the United States. Do you expect the American rancher down in Texas to feed cattle, paying this enormous—I will not say enormous—equalization fee, whatever it may be, plus the tariff of 15 cents a bushel on corn, plus the freight; or do you expect the cattleman of the North to whom the Texas rancher has sold the cattle to feed the cattle $1.20 corn, in competition with the Canadian or the Argentinian, with his cheap forage, without again jacking up your tariff and making it higher than it is to-day?

If there is any one thing that the Democratic Party has ever stood for, so far as its pledges are concerned, it is to lower the cost of living. It makes interesting reading to go back as far as 1824 and peruse the editorials from the New York press. They prophesied just exactly the same things that you gentlemen are prophesying to-day. You can read an editorial in the New York papers of that day and it sounds just as if it was written to-day. They talked about the tariff being a subsidy for the few, being a tribute levied upon the masses for the benefit of the few. Either I am unable to reason, either I am absolutely thickheaded, or else the men who are trying to make the principles of the Haugen bill compare with and work as the tariff does can not reason or are not honest. There is no more comparison between the economic principles of the protective tariff and the question of a subsidy than there is between the darkest night and the brightest day. What is a tariff? You gentlemen all know who wrote the first tariff. It was James Madison, of Virginia. If James Madison were living to-day he would in all probability be a Democrat. He not only put a tariff on manufactured articles but he put a tariff on raw products, and why? They put the tariff on at first to protect industry. The employee in those days was only thinking about getting enough to eat and developing his country; but to-day we do not levy a tariff in order to protect industry as an industry. Not on your life. You give American labor wages 25 per cent more than anyone else in the world, and the manufacturer in this country will manufacture and sell goods in all the markets of the world in competition with the world without a tariff. If you compel the manufacturer to pay wages from three to ten times as high as his competitors, then you can choose between one of three things. You must either give them a tariff, close the factory, or cut the wages. There is no other answer.

This Haugen bill is a subsidy if it is anything in the world. The bill says $375,000,000 for the first two years. Let me ask you a practical question. Suppose it develops that $375,000,000 is not enough. We establish the machinery, we pledge the credit of the United States to pay the bill. Suppose it costs a billion dollars. Will we pay it? Of course we will. We have paid bills ever since I have been in Congress with not half the legal responsibility that will be tacked onto the Government if we pass the Haugen bill. Provide a subsidy? Never for an industry that is self-supporting, that is producing more than is required for the necessities of life. There are only one or two cases where in my judgment a subsidy would be justified in any Government. If there was a demand for any necessity of life, and the economic condition of the people engaged in the production of that necessity did not permit them to produce a sufficient amount to meet the needs of the people, and if you could not encourage production, and if competition was so keen with the rest of the world that the farmers could not compete and there was a shortage, and we could not get it in any other way, then there might be a justification for a subsidy. I have wondered sometimes, since I have been studying this question for a month, whether my ability to reason has become distorted.

How can you pay a bounty and then curtail production when you have a surplus to begin with?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KETCHAM. Mr. Chairman, I yield 10 minutes more to the gentleman.

Mr. BEGG. Mr. Chairman, there are two conditions when I would pay a subsidy, and then only rarely. Some one asked a gentleman on the floor the other day if he had voted for the ship subsidy, and he said he had. If the shipping business affected only a part of the people, there would be no justification for a subsidy at all, but if the welfare of the whole people depends upon the ability to ship to the markets of the world, and the merchant marine can not live without a subsidy, then I have no apology to offer to anybody for being for a subsidy.

My good friend from Nebraska [Mr. McLAUGHLIN] on Saturday went on to recite how much money we had given to the railroads as a subsidy in the early days, so that they would build a road out through his country and on out through that great, unexplored, unknown West. Is there any difference between developing an unexplored wilderness rich in fertility and minerals by the granting of a subsidy and doing the same thing to correct an overproduction? I said a moment ago that I would not vote for a nickel to subsidize anybody in America. I want my farmers to know that. You do not have to send them word, because I told 500 of them three weeks ago that I would not support a bill to give them 5 cents out of the Treasury, because I do not believe you can pass a law to put value into a bushel of wheat that is not there. Here is what I will do, and this is just as far as I will go.

We spend annually now about $42,000,000 in developing agriculture. We have been doing it ever since I have been in Congress and a long time before; I do not mean $42,000,000 a year, but I should suppose, in a total, we have spent $150,000,000 in the development of agriculture. Now, I am willing to do this. After having spent Government money to help production, I am willing to loan to the leaders of agriculture $100,000,000, if it needs it, to perform an experiment in developing a market so as to get on the same plane as we have other products, but any scheme to handle the surplus that is not sound enough economically to command the respect of private capital is too unsound for me to put Government funds into its treasury.

Mr. MADDEN. Will the gentleman allow me to read a telegram in connection with what the gentleman has just stated?

Mr. BEGG. Yes; I will.

Mr. MADDEN (reading)—

CHICAGO, ILL., *May 9, 1926.*

MARTIN B. MADDEN, M. C.,
Washington, D. C.:

Give us a national charter for America's credit trust—cooperative marketing. Purpose to comply with your suggestion on farm relief in lieu of a subsidy. Unlimited capital pledged. We are well organized for this purpose and want to count you in. Letter follows. Answer now.

Maj. A. E. GAGE,
President Economic Science Federation.

I want to say I do not know who these people are, but there is a proposal to furnish money to market farm products.

Mr. BEGG. Now, Mr. Chairman, the argument has been made repeatedly by both sides, more generously on the minority side than on the majority side, that the present Fordney-McCumber tariff bill had not benefited the farmer. I want to challenge that statement, and in support of my challenge I want to give you a few figures. And let me say to this House membership and to the Democrats I am not alarmed about newspaper threats I have read in the papers that if we did not pass the Haugen bill the West will revolt so far as the Republican Party is concerned; that does not alarm me at all. They will only revolt a short period. Why? There never has been since the dawn of the United States a low-tariff party nor a free-trade party without a financial panic save in the World War and in the Mexican War. There never has been a time, Mr. Farmer and you farmers' Representatives—there never has been a time when the price of a bushel of corn and wheat or a pound of beef or pork or wool has brought as much in the market under a low tariff or free trade as it always has done under a high tariff. And I will say again something else, and you can take that to your constituents out in the West.

There never has been a low tariff party in power nor a free trade one without free soup houses in the city, without idle labor—except in the World War and in 1846, the Mexican War—and if you can show me where I am misquoting I will make a public apology before this Congress. Now, there is no use to deny it, we are not demagoging this afternoon, but we are facing facts and arguing on history.

Mr. ASWELL. Will the gentleman yield?

Mr. BEGG. I can not. There never has been free trade or a low tariff party in power without free soup houses, without idle labor, and when labor is idle she only eats 50 per cent of the farm products a year, as when she works, and if the American farmer wants to take revenge—and that has been hinted at on the floor—if they want to take revenge and want to vote to cut the tariff that will close every mill in my district, because there is not a mill producing to-day that is not compelled to have a tariff, and if you throw the employees in other centers out of work I will guarantee the American farmer that which always has happened is likely to happen, namely, they will get less for a bushel of wheat than they got this year. Take that story to them. The Republican Party has been as good a friend to the farmer as the Democratic Party ever dared be. See if that is true. Now, I suggest to low-tariff advocates wool never sold on the farm—that is, by and large—on an average for over 20 cents a pound under free trade or a low tariff, save during the war, and nobody is going to claim prosperity because of a war. Now, wool since we have had the emergency tariff act jumped since the passing of the act from 11 cents a pound, of the grade of which I am speaking, and never sold less than 45 cents a pound. Well, if wool is 20 cents under a low tariff and 45 cents under this tariff, the Fordney-McCumber, there is a differential in favor of the farmer of 25 cents a pound.

Take a farmer who had sold 1,000 pounds of wool last year. There is one of three things. He either has $250 less debt or else more money in the bank or else more property. He has $250 more assets than he would have had with a low tariff unless the next low tariff violates every precedent that has ever been made since Washington's administration.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BEGG. Briefly.

Mr. HUDSPETH. The gentleman means under no tariff at all he got 20 cents; does the gentleman mean that?

Mr. BEGG. I said low tariff or free trade.

Mr. HUDSPETH. We have either had a sufficient tariff or no tariff at all. Under no tariff wool went as low as 4 cents a pound.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BEGG. Could I have a little more time? I think I could get through in five minutes.

Mr. KETCHAM. Mr. Chairman, I yield to the gentleman five additional minutes.

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes more.

Mr. BEGG. Now, gentlemen, keep in mind this $250. Let us take wheat. This is not hearsay. Under free trade—and that is the Democratic policy, as I understand it—Canadian wheat averaged 5 cents a bushel more than Minneapolis wheat of the same grade. I get these statistics from the Department of Agriculture, and you can get them there; and if they are not accurate, you can charge the Department of Agriculture with the error.

I will cite the average price of typical grades of wheat at Winnipeg and Minneapolis between the years 1920 and 1926. In 1920–21 the price at Winnipeg was $1.89 and at Minneapolis 12 cents higher per bushel, or $2.01. In 1921–22 the price at Winnipeg was $1.30 and the price at Minneapolis $1.48, or 18 cents higher. In 1922–23 the price at Winnipeg was $1.12 and the price at Minneapolis $1.26, or 14 cents per bushel higher. In 1923–24 the price at Winnipeg was $1 and the price at Minneapolis was $1.24, or 24 cents higher. In 1924–25 the price at Winnipeg was $1.58 and the price at Minneapolis was $1.66, or 8 cents higher. In 1925–26—42 weeks—the price at Winnipeg was $1.51 and the price at Minneapolis was $1.68, or 17 cents higher, an average of 16 cents higher at Minneapolis than at Winnipeg during the six years quoted. The average for the period of time I have read—and that is not hearsay—is 16 cents a bushel in favor of the tariff. For the period of 42 weeks, 1925–26, the price was 17 cents higher at Minneapolis under the tariff, and when free trade prevails it is 5 cents higher in Canada. There is a differential in wheat of 22 cents a bushel. If the average farmer of the country sold a thousand bushels of wheat last year, that gives him $220 on his wheat crop last year in excess of what he would have received under low tariff, and that with the $250 excess that he got for his wool makes a fund of $470 in his bank which he would not have had otherwise.

Let us take the item of cattle. I am giving you Mr. Haugen's figures on cattle. Mr. Haugen last fall went over into Canada to buy steers. He paid $4.60 a hundred. Add $1.50 a hundred from the tariff and freight 42 cents and you have a total of $6.52. Mind you, Canadian cattle delivered at his farm at $6.52, with a tariff of $1.52 a hundred on that weight of steer, when there never was a time when he was in the market when he could have bought the same cattle in Minneapolis, nearer home, for less than $7.60.

What happened? Why, the tariff. Who got the difference between $4.60 and $7.80, or $3.20? Who got the difference? The man who sold the steer, Mr. Farmer.

Mr. HUDSPETH. The man who raised the steer?

Mr. BEGG. Yes; the man who raised the steer. Nobody else. If he sold an 800-pound steer at $1.50 a hundred, that is $12. That is $12 for an 800-pound steer received because of the tariff. Suppose he sold 10 of them.

There you have a difference of $590 on three little bits of crops on any 80 acres of land that can be produced in Ohio. I do not mention the 5 cents a dozen on eggs, or the tariff on butter or lard or hogs. I do not mention any other than the three items, and there is not a farmer in Ohio who has not to-day in bank between $700 and $1,000 more than if we had free trade. Why do you not tell the truth?

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. BEGG. Give me five minutes and I will quit.

Mr. KETCHAM. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes more.

Mr. BEGG. I will not be one who will subscribe to the doctrine of going out and telling the farmers that they are the worst-off people on earth, because they are not. Who are they in America who own some of these automobiles in the world?

Ninety per cent of the automobiles of the world belong in America. I do not believe there are many farmers in the United States that do not have one or more of them. The automobile is not alone a luxury; it is partially a necessity. Not all the radios are in the cities. There is not a nation in all the world where agriculture and labor in their prosperity can be compared with agriculture and labor in America to the extent of one-tenth.

Now, my friends, if old, stolid, sober, experienced England can be almost uprooted and thrown into nobody knows what to-morrow by reason of the same mistake—a dole that you are asking us to hand out, only to a different class of people—if they can be thrown into turmoil, who is there who wants to stand up here and say, if we once begin to pay out a subsidy, or dole, or bounty, or gift, or anything you want to call it, where it will end? In God's name, the man who gets something for which he does not give something is damaged by the receipt thereof, and if you once begin with the farmer you can not quit without paying the price, and the price may be trouble. The price has been trouble in Great Britain, and she has not yet freed herself from the parasite of the unemployment dole. I ask you, join together and use your brains. Help the American farmer if you can; but you can not pass a law to put more value into his corn than is put there by honest toil. Do not, I pray you, go forth demagoguing with a promise for the sake of a reelection for yourselves or your party. [Applause.]

Mr. FLETCHER. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. FLETCHER. What bill are you for?

Mr. BEGG. For the Tincher bill.

Mr. SUMMERS of Washington. Did the gentleman vote for the McNary-Haugen bill, which did not carry a subsidy?

Mr. BEGG. I did not. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS of Illinois. Mr. Chairman and gentlemen of the committee, it is my purpose, in the time allotted to me, to discuss the Haugen bill, the principles underlying that bill, and the things its authors and those who are supporting it believe it will do for the basic agricultural commodities of the country. However, the remarks just made by the gentleman from Ohio [Mr. BEGG] perhaps would justify me in stating that in so far as the question of the tariff is concerned there is nothing in the hearings of our committee, covering a period of more than seven weeks, that even indicated that there was any sentiment or feeling among the agricultural interests of the West and Central West of dissatisfaction with the protective tariff. Every witness, so far as I recall, who was interrogated upon that point, without any regard to politics—and we had representative men speaking for the farm organizations from various sections of the country—made the statement that the farmers were not here fighting the protective-tariff system; that they were not here complaining about the rates and provisions carried in the Fordney-McCumber tariff law, but they were simply here urging a program that they believed would assist agriculture in getting the full advantage which a protective tariff gave to other groups and to other interests.

The gentleman from Ohio spoke about a revolt. While I do not intend to talk politics or say anything unkind, the farmers of the great Mississippi Valley, or at least a very large per cent of them, regard the Democratic Party as a sort of agricultural pest, just as they think of the cutworm or the weevil. They have that feeling and regard it in that manner because they have seen and know what the Democratic Party does for agriculture whenever they have an opportunity to write their doctrines on the statute books and administer the laws of the country.

This party almost bankrupted the farmers of Illinois, Iowa, and those great agricultural States during the Cleveland administration. They mortgaged their farms so that they might enlarge their barns for the purpose of supplying adequate sleeping quarters for the unemployed who came their way. They knew all about that. They will not soon forget it. If there should be a revolt in that part of the country, I will say that it will not inure to the benefit of the Democratic Party. The Democratic Party is the third party in these States, and if my friend from Arkansas [Mr. OLDFIELD] keeps coming into those States and talking tariff it will become the fourth party, I fear. [Laughter and applause.]

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. GARRETT of Tennessee. Do the farmers of the Mississippi Valley hold the Democratic Party responsible for the condition that exists just now?

Mr. WILLIAMS of Illinois. They very largely do. They know that when the Republican Party came into power in 1921 agriculture was prostrate and that we have been laboring with the problem ever since of stabilizing and putting agriculture on its feet. The farmers of that country know that 1920 was when the bottom dropped out of agriculture.

Mr. HUDSPETH. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. HUDSPETH. From the gentleman's remarks, I take it that you do not expect any votes on this side to pass the Haugen bill?

Mr. WILLIAMS of Illinois. The people whom I am talking about are not greatly concerned about and do not mind very much the attitude of the Democratic Party on this or any other question. Not only during the Cleveland administration have the farmers of the Middle West suffered from Democratic fallacies, but in 1914, on the very day war in Europe broke out, the farmers of my State and the grain-producing States of the Central West were fast getting into the same condition of insolvency, bankruptcy, and ruin that they experienced during the Cleveland administration. I was in a little town in one of the counties in my district on that day making a campaign in a primary, and the farmers were selling their wheat for 61 cents a bushel. Of course, the war came on and during the war we had the highest protective tariff we ever had in this country. So there is no great danger of any revolt among farmers growing out of a discussion of this question—however it might damage some of our Republican friends—that will inure to the benefit of our Democratic friends in the great grain sections of the West and Northwest.

Now, what is it we are trying to do here?

The statement has been frequently made that we have a farm problem in America. We do have a farm problem in this country. We have many farm problems in this country. Many of them are of such a nature that they can not be cured by legislation and the farmers of the country know and appreciate that fact. The problem we are considering here under the Haugen bill is how to assist in stabilizing the four or five great commodities of which we have a large exportable surplus.

As to all the agricultural production of America that is perishable or semiperishable, which comprises more than 50 per cent of the total value of farm production, there is no very great complaint as to present conditions, except that the operating costs of the farmer, like they are for everybody else in the country, are high. Whatever difficulty American farmers, engaged in producing these commodities, may have, intelligent farmers believe can be solved and must be solved largely through cooperative marketing, through the efforts of the farmers themselves and financed by themselves. This great spread between the price received by the producers of many commodities and that paid by the ultimate consumer can not be abridged except by the farmers themselves organizing and

retaining control of their commodities until they are placed in the hands of the ultimate consumer. [Applause.]

There are two branches of agriculture that are important. First, of course, is the producing end.

For many years Congress has by legislation and by liberal appropriations—and the States have assisted in the same way—been helping the American farmer to produce better, to produce more scientifically and to produce more of the foodstuffs and products of the farm.

It has been very helpful to agriculture. We have now reached a point where the American farmer is perhaps the most efficient producer of any farmer in the entire world. But there is another part to successful agriculture, and that is the marketing of the products of the farm after they are produced. We have not kept pace; we have not made the progress along this line of our agriculture that we have along the producing line.

The attention of our committee was called a year or so ago to this fact, which impressed me. It was stated that for the year 1923 the growers of melons in the States of Georgia and Alabama, two States which produce very fine melons for the New York and eastern markets, brought to the growers of those melons on the cars at the shipping points an average of 5 cents each. The freight rate to New York City was between 6 and 7 cents, making the price less than 15 cents per melon laid down in the city of New York, and yet those same melons, for which the producers in Alabama and Georgia got 5 cents per melon and the railroads got 7 cents for their transportation, sold to the consumers of melons in New York on the average from 90 cents to $1.25 apiece. This condition exists as to many products of the farm. In the interest not only of the man who produces this class of agricultural products but in the interest of all the consumers, this great spread should be lessened. This is one of the problems of the farm in which all the people are interested in reaching a proper solution. I have thought, and I still believe, that the solution of these problems is by cooperative marketing, and we are making great progress in cooperative marketing in this country. Last year the cooperatives did a business of over two and a half billion dollars, or more than one-fifth of the value of our entire agricultural production.

However, in the Haugen bill we are undertaking to deal with a different problem. The great commodities of which we produce a large exportable surplus——

Mr. TINCHER. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. TINCHER. Handling the commodities with the cash appropriation provided for in the Haugen bill, in accordance with the terms of that bill, will have what effect on the cooperatives the gentleman has just referred to?

Mr. WILLIAMS of Illinois. If the gentleman from Kansas will permit me, I will come to that in the development of my thoughts on the Haugen bill.

Mr. TINCHER. I shall not interrupt further. I did not suppose the gentleman would object.

Mr. WILLIAMS of Illinois. I think the bill introduced by the gentleman from Kansas [Mr. TINCHER] will be very helpful in marketing and in taking care of the kind of farm products I have just mentioned, but we are here dealing with a question and a problem more fundamental than perishable foodstuffs that can be taken care of by cooperation.

During the war the American farmer, acting on the request of the Government, overstimulated production. We largely increased our production of cotton and of wheat and of corn and of the great basic foodstuffs and at large expense to agriculture. Billions of dollars were invested by the farmers of the country in additional equipment so that they might produce those things that the world needed and that they were told were required to insure the winning of the war for the United States and for our allies. We all know with what wonderful patriotism they responded to the call of their country, but the very readiness of that response meant, later, almost their utter undoing. At the close of the war farm products were high and there had been a most tremendous production of wheat and corn and cotton at exhorbitant costs to the producer; 1920 came along and we had deflation and the bottom dropped out of the prices of farm products, and they have never since approached a proper ratio relation with other commodities. The farmer's real trouble dates from the summer of 1920.

Now, what is the difficulty? If all the farmers of the United States could be organized into a cooperative marketing organization, the situation would be entirely different. For instance, if 100 per cent of the cotton farmers were organized, they could control the price of their cotton; but they are not organized perhaps to a greater extent than 7 per cent or 10 per cent, and it is utterly impossible for the small percentage in these cooperative organizations to carry enough of the crop and finance it to have any appreciable effect on the value of the whole crop. We have this anomaly in respect of cotton, and it is startling when you stop to think of it. In the summer of 1924, when the United States Department of Agriculture issued its first statement as to probable output of cotton for that year, it was stated we would produce 12,500,000 bales of cotton. Cotton was then selling at 30 cents per pound. Three or four weeks later the Department of Agriculture, on account of favorable seasonal conditions, made a supplemental report in which the production of cotton for that year was estimated at something over 13,000,000 bales, and a little later it was found that the crop would approximate 14,000,000 bales, and cotton dropped to 24 cents a pound. Therefore, under our present marketing system and through the inability of the cotton farmers to cooperate and to organize as they should, but probably will be able to do in the years to come, we have found that a crop of cotton of 14,000,000 bales brought the cotton planters of the South over $300,000,000 less than would a crop of 12,500,000 bales.

Mr. ASWELL. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. ASWELL. Will the gentleman explain to the House how the Haugen bill will help the price of cotton when there is no tariff on cotton?

Mr. WILLIAMS of Illinois. Yes; I will do that. That will be quite easy, and I will do that later.

Mr. ASWELL. That has not been done in this debate or in the seven weeks of hearings.

Mr. WILLIAMS of Illinois. Now, take the case of corn. In 1923 we had an estimated corn crop of 3,000,000,000 bushels. In 1924 the corn crop was 2,400,000,000 bushels or 600,000,000 bushels less than the crop of 1923, and yet the value of the 3,000,000,000-bushel crop was more than $350,000,000 less to the farmer than the short crop of 2,400,000,000. Now, there is something radically wrong about that.

Mr. ASWELL. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Excuse me just a moment.

Mr. ASWELL. I will wait until the gentleman has finished.

Mr. WILLIAMS of Illinois. Under conditions as they exist at this time, conditions over which the farmer has no control, a bumper crop instead of being a blessing is a disaster in disguise. We think there is something wrong with a situation like that.

The theory of the Haugen bill is not that you can change the law of supply and demand. This can not be done by law, but we realize that with these great bumper crops, with their large surpluses, the next year a short crop, the next year maybe a short crop or a large crop, yet through a series of a few years, three years or five years, production and demand balance each other in all our great staple commodities. We have been producing cotton in this country for more than 100 years, and so have other countries of the world. We have had great surpluses that brought down the price. It has at times ruined the cotton planter of the South, and yet we have no surplus in cotton. There is not enough surplus cotton in all the world to run the spindles of the world 90 days. It is the same way with all great staple food crops—no surplus over a series of years, but violent fluctuations from one year to another because of imagined surpluses or deficits which has caused such great disaster to the American producer.

The theory of the Haugen bill is this, as I understand it: The farmers, not being able to organize and cooperate and control the crop market, believe they should have the assistance of the Government in setting up machinery that will enable them to levy an equalization fee on the whole production of any one commodity, thereby creating a fund that can be used in the orderly marketing of that commodity, a fund that can be used when there is a surplus in lifting that surplus off the market so that it may not have a depressing and ruinous effect on that part of the production consumed in the United States.

Mr. ASWELL. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. ASWELL. The gentleman said he was in favor of an equalization fee on all the products.

Mr. WILLIAMS of Illinois. Oh, no; the gentleman knows my position on the Haugen bill. I am not in favor of a subsidy. I am not in favor of that part of the bill. I do believe in the theory of the bill—that the American farmer is entitled to a price on that part of the product consumed in America comparable to the price that is paid to industry and labor for their products. [Applause.] Is there anything unsound about that? Who will say that the producer of the foodstuffs of America, that feed all of our people, is not entitled to an American price for that part of the product which is consumed by the American people? He pays the American

price for everything he consumes, and he is the greatest consumer of all classes of people in America. That is the principle on which the Haugen bill is drafted.

If the thing we are attempting to do is proper and right for the farmer, it can not be unsound economically. If a plan can be devised where the farmer bearing his own cost, at his own expense, can be enabled to market domestically at a fair American price the part of the crop used here, that can not be economically unsound. Of course, as to the part sold in export, we are not going to dump it at a low price in other parts of the world; we will sell it for whatever it will bring in the world market. Here has been the great difficulty and is the problem we are trying to solve—when we produce 800,000,000 bushels of wheat in the United States we consume 600,000,000 bushels, leaving 200,000,000 that must be sold in export to foreign trade. We are not able to control the world market on wheat, and the producers of wheat sold in the world market will have to take such price as they can get for that part of their crop; but is it fair to the farmer, is it right, that the small percentage that is used in export, which is often sold for less than production, shall be allowed to depress the American market for 600,000,000 bushels sold in this country? We are trying by this machinery to obviate that. Men who have given this great study, able men, say that it is economically sound to enable the American farmer to so market his product, to so control his supply and market it in an orderly way, that he will have the same bargaining power that others have in other industries.

Now, he walks up to the counter and says what will the price be on this and what will you take for everything he buys to operate his farm. Everything he has to sell he has to call up over the telephone and say to the dealer, "What is the price of this"—wheat, cotton, or whatever he has to market. Whatever the price is, that is all he gets.

If the machinery we have in this bill will do the thing that its authors believe and hope it will do, it is certainly a good thing. If it works, it will help everybody in the United States. If it fails to work, it would not hurt anybody but the American farmers themselves. [Applause.]

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. CONNALLY of Texas. This board that is appointed declares an operating period on corn; they find that corn in Canada is worth, say, $1 a bushel. What is the tariff on corn?

Mr. WILLIAMS of Illinois. I think 15 cents.

Mr. CONNALLY of Texas. They buy the corn then at $1.15?

Mr. WILLIAMS of Illinois. The board under the Haugen bill, notwithstanding the statements that have been made, has no authority to buy or sell a single thing. The board is at no time in business and neither is the Government at any time in business.

Mr. CONNALLY of Texas. Who pays this board?

Mr. WILLIAMS of Illinois. The cooperative associations who handle the commodities sought to be placed under the operation of the law.

Mr. CONNALLY of Texas. Then it is the cooperative with the sanction of the board?

Mr. WILLIAMS of Illinois. Yes.

Mr. CONNALLY of Texas. It gets the money from the board?

Mr. WILLIAMS of Illinois. Yes.

Mr. CONNALLY of Texas. That is what counts. The cooperative buys the corn at $1.15 plus the freight. How large a fee would you collect back on that corn?

Mr. WILLIAMS of Illinois. The gentleman from Texas, I think, knows that I can not answer that question.

Mr. CONNALLY of Texas. I am not undertaking to embarrass the gentleman.

Mr. WILLIAMS of Illinois. I know that.

Mr. CONNALLY of Texas. I want to know how it will work out with corn.

Mr. WILLIAMS of Illinois. That will necessarily have to be left with the board.

Mr. CONNALLY of Texas. In other words, in order to make this plan workable we must, in the nature of things, give the board absolute power to say what the fee shall be and when it shall be levied on all of the products that go into the market.

Mr. WILLIAMS of Illinois. Absolutely; and I say to the gentleman from Texas that I can see nothing wrong with that. It is a board of farmers dealing with their own products, and they certainly have the right to have something to say as to what those things are worth.

Mr. FULMER. And the Interstate Commerce Commission fixes rates without anybody saying anything about it.

Mr. WILLIAMS of Illinois. Certainly.

Mr. CONNALLY of Texas. If the gentleman's premise is correct that this is a board of farmers, and they are going to fix their own equalization fee, surely they will fix it pretty small.

Mr. WILLIAMS of Illinois. Just as small as they can. The thing that we are seeking to do in this bill, as I understand it, is exactly what the gentleman from New Jersey [Mr. FORT] so ably explained ought to be done in his first speech which he made to the House on the farm problem, except, of course that the gentleman from New Jersey believes that this can be done without an equalization fee on production.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HAUGEN. Mr. Chairman, I yield the gentleman five minutes.

Mr. TINCHER. Mr. Chairman, if the gentleman feels that he will not be able to finish in five minutes I shall be glad to yield him 10 minutes additional, and I do so.

The CHAIRMAN. The gentleman is recognized for 15 minutes.

Mr. WILLIAMS of Illinois. I have not the time to go into the details of how this board will work. That will be discussed under the five-minute rule. Objection has been made here to the board and as to the manner in which it is constituted. I think the gentleman from Louisiana [Mr. ASWELL] in the able address he made thought that a board on which there would be only three representatives from the cotton section might not look after the cotton planter as adequately as it should, or at least he expressed some fear that there might be danger in placing his great industry in the hands of a board with only three members representing that particular section of the country. That is exactly how the Federal Reserve Board is organized. You have three members.

Has there ever been even a suspicion that any action or lack of action on the part of that great board has been against the interests of any section of our country? Certainly not. That board functions and functions well in the interest of all the country, and if we have this board created as contemplated here, constituted as it will be of representative farmers, of men who have a knowledge of and are interested in all these great commodities in which we are dealing, that board will deal justly and equitably with all American agriculture and no one need have any fear as to the constitution of the board. [Applause.]

They say it is radical, that it is unworkable. It is not more a radical proposal than when Senator Aldrich and others first commenced talking about the idea of an asset currency 15 years ago. It took a long time to convince the bankers and the financiers of the country that you could create an organization which every national bank would be forced to enter, whether voluntarily or not, that would be workable, and yet no one, I take it, would repeal the law that federated and created this great system which is able to mobilize all of the money and all of the credit of America and use it at the points in the country where it is most needed. There is considerable analogy between this bill and the Federal Reserve Board bill so far as the mechanism of the two boards is concerned. We believe that for agriculture a great board that has a comprehensive view of the whole agricultural situation, that could find out what would probably be a surplus in this given commodity, and to deal with cooperative organizations, handling that commodity, that could take any surplus off the market and carry it over to a lean year or handle it in a way that would not depress the market, would be helpful to agriculture.

And it would be. I do not know whether this will work as we think it will or not, but it is the only constructive program submitted to this Congress to reach the fundamental difficulty of agriculture concerning these great exportable crops which have been causing the farmers such distress.

Mr. COOPER of Wisconsin. Will the gentleman yield for a brief interruption?

Mr. WILLIAMS of Illinois. Certainly.

Mr. COOPER of Wisconsin. I have listened to the arguments for the Haugen bill and against the Haugen bill, and I am much impressed with the merits of the measure, but I have been unable myself to understand why there is any real good reason for the postponement of the equalization fee. Why not have it go into operation at once and let it work out its own salvation?

Mr. WILLIAMS of Illinois. I was just getting ready to discuss that. The farm organizations which appeared before our committee for seven weeks during which this problem was being discussed from every angle all went on record without a single exception as saying they wanted to finance their own rehabilitation by this equalization fee on production. They said that they believed that it was workable and practicable,

and that agriculture was not asking and did not want any subsidy out of the Treasury of the United States. [Applause.] In the whole record covering thousands of pages that statement was repeatedly made. It was iterated and reiterated by the responsible farm leaders of this country, and I can say to-day I think I know that that is their opinion and their view and that now they would like to see this bill restored to the form in which it was when presented to the committee.

I am not going to discuss how this change took place. I do not know. I opposed it and other members of the committee opposed it, and I am opposed to it now. I am opposed to it in the first place because I do not believe in subsidies. I stood here on this floor under the administration of President Harding, a man we all loved, who served in the Senate while many of us were here in the House, and I was one of those who on one occasion was at the White House and talked about the ship subsidy bill coming up for consideration in the House. The people of my district, including farm organizations, were opposed to that subsidy, and I voted against the administration of my own party and the policy of the leaders of the party because I was opposed to a subsidy. It is absolutely indefensible. We want to give the American farmers of our section of the country what they say they want and not give them something they do not want and say will ruin them. They want the equalization fee made effective at once and want us to cut out the subsidy and pass the bill as the farm organization presented it to the committee.

Mr. KETCHAM. Will the gentleman yield?

Mr. WILLIAMS of Illinois. I will.

Mr. KETCHAM. Does the gentleman recall anyone responsible—of course they are all responsible—any one farm leader who appeared before the committee and advocated a subsidy?

Mr. WILLIAMS of Illinois. They all said they did not want it.

Mr. KETCHAM. Does the gentleman further recall any farm organization in the country that has gone on record in favor of it?

Mr. WILLIAMS of Illinois. I never have.

Mr. KETCHAM. On the contrary have not they all opposed it and repeatedly declared against it?

Mr. WILLIAMS of Illinois. Absolutely so. This amendment in this bill that calls for $375,000,000 subsidy upon the Treasury has placed the great farm organization in a compromising and untenable position which they deeply deplore and I am sure they regret the action of the committee in reporting out this kind of legislation. [Applause.]

Mr. BEGG. Will the gentleman yield?

Mr. WILLIAMS of Illinois. I will.

Mr. BEGG. Did I understand the gentleman to say these same farm organizations testified against a subsidy and then a subsidy was put in and then authorized the statement it should be taken out.

Mr. WILLIAMS of Illinois. No; I did not say authorized.

Mr. BEGG. I did not quite mean that, but I mean is the gentleman speaking for himself here knowing——

Mr. WILLIAMS of Illinois. I am speaking for myself. I am speaking for every member of our committee with possibly three or four exceptions, and so far as I know every farm organization that appeared before our committee.

Mr. BEGG. If the gentleman will permit another question, I do not desire to interfere with his argument. How did this subsidy get in?

Mr. WILLIAMS of Illinois. I do not know; but the gentleman from Indiana [Mr. PURNELL] says, "To get votes." I do not know about that.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. TINCHER. What is the gentleman's idea of the effect which the subsidizing of this industry would have?

Mr. WILLIAMS of Illinois. I think it would be ruinous. I do not think it would be a check on overproduction for two years. The farmers do not want it. They want to levy a fee on their own production, and that would help them the same as a subsidy paid out of the Treasury and act at the same time as a stay on production.

Mr. PURNELL. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. PURNELL. The gentleman knows that I was a member of the committee who was not in favor of the subsidy idea, and was in favor of putting an equalization fee on all farm products and making it effective at once, and in favor of asking for only sufficient money out of the Federal Treasury to set up the machinery. But this, which I think the gentleman will admit, ought to be said in favor of those advocating this revolving fund as a temporary expediency, and that is that it will take at least a year to educate these farmers, and that the revolving fund, such as may be necessary to stabilize these various products, will only be called into requisition for one year. I am not saying that in justification of the revolving fund, because the gentleman knows that he and I were in accord on that proposition in the committee.

Mr. WILLIAMS of Illinois. I do not yield any further. I have only a few minutes.

Notwithstanding what I have said about the revolving fund and the subsidy, if the bill is not amended, as surprising as the statement may seem to some of my colleagues, I intend to vote for it in its present form, and for this reason: It does embody the essential principles for which these great farm organizations contend. Under it we will get a board, with the broad power that it must have to command action, and an equalization fee that will automatically go into effect without congressional action; and, in my opinion, we will not be called upon for the $375,000,000 subsidy. Gentlemen must remember that we are not voting the money out of the Treasury to-day. It is just an authorization that may be followed by an appropriation or not, as Congress in its wisdom may determine when that matter comes up.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. GARRETT of Tennessee. The gentleman has referred to this as a "revolving fund." I would like to get it clearly in my head, if I can. I do not see what there is in this bill that makes it a revolving fund. It is not expected that any part of it will be repaid?

Mr. WILLIAMS of Illinois. It will revolve out of the Treasury until [laughter] I think it might be called a semi-revolving fund.

Mr. GARRETT of Tennessee. There is absolutely no provision in the bill under which any part of it will be repaid?

Mr. WILLIAMS of Illinois. Oh, no. It is not contemplated that it ever will be.

Mr. PURNELL. That was a misnomer. The original idea was to create a revolving fund and make an equalization fee. This was an eleventh hour proposal that came in.

Mr. GARRETT of Tennessee. The gentleman is justified in using the expression because that expression is in the bill, but the bill is not justified in using that expression.

Mr. JACOBSTEIN. In discussing this with Farmer QUIN I was informed that what they had in mind was a sinking fund, a reserve fund, not a revolving fund.

Mr. WILLIAMS of Illinois. What we had in mind, I will say to the gentleman from New York, was a law that would authorize an equalization fee on production. That would create a fund on each commodity, to use to carry over the surplus and to market the surplus of that commodity. We were asked for an equalization fee and no subsidy. [Applause.]

Mr. Chairman, my time has about expired and I only want to add that in my work on the Committee on Agriculture and in the consideration of this great problem I have attempted to help frame a bill and get it enacted into law along the general principles of the Dickinson bill. This is what the farmers of my State have indicated they want. I believe such a bill is economically sound and will give the farmers an opportunity to place agriculture on an economical parity with industry and labor, this is all they ask—to this they are entitled. This is the legislation urged before our committee by Sam H. Thompson, president of the American Farm Bureau Federation, by Earle Smith, president of the Illinois Agricultural Association, and by George Peake, chairman of the Committee of Twenty-two named at the Des Moines conference. These gentlemen are all honored citizens of Illinois, and in my judgment represent not only the sentiment of the farmers of Illinois but also that of a large per cent of our bankers and business men.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ASWELL. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. WHITTINGTON] 20 minutes.

The CHAIRMAN. The gentleman from Mississippi is recognized for 20 minutes.

Mr. WHITTINGTON. Mr. Chairman, the question of agriculture presents an important problem. It is our most difficult economic question. The problem is not political or partisan, but it is economic, and I shall so treat it.

This is no time for oratory or high-sounding phraseology. It is an occasion for clear thinking and for keen analysis. I shall undertake to speak as one business man to another, as one Member of Congress to another Member of Congress, who is vitally interested in the agricultural situation.

Let me say, in order that you may get the slant of my views, that I represent a cotton constituency. The district from which

I come produced in 1925, 905,054 bales, or approximately one-eighteenth of all the cotton raised in the United States. There are 11 counties in the district, and all of them produce staple cotton, and in addition to its staple production there is raised short cotton in one of the counties. The district has a practical monopoly on Delta staple cotton, 1⅛ inches and longer. While I am a lawyer, I have been engaged in the production of cotton for some 25 years. For several years I was interested in raising short cotton in south Mississippi, and for the past 20 years I have been raising staple cotton in the Mississippi Delta. I knew from experience, as well as from study and observation, the difficulties confronting the cotton grower. My possessions consist principally of farm lands, and in common with my constituents I am interested in agricultural relief as I am interested in no other question.

I am now, and have been since 1920, a member of the Staple Cotton Cooperative Association. I noticed an advertisement of this association in one of the newspapers in my district a few days ago. The facts contained in the advertisement may be of interest to the Members of Congress. This association has received to date more than 258,000 bales of cotton. It has paid to its members this season more than $21,000,000. Its credits and loans to its members during the current year will exceed $1,500,000. The advertisement of the association contains this significant statement:

> While the rest of the country is besieging Congress for some sort of farm relief, we have availed ourselves of the facilities already afforded by the Federal intermediate credit banks and the Federal Farm Loan Board.

The discount corporation, operating in connection with the association, cooperates with the banks. I quote this further statement from the advertisement:

> These two institutions (the cooperative association and the discount corporation) stand for soundness, conservatism, and safety, which are the only foundations of business success and permanent prosperity.

From time to time I have sent to the association to which I belong, and also to others in the district who have given a study to agricultural legislation and have manifested an interest in the agricultural situation, a copy of the several agricultural bills introduced. I have requested the views of the cotton growers in and out of the association as to the effect the legislation would have on cotton. The responses that I have received to date are to the effect that cotton can not get any benefit from the passage of the Haugen bill, for the principal reason that this bill makes the tariff the yardstick, and there is no tariff on cotton, nor could a tariff on cotton be included in the bill, under the rules of the House. The president of the above association advises me that no benefits under the Haugen bill will accrue to staple cotton unless there is a tariff of at least 10 cents per pound.

BASIC INDUSTRY

Agriculture is our basic industry. But farming is more than an industry. It involves the economic welfare, the social progress, the racial character, and the national security of all the people. All groups and all classes of people are affected by agriculture. Nearly one-half of the average family income is spent for food. Most of the remaining one-half is spent for clothing. The farm serves the most universal of human needs. The success of the merchant, the banker, the professional man, and the wage earner in the city and town is dependent upon the prosperity of the farmer. The question materially affects the whole population.

ECONOMIC SIGNIFICANCE

The National Industrial Conference Board of New York has just completed an exhaustive study of the agricultural situation. The following facts give the important place that farming holds in our economic system:

The agricultural industry exercises normally a purchasing power of nearly $10,000,000,000 annually for goods and services produced by others.

It purchases about $6,000,000,000 worth of manufactured products annually, or about a tenth of the value of manufactured goods produced.

It supplies materials upon which depend industries giving employment to over half of our industrial workers.

It pays indirectly at least two and a half billion dollars of the wages of urban employees.

It supplies about an eighth of the total tonnage of freight carried by our railroad systems.

Its products constitute nearly half of the value of our exports.

It pays in taxes about one-fifth of the total cost of government.

Our farms and farm property represent nearly one-fifth of our tangible wealth, and agriculture has contributed in recent years about one-sixth of the national income.

The current value of the total capital invested in agriculture in 1919–20 was $79,000,000,000 as compared with $44,000,000,000 invested in manufacturing industries, $7,000,000,000 in mines and quarries, and $20,000,000,000 in our railroads in 1919. The value of capital invested in agriculture in 1921 was $65,000,000,000 against $44,000,000,000 invested in manufacturing industries.

THE PROBLEM

For many years agriculture has not yielded adequate returns. Manufacturing and other industries are in a better position than the industry of the farm. General business has been prosperous and wages have attained unprecedented high levels. But farmers are discontented; agriculture is out of joint. There is a real problem.

The farmer's problem is a part of our problem. The farmer's welfare is an important part of our welfare. There is a disparity between the farmer's income and the income from other industries. For the crop year of 1923–24 the net return to the farmer on his investment was 2½ per cent; for the crop year 1924–25 the net return was a fraction more than 4 per cent after allowing farmers and their families a monthly wage without board of $35. But in 1923 the income of corporations manufacturing food products, metal products, textiles, and textile products was 10 per cent and more on their investment.

The total value of all farm property in 1913 was $45,227,000,000; in 1920, $79,607,000,000; in 1925 the total value of all farm property had been reduced to $59,154,000,000. However, in terms of 1913 purchasing power, the total value of all farm property in 1925 was only equal to $38,188,000,000.

Again, the total farm indebtedness in the United States in 1910 was estimated at $4,320,000,000, and it had grown to $12,250,000,000 in 1920, and it is approximately that amount to-day.

The industrial conference board finds that the return on the capital invested in agriculture, including the value of food, fuel, and shelter supplied by the farm, during the five years prior to the war, averaged 5½ per cent, but during the five years since the war averaged only 4 per cent, and that the net return on the individual farm operator's investment is only 2 per cent.

The problem becomes perilous when we consider that the rate of farm failures from 1910 to 1924 shows an increase of over 1,000 per cent in contrast to that of commercial failures, which has remained practically the same per year during the same period. Most of the bank failures in the United States are located in the agricultural regions, and the number of bank failures in 1924 was 915, or 42.05 per cent larger than the number of failures in 1893, which was 642. The decline in the economic position of agriculture is reflected in the frequent and numerous foreclosures of mortgages to satisfy indebtedness on farms.

The earnings of the farmer are smaller than those of any other workers. The actual earnings of the farmer in 1924 in return for his labor are computed by the conference board at $730 on the average, as against the average earnings of $1,256 by workers in the manufacturing industry, $1,572 by workers in transportation, $2,141 by clerical workers, $1,678 by ministers, $1,295 by teachers, $1,650 by Government workers, and an average of $1,415 per worker in all groups other than the farmer. The food, fuel, and housing supplies on the farm the board appraises at about $630 per annum, which leaves the average farmer a cash income of $100 out of his labor during the year 1924.

The problem of agriculture is intensified by the abandonment of farms and the exodus of the farm population in recent years.

It is said that farm values were too high in 1920.

This is true in many instances. But there has been since 1913 an increase in national wealth in the United States from $200,000,000,000 to $380,000,000,000. While farm values have decreased since 1920 the national wealth has increased. Since 1920 farm values have decreased more than $20,000,000,000 and the losses in prices on farm commodities amounted to $10,000,000,000 more, but at the same time our national wealth has increased some $80,000,000,000, or from $300,000,000,000 in 1920 to $380,000,000,000 in 1925.

CAUSES

The capable physician in treating disease seeks the cause. The quack undertakes to treat the disease by removing the symptoms. The physician relieves or controls the cause and thereby removes the symptoms.

The faithful public servant seeks the cause of the agricultural problem, while the politician would relieve the symptoms by a temporary palliative. But a temporary palliative is worse than useless as a remedy. Political expediency can not take the place of sound and economic law. Human laws can not override natural laws. There must be no faulty thinking. There must be proper analysis. Let us be sensible; let us do a little clear thinking.

ALLEGED CAUSES

Some say that the cause of the farmer's trouble is that the farmer is lazy and indolent. I deny the charge. While the workers in transportation have eight-hour laws, while organized labor has short hours, while the employees of the Government have short hours, while the Adamson law provides short hours for transportation, the farmer toils from sun to sun. As a class he is industrious; he is not idle; he is not lazy.

Some say that the farmer has too many automobiles. But all the joy riding is not done by the tillers of the soil. Statistics show that there is a larger per capita ownership of automobiles among the workers in transportation and in other industries than among the farmers. The ratio is larger for the town than for the country.

It is said that the farmer does not use intelligence. But he has increased his yield per acre so far as the yield is determined by intelligence. However, farming is the greatest gamble in the world. The yield is determined by many natural forces over which the planter has no control. Storms, pests, weeds, disease, rainfall, weather play an important part. The farmer by intelligence has engaged in intensive farming, but it frequently happens that the rainfall is a more important factor in the yield.

It is also said that the farmer should reduce production. But he can not solve the problem merely by cutting down production. He can not determine production like the manufacturer. The manufacturer knows the demand and regulates his production, but the cotton grower in America can not know the production in Egypt, Peru, Brazil, or India. Moreover, the matter of determining production is not only important, but it is difficult. In 1919, 33,000,000 acres of cotton produced 11,421,000 bales, while 33,000,000 acres produced 9,762,000 bales in 1923. The boll weevil and unfavorable weather conditions reduced the crop. The products of the farm are for the markets of the world. The farmer must compete with the farmers of other countries. He produces for the world market. The failure to reduce production is not the real cause of the farmer's plight.

It is said that the failure to diversify is at the bottom of the farmer's troubles. Lack of rotation is urged as the cause of the farmer's condition. Farmers have striven to diversify as much as possible. But diversification that forces farmers to undertake production that is unadapted by reason of soil, climate, and other features is uneconomic, and will produce more economic ills. The cotton belt is essentially a one-crop country. Cotton is the money crop. There should be as much diversification as possible; there should be rotation to preserve the soil; but the lack of these is not the cause of the farmer's condition.

REAL CAUSES

But what is the real cause? Has the farmer a real complaint? It is not a sufficient answer to refer him to the laws of supply and demand, and to the doctrine of the survival of the fittest. The farmer asks that the protection that has been exended to manufacturing be accorded to him.

I have read the hearings before the Committee on Agriculture. I have read the testimony of Mr. Frank W. Murphy, of Minnesota. I do not know him, but I judge from some remarks that have been made on the floor during this debate that some think he is a little bit careless in handling the truth. However, he has pointed out the chief trouble. He has diagnosed the farmer's case, and Hon. FRANKLIN W. FORT, the distinguished statesman and publicist from New Jersey, agrees with the diagnosis made by Mr. Murphy. The cause of the farmer's plight, according to Mr. Murphy and according to Mr. FORT, is the American protective system. By the protective system I do not mean merely the tariff. The system embraces the tariff, transportation, banking, and labor. The tariff protects the manufacturer; the transportation act provides a fair return to the railroads; the Federal reserve act protects the bankers; immigration laws protect the laborer. Manufacturing, transportation, banking, and labor have been provided for, but the farmer is left out. No benefits accrue to the farmer under the protective system. The farmer wants an even chance with the industrial workers. Two ways are open: Either farm products must rise in price or other commodities must come down.

But there is another cause. There are approximately 6,500,000 farmers in the United States. They are unorganized. The multiplicity of numbers is the principal handicap; it is at once the strength and the weakness of the American farmer. The farm population, according to the estimate of the Department of Agriculture on January 1, 1926, is 30,655,000, and there has been a net decline of more than a million since 1920, with a decline of 479,000 during the year 1925 alone. Because farmers are unorganized they exercise comparatively little control over supply, demand, or price. Others who sell fix their prices. When the cotton grower goes into the market he asks the buyer what he will pay for his cotton. It is stated that there are probably 150,000,000 farmers in the world.

The 6,500,000 farmers in the United States are competing with each other and with the other 143,500,000 farmers in the world to sell their products to buyers that are organized. No other industry could survive under such a system.

There is the problem of the surplus. The manufacturer can adjust the volume of his product to the estimated requirement of his market. The farmer can not do this. In many crops weather and pests have more weight than acreage in determining the yield. Droughts, floods, boll weevil, and other pests and diseases make accurate adjustment of production impossible.

Moreover, the aggregate value of a large crop is less than that of a small crop. The cotton crop of 1924 was 13,153,000 bales; its value was $1,487,000,000. The cotton crop of 1923 was only 10,140,000 bales, and while 3,000,000 bales less, this crop brought $100,000,000 more than the crop of 1924. The average acreage for cotton in the United States for the years 1921–1924 was 35,000,000 acres; yet the yield in those years, due to uncontrollable influences, varied about 2,250,000 bales.

In 1925 the corn crop was one-half billion bushels in excess of the corn crop of 1924, and yet the value of the corn crop for 1925 is materially less than the value of the corn crop for 1924.

Fifty-two million acres of wheat in 1924 produced 862,627,000 bushels, while the same acreage in 1925 produced 669,365,000 bushels. The corn acreage in the United States in 1920 and in 1924 was approximately 101,000,000 acres, and yet on the same acreage there was a variance in the total yield of 858,000,000 bushels. The control of the acreage, therefore, is not a complete control of production. The 1924 corn crop was 20 per cent less than the 1923 corn crop, and yet it sold for about $350,000,000 more than the 1923 crop.

Wild speculation frequently injures the farmer. Illegitimate speculation should be curbed. Exchanges are necessary, but there is too much fluctuation, and there is too wide a variation in prices.

The spread between the producer and the consumer is entirely too great. On May 7, 1926, Mississippi peas raised in the truck section of the State, were selling in New York at from $4.75 to $5 per hamper. The grower received $1.25 per hamper. The express rate was 80 cents per hamper, in car lots.

Mr. B. F. Yoakum, former president of the Frisco Railroad, found that the farmers received an average of $16.14 per ton for cabbage for which the consumer paid an average of $60 to $75 per ton. The farmer received an average of $31.97 for tomatoes for which the consumer paid an average of $100 per ton. Hon. Franklin D. Roosevelt traced a crate of celery from the producer in Norfolk, Va., to the consumer in New York. He found that the producer sold the crate for $0.40 to a commission man. Commission men sold it as follows: Commission man No. 1 sold it for 60 cents, No. 2 for 75 cents, No. 3 for 90 cents, No. 4 for $1.05, No. 5 for $1.15, No. 6 to buyer for grocery stores for $1.25. The last buyer sold it to the retail grocer for $1.35, and the grocer sold it to the ultimate consumer for $2.60. The consumer paid 6½ times what the producer received. The producer got only 15 per cent of the final selling price.

The farmer receives $1.25 for his wheat, while the public pays $1.68. The farmer receives $0.55 for his corn, and the consumer pays $1 a bushel. He receives $6.50 a hundred for his cattle, while the consumer pays between $0.50 and $0.60 a pound. It is said that on the average the producer receives but 38 per cent of what the consumer pays for his crops.

The price ratio between what the farmer sells and what he buys is against him. The farmer's dollar must be equal to anybody else's dollar. This is the principal trouble of the cotton farmer to-day. The cotton grower is in a worse position than any other farmer at this time. Cotton is selling at from 2 to 4 cents a pound to-day less than it costs to produce it. The costs of production are high; cotton labor is more

than double the pre-war prices. Machinery, farm equipment, necessary household supplies, and living are nearly double the pre-war costs. Industry receives higher prices, while the return to the farmer is utterly inadequate.

Then, too, the question of taxation vitally affects the farmers. Their taxes are largely for schools, roads, interest, and sinking funds for bond issues. The burden of taxation on the farmer has increased, and frequently there is no corresponding benefit to the farmer. Taxes on farm property are too high. From 1914 to 1925 taxes increased approximately 140 per cent, while the value of farm products increased only 58 per cent. A study shows that it takes nearly four times as much produce or products at the farm to pay the taxes in 1925 as it required in 1913. In 1923 the taxes of the farmer were 9 per cent of his gross income.

The great cause, however, is lack of organization. What lesson does the farmer get from organization in America? What organization does the farmer need? He requires business leadership. The talent required in leadership is for selling and for marketing. It is not necessarily in the matter of production. It would be difficult for the average farmer to supply the necessary leadership in organization. Who manages the United States Steel Corporation? Is it managed by a man technically skilled in the manufacture of steel? No. It is managed by Judge E. H. Gary, a trained lawyer and a business executive. The president of the United States Steel Corporation is Mr. Farrell, who has been trained, not in the production and manufacture of steel, but in the sale of steel products.

Moreover, the problem is national; it is vast; it is not local. It is not confined to any one group. The entire country is interested in the problem. The foreign trade of the United States depends very largely upon cotton production; the export-trade balance is determined by the shipment of our agricultural products to our foreign customers. The balance of trade in favor of the United States means a great deal. The export of agricultural products has given to the United States in the five pre-war years and in the five postwar years a favorable trade balance of $870,000,000 a year. During those 10 years the amount of our exports of the five large groups of agricultural products was $1,870,000,000 annually.

The real cause of the problem is the inability to properly market and control the surplus. Both causes result from lack of proper organization among the farmers. Proper organization, that will result in proper marketing, is the real remedy. The surplus must be handled and controlled. The average production of cotton over a period of five years is about 11,500,000 bales. The world needs the average production. In the case of cotton the surplus means the large crop, or the production above the average. In the case of wheat and corn the surplus means the export surplus. Cotton is a world crop, and the price of cotton, wheat, and corn exported, as they come into contact in the world markets with the products of other nations, determines the domestic price. The farmer does not ask any legislation that is not fair to all the people of the United States. I do not ask for my constituents any legislation that discriminates against other sections of the United States, for while we are Mississippians we are at the same time Americans. [Applause.]

THE MISTAKE

I believe that those who are responsible for the American protective system are responsible for the plight of the farmer to-day. It is a mistake to interfere with economic laws by legislation. The farmers, and particularly those of the Corn Belt, have been taught that their agricultural ills can be cured by laws.

Protection has been extended to other classes and the farmer has been taught that he can be benefited by this protection being extended to him. It is said that the protective tariff is responsible for better standards of living. We have heard during the course of the debates in Congress this session much about the bread lines in the fall of 1920 and 1921. We have heard about the unemployed on the Boston Commons. Both manufacturing and farming suffered from deflation in 1920. Every great war has left political and economic ills to vex both the victor and the vanquished.

I was raised on a cotton farm. The cotton of the South must compete with the cotton of other countries in the markets of the world. The poor are always the first to suffer in any great calamity. I do not forget the unemployment following the deflation in the industrial East, but I recall the poor farmers of the South, whose cotton declined from 40 cents to 10 cents a pound in 1920. Lower prices for the products of the farm make peasants of that class of American citizenship that is the bulwark of our institutions. There must be better living conditions for the laborer in industry, but at the same time there must be better returns and better living conditions for the men and women on the farms, and particularly the cotton farms of the South. At best, the farmer's life is one of toil, hardship, and deprivation. When you recall the idle laborers of the industrial East following the period of deflation, do not forget the poor toiling men and women in the cotton fields of the South.

The farmer knows that a mistake has been made. His troubles have been fomented by political agitators. The real, honest-to-goodness farmers are not responsible for all the plans that have been proposed for his relief. Economic travail brings forth a litter of political demagogues who promise easy cures for agricultural ills. The farmer realizes very largely that production and consumption control prices, and that the laws of supply and demand can not be repealed by legislation.

He knows that his problem is economic and not political. He knows that protection stifles initiative and breeds economic stagnation. He protests against the unequal advantages that have been accorded to manufacturing, and he asks that the protection be eliminated, or that, as an expedient, it be extended to him.

THE TARIFF

The United States has had a protective tariff for more than 100 years. The principle was inaugurated in 1816. It grew until 1828, after which year rates were gradually lowered until the War between the States. Then they were raised. Since the War between the States tariff rates have never returned to the level of the middle of the last century. Under the Fordney-McCumber law, enacted in 1922, we have the highest rates in our history.

England abandoned the protective tariff 75 years ago. The United States has retained it, and with few exceptions has continued to raise the rates. But the United States of 1925 is different from the United States of 1913. We are now the great creditor Nation of the world. The effect of the tariff is economic. The question of a tariff should be economic rather than political. The fact that the United States is now the great creditor Nation of the world is going to contribute very much to the solution of the protective tariff question. We have become a lender instead of a borrower. We are no longer in our economic infancy. We now import considerable quantities of foodstuffs and raw materials. Manufactures are a more important part of our exports than ever before. We have rapidly increased our loans abroad until the foreign loans of American citizens now aggregate over $9,000,000,000. This amount is aside from the sums due our Government in an almost equal amount from foreign governments. Our factories are producing more than is needed for our domestic consumption.

I come from a staple cotton district, and whenever I am convinced that a tariff will be good for my constituents and at the same time fair to the United States I will stand for a tariff on staple cotton. This will give you the slant of my views in the matter of a tariff. Our exporters must be able to collect. Our foreign investors must collect their interest; our Government must collect its debts. But foreign governments or customers can neither pay their foreign loans nor buy our exports unless they are in turn permitted to export their products to the United States. Sixty per cent of the agricultural imports into the United States to-day are in direct competition with the products of the American farmer. A century of the tariff has molded our industrial enterprises and influenced economic thought. If the United States is to maintain its position as the great creditor nation of the world, the tariff must be lowered and not raised. It should be lowered sensibly and gradually, but the protective system should be dismantled. The remedy is not to increase the system, but to restrict it. There must be agreements on tariffs and on ship subsidies. Some foreign creditors can only pay by shipping. Ship subsidies therefore would result in inability to collect foreign debts and realize on foreign securities. There must be agreements about foreign investments. We have made mistakes; I think we agreed to pay the railroads too much because of Government operation during the war. We have made errors; we have lost heavily because of our faulty analysis, and we plunged into the disasters of 1920 and 1921. We sent our goods to an impoverished Europe that needed them but was unable to pay. We bought marks; recently we have bought foreign securities until the foreign obligations to us are piled like Ossa on Pelion. I repeat there is no way for our foreign customers and our foreign debtors to pay unless they are permitted to sell their products in the United States. The strengthening, therefore, of the protective system means economic financial ruin.

The arguments for the protective tariff are hoary with age. The hackneyed expressions of better standards of living and the

full dinner pail have been put aside by our best thinkers and most profound economists. They may serve the purposes of the politicians, but they can not withstand the keen anlysis of the clear-thinking business man. They are evidences of loose thinking.

The development of the automobile industry in the United States without a tariff is a refutation of the argument that American industry needs a protective tariff to promote higher standards of living. The employees in the automobile industry receive the highest wages of almost any industry. My argument places the American system on merit, volume, and small profits, rather than protection; it invokes time-saving and labor-saving devices, simplification of methods, standardization of products, and cheapening of processes. Moreover, the laborer in the protected industry does not get the benefit of the tariff; it goes to the manufacturer.

TARIFF ON COTTON

A tariff on agricultural products does not protect the farmer. There is a tariff of $0.42 a bushel on wheat, $0.15 a bushel on corn, and there is a tariff on steers, swine, and butter. As long as the farmer produces an exportable surplus the tariff does not mean anything to the farmer. The surplus, however small, must be sold in the markets of the world, and the world market price determines the price of the whole crop. The pending legislation is a confession that the wheat grower and the corn grower get no benefit from a tariff. Senator ARTHUR CAPPER, of Kansas; Senator ALBERT CUMMINS, of Iowa, and the statesmen from the Corn Belt admit that a tariff on wheat and a tariff on corn are ineffective. Approximately 25 per cent of American wheat is exported, while only 1 or 2 per cent of our corn is exported. About 65 per cent of the cotton crop is exported.

Staple cotton is largely raised in the district I represent. By staple cotton I mean cotton 1⅛ inches and longer in staple. The annual production for 1914 to 1924 of staple cotton in the Mississippi Delta was about 500,000 bales. About 25 or 30 per cent of this amount was exported. If a tariff on wheat and corn are not effective, if it does not protect the farmer, manifestly a tariff on staple cotton would not benefit the cotton grower. About 800,000 bales of so-classed 1⅛ staple is produced annually elsewhere in the South and about 65 per cent of it is exported.

No one contends that a tariff generally on cotton would protect the American cotton grower. In 1925 the United States produced about 54 per cent of the world's supply of cotton. Cotton and tobacco are practically the only surplus crops in which our product exercises a dominant influence in the world market.

But we have had a tariff on staple cotton. Under the emergency tariff act of 1921 there was a tariff of 7 cents per pound on staples of 1⅜ inches and longer. This tariff was in force until the Fordney-McCumber Act was passed about October 1, 1922, when it was repealed. Why was the tariff enacted in 1921? The United States imports certain varieties of cotton, and particularly long-staple cotton 1⅜ inches and longer. From 1915 to 1919 we imported annually an average of about 200,000 bales of Egyptian and other staple cotton. Egypt produces long staple cotton. But during the year 1919 there was a great deal more Egyptian cotton imported than ever before in one year, principally because of the demand for automobile tires, with the result that the deflation of 1920 found something like 550,000 bales of Egyptian cotton on the American markets. In the meantime similar cotton had been grown at large expense in Arizona and California. Since 1920 the imports of Egyptian cotton have been about 200,000 bales annually. What was the effect of the tariff on cotton? A careful study of the price shows that the tariff did not have any effect on raising the price of similar domestic cotton.

The conclusion from a careful study of cotton shows that it was no more effective on staple cotton than it is now on wheat or corn. I may say in passing that I am surprised to find that the Government has no accurate statistics on the domestic production and the domestic consumption of staple cotton, and that I am trying to secure legislation that will provide such information, which will be very valuable in marketing staple cotton. The figures I am using are the best estimates I am able to obtain from the Bureau of Agricultural Economics. Correct statistics will have an important bearing on a tariff on staple cotton. The tariff of 1921 was enacted to protect Pima cotton grown in Arizona. Of course it had no effect on Delta or upland staples 1⅛ inches and longer. The growers of long-staple cotton depend upon foreign markets for a sale of a large proportion of their product, and unless the importation of staple cotton increases very largely, a tariff on staple cotton would be ineffective. The staple-cotton grower to get the tariff would have to make concessions to the manufacturer that would only result in benefit to the manufacturer.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. WHITTINGTON. In a few minutes I will be glad to yield. I desire first to finish my statement, and if I do not anticipate and answer your question, I will gladly yield.

SUBJECTS OF PENDING LEGISLATION

There are three bills pending; they are known as the Haugen bill, the Tincher bill, and the Aswell bill. In the Tincher bill and the Haugen bill the agricultural products are divided into classes and commodities. The basic commodities are cotton, wheat, corn, cattle, swine, and butter.

The Aswell bill provides permanent legislation for organization, marketing, and selling. It is the best permanent treatment of the problem and of the subject matter before us.

The Tincher bill establishes a Federal farm council and is designed to aid in the development of cooperative and other associations for marketing agricultural commodities, and is intended to assist in the distribution and proper handling of the surplus of such commodities. It provides agricultural relief by providing for loans to cooperatives and other agencies. Its design is to stabilize the market for farm products and to promote orderly marketing. It keeps the business of marketing farm products in the hands of farm-controlled organizations. It promotes farm organization. It will help the farmer who has products to sell by enabling him to hold his product if necessary. I think the bill should be amended. There is no tariff on cotton, and there should be a separate fund to cover the handling of cotton. I should like to see the loan fund increased from $100,000,000 to $150,000,000 and I believe that the commodities should be separated into cotton and other classes as in the Haugen bill. The financing and marketing problem would be similar. Seventy-five million dollars should be at the command of cotton, and the remainder should be used in the marketing of other commodities. I realize that the amount is large, but it is a loan, and under the Tincher bill the Government of the United States can lend its aid in stabilizing markets and promoting the orderly marketing of agricultural products. I believe that a better solution of the farm-relief question would be the combination of the loan features of the Tincher bill as a temporary relief with the marketing features of the Aswell bill as a permanent relief.

HAUGEN BILL

The outstanding features of this bill are that it creates a farm board, encourages the organization of producers, and declares it to be the policy of the bill to—

protect domestic markets against world prices and assure the maximum benefits of the tariff to agricultural products.

It provides for an equalization fee to be levied upon cotton, wheat, corn, and other agricultural products with the understanding that the equalization fee on cotton is to be deferred for two years, and in the meantime the Government is to advance $75,000,000 to cotton and $75,000,000 to wheat and other products. The equalization fee would be $2 a bale on cotton. The losses, if any, in the operation of the loan of $75,000,000 during the two years, in so far as cotton is concerned, would fall on the Government. The equalization fee is compulsory. It must be paid by every cotton grower, to create a fund to cover losses in operations, to handle large or surplus crops.

There are some objections to the Haugen bill, and unless these objections are removed it can not be sound legislation nor provide a real economic solution to the agricultural situation.

The use of the tariff on wheat and corn will result in price fixing by the Government. The embargo in the bill is unsound. The compulsory equalization fee is wrong. It ought to be voluntary if levied at all. The subsidy feature should be eliminated.

Will the proposed legislation benefit all classes and all commodities in agriculture? I have already spoken of the benefits to be derived from the Tincher bill and the Aswell bill. I now consider the effect of the Haugen bill on the cotton grower.

The declared policy is to make the tariff effective; it is inoperative so far as cotton is concerned. The bill therefore provides that in the case of cotton the equalization fee is to be levied and the equalization fund provided for the promotion of orderly marketing of cotton and to stabilize the price.

I maintain that the price of wheat and corn can be stabilized and they can be marketed orderly just as well as cotton. If orderly marketing and stabilization are good for cotton they are good for wheat and corn. Why make the cotton farmer pay more for his wheat and corn, in the form of pork, in order that the cotton farmer may merely market his crop

orderly? Adequate and cheap loans would enable the cotton farmer to market his crop orderly and at the same time it would enable the wheat and corn farmer to do the same thing.

For instance, in 1924, 564,000 bales of cotton were produced in the Mississippi Delta, and the value of this crop was $70,000,000. In 1925, 964,000 bales were produced, and one-half of this crop was the very lowest grade we have ever had, and yet this crop will be marketed at $90,000,000, or 30 per cent more than the value of the crop of 1924. This situation has been brought about by orderly marketing and by adequate credits and finances that enable the orderly marketing.

Under the Haugen bill, the domestic price of wheat will be increased 42 per cent to the grower of cotton, the price of corn will be increased 15 per cent, and the result will be that the farmers of the Delta and of Mississippi will pay millions of dollars more for their bread and millions of dollars more for their pork, thereby materially increasing the cost of their production without any corresponding increase in the price of their cotton.

Moreover, under the Haugen bill it is contemplated that the surplus of the wheat and corn will be sold more cheaply in the foreign markets and to foreign labor than it is sold to labor in the United States. We might just as well be plain about the matter. As a cotton farmer I will be increasing the cost of my production, of my meat and bread, to use plain language, without getting any corresponding benefit under the Haugen bill; that is to say, it will still further foster the American protective system. It simply means doubling the tariff to the cotton grower.

If the surplus of wheat sells in the foreign markets more cheaply than to the American laborer, will not the manufacturer come to Congress and say: "You have reduced the cost of foreign labor by selling it wheat more cheaply than to the American laborer, and you have thereby reduced the cost of foreign goods; you must now raise the tariff in the United States." Will not that result? If it does result, then the sale of cheap wheat and corn abroad will result in further disaster to the grower of cotton in the South, who must sell his cotton in the markets of the world, in competition with cotton grown in Egypt, India, Peru, and other foreign countries. It must be kept in mind that the purpose of the equalization fee on cotton is to stabilize the market, and on wheat, corn, and other products, is to sell these products in foreign markets for much less than the domestic prices.

I want my criticism of the Haugen bill to be constructive. If the tariff yardstick can be eliminated, if the embargo can be left out, if the equalization fee can be made voluntary, if the subsidy can be made a loan, I will support the Haugen bill as an emergency measure. I believe that there is an emergency confronting the cotton grower. He needs help and he needs it now. He can not await the reformation of our tariff system.

Let me say a word about the postponement of the equalization fee on cotton for two years. It is said that it was postponed to educate the cotton grower. It was postponed to get southern votes, according to the indisputed testimony before the committee. It was postponed in order to promote, and in a measure force, cooperative marketing.

I know the cotton farmer and he has heard of the equalization fee. It is far better to educate him before we force equalization on him, for he will revolt. We have talked about his independence; we have emphasized that in many cases to his hurt, but he must have a day in court. I do not want to force an equalization fee on him. I do not want to force him to join any organization. Sound legislation will enable him to work out his own salvation. If the equalization fee is sound it will enable him to lift himself up, so to speak, by his own boot straps. But it must be voluntary.

The Haugen bill unless amended, as I have indicated, promotes political control of agriculture. The farmer becomes the football of politics. I want to help the wheat farmer of the West and the corn farmer of the Middle West, but at the same time I want that help extended to the cotton grower. If we made a mistake in the amount that we agreed to pay to the railroads during the war, will it solve our agricultural problem to repeat the mistake? I believe that we can render to agriculture the same aid that we are now rendering to transportation, and I think we can do it without any subsidy.

The Haugen bill promotes centralization and bureaucracy. It fosters price fixing. It puts the Government into the business of merchandising. It contemplates that the board will, in reality, fix the price of cotton.

I shall not speak of the constitutionality of the equalization fee. It strikes me that it is a tax upon production. The bill admittedly provides a subsidy.

Agriculture expects legislation at the hands of Congress. They are entitled to the sound relief that Congress can give. As the bills have been submitted by the committee, I believe that the Tincher bill is the best of the measures proposed for the temporary relief of agriculture. But we should go further and enact measures for permanent relief.

REAL REMEDY

None of the bills will give complete relief. There is no perfect law. I have no panacea for all of our agricultural ills. It is said that the farmer is capable of production, but that he is incapable of selling. He should be encouraged. The Government has been of great assistance to the farmer. Congress appropriates millions of dollars annually to promote agriculture. It has enabled him to increase production. There should be a further coordination of Government information to aid voluntary adjustment of production to demand and consumption. The real remedy for the farmer is organization. There must be organized selling to compete with organized buying. Organization is essential to effective merchandising. The Government has loaned money to the railroads. The need of the farmer is not so much more credit as cheaper credit. Because of the fact that the industry is basic the Government is justified in advancing by way of loans sufficient funds to form the initial capital that will enable farmers to organize to handle their surplus crops. But organization must be voluntary.

Agriculture's need, I repeat, is for efficient and competent leadership in organization. The farmer can not be legislated or forced into effective organization. In Mississippi the cooperative associations are realizing the value of the voluntary features in connection with cooperative marketing. Members are permitted to retire after one year; they are not required to pool their crops. The voluntary features should be emphasized.

I desire to say in this connection that there is a great deal of misconception relative to the cooperative associations. There are those who believe that their success depends upon the control of the commodity. There are others who contend that the real benefit of the cooperative comes from better service in marketing, both for the producer and the consumer. The purpose of the organization should be not to hold the product, not to arbitrarily fix the price, but to market intelligently.

Again, there is a great difference of opinion as to what is meant by orderly marketing. It is difficult to define the term. By orderly marketing I do not necessarily mean the holding of the product. It involves simply the sale of the product at a price that is fair both to the consumer and the producer.

The surplus must be controlled. The crop must not be dumped on the market. But every real friend of the farmer recognizes that while the total price of the large crop ought to be at least as much as the total price of the small crop, the price per pound or per bushel will likely be less.

The great aim of all legislation should be to promote organization among farmers for selling their products. It is to foster cooperative marketing. The organization of farmers should be as efficient as the organizations of consumers; the growers should be as well organized as the buyers. But mere organization will not solve the problem. Cooperative marketing associations have in many cases pursued wrong methods and wrong policies. The methods of handling one crop will not apply to all crops. Raisins and cotton, for instance, can not be marketed in the same way. Perishable crops and nonperishable crops must be handled differently. The pooling of perishable crops, under proper circumstances, is profitable. But pooling implies control of the crop. A pooling association, as I have been able to study the question, is not able to render satisfactory service to its members unless the association controls a large percentage or monopoly of the product.

Again, many cooperative associations have failed because of excessive overhead expenses. There must be competent leadership; there must be business and executive ability, but the management of the ordinary marketing association does not require a great deal more executive ability than the management of a banking or commercial organization doing a similar volume of business. To put a $5,000 man in a $25,000 job will not solve the problem of marketing. I have studied cooperative marketing as it obtains in various parts of the country, and I am sure that many mistakes have been made by the organization paying a larger salary than it should pay for the services rendered. Salaries should be adequate, but promoters of cooperative organization in various parts of the country by insisting that the managers and employees of the organization be paid salaries that are entirely too high for the volume of business transacted have contributed to their failures. The farmers ought to profit by mistakes in this and other regards. Some organizations should pay high salaries; others should not. It depends upon the volume of business. The cotton organizations and the cotton cooperatives are profiting by the

mistakes of the past in methods and operations. The organization of the future can render better service than the organization of the past. The farmers should not despair because of mistakes; they should be used for stepping stones in the progress and development of organization for marketing and for controlling the surplus, that is absolutely essential to the prosperity of the farmer.

I can not emphasize too much the voluntary features in connection with farm organization. The farmer is an individualist. He should have the right to market cotton without pooling, and he should have the right to withdraw from the association after any crop year if he is not satisfied with the management or operation of the association. The great vice in the Haugen bill is that no benefits can accrue to farmers unless they join the cooperative organization.

The passage of the bill means that every farmer would be forced indirectly to join a cooperative association, whether he wanted to or not. Moreover, the so-called equalization fee on every cotton grower would be handled by Government officials, and the organizations, under the Haugen bill, would be under the control of politicians rather than business men. The wrong organization is worse than no organization at all. The public opinion among farmers must demand organization before organization can be successful; it must be voluntary. The Government should provide the machinery to enable farmers to organize properly and to control associations or other institutions to market and handle farm crops, all of which organizations, to be successful, must be under the control of the farmers themselves. The Government should aid these organizations by loans, and, if necessary, by assisting them to establish their initial capital; but membership in these organizations must be voluntary if they are to be a success. Our farmers must be free, and their freedom should be fostered.

The organization must be farmer owned and farmer controlled. I maintain that the Government can aid the farmer to help himself by fostering and promoting voluntary organizations and by lending the farmer money in promoting these organizations, just as the Government has loaned the railroads money. In other words, my remedy is for the farmer to organize and control his own association. I do not want the politician to take charge of the farmer's business. Farming is an administrative problem; it is a business problem; it is not a political problem.

Under the Tincher bill and under the Haugen bill the Government can make its loans to cooperative associations or to any other organization or association that it may choose. The purpose is to see that the farmer gets a fair price for his product. As I say, the Tincher bill or the Haugen bill, if properly amended, will give temporary relief, but permanent relief can only come as a result of organization among the farmers and complete coordination and correlation of organizations handling the same products in the same territory or country.

The problem of the farmer will be solved when the manufacturer and the farmer are brought closer together, when the producer and the consumer are neighbors. Why are the great agricultural counties of Lancaster and York, in the State of Pennsylvania, so prosperous? It is said that the value of agricultural products in Lancaster County, Pa., exceeds that of any other county in the United States. It is because these agricultural counties are located near the industrial centers of Reading, York, and Hanover, where the consumers are close to the producers. There must be cooperation between the city and the farm. Manufacturing and industry must be located in our great agricultural regions. This involves the question of transportation, which I can not discuss here.

Agriculture furnishes one-eighth of the total tonnage of freight carried by the railroads. It pays, however, approximately 19 per cent of the total freight of the country. There should be a readjustment of freight rates so that the farmer's product, constituting 8 per cent of the volume of traffic, should not have to pay 19 per cent of the freight income. The general level of freight rates may not be too high. A flat reduction may not be desirable, but a revision of the entire rate structure should be made, so that it will remove the preferential rates given the large industries and cities and the discrimination that exists against the small towns that are shipping and receiving points for the farmers. Every dollar saved in reduced shipping and freight rates is a dollar in the pockets of the farmer.

Moreover, there should be a revision of the tariff to reduce the cost of articles consumed by the farmer, to bring closer together the farmer's price and the price that he must pay for his agricultural requirements.

Organization of farmers will enable them to secure cheaper credit, reduce the interest item, and will enable them to eliminate very largely the spread between the producer and the consumer. There is a place for the middleman; there is a place for the man who brings the producer and the consumer together in the market. He will find his proper place always when farmers are efficiently organized.

A majority of American farmers are owners of their homes. The farm is different from the store; it is different from the office. It is the farmer's home. Home ownership must be encouraged in the solution of all agricultural problems. It means better agriculture. It means a better country. The market of farms is the world. The farmer's real remedy is better markets at home and abroad.

Commercial fertilizer is a large item in the cost of crop production. The United States has spent millions of dollars in the erection of nitrate plants at Muscle Shoals. Muscle Shoals was developed primarily for the manufacture of nitrate for munitions in times of war and for the manufacture of fertilizer in times of peace. The equipment for the manufacture of nitrate should be utilized by the Government. Every effort should be exerted to conserve the money that has been invested in nitrate plants, and it should be demonstrated whether the production of nitrate is practicable and profitable. I maintain that it is the duty of the Government to dispose of Muscle Shoals so that the nitrate plants shall be utilized in the production of fertilizer. Of course, I think that the adjacent States should share in the power to be developed at Muscle Shoals over and above the power required in the operation of the nitrate plants. I might not advocate the establishment of the nitrate plants as an original proposition, but the Government has spent millions in building the plants, and if the Government can not operate the plants so as to produce nitrates, or if it can not lease the plants so as to secure the production of nitrates at a reasonable cost to the farmer, it will then be time enough to say that all of the power generated at Muscle Shoals should be used for industry and commercial purposes. Cheaper fertilizer means much in the solution of the farm problem, and if power can be produced cheaply for other purposes at Muscle Shoals, surely it can be utilized in the manufacture of fertilizer.

I have already referred to the burden of taxes on farm lands. The taxes on farm lands in many counties of Mississippi have been increased 250 per cent in the last 10 years. Other sources of revenue must be added to that of the farm. If other sources can not be provided, then the taxation on farm lands must be lowered. There must be economy in county, State, and national affairs. Waste and extravagance must be eliminated.

Unlawful combinations and monopolies among manufacturers who pool their operations in determining the unfair prices farmers pay for the necessities of life must be eliminated. The costs of production to the farmers will thereby be reduced.

The cotton growers of the South are interested in foreign markets. Our foreign customers consume more of our cotton than our domestic customers. As a result of the World War our foreign customers were impoverished. Their markets have largely been lost to us. It is the duty of the Government to promote and negotiate trade relations between the United States and foreign countries that will promote business. Foreign markets mean much to the cotton farmer.

I can not emphasize too much the stabilization of the currencies and the rehabilitation of the countries of Europe in the solution of the problem of the farmer and especially the cotton farmer. The farmer sells in an open world market at a price largely determined by the inexorable law of supply and demand. He buys in a protected market, and to-day he pays approximately war prices for labor, freight, and all products of industry. In the case of the cotton grower, he receives to-day less than the cost of production.

A prosperous agriculture means a prosperous country. The farmer that I know and the farmer that I represent asks no special favors. Emergency relief is needed. However, the vital thing in agriculture is to develop a program and a policy that will put the business of farming on its feet and assure a reasonable opportunity to make a fair profit. The farmer feeds the Nation and feeds the world. His industry is basic. The food supply of humanity must be safeguarded. The farmer asks that laws be passed and that laws be repealed, so that agriculture can be given the same square deal that should be given to labor, banking, manufacturing, and transportation. [Applause.]

Mr. TINCHER. Mr. Chairman, I yield to the gentleman from Ohio [Mr. BURTON] 10 minutes.

Mr. BURTON. Mr. Chairman, I have the keenest appreciation of the disadvantages of the farmer. There is an agricultural problem, and we must take into account the importance of this basic industry and the fact that so many of the best of our citizenry are engaged in an occupation which has often been unprofitable. I am willing to go far in rendering aid, provided

it is within the scope of our constitutional powers, and provided the action is fair to the whole country and helpful to the farmer himself.

At the very outset, however, I have the conviction that the Haugen bill, so called, contains several provisions which are clearly unconstitutional. A good deal has been said on the general subject, but very little has been set forth in regard to our right to pass this bill.

At the beginning I call attention to the method of selection of the Federal farm board, for which there is a provision in the bill. The provision is for the selection of a Federal farm board to be composed of 12 members. How are the members to be selected? Section 3 of the act provides that there shall be a Federal farm advisory council to be selected by bona fide farm organizations and cooperative associations.

This council shall nominate to the President three individuals from each of the 12 Federal land-bank districts eligible for appointment to the board. This takes away the appointing power of the President. Let us go back to the fundamentals of the Constitution itself and read the pertinent portions of Article II of section 2, clause 2, defining the powers of the President. This is the language:

> And he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law, but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

It thus appears that the appointing power alike involves a grave responsibility and confers upon the Executive a prerogative which is an important part of our political system. I do not think we fully realize how comparatively limited in number are the officials of the United States Government who are chosen by the elective franchise. There are three kinds: First, the Members of the House of Representatives, whose election is provided by Article I, section 2. Who shall choose them?

> The electors in each State shall have the qualification requisite for electors of the most numerous branch of the State legislature.

According to the amendment of the Constitution, article 17, providing for popular election of Senators, there is the same provision for electors as above, that they shall have the qualifications requisite for electors of the most numerous branch of the legislature.

We come, then, later to the selection of presidential electors for choosing the President and Vice President provided for in Article II, section 1, clause 2, which provides that they shall be appointed in such manner as the legislatures thereof may direct. There is thus a certain latitude in each State in this regard. At one time, as I understand it, presidential electors in South Carolina were chosen by the legislature. There are certain general constitutional provisions in regard to the qualifications of electors—as the fifteenth amendment—under which the right of a citizen of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Then in amendment No. 19 there is a similar provision—

> The right of citizens of the United States to vote shall not be abridged by the United States or by any State on account of sex.

It will be noted that these provisions in the two amendments are in their nature prohibitive against discrimination; they are not affirmative. The right belongs to each State to specify qualifications. Each State may authorize a property qualification; an educational qualification may determine the age at which the elector may first have the right to vote, and numerous other provisions. But it will be seen that the whole executive department, all the machinery of administration, is left to the appointive power of the Executive or, in the case of minor offices, to the courts of law and the heads of departments, as stated by the Supreme Court of the United States in the case of Kain *v.* U. S. (177 U. S., p. 293):

> The fitness of the appointee must be determined by the appointing power.

Of course, there can be machinery, as under the civil service, for the naming of eligibles for subordinate positions. Now, let us consider this provision. It absolutely limits the power of the President in his choice to one of three persons from each one of these 12 farming districts.

The right to determine fitness does not exist or would not exist if this provision were adopted. We must always take into account in determining the desirability of a statute not only the statute itself but the precedent that it creates and just where might we land if this proposition is constitutional. There is now pending a bill for the establishment of a department of education. If this proposed law is desirable and a precedent, then it might be provided that when that department is organized the President shall select a member of his Cabinet from any one of three designated by the American Education Association. Let us go a little further: When you establish such a principle you might make it a law of the United States that the Comptroller of the Currency or even the Secretary of the Treasury shall be chosen from a list of eligibles of three selected by the American Bankers' Association. Let us take another illustration: Suppose a board should be created for the settlement of labor disputes. It might be enacted that the members of that board should be chosen from eligibles selected by the American Federation of Labor.

To my mind, Mr. Chairman, this provision, which may seem so insignificant—and which is a recognition no doubt, or attempted recognition, of some of the very best of our citizens—has in it elements of danger of the most serious nature. It would be a long stride toward doing away with government of the people, by the people, and for the people and substituting government of the groups by groups and for groups. Some one may say in the words of the old inquiry, "What are you going to do about it? Suppose this list of eligibles should be presented to the President and he should choose one of them, what would be done in that case?" In the first place, we might have a President of the type of Cleveland or Wilson, who would positively decline to comply. In the next case, situations might arise where the validity of their action would be questioned, and, still further, and most conclusive it is not for us, the lawmaking power, to pass a statute which is clearly unconstitutional.

Some persons may say there is a supporting illustration in the railway transportation act of 1920. That act, in section 304, creates a Railway Labor Board, and it is specified that there shall be nine members, three to be suggested by the railroad employees, three by the managers of the railways, and three to be chosen by the President independently, but if anyone uses that illustration he must be confronted immediately with the unanswerable argument that membership in this board is not according to an ordinary case of appointment.

It provides for the establishment of an arbitral tribunal, and is no exception whatever to the general rule. Of course, the question of the constitutionality might be raised as well there as here.

I pass now to a second feature of the bill, upon which I am frank to say I have a certain amount of doubt. A person in reading this proposed law with its complicated provisions, with its wide ramifications, with the great margin of uncertainty as to what is to be done in different cases, would inevitably rise from the consideration of it with the conclusion that something is wrong about the proposed act, but as to just where he shall put his finger he is a little doubtful. The first point, in regard to which I am frank to admit I have some doubt, is that there is no distinction between intrastate and interstate commerce. I do not desire to take the time of the committee in a discussion of that phase of the matter, as there are other things of which I wish to speak, because this would take me far afield, and would require all of the time allotted to me in speaking of that single subject. On this I have to say that it will be observed that the equalization fee to be collected applies to both interstate and intrastate transactions. The purposes of the equalization fee are set forth in section 9. That section, which is not happy in its syntax, is evidently intended to bring this statute within the provisions of the interstate commerce act.

You have a provision that one of the cooperative associations or some processing organization takes over the specified basic products of a farmer. Let us take an illustration. Suppose a farmer in the State of Minnesota has a thousand bushels of wheat. He hauls that wheat to the mills at Minneapolis and sells it there. It may be the intention that the flour shall go into interstate commerce, but there is nothing conclusive to that effect, and the decisions of the Supreme Court are unequivocally to the effect that until that question is decided, or unless it is in the course of business so thoroughly established that it inevitably is a part of interstate commerce, then it is an intrastate transaction. There has been a rather recent decision of the Supreme Court of the United States, that of Heisler *v.* The Thomas Collier Co. (260 Sup. Ct. Repts.), in which it is held that the Pennsylvania tax on anthracite "when prepared and ready for shipment" as applied to coal destined to have a market in other States, but not as yet moved from the place of production or preparation, is not interstate commerce.

And I will say that the decisions are clear on this subject, that where there is not a distinction between the interstate and

intrastate clearly set forth in the statute, then and in that case the laws and regulations pertaining to interstate commerce do not apply.

I candidly say to the members of the committee there have been some decisions of the Supreme Court which I think would make it rather difficult for any one to dogmatize at least on this subject. A leading case, which perhaps would make out that transactions such as are contemplated in this bill, are a part of interstate commerce, is the Swift case (196 U. S. Supreme Court), in which it was held:

> Cattle sent from one State with the expectation they will end their transit after purchase in another State, with only the interruption necessary to find a purchaser in the stockyards, and when this is a constantly recurring course, it constitutes interstate commerce.

In this case, however, there was a violation of the anti-trust laws involved in that it was an alleged combination to suppress competition, but bear in mind the Supreme Court there included the words—

> with the expectation they will end their transit after purchase in another State.

In the Dayton-Goose Creek Railway case a part of the income of the road was claimed under the recapture clause. In opposition, it was claimed that a large share of the income was earned within the State, but the Supreme Court said the income from interstate and intrastate commerce were so inextricably interwoven that you could not separate the two, and sustained the claim under the recapture clause.

Now, just briefly in conclusion upon this phase of the bill. It is difficult to find an absolute rule upon which a person could rely as applicable; but I think the strong probabilities are that the court would hold in passing upon it that this statute, in that it does not make a distinction between interstate commerce and intrastate commerce, is not valid. I refer especially on this subject to the case of Hill *v.* Wallace (259 U. S. p. 44).

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. BURTON. A brief question.

Mr. MOORE of Virginia. Will the gentleman note the Employers' Liability case (207 U. S.), where the interstate and intrastate transactions are so complicated with each other that the court said that there was no dividing line to be found, and declared the statute invalid?

Mr. BURTON. Yes.

Mr. MOORE of Virginia. They declared the statute could not be supported because the two things were so complicated with each other.

Mr. BURTON. That, no doubt, is a case in point. There is a very easy practical explanation of many activities, apparently local, which are nevertheless part of interstate commerce. Suppose there is a railroad company that runs through three States, and they have an equipment that is used for through traffic in those three States. That is necessarily interstate commerce. But suppose part of the equipment used only within one State is dangerous, and a car so used is attached to another that runs through three States; it might promote an accident. So very properly the court might say that you could not sever the car which would be used on the same train with others which were used in interstate commerce. I come now to another constitutional objection to this bill.

Say what we may of the Haugen bill—and I say in regard to this infirmity mentioned in selecting the board it attaches to at least one other bill pending here before the House—there is within it an exercise of powers which come under the provisions of the Constitution relating to the taxing power. You can not deny that the proposed equalization fee is an excise tax. It is not a mere license. First, consider the magnitude of transactions involved and the very great amount that must be collected. Provision is made right away for $375,000,000.

To digress for a moment, I certainly wish to commend the gentleman from Illinois [Mr. WILLIAMS], who spoke a few minutes ago, in that he opposed this large appropriation from the general funds of the Treasury, an appropriation which would require a remodeling of our taxing system and the imposition of additional taxes.

You may call this equalization fee by any other name that you will, but it is a tax; it is an excise tax. You are all familiar with the provision in the Constitution—I do not have to read it—to the effect that all taxes must be uniform. Now, how can you make that tax uniform in the very nature of the case? There must be such varied transactions with respect to the agricultural products of the country. Some of them would be sent out of the country. Suppose a cargo of wheat were sold in Minnesota and the contract was for a purchase at Liverpool.

That does not go to any cooperative association. That does not go to any substitute for a cooperative association. There is no plan for imposing a tax upon that in this bill. All exports of grain and meats that may be sent out of the country are outside of the collection of your equalization fee, and thus your tax is not uniform.

Let me give you another illustration. Probably the largest share of the corn in the country is fed to hogs or to stock. Well, let us see what you would have under these circumstances. Here is farmer A on one farm in Illinois; he sends his corn to an elevator, and there it is measured, and by the provisions of the law the equalization fee must be collected on that corn. Farmer B feeds his corn to hogs. How can you establish uniformity in the tax that is levied on those two uses of corn? It is utterly out of the question. Does anyone suppose that you can organize a system so that all of any commodity, corn, wheat, or whatever it may be, can be included so that you may levy a tax on it?

Of course there may be evasions of any revenue law. A person here and there might avoid the payment of taxes which others would pay, but that would not make the tax invalid. But the trouble with this provision is that in your machinery for carrying out the law you allow a share of commodities to be so treated that you can levy the tax and others outside, where you can not levy the tax.

There is another thing that I think is more serious than this, and that is the delegation of the right to levy this equalization fee. I pass with brief mention the consideration that I mentioned a moment ago—the utter impracticability of enforcing such a law as this. If it is levied on all the products of the soil, think of the millions and billions of bushels of corn and wheat and other products; and who is so rash as to believe for a minute that without the organization of an army—yes, with the organization of an army—you can levy this tax upon all of them? It is out of the question. One fallacy in the bill is that you can draw a line between the surplus and the domestic demand.

This seeks to confer a power on the board that this Congress has no right to confer upon a board. "The power to tax is the power to destroy." That is language coming down with echoes from the time of Chief Justice Marshall. It is the power most subject to abuse and capable of being exercised as a means of oppression of any of the functions of the Congress or the Federal Government. And do you say you will appoint a board and give that board the power to fix taxes of such magnitude and infinite variety independent of Congress?

There is a brief filed with the McNary-Haugen bill of two years ago that goes at great length into this subject. It quotes a number of cases of licenses. Your attention is called at first to the fact that these are a mere bagatelle in comparison with the taxes contemplated herein. I have no doubt that the Congress can give the Secretary of the Interior the right to fix fees that are to be paid in forests. There is a very large list of them, I believe, on page 89 of this brief of two years ago. But they do not, any of them, rise within shooting distance of the level of such a tax as this.

The thing which is used as authority for this kind of a proceeding is the interstate commerce act. Well, the argument of inconvenience is sometimes of great force in law, and, as Chief Justice Taft says in one of his decisions, there are a myriad of decisions to be made in regard to the fixing of railway charges or rates.

Looking around this Chamber, with all the work we have to do, how utterly impossible and how wildly absurd it would be to ask that this Congress fix the rate on a ton of freight to be carried 10 miles from one State to another in every case which might arise.

In the interstate commerce case, which went as far as any and which, I think, went to the very verge in sustaining the right to delegate power, it is laid down with the utmost distinctness, and it has been established most clearly by judicial decisions that there must be a set of rules under which the commission must act. The rates they fix must be reasonable, and then they must take into account various factors. Well, now, with an undertaking of this kind, how are you going to establish any rules?

Mr. HAUGEN. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. TINCHER. Mr. Chairman, I yield the gentleman five additional minutes so that my chairman may discuss the constitutional question with the gentleman from Ohio.

Mr. BURTON. I am conscious I have gone over this very superficially and I have been able to touch only the high spots. I did not wish to read to the committee all of the judicial

decisions on the subject, and I have, perhaps, asked you to accept conclusions where they could easily have been supported.

Mr. HAUGEN. I did not rise to discuss the constitutionality of the question with the gentleman but to ask the learned gentleman one question: Does the gentleman contend that a marketing agency has not the power to deduct a certain amount to pay the expenses of transacting the business?

Mr. BURTON. The trouble with the gentleman's question is that it does not reach this proposition at all. A marketing agency to pay expenses is one thing, but a tax levied by a board, shifting in amount, is an exercise of authority.

Mr. HAUGEN. It is simply deducting the amount necessary to pay the expenses. Of course, would the gentleman expect the board to transact business without paying expenses and without paying losses? So a certain amount is withheld and paid into a fund for what purpose? To pay expenses and to pay the cost of marketing the commodity.

Mr. BURTON. It is a very simple transaction when you have a bailor and a bailee or when you have an owner and a commission agent. That is a transaction universally recognized and easy of solution, so that you can fix the rules very readily; but here the Government is delegating a tremendous scope of authority to determine the amount of the tax and to levy that tax on the whole myriad, I may say, of producers throughout the country.

Mr. HAUGEN. Will the gentleman yield further?

Mr. BURTON. Yes.

Mr. HAUGEN. We now have about 12,000 cooperative organizations doing the very thing that is suggested in this bill. We simply set up a large corporation, and we permit them to deduct a sufficient amount to pay the expenses of marketing the commodities.

Mr. BURTON. But the gentleman from Iowa overlooks a vital difference. That is a matter of contract, of relations arising out of membership in an association; it is a matter of voluntary membership, and the individual members bear the losses; but in this case you would collect by a tax from the willing and unwilling.

Mr. HAUGEN. There is no tax about it. It is simply deducted.

Mr. BURTON. I can not agree with the gentleman on that. If it is not a tax, I do not know what a tax is.

Mr. RAINEY. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. RAINEY. Is not a tax usually defined to be the involuntary contribution on the part of the citizen for the support of his Government?

Mr. BURTON. I do not think in the definitions the involuntary feature is carried. There is a very wide difference between taxpayers as to that question of voluntary or involuntary. I think those who pay who are of the involuntary are very largely in the majority.

Mr. RAINEY. We will leave that part of it out. Is not a tax a contribution forced, perhaps, from the citizen for the support of his Government, and what part of this equalization fee will go to the support of this Government?

Mr. BURTON. That is the very point. That is the strongest objection to it. It does not go to the support of the Government.

Mr. RAINEY. Then it is not a tax.

Mr. BURTON. Oh, whenever it is collected by public authority, for whatever purpose it is applied, it comes under the general heading of a tax.

I think I am not lacking in sympathy in this matter, Mr. Chairman. I can say to my colleagues from Iowa that I was a farmer's boy out there for the greater share of five years before any one of them, when, in addition to the pests and disadvantages of drought and of flood from which they now suffer, there were the hardships of pioneer life and the rattlesnake and the wolf, the rattlesnake and the wolf as well frequently killing the sheep. One of the most vivid recollections of my boyhood is a total eclipse of the moon 60 years ago this last season. The totality continued for a very unusual time, and, my, how the wolves did howl when the light did not come back. I know the hardships of the Iowa farmer; I know the hardships of the farmers of any State or of any country; but in that occupation of theirs there is a compensation in independence. They are the yeomen of the country more than any other class. [Applause.]

Whenever the tocsin of alarm sounds they are ready to respond, and while I am ready to vote for very considerable appropriations or for methods to aid, when we look at things in the large I think this applies to all our population—the less they are coddled, they less they are aided by subvention, the more they have strength in the elements that enable them to go ahead. I am afraid in the past 10 years, largely due to the circumstances arising out of the war, we have departed from these old principles of independence which are at the same time the strength and the chief bulwark and promoter of American progress and American institutions. [Applause.]

Mr. FULMER. Mr. Chairman, I yield to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Mr. Chairman, I am supporting the Haugen bill. Agriculture is in the throes of an economic crisis. The farmer is bankrupt. Agriculture is the basic industry of the country. Without it the wheels of industry and every commercial activity would stop. The question logically arises, Why should the farmer be bankrupt when agriculture is the foundation on which the life of the Nation depends? Is the cause of this condition to be found in the operation of the law of supply and demand as it affects the products of the soil, or is the cause an artificial one? In considering this question we can not segregate the industry of agriculture and arrive at correct conclusions from a study of the subject on the basis of such isolation. No industry in this country stands alone or constitutes of itself an economic entity. All industries, including that of agriculture, are indissolubly interrelated through the all-embracing factor of commerce. The industries produce wealth; commerce distributes and markets the products of industry. Commerce does not create wealth; it creates profits and losses on the commodities of wealth which industry has produced. Commerce can not exist without production, for commerce begins where production ceases. But commerce is indispensable to industry, for if the products of the latter can not be distributed and marketed industry can not survive.

But if the machinery of commerce has broken down or has become so expensive of operation as to leave no profits to a particular industry, that industry must either go out of business or the machinery of commerce be so adjusted as to permit it to produce at a profit.

Agriculture is not producing at a profit, and something is seriously wrong either with the industry or with the machinery of commerce.

We are informed that the manufacturing industries of the country are operating and producing at a profit and have experienced an era of unusual prosperity during the past six years. The markets in industrial stocks and bonds have risen to unprecedentedly high levels, and billions in stock and cash dividends have been distributed to stockholders as profits during that period of time. The banks in those sections of the United States where manufacturing is the predominant industry have likewise prospered, due to the great demand for loans on liquid securities.

The banking institutions in the financial centers of the country, with half of the world's supply of gold in their vaults, have freely extended credit at low rates of interest for the launching of new and the expansion of existing business enterprises, for investment and speculation in industrial stocks and bonds, and in addition thereto have advanced credit to the extent of nine or ten billions of dollars to European countries. At no previous time in the world's financial history have the moneyed powers in any country been so completely in control of the world supply of money and world finances as are the moneyed powers of this country to-day. They not only control the banks of this country but the leading banking institutions of foreign countries and our great Federal reserve system. They can and do expand and contract the volume of currency and credit at will; they can make money plentiful or scarce. They can precipitate money panics or avert them. They can build up or break down any industry or enterprise by extending or refusing credit. They control commerce. The economic destiny of the country is in their hands. They control the Government. They are a money trust, and with the object of the more firmly fastening their grip of control upon the commercial and economic life of the Nation, they finance, organize, and foster monopolistic combinations of other businesses, enterprises, and industries.

These moneyed powers own or control the big manufacturing industries; they own or control the railroads of the country; they own or control the old-line life-insurance companies, the telephone and telegraph and big power companies, and they are back of that gigantic movement now under way to bring into one superpower system the control of all the electric power, both developed and potential, in the whole United States. They own or control all these industries and enterprises because of the opportunity for profitable returns they afford both on invested capital and credit advanced and because of the liquid character of their securities. But these moneyed powers do not own the industry of agriculture. They do not want to own it. Why should they invest large capital in farm lands and farming enterprises, pay taxes on the physical values

thereof, pay for maintenance and upkeep, seeding, cultivating, and marketing crops and assume the risk of partial or total failure of crops from drouth, flood, winds, hail, grasshoppers, and other pests, when the sad experience of the farmers amply demonstrates that it is not necessary that these moneyed powers own the farms or conduct the farming operations in order to reap the profits therefrom.

In 1920 farm products were selling at profitable prices, agriculture was on a prosperous basis, and money was flowing into the pockets of the farmers. The money powers had permitted an expansion of credit among the farmers during the war to encourage them to greater production of food supplies to meet the necessities of that crisis. Manufacturing industries and practically every other business enterprise in this country had also prospered during the war period. But when the crisis had passed following the ending of the war, agriculture was singled out for slaughter. The money powers said there was too much inflation of prices. They were not concerned with the inflation of the prices of manufactured commodities or of industrial stocks and bonds, but they were concerned with the inflation of the prices of agricultural products alone. They decided that too much money was being distributed among the farmers, and that money so distributed is difficult of control and does not yield interest. Only credit yields interest; hence the scheme to take the money away from the farmers. The Federal reserve system was employed as the agency to effect this purpose, and in pursuance thereof in 1920 it withdrew credit from agriculture and forced liquidation of the farmers' notes, which resulted in the deflation of farm values to the extent of $20,000,000,000 and of the values of farm products to the extent of $6,000,000,000. The bankruptcy of agriculture was inevitable. It was a cold-blooded, premeditated act, and the law of supply and demand had no part in the tragedy. It was a clear-cut case of discrimination against agriculture, for while this scheme of deflation was being executed the Federal reserve system was extending liberal credit at low rates of interest to the manufacturing industries and to the speculators in the stock markets. The farmer was deflated, but the manufacturers and stock gamblers were protected against deflation. The farmers' dollar was reduced in purchasing power to 50 cents or less, while the dollar of the manufacturer was held at par.

After the work of deflating agriculture was accomplished and the discrimination against that industry was established, the tariff rates on manufactured products were so increased as to make certain the perpetuation of such discrimination. It is an artificial and not a natural economic system that is wrecking agriculture.

Every informed person recognizes agriculture as the industry upon which all other industries and commercial activities rest, and no one would acknowledge a wish to have agriculture fail. Even those who are responsible for the economic disadvantage under which the farming industry labors do not want to destroy it. They want simply to hold it down to the lowest economic status where it will continue to produce. They want to keep the farmers' mind in a psychological state of optimism that will spur him on to continued productive activity, in order that they may have the opportunity to commercialize his labors and profiteer on his production. In their eagerness to reap the largest possible profit from the farmers' production these profiteers have reduced him to a level where little optimism and no remuneration is left to him for his toil.

The progress of man up the ascent of time toward civilization is marked all the way by oppression, struggles, and rebellions. It has always been the organized economic power of the few against the unorganized and undirected force of the many. It has been the marshaling of the collective physical strength of the masses in support of the masters and against the unorganized individuals of the masses. It has been the voice of usurped authority commanding those in whom all authority rests. It has been the dictator standing upon the necks of the people. In 1776 the people of this country promulgated their declaration of independence from such a dictator and sustained that declaration by force of arms and set up in this country a new rule of supremacy, that of the people themselves, and established a government upon the basis of such supremacy. But the forces of special privilege did not relinquish hope nor cease their activities to retain or regain their economic power over the people. The one overshadowing issue that has persisted throughout the history of this Government is that presented by the struggle between the few who have sought economic advantage through special privilege and those who have contended on behalf of the masses of the people for equal rights to all and special privileges to none. In this prolonged struggle the special-privilege class has won and the people have lost. Again the dictator stands upon the necks of the people—the dictator of special privilege and of economic supremacy.

But a new declaration of independence has been promulgated by those who are opposed to special privilege and they are prepared and determined to fight to sustain that declaration. This new declaration of independence is that the people shall have freedom from economic bondage; that they shall have freedom from the unequal struggle against special economic privilege; and that the Government with its institutions shall be restored to them and be made to function on behalf of all the people on the basis of equal rights.

The fight to sustain this new declaration of independence is on now in the effort to restore the principle of equality between the industry of agriculture and the manufacturing industries and other business and commercial enterprises of this country.

The fight is centered around H. R. 11603, known as the Haugen bill. The principles and objects of the bill are clearly and comprehensively set forth in the committee report thereon, from which I shall quote as follows:

> For many years the producers of the Nation's basic agricultural crops have been seeking a way to adjust supply to demand in their most profitable markets, through control of agricultural surpluses. The bill provides a way in which this may be accomplished.
>
> The administrative body is a farm board directed to promote stability and effective protection for agriculture. The objects sought under its operations are:
>
> (1) To give producers of farm crops power to influence their price as effective as that possessed by other industrial groups;
>
> (2) To secure a protected price to the producer of crops like wheat, pork, and beef, of which a relatively small surplus enters world trade;
>
> (3) To afford all the advantages of orderly marketing through control of surplus to the producer of a crop like cotton, of which the American supply is the dominant factor in the world price;
>
> (4) To enable producers of meat animals to maintain a stable level of swine and cattle population by steadying prices and by promoting carry over of corn from years of high production to years when the yield is low; and
>
> (5) To promote cooperative associations by making it possible for them to control the movement to market of temporarily unneeded quantities of a commodity without imposing on their members alone the entire burden of withholding, removing, and disposing of them.
>
> Through the operation of the equalization fee, which requires every unit of a commodity to bear its share of the cost of its stabilization and protection, the effect of this plan is to provide 100 per cent cooperation of all producers in financing transactions necessary to the control and disposition of crop surpluses. It takes 100 per cent cooperation to deal effectively with the surplus, and it is impossible to get such complete cooperation otherwise than through Government action. Honest, able, and sincere men with extraordinary ability have attempted it and have failed.
>
> Bills for the management of agricultural surpluses in the Sixty-eighth Congress met with certain objections. Although your committee does not feel that they were valid, changes have been made in the present bill to meet them. The bill is drawn to conform as closely as possible to the recommendations of the cooperative marketing associations that have appeared on its behalf before the committee. It was devised after careful attention by operating officials of large cooperatives, and men familiar with sound economics and good practice in the commercial field.
>
> SUMMARY OF THE PROVISIONS
>
> A Federal Farm Board is established, with 12 members, to be appointed (one from each Federal land bank district) by the President from a list of 36 nominated by the Federal Farm Advisory Council. The council is composed of four men from each land bank district, who serve without salary and who are chosen at conventions of farm organizations and cooperative marketing associations within each district.
>
> The board is given definite powers and duties to assist all producers of agricultural commodities in their work for orderly marketing, whether producers of "basic agricultural commodities" (wheat, cotton, corn, butter, cattle, and swine) or producers of other agricultural commodities.
>
> In the case of basic agricultural commodities the operations of the board will be through contracts with cooperative agencies, created by the producers themselves, or with processors of the commodity, or with other agencies if there is no cooperative association capable of carrying out the agreements. The board can not enter into the contracts, however, until after it has found that certain specified conditions exist. In the case of cotton, it must find that there exists or is likely to exist a surplus above the requirements for orderly marketing and that the cooperative associations or other organizations representing the producers thereof are in favor of the board taking a hand; and in the case of other basic agricultural commodities the board must find that there is or is likely to be a surplus above

domestic requirements, and that the domestic price does not reflect substantially the competitive price outside the United States plus the amount of the tariff and the transportation costs and charges to the United States.

After the finding of the necessary facts, the board will assist in removing or withholding the surplus by entering into agreements, under which the board will undertake to pay, out of the equalization fund for the particular commodity, the losses, cost, and charges involved in the purchase, withholding, and selling of the commodity or any food product thereof. Advances may be made out of the equalization fund for these purposes. The profits will accrue to the equalization fund.

The board is also authorized to make loans to cooperative associations of agricultural products not included within the list of basic agricultural commodities, for the purpose of assisting them in controlling the surplus of their commodity, or for the purpose of assisting them in the purchase and construction of the facilities to be used in the storage or processing of the commodity.

In order to finance its operations on basic agricultural commodities, the bill provides for the payment of an equalization fee upon the processing or first sale (as the board may determine) of the commodity, so that the producers of the commodity may eventually finance their own stabilization program. An equalization fund for each commodity will be established, and the fees on that commodity will be placed in the proper equalization fund. Collection of the fee is deferred for two years on all commodities, and the operations during that period will be financed out of the revolving fund.

The board is given no power to buy or sell on its own account, whether directly or through agencies.

The bill provides for a revolving fund of $375,000,000. Of this sum $100,000,000 is set aside for cotton; $250,000,000 for the other basic agricultural commodities; and $25,000,000 for loans to cooperative associations handling other agricultural products, and for the purchase of warehousing or processing facilities.

I am supporting the Haugen bill for the reasons set forth in the analysis and summary of its provisions just quoted. I believe this bill will go a long way toward establishing the parity between agriculture and the other industries of this country. The establishment of such parity is the only remedy that will afford relief to agriculture. The farmer must have a price for his products in the domestic or home markets that will reflect the same degree of protection against cheap labor, cheap materials, and cheap lands in foreign countries as that afforded to manufactured products in the home markets. The mere extension of Government credit to the farmer will not solve his problem. What he needs is a price that will enable him to produce at a reasonable profit. There will be no difficulty in securing credit if he is placed on a basis of profitable production. Moreover, he needs this protection of price to enable him to liquidate the credit heretofore extended to him and which he can not liquidate under the present price conditions. The farmer is entitled to be placed in a position where he can receive the benefit of the tariff laid on the importation of the commodities which he produces, so that he may share the benefits of the protective policy of this Government on a basis of equality with the manufacturer.

The chief purpose of the Haugen bill is to make the tariff on basic agricultural products effective in order that the farmer may have protection in fact and not merely in name through the tariff on such products. Those who are opposing this bill base their opposition mainly on the fact that it will render the tariff effective as a protection to agriculture and increase and stabilize the price of its products. The manufacturing interests did not oppose the levying of tariff rates on agricultural products in the Fordney-McCumber tariff act because they knew that such levy by that act alone would be ineffective as a protection to any agricultural product carrying an exportable surplus. They knew that the foreign market would determine the price not only of such surplus exported, but of that part sold in the domestic market as well, notwithstanding the tariff duty thereon. But the manufacturing interests are bitterly opposing the Haugen bill because it will make the tariff on wheat and the tariff on other basic agricultural products effective as a protective tariff, and thereby place agriculture on a basis with manufacturing under the protective policy of the Government.

Why does the manufacturer oppose the Haugen bill? Why can he not be fair-minded on the subject and be willing that agriculture enjoy the same economic privilege that the Government confers upon the manufacturer?

He is opposing this bill for the same basic reason that capital and industry have always opposed the policy of unionized shops. The opposition to the latter is for the obvious reason that in dealing with labor on the basis of the individual they can control wages and through the control of wages control labor. But when labor through organization can compel the fixing of wages on the basis of collective bargaining, the control of labor is weakened. Through organization labor seeks to protect itself against its absolute economic control by capital and industry. And, so, through the enactment of the provisions of the Haugen bill the farmers are seeking to protect themselves from the same control by eliminating the economic discriminations against them under the existing system of our protective tariff policy. Capital and industry oppose every movement that strikes at their grip, or seeks to loosen their hold, on their commercial supremacy of the country.

It is shown that by reason of this discrimination the farmers of the country have received $13,200,000,000 less for their crops since 1919, than they would have received had they been permitted to share the benefits of the protective policy of the Government on an equal basis with the manufacturers. And in addition to that staggering loss of more than $2,000,000,000 a year for the past six years on crop values the farmers have sustained a shrinkage in the value of their farms of more than $20,000,000,000 since 1920.

Is the protective policy of the Government the special and exclusive privilege and property of the manufacturer? Unquestionably he thinks it is, and the Government has encouraged him in this belief, for it has permitted him to have the exclusive enjoyment of the privilege throughout all the years since we have had a protective policy. But it is not his exclusive right. The Government does not belong to the manufacturer alone. He has simply usurped the instrumentality of the Government to promote his own economic advantage by securing for himself the exclusive benefits of the tariff protection. A protective tariff can be justified only on the ground of protecting a domestic industry against a foreign industry, and there can be no justification for favoring one domestic industry at the expense and to the material detriment of another domestic industry of equal or greater importance to the economic welfare of the country.

The manufacturer has wrongfully enjoyed the exclusive benefit of tariff protection for so long a time without interruption that he now claims it to be his exclusive and special privilege. Selfishness and greed are the only inspirations for such claim.

What has been the result to agriculture of this system of special privilege? In addition to what has already been shown in that respect let me read a number of excerpts from the committee report on the Haugen bill:

In summing up the causes of the farmer's difficulties, the conference board declares that while 60 per cent of the farmer's income depends on world conditions of supply, demand, and costs, which are out of his control, most of the elements entering into the expense of operating the farm—that is, the cost of agricultural production—are determined by domestic conditions which place the costs for the farmer on a higher level of values than the world level of values which determines the bulk of the farmer's income. Having to produce at a level of high costs, the farmer must meet competition which, producing at lower cost, limits the market for his surplus in accordance with the abundance or scarcity of world crops.

* * * * * * *

FARM VALUES BELOW PRE-WAR

The total value of all farm property in 1913 was $45,227,000,000; in 1920, $79,607,000,000; and in 1925, $59,154,000,000. Reduced to terms of 1913 purchasing power, however, the total value of all farm property in 1925 was only equal to $38,188,000,000 of 1913 purchasing power. In other words, all farm property in the United States in 1925 had only 84.4 per cent of its purchasing power in 1913.

Farm lands in the United States as a whole have an actual exchange value or purchasing power approximately 20 per cent less than the purchasing power of the same land in 1910, according to comparative figures from the United States Bureau of Census for 1910 and 1925.

* * * * * * *

FARM BANKRUPTCIES INCREASE

This situation is illuminatingly reflected in farm bankruptcy statistics. The rate of farm failures from 1910 to 1924 shows an increase of over 1,000 per cent, in contrast to that of commercial failures, which has remained practically the same per year during the same period. Capital invested by farm operators decreased from $47,000,000,000 in 1920 to $32,000,000,000 in 1925, a loss of approximately $3,000,000,000 per year.

BANK FAILURES

The decline in the economic position of agriculture has been the chief cause of the enormous number of bank failures in the United States since 1920, without parallel in any previous period in our history.

The number of bank failures in 1924 (915) was 42.5 per cent larger than the number of failures in 1893 (642). The number of

failures for the period 1920–1925, inclusive (2,494), was greater than the number of failures during a period of 26 years up to 1920 (2,424). Most of the failed banks were located in agricultural districts.

The following table showing bank failures in the United States since 1920 does not include figures for closed national banks which were reopened without having been placed in the hands of a receiver. Except for the years 1924 and 1925, figures for other banks do not include banks reopened in the same year in which they were closed.

Bank failures by years ending on June 30, 1920 to 1925

[Statistics obtained from the Comptroller of the Currency]

Year ended June 30—	National banks		Other banks		Total	
	Number	Liabilities	Number	Liabilities	Number	Liabilities
1920	5	$1,930,000	44	$18,955,000	49	$20,885,000
1921	28	17,301,000	290	96,124,000	318	113,425,000
1922	33	20,287,000	363	95,029,000	396	115,316,000
1923	37	20,076,000	237	64,550,000	274	84,626,000
1924	138	74,743,000	777	223,188,000	915	297,931,000
1925	102	53,315,000	440	118,728,000	542	172,043,000
Total	343	187,652,000	2,151	616,574,000	2,494	804,226,000

* * * * * * *

WORKS ON NARROW MARGIN

Actual earnings of the farmer in 1924 in return for his labor are computed by the board at $730 on the average, as against average earnings of $1,256 per wage earner in the manufacturing industries in the same year, average earnings of $1,572 by transportation workers, $2,141 earned by clerical workers, an average of $1,678 earned by ministers, $1,295 by teachers, about $1,650 by Government employees, and an average of $1,415 per worker in all groups other than farmers.

The food, fuel, and housing supplied by the farm the board's report appraises at about $630 per year, which leaves the average farmer a cash income of about $100 out of the $730 earned by his labor during the year 1924. An average return of about $400 is allowed on the capital invested, making the total average cash income per farmer operator about $500 a year. Since the cost of food and clothing purchased by the average farm family during the year runs to about $475, the average farm income is only slightly more than enough to purchase the necessities of life.

Since these figures represent averages, there are as many worse cases as there are better ones, and in many instances, therefore, farmers have had to forego payment of interest on debt or taxes, to say nothing of repairs, equipment, and maintenance and proper care of the fertility of the soil, in order to pay ordinary living expenses.

* * * * * * *

FARM DEBT REMAINS UNPAID

As a result of high costs and impaired income of the farmer, the total farm indebtedness in the United States, which was estimated at $4,320,000,000 in 1910, had grown to $12,250,000,000 in 1920 and stands at approximately that figure to-day. The real debt is larger than the figures indicate, because prices of commodities which must pay the debt are, in many instances, lower than they were when the debt was incurred.

The foregoing facts and figures indicate both a measurement of the farmer's ability to pay and the extent of the redistribution of wealth between farm and other industries that has taken place and is continuing in the United States.

Can it be questioned by any honest-minded person that agriculture is in the throes of an economic crisis and that the solution of its problems are beyond the power of the individual farmers and of the cooperative organizations of farmers? The problems are of national magnitude and of national concern. They arose out of economic conditions fostered by the Government and our national policy of special privilege. The solution must come from the Government. The Haugen bill points the way.

When the railroads come to Congress and ask for legislation, their requests are granted; when the banking interests ask for legislation, their wishes are promptly gratified; when the manufacturing industries seek greater protection through the tariff the favor is readily conferred. But when the agricultural interests come to Congress and seek redress of their economic grievances they are told that their situation is unfortunate, but that it would be economically unsound for the Government to do anything to relieve their distress. They are told to go back home, work a little harder, be more saving, and wait patiently for the adjustment of their economic difficulties through the operation of the natural law of supply and demand.

But I say to you that the farmers have listened to that kind of advice for the last time. They know their problems are not the result of their own delinquencies and that they can not be adjusted by the operation of the natural law of supply and demand. They know that they are the victims of an artificial system of economics for which the Government is responsible and they are demanding the relief that they have proposed.

The agencies of Government have been employed and the powers of the Government have been invoked to make agriculture contribute its wealth of production to the support and maintenance of the Nation without profit to the producer. Under the present economic system the farmer is prostrate. The Government has brought him to this estate and only the power of Government can release him from it. His dilemma must be recognized and his oppression relieved.

For six years the farmer has been producing his crops at a loss, not because his productions were greater during that period than formerly nor because the requirements therefor were less. His losses are not due to the operation of the natural law of supply and demand. They are due to artificial causes that have suspended the operation of that law.

If the farmer is compelled to produce and sell on the basis of the law of supply and demand, then in the interest of simple justice to him he must be permitted to buy upon the same basis. If he must sell his products in a competitive world market, he is entitled to buy his supplies, merchandise, and equipment on the basis of that market. On the other hand, if the manufacturer is to be protected in the markets of this country against foreign-made goods so that the law of supply and demand does not operate to fix the sale price of his merchandise on the basis of the world market, is not the farmer entitled to the same degree of protection in order that he may likewise be relieved from the operation of that law? The farmers are not demanding or advocating that the policy of tariff protection be abolished, but they do demand their right to share in such protection on the basis of equality with the manufacturers. Can it be honestly contended for a moment that the 30,000,000 farmers of this country have not the same economic rights under our Government as those engaged in manufacturing? But the moneyed powers decreed otherwise. They decreed that the farmer had no economic rights which they or the Government were bound to respect, and upon that assumption proceeded to formulate and execute plans to reduce him to bankruptcy.

The farmers of the country are besieging Congress, demanding relief from this economic oppression. And since the Government is responsible for the oppression, their addresses to Congress are justified. They are not pleading for a favor; they are demanding a right. It behooves the Congress to heed this demand, for the Government was not established as a private agency in the hands of the few for the exploitation of human labor and the subordination of human rights.

Lincoln said in his first inaugural address in 1861:

> This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it.

It is undeniably true that the country and the Government belong to the people and that they have the right and the power to dictate the conduct of the Nation's affairs and the character of governmental policies and administration, but it is equally true that the people are not controlling the Nation's business and that their interests are not given primary consideration in the administration of the Government. The sovereign power of the people has been usurped; and while the burdens of the Government still rest upon their shoulders, its control has been taken out of their hands. To the people have been left the political forms, but from them have been taken the economic substance and strength of the Government. This usurpation has not been accomplished by force of arms or by revolutionary methods; it has been effected through the opiates of false teachings. The people have been chloroformed into a false sense of security, and their just powers to shape their own economic destiny have been perverted to accomplish their economic exploitation.

But it is still the people's Government, and it is their combined strength that supports and gives it life. There is no stronger human institution. It is upheld by the collective physical and spiritual forces of the people of this Nation; and if the Government, animated and inspired by this greatest of human forces, were held to the execution of the high purposes for which it was ordained, namely, to establish and insure even and exact justice and equality of opportunity for all men, there would be no agricultural problem for the Government to solve.

But while we have religious and political freedom, freedom of speech, freedom of the press, and the right of peaceable assembly, yet, having permitted to be taken from us our economic freedom, it may be literally said that we have but the husks for our subsistence.

It is becoming more and more difficult for the man of the ordinary walks of life in this great country of boasted freedom to resist successfully the gripping force of economic power that tends to hold him to the status to which he was born. What hope can spring eternal in the breasts of the toilers of the land, those who produce wealth and not simply commercialize it?

They are the victims of a system of discrimination against the masses of the people and in favor of those who, through the prestige and power of great wealth, control and dictate the legislative and administrative policies of the Government. They have harnessed the people's power through the machinery of the Government to place the people in economic bondage.

This is strong language, but it is no stronger than the truth it expresses. We may as well face the issue squarely and meet it now. The issue is, Shall the people of America be free in fact or shall they be content with the mere political forms of freedom? The people have both the right and the power to determine this question as they please. The Government and all powers and rights thereunder are theirs. They can exercise those powers and rights and be the masters of their country and of their own economic destiny or they can continue to be as they now are, the vassals of the money lords The encouraging sign on the economic horizon is that the farmers—30,000,000 strong—are no longer pleading for their rights but are demanding them.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Ohio [Mr. THOMPSON].

Mr. THOMPSON. Mr. Chairman, I am a member of the Committee on Agriculture from Ohio. I am naturally proud of my membership on a committee composed of such distinguished and able men. I am especially proud of our veteran chairman, Hon. GILBERT HAUGEN. He has been a member and chairman of this committee 10 years, having been returned 14 terms from Iowa. He is one of the oldest Members of the House. He is the personification of courtesy and fairness to his fellow Members, and is a successful man of affairs back home in Iowa. He is a large owner of farm lands in southern Minnesota and northern Iowa and understands the agricultural question as well, and perhaps better, than any other member of this great committee.

So, having confidence in my chairman, I told him I would go along with him on the legislation as far as I could, reserving the right in the end to do what I thought best or what my constituents felt might be best.

The district I represent in Congress is largely agricultural, but not subject to the same conditions as the farming classes farther to the west of us. My district is composed of the seven counties in the extreme northwest corner of Ohio. It represents diversified, intensive farming, and there are many interests that must be considered in connection with legislation such as is before us. With all due deference to our brothers of the West and Middle West, we of Ohio wish to make the observation that Ohio has been a conservative middle ground of thought, political and otherwise. There have swept down out of the great Northwest and West various strange doctrines, such as the Nonpartisan League idea; and out of Iowa came the movement growing out of the activities of that able and brilliant Iowaian, Gen. James B. Weaver. His movement was known as the "greenback craze," which one of Ohio's gifted sons—the late John Sherman—met and vanquished by what was known as "resumption of specie payment." Then there came from bleeding Kansas another line of thought, known as populism, with its statesmen, such as Senator Peffer and "Sockless" Jerry Simpson, and this movement grew and thrived until it gathered the proportions of a cyclone, which gathered itself together not only on the prairies of Kansas, but gained momentum at the mouth of the River Platte in Nebraska and resulted in the 16 to 1 storm, which was checked, as it rolled eastward, by William McKinley and Mark Hanna, both of Ohio.

And now we have the "Corn Belt Committee of Twenty-two" from Iowa before us. They mean well; they are our brothers; we love them all, but must stop, look, and listen. Can we agree to give them everything they think they want and everything they demand? During the weary weeks this session that I sat on the Agricultural Committee and listened to the witnesses, none appeared before our committee from Ohio; but, as the hearings were closing, I pointed out to the Hon. Samuel Thompson, head of the National Farm Bureau, how our committee was in sympathy with the farmers' so-called problems and what the Congress and our committee had actually done for the farmers. I said:

I have been sitting around this table for the last two or three years listening to complaints about the ills of the farmers. The Sixty-seventh Congress passed legislation which was supposed to be beneficial to the farmers. I think it was William Jennings Bryan who said that the Sixty-seventh Congress had passed more legislation that was beneficial to the farmers than any Congress before in the history of the country. You will remember that we passed the intermediate credit act, affording the farmer new channels for credits running from six months to three years commensurate with his production and marketing methods.

We then passed a bill which increased the amount individuals may borrow on farm mortgages through cooperation with the Federal farm-loan banks from ten thousand to twenty-five thousand.

Then we placed the meat-packing industry under Federal supervision, making it possible to ascertain the status of the meat-packing and stockyards activities.

Then, as Mr. FULMER has said, we passed the cotton standards act, which has operated so successfully.

We placed a tax on trading in grain futures, supervised the grain exchanges, and legalized the membership of cooperatives on the grain exchanges.

We legalized cooperative marketing.

We furnished a farm-to-market highway program and appropriated funds to be used for the next three years. We increased the working capital of the Federal loan system, making it possible to float bond issues more easily.

We provided that the interest rate on farm-loan bonds would be increased to 5½ per cent, an emergency act.

Revised the tax schedule.

Reduced the surtax; limited immigration to 3 per cent of the foreign born recorded in 1910 census.

Prohibited the manufacture and sale of filled milk.

Created a representative of agriculture along with industry, commerce, and finance, on the Federal Reserve Board.

Reenacted the War Finance Corporation and extended its usefulness.

Appropriated funds for the Department of Agriculture and enacted an emergency tariff, followed by the permanent tariff.

I want to say in defense of this committee, and in defense of Congress, that we have been trying to help the farmer; we have passed all this legislation, and yet we find that the farmer is still here, still knocking at our doors. Perhaps there has been no nation-wide policy enacted as yet. I understand the cooperatives are coming before us saying that they do not want any legislation outside of this cooperative marketing bill which has already passed the House.

I assure you we want to do everything we can for agriculture. We are perfectly willing, if we can only find the remedy.

Then, note Mr. Thompson's reply to my statement. He said [reading from the record]:

My observation would be this, that the Agricultural Committee of the American Congress will always be a very important, busy, and hard-working committee. Even if you pass this legislation I would not want to promise that we would not be back here again talking to you about something else that would be needed. I feel that as much as we have done toward the help of this industry that we have never had an understanding of the agricultural problem—not even ourselves—as we should have had, much less other people, and we are getting a more complete understanding on the actual industry itself.

Mr. THOMPSON of Ohio. I wish to say in that connection that you are always welcome to come before this committee. We like to meet around this table and thrash out these problems. I want to ask for my own information your opinion of the McNary-Haugen bill. Did you think that that was a fundamental bill or a bill that would allow the camel to stick his nose under the tent, and later on we could amend it and simplify it so that it would have been a real national policy for the administration of agriculture in this country?

Mr. THOMPSON. We felt that that was emergency legislation, and we feel that this will accomplish the same purpose in a better way.

Mr. THOMPSON of Ohio. Of course, many of us, as you know, voted for that bill.

Mr. THOMPSON. We were very grateful for it, grateful to the men that took the brunt of it and made the hard fight. It wasn't an easy thing to do.

Mr. THOMPSON of Ohio. And some of us are still tinctured with the same virus.

Mr. TINCHER. It is the only farm bill that this committee ever reported out where we got licked on the floor of the House.

Yes; we got licked on the floor of the House exactly two years ago this month. Those of you who were here remember that fight. Mr. TINCHER, of Kansas, was battling for the McNary-Haugen bill, and many of the Members voted for it then who will not probably do so now in its present form. The vote was taken June 3, 1924, and the bill received 155 votes, with 223 against it. It was defeated by a majority of 68 votes. I went along with the bill and with my chairman at that time and took 10 of my Ohio colleagues with me; but 10 of them were also against the bill and two failed to vote, making 22 in all, and no more.

I feel that I can not do so well this time, for I possibly shall not vote for the Haugen bill in its present form, or for any of the so-called agricultural bills. My people in Ohio wish no new legislation on agriculture now. They wish to let well enough alone. And I desire to insert in the RECORD evidence to show that I am sustained in this view by letters and telegrams from organized agriculture in Ohio, as follows:

[Letters]

MONTPELIER, OHIO, *May 3, 1926.*

Hon. CHAS. J. THOMPSON, M. C.,
Washington, D. C.

DEAR SIR: It is the consensus of opinion among the members of the various farm organizations of Williams County that the farmers have a problem of collective bargaining, but at the present time they are not ready for the adventure in the form of any of the bills presented in Congress.

If there should be some measure or amendment presented that affects the interests of the farmers of your district, we will submit the decision thereon to your own judgment.

Respectfully,

WILLIAMS COUNTY FARM BUREAU,
PAUL SMITH, *President.*
WILLIAMS COUNTY POMONA GRANGE,
G. H. FAST, *Master.*

PIERCE & STEVENS,
Middle Point, Ohio, May 6, 1926.

CHARLES J. THOMPSON,
Representative, Washington, D. C.

DEAR SIR: We sincerely trust that you will not vote for the Haugen bill, as it is undoubtedly unpractical, and the Tincher bill is strictly class legislation. We can cite you to a cooperative elevator that cleared better than $7,500 last year. So the success or failure of a cooperative elevator depends largely on its manager, and the Government does not hire the managers. It is up to the cooperative elevator to succeed or fail, just as it is up to us, and the writer has been in the trade for 20 years and can prove to you that we can handle grain for less money, with less overhead expense, than any cooperative, and we pay the same prices. We do not believe that God made the world for any one man, or for any set of men, but for the people in general. Trust that you will give these bills your careful consideration.

I am,

Yours very truly,

C. T. PIERCE.

OFFICE OF MASTER OHIO STATE GRANGE,
Coshocton, Ohio, May 6, 1926.

Hon. C. J. THOMPSON,
House of Representatives, Washington, D. C.

MY DEAR MR. THOMPSON: An inquiry of yours relative to the Grange stand on the Haugen, Aswell, and the Tincher bills has been referred to me.

The Grange has taken no action regarding any particular bill. In Ohio we are somewhat opposed to the theory of anything bordering on price fixing as being unsound.

Doctor Atkeson is keeping in close touch with the situation and can give you the reaction of the organization relative to the different phases of the farm relief bills as viewed by the Grange.

Respectfully,

HARRY A. CATON,
Master Ohio State Grange.

[Telegrams]

COLUMBUS, OHIO, *May 7, 1926.*

Hon. CHARLES J. THOMPSON,
House Office Building, Washington, D. C.:

As director of agriculture it is my duty to refute statements that Ohio farmers do not favor Haugen bill. The farm organization leaders who made these representations speak for less than 5 per cent of our farmers. They by no means reflect public opinion in this State. The farm industry in Ohio is in a critical condition, the same as in other Corn Belt States. Our loss in land values has been $720,000,000 during the past six years. The majority of farmers here want the Haugen bill and are unalterably opposed to Tincher and Aswell bills.

CHAS V. TRUAX,
Director of Agriculture.

BRYAN, OHIO, *May 4, 1926.*

C. J. THOMPSON, M. C.,
Washington, D. C.:

We oppose all these bills.

A. G. BROOK, *Farmer Grange, No. 2191.*

NAPOLEON, OHIO, *March 3, 1926.*

Hon. C. J. THOMPSON,
House of Representatives, Washington, D. C.:

We are opposed to farm bills Nos. H. R. 11606, 11618, and 11603. Letter following.

H. F. POHLMAN & SONS.

LEIPSIC, OHIO, *May 5, 1926*

Hon. C. J .THOMPSON, M. C.,
Washington, D. C.:

Protesting both the Haugen and Tincher bills, we urge you to use your influence against them.

C. A. HIEGEL.

OTTAWA, OHIO, *May 3, 1926.*

C. J. THOMPSON, M. C.,
Washington, D. C.:

We are opposed to all agriculture relief bills. Would be favor of bill to provide bureau of cooperation in Department of Agriculture if it did not have the Haugen-Dickinson rider.

REESE HICKEY,
President Putnam County Farm Bureau.

[Letters]

MCCLURE, OHIO, *May 1, 1926.*

Hon. C. J. THOMPSON.

DEAR SIR: In regard to the so-called farm relief bills, copies of which you sent me, we are opposed to H. R. 11603 and H. R. 11606, or any other bills whereby the Government is to control exports or to fix prices in any way.

Do not see any harm in H. R. 11618, neither do I believe that it will be any benefit to the farmers of Ohio.

Yours,

L. I. WINCH,
Master Bethel Grange.

STOCK FARMS, *Napoleon, Ohio.*

Hon. C. J. THOMPSON,
House of Representatives, Washington, D. C.

DEAR MR. THOMPSON: After studying farm bills Nos. 11606, 11618, and 11603 carefully we are very much opposed to them.

Mr. THOMPSON, I do not believe our Congress can work out a system to satisfy the different farmers of to-day. From my experience I find the element continually asking for help are not the real dirt, hard-working, taxpaying kind, but more often the swivel-chair, hot-air kind, who have not enough real knowledge of our farms to tell a cow from a jackass in the way of conducting our business.

Mr. THOMPSON, we are with you every inch of the way with your ideas of economy. Cut down our overhead expenses. Save our money. Let every individual get out and hustle and work his own business. Keep your doors locked to that element asking for millions to help us farmers.

Our present form of government has been very satisfactory. Encourage the thrifty, hard-working, taxpaying farmers, and let the other element take care of themselves.

Our Senators and Representatives elected by the people, paid by the people, that make our present form of government, can better tell our needs than the element I have heretofore mentioned.

Respectfully,

HENRY G. POHLMAN.

NAPOLEON, OHIO, *April 28, 1926.*

Hon. C. J. THOMPSON,
Washington, D. C.

DEAR FRIEND THOMPSON: Received your telegram and also copies of the three farm relief bills. I have gone over them thoroughly in our farm papers and also in the Blade, and now the bills themselves, and I only hope you will not support them, as they are about as un-American as anything I have studied. The Government has plenty to do to function without trying to help any class of people. As I said before, if we arent regulated too much, we will come out all O. K. I spoke to some of our farmers, and they all said that THOMPSON knows that we are opposed to those measures.

Respectfully,

J. F. VEIGEL.

THE NORTHWESTERN COOPERATIVE SALES CO.,
Wauseon, Ohio, April 29, 1926.

Mr. C. J. THOMPSON:

Having sold my herd of cattle, I resigned as director of the Northwestern Cooperative Sales Co. last March. Accordingly I referred your telegram to a member of that board with the suggestion that an expression be given you. My personal opinion is that the dairy farmers and the farmers generally are not asking for legislation such as is proposed in the three bills mentioned.

I believe most of the thinking farmers are opposed to the creation of any more boards and the appropriation of such sums as provided for in these bills.

I am a director of the Ohio Poultry Producers' Cooperative Association, with 1,800 members in Williams, Fulton, Henry, and Defiance Counties. At a meeting to-day of the board of directors I discussed the matter with various members of that board, and there seemed to be no sentiment favorable to any of the proposed legislation. They do not feel that legislation will materially aid the cooperative-marketing movement. Personally I do not believe that the various cooperative-marketing associations in the United States are at the present time well enough organized to successfully carry out the proposed course of action, even granting that the principles involved are economically sound.

Trusting that the above expression may be of service to you, I am

Very truly yours,

JAY C. BURR.

THE OHIO FARM BUREAU FEDERATION,
Columbus, Ohio, May 1, 1926.

Hon. C. J. THOMPSON,
House of Representatives, Washington, D. C.

DEAR MR. THOMPSON: Just returned from Chicago, and the midwest group failed to indorse the present Haugen bill. Our people in Ohio took action and are still opposed to impractical equalization fees. The expression of the dairy groups has not been in favor of the Haugen bill.

No organization action has been taken on the Capper-Tincher bill, owing to its recent presentation, but it has been the expression of our Ohio leaders that they favor cooperative marketing and extension of intermediate credits acts for the handling of cooperative products, as we believe is expressed in the Tincher bill, thinking that this will tend to the orderly distribution of farm products and maintain a high average price by eliminating dumping at harvest season.

Very truly yours,

L. B. PALMER, *President.*

NAPOLEON, OHIO, *May 8, 1926.*

Hon. C. J. THOMPSON,
Washington, D. C.:

We are utterly opposed to any bills pertaining to farm relief or any appropriations thereto.

J. F. VEIGEL.

BELMORE, OHIO, *May 1, 1926.*

Mr. C. J. THOMPSON,
Washington, D. C.

DEAR SIR: In reply to yours of the 27th, as our grange is inactive at present, some of us got together and decided that we were not in favor of the agricultural relief bill, but were in favor of the other two.

Yours truly,

D. L. HARSHBERGER,
Master of Belmore Grange.

NAPOLEON, OHIO, *May 3, 1926.*

Hon. C. J. THOMPSON,
House of Representatives, Washington, D. C.:

At a special board meeting Saturday the agricultural relief bills were carefully considered and the following resolution passed:

"*Resolved*, That the Henry County Farm Bureau go on record favoring the Tincher bill and that the secretary wire Representative THOMPSON of this action. Steps should be taken in framing the law to clothe the control board with administrative powers similar to that exercised by the Federal Revenue Board."

HENRY COUNTY FARM BUREAU,
HARRY M. PONTIOUS, *Secretary.*

VAN WERT, OHIO, *May 4, 1926.*

C. J. THOMPSON,
Washington, D. C.:

Grange and farm bureau not opposed to Tincher bill, but are to others.

W. O. BLACK,
President of Van Wert County Farm Bureau.
FRANK BALYEAT,
Master of Pleasant Grange.

LEIPSIC, OHIO, *May 4, 1926.*

Hon. C. J. THOMPSON, M. C.,
Washington, D. C.:

Putnam County Pomona Grange and Leipsic Grange go on record as being opposed to House bills Nos. 11618 and 11606.

C. F. HENRY, *Secretary.*
D. C. HENRY, *Master.*
J. A. HUMMON, *Pomona Master.*

BRYAN, OHIO, R. D. 5, *May 1, 1926.*

Hon. CHAS J. THOMPSON,
Washington, D. C.:

I believe the Tincher bill comes nearest fulfilling the party's pledge and will do us the least harm.

Personally, I am opposed to all of them.

Very respectfully yours,

W. S. TOMLINSON.

EDON, OHIO, *April 30, 1926.*

Hon. C. J. THOMPSON,
Washington, D. C.

DEAR FRIEND: Our master, Mr. Bible, received your wire in regard to the farm relief bills to be brought up next Tuesday, and we appreciate your kindness in remembering us.

We had a meeting last night and voted in favor of the Haugen bill, but opposed to the Tincher bill and the Curtis-Aswell bill.

We are not very enthusiastic about any bill of this kind, but the Haugen bill might be of some advantage to us until such time as natural causes make a change and the pendulum swings back again, giving the farmer an equal chance with every other man, which is all any of us ask, or at least we ought not to ask more.

Thanking you again for your kindness and interest in us (this means the whole grange), I am,

Truly yours,

C. M. DAVIS,
Chairman Executive Committee.

SWANTON, OHIO, *May 6, 1926.*

CHARLES J. THOMPSON,
House of Representatives, Washington, D. C.:

Please protest the enactment of the Haugen and Tincher bills.

THE SWANTON MILLING & ELEVATOR CO.

One of the principal objections that Ohio people have to these bills is that they set up too much new machinery. It has become the fashion for Congress to create new commissions. And commissions are a bad thing, Lincoln once said. They are not answerable to either the President or to Congress or to the people, but constitute a sort of fifth wheel of government, answerable to nobody and a law unto themselves. No one can be held responsible for what a commission does. There is no one individual who can be held accountable. We are becoming a Government by commissions. The farmers of my country have been wishing for Federal employees of commissions to be cut off and cast out. The passage of this law would add to the pay roll of Uncle Sam and swell expenses. I feel that the farmers are for economy.

The Haugen bill proposes a farm advisory council of 48 members, and among other duties of this council is to nominate 36 candidates, from which the President will make a selection of 12 to compose the Federal farm board, each to draw a salary of $10,000 annually for his services. The board is given power to select its own secretary and such experts and other employees as may be necessary to carry on its operations.

The Tincher bill would set up an advisory farm council of 36 members and a farmers' marketing commission of 7 members, 1 of whom shall be the Secretary of Agriculture, and 6 members to draw salaries of $12,000 each. The Aswell bill would borrow $100,000,000 of the Government.

The measures proposed would vastly increase the evils of bureaucracy, of which there is so much complaint in the Nation. Congress, if it passed these bills now under consideration, would bureaucize the entire farming industry of the country. It would place it under governmental control and supervision, with a host of high-salaried commissioners and additional inspectors and busybodies. And these are despised by farmers.

If living costs are artificially advanced, it will be necessary to put wages up. Then it will cost more to produce everything, and prices of everything will be higher. And so we will start around again in the old circle—higher cost of living, then higher wages, then higher prices for everything, and higher wages to pay the higher prices for everything, and still higher prices to pay the higher wages, until finally we come once more to the inevitable smash.

There has been already too much of this sort of legislation. Let well enough alone. [Applause.]

Mr. FULMER. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, if I may have the attention of the gentleman from Kansas [Mr. TINCHER] I want to reply to the colorful speech made yesterday afternoon by that gentleman in which he took occasion to criticize a great farm paper in my State and to characterize an article, which discussed his bill, in terms most emphatic.

Under the permission I have to extend in the RECORD I will print at this place in my speech the article referred to by the gentleman from Kansas, including the heading.

The matter referred to is as follows:

TINCHER BILL SMELLS BAD

The Tincher farm relief bill, which has the backing of the administration, is being shoved through Congress in the hope of heading off the kind of legislation farmers really want, and at the same time to give the Republican Party an opportunity to say it has made good its promise to do something for agriculture.

The principal feature of this bill is that it establishes a Government fund of $100,000,000 to be loaned to cooperatives.

The Illinois Agricultural Association sets forth the three principal objections to this bill:

1. It provides no mechanism or funds for making the tariff effective on agricultural products.

2. It makes no provision of any kind for handling the surplus or stabilizing markets or prices.

3. It provides no aid for carrying over surplus production from one year to the next or for finding markets abroad.

Real cooperatives do not want the kind of Government loans provided in this bill. To accept such loans would put them in debt on an unsound basis, and if they attempted to handle the surplus they would do so at the expense of their members and with little hope of success.

The bill will encourage fake cooperatives like the Grain Marketing Co. and lead to an epidemic of promoted cooperatives.

The bill bears all the earmarks of the old Grain Marketing Co. crowd and the legislation and Government help which it has sought in the past. Gray Silver and his associates may not have had a hand in framing the Tincher bill, but they certainly will not be displeased by it.

This bill should be sunk without trace, whether we get anything else or not.

The principal thing about the article to which he objects is the title which reads:

Tincher bill smells bad.

This edition of the Prairie Farmer had been out one week before the gentleman from Kansas discovered this article in its editorial columns, and on the day he made his speech another issue of the Prairie Farmer had made its appearance and had reached this city.

I have carefully read this article to which the gentleman referred yesterday. It is a most careful and a most accurate analysis of his bill, the most careful and the most accurate analysis I have yet seen—a marvel of condensation.

His bill tenders to farmers the old relief, the opportunity which has been tendered them so many times during the period he has served in Congress, representing in part the great State of Kansas; the opportunity to borrow more money directly, and perhaps indirectly; the opportunity to further increase the farm indebtedness of this country. Accepting the opportunities they have had in the last eight years, during the period covered by the service of the gentleman from Kansas, they have increased their farm indebtedness from a little over $5,000,000,000 until it reaches now the enormous total of almost $12,000,000,000, and the gentleman's bill proposes to give them an opportunity to add another $100,000,000 to that immense total.

The trouble with the gentleman's bill and with his proposition is that we thought in the Corn Belt States it was buried long ago. We thought with the continued increase of farm indebtedness and with the continued failure of the remedies he suggests the proposition was dead and buried. It is dead; if it is buried, then it is time for it to smell even worse than this article says it smells.

Now, the gentleman threatens a dire revenge. The Prairie Farmer, he says, is a rival of the farm newspapers, which appear in duplicate in so many sections of the United States and which are owned and edited by a Senator from his State [Senator CAPPER], who has also introduced this bill in the Senate.

He proposes as a measure of retaliation against the Prairie Farmer that Senator CAPPER's paper be placed in every farm home in Illinois, and that is the revenge he proposes. He also calls the author of this editorial a liar, which was a perfectly safe thing to do. He is a thousand miles from here. [Laughter.]

Mr. CAPPER did find his way into nearly every Republican farm home in Illinois just before the recent Republican primaries. I have here the Prairie Farmer, but that is not the only paper in which his advertisement appears. He indorsed Senator MCKINLEY as a candidate for reelection to the United States Senate. At the time Mr. MCKINLEY received this indorsement from Mr. CAPPER he was the most popular man in either party in the State of Illinois, without any question. The World Court had nothing to do with it. As soon as the Republicans of Illinois found that Senator CAPPER had indorsed MCKINLEY, that was the end of MCKINLEY's popularity with the farmers of Illinois. [Laughter.] Here is a long letter printed as an advertisement in the Prairie Farmer assuring the farmers that Senator MCKINLEY "is helping the farmers and can help the farmers." The letter is from Senator CAPPER.

On the next page appears another advertisement addressed to the farmers with this foreword, "This advertisement is paid for by Illinois farmers as the first step in getting back to a 100 cents farm dollar"—they paid for it themselves—it indorses Frank L. Smith, and announces that Smith is pledged to support the principles of the Federal farm board measure for immediate farm relief. These advertisements went to all the farm homes in Illinois with the result that Republican farmers had the opportunity of voting on the Capper-Tincher bill and on the Federal farm board bill and the latter won by an enormous majority.

Six years ago MCKINLEY had the same opponent, Colonel Smith, of Illinois. Six years ago in the agricultural counties of Illinois, in the counties outside of Cook County, Smith was defeated by MCKINLEY by a plurality of 69,000 votes. This year Smith stood for the Federal farm board measure and MCKINLEY made his campaign with the indorsement of CAPPER, and MCKINLEY was defeated by 89,000 votes in the agricultural counties of Illinois. Where the World Court cut any figure must have been in the county of Cook. Smith carried Cook County by 20,000 less majority than he received six years ago. So the Republican farmers of Illinois had CAPPER and all of his suggestions and arguments and they compared that with the platform which indorsed the Federal farm board measure and the Federal farm board measure received a tremendous indorsement.

Here is another advertisement of Senator MCKINLEY. This is his own advertisement, paid for by himself, and refers to his opponents. I read from it as printed here in another issue of the Prairie Farmer—

They do not like MCKINLEY because he has adhered to the platform pledges of the Republican Party and has supported the policies of President Coolidge.

With these two propositions before the Republicans of Illinois with the Capper-Tincher bill—and that was an issue—and with the Federal farm board measure and with the further pledge of MCKINLEY that he had supported and proposed to continue to carry out and support the policies of Coolidge, the Republicans administered to the most popular man in Illinois a tremendous defeat.

Mr. WILLIAMS of Illinois. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. WILLIAMS of Illinois. The Capper-Tincher bill had not been introduced at the time of the Illinois primaries.

Mr. RAINEY. The gentleman is mistaken. The bill itself may not have made its appearance, but the principle of the bill was discussed on the hustings in Illinois, and Senator CAPPER's position was well understood by the Republican voters in Illinois. They were against further loans to farmers.

Mr. WEFALD. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. WEFALD. What does the gentleman think the result would have been in Illinois if the Tincher bill had been an issue out there?

Mr. RAINEY. The principle of the Tincher bill was an issue in Illinois, and the policies of President Coolidge were also issues in the Republican primary in Illinois. Senator MCKINLEY was an exceedingly popular man. His personal popularity overcame some of the bad effects of the Capper-Tincher bill, but if the Capper-Tincher bill had been the only issue and had not had the popularity of Senator MCKINLEY to offset some of its unpopularity, the defeat of this measure would have been more pronounced even that it was.

With a great deal of surprise I have listened to the debate, especially on the Republican side of this Chamber, and have heard Republicans denounce the $375,000,000 revolving fund—and it is a revolving fund and in a moment I will tell you why it is—as a subsidy, and they take their position against the bill on account of the fact that they say this is a subsidy.

I wonder how long it has been since they were so pronounced in their opposition to subsidies? Is it possible that they have forgotten the McKinley law, which went into effect in October, 1890, and which, as to sugar, went into effect in 1891? That law provided for a subsidy on sugar, a bounty of 2 cents a pound on all of the sugar produced in the State of Louisiana. Under that bounty and under that subsidy that law operated for three years. During that period of time in the State of Louisiana the Federal Government paid $45 per long ton on all the sugar produced in that State, and during those three

years that the bill was in operation the Federal Government paid as a subsidy to the sugar producers there over $11,000,000 a year. Yet they take the position now as being heroically opposed to this revolving fund, and I am going to call it a revolving fund, because that is exactly what it is. It revolves out of the Treasury, and it revolves back again into the Treasury because it restores the farmer's buying power. He struggles along now with an average income per year of $750, and this, if it does anything, will give him more than that, and if he gets more than that, it will increase his buying power, and if it increases his buying power, he can take his family to entertainments and pay the tax for taking them there.

A REVOLVING FUND

This is a revolving fund. A great part of it will find its way back into the Treasury—all of it may find its way back into the Treasury. So much of it as may be taken out will be so expended as to increase the earnings of farmers, and when you increase their earnings you increase their buying power. If you can establish equality for farmers with industry they will be able to buy more new automobiles and fewer secondhand automobiles, and whenever they buy new automobiles they will be contributing, in the sales tax they pay, something to the Treasury of the United States. They will be able to take their families to more entertainments and places of amusement, and whenever they pay admission fees over 75 cents they are paying taxes also back into the Treasury of the United States. When they buy more goods upon which tariff taxes are levied, more tariff taxes finds a way back into the Treasury of the United States. Therefore this money is not taken out of the Treasury never to return, as a great many have stated on this floor.

The year the gentleman from Kansas [Mr. TINCHER] came to Congress only 49 banks failed. Last year 542 banks failed, most of them in agricultural districts, with liabilities nine times greater than the liabilities were in 1920. In 1920 the total value of farm property in the United States was $80,000,000,000. Last year the total value of farm property was less than $60,000,000,000. The gentleman from Kansas has been in Congress long enough to see the earnings of transportation workers stabilized at $1,572 per year, and this was accomplished as the result of legislation. Since the gentleman from Kansas has come to Congress the wages of Government employees has been stabilized and increased by legislative enactment, for which he probably voted, until Government employees earn now an average of $1,650 per annum. When the gentleman from Kansas came to Congress the value of farm property in his State was one-half billion dollars more than it is now. Eight years ago 41 per cent of the population of Kansas lived on farms, now only 31 per cent of the population of Kansas live on farms. Eight years ago the farmers of Kansas received 29 per cent of the total current income of that State. To-day they only receive 16 per cent, and may I call attention in this connection to the fact that the average earnings per year of the farmers of Kansas are now only $730, and this is true also of other States, and this amount includes the fuel, food, and housing supplied by his farm and estimated at $630 per year.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SWANK. Mr. Chairman, I yield to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Chairman, Members of Congress understand that the work of this House—at least, the initial work—is done by its standing committees in conjunction with its Committee on Rules. The latter designates the time of debate, the length of time for discussion, the time of voting, and the day upon which discussion can be concluded.

It will not be disputed that standing committees and the Rules Committee may push legislation forward to final consideration or may throttle it and put it in the discard, to be killed and buried without even a decent funeral.

With more than 12,000 bills before the House, the average Member waits until a committee has completed its report before undertaking the special study of a problem that may never come before him for consideration and upon which he may never be called upon to vote.

Among other committees of the House is the Committee on Agriculture, which passes upon problems of agriculture and farming, and to which all farm measures are first referred.

It is composed of 21 members, and I for one have waited with some impatience for five years for that committee to agree upon a constructive program which might give aid and practical assistance to the sturdy men and women who till the soil of the fertile fields of the Mississippi, Missouri, and Ohio River Basins.

These farmers of the great Central West and South produce the wheat, the corn, the hogs, and the cattle that feed not only our Nation but part of the world, and the cotton and wool that covers our backs.

If the daily toil on their farms should cease for 90 days, the vast population of our country would starve.

If they did not furnish the raw materials for work in the factories, the factories would close.

If the great transportation systems of the country lost their freight and the tonnage were cut down, the wheels of the railroads, having 2,000,000 employees and $20,000,000,000 in invested capital, would be disastrously injured. A demand would be made for a reduction in wages and a curtailment of interest, depriving thousands of families from earning a livelihood.

Our merchant fleet, carrying the American flag over the seas of commerce, deprived of the product of agriculture, would lie idle at our ports.

The man who makes and sells shoes, the man who makes and sells hardware or clothing or manufactures of any kind, would lose 13,000,000 customers.

Only a slight reflection will cause the intelligent dweller in the big city to realize that the farmer can not be destroyed or crippled or injured without disaster coming ultimately to him.

The sheriff is now calling on the farmer with notice of foreclosure; the bankruptcy courts, for the first time in the history of our country, are controlling the bankrupt condition of farmers; rural banks are closing their doors; farms are being vacated; and the force that feeds the Nation is moving from the country to the city.

The sturdy, patriotic, hard-working farmer has been beset on every side. He buys in a highly protected market. He sells in a world market without protection.

Industry is organized, labor is organized, capital is organized, transportation is organized, all the vital factors of our economic life save one have their organizations and have been the beneficiaries of special national legislation.

The farmer alone has been left to struggle for himself.

For five years I have listened to his appeals, read the speeches in the RECORD, discussed reports, and waited with impatience for the Committee on Agriculture to act, knowing that until it did act, under the rules of the House, any individual action of a Member of the House would be futile.

After waiting for some five years, this committee has finally reported three bills, fundamentally different and conflicting

At the conclusion of months of continuous debate, after listening to the arguments on all sides and giving the subject extensive consideration, a divided committee has, for the first time, thrown into the House three great agricultural measures, and Members of the House, for the first time in its entire legislative history, are confronted with the unusual situation of committee disagreement and failure to act in the usual, ordinary process of legislation through a majority and minority report on one single measure.

Confronted with this uncertainty and division and thoroughly satisfied that something practical must be done, I have decided to accept the judgment of the leaders and representatives of the farmers of the Central West, who have been here for months, and shall vote for the bill upon which they have openly united.

AN EMERGENCY

Making due allowance for possible exaggeration, I am convinced that a real emergency exists in the affairs of the farmer.

There is a crisis. The threatened insolvency of the farmer should force action. The time has arrived when technicalities must be temporarily set aside in the interest of practical assistance.

Men may be divided as to whether the emergency was created by natural conditions or by artificial legislation, but there is no disagreement on the fact that the emergency does exist.

For months representatives of the great Central West—earnest, sincere men—have been conferring. They have been willing to compromise; they have been willing to enter into practical agreement that might bring relief; they have finally evolved and presented a measure which, they claim, will work.

I know personally something of the farmer's trouble. Raised in a small town, more or less intimate with the farm, having served on the agricultural committee of my State legislature, and having been active in the development of the public-road problem as it affects the farmer, moving in groups that favor conservation of the "big outdoors," traveling through my State and conversing not only with the farmer but with the local merchant and the small banker, I am personally satisfied that the lamentable condition of the farmer has not been exaggerated. It is so bad that it is hardly possible to exaggerate it.

There are actually 13,500,000 farmers, including farm laborers, on the producing fields of our Nation, or about one-fourth

of the gainfully employed population of our country. This 13,500,000 estimated farm population, the Department of Agriculture estimates, declined by 479,000 in 1925. The farm exodus, including farm laborers, in 1925 totaled 900,000, but an offset in population loss is credited to an excess of 400,000 births over deaths during the year. One editor aptly remarks, however, it is to be hoped that farm relief may come before these infant farmers are old enough to take to the plow.

This exodus is not normal; it is unnatural. It began to grow shortly after the war.

When the gross income of agriculture dropped from $15,800,000,000 in 1919 to $9,500,000,000 in 1920, the movement from the farm took impetus, and it has not been checked.

Not since 1919 has the farmer been able to meet his debts.

Conditions are such as to be reflected in acreage, and it is estimated there are approximately 6,000,000 fewer acres of farm land in production to-day than in 1919.

This depression was not created merely by what are called "lean years"; it was largely created by postwar financial readjustment, principally because the farmer, unprotected by the same economic laws and conditions as industry found himself caught in an ebbing tide and unable to handle the readjustment.

Commercial industry, guarded by laws and organization, credits, and banking resources, has been able to adjust itself.

The farmer has not been able to do so. His loans were predicated on high land values. When these loans were called he could not refinance.

The readjustment of prices which industry through its bank credits was able to conduct in orderly fashion created a panic for the farmer. His was a world condition.

Industry alone faced a domestic market protected by a tariff wall. The tariff gave no protection to the farmer. He was advised that conditions would improve. He borrowed money to pay his interest and reborrowed to meet new interest payments.

Statistics of four agricultural States picked at random show that in 1919 there were but 111 bankrupt farmers, while in the same States in 1924 almost 2,000 farmers filed voluntary petitions in bankruptcy; and in 1925, 1,810 found their way to the courts of insolvency.

The following report of the Comptroller of the Currency on bank failures from 1916 to 1925, inclusive, speaks for itself:

	Total State and private institutions			National banks		
	Number	Assets	Liabilities	Number	Assets	Liabilities
1916	41	$10,512,000	$16,010,000	13	$3,868,000	$5,020,000
1917	35	6,752,000	11,300,000	7	6,895,000	5,282,000
1918	25	9,195,000	10,258,000	2	2,300,000	2,359,000
1919	42		9,611,000	1	535,000	496,000
1920	44		18,955,000	5	2,739,000	1,930,000
1921	330		96,124,000	28	18,806,000	17,301,000
1922	364		95,933,000	33	21,679,000	20,287,000
1923	237		64,550,000	37	21,602,000	20,076,000
1924	777		223,188	138	84,974,000	74,743,000
1925	440		119,728,000	102		58,315,000

Recently there was read to this House a most interesting table that has a direct bearing upon this situation. It represents the purchasing power of the farmer's dollar as compared with other dollars.

This table was originally prepared by the Joint Committee on Agriculture on index numbers running from 1890 to 1920. Former Secretary of Agriculture Wallace brought the table up to 1922, and the present Secretary of Agriculture furnished the figures, based on the same index numbers, for 1923, 1924, and 1925.

This table follows:

The purchasing power of the farmer's dollar since 1890

(Includes food and farm products with all other products)

	Cents		Cents
1890	83	1908	93
1891	89	1909	100
1892	87	1910	96
1893	87	1911	97
1894	85	1912	101
1895	85	1913	100
1896	81	1914	105
1897	86	1915	103
1898	88	1916	97
1899	83	1917	107
1900	86	1918	112
1901	92	1919	112
1902	95	1920	96
1903	88	1921	84
1904	93	1922	89
1905	90	1923	61.3
1906	88	1924	62.4
1907	90	1925	60.3

THE SITUATION IN MISSOURI

I am particularly interested in this legislation because my own State, Missouri, is vitally concerned.

The Missouri farmer is calling on us for assistance. He not only demands the right to make his dollar worth what it is to the New England industrialist, but he wants to sell in a protected market if he has to buy there. He is entitled to that protection.

Forgetting, for the purpose of this discussion, the vast mineral resources of Missouri, and, of course, her many millions of dollars in industrial developments, and confining discussion strictly to the farm, no State in the Union boasts a wider range of productivity, a greater fertility of soil, a larger group of natural advantages and water power or greater diversity of farm interests than Missouri. Nor need Missouri be any less boastful of her place among the States in the total of her products of all kinds.

And yet the latest figures of the Department of Commerce show that there are 260,478 farms in Missouri, compared with 263,004 in 1920; that of these farms there are 174,385 owners and 86,093 tenants and managers, compared with 185,030 owners and 77,900 tenants and managers in 1920.

On January 1, 1926, the total farm acreage in Missouri was 32,637,043, compared with 34,774,679 in 1920, a decrease of more than 2,000,000 acres in six years. The average acreage per farm decreased similarly from 132 acres in 1920 to 125.3 acres in 1926.

Missouri's farm lands and buildings, valued in 1920 at $3,063,967,700, are valued as of January 1, 1926, at $2,013,565,747, a decrease in valuation of more than $1,000,000,000 in six years.

Of this $1,000,000,000 decrease, slightly less than $28,000,000 is charged by the Department of Commerce to decrease in building valuations, leaving the total $1,000,000,000 decrease practically confined to land.

The growth of the cotton industry in Missouri should not be overlooked by a student of agricultural economics, because, although cotton-crop acreage has increased, total crop land has decreased. In 1895 there were only 47,772 acres of cotton picked in the entire State, producing 11,816 bales of 500 gross pounds weight.

After the great reclamation work of southeast Missouri, when miles of former swamp land was turned into fertile farm soil at a cost of $17,000,000, the growth increased.

In 1918 there were 148,000 acres of cotton picked, producing 62,000 bales.

By 1923, 350,000 acres of cotton were picked in Missouri, producing 126,280 bales.

In three counties in Missouri—Dunklin, New Madrid, and Pemiscot—more than 130,000 acres of cotton were picked in 1923, producing more than 75,000 bales.

Horses valued in 1920 at $77,916,000 in Missouri are now valued at some $35,000,000 less.

Swine valued in 1920 at $64,168,000 are now listed at $37,910,000, or some $26,258,000 less, although the number of hogs increased in the same period by 574,000.

Corn, which in 1919 was produced on 5,567,079 acres in Missouri, is being produced on about 100,000 acres less in the latest department figures, and the crop fell from 146,300,000 bushels in 1919 to 128,761,000 bushels in 1924.

Figures of certain other products are:

		1924	1919
Oats	acres	1,195,453	1,707,000
	bushels	24,203,271	40,493,700
Wheat	acres	1,441,000	4,564,980
	bushels	19,174,888	65,210,000
Tobacco	pounds	3,925,833	4,057,753

During 1924, 55,000 men left Missouri farms and only 32,000 moved in, according to the annual report of the Missouri Board of Agriculture. The survey of the State sets the total "vacant farm houses" at 28,500, but this is probably high and includes some discarded houses not originally used for dwellings.

Of the 32,000 men who moved on the farms 23,000 were married men and 9,000 single. Of the 55,000 who moved out of the farm area 32,000 were married and 23,000 single.

The net loss of hired farm workers, according to the State agricultural board, was 23,000 men in 1924.

The report further shows that the regularly employed men on Missouri farms is approximately 26,000, or only 66 per cent of the former normal employment of 39,000 men, not including harvest transients.

The Missouri farmer has eliminated one-third of his help and is, presumably, shouldering the added labor on himself and family for economy.

Nor is the picture presented bettered by other pertinent facts. In Missouri in 1910 the total mortgage debt on farm lands was $112,000,000 approximately. In 1920 it had increased to $216,000,000. And while figures are not available with any detailed accuracy for the later years, the following statement from the Agricultural Yearbook of the United States Department of Agriculture for 1924 is significant:

> Total farm-mortgage indebtedness in the United States has greatly increased since 1920. * * * Most of it * * * has unquestionably been assumed to refund short-time loans to pay interest, taxes, and current expenses.

There is much which might be done by the individual States in helping the farmer in his present plight.

In my own State, for instance, the situation is described by the St. Louis Star, as follows:

MISSOURI'S ABANDONED FARMS

> Year by year the desertion of farms in Missouri by their owners goes on without any intelligent effort by the State government either to investigate the cause or to remedy it. Yet depopulation of the agricultural districts means depopulation of the State and loss of wealth, because many of those who abandon farming do not migrate to Missouri cities, but remove to other commonwealths. The growth of the cities scarcely more than offsets the decrease in rural population.
>
> According to a report just issued by the State agricultural board, based on United States census figures, the number of farms in the State declined from 185,030 in 1920 to 174,385 in 1925, a decrease of more than 10,000 in five years. Empty farm houses, windowless and standing in jungles of weeds and brush, dot Missouri hills and are scattered over much of what once was regarded as arable land. The number of other farms operated by tenants and not by owners reached 32.6 per cent last year.
>
> Missouri's farmers will continue to desert the fields and hills until the State points the way to a better use of much of Missouri's land. The State agricultural college, reinforced by the State board of agriculture, is doing good work, but something more is needed. Thousands of square miles of hill country, under intelligent State direction, ought to be raising merchantable timber, fruit, or other crops, instead of their present scrub oak and persimmon trees. Much of this land, according to experts, will raise nothing but hardwood timber. Other land is good for fruit and nothing else. It can be made, experts say, to raise these crops profitably.
>
> The abandoned homes ought to be filled with a happy and prosperous population. Dairy farming and fruit growing should be developed under State direction, instead of being left to the help of industrial departments of a few enterprising railroads. When the Missouri State government takes up these problems scientifically and thoughtfully, as is being done elsewhere, Federal census figures will tell a different story.

In view of the fact that Missouri shared proportionately the increases and decreases of the previous 10 years with other agricultural States, it is reasonable to suppose that she has shared the "greatly increased" mortgage indebtedness of 1920 to 1924 and thereafter.

The Agriculture Department statement that a portion at least of this new indebtedness has gone for "current expenses" tells a story in itself. "Current expenses" might well be changed in this report to "living expenses," and be a more honest statement of fact.

The figures on taxation for the last few years are not available in detail for comparison purposes, but it is interesting to note also in the 1924 Yearbook of the Department of Agriculture the following:

> Tax delinquency has increased. This is especially significant because farmers do not willingly delay tax payments, but when possible borrow money to meet them. In some western areas local taxes have been delinquent for several years. * * * In most of the important farming regions of the country taxes on farm lands have gone up two to six times as rapidly as the value of the land. Taxes in the last few years have consumed from 10 to 50 per cent of the net farm income in large sections of the country. Tax burdens have been particularly heavy in the North and the West.

I have confined myself to basic figures and statements that have to do with farming in general and not a particular class of agricultural interests.

The Missouri farmer is threatened with complete financial paralysis.

In Missouri from 1918 to 1922 the largest number of bank failures in any one year was 11 and in one year there were only 2.

In 1922 there were 15. In 1923 there were 28. In 1924 the number jumped to 44, and in 1925 there were more than 35.

Since 1922 more than 100 banks have closed their doors in my own State, and the large majority of them by far were in cities and towns doing business with the farmers of the State and lying wholly in agricultural sections.

All these financial troubles came to the farmer during a period of transition. He was endeavoring to progress toward a higher standard of living. His mud roads were being transformed into modern highways. His wagons were giving place to automobiles, and trucks and tractors were taking the place of the horse-drawn plow and harrow.

The farmer can not be charged with profligacy in turning to the motor vehicle. He is entitled to the same modern conveniences of any other man. And from a strictly business standpoint he was forced to discard his horse for a motor vehicle. It was an essential change in his method of farm operation.

The farmer, trying to keep pace with modern conditions, had to refinance his operations on the farm, and now, in the new management of things, he is confronted with expenses which he should be able to balance from increased prices. But his prices have not increased, so that the efficiency he sought is not reflected in his income.

THE TARIFF TAX

We need not discuss here the tariff as an issue politically. Let us see only what is its effect on the farmer or whether he is affected by it.

To dispose of either an ignorant or willfully false claim that the present tariff act does not place a tax upon the things the farmer needs, let us follow the farmer through one day of labor.

His head resting on a 25 per cent tariff-taxed pillow slip, he awakens with the dawn, throws off a 25 per cent tariff-taxed blanket, and arises from a 60 per cent tariff-taxed wooden bed, raises a tariff-taxed window curtain, and lets in the only untariff-taxed thing so far—the sunlight. He pulls on tariff-taxed socks after discarding a tariff-taxed nightshirt, washes his face in untariff-taxed water in a "protected" earthen bowl, dries with a tariff-taxed towel, and sits down at a "protected" breakfast table that is covered with a "protected" cloth.

With tariff-taxed kitchen utensils "protected" as high as 50 per cent and in tariff-taxed aluminum pans Mrs. Farmer has prepared the usual morning meal. They drink coffee sweetened by tariff-taxed sugar and stirred by a tariff-taxed spoon. They cut their ham with a tariff-taxed knife and eat it with a tariff-taxed fork.

Mr. Farmer glances at a tariff-taxed clock, notes that it is 5 a. m., grabs up a 60 per cent "protected" straw hat, dashes out a tariff-taxed door, and starts his daily toil.

Mrs. Farmer later sits down at a tariff-taxed sewing machine to sew on tariff-taxed aprons and shirts with tariff-taxed needles and "protected" thread. Her fingers all through the day hardly touch an untariff-taxed article.

Meanwhile, outside, Mr. Farmer may use a 15 per cent pound tariff-taxed nail pounded by a "protected" hammer; he may be cutting with a 30 per cent "protected" sickle or digging with a 30 per cent tariff-taxed spade or shovel.

His heavier implements are made of "protected" steel. His chicken coops are built of tariff-taxed wire.

He bundles his products in a 15 per cent ad valorem tariff-taxed bag of hemp or flax, tied with a "protected" twine, loads them on a 1-ton truck that runs on 10 per cent tariff-taxed tires, drives over a $4 to $15 per ton tariff-taxed cement road to town, and sells the fruits of his labor and his soil in an untariff-taxed and unprotected market at a price fixed probably in Liverpool!

And yet we are told that the tariff works no hardship on the farmer as it is operated to-day. Because there is no direct tariff on farm implements, we are asked to believe that the farmer is "free," when, as a matter of fact, from the condiments on his tariff-taxed kitchen-cabinet shelf to the tariff-taxed button on his shirt, he is "tariffed" for nearly every article that enters his daily life.

Whatever may be the political view of this tariff, from an economic standpoint with relation to industry and labor, the fact is unmistakable that the tariff does affect the farmer on every article except that which he raises or labors to raise, because he must sell in a market where the tariff is of little or no utility.

It is manifest that what the farmer buys is bought at a price fixed by economic conditions in his own country and protected by a tariff, whereas what he sells is sold at a price fixed by world conditions over which he has no control.

AGRICULTURAL AND COMMERCIAL INDUSTRY

Agricultural and commercial industry are interdependent. The destruction of either would mean the paralysis of the other. What is harmful, fundamentally, to the one is ultimately ruinous to the other.

The man who makes shoes must sell them to the man who raises corn. If the man who raises corn is bankrupt, then that portion of the market is annihilated for the shoe man. The shoe man must curtail his production if he loses a portion of his market.

If the merchant who sells clothing or furniture, or kitchen utensils, or kodaks, or radios has to eliminate from his clientele the men who raise cotton, wheat, cattle, hogs, or fruit, he will be forced to curtail his production.

If the farmer, who feeds the Nation, is broke, the industries which sell to the farmer will be crippled.

The country merchant is his first contact with commercial industry. The country merchant has his contact with the local bank. And so the chain of contact goes on, from the farm to every branch of industrial or commercial life.

There is a community spirit between the manufacturer and the distributor, the wholesaler and the retailer, the industrial plant and the sales counter.

Rotarians, Kiwanians, chambers of commerce, commercial clubs, Lions' clubs, and similar organizations have bred the spirit of cooperation and concentrated effort in the urban population; but a real, close, intimate, sincere mutuality between city and farm does not now exist.

There was a time in our more contented periods of development when the farm had its peerage, the plantation its aristocracy, and rural America a monopoly on statesmen, leaders, creators of thought, and delightful social life. That was before the day of centralized urban power in finance and labor.

But the 110,000,000 Americans of to-day seem unfortunately to have parted ways. Thirteen millions of them work behind the plow in the wide open spaces, and the other millions are huddled together in the congestion of the cities and towns.

These seem to be entirely oblivious to the problems and conditions of the 13,000,000 farmers.

Part of the actual farm problem grows out of the conditions whereby great metropolitan centers of millions pursue their daily course of life under rules, regulations, laws, and dictations that have in them little or no consideration for the important situation at the crossroads.

The farmer knows what goes on in the city; he is familiar with every economic condition of the urbanite. He understands every law under which the city operates and is conversant with every condition actuating every move in the industrial world.

While he is not part of it, he feels every change, and, having time to study and read, there is nothing in the world which escapes his attention.

Contrasting this general knowledge on the part of the farmer of conditions in the city, the city dweller's usual conception of a farm is limited.

POLITICALLY NEGLECTED

The Republican Party has been in control of both legislative branches of Congress for eight years and in control of the executive for six years.

Upon this party must rest the responsibility of failure to give heed and aid to the farmer during that period.

Legislating for the East, they have discriminated against the great Central West.

Some political flourishes have been made to help transportation on our great Mississippi River. The Missouri has had speeches made about it and its prospects. That ended the consideration of the problems of the Central West.

The East, dominating the Republican Party, has its mind fixed on ships and factories, on trade and commerce, on finance and big business.

During these last six years Congress has legislated for almost every interest but that of the farmer.

Laws for industry, in the form of the highest tariff schedule ever passed, have been put upon our statute books. Enactments have been approved in the interests of organized labor, as was proper. Extensive pensions have been granted and regulatory laws passed for various groups at their request.

We have legislated for banks, railroads, industry, labor, veterans, coast-wide trade, export commerce, manufactures, and shipping corporations.

The one single bill which came before Congress in a definite way that was heralded as for the benefit of the farmer—the Muscle Shoals project, which we were told would reduce the cost of fertilizer for the farm—had no sooner made its appearance that it became a vehicle for political logrolling, trading, and skirmishing.

A great deal of this other legislation has been wisely enacted. It has been supported by the Representatives of the great Central West, by the Representatives of the farm, and there is no intention to criticize it.

I voted for much of it, and my only criticism is that at the same time I have had no opportunity to cast a vote directly in behalf of the farmer, nor has any Member of this House.

The great Grain Corporation, which functioned during the war, made a profit of $51,000,000. It has even been estimated as high as $70,000,000. This was the profit of the American farmer, but a profit which went into the Treasury of the United States, because it was claimed there was no equitable way to redistribute it to the farmer.

So to-day, in discussing relief for the farmer, we should at least give him credit for the more than $50,000,000 due him.

It has been stated that, in round numbers, farm-land values have shrunk almost $20,000,000,000 since the war.

The war-labor scale of wages has been retained.

Immigration, furnishing much of the farm labor, has been curtailed.

The farmer's dollar, as we have seen, has lost its purchasing power and does not compare with the dollar of the industrial worker.

Labor can organize, manufacturers can organize, but the very character of his business and the magnitude of the undertaking prevent the farmer from organizing for his own protection.

He can not, for one thing, organize against the forces of nature, which change without his control and against which he can not make provision.

He is forced to meet world competition in selling price and buys his labor and farm supplies in an organized, protected market.

CONCLUSION

The farmer can not organize by himself. The Government, as an economic necessity, should help him organize.

The farmer can not control or modify price levels fixed at the Liverpool market.

The farmer is in distress, but he pays the full price of the tariff given to industry.

The farmer pays his full share of the new standard set for wages of labor and the cost of transportation.

The farmer pays taxes to meet the new cost of waterways and improved highways.

His are tangible assets; his property can not be concealed or hid away; and he is unable to escape any taxation. He has no income from tax-exempt securities.

The farmer contends not only against the artificial conditions and laws created by man but against the uncertain conditions created by nature, with sunshine, rain, snow, frost, drought, hurricane, insects, and disease, all great factors in his economic life.

The farmer gambles with nature; gambles with a controlled market; gambles with transportation costs; gambles with an artificial dollar; gambles with foreign competition; gambles with everything from the seed when planted until its product goes to the market. He gambles through all the months between planting and the harvest delivery.

The farmer's life is one continual gamble—sometimes he wins, sometimes he loses.

The farmer has never won in a gamble with national legislation; he has always lost, because the cards have been stacked against him.

If the farmer must gamble—and his situation demands it—the machinery should be provided for fair play and a square deal.

With the national administration facing the emergency without a policy, with our own House divided in opinion, after hearing four days' debate and reading hundreds of pages of conflicting testimony, I have decided to vote for H. R. 11603 because, so far as I can ascertain, it represents the united opinion of farm organizations and their accredited representatives, because it is their proposed solution, and I want to give a trial to their own suggestion.

The farmer has voted for commerce, industry, transportation, and labor with generous patriotism, wherever and whenever these elements in our economic life have required assistance.

We should now, in the face of his emergency, at this time of his peril, let him have some voice in the control of legislation which he believes will put him back on the road to political equality and prosperity. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield now to the gentleman from Iowa [Mr. ROBINSON].

Mr. ROBINSON of Iowa. Mr. Chairman and members of the committee, we are trying to find a way for a return of prosperity to agriculture, with considerable confusion both as to the direction and the road. I am supporting the Haugen bill because I believe that it, better than any other proposed legis-

lation, points the way. I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ROBINSON of Iowa. Mr. Chairman and members of the committee, we are trying to find a way for the return of prosperity to agriculture, with some confusion as to the direction. Billy Sunday, the famous evangelist, left his hotel in a city where he was about to open services to post a letter. He inquired the direction of a newspaper boy. "You go one block to your left and two blocks to your right, and you'll see it," said the little fellow. "Thanks, sonny, you're a bright young man," said Billy. "Do you know where they have built the new tabernacle?" naming the streets. "Yes," replied the boy. "Well, come there and I'll show you the way to heaven," was Mr. Sunday's rejoinder. "Shucks," said the newsie, "you didn't even know the way to the post office."

The temptation to a man standing before an audience is to say things strongly that he may impress his hearers with his own earnestness and with the truth of the things he says, and the need for their utterance.

Our great business of agriculture is in trouble and when we tell about our troubles we often get enthusiastic and tell them strongly, but it is not my purpose to enter into too much detail regarding our troubles, for the discussion of the past few days has clearly demonstrated that there is an agricultural problem so definite and so certain that we all concede it and inquire not as to its existence, but as to the remedy and cure. We are indebted to our colleague from New York [Mr. JACOBSTEIN] for a very clear and concise showing by means of charts and helpful explanation that must convince anyone of open mind that this national agricultural problem does exist in such acute form that it deserves and even demands our very best thought and attention.

I come from Iowa, the very center of the best agricultural district in America, and, so far as I know, in the world. Iowa, that ranks first in pretty much everything, and yet the farming business in Iowa is in a very unsatisfactory condition; and because it does not prosper our banks, our factories, our stores, our business and professional men do not prosper. All else in a business way is affected adversely. What is the trouble? It is a long story and I shall not here take time to repeat it more than to say it was started by the war inflation, overuse of our credit, boom in land prices, raising of a tremendous crop at the peak of expense, followed by an unwarranted and too rapid deflation before the crop could be marketed without a corresponding deflation in the price of products we buy and a continuation of the deflation and disparity of price values and purchasing ability. True it is that other lines of business and industry were deflated and suffered, although perhaps not to the extent of agriculture, but with this great difference; business and manufacture took their deflation and it was severe, but they soon adjusted themselves to the new conditions. They controlled their production and thereby, to a large extent, controlled and stabilized the price of their products, and soon they were once more doing business at a profit; but agriculture, from its very nature and because of the expansion brought about by the war, which was largely at the request of our Government, could not control its production. The war had ruined the world market. The world needed our surplus agricultural products but could not buy and pay for them at a price at which we could produce them, the result being that the low world price paid for our surplus products largely fixed and made the price paid for them at home; and so we have continued year after year to sell our farm products, with some few exceptions—in case of a crop shortage at home or abroad—at less than they cost us to produce, with the natural result—inability to pay our debts, severe decrease in the price of our farm land, banking institutions forced to take real estate in payment for obligations, inability to dispose of it at a fair price; consequently, failure in some instances and general discouragement to all engaged in agriculture.

Agriculture is the most important industry in America. More people are engaged in it and more capital is employed in it than in any other industry. The world could, if necessary, get along without many of the comforts, luxuries, and pleasures which we now have and enjoy. It is possible to think of a world without electricity, without steam power, without telephone, telegraph, or radio—even without gasoline, although this would be hard to endure—but we can not think of a living world without agricultural products. Continued prosperity in any line of business or profession in this country is to quite an extent dependent upon the success of agriculture, for if agriculture does not prosper to a reasonable extent, ultimately all other lines of production, employment, and business will be adversely affected. Therefore, it becomes the more important that agriculture be given a fair chance for success.

We have two standards of living in this world. The American standard and the world standard. The American standard is higher than the world standard, and please God may it always remain so until the world standard advances to the American standard and ideal of living. We must not lower the American standard. We have at least two sets of prices in this world; the American price and the world price. It seems very clear to me that the world price, that is the exportable price, the price we receive for our surplus, should not necessarily determine the home or domestic price. We do not permit world prices to control American prices on other things. I can see no more reason for the American farmer selling his products on the American market at the foreign price than there is for the American manufacturer selling his products on the American market at the foreign price or for the American wage earner selling his services on the American market at the foreign price, and I am strongly opposed to this in both instances. Nor should the prosperity of agriculture depend upon a short crop either at home or abroad which compels a satisfactory world price.

The home price should be determined by the cost of production, plus a reasonable profit, just as is done in the case of manufacture, and, generally speaking, the law of supply and demand will do this provided we can have a system of orderly marketing and the surplus, if any, removed from competition with the home market. This is just what we are doing for the wage earner and for manufacture under our labor and immigration laws and the protective tariff. These laws are for the express purpose of giving our home labor and our home manufacture an advantage in the home market a preferential market. We recognize this and believe in it, for the American home market is the best market in all the world. The American consumer—the American wage earner—is the best paid labor in the world, and consequently the best able to buy, and so makes the best home market in the world. We now ask that the home market be just as favorable for the farm as it is for the factory and for labor. We approve of the latter and we insist on the former as simply fair, equal, and right. Has agriculture had this same protection? Only in part, because while our tariff law protects us against imports, it can not protect us to the full extent and becomes almost inoperative when we have a surplus that must be marketed abroad unless we have some method of retaining our preferential home market at the same standard, and this is just what we are proposing to bring about by the Haugen bill, which I am supporting. Under our present tariff law the world can not ship agricultural products to America without paying something for the privilege of our market, just as is true of many of the products of the foreign factory.

If we produced no surplus products from our farms, if the home market needed and used our entire production, it would be very easy under our protective-tariff system to give agriculture the same proportionate protection we give to manufacture, to labor; but we do normally in the average normal year have large surpluses of various farm products that must be sold on the world market, and here at once we come into competition with cheap foreign land, with cheap foreign labor, with cheaper world standard of living and all prices, and immediately our home market is influenced thereby and reduced to approximately what the world will pay us for our surplus, and we lose the benefit of our home market, our preferred preferential market, which we have provided for labor and for factory. The purchasing power of our farm products is reduced and is out of proportion to the price we must pay for the products we buy. We are selling on a low unprotected market; we are buying on a high protected market, and naturally we are on the road to business trouble and failure. The value of anything is comparative. In the main it matters not much what the price is; the real consideration is how much of what I need and must have will what I have to sell buy for me. How much will what I produce secure for me of the things I need and desire. This makes necessary that prices of all general commodities, of labor, and of agricultural products shall have a general fair relation to each other. That all shall have a protected market or none.

I do not wish to weary you with a repetition of figures; it has been very clearly shown by authentic statistics given in the course of this discussion, and I think it is conceded by all, that the purchasing power of the products of agriculture now range from 10 to 15 per cent below their correct standard on the average and with some farm products much lower in purchasing value than this.

What is it that we are proposing in the Haugen bill, which is the bill I am urging you to enact into law? Standardization of the price of agricultural products on a proper ratio to the price of other products. That is all. And how shall this be brought about? By setting up the machinery to handle crop surpluses so that a low depressed world market shall not necessarily mean a low depressed home market, and after a period of only two years during which time we may get an effective organization under way to do this entirely at our own expense, to charge directly to the commodity affected and benefited, the cost of the operation by an equalization fee directed to that particular commodity. What could be fairer? I am not saying to you that the Haugen bill suits me in every particular. I am saying that I believe it is the only bill before us that at all meets the present emergency; and if in its operation we shall find that it can be improved upon—and of what law of importance and general application has this not been true—succeeding Congresses will be here to amend, to correct, and to improve it. I will not for lack of time, and also because it has already been done, attempt to analyze or go into the details of the Haugen bill. I think there is a very general understanding of it. There are many good things in the Haugen bill. It is to my way of thinking so eminently fair. May I mention two outstanding qualities, both relating to the equalization fee?

First. Charging directly to the commodity benefited the cost of such benefit; that is to say, the commodity benefited pays its own bill. At the time it is first placed on the public market a deduction is made for the estimated cost of securing the better market; and if the charge made exceeds the cost, the balance is returned to the party from whom it was deducted when the operation period is completed. Could anything be fairer?

Second. Overproduction or increase of surplus is prevented by this very method, for all surplus in any commodity is a matter of expense to the producer of that commodity. His profit lies not in the surplus he produces but in the amount he produces that can be sold at a profit, consequently he has no incentive to overproduce, but every incentive to produce only a sufficient satisfactory amount that the home market and the world market will absorb at a price that makes his production profitable.

The gentleman from Kansas [Mr. TINCHER], for whose ability I have a very high regard, referred to the equalization fee as a tax on production and gave a very striking and beautiful illustration of his thought, by his reference to his visit to Jamaica, and its tax on production. It does not seem to me that the cases are parallel. As I view it, the equalization fee is not a tax. It is an expense of conducting the business. A contribution on the part of the producer of an agricultural product to the expense of marketing his product, and is only paid if he markets his product on the public market, and it is for the express and sole purpose of securing for him a better price for his product than he could otherwise receive, and so to me it seems like a contribution to his own personal business expense and not a tax.

Some things have been said regarding certain changes made by the committee in the provisions of the original Haugen bill, and the statement has been made that these changes were for the purpose of getting more votes or support for the bill. Undoubtedly it was done and for that purpose. Well, what of it? Surely nothing wrong. It is not a matter of moral principle; it is simply a matter of business procedure, and who shall say at this time in advance of experience with the law which is best, the bill as originally drawn or the bill as it now is?

I know which I prefer, and that is the bill before it was changed, the bill without the so-called subsidy provision and with the equalization fee working from the beginning. But did you ever know of a business transaction involving large and divergent interests in which the completed transaction was not the result of change in the original proposal; of compromise; of give and take; a partial change of views on the part of all parties to the transaction; and while I say freely, if I had my way some things in this bill would be different, I know that I can not have my way entirely. It may even prove that some other way is better, although I would like to risk my own. But I must consider other minds, other interests, other sections of the country, their thought and viewpoint, well knowing that if this proposed law, the Haugen bill, shall prove unsatisfactory, succeeding Congresses will be here to correct, to improve, to amend it as experience shall show to be wise.

It is said that the principal change—that of deferring the equalization fee for two years and providing for a revolving fund of $375,000,000 in its place, which is limited to the first two years—is in the nature of a subsidy and I think it is, but even if so it is a limited subsidy for a very limited time. I have consistently opposed subsidies by our Government, and I wish there were nothing in the nature of a subsidy in this bill, but there is and it has seemed best to those in charge of its formation in order to meet the wishes of certain divisions of agriculture whose market conditions are somewhat different than others to include this revolving fund or temporary subsidy for a period of two years.

Surely this can fairly be said: That to a greater or lesser extent subsidy has entered into many of our governmental dealings during the war and the reconstruction period. Do you know of any industry in our country that was as severely dealt with by the deflation and construction period brought about by our Government as was agriculture, in which production and inflation was first desired and secured by our Government and then abandoned without notice, help, or mercy? I think it can be clearly shown that the Government owes to agriculture if not a subsidy substantial assistance in overcoming the difficulties and problems which the Government had no small part in bringing about, and so I believe anyone can be entirely consistent in their general attitude of opposition to subsidies and yet support this revolving-fund plan as simply helping right a business wrong done at the close of a great emergency.

We are a great Nation, great in so many respects—great in our moral outlook; great in our altruism; great in our desire to assist others, especially those less fortunate than are we; great in our treatment of weaker nations; great in our desire to be and do right. We are also great in our vast size geographically, in our miles of territory, in our varied and divergent interests which this naturally causes; and right here we come to the condition that sometimes rightly and necessarily causes us to change our viewpoint, to give as well as to take, to modify our views and desires to meet those of others. It is only the folly of controversy that would set country against city, wage earner against capital, producer against consumer, and it should not be done. Rightly understood, the welfare of each is dependent upon that of the other. Advance and forward movement of every kind is dependent upon labor.

Without competent labor this country would be a wilderness instead of a place of happiness, and I hope always to see labor receiving its fair share of the good things of this world, which means labor well paid, as it now is in this wonderful country of ours. We need the business man—the banker, the merchant, the manufacturer. We need their genius and organizing ability. Much that we now have we would not have, much that we desire would be unobtainable, were it not for them. We need the professional man—the lawyer, the doctor, the educator, the minister—but we need the farmer most of all. The world can not live without his products. We are an interdependent people. We must not forget our need of each other. We must not become sectional. We must help each other and by so doing help ourselves. I love to think of America as one great family—Uncle Sam's family. The children are not all exactly alike. We see things from our individual viewpoint. We are interested in different affairs. We are engaged in various occupations, but we are one family, children of Uncle Sam—agriculture, business, commerce, labor, manufacture, profession—all children of Uncle Sam, under the same obligations, entitled to the same rights, to eat at the same table, to live in the same house, to the same fatherly protection of Uncle Sam, to the same preferential home market, with prices based on the same standards. Has agriculture had this? Only in part—and why? Because of that thing we call surplus, the part we produce more than is needed at home. Surplus—once a good term, now in disfavor! A nation's safety lies in its surplus. America has never known hunger or famine, but the world has; and it is a fearful thing. Our national food surplus makes for safety and should be encouraged to a reasonable extent. But the surplus should be cared for, and not permitted to destroy the industry that protects it; and we have found in our experience that a surplus of farm food products means depressed prices, hard times, and disaster to agriculture. We have found that a short crop may bring a larger return to the producer than a full crop. This should not be so. What is as important in a business way to a nation as its food supply? Why is it not very properly a function of the Government to protect itself in this regard? How can this be better done than by legislation that will at least give the food producer an equal chance with other producers and industries? We ask nothing more.

American labor, American industries are protected in the possession of the American home market for their products by our present laws. Extend this same degree of protection to agriculture. We ask nothing more. We believe in a preferential home market, a home market better than is afforded any-

where else in the world. We prove this by our treatment of manufacture, to which we have wisely given the large advantage of a protective tariff law. We prove this by our treatment of labor, to which we have given the most regular and steady employment at wages much better and higher than is afforded anywhere else in all the world by our labor, tariff, and immigration laws. We are proud of our record along these lines. What have we done for agriculture? We have attempted to give it somewhat the same protection by our tariff laws, but the surplus and the low world market combined have made this to a large extent inoperative.

We come now asking only one thing—that you make it operative; that you do in fact give us the protection you intended giving us under the tariff law now a part of the law of our nation. It is not class legislation; it is for the good of all. If there were now no tariff on the products of the factory, no labor or immigration laws, do you think we would have any trouble in passing this farm legislation for the farmer? Not a particle. Manufacturer, wage earner, and farmer would combine for their mutual interests, and legislation for all these members of Uncle Sam's family would undoubtedly be made into law. Should the fact that the farmer has acquiesced in this helpful legislation for his brothers now militate against him when he asks for help similar and like unto what he has assisted others in getting? Indeed it should not. Manufacturer and wage earner, consumer, should now welcome agriculture into the protected condition they enjoy and give to agriculture the same preferential or preferred home market they so much enjoy to the mutual benefit of all.

Do you realize what it may mean if the present unsatisfactory distressing condition of agriculture continues; what it may mean if the unrest, the dissatisfaction, the movement from the farm, the belief that agriculture is being unfairly treated and discriminated against; the further belief that the East and the great business interests are unwilling to give the farmer the same benefits of the tariff on his product which they claim and secure for themselves? What it may mean if it becomes the belief on the part of a great section of our country that they can not secure equal opportunity and justice and that only one course of action will produce results, that being that manufacturer, wage earner, producer, and consumer shall all go on the same basis as agriculture of disposing of their products on the home market, free from all benefit of tariff and other advantages with which our laws now surround them? I do not believe in this. I do not want to see this. Its possibility is worthy of your consideration.

Do you realize, on the other hand, what a contented, happy, profitable condition in agriculture would mean to this country? How every industry would be favorably affected, how the demand for products of labor and the factory would increase, how it would be to the advantage of every American citizen, business man, profession, and wage earner, how once again farm lands, the basis of all our national wealth, would again be in demand and ready sale.

I come from a family that love the soil. Ownership of it has always been a matter of pride. Improvement of it a real joy. I want to see the ownership of land desired and sought for, the operation of a farm regarded as equal in standing and opportunity to any business or profession, both as to chance for profit and its future. I wish everybody loved and owned a farm. The ownership of land promotes good citizenship, love of country and obedience to its laws.

The passage of the Haugen bill will help bring this about.

Mr. JONES. Mr. Chairman, I ask unanimous consent to have inserted in the RECORD at this point certain amendments which I propose to offer to the bill under consideration.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to insert at this point in the RECORD certain amendments which he proposes to offer to the bill under consideration. Is there objection?

There was no objection.

The amendments referred to are as follows:

Amendment offered by Mr. JONES: Page 9, line 23, strike out the word "cattle," and page 10, line 11, strike out the word "cattle."

Amendment offered by Mr. JONES: Page 10, line 4, after the word "finds" strike out the remainder of the paragraph and insert in lieu thereof the following: "That in the case of any or all of such basic agricultural commodities there is or may be during the ensuing year a surplus above the requirements for the orderly marketing of such commodity or commodities, and that a substantial number of cooperative associations or other organizations representing the producers thereof, are in favor of the commencement by the board of operations in such commodity or commodities, then the board shall declare its findings and commence operations in respect thereof. Such operations shall continue until terminated by the board."

Amendment offered by Mr. JONES: Page 10, line 24, after the word "and" insert the following: "may in its discretion."

Amendment offered by Mr. JONES: Page 20, line 19, strike out the word "ginning" and insert the word "milling."

Amendment offered by Mr. JONES: Page 23, line 11, strike out all of section 18.

RECESS

The CHAIRMAN. Under the order of the House, the committee will now stand in recess until 8 o'clock p. m.

Accordingly (at 5 o'clock and 30 minutes p. m.) the committee stood in recess until 8 o'clock p. m.

EVENING SESSION

The recess having expired, the committee resumed its session.

Mr. TINCHER. Mr. Chairman, my understanding, and the understanding of the three gentlemen, is that regardless of the condition of time up to this time we will use one hour each between now and 11 o'clock.

The CHAIRMAN. That is the understanding of the gentlemen in regard to time.

Mr. TINCHER. Yes; that is the understanding, and I yield 10 minutes to the gentleman from Maine [Mr. HERSEY].

Mr. TINCHER. I yield 10 minutes to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Chairman and Members of the House, I would like to call your careful attention for a short time to the bill under consideration. Two years ago, standing in the same place, I discussed the McNary-Haugen bill presented by the same committee that has the floor to-night. The bill was on this same subject, and while it was a vicious and bad bill, in my opinion, it was much better than this. This bill is a bad imitation of the old McNary-Haugen bill. At that time I made a few remarks upon that bill entitled "Tell the farmers the truth."

But to-night I want to speak upon this bill under the subject "Do not try to fool the farmer." At that time I took my text from President Coolidge's first message to Congress, wherein he said:

> No complicated scheme of relief, no plan for Government fixing of prices, no resort to the Public Treasury will be of any permanent value in establishing agriculture. Simple and direct methods put into operation by the farmer himself are the only real sources for restoration.

To-night I take my text from the same great President, from his last annual message to Congress, as follows:

> The Government can not successfully insure prosperity or fix prices by legislative fiat. Every business has its risk and its times of depression. It is well known that in the long run there will be a more even prosperity and a more satisfactory range of prices under the natural working out of economic laws than when the Government undertakes the artificial support of markets and industries.

May I at the outset call your attention to some things which have happened in the past two years, since the first Haugen bill was defeated. Two years ago the farmers were in a very much worse condition than they are now, but the agitation for price fixing and Government subsidies and the attempt to put the Government of the United States into buying and selling products and into private business for the benefit of certain classes still goes on, and the same organizations and the same politicians that appeared two years ago in favor of the first Haugen bill are here to-day in defense of a worse bill than the former, if such a thing is possible.

The same old propaganda of socialism and price fixing, Government ownership, and so forth, has been sent to Members of Congress during the past few months as was sent two years ago.

CONDITION OF THE AMERICAN FARMERS TO-DAY

The Bureau of Agricultural Economics upon the agricultural outlook for 1926 in its report states the condition of agriculture in this country to-day as follows:

> During the last year agriculture as a whole has made further progress toward normal stability. Apparently the heavy net movement of population away from the farms has declined. Farmers have paid off a substantial amount of indebtedness. Increased sales of fertilizers, machinery, fencing, and building materials indicate that the farm productive plant is being restored.
>
> The gross income from agricultural production for the present 1925–26 season will about equal the $12,000,000,000 figure of the previous year. The indicated purchasing power of farm products in terms of nonagricultural commodities averaged 89 for the year 1925 (the five years immediately preceding the war being considered as 100). This

index has risen about 5 points per year since the low 1921 average of 69. During the last three months, however, it has stood at 87.

The trend of total crop acreage has been slightly downward in recent years, while population has been steadily increasing. The production of the principal crops has been at approximately the 1919 level during the last three years. Marketings of meat animals, on the other hand, declined materially during 1925 and represent the turn from the peak of the animal production cycle, reached in 1924.

In short, agricultural production has been so readjusted that the farming industry as a whole is now in the best general position since 1920.

The Chicago Tribune in a late issue states the condition of the farmers to-day from the standpoint of a western newspaper and says:

Farming has been undergoing a more rapid industrialization than in preceding years. The whole structure of the industry is being altered at a greater rate than manufacturing. Country life has been changing more than city life.

In all such periods of rapid change there are many who fail to keep pace, and their misfortunes, added to the general distress caused by the price slumps, have intensified the rural situation and delayed recovery. Even in the areas where price recoveries have been so marked, as in the wheat and cotton belts, the restored purchasing power of the farmer has been to a very great degree devoted to the purchase of capital goods in order to reequip the farm plant to meet the new day.

The farm outlay for automobiles has increased from $50,000,000 to over $1,000,000,000 per year since 1913. About half the outlay for automobiles is figured as a business expenditure, so that there has been an increase of $450,000,000 per year in this form of capital expenditure by the farmer.

As a result of the increased capital employed in the business and the increase of taxes the average fixed charges upon agriculture now amount to 17 per cent of the cash income of the business, against 10 per cent in pre-war days. Despite this enforced greater outlay for capital goods the purchasing capacity of the farmer for consumption goods is now practically equal to his pre-war ability to buy them.

The greatest living authority in America upon economic subjects, Roger W. Babson, in May, 1926, speaking of agriculture in the United States, says:

Since the war Europe has fast come back as a producer of both grains and commodities. As a result the demand for our food products has been greatly curtailed. Domestic wheat supplies are small, but there is plenty of wheat, taking the world as a whole. Moreover, the world's acreage is constantly being increased. We have an excess of corn in the United States. Corn in hogs is the most profitable in years, but the majority of farmers had previously sold most of their surplus hogs. Corn is now selling at about the five-year average price prior to the war. Considering the fact that farmers' costs are considerably higher than before the war, this is a serious matter. Rye, flaxseed, and other crops are in abundance. Hog prices are still high, but cattle prices are fairly low. Shrewd farmers can not now see higher prices immediately for any important farm products and fear even lower prices for some.

During the war the producing capacity of our plants in the United States and Canada was greatly increased above normal requirements. Hence immediately following the war there was a great decline in prices. This decline was checked with the Republican victory, which put heart into wholesale buyers of merchandise. Retail sales, however, have not come up to expectations. There has again developed among manufacturers and jobbers a hesitant attitude. Many leading industries are curtailing operations. Competition is becoming more severe every day. This competition is not only local, but Europe is becoming a real competitive factor, and each month is sending more and more manufactured goods into the United States and Canada.

FOREIGN COMPETITION HARMFUL

As to what Europe is doing is best expressed by the following estimated figures of our foreign trade during the first three months of 1926. (Computed in millions of dollars):

	Exports	Imports	Balance against us
January	397	417	20
February	353	388	35
March	375	445	70
Total	1,125	1,250	125

These figures are not important of themselves. We have so much gold on the American continent that we can well afford—even to our own well-being—to send more of it back to Europe in settlement of an unfavorable trade balance. The importance of these figures is largely in what they indicate, namely, that European manufacturers are constantly selling more and more in the United States and Canada and will soon become serious competitors.

Business failures suggest that competition, both local and foreign, is beginning to hurt. The death rate among new concerns which have never been through a business depression is now increasing very rapidly. The truly successful captain of industry is he who can weather a hard gale. Anyone can sail a business ship when the seas are calm. Moreover, when prices are rising it is merely like sailing with the wind. From now on some careful "tacking" will be necessary, even if there are no storms. Overhead must be cut, expenses reduced and competition must be met by working hard and attending to business. Outside things must be cut out. Hand-to-mouth buying will continue for some time to come.

THE GOOD OLD DAYS!

I am often asked if the "good old days"—when prices were low and everyone worked—will ever return. It was not so many years ago that we could get a square meal for 25 cents, could buy a suit of clothes for $15, could buy good shoes at $3 per pair, could get board and room for $7 a week, and when we paid only $1.50 for the first-row seats in the best theaters. Then milk was 5 cents a quart, cigarettes were 5 cents a package with a picture thrown in; street-car fares were 5 cents per ride and ice-cream sodas were 5 cents per drink, and we all went to the nickelodian or a 5-cent movie for our fun.

The doctor in those days charged only $1.50 per visit, the dentist pulled a tooth for a quarter, steak was 25 cents per pound, sugar sold at 25 pounds for a dollar, and the butchers used to give us liver for the dog! Of course, wages were then much lower and everybody worked. People then bought washboards instead of ouija boards and developed farms instead of golf courses and subdivisions. Will this time ever again return? Frankly, I do not know; but surely there has been a tendency in this direction during the past few months. Living expenses must come down or 40 per cent of our families will wind up in the bankruptcy courts. Whether this decline in living costs will come about through declining prices or through getting on with less gasoline, less new clothes, and less amusements, only the future can tell. Something, however, is sure to happen. We can't continue long at the present pace with wasting, loafing, and speculating so prevalent.

There is to-day no great emergency, as has been claimed by the proponents of this bill. The farmer is gradually working himself out of the mistakes he has made since the war. His errors were honestly made as follows:

During the late World War the Government under its war powers entered upon a system of price fixing for the products of the farm whereby the normal wheat acreage, for illustration, through this price fixing increased from 52,000,000 to 76,000,000 acres.

After the war there necessarily came an end of price fixing, especially on wheat. The demands of foreign nations upon us during the war for food products diminished when peace was declared until to-day these nations are able to care for themselves, and our export trade in food products has greatly diminished.

The increased production of farm products has still been going on since the war, and the natural result has been an overproduction everywhere, especially in wheat. The well-known rule has become a settled maxim of economics—that the surplus fixes the price of goods; and it has proven true since the war. Two years ago wheat was selling at 90 cents a bushel, much below the cost of production, admitted then as being due to overproduction. There being no foreign market, it was suggested by the first Haugen bill two years ago that the United States buy up for five years all the surplus wheat of the farmer and sell it in Europe for what we could get and the whole Nation bear the loss, because it was argued that this buying up of the surplus would fix the price of wheat at $1.50 per bushel during that five years. This vicious bill did not become a law, and it is everywhere agreed, except in certain sections of the wheat belt, so-called, in the West, that had this bill been enacted everybody to-day would be growing wheat in the United States and our Treasury would now be in a bankrupt condition.

I might illustrate the result of the surplus fixing the price by the situation in my home county to-day. For the last five years my home county, Aroostook, one of the largest potato-growing counties in the United States, has been growing potatoes in large quantities below the cost of production.

The farmers had devoted their whole attention to potato growing, and there being a large surplus in the Nation during that time this surplus fixed the price, and the price was well below the cost of production. To-day, due to a shortage, my farmers are getting a large price for potatoes, my home county having more than 39,000,000 bushels of potatoes last year, and

are now paying their debts and discharging the mortgages which were put on during these several lean years.

I hope they have learned the lesson not to devote their whole attention to one product of the farm, but to first grow on the farm their living and then if there is a surplus to dispose of it in the domestic market. There is no doubt but what certain Western States, called the Wheat and Corn Belt sections, have to-day an overproduction of wheat and corn, and the surplus having fixed the price no great profit has come to these farmers. They are here seeking legislation that will force the United States to take from its Treasury $375,000,000 to buy up this surplus and thereby raise the price of wheat and corn.

Two years ago the western farmers had plenty of hogs and corn. Pork was cheap and they disposed of their hogs. To-day they have plenty of corn, and it is cheap, but they have no hogs, and they are asking the Government of the United States to fix the price of corn, because they have only a few hogs to feed.

Everything has been really taken from this bill except wheat. The Salem (Oreg.) Capital Journal states very briefly and correctly the logical end of price fixing of wheat when it says:

What would be the effect of a Government fixed price on wheat? The first effect would be an enormous increase in the production of wheat, with a lessened demand, because of the higher cost of wheat, breadstuffs, and mill feed. The farmers could not sell, because of the immense surplus, and the little export business remaining would be destroyed, increasing our surplus. Most farmers would be compelled to sell for what they could get or keep their wheat, and they would be still worse off. Then would come the demand that the Government establish a wheat monopoly and purchase all the wheat grown, storing or dumping the surplus, or reducing the acreage. Then the Nation would reenact Brazil's experience with coffee control, with a resultant financial crash that would bankrupt everyone. Having guaranteed the farmer profitable prices, it will be next in order for the Government to use its surplus wheat in supplying people who can not afford to pay Government prices, and eventually to feed everybody, just as Rome did during the period of her decadence. Then the idle will clamor for amusement, as they did in Rome, and free baseball, prize fights, and circuses be supplied instead of gladiatorial contests and triumphant parades, and the candidate that promises the best show will get the biggest majority.

The Washington Post, a great morning paper in this city, in speaking of this attempt to buy up the surplus and thereby raise the price of farm products, especially wheat, states the result of such price fixing in a nutshell when it says:

If the Government should fix the price of wheat to accommodate the wheat farmer, it should fix the price of corn for the corn farmer, the price of hogs for the hog raiser, the price of cotton for the cotton planter, the price of potatoes for the Maine and Idaho potato farmers, and so on. Then, having insured the farmers against loss, it would be only a fair deal to insure the workingman against loss by fixing wages throughout the manufacturing and transportation industries. This in turn would require the fixing of prices for manufactured articles and transportation, if the individuals investing in those industries are to be treated as well as the farmers and workers. Finally, in the granting of preferential treatment, the Government would reach salaried men, doctors, lawyers, etc., and guarantee them against loss by fluctuations beyond their control. That is the square deal, and of course the United States Government will never give more or less than the square deal to all citizens. If anybody is to get preferential treatment, all must have it, so that nobody will retain it.

If the Government is to go into the private business of buying and selling the products of the farm for the benefit of farm owners and producers who have a surplus and furnish the money and bear the losses due to dumping in foreign countries, where is to be the limit of such legislation? Are not the manufacturers of boots, shoes, textile goods, machinery, and every other product except that of the farm entitled to have the United States furnish the necessary funds from time to time to buy up their surplus goods and sell them in foreign markets and bear the losses so as to raise the price of goods in the domestic markets of the United States?

THE EVIL OF THE SURPLUS

We have never yet as a nation entered upon the policy of negotiating loans that would take from the United States Treasury a gift or subsidy and hand it over to any class engaged in any kind of employment to save that class from losses entailed by overproduction. Are we to do it now?

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. HERSEY. I have but very little time.

Mr. KNUTSON. How did my friend vote on the ship subsidy bill?

Mr. HERSEY. I think I voted for it. I was in favor of upbuilding the American merchant marine.

Mr. KNUTSON. How about agriculture?

Mr. HERSEY. I am for American agriculture but not for a subsidy for agriculture. My friend from Minnesota ought to see the difference between a subsidy fostered by the American Government to carry on its own business such as shipbuilding or operating railroads in time of war or carrying the mails and a subsidy for the farmers, which is a subsidy for a certain class of producers for private business and not Government business. If the gentleman can not see any difference it would be useless for me to continue that part of this discussion any further.

THE FARMER AND THE TARIFF

Certain political demagogues attempting to deceive the farmer for their own selfish purposes and certain fake farm publications have put forth the delusive argument that the farmers' ills can all be traced to the protective tariff—that the farmer is compelled to buy in the protected market and to sell his products in a free-trade market.

I regret that certain politicians in the minority party, seeking vainly for a campaign issue further on, have been attacking the present tariff and claiming that it is responsible for the low price of farm products such as wheat and corn. The Democratic whip of the House, the gentleman from Arkansas [Mr. OLDFIELD] was the keynote speaker at the late Democratic State convention in my State held last month. In his speech before that convention, he said:

I tell you that business is not good except in spots. Here in Maine and in the rest of New England many of your textile mills and shoe factories have been running only part time, while, on the other hand, the agricultural industry is being destroyed.

The outstanding issue of our party is the tariff. We advocate a downward revision of the Fordney-McCumber rates to a point where we will have a competitive-revenue tariff. We insist that in doing this we will not only aid agriculture, but will help business conditions generally.

As I understand it, the wheat and corn farmers do not want the high tariff taken off from their products but they have been told, and many of them have been led to believe, that if the tariff is taken off from the products of the textile manufactures in New England and the South that the farmers would greatly profit thereby by lower prices for those things which they have to buy.

It will be remembered that during the past year many of the textile mills and manufacturers in the East have been obliged to shut down for long periods on account of overproduction, and to-day there are many strikes in these mills. The present protective tariff keeps these mills alive and running a portion of the time. If that tariff was removed these mills and factories must go out of business. There is no question about that. Men would be thrown out of employment, and with these industries paralyzed by free trade European countries would flood our markets with foreign goods that had been manufactured by their own workmen.

In other words, they would have a monopoly, and having a monopoly the logical result would follow that they would fix the price, and having no competition they would fix the price to the farmer much higher than the price to-day. Such has been the history of the past in matters of free trade and such will be the history of the future should we abolish the tariff and make this a free-trade Nation.

I here append a table showing a list of products of the farmer admitted free of duty under the Underwood (Democratic) tariff of 1913 and the rates of duty of like farm products under the Republican tariff act of 1922:

FOREIGN PRODUCTS OF THE FARM ADMITTED FREE OF DUTY BY THE UNDERWOOD TARIFF OF 1913	RATES OF DUTY ON THE SAME FOREIGN FARM PRODUCTS UNDER THE TARIFF ACT OF 1922
Bacon.	Bacon, 2 cents per pound.
Beef.	Beef, 3 cents per pound.
Buckwheat.	Buckwheat, ½ cent per pound.
Cattle.	Cattle, weighing less than 1,050 pounds each, 1½ cents per pound.
	Cattle, weighing 1,050 pounds each or more, 2 cents per pound.
Corn.	Corn, 15 cents per bushel.
Corn meal.	Corn meal, 30 cents per 100 pounds.
Cream.	Cream, 20 cents per gallon.
Eggs of poultry.	Eggs of poultry, 8 cents per dozen.
Flax and hemp.	Flax and hemp: Hackled, 2 cents per pound; not hackled, 1 cent per pound; noils, ¾ cent per pound; straw, $2 per ton.

FOREIGN PRODUCTS OF THE FARM ADMITTED FREE OF DUTY BY THE UNDERWOOD TARIFF OF 1913—CON.	RATES OF DUTY ON THE SAME FOREIGN FARM PRODUCTS UNDER THE TARIFF ACT OF 1922—CON.
	Tow, ¾ cent per pound.
Goats.	Goats, $2 per head.
Hams.	Hams, 2 cents per pound.
Lamb, fresh.	Lamb, fresh, 4 cents per pound.
Milk.	Milk, fresh, 2½ cents per gallon.
Mutton.	Mutton, fresh, 4 cents per pound.
Potatoes (white or Irish).	Potatoes, 50 cents per 100 pounds.
Rye.	Rye, 15 cents per bushel.
Seeds (grass).	Seeds (grass): Alfalfa, 4 cents per pound; alsike clover, 4 cents per pound; red clover, 4 cents per pound; timothy, 2 cents per pound; millet, 1 cent per pound.
Sheep.	Sheep, $2 per head.
Shoulders.	Shoulders, 2 cents per pound.
Swine.	Swine, ½ cent per pound.
Veal.	Veal, fresh, 3 cents per pound.
Wheat.	Wheat, 42 cents per bushel.
Wool.	Wool, 24 or 31 cents per pound, scoured basis.

The cry of the western farmer to-day is for a higher tariff to protect the farm from the foreign market, and an examination of this list will show that the farmer to-day does not want free trade applied to any of these articles.

Secretary Hoover, of the Department of Commerce, in a recent speech before the agricultural commission, appointed by the President, said:

As about 60 per cent of our commerce and industry revolves around the production of American farms, it is obvious that the welfare of our country is closely interlinked with the welfare of our agriculture. Every segment of our economic life is interdependent. The farmer is as much interested in the price of what he buys as he is in the price of what he sells. * * *

Our present margin of exports is considerably less than 10 per cent of our total agricultural products.

On the other hand, we are large importers of foodstuffs, a large majority of which we could ourselves produce, and by such production we would be converting the land now given to export production into domestic production, and thus in this way also tend to free ourselves from dependence on the export market.

It seems to me that there are one or two deductions that can be made.

The first is the American farmer will never be upon a stable basis so long as he is dependent on the one side on competition with cheap foreign labor and lower standards of living in the export market; that he will never be on a stable basis so long as he is competing with imported foodstuffs likewise produced under lower standards of living in the import market. That our drive must be for a balanced agriculture, tuned to the domestic market, increasing in its productivity as the consumptive demand of our country requires.

Second, that any proposal or plan which will result in further unbalance by stimulation any given commodity for export is necessarily a negation of this whole conception, and therefore means, in the long run, a lesser return to American agriculture and implies certain national dangers in dependence upon foreign food supply.

There are two very definite directions in which these policies can be supported and in large measure accomplished. The first is to maintain a tariff on agricultural products on such a basis as will stimulate domestic production, and, I may add, this may be done at no consequential charge upon the consumer in proportion to his gains from a national policy of this character. The application of tariff principles should provide for agriculture the same value in stimulating domestic production as has been the case in industry.

The second direction must be the development of increased domestic consumption of agricultural products per capita of population. This can only take place through development of a higher general buying power. In other words, a higher standard of living of the whole population. In turn this can only be brought about by the elimination of waste and increase in efficiency in our whole production and distribution system. There is room for 20 per cent or 30 per cent increase in our standards of living to-day. This embraces the development of cooperative marketing of agricultural products, but cooperative marketing by farmers is only one sector of the whole battle against waste and for increase in efficiency.

Let us look for a moment at a few of the things the farmer buys that are on the free list. The farmer buys agricultural implements, all of which are on the free list under the Republican tariff. Not only agricultural implements in whole or part, but all repair parts of agricultural implements are on the free list.

The farmer buys binding twine. All binding twine is on the free list under the Republican tariff.

The farmer buys fertilizer. All bones, bone dust, bone meal, bone ash, and animal carbon suitable only for fertilizer purposes; guano, ground or unground, manures, and all other substances used chiefly for fertilizers; potash, potash salts, and phosphates, all of which are used in fertilizers—all these are on the free list under the Republican tariff.

The farmer buys building material. Building brick, cement, stone, shingles, pickets, palings, hoops, staves of wood of all kinds, logs, and timber, either in the rough or hewn, sided, square, sawed, or planed on one side, sawed boards, planks, and other lumber used for building purposes are all on the free list under the Republican tariff.

The farmer uses leather gloves; he wears boots and shoes; he buys harness and saddles and leather fly nets. Gloves made wholly or in chief of leather, all leather used for harness or saddlery, leather for shoe uppers, shoe vamps, soles, leather shoelaces, boots, and shoes made wholly or in chief of leather, hides of cattle from which leather is made—all are admitted free under the Republican tariff.

The farmer uses whetstones and hones. They are admitted free under the Republican tariff.

The farmer uses horsepads. They are admitted under the Fordney-McCumber tariff. The farmer uses barbed wire in fencing and for other purposes. It is admitted free under the Republican tariff.

This free list eliminates a very large percentage of what the farmer buys. If prices of any of these articles have gone up it is not due to the tariff.

Coal, both hard and soft, slack, coke, and all compositions for fuel in which coal or coal dust is the principal material, are admitted free. Therefore, the tariff has not increased the farmer's fuel bill and is not responsible in any degree for the high price of coal.

Obviously, if wood and lumber are on the free list, any change in the cost of household furniture and other articles made of wood which the farmer buys can not be charged to the tariff.

After eliminating the farmer's building material, his agricultural implements, his barbed wire, his binding twine, his fuel, his fertilizer, his leather goods of all kinds, his household furniture, and whatever other commodities he purchases in which wood enters, what is there left to charge up against the Republican tariff?

To catch votes from the South this bill provides a subsidy of seventy-five millions to buy up the cotton surplus.

In the resolutions passed by the American Cotton Manufacturers' Association at its recent annual meeting in New Orleans that organization not only indorsed the policy of tariff protection, but also declared that it does not increase the cost of living. The resolutions follow:

Whereas tariff agitation constitutes one of the most disturbing influences in the dry-goods market, damaging alike to cotton producer, to mill employee, to manufacturer, to wholesaler, to retailer, and to consumer; and

Whereas importations have increased to the point of seriously interfering with the domestic production of many classes of finer goods in the depression which now exists in the textile industry; and

Whereas the hope of future increase of cotton manufacturing in the South must be along the lines of finer and more diversified products: Therefore be it

Resolved, That the American Cotton Manufacturers' Association reiterates its position that the tariff is an economic question and that it should not be treated as a political issue; and

Resolved further, That this association favors a tariff that will adequately protect agriculture, manufactures, and all other branches of industry in the United States; and

Resolved further, That attention of the President of the United States be called to the classes of goods in which importations are unduly increasing, with request that relief be given as soon as possible through the agency of the Treasury Department, the Tariff Commission, or legislation, as he may deem best; and

Resolved further, That in a highly competitive industry like the cotton manufacturing industry, the American Cotton Manufacturers' Association denies that in times of depression such as now exist tariff rates operate to increase the cost of living, for in many cases the manufacturers' selling prices are below the cost of production replacement; and the result of inadequate tariff rates is only to transfer the work to foreign mills, with corresponding loss of work to domestic industry and workers engaged therein, and with no corresponding benefit to anyone except the foreign producer and the importer.

I need not further pursue this matter, as it is very evident that much of this propaganda and the provisions of this bill are purely for political purposes and not to help the farmer.

You ask me what is the remedy, if any, for the losses that the farmer suffers from to-day? I answer that the American Fruit and Vegetable Shippers Association, before the Agricul-

tural Committee last February, stated the remedy in the following plain and simple language, that can be understood by all:

The greatest need now is to educate the farmers to the fact that raising more than can be consumed of any product is an economic waste. We believe when the farmer learns that he can secure larger returns by intensively cultivating 10 acres and producing a higher grade of commodity than by cultivating 20 acres in an indifferent way and securing a poor grade a long step will have been taken toward correcting some of the evils complained of.

The Government's connection with agriculture should end when it furnishes reports of acreage under cultivation, prospective production, market prices in trade centers, etc. When it takes upon itself the actual directing of distribution or sale of the commodities, either directly or indirectly, it approaches communism. If the Government attempts the marketing of wheat and cattle, why not attempt the marketing of cloth, shoes, or any other commodity? This country has been built up by its factories, mines, and merchants as well as by the farmers. Our governmental machine is so nicely balanced that each citizen is closely allied to every other citizen, and when you change the natural course of part of the organization you disorganize the whole and injure everyone in the country. You can not build up one class without taking from some other class. If left alone each class and section will work out its own problems without disturbing the whole. The law of supply and demand is as fixed as the law of gravitation, and is just as necessary. Disturb it and you will have chaos. It may be in a mild form, but it will be chaos just the same, and in the end we shall have to go back to natural laws or civilization will perish.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. ASWELL. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. RUTHERFORD].

The CHAIRMAN. The gentleman from Georgia is recognized for 15 minutes.

Mr. RUTHERFORD. Mr. Chairman, my time is so limited that I can not yield for a single question.

At the close of the Civil War the small remnant of Confederate soldiers returned to their respective localities to begin anew to rehabilitate their section.

When they reached their homes, maimed and almost exhausted, they found their currency worthless, farms depleted, factories destroyed, labor completely demoralized, and more than $2,000,000,000 worth of honestly acquired property confiscated.

The reconstruction legislature in one Southern State contracted indebtedness thirty-five times in excess of the public debt of that State in 1850.

From 1860 to 1890 the per capita wealth of the North more than doubled; whereas 6 of the 11 Southern States had not reached their 1860 average by 1900.

No proud and respected people ever faced a more difficult problem. Possessed with strong wills and undaunted courage, they responded to the requirements of the time and met the situation as best they could.

With practically no money and without the assistance of the other sections, they gathered together the remnant of livestock that had not been destroyed by the Union Army and undertook to plant and cultivate a crop in the spring and summer of 1865.

I have not mentioned these facts to revive past sectional differences, but to bring to your attention some of the difficulties that had to be met by my section of the country.

Growing out of what was termed the necessities of the time, our legislature passed a bill permitting a farmer to mortgage his growing crop to obtain advances to assist him in working and harvesting his crop.

As cotton required less skill to cultivate, and being the only safe and sure money crop, the supply merchant or banker insisted that the farmer asking for assistance should plant a definite number of acres of cotton, which was to be either delivered to the merchant and by him sold or delivered to a warehouse and sold and the proceeds applied on the mortgage.

Like all systems of this character, excessive rates were usually charged the debtor, which necessarily kept him in the clutches of the system.

Under a system like this it was practically impossible to urge and stimulate diversification of crops.

I have repeatedly seen our farmers buy what was needed on the farm during the spring at prices based upon cotton quoted at 10 cents per pound, but when they gathered their cotton and put in on the market in the fall of the year the price was from 2 to 5 cents per pound lower than when his indebtedness was contracted.

The cotton speculator knew that the farmers would have to sell the bulk of their cotton from the 1st of October to the 1st of December in order to pay their contract, the result of which almost invariably depressed the price.

In my opinion, it is almost impossible to maintain the price of any basic commodity where the bulk of it is forced on the market during two months of the year.

A story is told of an old negro who shipped his cotton to a factory in one of the cities of Georgia for safe-keeping. After a time he ordered his cotton sold. In the spring he applied to a supply merchant for assistance. The merchant knowing that the negro had shipped his cotton to the warehouse, naturally inquired of him what he had done with the proceeds of his previous crop. In reply to this question the old negro promptly answered, "De ducts got it."

While the southern man ordinarily understood negro phraseology, this was one time that he was not equal to the occasion, so he insisted that the old negro should explain what he meant by "de ducts got it."

The old negro, being equal to the emergency when he wanted credit, said:

When I hauls my cotton to de railroad, de railroad deduct; when it gits to de warehouse, de warehouse deduct; when I has it insholred, da deduct; when I goes to have it weighed, da deduct; when I takes it out of de warehouse, da deduct; and, boss, when I goes to sell my cotton, de ducts done got it all.

The explanation being satisfactory to the supply merchant, he could not resist assisting the negro, so his mortgage was prepared and the credit extended.

As a result of this iniquitous system and the wide fluctuation of the cotton market, the indebtedness of the farmers of the South necessarily grew.

About this time another class of lenders came into Georgia and began to make loans on farm lands. The lenders, knowing that the farmers were burdened with debts, offered to place loans on their farms at an interest rate of 8 per cent, and in many cases charged as much as 20 per cent commission or fees for negotiating the loans.

While there has been improvement in this field as a result of the establishment of the Federal land banks, the number and aggregate indebtedness of farm loans has grown to an alarming extent.

From the organization of the Federal land banks and joint-stock land banks to March 31, 1926, they have closed 480,623 loans, for the sum total of $1,875,756,575. In Georgia they have closed 11,583 loans, aggregating $30,983. In Iowa, 17,484 loans, aggregating $177,957. In Texas, 55,272 loans, aggregating $200,673. In Mississippi, 25,349 loans, aggregating $56,683.

I have submitted the number of loans made and the aggregate amount in the different States to show that farm indebtedness is growing throughout the Union.

In 1920 there were 6,448,343 farms or farm operators. In 1925 there were 6,371,617 farms or farm operators, showing that there were 76,726 farms either abandoned from 1920 to 1925, or that number of farmers had left the farm.

In 1920 there were 310,732 farms or farm operators in Georgia. In 1925 this number had been reduced to 249,104, showing a loss in five years of 61,628.

In 1920 there were 91,852,111 horses, mules, and cattle on the farms. In 1925 there were 83,838,119, showing a loss of 8,013,992 in five years.

In Georgia, in 1920, there were 1,663,592 horses, mules, and cattle on the farms. In 1925 there were 1,662,458, showing a loss of 361,134 in five years.

I am inserting a table sent me by the Department of Commerce, giving comparative number of horses, mules, cattle, swine, sheep, goats, poultry, and beehives on the farms in 1920 and 1925.

While I can not verify the accuracy of this statement I read some time ago a statement showing that the indebtedness of the farmers of America now aggregates more than $14,000,000,000.

If you will calculate interest on this amount at 6 per cent you will see what a burden is being carried by the farmers. It is now generally conceded that we have an acute farm situation throughout the entire agricultural section of America.

I have not heard this fact denied by anyone who has spoken on either of the bills for agricultural relief. There seems to be considerable diversity of opinion as to the best solution.

Anyone can offer destructive criticism, but statesmen are needed to devise the rightful solution. This farm situation being national in its scope, a solution can not be made from a sectional viewpoint.

We should not even approach a solution of this vital and important question from either a sectional or a political angle. By increasing the purchasing power of the farmers in any section of our country, they are enabled to buy more of the finished products of the cotton crop of the South and vice versa.

I do not think that the cotton farmers of the South are asking for additional loans, as their indebtedness is entirely too large now. As only 10 to 12 per cent of the farmers of the South are members of the cooperative association, it is hardly possible for this small number to control a sufficient quantity of the surplus to enable a stabilization of the price of cotton.

In 1900–1901 the commercial crop of American cotton was 10,339,000 bales. Domestic mills consumed 3,604,000 bales, and 6,807,000 bales were exported. The world's consumption of American cotton then was 10,171,000 bales. While the world consumption covered the entire production, cotton was forced down as low as 8 cents per pound, and was never higher than 10¾ cents per pound.

In 1903–4 the commercial crop of American cotton was 10,000,000 bales. American mills consumed 3,981,000 bales, and around 6,000,000 bales were exported. The world's consumption of American cotton at that time was 10,083,000 bales. Cotton sold during that time from 9 cents per pound to 18 cents per pound.

In 1904–5 the commercial crop of American cotton was 13,654,000 bales. American bills consumed 4,523,000 bales, and 9,000,000 bales were exported. The world's consumption of American cotton was then 11,838,000 bales. Cotton during this period sold as low as 7¾ cents per pound and as high as 10¼ cents per pound.

In 1910–11 the commercial crop of American cotton was 12,000,000 bales. American mills consumed 4,705,000 bales, and 7,700,000 bales were exported. The world's consumption of American cotton at that time was 12,000,000 bales. Cotton sold then as low as 14 cents per pound and as high as 19½ cents per pound.

The crop of 1913–14 never sold lower than 12 cents per pound and went as high as 14¼ cents per pound.

The crop of 1914–15, aggregating 15,000,000 bales, never sold higher than 10½ cents per pound, when there was only one-half million bales of cotton more than there was the year before.

Beginning with the year 1915, the price of cotton climbed from the low price of 7½ cents per pound to 44 cents per pound in 1919–20.

The commercial crop of 1919–20 was 12,443,000 bales and it sold as high as 44 cents per pound.

Although the commercial crop was only 11,300,000 bales in 1920–21, the price of cotton dropped to 11 cents per pound.

The total production of American cotton in 1920–21 was 13,270,000 bales; 1921–22, 7,978,000 bales; 1922–23, 9,720,000 bales; 1923–24, 10,171,000 bales; 1924–25, 13,639,000 bales.

The world's consumption of American cotton in 1920–21 was 10,330,000 bales; in 1921–22, 12,829,000 bales; in 1922–23, 12,631,000 bales; in 1923–24, 11,241,000 bales; and in 1924–25, 14,247,000 bales.

While the American commercial cotton crop has averaged in five years around 11,000,000 bales, the world consumption has averaged around 12,000,000 bales.

In the fall of 1925, when the bureau estimated the cotton crop at a little less than 14,000,000 bales of cotton, it was selling at around 24 cents per pound. When the next estimate came out, showing a probable crop of 15,000,000 bales of cotton, the price began to decline and is now around 17 cents per pound for middling cotton.

If cotton was worth 24 cents a pound in November, 1925, based upon an estimate of around 14,000,000 bales, why is it not worth 24 cents to-day?

I candidly believe that if some agency had existed, with sufficient funds to have gone into the market and bought the estimated surplus of cotton and withheld it from the market, the farmers would have continued to receive from 22 to 24 cents per pound for their cotton.

Legislation that does not provide a fund sufficiently large to buy the estimated surplus of any basic commodity and hold it for orderly marketing will not materially assist the farmers of this country.

Cotton is one commodity that is only affected by water and fire. It can be carried for 50 years without deterioration in quality, provided it is protected against water and fire.

You may picture for yourself the disaster that would befall the cotton industry of the world if there should be a total failure in cotton production.

It is related that the embargo on cotton during the Civil War so greatly affected the textile industry of New England that an appeal was made to President Lincoln to strive for a cessation of hostilities.

Coming from the cotton section of the South, I know from actual experience that no commodity requires as much hard labor and longer hours to produce than does cotton. No class of our people is so poorly paid as are the farmers for their labor.

There was a time when but little skill and experience was required to make cotton, but the situation in this respect has entirely changed.

The appearance of the cotton-boll weevil has challenged the best thought and intelligence to provide a method of control of this pest, or ultimately the cotton farmers of the South will be forced to seek other fields for a livelihood. This pest has not only produced great uncertainty as to quantity production, but it has more than doubled the cost.

I do not believe that an equalization fee should be demanded of any class of our farmers, as this would only add another burden.

Under the terms of the Haugen bill, as I construe it, every bale of cotton made would be subject to an equalization fee, as all of our cotton is processed before it is marketed; whereas a large percentage of corn and wheat is not processed, thereby escaping an equalization fee.

Furthermore, as 60 per cent of our cotton is exported and sold on a world market without the benefits of protection, the only benefits the cotton farmer could possibly receive under the terms of the bill would be the hope of orderly marketing and stabilization.

This Congress should at least be as generous with the American farmers as it was in the settlement made with foreign debtors.

While a large portion of the indebtedness of Italy to the United States was for money loaned for rehabilitation after the armistice, under the terms of the settlement she was permitted to settle on a basis of 26 per cent of her total indebtedness, which was an indirect subsidy of about one and one-half billion dollars.

The Government has spent millions of dollars in providing for and maintaining our merchant marine, millions were advanced the railroads for stabilization, and large land grants were made to the promoters and builders of the western railroads.

I will quote from the report of Mr. HAUGEN, from the Committee on Agriculture:

> Actual earnings of the farmer in 1924 in return for his labor are computed by the board at $730 on the average as against average earnings of $1,256 per wage earner in the manufacturing industries in the same year, average earnings of $1,572 by transportation workers, $2,141 earned by clerical workers, an average of $1,678 earned by ministers, $1,295 by teachers, about $1,650 by Government employees, and an average of $1,415 per worker in all groups other than farmers.

I will also quote from an editorial appearing in the Atlanta Constitution in answer to one appearing in the Philadelphia Public Ledger:

> In view of the fact that the President is "agin the bill" and will veto it if presented to him, the above recited charges are more windy than weighty. The southern Democrat may not be wise to hook up with the western bipartisan bloc behind the McNary-Haugen bill, and they may not be hundred per cent consistent with Democratic fundamentals in voting for a so-called subsidy, but let it not be forgotten that southern Democrats did not create the conditions that threaten the American farmer with eviction from his farm and homestead, and southern Democrats did not invent the Republican policy of bottle-feeding "infant industries" and "fostering the home market" for the manufacturing kings of the East. Whatever heresy affects southern Democrats in the matter of subsidies and appetite for Treasury treacle was taught to them by the doctrines and practices of Republican past masters.
>
> The eastern journalists and publicists who have the same views as the Philadelphia newspaper do not explain why cotton should be treated as a pariah when Treasury aid may be portioned out to corn, cow, and hog. There should be no subsidies, pure and simple, to any of them, we agree; but whenever any party or administration, for reasons of political advantage or industrial salvation, goes forth to give largess from the public funds, we insist upon the square deal. Cotton has quite as much right to answer the "free feed" call as any of the mills of the East or the fields of the West.

While agriculture in my section of the South is languishing we are making wonderful strides in the development of the textile industry, in harnessing our water power, and in utilizing our inexhaustible clay products.

The Hightower cotton-mill interests of Thomaston, Ga., in my district, recently closed the largest single order for manufactured product that was ever consummated in the United States, namely, $100,000,000.

We will never have general and lasting prosperity until the farmer's dollar is made equal to a dollar in industry.

We should cast aside all prejudices and work out some reasonable and sane solution of the agricultural situation before adjournment.

While I am generally averse to any legislation giving the National Government control over individual initiative, I do believe that assistance should be given at this time to put the farmers on an equality with industry. [Applause.]

Number of farms and number and value of livestock, censuses of 1925 and 1920

	United States		Georgia	
	1925[1]	1920	1925[1]	1920
Number of farms, or farm operators	6,371,617	6,448,343	249,104	310,732
Number of livestock on farms:				
Horses	16,535,759	19,767,161	55,785	100,503
Mules	5,730,608	5,432,391	337,984	406,351
Cattle	61,571,752	66,652,559	938,689	1,156,738
Swine	51,842,428	59,346,409	1,274,556	2,071,051
Sheep	(2)	35,033,516	----------	72,173
Goats	(2)	3,458,925	----------	110,489
Poultry	(2)	372,825,264	----------	7,621,158
Bees (hives)	(2)	3,467,396	----------	136,698
Value of all livestock on farms	(2)	8,013,324,808	----------	155,043,349

[1] Preliminary. [2] Not available.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. RUTHERFORD. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ASWELL. Mr. Chairman, I yield two minutes to the gentleman from Maryland [Mr. LINTHICUM].

The CHAIRMAN. The gentleman from Maryland is recognized for two minutes.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, when doctors disagree, who shall decide? The Agricultural Committee of this House have for weeks conducted hearings as to the best method of aidjng the farmer and have not been able to agree upon any one bill. There are three bills, which, according to the rule, are under discussion—the Tincher bill, the Aswell bill, and the Haugen bill. Years ago, when I was able to guide the plow and lay off, perhaps, as straight a row as any man in this House, I was somewhat acquainted with farm operations and the welfare of the farmer in my section. I have, however, become an agriculturist in recent years and know very little of the problems of the real dirt farmer. An "agriculturist," you know, is one who earns his money in the city and spends it on the farm.

Now, when this Agricultural Committee can not agree, but bring forward three propositions, what is a Congressman from a city district, where the people are all consumers of farm products and not producers, to do but look out for the interest of his constituents and see that no hocus-pocus game or untried law is put over on them. The farmers of my State have certainly not asked me to support any one of these bills, and I am against them.

Speaking of the Tincher and Haugen bills reminds me of a little town where I stopped overnight. There were two hotels, and I asked a citizen where I had better stop. He said, "It makes no difference which you choose; you will wish you had stopped at the other." I think, in this case, I will take no chances and will oppose both.

It is proposed by the Tincher bill to take $100,000,000 from the Treasury of the United States to loan to the farmers. It is proposed by the Haugen bill to take $375,000,000 from the Treasury of the United States, or about $5,000,000 more than the total reduction of taxes about which we boasted only a few months ago. It is proposed to bring the South to the support of this bill by allocating $100,000,000 to stabilize cotton prices and the balance to stabilize prices of farm products primarily produced in the Central West.

The people of the East and the North pay most of the Nation's taxes, and if this Tincher or Haugen bill should happen to become a law it would be necessary for them to practically carry the farmers upon their backs. It is a subsidy pure and simple, and so admitted to be, and I am opposed to all subsidies. I do not blow hot and cold on such a proposition. I was opposed to the proposed ship subsidy and voted against it. I was opposed to and am still opposed to the Fordney-McCumber tariff measure, which is nothing more nor less than a subsidy to the big interests of this country.

I can not blame the farmer for complaining about his dire situation and the low market for his products, but what I can not understand is why the farmers of the West continue to vote the Republican ticket and elect those who place upon their backs the burden of a high-protective tariff. This causes them to pay abnormal prices for everything they need outside of their own products, and is certainly one of the main reasons why they find themselves in their impoverished condition to-day. This is a proposition to establish in our own country what might be termed an internal protective tariff. The market of supply and demand is to be set aside, and whenever Providence through its bountiful blessing of sunshine and rains happens to produce a very large crop upon the self-same land, requiring no additional cultivation but some additional gathering expense, the great consuming public of the country is to receive no benefit nor participation from this God-given bounty. It is to be manipulated that the prices may be maintained and the poor and rich both deprived of this munificent gift in our own land while the surplus is to be sold abroad for what it will bring and at low prices.

If prices are rendered high for 1926, what is there to prevent the farmer from planting larger crops in 1927, and where, oh, where, will this great surplus be utilized in order to maintain the standard of prices desired? There is no way by which we can regulate nature, and there is no law, nor can there be one, which will prevent the farmer from increasing from time to time his farm products and thus overwhelm the provisions of this Haugen bill.

It has been said that the farm lands of this country have depreciated some $20,000,000,000 and that farm products have depreciated some $14,000,000,000. This may be very true taking war-time prices as the standard for former values of land and products and present prices for depreciation, but who has ever believed that war-time prices would be maintained forever? Certainly they have not been maintained in the vast majority of productions from either land or factory.

I should, indeed, like to know how to help the farmer, but I can not believe that a subsidy can ever give him permanent prosperity. I know so little about the real big farming operations that it is difficult for me to discuss the merits or demerits of these three bills; in fact, it has been so well done by others more familiar with the subject that it would be futile for me to attempt it, but I do know that all such wildcat schemes as that proposed in the Haugen bill, which lifts from the Treasury of the United States more than the total reduction of taxes for last year in an effort to have the farmer raise himself from the adversities of the past two years to prosperity by his own bootstraps is both preposterous and chimerical indeed.

The real solution of this whole question is to adopt some measure which will bring the producer in closer touch with the consumer. There are too many middlemen. The consumers of my district pay all that any farmer or trucker could ask them to pay for what they consume. But when the farmer receives his price, it is so small that it is impossible for him to maintain his family and procure a livelihood, all because there are too many middlemen living upon the farmer.

There is another element that operates not alone against the farmer, but against the people of our country generally, and that is we are too little prone to work and too largely prone to expenditures for things we can do without. I sincerely hope the Agricultural Committee of this House can bring out a bill upon which they can agree and one which will be in the interests of the farmer, enabling him to help himself rather than to make his industry a subsidized branch of our great productive group. The farmers of my State are not mendicants and are not asking to be subsidized from the Federal Treasury.

No section of our country should be forced to stand and deliver a bonus to another, nor should that section expect it to be done. We should have no privileged classes either under the Haugen bill, the Tincher bill, or the Fordney-McCumber tariff act. Just so soon as we grant such privileges to one class of our citizens the other classes will be impoverished. I can not but believe that the high protective tariff is playing great havoc with the farming industry and bleeding the American consumer.

Mention has been made by my colleague, Mr. BLACK of New York, to the fact that prohibition has also cut into his prosperity, and the Farmers' Yearbook of 1923 is quoted to substantiate this declaration. Certainly it has largely limited the purchase of many farm products, but there are many reasons for his present condition. The tariff bill in addition

to compelling him to pay high prices for goods is also limiting him in his export trade, because "if you would bring the wealth of the Indies home, you must take the wealth of the Indies with you," as has been well said. If we would export farm products to Europe, we must expect to buy some goods in payment thereof from Europe. There has been too much agitation of these matters. It would be well to get busy and legislate to aid the farmer to help himself. You have tried to legislate the country dry, and failed; tried to enrich the farmer by a high protective tariff, and failed. Now it is proposed to enrich him by subsidy, which would fail. Give him a fair deal and a world market and watch him grow in grace, in stature, and prosperity. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield two minutes to the gentleman from Iowa [Mr. BOIES].

The CHAIRMAN. The gentleman from Iowa is recognized for two minutes.

Mr. BOIES. Mr. Chairman and gentlemen of the House of Representatives, I consider it a high honor to have represented the people of the eleventh congressional district of Iowa in this House during the past seven years. That district is composed of 13 counties, extending from the Minnesota line in a southerly direction more than half the length of the State from north to south, bounded on the west by the Big Sioux and the Missouri Rivers, and on the east by the Mississippi River. In fertility of soil I doubt if it is surpassed by any district in the United States. The people of the district are as intelligent, as industrious, and as honest as the inhabitants of any other district in the United States. The district is essentially an agricultural one, highly adapted to diversified farming. In the natural order of things, under a fair distribution of the favors of this Government, with an equal opportunity and concern for all the people of this Nation, the farmers of this district would be equally prosperous with the other great industries carried on in this country. That such condition does not exist in our district no one will attempt to deny.

In such a situation it necessarily follows that some classes, somewhere in the United States, are profiting at the expense and to the detriment of the people living in my district. That this situation is wrong can not be truthfully contradicted. I have not time to call attention to all the matters and things that conspire to bring about the situation that exists there, but there certainly is a combination of circumstances that has rendered the business of farming unprofitable in this district and that has so adversely affected the farmers' interest as that, speaking broadly and as generally applied, a very small per cent, probably not to exceed 2 per cent, has been the return based upon the fair and reasonable value of the land, allowing a fair and reasonable wage on account of the labor bestowed—in many, many instances an entire loss has resulted rather than the acquisition of any per cent gain.

It is true that we are far removed from the great central markets of the country. The transportation charges are way beyond what the farmer can afford to pay. If freight rates are as low as it is possible to impose them, then, if there is a remedy, it should be adopted. There is a remedy, and while I do not care to dwell upon the proposition, as it might not be considered germane, yet I will venture to call attention at this time to the fact of the existence of the great Mississippi and the Missouri Rivers, which are eternally flowing to the Gulf, touching Iowa upon the east its full length and a considerable portion of its length on the west. If these rivers were improved, as all wide-awake countries of the Old World have improved their waterways, transportation charges would not handicap the farmers of Iowa as they do to-day.

The improvement of these rivers would benefit from thirty to forty millions of people, and the transportation of the great annual products of the Middle West would render the plan a financial success. It is not only the question of the outgoings but of the incomings; it is not only the matter of the traffic north and south, but in conjunction with water transportation of magnificent proportions from the east as far as Pittsburgh, coal, iron, steel, and manufactured goods, of the character that does not call for hurried transportation, would flow in and out.

If there are those living in any part of the United States who prove to be objectors or jesters of and concerning the plan that is now under way, I warn them to give serious consideration to the question and be prepared for what is to come about. Carrying this hint no further, I will address my remarks to the real question before this body.

I believe in the protection system, protection that protects all alike, or that really protects all as equally as is humanly possible to provide.

I have heard it stated by some of the proponents of the Tincher bill that the farmers of this country receive more benefit on account of the tariff laws of this country than any other class of people. If a statement of that kind is entitled to a second thought, will these gentlemen tell us why prosperity generally prevails in this country with all the other big industries excepting the farming industry, and that standing alone concededly in a most unsatisfactory and helpless situation? So far as the general business of this country is concerned to-day optimism lends its influence, but so far as agriculture is concerned pessimism is an added discouragement to all the other handicaps with which the farmers of this country are confronted to-day.

The agriculture situation is at such a low ebb at this time as that the declaration is universal that something ought to be done by way of legislation to remove the inequality existing between the prices of agricultural commodities and the prices attaching to the other general commodities in trade. The price level is not important if equality prevails; the inequality obtaining to-day explains the farmers' trouble, and the search in this direction need not go further.

With regard to the remedy, we have dallied for some years and it seems to me that the time has arrived to provide a remedy now or admit to the country that we are not equal to the emergency. The most recent agitation was commenced last fall—the large meetings and small meetings held in various places throughout the country. Some months ago the Agricultural Committee began its investigation, and during the many weeks that the committee sat in these hearings a number of men of national reputation appeared before that committee ostensibly to assist the committee in the preparation of a bill to be framed that would help the farmers, such a one as would be likely to be approved by the Members of this House, and by the Senate, and one that would appeal to the judgment of the President. Instead of one comprehensive bill being reported from that committee we have before us for consideration three distinct bills, unlike in many particulars, and here submitted for the consideration of the Members of this House. In the history of all prior legislation three bills may have been reported from a committee all ostensibly aimed to the accomplishment of the same end. Not having had the opportunity or the time to search the records from time immemorial, I am not prepared to say that such procedure never occurred before, but I believe I can safely assert that the procedure is unusual and, in my humble judgment, was a mistake.

The question is presented: If 21 men could not come to an agreement upon a bill that should have been reported, after months of study and discussion, how can it be expected that a majority of 435 men may be brought to an agreement with complications multiplied by three? It is rather late to complain of the progress thus made, if it may be termed progress, and we are confronted with the situation as it now exists. It is certainly our duty to lend our best efforts to the perfection of a bill that will result in the most good—that will result in some improvement, some benefit to the agricultural interests of this country; before we surrender we ought to make every effort to agree, and I trust those who have pronounced themselves in favor of either of these bills have not driven their stakes so deeply as that they may not be induced to pull up and move to higher ground, if cool consideration may point that way. The important thing is not so much the consideration as to whose baby it is, but we should all be concerned with regard to the maturity of the infant—providing one fitted to develop and to be of service.

The need in this matter, the unquestioned necessity and demand is known of all men, there is one of two things in waiting at the other end of these proceedings—a legislative act that may be approved as helpful or what will amount to a surrender, an open declaration that this Congress does not possess the ability to discover a remedy or that it has not the disposition to afford a just and honest opportunity to all men living under this Government.

If we may not be able to raise the price of the farmers' products to the level of the prices that organized industry enjoys then let us bring the prices now paid organized industry to the level of the farmers' prices.

I believe I recognize the value of our home markets; I would not destroy that market, because it is a protection to labor and to capital, excepting that its benefits to the farmers do not equal the benefits derived by capital and labor. Apparently capital has always been able to take care of itself; organized labor, in late years, has been alive to its own interests and the laboring men in this country are receiving better pay than in any other place in the world to-day. I raise no question that he is receiving too much, but I am raising the

question that the labor that the farmer devotes to his business is not equally compensating.

I take an interest in the man that "carries the dinner pail," and that interest extends, as a matter of theory, to the men who carry the dinner pails no matter wheresoever it may lead. I want to know that there is reflected in that dinner pail a sufficient wage whereby a condition may be seen at home and in the family of the man who carries the dinner pail comparable to the improved conditions of living in the United States.

The man upon the farm, the members of his family, can not prosper under the rule of the short-hour day, nor can you in the operation of a farm divide the day into three equal parts. Some of you who know nothing about farming may not comprehend such a statement, but it is true nevertheless that you can not commence your chores at 8 o'clock in the morning nor at 7 o'clock; neither can you close your day's work with the chores in the evening at 5 or 6 o'clock. With an eye to prosperity stock must be fed and watered at regular hours, and those hours should not be crowded too closely; the dairy cow must be fed and milked at regular and stated hours, which occur before 7 o'clock in the morning and later than 6 o'clock in the evening. So that the labor that falls upon the farmer and his family is somewhat ruthlessly tied to the task beyond that of any other class of laborers; and yet for that labor to-day he receives the smallest compensation of any laboring man in this country.

Gentlemen, in this connection, there is greatest urge that the situation be remedied and improved beyond any other situation that touches the callouses upon the hands of labor anywhere in this country.

Organization and cooperation meets and overcomes, and can be made to meet and overcome many inequalities and injustices, but the farming industry is so large, comprehends so much, so many side issues that it is impossible within any reasonable time for organization or cooperation to place the farmer where he has a right to stand in relation to the economic machinery of this Government.

While I have not confined my remarks to the provisions of any of these bills presented for consideration, yet I have attempted to describe a situation, the relief from which should be of the serious concern of every Member of Congress and the Executive of this Nation.

This bill, as is the case with the others, will be subject to amendment, and I might be permitted to hazard the guess that if the bill when presented to the President for his signature will have to show an appropriation sufficient to cover all possible contingencies, or it will meet with a sudden veto upon that ground, if upon no other.

I approve of the policy of the individual and the Government paying their debts as soon as it is reasonably possible. I am in favor of a speedy reduction of the national debt, yet I would not object to a few years' extension of the time suggested by our Secretary of the Treasury for the extinguishment of the national debt when it is shown that a diversion of some of that money is applied to the best interests of all the people, as we here now on earth are moving along toward the end.

I entertain sympathy for the individual who makes a bad investment; prosperity everywhere brings joy and contentment. If it becomes necessary, in order to afford to the Middle West reasonable and just freight rates, then I say that bankrupt railroads should be placed in the hands of receivers, the assets liquidated, and the property sold, as is the property handled with the individual and the thousands of companies and corporations all over this land, in the regular way, and, upon the cost of the bankrupt railroads to the purchaser permit the Interstate Commerce Commission to fix fair rates based upon the cost price of the property. This may not be a popular doctrine, but it is one satisfactory to me, arrived at after no great study, but judged offhand from knowledge of the usual procedure—the things that happen naturally to any person, company, or corporation when they have ceased to be reliably solvent—incapable of going ahead under their own power.

I would curtail the extravagance in private and public affairs. It ought to be made known that the people will not approve of the conduct of any man, placed in official position to handle the people's money, who would deal with it other than he would with his own, and in a conservative and honest manner. The position of a guardian or a person standing in any fiduciary relation is a sacred one, and in all such matters the interested parties have a right to demand a square-toed and up-to-the-minute accounting.

I observe that some of the proponents of the Tincher bill pronounce the word "subsidy" as though it stood for a poisonous substance, withering and deadly. When all the forms of subsidy with which the business of this Government is affected are brought to the open and counted, these wry faces look comical, indeed.

You gentlemen who have spent much time during the past week shouting "subsidy! subsidy!" have not encouraged the release of an ounce of oppression from the backs of the farmers of this country; you have sought to attach to the word some mysterious and damnable meaning which the dictionaries do not recognize. The real meaning of the word, and as given by authority, is expressed in a word of three letters, to wit, "aid." Aid is what the farmers are asking for, and it is what they are entitled to, and this by all the expressions that can be wrung from the words justice and right.

The people have no particular concern as to just how their money may be used, so long as they can be assured that the use is in aid of their enterprises. It is the business of the Government to aid in all good undertakings, and it has exercised that privilege many, many times.

The Government aided the business of manufacturing by the adoption of the protective policy (a subsidy). The Government aided many times the people of the West by establishing reclamation projects—by appropriating money right out of the Treasury that had been first taken from the pockets of all the people.

The Government aided the railroads by the adoption of the Esch-Cummins Act in more ways than one; especially on account of the $300,000,000 revolving fund written into the law; by permitting the Interstate Commerce Commission to illegally take $48,000,000 annually from the pockets of those who required sleeping-car accommodations and handing it over to the railroads without any consideration whatsoever; by millions of dollars loaned, at low rates of interest; by grants of land to the extent of an empire.

These instances hardly begin to tell the whole story. Some of the incidents cited are made use of for illustration rather than in criticism. In connection with the tariff, I insist that the farmer's markets are not benefited to the same extent that the manufacturer's markets are. The manufacturer sells in a protected market—the manufacturer is able to, and does, name the price to the purchaser.

The farmer is required to accept the prices that the purchaser names and is further handicapped on account of the world markets, also because he has no power, in his fight with the elements, to cause his supply to approximately meet the demand with such assurance as the manufacturer has. This fact alone places the farmer at the mercy of the world markets, and again he is told what he may receive.

We have heard it said more than once during the past debates of the week that "the farmers receive greater benefit on account of the tariff than any other class of people." I wonder how many believe the statement? If the consumer does not pay the tariff tax, what benefit does the manufacturer receive from the tariff laws?

These questions are not intended as a condemnation of the tariff system, but the contention is that new legislation is necessary to afford the farmer like advantages derived by the manufacturer on account of the "protection" afforded the manufacturer.

Back of the theory of protection has always lodged the thought of the benefit it would bring to the manufacturer directly, and without regard to the incidental benefit that the farmer may derive because of an improved home market, superior to that which might not exist but for a tariff law.

The history of the subject of the tariff in this country stands as proof of our assertion. We have the following from the American Economist of May 7, 1926:

> The first general law passed by the First Congress was a protective tariff act, avowedly so. In the preamble it is stated that one of its purposes was "the encouragement and protection of manufacturers."

Naturally, the way exists to do the right thing in all matters pertaining to the human family; it has always been present, ever extending the invitation to humanity to travel by that route. Having in mind the best prosperity of all the people, and the best possible prosperity of our Government, there can be no more urgent question pressing for solution than that pertaining to the rehabilitation, the restoration of the very great and all-important business of agriculture; it is agreed on all hands that this is so. Is it possible that the brains of the American people are incapable of solving the question? Has ambition been directed in other channels, in this time of fast travel, to the extent that we are helpless in this great emergency? If so, then God pity us. If such is our mental condition, let us abandon the air and get back to earth.

In the Chicago Tribune of May 2, 1926, the following appears:

> Nations are careful not to allow the solidity of their agricultural foundations to be weakened so that farming is not attractive and remu-

nerative to a large class of citizenship. The type of citizenship produced by agricultural occupation is regarded as essential in the social and political balance of a country.

The foregoing expresses a splendid sentiment, but I believe a practical improvement is possible by recasting the paragraph as follows:

Nations that desire that their government survive should not allow the solidity of their agricultural foundations to be weakened so that farming is not attractive and remunerative to a large class of citizenship. The type of citizenship produced by agricultural occupation is absolutely essential in the social and political balance of a country.

I shall vote for the Haugen bill, because I believe that it is the best one of the three presented. The membership of the farm bureaus of my district favor the Haugen bill, because they sincerely believe that it will result in substantial benefit to the agricultural interests of this country and to the general prosperity of all the people; that it will restore to the farmers again the ability to more ably purchase their normally required necessities.

Farm property in United States worth less than 1913 (dollars of 1913 purchasing power):	
Value of all farm property in United States—	
1913	$45, 227, 000, 000
1924–25	$38, 188, 508, 000
Per cent of 1913	84. 4
Farm and manufacturing wealth compared (dollars of 1912 purchasing power):	
Manufacturing—	
1912	$20, 785, 000, 000
1922	$29, 447, 109, 000
Per cent of 1912	141. 9
Agriculture—	
1912	$12, 846, 000, 000
1922	$9, 244, 604, 000
Per cent of 1912	71. 8
Exchange value of farm lands below 1910 (dollars of 1910 purchasing power):	
1910	$17, 284, 260, 000
1920	$14, 904, 561, 000
1925	$13, 647, 519, 000
1925 compared with 1910—per cent	78. 98

Bureau of Census figures for Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Missouri, Iowa, Kansas, Nebraska, North Dakota, and South Dakota.

Meantime farm debt grows:	
Total farm indebtedness—	
1910	$4, 320, 000, 000
1920	12, 250, 000, 000
1925	12, 250, 000, 000

Mr. HAUGEN. Mr. Chairman, I yield 20 minutes to the gentleman from Iowa [Mr. RAMSEYER].

The CHAIRMAN. The gentleman from Iowa is recognized for 20 minutes.

Mr. RAMSEYER. Mr. Chairman and gentlemen of the committee, in the time allotted to me I shall devote myself exclusively to the constitutional questions that have been injected during the debate against the Haugen bill; and in the brief time at my disposal it will be impossible for me to yield to questions. If I should get through before my 20 minutes are up, I shall yield back the balance of my time, so that others here who are anxious to speak may have an opportunity to be heard.

THE FEDERAL FARM BOARD

Discussion of constitutional questions involved in a bill like this hardly ever arouses much interest. This bill is chiefly economic, and Members' votes for or against this bill will be determined on whether or not they approve or disapprove the purposes sought to be accomplished by the bill. I realize that the discussion on the constitutional phases of this bill will change very few, if any, votes.

Now, the first constitutional issue that has been raised against this bill is directed at the manner of selecting the Federal farm board. Inasmuch as Article II, section 2, paragraph 2, of the Constitution of the United States has been referred to I shall insert it in the RECORD at this place. It reads as follows:

He [the President] shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President's power to nominate, and by and with the advice and consent of the Senate, to appoint officers designated in the first part of the provision just quoted, and also the President's power to appoint officers in the latter part of said provision, have been restricted many times by acts of Congress.

I hold in my hand here a pamphlet which is a supplemental brief to a case now pending in the Supreme Court in which this issue is involved, showing 70 acts of Congress imposing qualifications for offices filled by presidential appointment, all of which are in fact restrictions on the appointing power of the President.

Inasmuch as this issue has been seriously raised by the gentleman from New Jersey [Mr. FORT], and also this afternoon by the gentleman from Ohio [Mr. BURTON], I shall have the titles and references to these acts placed in the RECORD. In passing, I simply want to call your attention to the character of these acts. There are 16 acts as to residence and citizenship requirements; 7 acts in regard to political affiliations; 18 acts requiring industrial, geographical, or governmental representation; 20 acts on professional ability; 4 acts on fitness to perform duties of office; 3 acts as to successful completion of examination or period of probation; and 2 acts as to selection from limited number of nominees, which includes the Railway Labor Board. This last act has been the law of the land for six years, and although that law has been assailed time and again and the board has been rather unpopular in various quarters, so far as I know the constitutionality of this provision of the act relative to the manner of making the appointments has never been called in question.

Then, too, the President has restricted himself by Executive order in making appointments of postmasters. Then, another thing about this is: If the President should sign this bill, it is reasonable to suppose that he will follow the law and select one of the three submitted to him and, of course, that would constitute the President's own selection. I do not see just how the constitutionality of this provision of the pending bill, if enacted into law, could be raised. If the President refuses to appoint one of these three to be named under the provision of this bill, or refuses to follow the provisions of the law in any one of these numerous statutes I have called to your attention, there is no way to compel him to do so. You can not mandamus the President to exercise his Executive discretion. If the President should refuse to follow the law in making nominations, the Senate would have something to say. The Senate must confirm; and the Senate might, if the President did not see fit to follow the provisions of these 70 statutes—71 when this bill goes into effect—refuse to confirm his nominations. In studying this subject I find that one court has held to restrict the appointive power to a single individual is unconstitutional. But on the other hand I think it is clear that the Congress is not deprived of all power to limit the field of selection.

Personally I can not regard very seriously the issue that has been raised here as to the constitutionality of the provision of this bill which prescribes the manner in which nomination of members of the Federal farm board shall be made. The provision for making nominations of members of the Federal farm board in the Haugen bill is practically the same as that in the Tincher bill, which was also reported to this House, and the Fort bill and the Dickinson bill carry practically the same provision. The latter two bills were not reported to this House.

I shall place in the RECORD at this place a paragraph from a very able opinion of Attorney General Akerman, back in the seventies, which is right in point. I shall not take the time to read this paragraph, as I must hasten to the other constitutional issue raised during the debates. The paragraph referred to reads as follows:

Congress could require that officers shall be of American citizenship, or of a certain age; that judges should be of the legal profession and of a certain standing in the profession, and still leave room to the appointing power for the exercise of its own judgment and will; and I am not prepared to affirm that to go further and require that the selection shall be made from persons found by an examining board to be qualified in such particulars as diligence, scholarship, integrity, good manners, and attachment to the Government would impose an unconstitutional limitation on the appointing power. It would still have a reasonable scope for its own judgment and will. But, it may be asked, at what point must the contracting process stop? I confess my inability to answer. But the difficulty of drawing a line between such limitations as are, and such as are not, allowed by the Constitution is no proof that both classes do not exist. In constitutional and legal inquiries right or wrong is often a question of degree. Yet it is impossible to tell precisely where in the scale right ceases and wrong begins. Questions of excessive bail, cruel punishments, excessive damages, and reasonable doubts are familiar instances.

At this place in the RECORD I shall have printed a list of the statutes imposing restrictions on presidential appointments:

STATUTES IMPOSING RESTRICTIONS ON APPOINTMENTS

A. RESIDENCE AND CITIZENSHIP REQUIREMENTS

(a) General statutes

1. Consular clerks (sec. 1704 R. S.).
2. Federal Board for Vocational Education, appointed members (39 Stat. 932, sec. 6).
3. Federal Farm Loan Board, members (42 Stat. 1473, sec. 301).
4. Foreign Service officers (43 Stat. 141, sec. 5).
5. Postmasters (33 Stat. 441, sec. 8).

(b) Statutes applicable solely to a Territory or possession or to the District of Columbia

6. Circuit courts of Hawaii, judges (31 Stat. 157, sec. 80, Am. 42 Stat. 119).
7. District Court for Hawaii, district attorney (42 Stat. 120, sec. 86 [b]).
8. District Court for Hawaii, judge (42 Stat. 120, sec. 86 [b]).
9. District Court for Hawaii, marshal (42 Stat. 120, sec. 86 [b]).
10. District Court of the Virgin Islands, judges (32 Stat. 1132, Am. 42 Stat. 123).
11. District of Columbia, civil commissioners (20 Stat. 103, sec. 2).
12. Municipal court of the District of Columbia, judges (35 Stat. 623).
13. Police court of the District of Columbia, judges (Pub. No. 561, 68th Cong., sec. 3 [a]).
14. Supreme Court of Hawaii, judges (31 Stat. 157, sec. 80, Am. 42 Stat. 119).

(c) Statutes applicable solely to the Army or Navy

15. Army Reserve Corps, officers (41 Stat. 775, sec. 32).
16. Naval Reserve Force, officers (39 Stat. 587).

B. POLITICAL AFFILIATIONS

17. Board of General Appraisers, members (42 Stat. 972, sec. 518).
18. Civil Service Commission, commissioners (22 Stat. 403).
19. Federal Farm Loan Board, members (42 Stat. 1473, sec. 301).
20. Federal Trade Commission, commissioners (38 Stat. 718, sec. 1).
21. Interstate Commerce Commission, commissioners (41 Stat. 497, sec. 440).
22. United States Shipping Board, commissioners (41 Stat. 989, sec. 3 [a]).
23. United States Tariff Commission, commissioners (39 Stat. 795, sec. 700).

C. INDUSTRIAL, GEOGRAPHICAL, OR GOVERNMENTAL REPRESENTATION

(a) General statutes

24. Advisory Committee for Aeronautics, members (38 Stat. 930).
25. Aircraft Board, military and naval members (40 Stat. 296).
26. Bureau of Fisheries, commissioner (16 Stat. 594, sec. 1).
27. Capital Issues Committee, members (40 Stat. 512, sec. 200).
28. Consular Service, inspectors of consulates (34 Stat. 100, sec. 4).
29. Federal Board for Vocational Education, appointed members (39 Stat. 932, sec. 6).
30. Federal Reserve Board, appointed members (42 Stat. 620).
31. Internal revenue collectors (sec. 3142 R. S.).
32. Mississippi River Commission, commissioners (21 Stat. 37, sec. 2).
33. Railroad Labor Board, members (41 Stat. 470, sec. 304).
34. United States Shipping Board, commissioners (41 Stat. 989, sec. 3 [a]).

(b) Statutes applicable solely to a Territory or possession or to the District of Columbia

35. Rent Commission of the District of Columbia, commissioners (42 Stat. 544, sec. 4).
36. Isthmian Canal Commission, members (32 Stat. 483, sec. 7).
37. Municipal court of the District of Columbia, judges (35 Stat. 623).
38. Police court of the District of Columbia, judges (Pub. No. 561, 68th Cong., sec. 3 [a]).
39. Territorial district attorneys (sec. 1875 R. S.).
40. United States Court for China, district attorney (34 Stat. 816, sec. 6).
41. United States Court for China, judges (34 Stat. 816, sec. 6).

D. PROFESSIONAL ABILITY

(a) General statutes

42. Advisory Committee for Aeronautics, members (38 Stat. 930).
43. Bureau of Fisheries, commissioner (16 Stat. 594, sec. 1).
44. Bureau of Mines, director (37 Stat. 681, sec. 1).
45. California Débris Commission, members (27 Stat. 507).
46. Consular Service, inspectors of consulates (34 Stat. 100, sec. 4).
47. Mississippi River Commission, commissioners (21 Stat. 37, sec. 2).
48. Patent Office, examiners in chief (sec. 482 R. S.).
49. Public Printer (14 Stat. 398, Am. 18 Stat. 88).
50. Rio Grande Commission, commissioners (43 Stat. 118).
51. Solicitor General (sec. 347 R. S.).
52. Steamboat Inspection Service, supervising inspectors (sec. 4404 R. S., Am. 40 Stat. 740).
53. Superintendent of Indian schools (25 Stat. 1003, sec. 10).
54. United States district attorneys (sec. 767 R. S.).

(b) Statutes applicable solely to the Army or Navy

55. Department of the Navy, Chief of the Bureau of Economics (42 Stat. 140, sec. 8).
56. Department of the Navy, chiefs of bureaus (secs. 421–426 R. S.).
57. Marine Corps, Major General Commandant (39 Stat. 600).
58. National Guard, officers (on Federal service) (41 Stat. 784, sec. 49).
59. Navy, Judge Advocate General (21 Stat. 164).
60. Officers' Reserve Corps, Army (41 Stat. 775, sec. 32).
61. Regular Army, officers (41 Stat. 771, sec. 24).

E. FITNESS TO PERFORM DUTIES OF OFFICE

62. Board of Tax Appeals, members (43 Stat. 336, sec. 900 [b]).
63. Steamboat Inspection Service, Supervising Inspector General (40 Stat. 739).
64. Interstate Commerce Commission, chief and assistant chief inspectors of locomotive boilers (36 Stat. 913, sec. 3).
65. United States Shipping Board, commissioners (41 Stat. 989).

F. SUCCESSFUL COMPLETION OF EXAMINATION OR PERIOD OF PROBATION

66. Civil-service appointees (22 Stat. 403).
67. Consular clerks (sec. 1705 R. S.).
68. Foreign Service officers (43 Stat. 141, sec. 5).

G. SELECTION FROM LIMITED NUMBER OF NOMINEES

69. Civil-service appointees (22 Stat. 403).
70. Railroad Labor Board (41 Stat. 470, secs. 304, 305).

THE EQUALIZATION FEE

Now, I come to the constitutionality of the equalization fee. I want to take a few minutes to point out what is sought to be accomplished in the Haugen bill. We have the system of protection in this country. We have had it for over 60 years, and it will probably be the policy of this country for that many more years. The yardstick which we administer to determine the amount of tariff duties to be imposed is the difference between the cost of production here and abroad. This is supposed to apply to agriculture as well as to the industries. Both the ineffectiveness of the tariff on agricultural commodities, in which there is a surplus, and the continued distress of agriculture are conceded.

The last Republican national platform concedes the distressful condition of agriculture and makes a pledge that that condition will be remedied. I read the following paragraph:

> We recognize that agricultural activities are still struggling with adverse conditions that have brought deep distress. We pledge the party to take whatever steps are necessary to bring back a balanced condition between agriculture, industry, and labor, which was destroyed by the Democratic Party through an unfortunate administration of legislation passed as war measures.

The pledge of our party reads as follows:

> The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industry to insure its prosperity and success.

The last national Democratic platform goes even further and specifically promises the establishment of an export corporation.

What are the objects to be attained by the Haugen bill?

First. In the language of the national Republican platform of 1924, "to bring back a balanced condition between agriculture, industry, and labor."

Second. To make the tariff effective on agricultural commodities.

Third. To stabilize prices on agricultural commodities by the control of the surplus, which on the basic commodities is a national and not a local problem.

Fourth. To regulate the sales of basic agricultural commodities in interstate and foreign commerce and the sales of and transactions in such commodities in intrastate commerce which, if unregulated, would cast a direct burden on interstate and foreign commerce in such commodities.

Fifth. To bring about the orderly marketing of agricultural commodities.

Sixth. To promote the general welfare.

In the machinery set up to carry out the purposes of the Haugen bill there is an equalization fee which may be charged against certain agricultural commodities denominated in the bill as "basic agricultural commodities" whenever the Federal Farm Board shall declare an operating period in any one or more of such commodities.

The gentleman from Ohio [Mr. BURTON] this afternoon assailed this equalization fee as a tax, and because it is a tax he declares it unconstitutional. The gentleman from New Jersey [Mr. FORT] quotes a witness before the Committee on Agriculture as admitting that the equalization fee is a tax and, therefore, the gentleman from New Jersey says it is a tax. The gentleman from Kansas, [Mr. TINCHER] relates that when he was down in Jamaica he saw a sign "Pay your production tax here" and then he jumps at the conclusion that the equalization fee in this bill is a production tax and he is against it. These three gentlemen all assert that the equalization fee is a tax, and as a tax it is unconstitutional. I am not admitting that as a tax the equalization fee is unconstitutional. I shall not undertake to defend the constitutionality of the equalization fee as a tax.

In order to promote clear thinking and to arrive at logical conclusions we should first get clearly into our own minds just what a tax is. What is a tax? My answer is: A tax is a pecuniary burden laid upon individuals and property to support the Government. First, a tax is a pecuniary burden, and second, a tax is imposed to get money to support the Government. Every tax is a pecuniary burden, but not every pecuniary burden is a tax. A tax is imposed to raise money to support the Government. As I intimated before, I shall not undertake to show that the equalization fee is imposed under the taxing power of the Constitution. No part of the equalization fee to be collected under the provisions of the Haugen bill is going to be used for the support of the Government. It will be used only to carry out the purposes of the bill.

On the other hand, I think the equalization fee is valid and its constitutionality can be defended under the commerce clause of the Constitution.

I concede this is a new proposition. No court has ever had occasion to pass on a question such as is presented by the equalization fee, or anything like it. It is impossible to cite any court decisions directly in point. I have before you here volumes containing Supreme Court decisions, and I intend to read a few sentences from each of them. I want to make it clear that I am not trying to convey the impression that these cases are on all fours with the case before us.

My object in reading a few sentences here and there from these decisions is to give you the mental processes of the court when the court has before it cases involving transactions in both interstate and intrastate commerce. The transactions in intrastate commerce being so related to those in interstate commerce that if left unregulated would cast an undue burden upon interstate commerce. The question is, How far can Congress go in regulating interstate commerce when the regulation of such interstate commerce will of necessity directly or indirectly involve the regulation of intrastate commerce? The first case is the one involving the "recapture clause" in the transportation act of 1920, Dayton-Goose Creek Railway Co. *v.* United States (263 U. S. 456). In this case intrastate commerce was involved. I quote two sentences on page 474:

> The Dayton-Goose Creek Railway Co. is a corporation of Texas, engaged in intrastate, interstate, and foreign commerce. Its volume of intrastate traffic exceeds that of its interstate and foreign traffic.

On page 477 I quote the following:

> This court has recently had occasion to construe the transportation act. In Wisconsin Railroad Commission *v.* Chicago, Burlington & Quincy Railroad Co. (257 U. S. 563) it was held that the act in seeking to render the interstate commerce railway system adequate to the country's needs had by paragraphs 418 and 422 conferred on the commission valid power and duty to raise the level of intrastate rates when it found that they were so low as to discriminate against interstate commerce and unduly to burden it.

On page 485 the court says:

> The third question for our consideration is whether the recapture clause, by reducing the net income from intrastate rates, invades the reserved power of the States and is in conflict with the tenth amendment. In solving the problem of maintaining the efficiency of an interstate commerce railway system which serves both the States and the Nation, Congress is dealing with a unit in which State and interstate operations are often inextricably commingled. When the adequate maintenance of interstate commerce involves and makes necessary on this account the incidental and partial control of intrastate commerce, the power of Congress to exercise such control has been clearly established.

The next case to which I call your attention is the Wisconsin rate case, found in Two hundred and fifty-seventh United States, page 563. To get the issues involved in that case I read on page 579:

> First. Do the intrastate passenger fares work undue prejudice against persons in interstate commerce, such as to justify a horizontal increase of them all?
>
> Second. Are these intrastate fares an undue discrimination against interstate commerce as a whole which it is the duty of the commission to remove?

To get more clearly before you how the court regards questions involving transactions in both interstate and intrastate commerce, I read the following on page 588:

> Commerce is a unit and does not regard State lines, and while, under the Constitution, interstate and intrastate commerce are ordinarily subject to regulation by different sovereignties, yet when they are so mingled together that the supreme authority, the Nation, can not exercise complete effective control over interstate commerce without incidental regulation of intrastate commerce, such incidental regulation is not an invasion of State authority or a violation of the proviso.

Further, as throwing light upon the question before us, I shall insert in the RECORD without reading the paragraph on page 590, as follows:

> In Minnesota Rate cases (230 U. S. 352), where relevant cases were carefully reviewed, it was said, page 399: "The authority of Congress extends to every part of interstate commerce, and to every instrumentality or agency by which it is carried on; and the full control by Congress of the subjects committed to its regulation is not to be denied or thwarted by the commingling of interstate and intrastate operations. This is not to say that the Nation may deal with the internal concerns of the State, as such, but that the execution by Congress of its constitutional power to regulate interstate commerce is not limited by the fact that intrastate transactions may have become so interwoven therewith that the effective government of the former incidentally controls the latter. This conclusion necessarily results from the supremacy of the national power within its appointed sphere."

There is another case to which I wish to call your attention briefly. I can not comment on it, as my time is rapidly coming to a close. This is the case of Board of Trade *v.* Olsen (262 U. S. 1), involving the constitutionality of the grain futures act of September 21, 1922. Prior to this decision the Supreme Court had held unconstitutional the future trading act in Hill *v.* Wallace (259 U. S. 44), holding that local dealings on boards of trade in grain for future delivery could not constitutionally be brought under Federal control by means of the taxing power.

The court in the Olsen case, on page 32, quotes the following from page 68 in Hill against Wallace:

> A reading of the act makes it quite clear that Congress sought to use the taxing power to give validity to the act. It did not have the exercise of its power under the commerce clause in mind and so did not introduce into the act the limitations which certainly would accompany and mark an exercise of the power under the latter clause.

And again quoting from Hill against Wallace, page 69, the court said:

> It follows that sales for future delivery on the board of trade are not in and of themselves interstate commerce. They can not come within the regulatory power of Congress as such unless they are regarded by Congress, from the evidence before it, as directly interfering with interstate commerce so as to be an obstruction or a burden thereon.

You will note from this last quotation that the court gives some weight to what Congress regards as necessary from the evidence before it.

Further, as giving the attitude of the court involving mixed transactions of interstate and intrastate commerce, I read the following from page 35:

> This case was but the necessary consequence of the conclusions reached in the case of Swift & Co. *v.* United States (196 U. S. 375). That case was a milestone in the interpretation of the commerce clause of the Constitution. It recognized the great changes and development in the business of this vast country and drew again the dividing line between interstate and intrastate commerce where the Constitution intended it to be. It refused to permit local incidents of great interstate movement, which taken alone were intrastate, to characterize the movement as such. The Swift case merely fitted the commerce clause to the real and practical essence of modern business growth. It applies to the case before us just as it did in Stafford against Wallace.

The last reading is on page 37. The point I want you to get here is that the court leaves something to the judgment of Congress in determining the extent to which intrastate commerce should be burdened whenever Congress decides to exercise its undisputed power to regulate interstate commerce.

I read on page 37. First, I read a paragraph quoted by the court from Stafford against Wallace:

Whatever amounts to more or less constant practice, and threatens to obstruct or unduly to burden the freedom of interstate commerce, is within the regulatory power of Congress under the commerce clause, and it is primarily for Congress to consider and decide the fact of the danger and meet it. This court will certainly not substitute its judgment for that of Congress in such a matter unless the relation of the subject to interstate commerce and its effect upon it are clearly nonexistent.

The court further says:

In the act we are considering, Congress has expressly declared that transactions and prices of grain in dealing in futures are susceptible to speculation, manipulation, and control, which are detrimental to the producer and consumer and persons handling grain in interstate commerce and render regulation imperative for the protection of such commerce and the national public interest therein.

As I have said before, I am simply undertaking by the few quotations I have given you from court decisions to get before you the mental processes of the court when the court has before it questions involving mixed transactions of both interstate and intrastate commerce. I shall not undertake to explain just to what extent the equalization fee, if placed into operation, would affect intrastate transactions or to what extent the intrastate transactions in basic agricultural commodities will, if unregulated, cast an undue burden on interstate transactions in such commodities. Conceding the right of Congress to regulate interstate transactions in the basic agricultural commodities, it appears to me clear that a law to include the regulation of intrastate transactions in such commodities, which, if unregulated, would cast an undue burden on the interstate transactions in such commodities, would be valid and constitutional.

There are many more cases along the same line. I have made no attempt to brief all the cases along the line of the cases that I have cited you. In the report accompanying the McNary-Haugen bill of two years ago is a very exhaustive brief on this subject prepared by the legislative council of the House of Representatives in support of the constitutionality of the equalization fee in that bill. When the McNary-Haugen bill was under discussion two years ago I do not recall that anyone seriously questioned the constitutionality of the equalization fee in that bill. The equalization fee provision in that bill was practically the same as the equalization fee provision is in this bill. After a rather exhaustive and careful study of the constitutionality of the equalization fee provision in the present Haugen bill I give it as my opinion that its constitutionality can be successfully defended under the commerce clause of the Constitution. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Missouri [Mr. DICKINSON].

Mr. DICKINSON of Missouri. Mr. Chairman, of the three pending agricultural bills, I shall support the Haugen bill, which is so earnestly favored by the farm organizations of Missouri and of the country. It seeks to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities. It is named the Haugen bill after the chairman of the Agricultural Committee.

Its declaration of policy is set forth in section 1 of the bill, reading as follows:

SECTION 1. It is hereby declared to be the policy of Congress to enable producers of agricultural commodities to control a supply of such commodities sufficient to stabilize their markets against undue and excessive fluctuations and to distribute the benefits and costs thereof to all producers of such commodities; to minimize speculation and waste in marketing; to encourage the organization of producers of agricultural commodities into cooperative associations; to protect domestic markets against world prices and assure the maximum benefits of the tariff upon agricultural commodities; and to provide for the control and disposition of the surpluses of agricultural commodities, for the purpose of promoting the orderly marketing of agricultural commodities in interstate and foreign commerce.

It provides for a Federal farm board, for a revolving fund, and an equalization fee. It is not only supported by the farm organizations of the country but is indorsed by the American Federation of Labor.

It should have generous support from all classes and all sections of the country, with no pending opposition bills to thwart its enactment into law.

The Tincher bill, called the administration bill, does not seem to meet the situation. It seeks to furnish credit rather than a constructive program for real relief. So far, the administration has shown little interest in farm legislation.

The Aswell bill has much of merit in it, but apparently provides for no present relief. The advocates, however, of all proposed legislation admit the serious condition of agriculture, and the need of helpful legislation. It is to be regretted that the great agricultural committee was not able by a majority vote to report out one bill, instead of three.

Mr. B. F. Yoakum, chairman of the Frisco Railroad, one of the best posted men in the United States on agriculture, and co-author of the Aswell agricultural bill, one of the three reported from the Agricultural Committee of the House, says:

The American farmer is in a worse situation to-day than at any time in his history. Primarily he is the victim of the worst system of distributing and marketing in the world. (B. F. Yoakum, chairman, Frisco Railroad.)

The Kansas City Star, which widely circulates in Missouri and Kansas, in a recent issue says:

There is no question as to the seriousness of the farm problem presented by the farm surplus. Every farmer knows it by hard experience. The country knows it as well. When agriculture is depressed the country can not be prosperous.

It has been well stated by a Missouri farmer in a letter addressed to me on May 7, 1926, of which I quote a part here:

DEAR MR. DICKINSON: Agriculture is the basic industry of the country. Every other business depends upon it, but the farmers as a class receive less benefits from legislation than any other group. Industry has its tariff that increases the price of manufactured articles above the world level. Labor has its immigration law that keeps out competition and the Adamson law that regulates its hours. The railroads have the Interstate Commerce Commission, "a Government agency that fixes the price of transportation, and the Esch-Cummins law that keeps rates high enough to give them interest on their investment. The banks have the Federal Reserve Board, "a Government agency," that fixes the price of credit, and the Federal reserve banks that protect them in times of need.

Before the war the Tincher bill might have served, for at that time we were a debtor nation. We owed billions of dollars to Europe and each year paid our interest, our shipping charges, and other debts by exporting large quantities of farm products. Since the war, however, we have become a creditor nation and the postwar reversal of trade balances, the passage of the Adamson law, the immigration law, the Esch-Cummins law, etc., have placed the farmers at such a tremendous disadvantage with other economic groups that it will not solve their problems or give them the desired relief.

It is said the farmer tills the soil that plants may grow that man may live. The farmer is nature's agent in promoting life by cultivating the soil for the growth of plants for food for animals and man.

Why should the great basic industry, agriculture, be told to work out it's own salvation, and that it needs no legislation, when the other great industries are cared for by Federal legislation? Manufacturers, railroads, great banking interests, labor, and mines are all cared for. The depression on the farm is due largely to the fact that the favored classes want to buy the products of agriculture at low prices while they have been able to force up their prices by legislation demanded in their interest.

The tax upon the farming interest is too heavy and depression results. He is demanding relief and fair and equal treatment before the law. He must be raised to the high level of other industries or the tariff wall must be lowered and more reasonable freight rates granted and encouragement given to the farmer to cultivate the soil, so that profit may result, and his heavy burden lessened, else bankruptcy will continue and increase until agriculture will cease to be profitable.

Some measure of relief must come without delay. Taxation direct and indirect must be lowered. The products of the farm should reach the market, foreign and domestic, with a reasonable net profit to the producer, so he may be encouraged to produce again. The middleman, the profiteer, the transportation agency, should not be permitted to reap so largely the benefits and profits due to those who have created the very necessities of life. Agriculture needs encouragement. Digressing here for a moment the States should cease levying taxes on farm lands for State purposes.

The farmers produce a surplus in almost every line—grain, meat, and raw material for clothing and other purposes—and should be permitted to reach the world market and have a reasonable net profit as a result, else depression will continue and ability to make ends meet be lessened. Banks continue to fail because of frozen assets, farm mortgages increase, foreclosures multiply, abandonment of farm for city life, less travel on railroads, decrease in freight and passenger travel, and further abandonment of short-line railroads, with increasing charges for shipments and travel on long lines, with discrimi-

nation between sections of the country. Class legislation for favored interests is transferring the wealth of the country from the many into the hands and pockets of the few. It is an unhealthy condition when 2 per cent of the people own over one-half of the wealth of the Nation. Governments are not created for the benefit of the few but for the helpful concern of all the people.

A great difficulty about farm relief by legislation has been the greedy desire of the specially protected interests to save themselves at the expense of the producing masses. And now these same interests are insisting that they be not disturbed by any legislation enacted for agriculture; that they must have their level of prices, insuring large profits, while they must know that excessive profits wrung by law from the many for the benefit of the few will ultimately react to their damage, while the many are impoverished and thereby unable to buy from the protected few. No country can live and perpetuate its prosperity by transferring the wealth of the country into the hands of the few. Nor can it prosper by impoverishing the farmer, and he is entitled to the fostering care of Congress as much as any other prime industry and he should not be compelled to feed the world at a sacrifice.

The manufacturers can control their production and fix prices by aid of tariff laws and controlled output, making contracts for sales in advance of production. Not so with the farmer. His production depends largely upon natural conditions that he can not control and upon the uncertain yield that determines largely the supply to meet the demands for food products and changes in prices according to supply and demand.

Following the war our national wealth had jumped from $186,000,000,000 in 1912 to $320,000,000,000 in 1920, and the values of farm products were up. Then came deflation, higher tariffs, and increased freight and passenger rates, and values of farm lands and their products fell, loans were called, bankruptcy and foreclosures followed, frozen credits brought bank failures, while prices of protected interests were upheld by favored laws.

As a result of the war the United States became the great creditor nation of the world. It ceased to be a debtor to the European nations, and so broken were these nations by the destruction of life and property by a cruel World War that their ability to purchase our surplus products was reduced; their gold was gone, transferred to the United States. High tariff walls have shut out their products from the United States. They could not pay their indebtedness, but had to make long time settlements. Trade and commerce fell down, their power to purchase our surplus farm products lessened, and suffering resulted in these countries, and depression of farm values in our country, and the farm problem is brought to Congress. Legislation is demanded.

Manufacturing concerns have reported more than $10,000,000,000 for income taxes during the last three years. Their values increased from below $25,000,000,000 to more than $50,000,000,000, while in contrast farm-land values declined 27 per cent since 1920, and the farmer is $25,000,000,000 worse off now than he was in 1920 and his indebtedness aggregating $12,000,000,000, with no incomes to report.

The existing tariffs hurt the American farmer by increasing his production costs, his cost of living, his transportation rates, decreasing his foreign markets and his exports and decreasing his property values.

We note that the March income tax approximates $500,000,000. This represents in part the toll taken from American production. The increase in incomes and resulting increased revenue from taxation is due to the energy and industrious effort of the toiling masses in every line of endeavor. The real wealth of the country rests in and is evidenced by the improved condition of the multitude who toil and by their labor produce wealth, in their struggle for existence and the betterment of their condition. And in their well-being and prosperity rests the real wealth of the country, and not the concentration of the money and property in the hands, possession, and control of a very small per cent of the people, while the many struggle to produce and to meet the demands of life.

Big business with large net profits have doubtless contributed largely to the big showing for March receipts from incomes. It does not necessarily mean increased prosperity for the masses. It is stated that in 1925 the American Telephone & Telegraph Co. made $107,000,000 net; General Motors, $106,000,000; Ford Motor Co., $115,000,000; United States Steel, $90,000,000; Standard Oil, $100,000,000; the rubber barons, $100,000,000, of net profits in 1925.

Ninety-four industrial corporations last year each made over $100,000,000 in net earnings.

Never a year in the history of the Government when so many industrial and transportation companies made record profits as in 1925. Not even during the war, as stated by Mr. SHALLENBERGER in the House in a recent speech. And yet during the last five years agriculture has lost $25,000,000,000. So revenues from large incomes can increase, and yet the basic industry of agriculture suffers heavy loss. A few, 2 per cent owning over one-half of the wealth of the country, can swell income revenues on profits exacted from the toiling millions who have no net incomes upon which to pay income taxes.

The fundamental thought of true democracy is "Equal rights to all and special privileges to none." How far removed from this righteous doctrine did our Republican friends in control take us by the enactment of the Payne-Aldrich tariff law, repudiated on direct issue by the people, and later by enactment of the Fordney-McCumber Tariff Act, the present law, destroying equal rights for all by the guaranty of special benefits by excessive tariff rates to a class that largely dominates the Republican party by contributions of large sums of money to fill its partisan treasury in exchange for the enactment into law of tariff benefits that enable the manufacturers to levy excessive tributes upon the consuming masses. Strange indeed is the fact that the political philosophy of Lincoln and Jefferson were the same. One the patron saint of the Republican Party, the other the father of the Democratic Party. Each resting his faith upon the rights of man, to equal rights. How far afield has the Republican Party wandered from the faith of Lincoln in its blind allegiance to special interests, the antithesis of the teachings of Lincoln, who would have spurned such alliance. The latter-day Republican is far removed from the teachings of the Great Liberator, who followed the teachings of Jefferson.

No wonder that millions of Republicans, still believing in the teachings of Lincoln, are breaking away from standpat Republicanism, tied up with special interests. No wonder that the western farmer, discriminated against in legislation, has become restless and is breaking away from party control. No wonder that labor everywhere is dissatisfied as it struggles for existence, while the wealth of the country, produced by those who toil, is owned by a few, who reap where they have not sown. These high tariffs do not create prosperity; they do not prevent bankruptcy, and bank failures, and strikes, and unrest.

A brief editorial, clipped from the Warrensburg (Mo.) Star-Journal says:

SOME PLAIN FACTS

The Jefferson City Capital-News discusses one of the most important questions before Congress as follows:

It was brought out in the congressional hearings on farm relief measures that the shrinkage in values of farm property in five years amounted approximately to $25,000,000,000, or over five billions more than the estimated valuation of all the railroads in the United States. When the present transportation act was passed, the stocks and bonds of the railroads were worth on the market a little over $12,000,000,000, but the act provided machinery for its execution, and this machinery determined upon $19,000,000,000 as the basic value of railroad properties, with an authorized return of nearly 6 per cent. The railroads since then have been producing a gross revenue of $6,250,000,000 annually, or one-third of their estimated value. Meanwhile the farmers of the country, with an estimated investment of $60,000,000,000, deducting the shrinkage of values, produced a gross return of only about $12,000,000,000, although 11,000,000 of our people are engaged in agricultural pursuits.

The railroads have been going forward through virtual subsidies from the public, guaranteed by law, while the farmers, denied even ordinary credits, have been slipping backward. The railroads have been transacting their business, thanks to the favor of the Government, in a rising market. The farmer has been selling in a falling market, and buying in a dear one. Through the system of Government regulation, which prescribes rates and thus insures adequate return to the railroads, the railroads have nearly ceased to be competitive. The farmer must patronize the roads, with competition eliminated, and must pay the rates thus designated by law, but when his product reaches the market he must compete with all the world.

According to the school of political thought which devised the transportation act, it is legitimate to insure to the railroads a fair return upon capital invested, but it is paternalistic to finance the farmer in the dispostion of his surplus, or, in fact, to help him in any way. There never was such inconsistency since the world began.

When surplus manufactured articles are shipped abroad and sold to foreigners at reduced prices the price of the same articles sold in this country to farmers and other consumers is not reduced but held at high prices by reason of the Fordney-McCumber high tariff law, that shuts out competition from abroad and enables the tariff-protected manufacturer of the United States to have a monopoly of the domestic market here,

and to charge excessive prices to the American consumer, who is at the mercy of the robber tariff.

This condition can not continue without continuing the hard struggle of the farmer, while the special interests will continue to fatten by reason of favored laws written in their interest.

Agriculture not only needs protection from high and exorbitant tariff rates, but it has a right to demand and to receive reasonable freight rates for the shipment of its surplus products, and it is also entitled to the full benefits of a credit system which will give equality of opportunity with other industries.

We want no monopoly of money, but we need a democracy of credit, with reasonable interest rates secured by property values.

We must preserve and retain our confidence in the superiority of the public will over the selfishness of others, who are not willing to trust the general public and refuse to record their wishes as expressed by the ballot. Legitimate business will thrive best when all the people are contented and reasonably prosperous.

It is admitted that "agriculture is in a bad fix; that it is unfair to compel the farmer to accept the low world price for his wheat, pork, beef, and cotton, while his production costs are fixed in the most highly protected market in the world, and under generous wage scales and increased tariffs, which reflect themselves in the cost of merchandise and freight rates." The claim that the farm problem is working out its own solution is asserted by those who set up no such claim when they were seeking helpful and favorable legislation for manufacturers, railroads, banking interests, and labor.

The provisions of the Haugen bill, to my mind, more nearly meet the emergency under existing conditions, and should be enacted into law, so that the surplus products of the farm may bring to the producers a fair return. As to corn, comparatively little is shipped abroad, but it is fed into cattle and hogs, and as beef and pork are helped so will corn likewise be helped. It is believed that the passage of the Haugen bill will lead to a great national farm reorganization, adjusted to the needs of agriculture in all sections.

Both parties in their national platforms have promised relief and helpful legislation for agriculture. The Republican Party is in full control of both branches of Congress and every committee having charge of legislation, as well as in control of the Executive department, and no legislation for the farmer can come without the consent of the dominant party, which is responsible for high-tariff rates and increased freight rates.

A reduction of both is demanded by agriculture and the Democratic party. Bring this relief and the producers and consumers will be largely helped.

The importance of this great basic industry is shown by the fact that at the peak of prices in 1919, the investment in agriculture in this country was given out as $79,000,000,000, and $86,000,000,000, in round numbers, for business and industry; neither so large now, because values have dropped.

The President of the United States, in his speech before the American Farm Bureau Federation at Chicago, was unfortunate in declaring that agriculture is substantially on a free-trade basis in respect of the things it buys, when it is well known that high-protection tariff rates have imposed enormously increased prices upon the consumers of the country and exacts heavy tariff tribute upon practically every manufactured article that the farmer is compelled to buy, and under and by virtue of the existing Fordney-McCumber Act staggers under an enormous load by reason of the exaction of the increased prices of the things that the farmer must buy. It is no answer to say that farm implements are on the free lists, when the steel and other products that go into the manufacture of these implements are highly protected, thereby forcing up the prices of the implements, the purchase of which must be made or the cultivation of the farm abandoned.

There would be less urgent necessity for farm legislation if there were no discrimination in favor of the other great industries against agriculture.

The majority in control should by united action permit legislation to lower those high tariff and freight rates so hurtful to agriculture.

It is stated that wheat reaches the seaboard in Canada at half the freight rate that wheat grown in the United States is permitted by our railroads to reach the seaboard for shipment abroad; as reasonable rates should be for our surplus as for Canada.

The farmer can not limit his production like the manufacturer. He must cultivate to the extent of his ability. He must raise a surplus for sale.

The suggestion to limit production means no surplus with which to purchase necessities he must have and must procure by sale or exchange of his surplus. The price of his surplus is reduced by the freight charges, and what he purchases is enhanced in price likewise by the added freight charges. So he pays both ways. While he buys in a protected domestic market and sells in a world free market, transportation and the tariff and the middleman's charges absorb the value of his surplus products.

There is a trend of labor in this country, which apparently can not be checked, from agriculture to industry, because industry pays more than agriculture can afford to pay. But industry can not continue to prosper and employ labor unless agriculture can buy, for lay-offs, with fewer days of work or reduced wages, and idleness, and strikes result.

Twenty years ago 60 per cent of our population was agricultural and 40 per cent urban. Ten years ago the urban figure stood at more than 51 per cent. In the meantime, of course, a more general use of farm machinery resulted in greater production for workers, so that the percentages do not indicate accurately the productive position of the agricultural area. Farm production is increasing, but not as fast as the population. The total value of farm crops and livestock in 1923 was estimated at $16,000,000,000. The value of industrial products that year was about $65,000,000,000. Compare these figures with the value of farm products in this country in 1914, estimated to be ten billions, and the value of manufactures, about twenty-four billions. Note the comparative increase between the products of the farm and of manufacture.

This whole question of agricultural and industrial production, urban and country population, and relationship between agriculture and industry are tremendously important and requires the best thought of Congress, to the end that relief come to agriculture.

The high-tariff manufacturers of the United States took autocratic control of the Republican organization, financed it, controlled the Metropolitan Press, and dominated the policies of the Republican Party, forced it to enact high-tariff legislation in their own interest, increased freight and passenger rates, and invited by their action other countries to do likewise in self-defense, thereby depressing commerce between nations and lowering the price of our surplus products of farm and factory when sold abroad, crippling especially the farming class by depreciating the price of their products while protected industry held a monopoly of the home market and could sell at lower prices the surplus from their own factories. Our foreign trade is lessening by reason of such policy, as stated by Mr. HULL in his discussion of the tariff:

Perhaps the most striking features of the Fordney-McCumber Act were the new and high rates for the iron and steel schedule. Iron and steel products constitute the major cost in almost every industry in the United States. Coal and iron are the two great basic commodities that underlie all industry. Carnegie and his associates boasted 25 years ago that they could produce the cheapest steel in the world and would soon control the world's markets.

The United States has the richest and greatest iron-ore reserves, the largest coal reserves, best skilled labor, and best business management.

In the face of all these facts and conditions new and uncalled-for higher tariffs are given the steel industries, so that their enormous profits can be further increased and higher prices exacted from all people compelled to buy the products of steel and iron. The cutlery tariffs averaged 107 per cent, pocket knives 146 per cent, the cheaper grades 179 per cent, scissors and shears 185 per cent. These amazing rates cost the people $50,000,000 annually.

The railroads consumed 22⅔ per cent of iron and steel products, or 5,986,000 tons, during 1925. On these and other products purchased for all purposes the railroads pay increased tariff prices of nearly $200,000,000 annually, which they pass on to the shippers in the form of higher freight rates. The farmer not only pays his share of this, but he is also a consumer of iron and steel products in the amount of nearly 20 per cent of the entire output. So he falls heir to this additional tariff burden. The building and bridge trades consume 18 per cent, thereby unduly enhancing the cost of building.

The American people are penalized by the woolen tariff schedule to the extent of $250,000,000 to $300,000,000 annually. Is it any wonder that these great protected industries grow enormously wealthy and enjoy exorbitant profits and incomes? Is it any wonder that through favored protection laws more than half of the wealth of the United States is held and owned by 2 per cent of the people, while 98 per cent toil and struggle for existence and for reasonable profits? Is it any wonder that agriculture is demanding consideration at the hands of Congress?

I again quote here from Hon. CORDELL HULL, a recognized tariff and revenue expert:

The story of agriculture for the years 1921–1925 is tragic. The value of farm lands alone declined 31 per cent, or $17,000,000,000.

This colossal loss, together with abnormal losses on farm products, make the farmer $25,000,000,000 to $30,000,000,000 worse off than in 1920, and worse off than he was before the war, despite unprecedented high tariffs on all agricultural products since May, 1921. His indebtedness aggregates near $12,000,000,000. Most countries have erected tariff barriers against his export surpluses in retaliation for our high tariffs. Farm failures during past years increased 1,000 per cent in contrast with commercial failures. Nearly $8,000,000,000 of our $10,500,000,000 loans made abroad since the war have been placed in Canada and South and Central America, where they would aid exports of our finished manufactures but would not aid our food exports to Europe. The farmer has seen high tariffs thoroughly tried out in practice, and if he can not now see that he is receiving tariff burdens and not tariff benefits, it would be in vain to reason with him.

Agriculture has never gone to the heart of the tariff question; but should it fail soon to do so it is destined to a state of permanent decay in this country. There is no more sound economic law than that tariffs are helpless to benefit an industry with a substantial surplus, which must be annually sold abroad in competition with important quantities of like products from other countries. The American farmer, therefore, who produces of the total agricultural output some 80 to 85 per cent of the staple agricultural products, such as corn, cotton, wheat, oats, rye, hay, lard, meat products, and tobacco, much of which must be exported, can not hope to receive any appreciable tariff benefits. The existing tariffs, on the contrary, hurt the American farmer by (1) increasing his production costs, (2) his cost of living, (3) his transportation rates on both land and sea, (4) decreasing his foreign markets and his exports, and (5) decreasing his property value by surplus congestion. The tariff is a tremendous factor in the production cost of the farmer as it is in his living costs. There is scarcely an article which he can purchase for any purpose at a price that is not tariff inflated. His agricultural machinery was placed on the free list while high duties were imposed on all the materials entering into the same, and the fact that the manufacturer dominates the world compels the farmer to pay high-tariff prices just the same. While the inevitable logic of high tariffs is that home production should not exceed home consumption, ultraprotectionists are striving to expand the exports of industry while they are advising the farmer to restrict his output to the home demand. They tell him that he should be content with home markets. In the first place, the farmer's home market is secure, regardless of tariffs; secondly, of what concern is the home or any other market to the farmer unless he can sell at a price above the cost of production? The farmer is interested in prices above all else. High-tariff advocates also tell the farmer that his collapse in 1921 was primarily due to commercial depression, whereas in truth the commercial depression was primarily due to the agriculture collapse and loss of purchasing power.

Agriculture continues as the basis of all sound domestic prosperity. Under existing tariff and trade policies industry will soon submerge agriculture, and then the rule will be reversed. The farmer undoubtedly knows now just what has been happening to him during the past five years. In 1920 the exports of all foodstuffs and food animals were $2,034,000,000, compared with similar exports of $892,000,000 in 1925. Only 17 per cent of our imports of foodstuffs in 1925 were competitive. Attempts are at times made to mislead the farmer by pointing to the large volume of agricultural importations. They dodge the controlling facts that most importations of foodstuffs are tropical fruits, coffee, sugar, tea, and other products that we do not produce at all, or if so, in insufficient quantities. Tea, coffee, sugar, spices, and cocoa comprised $620,000,000 of food imports in 1925. We produce none of these except some sugar. We must import wool and Egyptian cotton to the extent of $162,000,000 unless we are to freeze. Raw silks amounted to $396,000,000 and crude rubber to $437,000,000. We produce neither. A fair volume of winter fruits come in from southern countries at a time not to compete with our own. We do not produce enough hides, and so we purchased $96,000,000 worth of hides in 1925.

Some complain of the heavy cost of the Haugen plan. It is stated that new corporate financing in the United States during April reached a total of $438,299,000, which is far in excess of the amount provided in the Haugen bill—$375,000,000—as a revolving fund for a period of two years for the great basic industry of agriculture—which may be reduced by amendment.

I quote here some figures relating to industries other than agriculture:

PRIVATE INVESTMENTS

New corporate financing in the United States during April reached a total of $438,299,000. With the exception of last January, when the total of new corporate investments reached $545,870,000, the total for April is the high mark. The total of new corporate investments for the first quarter of this year reached a level of more than $1,640,000,000. Industrial financing and investment thus far this year has reached a total of more than $1,462,000,000.

Few persons realize the enormous amount of new American capital issues offered in American and foreign investments since 1920. It is estimated at more than $27,700,000,000, of which about $24,000,000,000 was in domestic corporations or enterprises and about $3,700,000,000 in foreign corporations.

These offerings cover only five years, whereas the total American investments in foreign government and industrial securities on January 1, 1926, amounted to approximately $10,500,000,000. This is something like one-sixth of the total estimated national income.

And yet with this object lesson, of great corporate investments, seeking to gather into their coffers the benefits largely flowing from agricultural efforts, they hold up their heads and cry aloud, subsidy, subsidy. Billions appropriated for every conceivable project, but when you talk of lending a helping hand to the farmer the cry of subsidy and economy is raised. You have more than doubled over 1913 the cost for military purposes, appropriated by this Congress, in the aggregate nearly a billion dollars. All other great industries cared for, the farmer now asks for consideration.

Let not the consumer be disturbed. He will not suffer by fair treatment of the farmer producer. It is the middleman, the distributing agent, the transportation from the farm to the consumer that is responsible for the high prices paid by the consumer. Your loaf of bread, your charges for meats, do not change with the rise and fall of prices for wheat and beef and pork. The charges made to you remain at a high level.

I have said so much about tariff and freight charges so as to stress the evil from which so much of the trouble comes. But the farmer must sell his surplus and reach the markets of the world at reasonable expense, and for that he needs the helping hand of legislation and should not be told by the powers in control to work out his own salvation, nor be told to raise no surplus, for he must have a surplus to sell in order to buy for his needs and to pay his taxes and other burdens. Without surplus on the farm for sale our foreign commerce will decrease, and our prosperity end. We must have a surplus of farm as well as factory to buy the needed surplus products of other countries.

I want to insert here the purchasing power of the farmer's dollar from 1912 to 1925, inclusive:

	Cents		Cents
1912	101	1919	112
1913	100	1920	96
1914	105	1921	84
1915	103	1922	89
1916	97	1923	61.3
1917	107	1924	62.4
1918	112	1925	60.3

These figures, as furnished by Secretaries of Agriculture Wallace and Jardine, show the low purchasing power of the farmer's dollar since the enactment of the Fordney-McCumber tariff law, showing that it has been a strong agency in depreciating the value of the farmer's dollar.

I also insert here a table of comparative prices of farm implements in 1914 under Democratic tariff laws and in 1924 under Republican tariff laws:

Implements	1914	1924
Hand corn sheller	$8.00	$17.50
Walking cultivator	18.00	38.00
Riding cultivator	25.00	62.00
1-row lister	36.00	89.50
Sulky plow	40.00	75.00
3-section harrow	18.00	41.00
Corn planter	50.00	83.50
Mowing machine	45.00	95.00
Self-dump hay rake	28.00	55.00
Wagon box	16.00	30.00
Farm wagon	85.00	150.00
Grain drill	85.00	165.00
2-row stalk cutter	45.00	110.00
Grain binder	150.00	225.00
2-row corn disk	38.00	95.00
Walking plow, 14-inch	14.00	28.00
Harness, per set	46.00	75.00

I desire to give here the agricultural situation as shown by the North Central States agricultural conference executive committee of 22:

The agricultural situation

BUYING POWER CUT IN HALF

[National Industrial Connference Board]

[Four years, 1920–1923. 1914=100]

Beef cattle	52
Swine	62
Wheat	45
Corn	57
Oats	48.5
Barley	49

FARM SHARE OF CURRENT INCOME LOW

[National Bureau of Economic Research]

Farm population, per cent of total current income	29.9
Per cent of total:	
1919	17.7
1920	13.4
1921	9.9

AGRICULTURE'S SHARE OF NATIONAL WEALTH DECLINING

[Bureau of Historical and Statistical Research, Department of Agriculture]

	1900	1912	1923
Total wealth—billions of dollars	88.5	186.3	320.8
Farm wealth—do	22.1	49.8	64.3
Farm share of total—per cent	25	26.7	20

ALL FARM PROPERTY IN UNITED STATES WORTH LESS THAN 1913

[Figures from National Bureau of Economic Research and Department of Agriculture]

[Dollars of 1913 purchasing power]

Value of all farm property in United States:	
1913	$45,227,000,000
1924-25	$38,188,508,000
Per cent of 1913	84.4

FARM AND MANUFACTURING WEALTH COMPARED

[Bureau of Census figures reported in February bulletin National City Bank of New York]

[Dollars of 1912 purchasing power]

Manufacturing:	
1912	$20,785,000,000
1922	$29,447,109,000
Per cent of 1912	141.9
Agriculture:	
1912	$12,846,000,000
1922	$9,244,604,000
Per cent of 1912	71.8

EXCHANGE VALUE OF FARM LANDS BELOW 1910

[Bureau of Census figures for North Central States used—Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Missouri, Iowa, Kansas, Nebraska, North Dakota, South Dakota]

[Dollars of 1910 purchasing power]

Exchange value:	
1910	$17,284,260,000
1920	$14,904,561,000
1925	$13,647,519,000
1925 compared with 1910 per cent	78.98

MEANTIME FARM DEBT GROWS

Total farm indebtedness:	
1910	$4,320,000,000
1920	12,250,000,000
1925	12,250,000,000

A large crop is a national blessing to be fed more largely when cheap and surplus sold when prices justify.

The Haugen bill provides the machinery for our surplus production to move to the markets of the world in an orderly way.

The condition of agriculture is not disputed. The difference of opinion is over the remedy. The Haugen plan is proposed by the farm organizations. Why not test it out until a better plan is devised? No other apparently workable or worthwhile plan has been proposed. If defective, let it be amended after trial. Do not cry subsidy, when Congress came to the aid of the railroads after the World War and appropriated $2,000,000,000 for their aid. If the railroads broke down and needed aid, is not agriculture entitled to helpful legislation? Railroads are now in better condition than ever before, stabilized as they are by the Esch-Cummins law. This agricultural measure will help every other great industry while it stabilizes the products of the farm. Let it have a fair trial.

Agriculture asks to be put on an equality with other industries. It will not be satisfied with less. This Government has no right to relegate agriculture to a position of comparative inferiority with industry. Or by discrimination compel agriculture in the future to be used merely for supplying cheap food and cheap raw material to industry. The defeat of fair legislation for agriculture makes an issue that will be settled in the forum where the voter records his will.

If the Haugen bill fails of passage or enactment into law, I am ready to vote for any measure helpful to agriculture.

The agricultural district which I represent and the great State of Missouri, so largely agricultural, is vitally interested in this proposed legislation and deeply concerned about the purchasing power of the farmer's dollar.

During my term in Congress I have always given first concern to agriculture, the basic industry in my district, and shall continue by my vote to try to represent its best interest as long as I am trusted to serve them here. And while the Haugen measure may not be perfect, it is the one bill that seems to best represent agricultural thought and wishes, and I shall cheerfully support it. If it has defects, they will appear on trial and can be amended. No comprehensive bill for any great measure is ever perfect. It has to be tried out.

No one can predict with certainty the result of legislation. Our duty is to represent as best we can the thought and wishes and needs of our district and of the country as far as we can. No general law is perfect when first enacted; after trial it may need amendment.

My first duty is to agriculture. The cities and towns in my district are dependent upon the prosperity of the farm, and this duty it has been my endeavor and pleasure to always recognize by every vote I have cast and every speech I have made since I have been a Representative in Congress.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Missouri [Mr. MAJOR].

Mr. MAJOR. Mr. Chairman and gentlemen of the House, as a Representative from a great agricultural State and of a district where agriculture is one of the chief industries, I desire to make a few observations on the legislation now before our body.

I have been waiting with much solicitude for the report of the Agricultural Committee of this House on what that body would recommend to us in the way of farm legislation, and at last, after many weeks of hearings and deliberations, that committee, whose special province is to consider and report on legislation affecting agriculture, has presented us not with a bill which a majority had agreed upon, but with three distinct and separate measures, namely, the Haugen, the Aswell, and the Tincher bills. We have now had five days and two nights of debate on these proposed measures, and much has been said for and against each. There seems to be a unanimity of opinion that agriculture is in sore straits and something should be done to give relief to this great industry—the diagnosis has been as varied as have been the remedies offered for the cure of its ills. Agriculture is entitled to a square deal at the hands of the Government and should be treated fairly. There should be no governmental favorites. No business or industry should be placed in a position where it can be preyed upon by any other business or industry. Agriculture is sick and the question is, What can we do to relieve the situation? Just look into conditions and see what the trouble is and what has happened and is happening to the farmers.

In 1900 the farm lands and property in the United States were valued at approximately $20,000,000,000; in 1910 this value had increased to $40,000,000,000; in 1920 to $77,000,000,000. These returns show that the farm lands and property of this country had steadily increased in value in times of peace and in times of war until 1920, when they reached the high point. Now, what of the past three years—what has been the condition of the farmer during this time, and apparently without any obvious reason? While everyone around him has prospered, his prosperity has gone; his land has depreciated in value, as well as everything else he owns, while what he has to buy has kept up in price, if not actually increased. His dollar has been reduced to about half in purchasing power, while his State, county, and local taxes, as well as his debts, have doubled. His freight rates have steadily increased, until they have reached the point where they at times equal the price he receives for his products. Approximately 25 per cent of the farmers in the great West and Central West are bankrupt, and are only saved from eviction and actual bankruptcy by the leniency of their creditors. Farm lands have decreased in value from one-third to one-half.

The National Industrial Conference Board, with headquarters in New York, has submitted to the American people its profound conclusion after one year of continued and earnest study that the average income of the American farmer for the year 1924 was $736, as contrasted with the average income for transportation workers of $1,570, of $1,250 for manufacturing wage earners, of nearly $1,700 for ministers, of over $2,100 for clerical workers, of $1,650 for Government employees, and even of $1,300 for teachers.

The following table will show the depreciation in the purchasing power of the farmer's dollar from the year 1913 down to and including 1925:

	Cents		Cents
1913	100	1920	96
1914	105	1921	84
1915	103	1922	89
1916	97	1923	61.3
1917	107	1924	62.4
1918	112	1925	60.3
1919	112		

My colleague, Congressman STRONG, a Republican from the State of Kansas, had inserted in the RECORD sometime ago a

table showing the difference in the cost of farm implements in the year 1914, when the Underwood Tariff Act (a Democratic law) was in force, and in 1924, under the Fordney-McCumber Tariff Act (a Republican law). The table follows:

Implements	1914	1924
Hand corn sheller	$8.00	$17.50
Walking cultivator	18.00	38.00
Riding cultivator	25.00	62.00
1-row lister	36.00	89.50
Sulky plow	40.00	75.00
3-section harrow	18.00	41.00
Corn planter	50.00	83.50
Mowing machine	45.00	95.00
Self-dump hay rake	28.00	55.00
Wagon box	16.00	36.00
Farm wagon	85.00	150.00
Grain drill	85.00	165.00
2-row stalk cutter	45.00	110.00
Grain binder	150.00	225.00
2-row corn disk	38.00	95.00
Walking plow, 14-inch	14.00	28.00
Harness, per set	46.00	75.00

Most all of these implements have at least doubled in price.

The farmer's products, stock, and other property have fallen in value, while farm implements, building material, fertilizer, fencing, fuel, clothing, boots and shoes, and everything else he has had to buy, as well as freight rates, have remained at war-time prices. There is no just relation between the price he gets for his wheat and the price the consumer pays for the flour; between his beef on the hoof and the beef on the block; between the price he receives for his hogs and the price the consumer pays for pork and its products; between the price he receives for his hides and the price he has to pay for his shoes. There can be no question but what there is something wrong between the price the farmer is paid for his products and the price at which they are sold to the consumer. This difference between what the farmer receives and the price paid by the consumer for the products of the farm is an outrage and should not be tolerated or permitted in an enlightened country. What is this difference? Of approximately $22,500,000,000, representing the total value of the farm products produced and sold in this country last year, the farmer received approximately $7,500,000,000, while the speculators, middlemen, and transportation companies exacted the exorbitant toll of $15,000,000,000—the farmers receiving one-third, the speculators, middlemen, and transportation companies two-thirds, a tribute out of all proportion of right and justice, and something which should not be allowed or tolerated by the lawmaking power of this or any other nation. But this is exactly what we are permitting to take place in this country and making no effort to prevent. We are sitting by and permitting this enormous toll to be taken from the farmers.

Instead of receiving but 35 cents of the consumer's dollar, as he does under the system now in vogue, he should receive the 65 cents now taken from him by the speculators, middlemen, and transportation companies. Instead of receiving the one-third he should receive the two-thirds, and in this way he would receive a fair return on his investment and labor, and compensatory prices for his products. Just look a little further: He is compelled to take what is offered him for what he has to sell, and is compelled to pay what is asked him for what he has to buy. He has no part in fixing the price of his own products or anything to say as to the price he is charged for what he has to buy. Under the present system he pays tribute to all other industries, but is denied any part in establishing the price of his own products. He must sell for what he is offered and in purchasing pay the price asked. It is heads they win and tails he loses. I submit that he should have the same say and influence in conducting his business as other businesses have in conducting theirs. His business should be placed on an equal footing with other industries. While he is asking no special privileges or special favors, we should see that he is given equal protection, equal privileges, and accorded fair treatment to the end that other industries shall not be permitted to prey upon his business to his detriment and utter ruin.

I assert that other industries of this country have been favored with special legislation at the expense of the farmer; and this policy should, must, and will be changed. By legislation he is compelled to purchase his farming implements, tools, fuel, building material, fertilizer, fencing, clothing, boots and shoes, and everything else he uses in a protected market, and must dispose of his products in the market of the world in competition with the world. He has witnessed the manufacturers of this country given the benefit of the highest protective tariff law in our history; the railroads given laws which enable them to fix compensatory rates that they may operate at a profit; virtually every business the recipient of beneficial legislation except his, and his the one business more entitled to the fostering care and protection of the Government than any other.

That the farmers are in distress and greatly in need of beneficial legislation admits of no argument. While the past few years, according to statistics, have been prosperous years for many forms of business, such has not been true of the farmer. He is getting the worst of it and is being hard hit on all sides. He labors from sunrise to sunset; he gambles with the elements, the drought, the flood, the storm, the winds, the heat, and the cold; he battles with the devastations of crawling and flying insects and the ravages of disease, and for all his work, his risks, his worries, and his troubles, he finds himself getting deeper and deeper in debt as he struggles for a livelihood. Out of the six and one-half million farms owned in the United States by individual farmers a few years ago, by reason of failures and foreclosures these farms are now owned by less than 3,000,000 farmers.

What are we going to do about it? What can we do that will relieve the situation and bring back prosperity to this great industry? In April, 1924, when this same subject was before us, I made the following suggestions, which I now repeat, for conditions have not changed:

First of all we should work on the Fordney-McCumber Tariff Act, the schedules of which were fixed at the command and behest of the predatory interests of this country without regard to the difference in the cost of production at home and abroad. Its purpose was to shut out all competition from abroad, and its effect is to foster, encourage, and permit the formation of trusts and trade combinations in this country to the end that the farmer is compelled to do his buying in a market where there is no competition and in this way pay tribute to the manufacturers of this country far beyond a fair and reasonable profit. He is forced to sell in competition with the world and to buy in a protected market where there is no competition. Congress has simply "hog tied" him, and the manufacturers are permitted to take from him what they decree. Shall we permit these conditions to continue? This Congress probably will, but the farmers of this country have awakened and will not much longer submit to this kind of treatment. There will be a Congress elected that will do what should be done in his behalf.

Second. We should do something to reduce the excessive freight rates which the farmer is compelled to pay and with which he is confronted in both buying and selling. Excessive transportation charges increase the price of everything he has to buy and decrease the price of everything he has to sell, the transportation charges in many instances equaling the price that the farmer receives for his products. Legislation perfecting the inland waterways of the country would do much to bring down the excessive transportation charges he is now compelled to pay.

Third. Taxes should be reduced, expenses curtailed, and economy practiced as well as preached.

Fourth. We should devise and put into effect some intelligent and comprehensive agricultural policy or plan whereby the farmer will be able to receive from the consumer compensatory prices for his products; legislation that will improve, stabilize, and make permanent our markets abroad.

These are a few of the suggestions that I would make for the relief and betterment of the great agricultural interests of this country. There may be others and I will gladly support any plan in which I believe there is merit and which will improve the situation.

In this Congress there are in the Senate 56 Republicans, 39 Democrats, and 1 Farmer-Labor; in the House 247 Republicans, 183 Democrats, 2 Socialists, 2 Farmer-Labor, and 1 Independent. So it can readily be seen that the Republicans at least have the votes to enact any legislation that their leaders might devise for the relief of agriculture. But will they do anything? If not, why not? Is it possible they do not know what to do? Do you believe that this is the *one* question on which their leaders are unable to agree upon any plan of relief? Can it be possible that effective relief would interfere with some other interest that stands closer to the "powers that be" than agriculture? There are individual Members who would not only be willing but would take pleasure in assisting in the enactment of legislation that would relieve the situation, but such legislation will not be forthcoming from this administration.

No man can serve two masters, and neither can a political party. No surer way could be devised, in my opinion, to block effective agricultural relief than that which we are now witnessing on the floor of this House. A great committee of 21 members, 13 of whom belong to the majority party of this House, supposedly selected because of their knowledge of and interest in the problems of agriculture, after weeks of assid-

nous labor have presented the House with triplets—HAUGEN, ASWELL, and TINCHER—all three of which are now cavorting in the House, muddying the waters and befuddling the issues to the end that this much-needed relief will be denied, and with the hope that the responsibility can not be fixed. So we witness the spectacle of a great party either unwilling or unable to devise, work out, or agree upon some plan to solve this, what I consider the most important and far-reaching problem before this Congress. The party now in control had no difficulty agreeing upon the provisions or the enactment into law of the Fordney-McCumber tariff bill for the manufacturers, the Esch-Cummins railroad bill for the railroads, the immigration bill for labor, and the Mellon tax bill and all other measures in which the interests and big businesses were interested. Can it be that the great manufacturing centers of New England are interested in seeing that the prices of the products produced by the great agricultural interests are kept as low as possible, and that these interests have the ear of the administration? The answer to this question is the key to the situation that now confronts us. The agricultural industry is entitled to just consideration and fair treatment at our hands and we should do something to the end that it no longer is permitted to remain the prey of the great manufacturing interests of New England. Congress, the greatest legislative body in the world, ought to be able to solve this problem. The reason for which government exists is that one man, if stronger than another, will take from him whatever that other possesses and he desires, and what is true of the individual is true of industries and businesses.

A great industry in dire distress, crippled and bleeding, is knocking at our door and imploring us for help, relief, justice, and fair treatment. To this they are entitled and I, as a Member of this House, am going to do my best to see that it is accorded them. While the Haugen bill is not perfect, I can not but feel that it would come nearer giving relief and meeting the situation than either of the other bills. It is the measure asked for by the great farm organizations—and they ought to know what they want—and I will support this bill in the hope that it will bring relief to agriculture—an industry in which approximately 40,000,000 people are engaged; in which there is invested approximately $65,000,000,000; which annually buys $6,000,000,000 worth of the goods and services of our other industries and supplies the materials upon which depend industries giving employment to nearly half of our industrial workers; and which supplies about one-fifth of the tonnage of freight carried by the railroads. Its products constitute nearly half of the total value of our exports; it pays in taxes one-fifth of the total cost of our Government, and farms and farm property represent more than one-fifth of the total national tangible wealth, and contributes, normally, about one-sixth of the total national income.

The Aswell bill has many good features, but, in my judgment, does not reach the situation or furnish the immediate relief that is necessary; while the enactment of the Tincher, or administration bill, would be giving to the farmers a present very much like the one given the good wife by her indulgent and generous husband who, after looking for several hours for an appropriate Christmas present, finally compromised with his conscience and presented her with a new axe.

I want to state here and now that if the Representatives of this House, regardless of political affiliations, who represent agricultural districts will be just as loyal, just as interested, and just as alert to the interests of the farmers of their districts as the Representatives of the manufacturing sections are to the manufacturers' interests, we will then get for the farmer what is due him and what he is entitled to and not until then. And in conclusion I want to say to the farmers of this country that when they realize that the leadership of the Republican Party, as constituted and controlled, is more interested in the manufacturers, big business, and the wealth of the country than in what concerns them and their business and is beneficial to them and their interests and bear that fact in mind in selecting the men they send to Congress to look after their interests, then and not until then will they be able to secure legislation which is necessary for their well-being and prosperity and to which they are so justly entitled.

Mr. TINCHER. Mr. Chairman, I yield to the gentleman from Michigan, a member of the Committee on Agriculture [Mr. KETCHAM], 20 minutes.

Mr. KETCHAM. Mr. Chairman and members of the committee, the Committee on Agriculture has been subjected to considerable good-natured banter for having presented three bills to the House of Representatives seeking to improve the agricultural situation of the country. In a few instances this good-natured banter has given way to actual criticism. After discussion of nearly a week, during which time it has been frequently observed that a number of speeches on this subject have been of an unusually high order, I think we will all agree that the whole problem has been somewhat clarified and that the judgment of the House upon this vital matter will be much sounder by reason of the fact that under the action of the committee full freedom has been given Members to present their views as to the merits of the respective plans.

After such complete discussion there is practically no new ground for one to cover in the closing hours of the debate, and I shall not therefore attempt to cover the field of discussion in relation to all the bills, but simply rise to offer a few observations as to the course my own mind has been taking during the weeks and months we have had farm relief under consideration.

In the first place, Mr. Chairman, I place myself squarely with all those who believe that no permanent prosperity can come to the United States unless the millions of our people who are engaged in the great fundamental business of providing our food supply and a large proportion of our raw materials for industrial processes are placed and maintained on a plane of economic equality. It is intolerable to me to think of any permanent classification of the people of the United States into different economic grades. Every effort must be made to make the rewards for equal effort, equal investment of money, and equal brain power in various callings and occupations fairly comparable. Particularly must we be mindful of the important part the farmers play not only in the maintenance of our economic structure but also our social and governmental organization. He is indeed blind to the best interests of his country who can not see the value of a contented, prosperous, and progressive agricultural population. Among the people on the farm is to be found the highest percentage of home ownership. Here, also, we find the highest percentage of native-born citizens. Here we find a strong backbone of constructive, conservative thought that is especially essential to our steadiness in times of distress, uncertainty, or panic. Therefore, it seems clear to me, Mr. Chairman, that from the purely personal standpoint, as well as from that of the responsibility which we bear as Representatives in the greatest legislative body, the world knows that the sentiment in this Chamber should be nearly unanimous in striving to work out any legislative enactments that may be needed to improve the economic situation of the American farmer. I have been highly gratified to receive personal assurances of a desire to measure up to this opportunity and responsibility from every section of the country represented in this body.

We may differ widely as to the extent to which we think legislation can be helpful, but in my judgment there is an overwhelming majority of this House on both sides of the aisle that would vote within an hour for any constructive plan that could be proposed to improve our present agricultural situation. Believing, therefore, that there is a real agricultural maladjustment that can be met partially by legislation, and that this House is ready and anxious for a constructive suggestion, I am presenting my views upon the question briefly in the feeling that not since I have been a Member of this body have we faced a weightier responsibility than that immediately confronting us.

In the first place I desire to present what I regard as a fair statement of the present condition of agriculture. We speak of the buying power of the farmer's dollar as an indication of his situation. We also speak of the purchasing power of the farmer's product in relation to the same subject. The purchasing power of the farmer's income is also used as a standard of measurement. Owing to the fact that all three of these expressions are frequently used interchangeably by public speakers and have indeed so been used by various Members in the discussion of pending bills, an attempt to clarify the meaning of these expressions may not be untimely. In the course of his eloquent and forceful speech last Friday the gentleman from Kentucky [Mr. KINCHELOE] made this statement during the course of a sharp attack on the Fordney-McCumber tariff law:

> You have decreased the purchasing power of his dollar of $1.01 when that bill became a law to $0.60.

The fact is that when the Fordney-McCumber law became effective, in September, 1922, the purchasing power of the farmer's dollar was approximately 56, and in March, 1926, it was 62. Still others have stated that the purchasing power of the farmer's dollar is at its lowest point in the history of the country. The fact is that the lowest point in said purchasing power in the 15-year period between 1910 and 1925 was 40, which was reached about March of 1920. It is further true that the present purchasing price of the farmer's dollar is as high as it has been since 1916. Only in 1924 did

it reach 62, where it is at the present time. If you are describing the present situation of the farmer in terms of the purchasing power of his production, it is likewise untrue to say that he is in the worst position he has ever been. The facts are that in 1922, when the Fordney-McCumber tariff bill was enacted, the purchasing power of the farmer's product was 69. It has steadily increased from that point upward to 1925, when it reached 89. For the last six months it has remained stationary at 87. Still another measure of the farmer's situation is found in terms of the purchasing power of his income. Beginning with 1922, both gross and net income of the farmers of the country have increased. The exact figures are 1922, $543; 1923, $701; 1924, $764; and 1925, $876. Mr. Chairman, my purpose in submitting these figures, which are official and authentic, is twofold: First, to answer the oft-repeated and emphasized charge that the protective tariff is directly responsible for the present situation of the farmer; and, second, that there has been no improvement in recent years, but that the situation is continuously growing worse. When judged by the buying power of his dollar, the buying power of his products, or his net income, he has improved his position perceptibly since September, 1922.

Expressed in terms of percentage, the purchasing power of his dollar has increased nearly 11 per cent, the purchasing power of his product 26 per cent, and his net income 61 per cent.

The following index comparisons between the prices the farmer receives on four of his principal commodities in contrast with the prices paid for four groups of articles that make up the largest share of his purchases are submitted in the hope that they will be helpful in the consideration of proposed farm legislation.

The same periods, 1911–1914, and 1921–1924, have been used in preparing each table, and 1913 is taken as the base at 100 per cent, with the exception of the agricultural and nonagricultural table where 1910–1914 is used as the base:

Sales

[Farm prices]

	Wheat	Corn	Hogs	Cattle
1911	109	92	84	76
1912	112	110	90	87
1913	100	100	100	100
1914	110	115	102	106
1921	147	90	105	91
1922	130	95	113	92
1923	123	127	95	96
1924	139	145	100	93

Wheat constitutes 11.56 per cent on farm commodities sold, corn 4.46 per cent, hogs 12.46 per cent, and cattle 15⅓ per cent.

Purchases

[Wholesale prices]

	Cloths and clothing	Building materials	House furnishings	Metals
1911	95.8	97.6	93.5	89
1912	97.2	98.5	94	98.6
1913	100	100	100	100
1914	98	97	99	87
1921	179.5	165.4	195.1	129
1922	180.8	168.4	175.8	122
1923	200.1	189.1	183.1	144.4
1924	190.9	175.1	172.8	134.5

Cloths and clothing make up 9.8 per cent of our purchases; building materials, 5.37 per cent; house furnishings, 3.34 per cent; and metal products, 8.35 per cent. Purchases are not made at wholesale by the farmer, and the figures given in this table would need to be increased by the percentage that the retail price bears to the wholesale price in each classification.

[Farm price index]

	Agricultural	Nonagricultural
1911	95	95.5
1912	99	100.3
1913	100	104.5
1914	102	97.4
1921	116	167.4
1922	124	168
1923	135	171.3
1924	134	161

Three other factors that have largely contributed to the unequal situation the farmer faces are shown in the following table:

	Union wages	Farm labor	Freight rates
1911	96	93	100
1912	97.6	97	100
1913	100	100	100
1914	101.9	97	100
1921	205	144	191.6
1922	193.1	140	191.6
1923	210.6	159	172.5
1924	228.1	159	172.5

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. JACOBSTEIN. The gentleman does not seem to maintain that the farmer's position is normal?

Mr. KETCHAM. I do not.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield now?

Mr. KETCHAM. I really ought to yield to the genial gentleman from Kentucky.

Mr. KINCHELOE. The figures that I used I got from Secretary Wallace, who is now dead. They gave the purchasing power of the farmer's dollar up to 1922. I wrote to Secretary Jardine to give me the purchasing power of the farmer's dollar for 1923, 1924, and 1925, and he gave it, and it went up in 1925 to 60⅘ cents. The gentleman may dispute that, but that is my authority.

Mr. KETCHAM. I think the authority is very good, but I think the gentleman from Kentucky, and I say this in all kindness, did not interpret the figures correctly.

Mr. KINCHELOE. And I say that I did interpret them correctly.

Mr. BURTNESS rose.

Mr. KETCHAM. I shall have to refuse to yield.

Mr. BURTNESS. Is not the difference to be found in the purchasing power of the dollar and the purchasing power of the products?

Mr. KETCHAM. So far as our present problem is concerned, stated in terms of agricultural and nonagricultural indices, the problem before the American farmer and the country is to devise ways and means whereby a nonagricultural index may be increased approximately 13 per cent. Question, "How shall it be done?" Three legislative remedies are submitted for your consideration: The Aswell bill is predicated upon the assumption that the spread between the consumer and the producer is altogether too wide and that if better marketing machinery could be set up to lessen the number and the expense of the intermediate transactions, the net result would be a large increase in the price of the product to the original producer without at the same time affecting the cost to the ultimate consumer. The Tincher bill attacks the problem from the standpoint of better merchandising. Secretary Jardine states the proposition in these words, "My own conviction is that the central problem in this whole matter is one of merchandising." His point is well illustrated in the case of wheat. The high point in marketing this important grain crop so far as quantity is concerned is September. Conversely, this month represents almost the low point of the year so far as price is concerned, and the farmer is primarily interested in the price that prevails at the time he markets his wheat.

The theory of the Tincher bill is this, that cooperative agencies are rapidly developing, and in view of the fact that their capital is ordinarily so limited that they can not store any considerable quantities of wheat, they must take the crop as it comes and in turn pass it on to those who have storage and capital facilities for handling it until the consumptive demands require it to be fed into the food stream. Looking at the problem in a broad way there seems to be no reason why the wheat price in September should be essentially different than at later periods in the year, and yet it is well understood that under normal crop conditions the low point in the annual wheat price corresponds almost exactly with the point of greatest marketing. The Tincher bill is built upon the theory that this price inequality which directly limits the income of the American farmer, and therefore affects the prosperity of not only the farmer himself but of all other groups as well because it decreases his buying power—is a matter of public interest, and it proposes that loans shall be made at low rates of interest and for long periods of time, not to individual farmers but to cooperative organizations to enable them to carry these seasonal surpluses along until they can be fed into the food stream without a depression of price. The purpose of the bill, as stated by the Secretary, is to stabilize prices, and if prices are stabilized, I think all would agree that it would certainly

be at a higher level for the farmer than at the present time, because so large a per cent of his grain is marketed at the low price period. Neither the Aswell bill nor the Tincher bill propose to change radically the marketing systems which have been built up in the country through so many years of conscientious effort. They are designed to supplement and improve the present marketing agencies and to that extent are not revolutionary.

The proponents of the Haugen bill maintain that the chief element in the farm relief program is the question of our exportable surpluses, and evidently are not only enthusiastically committed to the proposition of eliminating these surpluses from their depressing effect upon prices, but are unwilling that any other plan may be tried. With reference to these three bills, I can make my position clear. Two years ago I supported the McNary-Haugen bill, not because of its so-called price fixing nor its government in business, but solely upon the theory that it was designed to make the protective tariff, in which I am a firm believer, fully operative upon those crops in which we have an exportable surplus through the device known as equalization fee. This plan has been described so many times and is so thoroughly understood that I will not refer to it further at this time. At the hearings before the committee, my questions to the various witnesses will show that I was willing to go along with the Haugen bill as it was originally drafted, incorporating the principles of an equalization fee. I am less convinced now than I ever have been as to the practicability of the equalization fee. I think it but fair to say that I have now passed fully into the state of mind described by the judge on the bench as that of a reasonable doubt. I had further concluded to support the original Haugen bill because there was no doubt in my mind but that it represented a very substantial and well-considered group of farmers in the country, whose chief agricultural interest is centered in the basic commodities of the bill. However, I have now deliberately reached the conclusion that I can not support the Haugen bill for the following reasons:

First. Because it embodies the subsidy idea, against which every farm leader spoke before the committee, and against which every farm organization has gone on record in its great annual meeting, where the well-considered views of the membership are expressed in resolutions and where mere expediency in securing votes is not a controlling factor. When the motion was presented by the gentleman from Minnesota [Mr. ANDRESEN] deferring the equalization fee for two years and providing the subsidy of $350,000,000 to care for the losses that might be sustained pending the establishment of the equalization fee, I announced that I would have to part company. I can not support the idea of a subsidy and I can not conceive the Haugen bill to be successful at all with the equalization fee eliminated. I know full well that the proponents of the bill say that the equalization fee is still retained, but I do not believe any considerable number of the Members of this House believe in their hearts that if the bill were enacted with the subsidy feature in it that there would be any great chance of ever establishing the equalization fee or production tax in its place. A simple test of the truth of this assumption is to be found in the attitude of the representatives of the cotton growers of the country. With the subsidy in the bill, a considerable block of votes would be cast for the bill. Without such a subsidy I believe that the vote against the bill would be as nearly unanimous as it was from the cotton growers in the case of the McNary-Haugen bill of two years ago. The outstanding defect in the Haugen bill as it now appears is that, in my opinion, it would defeat the very purpose it seeks to correct, namely, that of control and handling of surpluses. Just a moment's consideration will make this point clear I feel sure.

The farmer in the last analysis is an individualist. He must meet his own bills, both of a public and private nature. He must pay off his own mortgage. He must strive in every possible way to increase his income and to limit his expenditures within that income if he is to succeed. Should the Haugen bill pass and the news go to the various sections of the country that specialize in the basic commodities enumerated in the bill, I can not conceive that any farmer who saw in it an opportunity to get a greatly increased price for his products would not immediately make plans to greatly increase his acreage, because the restraining influence of the equalization fee would be lost and he would know that the losses on all the excesses that he might produce would be made up out of the Public Treasury. Just what this would mean in the way of defeating the purpose of the bill can easily be seen by a glance at the variations in acreage and yield in wheat. We have gone from the extremes of 54,000 to 75,000 in acreage of wheat and from 636,000,000 to 1,000,000,000 bushels in yield, and the inevitable result is shown in the net results of such operations. In 1915 we produced a billion bushels of wheat; for which we received approximately $950,000,000. The following year we produced 636,000,000 bushels, and received nearly $100,000,000 more for it than we did for the crop of the preceding year, which was 400,000,000 bushels greater. Speaking of deferring the equalization fee for two years and then putting it in operation, can anyone imagine a more difficult situation than would be created in the operation of this bill under the circumstances I have described? If ever a surplus would be produced, it would be next year, and I think every level-headed man will recognize the insurmountable difficulty of placing an equalization fee on wheat in the face of a tremendous carry over such as, in my opinion, would be inevitable under the inspiration of a direct subsidy from the Treasury of the United States.

Mr. Chairman, as Members of this body we are confronted in the last analysis then with this situation: Shall we discard the marketing systems and market agencies that have been built up through long years of painstaking effort and substitute a new governmental agency that of necessity must to a large degree completely change all that we have set up, or shall we encourage the organization already set up by farmers themselves to work out their own problem? The cooperatives of various kinds to-day are estimated to handle one-fifth of the products of the farm. With sufficient capital, and with the governmental encouragement offered under the terms of the Tincher bill, it is reasonable to suppose that they will grow rapidly and will overcome many of the difficulties that have prevented their proper development up to this time. My choice has been determined, and I shall do what I can by my voice and vote to take this forward step in the solution of the great farm problem. Our discussions have been very earnest, not to say heated, at many times, and personalities have been occasionally indulged in, but this question is too big for considerations of such character to influence our judgment. I am further convinced of the practicability of the step I have decided to take, because, in my opinion, this legislation will be the only kind that can receive Executive approval if enacted. I have no sympathy for the attitude of mind that suggests reprisals upon other groups of our citizens if his own wants are not met. I do not believe the American farmer wishes any advantage for himself that means a detriment to any other particular group. All that he is asking for is that so far as legislation is concerned you will give him an opportunity to place himself upon an equal footing with other citizens. Believing that the terms of the Tincher bill will enable him to take the necessary steps by eliminating the seasonal surpluses, which after all are the largest factor in their effect upon the price to the individual farmer, I sincerely hope that the measure may receive your favorable consideration. It is an immediately practical and sensible step to be taken, and it should be given a fair trial.

The gentleman from New York [Mr. JACOBSTEIN] has summarized my views aptly in a closing sentence from his brilliant analysis of the agricultural situation, given last Thursday, in the course of his remarks on this bill. I quote:

> It is my belief that the farmer can profit in the solution of his problems by more effective and more extensive cooperation, by the application of larger use of long-time loans for capital expenditures, and for the building up of a sinking or reserve fund to be used in financing the carry over of the surplus in such a manner as to exercise a restraining influence not only on immediate market prices but on future prices through a regulation of production.

[Applause.]

Mr. ASWELL. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. ALLGOOD].

Mr. ALLGOOD. Mr. Chairman, I regret that the great Agricultural Committee of this House can not agree, and therefore have reported three agricultural bills instead of getting behind one bill with all their might and main and passing it. With three bills there is absolutely no hope of any of them passing; therefore I doubt very seriously if there will be any farm relief measure passed at this session. If 11 men on a committee of 21 members can not agree on a measure, they can not expect a majority of 435 Members of this House and a majority of 96 Members of the Senate to agree on a bill which will be accepted by the President, whose attitude seems to be that the farmer must work out his own salvation. But the farmers of this Nation know that they have not had a square deal from Congress, and it is my opinion they will charge this up to President Coolidge and his administration when voting time comes.

This bill seeks to equalize and stabilize the price of corn, wheat, livestock, butter, and cotton, and provides an appropriation to be known as a revolving fund for this purpose. It also provides for an equalization fee for each of these products.

However, in the case of cotton, the equalization fee is not to be applied for two years from date of passage.

AGAINST TAX ON COTTON

I can not and will not vote for this measure unless it is amended. If it is amended so that a majority of the cotton farmers can by direct vote pass on this matter of equalization fee, then I would be willing to give them the opportunity to do so. I am interested directly in the protection that this bill, if amended, gives to cotton and the cotton farmer. It provides $75,000,000 for the purpose of buying cotton when there is a temporary surplus and the price slumps below the cost of production. Statistics show there has not been more cotton produced than has been consumed during any five-year period in the last 25 years; therefore if the Government will provide a fund to remove the temporary surplus and hold this surplus until a year of low production comes and feed it back into the market, it certainly will help regulate the price of cotton; and if, in addition to this, the majority of the cotton farmers of the South want to vote an additional $2 per bale to add to the revolving fund, they should have the right to do so. There is no damage to cotton that is properly stored and insured, but there were millions of dollars of loss to cotton farmers and merchants in the South last year by a temporary surplus. If this bill had been in operation, I honestly believe that we could have maintained the price throughout the season at 25 cents a pound, whereas several million bales were forced on the market at 18 cents per pound, causing losses of hundreds of millions of dollars.

Agriculture is the basic industry of this Nation and is as much entitled to protection as are the railroads, the manufacturers, and the moneyed interests. The railroads are guaranteed a profit by the Esch-Cummins law. The manufacturers are protected by a high tariff law passed by Congress. The bankers are protected by a great Federal reserve system, authorized by Congress. Industrial laborers are protected by a strict immigration law, passed by Congress. The farmer has to sell his products in the open markets of the world without laws favorable to the carrying on of his business.

The farmers throughout this Nation have lost multiplied millions on account of unstable conditions growing out of the war, and they have made their appeals to Congress and to the President, and instead of hearing their appeals this Congress has heard the appeals of the foreign nations and have voted to cancel more than $6,000,000,000 due our Government by these nations. The President and his advisers preach economy but practice profligacy by appropriating almost $700,000,000 a year for the Army and Navy, which is almost double the amount appropriated before the war.

This bill, if amended, will help take the panic out of the cotton farmers' life. The cotton farmer has been crushed to earth by panics oftener than any other class of farmers in America. The panic of 1860 and 1865 was produced by the Civil War, in which 4,000,000 slaves were freed, valued at $2,000,000,000. These former slaves went to producing cotton in competition with the white men, women, and children of the Southland, who were forced to grow cotton in competition with negro labor, which is the cheapest labor in this country. They live in cabins, with few of the necessities of life, and on a low order, but can produce as much cotton as the white man, and therefore they have helped swell the production, which in turn has caused cotton to be sold at a low price.

Our people had to produce cotton, because it is their only money crop. They owed debts, and they believe in paying their debts. By growing cotton from year to year it has run down the fertility of the soil, and as a result we have had to resort to commercial fertilizers. In the year 1925 the southern cotton farmers bought 4,000,000 tons of commercial fertilizers, which at $30 a ton would cost $120,000,000. The operation of Muscle Shoals as a fertilizer plant would help reduce this burden on the farmer. The Fertilizer Trust does not want this competition, and their friends have been able to hold up and defeat legislation seeking to operate Muscle Shoals for fertilizer purposes, notwithstanding the fact that the original act of Congress providing for the development of Muscle Shoals specifically states that these properties must be used for the production of fertilizer in time of peace. Our cotton farmers have been crushed by panic after panic. In 1908 there was what was known as a money panic. A few big financiers called their loans, and as a result a panic came with the banks of the Nation full of money. This was the panic in which scrip was issued and used for money.

There was a big slump in the price of cotton at this time which cost the people of the South many millions of dollars. Again, in 1914 the cotton farmers were struck to the earth by a panic produced by the outbreak of war in Europe. In the years 1915 to 1920 we of the South saw the boll weevil spread almost entirely over the Cotton Belt, and its ravages left bankruptcy and desolation upon thousands of cotton farms. In 1920 a world cotton convention was held in New Orleans in which the representatives of cotton manufacturers from 23 countries participated. This conference caused our newspapers to be filled with propaganda to the effect that there was a world-wide cotton shortage and that the world could consume 15,000,000 bales of American cotton at good prices. War prices still prevailed on all commodities which the farmers had to buy. Our cotton farmers, in order to produce this crop, bought on credit high-priced mules, farming implements, fertilizer, and labor; but after the cotton crop was planted and before it could be marketed the price fell from $200 a bale to $60 a bale, thereby bringing to bankruptcy thousands of farmers, merchants, mule dealers, men of varied business interests, and many banking institutions.

PROHIBITION AND THE FARMER

I have heard many reasons given for the farmers' troubles. However, the least plausible one that I have heard argued here was mentioned by the gentleman from New York [Mr. BLACK]. He states that prohibition is responsible for the hard times of the farmer. I know from a southern standpoint his argument will not hold, because cotton is a dry plant; it does better in a dry climate and under dry conditions than any other plant. [Laughter.] Everybody knows that from an economic standpoint if people spend money for whisky they thereby have less money with which to buy the necessities of life, among which necessities are many things manufactured from cotton. The business people of this Nation realize that whisky and business will not mix. The railroads do not employ men who drink to run their trains; it is not safe business. Henry Ford is the outstanding business man of this age and employs thousands of men. He absolutely will not employ a man who drinks. Even Germany prohibited liquor during the war because they realized their soldiers could not stand against the sober Americans [Applause.]

Farming is a scientific business and it takes a clear head and steady muscles to succeed, and even with these attributes there are still those who are not able to hold their own in the unequal struggle in which the farmer finds himself to-day.

But I must get back to the subject of farm relief. Gentlemen, if the Members of this House and the Senators and the President of the United States were forced to leave their places to-morrow to go into the fields of this country, if they were forced to go on the lands that are under mortgage to produce crops for the next three years under the conditions that the farmers are facing to-day, then if you could be returned to Congress you would give relief to agriculture in more ways than one. You Republicans would reduce the tariff taxes which are filling the coffers of the tariff barons. The debt of the farmers of this country is more than $12,000,000,000 and the interest they pay each year approximates $100,000,000. The farmers should have their interest rates reduced so that they can borrow money at the same rates as does big business. If you men could be returned to this Congress after farming for three years you would be in favor of helping reduce railroad rates. You would not depend on the Committee of Agriculture to bring forth all the agricultural relief needed. It can not be done. The other committees of this House must help in order to bring relief.

I see that the time allotted me is about consumed, and in conclusion I want to appeal to you to amend this bill, striking out the tax on cotton so that we of the South can vote for it, thereby giving relief to our people and also help you western Congressmen to give relief to your people. If you do not amend this bill and give relief to agriculture, gentlemen, you can rest assured that the distress of our farmers will rise up day by day like Banquo's ghost to haunt you, not only in this Congress but in the Congresses to come. As one friend of the farmer I want to say the battle is on and we will never turn back. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. WEFALD].

Mr. WEFALD. Mr. Chairman, there is a good deal of truth in the assertions made in this debate that much politics is wrapped up in the movement that has presented the Haugen bill to Congress and that now asks for its passage. If there were no politics in it this bill would not be here. It has also been charged that the Haugen bill originates out in the radical part of the Northwest, in Minnesota. That is also true if the thing of getting one's eyes opened makes a person a radical, for the farmers of Minnesota and North Dakota have had their eyes opened and the eye opening process is spreading to Iowa and other great agricultural States.

MINNESOTA FARMERS FIRST TO WAKE UP

I had the honor to be a member of the Legislature of Minnesota in 1913. A few of the country members undertook to investigate the practices of the Chamber of Commerce of Minneapolis. Due to a mistake in the choice of the leaders who handled the investigation no real result was accomplished in that session although much crookedness and many evil practices of the grain trade were discovered. The same fight was taken up in the next legislature, but the farmer leaders persisted in making a fiasco out of the investigation due to political rivalry, but the light of day was thrown further into the dark corners of the secret chambers of the chamber of commerce.

"GO HOME AND SLOP YOUR HOGS"

The farmers of North Dakota had to market their grain in Minnesota, and in view of the revelations made by the Minnesota Legislature a representative committee of farmers called on the North Dakota Legislature to ask certain wrongs redressed and to have certain things done, but received as an answer, "Go home and slop your hogs." The statesman who uttered these kind words caused the Nonpartisan Political League to spring into existence, which washed back over into Minnesota and threatened to overrun the whole West. The gruesome after-war deflation of the farmers caused both Republican and Democratic politicians in the Northwest to adopt the Nonpartisan League method of proselyting and organizing, and they were soon more radical than the original radicals. They stole the thunder of the supposed radicals and have now, I believe, honestly come to believe that the farmer must have a square deal at the hands of the Government. Many of the men who come down here to agitate for the Haugen bill and whom you call radicals are good stand-pat Republicans or Democrats at home, who in their home precincts thunder at the radicals and assure the merchants and the bankers that the East would gladly do what the farmers asked them to do if only such men as they were in Congress.

ON THE FIRING LINE SINCE 1913

Personally I have seen the farmers' movement in the Northwest develop ever since 1913, and have since that time to some extent had a hand in it at nearly every stage of the game. I was drafted for Congress by the farmers and laborers of my district. I came here and gave the McNary-Haugen bill unstinted support in the first session of the Sixty-eighth Congress, and sat on the mourners' bench when the good stand-pat Republicans and Democrats most rudely killed it.

PLAYING POLITICS WITH FARM LEGISLATION

The gentleman from Iowa would not even give me five minutes' time to discuss his bill, "for," said he, "you are for it anyway, and we must give time to those whom we can hold in line by letting them talk." I acquiesced, bit my lip, and voted for the bill. But in the following campaign, lo, and behold! the gentleman from Iowa turned up in my district and put in two weeks campaigning for my Republican opponent, and I had to do much explaining, because people believed that I had been against the McNary-Haugen bill when the author of the bill came out to campaign against me. The biggest newspaper in the district opposed me and valiantly supported my Republican opponent, playing up all the time his pledge to support a reintroduced McNary-Haugen bill, which the paper itself did not believe in. After election this newspaper played up the fact that the ninth Minnesota district had repudiated the McNary-Haugen bill because WEFALD's opponent had supported it and had been overwhelmingly beaten. One of the candidates for the Republican nomination for Congress in my district this year has recently telegraphed the gentleman from Iowa that he is for the Haugen bill now, first, last, and all the time, and asked the gentleman from Iowa, if possible, to have his telegram read on the floor—which I hope he will do. It might pass the bill. Yes; there is enough politics connected with the Haugen bill to make your head swim. Mr. HAUGEN, I suppose, will come out in my district again and campaign for my Republican opponent. Yet I am for the Haugen bill, although not one single farmer has instructed me or asked me to vote for it. My farmers leave it to me to act as I think best.

CONGRESS VOTES "TAX SUBSIDY" FOR THE RICH AND INCREASES THE FARMERS' BURDENS

I am for the Haugen bill, because, under the circumstances, it will give us the only possible method of getting anywhere near a square deal alongside of capital and industry. If the Haugen bill is a subsidy, then those who now fight it should be for it, for they have been strongly in favor of subsidy for the railroads and for industry. They have given special privilege legislation to the banking interests. They were willing to vote a subsidy outright from the Treasury to shipowners and were willing to make the shipping magnates a present of the fleet of ships owned by the Government. In the 1924 Congress a bounty of 25 per cent of the taxes due were voted income taxpayers—a clear gratuity. This Congress voted a subsidy, amounting to $375,000,000, to taxpayers, most of it going into the pockets of the rich. In the passage of the tax bill 42 men received a tax subsidy of $20,000,000, and the whole Federal inheritance-tax scheme was wrecked in favor of 213 men. There is no difference between letting some men keep in their pockets money that they otherwise were obliged to pay out and putting a little money in the pockets of some other man. You must either call the tax bill a subsidy measure or you should call the Haugen bill a tax-reduction measure likewise, because, if passed, it will ease the indirect tax burden of the farmer.

This House has passed the Parker-Watson railroad labor bill. Under that bill occasion might arise by which the laboring men may increase their income in wages away and beyond the amount of money asked in the Haugen bill to set up a marketing machinery. This bill passed practically unanimously. The Mills bill asks for payment of $250,000,000 to American citizens who suffered losses caused during the war by German submarines. This is nothing but a subsidy.

POLITICS! POLITICS! POLITICS!

Talk about politics! Was there no politics back of the tax bill and all the other measures, past and pending? Is there no politics back of the other two farm bills before the House? Do not those who support the Aswell bill rattle the dead bones of Jefferson and Jackson and beckon us back to the dead past? It is inconceivable, however, how Jefferson, had he lived now, who gambled big in the Louisiana Purchase, should begrudge the farmers a paltry sum like that asked for here to put their business of marketing in shape, and it is past my understanding how Jackson, should he come storming back, should line up with the money devil against the farmers.

REPUBLICANS FILLED THE FARMERS' SILO WITH PROMISES

Talk about politics! What about the Tincher bill? Is TINCHER too innocent to play politics, he the Rollo of the Coolidge administration, who, like Rollo of old, no horse can carry? He the chevalier of the high-protective tariff, whose tariff arguments flash like he was swinging three swords at one time with one sword in the air always, has he passed beyond the stage of politics? I remember at the close of the first session of the Sixty-eighth Congress, when the Republican leaders were filling the farmers' silos with promises for the coming campaign, he was in the silo and "tramped her down" with puffs and snorts; he put on a very clever performance.

Give the Republicans a clear majority—

He said—

and we will show you what we will do for the farmer.

Of course, the Tincher bill is a political bill, and it is a better bill than the other farm bills that have been written at the White House breakfast table. It has a pancake flavor, but previous administration measures did not even have that. But I am sorry to say that even what little flavor it has will be taken out of it if it should become the bill that will displace the Haugen bill and come up for final action.

THE WHIP SEES THE PRESIDENT

The Washington Star for May 7 carried a story in which the Republican whip, Mr. VESTAL, gives the views of President Coolidge on the pending farm bills. It reads in part:

The President is understood, however, to have given Mr. VESTAL the impression that his approval of the Tincher bill depends to a large extent upon the elimination of anything that might have a smack of Government price fixing or control.

The story stated that Mr. VESTAL's impression of the meeting with the President was that the President was against the Haugen bill and for the Tincher bill, with the proviso I have quoted.

Talk about political or nonpolitical farm-relief bill. I quote from the Star article:

Mr. VESTAL declared the discussion of farm-relief legislation in the House has reached the point where the party leadership must take a hand in lining up the faithful. Inasmuch as this task falls upon the party "whip," Mr. VESTAL explained that his first step was to learn first hand from the President his opinions regarding this legislation and to hear him personally discuss the several bills.

REPUBLICANS ALLOWED TO "INSURGE" ON FARM BILLS

Whatever farm bill is finally written, if any, it will be written at the crack of the whip. The faithful must be true to their faith. The sheep must follow the shepherd. But the whip did not say that a farm-relief bill had to be written

The tax bill had to be written, and that was written at the crack of the whip. The tax bill was a test of party regularity; upon the vote on the tax bill depended the Members' committee assignments and patronage. Had a Republican Congressman jumped over the traces on the tax bill, he would have been an outcast, to be classed with the Wisconsin insurgents.

There is one issue before Congress, however, where the average Republican Congressman will be allowed to insurge, provided that his insurgency does not help to pass a real farmers' bill, the Haugen bill, for instance. The stage is set so that now any and every Republican Member of this House can vote on farm relief so as to square himself with his constituents. Of course, they must all go back to their constituents and admit that no bill was passed, but each and every one can say, "I voted right, and when there are more brave men like me in Congress everything will be O. K."

REPUBLICAN LEADERS "KIDDED" WESTERN REPUBLICANS

The Republican leadership of this House has been able to put anything over that the occupant of the White House ordered them to put over. The contempt in which farm relief legislation is held by that leadership is best attested to by the fact that neither the Speaker, the floor leader, nor the chairman of the Rules Committee have ever given out anything relating to the President's wishes on farm relief, nor does it appear that any of these gentlemen have made a trip to the While House to see about what can be done for the farmer, while the whip, a subordinate official of the organization, is sent down to see just how many lashes shall be administered if danger should arise. This action on the part of the House leadership is perhaps the reaction on the ultimatum delivered by the Minnesota rural Republican Members of this House, as reported in the Washington Post a little while ago, that "they were tired of fooling" and "sick and tired of being kidded." Lucky for these men that the stage is set so that they are allowed to insurge, for the time being allowed to be as radical as the Farmer-Labor Members from their State.

FARMERS NEED MORE THAN THE HAUGEN BILL

I admit that the Haugen bill is not all that the farmer needs. What he does need is a "Dawes plan," by which he could be rid of half of his debts at least. Then he would need no special legislation, providing that the Federal reserve act, the Esch-Cummins law, and the Fordney-McCumber tariff law were rewritten in favor of all the people and not allowed to stand on the statute books as they are now, special interest acts pure and simple. But as long as this can not be accomplished the wisest political move on the part of any leader in Congress is that of the gentleman from Arkansas [Mr. OLDFIELD], who, while opposed to the Republican Party, and an outstanding and outspoken Democrat, offers the farmer his hand to help him out of the Republican mess right now, knowing that the Democrats could at the best not get into complete control of the Governmental machinery until three years from now. He knows that each year under the present arrangement takes billions of dollars out of the farmers' pockets or, rather, keeps the farmers' pockets empty.

SURPLUSES GOOD FOR ALL BUT THE FARMERS

Under the present system of distribution and financial arrangement for the farmer his surplus crop eats him up. The Haugen bill, it is hoped, will help him take care of his surplus in the right manner. A surplus is a good thing for everybody but the farmer. A national favorable balance of trade is nothing but a surplus, but a surplus in the farmer's granary sends him to the poorhouse. The farmers who raise wheat, corn, or cattle have had their eyes opened to this fact. Eventually the cotton growers will also become wise to it, and then perhaps something can be done.

Were the farming sections of the South fully aroused as to the situation and would they join hands with the West, the Haugen bill could be passed and any kind of other proper legislation could be written.

NEW YORKER MAKES A FARMER-LABOR SPEECH

The gentleman from New York [Mr. JACOBSTEIN] made a convincing speech the other day, illustrated with charts prepared in the Department of Agriculture, showing the disparity between prices on agricultural and industrial products, and made the deduction that the farmers of the United States by reason thereof had lost $13,000,000,000 during the last five years. It was a good farmer-labor speech and was a surprise coming from New York. When the fact is borne in mind that the farmer sells his products in a wholesale market and buys all he needs in a retail market, I think it can be stated that the farmer's loss is considerably bigger than the gentleman calculated it to be.

FARMERS ADVISED TO DEATH

What the farmers have lost in this manner is not the full farm loss. Increase in the tax and interest loads has also become almost unbearable. This has come about to a great extent by the farmer accepting bad advice. The same powerful forces in this land that now cry out against Government assistance to the farmer have in the last decade or two advised the farmer to do this, that, and the other that would help him stimulate production, and this advice has included almost everything imaginable from county agents and good roads to consolidated schools, and there has been an orgy of expenditure of money in all such fields of activity.

THE FARMER HAS PAID THE FIDDLER

This advice has in a roundabout and well concealed way come from the big financial interests that have fattened and thrived and grown prosperous on every step of advance the country has taken. All these things cost money that had to be raised by taxes. In every case, from that of county agents and good roads to schoolhouses, a small subsidy was granted from State or Federal Treasury, but the farmer had to furnish the bulk of the funds, borrowed in the money markets, for which he pays interest and for the upkeep of every kind of public institution he pays taxes that are increasing by leaps and bounds. The situation now is that with the advent of county agents, good roads, and improved schools the farm conditions have retrogressed so that the farmers are on the point of sinking to the level of peasantry.

SMALL TOWNS DOOMED UNLESS FARM RELIEF

The intermediary between big business and the farmer, in putting over this pre-war farmer uplift program that has cost the farmer so much money—the small-town business men—are now also facing extinction. In the Northwest these people are waking up, they sense the danger to some extent. The New York Commercial in an editorial of December 31, 1925, says:

> Ten years ago the small-town market absorbed 21½ per cent of the retail volume in the United States. To-day the same stores are absorbing approximately 14 per cent—a loss of 33 per cent in 10 years.

The small town is part of the rural country. The decline in small town business and profit again increases the tax load of the already overburdened farmer. The situation is so serious that it is a question in many places how long other than trunk highways can be kept up and schoolhouses be kept open. Some places schools are now virtually eating up the whole community.

There is only one remedy; farming must be made a profitable and paying business again. With farm income robbed of more than $13,000,000,000 in the last five years, it is very easy to understand how village trade has decreased 33 per cent in 10 years.

FARMER BLED TO DEATH WITH TAXES

The report of the Secretary of Agriculture for 1923 says:

> In most farming States taxes on farms have more than doubled.

The same report, speaking of farms in Ohio, Indiana, and Wisconsin, which in 1913 averaged income of $1,147 and paid taxes of $112, or 9.8 per cent of the income. The same farms in 1921 had an average income of $771 per farm and paid a tax of $253, or about one-third of the farm income. The Secretary's report for 1923, speaking of taxes and interest, says:

> Our investigations lead us to estimate the property taxes and interest combined paid by agriculture in the year 1920 at about $1,457,000,000, in 1921 at $1,684,000,000, and in the year of 1922 at $1,749,000,000.

These staggering amounts steadily growing, but the report of the Secretary for 1924 does not estimate the amount of taxes and interest paid. It would make sad reading. But speaking of taxes it says:

> Tax delinquency has increased. This is especially significant because farmers do not willingly delay their tax payments, but when possible borrow money to meet them. In some western areas local taxes have been delinquent for several years. An increase in taxes coincided with a decline in the means of payment. In most of the important farming regions of the country taxes on farm lands have gone up two to six times as rapidly as the value of the land. Taxes in the last few years have consumed from 10 to 50 per cent of the net farm income in large sections of the country. Tax burdens have been particularly heavy in the North and the West.

INTEREST SUCKS THE FARMERS' LIFE BLOOD

The 1924 Agriculture Yearbook, speaking of the matter of interest paid by farmers, giving the result of a survey, says:

> The interest paid in 1923 by these farmers ranged from $90 in the North Atlantic States to $390 in the Western States. A large per-

centage of the net cash farm receipts in all sections, ranging from 10.1 per cent in the North Atlantic to 38.4 per cent in the West North Central States, was used in the payment of interest.

PASS THIS BILL AND CALL IT TAX REDUCTION

If the Haugen bill can not be passed because it is called a subsidy, give it another name—call it a tax-reduction measure for the farmers and pass it. Do something to enable the farmers to pay their delinquent taxes, you men who passed the tax bill of 1926, by which the tax burden was lifted off the shoulders of those who were strong and who could bear them. This Congress almost lifted all tax burdens from the shoulders of the automobile industry. The tax on Ford touring cars—such cars as the farmers use—was reduced about $10 per car, and Mr. Ford turns around and increases the price on that particular kind of car about $30.

I am in favor of the passage of the Haugen bill, and I will gladly vote a tax to raise the $375,000,000 called for in the Haugen bill, or any other amount of money that may be needed to put agriculture on its feet. And at that I have, perhaps, voted against more appropriations than almost any man in this House in the time that I have been here.

IF THE FARMER "STRIKES"—GOD HELP US!

Much silly talk has been indulged in in this debate pointing to the lesson to be learned from the strike now shaking England to its very foundations. It is pointed out that the strike is the result of the payment of a subsidy to the miners that eventually had to be withdrawn. The lesson to be drawn from the English strike is that we must not let our farmers get into such an economic condition as were and are the coal miners of England, for should our farmers be forced to strike, and should God send a poor year besides, God help this country! Your heaps of gold in the United States Treasury, your stocks and your bonds, and your devilishly cunning schemes of bartering will not save you.

MR. MADDEN HOLDS THE PURSE STRINGS—HE SAYS, NO!

One of the most astounding speeches ever made in this House was made by the gentleman from Illinois [Mr. MADDEN] on Saturday last, when he served notice that he will turn the key in the doors of the United States Treasury against the farmer. The record shows that after a heated controversy it was accepted that he only spoke for himself in his capacity as chairman of the powerful Appropriations Committee, but that is sufficient; we know what it means.

It is a sad commentary upon the state of affairs in this House that a gentleman holding such views as he sways such tremendous powers. He said in his speech on Saturday that what we seek to be done under the Haugen bill can be done, but only through private capital. He said—

and you can get private capital if the men who are interested in the prosperity of agriculture will devote their energy and genius to create a sentiment among those people in the country who have money to invest instead of trying to invade the Treasury of the United States.

That a speech like this in the Congress of the United States can be made in full earnestness and be called the words of a statesman! Mark these words—

create a sentiment among those people in the country who have money to invest.

My God! That such a gentleman holds in his hands the purse strings in this House. I like the gentleman personally, but his advice will be about as inviting to the farmers as if he should invite me to jump in and take a bath in the inkiest stream in and outside of Christendom that winds through his home city, the Chicago Drainage Canal.

MR. MADDEN KNOWS A LOT, BUT HE DOES NOT KNOW THE FARMER

The gentleman from Illinois must know that loans to farmers are not considered good loans any more. Farming is a hazardous business; farming does not pay; farmers are behind on payments on interest and taxes, and those "who have money to invest" invest money in order to collect the interest. All farm credit is based upon the security that a mortgage on his farm and his chattels afford. The acts of Congress during this Republican administration have shifted the tax burdens from the strong to the weak, from the money lender to the borrower. The greatest borrower in the land is the farmer. The saving in taxes in our big industry is reflected in increased profits and earnings. Our money masters have loaned to the farmers what they consider it safe to loan him and have for the time since the war turned their eyes to the European money-loaning market with two things in view—first, to loan more money to safeguard their previous loans there; secondly, with an eye to high interest rates. Our bankers are too busily engaged now loaning money to farmers in Europe to bother about loaning more money to American farmers, who have already been advanced the limit. The proposal of the gentleman from Illinois is more astounding when I read further on in his speech the following statement:

I want to tell you that I know, as the result of conversations with men who have money and who have interest in the country's welfare and who really believe, as I believe, that unless we do something more to recognize the rights of agriculture than we have been doing in the past, the fortunes that have been derived from other sources and are now existing are not as secure as they might be.

GERMAN FARM LOANS LOOK BETTER TO WALL STREET THAN AMERICAN ONES

When he senses the danger how can he make such a proposal as he makes? Indeed, no fortunes in the world, however derived, are now as secure as they might be. But money loaners ply their old game, according to their old rules.

I wish to quote a high financial authority to show how hopeless is the suggestion of the gentleman from Illinois. An editorial in the Journal of Commerce, of New York, for September 12, 1925, discusses the "Cost of mortgage credits." It announces that a leading New York institution had arranged a loan for Germany's new central agrarian bank, the Rentenbank Credit-Anstalt. It speaks about the German situation and then speaks about the method of making the loan and the security for the loan, as follows:

Foreigners who would hestitate or refuse to lend directly to farmer borrowers on the basis of mortgage security may even be eager to obtain the bond issues of a central institution like the Rentenbank, since they are trebly guaranteed. First, they are secured by the State subsidized central bank itself, which has a large capital and must, in accordance with the law, restrict its bond issues to six times the amount of its capital. In addition to this protection, further guarantees are given by the subsidiary mortgage banks, which are the customers of the central institution, and finally there are the actual mortgaged properties themselves.

The editorial states that the interest on the American loan is said to be—

slightly above 7 per cent—

It is not known what interest the German farmers will have to pay, but, it continues—

in any case even if the German agriculturist is forced to pay 8 or 9 or even higher percentages for long-term mortgage accommodation, he is really no worse off than many American farmers who pay similarly high rates of interest on mortgages. The Department of Agriculture, for instance, in a recent survey of farm credits says that interest rates on first-mortgage farm loans made by commercial banks (still the primary sources of farm credit) were found to range from 5.3 per cent in New Hampshire to 9.6 per cent in New Mexico. Over extensive areas in the West and South interest rates on farm mortgages actually averaged 8 per cent or more in 1920.

Then the editorial continues:

If German agrarian politicians (mark that agrarians trying to better their conditions are politicians) were familiar with these facts they might wonder that more American capital does not seek outlet in our own farming regions instead of being used to bring down continental-mortgage rates.

AMERICAN STATESMEN SHOULD READ THE JOURNAL OF COMMERCE

These quotations are not from any Bolshevik source, but, in light of what was said in that editorial, how in heaven's name does the gentleman from Illinois expect these farm agitators, representing bankrupt farmers, to have genius enough to charm American capitalists to further extend investments in a field that is overexploited and from which they turn for further investments to prostrate Germany, even though such investments have the tendency to "bring down continental-mortgage rates"?

The easing of interest rates for European farmers is added competition for the American farmer. Private capital will not be more extensively loaned on American farms until farming pays better than it does now. Having showed you that farm interest rates run as high as about 10 per cent, how can a business stand up under such interest rates when the business practically has no net income?

RAILROADS ARE PROSPEROUS, BUT HOLLER FOR MORE

Last fall the western railroads of the country applied to the Interstate Commerce Commission for a general increase in freight rates, because the transportation act of 1920 guaranteed to them an average earning of 5¾ per cent. They set up the claim that in 1924 they did not quite earn 4 per cent profit on their property as valued by the Interstate Commerce Commission. They are, of course, earning a considerably higher percentage of profit on their capitalization, even though that contains a lot of water. Were the spokesmen for the railroads assailed as Mr. Murphy, of Minnesota, farmer spokesman, has

been assailed by Members of this House from this floor where he can not answer? No! that was a sound proposal.

FARMERS MADE LESS THAN NOTHING

I will give you some figures on farm earnings in comparison. They are based upon studies undertaken by the United States Bureau of Agricultural Economics.

In 1910 the total return on farm property was nearly 6 per cent; in 1913 it was 5 per cent. In 1914, the year the war started, it was 5.3 per cent. For the crop year 1920–21 the total earning was but a trifle over 1 per cent. The year 1921–22 it was less than 1½ per cent; for the years 1922–23 and 1923–24 it was about 3 per cent. But when allowance was made for borrowed money and the calculations reduced to the rate actually earned on the farmer's net investment—that is, on the capital he had himself invested in the property—less mortgage and other debts, his net returns were lower still.

For the crop year 1923–24 the net profit was a little less than 1½ per cent; for the crop year 1922–23 it was exactly 1½ per cent. But for the crop year 1921–22 the farmers averaged no return at all on their capitalization, but lost 1.4 per cent, and for the crop year 1920–21 they lost 3.1 per cent. This is the average of the whole country. In the western country it was much worse.

To average these percentages up will mean that for the four-year period here discussed on the collective farm property of the United States, leaving out of consideration that part of farm value covered by mortgages or other debts, there was a loss each and every one of the four years of three-fourths of 1 per cent. In view of this what persuasive charm must not the farm leaders be possessed of to carry into effect the plan of farm relief of the gentleman from Illinois. Railroads have men running affairs that understand business. Their earning, they claim, is a trifle below that guaranteed by law; the remedy they ask is "more profit." Can agriculture, then, which is run at a loss, get along with anything less than more profit that will place it on a par with other industries?

Could there be any politics behind the proposal of the gentleman from Illinois? His proposal will sound mighty good where the stock tickers click in Chicago.

FARMERS CAN NOT HAVE "PRICE FIXING," BUT MANUFACTURERS WANT NO "PRICE CUTTING"

In strange contrast to what I have said about farm earnings I wish to briefly allude to a current news item carried in the New York Times for April 27 last. The headlines read:

Advocates a law to end price cutting. F. H. Levy tells machine men manufacturers need protection. Twenty-seven per cent gross profit urged.

This man Levy was an Assistant Attorney General in the Roosevelt administration and former special counsel for the Department of Justice. He said in a speech before a convention of the National Supply and Machinery Distributors' Association held at Atlantic City, N. J., the State that our agricultural economist, Mr. FORT hails from, who warns us of the dangers of price fixing by farms—

the Sherman antitrust law should be modified to permit manufacturers to set prices for their products that could not be cut by the distributors or the retailers.

Another speaker said at the same occasion that—

27 per cent is the least gross profit any manufacturer can afford to take.

ONLY HENRY FORD BUYS FARM LANDS

It has been charged in this debate only the West and Northwest is crying for so-called farm relief. These sections of the country are crying the loudest because they are the hardest hit and they are most awake politically. Motoring from home to the session last fall leisurely I inquired of farm conditions as I went along. Only one place in that whole long journey did I find a community where a piece of land could be sold. That was one place in Ohio where Henry Ford had bought about 3,500 acres, but no one knew what he was to use the land for, certainly not for farming. Where the country was highly industrialized the small farmer could peddle his own farm products to the consumer, and while none such ones confessed they made any money, many were seemingly in a mollified stupor. I inquired of a crowd of 10 seemingly intelligent men in a small Ohio town as to who was their Congressman, but all blushingly admitted they did not know. Talking with a college graduate in a town on the Ohio-Pennsylvania border he said they voted for the men they thought would do the least harm if sent to Washington.

Happy the Congressmen who have such constituencies. Their mistakes will not find them out. All they need is to have faith in Coolidge. Such is not the lot of even western Republicans; they lie awake at night and have fearful dreams when they think of the farmers. Western Congressmen, outside of purely industrial centers, who contemplate quitting Congress can vote for the Tincher or the Aswell bills; none other dares do so.

REPUBLICAN PARTY HAS BROKEN ITS PROMISES

But why has the cry of politics been raised against the Haugen bill by eastern newspapers and eastern Congressmen? Simply because the fortune of the Republican Party and of President Coolidge is at stake. Out West we did not raise the cry of politics when our Congressmen came back from Congress outwitted after having voted for the Federal reserve act, the Esch-Cummins law, and the Fordney-McCumber tariff law. Some said to them, "You brave men"; but most said, "You innocent simps that can not see as far as your own nose reaches." And many of them went down to defeat for those votes. When these three acts were passed that have fastened the shackles on the West and enriched the East, when it was popular for eastern Congressmen to vote for these measures, the East did not cry "politics." It is the guilty conscience of the Republican Party that cries "politics." Every Republican leader from President Coolidge down to ex-Whips of this House knows the Republican Party has broken every promise it made to the farmers since the war. You men who rail at Mr. Murphy, of Minnesota, that he is engineering a dastardly political move against the Republican Party and that his arguments are demagoguery bear with me a little while and I will read to you the words of Wall Street and you will see how much it sounds like Murphy when it points the accusing finger at you.

EVEN WALL STREET THINKS THE FARMER HAS HAD A RAW DEAL

I quote an editorial in the Journal of Commerce, New York, for September 19, 1925, headed "The farmers' due." Of course, this editorial does not advocate the passage of the Haugen bill; it advocates other remedies, but it tells a good many truths. It starts out by saying, what the American farmer has a right to demand above any other thing—

is actual sincerity and truthfulness in his relation with the national Government.

It continues:

What was recommended last winter, however, was nothing more than some further cooperative marketing enactments of a rather vague and nebulous type. It will make little difference to the farmer one way or the other whether these laws are put into action or not, and the administration is undoubtedly well aware of the fact.

Turning to Congress it says—

that body has consistently blown the agricultural horn and pretended to be doing all sorts of things to "help the farmer." Every measure that has been enacted, from the renewal of the War Finance Corporation and the creation of intermediate agricultural credit banks down to the packers and stockyards act and the appointment of a farmer on the reserve board have turned out to be absolute frauds so far as any practical help to the producer was concerned.

Referring to the inactivity of Congress now when constructive work should be done it says—

for the farmer does need Federal legislation and needs it badly. First of all, he has a right to complain of the rotten banking conditions which have been allowed to exist throughout the agricultural region and which have resulted in closing last year much over 750 banks and will certainly close several hundred in the course of the current year * * *.

Second. The farmer needs the enactment of legislation that will cut his cost of living. He is not protected by the tariff on farm products in any appreciable degree, yet he has to pay tribute to labor through excessive immigration laws and to certain groups of business through unduly high discriminatory tariffs on materials which he badly needs. He has the worst of the bargain, and he ought to change his position in that regard at no distant date.

This sounds just like Mr. Murphy, of Minnesota, talking. It brings in labor just as Mr. Murphy does.

Continuing it says:

Third. He needs better and cheaper transportation and much more of it.

The gentleman from Kansas [Mr. TINCHER] accused Mr. Murphy of writing most of the speeches given on this floor in favor of the Haugen bill. Why not accuse Wall Street of having written the speeches of Mr. Murphy?

Of course, the Wall Street remedy is not the remedy of the Haugen bill, but even Wall Street, the temple where the Republican Party worships the powers that be, cries out against the condition of the farmer and the way he is being treated by his own Government.

THE REAL MASTERS STAND ERECT BEHIND THE THRONE

Raising the cry of politics against the Haugen bill is, however, more important as far as the personal interest of President Coolidge is concerned than the interests of the Republican Party. The Republican Party could shift its position so as to do justice to the farmers, and it would, perhaps, not be hurt by it. President Coolidge is the head of that party. While thousands of dollars were spent to elect faithful Republicans to Congress, millions were spent by the special-privileged interest that Coolidge might be on guard for them.

The farmer foolishly thinks the Republican Party stands for him because he helped to put it in power. The farmer now thinks he will assert his power by having the Government function in his own behalf. There comes to my mind a few sentences from Emerson's Essay on Compensation that reads:

The farmer imagines power and place are fine things. But the President has paid dear for his White House. It has commonly cost him all his peace and all his manly attributes. To preserve for a short time so conspicuous an appearance before the world, he is content to eat dust before the real masters who stand erect behind the throne.

My God! If such was the case in Emerson's day, when it did not cost much money to elect a President of the United States, what does not a President owe those who made him now? If a President in Emerson's time would eat dust before the real masters, what might not a President have to do now. Had there been censorship of speech and writing in Emerson's time I would not have been guilty of this that here to-day borders on lese majesty.

SAVE THE RICH AGAINST A NEW TAX BILL

Can you see why they have raised the cry of politics? The fortunes of the master politician of all time, Calvin Coolidge, is at stake. He must be saved from exercising a veto, even if the farmers must perish. The masters behind the throne of America must not be stirred up. Let sleeping dogs lie! Save, save the rich against a new tax bill. The Roland from Kansas blows his horn so "politics" is heard in every corner of the land. The chiefs respond to the call all the way down to ex-whips. The keeper of the keys as much as says that the United States Treasury is reached only over his dead body. The centurions of New England cry out for bread for their people; what hope, then, has the farmer to have his cry reach the throne?

HE SEES NOT AND HEARS NOT

Calvin Coolidge hears not; if he heard, he would speak. It is a long ways from the West to the East, from Iowa to Washington; the trip hammers of prosperity in Andrew Mellon's forges drown the western cries of distress traveling East. Calvin Coolidge sits in Washington. He looks, not West but East. He looked West last December and he found that all was well. All was well among those who farm in Chicago. Then he was asked to look farther West. What did he do, this man of steel, this Lord Nelson of American politics, who, in the last election, sank all the enemies' fleets? He did as Lord Nelson did at the Battle of Copenhagen when asked to look for Admiral Parker's signals. He put the telescope to the blind eye. He saw no distress. This is what he said:

Although it is gratifying to know that farm conditions as a whole are encouraging, we can not claim they have reached perfection anywhere.

GIVING STONES FOR BREAD

The present tense situation as relates to farm relief was caused by the speech delivered by President Coolidge to the Farm Bureau Federation at Chicago on December 7 last year. He surveyed the situation. Everything was lovely; the high protective tariff does not harm the farmer. What does not come into the country duty free pays a tariff to protect the farmer. There is a high dutiable tariff on diamonds, rugs, silk, jewelry, and mahogany. That does not hurt the farmer, for he uses not luxuries. The farmers' cost of living is only increased 1⅛ per cent on account of the tariff. There are banks where the farmers can borrow money. There should be more energy in administration of the banking business, and bankers should furnish farmers more "sound" advice.

Of course, various suggestion of artificial relief had been made that had for its purpose to increase prices through the creation of corporations through which the Government would directly or indirectly fix prices and engage in buying and selling farm produce. This would be a dangerous undertaking and since the emergency is not so acute it seems at present to have lost much of its support. Ultimately it would end the independence which the farmers of this country enjoy. The future of agriculture seems to be exceedingly secure. Unless all past experiences are to be disregarded, notwithstanding its present embarrassment, agriculture as a whole should lead industry in future prosperity. The ultimate result to be desired is not the making of money but the making of people. Industry, thrift, and self control are not sought because they create wealth, but because they create character.

This was the gist of the speech. What consolation to bankrupt farmers it must have been to hear that the—

ultimate result to be desired is not the making of money, but the making of people.

The problem of these farmers was how to hang on to the farm.

It is said that when the farmers had the frost of the speech thawed out of them they organized to put their demands over and the Haugen bill is here, and GILBERT HAUGEN has his fighting viking blood a'boiling.

What could the western farmers expect from Mr. Coolidge anyway? They should have known better than to vote for him. By heredity and training he can not understand the western farmer. He is farm bred, it is true, but he is bred differently all the way through.

EAST IS EAST AND WEST IS WEST

The western farmer is highstrung and active and progressive. When he has money beyond the payments of taxes and interest, he buys the products of the factory of the East with which he improves his farm to make life more livable, to keep step with progress, to live according to American standards of living as they move higher and higher. Good Republican doctrine has been that the high protective tariff elevated the farmer and everybody else and established an American standard of living as something to be envied by the Old World. The eastern farmer is different. His farming methods are primitive; farming is only part of his occupation. He lives in the house his great-grandfather lived in; the lantern he brings to the barn when he goes to milk his cows has done service for three generations. The dollars eked out of the farm or earned in other pursuits are not put into new improvements but salted down; there is no such thing as chance.

With a great deal of delight I recently read a finely illustrated book on the President's native State, Nutting's Vermont Beautiful. The picture reminded me so much of the rocky, stony land across the sea where I was born, but I am much more thoroughly American than is the native-born author of that book. Contrasting the country poor with the city poor, he throws a sort of a halo over the country poor when he says—

the country poor get for themselves a limited independence at least, not contingent on the ups and downs of markets. The peas grow as well in a financial panic as in booming times. Who, possessing a cow and a cornfield, needs to know what Wall Street is doing.

People who think and feel like that can not understand that there is a farm crisis anywhere. This, in many respects an excellent book, gives a clear insight into life and the mode of thinking in New England. Speaking of the many-sided farmer it says:

A man in town learns to do one thing. The farmer learns to do many. He must be a good merchant, as his success depends entirely upon good buying and selling. Inevitably, if he has any native ability, he sharpens his wits by the process of disposing of his products.

Measured by western standards, what a naive simplicity in such remarks! The western farmer sells in a wholesale market and buys in a retail market, and all prices are set for him by others. He could no more beat down the village merchant on what he buys than he could make the grain gamblers or the packers come up on the price they are willing to give him for what he has to sell. Having sharpened his wits by running his head against a stone wall in buying and selling, he now comes here and asks for the passage of the Haugen bill.

Eastern farms are going into the hands of those who play with them rather than live by them. This book on Vermont says—

this is well for the neighboring farmer in that it furnishes him with lucrative odd jobs, for we admit that the city buyer does not stint funds in the development of his farming hobby, so that it has wittily been said that the difference between an agriculturist and a farmer is that the one puts his money into the land while the other takes it out.

This shows that the East has its farm crisis, too, but different from the one out West. The city man that buys a farm for a summer home, while in the long run he will not be as useful to the community as an actual farmer, he builds and puts money into the farm. The taxpaying ability of the farm is often increased. Not so in the West. When insurance companies or other money lenders foreclose on a farm they do not put any

more money in. They only take it out. Whole settlements in the East can have its farm population get up and leave and the community be better off financially for its going; but whether the character of the new population will be equal to or better than the old will remain to be seen. New England will never understand the Mississippi Valley or the great western plains.

THEY KNEW HE WAS SAFE AGAINST FARM RELIEF

I have said, Why did the western farmers vote for Calvin Coolidge for President, anyway? Those who knew him and had watched him should have known what would follow. The farm leaders who read the big eastern daily newspapers during the first week of August, 1923, when Mr. Coolidge succeeded to the presidency on the death of President Harding, should have known better. The Baltimore Sun for August 4, 1923, speaking of Mr. Coolidge, with the then acute farm situation in mind, said:

He is a farmer's son, but the farming he knows is the relatively primitive farming of New England, still done principally by descendants of the old Puritan stock. President Coolidge will not have gained from the contact an understanding of the great scale farming of the Middle West and the Northwest, nor an understanding of the mental attitude of a farmer folk, tending more strongly all the time toward collectivism. And, of course, his professional and political experience in urban Massachusetts will not have enlightened him.

In all probability he must be guided by advice in his dealings with the progressives and radicals in the next Congress, in and out of the farm bloc, who will be forcing the issue of farmers' relief.

In so far as proposed legislation may seek to protect the farmer against unjust treatment by the middleman—for example, in the grading of wheat—Mr. Coolidge may be influenced greatly by the views of Secretary of Agriculture Wallace. But in so far as farmer relief involves such expedients as wheat price fixing, the President may be expected to run the advice given him through the filter of his own mind, and it will be a filter hard to get radical advice through.

Indeed, they more than told the truth!

ROCK FARMING IS DIFFERENT

The New York World for August 6, 1926, discussed Mr. Coolidge editorially. I quote what was said in regard to the farm situation:

The country can be certain that he will do nothing rash; that he will not be stampeded into any action or decision; and that he will not be betrayed into any act of sudden folly.

Mr. Coolidge is no strange type. His roots go deep into the soil of the American Continent. He comes out of a breed of men who have been farmers and tillers among his native hills. From boyhood, life to him was no rosy road to travel, but an ascent to be won by grim determination. The members of the farm bloc and so-called "dirt farmers" will have nothing to boast of as against this unassuming man who becomes President. For, the son of a Vermont farmer, he was helping his old father get in the hay when he came into the highest office in the land. Calvin Coolidge is no "dirt" farmer, but a "rock" farmer of New England, born of a race which blasted mountains to grow their bread. He, the true Vermonter, should easily find real kinship with Magnus Johnson, of Minnesota.

No, he has not been stampeded. No such loss was entailed on Rome as when Nero fiddled while Rome was burning. The three years of Calvin Coolidge have been costly years for the American farmer. He has demonstrated one thing, that if "dirt" farmers have nothing on "rock" farmers, a "rock" farmer can not understand a "dirt" farmer. If he found real kinship with Magnus Johnson, of Minnesota, it must have been in things not pertaining to farming. In the 1924 campaign I heard Senator Magnus Johnson tell how he, on the forenoon of the day when the McNary-Haugen bill was killed in the House, had gone to the White House to plead with President Coolidge to use his influence with the House to pass the bill. Dramatically the Senator described how the President paced the floor, admitting that something should be done—

but the Republican Party will not stand for the McNary-Haugen bill.

That was in 1924 before the election. The President had to be elected in his own right; there might have been some excuse for turning a deaf ear to the farmers then and take a chance on making some promises. It worked; this master politician can handle them all. He reaps where he did not sow; gathereth what he did not spread.

GREAT ON "GETTING"—SMALL ON GIVING

The one outstanding characteristic of Calvin Coolidge was pointed out to a newspaper man that came to see his proud father and get a story on the boyhood life of the new President when the father said:

It seems to me that Cal could always get more sirup out of a maple tree than any boy I ever knew.

And that is right. But he keeps all the sirup. The farmers gave him more votes than they had given anybody. Why should he give anything in return? He does not even lift a finger to save a personal friend. The Senators that bear the Coolidge armor feel it does not insure victory. One has already sunk under the weight of it. His senatorial protagonist in another State is being whipsawed between a progressive whom the President can not handle and a notorious boss that should not need to be given orders more than once.

While the President will summer in the East, it is now given out that he will select a State to live in where the Senator coming up for reelection is not hard pressed and not in danger of losing his seat, so the President will not be called on to speak or otherwise come to the rescue.

If Calvin Coolidge will not make a speech or do a thing for those who stand closest to him, who risked their political fortune and their good name for him, for fear that such friend might be defeated and that it might react unfavorably on his own political future, how can he be expected to even lift a finger for the farmers whom he does not understand. He does not understand these farmers that rebel against being poor and who are beginning to hate the cause of all poverty. East is East and West is West, even here in America.

ONE WORD FROM THE PRESIDENT WOULD PASS THE BILL

Yet one word from him to the leaders would pass the Haugen bill in this House. A word from him will pass it in the Senate. A word from him took Senator Brookhart's seat away from him, so it is commonly understood. Brookhart's crime was that he had, class conscious, stood for the downtrodden western farmer.

You would naturally think that when a man has attained great power that he would think of winning the love of the people; but what matters the love of the people compared with the good will of those who "stand erect behind the throne," as Emerson puts it?

Mr. ASWELL. Mr. Chairman, I yield to the gentleman from Missouri [Mr. ROMJUE].

Mr. ROMJUE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ROMJUE. Mr. Chairman, among all those who know anything at all about agriculture and about the condition of the farmer of the United States at the present time, from the standpoint of his financial condition as a class, there is a general agreement. And the conclusion reached by such persons is that the farmers' financial condition is in an embarrassing state. That is, that the farmer as a class is in financial distress. On that point, as to his present condition, there is no need of argument; yet, there is the exceptional optimist who thinks that one who has been hung, shot, and poisoned may still be happy and have a fine chance to live; who occasionally asserts that under the present Republican administration the farmer is growing rich and prosperous.

It would be a useless undertaking to try to make the few there are of this type see the facts as they are with the farmer.

For the last four or five years there has been an increasing distress among the farming sections, the corn, hog, and wheat sections suffering mostly; the cattle sections also have felt the effect of a depression, the Corn Belt cattleman suffering probably more than the grass-country cattleman.

Inasmuch as this distressed condition of agriculture is existing, there must be some cause for this condition.

First. As stated heretofore, we are generally agreed as to the presence of the distress.

Second. But the Nation as a whole are not so well agreed as to the cause of the distress.

Third. People representing different sections of the United States, and particularly people who are engaged in different methods of earning a livelihood, differ thus:

A. As to the kind of remedy.

B. As to the propriety of the employment of a particular remedy.

Relative to the second proposition, "The cause of the distress," President Coolidge and those who accept his utterance on all matters as "stare decisis" without further inquiry, tell the farmer he is "producing too much," that he has an "overproduction," that he "must cut production down," and as an aid thereto he states the farmer must make his production more variable—produce a greater variety of crops and less of the chief crops.

This is an interesting theory, but so far as being effective it is an impractical one, for the very reason that the farmers in one State, for instance, the State of Iowa, can not know

how much corn the farmers in Illinois or Missouri will plant in any given year, and vice versa. Moreover, it is impractical to any effective extent because of the very fundamental features of human nature. Since, if the farmers of Iowa should believe Illinois and Missouri farmers, or those of any other State for that matter, were going to cut their production in any given year on any crop, say, 25 per cent, the Iowa farmer would be apt to put out the usual crop, hoping to get a slight benefit in price over the previous year's price, because of the decreased production arranged for elsewhere.

Moreover, Mr. Coolidge's theory will not do, because something besides man's own choice and labor enters into the proposition of production, and over which the farmer can have no control, to wit, the sun and rain. And as long as God reigns, the control of heat and moisture will rest with Him in the due processes of nature, and will not be altogether surrendered to man, whether he be President or peasant. And sunshine and moisture are important factors in the quantity of production of any crop.

Furthermore, the suggestion that the farmer as a class must produce less is an open invitation to less thrift.

Also, such doctrine, if put into practice, would weaken the initiative of man, destroy his ambition for achievement, and very much handicap his prospects of success, and the American young man who chooses to embark on a career of farming ought to be free and unfettered, and have every opportunity given him for the highest degree of success within the limits of honesty and energy, and not be restrained in his honest and purposeful efforts. Less encouragement than that given to a citizen by his Government is a species of subtle and undesirable restraint.

The American farmer may have an overproduction or he may fall short of normal production at some specific or given year, which may be the result of the operation of some natural law or of some artificial barrier imposed by man, or rather by legislative enactment. It is not difficult for us to understand how plenty of sunshine and moisture or the lack of them affects the quantity of crop production. But we are apt to differ more when we consider the effect of artificial means that bear upon the allocation of production in the domestic and foreign markets.

This brings us to the consideration of the effect of the present Fordney-McCumber high protective tariff law. Certainly it can not now be well and successfully maintained that the high protective tariff law is helping the farmer, because with the tariff at its highest peak the farmer finds himself suffering most and in greatest distress. The tariff first enables the manufacturer to charge the American consumer more than would be the case with a more moderate tariff for revenue only. This extra burden falls on the consumer, and the farmer has it to pay on the articles he buys.

At the same time the farmer usually has a surplus in crops and stock he wants to sell and he finds his market not as desired. The prices he can get for his farm products do not at the present time net him the reasonable profit he should have. He needs to send his surplus into an extended market, but he is stepped on by the high protective tariff law that works well for the factory owner but poorly for the farmer. The citizen of some European country has goods and wares, silks, spices, steel and iron, and so forth, he want to trade for hogs, cattle, wheat, and corn. The high tariff keeps them out, and human nature the world over is such that a man likes to trade with and buy what he wants from the fellow who trades with and buys from him what the other fellow wants, and there is no mystery about that.

So the man in Europe who wants wheat, corn, and meat turns his boatload of commerce to South America and trades with them. I ask the American farmer, would you rather buy what you need on the farm from the man who buys your cattle and hogs and corn, or would you rather buy from the man who will not buy from you, everything else—value and price—being otherwise equal?

If the present high protective tariff law was repealed, so that the foreign trade could buy our cattle, hogs, corn, and wheat, and at the same time get some of their commercial articles sold to America, the American farmer would be much better off and Europe would soon come to her feet and stand erect, ready, willing, and able to trade with us, consume our surplus crops, and pay their debts.

But so long as the American farmer will still continue to be fooled by the manufacturers of the East, and so long as he is willing to take money out of his own pocket and put it in the pocket of the New England factory owner by the high tariff law, just so long must the American farmer suffer and operate at a loss. To be sure, he may be permitted under the present high tariff law to draw his breath occasionally.

But it seems almost useless to sound the warning in Missouri. A few years ago the Republican farmers were warned of an effort to increase taxes on the farm lands. They elected a Republican governor—many of them vowed they would not do it again—but when the time came for election, into the party press and into the ears of the Republican farmer went the assurance from Republican leaders that they were lucky and prosperous, and again they rallied and elected a Republican governor in Missouri, and again the taxes on farm lands are increased.

Just how long the Republican farmer will enjoy his taxes being increased, and just how long he will enjoy contributing by the high protective tariff to the manufacturer, is a question to arrest one's attention at least. There have been more farm homes sold in Missouri under foreclosure during the last four years than in the 20 years prior to that time.

Now the American farmer approaches the Government and tells of his distress and asks assistance, and that he be helped to bridge the emergency that now is here.

It appears that most all the men who represent the districts where the factory owners and operators reside, oppose extending a helping hand to the farmer, although the farmer has paid a high tariff on factory goods, lo these many years, to enrich the factory owner. As I think of Holy Writ, I witness the manufacturer, with Mr. Coolidge's approval, stroke the farmers' cheek. Will the farmer turn the other cheek to the silent President?

Mr. Coolidge has a strong Republican majority in Congress. In the lower House of Congress there are 247 Republicans and 183 Democrats, 2 Socialists, 2 Farm Labor, and 1 Independent. In the Senate there are 56 Republicans, 39 Democrats, and 1 Farm Labor. So it can easily be seen that the present Republican Congress can pass any law they desire to pass or defeat the passage of any law the party desires to defeat, by reason of such majority.

The Agricultural Committee, before whom the pending bills on the theory of agricultural relief were framed, is composed of 13 Republicans and 8 Democrats. A majority is required to report a bill—unfortunately a majority of that committee did not favor either of the three bills pending or any other bill, so as a compromise the three bills have been thrown in the congressional hopper to be ground out. Will the present Republican majority in Congress and Mr. Coolidge permit real farm relief, not a bogus measure, with promise that it will work within a year—tiding over beyond election—or will real relief be defeated?

The most vicious and injurious pieces of legislation, so far as the mass of American consumers are concerned, including the American farmer, is the Fordney-McCumber tariff law. It ought to be repealed; under the present administration it will not be done.

While that can not be done as an expediency to furnish some relief to the farmer, though not a perfect bill, the best of the three bills pending for the farmer is the Haugen bill, which is practically the Dickinson bill. The Tincher bill, which has the backing of Mr. Coolidge, will put the farmer further in debt; and what the farmer wants and needs is a better and enlarged market, so his surplus can be taken care of, thereby insuring a better price.

In other words, the greater the market, the less surplus; and the less surplus, the better the market price. As the high protective tariff law will not be repealed by the present administration, the farmer asks in the present emergency to be given emergency relief by the passage of the Haugen bill.

In view of the agricultural distress and the existing emergency and the impossibility of repeal of the Fordney-McCumber tariff law, the bill which gives most promise of any relief ought to be enacted, and the bill that gives the greatest assurance of any real relief, in my opinion, is the Haugen bill. Those who complain against and oppose the passage of this bill as a subsidy must not forget that under and by the Republican high protective tariff policy in force in the United States the American farmer has had taken from his pockets many times more than the amount of the revolving fund in the Haugen bill and placed in the pockets of the manufacturers, and even if some part of that may perchance get into the United States Treasury in the form of income tax, it is, nevertheless, to an amount exceeding the revolving fund, the American farmers' money. Although taken away from them by class legislation, in equity and good conscience it is his money. Therefore, in the present extremity and agricultural distress, may the American farmer not have back a part of his own money that he may therewith save himself from further bankruptcy?

Mr. ASWELL. Mr. Chairman, I yield to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman, supplementing what I have heretofore said in support of the Haugen bill, at this stage of the debate I desire to answer some stock arguments advanced by those who oppose any and all legislation designed to place agriculture on an equality with other vocations. Those who oppose any legislation for the removal of the economic handicap under which agriculture is staggering insist that there is but one effective solution and that is to reduce production.

In his first message, December 6, 1923, President Coolidge said:

> The acreage of wheat is too large. Unless we can meet the world market at a profit, we must stop raising for export. Organization would help to reduce the acreage.

In his other messages and addresses the President clearly indicates that in his opinion curtailment of production is the only effective and permanent remedy for the present widespread depression among the agricultural classes. In the last analysis, if we are to accept the President's policy, the American farmers would have to give up their foreign markets, from which they have in the past drawn billions of dollars. He would shut this outlet for our surplus farm commodities and close this door of hope for the farmers of this Nation. He would have us forget the millions and billions of dollars that have come to the American farmers from the sale of their surplus wheat abroad and forego the millions and billions of dollars that would accrue every few years to American agriculture from the sale of its products in the world markets. He would put the wheat growers of this Nation in a strait-jacket and have them produce only a sufficient quantity of wheat to feed the people of the United States. In other words, he would have the farmers of this Nation to grow only enough wheat to fill the bellies of our domestic population. This advice has been repeatedly offered by the President and his influential advisers.

It is my purpose to demonstrate that this is not sound and wholesome advice, and if followed will not bring relief, but inevitable disaster to the wheat farmer. No more fallacious and dangerous doctrine was ever urged on the agricultural classes. Secretary Jardine also advocates this false philosophy and prattles about the farmers balancing production, as though farmers can regulate and determine in advance how much corn, wheat, oats, or other grains they will produce in any one year. The size of a grain crop can not be determined at seeding time, or much in advance of the end of the harvest season.

The President and his Secretary of Agriculture ought to know that the farmer can not control production like the manufacturer, who may at the beginning of the year definitely determine the output of his mills and factories for that year. The nature of the manufacturing business is such as to enable him to regulate production and keep it within predetermined limits. If the manufacturer decides that he will produce 500,000 pairs of shoes, 100,000 suits of clothing, 3,000,000 yards of cloth, or $1,000,000 worth of machinery, he can, in advance, with reasonable accuracy, plan to that end and limit the output of his factories. He can easily estimate how much raw material and how much labor will be required, and what factory equipment will be necessary to bring his commodity production to the required level.

The nature of the manufacturing business is such that all these matters can be determined in advance with reasonable accuracy. Of course, I recognize the possibility of strikes, lockouts, and other eventualities that may interrupt production, but these or other difficulties enter into the activities of all other occupations, including farming. All things considered, those engaged in manufacturing can control their production and expenses more completely than any other vocational group.

The manufacturer knows in advance what his raw material and labor will cost him. He knows in advance the capacity of his plant, the overhead and selling expenses, the depreciation and usual hazards incident to his business. By experience and definite computation he knows in advance what it costs to produce his commodities and he is sure of marketing them at a satisfactory profit, because under existing industrial and economic conditions the manufacturer fixes the price at which he will sell his commodities. The Government by high tariff laws reduces or destroys competition so the manufacturer may fix a price on his manufactured products that will insure not only the cost of production but a handsome and quite often an unconscionable profit.

But the farmer is differently situated. He can not plan with the assurance that his production will be so much and no more. At best his occupation is a hazardous one. The yield of grain crops does not depend solely on acreage or industry. The farmer has to encounter a multitude of rapidly changing conditions that may greatly augment or tremendously reduce production. From the beginning to the end of the cropping season he faces a succession of adverse, unusual, unexpected, and uncontrollable weather and climatic conditions that mightily influence the production of grain crops. He may plant sparingly, but as a result of propitious weather conditions he may reap bountifully. On the other hand, he may plant a large acreage, yet because the weather may be unseasonable and cropping conditions adverse he reaps sparingly. Not infrequently a large acreage, as a result of unseasonable conditions, will produce a smaller yield than a much less acreage produced the preceding year.

Then, again, even a President coming from industrial New England and a Secretary of Agriculture coming from the agricultural West but dominated by eastern economic ideals ought to know that in some years innumerable pests prey on growing crops, sap their substance, lower the plant vitality, and materially lessen the yield. Chintz bugs, green bugs, Hessian flies, grasshoppers, boll weevil, and numerous other pests may suddenly appear, generally as a result of unfavorable weather conditions during the growing period, and totally destroy or materially damage a crop when it looked most promising. Red rust, black rust, smut, and other destructive plant diseases appear unexpectedly, and very often destroy the crop or materially reduce production. The absolute impossibility of farmers controlling production of grain crops within certain well-defined limits is quite evident to everyone who understands the first principles of agriculture, and this impossibility applies not only to wheat and corn but to all farm commodities. While the farmer may determine in advance how many acres he will plant to grain crops, he is powerless to regulate the yield per acre, because the yield is largely controlled by weather conditions and by the presence or absence of grain pests and plant diseases that appear at the most unexpected times to plague and mock the farmer and reduce production.

The farmer can not adjust production to the demand. No farmer can say with assurance: "This year I will raise 1,000, 2,000, or 3,000 bushels of wheat or corn." He may prepare the soil in a husbandmanlike manner, prepare a suitable seed bed, plant the seed properly, cultivate carefully, and yet notwithstanding all his industry and intelligent attention the yield may be distressingly light and acutely disappointing. And even when the crop is maturing and ready to harvest it may in an hour be destroyed by excessive rains or storm of by a variety of climatic agencies that lie in wait to prey on those who till the soil.

Even under the most favorable conditions, the growing of grain and meat products is a gamble. Frequently with a greatly reduced acreage the yield per acre is so far above normal production that we unexpectedly have a surplus; while in other years, with a large increase of the acreage, the yield falls far below our expectations.

In the livestock industry no farmer can plan with certainty and assurance how many hogs, sheep, or cattle will be produced and brought to a marketable age and condition on his farm in any given year. The farmer may properly care for his livestock, provide suitable shelter and food, and keep them under well-recognized sanitary conditions, yet disease may suddenly and unexpectedly strike and destroy his swine, sheep, and cattle, in spite of every conceivable precaution.

On reflection, it must be apparent to even the most unsophisticated that no human foresight, no finite power, can adjust the average of farm crops and the production of livestock so as to furnish sufficient food commodities to supply our domestic demands and not have a surplus. And if we should attempt to follow this plan, we would fail signally and would probably stand face to face with underproduction and famine.

I can conceive of no more dangerous and insane policy to the producer and consumer alike, than to urge a deliberate curtailment of food production in the United States, and no one who knows the first principle of agriculture would advocate such a vicious and inhuman policy.

Suppose the farmers of America would adopt the Coolidge-Jardine recommendations and by radically reducing the acreage strive to produce just enough grain and other food products to feed our domestic population and so as to produce no surplus for export. If the season should be bad and weather conditions adverse, we would probably only have a half crop, and this frequently happens. What a calamity this would be. We would be faced by famine, and our children would go hungry or undernourished. This condition is inevitable if we adopt the Coolidge-Jardine formula and deliberately go about reducing production to a limit sufficient only to supply the domestic demand. I for one will never countenance such an uneconomic, unbusinesslike, and inhuman policy.

Now, gentlemen, the production should not be radically limited. The farmer has the God-given right to work his farm, which is a factory for the production of food commodities, to its

full capacity, so as to not only feed the people of the United States but to sell abroad to satisfy the hunger of men and women beyond the seas. It is only by working the farm to full capacity and by producing a surplus that the farmer can hope to make a profit on his operations.

I call your attention to the following table, showing the quantity and value of wheat exported from the United States in the five years from 1920 to 1924, inclusive:

	Per cent of crop exported	Bushels exported	Value per bushel	Total value
1920	43.9	366,077,459	$1.70	$622,200,000
1921	34.3	279,406,799	1.40	392,000,000
1922	25.6	221,923,184	1.30	288,600,000
1923	19.9	156,429,824	1.20	188,400,000
1924	29.6	258,022,900	1.70	438,600,000
Total		1,281,860,146		1,929,800,000
Average, per year		256,372,029		385,980,000

These official statistics show that in this five-year period the American farmers exported on an average 256,372,029 bushels of wheat annually, of the average yearly value of $385,980,000. In the aggregate, in these five years the American farmers sold abroad 1,281,860,146 bushels of wheat for which they received $1,929,800,000, or practically $2,000,000,000. Now, the President, Secretary Jardine, and many of the most influential Republican leaders who are now in the saddle and who dominate the councils of the party, advocate that the American farmer withdraw from this foreign market, and that we give up this market which in the last five years yielded the American farmers an income of $2,000,000,000. I can not accept this suggestion. It would hobble and hamstring the farmer and inevitably augment his losses. The economic condition of the agricultural classes can not be improved by limiting the markets in which their commodities are sold. Instead of abandoning these foreign markets which in five years yielded our farmers approximately $2,000,000,000, we should not only hold on to our present domestic and foreign markets, but we should use all reasonable means and instrumentalities of enlarging and extending the market for our agricultural products. If there is a Member of this House that will seriously advocate a policy which will deprive the American farmers of a foreign market which in five years yielded them an income of $2,000,000,000, I want him at this very moment to rise in his place on the floor of this House and publicly profess his belief in this vicious and uneconomic policy.

Moreover, to radically curtail production will not only work the economic ruin of the agricultural classes, but the adoption of this policy will be little less than a crime against humanity. If the farmers follow the advice of those short-sighted, time-serving economic quacks and set out to substantially curtail production and raise only sufficient foodstuff to feed our domestic population, exceedingly grave consequences must inevitably result. Under such a plan, the farmers and consuming public would probably discover when the harvest is past that the yield had fallen far below their expectations and that the crop was not sufficient to feed our domestic population, which in plain language would mean a famine. It would be an act of supreme folly for us to pursue a policy which would bring about widespread distress and national calamity. We would have to import wheat and other foodstuffs either from Canada, Argentina, and other countries to feed our people. Are you willing to be responsible for a condition of this character? Do you advocate a policy which will result in our having an inadequate supply of foodstuff for domestic consumption? Such a policy is intolerable and inconceivable.

The proposal to radically restrict production is fraught with hideous consequences that are so apparent that he who runs may read. We must not unduly and unnecessarily limit and restrict the production of grains and foodstuffs in the United States. Every principle of reason, common sense and prudence, suggests that we should produce each year more foodstuffs than are reasonably sufficient to meet our domestic demands. Unless we plan to produce a very considerable surplus each year, we will not be assured of a sufficient supply to feed our own people. It should be the fixed policy of this Nation to produce a surplus of foodstuffs each year—to use such part as may be necessary for our own needs, and for the surplus we should provide markets abroad.

When the American farmer considers the consequences not only to himself but to the people of the United States he will never sanction our withdrawal from the world markets. We should encourage the farmer to produce not only enough grain and other foodstuff to feed the people of the United States but a surplus to sell in the great markets of the world. To give up the export markets is to curtail radically our farming activities and hope of profit.

In the last analysis the farmer's profit must be on his surplus products. He can not get ahead by producing just enough foodstuffs to satisfy the domestic demand. The larger the surplus the greater his profit, and the smaller the surplus the smaller his profit. Under normal conditions this rule is dependable and fundamentally sound.

In every line of business, until the output has reached a certain point, the cost of production and overhead expense exceeds the returns from the sale of the manufactured products. If the production be increased to a certain point, the returns equal the cost of production and the overhead expenses; and if the production be further increased, the business will under normal conditions show a profit, and thereafter the greater the production the greater the profit. To illustrate: Very frequently on the first $100,000 worth of goods a factory turns out the cost of production and overhead expense exceeds the sale price of the factory output. When the production reaches the $200,000 mark the returns equal the cost of production and the overhead expenses combined, and thereafter profits accrue from all additional production, and the greater the production thereafter the greater the profit.

The manufacturer dares not limit the output, because quantity or capacity production affords him his only reasonable chance to make a profit—that is, the only method by which his profits can be made to outrun the cost of production and overhead expense. Most manufacturing plants are constructed to produce a certain volume of commodities. If a plant is operated only to one-half of its capacity, a loss is inevitable. What would the manufacturers say if the President should advise them to reduce their output to one-half, one-third, or one-fourth of the capacity of their plants? They would reply that only by quantitative production and by running their plants to their full capacity could their business be conducted profitably. The manufacturers would say, and properly so—

> Instead of reducing the output from our plants, thereby inevitably increasing the cost of each article produced, let us enlarge our market and increase our sales so the fixed overhead expense may be apportioned to 50,000 rather than 25,000 manufactured articles.

In like manner, the farmer's profit depends on the surplus he produces and sells. Up to a certain point the cost of production and overhead expense exceed the returns from the sales of his commodities. By increasing his surplus products to a certain point he is able to balance his budget; that is, the overhead expense and cost of production equal the returns from the sale of his commodities. Beyond this point, by increasing production he begins to earn a little profit, and thereafter the more commodities he produces and markets the greater his net earnings.

This rule is immutable so long as a farmer is able to sell his commodities above the cost of production; but if times are so abnormal that his commodities sell for less than the cost of producing them he registers a loss on all he produces, whether that production be great or small. To ask the farmer not to produce a surplus is to deny to him equal rights and equal opportunities in the race for gain. Every farm has a capacity limit the same as a mill, factory, or other business plant; and the farmer is as much interested in operating his plant to its full capacity as is the merchant or manufacturer, and he is as much interested in quantitative production as is the man engaged in other industrial or commercial pursuits. To insist on a farmer giving up his right to operate his plant to its full capacity is to deny him a fundamental and necessary economic privilege withheld from no other occupation.

By such a policy you are discriminating against the farmer and denying him equal rights and equal opportunity. You say to those engaged in manufacturing and commerce:

> You may operate your factories and plants to their full capacity and produce large surplus stocks, to dispose of which you may not only enlarge the domestic demand but you may carry your commodities to foreign lands and sell them in the markets of the world.

You then turn around and tell the farmer that he must go on a vacation, take a rest, curb his initiative, limit his industry, take his hands from the plow, no longer produce a surplus, no longer run his farm plant to its full capacity, forego the great world markets, and limit his energies so as to produce commodities sufficient only to feed the American people. To invoke this system is to place the American farmer in a straight-jacket and to limit, yea, destroy, his productive capacity; and this at a time when millions of starving men, women, and children are

stretching their bony hands across the seas, crying for the bread the American farmer could and would produce if such production did not mean an ever-increasing loss.

For 75 years the manufacturing classes have thus erected a Chinese wall around the United States, denying to the common people—the consumer—the God-given right to buy their commodities in the cheapest markets. Now, the representatives of this same favored class seek to close the doors of export to the farmer and build a Chinese wall around the United States which will shut out the American farmer from the markets of the world and compel him to depend entirely for the sale of his products on the domestic demand. Instead of further restricting the markets for American farm products let us enlarge these markets. As the American manufacturer, operating his plants to full capacity, increasing his production enormously, is now invading the markets of the world and selling his manufactured products in the remote corners of the earth, so the American farmer has the God-given and inalienable right to operate his farm to its full capacity and to produce an ever-increasing surplus of grain and other foodstuffs not only to supply the domestic demand but to sell in foreign markets to which the surplus commodities of all nations inevitably flow in obedience to sound economic principles and immutable natural laws.

You have no right to shackle the productive energies of the agricultural classes. You have no right to circumscribe the activities of the farmer. You have no right to set arbitrary limits to the quantity of grain and other foodstuffs that he may produce. It is an insult to say to the farmer, "Produce just enough foodstuffs to feed the people of the United States." It is an outrage to deny him access to the world markets. This policy will inevitably reduce the American farmers to a condition of servitude and hopeless impotence.

Therefore let us enlarge the farmer's markets; let us give him a chance to sell his food products in every land to which our manufactured commodities go. Let our ships that carry the finished products of our industrial skill to South America, Europe, and the Orient also carry in their holds the food products from the American farms, thereby bringing to the pockets of our farmers a substantial part of the wealth that other nations are each year paying for foodstuffs.

May I repeat what I have several times stated on the floor of this House, that in the future the wealthiest nation will be the nation that captures and holds the greatest portion of the world's commerce. If our country is to maintain her present exalted station as the financial mistress of the world, it behooves us to plan quickly and wisely a conquest of the world's markets. Our agricultural, industrial, and commercial supremacy depend on our sending the products from our farms, factories, mountains, mines, and plains overseas in exchange for the tremendous wealth and treasure now in process of development in the remote regions of the world.

Providence gave to the American people a far-flung region of boundless productivity. It was never intended that the resources of this great Nation should slumber in an undeveloped state when there is a world-wide demand for the products of our soil. The present generation of American farmers have not only the legal but the moral right to stir our fertile fields into generous productivity. By no legal or ethical principle should we expect the agricultural classes to limit their activities and produce merely a sufficient quantity of foodstuffs to satisfy the appetite of the people of the United States alone. We should not deny to them the priceless privilege of contesting with the farmers of other nations for a substantial division of the markets of the world. The commercial, industrial, and professional classes in the United States should cooperate with the agricultural classes in this struggle for the world markets. We should seek out and open up new markets for our agricultural commodities and make adequate provision for economical transportation of those commodities to both old and new markets.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. TINCHER. Mr. Chairman, I have only one more speech, and I think the gentleman from Louisiana should use some of his time.

Mr. HAUGEN. I have only one speech, and I understand I am entitled to close.

I yield to the gentleman from Missouri [Mr. CANNON] five minutes.

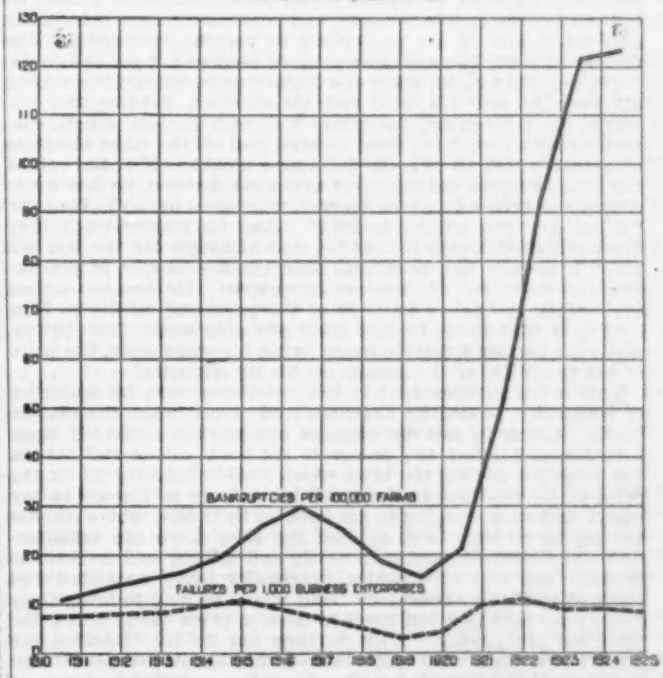
Mr. CANNON. Mr. Chairman, in the consideration of this bill we have presented not only one of the most pressing problems but one of the most striking contrasts ever called to the attention of Congress. While industry and commerce are prospering to-day as they have never prospered before, agriculture is in direst distress. While in the cities bank clearings, postal receipts, car loadings, and every evidence of wealth and prosperity have reached totals breaking all records, out in the country bankruptcy, tax delinquency, sales under foreclosure, decrease of assets, and bank failures have been and continue to be without precedent.

In the State of Missouri more country banks failed last year than in any previous year in the history of the State. And the situation grows worse instead of better. This year, from the 1st day of January down to to-day, more banks failed in the State of Missouri than have failed in any similar period since the State was admitted to the Union in 1821. Four banks failed in Missouri in one day this week, and the average has been one bank failure every three days for the last two weeks.

Up in the great State of Iowa, just across the State line from the State of my friend from Kansas, Mr. TINCHER, five country banks failed last Monday—five banks failed in one day. And yet the gentleman from Kansas is advocating a bill to lend the farmers more money, when the banks out in his section are failing now because the farmers can not pay back the money they already have borrowed.

The sharp contrast between agricultural and industrial conditions for the last five years is graphically shown in the following chart, published by the National Industrial Conference Board:

Comparative Changes in Commercial Failures and Farm Bankruptcies, United States, 1910–1925



Source: Data on commercial failures are for calendar years from Bradstreet's; those on farm bankruptcies are for fiscal years beginning July 1 from annual reports of U. S. Attorney General as given in U. S. Department of Agriculture Yearbooks.

As indicated here, farm bankruptcies have risen steadily since 1922, and are still increasing, while industrial failures have declined steadily since 1922, and are still declining.

The followng table gives in detail the statistics on which this chart is based:

Commercial failures and farm bankruptcies, United States, 1910–1925 [1]

Year	Number of business failures [2]	Number of business enterprises	Failures per 1,000 enterprises	Number of bankruptcies among farmers [3]	Number of farms	Failures per 100,000 farms
1910	11,573	1,592,509	7.3	679	6,361,502	10.7
1911	12,646	1,637,650	7.7	837	6,370,186	13.1
1912	13,812	1,675,452	8.2	942	6,378,870	14.8
1913	14,551	1,718,345	8.5	1,045	6,387,554	16.4
1914	16,769	1,749,101	9.6	1,246	6,396,238	19.5
1915	19,035	1,770,914	10.7	1,638	6,404,922	25.9
1916	16,496	1,790,776	9.2	1,906	6,413,606	29.7

[1] Commercial failures fro n Bradstreet's; farm bankruptcies from annual reports of United States Attorney General, as given in U. S. Department of Agriculture yearbooks.
[2] Calendar years.
[3] Fiscal years beginning July 1.

Commercial failures and farm bankruptcies, United States, 1910–1925—Continued

Year	Number of business failures	Number of business enterprises	Failures per 1,000 enterprises	Number of bankruptcies among farmers	Number of farms	Failures per 100,000 farms
1917	13,029	1,828,464	7.1	1,632	6,422,290	25.4
1918	9,331	1,824,104	5.1	1,207	6,430,974	18.8
1919	5,515	1,843,006	3.0	997	6,439,658	15.5
1920	8,465	1,938,042	4.3	1,363	6,448,343	21.1
1921	20,014	2,049,323	9.7	3,236	6,433,127	50.3
1922	22,415	2,074,617	10.8	5,940	6,417,911	92.6
1923	19,159	2,136,921	9.0	7,772	6,402,695	121.4
1924	19,712	2,195,626	9.0	7,872	6,387,479	123.2
1925	18,859	2,242,317	8.4			

Why this remarkable contrast between prosperity and bankruptcy—this amazing disparity between industry and labor on one hand and agriculture on the other? It is because industry and labor fix their returns—because industry fixes the price of its products and labor dictates its wage scale—while the farmer has nothing whatever to say about the price of his products or the wage he receives for his labor.

When the farmer goes into the market for machinery, clothing, fertilizer, or any of the necessities of life or essentials of production he asks "What is the price?" And no matter what the price dictated by industry and labor, although it may be twice what the article is worth, and involves a return to industry and labor out of all proportion to returns received by the farmer himself, he pays their price or he does not get the goods.

On the other hand, when the farmer sells, when after toiling all year, he and his wife and his children, fighting the cutworm, the hessian fly, the chinch bug, and the boll weevil, contending with fire, frost, flood, famine, and all the other elements of nature which go to make farming a gamble—if at the end of the year, by good management and good fortune, he has made a crop and drives up to the market, what does he say? He says, "What are you paying to-day?" And no matter what they are paying—although it may be, and although for the last six years it usually has been, less than the actual cost of production—he takes it. He has no alternative. He has no control over either the prices he pays or the prices he receives. Now how is it that industry and labor are able to fix their prices, while the farmer has no voice in fixing his wage scale, the price of his products, or the return on his investments?

This is the explanation: It is by virtue of law, by authority of legislation passed by Congress and placed upon the statute books. Congress has by express enactments conferred upon industry and labor the power to fix both prices and wages. For example, among the laws which enable industry to fix the price of its products is the tariff law. Over in Europe to-day where nations are trying to get back on their feet, where peoples are trying to beat back against the tide, there are manufactories and material and men ready and willing and anxious to produce and sell in America practically every manufactured commodity that we consume. They would be glad to bring their goods over here and sell them to us at a price vastly below the price we are paying. Why do they not do it? Because the tariff keeps them out. And behind this legislative tariff wall the domestic manufacturer fixes his price, regardless of cost of production or legitimate profit—fixes his price under a tariff law devised for that purpose, for that is what the tariff system is—a price-fixing device pure and simple. And every time we pass a tariff bill we kick the sacred law of supply and demand into a cocked hat.

Likewise, labor is enabled to fix its wage scale and its hours and conditions of labor under such laws as the immigration law. I was at Ellis Island some time ago, and while there had the privilege of meeting a man high in the department, a man who is an authority on the subject, and he told me that if the immigration laws were repealed people would swarm over to this country from Europe, Asia, and Africa like rats out of a sinking ship; that within 12 months over 2,000,000 immigrants would come to America. They would come with nothing but their hands. They would inundate our cities. They would glut our labor markets, and men both in the labor unions and out of them would be glad to work at any job and at any price to earn their daily bread. Labor is able to enforce her wage scale and maintain an American standard of living by virtue of legislation placed upon the statute books by Congress.

Now, if Congress has given industry laws enabling her to fix the price of her products, and has given labor a law enabling her to dictate the price of her services, why in all justice and fairness and equity is the farmer not entitled to this bill, which will enable him to fix the price of his products and secure a living wage for his labor.

But let me make clear the position of the farmer on this question. He is not here with this bill to protest against high prices. He believes in high prices. And he is not here to protest against high wages. No class in America believes more than the farmer that the man who earns his bread by the sweat of his brow is entitled to a living wage and a high wage. But the farmer does contend that if he pays industry a high price for its products and labor a high wage for its services, he, too, is entitled to a high price for his products and a living wage for his labor, and that is the fundamental purpose of this bill.

Now, as to the tariff features of the bill. When during his testimony before the House Committee on Agriculture some days ago Secretary Jardine was asked whether he did not think the farmer has a right to expect that the tariff shall be made effective on surplus agricultural commodities, and when he answered, "I would forget about that," he said something that has enough dynamite in it to change the political map of the United States for years to come. Dating back almost to the Civil War, the farmers of the great Corn Belt have been steadfast in their support of the protective system—first, because they believe that it was essential to well-being of industry and of the Nation and, second, because they took seriously the idea of a tariff on certain agricultural commodities. However, during recent years, and especially since the World War, these Corn Belt farmers have awakened to the fact that the tariff on surplus farm commodities has been pretty much of a joke; that it is one thing to write such a tariff into an act of Congress and a radically different thing to collect it. And this is why they took the Republican platform on which Mr. Coolidge was elected, and which was unequivocally pledged to "equality for agriculture with other industries," so seriously.

And now when the question is put up squarely to Secretary Jardine, the spokesman of the administration on matters affecting agriculture, he tells us to "Forget about it." But there is not the slightest chance that Corn Belt farmers will take his advice—on the contrary, the Secretary by this remarkable statement has "let the cat out of the bag," and unless Congress passes the Haugen bill, which will make the tariff effective for agriculture, we will be forced to the conclusion that the Republican Party is perfectly willing that the tariff shall mean one thing for industry and an entirely different thing for the farmers. More than all other opponents of genuine farm relief legislation, Secretary Jardine has laid bare the real issue. He has trained the spot light on the good faith of the Republican national platform in a most graphic way. Clearly it is up to the Republicans in Congress to decide whether the Secretary's words shall stand out like a "cloud by day and a pillar of fire by night" in the coming congressional campaign and in the presidential contest of 1928.

The time has come when the cracking of the party whip has about as much effect on the average farmer's back as it would have on the back of an elephant. On the one hand he sees his situation grow constantly more desperate, while on the other hand he has a deep-seated conviction that both of the great political parties are willing to make him the "goat," and that their platform pledges are only intended to catch his vote. We have not forgotten that during the World War when the industries received 10 per cent plus and as much more as they could get, Secretary Hoover lost us hundreds of millions of dollars by interpreting the wheat price as a maximum instead of a minimum, as Congress intended; also that we lost other hundreds of millions because this gentleman did not line up his formula on the price of cattle and hogs. And yet, notwithstanding these wrongs which rankle deeply in the hearts of millions of farmers, certain gentlemen are raising the shout of "subsidy" against the Haugen bill.

I state the simple truth when I say that the vast majority of Corn Belt farmers regard Mr. Hoover as the evil genius of American agriculture, and also, whether rightly or wrongly, they believe that the attitude of Secretary Jardine is greatly influenced by him. Nevertheless, Secretary Jardine is the spokesman of the administration on agriculture—and I repeat that there is a pill of dynamite in his suggestion that the tariff when applied to a surplus farm commodity is nothing more than a campaign joke.

And just one word to labor in behalf of this bill. And no Member of this House can speak to labor more frankly than I can. From the first I have supported labor's program. And I have voted with labor not from motives of political expediency because I am from an agricultural district. We have comparatively few labor unions in the district. I have supported labor's program not in order to win votes but because it was right and entitled to support.

So I congratulate labor on her indorsement of this bill, and I call attention to the fact that the farmer is entitled to labor's support not only in return for past favors but because this is labor's bill as well as the farmer's bill.

The Census Bureau recently reported statistics showing that last year 2,035,000 people were driven by economic necessity from the country into the city. The year before that 2,075,000 were starved out of the country into the cities. This vast migration has been going on for several years, is going on to-day, and will continue in proportion as agriculture is denied a just return and a fair share of the Nation's prosperity. When you drive either a starving wolf or a starving man out of the country into the city somebody is going to suffer. And when this hugh army of people is forced into our already overcrowded centers of population, labor is the first to suffer. Not only is the number of those producing food in the country depleted, and the number of mouths bidding for food in the cities increased by these millions, but the number competing with you for your job and beating down your wage scale is correspondingly increased.

Let me give you a very pertinent illustration. When the railroad strike began in my State in 1921 the places of the union men in the railroad shops of the Frisco at Springfield, Mo., were filled by raw country boys hastily recruited from the foothills of the Ozarks. They had never heard of the 8-hour day. They had been brought up on the farm under the 16-hour day and the Taylor system meant nothing to them. So effectively were they drilled by the railroad and so apt did they prove themselves that to-day they are still there and they are now producing in 30 days locomotives which formerly required 45 days to complete, a profit to the railroad of 33⅓ per cent over its former cost of labor. That is what we may expect, in modified form at least, in all trades and in all sections of the country, if the present agricultural situation continues and men continue to be driven into the cities to find support for themselves and their families. Labor's support of agricultural legislation is not merely a matter of justice to the farmer; it is a matter of self-preservation to labor as well.

Nor is the argument that this legislation will materially increase the cost of food consumed by labor worthy of serious consideration. In 1920 I sold wheat produced on my farm for $2.40 a bushel, and my family bought bread in Washington that year for 8 cents a loaf. The next year I sold my wheat crop for 86 cents a bushel, and the same bread still cost 8 cents a loaf. One year I received $15 a hundred for hogs which I marketed in St. Louis, and the next year a little over $11 a hundred. But sliced bacon of the same brand cost 6 cents more per pound in Washington when hogs were selling at $11 in St. Louis than it did when hogs were selling at $15. If this bill becomes a law, the few added cents in a bushel of wheat or a hundredweight of pork will be immaterial when reflected in a loaf of bread or a loin of pork, and even that will be more than offset by the saving in the elimination of lost motion between the producer and the consumer.

In conclusion, and in reply to the statement repeatedly made during this debate that this legislation is unsound and uneconomic, I want to quote a man whose views are entitled to some consideration. The quotation is from Abraham Lincoln. He was not an economist or a college graduate. He did not have a university degree. But he understood the philosophies of life and the equities of the law as few men have understood them in the history of our Nation or our race. This is what the rail splitter said:

> The legitimate object of governments is to do for a community of people whatever they need to have done, but can not do at all, or can not so well do, for themselves in their separate and individual capacities.

The legitimate object of government is to do for 6,500,000 farmers what every Member of this House concedes they need to have done, but which because of their number and their wide distribution and lack of ready capital they can not do for themselves in their individual capacities.

Pass this bill. Give agriculture the same legislative preference already granted labor and industry. Give the farmer as good a price for what he sells as he must pay for what he buys. Bring agriculture up to a plane of equality with industry and labor, or drag them down to the pinched standards under which agriculture is to-day eking out a bare existence. Give us special legislation for everybody or special legislation for nobody.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. EDWARDS. Mr. Chairman, taxes are taxes, even though you call them "tariffs" or "equalization fees." No matter how it is "sugar coated" or dressed up in a fancy name, it is a tax on cotton in this bill, parading under the name of an "equalization fee." In the debate that has lasted several days on this bill, I have heard no one deny that it is a tax, nor have I heard anyone sufficiently explain this matter to convince me that I should vote for it. To the contrary, I will not vote to put a tax on cotton, whether it is levied at the gin or elsewhere. The tax will come out of the producers, and this bill proposes that it be collected at the gin, and prescribes a penalty if it is not paid. I have listened carefully to the debate, and those who claim to have given some study to this matter have asserted that this tax will run from $2 to $25 per bale, to be assessed by the board that is proposed to administer the provisions of the law. Think of it; from $2 to $25 tax on each and every bale of cotton and it payable at the gin, when the farmers are hardly able to pay the gin bills, to say nothing of this new-fangled tax! Do the farmers understand that this is a tax, or are they deluded and misled by the term "equalization fee"? Whatever it is, it is from $2 to $25 on each and every bale of cotton raised by the farmers that they will have to pay at the gin.

It is proposed, too, that this law will be administered by a board of 13. Each of these will get $10,000 per year. Ten of these 13 will come from other than cotton-producing States and only 3 of that board will come from cotton-producing States. Ten members of that board come from where cotton is manufactured and used. They will have to do with regulating the price at which cotton will sell; and two years hence, when the cotton tax or equalization fee goes into effect, that board will say what the tax or fee at the gin on each bale of cotton will be.

I can not think that a tax upon the very product of the soil, raised by the sweat of the brow, will be much help to the farmer; nor can I think it will be a relief. The farmer is laboring under a distressing load of taxes as it is. Now, you are trying to give him a bait with a hook in it. You are saying to him, "The way to help you is to levy more taxes on you, and one that you will have to pay." You must pay it at the gin. I just can not see the fairness of it, and I will not support this bill with the tax or equalization fee in it.

If it is stricken out, I will waive other features, but I will not vote a tax on the cotton farmers of the South. An amendment will be offered, as I am advised, to strike out this cotton-tax feature, which amendment I will support; and if the amendment prevails, then I will vote for the bill, but I will not vote for it unless the tax is stricken out. I will not be a party to putting a tax on our people. I want the record to show that I voted against such a tax. I want the record to show that I raised my voice in protest against the proposed tax as unjust and unwise. In this I believe the farmers of my section will support me and stand by me.

I came here pledged to help reduce taxes. We have reduced taxes in the few months I have been here nearly $400,000,000. How can I justify the levy of a direct tax that may vary from $2 to $25 per bale on every bale of cotton ginned in my district? I would resign from this House rather than vote for that tax. I will not vote for it under the dressed-up name of an "equalization fee," either. We can not fool the people and ought not to try. We ought to be honest with them and with ourselves.

This is called an agricultural relief bill, yet it carries this tax on cotton. The most of the relief is for the western farmers as usual, with another burden for the sun-browned son of the southern cotton fields in the shape of a tax on cotton. I protest and denounce it as unfair and I appeal to the Members of Congress not only from the South but all Members to vote against the tax.

This bill does nothing for tobacco farmers. They are overlooked. It is about what we should have expected from the Republicans who are in control of the House. I presume if you wrote a bill giving relief to the tobacco growers, you would fix a tax on every basket of tobacco to be collected at the warehouse? Such is great relief! We all recognize the fact that agriculture is prostrate, homes and farms, mules, wagons, and so forth, being sold under foreclosures and by the sheriffs and constables, millions of people in real distress, unable to save themselves from existing taxes, and yet you tell them you will help them by putting another tax, a galling tax, on them! That is a relief with a vengence! It is using the embalming fluid in the very veins of the cotton producers and calling it a tonic! I will not help administer it, nor do I believe the cotton growers of my section will be deceived by this strange relief. It is saying to the farmer: "Being as you are unable to pay your debts and your taxes now, you just submit to another tax on your cotton and then you will be able to pay your other taxes." Strange reasoning this! I do not believe many will be deceived by it.

For my part I would a great deal rather for my constituents, with whom I was reared and whose interest I have at heart, to say in the future, "Our Congressman was there at his post when that tax matter came up. He stood by us and protested against that foul cotton tax and voted against it," than to have them say, "Wonder why he let them fool him into believing that was not a tax?"

Some argue that the tax will not go into effect for two years and that it might be repealed in that time. Yes; and it might not be. I will not take such a chance. I have observed with pain and regret that very few Congressmen vote to help the southern farmers except the Congressmen from the South, and we are in the minority. We might not be able to repeal it. I am not willing to turn over the people of the South and the great crop of the South to this board that does not give us fair representation, to be crucified upon this cross of taxes. You can not disguise it with fancy names enough to cause me to vote for that tax. It must be stricken out and we must have fair representation on the board. I will not help bend the backs of my people, whom I represent and love, to the lash of this iniquitous cotton tax. It is not right to burden the struggling cotton farmers with additional taxes, nor will I participate in the crime, directly or indirectly, in helping to levy the tax. This tax at $2 per bale would cost the cotton farmers of Georgia over $2,000,000 each year.

I am not going to discuss the bill further. On April 12 I delivered an address urging agricultural relief. I quote here an article from the Atlanta Constitution of May 9, 1926, concerning it:

EDITOR CONSTITUTION: On reading my letter in your paper of May 1, Congressman EDWARDS sent me copies of three speeches delivered by him in Congress. One speech made December 18, 1926, discusses "The revenue act of 1926," one made January 8, 1926, "Advocating drainage," and the other delivered April 12, 1926, "Urging agricultural relief."

The last-mentioned speech is the most powerful presentation of the farmers' case I have seen anywhere. I wish that, not only every farmer, but every business man in Georgia, could read it. And it would be appreciated by the farmers of the whole country.

Had I been aware of this speech when I wrote my letter, I would have thanked him for it then, as I do now.

J. T. HOLLEMAN,
President Southern Mortgage Co., 10 Auburn Avenue, Atlanta.

We have enough troubles. The South does not need any more troublesome taxes. If a farmer failed to pay this tax, the penalty would apply and he would be subject to suit and heavy court costs in the United States courts. With all the earnestness of my soul, I appeal for the defeat of this tax! In the name of justice it should be stricken from the bill! [Applause.]

Mr. TINCHER. Mr. Chairman——

The CHAIRMAN. The gentleman from Kansas is recognized for 24 minutes.

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, in closing this rather long and tiresome debate I do not want to kill a lot of time on things that are not pertinent to the question. I want to answer the tariff arguments that have been made, because I make it a rule never to take this floor without answering all the arguments that have been made on the subject of the tariff.

The Fordney-McCumber tariff law was passed and took effect on a certain day. To-day agriculture has a problem. Was that brought about by the passage of the Fordney-McCumber tariff law? The answer is this: There is not a commodity that the farmer buys to-day that he pays as much for as he paid for it the day the Fordney-McCumber law took effect.

I invite any man to furnish me a list between now and midnight of any commodity that he buys that is as high to-day as it was when you passed the Fordney-McCumber tariff law, and I will print it in my remarks. [Applause.] There is not a farm commodity to-night but what is worth more money on the market than it was the day the Fordney-McCumber tariff law took effect. [Applause.] And that is not answering the tariff argument as a philosopher; that it is just answering it because we can still remember, and you Democrats, if you ever elect another administration on the tariff, have got to wait until you get away from the facts so far that you can do it on philosophy and not do it on facts.

Mr. ROMJUE. Will the gentleman yield?

Mr. TINCHER. I will yield if the gentleman can furnish me with such a list.

Mr. ROMJUE. If the gentleman's statement is true, then, we do not need to pass this bill.

Mr. TINCHER. No; I did not say that, because we need my bill. I just answered the tariff argument, and my statement is true.

Mr. ROMJUE. Then, we do not need your legislation.

Mr. TINCHER. Oh, yes; we do; yes; we need it. When you got through with us there were 25 points disparity between the price of other commodities and farm products, and we have had a struggle and gotten them back to within 10 points of one another, and if you will let me pass my bill we will close up that gap.

Mr. CANNON. Does the gentleman believe you can make the tariff effective on farm products?

Mr. TINCHER. Oh, yes.

Mr. CANNON. Is it effective now?

Mr. TINCHER. Oh, yes; you read JIM BEGG'S speech in the morning and do not print yours until you do read it, because if you do, those statistics will show that you do not know anything about the tariff at all. You said that wheat was selling cheaper since the passage of the Fordney-McCumber tariff law than it was selling for before.

Mr. CANNON. No; I did not make that statement at all. I said that wheat in Canada was selling for more than in this country, and they have no tariff up there.

Mr. TINCHER. But the truth is that over a period of five years we have had an average of 23 cents protection on wheat through the tariff. Now, that is the fact, so what is the use of keeping on talking about it. I come from the same part of Missouri you do, and you know those folks there can read, and if you are not careful they will read about you some time. Now, I want to answer some of the other arguments that have been made here. RAINEY, of Illinois, took the floor this afternoon. I am going to dwell on you Democrats a little before I start on some of my Republican associates with whom I have some trouble. RAINEY said he was going to explain about the Prairie Farmer, but he never did. I presume he thought he could get an editorial in the Prairie Farmer by attacking me. Then he stood up here and was ostensibly reading to you about the Illinois primary. He had papers spread out and he was reading, and he said the issue was the Capper-Tincher bill as against the Haugen bill, and that that bill was defeated by an overwhelming majority; that the World Court was not in it; that Illinois retired Senator MCKINLEY to private life and elected a man who was for the Haugen bill as against this man who was for the Capper-Tincher bill. Poor RAINEY. That was as near the facts as RAINEY ever gets. The Capper-Tincher bill was not introduced for over a week after the Illinois primary and was never conceived or talked about until after the Illinois primary. There was not anything like that in any paper at all. But that is ordinary for RAINEY. The fact that he did that will not lower or raise his standing in this House for integrity the least in the world. His standing will still be the same. He said that CAPPER had an unpopular bill—which he did not have—and that defeated his friend MCKINLEY. CAPPER supported MCKINLEY because he was his colleague, and he liked him. But he likes Frank Smith, too, and he will support Frank Smith. And that beer-keg platform of yours will not get any support out of CAPPER.

I suppose you are going to run with your beer-keg associate platform this fall. Well, you will find that CAPPER will support Frank Smith. Now, if the Prairie Farmer wants something to print about your speech, they can get something besides what you told them.

Now, getting down to the farm relief problem and the bills pending, I am rather independent about whether you pass these bills or not. I am trying to be consistent. PERCY QUIN says I introduced a bill once—and I always like to hear PERCY talk—providing a subsidy for the farmer. I never did that. Read the bill. I introduced a bill to try to collect a claim against the United States Grain Corporation for some money I said they took that belonged to the farmers. It was not a subsidy for the farmers. I never thought of such a thing as advocating a subsidy for the farmers or for anybody else.

You know, after the election in 1922—I remember it was a rather warm election—we had just passed some of these laws, and naturally the criticism of the majority party was going strong, and we were not yet out of the throes of war or the reactions of war. I never will forget when I returned to Washington after a hard campaign I was invited to the White House; in fact, I was invited to come early to the White House. The then great President of the United States swelled me all up by telling me he wanted me to help write the message to Congress on the subject of agriculture. I sat in the council that wrote that message. Maybe you do not think that makes a second-termer feel good. I sat in with them, and we had

several meetings. I ate more food at the White House then than I have ever gotten out of Coolidge [laughter], and I felt awful good. Finally we agreed what that message should say to Congress, and Jud Welliver whipped it into final shape; but, at any rate, they made me think I was influential in its preparation. Then President Harding, a man whom we all loved, turned to me and said:

TINCHER, old man, there is one thing more agriculture has to have besides what we have mentioned here. We must have a merchant marine. The American flag must be on all the seas.

I remember the argument he made in favor of subsidizing the merchant marine. It was an embarrassing moment, but I was fresh from the hearts of my people. I had had a hard campaign. I had mingled with the people of my district and I had learned from them that they were constitutionally opposed to a Government subsidy for classes, and, painful as it was to me, I told the President I could not support him, because I knew what my people wanted; and then Mr. Lasker, who was present—and, I suppose, for the purpose of explaining to me why we ought to have this thing—said: "TINCHER, if you can not go with us, can you not at least lay off?" I said: "Lasker, I am not the laying-off kind. My people are against a subsidy. They do not believe in class subsidies." And God bless my people. Sometimes our people see further than we do. Sometimes now I wonder if my people can see what is happening in England to-night.

As to Iowa, I came back to this bill and I joined with you, DICKINSON, and with you, HAUGEN, and with the solid Iowa delegation, and I uttered the first words that were uttered in this well against President Harding's ship subsidy bill.

Who is consistent? I am still against Government subsidies for classes. My people are against them. We witness to-night in Great Britain the evils of such an attempt. We witness civil war in a country where the government has had, perhaps, the highest regard of its subjects of any country in the world.

I am consistent because I am not for a subsidy. I represent two hundred and fifty thousand and odd souls in this House to-night, and I want to pay them the compliment that not one single living soul in my district has ever asked me to vote for a Government subsidy. They have been consistent. Think about it. This is not principle. You started riding north and, as TOM WILLIAMS said, your horse turned and started south.

The testimony upon which you want to pass the Haugen bill says that a subsidy would ruin agriculture; says that a subsidy would destroy the morale of the farmer. Mr. DICKINSON says it would increase the production of corn in Iowa and Illinois 33⅓ per cent. Murphy says it would debauch agriculture, but still a few minutes before we came in here with this bill—nobody has found out why—the equalization fee is taken out for two years, and this animal that every Kansas farmer who has expressed his view is against is stuck in; this animal that they say will debauch the farmer, and it will; that they say will destroy the morale of the farmer, and it will. Do you not believe it? Has it destroyed the morale of the coal miners in Great Britain? Is that destruction contagious? Has not every trade-union in Great Britain joined in a sympathetic strike, not against the employer but against organized government.

There are men in this House who ought to vote for the Haugen bill. They are the men who are wiring the striking forces in Great Britain hoping they can overthrow the Government. The men who are wiring them money, contributing to the overthrow of government, ought to vote for it, and the rest of us ought to profit by the experience that our mother country is having, and we know it, and vote against it.

Why was it put in? Gentlemen, I did not take the floor Saturday to tell you why. Saturday at high 12 I took my place in this well and charged that the lobby behind this subsidy were organizing a corporation to spend the subsidy. Two weeks before from this well I opened the charge that there was proof that the head of the lobby for this bill had changed telegrams and was unfair and dishonest in its propaganda for the bill. Who has denied it? You talk of pure love of country. A man who stands before the committee one day and saying to me:

Mr. TINCHER, to subsidize agriculture would debauch it; to subsidize agriculture would increase production and would destroy the morale of the farmers and would destroy our Government.

And that same man within a week, without any financial reason, would press the American Congress, the greatest lawmaking body in the world, with this demand in the language of the gentleman from Indiana [Mr. PURNELL], and God bless PURNELL and WILLIAMS for they have to go along with this organization, but they are honest—PURNELL described what that man declined to do. I said to him, "Is this a subsidy?" And he said yes, we are just reaching in and taking out $350,000,000. Why? Mr. PURNELL told you why. He said the nearest I have heard an honest excuse for the change—and mark you he said the nearest he had heard of an honest excuse—was that the change had been made for the purpose of getting votes for the bill.

Now, with the mantle of war hanging over our mother country, legislators in our National Capital put into the bill the thing that caused that war, and boldly stated on the floor of the American Congress, "We put it in to get votes." Think! You do not have to think, act the way you do think and the Haugen bill will not have 30 votes in this House.

Now, as against that proposition you will have an opportunity to vote on a bill that the administration says—and I do not make any bones of it, read Secretary Jardine's testimony, and he says there is a farm relief bill and this bill will cure it, and in reply to a question by the gentleman from Kentucky [Mr. KINCHELOE], he says:

Yes; the President knows about this bill and is for it.

What have we done? Every man that has talked on the subject said it would help it; some have been more enthusiastic than others, but you have the unanimous opinion that it will help, and the administration says that they can cure the farm problem. I know that Mr. Murphy went—and that is the way that Mr. RAINEY got into the fight—he went to the gentleman from Arkansas [Mr. OLDFIELD], appealing to the Democratic Members and asking them to make a political football of it, and when he went to the gentleman from Louisiana [Mr. ASWELL] and made the proposition to him for $100,000,000 for the South for the support of this thing the gentleman from Louisiana turned him down.

Well the gentleman from Illinois [Mr. RAINEY] made his report this evening. Is it going to be a political football? I am not for the Haugen bill; I am 102 per cent administration as the gentleman from Louisiana says about being a Democrat. Now the Haugen bill will not be a law. The gentleman from South Carolina [Mr. FULMER] told you it would not and still he supports it. You do not want it to be a law. You that vote for it do not want it and you know it. Can you get more political benefit out of it in carrying out your platform than you can in giving him a chance and taking a political chance as to whether it will work or not?

I do not know whether it will work or not. Economists, technicians, experts, cooperative market men say that it will close the gap. Your Government is willing to give it an opportunity not demanding it. We waited until everybody else had offered a bill and finally said "We think this will do it." Every witness says it will do it and I never heard it will not work and you that think it will not know that the Haugen scheme will not work.

There is no use of beating around the bush about the proposition. We are going to face it. It is economically sound. The fact that some eastern interests are against the bill is no reason that the western farmers should be against it. The fact that some eastern interests are for it is no reason why the western farmers should be against it. Can the gentleman from Arkansas [Mr. OLDFIELD] and the gentleman from Illinois [Mr. RAINEY] effect a bloc of the West and the South and use agriculture as a football to destroy Calvin Coolidge? You shove that thing up under his nose and he can run for reelection and use that for his platform and carry every township in the United States.

Mr. LITTLE. Mr. Chairman will the gentleman yield?

Mr. TINCHER. No; I can not yield. I am just talking turkey, because this is turkey-talking time. I know my friend DICKINSON is going to follow me. We have been pals all these years, and I hope he will do like TOM WILLIAMS did to-day when he backed up where I am standing now and said:

No; I am not for this subsidy; I want to strike it out of the bill; I want to be a man; I want to say that if this is good for you in two years from now, it is good for you now, and we will put the equalization fee in now.

Gentlemen, if you run for Congress next fall on a platform that you have voted for a bill with an equalization fee in it, but that you put it off until after election and used a subsidy instead, you know that is not square; and do not think that you will be able to fool the voters of this country for very long with that proposition. It can not be done.

We are through with general debate. We know what is in the bill. It is time now to get off in our cloakrooms and decide whether we are going to play politics with agriculture. There are no secrets about it. There are two or three things in the

Haugen bill that are fundamentally unsound. Think of the people of this country being taxed, even if you don't have a subsidy—think of taxing the American farmer and hiring the packers and Mr. Murphy's grain company to spend the tax! [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. HAUGEN. Mr. Chairman, I yield the remainder of my time to the gentleman from Iowa [Mr. DICKINSON].

Mr. DICKINSON of Iowa. Mr. Chairman and gentlemen of the House, I have been through a running cross-current of economic debate on this agricultural problem for more than a year. I know of the time when the men who were friends of agriculture said that in order to protect agriculture you must hook up the control of the surplus with the cooperative producers' organizations of this country. I know of the original plans wherein that was suggested in the form of a bill, and I want to say to you now that in my judgment this country can still sit around and holler about all of these different discrepancies that are going to go into this economic system in this country in case we do not protect it, and you are going to find, if you please, at the end that the world is coming in here and is going to do the very thing that these people are asking us to do, that the exporters are going to fatten their pocketbooks at the expense of the citizenship of this country that produces the food of the world and loses money every time they harvest it.

Economically unsound! Mr. Chairman, I have heard that statement until I am sick of it, but let me say to you that always and every time, if you will trace it down to the original basis, you will find that the men who think this legislation is economically unsound think so because it affects their pocketbooks adversely. If England has brains enough to make her war debt out of rubber, if Brazil has brains enough to make her war debt out of coffee, if these other countries that are controlling exports are able to make their indebtedness out of their exports, then I would like to know if the Democrats on this side and the Republicans on the other side are going to come in here and confess to the food producers of this country that they do not know how to do the job? Let me tell you what is lacking in this whole proposition. I have been impressed with the fact that we have had too many bipartisan conferences this year. Our tax bill was not a Republican bill, nor was it a Democratic bill. It was a bill made up by a conference of both sides of the aisle, and now we find that when we come to the agricultural question of this country which admittedly on the floor here is the all-controlling economic and political question of the day, we find that on neither side of the House have the leaders any program which they are proposing in behalf of agriculture and that the programs which do come are largely coming from the outside. Oh, yes, I think the administration did on the last day at the last minute, when it thought that the agricultural committee was going to bring out a bill and that it would probably pass the House, did bring in a bill with which to sandbag the other bill that was already scheduled for consideration, and that is the reason we have all this confusion here. In fact, all this confusion can be laid at the door of the administration for lack of program. I used to like the theory of Teddy Roosevelt. I remember the time that we used to hear, when Taft was President of the United States, of his always saying, "Show me the law for it," but when Teddy Roosevelt was President of the United States and he wanted to do something he said, "Show me the law against it." I would like to know where the leadership is now on either side of the House in either of the great major parties and why they do not come up here and say, "Show us the law against why we should give agriculture the same protection that we are giving to other interests in this country," and in that way try to work out a solution of the agricultural problem in this country.

I am tired of hearing of this English business. I will tell you when the troubles of England of to-day started.

They started back in 1840, when England repealed the corn laws and said to the world, just as the gentleman from New York [Mr. BLACK] wants to say now, that if you do anything to stop protecting the consumer of the country you are doing something that is wrong. I want to say to the gentleman from New York we can live out in Iowa without New York City longer than New York City can live there without Iowa. [Applause.] Away back in 1840 England repealed the corn laws and said to the world that "We are going to feed our industrial people wherever we can buy the food the cheapest," and she immediately proceeded on a program of becoming an industrial nation, and there are certain people in this country who have so little regard for the food-producing sections of this country that they are saying now, "We will just continue to protect the consumer of this country, but we will let the agricultural interests of this country lag behind, and in that way we will make this country an industrial and commercial country," and whenever you do that you are paving the way for the very thing that is happening in England to-day.

Gov. Frank O. Lowden, speaking before the Iowa editors, with reference to the situation in England, said:

> England was supreme. She was producing more economically than any other nation in the world. It is not strange, therefore, that England at that time deliberately adopted the policy of subordinating her agriculture to her industry and commerce. And yet, after the lapse of a little while—for what is a century in the life of a nation—the most thoughtful men in England are to-day wondering if that policy was not a mistake.
>
> If England, with her unrivaled advantages, already has come on evil days as a result of her policy, would we not in America do well to stop and reflect before we adopt a similar policy? For to-day all nations of the great western world are encouraged in manufacturing on relatively equal terms. The day of importing cheap foods from new agricultural countries is well-nigh spent.
>
> FARM IS CHIEF CONCERN
>
> The problem of to-day and to-morrow is to balance agriculture with industrial progress. It becomes more and more apparent that a nation is only secure in time of peace, as well as war, when it is able to feed itself. Agriculture, therefore, henceforth must be the chief concern of any nation which would flourish and endure.

What are we trying to do here? We are trying to protect the farmers representing from 33 to 40 per cent of the population of this country. We have with us the American Federation of Labor, and they represent the working classes of this country, and they say that the men who produce the food are entitled to a fair return for their labor just as members of their union are entitled to a fair return for their labor. It is a principle that can not be denied, and for that reason there is combined behind this program two of the strongest political factors that are now in existence in the United States. I want to say to you that sooner or later they are going to have their way. You may kick us out this time; you may kick us out the next time; but I remember the time when Abraham Lincoln said:

> We are going to populate the great Middle West, the Mississippi Valley, and make it the bread basket of the Nation—

And then he signed the old homestead law and the college land grant law under which the Middle West has developed for the past 65 years and made history economically in this great country of ours.

No principle in this bill is to be applied but for the protection of the farmer himself. Dr. G. F. Warren, of Cornell University, recently said:

> It takes a considerable period of time to increase yields per acre and a considerable period of time to decrease them. The long period of agricultural distress ending in 1897 resulted in reduced yields per acre. This was inevitably followed by a long period of rising costs of living, because farmers could not at once increase yields. The present agricultural depression has been so drastic that the impetus to decrease production will undoubtedly occur for some time, even though conditions should improve. In other words, if conditions for farmers should at once be decidedly improved, we would still expect production to continue to decline for some years. This is particularly true of such products as cattle, hogs, horses, apples, where the product is not ready for market for a long time after the farmer has begun to produce it.
>
> For six crop years farming has been going through a period of agricultural distress. An ultimate period of shortage of farm products is inevitable. The longer the period of distress the longer and more violent the period of shortage will be.
>
> In short, I believe that if an improvement should occur in the agricultural situation at the present time that at first it would merely check the rate of decline in agriculture. It would be, I believe, some years before any actual increase in total production would occur. If the agricultural depression continues, a very serious period of high living costs is inevitable.

Next I want to get down now to a few applications of this bill: First, a great many people say that the selection of four people by the farm organizations of each of the land-bank districts of this country and selecting one by the President is to have a debating society and the bringing together of a group of people who will not agree upon anything. I want to say to you that the way to make the farmers respond from every part of this country is to call them in conference once in a while and talk with them, and that is the only way you are going to get their views on a problem of this kind; and if you do not have the farmers cooperate with you, the Tincher bill or

any other bill will never amount to anything. I want to say to you that the way to get them with you is to have them come in and be a part of the system.

Can you cooperate without the farmer? Why, the weakness of the Aswell bill is that it attempts to impose upon the farming population of this country a great big cooperative overhead system wherein they have not got the consent of a single solitary farmer in the entire organization. It is impractical, it is impossible, it will never work, and it will never do any good. Next we provide here that this council shall nominate the board. Now I find that the great lawyer from New Jersey has come in here and said that the method of nominating this board is unconstitutional. Now, gentlemen, if he has won his law suits with that kind of law decisions up in New Jersey, I have not as high a respect for the decisions of the courts up there as I have had heretofore, because there are numerous precedents wherein—and I believe the gentleman from Iowa [Mr. RAMSEYER] set forth two or three here—wherein exactly the same thing has been done along sound and conservative lines.

Next, this board has a right to do certain things. One of the things the board has the right to do is to designate an agency to handle the commodity. What is the purpose of that? The purpose of that is to try to centralize the marketing power of the producers of one commodity into a single agency. And I want to say to you that my good friend from Texas [Mr. HUDSPETH] went on the floor to-day and said that the cowmen did not want this kind of legislation. It is the first legislation that has ever permitted the cowman to come in and have some one represent him, sitting across the table and discussing with the packer what he will receive for his cow; and until you come to that, the cowman will get only just what the packer wants him to get.

This board has the right to do certain things, among them the right to designate an agent to handle the commodity. Now, it is said that if you select this board from the 12 land-bank districts you will have a political board from all over the United States, and that they will starve the consumer and impose upon the producer. Can you think of a man representing the New England districts ever giving a special advantage to the cowman of the West, or the cotton man of the South, or the fruit man of the Pacific coast? You have got three from the East, and four from the Middle West, and three from the South, and two from the Pacific Coast States. In what way can you get men better representing all the consumers and producers alike? Because when a man does not raise a commodity he consumes it. For that reason we have a representative here of the consuming public, because they are not all producers of a given commodity.

Next I want to go a little further into this bill with respect to the general powers of the board. They have a right to declare an emergency when a surplus appears. You may say there is never a surplus. But when there is more than can be domestically consumed it always deflates the price. In those cases we are giving the board the power to declare an emergency. The thing that this board can grant to an agency is the bargaining power, and if they have that bargaining power they can do something about the stabilization of prices.

Now take the Tincher bill. The only object of selling their commodity through a single agency is to get a higher price. I think the gentleman from Kansas and I are perfectly agreed upon that. But let me say to Brother TINCHER this: The minute that bargaining power makes the raising of that commodity profitable, there arises the same danger of overproduction that you have in here, where you have a board handling a commodity under this other bill. Therefore if cooperation is going to raise prices, you will do the farmer no good, because there will be no limitation on production.

The other day a gentleman asked the gentleman from Kansas this question: If your subsidy were taken out of the Haugen bill, would you support it? And he said "No." If his bill works, it will cause exactly the same overproduction that he suggests here. Well, he has no way of curbing the same, while we have a way of curbing it.

Mr. TINCHER. You do not mean that the subsidy would do that?

Mr. DICKINSON of Iowa. No; the financing of this bill is because of the delay in the equalization fee. The Government fund does not last forever. The equalization principle is in this bill, and the principle is going to be established, and if it was not to be established I would fight the bill.

The "equalization fee" about which the real fight centers is a fee to be paid by the farm. It is not a tax upon any other industry. It is this fee that makes effective organization to sell the farm surplus possible. The Federal board assesses it just as the city assesses drainage benefit and damages, or the county drainage benefits and damages, or the State tuberculosis benefits and damages for dairy herds, or the Nation benefits and damages as against the hoof-and-mouth disease in cattle. This "equalization" is precisely the same in principle as the levy the National Government makes on member banks for the support of the Federal reserve system. It is precisely the same in principle as the "recapture" earnings of the big railroads ordered by the Government to sustain the weaker roads.

How far would the Government get with a Federal reserve system if it had made everything voluntary with the individual banks and allowed each to make its own contribution to the Federal reserve fund? Similarly, how far will the Government get with a national railroad system until it makes its "recapture" from the big roads a fact instead of a declaration in the Esch-Cummins law?

The Government has not hesitated in these other matters to make definite provision for sustaining important business at a level of earnings. Nothing more drastic was ever done than the order issued by the Government on the banks of the country to subscribe to the stock of the Federal reserve banks. There was no talk about keeping the Government out of business then.

The "equalization fee" means that the producers of any of the staple products can have their surpluses sold and the cost officially apportioned among them without disturbing the price in the home market. The "fee" will be paid on the 15 per cent sold abroad and the American price maintained on the 85 per cent consumed at home. By a very simple process the home price will be stabilized on a level with the home price of steel and railroading and the other things the National Government interests itself in stabilizing above the world level.

Congress may or may not act. But the issue is made, and it will not be lost sight of in the coming campaign. Two years from now it will all but dominate the national conventions.

I believe the equalization fee is a thing we must have in a measure of this kind, and let me tell you why. I want to say to you gentlemen here who are friendly with labor that you can talk all you want to about organized labor, but the successful union—and I will leave it to the gentleman from Minnesota [Mr. CARSS]—is the union that has the check-off system, because it allocates the individual into your organization.

Mr. CARSS. The gentleman is right.

Mr. WEFALD. This bill, then, is a farmer-labor bill?

Mr. DICKINSON of Iowa. Yes. It is following out the principles of labor.

Mr. WEFALD. It is my bill.

Mr. DICKINSON of Iowa. You can talk all you want to about emphasizing the independence of the farmer. That is a fine policy. Having worked his daylights out, and those of all the members of his family, to feed the constituency of the gentleman from New York [Mr. BLACK], at half what it costs to produce it——

Mr. BLACK of New York. If you can live yourselves, why gouge us? That is the trouble.

Mr. DICKINSON of Iowa. I am going to show you that you are not going to raise the cost to the consumer as you suggest. I showed it to you in the other talk I made here, because the fluctuations in the price of wheat have never raised the price of bread. The old bread line shows that it has run always in a practically straight line, while the wheat prices fluctuate.

Let me suggest this to you: When the price of bread gets to be in excess of 8 cents a loaf, housewives begin baking bread at home, and the bakers find that they can not put that over. In other words, it is not what wheat costs them but what they can sell it to the public for that determines the price of bread.

Mr. BLACK of New York. It was the chairman of the committee, responsible for the bill, who told us in the East that this would increase the cost of living.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. No; I can not yield at this point.

The CHAIRMAN. The gentleman from Iowa declines to yield.

Mr. DICKINSON of Iowa. I remember the time when we had a discussion on this consumers' question—and that is one of the questions involved in this bill—when they said: "If you are going to raise the price of hogs, you are going to raise the price of bacon." That is true if you run it through a year or a year and a half or two years of surplus. But when bacon was selling at wholesale at 29 cents per pound in the District of Columbia you could buy it at retail from 32 cents to 70 cents a pound. They charged what the traffic would bear.

It is said here that when you can not find an agency or designate a cooperative agency of producers we can name an inde-

pendent agency, and that is what the gentleman from New York refers to, no doubt.

Now, let me say to you that the way you can stabilize the price of hogs is to help them sell an additional amount of lard in England or in Europe, an additional amount of hams or an additional amount of sides of bacon. There is nothing wrong about this board or their agency going in and saying to the packers: "We want to help you market so many pounds of bacon or ham or sides of bacon and we will negotiate with you as to what the price shall be." That when the hog producer is represented on such a board and goes in and negotiates with the packers it will be the first time they have met them in a business transaction in all the history of the packing business in this country. It is an advancement and it is progress which tends to the protection of the hog producer.

Next, this equalization fee has bothered a great many people. I was greatly interested in the minority report filed by the gentleman from New Jersey [Mr. FORT]. He filed this equalization fee minority argument and the only mistake he made was to fail to take into consideration the tariff on 200,000,000 bushels of wheat. In his illustration in the minority report he has figured it out this way: That if you have an equalization fee of 20 cents a bushel you get a protection to the extent of 42 cents a bushel. If I can tell my farmers out there that by paying an equalization fee of 20 cents a bushel they can get 42 cents additional for their wheat I am going to have no trouble in having my farmers come in under this organization and help work it out. Let me suggest that if you will take the illustration which the gentleman from New Jersey has used in his minority report and figure it out accurately you can pay the whole loss of $100,000,000 and absolutely give a profit to the producer of $343,000,000. [Applause.]

I would like to have that for the wheat producers of this country. The equalization fee, I believe, is sound. I believe it is the thing that will make this bill work and it is the thing that will bring the individual farmer into the organization. Oh, it is not unsound. It is not necessary to have every man who produces become a member of a cooperative in order to make the scheme work. The objection I have to the bill of the gentleman from Kansas [Mr. TINCHER] is the fact that he has concealed there the right of the cooperative organization to levy a charge against its members. What is that? Why, it is an equalization fee. What is it for? It is to pay the losses that accumulate over a 20-year period; and if you get your cooperatives into these organizations and have a loss, do you think you are going to get any of them in when they know you have an unpaid indebtedness there that you must assume and that the members must pay off? There is no logic in that, and you can not get them into that kind of a system.

Let me suggest this to you: If there is nothing that can be done for the farmer, this Congress and this administration—the minority as well—ought to come in here and confess it. If cooperative marketing is only a soothing sirup, we ought to come in here and confess it. If cooperative marketing will raise the price that the man is to receive and thereby cause overproduction, then we ought to come in and find a method by which it can be controlled. And this is the only method I have found that will successfully work out a program of that kind.

Now, what is the political status of this thing? You folks remember that a few years ago we had a little vote here and I made a map. A lot of these eastern fellows did not like it very well. Why? Because it showed that HERSEY, of Maine, and the gentlemen from the South lined up in opposition to a program that was for the interest of the Middle West, which has stood for the protection of HERSEY, of Maine, and all of the products produced in his New England State for all of these years.

I am going to draw another map when we have another vote on the next farm relief bill, and I wonder how long you can take a problem of this kind, representing from 33,000,000 to 37,000,000 people, and say that the Congress of the United States is willing to close their eyes and shut the door against farm-relief legislation which these people believe is for their own interest.

Now, they say this is economically unsound. All right. If it is economically unsound and it does not work out in my district, it is my funeral and the funeral of my people, and they are the people who want it. If it is unsound and it will not work out for the cattlemen and the wheat men, it is your funeral that you represent a wheat district and vote for it.

How does it happen that all of the keepers of the public view here, those who have assumed the responsibility, if you please, of speaking for a big number of people in this country, find it is now necessary for them to come in here—although they do not represent any of the interests that are involved in this legislation—and say that for the protection of these people out there we have got to vote against this legislation because it is economically unsound.

Why do you not let us try it? If the administration has nothing better, why do they not let us try it? If the administration has not anything to offer as a substitute, why do they not give us the opportunity to pass our legislation? And I am as good an administration man as the gentleman from Kansas [Mr. TINCHER]. I voted against a subsidy, and I was against a subsidy, and not only that, if you will make this equalization fee operative on all the commodities or on all the commodities except cotton, I am willing to see no revolving fund or no subsidy in this legislation.

I am voting for this measure. Why? Because of the form this bill is in before the House; and if we can get more votes for it in this form, I am here to get them, and I will tell you why. The leadership of this House has absolutely had all the callouses under the breeching instead of under the collar so far as this legislation is concerned.

They have taken no directing hand. They have absolutely laid aside all of their views with reference to farm legislation, and I want to say to you that it is so involved and so far-reaching that we can not afford, as Members of Congress, to adjourn this Congress and go home without having shown our disposition to do the best we can for the agricultural interests of the Middle West and the South affected by this measure. [Applause.]

Oh, it is amusing to me to see the numerous figures that are brought out here to show that the farmer is prospering; but the gentleman from New York [Mr. JACOBSTEIN], one of the economists of this House, not the gentleman from New York City [Mr. BLACK], brought in a set of charts that absolutely can not be denied anywhere, the statement of the gentleman from Michigan to the contrary notwithstanding.

Mr. KETCHAM. Will the gentleman yield?

Mr. DICKINSON of Iowa. No; I am going to finish this statement. You made your speech and I am going to make mine.

Mr. KETCHAM. The gentleman made a misstatement, and I insist.

Mr. DICKINSON of Iowa. No; I did not make a misstatement.

Mr. KETCHAM. The gentleman did, because I am in exact accord with the statement made by the gentleman from New York [Mr. JACOBSTEIN].

Mr. DICKINSON of Iowa. All right. Well, maybe I do not know figures, but if I can read the charts of the gentleman from New York I want to say to you they show a disparity now, and they show that in certain products like corn and cotton that disparity is the greatest it has been for the past four or five years. Cotton is going down. Corn is going way down, and that is what is affecting the people out in northern Illinois and out in Iowa. It may be that on all farm commodities the figures of the gentleman will coincide with those of the gentleman from New York.

Next, it is amusing to me that if this legislation meets the requirements of the farmers themselves and of their organizations there should be so many here who do not represent farming districts who think they have to become the guardians of the farming interests of this country and see that this legislation is defeated.

If this equalization fee can not be collected, all we ask is to have a trial; all we want to do is to try it once; all we want you to do is to let us put it into operation. If it fails, then our interest and the interest of our people must be the ones to suffer.

Now, as to whether or not it is advisable to appropriate $375,000,000 out of the Public Treasury for the experiment is for this House to determine. I believe the House will come to this measure, although we may not be able to pass it this time. [Applause.]

There seems to be a divided sentiment with reference to legislation covering farm relief in the State of Michigan and also in the State of Ohio. One telegram herewith inserted gives the sentiment of the department of agriculture in the State of Ohio; the second telegram will reflect the sentiment of various farm organizations in the State of Michigan:

COLUMBUS, OHIO, *May 7, 1926.*

CHARLES THOMPSON,

House Office Building, Washington, D. C.:

As director of agriculture it is my duty to refute statements that Ohio farmers do not favor Haugen bill. The farm organization leaders who made these representations speak for less than 5 per cent of our

farmers. They by no means reflect public opinion in this State. The farm industry in Ohio is in a critical condition, the same as in other Corn Belt States. Our loss in land values has been $720,000,000 during the past six years. The majority of farmers here want the Haugen bill and are unalterably opposed to Tincher and Aswell bills.

CHAS. V. TRUAX,
Director of Agriculture.

APRIL 29, 1926.

To Congressman JOHN C. KETCHAM,
House Office Building, Washington, D. C.:

Michigan farm legislative committee appointed by Governor Groesbeck, met to-day and passed following resolution addressed to you and Michigan Congressmen:

"Depressed condition of agriculture growing worse. Immediate relief imperative. Michigan farm organizations solidly behind Haugen bill. We believe this only effective farm legislation before Congress now to meet present crisis. Federal farm board surplus control and equalization fee features basic. Dire consequences to country inevitable in absence of immediate effective measures. We urge your support of Haugen bill."

Respectfully,

L. W. WATKINS,
Commissioner of Agriculture.
A. B. COOK,
Master Michigan State Grange.
M. B. MCPHERSON,
President Michigan Farm Bureau.
M. L. NOON,
Vice President Michigan Farm Bureau.
PETER LENNON,
J. F. COX,
Committee of Twenty-two.

In my extension of remarks, I want to insert the statements with reference to the attitude of the various farm organizations and the cooperative producers' organizations on the different bills now pending before the House:

To the Members of the Sixty-ninth Congress:

We favor the passing of the Haugen bill (H. R. 11603) or its counterpart in the Senate (committee amendment to H. R. 7893).

We oppose the passing of the Capper-Tincher bill (H. R. 11618).

We oppose the passing of the Curtis-Aswell bill (H. R. 11606).

American Farm Bureau Federation, by S. H. Thompson, president; American Cotton Growers' Exchange, by B. W. Kilgore, president; C. O. Moser, general manager; Allen Northington, Alabama Farm Bureau Cotton Association; T. H. Kendall, Arizona Pimacotton Growers' Association; C. G. Henry, Arkansas Cotton Growers' Cooperative Association; J. E. Conwell, Georgia Cotton Growers' Cooperative Association; C. L. Woolley, Louisiana Farm Bureau Cotton Growers' Cooperative Association; Xenophen Caverno, Missouri Cotton Growers' Cooperative Association; U. B. Blalock, North Carolina Cotton Growers' Cooperative Association; C. L. Stealey, Oklahoma Cotton Growers' Association; B. F. McLeod, South Carolina Cotton Growers' Cooperative Association; Robert S. Fletcher, jr., Tennessee Cotton Growers' Association; J. T. Orr, Texas Farm Bureau Cotton Association; Illinois Agricultural Association, by Earl C. Smith, president; Indiana Farm Bureau Federation, by William H. Settle, president; Iowa Farm Bureau Federation, by Chas. E. Hearst, president; Corn Belt Farm Organizations' Committee, by William Hirth, chairman; American Council of Agriculture, by Frank W. Murphy, chairman of board; North Central States Agricultural Conference, by George N. Peek, chairman executive committee of twenty-two.

The fact that the House Committee on Agriculture has reported out three separate bills, all of which profess to be directed to the question of farm relief, makes it imperative that the various farm organizations should make unmistakably plain to the Members of Congress their position in these premises, and, therefore, we submit the following views on the Haugen, Tincher, and Aswell bills:

The Haugen bill, H. R. 11603, is a serious and practical effort to deal with our surplus farm commodities in a manner that will assure equality for agriculture. In the case of cotton, of which we produce more than 60 per cent of the world's supply, it will enable cooperatives to control surpluses effectively, with influence on world prices favorable to the American cotton grower. It offers effective protection for the farmer who grows other basic crops consumed chiefly in the domestic market. Any measure that does less than this would be practically useless. This measure is the result of three years of patient deliberation on the part of the foremost farm leaders and agricultural economists of the country, and it contains the best thought of the friends of agriculture in Congress. It utilizes to the fullest extent the existing farm cooperatives in the handling of the surpluses. Seldom before has any agricultural measure had back of it so nearly the unanimous support of the farm organizations of the Nation. Any measure which presents such indorsements can fairly claim to represent American agriculture and can stand against any challenge, it matters not who he is or for whom he professes to speak. It is the first time in the history of agriculture that the great corn, cotton, and livestock States have fought side by side, thus demonstrating that the broad interests of the American farmer rise above regional or political considerations.

On the other hand, the Capper-Tincher bill (H. R. 11618), when stripped of all plausible pretexts, provides nothing more than a further extension of credit to the various cooperatives. It is claimed by some of its sponsors that it will not only provide this further credit for which we are not asking but that it will also "stabilize" the prices of farm products, a claim that is wholly unfounded, since no voluntary cooperative association can assess on its members the costs, and itself undertake the risk, of controlling the surplus for all producers, unless provision is made for all producers to share the costs of such transactions, even as they share in their benefits.

What the farmer needs is not an opportunity to go further into debt but a chance to pay off some of the burdensome debts he now owes; what he must have to enable him to secure a decent profit in agriculture is a price based upon his production costs, which are fixed for him largely by protected industry and labor, over which he has no control.

The Curtis-Aswell bill attempts to create by law a new and unnatural system of cooperative marketing, but provides no way and no power by which farmers could do a single thing that they can not now do without additional law. We know of no cooperative association or farm organization which supports it, and those who have studied it seriously condemn it.

In the final analysis the whole matter of farm relief comes down to the question as to whether or not the two great political parties intend to keep the solemn pledges made to the farmers of the United States in the last presidential campaign. In speaking of the plight of agriculture, the following language is found in the National Republican platform:

"The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of equality with other industry, to insure its prosperity and success."

It will be observed that this pledge committed the Republican Party not to a further extension of credit, but to a clear-cut, unequivocal legislative enactment which would place agriculture "on a basis of economic equality with other industry."

We also take this occasion to remind Democratic Members of Congress of the following language in the Democratic platform:

"We pledge ourselves to stimulate by every proper governmental activity the progress of the cooperative marketing movement and the establishment of an export marketing corporation or commission, in order that the exportable surplus may not establish the price on the whole crop."

Here again is a commitment that is entirely clear and definitely commits the party to the enactment of legislation which will place agriculture on an equality with other industries. It is needless to say that the 40,000,000 farmers, people of the United States, are keenly interested in farm-relief legislation and are anxiously awaiting action by Congress.

The various farm organizations which are supporting the Haugen bill gave their consent to an amendment in the House committee which postpones the operation of the equalization fee on all commodities for a period of two years, with the understanding that any losses incurred in handling the various surpluses shall be absorbed out of the revolving fund during the said two-year period. Because of this amendment certain enemies of genuine farm-relief legislation immediately stated that the farm organizations were asking for a subsidy at the hand of the Government.

Our answer to this charge is that we have in no wise changed our former position in this matter, as our statement to the House committee will show. We reluctantly gave our approval to this amendment because certain members of the House committee insisted that they would not consent to an immediate application of the equalization fee to such commodities as wheat, livestock, and corn while cotton was exempted for a period of three years, in order that the cotton growers of the South might become familiar with the equalization fee principle, and also because certain other members of the committee believed that by postponing the operation of the fee on all commodities for a period of two years we would increase the chances of enacting real farm-relief legislation in the present session of Congress. "Treat all commodities alike" was the plea of these gentlemen, and this led to the adoption of the amendment in question, and therefore it can not be honestly charged that the farm organizations have changed front in this matter.

It is not necessary that we should burden this statement by dwelling at length upon the plight of agriculture, for it is known and acknowledged by all men. It is enough to say that since the close of the World War farm values have shrunk to the almost unbelievable extent

of $20,000,000,000; that hundreds of thousands of hard-working farmers have lost their homes because of the unequal purchasing and debt-paying power of the farm dollar, and that hundreds of erstwhile splendid country banks have been compelled to close their doors. Nor is this all; for sooner or later the paralysis of agriculture will lay its heavy hand upon the mills and factories of our big industrial centers; for unless the purchasing power of the 40,000,000 people who live upon the farm is restored, industrial enterprises can not hope to remain in full-time operation. In this connection, we direct Members of Congress to the recent report of the National Industrial Conference Board, which contains food for profound thought.

Nor is it necessary for us to call attention to the fact that the existing distress has come to agriculture at a time when industry and labor are more prosperous than ever before in their history, and this because Congress in its wisdom has seen fit to look after the interests of industry and labor with extreme care; and has built up a protection policy which subserves the interests of industrial and labor groups in ways which permit an American standard of living. Such Federal legislation as the Federal reserve act, the Fordney-McCumber Act, the immigration act, the Adamson Act, and the transportation act are cited in this connection.

Meanwhile, through the Haugen bill we are not seeking to minimize the good fortune of these other classes or to drag them down to the farmer's level—we are only asking that the protective system shall be made as effective for us as it is for them. And less than this means not only the complete collapse of agriculture in the not distant future, but even so it means eventual disaster to industry and labor—for this is a national and not a class problem.

COOPERATIVES OPPOSE TINCHER BILL

The undersigned cooperative marketing associations having examined the Tincher bill declare that that measure does not meet the needs of the present agricultural situation and does not offer a solution of our present problems.

All properly organized and properly managed cooperative marketing associations handling nonperishable products are able at this time to secure marketing credit from commercial banks and from the intermediate credit banks. We believe there is need for liberalizing the policy of some of the latter banks but there is no need for the establishment of another system of government credit for the ordinary and current marketing operation of cooperative associations.

What is needed at this time by cooperative marketing associations and by all agriculture is a way by which unpreventable surpluses may be taken off the market and not permitted to depress the price of the entire crop below the cost of production. For some crops this will mean storage and carry over from years of large production to years of small production. For others it will mean so handling the export surplus as to make the tariff effective.

In neither case will the mere granting of additional credit to cooperatives accomplish the desired purpose. No cooperative can afford to burden its members with the cost and risk of borrowing money to buy seasonal surplus and carry it over to the next year to sell it in foreign free-trade markets. Yet this is all in the way of marketing credit that the Tincher bill even pretends to offer to cooperatives.

Nor can cooperatives engaged in marketing afford to borrow money for marketing purposes under the terms of the Tincher bill and place a charge upon all commodities to be handled by them over a long period of years to cover losses and costs incurred in buying and handling the surplus for the benefit of all producers of a given commodity. Farmers would not join a cooperative which had mortgaged its future in any such manner.

We are further of the opinion that the Tincher bill provides no method or mechanism for dealing effectively with the surplus problem, and therefore petition Congress not to enact this measure in the mistaken belief that it will enable cooperatives to settle this problem.

We further declare that the Haugen bill, in our opinion, provides an effective method for dealing with the problem of farm surpluses, and we respectfully petition Congress to enact it into law at this session.

Indianapolis Livestock Producers Commission, Farmers' Union Livestock Commission Co. (Iowa), Farmers' Union Mutual Life Insurance (Iowa), Equity Cooperative Livestock Sales Co., American Wheat Growers' Association (Inc.), Peoria Livestock Producers Commission Association, Nebraska Wheat Growers' Association, South Dakota Wheat Growers' Association, Minnesota Wheat Growers' Cooperative Marketing Association, North Dakota Wheat Growers' Association, Buffalo Livestock Producers Commission Association (N. Y.), Colorado Wheat Growers' Association, Chicago Livestock Producers Commission Association, Farmers' Livestock Commission Co. (Ill.), Indiana Wheat Growers' Association, Evansville Producers Commission Association.

American Cotton Growers' Exchange, B. W. Kilgore, president; C. O. Moser, general manager; Allen Northington, Alabama Farm Bureau Cotton Association; T. H. Kendall, Arizona Pimacotton Growers' Association; C. G. Henry, Arkansas Cotton Growers' Cooperative Association; J. E. Conwell, Georgia Cotton Growers' Cooperative Association; C. L. Woolley, Louisiana Farm Bureau Cotton Growers' Cooperative Association; Xenophen Caverno, Missouri Cotton Growers' Cooperative Association; U. B. Blalock, North Carolina Cotton Growers' Cooperative Association; C. L. Stealey, Oklahoma Cotton Growers' Association; B. F. McLeod, South Carolina Cotton Growers' Cooperative Association; Robert S. Fletcher, jr., Tennessee Cotton Growers' Association; J. T. Orr, Texas Farm Bureau Cotton Association; Colorado Stock Growers' Association, Denver, Colo.; H. G. Keeney, president Farmers' Union, Omaha, Nebr.

The CHAIRMAN. The time of the gentleman from Iowa has expired; all time has expired.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. TINCHER] having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee having had under consideration the bill H. R. 11603, had come to no resolution thereon.

ADJOURNMENT

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock p. m.), the House adjourned until to-morrow, Tuesday, May 11, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 11, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To amend an act entitled "An act to create a juvenile court in and for the District of Columbia" (H. R. 7612).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 11524).

COMMITTEE ON THE PUBLIC LANDS

(10 a. m.)

To provide for the establishment of the Shenandoah National Park in the State of Virginia and the Great Smoky Mountains National Park in the States of North Carolina and Tennessee (H. R. 11287).

COMMITTEE ON ROADS

(10 a. m.)

To authorize and direct the construction and maintenance of a memorial highway connecting the city of Springfield, Ill., with the city of Beardstown, Ill. (H. R. 11572.)

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To authorize the refunding of evidences of indebtedness heretofore issued by a carrier in interstate commerce under the provisions of an act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, approved March 21, 1918, as amended by an act approved March 2, 1919, or under the provisions of section 207 of the transportation act, 1920, or of section 210 of said act as amended by an act approved June 5, 1920, and the reduction and fixing of the rate of interest to be paid by such carriers upon said notes or other evidences of indebtedness. (H. R. 8708.)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

503. A communication from the President of the United States, transmitting a supplemental estimate of appropriation

for the District of Columbia for the construction and equipment of two bathing beaches by the Director of Public Buildings and Public Parks of the National Capital, for the fiscal year ending June 30, 1927, to be immediately available, $345,000 (H. Doc. No. 372); to the Committee on Appropriations and ordered to be printed.

504. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1926, to remain available until expended, pertaining to the military post construction fund, for the construction and installation at military posts of buildings and utilities, including appurtenances thereto, $2,250,000 (H. Doc. No. 373); to the Committee on Appropriations and ordered to be printed.

505. A communication from the President of the United States, transmitting a deficiency estimate of appropriation for the Department of Justice for the fiscal year ended June 30, 1925, amounting to $6,491.84 (H. Doc. No. 374); to the Committee on Appropriations and ordered to be printed.

506. A message from the President of the United States, transmitting a supplemental estimate of appropriation for the District of Columbia for the acquisition of lands by the Rock Creek and Potomac Parkway Commission for the fiscal year ending June 30, 1926, to remain available until expended, $600,000 (H. Doc. No. 375); to the Committee on Appropriations and ordered to be printed.

507. A letter from the Secretary of War, transmitting a draft of a bill for the relief of Charles Caudwell, Congleton, Cheshire, England; to the Committee on War Claims.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SUTHERLAND: Committee on the Territories. H. R. 11843. A bill to authorize the incorporated town of Fairbanks, Alaska, to issue bonds for the purchasing, construction, and maintenance of an electric light and power plant, telephone system, pumping station, and repairs to the water front, and for other purposes; with amendment (Rept. No. 1150). Referred to the House Calendar.

Mr. SUTHERLAND: Committee on the Territories. H. R. 10900. A bill to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding $30,000 for the purpose of improving the town's waterworks system; with amendment (Rept. No. 1151). Referred to the House Calendar.

Mr. SUTHERLAND: Committee on the Territories. H. R. 10901. A bill to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Wrangell, Alaska; with amendment (Rept. No. 1152). Referred to the House Calendar.

Mr. HAYDEN: Committee on Indian Affairs. S. 3122. An act for completion of the road from Tucson to Ajo via Indian Oasis, Ariz.; with an amendment (Rept. No. 1153). Referred to the Committee of the Whole House on the state of the Union.

Mr. BUTLER: Committee on Naval Affairs. H. R. 11355. A bill to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy; with amendment (Rept. No. 1154). Referred to the Committee of the Whole House on the state of the Union.

Mr. DREWRY: Committee on Naval Affairs. S. 85. An act to correct the status of certain commissioned officers of the Navy appointed thereto pursuant to the provisions of the act of Congress approved June 4, 1920; without amendment (Rept. No. 1155). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPEAKS: Committee on Military Affairs. H. R. 530. A bill for the relief of Frederick Leninger; without amendment (Rept. No. 1149). Referred to the Committee of the Whole House.

Mr. WHEELER: Committee on Military Affairs. S. 1459. An act for the relief of Waller V. Gibson; without amendment (Rept. No. 1156). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GRAHAM (by request): A bill (H. R. 12041) to amend and strengthen the national prohibition act and the act of November 23, 1921, supplemental thereto, and for other purposes; to the Committee on the Judiciary.

By Mr. KNUTSON: A bill (H. R. 12042) authorizing the disposition of certain lands in Minnesota; to the Committee on the Public Lands.

By Mr. DAVIS: A bill (H. R. 12043) to provide for the inspection of the battle field of Stones River, Tenn.; to the Committee on Military Affairs.

By Mr. BURTNESS: Resolution (H. Res. 263) to provide for the printing, with illustrations, of the exercises at the dedication of North Dakota memorial stone, Washington Monument; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 12044) granting an increase of pension to Mina Maria Blumhof; to the Committee on Pensions.

By Mr. CHALMERS: A bill (H. R. 12045) granting a pension to Elizabeth J. Heitzwebel; to the Committee on Invalid Pensions.

By Mr. CROSSER: A bill (H. R. 12046) to authorize the President to reinstate Guy H. B. Smith, formerly captain, Fourth United States Infantry, in the Army; to the Committee on Military Affairs.

By Mr. FAUST: A bill (H. R. 12047) granting an increase of pension to Annabel F. Edwards; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 12048) granting a pension to Ezra E. Howard; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 12049) granting an increase of pension to Ida M. Brigham; to the Committee on Invalid Pensions.

By Mr. GORMAN: A bill (H. R. 12050) granting an increase of pension to Mary A. Stickney; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 12051) granting an increase of pension to Alice C. Adams; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 12052) granting an increase of pension to Altha M. Jones; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 12053) granting an increase of pension to Jennie B. Smith; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 12054) granting a pension to Sarah E. Pratt; to the Committee on Invalid Pensions.

By Mr. SPROUL of Kansas: A bill (H. R. 12055) granting an increase of pension to Malinda M. Chapman; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 12056) granting a pension to Rosalie M. Eckley; to the Committee on Pensions.

By Mr. UPDIKE: A bill (H. R. 12057) granting an increase of pension to Ida M. Hamill; to the Committee on Pensions.

Also, a bill (H. R. 12058) granting an increase of pension to Orpha N. Hoover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12059) granting an increase of pension to Bettie T. Lounsbury; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 12060) granting an increase of pension to Mary L. Rich; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2129. Petition of Ladies of the Grand Army of the Republic, Lida E. Manson, president, opposing the turning over to the Daughters of the Confederacy the Arlington Mansion which was the home of Robert E. Lee; to the Committee on Coinage, Weights, and Measures.

2130. Petition of the congregation of the First Baptist Church, Macedon, N. Y., asking Congress to uphold and support the eighteenth amendment; to the Committee on the Judiciary.

2131. By Mr. BURTON: Evidence in support of House bill 11984, granting an increase of pension to Emily S. Reader; to the Committee on Invalid Pensions.

2132. By Mr. COYLE: Papers to accompany House bill 11987, granting an increase of pension to Catharine Warner; to the Committee on Invalid Pensions.

2133. By Mr. CRAMTON: Petition of George Newberry and 107 other residents of Tuscola County, Mich., protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2134. By Mr. CULLEN: Petition of the Northeastern Interstate Bus Owners Association, regarding bill to regulate interstate commerce by motor busses operating as common carriers; to the Committee on Interstate and Foreign Commerce.

2135. By Mr. ESLICK: Petition of L. O. Moore and others, protesting against compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

2136. By Mr. GALLIVAN: Petition of Boston Postal Supervisors, John E. O'Brien, secretary, Boston, Mass., recommending early and favorable consideration of the retirement bill (H. R. 7); to the Committee on the Civil Service.

2137. Also, petition of Col. William A. Gaston, Shawmut Bank Building, Boston, Mass., recommending early and favorable consideration of House bill 7479, known as the migratory bird refuge and marsh land conservation bill; to the Committee on Agriculture.

2138. By Mr. KVALE: Petition of members of the Hennepin County Central Committee, American Legion, Minneapolis, Minn., protesting against adjournment of the first session, Sixty-ninth Congress, until it shall have enacted into law the three measures, House bills 10240, 10277, and 4548; to the Committee on Rules.

2139. Also, petition of members of Auxiliary to Merton Dale Post, No. 80, American Legion, Wheaton, Minn., urging enactment by Congress at this session of legislation benefiting disabled veterans of the World War; to the Committee on World War Veterans' Legislation.

2140. Also, petition of members of Minneapolis Chapter, No. 1, Disabled American Veterans of the World War, unanimously requesting the Rules Committee of the House to report a rule for immediate consideration of the Johnson bill (H. R. 10240); to the Committee on Rules.

2141. By Mr. LEAVITT: Petition of citizens of Roundup, Kelley, and Flatwillow, Mont., protesting against passage of House bills 7179 and 7822, or any national religious legislation; to the Committee on the District of Columbia.

2142. Also, petition of citizens of Great Falls, Cascade, Ulm, Orr, and Truly, Mont., protesting against passage of House bills 10311, 10123, 7179, and 7822, or any other compulsory religious legislation; to the Committee on the District of Columbia.

2143. By Mr. LUCE: Resolutions of Allston-Brighton Prohibition Law Enforcement League; to the Committee on the Judiciary.

2144. By Mr. SMITH: Petition of 13 citizens of Twin Falls County, Idaho, against the enactment of Sunday rest legislation; to the Committee on the District of Columbia.

2145. By Mr. SOMERS of New York: Evidence in support of House bill 8890, granting an increase of pension to Joseph P. Carey; to the Committee on Pensions.

2146. By Mr. SWING: Petition of certain residents of San Diego County, Calif., protesting against the passage of House bills 10311, 10123, 7179, and 7822 relating to the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

SENATE

TUESDAY, *May 11, 1926*

(Legislative day of Monday, May 10, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	Lenroot	Sheppard
Bayard	Fess	McKellar	Shipstead
Bingham	Frazier	McLean	Shortridge
Blease	George	McMaster	Simmons
Borah	Gerry	McNary	Smoot
Bratton	Gillett	Mayfield	Stanfield
Broussard	Glass	Means	Steck
Bruce	Goff	Metcalf	Stephens
Butler	Gooding	Moses	Swanson
Cameron	Greene	Neely	Trammell
Caraway	Hale	Norbeck	Tyson
Copeland	Harreld	Norris	Underwood
Couzens	Harris	Nye	Wadsworth
Cummins	Heflin	Oddie	Walsh
Curtis	Howell	Overman	Warren
Dale	Johnson	Phipps	Watson
Deneen	Jones, N. Mex.	Pine	Weller
Dill	Jones, Wash.	Pittman	Wheeler
Edge	Kendrick	Reed, Pa.	Williams
Edwards	Keyes	Robinson, Ind.	Willis
Ernst	King	Sackett	
Fernald	La Follette	Schall	

Mr. CURTIS. I wish to announce that my colleague, the junior Senator from Kansas [Mr. CAPPER], is absent because of a death in his family. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

SESQUICENTENNIAL OF AMERICAN INDEPENDENCE AND THOMAS JEFFERSON MEMORIAL COMMISSION

The VICE PRESIDENT. The Senator from Kansas [Mr. CURTIS] having asked to be excused as a member of the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, established under the provisions of Senate Joint Resolution 30, approved April 20, 1926, the Chair appoints the Senator from Connecticut [Mr. MCLEAN] to fill the vacancy.

MEMORIAL

Mr. BINGHAM presented a resolution adopted by Branch No. 508, First Catholic Slovak Union of the United States of America, of Bridgeport, Conn., opposing the enactment of any legislation that would be at variance with and in contradiction to the standard policy of genuine Americanism or that might lower the standard of human dignity of alien residents, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES

Mr. CAMERON, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3875) to grant certain lands situated in the State of Arizona to the National Society of the Daughters of the American Revolution, reported it with an amendment and submitted a report (No. 806) thereon.

Mr. HARRELD, from the Committee on Indian Affairs, to which was referred the bill (S. 2113) to carry into effect the twelfth article of the treaty between the United States and the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians proclaimed October 14, 1868, reported it with amendments and submitted a report (No. 807) thereon.

Mr. WATSON, from the Committee on Finance, to which was referred the bill (S. 3064) for the relief of the Capital Paper Co., reported it without amendment and submitted a report (No. 808) thereon.

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7286) to provide for the acquisition of property in Prince William County, Va., to be used by the District of Columbia for the reduction of garbage, reported it without amendment and submitted a report (No. 809) thereon.

Mr. ODDIE, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev., and for other purposes, submitted a supplemental report (No. 810) thereon.

POSTAL RATES (S. DOC. NO. 109)

Mr. MOSES. I ask unanimous consent to submit a report of the Special Joint Subcommittee on Postal Rates, accompanied by a bill which I ask may be read twice and placed on the calendar.

The bill (S. 4224) to amend Title II of an act approved February 28, 1925 (43 Stat. 1053), regulating postal rates, and for other purposes, was read twice by its title.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. MOSES. I ask further unanimous consent that the report and the accompanying bill may be printed in the RECORD and also as a Senate document. I will state that these are the views of the majority and the minority, and my request is that the document may contain both.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Senate Document No. 109, 69th Cong., 1st sess.]

POSTAL RATES

REPORT OF THE SPECIAL JOINT SUBCOMMITTEE ON POSTAL RATES SUBMITTING RECOMMENDATIONS FOR A PERMANENT SCHEDULE OF POSTAL RATES PURSUANT TO SECTION 217 OF THE ACT OF FEBRUARY 28, 1925, AND PUBLIC RESOLUTION NO. 2, APPROVED DECEMBER 17, 1925 (MINORITY VIEWS INCLUDED)

The special joint subcommittee authorized by section 217 of the act of February 28, 1925, and continued by Joint Resolution No. 2 of the Sixty-ninth Congress, approved December 17, 1925, submits herewith a partial report and an accompanying bill.

This bill contains the committee's recommendations and comprises only those items entering into the schedule of postal rates upon which the committee is now unanimously agreed; and in view of the representations which have been made to the committee, its members feel that these portions of the postal rate structure should be forth-

with submitted to Congress, while leaving for consideration in the next session those features not now specially covered.

The classes of mail not fully dealt with in the accompanying bill are second class, third class, and fourth class.

Regarding second-class rates the committee has had in mind an authorization to the Postmaster General to utilize new forms of transportation, such as bus and truck lines, for the benefit particularly of the publishers of daily newspapers. The committee also has considered a similar authorization for experimental railroad routes dealing with a competitive bundle rate for daily newspapers. The committee has been unable to reach any conclusion on these points for the reason that certain information which the committee deems desirable and necessary is not fully at hand.

The committee recognizes a degree of force in the arguments submitted to it in favor of the 1920 rates for second-class mail matter. The figures presented by the Post Office Department do not, however, warrant a recommendation to this effect. Before the next session of Congress there will be in hand the statistics to cover a full fiscal year of operation of the present rates; and it may then be possible to provide some amelioration of the conditions of which the publishers of newspapers and periodicals now complain. In this connection it must be remembered that the act of February 28, 1925, carried no inconsiderable concession to users of second-class mail.

The committee also has had in mind the establishment within the third class of mail matter of a subdivision whereby the larger users of this class of mail could have the benefit of a pound rate somewhat in terms such as is granted to the users of second-class mail. The difficulty of putting such a proposal into practical form of words and the lack of a sufficient volume of information upon which to base the proposed new rate have led the committee to postpone action on this point.

The same is true also with reference to the rate on fourth-class mail. The committee is of the general opinion that the entire structure of fourth-class rates should be recast. Obviously this is not a task properly suited to a committee of Congress. Authority already exists in the Postmaster General to deal with fourth-class rates through application to the Interstate Commerce Commission and it may be that the committee will ultimately determine that this authority should be exercised.

With reference to a new schedule for the special postal services which now exist the committee has deemed it wise to make but one change at present—in the fee for the special handling service which was created by the act of February 28, 1925.

Upon all of the points wherein the committee finds itself unable to reach conclusive agreement it is felt that the statistics which will be available at the end of the current fiscal year will be of great value in formulating a further report which the committee intends to submit at the opening of the next session of Congress.

Following will be found a further discussion in detail of the subjects covered in the bill which accompanies this report.

Private Mailing Cards

The evidence submitted to the special joint subcommittee shows that the rate of 2 cents on private mailing cards provided for by the act of February 28, 1925, had the effect of materially reducing the number of cards theretofore normally carried in the mails. It was estimated by the department in 1925, when the act became effective, that something over a billion post cards were carried in the service during the year. The statistics submitted show that it is probable that approximately 300,530,550 of such cards will be carried in the mails during the fiscal year 1926. It is evident therefore that the increase from 1 cent to 2 cents for each card did not effect the purpose which Congress intended of raising additional revenue, but on the other hand, because of the high rate, resulted in the discontinuance to a large extent of the use of such card and with such discontinuance a large reduction in the postal revenues. This result was forecast by the testimony submitted during the hearings held during the summer.

The department believes that with the restoration of the original rate of postage the post card will be again used by the public to the same extent that it was before the change in the rate, in which case the revenues would be increased.

Collect-Postage-on-Delivery Post Card

It was shown during the hearings conducted during the summer of 1925 that there is a considerable demand on the part of users of the mails for a post card bearing the address of the concern by which it may be issued and which, after being sent under cover to a prospective customer, might be deposited by the recipient in the mails and forwarded without prepayment of postage to the concern by which it was issued, from whom the forwarding postage would be collected.

It has been represented that persons to whom post cards are sent to be used for the purpose of requesting a catalogue or other advertising matter for ordering merchandise or transmitting information are frequently deterred from using the post card either because they must affix postage or because they may not have the necessary postage available at the time. It has been said that this postage the advertiser would gladly pay.

It has been further represented that a much larger percentage of returns would be secured by advertisers if the prospective customers could be relieved of prepaying the postage and that the adoption of such a facility would result in an increased use not only of the post card but in mail matter of other classes because articles ordered would usually be sent through the mails, payments made by letter, possibly by money order, and that frequently other correspondence would develop.

For the purpose of providing for this additional postal facility, the special joint subcommittee, following the recommendation of the department, reports a provision authorizing the new service under such regulations as the Postmaster General may prescribe and providing for postage on such cards at the regular rate, together with an additional postage charge of not more than 2 cents on each card to be collected on delivery.

Furthermore, in order that the postmaster handling this new matter shall receive due and appropriate credit therefor in the matter of fixing compensation and allowances, it is provided that for the purpose of fixing such at first, second, and third class offices, credit shall be allowed only for the postage collected in addition to the regular rate on business cards delivered at such offices and that postmasters at offices of the fourth class shall be entitled to include in the amounts upon which their commissions on cancellations are based the amount of postage chargeable at the regular rate on business reply cards mailed at their offices.

In as much as the proposed service is a new one the department necessarily is without data upon which to base an estimate; but based upon judgment and knowledge of the service, they estimate that the additional revenues will range from $4,000,000 to $6,000,000 a year.

Collection of Postage on Short-Paid First-Class Matter

Under present law matter of the first class upon which one full rate of postage has been prepaid must be forwarded to its destination and the postage due collected on delivery.

This is taken advantage of by some concerns mailing large amounts of first-class matter with deficient postage, or by encouraging their agents in the field to mail their heavy first-class matter with only 2 cents postage prepaid on each article. This failure to prepay causes additional handling by both clerical and carrier forces at the mailing and delivering points and consequently additional expenditure and labor without additional revenue to the department.

In order to correct this abuse the department has recommended that when first class matter is mailed short more than one rate an additional charge be made of 1 cent for each ounce or fraction thereof, to be collected from the addressee. As most cases of inadvertence and incorrect estimate would be those where the deficiency would be not more than one rate, the receiver in such cases would not be required to pay more than the deficient postage. The penalty provided would apply generally to only those cases where the matter is mailed knowingly with postage less than that required.

The committee believes that this will be desirable legislation.

Second-Class Matter

Transient Second-Class Matter

What is commonly known as transient second-class matter consists of publications entered as second class but mailed by others than the publishers or news agents. The rate on such matter prior to the act of 1925 was 1 cent for each 4 ounces or fraction thereof. The act of February 28, 1925, changed this rate to 2 cents for each 2 ounces or fraction thereof for weights not exceeding 8 ounces and for weights of such matter exceeding 8 ounces the rates for parcel post applied.

The effect of this legislation was to so increase the rates on such matter as to discourage the sending of the same by mail in a great many cases. The department's report shows that for the fiscal year 1926 it is estimated that the number of pieces of this class of mail matter will be reduced by over 55 per cent, with the loss of revenue under that which could have been expected under the former rates of over 27 per cent.

It is evident that under the present rates the public will refrain to a considerable extent from using the mails for sending to their friends copies of publications of this kind, and it is believed that by fixing a rate of 1 cent for each 2 ounces, without regard to weight or distance, will not deter the use of the mails for this purpose, but will restore to them approximately the same number as have been lost, with the resultant additional revenue.

The committee therefore follows the recommendation of the department and proposes this change.

Fourth-Class Matter

Special Handling and Special Delivery

The act of February 28, 1925, provided for a new service known as "special handling." The act provided that when, in addition to the regular postage, there shall be affixed to any parcel of mail matter of the fourth-class postage of the value of 25 cents, with the words

"special handling" written or printed upon the wrapper, such parcel shall receive the same expeditious handling, transportation, and delivery accorded to matter of the first class.

The service has not been as popular as had been expected, and as a result therefrom the additional revenues fall quite short of the estimates.

In order to popularize it and to regulate the charge somewhat on the basis of the weight of the article the department proposes a new scale of rates for articles not over 2 pounds, 15 cents; for more than 2 pounds but not more than 10 pounds, 25 cents; and for more than 10 pounds, 35 cents, and that there be added to the service that of special delivery so that the articles will not only be specially handled but specially delivered.

It was further recommended that the 35-cent charge for including special handling and special delivery be made optional, so that the mailer who does not desire special delivery of the article weighing more than 10 pounds may pay only 25 cents and still receive the special-handling service.

The special joint subcommittee believes that the change would be in the interest of the service and therefore recommends it.

With respect to the other changes in rates made by the act of February 28, 1925, the conditions of the service as reported by the Post Office Department do not warrant recommendations for changes in the rates prescribed at this time.

POSTAL STATISTICS AND ACCOUNTING

The committee is of the opinion that provision should be made for a more representative form of postal accounting and for the gathering of postal statistics. This work is now being carried on by the department under authority of law and organized in a manner to procure for representative post offices in the country detailed statistics regarding receipts accruing from the various classes of mail matter. This work now costs upward to $100,000 per year. It is fair to say that the computations thus brought about increases with a considerable degree of accuracy to the total figures contained in the complete annual reports of postal transactions. But it seems to the committee evident that much more comprehensive and useful information may be procured through the expanding of the present organization of the Post Office Department so as to deal with these subjects. It is estimated that the cost of this might run to $500,000 a year. But, even so, in the opinion of the committee this sum would be well expended, inasmuch as the total transactions of the Post Office Department will presently reach $1,000,000,000 per year, and with such volume of business it is infinitely desirable to secure the most detailed and accurate information possible.

GEORGE H. MOSES,
L. C. PHIPPS,
W. W. GRIEST,
C. W. RAMSEYER,
THOS. M. BELL,
Special Joint Subcommittee.

[69th Cong., 1st sess.]

A bill (S. 4224) to amend Title II of an act approved February 28, 1925 (43 Stat. 1053), regulating postal rates, and for other purposes

Be it enacted, etc.—

PRIVATE MAILING CARDS

That section 201, Title II, of the act of February 28, 1925, is amended to read as follows:

"SEC. 201. The rate of postage on private mailing cards described in the act entitled 'An act to amend the postal laws regulating the use of postal cards,' approved May 19, 1898, shall be 1 cent each."

COLLECT-POSTAGE-ON-DELIVERY POST CARDS

SEC. 2. That under such regulations as the Postmaster General may prescribe it shall be lawful to accept for transmission in the mails business reply cards when presented in the quantity and under the conditions he may establish, postage thereon at the regular rate, together with an additional postage charge of not more than 2 cents on each card, to be collected on delivery: *Provided*, That for the purpose of fixing the compensation and allowances at first, second, and third class offices credit shall be allowed only for the postage collected in addition to the regular rate on business cards delivered at such offices: *Provided further*, That postmasters at offices of the fourth class shall be entitled to include in the amounts upon which their commissions on cancellations are based the amount of postage chargeable at the regular rate on business reply cards mailed at their offices.

COLLECTION OF POSTAGE ON SHORT-PAID FIRST-CLASS MATTER

SEC. 3. That all mail matter of the first class upon which one full rate of postage has been prepaid shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery. If the postage is short paid one rate, the additional charge shall be 2 cents, or the deficient postage. If it is short more than one rate, the deficient postage and an additional charge of 1 cent for each ounce or fraction thereof shall be collected.

SECOND-CLASS MATTER

That section 203 is amended to read as follows:

"SEC. 203. The rate of postage on publications entered as second-class matter, when sent by others than the publisher or news agent, shall be 1 cent for each 2 ounces or fraction thereof."

FOURTH-CLASS MATTER

SPECIAL HANDLING AND SPECIAL DELIVERY

SEC. 4. That so much of section 207 as refers to special handling is amended to read as follows:

"Whenever, in addition to the postage as otherwise provided, there shall be affixed to any parcel of mail matter of the fourth class the words, 'Special handling,' written or printed upon the wrapper, and postage of the values hereinafter stated, such parcel shall receive the same expeditious handling, transportation, and delivery accorded to mail matter of the first class, and in addition shall be specially delivered; namely, for not over 2 pounds, 15 cents; for more than 2 pounds but not more than 10 pounds, 25 cents; for more than 10 pounds, 35 cents: *Provided*, That the last-named rate shall be at the option of the mailer, provided special delivery is desired; otherwise such rate shall be 25 cents."

EFFECTIVE DATE

SEC. 5. This act shall become effective on July 1, 1926.

MINORITY VIEWS OF SENATOR MCKELLAR

The majority of the Postal Joint Subcommittee have filed a report recommending: First, that the rates on post cards be reduced to 1 cent; second, that a private reply or C. O. D. card system be established; third, that the rates on transient second-class matter be reduced; and fourth, a modification of the special handling charge on parcel-post matter, which largely means a slight reduction on transporting baby chicks.

My views differ so widely from the views of my associates on the committee that I present the results of my studies on the subject of postal rates with more or less diffidence. I have the greatest respect and esteem for my associates. I never served on a committee of more conscientious, high-minded, and intelligent gentlemen, and I admire them so much that I am compelled to say they may be right and I may be wrong; but as I have convictions about the several matters, I deem it to be my duty to submit these views to the Congress.

I concur in the recommendations of the majority to the extent they go; but I respectfully submit that the recommendations of the committee do not go far enough. The recommendations are, comparatively speaking, inconsequential. The results as indicated by the majority, after these long months of hearings and work, are very small.

The hearings in reference to the workings of the act of February 28, 1925, Public 506, Sixty-eighth Congress, began last July. The commission held hearings in Washington, Atlanta, Philadelphia, New York, Boston, Augusta, Buffalo, Chicago, St. Paul, and Minneapolis. The committee was gone on this trip some six weeks. We heard scores of witnesses. Afterwards, in the fall, we held additional hearings in Washington, and we had several weeks of hearings this spring. We examined thoroughly into every question involved. An enormous mass of evidence was obtained. I doubt if any committee ever went into any questions more thoroughly than the questions examined by this committee. The evidence is full and complete and very illuminating. We have ample evidence on which to base real conclusions. The conclusions proposed by the majority are of such inconsequential character that the Congress will, in my judgment, make a great mistake in taking them up.

Of course, the rate of 1 cent should be restored on post cards, but it will amount to only $4,000,000 or $5,000,000—relatively a small sum. Of course, a private C. O. D. card should be established, but the amount of revenue it will produce is wholly problematical until tried out. What is meant by transient second class is simply newspapers and magazines mailed by individuals, for the most part, and while important to such matters, from a post-office standpoint it is the extreme of inconsequence; and the baby-chick matter, while important to baby-chick breeders and purchasers, is not a matter of great consequence and affects only one industry. The time given by the commission on all these four matters was an exceedingly small part of the time devoted to the entire work of the committee during the past year.

The three great questions upon which practically all the proof was taken were those of second class, third class, and fourth class, or parcel-post matter; and outside of first-class mail these three classes constitute the bulk of the mail.

At this point I want to call attention to five indisputable facts shown by the report and evidence of the Postmaster General and his assistants.

First. The first of these is that the normal increase in revenues of the Government per year under the old rates amounted to 7.02 per cent per annum.

Second. The second great fact is that on first-class matter, under the new rates, there was no increase in revenue at all. Of course the most effective reason for this lack of increase in first-class matter was the increase of rate on post cards from 1 cent to 2 cents, and this, according to the testimony, largely shut out the post-card business. The other cause of the decrease in total revenue from first-class matter was the decrease in business in the second, third, and fourth class matter, brought about by the increase of rates in those divisions. The committee and the department were both satisfied that the decrease in revenue in first class was due to these causes and have so reported.

Third. In just as certain terms it was shown by the testimony of witnesses and the report of the Postmaster General that there was a falling off in business in the third and fourth classes of 438,000,000 pieces of mail during the current fiscal year. If an increase in rates on post cards caused the enormous falling off in business as to first-class mail, how can it be supposed for a moment that the increase in rate in third and fourth class matter failed to bring about a great decrease in revenue in those classes of mail? In other words, the Post Office Department had the same overhead expenses, they paid the same transportation rates, the same expense for rural delivery and city delivery carriers, for 438,000,000 less pieces of mail matter handled in the department and of course lost that revenue, and in addition they lost the normal increase.

Fourth. It is indisputable from the testimony and from the reports of the Postmaster General that some 721,000,000 pieces of mail in all classes of the service were lost to our mails during the current fiscal year, and there is but one answer to the proposition, and that is it is the increased rates on second, third, and fourth class, just as it was in the increased rates on post cards.

Fifth. It is also indisputable, under this testimony, that the normal increase under the old rate would not have been less than $42,000,000 for the current fiscal year. The revenues of the department show that during the fiscal years of 1921, 1922, 1923, and 1924 the normal rate of increase was approximately 7.02 per cent per annum. At this rate of increase, total postal receipts would have been as follows, for the fiscal years indicated, had there been no increase in postal rates:

Fiscal years:	
1926	$642,120,000
1927	687,196,000
1928	725,437,000

Of course the number of employees does not increase in proportion to the increase in the volume of mail, neither do other expenses and general overhead. The estimated expenses for the fiscal year 1926 amount to $707,000,000. (Page 1303 of Hearings on Postal Rates.)

Taking the expenditures for the fiscal years 1921, 1922, and 1923 as a guide to indicate the average increase in expenditures to be applied to the expenditure for the fiscal year 1927, gives 4.7 per cent as the increase in expenditure in the fiscal year 1923, over the fiscal year of 1921. I take the fiscal year of 1921 as the basis, for the reason that that fiscal year represented the full effect of the salary increases provided in the reclassification act approved June 5, 1920.

Assuming that the expenditures for the fiscal year of 1928 will be greater than those of 1926 in the same proportion, we have $740,000,000 as the expected expenditures for the fiscal year 1928. On this basis the deficit for the fiscal year 1928 will be only $15,000,000, and this is much smaller than the deficit in the postal revenues before the salary increases provided in the act of February 28, 1925, became effective, showing conclusively that under the normal rates of increase in postal revenues, that in less than three years from the date the increases became effective the entire cost of such increased salaries would more than have been absorbed.

What the department undertook to do was to increase the rates under the act of 1925, so as to amortize the entire cost of increase of salaries in one year. In this, in my judgment, they have signally failed. Instead, they have injured the business of the department enormously. The rates instituted by the act of 1925 were so high that they caused a loss of over 700,000,000 pieces of mail.

It also means that the postal users of America have been deprived of just that much postal service to which they were fairly entitled.

The increase in postal rates has had the same effect that is seen when railroads increase their rates to a point greater than the traffic will bear; namely, it has destroyed the business. In the case of the Postal Service, the increase of rates in postage has had the effect of driving from the mails during the fiscal year 1926 over 721,000,000 pieces of mail matter. Third class, which is generally known as circular mail, shows a decrease of over 438,000,000 pieces. This is a decrease in one year of approximately 10 per cent in the number of pieces of third-class mail; and, while this is done, the cost of transportation has been just as great, because the cost of space, the cost of rural carriers, has been just as great, and the cost of salaries has been increased by the act of 1925, $70,000,000.

It is perfectly apparent that these conditions need remedying, and there isn't but one way they can be remedied, according to the testimony.

THE MINORITY'S SUBSTITUTE PROPOSAL

The minority has reported to the Senate a substitute bill, Senate bill 4189, which is attached to this report at the end hereof and made a part of it, containing all of the changes provided in the bill of the majority, and, in addition, provided first:

On second class, a return to the rates that became effective on July 1, 1919, and known as the 1920 rates.

On third-class matter, a return to the 1 cent for each 2 ounces rate instead of retaining the 1½-cent rate as provided by the act of 1925.

On fourth-class matter, doing away with the arbitrary increase of 2 cents per package and some other minor amendments that need not be referred to now.

The minority takes up in order its second-class, third-class, and fourth-class proposals.

SECOND CLASS

It will be remembered that the increase in second-class matter was not due to the act of February 28, 1925. That act made a small reduction. That increase in second-class matter was brought about by the war revenue act of October 3, 1917, which provided for four progressive increases in this class of mail matter and provided zone rates for advertising matter.

Now, the committee heard representatives from all the newspaper associations, magazine associations, and individual publishers of newspapers and magazines throughout the country. Every single witness testified that under these rates their publications had to resort to sending their publications by freight, by baggage, by truck, by express, and the adoption of many other kinds of transportation in order to avoid the high postage. Without exception they all testified that they would prefer to use the mails, even at a slightly higher rate than they could get the same transportation for by others, but that they could not stand the postal rates imposed. They were all unanimous in the assertion that if the Government would restore the 1920 rates that it would bring enormous quantities of publications back into the Post Office Department, and in their judgment it would mean tremendously increased revenues to the Government on the classes of publications which the Government can now handle at a profit under the 1920 rates.

The department simply contented itself by saying through Mr. Joseph Stewart, for whom I also have the highest respect, that it did not believe that it was wise to go back to the 1920 rates. The result is that the majority of the committee has taken Mr. Stewart's opinion as against every other witness who testified and against the presented facts that with the same overhead and the same cost of transportation, the same cost for rural carriers, the same cost for city carriers, and the same cost of salaries for postmasters the department is carrying infinitely less mail. The majority of the committee takes the astounding view that on first-class mail, namely, post cards, the Government lost by the fact that they were legislated, by the act of 1925, out of the mails, but that the same principle does not hold with regard to second and other classes. In the judgment of the minority this position of the majority and of the department is absolutely untenable.

The actual facts as to decrease in mailings are shown on page 1425 of the hearings, wherein, in a memorandum submitted by the Post Office Department, it is pointed out that on the advertising sections of second-class publications subject to the zone rate, the department carried 1,147,725,218 pounds in 1920, whereas in 1925 it carried 1,126,566,777 pounds, or 21,158,441 pounds less in 1925 than it carried in 1920, notwithstanding a 33⅓ per cent increase in newspaper size in that period of five years.

Another way of pointing out the effect of this situation on newspapers in by an analysis of revenues. Had the 1920 rates been applied to the 1925 volume they would have produced $20,585,000 in revenue, whereas in 1920 the 1920 rates actually produced $23,173,958 in revenue.

Second-class mail subject to the zone rates is the only branch of the mail service which, over a period of years, has shown a decrease in volume. The evidence is overwhelming that this decrease in volume is due entirely to present rates. Had second-class mail grown in volume from 1920 to 1925 in proportion to the other classes of the mail and had the 1920 rates been maintained in effect, it is safe to say that the revenues from this class of mail in 1925, under the 1920 rates, would have been greater than were actually produced by the higher rates.

It will be remembered that the rates put on second class under the act of October 3, 1917, was contained in a war-revenue measure. It was thought by the Congress that it was right and proper that as all other business was being burdened with war taxes, that the publications of the country ought likewise to pay more. At the same time taxes were imposed upon first-class letter mail by an increase of 1 cent and also a tax on parcel post. All of these taxes have been removed; indeed, all war taxes have been removed except this and the surcharge on Pullman service, and manifestly both this tax and the Pullman surcharge should be removed. What the minority recommends, however, is not that all this tax be taken off of second class,

but that we simply go back to the middle point, namely, the rates of 1920, it having been shown that this marked the turning point where the greatest diversions of second class from the Postal Service took place. From the undisputed facts brought out before the committee the minority is satisfied that if the 1920 rates are restored it will bring an enormous amount of second-class business back into the mails and will increase the net revenue of the Government from that source. The department's own report shows that in the six years since 1920, while all the mail matter has increased on an average of 7.02 per cent per annum, that second class has increased on an average of less than one-half of 1 per cent per annum in volume, but that zone rate second-class matter has steadily decreased. This alone tells the tale.

BUNDLE RATES

The newspaper publishers cited very striking examples as to the withdrawal of their publications from the mails in order to obtain cheaper service outside of the mails. My substitute proposes to get these publications back into the mails, first, by a reduction in the general rate of newspaper distribution to the June 30, 1920, basis, and, second, by the creation of a bundle rate where the only service performed by the Post Office Department is that of transportation.

One illustration given in the hearings as to the difference in the cost to the publisher and the cost to the Post Office Department for handling bundles, where the only service performed is transportation, illustrates the need for such a rate. It was pointed out that one publication, if it used the mails, would pay to the Government $252.90 per week, whereas the only cost to the Government for carrying that publication would be $15.75 per week, or a difference of $217.15. This publication has diverted its distribution of more than 30,000 copies per week from the mails to truck service, which it obtains at $10 per day, or $70 per week, thus making a saving in distribution of $152.90 per week. Under the rates proposed in my substitute, the Post Office Department would carry this publication at $52.50 per week, if train service were available, and make a profit of $36.75 and still cut under the truck rate of $70 per week.

The evidence is overwhelming that the newspapers and the magazines every month are diverting more and more of their tonnage from the mails to cheaper agencies of transportation and distribution. Many of these agencies have sprung up because of the development of hard roads throughout the country providing new and cheaper forms of transportation than were available prior to 1920. It is most important to know that at the present time there are 500,000 miles of hard roads available for transportation and distribution of publications, as against 250,000 miles of railroads. At the rate road building is proceeding in the United States there will be 1,000,000 miles of hard roads in use within the next 10 years.

While the Post Office Department has not availed itself of the new agencies of transportation and distribution created by the development of the road system, publishers have created in many instances their own delivery systems at material savings as against mail charges. Just how expensive mail service now is as compared with other services is shown by the following table showing average cost of distribution of newspaper circulation per yearly subscription out of New York City:

By baggage	$1.28
By motor truck	1.60
By express	2.06
By mail	4.13

Newspaper mail is handled on the pound basis, and the following table shows the average cost per 100 pounds:

By baggage	$0.50
By motor truck	.677
By express	1.00
By mail (first and second zones only)	1.80

In view of the much cheaper rates provided by other agencies, the question has been frequently asked as to why publishers use the mail at all. The answer is that they do not want to deprive anyone of the privilege of reading a newspaper who wants to read it. The further answer is that rural subscribers and many village subscribers could not get daily newspapers if publishers should withdraw from the mails entirely. A typical example is that of subscribers to the Washington Star who live in Manassas, Va. Six days a week the Star is forwarded to them by baggage at 30 cents per 100 pounds. The railroads only carry baggage to points where trains make stops. On Sunday the train does not stop at Manassas, but the Star, in order to serve its readers, has to pay the Post Office Department $1.85 per 100 pounds to have its papers thrown off a moving train on Sunday morning, as against 30 cents per 100 pounds which it pays the railroad to have its papers kicked off on a platform the other six days of the week. The Post Office Department only pays the railroad 12 cents per 100 pounds and in every particular the service rendered is identical, except that on one day the package is thrown off a moving train, whereas on six days it is put off while the train is stopped.

While the Post Office Department has raised objection to a bundle rate on the ground that it would necessitate the requisition of additional space on the railroads, the publishers have pointed out that their chief purpose is to serve their subscribers and that even if such a rate is provided, but with inefficient and insufficient service accompanying it, they will not avail themselves of the rate. On the other hand, they have pointed out that while the Post Office Department views this situation as one of large city distribution, the main problem is to bring about a mail rate on newspapers which will permit the publishers of newspapers in smaller cities to get distribution through the Post Office Department at a fair rate.

The evidence shows that outside of the metropolitan districts and the larger city territories, the average haul of a daily newspaper in the United States is less than 60 miles. With the metropolitan districts included, it is less than 150 miles. The evidence further shows that upwards of 85 per cent of all newspaper distribution which now goes through the mails is distributed on rural free delivery routes. The evidence before the committee still further shows that the Government could quadruple the volume of mail on rural routes without any increase in the cost of the operation of those routes as they are constituted at present. In many instances, it was pointed out, the Government is not subjected to any cost of transportation incident to rural route delivery, so that its sole out-of-pocket cost is that incident to the conduct of the route itself. The average load of vehicle rural routes is 56 pounds total that he delivers and receives.

With this situation in view, therefore, it appears to be but logical for Congress to fix a rate which will increase the distribution of second-class matter on rural routes and also to fix a rate which will increase the volume of mail carried in bundles from city to city for newsdealer distribution, where the only service performed by the department is that of transportation, and where the department can perform this service at a profit to itself and at less cost than other agencies of transportation are now charging the publishers, even though their charges are very much lower than the present postal rates.

THIRD-CLASS MAIL

The act of February 28, 1925, increased the rate on circular matter from 1 cent for each 2 ounces to 1½ cents. Scores of witnesses testified before our hearings that their business had been tremendously injured by this increased rate. Many of them said they could not send their advertising matter as formerly. It had been driven out of the mails. The amount spent for circular matter had been greatly decreased. In addition, all the witnesses testified that the sending of circular matter through the mail was one of the most prolific sources of increased first-class, second-class, and fourth-class mail, but especially third-class matter; that these advertisements brought letters; and, of course, it goes without saying that they do. There was no division in opinion among all the witnesses that came before the commission on third-class matter. In addition to that, the department's own showing is that 391,000,000 pieces of third-class matter were taken from the mails during the present fiscal year.

Now, as it has been argued as to second-class matter, we have the same overhead, the same cost of transportation, the same amounts for rural carriers, the same amounts for city carriers, the same salaries for postmasters, and a general increase of $70,000,000 in salaries paid; and yet, by reason of this increase from 1 cent to 1½ cents on third-class matter, 391,000,000 pieces less go through the mail. On this state of facts it is absolutely certain that the Government has lost revenue by reason of this great loss of business, and the proposal of the minority is to follow the example of the majority on post cards and restore the rate of 1 cent for each 2 ounces of third-class matter.

FOURTH-CLASS MATTER

There are several reasons why the 2 cents service charge on fourth-class matter should be done away with. The first and most potent reason is that it is a rate that is absolutely indefensible, considered from any economic or scientific standpoint. It is a 2-cent charge on an enormous package, or a valuable package, or on a small and inconsequential package, as catalogues, for instance. It has no reference to any reasonable rate, and for this reason it should be removed. In the next place, it simply raises the rates on parcel-post packages, and to that extent has the tendency to drive business from the post office into the express service and other services. I was not in favor of raising this rate last year; the testimony taken shows it was a mistake from any standpoint from which it may be regarded, and the old rate should be restored.

BLUE-TAG RATES

Section 12 of the bill proposed by the minority authorizes and directs the Postmaster General to establish a system for handling by fast freight portions of second-class matter where previous publication or time permits their prompt delivery, and also fourth-class, or parcel-post packages, under such rules and regulations as he may make and without discrimination as against these users of the mails.

The purpose of this provision is to take advantage wherever possible of cheaper rates of transportation than that in fast passenger trains. The Postmaster General is directed to secure the lowest rates possible for freight transportation, including authority, at his discretion, to secure from competitive carriers bids for the handling of such blue-tag matter.

The Postmaster General is authorized to fix such special postal rates applying to second-class matter and parcel post as may be handled by

freight so as to meet the cost of such handling, including a proper proportion of overhead, it being intended that such postage rates shall reflect the difference between the cost of fast freight service and passenger service, thereby giving to second-class mail and parcel-post shippers the advantages of a lower rate than the all-mail rate provided for when passenger-train transportation is used. KENNETH MCKELLAR.

[S. 4189, 69th Cong., 1st sess.]

A bill to amend Title II of an act approved February 28, 1925, regulating postal rates, and for other purposes

Be it enacted, etc., That section 201 of Title II of the act of February 28, 1925 (Public, No. 506, 68th Cong.), be amended so as to read as follows:

PRIVATE MAILING CARDS

"SEC. 201. The rate of postage on private mailing cards described in the act entitled 'An act to amend the postal laws relating to use of postal cards,' approved May 19, 1898, shall be 1 cent each."

PRIVATE REPLY CARDS

SEC. 2. That under such regulations as the Postmaster General may prescribe it shall be lawful to accept for transmission in the mails business reply cards when presented in the quantity and under the conditions he may establish, postage thereon at the regular rate together with an additional postage charge of not more than 2 cents on each card to be collected on delivery: *Provided*, That for the purpose of fixing the compensation and allowances at first, second, and third class offices credit shall be allowed only for the postage collected in addition to the regular rate on business cards delivered at such offices: *Provided further*, That postmasters at offices of the fourth class shall be entitled to include in the amounts upon which their commissions on cancellations are based the amount of postage chargeable at the regular rate on business reply cards mailed at their offices.

DEFICIENT POSTAGE

SEC. 3. That all mail matter of the first class upon which one full rate of postage has been prepaid shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery. If the postage is short paid one rate, the additional charge shall be 2 cents or the deficient postage. If it is short more than one rate, the deficient postage and an additional charge of 1 cent for each ounce or fraction thereof shall be collected.

SECOND-CLASS MATTER

SEC. 4. Section 202 of said act of February 28, 1925, is hereby amended to read as follows:

"SEC. 202 (a) In the case of publications entered as second-class matter (including sample copies to the extent of 10 per cent of the weight of copies mailed to subscribers during the calendar year) when sent by the publisher thereof from the post office of publication, or other offices, or when sent by news agents to actual subscribers thereto, or to other news agents for the purpose of sale—

(1) The rate of postage on that portion of any such publication devoted to matter other than advertisements shall be 1½ cents per pound, or fraction thereof;

(2) On that portion of any such publication devoted to advertisements where shipped other than in bundles as provided in section (2a) the rates per pound or fraction thereof for delivery within the eight postal zones established for fourth-class matter shall be as follows: For the first and second zones, 1½ cents; for the third zone, 2 cents; for the fourth zone, 3 cents; for the fifth zone, 3½ cents; for the sixth zone, 4 cents; for the seventh zone, 5 cents; for the eighth zone, 5½ cents; between the Philippine Islands and any portion of the United States, including the District of Columbia and several Territories and possessions, 5½ cents.

(2a) Newsdealers' bundles, when transported by mail from station to station where no service of distribution or delivery is rendered, shall pay the following rates: For the first, second, and third zones, 50 cents per 100 pounds; for the fourth zone, 75 cents per 100 pounds; for the fifth zone, $1 per 100 pounds; for the sixth zone, $1.50 per 100 pounds; for the seventh zone, $2 per 100 pounds; and for the eighth zone, $2.50 per 100 pounds: *Provided*, That bundles for delivery in the first, second, and third zones weighing less than 2 pounds shall pay postage of 1 cent, and for bundles for delivery in the first and second zones weighing less than 5 pounds but more than 2 pounds, shall pay 3 cents postage: *And provided further*, That all bundles weighing more than 5 pounds shall pay postage on the pro rata of the 100-pound rate.

(3) The rate of postage on newspapers or periodicals maintained by and in the interest of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, shall be 1½ cents per pound or fraction thereof, and the publisher of any such newspaper or periodical, before being entitled to such rate, shall furnish to the Postmaster General at such times and under such conditions as the Postmaster General may prescribe satisfactory evidence that none of the net income of such organization or association inures to the benefit of any private stockholder or individual.

(b) Where the space devoted to advertisements does not exceed 5 per centum of the total space the rate of postage shall be the same as if the whole of such publications was devoted to matter other than advertisements.

(c) The rate of postage on daily newspapers and on the periodicals and newspapers provided for in this section when deposited in a letter-carrier office for delivery by its carriers shall be the same as now provided by law, and nothing in this act shall affect existing law as to free circulation and existing rates on second-class mail matter within the county of publication. The Postmaster General may hereafter require publishers to separate or make up to zones, in such a manner as he may direct, all mail matter of the second class when offered for mailing.

(d) With the first mailing of each issue of each such publication the publisher shall file with the postmaster a copy of such issue, together with a statement containing such information as the Postmaster General may prescribe for determining the postage chargeable thereon.

TRANSIENT SECOND CLASS

SEC. 5. That section 203 of said act of February 28, 1925, be amended so as to read as follows:

"SEC. 203. The rate of postage on publications entered as second-class matter, when sent by others than the publisher or news agent, shall be 1 cent for each 2 ounces or fraction thereof."

SEC. 6. That section 204 of said act of February 28, 1925, be, and the same is hereby, repealed.

SEC. 7. That section 205 of said act of February 28, 1925, be, and the same is hereby, amended to read as follows:

"SEC. 205. The zone rates provided in section 202 of this title shall relate to the entire bulk mailed to any one zone and not to individually addressed packages."

SEC. 8. That where the maximum number of separately addressed pieces of second-class matter constituting a pound shall exceed 20, the weight of such publications on which postage is to be paid under the rates herein provided shall be determined by dividing the total number of such separately addressed pieces by 20. The result will be the weight in pounds on which postage shall be paid, a fraction of a pound being regarded as a full pound.

THIRD-CLASS MATTER

SEC. 9. That section 206 of said act of February 28, 1925, be amended to read as follows:

"SEC. 206. (a) Mail matter of the third class shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets, and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the fourth class as defined in section 207.

"(b) The rate of postage thereon shall be 1 cent for each 2 ounces or fraction thereof, up to and including 8 ounces in weight.

"(c) The written additions permissible under existing law on mail matter of either the third or fourth class shall be permissible on either of these classes as herein defined without discrimination on account of classification."

FOURTH-CLASS MATTER

SEC. 10. That section 207 of said act of February 28, 1925, be amended to read as follows:

"SEC. 207. (a) Mail matter of the fourth class shall weigh in excess of 8 ounces, and shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets, and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the third class as defined in section 206.

"(b) That on fourth-class matter the rate of postage shall be by the pound as established by, and in conformity with, the act of August 24, 1912.

"(c) Whenever, in addition to the postage as otherwise provided, there shall be affixed to any parcel of mail matter of the fourth class the words "Special handling," written or printed upon the wrapper, and postage of the values hereinafter stated, such parcel shall receive the same expeditious handling, transportation, and delivery accorded to mail matter of the first class, and in addition shall be specially delivered, namely, for not over 2 pounds, 15 cents; for more than 2 pounds but not more than 10 pounds, 25 cents; for more than 10 pounds, 35 cents: *Provided*, That the last-named rate shall be at the option of the mailer, provided special delivery is desired, otherwise such rate shall be 25 cents.

"(d) That during the 24 months next succeeding the approval of this act, the Postmaster General be, and he is hereby, authorized to conduct experiments in the operation of not more than 50 rural routes, in localities to be selected by him; said experiments shall be designed primarily to develop and to encourage the transportation of food products directly from producers to consumers or vendors, and,

if the Postmaster General shall deem it necessary or advisable during the progress of said experiments, he is hereby authorized, in his discretion, on such number of all of said routes as he may desire, to reduce to such an extent as he may deem advisable the rate of postage on food products mailed directly on such routes for delivery at the post offices from which such routes start, and to allow the rural carriers thereon a commission on the postage so received at such rate as the Postmaster General may prescribe, which commission shall be in addition to the carriers' regular salaries. The amounts due the carriers for commissions shall be determined under rules and regulations to be prescribed by the Postmaster General directly from the postal revenues: *Provided*, That the amount so paid shall in no case exceed the actual amount of revenue derived from this experimental service.

"A report on the progress of this experiment shall be made to Congress at the next regular session."

MONEY ORDERS

SEC. 11. That section 208 of said act of February 28, 1925, be amended to read as follows:

"SEC. 208. Section 3 of the act entitled 'An act to modify the postal money-order system, and for other purposes,' approved March 3, 1883, as amended, is amended to read as follows:

"'SEC. 3. A money order shall not be issued for more than $100, and the fees for domestic orders shall be as follows: For orders not exceeding $2, 3 cents; for orders not exceeding $2.50, 5 cents; for orders exceeding $2.50 and not exceeding $5, 7 cents; for orders exceeding $5 and not exceeding $10, 10 cents; for orders exceeding $10 and not exceeding $20, 12 cents; for orders exceeding $20 and not exceeding $40, 15 cents; for orders exceeding $40 and not exceeding $60, 18 cents; for orders exceeding $60 and not exceeding $80, 20 cents; for orders exceeding $80 and not exceeding $100, 22 cents.'"

BLUE-TAG RATES

SEC. 12. That the Postmaster General is hereby authorized and directed to establish a system for handling by fast freight such portions of second and fourth class matter, consisting of monthly magazines or bimonthly magazines or weekly magazines or papers, where previous publication or time permits their delivery, and also parcel-post packages, under such rules and regulations as he may make, and without discrimination as against these users of the mails. The Postmaster General is further authorized to readjust the rates for transportation of such matter with the railroads carrying the same and to fix such special postage rates applying to matters so handled so as to meet the cost thereof, including overhead, and such rates representing the difference between the cost of a fast-freight service and a passenger-train service.

The Postmaster General is authorized and directed to make the lowest rates possible with such carriers, and this includes authority, in his discretion, to secure from competitive carriers, bids for the handling of such blue-tag matter as defined in this section, and the provision of the act passed August 24, 1912, as amended by the act of July 28, 1916, providing that "before any change is hereafter made in weight limits, rates of postage, zone or zones, by the Postmaster General, the proposed change shall be approved by the Interstate Commerce Commission after thorough and independent consideration by that body in such manner as it shall determine," be and the same is hereby repealed; the purpose of this act being to permit the users of second and fourth class mail matter as hereinbefore defined to receive expeditious handling of such matter at the lowest rates possible, and the Government to receive not to exceed the actual cost of such transportation, including overhead.

EFFECTIVE DATE

SEC. 13. This act shall become effective on July 1, 1926.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4221) authorizing the construction by the Secretary of Commerce of a power-plant building on the present site of the Bureau of Standards in the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. SHORTRIDGE:

A bill (S. 4222) for the relief of M. M. Londahl; to the Committee on Military Affairs.

By Mr. KENDRICK:

A bill (S. 4223) to amend the act of June 3, 1920 (41 Stat. L. 738), so as to permit the Cheyenne and Arapaho Tribes to file suit in the Court of Claims; to the Committee on Indian Affairs.

By Mr. McKELLAR:

A joint resolution (S. J. Res. 106) authorizing the Secretary of War to transfer to the Humane Educational Society (Inc.), of Chattanooga, Tenn., a certain unused portion of the National Cemetery at Chattanooga, Tenn.; to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10425) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes; and that the House had receded from its disagreement to the amendments of the Senate numbered 45 and 53 to the said bill and had concurred therein.

ERNEST F. RILEY

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD several letters concerning the appointment of Mr. Ernest F. Riley, of Baltimore, Md., as secretary to the junior Senator from Iowa [Mr. STECK].

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

APRIL 29, 1926.

Gen. FRANK T. HINES,
Director Veterans' Bureau, Washington, D. C.

DEAR GENERAL HINES: In connection with the controversy that has arisen concerning the appointment of Mr. Ernest F. Riley, of Baltimore, Md., as secretary to Senator STECK, of Iowa, said Riley having served as one of the counters in the Brookhart-Steck contest, Edwin P. Thayer, who was in charge of the work, said:

"Mr. Riley was not Mr. Steck's official watcher, but was a regular counter. Mr. Riley was called back to aid * * * for the reason that he was an expert in his work, very dependable and industrious, and an overseas veteran."

It is my understanding that Mr. Riley is a vocational student at the Washington College of Law. I wish you would please advise me as to the amount of compensation and allowance Mr. Riley is now drawing from the Veterans' Bureau and the length of time he has been drawing same.

Very respectfully,

COLE L. BLEASE.

MAY 5, 1926.

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

MY DEAR SENATOR BLEASE: In response to your communication of April 29, seeking certain information regarding the benefits received from the bureau by Mr. Ernest F. Riley, of Baltimore, Md., please be informed that the detailed records are in the regional office.

A report will be secured, upon the receipt of which you will be more definitely advised.

Very truly yours,

FRANK T. HINES, *Director.*

MAY 10, 1926.

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

MY DEAR SENATOR BLEASE: Supplementing the bureau's acknowledgment of May 5 of the receipt of your inquiry dated April 29 and responding to your further personal inquiry of me this morning, please be advised as follows of the status of benefits awarded to Ernest F. Riley, as a disabled veteran of the World War:

On March 24, 1922, $80 monthly compensation under a temporary total disability rating was awarded effective from November 28, 1921. It was determined upon a basis of a physical examination dated February 3, 1923, that the disability should be rerated temporary partial 50 per cent, and pursuant to that rating there was contemplated a reduction in the compensation award to $40 monthly, effective April 1, 1923. Effective February 2, 1923, however, Mr. Riley entered upon a course of vocational training carrying a monthly maintenance and support allowance of $100. His compensation award was accordingly discontinued, effective February 1, 1923. Mr. Riley has continued in training to the present date with the continuance of the $100 monthly maintenance and support allowance, except from July 1, 1923, until September 26, 1923, and from May 2, 1924, until August 15, 1924, during which periods he received only $80 monthly. This was because of the fact that training was interrupted on account of necessary hospital treatment, it being provided by regulation that under such circumstances there shall be paid in lieu of the regular maintenance and support allowance such monthly amount as the claimant would receive as temporary total compensation.

Mr. Riley was to have been discontinued from training on February 3, 1926, but was granted an extension to June 15, 1926. At the

conclusion of the course of training immediate steps will be taken to determine the proper rating of his disability as a basis for resumption of his compensation award.

Very truly yours,

FRANK T. HINES, *Director.*

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On May 8, 1926:

S. 1131. An act for the relief of James Doherty;

S. 1786. An act to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; and

S. 2296. An act authorizing casualty companies, surety companies, insurance companies or associations, or fraternal or beneficial societies to file bills of interpleader.

On May 10, 1926:

S. 1989. An act to authorize the Secretary of the Interior to purchase certain land in Nevada to be added to the present site of the Reno Indian colony, and authorizing the appropriation of funds therefor;

S. 2658. An act to authorize the Secretary of War to fix all allowances for enlisted men of the Philippine Scouts; to validate certain payments for travel pay, commutation of quarters, heat, light, etc., and for other purposes;

S. 2706. An act to provide for the reservation of certain land in California for the Indians of the Mesa Grande Reservation, known also as Santa Ysabel Reservation No. 1;

S. 3595. An act to authorize the exchange of certain patented lands in the Grand Canyon National Park for certain Government lands in said park;

S. 3953. An act to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings; and

S. J. Res. 60. Joint resolution authorizing expenditures from the Fort Peck 4 per cent fund for visits of tribal delegates to Washington.

On May 11, 1926:

S. 957. An act for the purchase of the Oldroyd collection of Lincoln relics; and

S. 1484. An act to amend section 1, act of March 4, 1909 (sundry civil act), so as to make the Chief of Finance of the Army a member of the Board of Commissioners of the United States Soldiers' Home.

A TRIBUTE TO FARM MOTHERS

Mr. HARRIS. Mr. President, last Sunday was Mothers' Day, and in the legislation for agriculture we must bear in mind what the world owes farm mothers. A majority of our great men and those to whom our country owes most were the sons of these noble farm mothers. These men have carried through life the old-time religion—the best of all—which was taught them at their mother's knee.

I ask permission to have printed in the RECORD an article from the Progressive Farmer entitled "A tribute to farm mothers," quoting remarks by my former colleague and friend, the late Senator Watson, of Georgia.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

A TRIBUTE TO FARM MOTHERS

We know of no custom that is more appealing to the best impulses of the heart than the setting aside each year of one spring Sabbath as Mothers' Day. And certainly no mothers in all the world deserve more appreciation than farm mothers. As that eloquent Georgian, the late Senator Thomas E. Watson, said on one occasion:

"There are thousands of devoted and absolutely admirable wives and mothers in our cities, in our towns, and in our villages, and it gives me pleasure and pride to testify to the fact; but if you ask me to carry you to the home of the true wife and the true mother, one who loses herself entirely in the existence of her husband and her children, one who is the first to rise in the morning and the last to retire at night, one who is always at her post of duty and who carries upon her shoulders the burdens of both husband and children, one who is keeper of the household and its good angel, utterly unselfish, happy in making others happy, with no thought of fashionable pleasures, perfectly content in quiet home life in which she does nobody harm and everybody good, taking as many thorns as she can from the pathway of her husband and strewing it with as many roses as possible, strengthening him by her inspiration as he goes forward to fight the battle of life, smoothing the pillow upon which he rests his tired head when he comes home, tenderly rearing the boys and girls who will in turn go away from the door, some day for the last time—the boy to become a good soldier in life's continuous warfare, and the girl to become some ardent suitor's wife and be to him what her mother has been to her father; and who, when all toils are done and her strength is departing, will sit calmly in the doorway, watching the setting sun with a serene smile upon her face and never a fear in her heart—ask me to find where this woman lives, where this type is to be found, and I will make a bee line for the country."

What Tom Watson said is true; we all know it. It only remains for us to ask ourselves whether we are doing what we should to show our appreciation of the work and love of farm mothers. Is the kitchen as well equipped with labor-saving conveniences as it ought to be? Have we really installed the most modern water and light systems we can afford? Does the farm mother get a real vacation once a year? Do we cooperate with her as much as we might in giving expression to her love of the beautiful—is the house painted; the home grounds beautified with shrubs, trees, and flowers; the home decorated with reproductions of beautiful paintings? Is there some source of cash income the farm mother can claim as her very own? Is her counsel sought about all matters affecting the welfare of the farm and family? Are husband and children thoughtful of her comfort and ready to show her that loving courtesy and appreciation which will lighten all her burdens and shorten and sweeten her hardest tasks?

Not only on Mothers' Day but on all the other 364 days of the year let's think on these things. And let's decide on those practical, definite reforms and improvements which our honest thinking tells our consciences we should put into effect.

FRIDAY EVENING SESSION—THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent for the adoption of the following order for a session Friday night.

The VICE PRESIDENT. The order will be read for the information of the Senate.

The Chief Clerk read as follows:

Ordered, by unanimous consent, That on Friday, May 14, at not later than 5.30 o'clock p. m., the Senate take a recess until 8 p. m., and that at the evening session the calendar be taken up for the consideration of unobjected bills on said calendar, and that when the call of the calendar is concluded for unobjected bills the calendar be called for the consideration of bills under Rule VIII; that the evening session shall continue until not later than 11 o'clock p. m.

Mr. WALSH. Mr. President, I think the order ought to provide that we should commence to call the calendar at the point where we left off last night.

Mr. CURTIS. It is perfectly satisfactory to me that we shall begin the call of the calendar where we left off last night.

Mr. WARREN. That is right.

The VICE PRESIDENT. The next Order of Business is No. 723.

Mr. CURTIS. I accept the amendment.

The VICE PRESIDENT. The order will be so modified. The Chair hears no objection, and it is so ordered.

RAILWAY CARRIERS AND THEIR EMPLOYEES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes.

Mr. NORBECK. Mr. President, by a decisive vote taken yesterday the Senate decided that there should be no further hearings on the pending measure. The request of the Farm Bureau was rejected. The request of the Labor Board that they might be heard and tell their side of the story had been refused by the committee. There seems to be a strong force back of the measure, and of course it is the organized railroad labor vote.

I feel that we are moving hastily. I think there is another angle to this matter that has not been considered, that has not been developed. I do not think the railroad men or the general public have yet come to realize that these wage increases bring in their wake the high cost of living that absorbs them. When will we come to understand that doubling everybody's wages to-day will not benefit anybody 12 months from now? If that high wage comes into every industry and every service, it is reflected in every cost of living, including taxes, even the school taxes. It does damage in places. The stockholders of the railroad are not without danger. They may feel they are protected by law and can pass the increased cost of operation over to the farmer, but this rule may not work forever.

Mr. President, there is a recklessness in the land that is astonishing. It is said that civilization is based largely upon a due regard for property rights as well as rights of life and liberty. The farmer has been steadfast in holding to this principle. He has been the most unwilling to take anybody's property away from him, even by indirection, but he finds his own being taken away by unfair laws as well as trade agreements. If the managers of the great railroads want to protect the

property of their stockholders, they must also stand out against unfair wages. They must not proceed recklessly on the theory that the farmer is going to pay the dividend, no matter how the road is operated. The farmer will not continue to be the only shock absorber.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from California?

Mr. NORBECK. I yield.

Mr. SHORTRIDGE. In order that the Senator may develop that thought a little more fully, does the Senator proceed upon the theory that the operators upon the one hand and the employees upon the other will enter into a conspiracy to increase the cost of operation which might fall upon the farmer or the other shippers? Does he proceed upon that notion or that theory?

Mr. NORBECK. I do in part. That is exactly what happened in the New York Central award, where they saddled three hundred and twenty odd million dollars in additional labor costs upon the operating railroads, and there have been hundreds of applications before the Interstate Commerce Commission asking for increased rates based upon this increased cost of operation.

Mr. SHORTRIDGE. Does the Senator assume that the operators would willingly yield to any such demand?

Mr. NORBECK. First, there are some railroads which are earning an excess amount of money over that contemplated by law. They are under the law bound to return 50 per cent of it to the Federal Treasury. There has been an accumulation of about $100,000,000, but there has been very little paid into the Treasury, and that under protest.

Mr. FESS. Mr. President, will the Senator yield to a question?

Mr. NORBECK. Certainly.

Mr. FESS. The position the Senator is taking is precisely my impression when we started into a study of the bill. It was a question whether the public was being protected from the danger of exorbitant rates. I feared that in this case, as in the case of the coal situation two or three years ago, the operators and the laboring people might get together and decide how much the public would stand and then agree upon that basis. That was my fear, that the public could not be protected; but another element comes in here that relieves me of that fear, namely, that wherever an increase of wages is agreed upon that will require an increase of rates, the increase of rates can not be allowed until the Government agency, the Interstate Commerce Commission, shall approve it. It seems to me that that is the protection of the public; and it is a great deal better protection than any sort of compulsion, which I know the Senator would not agree to, as I would not.

Mr. NORBECK. The Senator will agree with me also that section 15a of the transportation act permits these corporations to impose rates that will make a certain return or dividend.

Mr. FESS. Provided the Interstate Commerce Commission allows it, and they have never yet allowed it.

Mr. NORBECK. The Senator will also agree with me that the Chicago, Milwaukee & St. Paul Railroad is now starting cases in court to compel the Interstate Commerce Commission to levy a rate that will put their property on a profitable basis?

Mr. FESS. But I think that the Senator will agree that the Interstate Commerce Commission, in exercising its power, has been protecting the public, and I think it will do so in the future.

Mr. NORBECK. Will the Senator from Ohio agree with me that the Curtis amendment, which confers full power on the Interstate Commerce Commission to do that very thing, is a proper amendment? This amendment confers full power on the commission to suspend a wage increase if found to be unfair to the interest of the public.

Mr. FESS. No; I will say to the Senator that I think the Curtis amendment is the most dangerous proposal as affecting the Interstate Commerce Commission and the industrial peace of the country that has been submitted, for the reason that it will put all these disputes into the hands of the Interstate Commerce Commission. That function ought not to be lodged there; the commission ought to be limited to rate making. Otherwise, we should certainly entirely break down the Interstate Commerce Commission.

Mr. NORBECK. I might agree with the Senator from Ohio that some other governmental body might better handle that question, but since there is no other governmental body to handle it, and since the Senator states that it is up to the Interstate Commerce Commission to withhold an increase of rates, why not give them specific authority in order that they might withhold such an increase for the protection of the public?

Mr. FESS. There are two reasons for that. One of them is, it is a question whether or not we may do that constitutionally.

Mr. NORBECK. The courts will take care of that question.

Mr. FESS. In the second place, I feel certain that this is the first step, which is the last one, which will destroy the Interstate Commerce Commission in its functions.

I wish to say that I sympathize very greatly with the position the Senator is now taking, but my mind is entirely relieved, for I feel certain that the bill is protected in this way a great deal better than it would be by the proposal, which is made by the Senator from Kansas [Mr. CURTIS].

Mr. NORBECK. If I understand the present law correctly—and the distinguished Senator from Ohio will correct me if I make a mistake in defining it—it provides for a Labor Board with authority to investigate; it is a fact-finding board. It may say to the railroad employees, "Your wages are now above those of other classes," or "they are below those of other classes." We propose to substitute arbitration for that board without giving the arbitration board authority to investigate and to find facts. It will simply be an instrument for compromise. Am I right as to that?

Mr. FESS. The Senator is correct in the statement that the Labor Board is intended to be a fact-finding board, but unfortunately, under the construction of the law, the Labor Board is impotent in bringing before them persons who might not wish to come. It is wholly impotent, as we intended it to be, to enforce any findings that it may make. I think we agreed at the time that we ought to attempt to enact a law with moral force of binding but with no legal force of binding. While that was the purpose, it has not worked out advantageously in that the Labor Board makes a finding, publishes it everywhere in the country, then either party, or both parties, may ignore the finding. They have a right to do that under the law. Immediately the public jumps to the conclusion that "here is a Government board whose findings and decisions are defied by the parties in interest." That creates a bad feeling on the part of the public, both against the parties and against the impotency of the board. It seems to me that this proposition will be an improvement on the present law.

Mr. NORBECK. The complaint now seems to be that we have a board that has no power; but the amendment proposed by the Senator from Kansas, if adopted, will give a governmental board the power that we say it must have in order to protect the public.

Mr. LENROOT. Mr. President, will the Senator yield to me?

Mr. NORBECK. Yes.

Mr. LENROOT. I should like to call the Senator's attention to the present act which gives a board full power over that particular subject.

Mr. NORBECK. Does the Senator from Wisconsin refer to the board proposed to be constituted by the pending bill or the present law?

Mr. LENROOT. I refer to the present law. Section 15a of the present law provides:

> (2) In the exercise of its power to prescribe just and reasonable rates the commission shall initiate, modify, establish, or adjust such rates so that carriers as a whole (or as a whole in each of such rate groups or territories as the commission may from time to time designate) will, under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment, earn an aggregate annual net railway operating income equal, as nearly as may be, to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation.

So that if there should be an unreasonable rate increase agreed upon by the two parties it would clearly be the duty of the Interstate Commerce Commission to ignore that increase in the fixing of rates, and say to the railroads, "If you make such an increase you have got to take it out of the stockholders and not out of the public."

Mr. NORBECK. Does the Senator from Wisconsin, therefore, maintain that the present transportation law protects the public?

Mr. LENROOT. Yes; with the Interstate Commerce Commission performing its duty there can be no unreasonable increase of wages which can be saddled onto the public.

Mr. NORBECK. That is another way of saying that the Senator from Wisconsin maintains that the present rates are fair and just to the general public——

Mr. LENROOT. No; not at all.

Mr. NORBECK. Or else the commission has not functioned.

Mr. LENROOT. The Interstate Commerce Commission may not properly function, but we are speaking now of the powers of the Interstate Commerce Commission.

Mr. NORBECK. But that very question, of course, is contested in the courts. However, aside from that, as to it coming out of the stockholders, let me get to that point. The stockholders have property rights. What has happened to them under the present transportation law? Take a great system like the Chicago, Milwaukee & St. Paul that serves the northwest section of the country. The stock of this road was selling at $140 a share before the Adamson law, McAdoo railroading, and the transportation act. The freight rates are now much higher and the stock of the railroad is without value. In other words, the property seems to be worth nothing because it earns nothing. The stockholders of the road get no dividends, but that does not necessarily make the farmer happy. He suffers from the same cause. Even if a permanent policy was adopted of operating this road at actual cost, we would still have a very high freight rate under existing conditions.

When a railroad is bankrupt and goes into the hands of a receiver the court is in charge; it will naturally follow to say that there has got to be sufficient revenue to pay the bills, and the rates then provided may be very high; in fact, they may be confiscatory in character so far as the traffic on the roads is concerned. For instance, under the present law the great alfalfa-hay industry on the western prairies that used to ship to Omaha and other markets can not ship any more because the rate is so high that the product can not be sold at a sufficient price to insure a profit. So an increase in rates does not always bring a proportionate revenue, but it may ruin an industry.

The thought I wish to leave with the Senate is, if the stockholders of the railroads are not willing to help protect their property, if they are merely looking to the public for assistance, it is about time that we get away from that guaranty clause in the transportation act.

Mr. CUMMINS. Mr. President, will the Senator yield to me?

Mr. NORBECK. Yes, sir.

Mr. CUMMINS. The Senator remarked yesterday about the guaranty clause. There is, however, no guaranty clause, although it has often been charged that there is.

Mr. NORBECK. I know the Senator from Iowa is correct that there is no specific guaranty.

Mr. CUMMINS. It is not a guaranty at all and can not possibly be considered to be a guaranty. The average return upon the railroad property as valued by the Interstate Commerce Commission for 1920 was three-tenths of 1 per cent; for 1921 it was 3 per cent—I am speaking in round numbers—for 1922 it was about 3½ per cent. It has never been as high at 5¼ per cent, taking all the railroads of the United States together.

Mr. NORBECK. Of course, I realize that it works out in this way, that some railroads make a very large profit, while others may have an actual loss even under that provision of the law.

Mr. CUMMINS. Precisely.

Mr. NORBECK. It has been a difficult matter to adjust, but what is the purpose of section 15a?

Mr. CUMMINS. The purpose of section 15a is to try to keep the railroads running. That was the purpose of the act, just as we are now about to try by proposed farm legislation to keep the farms running.

Mr. NORBECK. But is it not a fact there is a declaration in that act that rates shall be such as to enable the railroads to earn a certain dividend?

Mr. CUMMINS. No. The first declaration is that all rates must be just and reasonable. That is the first thing that the Interstate Commerce Commission must see to in fixing rates. Then, there is a provision that a fair return for two years after the passage of the act in 1920 shall be considered as 5½ per cent, with the privilege to the Interstate Commerce Commission to allow one-half of 1 per cent in order to repair or maintain the railroad property, but not for the purpose of dividends. Then two years later the Interstate Commerce Commission fixed a fair return at 5¾ per cent, and that is the order of the commission at the present time. But the Interstate Commerce Commission found it to be entirely impossible to fix rates which would yield to the railroads as a whole 5¾ per cent, because they would be unjust and unreasonable rates. Therefore, the railroads have never earned anything like the fair return provided for in the statute.

Mr. NORBECK. That is, considering the railroads as a whole. Of course, there are some transportation lines that have been making 10 per cent.

Mr. CUMMINS. There are some transportation lines that earn a great deal more.

Mr. NORBECK. And they have refused to return to the Federal Treasury that part of their earnings over a fair return which the law declares they should turn over to the Government.

Mr. CUMMINS. The history about that is this: The act provides that the fair return shall be computed upon the actual value of the property used in the service of transportation. The Interstate Commerce Commission has not as yet been able to value all the railroad property. I have been trying for all these years to secure a sufficient appropriation to enable the Interstate Commerce Commission to complete its work. It is not yet completed, and the Interstate Commerce Commission is in a position so that it can not even render an account to the railroad companies for the purpose of recovering one-half of the excess above 6 per cent. Some of these days we will reach that, and I hope it will be very soon.

There are $100,000,000 or more now due from certain railroads in the United States. I hope we will soon be able to recover that amount. There was a long fight upon the constitutionality of that provision of the act, but finally it reached the Supreme Court, and the Supreme Court held that it was constitutional and a valid claim against the railroads that earned more than 6 per cent. But there is nothing like a guaranty in the law. Most of the railroads have earned a great deal less than 5½ per cent; I take it that four-fifths of the railway mileage of the United States is now earning a good deal less than 5½ per cent, and no railroad has ever even suggested a claim against the United States because it was earning less than 5½ or 5¾ per cent.

Mr. NORBECK. But is it not a fact that when they ask for an increase in rates the Interstate Commerce Commission sometimes holds that they are earning enough now?

Mr. CUMMINS. They are asking for an increase in rates all the time. I suppose that there have been a hundred or more applications for an increase in railroad rates since the act of 1920 was passed, but I do not know of a single one that has ever been granted, and the railroad rates have been reduced from time to time since they were fixed in September, 1920. I am hoping that they may be reduced still more.

Taking every railroad in the United States they earned as a whole in 1924 a net operating income of $987,000,000. They earned practically the same amount in 1925. If we may accept the tentative valuation which the Interstate Commerce Commission put upon all these properties in 1920, with the additions which have been made since that time on capital account, the railroads in the United States as a whole are earning a little less than 5 per cent upon that valuation. That is the situation so far as the railroads are concerned.

Mr. NORBECK. That is speaking of all the railroads in the United States?

Mr. CUMMINS. All the railroads in the United States. It is commonly supposed—I have heard it mentioned here several times—that the eastern railroads, the big railroads, are earning more than 6 per cent, and that if we were to pass this bill they would use their surplus earnings in increasing the pay of their employees. There are but one or two big railroads in the eastern part of the country that are earning more than 6 per cent. The Pennsylvania does not earn 6 per cent. The Baltimore & Ohio does not earn 6 per cent. The New York Central has earned a little more than 6 per cent in the last two or three years, but it is the only great railroad in the eastern part of the country that I now recall that has earned more than 6 per cent. If I believed that this bill if it becomes a law would result in an increase in railroad rates, I would not support it.

Mr. NORBECK. I agree with the Senator from Iowa in that. I realize that there has been more misrepresentation of the transportation act of 1920, the so-called Esch-Cummins Act, than any other law that has been passed. My understanding was that it was passed to get away from the heavy costs upon the Government, the large subsidies that were paid; but the public has been led to believe that the main purpose of the act was to subsidize the railroads. I realize that. I realize that the guaranty features that were incorporated in the law were for a limited time, except one section, 15a; but of course that was an implied guaranty as to earnings, and was so accepted by the public.

Then again there are many classes of railroads. Some have such heavy earnings that they accumulate a large surplus, part of which should be paid into the Federal Treasury, but they withhold it on one pretext or another. Their influence may even be used to resist the appropriation the Senator from Iowa is trying to get in order to complete the valuations, in order

that we may go ahead. Then there are other railroads that are at the point where they may begin to earn a surplus and do not want to turn it into the United States Treasury. On the other hand, the average is cut down by the railroads that are unprofitable and can not be anything else from the nature of the case. We can no more protect the railroads against competition from truck lines and competition from automobiles than we could protect the farmer who bought a reaper just before the self-binder came on the market.

Mr. CUMMINS. And we never will. We ought not to.

Mr. NORBECK. But the fact that the earnings of some railroads are so low as to drag down the average is hardly a full answer to the question.

Mr. CUMMINS. It is a full answer from my standpoint on the one question of whether this bill will result in an increase in railroad rates. I do not believe it will. I do not believe it is possible for a railroad that is earning more than 6 per cent to pay its employees an additional compensation in order to avoid the consequences of earning more than 6 per cent. The compensation of most of the railroad employees in this country is standardized, and what one railroad company does every railroad company has to do. To me it would be utterly unthinkable that any one railroad company would raise the wages of its men knowing that other railroads with less earnings and that could not stand any raise of wages would also have to raise the wages of their men; and if they do, the question is finally with the Interstate Commerce Commission. It has absolute power to reject or to eliminate from the railroad account any expenditure that it believes was unwisely, uneconomically, or improvidently made.

Mr. BORAH. Mr. President, that is true as a technical proposition. The Interstate Commerce Commission has power to review this matter, and doubtless would have the power, if it thought the wages were unduly high, to take that fact into consideration; but as a practical proposition will it do so? If the railroads and their employees arrive at a conclusion as to what is a fair wage and a fair compensation, will not the Interstate Commerce Commission almost inevitably accept that as a legitimate burden upon the public and one which it must carry?

Mr. CUMMINS. I do not believe so. If I did, I would not support this bill.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. NORBECK. I yield.

Mr. SMOOT. Suppose one of the weaker roads is compelled to increase the wages paid its employees. A more prosperous road, which could operate at a lower rate, could drive the weaker road out of business, could it not?

Mr. CUMMINS. No; not now. It could formerly.

Mr. SMOOT. How could the Interstate Commerce Commission prevent it?

Mr. CUMMINS. Because the Interstate Commerce Commission has the right to fix rates, and it has the right to fix minimum rates as well as maximum rates. That became the law in 1920 when the transportation act was passed, and it does not permit a railroad that can carry freight at a less cost than a competitive railroad to put in rates that will drive the competitive road out of business.

Mr. SMOOT. But does the Senator mean to say that the Interstate Commerce Commission can say to a prosperous railroad, "You shall not increase the wages you pay"?

Mr. CUMMINS. Oh, no!

Mr. SMOOT. That is what is worrying me.

Mr. NORBECK. Does it not naturally follow that every other road, including the "busted" ones, will have to pay the same wages?

Mr. SMOOT. That is what is bothering me; and I should like to have the Senator explain how the road that can not afford to increase wages is going to operate.

Mr. CUMMINS. I answer in this way——

Mr. KING. Mr. President, before the Senator answers that question, may I give a concrete example, so that he will have it before him? Will the Senator from South Dakota yield for that purpose?

Mr. NORBECK. I yield.

Mr. KING. Take the case of the Union Pacific and the Oregon Short Line, which are among the most prosperous roads in the United States, and are efficiently operated. Paralleling the Union Pacific are the Rio Grande and the Rio Grande Western, which carry freight from the Mississippi Valley to the Pacific coast. The Rio Grande is now here applying for an increase in rates, because it is unable now to pay the same wages that the Union Pacific pays—the Union Pacific is a highly prosperous road—and meet its operating expenses. The Rio Grande is in the hands of a receiver, and has been for years. If the Union Pacific, with its large earnings, should increase its wages, or even if it should not increase its wages, and the Rio Grande is compelled to operate at the present wage scale, it is inevitable that it will be in the hands of a receiver indefinitely. If the Union Pacific raises its wages, the Rio Grande automatically must increase its wages; and, if it does, automatically it goes again into the hands of a receiver.

Mr. NORBECK. And automatically the freight rate goes up, because it has to go up.

Mr. KING. Unless it gets an increase in freight rates it must go into the hands of a receiver, and then the Union Pacific will practically drive it out of business, because it is a competing line. It will increase its traffic, and the Rio Grande will be destroyed.

Mr. NORBECK. But a road in receivership has to pay its running expenses, regardless of whether the rate is just or not just, does it not?

Mr. CUMMINS. No.

Mr. NORBECK. Or else the trains stop.

Mr. CUMMINS. It has to pay——

Mr. NORBECK. Or stop, does it not? That is the class that a lot of railroads are getting in. They are going to have rates high enough to operate, whether the rates are just or not, because the courts will have to keep the trains going.

Mr. CUMMINS. I do not believe that the Union Pacific would raise its wages. I do not believe that the Union Pacific would be so idiotic as to destroy all the other railway systems of the United States. It is impossible for me to think that, and we have no law now that would prevent it. Our law is obligatory so far as rates are concerned. It is not obligatory so far as wages are concerned.

Mr. KING. Mr. President, may I interrupt the Senator? Will the Senator assert here that the Pennsylvania road has not an understanding with its employees to increase wages along some lines, and that if this bill goes through it will not increase those wages within six months?

Mr. CUMMINS. I know nothing about it. I have had no communication with the Pennsylvania, and I do not know what it intends to do. It is simply unthinkable to me that the Pennsylvania system, which is a fairly prosperous road, would increase wages at the expense of systems that it knows can not increase them.

Mr. WHEELER. Mr. President, will the Senator from South Dakota yield to me?

Mr. NORBECK. I yield.

Mr. WHEELER. There has been some talk here as if the Chicago & Alton, and the Rio Grande, and the Chicago, Milwaukee & St. Paul, and the New York, New Haven & Hartford all went into the hands of receivers because of the wages they paid. As a matter of fact, the Chicago, Milwaukee & St. Paul Railroad and the New York, New Haven & Hartford Railroad found themselves in the position that they did, and likewise the Chicago & Alton, because of the fact of mismanagement; not by reason of increase of wages at all, but by reason of the juggling of their stocks and the mismanagement generally of those companies. Is not that the fact?

Mr. NORBECK. I want to ask the Senator from Montana whether he applies that as a regular rule to other western roads that are hard up?

Mr. WHEELER. I do not think the other roads are hard up. I do not think the Northern Pacific is hard up.

Mr. NORBECK. Take the Chicago & North Western, for instance.

Mr. WHEELER. I do not know anything about the Chicago & North Western, but I do know something about the Chicago, Milwaukee & St. Paul, and the Northern Pacific, and the Great Northern; and I want to say that the Chicago, Milwaukee & St. Paul did not fail because of the wages it paid to its help. It failed because of the fact that it was mismanaged and looted by the people who were running it.

Mr. NORBECK. I agree with the Senator from Montana [Mr. WHEELER] in part, that railroads are sometimes robbed by the very men who have charge or them. We often hear three different arguments or reasons given for the failure of railroads. A railroad president is likely to say, "Our trouble is due to the radicalism out West, which does not favor giving us an adequate rate." If you ask a keen observer, who is well informed on transportation, he will say, "There are leaks on the inside, also. Some railroads have been bankrupted by mismanagement, or worse. The management has been getting away with something." But neither of these two replies is a complete answer to the question. The increased wages of $2,000,000,000 in recent

years had to be earned. They were reflected by increased freight rates. This sum may be ten times as any other single factor.

Mr. WHEELER. But the Senator is assuming that there may possibly be an increase in wages, whereas the truth about the matter is that nobody can state that there will be, and so far as the Interstate Commerce Commission has been informed there has not been any agreement among the parties; and, as far as that is concerned, they can do everything at the present time that they could do under this bill.

Mr. NORBECK. No; they can not do everything at the present time that they could do under this bill.

Mr. WHEELER. They can get together to-day and agree among themselves, and there is not any power to interfere with them.

Mr. NORBECK. They can do that, but the Labor Board can hold an investigation and find the facts and lay them before the public; and that is some check on it.

Mr. WHEELER. The Labor Board can not do anything of the kind. They have not the power to do anything of the kind.

Mr. NORBECK. They have not power to subpœna witnesses, but that is not the only way to get facts.

Mr. CUMMINS. There is another reason. I am not condemning the Labor Board, as many people do. I think it has rendered a very excellent service to the country. But the Labor Board has no jurisdiction until there is a disagreement between the employees and the companies.

Mr. NORBECK. The transportation law, of which the Senator from Iowa was author, intended to give them that power.

Mr. CUMMINS. I was not the author of that particular part of the transportation act. I never was in favor of it. I fought it just as hard as I knew how.

Mr. NORBECK. But it is a part of the transportation act.

Mr. CUMMINS. It is a part of the transportation act. But the Labor Board can not enter upon any investigation until there is a dispute or disagreement between the men and their managers. The moment a dispute arises, either side can bring the dispute to the Labor Board, or, if the Labor Board feels that the dispute is likely to ripen into a controversy that would result in interference with transportation, it can bring it before the board of its own motion.

Mr. NORBECK. But at least either party can bring that controversy before the Labor Board at present, under the present law.

Mr. CUMMINS. They can.

Mr. NORBECK. And we are asked to pass this bill, under which there would be no place to which they could bring such a dispute.

Mr. CUMMINS. No. As I understand it, the difference between the emergency board——

Mr. NORBECK. An emergency does not come into being until some great crisis strikes the country. It is not provided for in this bill, except in a very vague manner.

Mr. CUMMINS. The emergency board can not be called into existence until there is a threat.

Mr. NORBECK. In other words, the public would not know anything about it until the strike was on. That would be the effect of this bill, would it not?

Mr. WHEELER. Not at all.

Mr. CUMMINS. The strike, I think, might not be on.

Mr. NORBECK. Until the situation gets acute.

Mr. CUMMINS. The Senator is thinking about an opportunity for the public to "sit in," as was said by the Senator from Missouri, in a dispute between the men and the management with regard to wages. That is what the Senator is thinking about, is it not?

Mr. NORBECK. No. I am thinking that the present Labor Board is a fact-finding board. When anything comes to it, they can investigate and lay the facts before the public, and in most cases they get in on it early and therefore the public are pretty well informed. But under this bill the public would have no official information on the question at all.

Mr. CUMMINS. The public can only exert influence in a sort of moral way.

Mr. NORBECK. But the Senator from Iowa will agree with me that it has been public opinion that has supported these organizations through all these years.

Mr. CUMMINS. Does the Senator think public opinion had anything to do with the settlement of the shopmen's strike in 1922, the most destructive and the most disastrous strike this country has ever seen?

Mr. NORBECK. Yes; and the Senator will agree with me that the railroad men discovered that the public were not with them in that strike, will he not?

Mr. CUMMINS. I do not know. I would not be able to appraise public opinion with regard to that strike. Some of the railroads settled, and some did not, and we went on for two years under the incubus of that strike. I have had a great many interviews with the men who were conducting the strike and with the railroad officials who were opposing the strike, or attempting to settle it, and I have never been able to ascertain where public opinion really rested with regard to that strike.

Mr. NORBECK. But we are getting away from the subject we started on. This thought was brought up by the Senator from Iowa, that there would be no occasion for even the strong lines to increase their wages; but the Senator will agree with me that it is hardly a retarding influence. That is, one of the stronger lines can add a few million dollars to its wage roll without hurting its stockholders the least bit.

Mr. CUMMINS. I do not believe there is any danger of that.

Mr. NORBECK. I am asking whether that is not a fact, whether some line, some one of the richer railroads that is earning an excess profit, can not increase its wages without the loss of one penny to the stockholders.

Mr. CUMMINS. If they should absorb the excess earnings which they otherwise must pay to the Government, then it is true that they could do that without any harm to the stockholders.

Mr. NORBECK. That is the point I am making. Will the Senator agree to this, that if the strong lines increase their wages, the other lines will have to follow pretty much along the same line?

Mr. CUMMINS. I am saying that I do not believe the railroad companies would do it, or would dare to do it.

Mr. NORBECK. Is it not a fact that they have been doing it all these years, that the wages are practically the same on all lines?

Mr. LENROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Wisconsin?

Mr. NORBECK. I yield.

Mr. LENROOT. I would like to ask the Senator if he has in mind the fact that the present transportation law, with relation to the Labor Board, which the Senator commends, practically commands the railroads and the employees to get together voluntarily and settle their disputes, and do the very things the Senator now complains they will do under the provisions of this bill?

Mr. NORBECK. The Senator from Wisconsin is hardly fair, but he may be just in error when he speaks of me commending the present Labor Board. All that I have ever said along that line is that it had some advantages over this proposed scheme. I am not defending the whole transportation act. I never believed in the transportation act as a whole.

Mr. LENROOT. I know the Senator did not. But I supposed he did commend the Labor Board part of it.

Mr. NORBECK. For some part they played.

Mr. LENROOT. I would like to call the Senator's attention to this language in the law:

> All such disputes shall be considered and, if possible, decided in conference between representatives designated and authorized so to confer by the carriers, or the employees or subordinate officials thereof, directly interested in the dispute.

That is the present law.

Mr. NORBECK. The Senator is an able Senator and a great lawyer. Let me ask him this question: When a railroad goes into the hands of a receiver, will not the rate that will be established be such as to move the trains, regardless of whether it is a just rate or not?

Mr. LENROOT. To move the trains?

Mr. NORBECK. Yes.

Mr. LENROOT. No; certainly not.

Mr. NORBECK. Does the Senator mean that the receiver will stop the trains, then?

Mr. LENROOT. The Interstate Commerce Commission has no power to permit a rate that is not a just rate, and a receiver can not operate a railroad in violation of the rates fixed by the Interstate Commerce Commission.

Mr. NORBECK. Then one of two things must happen. Either something will be collected to run the trains, or they must stop. Am I right?

Mr. LENROOT. That is true.

Mr. NORBECK. Regardless of whether the rate is just or not. Am I right?

Mr. LENROOT. I do not know what the Senator means by that.

Mr. NORBECK. I mean that the money has to be collected before it can be spent. That is what I mean.

Mr. BORAH. What is necessary to run the trains will be determined by the courts and by the Interstate Commerce Commission as a reasonable rate.

Mr. NORBECK. Then if there are higher rates and large wage increases, they will follow on the other roads, and if they are in the hands of receivers, as some roads in our West are, the rates must be increased to such an extent that they will carry the roads, and the burden falls on the farmers.

Mr. CUMMINS. Of course, the railroads must earn enough to keep their roads in safe condition, and to pay the men who operate them. That is obvious. But it is not true that a receiver has any more power over rates than a manager has.

Mr. NORBECK. The receiver is under the court.

Mr. CUMMINS. Precisely. That is one of the things for which the much-abused transportation act provided explicitly; and the Senator from South Dakota will find a great many good things in that law if he will study it carefully enough.

The only way a receiver can raise money to run a road that is being operated at a loss is to issue receiver's certificates and borrow the money; and those receiver's certificates can become a lien upon the property prior to the mortgage. That is the only advantage a receiver has in operating a railroad. I am sorry to say that we resort to receiverships quite too often for the good of the country.

To come back to the point, the Senator from South Dakota believes that this bill may result in an increase in railroad rates. That is his only objection to it, as I understand it.

Mr. NORBECK. The Senator from South Dakota believes that the men who have been here pushing this bill the hardest are the men who have formulated plans for wage increases. They are the men who have had their demands pending before the Labor Board for large increases, and they say they have been pending for months and have not been granted them, and therefore the board does not function.

Mr. CUMMINS. Would the Senator not be willing to impute to these men another motive a little nobler, and I think a little more secure as a foundation for this discussion? The men do not want a strike. There is no loss in all the world that falls more heavily upon working men than that which falls upon them during a cessation of their work. The railroads do not want a strike, because it is more destructive to them than low rates. I think that the spirit which is behind this bill is one of peace, one in which tranquillity and regularity in transportation are sought to be secured.

I can imagine that this may be abused. If the railroad companies and the men were to enter into unreasonable agreements with regard to wages, this law would not last until next December, if we have a session in the meantime.

Mr. NORBECK. No; but the Senator will agree with me that if unreasonable wages are established they come down very, very slowly, because they extend into every other line of industry next.

Mr. CUMMINS. Everything, of course, comes slowly except increases. They come pretty sudden sometimes.

Mr. NORBECK. I agree with the Senator on many things. I agree that except for the extensive railway system the interior of the country could not have been settled. I recognize that the railway employees are good citizens, splendid citizens. They have fought a long and hard fight to even get a good wage and decent working conditions. As an official of my State I have helped them in many a fight. The average railroad man is not unreasonable. He has learned from long experience that it is to his advantage to belong to a union. He supports that union. He supports his leaders. Very often he leaves the whole thing to them. Sometimes they act wisely and sometimes they do not. The average railroad man is no more responsible for the formulating of plans than are the farmers responsible for certain acts of their representatives. The railroad man, as well as other laboring men, has been supported by public opinion when the cause was just, even when the demands were such as to create an additional burden upon the public. He was never disappointed—not as long as his demands were reasonable. It is admitted by the champions of this bill that the railroad man is to-day in a favored class—in fact, his friends on this floor are unwilling to admit that his leaders have filed demands for greatly increased wages, and that more demands are in preparation and that they will be pressed to the limit. Evidently there is a little delay until this proposed bill can become a law.

As to the average employee, he does not care whether he gets $3 a day or $6. He is interested in knowing what that money will buy. The question with him is how much clothing, fuel, house rent, meats, groceries, books his wages will buy. He has been sorely disappointed to find that the large increases granted him the last dozen years have not put him on easy street. The average railroad man understands that this wage increase that brings in its wake higher price levels is just a "vicious circle." It has become a burden not only upon farmers but upon laboring men in general. It has increased our cost of production so as to greatly handicap us in the export market, both as to manufactured goods and agricultural products.

No one can blame the labor leader for putting up a good fight for his organization. He maintains his position by fighting a good fight. He is like an attorney fighting for his client.

Mr. CUMMINS. We can not reduce everything to a certainty. When the Labor Board was organized in 1920 there were pending before the director general, and had been pending for a long time, demands for increases in wages amounting to more than $800,000,000 per year. They were passed on to the Labor Board and the Labor Board took them up. They never should have been passed on to them, as I thought. I thought the director general should have taken the responsibility of determining those disputes.

Mr. NORBECK. Was it not a fact that there was a sort of an understanding passed to the railroad men that those increases would follow?

Mr. CUMMINS. The director general did not settle them. So they were passed on to the Labor Board. The Labor Board had a long investigation, and they increased the wages of the railroad men on the 1st of September, 1920, dating back to the 1st of May, 1920, $663,000,000 per year. That was the occasion, or part of the reason, anyhow, for increasing the rates, which occurred on the 26th day of August, 1920.

Mr. NORBECK. Exactly so.

Mr. CUMMINS. We did not have any more protection then than we may have under this bill.

Mr. NORBECK. The Senator and I pretty well agree that an increase in wage almost inevitably leads to an increase in rates.

Mr. BORAH. Mr. President, may I ask the Senator this question? Does not the argument which he is making now answer the contention which he made a while ago, that there would be no increase of wages? If these men feel that they ought to have an increase of wages, and, under the bill which we are about to pass, they carry the matter to their employers, and their employers and the men come to the conclusion that they ought to have an increase of wages, will that not inevitably follow?

Mr. CUMMINS. Increase in wages?

Mr. BORAH. Yes.

Mr. CUMMINS. It will.

Mr. BORAH. The Senator said the increase in wages in 1920 resulted in an increase of rates. Will not that inevitably happen under this bill if they increase wages?

Mr. CUMMINS. No, not necessarily. Railroad companies know perfectly well that they can not have an increase in rates. The traffic of the country will not bear an increase in rates, and there is no more danger that the Interstate Commerce Commission will increase the general rate structure of the country than there is that we will all be translated within the next 20 minutes. It can not be done.

Mr. NORBECK. Then there would be no danger in voting for the amendment of the Senator from Kansas giving that power.

Mr. CUMMINS. There would be very great danger in giving to the Interstate Commerce Commission the right to take up a dispute and carry on an investigation concerning the merits of that dispute and finally reaching a conclusion upon it. I think it would destroy the Interstate Commerce Commission. I think we would simply have to create another body.

Mr. NORBECK. If there will be no demand resulting from it, then they will not have to exercise their jurisdiction.

Mr. CUMMINS. Is the Senator willing to vote for a proposition that will create a board which can suspend negotiations or agreements between railroad companies and their men and enforce that suspension in the only way in which it can be enforced, by an injunction or by some other legal proceeding?

Mr. NORBECK. If I am assured by the Senator from Iowa, as I seem to be, that there is no danger threatening, why should I fear anything? I would certainly be glad to vote for such a proposition, and we may have to come to that very thing.

Mr. BORAH. What I have said does not indicate that I am in favor of this particular amendment, for reasons which I may state later; but I am not at all certain when we enact

this into law that there will not be an increase in wages, and I am not at all certain that those wages will not go into rates. It is not for that reason, and that has nothing to do with my view with reference to the particular amendment. I think that there are other reasons why I could not support it; but I am perfectly satisfied that the very object of the bill is to bring these people together and let them confer and equitably adjust the question of wages and their demands, and so forth. Then I am perfectly clear in the proposition that the public will finally take care of it in rates.

Mr. CUMMINS. If the rates are increased, of course, the public takes care of the increase.

Mr. NORBECK. With their pocketbooks.

Mr. CUMMINS. It is no more possible under the proposed bill, in my opinion, than it is under the present law. Whatever wages are reasonable and fair must be paid, and the enterprise must pay the bill. There is no other source from which the railroads can secure the funds that are necessary to pay wages except from the public, from railway rates. I want to predict that this bill will not result in any increase in rates. It may result in an increase in wages. I can not tell that, and no man can predict it with absolute certainty.

Mr. WATSON. That would be even then only in isolated cases on certain railroads, and not as a whole.

Mr. CUMMINS. I can not imagine that, because the railroads know they can not increase their revenues to any considerable amount.

Mr. BORAH. Are the railroads content with the fact that they can not?

Mr. CUMMINS. No; they are not content; but fortunately we have a restriction upon them which they must obey. We have one tribunal at least that can impose its will upon the railroad companies.

Mr. WATSON. In answer to my friend the Senator from Idaho, if the Senator from South Dakota will yield——

Mr. NORBECK. Certainly.

Mr. WATSON. I would like to say that the railroad managers understand that under existing conditions they can not well increase rates in the United States, and that they think it would be a tremendous mistake for them even to make an effort to do it.

Mr. BORAH. It is not very long since there was a very pronounced effort to increase rates.

Mr. WATSON. That is quite true, but it met with defeat, and they understand that they are doing mighty well to hold on to the limb they are holding on to now.

Mr. BORAH. Precisely, but conditions may change politically and every other way by which they might feel that they were entitled to increase the rates. Certainly they have felt that they were entitled to it or else they would not be asking for it.

Mr. WATSON. When the Senator said that things might change politically, I hope he did not intend anything personal?

Mr. BORAH. No; I am delighted to know that in Indiana, at least, things are running along the proper course.

Mr. CUMMINS. Lest anybody should think I am partial in the matter, I want to remark that every railroad union in the United States is fighting me.

Mr. NORBECK. I realize that the Senator from Iowa is working under that condition, that the laboring men have been fighting him because he tried to protect the public interest in his law and the stockholders have been fighting him because they could not get what they asked for.

Mr. CUMMINS. Under those circumstances, the best thing to do is to continue to do what is right without regard to any of those influences.

Mr. SHORTRIDGE. Mr. President, returning to the subject matter of a receivership, I want to ask a question of the Senator from Iowa for my own information. Is it contended that where a railroad has gone into the hands of a receiver the court may fix rates different from those fixed by the Interstate Commerce Commission in order to carry on the road?

Mr. WATSON. I beg the Senator's pardon. My attention was diverted for a moment.

Mr. SHORTRIDGE. My question was really addressed to the Senator from Iowa, but addressing the question to the Senator from Indiana, something has been said about operating a road through a receivership. I merely wish to ask this question: Is it contended as matter of law that in order to carry on the road through a receivership the court may make an order raising the rates fixed by the Interstate Commerce Commission?

Mr. WATSON. No; not at all. I never heard that contention.

Mr. SHORTRIDGE. Nor have I, and yet something was said a moment ago which prompted the question.

Mr. WATSON. Rate making, I will say to my friend from California, is a legislative function of the Government and not a judicial function. The Interstate Commerce Commission is the agency of the Congress for that purpose.

Mr. BORAH. Technically of course they can not do what the Senator said some one has contended they could do, but what is done is that the receivers issue certificates, and the certificates become a prior lien to any mortgage, and finally, if the road operates, if it continues to exist, all of those things must be taken care of in the way of rates.

Mr. WATSON. That is quite true, because there is no place else whence revenue can be derived; but does my friend from Idaho know of any instance in which a receiver has been appointed where an increase in rates has resulted from the receivership?

Mr. BORAH. Not immediately, at least; but what I am saying is that the receiver, in order to find means by which to operate the road, issues certificates and sells them in the market. Ultimately, it makes no difference how much the road costs in running, they must be paid off in the way of increased rates, whether that takes place 1 year or 2 years or 10 years from now.

Mr. WATSON. That is altogether true. There is no place else where the roads may derive revenue except from rates, fares, and charges. They can not reach up to the misty moonbeams and pull down the requisite revenue.

Mr. BORAH. That is what I have been contending all this time. We say that the bill does not increase rates, but we know that there is no way other than that of increased rates to get the means.

Mr. WATSON. That is quite true. The Senator is entirely right about it.

Mr. FESS. Mr. President, will the Senator yield to me?

Mr. WATSON. Certainly.

Mr. FESS. Is it not true that instead of increasing the income by an increase of rates, very often they inaugurate economies and reduce expenses?

Mr. WATSON. There is no question about that as a practical result of the receivership. That is true beyond all doubt.

Mr. FESS. That is what I understood. That is the practical application of a receivership.

Mr. WATSON. In other words, where it has been tested, it has in nearly every instance been the direct result and, I say, beneficial result.

Mr. KING. Mr. President, I should like to ask the Senator from Iowa or the Senator from Indiana why it is stated with so much insistence that the Labor Board has no right to issue subpœnas.

Mr. CUMMINS. I have never stated that.

Mr. KING. It has been stated repeatedly here.

Mr. WATSON. In a case taken to the Supreme Court on that proposition they subpœnaed Mr. Robertson in the Southern Pacific case. Mr. Robertson declined to appear, and they went into court and sought that process to compel him to appear. The circuit court decided in favor of the board. The case was taken to the Supreme Court of the United States. The Supreme Court of the United States squarely decided that the Railway Labor Board had no authority to compel anybody to appear.

Mr. KING. I do not agree with the Senator at all.

Mr. WATSON. That is the decision in plain language, that two and two are four.

Mr. KING. The Supreme Court held it in that particular case——

Mr. WATSON. Certainly; in that particular case.

Mr. KING. But they did not hold that in a proper proceeding in the domicile of the witness a subpœna would not lie. A subpœna does not lie from a district court beyond its jurisdiction.

Mr. WATSON. The second case carried to the Supreme Court has not been decided after practically two years. It is still there and has not been decided. But the language of the organic act which created the Labor Board shows its impotency in that respect, because, I will say to my friend from Utah, as a fundamental proposition where there is no power to enforce a decree there is no power to compel the preliminary steps which lead up to the decree. I regard that as fundamental.

Mr. KING. I do not know whether I agree with the Senator or not. I know that many States provide arbitration and do not provide for the decision of the arbitrators to be filed, and yet they authorize the arbitrators to issue subpœnas. That is done by statute in some States.

Mr. WATSON. They can compel their attendance or go into the courts.

Mr. KING. I am seeking for information, because it does seem to me that we have not attributed to the existing law

some of the virtues and powers which belong to it under the statute. It is provided that—

> For the efficient administration of the functions vested in the Labor Board by this title, any member thereof may require by subpœna issued and signed by himself the attendance of any witness, the production, etc.

Then in case of a failure to comply with any subpœna, or in case of contumacy of a witness appearing before the Labor Board, the board may invoke the aid of the United States district court. My recollection of the case to which the Senator refers is that an attempt was made to serve the subpœna, or to give it validity outside of the district or the State in which the subpœna was issued. A subpœna issued by the District Court of the United States for the Eastern District of Pennsylvania would have no effect in Ohio, but the District Court of the United States for the Eastern District of Pennsylvania could take appropriate steps to invoke the powers of the courts of Ohio for the purpose of taking the deposition of the witness there; and that question has not been decided, as I understand, adversely to the contention that subpœnas may issue and the benefit of subpœna be obtained by this board.

I assert—not, of course, with vehemence or with any great degree of certainty, because I have not given the attention to the matter that others have—that a subpœna could issue and could be served and could be effective outside of the jurisdiction in which it was issued by taking the appropriate steps where the witness was found.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator from Utah a question?

Mr. KING. I yield.

Mr. SHORTRIDGE. The law specifically provides that a subpœna may issue, does it not?

Mr. KING. Yes; it does.

Mr. SHORTRIDGE. Then, I do not see the Senator's point.

Mr. KING. The contention, as I understood my able friend from Indiana, was that the subpœna was a mere idle piece of paper; that it had no effect whatever; that the board had no power to issue a subpœna; that, while the law said it had such power, the words were meaningless; that because they did not have the power to enforce a subpœna by effective measures, therefore the subpœna had no validity. Of course, I do not want to misinterpret my friend from Indiana, but that was the impression which his statement made at least upon me.

Mr. WATSON. That is to say, the Labor Board has no power to enforce any decision it may make; it has no power to enforce any decree, and therefore it has no power to enforce anything that leads up to the decree.

Mr. SHORTRIDGE. Did the Supreme Court reach that conclusion?

Mr. WATSON. I want to say to my friend that the Supreme Court did not pass upon that question squarely, but they very strongly hinted at it.

Mr. SHORTRIDGE. Of course, ordinarily where the law gives an official power to issue a subpœna it carries the thought that the subpœna is to be served and to be obeyed.

Mr. WATSON. But they decided that the Labor Board had no power to enforce its decrees; no power to compel anybody to do anything it said he ought to do; and, of course, that inevitably leads, as I understand, to the conclusion that if a body can not enforce a decree it can not enforce any steps that lead up to the decree, and naturally so.

Mr. KING. If the Senator from Indiana will bear with me, he knows, as well as does the Senator from California, that the Federal Trade Commission has no authority to enforce its decrees. All that it can do is to make public its findings as to the misconduct of an offending person.

Mr. WATSON. But does my friend——

Mr. KING. Let me complete my statement. But the Federal Trade Commission has the power if a subpœna is disregarded to go into court, the court will issue the subpœna, and the witness may be punished for refusing to obey the subpœna, which had been issued by the Federal Trade Commission. The Federal Trade Commission has no power to enforce its decrees or judgments. It says to John Jones, who has been found guilty of unfair practices, "We hereby issue the order that you cease and desist in the future from your unfair practices." If he does not do it, the board can not compel him to desist; but if he should refuse to come before them, or if any witness should refuse to come before them in an investigation, which they have instituted upon their own motion, they may resort to the court, and that man may be punished. I do not say that that is a complete analogy or a precedent, but I see no reason why it should not be entirely analagous and a precedent to determine the situation with respect to the law to which I am now referring.

Mr. CUMMINS. Mr. President, may I interrupt the Senator for just a moment?

Mr. KING. I yield to the Senator from Iowa.

Mr. CUMMINS. I do not quite agree with my colleague from Indiana with regard to the power of the Labor Board or with the conclusions to be drawn from the two cases to which he refers; but I will not enter upon that, because it is not material.

Mr. KING. Then, the Senator from Iowa more nearly agrees with me, does he not, and with my interpretation?

Mr. CUMMINS. We intended to give the Labor Board the authority to bring witnesses before it, but we did not intend to give them any power to enforce any order or decision they might reach. In fact, their finding ought not to be called a decision; it is simply the opinion of the Labor Board with regard to the particular merits of a given dispute.

Mr. WATSON. We intended to give that board the authority as the bill passed out of the Senate.

Mr. CUMMINS. Surely we had a plan when the bill passed the Senate originally that would have effected some real result, but we were not able to carry it into the bill as it finally became a law.

Mr. KING. Mr. President, I want to ask the Senator from Iowa or the Senator from Indiana another question. They place a construction upon this act—I am speaking of the transportation act——

Mr. WATSON. If my friend will permit me, I can not see what this has to do with the pending amendment.

Mr. KING. It is a general discussion of the bill.

Mr. WATSON. Yes.

Mr. KING. I do not quite understand the position of those Senators that the Labor Board has no authority to review or to interrupt the immediate putting into effect of decisions agreed upon or agreements made voluntarily by the carriers and the employees.

Mr. WATSON. It is because it would be unconstitutional.

Mr. KING. That question has not been raised.

Mr. WATSON. Oh, yes. In the Adamson case it was squarely raised, and Chief Justice White decided in hæc verba that a private agreement entered into as to wages was not subject to the control or review of any public authority.

Mr. KING. Mr. President, that does not quite reach the question.

Mr. WATSON. Oh, absolutely. Suppose that the Pennsylvania Railroad Co. or a division of it should enter into an agreement to pay Bill Jones, say, $5 a day to work; does anybody pretend to say that any court or any power anywhere could interfere with that private agreement?

Mr. KING. Mr. President, I think the Adamson Act indirectly, if not directly, fixed wages.

Mr. WATSON. It directly fixed wages for this reason: The Supreme Court, in the Adamson law case, said where there was an agreement between the railroad company and its employees no power could interfere, but that the railroad and its employees had failed to agree, and therefore Congress might with propriety supply the missing link, and that the Congress had the right to fix the wage, because the other two parties had not fixed the wage. If, however, the two parties had fixed the wage, then nobody could interfere, because that would be unconstitutional.

Mr. CUMMINS. I desire to add an additional reason why the Labor Board has no such authority.

Mr. KING. I did not mean to infer that it had the authority to fix wages——

Mr. WATSON. Oh, no.

Mr. KING. But it had the authority to review?

Mr. CUMMINS. I understood the question; but my answer is not because it is unconstitutional—and that would be a sufficient answer, of course—but the answer is because we did not attempt to give the Labor Board any authority until a dispute arose.

Mr. WATSON. That is right.

Mr. CUMMINS. And it has no more authority to review a wage agreement than it has authority to review a treaty made between the United States and Great Britain.

Mr. KING. Then, the Senator construes the word "decision" there to mean a decision which is reached not by agreement between the parties?

Mr. CUMMINS. In the act the word "dispute" is used; there must be a dispute.

Mr. KING. Does not the law provide that there may be a review when a decision is reached and that that decision may

be the result of agreement as much between the parties as if it had been the result of some other intermediate act?

Mr. WATSON. Not at all.

Mr. CUMMINS. I do not so construe it.

Mr. KING. I am not so sure about that; the point has never been decided.

Mr. WATSON. The language is explicit, I will say to the Senator.

Mr. KING. I think it is quite ambiguous, as I read it.

Mr. WATSON. I think it is explicit. Where there is an agreement between the employer and the employees nobody can interfere; it is unconstitutional to interfere.

Mr. KING. When a decision is reached it is subject to review, and the public then have an interest in it through the Labor Board.

Mr. WATSON. It is not subject to review at all where there is an agreement, because it is absolutely unconstitutional to interfere with it.

Mr. KING. That is the view that the Senator takes. I am not speaking now as to the constitutionality of it; I am merely speaking of what interpretation is to be placed upon the language of the section to which I have called attention.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. CURTIS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CURTIS. I now suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Kansas suggests the absence of a quorum. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Sheppard
Bayard	Frazier	McLean	Shipstead
Bingham	George	McMaster	Shortridge
Blease	Gerry	McNary	Simmons
Borah	Gillett	Mayfield	Stanfield
Bratton	Glass	Means	Steck
Broussard	Goff	Metcalf	Stephens
Bruce	Gooding	Moses	Swanson
Butler	Hale	Neely	Trammell
Cameron	Harreld	Norbeck	Tyson
Caraway	Harris	Norris	Underwood
Copeland	Heflin	Nye	Walsh
Couzens	Howell	Oddie	Warren
Cummins	Johnson	Overman	Watson
Curtis	Jones, N. Mex.	Phipps	Weller
Deneen	Jones, Wash.	Pine	Wheeler
Dill	Kendrick	Pittman	Williams
Edwards	Keyes	Reed, Pa.	Willis
Ernst	King	Robinson, Ind.	
Fernald	La Follette	Sackett	
Ferris	Lenroot	Schall	

The PRESIDENT pro tempore. Eighty-one Senators having answered to their names, a quorum is present. The question is upon agreeing to the amendment proposed by the Senator from Kansas [Mr. CURTIS]. Upon this question the yeas and nays have already been ordered. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). On this bill and the amendments I am paired with the senior Senator from Florida [Mr. FLETCHER]. If he were present, he would vote "nay." If at liberty to vote, I should vote "yea."

Mr. FERRIS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PEPPER]. If he were present, he would vote "nay," and I should vote "yea."

Mr. TRAMMELL (when Mr. FLETCHER's name was called). I announce the absence of my colleague [Mr. FLETCHER] on account of illness. If he were present, he would vote "nay." He is paired with the Senator from Maine [Mr. FERNALD].

Mr. GOFF (when his name was called). On this bill I have a general pair with the senior Senator from Mississippi [Mr. HARRISON]. I am informed that if he were present, he would vote "nay" on the pending amendment. If I were at liberty to vote, I should vote "yea."

Mr. KING (when his name was called). Upon this matter I am paired with the Senator from South Carolina [Mr. SMITH], who is absent on account of illness. Not knowing how he would vote, I withhold my vote.

Mr. REED of Pennsylvania (when Mr. PEPPER's name was called). My colleague, the senior Senator from Pennsylvania [Mr. PEPPER], is necessarily absent to-day. If he were present, he would vote "nay."

Mr. WADSWORTH (when his name was called). On this matter I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. In his absence I withhold my vote.

The roll call was concluded.

Mr. GERRY. I desire to announce that the Senator from Louisiana [Mr. RANSDELL] is necessarily detained on official business. If present, he would vote "yea."

Mr. JONES of Washington. I desire to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Missouri [Mr. REED]. If present, the Senator from Delaware would vote "nay" and the Senator from Missouri would vote "yea."

The result was announced—yeas 12, nays 64, as follows:

YEAS—12

Bayard	Hale	McMaster	Underwood
Bingham	Keyes	Moses	Weller
Curtis	McLean	Norbeck	Williams

NAYS—64

Ashurst	Fess	Lenroot	Sackett
Blease	Frazier	McKellar	Schall
Borah	George	McNary	Sheppard
Bratton	Gerry	Mayfield	Shipstead
Broussard	Gillett	Means	Shortridge
Bruce	Glass	Metcalf	Simmons
Butler	Gooding	Neely	Stanfield
Cameron	Harreld	Norris	Steck
Caraway	Harris	Nye	Swanson
Copeland	Heflin	Oddie	Trammell
Couzens	Howell	Overman	Tyson
Cummins	Johnson	Phipps	Walsh
Deneen	Jones, N. Mex.	Pine	Warren
Dill	Jones, Wash.	Pittman	Watson
Edwards	Kendrick	Reed, Pa.	Wheeler
Ernst	La Follette	Robinson, Ind.	Willis

NOT VOTING—20

Capper	Ferris	King	Robinson, Ark.
Dale	Fletcher	McKinley	Smith
du Pont	Goff	Pepper	Smoot
Edge	Greene	Ransdell	Stephens
Fernald	Harrison	Reed, Mo.	Wadsworth

So Mr. CURTIS's amendment was rejected.

Mr. KING. Mr. President, I have examined this bill with some little care; and I am not quite able to determine, and I shall be glad to be advised by the chairman or some other member of the committee if they care to do so, whether employees not members of a union have any right to be represented or covered by or have the advantages of the bill; whether they are to be included in the groups which seem to be contemplated by the bill; and if not, how their rights are to be protected.

Obviously, a bill designed to prevent controversies between the carriers and their employees ought to afford every opportunity to all employees, whether they belong to a group or whether they are outside of a group. Some who are supporters of the bill tell me that undoubtedly it was intended that every employee should have all of the advantages that this bill provides in the way of conciliation, mediation, and so forth. I shall be glad to know from those who framed the bill whether there is full protection for all employees, whether they belong to a union or whether they do not, whether they are members of a small union or whether they are members of a big union.

Mr. WATSON. Mr. President, I can say to my friend that that question was discussed in the committee. I have no doubt that the present language covers all the unions and all those that are not members of unions.

Mr. KING. All employees of every grade, kind, character, and description?

Mr. WATSON. That is my judgment about it. That is the judgment of Mr. Richberg, who, as the Senator knows, is a very able lawyer and with whom I have discussed this particular question several times, and also two or three of the heads of the organizations, and also Mr. Thom. I have not asked anybody on that side except Mr. Thom. We all know what an able lawyer he is.

Mr. KING. I agree with the Senator.

Mr. WATSON. They all state to me that beyond any doubt in the world all classes and groups and individuals are covered.

Mr. CURTIS. Mr. President, may I interrupt the Senator?

Mr. WATSON. Certainly.

Mr. CURTIS. I understood the Senator or some one to say the other day, when the question was asked, that the word "employee" would protect or cover individuals. The bill says "an employee or group of employees." Some one made that statement on the floor of the Senate.

Mr. WATSON. I will say to my friend from Kansas that the bill provides as follows:

Boards of adjustment—

For instance—

shall be created by agreement between any carrier or group of carriers, or the carriers as a whole, and its or their employees.

The agreement—

(a) Shall be in writing;

(b) Shall state the group or groups of employees covered by such adjustment board;

(c) Shall provide that disputes between an employee or group of employees and a carrier, growing out of grievances or out of the interpretation or application of agreements—

And so forth; covering, as I think, every individual employee who has a grievance, or any group of employees, or any organization of employees, or any person not a member of any organization of employees. That is my individual opinion about it.

I will say to the Senator that when the Esch-Cummins Act was under consideration by the Senate committee, we included by express terms subordinate officials. They were here represented. They thought they wanted to be included, and we did include them by express provision. I had not any particular objection to making that classification in this bill, but after I had consulted with all the persons who formulated this bill, and they said they had included everybody, I came to the conclusion that all were included.

Mr. CURTIS. May I call the Senator's attention to the language on page 2:

The term "employee" as used herein includes every person in the service of a carrier.

Mr. KING. I asked the question because a number of persons who have spoken to me were afraid that the word "group" was used to qualify the word "employee," and that to come within the benefits of the act, one had to come within a group.

I think the interpretation placed upon the language the Senator just read is the only one that can be placed upon it, and it seems to me that unless that interpretation is placed upon it, the Senator ought to offer an amendment that will afford full protection to every employee working for the carrier.

Mr. WATSON. A Senator calls my attention to the fifth classification, found on page 2, which I had momentarily overlooked:

The term "employee" as used herein includes every person in the service of a carrier (subject to its continuing authority to supervise and direct the manner of rendition of his service) who performs any work defined as that of an employee or subordinate official.

Mr. KING. I thank the Senator for his frank expressions. May I ask him whether his intention, and, so far as he knows, the intention of his colleagues, is to have the bill sufficiently comprehensive to include all of the employees?

Mr. WATSON. It certainly is.

Mr. KING. And that is the interpretation which they place upon the language of the bill?

Mr. WATSON. It certainly is, and so does the whole committee, unless it be the Senator from Maryland, who stands just behind the Senator, and who offered an amendment the other day, which was rejected by the Senate.

Mr. KING. May I trouble the Senator once more—and I thank him for his courtesy. Does the Senator think it would include also the various groups upon the Pennsylvania Railroad? For instance, they have the union group, and then they have another kind of a group, an employees group, who may not be characterized as members of the union.

Mr. WATSON. Certainly, they are included.

Mr. WHEELER. They have what they call a company union, and then they have another union. As I understand this bill, it includes both groups of individuals, whether they belong to what is commonly known as the company union, or to the regular labor union.

Mr. KING. May I ask the Senator from Montana, who is a member of the Committee on Interstate Commerce, and who has been giving very zealous and earnest attention to this bill, if the replies made by the able Senator from Indiana accord with his interpretation of the bill?

Mr. WHEELER. That was my interpretation, and I think the Senator is correct that that was the interpretation placed upon it by all the members of the committee.

Mr. FESS. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Utah yield to the Senator from Ohio?

Mr. KING. I yield.

Mr. FESS. I think this bill is the first bill that has respected the principle of collective bargaining. It permits anyone to speak for himself or for any union or for any group of nonunion people. In other words, it includes all elements that might come under the term "employees."

Mr. KING. I do not agree with the Senator. I think the transportation act recognized the principle of collective bargaining.

Mr. CUMMINS. It did, because it was expressly founded upon collective bargaining.

Mr. FESS. Including all classes?

Mr. CUMMINS. Yes.

Mr. FESS. I thought this was broader than anything we had yet undertaken.

Mr. KING. I think the Senator is in error.

Mr. BRUCE. Mr. President, I have several amendments I want to offer to this bill. The first one relates to the constitution of the board of mediation provided for by it. I would like to have the amendment read, and then I wish to make a brief explanation of it.

The PRESIDING OFFICER. The clerk will report the amendment for the information of the Senate.

The LEGISLATIVE CLERK. On page 7, line 20, after the words "the Senate," insert the following: "not more than three of whom shall be members of the same political party."

Mr. BRUCE. Mr. President, I can not see why this board of mediation created by this bill should not be, as such boards usually are, or, at any rate, frequently are, a bipartisan board. As a matter of general policy, I think it is well that all such boards and commissions should be bipartisan bodies, though, of course, that is a controverted question.

The existing provisions of the pending bill relating to the board of mediation simply provide that—

There is hereby established, as an independent agency in the executive branch of the Government, a board to be known as the board of mediation, and to be composed of five members appointed by the President, by and with the advice and consent of the Senate.

The effect of the amendment would be to impose upon the President, when he comes to appoint the members of this board of mediation, the duty of seeing to it that not more than three of the five persons he appoints are members of the same political party. It seems to me that that amendment is so just and reasonable, so abundantly supported by precedents and practice, that it ought to receive the unanimous approval of the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McLean	Sheppard
Bayard	Frazier	McMaster	Shipstead
Bingham	George	McNary	Shortridge
Blease	Gerry	Mayfield	Simmons
Borah	Gillett	Means	Smoot
Bratton	Glass	Metcalf	Stanfield
Broussard	Goff	Moses	Steck
Bruce	Gooding	Neely	Stephens
Butler	Hale	Norbeck	Swanson
Cameron	Harreld	Norris	Trammell
Caraway	Harris	Nye	Tyson
Copeland	Heflin	Oddie	Underwood
Couzens	Howell	Overman	Wadsworth
Cummins	Johnson	Phipps	Walsh
Curtis	Jones, N. Mex.	Pine	Watson
Deneen	Jones, Wash.	Pittman	Weller
Dill	Kendrick	Ransdell	Wheeler
Edge	Keyes	Reed, Pa.	Williams
Edwards	King	Robinson, Ark.	Willis
Ernst	La Follette	Robinson, Ind.	
Fernald	Lenroot	Sackett	
Ferris	McKellar	Schall	

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment offered by the Senator from Maryland.

Mr. BRUCE. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maryland.

The amendment was rejected.

Mr. BRUCE. Mr. President, the amendment I am about to offer was suggested by the United States Civil Service Commission. They are of the opinion that the existing provisions of the pending bill in relation to the selection of the employees of the board of mediation are not as comprehensive as they should be. I send the amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report the amendment for the information of the Senate.

The legislative clerk read the amendment, as follows:

Strike out all of section 4, lines 16 to 21, from the word "Third," inclusive to the word and figure "and (3)," and substitute therefor the following:

"Third. The board may (1) appoint, in accordance with the civil service act of January 16, 1883, such experts and assistants to act in a confidential capacity and such other officers and employees, and (2)

in accordance with the classification act of 1923, fix the salaries of such experts, assistants, officers, and employees."

Mr. BRUCE. I am a member of the Senate Committee on Civil Service. A letter, dated March 3, 1926, which I received from the secretary of the Civil Service Commission with respect to this subject, reads as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., March 3, 1926.

Senator WILLIAM CABELL BRUCE,
United States Senate.

MY DEAR SENATOR BRUCE: This commission would suggest for the consideration of your committee the advisability of amending S. 2306, a bill to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, as reported by Senator WATSON with amendments on February 26, 1926, so as to bring within the provisions of the civil service act in the matter of appointments experts and assistants to act in a confidential capacity, who under the present phraseology of the bill would be excepted from the civil service act. This purpose would be accomplished by amending the paragraph beginning on page 10, line 16, to read as follows to the end of line 21:

"Third. The board may (1) appoint, in accordance with the civil service act of January 16, 1883, such experts and assistants to act in a confidential capacity and such other officers and employees, and (2) in accordance with the classification act of 1923 fix the salaries of such experts, assistants, officers, and employees, and (3) make such expenditures." * * *

It has been the experience of this commission that when the appointments of experts are excepted by law there is a tendency to make many appointments under the designation of experts of persons who can not by any fair interpretation of the designation be properly regarded as expert. In other words, a large part of the clerical force which, should should by every consideration of consistency and public interest be appointed through competitive examination from among those showing the highest degree of qualification, are as a matter of fact appointed through other considerations without examination under the designation of expert.

This was particularly true in the case of appointments to the Bureau of War Risk Insurance (now the Veterans' Bureau). The statute provided that, "with the exception of the director, the commissioners, and such special experts as the Secretary of the Treasury may from time to time find necessary for the conduct of the work of the bureau, all employees of the bureau shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil service law." The result of this legislation was that large numbers of persons without the least rightful claim to the designation of expert were appointed as experts to positions which, in the opinion of the commission, should have been filled in accordance with the civil service law.

The President can readily except from the requirement of the civil service act any position or class of positions when such exemption is found necessary or desirable by the department concerned and by the Civil Service Commission. This practice limits the exemptions to the number actually found necessary at the time of the organization of the work and leaves the competitive system to apply to all those positions to which it can properly be applied, thus giving the service the advantage of the best material which presents itself.

By direction of the commission:

Very respectfully,

JOHN T. DOYLE, *Secretary.*

The contents of this letter are so clear that nothing in the nature of additional explanation is required of me. As my Democratic colleagues are apparently averse to having any representative of the Democratic Party on the board of mediation provided for by the bill, it occurs to me that possibly they would be more disposed to give their support to a purely nonpartisan proposition like this.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maryland. [Putting the question.] The noes seem to have it.

Mr. BRUCE. I call for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. BRUCE. Mr. President, I have another amendment I would like to offer. The bill as it stands at present provides that the fact that an individual is connected by a tie of interest either with the railway executives or the railway workers shall not debar him from acting as an arbitrator on one of the boards of arbitration.

The act of 1888, which was the pioneer act with respect to this class of legislation, explicitly provided that the arbitrators contemplated by that act should not be connected by any tie of interest either with the railway companies or with their employees. It has always been a perfectly well-settled principle of law that in the absence of some express provision of law to the contrary no man should act or be allowed to act as an arbitrator in an ordinary private controversy if associated by any pecuniary or other tie of interest with the subject matter of the controversy. Of course, the form of the particular provisions in relation to the qualifications of the arbitrators under the pending bill is nothing less than revolutionary.

It provides that the railway employees may appoint one arbitrator and that the railway executives may appoint another arbitrator, and that those two arbitrators shall appoint a third arbitrator. Of course, it must be admitted, so far as the third arbitrator is concerned, that perhaps he would be more or less at any rate neutral or impartial. Then there is a further provision in the pending bill to which I think it is only proper that I should call the attention of the Senate, that in case the two partisan arbitrators selected by the railway executives and the railway workers can not unite upon the third arbitrator, then the third arbitrator shall be appointed by the board of mediation.

I recall the fact that a great many years ago the Baltimore & Ohio Railroad Co. in the State of Maryland and the Camden Co. had an arbitration of very great importance. One of the arbitrators selected in that arbitration was the late Mr. William W. Spence, of Baltimore. After the award of the arbitrators was rendered it was discovered that Mr. Spence was a stockholder in one of the two companies, and the award was set aside by the court.

We all know that arbitrators, whether they have any pecuniary tie or other tie of interest connecting them with the subject of the controversy or not, lean more or less in favor of the party to the controversy by which the particular arbitrator happens to be appointed; but still we all know, too, that every arbitrator, notwithstanding that natural leaning, is expected to be faithful to general considerations of fairness and integrity and impartiality in the discharge of his arbitral duties. It seems to me that the amendment should receive the favorable consideration of the Senate.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being noted, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McLean	Sheppard
Bayard	Frazier	McMaster	Shipstead
Bingham	George	McNary	Shortridge
Blease	Gerry	Mayfield	Simmons
Borah	Gillett	Means	Smoot
Bratton	Glass	Metcalf	Stanfield
Broussard	Goff	Moses	Steck
Bruce	Gooding	Neely	Stephens
Butler	Hale	Norbeck	Swanson
Cameron	Harreld	Norris	Trammell
Caraway	Harris	Nye	Tyson
Copeland	Heflin	Oddie	Underwood
Couzens	Howell	Overman	Wadsworth
Cummins	Johnson	Phipps	Walsh
Curtis	Jones, N. Mex.	Pine	Watson
Deneen	Jones, Wash.	Pittman	Weller
Dill	Kendrick	Ransdell	Wheeler
Edge	Keyes	Reed, Pa.	Williams
Edwards	King	Robinson, Ark.	Willis
Ernst	La Follette	Robinson, Ind.	
Fernald	Lenroot	Sackett	
Ferris	McKellar	Schall	

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present.

Mr. BRUCE. I should like now, formally, to offer the amendment which I send to the desk and have it read, Mr. President.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maryland, which will be read for the information of the Senate.

The LEGISLATIVE CLERK. It is proposed to strike out all of paragraph (d), section 7, page 18, and substitute therefor the following:

(d) No person named as an arbitrator by the carrier or carriers, or the representatives of the employees, parties, respectively, to the agreement to arbitrate, or as a third arbitrator by them who is in the employment of or who is pecuniarily or otherwise interested in any organization of employees, or any carrier, shall enter upon the duties of or continue to be an arbitrator.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maryland.

The amendment was rejected.

Mr. BRUCE. Mr. President, I am about to offer an amendment now which, to be thoroughly understood, should be considered in connection with another amendment which I propose subsequently to offer; in other words, for all practical purposes the two amendments constitute together a unit.

I must say, after the disposition that has been made of those other amendments offered by me, I have little hope of these two amendments being adopted, but I really am very much indebted to my Democratic colleagues for giving me a clearer conception

of the idea of some of them as to party fealty than I ever have formed heretofore. I heard one of my Democratic colleagues express the hope only yesterday that a Republican Senator on the other side of the Chamber who has just been renominated by his party would certainly be reelected, and I have again and again seen some striking illustrations of what seemed to me, even with my general independence of attitude, to be most flagrant illustrations of what I conceive to be party infidelity.

I believe that I am supposed to be the Democratic horse who is hardest to keep in the traces, but I am beginning to think that I really am but an illustration of the old English proverb—

Some men are not hung even for stealing a horse, but others are hung for doing nothing more than looking over the hedge.

I am going to wait to see on just what principles the Democratic Members of this body can justify themselves, when the Republican Members of this body are entirely willing that there should be a bipartisan representation on these boards of mediation, and yet are unable to carry that disposition into effect because the proposition is voted down by Members of this body on this side of the Chamber. It is fair to assume that when the board of mediation shall go into effect, if it ever shall, the President, if authorized to do so, would be glad to appoint on it in addition to three Republicans, two Democrats. Some very powerful undertow of some sort or other, I do not know exactly what, must have operated in this case to restrain the usual sense of party obligation.

It is no real breach of party loyalty for some Democrat or Republican to refuse to participate in some little paltry, wretched, empty party gesture. The test of whether or not a man is a party man comes when the readiness to vote in favor of party measures is involved, or when his readiness to secure the appointment of members of his own party to high places is involved. I say never again let any Democrat in this body seek to cast any reproach on my party fidelity, or my disposition at any and all times to vote in favor of and to promote Democratic measures and to secure the appointment of Democrats to office.

Now, I am going to put up to every Senator in this body, Republican or Democrat, no matter what may be his view about the general merits of this bill, the responsibility of saying whether or not he is going to do all in his power to see that the public interests are properly safeguarded under the provisions of this bill.

I am not going to thresh out any old straw; I do not intend to chew the cud of past discussion. I have endeavored to point out in my feeble way the good points of the present Railroad Labor Board legislation, which are many, and if what I have said has fallen upon deaf ears or ears that did not hear what I said at all, because they were not present in this Chamber, that is not my fault.

Whatever else may be said about the Railroad Labor Board, it is at least clothed with ample power to elicit all the facts, oral or documentary, involved in a labor dispute, and to lay those facts before the people of the United States, and to bring the pressure of public opinion to bear upon the settlement of the dispute. It matters little that this board has no punitive authority; it matters little that it can invoke no compulsory process of any sort, because back of it, in its practical operations, is the ability of the general American public to determine, after it has received the fullest measure of information from it, whether it is the railway companies or the railway workers who are in the wrong. We all know, exalted as is the jurisdiction of the Supreme Court, powerful as is the authority of Congress, potent as is the authority of the President of the United States, there is more real authority in the little finger of public opinion than in the entire loins of all those three departments of the Federal Government.

But for the proposed emergency board there would be no provision in this bill whatsoever by which publicity could be given to conditions surrounding any labor dispute, or by which the impact of public opinion could be brought to bear upon the merits or the demerits of any such dispute. The railway executives and the railway workers may never form any adjustment boards. If they do not choose to do so, there is nothing to be found in the four corners of the pending bill to compel them to do so. The board of mediation, under the provisions of this bill, has the right, even though its mediatorial officers are not invited, to proffer its services; that is to say, to approach the railway executives and the railway workers at some time, perhaps, of fearful excitement and terrible stress, and offer its bottle of soothing sirup to the feverish lips of the disputants, or rather, I should say, the combatants; but if its mediation is rejected by the parties, or if it is brushed aside, there is nothing that it can do except the one thing that would then create any excuse for its existence, and that is exercise its power to go to the President and say to him, "The parties to this labor dispute have absolutely refused to arbitrate it, which they had a perfect legal right to do. The dispute has been fanned by excitement to the very highest point of intensity; the railway executives and the railway workers are at each others throats; transportation throughout the land is menaced; indeed, it may be that the people of the Nation may even be deprived of food and other necessaries of life. Nothing can be done by any official in the land independently of the extreme medicine of the law to handle this direful situation except that you, the President of the United States, are empowered under the provisions of the labor dispute act to appoint an emergency board to investigate the pending dispute and to render a report."

I admit that the authority of the President to appoint that emergency board is a thing of the very highest significance under the provisions of the pending bill. The only other thing that is of anything like the same significance in the bill is the fact that the bill has been agreed upon by a majority of the railway workers of the land and by a majority of the railway executives of the land. Not one single word, however, is there in the provisions of the pending bill relating to this emergency board to clothe that board with the power to elicit any oral testimony from anybody, or to require the production of books or any other form of documentary evidence from anybody.

Were an emergency board to attempt to exercise its powers under this bill unamended, all it could do would be to go on a fishing expedition—the Senator from Utah [Mr. KING] suggests, without any bait; the Senator from West Virginia [Mr. NEELY] suggests, without any bait except such as is calculated to catch suckers. I say certainly without any bait likely to snare any fish worth speaking of. In other words, this emergency board, if the form of this bill is not changed, would have to rely on such scraps of hearsay evidence as it could gather here and there, or on the musty records of the present Railroad Labor Board, or, in some collateral respects, upon the records of the Interstate Commerce Commission. If there were a disposition upon the part of the railway executives or the railway workers to withhold from it the facts of a controversy, it would have no means of getting at those facts. In other words, this emergency board would have no facilities whatsoever for securing any fresh, living, direct, truly probative testimony, oral or documentary, relating to the merits of the pending labor dispute. It is a mere semblance of a board so far as true authority is concerned. It has no real heart, joints, or thews. There is no substance in it. It is nothing but the shadow of a shade, a mere spectral, anemic thing, destitute of all real vigor of every sort, except that of investigating without any effective means of investigation.

Oh, yes; I know that it is hard for the members of a legislative assembly to resist a joint appeal made to them both by the great railroad magnates of the land and by the railway workers. It is asking more of human nature, I suppose, than human nature will ever give to expect that under such circumstances large numbers of the representatives of the people will not be only too quick to shelter themselves in real or supposed political security behind such a united appeal to them as that. But I say to every Member of the Senate that as this bill stands at present the only individuals whose interests are not properly protected, are not adequately safeguarded, are those individuals that constitute the collective people of the United States.

We can not promote the popular interests by heeding simply the appeal of a lot of railroad executives or by heeding simply the appeal of a lot of railroad workers. They do not constitute the people of the United States. They are parts of the people of the United States, of course. They are entitled to have all their special interests—indeed, to a certain degree their class interests—properly taken into account by Congress. But back of these railroad executives, back of these railroad workers, are the millions and millions of human beings who make up the people of this land, thousands and thousands of farmers interested to see that there is no undue inflation of shipping rates because of excessive wages, and thousands and thousands of manufacturers and industrial employers who have the same deep concern in the proper shaping of railway legislation as the farmers.

When the Members of this body come to account to their constituencies they will not account simply to my friend, Mr. Daniel Willard, of the Baltimore & Ohio, or Mr. Atterbury, of the Pennsylvania Railroad, or the presidents of those other railroad corporations, or to my friends, the members of those railroad brotherhoods which are asking for the passage of this bill. They must account, I say, to the great body of American

citizens who have no special or class interest of any kind in railroad legislation and no interest of any kind except to see that such legislation is not enacted in such a way as to work oppression and injustice to the economic requirements of the country.

So what good reason can any man give to me why he should not vote for these amendments that I have offered, clothing this emergency board with the power to elicit all the facts surrounding a labor controversy; to put witnesses, if necessary, on the stand in their presence and in the public eye; to call for the production of books and other documentary testimony bearing upon the particular labor controversy in hand? I had almost said, How dare you, the representatives of the people, deny to them this simple elementary protection to which they are so richly entitled? Do you propose to place the appeals and importunities of railway executives above the interests of the mass of the people? Do you propose to place the appeals and importunities of railway workers above the interests of the mass of the people?

If this emergency board is endued with the degree of legal power with which it should be, this bill ought to be acceptable to every Member of the Senate, because, invigorated as emergency boards would be by the provisions of my amendment, when a labor dispute reached the angry and all but irreconcilable stage of agitation, they would be able to take care of the interests of the people of the United States. Properly amended, I do not hesitate to say that in my judgment this emergency board would be a better instrument for the promotion of the public welfare in labor controversies than the present railway labor legislation. To begin with, with my amendments the emergency board would be entirely free from the feature of class representation, and it would have the same power to invoke the pressure of public opinion that the present Railroad Labor Board has. In fine, it would have all the powers and authority that it need have to safeguard the public welfare; and these emergency boards, properly organized, meet with my approval all the more readily because, as I have said before, it is idle for any man to affirm that the fact that this large body of railway executives and this large body of railway workers have given their assent to the passage of the pending bill is not a circumstance of high import, of uncommon significance.

Both railway executives and railway employees have pledged themselves, so far as men can be pledged under such circumstances, to a due observance of the provisions of the pending bill. It is the child of their joint negotiations, consultations, and deliberations. It has not been imposed upon them ab extra. It is to a very considerable degree, though perhaps not altogether, the offspring of their own unbegrudging volition.

We should bear in mind some of the circumstances surrounding the presentation of this bill to Congress which have not occupied at all a conspicuous position in the discussions in Congress relating to it. At this very moment, if I am not misinformed, the railway workers of the United States have made requests for increases of wages amounting in the aggregate to upward of half a billion dollars. Just as soon as the ink becomes dry upon the pending bill and the members of these adjustment boards and of the board of mediation have been appointed, those requests for wages will be duly pressed.

Unless all our experience in the past is at fault, if any of these requests for increased wages are denied, there will be disappointment, there may be resentment, and there may be angry, unreasoning resentment. There has been such resentment in the past. Then your adjustment boards and your mollycoddle board of mediation may be consumed like so much inflammable stubble in the fire. The executives or the workers may refuse to resort to adjustment boards or invoke the board of mediation at all. They may refuse to submit their disputes to arbitration. Then there would be nothing whatever left short of armed compulsion, clothed with the insignia of public authority, representing the welfare of the whole people of the United States, personifying law and order, upholding the Government and civil liberties, which are at this moment at stake in England because of a widespread, ruinous strike, except the power of the President to appoint an emergency board to investigate the sources and issues of the controversy and to enlighten the American public as to their nature, and to bring to bear upon the controversy the force of public opinion.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from California?

Mr. BRUCE. I yield,

Mr. SHORTRIDGE. We all appreciate the great influence of well-informed public opinion. Does not the learned Senator from Maryland think that during the pendency of any controversy which might arise public opinion would be forming and would be focusing on the parties disputant? Is there any way public opinion can be prevented from forming and focusing in a great controversy in which the public is so vitally interested?

Mr. BRUCE. The public would have no real opportunity to bring its influence to bear upon a labor controversy under the provisions of this bill unless and until that controversy reached the President, under his power to appoint an emergency board. The proceedings of adjustment boards, under this bill, are not to be conducted in public. There is no legal reason why the public should know anything about what may transpire in the conference rooms of these adjustment boards. There is no provision in the pending bill for publicity in relation to the proceedings of the boards of mediation. They sit in conclave. I will not say in star chamber; that would not be the proper term, but they sit in secret conclave. Whether purposely or otherwise, the public is not to be admitted to any conferences between the board of mediation and the workers and the railway executives.

There is no provision even in the pending bill that the light of publicity shall envelop the transactions of any board of arbitration, though the boards of arbitration created by the bill are empowered to take such testimony as they may see fit to take.

As I have said before, except so far as the board of mediation is concerned, the public is left entirely out of the calculations of the bill, until an industrial dispute has become so hopeless, so far as the great mass of the machinery of adjustment and conciliation under this bill is concerned, that no resource is left to the public peace except for the board of mediation to suggest to the President the expediency of appointing an emergency board.

Mr. SHORTRIDGE. Will not the Senator admit that there is no more privacy in the world, and that whatever goes on is made a matter of public knowledge? I can not conceive of a controversy arising such as we may fear but hope might not arise; and the parties are seeking to compose that controversy, without all the facts being spread before the people, resulting in what we call public opinion.

Mr. BRUCE. The Senator, to begin with, has forgotten the privacy with which the executive sessions of the very body in which he sits are enveloped.

Mr. SHORTRIDGE. There is no more privacy in respect of our executive sessions, except as to one matter, and I would gladly have that in the open, made public——

Mr. BRUCE. Nobody outside of the Senate has ever been able to find out who voted for and who voted against Mr. Woodlock, assuming anybody at all voted against him——

Mr. SHORTRIDGE. Certainly not.

Mr. BRUCE. Of course, we all know that a wild spirit of panic, like that which comes down to us from the Greek divinity Pan, passed through the breast of more than one Member of this body——

Mr. SHORTRIDGE. But not through mine.

Mr. BRUCE. When the idea that publicity should be given——

Mr. SHORTRIDGE. I believe in it.

Mr. BRUCE. To the vote of the Senate with respect to Mr. Woodlock was suggested. I am prepared to say that it does seem to me that the Senator from California is one of the Senators in this body who is always prepared to shoulder any measure of responsibility that may be imposed upon him. If he ever shrinks from public responsibility, it has never been brought to my attention.

Mr. SHORTRIDGE. I am afraid of one thing, and only one thing, and that is to do wrong. I am not afraid to declare my position to the whole world, if the world is interested in it, concerning any vote I cast or any position I take in open or in executive session.

Mr. BRUCE. I am bound to say, though, that that reminds me just a little of that famous story about Theodore Roosevelt. The Senator will recollect that he was down South making a speech in that aggressive way of his and that when a colored man out on the outskirts of the audience said to another colored man, "Who is dat man speakin'?" The latter replied, "I don't know, but he certainly do recommend hisself most highly." [Laughter.]

Mr. SHORTRIDGE. It was not becoming in me to make that allusion to myself, but since it provokes laughter in the gallery, I do very seriously say—I beg pardon for saying it; I would more gladly say it of the courageous and learned Senator from Maryland—that I am never afraid to declare my position. I do not claim to be annointed from on high to protect any interest. I may be in error; I may see through a glass darkly. But I am not afraid save to do wrong. And

may I indulge myself just a moment longer, trespass upon the courtesy of the Senator from Maryland?

Mr. BRUCE. Indeed the Senator may.

Mr. SHORTRIDGE. I provoked this digression by the question put, namely, Does not the Senator think that after all, with morning newspapers and evening newspapers, and with all the instrumentalities for scattering news, there would be no privacy in respect to these controversies, and that public opinion would form and would focus upon the subject matter under dispute, whether this bill stands as it is or is amended as it might be?

Mr. BRUCE. The newspaper press would have no facilities for getting at the facts, except in the one event of the emergency board appointed by the President proceeding to get at the facts. As I have said, there is no requirement in this bill that any of the transactions of the adjustment boards or the board of mediation or the board of arbitration shall be public, so what they were would be all guesswork upon the part of the newspapers. What information the newspapers obtained would be obtained in a wholly uncertain and haphazard way. They would probably get it in such a partial and fragmentary form that it would excite the alarm of the public rather than allay it. That is the thing during the present indefensible general strike in England, which should be deplored by every civilized country in the world. That strike has not only attempted to tie up transportation, and even the delivery of food, but has undertaken to trample into the dust that press which the old, immemorial language of Anglo-Saxon liberty termed the very palladium of human freedom. But I gladly hasten to say that, of course, so far as what I said about the Senator's observations a few moments ago is concerned, I was merely having my joke. The Senator has a pure conscience, a brave heart, and a clear mind.

Mr. SHORTRIDGE. May I observe to the Senator that if there had been in England law such as is here contemplated, and if it had been observed by the parties now fighting and in war, I do believe that the great strike, the great tragedy we witness, would have been averted. I may be altogether wrong in so thinking, but I firmly believe that the bill as framed makes for peace rather than for war in the railroad world. Is this proposed legislation wisely designed to achieve its beneficent purpose? I think it is. Is it an improvement on existing law having to do with the same subject matter? I think it is.

Mr. BRUCE. Why not have it make for complete peace by clothing the emergency board with the power to protect the interests of the public, should it become necessary to protect them?

Mr. SHORTRIDGE. There, of course, minds may differ as to the means to achieve the end desired.

Mr. BRUCE. All I am going to say in conclusion is that I trust that these amendments at any rate will be adopted. Personally I propose to vote for the bill for reasons that I have already given. I will take my chances with it even though it should not be amended as it ought to be, even though I believe that more or less danger lurks in its folds notwithstanding its many admirable provisions. But I do say that in my humble opinion any member of this body assumes an onerous responsibility indeed to his constituency and to the people of the United States if he refuses to vote for the amendments just offered.

To my mind a most extraordinary not to say ominous attitude is the attitude of the railway executives and the railway workers toward the bill. Ordinarily members of the public who are interested in legislation pending in Congress are willing to be reasoned with, to hear all that is to be said pro and con on each side of the controversy, and are prepared, however reluctantly, finally to submit to the conclusions of public authority. But from the very hour that the pending bill was introduced into Congress there have been individuals who have been at pains to let us know that we must accept it or nothing, without the dotting of an "i," without the crossing of a "t," as if it were some kind of an ark of the covenant on which no profane hand must, under any circumstances be laid. I say that there is at least one hand in this body that will be laid upon it without hesitation and without fear.

I am not prepared to have Congress abdicate its right to amend any bill if it thinks that it is in the interest of the public that it should be amended. I weigh the pending bill upon its merits and demerits exactly as I would weigh any other bill. There is nothing sacrosanct about it to me. I may not be able to accomplish anything else in regard to the amendments, but that remains to be determined; but no matter what the fate of the bill may be I shall at least let the people of the United States know, so far as my feeble voice is capable of letting them know, under precisely what conditions in every respect it will be enacted into law.

Mr. President, I ask that the amendments be read; and if there is no objection, I will ask that the two amendments be read together as they are practically a unit.

The VICE PRESIDENT. The Senator is offering the amendments at this time.

Mr. BRUCE. Yes, I am.

The VICE PRESIDENT. The Clerk will read the amendments.

The Chief Clerk read the amendments, as follows:

First amendment: Strike out all the words in section 10, subtitle "emergency board," from the beginning down to the word "*Provided, however,* That no member appointed shall be pecuniarily," etc, and substitute therefor the following:

"If a dispute between a carrier and its employees be not adjusted under the foregoing provisions of this act, the board of mediation shall immediately certify that fact to the President, whereupon, if in the judgment of the President such dispute threatens a substantial interruption of interstate train service, he may, in his discretion, create a board to investigate and report to him respecting such dispute. Such board shall be composed of such number of persons as the President may deem desirable."

Second amendment: After the words "make a report thereon to the President within 30 days from the date of its creation" in section 10 at the end of line 24, page 27, insert the words: "And for those purposes, it shall be clothed with all the powers of investigation hereinbefore conferred upon any board of arbitration which the carriers and their employees may set up to dispose of a pending dispute."

Mr. BINGHAM. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McLean	Schall
Bayard	Fess	McMaster	Sheppard
Bingham	Frazier	McNary	Shipstead
Blease	Gerry	Mayfield	Shortridge
Borah	Gillett	Means	Simmons
Bratton	Glass	Moses	Smoot
Broussard	Gooding	Neely	Stanfield
Bruce	Hale	Norbeck	Steck
Butler	Harreld	Norris	Stephens
Cameron	Harris	Nye	Swanson
Caraway	Heflin	Oddie	Trammell
Copeland	Howell	Overman	Underwood
Couzens	Johnson	Phipps	Wadsworth
Cummins	Jones, N. Mex.	Pine	Walsh
Curtis	Jones, Wash.	Pittman	Warren
Deneen	Kendrick	Ransdell	Watson
Dill	King	Reed, Pa.	Weller
Edge	La Follette	Robinson, Ark.	Wheeler
Edwards	Lenroot	Robinson, Ind.	Williams
Ernst	McKellar	Sackett	Willis

Mr. WHEELER. I desire to announce that the Senator from Vermont [Mr. DALE] and the Senator from Maine [Mr. FERNALD] are engaged in the Committee on Pensions.

Mr. NYE. I wish to announce that the Senator from West Virginia [Mr. GOFF] and the Senator from Tennessee [Mr. TYSON] are necessarily absent from the Chamber, being engaged in work before the Committee on Claims.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present. The question is on agreeing to the amendments offered by the Senator from Maryland.

Mr. EDGE. May the amendments be stated?

The VICE PRESIDENT. The clerk will read the amendments. They are corelated.

The Chief Clerk again read Mr. BRUCE's amendments.

Mr. MOSES and Mr. BRUCE called for the yeas and nays, and they were ordered.

Mr. WATSON. Mr. President, do I understand that the vote is being taken on one amendment or on two amendments?

The VICE PRESIDENT. Two amendments have been offered together.

Mr. BRUCE. I made the request that the two be treated as a unit, and there was no objection.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Maryland, on which the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a pair for to-day on this bill and all amendments with the senior Senator from Florida [Mr. FLETCHER]. Not knowing how he would vote, I withhold my vote.

Mr. FERRIS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PEPPER]. I am informed that if he were present he would vote "nay." If I were permitted to vote, I should vote "yea."

Mr. TRAMMELL (when Mr. FLETCHER's name was called). My colleague [Mr. FLETCHER] is detained from the Senate on account of illness. If present, he would vote "nay." He is paired, as has been announced, with the senior Senator from Maine [Mr. FERNALD].

Mr. GOFF (when his name was called). I have a general pair on this bill and amendments with the senior Senator from Mississippi [Mr. HARRISON]. If he were present, he would vote "nay." If I were permitted to vote, I should vote "yea."

Mr. REED of Pennsylvania (when Mr. PEPPER's name was called). If my colleague [Mr. PEPPER] were present, he would vote "nay" on this question. He is unavoidably absent.

The roll call was concluded.

Mr. KING (after having voted in the affirmative). I have a general pair upon this vote and others connected with this bill with the Senator from South Carolina [Mr. SMITH]. I am compelled, therefore, to withdraw my vote.

Mr. JONES of Washington. I desire to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Missouri [Mr. REED].

The result was announced—yeas 19, noes 57, as follows:

YEAS—19

Bingham	Gillett	Moses	Underwood
Bruce	Hale	Norbeck	Weller
Cummins	McLean	Phipps	Williams
Curtis	McMaster	Ransdell	Willis
Edge	Means	Robinson, Ark.	

NAYS—57

Ashurst	Gerry	Mayfield	Simmons
Bayard	Glass	Neely	Smoot
Blease	Gooding	Norris	Stanfield
Borah	Harreld	Nye	Steck
Bratton	Harris	Oddie	Stephens
Broussard	Heflin	Overman	Swanson
Butler	Howell	Pine	Trammell
Cameron	Johnson	Pittman	Wadsworth
Copeland	Jones, N. Mex.	Reed, Pa.	Walsh
Couzens	Jones, Wash.	Robinson, Ind.	Warren
Dill	Kendrick	Sackett	Watson
Edwards	La Follette	Schall	Wheeler
Ernst	Lenroot	Sheppard	
Fess	McKellar	Shipstead	
Frazier	McNary	Shortridge	

NOT VOTING—20

Capper	Fernald	Greene	Metcalf
Caraway	Ferris	Harrison	Pepper
Dale	Fletcher	Keyes	Reed, Mo.
Deneen	George	King	Smith
Du Pont	Goff	McKinley	Tyson

So Mr. BRUCE's amendment was rejected.

Mr. PHIPPS and Mr. BRUCE addressed the Chair.

The VICE PRESIDENT. The Senator from Colorado.

Mr. PHIPPS. Mr. President, I offer the amendment which I send to the desk. I presented it a day or two ago, and it has been printed. I ask the clerk to read it.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 15, line 24, after the word "carrier," it is proposed to insert the following words:

and no strike shall be called or declared by the officers or members of any organization of employees.

Mr. PHIPPS. Mr. President, the purpose of this amendment is to afford protection to the public. It is not necessarily in the interest of the carriers or the employees, although incidentally I believe it would benefit both. It would strengthen the position of the employees if the public knew that they were willing to refrain from tying up the transportation of the country until through the board of mediation or through a board of arbitration the differences in controversy might be settled.

The paragraph in which I have asked that this amendment may be inserted contains a provision under which the carriers are obligated not to make any change in the rates of pay, wages, working conditions, or rules during the pendency of an investigation and the endeavor to settle it.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to a question?

Mr. PHIPPS. Certainly, I yield.

Mr. ROBINSON of Arkansas. Does the amendment of the Senator relate entirely and only to action or proceedings before a decision shall have been reached?

Mr. PHIPPS. It relates only to action before a decision shall have been reached.

Mr. ROBINSON of Arkansas. Does the Senator think if, under the terms of this bill, an agreement is effected to mediate or arbitrate a controversy likely to arise that a party to the agreement would call a strike pending a decision? To do so would undoubtedly prejudice public opinion against the cause of the party calling the strike.

The danger of a tie-up of railway transportation, in my judgment, does not arise out of the likelihood of a general strike prior to a contemplated mediation or an arbitration that has been arranged for. There is not the slightest likelihood of a strike occurring under those conditions. The danger is that under the terms of this bill the railways and their employees will not arrange for a decision of their controversy, and that, as a result of their failure to mediate or to arbitrate, a general strike may be called, in which event the direst calamity would befall the country.

If the Senator will be good enough to yield to me a moment further, I will state in this connection some other views which I entertain respecting this bill.

Mr. PHIPPS. Mr. President, I had hoped to make my own position rather clearer, and then to yield the floor to whomsoever might desire to occupy it.

Mr. ROBINSON of Arkansas. If the Senator prefers not to yield at this time, I think that he is entitled to proceed.

Mr. PHIPPS. I have no desire, of course, to interfere with the Senator from Arkansas.

Mr. ROBINSON of Arkansas. I merely wanted to call the Senator's attention to the fact that I do not believe the amendment which he proposes will prevent the probability or the possibility of a general tie-up of railway transportation.

Mr. BRUCE. Mr. President——

Mr. PHIPPS. Mr. President, I hope I may be permitted first to make my statement before being interrupted further.

Mr. President, the bill provides that the board of mediation may tender its services. Prior to that time there is, to my mind, no great possibility of a strike, nor during the process of the mediation, perhaps. The members of the committee who have studied this question and who formulated this bill so declared; in their opinion, there is no danger of a strike. If that be the fact, then why not say so in the bill? If it is the attitude of the employees' organizations that they are going to avail themselves of the advantages of this bill, and in a proper way seek to settle the differences which they may have with their employers, should they object to saying in plain terms that they will refrain from organizing, calling, or declaring a strike until the board of mediation has had an opportunity to function as provided in the bill?

It seems to me that it would not only strengthen the position of the employees' organizations in the eyes of the public, but it would be a definite assurance to the public that during the pendency of the endeavor to settle a dispute organized labor would not be called out on strike by its officers or by a vote of its members.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado.

The amendment was rejected.

Mr. BRUCE. Mr. President, I have just one more amendment to offer—only one more—and that is the amendment of the subordinate officials of the railways, which I now present in a somewhat different form from that in which it was presented yesterday or the day before—I have forgotten, for the moment, which. Their proposition is still further simplified now by the substitution of a single special arbitrator for a board of three arbitrators for the settlement of any disputes that may arise between them and their employers.

The fact has already been pointed out that these subordinate officials, some 150,000 in number, constitute in a sense a class of their own and occupy a position which would seem to call for special treatment and consideration. I assume that all the Members of the Senate know who the subordinate railway officials are. They are the men who stand in between the railway executives and the great residuary mass of the railroad workers. Without making any invidious distinctions, I really think that it can be said that they are the very backbone of railway operation. They are the men who oversee, in one form or another, a shipment from the time that it leaves the point of origin until the time that it reaches its point of destination. They are a very sturdy, intelligent, capable body of men; though that, I am glad to say, can be said in all sincerity of all our railway workers.

To realize that this body of subordinate officials deserves the eulogium that I have passed upon them, to realize the tremendous responsibilities of every sort that are imposed upon their shoulders, all you have to do is to meet them, to look into their faces, to converse with them. Now, they do not want to be merged into the mass of the railway workers under the provisions of this bill, because they think that their situation is such as to call for the application of different principles from theirs; and, as I said the other day, it would be a blessed augury indeed of industrial peace if all the industrial workers of the United States could be as easily satisfied as respects the adjustment of labor disputes as this body of subordinate officials can be. They do not want any adjustment board. They do not want any board of mediation. They do not want

any emergency board. All they ask in this amendment is that some special arbitrator be appointed by the President at a salary of $8,000 a year, and that they be allowed the privilege, when any dispute arises between their employers and them, of submitting their case to that arbitrator, being perfectly prepared, no matter what the decision of the arbitrator may be, to abide by it.

As the Senator from Iowa [Mr. CUMMINS] said a few days ago—and certainly there is nobody in this body whose affirmations with reference to anything relating to railroad transportation are entitled to the same degree of respect as his—this body of subordinate officials can wisely be put upon a different footing from the great mass of the railroad employees; and I submit to the Senate that it is only just, it is only reasonable, that the very modest distinction that they ask to be taken between them and the other railway employees under the provisions of this bill should be duly conceded.

Mr. President, I ask that the amendment be read.

The VICE PRESIDENT. The Secretary will state the amendment.

The CHIEF CLERK. On page 3, line 3, after the word "employee," strike out the words "subordinate official."

After line 15, page 3, insert:

Sixth. The term subordinate official as used herein includes every person in the service of a carrier defined as a subordinate official in the orders of the Interstate Commerce Commission now in effect and as the same may be amended or interpreted by orders hereafter entered by the commission pursuant to the authority which is hereby conferred upon it to enter orders amending or interpreting such existing orders.

After line 13, page 5, insert:

SPECIAL ARBITRATOR

First. There is hereby established a special arbitrator, to be appointed by the President by and with the advice and consent of the Senate, with offices in the District of Columbia. The term of office of the special arbitrator first taking office shall be for a period of three years; subsequent appointments shall be for terms of five years, but any member appointed to fill a vacancy shall be appointed only for the unexpired term of his predecessor. The special arbitrator shall not be a member of or in any way connected with either the management of railroads, or the subordinate officials thereof.

Second. The special arbitrator shall decide any dispute between a subordinate official and a carrier, or between subordinate officials and a carrier or carriers, when referred to him jointly or by either party to a dispute, wherein an earnest effort has been made to adjust the dispute. Such decisions shall be final and binding on parties to a dispute.

Third. The special arbitrator shall receive a salary at the rate of $8,000 per annum.

Fourth. The special arbitrator is herewith vested with authority to employ necessary office help in accordance with the civil service act of January 16, 1883, and to fix their salaries or compensation in accordance with the classification act of 1923.

Line 6, page 15, after the word "employees," insert "or subordinate officials."

The VICE PRESIDENT. The question is upon agreeing to the amendment offered by the Senator from Maryland.

Mr. BRUCE. Mr. President, I ask for a yea-and-nay vote on that proposition.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. NEELY. Mr. President, I make the point of order that one-fifth of those present do not sustain the demand, and unless they do we can not have the yeas and nays.

The VICE PRESIDENT. Those desiring the yeas and nays will raise their hands.

Mr. BRUCE. Mr. President, I make the point of order that the Senator did not even wait until the Chair could see whether one-fifth did or did not sustain the demand for the yeas and nays.

The VICE PRESIDENT. The Chair is proceeding to ascertain.

Mr. NEELY. Mr. President, I resent that. There was no qualification about it. I call the Senator to order.

The VICE PRESIDENT. Those favoring the yeas and nays will raise their hands. [After a pause.] The yeas and nays are again ordered. The Secretary will call the roll.

The Chief Clerk resumed the calling of the roll.

Mr. FERRIS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PEPPER]. If he were present, he would vote "nay," and I would vote "yea."

Mr. REED of Pennsylvania (when Mr. PEPPER's name was called). My colleague [Mr. PEPPER] is necessarily absent today. If he were present, he would vote "nay."

The roll call was concluded.

Mr. KING (after having voted in the affirmative). Mr. President, I have heretofore voted "yea." I am paired with the Senator from South Carolina [Mr. SMITH], who is ill. Not being able to get a transfer, I am compelled to withdraw my vote.

Mr. TRAMMELL. I desire to announce the absence of my colleague [Mr. FLETCHER] on account of illness. He has a pair with the senior Senator from Maine [Mr. FERNALD]. If present, my colleague would vote "nay."

Mr. JONES of Washington. I desire to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Missouri [Mr. REED].

The result was announced—yeas 18, nays 56, as follows:

YEAS—18

Bingham	Curtis	McLean	Phipps
Borah	Edge	McMaster	Underwood
Bruce	Hale	Means	Weller
Copeland	Keyes	Moses	
Cummins	Lenroot	Norbeck	

NAYS—56

Bayard	Glass	Neely	Shipstead
Blease	Gooding	Norris	Shortridge
Bratton	Harreld	Nye	Simmons
Broussard	Harris	Oddie	Smoot
Butler	Heflin	Overman	Stanfield
Cameron	Howell	Pine	Swanson
Couzens	Johnson	Pittman	Trammell
Deneen	Jones, N. Mex.	Ransdell	Tyson
Dill	Jones, Wash.	Reed, Pa.	Wadsworth
Ernst	Kendrick	Robinson, Ark.	Walsh
Fess	La Follette	Robinson, Ind.	Warren
Frazier	McKellar	Sackett	Watson
Gerry	McNary	Schall	Wheeler
Gillett	Mayfield	Sheppard	Willis

NOT VOTING—22

Ashurst	Fernald	Harrison	Smith
Capper	Ferris	King	Steck
Caraway	Fletcher	McKinley	Stephens
Dale	George	Metcalf	Williams
du Pont	Goff	Pepper	
Edwards	Greene	Reed, Mo.	

So Mr. BRUCE's amendment was rejected.

Mr. NEELY. Mr. President, I am at a loss to know why my making a point of order at the beginning of the roll call, which has just been completed, provoked the petulance or aroused the ire of the distinguished Senator from Maryland [Mr. BRUCE]. After we had heroically listened to him long after patience had ceased to be a virtue——

Mr. BRUCE. Mr. President, I assure the Senator from West Virginia that while possibly I might have indicated impatience, I do not think I showed any ire.

I thought the Senator was making his point of order too soon, as I now think he was; but I may be wrong.

Mr. NEELY. I decline to yield to the Senator. I have the floor, and I call the Senator to order and ask him to take his seat until I shall have concluded my remarks.

Mr. BRUCE. If that is the sort of disposition the Senator has, I certainly will not intrude——

Mr. NEELY. Mr. President, I will not be interrupted by the Senator from Maryland.

The Senator's thinking that I raised my question of order too soon proves his utter ignorance of the rules.

Mr. BRUCE. Mr. President——

Mr. NEELY. The Chair had ordered the roll called——

Mr. BRUCE. I suppose the Senator can call anybody to order, but I must insist that he must not call me to order unless I shall be allowed the privilege of making an adequate reply.

Mr. NEELY. The Senator will have an opportunity in his own time to talk on and on and on, as he has talked for the last four or five days to the entire satisfaction of himself and the unspeakable distress of everybody else.

The VICE PRESIDENT. The Senator from West Virginia has the floor.

Mr. BRUCE. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield?

Mr. NEELY. I do not; and I have repeatedly so stated. I believe that I do not exaggerate when I say that we have listened to the Senator from Maryland speak approximately 75 times on this bill. We have learned to know in advance just what he is going to say. We should not be afflicted with more vain repetitions. Everyone now knows how he will vote on the pending bill and on every proposed amendment to it, regardless of anything the Senator from Maryland may say. No one will challenge the assertion that the Senator thinks that he knows better than anyone else how the Senate ought to vote on this and every other question that comes before it.

But regardless of what the Senator from Maryland thinks he knows, I do not intend to permit him to vote me, nor do I purpose to let him or anybody else dictate when or how I

shall assert myself in the Senate, so long as I am proceeding in conformity with the rules of this body.

Mr. President, it may be that the observations made by the Senator from Maryland a while ago about the failure of the committee to provide for a bipartisan board are justified. But perhaps the committee knew, as the distinguished senior Senator from Nebraska [Mr. NORRIS] knows, and has so frequently and recently pointed out, that it has become almost impossible to obtain a bipartisan board. When Mr. Wilson was required to appoint a Republican on a board he appointed a man like Mr. Kent, of California, who had supported Mr. Wilson in the preceding election; or one like Mr. Murdock, of Kansas, who had bolted the Republican Party.

When Mr. Coolidge is required to appoint a Democrat on the Interstate Commerce Commission, he appoints a distinguished man like Mr. Woodlock whose ability is questioned by none, but who is known by all to have voted the Republican ticket regularly since 1916.

Adequate answers could be instantly made to hundreds of other objections that the Senator from Maryland has interposed to this bill. But as a friend and a supporter of the pending measure, I am unwilling to delay its passage by consuming time in replying to one whose long and numerous arguments have wearied many but failed to convince a single one. We have voted down everything the Senator from Maryland has proposed and defeated everything he has supported by a majority of 3 to 1. If we could only devise some humane method of preventing the Senator from Maryland from making two or three hundred more speeches on the bill, we could easily pass it through the Senate before the end of the day.

But some debaters are insuppressible.

It is as useless and hopeless to talk against their persistent, painful, and pestiferous argumentation as it is to try to cure the hay fever. The futility of the latter undertaking is indicated by the following story: A young man observed that his sweetheart was shedding tears. Believing that the young lady had been provoked as unkindly as those of us who have been compelled to listen to more than 50 speeches by the same person during the last four days, the hero of the story said, "Darling, let me kiss your tears away." The action was instantly permitted to be suited to the word. After prolonged and enthusiastic but entirely ineffectual application of his suggested remedy, the young man cried, "Great heavens, will nothing stop this flood of tears?" His sweetheart murmured, "No. It is hay fever, but go on the with the treatment." [Laughter.]

Likewise, apparently, nothing can stop the senatorial flood of garrulity with which we have been deluged for many days. Therefore, let us pray for patience—patience as much greater than the patience that made Job famous as our present affliction is greater than that of the boils with which the man of Uz was covered and cursed.

From now until the final vote on the bill I intend to use every parliamentary weapon available to me to prevent further irrelevant debate, notwithstanding petulant objections and captious complaints to the contrary. An overwhelming majority of the Senators have decided that after the long hearings on this measure that were conducted by the appropriate committee of the House, the equally long hearings conducted by the proper committee of the Senate, and the many days of debate to which we have listened, there is no good reason why the bill should not be passed without further delay. Therefore, in the name of the long-suffering majority who intend to pass this bill eventually, and pass it in its present form, I appeal to the few who have been doing all the useless talking against it to let us pass it now.

To avoid further argument, let us concede that the few who are opposed to the bill are much wiser—at least in their own opinion—than the many who are in favor of it.

And if the Senator from Maryland will only stop talking long enough to enable us to obtain a final vote this evening, I shall concede to him all the superior wisdom of which he believes himself to be the repository and say to him for his consolation, in the words of Richard Burton—

> In days to come, days slow to dawn,
> When wisdom deigns to dwell with men,
> The echoes of thy voice long stilled
> Haply may wake responsive strain.
> But cease, Abdu, cease; thy song is sung,
> Nor count the gain the speaker's prize
> Till men hold ignorance deadly sin,
> Till man deserves his title "wise."

In the name of railroad men, and railroad owners, and railroad operators, and in the name of financial prosperity and industrial peace, I demand that we vote without further delay.

Mr. BRUCE. Question, Mr. President!

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. NORBECK. I send an amendment to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The Clerk will read the proposed amendment.

The CHIEF CLERK. On page 29, after line 23, add the following new section:

SEC. 15. Any declaration, pledge, promise, or authorization, contained in section 15a of the transportation act of 1920, as amended, of a rate sufficient to pay a dividend, return, or profit to stockholders, is hereby declared null and void.

Mr. NORBECK. Mr. President, I do not care to discuss this at length. This matter has developed this morning. A great many learned Senators say there is no guaranty of profits in the law. If there is not, they certainly can not object to a declaration that such is the case. If I can get a roll call on the amendment, I shall not detain the Senate any longer. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. FERRIS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PEPPER]. If present, he would vote "nay." If at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I wish to announce that on this vote the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Missouri [Mr. REED].

Mr. KING (after having voted in the affirmative). I heretofore have voted, but I am paired with the senior Senator from South Carolina [Mr. SMITH], who is ill. I am therefore compelled to withdraw my vote.

Mr. REED of Pennsylvania. I wish to announce that my colleague, the senior Senator from Pennsylvania [Mr. PEPPER] if present, would vote "nay."

The result was announced—yeas 22, nays 54, as follows:

YEAS—22

Borah	Howell	Mayfield	Simmons
Curtis	Keyes	Neely	Trammell
Edwards	La Follette	Norbeck	Walsh
Frazier	Lenroot	Norris	Wheeler
Harris	McKellar	Nye	
Heflin	McMaster	Sheppard	

NAYS—54

Bayard	Ernst	Means	Shortridge
Bingham	Fess	Metcalf	Smoot
Blease	Gerry	Moses	Stanfield
Bratton	Gillett	Oddie	Steck
Broussard	Glass	Phipps	Swanson
Bruce	Gooding	Pine	Tyson
Butler	Hale	Pittman	Underwood
Cameron	Harreld	Ransdell	Wadsworth
Copeland	Johnson	Reed, Pa.	Warren
Couzens	Jones, N. Mex.	Robinson, Ark.	Watson
Cummins	Jones, Wash.	Robinson, Ind.	Weller
Deneen	Kendrick	Sackett	Willis
Dill	McLean	Schall	
Edge	McNary	Shipstead	

NOT VOTING—20

Ashurst	Fernald	Greene	Pepper
Capper	Ferris	Harrison	Reed, Mo.
Caraway	Fletcher	King	Smith
Dale	George	McKinley	Stephens
du Pont	Goff	Overman	Williams

So Mr. NORBECK's amendment was rejected.

Mr. ROBINSON of Arkansas. Mr. President, I do not intend to attempt a detailed discussion of the provisions of the bill. It is presented as the result of an agreement between the representatives of the railway executives and the representatives of the railway labor unions. I do not believe that the measure is an improvement over the existing law. I think the best that can be said about it is that since both parties to probable future railway labor disputes have agreed to the bill, they will, for a time at least, attempt to see that it is effective for the settlement of disputes between railways and their employees.

The two principal grounds which have been suggested in opposition to the measure are, first, that it gives the public no representation whatever in the adjustment of controversies which are calculated to impose increased burdens on the shippers of the Nation; and, second, that it gives no assurance against a cessation of railway operation.

In the latter respect it is weaker than the present law. We deal with the subject superficially and ineffectively from the standpoint of permanent results when we fail to recognize the fact that the most important aspect of the legislation is that which is related to a continuance of transportation during

periods of general strikes or lockouts. The bill contemplates conferences between railway representatives and their employees, boards of adjustment, mediation if the boards of adjustment fail, arbitration where the parties are willing and mediation has not been effective, and, finally, investigation. It does not represent a single step forward in so far as the public is concerned with respect to the settlement of important disputes between railways and their employees.

I realize that it is a pleasant thing for a Senator to escape responsibility by doing exactly what the railway employees want done and what the railway executives want done. It would please them both if we gave our support to the measure. But we will have done nothing for the public and little for either the railways or the employees of the railways. There is not a thing the bill authorizes that the parties have not the right to do without special authorization by law. I challenge any Senator who advocates the bill to show a single important provision that the railways or their representatives, and the laborers or their representatives, have not the right to do now without the law.

Mr. NORBECK. Mr. President, may I ask the Senator a question?

Mr. ROBINSON of Arkansas. Certainly.

Mr. NORBECK. Why should they get the law, then, if we give them nothing by it?

Mr. ROBINSON of Arkansas. It gives them the moral support of the public for any agreement that they may be able to make and for their failure to make an agreement.

Mr. NORBECK. And they have not got that now?

Mr. ROBINSON of Arkansas. Yes; they have it now in a different sense.

Mr. NORBECK. Then why pass the bill to give it to them?

Mr. ROBINSON of Arkansas. Well, I think the bill accomplishes nothing except it gives the approval of Congress——

Mr. NORBECK. Does it not do this, which has been brought out very clearly: The railway men do not want to strike. Does not the bill pave the way for a wage increase without the trouble of a strike?

Mr. ROBINSON of Arkansas. I think it does. I think the railroads could very well say, "You have expressly authorized us to enter into an arrangement; you have made it obligatory upon us to enter into an arrangement with our employees. When they demand an increase in wages, if we refuse to grant it, we are violating the spirit of the statute, which says it is the solemn duty of the laborers and the railways to agree." I think that is true.

Mr. NORBECK. Will the Senator agree to this also, that any substantial wage increase will have to be followed by a freight-rate increase?

Mr. ROBINSON of Arkansas. No; I do not say that. I say that the transportation interests of the country would, of course, bear whatever increased cost results from a wage increase. That is self-evident, I think.

Mr. NORBECK. Would they not pass that back to the public?

Mr. ROBINSON of Arkansas. If it was a very large increase, it would probably justify an increase in rates. If it was a small increase in the aggregate, it would probably prompt a demand for an increase in rates by the railroads.

Mr. NORBECK. What would happen on those roads that are not now earning dividends?

Mr. ROBINSON of Arkansas. I do not know. They would be little worse off probably than they are now. But I want to make clear my position——

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. Yes; I yield.

Mr. LENROOT. The Senator is aware of course that the present law expressly declares that the carriers and the employees shall enter into agreement and avoid disputes if possible.

Mr. ROBINSON of Arkansas. Yes; I have said that it represents no step forward at all. It is a "prancing around"—a making of noise, but it does not mean anything except that it recognizes on the part of the public the right of the railways and the laborers to do anything they please with respect to controversies of which the public has to bear the expense.

Mr. WATSON. Mr. President, will the Senator yield to me?

Mr. ROBINSON of Arkansas. Certainly.

Mr. WATSON. The Senator is aware that this is all voluntary, just as the present law is?

Mr. ROBINSON of Arkansas. Yes.

Mr. WATSON. Is the Senator in favor of compulsory arbitration?

Mr. ROBINSON of Arkansas. Yes; but only in a limited sense. I would like to see any legislation that we enact bind both parties to a railway labor dispute not to discontinue transportation operations generally. I will tell the Senator why. While I would not compel anyone to work unwillingly, and while I have great sympathy with and respect for the men who actually operate the railroads of the country, I realize and they realize that this country can not continue to exist, and that the people of this Nation can not live, if a general railroad strike shall be made effective. If that be true, if it would mean the destruction of the Nation and of the life of the people of the Nation, in dealing with this subject we deal with it superficially when we fail even to attempt to solve the problem.

I realize the fact that the whole subject is full of difficulty; I have studied it for years; and I believe that it is true that the men who constitute the railway employees of the country are as a rule patriotic, high minded, and intelligent. I think they have no motive of oppressing the public. The men who represent them here compare very favorably with the people's representatives in either branch of Congress. They are well informed; they are able, and they are fearless; but it does not alter the fact that the public has not had a "look-in" in so far as the preparation of this bill is concerned. The two things in which the public are actually interested are not safeguarded.

I could waive the first; I might be willing to waive that, and to say that I consent to an increase in wages where the railroads and their employees agree to it; but I am not willing to leave the question of a continuance of operation of the railroads without some effort at least to assure the public that the railroads will be operated in the face of an effort to close them down.

That is all I care to say about the subject. I realize that the bill is going to pass. I realize that it is going to pass by an overwhelming majority. I should like to be able to accord it my support because it would be the agreeable thing to do. Both the railroads and the laborers want the bill; it represents the result of conferences extending over a very long period; but I do not think the measure represents a substantial step forward or that it will in the long run prove of great value either to the railroads or to their employees, and I am certain that it will not be helpful to the public.

Mr. PITTMAN. Mr. President, I hope the Senate will be patient for a minute. I am a member of the committee which reported this bill. I voted for a favorable report thereon, and after the severe criticism of the bill by the leader on our side, with whom I nearly always agree and whom I respect beyond expression, I feel that it is a duty to myself that I shall state why I supported the bill.

There is no doubt that there is no difference as to the right of the employer and the employee to contract with regard to wages. I doubt if we could frame a bill that would be constitutional that would accomplish such a difference. I know of no way in which we could get around the constitutional provision and prevent a man paying what he wanted for labor or labor receiving what is paid for it. There is no difference there and probably there never will be.

There is no difference in the method of arbitration which is put down here. There is no difference in the provision for mediation. There is, however, this one little difference and it may be very small. We have had what we called a Labor Board. The Labor Board had representatives of the public on it. It was a permanent board. There were three members appointed by the employers, there were three appointed by the employees, and there were three appointed on behalf of the public. It was, however, a voluntary board. It had no compulsory jurisdiction. After that board had decided several questions of principle in favor of either the employer or the employee, it lost the confidence of both sides and both sides refused to utilize the board.

The difference between that board and the one proposed to be constituted by the pending bill gives the latter board the advantage. Senators say that the public is not protected in this bill. The Labor Board, which was supposed to protect the public, and which could not protect it because neither side would submit disputes to it, is now to be replaced by the emergency board, which is to be appointed by the President of the United States. If the President of the United States may not be trusted to protect the public, I do not know to whom we may look to protect the public.

There is another advantage in the emergency board that does not exist in the Labor Board and that is this: As I have before stated, the Labor Board was a permanent body, and after the members who were supposed to represent the public had decided a principle in favor of the railroads on certain questions, then the employees would never again submit that kind of questions to the Labor Board. When the board decided in favor of the employees on a question the railroads would not submit again such a question to it.

The pending bill provides that in every case where the board of mediation shall certify to the President that a dispute is of such a character that it is liable to result in the stoppage of transportation either throughout the entire country or in some portion of the country, he shall at that time appoint a board with all the power that the Labor Board had; a separate board in every case of dispute, composed of a few men, mind you, not a regular standing board, not a board consisting of this kind of a man or that kind of a man, not a board of Democrats or a board of Republicans or a board of business men, but of men who neither directly nor indirectly are interested in any matter involved in the dispute. Those men shall investigate the dispute and report to the President of the United States to whom the public must finally look for the settlement of any controversy that threatens the stoppage of the transportation of the country, because we have not any power in this country higher than the President's power to stop it. So I can see that the bill is better than the present law.

Of course, this bill does not involve compulsion. When we use the term "compulsion" we have to use the words "ultimate compulsion," and "ultimate compulsion" means the Army and Navy of the United States. We have got to think that out. If we attempt to compel 3,000,000 men to go into court and they resist the order, there is nothing short of the Army and Navy of the United States which could budge them, and it would be a question whether they could budge them; and when a decision is rendered against 3,000,000 men, and the statement is made that it is a compulsory decision, we have got to look to the Army and Navy of the United States—and a big Army and a big Navy—to enforce it.

At the present time there is no law that I can conceive of by which we can exert compulsion in the settlement of disputes between employer and employees and in the enforcement of the result of the settlement or trial of such disputes.

To-day the Interstate Commerce Commission has the power to refuse to recognize a raise in wages, because under the transportation act the roads must be economically and efficiently run. There will not be any change in that regard. I have stated the only changes that, so far as I see, will be made in the present law; but until some one can get upon this floor and suggest a bill that carries compulsion, compulsion to force people to submit to the jurisdiction of a tribunal and compulsion to force them to obey a law, I can not conceive of any other kind of a law than the law that we are now proposing to enact.

SEVERAL SENATORS. Vote!

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be offered, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. CURTIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when Mr. CAPPER's name was called). I desire to announce the absence of my colleague [Mr. CAPPER], on account of a death in his family.

Mr. FERNALD (when his name was called). Making the same announcement as on previous votes in regard to my pair with the Senator from Florida [Mr. FLETCHER], I withhold my vote. If permitted to vote, I should vote "nay."

Mr. FERRIS (when his name was called). I am paired with the Senator from Pennsylvania [Mr. PEPPER]. If he were present, he would vote "yea" and I should vote "nay."

Mr. TRAMMELL (when Mr. FLETCHER's name was called). I desire to announce the absence of my colleague [Mr. FLETCHER] on account of illness. He has a pair with the senior Senator from Maine [Mr. FERNALD]. If my colleague were present, he would vote "yea."

Mr. REED of Pennsylvania (when Mr. PEPPER's name was called). My colleague [Mr. PEPPER] is necessarily absent to-day. If present, he would vote "yea."

Mr. BLEASE (when Mr. SMITH's name was called). My colleague, the senior Senator from South Carolina [Mr. SMITH] is detained by illness.

The roll call was concluded.

Mr. KING (after having voted in the negative). I have a general pair with the senior Senator from South Carolina [Mr. SMITH], who is ill. I am therefore compelled to withdraw my vote.

Mr. GERRY. I desire to announce that the Senator from Missouri [Mr. REED] is necessarily absent. If present, he would vote "nay."

I also desire to announce that the Senator from Mississippi [Mr. HARRISON] is paired with the Senator from West Virginia [Mr. GOFF]. If present, the Senator from Mississippi would vote "yea."

Mr. JONES of Washington. I desire to announce the pair on this bill of the Senator from Delaware [Mr. DU PONT] and the Senator from Missouri [Mr. REED]. If present, the Senator from Delaware would vote "yea," and the Senator from Missouri would vote "nay."

I also desire to announce the necessary absence of the Senator from Illinois [Mr. MCKINLEY]. If present, he would vote "yea."

I also desire to announce that the Senator from West Virginia [Mr. GOFF] is unavoidably detained. If present, he would vote "nay."

The result was announced—yeas 69, nays 13, as follows:

YEAS—69

Ashurst	Frazier	McNary	Simmons
Blease	George	Mayfield	Smoot
Borah	Gerry	Means	Stanfield
Bratton	Gillett	Metcalf	Steck
Broussard	Glass	Neely	Stephens
Bruce	Gooding	Norris	Swanson
Butler	Harreld	Nye	Trammell
Cameron	Harris	Oddie	Tyson
Copeland	Heflin	Overman	Wadsworth
Couzens	Howell	Pine	Walsh
Cummins	Johnson	Pittman	Warren
Dale	Jones, N. Mex.	Reed, Pa.	Watson
Deneen	Jones, Wash.	Robinson, Ind.	Weller
Dill	Kendrick	Sackett	Wheeler
Edge	La Follette	Schall	Willis
Edwards	Lenroot	Sheppard	
Ernst	McKellar	Shipstead	
Fess	McMaster	Shortridge	

NAYS—13

Bayard	Keyes	Phipps	Williams
Bingham	McLean	Ransdell	
Curtis	Moses	Robinson, Ark.	
Hale	Norbeck	Underwood	

NOT VOTING—14

Capper	Ferris	Harrison	Reed, Mo.
Caraway	Fletcher	King	Smith
du Pont	Goff	McKinley	
Fernald	Greene	Pepper	

So the bill was passed.

Mr. NORBECK. Mr. President, a parliamentary inquiry. Have we now reached the stage where an amendment can be offered to the title of the bill?

The VICE PRESIDENT. The bill is passed.

Mr. NORBECK. I have been informed by the leading parliamentarian on this side that an amendment to the title would come after the bill was passed, and I have been waiting until this time to offer it.

The VICE PRESIDENT. The Senator's amendment is in order.

Mr. NORBECK. I send to the desk an amendment to the title and ask to have it stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to amend the title so as to read:

A bill to increase the farmer's working day from 14 to 16 hours, and to reduce the railroad man's working day from 8 to 7 hours.

The VICE PRESIDENT. The question is on agreeing to the amendment to the title.

The amendment was rejected.

On motion of Mr. WATSON, the bill (S. 2306) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, was indefinitely postponed.

NATIONAL BANK BRANCHES

Mr. McLEAN. Mr. President, I move that the Senate proceed to the consideration of House bill No. 2, Order of Business 357, the banking bill. I will say that if that motion prevails I shall request that the bill be taken up for the purpose of considering committee amendments; and, if that is agreed to, that is all I shall expect to have done with the bill to-day.

Mr. KING. Mr. President, this is the same bill that we were considering before we entered upon the consideration of the bill just passed?

Mr. McLEAN. Yes.

The VICE PRESIDENT. The question is on the motion of the Senator from Connecticut.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend

section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, which had been reported from the Committee on Banking and Currency, with amendments.

Mr. McLEAN. I ask unanimous consent that the formal reading of the bill be dispensed with, and that the bill be read for action on the committee amendments.

The VICE PRESIDENT. Without objection, it will be so ordered.

MONONGAHELA AND SUSQUEHANNA RIVER BRIDGES

Mr. BINGHAM. Out of order, I ask unanimous consent to report back favorably, with amendments, two bills from the Committee on Commerce, one favoring a bridge across the Monongahela River, and the other favoring a bridge across the Susquehannna River.

The VICE PRESIDENT. Without objection, the reports will be received.

Mr. REED of Pennsylvania. Mr. President, I ask for the immediate consideration of the bills.

The VICE PRESIDENT. The Secretary will state the title of the first bill.

The CHIEF CLERK. A bill (H. R. 8513) to extend the time for the construction of a bridge across the Monongahela River at or near the Borough of Wilson, in the county of Allegheny, Pa.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce, with amendments.

The amendments were, on page 1, after line 10, to insert the following additional section:

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the cost of maintaining, repairing, and operating the bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

And on the same page, line 11, to change the section number from 2 to 3, so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved February 27, 1919, as amended by acts of Congress approved June 14, 1920, and February 12, 1925, to be built across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, in the State of Pennsylvania, are hereby extended one and three years, respectively, from the date of approval thereof.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the cost of maintaining, repairing, and operating the bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The VICE PRESIDENT. The Senator from Pennsylvania also asks unanimous consent for the present consideration of Senate bill 4116, to extend the time for the construction of a bridge across the north branch of the Susquehanna River from the city of Wilkes-Barre to the borough of Dorranceton, Pa. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce, with amendments.

The amendments were, on page 2, after line 4, to insert the following additional section:

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

And on page 2, line 5, to change the section number from 2 to 3, so as to make the bill read:

Be it enacted, etc., That the time for commencing and completing the reconstruction of a bridge authorized by act of Congress approved September 7, 1916, as renewed and extended by joint resolution approved February 15, 1921, and by Public, No. 145, approved May 26, 1924, to be constructed by the county of Luzerne, State of Pennsylvania, across the north branch of the Susquehanna River, from the city of Wilkes-Barre to the borough of Dorranceton, in said county of Luzerne and the State of Pennsylvania, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. If tolls are charged for the use of such bridge the rates of toll shall be so adjusted as to provide a fund sufficient to pay the cost of maintaining, repairing, and operating the bridge and its approaches and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHAMBER OF COMMERCE OF MONTGOMERY, ALA., AND OTHERS

Mr. HEFLIN. Mr. President, I ask unanimous consent for the present consideration of a House bill which I send to the desk.

Mr. CURTIS. Let it be read, Mr. President.

The VICE PRESIDENT. The Secretary will read the bill.

The Chief Clerk read the bill (H. R. 4189) for the relief of the Chamber of Commerce of Montgomery, Ala., Jack Thorington, and 39 others, as follows:

Be it enacted, etc., That inasmuch as all and singular the covenants, conditions, and agreements of the Chamber of Commerce of Montgomery, Ala., in and by lease, entered into with the United States on November 28, 1917, have been observed and performed to the satisfaction of the War Department, in all respects, the obligation given on such date and conditioned upon the due and full observance and performance of such covenants, conditions, and agreements, is hereby declared to be void and of no effect; and such Chamber of Commerce, as principal, and Jack Thorington, E. B. Joseph, John P. Kohn, W. T. Sheehan, Bruce Kennedy, Albert C. Davis, Emanuel Meertief, Thomas M. Owen, Simon Roswald, jr., C. J. Beane, Leon Weil, I. H. DeWees, Hartwell Douglass, M. A. Vincentelli, J. E. Britt, R. H. McCaslin, E. C. Taylor, Leo Strassburger, W. D. Lowry, B. J. Weil, George W. Jones, George R. Wright, N. L. Walker, Clayton T. Tullis, Sidney Levy, R. F. Ligon, Lucien S. Loeb, Gilbert D. Johnson, F. G. Salter, W. M. Jordan, Terry T. Greil, W. R. Greene, Maxie D. Pepperman, Leo Klein, J. C. Haas, Ben Fitzpatrick, Harry Danziger, Ike Levystein, Stuart May, and Alex Rice, as sureties, and their successors, heirs, executors,

and administrators are hereby declared to be discharged and released from all liabilities under such obligation.

Mr. HEFLIN. Mr. President, this bill passed the House some time ago, and has been on the calendar here. I was unable to be present last night when the calendar was considered. The Secretary of War recommends the passage of this bill as amended. It simply relieves the bondsmen who agreed to clear up Taylor Aviation Field down there. While they did not cut all the shrubbery that they agreed to cut that was on the field, the Secretary of War has now approved the bill, and says that the job was a little bigger than they thought it was when they agreed to do it for a certain amount, and he is willing for them to be relieved under the bond.

Mr. McKELLAR. How much will it cost?

Mr. HEFLIN. It will cost nothing.

Mr. McKELLAR. It must have cost something.

Mr. HEFLIN. They have already done the work.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 42 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, May 12, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 11 (legislative day of May 10), 1926

PROMOTIONS IN THE NAVY

MARINE CORPS

Capt. Henry L. Larsen to be a major in the Marine Corps from the 24th day of February, 1926.

First Lieut. Frederick M. Howard to be a captain in the Marine Corps from the 14th day of September, 1925.

Second Lieut. William H. Doyle to be a first lieutenant in the Marine Corps from the 19th day of January, 1926.

The following-named midshipmen to be second lieutenants in the Marine Corps from the 4th day of June, 1926:

Francis J. McQuillen.	Mortimer S. Crawford.
Edward W. Snedeker.	Benjamin F. Kaiser, jr.
Kenneth W. Benner.	Frank P. Pyzick.
Kenneth H. Cornell.	Thomas B. Jordan.
John S. E. Young, jr.	Elmer H. Salzman.
Richard S. Burr.	Thomas A. Wornham.
Lofton R. Henderson.	Earle S. Davis.
Chester B. Graham.	Charles G. Wadbrook.
Arthur H. Butler.	Cob D. Silard.
Earl J. Ashton.	Joseph L. Wolfe.
Hartnoll J. Withers.	Ward E. Dickey.
Russell N. Jordahl.	Roy M. Gulick.
Nels H. Nelson.	

UNITED STATES COAST GUARD

Lieut. (Junior Grade) (Temporary Lieut.) Norman R. Stiles to be a lieutenant in the Coast Guard of the United States, to rank as such from December 22, 1925, in place of Lieut. Frederick A. Zeusler, promoted. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 11 (legislative day of May 10), 1926

UNITED STATES ATTORNEY

Olaf Eidem, to be United States attorney, district of South Dakota.

POSTMASTER

CALIFORNIA

Harold J. McCurry, Sacramento.

HOUSE OF REPRESENTATIVES

TUESDAY, *May 11, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed be the name of our heavenly Father, whose goodness never faileth. Do Thou be everywhere as an abiding power and influence shaping the destinies of men and nations. We wait upon Thee, O Lord, that our minds and hearts may be in harmony with Thy holy will. Give us a larger outlook upon life, and may the needs and ideals of a better world inspire us to noble and unselfish service. With patience and fortitude may we fulfill the obligations which the citizens of the land have placed upon us. Out of Thine abundance bestow blessings of peace and happiness upon all. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 292. An act entitled "An act to authorize the Secretary of Agriculture to acquire and maintain dams in the Minnesota National Forest needed for the proper administration of the Government land and timber";

H. R. 4547. An act to establish a department of economics, government, and history at the United States Military Academy, at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes";

H. R. 8185. An act to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotments of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes";

H. R. 8313. An act entitled "An act to allot living children on the Crow Reservation, Mont.";

H. R. 9037. An act entitled "An act validating certain applications for and entries of public lands, and for other purposes"; and

H. R. 10860. An act entitled "An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to increase the efficiency of the Lighthouse Service, and for other purposes."

The message also announced that the Senate had passed without amendment bills and resolutions of the following titles:

H. R. 306. An act to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended;

H. R. 1243. An act for the relief of J. H. Toulouse;

H. R. 1540. An act for the relief of Luther H. Phipps;

H. R. 1669. An act for the relief of Neffs' Bank, of McBride, Mich.;

H. R. 1731. An act for the relief of John W. King; and

H. R. 1897. An act for the relief of the heirs of the late Louis F. Meissner.

H. R. 2011. An act for the relief of William D. McKeefrey;

H. R. 2680. An act for the relief of the estate of Charles M. Underwood;

H. R. 2933. An act for the relief of H. R. Butcher;

H. R. 3025. An act granting a patent to certain land to Benjamin A. J. Funnemark;

H. R. 3659. An act for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak.;

H. R. 3745. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code";

H. R. 3990. An act for the erection of a monument upon the Revolutionary battle field of White Plains, State of New York;

H. R. 4681. An act providing for the issuance of patent to the Boyle Commission Co. for block No. 223, town site of Heyburn, Idaho;

H. R. 5006. An act to detach Hickman County from the Nashville division of the middle judicial district of the State of Tennessee and attach the same to the Columbia division of the middle judicial district of said State;

H. R. 5673. An act authorizing the Secretary of the Interior to issue letters patent to George K. Hughes;

H. R. 5710. An act extending the provisions of section 2455 of the United States Revised Statutes to ceded lands of the Fort Hall Indian Reservation;

H. R. 5726. An act for the relief of Jane Coates, widow of Leonard R. Coates;

H. R. 6239. An act to authorize acting registers of United States land offices to administer oaths at any time in public-land matters;

H. R. 8306. An act to authorize the coinage of 50-cent pieces in commemoration of the heroism of the fathers and mothers who traversed the Oregon Trail to the far West with great hardship, daring, and loss of life, which not only resulted in adding new States to the Union but earned a well-deserved and imperishable fame for the pioneers; to honor the 20,000 dead that lie buried in unknown graves along 2,000 miles of that great highway of history; to rescue the various important points along the old trail from oblivion; and to commemorate by suitable monuments, memorial or otherwise, the tragic events associated with that emigration—erecting them either along the trail itself or elsewhere, in localities appropriate for the purpose, including the city of Washington;

H. R. 8534. An act to amend an act entitled "An act to authorize the purchase by the city of McMinnville, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916," approved February 25, 1919 (40 Stat. p. 1153);

H. R. 9351. An act extending the period of time for homestead entries on the south half of the diminished Colville Indian Reservation;

H. R. 9463. An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes;

H. R. 9559. An act granting certain public lands to the city of Altus, Okla., for reservoir and incidental purposes;

H. R. 9730. An act to provide for an adequate water-supply system at the Dresslerville Indian Colony;

H. R. 9829. An act to amend section 87 of the Judicial Code;

H. R. 10610. An act to confirm the title to certain lands in the State of Oklahoma to the Sac and Fox Nation or Tribe of Indians;

H. R. 11171. An act to authorize the deposit and expenditure of various revenues of the Indian Service as Indian moneys proceeds of labor;

H. Con. Res. 23. Concurrent resolution authorizing the printing of the Madison Debates of the Federal Convention and relevant documents in commemoration of the one hundred and fiftieth anniversary of the Declaration of Independence; and

H. J. Res. 134. Joint resolution authorizing the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to prosecute claims jointly or severally in one or more petitions as each of said Indian nations or tribes may elect.

The message also announced that the Vice President had appointed Mr. SHIPSTEAD and Mr. RANSDELL members of the Joint Select Committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled, "An act to authorize and provide for the disposition of useless papers in the executive departments" for the disposition of useless papers in the Government Printing Office.

The message also announced that the Senate had passed bills and Senate concurrent resolutions of the following titles in which the concurrence of the House of Representatives was requested:

S. 115. An act for the relief of the owner of the steamship *Neptune;*

S. 248. An act for the relief of the Central National Bank, Ellsworth, Kans.;

S. 255. An act for the relief of Rosa E. Plummer;

S. 491. An act for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims;

S. 3259. An act authorizing the enrollment of Martha E. Brace as a Kiowa Indian, and directing issuance of patents to her and two others to certain lands of the Kiowa Indian Reservation, Okla.;

S. 3330. An act for the relief of Thomas G. Peyton;

S. 3382. An act to appropriate tribal funds of the Klamath Indians to pay actual expenses of delegate to Washington, and for other purposes;

S. 3403. An act to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913;

S. 3440. An act to regulate the interstate transportation of black bass, and for other purposes;

S. 3545. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof;

S. 3555. An act for the relief of the Rochester Merchandise Co.;

S. 3571. An act for the relief of Ada Brown-Hopkins;

S. 3613. An act authorizing an appropriation for a monument for Quannah Parker, late chief of the Comanche Indians;

S. 3630. An act to permit the United States to be made a party defendant in certain cases;

S. 3715. An act for the relief of the Harrisburg Real Estate Co., of Harrisburg, Pa.;

S. 3738. An act to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924;

S. 3768. An act authorizing the construction of dam or dams in Neches River, Tex.;

S. 3844. An act to amend the act entitled "An act to create the White House police force, and for other purposes," approved September 14, 1922;

S. 579. An act for the relief of the Georgia Cotton Co.;

S. 598. An act for the relief of Alexander McLaren;

S. 951. An act to promote the safety of passengers and employees upon railroads by prohibiting the use of wooden cars under certain circumstances;

S. 1050. An act for the relief of William F. Brockschmidt;

S. 1339. An act for the relief of Katherine Southerland;

S. 1344. An act to amend paragraph (11), section 20, of the interstate commerce act;

S. 1356. An act for the relief of R. H. King;

S. 1485. An act to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies;

S. 1640. An act authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes;

S. 1824. An act for the relief of R. E. Swartz, W. J. Collier, and others;

S. 1857. An act to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes;

S. 1921. An act to give military status and discharges to the members of the Russian Railway Service Corps, organized by the War Department under authority of the President of the United States for service during the war with Germany;

S. 3894. An act to regulate interstate commerce by motor busses operating or to operate as common carriers of passengers for hire through the interstate tunnel now being constructed under the Hudson River between the city of New York, State of New York, and the city of Jersey City, State of New Jersey, and over the interstate bridge now being constructed across the Delaware River between the city of Philadelphia, Commonwealth of Pennsylvania, and the city of Camden, State of New Jersey;

S. 3926. An act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes;

S. 3929. An act to authorize the deposit and expenditure of various revenues of the Indian Service as Indian moneys, proceeds of labor;

S. 3958. An act to provide for the permanent withdrawal of certain lands adjoining the Makah Indian Reservation in Washington for the use and occupancy of the Makah and Quileute Indians;

S. 3978. An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary reclamation projects, and for other purposes;

S. 4018. An act to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the poet, Henry W. Longfellow;

S. Con. Res. 17. Concurrent resolution. National prohibition law;

S. Con. Res. 12. Concurrent resolution. Printing copies of Constitution of the United States and Declaration of Independence;

S. 2090. An act for the relief of Alfred F. Land;

S. 2094. An act for the relief of C. P. Dryden;

S. 2188. An act for the relief of G. C. Allen;

S. 2189. An act for the relief of W. B. deYampert;

S. 2385. An act to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property;

S. 2516. An act for the establishment and maintenance of a forest experiment station in Pennsylvania and the neighboring States;

S. 2525. An act for the relief of Maria Maykovica;

S. 2526. An act to extend the time for the refunding of taxes erroneously collected from certain estates;

S. 2912. An act to further amend section 125 of the national defense act of June 3, 1916, as amended;

S. 3080. An act to authorize payment of expenses of the Washington-Alaska military cable and telegraph system out of receipts of such system as an operating expense; and

S. 3148. An act to regulate the manufacture, renovation, and sale of mattresses in the District of Columbia.

THE LEGISLATIVE APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I call up the conference report on the bill 10425, making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10425) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 39 and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 46, 47, 48, 50, 51, 52, and 54, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "one at $2,590, one at $1,800"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$102,620"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,600"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,400"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,060"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 45 and 53.

L. J. DICKINSON,
JOHN W. SUMMERS,
FRANK MURPHY,
ROSS A. COLLINS,
Managers on the part of the House.

F. E. WARREN,
REED SMOOT,
CHARLES CURTIS,
A. A. JONES,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10425) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On Nos. 1 to 38, inclusive, relating to the numbers and compensation of employees of the Senate: Appropriates for the number of employees and at the rates of compensation provided in the Senate amendments with the following exceptions: Provides for a clerk at $1,800 in lieu of a clerk at $2,590, proposed to be omitted by the Senate amendments; appropriates $3,600 for the superintendent of the Senate document room instead of $4,000, as proposed by the Senate; appropriates $2,400 for the second assistant in the document room instead of $2,500, as proposed by the Senate.

On No. 39: Strikes out the paragraph, inserted by the Senate, granting traveling and subsistence expenses to one clerk for each Senator in going to and returning from each session of Congress.

On Nos. 40, 41, 42, 43, and 44, relating to the office of the Architect of the Capitol: Makes the appropriation for repairs to the Capitol Building available for "personal and other services," as proposed by the Senate, instead of for "wages of mechanics and laborers," as proposed by the House; appropriates $89,413.80 for maintenance of the Senate Office Building, as proposed by the Senate, instead of $79,413.80, as proposed by the House; makes the Capitol Power Plant appropriation available for the payment of an allowance of $300 for maintenance of a vehicle for the superintendent of meters and increases the amount of the appropriation by $2,140 on account of the transfer of an employee from the rolls of the Supreme Court to the Architect of the Capitol; and increases the amount for repairs of the Library of Congress Building from $9,000 to $12,500 as proposed by the Senate.

On Nos. 46 and 47: Makes the appropriation for a survey of the Mall by the Joint Committee on the Library available immediately for the payment of services heretofore rendered under agreement.

On Nos. 48 and 49, relating to the Library of Congress: Appropriates $518,585, as proposed by the Senate, instead of $514,785, as proposed by the House for salaries of the Library proper; and strikes out the increase of $5,280, proposed by the Senate, in the amount for the maintenance of the Library Building.

On Nos. 50, 51, and 52: Increases the pay of the Public Printer from $6,000 to $7,500 and the Deputy Public Printer from $4,500 to $5,000, as proposed by the Senate.

On No. 54: Makes a verbal correction in the text of the bill.

The committee of conference have not agreed on the following amendments:

On No. 45: Transferring four trucks from the War Department to the Botanical Gardens.

On No. 53: Providing for the payment of $125,000 for three postal-card presses for the use of the Government Printing Office.

L. J. DICKINSON,
JOHN W. SUMMERS,
FRANK MURPHY,
ROSS A. COLLINS,
Managers on the part of the House.

Mr. DICKINSON of Iowa. Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker and gentlemen, the consideration of this conference report permits me to remind you that I am still insistent on some relief being afforded to certain committees of the House which now have insufficient clerk hire. If Members will look at this bill they will find in the first few pages the matter of clerk hire for both House and Senate. Under clerical assistants to Senators you will find—

seventy clerks at $3,300 each, 70 assistant clerks at $1,940 each, 70 assistant clerks at $1,830 each, and provided that such clerks and assistant clerks shall be ex officio clerks and assistant clerks of any committee of which their Senator is chairman.

I notice that the Committee on Immigration in the other body has a clerk at $3,300, an assistant clerk at $2,150, another assistant clerk at $1,830, and an additional clerk at $1,520; all told, four clerks, at a total of $8,830, while the House committee has but one clerk and a messenger at minimum pay. The other body is quite liberal with clerk hire. Its Members need clerks, and they are employed.

Clerical assistants to Senators who are not chairmen of committees are authorized as follows: Seventy clerks at $3,300 each, 70 assistant clerks at $1,940 each, 70 assistant clerks at $1,830 each.

A classification of the clerk hire and salaries for the committees of the House of Representatives makes an interesting display. There are 18 classifications according to pay. These classifications have been made by no rule. I find the Committee on Immigration which has a crowded calendar, and many involved propositions under consideration, and which during this session has spent about six weeks in hearings, many of them lasting all day, and nearly all of the hearings held at the request of Members. In the classification by groups the clerks of that committee stand, I think, seventeenth out of the 18 groups arranged according to pay. The only group receiving clerk hire pay below that of Immigration is that of the Committee on the Disposition of Useless Papers. Why the discrimination against the Committee on Disposition of Useless Papers? If that is not an unfair arrangement, if that is not something to shame this House, I am unable to find anything worse.

Mr. CHINDBLOM. Has the gentleman a list comparing the number and pay of the clerks of the House with those of the other body?

Mr. JOHNSON of Washington. I have not. I did not want to criticise the other body.

Mr. CHINDBLOM. Not for the purpose of criticism, but to spur us on.

Mr. JOHNSON of Washington. I will do that. Mr. Speaker, I ask unanimous consent to insert some tables in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. I realize that we can not get any further at this session in this matter, but I do hope that the Appropriations Committee and the Committee on Accounts will make some provision for improving the situation at the winter session.

Mr. HASTINGS. What is the amount allowed a Senator for clerk hire who is not chairman of a committee? The amount allowed a Representative is $4,000.

Mr. JOHNSON of Washington. I am informed that it is about $7,000 or $8,000.

Mr. DICKINSON of Iowa. The amount allowed a Senator is $3,300 for a clerk; assistant clerk, $1,940; assistant clerk, $1,830; and an additional clerk, $1,320. He is allowed four clerks.

Mr. HASTINGS. Is not mileage provided for in this bill?

Mr. JOHNSON of Washington. No; it is proposed for Senate clerks, but not agreed to by the conferees.

Mr. DICKINSON of Iowa. Mr. Speaker, I yield 10 minutes to the gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. Mr. Speaker, I feel that the remarks of the gentleman from Washington [Mr. JOHNSON] are very largely correct and appropriate. While, of course, the Senate has the abstract and technical right to fix the number and salaries of their employees, nevertheless it seems to me they should not do so except in cooperation and conjunction with the House. These matters should be handled jointly by the two Houses. I objected to this Senate raise in salaries and increase in number in the subcommittee, and for that reason I declined to sign this report, because I feel we ought to systematically take this matter up jointly as between the Senate and the House. Either this committee and the Senate Committee on Appropriations, or the Committee on Accounts in the House and the similar committee in the Senate ought to take up the question of the revision of the number of Senate and House clerks and their salaries on the various committees. It is absurd and unjust for the great Committee on Immigration to be treated the way we are treating it; but this subcommittee felt that we ought not to pick out one or two committees and increase their clerks. This work should not be done in such a haphazard way as the Senate is doing, and I appealed to the Senators on this conference committee to cooperate with the House and devise some system of clerkships and of pay that would treat both ends of the Capitol rightly. If we adopt this report, it will create discontent among the clerks of this House. It is not fair to them.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. JOHNSON of Washington. Would it not be a fair proposition to at least bring the pay for clerk hire for the Committee on the Disposition of Useless Papers up to the expenditure of the Committee on Immigration? The very important Committee on the Disposition of Useless Papers is provided with but a few dollars less per year than the Committee on Immigration and the Committee on the Territories.

Mr. TAYLOR of Colorado. The illustration of the gentleman from Washington forcibly brings to our minds the absurdity of the position we are in respecting Senate and House clerk hire, and while the Senate has power to employ a lot more clerks and to increase the salary of a messenger to the high salary of a clerk in this House, it is unjust in them to do so. The Senate says that that is their own business, and strictly speaking I assume it is, but I tried to impress upon them the fact that we are not simply legislating for the Senate or for the House but for Congress, for the Government of the United States, and that there ought to be some community of interest, some system in the scale of pay and in the number of clerks that these various committees have.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. BLACK of Texas. As I now recall it, about two years ago we did pass a law fixing the salaries of all these employees, both of the House and the Senate.

Mr. TAYLOR of Colorado. Yes.

Mr. BLACK of Texas. And it was signed by the President, and is just the same as any other law fixing the salaries of Government employees. I think the gentleman is correct. If there is a need for the revision of these salaries, then the same kind of a committee that revised them before ought to do that now.

Mr. TAYLOR of Colorado. Certainly.

Mr. BLACK of Texas. And we ought not to allow the Senate to come in and make increases that will cause discontent and discord, as the gentleman says. I intend to vote against the conference report.

Mr. TAYLOR of Colorado. Mr. Speaker, the House ought to give this matter serious consideration. I did not file any minority report, although I reserved the right to call the attention of the House to this situation. We settled this whole matter some two years ago, but if every session of Congress the Senate is going to tilt up some of their clerks in so far as salary is concerned and add a lot more, then we will have to have another revision very soon, or else submit to a great deal of injustice and dissatisfaction among the House employees.

Mr. MacGREGOR. How are you going to restrain the extravagance, and I say it is extravagance, of the other body, in not so much perhaps too high a pay roll as in having men on the pay roll who should not be there?

Mr. TAYLOR of Colorado. If the Senate of the United States insists on putting on more clerks and paying them more salaries every session, I do not know of any way that we can prevent it, unless we refuse to concur in the conference reports raising their pay.

Mr. BLACK of Texas. There is no compulsion upon our adopting what they do.

Mr. TAYLOR of Colorado. No; and I did not approve it. There are only two items in dispute, and I think they ought to be adopted. The one giving four trucks to the Botanic Garden and the other conserving some cases. I think the House ought to know about these things, and I assume the chairman will make an additional explanation as to those.

Mr. DICKINSON of Iowa. Mr. Speaker, the one item that caused a great deal of comment in this bill was amendment No. 39, which provided for the payment of mileage to the secretaries to the Senators. That created a great deal of interest among the Members of the House. After discussing that particular amendment the Senate receded, and, of course, there is going to be no mileage paid to the secretaries of Senators to and from Washington.

There are two amendments in dispute. They are both legislation. One of them is with reference to the transfer from the War Department of four trucks to the Botanic Gardens, needed very much. The other has to do with the settlement Government Printing Office is to make with reference to the present adjustment for a printing press, and its authorization is made in order to clear up the matter, so far as the General Accounting Office is concerned.

These are the only two items that are brought back here for disposition on the part of the House. In reference to the agreement to the salary adjustment in the Senate I will say that the Senators contend this is completing their task of revision of senatorial employees' salaries over there, and, of course, it has always been courtesy on the part of the House to permit Senators to fix the salaries of their employees and in turn the House fixes the salary of their employees.

Mr. UNDERHILL. Will the gentleman yield?

Mr. DICKINSON of Iowa. I will.

Mr. UNDERHILL. Will this feature of the conference report come up under a separate vote, or do we have to vote up or down the whole proposition?

Mr. DICKINSON of Iowa. The whole proposition.

Mr. UNDERHILL. Will the gentleman yield for just a moment? I think we ought to stay here all summer before acced-

ing for one minute to such a proposition which the Senate is attempting to put over here. [Applause.]

Mr. DICKINSON of Iowa. To what particular item is the gentleman objecting?

Mr. UNDERHILL. The general raise of salaries in the Senate, which really, in fact, is a model for us to follow here in the House, where the House employees do twice or three times the amount of work the Senate employees do and get half the pay. Now, if we are going to change these salaries they should be changed in the House as well as the Senate. They should be adjusted on some equitable basis in accordance with the work performed and not give some employee of the Senate who is merely there under patronage a salary of $4,000 or $5,000 for performing nothing, where somebody else who has to work night and day only gets $2,400. I think it is about time for the House to assert itself from an economic program even if it transgresses to a certain degree the prerogatives of the Senate.

Mr. DICKINSON of Iowa. Permit me to suggest to the gentleman from Massachusetts that the House chairman of the Committee on Accounts, the able gentleman from New York, raises salaries of different employees on the House side any time the Committee on Accounts thinks it advisable. Now, the Senate has no Committee on Accounts, and whenever the Committee on Accounts raises a salary it is paid out of the contingent fund for a year and then it is allocated to the legislative appropriation bill as an authorization. The Senate has no method of doing anything of that kind. I do not remember how many salaries they have raised; I think, possibly, the chairman of the Committee on Accounts can tell us. I know that here in one resolution we raised 6, 8, or 10 salaries on the House side.

Mr. UNDERHILL. I can tell the gentleman.

Mr. DICKINSON of Iowa. We raised 4 or 6 or 10 salaries here in the House through the Committee on Accounts, but over on the Senate side the only place to raise such salaries is in this bill.

Mr. SMITH. Will the gentleman yield?

Mr. DICKINSON of Iowa. I will.

Mr. SMITH. I would like to inform the gentleman they have a committee in the Senate, Contingent Expenses, which brings in resolutions to increase salaries, and sometimes provides for new employees, increasing the number provided by existing law, which committee corresponds to our Committee on Accounts.

Mr. DICKINSON of Iowa. The statement to the House conferees over there was that they did not have that any more. They had no longer any employees paid from the contingent fund of the Senate; that they had absolutely done away with that entire system, and for that reason this was the only place a salary could be raised.

Mr. UNDERHILL. They have just sent over a proposition to take half the money, $5,000, from the Senate contingent fund, and $5,000 from the House contingent fund for a certain purpose. If they have no contingent fund, they had better establish one.

Mr. DICKINSON of Iowa. Oh, they have a contingent fund——

Mr. UNDERHILL. They have a Committee on Finance also.

Mr. DICKINSON of Iowa. Yes.

Mr. UNDERHILL. What is the duty of that committee?

Mr. DICKINSON of Iowa. We have to take their statement over there that they are not now using a system of having any committee over there recommending additional salaries.

Mr. UNDERHILL. If the House refuses to agree to this item in the conference report, then the Senate can take action in the appointment of a committee to readjust such salaries as are necessary.

Mr. DICKINSON of Iowa. That readjustment has gone through over a period of years. Their salaries were fixed, and you no more than got the salaries fixed until somebody wanted to unfix them. The gentleman from Massachusetts may proceed to fix them this session, and before they are hardly fixed he will have at least a dozen requests to unfix them at the next session of Congress.

Mr. SMITH. Will the gentleman yield?

Mr. DICKINSON of Iowa. I will.

Mr. SMITH. I believe the gentleman stated the committee followed the recommendation of the Senate in reference to the increasing of salaries of Senate employees?

Mr. DICKINSON of Iowa. Yes; we always do.

Mr. SMITH. It was not done in the case of the superintendent of documents.

Mr. DICKINSON of Iowa. There is where you have a comparative employee.

Mr. SMITH. The gentleman has provided for increases in salary of certain Senate employees and denied it to others. In the case of the superintendent of the document room there was recommendation for a $500 increase and only $100 was allowed.

Mr. DICKINSON of Iowa. The reason was that was on a parity with the document room of the House and the work is similar, and the Senate receded from that amendment.

Mr. SMITH. But he is the only employee of the Senate who is on a parity with the House employees. Committee clerks and secretaries to Senators receive much larger salaries than the same class clerks in the House.

Mr. DICKINSON of Iowa. The pay of the respective men, what it ought to be, is entirely up to the two Houses of Congress. We have never undertaken to fix the salaries of Senate employees.

Mr. SMITH. But you made an exception in the case of the superintendent of the Senate document room, and you do not make an exception of other employees.

Mr. UNDERHILL. Can the gentleman tell us how many of these salaries of Senate employees have been raised, and the total amount?

Mr. DICKINSON of Iowa. Yes. The total amount of Senate raises for Senate employees is $9,250 for the entire raise.

Mr. UNDERHILL. How many employees does that cover?

Mr. DICKINSON of Iowa. I think 10 or 12; maybe more than that; 13 or 14.

Mr. UNDERHILL. What class of employees are those?

Mr. DICKINSON of Iowa. Well, there is the reading clerk, the financial clerk, the journal clerk.

Mr. UNDERHILL How do these raises compare—that is, the contemplated amount compare—with the salaries of like positions in the House?

Mr. DICKINSON of Iowa. We try to make them correspond. There has always been a little difference between the reading clerk of the House and the reading clerk of the Senate. I think the salary is $4,200 for the reading clerk of the House and $4,500 for the reading clerk of the Senate, just a little difference.

Mr. McSWAIN. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. McSWAIN. Do I understand the gentleman from Iowa to say that this House ought not to have anything to do with the fixing of the salaries of the employees of the Senators?

Mr. DICKINSON of Iowa. It has always been customary for them to arrange their employees and for us to arrange ours.

Mr. McSWAIN. Can they get the money out of the Treasury unless we vote our approval?

Mr. DICKINSON of Iowa. Certainly not.

Mr. McSWAIN. Do we not have something to do with the fixing of the salaries of the Senators themselves?

Mr. DICKINSON of Iowa. Yes.

Mr. McSWAIN. Then I say this House has just as much right to fix the salary of the Senate employees as it has to fix the salaries of the Senators themselves or the salary of the Vice President or the Chief Justice of the Supreme Court. We represent the people who pay the taxes, and we should say how much we will pay, and how.

Mr. CARTER of Oklahoma. Is it not a question of the fitness of things?

Mr. DICKINSON of Iowa. Yes. It is that kind of a question.

Mr. McSWAIN. I would like to see it done.

Mr. UNDERHILL. I understand one of the reading clerks of the Senate gets $5,500 and another gets $4,800, and as compared with the salaries paid over here it is more than 10 or 15 per cent than is paid over here.

Mr. DICKINSON of Iowa. There is one man over there who is still on the roll who is not able physically to perform any of the work of his position, and one of the other clerks acts as a reading clerk.

Mr. TAYLOR of Colorado. But there is not as much work to be done over there as there is over here.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. UNDERHILL. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 110, noes 43.

So the conference report was agreed to.

Mr. JOHNSON of Washington. Mr. Speaker, I object to the vote. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Washington makes the point of order that there is no quorum present. The Chair will count.

Mr. JOHNSON of Washington. Mr. Speaker, I will withdraw the point of no quorum. Having been threatened that I

would not get the clerk hire, I will withdraw the point of no quorum.

The SPEAKER. The Clerk will report the first Senate amendment.

The Clerk read as follows:

Senate amendment No. 45: Page 29, line 20, insert: "Within 30 days after the approval of this act the Secretary of War is authorized to deliver to the Botanic Garden, without payment therefor, four trucks."

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Iowa moves that the House recede and concur in the Senate amendment. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 53: Page 38, line 8, insert: "Payment of not to exceed the contract price of $125,000 for three postal-card presses ordered in fiscal years 1924 and 1925 shall be made upon audit and order of the Joint Committee on Printing; and such audit, order, and payment shall be conclusive and binding upon all parties concerned as to correctness of the account."

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Iowa moves that the House recede and concur in the Senate amendment. The question is on agreeing to that motion.

The motion was agreed to.

Mr. DICKINSON of Iowa. Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker, since addressing the House on this matter a few moments ago, I have secured from my office a table classifying the clerk-hire payments to the committees of the House of Representatives, and I find that, according to their wage scales, or their salary costs to the Government, the committees of the House may be arranged in 18 different classes or groups. There is no uniformity, except in the very tight treatment of committees of the seventeenth classification.

The groups or classes are found, as follows:

Clerk hire payments to the committees of the House of Representatives

Committees	Wages
1. Appropriations	$6,000
	4,000
	18,000
	2,440
	1,440
Total	31,880
2. Ways and Means	3,600
	2,360
	2,250
	2,880
	1,310
	1,010
Total	13,410
3. Invalid Pensions	2,880
	2,560
	2,360
	1,240
Total	9,040
4. Interstate and Foreign Commerce	2,880
	2,360
	1,830
	1,310
Total	8,380
5. (a) Accounts; (b) Agriculture; (c) Rivers and Harbors	2,880
	2,150
	1,310
Total	6,340
6. Judiciary	2,880
	1,940
	1,240
Total	6,060
7. (a) District of Columbia; (b) Foreign Affairs; (c) Indian Affairs	2,880
	2,150
	1,010
Total	6,040

Clerk hire payments to the committees, etc.—Continued

Committees	Wages
8. (a) Military Affairs; (b) Naval Affairs	$2,880
	1,830
	1,310
Total	6,020
9. Post Office and Post Roads	2,880
	1,730
	1,310
Total	5,920
10. Pensions	2,880
	1,940
	1,010
Total	5,830
11. (a) Claims; (b) Public Buildings and Grounds; (c) War Claims	2,880
	1,520
	1,010
Total	5,410
12. Rules	2,360
	1,830
	1,010
Total	5,200
13. World War Veterans	2,880
	2,150
Total	5,030
14. (a) Banking and Currency, Public Lands	2,360
	1,520
	1,010
Total	4,890
15. Revision of laws	3,000
	1,010
Total	4,010
16. Printing	2,360
	1,310
Total	3,670
17. (a) Census; (b) Civil Service; (c) Coinage, etc.; (d) Elections No. 1; (e) Elections No. 2; (f) Elections No. 3; (g) Enrolled Bills; (h) Flood Control; (i) Immigration and Naturalization; (j) Irrigation and Reclamation; (k) Labor; (l) Library; (m) Merchant Marine and Fisheries; (n) Mines and Mining; (o) Patents; (p) Roads; (q) Territories.	2,360
	1,010
Total	3,370
18. (a) Disposition of Useless Papers in the Executive Departments; (b) Education; (c) Election of President and Vice President	2,360

Now, how did we ever get into such a peculiar arrangement as that? There is neither rhyme nor reason to it. One can not go before the distinguished chairman of the Committee on Accounts without being told other committees are making demands for increase in clerk hire, and that if one increase is made all other requests will have to be considered. Well, why not? I have no doubt that the Committee on the Merchant Marine and Fisheries needs a little more clerk hire. All of these clerks are on the permanent rolls; they are not perquisites. But if one goes to either the chairman of the Committee on Accounts or the chairman of the Committee on Appropriations and tries to get relief in a sincere effort to properly carry on the business of this House he meets with rebuff. I submit that the whole schedule needs revision.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Iowa to recede and concur in the Senate amendment.

The motion was agreed to.

POSTAL SALARIES AND POSTAL RATES

Mr. RAMSEYER. Mr. Speaker, the act of February 28, 1925, commonly known as the postal salaries and postal rates act, provides for the appointment of a special joint subcommittee to study the problem of postal rates. That committee has made an exhaustive study of the problem and is prepared to make a partial report. The act further provides that the committee shall report by bill. That bill is prepared and is accompanied by a report. I ask unanimous consent that the bill may be referred to the proper calendar.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the bill mentioned may be referred to the Union Calendar. Is there objection?

There was no objection.

ADDRESS OF PRESIDENT COOLIDGE

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks by having printed in the RECORD the address of the President before the Daughters of the American Revolution on April 19, 1926.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks by printing the address of the President recently delivered before the convention of the Daughters of the American Revolution. Is there objection?

There was no objection.

Mr. MILLS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address made by President Coolidge at Washington on the 19th of April, 1926, at 8 p. m., before the Daughters of the American Revolution:

Members of the Daughters of the American Revolution, coming to address the Thirty-fifth Continental Congress of the National Society of the Daughters of the American Revolution reminds me that I have had that privilege several times in the past. You represent one of the most distinguished patriotic orders of our Nation in cherishing the memory of the people and the record of the events of the great struggle which resulted in American independence. It is a marked honor to be invited to speak in your presence. But I do not wish to be the sole recipient of such opportunity. Perhaps you might profit by some change in the future. In a fresh view of a great period, animated by a great purpose, consecrated by a great result, you are more likely to secure a much larger inspiration.

In Massachusetts the 19th of April is known as Patriots' Day. It is honored and set apart. The whole Nation is coming more and more to observe it. As the time lengthens from the occurrences of 1775, its significance becomes more apparent and its importance more real. It stands out as one of the great days in history, not because it can be said the American Revolution actually began there, but because on that occasion it became apparent that the patriots were determined to defend their rights.

The Revolutionary period has always appeared to me to be significant for three definite reasons: The people of that day had ideals for the advancement of human welfare. They kept their ideals within the bounds of what was practical, according to the results of past experience. They did not hesitate to make the necessary sacrifice to establish those ideals in a workable form of political institutions. As I have examined the record of your society, I believe that it is devoted to the same principles of practical idealism enshrined in institutions by sacrifice.

This is but the natural inheritance of those who are descended from Revolutionary times. In this day, with our broadened view of the importance of women in working out the destiny of mankind, there will be none to deny that as there were fathers in our Republic so there were mothers. If they did not take part in the formal deliberations, yet by their abiding faith they inspired and encouraged the men; by their sacrifice they performed their part in the struggle out of which came our country. We read of the flaming plea of Hannah Arnett, which she made on a dreary day in December, 1776, when Lord Cornwallis, victorious at Fort Lee, held a strategic position in New Jersey. A group of the Revolutionists, weary and discouraged, were discussing the advisability of giving up the struggle. Casting aside the proprieties which forbade a woman to interfere in the counsels of men, Hannah Arnett proclaimed her faith. In eloquent words, which at once shamed and stung to action, she convinced her husband and his companions that righteousness must win. Who has not heard of Molly Pitcher, whose heroic services at the Battle of Monmouth helped the sorely tried army of George Washington! We have been told of the unselfish devotion of the women who gave their own warm garments to fashion clothing for the suffering Continental Army during that bitter winter at Valley Forge. The burdens of the war were not all borne by the men.

Such a record made it eminently fitting that in the course of time there should be founded the Daughters of the American Revolution. Starting in 1890, small in numbers but great in purpose, it is little wonder your society has grown great in membership and influence. From 4 chapters and 390 members at the end of the first six months, it has reached a total enrollment of more than 156,000, and a chapter roll of over 2,000. In recent years there have been periods when new members have been taken in at the rate of 1,000 a month. Truly, a powerful force for good in our country—such a body of high-minded women with such a heritage of sacrifice and devotion to an ideal! What possibilities for future service rest in such a devoted body of citizens!

I have been reading your constitution and considering the objects of your society there set forth. It declares your purpose:

"To perpetuate the memory and spirit of the men and women who achieved American independence, by the acquisition and protection of historical spots, and the erection of monuments * * *."

How well this has been carried out is known to all who have visited such spots. That it has been done is a reason for your existence. Who can measure the inspiration that may be drawn from such symbols of heroic deeds!

You have encouraged research into Revolutionary history, published the results, aided in the preservation of documents and relics, of the individual service records of soldiers and patriots. You have promoted the celebration of patriotic anniversaries. Worthy acts of service to the Nation, each and every one!

You undertake to promote institutions for the diffusion of knowledge to the end that there may be developed "the largest capacity for performing the duties of American citizens." You have added to your endeavors of this character the very practical and necessary work of helping the foreign born to understand and acquire the full benefit of living in America.

But it is the third and last, and the most important, paragraph of your declaration of purpose that arouses the keenest interest. In it you say it shall be your endeavor—

"To cherish, maintain, and extend the institutions of American freedom, to foster true patriotism and love of country, and to aid in securing for mankind all the blessings of liberty."

These are principles worthy of the best support that the country can give. Yet it is not beyond the capacity of the humblest citizen to make some contribution for their establishment. However exalted is the conception of our institutions, they are not beyond the reach of the common run of people. They are ideal but they are practical. They rest on the every-day virtues—honesty, industry, and thrift. As the overwhelming mass of our people are thoroughly loyal to these principles, we can feel a warranted assurance that the foundations of our institutions are secure.

But while we are justified in the assumption that the heart of the people is sound, and that they are moved by worthy motives, it can not be denied that we always have and do now suffer from many minor afflictions. That would be disturbing if one did not realize that more serious maladies have been met and overcome in the past, and that there is every reason to believe that our people have sufficient character to meet the requirements of the present day.

Our Republic gives to its citizens greater opportunities, and under it they have achieved greater blessings than ever came to any other people. It is exceedingly wholesome to stop and contemplate that undisputed fact from time to time. Then it is necessary to contemplate the inescapable corollary that the enjoyment and perpetuation of these conditions necessarily lay upon our people the obligation of a corresponding service and sacrifice. Citizenship in America is not a private enterprise but a public function. Although I have indicated that it is my firm conviction that this requirement will be met, it can not be denied that if it is not met disaster will overtake the whole fabric of our institutions.

Our very success and prosperity have brought with them their own perils. It can not be denied that in the splendor and glamour of our life the moral sense is sometimes blinded. It can not be disputed that in too many quarters there is a lack of reverence for authority and of obedience to law. Such occurrences are sporadic and produce their own remedy. When society finds that its life and property are in peril from evildoers, it is very quick to organize its forces for its own protection. That can not fail to be done in our country, for our people as a whole are thoroughly law-abiding.

It is not in violence and crime that our greatest danger lies. These evils are so perfectly apparent that they very quickly arouse the moral power of the people for their suppression. A far more serious danger lurks in the shirking of those responsibilities of citizenship, where the evil may not be so noticeable but is more insidious and likely to be more devastating.

We live in a republic. A vital principle of that form of government is representation. More and more as our population increases it becomes necessary for the people to express their will through their duly chosen delegates. If we are to maintain the principle that governments derive their just powers from the consent of the governed, if we are to have any measure of self-government, if the voice of the people is to rule, if representatives are truly to reflect the popular will, it is altogether necessary that in each election there should be a fairly full participation by all the qualified voters.

This is very far from being the case in recent years. Since 1880 there has been a marked increase in the tendency to remain away from the polls on the part of those entitled to vote. But despite a steady decline in the vote in the five presidential elections in the period 1880–1896, there was a voting average of 80 per cent. Out of every 100 persons entitled to vote 80 went to the polls. For the last two presidential elections the average has been less than 50 per cent, and that in the face of a sincere effort on the part of numerous organizations to get out the vote. In this effort it is reported many Daughters of the American Revolution took part. From its early inception the town meeting, featuring New England life, an example of pure democracy, was generally well attended. Although representative government did not originate here, our form of representative democracy is our own product. The national election day was fixed in the Constitution, and most of the States accepted that first Tuesday after the first Monday in November as the day upon which the voters should

choose their local officials. Election day in the olden times was generally considered more or less sacred—one to be devoted to the discharge of the obligations of citizenship.

In the intervening years customs and habits have changed. Opportunities for recreation have increased. Our entire mode of life has been recast through invention, the great growth of cities, and for other reasons. Undoubtedly this has been responsible in no small measure for the widespread disregard on the part of so many of our citizens of the privilege and duty of voting. But back of these conditions there are probably some deeper and more fundamental reasons.

It was hoped that giving the vote to women would arouse a more general interest in the obligations of election day. That has not yet proved to be the case. The presidential election in 1920 was the first after the adoption of the universal suffrage amendment. There is no way to divide the total vote cast by men and women. But after that election some rather complicated calculations were made based on the assumption that the accession of women might be presumed to double the vote. The calculators reached the conclusion that of the approximate 27,000,000 votes cast only 37 per cent represented the votes of women. Some say the percentage of feminine vote was greater in 1924. Others say it was less.

I am not disposed to accept these conclusions as altogether fair to the women. And it stands to reason that it would take some time for them to become used to exercising the privilege which had belonged to the men of this country for many generations.

It is not my purpose to draw any distinction between the men and the women as to the extent to which they take advantage of their privilege and perform their duty at the ballot box. But rather it is my idea to call your attention to the startling fact that in the last two presidential elections barely 50 per cent of those qualified to vote have done so. In the senatorial elections in off years the voting percentage is much smaller.

A published study of the senatorial vote of 1922 revealed some astonishing facts. In not a few of the States the total vote cast for senatorial candidates was less than 50 per cent of the total possible vote. In not a single case did the successful candidate secure anywhere near a majority of the total possible vote. There was one State in which the percentage was 42 and another in which it was 33. From that it ran down sharply to certain States where the candidates elected received as low as 7, 9, or 10 per cent of the total possible vote.

If we are to keep our representative form of government and to maintain the principle that the majority shall rule, it behooves us to take some drastic action to arouse the voters of this country to a greater interest in their civic duties on election day. Many remedies have been proposed, from disfranchisement to criminal action. The most practical, I believe, however, is for all bodies of men and women interested in the welfare of this country to join together under some efficient form of organization to correct this evil which has been coming on us for more than 40 years, but which within the last decade has become most acute.

Having in mind the poor showing made in the presidential election of 1920, an effort was made to get out a larger participation on election day in 1924. Such prominent bodies as the National Civic Federation, the National League of Women Voters, the American Federation of Labor, the Federal Council of Churches of Christ in America, and a large number of other organizations, business as well as civic, each in its own way, attempted to get people to the polls. Members of the Daughters of the American Revolution took part as individuals but not as an organization, I understand. When the vote was counted it was found the percentage of vote cast was very little greater in 1924 than in 1920. One of those most earnestly interested in the movement, writing about it later, said:

"Was it a tragedy or was it a farce—the result of the great and more or less spectacular campaign by voluntary organizations to 'Get out the vote'?" Despite all this effort, the percentage of those voting was barely 50. The question naturally arises, Had it not been for all this work, would not the decline have reached an extraordinary and a humiliatingly low point? The very fact that there was little net increase after all the self-sacrificing and disinterested work would seem to show clearly the growing strength of the tendency to remain away from the polls on election day.

Led by our example, country after country in various parts of the world has adopted a representative form of government and extended its franchise for the election of parliamentary bodies. There was a time when America led the world in getting out the vote. It is not pleasant to find that now we have dropped far behind some of the other nations in our participation in popular elections. We are told that 82 per cent of the men and women qualified to vote went to the polls in the parliamentary elections in England and Wales in 1922. The British electorate is maintaining a voting average of 60 per cent better than ours. In Germany in 1920 the vote approximated 75 per cent of the total electorate. And it is estimated that in 1924 this was increased to 82 per cent. In 1921 in Canada, in voting for members of the lower house of Parliament, a little over 70 per cent of the voting population participated. Over a period of 21 years Australia has maintained an average of somewhat better than 70 per cent. The percentage in Italy in 1923 was 64.

The perilous aspect of this situation lies in its insidiousness. With the broadening of popular powers, the direct election of practically all public officials, and the direct nomination of most of them, there is no opportunity for an expression of the public will except at the ballot box. It is perfectly evident that all those who have selfish interests will go to the polls and will be active and energetic in securing support for their proposals and their candidates. The average voter supports what he believes to be the public interest. Unless they appear on election day that interest will go unrepresented.

As our resources increase, as the relationship between individuals becomes more intricate, the Government becomes more and more important. We do not need to fear a frontal attack upon it. Whenever the public scents that it is in danger, they will be quick enough to give it adequate support. It is only the approach of some silent and unrecognized peril that needs to give us alarm. Such a situation will develop if the Government ceases to represent the people because the public has become inarticulate. We are placing our reliance on the principle of self-government. We expect there will be mistakes, but they will be the mistakes which the people themselves make, because they control their own Government. But if the people fail to vote, a government will be developed which is not their government.

This is not a partisan question, but a patriotic question. Your society, which is organized "to cherish, maintain, and extend the institutions of American freedom," may well take a leading part in arousing public sentiment to the peril that arises when the average citizen fails to vote. The women of the country ought to be especially responsive to an appeal from you. I feel quite certain that with the men it would be almost irresistible. The American people have been especially responsive in meeting the requirements of taxation. They ought to be even more responsive in meeting the requirements of voting. The whole system of American Government rests on the ballot box. Unless citizens perform their duties there, such a system of government is doomed to failure.

PERMISSION TO ADDRESS THE HOUSE

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that after the disposition of business on the Speaker's table to-day, and before the committee starts the consideration of the agricultural bill, I may address the House on the agricultural bill for 25 minutes, not having obtained time in general debate.

The SPEAKER. The gentleman from New York asks unanimous consent that after the disposition of matters on the Speaker's table, and before beginning the consideration of the agricultural bill, he may be permitted to address the House for 25 minutes on the subject of the bill. Is there objection?

Mr. TILSON. Mr. Speaker, reserving the right to object, it seems to me that the proper place to make the request would be after the House has resolved itself into Committee of the Whole and when the committee is considering the bill. At that time the gentleman could ask unanimous consent to proceed for 25 minutes on the bill.

Mr. LAGUARDIA. If the distinguished leader will permit, I have followed suggestions so often in the last five days to wait until some other time that I am just about at the rope's end. I hope the gentleman will not object, because I have this speech in my system and I shall feel much better once I deliver it.

Mr. TILSON. I shall not object to the gentleman having the 25 minutes in the committee.

Mr. LAGUARDIA. That is perfectly satisfactory.

Mr. RUBEY. How is the gentleman going to do that in committee?

Mr. TILSON. By asking unanimous consent, the same as in the House. He has the same chance of getting the permission in the committee as here, and it would be more appropriate for the gentleman to make his request after the House has resolved itself into Committee of the Whole.

Mr. RUBEY. Mr. Speaker, reserving the right to object, is this matter to be settled here or in the committee?

Mr. LAGUARDIA. I hope the gentleman will not object.

Mr. RUBEY. There have been five days of general debate.

Mr. LAGUARDIA. And I could not get a minute.

Mr. RUBEY. I am a member of the Committee on Agriculture, and I could not get a minute, because I was wedged in between two contending parties who fought us and who did not speak for their measures but spoke against ours.

Mr. LAGUARDIA. And I was in between three.

Mr. RUBEY. I appreciate the gentleman's position.

Mr. LAGUARDIA. And if the gentleman will recall, when unanimous consent was asked I reserved the right to object and was then given the assurance that I would be given time.

Mr. RUBEY. I shall not object in the House, but I do not know what I shall do when we get into committee.

Mr. TILSON. I shall not object in committee, but I feel that we should first go into committee, where the bill is to be discussed.

Mr. LaGUARDIA. Will the gentleman give me 25 minutes in the committee?

Mr. TILSON. I shall not object to that.

Mr. LaGUARDIA. Mr. Speaker, I will modify my request that my 25 minutes may be used after the House resolves itself into the committee, and that is a proper request, because we have always fixed the time for debate in the Committee of the Whole.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House resolves itself into Committee of the Whole House on the state of the Union for the consideration of the agricultural bill he may be permitted to address the committee for 25 minutes. Is there objection?

Mr. HUDSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUDSON. If this request is granted, then can other Members of the House who did not get time during the general debate have the privilege of proceeding for 25 minutes?

The SPEAKER. The gentleman does not state a parliamentary inquiry. Is there objection?

Mr. BURTNESS. Mr. Speaker, reserving the right to object, does that mean before any section of the bill is read?

Mr. LETTS. Mr. Speaker, I object. There were a great many of us who were shut out in the same way.

Mr. LaGUARDIA. But Iowa has had a great deal of time, while New York has had practically none. I make the point of no quorum, Mr. Speaker.

Mr. LETTS. We only had 28 minutes last night near the close, when the House was almost empty.

Mr. KNUTSON. Will the gentleman from New York withhold his point of order a moment so that I may prefer a unanimous consent request?

Mr. LaGUARDIA. Mr. Speaker, I withhold it.

SPANISH WAR PENSION BILL

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to have printed as a public document a digest of the bill (H. R. 8132) commonly known as the Spanish War pension bill. I will say to the minority leader, the gentleman from Tennessee [Mr. GARRETT], I have secured a statement from the Commissioner of Pensions which I will incorporate as a part of the document, as suggested by the gentleman the other evening.

Mr. GARRETT of Tennessee. I had hoped the gentleman might be able to have a formal ruling from the Secretary of the Interior.

Mr. KNUTSON. The Secretary of the Interior has signed and approved the paper I am going to incorporate.

Mr. GARRETT of Tennessee. And that paper shows whether these increases are automatic or whether application must be made?

Mr. KNUTSON. Yes.

Mr. GARRETT of Tennessee. May I ask what the statement shows in that regard?

Mr. KNUTSON. It states that under the bill they are automatic.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to print as a public document a digest of the Spanish War pension act. Is there objection?

There was no objection.

THE FARM PROBLEM AND REMEDIES

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of farm relief.

The SPEAKER. Is there objection?

There was no objection.

Mr. MORROW. Mr. Speaker, the House has under consideration the three agricultural bills—H. R. 11603, known as the Haugen bill; H. R. 11618, the Tincher bill; and H. R. 11616, the Aswell bill. Like the Christian religious denominations are striving for the same end, these bills have one purpose—relief for the farmer—yet they are apparently arranged differently to accomplish the purpose intended. Agriculture has been termed the basic industry of the Nation; it is certainly the mainstay of the Nation; it is through the growth of agriculture that the Nation has been developed.

The farmer has not always been prosperous in the Nation; he has had his ups and downs, his high and his low prices, his good years and his lean years. His needs are many, and much can be corrected by the farmer himself, and it is indeed doubtful whether legislation can assist him very materially.

It is true that he has just cause for complaint; legislation has been enacted for every other form of capital in the United States. The farmer has the right to ask the question: Why should not the farmer have protection? Why should not the farmer have his industry safeguarded and protected by law?

The manufacturer of cotton and woolen goods is protected; all other manufactured products are safeguarded. Railroads are allowed, through the Interstate Commerce Commission, a tariff rate that protects them. Organized labor, through its thorough and intelligent organizations, is well protected to-day.

The farmer complains that he is thwarted in his attempts to make an honest effort to regulate his affairs so that he can receive a living wage for his labor and a fair and just return upon his investment, and he complains justly.

In my early manhood a certain principle appealed to me, and it appeals to me now; the principle upon which civilization and human intelligence is based. That the earth, through toil, is made to produce sufficient wealth; if all shared equally in their efforts to produce that wealth, the comforts of life should be furnished to all so engaged.

And so this question arises, Is that production equally and equitably distributed to all the producers? The man engaged in agriculture says that it is not, and he is eminently correct. The gross value of all farm crops and products marketed in 1919 was $21,425,623,614, which was divided as follows in 1919:

Livestock products	$2,667,072,273
Animals sold	3,511,050,000
Crops	14,755,364,894
Forest	394,321,828
Nursery and greenhouse	97,884,219

In 1909 the gross value of all farm crops and products marketed was $8,494,220,307.

Let us look over the livestock figures in the United States for the years 1915 and 1925:

	1925		1915	
	Number	Value	Number	Value
Horses	17,589,000	$1,107,248,000	21,195,000	$2,190,102,000
Mules	5,411,000	457,697,000	4,479,000	503,271,000
Milk cows	25,319,000	1,287,714,000	21,262,000	1,176,338,000
Other cattle	39,609,000	970,117,000	37,067,000	1,237,378,000
Sheep	39,134,000	372,909,000	49,956,000	224,687,000
Swine	54,234,000	609,402,000	64,618,000	612,951,000

It will be seen from the above figures that the number of livestock has changed materially upon the farm and to some extent this has a bearing upon the crops.

In the matter of horses the change in 10 years from 21,195,000 to 17,589,000 in 1925 shows a loss of nearly 4,000,000 head. This is considerable in the loss of consumption of corn and hay. The automobile has taken the place of the horse and increased the overhead expense of the farmer very materially.

In milk cows we see an increase of 4,582,000 head in 1925, with a value increase of $102,376,000.

Other cattle have increased 2,542,000 head and decreased in value $267,259,000; and the 1925 value is shown as the lowest return for cattle in the 10-year period. There is a decrease in sheep of 10,822,000 head, and an increase in value of $148,220,000. Hogs show a decrease of 10,348,000 head, an increase in value of $31,923,000.

It is very apparent that while the population of the country has grown the animal products of the Nation are decreasing in number. This is true except in the case of milk cows and other cattle, which have materially increased in number, but not in value, the value in 1915 being $55.33 per head, against $50.50 per head in 1925, this being the figure for milch cows.

There can be no question but that orderly marketing of all farm products and the cutting out of the middleman wherever possible is largely the solution of the farmer's problem.

The farmer's overhead expenses have become very important factors in the returns from his investment. The land values are too high to yield a return upon the investment, after the payment of taxes, hired help, the cost of marketing, and transportation charges are all taken care of, very little is left for a just return on the investment.

The farmer's earnings are lower per year than any other individual employed or engaged in business in the United States. The report as set forth in the Haugen bill shows this: That it ought to appeal to the Members of Congress to find some solution for the plight of the American farmer. It is shown that from his labor and his investment the farmer earns less than any other worker in the country.

After he pays for his food, clothing, help, and other expenses he has nothing in return; in fact, he is practically in debt. That there is no prosperity upon the American farm is apparent to every thinking person in the Nation. Can legislation solve this problem? There are some phases of the problem that can be solved in time; whether legislation can reach the farmer's problem, to prevent the greater portion of the returns from his labor being absorbed by the middleman, and other charges, that take two-thirds of the price for which the product is sold to the consumer; this is the main problem to be solved.

Certainly, production is no greater in the country now than it was 10 years ago; the acreage employed in agriculture is no greater; the population has increased materially and should absorb a large part of the farmer's surplus. Still the farmer's returns are not sufficient, under the present purchasing power of the American dollar, to enable him to operate his farm successfully. Deflation in farm values, livestock values, the failure of banks, and the number of farmers who have gone through bankruptcy indicate the farmer's plight:

The two principal farm crops of the United States, by years

[From tables prepared by the Department of Agriculture]

Year	Acres	Bushels	Value
CORN			
1913	105,820,000	2,446,988,000	$1,692,092,000
1914	103,435,000	2,672,804,000	1,722,070,000
1915	106,197,000	2,994,793,000	1,722,680,000
1916	105,296,000	2,566,927,000	2,280,729,000
1917	116,730,000	3,065,233,000	3,920,228,000
1918	107,494,000	2,582,814,000	3,528,313,000
1919	97,170,000	2,811,302,000	3,780,597,000
1920	101,699,000	3,208,584,000	2,150,332,000
1921	103,740,000	3,068,569,000	1,297,213,000
1922	102,846,000	2,906,020,000	1,910,775,000
1923	104,324,000	3,053,557,000	2,217,299,000
1924	105,012,000	2,436,513,000	2,405,468,000
ALL WHEAT			
1913	50,184,000	763,380,000	610,122,000
1914	53,541,000	891,017,000	873,680,000
1915	60,469,000	1,025,801,000	942,303,000
1916	52,316,000	636,318,000	1,019,968,000
1917	45,089,000	636,655,000	1,278,112,000
1918	59,110,000	917,160,000	1,874,623,000
1919	75,694,000	967,979,000	2,080,056,000
1920	61,143,000	833,027,000	1,197,263,000
1921	63,696,000	814,905,000	754,834,000
1922	62,317,000	867,598,000	873,412,000
1923	59,569,000	797,381,000	735,983,000
1924	54,309,000	872,673,000	1,136,596,000

The average farm wages since 1875 for a series of years indicate what is wrong, in part, with the expenses of the farmer.

Look at these figures:

	Average wages with board	Average wages without board
1875	$12.92	$19.87
1885	12.34	17.97
1895	12.02	17.69
1902	16.40	22.14
1910	19.21	27.50
1912	20.81	29.58
1915	21.26	30.15
1919	39.82	56.20
1920	46.89	64.95
1925	34.94	48.55

Average value per acre of plow lands March 1, 1925

State	All	Poor	Good
Maine	$36	$21	$49
New Hampshire	41	23	60
Vermont	36	23	53
Massachusetts	70	41	107
Rhode Island	91	56	115
Connecticut	60	34	90
New York	53	32	74
New Jersey	84	49	108
Pennsylvania	53	32	60
Delaware	48	28	66
Maryland	50	31	66
Virginia	42	26	58
West Virginia	38	24	55
North Carolina	52	33	70
South Carolina	38	24	52
Georgia	25	17	36
Florida	33	18	48
Ohio	70	48	91

Average value per acre of plow lands March 1, 1925—Continued

State	All	Poor	Good
Indiana	$74	$49	$98
Illinois	123	82	153
Michigan	57	35	75
Wisconsin	75	49	97
Minnesota	73	54	86
Iowa	135	100	162
Missouri	63	42	81
North Dakota	31	22	37
South Dakota	58	34	68
Nebraska	90	64	108
Kansas	54	37	69
Kentucky	44	26	60
Tennessee	45	27	65
Alabama	28	18	37
Mississippi	24	16	34
Louisiana	35	22	45
Texas	50	32	64
Oklahoma	38	24	53
Arkansas	32	20	34
Montana	19	12	28
Wyoming	25	13	37
Colorado	48	24	68
New Mexico	38	23	55
Arizona	116	70	140
Utah	90	49	122
Nevada	78	45	90
Idaho	68	44	90
Washington	80	45	103
Oregon	78	46	100
California	111	51	164

Transportation and marketing charges should be remedied; if the Aswell bill offers a solution for this, by gradually educating the farmer and producer up to this point, it will go a long way in solving the farmer's problem. My State, in the marketing of livestock and in cotton, is not looking with favor upon the Haugen bill, as now presented.

There should be reciprocity with Mexico upon a broader field. Mexico is taking about two and one-half million bushels of our corn, and the shipper pays an export duty of 17 cents per bushel. Should this duty be relieved it would assist the producer very materially.

The gentleman from Kentucky [Mr. KINCHELOE] stated that only 5 per cent of the corn crop was exported; that the balance was fed upon the farm. If only 5 per cent of this corn is exported, it would appear to me that Mexico, which does not produce in excess of 100,000,000 bushels per year, would be able to use a much larger quantity than we are now exporting to that country. With proper reciprocity laws with Mexico, letting in certain products which the United States needs and which we can secure in Mexico and which do not interfere with the products produced in the United States, a larger field for our surplus corn can be secured in that country.

The same thing applies to wheat. According to figures from the Department of Agriculture for the year ending December 31, 1925, 1,253,010 bushels of wheat were exported into Mexico, on which an import duty was collected of 39.6 per bushel, United States currency, based on rate of exchange in force in May, 1926. Two hundred thousand six hundred and eighty barrels of flour were sent into Mexico during the same period, the duty being $3.88 per barrel in United States currency.

The chief exports from Mexico are oil, precious metals, coffee, tobacco, hemp, sisal, sugar, dyewoods, cabinet woods, and hides. In 1925 the imports from the United States were $146,833,521; the exports from Mexico to the United States were $185,109,260. Many of these articles are on the free list coming into the United States; others can be placed on the list without interfering in home production.

This, in my opinion, is one step that can be worked out by Congress, as the Mexican tariff on corn and wheat is too high at the present time. In fact, they need a part of our surplus corn and wheat, as they can not produce it within their own country, and we need many of the products from Mexico upon which the Mexican exporter is compelled to pay a duty.

The farmer should limit his crop production; there should be a principle of cooperative marketing toward the education of the American farmer; to restrict crop production and to change his crops from overproducing corn and wheat to some other crop that always has a market in the Nation.

Iowa farmers, in my opinion, can produce upon their valuable soil a much better crop return from the raising of sugar beets and the manufacture of sugar, for which there is a more certain market in the United States, than in the production of corn.

The same might apply to other agricultural States where there is a surplus of both wheat and corn. It is true that labor will constitute a factor in the production of sugar beets, and it requires much more labor than the growing of wheat and corn;

but certainly the surplus of wheat and corn can be limited in the growing of other valuable crops where climatic conditions and the soil permit the same.

It would appear to me that of all the bills presented, in conjunction with other legislation heretofore had, that the Aswell bill offers an opportunity to assist the farmer in producing a crop best suited for the marketing conditions of the country, and in cooperative marketing associations. Also, in intelligent plans for adjusting the supply and demand; in the withholding of crops and letting the supply come to market in proper quantities to be absorbed in a legitimate market and cutting out the speculator and stock gambler in wheat and corn. In my opinion, this bill will assist very much in bringing the farmer back to a sound business in connection with his agricultural pursuits. There should be loans advanced to the farmer on as reasonable a basis as it is possible for the Government to give. The independence of the farmer should not be destroyed; he should remain as he has always been considered—the most independent citizen of the Government.

A POINT OF NO QUORUM

Mr. LaGUARDIA. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and fifty Members are present, a quorum.

FARM RELIEF

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603, with Mr. MAPES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. In accordance with the rule under which the bill is being considered, general debate having closed, the Clerk will read the bill.

Mr. CANNON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. Mr. Chairman, the rule under which we are proceeding, like most special rules adopted by the House, is susceptible of conflicting interpretations. The resolution provides that the Tincher bill or the Aswell bill, or both, may be offered as substitutes for the pending bill. I would like to ask if it will be in order to offer these bills immediately after the reading of the first paragraph, or at any time during the reading of the bill, or if they will be in order only at the conclusion of the reading of the bill. It may be of some interest to know just when we may expect these two bills to be brought up.

Mr. ASWELL. They are coming up all right.

Mr. CHINDBLOM. Will the gentleman read that portion of the rule?

Mr. CANNON. I have read the rule.

Mr. CHINDBLOM. I mean for the information of the House. I do not have a copy before me, but my recollection is the resolution does say something about when that motion may be offered.

The CHAIRMAN. The gentleman from Missouri includes several items in his parliamentary inquiry, and perhaps it would be best to postpone any attempt to answer them definitely until the questions are raised directly in the committee. However, the Chair will now say that he does not think the rule prohibits the offering of any germane amendment at any time during the consideration of the bill that it is in order. It does provide for the offering of the Tincher bill or the Aswell bill at the conclusion of the consideration of the Haugen bill, regardless of whether those bills are germane or not, under the general rules of the House.

Mr. CHINDBLOM. Will the Chair permit an interruption?

The CHAIRMAN. Yes.

Mr. CHINDBLOM. If, however, either one of those bills is offered before the reading has been concluded, the Chair might be called upon to rule upon the germaneness of those bills as amendments, so that the privilege of offering them, notwithstanding the rule of germaneness, arises only after the conclusion of the reading of the entire bill.

The CHAIRMAN. As the Chair stated, the rule does not prohibit the offering of any germane amendment during the consideration of the bill, and the question of germaneness would, of course, be involved if an attempt was made to offer either one of the bills at any other place except at the end of the reading of the Haugen bill.

Mr. CANNON. Then, in the opinion of the Chair, we need not expect the Tincher bill or the Aswell bill to be offered as a substitute for the pending bill until the last paragraph of the pending bill has been read.

The CHAIRMAN. The Chair did not say that.

Mr. CANNON. That is what we would like to know. The resolution says after the reading for amendment.

Mr. DENISON. If the Tincher bill or the Aswell bill are offered as substitutes, it will be to the entire bill. As I understand the rule, the bill under consideration will have to be read and perfected before the substitute could be offered.

The CHAIRMAN. Under the general rules of the House the Chair will say that it is in order at the completion of the reading of the first section of the bill to offer an amendment in the nature of a substitute for the bill as a substitute for the first section with the notice that if that motion is adopted a motion will be made to strike out the subsequent sections of the bill when read. Of course, the question of germaneness would be involved in such an amendment as that.

Mr. BEGG. I think the general understanding of the rule was that the Haugen bill should be read and amended and at the end the other bills could be offered as a substitute.

Now, the question I would like to propound to the Chair is, Suppose the Tincher bill is offered as a substitute and adopted. When it is offered will it be offered as one amendment or will it be read under the five-minute rule with an opportunity for amendment or will it be voted up or down as one amendment?

The CHAIRMAN. The rule does not provide for the reading of either substitute bill by sections but in its entirety as an amendment.

Mr. BEGG. Then there will be no amendment other than the regular amendment eligible under the rules for amendment.

The CHAIRMAN. Any germane amendment will be in order.

Mr. BEGG. Under the same rule as if it was a simple amendment?

The CHAIRMAN. Under the general rules of the House.

Mr. BEGG. The bill proposed as a substitute then would be read but once.

The CHAIRMAN. The substitute would be read as one amendment.

Mr. GARRETT of Tennessee. If I understand the situation, the Chair has stated correctly that it would be read as a whole, but after being read it would be subject to amendment because that would only be an amendment of the second degree.

The CHAIRMAN. That is as the Chair understands it.

Mr. BARKLEY. The rule also provides that not only may the bill be offered as a substitute for the Haugen bill but offered as a substitute for each other. The question that I would like to ask the Chair is if either one of the bills is offered as a substitute for the Haugen bill and the other a substitute for it, would the last amendment that was offered have to be voted upon first?

The CHAIRMAN. The Chair is not sure he understands the gentleman from Kentucky, but he will say this, that if either bill is offered and adopted as a substitute, that forecloses any further amendment. The Chair thinks that these questions ought to be deferred and answered definitely when they arise during the consideration of the legislation in the committee.

Mr. CANNON. Of course, the Chair is not required to answer hypothetical questions. But if one or two points are cleared up now it will save time later on. Under the provisions of the rule the Tincher bill and the Aswell bill are made in order, clause 7, Rule XVI, to the contrary notwithstanding; that is, whether germane or not. I assume that the Chair holds that if the whole bill is germane any part of the bill is germane. Would it be in order to offer any part of the Tincher bill or any part of the Aswell bill in the course of the consideration of the pending bill?

The CHAIRMAN. The Chair will rule on the germaneness of the amendments when they are offered.

Mr. CANNON. The rule provides that the proposed substitutes are germane as a whole. Are we to infer that any section will be considered germane if offered separately as an amendment to some paragraph of the Haugen bill?

The CHAIRMAN. The Chair thinks not, if offered separately.

Mr. BLACK of New York. If either substitute is adopted, will the substitute be read under the five-minute rule?

The CHAIRMAN. It will not.

The Clerk read the first section of the bill, as follows:

Be it enacted, etc.—

DECLARATION OF POLICY

SECTION 1. It is hereby declared to be the policy of Congress to enable producers of agricultural commodities to control a supply of such commodities sufficient to stabilize their markets against undue and excessive fluctuations and to distribute the benefits and costs thereof to all producers of such commodities; to minimize speculation and waste in marketing; to encourage the organization of producers of agricultural commodities into cooperative associations; to protect domestic markets against world prices and assure the maximum benefits of the tariff upon agricultural commodities; and to provide for the control and disposition of the surpluses of agricultural commodities, for the purpose of promoting the orderly marketing of agricultural commodities in interstate and foreign commerce.

Mr. TILSON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes in a discussion of the bill.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. BLACK of New York. Reserving the right to object, that would not cut off an amendment to this first section?

Mr. TILSON. It would not.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TILSON. Mr. Chairman, it was my duty in my official capacity as floor leader to have brought before the House for its consideration bills proposing relief for agriculture. For several weeks I had held open a place on the legislative program for this purpose, and have done the best I could toward giving the House the amplest opportunity for the consideration of such legislation. I am glad that it is not a political matter, and that it has not taken a political turn in the debate. Party lines seem to be forgotten in this matter, so that we are having the advantage of the united, combined wisdom of all parties, and we surely need it.

Some criticism has been made of the rule by which the several bills reported by the Committee on Agriculture are brought before the House for consideration. It is an unusual rule, but I see nothing whatever in it to condemn—in fact, it seems to me to be admirably adapted to the purpose, which is to give the fullest consideration to all of three distinct propositions. Of course, it is inconsistent with parliamentary procedure to have more than one proposition pending at a time. Therefore, the so-called Haugen bill is technically the bill now being considered. The rule, however, attempts to make it certain, so far as a rule can do so, that the other two propositions will have their opportunity for consideration.

Great disappointment has been expressed at the failure of the Committee on Agriculture to arrive at a definite conclusion as to what is the best thing to be done for agriculture at the present time. This great committee is made up of 21 of the leading men of this House. Most of these men were chosen for this committee on account of their particular knowledge of or aptitude for the study of the subject. They are all good men, patriotic men, and have the best interests of the whole country at heart. It was, therefore, hoped that after a very thorough investigation and study of the subject these men would be able to agree upon some acceptable plan that would be sound and helpful. Hence the disappointment, that instead of one proposition, three are brought in with the report that not one of the three could receive as many as 11 votes on the committee, except upon an agreement that all three should be reported.

However, I am not prepared to be so severe upon the members of the Committee on Agriculture as are some others. During the four months' consideration which these 21 gentlemen have given to this subject they have had as helpers and advisers a very considerable number of people who have, or were supposed to have, the most complete and intimate knowledge of the subject of agriculture. Governors and ex-governors came before the committee, and then there were the 22 "wise men from the West," specially selected to represent, it is claimed, all the farmers of 11 States. Surely the Committee on Agriculture could afford to rely upon the advice and best judgment of so many men so well qualified to advise on this subject. It is most disheartening, therefore, upon an examination of the hearings and the bills reported, to have to conclude that the committee received very little real help from all its numerous advisers. The advice given seems not to have been at all times consistent but changed its character as circumstances changed, so that what was hopelessly bad to-day was embraced as sound on the morrow. I mean to cast no reflection whatever upon these men when I say the hearings seem to indicate that as a rule they were long on demands that something should be done and short on really helpful information as to what should be done.

The result is that we have dumped into the hopper of this House three bills not even germane to each other; in fact, in some respects, incongruous, incompatible, contradictory. The most ardent supporters of one bill declare that they prefer to have nothing rather than either of the other bills. So, what are the rest of us to do? I was born and brought up on a farm, and so have had considerable personal experience. I represent a district that has a considerable number of excellent farmers. However, neither from my own personal experience nor from observation of or information from others have I acquired sufficient knowledge of the subject to be able to say with absolute assurance which, if any, of these three bills will serve the purpose.

I have sat here during a week of debate and have heard a number of excellent speeches. Most of them—and, I am free to say, the best of them—have been those describing the problem that confronts us. The problem, however, was fairly well known to everybody before the discussion began. The gentleman from New York [Mr. JACOBSTEIN] gave a very lucid, interesting, and valuable statement of the problem. His charts portrayed in graphic and very convincing form the facts and difficulties of the situation, but he made no attempt to give a solution. He is well known as an economist, and I could not but hope that he would give us the benefit of some of his great ability in the explanation of the economic workings of the several bills. I wish that he might have told us what, in his judgment, would be the effect of the actual operation of the Haugen bill, for instance. However, he left us just as much in the dark as most of the others who have spoken to us.

I confess my inability to forecast what would be the effect of the working out in actual practice of the several bills. I have tried to figure out how the equalization feature would work and have been unable to convince myself that in the end such a scheme would be helpful. I do not know that I fully understand just what would be the ultimate effect of all the provisions of the Tincher bill, though it seems to me that some of the provisions of the bill will be helpful. With perfect frankness I may say that it seems to me to be the least objectionable of the triplets, and therefore I shall support it. The Aswell bill would doubtless encourage cooperative marketing, which, in my judgment, is a good thing and might in the end help stabilize marketing. But there are other features of this bill the ultimate effect of which, to my mind, is at best extremely problematical.

Wandering in the maze of all this uncertainty there is one thing at least in the Haugen bill that seems to me quite clear. I think that I can understand the payment of $375,000,000 out of the Treasury. The gentleman from Illinois [Mr. RAINEY] calls it a revolving fund; but if so, it revolves in but one direction, and that is out of the Treasury. It will never come back. I believe that I can foresee something of the effect of such legislation. Whether it would "debauch" the farmers, as so positively stated by Mr. Murphy, I am not so certain, though I am rather inclined to believe that he was correct in this statement. Whatever it might do to the farmers, I am quite sure that it would do worse than debauch the Treasury. The money in the Treasury comes ultimately from one source—taxation upon the people themselves. If we authorize the expenditure of $375,000,000 out of the Treasury for any purpose, it must be provided by taxation. It would probably be necessary in the first instance to issue bonds, because under our present tax laws no such amount could be financed from current revenues. In the end, however, it would mean the reimposing of some of the taxes which have recently been eliminated or the imposing of entirely new taxes. Such a course can not be followed without such serious damage to the country as a whole that the benefits conferred would be as nothing compared with the great harm done. And bear in mind that even the farmers who are to be relieved by this $375,000,000 are a very important part of the country as a whole, and would ultimately feel the baleful effects of such folly quite as much as anyone else.

In my judgment there is no expectation that the Haugen bill in its present form will be enacted into law.

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield?

Mr. TILSON. In just a moment.

Mr. DICKINSON of Iowa. I say that I am one who will vote for it and one who hopes that it will become a law.

Mr. TILSON. I did not say "hope." Hope is one thing and expectation is another.

Mr. DICKINSON of Iowa. I expect this to become a law.

Mr. TILSON. I do not question the motive of anyone who favors it or who feels that he must vote for it, but it seems to me that no one will vote for this bill as it now stands with the expectation of seeing it enacted into law. The proposition to take $375,000,000 out of the Treasury and distribute it

in the manner proposed in this bill is, to my mind, so unsound economically that in the end it would be ruinous to the very industry that it is proposed to help; and that if we should pass such a law, those very persons for whose special relief it is passed would be the first to raise their voices in condemnation of those who on their behalf committed this Government to such a policy.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. TILSON. I first yield to the gentleman from Texas [Mr. JONES].

Mr. JONES. The gentleman has made a very nice statement, but what remedy has he to suggest?

Mr. TILSON. Oh, I said early in my remarks that I had been unable, through personal experience of my own or through information gathered from others or even after listening to a week's debate, to formulate any definite suggestion. I openly confess my inability to do so. If I knew the remedy, I would tell the gentleman from Texas immediately.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. SCHAFER. I ask unanimous consent that the gentleman's time be extended for three minutes.

The CHAIRMAN. Does the gentleman desire additional time?

Mr. TILSON. I should be very glad to answer any questions, but I am through with my remarks.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that his time be extended for five minutes—

Mr. TILSON. Oh, please do not put it in that way, Mr. Chairman; I do not ask for any additional time.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the gentleman from Connecticut have 10 minutes more. I would like to ask him some questions, and he may be able to give us some information.

Mr. TILSON. Oh, no, Mr. Chairman; I have already admitted in my remarks the meagerness of my store of information on this subject. There are other Members much better qualified to give information on this subject, and they should have the time.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to proceed for 20 minutes on the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 20 minutes on the bill. Is there objection?

Mr. SUMMERS of Washington. Mr. Chairman, reserving the right to object, I suggest to the gentleman that one gentleman has said that he would want an hour, another that he would want as much time as the gentleman from New York, and there are some of us who would like to have 20 or 30 minutes. We have had five days of debate, and it seems to me that this is harvest time instead of talking time.

Mr. LAGUARDIA. New York City has not had any time at all.

Mr. O'CONNOR of New York. Mr. Chairman, reserving the right to object, is the gentleman's request based upon what I hear around the floor of the House, that no time has been given to anybody representing the consumer?

Mr. LAGUARDIA. We will see, if I get permission.

Mr. JACOBSTEIN. Mr. Chairman, is it in order to move to strike out the last word at this time?

The CHAIRMAN. The unanimous-consent request of the gentleman from New York has been submitted by the Chair. Is there objection to the request of the gentleman from New York [Mr. LAGUARDIA] to proceed for 20 minutes? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LAGUARDIA. Mr. Chairman and gentlemen of the committee, now that all of the great leaders of the farmers have left the Chamber, after having had five days to debate three different bills on which they could not agree, caring very little, as they show by their attitude, for the interest of the consumers of the country, I rise to make a short statement, not to the so-called leaders of the farmers here in the House, but as coming from the consumers of the cities to the farmers of the country. We say to them, poor farmers, if this is your leadership, God help you! [Applause.]

Mr. Chairman, this question is so important nationally, economically, that the problem of the farmer is greater than any man, it is greater than the personal ambition of any man or of any party. If the farmers will take up the proceedings of the first day of this Congress, as reported in the CONGRESSIONAL RECORD, they will find that the Committee on Ways and Means came in here with a unanimous report upon a tax bill.

I did not agree with the members of the committee upon that bill, and I voted against the tax reduction bill; but I point out to the farmers the able and intelligent argument made by the members of the Ways and Means Committee in favor of their bill. I also point out to the farmers of the country the unanimous report that came out of the Committee on Interstate and Foreign Commerce in favor of the railroad bill. This division on the Committee on Agriculture, I say to the farmers of the country, is not accidental. The distinguished floor leader, the gentleman from Connecticut [Mr. TILSON], has just said that he regretted that the Committee on Agriculture did not agree, and we of the East also regret it, because we sincerely want to be helpful to the farmer. Many times when I am down town in New York, in lower Manhattan, and see these great and prosperous grain merchants who raise grain on the stock tickers going to their golf at 3 o'clock in the afternoon in the summer I often wonder how it was possible for them to thrive while the farmers of the country are being exploited. I understand it now, if the farmers of the country depend for help upon the leadership that has been displayed in this House, who claim monopoly in speaking for the farmers.

The gentleman from Kansas [Mr. TINCHER] took time one morning to tell us what he thought about Mr. Murphy and what Mr. Murphy said about him. Then the gentleman from Kansas again gets into an argument with the gentleman from Iowa, the chairman of the committee, as to the respective merits of their bills. Mr. Chairman, this problem is greater than Mr. TINCHER; it is greater than Mr. HAUGEN; it is greater than Mr. Murphy. If the farmers of the country fail to get relief from this Congress, they have their friends to blame for it and nobody else, and you can not get away from that. In my legislative experience I have never seen anything so skillful as this legislative indoor sport of kidding the farmer that the House has been indulging in during the last five days.

Mr. WEFALD. Will the gentleman yield?

Mr. LAGUARDIA. Just a moment. Let us be perfectly frank about this. After four months of consideration by the committee and after five days of discussion in the House, what happened yesterday? The distinguished gentleman from Ohio [Mr. BURTON] came in and raised a constitutional question as to the validity of the Haugen bill. And after four months that the Agricultural Committee gave to the study of the farm problem it comes in with three bills, and on the last day the constitutionality of the bills is questioned. And you expect to help the farmer by such methods? Gentlemen, you talk about surplus; you talk about overproduction. As the gentleman from Texas [Mr. CONNALLY] pointed out last night, there is no surplus until the people of the country have used or consumed as much as they need. There is no overproduction until the wants of all of the people have been satisfied. If the people in my State can not eat meat every day, there is no overproduction; if we have children in our public schools where the city is compelled to give lunches because they are undernourished, there is no overproduction.

What these stock-ticker farmers seemingly want is some sort of relief that will not eliminate any of the existing evils. You go to my city. A little loaf of bread costs 10 cents. I gave an illustration right here on the floor of the House not so long ago of the price of meat. The cattle raisers are getting a very small part of the exorbitant prices we pay. Potatoes, 3 pounds for a quarter and now in season. There was an article in one of New York's dailies about six weeks ago, in reference to the "overproduction" of asparagus and yet asparagus was 90 cents a bunch in New York three weeks ago.

Mr. KING. Will the gentleman yield?

Mr. LAGUARDIA. No. I have been listening for five days; let me say something myself. We want to help, the consumers want to help the farmers, but you do not give us a chance to help the farmers; you do not want to help the farmers. I will state to the gentleman from Iowa and to the gentleman from Kansas if you want to help the farmers go in a room and agree on a bill. If you do and come out with a bill, nobody can stop its passage. You can not escape the responsibility of these three bills of unknown paternity. If you could agree on one bill there is no force in this country that can stop its passage, because the country is alive to the condition of the farmer. We know that prices are exorbitant, that prices are high, that the high prices in the cities are not going to the farmer. We realize that, and the farmer realizes it. He is going to stop heeding these politicians some day and we are going to get together on this question,

and when we do, believe me there will be many a farm politician going to plow the fields instead of pretending to help the farmer but actually helping the bankers, middlemen, and packers now. [Applause.] And, gentlemen, I submit, is it possible with all of our experience in committees—with our legislative experience—is it possible for a committee confronted with a real crisis—for this farm situation is a crisis—is it possible that a committee could not agree on a bill? Is the pride of authorship greater than rendering service to the farmer? Which is the greater service to the farmer, to be able to say I stood in the committee and helped report a bill that was of benefit to the farmer and was passed, or the vanity of authorship of a bill that fails of passage?

Mr. MADDEN. The sum of the two things is rather intermixed.

Mr. SCHAFER. Will the gentleman yield?

Mr. LAGUARDIA. In just a moment. Why just stop to consider some of the provisions of the Haugen bill. If I had introduced such a bill you would say, "You are a radical." If I came out with a bill like this, why HOLADAY and ALBERT JOHNSON would try to write a new deportation bill to deport a native to some unknown land. [Laughter.]

Mr. HAUGEN. If the gentleman will yield I want to correct him. The gentleman says we are not in a position to report out a bill. If the gentleman will examine the RECORD he will find a large majority of the Members have spoken in favor of the bill.

Mr. LAGUARDIA. Do not take up my time, please. I may not know anything about agriculture, but I do know something about party pressure, believe me. I think the chairman of the committee and the gentlemen of the committee can bring out a bill if the majority sponsored that bill. You could have gotten out a bill. Please do not say the committee could not have reported out one bill. I can not stand for that. If I had brought out your bill, or the gentleman from Wisconsin here [Mr. BERGER], oh, you would have said, "Radical; you want to destroy the Constitution." You want to destroy it without anything constructive in its place. You are not going to relieve the farmer. You do not provide here in this bill that once your board goes into operation on the surplus situation that you protect the consumer against the profiteer, because you know, Mr. Chairman, that the moment you put the board into operation, the minute the board controls the surplus—the profiteers—I mean the packers, the wholesale merchants, the jobbers—are going to jack up the price to the consumers and blame the excess cost on the operation of the board.

Mr. HAUGEN. Will the gentleman yield, I want to answer——

Mr. LAGUARDIA. No.

Mr. FULMER. We do not have that in the bill because the board already has the right any minute to call loans so as to force the commodity back on the market and stabilize prices.

Mr. LAGUARDIA. When we passed the trading with the enemy act we had price fixing, and yet necessary precautions were taken to prevent profiteering above the prices fixed.

We provided that there should be no profiteering, no hoarding, no price raising. This is what would happen as a practical matter: The minute you put the board into operation every wholesaler will call on the retailer and the retailer would immediately jack up prices and blame it on the new law. You ought to provide in your bill that if they do that, and if speculators and food profiteers take advantage of the situation and increase prices unduly, you can put them in jail, where they belong. [Applause.]

Mr. FULMER. It has been said that the speculators would get under the proposition and put the price up. You would not put the price of cotton too high, because it would curtail consumption.

Mr. LAGUARDIA. I do not know much about cotton, but I know something about bread, meat, and food. The reason we did not call a meat strike in New York this past summer was because the gentleman from Texas [Mr. HUDSPETH] advised against it just then, and I think we did something indirectly to enable the cattle raisers to get a little better price for their steers down in the gentleman's district. They say there is no Packing Trust, but they have a joint bureau here in Washington, also one in New York. They said it was not true that steers were sold in Texas for a cent and a half or 2 cents a pound. I had the figures right from a bill of sale, furnished by either Mr. MCKEOWN or the gentleman from Texas [Mr. MANSFIELD]. We want to be helpful, but let us get together, work together, and be sure we are helping the farmer and no one else.

Mr. BLACK of Texas. The gentleman from New York surely does not mean to say that any steers were sold in Texas for a cent and a half a pound?

Mr. LAGUARDIA. Yes. I have the figures.

Mr. BLACK of Texas. I never heard of any such price for steers. The cattle business has been in bad shape, but I have not heard of any steers selling for 1½ cents a pound.

Mr. FULMER. I can tell the gentleman that they sold in North Carolina for 2 cents a pound.

Mr. BLACK of Texas. It is probable the gentleman got his figures from Mr. MANSFIELD?

Mr. LAGUARDIA. Yes.

Mr. BLACK of Texas. Those were not beef steers. Cattle which sell as low as 1½ cents per pound are what are usually called "cutters" or "canners."

Mr. LAGUARDIA. The gentleman says "beef steers." What do you get for steers?

Mr. BLACK of Texas. All the way from 4 cents to 8 or 9 cents. Some may sell as low as 3½ cents per pound, but they are of poor quality.

Mr. LAGUARDIA. What do you suppose we pay for them?

Mr. BLACK of Texas. Oh, I am not talking about distribution expenses. I realize that the retail prices to the consumers are frequently very high. I simply want to get the facts right.

Mr. LAGUARDIA. The gentleman says he is not talking about distribution. That is the basis of your agricultural troubles to-day. That is why the bills before us will not solve the problem.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HUDSPETH. The gentleman from New York in his endeavor to aid the beef producers in Texas sent out wires as to the actual situation, not like the distinguished chairman of the Committee on Agriculture, who is so intent on aiding the cattlemen as to go to Canada and buy beef steers over there, when he can buy steers in this country at the same price.

Mr. LAGUARDIA. Gentlemen, you can not solve this agricultural situation unless you take into consideration the question of distribution. You can not talk about surplus unless you are certain that all the food is being consumed.

The gentleman from Texas [Mr. CONNALLY] and, in fact, many others referred to the tariff. It is here intended to give full benefit of the tariff to the farmers. There is no objection to that. But, gentlemen, let me point out that hundreds of thousands of workers in the East who are producing tariff-protected goods are deprived of the benefits of the tariff. Why, right now in the city of Passaic there is a strike going on in mills producing textiles protected by the highest of a tariff. It was the intention always that the tariff is given for the purpose of paying American wages to American workers to live up to the American standard. The wages paid by these mills in Passaic enjoying a high tariff are so low that it is the custom in almost every family for the husband to work all night in the mills, and when he comes home in the morning the wife turns over the children to him, and she takes his place in the mills and works all day. Wages for a grown man or a woman are as low in these mills as $12 a week. I say that the industry that does not give the workers the benefits of tariff enacted by Congress ought to have the tariff removed from their products.

That matter requires the attention of Congress. I say that the industry that receives a high tariff, intended to pay decent wages, and which pockets those wages itself and does not pay them over is guilty of thievery of the basest kind. [Applause.]

You talk about a surplus without considering the conditions in the cities. You talk about stabilizing prices. The gentleman from New Jersey [Mr. FORT] said that nothing in these bills would disturb any economic law. But you can not hold back a surplus in order to fix prices without disturbing an economic law. The people in the East are ready to cooperate with you, but they are not going to be a party to any flimflam game such as the one that is going on now. If this is not a legislative flimflam, I do not know what it is.

You have all heard the story of two tramps who were looking for shoes. They separated at the corner; and one said, going into a shoe store, "Give me a pair of size 12 shoes." They seemed pretty good to him. His partner comes in and gives him a punch in the eye, and they both run out, and the storekeeper after them. Then both disappear, and the storekeeper is minus a new pair of shoes. The leaders are fighting each other now, and the farmer is going to be exactly in the same position as the storekeeper. He may be interested in this fight just now, but he is going to be minus something real soon.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. The farmers two years ago voted for the party that is now in power, and their leader championed the caucus system to be followed in the settling of great questions.

Could not those leaders with farming constituencies call in their caucus that they believe in and champion and pass farm legislation?

Mr. LaGUARDIA. I am not running the Republican Party now.

Mr. SCHAFER. Would you do that?

Mr. LaGUARDIA. I would.

Mr. CHINDBLOM. Would the gentleman from New York get the gentleman from Wisconsin in?

Mr. LaGUARDIA. I would try.

Mr. SCHAFER. You could not get the gentleman from Wisconsin in, but there are a number of Republicans here who advocate caucus legislation. Should they not put it into effect, if it is such a good thing, on farm-relief legislation?

Mr. LaGUARDIA. Well, if they saw fit not to caucus 13 men on the committee, why would they want to caucus their majority in this House? Of course, the majority could pass a real farm relief bill if they wanted to. There is your answer.

Now, gentlemen, here is my suggestion. You can fuss around these three bills, and you can offer your amendments in the name of the farmers of this country, but I say that the gentleman from Iowa [Mr. HAUGEN] and the gentleman from Kansas [Mr. TINCHER] should get together on a bill, so that you can hold your majority and assume the responsibility that you have as the majority party. If you do that I will vote for your bill, no matter what it is, and if you do not do that, then the poor farmer has been flimflammed and fooled and the responsibility is yours. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLACK of New York and Mr. RAINEY rose.

Mr. BLACK of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois.

Mr. BLACK of New York. What is the request of the gentleman from Illinois?

Mr. RAINEY. I rise in opposition to the pro forma amendment.

Mr. BLACK of New York. There is no pro forma amendment pending.

Mr. RAINEY. Then I make one. I move to strike out the last word.

Mr. BLACK of New York. Mr. Chairman, I have a perfecting amendment to submit.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of New York: Page 1, line 8, after the word "to," strike out "all producers of such commodities" and insert "all the people of the United States."

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, I have a very definite and helpful purpose in view in putting this language in the declaratory portion of the bill. I want the declaratory portion of the bill to read that the bill is in the interest of all the people of the United States instead of a class. There is a legal background for this suggestion of mine. Heretofore emergency legislation, stretching our powers right up to our constitutional limitations, has been justified on the theory that our extraordinary action is in the benefit of all the people and not in the benefit of a class. Emergency legislation has been justified largely on the theory that it is in the benefit of all the people, considering all the people as vendees.

The bill, as it reads, makes the vendors the subjects of benefit through the use of our extraordinary reserve powers, and I say to you gentlemen from the farmers that if you want this bill to stand up for two minutes in any court you will change the language of your declaration. There is no court in this country that will stand for price-fixing legislation of an emergency type that is in the interest of the vendor. It has never been done in this country or in Great Britain. If this bill is to stand up, it must not be for extortion by the farmers on the consumers, but for reasonable food prices for the consumers.

And now I have another purpose in view and that is my respect for the American Congress and for our form of government. As to this legislation I want to know, once and for all, if we have ceased to be a Congress and have become a rural soviet? Have we ceased to follow the preamble of the Constitution of the United States which requires us to legislate for the benefit of all the people and for the common welfare, or do we exist as a rural soviet and say that the benefits of emergency legislation are for a class? And I warn you gentlemen from the farmers that if you do not change your language in conformity with my suggestion your bill will not last two minutes in any court room.

Mr. RAINEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. RAINEY. Mr. Chairman, we have just heard some severe criticisms to this bill and, I presume, to all three of them, tendered by representatives from the cities. In the first place, we are told by the gentleman from New York [Mr. LaGUARDIA], who first addressed the committee, that none of these farm measures meet the situation; that what we need is something that will stop strikes in New Jersey, and if we just frame up a farm bill that will stop the Passaic strike and that will stop the employment of one member of the family during the day time and another member of the family during the night time, then we shall have drawn, in his opinion, a constructive farm measure. Then he proceeded to say that the great trouble with this measure, and with all of these measures, is the fact that they have profiteers in New York, and that none of these bills end the profiteering in his own home city. These are the intelligent suggestions we receive from the gentlemen who are going to vote against all of these bills.

We now have the suggestion that we ought to put something in the declaratory part of this bill which will indicate that we are enacting this measure for the benefit of all the people who live in continental United States. That is the constructive proposition we get from the other gentleman from New York [Mr. BLACK].

These gentlemen from New York and those who represent the cities here are going to vote against this bill; they are going to vote against all these bills. I have talked to them about it, and they say they are going to vote against them because they represent food-consuming constituencies and because their opponents in their primaries and in their elections will say, "You voted for a bill that might raise the cost of foodstuffs to us, and therefore you are not properly representing our district." In other words, they stand, all of them—and the two who have just spoken indicate that they do—for reducing the farmers of this country to the condition of the peasantry of Europe.

Mr. SCHAFER. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. SCHAFER. I represent a city district, but I do not stand where the gentleman placed those who represent city districts. I intend to vote for legislation for the farmer.

Mr. RAINEY. I thank the gentleman, and I would like to receive similar declarations from other gentlemen who represent city districts and who are big enough to vote for a bill which will bring some relief to the farm constituencies of the rest of us. [Applause.]

Mr. BLACK of New York. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. BLACK of New York. Does the gentleman think that a man who votes for a bill that plainly says to the court, "This is unconstitutional," is a friend of the farmer?

Mr. RAINEY. I think the amendment offered by the gentleman is as sheer nonsense as I ever heard on the floor of this House. [Applause.]

Mr. BLACK of New York. I suggest to the gentleman that he will improve his logic as well as the law and legislation if he will read some cases in the Supreme Court on declaratory statements in legislation.

Mr. RAINEY. I would not improve it by listening to the gentleman from New York, but I might by studying the other source of information he mentions.

Mr. BLACK of New York. That is where the gentleman got his information. It is not original with him.

Mr. RAINEY. I did not catch the last statement of the gentleman, but I know it must have been a very witty remark. [Laughter and applause.] I hope I have now squared myself with the gentleman from New York for calling his amendment "sheer nonsense." I still adhere, however, to that statement.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 additional minutes. Is there objection?

There was no objection.

Mr. RAINEY. I have listened during this debate to criticisms of farm leaders. They have been called lobbyists, insidious lobbyists, and unsafe advisers. It has been said that they represent improperly here some certain interests and

vague charges are made that we are better off without them and that they do not contribute anything to the solution of this economic problem. In the time I now have I want to briefly review the farm leadership we have had in the United States and to see what objectionable features you can find in it.

The grange movement was the beginning of the agrarian unrest in the United States soon after the Civil War, and that led up to the Farmer's Alliance and the National People's Party. The National People's Party, derisively called the Populists, held a convention in 1892 in the city of Omaha, Nebr., perhaps the most enthusiastic convention ever held by any party in the history of parties in the United States. They declared for certain propositions in their platform, and I am going to tell you in a moment what they were. As a result of those declarations they were denounced from one end of this country to the other as socialists, as communists, as unsafe in the suggestions they were making. They were described as ignorant. Attention was called to the whiskers of Senator Peffer, of Kansas; to the alleged fact that one of them did not wear any socks and they called him "Sockless" Jerry Simpson. I knew him in the latter years of his life as the most exquisitely dressed man I had ever met. They described Mary Elizabeth Lease as coarse and mannish and disgusting. She was the most accomplished woman orator of her generation. Then we had Ignatius Donnelly there, a man of profound learning and of tremendous energy, and Gen. James B. Weaver, one of the most accomplished orators the English-speaking races have ever produced in all the history of the world.

Now, this is what they stood for. In the Omaha convention of the National People's Party these were their platform provisions:

Election of Senators by direct vote of the people;
The initiative and referendum;
The graduated income tax;
The Australian secret-ballot system;
Destruction of alien land ownership;
Eight hours for labor;
Postal savings banks;
Restriction of immigration;
Loans to farmers from subtreasuries;
Government ownership of railroads; and
A circulating medium of $50 per capita.

These were the propositions contained in the Populist convention platform of 1892. We do not have Government ownership of railroads, but we have absolute Government control of railroads, and we have just passed through the House an arbitration bill which is the very last word in arbitration. If it fails, compulsory arbitration is the next step, and if that fails, and that will always fail, Government ownership is the next. We do not have loans to farmers from subtreasuries, but we have loans to farmers from the farm-loan banks we have established throughout the country, which amounts to the same thing. We do not have a circulating medium of $50 per capita, but we are fast approaching it. Then they had less than $16 per capita and we now have $43.

So every proposition that the Populists stood for in 1892 has now been practically enacted into law, and the time has come when we ought to do justice to the great farm leaders of that period, because you do not want to repeal very many of these things, and they are not going to be repealed, whether you want to do so or not.

The leaders who have appeared here representing the various farm organizations of the country have been men who are sacrificing their time in order to come here. They are not lobbyists. By "lobbyist" we mean a man who is paid to be here, who is paid to represent a certain interest. I know them. I have encountered hundreds of them during my period of service here.

From my own State we have here George N. Peek, of Moline, who can command in industry the very highest salaries that are paid; but he has given it all up during the last two or three years, and has been working out these propositions for the relief of the farmers. We have here from Illinois honest old Sam Thompson, who is now at the head of the American Farm Bureau Federation, whom I know, and Earl C. Smith, who comes from my congressional district, and who is at the head of the Illinois Agricultural Association—and Thompson comes from near my home in Illinois—not one of them is receiving compensation for his services here in promoting farm relief, but all of them are generously donating their time for the common good. They are all practical farmers and live on their farms.

Mr. Peek came here during the war and gave up his profitable position in industry and took the place of commissioner of finished products in the War Industries Board under Bernard N. Baruch, who approves this Haugen relief bill and who has made valuable suggestions in its preparation. Mr. Baruch is regarded as one of the great economists of the country. He furnishes to the Democratic Party a very large part of the meager sinews of war it is able to obtain.

So we have some important Democratic support for the Haugen bill, and some support that may appeal to all of us on this side of the House before the congressional elections proceed very far.

Mr. Peek served in his position during the war nearly two years in the city of Washington. He paid his own expenses and received for his services a Treasury certificate calling for $1 from the Treasury of the United States, which he has framed and which hangs up in his study. You have been denouncing him as a lobbyist and as unsafe and all that sort of thing. For the distinguished and patriotic services he rendered here during the war period he received the distinguished-service medal conferred by the authority of the Congress of the United States. He received other medals and insignia conferred by other nations, and this was his entire reward, and he was entirely satisfied with it. On account of his distinguished service for his country and for our allied nations he was made also a member of the Legion of Honor of France, of the Order of the Crown of Belgium, and of the Order of the Crown of Italy. He is rendering now as important a service for his country as he rendered during the war. He is largely financing out of his own private fortune the movement for a betterment of farm conditions in the United States, and he is not a rich man, as we ordinarily use that term. For his reward so far he has only received criticism and abuse, but this is always the lot of men who render a great service in their generation for their fellow men. He towers high above the little men who are abusing and criticizing him on the floor of this House. I have mentioned only the leaders of the farm movement who come from my own State.

I am not defending those Members of Congress who are leading the fight for the Haugen bill on the floor of this House against the assaults which are being made upon them. They can defend themselves much better than I could defend them, if they see fit to do so. I do not consider it necessary for them to make any attempt to defend themselves.

The failure of the great Agricultural Committee of the House to get together is due to the fact that these are great economic questions upon which there may well be a difference of opinion as to remedies. The question of distribution, the question of handling the surplus—these are important and complicated questions. It is not surprising that there should be differences of opinion. It is not surprising that we have three bills reported out by this committee and presented to the House for its consideration. All of them are intended to meet the difficulties presented.

I favor the Haugen bill. From my viewpoint it is the best of the three. Farmers have enough opportunities to borrow money. The Tincher bill, in its last analysis, simply gives them an opportunity to add a hundred million dollars to the total farm indebtedness of the United States, which amounts to $12,000,000,000. There is not half enough money in existence in the United States to pay it, even if the farmers had all the money there is and were in a position to apply it to their indebtedness.

The Aswell bill provides a better marketing system, perhaps, than we now have, but it really gives us nothing that we do not already now have. The Haugen bill will furnish immediate relief. It provides a system for world distribution of the farm surplus. It provides a system for removing from the market and storing, and for intelligently distributing an apparent farm surplus in any of the basic commodities it embraces. It gives to the farmer at once the benefit of the tariff protection now enjoyed by industry. Personally, I would prefer to see the tariff lowered in order to increase the purchasing power of the things we produce on our farms, but under this administration this can not be done, and I propose now to help the Republican Party keep their promises and make their tariff protection what they said it would be. It depends upon the Republican Party in this House, where they have such a large majority, and in the Senate, where they also have a majority, to carry out their promises. The Republican Party is now the responsible party, and there are a number of us on this side who are going to help you keep your promises, and if you do not do this with the 50 or more votes we will be able to give you, then God help the Republican Party in the approaching elections.

It is surprising that you gentlemen from the cities who have these profiteering problems you discuss on the floor can not accomplish something for yourselves. It is surprising that you

can not get together and frame up a constructive proposition by which you might help your own communities. The farmers are not responsible for the high prices you pay for foodstuffs. The farmers do not live in your cities; if they did, they could run them much better, evidently, than you are able to do. The Congress can not legislate for the cities. We can not in this body pass laws that will meet the conditions of which you complain in New York City and in the other cities. You must do that for yourselves in the States where you live. The reasons you have given for your refusal to do anything to keep the farmers of America from sinking to the level of the peasant farmers of other countries of the world are absolutely untenable. You can reduce your own living costs and eliminate your own profiteers by securing proper legislation in your own States for your own cities. The farmers are not in a position to do it for you. The farmers are not responsible for your own admitted incapacity to properly govern your cities.

The CHAIRMAN. The time of the gentleman from Illinois has again expired. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BLACK of New York) there were 4 ayes and 60 noes.

So the amendment was rejected.

Mr. BURTNESS. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent that I may proceed for 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. BURTNESS. Mr. Chairman and gentlemen of the House, it is obviously impossible to discuss in detail any or all of these bills in 15 minutes, and I hope to use most of my time in answering some of the objections that have been raised to the so-called Haugen bill.

Before doing that, however, I want to emphasize some features which have been discussed on the floor, but which, I believe, are not fully understood by the membership of the House. Let me bring it home to you all that the Haugen bill in its fundamentals amounts simply to the establishment of a device which will make the tariff operative in the price that is paid the producers of certain specific farm crops and products, of which we generally have an exportable surplus. That is all it amounts to in its fundamental principles.

I made the statement in my speech on the agricultural problem about a month ago that the tariff is not an end in itself, it is not something put on the statute books simply for the purpose of getting a tariff written into the law. It yields a revenue, it is true, but as used it is also a means to another end. It is the means which has been adopted by this country, generally speaking, for the development of industry within our borders for the purpose of making this country almost independent of the rest of the world, and for the purpose of maintaining in the United States certain living standards above foreign standards for producers, whether farmers or men employed in the factories and in the mines. That is the general and specific purpose of a protective tariff, and an incidental purpose of even tariffs for revenue only. In looking over the entire field we find with reference to a few crops that the tariff does not accomplish that particular end, and so this bill, as a permanent fundamental proposition, asks that Congress recognize that fact and asks for a device which will make the tariff operative as to wheat, hogs, cattle, products thereof, and on cotton if a tariff is ever put on it; that is, on certain basic crops in the same way as it is to-day operative on most of the things produced in the factory and in the same way as it to-day operates on certain crops of which wool, sugar, and flax are clear examples.

Now, I want to say to those on the Democratic side of the aisle, and particularly to those of you who have said that this recognizes the protective tariff principle that I do not see it that way at all. It seems to me that it simply recognizes that whatever tariff is in existence for the time being, whether it be a high protective tariff, or a low protective tariff, or a tariff for revenue, or some other form of tariff, no matter what it is, that the tariff written on the statute books of the country, that is the law of the country, should be reflected into the price paid the producer of the product.

Of course, men like the gentlemen from Texas, Mr. HUDSPETH and Mr. BLANTON, have time and again said on the floor that whenever a tariff law is written they are going to be on the job and get a tariff on the products raised in their State the same as producers from other States are looking for a tariff. What do they want it for? Of course, they want it in order to get the tariff rate that may be established reflected into the price of the products produced in their own particular State. They would not be asking for it but for that purpose.

So, then, in so far as this bill is concerned, it is not a question as to whether you are going to have a high or a low tariff, but rather the proposition is laid down that, no matter what Congress determines shall be the exact tariff rate, whatever it is, be it high or low, such rate is to be reflected back into the price given to the producer of the product.

Now, I want to make it plain, representing as I do a part of the great spring-wheat country, that there are some provisions in the Haugen bill which we have not asked for and which I do not want to try to defend, although I admit that strong arguments can be made on their behalf, at least by way of excuse. Personally I have taken the position in my State that representing the producers I was not going to ask Congress for one single thing that other sections of the Nation have not received from the country and from Congress, but that I do want whatever other sections and other producers enjoy. I therefore do not plead, and our people have not pleaded, for a subsidy. We do, however, feel that we are entitled to governmental machinery making it possible to sell our surplus at world prices without also selling that part used in domestic consumption at the same price. We are willing to stand the loss ourselves on the export, but want the tariff reflected in the price of that used by American consumers. That is the principle we are standing on and have stood on. With that in mind, you need not ask me whether I defend the so-called subsidy, as you have termed it, which is included in this bill, although I think I could, if I had the time, establish the fact that there is not a very great difference between a direct subsidy such as is included in this bill and some indirect subsidies which are provided by other laws, where the money does not come directly out of the Treasury of the United States.

I do, however, want to make a suggestion, and I make it seriously. I make it for the earnest consideration of the members of the Committee on Agriculture and for other Members who want to get a principle established. Would it not be advisable, would it not be better, for those of us who believe strongly in this kind of legislation to come upon the floor of the House, when debate under the five-minute rule is ended and the bill has been perfected, with a bill as to which no one can say that the agricultural sections of the country are actually asking for a direct subsidy from the Treasury Department? [Applause.]

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. JOHNSON of Texas. Is the gentleman going to offer or support an amendment to make the equalization fee effective at once?

Mr. BURTNESS. I shall strongly support such an amendment, if it is offered. Why not impose the equalization fee at once upon all crops with the exception of cotton? It is proper to leave out cotton because of the simple fact that there is no tariff thereon, and it is doubtful whether an equalization fee can work without some tariff. Why not eliminate the $375,000,000 provision that is found in the Haugen bill?

Its enactment might mean a new revenue law increasing taxes. Why not take the administration and the leaders of this administration at their word, when they say, as I assume they have said by the introduction of the Tincher bill and its backing by the Secretary of Agriculture, that they are willing to spend $100,000,000 for the purpose of assisting agriculture? No one can then charge us with raiding the Treasury. Why not use that $100,000,000 for two or three purposes, and let me make some suggestions in respect to that, although I do not want anyone to think that I am wedded only to these suggestions and would consider no others. Let us furnish $50,000,000 of it to the cotton people by way of a sort of loaning fund, or for that matter, I would not object seriously, if it were as contemplated by the Haugen bill. My preference would be that the money be used by the cotton people as loans for the purpose of marketing their crop and stabilizing their prices. We can think back in our experience with the War Finance Corporation, that the gentleman from Ohio [Mr. BRAND] could so well tell you about, as he was one of its directors, and we can by it ascertain what can be done with considerable money loaned for the purpose of stabilizing cotton prices. The plan was successful then and would be now. I would say that at least $25,000,000 of the other $50,000,000 should be used as a temporary loan fund to this board in the establishment of the various equalization funds.

Of course, the board gets no money from the equalization fee until the crops are marketed, until these equalization certificates are paid for. Every cent of the loan should go back to the Treasury as soon as the money becomes available from the

equalization fee. I would use the other $25,000,000 by way of loan funds, just as intended in the Haugen bill, as it is drawn now, to other smaller cooperative associations. I have not such great faith in these loans, but think they would be of some practical help. We would then go before the country with a proposition of which we need not be ashamed and no one could say that we are asking for a direct subsidy from the Treasury.

Mr. WILLIAMS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. WILLIAMS of Illinois. If the change should be made in the pending bill as suggested by the gentleman, the legislation would then be in substantially the identical form in which it was submitted to the Committee on Agriculture by the representatives of the farm organizations that came before us.

Mr. BURTNESS. I so understand. I am also convinced, as I have talked to members of the Committee on Agriculture who are for the Haugen bill, that with not more than two exceptions everyone of such members is in favor of some such compromise as this one that I have proposed.

Do not for a minute get the idea that I want to assume the position of leadership in this matter or anything of that kind. I am simply offering this suggestion most earnestly to you as a practical proposal. I expect to vote on each amendment proposed in accordance with my views on the particular amendment, and I hope such amendments as I have proposed will be submitted by some of the leading members of the Committee on Agriculture.

I say this to the cotton people who are using the argument that some of them have used. You have said that the Haugen bill, as introduced, can not possibly become a law, even though it passes both Houses. You are getting about 25 per cent of the money provided for in the bill as it is introduced. The suggested amount that I have given would give you 50 per cent of $100,000,000 for practically the same purposes.

Mr. FULMER. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. FULMER. Mr. Chairman, I want to congratulate the gentleman on his fair statement in regard to the cotton people of the South. The gentleman seems to know exactly what he is speaking about, because of our disadvantage on cotton to his advantage on the other products in the tariff. The gentleman has been very fair in his statement.

Mr. BURTNESS. Mr. Chairman, I do not want to be other than fair, not only for the sake of fairness and justice, but I also want to be fair so that they can be properly protected upon such agreement as they may have made—and I do not know what it is—with the proponents of this legislation, when some on behalf of the cotton people promised support to the legislation. They ought to be protected, but, of course, not having a tariff you can not establish at this time an equalization fee, and then it occurs to me that the only sound principle you can proceed upon is upon the principle of loaning to the cotton cooperatives or other cotton growers such funds as may be required by them for the purpose of trying to segregate, if need be, the surplus above domestic requirements or at least so that the crop can be marketed in an orderly way and thus stabilize the price.

I want to hurry on. I did not intend to take up as much time on this proposal, and I desire to come to the operation of the bill. I think the outstanding objection that is made by Members who have spoken against this bill is that this device of the equalization fee contemplates a higher price at home for a certain product than abroad and will tend to increase production. The same people who make that argument in the same breath say what the wheat farmer ought to do, what the pork raiser ought to do, whatever any one else ought to do who is engaged in farming a crop to-day with an exportable surplus, is to cut down his production to meet only domestic consumption.

Do you not see that if there were no exportable surplus the price would be just exactly what the domestic price is to be under the operation of the Haugen bill, except that there would be no deduction from it by way of an equalization fee? So we are simply asking you to-day to do something which would make the consumer pay just the same amount he is paying now. And, of course, if we could get down in production to the basis of domestic consumption there would be no danger of a surplus forcing the price below the protection that is given to us by the tariff wall, whatever it may be. But let us see what the effects are likely to be in relation to the increased production of these crops.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 10 additional minutes. How much time does the gentleman wish?

Mr. BURTNESS. Oh, well, that is for the committee to say.

Mr. VESTAL. For 10 additional minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman's time be extended for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BURTNESS. Mr. Chairman, I assume that a number of you gentlemen own farms. If you do, I ask this question. Are you not producing on the whole upon those farms just as much to-day as you can produce? I am not asking whether you are producing as much as you can of any one particular crop. In my case I produce every kind of small grain and stock—wheat, flax, rye, barley, oats, corn, hogs, and produce cattle and dairy products. Can I increase my wheat acreage without reducing the crop of some of these other things? That is out of the question. Can I increase my hog production, which means planting more corn or barley or something else for feed, without reducing the crop of either flax or wheat or something else? Why of course I can not. This proposition of a tremendous danger of increasing production is a bugaboo to the man who knows anything about the practical process of farming. If I should make a mistake, or the industry as a whole should make a mistake one year, I would simply switch back the next year, and in so far as switching from one kind of production to another is concerned, you would have exactly the same situation when it is established that you have now. Still there are men on the floor of the House here who have suggested that there seems to be 23,000,000 acres of land lying around loose for the production of wheat, for they have said that in 1919 there was 75,000,000 acres of wheat, and in 1925 there were only 52,000,000 acres of wheat.

Remember, this acreage is now in other and, generally speaking, more profitable crops. It is in alfalfa and diversified crops. What happened during the war? How much did we increase the production of wheat during the war? Remember, it was done as a patriotic duty in support of the Government. In our State county agents representing the Department of Agriculture actually went out and told the farmers, "Sell off your livestock, plow up your pastures and put them into wheat to help win the war." And even under that sort of urge what was the result? I have here a table showing the production, which I intend to put into the RECORD as a whole, but let me give you one or two figures. While the average for 1914 to 1920 in this country in wheat production was 844,000,000 bushels of wheat, the maximum amount of wheat production during the war was in the year 1919, 967,000,000 bushels. Even under that sort of an urge it was impossible to bring the wheat production up to a billion bushels, although it had been a billion bushels in 1915 when there was a smaller acreage but a good yield. What is the lesson? To a person who knows anything about farming methods the lesson is plain that the farmer can not increase his wheat crop particularly because he must have the necessary rotation in his farm methods. If he is going to have a decent yield he must rotate his crops, build up his land, and all of them can not appreciably increase their wheat acreage and surely not their production. What is true in reference to wheat is true in reference to any other item that is suggested.

The table referred to is as follows:

Year	Acreage harvested	Average yield per acre	Production	Average farm price per bushel Dec. 1.
				Cents
Average 1909–1913	47,097,000	14.7	690,108,000	85.7
1914	53,541,000	16.6	891,017,000	98.6
1915	60,469,000	17.0	1,025,801,000	91.9
1916	52,316,000	12.2	636,318,000	160.3
1917	45,089,000	14.1	636,655,000	200.8
1918	59,181,000	15.6	921,438,000	204.2
1919	75,694,000	12.8	967,979,000	214.9
1920	61,143,000	13.6	833,027,000	143.7
Average, 1914–1920	58,205,000	14.5	844,605,000	156.9
1921	63,696,000	12.8	814,905,000	92.6
1922	62,317,000	13.9	867,598,000	100.7
1923	59,659,000	13.4	797,381,000	92.3
1924	54,209,000	16.1	872,673,000	130.2
1925	52,200,000	12.8	669,000,000	

Is there need for this legislation? Mr. FORT, of New Jersey, told you about the whole crop of wheat last year in this country, and told you plainly how only a certain limited surplus can be used. The crop in 1925 was only 669,000,000 bushels,

and naturally prices were fairly good. Give us a high yield of wheat in this country this year and a fairly good crop abroad and we can not get anywhere near the present prices for wheat. I do not dare to venture a guess as to the deduction likely to be seen in wheat prices.

Now, another thing. This equalization fee becomes a deterrent to increased production. Everyone admits that. But one thing that has been entirely overlooked so far in the debate is this: The farmers of our country know that with or without the Haugen bill, with or without this device to give them a domestic price different from the world price, they know that as long as there is a surplus every additional bushel which they produce will tend to bring down the world price. And if they bring down the world price by increased production, with or without the Haugen bill, the price to the domestic producer will likewise be reduced.

This is not a price-fixing measure. It is not an attempt to attain a certain price or a ratio price and keep it there, but simply an attempt to get a domestic price higher than the world price by just the amount equal to the tariff and the cost of transportation. The farmer who grows wheat knows that there is a tendency by increased production to reduce that price, and that will be the greatest deterrent of all. In other words, it leaves the situation in that regard, you may say, exactly the same as it is to-day.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. CONNALLY of Texas. The gentleman says the proposition is to raise the domestic price of wheat above the world price.

Mr. BURTNESS. Yes.

Mr. CONNALLY of Texas. That will make the domestic buyers, of course, pay more for their wheat. How can the gentleman justify that unless he predicates it on the theory that by reason of having a tariff on other products which they produce, the farmers are not getting their full rights?

Mr. BURTNESS. The producer on the farm has the same right to receive a living price as the producer of manufactured articles. I justify it exactly on your proposition.

The gentleman from Vermont [Mr. BRIGHAM] and the gentleman from New York [Mr. FISH] and others from the East came on the floor here and said, substantially: "We represent eastern farmers; we raise poultry and dairy products, eggs, butter, and the like; and we buy grain from the farmers of the West in order to produce butter and eggs and chickens." And for that reason they said, "We can not stand for anything that will increase our costs." Whenever I could get anyone to yield to me, I made them admit that when they are raising those crops they are, generally speaking, receiving substantially the full benefit of the tariff, which has been imposed by this Congress, and which is supposed, under the present administration at least, to represent the difference in cost of producing their products here and abroad. I worked with them in getting the duty increased on butter from 8 cents to 12 cents, and, in my opinion, most of the 12 cents is reflected in the price paid for butter to the farmers of New England and New York.

When they get the benefit of the tariff on their butter, cheese, eggs, and poultry and whatnot, are they going to ask us farmers in the West to give them our grain at a price in which the tariff is not reflected to us, when by just as solemn a declaration the Congress has declared by the laws now on the statute books that the difference in the cost of producing wheat in the United States and competing countries is 42 cents, when Congress has declared that the difference in the cost of producing corn in the United States and competing countries is 15 cents, the difference in livestock is 2 cents per pound, and so on down the line? In other words, all we are asking for here is just those same privileges that are enjoyed by other farmers, by those not producing export surplus crops.

Oh, you say, "There ought not to be an exportable surplus"; and certain men, on this side of the aisle at least, have gone out in every campaign and have boasted about the tremendously large balance of trade in our favor, in the last five years an average of $870,000,000. When you boast of that, my friends, remember that the average annual export of agricultural products amounted to $1,870,000,000; and if you eliminate the agricultural products out of that export trade, instead of there being a balance of trade in favor of this country, there would be a balance of trade of $1,000,000,000 against this country. [Applause.]

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. BURTNESS. I appreciate the courtesies extended and shall try to get more time on some of the other sections.

Mr. KINCHELOE. Mr. Chairman, I rise in opposition to the pro forma amendment. I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman, I would like to inquire, before the gentleman from Kentucky begins, if the gentleman from Mississippi [Mr. QUIN] is here?

Mr. KINCHELOE. I sent word to him. Mr. Chairman and gentlemen of the House, I hope the gentleman from Mississippi [Mr. QUIN] is on the floor. I sent word to him that I wanted him to be present. On yesterday the gentleman from Mississippi in that wonderful speech he made in which he elucidated, I am sure, to the satisfaction of the House, the contents of all these three bills which are now pending, seemed to take a delight in speaking about "the gentleman from Kentucky," how inconsistent that gentleman had been on the question of subsidy in the way of farm legislation, and especially my activity in behalf of my tobacco growers, and what a monumental demagogue I was by making a speech of the character I made the other day on this farm legislation. [Laughter.]

In 1920 the English Government levied an embargo on tobacco. Now, of course, the gentleman from Mississippi does not know any more about tobacco than I know about the color of a man's hair on the planet of Mars, if it is inhabited. I introduced at that time the bill which he put in his speech, a bill seeking to amend the War Finance Corporation act, which at that time was assisting farmers in the way of loans, so that the War Finance Corporation might have the right to pay for the tobacco out of the Treasury purchased by European governments that had a monopoly of tobacco. In order to secure that loan and make it absolutely safe, so that every dollar paid by the War Finance Corporation out of the Treasury would be paid back, I provided in that bill:

That the War Finance Corporation is hereby authorized and directed to retain a first-mortgage lien in the bonds, obligations, or other evidence of indebtedness to be issued to it by either of said Governments upon all the tobacco so purchased by either of them and upon all the warehouse receipts issued by either of them, upon all of the said tobacco so purchased, to better secure the payment of the indebtedness so incurred.

I now insert the whole of the bill I introduced at that time:

IN THE HOUSE OF REPRESENTATIVES,
April 12, 1920.

Mr. KINCHELOE introduced the following bill; which was referred to the Committee on Ways and Means and ordered to be printed.

A bill to amend the War Finance Corporation act

Be it enacted, etc., That the War Finance Corporation act, approved April 5, 1918, is hereby amended by adding to Title I thereof a new section, to read as follows:

"SEC. 22. That the corporation shall be empowered and authorized to pay to any person, firm, corporation, or association engaged in business in the United States the contract price of supplies of tobacco hereafter purchased, or agreed to be purchased, by the Italian or French Governments, or any other European government buying any of said tobacco which has and maintains a government monopoly thereon, from any such person, firm, corporation, or association, and to accept in full payment of the moneys so advanced the bonds, obligations, or other evidence of indebtedness to be issued by either of said Governments for the payment of moneys so advanced, to bear interest at the rate of 6 per cent per annum from the date of such advance: *Provided*, That the total advances to be made by the corporation shall not exceed $50,000,000: *Provided further*, That the War Finance Corporation is hereby authorized and directed to retain a first-mortgage lien in the bonds, obligations, or other evidence of indebtedness to be issued to it by either of said Governments upon all the tobacco so purchased by either of them and upon all the warehouse receipts issued by either of them, upon all of the said tobacco so purchased, to better secure the payment of the indebtedness so incurred.

"There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $50,000,000, or so much thereof as may be necessary, for the purpose of making payments by the said corporation as and when required under the provisions of this section."

Now, the gentleman from Mississippi does not know it, but the countries of Austria, France, Italy, Poland, Czechoslovakia, Sweden, Portugal, Rumania, Spain, Tunis, Hungary, and Morocco, all have a government monopoly on tobacco.

In other words, they buy tobacco, they sell it to their consumers and get a revenue out of it. They handle it in the same way our Government used to handle whisky in this country, and they receive an enormous revenue with which to defray

the expenses of government in those various governments. And in order to make this loan of $50,000,000 secure, so that our Government would not lose a cent, I provided that this Government should have a lien upon the tobacco sold, these warehouse receipts, upon all the revenues that inured to these governments that had a Government monopoly, and to loan it only to those countries that had a monopoly on tobacco and were receiving this enormous revenue.

Our members from the tobacco States procured a hearing before a Subcommittee of Ways and Means and insisted upon the passage of this bill with all the force we had, but the Committee on Ways and Means, a majority of whom were Republicans, turned a deaf ear to our appeals. Was that the act of a demagogue?

No; I have never been for a subsidy, and I am not now. Of course, I may be the demagogue that the gentleman from Mississippi says I am, but of all the men who have ever walked the floor of this House since I have been here, who ever brought demagoguery on the floor of this House over and above everybody else and stands out preeminently, I submit to you if it is not the gentleman from Mississippi, the Hon. PERCY QUIN. [Laughter.]

Let us see what he did. He refers to some attempted legislation that has passed and gone and to the acts of myself and of some other gentlemen who differ with him on this farm legislation.

I remember that during the World War, when 4,000,000 of our boys were in their country's uniform, when 2,500,000 of them were on the frontiers of France fighting that civilization might endure for you and for me forever, with the great Commander in Chief of the American Army and Navy at the other end of the Avenue, to me the greatest President who ever adorned the office in the history of this Republic, and I refer to Woodrow Wilson. [Applause.] The gentleman from Mississippi at that time, with that pipe of his, was walking the smoking room back here traducing, maligning, and slandering the President of the United States in every way he knew how. He did it for weeks; but he happened to go home a little while after that. When he went home and saw the fathers and mothers of the boys from his district who had furnished their boys on the frontiers of France, along with their other comrades; when he saw the mothers of those boys knitting sweaters and socks to add to the comfort of those boys; when he saw his constituency spending their savings in purchasing Liberty bonds in order to finance this war, so that those boys might have all the comforts that Army life could afford; when he saw them 100 per cent behind Woodrow Wilson and these boys and this war, then PERCY changed his demeanor and he came back to Washington the most enthusiastic Woodrow Wilson man there was in the Congress of the United States. [Laughter.] Let us see how enthusiastic he did get on his return. I remember on one occasion the gentleman from Wisconsin [Mr. COOPER] was making a speech. The gentleman from Wisconsin finally said:

> They say we ought to stand by the President. I am ready to stand by the President if the President will stand still long enough to stand by him.

Then the gentleman from Mississippi [Mr. QUIN] jumped to his feet and said: "Get a pair of roller skates and keep up with him, like I do now." [Laughter.] And I want to tell you that the gentleman from Mississippi [Mr. QUIN] did not buy those roller skates on his own volition. Oh, no. He had been home. When he saw the patriotic devotion of his great constituency in Mississippi, and that they were not only behind this war but were making these sacrifices, furnishing their boys, and spending their earnings for Liberty bonds, then it was that PERCY thought he had better get roller skates in order to keep up with this great President who was leading the fight. So I want to ask the gentleman from Mississippi when he sends that wonderful and elucidating speech that he made yesterday down to the people of his district that he also be kind enough to send mine, too, along with his and let his constituency know what a great, patriotic, and loyal American statesman they had in the Congress of the United States at that time and when the boys from his district were sacrificing their lives on the frontiers of France.

I thank you. [Applause.]

Mr. JACOBSTEIN. Mr. Chairman, I move to strike out the last word. The majority leader [Mr. TILSON] paid me a compliment in referring to my address of last Thursday, but at the same time laid upon me a responsibility. He said that while I laid before the House the causes and nature of the farm problem, I failed to provide a remedy. I rose at the time to ask a question of Mr. TILSON. That question would have been this: "Do you not think the administration, directly or indirectly, should be held responsible for furnishing to the House some concrete program for farm relief?" I would ask Mr. TILSON a second question: Is not the Department of Agriculture, to which we contribute millions of dollars annually, definitely responsible for furnishing to the Committee on Agriculture some sort of farm-relief program which might be acceptable to the House? However, that responsibility, it seems to me, has not been met either by the administration or strongly enough or aggressively enough by the Department of Agriculture. Of course, I realize that the administration, including the Department of Agriculture, might honestly believe there is no effective solution. If that is their belief, they should say so.

As one Member of the House I realize I have a small responsibility. Having laid before the House the reasons why I believe there is a farm problem and also having analyzed the nature of the farmers' ills, I feel called upon to tell what I believe about the farm legislative bills before us. I am very pleased to have this opportunity to analyze the Haugen bill and tell you what I think about the economics underlying it in response to Mr. TILSON's suggestion.

THE TARIFF AS A YARDSTICK

If there is one thing that every economist would agree to, regardless of politics—and an economist really knows no politics—it is that any legislation which attempts to use a specific yardstick for establishing a price is unsound. The yardstick proposed in the Haugen bill two years ago was the ratio price, and was abandoned and condemned generally by economists. This year the tariff is used as the yardstick. The domestic price of basic farm commodities is to equal the price abroad plus the tariff plus transportation.

This is unsound. But not only unsound; I think it is unnecessary. I think the author or the authors of the Haugen bill might well abandon this yardstick as an effort to measure the price of the domestic commodity. It is not necessary and it is not sound.

PRICE STABILIZATION VS. PRICE FIXING

What can you do for the farmer by way of adequate price regulation? I will tell you what I think can be done. You can control the surplus and secure for the farmer the best price available under prevailing and prospective market conditions. It is futile to aim for more than this. This most advantageous price can be obtained by utilizing the best brains available in agriculture, drawing upon the experience and talent of existing cooperative associations and aided by Government economists and marketing experts.

Now, I will say to those who have trouble in sanctioning the Haugen bill that it is feasible economically to regulate a price but not to fix one. I will tell you what I mean by that. If you attempted artifically to establish a high price, you would get high production, and high production, in turn, would again bring down the price; but while high price induces high production a regulated price will lead to regulated production. [Applause.] That is the thing we ought to get in agriculture—regulated production.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JACOBSTEIN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes more.

Mr. CLAGUE. Mr. Chairman, I would like to ask that the gentleman be given 15 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 10 additional minutes. Is there objection?

There was no objection.

CONTROL OF PRODUCTION

Mr. JACOBSTEIN. The price of wheat or any other crop is going to be affected each year by the control exercised this year plus the effect you have on future planting. Therefore in an adequate farm relief bill there should be set up machinery which, working back to the farmer, through the farm bureau agent, through the county agent, through the extension departments of the agricultural institutions, will educate farmers to plant intelligently. Until you get intelligent guidance in planting you will never be able to effectively regulate the price of agricultural products. To the extent that the Haugen bill seeks to do this it is sound. Regulation of future planting must work hand in hand with the control and disposition of each year's available surplus.

TARIFF EMBARGO UNSOUND

There is another unsound idea in the Haugen bill which I think is unnecessary and ought to be eliminated. The embargo on imports provided for in section 18 of the bill is not justifiable from an economic point of view and I will tell you why.

Mr. HAUGEN. An embargo on one commodity justifies an embargo on other commodities. And this would completely shut off all imports. Even high protectionists do not advocate this.

You want to sell your commodities all over the world. You are looking for markets. What is a market? Some folks have an idea a market is a place where you only sell. That is not a market. A market is a place where you buy as well as sell, and the minute you establish an embargo you are destroying the purchasing power abroad upon which you depend for the sale of your own domestic commodities. Therefore the embargo is suicidal, and I think Mr. BEGG was right when he pointed to the history of embargoes in this country as precedent against its adoption now, although this may not be on all fours with former historic experience. Therefore the embargo feature should be eliminated from the Haugen bill, and its elimination would not destroy the principles which the Haugen bill seeks to set up.

Mr. BURTNESS. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. BURTNESS. Of course, in its finality there is no particular reason why we should buy from foreigners crops of which we have an exportable surplus.

Mr. JACOBSTEIN. You might say that about every article. What should you buy? You have to buy something. If you do not buy from the foreigner, he can not buy from you. That is plain economics. [Applause.]

Mr. BURTNESS. If the embargo is eliminated, then, of course, the cost of transportation would also have to be eliminated.

Mr. JACOBSTEIN. I am not saying we ought to wipe out the tariff. I will say to my friend from North Dakota I am not here arguing as a free-trade Democrat or as a very low-tariff Democrat. I am simply saying that the embargo is unsound and unnecessary, just as the tariff rate itself is unnecessary as a yardstick.

Mr. HAUGEN. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. HAUGEN. Section 18 is the section dealing with an embargo, and it reads in part:

> It shall be unlawful to import into the United States any such commodity, derivative, or substitute, except under such regulations and subject to such limitations and exceptions as the President may prescribe—

which does not make it necessarily an embargo or make it necessary to eliminate them entirely.

VOLUNTARY VS. COMPULSORY PARTICIPATION

Mr. JACOBSTEIN. That is true. It is not compulsory; but at the same time I think the very fact you have it in the bill invites its use and raises objections to the bill. Is it not true, Mr. HAUGEN, that neither the embargo nor the tariff as a yardstick is in the Senate bill which is a counterpart of your bill—the McNary-Haugen bill, H. R. 7893?

Mr. HAUGEN. I am not inquiring about the Senate bill. I am just discussing my bill.

Mr. JACOBSTEIN. However, this is evidence that the friends of the farmers were willing to support a bill which does not include these two things which you have in your bill, the yardstick and the embargo, which are objectionable to many of us.

Mr. HAUGEN. I feel absolutely certain that without the embargo, section 18, the bill would be inoperative. Let me call the gentleman's attention to what the spinners are doing. They pay the American price plus the tariff and yet import wool to depress the market in the United States. Here we have a large supply, a number of million pounds and the price is depressed. That is what the spinners are doing and they could do the same under this bill if it were not for the embargo. What the spinners are doing others could do. If you take the world price plus the tariff it would be possible to import the product and depress the price.

Mr. HUDSPETH. Why did not the gentleman put wool in this bill?

Mr. HAUGEN. Wool is in the bill.

Mr. HUDSPETH. It is not mentioned in the bill. Have you ever heard any sheep man complain about the price of wool?

Mr. HAUGEN. Absolutely. Let the gentleman read the testimony.

Mr. JACOBSTEIN. Now gentlemen, I would say first that the Haugen bill has got to be amended if acceptable at all by eliminating the tariff, the yardstick, which is eliminated in the Senate bill or is not in the Senate bill. We have got to have that eliminated because it is not necessary and is unsound. Then we have got to have in our minds definitely this economic fact, that arbitrary price-fixing is unsound, but it is not unsound to give to the producer the most advantageous price which the conditions of the market can give to the producer with the aid of the most efficient machinery you can establish. I think that is a sound proposition.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. JACOBSTEIN. Certainly.

Mr. GARRETT of Tennessee. Assuming the tariff to be the yardstick, and assuming that conditions arise under which section 18 is put into effect by order of the President, what then is the yardstick? The tariff is gone entirely.

Mr. JACOBSTEIN. No; because the existing tariff rate would be used as a factor in establishing our domestic price. The farm board would find out the price of wheat at Liverpool, and that price, plus the existing tariff rate, plus the transportation, would be the price established for the domestic market. The embargo is invoked when world conditions make the existing tariff rate not fully effective. A large world crop in Rumania, Russia, and Argentina coming into the world market might depress the world price of wheat so that 42 cents tariff on wheat would not fully afford protection to the American farmer. That is what the friends of the bill hope to accomplish by this provision.

Now, as to the second proposition in the Haugen bill. I think one of the things that has got to be done before an agricultural relief bill becomes acceptable is to eliminate from the Haugen bill those portions which seem to make it necessary for every producer, whether if he wants to or not, to come within the operations of the bill. There is a compulsory feature in the bill which is not liked. It is not in the Senate bill, I may say. The Senate bill meets the situation, first, by not putting into the bill those commodities where the producers do not want to be included. Take butter, for instance: The dairy people do not want to be included in the bill and so are excluded. The Haugen bill includes them, and the Senate bill does not include them. No producers should be forced to become part of the machinery—that is, against their will. If the producers do not want to have the price of their commodities fixed or regulated, if they do not want to come under the operations of this bill, why, leave them out. You may ask how can this be accomplished and still retain the other portions of the bill intact.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. CLAGUE. Mr. Chairman, I move that the gentleman be given 30 minutes more. He is making a very interesting address.

Mr. BEGG. Mr. Chairman, we have been engaged in general debate for five days, and if every man is going to speak 25 minutes we will be here for some time.

Mr. JACOBSTEIN. Mr. Chairman, I ask unanimous consent for 10 minutes more. I do not want any more time.

Mr. BEGG. I am not in charge of the bill, but it seems to me that in the interest of the dispatch of business we ought to begin pretty soon to read the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent for 10 minutes more. Is there objection?

There was no objection.

COERCION UNSOUND

Mr. JACOBSTEIN. Now, I say that the producers ought to have power to decide whether they want to be under the bill. How can you do that? Let me say to my friends supporting the Haugen bill that this is a simple proposition. All you have to do is to say that the Federal board should announce that a commodity will be under their jurisdiction say in 30 or 60 days, and then give full opportunity to the producers to register their protest and objections. In other words, give farm producers a veto power which the Interstate Commerce Commission gives to shippers in the matter of freight rates, or as the Tariff Board gives opportunity to interested parties to be heard before changing tariff rates.

The railroads announce a rate. The Interstate Commerce Commission may suspend that rate. Then it is not operative until they get the commission's consent to put it into operation. So here no commodity should be placed within the jurisdiction of this bill, because if you do that you have a compulsory feature that is very dangerous to the whole economic structure.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. JACOBSTEIN. No; I am sorry. I can not yield because my time is limited.

GOVERNMENT SUBSIDY UNSOUND

In other words, we ought to have in this bill, if it is going to be a law at all, power given to the producers to veto the operation of the bill, as it affects their particular commodity.

When the gentleman from Connecticut [Mr. TILSON] says that the subsidy idea is unsound he ought to be reminded of the fact that the administration is partly responsible for the subsidy, because I am informed that the Secretary of Agriculture, Mr. Jardine, more than any other one person is responsible for that subsidy idea. I do not like a subsidy. I think it is generally agreed by almost all economists, if not all, that a subsidy is unsound economically. If all you want to do is to have the Government make an investment in a working capital fund for the benefit of some particular set of producers, that is one thing, and you should say so very frankly. That perhaps the country will understand and accept, but a subsidy as an economic principle is unsound. I can not find any economist that indorses a subsidy except for a national defense purpose. The Haugen bill ought to be amended, and can be amended, in that respect. I have not the time to elaborate it here, but I am confident it can be done.

EQUALIZATION FEE

I want to pass on to what I think is the critical sticking point in the Haugen bill, and that is the equalization fee. I think you can get all of the parties to an agreement on all these other controversial points without much difficulty. The only thing that you can not get an agreement on is the equalization fee, and I will tell you why. If, for instance, the cotton producers of this country were sufficiently organized and had control of a substantial proportion of the crop production, you would not need an equalization fee, because they could assume themselves the responsibility of levying a mutual assessment for insurance purposes against market losses, without the aid of the Government. Notice the language I use, mutual insurance fund to be used against market losses. I think the idea is sound. Every farm group ought to set up a mutual self-imposed insurance fund to protect the producers against market losses that come from fluctuation in prices. What do you do here? You establish an equalization fee which is compulsory upon every individual producer, whether he belongs to the cooperative or not. That is the sticking point. I am very frank to say that I realize that something has to be done to collect a working capital fund, to enable the farmers to buy, to hold, to withhold, and to market the surplus advantageously. I grant that. The initial investment which the producers need is the sticking point. You can not place upon the cooperatives the responsibility for securing that initial working capital fund, and that is why the Government is called upon to assist in making advances. Perhaps it is justifiable in view of the emergency. Perhaps Uncle Sam ought to say, "If you will raise $50,000,000 in cotton, we will put in $50,000,000; for every dollar you put in we will put in a dollar, and so our $50,000,000 of the Treasury will be secured by your $50,000,000 worth of cotton." In that way, you will get started a working capital fund with which the industry, the crop, can support the surplus in such a manner as to feed it into the market advantageously, regulating but not fixing the price. Anyone here who is trying to answer this question of agricultural relief has got to meet the equalization fee question.

MARKETING SURPLUSES

The man who has an answer to that question has solved the riddle. That is why I think the friends of farm relief bills were driven to a subsidy. There was no way by which you could make all of the producers, organized and unorganized, stand the expense in building up this working-capital fund, which is necessary for the marketing of the surplus crop at the time when there is overproduction. Therefore the practical solution might be that after producers, through organizations and other means, have signified their willingness to have the equalization fee imposed and operations commence the fees should cover all units of the commodity.

The four changes that I have suggested can be made and ought to be made in the farm relief bill that is before us—the change in respect to the subsidy idea, the voluntary participation on the part of the producers, the elimination of the tariff yardstick, and then some compromise on the equalization fee whereby the Government recognizes its responsibility and does not entirely roll out of the Treasury this revolving fund at which so much fun has been poked.

Mr. FORT. Mr. Chairman, will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. FORT. Would not the Haugen bill as amended in the manner outlined by the gentleman far more nearly resemble the Tincher bill than it does the present Haugen bill?

FARM CREDIT NOT A SOLUTION

Mr. JACOBSTEIN. I will say this, if the gentleman is trying to get my judgment of the Tincher bill, and this is my personal opinion. It is my opinion that agriculture is not generally suffering for lack of credit. [Applause.] Only this morning I talked with a gentleman who has traveled all over the United States within the last few months, who has been closely in touch with the farmers, and he tells me that the farmers can borrow all of the money they want from intermediate credit banks and that they are being urged to borrow money at 5 per cent. The Tincher bill has two things in its favor. First, there are some commodities, like dairy products, on which they would like to borrow money on an amortization plan, whereby they can pay back over a long period of time, and invest in capital improvements. To that extent the Tincher bill is helpful. Also to the extent that it helps to build up cooperative enterprises the bill is fine. Have I answered your question?

Mr. BEGG. Will the gentleman yield?

Mr. JACOBSTEIN. I will.

Mr. BEGG. Is that the purpose of the Tincher bill, that instead of loaning to the farmers to loan to the cooperatives to get them on the basis where they can market?

Mr. JACOBSTEIN. I will say to the gentleman from Ohio that supporters of the Tincher bill think it would solve the agricultural problem. The farmer is made to believe he is going to get more for his crop. If the Tincher bill came up independently as a farm bill, I doubt very much if anybody would seriously object to it, but to treat it as a permanent and complete solution of the farm problem is a mistaken idea. [Applause.]

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. Mr. Chairman, I have no intention at this time of entering into a general discussion of either of these three bills which are before the committee for consideration. The only thing that prompted me to rise at this moment is the suggestion made by the gentleman from New York who preceded me in discussing the embargo section of this bill. I venture to make this further suggestion to the committee: That not only you consider the embargo provision and its possible effect, but you consider that other threat that hangs over agriculture in this bill, which you will find at the bottom of page 12, subsection 3, commencing in line 21. In other words, I refer to the calling of the advances to be made by the board to these cooperative agencies. In other words, the law would give this board sitting in Washington the right at any time that board believes the market price for the basic commodity in respect to which the advance is made is in excess of a fair and reasonable price to call its loan. In other words, gentlemen, these advances that are to be made for the purpose of controlling this surplus are repayable on demand, and, whatever may be our views upon these bills, we will all agree that the control of the surplus, to be effective in that it will register upon the price level of the commodity, must be in the public mind unequivocal and absolute and not subject to fall by its own weight or to be withdrawn at a moment's notice. We can all agree on that, can we not? The effect of that provision—I suggest this to the proponents of the bill—the effect of that provision is that every advance that is made for the purpose of buying up and holding the surplus in the last analysis becomes nothing more nor less than a call loan. Gentlemen, if you knew how sensitive prices are to the call-money rate—I do not mean the speculative market in stocks and bonds in New York—unfortunately for the legitimate business of this country the call-money rate, the way in which speculation in stocks and bonds are carried on in the city of New York on the stock exchange—unfortunately they are so interwoven with the legitimate business of this country that the ebb and flow of the reserve balances of the banks of this Nation are automatically tied with the call-money rate. Let me illustrate what I want to say, and I want you to get this and not forget it. You can make a chart and on that chart have two lines, one line representing the rate on call money in the New York money market and the other line representing the volume of the reserves of the banks of this Nation and member banks, and every time you find a saw tooth that represents a downward drop of the reserves of the banks of this Nation you will find a saw tooth just the reverse of that standing over it that represents the call-money rate.

To use an illustration, one day last week there was a prospective depletion of the reserves of the member banks of the Federal Reserve Bank of New York in one day; a $35,000,000 depletion.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. May I have five minutes more?

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. WINGO. There was a probable depletion of $35,000,000 and an average net loss on the balance of reserves for that day of $10,000,000, and the call money rate advanced at once one-half of 1 per cent.

I give you that illustration to show you that that call money is not off by itself, a matter in which the stock brokers only are interested, but in spite of the inhibition on the Federal reserve banks that they can not make loans on stock collateral, yet the business of the country is so interwoven with it that you can not separate the operations one from the other.

This provision in the bill would throw over all these operations the shadow and threat that affects all call loans; it would do that, together with what the gentleman from New York called attention to on the question of embargo.

I want to add something to what the gentleman said: An embargo. Gentlemen, can you conceive of a greater threat, a more demoralizing influence upon commodity prices in this Nation than the threat of an embargo? You do not have to draw on your imagination or indulge in fine-spun theories. Within your time and within the time of the service of most of us in this House we have seen an embargo absolutely destroy one of the markets as well as destroy the price of one of the greatest staple agricultural commodities included in this bill. We saw the practical embargo of 1914 which caused cotton to tumble down to 10 cents, and millions of bales were slaughtered and given away at 5 cents a pound, and that was brought about in a few weeks' time.

Let me show you your present condition, gentlemen, those of you who have been studying matters relating to our financial conditions and the international money market and international trade. You know why there is a gradual depression in the business of this country at the present time. What is it? Ever since the World War we have been pumping into Europe credits of at least a billion dollars a year. Last year we created new credits and loaned to Europe $1,200,000,000. And, gentlemen, there is not a single man who has studied that question who does not agree that if you had not made that loan last year your cotton would not bring even what it brings to-day.

The major factor is that the financiers realize that you can not go on forever lending, lending to those people. Pay day has to come some time. How will they pay? Either in gold or in goods or in services. We have the free gold. They can not get it. They can not increase their services to us unless it is done to the detriment of our shipping. The only thing left is to give us goods.

Oh, gentlemen, get the tariff out of mind. Concede, for the sake of argument, the correctness of those of you who want to build an absolute wall around the United States so as to exclude everything that might disturb your domestic market. Remember we are a Nation that produces a surplus of other things besides cotton. Cotton is vital to us cotton men; but eliminate the surplus of cotton. If you let the industries of the United States run to the capacity to which they are keyed up by the development of the war and give every man employment over a stream of years, you have got an exportable surplus, outside of cotton alone, of $15,000,000,000 a year. Put the threat of an embargo on it and cotton will not be the only thing that will go tumbling in the market. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired. The Clerk will read.

The Clerk read as follows:

FEDERAL FARM ADVISORY COUNCIL

SEC. 2 (a) There is hereby established a Federal farm advisory council (hereinafter referred to as the "council") to consist of four members from each of the 12 Federal land bank districts. The members of the council from each district shall be elected by the bona fide farm organizations and cooperative associations in such district at a convention of such organizations and associations, to be held at the office of the Federal land bank in such district, or at such other place in the city where such Federal land bank is located to which the convention may adjourn.

(b) The Secretary of Agriculture shall annually, with the advice of such farm organizations and cooperative associations as he considers to be representative of agriculture, (1) fix the date on which such conventions shall be held, (2) designate the farm organizations and cooperative associations in each district eligible to participate in such conventions, and (3) designate the number of representatives and the number of votes to which each such organization or association shall be entitled. The Secretary of Agriculture shall mail, at least 15 days prior to the date on which a convention is to be held, to each organization and association eligible to participate in such convention, notice of the date and place of such convention and the number of representatives and the number of votes to which it is entitled. The conventions first held after the date of the passage of this act shall be held within 45 days after such date. The Secretary of Agriculture shall prescribe uniform regulations for the procedure at such conventions and for the proper certification of election of the members of the council.

(c) The term of office of each member first elected shall expire one year from the date of his election, and the term of office of all successors shall expire one year from the date of the expiration of the preceding term. Any member in office at the expiration of the term for which he was elected may continue in office until his successor takes office.

(d) The members of the council shall serve without salary, but may be paid by the Federal farm board (established in section 4 and hereinafter referred to as the "board") a per diem compensation not exceeding $20 for attending meetings of the council. Each member shall be paid by the board his necessary traveling expenses to and from the meetings of the council and his expenses incurred for subsistence, or per diem allowance in lieu thereof, within the limitations prescribed by law, while engaged upon the business of the council.

Mr. JONES and Mr. BEGG rose.

Mr. BEGG. Mr. Chairman, I offer an amendment.

Mr. CONNALLY of Texas. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CONNALLY of Texas. The gentleman from Texas [Mr. JONES] is a member of the committee.

The CHAIRMAN. The Chair thinks the Chair ought to recognize the gentleman from Texas.

Mr. BEGG. Is the gentleman on the committee?

The CHAIRMAN. He is. The gentleman from Texas is recognized to offer an amendment.

Mr. JONES. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. JONES: Page 3, line 8, after the word "entitled," insert the following: "which shall, in so far as practicable, be based upon the relative number of bona fide members of such qualifying organizations or associations."

Mr. JONES. Mr. Chairman, this amendment simply provides for proportionate representation and voting power. Under the terms of the bill as written, the Secretary of Agriculture determines both these matters, and is empowered to determine the matter arbitrarily should he decide to do so. While I do not anticipate any grave danger of any abuse of that privilege, yet I do not think it is wise to confer on any man a power that you do not expect him to use. It would seem to me to be just and fair and only fair to say that in so far as practicable the voting strength of any organization which qualified under the conditions which the Secretary of Agriculture might prescribe should be based upon the bona fide membership of that qualified organization. That is the essence of representative government. If the Secretary of Agriculture should prescribe that for each thousand of bona fide members or a majority fraction thereof, there should be allowed 1 vote with one representative, then that should apply to all the organizations that would qualify under the terms of the bill and under the conditions laid down by the Secretary of Agriculture. No favorites should be played.

I believe that the chairman of the committee should accept that amendment. I do think that when you confer in any bill or any measure a power on any person within the Government or without the Government and in connection with the operation of an organization, it is not wise to confer more power than you expect to be used.

You confer a power here by which, if some Undersecretary or some one else in authority desired to act arbitrarily, they might in effect eliminate the very organizations that are engaged in the marketing of commodities and turn the control of the whole operation concerning the commodity over to some minor organization. I do not think that would be wise.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I will ask the gentleman from Texas this question: Does the gentleman mean to specify in this amendment that this representation shall be based upon the bona fide paid-up membership of this organization?

Mr. JONES. Yes; in so far as it is practicable to do so. I do not say paid-up membership, but bona fide membership.

Mr. McLAUGHLIN of Nebraska. So far as the committee is concerned, I do not see any objection to this amendment. However, I do not believe it makes any difference one way or the other whether it is adopted, because it must be evident that when the Secretary of Agriculture designates these organizations and specifies the number of delegates to which

they are entitled there is only one way in which that can be done, and that is the numerical way.

Mr. JONES. But the bill does not say it shall be done on a numerical basis, and that is what I am trying to do. It may be done arbitrarily.

Mr. McLAUGHLIN of Nebraska. I have no objection to the amendment, but, as I said, I see no other way by which it could be determined.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. BEGG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEGG: Page 2, line 13, after the word "be" strike out the balance of the paragraph (a) and insert in lieu thereof the following: "appointed by the Secretary of Agriculture."

Mr. BEGG. Mr. Chairman and members of the committee, personally, if I had my way about it I would not have any council at all, and my reason is, I think, a fair one. These people are scattered throughout the United States, and they do not have imposed upon them any duties which can not be performed and which are not being performed to-day, namely, furnishing information. They are to be scattered throughout the United States and meet once a year as the minimum meeting. It will be impossible for this council to meet without the expenditure of a minimum of $25,000 each time they meet, and I submit to you that to have a board of directors of any business organization spend $25,000 for the purpose of having a meeting would bankrupt any private industry. However, I am not making my motion with that idea in mind. I am making the motion with the idea of perfecting the council proposition.

Now I want to call your attention to this particular proposition in the council set up. The membership of the council is limited to less than 25 per cent of the farmers of the United States. On what authority do I make that statement? I get the information from the Department of Agriculture that not more than 25 per cent of the total farm population belongs to any kind of a farm organization. Now, I submit the question to you, If we are going to create a great marketing corporation for the benefit of all the farmers, wherein do 70 per cent, or 75 per cent, of the farmers get representation in this bill as it is drawn? Why, they are shut out. Seventy per cent of the farmers will have nothing to say about the operation of the political machinery that is set up for the benefit of 100 per cent of the farmers.

Now, let me call your attention to something else. Each of these farm organizations is to nominate to the President three individuals out of each Federal land bank district. If you will just reason through on that, you will find that these four men who are going to represent the cooperative organizations for the purpose of nominating will control the officers of the whole force. In other words, four men can nominate three, and the President must pick one out of the three nominated, and there will not be anything to prevent the building up of a most perfect political machine. Why, Tammany Hall would be ashamed of hers.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. DICKINSON of Iowa. We want to build up an agricultural machine, and that is the sole purpose of this bill.

Mr. BEGG. Absolutely. Then why not incorporate all the farmers instead of 30 per cent of them. I will be generous. There are not 30 per cent of the farmers of the United States that belong to any and all farm organizations.

Mr. DICKINSON of Iowa. Will the gentleman yield further?

Mr. BEGG. I will be glad to yield, because I am sincere in making my motion.

Mr. DICKINSON of Iowa. The purpose of this bill is to encourage cooperative-marketing organizations and get these very people into these organizations in order to become a part of this machinery.

Mr. BEGG. All right. That is the first time——

Mr. DICKINSON of Iowa. The gentleman does not know the purport of this bill.

Mr. BEGG. I will admit that you are the first man I have heard come out and say that this is a piece of legislation to coerce 70 per cent of the farmers who are not now members of organizations to join organizations.

Mr. DICKINSON of Iowa. Will the gentleman yield further?

Mr. BEGG. Yes; I will yield.

Mr. DICKINSON of Iowa. Is there anything coercive about getting a man into an organization by just giving him an opportunity to join?

Mr. BEGG. It is economic coercion, and there is no more powerful thing.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. NEWTON of Minnesota. The gentleman heard the debate last night?

Mr. BEGG. I did not hear all of it, I am sorry to say.

Mr. NEWTON of Minnesota. The gentleman from Iowa called attention to the fact that the most successful union was the union which had the check-off system, and he compared that to this system. The only union with the check-off system is the miners' union, and that is what they have been trying to put into effect.

Mr. DICKINSON of Iowa. Will the gentleman yield further?

Mr. BEGG. Yes; but I have a little more I want to say on my amendment.

Mr. DICKINSON of Iowa. Can the fact be disputed that the check-off system is an effective system, so far as labor unions are concerned, in keeping the members in the organization and making them good workers?

Mr. NEWTON of Minnesota. There is no disputing the fact it is most oppressive upon the public if it is put into effect.

Mr. DICKINSON of Iowa. What I am asking about is its effectiveness on the organization, and the gentleman knows it is effective.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BEGG. Mr. Chairman, I ask for a little more time, although I do not like to do it. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KINCHELOE and Mr. WILLIAMSON rose.

Mr. BEGG. Let me proceed with my statement for a few moments, and then I will yield for any questions anybody wants to ask.

Let me comment on what developed in the little colloquy here. I want to say here and now publicly, for all the world to hear and know, that I am opposed to legislation for the farmers or for the laborers or for the bankers or for anybody else that will force the individual to join an organization which he does not want to join or in which he does not believe.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. BEGG. I will yield when I am through with this short statement. I want to turn to page 11.

Mr. McLAUGHLIN of Nebraska. Will the gentleman yield?

Mr. BEGG. I will in a moment. I want to finish my statement in the five minutes.

I want you to notice that 30 per cent of the farmers, to be generous in my estimate, are going to control the set-up in this proposition, and what are they going to be able to do? What is this machinery going to do? They are going to spend, according to the judgment of the committee, in the first two years $375,000,000. Who is going to borrow it? Why, the very fellows that put them in office, and the farmers constituting the 70 per cent can be turned down on every application they make for a loan. Why, you never heard of an interlocking directorate that was half as abominable from the standpoint of fair economics as this kind of set-up. You are going to appoint the directors, and they are going to have the power to lend $375,000,000 in two years, and after that they are going to say to the individual farmer, "If you sell a bushel of corn or a bushel of wheat, pay into this fund and we will lend it to ourselves."

Mr. BURTNESS. Will the gentleman yield?

Mr. BEGG. In a moment.

How far are we going in our wild efforts to try to do something in this legislation? As one Member I am not afraid to prophesy that if this kind of unfair scheme, from a financial standpoint, is ever enacted into law, namely, that 30 per cent can tax 70 per cent and then lend the money to themselves, the men who enact it into law will live to rue the day they ever enacted it.

Mr. KINCHELOE and Mr. STEVENSON rose.

Mr. BEGG. I yield to the gentleman from Kentucky.

Mr. KINCHELOE. The gentleman has been speaking of this as a political board, and I want to also call attention to the fact that there is nothing here to prevent every member of this council from being a candidate for a position on the board.

Mr. BEGG. Yes; and they will be.

Mr. KINCHELOE. Certainly.

Mr. BEGG. I want now to say a word about my amendment. My amendment in brief does this. It provides for the selection of this council by the Secretary of Agriculture, from whom? From the entire farming population. Now, if you can not trust all the farmers, I can not trust 30 per cent of

them, and if this amendment is incorporated in the bill, I give notice there are seven other amendments that will have to be adopted to make the thing harmonious, and they will need no further discussion.

I now yield to the gentleman from Nebraska.

Mr. McLAUGHLIN of Nebraska. In the first place, I do not concede the gentleman's contention that there is anything in this bill which coerces farmers to become members, but even if we should concede that point, inasmuch as the gentleman is opposed to anything of that kind——

Mr. BEGG. No; I just said I did not think it was necessary.

Mr. McLAUGHLIN of Nebraska. Then, of course, the gentleman is opposed to the present Federal reserve act which coerces the membership of the Federal reserve system?

Mr. BEGG. Where did the gentleman get his information, I would like to know?

Mr. McLAUGHLIN of Nebraska. The gentleman stated a while ago that he was opposed ta noything that provided for such coercion.

Mr. BEGG. Oh, the banks in my State have all withdrawn from the Federal reserve system because of the iniquitous regulations that are being put into effect.

Mr. SCHAFER. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. SCHAFER. The gentleman talked about 70 per cent of the farmers not belonging to cooperatives or farm organizations, what about that same 70 per cent of the farmers in case the Tincher bill is adopted. How will they get any benefits under that bill?

Mr. BEGG. Let us not confuse issues here. We are talking now about this bill and about this particular provision.

Mr. SCHAFER. It is the same principle.

Mr. BEGG. Let us not confuse the issues here.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. JOHNSON of Texas. Mr. Chairman, may we have the amendment again reported?

The Begg amendment was again reported.

The question was taken; and on a division (demanded by Mr. BEGG) there were—ayes 31, noes 60.

So the amendment was rejected.

Mr. JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Texas: Page 3, line 14, at the end of the line, add the following, which shall be a new part of subdivision (b):

"All bona fide farm organizations, whether cooperative or not, are embraced within this act and entitled to representation herein, and the Secretary of Agriculture in discharging the duties imposed upon him herein shall not discriminate against any bona fide farm organization or cooperative association, and shall give recognition and equitable representation to all.

Mr. JOHNSON of Texas. Mr. Chairman, no subject has been discussed on the floor of this House since I became a Member of Congress in which I feel a deeper interest than this, since it relates to the welfare of agriculture.

I represent an agricultural district which produced in 1924 over 400,000 bales of cotton, or nearly one-tenth of the entire production in the State of Texas for that year, which State produces a third of the entire cotton crop of the United States.

There are approximately 40,000 farms in my district, and a vast majority of those living on these farms depend for a livelihood solely upon that which they produce thereon. Aside from this, the prosperity of all classes is dependent upon the prosperity of the farmers. What little of this world's goods I have accumulated is invested largely in farming lands. Every reason conspires, therefore, to make me the friend and advocate of any legislation which, in my judgment, would be beneficial to this great industry.

I want to be reasonably sure, however, that the effect of any such legislation will be helpful and not harmful. This measure is revolutionary in its character. If the Federal Government is to lay its hand on the tillers of the soil and by law regulate the marketing and selling of their products, a power never heretofore exercised, it could, unless proper safeguards are provided, be the means of oppression and discrimination from which the citizen would have no relief. This bill is not, as some have thought, a temporary expedient. Its provisions are not temporary but permanent. Its permanency is indicated, among other things, by the fact that the term of office of 4 of the 12 members of the Federal farm board created therein is for six years and the vacancies thereafter filled will be for a term of six years.

Another evidence of its intended permanency is contained in section 19, wherein it is provided that if any portion of the act is declared unconstitutional—

or the applicability thereof to any person, circumstance, commodity, or class of transactions in respect of any commodity is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons, circumstances, commodities, and transactions shall not be affected thereby.

It is thus written so that if all provisions of the bill do not weather the decisions of the court as to constitutionality, the remaining portions shall continue to be in effect, and the bureau and offices therein created shall not be abolished by decisions of the court.

No suggestion has been made in the debate, nor has it been claimed by anyone, that the bill is temporary, but I make this statement since there seems to be an impression in Texas among some of the advocates of the bill that such is the case. Recently in one of the Texas papers a communication appeared favoring the bill on the ground that it was a temporary expedient and for that reason should be given a trial. The bill would secure more support in the House if such were the case, but those at home who are laboring under this delusion should have their minds disabused with reference thereto.

I submit, if we are to embark on this new and untried method of dealing with agriculture, the result of which no one can foretell, and which many economists predict would be disastrous, would it not be the part of wisdom to amend the bill so that by its terms it will be effective for a fixed period only, say, for not more than three years? In that time it could be given a trial, and if it works and is satisfactory, it could then very easily be made the permanent policy of the Government. If, on the other hand, it should prove a failure or unsatisfactory, no legislation would be necessary to repeal it. It is far easier to enact legislation than to repeal it. My experience here is that it is exceedingly difficult, in fact almost impossible, to repeal any legislation which involves the abolishment of any boards or official positions. This bill creates a large numbers of new Federal officeholders. There would be 48 members of the Federal farm advisory council. There would be 12 members of the Federal farm board, and there would be a large number of other officials, agents, and representatives of these various departments, and taken altogether there would be created an army of Federal officeholders which it would be almost impossible to legislate out of office. We have many boards and bureaus now whose work is largely a duplication of other boards, and while some of them are few in numbers, it is next to impossible to abolish them. In fact, none have been abolished since I have been a Member of the House, although an effort has been made in several instances so to do.

I shall not at this time attempt an analysis or discuss the principles underlying the Haugen bill, either as to its economic soundness, its constitutionality, or the wisdom of the policy it inaugurates. In the general debate these questions were ably discussed by the proponents and opponents of the bill. My failure so to do should not be ascribed to any minimization by me of the seriousness or the importance of these fundamental questions which affect the bill in its entirety. For the sake of the argument, and since we are now considering the bill by section for amendments, I shall for the present waive these questions and discuss briefly certain proposed amendments to the bill that, in my judgment, should in any event be adopted.

1. Cattle and swine should be eliminated from its provisions as "basic agricultural commodities." The bill designates six commodities, to wit, cotton, wheat, corn, butter, cattle, and swine, which it defines as "basic agricultural commodities," and as to these the Federal farm board, by the terms of the bill, is given the power to "carry on operations" relative to the purchase and sale of a surplus thereof, and to determine, under certain conditions, what the domestic price of such products, except as to cotton, shall be.

I submit that only the first three named, to wit, cotton, wheat, and corn, are in fact "basic agricultural commodities," the meaning of that term, of course, being those commodities that are produced by tilling the soil, and the adjective "basic" applying to the principal and most important of those products. Butter, cattle, and swine are not agricultural commodities and have no business being incorporated in this bill. If butter were an agricultural product, which it is not, it is certainly not basic. The amount of butter marketed is so inconsequential compared with other products that the Department of Agriculture can furnish no complete statistics as to the amount of production thereof.

In the general debate on this bill it was charged that butter, cattle, and swine were incorporated therein merely for the purpose of getting votes for the bill from Congressmen representing districts where such commodities are produced in large quantities. Such charge appears to be true, since in the hearings on the bill, which consumed about seven weeks, there was an absence of testimony disclosing any necessity for the inclusion of such products.

The gentleman from New Jersey [Mr. FORT], a member of the Agricultural Committee and an economist of recognized ability—and who, by the way, delivered a very able address on the floor of this House opposing the bill—made an unanswerable argument why cattle and swine should not be included in the bill. Among other things, it was shown that the bill as framed would benefit the packers equally as much if not more than the producers of these commodities. The packers are already charging abnormally high prices for meats, and the passage of this bill would enable them to still further raise their prices thereon. The consuming public would pay still higher prices for meats and the producers thereof would receive scant, if any, benefits. When cattle and hogs were at the lowest ebb in prices the packers, who have a monopoly in the sale of meat in the United States, and who seem to be upheld in this monopoly by the present Republican administration, did not reduce the prices to the consuming public.

Texas leads all other States in the production of cattle, and it is my understanding that the cattle raisers of that State are demanding that cattle be omitted from the bill, and my colleague from Texas [Mr. HUDSPETH], who represents a district which raises a very large quantity of cattle will, I understand, at the proper time offer an amendment to strike cattle therefrom.

2. Cotton should be given equal treatment in stabilization of prices with that of other commodities. This the bill does not do. As to wheat, corn, butter, cattle, and swine "or any food product" of these commodities, if the board finds that during the ensuing year there is or may be a surplus above domestic requirements—

and that the price of any such commodity or food product in any principal market of the United States is materially lower than the price thereof in the principal export market of the principal competing foreign country (as determined by the board) plus the amount of tariff duty thereon and plus the charges normally incurred in transportation from such market to the principal port of entry therefor in the United States, and that the existence of such surplus renders or will render inoperative in whole or in part the tariff upon such commodity or food product, then the board shall declare its findings and commence operations in respect thereof.

And in such event it is also provided that as to these products the board "will assist in maintaining domestic prices which yield the maximum benefits with the tariff thereon." But as to cotton, we find a different treatment. In subdivision (c) of section 7 it is provided that as to cotton the board shall "commence operations" whenever it finds that "there is or may be during the ensuing year a surplus above the requirements for the orderly marketing of cotton," and so forth. And in subdivision (d) as to cotton it further prescribes that the board "shall assist producers of cotton in controlling the quantity in excess of the requirements for orderly marketing." It will be observed therefore that the only treatment cotton will receive will be with reference to controlling the excess for "orderly marketing," but as to all of the other commodities it is proposed to artificially raise the price to a fixed minimum.

Why this discrimination against cotton? It is preeminently one of our basic agricultural commodities. The value of the cotton produced in the United States during the year 1924 was $1,540,884,000, a valuation over $400,000,000 larger than the wheat crop of that year, approximately $500,000,000 greater than the valuation of all cattle in the United States that year, almost a billion dollars larger than the value of all swine for the same year, and the Lord only knows how much greater than the value of all the butter for that year, or for all years put together. But poor old cotton, which we of the South have been taught to regard as king, takes its seat at the foot of the table and is only promised "orderly treatment," while all the other guests are guaranteed a square deal.

But they tell us that the tariff on these other products justifies this discrimination. The fact that a tariff is imposed by law on such other commodities and has been for many years, which it is admitted is so ineffectual that this law must now be passed to make such tariff law effective, may be an excuse for this discrimination against cotton, but it is in no sense a justification. It will be scant comfort to the cotton farmer when the producers of these other commodities are getting an increased price by virtue of this bill, and he is not to be told that due to the existing tariff law we could not guarantee him an increase, as had been done for others, but that it was only hoped for as a result of "orderly marketing." It will be the consequences and not the cause thereof that will most deeply concern him.

There is no assurance under the terms of the bill that the price of cotton would be increased one penny. It is the belief of the advocates of the bill that an increase would result in abnormally large crop years by the board assisting the producers of cotton in controlling the quantity in excess of the requirements for "orderly marketing," but as to whether or not such result will follow would depend—if the bill be workable—entirely upon whether or not there was an excess and upon the administration by the Federal farm board created by this act.

The board would have the right to exercise the widest discretion as to what constituted "orderly marketing," and what quantity of cotton, in their judgment, would be in excess of such requirements—the determination of a surplus and the extent, if any, of assistance to be rendered to producers of cotton, all these being matters left entirely to the discretion of the board, there being no definition or limitation thereof under the terms of the bill. An abuse of discretion against the cotton producers in any of these particulars would not be subject to review.

This board would be composed of 12 members, only 3 of whom will be from sections that produce cotton. The other 9 members would be chosen from nonproducing cotton sections—sections that will be interested in low prices of cotton rather than high prices—and the decision of this board will be final.

Assuming that the board would exercise its discretion in all of these matters in such a way, and that the demand for cotton was such that an increase in the price of cotton should result therefrom, what the amount of such increase would be is problematical and speculative. It might be infinitesimally small.

The criticism I am leveling just now at the bill is this: That as to all of these other commodities except cotton there is a definite fixed minimum increase in price; that is, the tariff rates constitute a measuring rod by which the producers of all of these commodities know the minimum amount which they will receive, while the producers of cotton are given no definite assurance that they will receive any increase in price; or if so, how much.

No wonder the wheat and corn producers of the West are enthusiastically supporting this bill! They know under its terms that the price of wheat will be raised at least 42 cents a bushel, for that is the tariff on wheat which the bill prescribes wheat shall receive as a bounty. And the price of corn will be increased 15 cents a bushel, that being the tariff rate on corn. The President may, under the present tariff law, if he sees proper, raise the tariff rate on corn from 15 cents to 22½ cents a bushel; and if Iowa and the other corn States keep defeating the President's candidates for the Senate as they have been doing of late, it is a safe guess that as the time for the next general election approaches he will grant this increase.

Diverting for a moment, no Republican President has ever yet lowered the tariff on any commodity, although given the right so to do, except as to quail. President Coolidge, at the behest of the sugar barons, failed to lower the tariff on sugar, although his own Tariff Commission, after exhaustive hearings, recommended that such be done.

Under the bill there may be added to the domestic price not only these tariff rates, but also "plus the charges normally incurred in transportation from such market to the principal port of entry therefor in the United States."

So I think we can safely expect the increase on corn to be 22½ cents a bushel, plus transportation charges, and on wheat, after adding the transportation charges, an increase of 50 cents a bushel. In fact the Representatives of these grain districts, in discussing this bill on the floor of the House, have stated that such would be the amount of increase with reference to these commodities.

Without committing myself to the doctrine that it is right to artificially stimulate prices, I ask, in all candor, if it is fair to stimulate the price of one commodity, then why not the other? This discrimination against cotton in the bill may be eliminated in either one of two ways: Either by removing the tariff rate as the measuring rod in fixing the price of these other commodities, or by adopting an amendment which I understand my colleague from Texas [Mr. CONNALLY] will offer, the effect of which would require the board to maintain domestic prices for cotton at levels which shall bear the same ratio in increase in price as in the case of the average increase in price of other basic commodities under the bill. But we are told by those in

charge of the bill that they will not agree to either of these amendments.

Those of us representing the cotton districts of the South are therefore asked, in exchange for a promise of "orderly marketing" for cotton, a vague term, the definition and application of which is to be determined by a board, three-fourths of whom come from sections that do not produce a lock of cotton, to vote for a bill which prescribes and fixes minimum prices of wheat and corn, both of which commodities we buy in much larger quantities than we sell. This I, for one, can not do.

3. The equalization fee: I shall not discuss this feature of the bill, but as framed it is highly objectionable. It gives the Federal Farm Board authority to require the producers of cotton, corn, and other commodities named in the bill to pay a fee at the time same is sold, the amount of this fee to be determined by the board, and all the farmers who sell agricultural products will have to pay same. While called a "fee," it is in effect a tax, and I can find no warrant in law for the Federal Government to levy such a tax upon the farmers of this country. I am sure they would rebel at its imposition and collection, but they could not escape its payment if this Federal board decided that they should pay it. Aside from its constitutionality I am opposed in principle to a sales tax, and especially a tax upon agricultural products, which tax would be imposed by a Federal board whose discretion and judgment could be arbitrarily exercised, and from their decision there would be no appeal.

4. The pending amendment to the bill offered by me reads as follows:

All bona fide farm organizations, whether cooperative or not, are embraced within this act and entitled to representation herein, and the Secretary of Agriculture in discharging the duties imposed upon him herein shall not discriminate against any bona fide farm organization or cooperative association and shall give recognition and equitable representation to all.

The language of my amendment would be in section 2, at the end of paragraph (b). This section provides for the establishment of a Federal farm advisory council, to consist of four members from each of the 12 Federal land bank districts in the United States, the members of the council from each district to be elected by cooperative farm associations at a convention to be held for that purpose at the office of the Federal land bank in each district.

The first portion of subdivision (b) reads as follows:

(b) The Secretary of Agriculture shall annually, with the advice of such farm organizations and cooperative associations as he considers to be representative of agriculture, (1) fix the date on which such conventions shall be held, (2) designate the farm organizations and cooperative associations in each district eligible to participate in such conventions—

And so forth. The purpose of my amendment is twofold: First, to make sure that the law is clear, as is intended by Congress, that all bona fide farm organizations, whether ordinarily known as "cooperative" or not, are entitled to representation in the selection of the members of this Federal farm council; and, second, to prohibit by law the Secretary of Agriculture from discriminating against any bona fide farm organization.

The bill as framed gives him the authority to determine what farm organizations are representative of agriculture, and I want the language of the bill to clearly state that in exercising this authority he shall not discriminate against any bona fide farm organization, but shall give recognition and equitable representation to all. The Secretary of Agriculture would be clothed with very great authority, and the bill should so limit him that he could not exercise it arbitrarily.

I voted against the amendment offered by the gentleman from Ohio [Mr. BEGG] which would confer upon the Secretary of Agriculture the right to appoint the members of the Federal farm council, because I thought it was wiser to place their selection with the various organizations of the farmers than to vest this power in the Secretary of Agriculture. My amendment seeks to correct the vice in the bill where it prescribes what organizations shall have a right to vote. It uses the conjunctive "and." It reads:

The members of the council from each district shall be elected by the bona fide farm organizations and cooperative associations in such district at a convention—

And so forth. If the word "or" was used, my amendment might not be necessary.

That language would be capable of the construction that the farm organizations to be given representation should be not only farm organizations but also "cooperative associations." The language of the amendment I offer provides that all bona fide farm organizations, whether cooperative or not, shall be entitled to recognition, and shall be given recognition by the Department of Agriculture and shall have an equal voice and representation thereon.

I think that amendment is important, because this council will have the power to nominate persons for appointment on the board, and will be the only place where the farmers can exercise their rights or have any voice in this law. It is there that these names are selected which are presented to the President for appointment, and the board prescribes the equalization fee, and so forth. It want it made clear and beyond all doubt that all farm organizations, whether cooperative or not, shall have the same voice. I also want the law to be such that the Secretary of Agriculture shall not have the right to arbitrarily exercise the authority conferred on him in subdivision (b), where it says that the Secretary of Agriculture shall annually, with the advice of such farm organizations and cooperative associations "as he considers to be representative of agriculture." In the section that gives him the power to make selections it should affirmatively prescribe that he shall not discriminate but shall give representation to all organizations alike.

The amendment offered by the gentleman from Texas [Mr. JONES] which was adopted sought to correct that so far as the number of representatives chosen to attend the convention, but my amendment is more comprehensive in that it prescribes what organizations shall in the first instance be recognized, whereas his only prescribes with reference to the number of votes they shall have after they have been so designated.

Mr. McKEOWN. The purpose of the gentleman's amendment is to take care of all farm organizations?

Mr. JOHNSON of Texas. Yes.

Mr. BOWLING. Would your amendment take in an organization like the farmers' union?

Mr. JOHNSON of Texas. Certainly; it would give recognition and equitable representation to every bona fide farm organization in the United States.

Mr. LOZIER. There is a difference between cooperative associations and cooperative marketing associations. Can you conceive of a farm organization that is not cooperative?

Mr. JOHNSON of Texas. Yes; I think we have many bona fide farm organizations that are not known as cooperative, as that term is generally understood. Under the general accepted meaning the term may have a limited meaning, and I want to have the law amended so that it will take in all the associations whether known as cooperative or not.

Mr. STEVENSON. We have an association down in our State called the Guernsey Association, to promote the breeding and development of Jersey cattle. Would they come in under this amendment?

Mr. JOHNSON of Texas. If it was a bona fide farm organization my amendment would include it, otherwise it would not.

Mr. STEVENSON. But they are members of the Cotton Growers' Association, so they might vote twice—they would be repeaters.

Mr. JOHNSON of Texas. There would be no repeating. The Secretary of Agriculture in giving recognition would have to provide for that. It says "equitable representation," and he would have to see that there was no double voting.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Texas. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FORT. If the gentleman will look on page 22 of the bill he will see that the phrase "cooperative association" is defined——

Mr. JOHNSON of Texas. It may correct one of my objections, but certainly not the other. My amendment is essentially necessary to prevent the Secretary of Agriculture's abuse of discretion, and to provide that he shall act without discrimination and will give him authority to act only when he does so.

Mr. HUDSPETH. Mr. Chairman, I call the gentleman's attention to this fact: The gentleman from New Jersey [Mr. FORT] calls attention to page 22 of the bill. The definition there is that embraced in a certain act. We do not know what corporations were embraced in that act. We have not the Capper-Volstead Act before us.

Mr. JOHNSON of Texas. Mr. Chairman, I am very glad that my colleague has called attention to that, because I think that language, since I have more closely examined it, makes my amendment even more necessary than before, because that section confines the "cooperative associations" to those that have been heretofore licensed, designated, and recognized by

the law, and my amendment is to give every organization, whether it has been heretofore recognized or not, some voice.

Mr. SCHAFER. The gentleman's amendment merely gives some of the 70 per cent of the farmers which Mr. BEGG was talking about something to say in regard to this matter.

Mr. JOHNSON of Texas. That is the purpose of the amendment.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. BURTNESS. The definition includes both cooperative marketing associations as defined in the Capper-Volstead Act as well as others, provided they come within the definition found on page 22, and then we have in section 2 a provision that those members shall be elected by the bona fide farm organizations and cooperative associations.

Mr. JOHNSON of Texas. I read and explained that a while ago.

Mr. BURTNESS. I could not understand the gentleman's contention as to why any of these organizations the gentleman has in mind are not included within the designated bona fide farm organizations.

Mr. JOHNSON of Texas. I call the gentleman's attention to the fact that if a disjunctive "or" had been used there his contention might be sound, but coupled with the language "bona fide farm organizations" and the conjunctive "and" taken together, they are capable of the construction which is limited only to those that are cooperative organizations.

Mr. CARTER of Oklahoma. What the gentleman contends is that they would have to belong to both the cooperative organizations and the farm organizations before they could participate?

Mr. JOHNSON of Texas. Yes.

Mr. LOWREY. Why not amend by cutting out the language "and cooperative associations" in line 14, page 2?

Mr. JOHNSON of Texas. I think that possibly might do, but in view of other portions of the bill I think it is best to leave it as it has been drawn. Aside from that, this amendment will do one thing if it does nothing more. It says to the Secretary of Agriculture, "You shall not discriminate in exercising the judgment and discretion herein conferred upon you, and you shall give equitable recognition and representation to all organizations alike," and that is what I think we want. That is the intention of Congress. Let us express it affirmatively so that there can be no question about it hereafter.

The Federal board created by this act is to exercise the greatest power ever conferred upon any branch of the Government with reference to agriculture. It will hold in its hand the life and death of that great industry, and if we are to pass a law conferring such vast power, let us be sure that its provisions are so broad, plain, and comprehensive that every bona fide farm organization in the land shall at least have some slight voice in the initial proceedings nominating candidates from whom the President shall name the members of this board. [Applause.]

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I rise in opposition to the amendment. The bill is very clear in its wording. In every place where "farm organizations" are referred to, the words "and cooperative associations" follow. If it had been intended that cooperatives and farm organizations were meant to be one and the same, the bill would have stated "farm organizations which are cooperative associations." There is no chance of mistaking this language. On page 22 the definition of a cooperative is fully given. It was the purpose of the committee to have the Secretary of Agriculture designate those who would be eligible to vote on this particular proposition who are members, both farm organizations and cooperatives. It seems to me that the committee has been broad enough in its inclusion of this language. If you are going to modify it as suggested by the gentleman from Texas, you may have a situation where any little local organization of farmers, who might cooperate, for instance, in buying a corn sheller or a threshing machine and pass it around among themselves, would be eligible to membership and have opportunity to vote on the composition of this board. I am informed that there are something like 12,000 different organizations throughout the country, some of them very small. Certainly the gentleman does not intend to include all of these 12,000 petty organizations in the selection of the board.

Mr. JOHNSON of Texas. I do intend, and I think it would be nothing but right, that every organization, whether its membership be great or small, should have some representation. Of course, they would not have equal representation, for it would depend upon its membership, and my amendment is so drawn as to require equitable representation. Does the gentleman think it would be right because an organization is small that it shall have no voice in this organization which has to do with the fixing of prices?

Mr. McLAUGHLIN of Nebraska. No matter how great or small that organization is, if it is a bona fide farm organization it is covered in the bill.

Mr. LOZIER. Mr. Chairman, this bill on page 22 refers to cooperative associations as defined by what we call the Capper-Volstead Act. This act defines what is a cooperative association; namely, an organization of producers in which more than 50 per cent of the commodity handled is produced by members of such association; and with that statutory definition as to what constitutes a cooperative marketing association, would not any farm organization producing more than 50 per cent of the commodities it handles come clearly within the provisions of this act without any further definition?

Mr. McLAUGHLIN of Nebraska. I so understand it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. JOHNSON of Texas) there were—ayes 33, noes 57.

So the amendment was rejected.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. NEWTON of Minnesota: On page 2, beginning in line 9, strike out section 2.

Mr. NEWTON of Minnesota. Mr. Chairman, this is a motion to strike out the entire section which contains the provision providing for the setting up of the Federal farm advisory council——

Mr. SUMMERS of Washington. Mr. Chairman, a parliamentary inquiry. Has the section been read?

The CHAIRMAN. The section has been read, and the gentleman can not take the gentleman from Minnesota off his feet by a parliamentary inquiry.

Mr. HASTINGS. I did not get the amendment.

Mr. NEWTON of Minnesota. It is to strike out the section. The duties of the council are set forth in the next section. Two duties are conferred upon this council: First they are to meet, cooperate with the board, and make recommendations as set forth in paragraph 5 of section 3; second, they nominate to the President three individuals from each of the 12 districts for appointment to the Federal Farm Board. Selections are made by the members from each district. If no one else does I shall offer an amendment to strike out this power to make these nominations. I believe the President should not be required to choose from this restricted field of nominees. If they do not have the power to nominate, this board has practically nothing else to do but to meet once a year or such other times as they may want to get together and to make recommendations. Under those circumstances I do not think the board serves any useful purpose. Now, on yesterday the gentleman from Iowa [Mr. RAMSEYER] called attention to 71 legislative precedents whereby Congress had placed certain restrictions upon the right of the Executive to make appointments. With the excepton of one, they were in no wise in point. Congress can restrict the power of the President by prescribing certain general qualifications or standards providing the President is given the right to choose from those who are within the qualifications and are therefore qualified. The case in point was the Railway Labor Board. That provision has never been tested in the courts. It is the only case in point that I know that board has proven unsatisfactory. It is an example that in my judgment ought not to be followed.

Mr. BURTNESS. Will the gentleman yield?

Mr. NEWTON of Minnesota. In just a moment and I will be glad to yield. Therefore, if we take the position that the President of the United States ought not to have this board dictate to him as to whom he shall appoint, if we take that position, giving him a free rein, there is not any reason whatever why we should retain this advisory council. We should save quite an item of expense, which would be paid out of the equalization fund. This would eventually come out of the farmer. It seems to me that it ought to be eliminated from the bill.

I now yield to the gentleman.

Mr. BURTNESS. The gentleman referred to the organization of the Railway Labor Board and rather inferred that, because three members of the board are appointed by the operators and three labor members are appointed by labor organizations and three by the public, that is the reason why it did not function. Of course, the gentleman did not mean that.

He was rather referring to the injustice, perhaps, of putting three of the various elements upon the board; namely, the public, the operators, and labor. Surely——

Mr. NEWTON of Minnesota. That was only one factor entering into it, but it illustrates this, that we set up in the Railway Labor Board two distinct groups as representatives of their distinctive groups. We restricted the President so that he could only appoint from nominees of those groups. The scheme has not worked out satisfactorily, and we are now changing it.

Mr. BURTNESS. But in this case you are not setting up three groups of conflicting interests, but you are setting up a board representing one group presumably having the same general interest. Is not that the fact?

Mr. NEWTON of Minnesota. There would not be a conflict like we have seen between the railroad management and the railroad workmen, but you violate the principle. You restrict the President of the United States in the appointment to an office so that he must appoint one of three that are dictated by a special group from a special geographical region of the country. In making these nominations the council is not governed by any provision laying down general qualifications of the nominees. They are free to nominate any individual.

Mr. BURTNESS. Do you call this strictly a public office, these appointments to be made under this section?

Mr. NEWTON of Minnesota. I have not investigated that, but they must be public officers. The board members draw money out of the Treasury. They are appointed by the President by and with the advice and consent of the Senate. They must be public officers.

The CHAIRMAN. The time of the gentleman from Minnesota has expired. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. NEWTON], to strike out the section.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DUTIES OF COUNCIL

SEC. 3. (a) The council shall—

(1) Meet and organize as soon as practicable after the passage of this act and select a chairman, secretary, and such other officers as it deems necessary.

(2) Nominate to the President three individuals from each of the 12 Federal land bank districts, eligible for appointment to the board.

(3) Meet thereafter at least once in each year at a time and place designated by the Secretary of Agriculture; or upon a petition duly signed by a majority of the members of the council at a time and place designated therein.

(4) Nominate in accordance with the provisions of section 4 three individuals to fill any vacancy occurring in the board.

(5) Submit to the board such recommendations, and cooperate with the board in such manner, as the council deems most effective to carry out the purposes of this act.

(b) The individuals to be nominated to the President for appointment to the board from any district shall be selected by the members of the council from such district.

Mr. KETCHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

Mr. KETCHAM. Mr. Chairman and gentlemen of the committee——

Mr. DOWELL. Mr. Chairman, we first want to have the amendment read.

Mr. KETCHAM. The amendment is not at the Clerk's desk. If the gentleman will withhold, I will explain to him.

Mr. DOWELL. The gentleman is out of order if he has not an amendment. The amendment must be placed in writing.

Mr. KETCHAM. This can not be placed in writing, for the simple reason that it simply adds the letter "s" to the word "district" in lines 25 and 26. If that amendment prevails I will present later on, when section 4 is read, another amendment, the purpose being to change the membership of the board from 12 to 6. I now ask unanimous consent that this amendment be read for the information of the committee.

The CHAIRMAN. The gentleman from Michigan offers an amendment to be read for the information of the committee. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the amendment proposed for the information of the committee.

The Clerk read as follows:

Amendment offered by Mr. KETCHAM, for information: Page 5, line 4, strike out all after the word "of" through line 8, and insert in lieu thereof the following: "Six members, appointed by the President, by and with the advice and consent of the Senate, from the individuals nominated by the council and appointed from States within each of the following groups of Federal land-bank districts: One from districts Nos. 1 and 2; one from districts Nos. 3 and 5; one from districts Nos. 4 and 6; one from districts Nos. 7 and 8; one from districts Nos. 9 and 10; and one from districts Nos. 11 and 12.

Mr. KETCHAM. Mr. Chairman and gentlemen of the committee, I wish the members of the committee would first give attention to the simple amendment now pending.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KETCHAM: Page 4, lines 25 and 26, strike out the word "district" in each line and insert in lieu thereof the word "districts."

Mr. KETCHAM. Mr. Chairman and gentlemen of the committee, the amendment which I have now presented and the one which I intend to present when the other section is reached if this amendment prevails, I regard as very material. You will recall that section 4 provides for the set up of a board of 12 members. My idea is that this board should be reduced from 12 to 6, and I want to point out very briefly the reasons for the amendment which I propose.

First, I do it upon the score of economy. You will find that each one of these board members is provided with a salary of $10,000. That would result in the saving of six members of the board in the first instance, and save $60,000 for other uses of the board. However, with each one of the members of this board there always goes a very considerable expense in the way of secretaries and stenographers and office rentals and other expenses, which the chairman of the Committee on Appropriations informs me amount in the total to more than the salaries received by the board members. Now, the chairman of the Committee on Appropriations authorizes me to say that he believes that the estimated expenses involved in the salary and clerk hire and rental and all that goes along with each member of the board would aggregate $25,000. Therefore, the amendment which I am proposing makes, in the first place, a saving of $150,000. Therefore I present my amendment in the interest of economy.

In the next place, I present my amendment in the name of efficiency. You check over the important boards under the Government and you will find that in any one of a number of them in our Government, possibly with a single exception, the members do not number as many as 12, the number in this set-up. The Federal Farm Loan Board is made up of six members, and if you take a number of other boards you will find that the membership ranges from 3 to 4, or 5, or 6, or 7, and in the case of the Interstate Commerce Commission it runs to 11 members. Not only is this amendment in the interest of economy, but in my judgment it is certainly in the interest of efficiency; and for what reason? Because the duties of this board are primarily administrative, and when gentlemen on these boards sit around the table more time will be expended in talking when you have 12 members than when you have 6. Any man who has been associated with such boards will tell you that better work is obtained when you have 6 members than if you have 12, with less difference of opinion and less debate.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. KETCHAM. May I ask unanimous consent for five minutes additional?

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KETCHAM. It has often been said that the efficiency of the House of Representatives could be increased if the membership were cut in two. I leave that to you. But it nevertheless is true that the larger the board, the less the efficiency, and the tendency is to talk more and do less. Therefore my amendment is not only in the interest of economy but also of efficiency.

In the third place, what is the real question that we are now attempting to weigh here? Is it a question of having 12 men, each with a salary of $10,000, or is it the real, vital, essential thing that that board shall do its work well? Now, mark this statement carefully, my friends.

A little bit later in the bill you will find that $300,000 is provided for the expenses of this board. That is to pay salaries and all the incidental expenses that we call in general terms overhead expenses. Just bear this in mind—$300,000. If $150,000 of that is saved in salaries and the unnecessary expenses that go along with those men, will not $150,000 more be used for the real vital work of this board? I submit to

you gentlemen that that is an argument worthy of your consideration.

Now, finally, I maintain that this is not only an amendment that speaks for economy, for efficiency, and for an increased appropriation for the real work of the board—which is not merely the multiplication of officers—but if the number is reduced just by that measure will it reduce the political complexion of this board. The larger your board and the wider its ramifications the greater temptation for manipulation and trading, to the end that these men, who get into these fine positions, may mutually place themselves and continue themselves in office.

So I say, members of the committee, that this amendment and the one that shall follow it, if it is favorably received, is in the interest of economy, efficiency, and of advantage to the work of the board itself; and it will, to a large degree, eliminate the temptation to indulge in so much political trading as is sometimes done in connection with other positions.

Mr. FUNK. Will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. FUNK. Did the gentleman vote to amend the Federal reserve act to increase the membership by one additional member?

Mr. KETCHAM. I did; and for this reason: Simply because agriculture was not represented upon that board.

Mr. RUBEY. Will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. RUBEY. I just wanted to ask the gentleman one question. I believe you have six members on the board in your bill. What is the amount appropriated in your bill?

Mr. KETCHAM. I think it is $12,000.

Mr. RUBEY. Five hundred thousand dollars, $200,000 more than it is in this bill.

Mr. KETCHAM. I would be glad to have the gentleman submit an amendment to reduce the number in the bill which the gentleman calls my bill, as I have introduced an amendment to reduce the number in this bill.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. HAUGEN. Mr. Chairman, I rise in opposition to the amendment. The gentleman is much concerned about an expense of $150,000. The purpose of this board will be to give the farmer the benefit of the tariff which, in the aggregate, will amount to billions of dollars. Cut the number down to six and you impair the usefulness of the board. This country is broad. We have 48 States in the Union. I think it will require the services of 12, and possibly more. Are we going to do anything for the farmer? If so, are we going to cripple the bill right from the start, or are we going to set up machinery that will make it possible for it to function as it should and to accomplish the purposes we are undertaking here to-day?

Mr. LOZIER. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. LOZIER. With a board of 12 members you have an opportunity to give more of the commodities representation; if you reduce that number to six, you reduce the number of commodities that can have representation on that board and you thereby impair the efficiency of the organization.

Mr. HAUGEN. Yes; and if it is found necessary to establish seven divisions, you have six members. Of course, the gentleman does not believe in the operation of this bill; he is opposed to it. Now, then, let us do the manly thing. If it is going to be defeated, why not do it in an honorable way? Why not set up the proper machinery that is required to accomplish the desired results? The gentleman talks about a board of six, and he is perfectly willing to increase the salaries. The gentleman is much concerned over the expense, but he is in favor of making the salary $12,000 instead of $10,000. We have provided for a very moderate salary, and we believe they are entitled to it, and we believe we need 12 men. But, as I say, if you are going to cripple the bill, very well. This is one way of doing it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. KETCHAM) there were—ayes 35, noes 55.

So the amendment was rejected.

Mr. BURTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BURTON: On page 4, section 3, subdivision (a), strike out subheads 2 and 4, and substitute instead of Nos. 3 and 5, 2 and 3, respectively, and strike out subdivision (b).

Mr. BURTON. Mr. Chairman, the object of this amendment is to strike out subsections 2 and 4. Subsection 2 gives authority to the Federal farm council to nominate to the President three individuals in each of the 12 Federal land-bank districts eligible for appointment to the Federal farm board. Subsection 4 gives them authority to nominate, in accordance with the provisions of section 4, three individuals to fill any vacancy occurring in the board. The provision in regard to the substitution of numbers is merely to provide for the renumbering of the sections which would be necessary because of the omission of these two subdivisions. The amendment also proposes to strike out, at the bottom of the page:

(b) The individuals to be nominated to the President for appointment to the board from any district shall be selected by the members of the council from such district.

This House must face without evasion the question raised by the proposed creation of this council to nominate eligibles from whom the President must make a selection. If we adopt the provision as contained in the bill we are entering upon a long road which means very serious consequences. I have no doubt that the farming communities, as represented by the cooperatives and other agricultural associations, would act as wisely and as intelligently as any other class of our population.

But the Constitution vests the power of appointment in the President, with certain exceptions, such as subordinate officers who may be chosen by the President, with the advice and consent of the Senate.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BURTON. If I can get more time I shall be glad to yield.

This means the vesting of a great responsibility in the President. It means giving to him a prerogative, which is an essential part of our political system. The President stands supreme in this Government, higher than a monarch. It is thought he can not err, not because of any such maxim as that the king can not do wrong, but that the people give to him possibilities of action, give to him authority which must place any one of self-respect, of commanding ability, beyond the possibility of corruption. President Cleveland once said that the President of the United States was the one person whom any citizen of the Republic could approach with the thought that he might assert his rights, that he would be listened to, and that his rights might be secured.

Mr. CONNALLY of Texas. I am sure the gentleman can get more time if the gentleman will yield.

Mr. BURTON. I yield.

Mr. CONNALLY of Texas. Does the gentleman contend there is no power to limit the class of persons from whom the President can select?

Mr. BURTON. No; and I will come to that in a moment.

Mr. CONNALLY of Texas. For instance, we can establish courts, and can we not provide that the President shall appoint no one but lawyers as judges?

Mr. BURTON. That is very different legislation from this, and I will come to that in a moment.

Under this great fabric of government the President has this power. Our Constitution has been termed by one of the greatest statesmen the greatest instrument ever struck off at a given time by the mind and purpose of man.

What is the tendency of this provision? To abolish government of the people, by the people, and for the people, and to establish in its place government of groups, by groups, and for groups. I gave yesterday in discussion this question a number of illustrations. Now, as regards the illustrations which, I understand, were given by my very good friend, Mr. DICKINSON, last night——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask that the gentleman may have five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURTON. You may search the whole field of the statutes in regard to appointments and you will not find any case in which an appointment is made by recommendation except one, and that is section 304 of the Railroad Labor Board act, and that is really not an appointment to an office in the general sense. It is the creation of a tribunal for the sake of arbitrating differences between railways and their employees, so that three may be chosen from eligibles suggested by the railway management, three similarly suggested by the employees, and three by the President. There may be some question whether that is constitutional, but it is very strikingly distinguished from this provision here.

Mr. NEWTON of Minnesota. Will the gentleman yield there?

Mr. BURTON. Yes.

Mr. NEWTON of Minnesota. There are six to be nominated by the railways, six to be nominated by the employees, and the President makes the appointments from those nominees.

Mr. BURTON. That is a case of eligibles.

Now, in answer to the gentleman from Texas, it is undoubtedly true that the Congress may prescribe qualifications such as that persons appointed to certain offices shall be learned in the law, shall have had experience in banking, shall have a knowledge of agriculture; anything pertaining to qualifications may be provided in the statute. It may also limit upon a board or commission the number from a political party. I think it a little more doubtful, but the law may also provide that there be certain appointments from certain localities, as one from each of seven or eight districts, because this is a country of almost infinite diversity of interests, of population, and thus there may be a provision not only as to qualification but as to locality. But what is this? This is taking the appointive power out of the President's hands. He has the bare, meager, very unsatisfactory alternative of selecting one of three, and just see how you might pack a board under that provision. As I stated yesterday, you might provide that the members of the Federal Reserve Board be recommended by the American Bankers' Association; that the Secretary of Labor must be chosen from eligibles named by the American Federation of Labor.

Now, it may be there would be no serious injury in this case. People may say—and I share that sentiment—you can trust the farmers, the cooperatives, and others, but by this statute you would be establishing a precedent which I say with the utmost solemnity to the Members of this House is sure to come home to plague you in the future. We have had too much of group control and group formation in this country, and let us not for a moment think of stimulating or encouraging government by groups by saying that those who are to belong to this very important board shall be chosen from a list of eligibles representing certain groups of our population.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. FUNK. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FUNK. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. FUNK. The gentleman is a member of the Debt Funding Commission, as I understand?

Mr. BURTON. Yes.

Mr. FUNK. Is it not provided in the law that created the Debt Funding Commission that the President shall be limited in the appointment of the members of that commission at least to the extent that two shall come from the House?

Mr. BURTON. Yes; originally one from the House and one from the Senate.

Mr. FUNK. Was not that a limitation?

Mr. BURTON. That comes under a head I have already named of qualification; that is, there must be certain members of the Cabinet and members of the House and the Senate.

Mr. FUNK. That is a limitation on his power of selection.

Mr. BURTON. You may call it a limitation, but in any event that service is not an office in this sense. That subject was considered very elaborately in the Senate. If it had been an office in the ordinary sense, we who are Members of the House or of the Senate could not have served on that commission; but it was decided after very elaborate discussion in the Senate it was not an office of the type contemplated. The commission can make recommendations, but their recommendations must be approved both by the President and by Congress.

Mr. RAMSEYER. But that raises another point. The point raised by the gentleman from Illinois [Mr. FUNK] was whether or not requiring him to take two from the House and two from the Senate was a restriction on his appointive power.

Mr. BURTON. You may call it a restriction, but everyone knows perfectly well it was a designation of certain persons, just as we designate certain committees here in the House to perform certain duties. If it were an office, the Constitution would forbid Members of Congress from acting.

Mr. McSWAIN. Mr. Chairman and gentlemen of the House, it is certainly interesting to see the solicitude with which some consider this limitation upon what is described as the vast power of the President, incomparable in all history among emperors and kings, and because there is a slight impingement in this heretofore unparalleled power tied up in one person we are urged to not even go this far.

I am not a member of the committee, I know nothing about what motives may have prompted them or what precedents they may have followed, but it may be they followed the precedent set up by the Executive power itself; it may be that they remember the Executive who wanted to keep lip service obedient to the civil service law, who said to the members of the civil service, You need not recommend to me one single individual who makes the highest rating; you may pick out three; do not limit me to one; give me plenty of latitude; give me three people, and one of the three I agree shall be the person named, upon whom I will bestow the power and prerogatives of postmaster or postmistress. So it may be that this wonderful precedent, this marvelous example sought by the Executive power himself, was the pathway that this committee, that has struggled for life and wants to solve the agricultural problem, selected.

Mr. RAMSEYER. That regulation was placed there by Executive order itself.

Mr. SPROUL of Kansas. Is it not a fact that the Congress by virtue of the situation has plenary power to take away from the President all appointing power of subordinate officers?

Mr. McSWAIN. Of course; but we are not bothering about that. Now, if there is nobody that wants me to yield, I will yield the floor. [Laughter and applause.]

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, if this bill contemplated a permanent continuance of any powers that would permit the board to take money out of the United States Treasury or if it contemplated what in reality would be an official office or a governmental office, I would be disposed to follow the distinguished gentleman from Ohio who has submitted this amendment, but this fact seems to have been entirely overlooked in this debate. The fundamental purpose of the board has been entirely overlooked.

Personally I think the subsidy from the Treasury will be taken out so we will not have that to contend with. But even if it were not, if it should remain for two years, what is still the general and outstanding purpose of the bill? This board is not going to be a public body; nothing of the kind. The purpose of the bill is to establish a system of machinery by which certain crops may be put into a national pool and handled in the matter of marketing such crops. Where do they get the money? If they have an exportable purpose, the producers themselves put it up. So, after all, all the bill does is to say that Congress establishes machinery by which it might be possible to do the same thing that cooperative associations might do if it ever should become possible for all of them throughout the United States to get into one organization.

So these men are not going to perform any governmental functions. They are going to take the money from the producers of certain crops, handle their products in the best way in order to secure for the producers a price for the domestic consumption—the world price plus the tariff.

This therefore is identical in principle with the provisions in the Federal reserve act which permits the selection of the directors of the various Federal reserve banks by their members. Why is that done? Because they are the stockholders, they put up the money, they have the right to select their own directors. So in this case, who puts up the money to conduct this business? It is the farmers and the producers of the country. They therefore, it seems to me, reasonably have the right to have some little say as to the type of men who are going to handle it.

Aside from that psychology of the provision is most excellent. We recall the storm of protest that went up from the agricultural sections when the Federal reserve bank started its deflation policy in 1920. I am not here to criticize or to commend that policy, to say whether it is right or wrong, but I am free to say that there was a good deal of justifiable criticism and there was a universal feeling on the part of the agricultural classes that the interests of agriculture had not been properly represented on the Federal Reserve Board. This was so strong that Congress did a rather unusual thing and provided that the qualifications of an additional member of that governmental board, a public body differing from the one set up here, would have to be selected, who had certain qualifications along agricultural lines. I think that is the big distinction between the cases given by the distinguished gentleman from Ohio [Mr. BURTON] and the situation that we have before us here to-day. The amendment should be defeated.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. RAMSEYER. Mr. Chairman, I spoke on this question of the constitutionality of the selection of the members of the board last night, and I do not care to repeat what I said at

that time. In regard to the policy of selecting the board members as the bill provides, I just wish to say that nearly every bill which has been introduced here for farm relief carries the same kind of a provision, including the Haugen bill, the Fort bill, the Dickinson bill, and the Tincher bill, the last of which, it is rumored here, has the support of the administration. All of the farm organizations that have been here are for something like this, so that this provision apparently has the universal support of those in and out of Congress who are in favor of some kind of farm legislation. On the constitutional phase, if you will concede that you can restrict the power of the President's choice, then you are up against the proposition of how far you can go in restricting the President's choice. I concede it is difficult to determine the extent to which restrictions may be imposed within constitutional limitations. I call attention to the fact that the same provision of the Constitution which empowers the President to nominate and, with the consent of the Senate, to appoint certain officers also provides that Congress may by law vest the appointment of inferior officers in the President alone, in the courts of law, or in the heads of departments. If it is proper to restrict the President's power to appoint in one class, it is proper to restrict in the other class, and certainly any qualifications that you prescribe by law that officers must possess, either as to professional qualifications or party affiliation or industrial, geographical, or governmental representation, and so forth, is a restriction upon the Executive in making appointments. The Members of the House of Representatives and of the Senate are sworn to support the Constitution of the United States, and every Member here is under oath to vote against any bill that he really thinks is unconstitutional. Last night I called your attention to 70 laws passed by Congress imposing qualifications for offices filled by presidential appointment. Seventy times have the House and Senate gone on record by the passage of bills restricting the power of the President to make appointments. Seventy times, probably with the advice of the Attorney General, the hand of a President of the United States has signed a bill restricting his own power to make appointments. Furthermore, so far as I am able to find out, not once has the constitutionality of a single one of these statutes ever been questioned in the courts of the United States.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Certainly.

Mr. BURTON. Does the gentleman not recognize that there is a perfectly plain distinction between the specifications of qualifications which may be necessary and appropriate for the various offices created requiring different qualifications, and a solutely dictating to the President by a committee of three or of any number as to whom he shall appoint? Does the gentleman not recognize a marked distinction there?

Mr. RAMSEYER. But I do not admit that anybody is dictating to the President. Whatever qualifications are prescribed by law are restrictions on the President's power to appoint. You take these three names to the President if this bill passes. Suppose he says that he will not nominate any one of them. I admit that you can not compel the President to act.

Mr. BURTON. In other words, then your office will be vacant.

Mr. RAMSEYER. If the President approves the bill, it is inconceivable that he will not comply with its provisions.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAMSEYER. One can conceive of an office being vacant in that way. If the President refuses to appoint an Attorney General; if he says he is not going to appoint one, you can not compel him to fill the office.

Mr. WILLIAMSON. Is there any reason at all why in this particular case the bill could not just as well provide that cooperative associations select their own officers?

Mr. BURTON. That is an entirely different situation. Those are institutions with a corporate organization.

Mr. RAMSEYER. Then, furthermore, Attorney Generals of the United States have at different times been asked for opinions as to these various restrictions. For instance, there is a civil-service rule limiting the appointive power, whether a member of the Cabinet or other officer, or even the President, to one of three names presented. This rule has never been contested as unconstitutional.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. BLACK of New York. Is it the gentleman's opinion that the members of the council are public officers of the United States; that they must take the oath of office and be subject to the bribery statute?

Mr. RAMSEYER. I do not think so. It has been held by a court that to limit the appointive power to one individual is unconstitutional. On the other hand, I think it is clear that Congress is not deprived of power to limit the field of selection. Of course, the way this bill will work is this: If you present the names to the President and he nominates one of them, then that one becomes the President's selection. If the President acts in compliance with the provisions of this bill, I do not think you can ever question that method in the courts. If the President fails to act, there is no way to compel him to act. I want to read just a few lines from what Attorney General Ackerman said in a very able opinion back in the seventies on restricting the appointing power:

> Congress could require that officers shall be of American citizenship or of a certain age; that judges should be of the legal profession and of a certain standing in the profession, and still leave room to the appointing power for the exercise of its own judgment and will, and I am not prepared to affirm that to go further and require that the selection shall be made from persons found by an examining board to be qualified in such particulars as diligence, scholarship, integrity, good manners, and attachment to the Government would impose an unconstitutional limitation on the appointing power.

When we created the Foreign Debt Commission we decreed by law that the President should appoint two members of that commission out of the House and two out of the Senate. That was not prescribing qualifications, it was a plain restriction on the appointing power, and the President did appoint two from the Senate and two from the House, men of the highest qualifications. But that was a restriction on the appointing power and no one ever questioned its validity. In my opinion, the issue raised by the gentleman from Ohio [Mr. BURTON] against the constitutionality of this provision for the selection of members of the farm board is entirely without merit.

Mr. LOZIER. Will the gentleman yield?

Mr. RAMSEYER. I will.

Mr. LOZIER. As to the Executive power, there is power of appointment vested in the President coincident with the power of removal, and yet we have enacted a law which attempts to, or at least, limits the power of the President to remove the Comptroller General. Is that a restriction upon the Executive power?

Mr. RAMSEYER. The question of the power of removal is now pending in the Supreme Court of the United States in the Myers case, and I do not care to anticipate the court's decision.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

Mr. BLACK of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Page 4, line 6, after the word "district," insert "that any member of the council who accepts a bribe in connection with his duties under this act shall be punishable by a fine of $10,000 or imprisonment for five years, or by both such fine and imprisonment."

Mr. RAMSEYER. Mr. Chairman, I make the point of order that it is not germane.

Mr. BLACK of New York. May I ask the grounds of the point of order?

Mr. RAMSEYER. That it is not germane.

Mr. BLACK of New York. Mr. Chairman, may I be heard on the point of order. [Cries of "Rule!"] Mr. Chairman, the chairman of the Rules Committee in presenting the rule on this bill notified the House that he anticipated the Chair would be very liberal in regard to the rule in reference to germaneness. Here is a bill with a section providing for a council that the gentleman from Iowa, in answer to a question of mine, just admitted was made up of men who are not public officials, who have charge of a fund of public moneys amounting to $375,000,000, and a direction to the President to appoint certain officers. Now, in order to safeguard that fund and the administration of that act, and to make it a real working act, I am putting in a penal clause to make this bill protect the public——

Mr. COOPER of Wisconsin. Does not the gentleman think the general statute punishing embezzlement covers that?

Mr. BLACK of New York. I will say to the Chair and gentleman I would have thought so only for the fact that the clear-headed lawyer from Iowa [Mr. RAMSEYER] said in reply to a question of mine that they are not public officials, and for that reason we need the penal clause. If they were public officials, we would not need it.

The CHAIRMAN. The Chair is ready to rule.

Mr. McLAUGHLIN of Nebraska. Does not the gentleman know that this board handles no money at all?

Mr. BLACK of New York. It says in subdivision 5 of section 3——

The CHAIRMAN. The Chair would inquire of the gentleman from New York if he is not touching upon the merits of the amendment?

Mr. BLACK of New York. I understand. I know how the Chair feels about it, but I am trying to answer the gentleman.

If you farmers really want help, do not be so antagonistic to us who have votes. I am trying to carry on my discussion in this controversial way for the enlightenment of the Chair. I may say to the Chair that subdivision 5 of section 3 says that this council shall submit to the board certain recommendations and cooperate with the board in such manner as the council deems to be most effective to carry out the provisions of this act. Under that provision the Secretary of State and the Secretary of Agriculture and the board are inferior to this council created by a private group, and if you want this act to be a public law instead of a private privilege you must make these men amenable to law.

Mr. DOWELL. Mr. Chairman, the gentleman is not discussing the point of order. The gentleman should discuss the point of order.

Mr. BLACK of New York. I am discussing the germaneness of my proposition.

The CHAIRMAN. The gentleman from New York will be seated. The Chair will rule on the point of order.

Mr. BLACK of New York. Is the Chair ready to rule?

The CHAIRMAN. The Chair is ready to rule. The Chair does not think that the penal provision that the gentleman from New York has offered is in order in this section, which provides for the duties of this council. The Clerk will read.

The Clerk read as follows:

FEDERAL FARM BOARD

SEC. 4. (a) There is hereby established in the Department of Agriculture a board to be known as the Federal farm board and to be composed of 12 members, 1 from each of the 12 Federal land-bank districts, appointed by the President, by and with the advice and consent of the Senate, from the individuals nominated by the council.

(b) The Secretary of Agriculture shall be an ex officio member of the board.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota: Page 5, line 7, after the word "Senate," strike out the words "from the individuals nominated by the council."

Mr. NEWTON of Minnesota. Mr. Chairman, this merely puts the question of appointment up to the President of the United States and removes any right upon the part of the council to make nominations from which he himself makes appointments.

I speak against it not only because I have grave doubts as to its constitutionality, but also because I believe it is a bad legislative precedent, even if it is constitutional.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. BEGG. Mr. Chairman, I offer an amendment: On page 5, line 4, after the word "members," insert "six of whom shall be selected from membership outside of farm organizations."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEGG: Page 5, line 4, after the word "members," insert the words "six of whom shall be selected from membership outside of farm organizations."

Mr. WINGO. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BEGG. What is the gentleman's point of order?

Mr. WINGO. The point of order is that the bill, as already approved, limits the board to one class, and where only one class is covered in the bill you can not include another class. Where there are two classes you can add to them.

Mr. BEGG. Mr. Chairman, the gentleman, then, contends that this bill is designed only for the benefit of farmers who belong to farm organizations. It is not intended for the purpose of general farm relief?

Mr. WINGO. We must look at it from the standpoint of the proponents of the bill.

Mr. BEGG. If the gentleman in charge of the bill will state to the House that this bill is not intended for the relief of non-members of farm organizations, then the point of order is good.

Mr. WINGO. Let me finish the answer to the question. In passing upon the point of order you must look at the bill from the standpoint of the proponents of the bill. The bill provides for a method of selection through certain machinery, and that method is through the cooperative organizations, and they undertake to limit it to that particular class. That may not be a wise thing to do, but the House and the committee has limited it to that. You can not inject another class.

Mr. NEWTON of Minnesota. This is the first section in the bill that contains anything about the farm board and its compensation.

Mr. WINGO. No. The gentleman is plainly in error. There is another provision in there.

Mr. NEWTON of Minnesota. Yes; a provision providing for the nomination. But there is nothing in the bill so far that requires them to be members of a cooperative association or a farm organization.

Mr. WINGO. But the bill now approved by the committee, in the section that we have just passed, provided for nomination by one group.

Mr. NEWTON of Minnesota. But it does not restrict the nomination to any one class.

Mr. WINGO. You provide for going outside that machinery and provide another method of organization when the House has voted down an amendment authorizing the nomination and making the elimination, striking out all of this particular provision.

Mr. BEGG. Mr. Chairman, I would like to make a unanimous-consent request. Then I want to be heard on the point of order. I ask unanimous consent to modify my amendment, and instead of "membership outside of farm organizations" I want to say "from farmers outside of farm organizations."

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Wait until we get this request acted on.

Mr. SCHAFER. You naturally would have to put in the bill a definition of what you call a real registered dirt farmer.

The CHAIRMAN. The gentleman from Ohio [Mr. BEGG] asks unanimous consent to modify his amendment as indicated. Is there objection?

There was no objection.

The Clerk read as follows:

Modified amendment offered by Mr. BEGG: Page 5, line 4, after the word "members," insert "six of whom shall be selected from farmers outside of farm organizations."

Mr. STEVENSON. If the gentleman will yield, I want to direct his attention to the fact that the provision for nominating, relied on by the gentleman from Arkansas, says:

Nominate in accordance with the provisions of section 4 three individuals to fill any vacancy occurring in the board.

Evidently subdivision 2 refers to the provisions in section 4 also, and the gentleman is merely endeavoring to amend and perfect section 4, so he is not, with what has been acted on up to this time, tied down to any specific class or any specific number.

Mr. WINGO. The gentleman from South Carolina is a very able lawyer. Now, subdivision 4 provides:

Nominate in accordance with the provisions of section 4 three individuals to fill any vacancy occurring in the board.

What are the provisions? The provisions are that the board shall be:

Composed of 12 members, 1 from each of the 12 Federal land-bank districts.

In other words, that limitation couples up the other, and the limitation is to the Federal land-bank districts.

Mr. STEVENSON. If the gentleman will permit, when the committee acted upon that section 4 had not been adopted, and has not yet been adopted, and any limitation or any direction may be written in section 4, and it will revert back and control the nominating power.

Mr. WINGO. I agree with the gentleman; but the gentleman from Ohio is seeking to inject a second class in a bill that provides only for one class, and under the well-known rule, where you only cover one class you can not multiply the classes; if you provide for two or three classes, then you can add all the classes you want to.

The CHAIRMAN. The Chair is ready to rule.

Mr. BEGG. Mr. Chairman, I would like to have a minute or two. I do not want to impose anything I have to say on the Chair if he is ready to rule; if I were sure he would rule the way I want him to rule, I would not proceed.

The CHAIRMAN. The Chair is ready to rule.

Mr. BEGG. I am going to take a chance.

The CHAIRMAN. The Chair thinks there is no limitation on the part of this council to select these members from farm organizations and overrules the point of order.

Mr. BEGG. Now, Mr. Chairman, I just want to say a word or two, and will not consume more than two minutes. In my remarks a while ago I made the flat statement—and it has not been contradicted and I do not believe it will be—that at least 70 per cent of the farmers of the United States are members of no organization. Now, I want to find out how many Members of Congress are willing to deny 70 per cent of the farmers no representation on a board composed of 12 members. I should have asked for eight members on the board to four if I were to ask for an honest and fair representation for the unorganized farmer as against the organized farmer.

Mr. WINGO. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. WINGO. I want to ask about the gentleman's amendment. It has been suggested that I misunderstood his amendment. Does the gentleman's amendment still leave these members to be nominated by this council?

Mr. BEGG. Yes. I have not interfered with that.

Mr. WINGO. If I now correctly understand the gentleman's amendment, it provides that of these nominees there shall be at least seven of them who shall be farmers?

Mr. BEGG. Six of them must be farmers.

Mr. WINGO. I thought it was the opposite and that you were going outside.

Mr. BEGG. No; there must be at least six of these men who shall be farmers—farmers who are outside of the organizations of farmers. In other words, all I am asking is that the 70 per cent of farmers be given a 50 per cent representation on the board that is going to control the prices, assess the costs, and spend the money for the 70 per cent. Now, I am absolutely sincere about this.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. BEGG. I yield to the gentleman from Iowa.

Mr. DOWELL. Under a previous section all of these nominations, no matter how they may be designated for appointment, must be made by these organizations.

Mr. BEGG. Yes.

Mr. DOWELL. That is provided in sections 2 and 3.

Mr. BEGG. All right. The gentleman from Iowa—and I submit this sincerely—makes the suggestion that even though my amendment is adopted the organizations still have the right and the power to nominate these six men. That is certainly fair to the organizations. The organizations have 50 per cent of the board, and they have the right to nominate to the President the other 50 per cent, and they themselves only represent 30 per cent of all the farmers. I want to see whether the proponents of the Haugen bill represent agriculture or whether they represent 30 per cent of agriculture.

Mr. BURTNESS. Will the gentleman yield for a question?

Mr. BEGG. Yes.

Mr. BURTNESS. I am taking the gentleman seriously.

Mr. BEGG. I am serious. I think the 70 per cent are just as much entitled to consideration as the 30 per cent.

Mr. BURTNESS. The gentleman's amendment would require six appointments from members whom you say are not members of these farmer organizations; is that it?

Mr. BEGG. Yes; six of them.

Mr. BURTNESS. Does the gentleman mean the farmer organizations that are designated by the Secretary and who participate in the convention, or does the gentleman mean all possible farm organizations?

Mr. BEGG. I mean whatever you mean with respect to these farm organizations. I do not care what you mean. [Laughter.] I am trying to give the 70 per cent a little show on this great, big $375,000,000 appropriation. I want the 70 per cent to get their share of it.

Mr. BURTNESS. I submit that the amendment suggested by the gentleman from Ohio would disqualify any person who was a member of any organization whatsoever——

Mr. BEGG. No; I do not disqualify anybody.

Mr. BURTNESS. A farmer who was a member of a minor cooperative shipping association or a local cooperative elevator or a buying association of any sort.

Mr. BEGG. Oh, no.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. SCHAFER. Mr. Chairman, I move to strike out the last two words and ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Chairman, ladies, and gentlemen of the House, our distinguished colleague [Mr. RAINEY of Illinois] indicated that all of the Members from city districts were against farm relief legislation. I take the floor at this time to state that I shall vote for the Haugen bill, although my district is a city district. [Applause.]

The industrial workers and the farmers of this country realize that their interests are mutual.

The prosperity of the farmers is closely interwoven with the prosperity of industrial employees, small business and professional men. When the farmers are prosperous they are able to purchase the output of the industrial workers and business institutions and pay the bills of the professional men.

I am very glad to see this wave of irregularity amongst Republican Members from the great Northwest. Perhaps if the Republican Party shall be returned after the next election, in the next session of Congress we will see many new faces on the Committee on Agriculture because members of the Republican Party on that committee to-day dared to raise their voice in protest against the leadership of the Republican Party, which apparently desires that no real farm-relief legislation be enacted.

The first bill that this Congress had under consideration when we assembled at this session was the tax reduction bill, which reduced the taxes of the multimillionaires and the special interests of this Nation to the tune of millions of dollars. Now, the Republican leaders tell us that we have not the funds in the Treasury to meet this $375,000,000 appropriation for the relief of the farmers. I wish that those who are now in revolt in the Republican Party had revolted and voted against that iniquitous tax reduction bill which granted extraordinary tax reductions to the multimillionaires and which, in fact, granted a reduction of approximately $614,000 a year to one member of the Republican Party who holds a high Cabinet position.

If you had voted against that tax reduction bill, you would not to-day be confronted with the statements of the Republican leaders that you can not pass this legislation which the farmers need because you have not sufficient funds in the Treasury.

In general, I am against subsidies. I am particularly against subsidizing the great special interests and monopolies of this country, but when I see the strongly intrenched monopolies in the saddle in this Nation to-day I shall be only too glad to vote for the Haugen bill, even with a so-called subsidy of $375,000,000. If we can subsidize Mussolini's government, the French Government, and the other allied governments to the tune of billions of dollars, we can at least spend the comparatively small sum of $375,000,000 to assist the American farmer, whom, we all admit, is in a most precarious financial condition at this time. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BEGG].

The question was taken, and the amendment was rejected.

Mr. BEGG. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Page 5, line 8, after the word "council," add "*Provided*, That no officer of any farm organization recognized by the Secretary of Agriculture as eligible to make nominations shall be eligible to serve on the board."

Mr. BEGG. Mr. Chairman, I offer this amendment to see whether or not you are really trying to pass a farm relief bill or whether you are trying to pass a bill to make a lot of offices to try and give relief to farm organizations. If you will make the officers of farm organizations ineligible to sit on the board with a $10,000 salary and all expenses paid, I would not be surprised if you would not find some of your support dropping away.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. DICKINSON of Iowa. I have had a good deal of experience with farm organizations. If you can find any man of a higher type than Sam Thompson in the State of Ohio, I would like to see his photograph. You can go all through the personnel of the farm organizations and they are not looking for this legislation in view of prospective jobs.

Mr. BEGG. I am not thinking of Sam Thompson, I never saw the man.

Mr. DICKINSON of Iowa. You are indicting the man by your statement.

Mr. BEGG. No; I am not indicting him at all. It is a peculiar situation that when you undertake to exclude the selfish interests somebody jumps to his feet and comes to the defense of Sam Thompson. [Laughter.] I do not know him. He may be the finest man on earth.

Mr. DICKINSON of Iowa. You ought to know him.

Mr. BURTNESS. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. BURTNESS. If you attribute that motive to the proponents of the bill——

Mr. BEGG. I am not attributing motives to anybody. I am removing the temptation. [Laughter.]

Mr. BURTNESS. The Tincher bill, which the gentleman favors, carries substantially the same provision.

Mr. BEGG. If the gentleman does not have his information from a better source than he has when he comes to state my position, he lacks qualification.

Mr. WEFALD. Will the gentleman yield?

Mr. BEGG. I yield.

Mr. WEFALD. Will the gentleman kindly propose some kind of an amendment so that we can get some Harry Daugherty on the board?

Mr. BEGG. The gentleman makes light of a man who has had misfortune, but let me call the gentleman's attention to the fact that to-day Harry Daugherty, with all the slime hurled in his direction, has not been found guilty of a thing. A man should not be accused of crime until he has been found guilty in court. I think little of the man that will assault a man's reputation and character without any ground on which to base it.

Mr. WEFALD. I did not assault his character; he assaulted his character himself.

Mr. BEGG. Oh, no; and the gentleman does not help the bill when he takes that attitude.

Mr. LOZIER. Will the gentleman yield?

Mr. BEGG. I will.

Mr. LOZIER. It is generally understood that the ablest men in agriculture are to-day at the head of these farm organizations as officers.

Mr. BEGG. From the information I have heard on the floor in general debate I would say that some of them were capable of turning a flip-flop over night.

Mr. LOZIER. The effect of the gentleman's amendment would be to deny to agriculture the further services of those gentlemen on this board.

Mr. BEGG. No; if they wanted to give up their position as president or secretary, they could resign. It has come to a pretty pass if we have not more men in all the farm organizations than these officers qualified to be members of this board. I submit it to you sincerely that members of the board ought to have the temptation removed from them. You want to go out into the broad field and get qualified men and not make it a selfish purpose for any man to advocate this bill for a position.

Mr. WINGO. Mr. Chairman, I rise in opposition to the amendment. I think perhaps I misunderstood the gentleman's amendment. He proposes that the President may select half of the board from farmers other than those that belong to farm organizations?

Mr. BEGG. The gentleman needs some more information. That amendment was voted down quite a while ago.

Mr. WINGO. I understand the gentleman reoffered it.

Mr. BEGG. Oh, no; I have offered an entirely different proposition.

Mr. WINGO. There is so much confusion that I could not hear what it is.

Mr. BEGG. If this amendment were adopted, I would make ineligible any of the officers of the farm organizations to nominate themselves to the President to be selected on the board. In other words, I leave all of the membership open to eligibility, but I make the officers who control the organizations and the machinery of the organizations ineligible.

Mr. WINGO. The gentleman's theory is that the equalization fee will be levied—and I have cotton in mind, because I know about that—upon the products of the man who does not belong to the organization, and, therefore, the President should have some leeway by which that class should be represented, and not have all of these offices monopolized by men and officers of the organized farmers?

Mr. BEGG. No; the gentleman is not correct yet. The board could still be made up out of the organization; in fact, it will have to be, but the officers of the organization could not serve because they are officers. The very fact that they are officers removes from them eligibility.

Mr. WINGO. The thought I had in mind was embodied by the gentleman's amendment which has been defeated, and the committee has indicated that it does not want the farmer who does not belong to the cooperative to be represented on this board.

Mr. BEGG. No.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. BEGG) there were—ayes 46, noes 72.

So the amendment was rejected.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota: Page 5, line 8, after the word "council," insert "*Provided*, That not more than six shall be members of the same political party."

Mr. NEWTON of Minnesota. Mr. Chairman, two or three days ago I had occasion to call the attention of the committee to what I believed were the political possibilities in the set-up of the machinery of the bill that is before us. If there is anything that I believe the farmer does not want, it is to have the question of his production and marketing become the football of partisan politics.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield for a question?

Mr. NEWTON of Minnesota. Not at this time. It seems very clear to me that there are great possibilities in the bill as written for that very thing to happen. It ought not to happen. That we can say, regardless of the question of our party affiliations. This amendment will, in part at least, prevent that very thing from happening. I take it partisan politics should not enter into the question of appointments to the board. I yield to the gentleman from North Dakota.

Mr. BURTNESS. I agree with the gentleman that the political equation should not enter into it, but when you adopt a provision that would make it necessary for the people who gather in these conventions to ask the question whenever any name is submitted as to whether he is a Republican, a Socialist, or a Democrat, are you not putting the whole matter into politics instead of keeping politics out of it?

Mr. NEWTON of Minnesota. Not at all, because here is a restriction not upon those who shall be nominated but a restriction upon the appointment.

Mr. BURTNESS. Then, how are you going to insure six people from any one particular party being nominated, unless you are going to have that question raised in the convention to such an extent that the organizations meeting in convention must pick them out as Republicans or Democrats or as members of some other party?

Mr. NEWTON of Minnesota. If I thought for one moment that the passage of this amendment would in itself bring this matter into politics, I would not be for it, but every bit of the machinery that we have put into effect to-day does put it into politics. Here is an attempt, after the machine is going along, at least to equip it with a set of brakes that will work about 50 per cent efficient.

Mr. BURTNESS. And make politics the leading issue in the convention.

Mr. NEWTON of Minnesota. Not at all.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. CARTER of Oklahoma. Does not the gentleman think his object might be obtained by placing a provision in the bill which would not require any man to place his resignation in the hands of the appointing power before he is appointed?

Mr. NEWTON of Minnesota. If the gentleman wants to offer that amendment, of course he is privileged to do so, but I dare say he would not be able to get any support for it from the members of the committee.

Mr. SCHAFER. If one of these men were to come from the great State of Iowa, how would you be able to ascertain what his political affiliations are, for instance, if he was a Republican and supported Senator STECK, the Democratic candidate?

Mr. NEWTON of Minnesota. Oh, I would leave that question to the gentleman from Wisconsin.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I ask that the gentleman have two more minutes.

Mr. NEWTON of Minnesota. The gentleman from Minnesota is not asking for more time. If his time is up, he has no desire to say more.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. NEWTON of Minnesota. I ask for a division. I want to find out how the Democrats are going to vote on this question.

The question was taken; and there were—ayes 33, noes 55.

So the amendment was rejected.

Mr. RANKIN. Mr. Chairman, a parliamentary inquiry. The gentleman from Minnesota [Mr. NEWTON] wanted to know the political line-up on this vote to see how it balanced.

Mr. WINGO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 4, after the word "members," insert "not less than seven of whom shall be actively engaged in agricultural pursuits."

Mr. WINGO. Mr. Chairman, I hope there will be no serious objection to this amendment. Let us see, you have a board which is going to be a supervising board. Their chief activity will be in determining the conditions in reference to marketing the basic agricultural products of the Nation. Now, you certainly ought to have on that board at least seven of them who are actively engaged in agricultural pursuits. I deny the suggestion I heard some one make in a low tone of voice that you could not find farmers who had business ability. I can show you some of the ablest farmers, business men who are actually engaged in farming in my district, and I can show you them in every State in the Union. Why, one of the ablest and best farmers, practical farmers, among the agricultural men of this Nation at this hour is prominently spoken of as a candidate for President. You can find plenty of capable business men actively engaged in agriculture who ought to be and are willing to give their time to the practical operation of this bill which you are going to put into effect, and I hope there will not be a vote against the amendment. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

APPOINTMENT AND QUALIFICATION OF MEMBERS

SEC. 5. (a) The terms of office of the appointed members first taking office after the enactment of this act shall expire, as designated by the President at the time of nomination, four at the end of the second year, four at the end of the fourth year, and four at the end of the sixth year, after the date of the passage of this act. A successor to an appointed member shall be appointed by the President, by and with the advice and consent of the Senate, from the individuals nominated, as provided in subdivision (d) of this section, for a term expiring six years from the date of the expiration of the term for which his predecessor was appointed.

(b) Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Any member in office at the expiration of the term for which he was appointed may continue in office until his successor takes office.

(d) Whenever a vacancy occurs in the board or whenever, in the opinion of the chairman of the board, a vacancy will soon occur in the office of a member from any Federal land bank district, he shall notify the council thereof and request that the council nominate three individuals from such district qualified to fill such vacancy. Upon receipt of such nominations he shall submit their names to the President as the nominees for such vacancy.

(e) Vacancies in the board shall not impair the powers of the remaining members to execute the functions of the board, and a majority of the appointed members in office shall constitute a quorum for the transaction of the business of the board. The approval or authorization of any matter by the board shall require the affirmative vote of a majority of the appointed members in office.

(f) Each of the appointed members shall be a citizen of the United States, shall not actively engage in any other business, vocation, or employment than that of serving as a member of the board, and shall receive a salary of $10,000 a year, together with necessary traveling expenses and expenses incurred for subsistence, or per diem allowance in lieu thereof, within the limitation prescribed by law, while away from the principal office of the board, or from the office established by the board to which he has been assigned, on business required by this act. No person shall, during his term of office as a member of the board, serve as a member of the council.

(g) The provisions of section 1761 of the Revised Statutes shall not apply to any person appointed as an original member of the board, if such appointment is made prior to December 1, 1926.

Mr. WINGO. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. What is section 1761 of the Revised Statutes?

Mr. HAUGEN. It prevents the payment of salaries to an appointee under a recess appointment.

Mr. WINGO. I see.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee, having had under consideration the bill H. R. 11603, had come to no resolution thereon.

FARM RELIEF

Mr. JENKINS. Mr. Speaker, may I ask leave to revise and extend my remarks?

The SPEAKER. The gentleman from Ohio asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. JENKINS. Mr. Speaker, while it is generally conceded that the American farmer felt more financial depression during the reconstruction period than persons engaged in any other line of work, and while it is generally conceded that we have in the United States a "farm problem," still there is no gainsaying the fact that the financial condition of the farmer is better to-day than it was a year ago. However certain we are that there is a farm problem, more certain yet are we that this farm problem is gradually working itself out. The farmer will never be able to evolve a plan to control his products and his surplus as readily as the manufacturer. The manufacturers are very few in number as compared with the farmers. The manufacturer's factory is a thing separate and apart from his home. The farmer's business and his home are generally closely related and connected. The manufacturer generally manufactures very few different articles, usually only one class of articles. The farmer's products are numerous and diversified. The manufacturer usually has no concern for the weather. The farmer's product depends upon the weather conditions to a very large degree. For these and various other reasons the farmer will never be able to correlate his business with the other farmers as readily as will the manufacturer.

For many years it has been well accepted by statesmen, economists, and thinkers that the farmer's greatest loss was somewhere between the point of sale by the farmer to the point of purchase by the consumer. In other words, the problem that has confronted him has been one of marketing. Large profits have been made by brokers and middlemen who have furnished no actual benefit to the farmer or to the consumer and have contributed nothing to the growth or value of the product. That this problem has been thoroughly recognized is evidenced by the fact that all over the country in the last few years marketing organizations of various kinds have sprung up. Various State legislatures have recognized the problem and have sought the solution of the same in the passage of legislation permitting the organizing of cooperative associations. Such legislation has been passed by the State of Ohio and the same has been found highly satisfactory.

The corn farmers of the country have never fully recovered from the rapid and unfair deflation of the prices of corn which occurred early in the deflation program. Likewise, the wheat growers have suffered because of the high cost of production and high-interest rates on land purchased at the peak of inflation periods. It should have been recognized by the farmer as well as by all other persons that the high prices which obtained in war times could not always obtain. I mention these facts to show that the farmer must naturally expect to bear a portion of the burdens of deflation. After granting that the farmer is willing to bear his portion of deflation, still there is no gainsaying the fact that this great industry is so closely related to the welfare of the Nation that the welfare of the Nation demands that it be not starved and stifled, and that all other branches of industry could well afford to contribute somewhat in order that this industry might be put upon a more substantial basis.

Just how this should be done is a question of real statesmanship. The small farmers of the country who are equipped to engage in diversified farming have not felt the depression as much as those who engage in the production of one or two of the staple products to the exclusion of others. They are not much concerned in any Government program for farm relief. The Haugen bill in its original form is a patchwork constructed

to please the various farm groups and to please the various sections of the country. It is very evident that this bill is a sort of a carry-all, and that while it sought to please everyone, it is not entirely satisfactory to anyone. That it provides for a subsidy there is no question. Its financial relief is purely a subsidy. Never in the history of the country has the American farmer demanded a subsidy. If there has ever been a real independent American and one to stand on his own feet and fight his own battles it has been the American farmer. The great bulk of the American farmers to-day do not want any subsidy. What they want is a more certain market. A high price is not as desirable as a constant price. The Haugen bill seeks to provide this constant price by legislation. This brings into play a new principle. Price fixing by the Government is absolutely un-American. Therefore the farmer's relief must be had from a better system of markets. He can not change the weather. The Government must not control the price. The remedy, therefore, must be in a proper control by the farmer himself of his manner and method of marketing.

Probably the most statesmanlike course to pursue with regard to these three bills would be to recommit them all to the Agriculture Committee for further consideration. But the fact that a great deal of agitation has been carried on all over the country, together with the further fact that certain branches of agriculture are in need of assistance, argue that this Congress should furnish some relief. This should be done partly for the good that will enure from it and also partly as a protection against the harm that might result from the failure to grant it. No subsidy should be paid, and the cause of the farmers who really stand in need of assistance should not be jeopardized in a program of trading for votes. Their cause should rise or fall on its own merit.

Whatever relief should be granted should be along safe and sane lines. This question has brought forth much comment. Many misleading and inaccurate statements find their way into the press. Many speeches are made without regard to the facts. Statements are made to the effect that the farmer is getting less for his products and paying more for what he buys than he paid before the passage of the Fordney-McCumber tariff law. These statements are misleading and not true. Mr. TINCHER on the floor of the House a few days ago challenged these statements, and his challenge has not been accepted or answered. The challenge, as given by Mr. TINCHER, has drawn much comment, editorially and otherwise. The Washington Post has the following to say about it:

> In view of the oft-repeated statement that the farmers are being "robbed," that they are obliged to sell their commodities at a low price and buy their commodities at a high price, all because of the tariff, it is interesting to read Representative TINCHER's challenge. He said:
>
> "I invite any man to furnish me a list between now and midnight of any commodity that he buys that is as high to-day as it was when you passed the Fordney-McCumber tariff law, and I will print it in my remarks. There is not a farm commodity to-night but what is worth more money on the market than it was on the day the Fordney-McCumber tariff law took effect."
>
> So far this challenge has not been met. Apparently it effectually disposes of all the talk about the tariff being responsible for low farm products and high manufactured products.
>
> The tariff has nothing whatever to do with the distress of the farmers. But it is not difficult to see that their distress would be far greater without the tariff.

In the district that I have the honor to represent there is not much sentiment among the farmers for the enactment of any so-called farm-relief legislation. They are chiefly engaged in diversified farming. While one who sells corn or wheat may be benefited, his neighbor who feeds that corn or wheat to his dairy cows will pay the increased price. A steady, certain market would suit both parties better than a fluctuating market at higher levels.

My district is a large apple-producing district. My home county of Lawrence is the home of the famous Rome Beauty apple. The Haugen bill does not to my mind devote itself so much to the relief of the fruit growers as it does to the growing of other classes of farm products. The value of the orchard and vineyard products of our country is enormous. No farm-relief program is scientific or equitable that ignores this great industry. The farmers of my district do not ask for a subsidy.

The question, therefore, is whether the proper method of conserving the farmer's surplus for use in the times of shortage is by subsidy or by a system of orderly production and marketing. If the former plan is adopted, we will find ourselves in the same position as Great Britain is now finding herself under her "dole system." If we establish the subsidy system with agriculture, there is no reason why we should not do the same with the miners in the coal industry. In my district there are probably 10,000 coal miners who have not worked more than three months in the last three years. The whole coal industry of the Hocking Valley coal district is threatened. The same is true of the Pomeroy Bend district. A Government subsidy such as that provided in the Haugen bill would probably put all those mines in operation. These miners and mine owners have asked for no subsidy. What they want are equitable freight rates so that their product can reach the market on a fair footing with the products of the miners of other sections. They have put up a valiant fight in that direction, but to no avail as yet. The miners are fast learning that the amount produced must be kept close to the requirements of the consumer. The farmer has not thoroughly learned this lesson yet. For reasons already given it is much more difficult for the farmer to put this theory into practice than it is for the miners or the manufacturers. It is a question of marketing and not one of subsidy.

The farm organizations and fruit growers and grain dealers of the State of Ohio are well in unison in their opposition to the Haugen bill. The following is a quotation from a letter to me written May 1, 1926, by Mr. L. B. Palmer, president Ohio Farm Bureau Federation:

> Our people in Ohio took action and are still opposed to impractical equalization fees. The expression of the dairy groups has not been in favor of the Haugen bill. No organization action has been taken on the Capper-Tincher bill, owing to its recent presentation, but it has been the expression of our Ohio leaders that they favor cooperative marketing and extension of intermediate credits acts for the handling of cooperative products, as we believe is expressed in the Tincher bill, thinking that this will tend to the orderly distribution of farm products and maintain a high average price by eliminating dumping at harvest season.

The following is a copy of quotation contained in a letter written to me by Mr. C. A. Dyer, legislative agent of the Ohio Farm Bureau and the Ohio State Grange. Mr. Dyer is one of the best-posted men in this country on matters of agriculture:

> Both the Ohio State Grange and the Ohio Farm Bureau Federation at their annual delegate meetings expressed their wishes as to national farm legislation in plain terms. Both organizations are clearly on record as opposing price fixing, subsidies, equalization fees, or anything of that character.
>
> These general resolutions passed by the delegate bodies in regular session plainly indicate the stand of the membership on the legislation pending before the Congress. The original Haugen bill was not objectionable, but has become so with the "riders" attached. All the other proposed legislation, with the exception of the Tincher bill in its present form, comes under the condemnation of the resolutions of the Ohio farm organizations. And with the exception of a very few professional and political farmers I find no sentiment in the State for any of the so-called relief measures.
>
> As to the Tincher bill, the Farm Bureau Federation is not opposing it, but, on the other hand, is rather favorable to it as a solution of the present situation at Washington and as an aid to cooperative marketing.

Hon. A. C. Robison, one of the largest fruit growers in the State of Ohio and a member of the board of directors of the Ohio Farm Bureau, and a former member of the Ohio Legislature, where he rendered conspicuous service, writes me in part as follows:

> The Capper-Tincher bill more nearly expresses the Ohio idea than the others. Personally I hardly see the need of either of the three bills.

Personally I feel that the fact that since the farm leaders from the corn and wheat sections are so far apart in their diagnosis of the farmer's troubles, and further apart yet in their prescription for a remedy for his troubles, these three bills—the Haugen bill, the Tincher bill, and the Aswell bill—should all be recommitted and reconsidered. The Agriculture Committee of the House is composed of the best-posted agriculturists in the House, and more thought and more discussion will bring them together upon some agreement. But as this program seems hopeless, and as the farmer will accept failure of this Congress to legislate as a refusal to legislate, I am in favor of the enactment of a law that will be at least a step in the direction of furnishing relief. I think the Tincher plan provides this step. The amount provided for in the Tincher bill should be reduced from $100,000,000 to $25,000,000. If the plan works well, the American Congress can be depended upon to continue to support any good program that carries relief to the farmer. If the Tincher bill is adopted, great care should be taken to see to it that the money provided for therein is not wasted to build up privately owned

businesses, such as elevators and canneries, that are upon an unsound financial basis. The wheat farmer has been exploited by would-be friends who have drawn him into many unsound projects. That there are a great many of these business pirates standing by now awaiting the passage of one of these bills there can be no doubt. Should either of these pending measures be passed, the continued support of the measure by Congress and the people will depend upon the honesty with which it is enforced. A great field for graft and fraud will be opened, and no one but safe and experienced men of affairs should be selected to dispense and distribute these funds. It should be as much the business of this proposed board to weed out crooked, unsound, and unfair organizations as it will be to build up square, safe, and sound organizations. At all times it should be the aim of this board to see to it that not one penny of the money provided under this proposed legislation, if enacted into law, be loaned or spent except upon such terms as will insure its return into the National Treasury.

I expect to support the principle of the Tincher bill, but I do so with the mental reservation that I feel that those intrusted with the distribution of the money provided thereunder will so administer this trust that the benefits shall all go to the farmers for whose benefit this legislation is enacted and that exploiters will not be encouraged or profited. A combination of some of the best features of the Aswell bill with the best features of the Tincher bill might be made that would be workable. Assistance without subsidy, and a higher price by encouragement of the natural laws of supply and demand, and without a fixed price by the passage of statutory laws is a safe program. Increase in price generally means increase in production, and increase in production generally means decrease in price. These conditions chase each other in an endless cycle. Control of production and distribution will more nearly break this cycle than any other program. Increase in price alone will not do it, for this condition will inevitably result in an increased production and surplus.

FLIGHT OF COMMANDER BYRD

Mr. McLEOD. I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. McLEOD. Mr. Speaker and Members of the House, the feat of Lieut. Commander Richard E. Byrd, which electrified the world this morning, is another and perhaps one of the most conclusive bits of evidence that the day of aviation has arrived. That which has for more than a century been tried in vain by the use of sailing and steam-driven vessels yesterday was accomplished in a three-motored airplane in 15 hours and 30 minutes. Men who had previously suffered agonizing hardships during tedious dog-team expeditions into the polar regions yesterday established an unprecedented deed in comparative comfort, making observations from the air which were impossible previously to make, covering more territory than could be covered in eight months of mushing through the treacherous ice.

This deed which had been regarded by many as at most a foolhardy undertaking if not a sheer impossibility, has been done by an American naval officer who is now only 36 years old. This fact suggests that the explorers, like the methods which they use, are of the new generation, and it is warning to those of a passing age that their methods are being left behind, because they can no longer compete successfully with the new. It means that where land is smooth and solid, man can travel fairly well on foot or on wheels, that where the water is deep enough and not obstructed by rocks, ice, or storms, men can sail very well in ships, but that by sailing through the air man has a medium of transportation which is traversed with almost equal ease in any direction anywhere on the face of the earth. To Americans in particular, this memorable achievement means even more. It means that we have in this country men who are dauntless navigators of the air; men who like the invincible father of the American Navy, John Paul Jones, can if necessary take command of frail ships and in the face of apparently insurmountable difficulties, proclaim, "We have just begun to fight."

DEPARTMENT OF ECONOMICS, ETC., UNITED STATES MILITARY ACADEMY

Mr. JAMES. Mr. Speaker, I call up the bill H. R. 4547, disagree to the Senate amendments, and ask for a conference.

Mr. SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill H. R. 4547, with Senate amendments, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 4547) to establish a department of economics, government, and history at the United States Military Academy, at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes."

The SPEAKER. Is there objection to the gentleman's request to disagree to the Senate amendments and ask for a conference?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. JAMES, Mr. HILL of Maryland, and Mr. FISHER.

MORONGO INDIAN RESERVATION IN CALIFORNIA

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2702) to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation, to insist on the amendments of the House, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table the bill S. 2702, insist on the amendments of the House, and agree to the conference asked for by the Senate. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 2702) to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. LEAVITT, Mr. SPROUL of Kansas, and Mr. H[illegible]DEN.

ALLOTMENTS TO THE CHILDREN ON THE CROW RESERVATION, MONT.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8313) to allot living children on the Crow Reservation, Mont., with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 8313) to allot lands to living children on the Crow Reservation, Mont.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. Is there objection?

There was no objection.

SENATE BILLS AND SENATE CONCURRENT RESOLUTIONS REFERRED

Senate bills and Senate concurrent resolutions were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 115. An act for the relief of the owner of the steamship *Neptune;* to the Committee on Claims.

S. 248. An act for the relief of the Central National Bank, Ellsworth, Kans.; to the Committee on Claims.

S. 255. An act for the relief of Rosa E. Plummer; to the Committee on Claims.

S. 491. An act for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims; to the Committee on Claims.

S. 3259. An act authorizing the enrollment of Martha E. Brace as a Kiowa Indian, and directing issuance of patents to her and two others to certain lands of the Kiowa Indian Reservation, Okla.; to the Committee on Indian Affairs.

S. 3330. An act for the relief of Thomas G. Peyton, to the Committee on Claims.

S. 3382. An act to appropriate tribal funds of the Klamath Indians to pay actual expenses of delegate to Washington, and for other purposes; to the Committee on Indian Affairs.

S. 3545. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof; to the Committee on the Judiciary.

S. 3555. An act for the relief of the Rochester Merchandise Co.; to the Committee on Claims.

S. 3571. An act for the relief of Ada Brown-Hopkins; to the Committee on the Public Lands.

S. 3613. An act authorizing an appropriation for a monument for Quannah Parker, late chief of the Comanche Indians; to the Committee on the Library.

S. 2090. An act for the relief of Alfred F. Land; to the Committee on Claims.

S. 2094. An act for the relief of C. P. Dryden; to the Committee on Claims.

S. 2188. An act for the relief of G. C. Allen; to the Committee on Claims.

S. 2189. An act for the relief of W. B. deYampert; to the Committee on Claims.

S. 2385. An act to reimburse Horace A. Choumard, chaplain in the Twenty-third Infantry, for loss of certain personal property; to the Committee on Claims.

S. 2516. An act for the establishment and maintenance of a forest experiment station in Pennsylvania and neighboring States; to the Committee on Agriculture.

S. 2525. An act for the relief of Maria Maykovica; to the Committee on Claims.

S. 2912. An act to further amend section 125 of the national defense act of June 3, 1916, as amended; to the Committee on Military Affairs.

S. 3080. An act to authorize payment of expenses of the Washington-Alaska military cable and telegraph system out of receipts of such system as an operating expense; to the Committee on Military Affairs.

S. 3148. An act to regulate the manufacture, renovation, and sale of mattresses in the District of Columbia; to the Committee on the District of Columbia.

S. 3894. An act to regulate interstate commerce by motor busses operating or to operate as common carriers of passengers for hire through the interstate tunnel now being constructed under the Hudson River between the city of New York, State of New York, and the city of Jersey City, State of New Jersey, and over the interstate bridge now being constructed across the Delaware River between the city of Philadelphia, Commonwealth of Pennsylvania, and the city of Camden, State of New Jersey; to the Committee on Interstate and Foreign Commerce.

S. 3926. An act to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes; to the Committee on Coinage, Weights, and Measures.

S. 3929. An act to authorize the deposit and expenditure of various revenues of the Indian Service as Indian moneys, proceeds of labor; to the Committee on Indian Affairs.

S. 3958. An act to provide for the permanent withdrawal of certain lands adjoining the Makah Indian Reservation in Washington for the use and occupancy of the Makah and Quileute Indians; to the Committee on Indian Affairs.

S. 3978. An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary reclamation projects, and for other purposes; to the Committee on Irrigation and Reclamation.

S. Con. Res. 17. Concurrent resolution relating to printing national prohibition law; to the Committee on Printing.

S. Con. Res. 12. Concurrent resolution relating to printing copies of Constitution of the United States and Declaration of Independence; to the Committee on Printing.

S. 3738. An act to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924; to the Committee on Public Buildings and Grounds.

S. 3844. An act to amend the act entitled "An act to create the White House police force, and for other purposes," approved September 14, 1922; to the Committee on Public Buildings and Grounds.

S. 579. An act for the relief of the Georgia Cotton Co.; to the Committee on War Claims.

S. 598. An act for the relief of Alexander McLaren; to the Committee on Claims.

S. 951. An act to promote the safety of passengers and employees upon railroads by prohibiting the use of wooden cars under certain circumstances; to the Committee on Interstate and Foreign Commerce.

S. 1050. An act for the relief of William F. Brockschmidt; to the Committee on Claims.

S. 1339. An act for the relief of Katherine Southerland; to the Committee on Claims.

S. 1344. An act to amend paragraph (11), section 20, of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

S. 1356. An act for the relief of R. H. King; to the Committee on Claims.

S. 1640. An act authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes; to the Committee on Agriculture.

S. 1824. An act for the relief of R. E. Swartz, W. J. Collier, and others; to the Committee on Claims.

S. 1857. An act to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes; to the Committee on the Judiciary.

S. 1921. An act to give military status and discharges to the members of the Russian Railway Service Corps, organized by the War Department under authority of the President of the United States for service during the War with Germany; to the Committee on Military Affairs.

S. 3403. An act to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913; to the Committee on the District of Columbia.

S. 3715. An act for the relief of the Harrisburg Real Estate Co., of Harrisburg, Pa.; to the Committee on Claims.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 6418. An act to correct the military record of Lester A. Rockwell.

USE OF AIRCRAFT IN COMMERCE

Mr. MAPES, from the committee of conference, presented for printing under the rule a conference report on the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes.

The SPEAKER. Ordered printed.

BRIDGE ACROSS DELAWARE RIVER NEAR BURLINGTON, N. J.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4070) granting the consent of Congress for the construction of a bridge across the Delaware River at or near Burlington, N. J., and pass it with the amendments which I submit.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill S. 4070 and pass it with certain amendments indicated. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 4070) granting the consent of Congress for the construction of a bridge across the Delaware River at or near Burlington, N. J.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Page 1, line 4, after the word "Cheesman," insert "and Clifford A. Anderson, their" and strike out the word "his."

Page 2, line 4, after the word "Cheesman" insert "and Clifford A. Anderson, theis" and strike out the word "his."

Page 2, line 16, after the word "Cheesman" insert "and Clifford A. Anderson, their" and strike out the word "his."

Page 4, line 18, after the word "Cheesman" insert "and Clifford A. Anderson, their" and strike out the word "his."

Page 5, line 2, after the word "Cheesman" insert "and Clifford A. Anderson, their" and strike out the word "his."

Page 5, line 11, after the word "Cheesman" insert "and Clifford A. Anderson, their" and strike out the word "his."

Mr. DENISON. Mr. Speaker, the amendments simply consist of adding another name to the parties to whom the consent to build the bridge is granted.

The SPEAKER. The gentleman from Illinois asks unanimous consent to agree to the amendments which have just been read. Is there objection?

Mr. GARRETT of Tennessee. Has the gentleman conferred with the minority members on the Committee on Interstate and Foreign Commerce?

Mr. DENISON. Yes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the amendments be agreed to. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The bill was ordered read a third time, was read the third time, and passed.

The SPEAKER. Without objection, a similar House bill, H. R. 1001, will be laid on the table.

There was no objection.

ADJOURNMENT

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 12, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 12, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

SPECIAL JOINT COMMITTEE

(10 a. m.)

To investigate Northern Pacific land grants.

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

To regulate the issue and validity of passports (H. R. 11947).

COMMITTEE ON MINES AND MINING

(10 a. m.)

To amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended (S. 3641).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 11524).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To authorize the refunding of evidences of indebtedness heretofore issued by a carrier in interstate commerce under the provisions of an act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, approved March 21, 1918, as amended by an act approved March 2, 1919, or under the provisions of section 207 of the transportation act, 1920, or of section 210 of said act as amended by an act approved June 5, 1920, and the reduction and fixing of the rate of interest to be paid by such carriers upon said notes or other evidences of indebtedness.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRIEST: Special Joint Subcommittee on Postal Rates. H. R. 12061. A bill to amend Title II of an act approved February 28, 1925 (43 Stat. 1053), regulating postal rates, and for other purposes; without amendment (Rept. No. 1157). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 12043. A bill to provide for the inspection of the battle field of Stones River, Tenn.; without amendment (Rept. No. 1158). Referred to the Committee of the Whole House on the state of the Union.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 10052. A bill to authorize the sale of the Mesa Target Range, Arizona; with amendment (Rept. No. 1159). Referred to the Committee of the Whole House on the state of the Union.

Mr. ABERNETHY: Committee on the Public Lands. H. R. 11287. A bill to provide for the establishment of the Shenandoah National Park in the State of Virginia and the Great Smoky Mountains National Park in the States of North Carolina and Tennessee, and for other purposes; with amendment (Rept. No. 1160). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOYLAN: Committee on Military Affairs. H. R. 10389. A bill to grant and cede to the city of New York, State of New York, an easement in the land and land under water in and along the shore of the narrows and bay adjoining the military reservation of Fort Hamilton in said State for highway purposes; with amendment (Rept. No. 1163). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. H. R. 12103. A bill to provide for the inspection of the battle field of Fort Donelson, Tenn.; without amendment (Rept. No. 1164). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. S. 2876. An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.; without amendment (Rept. No. 1165). Referred to the Committee of the Whole House on the state of the Union.

Mr. WRIGHT: Committee on Military Affairs. S. 3080. An act to authorize payment of expenses of the Washington-Alaska military cable and telegraph system out of receipts of such system as an operating expense; without amendment (Rept. No. 1166). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FISHER: Committee on Military Affairs. H. R. 5922. A bill for the relief of Martha D. McCune; without amendment (Rept. No. 1161). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 1231. A bill for the relief of Mary Moore; without amendment (Rept. No. 1167). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 9840. A bill to correct the military record of Nicholas Jones; with amendment (Rept. No. 1168). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GRIEST: A bill (H. R. 12061) to amend Title II of an act approved February 28, 1925 (43 Stat. 1053), regulating postal rates, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. GORMAN: A bill (H. R. 12062) to supplement and amend an act entitled "Hours of service act," of March 4, 1907, chapter 2939, paragraph 2 (34 Stat. 1416); to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: A bill (H. R. 12063) to provide compensation for employees injured and dependents of employees killed in certain maritime employments, and providing for administration by the United States Employees' Compensation Commission; to the Committee on the Judiciary.

By Mr. HADLEY: A bill (H. R. 12064) providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public park purposes; to the Committee on the Public Lands.

By Mr. NEWTON of Minnesota: A bill (H. R. 12065) to amend the interstate commerce act and the transportation act, 1920, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WINTER: A bill (H. R. 12066) to add certain public lands to the Washakie National Forest, Wyo.; to the Committee on the Public Lands.

By Mr. ESTERLY: A bill (H. R. 12067) to fix the per diem compensation of Federal jurors; to the Committee on the Judiciary.

Also, a bill (H. R. 12068) amending section 1 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. DENISON: A bill (H. R. 12069) to require the prompt settlement by common carriers of claims for loss, damage, or injury to goods; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12070) to enforce the liability of common carriers for loss of or damage to grain shipped in bulk; to the Committee on Interstate and Foreign Commerce.

By Mr. FAIRCHILD: A bill (H. R. 12071) for the apportionment of Representatives in Congress amongst the several States under the Fourteenth Census; to the Committee on the Census.

By Mr. BYRNS: A bill (H. R. 12103) to provide for the inspection of the battle field of Fort Donelson, Tenn.; to the Committee on Military Affairs.

By Mr. KELLY: Joint resolution (H. J. Res. 252) authorizing and directing the Postmaster General to design and issue a special postage stamp in honor of the one hundredth anniversary of the birth of Stephen Collins Foster, world-famous-folk-song composer; to the Committee on the Post Office and Post roads.

By Mr. GALLIVAN: Resolution (H. Res. 264) to procure bust of former Speaker Frederick H. Gillett; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Ohio: A bill (H. R. 12072) granting a pension to Mary Jane Redman; to the Committee on Pensions.

Also, a bill (H. R. 12073) granting an increase of pension to Minnie R. Goldsberry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12074) granting an increase of pension to George E. West; to the Committee on Pensions.

Also, a bill (H. R. 12075) granting an increase of pension to Augusta Northcutt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12076) granting an increase of pension to S. Catharine Taylor; to the Committee on Invalid Pensions.

By Mr. COYLE: A bill (H. R. 12077) granting an increase of pension to Alice McLean; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 12078) granting an increase of pension to Sophronia Lasher; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 12079) for the relief of May L. Marshall, administratrix of the estate of Jerry A. Litchfield, deceased; to the Committee on Claims.

By Mr. DOWELL: A bill (H. R. 12080) granting an increase of pension to Anna E. Estep; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 12081) granting an increase of pension to Catharine Reeder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12082) granting an increase of pension to Sarah J. Geiger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12083) granting an increase of pension to Sarah A. Corbit; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12084) granting an increase of pension to Eliza Gahrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12085) granting an increase of pension to Mary I. Flanagan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12086) granting an increase of pension to Ellen Seiders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12087) granting an increase of pension to Sarah E. Mason; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12088) granting an increase of pension to Rebecca E. Patterson; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 12089) granting an increase of pension to Mary J. Gorrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12090) granting an increase of pension to Sarah B. Hoover; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 12091) granting an increase of pension to Mary J. Trapp; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 12092) granting an increase of pension to Minnie Huebner; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 12093) granting a pension to Mary Parmele; to the Committee on Invalid Pensions.

By Mrs. KAHN: A bill (H. R. 12094) to correct the military record of Frank Haas; to the Committee on Military Affairs.

By Mr. McCLINTIC: A bill (H. R. 12095) granting a pension to John F. Martin; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 12096) granting an increase of pension to Frederike Pille; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 12097) granting an increase of pension to Bertha A. Breckenridge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12098) granting an increase of pension to Margaret Williams; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 12099) granting an increase of pension to Mary Dye; to the Committee on Invalid Pensions.

By Mr. SEGER: A bill (H. R. 12100) granting an increase of pension to Rachel Ryerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12101) granting an increase of pension to Petrina Mercer; to the Committee on Invalid Pensions.

By Mr. WILLIAMSON: A bill (H. R. 12102) granting an increase of pension to Anna M. Carroll; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2147. By Mr. CARTER of California: Petition of Barrett Camp, No. 29, United Spanish War Veterans, Alameda, Calif., protesting against the passage of House bill 8538; to the Committee on Military Affairs.

2148. Also, petition of the Alameda County Soroptimist Club, urging the passage of House bill 8821; to the Committee on Indian Affairs.

2149. By Mr. FULLER: Petition of Mr. L. P. Meyer, secretary Chamber of Commerce, Belvidere, Ill., and other individuals, urging early and favorable consideration of the Haugen bill; to the Committee on Agriculture.

2150. By Mr. GARBER: Resolution passed by the seventh annual convention of the National League of Women Voters, April 20, 1926, favoring the prohibition amendment; to the Committee on the Judiciary.

2151. Also, petition of residents of Oklahoma against compulsory Sunday observance; to the Committee on the District of Columbia.

2152. By Mr. JOHNSON of Texas: Resolution of Wilbur A. Harrison Post, No. 238, American Legion, Earl P. Cain, commander, F. R. Emerson, adjutant, of Teague, Tex., urging enactment by Congress at this session of the three House bills 10240, 10277, and 4548; to the Committee on Rules.

2153. By Mr. KNUTSON: Petition of Mrs. Aug. Anderson, of Blackduck, Minn., and others, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

2154. By Mr. LEA of California: Petitions signed by 25 residents of Sebastapol, and 163 residents of Healdsburg and Geyserville, Sonoma County, Calif., protesting against House bills 7179, 7822, 10123, and 10311, the compulsory Sunday observance bills; to the Committee on the District of Columbia.

2155. By Mr. Leavitt: Petitions of citizens of Hardin, Round up, Crow Agency, Big Timber, and Gibson, Mont., protesting against passage of House bills 10311, 10123, 7179, 7822, or any other compulsory religious legislation; to the Committee on the District of Columbia.

2156. By Mr. O'CONNELL of New York: Petition of Andrew J. Maloney, United States Veterans' Hospital, Castle Point, N. Y., favoring the Johnson bill (H. R. 10240); to the Committee on World War Veterans' Legislation.

2157. Also, petition of the New York & New Jersey Dry Dock Association, opposing the passage of Senate bill 3170 and House bill 9498, the longshoremen's and harbor workers' compensation bill; to the Committee on the Judiciary.

2158. By Mr. SINNOTT: Petition of citizens of Portland, Oreg., protesting against the passage of certain compulsory Sunday observance bills; to the Committee on the District of Columbia.

2159. By Mr. SWING: Petition of residents of National City and Chula Vista, Calif., protesting against the passage of House bills 10311, 10123, 7179, and 7822, for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

2160. By Mr. TILSON: Petition of Maj. Carl F. Bollman, New Haven, Conn., urging amendment of the law relating to disbursements of compensation and insurance received by conservators and guardians of soldiers or of soldiers' children from the Government; to the Committee on World War Veterans' Legislation.

SENATE

WEDNESDAY, *May 12, 1926*

(Legislative day of Monday, May 10, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Fess	McLean	Schall
Bingham	Frazier	McMaster	Sheppard
Blease	George	McNary	Shipstead
Borah	Gillett	Mayfield	Shortridge
Bratton	Glass	Means	Simmons
Broussard	Goff	Metcalf	Smoot
Bruce	Gooding	Moses	Stanfield
Butler	Greene	Neely	Steck
Cameron	Hale	Norbeck	Stephens
Caraway	Harreld	Norris	Swanson
Copeland	Harris	Nye	Trammell
Couzens	Heflin	Oddie	Tyson
Cummins	Johnson	Overman	Wadsworth
Dale	Jones, N. Mex.	Phipps	Walsh
Deneen	Jones, Wash.	Pine	Warren
Dill	Kendrick	Pittman	Watson
Edge	Keyes	Ransdell	Weller
Edwards	King	Reed, Pa.	Wheeler
Ernst	La Follette	Robinson, Ark.	Williams
Fernald	Lenroot	Robinson, Ind.	Willis
Ferris	McKellar	Sackett	

Mr. NORRIS. I regret to announce that my colleague, the junior Senator from Nebraska [Mr. HOWELL], is absent on account of a death in his family.

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8313) to allot lands to living children on the Crow Reservation, Mont.

The message also announced that the House had passed the bill (S. 4070) granting the consent of Congress for the construction of a bridge across the Delaware River at or near Burlington, N. J., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House insisted upon its amendment to the bill (S. 2702) to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation, disagreed to by the Senate, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LEAVITT, Mr. SPROUL of Kansas, and Mr. HAYDEN were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4547) to establish a department of economics, government, and history at the United States Military Academy at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes," requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JAMES, Mr. HILL of Maryland, and Mr. FISHER were appointed managers on the part of the House at the conference.

REPORTS OF COMMITTEES

Mr. FESS, from the Committee on the Library, to which was referred the joint resolution (H. J. Res. 176) establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversaries of the independence of Vermont and the Battle of Bennington, and authorizing an appropriation to be utilized in connection with such observance, reported it without amendment.

Mr. DILL, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 10126) to revise the boundary of the Mount Rainier National Park in the State of Washington, and for other purposes, reported it without amendment and submitted a report (No. 811) thereon.

Mr. COPELAND, from the Committee on Education and Labor, submitted a report (No. 812) to accompany the bill (S. 4177) to regulate interstate and foreign commerce in coal and to promote the general welfare dependent on the use of coal, and for other purposes, heretofore reported by him.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (S. 4130) to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy, reported it with an amendment and submitted a report (No. 813) thereon.

He also, from the same committee, to which was referred the bill (H. R. 10732) to authorize the construction of necessary additional buildings at certain naval hospitals, and for other purposes, reported it without amendment and submitted a report (No. 814) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 2635) for the relief of Mrs. W. H. ReMine (Rept. No. 815); and

A bill (H. R. 1465) for the relief of Arthur F. Swanson, and for other purposes (Rept. No. 816).

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3428) to revise the boundary of the Mount Rainier National Park in the State of Washington, and for other purposes, reported it with an amendment and submitted a report (No. 817) thereon.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on May 11, 1926, that committee presented to the President of the United States the enrolled bill (S. 2818) for the relief of Ivy L. Merrill.

SECOND NATIONAL CONFERENCE ON OUTDOOR RECREATION

Mr. FESS, from the Committee on Printing, reported the following resolution (S. Res. 221), which was read and placed on the calendar:

Resolved, That the proceedings of the Second National Conference on Outdoor Recreation, held in the auditorium of the United States Chamber of Commerce in Washington, D. C., on January 20 and 21, 1926, be printed as a Senate document.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON of Arkansas:

A bill (S. 4225) for the relief of Melvin L. Bowman; to the Committee on Finance.

By Mr. BAYARD:

A bill (S. 4226) for the purchase of the Harry B. Harmer collection of firearms; to the Committee on the Library.

By Mr. KENDRICK:

A bill (S. 4227) to add certain public lands to the Washakie National Forest, Wyo.; to the Committee on Public Lands and Surveys.

By Mr. WATSON:

A bill (S. 4228) granting an increase of pension to Jane Dorman; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 4229) granting the consent of Congress to W. E. Buell, of Seattle, Wash., to construct a bridge across Port Washington Narrows within the city of Bremerton, in the State of Washington; to the Committee on Commerce.

By Mr. REED of Pennsylvania (for Mr. PEPPER):

A bill (S. 4230) to amend section 21 of the World War veterans' act, 1924, as amended; to the Committee on Finance.

By Mr. GOFF:

A bill (S. 4231) granting an increase of pension to Elizabeth J. Atherton; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 4232) for the relief of R. Wilson Selby (with an accompanying paper); to the Committee on Claims.

A bill (S. 4233) to repeal a part of section 12, chapter 353, Thirty-first United States Statutes at Large, as heretofore amended (with an accompanying paper); to the Committee on the District of Columbia.

By Mr. SHORTRIDGE:

A bill (S. 4234) for the relief of Franklin B. Morse; to the Committee on Military Affairs.

By Mr. WILLIAMS:

A bill (S. 4235) to amend section 4 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors and for regulating traffic therein, and for other purposes," entitled "The food and drugs act of June 30, 1906"; to the Committee on Agriculture and Forestry.

By Mr. JOHNSON:

A bill (S. 4236) authorizing any tribe or band of Indians of California to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. WADSWORTH:

A bill (S. 4237) to correct the military record of Hossie R. Kinney, United States Marine Corps; to the Committee on Naval Affairs.

By Mr. ROBINSON of Indiana:

A bill (S. 4238) granting an annuity to Clyde L. West (with accompanying papers); to the Committee on Military Affairs.

By Mr. SCHALL:

A bill (S. 4239) for the relief of homestead settlers on the drained Mud Lake bottom in the State of Minnesota; to the Committee on Public Lands and Surveys.

By Mr. WADSWORTH:

A bill (S. 4240) for the relief of Agnes De Jardins; to the Committee on Claims.

By Mr. NORBECK:

A bill (S. 4241) establishing an additional land office in the State of South Dakota; to the Committee on Public Lands and Surveys.

By Mr. NYE:

A bill (S. 4242) to amend sections 1 and 2 of the act of December 11, 1919, amending the act of March 26, 1908, entitled "An act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public land laws"; to the Committee on Public Lands and Surveys.

By Mr. GILLETT:

A joint resolution (S. J. Res. 107) relating to the establishment of commodity quantity units for general use in merchandising after 1935; to the Committee on Commerce.

MESA TARGET RANGE, ARIZ.

Mr. ASHURST submitted an amendment intended to be proposed by him to the bill (H. R. 10052) to authorize the sale of the Mesa Target Range, Ariz., which was referred to the Committee on Military Affairs and ordered to be printed.

POLITICAL CONTRIBUTIONS BY CIVIL SERVICE EMPLOYEES

Mr. COUZENS submitted the following resolution (S. Res. 220), which was read and referred to the Committee on Civil Service:

Whereas charges have been made in Congress, and to the chairman of the Civil Service Committee of the Senate, that Federal employees have been solicited for contributions, in violation of section 118 of the Penal Code, in many of the States of the Union; and

Whereas charges have been made that postmasters have been appointed in disregard of civil-service regulations; and

Whereas it has been charged that Federal office holders have been required to pay for their appointments; and

Whereas it is the duty of the Civil Service Commission to enforce the provisions of the civil service law: Now therefore be it

Resolved, That the Committee on Civil Service is hereby authorized to inquire into charges that Federal employees have been or are being solicited for contributions by Members of Congress and by political organizations, and also into charges that the civil service laws and regulations are being violated in the appointment of Federal officials, and that money is being paid for appointment to office. The committee is authorized to sit during this Congress, and the recess of this Congress, to subpœna witnesses, to take testimony, to employ a stenographer at a cost not to exceed 25 cents per hundred words, and to report to the next session of Congress.

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on May 11, 1926, the President had approved and signed the act (S. 2298) to amend section 3 of the act approved September 14, 1922 (ch. 307, 42 Stat. L. pt. 1, pp. 840, 841).

LEVEL OF LAKE OF THE WOODS

Mr. BORAH. Mr. President, I ask the Senator from Connecticut [Mr. McLEAN], in charge of the unfinished business, if he will yield to me for 5 or 10 minutes to call up a bill about which I think there will be no discussion.

Mr. McLEAN. If it involves no discussion and no opposition and will not take over five minutes, I have no objection to its consideration.

Mr. BORAH. I would not ask the privilege, but I have had some telegrams in regard to it, and feel that I ought to ask permission to have the bill passed at this time. I ask leave to call up the bill (H. R. 9872) to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of the Lake of the Woods, concluded on the 24th day of February, 1925.

The VICE PRESIDENT. Is there objection to the request of the Senator from Idaho?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to acquire, as soon as practicable after the enactment of this act, by purchase or by condemnation, in accordance with the provisions of the act entitled "An act to authorize condemnation of land for sites of public buildings, and for other purposes," approved August 1, 1888, the flowage easements up to elevation 1,064 sea-level datum upon all lands in the United States bordering on the Lake of the Woods and such lands or interests therein as are necessary to provide for protective works and measures in the United States along the shores of the Lake of the Woods and the banks of the Rainy River as specified in article 8 of the convention signed at Washington on the 24th of February, 1925, between the Governments of the United States and Great Britain, providing for the regulation of the level of the Lake of the Woods.

In proceeding by condemnation for acquiring such flowage easements on any tract of land any benefit to the remainder of the tract or the property thereon derived from such easement shall be considered and damages shall be awarded accordingly.

SEC. 2. The protective works and measures provided for in article 8 of the convention, or such thereof as the Secretary of War may deem necessary for the protection of the property rights and interests of the inhabitants of the territory affected shall be constructed, or carried out, under the direction of the Secretary of War, and all moneys which may be paid by the Government of Canada to the Government of the United States under article 10 of the convention are hereby appropriated and made available for expenditure by the Secretary of War for the construction of such works, and the carrying out of such measures, and for the acquisition of easements, lands, and interests therein as provided in section 1 of this act.

SEC. 3. The Secretary of War is hereby authorized and directed to cause to be investigated, as soon as practicable, all claims for damages caused, prior to the acquisition of flowage easements under this act, to the inhabitants of the United States by fluctuation of the water levels of the Lake of the Woods due to artificial obstructions in outlets of said lake, and, after due notice and opportunity for hearing, shall ascertain and determine the loss or injury, if any, that may have been sustained by the respective claimants and to report to Congress for its consideration the amount or amounts he may find to be equitably due such claimants, together with a statement in each case of the substantial facts upon which the conclusion is based: *Provided*, That all claims not presented to the Secretary of War under this provision prior to the expiration of six months from the date of the passage of this act shall not be considered by him and shall be forever barred.

Mr. BORAH. Mr. President, I will make a brief statement with reference to the provisions of the bill. We ratified a treaty about a year ago with Great Britain with reference to maintaining the level of Lake of the Woods, a body of water lying between this country and our neighbor, Canada. The bill is designed to carry into effect the terms of that treaty. The bill provides, in the first place, that the Secretary of War, under the act of 1888, shall acquire, by condemnation or purchase, the easements and property interests which are necessary under the treaty to carry into effect its terms. It provides that in acquiring these property rights the benefits to property shall be taken into consideration as well as the damage. It also provides that an investigation shall be made as to the damages done to holders of property and that report shall be made to the Congress as to the result of those findings, and Congress will pass upon the question of damages.

There are only two important provisions in the bill, first, with reference to the acquiring of title by condemnation, and, second, as to the investigation of damages and report to Congress of the amount of damages. The bill passed the House and there is a unanimous report from the Committee on Foreign Relations.

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

Mr. BORAH. Certainly.

Mr. OVERMAN. How are we to condemn land unless the States consent to it? These lands are in some of the States, of course. Does the bill give authority to the Federal Government to condemn the land?

Mr. BORAH. We have provided by the bill that the condemnation shall be had under the act of August 1, 1888.

Mr. OVERMAN. The treaty provides for condemnation?

Mr. BORAH. I have the treaty here. Of course, Lake of the Woods is supposed to be an interstate body of water.

Mr. OVERMAN. I understand; but the land to be condemned must be in the United States.

Mr. BORAH. Exactly. Whatever cooperation or consent of the State necessary will have to be secured.

Mr. KING. Mr. President, may I inquire of the Senator whether the lands condemned will inure to the benefit of Canada or be for her benefit?

Mr. BORAH. Canada makes provision in the treaty for paying $275,000 of the amount of damages which are to be assessed for the carrying into effect of the treaty, and one-half of whatever damages may be found which accrue within the next five years. The water of Lake of the Woods has been overflowing the land of the people of the United States for the last several years and has caused great damage to the owners thereof. We finally entered into a treaty by which a certain level of water in Lake of the Woods is to be maintained. In order to acquire the rights for overflow purposes, we are condemning the land.

Mr. KING. Part of the land is in the United States?

Mr. BORAH. The land has to be condemned under the act of 1888, which provides for condemnation in the manner that has been carried on since that time.

Mr. KING. Is the lake entirely within the territorial confines of the United States?

Mr. BORAH. No; a large portion of the lake is in Canada.

Mr. KING. Do we make any concession of territory to Canada?

Mr. BORAH. The treaty deals only with the water of the lake.

Mr. OVERMAN. Mr. President, what I want to know is whether the Federal Government can condemn the land without the consent of the States.

Mr. BORAH. We have the act of 1888, which I have not before me at the moment. The bill provides that condemnation shall be under the statute of August 1, 1888. I assume what-

ever is necessary to acquire property within the State under that statute will be done.

Mr. OVERMAN. If that is the case, it is all right.

Mr. BORAH. I will send for the statute, if the Senator desires.

Mr. OVERMAN. If it satisfies the Senator, of course, it is all right.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. BORAH. Certainly.

Mr. NORRIS. Has the overflow of the land been brought about by the construction of dams in Canada for the purpose of producing power?

Mr. BORAH. If I remember correctly, that is a part of the cause of the trouble. I presume, from what I gathered during the hearings, that the overflow conditions were superinduced by natural causes also, but Canada concedes a certain amount of responsibility by reason of this, because she pays $275,000 of damages and also one-half of whatever damages may accrue within the next five years.

Mr. NORRIS. The idea I had in mind was that if the overflow had been caused by the construction of dams in Canada, by either a Province or its citizens, unless there were some other cause of overflow it would seem to me that they ought to pay all of the damages resulting.

Mr. BORAH. I do not know just how they arrived at the responsibility with reference to Canada. I only know that the treaty provides that they are to pay a specific sum and then they are to pay an additional sum, which is to be one-half of whatever damages may arise within the next five years. I presume that in the negotiation of the treaty they undertook to fix the responsibility by reason of the fact that the principal cause of the overflow is in Canada.

Mr. KING. Mr. President, I would like to ask the Senator another question along the line indicated by the Senator from Nebraska. If the overflow results from Canada's acts and those acts are either tortious or for the benefit of her own people and are necessary for her own people and for their industries, upon what theory did our Government by this treaty declare that a part of the damages which American citizens sustained by virtue of acts of Canada should be paid for by the Government of the United States?

Mr. BORAH. I do not know that any part of it will be paid. I presume if it exceeds in amount $275,000 that we shall pay a portion of it, but, as I have stated, my understanding is that the natural conditions superinduce overflow as well as the artificial conditions by reason of the construction of dams.

Mr. SHORTRIDGE. Mr. President, the purpose of this bill is merely to carry out the full intent of the treaty.

Mr. BORAH. Yes; that is the purpose of the bill. Of course, whatever may have been the terms of the treaty, whether wisely or unwisely made, the bill goes no further than to carry out its terms.

Mr. President, I ask leave to insert in the RECORD the treaty under which this bill is drawn and also the report upon the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

CONCERNING REGULATION OF LEVEL OF LAKE OF THE WOODS

Message from the President of the United States, transmitting a treaty concluded February 24, 1925, between the United States and His Britannic Majesty, in respect of Canada, to regulate the level of the Lake of the Woods

February 26, 1925: Treaty read the first time and referred to the Committee on Foreign Relations, and, together with the message, ordered to be printed in confidence for the use of the Senate.

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty concluded on February 24, 1925, between the United States and His Britannic Majesty, in respect of Canada, to regulate the level of the Lake of the Woods.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, February 26, 1925.

The PRESIDENT:

The undersigned the Secretary of State has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty concluded on February 24, 1925, between the United States and His Britannic Majesty, in respect of the Dominion of Canada, to regulate the level of Lake of the Woods in order to secure to the inhabitants of the United States and Canada the most advantageous use of the waters thereof and of the waters flowing into and from the lake on each side of the boundary between the two countries.

Accompanying the treaty is a protocol of agreement between the plenipotentiaries, a copy of which is inclosed for the information of the Senate.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, February 24, 1925.

The United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada,

Desiring to regulate the level of Lake of the Woods in order to secure to the inhabitants of the United States and Canada the most advantageous use of the waters thereof and of the waters flowing into and from the Lake on each side of the boundary between the two countries, and

Accepting as a basis of agreement the recommendations made by the International Joint Commission in its final report of May 18th, 1917, on the Reference concerning Lake of the Woods submitted to it by the Governments of the United States of America and Canada,

Have resolved to conclude a Convention for that purpose and have accordingly named as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States; and

His Britannic Majesty, in respect of the Dominion of Canada: The Honorable Ernest Lapointe, K. C., a member of His Majesty's Privy Council for Canada and Minister of Justice in the Government of that Dominion;

Who, having communicated to each other their full powers, found in good and due form, have agreed as follows:

ARTICLE I

In the present Convention, the term "level of Lake of the Woods" or "level of the lake" means the level of the open lake unaffected by wind or currents.

The term "Lake of the Woods watershed" means the entire region in which the waters discharged at the outlets of Lake of the Woods have their natural source.

The term "sea level datum" means the datum permanently established by the International Joint Commission at the town of Warroad, Minnesota, of which the description is as follows:

"Top of copper plug in concrete block carried below frost line, and located near fence in front of and to the west of new schoolhouse. Established October 3, 1912. Elevation, sea level datum, 1068.797."

"The International Joint Commission" means the Commission established under the Treaty signed at Washington on the 11th day of January, 1909, between the United States of America and His Britannic Majesty, relating to boundary waters and questions arising between the United States and Canada.

ARTICLE II

The level of Lake of the Woods shall be regulated to the extent and in the manner provided for in the present Convention, with the object of securing to the inhabitants of the United States and Canada the most advantageous use of the waters thereof and of the waters flowing into and from the Lake on each side of the boundary between the two countries for domestic and sanitary purposes, for navigation purposes, for fishing purposes, and for power, irrigation, and reclamation purposes.

ARTICLE III

The Government of Canada shall establish and maintain a Canadian Lake of the Woods Control Board, composed of engineers, which shall regulate and control the outflow of the waters of Lake of the Woods.

There shall be established and maintained an International Lake of the Woods Control Board composed of two engineers, one appointed by the Government of the United States and one by the Government of Canada from their respective public services, and whenever the level of the lake rises above elevation 1061 sea level datum or falls below elevation 1056 sea level datum the rate of total discharge of water from the lake shall be subject to the approval of this Board.

ARTICLE IV

The level of Lake of the Woods shall ordinarily be maintained between elevations 1056 and 1061.25 sea level datum, and between these two elevations the regulation shall be such as to ensure the highest continuous uniform discharge of water from the lake.

During periods of excessive precipitation the total discharge of water from the lake shall, upon the level reaching elevation 1061 sea level datum, be so regulated as to ensure that the extreme high level of the lake shall at no time exceed elevation 1062.5 sea level datum.

The level of the lake shall at no time be reduced below elevation 1056 sea level datum except during periods of low precipitation and then only upon the approval of the International Lake of the Woods Control Board and subject to such conditions and limitations as may be necessary to protect the use of the waters of the lake for domestic, sanitary, navigation and fishing purposes.

ARTICLE V

If in the opinion of the International Lake of the Woods Control Board the experience gained in the regulation of the lake under Articles III and IV, or the provision of additional facilities for the storage of waters tributary to the lake, demonstrates that it is practicable to permit the upper limit of the ordinary range in the levels of the lake to be raised from elevation 1061.25 sea level datum to a higher level and at the same time to prevent during periods of excessive precipitation the extreme high level of the lake from exceeding elevation 1062.5 sea level datum, this shall be permitted under such conditions as the International Lake of the Woods Control Board may prescribe. Should such permission be granted, the level at which under Article III the rate of total discharge of water from the lake becomes subject to the approval of the International Lake of the Woods Control Board may, upon the recommendation of that Board and with the approval of the International Joint Commission, be raised from elevation 1061 sea level datum to a correspondingly higher level.

ARTICLE VI

Any disagreement between the members of the International Lake of the Woods Control Board as to the exercise of the functions of the Board under Articles III, IV, and V shall be immediately referred by the Board to the International Joint Commission whose decision shall be final.

ARTICLE VII

The outflow capacity of the outlets of Lake of the Woods shall be so enlarged as to permit the discharge of not less than forty-seven thousand cubic feet of water per second (47,000 c. f. s.) when the level of the lake is at elevation 1061 sea level datum.

The necessary works for this purpose, as well as the necessary works and dams for controlling and regulating the outflow of the water, shall be provided for at the instance of the Government of Canada, either by the improvement of existing works and dams or by the construction of additional works.

ARTICLE VIII

A flowage easement shall be permitted up to elevation 1064 sea level datum upon all lands bordering on Lake of the Woods in the United States, and the United States assumes all liability to the owners of such lands for the costs of such easement.

The Government of the United States shall provide for the following protective works and measures in the United States along the shores of Lake of the Woods and the banks of Rainy River, in so far as such protective works and measures may be necessary for the purposes of the regulation of the level of the lake under the present Convention: namely, the removal or protection of buildings injuriously affected by erosion, and the protection of the banks at the mouth of Warroad River where subject to erosion, in so far in both cases as the erosion results from fluctuations in the level of the lake; the alteration of the railway embankment east of the town of Warroad, Minnesota, in so far as it may be necessary to prevent surface flooding of the higher lands in and around the town of Warroad; the making of provision for the increased cost, if any, of operating the existing sewage system of the town of Warroad, and the protection of the waterfront at the town of Baudette, Minnesota.

ARTICLE IX

The United States and the Dominion of Canada shall each on its own side of the boundary assume responsibility for any damage or injury which may have heretofore resulted to it or to its inhabitants from the fluctuations of the level of Lake of the Woods or of the outflow therefrom.

Each shall likewise assume responsibility for any damage or injury which may hereafter result to it or to its inhabitants from the regulation of the level of Lake of the Woods in the manner provided for in the present Convention.

ARTICLE X

The Governments of the United States and Canada shall each be released from responsibility for any claims or expenses arising in the territory of the other in connection with the matters provided for in Articles VII, VIII, and IX.

In consideration, however, of the undertakings of the United States as set forth in Article VIII, the Government of Canada shall pay to the Government of the United States the sum of two hundred and seventy-five thousand dollars ($275,000) in currency of the United States. Should this sum prove insufficient to cover the cost of such undertakings one-half of the excess of such cost over the said sum shall, if the expenditure be incurred within five years of the coming into force of the present Convention, be paid by the Government of Canada.

ARTICLE XI

No diversion shall henceforth be made of any waters from the Lake of the Woods watershed to any other watershed except by authority of the United States or the Dominion of Canada within their respective territories and with the approval of the International Joint Commission.

ARTICLE XII

The present Convention shall be ratified in accordance with the constitutional methods of the High Contracting Parties and shall take effect on the exchange of the ratifications, which shall take place at Washington or Ottawa as soon as possible.

In faith whereof the above named Plenipotentiaries have signed the present Convention and affixed thereto their respective seals.

Done in duplicate at Washington, the 24th day of February 1925.

(Signed) CHARLES EVANS HUGHES [SEAL.]
(Signed) ERNEST LAPOINTE. [SEAL.]

PROTOCOL ACCOMPANYING CONVENTION TO REGULATE THE LEVEL OF LAKE OF THE WOODS

At the moment of signing the Convention between the United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, regarding the regulation of the level of Lake of the Woods, the undersigned Plenipotentiaries have agreed as follows:

1. The plans of the necessary works for the enlargement of the outflow capacity of the outlets of Lake of the Woods provided for in Article VII of the Convention, as well as of the necessary works and dams for controlling and regulating the outflow of the water, shall be referred to the International Lake of the Woods Control Board for an engineering report upon their suitability and sufficiency for the purpose of permitting the discharge of not less than forty-seven thousand cubic feet of water per second (47,000 c. f. s.) when the level of the lake is at elevation 1061 sea level datum. Any disagreement between the members of the International Lake of the Woods Control Board in regard to the matters so referred shall be immediately submitted by the Board to the International Joint Commission whose decision shall be final.

2. Should it become necessary to set up a special tribunal to determine the cost of the acquisition of the flowage easement in the United States provided for in Article VIII of the Convention, the Government of Canada shall be afforded an opportunity to be represented thereon. Should the cost be determined by means of the usual judicial procedure in the United States, the Government of Canada shall be given the privilege of representation by counsel in connection therewith.

3. Since Canada in incurring extensive financial obligations in connection with the protective works and measures provided for in the United States along the shores of Lake of the Woods and the banks of Rainy River, under Article VIII of the Convention, the plans, together with the estimates of cost, of all such protective works and measures as the Government of the United States may propose to construct or provide for within five years of the coming into force of the Convention shall be referred to the International Lake of the Woods Control Board for an engineering report upon their suitability and sufficiency for the purpose of the regulation of the level of the lake under the Convention. Any disagreement between the members of the International Lake of the Woods Control Board in regard to the matters so referred shall be immediately submitted by the Board to the International Joint Commission whose decision shall be final.

4. In order to ensure the fullest measures of cooperation between the International Lake of the Woods Control Board and the Canadian Lake of the Woods Control Board provided for in Article III of the Convention, the Government of Canada will appoint one member of the Canadian Board as its representative on the International Board.

5. Until the outlets of Lake of the Woods have been enlarged in accordance with Article VII of the Convention, the upper limit of the ordinary range in the levels of the lake provided

for in Article IV of the Convention shall be elevation 1060.5 sea level datum, and the International Lake of the Woods Control Board may advise the Canadian Lake of the Woods Control Board in respect of the rate of total discharge of water from the lake which may be permitted.

In faith whereof the undersigned Plenipotentiaries have signed the present Protocol and affixed thereto their respective seals.

Done in duplicate at Washington the 24th day of February, 1925.

(Signed) CHARLES EVANS HUGHES [SEAL.]
(Signed) ERNEST LAPOINTE. [SEAL.]

[Senate Report No. 750, 69th Cong., 1st sess.]

LAKE OF THE WOODS

Mr. BORAH, from the Committee on Foreign Relations, submitted the following report to accompany H. R. 9872:

The Committee on Foreign Relations, to whom was referred the bill H. R. 9872, having considered the same, recommend that it do pass without amendment.

The facts are set forth in House Report No. 908, Sixty-ninth Congress, first session, which is appended hereto, and portions thereof are made part of this report.

The bill in its present form is the result of correspondence with the State Department, the Secretary of State having written to the chairman of this committee as follows, in response to the chairman's request for a recommendation on H. R. 439, which was designed to accomplish the same results and was similar in its provisions:

DEPARTMENT OF STATE,
Washington, January 27, 1926.

Hon. STEPHEN G. PORTER,
House of Representatives.

SIR: Referring to your letter of December 17, 1925, inclosing a copy of H. R. 439 and requesting a report from this department thereon, I have the honor to reply as follows:

This department is in sympathy with the purpose of the bill, which is to carry into effect certain provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods, concluded February 24, 1925. In the opinion of the department the bill would, if enacted into law in its present form, effect that purpose, and I should be glad to see it become a law.

In matter of detail I would suggest, first, that the word "annual," in line 2 of page 3, is likely to restrict the Secretary of War as to the method of computing loss or injury in circumstances in which a choice of methods might be left to his discretion. As the determination of the annual loss or injury is in at least some situations an unnecessary detail in the determination of the total loss or injury, I suggest that the word "annual" be eliminated.

The date on line 6 of page 2 will, of course, be made complete by the insertion of "February 24" in the blank space.

The following other points of somewhat less importance are brought to your attention:

(1) Another treaty, namely, a treaty regarding the boundary between the United States and Canada, was signed with Great Britain on the same day that the convention to regulate the level of Lake of the Woods was signed. I suggest, therefore, that in order to avoid uncertainty in the reference to the treaty, words descriptive of the convention to which H. R. 439 relates, namely, "to regulate the level of Lake of the Woods," be inserted in the second line of the title immediately after the words "Great Britain."

(2) It is noted that section 2 of H. R. 439 provides that "The protective works and measures, * * * shall be constructed, etc." As the words "be constructed," in line 13, page 2, seem not to be applicable to "measures," I suggest that the words "or carried out" be inserted immediately thereafter, so that the expression will read "be constructed or carried out." To complete the same thought where it again occurs I suggest that the words "and the carrying out of such measures" be inserted after the word "works" in line 18 on page 2.

I inclose a copy of H. R. 439 with the foregoing suggestions edited thereon.

I am, sir, your obedient servant,

FRANK B. KELLOGG.

The situation which has resulted in the introduction of this bill is an involved one, which has continued in varying phases for many years. The treaty of February, 1925, referred to in the foregoing letter, and this bill, in aid of that treaty, are intended to finally adjust the controversies arising from the use of waters on the Canadian side of the line injuring riparian lands of the Lake of the Woods on the American side.

The lake is located principally in Canada and drains north through the Winnipeg River. Farmers and others on the American side have complained for years that their lands have been flooded by obstructions placed in this river outlet by power interests on the Canadian side operating under the license of the Dominion Government.

The attitude of our own Government has changed from time to time in regard to these obstructions. At first it was supposed that they did not actually have the effect of raising the lake levels, and farmers' complaints were disregarded by reason of that view of the facts, later found by careful surveys to be erroneous. At other times our Government has insisted on the maintenance of the lake at not less than certain levels in the interest of navigation.

By the treaty referred to, an accord has been reached between the two Governments in regard to the maintenance of a specified level, together with a level of flowage rights to protect it. Canada has agreed to pay $275,000 for the construction of protective works and acquisition of easements on the American side, together with half the balance of any greater expense for such purpose, and our Government has agreed to pay the damages heretofore caused to citizens of the United States by the outlet dam.

This bill is to enable the War Department to determine those damages, but the department is required to report to Congress the basis of its findings in each particular case.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ECONOMIC CONDITIONS IN THE VIRGIN ISLANDS

Mr. WILLIS. Mr. President, some time ago the Senate authorized the publication as a document of a certain report on economic conditions in the Virgin Islands. Since the publication of that document there has been very considerable demand for it, so that the supply, I am advised, has been exhausted. There has been some supplemental information obtained on the subject since the document was first published. I ask unanimous consent to have printed as a Senate document the supplemental report which I hold in my hand on the investigation of the economic conditions in the Virgin Islands.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 306. An act to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended;

H. R. 1243. An act for the relief of J. H. Toulouse;

H. R. 1540. An act for the relief of Luther H. Phipps;

H. R. 1669. An act for the relief of Neffs' Bank, of McBride, Mich.;

H. R. 1731. An act for the relief of John W. King;

H. R. 1897. An act for the relief of the heirs of the late Louis F. Meissner;

H. R. 2011. An act for the relief of William D. McKeefrey;

H. R. 2680. An act for the relief of the estate of Charles M. Underwood;

H. R. 2933. An act for the relief of H. R. Butcher;

H. R. 3025. An act granting a patent to certain lands to Benjamin A. J. Fuhnemark;

H. R. 3659. An act for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak.;

H. R. 3745. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code";

H. R. 3990. An act for the erection of a monument upon the Revolutionary battle field of White Plains, State of New York;

H. R. 4681. An act providing for the issuance of patent to the Boyle Commission Co. for block No. 223, town site of Heyburn, Idaho;

H. R. 5006. An act to detach Hickman County from the Nashville division of the middle judicial district of the State of Tennessee and attach the same to the Columbia division of the middle judicial district of said State;

H. R. 5673. An act authorizing the Secretary of the Interior to issue letters patent to George K. Hughes;

H. R. 5710. An act extending the provisions of section 2455 of the United States Revised Statutes to ceded lands of the Fort Hall Indian Reservation;

H. R. 5726. An act for the relief of Jane Coates, widow of Leonard R. Coates;

H. R. 6239. An act to authorize acting registers of United States land offices to administer oaths at any time in public-land matters;

H. R. 8306. An act to authorize the coinage of 50-cent pieces in commemoration of the heroism of the fathers and mothers who traversed the Oregon Trail to the far West with great hardship, daring, and loss of life, which not only resulted in adding new States to the Union but earned a well-deserved and

imperishable fame for the pioneers; to honor the 20,000 dead that lie buried in unknown graves along 2,000 miles of that great highway of history; to rescue the various important points along the old trail from oblivion; and to commemorate by suitable monuments, memorial or otherwise, the tragic events associated with that emigration—erecting them either along the trail itself or elsewhere, in localities appropriate for the purpose, including the city of Washington;

H. R. 8534. An act to amend an act entitled "An act to authorize the purchase by the city of McMinnville, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916," approved February 25, 1919 (40 Stat. p. 1153);

H. R. 9351. An act extending the period of time for homestead entries on the south half of the diminished Colville Indian Reservation;

H. R. 9559. An act granting certain public lands to the city of Altus, Okla., for reservoir and incidental purposes;

H. R. 9730. An act to provide for an adequate water-supply system at the Dresslerville Indian Colony;

H. R. 9829. An act to amend section 87 of the Judicial Code;

H. R. 10202. An act granting an extension of patent to the United Daughters of the Confederacy;

H. R. 10425. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes;

H. R. 10610. An act to confirm the title of certain lands in the State of Oklahoma to the Sac and Fox Nation or Tribe of Indians; and

H. R. 11171. An act to authorize the deposit and expenditure of various revenues of the Indian Service as Indian moneys, proceeds of labor.

NATIONAL BANK BRANCHES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes.

Mr. McLEAN. Mr. President, this bill was very fully and carefully explained by the Senator from Pennsylvania [Mr. PEPPER] during the two days while it was under consideration. His explanation was published in the RECORD, and the report which accompanies the bill contains a very full and complete explanation of its provisions and purposes. It seems that there is no reason why any further explanation should be made unless when the bill shall be read for amendment some questions may be asked.

OCCUPATION OF HAITI

Mr. KING. Mr. President, several weeks ago I asked to have read to the Senate a statement which had been handed to me by Mr. Perceval Thoby, at one time the chargé d'affaires, if not the minister, from Haiti to the United States. After it had been read, objection was made by the Senator from New York [Mr. WADSWORTH]. I shall not go into the reasons of the objection, but merely say that during the discussion I stated that at a later date I should call the attention of the Senate to the salient parts of the article, and I also stated to the Senator from Nevada [Mr. ODDIE] when he put into the RECORD a report recently submitted by General Russell that I should feel constrained to make some reply to the statements of General Russell and to discuss the situation in Haiti. Pursuant to that statement, I propose this morning to discuss the Haitian question, and as preliminary to that, I ask that Senate Resolution 202, heretofore submitted by me, may be read at the desk.

The VICE PRESIDENT. Without objection, the clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 202), submitted by Mr. KING April 16, 1926, as follows:

Whereas it is claimed that the following statement contains some of the important facts relating to Haiti and its occupation by military forces of the United States and also some of the important occurrences following such occupation, together with facts relating to existing conditions in Haiti, which said statement is as follows, to wit:

That the people of Haiti achieved their political independence in 1804 and established a republican form of government, under which the Haitian people controlled their political affairs without interruption or interference from foreign powers until the military seizure and occupation of Haiti by the United States on July 28, 1915, which occupation has continued to this day without the consent of the Haitian people;

That there was no sufficient reason for the American occupation of Haiti, the disturbances in said country being purely of an internal character and in no wise affecting the lives and liberty of Americans or other foreigners;

That after the seizure of Haiti the admiral in charge of the American forces of occupation declared martial law and took control of the Government of the Haitian Republic, interfering in the election of the President of Haiti in August, 1915, and exerting military pressure and other influence, which resulted in the election of Dartiguenave as President of Haiti;

That the United States presented to said Dartiguenave and to the National Assembly of Haiti, consisting of two legislative bodies provided in the constitution of Haiti, a proposed convention giving to the United States control of the revenues, police, public works, and sanitary administration of Haiti, which convention the national assembly was unwilling to ratify, whereupon the admiral in command of said American forces cut off the salaries of the opposing members of the assembly and announced that if the tendered treaty was not ratified the United States "has the intention to retain control of Haiti until the desired end is accomplished, and that it will forthwith proceed with the complete pacification of Haiti," under pressure of which threat the national assembly accepted such convention, which had been signed on the 16th day of September, 1915;

That a new National Assembly of Haiti was elected in 1916, and upon the convening of the same the United States presented to said assembly a proposed new constitution for Haiti, whereby the provisions of the then Haitian constitution which forbade foreigners and foreign corporations from owning Haitian lands were substituted by provisions which authorized the holding of Haitian lands by foreigners and foreign corporations, and made other changes in the constitution, all of which, and particularly the provisions permitting the holding of lands by foreigners, were not acceptable to the National Assembly of Haiti, which refused to accept such new constitution, whereupon the military forces of the United States summarily and arbitrarily dissolved the national assembly, took forcible possession of the legislative chambers, and locked the same against members of the assembly, and when the houses of the assembly met in other places they were summarily and forcibly dispersed by American military power;

That thereupon an election was called for the alleged purpose of having said new constitution submitted to the people for ratification; that there was in fact no election or true expression of the people; that a few votes were cast under the supervision and control of the military forces of the United States and conditions and circumstances which clearly indicated that the wishes of the people of Haiti were not expressed and that said new constitution was not in fact ratified by the people;

That upon the dissolution of said national assembly said Dartiguenave, by dictatorial decree, set up a so-called council of state, appointing all the members thereof, which was an extraconstitutional and illegal body and which usurped and attempted to take over and exercise the legislative powers of the National Assembly of Haiti, and it has continued from that time until the present to exercise said usurpatory authority in defiance of the will and desire of the people of Haiti;

That the term of office of said Dartiguenave expired August 12, 1922, and thereupon, as it is claimed, the United States selected Louis Borno to be his successor; that said council of state had no power or authority to act in the premises, but the members of said illegal organization, with the support and under the direction of the American military occupation, pretended to elect as President of Haiti said Louis Borno, although said Borno was not eligible for the Presidency of the Haitian Republic because he is not a son of a Haitian citizen, as prescribed by the constitution of Haiti;

That under the new constitution of Haiti, as well as the void and unratified constitution, the two legislative bodies of the Haitian Government were empowered to meet as a national assembly and to elect, at the time designated in said old constitution as well as at the time provided in said new constitution, the President of the Haitian Republic;

That said council of state, in the manner stated and in defiance of said provisions, pretended to elect said Borno for the term of four years, the period prescribed in the so-called new constitution, which the National Assembly of Haiti had refused to accept;

That the constitution of Haiti, as well as the new constitution sought to be imposed on the Haitians, provides for the election of the members of the two legislative bodies of the Haitian Republic, but since the suppression of said bodies no elections have been held or permitted to be held by those in control of Haiti, as a result of which no national assembly existed to choose the President of Haiti, as provided in said constitutions;

That under the terms of the new constitution a President of Haiti was to have been chosen by the national assembly on the 12th day of April, 1926, but said assembly, having been abolished by the military forces of the United States and the dictatorial decree of Dartiguenave,

said council of state, with the approval and support of the military forces of the United States, pretended on said day to reelect said Borno as President for a further term of four years; that it has been understood for many months that Borno aspired to another term as President and was supported for such position by General Russell, if not the State Department of the United States, and to bring about that result said Borno has within the last year appointed 18 of the 21 members of the council of state from among his relatives, personal friends, and retainers in order that he might be assured of his reelection on April 12 of this year:

That the term of said convention of September 16, 1915, expires on September 15, 1926; that if the United States had any right under said convention to occupy Haiti and control its Government and the people of Haiti, such right no longer exists, and the further presence of the United States in Haiti means continued usurpation of the constitution, laws, and Government of Haiti and the subversion of the civil liberties of the Haitian people by superior military forces;

That it is claimed that the actual Government of Haiti is in the hands of General Russell, who is supported by the military forces of the United States; that Borno and said council of state are subject to his will and act in accordance with directions given by him; that the liberties of the people are restricted, the freedom of the press abridged, the independence of the courts interfered with, the voice of the people in the matter of levying taxes and expending them silenced, the right of franchise denied, and the people of Haiti subjected to a foreign dictatorship which attempts to screen its power behind Haitian agencies which it has set up and through which it operates;

That there will be no correction of these conditions and no restoration of civil government and constitutional authority in Haiti until the Chamber of Deputies and the Senate shall be elected by the people of Haiti, and shall, in turn, as an electoral body, elect the President of Haiti under the terms of the Haitian constitution;

That the suppression of civil authority by military power is contrary to the Constitution of the United States and those principles of political and civil liberty which are professed by the Government and the people of the United States: Now therefore be it

Resolved, That the Committee on Foreign Relations is directed to consider the statements and claims herein set forth and report to the Senate measures which shall permit the Haitian people to set up and establish a government of their own choice and assume control of their own Government and their own civil and political affairs, and which shall provide for the withdrawal from Haiti of all military forces of the United States and all officers—military, naval, and otherwise—except only regularly accredited diplomatic representatives or consular agents as may be agreed upon by the Government of the United States and the Government of the Haitian Republic.

Mr. SHORTRIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from California?

Mr. KING. I do.

Mr. SHORTRIDGE. The Senator is about to address himself to a subject which affects the honor, the rights, perhaps, of our country; and I wish to request that there be order in the Chamber so that we may hear the Senator.

The PRESIDENT pro tempore. The Senate will be in order. The Senator from Utah will suspend until the Senate is in order. [After a pause.] The Senator from Utah will proceed.

Mr. KING. Mr. President, several weeks ago I asked to have read to the Senate a statement which had been handed to me by Mr. Perceval Thoby, at one time the chargé d'affaires, if not the minister, from Haiti to the United States. After it had been read, objection was made by the Senator from New York [Mr. WADSWORTH]. I shall not go into the reasons of the objection, but merely say that during the discussion I stated that at a later date I should call the attention of the Senate to the salient parts of the article, and I also stated to the Senator from Nevada [Mr. ODDIE] when he put into the RECORD a report recently submitted by General Russell that I should feel constrained to make some reply to the statements of General Russell and to discuss the situation in Haiti. Pursuant to that statement, I propose this morning to discuss the Haitian question, and as preliminary to that, I ask that Senate Resolution 202, heretofore submitted by me, may be read at the desk.

The VICE PRESIDENT. Without objection, the clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 202), submitted by Mr. KING April 16, 1926, as follows:

Whereas it is claimed that the following statement contains some of the important facts relating to Haiti and its occupation by military forces of the United States and also some of the important occurrences following such occupation, together with facts relating to existing conditions in Haiti, which said statement is as follows, to wit:

That the people of Haiti achieved their political independence in 1804 and established a republican form of government, under which the Haitian people controlled their political affairs without interruption or interference from foreign powers until the military seizure and occupation of Haiti by the United States on July 28, 1915, which occupation has continued to this day without the consent of the Haitian people;

That there was no sufficient reason for the American occupation of Haiti, the disturbances in said country being purely of an internal character and in nowise affecting the lives and liberty of Americans or other foreigners;

That after the seizure of Haiti the admiral in charge of the American forces of occupation declared martial law and took control of the Government of the Haitian Republic, interfering in the election of the President of Haiti in August, 1915, and exerting military pressure and other influence, which resulted in the election of Dartiguenave as President of Haiti;

That the United States presented to said Dartiguenave and to the National Assembly of Haiti, consisting of two legislative bodies provided in the constitution of Haiti, a proposed convention giving to the United States control of the revenues, police, public works, and sanitary administration of Haiti, which convention the national assembly was unwilling to ratify, whereupon the admiral in command of said American forces cut off the salaries of the opposing members of the assembly and announced that if the tendered treaty was not ratified the United States "has the intention to retain control of Haiti until the desired end is accomplished, and that it will forthwith proceed with the complete pacification of Haiti," under pressure of which threat the national assembly accepted such convention, which had been signed on the 16th day of September, 1915;

That a new National Assembly of Haiti was elected in 1916, and upon the convening of the same the United States presented to said assembly a proposed new constitution for Haiti, whereby the provisions of the then Haitian constitution which forbade foreigners and foreign corporations from owning Haitian lands were substituted by provisions which authorized the holding of Haitian lands by foreigners and foreign corporations, and made other changes in the constitution, all of which, and particularly the provisions permitting the holding of lands by foreigners, were not acceptable to the National Assembly of Haiti, which refused to accept such new constitution, whereupon the military forces of the United States summarily and arbitrarily dissolved the national assembly, took forcible possession of the legislative chambers, and locked the same against members of the assembly, and when the houses of the assembly met in other places they were summarily and forcibly dispersed by American military power;

That thereupon an election was called for the alleged purpose of having said new constitution submitted to the people for ratification; that there was in fact no election or true expression of the people; that a few votes were cast under the supervision and control of the military forces of the United States and conditions and circumstances which clearly indicated that the wishes of the people of Haiti were not expressed and that said new constitution was not in fact ratified by the people;

That upon the dissolution of said national assembly said Dartiguenave, by dictatorial decree, set up a so-called council of state, appointing all the members thereof, which was an extraconstitutional and illegal body and which usurped and attempted to take over and exercise the legislative powers of the National Assembly of Haiti, and it has continued from that time until the present to exercise said usurpatory authority in defiance of the will and desire of the people of Haiti;

That the term of office of said Dartiguenave expired August 12, 1922, and thereupon, as it is claimed, the United States selected Louis Borno to be his successor; that said council of state had no power or authority to act in the premises, but the members of said illegal organization, with the support and under the direction of the American military occupation, pretended to elect as President of Haiti said Louis Borno, although said Borno was not eligible for the Presidency of the Haitian Republic because he is not a son of a Haitian citizen, as prescribed by the constitution of Haiti;

That under the new constitution of Haiti, as well as the void and unratified constitution, the two legislative bodies of the Haitian Government were empowered to meet as a national assembly and to elect, at the time designated in said old constitution as well as at the time provided in said new constitution, the President of the Haitian Republic;

That said council of state, in the manner stated and in defiance of said provisions, pretended to elect said Borno for the term of four years, the period prescribed in the so-called new constitution, which the National Assembly of Haiti had refused to accept;

That the constitution of Haiti, as well as the new constitution sought to be imposed on the Haitians, provides for the election of the members of the two legislative bodies of the Haitian Republic, but since the suppression of said bodies no elections have been held or permitted to be held by those in control of Haiti, as a result of which no national assembly existed to choose the President of Haiti, as provided in said constitutions;

That under the terms of the new constitution a President of Haiti was to have been chosen by the national assembly on the 12th day of

April, 1926, but said assembly, having been abolished by the military forces of the United States and the dictatorial decree of Dartiguenave, said council of state, with the approval and support of the military forces of the United States, pretended on said day to reelect said Borno as President for a further term of four years; that it has been understood for many months that Borno aspired to another term as President and was supported for such position by General Russell, if not the State Department of the United States, and to bring about that result said Borno has within the last year appointed 18 of the 21 members of the council of state from among his relatives, personal friends, and retainers in order that he might be assured of his reelection on April 12 of this year;

That the term of said convention of September 16, 1915, expires on September 15, 1926; that if the United States had any right under said convention to occupy Haiti and control its Government and the people of Haiti, such right no longer exists, and the further presence of the United States in Haiti means continued usurpation of the constitution, laws, and Government of Haiti and the subversion of the civil liberties of the Haitian people by superior military forces;

That it is claimed that the actual Government of Haiti is in the hands of General Russell, who is supported by the military forces of the United States; that Borno and said council of state are subject to his will and act in accordance with directions given by him; that the liberties of the people are restricted, the freedom of the press abridged, the independence of the courts interfered with, the voice of the people in the matter of levying taxes and expending them silenced, the right of franchise denied, and the people of Haiti subjected to a foreign dictatorship which attempts to screen its power behind Haitian agencies which it has set up and through which it operates;

That there will be no correction of these conditions and no restoration of civil government and constitutional authority in Haiti until the Chamber of Deputies and the Senate shall be elected by the people of Haiti, and shall, in turn, as an electoral body, elect the President of Haiti under the terms of the Haitian constitution;

That the suppression of civil authority by military power is contrary to the Constitution of the United States and those principles of political and civil liberty which are professed by the Government and the people of the United States: Now, therefore, be it

Resolved, That the Committee on Foreign Relations is directed to consider the statements and claims herein set forth and report to the Senate measures which shall permit the Haitian people to set up and establish a government of their own choice and assume control of their own government and their own civil and political affairs, and which shall provide for the withdrawal from Haiti of all military forces of the United States and all officers—military, naval, and otherwise—except only regularly accredited diplomatic representatives or consular agents as may be agreed upon by the Government of the United States and the Government of the Haitian Republic.

Mr. KING. Mr. President, the Haitian question is not dead, nor is it moribund. Congress may affect to believe that it is an unimportant question and refuse to adopt any measures for its solution, and the American people may look upon it with indifference and utterly disregard the matters referred to in the resolution which has just been read. But I do not hesitate to say that the question is one which we can not afford to ignore, and one which we will be compelled sooner or later to consider and determine.

The question involved is not one of dollars and cents or of trade and commerce; it is one which relates to justice and international morality and the duty of a powerful Nation toward a weak and defenseless people. It involves principles touching the liberty and freedom of a people and the independence of what was once a sovereign state.

Unfortunately, questions affecting the liberties of individuals, the independence of small and weak states, the dealings and relations between powerful nations and nations and states of but little influence or physical and military strength, are not as appealing to the strong and wealthy and imperialistic nations and their inhabitants as are questions of utilitarian or materialistic or commercial character. Most people are more interested in objective than in subjective questions; in practical and material things than in academic and ethical questions. The American people are greatly interested in the building of railroads and factories and in finding markets for their surplus products. They seem wholly indifferent to the cries of the Filipinos for independence and the appeals of the Haitians for the right to govern themselves.

Mr. President, I doubt whether there are a hundred thousand people in the United States who know that this powerful Government has taken possession of Haiti by force of arms, and that it exercises complete political control over the people of that state by means of American bayonets. In my opinion there are persons holding responsible official positions in the Federal Government who do not know why American marines are upon Haitian soil or the character of government which we have superimposed upon the Haitian people. There are too many Americans who look with unconcern upon feeble states, and particularly if their inhabitants are different racially from the controlling races inhabiting this Republic.

The Declaration of Independence by many Americans is forgotten. Its sacred and immortal principles are regarded as "glittering generalities" not to be applied in our own or in other lands. Wealth is a powerful factor in the government and control of this and other countries. Its voice is powerful in domestic and in foreign policies, and its mighty influence brings within its embrace the greater part of the people of our own land. There are some Americans who would welcome an imperialistic foreign policy and who would rejoice to see the flag of this Republic float over territory controlled by other governments. The lust for empire and territorial expansion has not been wholly extirpated from the hearts of the American people.

This Republic should be the standard bearer of liberty. It should be free from every taint of imperialism, from every desire for territorial conquest, from every ignoble ambition; it should aspire to moral leadership and to the creation of a spiritual and fraternal force for the unification and peace of the world. Wherever there is oppression, its interest and sympathy should be aroused; wherever there is injustice, its voice for liberty and justice should be heard. It should be more interested in peace, in justice, national and international, in the freedom and independence of peoples and States than in wealth or material power.

The moral grandeur of a nation is infinitely more important than military triumphs or material gains or the glittering gold which the ages have produced. If the American people are ever deaf to the cries of those who are in bondage, or pursue policies which infringe upon the rights and liberties of the humblest and weakest peoples of the earth, then this Republic will be in danger and its security jeopardized.

The recitations contained in the resolution just read should arouse the Senate and the American people. They reveal a course of conduct upon the part of the United States which can not be defended, and a situation in its relation to the Haitian people which demands immediate attention.

Mr. President, from a study of the matters referred to in the resolution, I sincerely believe that the statements and recitals contained therein are substantially correct. There should be an immediate investigation by the Committee on Foreign Relations of the matters referred to in the resolution, and that committee should report at an early date such measures as will compel the United States to withdraw from Haiti and surrender control of the Haitian Government to the people of Haiti.

I invite the attention of the Senate to some of the facts and circumstances attending the occupation of Haiti by the military forces of the United States, and conditions in Haiti since we have forced upon them a foreign military rule.

In the summer of 1915 Admiral Caperton, in control of war vessels of the United States, was ordered into Haitian waters. There was no reason for any part of the American Navy being sent to Haitian ports. That the mission of our naval vessels was hostile to the Haitian Government subsequent events soon demonstrated.

Various pretexts have been given to justify the sending of our war vessels and thousands of marines to take possession of Haiti and overthrow the existing government and set up a government under the control and direction of the United States, supported by the bayonets of American marines. I have examined the reasons assigned, but in my opinion none is valid. It is possible that we were justified in having marines land in Port au Prince in August, 1915, but the subsequent conduct of our Government in dealing with the Haitian people and their government and their territory can not, in my opinion, be justified.

Mr. President, I submit that advantage was taken of the weakness and lack of military strength of the people of a friendly and struggling republic. It has been claimed that the United States was justified in invading Haiti because Germany and France had designs against the independence of that country. I have attempted to ascertain the facts, and I assert that no external force menaced Haiti or the integrity of its government. Even if the European war produced a situation which called for the assertion of the Monroe doctrine by this Republic it did not justify the forcible overthrow of the Haitian Government and the setting up of a military rule, backed by the arms of naval forces of the United States.

The statement that Germany intended to use Haitian ports as submarine bases does not, in my opinion, find support, nor

do the facts support the rumors that France intended to occupy Haiti. But I repeat that if both Germany and France had intended to execute the plans just referred to our Government acted prematurely in landing military forces, and its subsequent conduct in waging war against the Haitian people and in compelling them to accept a treaty which robbed Haiti of its independence and reduced it to a condition of vassalage under American military rule was not only reprehensible but can not be justified.

The Haitian people were not allies of Germany. Indeed, their sympathies were with the allied nations. The French language, as Senators know, is spoken in Haiti, and much French blood is found in the inhabitants of Haiti. Thousands of Haitian boys and girls have been educated in schools in France, and strong ties united Haitians to the French people.

France had no purpose to make war upon Haiti or to annex one foot of Haitian soil. France, in 1915, was fighting for her very existence. She knew that the United States would look with disfavor upon any plan contemplating the annexation by France of Haiti. It is absurd to contend that the reason for our occupying Haitian ports and landing military forces upon Haitian soil arose through fear upon the part of the United States that the liberty of the Haitian people was endangered by any foreign power, or that the possession of Haitian soil was threatened by any country in the world.

In July, 1915, a revolution occurred in Port au Prince, the capital of Haiti, against the then president, Guillaume Sam. His official conduct can not be defended and some of his acts were cruel and inhuman. His conduct infuriated the people, and he was taken from the French Legation and killed by the populace. But neither public nor private property was molested or destroyed. No foreigner was interfered with, nor were the lives or property of any foreigner, including Americans, placed in jeopardy. Nevertheless, Admiral Caperton, commanding our naval vessels, landed marines in August, 1915, and took complete control of the Government and of the State. He distributed his military forces at strategic points in Haiti, declared martial law, and set up a military government.

I repeat, there was no justification for this course. It is true the Haitian people did not enjoy as good government as many other countries possessed. In the life of the Haitian Republic, revolutions had occurred, Presidents had been deposed, and at times disorder and confusion had ensued. But it must be remembered that the Haitian people had lived in slavery for several centuries. Christian nations had forcibly taken from Africa large numbers of the Negro race and sold them into slavery in various parts of the world. Thousands of these unfortunate people had been brought to Haiti, where they had been subjected to cruel slavery for many years.

Finally they rose against their masters, and after bloody conflicts won their independence under Toussaint L'Ouverture and established a Negro republic. Obviously, they were not fitted for the great work which they essayed. They had not been trained in the art of government. They knew nothing of democracy, and yet they had some leaders of vision, of strength and power, who aspired to lead their emancipated countrymen from the degradation of slavery to the heights of freedom. Slowly, but painfully, the Republic so established moved forward. Its progress has been slow and its achievements disappointing to those who ignore the principles of evolution, which, as Spencer has shown, govern in the social structure as in the biological world.

It is a fact, however, that progress has been made in Haiti and that for more than 110 years an independent government was maintained. Cities were built, schools established and maintained, and men and women of culture and education played important and conspicuous parts in carrying forward the work of redemption and political and moral salvation. It is charged that revolutions have occurred and that a great majority of the people are illiterate.

That may be said of Mexico; it may be said of some of the South American Republics. Mexico has had many revolutions, presidents have vanished, and administrations have been overthrown, but no one would justify an attempt by this Nation or any nation to attempt the conquest of Mexico. Mexico will make progress; she will doubtless make many mistakes and commit many transgressions against her own people, and fail in her international obligations, but the forces of progress will operate there as they are operating in all parts of the world. The ascent of individuals and nations from darkness and slavery and ignorance to the summits is an epic and a tragedy, but only by suffering and struggle can the ascent be made and the summit reached. Peoples may not in a day nor a year, even by some superhuman power—certainly not by military force—be lifted from lowly bondage to lofty heights.

The Haitian people must win their way to freedom and glory by their own efforts. Friendly nations can aid them and extend sympathy and help, and by example incite them to valorous deeds, and inspire them with courage to meet the vicissitudes which in the long struggle before them they will encounter. This much America can and should do. But naval vessels and military forces will only provoke resentment and ineradicable animosities. We may not judge every people by our own standards; nor can we impress upon alien races whose country we occupy by military force our standards and our culture. The mistakes of the Haitian people and their difficulties in maintaining democratic government do not warrant the United States is seizing their territory or controlling their Government.

Notwithstanding Haitian revolutions and the backwardness of most of her people, a government which met the requirements of the people had been maintained for more than a century. A government was maintained which met its international obligations, and its diplomatic representatives were received in all countries to which they were accredited. There is a disposition upon the part of some persons who live in countries of wealth and power to depreciate weaker nations and to treat with contumely backward races and peoples.

The condition of small states and backward peoples has been assigned by strong states as sufficient reason for their conquest. But the world is growing better. It is being guided by nobler ideals, by more humane principles, and by a broader and more catholic spirit. The ugly spirit of imperialism which too long ruled the world is being exorcised from the hearts of men, and the binding spirit of Christianity is drawing nations into closer relationship and driving from the hearts of the people those rivalries and animosities which have wrought so much of evil and sorrow throughout the world.

Mr. President, I am pleading to-day for a weak and defenseless people, but a people, nevertheless, who desire to be free, who have aspirations for freedom, who believe in their competency to govern themselves and to work out their own political salvation. As an American citizen I here and now protest in their behalf against the action of this country in maintaining military forces upon Haitian soil and subjecting the Haitian people to alien rule.

I now return to a discussion of the events leading up to our military occupation of Haiti and our dealings with the Haitian people from that time until the present.

It must not be understood that the occupation of Haiti by our naval forces in 1915 was entirely provoked by the internal difficulties through which Haiti was passing. Our Government had been contemplating for more than a year taking over the political and fiscal administration of Haiti.

In the latter part of 1914 the Haitian Government was advised that recognition of the newly elected president would be accorded by the United States providing a "satisfactory protocol" on the model of the Dominican convention of 1907 was entered into. Senators will recall that that convention deprived Santo Domingo of the right to control its own revenues and subjected it to other restrictions of its sovereign rights. To this proposal made by our Government, the Haitian Government, speaking through its Secretary of Foreign Affairs, promptly replied on December 15, 1914, as follows:

> The Government of the Republic of Haiti would consider itself lacking in its duty to the United States and to itself if it allowed the least doubt to exist of its irrevocable intention not to accept any control of Haitian affairs by a foreign power.

This was a courageous and proper reply to make to the unwarranted proposal of our Government.

In November, 1914, Mr. A. Bailly Blanchard, American minister to Haiti, presented to the Haitian Government a proposition for a convention which called for the appointment by the President of the United States of a financial advisor and a general receiver for Haitian customs who should be in charge not only of the collection of customs but of public accounts generally.

The proposed convention also called for the settlement of the Haitian debt and contained stipulations that Haiti should not increase its public debt except by agreement with the United States nor change its customs duties without the consent of the President of the United States. The Haitian Government, unwilling to abdicate its powers and knowing that an acceptance of the proposed convention would meet with the universal disapproval of the Haitian people, advised the American minister that it could not accept his proposition notwithstanding the friendly sentiments which it entertained for the United States.

The American minister, obviously for the purpose of forcing the Haitian Government to accept the convention, attempted

to deprive the Government of its financial resources; and under his directions, or at least with his approval, American marines landed in Haiti and entered the National Bank of the Republic of Haiti and carried away and placed on board the gunboat *Machias* $500,000 belonging to the Haitian Republic, and which was a part of the reserves of the Government for the redemption of its paper currency. Explanations were demanded by the Haitian Secretary of Foreign Affairs, but neither the United States legation nor the United States vouchsafed any reply.

It is apparent that the United States was determined to get control of the coustomhouses and the revenues of Haiti. The conduct of our Government in causing marines to be landed and in forcibly removing from the National Bank of the Republic of Haiti funds belonging to the Government can not be defended. It was an act of war against a weak state, and resorted to for the purpose of compelling it to submit to the humiliating and unwarranted exactions presented by the American minister.

In April, 1915, a commission consisting of Messrs. Ford and Smith was sent by our Government to Port au Prince to confer with the American minister in regard to the signing of the proposed convention.

In May, 1915, Paul Fuller, jr., was dispatched to Haiti by the State Department, and upon his arrival in Port au Prince on the 22d of May he submitted another draft of a convention. Fuller appeared in the capacity of a United States commissioner, with the rank of envoy extraordinary and minister plenipotentiary. The Fuller project for a convention included a guaranty by the United States to protect the Republic of Haiti from the aggressions of any foreign power, and to employ the Army and the Navy of the United States for this purpose.

Fuller's proposal demanded that Haiti should not alienate Mole St. Nicholas, an important naval and military base, or permit its use by any other country. It also required that means be provided for the settlement of all claims alleged to be due to American nationals as well as to the nationals of other countries. The proposal (offered as an alleged quid pro quo) provided that the United States should aid Haiti in suppressing insurrections and for that purpose would employ its military forces.

In my opinion, the proposals submitted by Fuller were wholly unworthy of this Republic. We had no right to make such demands upon this small nation or to submit demands which because of its lack of military strength we knew it would be compelled to accede to.

Mr. President, on the 2d of June, 1915, the Haitian Secretary of State for Foreign Relations submitted to Mr. Fuller a counter proposal, to which on the following day the latter submitted certain material amendments. On June 15, 1915, Mr. Fuller acknowledged receipt of the communication submitted by the Haitian Secretary of State. While these negotiations were pending the military forces of the United States took possession of Port au Prince on July 27, 1915. Martial law was proclaimed by Admiral Caperton, and American marines soon occupied all strategic military points in the country.

The landing of our marines and the entry of our naval vessels into Haitian waters synchronized with the sending of plenipotentiaries by the United States with papers in their pockets which the Haitian officials were required to sign, proposing that the Haitian Government should renounce its sovereignty and permit the United States to assume control over the Haitian people and to take charge of their Government.

The Haitian people were unprepared to meet this military invasion and display of military force. They realized their inability to resist successfully the occupation of their country by the military forces of this powerful Nation. Nevertheless, within a short time after we had seized the country there were sporadic military outbreaks by Haitians, in which between 2,500 and 3,500 Haitians were killed.

In August, 1915, the United States Legation submitted a revised project for the convention to the Haitian people, and this project became the definitive text of the convention between the United States and Haiti which was signed at Port au Prince on December 16, 1915, by Robert Beal Davis, jr., chargé d'affaires of the United States, and Louis Borno, Secretary of State and Foreign Relations of Haiti. It is apparent that the signing of this convention was the culmination of negotiations which had been pending formerly since December 10, 1914, and which had been the subject of preliminary pourparlers prior to that date.

This convention provided that the President of Haiti, upon the nomination of the President of the United States, should appoint a general receiver of all their customs, and also a financial adviser, who should have control of the revenues and disbursements of the Haitian Government. Public works and sanitation were to be placed under American supervision. The Haitian constabulary was to be organized by officers of the United States Marine Corps. Taxes were to be levied, revenues collected, and disbursed by Americans; a constabulary force was to be organized by American officers and American marines; and our military forces were to continue to occupy Haitian territory. The treaty, in other words, subjected the Government of Haiti to the domination and control of the United States.

The so-called treaty was to exist for 10 years, but, as I shall show later, within a very short time after it was negotiated, it was extended by another treaty for a further period of 10 years. This latter treaty has never been submitted to the Senate of the United States for approval, nor has it been approved by the people of Haiti, and, indeed, was not known to them until within the past few months.

This so-called treaty was forced upon the Haitian people and upon the so-called Haitian Government which existed only in form and as the agent of the United States to carry out its will. It was signed when the guns of our battleships were trained on the capital of Haiti and several thousand of our marines were occupying strategic positions in various parts of the country.

This convention was ratified by the national legislature, under pressure from Admiral Caperton, our naval commander, who cut off the salaries of the opposing officials. Admiral Caperton, with his marines in charge of the Government offices and the capital and the important strategic points of the country, announced that if the treaty were not ratified the United States—

has the intention to retain control in Haiti until the desired end is accomplished.

It is not difficult to determine what this threat implied—

And that it will forthwith proceed to the complete pacification of Haiti.

What did that mean? It meant that it—the United States—would make war upon the Haitian people and "pacify" them; that is, reduce to submission any recalcitrant Haitians who were unwilling to put their heads under the American yoke.

I hold in my hand a report of the hearings of a Senate committee appointed in response to a resolution which called for an inquiry into the occupation of Haiti and Santo Domingo. On page 7 of the report, which was signed by a number of Senators, one of whom is the junior Senator from Nevada [Mr. ODDIE], and another of whom was the late Senator Medill McCormick, the following language appears:

The American representatives in the opinion of your committee influenced the majority of the assembly in the choice of a president.

That is, we forced the election of Dartiguenave as president, though he was not desired by the people. The Senate committee further say "we influenced the assembly in the choice of a president." We know the character of the "influence" exerted when the country was under martial law and our marines occupied the land and our ships of war the ports.

Later they—

That is, the military forces—

exercised pressure to induce the ratification by Haiti of the convention in September, 1915, precisely as the United States had exercised pressure to induce the incorporation of the Platt amendment in the Cuban constitution, thus to assure the tranquillity and ropsperity of Cuba. At about the same time representatives of the United States Navy took over temporarily—

And we are still in control, may I add—

the administration of the Haitian custom houses, which were then answerable to no central control, of which the revenues were disposed of at the discretion of the various local customs officers.

The Senate committee admits that the United States exercised "pressure"—that means, of course, military pressure—to force a convention or treaty upon an unwilling people, and to force upon them as President a man whom they did not want and who was to be a puppet of our Government and its military commanders stationed in Haiti.

Later we prepared a constitution for Haiti and our military forces compelled the Haitians to accept it. It provided for the election in 1916 and biannually thereafter of members of the two national legislative bodies. I might add in passing that the Haitians for many years had a written constitution which contained some of the features of the Constitution of the United States. It had a national legislature corresponding to the House and Senate in the United States. These two legis-

lative branches constituted the national assembly, which was made the electoral body to choose the President, whose term of office was fixed at seven years.

When the national legislature convened those having charge of our military forces in Haiti presented a new or revised constitution, which had been prepared in Washington. The Haitian people had not asked for a new constitution. They were satisfied with the one which they had adopted many years before. It contained liberal provisions and was similar to constitutions found in progressive countries of the world. But the United States determined to force upon the Haitian people a different constitution. The one presented for their adoption carried important changes, the principal one being that foreigners and foreign corporations might acquire and hold lands in Haiti. Senators will perceive how revolutionary this change was. Most of the Haitian people are agriculturists and own and occupy the lands which they cultivate. The government has large holdings, but for generations much of the government-owned land has been occupied by Haitians who regarded themselves as the owners of the tracts of land which they cultivated and which had been occupied by their ancestors.

Alienation of lands to foreigners was prohibited under the old constitution. Such a provision was absolutely necessary if the Haitian people were to remain freeholders and not pass under the control of foreign capitalists.

The Haitian people, knowing that they were weak and that strong financial foreign interests might seek to acquire their lands, incorporated in their constitution for their own protection a provision that aliens might not acquire lands in Haiti. But we forced upon them a new constitution with that provision eliminated, the effect of which has been to enable aliens to acquire large holdings and American corporations to purchase tens of thousands of acres of the most valuable and productive land. This has contributed to the exodus of thousands of Haitians who, fearing that their inheritance would be taken from them and that they would again pass under the yoke of foreign landlords, migrated to Cuba and Santo Domingo and near-by countries. If we do not change this policy and cease our imperialistic course in Haiti, her inhabitants will become a nation of peons. They will be subject to American landlords living in New York, who will add to their woes and in time produce a condition of servitude and bondage hateful to the people and disastrous to Haiti.

Mr. President, it is becoming rather common under our new diplomacy for American capitalists, and particularly New York banks, to secure some sort of assurance from the State Department that their investments will be protected. Of course, all governments owe a duty to protect the lives and property of their nationals, but there may be qualifications to this broad statement. What such duty is has been the subject of discussion by lawyers of eminence and statesmen and diplomats of recognized standing. However, the obligation resting upon governments to collect loans made by their nationals is not as broad as many affirm. There are some bankers and capitalists in the United States who regard the Federal Government as an agency to promote their interests and to aid them in their enterprises, though some of them may be exploiters. They seek investments in foreign countries from which they derive or expect to derive enormous profits. In some instances they loan to foreign governments at rates of interest so high as to be usurious and take the bonds of the debtor countries at from 80 to 90 per cent of their face value; and in some cases they seek arrangements or understandings with the State Department hoping that these foreign obligations will be protected and collection enforced by the United States. I shall show that the National City Bank of New York acquired control if not the ownership of the National Bank of Haiti, and thereby, in association or collaboration with the United States, controls the fiscal affairs of that country.

In my opinion the State Department has made promises to the National City Bank, or shaped its Haitian policy, so as to protect the investments of the National City Bank.

Mr. President, I regard as unwise, and indeed dangerous, a course of conduct which puts our Government back of loans made by American capitalists to foreign countries, and places our Government in the attitude of being a protector or guarantor of such loans. Such a policy will embroil the United States in controversies with other nations. It will provoke international resentments and prove injurious to this Republic.

When the United States presented the new constitution to the Haitian Senate and House of Deputies they refused to accept it, notwithstanding the pressure exerted by the military commanders in charge of our forces of occupation.

In the meantime, the United States had sent a high commissioner to Haiti. He was a military commander, and our military forces were subject to his orders. This high commissioner, backed by the marines and naval forces of the United States, compelled a dissolution of the national assembly when it refused its assent to the new constitution. It was an unconstitutional act. Indeed, it was an act of war upon the part of our Government against a defenseless and friendly people. The high commissioner compelled the president whom we had forced upon the people to dissolve their national legislature. An armed body of American marines, under the direction of Gen. Smedley Butler, of whom we have heard much during the past year, forced its way into the legislative chambers and prevented the members of the senate and house of deputies, who had been elected by the people, from holding sessions or occupying the same.

After General Butler and the marines had driven the national legislature from the legislative halls it attempted to meet at other places, but General Butler and the American marines prevented it from so doing. Upon the dissolution of the national legislature, a so-called council of state was created under the direction of the American military commander by dictatorial decree of President Dartiguenave.

There was no reason for this extraordinary act, unless it was for the purpose of camouflaging the dictatorship which our Government had set up and providing a screen behind which the autocratic and military rule established might hide. The government which the United States set up was military; all power was in the hands of the high commissioner, who was a military man and under whom the military forces operated. Our military forces, as I have stated, dissolved the national legislature, forced a treaty upon the people, designated who should be President, and then required him to set up a body, to be known as the council of state, which was wholly without power, but which, as stated, was to assist in hiding the despotism imposed upon the people and in gilding the hypocritical fiction that a legislative body existed.

Since the dissolution of the Senate and House of Deputies in 1916 there has been no election or meeting of this national legislature. Haiti has been ruled by the military forces of the United States through mere puppets which our Government set up and whose conduct they control. Our military forces have prevented the Haitian people from holding elections, and have during the entire time since they landed upon Haitian shores subjected the people to military rule. Before the dissolution of the national assembly, as stated, it had refused to accept the constitution which had been prepared in the United States. It is to the credit of this legislative body that the military forces of the United States were unable to coerce it into accepting the new constitution framed by American officials. Those in charge of the military forces, after failing to secure the ratification of the constitution, attempted to give some form of legality to their proceedings. Accordingly they made a gesture which to the credulous and those unacquainted with conditions appeared to evince a disposition or purpose to regard the wishes of the people. A proclamation was issued to the effect that on June 12, 1918, the constitution would be submitted to the people for their approval. There were Haitians occupying positions in the Government, but under the direction of the military forces, and some of them, for reasons not difficult to understand, voted for the constitution. The polls were under the control of the marines and gendarmes. There were two classes of ballots at the polls, one white and the other pink. The latter were kept in the background and in most of the balloting places not even opened. A Haitian upon coming to the polls would be handed without request a white ballot, which was an affirmative vote for the constitution. If he desired to vote against the constitution he would have to ask for the ballot and would receive a pink one.

For nearly two years the Haitians had been under military rule. Thousands of marines had occupied their cities and towns and various parts of their country. The efforts which they had made to free their country from foreign invaders had resulted disastrously. As I have stated, between 2,000 and 3,500 Haitians had been killed. Marines had penetrated all parts of the country, hunting down any armed forces or those who were opposing the military rule of the United States. The warfare carried on by American troops had reduced the Haitians to submission, and they sullenly accepted American rule. They felt that they were subjugated and realized that further resistance would be unavailing.

There were approximately 2,500,000 inhabitants in Haiti, but a few only attempted to vote. When they perceived that the polls were controlled by the military forces which had made war upon them they accepted the situation, and the few that presented themselves for the purpose of voting did not ask for pink ballots. They accepted the white ballots tendered them; and 98,294 votes were cast in favor of the constitution and 769 against it. The entire vote, of course, represented but a small

minority of the Haitian electors, indicating, beyond any question, that the constitution had not been accepted by the Haitian people; that it was not and is not their constitution, but an instrument which the United States has attempted to foist upon them.

This statement is corroborated by the Rev. L. Ton Evans, who spent many years as a missionary in Haiti. For a number of years he was pastor of the First Baptist Church, Edwardsville, Pa. In 1908 he resigned his pastorate and went to Haiti for the purpose of engaging in missionary activities. He remained there until some time after the American occupation of Haiti. He presented to Senator Hitchcock, who was at that time chairman of the Foreign Relations Committee of the Senate, as well as to other American statesmen, protests, some of which appeared in the Senate hearings, against the course of our Government in Haiti.

In his statement to the committee he referred to the—

deliberate and ruthless violation of the treaty, both in letter and in spirit.

And declared that our Government had forced a new constitution on the people—

under military pressure.

He further stated that—

The intelligent Haitians connected with the Government of American occupation, who, in fear and trembling—

Were compelled to vote for the constitution or be dismissed or imprisoned if they refused and he aptly described these humiliating processes as—

thrusting a dagger at the very heart of the Republic.

He referred to the closing, upon two separate occasions, of the doors of the senate and chamber of deputies at Port au Prince, and the turning out of the members thereof by military force, gendarmes. He then states that the senate and chamber doors were locked against them—

Exactly as the late Czar did with the Russian people's duma.

This, he declared, was done because they—referring to the members of the senate and chamber of deputies—protested against a step that was illegel and unconstitutional, a change which they felt to be vital in their constitution, which permitted the acquisition of Haitian lands by foreigners and American speculators. He also declared that Haitian judges who referred to these illegal acts were either driven out of office or imprisoned.

The Reverend Mr. Evans also referred to the brutality of the forces of occupation and the corvée system, under which natives were held in semislavery and forced to work upon public roads. He declared that natives were arrested in large numbers by military forces at their homes and on their farms and taken to places remote therefrom where they were required to work under armed gendarmes for 20 cents a week.

Speaking of the election to which I have referred, he stated that—

The day of so-called voting arrived and passed off quietly enough on the 12th of June, 1918—

And that but a very small fraction of the real voting power of Haiti participated, and that nearly all of those who voted were—

in the official and financial pay and in some way or another employed by the American occupation and weekly receiving their salaries or wages through the hands of the United States as official receiver in Haiti.

He further stated:

Each voter was watched with an eagle eye and guarded by the poor native gendarme (negro police) who were everywhere in evidence, and specially officered by American marines of the occupation for this special occasion, and consisted of American generals, colonels, majors, captains, and lieutenants—

And others who were at the polls, and—

whose presence and influence were requisitioned, for no risk must be taken.

He also stated that:

On entering the court (the voting place) a small white paper, stamped with police administration, bearing the date June 11, 1918, and with the French word oui (yes), was placed in the trembling hands of the native, who was signed—

Signaled by motion of the hand—

no word spoken as to slip or anything else, to the box directly under and in front of a white American marine and dummy native assistant, who sat on a dais.

The bundle of pink slips with the French non (no), curious enough and most significantly showing the fraudulent nature of this whole scandalous business, remained on the other side of the table tied together, the poor native in charge, as well as so-called voters, knowing these packets were meant for mere show; for even if cut loose, their terror-stricken brother Haitians dared not refuse the oui (yes) and ask for the non (no) at the risk of being imprisoned and shot as an enemy of the occupation and foe of the United States Government.

Thus terrorized and helpless to resist, these people sorrowfully were made to slavishly and tremblingly submit as brought in from small country villages and mountain sides, guarded and closely watched every step and turn by armed native gendarmes, under strict supervision of marine officers.

This comedy, or rather rape and, indeed, tragedy, is best described by the intelligent heartbroken natives (nearly all of whom, except those mentioned, abstained in face of being blacklisted, imprisonment, etc.), as follows:

"We were compelled to-day by the United States Government to take a dagger, then forced by the military occupation to plunge it into the very heart of our own Negro Republic; and so that, like Pilate of old, they might wash their hands and say hereafter that Haitians themselves actually did the slaughtering."

When Mr. Evans was testifying before the committee Senator Pomerene, who was a member of the committee, asked the following question:

Senator POMERENE. Do I understand from your statement that these native citizens were intimidated so that they would not vote against the adoption of the new section of the constitution? Is that the fact?

To which Mr. Evans replied as follows:

Mr. EVANS. Yes; most emphatically so. They were terror stricken, or, as Colonel Russell himself admits in his report to General Barnett, referred to, "They were scared by rumors and became almost hysterical with fear" of imprisonment, of being clubbed to death, or shot down by gendarmes and marines.

Mr. Evans also testified that notices were posted at the polling places and signed by American marine officers who, he testified—

Have power over life and death in the black Republic that no American can possibly realize.

He submitted one of the notices, which reads as follows:

REPUBLIC OF HAITI,
Port de Paix, June 11, 1918.

In accordance with the decree of his excellency, the President of the Republic, published in the Monitor of May 8 last, all the citizens of this commune of Port de Paix are asked to be present to-morrow at the Hotel Communal to vote on the new constitution, published in the Monitor of the same date. Any abstention from such a solemn occasion will be considered an unpatriotic—that is, anti-American occupation—act. Maintenance of order will be assured by the gendarmerie (under chief, General Williams, American marine officer), and the ballots will be distributed by a member of the administration of finances (an American marine officer) opposite the voting offices, etc.

HERMAN H. HANNEKIN,
Lieutenant Gendarmerie d'Haiti, American Marine Officer.
E. LESCOT,
Government Commissaire, Northwest.

Mr. Evans testified that he was at the polling place at St. Marc, which is a city of about 6,000 people with about 12,000 or 15,000 inhabitants within a radius of 10 or 12 miles. He stated that there was only one polling place for St. Marc and the district referred to. He further testified that the same conditions in regard to the election existed wherever polling places were provided.

Mr. Evans also said that the election was a mere farce; that the ballots were taken to Port au Prince and there published. The whole proceedings he denounced in his testimony as—

the greatest mockery I ever saw in my life.

And he condemned in bitter terms the marine officers who participated in the proceedings.

Prior to the American occupation, Haiti was a Republic with a constitution which had been prepared and adopted by the Haitians. One of the fundamental provisions of this ancient constitution was that lands in Haiti could not be legally held by foreigners, which provision assured the occupation of Haitian soil by the Haitian people and prevented the exploitation of their country by alien proprietors and alien corpo-

rations. This provision of the Haitian constitution was one of the things which stood in the way of the designs and interests back of the American occupation and has been one of the causes of the subversion of the Haitian Government under the legitimate constitution of that country.

The new constitution contains a recognition of the council of state, an illegal body, an extra constitutional body forced upon them by our Government, and our Government placed in the constitution a legalization of this usurpatory organization and compelled the Haitian people to submit to it. The new constitution contains recognition of the council of state as a legislative authority in Haiti until the Senate and House of Deputies, provided for in the old as well as in the new constitution, should be elected; but we have never permitted an election to be held, and have compelled the people to live under a dictatorship, which this Republic set up and continues to maintain. The national assembly, by the ancient law as well as by the new constitution of Haiti, is constituted an electoral college or body for the election of the President of Haiti, in which particular the national assembly is not exercising legislative but electoral power, the same as Congress becomes the electoral body to count the votes that are transmitted from the respective States. It is the legislative power which the new constitution recognizes as being temporarily reposed in the council of state.

The new constitution is a document handed down by a foreign military power and can not be said in a proper sense to have been accepted by the people of Haiti. It has never been put into effect so far as the national affairs of Haiti are concerned. It has only been put into effect as far as permitting foreigners and foreign corporations to acquire and hold Haitian land. That was the main purpose of the new constitution, to provide and legalize such holdings, and, of course, to give us control of Haiti, so that we could take care of the loans which the National City Bank and other American corporations had made or might make in Haiti.

The people of Haiti are patriotic, they love their country, and bitterly resent the proposed change in the fundamental law which permits foreigners to have and to hold land in that country. The attitude of the Haitian people is thus put by one observer who was there at the time:

> Behold, one great but subdued cry from one end of the republic to the other, even the most remote. The cry is "American deceit! American oppression!" The occupation is going to force us to change our constitution so as to give our richest and our best lands to American corporations and white, wealthy profiteers and to force us again as slaves to work exactly as we were warned by our friends they would do the moment they put their feet on Haitian territory.

I hope that Senators will not be oblivious and insensate to the statements I now make, that American corporations have acquired some of the richest lands in Haiti; their holdings amount to many thousands of acres; many Haitians are now working for landlords where formerly they were independent proprietors; that more than 150,000 of Haitian people have left Haiti and gone to Santo Domingo and Cuba. Some of them, as well as other Haitians, fear that under American rule they may lose both their lands and their liberties.

The Haitian people have refused to accept the provisions of this American-made constitution which gives foreigners the right to own Haitian land. To them this is the most vital right of their nationality.

The term of President Dartiguenave, whose election was forced by the United States, expired in August, 1922. Under the constitution an election of senators and deputies should have occurred in order that a constitutional body, to wit, the national assembly, might have been in existence to elect Dartiguenave's successor. But the national legislature had been driven from its chambers by General Butler after Dartiguenave's election had been forced, and under the policy of our Government, no election of the national legislature has been permitted since.

The new constitution called for elections in January every two years. There should have been an election in 1920, another in 1922, another in 1924, and an election in January, 1926. However, we ignored the constitution, forced upon the Haitians and determined, apparently, to continue the military rule of the United States under such shadowy forms as we might create.

Of course, everyone knows that Borno is a mere figurehead, a creature of our Government, and that he acts only as General Russell tells him to act.

Our Government is now keeping hundreds of marines in Haiti at a cost annually of several millions of dollars to the United States. General Russell is there in control of Haiti, and our marines act under his orders. To camouflage his military power and position, he is clothed with the title of "high commissioner and envoy extraordinary and plenipotentiary of the United States to the Republic of Haiti." The President may nominate ambassadors and ministers, but their appointment must be confirmed by the Senate. General Russell's appointment has never been confirmed by the Senate. He is not an ambassador or minister, but he is a military officer in control of American troops, and the military ruler of Haiti. Haiti is no longer a republic or an independent state, but it is governed by American military forces commanded by General Russell.

It is time that we should get rid of this pretense. The Haitian people know that they have no government of their own; that Borno is not their president; that they have only such liberty as the military forces of the United States who occupy their country permit them to enjoy. They know that the liberty of the press is abridged; that the right of free speech is limited; that their constitution has been overthrown; that they are governed by a foreign power.

In January of this year an election should have been called for the purpose of choosing senators and members of the House of Deputies. Under the Haitian constitution the national assembly should have met on the 12th day of April of this year for the purpose of selecting a president for the ensuing four years. General Russell and our State Department know of the provisions in the Haitian constitution. They knew that an election should have been called in January and that the national assembly should have convened in April; but they persevered in their unconstitutional course and determined to maintain an unconstitutional government and dictatorship in Haiti and to continue to employ Borno as a passive and plastic instrument to execute the purposes of our Government as they made known to Borno through General Russell.

The constitution does not recognize electoral powers in the council of state. Moreover, even the new constitution prescribes that the President of Haiti shall be the son of a Haitian citizen. However, in the face of this provision, our Government has imposed upon the Haitian people as president a man who was ineligible under their old constitution as well as under their new constitution.

Both constitutions provide that the President of Haiti must be born of a father who was himself a citizen of Haiti. Borno's father was not a citizen of Haiti, and therefore he was never eligible to the office of president.

I have referred heretofore to the fact that an illegal and unconstitutional body (council of state) was created by a decree of President Dartiguenave under the direction of our Government. This unconstitutional body, as I have stated, acts as a screen, and gives color to the claim that there is a legislative body functioning in Haiti. As a matter of fact this council of state is appointed by the so-called president, and its members hold their positions at his will and pleasure.

The council of state does not possess the powers of an electoral college, and in assuming to so act it merely carries out the will of the President and the American officers of occupation. This illegal body pretended to name Borno as president to succeed Dartiguenave, and on the 12th of this month it pretended to elect him for a further term of four years.

Mr. President, I have talked to a number of persons who were in Haiti in January of this year when an election for senators and members of the House of Deputies should have been held. They say that many Haitians went to the usual places where the elections prior to American occupation had been held, but were dispersed by military forces. General Russell and Borno, our puppet, would not permit an election. They defied the constitution of Haiti. They planned and intrigued to keep Borno as the paper head of Haiti to act as the willing tool of the United States.

During the last year Borno has appointed 18 new members of the 21 who constitute the council of state. It is absurd to contend that an election of the president by persons whom he names and who hold office at his pleasure is legal or is expressive of the people's will.

Borno, prior to his reelection on the 12th of this month, made many changes in the council. This illegal body pretends to act as an electoral body and choose Borno's successor. It pretends to act as a legislative body and registers the dictatorial decrees which he promulgates under the direction of General Russell and our military forces.

It is a most remarkable and extraordinary situation which Haiti presents. The United States overturned their Government, abolished their electoral college and their national legislature, forced a new constitution upon them (the terms of which we have persistently ignored), compelled the selection of a president, supported him in promulgating dictatorial decrees, and have used him and an illegal and unconstitutional body

(the council of state), which was created by an illegal decree, to conceal the mailed hand of the United States.

We have forced upon Haiti as president a man who is ineligible to office even under the constitution prepared in the United States; we have prevented the people from electing a national legislature and have now forced upon them for another period of four years as president a man whom the people do not want and in whose selection they were not permitted to participate.

In one sense it is amusing to see the devious methods adopted by our Government, operating through General Russell, to give the appearance of legality to the dictatorial and unconstitutional policies which have been adopted in Haiti and carried forward by General Russell, backed by the marines and bayonets of the United States.

In order to insure the election of Borno for another term of four years, he has, as I have stated, during the past year, acting, of course, in harmony with General Russell, removed 18 of the 21 members of the council of state and designated their successors. These successors have been chosen from among his relatives and official and political satellites. The council of state, which met on April 12 for the purpose of selecting the president, consisted of the following:

Dieudonne Charles, a nephew of Borno's wife—

He is one of the council whom Borno has named to elect him—

Pasquier, a nephew of Borno's first wife;
General Salgado, his chief of staff;
Gen. Marcel Prezeau, his assistant chief of staff;
Placide David, his secretary;
Amilcar Duval, his undersecretary;
Ch. Fombrun, his secretary of interior;
Louis Prophete, his secretary of agriculture—

All named by Borno—

Doctor Lescouflair, his secretary of public instruction;
Emmanuel Cauvin, his law partner;
Gen. Alfred Memours, Haitian chargé d'affaires in Brussels—

He has him out of the way in Brussels—

Georges Gentil, Haitian chargé d'affaires in Berlin;
Pinchinat, a government attorney at St. Marc;
Edmond Montas, chief clerk of the foreign regulations department;
Damase Pierre-Louis, chief clerk, interior department;
Doctor Calice, another clerk in the interior department;
Doctor Beauvoir, inspector general of education;
Joseph Lanoue, president of the land commission; and
James Thomas, Ernest Rigaud, and Charles Rouzier.

The three men last named were appointed by Borno a year or two ago. It will be seen, therefore, that the entire 21 are his appointees—18 selected within the past year. All are selected from among his relatives and official staff, and all are amenable to his will. What a solemn farce this is, and yet our Government is back of it and with solemn asseverations endeavors to make the people believe that the people of Haiti are enjoying liberty and the benefits of a republican form of government and that the acts of Borno and the council of state are indorsed by the Haitian people and are in accordance with the letter and spirit of the Haitian constitution.

I received word this morning that 1 of the 21 members of the council of state refused to vote for Borno at the so-called election on the 12th day of this month and was promptly removed. Mr. President, the plan here outlined assures one of his election as president.

A few days ago there were many eloquent criticisms in this Chamber of the conduct of Mussolini. It was charged that the Italian people were goverened by a dictator, and some Senators opposed the Italian debt settlement because it was alleged that Italy was under the control of a dictator. Yet our Government forces upon a friendly people and upon a small state a dictator. It destroys their constitution, overturns their republic, and subjects them to a military government masquerading behind a figurehead whom we selected and crowned with the title of president.

I hope that some Senators who were so loud in their denunciations of Italy and the so-called dictatorship of Mussolini will lift their voices in eloquent protest against the conduct of our Government in establishing a dictatorship over an alien people. We have sent a military officer to rule two and one-half millions of people. We maintain military forces upon foreign soil. We impose upon these two and one-half million people a military form of government against their will and without their consent. Our military commander is a dictator. He rules Haiti. His will is law. Though Borno may speak, it is the voice of General Russell which is heard; though Borno's hand may move, it is the military hand and power of the United States, directed by General Russell, that the people see.

Mr. President, I know that my words in behalf of the Haitian people will be in vain and that my protest against the imperialistic and illegal course of our Government in dealing with Haiti will find but little support in this Chamber. I realize that what may be said here to-day will find but little response throughout the length and breadth of this Republic because of the engrossment of the people in their private affairs.

Our capitalists are spending their millions in order to acquire additional millions. With their great accumulations they must find foreign fields for exploitation, and many of them are willing to use the State Department and our diplomatic representatives and the Army and the Navy to enable them to secure benefits and privileges and material gains in other lands.

There are some selfish Americans who are willing to exploit foreign countries and to make investments which will subordinate the political and economic policies of weak states and people to their will. Mr. President, I condemn such a policy and solemnly protest against it. The people of Haiti and all other small countries are entitled to work out their own destiny, and neither the United States nor any other country has a right to force upon them alien rule.

Mr. President, for years we controlled Santo Domingo, but public sentiment finally forced us to withdraw. Our military forces are still in Haiti, and I read in yesterday's press that in Nicaragua we have landed our marines. In my opinion the United States has too often landed military forces upon foreign shores and has interfered in the internal affairs of friendly peoples.

Mr. COPELAND. Mr. President, will the Senator from Utah yield?

Mr. KING. I yield.

Mr. COPELAND. How does the Senator from Utah feel about the Philippines?

Mr. KING. Mr. President, upon many occasions I have criticized this administration and the preceding administration for failing to carry out the pledges made in what is known as the Jones Act. The Filipinos won their independence from Spain and established a republican form of government. Without reason or justification we made war upon the Filipinos, overthrew the government which had been established by them, and for years subjected them to military rule.

The Philippine archipelago is distant from our shores thousands of miles. The Filipino people differ from us racially and culturally. There are 11,000,000 inhabitants in that far-off archipelago. They have made great progress materially, culturally, and spiritually. They have shown their capacity for self-government and have conducted themselves in such a manner as to compel the United States, if it has regard for its promises, to withdraw from the Philippine Islands and permit the Filipinos to establish a government of their own choosing.

Upon numerous occasions I have offered resolutions calling for the withdrawal of the United States from the Philippine Islands as soon as a constitutional convention had been called and a constitution framed and adopted and the machinery provided in the adopted constitution put in shape for the political control of the people.

But there are some Americans who are determined to retain the Philippine Islands. They ignore the promises which we made and desire to hold the Philippine archipelago for exploitation.

Mr. President, I denounce this selfish and, I was about to say, "perfidious" policy. The last Democratic platform contains a plank I had the honor to prepare, which pronounced in favor of the independence of the Philippine Islands. If we believe in the Declaration of Independence and are guided by the spirit of democracy then we must withdraw from the Philippine Islands and permit the Filipinos to establish a government which meets their wishes.

It is evident that General Wood and the Republican administration are determined to prevent the independence of the Filipinos. General Wood has been highly critical of the Filipinos. His administration has been a failure. He has the same point of view that most military men possess. It is not remarkable that most military leaders have been unsuccessful administrators. They carry into their civil duties the military spirit. They antagonize the people and exercise their authority in a harsh and often in a brutal manner. General Wood has provoked the Filipinos. His course has produced irritation and resentment. He should be recalled, and if the administration is determined that the Filipinos shall not have their inde-

pendence, and that we shall violate our pledges to them, the least that it can do would be to send as governor some person who has the elements of statesmanship and can appreciate the situation which exists in that far-off country.

We have been advised that the President has selected Carmi Thompson to go to the Philippine Islands as a special commissioner. The papers state that he is to be accompanied by experts and economists and business men. The President has not advised the country of the true purpose of this expedition. Some persons see in this mission a desire to undo the mischief which General Wood has done and to some extent whitewash his administration. Others see in the Thompson mission a scheme to further exploit the Philippine Islands.

Mr. Hoover has recently stated that rubber can be produced in great quantities in the Philippine Islands, and some of the business men of the United States have been active in opposing Philippine independence, contending that the United States should retain forever the Philippine Islands because of the commercial and material advantages which the American people would derive therefrom. I received a letter yesterday from a distinguished citizen of California who was in the Philippine Islands for a number of years. I learned from him and from other sources that Mr. Firestone, the American manufacturer of Firestone tires, is in the Philippine Islands reconnoitering for the purpose of establishing rubber plantations. I have seen reports to the effect that Americans who have recently been in the Philippines announced that they will invest $200,000,000 in the various industries in the Philippine Islands.

I hope President Coolidge is not sending Mr. Thompson upon this mission for the purpose of supporting the materialistic claims of some selfish Americans. I hope that he does not believe that the voice of the American capitalists should be more appealing than the voice of the Filipinos when they ask for independence and liberty. I confess that I do not like the Carmi Thompson mission. I look upon it with grave suspicion. The announcement of this mission synchronizes with the loud demands made by these capitalists that we should retain the Philippine Islands and exploit them for the benefit of American trade and commerce. President Coolidge could give no stronger evidence of his devotion to the principles of justice and liberty than to recall General Wood and send to the Philippine Islands as governor a man who is familiar with history, with the development of races, with the progress of the people, with the causes which move humanity forward—a man who loves democracy and who is unwilling that the United States shall become an imperialistic nation or be governed by selfish and materialistic policies.

If President Coolidge should pursue this course he would win the plaudits of the democratic forces throughout the world, and furnish convincing proof that this Republic has no selfish aims, no lust for territorial gains, no desire to superimpose its power upon other peoples, and that it will remain a steadfast friend of the downtrodden and oppressed everywhere, and will worthily wear the crown of leadership among all nations which march toward the summits of liberty and justice and righteousness.

While it is not pertinent to the matter under discussion, it is not inappropriate to briefly call the attention of the Senate to the treatment which our Government has accorded the inhabitants of the Virgin Islands.

The Virgin Islands, as Senators recall, were owned by Denmark for many years. The inhabitants of the islands enjoyed liberty and an autonomous form of government. They expected when the sovereignty of the islands passed to the United States that they would enjoy the benefits of democratic government and a greater degree of liberty than that which they enjoyed under a monarchical government.

But they have been disillusioned and many of those who live in the Virgin Islands would welcome a retrocession of their homeland to Denmark. We sent naval officers to govern them. Some of these officers have acted in a most inhuman and brutal manner. I think that some of them should be court-martialed and punished for their transgressions. Our treatment of the people of the Virgin Islands has been oppressive and disgraceful.

We should at once enact measures that will protect these people. Naval officers should be withdrawn and a civil form of government provided for the islands.

The Senator from Wisconsin [Mr. LENROOT] a few days ago referred to the misgovernment of the inhabitants of Guam. It would seem that our naval officers utterly failed in their duties to the people in that far-off Pacific land. Certainly those who live under the flag of this Republic should enjoy the blessings of liberty. It is a crime against the principles of this Republic to treat the people of the Virgin Islands and Guam as the evidence shows they have been treated by the United States. Mr. President, I think I had rather be a slave than live under a military dictatorship.

Mr. President, I now return to the matter under discussion. I referred to the convention between Haiti and the United States adopted September 16, 1916. This treaty was to be in force for 10 years only. It contained a provision, however, that its life might be extended for another period of 10 years. On the 28th of March, 1917, by an agreement made at Port au Prince this extension was granted. It was not made public. I doubt whether a half dozen Senators know that such extension was made. The treaty of extension was never published in the United States until recently, so far as I can learn, and only recently did the Haitian people learn of its existence.

The Senate of the United States has not ratified this new convention, nor has it been ratified by any constitutional authority in Haiti. Except for this agreement, notwithstanding the life of the convention, it would have expired by limitation September 16, 1925. The convention of September 16, 1915, did not contemplate that there should be a suspension of the constitution and laws of Haiti or any supercession of the Government of Haiti by the agents of the United States or otherwise.

Under the treaty the United States was required to use its good offices to help and assist Haiti for 10 years, but not to exercise an unjust and arbitrary dominion over the Haitian people or over their public affairs. There was no reason for the extension of this treaty. The Haitian people did not ask for it; indeed, they were unaware that it was done. They believed that the United States would remain in Haiti but a short time, but as the months and years went by and our military forces remained in control of their country and assumed the control of their Government their surprise gave way to regret and resentment and despair. Many of the Haitian people believed that it is the purpose of the United States to retain the control of their country indefinitely and to govern them in an arbitrary and unconstitutional manner.

The testimony taken before the Senate committee presents an ugly picture. It shows that cruelties were practiced upon the Haitian people, and that military officers of the United States exercised tyrannous, autocratic, and arbitrary power, and treated the Haitian people with indignities which may not be defended and which demand universal condemnation.

I referred a few moments ago to military officers placed in positions where they should exercise civil powers. I called attention to the fact that most military officers seem incapable of giving to the people just and humane government. The Haitian people were deprived of their rights and liberties. Many of them were forced into the corvée system and subjected to cruelties and inhumanities that are most revolting. I shall not read from the testimony given at the hearings. I shall only say that the hearings reveal the fact that we were not justified in overthrowing the Haitian Government and taking possession by military force of the country of a helpless and friendly people.

Mr. President, I have before me a report prepared by eminent Americans who recently visited Haiti for the purpose of studying it intensively. It corroborates what I have said and justifies the criticisms which I have made. I have referred to the Rev. L. Ton Evans. I have here the testimony which he gave before the Senate committee. As I stated, he was a missionary and labored among the Haitian people for many years seeking their moral and spiritual advancement. He loved the Haitian people and bore testimony to their many fine qualities. Because he protested against the brutality of the American occupational forces he was arrested and imprisoned and treated in a most cruel manner. He was arrested by American marines. He was imprisoned by the orders of American military officers.

His testimony is a severe indictment of the conduct of our military forces.

It is not irrelevant to state at this point that the argument made by many in justification of our making war upon the Haitian people, that Haiti had suffered from revolutions during which some of the inhabitants were killed, loses much of its force when it is known that the American military forces killed between 2,000 and 3,500 Haitians.

I have been told that the number of Haitians killed by American troops in two years far exceeded the number killed in the revolutions which occurred in Haiti in 50 years preceding American occupation.

We justify our war upon the Haitians upon the ground that they resisted the American military forces. I think it is true that many of these poor ignorant people, when they saw our warships in their ports and our marines upon their soil, believed that we were there to conquer their country. They believed that they had the right to defend their homes against what they believed to be a foreign foe. It was an unequal contest and they were soon conquered. Perhaps some of us

would have joined the Haitian forces and fought against American troops occupying their land if we had been Haitians.

Senators must know that the foreign policies of our Government have excited the apprehension of some Latin-Americans and some inhabitants of the Caribbean Islands. The United States is known as "the Colossus of the North," and some American statesmen and writers have not been wise or considerate in their statements concerning our neighbors on this hemisphere.

Mexico lost an empire through the treaty of Guadelupe Hidalgo; Cuba was lost to Spain; Porto Rico has been annexed by the United States; and the Philippine Islands are under the flag of this Republic.

Some flambuoyant Americans have declared that the flag of this Republic must float from the Arctic to the Antarctic Oceans and over the entire Western Hemisphere. Of course, we protest that we are not imperialistic, that we desire no additional territory; and yet there are people beyond our borders who are skeptical as to our intentions and do not give full credit to our repeated asseverations. When we landed our military forces upon Haitian soil, proclaimed martial law, took over the government, and declared that we would remain there for an indefinite period, it was to be expected that such conduct would arouse the fears and suspicions and indeed the resentments of the Haitian people. When we overthrew their constitution and forced upon them measures which contravened their constitution and subjected them to military rule it is not to be wondered at that military outbreaks occurred and conflicts occurred between our armies of occupation and the Haitian people.

Mr. President, it will soon be 11 years since we went there; and in the perspective of these years we may make a proper appraisal of the effects of our intervention in Haiti and of our suppression of the Haitian Government and of the political liberty of the Haitian people.

It is claimed by well-advised persons that the material, moral, and intellectual condition of the Haitian people has not improved under the American occupation. I know that that will be denied by the men whom we have sent there and who are drawing salaries to the extent of more than half a million dollars annually out of the Haitian funds wrung from the toiling masses of that country. The general condition is one of poverty. Thousands of Haitian laborers have emigrated to Cuba and Santo Domingo in order to obtain employment, thereby reducing agriculture in Haiti to a condition of decay and disorganization.

But little if any progress is being made in education. The secondary schools have been closed in a number of towns, and the students there who have completed their primary education are unable to continue their studies unless their families possess sufficient means to send them away from home to attend the more advanced schools. It is frequently charged that the Haitian people are illiterate. I think it is true that a majority of them are illiterate. A concordat with the Pope more than 50 years ago placed education in the hands of the Catholic clergy and it is believed by many that considering the difficulties under which they have labored, the scattered condition of the people, and the lack of resources of the country that no inconsiderable progress has been made.

It is to be regretted that there is illiteracy in Haiti and that the educational system is defective. But that can be said of some European countries. It is true of Russia, where 85 per cent of the population are illiterate. In Mexico and in some of the Central American and South American countries there is great illiteracy. We may deplore this condition and regret that greater interest has not been taken in the education of the people of these various countries. Haiti has labored under many disadvantages. Her resources are extremely limited and the wealth of the entire state would not equal the wealth of some of the smaller cities of the United States.

When the Haitians won their independence in 1804 there was not a single schoolhouse in Haiti. The people had been slaves for centuries. To establish order, set up a government, and prepare an illiterate and enslaved people for citizenship was a task of supreme difficulty. But a republic was established which soon entered the family of nations. Schools were established in all parts of the country and an attempt made to have a free system of education.

At the time of the American occupation there were more than 300 rural schools in the country. These have not been improved under American occupation. Indeed, some have been suppressed and discontinued. One difficulty in the school system grows out of the fact that a considerable part of the population live in the mountains, where there are no towns or communities. A considerable part of the population is so isolated that the establishment of schools is a most difficult task.

At the time we took over the control of Haiti there were 860 schools of all degrees. The number is less now. There were 65,000 pupils in the various schools, and it is estimated that more than 20,000 children were taught at home by the family and private teachers in accordance with a custom which had prevailed in Haiti. There should be added to this number more than 300 students who were studying in France, Germany, and England, and there were also a considerable number who were receiving educational training in business institutions in France. There were more than 85,000 persons of school age receiving education in private and in public schools in Haiti in 1915. Some of these schools, as I have stated, have been closed. In the city of St. Marc the secondary school for boys and the secondary school for girls have been closed since American occupation, leaving only the primary schools.

Since our control of Haiti the teaching of the classics and Latin has been suppressed in the lyceums of Cape Haiti, Gonaivez, Jacmal, Jeremie, and dux Cayes. However, because of the protests of the people of St. Marc, the order of suppression has been withdrawn.

The claim has been made that only 2 per cent of the Haitians are able to read and write. Port au Prince, the capital of Haiti, has approximately 100,000 inhabitants, and 80 per cent of the population read and write. Other leading cities, Cape Haiti, Port Liberte, Port de Paix, Gonaivez, Saint Marc, Jacmal, Petit Goave, Mirazoane, Jeremie, les Cayes, Anse-a-Veau, Leogane, and also in some of the small towns of the inland, a large proportion of the people have received primary education and many an academic education.

A number of Haitians have been educated in leading universities of Europe. Haiti has lawyers of international reputation, and there are men and women of culture in various parts of the country. Those familiar with Haiti state that the literacy of Haiti is at least 35 per cent. From an American standpoint, that is a low standard of education. But it is superior to that found in some other countries. My information is that little has been done for the education of the Haitians under American control. Indeed, residents of Haiti have informed me that there has been retrogression instead of progression along educational and cultural lines since the United States assumed control of Haitian affairs.

Rather large sums of money have been spent for agricultural education, but it has largely been a waste of money. Doctor Freeman, who went there to teach agriculture has accomplished but little. A number of American professors were sent to Haiti to instruct the people in agriculture. None had any knowledge of the French language. They were obliged to have interpreters to translate their instructions and the students and those whom they attempted to teach resided in Port au Prince and were following courses in other high schools in the city and were not interested in agricultural instructions.

It is impractical to impart instruction in agriculture in the English language when the people speak the French language; and to send people to Haiti, as our Government has, as agricultural instructors who can not give instruction in French, is of no utility.

Haiti is a small and mountainous country with five small plains. Its principal and remunerative products are coffee, cotton, and sugar cane. Many of the Haitian people reside in the mountains and their principal crop is coffee. More than 70 per cent of Haitian exports consists of coffee, which is sold almost exclusively in France, and by reciprocal arrangements Haitian coffee pays only a small import duty in France, and French wines pay only a moderate duty in Haitian ports. Our Government has interfered with all that. The raising of the duty on wine is an impediment to Haitian trade, and particularly to the export of coffee to France, from the export duty on which practically the entire revenue of Haiti is derived.

When the French were in control of Haiti, there were coffee plantations, but few now exist. But these coffee plantations have extended themselves by natural propagation, so that the coffee plant or tree exists now in many parts of the country. Its production is the principal source of revenue, not only for the Government but for the people. Nothing has been done since the American occupation to improve or increase the other products of the country. Last year was a favorable season for Haitian products, as a result of which the coffee crop was larger than in some other years. Apologists for American occupation claim credit for what nature has done.

I have referred to the change in the constitution under which foreign corporations can acquire Haitian lands. The effect of this new law has been most injurious to the people and to the country. Already American corporations have acquired large tracts of land for the cultivation of pineapples, sugar, and other products. Its effect upon the morale of the people is most de-

pressing and has contributed to the great exodus to Cuba and Santo Domingo of native-born Haitians.

More than 30,000 Haitian laborers are emigrating every year to Cuba and Santo Domingo owing to the economic conditions in Haiti and in part due to the occupation by American military forces and the control of their country by a foreign power. Many well-advised persons contend that the material, moral, and intellectual condition of the Haitian people has not improved under American occupation. The general condition is one of poverty and the migration of Haitians tends to reduce agriculture to a condition of decay and disorganization.

There has been an increase in the revenue from imports due to the increased volume of imports. This, however, is not a normal increase, but has resulted from the apprehension that the new tariff imposed upon the Haitians without their consent will increase the duty on raw imported articles, and in order to avoid the higher duties which are imminent Haitian merchants have purchased large stocks which they have obtained on credit.

This will be the cause of financial depreciation as soon as the merchants do not meet their obligations, which, under present conditions, it appears they will be unable to do. The increased value of Haitian exports reflect in part the depreciation of the French franc, and does not mean that there has been an increase in the volume or quantity of imports, but merely in their valuation in terms of the depreciated currency of the country.

Haiti imports from the United States from 70 to 80 per cent of the value of her total imports. On the other hand, her exports to the United States are negligible. It means that Haiti has large payments to make in this country, with no direct or immediate means of creating the credit necessary to make liquidation. Furthermore, the Haitian treasury will pay $1,324,311 interest to corporations and individuals in the United States, together with a commission on bonds of Series A, issued to refund the foreign debt, all of which will aggravate the subordinate position of Haiti in her fiscal relations with the United States.

Our military authorities in Haiti have compelled her to authorize the issuance of $40,000,000 of bonds and have caused to be issued bonds of the value of more than $23,000,000. Substantially all of these bonds have been acquired by the National City Bank of New York. Parenthetically, I may add that many persons believe that American marines will remain in Haiti until the last penny of these bonds has been paid.

I wonder if this Republic is to be a debt collector and the guarantor of the payment of bonds which have been issued by a foreign country pursuant to the orders of the United States.

It is contended by the Haitian people that the fiscal affairs of Haiti have been mismanaged by the American occupation and the financial burdens of Haiti have been greatly increased. The external loans of Haiti, prior to American occupation, had been negotiated with France, and the later loan in 1910 had been made upon exceedingly advantageous terms to the Haitian Government through the Bank De L'Union Parisienne, which had acted as the latter's fiscal agent.

With the decline in the value of the French franc, it was evident that Haiti would profit greatly in meeting this foreign loan during such period as the franc was at a low value, measured by gold. The principal of the Haitian foreign debt in June, 1915, was 127,811,060 francs. I might add that Haiti's first bond issue was to indemnify French colonists for losses sustained following Haiti's independence. This loan was fully paid.

Following the American occupation, Admiral Caperton suspended the payments on Haiti's foreign and internal debt, and it was not until 1920 that the interest and amortization due were paid.

Haiti had not defaulted during her independence in meeting her obligations. In September, 1922, Haiti's foreign debt, in American currency, amounted to $6,971,874, or stated in francs, 87,023,425. At the time of American occupation, Haiti's internal debt was $2,278,886.20, her floating debt was $2,477,182, and her internal obligations and claims preferred against her aggregated $5,000,000. Some of these claims were subject to revision, as was a portion of the internal and floating debt. The internal bonds were almost entirely in the hands of Haitians. It will be observed that the entire debt of Haiti, foreign and domestic, with a portion of the domestic debt and the claims subject to revision, amounted to but $16,727,932.51.

The American occupation, as stated, authorized the issue of bonds amounting to $10,000,000, divided into three series—series A, external bonds, $16,000,000; series B, internal bonds, $5,000,000; and series C, external bonds, $2,660,000, making a total of $23,660,000. Haiti did not owe the United States when the latter overthrew the Haitian Government and could have discharged her obligations within a few years without resorting to a new foreign loan. It is insisted by the Haitian people that there was an improvident use of the loan negotiated by the United States, through the National City Bank of New York, who has in effect been placed in charge, under the United States, of the fiscal policies of Haiti.

Under the agreement forced upon Haiti by the United States in 1919, the control over Haiti was given to the latter during the life of the $16,000,000 loan. This meant, of course, the control of Haiti by the United States until 1952.

An American professor of standing, who is also a student of economic and fiscal questions, recently visited Haiti to examine conditions there, and he has stated that this transaction in effect was a guaranty on the part of the American Government to collect the customs and to deduct the interest upon the $16,000,000 loan. It is worthy of note that in the bungling, if not unfair, methods adopted by the American occupational forces in dealing with Haitian fiscal affairs, the National City Bank pays no interest upon the bank deposits of the Haitian Government, although the aggregate amount which should have been paid would at the present time approximate $1,000,000.

The National City Bank of New York has acquired the ownership and control of the Banque Nationale de la République de Haiti, which has a monopoly of the note issue and the exclusive service of the treasury. In other words, this American bank has the control of the banking facilities of Haiti as well as the fiscal affairs of that country. It can contract or expend the currency. It has entirely suppressed the old national currency and has issued and circulated notes to the amount of 15,000,000 gourdes of the nominal or redemption value of 20 cents. The bank notes of this bank to the amount of $3,000,000 constitute the entire paper currency of Haiti at the present time. The nominal value of the Haitian gourde was $1, American standard, but the National City Bank has reduced this value to 20 cents.

The National City Bank having acquired the ownership of the Banque Nationale de la République de Haiti, a new contract was prepared, under which the bank obtained 1 per cent upon the receipts and expenditures for acting as fiscal agent of the Government. The Government, of course, uses the bank as a depositary for its funds, but, as I have stated, the bank refuses to pay interest upon such deposits. Recently the financial adviser—who is an American and who was forced upon Haiti—has transferred approximately $3,000,000 of the surplus to the National City Bank of New York, which presumably loans the same out at a high rate of interest and makes no payment therefor to Haiti. This deprives Haiti of the interest to which she is entitled and innures to the National City Bank and the Banque Nationale de la République de Haiti, which it owns. The American professor to whom I have referred makes the following statement:

> The latter bank also obtains a profit from the monopoly of note issue. It is able to make commercial loans by loaning bank notes as well as creating deposits. Commercial loans are, as a matter of fact, generally made by giving the borrower bank notes rather than by creating a checking account for him. The ordinary rate of interest on these loans is approximately 9 per cent.
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> The bank has to maintain against these bank notes a reserve of one-third in American money. Half of this, however, may be on deposits outside of the country where it may, of course, be loaned out and consequently draw interest. A reserve of 16.7 per cent is, therefore, the maximum that is legally required. But this reserve, it will be noted, need not be in gold but in any type of lawful American money. Federal reserve notes can consequently be used as a reserve, but these are also in part based upon commercial paper and arise out of commercial transactions in the United States. It is therefore theoretically possible for the Banque Nationale de la République de Haiti to make not far from $10 worth of commercial loans upon a gold security of approximately $1. This, it will be observed, gives a possibility of great profits to the bank. The only share which the Republic of Haiti secures in these gains is the provision that the Government shall be paid 1 per cent on all circulation above 10,000,000 gourdes—$2,000,000.

The National City Bank and its Haitian bank have attempted to further strengthen their monopoly of the fiscal affairs of Haiti by attempting to obtain the exclusive right to import specie and foreign money into the country, which would, of course, give the latter a complete monopoly of banking, as well as of note issue; with the advantages which it possesses it practically controls the banking and fiscal affairs of Haiti. It has but one competitor, the Royal Bank of Canada, but its power, by reason of the monopoly above referred to, enjoyed by the National City Bank interests is greatly restricted.

Mr. President, I have here a very full and complete analysis of the fiscal affairs of Haiti, the disposition made of the loans

negotiated under American occupation, the receipts during each successive year, and the disbursements. I shall not take the time of the Senate to present this analysis, but feel warranted in stating that the record made by our Government in handling the customs and in controlling the fiscal affairs of Haiti is not without blemish. Indeed, it warrants, in my opinion, severe criticism. The interest and commissions on the Haitian debt are more than one-third of the national budget; and if an additional loan is negotiated and forced upon the Haitian people, and I am advised that this is the purpose of General Russell and our Government, then the burdens of the Haitian people will be increased far beyond the necessities of the situation and to a point which can not be justified.

It is stated by Haitians of standing, and also by persons who have investigated conditions in Haiti, that the National Railroad Co. of Haiti, a New York corporation, has received bonds aggregating more than $2,660,000, being a part of the $40,000,000 authorized bond issue which I have just mentioned, and that this corporation was not entitled to payment because it had utterly failed to carry out its contract. Moreover, the short segments of railroad constructed are of no utility and of but little if any value. This so-called railroad parallels the seacoast, and from the beginning has been a complete failure. It is charged that enormous salaries were paid to officials, particularly Rodger L. Farnum, of New York. To compel payment of the claims of this company, as have been done by the United States, through the issuance and delivery of bonds, is an act of injustice. I submit that it is wrong to compel Haiti to make this payment.

It would seem that one of the purposes of the United States in Haiti is to enable the National City Bank to control the fiscal affairs of Haiti and to enforce the payment of unjust claims such as those preferred by the American Railroad Co. which I have just mentioned. There are those who assert that Wall Street and speculators of Wall Street are to be protected and their investments made secure, and that the United States is to spend millions in maintaining military forces in Haiti to accomplish that result.

Mr. President, there are many Americans given important positions in what might be called the civil and administrative positions in Haiti. The Haitians complain bitterly because of "carpetbaggers" being sent to their country and because of the high salaries paid them. My information is that some officers of the United States Navy and Marine Corps, in addition to receiving their regular salaries as officers of the Navy, are paid from the Haitian treasury for the services claimed to be rendered by them.

My information is that more than $400,000 is annually taken from the Haitian treasury to meet the charges of American civilians and officers of the Government and Marine Corps who are maintained by the United States in Haiti. Many of these Americans whom the Haitian people are forced to receive and pay have no knowledge of the French language and it is claimed by the Haitian people that they have no proper sympathy for the Haitians, nor do they understand their situation and their ideals, nor do they have a proper regard for the wishes and aspirations of the Haitian people.

Some American officers have been detailed as financial advisers and controllers in Haitian municipalities, so that the fiscal affairs of the entire country are dominated and controlled by the occupational forces of the United States. The constabularly or gendarmery have been placed under the command of American marines, and are trained as a military organization and are employed as instruments to control the public affairs in Haiti and to enforce the will of General Russell, who presumably is speaking for our State Department and the Government of the United States. My information is that the American officers in charge of the gendarmery have in some instances been given commissions as prosecuting attorneys with powers not only to arrest alleged offenders but prosecute them before the courts, and that they also use their military authority to compel judges to punish political offenders taken before them.

The convention of September 16, 1915, contemplated that a protocol providing for the settlement of claims against the Haitian Government be entered into between the United States and Haiti. This protocol was signed October 3, 1919, and set up a commission to settle these claims. It was secret and not officially published in Haiti until 1924. The commission, however, did not actually organize until April, 1923. It was required to complete its work in two years. It is, however, still functioning, but in a manner not satisfactory to the Haitian people.

Mr. President, General Russell has indicated his opposition to the judicial system and to the courts of Haiti, and he and Borno have, in violation of the constitution of Haiti, attempted to remove judges whose tenure of office was for life. Judges who were independent and who sought to enforce the law have been the objects of their displeasure and the victims of persecution. There have been servile judges, who sent more than 23 journalists to prison during the last two or three years because they criticized through the press the military occupation of their country and the usurpations by Louis Borno, claiming to be President of Haiti. The freedom of the press has been destroyed, and men have been imprisoned who have been discharging their duty to their country and protesting against the alien military forces occupying their country and controlling their government. Borno has assailed the people of Haiti; he has denounced them as ignorant and unworthy to exercise the rights of franchise or participate in the affairs of government.

This position seems to be indorsed by General Russell and upheld by the present administration in the United States. The hypocrisy of this position is apparent when reference is made to the fact that our Government, as well as Borno, claim that the constitution under which they are pretending to act was adopted by the votes of the Haitian people. They were sufficiently literate to vote for a constitution but are wholly unworthy to vote for officials to serve under such constitution. Our Government having abolished the national legislature by military force and having set up an executive branch, supported and directed by military forces, has sought and now purposes to overthrow and destroy the judiciary and thus subject the people to the absolute control of military forces.

Numerous Haitians have been arrested and imprisoned when they criticized American occupation and the government of their country by foreign military force, and protested against the usurpations of Borno, the suppression of the national legislature, the policy which is permitting American capitalists to acquire valuable landed interests in Haiti, and generally the unsatisfactory condition of their country by reason of the intervention of the United States and its subsequent and present unwarranted control over Haiti and her people. Journalists whose criticisms have been entirely warranted have been denied their liberty and have been imprisoned for periods ranging from a few months to 10 months. Complete freedom of speech does not exist, and freedom of the press has practically been destroyed.

More than 40 journalists have been arrested within the past year. Some are still incarcerated. A letter which I have just received states that two have been liberated within the past few days. Conditions have been so deplorable that even Senator McCormick, whose untimely death we so much deplore, a short time before his demise offered a resolution in the Senate which, in part, is as follows:

> Whereas martial or military law was proclaimed in the territory of the Republic of Haiti by the commander of the American military forces landed there in 1915; and
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> Whereas such military law continues effective throughout the territory of a friendly Republic by the authority of the President of the United States; and
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> Whereas under such military law citizens of Haiti are liable to arrest by the armed forces of the United States and to trial before military tribunals of the United States, nine years after military law was first proclaimed to the end that anarchy might be checked and civil order restored: Therefore be it
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> *Resolved*, That the continuance of such military or martial law and the liability of Haitian citizens throughout the Republic to trial before military tribunals of the United States is undemocratic, unrepublican, and contrary to the American ideals and the policies of Warren G. Harding, late President of the United States.

Senators will recall that Senator McCormick was chairman of the committee appointed to investigate Haitian conditions. The resolution just read is a damning indictment of the conduct of the United States in Haiti. He declares that there is still martial law and that Haitian citizens are subject to trial before military tribunals. This he denounces as "undemocratic and contrary to the ideals and policies of President Harding."

I am not able to determine whether the distinguished Senator intended to condemn President Coolidge and the present administration for continuing the military occupation and subjecting the Haitian people to military rule. During President Harding's administration, however, martial law existed and the Haitian people were subjected to the same military rule as that which existed when the resolution was offered in 1924, and which still exists in Haiti.

Mr. President, it is not to be wondered at that the Haitian people protest against the course of this Republic and the oppressive measures which it has adopted and still enforces to control the Haitian Government and rule the Haitian people.

Mr. President, I desire to call to the attention of the Senate an article written by Paul Y. Anderson, staff correspondent of the St. Louis Post-Dispatch. Mr. Anderson is a journalist of ability and standing. His article is based upon an interview given with Rev. Father Raymond A. McGowan, assistant to Dr. John A. Ryan, a noted social authority and director of the division on social welfare of the National Catholic Welfare Council, which is composed of all the Catholic bishops in America.

I read from Mr. Anderson's article as follows:

Father McGowan recently returned from a trip of inspection and study in Haiti. He declared to the writer that the outstanding consequences of the occupation were the following:

1. Free government and civil liberty have been destroyed.

2. The National City Bank of New York, a Rockefeller institution, has acquired complete domination over Haitian finances.

3. A nation of independent farmers is rapidly being transformed into a nation of plantation laborers, and their farms are being absorbed into plantations owned by American corporations.

Minor consequences, he went on, included the compulsory adoption of a new constitution, written in the Navy Department at Washington, the imprisonment of hundreds of Haitian leaders for protesting against the occupation, and the killing of hundreds of Haitians by the marines and the marine-officered gendarmerie.

Under the occupation, he said, the civil Government of Haiti has become an ignominious shell, without power except to concur in the recommendations of the American high commissioner, Brig. Gen. John H. Russell, of the marines. The national revenue is collected by an American official, who designates the purposes for which it may be spent. And the first purpose to which it is applied is the payment of interest and principal of the Haitian debt, to New York bankers. The salaries of Haitian officials who refuse to carry out orders are withheld until they submit.

FREE SPEECH DENIED

Under a remarkable order issued by former Secretary Denby of the Navy—an order which strongly resembles a law against lese majesty—any Haitian who criticizes the American occupation may be tried before a provost court, composed of marines. Haitians who resisted the occupation have been hunted down by the marines. A Senate committee which investigated the occupation in 1921 estimated the number of Haitians killed by the marines at about 1,500, including many women, children, and noncombatants. However, it justified the killings as necessary for the preservation of order.

Many of the facts alleged by the critics are not denied by the Navy Department, but a different face is placed upon them. It contends that all these measures were necessary for the rehabilitation of the country and the restoration of order, and that there has been no unnecessary force. It points, moreover, to the many material improvements that have been made in the island under marine control.

That many physical improvements have been made seems proven. That there has been wanton tyranny or unnecessary cruelty save in isolated instances seems improbable. What has happened appears simply to have been the inevitable consequences of the occupation of one country by the armed forces of another country. Military occupations have never been celebrated for their nice consideration of the occupied country's rights or feelings.

This question of whether the Americans have any right there colors every opinion concerning the occupation. The justice or injustice of the conduct of the force of opposition hinges largely on it.

Thus, to the marines, the rebellious natives are "bandits," and their revolutionary attacks are "bandit raids." To the Haitians who want their independence restored the rebels are patriotic heroes, sacrificing their lives in the cause of freedom. The State and Navy Departments say the marines are there to preserve order and restore peace. The Haitians and their American friends say it is no business of the State and Navy Departments to preserve order or restore peace in Haiti.

The Marine Corps officers say that the punishments imposed on the Haitians were necessary for the protection of the occupationary forces. The Haitians reply that the Germans made the same defense of their conduct in Belgium. The merits of the criticisms therefore depend largely upon the justification of the occupation itself.

The history of that occupation is the subject of a chapter in a new book called "Dollar Diplomacy," by Scott Nearing and James Freeman, noted liberal writers and lecturers, who criticize it at length in the most scathing language. Father McGowan told the writer that his observations had uniformly confirmed the statements in the book.

It is the conclusion of all three that the occupation resulted from two converging policies. One was the determination of the United States Navy to get a base there; the other was the determination of the National City Bank to acquire control of the country's finances.

Mr. Anderson in his article quotes from Father McGowan concerning the charge that American corporations are acquiring real estate, particularly in the rural districts:

The American officials are now recommending laws by which the banks will be able to foreclose without the consent of native judges. Generally speaking, these judges have been hostile to foreclosures. Hence their pay has been kept down, sometimes to as low as $10 a month, by the Americans holding the pursestrings. With interest rates at 15 to 18 per cent, the banks working with the plantation companies, and the farmers denied the protection of the native courts, the business of expropriating the native farmers will proceed much more rapidly and easily.

Mr. Anderson's interesting and enlightening article concludes with a statement by Father McGowan, who says that conditions in Haiti are quiet:

The Haitians have learned that they can not do much against the machine guns of the marines. They are dejected and helpless.

Mr. Percival Thoby, to whom I have referred, and who was former Haitian chargé d'affaires at Washington, and is now the representative of the Patriotic Union of Haiti, which seeks the independence of their country, states that—

for more than 100 years it has been a Haitian policy to grant to the Haitians small lots of the public land by concessions free of cost or by nine years' lease with a moderate rent paid to the State. It was an act of social justice. The chief agricultural products of Haiti pay heavy export duties and it is the peasants who bear the burden of the duties.

Mr. Thoby states that the Government rents have been raised on the lands, and in order to get rid of the Haitian farmers a new procedure has been established, under which—

the courts are not permitted to grant to a tenant more than eight days to quit and 40 days if the latter has built on the lot. The tenant has no right to oppose the procedure or to appeal to a higher court. The administration is, also, forcing the peasants to produce their land titles. But most of these titles have been destroyed by damp, insects, fire, etc.; and according to the people's custom a succession is settled, ordinarily by family agreement, each one receiving his lot without any title, and that to save the expenses of a settlement by notary or by the court. Those who can not produce their titles are expelled from their lots. Large tracts of Government land are to be given to American companies to start rubber plantations in Haiti. The result will be that the peasants will emigrate in number. In 1924, 21,013 went to Cuba. Last year they numbered about 30,000. Large groups of families are crossing the Dominican border, deserting the plain of Culdesac, in the Port au Prince district.

The exploitation of Haiti is the main causes of the sad misery of its masses and of the expatriation of its best workers.

I might add that Mr. Thoby is a man of ability and education. He is a diplomat who has served his country in honorable positions, and who now represents 61 committees of the Petriotic Union of Haiti, which comprises thousands of the citizens of Haiti. It is the purpose of these Haitian organizations to present to the American people the deplorable conditions existing in Haiti and to appeal to this Nation to withdraw its military forces and to restore to the Haitian people the control of their own government.

Mr. President, a number of Haitians have called on me during the past year, and quite recently several intelligent and representative Haitians visited me here in Washington. They submitted reports and memoranda as to conditions in Haiti, and presented facts and figures which furnish convincing proof of the wrong which our country has done to the Haitian people. In my opinion, the situation demands that the United States withdraw from Haiti. Notwithstanding the "helpless and dejected condition" to which Father McGowan referred, there is a growing resentment among the people against the course of the United States, and an increasing demand that American marines be withdrawn and the Haitian people permitted to again have their own government.

In my opinion, the situation in Haiti, while not critical, is such as to demand immediate consideration by the United States. The recent election of Borno as President has aroused the people, and the unconstitutional and oppressive methods employed by him under the direction of General Russell and the United States, are bound to provoke irritation and resentments which may culminate in consequences of a most serious character.

I have just received a letter from Haiti from a man of honor and integrity, in which he refers to the anger of the people when Borno was forced upon them again a few days ago by General Russell and Borno's henchmen and satellites.

The letter proceeds:

Borno was reelected as President. The fact is that the whole proceedings were a farce. Borno is not President, and his pretended election was

a fraud upon the people and was brought about by the military forces and the bayonets of the United States.

On the day of the so-called election a large number of Haitians came to Port au Prince, the capital of the country, to protest against what the writer of the letter just referred to declared to be—

The infamy that was about to be perpetrated. They protested against the election of Borno and the usurpation of their national legislature. When they made these protests drastic military measures were taken. Nobody was allowed around the building (referring to the capitol) without a pass, and very few passes were given, and no one could enter. All the streets leading to the building were closed and guarded by squads of constabulary and American officers. Thousands of the citizens, women and children, were crying "Down with Borno."

The people wanted a president of their own choice. They were unwilling to submit to the tyranny that we are imposing upon them.

At half past 10 in the morning the farce was played in 10 minutes in the presence of the American extraordinary commissioner and ambassador with plenipotentiary powers.

A military officer sent to Haiti by the President of the United States and maintained there by the Executive of the United States. The writer states that—

When the people heard that Borno was declared elected they became infuriated and protested against the farcical and fraudulent election. An American officer, while trying to arrest a citizen who was protesting with stones, fired two shots, and, following that signal, members of the constabulary also fired. Some bystanders were wounded, and the crowd, especially the women and children, answered by stoning the police and protesting loudly against the so-called election. A moment after there began again the wholesale arrest of citizens. The day before a certain number of nationalists had been imprisoned.

The letter from which I am reading continues:

I am inclosing you a clipping from the semiofficial newspaper Le Matin admitting that the police had fired, but to maintain order, said that paper. You will also read in the same clipping a semiofficial statement about the so-called reelection. I send you also a clipping of Le Courrier Haitian, an antioccupationist paper, with its statement about the Russell-Borno farce.

The clipping from Le Matin, under the head of "Firing," states:

Yesterday after the session of the national assembly in order to maintain order and to stop the extravagancies of certain manifestants the police caused to be fired a few shots. Order was restored immediately.

Senators will observe that this paper, which is controlled by General Russell and Borno, the so-called President, denominates the council which selected Borno as "the national assembly." Of course, that is not true, as the national assembly was abolished by the United States several years ago and the Haitians have been prevented since that time from holding elections.

The Courrier Haitian's account of the incident is quite different. It states that when the news was given out that Borno was reelected "the anger of the people who were powerless manifested itself." There were cries of "Down with Borno and the reelection." An officer of the gendarmerie drew his revolver and fired two shots and thereupon shots were fired from two sides by the gendarmerie. A number of the populace, all of whom were unarmed, defended themselves and threw some stones at the armed gendarmerie and marines.

Mr. President, our Haitian experiment in imperialism has been a costly one. I think it has proven a tragic one. The situation is unbearable and can not long be continued without consequences of the gravest character. The Haitian people have their own problems and it is the Haitian people who must solve them. It is obvious they can not solve their problems without a restoration of their political institutions. The United States can not deny the Haitians the benefits of the brand of political liberty and responsibility which our Government professes and which we have declared to be the inalienable right of every people.

It is incumbent upon the United States to give serious attention to the making of immediate arrangements to withdraw our naval forces from Haiti, to release our control over the political and fiscal affairs of the Haitian Government, and to accord the people of Haiti their inalienable and constitutional rights. The Haitian people can not be held responsible for conditions in Haiti unless they have complete liberty to deal with these responsibilities and to accept the consequences of their free and independent acts.

In my opinion, if the executive department refuses to do its duty and to withdraw our military forces, Congress should enact such legislation as will bring about that result.

Mr. President, our course is clear, our duty is plain, Haiti belongs to the Haitians, not to the United States or the banks of Wall Street, or exploiting American capitalists. The Haitian people should immediately be permitted to hold a constitutional convention and form an organic act which meets their desires. We forced upon them a constitution, materially changing the one which was in force when we seized their territory and their Government. They should be permitted to return to their old constitution or to adopt one which meets their views. When an election shall have been held under such constitution, and officials are chosen to take over the Government, the United States should immediately withdraw its military forces and surrender control of the Government to the chosen representatives of the people.

Mr. President, I ask that the resolution which I had read at the beginning of my remarks may be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The resolution will be so referred.

Mr. KING, in concluding his speech, said:

Mr. President, I ask that the resolution which I had read at the beginning of my remarks may be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The resolution will be so referred.

CALL OF THE ROLL

Mr. COUZENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	McLean	Sackett
Bayard	Ferris	McMaster	Schall
Bingham	Fess	McNary	Sheppard
Blease	Frazier	Mayfield	Shipstead
Borah	George	Means	Shortridge
Bratton	Glass	Metcalf	Simmons
Broussard	Goff	Moses	Smoot
Bruce	Hale	Neely	Stanfield
Butler	Harreld	Norbeck	Steck
Cameron	Harris	Norris	Stephens
Caraway	Heflin	Nye	Swanson
Copeland	Johnson	Oddie	Trammell
Couzens	Jones, N. Mex.	Overman	Tyson
Cummins	Jones, Wash.	Phipps	Wadsworth
Dale	Kendrick	Pine	Walsh
Deneen	Keyes	Ransdell	Warren
Dill	King	Reed, Mo.	Weller
Edge	La Follette	Reed, Pa.	Wheeler
Edwards	Lenroot	Robinson, Ark.	Williams
Ernst	McKellar	Robinson, Ind.	Willis

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present.

EFFECT OF THE TARIFF ON OHIO, INDIANA, AND ILLINOIS

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent to have inserted in the RECORD an article entitled "What the tariff does to Ohio, Indiana, and Illinois."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Great are Ohio, Indiana, and Illinois. Great in the character and force of their people and their contribution to America's development and wealth.

Taken together they include one-seventh of the Nation's population, in one twenty-third of its area. Illinois ranks third in population among all the States, Ohio fourth, and Indiana eleventh. They number about 16,000,000 souls, or more than twice the number in all New England, and are increasing twice as fast.

They are at the Nation's heart, its center of population.

They are great in transportation by land and water, in their rivers and their northern water front.

They produce, in value, one-fifth of the manufactured products of the Nation, and employ more than one-fifth of the Nation's factory workers.

Their mines yield nearly one-sixth of the coal that warms the Nation's homes and runs its machinery. Coal constitutes 48 per cent in value of the Nation's total production of minerals.

In 1920 their farm products were valued at $2,023,000,000, or one-tenth of the Nation's total. They marketed nearly $1,000,000,000 worth of livestock, or one-eighth of the Nation's total. In the production of America's greatest crop, corn, Illinois ranks second among all the States, Indiana fourth, and Ohio fifth. In wheat, Illinois is second, Ohio sixth, and Indiana eighth. In oats, Illinois is second, Indiana seventh, and Ohio ninth. In livestock, Illinois is third, Ohio tenth, and Indiana eleventh. They possess one-eighth of the dairy

cows in the United States, one-sixth of the poultry, and 11,480,000 swine, or one-fifth of the Nation's total, swine being the form in which most of America's corn goes to market, "condensed corn," as it were.

> To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprise and build up private fortunes, is none the less robbery because it is done under the forms of law and is called taxation. (Supreme Court of the United States—Marshall case.)

Of their 15,654,784 people, more than one-fifth, or 3,146,000, live upon their 699,000 farms, being one-tenth of the Nation's farm population and one-eighth of its farms. The value of their farm property in 1920 was $12,800,000,000, or one-sixth of the Nation's farm property.

Were it not for Chicago, the Nation's second city in size, the proportion of farmers to the total population in these States would be about the same as for the country at large, which is 30 per cent.

The varied occupations in these States are so well balanced, each with the others, that their study is virtually a study of the common interests of the Nation as a whole.

Like the Nation generally, these States are prosperous beyond all the records of history except in agriculture, the fundamental industry, which is in utmost distress, as it is generally throughout the Nation.

WHAT IS THE MATTER WITH AGRICULTURE

American farmers, on the whole, have struggled desperately but to no advantage since the World War. The value of farm lands is a barometer of agriculture prosperity. In 1920 the farm lands of these States were valued at $9,468,000,000. If this value had held it would indicate that American farmers are about as prosperous as manufacturers and distributers. But this 1919 value of farm lands shrank to $5,993,000,000 in 1925. It shrank 35 per cent in Ohio in this 5-year period, 42 per cent in Indiana, and 34 per cent in Illinois, an average shrinkage for the three States of 36 per cent. Even so, they are more fortunate than the Mountain States; Montana, for instance, with a shrinkage in land value of 41 per cent, and the eastern cotton States, Georgia for instance, with a shrinkage of 40 per cent. The shrinkage in these three States is fairly representative of the Northern States as a whole from the Rocky Mountains to the northeastern seaboard States of little and cheap farms whose values have shrunk little or none.

The value of the farm lands in Ohio, Indiana, and Illinois in January, 1925, was only 5 per cent more than 15 years before, in 1910, when their value was $5,705,000,000. These farm lands have increased in value only one-third of 1 per cent per year in 15 years.

As reported by the Secretary of Agriculture, after a thorough investigation in 1924, American farmers, as a whole, lost 3.1 per cent of their capital in the farm year 1920–21; in 1921–22 they lost 1.4 per cent; in 1922–23 they gained 1.5 per cent; and in 1923–24 they gained 1.4 per cent.

In the best of these years they gained 1½ per cent on their capital, or less than one-fourth of the rate they paid on their farm mortgages, 6.7 per cent.

The average farmer received for his management and his personal labor in 1922–23, $454, and in 1923–24, $520. In 1922–23 he got $46 less than he paid his hired man, without board; in 1923–24 he got $43 less than his hired man.

MARCH 9, 1926.

> The facts and figures as to what the farmer is making, how he is living, what he has, etc., as compared with 25 and 30 years ago, I am sure would alarm any of us. * * * As an example, in one State 30 years ago there were $100,000,000 of farm mortgages, and to-day there are $500,000,000 on the same identical farms, to all intents and purposes. * * *
>
> Based upon the history of other countries where agriculture has gone down in peasantry, * * * the change that has come over agriculture in the last 30 years—not the immediate situation but the general trend—is that we are on the way.
>
> E. T. MEREDITH,
> *Former Secretary of Agriculture.*

Can anyone wonder that American farmers are in organized rebellion, refusing longer to constitute a disfavored class in a land of amazing prosperity and wealth. No longer can they resort to old-time methods whereby they extracted some 90 cents of soil value by the use of 30 cents of labor and supplies, sold the product for a dollar, and then converted the loss into a profit by marking up their land values.

Nor is it a question of this crop or that, for the yield of any crop is in the hands of Providence. The same acreage that yields a bountiful crop one year yields a fourth or a third less another year, depending upon the weather. Nor is it a question of diversification of products. American farmers in their major products are doing substantially the best that they can. And the world is producing far less of farm products per capita of population than 50 years ago. It needs more food, not less.

THE AGRICULTURE DISEASE

> The ruinously low prices of wheat in 1923 is not a new agricultural disease. It is just one more acute symptom of the general trouble from which agriculture is suffering. The disease itself is the distorted relationship between prices of farm products and prices of other commodities. This is not a new diagnosis. It has been pointed out from time to time for the last two and one-half years.
>
> The farmer could get along fairly well with present prices of what he has to sell if prices of what he must buy were down accordingly. But prices on other things remain high. That is what hurts.
>
> When all is said and done, the fundamental fact remains to be dealt with. Agriculture and industry and commerce must be brought into more nearly normal relationship, and until this is done these acute agriculture troubles will develop one after another.
>
> H. C. WALLACE,
> *Secretary of Agriculture.*

AUGUST, 1923.

American farmers sell in the lowest market in the world, the export or world market, in competition with the lowest-paid labor in the world. They buy in the highest market in the world, the American home market. They sell nearly one-fifth, or $2,000,000,000 worth of their farm products in free-trade England and other countries. They buy their manufactured requirements in the American market in which foreign competition is impossible on reasonably protective terms, either on manufactured articles that cost no more to produce in the United States than abroad, or on articles that cost less abroad, but should be imported under such moderately protective tariff rates as would prevent excessive domestic prices on either home-made or imported articles, and would permit foreign countries to import American foodstuffs more freely and pay for them, in larger part at least, by their exports, rather than by American bank loans that they can see no way of paying. Some countries go so far, friendly Denmark, for instance, as to borrow money in New York on long time with which to buy foodstuffs in Argentina. Like Germany and France, Denmark is afraid to buy a dollar's worth of farm or other products in the United States that she can avoid.

American farmers sell "Europe minus"; that is, at Liverpool and Hamburg prices less freight. They buy their manufactured requirements, in far too many instances, "Europe plus"; that is, at European prices plus the tariff, and sometimes plus also ocean freights.

"The American farmer is the milch cow of protection" thus unjustly applied.

What the tariff does to Ohio, Indiana, and Illinois is therefore of vital interest to the farmers of these States, to other farmers, and to the general public.

IS THE TARIFF ADDED TO PRICES?

The question, Is the tariff added to prices, should answer itself. If producers can add the tariff to their prices, they do. If they can't, they don't.

Farmers add all the tariff to their prices of wool, sugar beets, flaxseed, citrus fruits, and nuts, and to certain grades of tobacco that is grown under cloth shades. They add the tariff on these commodities because domestic production is less than domestic requirements; in wool and sugar less than half. Evidently domestic producers simply meet the prices of imports of these things, being their foreign prices, plus ocean freights, plus the duty. On substantially all other farm products no duty of consequence is added, for reasons given elsewhere.

American producers of heavy-steel products, with rare and occasional exceptions, add all the tariff to their prices and often also the freight charges from Europe on competing imports. (See "Farm implements" below.) To estimate, as in the following tables, that only one-half of the tariff is added to prices is to leave a large margin of actual tariff charges in some industries to offset others where less than half of the duty is added.

Tariff charges in glass and glassware, aluminum and aluminum utensils, in chemicals, in lead, in acetylene and welding gases, and in various industries not included in these studies will offset possible overestimates in articles here considered.

In light-steel products it is estimated that only one-half of the tariff is added to prices. In some all the tariff is added. In others, like locomotives, automobile, and foundry products, none of the tariff given to the particular industry is added. Domestic competition prevents.

In all cases the cost to the manufacturers of highly finished steel products of the steel they use is greatly increased by the tariff, and this increase is passed on with additions for the cost of further manufactur-

ing. This largely increases the price of every steel product to consumers, adding, for instance, $100,000,000 to the retail prices of farm implements, although these implements are on the free list. When, in addition to this extra charge for steel, industries like cutlery, files, saws, and electrical machinery, add all, or a considerable part, of the duties given to these industries, and these additions are doubled at retail, the final tariff cost is great; so of aluminum, wood, asbestos, plate glass, and other products.

The same reasoning as in the case of farm implements applied to American railways shows that their purchases of steel products annually cost them approximately $500,000,000 more because of the tariff. One way to lower freight rates is to relieve the railways from all, or a considerable part, of this tariff burden. The pyramiding of the steel tariff from basic to highly finished product corresponds to the wool tariff, which is trebled, as elsewhere shown, in passing from raw wool to clothing at retail.

Conditions governing the item of general merchandise in the tables correspond to those in light-steel products.

The estimated addition of one-half of the duties to prices allows much less than the tariff rates given in the so-called "low tariff" of 1913 on manufactured products. Indeed, some of the rates in that tariff had been unchanged through all the tariffs since 1865.

If any industry denies that it adds this one-half, let it explain why it demanded the other half and why so many manufacturers fought for the other half, often by misdirection and chicanery. Let them petition the President to reduce their present rates one-half, as he is authorized to do upon submission of facts. Such petitions would have more effect than general denials.

EVEN CHAIRMAN M'CUMBER

(Joint author, Fordney-McCumber tariff)

> The only good reason for allowing products to come into this country to compete with our own is to hold down and prevent any extortionate charges being made by the producers in our own country. We want foreign competition to prevent combination. (CONGRESSIONAL RECORD, July 26, 1922.)

As retail prices usually are about double factory costs, owing to the many hands through which the merchandise passes to the consumer and the many additions of costs and profits, the tariff added by manufacturers is doubled in consumers' prices.

In other pamphlets the Fair Tariff League analyzes "general merchandise" as sold in retail stores to the amount of $30,000,000,000 and $5,000,000,000 of steel and iron products, indicating how many industries add all, or the greater part, of their duties to their prices. Some manufacturers have been indicted by Federal courts and some sentenced to the penitentiary for price fixing, for adding all they could to their prices.

Manufacturers in many lines object seriously to the tariff, knowing it to be grossly overprotective, and in the long run against everyone's best interest. In all the strictly agricultural States—Iowa, Nebraska, Kansas, and Texas, for instance—there is scarcely a single manufacturer who profits from the tariff, because they are engaged in preparing foodstuffs for market, in meat packing, canning, in bakery and ice-cream making (these two industries usually ranking among the 10 leading manufacturing industries in these agricultural States, not because they are so great but because these States have none of the kinds of manufacturing that distinguishes the Eastern States), or in the "upkeep trades"—railway and automobile repairing, foundries, etc.

It is the few great groups who, by price control or otherwise, have millions of dollars to make by excessive duties, who fight for and get excessive rates, whether in manufacturing, wool, sugar, or what not.

AGRICULTURE

American farmers are so hurt by the present tariff and so few of them (less than 5 per cent) get any worth-while advantage from it, that a close analysis of their tariff rates may seem unkind or inconsiderate. It is best, however, to determine as closely as may be what each tariff rate means, whether on farm or other products.

Let us first note the vital connection between the farmers' reduced purchasing power and the prices and tariff rates on the things that farmers buy. And let us approach this subject with faith in the American policy of protection, fairly applied, to American labor and industries. It is a not a question of protection or free trade. The question is: Protection, honest or dishonest, fair or profiteering?

The following calculations are based upon Government statistics and approved by competent and dependable authorities:

What the tariff does to Ohio

(Census, 1920)

Population	5,759,394
Farm population	1,139,329
Nonfarmers	4,620,000
Number of farms	257,000

Agricultural schedule

United States crops materially affected by the tariff	Tariff gain to a few Ohio farmers	Cost to farmers as consumers	Cost to nonfarming population	Cost to State	Cost to United States
Wool	$2,124,000	$3,133,000	$12,705,000	$15,838,000	$300,000,000
Sugar beets [1]	1,098,000	2,298,000	9,240,000	11,538,000	216,000,000
Flaxseed	None.	342,000	1,386,000	1,728,000	30,000,000
Lemons	None.	114,000	462,000	576,000	10,000,000
Tobacco	None.	197,000	785,000	982,000	52,000,000
Total	3,220,000	6,084,000	24,578,000	30,662,000	609,000,000

[1] On the basis of 60 per cent of the sugar of the sugar tariff going to farmers and 40 per cent to the sugar factories. In Mountain States only half the duty goes to farmers.

Farmers, as consumers, loss on agricultural schedule	$6,084,000
A few farmers gain	3,220,000
Lost to farmers on the agricultural schedule, net	2,864,000

The State, as a whole, loses on agricultural schedule, net $27,442,000.

Farmers lose on their own schedule nearly $2 to $1 of gain.

The State loses on agricultural schedule $8.50 to $1 of gain.

Manufacturers' schedule

(On the basis of one-half of the duties being added to prices in certain industries)

	Cost to farmers as consumers	Cost to nonfarming population	Cost to State	Cost to United States
Heavy steel products	$4,621,000	$16,170,000	$20,891,000	$375,000,000
Light steel products	8,545,000	34,650,000	43,195,000	750,000,000
General store merchandise	27,344,000	100,880,000	128,224,000	2,475,000,000
Total	40,510,000	151,700,000	192,210,000	3,600,000,000

Less to farmers on manufacturers' schedules, $40,510,000.

Loss to State on manufacturers' schedules, $192,210,000.

Farmers lose, on all schedules, net, $43,374,000, or $14 to $1 of gain.

The State loses, on all schedules, net, $219,652,000, or $68 to $1 of gain.

Against this total loss of $219,652,000 to the people of Ohio is to be offset the tariff profits of stockholders in her steel, glass, chinaware, knit goods, and other overprotected industries. The capital stock in many of these industries is sold in Wall Street and owned outside of Ohio, so that it is impossible to determine how much of these tariff profits accrue to Ohio residents. (See Fair Tariff League's leaflet on Protection, 20 cents on request.)

THE PURCHASING POWER OF AMERICAN FARMERS

American farmers were only comfortably prosperous in the pre-war years ending with 1913. Since the war, barring two years of depression and readjustment, all other occupations have been marvelously prosperous. How about the farmers?

In September, 1922, the purchasing power of American farmers was 32.4 per cent less than in the pre-war year 1913; in November, 1923, their purchasing power was 33 per cent less than in 1913; in November, 1924, it was 16 per cent less; and in November, 1925, it was 24 per cent less.

This is a crucial situation confronting American farmers and all Americans. Unless we are to have an agricultural peasantry in America, as in all other countries, this situation must be corrected at once; meaning by peasantry a class that has abandoned hope of living like other classes and has accepted the position of mere servants and burden bearers. It is not in expectation of this outcome that the facts are here presented, but in expectation of preventive action.

For purpose of comparison, let us take the year 1925. In 1925 the selling prices of 14 major and representative farm products were 45 per cent higher than 1913, but the prices of 53 commodities fairly representative of the things that farmers must buy, and including by far the greater part of their purchasers, were 80 per cent higher than in 1913. These 53 commodities include foodstuffs, clothing, household supplies, building materials, feed and fertilizers, and general farm supplies. The 14 farm products here considered are the major staples upon which American agriculture principally depends: The cereals—corn, wheat, oats, barley, and rye; livestock—hogs, cattle, beef, wool, and hides; and the principal southern crops—cotton, tobacco, peanuts, and rice.

From the production and sale of these 14 major products the farmers' purchasing power averaged 24 per cent less in 1925 than in 1913 in respect to his 53 budget commodities here considered (145 plus 24 per cent equals 180).

Movement of wholesale prices
(1913=100)

Commodities	September, 1922	November, 1923	November, 1924	November, 1925
Farm products	133.4	145.6	149.5	163.9
Wheat:				
No. 1 Northern Spring, Chicago	123.7	119.6	167.5	176.5
No. 2 Red Winter, Chicago	108.5	107.5	159.6	173.5
Oats, Chicago, contract grades	102.1	117.5	139.5	107.3
Corn, Chicago, contract grades	101.6	134.7	180.8	134.5
Barley, Chicago	94.4	105.0	138.1	114.3
Rye, Chicago	112.3	111.2	206.2	134.7
Hogs, heavy, Chicago	109.6	85.2	114.5	135.3
Cattle, choice to prime, Chicago	126.3	125.0	123.9	144.6
Beef, carcass, good native steers, Chicago	119.7	135.1	140.9	137.1
Hides, packers, heavy native steers, Chicago	115.6	76.8	94.5	88.7
Cotton, middling, New Orleans	164.4	266.5	189.0	156.1
Wool, Ohio, half blood, scoured	227.3	212.4	255.7	212.4
Peanuts, No. 1, per pound, Norfolk, Va	100.3	151.5	183.9	127.3
Tobacco, Burley, good leaf, Louisville	208.8	212.1	185.6	189.4
Rice, Honduras, New Orleans	124.5	103.6	122.3	145.2
Average, 14 farm products	131.2	137.6	160.1	145.1
Average 53 farmers' purchases	173.5	182.0	185.6	180.0
Spread between farm products and farmers' purchases	42.3	44.4	25.5	34.9
Farm prices, increase in 1925 over 1913	31.2	37.6	60.0	45.1
Shortage in farmers' purchasing power	32.4	33.0	16.0	24.0

As the price index of the Department of Agriculture gives the price increase for all farm products as 44 per cent higher in November, 1925, than in 1913, as against the 45 per cent increase shown for the 14 major products here considered, it is evident that these 14 products offer an exact basis for comparison, and that if all products were included the conclusion would be worse for the farmers but in so slight measure as to be negligible.

General farm supplies, fertilizers, feed, gasoline, etc., were only 30 per cent higher in 1925 than in 1913. On these the farmers' purchasing power was 10 per cent greater in 1925 than in 1913.

Foodstuffs: Farmers spend 18⅔ per cent of their incomes in the purchase of foodstuffs. They are the largest item in the farmers' budget. These were only 2 per cent higher in 1925 than in 1913 in terms of the farmers' purchasing power. That is, the farmers' purchasing power was 45 per cent higher in 1925, while his flour, sugar, coffee, lemons, bananas, raisins, olive oil, corn oil (crude), vinegar, molasses, and salt averaged 48 per cent higher, the increase being only 2 per cent more than on farm products.

Evidently as the increase in the farmers' purchase prices of foodstuffs and farm supplies (which together consume more than one-fourth of all their expenditures) averaged decidedly lower than the average increase for all their purchases, the price increase in his highly finished manufactured purchases must have exceeded the 24 per cent average increase for all their purchases by an amount so much bigger than 24 per cent as to offset the saving on foodstuffs and farm supplies.

As one of the reasons for the tariff is to raise domestic prices, the tariff rates are stated in parenthesis below for later consideration.

Clothing: Clothing is the farmer's next largest expenditure, taking 15 per cent of his income.

Against the 45 per cent increase in farm products, farmers paid 121.5 per cent more for their cotton underwear (tariff, 50 per cent), and 117 per cent more for their cotton hose (tariff, 50 per cent), although an American operative, using American cotton, knits 1,800 pairs per day for one-sixth of 1 cent per pair.

Men's woolen suitings (clay, worsted diagonal, 16 ounces) were 101.7 per cent higher (tariff, 74 per cent), and woolen serge suitings, 11 ounces, 106.7 per cent higher (tariff, 74 per cent). Women's dress goods, 35 inches, 142.4 per cent higher (tariff, 74 per cent to 101 per cent), and poplin, cotton warp, 97.4 per cent higher (tariff, 74 per cent). Men's underwear, woolen union suits, 33 per cent worsted, 109.6 per cent higher (tariff, 63 per cent).

The average price increase in the 11 articles of clothing in the farmer's budget was 108.3 per cent higher than pre-war, as against an increase of only 45 per cent in the selling prices of farm products. In buying his clothing the farmer's purchasing power was 43⅓ per cent short in 1925.

WHO PAYS THE DUTY?

(Senator LENROOT, Republican, Wisconsin, June 20, 1923)

"Upon an article like this (cotton gloves) used in every home in the land, we ought not to tax the American people more than 75 per cent." He knows who pays the duty—the consumer—"only 75 per cent."

Said Senator McCumber regarding wheat: "We want higher prices. When the crop (hard spring wheat) is short, we add all the duty. When crops are heavy, we get half the duty." He knows who pays—the consumer.

Household supplies: Fifteen staple articles representative of the farmers' purchases of household supplies averaged 97.5 per cent higher in 1925 than in 1913. In buying these articles the farmers' purchasing power was short 36 per cent.

Bedroom sets (wood, three pieces, Chicago price control) were 56.7 per cent higher (tariff, 33⅓ per cent, price control) than in 1913, and dining-room tables, extension, 62.3 per cent higher (tariff, 33⅓ per cent). Glass tumblers were 66.7 per cent higher (tariff, 50 per cent), and glass pitchers 181 per cent higher (tariff, 50 per cent); white granite plates 111.5 per cent higher (tariff, 31 per cent); carvers, 8 inches, 80 per cent higher (tariff, 70 per cent), and knives and forks 117 per cent higher (tariff, 66 to 77 per cent); cotton blankets 131 per cent higher (tariff, 25 per cent, and probable price control); wool blankets, 4 to 5 pounds, per pair, 85 per cent (tariff, 56 to 77 per cent); cotton sewing thread, 86 per cent (tariff, 24 per cent, with price control); laundry soap, 35 per cent (tariff, 15 per cent); quinine sulphate, 127.7 per cent (free); and epsom salts, 127 per cent (tariff, 77 per cent).

Building materials: On 10 building materials prices averaged 87.6 per cent higher in 1925 than in 1913, leaving the farmer with 20 per cent less purchasing power than before the war.

On these 10 building materials the least increase was on window glass, single A, 37.9 per cent (tariff, 27.4 per cent). In 1920 the increase was 203 per cent over 1913. Their indictment, and the sentencing to the penitentiary of manufacturers of certain other commodities in 1923 for price fixing, may account for their lower price in 1925.

> There is only one reason for continuous tariff agitation. Every tariff made in the old way has been bad in important respects, bad the day it was made and every day thereafter until succeeded by another, also bad. We are compelled to agitate as against error and misuse. Make a tariff right and agitation will be impossible as well as unnecessary and unjustifiable. (National Association of Manufacturers, 1908.)

Yellow-pine lath (free) was 109 per cent higher and shingles (free) 59.5 per cent; slate roofing 159.5 per cent (tariff 15 per cent); and Portland cement 68.4 per cent (free). The increase in the latter was 20 points less than the average increase for the 10 commodities. There was an earnest, but unsuccessful, effort to give cement makers a 25 per cent duty in the present tariff, but they were left on the free list.

White lead was 125.6 per cent (free, and probable price control) higher in 1925 than in 1913; wire nails 51 per cent higher (tariff 19 per cent, and probable price control); and cast-iron pipe 120 per cent higher (tariff 20 per cent). In 1920 the price of cast-iron pipe was 236 per cent above 1913. The decline in price from 1920 to 1925 was presumably due, in part at least, to the indictment of the producers, as in the case of window glass. Terne plate (sheet-iron roofing) 66½ per cent higher (tariff 14¾ per cent).

The average price increase in 1925 in 10 representative building materials was 87.6 per cent above 1913, or nearly twice the increase in the prices of farm products, leaving farmers 30 per cent short in purchasing power as compared with 1913.

PRICE FIXING—EXAMPLE AND METHOD

> Justice Day, of the Supreme Court, in his dissenting opinion of March 1, 1920, held that the United States Steel Corporation "for many years after its formation had exerted its power to control and maintain prices by pools, associations, trade meetings, and dinners, and that in combination with its competitors it had an ability to fix prices and restrain the free flow of commerce upon a scale heretofore unapproached in the history of corporate organization in this country."
>
> It is the imperative duty of Congress, guardian of the public interest, to give no penny of duty not required upon definite proof.

Note that while farmers were hurt less in their purchases of household supplies and building materials than in clothing, the tariff rates were correspondingly lower on the former commodities.

Farm supplies: The average increase in prices of farm supplies in 1925 over 1913 was only 30.2 per cent, giving the farmers 10 per cent better purchasing power in 1925. Gasoline, largely used in farm machinery as well as automobiles, was only 15 per cent higher (free). Fertilizers (free) were scarcely any higher. Linseed meal (free) was 76 per cent higher, and pure Manila rope, in New York, 63.6 per cent higher. The linseed oil manufacturers, from whom comes linseed cake, charged 111.1 per cent more for this cake in 1925 than in 1913. They were compelled by the courts in 1923 to stop certain price-regulating methods. There may be some connection between this court procedure and the drop in price of linseed meal from 111 per cent above 1913 in May, 1920, to this 76 per cent in 1925.

The above figures often disclose a direct relation between the farmers' reduced purchasing power, his "handicap," and the tariff rates.

In other articles—some of the woolen goods, for instance—the tariff rate is more than the farmer's handicap, because in November, 1913, the

farmer was handicapped 35 per cent, being the tariff rate then in force. Add that handicap to the handicap since 1913, and we get almost exactly the present tariff rate on most of these items.

Summing up the preceding analysis of the farmer's purchases, we find the farmer's handicap in purchasing power as follows:

	Per cent
Foodstuffs	2
Clothing	43½
Household supplies	36
Building materials	29
Farm supplies, plus	9

His purchases of foodstuffs cost him, in terms of purchasing power, only 2 per cent more than in 1923. These foodstuffs take 18½ per cent of his total income.

Farm supplies cost him 9 per cent less than in 1913.

Clothing, which takes 15 per cent of his income, costs him 43½ per cent more; household supplies, 36 per cent; and building materials, 29 per cent.

As the average for the 53 representative commodities in the farmers' budget gave the farmer 24 per cent handicap, we see that this 24 per cent comes from leaving his foodstuffs and farm supplies virtually as low or lower than in 1913, and then hitting him on his highly manufactured purchases, with duties that grip him with all but a stranglehold.

We see who wrote the tariff and for what purpose. We see why the farmer is "the milch cow of the tariff," as thus written by manufacturers for themselves.

HIDDEN TARIFF RATES

While the tariff rates above given are accurate, let no one think that they are fairly representative of tariff rates generally and their effect upon the cost of living.

Neither these rates nor any official figures disclose the hidden and far higher rates that prohibit importation, except for the rich and in small quantities, of many especially desirable articles which are not competitive with American products because of their difference in quality or design.

These hidden rates are among the worst of the tariff iniquities.

Said Col. George Tichenor when formulating the McKinley bill for Chairman McKinley, "The public will not stand for more than 40 per cent, so I am making the rates appear to be 40 per cent or less; but by provisions that the public will not understand I am lifting them God knows how high." In a letter to Vice President-elect Hobart, in 1896, Colonel Tichenor said that "duties upon certain articles were made prohibitive; upon others higher than they would otherwise have been." Colonel Tichenor also wrote the Dingley bill. He was made president of the Board of General Appraisers by President McKinley.

The duties actually paid on imported cutlery, for instance, in 1924 averaged only 107 per cent, but tariff rates running up to 200 per cent prevented importations of certain superior qualities that would have lightened the labors of many housewives and others, and caused some knives that sell at English and German factories for $1 and upward to cost the few American buyers, butchers, and others, who will have them at any price as a matter of efficiency, to pay upward of $5 for each $1 of foreign factory selling price. Every farm home should be able to use these better articles at fairly protective tariff rates.

Likewise, duties of more than 150 per cent on better safety razors than are made in any quantity in the United States virtually prevent their importation; and yet Gillette razors have driven German and other makes out of Italy, and a safety razor is made in the United States with one blade for 5 cents.

The tariff of 50 per cent on glucose scarcely appears in Government averages of import duties because, for instance, in 1920 only $5 worth of glucose was imported against exports of $10,068,000. Likewise the tariff on electric machinery of 40 per cent does not appear because of no import as against exports of $95,000,000 annually in the three years 1919–1921.

Many beautiful Paris gowns with such embroidered or lace trimmings as American workers are not trained to produce, which would make the farmer's daughter as beautiful as the roses she cultivates, and costing in Paris from $8 to $16 wholesale, and waists costing $5 wholesale, bear a tariff tax of from 75 to 90 per cent. The farmer should be able to buy the $8 Paris gown with the proceeds of 10 bushels of wheat, and the $16 gown with 20 bushels. Wage earners should buy them as easily. But the high duties, increased by the necessary costs and profits of importers, wholesalers, and retailers, make the $8 gown retail in the United States for $45, and the $16 gown for $90, and for more in "exclusive" shops. France can neither repay us for her purchases of farm and other products nor pay her war debt when her noncompetitive products can be disposed of in the United States only upon terms so unfriendly and inconsistant; witness our importations in 1924 of only $10,285,000 all told, from all countries, of men's and women's clothing (not including knit underwear), against a domestic production of two and one-third billion dollars. An American producer of choice womens' suits says he will be willing to have free trade on womens' suits if he can buy his materials under reasonable duties. The kinds of womens' gowns made in the United States can be sold in Paris at a profit. We make our kinds as cheaply as Paris. We can not make her kinds at any price.

One of the hidden (that is, not readily understandable) tariff provisions (par. 315) lifts the price $4.50 wholesale, and $9 retail, on a beautiful French knit sport suit for women, costing there $16 wholesale, if it has 1 cents' worth of braid trimming on its three pockets—a tariff tax of $9 for 4 cents' worth of braid, by act of Congress! It does likewise on many other kinds of things that women love and should enjoy.

If, for purposes of demonstration, a quantity fairly expressive of America's desire for the choice and inexpensive articles of European production, were imported, the published tariff receipts would show an average rate of duty on all manufactured imports of nearer 75 per cent than the official returns of 36.17 per cent in 1923 and 36½ per cent in 1924.

No statement is more false than the one often made in high quarters that the present tariff is low, as evidenced by these low official averages on actual imports, with no account taken of the prohibitive rates.

These official average tariff percentages (about 36 per cent in 1923 and 1924) are relatively low from the collective action of three factors: (1) The manufacturers, who virtually wrote this tariff, got the low rates that they wanted on their imports of semimanufactured materials for use in their factories; (2) the imported articles of every sort that came in ready for consumption were in large part, naturally and necessarily, the articles that carried the lowest actual tariff charges in their several classes; and (3), most important of all, innumerable articles are virtually prohibited from importation, except in small quantities for the rich, who buy at any price.

For instance, the Paris gowns and waists mentioned above, dutiable at 75 to 90 per cent; and woolen goods at 80 to 100 per cent; certain cutlery at 200 per cent; glucose at 50 per cent; aluminum utensils at 70 per cent; clothing at 71 per cent; felt hats, 59 per cent; cotton gloves, 75 per cent; and silks at 55 per cent, which duty, by the way, equals 110 per cent on the foreign manufacturer's total cost of labor and factory operation, plus his profit, the remainder of his cost being for duty-free raw silk, which costs the same in all countries.

As a final illustration, official returns show that the average tariff rates actually paid on wool in 1924 was 44 per cent. In fact, the rate was only from 28 to 35 per cent on the qualities grown in the United States in any quantity. But the rate is from 100 per cent to 150 per cent and rarely 175 per cent on the excellent and serviceable but coarser wools that the average citizen should wear. Of course, these high rates are virtually hidden in the published average, because scarcely any of these wools are imported. From 100,000,000 to 150,000,000 pounds should come in to replace most of the 75,000,000 pounds, scoured weight, of old rags and shoddy that American manufacturers use over and over as each old garment gives place to a new one, until the shoddy finally becomes "mungo," a kind of wool dust, and American rags sell in the English market at one-fourth less price than the rags of any other country. The effect of the present wool tariff on the quality and the wear of American clothing is manifest on every hand.

A test of a cloth largely used in carriage trimming in 1906 showed that its importation was embargoed by a duty of 246 per cent. Similar cloth is used for other purposes.

AMERICA'S LARGE EXPORTS OF MANUFACTURED ARTICLES

The exportation in 1924 of $1,843,000,000 of American manufactures ready for consumption, the amount increasing with the passing years, and of an additional $667,000,000 worth of partly finished manufactures, in competition with world prices, indicates that American manufacturers gladly sell some things, and not a few, at competing prices when not invited by Congress, through the tariff, to sell at higher prices.

Said one of New England's greatest hardware makers in 1907, "We sell wood screws to foreigners at one-half of domestic prices; it isn't right, but when Congress invites us to how can we help it?" For many years a noted manufacturer of agricultural machinery bought American nails in London and reimported them to his American factory at one-fourth less than American prices. He did this because there was no duty on reimported American-made nails. Likewise American watches were reimported from England for many years and retailed at one-third under American prices until, by a trick, the American producers prevented importation.

One exporter of hosiery has more than 1,000 customers in free-trade England. Why 50 per cent duty? We lead the world in knit-goods production. In 1921, not long before they were indicted for price fixing, American cast-iron pipe makers exported three thousand five hundred and seventy-five times more than was imported. Why did Congress double their duty in 1922 when the indictment was pending? At the same time exports of wire nails were seventy times greater than imports. Congress took them from the free list and made the duty 16 per cent.

The wage cost of extracting glucose from corn is 6 per cent. In 1921 we imported $142 of glucose and exported $6,062,306 worth.

Why did Congress in 1922 raise the duty on glucose from 15 per cent to 50 per cent? Some people believe that glucose is price controlled. Certainly it is politically powerful.

Is it not time for the public to require that tariff rates shall be as low as fair protection warrants and not as high as greedy manufacturers demand?

AMERICAN FARMERS SHORT $2,000,000,000 ANNUALLY

In the best of the four years 1922–1925 American farmers should have received net $2,000,000,000 more for their products to make them fairly comfortable, this $2,000,000,000 becoming $4,000,000,000 in retail prices to consumers.

It is not a question of diversification, because the same acreage that yields a big crop one year yields 25 to 30 per cent less in another year, depending upon Providence only. For instance, wheat growers in 1923 were all but ruined by bad weather, but they had satisfactory purchasing power in 1925.

In 1924 corn growers had satisfactory purchasing power, but in the best of the three years 1922, 1923, and 1925 they were about 46 per cent short in purchasing power in respect to the commodities that comprise the farmers' budget. It is not, therefore, to this crop or that that they may look for a remedy. It is now conceded that the present diversification can not be bettered materially. Nor can production be restricted, because the world is short of foodstuffs and cotton. The world is producing much less foodstuffs per capita of population than a generation ago.

The situation, which is intolerable, can only be remedied (1) by lifting food prices $2,000,000,000 at the farm and $4,000,000,000 at retail, or (2) by lowering the price of manufactured products.

The first alternative requires an act of Congress and the institution of all necessary machinery for the enforcement of the act. This implies the consent of a large majority of the citizenship to this increase of $4,000,000,000 in food prices.

Congress is seriously considering doing this and is now in conference with farm organizations on this issue.

The second alternative means, primarily, a lowering of the tariff. Not below the just requirements of protection to American labor and industry but low enough to protect farmers and others from the well-known tariff exploitation of many great manufacturing groups through tariff rates that are not protective but are profiteering and exploitatory.

The following calculations are based upon Government statistics and approved by competent and dependable authorities:

What the tariff does to Indiana

(Census 1920 and 1924 where available, March 1, 1926)

Population	2,930,390
Farm population	907,295
Number of farms	205,126
Nonfarm population	2,023,095

Agricultural schedule

Crops materially benefited by the tariff	Tariff gain to a few farmers	Cost to farmers as consumers	Cost to nonfarming population	Cost to State	Cost to United States
Wool	$692,230.00	$2,495,000	$5,563,000	$8,058,000	$300,000,000
Sugar beets [1]	166,700.00	1,814,000	4,046,000	5,860,000	216,000,000
Flaxseed	10.20	272,000	607,000	879,000	30,000,000
Lemons	None.	90,700	202,300	293,000	10,000,000
Tobacco	Negligible.	154,000	343,000	497,000	53,000,000
Total	859,000.00	4,825,700	10,761,300	15,587,000	609,000,000

[1] On the basis of 60 per cent of the sugar tariff going to farmers and 40 per cent to sugar factories. In the Mountain States the farmers get only half of the duty.

Farmers as consumers lose on agricultural schedule	$4,826,000
A few farmers gain on agricultural schedule	859,000
Loss to farmers on agricultural schedule, net	3,967,000

The State as a whole loses on agricultural schedule, net, $14,728,099.

Farmers lose on their own schedule $5.60 to $1 of gain.

The State loses on agricultural schedule $17 to $1 of gain.

Manufacturers' schedule

(On the basis of one-half of the duties being added to prices in certain industries)

	Cost to farmers as consumers	Cost to nonfarming population	Cost to State	Cost to United States
Heavy steel products	$4,536,000	$7,080,000	$11,616,000	$375,000,000
Light steel products	6,883,000	15,173,000	21,976,000	750,000,000
General store merchandise	21,768,000	48,552,000	70,320,000	2,475,000,000
Total	33,107,000	70,805,000	103,912,000	3,600,000,000

Loss to farmers on manufacturers' schedules, $33,107,000.

Loss to State on manufacturers' schedules, $103,912,000.

Farmers lose on all schedules, net, $37,074,000, or $44 to $1 of gain.

State loses on all schedules, net, $118,640,000, or $138 to $1 of gain.

Against this loss to Indiana of $118,640,000 is to be offset the tariff profits of Indiana stockholders in her steel, glassware, chinaware, and other highly protected industries. So much of these properties, however, are owned by great eastern capitalists and represented by Wall Street securities that estimates of the gain to Indiana residents are difficult, if not impossible. (See leaflet of Fair Tariff League on "Protection and the Miracle of American Production"; 20 cents on request.)

When Alexander Hamilton, "the father of protection," gave tariff rates that averaged less than 10 per cent the protection of consumers was taken for granted. Now when the average of the rates as written in the law and including prohibitive rates are nearer 75 per cent, the principle of protection to the general public, including some 90,000,000 people who get no direct or considerable benefit from the tariff, sounds strange, so used is the public to the present exploitation and abuse.

The first alternative for farm relief leaves the Nation with from four to five billion dollars of present tariff graft and adds to this $4,000,000,000 in food prices, a total burden of eight or ten billion dollars, a heavy load on production and on life.

The second alternative saves the tariff graft, and also saves nearly as much in food prices. It makes the national life normal and natural and gives the Nation enormous additional power in meeting world competition and in the productive service of all mankind.

Which shall it be? Powerful and wealthy manufacturers who misuse the tariff, sometimes almost unwillingly, and will unite with western sugar factories and western woolgrowers and their 15 or 20 western Senators to oppose either alternative, because these manufacturers want low food costs, and want to continue their profiteering tariff, while western woolgrowers and sugar factories want their present strange tariff rates at any hazard.

Only a thoroughly aroused and militant public opinion can mend the situation.

THE TARIFF ON FARM PRODUCTS

In considering the tariff on farm products, it is necessary to treat at length wool and sugar, for they are the crux of the tariff on farm products, as later shown. If the tariff on wool and sugar can be altered so as to leave them adequately protected, and at the same time save the Nation a vast sum, then the farmers will have no reason to listen to any of the misleading propaganda that has cost them so dearly.

How exceeding little the tariff affects the prices of major American farm products is strikingly shown by the recent increases in the tariff rates on butter and on wheat by presidential proclamation.

The United States produces nearly 2,000,000,000 pounds of butter annually, and in months of large production it exports considerable quantities to free-trade England, while in the winter months, when much storage butter is used, it imports small quantities from Denmark and still less from New Zealand. It exports large quantities of the allied products, condensed and evaporated milk, to Germany and England.

American dairymen deserve better prices, and in hope of getting them, on March 6, 1926, the President raised the tariff on butter from 8 cents per pound to 12 cents. On that day the price of butter of Danish quality in New York City was 43½ cents per pound. Two weeks later, March 20, it was 41½ cents per pound. March 26 it was 41 cents, the lowest price of the year to that date. It was 4½ cents lower than on March 25, 1925. April 16, 1926, it was 37¾ cents.

On March 6, 1924, the President raised the duty on wheat from 30 cents per bushel to the present rate, 42 cents. On that date the price of wheat in Chicago was $1.15⅝ per bushel. Almost immediately there was a slump in the Liverpool market, and on March 27 wheat sold in Chicago for $1.00⅛ per bushel—a loss to American farmers of 11⅛ cents per bushel in 21 days, when they might have expected, because of the new tariff, an increase in price of 12 cents instead of a decline. In July, 1925, the price of wheat in Chicago was $1.43 and in Winnipeg (for wheat worth 5 cents more per bushel in intrinsic value) the price was $1.56¼. On February 16, 1926, the price was, in Liverpool, $1.62½; in Minneapolis, $1.54; and in Winnipeg, $1.51. Where does the tariff of 42 cents a bushel come in?

Ohio, Indiana, and Illinois are so alike in topography and production that they are virtually one in their tariff interests. Also it is doubtful if any other three States are so representative, on the whole, of the major interests of the Nation.

Agriculturally their supreme interest is in the production of the grain crops, which are cultivated on 89 per cent of all their farms and have an annual value of nearly $1,500,000,000; in livestock, of which they market about $1,000,000,000 annually; and dairying, with a yearly production of approximately $300,000,000. Their secondary interest is in poultry and eggs, which are raised on 94 per cent of all farms, with an annual value of $669,000,000 for poultry and $115,600,000 for eggs.

In view of the enormous value of these products, constituting nearly all of the value of their products in the final forms in which they go to market, it is regrettable that the tariff interests of these States as respects farm products is dominated by a comparatively few woolgrowers, whose annual product is valued at about $15,000,000, and sugar-beet growers (under the influence of their sugar factories) with an annual crop value of about $5,000,000.

These wool and sugar-beet growers must be reasonably protected, but their interest in the tariff should not be determined without fullest consideration of the other and altogether dominant interests of the other farmers upon whom depend almost wholly the agricultural prosperity of these States. The wool and sugar production taken together is, in value, only about one-third of the poultry production and one-fourth of eggs. They are as nothing compared to the grain crops, livestock, and dairying.

The cereals: American farmers can not get one price for the export of from 170,000,000 to 225,000,000 bushels of wheat and wheat flour and get another price from domestic users. Nor can they export $273,000,000 (in 1925) of corn and corn products, including pork and pork products, and get higher prices in the domestic market. So of all other cereals. American cereals are all sold on substantially a free-trade basis.

Wheat: The one exception to this rule is the special quality of northern hard winter wheat, grown only in the Dakotas, Minnesota, and Montana, and in Canada. This hard wheat is required for mixture with the softer wheats grown elsewhere. It makes these softer wheats more valuable. When the American crop is short this hard wheat must be imported from Canada. The records of the last 25 years show that when the American crop of this hard wheat is very short the tariff is usually added in full to Canadian imports with corresponding increases in prices in these northwestern States. When the American crop is abundant, little or nothing is added to domestic prices by the tariff.

Corn: The United States produces from two and one-half to three billion bushels of corn annually, or three times more corn than all the rest of the world. Divine Providence fixes this proportion in terms of the soils and climatic conditions of the various nations. The American crop in 1924 was valued at $2,405,000,000. It would be more reasonable to ship "coal to Newcastle" than corn to the United States. When, as will always be the case, a relatively trifling amount is imported, it is because American prices are extraordinarily high or Argentina tries to meet an unusually unfavorable trade balance by shipments of whatever she can. She wants to buy largely from us, and we want to sell, but trade balances like that of 1924 are embarrassing to both nations. In that year the United States sold Argentina $117,000,000, and admitted in return Argentina products to the amount of $75,300,000 only.

The great corporation that has imported (for manufacturing purposes) three-fourths of what little corn has entered the United States in many years says that Argentina corn is of inferior quality, being the flint corn commonly fed to poultry and not good for other livestock, and they will not buy it except at occasional bargain prices lower than domestic prices by more than the duty which is 15 cents per bushel.

American corn shipped to Europe pays about 13 cents per bushel for ocean freight and from Argentina about the same. Evidently it is to the great advantage of Argentina to have its corn meet ours in Europe rather than in the United States. Also, as 90 per cent (in 1925 94½ per cent) goes to market as meat, the price of corn to farmers is of relatively small consequence except as reflected in the prices of hogs and cattle.

Wool: With all their protection, for 50 years the number of sheep in the United States, with some fluctuations, has steadily and greatly declined in numbers and still more compared with population.

In 1860, when many Western States were territories and undeveloped, there were 22,471,000 sheep in the United States, or 1½ sheep per inhabitant; in 1880 there were 42,192,000 sheep, or about 1 sheep per inhabitant; in 1920 there were 35,034,000 sheep, or one-third of 1 sheep per inhabitant. When, in 1860, there were only 2,339,000 people in Ohio, there were 3,547,000 sheep. In 1920, 60 years later, there were 5,759,000 people and only 2,102,550 sheep. The world over, sheep in considerable numbers are grown only in outlying lands, usually wild and desert lands good for nothing else. It is on the latter lands that three-fifths of America's sheep are raised.

Ohio now raises only 1.8 pound of clean wool per capita of population, Indiana only three-fourths of 1 pound, and Illinois three-tenths of 1 pound.

In two counties in Montana, for instance, Pondera County and Lewis and Clark, which include Helena, the State capital, there were 24,400 people in 1921. There were 74,802 sheep owned by 115 persons, including nine corporations.

Of these 115 sheepowners, 32, or 28 per cent, owned 5 sheep each or less and got an average benefit of $2.75 each from the wool tariff.

On the other hand, eight owners had 48,379 sheep, or two-thirds of all, and got $50,800 from the tariff, or $6,350 each.

The 10 next largest owners had 17,720 sheep and got $18,606, or $1,860 each, from the tariff.

The 18 largest owners had nine-tenths of all the sheep and got nine-tenths of all the tariff benefit going to these counties.

As consumers of woolens 24,285 residents of these counties lost because of the tariff $67,000. The wool tariff was a net loss even in this district of great wool production.

Contrast the profits of the 18 big sheep owners with the $2.75 of tariff benefit to the 32 smallest sheep owners and the loss to the general public, and we see in a nutshell who fight for the wool tariff with all its wretched inaccuracies.

Senator STANFIELD, who says he is the biggest sheep owner in America, and other great sheep owners in the United States Senate, say that patriotism compels them to fight with all their might for this wool tariff. It used to be beyond the bounds of good character for a Member of Congress to vote for his own pecuniary interest.

Six million dirt farmers in United States get about $15,000,000 from the wool tariff and lose as consumers of wool $100,000,000. As a body they are not crying for the wool tariff.

The production of wool in the United States as a whole is about 1⅛ scoured pounds per inhabitant.

To keep the amount from going below 1 pound, the public taxes itself in the wool tariff $300,000,000 annually, or two or three times the value of all the wool grown in the United States.

No American product has better right to protection than wool. The wool tariff, however, should be rewritten, as it can be easily, so as to continue the present rate of protection to American growers and save the public about $200,000,000.

All authorities agree that all of the tariff rate on domestic grades of wool is added to the price and goes to the woolgrower. This because more than one-half of domestic requirements are imported. The import price, duty paid, therefore becomes the domestic price.

It is also agreed by the research bureau of the American Farm Bureau Federation, an organization of 1,000,000 or more farmers, the United States Tariff Commission, and other authorities, that the present tariff on wool of 31 cents per scoured pound is equivalent to about 12.7 cents per greased pound, and nets American woolgrowers about $37,500,000, while consumers must pay this sum plus the same tariff rate on imports, at a total cost in the retail prices of woolen goods of not less than $300,000,000.

It is reasonable to allow for the cost of doing business and profits a mark up to the wool buyer of 10 per cent, the spinner 15 per cent, the cloth manufacturer 17½ per cent, the clothing manufacturer 22½ per cent, and the retailer 33⅓ per cent. All these percentages based on selling prices.

The successive addition of these percentages multiplies the original duty of 31 cents a scoured pound 3.06 times and makes it cost consumers about 95 cents per pound in their clothing and other woolens.

Our annual consumption of wool, as given in the census of 1920, is shown in the following table, together with the rates of duty on virgin wool and on cheaper wool products, and the total first cost of the duty.

CATCHING THE FARMER

> I come from an agricultural State. * * * It seems to me that the Senator from North Dakota [Mr. McCumber], in his zeal to put such an immense tariff on these agricultural products—higher than we have ever had before, higher than there was any necessity for—has done so simply to oil the protection machine for the woolen schedule and some other schedules in the bill. (Senator Knute Nelson, Republican, Minnesota, CONGRESSIONAL RECORD, August 11, 1922.)

The cost of the wool duty—annual consumption

[Census, 1920]

Article	Pounds	Duty per Pound	Amount of Duty
		Cents	
Wool, mohair and animal hair	292,117,556	31	$90,556,442
Rags	46,453,109	4	2,787,186
Recovered wool	33,163,695	7	2,321,459
Wool in the form of imported goods	18,302,205	31	5,673,683
Total	390,036,566		101,338,770

This total multiplied by 3.06, which is the number of times that the duty pyramids as shown above, gives the total cost of the wool duty—$310,096,636.20.

American consumers pay $8 for each dollar of tariff benefit given woolgrowers.

There are various contingencies both ways to change this total slightly. It is safe, however, to accept of a final estimate of $300,000,000, or $2.75 for each man, woman, and child in the United States.

"The present wool duty of 31 cents per scoured pound begins with a very low ad valorem equivalent on very high-priced wool suited for very high-priced clothing. As the lower-priced wools are reached the duty rapidly rises until it soon passes beyond the purchasing power of the consumers and becomes an embargo of 100 to 150 per cent on the bulk of the wool suited for the clothing of people of moderate means. Then the adulteration of raw material becomes a necessity; cotton, inferior grades of wool waste, shoddy, and other substitutes take the place of the wool that the duty of 31 cents a scoured pound excludes from the country; the deterioration of cloth in wool clothing becomes the rule, and the people for whose welfare tariff laws should be framed pay a higher price for inferior clothing, and suffer not only from the discomfort of inferior garments, but also from exposure to a climate in which the protection of wool is a necessity of life." (Carded Woolen Manufacturers' Association.) A popular khaki-wool shirt, for instance, is 85 per cent wool shoddy and 15 per cent cotton with no virgin wool in it, yet it retails in New York, Denver, and elsewhere for $4.50.

A study of the imports of wool from September 15 to December 20, 1923, shows that the duty varied from 16½ cents a pound to $1.47. The average duty was 62.4 per cent, ranging from 21 to 188 per cent. The highest rate was on the cheapest wool used by the poor and the lowest rate on the costliest wool used by the rich.

That the present wool tariff, averaging 68 per cent, is very profitable to those who raise wool in large quantities is clear. How profitable is it to any State as a whole? Less than 1 per cent of American farmers raise sheep in commercial quantities, while everyone wears wool and pays the duty.

This question is not asked in the spirit of free trade. Americans are committed to protection. The only question is one of fair protection as against exploitation. It is widely held that the wool tariff might well be reduced by one-half. Certainly many manufacturing schedules should be so reduced. Can any State afford to get an unreasonable wool duty and in return give excessive duties to manufacturers? Or should the consumer everywhere and the substantial equities prevail?

East of the Mississippi, Ohio excepted, woolgrowing is incidental to farming. These flocks are small and are called "scavanger flocks," because they improve pasturage by cropping the weeds so closely that they do not seed. They clean out fence corners and consume the wastage from crops. They provide fresh meat for the family. They are grown for meat as much as for wool.

Ohio alone of the Eastern States raises wool as an important industry. She specializes in Merino sheep, whose wool brings maximum prices. To Ohio the duty is of considerable consequence. In other Eastern States farmers on the whole lose on the wool tariff much more than they gain.

A large percentage of the sheep on farms in the Corn Belt are lambs from the western ranges fattened and forwarded to the market after four or five months' feeding.

In the Mountain States, where woolgrowing is an important industry, most of the sheep are not on farms but on wild lands with little or no cost for pasturage. The owners live in towns and intrust the flocks to herders, about two to a flock of 1,000 to 2,000 adult sheep, with an additional 80 per cent of lambs that are not counted in the charge for pasturage, which on Federal reserve lands is 2½ cents per adult sheep per month, or from 8 to 10 cents per summer. Winter pasturage is on free desert lands, rich in wild grasses in spring, and with cured grasses that rise through the occasional winter snows, and provide sufficient feed except in times of heavy storms.

Sometimes in open winters no prepared food is needed on these ranges. A Washington sheep grazer estimated his winter feed cost at 90 cents per sheep. A Coloradoan says his cultivated feed during a storm costs $30 to $70 a day for 5,000 sheep. At $50 a day this is 1 cent per sheep per day.

In the Mountain States the few sheep on farms are mostly "gummers," toothless old ewes unable longer to graze in tough wild lands, being fattened for market. Lambs go "fat as butter" directly from the ranges to the packing houses. In Colorado, however, there are great numbers of lambs from the ranges on farms fattening for market. In both cases the farmers' tariff gain is only on the small increase in the fleece during the four to six months' fattening period.

In Wyoming and Utah 90 per cent of the sheep are thus raised on wild lands by grazers; in New Mexico and Arizona over 95 per cent; in Washington, Oregon, and Idaho 80 per cent. Many of these big flocks are said now to be owned wholly or in large part by eastern packing interests and other nonresidents.

In all the Mountain States about two-thirds of the range sheep are owned by one-third of the grazers, being the big flockmasters. Consequently most of the duty goes to relatively very few people even in these States.

On the basis of the estimate of the National Association of Wool Manufacturers for the shrinkage in scouring of Ohio, Indiana, and Illinois wools, the tariff benefit to their woolgrowers (census of 1920) are shown in the accompanying tables.

The woolgrowers in Ohio, being 21½ per cent of all her farmers, received from the tariff (census, 1920), $2,124,000. Ohio farmers as a whole, as consumers of woolen goods, lost $3,133,000, while the State as a whole lost $15,838,000, or more than $7 to $1 of gain.

To Indiana and Illinois woolgrowing is of almost no consequence. They divide about equally their total production of $4,536,648, as against Ohio's production of $10,074,579.

A few Indiana woolgrowers received from the wool tariff (census, 1920) $692,230. The wool tariff cost Indiana farmers as a whole $2,495,000 and the State $8,058,000. The State lost more than $11 to $1 of gain.

Illinois woolgrowers received from the wool tariff $573,000. As consumers of woolen goods Illinois farmers lost $3,019,000. They lost more than $5 to $1 of gain. Illinois as a State lost $19,150,000. It lost more than $33 to $1 of gain.

The wool tariff costs American consumers as a whole $8 for each $1 that it brings to American woolgrowers.

As the present wool tariff increases the prices of substantially all of the kinds of wool grown in the United States only about 30 per cent and adequately protects American growers, there seems to be no good reason why the tariff should not be 30 per cent or 35 per cent on the foreign values of all imported wools, thereby admitting the wools needed by poor people at as fair rates as rich people's wool. Such a tariff would save American consumers about $200,000,000 annually, with further great savings in wearing quality.

Apparently the only objection to this correction in the tariff is from the fear of some woolgrowers that imports of these coarser wools would somewhat decrease the demand for their better wools, a demand so great that now approximately two-thirds of these better wools are imported.

The following calculations are based upon Government statistics and approved by competent and dependable authorities:

What the tariff does to Illinois

(Census, 1920 and 1925 in part)

Population (preliminary estimate, 1925)	6,695,000
Farm population	1,098,262
Number of farms	205,106
Nonfarmers	5,866,738

Agricultural schedule

United States crops materially affected by the tariff	Tariff gain to a few Illinois farmers	Cost to farmers as consumers	Cost to nonfarming population	Cost to State	Cost to United States
Wool	$573,000	$3,019,000	$16,131,000	$19,150,000	$200,000,000
Sugar beets [1]	104,000	2,196,000	11,732,000	13,928,000	216,000,000
Flaxseed	None.	329,000	1,760,000	2,089,000	30,000,000
Lemons	None.	110,000	567,000	679,000	10,000,000
Tobacco	None.	186,000	997,000	1,183,000	53,000,000
Total	677,000	5,840,000	31,207,000	37,047,000	609,000,000

[1] On the basis of 60 per cent of the sugar tariff going to farmers and 40 per cent to sugar factories.

Farmers as consumers lose on the agricultural schedule	$5,840,000
A few farmers gain on agricultural schedule	677,000
Loss to farmers on agricultural schedule, net	5,163,000

The State as a whole loses on agricultural schedule, net, $36,370,000.

Farmers lose on their schedule $8.50 to $1 of gain.

The State loses on agricultural schedule $53 to $1 of gain.

Manufacturers' schedule

(On the basis of one-half of the duties being added to prices in certain industries)

	Cost to farmers as consumers	Cost to nonfarming population	Cost to State	Cost to United States
Heavy steel products	$5,500,000	$20,550,000	$26,000,000	$375,000,000
Light steel products	8,200,000	44,000,000	52,200,000	750,000,000
General store merchandise	26,300,000	140,800,000	167,146,000	2,475,000,000
Total	40,000,000	205,350,000	245,346,000	3,600,000,000

Loss to farmers in manufacturers' schedules, $40,000,000.

Loss to State on manufacturers' schedules, $245,346,000.

Farmers lose on all above schedules, net, $45,135,000, or $67 to $1 of gain.

The State loses on all above schedules, net, $281,716,000, or $414 to $1 of gain.

Against this loss to Illinois of $281,716,000 is to be offset the large tariff profits of Illinois stockholders in her steel, glassware, chinaware, and other highly protected industries. So much of these properties, however, are owned by great eastern capitalists and represented by Wall Street securities that estimates of the gain to Illinois residents are difficult, if not impossible. See leaflet of Fair Tariff League, "Protection and the Miracle of American Production" (at cost of printing and postage, 20 cents).

Sugar: As in the case of wool, we import from Cuba almost exclusively much more sugar than we produce. Consequently every cent of the sugar duty is added to the price.

American beet-sugar growers, all told, get only $19,000,000 out of our sugar tariff, that costs the public $216,000,000 (statistics, 1923), and Louisiana cane growers get $5,000,000—an expensive process, spending $216,000,000 in order to get $24,000,000 to our sugar growers. Everyone approves of the $19,000,000 to the growers. With this they are prospering.

Of the remaining $195,000,000 Hawaii, Porto Rico, and the Philippines get $42,000,000, or nearly twice what American growers get; the Government gets $124,000,000 in taxes on Cuban imports; and a few sugar factories who put the tariff over get $24,000,000.

Are we not doing enough for our island possessions without sending them this $42,000,000 per year? Their sugar lands, their climate, labor, and other conditions virtually duplicate Cuba's. Cuba, like them, is one of our "wards." Why tax Cuba at the rate of $1.90 per hundred pounds on refined sugar and at the same time make a present of $1.90, or $42,000,000, to the others? (This $1.90 is in fact $2, because of 5 per cent addition by our refineries for handling charges on the $1.90.)

Where, as in Hawaii, costs are much higher in certain sections than in Cuba, it is because lands not naturally adapted to sugar have been brought in by expensive irrigation projects, often to great profit.

The $24,000,000 given to a few sugar factories make their profits so big that one of their principal men is creditably reported as saying he is ashamed of his profits. He should be. He wanted a lower duty.

The Great Western Sugar Co., for instance, is a consolidation of other factories in 1905. It began with paid-in preferred stock of $15,000,000 and common stock of $10,544,000, all water. It is an overpowering influence in the beet-sugar situation and typical of its competitors.

For the seven years ending February 28, 1923, the Great Western Sugar Co.'s net earnings after all charges and preferred dividends averaged $12.01 on its common stock of $25 par value, or nearly 50 per cent per year. During much of this time sugar-beet growers were all but bankrupt.

The president of this company in 1923, in a paid advertisement, estimated that the net earnings for the present fiscal year, 1924, were over $16 per share on each $25 of common stock, or 64 per cent.

Says he, "Since organization in 1905, the company has disbursed as dividends on its common stock (once all water) $36,308,177 in cash and $4,428,500 in common stock, and after paying such dividends has a surplus exceeding $30,000,000. In February, 1925, the surplus was $38,427,000."

Does this leave any question who gets the sugar duty—the farmers or the factories—in the Mountain States, where 70 per cent of all domestic beet sugar is grown?

Our sugar-beet growers lose money at their contract price of $6 per ton. When, however, the price of refined sugar at the factory exceeds 5 cents per pound, the farmers get an extra allowance on their beets equal to one-half of the increase above 5 cents per pound for refined sugar at the factories.

Any possible benefit, then, to growers from the tariff begins with this 5-cent price on refined sugar, and as they get only one-half of the 2-cent tariff increase in price, they get 1 cent advantage up to a 7-cent price at the factory, or 8 cents at retail. This gives them the $24,000,000 when high retail prices give it to them. In 1925 they got none of it.

Tariff benefits end with this 7-cent price. Increases above that price are due to crop shortage, manipulation, etc. So says the United States Tariff Commission and all authorities.

The Government seems not to need its $124,000,000 of sugar tax. These are days of tax reductions. Nor is it wise to tax a necessary and wholesome food of the poor.

This 50 per cent of the duty, or 1 cent a pound to the factories, costs consumers $108,000,000. It is this that should be saved. The factories will object. The public should insist, and also insist that future contracts shall continue to the growers their present 1 cent of tariff benefit while killing the factories' graft.

A big sugar-factory stockholder said in May, 1923, that under free trade his company "could pay its present prices for beets and make 25 per cent profit on that part of its capital that is directly devoted to sugar making."

Eastern seaboard factories that refine imported raw sugar make a net profit of one-fourth of 1 cent per pound. The western factories make nearer 3 cents per pound, while its growers all but starve at the minimum contract price of $6 per ton. Their factory contract is so one-sided that under any tariff these growers often get better returns from the same soil on potatoes, corn, oats, alfalfa, or even wheat. Many will not plant beets.

Our refiners of domestic sugar have no right to protection. The labor cost, East or West, is almost nothing, about one-fifth of 1 cent per pound. Can you "protect" one-fifth of a cent of labor cost in a 5 to 7 cent selling price? Fuel, machinery, and other expenses are substantially the same West and East.

Leading farmers in sugar-growing States are members of the Fair Tariff League's advisory committee. They are agreed that the sugar tariff has been of little or no benefit to American farmers. They say that other nonprotected crops often pay better. One farmer says, "Take the duty off and then we will have to raise other crops on the sugar lands which would be better for us in the long run."

Another farmer says, "Only 5 per cent of us raise sugar. Better keep this 5 per cent in the poorhouse than have this sugar tax of $216,000,000." Another farmer says, "I won't let my tenants raise beets; other crops pay better."

Their judgments are in part explained by the fact that the sugar tariff in the sum of $48,000,000 (in 1923) is poured directly into the treasuries of domestic-sugar factories; that these factories take this huge amount as if their own and drive as hard a bargain with the farmer growers as they can, with no recognition of the factories' trusteeship of this fund which is intended for the growers only.

In every other instance, whatever tariff benefit is paid by the public on any domestic article is collected by its producer at the point of origin. The wool grower adds the wool tariff to every pound that leaves the shearer. So of the hard-wheat growers, the makers of steel, glass, aluminum, textiles, etc. They get whatever they can and all that the public pays, except that the amount paid is increased later by middlemen's additions.

Only recently has the factories' sugar propaganda so befooled the public. McKinley, Dingley, Cannon, and Aldrich denounced any duty on sugar, Aldrich saying, "This unjustifiable, indefensible, and infamous sugar levy."

A 1-cent duty properly placed is probably a reasonable adjustment under present conditions.

Louisiana will cry out against tariff reduction. She wants protection against God's providence in the form of early frosts and floods.

Sugar-cane growing in Louisiana is a gamble too like the Louisiana lottery to be promoted by congressional levies. Fear of frosts causes the growers to harvest the cane at 8 months' growth as against 12 months in Cuba and our island possessions. Much of this immature crop will make molasses only, not sugar.

A statement of the United States Tariff Commission of December 1, 1923, indicates that the Louisiana crop of 1921 cost less to produce than Cuba's, and consequently Louisiana would have prospered then under free trade. Also that Louisiana's crop of 1922 cost 2.7 cents per pound of sugar more than Cuba's and would have required this 2.7 cents of protection. Her 1923 crop would have required still greater protection. These are typical years. Let Louisiana gamble or not as she likes. She can and does raise other crops on the same lands.

For constant and assured profits she must have at least 1 cent more protection than sugar-beet States need, costing the public an extra $108,000,000, of which Louisiana growers get about $2,500,000 and her sugar factories another $2,500,000—a total of $5,000,000 at a public expense of $108,000,000. Her sugar factories refine much imported raw sugar. They get no tariff advantage on that; why a $2,500,000 bonus to them for refining domestic sugar?

The Mountain and Pacific States charge 1 cent per pound more for their product than the Atlantic States, except for surplus shipments into eastern territory. This difference in price is because they take advantage in their sales prices of the "natural protection" of freight charges from the Eastern States and New Orleans into their territory. Their price is the New York price plus the freight. They overlook no chance to raise prices. When, as now, the tariff is 2 cents on refined sugar, the effective protection in the Mountain and Pacific States is 3 cents, although they grow sugar beets cheaper than other States.

It is generally considered that sugar-beet growers in Ohio, Indiana, and Illinois, and neighboring States have somewhat more favorable contracts with their factories than in the Mountain States. It is therefore estimated in the accompanying tables that 60 per cent of the sugar tariff goes to farmers in these Eastern States and 40 per cent to sugar factories, as against 50-50 in the Mountain States.

In Ohio only one farmer in 66 raises sugar beets, the crop being valued (census 1920) at $3,836,861. In Indiana and Illinois only one farmer in 330 raises sugar beets, the crop being valued at $444,550 in Indiana and $381,194 in Illinois.

On this basis a few farmers in Ohio received $1,096,000, while Ohio farmers as a whole as consumers of sugar lost $2,298,000 and the State as a whole lost $11,538,000, or $10.50 to $1 of gain.

In Indiana a very few farmers received from the sugar tariff $166,700, while Indiana farmers as a whole lost $1,814,000 and the State as a whole lost $5,860,000.

In Illinois a few farmers received from the sugar tariff $104,000, while farmers as a whole lost $2,196,000 and the State as a whole lost $13,928,000.

It must not be thought for a moment that these so-called gains to sugar-beet growers are all profit. In many cases their tariff benefits

only enable them to make the same profit that they would get from other crops, the big tariff profit going to the sugar factories.

Were this not so more than one farmer in 66 would grow sugar beets in Ohio and more than one in 330 in Illinois and Indiana.

The sugar tariff costs the American people about $2 per capita, or $216,000,000. This is a large sum, but this is not all. This figure is for 1923 and for sugar as used in the homes.

A very considerable part of the sugar consumed is bought by its users in manufactured articles, preserved fruits, ice cream and bakery products. Fair additions by the manufacturers and retailers of these products to cover their costs of doing business and profits add not less than $25,000,000 and probably more to the final cost of the sugar tariff, which additions do not appear in the calculations here made.

A fair revision of this tariff would leave American sugar growers as effectively protected as they are now, and at the same time save American consumers approximately $150,000,000 annually. The revision should follow the recent English law which requires that her sugar factories shall pass on substantially all of the tariff benefit to the sugar growers.

Live stock and meats: Conditions are essentially the same as in cereals. In 1924 the United States exported meats, lard, and animal fats to the amount of $273,000,000. Naturally competing livestock producers meet American products in Europe and not in the United States, thereby profiting to the extent of ocean freights, which are substantially the same to Europe from other countries as from the United States. When the present tariff was before Congress some western sheep raisers cried out against one or more cargoes of Australian mutton that were brought into eastern ports at the close of the war. The British Government had to dispose of war accumulations of mutton. The sheep raisers held their noses in describing the conditions of these imports. They might better have commiserated the British Government, for American palates rejected the mutton and the cargoes were reexported to Europe.

It is comforting to American livestock producers to have a high tariff, but that tariff will not help them much in paying their debts, witness their experience since the present tariff was enacted. In the three years, 1922–1924, the purchasing power of American cattlemen was 45 per cent below pre-war. In 1925 it was 25 per cent below. Hog raisers fared worse than cattlemen.

Our tariff on cattle, when inaugurated in 1922, was a direct affront to Canada, who formerly exported to us some 200,000 head of range cattle annually.

Our northwestern farmers need these Canadian feeder cattle. The United States requires 4,500,000 feeders annually. By the sudden imposition of the present tariff duties, Canada was left without a market. Late in 1922 a traveler in the Canadian cattle country counted 300 cattle and horses standing up, frozen to death, in a distance of 150 miles on one side of his train. How many more were lying down or were in the far reaches beyond sight? This, when beef was high in our cities and corn in the northwest was selling at from 26 to 31 cents per bushel. Canada has tried desperately to ship her cattle directly to Europe, but nature seems to have provided otherwise. These range cattle are thin and ill-conditioned, and must be fattened. Canada has no corn. The United States produces two-thirds of all the corn in the world, and often has a surfeit. Canadian cattle should carry American corn to Europe.

Also, next to Great Britain, Canada is the United States' best customer, buying from us in the fiscal year 1923–24 about $625,000,000, against which we admitted only $400,000,000 of her products in return. Canada and the United States are knit together by the bonds of nature and of trade which should be fostered.

In 1922 the United States Tariff Commission reported to Congress that the only effect of the emergency tariff of that year was to injure Canada.

In 1923 the American Farm Bureau Federation, the Pennsylvania Farm Bureau, the Illinois Agricultural Association, and others appealed to the Tariff Commission for relief from this tariff.

Canada errs if she attributes the present tariff to the American public. It was enacted by a few overpowerful manufacturers who fooled our farmers and others, and disregarded the fairer judgment of many manufacturers who wanted lower duties on their own and other products.

Pork and lard: As we are the world's largest exporters, virtually her reservoir for pork and lard, the tariff does not affect their prices. Exports of pork and pork products in 1925 were valued at $220,000,000.

Dairy products: The yearly value of American dairy products is $2,600,000,000. Collectively they are by far the greatest single farm product, and one-fifth of the value of all farm products.

Butter: The United States produces 1,900,000,000 pounds of butter annually. There is an annual increase of about 530,000 dairy cows. In 1924, 8,267,000 pounds of butter were exported. Of these exports 28 per cent went to free-trade England in competition with Denmark and the world. In that year 19,405,000 pounds were imported, mostly from Denmark. That is, in our months of large production, we meet world prices in England, but in our winter months, when large quantities of storage butter are consumed, Denmark and New Zealand send a little butter to the United States on which they pay the tariff, which was 8 cents per pound until March 6, 1926, when it was raised to 12 cents per pound by proclamation of the President.

We have seen how, when the tariff on butter was increased 4 cents per pound in March, the price was 43½ cents per pound in New York. Two weeks later, March 20, the price was 41½ cents per pound. Hopeful butter makers possibly expected an increase of at least 2 or 3 cents per pound. They got a decrease of 2 cents per pound. April 16 the price was down to 37¾ cents, the lowest of the year up to that time. This decline in price was like the decline in the price in wheat elsewhere described. It supports the judgment of farm economists generally that the tariff is of substantially no benefit in dairy products or any other of the great staples upon which depend the prosperity of American farmers.

Says Mr. D. H. Hibbard (department of economics, College of Agriculture, University of Wisconsin), "A tariff on butter and cheese is about as effective as Wouter Van Twiller's campaign against the Swedes carried on by proclamation." Commissioner Edward Nordman (State department of markets, Wisconsin), says, "A tariff can not help the price of any commodity, the output of which can not be controlled. As all farm products come in this class, the tariff is a humbug so far as agriculture is concerned."

Great Britain depends upon Denmark for her butter, taking from 65 per cent to 70 per cent of all Danish exports. Germany takes 25 per cent. In 1923, Great Britain and Germany took 90 per cent of all Danish butter exported. In 1924, they took 94 per cent. If the American tariff had been lowered materially on March 6, 1926, instead of being raised, thereby giving Denmark better access than before to the American market, Great Britain would necessarily have bid up Danish prices enough to meet British requirements and prevent any large shipments to the United States. As in the case of corn and wheat, the tariff on dairy products is desirable. It comforts American farmers, but it does not help them considerably in paying their bills.

Cheese: America produces 400,000,000 pounds of cheese annually. It imports about 60,000,000 pounds. As says the Department of Commerce, "Cheese imports consists mainly of types not made to any extent in the United States, and come largely from Italy, Switzerland, France, and the Netherlands." Italian cheese is made mostly from goats' milk and imported for the use of Italians in the United States. The cheese from other countries is especially desired by epicures who buy regardless of prices.

Condensed milk: In 1924 the United States produced 1,774,881,000 pounds of condensed, evaporated, and powdered milk, of which 211,543,000 pounds were exported. Exports were many times more than in pre-war years. Germany, neighbor to Denmark, took three-tenths of these exports and free-trade England and Cuba took another three-tenths. As the prices of all dairy products are interdependent, these exports of condensed milk and cheese, like butter, indicate that on the whole American prices of dairy products are on an international basis, without material help from the tariff.

In 1924 the United States sold Denmark $44,500,000 of various commodities. Against these sales, it bought from Denmark only $6,000,000. May not little friendly Denmark send the United States something against her purchases?

Likewise, in 1924 the United States sold Germany $440,000,000 and lent her in addition $200,000,000. Against these sales and loans, the United States admitted Germany imports valued at only $139,000,000. The United States sold the British Empire $1,000,000,000 more than it bought from that empire. It is not poor policy for the United States to let such good customers sell it something occasionally. Not to do so, or to make these sales very difficult, as at present, is especially hurtful to American farmers whose products constitute the major part of the purchases of these countries from America.

Other farm products: The tariff affects other Ohio farm products so little as not to require further consideration. For instance, America's production of 2,000,000,000 dozen eggs annually is not affected by the tariff of 5 cents per dozen on eggs in the shell, and it is well to exclude or to make importations difficult, certain eggs from China, mostly unshelled and dried. We import about enough fresh eggs annually to give New York City one breakfast.

Tobacco: America is the world's reservoir for tobacco. The 1924 crop was valued at $256,346,000, of which $163,000,000, or much more than half, was exported. Evidently the tariff has no effect upon tobacco grown in the United States, excepting a quite inconsiderable and special quality grown under cloth shades, mostly in Connecticut, and receiving a tariff benefit of about $2 per pound. A Connecticut authority quit growing this tobacco about two years ago because there was no profit in it. The tariff benefit went into the ground and did not come back. Just so some, not all, of the sugar tariff fails to stick to the sugar growers' hands.

About 80 per cent of the dark tobacco grown in Indiana and neighboring States is exported. The farmers of Ohio, Indiana, and Illinois are allowed no tariff benefit from tobacco in the accompanying tables, in

which, however, the estimates of the American Farm Bureau Federation are accepted, placing the cost of the tobacco tariff to American farmers at $5,300,000, which estimate is also used for nonfarmers, although it does not allow for the further cost of the high-grade and expensive tobaccos used mostly by the rich.

Citrus fruits and nuts: Lemons are protected to the extent of 2 cents per pound, or some 90 per cent. Agricultural authorities say that our lemons can compete with foreign lemons under a decidedly lower tariff, because our product is so superior in appearance, size, packing, and extract per lemon that only the poor will use imported lemons at anywhere near the same price. Sicily is our principal competitor. There, as in other foreign countries, little care is given to their cultivation; hence their quality. Lemons are needed in our great cities, for instance, by the 350,000 dwellers in the "dark rooms" of New York City tenements, each room with from two to five occupants, without natural light, and only such ventilation as one room can get from another through an opening 3 feet by 4. These people and others need this disease-fending comfort.

The efficiency of American methods of cultivation with improved farm machinery is said by authorities to make her cost little more per dozen produced than the product of the poorer-paid, inefficient Mediterranean peasant with his hoe.

Oranges: These and most other citrus fruits are not affected by the tariff. We export large quantities of oranges. We probably produce them, like lemons, with the help of our machines, as cheaply as any nation per dozen and weight. Importations are negligible and of inferior quality.

Flaxseed: This is grown in the United States only for the linseed oil that is extracted from the seed. The duty is 40 cents per bushel. Oil cake, the residue after the extraction of the oil, is on the free list. Oil crushers, however, are given a rebate on their oil cake when exported and made from imported seed. This reduces the 40 cents apparent duty on flaxseed to a maximum effective duty of 30 cents only.

In the first year of the operation of the Fordney-McCumber tariff carefully prepared weighted price averages show that the farmers in the Northwest received a tariff benefit of about 19 cents per bushel on 45 per cent of their flaxseed crop, and on their total crop they received an average of about 27 cents per bushel.

As substantially all domestic flaxseed is raised in the Dakotas, Minnesota, and Montana (their total production being 10,774,000 bushels in 1920 and 8,029,000 bushels in 1921, with only 323,000 bushels raised in all the other States combined), the flaxseed duty is of almost no consequence to farmers in other States, except as consumers.

As consumers, farmers pay about twice their maximum effective duty of 30 cents, or 62.7 cents per gallon on the clear linseed oil consumed, this 62.7 cents being the effective duty of the oil crushers.

Only 10 per cent of linseed oil is consumed as such. The remaining 90 per cent is used in the manufacture of linoleum, paints and varnishes, and like products.

To consumers of these products the 62.7 cents duty on oil becomes upward of $1.25, the increase from 62.7 cents to $1.25 being the addition for costs and profits, conservatively figured, taken by the manufacturers, wholesalers, and retailers of these highly finished products. This means a cost of not less than $30,000,000 to the American consumers for the duty on flaxseed, or 30 cents per capita.

That the oil crushers add their duty to their prices is indicated by the recent decision of the United States Supreme Court (June 4, 1923) that they have been in an unlawful association for price regulation for some years.

A TARIFF LESSON FOR FARMERS AND OTHERS—HIGH WAGES ARE CHEAP WAGES IN FARM OR FACTORY

Price: The present duty of 2 cents per pound on milled rice (rough rice, 1 cent) is one of the little jokes in which some politicians delight. It pleases the farmer; it costs the consumer nothing; it sweetens high rates on certain manufactured products that enormously enrich a few.

Before the Great War the United States was nominally a net importer of rice. Great changes have taken place since 1913. In the last three years our imports have gradually dwindled to almost nothing, while our exports have increased enormously, being for the three years 1919–1921, inclusive, in excess of 20,000,000 bushels per annum, or about one-half of our total production.

Our average annual production for the five years, 1909–1913, was about 24,000,000. For the five years, 1918–1922, inclusive, it was about 42,500,000 bushels.

The effectiveness of American highly paid labor, when earnestly applied, well directed, and supported, on the farm or in the factory, is illustrated in the following statement on rice by Mr. Gray Silver, of the American Farm Bureau Federation, at its annual convention at Chicago, December 13, 1922:

"I asked a great manufacturer what his pay roll meant, using his mechanical facilities in comparison with unaided man power. I wanted to estimate the productivity of the American farmer and his machinery in comparison with the hoe in Europe and the coolie in Asia, with whom the American farmer competes in the export markets of the world. After nearly a year's time, the manufacturer replied: 'Our 10,200 men with their applied mechanics and power machinery do the work of almost 500,000 men working without machinery. Our wage earners are two hundred times cheaper than unaided man power.'

"The competitive value of applied mechanics on the American farm was shown last year. Our production of rice has increased until last year we had a large exportable surplus. Our friend, Secretary Hoover, said to the representatives of his department in different parts of the world, 'Find buyers for this surplus rice; we have 180,000 tons.'

"And where do you suppose the market was found—in riceland, in Japan and China—at our domestic price plus the cost of taking it there, proving that the 10-cent worker with the breechclout is more expensive than our labor-capitalist at $3 per day."

American farmers are manufacturers. They produce mostly by machinery. American energy, skill, and machinery, whether on the farm or in the factory, need less protection than some would have us believe who tell of the low wages of ill-conditioned, foreign labor.

The following calculations are based upon Government statistics and approved by competent and dependable authorities.

What the tariff does to three States—Ohio, Indiana, and Illinois

(Census of 1920 and 1925 in part)

March 1, 1926

Population	15,654,784
Farm population	3,144,886
Number of farms	699,000
Nonfarmers	12,509,833

Agricultural schedule

United States crops materially benefited by the tariff	Tariff gain to a few farmers	Cost to farmers as consumers	Cost to nonfarming population	Cost to State	Cost to United States
Wool	$3,389,000.00	$8,647,000	$34,399,000	$43,046,000	$300,000,000
Sugar beets	[1] 1,367,000.00	6,308,000	25,018,000	31,326,000	216,000,000
Flaxseed	10.20	943,000	3,753,000	4,696,000	30,000,000
Lemons	None.	314,000	1,251,000	1,566,000	10,000,000
Tobacco	Negligible.	537,000	2,125,000	2,662,000	53,000,000
Total	4,756,000.00	16,749,000	66,546,000	83,296,000	609,000,000

[1] On the basis of 60 per cent of the sugar tariff going to farmers and 40 per cent to sugar factories. In the Mountain States only 50 per cent of the sugar tariff reaches the farmers.

Farmers as consumers lose on agricultural schedule	$16,749,000
A few farmers gain on agricultural schedule	4,756,000
Loss to farmers on agricultural schedule, net	11,993,000

The States as a whole lose on agricultural schedule, net, $78,540,000.

Farmers lose on their schedule $3.50 to $1 of gain.

The States lose on agricultural schedule $16.50 to $1 of gain.

Manufacturers' schedule

(On the basis of one-half of the duties being added to prices in certain industries)

	Cost to farmers as consumers	Cost to nonfarming population	Cost to State	Cost to United States
Heavy steel products	$14,657,000	$43,800,000	$58,407,000	$375,000,000
Light steel products	23,548,000	93,823,000	117,371,000	750,000,000
General store merchandise	75,412,000	363,305,000	365,690,000	2,475,000,000
Total	113,617,000	500,928,000	541,468,000	3,600,000,000

Loss to farmers on manufacturers' schedules, $113,617,000.

Loss to States on manufacturers' schedules, $541,468,000.

Farmers lose on all schedules, net, $125,610,000, or $26 to $1 of gain.

The three States as a whole lose, net, $620,008,000, or $130 to $1 of gain.

Against this cost of the tariff to Ohio, Indiana, and Illinois of $620,008,000 is to be offset the tariff profits of their stockholders in their steel, glassware, chinaware, and other highly protected industries. So much of these properties, however, are owned by great eastern capitalists and represented by Wall Street securities that estimates of the gain to residents of Ohio, Indiana, and Illinois are difficult, if not impossible. See leaflet of Fair Tariff League, Protection and the Miracle of American Production (at a cost of printing and postage, 29 cents).

FOURTEEN STATES—THEIR TARIFF PROFIT AND LOSS

(All schedules included)

The following tables show the effect of the tariff upon 14 States thoroughly representative of the entire country west of the Appalachian Mountains.

The States in the first group contain a good many manufacturing industries that make huge profits from the tariff, which are not shown in these tables. So much of the capital stock of these industries is owned outside these States and sold, like so much merchandise, on

Wall Street, that it is difficult, if not impossible, to determine how much of their tariff profits are enjoyed by the residents of these States. That the amount is great is beyond doubt.

In the second group there is scarcely a factory that produces in any considerable quantity these overprotected products. Practically without exception their factories are simply preparing foodstuffs for market, meat packing, canning and preserving, breadstuffs, ice cream and confectionery, etc. Or they are in the upkeep trades, the repair of railway cars and equipment and automobiles, foundries, and the building trades, etc.

The States in the first group are prosperous on the whole and can continue so for many years with their agriculture degraded as it has been since the World War.

The States farther west in the second group, barring a few wool and sugar Mountain States in the West, will all but perish unless agricultural conditions improve, for they have no other dependence than agriculture.

Farmers and the agricultural schedule—14 States

States	Farmers' gain	Farmers' loss	Net loss	Net gain
GROUP 1				
Ohio	$3,220,000	$6,084,000	$2,864,000	
Indiana	859,000	4,826,000	3,967,000	
Illinois	677,000	5,840,000	5,163,000	
Wisconsin	762,000	6,302,000	5,540,000	
Total, 4 States	5,518,000	23,052,000	17,534,000	
GROUP 2				
Iowa	621,000	5,239,000	4,618,000	
Minnesota	3,813,000	5,133,000	1,320,000	
Kansas	240,000	3,770,000	3,530,000	
Nebraska	2,396,000	3,107,000	711,000	
Colorado	3,967,000	1,669,000		$2,298,000
Utah	2,457,000	879,000		1,578,000
Idaho	1,042,000	1,128,000	86,000	
Washington	216,000	1,507,000	1,291,000	
Oregon	302,000	1,138,000	836,000	
Texas	898,000	9,837,000	9,239,000	
Total, 10 States	15,652,000	33,407,000	21,631,000	3,876,000
Total, 14 States	21,170,000	56,459,000	39,165,000	3,876,000

As the table shows the farm population, which numbers 11,604,923 souls, in these 14 States, including some of America's greatest, received from the tariff $21,170,000, or $1.82 each, man, woman, and child, as a tariff bait.

They spent an extra $56,495,000, or $4.96 each, in fair price increases to get back the same foodstuffs and wool that they parted with for $1.82 of tariff bait.

Their net loss in the transaction (which concerns their own schedules only) was $39,165,000, less the small profits of two of these States whose wild-land woolgrowers and sugar factories, with their confederates in a few other like States, led all these people into the tariff deal.

In Ohio, Indiana, Illinois, and Wisconsin, 4,064,923 farm people got, as their bait, only $1.33 each, and to get their products on which they received this $1.33 back from near-by stores they paid the stores as a fair price $5.67 each. They received from the tariff on their own schedule an extra $5,518,000, against which they spent $23,052,000.

Petty figures these, as a lure to American farmers whose products, in 1925, were valued at $12,404,000,000.

The third table shows what, with this $1.83 bait, was done to these 11,604,023 farm people, by a few very powerful manufacturers and their politicians and to some 23,000,000 other people in these States.

Proportion of tariff loss to gain, all schedules considered

Fourteen States	Farmers lose—	The State loses—
Ohio	$14 to $1 of gain	$68 to $1 of gain.
Indiana	$44 to $1 of gain	$138 to $1 of gain.
Illinois	$67 to $1 of gain	$416 to $1 of gain.
Wisconsin	$51 to $1 of gain	$155 to $1 of gain.
Iowa	$67 to $1 of gain	$140 to $1 of gain.
Minnesota	$9 to $1 of gain	$25 to $1 of gain.
Kansas	$118 to $1 of gain	$300 to $1 of gain.
Nebraska	$17 to $1 of gain	$35 to $1 of gain.
Colorado	$2.50 to $1 of gain	$12 to $1 of gain.
Utah	$2.50 to $1 of gain	$5.50 to $1 of gain.
Washington	$54 to $1 of gain	$94 to $1 of gain.
Oregon	$30 to $1 of gain	$21 to $1 of gain.
Idaho	$8 to $1 of gain	$7 to $1 of gain.
Texas	$267 to $1 of gain	$65 to $1 of gain.

The two tables above show strange differences in tariff loss and gain to the farm people of different States. Wool and sugar are the explanation.

Colorado and Utah, in the first table, are the only 2 States of the 14 whose farmers gain on their own schedule. Colorado and Utah farmers, however, lose $2.50 to $1 of gain, when all schedules are considered, while the people of Colorado as a whole lose $12 to $1 of gain, and Utah loses $5.50 to $1 of gain. Little Idaho fared almost as well in respect to her farmers in their schedules, while the State as a whole loses $7 to $1 of gain. Add to these States Wyoming, Oregon, Arizona, and California, with their wool and sugar Senators, and we see where is the fervid advocacy of high farm duties. But in these Mountain States, as elsewhere explained, the wool duties go almost entirely to big sheep grazers on wild lands, who are not farmers at all, and half the sugar duties go to inordinately rich sugar factories. Dirt farmers have no great advantage from either product.

How farmers and others fare, all schedules are considered, is shown in the following table:

Fourteen States—Tariff profit and loss

(All schedules considered)

States	Population	Farm population	Farmers		State, loss, net
			Gain, gross	Loss, net	
GROUP 1					
Ohio	5,759,394	1,139,329	$3,220,000	$43,374,000	$219,652,000
Indiana	2,930,390	907,295	859,000	37,074,000	118,640,000
Illinois	6,695,000	1,098,262	677,000	45,163,000	281,716,000
Wisconsin	2,801,000	920,037	762,000	39,120,000	117,418,000
Total 4 States	18,185,784	4,064,923	5,518,000	164,731,000	737,426,000
GROUP 2					
Iowa	2,404,021	984,800	$621,000	$40,581,000	$87,786,000
Minnesota	2,387,125	807,181	3,813,000	36,560,000	94,737,000
Kansas	1,769,257	691,690	240,000	28,776,000	71,572,000
Nebraska	1,296,372	584,172	2,396,000	37,503,000	79,730,000
Colorado	939,629	266,072	3,967,000	12,950,000	44,380,000
Utah	449,396	140,249	2,457,000	5,119,000	15,939,000
Idaho	432,000	201,000	1,042,000	7,419,000	15,214,000
Washington	1,357,000	283,000	216,242	11,634,000	54,353,000
Oregon	783,000	214,000	301,725	8,048,000	30,304,000
Texas	4,663,228	2,277,773	597,000	86,301,000	175,107,000
Total, 10 States	16,481,000	6,540,000	15,652,000	272,998,000	669,122,000
Total, 14 States	34,666,784	11,604,923	21,170,000	437,729,000	1,406,548,000

As the above table shows, 11,604,923 farm people, being more than one-third of all America's farm population, received from the tariff $21,170,000, or an average of $1.83 each. They lost, all schedules included, $437,729,000. They lost $26 to $1 of gain.

The 4,064,923 farm people of Ohio, Indiana, Illinois, and Wisconsin received $5,517,000 from the tariff and lost $164,731,000. Ohio, because of her sugar and wool, lost only $14 to $1 of gain; Indiana lost $44 to $1; Illinois, $65 to $1; Wisconsin, $51 to $1; "Bleeding Kansas," $118 to $1; and Texas, representative of the Southern States, lost $267 to $1 of gain.

These 14 States as a whole lost, net, $1,406,548,000.

This is a large sum. It anyone doubts its accuracy, let him remember that the United States produces annually upward of $60,000,000,000 worth of manufactured commodities. Can anyone imagine that the tariff increases the prices of these commodities less than 5 per cent? That would be $3,000,000,000. To these factory prices would be added, on crude materials like steel, the profits and manufacturing costs of other manufacturers who convert crude materials into highly finished products. There would also be added from 10 to 35 per cent by wholesalers and an additional 50 to 75 per cent by retailers. It is therefore conservative to estimate retail prices at double factory prices. They are sometimes three or four times higher.

At 5 per cent average tariff increase for all manufactured products, the above $3,000,000,000 becomes $6,000,000,000 at retail.

This at 5 per cent! In dozens, if not hundreds of cases, the tariff increase is from 20 to 60 per cent. On no dutiable article is it less than 10 per cent, and on almost none is it that low. On wearing apparel, which takes 15 per cent of the farmer's income, it is 59 per cent; on woolen cloth, 73½ per cent; on sugar, 47 per cent; on window glass, 27.4 per cent; cast-iron pipe, 20 per cent; aluminum utensils, 71 per cent; glucose, 50 per cent; and so with hundreds of other articles.

Five per cent forsooth! Do American manufacturers cajole and deceive and fight for 5 per cent? The above tables are conservative.

Recent issues of tens of millions of new shares of capital stock on the basis of 10, 20, and more new shares for 1 old share indicate how the tariff losses above indicated become the profits of a few who will insist on the continuance of high tariff rates. The many new shares of capital stock must, in time, from their standpoint, receive as good dividends per share as the fewer old shares.

Nor is it fair to blame anyone except the public that bears it.

On the basis of normal quantity production the present tariff makes farm implements cost farmers $100,000,000 too much and implement manufacturers $50,000,000 too much.

American steel makers add the duty and the freight from Europe to domestic prices. They export $230,000,000 at 30 per cent less than domestic prices.

Total exports steel products, all kinds, $700,000,000.

To-day's prices (October 22, 1923) of American-made bar steel, which is a criterion for all steel prices, is $2.40 per hundred pounds. The export price of English bars is $1.61. The Belgium price in dollars is 3 per cent less. France is between England and Belgium, while in Germany, with her worthless currency, the bugaboo of the nations, the dollar price is 50 per cent higher than in England.

The American price, $2.40, is the English price plus the duty of 27 per cent, or 43½ cents, plus 20 cents freight to New York, plus 16 cents for good measure. Prices change from time to time, but this method of making prices does not change.

While thus charging the last farthing that circumstances permit, our steel manufacturers are exporting at the rate of $230,000,000 annually, and the net profits of the greatest of them, the United States Steel Corporation, in 1923 were, in round figures, $180,000,000 net, subject to interest charges and dividends. Dividends were declared for the quarter year ending September, 1923, at the rate of $6 per share on its $508,000,000 of common stock, once all water and sold for $8 per share, now worth intrinsically $260 per share. The Wall Street Journal of November 2 says that 10 per cent annually, or $10 per share, "would have been entirely conservative and proper, as the earnings for the current year are at the rate of 15 per cent after paying preferred dividends." Some other companies were as profitable.

American wages, measured in dollars, are the highest ever, largely because the tariff is exorbitant and profiteering instead of honestly protective. Wages must keep up with living costs, even if the latter are not honest.

These and similar excessive costs of materials and wages and of freights, which are high for the same reason (railroad equipment is figured on the above steel basis), make the factory cost of farm implements at least 10 per cent above honest protection, and likely 15 per cent. At 10 per cent excess cost the implement factories are obliged, if they live, to pass this excess cost on in the sum of $50,000,000 annually, further increased as the implements pass to the wholesaler, to the retailer, and on to the farmer to a total of $100,000,000.

Farmers can not pass this $100,000,000 on to their consumers, because 89 per cent of all American farm products are sold on a free trade or export basis. They can't sell free trade and buy profiteering, so they are going without needed new implements.

Farmers constitute 30 per cent of our population and fully one-third of its purchasing power, for farmers, as users of machinery and other appliances, are far greater purchasers than average citizens. Also, farmers pay 40 per cent of all railway charges—far more than average citizens.

This tariff victimization of America's fundamental industry, agriculture, and of nearly one-third of her population can not endure.

In 1922–23 farm-implement factories produced only 32 per cent of the normal number of implements. Twenty of them lost $50,000,000 in two years. It was an endurance test between the implement manufacturers and their customers, the farmers, that nearly killed them both, and neither to blame.

Of course the farmers lost out. Steel prices held as if the steel were made in Europe plus ocean freight, plus the tariff, and in 1925 the patched and repatched implements would run no longer. Farmers gave the implement workers enough business to restore their profits.

Said Mr. F. W. Murphy, acting chairman of the farmers legislative committee, March 17, 1926: "I paid for that gang plow in 1914, $60. The last price, as I recall it, on that plow was $150. I had the alternative of either not taking the plow that I actually had to have to farm my land or paying $90 extra price. Will you please tell me what ability I had to pass $90, or any part of $90, back into the system to get it back?"

And so we again see the farmer as "the milch cow of the tariff," and those who have served him best, his implement makers, forced to milk him under compulsion of the Steel Trust and the Congress of the United States.

According to careful estimates, the cost of railway equipment and operation would be reduced approximately $450,000,000 by reasonable adjustment of steel and other duties especially onerous to railroads. The first step toward lower freight rates is this reduction in operating costs.

The situation of the farm-equipment manufacturers in respect to excessive costs due to the tariff is duplicated in almost all small manufacturing, and also in some of the greatest of our industries, like automobiles, furniture, and many building products. The fact that Mr. Ford makes his own steel may account in part for his own low prices. He doesn't have to pass on a huge steel graft to his trade.

COMPETITION, THE "PROTECTOR" OF THE CONSUMER

WOMEN AND THE TARIFF

Industries that are on a strictly competitive basis, like clothing, shoes, and implements, have to sell close and sometimes without profit. Only the best-managed ones make good profits. Competition controls their selling prices, as it does in agriculture.

Competition is the "protector" of the consumer. By eliminating foreign competition by duties beyond the fair requirements of domestic production, the tariff becomes, in fact, "the mother of trusts." It offers temptations for lawbreaking and price fixing beyond the resistance of many men.

It is strange for Congress to make price fixing criminal and also, in the present tariff, to make price fixing profitable beyond the dreams of our forefathers.

EVEN CHAIRMAN M'CUMBER OF THE FINANCE COMMITTEE, UNITED STATES SENATE

> "The only good reason for allowing products to come into this country to compete with our own is to hold down and prevent any extortionate charges being made by the producers in our own country. We want foreign competition to prevent combination." (CONGRESSIONAL RECORD, July 26, 1922.)

Extreme protectionists stress the fact that imports have largely increased under the present tariff. They have; but mostly in raw and partly finished materials for use in our factories; while the goods that compete even remotely with domestic products have been largely excluded by the present tariff, leaving domestic makers of these products to ask what prices they will, with only the rich who do not mind the cost to use imported articles.

For instance, a beautiful party gown covered with embroidered beadwork costing $7.40 in France retails here for $45 and upward; another, $16 in France and $90 here; another, $52.50 in France and $250 here, with no profiteering in any of these gowns, except the doubling of prices by the tariff. A child's dress, about 90 cents in France and the price here quadrupled because it has 2 cents of machine lace on neck and sleeves. An embroidered ornament for women's hats costing 65 cent in France and adding $5.50 to the retail price of a choice imported hat if put on the hat in France, thereby raising the duty from the hat rate of 55 or 60 per cent to the "ornament" rate of 90 per cent. The duty on the hat is increased $2 by this 65-cent ornament. Also choice cotton dress goods, 95 cents a yard in France and $3.50 retail here. The choicest woolen dress goods, 50 inches wide, $1.15 at the French factory and $4 at retail here, and no profiteering on these dress goods except the tariff. Long kid gloves, duty $1.87 per pair; none made here; the duty intended chiefly to make our women wear what we do make here and they do not want.

All these things are noncompetitive in that the wearing apparel is handmade, while American things are machinemade. We do not want our women to stitch, stitch their lives away with hand needles, nor will they. We can not and will not make these things. We need them for variety and beauty. They are especially artistic in color, design, and workmanship. While we can not and will not compete with this handwork, our corresponding machinemade articles are sold the world over.

The cotton and woolen goods are likewise different—some made on hand looms that we will not use, and others requiring more time and care than we give.

The duty on the cloth in women's "tweed" suits and coats, of which 30,000,000 are sold annually, adds from $4 to $5 each to retail prices—an addition of $120,000,000 to the clothing bills of American women.

These things typify French production. Likewise British, Italian, and other European products largely differ from ours in quality or design. We need low enough duties on strictly competitive articles to keep domestic prices within reach. On noncompetitive articles we need reasonable duties to enable foreign countries to buy and pay for greater quantities of our foodstuffs that are now selling below cost of production. This means everything to our agricultural States.

It means much to their foreign customers. The countries who fought for us while fighting for themselves—France, Britain, Italy, and others—are undernourished and below par in efficiency. They want food, and from us. They can only pay by exchange of commodities. They virtually say, "We are hungry; will you not take these things from us on a reasonably protective basis and give us food in exchange? Will you not give us more of wheat and corn in the form of pork and lard, for which we would pay good prices?" And our answer is, "We do not know you—not interested. The Chicago wheat pit handles our farm products."

Farmers can plan and hope, but they can not add a dollar of their tariff rates to their prices except on wool, sugar, flaxseed, and northern hard wheat, and on minor and relatively inconsequential commodities like lemons, nuts, and odds and ends. It behooves them to give thought to export trade.

INTERNATIONAL TRADE THE FOUNDATION

> "Our international trade is one of the very foundations of our standards of living; that our whole fabric of living and comfort are dependent upon the import of commodities which we do not and can not ourselves produce—tin,

rubber, coffee, sugar, and a score of others; further, in the main the amount of these commodities we can import will depend upon the volume we export. Moreover, we need a constant expansion of our export markets to give stability to our internal production by a wider range of customers." (Herbert Hoover, November 9, 1923.)

TWO GROUPS CRUCIFIED—FARMERS AND WOMEN

The present tariff crucifies two groups—farmers and women. Farmers, by reducing the purchasing power of their products until "the farmer's dollar is a 75-cent dollar" and by severely restricting their foreign markets. Women, by declaring everything they wear a luxury and taxing it as if its purchase were a sin. It would compel women to dress as severely as men, ignoring the requirement of all the ages that women adorn themselves with things of modest beauty for the joy of the world and as an outward token of their inner loveliness. It is brutal to tax their things from 60 to 90 per cent, leaving only the rich to use beautiful things from abroad of slight initial cost and to make American retail prices sometimes five times the foreign costs.

AGRICULTURE AND FOREIGN TRADE—AMERICA ONE-THIRD FREE TRADE AND TWO-THIRDS PROFITEERING

The principal European importers of foodstuffs are Great Britain, Germany, France, and Italy.

Their consumption of human foodstuffs, wheat, and rye for several years since the war was only 80 per cent of their average consumption in the five years before the war, 1909–1913.

Their imports of both human and animal foodstuffs have been at prices below their own costs of production.

Their aggregate population is greater now than before the war. Even France, exclusive of her newly acquired Provinces, Alsace and Lorraine, has a larger population than before the war, while the population of Italy in her pre-war area has increased from 35,000,000 in 1911 to about 49,000,000 now.

In some quarters the fact that the United States is exporting more cereals now than before the war is taken to indicate a prosperous condition of export trade. When, however, the condition of the importing countries is such that their consumption per capita is one-fourth less than before the war, and they purchase their imports at less than their own costs of production, it is manifest that they are buying under great difficulties the least possible and only at bargain prices.

The consumption in these countries of animal foodstuffs, corn, oats, and hay was in 1923 about 40 per cent less than pre-war, showing that these countries are going without meat even more than without bread.

The consumption of human and animal foodstuffs combined was about 30 per cent less than before the war.

All this means undernourishment, sickness, and suffering, and low productive efficiency in Europe, where, if anywhere, we must dispose of our foodstuffs and at prices that determine domestic prices also.

No one thing will completely mend this situation. The present tariff, however, aggravates it in an extreme degree, because it makes impossible a reasonably fair and considerate exchange of commodities between our own and other countries.

What it means to American farmers to produce and sell on virtually a free-trade basis, to buy their requirements from profiteering manufacturers, and to have their foreign market restricted is indicated in official reports that 47 per cent of all persons adjudged bankrupt in Idaho in 1922 were farmers, and that from 32 to 78 per cent of all formal bankrupts in Iowa, Nebraska, Kansas, Colorado, North Dakota, South Dakota, and Montana were farmers.

America can not endure one-third free trade, the farmers, and the other two-thirds profiteering under a tariff like the present. On that basis the profiteering two thirds will consume, first, the other third and then themselves.

Farmers are diversifying their crops, except in the Dakotas, and doing all else they can. The tariff picks their pockets. That's the trouble.

THE RESPONSIBILITY OF PROSPERITY

"America is intoxicated with her tremendous success and will have to sober up and realize the grave responsibility that her extraordinary prosperity brings with it with regard to the other nations. To me the United States seems to be not alone a sun of the Western Hemisphere but she is rapidly becoming, if she is not already, the sun of the world, and has to spread light and warmth to all other countries. This would sound conceited and bombastic if it were not recognized almost universally as a mere statement of fact." (Henry Morgenthau, American business man, statesman, and philanthropist, New York Times, April 25, 1926.)

HEAVY STEEL PRODUCTS

Extensive analysis of the seven basic steel industries, pig iron, bar steel, rails, structural iron, cast and wrought iron pipe, tin plate and terneplate, and wire and wirework (see leaflet, Fair Tariff League), shows that Congress in the present tariff gave these industries the privilege of adding $351,000,000 to their prices, to cost consumers twice this sum at retail and in amortization charges, or $702,000,000.

Since the great steel consolidations these industries have charged all the traffic will bear. It is overconservative to estimate, as in accompanying tables, that only one-half of the above tariff allowance is added by them to their prices, or $175,000,000 to the United States as a whole, to be doubled at retail or by amortization charges in freights and buildings, etc., making a total cost to American consumers of $350,000,000, or an average of $3.50 per capita. The steel duty, however, costs farmers half as much again per capita as other citizens, or $158,000,000 all told, for farmers are among our greatest consumers of steel, in machinery, in automobiles, and in the transportation of their crops on the railways.

There is no reason for such a tariff except price raising. We are the greatest and as cheap producers of steel as any people. Steel producers say so. We exported in the three years 1919–1921, of these heavy steel products, $733,787,285, against imports of $34,786,900. Exports were twenty times greater than imports. Exclusive of pig iron, which we are willing to export only in more highly finished products, we exported fifty times more than we imported.

The heavy steel duties are an enslavement of the public to a few of the wealthiest corporations in the world. Their annual profits aggregate hundreds of millions of dollars. The duties on these heavy steel products show clearly the difference in the value of duties to manufacturers and to farmers. Manufacturers, when they will, if only by winks and nods, can agree on prices and add all their duties to their prices.

When the steel schedule was before the Senate Senator UNDERWOOD, of Alabama said:

"I am in the business myself. I represent a great iron and steel district. I would not willingly harm a people that I represented, but neither would I willingly betray a people I represented by taxing them unjustly for special interests. I know this iron and steel schedule, and I know that it is a fraud and a shame upon the people of this country. I know that it is not even in the interest of the industry in the end. * * * It can compete anywhere in the world. We are the master iron makers of the world.

"Where the fallacy of this argument comes is that under the guise of doing something to help the farmers in some particular item their support is asked for a bill of which, as a whole, it seems that for every dollar the farmers may derive from the bill they will pay $100 in taxes for the benefit of somebody else."

"Go put your creed into your deed, nor speak with double tongue." (R. W. Emerson.)

LIGHT-STEEL PRODUCTS

On other metal products, stamped ware, sewing machines, machinery of all sorts, hardware, washing machines, etc., Congress invites the manufacturers to add $790,000,000 to their prices, to cost consumers at retail $1,580,000,000.

Only insanity would let manufacturers go so far. Prices were high, however, under the former tariff and have, on the whole, advanced rapidly since. It is fair to estimate that an addition of one-half of this vast total, or $375,000,000 at the factories and $750,000,000 at retail, may be added above the cost of such merchandise abroad, being $7.50 per capita, as estimated in our tables.

GENERAL STORE MERCHANDISE

An analysis of 29 industries making the merchandise that fills our retail stores—cottons, woolens, aluminum wares, gloves, hosiery, glassware, chinaware, etc.—shows a tariff permit for price raising of over $5,000,000,000 above the prices of imported articles.

Only insanity would cause manufacturers to add all this.

Makers of some of these products have, however, already added the entire tariff advance. (See Book 1, Fair Tariff League.) Assuming that an average of one-half of the total will be added, or $2,500,000,000, to these and other like articles, we have a not improbable tariff tax of $30 per capita, or $150 per family of five.

These figures help us to see why, as Irving Fisher says, an income now of $20 a week goes no further than $12 a few years ago.

"The Payne-Aldrich bill was crooked, yet if it had not hurt the American people * * * there would have been no such political revolution as followed. * * * There is very little difference between the Payne-Aldrich bill and the duties as reported in this bill." (Senator LENROOT, Republican, Wisconsin, CONGRESSIONAL RECORD, July 26, 1922.)

"Gentlemen, Congress is becoming a bargain counter." (Senator Dolliver, Republican, Iowa, 1909.)

WAGE EARNERS AND THE TARIFF

There are 30,000,000 wage earners in the United States. Two-thirds of these wage earners are in nonprotected occupation, in trade and transportation, in clerical and domestic service, in the building trades, and in agriculture. The tariff has little more to do with them than with the 3,500,000 salaried workers, school-teachers, and office people, or with those who mine coal and the precious metals.

The remaining one-third, or 10,000,000 wage earners, are in manufacturing. Not more than one-half of these 10,000,000, or 5,000,000, are directly benefited in a substantial measure by the tariff. The others are preparing the cereals, meats, fruits, dairy products, and other foodstuffs for market or are in the building and upkeep trades, in railway and automobile repairing, in lumber and woodworking, or in the production of such things as automobiles and shoes (on the free list) that are made as cheaply in the United States as anywhere.

For example, two-thirds of America's annual output of about 9,000,000,000 yards of cotton cloth are produced cheaper than in England, the only considerable competitor, and are sold the world over. Wage earners making this cloth are not helped by the tariff. Their wages are the lowest in America for their type of service.

No provision is made in the tariff that a penny of tariff protection shall go to any wage earner. Tariff benefits are paid directly to employers in their selling prices in the mere hope and expectation that part of these benefits will reach the wage earners. Is this the way to tax American consumers $5,000,000,000 annually in their general purchases? In England's recent attempt to develop the growing of sugar beets in England it is required that virtually all of her sugar bounties shall reach her sugar growers. Such a law covering all tariff rates in the United States would protect 30,000,000 wage earners from profiteers and at the same time give all necessary protection to the 5,000,000 of them who especially need it.

Why are American wages high? An American factory worker uses from two to three times more horsepower and produces from two to three times more dollars' worth of goods than an English worker. This has been shown beyond doubt by distinguished protectionists and economists for 50 years. At double to treble the English wage the American worker only breaks even. It was much the same when America was an English colony. In making America's first protective tariff Alexander Hamilton said that American high wages needed no protection; that American manufacturers could afford to pay them and would. It will be so regarding all countries so long as they underpay and underfeed their wage earners. Let not selfish interests blurr this record of American achievement for their pockets' sake.

> "Informed men know that high wages, with their resulting good health, good will, and energy, are cheap wages. To show this by facts and figures is more than a national service. It tends, by America's example, to raise the wages of all countries to the betterment of the race, as Mr. Miles shows." (William H. Johnston, president International Association of Machinists.)
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> "We know too little of the power and the value of America's relatively high wage scale. Mr. Miles's illustrations are refreshing and valuable. As he says, a committee of labor leaders studying the tariff in cooperation with representatives of other economic groups would render a valuable public service in finding what protection is needed and eliminating the element of exploitation from the tariff." (James P. Noonan, president International Brotherhood of Electrical Workers.)
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> "Where American labor is made a cat's-paw for high tariffs that give $10 to trusts and the like to $1 to labor, our wage earners suffer with the rest." (Edward Keating, editor Labor.)

If American wages were much higher than Europe's per unit of product, American manufacturers would not export, as they now do, about two and one-half billions of dollars' worth of their products annually. To-day America is the greatest export nation of domestic manufacturers in the world, surpassing her greatest competitor, Great Britain, in 1925 for the first time.

And American manufacturers prosper greatly in their exports while farmers, who export less, are all but perishing.

American factories in normal years can produce far more, possibly 25 per cent more, than her people will consume. As President McKinley said shortly before his death, "The time for exclusion is past." Not only do American manufacturers export freely but they have to.

HIGH AMERICAN WAGES AND FALSE TARIFF PROPAGANDA

Overprotected interests and their politicians, in order to boost their tariff rates, harp upon the difference in "day wages" in the United States and in Europe. They know that fundamentally "day wages" have substantially nothing to do with the tariff. They know that it is only a question of the wage cost per yard or per pound—that is, "per unit of product."

For 40 years or more statistics show that the American wage earner produces twice the output of the English worker in money value. He uses two and one-half times the horsepower. At double the wages, and sometimes treble, the American wage earner only breaks even. That is the principal reason why the United States is the greatest exporter in the world of homemade manufactured products.

Hosiery manufacturers harp on the $2.50 per day that their girl knitters get as agninst $1.35 in Europe. The American manufacturers do not employ their knitters at $2.50 per day. Her contract is one-sixth of 1 cent per pair for ordinary cotton socks. She earns $2.50 per day because she knits 1,800 pairs per day—no lower wage anywhere in the world; witness the 1,000 hosiery customers that one American exporter has in free-trade England.

Those who think that American wage earners get or need anything like the present tariff rate should study the following table, which shows in column 2 the number of cents that go to wage earners out of each dollar of factory selling price. Column 3 shows the tariff rate on each dollar of merchandise imported.

Wages and the tariff—What labor gets from each dollar of product and the corresponding tariff rates

Product	Wage per dollar of factory selling prices	Tariff rate on each dollar imported
	Cents	*Cents*
Cotton goods	16¾	42
Silk goods	15¾	57
Woolens	15¾	68
Hosiery	17¾	67
Glassware	30½	38½
Glucose	6	50
Aluminum	17¾	45
Cutlery	39	182
Stamped ware	23½	40
Gloves, leather	17½	50
Buttons	33	99
Chinaware	41	60
Paints and varnishes	7	28
Shoes	27	Free.
Agricultural implements		Free.
Sewing machines	44	15
Cast-iron pipe	14.8	20
Wire	18½	28
Glass bottles	30	60
Oilcloth and linoleum	11½	35
Carpets and rugs	19½	40

The wage proportions in the second column have changed scarcely any for 40 years.

In cotton, silks, woolens, and glucose, for instance, the wage earners' receipts are virtually the total wages for converting the raw materials into finished products ready for consumption. The duties are many times the total wages in these industries.

In many industries, however, to the wages paid in the particular industry there must be added wages paid in this industry the wages paid in other industries that prepared the raw materials for further manufacture. For instance, to the wages in the cast-iron pipe mill must be added the wages in the blast furnace in order to get the total wage cost in manufacturing cast-iron pipe.

Fifteen years of observation in the Tariff Commission indicates that the wages paid in the industries of United States run from 10 to 20 per cent per factory. (See table.)

In most products, however, the total wages in all the factories from the raw material in the ground to the finished product ready for the consumer's use are about 50 per cent.

In shoes, for instance, the tannery contributes 10 per cent of wages and the shoe factory 27 per cent, total, 37 per cent, of the shoe factories' selling price.

So far as wage earners are concerned, the tariff should measure only the difference between American wage costs per unit of product—that is, per yard and per pound—and such lower European wage costs per unit of product as can be proved with full allowance for America's greater efficiency due to her "mass production."

As an illustration of European conditions, an average size Scotch mill making "tweeds" for men's suits has 70 looms, and will set up a machine to run two pieces of any one of 8,400 styles and color combinations. An English maker of mens' worsteds must make each pattern in eight different widths to meet the requirements of different foreign countries.

In June, 1925, the tramway managers of Manchester, England, ordered rails from the United States at 5 per cent below English prices. There were at that time 100,000 idle workers in the English steel industry.

English steel mills rarely see an order for 5,000 tons at a time. Orders for from 10,000 to 40,000 tons are not unusual in America.

In contrast with the above the United States has about twice the population and fourt times the purchasing power of any other manufacturing nation. Her people all want the same things made the same way. Consequently an American girl weaves 45,000 yards of cotton cloth per week and at a less wage cost than the English weaver, who goes home at night with only half as much pay in her pocket.

An American worker makes a spark plug in six seconds. Another, with his battery of bolt-making machines, eats up 18 tons of bolt wire per week. Such is the American way. This is why two and a half billion dollars of American manufactures go abroad yearly.

"You won't see a big factory in Europe until you get to Germany," said a foremost American consular agent to the chairman of the Fair Tariff League, who had said that after many visits to Europe he was

impressed with the smallness of English, French, and Italian factories. So it is from the Mediterranean to northern Scotland.

European factory management and wage earners are like Americans, neither better nor worse. But they simply can not go further than to imitate, and with regrettable shortcoming, America's method of almost limitless "mass production." Until the "United States of Europe" arrives (now a much-talked of dream) the United States of America has an overwhelming advantage.

European manufacturing nations average less than one-half the population of the United States. That half is to be again halved because of the lower purchasing power of European people. Their low purchasing power is not due to their lack of protective tariffs, for they have them, just as the United States has. Their low purchasing power is due to the hostile tariffs that each has against the others, and to the frightfully limited purchasing power inside each country as compared with the United States.

For America to fear such competition is for a giant to carry a huge club as a protection against friendly children.

Other false propaganda: The statement is made in high places and spread broadcast by vast numbers of unsigned and anonymous circulars, that farmers are well treated in the tariff because there are 85 farm products, naming them, that are protected, against which there are 57 other articles for the farmers' use that are on the free list.

A distinguished member of the Tariff Commission said in 1924 that there were more than 500,000 articles covered by the tariff. It is interesting to see that those who search for tariff information that will soothe farmers and get their votes, find 85 products out of more than 500,000 that give the farmer protection. To make so long a list of the things that farmers can produce under protective rates, there are mentioned spices, dates, straw, vinegar, mustard, cloves, mushrooms, and pepper, along with the familiar American crops. Possibly this carries the suggestion that American farmers might raise less corn and more cloves, less wheat and more mushrooms and pepper.

We have seen the value of protective rates on farm products.

Against this list of protected farm products, are named 57 articles, for farmers, that are on the free list. No article named is of importance to farmers, except his shoes, manures, and agricultural implements. The latter cost American farmers an extra $100,000,000 because of the steel tariff, as shown elsewhere. The farmer can not be happy about this.

Instead of counting agricultural implements as one item, they are counted 11 times, as plows, harrows, rakes, etc.

Instead of counting lumber once, it is counted seven times, as logs, plank, etc.

This list of free articles is indeed one for which farmers should sacrifice without stint! The list includes camphor, cotton gins, pads for horses, sheep dip, tea and coffee, kerosene, rennet, and bones. It is doubtful if farmers spend 1 per cent of their income for all of these articles except farm implements, shoes, and manures.

He gets his rennet free and his bones, but how about the articles not named that cover 95 per cent of his expenditures for manufactured products with the majority of their duties running from 30 to 150 per cent?

Is it for free rennet, sheep dip, and bones that the farmer gives up one and one-half billion dollars in the tariff?

MANUFACTURING IN OHIO, INDIANA, AND ILLINOIS

These States produce, in value, one-fifth of the manufactured products of the Nation. They employ more than one-fifth of the Nation's factory workers.

Their products are so diversified as to represent munificently the Nation's general interest in manufacturing.

In this age of steel, the foremost industry in Ohio and Indiana, in value of output, and the second greatest in Illinois is iron and steel.

The steel makers have made the tariff, since the beginning, a major part of their business and their profits. They say little, but they know how, so far as the past indicates, to get whatever they want in Washington.

Since 1900, when they consolidated into a handful of closely associated corporations, they have fixed their prices, first at double the prices obtaining shortly before their consolidations, and in late years, at three times those preconsolidation prices.

In Indiana, out of her 10 greatest industries, only steel, foundry and machine-shop products (the fifth greatest), and electrical machinery (the tenth greatest) are directly helped by the tariff. The others of the 10 greatest industries are, in order of their importance, meat packing, automobiles, railway cars, flour mills, automobile bodies and parts, repair and upkeep of railway cars, and furniture.

Of the 10 greatest products in Illinois only steel and machine-shop products, and in Ohio only steel, rubber tires, and machine-shop products, are helped by the tariff.

It is farther down in the list of leading industries, down in the twenties, the thirties, forties, and later that the other tariff-profiteering industries are listed.

Of electrical machinery it need only be said that their producers use their 40 per cent tariff to the limit. According to reliable information, they have divided the world, through agreements with German producers, into selling zones; that no electrical machinery is imported, while exports were $95,000,000 in 1921 and more in 1920.

In conclusion: It would seem that the 16,000,000 people of Ohio, Indiana, and Illinois can require their Congressmen to deal justly with overprotected interests and stop the exploitation of three-fourths of their constituents.

It would seem that they can change the attitude of one of their Members of Congress, most influential in tariff matters, who said, "When any of my constituents wants anything in the tariff, I get it for him, and I get all I can, and that's all there is to it."

The 16,000,000 people of Ohio, Indiana, and Illinois must protect their Congressmen from such pressure as appears from the statement of the beloved "Uncle Joe" Cannon, when Speaker of the House and its most powerful Member, to a committee of farm implement manufacturers in 1906. Said he, "Why do you tell me these things? Do you not think I know? Take Jones, of Nevada. We gave him a tariff on borax—a tariff that trebled American prices—that he was no more entitled to than I to your watch—damn him, we had to have his vote."

Great are Ohio, Indiana, and Illinois. By themselves, and without other assistance, they can mend the tariff by voting only for Members of Congress, in either party, who will deal with the tariff issue seriously and honestly.

They can save American agriculture and restore its prosperity and satisfaction.

They can correct America's ill behavior toward suffering and friendly nations who want only fair play.

It is not a question of free trade; but only a fair and honest protection.

H. E. MILES,
Chairman Fair Tariff League,
No. 2 Rector Street, New York City.

UNITED STATES MARINE HOSPITAL RESERVATION AT DETROIT, MICH.

Mr. FERNALD. Mr. President.

Mr. McLEAN. I yield to the Senator from Maine.

Mr. FERNALD. Mr. President, I rise merely to clear up a legisiative situation which will take me about two minutes. On May 3 House bill 9875 passed the House of Representatives. On Monday evening last Senate bill 3738 passed the Senate. They are precisely identical bills. I had reported from the Committee on Public Buildings and Grounds the Senate bill before I realized that the House bill had been passed by the House. I now ask unanimous consent to report the House bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. FERNALD. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (H. R. 9875) to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the "act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924, be amended to read as follows:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to transfer to the Department of Commerce for lighthouse purposes that portion of the United States marine hospital reservation at Detroit, Mich., together with the improvements thereon, described as follows: Beginning at the northwest corner of the present marine hospital reservation, on Jefferson Avenue, and running thence in a northeasterly direction along the southerly side of said Jefferson Avenue 55 feet to a point; thence in a southeasterly direction 150 feet to a point; thence southwesterly a distance of 55 feet to a point in the westerly boundary line of said marine hospital site; and thence with said westerly boundary line in a northwesterly direction a distance of 150 feet to the place of beginning.

SEC. 2. The Secretary of the Treasury is also authorized and directed to transfer from the Treasury Department to the Department of Commerce, for a lighthouse depot, all of the unused portion of the United States post-office and courthouse property at Key West, Fla., now in use for lighthouse purposes. And the Secretary of the Treasury is

further authorized and directed, upon completion and occupancy of the new Federal building upon the site heretofore acquired for the purpose at Key West, Fla., to transfer the old Federal building and site thereof to the Department of Commerce for the use of the Lighthouse Service, which site is described as follows: Commencing at the corner of the post-office site at the intersection of Front Street and the projection of the northerly line of Greene Street, running thence in a northerly direction with the west line of Front Street a distance of approximately 101.5 feet to a point; thence in a northwesterly direction a distance of approximately 77 feet to the corner of the Treasury Department iron fence between the said post-office site and the Navy depot; thence with a line of said iron fence in a southwesterly direction a distance of approximately 44 feet to the north wall of said post-office building; thence with the line of said north wall of the post-office building in a westerly direction a distance of approximately 22 feet to the Treasury Department iron fence; thence in a northwesterly direction along the line of said fence, following a curve having a radius of approximately 23.2 feet, a distance of approximately 24.2 feet to a point; thence following the line of said iron fence in a westerly direction a distance of approximately 17 feet to a point; thence along the line of said fence in a northwesterly direction a distance of approximately 5 feet to a point; thence along the line of said fence in a westerly direction a distance of approximately 55 feet to a point; thence in a southerly direction following a line parallel with the west line of Front Street a distance of 150 feet to a point; thence in an easterly direction, following a line parallel to and approximately 15 feet distant from the north line of the lighthouse blacksmith shop, a distance of 15 feet to a point; thence in a southerly direction along a line parallel with the west line of Front Street a distance of approximately 95 feet to a point in the projection of the north line of Greene Street; thence in a northeasterly direction along the said projected north line of Greene Street a distance of approximately 203 feet to the point of beginning.

SEC. 3. That the Secretary of Commerce be, and he hereby is, authorized and directed to transfer to the Treasury Department, in exchange for the unused portion of the United States post-office and courthouse property at Key West, Fla., and that portion of the marine hospital reservation at Detroit, Mich., hereinbefore referred to, for a new marine hospital site, a tract of approximately 5½ acres at Windmill Point, Detroit, Mich., including submerged land, now being used for lighthouse purposes, reserving sites for aids to navigation and the necessary rights of way in such locations as the Commissioner of Lighthouses may select.

SEC. 4. The proceeds derived from the sale of the remainder of the present United States marine hospital reservation at Detroit, Mich., is hereby made available for the construction of buildings on the so-called Windmill Point site when transferred as above provided.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRRIGATION DAM ON WALKER RIVER, NEV.

Mr. McLEAN. Regular order, Mr. President.

Mr. ODDIE. Mr. President, I ask the Senator from Connecticut if he will yield to me?

Mr. McLEAN. I will yield if the measure for which the Senator desires consideration will only consume a moment or so.

Mr. ODDIE. I think it will take only a moment. Out of order, I ask unanimous consent for the present consideration of the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. ROBINSON of Arkansas. Is the report of the committee unanimous in favor of the bill?

Mr. ODDIE. The bill is reported favorably by the committee, and there is also a favorable report on it from the Department of the Interior.

Mr. ROBINSON of Arkansas. I have no objection to the bill.

Mr. JONES of New Mexico. Mr. President, may I inquire, for information solely, why the project embraced in the bill was not included within the estimates for other irrigation projects?

Mr. ODDIE. This is on a little different basis, Mr. President, because there is no Government irrigation work going on in that district. It has been private work.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Irrigation and Reclamation with an amendment.

Mr. ODDIE. I ask that the Secretary state the amendment in the nature of a substitute which I send to the desk.

The PRESIDING OFFICER. The Chair understands the Senator from Nevada withdraws the committee amendment which has been reported to the bill and which is now pending?

Mr. ODDIE. Yes.

The PRESIDING OFFICER. The committee amendment having been withdrawn, the question is on agreeing to the amendment proposed by the Senator from Nevada, which will be stated.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

For reconnaissance work in Schurz Canyon, on the Walker River, State of Nevada, to determine to what extent the water supply of the river can be augmented and conserved by the impounding of its said waters, and to determine if there is a feasible reservoir site or sites available for the storage of such waters and for securing information concerning the feasibility of construction of the necessary dam or dams and appurtenant structures, and for the purpose of determining the amount necessary for the purchase and acquisition of necessary lands and rights of way in connection with the construction of said dam or dams and appurtenant structures which are proposed in order to provide water for the irrigation of lands allotted to Indians on the Walker River Indian Reservation, Nev. For the above-named purposes an appropriation of $10,000 is hereby authorized to be used for the reconnaissance work herein referred to.

SEC. 2. That upon the passage of this act all proceedings, legal or otherwise, on the part of the Federal Government affecting the water rights of water users of said river shall forthwith be suspended, and if and when the project be found feasible shall be dismissed.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI AND MISSOURI RIVER BRIDGES

Mr. MAYFIELD and Mr. BINGHAM addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Connecticut [Mr. McLEAN] has the floor. Does he yield; and if so, to whom?

Mr. McLEAN. I yield first to my colleague.

Mr. BINGHAM. With my colleague's permission, from the Committee on Commerce I report favorably with amendments the bill (H. R. 10090) granting the consent of Congress to Alfred L. McCawley to construct, maintain, and operate bridges across the Mississippi and Missouri Rivers at Alton, Ill., on the Mississippi, and at or below Halls Ferry or Musics Ferry on the Missouri River.

The PRESIDING OFFICER. Without objection, the report is received and the bill will be placed on the calendar.

Mr. WILLIAMS subsequently said: Mr. President, will the Senator from Connecticut yield to me for a moment?

Mr. McLEAN. I now yield to the Senator from Missouri.

Mr. WILLIAMS. I ask unanimous consent for the present consideration of House bill No. 10090, which was reported a few moments ago from the Committee on Commerce.

Mr. ROBINSON of Arkansas. Let the title of the bill be reported.

The PRESIDING OFFICER. The Chair will inquire if the bill to which the Senator from Missouri has reference is the one just reported by the Senator from Connecticut [Mr. BINGHAM].

Mr. WILLIAMS. Yes, sir.

Mr. ROBINSON of Arkansas. Is it a bridge bill?

Mr. WILLIAMS. Yes.

Mr. BINGHAM. Mr. President, I will say to the Senator that it is a bridge bill in the usual form and follows Form No. 8, as adopted by the joint committee of the two Houses.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10090) granting the consent of Congress to Alfred L. McCawley to construct, maintain, and operate bridges across the Mississippi and Missouri Rivers, at Alton, Ill., on the Mississippi, and at or below Halls Ferry or Musics Ferry on the Missouri River, which had been reported from the Committee on Commerce with amendments, on page 2, line 9, after the word "act," to strike out the remainder of the section, as follows:

The construction of such bridge or bridges shall not be commenced nor shall any alteration in such bridge or bridges be made either before or after their completion until the plans and specifications for such construction or alteration have been submitted to the Secretary of War and the Chief of Engineers and approved by them as being adequate from the standpoint of the volume and weight of traffic which will pass over it.

On the same page, beginning at line 17, to strike out section 2 and in lieu thereof to insert the following:

SEC. 2. There is hereby conferred upon the said Alfred L. McCawley, his legal representatives and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use

real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

To strike out sections 4, 5, and 6, and in lieu thereof to insert the following:

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Illinois, the State of Missouri, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The said Alfred L. McCawley, his legal representatives and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same, and for such purpose the said Alfred L. McCawley, his legal representatives and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

On page 5, line 25, before the word "such," to insert "or any person to whom"; and on page 6, line 1, after the word "or," to strike out "which" and insert "who."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RUSSELL & TUCKER AND OTHERS

Mr. MAYFIELD. Mr. President, will the Senator from Connecticut yield to me for a moment?

Mr. McLEAN. Yes.

Mr. MAYFIELD. I ask unanimous consent for the immediate consideration of the bill (S. 4017) for the relief of Russell & Tucker and certain other citizens of the State of Texas. The bill has been unanimously reported by the Committee on Claims and is also approved by the Department of Agriculture. It simply authorizes certain citizens of my State to go into the court and bring suit for alleged damages by Government officials.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. COUZENS. Let the bill be read, Mr. President.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Chief Clerk proceeded to read the bill.

Mr. MAYFIELD. Mr. President, if the Senator will permit me, I can explain the bill very shortly. It simply authorizes certain citizens of Texas to go into the Federal court of the northern district of that State and bring suit. Similar bills have been passed at various times during the session.

Mr. COUZENS. I notice there are amendments to the bill.

Mr. MAYFIELD. There are two committee amendments. The bill has been unanimously reported by the committee and is approved by the Department of Agriculture.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments. The first amendment was in section 1, page 2, line 7, before the word "neglect" to insert the word "alleged," so as to make the section read:

That Russell & Tucker, a copartnership composed of Lee L. Russell and S. C. Tucker; Floyd & Co., a copartnership composed of C. W. Floyd and S. C. Tucker; Borroum, Tucker & O'Connor, a copartnership composed of J. L. Borroum, S. C. Tucker, and Martin O'Connor; Rutledge, Browne & Nichols, a copartnership composed of W. J. Rutledge, N. H. Browne, and J. W. Nichols; Russell & Wilson, a copartnership composed of R. R. Russell and W. E. Wilson; Rocky Reagan, Alfred A. Drummond, J. M. Dobie, and Dick Colson, any statutes of limitations being waived, are hereby authorized to enter suit in the United States District Court for the Northern District of Texas for the amount due, or claimed to be due, to said claimants from the United States by reason of the alleged neglect of the Government officials in the dipping of tick-infested cattle dipped in Texas under the direction of and by the inspectors of the United States Bureau of Animal Industry, Department of Agriculture, and erroneously certified by the inspectors of said bureau as being clean of Texas-fever ticks and shipped to Osage County, Okla., in the years 1918 and 1922.

The amendment was agreed to.

The next amendment was in section 2, page 3, line 7, after the word "court" to strike out "any judgment or judgments rendered shall not exceed the following amounts and shall not include interest for any period before or after rendition as follows: Russell & Tucker, $177,652.02; Floyd & Co., $13,606; Borroum, Tucker & O'Connor, $11,504.50; Rutledge, Browne & Nichols (claim No. 1), $13,545.80; Rutledge, Browne & Nichols (claim No. 2), $39,123.47; Russell & Wilson, $4,018.91; Rocky Reagan, $9,110.43; Alfred A. Drummond, $30,954.20; J. M. Dobie, $34,985.56; and Dick Colson, $3,518.53," and insert "and said claimants or any of them and the United States of America shall have all rights of review by appeal or writ of error or other remedy as in similar cases between private persons or corporations," so as to make the section read:

SEC. 2. Jurisdiction is hereby conferred upon said United States District Court for the Northern District of Texas to hear and determine all such claims. The action in said court may be presented by a single petition making the United States party defendant, and shall set forth all the facts on which the claimants base their claims, and the petition may be verified by the agent or attorney of said claimants. Official letters, reports, and public records, or certified copies thereof, may be used as evidence. Nothing contained in this or the preceding paragraph shall be construed as waiving any defense against such demands, or any of them, existing prior to the approval of this act, except that the Government of the United States hereby waives its immunity from suit thereon, and the statute of limitations, if applicable to said demands or claims, are hereby waived; but every other legal or equitable defense against such demands, or any of them, shall be available to the United States and shall be considered by the court, and said claimants or any of them and the United States of America shall have all rights of review by appeal or writ of error or other remedy as in similar cases between private persons or corporations.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL APPROPRIATIONS—CONFERENCE REPORT

Mr. HALE and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Connecticut yield, and if so, to whom?

Mr. McLEAN. I yield first to the Senator from Maine.

Mr. HALE. Mr. President, the committee of conference of the Senate and House on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 7554, the naval appropriation bill, have agreed, and I present herewith the report of the conference committee and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the conference report? The Chair hears none.

Mr. ROBINSON of Arkansas. Is the conference report unanimous?

Mr. HALE. The conference report is unanimous.

The PRESIDING OFFICER. The report will be read.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7554) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 11, 24, 25, 30, 31, 32, 34, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 8, 9, 10, 12, 16, 33, and 36, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "and photostating, for department library; for"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$185,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,664,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,150,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,950,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$66,436,727"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$119,863,500"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,207,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,950,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In the matter inserted by said amendment strike out the word "nine" and insert in lieu thereof the word "eight"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "Naval base, San Diego, Calif.: Construction of complete section of extensible pier (limit of cost $250,000), $100,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,553,686, including not to exceed $400,000 for the maintenance, operation and repair, exclusive of classified employees, of the Naval Air Station, Lakehurst, N. J., and the aircraft *Los Angeles*, and"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$655,288"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 20, 27, 28, 29, and 37.

FREDERICK HALE,
L. C. PHIPPS,
GEO. WHARTON PEPPER,
CLAUDE S. SWANSON,
CARTER GLASS,
Managers on the part of the Senate.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
W. A. AYRES,
W. B. OLIVER,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. ROBINSON of Arkansas. Mr. President, is the Senator from Maine asking unanimous consent for the present consideration of the conference report?

Mr. HALE. I have asked unanimous consent for its present consideration.

The PRESIDING OFFICER. The Chair will state that unanimous consent for the consideration of the report has already been given.

Mr. HALE. I move the adoption of the report.

Mr. ROBINSON of Arkansas. I suggest that the Senator explain the effect of the agreement.

Mr. HALE. Mr. President, the effect of the agreement is a yielding on the part of the Senate on certain items and on the part of the House on certain items. The House bill provided appropriations substantially $9,200,000 less than those carried by the Senate bill. Included in the appropriations in the bill as passed by the Senate was an item of substantially $5,000,000 for new construction of heavier-than-air craft. A similar item went out in the House on a point of order because it was legislation. It was understood, however, that it was to be put back in the Senate, and it was put back in the Senate. That left a difference of some $4,200,000 between the appropriations carried by the Senate bill and those carried by the House bill. The conferees have compromised on the various items, and have very nearly split the difference.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 9346) granting the consent of Congress to the construction of a bridge across the Rio Grande.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8185) to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes," requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LEAVITT, Mr. SPROUL of Kansas, and Mr. HAYDEN were appointed managers on the part of the House at the conference.

The message further announced that the House had passed without amendment the following bills of the Senate:

S. 85. An act to correct the status of certain commissioned officers of the Navy appointed thereto pursuant to the provisions of the act of Congress approved June 4, 1920;

S. 96. An act to amend the national defense act approved June 3, 1916, as amended by the act of June 4, 1920, relating to retirement;

S. 952. An act authorizing the Secretary of the Navy to deliver to the State of Georgia the silver service presented to the United States for the battleship *Georgia;*

S. 1480. An act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin-American Republics in military and naval matters;

S. 2058. An act for the relief of members of the band of the United States Marine Corps who were retired prior to June 30, 1922, and for the relief of members transferred to the Fleet Marine Corps Reserve;

S. 2828. An act to provide for forfeiture of pay of persons in the military and naval services of the United States who are absent from duty on account of the direct effects of the intemperate use of alcoholic liquor or habit-forming drugs or because of venereal disease;

S. 2876. An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.;

S. 3080. An act to authorize payment of expenses of the Washington-Alaska military cable and telegraph system out of receipts of such system as an operating expense; and

S. 3550. An act providing for an inspection of the Kennesaw Mountain and Lost Mountain and other battle fields in the State of Georgia.

NATIONAL BANK BRANCHES

Mr. McLEAN. Mr. President, I now call for the regular order.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes.

The PRESIDENT pro tempore. The clerk will state the first committee amendment.

The first amendment of the Committee on Banking and Currency was, on page 2, line 4, after the word "same," to insert the word "State"; in line 18, after the word "is" to strike out "located," and insert "situated, and in the legal newspaper for the publication of legal notices and advertisements, if any such paper has been designated by the rules of a court in the county where such association or bank is situated," so as to read:

That the act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918, be amended by adding at the end thereof a new section to read as follows:

"SEC. 3. That any bank incorporated under the laws of any State, or any bank incorporated in the District of Columbia, may be consolidated with a national banking association located in the same State, county, city, town, or village under the charter of such national banking association on such terms and conditions as may be lawfully agreed upon by a majority of the board of directors of each association or bank proposing to consolidate, and which agreement shall be ratified and confirmed by the affirmative vote of the shareholders of each such association or bank owning at least two-thirds of its capital stock outstanding, or by a greater proportion of such capital stock in the case of such State bank if the laws of the State where the same is organized so require, at a meeting to be held on the call of the directors after publishing notice of the time, place, and object of the meeting for four consecutive weeks in some newspaper of general circulation published in the place where the said association or bank is situated, and in the legal newspaper for the publication of legal notices or advertisements, if any such paper has been designated by the rules of a court in the county where such association or bank is situated, and if no newspaper is published in the place, then in a paper of general circulation published nearest thereto, unless such notice of meeting is waived in writing by all stockholders of any such association or bank, and after sending such notice to each shareholder of record by registered mail at least 10 days prior to said meeting, but any additional notice shall be given to the shareholders of such State bank which may be required by the laws of the State where the same is organized.

The amendment was agreed to.

The next amendment was, on page 3, line 6, after the word "organized," to strike out the colon and the words: "*Provided*, That the," and insert the word "The"; in line 11, after the word "State," to insert the words "or District"; and in line 20, after the word "State," to insert the words "or District," so as to read:

The capital stock of such consolidated association shall not be less than that required under existing law for the organization of a national banking association in the place in which such consolidated association is located; and all the rights, franchises, and interests of such State or District bank so consolidated with a national banking association in and to every species of property, real, personal, and mixed, and choses in action thereto belonging, shall be deemed to be transferred to and vested in such national banking association into which it is consolidated without any deed or other transfer, and the said consolidated national banking association shall hold and enjoy the same and all rights of property, franchises, and interests in the same manner and to the same extent as was held and enjoyed by such State or District bank so consolidated with such national banking association.

The amendment was agreed to.

Mr. EDGE. Mr. President, on behalf of the committee I desire to offer an amendment at this point.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 3, line 18, after the word "interests," it is proposed to insert the following:

including the right of succession as trustee, executor, or in any other fiduciary capacity.

Mr. EDGE. Mr. President, this amendment is merely to clarify the section and make its intent easier to understand.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey on behalf of the committee.

The amendment was agreed to.

The next amendment of the Committee on Banking and Currency was, on page 3, line 21, after the word "association," to strike out the colon and the words "*And provided further*, That when" and insert "When"; and in line 24, after the word "State," to insert the words "or District," so as to read:

When such consolidation shall have been effected and approved by the comptroller any shareholder of either the association or of the State or District bank so consolidated, who has not voted for such consolidation, may give notice to the directors of the consolidated association within 20 days from the date of the certificate of approval of the comptroller that he dissents from the plan of consolidation as adopted and approved, whereupon he shall be entitled to receive the value of the shares so held by him, to be ascertained by an appraisal made by a committee of three persons, one to be selected by the shareholder, one by the directors of the consolidated association, and the third by the two so chosen; and in case the value so fixed shall not be satisfactory to such shareholder he may within five days after being notified of the appraisal appeal to the Comptroller of the Currency, who shall cause a reappraisal to be made, which shall be final and binding, and the consolidated association shall pay the expenses of reappraisal, and the value as ascertained by such appraisal or reappraisal shall be deemed to be a debt due and shall be forthwith paid to said shareholder by said consolidated association, and the shares so paid for shall be surrendered and, after due notice, sold at public auction within 30 days after the final appraisement provided for in this act; and if the shares so sold at public auction shall be sold at a price greater than the final appraised value, the excess in such sale price shall be paid to the said shareholder; and the consolidated association shall have the right to purchase such shares at public auction, if it is the highest bidder therefor, for the purpose of reselling such shares within 30 days thereafter to such person or persons and at such price as its board of directors by resolution may determine.

The amendment was agreed to.

The next amendment was, on page 5, line 2, after the word "determine," to strike out the colon and the words "*And provided further*, That the" and insert the word "The"; in line 7, after the word "provided," to strike out the colon and the words "*And provided further*, That no," and insert the word "No"; and in line 9, after the word "incorporated," to strike out the colon and the words "*And provided further*, That except as to branches in foreign countries or dependencies or insular possessions of the United States, it shall be unlawful for any such consolidated association to retain in operation any branches of such State bank which may have been established beyond the corporate limits of the city, town, or village in which such consolidated association is located, and it shall be unlawful for any such consolidated association to retain in operation any branches which may have been established subsequent to the approval of this act within the corporate limits of

the city, town, or village in which such consolidated association is located, in any State which at the time of the approval of this act did not permit State banks created by or existing under the laws of such State to have such branches," and insert, "nor shall any such State bank or banks entering into such consolidation be located at a greater distance from such national banking association than is authorized by the laws of the State in case of the consolidation or merger of two or more State banks.

"The words 'State bank,' 'State banks,' 'bank,' or 'banks' as used in this section shall be held to include trust companies, savings banks, or other such corporations or institutions carrying on the banking business under the authority of State laws," so as to read:

The liquidation of such shares of stock in any State bank shall be determined in the manner prescribed by the law of the State in such cases if such provision is made in the State law; otherwise as hereinbefore provided. No such consolidation shall be in contravention of the law of the State under which such bank is incorporated, nor shall any such State bank or banks entering into such consolidation be located at a greater distance from such national banking association than is authorized by the laws of the State in case of the consolidation or merger of two or more State banks.

"The words 'State bank,' 'State banks,' 'bank,' or 'banks' as used in this section shall be held to include trust companies, savings banks, or other such corporations or institutions carrying on the banking business under the authority of State laws."

The amendment was agreed to.

The next amendment was, on page 6, line 9, after "(a)," to strike out "Section" and insert "That section."

The amendment was agreed to.

The next amendment was, on page 9, line 12, after the words "Sec. 3," to strike out "Section" and insert "That section."

The amendment was agreed to.

The next amendment was, in line 17, after the words "Sec. 4," to strike out "Section" and insert "That section."

The amendment was agreed to.

The next amendment was, in line 20, after the word "No," to insert "national banking"; in line 21, after the word "that," to strike out "banks" and insert "such associations"; on page 10, line 1, after the word "that," to strike out "banks" and insert "such associations"; in line 4, after the word "No," to insert "such"; in line 8, after the word "city," to strike out "banks" and insert "where the State laws permit the organization of State banks with a capital of $100,000 or less, national banking associations," so as to make the paragraph read:

"SEC. 5138. No national banking association shall be organized with a less capital than $100,000, except that such associations with a capital of not less than $50,000 may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed 6,000 inhabitants, and except that such associations with a capital of not less than $25,000 may, with the sanction of the Secretary of the Treasury, be organized in any place the population of which does not exceed 3,000 inhabitants. No such association shall be organized in a city the population of which exceeds 50,000 persons with a capital of less than $200,000, except that in the outlying districts of such a city, where the State laws permit the organization of State banks with a capital of $100,000 or less, national banking associations now organized or hereafter organized may, with the approval of the Comptroller of the Currency, have a capital of not less than $100,000."

The amendment was agreed to.

The next amendment was, on page 11, line 17, after the words "Sec. 6," to strike out "Section" and insert "That section."

The amendment was agreed to.

The next amendment was, in line 24, after the words "Sec. 7," to strike out "Section" and insert "That section."

The amendment was agreed to.

The next amendment was to strike out all of page 12 and lines 1 and 2 on page 13 and to insert in lieu thereof the following:

SEC. 5155. The conditions upon which a national banking association may retain or establish and operate a branch or branches are the following:

(a) A national banking association may maintain and operate such branch or branches as it may have in operation at the date of the approval of this act.

(b) If a State bank is hereafter converted into or consolidated with a national banking association, the said association may retain and operate such branches, if any, as were being maintained and operated by said State bank at the date of the approval of this act.

(c) A national banking association may, after the date of the approval of this act, establish and operate new branches within the limits of the city, town, or village in which said association is situated if such establishment and operation are at the time permitted to State banks by the law of the State in question.

(d) If at the date of the approval of this act there is situated in any State which prohibits branches a national banking association which has one or more branches within the city in which the parent bank is located, any other national bank situated in such city may establish within the limits of such city branches not exceeding in number the aggregate number of branches maintained by such national banking association.

(e) No branch shall be established after the date of the approval of this act within the limits of any city, town, or village of which the population by the last decennial census was less than 25,000. No more than one such branch may be thus established where the population, so determined, of such municipal unit does not exceed 50,000; and not more than two such branches where the population does not exceed 100,000. In any such municipal unit where the population exceeds 100,000 the determination of the number of branches shall be within the discretion of the Comptroller of the Currency.

(f) In cases in which, under the provisions of this section, a national banking association is authorized to establish a branch or branches within the limits of a city, town, or village, the Comptroller of the Currency shall have the discretionary power to authorize the establishment and operation of such branch or branches beyond the boundaries of said city, town, or village as strictly defined by law; but only within the same metropolitan area as that in which the parent bank is situated: *Provided, however,* That he shall in no case authorize such establishment and operation except within the territory of a city, town, or village the corporate limits of which at some point coincide with the corporate limits of the city or town in which the parent bank is situated, when in his discretion he shall determine, after public hearing, that the banking needs of the inhabitants of said contiguous and urban territory require the establishment of such branch or branches; but no branch shall be established under the authority of this section in any part of a State to which right of State banks, under the State law, to establish branches does not extend.

(g) No branch of any national banking association shall be established or moved from one location to another without first obtaining the consent and approval of the Comptroller of the Currency.

(h) The term "branch" as used in this section shall be held to include any branch bank, branch office, branch agency, additional office, or any branch place of business located in any State or Territory of the United States or in the District of Columbia at which deposits are received, or checks paid, or money lent.

(i) This section shall not be construed to amend or repeal section 25 of the Federal reserve act, as amended, authorizing the establishment by national banking associations of branches in foreign countries, or dependencies, or insular possessions of the United States.

(j) The words "State bank," "State banks," "bank," or "banks" as used in this section shall be held to include trust companies, savings banks, or other such corporations or institutions carrying on the banking business under the authority of State laws.

Mr. EDGE. Mr. President, on page 15 I have a technical amendment that I should like to offer. I send it to the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 15, line 5, after the word "this," it is proposed to insert "sub," so as to read "under the authority of this subsection."

Mr. EDGE. That is purely a typographical error.

The amendment to the amendment was agreed to.

Mr. EDGE. Mr. President, for the Senator from Pennsylvania [Mr. PEPPER] I desire to offer an amendment to the committee amendment on page 13. I will explain it briefly when the Secretary reads it.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 13, line 8, before the word "operation," it is proposed to insert the word "lawful."

Mr. EDGE. The object of that amendment is to reach, so far as it is possible to reach it, the situation which has developed in the city of Minneapolis.

Mr. McLEAN. Mr. President, I promised the Senator from Minnesota [Mr. SHIPSTEAD] that if that subdivision was reached in his absence I would let it go over until he returned to the Senate.

The PRESIDING OFFICER. It will be passed over without objection.

Mr. EDGE. Mr. President, in the same section, section 5155, I desire to offer another amendment and as it indirectly refers to the Minneapolis situation I will ask that action on it be deferred.

The PRESIDING OFFICER. Is the Chair to understand that the Senator from Connecticut desires the entire amendment passed over, or simply that subdivision?

Mr. McLEAN. Yes; I think it may as well go over.

The PRESIDING OFFICER. Without objection, the entire amendment will be passed over.

The CHIEF CLERK. On pages 13 and 14 it is proposed to strike out lines 20 to 25 and lines 1 and 2, respectively, and to insert a new subdivision (d), as follows:

(d) Any national banking association which has continuously maintained and operated not more than one branch for a period of more than 25 years immediately preceding the approval of this act may continue to maintain and operate such branch.

The PRESIDING OFFICER. That will be passed over with the committee amendment to which it is offered as an amendment. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Banking and Currency was, on page 16, line 1, after the words "SEC. 8," to strike out "Section" and insert "That section."

The amendment was agreed to.

The next amendment was, in line 5, after the word "certificate," to insert "and in the branch or branches, if any, established or maintained by it in accordance with the provisions of section 5155 of the Revised Statutes, as amended by this act," and to strike out the remainder of the section to line 2, page 20, so as to make the section read:

SEC. 8. That section 5190 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 5190. The general business of each national banking association shall be transacted in the place specified in its organization certificate and in the branch or branches, if any, established or maintained by it in accordance with the provisions of section 5155 of the Revised Statutes, as amended by this act.

The amendment was agreed to.

The next amendment was on page 20, after line 2, to insert:

SEC. 9. That the first paragraph of section 9 of the Federal reserve act be amended so as to read as follows:

"SEC. 9. Any bank incorporated by special law of any State, or organized under the general laws of any State or of the United States, desiring to become a member of the Federal reserve system, may make application to the Federal Reserve Board, under such rules and regulations as it may prescribe, for the right to subscribe to the stock of the Federal reserve bank organized within the district in which the applying bank is located. Such application shall be for the same amount of stock that the applying bank would be required to subscribe to as a national bank. The Federal Reserve Board, subject to the provisions of this act and to such conditions as it may prescribe pursuant thereto, may permit the applying bank to become a stockholder of such Federal reserve bank.

"Any such State bank which at the date of the approval of this act has established and is operating a branch or branches in conformity with the State law, may retain and operate the same while remaining or upon becoming a stockholder of such Federal reserve bank; but no such State bank may retain or acquire stock in a Federal reserve bank except upon relinquishment of any branch or branches established after the date of the approval of this act beyond the limits of the city, town, or village in which the parent bank is situated. The Federal Reserve Board shall have the discretionary power to define the limits of any such municipal unit in such a way as to include only the territory of a city, town, or village the corporate limits of which at some point coincide with the corporate limits of the city or town in which the parent bank is situated."

The amendment was agreed to.

The next amendment was on page 24, line 17, after the word "transactions," to strike out "and" and insert "and/or," so as to read:

but this exception shall not apply to obligations of any one person, copartnership, association, or corporation arising from the same transactions and/or secured upon the identical staples for more than 10 months.

The amendment was agreed to.

The next amendment was on page 27, line 15, after the words "Sec. 13," to strike out "Section" and insert "That section."

The amendment was agreed to.

Mr. EDGE. Mr. President, on page 31 I desire to offer a committee amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 31, line 10, after the word "authorized," it is proposed to insert the words "by law."

Mr. EDGE. The object of that amendment is to clarify the language to make sure that the rate of interest is fixed by law rather than by the board of directors.

The amendment was agreed to.

The next amendment was, on page 31, after line 13, to insert:

SEC. 17. That the last proviso of the second paragraph of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, is amended to read as follows:

"And provided further, That nothing in this act shall prohibit any private banker from being an officer, director, or employee of not more than two banks, banking associations, or trust companies, or prohibit any officer, director, or employee of any bank, banking association, or trust company, or any class A director of a Federal reserve bank, from being an officer, director, or employee of not more than two other banks, banking associations, or trust companies, whether organized under the laws of the United States or any State, if in any such case there is in force a permit therefor issued by the Federal Reserve Board; and the Federal Reserve Board is authorized to issue such permit if in its judgment it is not incompatible with the public interest, and to revoke any such permit whenever it finds, after reasonable notice and opportunity to be heard, that the public interest requires its revocation."

The amendment was agreed to.

The next amendment was, on page 32, after line 9, to insert:

SEC. 18. That section 5139 of the Revised Statutes of the United States be amended by inserting in the first sentence thereof the following words: "or into shares of such less amount as may be provided in the articles of association" so that the section as amended shall read as follows:

"SEC. 5139. The capital stock of each association shall be divided into shares of $100 each, or into shares of such less amount as may be provided in the articles of association, and be deemed personal property, and transferable on the books of the association in such manner as may be prescribed in the by-laws or articles of association. Every person becoming a shareholder by such transfer shall, in proportion to his shares, succeed to all rights and liabilities of the prior holder of such shares; and no change shall be made in the articles of association by which the rights, remedies, or security of the existing creditors of the association shall be impaired."

The amendment was agreed to.

The next amendment was, at the top of page 33, to insert:

SEC. 19. That section 5146 of the Revised Statutes of the United States as amended be amended by inserting in lieu of the second sentence thereof the following: "Every director must own in his own right shares of the capital stock of the association of which he is a director the aggregate par value of which shall not be less than $1,000, unless the capital of the bank shall not exceed $25,000, in which case he must own in his own right shares of such capital stock the aggregate value of which shall not be less than $500," so that the section as amended shall read as follows:

"SEC. 5146. Every director must during his whole term of service be a citizen of the United States, and at least three-fourths of the directors must have resided in the State, Territory, or District in which the association is located, or within 50 miles of the location of the office of the association, for at least one year immediately preceding their election, and must be residents of such State or within a 50-mile territory of the location of the association during their continuance in office. Every director must own in his own right shares of the capital stock of the association of which he is a director the aggregate par value of which shall not be less than $1,000, unless the capital of the bank shall not exceed $25,000, in which case he must own in his own right shares of such capital stock the aggregate par value of which shall not be less than $500. Any director who ceases to be the owner of the required number of shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place."

The amendment was agreed to.

The next amendment was, on page 34, after line 2, to insert:

SEC. 20. That the second subdivision of the fourth paragraph of section 4 of the Federal reserve act be amended to read as follows:

"Second. To have succession after the approval of this act until dissolved by act of Congress or until forfeiture of franchise for violation of law."

The amendment was agreed to.

The PRESIDING OFFICER. Returning now to the amendments passed over, the Secretary will state the first amendment.

The CHIEF CLERK. On page 13, line 8, before the word "operation," it is proposed to insert the word "lawful," so as to read—

such branch or branches as it may have in lawful operation at the date of the approval of this act.

Mr. EDGE. Mr. President, briefly, the word "lawful" has been inserted to meet, as far as the committee felt it could meet, the situation in Minneapolis. There have been several cases in the country where States have had a State branch banking law and we have repealed it, and vice versa. There were four cities particularly affected by such conditions as this—the city of Minneapolis, the city of St. Paul, the city of Seattle, and the city of Milwaukee. The committee felt that we should not enter into an effort at least to decide the situation in these different States. These branch banks were in existence and are in existence at this time. Whether they are lawful or otherwise is not a question for the committee to decide, and rather than automatically legalize them, as would have been the result of paragraph (a) without the word "lawful," we have offered the amendment to insert the word "lawful," making the paragraph read, as has been explained:

(a) A national banking association may maintain and operate such branch or branches as it may have in lawful operation at the date of the approval of this act.

The result is that we are not legalizing branches which may be illegal; and the committee felt that that was a fair way to deal with the situation.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Washington?

Mr. EDGE. I do.

Mr. DILL. That amendment affects subsection (d) also, does it not?

Mr. EDGE. Yes; and we have an amendment to offer at that point. We are striking out subsection (d) entirely and inserting in lieu thereof an amendment which we will reach in a moment.

Mr. KING. Mr. President, may I inquire of the Senator how the legality or lawfulness of an existing branch is to be determined? Will resort have to be had to the State court or the Federal court or the comptroller?

Mr. EDGE. As we view our responsibility, we do not feel that it is proper for the Senate to legalize branches which may in law be illegal. On the other hand, some of these branches have been running for a number of years, and we do not want to decide the matter. If the court or the comptroller's department take action, it will be decided in the usual way. If the bankers of the vicinity see fit to take action, it will be decided in the usual way; but as far as the Senate is concerned, so far as the result of the passage of this bill is concerned, we are simply legalizing them if they are lawful; and the effect of that is that they will all remain as they are now, absolutely, until some illegality is proved in the courts.

Mr. KING. Mr. President, I am a little curious to know how the machinery is to be set in operation to determine the validity of the organization.

Mr. EDGE. Mr. President, it is not our responsibility. We are met with the situation that the branches are now running, and there is some objection to them. We do not want either to revoke their charters by legislation or to perpetuate them. We are meeting the situation in what appealed to the committee as a fair, frank manner.

Mr. KING. What I had in mind was this: The State courts might determine the validity of the organization. The comptroller might take an adverse view, and I was just wondering if the thought had suggested itself to the committee, in the consideration of this matter, as to what would be the case in an impasse of that character.

Mr. EDGE. I think the answer to that probably is that the comptroller could sue for a forfeiture of the charter.

Mr. SHIPSTEAD obtained the floor.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. SHIPSTEAD. I yield.

Mr. WILLIAMS. I would like to inquire whether, under the laws of Minnesota, branch banking by State banks is prohibited?

Mr. SHIPSTEAD. Yes. These branches were established in 1922. At that time the banking law of the State of Minnesota did not permit, nor did it specifically prohibit, branch banking, although State banks were not permitted to have branches. Some national banks in Minneapolis started to operate branch banks, and immediately the Legislature of the State of Minnesota passed a law prohibiting branch banking, so far as the law of Minnesota had any jurisdiction. But, of course, it could not legislate as to what national banks could or could not do. The policy of the State is absolutely in opposition to branch banking of any kind.

I am very well aware of the long labors of the committee. They have had this matter before them, and I have their point of view clearly in mind. They do not like to decide whether or not a certain thing is legal or illegal.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. I yield.

Mr. COUZENS. Has the State of Minnesota taken any action to close up these branches of the national banks?

Mr. SHIPSTEAD. The State of Minnesota has no jurisdiction.

Mr. COUZENS. It might take action with the National Government, through the Comptroller of the Currency.

Mr. SHIPSTEAD. The comptroller has been appealed to, I understand.

Mr. COUZENS. What has been the result?

Mr. SHIPSTEAD. There has been no result. Under the decision of the Supreme Court in the St. Louis case, it was held that no national banking association could do anything not specifically permitted by law, that the national banks had no powers not specifically granted in the law, and it would seem, in view of that decision, that any action taken to legalize these banks would have to be based upon the previous decision in the St. Louis case.

Of course, these banks which operate these branches claim to have a property right. They claim that they are not in the same position as the banks involved in the St. Louis case, because when the branches were started in Missouri the State law of Missouri specifically prohibited the State banks of Missouri from operating branches. That was not the case at the time in Minneapolis.

If I understand the committee correctly—and I think I do—they think this is as far as they can go to accomplish what we all want to accomplish—that branch banks, or banks of any kind, shall only operate or continue to operate if they are operating lawfully.

The amendment does not go as far as I would like to have it go. I take it for granted that the only branch bank that can be operating lawfully is one that has been converted under the national banking act, section 5155, or under the consolidation provision of the national banking act.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Washington?

Mr. SHIPSTEAD. I yield.

Mr. DILL. Does the Senator think that the Congress should authorize branch banking by national banks in States which prohibit branch banking?

Mr. SHIPSTEAD. No; I do not.

Mr. DILL. Is not that what this would do?

Mr. SHIPSTEAD. If it would, then it would do something I understand the committee does not intend to do, and which I am sure the people of Minnesota do not want done.

Mr. GLASS. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. I yield.

Mr. GLASS. That is exactly what this amendment does not propose to do.

Mr. DILL. Does not subsection (e) do that?

Mr. GLASS. Subsection (e) as proposed to be amended does not. Speaking to this immediate question, it is a purely local matter. It relates to Minneapolis, St. Paul, and Milwaukee. This particular amendment relates to Minneapolis.

It appears that before Minnesota passed the law prohibiting branch banking some national banks of Minneapolis established branch offices, and subsequently the State of Minnesota did enact a State statute prohibiting branch banking.

The question now is in controversy as to whether or not these two branches of these national banks are in legal existence. The Banking and Currency Committee of the Senate did not undertake to determine that matter. It may be determined either by the Comptroller of the Currency, if he pleases to determine it, or it may be litigated in the courts, as was done in the Missouri case, and the courts may determine it.

We simply say that if these banks were legally established and are legally in operation they may continue so, because we want to preserve the status quo. If they are not, either the Comptroller of the Currency or the courts will determine the matter. I understood that this amendment appealed to the judgment of and was satisfactory to the Senator from Minnesota.

Mr. SHIPSTEAD. I accepted it from the committee, because it was as far as the committee felt it could go. It was not satisfactory to the Senator from Minnesota, but I realize the position of the committee. I would rather have had another amendment.

Mr. GLASS. I understood the Senator accepted it as a practical solution of the difficulty in his State, as far as we felt we could go.

Mr. SHIPSTEAD. Yes.

Mr. LENROOT. Mr. President, we had a similar situation in the city of Milwaukee. I am very glad indeed the committee has seen fit to offer this amendment, which I think takes care in a very satisfactory way of the condition that was complained of under the amendment as originally reported.

Mr. SHIPSTEAD. Mr. President, may I ask the Senator from Wisconsin a question?

Mr. LENROOT. Certainly.

Mr. SHIPSTEAD. I understood the Senator to say that the situation in Milwaukee was similar to that in Minneapolis.

Mr. LENROOT. I think there is no question about the two branches now in operation being lawfully established.

Mr. SHIPSTEAD. The two branches in Milwaukee?

Mr. LENROOT. Yes.

Mr. SHIPSTEAD. I understood that they were established according to the State laws.

Mr. LENROOT. Our Federal act permitted branch banking, under consolidation, in the State.

Mr. SHIPSTEAD. That is an entirely different proposition from that in Minneapolis.

Mr. LENROOT. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. EDGE. I submit an amendment, on behalf of the committee, to the amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 13, strike out subsection (d), lines 20 to 25, both inclusive, and lines 1 and 2 on page 14, and insert the following:

(d) Any national banking association which has continuously maintained and operated not more than one branch for a period of more than 25 years immediately preceding the approval of this act may continue to maintain and operate such branch.

Mr. EDGE. Mr. President, subsection (d), as it appeared in the bill, would unquestionably have legalized the existing branches in all four of the cities referred to—Milwaukee, Minneapolis, St. Paul, and Seattle. By the change already made in subsection (a), putting in the word "lawful," which has been explained, we have eliminated that situation. Only those that are lawful will remain.

Striking out subsection (d) and inserting the language which has been read at the desk would simply have a local effect. In the State of New Jersey there are two national banks, one of them established in 1814, and thus over 100 years old, and another one established during the Civil War. To meet local conditions, they established branches in the city of Philadelphia, across the Delaware, in order that farmers who drove wagons and brought produce to the Philadelphia market during the early morning hours and received their payments in cash, could deposit the cash in those branches located in the city of Philadelphia, rather than carry it around in their pockets during the day, getting back to the State of New Jersey after banking hours. One of those branches was established 110 or 112 years ago and another about 60 years ago.

The committee felt that in a condition such as that, we could make this exception, and permit the banks to retain their branches, which have been established so many years. This provision would affect absolutely no other section of the country. It is acquiesced in by the bankers of both New Jersey and Pennsylvania. The amendment would have been offered by the Senator from Pennsylvania [Mr. PEPPER] had he been here. I ask the Senate to agree to it.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Wisconsin?

Mr. EDGE. I yield.

Mr. LENROOT. If a bank now lawfully operates two branches, under the amendment it could not operate any, could it?

Mr. EDGE. In this particular case there are two banks, each operating one branch.

Mr. LENROOT. Suppose each bank had two branches.

Mr. EDGE. My understanding was that there was no other situation reached by this amendment.

Mr. DILL. Mr. President, in each of these cities have the branches been in existence over 25 years?

Mr. EDGE. One of the branches has been established over 100 years.

Mr. DILL. I mean in the four cities referred to, Minneapolis, and so forth.

Mr. EDGE. My information is that none of those branches has been established 25 years.

Mr. DILL. That means that they can not continue to operate them?

Mr. EDGE. The deputy comptroller has given me information to the effect that no other bank will be affected by this amendment.

Mr. LENROOT. Is it not quite possible that with this as it reads, subdivisions (a) and (d) will be regarded as inconsistent with each other? Subdivision (d) standing alone would prevent more than one branch bank in any city, and should that not be in the form of a proviso to subdivision (a), when we have put the word "lawful" in there?

Mr. EDGE. I see the Senator's point. I would say that that would be a better construction, because it deals with the same subject.

Mr. LENROOT. It deals with exactly the same subject.

Mr. EDGE. If I may be permitted to perfect the amendment, I will offer the amendment to subdivision (a), following the word "act" on the eighth line.

Mr. LENROOT. Following the words "*Provided*, That."

Mr. EDGE. "*Provided*, That," and then the amendment as it has been read.

Mr. LENROOT. Then (d) goes out altogether.

Mr. EDGE. I will have a further amendment, after this is disposed of, so that the lettering of the subsections will be corrected.

The amendment to the amendment was agreed to.

Mr. EDGE. I move that subsection (d) be stricken out of the bill.

The PRESIDING OFFICER. The question is on amending the committee amendment by striking out subsection (d).

The amendment to the amendment was agreed to.

Mr. EDGE. I now ask that the lettering of the subsections be changed in conformity with the remaining subsections.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIS. Mr. President, I desire to submit a question to the Senator from New Jersey relating to certain conditions in Ohio with which I think he is familiar. For example, there is a case where a city has grown until it really reaches and, in one or two cases that I have in mind, surrounds another independent municipality. I have read section (f). As I understand it, that would permit the establishment of branches and the operation of branches in that municipality. Am I correct in that understanding?

Mr. EDGE. That is entirely correct. I will say to the Senator from Ohio that the language of subsection (f) was prepared with that object in view and delegates to the Comptroller of the Currency the discretionary power to decide whether such branches in the metropolitan area so-called are justified, just the same as the Comptroller of the Currency would decide on the original application.

Mr. WILLIS. I am satisfied with that statement.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and subject to amendment.

Mr. COPELAND. Mr. President, I send to the desk a proposed amendment which I offer.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 6, line 23, after the word "by," insert the following words:

Inserting after the word "selling," in the first paragraph, "investment securities."

Mr. McLEAN. Mr. President, the Senator from New York this morning called my attention to the amendments which he proposes and I see no reason why they should not be accepted with the understanding that they will go to conference, and if there is any question about the New York decision to which the letter he has received refers, the committee of conference can deal with it to meet the situation.

Mr. COPELAND. I thank the Senator. Let us have it clear just what the change is, so the clerk may have it right. As amended, beginning on page 6, line 21, it would read:

That section 5136 of the Revised Statutes of the United States, subsection "seventh" thereof, be further amended by inserting after the word "selling," in the first paragraph thereof, the words "investment securities," and by adding at the end of the first paragraph thereof the following:

Mr. LENROOT. Mr. President, will the Senator please state the effect of his amendment?

Mr. COPELAND. Let me offer the other amendments first. On page 7, line 2, the word "hereafter" be stricken out and the same word be omitted on page 8, line 10; on page 8, line 6, after the word "exchange" insert the words "investment securities" and a comma.

It will be recalled that in March we passed Senate bill 3377, permitting the legislature of each State to determine the method of taxing national banking associations. We provided, among other things, that the rate should not be higher when assessed upon securities invested than the rate assessed upon other financial corporations. We have a chaotic condition in New York State because of a decision rendered in the money capital-tax case, which holds, in effect, that the business of dealing in investment securities is not in competition with national banks. It was thought that our legislature, by passing a new act in accordance with the act of March 25, 1926, would meet the situation. But that law, which was enacted in New York, does not take effect until March 31, 1927. In the meantime the budgets of the various cities in the State have been made up in anticipation of revenues received under the old act. If we were not to amend the pending bill, its passage might run counter to the decision of the New York Court of Appeals, with the result that the decision of the New York Court would be nullified. In this event investment bankers would be subject to the moneyed capital tax in New York for the year 1926.

If the amendments which I have proposed shall be adopted, it will permit the conference committee to give consideration to the New York situation, and some one will come on here to explain in detail our situation in order that it may be cleared up. That is the understanding I have with the chairman of the committee.

Mr. LENROOT. Quite aside from taking care of this tax measure, I would like to ask the Senator in what way it broadens the scope with reference to actual dealing in the securities beyond that now permitted by law.

Mr. McLEAN. If the Senator from Wisconsin will read the proviso beginning with line 9 I think he will understand it when considered in the light of the amendment proposed by the Senator from New York to strike out the word "hereafter." I do not think it changes the law in that regard, but we have not before us the decision to which the Senator from New York has referred. It seems to me there could be no objection to letting the amendment go in with the understanding that if upon careful investigation and deliberation it is found that it does broaden the scope of investment, of course the committee would not agree to it.

Mr. GLASS. Mr. President, I have not had the time to examine the amendment and I would want to confer with the experts of the department to determine just what its effect would be.

Mr. SMOOT. Mr. President, I want to state my position, and it is this: I would be opposed to the amendment. I do not think it is a safe proposition. If we are going to pass the banking bill and it is to become the banking law of the country, it would be a widening and opening of the door. No one knows where it would end.

Mr. McLEAN. If the Senator is sure of that, that is one proposition. I have my doubts as to whether it broadens the privilege of investment at all, but I feel just as the Senator does, if he is right about it, and he need not fear that the amendment will be permitted to remain in if he is right.

Mr. GLASS. We can not determine that here now. The conferees ought to be able to determine it with the advice of the experts.

Mr. McLEAN. The Senator from New York has no other chance to offer the amendment unless he does it now.

Mr. SMOOT. I am so positive of it that I would say that with that amendment in the bill, and if there were no chance of it going out, I would vote against the bill.

Mr. COPELAND. I understand the matter is wholly in the hands of the conference committee, so that they may be fully advised with reference to it before taking final action.

Mr. GLASS. The Senator from Utah may understand from me that if it does what he apprehends it does it will not be allowed to remain in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. LENROOT. Mr. President, I would like to make an inquiry with reference to section 17 which amends the Clayton Act and very much broadens that act with regard to interlocking directorates.

Mr. EDGE. Mr. President, if I may clarify that section to the Senator from Wisconsin and any others interested, I will say that it is the view of the committee that the language employed does not broaden the power, but on the contrary rather limits it. The present law in that regard reads as follows:

> That nothing in this act shall prohibit any private banker or any officer, director, or employee of any member bank or class A director of a Federal reserve bank, who shall first procure the consent of the Federal Reserve Board, which board is hereby authorized, at its discretion, to grant, withhold, or revoke such consent, from being an officer, director, or employee of not more than two other banks, banking associations, or trust companies, whether organized under the laws of the United States or any State, if such other bank, banking association, or trust company is not in substantial competition with such banker or member bank.

In other words, the existing law permits a citizen being a director of three institutions with the consent of the Federal Reserve Board.

Mr. LENROOT. From what did the Senator read?

Mr. EDGE. I have read from the Federal reserve act, the Clayton Antitrust Act, approved October 15, 1914, section 8.

Mr. LENROOT. I have before me this proviso:

> That nothing contained in this section shall forbid a director of class A of a Federal reserve bank, as defined in the Federal reserve act, from being an officer or director, or both an officer and director, in one member bank.

Mr. EDGE. That is in the early part of the section. Then it goes on and provides as I have read.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Virginia?

Mr. EDGE. I yield.

Mr. GLASS. If I may have the attention of the Senator from Wisconsin a moment, the purpose of the provision of existing law, which is known as the Kern amendment, was to prevent an interlocking directorate in banks substantially in competition with one another where such interlocking directorates might result in a circumscription of credit and control of credit. The Federal Reserve Board has four times in its annual reports stated that the provision operates just exactly contrary to the intent of the author, and has on four different occasions recommended to the Congress that it be modified. For instance, the board in its eighth annual report to Congress states:

> The act in its present form operates in an illogical way and often defeats the very purpose for which it was enacted.

The board shows by concrete illustrations in its report to Congress that the effect of the Kern amendment in some instances is to encourage the elimination of competition so as to make possible interlocking directorates. It calls attention to the fact that where a director is permitted to serve in two banks which are not in substantial competition if competition is permitted to develop he thereby may become ineligible, whereas if competition is stifled he may continue to serve both banks.

Mr. EDGE. Mr. President, let me suggest to the Senator right there that the only difference in the language that we are suggesting and the existing law is that we use the words "if in its"—referring to the Federal Reserve Board—"judgment it is not incompatible with the public interest" in place of "in substantial competition." Certainly the language which we have employed gives a greater supervisory power than would the direct application of competition.

Mr. GLASS. Precisely so. Just on that point the Federal Reserve Board states in its report that—

> The Clayton Act operates to favor those persons who have eliminated competition between banks, while it penalizes joint directors who have permitted the growth of competition between the banks they serve.

I trust the Senator from Wisconsin [Mr. LENROOT] will give me his attention while I read from a very short brief on the subject prepared by former legal counsel for the Federal Reserve Board, who states:

> By the passage of the Kern amendment Congress recognized the fact that it is not objectionable per se for the same person to serve as director of a limited number of banks. Interlocking directorates become objectionable when by reason of the common domination of several banking institutions competition is unduly restricted and concentration of the control of credit results. Presumably Congress intended to vest a discretion in the board to determine, within the limits prescribed by it, when it became incompatible with the public interest for the same director to serve on the boards of two or three banking institutions. The test applied, however, namely, the degree

of competition existing as between such institutions, has proven impracticable and unworkable. This being true, the Federal Reserve Board, which is charged with the administration of this act in April, 1921, recommended a further amendment to section 8 of the Clayton Act, and a bill amending section 8 was introduced and referred to the Banking and Currency Committee, but was never reported out.

In its eighth annual report covering operation for the year 1921 the board renewed its recommendation, and in its ninth and tenth annual reports covering operations for the years 1922 and 1923 again renewed its recommendation—

Stating that the law as it exists so circumscribed by its terms the discretion of the board as to make it practicably unworkable and to result in doing the very thing that it was intended not to do.

Mr. LENROOT. Mr. President, I confess I am probably very dull about this matter, and yet I should like to have a little further explanation. The Senator from Virginia has stated that where there is no competition the present law does permit interlocking directorates, but if we are to amend the law so as to permit such directorates where competition does exist have we not then legally afforded a means to eliminate competition that does exist?

Mr. GLASS. Perhaps so, if the board should be so unwise as not to ascertain or not to discern the effect of the action.

Mr. LENROOT. I mean in so far as the prohibition of the law is concerned.

Mr. GLASS. Yes; that would widen the discretion of the board.

Mr. LENROOT. The Senator from Virginia is, of course, very well informed on this question. What is there impracticable about determining "substantial competition"? Here are a number of banks in the same city serving the city generally. Are not all of those banks in substantial competition in the legal sense?

Mr. GLASS. The consideration pointed out by the board, I will say to the Senator, which most appealed to my judgment in the matter was the fact that it not infrequently happens that the boards of various banks so highly value the services of a particular director that they actually eliminate substantial competition in order to retain the services of that particular director.

Mr. LENROOT. In what way, in a legal sense, do they do that?

Mr. GLASS. I want to correct the Senator in one respect. I know very little about this interlocking directorate problem. I simply accept the statements in the reports.

Mr. LENROOT. I have the very highest opinion of the Senator's general knowledge. That is what I had reference to.

Mr. SIMMONS. Mr. President, I desire to offer an amendment.

The VICE PRESIDENT. The Secretary will state the amendment proposed by the Senator from North Carolina.

The LEGISLATIVE CLERK. On page 34, after line 8, it is proposed to insert a new paragraph to read as follows:

SEC. 21. That section 3 of the Federal reserve act, as amended, is further amended by adding at the end thereof the following:

"The Federal Reserve Board may at any time require any Federal reserve bank to discontinue any branch of such Federal reserve bank established under this section. The Federal reserve bank shall thereupon proceed to wind up the business of such branch bank, subject to such rules and regulations as the Federal Reserve Board may prescribe."

Mr. GLASS. Mr. President, if I may do so, I suggest to the chairman of the committee that he accept the amendment of the Senator from North Carolina, with the understanding that it will be considered in conference. I myself see no objection in the world to it.

Mr. McLEAN. I have no objection to that course being pursued.

Mr. KING. Mr. President, I should like to have some explanation of the amendment.

Mr. SIMMONS. Mr. President, I offered this amendment because of a situation which confronted me in connection with the establishment or application for the establishment of a branch of the Federal reserve bank in the Carolinas. I was advised by the members of the board that there was a controversy as to whether the board had the right after it had once established such a branch bank to discontinue it as a branch bank. I was also advised that they had asked for an opinion from the Attorney General with reference to their power in this respect, and they have been waiting now for several months without getting an opinion from the Attorney General. I suggested that the whole question might be disposed of by giving them the express power to discontinue a branch bank. I myself think that they probably have the implied power, though not the express power to do what this amendment, if adopted, will authorize them to do; but there can be no question in my mind about giving them express authority to discontinue a branch that may in their judgment be unnecessary.

Mr. SMOOT. I will say, however, Mr. President, that there is a power proposed to be given by the amendment, if the Federal Reserve Board wishes to exercise it, that will perhaps work a hardship on the banks that have established branches. I do not know that it would ever be exercised.

Mr. COUZENS. Mr. President, may I ask the Senator from North Carolina just what provocation might arise to suggest to a Federal reserve bank that it abandon a branch which has been established?

Mr. SIMMONS. If it should be demonstrated by its operation that it is unnecessary and entails an unnecessary expense upon the Government, the board might want to discontinue it. I understood from the members of the board and from the Secretary of the Treasury that branch banks had been established by Federal reserve banks that it was desired to discontinue, but there was a doubt as to their power to bring about a discontinuance. The amendment merely seeks to confer upon them the power to do so.

Mr. SMOOT. A Federal reserve bank which establishes a branch has no power to discontinue that branch.

Mr. SIMMONS. That is the very question that is involved. As I have said—the Senator must not have heard my statement—I was advised by the Secretary of the Treasury, who is the head of the Federal Reserve Board, and by other members of the board that they were in doubt as to whether they had the right to discontinue a branch bank, and they felt that their authority should be made clear in the matter; that while they were in doubt as to their power they were reluctant to establish any additional branches; and that they had inquired of the Attorney General whether, in the opinion of the Department of Justice, they had this power, but had not received any answer.

Mr. SMOOT. The only objection I can see to the amendment is——

Mr. SIMMONS. Mr. President, let me say to the Senator that I was called down here very suddenly from a very important matter. I do not wish to stay longer than may be necessary to discuss the matter. So I suggest that the amendment be allowed to go in the bill. Of course, if after the committee of conference consider it they think it is not a proper amendment, they can eliminate it.

Mr. SMOOT. Mr. President, I have no objection to that course. I simply say that I think that it is granting the Federal Reserve Board more power than it ought to have to give them the authority to discontinue a particular branch bank. I would have no objection whatever to provision being made for such a case as that to which the Senator refers of a Federal reserve bank establishing a branch bank.

Mr. SIMMONS. That power has already been given.

Mr. SMOOT. But the Senator's amendment goes further than that.

Mr. SIMMONS. I think not.

Mr. SMOOT. Certainly it does. It says the Federal Reserve Board may at any time require any Federal reserve bank to discontinue any branch. That is a much wider power than is now possessed.

Mr. SIMMONS. This is an amendment to section 3 which confers upon the Federal Reserve Board the power to establish branch banks—branch Federal reserve banks, branches of the regional banks; not branches of national banks that may happen to be members of the Federal reserve system, but branches of a Federal reserve regional bank. The Federal Reserve Board has the power to establish such branches, and it ought to have the power to discontinue them if in its judgment there is no necessity for the branch and that lack of necessity is demonstrated by actual operation.

Mr. HEFLIN. Mr. President, the Federal Reserve Board would not have the right to discontinue any State branch bank over which it had no jurisdiction at the outset.

Mr. SIMMONS. Certainly not.

Mr. SMOOT. The Senator did not get the impression that I understood his amendment refers to national banks, did he? I said "Federal reserve banks."

Mr. SIMMONS. It refers to branches of Federal reserve banks.

Mr. SMOOT. That is what I meant, of course. I did not refer to a national bank in any way, because such a bank could not be interfered with.

Mr. GLASS. The whole problem in a word is that the Federal Reserve Board is now vested with power to establish branch Federal reserve banks.

Mr. SMOOT. Yes.

Mr. GLASS. The contention is that there exists the implied power whenever the board may discover that a branch once established is not needed and is being operated at an expense to the Government to discontinue that branch.

Mr. SMOOT. Yes.

Mr. GLASS. On the other hand, the contention of the Secretary of the Treasury and certain members of the board is that they do not read any implied power in that, and they are suggesting—or, if they are not suggesting, at least the Senator from North Carolina is suggesting—that the board be textually given the power in those circumstances to discontinue the operation of the branch.

Mr. SMOOT. Yes; I understand it exactly the same as the Senator has stated it. I think that after the question of the establishment of a branch in any section of the country is determined to grant the power simply to say, "Here, that bank shall close," is granting a power that may be used for the disadvantage of the community in which it was established.

Mr. GLASS. Suppose they have the power?

Mr. SMOOT. Then, of course, this legislation would not be desired.

Mr. GLASS. Would the Senator want that branch to be operated interminably at a loss to the system?

Mr. SMOOT. No.

Mr. GLASS. Then how would the Senator discontinue it?

Mr. SMOOT. My own opinion is that the reserve bank of which it is a branch can discontinue it.

Mr. GLASS. The reserve bank has no right even to establish it.

Mr. SMOOT. Not to establish it.

Mr. GLASS. Then, how may it discontinue it?

Mr. SMOOT. By simply not operating the branch; that is all.

Mr. GLASS. It has no authority of law to discontinue a bank which has been established by the Federal Reserve Board.

Mr. SMOOT. Mr. President, a national bank or any other bank, if it wants to discontinue business, can do it. If a majority of the stockholders or in some cases two-thirds of the stockholders decide to do so, they can; but they can not establish the bank unless they have permission under the law to do so.

Mr. GLASS. Does the Senator from Utah contend that one of these regional banks may override the central board here established for its supervision and discontinue a branch bank that the board has once established?

Mr. SMOOT. I think there is nothing in the law to prevent a reserve bank from establishing a branch if the Federal Reserve Board says so; and if it is established, and proves that it is not a success, I do not think they have to come to the board and ask them for the privilege of discontinuing it.

Mr. GLASS. Do they not have to come to the board and ask the board for permission to establish banks?

Mr. SMOOT. Certainly they do; but I say there is quite a difference between establishing a bank and winding up the affairs of the bank, not only in State law but in national law as well.

As long as this matter is going to conference, I am not going to say anything more about it; but I think it ought to be looked into, as to whether that power should be given here.

Mr. KING. Mr. President, it seems to me it is obvious that a branch bank which is operating, which has been established by the central agency here, could be discontinued only upon consent of two factors: First, the corporation itself which established it, through the necessary agencies that set it up—the board of directors or stockholders or what not—and the central organization. If there is no authority now given for the disestablishment or dissolution of a branch bank, it would seem to me that it would be very wise to have a provision of that character. It occurred to me at first blush, though, that there would be no question but that without positive statute the bank itself, plus the central agency that set it up, would have the power, acting jointly or severally, to dissolve it and to terminate the branch bank.

Mr. SMOOT. I think severally there is no doubt about it.

Mr. COUZENS. Mr. President, I think that power is entirely too great. I see much more damage to be done to a community by giving that power to the Federal Reserve Board than by preventing them from establishing a branch in the first instance without the consent of Congress.

In other words, Congress itself provided that a bank costing more than $250,000 could not be built without the consent of Congress. Now, it is proposed, after having gotten the consent of Congress to build a branch, to give to that board which we would not let build the branch in the first instance the right to abolish the branch after having secured the money to build the branch. In other words, it is within the power of the Federal Reserve Board to tear down a community if it desires for any cause whatsoever by putting in this amendment the right to abolish a branch after it is once established. It would be much better if we gave them no authority to establish a branch in the first instance.

Mr. GLASS. Mr. President, does the Senator from Michigan seriously think that the Congress of the United States can effectually inquire into all of the intricacies and details of banking with sufficient minuteness to enable it to say whether a branch bank should be established in one place or another?

Mr. COUZENS. I can say to the Senator that the Congress itself established the rule that it would go into all the details of the establishment of a bank before it would permit the expenditure of $250,000; and now the Senator says——

Mr. GLASS. Oh, no; Congress did not go into all the details of the establishment of a bank. It simply went into the question as to whether or not the Federal reserve bank should be permitted to expend a greater sum than $250,000 in the construction of a building for banking purposes.

Mr. COUZENS. Yes.

Mr. GLASS. And it has departed from that resolve in every case. It permitted you to establish a branch bank in Detroit that I venture to say has cost over a million and a half dollars altogether.

Mr. COUZENS. No; the Senator is wrong about that.

Mr. GLASS. To what extent am I wrong about it?

Mr. COUZENS. To the extent of about twice as much as the bank would cost.

Mr. GLASS. The bank and the site?

Mr. COUZENS. Oh, but the site was already purchased, long ago.

Mr. GLASS. But I am talking about what is involved in the establishment and construction of that branch bank.

Mr. COUZENS. No; that is not involved, because all we had to get consent for was to spend up to $600,000. That, however, is all outside the issue. The issue is, if we require the Federal Reserve Board to come here to get money to build a bank costing more than $250,000, I do not see anything inconsistent in requiring the Federal Reserve Board to come here to get permission to discontinue a bank.

Mr. GLASS. Well, I do not agree with the Senator, of course.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. SIMMONS].

The amendment was agreed to.

Mr. LENROOT. Mr. President, I did not know when I was on my feet before that section 5155, being the entire committee amendment, had been adopted. I should like to say a word at least before final action is taken upon the bill.

I am very sorry, personally, that the plan of the House bill was not followed, known as the Hull amendment. I am very much opposed to branch banking as a system. I believe it is a great evil. Under the Senate amendments it will be possible, for instance, in the State of California for a national bank to secure control through a consolidation of the Bank of Italy, having 100 branches in the State of California, and they will be legal branches of this national bank in the State of California. It will give to the national bank that is fortunate enough to perfect that consolidation a tremendous advantage over every other national bank in the State of California, and it will permit the very evil that we all recognize does exist when it is provided in this bill, the Senate amendments, that hereafter no branch bank shall be established beyond the corporate limits of a city, except in the one case relating to a condition like that which exists at Cleveland, Ohio, where the lines of the suburb do coincide with the corporate limits of the city.

Then there is another very wide distinction between the House bill and this amendment in this respect——

Mr. KING. Mr. President, will the Senator yield?

Mr. LENROOT. Yes.

Mr. KING. Do I understand that the Senator's contention is that under the House bill, in those States now permitting branch banks, a national bank might not consolidate with a State bank which had various branch banks, and thus obtain the advantage or disadvantage, whichever view you take, of the branch banks?

Mr. LENROOT. They might consolidate under the House bill, but as a condition of consolidation they would have to give up all of their branches outside of the corporate limits of the parent bank.

Mr. KING. That condition, the Senator says, was in the House bill?

Mr. LENROOT. Yes.

Mr. KING. Does the Senator favor that?

Mr. LENROOT. I favor that provision in the House bill; yes.

Mr. KING. So that that would, of course, put the national banks in States which already permit branch banks at a disadvantage with the State banks or with national banks which——

Mr. LENROOT. No; except in case of consolidation, it puts them upon the same basis. That is, if a national bank now has a branch within the corporate limits of a city in a State which permits it, it may continue; or, if the State does not prohibit branch banking, a national bank may have as many branches as a State bank has. That is correct, is it not, I will ask the Senator from Virginia?

Mr. GLASS. Yes.

Mr. KING. Let me see if I understand the Senator. The Senator's contention is, if I understand him aright—and I want to—that under the House bill, in States which now permit branch banks, a national bank might not acquire State banks other than within the economic or political unit established, notwithstanding the fact that the State banks might have a multitude of branch banks.

Mr. LENROOT. That is my understanding of the bill. I may be wrong about that.

Mr. KING. So that if branch banks are an advantage, then the national bank would be at a disadvantage?

Mr. LENROOT. Yes; that is true.

Mr. KING. And the Senator approves of that policy?

Mr. LENROOT. I approve of the policy. I approve of everything possible being done to discourage branch banks outside of the corporate limits of the city in which the bank is located.

Mr. KING. Let me ask the Senator another question. Does not the Senator think that that policy would discourage additions and accretions to the Federal reserve system?

Mr. LENROOT. I admit that that is possibly so; but, as against that, I am afraid we are going to find this condition: Under the House bill there would be no advantage to any national bank in attempting to secure action by a legislature repealing the prohibition against branch banking.

Under the Senate amendment I am afraid there is going to be a drive on every legislature to repeal the law against branch banking.

Mr. KING. I want to say to the Senator that in the questions I propounded I am expressing no approval of the general principle of branch banks.

Mr. LENROOT. No; I understand. I was just stating the other side of the question in that connection.

Mr. KING. And yet I do not want to approve of any policy that would appear to be coercive upon the part of the Federal Government to compel the acceptance of our Federal banking system, much as we might desire to see a greater unification of the State banks and the Federal banks, or at least a consolidation of the reserves and resources for banking purposes.

Mr. LENROOT. Mr. President, my view of that matter is that under the House bill we would have a situation where I think very soon every State would prohibit branch banking. Under the Senate bill there is going to be great pressure to have States that now do prohibit branch banking repeal the prohibition.

Those are the two things I have especially in mind with reference to this committee amendment. So far as the particular matter I had in mind and discussed with members of the committee regarding the Milwaukee situation is concerned, that has been taken care of in the amendment to the amendment that has already been agreed to.

Mr. President, I think, simply for the purpose of getting a vote, I shall ask for a reconsideration of this entire committee amendment so that we may have a vote upon it.

The VICE PRESIDENT. Is there objection?

Mr. GLASS. Mr. President, if the Senate is ready to vote, I do not care to delay. It has been my habit never to address myself to a problem in the Senate except for some purpose and to some effect. But I think perhaps something should be said with respect to the objections urged by the Senator from Wisconsin as a preliminary to his request for reconsideration of the vote on this section of the bill.

It will be recalled that two years or more ago a very searching investigation was had of the entire credit system of the country by direction of Congress through a joint commission. If I mistake not, the present senior Senator from Wisconsin was the chairman or a member of that commission.

Mr. LENROOT. I was a member of it.

Mr. GLASS. That commission made an exceedingly comprehensive report of conditions and filed its conclusions. One of its conclusions was that had a very considerable number of State banking institutions joined the Federal reserve system, the stringency of credits in some parts of the country during the reconstruction period immediately after the war would have been very much abated. The commission suggested that Congress appoint a joint committee of the two Houses to inquire into the reasons why only about 1,465 State banks, out of nearly 14,000 eligible State banks, had become members of the Federal reserve system, and to suggest such modifications of the statutes as might persuade or induce those banks to become members of the system. That joint committee made its investigation, but did not report to either the House or Senate.

Mr. LENROOT. The Senator refers to the committee appointed subsequent to the commission of which he has spoken?

Mr. GLASS. Yes; the joint congressional committee appointed for the purpose indicated upon recommendation of the commission of which the Senator was a member.

Mr. LENROOT. The Senator will recollect that the commission of which he speaks, and of which I was a member, expressly declined to make any recommendation upon the subject of branch banking, as the members were apart upon that question.

Mr. GLASS. I have not reached that point in the discussion. The commission did recommend that a joint committee of the two Houses be directed to investigate this whole problem, and to ascertain why this great number of State banks persisted in remaining outside of the Federal reserve system, and to suggest a modification of the statutes which might induce them to become members.

The joint committee never made a report to Congress, as I have said, but instead the other branch of Congress passed what is known as the McFadden bill, which, Mr. President, will not only not induce a single State bank to become a member of the Federal reserve system, but if concurred in by the Senate it will, in my considered judgment, drive out of the Federal reserve system 75 per cent of the State banks now members of the system. Not only will it have that effect, but it will drive out a very considerable number of the national banks now members of the system, because they will be put on a plane of competition with State banks which they will be unable to endure.

As to the differences between the bill as it passed the House, containing what is known as the Hull amendments, and the Senate committee bill, carefully and searchingly considered by a subcommittee of the Banking and Currency Committee of this body, and just as carefully considered by the Banking and Currency Committee itself, and unanimously reported to this body, I venture to say that not since the foundation of this Republic was there ever before attempted, in any Federal legislation proposed, such a deliberate invasion of the rights of the States of this Union as is proposed in the so-called Hull amendments as passed by the House. That House bill proposes to do for banking what Mr. Lincoln said could not be done for slavery, to establish a nation one-half branch banking and one-half unit banking.

It proposes to contravene the existing statutes of 22 States which permit branch banking, and to serve notice on 26 other States that they may not ever hereafter change their systems of banking in this respect, except upon the penalty of exclusion from the Federal reserve banking system. The bill, as amended by the Senate committee, leaves the States free to adopt or reject branch banking as each State may please. And why not? If New York State, for example, has established a system of branch banking—which it has—how does that concern the State of Michigan, or the State of Virginia, or the State of Utah, or any other State in the Union?

We have no such thing as interstate banking, and Virginia is not concerned with the system which prevails in New York State nor New York with the system prevailing in Virginia. Then why should the Congress of the United States be asked to pass a Federal statute which will require Virginia to conform to the New York system, or New York to the Virginia, or both these State systems to the systems of other States? If hereafter Michigan and Utah determine that the branch system is the perfection of scientific banking—as most of the civilized countries of Europe and 22 States of this Union have decided—the banks of Michigan and Utah, under the House bill, will be precluded from exercising the privileges granted by their State laws except under the severe penalty of exclusion from the Federal reserve system. Under these Hull amendments we would have the preposterous spectacle of national banks in the State of New York, which permits branch

banking, confirmed in privileges which hereafter would perpetually be denied to national banks in Pennsylvania, which does not permit branch banking now, but may sanction the system at some time in the future.

The national banks in New York State would be confirmed by the House bill, in their system of branch banking, no matter how the branches were acquired—whether by purchase, or consolidation, or by consent of the Comptroller of the Currency—but the national banks of the adjoining States of Pennsylvania or of New Jersey, as a penalty for not now permitting branch banking, would be forever denied a like privilege, whatever might be the alteration in their respective banking systems.

Not only is that true of the national banks, but should the State of Pennsylvania hereafter conclude that branch banking is a sound and desirable system, not one of its State banks could ever become a member of the Federal reserve system should it avail itself of the privileges of its own State law. That being so, this proposed House bill would have a tendency to drive out of the Federal reserve system every national bank in Pennsylvania, because national banks, in such circumstances, would be put upon a plane of disastrous competition with State banks.

The Senator from Wisconsin says he is irreconcilably opposed to the system of branch banking.

Mr. LENROOT. Outside of the corporate limits of a city.

Mr. GLASS. Outside of the corporate limits of cities; but if the Hull amendments are adopted 26 States of this Union perpetually hereafter would be denied the right to establish branch banks within the corporate limits of the cities, under penalty of exclusion from the Federal reserve system.

I am not now speaking for branch banking, whether corporate or state-wide. I am advocating the right of the States to establish their own banking systems, free from coercion by Federal statute. I am unalterably opposed to undertaking, by Federal law, to coerce 26 States not now permitting branch banking, into forever precluding the system, no matter how much they might desire to adopt it. I favor letting these 26 States determine for themselves whether or not hereafter they will have branch banking.

Let me point, Senators, to the significant fact that nobody may produce here a declaration against the system of branch banking by an association of business men or of farmers or of any group desiring credit at the banks. The little coterie of conspiring bankers which framed the House bill has never dared to refer it to the Federal Reserve Board for its approval. It has never dared to refer it to the Comptroller of the Currency for his approval. It has never dared seek the approval of the Secretary of the Treasury. On the contrary, the Federal Reserve Board has declared against the bill as it passed the House. The advisory council of the Federal Reserve Board, composed of some of the most eminent and experienced bankers in the whole country, after due deliberation gave judgment against the bill as passed by the House. Let me read to the Senate what this board of eminent bankers said.

Mr. SHIPSTEAD. Mr. President, will the Senator inform me from what document he is reading?

Mr. GLASS. I am reading from the hearings before the Committee on Banking and Currency of the United States Senate January 19, 26, 29, and 30, 1925:

> There is one feature of the bill which the executive committee of the Federal Advisory Council does not believe it should let pass without explicit comment, and which, in its opinion, may ultimately work a gross hardship on some national banks and perhaps seriously effect both State and national membership in the Federal reserve system.
>
> It is the so-called Hull amendment. Without discussing the details of those sections of the bill designed to authorize the establishment of branch banks, the Hull amendment makes it impossible in the future for any national bank located in a State which does not authorize branch banking to open branch banks even if at a later date the State legislature should decide to permit State institutions to do a branch-bank business. Furthermore, that amendment also provides that any State bank or trust company in such a State which is now a member of the Federal reserve system must withdraw from the system if it should decide to do a branch-banking business under the terms of a subsequent State law permitting branch banking. In the opinion of the counsel, there is no reason in fairness or logic for the Federal Congress to authorize national banks to open branches in the States which now authorize State institutions to do a branch-banking business and to deny that same right in the future to national banks which may happen to be located in a State which now prohibits branch banking, but which may subsequently authorize branch banking.

That is the considered judgment of those bankers, eminent and experienced in their profession.

Mr. SHIPSTEAD. Does the Senator have the names of those bankers? I do not happen to have a copy of the hearings.

Mr. GLASS. Yes; I can give their names: Paul M. Warberg, chairman; C. A. Morse, vice chairman; John M. Miller, jr., and F. O. Wetmore.

I may say that I have letters from the governor of nearly every Federal reserve bank in the United States declaring against the Hull amendments. Not one of them regards the amendments as fair or just or sound in principle or in policy.

I said a moment ago that nobody could produce a declaration of approval of the Hull amendments from any group of business men or farmers in the United States or any other group of men who find it necessary to have credits and to borrow money from banks. The proposition originated with a little coterie of scheming bankers which, pretending to want to safeguard unit banking against monopoly, is, indeed, appealing to Congress to give these unit bankers a monopoly of the credits of their respective communities. It will be observed that they never discuss what commerce and industry require; they never concern themselves about what bank patrons think or what persons requiring credits want. It is always and only what this little circle of bankers wants.

The United States Chamber of Commerce took the problem in hand and sent out an inquiry to all of its members throughout the country, and of 2,266 replies, 2,161 are on record in favor of granting equal privileges now or hereafter to national and State banks throughout the country. They explicitly contest the advisability of the Congress by Federal statute confirming a privilege granted to banks in 22 States and denying to banks in 26 other States the same rights, except under the disastrous penalty of exclusion from the Federal reserve system.

My colleagues will attest the truth of the statement that not a banker who appeared before the committee undertook to justify the Hull amendments.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. GLASS. Certainly.

Mr. EDGE. The only advocacy of the Hull amendments has been in the form of telegrams from bankers arriving since the public hearings, although bankers from all over the country were before our committee.

Mr. GLASS. Yes; and those who came and were subjected to cross-examination, when pinned down to the proposition and asked the direct question if they thought the banks of 26 States should be perpetually denied privileges which were granted to banks in 22 States, answered "No." They did not think it should be done. Then why is it proposed to do it? One of the spokesmen of the American Bankers' Association, when asked the question, said he did not think it should be done, did not think it was fair to do it; but he said there are certain bankers in the country who have influence enough in one House of Congress to prevent any legislation at all of a remedial nature unless there shall be embodied in it this admitted injustice, this attempt to coerce 26 States of the Union into creating their banking systems according to the Federal statutes rather than according to the views of their State legislators. I asked one banker this question:

> Were these bankers charged with the function of national legislation?
>
> Mr. HINSCH, of Cincinnati. No; but they exercise sufficient influence over Members of the House to defeat, in my opinion, any bill that deviates materially from section 9 of the McFadden bill.
>
> Senator GLASS. That remains to be seen. It may be that there are enough Senators who think for themselves to deny the right of those bankers to control legislation.
>
> Mr. HINSCH. Unfortunately most legislation is based upon compromise, and so it is, as we see it, with the McFadden bill.
>
> Senator GLASS. You want the "compromise" made for us by the American Bankers' Association instead of permitting the Senate to make the compromise for itself. Is that the idea?
>
> Mr. HINSCH. If you can make it and get it through so that you will relieve the national banks so they can compete on more equal terms with the State banks, we will be very glad to present you with a Carnegie medal.

There you are, an open, unqualified admission that this is a premeditated attempt to coerce 26 States of this Union and to contravene the existing laws of 22 other States. There is the admission that it is proposed by the Hull amendments to perpetrate a wrong because in the conception of this gentleman and other bankers who appeared, one branch of Congress may not be induced to do right. The Senate is asked to confirm this admitted and gross injustice. There is not a board of trade, there is not a chamber of commerce, there is not an aggregation of intelligent farmers in the United States, in my

judgment, who could be induced to approve such a legislative atrocity as this bill containing the Hull amendments.

Speaking of branch banking in the State of California, without undertaking any defense of state-wide branch banking, which distinctly I do not undertake, my colleagues will attest the fact that those gentlemen from California who appeared before the Banking and Currency Committee of the Senate at our hearings in favor of the Hull amendments presented not one fact or figure that might be taken to discredit branch banking in its existing form in the State of California. On the contrary, those bankers who favored the system there presented fact after fact and an abundance of statistics to prove that branch banking in California had been a blessing to commerce and to industry. They pointed out that since the establishment of branch banking in that State not a depositor in a branch bank had lost a dollar in 12 years! They also pointed out that the crops had been moved with the greatest facility and regularity, something that had never before happened. However, the most extraordinary testimony that they gave was to the effect that the State of California, controlling the situation completely with respect to branch banking, had never been asked through its legislature to modify the system in any particular, much less to abrogate it. They testified that not a solitary business man had ever appeared before a committee of the legislature to ask either a modification or an abrogation of the system; that the only persons who had appeared composed a small committee of unit bankers at one session, and they proposed no definite modification of the system.

Mr. SHIPSTEAD. Mr. President, will the Senator from Virginia yield to me?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Minnesota?

Mr. GLASS. Yes; I yield to the Senator.

Mr. SHIPSTEAD. If I remember correctly, one afternoon I attended a hearing, and am I mistaken when I say that a man from California, or, perhaps, he represented California interests, said to the committee that the few large banks which controlled all the branch banks entirely dominated the political situation in California, that they absolutely controlled the legislature?

Mr. GLASS. I do not recall that a man made any such statement; but if he did, what of it? Should we enact a Federal statute to prevent them from controlling the legislature? The people of California should elect a legislature that could not be controlled.

Mr. SHIPSTEAD. That is correct.

Mr. GLASS. I will read to the Senator what was said. I quote from the hearings, as follows:

Senator GLASS. Mr. Drum, I understand, then, that there have been no formal protests to the California Legislature by chambers of commerce, boards of trade, or manufacturers' associations in California against this system of banking.

Mr. DRUM. The question has never come before them from any source.

Senator GLASS. Has the National Association of Credit Men, through its California branch, ever made any formal protest to the Legislature of California against this system?

Mr. DRUM. They have not.

Senator GLASS. Then there has been no protest except a more or less informal protest by the legislative committee of the bankers' association to the superintendent of banks?

Mr. DRUM. And the legislative committee in California both prior to the session of 1923 and 1925 and the formal protest before the House committee hearing of April, 1924, and this present hearing before the Senate committee.

Senator GLASS. That is here. I am talking about before the Legislature of California.

Mr. DRUM. They have not.

Senator GLASS. Have the protesting bankers ever presented to any committee of the legislature a scheme of modification with respect to branch banking?

Mr. DRUM. They have not.

I am not speaking for state-wide branch banking; I confess that I know too little of the problem, and this country knows too little of the problem for anybody to say that, of itself, it is an evil. My own information and judgment is that we should not have state-wide branch banking, and that character of banking is not proposed or contemplated in the remotest degree by the Senate committee amendments to the House bill.

Mr. EDGE. Mr. President——

Mr. GLASS. I yield to the Senator from New Jersey.

Mr. EDGE. As a matter of fact, if this bill shall be passed in its present form the Bank of Italy, in the State of California, which is so frequently referred to, now being a member of the Federal reserve system, will not be permitted to open any further branch banks.

Mr. GLASS. It will not be permitted to establish another branch bank, and no national bank outside of a limited incorporated area will be permitted to establish a branch bank. All of the national banks of all the States will be put upon a plane of equality under the Senate committee amendments; that is to say, the national banks of the State of Missouri, which State does not now permit branch banking, will not under the Senate committee amendments be perpetually prohibited from establishing branch banks, but under the Senate bill as proposed to be amended, if the Legislature of Missouri hereafter in its wisdom shall determine that branch banks, whether restricted to the cities or permitted throughout the State, will be a wise and helpful system of banking to the commerce and industries of Missouri, then the banks of Missouri may avail themselves, both the national banks and the State banks, of the permission of the State to establish branches.

But under the Hull amendments if the State of Missouri or the State of Pennsylvania, either or both, should hereafter permit limited or unlimited branch banking within their confines, no State bank could take advantage of its own State law except under the threat of exclusion from the Federal reserve system should it do so. I have never heard any man, be he banker or business man, undertake to justify the Hull amendments except in the qualified way which the Senator from Wisconsin a while ago did, and he admitted that the purpose of his advocacy was to say to the 26 States which do not now permit branch banking, "You shall not embrace the system except under the threat of exclusion from the Federal reserve system."

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. GLASS. The Senator may.

Mr. NORRIS. If a State, not now having a law that permits branch banking, should after the passage of this bill enact a law that permitted branch banking, what, if any, effect would it have upon banks members of the Federal reserve system as to the opening of branch banks in that State? Would they be allowed to open such branches?

Mr. GLASS. If the State of Nebraska does not now permit branch banking, but should hereafter adopt a system of branch banking, no State bank in Nebraska would be permitted to come into the Federal system if it should undertake to act upon the privilege of its State statute.

Mr. LENROOT. Under the Hull amendments.

Mr. GLASS. Yes; that is what I mean, but not under the Senate bill.

Mr. NORRIS. I am asking the question in reference to the Senate bill.

Mr. GLASS. With reference to the Senate bill, if Nebraska does not now permit branch banking, but she should hereafter permit branch banking, then its State banks and its national banks would be permitted to establish branches in the corporate limits of the parent bank.

Mr. NORRIS. It was stated here by a Senator, referring to the particular case of California, that the Bank of Italy, if the bill as amended by the Senate committee should become a law, would not be allowed to establish any more branch banks.

Mr. GLASS. Not another one outside of the city limits.

Mr. NORRIS. The law of California, as I understand, permits the establishment of such branches.

Mr. GLASS. The law of California permits branch banking now; yes.

Mr. NORRIS. The Senator just a moment ago said, referring to my State, that after the passage of the bill in case branch banking were permitted, then under the Senate bill members of the Federal reserve system could also establish branch banks.

Mr. GLASS. Yes.

Mr. NORRIS. It seems to me there is an inconsistency.

Mr. GLASS. There is an inconsistency peculiar to California, because California has an extensive state-wide system of branch banking, whereas the Senate bill affords a limited system of branch banking in those States which either now or hereafter may by State law establish branch banking.

Mr. COUZENS. But only in a limited territory.

Mr. GLASS. Yes.

Mr. NORRIS. I still do not understand. Perhaps I have not been able to make myself clear. California now allows——

Mr. GLASS. California allows state-wide branch banking.

Mr. NORRIS. It allows state-wide branch banking. If the Senate bill should pass, any California bank, either now a member of the Federal reserve system or coming into it, would not be allowed to establish any more branch banks?

Mr. GLASS. Not outside of the city in which the parent bank is located.

Mr. NORRIS. In the case of Missouri or Nebraska, where they do not now have a law permitting branch banking, if, after the passage of the Senate bill, the State of Missouri should enact a law permitting branch banking, I understand the Senator to say that in that case members of the Federal reserve banking system could also establish branches anywhere in the State.

Mr. GLASS. Oh, no; not anywhere.

Mr. NORRIS. Then I did not understand the Senator.

Mr. GLASS. Only within the limits of the city of the parent bank. That is to say, there is a peculiar situation in California. It is the only State in the Union that has practiced branch banking to any great extent in a state-wide way, in a way that some people think is excessive. It is not the purpose of this bill, it is not the judgment of the committee, that to members of the Federal reserve system generally should be given permission to establish a state-wide system of banking; but we go just a little way, and permit branch banking in the commercial community where the parent bank has its establishment.

The House bill, however, contravenes the banking laws of 22 States which now have branch banking, and it serves notice—which is the vice of the whole thing—upon the legislatures of 26 other States that "You dare not have branch banking except under penalty of exclusion from the Federal reserve banking system." In other words, if it should become a law it might drive out 75 per cent of the State banks now members of the Federal reserve system, and nobody can calculate how many national banks it would drive out when they should find themselves unable to compete with State banks having privileges that they can not exercise.

Mr. NORRIS. Mr. President, I am asking purely for the purpose of getting a comprehensive and correct view of the situation as presented by the bill. I want to submit to the Senator this proposition:

If the Senate bill should become a law, a State bank now a member of the Federal reserve system in a State permitting branch banking, and that has already several branch banks, would be permitted to retain them. Another State bank perhaps hereafter established in the same city would come into the Federal reserve system under the law. Not having any branch banks, it could not establish any.

Mr. GLASS. No.

Mr. NORRIS. Would it not be true, then, that in the case of these two banks in the same community, competing with each other, one of them would have the advantage, if it be an advantage, of establishing branch banks, while its competitor would not be allowed to establish any?

Mr. GLASS. Yes. That is what I am inveighing against.

Mr. NORRIS. Would not that be true if the Senate bill passed?

Mr. GLASS. No; it would not be true if the Senate bill passed. They would be put on a plane of absolute equality.

Mr. NORRIS. After the Senate bill becomes a law, as I understand, a State bank being a member of the Federal reserve system would not be allowed to establish any branch banks.

Mr. GLASS. Oh, yes; it would.

Mr. NORRIS. I mean outside of the city where it is located.

Mr. GLASS. Yes.

Mr. NORRIS. But its competitor, having come in before the passage of this law, already with several branch banks, would be allowed to retain them, would it not?

Mr. GLASS. No; not outside of the city.

Mr. EDGE. I think it would.

Mr. LENROOT. Yes; it would.

Mr. NORRIS. That is my understanding.

Mr. LENROOT. The Bank of Italy would have a hundred branches outside of the home city if they consolidated.

Mr. EDGE. I think that is true; but if I may interrupt, I do not think the Senator from Virginia correctly understood the question of the Senator from Nebraska, if I may repeat it. Within a State that already permits branch banking there are some banks that have branches outside of the municipality in which the parent bank is located. Under the terms of the Senate bill, if it becomes a law, they would be permitted to continue those branches outside, and those coming in in the future would not have that privilege, but the answer is that they have the branches there now, and we can not help it. They still exist.

Mr. GLASS. That is precisely what I intended to say—that the banks coming in would not be permitted to establish branches outside of the community in which the parent bank is located.

Mr. NORRIS. I do not claim that I am able to solve the difficulty that it seems to me does exist; but I still think that if the bank that is a member of this system and that now has branch banks, should be allowed to retain them; a future bank, a competitor of such a bank, later coming into the system without branch banks would be deprived of a privilege that its own competitor has in the way of maintaining branch banks.

Mr. GLASS. That is true as to the establishment of branch banks outside of the community in which the parent bank is located.

Mr. NORRIS. Yes.

Mr. GLASS. That is true; and that is, in the view of the committee, an essential injustice, but one that can not be avoided, because these branches are already established in California, and we can not undo that work.

Mr. ASHURST. Mr. President——

Mr. GLASS. I yield to the Senator from Arizona.

Mr. ASHURST. I desire to be certain as to this particular subject before I commit myself, and I wish information. I sit, as to fiscal affairs, at the feet of the Senator from Virginia [Mr. GLASS], even as Saul sat at the feet of Gamaliel.

Mr. GLASS. Well, a good many people who do that ought not to.

Mr. ASHURST. I am not ashamed to say that I do, and I preface my questions by a short statement, as follows:

In the State of Arizona there are national banks, and, of course, they must belong to the Federal reserve system.

Mr. GLASS. Yes.

Mr. ASHURST. There are also in Arizona State banks which do belong to the Federal reserve system, and there are State banks which do not so belong. Some of our State banks have branches that are many miles away from the main or parent bank. Some of the branch banks are 100 miles away, even in another county. Question: What would this bill do to those branch banks located in counties other than the county in which the main or parent bank is located?

Mr. GLASS. It would not do anything.

Mr. ASHURST. It would not do anything? Now, as to State banks organized after the passage of the pending legislation—may they establish branches in another county?

Mr. GLASS. No.

Mr. ASHURST. They may not?

Mr. GLASS. They may only establish branches in the incorporated town in which the parent bank is located.

Mr. ASHURST. But the branches that have heretofore been established, whether in the same municipal corporation or whether in even another county, may not be disturbed?

Mr. GLASS. They may not be disturbed; but under the House bill, I will say to the Senator, in States which do not permit branch banking now, no branch bank may ever hereafter be established, no matter what the State may hereafter decide to do. That is the inherent vice of the House bill.

Mr. ASHURST. If the Senator will yield for one other question. Assume—and I have no means of anticipating what the State of Arizona would do upon the subject—assume that at some future date, and subsequently to the enactment of this proposed law, the State of Arizona should abolish branch banking, would such action ipso facto abolish branches of national banks in Arizona?

Mr. GLASS. I should not think so.

Mr. ASHURST. I should not think so.

Mr. GLASS. It was not intended that that should occur.

Mr. COUZENS. Mr. President——

Mr. GLASS. I yield to the Senator from Michigan.

Mr. COUZENS. The Senator from Virginia, in answering the Senator from Nebraska [Mr. NORRIS], said that it was an essential injustice not to permit a new bank or even an existing bank to open branches in other counties. I just want to get his view as to why the committee did that if they thought it was an essential injustice.

Mr. GLASS. What I intended to imply was that it was essential to do this minor injustice in order not to do a greater injustice by undertaking to disturb an existing situation.

Mr. COUZENS. Yes; I think I understood that; but why does the committee propose to prohibit state-wide branch banking in States that already permit it and have branch banks?

Mr. GLASS. For the simple reason that, speaking for myself, I have not sufficient knowledge of the problem of branch banking to be willing at this time to authorize state-wide branch banking by national banks.

Mr. COUZENS. The Senator admits that certain States do it?

Mr. GLASS. I admit that one State in the Union does it to a great extent, and that is California.

Mr. COUZENS. But hereafter a State may, through its legislature, permit state-wide branch banking, and yet the national banks may not be permitted to enjoy the same privilege.

Mr. GLASS. That is true.

Mr. COUZENS. Going back to the theory on which the Senator based his argument, that the States might for themselves determine the system of banking, why not let the Federal Government do likewise with respect to the States that approve of state-wide banking?

Mr. GLASS. That is a matter for the determination of Congress when the Congress itself shall feel perfectly assured that state-wide banking is a wise thing.

Mr. President, I do not care to prolong the discussion further than to emphasize before the Senate this one significant fact: There has not been a single board of trade or chamber of commerce or merchants' association of any description or manufacturers' association or an association or a group of farmers or of anybody who desires and requires credit at banks or to borrow money who has ever appeared before the Committee on Banking and Currency in opposition to branch banking, either of a limited nature or of a state-wide nature. The plea has been set up only by a small coterie of bankers within the American Bankers' Association.

I do not want to be disagreeable; I do not want to undertake in any respect to discredit the American Bankers Association; but every Senator here knows how and where this sort of propaganda originates and how it is carried on.

I can not forget the fact that it was the American Bankers Association at New Orleans in 1911 that unanimously approved the Aldrich central bank bill without knowing a thing in the world about it. It had so recently come from the printing press that it had not dried well enough to thumb its pages, and they knew nothing in the world about it.

I can not forget that it was the American Bankers Association at its annual convention in Boston, three weeks before the adoption of the Federal reserve act, that characterized it as a dangerous measure, which would create financial confusion, do a grave injustice to the banking community, and inevitably result in a constriction of credits. The association begged Congress not to enact the bill into law. It not only did not restrict credits nor create financial confusion or harm banks, but was the salvation of the country.

Right now Senators are being deluged with telegrams and communications from this little circle of bankers appealing to them to enact this monstrosity, this Federal statute that deliberately and avowedly invades the rights of the States by saying to 26 of them that they may not change their banking systems, under penalty of exclusion from the Federal reserve system.

These propagandists have gone so far in their effrontery as to send one of their agents here to undertake to influence the appointment of conferees on this banking bill and to urge that a certain Senator in opposition be not appointed on the conference committee, and to pick out certain other Senators, whom they imagine they may control, to be put on the conference committee.

Thus, Mr. President, in conclusion, it appears that only this circle of bankers wants to perpetrate this injustice, whereas the commercial bodies of the country, those that have spoken, have spoken overwhelmingly in favor of equality of banking in all of the States.

Mr. LENROOT. Mr. President, the Senator from Virginia speaks of a little coterie of bankers as being the only ones opposed to branch banking. This bill has been pending before the Senate since February 1. It contained the Hull amendment, the monstrosity, as it is termed by the Senator from Virginia. But I have not had from any farm organization, commercial organization, or any other organization of my State one single word of protest against the Hull amendment.

What is involved here, and why is it that the bankers have a fear of branch banking? There is only one thing, and that is fear of monopoly in the banking business of this country.

Mr. NORRIS. Mr. President, the Senator refers to the Hull amendments, and they have been referred to by others. Just what are they?

Mr. LENROOT. The so-called Hull amendments are the text stricken out of the bill.

Mr. NORRIS. That is, the language of the House bill?

Mr. LENROOT. The text of the House bill. As the Senator from Virginia has said, they prohibit any branch banking on the part of a national bank or State bank, a member of the Federal reserve system, in the future, even though States which prohibit branch banking might hereafter amend their laws permitting branch banking in those States. That is the principal point there is in it. It is the fear of monopoly that lies at the basis of this proposition.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. LENROOT. I yield.

Mr. SHIPSTEAD. The bankers are divided on this proposition?

Mr. LENROOT. Yes.

Mr. SHIPSTEAD. The Senator from Wisconsin, and I think the Senator from Virginia, will admit that the small bankers are for the Hull amendments. The large bankers are not so afraid of branch banking as are the smaller bankers, because they are not so afraid of being put out of business, provided the banking of the country is concentrated into fewer and fewer hands. Those which are strong expect to survive.

Mr. LENROOT. Of course, the very large banks would like to have the privilege of extending branch banking.

Mr. SHIPSTEAD. Certainly.

Mr. GLASS. Mr. President, may I interrupt the Senator?

Mr. SHIPSTEAD. I yield.

Mr. GLASS. Without seeming to transform myself into an advocate of branch banking, I may say to the Senator from Minnesota that of the 526 banks that failed in the Minneapolis Federal reserve district within the last few years, 90 per cent of them were small banks, and if some of the strong banks had been conducting branches where these small banks which failed were located, there would not have been one-tenth that many failures.

Mr. SHIPSTEAD. Mr. President, I want to say something right here. Of course, there were a lot of failures. Banks that belonged to the Federal reserve system failed. National banks failed. There was a larger percentage of banks that failed of those not belonging to the Federal reserve system, but a large percentage of the State banks that failed, failed because the overwhelming number of banks do not belong to the Federal reserve system, nor are they national banks. So, so far as percentage was concerned, of course the percentage of bank failures was higher among the national banks, nonmembers of the Federal reserve system, and among State banks. But when we take the percentage of those that belong to the Federal reserve system, State or national, I do not think it will be found that membership in the Federal reserve system helped one bit.

I admit, of course, that if a few of the large banks had had branches in various parts of the State, it might have saved the situation somewhat, because the large banks in the Twin Cities got relief from the Government of the United States, through the War Finance Corporation, which the little banks could not get.

I venture to say right here that if it had not been for the aid of the Federal Government, which came in with money out of the Treasury to help some of the large banks in Minnesota, they would have gone as the little banks went. But those large banks belonged to the Federal reserve system.

Mr. LENROOT. Mr. President, I did not intend to go into any extended discussion of the merits of branch banking. I merely wanted to say in this connection what I conceived to be the reason for the opposition to branch banking on the part of bankers; that is, fear that they would be driven out of business, and that there would be a monopoly of banking in this country by a small group of great interests very similar to that which exists in Canada.

Mr. President, the Senator from Virginia states that the Hull amendments are an invasion of State rights; that they amount to a proposed coercion of the States. If the Hull amendments should be adopted and become the law, every State would be as free to order its own banking system, either permitting branch banking or not, as it is to-day before this bill passes.

Mr. GLASS. Mr. President, if the Senator will permit an interruption, how can he make a statement of that sort, when he must know that their banks will be penalized and excluded from the Federal reserve banking system the instant they adopt that system?

Mr. LENROOT. I am speaking of the right of a State to order its own banking system. This does not affect that.

Mr. GLASS. Does not affect it?

Mr. LENROOT. I am coming to that in a moment. The Senator says they will be penalized, if the Hull amendments shall become the law, by being prohibited from becoming members of the Federal reserve system. That gets right down to this, and here is the gist of this whole controversy: We have a national banking system, the Federal reserve system. It is the duty of the Congress to determine the rules and conditions under which national banks shall operate. It is the duty of the Congress to determine the rules and conditions under which any State bank may have the benefits of this national system.

The Senator proposes that Congress shall surrender that right and give it to the States, each to determine for itself the conditions under which the national system shall operate within the limits of a State. There are the two propositions. I believe it is the duty of Congress to determine for itself the conditions under which a national bank shall function, and that it should not surrender any of that right to the States of the Union.

Mr. GLASS. Mr. President, will the Senator yield?

Mr. LENROOT. I yield.

Mr. GLASS. It is not only proposed here to give privileges, by Federal statute, to State banks in some States which may not be enjoyed by State banks in other States, but it is proposed to give perpetual privileges to national banks in some States which may not be enjoyed by national banks in 26 States of the Union. There is a vast deal of difference between a Federal statute by which it is sought to induce State banks to become members of a Federal system for the common good, and a Federal statute which the Senator himself confesses is designed to coerce 26 States of the Union against ever adopting a branch banking system. The Senator admits that, and those who appeared before the Banking and Currency Committee admitted that that was the intention and purpose of these Hull amendments.

Mr. LENROOT. Mr. President, so far as that is concerned, I repeat what I said, that the Hull amendments are merely the exercise by Congress of its privilege, not to say duty, of itself determining the conditions under which a national bank shall operate, whether in one State or another State.

Mr. GLASS. But that is not all of the question, if the Senator pleases. The question is whether it is right for the Congress of the United States to so legislate as to grant in perpetuity privileges to national banks in 22 States, and deny like privileges to national banks in 26 other States.

Mr. LENROOT. Mr. President, the Senator himself admits that with the Senate amendment injustices would exist, and his answer, I think, to the Senator from Nebraska was that while he admitted that injustices would prevail, the injustice upon the other side would be so much greater that he justified the Senate amendment.

Mr. GLASS. The injustice on one side is inconsequential; on the other side it is gross.

Mr. LENROOT. That may be a matter of opinion, but under the Senator's view Congress surrenders no power to determine for itself the right or the wrong of branch banking in the future in those 26 States.

Mr. GLASS. Not at all.

Mr. LENROOT. And if the State chooses to permit it, allows a national bank to have branch banks within that State, but not otherwise, so the State determines what the national bank shall do within the State in that particular.

Mr. KING. The Senator should say, though, that it does not permit it to have state-wide branches.

Mr. LENROOT. It permits it within the corporate limits of the city, and it does more than that, I may say. In the case of a consolidation where a bank already exists, it permits branch banking outside the corporate limits.

Mr. REED of Missouri. Mr. President——

Mr. LENROOT. I yield to the Senator from Missouri.

Mr. REED of Missouri. If we are to permit branch banking in national banks in States that permit branch banking for their banks, so that the national banks shall be put on an equality, why should we not go the whole distance and permit a national bank to have as many branches as are permitted to the State banks, instead of limiting the number of branch banks to a certain specific territory?

Mr. LENROOT. I do not think there is any answer to the Senator's position. If we desire to secure equality, there is no justice in confining them to the corporate limits of a city.

Mr. EDGE. If we carry out the principle of the Hull amendments, we still further cut down the privilege suggested by the Senator from Missouri of giving state-wide permission even beyond municipal limits. We cut it down more than 50 per cent.

Mr. LENROOT. To repeat what I said when I took the floor first this afternoon, to me it is a very practical question. Believing, as I do, that there is foundation for the fear of monopoly in unlimited branch banking, we have to choose between two propositions. On the one hand we must surrender to the State the power to determine whether a national bank shall be permitted to have branches hereafter within the corporate limits of a city, and if we do that it is just as certain as night follows day that the banking interests will be at the capital of every one of the 26 States at the next session of their legislatures to induce them to repeal their laws prohibiting branch banking; while on the other hand, under the theory of the Hull amendment, we may look forward to the situation that the 22 States which do now permit branch banking will enact laws similar to those of the 26 States which prohibit branch banking.

Mr. GLASS. The Senator would not only coerce the 26 States against branch banking, but by a Federal statute he would coerce the 22 States now to abandon branch banking.

Mr. LENROOT. Coercion? We make a law for the Federal system and we have a perfect right to say under what conditions State banks shall enter into the system. It is a privilege.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. LENROOT. I yield to the Senator from Nebraska.

Mr. NORRIS. I am moved to ask the question by what the Senator said. I do not mean to say that I am expressing my position, because I am only seeking light. The Senator referred to influences that would be brought to bear on legislatures to enact laws permitting branch banking.

Mr. LENROOT. To repeal such laws.

Mr. NORRIS. Yes; and another influence that would take the opposite position. In thinking this question over it has occurred to me that where a State has enacted a law providing for branch banking, assuming that we pass this bill, it would be practically an impossibility under those conditions, because of what I believe to be the powerful influences that would be brought to bear, ever to get them to repeal their laws permitting branch banking, because those banks of the State where they now are permitted branch banking, being members of the Federal reserve system, and the national banks of the same State, also members of the Federal reserve system, having likewise established branch banks, if the State did repeal the law which permitted branch banking, it would not apply to the national banks, as I understand it, but would apply to the State banks.

Mr. LENROOT. From that time on, as I understand the bill, if we repeal the law permitting State branch banking, the branch banks established by the national bank at the time we repealed the law would continue, but thereafter none others could be established.

Mr. NORRIS. Those would continue. It seems to me that a legislature would never repeal the law, for it would leave the State banks at a great disadvantage with the national banks, because the branch banks established by the national banks would stay in the field and the branch banks established by the State banks would disappear. It seems to me that in self-defense we would almost be prohibited from passing that kind of a bill.

Mr. LENROOT. May I say to the Senator that as time goes on in legislation that looks toward the encouragement of branch banking, in years to come, it will be increasingly difficult to ever repeal legislation that does permit it, because they will continually be able to say, and with increasing force, that to prohibit one bank from establishing branches in the future, where there has been a branch legally established in the past, would work a very great injustice, and they would also be able to plead that it would be a great injustice to compel them to give up their existing branch banks.

Mr. EDGE. Mr. President——

Mr. LENROOT. I yield to the Senator from New Jersey.

Mr. EDGE. But is it not entirely correct to say that we are practically forced, if I may use that term, to action such as we are contemplating, because States of their own accord, through no encouragement from the Federal reserve system or from Congress, have passed State branch banking acts. In other words, in 22 States, as has so often been said, the legislatures, the representatives of their people, have established a branch-banking system. We represent the national banking system. We have competed, or our banks have competed, with member banks of those systems in those States, and unfairly so. We are trying to place our banks in a position equable to the State institution that has been given this privilege through no act of ours. We are simply forced to that situation. It simply becomes a matter of policy to decide whether the country, as the Senator from Virginia placed it very aptly, shall be half slave and half free. Shall 22 States, because States legislatures have adopted the policy for State institutions, say that banks can compete there in the future, while in the other 26 States the policy is not good? Either it is good in all of the States or it is not good in any of them.

Mr. LENROOT. While I have not the figures at hand, I think the tendency is more and more to repeal or restrict branch banking, and unless encouragement be given in the other direction I think we may confidently look forward to general legislation in all the States restricting or repealing, where possible, branch banking. But when we have a bill that tends to encourage this very thing, we have a very different situation. For instance, in my own State of Wisconsin we prohibit branch

banking. I can readily see that with the Senate amendments adopted, at the next session of the legislature every national bank and every State bank of the Federal reserve system will use such influence as it may have upon the legislature to repeal the State law prohibiting branch banking.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. LENROOT. Certainly.

Mr. REED of Missouri. There has been some talk here about Congress trying to coerce the State. I would like to get the Senator's view on this proposition. We have established a Federal reserve system. It is backed to a large extent by the faith and credit of the Government. If in the opinion of Congress it is proposed to graft on to that system something which is dangerous to the system itself, do we not have not only the right, but the duty, to protect the Government system against that threatened danger?

Mr. LENROOT. I thoroughly agree with the Senator.

Mr. REED of Missouri. If that is true, is not one of the basic questions which we have to answer here whether the grafting on to the Federal reserve system of a system of branch banks, State and national, may not in time of some great calamity result in one or more of those great branch banks being dragged down, going down as an entirety, with the result that the whole Federal reserve system may receive a tremendous shock and in fact be imperiled? Is not that a question which we have to answer here?

Mr. LENROOT. I think it is exactly analogous to the difference between a local strike and a general strike. A local strike would affect only the community. But if we should contemplate in the future a banking system, such as they have in Canada, of four or five systems doing all of the banking of the country and if any one of them should fail, there would be disaster in every part of our country growing out of that failure, while to-day it is local merely in its effect.

Mr. GLASS. Mr. President, I can point the Senator to two Middle Western States where the depositors in banks have lost ten times as much money within the last two years as the depositors in all the Canadian banks have lost in the last 10 years.

Mr. LENROOT. That would not affect in the least the statement I have made. I am speaking of the possibility of one of these great systems failing. They have not failed. There has been one considerable failure in Canada, it is true, but so far as the situation is concerned which the Senator now mentions, I am frank to say that in our Western States there are too many small banks; but that is a question which can be controlled by the people of those States through improvement in their own banking laws.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. LENROOT. Certainly.

Mr. GEORGE. I want to observe that it never has been an argument advanced against branch banking that we would not build up every bank. The only argument of serious consequence has been that it tended to a national monopoly of the banking of the country. In place of weakening the banks and in place of making more liable the collapse of the whole banking system, if we permit branch banking on a wide scale we get further and further away from the danger which may come to the system in a period of great depression or in a period of perhaps business failures throughout a large section of the country. The argument has always been the other way—that it tended to produce a national monopoly in banking.

Mr. REED of Missouri. Mr. President, running along with the argument of which the Senator from Georgia speaks, that by aggregating vast amounts of capital together, spreading a system out or a single bank out to cover a large territory, while it has always been argued that that would add strength—and there are certain elements of strength in it—it is also true that if one of those great institutions falls the shock to the country is proportionately greater, and that danger always exists.

Mr. GEORGE. That is undoubtedly true.

Mr. REED of Missouri. We have many illustrations. For instance, Mr. Morris established a chain of banks.

Mr. GEORGE. That is quite different from branch banking.

Mr. REED of Missouri. It is not very different. Mr. Morris established a chain of banks; one of them failed, and then the whole chain of banks fell, and we were confronted with a panic. I do not say, however, that there are not elements of strength in a great bank. That was the argument used in favor of the national bank with which Andrew Jackson had so much trouble.

Mr. GEORGE. I am not arguing for the branch banking system; I merely undertook to point out that if it were possible to have one parent bank, with all the banks brought under it as branches, there could be no failure of that bank unless the whole commercial structure fell.

Mr. REED of Missouri. Yes; but if that bank fell the whole commercial structure would fall.

Mr. GLASS. Mr. President, of course, every Senator understands that we are not proposing here a nation-wide branch banking system.

Mr. LENROOT. No.

Mr. GLASS. Nor state-wide branch banking nor interstate branch banking. What is proposed is a very restricted system of branch banking so far as the Federal law is concerned, an equality of branch banking for all the States. That is the whole proposition.

Mr. LENROOT. Mr. President, just one word in conclusion. The Senator from Virginia [Mr. GLASS] stated that the Hull amendments would, in his opinion, drive 75 per cent of the national banks out of the Federal reserve system.

Mr. GLASS. Oh, no; the Senator from Wisconsin misunderstood me.

Mr. LENROOT. Then I misunderstood the Senator from Virginia.

Mr. GLASS. I said the State banks.

Mr. LENROOT. Very well; that it would drive 75 per cent of the State banks out of the Federal reserve system. I can hardly conceive how the Senator could have any basis for that statement, for the reason that there are now 26 States that prohibit branch banking, and surely there is nothing in the Hull amendments that would drive any of the banks in those 26 States out of the Federal reserve system. Furthermore, there could be no reason for any State bank that does not now have branches going out of the system by reason of the adoption of the Hull amendments.

Mr. GLASS. I could give the Senator from Wisconsin a concrete illustration of what I mean. Take a large city in a State not now permitting branch banking. Say it has three State banks which are members of the Federal reserve system. Other State banks, subsequent to the passage of the House bill, are organized. The State law is changed so as to authorize branch banking. The State banks which are not members of the Federal reserve system establish various branches. The States banks which are members of the reserve system can not have branches. Would not that be an inducement for those banks which are members of the Federal reserve system to go out of the system in order that they might exercise State privileges, and thus be put on a parity with competing State banks?

Mr. LENROOT. Not until they might wish to exercise them.

Mr. GLASS. Of course not.

Mr. LENROOT. Of course not; but certainly the Senator from Virginia does not say that 75 per cent of the State banks now in the system that either have the power to establish branch banks or would exercise the power if they had it?

Mr. President, I have nothing further to say upon the bill at this time, but I should like before we close for this evening to have action on my motion to reconsider. I do not think there will be any objection to that, so I should like to have the motion voted on to-night.

Mr. EDGE. I desire to ask the Senator from Wisconsin a question. His motion, I think, was to reconsider the vote by which the entire section was agreed to. Will not his object be accomplished by a motion to reconsider the vote whereby subsection (c) on page 13 was agreed to? That is the section referring to those amendments.

The VICE PRESIDENT. The Chair will state the Senator's request. The Senator from Wisconsin asks unanimous consent for the reconsideration of the vote agreeing to the committee amendment striking out all of page 12 and lines 1 and 2 on page 13, and inserting in lieu thereof lines 3 to 25 on page 13, and pages 14 and 15, as amended.

Mr. LENROOT. I should like to make the motion to reconsider the vote by which the substitute for section 7 was adopted.

The VICE PRESIDENT. The vote whereby the whole amendment was agreed to will have to be reconsidered before any vote whereby a part of it was adopted can be reconsidered.

Mr. LENROOT. My motion is not a motion to reconsider the vote whereby a part of the amendment was adopted, but the vote whereby the entire amendment was adopted.

The VICE PRESIDENT. So the Chair understood. Does the Senator now make the motion to reconsider?

Mr. LENROOT. Yes; I make the motion to reconsider.

Mr. LA FOLLETTE. I call for the yeas and nays, Mr. President.

Mr. LENROOT. There is no objection to my motion.

Mr. JONES of Washington. As I understand, there is no objection to a reconsideration.

Mr. ROBINSON of Arkansas. I understand there will be no objection to reconsidering the vote.

Mr. McLEAN. I do not think there is any objection to reconsideration.

The VICE PRESIDENT. The question is on the motion of the Senator from Wisconsin.

The motion was agreed to.

ORDER FOR RECESS

Mr. JONES of Washington. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. JONES of Washington. Mr. President, I desire to advise Senators that it has been stated that the two bills which were likely to follow the pending measure are not ready to be considered, and that if the pending measure shall not take very long to-morrow, probably being concluded by 2 o'clock or half past 2 o'clock, we shall ask to vacate the order for a night session on Friday night and take up the calendar to-morrow as provided for the Friday night session. I thought I would advise Senators of that fact so that they might understand that that may be the program.

Mr. DILL. Mr. President, I understand that the other bills that were intended to be taken up will not be ready until next week. If, as the Senator from Washington [Mr. JONES] has suggested, the pending bill shall be finally acted on to-morrow, and the calendar shall then be taken up, I had hoped that we might take up the radio bill on Friday and devote two days to its consideration, in which case we might be able to pass the bill.

Mr. JONES of Washington. I myself do not see any reason why that should not be done.

Mr. DILL. Very well.

EXECUTIVE SESSION

Mr. JONES of Washington. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate, in pursuance of its previous order, took a recess until to-morrow, Thursday, May 13, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 12 (legislative day of May 10), 1926

POSTMASTERS

ALABAMA

Harvey P. Houk to be postmaster at Gurley, Ala., in place of M. I. Williamson. Incumbent's commission expired February 11, 1924.

William G. Starke to be postmaster at Troy, Ala., in place of W. C. Starke. Incumbent's commission expires May 15, 1926.

John T. Williams to be postmaster at Evergreen, Ala., in place of E. C. Barnes, resigned.

ALASKA

Josephine C. Spickett to be postmaster at Juneau, Alaska, in place of Z. M. Bradford. Incumbent's commission expired June 4, 1924.

CALIFORNIA

Harry A. Bradford to be postmaster at Hayward, Calif., in place of H. A. Bradford. Incumbent's commission expired April 11, 1926.

Charles G. Heiser to be postmaster at Jackson, Calif., in place of C. G. Heiser. Incumbent's commission expired March 9, 1926.

John W. Mullen to be postmaster of Mendocino, Calif., in place of J. W. Mullen. Incumbent's commission expired April 3, 1926.

Percy H. Nordstrom to be postmaster at Kingsburg, Calif., in place of R. D. Votaw, removed.

COLORADO

Edgar B. Wicks to be postmaster at Pueblo, Colo., in place of E. B. Wicks. Incumbent's commission expired March 2, 1926.

William W. Hofer to be postmaster at Simla, Colo., in place of W. W. Hofer. Incumbent's commission expired April 7, 1926.

FLORIDA

Algernon Keathley to be postmaster at Brooksville, Fla., in place of Algernon Keathley. Incumbent's commission expired April 7, 1926.

Hattie M. Flagg to be postmaster at Lake Wales, Fla., in place of H. M. Flagg. Incumbent's commission expired April 14, 1926.

Jennie L. Cooley to be postmaster at Lynn Haven, Fla., in place of J. L. Cooley. Incumbent's commission expires May 15, 1926.

Elizabeth Manners to be postmaster at Watertown, Fla., in place of D. R. Milton, removed.

GEORGIA

Edwin K. Large to be postmaster at Atlanta, Ga., in place of E. K. Large. Incumbent's commission expires June 26, 1926.

Walter R. Cannon to be postmaster at Clayton, Ga., in place of W. R. Cannon. Incumbent's commission expired November 23, 1925.

Rem B. Edwards to be postmaster at Crawfordville, Ga., in place of R. B. Edwards. Incumbent's commission expired January 17, 1926.

Stevens R. Owen to be postmaster at Gordon, Ga., in place of S. R. Owen. Incumbent's commission expired May 3, 1926.

George W. Jordan to be postmaster at Whigham, Ga., in place of G. W. Jordan. Incumbent's commission expired January 23, 1926.

George R. Burton to be postmaster at White Plains, Ga., in place of G. R. Burton. Incumbent's commission expired March 27, 1926.

John W. Westbrook to be postmaster at Winder, Ga., in place of J. W. Westbrook. Incumbent's commission expired March 9, 1926.

ILLINOIS

May B. Rush to be postmaster at Edgewood, Ill., in place of M. B. Rush. Incumbent's commission expired March 21, 1926.

Harlo F. Selby to be postmaster at Golden, Ill., in place of H. F. Selby. Incumbent's commission expired April 13, 1926.

Percy D. Barnum to be postmaster at Le Roy, Ill., in place of E. F. Sargent. Incumbent's commission expired March 24, 1926.

Cyril E. Reed to be postmaster at London Mills, Ill., in place of C. E. Reed. Incumbent's commission expired May 11, 1926.

Henry Snow to be postmaster at Maquon, Ill., in place of Henry Snow. Incumbent's commission expires May 15, 1926.

Leonard Ott to be postmaster at Prophetstown, Ill., in place of Leonard Ott. Incumbent's commission expired January 25, 1926.

Richard A. Full to be postmaster at Roanoke, Ill., in place of R. A. Full. Incumbent's commission expired May 11, 1926.

Lucian D. Lyons to be postmaster at St. David, Ill., in place of L. D. Lyons. Incumbent's commission expired May 3, 1926.

Glenn W. Weeks to be postmaster at Tremont, Ill., in place of G. W. Weeks. Incumbent's commission expires May 15, 1926.

INDIANA

Ernest W. Showalter to be postmaster at Brookville, Ind., in place of E. W. Showalter. Incumbent's commission expired March 13, 1926.

Charles F. Porter to be postmaster at Hagerstown, Ind., in place of C. F. Porter. Incumbent's commission expires May 15, 1926.

Henry Suhre to be postmaster at Oldenburg, Ind., in place of W. A. Holtel. Incumbent's commission expired October 6, 1925.

Jesse M. Johnson to be postmaster at Shirley, Ind., in place of C. M. Sparks. Incumbent's commission expired June 5, 1924.

IOWA

Arthur W. Liston to be postmaster at Coin, Iowa, in place of A. W. Liston. Incumbent's commission expired January 18, 1926.

KANSAS

Minnie Temple to be postmaster at Bennington, Kans., in place of Minnie Temple. Incumbent's commission expired March 10, 1926.

Henry Uhlenhop to be postmaster at Leonardville, Kans., in place of Henry Uhlenhop. Incumbent's commission expired March 29, 1926.

LOUISIANA

Paul T. Thibodaux to be postmaster at Donaldsonville, La., in place of P. T. Thibodaux. Incumbent's commission expired March 24, 1926.

Lewis A. Wood to be postmaster at Ponchatoula, La., in place of L. A. Wood. Incumbent's commission expired March 7, 1926.

Eula M. Jones to be postmaster at Trout, La., in place of E. M. Jones. Incumbent's commission expired March 14, 1926.

MAINE

George O. Carr to be postmaster at Norridgewock, Me., in place of G. O. Carr. Incumbent's commission expired April 28, 1926.

MASSACHUSETTS

Ephrem J. Dion to be postmaster at Northbridge, Mass., in place of E. J. Dion. Incumbent's commission expired March 17, 1926.

Cleon F. Fobes to be postmaster at Stoughton, Mass., in place of C. F. Fobes. Incumbent's commission expires May 16, 1926.

James H. Jenks, jr., to be postmaster at West Dennis, Mass., in place of J. H. Jenks, jr. Incumbent's commission expires May 16, 1926.

MICHIGAN

Martin S. Markham to be postmaster at Alanson, Mich., in place of M. S. Markham. Incumbent's commission expired December 21, 1925.

Ruth F. Hastings to be postmaster at Engadine, Mich., in place of R. F. Hastings. Incumbent's commission expired December 21, 1925.

Eldon E. Baker to be postmaster at Flint, Mich., in place of C. O. Hetchler. Incumbent's commission expired February 6, 1926.

Florence C. Curtis to be postmaster at Whittemore, Mich., in place of F. C. Curtis. Incumbent's commission expires May 15, 1926.

Glen A. Petrie to be postmaster at Clawson, Mich., in place of D. E. Cleary, resigned.

MINNESOTA

Lyall E. Williams to be postmaster at Dexter, Minn., in place of L. E. Williams. Incumbent's commission expired November 22, 1925.

Katherine C. McCaffrey to be postmaster at La Crescent, Minn., in place of K. C. McCaffrey. Incumbent's commission expired November 22, 1925.

Orville G. Nichols to be postmaster at Mazeppa, Minn., in place of O. G. Nichols. Incumbent's commission expired May 3, 1926.

MISSISSIPPI

Daniel F. Smith to be postmaster at Carriere, Miss., in place of D. F. Smith. Incumbent's commission expired March 31, 1926.

Ruth Seale to be postmaster at Lyon, Miss., in place of Ruth Seale. Incumbent's commission expired February 28, 1926.

Charles C. Swetman to be postmaster at Perkinston, Miss., in place of C. C. Swetman. Incumbent's commission expired April 10, 1926.

Ernest E. Jones to be postmaster at A. and M. College, Miss., in place of G. C. Gunn, removed.

MISSOURI

David D. Scroggs to be postmaster at Appleton City, Mo., in place of I. M. Brown. Incumbent's commission expired November 9, 1925.

Alfred L. Jenkins to be postmaster at Chula, Mo., in place of A. L. Jenkins. Incumbent's commission expired March 29, 1926.

Walter S. Johnston to be postmaster at Crocker, Mo., in place of W. S. Johnston. Incumbent's commission expires May 16, 1926.

Edwin H. Laubert to be postmaster at Mayview, Mo., in place of L. M. Bertsch. Incumbent's commission expired August 24, 1925.

Hattie Biggs to be postmaster at Neelyville, Mo., in place of Hattie Biggs. Incumbent's commission expires May 16, 1926.

NEW JERSEY

Melvin H. Roberson to be postmaster at Annandale, N. J., in place of M. H. Roberson. Incumbent's commission expired May 5, 1926.

William Jeffers to be postmaster at Hackensack, N. J., in place of William Jeffers. Incumbent's commission expires May 16, 1926.

NEW YORK

Jul Johnson to be postmaster at Kinderhook, N. Y., in place of Jul Johnson. Incumbent's commission expires May 15, 1926.

Eugene H. Ireland to be postmaster at Palatine Bridge, N. Y., in place of E. H. Ireland. Incumbent's commission expires May 15, 1926.

Albert D. Ritchie to be postmaster at Saratoga Springs, N. Y., in place of A. D. Ritchie. Incumbent's commission expires May 15, 1926.

Harry C. McNamara to be postmaster at Valatie, N. Y., in place of H. C. McNamara. Incumbent's commission expires May 15, 1926.

John C. Shanks to be postmaster at Waterloo, N. Y., in place of J. C. Shanks. Incumbent's commission expires June 26, 1926.

NORTH CAROLINA

Charles N. Bodenheimer to be postmaster at Elkin, N. C., in place of C. N. Bodenheimer. Incumbent's commission expired May 5, 1926.

Orin R. York to be postmaster at High Point, N. C., in place of O. R. York. Incumbent's commission expires June 2, 1926.

James E. Green to be postmaster at Mount Gilead, N. C., in place of J. E. Green. Incumbent's commission expired January 18, 1926.

William B. White to be postmaster at Norlina, N. C., in place of W. B. White. Incumbent's commission expired May 5, 1926.

Hettie B. Morgan to be postmaster at Seaboard, N. C., in place of H. B. Lassiter. Incumbent's commission expired November 23, 1925.

OHIO

Hilton C. Hart to be postmaster at New Waterford, Ohio, in place of H. C. Hart. Incumbent's commission expires May 15, 1926.

Jesse A. Keller to be postmaster at Pleasantville, Ohio, in place of J. A. Keller. Incumbent's commission expired November 9, 1925.

OKLAHOMA

Maud L. Vaughan to be postmaster at Supply, Okla., in place of M. L. Vaughan. Incumbent's commission expired February 13, 1926.

PENNSYLVANIA

John H. Ammon to be postmaster at Beaver, Pa., in place of J. H. Ammon. Incumbent's commission expires May 15, 1926.

Sylvester D. R. Hill to be postmaster at Charleroi, Pa., in place of S. D. R. Hill. Incumbent's commission expires May 15, 1926.

Clayton S. Bell to be postmaster at Chicora, Pa., in place of F. M. Dunlap. Incumbent's commission expired January 30, 1926.

SOUTH CAROLINA

Morgan Zimmerman to be postmaster at Duncan, S. C. Office became presidential October 1, 1924.

TENNESSEE

Woodford C. Monroe to be postmaster at Celina, Tenn., in place of W. C. Monroe. Incumbent's commission expires May 15, 1926.

William R. Robinson to be postmaster at Charlotte, Tenn., in place of W. R. Robinson. Incumbent's commission expires May 15, 1926.

Hugh B. Nunn to be postmaster at Ripley, Tenn., in place of H. B. Nunn. Incumbent's commission expires May 15, 1926.

TEXAS

Sidney B. Smith to be postmaster at Gorman, Tex., in place of S. B. Smith. Incumbent's commission expired May 5, 1926.

George P. Harden to be postmaster at Groom, Tex., in place of G. P. Harden. Incumbent's commission expires May 12, 1926.

VIRGINIA

George H. Clark to be postmaster at Crockett, Va., in place of G. H. Clark. Incumbent's commission expired April 11, 1926.

WISCONSIN

Jacob Johnson to be postmaster at Curtiss, Wis., in place of Jacob Johnson. Incumbent's commission expired April 7, 1926.

Samuel M. Hogenson to be postmaster at Ephraim, Wis., in place of S. M. Hogenson. Incumbent's commission expired January 21, 1926.

John F. Rhinehart to be postmaster at Gays Mills, Wis., in place of J. F. Rhinehart. Incumbent's commission expired April 13, 1926.

John E. Wehrman to be postmaster at Prescott, Wis., in place of J. E. Wehrman. Incumbent's commission expired April 28, 1926.

James N. Godsell to be postmaster at Hales Corners, Wis. Office became presidential July 1, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 12 (legislative day of May 10), 1926

UNITED STATES ATTORNEY

Philip H. Mecom to be United States attorney, western district of Louisiana.

POSTMASTERS

ALABAMA

John S. Amos, Enterprise.
John E. Hurst, Leeds.

ARIZONA

John Murray, Snowflake.

ARKANSAS

Bevie I. Abbott, Hampton.
Jesse L. Russell, Harrison.
Henry L. Thompson, Huntsville.

ARKANSAS

George E. Owen, Conway.
Homer H. Goodman, Cotter.
Addie Gilbert, Decatur.
Rosse G. Roberts, Fulton.
Fred H. Price, Gurdon.
Patrick F. Maskell, Hartman.
John I. Barnes, Leslie.
James H. Bass, Marvell.
Robert B. Landers, Melbourne.
Carl J. Lauderdale, Stamps.
William H. Taylor, Van Buren.
Lela L. Henderson, Waldron.
Charles W. Burford, Wilmar.

CALIFORNIA

Alice E. Schieck, Eldridge.
William F. Hanell, Patterson.

CONNECTICUT

Matthew E. McDonald, Simsbury.

GEORGIA

Thomas P. Philips, Lithonia.

IDAHO

Emma C. Weber, Burke.
Charles C. Henderson, Kamiah.

ILLINOIS

Henry E. Burns, Chester.
May S. Williams, Hanover.
Eber E. Bassett, West McHenry.

IOWA

Adna Miller, Danville.

KENTUCKY

James H. Thompson, Ewing.
Herbert C. Hall, Hardinsburg.

MICHIGAN

Otto L. Wickersham, Onaway.

MISSOURI

Frank R. Evans, Armstrong.
James L. Creason, Camden.
Walter E. Pearson, Clarksdale.
Victor N. Remley, Orrick.

NEBRASKA

Oscar L. Lindgren, Bladen.
Earl C. Rickel, Edgar.

NEW YORK

William E. Cartwright, Amagansett.
William M. Pinney, Arcade.
Clarence A. E. Churchill, Ellicottville.
Annabel Wood, Hilton.
Warren S. Hutchison, Lyndonville.
H. Courtland King, Orient.
Annie S. Prince, Peconic.
Anna M. Auch Moody, Rosendale.
Theodore C. Upton, Spencerport.

NORTH CAROLINA

George W. Lance, Fletcher.
Willie W. Seawell, Fuquay Springs.
Wiley C. Ellis, Garysburg.

NORTH DAKOTA

Grace G. Berkness, Wolford.

OHIO

William E. Davidson, Kensington.
Harry W. Randels, West Unity.

OKLAHOMA

Joe E. Ventress, Pauls Valley.
Lester A. Presson, Sulphur.

PENNSYLVANIA

Ed. D. House, Pleasantville.

SOUTH CAROLINA

Harry A. Rich, Blackville.
Hobson B. Taylor, Kershaw.
John S. Meggs, Marion.
Pierce M. Huff, Piedmont.
May A. Peake, Union.
Clifton O. Crosby, Walterboro.

SOUTH DAKOTA

Mabel M. Linker, Ardmore.
Jessie Norton, Armour.
Charles H. McCrossen, Ashton.
Charles H. Hess, jr., Blunt.
Arthur H. Siem, Clark.
William A. Hodson, Cresbard.
Jennie Dodge, Egan.
Otto W. Muchow, Hartford.
Gottlieb J. Waith, Hosmer.
Richard A. Hummel, Hot Springs.
Harold French, Letcher.
Alice S. Esget, Lily.
Frank W. Farrington, New Effington.
Gertrude Snell, Tulare.
Amandus A. Breihan, Tyndall.
Ira D. Winter, Wall.

TENNESSEE

Fannie J. Latta, Somerville.
Arthur B. McCay, Copperhill.
Grant L. Landiss, Cumberland City.

TEXAS

Ferman Wardell, Avery.
Hubert L. Ford, Bellevue.
Wyatt O. Selkirk, Blessing.
Bertie Freeman, Detroit.
Zettie Kelley, Diboll.
William W. Sloan, Falfurrias.
Roy B. Nichols, Houston.
Norah H. Kelly, Lockhart.
Thomas A. Guthrie, Mingus.
Walter C. Vickers, Omaha.
Lucy A. Carhart, South San Antonio.

UTAH

George A. Murphy, Spring Canyon.

WASHINGTON

Ray E. Simons, Leavenworth.
Elva N. Hamilton, Mansfield.

WEST VIRGINIA

Alexander S. Benton, Monaville.
Delta D. Buck, Sistersville.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *May 12, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit, that we may perfectly love Thee and worthily magnify Thy Holy Name; through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. BEGG. Mr. Speaker, I ask unanimous consent to make a statement for two minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BEGG. Mr. Speaker and Members of the House, there have been so many wide and divergent statements made regarding the support of the Haugen bill and the attitude of the various farm organizations that I think I should make a statement regarding the information that comes to me this morning from the president of the Ohio Farm Bureau.

Opposition of Farm Bureau Federation to Haugen relief bill with equalization fee and $375,000,000 appropriation comes directly and unanimously from elected directors representing 40,000 farm homes. Poll was taken by letter explaining all proposals impartially.

L. B. PALMER,
President of Ohio Farm Bureau.

I think there can be no question that the farm bureau in Ohio is unanimously opposed to the Haugen bill.

THE LATE SENATOR LADD

Mr. FREAR. Mr. Speaker, on last Sunday the Senate held memorial exercises for the late Senator LADD. I was unable to be present, although invited, and I ask unanimous consent to extend my remarks in the RECORD on Senator LADD.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD on Senator LADD. Is there objection?

There was no objection.

Mr. FREAR. Mr. Speaker, for several years it was my good fortune to know Senator LADD even in the casual way that Members of Congress become acquainted with one another. During 10 weeks in 1923 I traveled with him from Berlin to Siberia, and from the lower Caspian to the Baltic, and it was then and there I learned to know and appreciate his many splendid qualities. Sleeping in the same quarters for many days, in the same car, eating at the same table morning, noon, and night, thus thrown closely together, we learned to know each other as only fellow travelers will who have the same object in view.

It was there I learned to appreciate the ripe maturity of the scholar, the value of his experienced statesmanship, and above and beyond all the genuine worth, high ideals, and independent thought of the man. All these sterling qualities of mind and heart Senator LADD possessed to an unusual degree. We were then engaged in meeting men who were dealing with world-wide problems and with interviewing officials who were seeking to place the greatest European government, rated numerically, on a stable basis. The people and the new government alike were worthy of the closest study of any man. It was this opportunity that had drawn Senator LADD from his far western home to the distant mountains of Russia.

Millions of uneducated children were included in this vast new governmental undertaking, and when Lunachasky, Commissar of Education, advised Senator LADD that within a decade his new government expected to place compulsory education on the program of Russia's accomplishments, the Senator, after studying their plans of educational development, expressed his belief from out his experience as college president that what ever the result, unparalleled educational accomplishments for all classes were in store for Russia. Here was a field of study that appealed to this eminent Senator because of its almost unlimited material for training and great opportunity existing for individual and governmental help.

Senator LADD believed that a marvelous future was possible for Russian constructive educational work, and during our conference with the educational department of the new government he gave from out his own rich experience, valuable suggestions that might aid the new officials in the tremendous work they were undertaking.

Senator LADD had a warm heart and a strikingly affectionate regard for men generally. When we were informed of the sudden death of President Harding on the preceding day by Chicherin, head of the Foreign Office, Senator LADD was overcome with emotion. Then he said:

I was with the President a short time ago during his trip across the continent and I learned to know him well. He was a sincere, lovable man.

When we were down on the Caspian Sea the Governor of Baku, a brilliant official, a Mohammedan, with an imperious will, advised us kindly but positively that he had ordered our car to be detached from the train, as we had arranged, because the hospitality of the people of Baku would not permit us to leave without a longer stay, although delay was certain to interfere with our traveling schedule. Senator LADD, as chairman, spoke for the party, courteously but firmly, and advised the governor that he might rule his own people autocratically if he chose, but while we were not ungrateful for the hospitality offered, we were scheduled to leave on that train and would do so as arranged, and the governor must countermand his order. For over an hour the local official sought to change our plans, and although the entire train was held up at the station awaiting our decision. When it left Baku our car went with it. The will of Senator LADD prevailed when contending with another whose will force in another country went unchallenged.

Incidents make up the lives of men, even as they make up the history of nations. Character is disclosed by acts rather than by professions and by such incidents can men best be known.

In these few halting words, attempting to express my deep affection and appreciation for Senator LADD, I have sought briefly to disclose his keen interest and constructive advice where many millions of youth were involved in one of the greatest educational problems that ever confronted any nation during the world's history; again his affectionate regard and personal loss expressed by him, many thousands of miles away, when President Harding suddenly answered the final summons; again his firmness of character when action called for firmness, even though it was opposed by the strongest argument that could be advanced by an alien people—hospitality.

In all these incidents the strong character of North Dakota's distinguished Senator was manifest. Cut down in the fullness of his mental powers after having reached a political and legislative goal for which thousands of men ineffectually strive; courageous and independent when policy and political pressure pointed toward an easier way; a wise counselor, able statesman, and honorable man in every way; that is the brief eulogy offered to a departed friend whose voice, now silent for all time, was during his life ever lifted up for righteous things. If we could live our lives with equal value to the world at large no greater heritage would need be handed down to our posterity. A loving husband, a wise father, whose anxiety for his family was ever manifest during the long days of separation abroad, his loss can not adequately be measured by us, but to the bereaved family who were closest to him that loss was immeasurable and to them our heartfelt sympathy is extended.

Senator LADD died in the harness, working for a great constituency composed of many millions, because his interest was not local, but with affairs of national concern. Never faltering in his course, faithful to the end, leaving as his best monument a record of unimpeachable honesty, recognized courage, and constructive statecraft, in every walk of life he may well be measured by the highest ideals we hold and sometimes find in other great men. Of him it can well be said those who knew him best loved him most.

THE HAUGEN BILL

Mr. KIRK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in opposition to the Haugen bill, and include with my remarks a telegram which I have received from some of my constituents in Kentucky.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD on the Haugen bill and also to print a telegram received from some of his constitutents with regard to it. Is there objection?

There was no objection.

Mr. KIRK. Mr. Speaker, I represent one of the greatest mining districts in the Union. All the workmen in and about the mines are consumers. I have also in my district mountain farmers who farm on a small scale; but few depend wholly on farming for a living; they are also consumers. I must, therefore, in their name, protest against the passage of the Haugen bill, H. R. 11603, now under consideration. This measure is sectional. It probably would benefit some sections and the people engaged in certain industries, but would injure and work a hardship on the people engaged in different industries in other sections of the United States.

In order to put this measure into operation and make it effective, it would be necessary and it calls on the people of the United States to make a gift of $375,000,000 to certain industries mentioned in the bill, to aid them in the production and marketing of certain products. It asks this sum from all the taxpayers of this Nation for the benefit of the few named and to the detriment of a large majority of the people of this Nation, who are consumers, who will be compelled to contribute from their earnings to aid the special interests favored by this bill. Who does it help? It is said it will help the cotton growers of the South to sell their cotton at a higher price on the market; it is said it will help the cattlemen of the South and West to sell their beef at a higher price; it is said it will help the corn growers of the West to sell their corn and meal at a higher price; it is said it will help the wheat-growing sections of the Central and Northwestern States to sell their wheat and flour at a higher price; it is said it will help the hog raisers to sell their meat and lard at a higher price; it is said

it will help the sugar raisers to sell their sugar at a higher price; it is said it will help the tanners and leather dealers and enable them to sell leather at a higher price; all to be paid by the consumer. They say this should be so, because they are not getting a fair return on the enumerated varieties of products raised by them on their farms; that they are overproducing and can not take care of the surplus, and this bill, with the aid of this gift and subsidy named, will guarantee and furnish to them a means whereby they can take care of the surplus crops and pay off their indebtedness.

In other words, the whole scheme is, that the farmers engaged in these various industries are producing an oversupply and want the Government to give them $375,000,000 to be paid by the consumers to cover their losses, pay off their indebtedness and put on foot a plan by which they can hereafter take care of the surplus production, and at the same time increase the price of food to the consumer. The remedy is unsound, and uneconomical. It is well known that conditions of this character always grow out of an overproduction of any commodity. Take the coal situation—most all the operators and producers of this country are financially depressed, some bankrupted, and thousands of them have failed because of the overproduction, market conditions, and low price of coal. The only remedy suggested is, reduce your output. The business is overdone. These great enterprises and industries, producing coal need help, but they are not asking that $375,000,000 be taken out of the pockets of the people of this Nation and from the Treasury of the United States and given to them to help them dispose of their surplus coal, nor to enable them to extinguish their debts necessarily incurred in the pursuit of their business. If their only remedy is to reduce the production, then tell me what is the farmers' remedy if he is overproducing? The answer is, "Cut down the production"; reduce the surplus, and the law of supply and demand will take care of the farmer as it will the coal producer without inflicting a burden and working an injustice on the taxpayers of the Nation in the way of a gift or subsidy as is provided by the terms of this bill. The same is true of other great industries not included in this bill. You can not legislate values; you can not fix prices by statutory laws; prices can only be fixed by the natural law of supply and demand.

The proponents of this bill seem to have entirely overlooked the great army of consumers numbered by millions who double and treble the farmers benefited by this bill, who must work with their hands, muscles, and brains to make a living for themselves and loved ones. They are scattered throughout this land of ours and are as innumerable as the sands of the sea; they are found in the towns and cities, the shops, the factories, and mines; they are all forgotten in this wild rush for this $375,000,000 gift or subsidy to be delivered into the hands of and spent by certain organizations under the provisions of this bill. The proponents of this bill are willing to force the workers of our land, with other industries not included in this bill, to pay this gift or subsidy of $375,000,000 to the farmers' organization and, in addition thereto, force the consumers to pay a higher price for the necessaries of life. I am opposed to this scheme. Who would be hurt most by this bill if it should pass? Where would the burden fall? It would fall heaviest on the laborer, the great majority of the consumers of our land. This bill would not materially aid a single farmer in my district, because they do not belong and can not belong to the cooperative organizations of the West, North, or South; they farm on a small scale, and their market is local. The great farm organizations of the West and Middle West and South are the only ones who could profit by this bill becoming a law. How about the millions of consumers—the laboring men who toil and work in the factories, shops, mines, and other places? How are they affected?

They would have to pay out of their daily wage more money for sugar, flour, meal, meat, lard, shoes, cotton goods, woolen goods, and fruits so that the laboring man by this law would be forced to deny himself and family the luxuries, if not the necessaries of life, and would be forced to pay a higher price for all he consumes, which, in my judgment, would be an unjust additional burden put on the laboring men of my country, who are already groaning under the high cost of living. I am opposed to any additional burden being placed upon the brow of labor, and I protest in their name against the passage of a law which would not only force them to pay higher prices for the necessaries of life but to pay money they have earned by the sweat of their brow to contribute to the payment of the $375,000,000 given away under the provisions of this bill. I appeal to you in behalf of the consumers of this Nation to defeat this bill.

This Congress, early in the session, passed a bill relieving the burdens of the people of this Nation by reducing their taxes $375,000,000, and now the proponents of this bill propose to place it back on the people and give it away to the classes of industry mentioned in this bill. This is contrary to the well-settled policy of economy of our great President of the United States, in whom the people place their trust, to whom the general public is looking for protection against unjust taxation and oppression, and if this bill passes there is no other course for him to take except to veto it. I am the farmer's friend and want him to prosper and receive a fair price for his products, but under this bill the independent farmers and small farmers are not included.

I am in favor of some legislation to relieve the farmer, but not this bill.

I received a telegram which reads as follows:

CINCINNATI, OHIO, *May 10, 1926.*

Hon. A. J. KIRK,

House of Representatives, Washington, D. C.

Tincher bill has support of organized dairymen of Kentucky and I believe will serve the best interest of agriculture. Believe all bills carrying subsidies should be defeated, but do think farmers entitled to long-time credit properly safeguarded. Also solicit your support for Lenroot-Taber bill requiring proper inspection for imported milk and cream from foreign countries.

HARRY HARTKE.

The Tincher bill does not provide for a gift or subsidy, but provides for a loan to the farm organization outlined by it, to be paid back within a specified time. This probably would give the farmers the needed relief, and in the end would not burden the taxpayer of the Nation.

The third bill, the Aswell bill, only calls for a small sum to carry out the organization set out in the bill, but would give no immediate relief.

I am impressed that the Tincher bill is more reasonable and would eventually bring about the ends sought by the farmers of this Nation, and when amended and the public is properly safeguarded, I will give it my support.

ALLOTMENT OF LANDS OF THE CROW TRIBE

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8185) to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes," disagree to the Senate amendments, ask for a conference, and appoint the conferees.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table H. R. 8185, disagree to the Senate amendments and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, a study of the RECORD shows that in passing this bill in the Senate, approval was given to a very important amendment under a misapprehension of the facts. The RECORD contains the following:

Mr. LENROOT. The chairman of the committee is present and can inform the Senate about the matter. Does the bill incorporate the views of the Secretary of the Interior?

Mr. WHEELER. I was not paying strict attention to the discussion. That is my understanding, however. They finally compromised with the Secretary of the Interior, and the bill as it came out of the committee, as I understand it, incorporated the ideas of the Secretary of the Interior.

Mr. LENROOT. Upon that assurance, I have no objection.

Mr. HARRELD. The bill was prepared in my office by my secretary, and I think it was prepared in accordance with the agreement between the committee and the Commissioner of Indian Affairs.

The bill as it passed the House carried the following provision:

That any allottee classified as competent and any adult incompetent Indian with the assistance of the superintendent may lease his or her allotment or any part thereof and allotments of minor children dependent upon them for support without restrictions, but the moneys received for all other minors shall be paid to the superintendent for the benefit of said minors, and where a group of allottees desire to lease their several allotments as a unit, such allottees may in writing agree to unite their several allotments and select a committee from their number to lease the whole thereof for and in their behalf under such terms as the said allottees may have previously agreed upon, but no lease shall be for a period longer than five years.

This the Senate committee recommended to strike out and insert the following:

That any allottee classified as competent and any adult incompetent Indian with the advice and assistance of the superintendent which such adult incompetent shall seek, may lease his or her allotment or any part thereof and allotments of minor children dependent upon him or her for support without restrictions, but the moneys received for all other minors shall be paid to the superintendent for the benefit of said minors, and where a group of allottees desire to lease their several allotments as a unit, such allottees may in writing agree to unite their several allotments and select a committee from their number to lease the whole thereof for and in their behalf under such terms as the said allottees may have previously agreed upon, but no lease shall be for a period longer than five years. All leases made under this section shall be recorded at the Crow Agency.

Concerning this amendment the colloquy took place from which I have above quoted.

Upon noting the effect of this amendment I made inquiry of the Commissioner of Indian Affairs and have the following letter from him, setting forth their disapproval of the amendment adopted and their reasons for it, and suggesting an amendment which, as I understand, also has the approval of the Indians. The letter and amendment are as follows:

MAY 12, 1926.

Hon. LOUIS C. CRAMTON,
House of Representatives.

MY DEAR MR. CRAMTON: Referring to your recent informal inquiry as to the effect of the Senate amendment regarding leasing on the Crow Indian Reservation in H. R. 8185, there is inclosed a draft of a provision which, it is believed, will properly safeguard the interests of these Indians.

The Senate amendment to the Crow bill clearly would prevent the Government from instituting suit for the collection of delinquent lease rentals in the case of incompetents, and the interests of the Indians would not be otherwise fully protected thereunder. Further, the language is not entirely clear as to just what class of minors is intended to have the expenditure of their funds properly supervised by the superintendent.

Cordially yours, CHAS. H. BURKE, *Commissioner.*

Amendment to H. R. 8185 as passed the Senate May 10, 1926

Strike out the amendment appearing at the top of page 9007 of the CONGRESSIONAL RECORD of May 10, 1926, and insert in lieu thereof the following:

"That any allottee classified as competent may lease his or her allotment or any part thereof and the allotments of minor children for farming and grazing purposes. Any adult incompetent Indian with the approval of the superintendent may lease his or her allotment or any part thereof and the allotments of minor children for farming and grazing purposes. The allotments of orphan minors shall be leased by the superintendent. Moneys received for or on behalf of all incompetent Indians and minor children shall be paid to the superintendent by the lessee for the benefit of said Indians. No lease shall be made for a period longer than five years. All leases made under this section shall be recorded at the Crow Agency."

I want to state to the gentleman from Montana that this amendment having been inserted under a misapprehension of the facts and the bill going to conference instead of going back to the Senate on their request, as probably ought to be the procedure, the House, of course, will have a right to expect that this amendment, having been inserted through a misunderstanding, will disappear.

Mr. LEAVITT. The gentleman surely is not asking me to guarantee what the conferees will do. However, I am of the opinion, after having discussed this matter with the representative of the Crow Indians, that the amendment agreed to by the Crow Indians and the Bureau of Indian Affairs should be adopted in place of the Senate amendment.

Mr. CRAMTON. It is unfortunate that so important an amendment should be placed in a bill of this character through a misunderstanding. I have sufficient confidence in the gentleman from Montana and his conference colleagues to believe that the situation will be properly handled in conference and hence will not object.

The SPEAKER. Is there objection to the request of the gentleman from Montana? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. LEAVITT, SPROUL of Kansas, and HAYDEN.

BRIDGE ACROSS THE RIO GRANDE

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9346) granting the consent of Congress to the construction of a bridge across the Rio Grande and agree to the Senate amendments.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table H. R. 9346 and agree to the Senate amendments. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. This is Calendar Wednesday, the Committee on Military Affairs having the call. The Clerk will call the committees.

CUSTER MEMORIAL ASSOCIATION

Mr. JAMES (when the Committee on Military Affairs was called). Mr. Speaker, I call up the joint resolution (H. J. Res. 226) authorizing the Secretary of War to lend 350 cots, 350 bed sacks, and 700 blankets for the use of the National Custer Memorial Association at Crow Agency, Mont., at the semicentennial of the Battle of the Little Big Horn, June 24, 25, and 26, 1926, and ask unanimous consent that the resolution be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to lend, at his discretion, to the National Custer Memorial Association, at Crow Agency, Mont., for use in connection with semicentennial of the Battle of the Little Big Horn, June 24, 25, and 26, 1926, 350 cots, 350 bed sacks, and 700 blankets, such tents and other equipment as may be required at said semicentennial: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of said semicentennial as may be agreed upon by the Secretary of War and the association: *Provided further*, That the Secretary of War, before delivering said property, shall take from said association a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

With the following committee amendments:

Page 1, line 5, strike out the words "at the" and insert the words "for use in connection with," and in line 7, after the figures "1926" strike out "350 cots, 350 bed sacks, and 700 blankets," and insert "such tents and other equipment as may be required at said semicentennial."

The committee amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JAMES, a motion to reconsider the vote by which the resolution was passed was laid on the table.

FORT RINGGOLD MILITARY RESERVATION, TEX.

Mr. JAMES. Mr. Speaker, I call up the bill (H. R. 11927) to authorize the Secretary of War to sell a portion of the Fort Ringgold Military Reservation, Tex., to Rio Grande City Railway Co., and ask unanimous consent that this bill be considered in the House as in Committee of the Whole House.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to sell and convey to Rio Grande City Railway Co. that certain strip of land out of the Fort Ringgold Military Reservation in portion No. 80, Starr County, Tex., more specifically described as follows:

Beginning at a point which is the intersection of the north right-of-way line of State highway 12–B as now constructed through said military reservation with the west line of said military reservation, it being also the east line of Rio Grande City in said Starr County, and the southeast corner of block 83 of Rio Grande City. Thence north 9 degrees 15 minutes east along the west line of Fort Ringgold Military Reservation a distance of 1,385 feet to the northwest corner of said military reservation, in block 86 of Rio Grande City; thence south 81 degrees 11 minutes east along the north line of said military reservation a distance of 402.6 feet; thence south 15 degrees 45 minutes east a distance of 443.6 feet; thence south 31 degrees 14 minutes 30 seconds east a distance of 272 feet; thence south 61 degrees 41 minutes east a distance of 270.5 feet; thence north 80 degrees 30 minutes east a distance of 584 feet; thence south 15 degrees 32 minutes east a distance of 110 feet; thence south 70 degrees 15 minutes west a distance of 718.9 feet; thence south 55 degrees 56 minutes west a

distance of 525.2 feet; thence south 78 degrees 30 minutes west a distance of 83.6 feet; thence north 85 degrees 2 minutes west a distance of 530.7 feet to the point of beginning, and containing within the above-described boundary lines 25.35 acres of land.

The Secretary of War is also authorized to grant to the Rio Grande City Railway Co., upon such terms and conditions as he may consider just and equitable, a right of way for railway purposes only over and upon the Fort Ringgold Military Reservation, Tex., more specifically described as follows:

Beginning at the most easterly northeast corner of the above-described tract; thence north 74 degrees 10 minutes east a distance of 47 feet to the P. C. of a curve to the right with a radius of 814.08 feet, 50 feet from and parallel to a curve with a radius of 764.08 feet, the center line of the Rio Grande Railway; thence along and with said curve with radius of 814.08 feet through an angle of 60 degrees 32 minutes a distance of 860.6 feet to the P. T. of said curve; thence southeasterly on a tangent to said curve, south 45 degrees 18 minutes east, a distance of 2,702.8 feet to the east line of the Fort Ringgold Military Reservation; thence south 8 degrees 24 minutes west a distance of 125.2 feet; thence north 45 degrees 18 minutes west a distance of 1,539.9 feet; thence north 51 degrees 0 minutes west a distance of 1,272 feet along the north side of State highway 12–B as now constructed through said military reservation to the P. C. of a curve to the left, of radius 430 feet; thence along and with said curve of radius 430 feet through an angle of 58 degrees 45 minutes to the P. T. of said curve, a distance of 440.6 feet; thence south 70 degrees 15 minutes west a distance of 47 feet; thence north 15 degrees 32 minutes west a distance of 110 feet to the point of beginning, and containing within the above-described boundary 8.05 acres of land.

And to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, and/or other instruments necessary to effect such sale and grant.

SEC. 2. In the disposal of said land and right of way the Secretary of War shall cause the same to be appraised by an appraiser or appraisers to be chosen by him.

SEC. 3. The Secretary of War shall sell or cause to be sold the first-mentioned tract and grant the right of way included in the second-mentioned tract at not less than the appraised value thereof.

SEC. 4. The proceeds of said sale under the provisions of this act shall be deposited in the Treasury to the credit of "Miscellaneous receipts."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JAMES, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar bill (H. R. 7903) was laid on the table.

CONVEYANCE OF PORTIONS OF MILITARY RESERVATION TO THE CITY OF MONTEREY, CALIF.

Mr. JAMES. Mr. Speaker, I call up the bill (H. R. 10203) authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for street purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to convey to the city of Monterey, Calif., by quitclaim deed, that portion of the military reservation at Monterey, Calif., particularly described as follows, to wit:

Beginning at a point on the north line of the United States military reservation at Monterey, Calif., said point of beginning being distant south 89° 30′ west 310.7 feet from the stone monument standing on the shore line of Monterey Bay at the northeasterly corner of said reservation, and running thence south 34° 36′ east 261 feet to a point on the northeasterly line of Lighthouse Road in said reservation; thence north 65° west, along said line of said Lighthouse Road, 198.5 feet; thence north 40° 12′ east 52.3 feet; thence north 34° 36′ west 110 feet to a point on the north line of said reservation; thence north 89° 30′ east, along the north line of the said reservation, 60.38 feet to the point of beginning, subject to such conditions, restrictions, and reservations as the Secretary of War may impose for the protection of the reservation and subject to a perpetual right of way over said land for the uses of any department of the Government of the United States.

With the following committee amendment:

Page 1, line 4, strike out the words "quitclaim deed" and insert in lieu thereof "suitable instruments, an easement for a right of way over."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JAMES, a motion to reconsider the vote by which the bill was passed was laid on the table.

VALIDATION OF PAYMENTS FOR COMMUTATION OF QUARTERS

Mr. JAMES. Mr. Speaker, I call up the bill (S. 2996) to validate payments for commutation of quarters, heat, and light, and of rental allowances on account of dependents, and ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of disbursing officers for payments to officers as commutation of quarters, heat, and light under the act approved April 16, 1918 (40 Stat. p. 530), because of a dependent parent, and as rental and subsistence allowance under the act of June 10, 1922 (42 Stat. p. 625), because of a dependent mother, made in good faith by disbursing officers prior to July 1, 1923: *Provided*, That except in cases of fraud on the part of payee no amount shall be collected from the payees upon account of payments for which credit is authorized in this act, and any amounts heretofore collected on account of such payments shall be refunded to the payee: *Provided further*, That in determining whether such payments were obtained by fraud on the part of the payee neither possession of property which might be converted into cash for the purpose of an annuity, nor the receipt from other sources of income not in excess of the support received from such payee, nor the existence of a husband or of other children than such payee, nor any combination of such conditions, shall be held to effect the status under sections 4, 5, and 6 of the act of June 10, 1922, of a mother otherwise dependent: *And provided further*, That whenever it is alleged that such payments were obtained by fraud on the part of the payee and suit is not instituted against the payee for the recovery of the amount alleged to be due the United States within two years from the date of the approval of this act, the payee shall be relieved of all charges standing against him because of such payments.

With the following committee amendments:

Page 1, line 5, strike out the words "to officers as," following the word "payments," and insert in lieu thereof the word "of."

Page 2, strike out all of lines 1 to 21, inclusive, and insert in lieu thereof the following:

"That where the payee responded to a needy family condition in an amount at least equal to the allowances obtained by him no collection shall be made on account of payment of the allowances to him prior to July 1, 1923; and amounts heretofore collected as refund of the allowances obtained in such cases prior to July 1, 1923, notwithstanding the protest of the payee, either by stoppage of pay, payment in cash, allotment of pay, or offset, shall be refunded; but this proviso shall not be applicable where the payee has admitted there was no dependency on him, or where he has refused to furnish evidence of the dependency, or where the payee has voluntarily refunded the payments in whole or in part, or has submitted no claim for the allowances in the nature of a protest against offset of his pay as refund of the payments."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JAMES, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONDUIT ROAD, DISTRICT OF COLUMBIA

Mr. JAMES. Mr. Speaker, I call up the bill (H. R. 10896) to provide for transfer of jurisdiction over the Conduit Road in the District of Columbia, and ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction and control over the Conduit Road for its full width in the District of Columbia between Foxhall Road and the District line, excepting a strip 19 feet wide within the lines of said road, the center of which is coincident with the center of the water supply conduit, is hereby transferred from the Secretary of War to the Commissioners of the District of Columbia, and property abutting thereon shall be subject to any and all lawful assessments which may be levied by the said commissioners for public

improvements, the same as other private property in the District of Columbia: *Provided*, That all municipal laws and regulations shall apply to the entire width of the said road in the District of Columbia in the same degree that they apply to other streets and highways in the said District.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JAMES, a motion to reconsider the vote by which the bill was passed was laid on the table.

FORFEITURE OF PAY BY PERSONS IN MILITARY OR NAVAL SERVICE FOR INTEMPERANCE ACTS, ETC.

Mr. JAMES. Mr. Speaker, I call up the bill (S. 2828) to provide for forfeiture of pay of persons in the military and naval services of the United States who are absent from duty on account of the direct effects of the intemperate use of alcoholic liquor or habit-forming drugs or because of venereal disease and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter no person in active service in the military or naval service who shall be absent from his regular duties for more than one day at any one time on account of the effects of a disease, as distinguished from injury, which is directly attributable to and immediately follows his own intemperate use of alcoholic liquor or habit-forming drugs, shall, except as hereinafter provided, be entitled to any pay, as distinguished from allowances for the period of such absence.

SEC. 2. That hereafter no person in active service in the military or naval service who shall be absent from his regular duties for more than one day at any one time on account of the direct effects of a venereal disease due to his own misconduct shall, except as hereafter provided, be entitled to any pay, as distinguished from allowances, for the period of such absence: *Provided*, That such absence is within a period of one year following the appearance of the initial symptoms of such venereal disease and regardless of whether the appearance of the initial symptoms occurs prior or subsequent to the date of entry into the service.

SEC. 3. That for all purposes within the scope of this act the period of absence and the cause thereof shall be determined under such procedure and regulations as may be prescribed by the Secretary of War or the Secretary of the Navy, and such determination shall be final and conclusive for all purposes.

SEC. 4. That each person whose pay, as distinguished from allowance, is forfeited for a period in excess of one month at any one time pursuant to the provisions of this act shall be paid for necessary personal expenses the sum of $5 for each full month during which his pay is so forfeited.

SEC. 5. That the acts approved April 27, 1914 (38 Stat. L. pp. 353–354), August 29, 1916 (39 Stat. L. p. 580), and July 1, 1918 (40 Stat. L. p. 717), so far as relates to forfeiture of pay on account of absence from duty due to injury, sickness, or disease resulting from the intemperate use of drugs or alcoholic liquors or other misconduct are hereby repealed.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

TO AUTHORIZE THE PRESIDENT TO DETAIL OFFICERS AND ENLISTED MEN OF ARMY, NAVY, AND MARINE CORPS TO ASSIST GOVERNMENTS OF LATIN-AMERICAN REPUBLICS IN MILITARY MATTERS

Mr. JAMES. Mr. Speaker, I call up the bill (S. 1480) to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin-American Republics in military and naval matters, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and hereby is, authorized, upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable, to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Republics of North America, Central America, and South America and of the Republics of Cuba, Haiti, and Santo Domingo, in military and naval matters: *Provided*, That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the government to which detailed offices and such compensation and emoluments thereunto appertaining as may be first approved by the Secretary of War or by the Secretary of the Navy, as the case may be: *Provided further*, That while so detailed such officers and enlisted men shall receive, in addition to the compensation and emoluments allowed them by such governments, the pay and allowances whereto entitled in the United States Army, Navy, and Marine Corps and shall be allowed the same credit for longevity, retirement, and for all other purposes that they would receive if they were serving with the forces of the United States.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

SALE OF UNIFORMS TO INDIVIDUALS

Mr. JAMES. Mr. Speaker, I call up the bill (H. R. 11762) to provide for the sale of uniforms to individuals separated from the military or naval forces of the United States, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That under such regulations as the Secretary of War and the Secretary of the Navy may prescribe for their respective departments, exterior articles of uniform may be sold to former members of the military or naval service who have been separated therefrom under honorable conditions: *Provided*, That nothing in this act shall be construed as modifying in any way the provisions of section 125 of the act approved June 3, 1916 (39 Stat. L. p. 216), entitled "An act making further and more effectual provisions for the national defense, and for other purposes," as amended by section 8 of the act approved June 4, 1920 (41 Stat. L. p. 836). Any money realized from the sale of articles of uniform under this act shall be covered into the Treasury to the credit of the appropriation out of which such articles were purchased.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

AMENDING THE NATIONAL DEFENSE ACT

Mr. JAMES. Mr. Speaker, I call up the bill (H. R. 10984) to amend section 127 of the national defense act so as to permit the Secretary of War to detail enlisted men to educational institutions, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 127a of the act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, as amended, be, and the same is hereby, amended so that the section will read as follows:

"The Secretary of War is hereby authorized, in his discretion, to detail not to exceed 2 per cent of the commissioned officers and one-half of 1 per cent of the enlisted men of the Regular Army in any fiscal year as students at such technical, professional, and other educational institutions, or as students, observers, or investigators at such industrial plants, hospitals, and other places as shall be best suited to enable such officers or enlisted men to acquire a knowledge of or experience in the specialties in which it is deemed necessary that such officers or enlisted men shall perfect themselves. The number of officers so detailed shall, as far as practicable, be distributed proportionately among the various branches: *Provided*, That no expense shall be incurred by the United States in addition to pay and allowances of the officers or enlisted men so detailed, except for the cost of tuition at such technical, professional, and other educational institutions: *And provided further*, That the allowances and tuition for enlisted men during the period of such detail may be paid from any funds appropriated for or allotted to the procurement branches: *And provided further*, That the Secretary of War may fix the length of enlistments for this purpose at three years or less, and the total length of detail of an enlisted man shall not exceed 50 per cent of his enlistment period."

Mr. JAMES. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 8, after the word "that," insert "next to the last paragraph of." In line 7 strike out the word "section" and insert in lieu thereof the word "paragraph."

The SPEAKER. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment a bill of the following title:

H. R. 4189. An act for the relief of the Chamber of Commerce of Montgomery, Ala., Jack Thorington, and 39 others.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 8513. An act entitled "An act to extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson in the county of Allegheny, Pa.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4116. An act to extend the time for the construction of a bridge across the north branch of the Susquehanna River from the city of Wilkes-Barre to the borough of Dorranceton, Pa.

The message also announced that the Vice President had appointed Mr. McLEAN a member on the part of the Senate of the commission provided for in Senate Joint Resolution 30, authorizing the establishment of a commission to be known as the sesquicentennial commission of the United States in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence, vice Mr. CURTIS, excused.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 306. An act to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended;

H. R. 1243. An act for the relief of J. H. Toulouse;

H. R. 1540. An act for the relief of Luther H. Phipps;

H. R. 1669. An act for the relief of Neffs' Bank, of McBride, Mich.;

H. R. 1731. An act for the relief of John W. King;

H. R. 1897. An act for the relief of the heirs of the late Louis F. Meissner;

H. R. 2011. An act for the relief of William D. McKeefrey;

H. R. 2680. An act for the relief of the estate of Charles M. Underwood;

H. R. 2933. An act for the relief of H. R. Butcher;

H. R. 3025. An act granting a patent to certain lands to Benjamin A. J. Funnemark;

H. R. 3659. An act for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak.;

H. R. 3745. An act to amend section 96, chapter 5 of the act of Congress of March 3, 1911, entitled "The Judicial Code";

H. R. 3990. An act for the erection of a monument upon the Revolutionary battle field of White Plains, State of New York;

H. R. 4681. An act providing for the issuance of patent to the Boyle Commission Co. for block No. 223, town site of Heyburn, Idaho;

H. R. 5006. An act to detach Hickman County from the Nashville division of the middle judicial district of the State of Tennessee and attach the same to the Columbia division of the middle judicial district of said State;

H. R. 10610. An act to confirm the title of certain lands in the State of Oklahoma to the Sac and Fox Nation or Tribe of Indians;

H. R. 5710. An act extending the provisions of section 2455 of the United States Revised Statutes to ceded lands of the Fort Hall Indian Reservation;

H. R. 5726. An act for the relief of James Coates, widow of Leonard R. Coates;

H. R. 5673. An act authorizing the Secretary of the Interior to issue letters patent to George K. Hughes;

H. R. 6239. An act to authorize acting registers of United States land offices to administer oaths at any time in public-land matters;

H. R. 8306. An act to authorize the coinage of 50-cent pieces in commemoration of the heroism of the fathers and mothers who traversed the Oregon Trail to the far West with great hardship, daring, and loss of life, which not only resulted in adding new States to the Union but earned a well-deserved and imperishable fame for the pioneers; to honor the 20,000 dead that lie buried in unknown graves along 2,000 miles of that great highway of history; to rescue the various important points along the old trail from oblivion; and to commemorate by suitable monuments, memorial or otherwise, the tragic events associated with that emigration, erecting them either along the trail itself or elsewhere in localities appropriate for the purpose, including the city of Washington;

H. R. 8534. An act to amend an act entitled "An act to authorize the purchase by the city of McMinnville, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916," approved February 25, 1919 (40 Stat. p. 1153);

H. R. 9351. An act extending the period of time for homestead entries on the south half of the diminished Colville Indian Reservation;

H. R. 9559. An act granting certain public lands to the city of Altus, Okla., for reservoir and incidental purposes;

H. R. 9730. An act to provide for an adequate water-supply system at the Dresslerville Indian Colony;

H. R. 9829. An act to amend section 87 of the Judicial Code;

H. R. 10202. An act granting an extension of patent to the United Daughters of the Confederacy;

H. R. 10425. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes;

H. R. 11171. An act to authorize the deposit and expenditure of various revenues of the Indian Service as Indian moneys, proceeds of labor; and

H. J. Res. 134. Joint resolution authorizing the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to prosecute claims, jointly or severally, in one or more petitions, as each of said Indian nations or tribes may elect.

MAXIMUM AGE LIMIT IN ENLISTED RESERVE CORPS

Mr. JAMES. Mr. Speaker, I call up the bill (H. R. 10385) to amend section 55 of the national defense act of June 3, 1916, as amended, relating to the Enlisted Reserve Corps, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 55 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended to read as follows:

"SEC. 55. The Enlisted Reserve Corps: The Enlisted Reserve Corps shall consist of persons voluntarily enlisted therein. The period of enlistment shall be three years, except in the case of persons who served in the Army, Navy, or Marine Corps at some time between April 6, 1917, and November 11, 1918, who may be enlisted for one-year periods and who, in time of peace, shall be entitled to discharge within 90 days if they make application therefor. Enlistment shall be limited to persons eligible for enlistment in the Regular Army who have had such military or technical training as may be prescribed by regulations of the Secretary of War, except that for original enlistments in railway operating units the maximum age limit shall be 45 years. All enlistments in force at the outbreak of war, or entered into during its continuation, whether in the Regular Army or the Enlisted Reserve Corps, shall continue in force until six months after its termination, unless sooner terminated by the President."

With the following committee amendment:

Page 1, strike out all of lines 3, 4, and 5 and insert in lieu thereof the following:

"'That the third sentence of section 55 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended by changing the period to a comma and adding the following words, "except that for original enlistments in railway operating units the maximum age limit shall be 45 years."'"

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

DISTRIBUTION OF CAPTURED WAR DEVICES

Mr. JAMES. Mr. Speaker, I call up the bill (S. 2475) to amend an act entitled "An act to provide for the equitable distribution of captured war devices and trophies to the States and Territories of the United States and to the District of Columbia," approved June 7, 1924, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan calls up the bill S. 2745 and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 and section 3 of an act entitled "An act to provide for the equitable distribution of captured war devices and trophies to the States and Territories of the United States and to the District of Columbia," approved June 7, 1924, be amended to read as follows:

"SEC. 2. That for the purposes of this act the reports heretofore compiled under the direction of the Secretary of War showing the number of men in the armed forces of the United States accredited to each State, Territory, and possession of the United States, and to the District of Columbia, either by enlistment or by the process of the selective service act, or otherwise drawn into and becoming an integral part of the armed forces of the United States during the period April 7, 1917, to November 11, 1918, and the allotment of war trophies suitable for distribution among the several States, Territories, and possessions, and the District of Columbia, shall serve as the basis of distribution. As soon as practicable after the date upon which this act shall become effective the Secretary of War shall cause the chief executive of each of the several States, Territories, and possessions, and the Commissioners of the District of Columbia to be informed of the character and quantity of war devices and trophies apportioned thereto, and shall invite each such chief executive and the Commissioners of the District of Columbia to designate such material as will be accepted free on board common carrier at the point of storage and to designate the point or points to which the accepted material is to be shipped without expense to the United States other than that of packing and loading at the point of storage: *Provided*, That the Secretary of War is authorized to apportion and distribute such war devices and trophies, formerly contemplated by the said reports heretofore compiled as unsuitable for distribution as trophies, as he deems suitable for distribution.

"SEC. 3. Shipment of the apportionment of each State, Territory, and possession, and the District of Columbia accepted shall be made as soon as practicable after the chief executive or the commissioners thereof, as the case may require, shall have informed the Secretary of War that such State, Territory, possession, or District will accept and take possession thereof as hereinbefore provided for and will relieve the United States of all responsibility for the safe delivery of the material and of all charges, costs, and expenses whatsoever connected with the transportation thereof: *Provided*, That if the chief executive or the commissioners of any State, Territory, possession, or District shall not, within one year after notification of the character and quantity of the apportionment, file with the Secretary of War such acceptance and agreement, such apportionment, or any part thereof, shall be reapportioned and redistributed as the Secretary of War shall determine, and any residue not accepted or rejected shall be sold as surplus property as it then is and where it then is, or shall be destroyed, all as the Secretary of War, in his discretion, shall determine; and like action shall be taken in respect to war devices and trophies considered by the Secretary of War as unsuitable for distribution.

With the following committee amendments:

Page 3, line 15, after the word "not," strike out "within one year after notification of the character and quantity of the apportionment," and insert "on or before July 1, 1927."

Page 3, line 20, after the word "rejected," insert "on or before July 1, 1928."

Page 3, line 23, after the word "determine," strike out the semicolon and the words "and like action shall be taken in respect to war" and insert the word "war."

Page 4, line 1, after the word "distribution," insert "under this act, may be sold, or otherwise disposed of."

The committee amendments were agreed to.

Mr. JAMES. Mr. Speaker, I offer the following amendments, which I send to the desk.

The Clerk read as follows:

Page 3, line 2, after the word "distribution," strike out the period and insert "and to include the Canal Zone in such apportionment and distribution."

Page 3, line 19, after the word "redistributed," insert "to the several States, Territories, and possessions of the United States, the District of Columbia, and the Canal Zone."

The SPEAKER. The question is on agreeing to the amendments offered by the gentleman from Michigan.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

STUDY OF BATTLE FIELDS IN UNITED STATES

Mr. JAMES. Mr. Speaker, I call up the bill (H. R. 11613) to provide for the study and investigation of battle fields in the United States for commemorative purposes, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan calls up the bill H. R. 11613, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to have made studies and investigations and, where necessary, surveys of all battle fields within the continental limits of the United States whereon troops of the United States or of the original thirteen Colonies have been engaged against a common enemy, with a view to preparing a general plan and such detailed projects as may be required for properly commemorating such battle fields or other adjacent points of history and military interest.

SEC. 2. That on or before December 1, 1926, the Secretary of War shall submit through the President to Congress a preliminary plan by which the purpose of this act can, in his opinion, be most economically carried out; and annually thereafter he shall submit through the President to Congress a detailed report of progress made under this act together with his recommendations for further operations.

SEC. 3. That the Secretary of War shall include annually in his War Department appropriation estimates a list of the battle fields for which surveys or other field investigations are planned for the fiscal year in question, together with the estimated cost of making each survey or other field investigation.

SEC. 4. That hereafter no real estate shall be purchased for military park purposes by the Government unless report thereon shall have been made by the Secretary of War through the President to Congress under the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RETIREMENT OF OFFICERS

Mr. JAMES. Mr. Speaker, I call up the bill (S. 96) to amend the national defense act, approved June 3, 1916, as amended by the act of June 4, 1920, relating to retirement, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan calls up the bill S. 96, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, as amended by the national defense act of June 4, 1920, be further amended by inserting after the words "per centum," in line 27 of section 24 thereof, the following: *Provided*, That any officer so appointed, who has been or may hereafter be retired in accordance with law on account of physical disability incident to the service, shall receive, from the date of such retirement, retired pay at the rate of 75 per cent of his active pay at the time of such retirement."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MESA TARGET RANGE, ARIZ.

Mr. JAMES. Mr. Speaker, I call up the bill (H. R. 10052) to authorize the sale of the Mesa Target Range, Ariz., and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan calls up the bill H. R. 10052, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to sell the Mesa Target Range, consisting of sections 4 and 5, township 1 north, range 6 east, Gila and Salt River base and meridian, Arizona, and to dispose of the proceeds of such sale, as is provided by the act of Congress, approved May 12, 1917 (40 Stat. L., p. 67), providing for the sale of target ranges acquired by purchase.

With the following committee amendment:

Line 9, after the word "purchase," insert a colon and the words "*Provided*, That the sale of the said tract shall be by public sale."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

KENNESAW MOUNTAIN AND OTHER BATTLE FIELDS, GEORGIA

Mr. JAMES. Mr. Speaker, I call up the bill (S. 3550) providing for an inspection of the Kennesaw Mountain, Lost Mountain, and other battle fields in the State of Georgia, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan calls up the bill S. 3550 and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War, for the purpose of inspecting the Kennesaw Mountain, Lost Mountain, and other battle fields in the State of Georgia: A commissioned officer of the Corps of Engineers, United States Army; a veteran of the Civil War who served honorably in the military forces of the United States; and a veteran of the Civil War who served honorably in the military forces of the Confederate States of America. In appointing the members of the commission the Secretary of War shall, as far as possible, select persons familiar with the terrain of the said battle fields and the historical events associated therewith.

SEC. 2. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the said battle fields in order to ascertain the feasibility of their acquisition for the purpose of a national military park and of preserving and marking them for historical and professional military study and to ascertain the value of lands necessary to acquire for this purpose. The commission shall submit a report of its findings to the Secretary of War not later than November 1, 1926.

SEC. 3. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in order to carry out the provisions of this Act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INSPECTION OF STONES RIVER BATTLE FIELD, TENNESSEE

Mr. JAMES. Mr. Speaker, I call up the bill H. R. 12043, and ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12043) to provide for the inspection of the battle field of Stones River, Tenn.

Be it enacted, etc., That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War, who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War, who served honorably in the military forces of the Confederate States of America.

SEC. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of the battle of Stones River, Tenn., and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Stones River, Tenn., in order to ascertain the feasibility of preserving and marking for historical and professional military study such field. The commission shall submit a report of its findings to the Secretary of War not later than December 1, 1926.

SEC. 4. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 in order to carry out the provisions of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INSPECTION OF BULL RUN BATTLE FIELDS, VIRGINIA

Mr. JAMES. Mr. Speaker, I call up the bill H. R. 9914, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9914) providing for the inspection of the Bull Run battle fields from and including Centerville and to and including Thoroughfare Gap and Warrenton, in the State of Virginia

Be it enacted, etc., That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War, for the purpose of inspecting the Bull Run battle fields from and including Centerville and to and including Thoroughfare Gap and Warrenton, in the State of Virginia: A commissioned officer of the Corps of Engineers, United States Army; a veteran of the Civil War who served honorably in the military forces of the United States; and a veteran of the Civil War who served honorably in the military forces of the Confederate States of America. In appointing the members of the commission the Secretary of War shall, as far as possible, select persons familiar with the terrain of the said battle fields and the historical events associated therewith.

SEC. 2. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the said battle fields in order to ascertain the feasibility of their acquisition for the purpose of a national military park and of preserving and marking them for historical and professional military study. The commission shall submit a report of its findings to the Secretary of War not later than November 1, 1926.

SEC. 3. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in order to carry out the provisions of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ESTABLISHING NATIONAL MILITARY PARK AT THE BATTLE FIELD OF MOORES CREEK, N. C.

Mr. JAMES. Mr. Speaker, I call up the bill H. R. 3796 and ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 3796) to establish a national military park at the battle field of Moores Creek, N. C.

Be it enacted, etc., That in order to preserve for historical and professional military study one of the most memorable battles of the Revolutionary War, the battle field of Moores Creek, in the State of North Carolina, is hereby declared to be a national military park whenever the title to the same shall have been acquired by the United States; that is to say, the area inclosed by the following lines:

Those tracts or parcels of land in the county of Pender, and State of North Carolina, more particularly described as follows:

First tract: Beginning at a stone at the run of Moores Creek, on the east bank of same, about 20 poles (in a straight line) above the new iron bridge, and running thence parallel to William Walker's line, south 62½ degrees west 11 chains to a stake; thence south 7½ degrees east 3.6 chains to a stone at the south edge of the old stage road; thence along the south edge of said road south 46 degrees east about 5 chains and 8 links to a stone; thence south 37¼ degrees west 14 chains and 12 links to a stone; thence north 62½ degrees west 10 chains and 75 links to a stone, a corner (4) of an 8-acre tract which the parties of the first part conveyed to Gov. D. L. Russell, for the purposes aforesaid, by a deed dated January, 1898, and recorded

in Pender County; thence with the lines of said tract north 39½ degrees east 13 chains and 27 links to a stake, the third corner of the said 8-acre tract; thence north 51 degrees west 4 chains to a stake about 20 feet from the old entrenchment (the second corner of the 8-acre tract); thence with the first line reversed north 44 degrees west 2 chains to a sweet gum at the run of Moores Creek (the first corner of the 8-acre tract); thence up and with the run of said creek to the first station, containing 20 acres.

Second tract: Beginning at a sweet gum on the eastern edge of Moores Creek, running thence south 44 degrees east 2 poles to a stake; thence south 51 degrees east 4 poles 5 links to a stake; thence south 39 degrees west 13 poles 27 links to a stake; thence north 51 degrees west 9 poles 31 links to a stake in the edge of Moores Creek; thence northerly with the creek to the beginning, containing 8 acres more or less.

Third tract: Beginning at a cypress on the edge of the run of Moores Creek about 20 feet from the west end of the old entrenchments and running thence in a line parallel to and 10 feet distant from the outside or east edge of the old line of entrenchments in all the various courses of the same to a stake 10 feet distant on the east side of the north end of said entrenchments; thence a direct line to the run of said Moores Creek; thence down said creek to the beginning, containing 2 acres, be the same more or less (the intention is to include all lands now known and designated as Moores Creek battle field and now so recognized as such and owned by the State of North Carolina), together with all the privileges and appurtenances thereunto belonging.

The aforesaid tracts of land, containing in the aggregate 30 acres, more or less, and being the property of the State of North Carolina, and the area thus inclosed shall be known as the Moores Creek National Military Park.

SEC. 2. The establishment of the Moores Creek National Military Park shall be carried forward under the control and direction of the Secretary of War, who is hereby authorized to receive from the State of North Carolina a deed of conveyance to the United States of all the lands belonging to the said State, embracing 30 acres, more or less, and described more particularly in the preceding section.

SEC. 3. The Secretary of War is hereby authorized and directed to acquire such additional lands adjacent to the Moores Creek National Park as may be necessary for the purposes of the park and its improvement.

SEC. 4. That the affairs of the Moores Creek National Military Park shall be subject to the supervision and direction of the Secretary of War, and it shall be the duty of the War Department, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the Battle of Moores Creek, and other historical points of interest pertaining to the battle within the park or its vicinity; and the Secretary of War in establishing this military park is authorized to employ such labor and services and to obtain such supplies and material as may be considered best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park.

SEC. 5. It shall be lawful for any State that had troops engaged in the battle of the Moores Creek National Military Park to enter upon the same for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to and approved by the Secretary of War; and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of War.

SEC. 6. If any person shall, except by permission of the Secretary of War, destroy, deface, injure, or remove any monument, column, statues, memorial structures, or work of art which shall be placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other mark for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, brush, or shrubbery that may be growing upon said park, or shall cut down or remove or fell any timber, battle relic, tree or trees growing upon said park, or hunt within the limits of the park, any person so offending and found guilty thereof before any justice of the peace of the county of Pender, State of North Carolina, shall, for each and every offense, forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than $5 nor more than $50, one half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as fines of like nature are now by law recoverable in the said county of Pender, State of North Carolina.

The committee amendments were read, as follows:

Page 4, beginning in line 15, strike out all of section 3.

In line 19, strike out the figure "4" and insert in lieu thereof the figure "3."

Page 5, line 10, strike out the figure "5" and insert the figure "4."

In line 21, page 5, strike out "6" and insert "5."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PURCHASE OF LAND ADJOINING UNITED STATES TARGET RANGE AT AUBURN, ME.

Mr. JAMES. Mr. Speaker, I call up the bill S. 2876, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2876) for the purchase of a tract of land adjoining the United States target range at Auburn, Me.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to purchase the tract of land adjoining the United States target range at Auburn, Me., comprising 84 acres, more or less, the property of the heirs of John Barron, for the purpose of adding to said rifle range, and to purchase said property the Secretary of War is authorized to expend a sum not to exceed $3,000, from funds allotted to the State of Maine by the United States from the appropriation, "Arming, equipping, and training the National Guard," for the fiscal year ending June 30, 1927.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INSPECTION OF FORT DONELSON BATTLE FIELD, TENNESSEE.

Mr. JAMES. Mr. Speaker, I call up the bill (H. R. 12103) and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12103) to provide for the inspection of the battle field of Fort Donelson, Tenn.

Be it enacted, etc., That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War, who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War, who served honorably in the military forces of the Confederate States of America.

SEC. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of the Battle of Fort Donelson, Tenn., and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Fort Donelson, Tenn., in order to ascertain the feasibility of preserving and marking for historical and professional military study such field. The commission shall submit a report of its findings to the Secretary of War not later than December 1, 1926.

SEC. 4. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 in order to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WASHINGTON-ALASKA MILITARY CABLE AND TELEGRAPH SYSTEM

Mr. JAMES. Mr. Speaker, I call up the bill S. 3080, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3080) to authorize payment of expenses of the Washington-Alaska military cable and telegraph system out of receipts of such system as an operating expense

Be it enacted, etc., That hereafter such amount of money as may be authorized by the Secretary of War may be withheld temporarily from the receipts of the Washington-Alaska military cable and telegraph

system by the auditor of said system as a working balance from which to make payments of money transfers from and to Alaska and between points within Alaska, to be accounted for accordingly; and the expenses of procuring necessary official bonds, as determined by the Secretary of War, of enlisted men employed in connection with such money transfers, shall be paid out of the receipts of such system as an operating expense.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The bill H. R. 3995, a similar bill to S. 96, was laid on the table.

CALL OF COMMITTEES

Mr. TILSON. Mr. Speaker, will the Clerk call the next committee.

The SPEAKER. The Clerk will call the next committee.

The Clerk called the Committee on Naval Affairs.

RECESS

Mr. TILSON. Mr. Speaker, the gentleman from Pennsylvania [Mr. BUTLER], chairman of the Committee on Naval Affairs, has not yet come to the Chamber this morning. He did not suppose that the Committee on Military Affairs would finish their work to-day, and therefore it will probably be 10 or 15 minutes before he can be here. I ask unanimous consent that the House stand in recess until quarter past 1.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the House stand in recess until a quarter past 1. Is there objection?

There was no objection.

Thereupon (at 12 o'clock and 54 minutes p. m.) the House stood in recess until 1.15 p. m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker.

The SPEAKER. The Clerk will call the committees.

The Clerk again called the Committee on Naval Affairs.

DISPOSITION OF LANDS NOT NEEDED BY THE NAVY

Mr. BUTLER. Mr. Speaker, the Committee on Naval Affairs has a bill left over from the last session of the House when bills from the Committee on Naval Affairs were considered. I ask unanimous consent that it be considered in the House as in Committee of the Whole. It is House bill 10312.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 10312, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10312) to authorize the disposition of lands no longer needed for naval purposes

Be it enacted, etc., That the Secretary of the Navy is authorized, when directed by the President, to transfer to the control of any executive department or other Government establishment or to dispose of on behalf of the United States, at public sale and upon such terms as he may deem best for the interests of the United States, such lands or portions thereof or interest therein acquired for naval purposes, and the improvements and equipment thereon, that are deemed by him to be no longer required for such purposes, at or in the vicinity of Alpena, Mich. (radio station); Duluth, Minn. (radio station); Miami, Fla. (radio station); Frenchmans Bay, Me. (coal depot); Malden, Mass. (naval niter depot); Provincetown, Mass. (Long Point Military Reservation); Siasconset, Mass. (radio station); South Wellfleet, Mass. (radio station); Blackbeards Island, Ga. (naval reservation); Blythe Island, Ga. (naval reservation); Grover Island, Ga. (naval reservation); San Francisco, Calif. (Mission Rock Naval Reservation); Puget Sound, Wash. (rifle range); Point Isabel, Tex. (radio station); Inglewood, Calif. (radio station); and lot No. 98, Yokohama, Japan (naval hospital): *Provided*, That the Secretary of the Navy shall, if directed by the President, reconvey to the State of Massachusetts, without compensation, all right, title, and interest of the United States in said Long Point Military Reservation, notwithstanding the authorization for the transfer or sale of such property hereinbefore provided.

SEC. 2. In the disposal of any of the aforesaid property not to be turned over to the control of another executive department or Government establishment, the Secretary of the Navy shall, in each and every case except as otherwise herein provided, cause the property to be appraised, either as a whole or in two or more parts, by an appraiser or appraisers to be chosen by him for each tract, and in the making of such appraisal due regard shall be given to the value of any improvements thereon and to the historic interest of any part of said land.

SEC. 3. In the event that any other department of the Government shall require the permanent use of all or any part of any of the reservations herein authorized to be sold, the head of the department requiring the same shall, within 90 days after the approval of this act, make application to the Secretary of the Navy for the transfer thereof, giving the specific reasons therefor, but no such transfer be made unless approved by the President.

SEC. 4. After 90 days from the date of the approval of this act, and after the appraisal of the lands hereinbefore mentioned shall have been made and approved by the Secretary of the Navy, notification of the fact of such appraisal shall be given by the Secretary of the Navy to the governor of the State in which each such tract is located as to such lands not to be turned over to any other executive department or Government establishment, and such State, or the county in which such land is located, or the municipality in or nearest which such land is located shall, in the order named, have the option at any time within six months after such notification to the governor to acquire the same or any part thereof which shall have been separately appraised and approved upon payment within such period of six months of the appraised value thereof: *Provided, however*, That the conveyance of said tract of land to such State, county, or municipality shall be upon the condition and limitation that said property shall be limited to the retention and use for public purposes, and upon cessation of such retention and use shall revert to the United States without notice, demand, or action brought: *And provided further*, That if the proper official or board of any such State, county, or municipality shall within such time limit notify the Secretary of the Navy that said State, county, or municipality desires to exercise such option but has not the money available with which to make the payment, then said land or such part thereof as may have been separately designated shall be held for sale to such State, county, or municipality for a period not to exceed two years from the date of such notification.

SEC. 5. Six months after the date of the notification of said appraisal, if the option given in section 4 hereof shall not have been exercised in the manner herein specified, or after receipt by the Secretary of the Navy of notice that the State, county, and municipality do not desire to exercise the option herein granted, the Secretary of the Navy may sell or cause to be sold each of said properties at public sale at not less than the appraised value thereof, after advertisement in such manner as he may direct.

SEC. 6. The expenses of appraisal, survey, advertising, and all expenses incident to the sale of the property hereinbefore authorized for disposition shall be paid from the proceeds of the sale of any of the properties sold under this act: *Provided*, That no auctioneer or person acting in said capacity shall be paid a fee for the sale of said property in excess of $100 a day.

SEC. 7. A full report of all transfers and sales made under the provisions of this act shall be submitted to Congress by the Secretary of the Navy upon the consummation thereof.

SEC. 8. Hereafter if any real property acquired for naval purposes becomes useless for such purposes, the Secretary of the Navy is directed to report such fact to Congress in order that authorization for its disposition in accordance with this act may be granted.

SEC. 9. The authority granted by this act repeals all prior legislative authority granted to the Secretary of the Navy to sell or transfer any of the reservations herein designated.

SEC. 10. That the net proceeds from the sale of the surplus Navy Department property, hereinbefore designated, shall be deposited in the Treasury to the credit of a fund to be known as the naval public works construction fund, to be and remain available until expended for permanent construction for the Naval Establishment, in such amounts as may be authorized from time to time by the Congress: *Provided*, That estimates of the money to be expended from the said naval public works construction fund, including a statement of the specific construction projects embraced in such estimates, shall be submitted annually to the Congress by the Secretary of the Navy: *Provided further*, That any balance remaining unexpended or unobligated in this fund shall revert to the Treasury on the 4th of March, 1933.

SEC. 11. That the Secretary of the Navy be, and he is hereby, authorized and directed to convey to the State of Maine, by appropriate quitclaim deed, all right, title, and interest of the United States in the land and improvements thereon constituting the site of the former naval reservation on Widows Island, Me.

SEC. 12. That the sale by the Navy Department on April 16, 1919, of the land and improvements thereon at the former radio station at Lents, Oreg., for the price of $1,916, is hereby ratified, and the Secretary of the Navy is authorized to execute and deliver proper deed to the purchaser of said property and to do any other act necessary to effectuate such sale.

SEC. 13. That the Secretary of the Navy be, and he is hereby, authorized to convey to the city of Key West, Fla., all right, title, and interest of the United States in a certain tract of land about 10 feet wide and 200 feet long, extending along White Street, at present inclosed within and constituting a part of the grounds of the United States Naval Hospital at Key West, Fla., for the purpose of widening said White Street to a width of 45 feet: *Provided*, That the said city of Key West shall pay all expenses in connection with the widening of said street, including the moving and reerection of the concrete wall now inclosing the hospital grounds along said White Street and the construction of a new sidewalk abutting the said street.

SEC. 14. That the Secretary of the Navy be, and he is hereby, authorized to lease the old naval hospital property, Washington, D. C., bounded by Pennsylvania Avenue, E Street, Ninth Street, and Tenth Street SE., to the board of management of the Temporary Home for Soldiers and Sailors, for the purpose of a temporary home for ex-soldiers and sailors, for a period of 15 years, upon the same terms and conditions as those existing in the present lease, notwithstanding the provisions of the act of August 29, 1916 (39 Stats. pp. 559–560): *Provided*, That when the said property shall cease to be used for said purposes said lease shall be automatically terminated and the said property shall revert to the full custody and control of the Navy Department.

SEC. 15. That the Secretary of the Navy be, and he is hereby, authorized to execute on behalf of the United States all instruments necessary to accomplish the aforesaid purposes.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

SILVER SERVICE FOR THE BATTLESHIP "GEORGIA"

Mr. VINSON of Georgia. Mr. Speaker, I call up Senate bill 952 and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Georgia calls up the bill S. 952, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. BLACK of Texas. Let us have the bill reported.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 952) authorizing the Secretary of the Navy to deliver to the State of Georgia the silver service presented to the United States for the battleship *Georgia*.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, upon request from the Governor of the State of Georgia, to deliver to such governor as custodian for such State, the silver service presented to the United States for the battleship *Georgia* by citizens of the State of Georgia; but no expense shall be incurred by the United States for the delivery of such silver service.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

RETIREMENT OF NAVAL CAPTAINS, COMMANDERS, AND LIEUTENANT COMMANDERS

Mr. UPDIKE. Mr. Speaker, I call up House bill 11355 and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Indiana calls up the bill H. R. 11355 and asks unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. BLACK of Texas. May we have it reported?

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 11355) to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. I think, before we take this bill up, we should have some explanation. I reserve the right to object. Will the gentleman give us some explanation of this bill?

Mr. UPDIKE. Mr. Speaker and gentlemen of the House, this bill is for the purpose of retiring captains, commanders, and lieutenant commanders in the line of the Navy. Heretofore the captains, commanders, and lieutenant commanders were retired at the age of 56, 50, and 45 years, respectively.

Mr. BUTLER. Captains and commanders?

Mr. UPDIKE. Yes. This bill simply makes it possible for them to serve for two years longer.

Mr. MADDEN. For a longer period?

Mr. UPDIKE. Yes.

Mr. BLACK of Texas. Does the gentleman mean that when a lieutenant commander of the Navy reaches 45 years of age he is subject to retirement?

Mr. UPDIKE. If he is not eligible to promotion.

Mr. BUTLER. That is the grade of commander.

Mr. BLACK of Texas. And you retire him at 45?

Mr. BUTLER. No. You do not want to do it.

Mr. UPDIKE. If he is not eligible for further promotion, he may be put on the retired list.

Mr. BLACK of Texas. And draw three-quarters of the pay of his rank at that time?

Mr. BUTLER. While my colleague from Indiana looks for his memoranda, I may say that the gentleman should understand that we had anticipated that we would have next Wednesday for Naval Affairs business. By the act of August 29, 1916, we provided what is known as retirement in grade for age. When a man served a certain number of years and reached a certain point in a certain grade he has to be retired. That was passed, under stress, in 1916. We have come to the conclusion that that is unfair toward the Government and unfair toward these men. We ask you not to make it permanent law, but just extend the provisions and extend the period in which these men may serve for two years and a half. We want to extend that period so that the Naval Affairs Committee may report a bill to the House and see whether these men can not be better provided for.

Mr. BLACK of Texas. The reason I reserved the right to object is this: Not a session of Congress passes but what bills are brought in to change the retirement law; and generally, when you have given one officer some more retirement pay, about the next day or two some man is in your office and says, "My God, you did me an awful injustice yesterday." You ask him in what way you did him an injustice, and he says, "You gave somebody else more pay than you give me." Then comes along another officer, who wants that inequality or discrimination corrected. Consequently we have our retirement law in such confusion that no one knows what it is. If the gentleman thinks this will improve the retirement law from the standpoint of the Government, I am not going to object.

Mr. BUTLER. I want to say, in reply to the suggestion of the gentleman from Texas, that we do not know what bill we can report. We only ask to have this done as a temporary measure. This is not to be permanent law and it will not be permanent law. We make the request that you give us two and a half years to work out a solution of the trouble in which we find ourselves and avoid putting a lot of strong, able-bodied men on the retired list. I am not in favor of it. I voted for it because in 1916 I voted for anything, as I did in 1917 and 1918.

Mr. BLACK of Texas. I think this is a meritorious bill from what I have heard since it has been explained, but I just want to state this further fact while we are on this point: I hope the Committee on Naval Affairs and the Committee on Military Affairs at the first opportunity will go over the whole retirement law and see if we can not have a law without so much confusion as we now have, and more particularly to stop the practice of retiring strong, able-bodied men, who have been educated at the expense of the Government. I would like to see the practice stopped of putting such men on the retired list at a large burden to the taxpayers. Their experience ought to enable them to better serve than new men coming into the service.

Mr. BUTLER. My friend and I are in entire accord. For five days we have sat with diligence, and with the understanding that we expect to reach and we hope to end some of these troublesome features of the retirement law. But we have now come to the time when under that law of 1916 some of these men will be forced from the service, and we only ask you to give us a couple of years in which to study the

proposition and report a bill which will end all of these troubles.

Mr. McSWAIN. Mr. Speaker, reserving the right to object, I desire to say that I am very glad to hear the chairman of this very important committee say he is not in sympathy with the idea of retiring completely from the service a lieutenant commander merely because he arrives at the age of 45 years and is not picked by the "picking board" to be a commander.

Mr. BUTLER. My friend is right.

Mr. McSWAIN. In the Army a man may become 64 years of age, the retiring age, and still be a mere colonel or lieutenant colonel, even if he is not picked for a brigadier general or a major general, the idea being that if a man has been trained and educated and has had all of this experience, even if he has not been picked for a higher command, he has more sense and more judgment to fill the position of colonel than some younger man. I approve of the sentiment entirely, and I think that not only the Naval Affairs Committee but the Military Affairs Committee and other committees having jurisdiction of the retirement of services should get together on these retirement laws, just like they were able to get together four or five years ago on a general revision of the pay law.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. VINSON of Georgia. The gentleman does not think that any new law should permit the retirement of these officers at a younger age?

Mr. McSWAIN. No; I am in sympathy with the purposes of this bill because it provides retirement on the basis of service rather than on the basis of years of age from the birth of the officer. I am in sympathy with the purposes of this bill; it is going in the right direction, and let us keep on going in that direction.

Mr. VINSON of Georgia. We are trying to get away from the age proposition and make it years of service.

Mr. UPDIKE. I want to explain that this bill provides that if a lieutenant commander shall not become eligible for promotion he shall not be retired until after he has had 35, 28, and 21 years' service.

Mr. McSWAIN. I am for the bill.

Mr. UPDIKE. The purpose of the bill is to put it over for two and a half years.

Mr. VESTAL. Will the gentleman yield?

Mr. UPDIKE. Yes.

Mr. VESTAL. As I understand the proposition, these men are now under the law which was passed in 1916 and are eligible for retirement?

Mr. UPDIKE. That is correct.

Mr. VESTAL. What you want to do now is to permit them to go on and serve two and a half years longer?

Mr. BUTLER. That is right.

Mr. VESTAL. And in the meantime try to report a bill which will be fair to everybody?

Mr. BUTLER. That is right. I want to apologize for having voted for that bill 10 years ago, and I now want to make it right.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions contained in the act approved August 29, 1916 (39 Stat. L. p. 579), which provide for the retirement of captains, commanders, and lieutenant commanders of the line of the Navy who are more than 56, 50, and 45 years of age, respectively, and who have become ineligible for promotion on account of such age, be, and the same are hereby, modified to the extent that captains, commanders, and lieutenant commanders shall not become ineligible for promotion and shall not be retired until they have completed 35, 28, and 21 years, respectively, of commissioned service in the Navy, and upon the completion of such service, if not recommended for promotion, they shall be retired without regard to age under the conditions specified in said act: *Provided,* That the commissioned service of Naval Academy graduates, for the purpose of this act only, shall be computed from June 30 of the calendar year in which the class with which they graduated completed its academic course; or if its academic course was more or less than four years, from June 30 of the calendar year in which it would have completed an academic course of four years.

With the following committee amendment:

On page 1, line 3, after the word "That," insert the words "until March 5, 1929."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

HOSPITALIZATION OF DEPENDENTS OF OFFICERS AND ENLISTED MEN OF THE NAVY

Mr. BUTLER. Mr. Speaker, I call up the bill (H. R. 3994) to authorize the admission to naval hospitals of dependents of officers and enlisted men of the naval service in need of hospital care and ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, will the gentleman give us a brief explanation of what this bill contains?

Mr. BUTLER. I will be delighted to do that. I would like to state to the gentlemen of the House, Mr. Speaker, that this is the only bill I know of that we have reported with any division in the Committee on Naval Affairs. I understand one of our colleagues has some objection to some of the provisions of the bill. I dislike very much to take advantage of anyone who has any opposition to any measure, but we are right here in the midst of business, and therefore I will have to comfort myself with the idea that I will apologize to him for asking the House to consider the bill in the gentleman's absence.

There are certain men connected with the service who are carried to all parts of the world—Hawaii, Guam, the Philippines—and they take with them, both the enlisted men and the commissioned officers of the service, their families. There are places where it is impossible for these people to have any medical assistance unless they get it through the service. The law does not permit this medical service to be given to any except those who bear arms. For instance, down here at Quantico they support from their own pockets a hospital; and, of course, that would not under the terms of this bill come within the discretion of the Secretary of the Navy as one of the hospitals to be designated, but at Honolulu and at these other places which I have mentioned, including the Virgin Islands and all similar places, unless these men who have their families there can put their dependents into the hospitals of the service they are likely to go without any attention. We considered this bill a long, long time before we were willing to open the door; but we are told it will affect but few people, and the matter is left within the discretion of the Secretary of the Navy, and the bill does not direct that this hospitalization shall be given to any dependent unless it is absolutely necessary and unless it comes within the rules of mercy. That is the reason we have reported this bill and ask you to support it.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. BUTLER. Certainly.

Mr. VINSON of Georgia. The same provision that is carried in this bill is now the law with respect to the Army, is it not?

Mr. BUTLER. Yes.

Mr. VINSON of Georgia. The Army has the right to hospitalize their dependents who are situated in this way, and all this bill seeks to do is to hospitalize the dependents of enlisted men and officers of the Navy who are in this situation.

Mr. BUTLER. My colleague is entirely right. It is simply an act of mercy to these people, and we set out the dependents who shall come within the provisions of the proposed act.

Mr. BLACK of Texas. I notice also that the act provides that the Secretary of the Navy shall designate the naval hospital which shall be prepared to admit dependent patients, and he shall from time to time prescribe the amounts per diem which shall be paid for each dependent so admitted, so I understand that these patients will pay the actual cost of their treatment.

Mr. VINSON of Georgia. Exactly, and the Secretary of the Navy would not designate a hospital that was already crowded, so that this would require any additional expenditure to accommodate these patients. The Secretary would only designate hospitals where there were beds sufficient to take care of the patients.

Mr. BLACK of Texas. And the patient would pay the cost of the service.

Mr. VINSON of Georgia. Yes.

Mr. BUTLER. We thought about $1.50 a day would be about what the enlisted man or officer would pay for the hospitalization of his dependents.

Mr. BLACK of Texas. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. McCLINTIC. Mr. Speaker, I object.

The SPEAKER. This bill is on the Union Calendar and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for its consideration.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 3994) to authorize the admission to naval hospitals of dependents of officers and enlisted men of the naval service in need of hospital care, with Mr. LUCE in the chair.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That dependents of officers and enlisted men of the Navy and Marine Corps in need of hospital care may be admitted to naval hospitals when, in the opinion of the commanding officer of the hospital concerned, suitable accommodations for their care are available in excess of the immediate needs for the care of naval personnel and of others heretofore authorized by law: *Provided*, That a "dependent" shall be defined as a lawful wife and unmarried child under 21 years of age. It shall also include the mother of the officer or enlisted man, provided she is in fact dependent on him for her chief support.

All expenses incurred in connection with the admission of such dependents to naval hospitals for the purpose aforesaid shall be paid from the naval hospital fund, including expenditures for supplies, pay of civilian employees, necessary alterations of hospital buildings, and general services.

The Secretary of the Navy shall designate the naval hospitals which shall be prepared to admit dependent patients, and he shall, from time to time, prescribe the amount per diem which shall be paid for each dependent so admitted. The amount so determined shall be checked against the pay of the officer or enlisted man concerned. Amounts so paid shall be credited to the naval hospital fund.

With the following committee amendment:

Page 2, line 9, after the word "general," strike out the word "services" and insert: "services, but this shall not include transportation to or from said naval hospital other than such ambulance transportation as may be available and necessary."

Page 2, line 16, strike out the word "amount" and insert the word "amounts."

The CHAIRMAN. If there is no desire for general debate, the Clerk will read the bill for amendment.

The Clerk read the title of the bill.

Mr. McCLINTIC. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Oklahoma rise?

Mr. McCLINTIC. Mr. Chairman, I desire to propound a parliamentary inquiry. How much time is to be given to those who are opposed to the measure?

The CHAIRMAN. No objection having been raised to the suggestion in the matter of general debate, the bill is now being read for amendment under the five-minute rule.

Mr. McCLINTIC. Mr. Chairman, I was sitting right here and I did not hear the Chairman.

Mr. VINSON of Georgia. Mr. Chairman, I ask unanimous consent that the gentleman from Oklahoma [Mr. McCLINTIC] may have such time to discuss the bill as he thinks necessary; 15 minutes if he desires that much.

Mr. BLACK of Texas. Mr. Chairman, the gentleman does not need unanimous consent. The gentleman is opposed to the bill and has a right under the rules of the House to one hour of debate.

The CHAIRMAN. That would be unquestionably so if the Chair had not said, with absolute distinctness, "If there is no desire for general debate, the Clerk will read the bill for amendment."

Mr. McCLINTIC. I beg the Chair's pardon. I was sitting here waiting for that, and I did not hear the Chair. I wish to preserve all the rights of a person who objects to the bill in its present form.

Mr. BUTLER. I will ask that you may have such time as you desire to discuss this bill under the five-minute rule.

Mr. McCLINTIC. I want all the time that I am entitled to.

Mr. VINSON of Georgia. I hope the House will extend unanimous consent to the gentleman from Oklahoma to address the House for 30 minutes.

The CHAIRMAN. The Chair understands that unanimous consent is asked that the gentleman from Oklahoma may have 30 minutes, or so much thereof as he desires, for the discussion of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. McCLINTIC. Mr. Chairman and gentlemen of the House, I wish to make this statement to those who are present. I believe it was on yesterday or the day before there was an agreement made whereby some one in the Naval Affairs Committee, if not the chairman, was designated to ask that this piece of legislation come up on next Wednesday, one week from this day. Those who were present on that occasion were given notice that this bill and others would be considered on Wednesday and Thursday of next week. Therefore, some of us who object to certain features of this legislation was taken by surprise when this bill was called up to-day.

Mr. BUTLER. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. BUTLER. I never had anything surprise me more than when I was notified that this legislation was in order. There were 29 bills to be considered by the Committee on Military Affairs, and it seems they were passed in 45 minutes. I tried to find my friend from Oklahoma and apologize for moving to take up this bill in his absence. I feel myself unprepared to present some of these bills for I expected to go to school for a whole week before next Wednesday. I would not take advantage of my friend for anything.

Mr. McCLINTIC. I am glad to hear the chairman state that, but I do feel that advantage has been taken of some of us—it is not the chairman's fault—but when I walked in upon the floor to-day and saw that this bill was up I did not have time to send to my office to get the data that I have prepared to use on this occasion.

Mr. BUTLER. I was picked up on the street and given notice that this legislation was in order.

Mr. VINSON of Georgia. I will state that the leader of the majority had to ask for a recess for 20 minutes.

Mr. BUTLER. There were 29 bills to be considered by the Military Affairs Committee.

Mr. VINSON of Georgia. No one ever supposed that the Military Affairs Committee would finish 29 bills in 45 minutes.

Mr. TILSON. Mr. Chairman, I wish to corroborate what the chairman of the committee and the gentleman from Georgia have said. The Committee on Military Affairs had a long calendar of, I think, 29 bills, and some of them they regarded as quite controversial. I assumed and I told the gentleman from Pennsylvania and the gentleman from Georgia that it would take all day, and so we made no further arrangement. When it appeared that they were not going to take that time, I sent for Chairman BUTLER and we took a recess for 20 minutes for him to get his papers. Those are the facts, and there was no attempt to take advantage of anybody.

Mr. McCLINTIC. I do not want to impute motives to anybody, but I say this was a great surprise and it does not give us who have made a study of the bill an opportunity to make the right kind of a presentation. This bill ought not to pass until we can at least have time to write out amendments, which I could not do until I have certain papers that are in my office.

Mr. TILSON. The gentleman will admit that we are proceeding according to the rules of the House and that everybody ought to be ready at all times.

Mr. McCLINTIC. I could be ready if I had time to get my data.

Mr. BUTLER. I want to say that I talked with the leader of the majority, and he said we were to be ready next week. I am willing to go along, and I hope my friend will not feel too embarrassed to proceed with the bill.

Mr. WOODRUFF. If the Naval Affairs Committee had not been prepared to go along to-day we would have lost our place.

Mr. McCLINTIC. I would like to ask the chairman if the bill to establish or place catapults on ships has been taken up.

Mr. STEPHENS. It has not; it may come up later.

Mr. McCLINTIC. The committee made a positive agreement that that bill would be the first bill which would come up on next Wednesday, and I charge that somebody has changed the rule, or changed the program, without notice to any member of the committee. I do not know who did it.

Mr. BUTLER. I can explain that.

Mr. STEPHENS. We made an arrangement of our program, but when the Military Committee finished its work they sent for us and gave the rest of the day to the Naval Affairs Committee, and although we had no notice I came over here, and in the meantime the leader of the House agreed to take up the lesser bills, not the ones of the greatest importance. I mean those bills that come up and would not need very extensive consideration, bills that are not controversial, so under the leadership it was changed so as to have those other bills con-

sidered. We knew nothing of it, but we are taking advantage of this time this afternoon to bring up those less important bills.

Mr. McCLINTIC. Mr. Chairman, the gentleman is making a proper explanation, but the explanation that he is making does not fit the program that was agreed upon unanimously. We agreed that the first bill that should come up when the Navy committee had the call was the bill to place catapults on certain ships and the gentleman knows that as well as I do.

Mr. STEPHENS. Yes.

Mr. BUTLER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LUCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3994) to authorize the admission to naval hospitals of dependents of officers and enlisted men of the naval service in need of hospital care, and had come to no resolution thereon.

CONFERENCE REPORT—NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I present a conference report upon the bill (H. R. 7554) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927, and for other purposes, for printing under the rules.

CATAPULTS ON CERTAIN BATTLESHIPS

Mr. MILLER. Mr. Speaker, by direction of the Committee on Naval Affairs, I call up the bill (H. R. 10503) to authorize certain alterations to the six coal-burning battleships for the purpose of providing better launching and handling arrangements for airplanes, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Washington calls up the bill H. R. 10503 and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I reserve the right to object. Will the gentleman from Washington give us a brief explanation of the bill and what it is designed to do, before consent is granted?

Mr. MILLER. Certainly. Mr. Speaker, this bill provides for the installation of airplane catapults and handling arrangements on the battleships *New York*, *Texas*, *Arkansas*, *Wyoming*, *Florida*, and *Utah*, at a total cost for all six battleships of $1,350,000. It is desired to undertake the installation of catapults on the several vessels at the time these vessels are laid up for the purpose of accomplishing the alterations authorized by the act of December 18, 1924.

That act authorizes the installation of additional deck protection, of what is known as blisters on the side of the ship, as an additional protection against submarine attacks, and the conversion of these six battleships from coal burners to oil burners.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. MILLER. Certainly.

Mr. BLACK of Texas. Do we not now have a general law that authorizes the conversion of these battleships from coal burners to oil burners?

Mr. MILLER. Yes; certain of them, but no law you could call general as applying to all battleships.

Mr. BLACK of Texas. But these that are included in this bill were not included in the previously enacted law?

Mr. MILLER. Yes; by the act of December 18, 1924, but this is not a bill to authorize the conversion of these ships from coal burners to oil burners, but it is to authorize the installation of airplane catapults and to have them installed at the same time the vessels are undergoing the repairs specified in the act of December 18, 1924.

Mr. LAZARO. Mr. Speaker, will the gentleman yield?

Mr. MILLER. Yes.

Mr. LAZARO. Will the gentleman tell us whether the speed of these ships will be increased?

Mr. MILLER. Yes; the speed of the ships will be materially increased and the steaming radius of the ships will be materially increased. The catapults that are to be installed on these vessels are a recent invention known as the impulse type of catapult, as distinguished from the pneumatic-discharge catapult. Furthermore, on these six vessels these catapults have to be so arranged as to be placed on the turrets of the vessels, as that is the only part of the ship where these catapults can be placed. It is only recently that this "impulse" device has been perfected to such an extent that the Navy Department believes warrants the installation of this particular form of catapult.

Mr. LAZARO. Is it the gentleman's opinion that after these ships are prepared and ready for service we will compare favorably with the other nations under the 5–5–3 treaty?

Mr. MILLER. We will. That is the judgment of our committee. I may say that in installing these catapults the mainmast of the ship has to be moved aft 110 feet, and some of the antiaircraft guns on the decks have to be replaced.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes.

Mr. BLACK of Texas. Has the Navy Department sufficiently tested out this new device to make them certain that it will increase the efficiency of the battleship and will not be money expended without receiving adequate returns, in the point of efficiency of the battleships?

Mr. MILLER. Yes. This form of catapult has been tested over and over again by the Navy Department, and it is perfectly satisfied with the device. It has been tested out under all conditions. The impulse is gained from a discharge of powder instead of the old form of release of compressed air. The force acts quicker, and thus the speed of the plane is greater at the instant of the "take off"; this in turn permits the runway to be shorter in length and makes this form available for turret construction or its construction on the turret. I may say that our Navy is the only one having this type of a catapult. We invented it, perfected it, and up to this time the construction and operation of this device is a Navy secret. No other Navy has it.

About six weeks ago the Naval Affairs Committee of the House and Senate and other gentlemen of the House were invited to witness a demonstration of this form of catapult. The Navy recommends it especially for the type of catapult it is necessary to put on these six major vessels of the Navy.

Mr. DENISON. Will the gentleman yield?

Mr. MILLER. I will.

Mr. DENISON. I do not want the gentleman to take it out of his time on his request for consent to take up this bill; but while the gentleman is discussing the bill, would he kindly explain how the catapult works and whether or not a battleship must carry airplanes itself, and whether the airplanes must land on the battleships?

Mr. MILLER. Every vessel of the United States Navy of the battleship type has certain airplanes assigned to it—they are three in number—together with the necessary personnel for their operation. Without these catapults the battleship has to stop to launch these planes, and particularly if there is a rough sea it is impossible to launch a plane from the water. Now, in these six ships this form of catapult has been designed by the Navy to be placed upon them. The airplanes can be launched without the vessel in any way slowing down.

Mr. DENISON. As I understand the battleship now stops to allow the airplane to be launched.

Mr. MILLER. Not stop, but slackens speed.

Mr. VINSON of Georgia. The gentleman has made a mistake, because the 30 catapults now assigned to battleships are shot from the battleship without being let over the side.

Mr. MILLER. Well, if there is no catapult aboard the ship, that is the case we want to cover. I am speaking of these six ships upon which there are no catapults at present, for no other form will be possible to install on this particular type of vessel. I am perfectly aware other vessels have catapults, but these six vessels have none.

Mr. BLACK of Texas. If the gentleman will permit a question: Are these catapults to be installed by private contractors or to be installed in the navy yards?

Mr. MILLER. They are to be installed in the navy yards.

Mr. LAGUARDIA. My understanding of the bill is this: The appropriation authorized for the fiscal years 1926, 1927, and 1928—the bill is sufficiently broad that should there be any changes between those years in any improved type they could go ahead and put in the improved type.

Mr. MILLER. I presume so.

Mr. BUTLER. We are not bound to any one type in the bill as I read it.

Mr. DENISON. I do not think the gentleman has finished answering my question. How does the battleship recover the airplane after it is launched?

Mr. MILLER. Pick it up in the water.

Mr. DENISON. From the water?

Mr. MILLER. Yes.

Mr. BUTLER. I think they have a contrivance which enables them to land directly on the ship.

Mr. MILLER. On certain types, not on this type.

Mr. BUTLER. But on the large ships they will land directly on the deck.

Mr. MILLER. The installation of airplane catapults was not requested at the time the previous alterations were authorized, as no suitable location could be found for the type of catapult then in use. The catapult then in use was of the air-impulse type and was not considered suitable for installation on a turret, which is the only location available on these vessels. Since that date the development of a powder-impulse catapult has been brought to successful issue, and catapults of this type are being installed on the turrets of our latest battleships and have proved a success in actual service. The installation proposed on the battleships listed above is the same as is being adopted for the later battleships.

Airplanes are now assigned to the six battleships, but due to the absence of catapults the planes must be lowered to the water and take off from the water. This method of handling airplanes requires the ship to stop in order to lower the airplane to the water. Unless the sea is fairly smooth the airplane can not take off, and actual experience in service has demonstrated that weather that causes no interference whatever with launching an airplane from a catapult will prevent an airplane rising from the water. Without the catapults, therefore, the movements of the vessel itself when approaching the enemy are seriously hampered and, except under the most favorable conditions of weather, the vessel is deprived of the use of its airplanes when the need is most urgent.

The value of airplanes for service with the fleet has been amply demonstrated, and the proposed alteration constitutes a very important military improvement well worth the expenditure involved. The installation of catapults on the turrets of these vessels necessitates a change in the mainmasts and also the relocation of some of the antiaircraft guns. These changes, while somewhat increasing the cost of the work, give a better arrangement of the antiaircraft battery and an improved radio installation.

The bill provides that the funds appropriated for the alterations already authorized to these six battleships be made available also for the installation of the catapults. The alterations authorized by the act of December 18, 1924, are now under way on the *Texas*, *Arkansas*, and *Florida*, and will, it is estimated, be completed in the late fall of the present year. It is desired to proceed promptly with the catapult work, so that when the battleships are again placed in service they will carry the appliances necessary for the effective use of their airplanes.

If there is any gentleman who would like to ask me any questions concerning the bill I would be glad to undertake to answer them.

Mr. LAZARO. If the gentleman will yield for another question. I never could get straight in my head why we scrapped battleships which were about 90 per cent complete and kept these old ships we have been spending money on now in order to modernize them and in order to keep up with the 5-5-3 program.

Mr. MILLER. I will say the device covered by this bill to be installed on these battleships was not at all designed for any of the battleships scrapped.

Mr. LaGUARDIA. The fact is, the Washington conference mentioned certain battleships, and that is the answer to the gentleman's question.

Mr. MILLER. So far as scrapping is concerned; yes.

Mr. LaGUARDIA. They were specified by name.

Mr. MILLER. Certainly.

The SPEAKER pro tempore. Is there objection to the consideration of this bill in the House as in Committee of the Whole? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10503) to authorize certain alterations to the six coal-burning battleships for the purpose of providing better launching and handling arrangements for airplanes

Be it enacted, etc., That in addition to the alterations authorized in paragraph 1 of the act approved December 18, 1924, entitled "An act to authorize alterations to certain naval vessels and to provide for the construction of additional vessels," the installation of improved appliances for launching and handling airplanes on the six battleships, *New York*, *Texas*, *Florida*, *Utah*, *Arkansas*, and *Wyoming*, is hereby authorized and the limit of cost of the alterations for such ships is hereby increased by the sum of $1,350,000: *Provided*, That the funds appropriated or to be appropriated for "alterations to naval vessels" may be utilized for the work hereby authorized.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CORRECTING STATUS OF CERTAIN COMMISSIONED OFFICERS OF THE NAVY

Mr. DREWRY. Mr. Speaker, on behalf of the Committee on Naval Affairs I desire to call up the bill S. 85, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, let the gentleman from Virginia give a brief explanation of what the bill does.

The SPEAKER pro tempore. The gentleman from Texas reserves the right to object.

Mr. DREWRY. Mr. Speaker, the bill affects only two enlisted men whose status in the Navy was lost by reason of administrative delay in the department. The department lost the examination papers of these two men, and so, although these men were eligible, along with a number of others—a hundred or more—their papers were not considered until it was too late for them to get the status which they otherwise would have received. This bill is offered to correct that injustice to these two men.

Mr. BUTLER. It was through no fault of those men. I never heard of such a thing happening before.

Mr. BLACK of Texas. Are these officers in the Navy now?

Mr. DREWRY. Yes. One is an ensign and the other is a lieutenant of junior grade.

Mr. BUTLER. This bill gives them the status that they would have had if the department had not lost their papers.

Mr. BLACK of Texas. I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 85) to correct the status of certain commissioned officers of the Navy appointed thereto pursuant to the provisions of the act of Congress approved June 4, 1920

Be it enacted, etc., That all officers of the regular Navy appointed subsequent to June 30, 1922, in accordance with the provisions of the act of Congress approved June 4, 1920 (41 Stat. L. pp. 834, 835), who were examined and found qualified in all respects for such appointment prior to June 30, 1922, but whose appointments were delayed subsequent to that date through no fault of their own, shall be entitled to count, from and after date of appointment, in the computation of their pay, all service which would have been credited to them had they been so appointed on or before June 30, 1922.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

MARINE BAND

Mr. BURDICK. Mr. Speaker, I desire to call up the bill S. 2058, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Rhode Island calls up the bill S. 2058, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I think the gentleman from Rhode Island should give us some explanation about this bill.

The SPEAKER pro tempore. The gentleman from Texas reserves the right to object.

Mr. BURDICK. Mr. Speaker, it is a bill to place members of the Marine Band who were retired prior to July, 1922, on the same basis with those who were retired since then. It has been recommended by the department, and it appeared to the committee to be just.

Mr. BLACK of Texas. Mr. Speaker, I am not going to object to the consideration of the bill at this time, although I did do all I could to prevent the enactment of the law which Congress passed recently, increasing the pay of all these retired officers of the Army and Navy to the same pay as those

who have been retired since the act of 1922. That bill will cost us between $700,000 and $800,000 a year, for a while at least.

Mr. BURDICK. These are not officers.

Mr. BLACK of Texas. I know; but the principle is the same. I am not going to try to obstruct the passage of this particular bill this afternoon, because Congress has already declared its legislative policy, but under this reservation to object I do want to say this:

The reason for the enactment of that law to which I have already referred was based upon a premise that will not stand analysis. These officers who have been contending for this change claim that they have been unjustly discriminated against in that officers have been retired since July 1, 1922, at one grade of pay, whereas those retiring before that date are drawing retirement pay under the act which existed before the law was passed.

Now, here is the truth of the matter, and if I am wrong, I want to be corrected: The act of 1870, known as the general retirement act, provides that officers of the Army, Navy, and Marine Corps when they are retired shall draw 75 per cent of the pay of their rank at the time of retirement. All right. They still do that, as I understand. The act of July 1, 1922, does not change the basic pay of an officer's rank. Am I correct about that?

Mr. BURDICK. I think the gentleman is correct.

Mr. BLACK of Texas. I think I am correct. It simply changes the method of pay, and by that new method, while the basic pay of the rank is not changed, the pay of the officer is changed because it is based upon periods of service.

Now, as a matter of fact, there was no discrimination against the officers already retired. But they said to us, "If you do not amend the law and put us under the act of 1922, you will break a moral obligation." I deny it. They are receiving just exactly what the law of 1870 provided they should receive.

Mr. BURDICK. They are being paid just what was agreed to.

Mr. BLACK of Texas. The bill ought never to have been passed, and I am going to vote against this one this afternoon; but I realize that I can not prevent its passage. I am not going to object to considering it in the House as in Committee of the Whole because, if I objected, all you would have to do would be to go into Committee of the Whole and pass the bill.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman explain what he meant a moment ago when he said it was a difference of method?

Mr. BLACK of Texas. I will say to the gentleman from Wisconsin that those who were in charge of the drafting of the Army and Navy pay bill of 1922 worked out a system that did not change the basic pay of the rank, but they did work out a very ingenious method of computing the pay according to periods of service, a method by which the pay of officers was very materially increased, but the basic pay of the rank was not changed.

Now, Mr. Speaker, I withdraw my objection to the present consideration of this bill, although I am opposed to the enactment of the bill and will vote against it.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 2058) for the relief of members of the band of the United States Marine Corps who were retired prior to June 30, 1922, and for the relief of members transferred to the Fleet Marine Corps Reserve

Be it enacted, etc., That the provisions of section 11 of the act of March 4, 1925, an act providing for sundry matters affecting the naval service, establishing the pay and allowances authorized for the second leader and the musicians of the band of the United States Marine Corps, shall apply in computing the pay of all former members of the band now on the retired list, including those former members transferred to the Fleet Marine Corps Reserve and who are now on the active and retired lists of the Fleet Marine Corps Reserve.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

BATTLE FIELD OF MOORE'S CREEK, N. C.

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. R. 3796, a bill passed to-day.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD on H. R. 3796, a bill passed to-day. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Speaker and gentlemen of the House, the Congress has just begun to appropriately recognize one of the great battles of the Revolution when it passed H. R. 3796, introduced by me, being an act to establish a national military park at the battle field of Moores Creek, Pender County, N. C.

This great battle has been appropriately recognized by the Legislature of North Carolina; the State Society of the Daughters of the American Revolution of North Carolina under the splendid leadership of the State regent, Mrs. Edwin Clark Gregory; the National Society of the Daughters of the American Revolution, who passed a resolution at its last session in the city of Washington unanimously indorsing the establishment of this national military park; and by the Congress by the passage of the bill establishing this park and the approval of the President of the United States.

For a number of years some of the patriotic descendants of the heroes of this battle, who fought on the American side, have banded themselves together into a society called the Moores Creek Battle Ground Association, and annually they have celebrations on this sacred spot in commemoration of this great battle.

It is most appropriate that the Government should take it over and to do such acts and things as may be necessary to make this a historic shrine for the whole Nation to the end that the present and future generations visiting, reading, and hearing of the details of this battle may be inspired and fired with patriotic zeal and devotion to our great country and its high ideals.

The great Military Affairs Committee of the House in reporting the bill through Representative WURZBACH has the following to say:

On the 27th day of February, 1776, the first American victory was gained by the American arms in the War of the Revolution at Moores Creek, Pender County, N. C. The National Society of the Daughters of the American Revolution in a recent session in the city of Washington unanimously passed the following resolution:

"Whereas on February 27, 1776, 150 years ago, was won at Moores Creek, in Pender County, N. C., the first decisive victory of the American Army in the War of the Revolution, when 1,000 patriots under Col. Alexendar Lillington put to flight 1,600 Tories under General McLeod, and thereby saved North Carolina to the cause of American independence.

"Whereas the victory was one of the chief factors leading to the ultimate decision of the colony to pass the Halifax resolutions of independence and freedom from English rule, so powerful in effect on the subsequent Federal Declaration of Independence.

"Whereas Fiske, in his History of the American Revolution, states 'The effect of the victory was as contagious as that of Lexington in New England.' Within 10 days 10,000 militia were ready to withstand the enemy, so that Clinton on his arrival decided not to land. A provincial congress was forthwith assembled and instructions were sent to the North Carolina Delegates in the Continental Congress empowering them to concur in declaring independence. Wherefore be it

"*Resolved*, That the National Society of the Daughters of the American Revolution in Congress assembled indorse the resolution passed by the North Carolina State Conference to request the Senate and the House of Representatives of the United States to pass a bill providing for sufficient appropriations to create and maintain a national park at Moores Creek battle ground, Pender County, N. C."

The national officers of the Daughters of the American Revolution filed with the Military Affairs Committee a statement as follows:

"It is a pleasure to comply with the request of Congressman CHARLES L. ABERNETHY and Senator LEE S. OVERMAN to indorse the resolution passed by the State conference of North Carolina Daughters of the American Revolution, and unanimously indorsed by the national board of the Daughters of the American Revolution, Saturday, April 17, 1926, to request the House of Representatives and the Senate to pass a bill to establish and maintain a national park at Moores Creek battle ground in Pender County, N. C.

"Mrs. ANTHONY WAYNE COOK,
"President General N. S. D. A. R.
"Mrs. GEORGE DE BOLT,
"Historian General N. S. D. A. R.
"Mrs. JOHN TRIGG MOSS,
"Chairman Resolutions Committee, Congress, 1926, N. S. D. A. R."

A simple brownstone monument stands as a memorial to the first victory gained by the American Army in the War of the Revolution. North Carolina throughout the War of Independence devoted her energy to the cause of freedom, and this was brought about largely on the strategy and zeal of Colonels Moore, Caswell, and Lillington, who, with their 1,100 men, stopped 1,600 of the enemy.

The hope of General MacDonald, commander of the Tories and hero of Bunker Hill, was to reach Wilmington, where he expected to find Sir Henry Clinton and Lord William Campbell with a considerable land and naval force, and to be able in a short time to make an aggressive and successful advance into the interior. He organized his army of Tories and broke camp on the 23d of February, 1776, crossed the Cape Fear River, and pushed on at a rapid pace pursued by Colonel Moore and his band of patriots; crossed the South River from Bladen and New Hanover, and on approaching Moores Creek he came upon the camps of Colonels Caswell and Lillington.

The following morning the loyalists rushed forward under Captain McLeod, and the patriots, who had waited behind the breastworks constructed during the night until the Tories were within 30 paces, then arose from their concealment and bravely confronted the foe. Captain McLeod and the second leader, John Campbell, were killed; the Tories were dispersed and 900 made prisoners, including McDonald himself. Rifles and ammunition were taken in great quantities, and stores amounting to the value of $100,000.

The amount of spoils taken and the number of prisoners captured does not show the benefits of this victory. The victory was the destruction of the great scheme which had been formed for the subjugation of North Carolina. The breaking up of the combination of the enemies of the colonists at home secured the State of North Carolina for the cause of independence. It showed that North Carolina was able to hold in check the Tories within her borders, and it won over to the cause of freedom many who had hitherto held back for fear of English power. A warm zeal invaded all ranks of the people in every part of the colony, and in less than two weeks approximately 10,000 men had risen against the enemy. The coming of Clinton inspired no terror, and almost every man was ready to turn out at a moment's notice.

About the time of this battle Sir Henry Clinton and Lord William Campbell were entering the Cape Fear with a considerable force; Sir Henry Parker, with 10 or 12 ships, and Lord Cornwallis, with 7 regiments, were expected every hour. Bitter was their disappointment when on reaching Fort Johnson a few days later to learn when on the very eve of attaining the object of their expedition the loyalists of the State had been repulsed and driven back and all who survived the fatal day were captured or scattered, and their hopes were completely blasted.

This battle is of great national import, as is evidenced by the action of that patriotic body, the National Society of the Daughters of the American Revolution. The historical references to it are many.

Dawson, in Battles of the United States, volume 1, says:

"This battle was of eminent service to the American cause of independence in America. It broke the spirit of a great body of men who would have constituted a very formidable reinforcement to an invading army. Had General MacDonald effected a union with Sir Henry Clinton, the whole of the colony would have been placed at their mercy."

Frothingham, in The Rise of the Republic of the United States, says:

"This was the Concord and Lexington of that region. The newspapers circulated the details of this brilliant result. The spirits of the Whigs ran high. 'You never,' one writes, 'knew the like in your life for true patriotism.'"

Caruthers, in Revolutionary Incidents, says:

"The Battle of Moores Creek was to the South pretty much what the Battle of Lexington was to the North. In the former case the victory was more complete, but we speak of it as a test of courage and its effects upon the community in preparing them for the approaching contest with the gigantic power of Great Britain."

John Fiske, in his American Revolution, volume 1, page 177, says:

"The effect of the victory was as contagious as that of Lexington had been in New England. Within 10 days 10,000 militia were ready to withstand the enemy, so that Clinton on his arrival decided not to land and stayed cruising about Albemarle Sound waiting for the fleet under Parker, which did not appear on the scene until May. A provincial congress was forthwith assembled, and instructions were sent to the North Carolina Delegates in the Continental Congress empowering them to concur with the Delegates in the other Colonies in declaring independency and forming foreign alliances, reserving to the colony the sole and exclusive right of forming a constitution and laws for it."

In the correspondence of George III, I, 276; quoted in Frothingham, The Rise of the Republic of the United States, Boston, 1872, page 502:

"Governor Martin was endeavoring to save the State for the Crown and expected to accomplish his aim by brilliant activities on the part of the Tory highlanders whom he hoped to have reenforced by Sir Henry Clinton's expedition from England, sent by George III, because, as he said, 'I am clear the first attempt should be made on North Carolina, as the highland settlers are said to be well inclined' * * *. 'Thousands of Scots assembled; but only 1,000 remained when it was found that no royal troops had arrived. Under MacDonald, the faithful started on their march to Wilmington. They were met at Moores Creek Bridge, 18 miles above Wilmington, by the radicals on February 27, 1776, and were killed, captured, or dispersed to a man.'"

See also Channing, Edward: A History of the United States, 1912, Volume 3; The American Revolution, page 178, 179.

Henry Cabot Lodge says that—

"Governor Martin stirred up one part of the community against the other, set a civil war on foot in the colony, betook himself to a man of war, and cried out for help from England. The usual result followed. The loyalists attacked the minute men under Caswell, who had posted themselves at a bridge from which they had taken the planks. The Highlanders gallantly attempted to cross on the beams but were beaten back, for the claymore was no match for the rifle. In this way the colony was alienated from the Crown, fighting was started, the party of the revolution and resistance was left with a clear field and a free hand as the only positive force, to set up an independent government and seize all authority. Lodge, Henry Cabot: The Story of the Revolution. New York, 1903, page 123."

R. D. W. Connor, in his History of North Carolina, volume 1, The Colonial and Revolutionary Periods, page 388, says:

"High ran the enthusiasm of the Whigs, and high their confidence. Ten thousand men sprang to arms and hurried to Wilmington. 'Since I was born,' wrote an eyewitness, 'I never heard of so universal an ardor for fighting and so perfect a union among all degrees of men.'"

John Clark Ridpath, in the New Complete History of the United States of America, Cincinnati, 1905, volume 5, 2490, says of this battle:

"All patriotic North Carolina sprang to arms, 10,000 being in camp in a few days."

Caruthers, in speaking of this battle, further states:

"The effect was to arouse their ambition, to fire them with resentment, to increase their confidence in themselves, and give them a better appreciation of their rights."

Gordon, William: History of the Rise, Progress, and Establishment of the Independence of the United States of America, London, 1788, volume 11, page 10:

"The joy of this conquest diffused among the North Carolinians is inconceivable, the importance of it being heightened by General Clinton and Lord William Campbell being then at Cape Fear in sanguine expectation of being joined by the vanquished."

Caruthers, Joseph S., supra cit., 94–95, further states:

"By their conduct at the bridge and by the victory achieved, they gained some military experience and a more intelligent confidence in themselves, which was of more advantage to them and to the country than all the spoils taken from the enemy."

Bancroft, George: History of the United States of America, New York, 1892, Volume LV, page 390, 391, says:

"North Carolina, proud of its victory over domestic enemies and roused to defiance by the arrival of Clinton in their great river, met in Congress at Halifax on the 4th of April; on the 8th appointed a select committee, of which Harnett was the head, to consider the usurpations and violences of the British Parliament and King; and on the 12th, after listening to its report, unanimously 'empowered their Delegates in the Continental Congress to concur with the Delegates of the other Colonies in declaring independency and forming foreign alliances.' At the same time they reserved to their colony the sole right of forming its own constitution and laws. The people of North Carolina were the first in America to vote an explicit sanction to independence."

R. D. W. Connor, supra cit., Volume I, 389:

"North Carolina was the Rubicon over which the Colonies passed to independence and constitutional self-government. Before that event the Whig leaders had rather dreaded than sought independence. They met with indignant denial the assertions of their enemies that they had aimed at it from the beginning of their dispute with the mother country. * * * At any rate, they approached independence slowly, through a long process of development, and finally adopted it, as emancipation was afterwards adopted, as a war measure. Officially, North Carolina led the way with the first resolution adopted by any of the Colonies authorizing their Delegates in the Continental Congress to vote for independence."

Channing, Edward: A History of the United States, New York, 1912, says:

"This complete crushing of the southern loyalists brought to the fore the question of the thirteen Colonies."

At its session of the legislature in 1925 the State of North Carolina passed the following resolution:

"Whereas on February 27, 1776, at Moores Creek Bridge in North Carolina, 1,000 patriots, under the command of Col. Alexander Lillington, put to flight 1,600 Tories, under the command of Col. Donald McLeod, and thereby saved North Carolina to the cause of American independence; showed that North Carolina was able to hold in check

the Tories within her borders; won over to the cause of freedom many who heretofore held back for fear of England's power; and so thoroughly broke the spirit of the Highlanders that they never again rallied in North Carolina to the support of the royal cause; and

"Whereas the troops engaged in this battle under the patriot supreme commander, Col. James Moore, and the royal supreme commander, Gen. Donald MacDonald, were engaged in the first set of military campaigns of the War of the Revolution and the patriots here won the first pitched battle fought against royal troops in this war: Now therefore be it

"Resolved by the senate (the house of representatives concurring):

"1. That Moores Creek battle ground, in Pender County, N. C., ought to be erected into a national park and so maintained by the Federal Government.

"2. That a copy of this resolution be forwarded to each Senator and Member of the House of Representatives in Congress from this State, with the request that they seek by appropriate legislation to erect and maintain Moores Creek battle ground as a national park.

"In the general assembly, read three times, and ratified this 27th day of February, 1925."

The legislature also passed a resolution authorizing the Governor of North Carolina to turn over to the Federal Government without cost this battle field, the title to which is in the State of North Carolina, together with all the buildings thereon. There are several buildings on the grounds—a large auditorium; a splendid artesian well; the grounds are suitably fenced. This battle field was recognized by Congress at a previous session when a modest monument was erected to Mary Slocumb, who made the memorable ride of 60 miles because she had a dream that her husband was wounded. A very beautiful account of this ride is given in Wheeler's North Carolina History, page 457. Mary Slocumb's maiden name was Mary Hooks. She was a sister of Hon. Charles Hooks, who was a Member of Congress from the Wilmington, N. C., district from 1816 to 1825, and who removed from North Carolina to Alabama. This account of Mary Slocumb's ride is taken from Mrs. Elizabeth Eliet's The Women of the Revolution.

Our committee feels that this important battle should be appropriately recognized by being converted into a military park.

It is well that we should turn aside now and then from the more sordid things of life and deal with the finer sensibilities of the heart and soul. Our Nation has many sacred memories and many historic shrines it should perpetuate in the hearts of our people. The great Battle of Moores Creek is one of them. I am proud to have been the humble instrument in introducing and securing the passage through the House of this bill establishing Moores Creek battle field as a national military park.

Mr. BUTLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BUTLER. It may not be a parliamentary inquiry, but I shall be indebted to the Chair if he will inform me—because I can not recall—whether motions to reconsider have been made on all of the bills passed to-day.

The SPEAKER pro tempore. They have.

EQUALIZATION OF PROMOTION OF OFFICERS OF THE STAFF CORPS OF THE NAVY WITH OFFICERS OF THE LINE

Mr. STEPHENS. Mr. Speaker, I desire to call up H. R. 7181, a bill to provide for the equalization of promotion of officers of the Staff Corps of the Navy with officers of the line, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. VINSON of Georgia. Mr. Speaker, reserving the right to object, will the gentleman from Ohio state whether or not it is his intention to press this bill to final consideration to-day or does he merely want to debate the bill and then after the debate has made some progress pass it over until the next call of the calendar? The reason I ask that is because I am apprehensive that if we go into this bill we might have considerable trouble in keeping a quorum and points of no quorum might be made. I just wanted to find out what the thought of the gentleman is along that line.

Mr. STEPHENS. Well, I will say to the gentleman that I have not given any thought to the procedure he has just suggested. On the spur of the moment I thought of the same procedure we have followed as to these other bills, but if there was objection I should imagine we would go into the Committee of the Whole for the consideration of the bill.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. STEPHENS. Yes.

Mr. BLACK of Texas. I will say this to the gentleman: This bill contains 22 pages; it is a very important bill, and as a Member of the House I try as best I can to study these bills, especially when they are important. While after a study of that kind I might not be opposed to the bill I should feel compelled this afternoon to do all I could to stave off its consideration in order to have time to study the bill. I hope the gentleman will not bring it up this afternoon.

Mr. STEPHENS. What does the gentleman think about considering it in the Committee of the Whole for discussion and reading?

Mr. BLACK of Texas. Ordinarily I have no desire to obstruct the passage of a bill, but no one expected that the Naval Affairs Committee would have the call to-day, and Members of the House have had no opportunity to study this bill. Now, some of the bills we have passed were not of large importance, and it was all right to bring them up, but I think a bill of this kind should not be taken up until the next Calendar Wednesday.

Mr. STEPHENS. Does not the gentleman think it would be good procedure to go into the Committee of the Whole and have the bill discussed? Then the gentleman will have an opportunity to read the bill and discuss it.

Mr. BLACK of Texas. Well, I could not possibly study the bill this afternoon as it should be studied, here on the floor of the House.

Mr. DREWRY. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. DREWRY. What reason has the gentleman for thinking that this bill is of such great importance that it should not be taken up and discussed this afternoon?

Mr. BLACK of Texas. It should be discussed all right, but I will say to the gentleman that if it is taken up I will do all I possibly can to postpone its consideration, because it deals with the whole commissioned service of the Navy and is a very important bill.

Mr. DREWRY. Will the gentleman allow me to say that the bill only affects 157 men. It has been passed unanimously by the Naval Affairs Committee, has been requested by the Navy Department, and, further, is in harmony with the ideas of the line and of the staff corps. There is no objection on their part and, as I say, it affects only 157 men of the staff corps.

Mr. BLACK of Texas. Well, it affects the whole Navy commissioned personnel. It may be that in its operation only that particular number of officers would be affected, but the provisions of the bill apply to all of the commissioned personnel of the Navy.

Mr. VESTAL. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. VESTAL. I will say to the gentleman that my understanding of the bill is—although I have not read it very carefully—that it is merely an equalization of rank and not a question of pay.

Mr. BLACK of Texas. Of course, if the gentleman thinks that he is rather unsophisticated.

Mr. VESTAL. That is my understanding. It may in one or two instances, but very few instances. It is an equalization of rank and not a question of pay.

Mr. DREWRY. And does not affect the commissioned personnel at all?

Mr. VESTAL. That is my understanding.

Mr. BLACK of Texas. If any bill has ever been brought in by the Committee on Naval Affairs or the Committee on Military Affairs, as a so-called equalization bill, that did not add large additional burdens on the Treasury, I have no recollection of it; and if my friend from Indiana is unsophisticated enough to believe that the real purpose behind this bill is not to increase the pay of a considerable number of naval officers, then he needs to study it more diligently.

Mr. STEPHENS. Will the gentleman yield?

Mr. BLACK of Texas. I yield.

Mr. STEPHENS. What procedure does the gentleman propose?

Mr. BLACK of Texas. Well, I was going to request the gentleman to let this bill go over until next Wednesday so that some of us can study it and see whether or not we want to make an effort to amend it or possibly defeat it if we regard it as a bad bill.

Mr. STEPHENS. Does the gentleman think it advisable to take the bill up for discussion this afternoon?

Mr. BLACK of Texas. I am not ready to discuss it myself, I will say to the gentleman very frankly, because I have not had time to study the bill. Not having the honor of being a member of the Committee on Naval Affairs, this bill has not been brought to my attention.

Mr. BUTLER. I would be unable to make any explanation to my friend, but I can make this statement to him. I was not

able to sit with the committee when they considered this bill for two or three weeks and unanimously agreed upon it; but if it does not work as we are assured by these intelligent men in the department who are the sponsors of the bill, I will never vote for a bit of personnel legislation as long as I live. We are assured that this will cost the first year, how much?

Mr. STEPHENS. The total estimated cost of promoting the 157 officers during the whole time is $20,500.

Mr. BUTLER. And when will it run out?

Mr. STEPHENS. In five years. The cost the first year is $11,100, and the remaining cost is spread over the ensuing five years. In our report, as we first got the figures, the cost for the five years was $37,500.

Mr. DREWRY. But that was a mistake.

Mr. STEPHENS. We have recent computations and figures which show, as I have just stated, that the amount for five years will be $20,500, and the cost the first year $11,100 and the remainder spread over the ensuing five years.

Mr. BLACK of Texas. Those figures are from the Navy Department?

Mr. STEPHENS. Yes.

Mr. BUTLER. Will my friend permit me to make this statement to him? I do not know whether these figures are correct or not. They are given to us by men upon whom we think we can rely. If they are wrong, and if this does increase the expenses beyond these figures, I hope the Lord will let me live until the day I can show these people I am against them, because we have to accept the statements of these men.

Mr. BLACK of Texas. But the Members of the House have not even had the benefit of those figures, because I find it stated in the report that the cost each year up to 1935 would be $37,000.

Mr. BUTLER. But now we have another estimate.

Mr. BLACK of Texas. Thirty-seven thousand dollars each year up to 1935 and $20,000 per annum thereafter.

Mr. STEPHENS. That is a mistake.

Mr. BUTLER. I have taken these figures from men in whom I have confidence.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. VINSON of Georgia. I will state to the gentleman from Texas it is necessary to have legislation of this kind to carry out what the committee is seeking to do in amalgamating the line and the staff. The committee hopes it may be able some time to work out a bill which will amalgamate the line and the staff and have one line in the Navy. As the law is to-day you have a staff line and you have a line of line officers. This applies to the staff, and it is necessary to equalize these two lines so we can amalgamate the line and the staff into one organization.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. CONNALLY of Texas. I want to ask the gentleman from Ohio a question. The gentleman states this is a bill to equalize.

Mr. STEPHENS. That is what they call it.

Mr. CONNALLY of Texas. How many do you raise?

Mr. STEPHENS. About 157.

Mr. CONNALLY of Texas. How many do you lower?

Mr. STEPHENS. You do not lower any.

Mr. CONNALLY of Texas. I did not think so.

Mr. STEPHENS. But wait a moment. You do not lower any, but there are quite a number of them who stand still. You do not lower them, but they have to stand still perhaps for five years until they are caught up with. They are ahead now. There are some of the staff officers who are below their running mates in the line, and this equalizes it. It puts the staff officers up with their running mates in the line.

Mr. CONNALLY of Texas. When did he get to be a running mate, if he is not on an equality with him?

Mr. STEPHENS. He has always had him as a running mate from the time he started.

Mr. VINSON of Georgia. From the time he left the Naval Academy.

Mr. STEPHENS. But the line officer has gone up faster than the staff officer whose running mate the line officer is.

Mr. CONNALLY of Texas. What is he doing in the staff? Why did he not stay in the line if he did not want to go into the staff?

Mr. STEPHENS. They were never in the line. They are men who have always been in the staff.

Mr. CONNALLY of Texas. They went in because they wanted to go into the staff, and now because they did not get promoted faster in the staff you propose to artificially boost them in rank, so that they will have the rank they would have had if they had stayed in the line.

Mr. STEPHENS. No; the gentleman has the wrong idea.

Mr. VINSON of Georgia. They were not in the line. They began as staff officers, and they went along with their running mates in the line, but some of them in the staff did not advance as fast as their running mates in the line.

Mr. CONNALLY of Texas. What is a running mate?

Mr. STEPHENS. When two young men start into the service together after they leave the Academy they have the line officer as a running mate for all the staff officers who graduated in the same class, who entered the service at that time. The line officer is the running mate. There might be half a dozen staff officers that would have the same running mate because they went in together; as they advance the line officer advances according to the rule, but the staff officers, or some of the staff officers through their organization of the staff do not advance. So here is a lieutenant and his running mate may be a commander.

Now, they are drawing the same pay; they are in the same pay period although one is a lieutenant and one is a commander. The lieutenant is drawing the same pay as the commander because they are in the same pay period. This is to equalize things.

Mr. CHINDBLOM. If the gentleman will explain what a staff officer is, it will be more clear.

Mr. VINSON of Georgia. There are six staff corps; the Construction Corps, the Paymaster Corps, the Chaplain Corps, the Dental Corps, and Medical Corps, and the Corps of Accounts and Supplies. Officers that go into these corps are classified as staff officers. It is not like the staff in the Army.

Mr. CONNALLY of Texas. Will the gentleman yield further?

Mr. STEPHENS. Yes.

Mr. CONNALLY of Texas. Why do you not equalize by pulling the running mate down to the other?

Mr. STEPHENS. You can not do that.

Mr. VINSON of Georgia. The reason is because they are entitled to a certain number or percentage in each corps, and when the corps has attained a certain per cent you can not reduce it.

Mr. CHINDBLOM. The question would be whether you wanted to pull down a large number or raise a few.

Mr. CONNALLY of Texas. Let me ask the gentleman a further question. Is it not a fact that the staff officers, or most of them, are in Washington or on shore duty?

Mr. STEPHENS. No; you take the Corps of Accounts and Supplies, and they are all over the world.

Mr. CONNALLY of Texas. I did not ask if all of them were here.

Mr. VINSON of Georgia. The majority are on shore stations, of course.

Mr. STEPHENS. Take the Supply Corps, and you know where they are scattered—all over the world.

Mr. CONNALLY of Texas. I asked if the majority were not in Washington or on shore duty.

Mr. STEPHENS. I understood the gentleman to ask if they were in Washington.

Mr. CONNALLY of Texas. Is it not a fact that the majority are in Washington or on shore duty?

Mr. STEPHENS. The majority are on shore duty.

Mr. CONNALLY of Texas. Is it not a further fact that the line officers have to go to sea every four years or some certain period, and that that is a less desirable service than the shore duty, and that these officers deliberately select the staff corps; and now, because they are not promoted as fast as the men who have earned promotion, the gentleman comes along with a big jack and puts it under the staff officers to hoist them up to where they would have been if they had not gone into the staff corps?

Mr. STEPHENS. The gentleman has a wrong idea of it.

Mr. CONNALLY of Texas. What assurance will the committee give us when we hoist these fellows up that the committee will not be back here next fall or later with another jack to hoist somebody up to where they are?

Mr. STEPHENS. I will say that this is an equalization bill.

Mr. CONNALLY of Texas. Which it is not; it is a hoisting bill.

Mr. STEPHENS. Now, we have the six corps. Take the Account and Supplies. A great many come in from civil life. They have their running mate when they begin.

Mr. CONNALLY of Texas. Where do they come from; they are not graduates of the Naval Academy?

Mr. STEPHENS. Not all; our Dental and Medical Corps and the Chaplain Corps do not come out of the academy; the Medical Corps does not come out of the academy; the Dental Corps does not come out of the academy.

Mr. CONNALLY of Texas. Does the gentleman think that civilians who select the staff corps ought to have the same consideration as men who come from the Naval Academy, who have devoted themselves to a naval career?

Mr. WOODRUFF. Why not?

Mr. STEPHENS. The gentleman speaks of these gentlemen who select these corps. The gentleman is mistaken there, because they do not select these corps. The Navy selects them. Take the Medical Corps, for instance. Where are you going to get your doctors?

Mr. CONNALLY of Texas. You are not attempting to draft these men, are you?

Mr. STEPHENS. No. When they want some one in the Medical Corps they can only take a doctor. A doctor is chosen for that corps, and when he goes in and stands his examination, he takes his running mate in the line. Then he goes along with that running mate, and the running mate gets ahead of him, and so the Medical Corps is clear down low.

Mr. CONNALLY of Texas. Why not bring in a bill here making it unlawful for any man to run off and leave his running mate? [Laughter.]

Mr. STEPHENS. Oh, the gentleman is unfair. They are not running off and leaving their running mates at all. The running mate is promoted faster than the man in the Medical Corps.

Mr. SCHAFER. Does the passage of this bill under discussion square with the financial and economy program of the administration, particularly the Director of the Budget?

Mr. STEPHENS. It does.

Mr. BUTLER. Mr. Speaker, let me say this to the gentleman from Texas [Mr. CONNALLY]. As I have said to the gentleman from Texas [Mr. BLACK], I can not make the explanation of this bill that I would like to.

Mr. CONNALLY of Texas. The gentleman is in no different situation than any other gentleman in that respect.

Mr. BUTLER. I am like my friends. I do not understand everything that is in this bill, and I doubt very much if we were to sit here and discuss it for an hour whether we would. I have great confidence in my colleagues on the Naval Affairs Committee who sat with great patience and studied this matter. First, I wanted to know what this was going to cost the Government, and assurance was given, and it will be the disappointment of my life if those facts have been misstated to me. My colleague from Georgia [Mr. VINSON] who has worked with great assiduity and diligence on this bill and on a line bill he has in mind has made the statement that it is the purpose of this committee to report some day to this House a bill that we will all understand, a bill with pages in it that have some periods on them. We want what is called a single list. We want them all put in a single list, and then we will know how to legislate. I am much in accord with my friend Mr. CONNALLY from Texas. I see no sense in this running-mate business, but that is the law. It was made the law by a majority of this House, and we are trying to do what is fair and square toward these men in order that we may have some happiness in the service until we can write a bill and bring it in here, and I think the House will accept it, and that bill will put these men in the list, and then we will be through with what is called rank.

Mr. SCHAFER. If the cost of this bill exceeds the tentative amount suggested by the Navy Department, I assume the gentleman will come in and repeal this law?

Mr. BUTLER. We will rectify it. I have accepted the statement of men in whom I have confidence; and if they have misstated these facts to me they need not come back to me ever for anything more.

Mr. NEWTON of Minnesota. Mr. Chairman, I would like to know how this is going to affect this question of the single promotion list. We have heard much during the last three years of a single promotion list, and personally I am not very keen about it. I do not think we ought to place some members of the staff in the same promotion list that we do men in the combat service of the Navy. However, I am open to conviction on that. What effect will this bill have on this question of a single promotion list?

Mr. BUTLER. When I was the gentleman's age I had the opinion that he has just expressed, but I have grown old and, I think, wiser. I believe there is nothing that will abolish the discord of this splendid military service except a single list.

Mr. STEPHENS. It will help, if anything.

Mr. APPLEBY. Mr. Speaker, the gentleman from Texas [Mr. CONNALLY] suggested that the staff officers of the Navy were not in combat. I call attention to the fact that in the Fifth Marines, in France, during the World War, Lieutenant Commander Boone, who won a congressional medal of honor, was medical corps staff officer, and the naval forces have always been attached to the Marine Corps, and that includes the staff officers.

Mr. CONNALLY of Texas. Turn to section 9 of the bill. I want the gentleman from Ohio to explain what is meant by the words in section 9—

> When a staff officer is advanced whose running mate has not been selected, such staff officer shall have assigned as a new running mate the line officer who is selected and promoted next senior to his former running mate.

Mr. STEPHENS. That means if his running mate should have died. He would not have any running mate then.

Mr. CONNALLY of Texas. But it says, "Has not been selected."

Mr. WOODRUFF. Or if he had failed.

Mr. STEPHENS. The running mate has not been selected, because the old one has gone and the new one has not been selected.

Mr. CONNALLY of Texas. If the gentleman wants to equalize, why does he provide in that section that he shall be promoted and have assigned as a running mate the man who is senior to his former running mate? Why do you not make it the man who is junior?

Mr. WOODRUFF. That is what it does.

Mr. CONNALLY of Texas. Is not every line of this bill filled with favoritism in order to jack up certain officers in the Navy who have not been promoted as they think they ought to be, and increase the cost to the Treasury of the United States.

Mr. STEPHENS. No; I do not believe so. In fact I know it does not.

Mr. CONNALLY of Texas. Point out one section that does not do something for somebody at the expense of the Treasury, and point out one section that does something for the Treasury.

Mr. STEPHENS. Well, I can not point out any section that would carry the idea that the gentleman from Texas has just given us. It does not affect anyone, it does not affect any corps, any class, or individual. That is the reason it harmonizes the whole service. It brings all the different corps to the line; they are in harmony, they agree. The only objection we have had to the bill comes from the Construction Corps, men who have to stand still until their line officers catch up with them.

Mr. BLACK of Texas. If that is the case, at the next session of Congress I assume the Committee on Naval Affairs will have a bill seeking to equalize the pay and the rank of the officers of the Construction Corps.

Mr. STEPHENS. No; because this is permanent, and this stops for all time any more legislation, any more discussion as to the advancement of officers. But I want to say it is only a question of rank. It is not a question of pay——

Mr. CONNALLY of Texas. Where does that $30,000 come in?

Mr. STEPHENS. That is given to some commanders, lieutenant commanders advanced to captain, who get a little bit more, not pay——

Mr. CONNALLY of Texas. Why not say a little bit more?

Mr. STEPHENS. A little bit more allowances——

Mr. CONNALLY of Texas. Who wrote this bill? [Laughter.]

Mr. STEPHENS. I might say this was written by a dozen or more of the Committee on Naval Affairs——

Mr. CONNALLY of Texas. I mean who sent it down to the committee?

Mr. STEPHENS. The original draft of it came from the Navy Department.

Mr. CONNALLY of Texas. I thought so.

Mr. VINSON of Georgia. The Judge Advocate General's Office.

Mr. BLACK of Texas. Mr. Speaker, I object, and I raise the question of consideration on the bill.

The SPEAKER pro tempore. The question of consideration is raised on the bill H. R. 7181. As many as favor taking up the bill H. R. 7181 will signify by saying aye, and those opposed, no.

Mr. CHINDBLOM. Mr. Speaker, a point of order. Is that properly raised in the House? When the chairman of the

committee calls up a bill the House automatically goes into the Committee of the Whole House.

The SPEAKER pro tempore. The question of consideration may be raised in the House and was raised in the House on various occasions.

Mr. CHINDBLOM. On Calendar Wednesday?

The SPEAKER pro tempore. On Calendar Wednesday.

Mr. CHINDBLOM. I did not remember positively.

The SPEAKER pro tempore. It was raised only a couple of weeks ago. The question is, Shall the bill H. R. 7181 be considered?

The question was taken, and the Speaker pro tempore announced the ayes seemed to have it.

On a division (demanded by Mr. BLACK of Texas) there were—ayes 53, noes 5.

Mr. BLACK of Texas. Mr. Speaker, I object to the vote and make the point of order there is no quorum present.

The SPEAKER pro tempore. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 270, nays 22, not voting 139, as follows:

[Roll No. 88]

YEAS—270

Abernethy	Dyer	Ketcham	Rowbottom
Ackerman	Eaton	Kincheloe	Rubey
Allen	Edwards	King	Rutherford
Allgood	Elliott	Kirk	Sanders, N. Y.
Allison	Ellis	Kopp	Sanders, Tex.
Anthony	Esterly	Kurtz	Sandlin
Appleby	Evans	LaGuardia	Schneider
Aswell	Fenn	Lazaro	Scott
Ayres	Fisher	Lea, Calif.	Seger
Bacharach	Fitzgerald, Roy G.	Lehlbach	Sinclair
Bachmann	Fitzgerald, W. T.	Letts	Sinnott
Bacon	Fletcher	Little	Smith
Bailey	Fort	Lowrey	Smithwick
Barbour	Free	Lozier	Snell
Beck	Freeman	Luce	Somers, N. Y.
Beedy	Frothingham	McClintic	Sosnowski
Begg	Fuller	McDuffie	Speaks
Bell	Gambrill	McFadden	Spearing
Black, N. Y.	Garber	McKeown	Sproul, Ill.
Bland	Garner, Tex.	McLaughlin, Mich.	Sproul, Kans.
Bloom	Garrett, Tenn.	McLaughlin, Nebr.	Stalker
Boies	Garrett, Tex.	McLeod	Stephens
Bowles	Gasque	McReynolds	Strong, Kans.
Bowman	Gibson	McSwain	Strother
Boylan	Gilbert	McSweeney	Summers, Wash.
Brand, Ga.	Glynn	MacGregor	Sumners, Tex.
Brand, Ohio	Goldsboro	Manlove	Swank
Briggs	Goodwin	Mansfield	Swartz
Brigham	Gorman	Mapes	Swing
Browne	Green, Fla	Martin, La.	Taber
Browning	Green, Iowa	Martin, Mass.	Taylor, N. J.
Buchanan	Greenwood	Merritt	Taylor, W. Va.
Burdick	Griest	Michener	Thatcher
Burton	Hadley	Miller	Thomas
Butler	Hale	Milligan	Thompson
Byrns	Hall, Ind.	Mills	Thurston
Canfield	Hall, N. Dak.	Montague	Tilson
Carew	Hardy	Montgomery	Tincher
Carss	Harrison	Mooney	Tolley
Carter, Calif.	Hawes	Moore, Ky.	Treadway
Carter, Okla.	Hawley	Moore, Ohio	Underhill
Chalmers	Hayden	Moore, Va.	Underwood
Chindblom	Hersey	Morehead	Updike
Christopherson	Hickey	Morgan	Upshaw
Clague	Hill, Ala.	Morrow	Vaile
Cole	Hill, Md.	Nelson, Me.	Vestal
Collier	Hill, Wash.	Newton, Minn.	Vincent, Mich.
Collins	Hoch	Newton, Mo.	Vinson, Ga.
Colton	Hogg	O'Connell, N. Y.	Wainwright
Cooper, Wis.	Hooper	O'Connell, R. I.	Warren
Corning	Houston	O'Connor, La.	Wason
Cox	Howard	Oldfield	Watres
Coyle	Hudson	Oliver, Ala.	Watson
Crampton	Hudspeth	Oliver, N. Y.	Welsh
Crisp	Hull, Tenn.	Parker	Wheeler
Crosser	Hull, William E.	Parks	White, Kans.
Crowther	Irwin	Peery	White, Me.
Crumpacker	Jacobstein	Perkins	Whitehead
Cullen	James	Perlman	Williams, Ill.
Curry	Jeffers	Pratt	Williams, Tex.
Davenport	Jenkins	Purnell	Wilson, La.
Davis	Johnson, Ind.	Quin	Wingo
Dickinson, Iowa	Johnson, S. Dak.	Ramseyer	Winter
Dickinson, Mo.	Johnson, Tex.	Rathbone	Wolverton
Dominick	Johnson, Wash.	Reece	Woodruff
Dowell	Kearns	Reid, Ill.	Wright
Drane	Kelly	Robinson, Iowa	
Drewry	Kemp	Robsion, Ky.	
Driver			

NAYS—22

Allgood	Busby	Nelson, Mo.	Stevenson
Berger	Cannon	Rankin	Tucker
Black, Tex.	Eslick	Romjue	Wefald
Blanton	Gardner, Ind.	Schafer	Whittington
Bowling	Huddleston	Shallenberger	
Box	Lankford	Steagall	

NOT VOTING—139

Adkins	Fish	Larsen	Rogers
Aldrich	Flaherty	Leatherwood	Rouse
Andresen	Foss	Leavitt	Sabath
Andrew	Frear	Lee, Ga.	Sears, Fla.
Arentz	Fredericks	Lindsay	Sears, Nebr.
Arnold	French	Lineberger	Shreve
Auf der Heide	Fulmer	Linthicum	Simmons
Bankhead	Funk	Lyon	Stedman
Barkley	Furlow	McMillan	Stobbs
Beers	Gallivan	Madden	Strong, Pa.
Bixler	Gifford	Magee, N. Y.	Sullivan
Britten	Golder	Magee, Pa.	Sweet
Brumm	Graham	Magrady	Swoope
Bulwinkle	Griffin	Major	Taylor, Colo.
Burtness	Hammer	Mead	Taylor, Tenn.
Campbell	Hare	Menges	Temple
Carpenter	Hastings	Michaelson	Tillman
Celler	Haugen	Morin	Timberlake
Chapman	Holaday	Murphy	Tinkham
Cleary	Hull, Morton D.	Nelson, Wis.	Tydings
Connally, Tex.	Johnson, Ill.	Norton	Vare
Connery	Johnson, Ky.	O'Connor, N.Y.	Vinson, Ky.
Connolly, Pa.	Jones	Patterson	Voigt
Cooper, Ohio	Kahn	Peavey	Walters
Darrow	Keller	Phillips	Weaver
Davey	Kendall	Porter	Weller
Deal	Kerr	Pou	Williamson
Dempsey	Kiefner	Prall	Wilson, Miss.
Denison	Kiess	Quayle	Wood
Dickstein	Kindred	Ragon	Woodrum
Doughton	Knutson	Rainey	Wurzbach
Douglass	Kunz	Ransley	Wyant
Doyle	Kvale	Rayburn	Yates
Fairchild	Lampert	Reed, Ark.	Zihlman
Faust	Lanham	Reed, N. Y.	

So the House decided to consider the bill.

The Clerk announced the following pairs:

Mr. Graham with Mr. Doyle.
Mr. Andrew with Mr. Gallivan.
Mr. Kendall with Mr. Lindsay.
Mr. Aldrich with Mr. Quayle.
Mr. Bixler with Mr. Arnold.
Mr. Kiess with Mr. Cleary.
Mr. Fairchild with Mr. Woodrum.
Mr. Magee of New York with Mr. Tydings.
Mr. Faust with Mr. Weller.
Mr. Magrady with Mr. Sullivan.
Mr. Darrow with Mr. Rayburn.
Mr. Kiefner with Mr. Griffin.
Mr. Beers with Mr. Deal.
Mr. Gifford with Mrs. Norton.
Mr. Johnson of Illinois with Mr. Connery.
Mr. Campbell with Mr. Wilson of Mississippi.
Mr. Madden with Mr. Linthicum.
Mr. Connolly of Pennsylvania with Mr. Dickstein.
Mr. Morin with Mr. Ragon.
Mr. Seger with Mr. Davey.
Mr. Reed of New York with Mr. Chapman.
Mr. Shreve with Mr. Hastings.
Mrs. Rogers with Mr. Kindred.
Mr. Stobbs with Mr. Reed of Arkansas.
Mr. Vare with Mr. Tillman.
Mr. Wood with Mr. Kunz.
Mr. Haugen with Mr. McMillan.
Mr. Patterson with Mr. Rainey.
Mr. Timberlake with Mr. Vinson of Kentucky.
Mr. Wyant with Mr. Weaver.
Mr. Ransley with Mr. Pou.
Mr. Strong of Pennsylvania with Mr. Doughton.
Mr. Sweet with Mr. Lanham.
Mr. Yates with Mr. Bankhead.
Mr. Lampert with Mr. Connally of Texas.
Mr. Cooper of Ohio with Mr. Major.
Mr. Murphy with Mr. Auf der Heide.
Mr. French with Mr. Barkley.
Mr. Denison with Mr. Douglas.
Mr. Brumm with Mr. Hammer.
Mr. Dempsey with Mr. Jones.
Mr. Britten with Mr. Sears of Florida.
Mr. Arentz with Mr. Larsen.
Mr. Golder with Mr. Bulwinkle.
Mrs. Kahn with Mr. Lyon.
Mr. Carpenter with Mr. Mead.
Mr. Magee of Pennsylvania with Mr. Lee of Georgia.
Mr. Temple with Mr. Fulmer.
Mr. Vestal with Mr. Hare.
Mr. Porter with Mr. Stedman.
Mr. Menges with Mr. Taylor of Colorado.
Mr. Fish with Mr. Kerr.
Mr. Andresen with Mr. O'Connor of New York.
Mr. Furlow with Mr. Sabath.
Mr. Leatherwood with Mr. Johnson of Kentucky.
Mr. Michaelson with Mr. Dickstein.
Mr. Leavitt with Mr. Celler.
Mr. Thurston with Mr. Prall.
Mr. Tinkham with Mr. Kvale.
Mr. Zihlman with Mr. Peavey.
Mr. Taylor of Tennessee with Mr. Voigt
Mr. Phillips with Mr. Nelson of Wisconsin.
Mr. Wurzbach with Mr. Frear.

The SPEAKER pro tempore. On this vote the yeas are 268 and the noes 22, so the House decides to consider this bill, and consequently automatically resolves itself into the Com-

mittee of the Whole House on the state of the Union for the consideration of the bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7181, with Mr. TREADWAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 7181) to provide for the equalization of promotion of officers of the Staff Corps of the Navy with officers of the line.

Mr. STEPHENS. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Ohio [Mr. STEPHENS] is recognized for one hour.

Mr. STEPHENS. Mr. Chairman and gentlemen of the committee, the bill which we have up for consideration is the bill (H. R. 7181) to provide for the equalization of promotions of officers of the Staff Corps of the Navy with officers of the line. I will explain to the committee that we have what are called officers of the line. The officers of the line are those naval officers who are on active duty in the Navy on the vessels the same as in the Army and the Army line. We have what we call different corps. We have what we call the Medical Corps, the Dental Corps, the Corps of Supplies and Accounts, the Chaplain Corps, the Construction Corps, and the Civil Engineers Corps. When two young men are commissioned from the Naval Academy one of them probably—I mean two young men of the same class—will go into the line and the other probably into the Engineer Corps. They have both had the same preparation at the academy, and probably the young man who takes the Engineer Corps is perhaps better fitted for that corps, but those two young men start in and the young man in the line is the running mate of the young man in the Engineer Corps. Now, there may have graduated at the same time other young men, one man in the Construction Corps or one in the Supply Corps or indeed one of the other corps, but this young man of the line is the running mate of all three or four of these young officers. So you will understand what a running mate is.

Now, as this young man in the line is advanced from ensign to junior lieutenant, naturally the young man who goes along with him, whose running mate he is, would be supposed to go on up to junior lieutenant about the same time; and when the young man in the line advances to the next grade, to a lieutenancy, you would suppose that the young man in the Engineer Corps or the Supply Corps would advance along with him, so that they would be really equalized, so far as rank is concerned, and that would follow along up from the different ranks in the Navy.

Now, we first must know that we have what is called a pay period. Officers of the Navy or of the Army are not paid according to rank. We will say this young man in the line, the running mate for these other young men, has advanced. They advance from that first pay period into the next pay period together, and they advance from that next pay period into the next period together, and again into the next; that is, they get the same pay. But the process by which the young man of the line who was advanced from junior lieutenant to lieutenant while the young man in the Engineer Corps has not advanced, on account of percentage of those in the rank in the Engineer Corps, as provided now, will let the young man in the Engineer Corps be a junior lieutenant while the young man in the line is a lieutenant. Yet they are getting the same pay, and that will happen when the young man in the line is advanced to lieutenant and then to lieutenant commander, while the young man in the Engineer Corps might be lagging behind, so far as rank is concerned, and the young man in the line would be one rank, or maybe two ranks, ahead of him. Yet they are in the same pay period.

I want to explain that, because later on I am going to tell you that this bill does not increase the pay of these officers who have received promotion, according to the bill. It has occurred that in the Supply Corps, particularly, and in the Medical Corps, this condition is greater than in any of the other corps.

In the Medical Corps we have 37 commanders who, by all rules and regulations, if it was not for the percentage of their advancement, would be entitled to the rank of captain, because they are getting the pay of captain because they are in that pay period. So this bill is to provide that when the officer of the line is advanced in his rank all of those who are running mates or those for whom he is the running mate will have an opportunity, if they pass their examination for promotion, to be promoted to that same rank.

The same step is taken in every rank. So this measure is simply to equalize the different corps of the Navy. It equalizes the officers of these corps so that they advance with their running mate.

As I said a moment ago, they are in the same pay period; therefore the increase of pay is very light. There is a little bit more of increase, not on account of increase of base pay but on account of the allowances that are given in the different ranks.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield there?

Mr. STEPHENS. I yield.

Mr. KINCHELOE. The purpose of this bill, as I understand, is to equalize the rank instead of the pay?

Mr. STEPHENS. Absolutely.

Mr. KINCHELOE. What lines are discriminated against under the present law that you are seeking now to remedy?

Mr. STEPHENS. I will tell the gentleman. I will take it up in answer to the gentleman's question. In the Medical Corps we have an authorized strength based on the strength of the Navy as provided by law. That is the authorized strength. The authorized strength of the Navy is not the present strength. Under the authorized strength of the Navy there would be allowed in the Medical Corps 4 rear admirals, 48 captains, and 97 commanders; below the rank of commander there would be 1,060; a total of 1,211 officers in the Medical Corps.

The present strength of the Medical Corps is rear admirals, 4; captains, 33; commanders, 63; below the rank of commander, 692. The present strength of the Medical Corps is 792 officers.

Now, this equalization bill will provide for 4 rear admirals, just the same as we have now, and 70 captains. That is an increase of 37 captains in the Medical Corps. Of commanders, there will be 76. That is an increase of 13 commanders in the Medical Corps. Below the rank of commander there will be 642. That is 50 less, below the rank of commander, than the present strength of distribution.

Now, I believe I have made that clear, that there will be 37 captains advanced in the Medical Corps and 13 below the rank of captain will be advanced to commander. But that does not make any difference in the total of officers in any of these corps.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. Yes; I shall be glad to.

Mr. CRISP. I understand this bill equalizes the discrepancies in rank of the officers now in the service?

Mr. STEPHENS. Yes, sir.

Mr. CRISP. Does this bill provide for future contingencies, or will these discrepancies arise in the future?

Mr. STEPHENS. The bill is a permanent one, I will say to the gentleman, and it will continue permanently.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. Yes.

Mr. CONNALLY of Texas. How many rear admirals are authorized?

Mr. STEPHENS. There are six authorized. We have now four.

Mr. CONNALLY of Texas. Will you ever fill them up?

Mr. STEPHENS. Not with the present strength of the Navy. There is no probability of increasing them at all.

Mr. VINSON of Georgia. This bill does not authorize any more admirals than we now have?

Mr. STEPHENS. It does not authorize any more admirals.

Mr. CONNALLY of Texas. Suppose a man's running mate becomes an admiral?

Mr. STEPHENS. They stop before they get to admirals.

Mr. CONNALLY of Texas. They stop at captains?

Mr. STEPHENS. Yes.

Mr. CONNALLY of Texas. This would not help any man who was a captain?

Mr. STEPHENS. No.

Mr. CONNALLY of Texas. It would not apply to any man who was a captain or above?

Mr. STEPHENS. No.

Mr. BUTLER. And this does not increase the number of the officers of the staff or the number of the officers of the line? They remain the same, as I understand.

Mr. STEPHENS. They remain absolutely the same. It is no increase of officers; it is just arranging for the equalization of rank, and it has no effect upon the pay.

Mr. BLACK of Texas. Will my friend yield?

Mr. STEPHENS. I will.

Mr. BLACK of Texas. It does have considerable effect on the allowances that these officers will receive. Is not that correct?

Mr. STEPHENS. No; I would not agree with the gentleman that it would have any considerable effect. It might have a little effect, enough effect to make, probably, a difference of $20,000 in the five years.

Mr. BLACK of Texas. Now, can the gentleman explain the language of the report?

Mr. STEPHENS. I did explain it to the gentleman.

Mr. BLACK of Texas. Does the gentleman mean to say that the cost of it would be only approximately $4,000 a year?

Mr. STEPHENS. No. I mean to say that according to the estimate made by the Navy Department the total estimated cost of promoting 157 officers during the whole time they remain in the ranks to which they are promoted will be $20,500. The cost of the first year will be $11,100, the remainder being spread over the ensuing five years.

Mr. BLACK of Texas. How does the gentleman come to make this statement in the report:

> The estimated cost of this proposed legislation will be on an average of $37,000 per year until 1935, when the cost will be reduced to $20,000 a year thereafter.

How does it happen that statement was made in the report?

Mr. STEPHENS. That was made in the report of 1924, I believe. Anyhow, the last estimate given by the Navy Department as to the cost is the estimate I have just read to the gentleman.

Mr. BLACK of Texas. Have any changes been made in the bill?

Mr. STEPHENS. There have been some changes made, but not in the general scope of the bill.

Mr. BLACK of Texas. How in the world did the Navy Department come to make an estimate of the cost as $37,000 a year until 1935 and an annual cost thereafter of $20,000, and now come and say that the total cost of the bill will be just $20,000 for the entire five years? What explanation do they make for figures of that kind?

Mr. STEPHENS. I will say to the gentleman that there has not been any particular explanation. You see, figures were given to us a year or so ago; they have made computations since then; and I presume they have the idea that if they made an estimate a year or two ago and make another estimate this year, after studying the question pretty thoroughly, their estimates, probably, will not agree. However, I will say to the gentleman that this is their last estimate.

Mr. BLACK of Texas. Will my friend yield again?

Mr. STEPHENS. I will yield.

Mr. BLACK of Texas. I am reading from Document No. 121, which states:

> The estimated cost of this proposed legislation is given in the Navy Department's letter of transmittal to the Speaker of the House of Representatives dated January 7, 1926.

That is this year; and in that letter of transmittal it is stated that it will cost $37,000 per year until 1935, when the cost will be reduced to $20,000 per year thereafter. That is contained in the letter that the Secretary of the Navy wrote to the Speaker of the House of Representatives, according to House Document 121.

Mr. STEPHENS. I will say to the gentleman that in the report that was made on this bill, submitted by myself, that same statement is made. It is found on page 2 of the report, and the statement is:

> The estimated cost of this proposed legislation is given in the Navy Department's letter of transmittal to the Speaker of the House of Representatives, dated January 7, 1926, as $37,000 per year until 1935.

That is what the gentleman was reading?

Mr. BLACK of Texas. Yes.

Mr. STEPHENS. I will say to the gentleman that I was taking the report at that time; I took the report of the Navy Department and took it to be an absolutely correct estimate, but I want to say to the gentleman that the more recent estimate as to the cost is the estimate I have just given. I did not do the estimating, and that is all I can say. That last estimate was just that which I have given.

Mr. FROTHINGHAM. Was the same man doing the estimating?

Mr. STEPHENS. I do not know whether the same man did the estimating or not.

Mr. McSWAIN. Will the gentleman yield?

Mr. STEPHENS. Yes.

Mr. McSWAIN. I call the gentleman's attention to page 2 of the report and especially the language following the sentence the gentleman read a moment ago.

> New computations as of January, 1926, show the annual cost up to 1935, to be $33,625, a reduction of $3,375 per year.

That seems to be a reduction.

Mr. STEPHENS. That was a new estimate, after this other was given on January 7.

Mr. McSWAIN. What is the very latest?

Mr. STEPHENS. I just read the latest to the gentleman, but I will give it to the gentleman again if he wants it.

Mr. McSWAIN. That is the reason I asked for it.

Mr. STEPHENS. I have read it two or three times. The total estimated cost of promoting 157 officers, during the whole time they remain in the ranks to which they are promoted, will be $20,500. The cost of the first year will be $11,100, the remainder being spread over the ensuing five years. That is the last statement.

Mr. McSWAIN. What is the date of that computation?

Mr. STEPHENS. Not over two weeks ago.

Mr. McSWAIN. Then if we postpone the legislation it may be it will not cost anything.

Mr. STEPHENS. It might be, I will say to the gentleman, that if we postpone it from year to year we might save money or if we passed the bill it might reduce the cost a million or two million dollars. I can not say, but in time it might be we could show that instead of costing as much as it does at the present time, we might save half a million dollars.

Mr. McSWAIN. The reflection that comes to my mind, however, is that if the estimates vary so much downward, the probabilities are when they come to correct the errors of computation they will vary upward in fact.

Mr. BUTLER. I was afraid of that. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield.

Mr. BUTLER. I do not want to interfere with the gentleman, but I want to say to my friend from South Carolina I objected to this bill upon the first figures submitted a year or two ago. I did not even sit with them while it was being considered because of the great difficulty of understanding the matter and because I had other work which I was compelled to do; but within the last 70 hours, day before yesterday, I again asked of the highest authority in the department—men upon whom we have always depended, from the paymaster general's office—how much this was going to cost, because I wanted it down in my own mind to remember for all time to come, and I state here now that this estimate given here to-day by the gentleman from Ohio is the one that was given to me then, and I rely implicitly and faithfully upon the accuracy of the figures because of the authority.

Mr. STEPHENS. I will say to the gentleman that whether it is $12,000 or $20,000 or $30,000 does not cut any figure, or even if the cost in the beginning is $35,000, it would only run for a little while.

Mr. McSWAIN. I agree with the observation just made by the gentleman from Ohio that, of course, the cost does not affect the principle, and I have been pursuing this inquiry in this way merely for the purpose of impressing upon the House the fact that these computations and estimates seem to be mere guesses after all. It would seem that knowing the number of men involved, their age, and the length of their service, it would be possible to arrive at the proposition within a few dollars, and these variations, not of thousands of dollars, but of tens of thousands of dollars, seem to be inexcusable, but the principle of the bill, of course, is not affected by the cost.

Mr. STEPHENS. Of course, if different gentlemen do the computing, they will arrive probably at different conclusions, because they will attack the problem from a different angle and naturally will not get the same results.

I have just given you the Medical Corps. I will now talk a bit about the Supply Corps. This bill affects more the Medical Corps and the Supply Corps than any of the other corps.

The authorized strength of the Supply Corps is rear admirals, 3; captains, 26; commanders, 56; below the rank of commander, 578; a total of 660. The present strength is rear admirals, 2; captains, 24; commanders, 46; below the rank of commander, 496; a total of 569 officers in the Supply Corps.

Under this bill they will still have three rear admirals; instead of 24 captains they will have 56 captains; instead of 46

commanders they will have 44 commanders, a decrease of 2 commanders; and below the rank of commander there will be 466, or a total of 569.

You will see this does not change the number of officers in the Supply Corps, but simply arranges them so that the commanders can be advanced in rank to captain because the line officers who are their running mates are captains, and it will give them an opportunity for this advancement so that the men will be on an equal footing in regard to rank. They are equal in regard to service, they are equal in regard to pay, and this simply makes them equal in regard to rank.

That is all there is in this bill. It is a permanent bill. We will have no more trouble about advance in rank or advance in pay, and they will go along together. It will equalize the matter so we will have the Medical Corps, the Supply Corps, the Engineer Corps, the Dental Corps, and the Construction Corps all by themselves, but the rank will be equal with the officers of the line. If you want to have a single line at any time, all you have to do is to close up these corps and they will dovetail right into each other and then you will have an organization of a single line. [Applause.]

I reserve the balance of my time, Mr. Chairman.

MESSAGE FROM THE SENATE

The committee informally rose; and Mr. LEHLBACH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 9872. An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925; and

H. R. 9875. An act to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7554) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927, and for other purposes."

EQUALIZATION OF PROMOTION OF OFFICERS OF THE STAFF CORPS OF THE NAVY WITH OFFICERS OF THE LINE

The committee resumed its session.

Mr. BLACK of Texas. Mr. Chairman, I demand the time in opposition to the bill.

The CHAIRMAN. The gentleman from Texas [Mr. BLACK] is recognized for one hour in opposition to the bill.

Mr. BLACK of Texas. Mr. Chairman, the title of this bill is to provide for the equalization of promotion of officers of the staff of the Navy with officers of the line. Last Calendar Wednesday we had another bill entitled "A bill to equalize the retired pay of officers retired prior to July 1, 1922"; in fact, the popular title now, the advisable one to use, is to "equalize" something, and when you get down below the surface you find that the principal purpose of the bill is to increase the pay of those covered by its provisions.

This bill that we so readily passed last week—I should not say "we," because I did all I could to prevent its passage—will cost in the neighborhood of $800,000 per annum to "equalize," I will say to my friends, the retired pay of Army officers already on the retired list. This is the way it works. I had a retired colonel come into my office several times to see if he could not get me to withdraw my opposition to that bill. He was very courteous and considerate about it, but one day I said, "Colonel, how much retired pay are you receiving, anyhow?" He said, "I am receiving $3,800 a year." I said, "Colonel, you are receiving as retired pay more than the average income of men on the active list in civilian occupations in my district." I said, "I have got many more worries of graver import than to worry about increasing the pay of retired officers who are already receiving nearly $4,000 a year." As I walked out of my office that afternoon I saw an old man, bent with age, not less than 75 years old, who was returning home from his daily toil, and I dare say that old gentleman did not receive over $3 a day. He had reached the retirement age all right, but being a mere civilian he had nothing to retire on.

Mr. BLANTON. Will the gentleman yield?

Mr. BLACK of Texas. I will.

Mr. BLANTON. If that was the same retired colonel who called at my office, he was apparently in the very prime of health and able to do good, honest work.

Mr. BLACK of Texas. He looked to me in good health and well preserved. I had another colonel come into my office this afternoon. He was in to see me about another one of these bills—bills dealing with the retired pay of Army officers. I said to him, "Colonel, if I had my way about it, I would rewrite the whole retirement law and would compel you officers to contribute out of your salaries the funds with which to defray the cost of your retirement." Every time Congress passes a law of this kind in a few days some of these retired officers get busy and say, "You did me a tremendous injustice the other day." We say, "How did that happen?" "Why, Congress passed a law increasing the pay of somebody else above what I am drawing." And the trouble with Members of Congress is that they say: "Is that so? Well, that is a terrible thing to do, and if we did that we will see if we can not correct it right away. By all means we must pass an equalization bill." And so here comes a bill to equalize their pay with no thought at all for the interest of the taxpayer who has nothing to do but to pay the bills.

Now let us see about this very bill. I read from the hearings. On page 1478 Admiral Beuret, speaking of this bill, says:

> I have made no poll of the Construction Corps, but I understand in a general way that a great majority of the officers of that corps who have studied the bill are not in favor of it. The statements I am about to make are the result of my own study of the bill and my understanding of its probable effect. In making a study of the bill I have realized, as I dare say the committee itself has realized, that it is quite difficult to understand, and so far as I can determine the effect of the bill is uncertain and impossible to predict. I can not see how it will in practice equalize promotions or equalize opportunities for promotion between staff corps and the line, or among the staff corps. Further, the bill will apparently produce very considerable variations in the numbers in the upper ranks, and as these variations are not connected with the character of the work, but are entirely independent of that, I would expect them to introduce some serious administrative difficulties.

Now, that is the testimony of Admiral Beuret, of the Navy Department.

Mr. VINSON of Georgia. Let me say to the gentleman that he is at the head of the Construction Corps; and, of course, the Construction Corps is opposed to the enactment of this bill. The reason of that is that this bill holds the Construction Corps down, because the Construction Corps has outrun all the other corps. In other words, it has advanced faster than the other corps have. The Construction Corps, when we were building the ships, contained 76, and to-day, when we have little construction to do, they have 260 in the Construction Corps. This bill will stop their advance as they have done in the past, and for that reason Admiral Beuret is against the bill.

Mr. BLACK of Texas. Admiral Beuret says that the bill will not equalize as it pretends to do; and after we pass this bill, then we will have members of the Construction Corps come to Congress and say, "You did us a monstrous injustice when you passed this bill." I do not want to cast any reflection on the Naval Affairs Committee, but I believe that I can safely predict they will say, "We did not know that bill did that; we will see if we can not correct it"; and at the next session of Congress we will have another bill to "equalize" the pay and rank of the members of the Construction Corps. And so goes the circle.

Mr. VINSON of Georgia. The Construction Corps, as I have stated, has grown a great deal faster than any other corps in the Navy. As a matter of fact, we have 250 to-day in the Construction Corps, and we can not find a place for them.

Mr. BLACK of Texas. Why does not the committee make a correction? Why not amend the law and reduce the Construction Corps?

Mr. VINSON of Georgia. And this very bill is seeking to correct the injustice caused now by permitting the Construction Corps to run so much faster than any other corps. When we were building the largest naval program in the history of the world we had only 76 constructors in the entire Navy. To-day, when building only two or three capital ships and five or six other kind of ships, we have 228 constructors. This bill holds the Construction Corps down and it will not be able to go as fast as in the past.

Mr. BLACK of Texas. The gentleman says that when we were constructing the largest naval program in the history of

the world we had only 75 members in the Construction Corps, and that now, when we are constructing only three capital ships and some other smaller craft, we have 228 in that corps, and I want him to tell us why the Committee on Naval Affairs does not exercise some of its splendid talents and bring in a bill correcting that situation. It seems to me it would be a much more appropriate bill than the one we are now considering.

Mr. VINSON of Georgia. This bill is the very beginning, because it stops the promotion in the Construction Corps, and when we have stopped that thing, you are in a position to reduce all of these corps.

Mr. BLACK of Texas. The gentleman will certainly admit that this bill does not reduce by one single man any corps.

Mr. VINSON of Georgia. I agree with the gentleman there. The strength of the corps is the same under this bill as under existing law, but you have first got to stop promotions, and when you do that you can proceed to reduce the strength of these respective corps.

Mr. BLACK of Texas. Why wait?

Mr. VINSON of Georgia. The gentleman knows that we can not do it all at one time. I assure the gentleman that as long as I am on the committee I shall continue to strive to correct the situation, and I believe the committee will ultimately bring in a bill reducing the corps from the strength of to-day.

Mr. BLACK of Texas. I do not share the gentleman's optimism.

Mr. McCLINTIC. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. McCLINTIC. I have called the committee's attention to the fact that we send these new ships out with shakedown crews without anybody from the Construction Corps aboard even to make reports, and I have tried to the best of my ability to get the Navy Department to see the situation as it exists, with the hope that they would use some of these officers, because you know and I know you can not put a bill through this House to reduce that corps.

Mr. BLACK of Texas. I agree with the gentleman from Oklahoma, and I am not making this fight with any hope in the world of succeeding. I agree that it seems to be impossible to put a bill through the House that will work any economy in the Army or the Navy.

Mr. McCLINTIC. Let me assure the gentleman that they do not desire to go out to sea. They are in the Navy, but they are land naval officers.

Mr. BLACK of Texas. I hope the committee will pursue its efforts until it does bring about success in that direction, and I believe if the committee would use the pressure that it is capable of using it can bring about a correction of this situation.

Mr. VINSON of Georgia. In reference to the legislation with respect to the strength of the corps, I state to the gentleman that the distinguished chairman from Pennsylvania [Mr. BUTLER] and other members of the committee are now preparing a bill to absolutely wipe out the percentage of corps and amalgamate them into one line of the Navy, but before we do that it is essential to equalize and do justice to these officers, because the Construction Corps and other officers have outrun them.

Mr. BLACK of Texas. And I want the gentleman to know that I am bidding him godspeed in that work which he has not yet done.

Mr. VINSON of Georgia. If the gentleman will aid me to get this on the statute books, it will be a forward step.

Mr. BLACK of Texas. My good friend is one of the most eloquent staters of what the Committee on Naval Affairs has not done that I know of. [Applause and laughter.] I hope the committee will do these good things that it has this afternoon so generously promised us.

Mr. BUTLER. It is like enforcing prohibition; you have got to do it by education. Some of us have tried this for 30 years, and we are coming to a point where we think it will work out.

Mr. BLACK of Texas. I do hope the gentleman from Pennsylvania is making a prophecy that will be realized.

Mr. BUTLER. We are having an education that is going to be helpful to us all around, and we will have a single list yet.

Mr. O'CONNOR of Louisiana. If the Bureau of the Budget functions as successfully as its proponents claim it functions, can it not reduce the cost of operating the Army and the Navy, and every other establishment, by reducing its estimates which it sends to the Committee on Appropriations?

Mr. BLACK of Texas. I realize perfectly well that the United States must have an Army and Navy for national defense. I believe in them, and I know the gentleman from Louisiana believes in them. We are not extremists on that line. On the other hand I do just as firmly believe that by the proper method of study and economy we can reduce the annual expense of the Army and the Navy $50,000,000 each and not interfere in the slightest degree with national defense. [Applause.]

Mr. O'CONNOR of Louisiana. Does the gentleman not think that if the Bureau of the Budget were to function as accurately and as efficiently as it is said to function, that that result would be secured?

Mr. BLACK of Texas. I am not going to lay all the blame on the Bureau of the Budget. It has its share; but Congress certainly has been passing some bills lately that it could very well have refrained from passing.

Mr. O'CONNOR of Louisiana. I hope the gentleman understands that I am not endeavoring to seduce him into a position where he will lay any blame on the Bureau of the Budget. My only purpose is to ascertain from the gentleman whether or not the Bureau of the Budget is acting efficiently, or is merely submitting estimates which it collects from the various functionaries of the departments.

Or is it exercising supervising jurisdiction, as it were, and studying the figures submitted to them, and then, for the purpose of securing rigid economy in governmental affairs, which is so highly desirable, basing their estimates upon those facts as they have studied them?

Mr. BLACK of Texas. There is room for improvement in the work of the Bureau of the Budget. I am going to say one word more about this bill. Some gentlemen think that a Member who knows very little about this bill ought not to talk about it. I will admit I did not know the bill was going to come up this afternoon. I had no time to study it. I guess I do as much studying as any Member of the House——

Mr. STEPHENS. None of us knew it.

Mr. BLACK of Texas. The gentleman from Ohio had the advantage of being a member of the committee, and I did not. But what I was about to say was, if the officers of the Navy can not understand it, then, why even a guess of a humble Member like myself can be accepted. Admiral Beuret himself says:

> I dare say the committee itself has realized that it is quite difficult to understand, and so far as I can determine the effect of the bill is uncertain and impossible to predict.

Now let us——

Mr. WOODRUFF. Will the gentleman yield?

Mr. BLACK of Texas. I will.

Mr. WOODRUFF. The gentleman from Texas has quoted an admiral who belongs to the Construction Corps. Now it is well known that all the members of the Construction Corps are opposed to this bill for the reason set forth by the gentleman from Georgia.

Mr. BLACK of Texas. I quoted Admiral Beuret, and now I will quote the Secretary of the Navy.

Mr. WOODRUFF. I call attention to one thing, and that is that "there are none so blind as those who will not see."

Mr. BLACK of Texas. That is what I am trying to bring the gentleman from Michigan to understand. It seems I have not succeeded so far.

Mr. WOODRUFF. The gentleman from Michigan understands perfectly the attitude of the gentleman from Texas.

Mr. BLACK of Texas. I hope he does, because I have tried to make it plain. The gentleman says that I have quoted Admiral Beuret, of the Construction Corps. Now I want to quote the Secretary of the Navy and see whether he understood the bill, reading from this Document 121—

> The estimated cost of this proposed legislation is given in the Navy Department's letter of transmittal to the Speaker of the House of Representatives, dated January 7, 1926, as $37,000 per year until 1935, when the cost will be reduced to $20,000 per year thereafter. Computations upon which these estimates were based were made in 1924. New computations as of January, 1926, show the annual cost up to 1935 to be $33,625, a reduction of $3,375 per year.

And yet we are told by the gentleman from Ohio this afternoon that he has received later figures from the Navy Department stating the total cost will be but $20,000 for the period of five years. If that is not confusion worse confounded, I do not know what could be.

Mr. STEPHENS. I will say to the gentleman, first, that what he has just read is not from the Secretary of the Navy.

Mr. BLACK of Texas. It is from the Navy Department. I do not know who wrote it, but I am sure the Secretary of the Navy signed it.

Mr. STEPHENS. We have a good many people in the Navy Department who will compute these figures. Probably we shall get some figures from one particular branch and some from another; for instance, the Medical Corps, or the Judge Advocate General, or from Commander McCain, who generally has charge of this business, so that in that way we shall have different computations. But as I said before, what difference does it make, whether it is $12,000 or $30,000, as long as the principle is there, and it will last only about five years, whatever it is?

Mr. BLACK of Texas. Now, if the gentleman will permit, these different figures establish the fact that I undertake to bring out, and that is that the bill is a very technical bill, and, as the admiral said in his testimony, it is very difficult to understand, and it is very difficult to predict what the outcome will be; and I think that phase of the matter is fortified by the fact that the Navy Department said only a month or two ago that the annual cost, based on figures of January, 1926, is $33,000 a year, and now the gentleman from Ohio says that he has got some figures that show that the total cost will not be more than $20,000 for a period of five years. I do not think they understand their own bill.

Mr. STEPHENS. Oh, yes. Probably a computation was made from different angles by different persons. But I say again, what difference does it make?

Mr. BLACK of Texas. A great deal.

Mr. STEPHENS. Not considering the principle and the aims of the bill, whether it is $20,000 or $23,000——

Mr. BLACK of Texas. Or $3,000,000, speaking from the gentleman's standpoint.

Mr. VINSON of Georgia. Referring to the figures, the hearings disclose the fact that the total cost for the Navy would be approximately $30,000. I am inclined to think that $21,000 would be the cost to the Medical Corps and not to the whole Navy.

Mr. BLACK of Texas. I am glad the gentleman has shed some light on the question. There is plenty of room for illumination.

Mr. VINSON of Georgia. It will probably cost $33,000 for the whole service; but in view of the fact that the Medical Corps has the greatest number of officers to promote, the cost to that corps will be $20,000. I was under the impression all the time that the total cost would be $33,000.

Mr. BLACK of Texas. I imagine that the gentleman from Georgia is getting nearer the correct figures.

Mr. VINSON of Georgia. I am inclined to think that the gentleman from Ohio [Mr. STEPHENS] was somewhat confused and that the correct figures are $20,000 for the Medical Corps and $33,000 for all the corps.

Mr. STEPHENS. If the gentleman from Texas will permit, I will show him the documents.

The CHAIRMAN. The gentleman from Texas [Mr. BLACK] has consumed 30 minutes.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I know the gentleman from Texas well enough to feel warranted in asking him to permit me to present this viewpoint for his consideration. In the interest of economy—and I know that the gentleman from Texas [Mr. BLACK] is a strong advocate and proponent of economy—I want to get the minds of the Members present to follow the viewpoint expressed some time since in the colloquy between the distinguished gentleman from Texas [Mr. BLANTON] and the distinguished gentleman from Kansas [Mr. ANTHONY]. In response to an interrogatory propounded by the gentleman from Texas, the gentleman from Kansas substantially stated that the Committee on Appropriations would be told where to head out if they pestiferously fooled with the War Department. I was wondering whether or not this and some other mighty, powerful influences might not have the same effect on the Budget Bureau and prevent it from securing the economy so much desired by the gentleman from Texas by threatening to tell the bureau where to head out. I am friendly inclined to the Budget and believe that with a proper degree of ratiocination on the part of the coordinators and an intelligent assistance from them, if they, the Budget officers, courageously stand unawed by any influence, render our country a great service by securing immense reductions in expenditures that to many of our people look like extravagance.

Mr. BLANTON. The trouble is that the Chief of the Budget is an Army man, from the Army, in sympathy with the Army in all of its programs. There is the trouble. He does not scrutinize so closely these programs and bills that the Army and the Navy throw in, because there is a sympathy there on his part with both departments.

Mr. BLACK of Texas. Now, Mr. Chairman, I have used all the time I want to use, because I want to yield some to my colleague [Mr. BLANTON]. But I want to say in conclusion that, after passing all these equalization bills, as Congress has been doing, it is no wonder that the farmers of the United States are coming to us and asking us to pass an equalization bill for them.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. VINSON of Georgia. Is not the gentleman of the opinion that this equalization bill is as meritorious as the agricultural equalization bill?

Mr. BLACK of Texas. I will say to the gentleman that nothing has contributed quite so much to the unfavorable position of agriculture as high taxes, and the point that I have tried to make in several addresses that I have made in my humble way to the House lately is that we can relieve agriculture very substantially by stopping this practice of imposing new tax burdens on the farmer's back, and the State legislatures of the different States can relieve agriculture very substantially by reducing taxes. These things I want to continue to reiterate. [Applause.]

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Texas reserves 21 minutes.

Mr. STEPHENS. Mr. Chairman, I will assign five minutes to the gentleman from Pennsylvania [Mr. COYLE].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. COYLE. Mr. Chairman and gentlemen of the committee, since I have promised myself not to speak before this House except on matters about which I have some information or knowledge, I dare approach this bill with the assurance that it is based not only on the equalization of rank as between different officers, but on a very sincere desire to put the morale and esprit of the service on a plane where it can most efficiently work in the country's service.

There are existing differences of rank as between men who entered the service as of the same day, and there is existing a difference in duty as a result of that difference in rank.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. COYLE. Yes.

Mr. JOHNSON of Texas. Is that difference brought about by reason of statutory law or departmental rule and regulation?

Mr. COYLE. My judgment of it, without a complete knowledge of that particular subject, is that the difference has been brought about probably by the fact that there is promotion by selection in the line of the Navy and retirement for age in grade in the line of the Navy which does not exist in the Staff Corps of the Navy, so it is by operation of existing law rather than by judicial interpretation or any unfair interpretation.

The reason for the discrepancy in the estimated figures as to the cost of this bill is because time rolls on, and the maximum pay and allowances which any officer in the service may draw is set at a point after a given number of years, and as these officers who would be promoted in rank under this bill approach the time when their maximum pay limits the amount that they would receive rather than their length of service, multiplied by fogies, as they are called, as that time approaches the annual cost of this bill is a diminishing quantity. The question was asked by one of the gentlemen this afternoon whether, if we postponed the consideration of this bill indefinitely, it would then cost nothing at all. I think that is true, and yet it is rather important that this be gotten out of the way, because it does clear the way, by building up the morale and by adjusting this existing discrepancy, for future procedure which will, I believe, be in line with fair practice in the service. [Applause.]

Mr. BUTLER. If there is no more general debate, let us read the bill.

Mr. VINSON of Georgia. I hope the chairman will move that the committee do now rise.

Mr. BUTLER. Does the gentleman think that we will be able to finish the bill on next Wednesday if we start in at high noon?

Mr. VINSON of Georgia. I do.

Mr. BUTLER. Let us read the bill.

Mr. BLANTON. No; we have some time left.

The CHAIRMAN. The gentleman from Ohio has 22 minutes remaining and the gentleman from Texas has 6 minutes.

Mr. STEPHENS. Mr. Chairman, I move that the committee do now rise.

Mr. BUTLER. I want to give notice that on next Wednesday I shall ask the House to sit here until we finish this bill. And if I live, I am going to keep a quorum here.

Mr. VINSON of Georgia. I think we have made good progress on the bill, and there is nothing to be gained by considering the bill so late this afternoon under the five-minute rule.

Mr. STEPHENS. Mr. Chairman, I withdraw my motion.

Mr. BUTLER. Mr. Chairman, there seems to be a division here but I am going to ask my colleague to move that the committee do now rise, and it may be that we will be in better temper and cooler blood on next Wednesday and able to do business. We have only about 50 Members here now but I will see that we have a quorum here next Wednesday.

Mr. STEPHENS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 7181, to provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line, had come to no resolution thereon.

SANTA YSABEL INDIAN RESERVATION

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8186, to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation, and authorizing an appropriation of funds therefor, with a Senate amendment thereto, disagree to the Senate amendment and ask for a conference.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table the bill H. R. 8186, with a Senate amendment thereto, disagree to the Senate amendment and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. LEAVITT, Mr. SPROUL of Kansas, Mr. HAYDEN.

MONUMENT TO QUANNAH PARKER

Mr. LUCE. Mr. Speaker, I ask unanimous consent that the Committee on the Library be discharged from the further consideration of the bill (S. 3613) authorizing an appropriation for a monument for Quannah Parker, late chief of the Comanche Indians, and that the same be referred to the Committee on Indian Affairs.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I presume the gentleman is of opinion that this jurisdiction properly belongs to the Committee on Indian Affairs.

Mr. LUCE. It relates to a monument to an Indian chief, and the reasons for it will be much clearer to the Committee on Indian Affairs than to the Committee on the Library. This is done at the request of the Committee on Indian Affairs.

Mr. GARRETT of Tennessee. I have no objection; but does the gentleman think that really under the rules of the House the jurisdiction may properly be given to the Committee on Indian Affairs?

Mr. LUCE. The jurisdiction in this matter of monuments seems to be very uncertain. The Committee on Military Affairs, for example, from time to time seems to have taken under its care monuments to military heroes, and with that as a precedent it seems to me probably wise that this should go to the Committee on Indian Affairs.

Mr. TILSON. Where is it proposed to erect this monument?

Mr. LUCE. Somewhere in the West.

Mr. TILSON. Not in Washington?

Mr. LUCE. Oh, no.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, Thursday, May 13, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 13, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

SPECIAL JOINT COMMITTEE

(10.30 a. m.)

To investigate Northern Pacific land grants.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 11524).

COMMITTEE ON INDIAN AFFAIRS

(10 a. m.)

To extend the civil and criminal laws of the United States to Indians (H. R. 7826).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

Legislation relative to labor disputes in the coal-mining industry.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

508. A letter from the Secretary of War, transmitting a report from the Chief of Engineers on preliminary examination of Pond River, Ky., with a view to the control of the floods (H. Doc. No. 377); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

509. A letter from the Secretary of War, transmitting a report from the Chief of Engineers on preliminary examination and survey of St. Croix River from Stillwater, Minn., to its mouth (H. Doc. No. 378); to the Committee on Rivers and Harbors and ordered to be printed.

510. A letter from the Secretary of War, transmitting a report from the Chief of Engineers on preliminary examination of west side Mississippi River at St. Paul, Minn.; to the Committee on Rivers and Harbors.

511. A letter from the Secretary of the Navy, transmitting a draft of a bill "To increase the limit of cost of submarine tender *No. 3*"; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. S. 3135. An act granting consent of Congress to Eagle Pass & Piedras Negras Bridge Co. to construct, maintain, and operate a bridge across the Rio Grande at Eagle Pass, Tex.; with amendment (Rept. No. 1169). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. S. 3195. A bill granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Lenoir City-Sweetwater road in Loudon County, Tenn.; with amendment (Rept. No. 1170). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 11608. A bill granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct, maintain, and operate a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.; without amendment (Rept. No. 1171). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 11718. A bill granting the consent of Congress to the Commonwealth of Pennsylvania to construct a bridge across the Allegheny River; without amendment (Rept. No. 1172). Referred to the House Calendar.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. H. R. 11719. A bill to authorize the city of Niobrara, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and South Dakota; with amendment (Rept. No. 1173). Referred to the House Calendar.

Mr. LUCE: Committee on the Library. H. R. 11845. A bill to provide for enlarging and relocating the United States Botanic Garden, and for other purposes; without amendment

(Rept. No. 1177). Referred to the Committee of the Whole House on the state of the Union.

Mr. LETTS: Committee on the Public Lands. H. R. 12020. A bill to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes; without amendment (Rept. No. 1178). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURTNESS: Committee on Intersate and Foreign Commerce. H. R. 10089. A bill to authorize the construction of a bridge over the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington; with amendment (Rept. No. 1179). Referred to the House Calendar.

Mr. LUCE: Committee on the Library. H. J. Res. 157. A joint resolution authorizing and directing the Secretary of War to accept and install a tablet commemorating the designation of May 30 of each year as Memorial Day by General Order No. 11, issued by Gen. John A. Logan, as commander in chief of the Grand Army of the Republic; without amendment (Rept. No. 1180). Referred to the House Calendar.

Mr. LUCE: Committee on the Library. S. J. Res. 101. A joint resolution authorizing the Joint Committee on the Library to procure an oil portrait of the late President Warren G. Harding; without amendment (Rept. No. 1181). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAYDEN: Committee on Irrigation and Reclamation. S. 3978. An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary reclamation projects, and for other purposes; without amendment (Report. No. 1182). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CELLER: Committee on Claims. H. R. 2632. A bill for the relief of Mr. and Mrs. Charles Vanderveer; with amendment (Rept. No. 1174). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 3602. A bill for the relief of C. W. Shumate; with amendment (Rept. No. 1175). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GRAHAM (by request): A bill (H. R. 12104) to amend section 284 of the Judicial Code of the United States; to the Committee on the Judiciary.

Also (by request), a bill (H. R. 12105) an act to amend section 1022 of the Revised Statutes of the United States, to authorize the issuance of subpœnas and subpœnas duces tecum for witnesses to appear before prosecuting attorneys in cases where criminal informations may be filed; to the Committee on the Judiciary.

Also (by request), a bill (H. R. 12106) to amend section 1025 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. STALKER: A bill (H. R. 12107) to authorize the Secretary of War to accept conveyance of the cemetery at the New York State Soldiers' and Sailors' Home to the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. CURRY: A bill (H. R. 12108) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. GIBSON: A bill (H. R. 12109) to amend section 115b of subchapter 3 of chapter 1 of the District of Columbia Code; to the Committee on the District of Columbia.

Also, a bill (H. R. 12110) to amend section 1135, chapter 31, of the District of Columbia Code; to the Committee on the District of Columbia.

By Mr. McLEOD: A bill (H. R. 12111) to amend section 4 of the immigration act of 1924; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 12112) granting an increase of pension to Catherine E. Van Lew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12113) granting an increase of pension to Loretta Roland; to the Committee on Invalid Pensions.

By Mr. CARTER of California: A bill (H. R. 12114) for the relief of Robert Whitley Miller; to the Committee on Military Affairs.

By Mr. CHALMERS: A bill (H. R. 12115) granting an increase of pension to Mary A. Northrup; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 12116) granting an increase of pension to Margaret Herrington; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 12117) granting an increase of pension to Lavina Strohecker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12118) granting an increase of pension to Emma M. Ebbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12119) granting an increase of pension to Annie Boyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12120) granting an increase of pension to Elizabeth P. Weidner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12121) granting an increase of pension to Amelia Grosscup; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 12122) granting a pension to Sarah Barnett; to the Committee on Invalid Pensions.

By Mr. GOODWIN: A bill (H. R. 12123) for the relief of John Gorman; to the Committee on Claims.

Also, a bill (H. R. 12124) granting an increase of pension to Anna S. Shaleen; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 12125) granting a pension to Winona Steelman; to the Committee on Invalid Pensions.

By Mr. HERSEY: A bill (H. R. 12126) granting a pension to Mary Jane Frazier; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 12127) granting an increase of pension to Ann Fox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12128) granting an increase of pension to Minerva A. Woodruff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12129) granting an increase of pension to Abagail D. Hunt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12130) granting an increase of pension to Mary E. Hunting; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 12131) granting an increase of pension to Ellen A. Trask; to the Committee on Invalid Pensions.

By Mr. KIRK: A bill (H. R. 12132) granting an increase of pension to Martha Gibbs; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 12133) granting an increase of pension to Elizabeth Roudabush; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 12134) granting an increase of pension to E. Adelia Dann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12135) granting an increase of pension to Julia D. Crofutt; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 12136) granting a pension to Sarah Cornell; to the Committee on Pensions.

By Mr. MEAD: A bill (H. R. 12137) for the relief of Albert Bernback; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 12138) to increase the limit of cost of submarine tender *No. 3;* to the Committee on Naval Affairs.

By Mr. MORGAN: A bill (H. R. 12139) granting a pension to Roberta F. Thornton; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 12140) granting an increase of pension to Martha J. Johnson; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 12141) granting an increase of pension to Sophia E. Ball; to the Committee on Invalid Pensions.

By Mr. SPROUL of Illinois: A bill (H. R. 12142) granting a pension to Clarissa Corbett; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 12143) granting a pension to Flora P. Moss; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2161. By Mr. BACHARACH: Petition of William F. Schmidt and sundry citizens of Vineland, N. J., and vicinity, protesting against House bills 10311, 10123, 7179, and 7822; to the Committee on the District of Columbia.

2162. By Mr. BARBOUR: Resolution adopted by Fresno Business and Professional Women's Club, of Fresno, Calif., favoring rigid observance and strict enforcement of the prohibition act; to the Committee on the Judiciary.

2163. By Mr. CARTER of California: Petition of the Federal Employees Union No. 1, of California, urging the passage of House bill 9963; to the Committee on Ways and Means.

2164. By Mr. COYLE: Evidence in support of House bill 12077, granting an increase of pension to Alice McLean; to the Committee on Invalid Pensions.

2165. By Mr. CULLEN: Resolutions adopted by the Northeastern Interstate Bus Owners' Association, regarding Senate bill 3894; to the Committee on Interstate and Foreign Commerce.

2166. By Mr. MAGRADY: Petition of sundry citizens of Sullivan County, Pa., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2167. By Mr. O'CONNELL of New York: Petition of the Northeastern Interstate Bus Owners' Association of New York City, appealing for a rehearing on Senate bill 3894; to the Committee on Interstate and Foreign Commerce.

2168. Also, petition of Adrian Scholten, 819 University Avenue, Madison, Wis., favoring amendment to the Johnson bill, to allow those now in training who lost time because of hospital confinement, to finish the objective for which they had been receiving training; to the Committee on World War Veterans' Legislation.

2169. Also, petition of the Mississippi Valley Association, favoring the passage of House bill 11616 for the complete development of the entire Nation's river and harbor system within a period of five years; to the Committee on Rivers and Harbors.

2170. By Mr. SINNOTT: Petition of sundry citizens of Lake County, Oreg., protesting the passage of House bill 7179; to the Committee on the District of Columbia.

2171. By Mr. SWING: Petition of certain residents of Riverside, Calif., protesting against the passage of House bill 7179, for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

2172. By Mr. VINCENT of Michigan: Petition protesting against compulsory Sunday observance in the District of Columbia by residents of Saginaw County, Mich.; to the Committee on the District of Columbia.

2173. By Mr. YATES: Petition of the National League of Women Voters, advocating law enforcement and prohibition; to the Committee on the Judiciary.

